COUNTRY OF ORIGIN INFORMATION REPORT

AFGHANISTAN

26 JUNE 2009

UK Border Agency
COUNTRY OF ORIGIN INFORMATION SERVICE

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Preface

i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 28 May 2009. The 'Latest News' section contains further brief information on events and reports accessed from 29 May 2009 to 26 June 2009. The report was issued on 26 June 2009.

ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.

ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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Email: cois@homeoffice.gsi.gov.uk
Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at http://www.ociukba.homeoffice.gov.uk

xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://www.ociukba.homeoffice.gov.uk/

The main text of this COI Report contains the most up to date publicly available information as at 28 May 2009. Further brief information on recent events and reports has been provided in the Latest News section to 26 June 2009.

xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Latest News

EVENTS IN AFGHANISTAN FROM 29 MAY TO 26 JUNE 2009

25 June

"The Afghanistan Humanitarian Action Plan (HAP) 2009 launched on 3 February in Geneva by John Holmes, the UN under-secretary-general and emergency relief coordinator, requested US$625 million and is just under 70 percent funded, but little HAP funding has gone to NGOs. Most of the funding has gone to projects proposed by UN agencies according to NGOs and the UN Office for the Coordination of Humanitarian Affairs (OCHA)."

IRIN News, Afghanistan: NGOs squeezed out of funding appeals – analysis, 25 June 2009
http://www.irinnews.org/Report.aspx?ReportId=85004
Date accessed 26 June 2009

22 June

The US is expected to limit the number of airstrikes to reduce the number of civillian casualties. The order comes after an airstrike in Farah province during May in which 26 people were killed, according to US forces. However the Afghan government and human rights groups estimated over 100 dead

BBC Online, US 'to limit Afghan air strikes', 22 June 2009
http://news.bbc.co.uk/1/hi/world/south_asia/8113417.stm
Date accessed 24 June 2009

16 June

The US military have intervened in a dispute over access to grazing land in Daimirdad District, Wardak Province, between Kuchi nomads and ethnic Hazaras. The US forces provided Kuchi families with food, water and vetinary supplies on condition the Kuchis agreed not to encroach on land also used by the Hazaras.

IRIN News, Afghanistan: US military aid thwarts grazing land clashes, 16 June 2009
http://www.irinnews.org/Report.aspx?ReportId=84856
Date accessed 24 June 2009

13 June

The Independent Election Commission has released the list of 41 candidates running in the presidential election scheduled for 20 August 2009

Aljazeera, Afghanistan election list released, 13 June 2009
http://english.aljazeera.net/news/asia/2009/06/200961371925497120.html
Date accessed 24 June 2009

12 June

UNICEF is concerned by the growing number of children working in Afghanistan, with girls more likely to be pressured to work than boys. A 2003 survey recorded that one in four children aged between seven and fourteen worked and numbers have reportedly increased since then.

RFE/RL, UNICEF Concerned By Rising Child Labor In Afghanistan, 12 June 2009
http://www.rferl.org/content/UNICEF_Concerned_By_Rising_Child_Labor_In_Afghanistan/1753011.html
Date accessed 24 June 2009

8 June

As many as 60 Taliban militants have been reported killed over the past week as the US deployed an additional 7,000 troops across southern Afghanistan to combat the insurgents. The troops were part

The main text of this COI Report contains the most up to date publicly available information as at 28 May 2009. Further brief information on recent events and reports has been provided in the Latest News section to 26 June 2009.

of the 21,000 extra troops promised by US President Barack Obama shortly after he took office.

