



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2010 Country Reports on Human Rights Practices](#) » [South and Central Asia](#) » [Afghanistan](#)

## 2010 Human Rights Report: Afghanistan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 Country Reports on Human Rights Practices

April 8, 2011

Afghanistan is an Islamic republic; population estimates range from 24 to 33 million. In August 2009, citizens voted in their second presidential and first-ever contested election; after his challenger withdrew from a run-off election, the Independent Electoral Commission (IEC) declared Hamid Karzai president for a second term. The elections were marred by serious allegations of widespread fraud. On September 18, citizens voted in parliamentary elections. Citizens who participated in the elections faced threats of insurgent violence; insurgents killed at least 30 people election day. The elections were marred by widespread electoral fraud and irregularities, including: a Taliban offensive to disrupt the elections through public threats, fear-mongering, and violence; low voter turnout; and insufficient conditions for the full participation by women. Subsequent to the election, President Karzai appointed a special tribunal to review and investigate election results, a measure with uncertain consequences for future elections. There were instances in which security forces acted independently of civilian control.

Human rights problems included extrajudicial killings; torture and other abuse; poor prison conditions; widespread official impunity; ineffective government investigations of abuses by local security forces; arbitrary arrest and detention; prolonged pretrial detention; judicial corruption; violations of privacy rights; restrictions on freedom of the press; limits on freedom of assembly; restrictions on freedom of religion, including on religious conversions; limits on freedom of movement; official corruption; violence and societal discrimination against women; sexual abuse of children; abuses against minorities; trafficking in persons; abuse of worker rights; and child labor.

The Taliban and other insurgents killed numerous civilians, both in attacks and with car bombs and suicide bombs. The Taliban and other antigovernment elements continued to kill, threaten, rob, and attack villagers, foreigners, and nongovernmental organization (NGO) workers.

#### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, there were reports that security forces committed arbitrary or unlawful killings. For example, on February 6, Shamshad TV and Radio Azadi reported that Afghan Border Police mistakenly killed seven civilians who were collecting firewood near a checkpoint in the border town of Spin Boldak, Kandahar Province. Reports stated that the police officials involved in the shooting were taken into custody for interrogation. According to Human Rights Watch (HRW), in December 2009 Abdul Basir died as a result of abuse in a National Directorate of Security (NDS) detention facility. Although NDS authorities claimed that Basir committed suicide, small dark circles on his forehead, cuts on his back, bruising in several places, and a large cut on the shin were found on Basir's body.

According to Amnesty International (AI), operations by security forces resulted in an increase in civilian deaths during the first half of the year, as did operations by progovernment international forces (see section 1.g.). For example, according to the United Nations Assistance Mission in Afghanistan (UNAMA), 69 of the 223 civilian deaths during that period were caused by aerial attacks by the International Security Assistance Force (ISAF). HRW reported that timely and transparent inquiries or accountability for forces in the event of wrongdoing were often lacking when civilians were hurt or killed in night raids, airstrikes, or escalation of force incidents.

Politically targeted killings by the Taliban and other insurgent groups increased. For example, the Taliban claimed responsibility for killing three candidates during the campaign period between July and August: Sayedullah Sayed, Najibullah Gulistani, and Haji Abdul Manan Noorzai. In August five campaign workers supporting Fauwzia Gilani in Herat were abducted and killed. There were also attacks on election officials. For example, in September insurgents killed two election staff in Balkh.

The Taliban and other insurgents also killed numerous civilians, both in attacks and through use of bombs (see section 1.g.). Taliban and insurgent attacks escalated in both number and complexity during the year. The media reported that the Taliban issued "night letters" threatening anyone who made peace with the government, a charge Taliban spokesmen denied. Kabul continued to be a key terrorist target during the year, although violence occurred in many parts of the country.

There were numerous reports of summary justice by the Taliban resulting in extrajudicial executions. For example, on August 9, the Taliban publicly executed a woman, Sanam Bibi (also referred to as Bibi Sanubar), for adultery in the Qadis District of Badghis Province. After a staged public trial, local Taliban commander Mohammad Yousuf publicly lashed Sanam Bibi 200 times, then shot her in the head three times. The man who allegedly had an affair with Sanam Bibi was not punished because he paid a fine of 150,000 afghanis (approximately \$3,300). On August 15, the Taliban ordered a public execution by stoning in Kunduz Province, killing a young man and woman who had eloped. In October in Ghazni, the Taliban shot a woman to death for allegedly killing her mother-in-law.

Three persons were arrested, tried, and convicted for the November 2009 killing of Makhdoum Abdullah, the provincial head of the Red Crescent Society in Takhar: one was sentenced to execution; the second was convicted and sentenced to 16 years in prison; and the third was convicted and sentenced to 10 years in prison.

According to Physicians for Human Rights, there were several known mass grave sites in the country, most notably outside the town of Shebergan in Jowzjan Province. On March 22, the media widely reported that a mass grave containing nearly 1,000 bodies was discovered in Jalalabad, Nangarhar Province. The Afghanistan Independent Human Rights Commission (AIHRC) reported that tampering with mass grave sites hampered independent investigations of the Jowzjan Province mass grave site, which allegedly contained the remains of 2,000 Taliban fighters killed during conflict in 2001.

There were no new developments regarding the September 2009 discovery of a mass grave in Kunduz Province or in Bamyán in October 2009.

The C  
Affair  
the U  
Exter

#### b. Disappearance

There were reports that insurgent groups and criminals were responsible for disappearances and abductions in connection with the ongoing insurgency (see section 1.g.). For example, in September, 28 election staff members were kidnapped in Baghlan.

Observers alleged that noninsurgency-related kidnapping was a form of dispute resolution.

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

The constitution prohibits such practices; however, there were reports of serious abuses by government officials, security forces, detention center authorities, and police. Nongovernmental organizations reported that security forces continued to use excessive force, including torturing and beating civilians.

Human rights organizations reported that local Ministry of Interior (MOI) and NDS detention center authorities tortured and abused detainees. Torture and abuse methods included, but were not limited to, beating by stick, scorching bar, or iron bar; flogging by cable; battering by rod; electric shock; deprivation of sleep, water, and food; abusive language; sexual humiliation; and rape. HRW received many reports of torture and mistreatment during interrogations by the NDS, including one case in December 2009 that resulted in death (see section 1.a.).

The Ministry of Women's Affairs (MOWA) and NGOs reported that police raped female detainees. NGOs also reported that authorities raped women in prison. There were reports of the sexual abuse of boys by members of the Afghan National Police (ANP) and the Afghan National Army (ANA).

According to the AIHRC, Terre des Hommes, and the UN Children's Fund (UNICEF), many of the children in detention centers and orphanages suffered physical abuse. There were credible reports of cases in which authorities threatened and mistreated juvenile detainees.

There were no developments in the September 2009 arrest of three police officers in Dai Kundi Province for the rape of a 13-year-old girl.

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

#### Prison and Detention Center Conditions

Prison conditions remained poor; however, the government took some steps to improve conditions within the Ministry of Justice (MOJ) prisons and detention centers. Most prisons and detention centers, particularly MOI detention centers, were decrepit, severely overcrowded, and unsanitary and fell well short of international standards. The AIHRC and other observers continued to report that inadequate food and water, poor sanitation facilities, insufficient blankets, and infectious diseases were common in the country's prisons. However, some observers have found the food and water to be sufficient throughout the Central Prison Directorate (CPD). The CPD has a nationwide program to feed prisoners, but on an extremely limited budget. Many prisoners' families supplement food and other necessary living items.

The AIHRC reported that many prisons and detention centers lacked potable water, adequate space, heating and cooling facilities, and adequate restrooms. Infirmaries, where they existed, were underequipped. Prisoners with contagious diseases and prisoners with mental illness rarely were separated from other prisoners; according to authorities this was for cultural reasons.

There were reports of abuse of persons in detention. For example, in December 2009 Abdul Basir reportedly died as a result of abuse in an NDS detention facility (see section 1.a.). According to NGOs, authorities also raped women in prison. There were 34 provincial prisons under MOJ/CPD control and 187 active MOJ detention facilities. The total number of active detention facilities reportedly fluctuated from month to month. There were 30 juvenile rehabilitation centers. The MOI usually lacked sufficient detention facilities. No official information was available on the number of prisoners the NDS held or the number of facilities the NDS operated.

Authorities generally did not have the infrastructural capacity to separate pretrial and posttrial inmates. In November the CPD reported 4,764 male pretrial detainees, 12,953 male prisoners, 103 female detainees, and 463 female prisoners. In most instances limited infrastructure hindered housing prisoners by their classification, but where it was feasible the CPD separated them. Women were not imprisoned with men. In the two largest female prisons, the conditions and programs were better for women than men. Authorities generally did not have the infrastructural capacity to house juveniles according to the nature of the charges against them.

Under the law, children younger than age seven are allowed to (and often do) live in prison with their mothers who have been convicted of a crime. However, in Kabul this practice was reduced significantly under the direction of the CPD and in conjunction with the opening of a children's support center in the city. A children's support center in Kunduz for children over five years of age, whose mothers were in prison, was scheduled to open in March 2011.

The law provides prisoners with the right to leave prison for up to 20 days for visits; however, the AIHRC reported in 2009 that this right was not observed in most prisons.

On August 18, on the 91st anniversary of the country's independence, the president released 141 prisoners, including six women, and reduced the sentences of 239 prisoners. Between March and the end of the year, the CPD released an estimated 2,000 prisoners, and an estimated 5,000 prisoners had their sentences reduced as a result of presidential decrees.

There is an informal grievance procedure within the CPD. The MOJ, the attorney general, and some governors monitored or assessed prison conditions, although investigations and monitoring did not fully meet international standards. The MOI and the MOJ permitted the AIHRC and UNICEF partners to visit correctional facilities operated by the two ministries. Security constraints occasionally prevented visits to some places of detention. Media reports indicated that the AIHRC did not have access to NDS facilities.

UNAMA observed significant operational improvements in conjunction with international support to train and mentor prison staff in the provinces. International observers noted that the MOJ and the CPD leadership were actively striving to improve staff working conditions and prisoner living conditions, with the goal of meeting the UN minimum standards for prisoners and detainees. This included drafting 49 standard operating procedures; beginning to implement a prisoner classification system; and beginning to implement the standard case management system.

In government detention facilities, observers reported that prisoners were permitted religious observance.

During the year the AIHRC received reports that private prisons existed in Dai Kundi and Kandahar Provinces but could not verify the reports, or the alleged number of prisoners, because AIHRC representatives could not visit the provinces

due to lack of security. The AIHRC had reported in 2009 and earlier that private prisons existed and that it had successfully advocated for their closure and the release of their inmates.

NGOs reported that powerful local leaders and insurgents, including the Taliban, continued to operate private prisons. In some cases tribal leaders may have held persons accused of crimes in private detention. The AIHRC did not have access to prisoners and hostages detained by insurgents.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention; however, both remained serious problems. According to a January UN report, many citizens were detained without enjoying essential procedural protections.

According to AI, hundreds of citizens continued to be arbitrarily detained, without clear legal authority and due process. Detainees handed over to the NDS reportedly were at risk of torture and other mistreatment, as well as unfair trials. AI's 2010 report stated that the NDS arrested and detained persons, including journalists, for acts deemed a risk to public or state security, which was vaguely defined in the law. Law enforcement officials also reportedly illegally detained--and in some cases tried--persons on charges not provided for in the penal code, related to matters such as family disputes and so-called moral crimes.