VOA, 60 Taliban Killed in Afghanistan as US Deploys More Troops, 8 June 2009
http://www.voanews.com/english/2009-06-08-voa43.cfm
Date accessed 24 June 2009

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The International Crisis Group
Afghanistan's Election Challenges, 24 June 2009
http://www.unhcr.org/refworld/pdfid/4a4332b22.pdf
Date accessed 25 June 2009

The International Federation for Human Rights (FIDH) http://www.fidh.org
Annual Report 2009, Published June 2009
http://www.fidh.org/Steadfast-in-protest-human-rights-defenders-annual-report-2009
Date accessed 19 June 2009

US Department of State http://www.state.gov
Trafficking in Persons Report, published 16 June 2009
http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm
Date accessed 17 June 2009

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Background information

1. GEOGRAPHY

1.01 The Islamic Republic of Afghanistan is located in south-western Asia. With an area covering 647,500 sq km it shares borders spanning 5,529 km with Turkmenistan (744 km), Uzbekistan (137 km) and Tajikistan (1,206 km) to the north, Iran (936 km) to the west, the People's Republic of China (76 km) to the north-east and Pakistan (2,430 km) to the east and south. Afghanistan has a mostly rugged mountainous terrain with plains in the north and southwest. (CIA World Factbook, last updated 5 May 2009) **[3]** The climate can vary considerably with the summer temperature in the south-west reaching 49°C (120°F), while in the winter in the Hindu Kush mountains of the north-east, temperatures can fall to −26°C (−15°F). (Europa World Online, accessed 14 May 2009) **[1a]**

1.02 In July 2008, the population of Afghanistan was estimated at 32,738,376. (CIA World Factbook, last updated 6 November 2008) **[3]** The towns with the largest population are Kabul (the capital), Kandahar/Qandahar, Herat, Mazar-i-Sharif, Jalalabad and Kunduz. (Europa World Online, accessed 14 May 2009 **[1a]**

1.03 Pushtuns make up the largest ethnic group at 42%, followed by Tajiks (27%), Hazaras (9%), Uzbec (9%) and Aimaq (4%). Other smaller groups include Turkmen and Baluch. (CIA World Factbook, last updated 6 November 2008) **[3]**

1.04 The US Department of State's Background Note on Afghanistan updated in November 2008 recorded that Dari (Afghan Farsi) and Pashto are the official languages, and that Dari is spoken by more than one-third of the population as a first language and serves as a lingua franca for most Afghans. Pashto is spoken throughout the Pashtun areas of eastern and southern Afghanistan and Tajik and Turkic languages are spoken widely in the north. Seventy other languages and numerous dialects are spoken throughout the country by smaller ethnic groups. **[2e]** The Constitution states "In areas where the majority of people speak one of the Uzbeki, Turkmani, Baluchi, Pashai, Nuristani and Pamiri languages, that language shall be recognized as third official language in addition to Pashtu and Dari, the modality of its implementation shall be regulated by law." **[4b] (Article 16)**

1.05 An estimated 80 per cent of the Afghan population are Sunni Muslims, following the Hanafi school of jurisprudence. The remainder of the population, primarily the Hazara ethnic group, are predominantly Shi'a Muslims. (CIA World Factbook, last updated 6 November 2008) **[3]**

(See also Section 20: Ethnic Groups)

1.06 The national flag, which was first introduced in 1928 and then modified in 1964, was banned following the coup in 1978. It has three vertical stripes of black, red and green with a white and red state enscription in the centre in Arabic which reads, "There is no God but Allah, and Muhammad is his Prophet, and Allah is Great." The Islamic date 1298 appears under the inscription. The current flag was introduced in June 2002 following the collapse of the Taliban and bears the word 'Afghanistan' in the inscription. (Europa World Online, accessed 14 May 2009) **[1a]**

1.07 The Afghan year 1387 runs from 21 March 2008 to 20 March 2009, and the year 1388 runs from 21 March 2009 to 20 March 2010. (Europa World Online, accessed 14 May 2009) **[1a]**

1.08 Public holidays include:

"2009 7 January*† (Ashura, Martyrdom of Imam Husayn); 1 February* (Arafat Day); 15 February (Liberation Day, commemoration of mujahidin struggle against Soviet occupation and withdrawal of Soviet troops in 1989); 9 March* (Roze-Maulud, Birth of Prophet Muhammad); 21 March (Nauroz: New Year's Day, Iranian calendar); 28 April (Loss of the Muslim Nation); 1 May (Workers' Day); 19 August (Independence Day); 22 August* (first day of Ramadan); 20 September* (Id al-Fitr, end of Ramadan); 27 November* (Id al-Adha, Feast of the Sacrifice); 27 December*† (Ashura, Martyrdom of Imam Husayn).

* These holidays are dependent on the Islamic lunar calendar and may vary by one or two days from the dates given.

† This festival occurs twice (in the Afghan years 1387 and 1388) within the same Gregorian year." (Europa World Online, accessed 14 May 2009) **[1a]**

MAPS

1.09 United Nations (UN) Map of Afghanistan Provinces published in October 2005:

On 1 December 2005 the United Nations High Commissioner for Refugees (UNHCR) published an operational map highlighting the available logistical facilities of Afghanistan, which can be accessed via:
http://www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=43706ed62

The University of Texas in Austin website has a number of maps of Afghanistan, including city maps, historical maps and links to further maps. **[102a]**
http://www.lib.utexas.edu/maps/afghanistan.html#afdetailed.html

Afghanistan Information Management Services (AIMS) provides district profiles and maps on Afghanistan. **[103a]**
http://www.aims.org.af/sroots.aspx?seckeys=96

A map of the ethnic groups of Afghanistan can be accessed via:
http://www.nationalgeographic.com/landincrisis/ethnic_enlarge.html.
[95a]

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2. ECONOMY

2.01 The Foreign and Commonwealth Office (FCO) Afghanistan Country Profile, updated 6 January 2009 noted:

"Afghanistan's economy has been seriously damaged by decades of war. The main activity remains agriculture (which involves around 80% of the population), both subsistence and some commercial. The main traditional crops are grain, rice, fruit, nuts and vegetables. But all have been severely affected by drought in recent years. Industry is small scale and includes handicrafts, textiles, carpets, and some food processing. Exports consist of mainly fruit, nuts, vegetables and carpets." **[4a]**

2.02 The Central Intelligence Agency World Factbook, Afghanistan, updated 5 May 2009, noted

"Afghanistan's economy is recovering from decades of conflict. The economy has improved significantly since the fall of the Taliban regime in 2001 largely because of the infusion of international assistance, the recovery of the agricultural sector, and service sector growth. Real GDP growth exceeded 7% in 2008. Despite the progress of the past few years, Afghanistan is extremely poor, landlocked, and highly dependent on foreign aid, agriculture, and trade with neighboring countries. Much of the population continues to suffer from shortages of housing, clean water, electricity, medical care, and jobs. Criminality, insecurity, and the Afghan Government's inability to extend rule of law to all parts of the country pose challenges to future economic growth. It will probably take the remainder of the decade and continuing donor aid and attention to significantly raise Afghanistan's living standards from its current level, among the lowest in the world. International pledges made by more than 60 countries and international financial institutions at the Berlin Donors Conference for Afghan reconstruction in March 2004 reached $8.9 billion for 2004-09. While the international community remains committed to Afghanistan's development, pledging over $57 billion at three donors' conferences since 2002, Kabul will need to overcome a number of challenges. Expanding poppy cultivation and a growing opium trade generate roughly $3 billion in illicit economic activity and looms as one of Kabul's most serious policy concerns. Other long-term challenges include: budget sustainability, job creation, corruption, government capacity, and rebuilding war torn infrastructure." **[3]**

2.03 The Department for International Development (DFID) noted in their Country Profile for Afghanistan, updated on 22 August 2008, that over half the Afghan population lived on less than US$1 per day. **[51a]** while the CIA world Factbook, Afghanistan, updated on 5 May 2009, stated that average GDP per capita was estimated to be US$1,000 in 2008 **[3]** On the subject of minimum wages the US State Department 2008 report, published on 25 February 2009, noted that:

"MOL [Ministry of Labour] reported the minimum wage was 2,000 Afghanis per month ($40) for government workers and applied to the private sector as well. The parliament passed a law to increase the minimum wage to 4,000 Afghanis ($80), but President Karzai had not signed the law at year's end. The minimum wage did not provide a decent standard of living for a worker and

family and was not observed in practice. Wages were determined by market forces, or, in the case of government workers, dictated by the government. During the year, World Monitors Inc. visited several power company worksites and reported wages were often paid based on family affinity rather than on a set rate."