#### Role of the Police and Security Apparatus

Three ministries have responsibility both in law and in practice for providing security in the country. The ANP, under the MOI, has primary responsibility for internal order but increasingly was engaged in fighting the insurgency. The ANA, under the Ministry of Defense, is responsible for external security. The NDS has responsibility for investigating cases of national security and also functions as an intelligence agency. The investigative branch of the NDS has a facility in Kabul where it holds prisoners on a pretrial basis until the case is handed over to prosecutors. In some areas insurgents maintained considerable power as a result of the government's failure to assert control. The ISAF remained a subordinate headquarters within the NATO command structure and continued to support development of the Afghan National Security Forces (ANSF).

Official impunity was pervasive. According to HRW, police generally enjoyed impunity after they were accused of killing civilians. Many observers believed that ANP personnel were largely unaware of their responsibilities and defendants' rights under the law.

There were reports in one province that police threatened to arrest entire villages if elders failed to produce a suspect for a crime. In the same province, observers reported that children were imprisoned for questionable violations of the law, in effect turning the juvenile criminal detention facility into a near "foster home." There were also reports that local police extorted a "tax" at checkpoints. According to Integrity Watch Afghanistan, police officials used the threat of jail or beatings to extort bribes from citizens.

International support for recruiting and training new ANP personnel continued, with the goal of professionalizing the police force, including the continuing implementation of the CPD staff prison reform and restructuring program. The international community worked with the government to develop awareness and training programs, as well as internal investigation mechanisms to curb security force corruption and abuses. Training programs for police emphasized law enforcement, the constitution, police values and ethics, professional development, the prevention of domestic violence, and fundamental standards of human rights, in addition to core policing skills. The MOI reported that every new police officer received limited training in human rights. Two officers were responsible for human rights reporting in each province. In Kabul 81 officers were responsible for human rights, an increase of 31 over 2009. A separate inspector general conducted investigations into internal police matters.

Nevertheless, human rights problems persisted. Violations of human rights and women's rights within the MOI (for example, sexual harassment) reportedly were not dealt with adequately. According to international experts and a civil society organization, the MOI Inspector General's Office charged with investigating internal police issues lacked the ability or the will to take the direct action needed in cases involving disciplinary problems among police, including sexual harassment charges.

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

#### Arrest Procedures and Treatment While in Detention

Arbitrary arrest and detention remained problems.

The law provides for access to legal counsel and the use of warrants, and it limits how long detainees may be held without charge. The International Committee for the Red Cross, the AIHRC, and other observers reported that arbitrary and prolonged detention frequently occurred throughout the country. Authorities often did not inform detainees of the charges against them. Police have the right to detain a suspect as long as 72 hours to complete a preliminary investigation. If they decide to pursue a case, the file is transferred to the Attorney General's Office, which must interrogate the suspect within 48 hours. The investigating prosecutor can continue to detain a suspect without formal charges for 15 days from the time of arrest while continuing the investigation. With court approval the investigating prosecutor may detain a suspect for an additional 15 days. The prosecutor must file an indictment or release the suspect within 30 days of arrest. Investigation may continue even if an indictment cannot be completed within the 30 days.

In practice many detainees did not benefit from any or all of these provisions, largely due to lack of resources. There is also a provision that upon request by defense counsel, the court shall release a detainee held over the 30-day period when an indictment is not filed. However, many detainees were held beyond 30 days, despite the lack of any indictment. Observers reported that prosecutors and police detained individuals on average for nine months without charging them, sometimes for actions that were not crimes under the law, in part because the judicial system was inadequate to process detainees in a timely fashion.

In October 2009 all seven government entities involved in the criminal justice sector--the MOJ, Attorney General's Office, Supreme Court, MOI, NDS, Ministry of Defense, and High Office of Oversight--signed a memorandum of understanding to implement a standard case management system. The system provides for maintenance of uniform records on all inmates, thereby reducing opportunities for corruption through offers and demands for bribes to alter prisoner data. Information on 5,000 inmates, drawn from the 8,000 paper-based CPD files, was entered into the case management system by year's end. The CPD continued to enter the remaining data. As a result 128 inmates held beyond their sentences were released.

The media and human rights organizations reported arbitrary arrests in most provinces. According to AI, the NDS continued to arrest and detain suspects arbitrarily without allowing access to defense lawyers, families, courts, or other outside bodies, and incommunicado detention remained a problem. Prompt access to a lawyer was rare. While detainees were allowed access to their families, there were many cases in which such access was not prompt. Scores of detainees were subjected to torture and other mistreatment, including being whipped, exposed to extreme cold, and deprived of food. UNAMA reported that police detained individuals for moral crimes, breaches of contracts, family disputes, and to extract confessions. Observers reported that those detained for moral crimes were almost exclusively women.

There was little consistency in the length of time detainees were held before trial or arraignment. Postsentence detention also was reportedly common. According to a UNAMA report, in cases in which a prison sentence and a fine were handed down, impoverished prisoners sometimes remained in prison after their sentence had been completed.

According to the MOJ, 81 children were detained on national security-related charges in juvenile rehabilitation centers during the year; all were male, six younger than the age of 15. The juvenile code presumes children should not be held to the same standards as adults. The code states that the arrest of a child "should be a matter of last resort and should last for the shortest possible period."

Detained children typically were denied basic rights and many aspects of due process, including the presumption of innocence, the right to be informed of charges, access to defense lawyers, and the right not to be forced to confess. The juvenile code prohibits punishment of children, even for the purpose of correction or reprimand. The law states that police can only undertake initial inquiry, while the authority to review and conduct full investigations into a case against juveniles lies with the Special Court of Children and the Special Prosecution Office for Children. It is the responsibility of the prosecution to decide whether to refer such a case to court. The law provides for the creation of juvenile police, prosecution offices, and courts. Due to limited resources, the special juvenile courts functioned only in six large provinces (Kabul, Herat, Balkh, Kandahar, Jalalabad, and Kunduz). In provinces where special courts do not exist, children's cases fall under the ordinary courts. The law also mandates that children's cases be addressed in private and may involve three stages: primary, appeals, and the final stage at the Supreme Court.

Some of the children in the criminal justice system were victims rather than perpetrators of crime. Particularly in cases of sexual exploitation, perpetrators were seldom imprisoned, as cases were seldom prosecuted; some victims were perceived as shameful and in need of punishment, having brought shame on their family by reporting the abuse. Some children allegedly were imprisoned as a family proxy for the actual perpetrator.

"Zina," the term for adultery or fornication, is a criminal act under the penal code. In practice police and legal officials often charged women with intent to commit zina to justify their arrest and incarceration for social offenses such as running away from home, defying family choice of a spouse, fleeing domestic violence or rape, or eloping. Police often detained women for zina at the request of family members. UNAMA reported cases of zina in nearly every province.

Authorities imprisoned some women for reporting crimes perpetrated against them and some as proxies serving as substitutes for their husbands or male relatives convicted of crimes. During the year the AIHRC received reports of men being arrested in place of a male relative when a suspect could not be located, on the assumption that the suspect would turn himself in to free the family member.

Authorities placed some women in protective custody to prevent violent retaliation by family members. Authorities also placed women who were victims of domestic violence in protective custody (including in a detention center), if there was no shelter facility available, to protect them from further abuse. Under the 2009 decree on the Elimination of Violence Against Women Act (EVAW), the police have the obligation to arrest those who abuse women; however, both the police and the courts were not yet fully familiar with the EVAW, and limited implementation occurred.

Authorities frequently did not rearrest defendants even after an appellate court convicted them in absentia. There was no bond system, although a rudimentary personal recognizance system was utilized in some areas where international observers monitored cases; authorities justified posttrial detention because defendants released pending appeal often disappeared.

Prosecutors did not exercise discretion in making decisions on charges. International mentors observed that prosecutors filed indictments in cases transferred to them by the police, even where there was a reasonable belief that no crime actually was committed.

There were 2,842 practicing prosecutors, compared with 963 in 2009; many of these lacked any formal legal training. According to the Afghan Bar Association, the total number of registered and licensed defense lawyers was 1,020 (of whom

200 were women), compared with 850 in 2009 (of whom only 80 were women). The MOJ had 82 legal aid providers in 16 provinces, compared with 50 providers in 13 provinces in 2009. According to the MOJ, as of year's end, 18,949 persons were detained in correctional facilities nationwide (compared with 14,857 in 2009), of whom 14,219 had been tried and convicted (compared with 10,593 in 2009); the remaining 4,730 were awaiting trial (compared with 4,264 in 2009).

The Criminal Law Reform Working Group, which included local legal experts and international rule-of-law advisors, completed its revision of the criminal procedure code in June 2009 and submitted it to the legislative drafting department of the MOJ for further consideration. The department did not respond to the Criminal Law Reform Working Group's recommendation by year's end.

#### Amnesty

The Law on National Reconciliation and Amnesty, published in December 2009, grants amnesty to all persons engaged in conflict during the previous 25 years, up until the establishment of the interim administration, providing immunity from prosecution for serious violations of human rights, including war crimes and crimes against humanity.

The AIHRC stated that some members of the Taliban were released during the 2010 Peace Jirga and through presidential pardons under this law. In addition many alleged war criminals and human rights abusers remained in positions of power within the government. Under the Afghan Peace and Reintegration Program (APRP), antigovernment elements were entitled to amnesty for political offenses if they agreed to live within the country's laws and renounced violence and terrorism. There is no legal framework for political amnesty and forgiveness of other crimes. In the absence of such a framework, the country was expected to continue to provide amnesty on an ad hoc basis to those who sought reintegration, subject to community vetting requirements. Hundreds of persons entered the APRP process by year's end.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, but in practice the judiciary often was underfunded, understaffed, and subject to political influence and pervasive corruption. Bribery, corruption, and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency threatened judicial impartiality. The Counter Narcotics Tribunal in Kabul, whose members' salaries the international community supplemented and which worked within a secure compound, was an exception. International organizations reported no evidence of corruption or political influence involving its officials. Other courts administered justice unevenly, according to a mixture of codified law, Sharia (Islamic law), and local custom.

The formal justice system was relatively strong in the urban centers, where the central government was strongest, and weaker in the rural areas, where approximately 72 percent of the population lived. Nationwide, fully functioning courts, police forces, and prisons were rare. The judicial system lacked the capacity to handle the large volume of new and amended legislation. A lack of qualified judicial personnel hindered the courts. Municipal and provincial authorities, including judges, had minimal training and often based their judgments on their personal understanding of Sharia, tribal codes of honor, or local custom.

The majority of judges were graduates of madrassas or had Sharia training. Very few judges were graduates of a law school. Lack of access to legal codes and statutes hindered judges and prosecutors.

There were widespread shortages of judges, primarily in insecure areas. The Supreme Court reported that there were an estimated 2,282 judges at the primary, appellate, and Supreme Court levels, including 120 female judges at year's end.

In areas not under government control, the Taliban enforced a parallel judicial system. The Taliban issued punishments including beatings, cutting off fingers, beheadings, hangings, and stonings. On March 9, the Taliban killed a man for

allegedly spying. On July 20, the Taliban beheaded six ANP officers in Baghlan Province, timed to coincide with the Kabul Conference. In major cities courts primarily decided criminal cases, as mandated by law. Civil cases often were resolved in the informal system. Because of the unreliable formal legal system, in rural areas local elders and shuras (consultative gatherings, usually of men selected by the community) were the primary means of settling both criminal matters and civil disputes; they also levied unsanctioned punishments. Some estimates suggested that 80 percent of all cases went through shuras, which did not adhere to the constitutional rights of citizens and often violated the rights of women and minorities. In many rural communities, there were no judges or prosecutors, only ANP or criminal investigation division officers. As a result legal issues were settled through tribal elders and the informal justice sector.

#### Trial Procedures

Trial procedures rarely met internationally accepted standards. The administration and implementation of justice varied in different areas of the country. By law all citizens are entitled to a presumption of innocence. In practice the courts typically convicted defendants after sessions that lasted only a few minutes. Defendants have the right to be present at trial and to appeal; however, these rights were not always applied. Trials were usually public. Judges decided all criminal trials, since there is no right to a jury trial under the constitution. A defendant also has the right to consult with an advocate or counsel at public expense when resources allow. This right was inconsistently applied, in part due to a severe shortage of defense counsel. Defendants frequently were not allowed to confront or question witnesses. Citizens often were unaware of their constitutional rights. Defendants and attorneys were entitled to examine the physical evidence and the documents related to their case before trial; however, observers noted that in practice court documents often were not available for review before cases went to trial, despite defense lawyers' requests. AI reported that trial proceedings fell below international standards, including not providing adequate time for the accused to prepare their defense, lack of legal representation, reliance on insufficient evidence or evidence gathered through torture and other mistreatment, and the denial of the defendant's right to call and examine witnesses.

When the accused is held in custody, the primary court must hear the trial within two months. The appellate court has two months to review the case of an incarcerated person. Either side may appeal; an accused defendant who is found innocent usually remains detained in the legal system until the case moves through all three levels of the judiciary: primary, appeals, and the Supreme Court. The decision of the primary court becomes final if an appeal is not filed within 20 days. Any second appeal must be filed within 30 days, after which the case moves to the Supreme Court, which must decide the case of the defendant within five months. If the appellate deadlines are not met, the law requires that the accused be released from custody. In many cases courts did not meet these deadlines.

In cases lacking a clearly defined legal statute, or cases in which judges, prosecutors, or elders were unaware of the law, judges and informal shuras enforced customary law; this practice often resulted in outcomes that discriminated against women. This included the practice ("baadh") of ordering the defendant to provide compensation in the form of a young girl to be married to a man whose family the defendant had wronged.

#### Political Prisoners and Detainees

The AIHRC stated that there were no reports that the government held political prisoners or detainees.

There were reports that a number of tribal leaders, sometimes affiliated with the government, held prisoners and detainees.

#### Civil Judicial Procedures and Remedies

Citizens had limited access to justice for constitutional and human rights violations, and interpretations of religious doctrine often took precedence over human rights or constitutional rights. The judiciary did not play a significant role in civil matters

due to corruption and lack of capacity. Land disputes remained the most common civil dispute and were most often resolved through the informal justice system.

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

The law prohibits arbitrary interference in matters of privacy; however, the government did not respect these prohibitions in practice, and there were no legal protections for victims.

Government officials forcibly entered homes and businesses of civilians without judicial authorization. UNAMA reported that community members alleged theft of possessions during home searches the military conducted. UNAMA also reported that searches by members of the military or security officials involved conduct toward women that contravened local customs and angered local communities.

Authorities imprisoned men and women as substitutes for male relatives who were suspects or convicted criminals in order to induce those persons at large to surrender themselves (see section 1.d.).

The law provides for wiretapping in certain cases, as was done during investigations of bribery and corruption in the case of Mohammad Zia Salehi. Wiretapping was permitted to track money laundering and narcotics trafficking.

The government's willingness to recognize the right to marry varied according to nationality, gender, and religion. The family court could register a marriage between a Jewish or Christian woman and a Muslim man, but the court required the couple to accept a Muslim ceremony. A non-Muslim woman had to convert to Islam before marrying a Muslim man. The court could not register a marriage between a Muslim woman and a non-Muslim man. These situations rarely occurred, however, as more than 99 percent of the population was Muslim. The courts registered marriages between non-Muslims, however.

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

Continuing internal conflict resulted in civilian deaths, abductions, prisoner abuse, property damage, and the displacement of residents. The security situation remained a problem during the year due to insurgent attacks. According to a December report of the UN secretary-general, civilians continued to bear the brunt of intensified armed conflict as civilian casualties, including death and injuries, increased by 20 percent in the first 10 months of the year, compared with the same period in 2009.

The large number of attacks by antigovernment elements limited the capability of the central government to protect human rights in many districts, especially in the south. Armed conflict intensified throughout the country, including previously unaffected areas. The marked deterioration in security posed a major challenge for the central government, hindering its ability to govern effectively, extend its influence, and deliver services, especially in rural areas.

#### Killings

Although international forces revised their rules of engagement to minimize civilian casualties, government and progovernment forces were responsible for civilian casualties. The joint AIHRC/UNAMA 2010 Annual Report on the Protection of Citizens in Armed Conflict stated that there were 2,777 conflict-related deaths during the year, an increase of 15 percent from 2009. However, progovernment forces were responsible for 440 deaths or 16 percent of total civilian deaths, a decrease of 26 percent.

Airstrikes remained responsible for the largest percentage of civilian deaths caused by progovernment forces; UNAMA reported 171 civilians were killed between January and December. The AIHRC/UNAMA report stated civilian deaths caused by aerial attacks decreased 52 percent compared with in 2009.

There were several incidents of alleged misuse of force by progovernment forces. Operations by progovernment forces resulted in civilian casualties due to "escalation of force" incidents, in which civilians were injured or killed at military checkpoints or within the vicinity of military convoys. These incidents accounted for 45 civilian deaths. The second leading cause of death of civilians at the hands of progovernment forces was action taken during search and seizure operations; the AIHRC/UNAMA report stated that 80 civilians were killed during the year, which represented an 18 percent decline from 2009.

The MOI reported 1,286 civilians killed and 2,987 injured during the year. The AIHRC/UNAMA report documented 4,343 conflict-related civilian injuries, an increase of 22 percent from 2009. Antigovernment forces were responsible for 78 percent of the civilian injuries. Progovernment forces were responsible for 9 percent of the injuries. HRW reported that the third quarter of the year saw an increase in civilian casualties.

The AIHRC and UNAMA noted that antigovernment elements remained responsible for the largest proportion of civilian casualties, which rose 28 percent over the same period in 2009.

The Taliban and antigovernment elements continued to kill and attack villagers, foreigners, and NGO workers. The Taliban and other insurgents killed numerous civilians, both in attacks and with car bombs and suicide bombs. As in 2008 and 2009, suicide and improvised explosive device (IED) attacks killed more civilians than any other tactic, causing 1,141 deaths and 3,366 injuries during the year. Suicide attacks and IEDs accounted for 55 percent of all civilian deaths caused by antigovernment forces during the year.

Increases in insurgent attacks caused civilian casualties to rise. Persistent Taliban and antigovernment activity, interfactional fighting between regional warlords, and criminal activity resulted in hundreds of unlawful killings and civilian casualties.

HRW reported 2,135 civilian deaths in the first nine months of the year, an increase of more than 10 percent compared with the same period in 2009, largely due to increased insurgent attacks. The AIHRC and UNAMA stated that civilian casualties (including both deaths and injuries) numbered 7,120. More than three quarters of all civilian casualties were linked to antigovernment elements.

The UN secretary-general reported that the Taliban and antigovernment forces were responsible for 76 percent of civilian casualties, for a total of 5,446, (including both deaths and injuries) during the year.

AIHRC and UNAMA stated in their annual report that antigovernment forces killed 462 civilians, an increase of 105 percent from 2009.

Insurgents targeted national and government officials, foreigners, and local NGO employees. There were numerous accounts of insurgent violence against the civilian population. The Ministry of Education (MOE) reported that 20 schools were attacked using explosives and arson between March and October and that insurgents killed 126 students. The UNAMA mid-year report stated that antigovernment forces attacked educational facilities and harassed and intimidated students and teachers. The Taliban denied responsibility for the attacks, but HRW reported evidence of night letters with Taliban insignia that threatened attacks against teachers and schools. According to the United Nations Country Task Force Monitoring and Reporting on Grave Child Rights Violations, there were 13 attacks on girls' schools since April.

On July 18, Taliban leader Mullah Omar issued new rules of engagement, calling on Taliban commanders to capture or kill civilians working for foreign forces or the government. This order represented a reversal of the May 2009 rules ("Jihadi Layeha," or "Regulations for Jihad"), to avoid targeting civilians. Whereas Jihadi Layeha was possibly issued in response

to the ISAF's commitment to reduce civilian casualties, the new code of conduct amounted to battlefield guidelines for identifying targets, particularly those who cooperated with the government.

On January 7, media sources reported that a suicide attack killed 10 persons and wounded 27 in Gardez, Paktia Province. On February 4, in Kandahar, a suicide bomb killed six persons and wounded approximately 20. On February 6, a motorcycle-borne suicide bomb in Helmand Province killed three persons, including one child, and wounded at least 30 others, including 17 children. On March 14, the Taliban killed 30 persons and wounded 53 in a series of blasts that included four suicide bombs and three car bomb explosions in Kandahar Province; the casualties included four Pakistani workers and at least seven police officers who were killed, along with eight officers injured. On April 3, a large suicide bomb attack in the Babaji area of Helmand Province killed 30 persons and injured more than 50. On June 21, the first reported suicide attack involving a woman occurred in Kunar Province; the Taliban took credit for this body-borne IED, which killed one person and injured 13, including nine children. On July 26, the Taliban attacked civilians in their cars in Parwan, killing seven members of one family and injuring five others.

There were no developments in the May 2009 killing of the mayor of Mehterlam city in Laghman, along with six civilians or in the July 2009 killing of Jan Mohammad, a candidate for provincial council in Kunduz. However, two persons were arrested in the case of the August 2009 killing of Qari Jan Gir, the head of the Justice Department of Kunduz. The Antiterrorism Office of the Kunduz Police Headquarters forwarded the cases to the provincial NDS office, which forwarded the cases and the suspects, to Kabul for further investigation.

#### Abductions

The MOI reported 162 abductions during the year. The Afghanistan NGO Safety Office (ANSO) reported that insurgents and others kidnapped 19 aid workers during the year. In December the UN Secretary General reported 134 NGO staff members were abducted between June and the end of October. The AIHRC/UNAMA annual report for the year also stated that there was a total of 251 incidents of civilian abductions during the year, an 83 percent increase from 2009.

On August 16, according to the Bakhtar News Agency, the Taliban abducted a doctor in Baghlan Province. Insurgents abducted British aid worker Linda Norgrove in Kunar Province in September; she was killed during a rescue operation in early October. Also in September the Taliban kidnapped a parliamentary candidate and several other election workers and campaign workers (see section 1.b.).

There were no developments in the arrest of six suspects in the 2008 kidnapping of Humayun Shah Asifi, a relative of the late King Zahir Shah.

#### Physical Abuse, Punishment, and Torture

Land mines and unexploded ordnance continued to cause deaths and injuries, restricted areas available for farming, and impeded the return of refugees. The Mine Action Coordination Center for Afghanistan reported that land mines and unexploded ordnance killed or injured an average of 40 persons each month. The MOE and NGOs conducted educational programs and mine awareness campaigns for more than one million persons, including women and children, throughout the country. At year's end land mines and unexploded ordnance imperiled 2,122 communities.

#### Child Soldiers

Officially the government, with international assistance, vetted all recruits into the armed forces and police, rejecting applicants under the age of 18. However, an April report by the UN secretary-general stated that children were recruited and used for military purposes by the ANSF, and especially the ANP.

UNAMA reported that progovernment militias, including the ANSF, recruited underage boys and sometimes sexually abused them in an environment of criminal impunity. Reports verified that some recruitment campaigns took place on school compounds. The AIHRC also stated that it received reports of child recruitment by progovernment militias in some provinces.