2.04 The exchange rate was: 75.4533 Afghanis = £1GBP. (xe.com, 14 May 2009) http://www.xe.com/ucc/convert.cgi **[58a]**

2.05 Other basic economic data:

- GDP growth in 2008, estimated at 7.5%;
- Inflation rate in 2007, estimated at 13%;
- Unemployment rate in 2008, estimated at 40%; and
- Labour distribution: 80% agriculture, 10% services and 10% industry. (CIA, 5 May 2009) **[3]**
-

(See also Section 26: for further information on drug production and addiction)

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3. HISTORY

UP TO DECEMBER 2001

3.01 The Freedom House report, Freedom in the World 2008, released 2 July 2008, recorded that:

"After decades of intermittent attempts to assert control and ward off Russian influence in the country, Britain recognized Afghanistan as a fully independent monarchy in 1921. King Muhammad Zahir Shah ruled from 1933 until he was deposed in a 1973 coup, the leaders of which established a republic. Afghanistan entered a period of continuous civil conflict in 1978, when a Marxist faction staged a coup and set out to transform the country's highly traditional society. The Soviet Union invaded to support its allies in 1979, but faced fierce resistance from U.S.-backed mujahideen (guerrilla fighters) until its troops finally withdrew in 1989.

"The mujahideen factions overthrew the Marxist government in 1992 and then battled one another for control of Kabul, killing more than 25,000 civilians in the capital by 1995. The Taliban militia, consisting largely of students from conservative Islamic religious schools, entered the fray, seizing control of Kabul in 1996 and quickly establishing control over most of the country. Parts of northern and central Afghanistan remained in the hands of the ethnic Tajik–dominated Northern Alliance. In response to the terrorist attacks of September 11, 2001, the United States launched a military campaign [Operation Enduring Freedom] aimed at toppling the Taliban regime and eliminating Saudi militant Osama bin Laden's terrorist network, al-Qaeda. The Taliban crumbled quickly, losing Kabul to Northern Alliance forces and surrendering the southern city of Kandahar by year's end." **[41a]**

POST-TALIBAN (DECEMBER 2001 ONWARDS)

3.02 The Foreign & Commonwealth Office Afghanistan Country Profile, updated 6 January 2009, noted:

"After the fall of the Taliban regime in November 2001, the United Nations brought together leaders of Afghan ethnic groups in Germany. The agreement on Provisional Arrangements in Afghanistan pending the Re-establishment of Permanent Government Institutions (the Bonn Agreement), signed on 5 December 2001, set out a road map for the restoration of representative government in Afghanistan." **[4a] (History)**

3.03 Europa World Online, accessed on 5 January 2009, stated that:

"On 22 December 2001 the Interim Authority was inaugurated; [Hamid] Karzai was sworn in as Chairman. The country returned to the Constitution of 1964, which combined Shari'a with Western concepts of justice. One of Karzai's first decisions was to appoint Gen. Dostam, who initially boycotted the Government in protest at his exclusion, as Vice-Chairman and Deputy Minister of Defence. At the end of December the UN Security Council authorized, as envisaged in the Bonn Agreement, the deployment of an International Security Assistance Force (ISAF) to help maintain security in Kabul over the next six

months. Some 19 countries were authorized to form a 5,000-strong security force, led by the United Kingdom." **[1c] (Recent history)**

3.04 The Foreign & Commonwealth Office Afghanistan Country Profile, updated 6 January 2009, recorded that:

"In June 2002 an Emergency Loya Jirga (Grand Assembly) established a Transitional Administration to govern until elections could be held in 2004. The arrangements for the Loya Jirga were designed to enable a broad-based representation. Seats were reserved for women, refugees, displaced persons, nomads, businessmen, intellectuals and religious scholars. The Loya Jirga concluded on 19 June 2002 with the inauguration of Hamid Karzai as President of the Transitional State of Afghanistan. The Emergency Loya Jirga marked the first opportunity for decades for the Afghan people to play a decisive role in choosing their future." **[4a] (Politics)**