The UN secretary-general's April report also noted that children were recruited and used for military purposes by several antigovernment and insurgent groups, including the Haqqani network, Hezb-e-Islami Gulbuddin (HIG), the Taliban, the Tora Bora Front, and the Jamat Sunat al-Dawa Salafia.

Anecdotal evidence suggested that insurgent recruitment of underage soldiers was on the rise. There were numerous credible reports that the Taliban and other insurgent forces recruited children younger than age 18, in some cases as suicide bombers and human shields and in other cases to assist with their work. NGOs and UN agencies reported that the Taliban tricked children, promised them money, or forced them to become suicide bombers.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Other Conflict-related Abuses

The security environment had a negative effect on the ability of humanitarian organizations to operate freely in many parts of the country. Insurgents deliberately targeted government employees and aid workers.

During the year antigovernment elements continued to attack progovernment religious leaders. According to the MOI, the Taliban killed at least 37 clerics and committed at least two acts of violence inside mosques and other religious facilities.

The ANSO reported that attacks by armed opposition groups increased by 51 percent and that civilian casualty figures increased by 23 percent since 2009. The ANSO and the UN Office for the Coordination of Humanitarian Affairs also reported that the number of security incidents involving humanitarian aid workers appeared to show a general decline compared with 2009. The decline was ascribed to armed opposition groups' preoccupation with the February Marjah campaign in the south and the possibility that they were beginning to value the aid community.

Nonetheless, several high-profile incidents occurred. The most notable was on March 17, when two suicide bombers, one clad in a burqa, entered the International Relief and Development office in Helmand Province; police killed both men. On April 13, two men on motorbikes opened fire on a woman who worked at a local NGO and had been receiving threats for doing so. On April 15, two car bombings in the city of Kandahar left three persons dead and dozens wounded, including 10 foreigners; one of the car bombs was aimed at houses rented by contracting companies. On July 2, the Taliban stormed a contractors' compound in Kunduz, killing six persons and wounding 23. On August 5, 10 NGO health workers were killed in Badakhshan Province. Both the Taliban and HIG claimed responsibility, each stating that the victims were Christian missionaries trying to convert citizens, a claim the group denied; an investigation continued at year's end.

As in 2009 suspected Taliban members fired on NGO vehicles and attacked NGO offices, guest houses, and hotels frequented by NGO employees. Violence and instability hampered development, relief, and reconstruction efforts. The ANSO reported 126 security incidents involving NGOs and aid workers. NGOs reported that insurgents, powerful local individuals, and militia leaders demanded bribes to allow groups to bring relief supplies into the country and distribute them.

The Taliban continued to distribute threatening messages in attempts to curtail government and development activities. In addition to threats against persons working for the government or NGOs, the Taliban distributed night letters (death threats) and text messages warning citizens not to vote in the September 18 elections.

Insurgents regularly used civilians, including children as young as the age of three, as human shields, either by forcing them into the line of fire or by basing operations in civilian settings. UNAMA documented how insurgents deliberately deployed their forces in populated villages, with the intent of embarrassing international coalition forces and the government and increasing civilian casualties from airstrikes.

In the south and east, the Taliban and other antigovernment elements frequently forced local residents to provide food and shelter to their fighters. The Taliban also continued to attack schools, radio stations, and government offices. In September the Taliban threatened to blow up a local music store if the owner did not close it.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government and others restricted these rights. Some media observers contended that individuals could not criticize the government publicly without fear of reprisal. HRW reported that threats, violence, and intimidations were used regularly to silence opposition politicians, particularly those who spoke out about impunity, war crimes, government officials, or powerful figures. Government officials intimidated journalists in an effort to influence reporting. Media sources reported instances in which provincial officials attempted to regulate the media based on their personal interests.

HRW reported that there was widespread self-censorship as a result of the government's repression of journalism it deemed critical. According to journalists many reporters exercised self-censorship by not asking substantive questions of government officials and by ignoring certain investigative stories. Powerful figures largely avoided media scrutiny. Members of the media reported that they did not interview Taliban commanders or leaders due to government pressure; police in Helmand Province jailed journalists for speaking to the Taliban. Some media observers considered it more difficult for journalists to operate in the areas of the country that the government controlled than in Taliban-controlled areas.

On March 1, the NDS and the MOI banned live television coverage of ongoing insurgent attacks, ostensibly in an effort to protect reporters and restrict the flow of information to insurgents. Media outlets immediately complained to the Ministry of Information and Culture (MOIC), which convened a series of meetings with independent media, resulting in an agreement on the parameters of media coverage of security incidents.

On July 27, at the direction of President Karzai and the Council of Ministers, the MOIC banned Emrooz TV for "provoking religious differences and disrupting national unity." While the ban was largely regarded as positive due to Emrooz TV's widely perceived anti-Shia stance, media observers noted that the process violated due process because the Council of Ministers should have complained formally to the Media Complaints Commission. There was little public debate about the matter. On the same day, the MOIC also banned two game shows, Tolo TV's *Deal or No Deal* and One TV's *Del Wa Nadel*. Media observers widely regarded the ban on the game shows as unfounded and a capitulation to conservative opinion against gambling, as well as political cover designed to illustrate the lack of a ministerial agenda against any one channel or individual.

The government banned a news Web site, Benawa, on September 10, reportedly for mistakenly reporting that Vice President Mohammed Qasim Fahim died, despite the fact that a correction was issued within 30 minutes. Benawa officials accused Information Minister Sayed Makhdum Rahin of issuing the ban in retaliation for stories previously published about him.

Violence against journalists continued. According to independent media and observers, a combination of government repression, armed groups, and manipulation by foreign groups and individuals prevented the media from operating freely. Journalists increasingly were vulnerable to physical harm and reported numerous instances of pressure from multiple sources to influence reporting, including national and provincial governments. According to Afghan Media Watch, violence against journalists decreased by 32 percent during the year. Afghan Media Watch registered 58 cases of violence against journalists and claimed that the government was responsible for 22 of them.

Media sources reported that police detained journalists without cause. There was at least one report that an ANA soldier assaulted two journalists who were filming a helicopter crash in Kabul on July 27. The Committee to Protect Journalists (CPJ) reported in September that journalist Hojatullah Mojadadi was arrested in Kapisa Province by the NDS. He was released a few days later without explanation.

Reporters without Borders reported that media regulatory bodies were "under the government's thumb."

The Institute for War and Peace Reporting (IWPR) stated that broadcast media operated somewhat more freely than print media and that commercially viable stations experienced less government control than others.

Television broadcasts appeared to avoid some of the restrictions imposed on print journalism. Satirical programming was widespread; every private television station had at least one comedy-satire program that openly criticized government officials.

Some independent journalists and writers published magazines and newsletters, although circulation largely was confined to Kabul.

Newspaper readership has progressed significantly, from almost nil under Taliban rule. Newspapers tended to reflect more openly on domestic developments in comparison to broadcasters.

Prior to the September 18 elections, radio and television stations broadcast candidate debates, forums, and interviews. Several stations showed live coverage on election day. The Media Commission of the Independent Electoral Commission (IEC) did not find significant problems with candidate access to the media.

The mass media law contains content restrictions that prohibit works and materials contrary to the principles of Islam or other religions and sects; works that publicize religions other than Islam; works and materials considered defamatory, insulting, offensive, or libelous, or that may cause damage to a person's personality or credibility; works and materials that are contrary to the constitution and penal code; disclosure of the identity and pictures of victims of violence and rape in a manner that damages their social dignity; and works and material that harm the psychological security and moral well-being of individuals, especially children and adolescents. The NGO Nai Media and the Afghan National Journalists Union reported that the MOIC failed to implement the law.

Conservative values remained a strong force, and some private stations angered conservative Islamic religious elements. As a result many media outlets were accused of carrying morally offensive material. Some of this criticism came from the Commission for Monitoring Media Misconduct, a body set up by the MOIC. The IWPR stated that Internet service providers were told to block thousands of Web sites that contained pornography or were linked to insurgent groups like the Taliban.

The constitution and the mass media law also cover foreign media; however, local power brokers sometimes restricted them from commenting negatively on Islam and from publishing materials considered a threat to the government.

Despite these obstacles media sources and observers asserted that the country's independent media continued to expand and became increasingly sophisticated. Independent media were active and reflected differing political views. Numerous international and local organizations provided regular training and mentoring for journalists.

The number of female journalists remained low. According to the IWPR, female reporters found it difficult to practice their profession because of the region's conservative attitude. However, there were a few instances in which women oversaw radio stations across the country.

Factional authorities reportedly controlled media in some parts of the country. In addition, according to many media sources, private Iranian, Pakistani, and Gulf state citizens actively influenced the media, shaping it through both ownership and threats. There were allegations that Iran intimidated reporters in the western provinces to increase antigovernment reporting and decrease anti-Iranian articles.

According to independent media and observers, warlords, the drug mafia, foreign governments and individuals, and the Taliban and other insurgents harassed, intimidated, and threatened to commit violence against journalists. According to Afghan Media Watch, the Taliban were responsible for 12 cases of violence against journalists. The IWPR also reported intimidation by insurgent forces.

The Taliban manipulated the media, especially print journalism, both directly and indirectly, by threatening to harm some journalists physically and by directly feeding news to others. Some sources asserted that the media underreported reconstruction efforts, for example, as a result of Taliban pressure to shape local opinion. Journalists reported receiving threats of harm if they did not publish stories released on Taliban Web sites, if they published anti-Taliban stories, or if they published stories favorable to the government.

The CPJ reported that local and foreign reporting teams continued to face a risk of kidnapping. In December 2009 the Taliban kidnapped French journalists Hervé Ghesquière and Stéphane Taponier, along with their Afghan translator, Mohammad Reza. In April the Taliban threatened to kill the two kidnapped journalists unless their demands were met; the two remained in Taliban custody at year's end.

#### Internet Freedom

In general the government did not restrict access to the Internet. However, on May 21, the MOIC banned access to all pornographic Web sites. The government asked telecommunications providers to limit or ban access to online gambling and social dating Web sites, although the media reported that enforcement was weak and that citizens regularly could access pornographic and gambling sites. There were no reports that the government monitored e-mail or Internet chat rooms. Some reports indicated that the government increased its efforts to control independent online media through Internet Service Providers (ISPs). Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail messages.

The CPJ reported that government regulators were not fully able to enforce their rules. Government requests for Internet bans were made to private ISPs; filtering equipment was not reported as widely used. However, the owner of the Benawa Web site told the CPJ that his site was banned on 97 percent of ISP servers in the country after the government issued a ban on the site. Later reporting by the CPJ indicated that the site came back online after the case drew widespread attention.

Lack of public infrastructure limited public access to the Internet; computer literacy and ownership rates were estimated at less than 10 percent of the population.

#### Academic Freedom and Cultural Events

The government restricted academic freedom by forbidding course content it deemed un-Islamic. The Mass Media Law states that academic research "shall be subject to prior approval of concerned ministries and institutions." Educators at public universities stated that they censored themselves when discussing questions of ethnicity. It was not clear whether the self-censorship was due to fear of official sanctions or to societal pressure.

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

The constitution provides for freedom of assembly and association, and the government generally respected these rights, although in some cases local officials restricted the right of free assembly.

##### Freedom of Assembly

A lack of physical security, as well as interference from local authorities and security forces, inhibited freedom of assembly in some areas of the country where security was poor.

There were numerous protests during the year, related to a variety of causes. Citizens frequently protested against civilian casualties allegedly caused by progovernment forces. Following the September 18 parliamentary elections, there were numerous generally peaceful protests of the election results.

On September 11, thousands of citizens protested in response to the plan announced by a cleric in another country to burn copies of the Qu'ran. Four demonstrators were seriously wounded when security forces opened fire as protesters attempted to storm several government buildings in Pul-e-Alam, Logar Province. On September 15, in Kabul media sources reported that demonstrators began throwing stones and shooting at security forces; police shot two demonstrators.

##### Freedom of Association

The law on political parties obliges parties to register with the MOJ and requires them to pursue objectives consistent with Islam. Political parties based on ethnicity, language, Islamic school of thought, and religion are not allowed. Antigovernment violence affected the ability of provincial council candidates and political parties to conduct activities in many areas of the country.

#### c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government sometimes limited citizens' movement for security reasons.

Taxi, truck, and bus drivers reported that security forces operated illegal checkpoints and extorted money and goods. The number of such checkpoints increased at night, especially in the border provinces. Residents reported having to pay bribes to the ANP and border police officials at checkpoints and the Khyber Pass border crossing between Jalalabad and Pakistan.

The greatest restriction to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, land mines, and IEDs made travel extremely dangerous, especially at night.

Armed insurgents also operated illegal checkpoints and extorted money and goods. The Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the southeast.

Social custom limited women's freedom of movement without male consent or chaperone.

The law prohibits forced exile, and the government did not use forced exile. The government cooperated with the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, and other persons of concern but was limited by lack of infrastructure and capacity.

#### Internally Displaced Persons (IDPs)

The country continued to experience high levels of internal population movements, triggered by irregular labor conditions, large numbers of refugees who returned, poor service infrastructure in rural areas, military operations, and the volatile security situation in some parts of the country. Severe flooding in several provinces rendered families homeless.

As of December an estimated 351,907 persons were displaced, according to the UNHCR. Among these, 117,089 persons were recorded as displaced prior to December 2002 and were referred to as IDPs in protracted displacement. According to the UNHCR, 102,658 persons were displaced due to conflict during the year. The main areas in which conflict-induced displacement originated during the year were Helmand in the south, Badghis and Farah in the west, Faryab in the north, and Khost in the southeast. The displaced populations largely remained in their regions of origin. The key provinces that received IDPs, in order of the numbers displaced, were Helmand, Nangarhar, Herat, Kandahar, and Farah.

Local governments provided access to land for basic accommodation, while international organizations and the Afghan Red Crescent Society provided shelter, food, and other life-saving aid. However, the UNHCR reported that access to land and rights for returnees and IDPs was hampered by a weak judiciary. Some IDPs in protracted displacement established self-sufficient settlements in the Herat, Kandahar, Helmand, and Jalalabad areas.

Unverified populations, including IDPs and refugees who returned were also known to reside alongside urban slum dwellers in unauthorized informal settlements in the larger urban areas of Kabul, Jalalabad, Mazar-e-Sharif, and Herat. These settlements were prone to serious deficiencies in several areas, including health, education, security of tenure, and absence of registration of child births and identity cards.

The UNHCR reported that restricted access due to poor security limited its efforts to assess the numbers of displaced persons and made it difficult to provide assistance.

In August flooding across the country displaced 200,000 persons. Local authorities, the Afghan National Disaster Management Authority, various government ministries, the Afghan Red Crescent Society, NGOs, UN agencies, and donor governments provided emergency assistance.

#### Protection of Refugees

Laws do not provide for granting asylum or refugee status, and the government has not established a system for providing protection to refugees. In accordance with an agreement among Afghanistan, Pakistan, and the UNHCR, repatriation must be voluntary.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular group, or political opinion.

The government's capacity to absorb returned refugees remained low. The economic difficulties and security concerns discouraged numerous refugees from returning to the country, although returnees doubled compared with the previous year. Many refugees needed humanitarian assistance upon arrival. According to the AIHRC and the UNHCR, single women among refugee returnees and deportees were referred to a safe house until their families guaranteed their safety. The UNHCR referred 25 women to safe houses. Common types of extreme vulnerability, as defined by the UNHCR, included minors unaccompanied by adult family members, drug addiction, mental illness, and severe physical illness. Returnees who came back due to flooding in Pakistan were also vulnerable.

During the year 112,917 refugees were repatriated voluntarily from Pakistan with UNHCR assistance, an increase from the 54,552 refugees repatriated in 2009. Approximately 2.6 million Afghan refugees lived in Pakistan and Iran during the year.

Iran continued to deport undocumented economic migrants back to Afghanistan.

Migration to and from Iran was mostly temporary and cyclical, with more than 400,000 adult males staying on average for 3.5 years without their families. According to the UN, remittances from Iran exceeded 25 billion afghanis (\$500 million) annually.

During the year Iran deported 286,662 undocumented Afghans, an 11 percent decrease compared with 2009, during which 322,008 Afghans were expelled from Iran, through the border points at Islam Qala, Herat Province, and Zaranj, Nimroz Province.

As of December an average of 785 Afghans were deported per day during the year. A total of 322,008 Afghans were deported from Iran in 2009, averaging 882 persons per day.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in the September parliamentary elections. In August 2009 citizens voted in their second presidential and first-ever contested election; after his challenger withdrew from a run-off election, the IEC declared Hamid Karzai president for a second term. Both elections were marked by serious allegations of widespread fraud.

#### Elections and Political Parties

Approximately 4.3 million citizens voted in the September 18 parliamentary elections. Elections were held amid significant security and logistical challenges, including a prolonged intimidation campaign waged by insurgents, which led to fewer polling stations being opened than in previous elections. The electoral institutions and security forces greatly improved the preparations for, and holding of, the elections as compared with 2009. Although the elections generally followed the constitutional process, they were marred by widespread fraud and corruption.

On November 25, Akhtar Mohammad, the former independent elections commission provincial elections officer for Nangarhar, was found guilty on charges of embezzlement and corruption and was sentenced to two years' imprisonment.

Citizens elected 249 members of the Wolesi Jirga, the lower house of the national assembly; 396 of the 2,510 candidates for the election were women, representing a significant increase in female candidate participation compared with the 2005 parliamentary elections.

International observers and civil society groups documented instances of fraud, including ballot stuffing, ghost polling stations, and some interference by staff of electoral bodies; fraud was especially notable in areas with high levels of

insecurity and insufficient female electoral staff. While security arrangements were improved as compared to the 2009 election, it was still inadequate in many locations, and numerous irregularities occurred, including pervasive intimidation of voters, polling staff, and candidates, especially women. The IEC invalidated approximately 1.3 million votes during the tally process due to evidence of fraud at 2,543 polling stations identified through predetermined IEC triggers (for example, more than 600 votes at a polling station where only 600 ballots were allocated). According to the IEC, the final numbers for voter turnout could only be estimated as 4.27 million; approximately 23 percent of 5.6 million ballots cast were invalidated.

The Electoral Complaints Commission (ECC) received 4,557 complaints of electoral irregularities, leading to the disqualification of an additional 334 polling stations. In addition the ECC disqualified the votes for 24 candidates due to allegations of fraud. These disqualifications brought the total number of candidates excluded by the IEC and ECC, both pre and postelection, to 142. No comprehensive list of the 334 polling stations was made public, making it difficult to track the reason for ECC decisions and whether these decisions were implemented by the IEC. Limited transparency on the part of the IEC and ECC during the tally and adjudication process fueled the perception that political interference may have affected the invalidation process. In December President Karzai appointed, per the Supreme Court's recommendation, a special tribunal to investigate the election results and resolve complaints. The IEC expressed concern regarding the special tribunal's legitimacy under the law and stated that the tribunal's intervention in electoral affairs was in violation of the law. The special tribunal remained in place through year's end.

A total of 396 women ran for the 68 seats reserved for women. There were sufficient members to fill the seats reserved for women in each province.

Both under- and over-registration of women were reported. Women voted in separate polling stations from men, yet the lack of sufficient numbers of female election workers, including female searchers, hindered women's participation. There was a lack of provision of security by the government for female candidates. At some voting sites, women were turned away due to lack of available female workers. There was evidence that men also voted by proxy on behalf of women in many cases, as occurred in 2009.

Insurgents targeted civilians and election officials in a campaign to disrupt the national elections. Insurgents killed 31 civilians, including 11 IEC officials, and injured 50 in attacks on election day. Night letters and direct threats were reported countrywide, including the threat to cut off fingers marked with voting ink. Some schools identified as polling places received threatening letters.

As of November 21, the MOJ had accredited 33 political parties under a 2009 political parties law. However, very few parties were accredited in time for the September 18 elections, and very few of the candidates were shown to be affiliated with a party during the campaign. Political parties were not always able to conduct activities throughout the country, particularly in regions where antigovernment violence affected overall security.

The Pashtun ethnic group had more seats than any other ethnic group in both houses but did not have more than 50 percent of the seats. It lost seats in the September 18 lower house elections. There was no evidence that there were societal groups that were specifically excluded. Traditional society practices that limit women's participation in politics and activities outside the home community likely influenced the central government's composition.

Women active in public life faced disproportionate levels of threats and violence. Media sources reported that female parliamentary candidates were inundated with late-night threatening calls. Women were also the targets of attacks by the Taliban and other insurgent groups. Women who received threats often moved throughout the country to evade harassment. Most female members of parliament reportedly experienced some kind of threat or intimidation; many believed that the state could not or would not protect them.

Various antigovernment forces attacked female candidates. One provincial council member was seriously injured and her bodyguard killed in Baghlan Province in a drive-by shooting by unknown assailants. Other unknown individuals attacked a Gereshk District, Helmand Province community council member, who was also a provincial council candidate. The assailants killed her husband and abducted her. She was later released. In August campaign workers supporting a female candidate were killed (see section 1.a.).

In March media reported that the Taliban attacked the convoy of a female parliamentarian in the east of the country. According to the Free and Fair Election Foundation of Afghanistan, a female candidate in Ghor Province was forced under threat of violence to abandon her campaign and flee to Kabul.

Women represented approximately 21 percent of the delegates to the Consultative Peace Jirga. Nine women were appointed members of the High Peace Council established in September.

There were 69 female parliamentarians elected, one more than the required 68 minimum, and both seats in Nimroz Province were won by female candidates. There were 28 women in the Meshrano Jirga, the upper house of the national assembly. Three women served in the cabinet, heading the women's affairs; public health; and labor, social affairs, martyrs, and disabled ministries. No women served on the Supreme Court Council. There were 123 female judges, and 341 women served as staff.

There were no laws preventing minorities from participating in political life; however, different ethnic groups complained that they did not have equal access to local government jobs in provinces where they were in the minority.

Besides the Pashtuns, which have a majority in the country, all members of parliament and the legislature were members of ethnic minorities. The ethnic breakdown of the lower house of the national assembly included 39 percent Pashtuns, 28 percent Tajiks, 20 percent Hazaras, 7 percent Uzbeks, and 6 percent other minorities, according to the IEC certified results of the September 18 elections. As of July, 36 percent of the cabinet was Pashtun, 29 percent Tajik, 15 percent Uzbek, 11 percent Hazara, 3 percent Turkmen, 3 percent Arab, and another 3 percent unknown.

The constitution provides for seats for women and minorities in both houses of parliament. The constitution provides for at least 64 female delegates in the lower house of the national assembly, while 10 seats are provided for the Kuchi ethnic minority. Some members of parliament disagreed with this allotment, arguing that under the constitution all groups were to be treated equally. In the upper house, the president appoints one-third of the members, including two members with physical disabilities and two Kuchis. Fifty percent of the president's appointees to the upper house must be women.