(See also Section 5: Constitution)

PRESIDENTIAL ELECTION 9 OCTOBER 2004 AND THE NEW CABINET

3.05 Europa World Online, accessed on 5 January 2009, stated that:

"On 9 October 2004 Afghanistan held its first direct presidential election. Despite some sporadic violence on the day of the election, no widespread disturbances were reported. Shortly after polling had begun, all 15 opposition candidates launched a boycott of the vote and demanded that it be abandoned, owing to alleged widespread electoral fraud. However, international observers announced in the following month that they had concluded, following an inquiry, that alleged irregularities during the poll were not considered significant enough to have altered the final result. Interim President Hamid Karzai was subsequently declared the winner, receiving 55.4% of the votes, sufficient to ensure that a second round of voting would not be necessary. Former Minister of Education Younis Qanooni came second, with 16.3% of the votes, followed by Mohammad Mohaqqeq, with 11.7%, and Gen. Abdul Rashid Dostam, with 10.0%. A reported 83.7% of those registered to vote did so. Concerns were, however, raised by the regional nature of Karzai's victory, which seemed largely to have been secured by voters in the Pashtun-majority provinces, indicating that he had not succeeded in appealing to all ethnic groups." **[1c] (Recent history)**

3.06 Europa World Online additionally noted that:

"In December 2004, following his inauguration, President Karzai announced the composition of his Cabinet. While Minister of Foreign Affairs Dr Abdullah Abdullah and Minister of Interior Affairs Ali Ahmad Jalali retained their portfolios, Marshal Fahim was replaced as Minister of Defence by Gen. Abdul Rahim Wardak. Hedayat Amin Arsala was allocated the commerce portfolio and Ismail Khan became Minister of Energy and Water. However, several powerful regional commanders were not included in the new Cabinet, ostensibly owing to the fact that they did not satisfy a requirement that all cabinet ministers be educated to university level. Karzai was criticized for his failure to allocate more portfolios in the Pashtun-dominated Cabinet to other ethnic groups. In an attempt to address Afghanistan's continuing problems

with the widespread cultivation of opium, a Ministry of Counter Narcotics was created, headed by Habibullah Qaderi." **[1c] (Recent history)**

PARLIAMENTARY AND PROVINCIAL ELECTIONS, 18 SEPTEMBER 2005

3.07 Europa World Online, accessed 5 January 2009, stated that:

"On 18 September 2005 an estimated 5,800 candidates, including several former Taliban officials, contested elections to the 249-member Wolasi Jirga and 34 provincial legislatures. A total of 68 seats in the Wolasi Jirga were reserved for women. The polls constituted Afghanistan's first democratic legislative elections since 1969. The nation-wide turn-out was an estimated 53% of those eligible to vote, with the figure decreasing to only 36% in Kabul, a significant decline compared with the level of participation at the 2004 presidential election. The widespread disruption that al-Qa'ida and the Taliban had threatened to orchestrate on polling day did not materialize." **[1c] (Recent history)**

3.08 Europa World Online further recorded that:

"The [election] results, announced in November [2005], showed that many of those who had been elected were powerful factional figures, not aligned with any particular party, leading to fears that the country's legislature would be less a unified mechanism through which the central Government could assert its authority, and more a conduit for the re-emergence of provincial 'warlordism'. The newly elected National Assembly convened for the first time in December. Younis Qanooni, widely perceived to be the most prominent opposition figure in the legislature, was subsequently elected Speaker of the Wolasi Jirga, and Sibghatullah Mojaddedi Speaker of the Meshrano Jirga." **[1c] (Recent history)**

AFGHANISTAN COMPACT, 31 JANUARY 2006

3.09 The Foreign & Commonwealth Office Afghanistan Country Profile, updated 6 Janary 2009, reported:

"With September's elections and the inaugural session of the Afghan National Assembly in December 2005 marking the formal completion of the Bonn Process, the UK hosted the London Conference on Afghanistan on 31 January-1 February 2006. Co-chaired by the Afghan Government, the UK and the UN, the conference saw the launch of the Afghanistan Compact (an agreement between the Afghan Government and the international community led by the UN), the interim Afghanistan National Development Strategy (I-ANDS), and the National Drug Control Strategy.