#### Section 4 Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The government had limited success in bringing corruption cases, especially in cases involving low- and mid-level officials. More cases were opened against high-level officials, but successful prosecutions and convictions were rare, although they occurred. The progress made in initiating and prosecuting high-level corruption cases was due in large part to international assistance in creating special anticorruption law enforcement investigatory, prosecutorial, and judicial entities.

Corruption was endemic throughout society, and the massive flows of money from the military, international donors, and the drug trade exacerbated the problem. Prisoners and local NGOs reported that corruption was widespread across the justice system, particularly in relation to the prosecution of criminal cases and "buying" release from prison. There were also numerous reports of money being paid to reduce prison sentences, halt an investigation, or have charges dismissed outright. In July the administrative head of President Karzai's National Security Office was arrested on the basis of an

investigation by the anticorruption task force. Mohammad Zia Salehi was arrested by the Attorney General's Office and charged with soliciting bribes. Due to direct intervention by President Karzai, however, Salehi was freed within hours.

Allegations of corruption surfaced around the Kabul Bank, the country's largest private financial institution. The media reported that the bank's top two directors were forced to resign and the chairman ordered to surrender \$160 million worth of luxury villas bought with bank funds in Dubai.

Provincial police benefited financially from corruption at police checkpoints and from the narcotics industry. Observers reported that ANP officers often had to pay money to the MOI to secure promotions. A lack of political accountability and low salaries exacerbated government corruption. The international community worked with the national and provincial governance structures to address the problem of low salaries. Salaries for the police, investigators, and judges increased significantly; however, the pay for prosecutors remained very low. The process of pay and grade reform for prosecutors made only slight progress during the year. Police mentors addressed problems of corruption among police and justice officials at provincial and district levels.

Credible sources, including detainees, reported that local police in many parts of the country extorted a "tax" and inflicted violence at police checkpoints. Police also reportedly extorted bribes from civilians in exchange for release from prison or to avoid arrest. Police abuses generally declined following international police training efforts. Observers alleged that the high acquittal rate in courts reflected the lack of training of judges, poor investigations, lack of evidence, and possible bribes to legal officials. Lack of formal education and low literacy rates among the ANSF and the judiciary hampered the consistent delivery of justice.

The government made efforts to combat corruption in the security apparatus. Before the September 18 elections, the MOI trained and deployed provincial inspectors general (IGs) to investigate election-related claims against the police; however, they remained on duty after the election as general purpose IG officers. Merit-based promotion boards continued, with at least three candidates competing for each job; the process of instituting pay reform and electronic funds transfer for police salaries also continued. The MOI continued to obtain training for its IG office.

The High Office of Oversight (HOO), which is intended to play the role of watchdog, introduced two programs that could provide a means to constrain corruption, if implemented effectively. The publication of asset declarations by senior government officials, if verified, could provide much needed transparency to the activities of senior officials. The HOO received asset declarations from 1,900 senior officials, including all ministers and governors. However, it published only 78 in a limited distribution official newspaper, and it did no external verification of the declarations. Nonetheless, the World Bank reported that in some cases the published declarations provided a basis for serious questions about the assets and sources of funds of government officials. The HOO also opened a hotline for those who wanted to report corruption. Through September the hotline received 149 complaints, including 24 regarding corruption. During the year the HOO turned over to the Attorney General's Office 13 cases for investigation and possible prosecution.

The government made electronic direct deposits of police and military salaries, making pay a more transparent and accountable process and less subject to corruption.

Observers alleged that governors with reported involvement in the drug trade or past records of human rights violations received executive appointments and served with relative impunity.

The constitution provides citizens the right to access government information, except when access might violate the rights of others. The government generally provided access in practice, but officials at the local level were less cooperative in handling requests for information. Lack of government capacity also severely restricted access to information. On July 18,

civil society groups launched a campaign demanding access to government information, arguing that access to information was a basic human right acknowledged in the constitution.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

The lack of security and instability in parts of the country severely reduced NGO activities. Insurgent groups and the Taliban directly targeted NGOs during the year (see section 1.g.).

The constitutionally mandated AIHRC continued to address human rights problems and operated without government interference or funding. The AIHRC was effective in drawing attention to major human rights problems, publishing numerous reports on a range of topics.

President Hamid Karzai signed the Action Plan for Peace, Justice, and Reconciliation in 2006; however, the government did not take any affirmative action in support of transitional justice.

Three parliamentary committees deal with human rights in the Wolesi Jirga: the Gender, Civil Society, and Human Rights Committee; the Counternarcotics, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga, the Committee for Gender and Civil Society addresses human rights concerns. During the year these committees vetted several draft laws that went before parliament.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

##### Women

Pursuant to the constitution, the 2009 Shia Personal Status Law governs family and marital issues for the 20 percent of the population who are Shia. Some groups hailed the law for officially recognizing the Shiite minority; however, the law was controversial both domestically and internationally due to its failure to promote gender equality. Articles in the law of particular concern include minimum age of marriage, polygamy, right of inheritance, right of self-determination, freedom of movement, sexual obligations, and guardianship.

The EVAW law criminalizes violence against women, including rape, battery, or beating; forced or underage marriage; "baahd" (the giving of a female relative to another family to settle a debt or dispute); humiliation; intimidation; and the refusal of food. The law specifically punishes rape with life imprisonment, and if the act results in the death of the victim, the law provides for the death sentence for the perpetrator. The law punishes the "violation of chastity of a woman... that does not result in adultery (such as touching)" with imprisonment of up to seven years. Under the law rape does not include spousal rape. Sharia law, as interpreted in the local context and influenced by tribal customs, although uncodified, impeded successful prosecution of rape cases. Under one interpretation of Sharia, local tribal elders or religious leaders may treat rape as a form of adultery, punishable by stoning to death or 100 lashes (see section 1.a.). Under some interpretations of Sharia, a woman who brings a charge of rape sometimes must produce four witnesses to prove that the rape occurred as a result of force. The law was seen as only a small step forward due to lack of sufficient implementation.

Accused men often claimed the victim agreed to consensual sex, which resulted in an adultery charge against the victim. The MOI reported 60 cases of rape during the year, and the AIHRC reported 60 cases between January and September; the actual number of cases was probably much higher. The MOI reported 99 arrests in connection with rape cases. Statistics on convictions were unavailable. Rapes were difficult to document due to social stigma. Male victims seldom came forward. Peer sexual abuse was allegedly common. Female victims faced stringent societal reprisal, from being deemed unfit for marriage to being imprisoned. According to NGOs, authorities raped women in prison.

On February 27, Kunduz police arrested a man in connection with the alleged rape of two women in the northern district of Imam Saheb. The women alleged that they were raped in December 2009 by five members of a local militia. Although the women reported the case to the police five days later, police in Imam Saheb did not conduct a thorough investigation. After the case received national attention, the Ministry of Interior sent a team to Kunduz to investigate. Kunduz police then reopened the case and arrested a suspect, with warrants outstanding for others.

On March 2, Tolo TV and Ariana TV reported that a local mullah of a mosque raped a 13-year-old girl and married another underage girl in Dai Kundi Province.

The penal code criminalizes assault, and courts entered judgments against domestic abusers under this provision. According to NGO reports, hundreds of thousands of women continued to suffer abuse at the hands of their husbands, fathers, brothers, armed individuals, parallel legal systems, and institutions of state such as police and justice systems. HRW reported that 87.2 percent of women had experienced at least one form of physical, sexual, or psychological violence or forced marriage in their lifetimes. Many elements of society tolerated and practiced violence against women. Killing and assault against women commonly involved family members as suspects. Women widely reported that they were victims of violence, especially sexual violence. The wide range of violence against women included honor killings, the exchange of women for dispute resolution, trafficking and abduction, early and forced marriages, and domestic violence.

Police response to domestic violence was limited, a result of the crimes never being reported, sympathetic attitudes towards perpetrators, and limited protection for victims, even as witnesses to a serious crime. Generally police and judicial officials were not aware or convinced that rape was a serious criminal offense; therefore, investigating a rape case was rarely a priority.

NGOs that ran women's shelters in Kabul reported an increase in referrals from police, possibly reflecting improved ANP training and awareness. Authorities rarely prosecuted abusers and only occasionally investigated complaints of violent attacks, rape, killings, or suicides of women. If cases came to court, the accused often were exonerated or punished lightly. NGOs confirmed that domestic violence occurred in most homes but went largely unreported due to societal acceptance of the practice. Most domestic violence cases involved beating women and children. In some cases men reportedly burned their wives in an attempt to mimic self-immolation.

AI reported that NGOs were the only entities that defended most female victims, as the government-funded defense attorneys mainly assisted men. According to the MOJ, neither Ghor, Badghis, nor Farah provinces had domestic violence prosecutors; the penal code does not differentiate between domestic violence and battery. Most provinces reported only one or two domestic violence prosecutions per year.

Women sometimes resorted to self-immolation when they believed there was no escape from their situations. During the first nine months of the year, the AIHRC documented 111 cases of self-immolation, compared with 86 cases in 2009. Other organizations reported an overall increase during the past two years. On July 31, Faizullah Kakar, presidential advisor on health, reported that an estimated 2,400 women committed suicide every year because of depression resulting

from fears and concerns over the continued conflicts; forced and underage marriages, including "baahd" to a rival tribe or family; domestic violence, including violence from in-laws; and sexual violence. Kakar estimated that 28 percent of women between the ages of 15 and 35 suffered from depression and psychological problems.

Policewomen trained to help victims of domestic violence complained that they were instructed not to reach out to victims but to wait for victims to come to police stations. This significantly hindered their work, as reporting domestic violence was not socially accepted, and many women could not travel to police stations alone. UNAMA reported that police leadership often did not provide female officers with equipment or vehicles to do outside investigations. The 42 family response units (29 in Kabul, seven in Mazar, four in Kunduz, two in Bamyan, and three opening in Jalalabad) were staffed primarily by female police officers who addressed violence and crimes against women, children, and families. Women serving in civilian and ANP positions in the MOI offered mediation and resources to prevent future domestic violence.

There were 11 formal women's shelters across the country run by NGOs, and five informal shelters or referral centers run by NGOs or MOWA. The MOWA and other agencies referred women to the formal shelters, which provided protection, accommodation, food, training, and health care to women escaping violence in the home or seeking legal support due to family feuds. The MOWA reported receiving two to three new domestic violence victims a month; however, space at the formal shelters was limited. Women in need of shelter who could not find a place in the Kabul shelters often ended up in prison.

According to a December UNAMA report, "unaccompanied" women were not accepted in society, so women who could not be reunified with their family had nowhere to go. The difficulty of finding durable solutions for women compelled to stay in a shelter was compounded by the societal attitude toward shelters, linked to the belief that "running away from home" was a serious violation of social mores. The misapprehension that safe houses were a safe haven for immoral women forced them to operate nearly clandestinely and in a precarious security situation. In lieu of relying on shelters, girls who sought to escape violence at home were reportedly sometimes "married" or "engaged" to older men as a means of providing them with safety; observers noted that officials across the justice sector promoted and accepted this practice. During the year Emrooz TV broadcast programs claiming that shelters were brothels, which civil society activists and women's rights groups argued to be baseless accusations. During the year Nasto Naderi, a television journalist, produced a series of comments accusing shelters of carrying out activities violating Islamic law. He did not provide proof of these claims.

Religious organizations in some provinces reinforced the social unacceptability of women travelling or even leaving home without a male family member or other approved escort. One religious leader said that travel without a "mahram," or unmarried relative, raised "questions about a woman's piety." The Ulema Council for the Western Region issued a declaration that women traveling a distance of greater than 54 miles from home must be accompanied by a chaperone and forbidding female employees of foreign organizations from working alone in a room with a foreign man. For example, on July 8, the Pajhwok News Agency reported that the provincial Ulema council in Badakhshan issued a resolution asking all women not to leave their homes without a male member of their family.