"The Afghanistan Compact provides the framework for international engagement in Afghanistan for the next five years, setting outcomes, benchmarks and mutual obligations that aim to ensure greater coherence of effort between the Afghan Government and the international community. The Compact supports the Afghan Government's interim National Development Strategy which lays out their vision and investment priorities. The IANDS reflects a process of national consultation, underpinning the benchmarks in the Compact and the targets set in Afghanistan's Millenium Development Goals. Under the Compact the To deliver improved co-ordination the Compact

created a new mechanism called the Joint Coordination and Monitoring Board (JCMB) to ensure coordinated international engagement in Afghanistan.

"The conference was attended by over 60 delegates and demonstrated the commitment of the Afghan Government and the international community to deepen their partnership. Many delegations made new financial pledges at the Conference, making available over $10.5 billion." **[4a]**

Full details of the Afghanistan Compact can be located via the Foreign and Commonwealth (FCO) website at:
http://www.fco.gov.uk/resources/en/pdf/3036656/afghanistan-compact **[4c]**

(See also Annex A for a Timeline of Afghanistan)

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4. RECENT DEVELOPMENTS

4.01 On 30 December 2008 Radio Free Europe/Radio Liberty reported:

"The Afghan government …disarmed and arrested about 50 Afghan policemen, suspected of corruption and helping the Taliban, while a dozen others defected to the Taliban… The police were in charge of security posts in the western province of Farah, where a resurgent Taliban insurgency has flared in recent years. 'We arrested some 48 policemen for their unlawful actions on [December 29], but 12 others handed themselves over to the Taliban,' provincial Deputy Governor Mohammad Younis Rasooli told Reuters. 'We are investigating the arrested policemen to find out what other crimes they have committed,' Rasooli said. The police, often the only arm of the Afghan state active in isolated outposts across the mountainous country, suffer more casualties than any other force… On December 29, a Taliban spokesman told Reuters that about 35 Afghan police had defected to the Islamist group." **[29e]**

4.02 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"In February 2007 both houses of parliament drafted versions of a bill that, if passed, would grant amnesty from prosecution to all persons engaged in conflict for the past 25 years, as well as those who were fighting during the year. Both versions of the bill allow for individuals to bring cases against perpetrators. NGOs, the AIHRC, and many citizens criticized the draft bills, noting they would grant amnesty to gross violators of human rights, including many parliamentarians. The drafts of the amnesty bill had a few minor differences. Under the constitution, the parliament must convene a joint committee to resolve these differences. At year's end this committee had not been convened." **[2a] (Section 1d)**

4.03 On 15 April Afghan women took to the streets of Kabul to protest against a new law which was passed by the two houses of Afghanistan's parliament and reportedly signed by President Hamid Karzai. The new law is believed to contain articles that denies Afghan Shi'a women the right to leave their homes except for 'legitimate' purposes; they cannot refuse their husband sex, forbids them from working, visiting the doctor or receiving education without their husbands' permission; weakens mothers' rights in the event of a divorce; and makes it impossible for wives to inherit houses and land from their husbands. Some protestors were attacked by supporters of the law who threw stones at them and tried to seize their banners. (UN, 2 April 2009 & BBC, 15 April 2009) **[39g] [25aq]**

4.04 On 29 April 2009 Mullah Berader, a top Taliban commander warned that militants would launch a new offensive on Thursday 7 May against "...international and Afghan troops, government officials and 'whoever is supporting invaders in our country., including …ambushes, roadside bombs and suicide attacks'." However, some past threats of militant offensives never materialised, but the Associated Press pointed out that "…Mr. Berader's comparatively measured threat could signal a start point to more aggressive attacks this year." (Associated Press, 29 April 2009) **[54d]**