Women continued to face pervasive human rights violations and remained largely uninformed about their rights under the law. Discrimination was particularly acute in rural areas and villages.

Denial of educational opportunities, limited employment options, and continuing security threats continued to impede the ability of many women to improve their situation, despite the progress women in urban areas made toward access to public life, education, health care, and employment. According to UNAMA, there was an increase in violence against women working in the public sector. There were no developments in the case of Sitara Achakzai, an outspoken human rights defender and local councilor in Kandahar, who was killed in April 2009.

Societal discrimination against women persisted, including domestic abuse, rape, forced marriages, forced prostitution, exchange of girls to settle disputes, kidnappings, and honor killings. Cultural prohibitions on free travel and leaving the home unaccompanied by a male relative meant that many women could not work outside the home and often could not receive access to education, health care, police protection, and other social services.

Bibi Aisha, the 16-year-old woman from Uruzgan Province whose husband and in-laws cut off her nose and ears in September 2009 because she had brought shame to the family by running away after years of domestic violence, received plastic surgery at a facility abroad. Media reported the father-in-law's arrest.

Extended family violence was reportedly widespread. For example, on March 31, the former Kunar director of women's affairs and her husband were sentenced to death following a public trial for the January 21 murder of their daughter-in-law. Their son--the victim's husband--was also convicted and sentenced to two years in prison. Doctors who evaluated the body testified that the daughter-in-law was beaten and tortured.

There were no developments in the case of the 16-year-old whose mother-in-law doused her in gasoline and set her on fire in November 2009.

Although police, prosecutors, and judges discriminated against women in criminal and civil legal proceedings stemming from violence and forced marriages, increasing numbers of female attorneys successfully represented female clients in these types of cases in both formal courts.

According to HRW and UN Women, more than 70 percent of marriages were forced, and despite laws banning the practice, a majority of brides were younger than the legal marriage age of 16 (or 15 with a guardian and a court's approval). According to the UN High Commissioner for Human Rights, only 5 percent of marriages were registered, leaving forced marriages outside legal control. The AIHRC recorded 28 cases from January to September of women given to another family for baahd, to settle disputes or as a debt settlement, although a presidential decree outlaws the practice. The unreported number was likely much higher. IRIN, the humanitarian news and analysis service of the UN Office for the Coordination of Humanitarian Affairs, reported that drug smugglers often demanded young brides when farmers failed to produce opium and lacked other means to repay their loans. In a practice known as "badal," a brother and a sister are married to another pair of siblings to avoid any payment having to be made.

Local officials occasionally imprisoned women at the request of family members for opposing the family's choice of a marriage partner or being charged with adultery or bigamy. Women also faced bigamy charges from husbands who had deserted them and then reappeared after the woman had remarried. Local officials imprisoned women in place of a family member who had committed a crime but could not be located. Some women resided in detention facilities because they had run away from home to escape domestic violence or the prospect of forced marriage. Several girls between the ages of 17 and 21 remained detained in Pol-e-Charkhi Prison after fleeing abusive forced marriages.

Due to the early marriage age, some women become widows in their 20s and 30s. Since widows were perceived as their in-laws' property, they could be forced to marry a brother-in-law, who might already have a wife; the late husband's family seized any property he left.

The AIHRC documented 44 "honor killings" throughout the first nine months of the year; however, the unreported number was believed to be much higher. Under the penal code, a man convicted of honor killing after finding his wife committing adultery cannot be sentenced to more than two years' imprisonment.

Temporary marriages lasted from one day to a few months, in exchange for a dowry. Many observers considered "temporary marriages" a form of prostitution.

There is no law specifically prohibiting sexual harassment.

Couples were free from government discrimination, coercion, and violence to decide the number, spacing, and timing of their children, but family and community pressures to reproduce, the high prevalence of child marriages, and lack of accurate biological knowledge limited their ability to do so. Oral contraceptives, intrauterine devices, injectables, and condoms were available commercially and through provincial hospitals. Men and women were diagnosed and treated equally for sexually transmitted infections, including HIV, when health care was available.

NGOs reported that sexually transmitted diseases were widespread and typically went undiagnosed, since most persons suffered from numerous untreated medical conditions. According to UN estimates, there were approximately 1,400 deaths per 100,000 live births in the country in 2008. Only 24 percent of births had skilled attendants present, and only 36 percent of women received professional prenatal care. Early marriage and early pregnancy put girls at greater risk for premature labor, complications during delivery, and death in childbirth. Lack of skilled care during childbirth and lack of obstetric and postpartum care were key causes of maternal mortality. The number of trained midwives increased from 268 in 2002 to 2,685 during the year. There was a 15 percent contraceptive prevalence rate.

Women who reported cases of abuse or who sought legal redress for other matters reported pervasive discrimination within the judicial system. Local practices were discriminatory toward women, and in parts of the country where courts were not functional or knowledge of the law was minimal, elders relied on an interpretation of Sharia and tribal customs, which generally were discriminatory toward women. Most women reported limited access to justice in tribal shuras, where all presiding elders were men; women in some villages were not allowed any access for dispute resolution. Women's advocacy groups reported that the government intervened informally with local courts to encourage them to interpret laws in ways favorable to women.

The MOWA and NGOs continued to promote women's rights and freedoms. According to UN Women, women made up 26 percent of government employees. The MOWA, the primary government agency responsible for addressing the needs of women, had provincial offices, but the organization suffered from a lack of capacity and resources. The provincial offices assisted hundreds of women by providing legal and family counseling and referring women they could not directly assist to relevant organizations.

Women and children were overwhelmingly the victims of preventable deaths due to illness. Women constituted 68 percent of those infected with tuberculosis. Additionally, of the 25,000 citizens who died from tuberculosis each year, 16,000 were women. Many households could afford neither the cost of health care nor transport to health-care facilities, and many women were not permitted to travel to health facilities on their own. Observers reported that 60 percent of the population had access to primary health-care centers within two hours' walking distance from their homes, an increase from 9 percent in 2002.

According to reports in the British medical journal *The Lancet*, both adults and children suffered from a broad spectrum of mental health problems, including depression, anxiety, and posttraumatic stress related to widespread social suffering and domestic violence, as well as acts of war.

According to Save the Children, although there was some diversity in household decision-making practices throughout the country, women generally exercised little decision-making authority regarding marriage, timing of pregnancies, birthing practices, and child education. Informal social and familial pressure led the majority of women in rural areas to wear burqas, and most women covered their heads.

Women face discrimination in access to or terms of employment and occupation.

## Children

Citizenship is transmitted by a citizen father to his child. Birth in the country or to a citizen mother alone is not sufficient.

Education is mandatory up to the secondary level (four years for primary school and three years for secondary), and the law provides for free education up to and including the college level.

Boys made up nearly two-thirds of the school population. In most regions boys and girls attended primary classes together but were separated for intermediate and secondary-level education. Although the rate of secondary school for boys was 10 times the rate for girls, boys could be legally identifiable as "heads of household" as young as age 15, and many boys were forced to leave school to work.

Due to insecurity, inadequate facilities, poor quality of education, severe shortages of female teachers, early and forced marriages, the perceived need for girls to work at home, and cultural pressures, the status of girls and women in education remained a matter of concern. According to UNICEF more than two million girls were enrolled in grades one through 12. Most of the five million children who were estimated not to attend school were girls. According to the MOE, they were deprived education for economic reasons, security problems (especially in the southern provinces), cultural issues (especially girls), and the lack of schools within a short distance of their homes. In December 2009 HRW reported that the number of girls in school dropped 50 percent between sixth and seventh grades. In February a researcher for HRW reported that only 4 percent of secondary school-age girls reached grade 10. Since 2001 most girls enrolled in schools were the first generation in their family to receive formal education. The AIHRC worked with influential local figures to combat these harmful traditions.

Violence impeded access to education in increasing sections of the country from 2008 through year's end. The Taliban and other extremists, as well as criminal gangs, threatened or attacked schools, especially girls' schools, school officials, teachers, and students. As in previous years, where schools remained open, parents were often afraid to send their children, particularly girls. The MOE reported that five million children were deprived of access to education. The AIHRC reported that half of schools did not have adequate, safe, and appropriate space for learning.

According to HRW the Taliban and other insurgent groups continued to target schools (particularly those for girls over 10 years old), teachers, and students. The MOE reported that between March and October, 20 schools were attacked using explosives or arson, and insurgent attacks killed 126 students. For example, on April 2, the Taliban set fire to the girls' school in Gereshk, Helmand's commercial capital; reports indicated that three days earlier locals had been warned to vacate the school because it would be destroyed; this was the second attack on the school in two months. On April 3, Ariana TV and the Pajhwok News Agency reported that unidentified gunmen burned a girls' school in Faryab Province. On April 4, Tolo TV reported that unidentified men burned a girls' school in Sayedabad District, Maydan Wardak Province; the governor stated that armed opponents of the government were responsible, but the Taliban denied any involvement. According to the Director of Education in Herat Province, in May female teachers and students in Guzara, Shindand, Koshke Rabat Sangi, and Kohna Districts were threatened to not attend schools. On May 28, the Taliban destroyed one school and threatened two others in the Lakan area of Khost; the attackers demanded that certain detainees be released before they would allow the schools to reopen. The Taliban also attacked the Zaku Khel School, a large project under construction by CARE International; 80 percent of the building, which was not yet operational, was destroyed. The attackers also left night letters at two other schools in Khost, warning students not to attend and turned students away on May 29. On July 14, during an interview with BBC Radio Dari/Pashtu Services, Taliban spokesman Zabiullah Mujahed said that the Taliban did not oppose women's education as long as they gained that education "in a secured environment" and under Sharia. He also denied that the Taliban burned down schools or harmed women. The UNAMA mid-year report stated that as a result of threats by antigovernment forces, schools were destroyed or closed, denying educational

opportunities for thousands of children, particularly in the southern, southeastern, northern, and central regions. According to the AIHRC, the government was not able to bring most of the perpetrators of violence against women and children to justice, and the persistent culture of impunity exacerbated the situation.

NGOs and aid agencies reported that insecurity, conservative attitudes, and poverty denied education to millions of school-age children, mainly in the southern and southeastern provinces.

In some parts of the country, especially rural areas, girls' schools were closed due to societal bias or security issues. In some provinces, such as Kandahar and Helmand, girls' schools were open in the provincial capitals but not in outlying districts. According to the United Nations Country Task Force Monitoring and Reporting on Grave Child Rights Violations, there had been 13 attacks on girls' schools since April. In some areas individuals opened schools inside their homes or recruited local mullahs as teachers.

Child abuse was endemic throughout the country, based on cultural beliefs about child-rearing, and included general neglect, physical abuse, sexual abuse, abandonment, and confined forced labor to pay off family debts. The Ministry of Labor, Social Affairs, Martyrs, and Disabled (MOLSA) stated that police frequently beat children. During the year drought and food shortages forced many families to send their children onto the streets to beg for food and money. NGOs reported a predominantly punitive and retributive approach to juvenile justice throughout the country. Although it was against the law, corporal punishment in schools, rehabilitation centers, and other public institutions remained common. The MOLSA also reported that more than five million children lived in need of humanitarian assistance.