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ELECTIONS - 2009

4.05 The UN Secretary General report, 10 March 2009 stated that:

> "The upcoming elections have shaped and dominated the political environment in Afghanistan. On 28 January 2009, the Independent Electoral Commission announced that the presidential and provincial council elections would be held on 20 August. The Commission referred to the need to ensure 'universality, fairness and transparency', which would be jeopardized by holding elections in the spring, a time when large portions of the electorate would be inaccessible because of geography and climate.
>
> "Some members of parliament reacted to the Independent Electoral Commission's decision by arguing that according to the Constitution the presidential term ends on 22 May, and that the 20 August election date would therefore create a three-month vacuum of executive authority. On 28 February, President Karzai issued a decree requesting the Commission to ensure that elections were held in accordance with all relevant articles of the Constitution. This was interpreted in the media as meaning that elections should be held before May. On 4 March, the Commission issued a statement reaffirming its previous decision to set 20 August as the election date." **[36c] (p2)**

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5. CONSTITUTION

5.01 The Foreign and Commonwealth Office (FCO) Country Profile, updated 6 January 2009, reported:

"The new constitution was agreed on 4 January 2004 and established a presidential system of government with all Afghans equal before the law. The human rights and gender provisions are an improvement on the 1964 Constitution. A minimum number of seats for women are guaranteed in both Houses of the National Assembly. There are also provisions for minority languages and the rights of the Shia minority." **[4a] (Politics)**

5.02 The World Bank economic report on Afghanistan, dated Febuary 2008, noted that:

"The Constitution establishes a unitary state with a strong central government, providing for a democratically elected President and for separation of powers among the judiciary, executive, and legislative branches. The Government is allowed to delegate certain authorities to local administrative units (provinces) in the areas of economic, social, and cultural affairs, and to increase the participation of the people in development. To this end, it establishes a role for elected provincial, district, and village level councils to work with the sub-national administration. Municipalities are to administer city affairs under the oversight of elected mayors and municipal councils." **[69a] (para. 4.15)**

5.03 A report by the Afghan Independent Human Rights Commission in August 2007 noted the main international human rights treaties that Afghanistan is party to (see Section 7: Human Rights) and also stated that:

"The 2004 Constitution of Afghanistan reaffirms the Government's commitment to human rights:

"Article Six
The state shall create a prosperous and progressive society based on social justice, preservation of human dignity, protection of human rights, realization of democracy, attainment of national unity as well as equality between all peoples and tribes and balance development of all areas of the country.

"Article Seven
The state shall abide by the UN charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights.

Other provisions of the 2004 Constitution reflect International Human Rights Law, such as the principle of equality between all peoples (Article 6) and between men and women (Article 22)." **[78d]**

The Constitution may be accessed via the Foreign and Commonwealth Office: Country Profile on Afghanistan:
http://www.fco.gov.uk/en/about-the-fco/country-profiles/asia-oceania/afghanistan **[4a]**

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6. POLITICAL SYSTEM

OVERVIEW

6.01 The CIA World Factbook, updated on 6 November 2008, noted that Afghanistan is an Islamic republic; the Government consists of both executive and legislative branches. **[3]**

6.02 The USSD Report on Human Rights Practices 2007, released on 11 March 2008, (USSD 2007 report) noted: "Under its new constitution, citizens elected Hamid Karzai president in 2004 and the following year selected a new parliament; although the elections did not fully meet international standards for free and fair elections, citizens perceived the outcomes as acceptable, and the elections established the basis for democratic development at the federal and regional levels." **[2h]** "Elections to the Lower House of Parliament (Wolesi Jirga) and to the Provincial Councils were held in Afghanistan on 18 September 2005. These were the first such elections for 36 years…. The inaugural session of the Afghan National Assembly took place on 19 December 2005." (FCO Country Profile, updated 6 January 2009) **[4a] (Politics)**