The legal age for marriage was 16 years old for girls and 18 years old for boys. International and local observers estimated that approximately 60 percent of girls were married younger than the age of 16. Under the EAW those who arrange forced or underage marriages may be sentenced to imprisonment of not less than two years; but there has been very limited, if any, implementation of this law. The Law on Marriage states that marriage of a minor may be conducted by a guardian. By law the marriage contract requires verification that the bride is 16 years of age; however, less than 10 percent of the population had birth certificates. Since the marriage registration process was officially legalized in 2008, the AIHRC has been promoting marriage registration as an important tool for preventing forced and underage marriages. The Herat regional office of the AIHRC conducted a campaign on the use and advantages of marriage registration in the western region.

The custom of bride money may have motivated families facing poverty, indebtedness, and economic crisis to pledge daughters as young as six or seven years old, with the understanding that the actual marriage would be delayed until the child reached puberty. However, reports indicated that this delay was rarely observed and that young girls were sexually violated not only by the groom but also by older men in the family, particularly if the groom was also a child.

Sexual abuse of children remained pervasive. NGOs noted that most child victims were abused by extended family members. A UNHCR report noted tribal leaders also abused boys. During the year the MOI recorded 28 cases of child rape; the unreported number was believed to be much higher. According to the AIHRC, most child sexual abusers were not arrested. Numerous media outlets reported that harems of young boys were cloistered for "bacha baazi," a practice in which young boys are sold to powerful local figures and businessmen and trained to dance in female clothes for male audiences and then used and traded for sex; however, credible statistics were difficult to acquire as the subject was a source of shame.

The AIHRC reported that pornography is a crime but child pornography, reportedly widespread, is not specifically prohibited by law. Exploiting a child for sex purposes, as is done with bacha baazi, is a crime.

Children were displaced due to the conflict. The MOLSA estimated that a large number of IDPs were children.

NGOs estimated that there were 37,000 street children in urban areas. Street children had little or no access to government services, although several NGOs provided access to basic needs, such as shelter and food.

Living conditions for children in orphanages were poor. The MOLSA oversaw 84 residential orphanages, designed to provide vocational training to children from destitute families. Of these 18 were private orphanages and 10 were official centers (but operated by NGOs by agreement with the ministry). NGOs reported that 60 to 80 percent of four- to 18-year-old children in the orphanages were not orphans but rather children whose families could not provide food, shelter, or schooling. Children in orphanages reported mental, physical, and sexual abuse; were sometimes trafficked; and did not always have access to running water, winter heating, indoor plumbing, health services, recreational facilities, or education.

The AIHRC expressed concern about the living conditions and future of children who lived with their mothers in women's prisons

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

#### Anti-Semitism

There were no reports of anti-Semitic acts. There was only one known Jewish resident in the country, caretaker of the one remaining synagogue in Kabul.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report*, which can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons who have disabilities and to protect their rights, including the rights to health care and financial protection. The constitution also requires the state to adopt measures to reintegrate and ensure the active participation in society of persons with disabilities.

One international organization reported that accurate figures on the number of persons with disabilities were not available, but it estimated that there were 800,000 mobility-impaired persons, of whom approximately 40,000 were limb amputees. The MOLSA stated that it provided financial support to 80,000 individuals with disabilities. A survey by HANDICAP reported that there were 800,000 such persons in the country. The MOLSA accorded special treatment to families of those killed in war. The AIHRC reported that of the nearly 200,000 school-age children with disabilities, only 22.4 percent attended school.

In the Meshrano Jirga, two of the presidentially appointed seats were reserved for persons with disabilities.

#### National/Racial/Ethnic Minorities

Ethnic tensions between Pashtun and non-Pashtun groups resulted in conflict and occasional killings.

Social discrimination against Shia Hazaras continued along class, race, and religious lines. Ethnic Hazaras reported occasionally being asked to pay additional bribes at border crossings where Pashtuns were allowed to pass freely. Sikhs and Hindus reportedly continued to face discrimination, including unequal access to government jobs; and verbal and physical abuse in public places. The UNHCR reported that Hindus, Sikhs, and Shiite Muslims--particularly those from the Hazara ethnic group--faced official obstacles and discrimination by the Sunni Muslim majority.

On June 19, a Kuchi (Pashtun) encampment in a pistachio forest in Ab Kamari District, Badghis Province, was attacked, allegedly by Tajik militias. Six persons reportedly were killed and more than 30 injured; the attack appeared to be retaliation for the killing of Tajiks/Sunni Hazaras in Narab, Ab Kamari, by Taliban members who were demanding taxes from the village. There were rumors of ANSF involvement, possibly due to the fact that many villagers from Narab are members of the ANP. Long-standing disputes between the Kuchis (nomads) and Hazaras escalated during the year. In April tensions with Kuchis flared in Baraki Barak, Logar Province. Villagers claimed that the Kuchis allowed their animals to graze too close to the settled areas. At least one person was killed in the fighting. On April 8 in Wardak Province, senior government officials negotiated a settlement of a 30-year-old land dispute between the Hazaras and the Kuchis, but on May 19, Hazaras and Kuchis fought over land disputes. On August 14 and 15, fighting broke out over land disputes between Hazaras and Kuchis in western Kabul, and several persons were killed. Tolo TV reported that following the clash, unrest spread to the Kota-e Sangi, Dasht-e Barchi, Pol-e Sorkh, and Qala-e Shada areas of the capital. Shamshad TV reported that Hazaras attacked nomads in the Qala-e Qazi area of Kabul city, killing at least 10 persons, injuring more than 50 (including 24 police officers), and destroying hundreds of houses.

Discrimination against Hazaras and other Shias continued in certain areas, in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse, and detention.

NGOs reported that Ismailis (a minority Shia Muslim group whose members follow the Aga Khan) were not generally targeted or seriously discriminated against. In February the Ismaili Council for Afghanistan hosted an event to commemorate Mowlud-e-Sharif. It was attended by members of parliament, government officials, and representatives from other communities.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law criminalizes homosexual activity, but authorities only sporadically enforced the prohibition. Organizations devoted to the protection or exercise of freedom of sexual orientation remained underground. There were no reported instances of discrimination or violence based on sexual orientation, but social taboos remained strong.

#### Other Societal Violence or Discrimination

There were no known instances of discrimination or violence against persons with HIV/AIDS, but there was reportedly high social stigma against persons with AIDS.

#### Section 7 Worker Rights

##### a. The Right of Association

The 2007 labor law allows workers to join and form unions under the 2002 Social Organizations Law. The government allowed several unions, including the National Union of Afghanistan Employees (NUAE), the largest, and several smaller unions, to operate without interference. However, the International Trade Union Confederation did not accept the NUAE as an effective, independent representative of workers.

Implementation of labor laws remained a problem due to lack of implementing regulations, funding, personnel, political will, and central enforcement authority. Workers were not aware of their rights. More than 80 percent of the workforce was in the informal or agricultural sector, and the government employed the majority of formal sector workers. Formal private sector employees were a tiny fraction of the workforce. In the public sector, the National Union of Afghan Employees claimed that most civilian government workers are members of the union. In the private sector, there were virtually no unions.

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

The 2007 labor law allows workers to join independent trade unions, but it provides no definition of a union nor its relationship with employers and members. The country lacked a tradition of genuine labor-management bargaining. Articles 145 and 146 of the labor law identify the Labor High Council established in the MOLSA as the highest labor tribunal and the MOLSA's Monitoring and Guidance Authority as the body investigating labor disputes; however, at year's end no implementing regulation to establish the council had been drafted.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor; however, there were reports that such practices occurred. Anecdotal reports suggested that women and girls were given away as household laborers to other families to settle disputes and debts. Anecdotal evidence suggested that forced child labor occurred, but there were no statistics available to indicate how pervasive the problem was.

Nothing in the labor law provides a penalty for forced labor, and enforcement of the law was problematic.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

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

The labor law sets the minimum age for employment at 18 years old but permits children 15 years and older to do "light work." Children between the ages of 16 and 18 may work only 35 hours per week. Children 14 years old and older may work as apprentices. Children younger than age 13 are prohibited from work under any circumstances, although these laws were not observed in practice. Although the labor law prohibits the employment of children in work likely to threaten their health or cause disability, there is no defined list of hazardous jobs. There was no evidence that authorities in any part of the country enforced child labor laws.

Child labor remained a pervasive problem. According to UNICEF estimates, at least 30 percent of primary school-age children undertook some form of work, and there were more than one million child laborers younger than the age of 14. Many child laborers worked as domestic servants, street vendors, peddlers, or shopkeepers. They also worked in several other sectors, including carpet weaving, brick making, and poppy harvesting. Children were also heavily employed in agriculture, mining (especially family-owned gem mines), and organized begging rings. Some sectors of child labor exposed children to land mines. According to the AIHRC, 85 percent of child laborers were boys. Girls performed domestic work in their homes. Many families stated that they needed the income their children provided, but many reportedly also believed that work was useful for children. The MOLSA and the Aschiana Foundation reported approximately 60,000 child laborers in Kabul alone, the majority of whom migrated to the city from other provinces. Children faced numerous health and safety risks at work, and some of them sustained serious injuries such as broken bones.

Carpet weaving was especially dangerous for children, particularly in urban settings, as the enclosed spaces where they lived and worked exposed them to upper respiratory diseases, eyestrain, and spinal and muscular damage. Children were considered suitable to learn carpet weaving at age five, and many children began working in this sector at an early age; families typically worked together weaving carpets, earning 1,500 afghanis (\$30) per month for their efforts, well below the minimum wage.

Sectors in which there were allegations of children subject to forced labor, including its worst forms, included agriculture, brick kilns, carpet-making factories, domestic service, and organized begging.

The government made some progress in implementing its 2004 National Strategy for Children at Risk, including the passage of several laws, but it lacked a specific policy on child labor. The MOLSA's labor inspection function was weak, and the absence of implementing regulations for the labor law's child labor provisions mean that there were no rules to enforce. Generally poor institutional capacity, not unique to the MOLSA, was a serious impediment to effective enforcement of the labor law.

There was a general lack of data on child labor and the worst forms of child labor, which hindered policy and program development. In addition fewer than 10 percent of children in the country had formal birth registrations, further limiting authorities' already weak capacity to enforce laws on the minimum age of employment and military recruitment.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### e. Acceptable Conditions of Work

The minimum wage for government workers was 4,000 afghanis (\$80) per month. There is no minimum wage in the private sector.

The labor law makes no mention of day laborers or casual labor, which left them completely unprotected. This segment of the population was unprotected; in an interview one day laborer indicated that when such a person took a job it was "always a gamble." Such workers might or might not get paid or get the pay that was agreed. Taking grievances to authorities might require bribes to have attention paid to such cases.

The law defines the standard workweek for both public-sector and private-sector employees as 40 hours: eight hours per day with one hour for lunch and noon prayers. Reduced standard workweeks were stipulated for youth, pregnant women, nursing mothers, miners, and others in other occupations that present health risks. The law provides workers the right to receive wages, annual vacation time in addition to national holidays, compensation for injuries suffered in the line of work, overtime pay, health insurance for the employee and immediate family members, per diem for official trips, daily transportation, food allowances, night shift differentials, retirement rights, and compensation for funeral expenses in case of death while performing official duties. These standards were not effectively enforced, and citizens generally were not aware of the full extent of their labor rights under the law.

Labor violations against migrant workers were common; many companies allegedly did not pay local laborers for months at a time.

There were no occupational health and safety standards and no enforcement mechanisms. Employment was at will, and the MOLSA did not enforce the existing legal protections for workers. Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardizing their employment, as all employment could be terminated without cause. The MOLSA claimed that it was drafting regulations for occupational health and safety in collaboration with the Ministry of Health, but such regulations were not issued by year's end.

[Back to Top](#)