6.03 The Economist Intelligence Unit, Country report – Main report, 4 April 2009, in its democracy index ranked:

"… Afghanistan 138th out of the 167 countries rated. It is thus classified as an 'authoritarian' regime, despite having conducted democratic elections for both the presidency and legislature (as well as a number of regional bodies). The country should also succeed in holding a presidential election in 2009, although violence will be more disruptive than in the previous 2004 poll. Afghanistan's low overall score reflects the fact that, despite seven years of strong donor support, including financial, military and governance assistance, its government remains extremely weak—which is reflected in an abysmal score for government functioning. The central government's writ is applied only weakly in much of Afghanistan, with powerful local individuals having much greater power in many areas. In parts of the country security is so fragile that central government influence is hard to detect at all. Particular concern surrounds issues such as tax collection and the enforcement of law (including the eradication of opium poppy cultivation). Disarmament of militias, or their incorporation into national security bodies, remains incomplete. Corruption and misadministration are widespread and extremely serious problems.

"Reflecting the fact that elections have taken place, the country's score for electoral process is more impressive, and for such a poor country Afghanistan's civil liberties score is relatively good. This is partly the result of strong support for civil liberties among Afghanistan's donors and military backers—a position reflected in the country's new constitution. However, conservative Islamic forces have challenged the current line on civil rights in many areas, such as women's rights. In addition, a combination of intimidation (often violent), weak electoral administration skills, poor education and cultural factors mean that the electoral system does not function freely and fairly. Insurgents also target those associated with the government for assassination in much of the country, especially in the south, deterring participation and freedom of expression. Although the Taliban—the fundamentalist movement that ruled most of the country for several years until 2001—did not seek to

prevent the holding of the 2005 parliamentary election, its attitude seems to have become more aggressive since then, which will further discourage participation in government and voting. Afghans are in any case growing more disillusioned with their government, after its failure to deliver on early overoptimistic promises of rapid improvements in security and development. Afghanistan's political culture and political participation scores are thus low." **[84a]**

THE EXECUTIVE BRANCH

6.04 The CIA World Factbook, updated on 6 November 2008, noted that the President Hamid Karzai has been the Chief of State of the Islamic Republic of Afghanistan since 7 December 2004, after winning 55.4 per cent of the vote. He holds the position of Chief of State and Head of Government. Ahmad Zia Masood and Abdul Karim Khalili have been Vice Presidents since 7 December 2004. Both President and Vice Presidents are elected for a term of five years and are eligible to be voted to serve for a second term. The next election is due to be held in 2009. There are 25 cabinet ministers who, under the new constitution, are appointed by the president and approved by the National Assembly. **[3]**

THE LEGISLATIVE BRANCH

6.05 The CIA World Factbook, updated on 6 November 2008, stated that:

"The bicameral National Assembly consists of the Wolesi Jirga or House of People (no more than 249 seats), directly elected for five-year terms, and the Meshrano Jirga or House of Elders (102 seats, one-third elected from provincial councils for four-year terms, one-third elected from local district councils for three-year terms, and one-third nominated by the president for five-year terms)…. On rare occasions the government may convene a Loya Jirga (Grand Council) on issues of independence, national sovereignty, and territorial integrity; it can amend the provisions of the constitution and prosecute the president; it is made up of members of the National Assembly and chairpersons of the provincial and district councils… [elections] last held 18 September 2005 (next to be held for the Wolesi Jirga by September 2009; next to be held for the provincial councils to the Meshrano Jirga by September 2008)… The single non-transferable vote (SNTV) system used in the election did not make use of political party slates; most candidates ran as independents." **[3]**

6.06 The USSD Country Report on Human Rights Practices 2006, Afghanistan, published on 6 March 2007, noted "Of the 249 seats in the Wolesi Jirga, the law requires that 10 seats be allocated to Kuchis." Furthermore:

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

members, including 22 women in the Meshrano Jirga. There was one female governor in Bamyan province." **[2b]**

PROVINCIAL COUNCILS

6.07 The UN Secretary-General report published 21 September 2007 reported that:

"The role of provincial councils has varied from province to province. Weaknesses are due mainly to a lack of capacity and clarity of their role relative to that of the central Government. In March 2007, the provincial council law was amended to endow the councils with a monitoring role as well as an advisory one, but this distinction remains unclear in practice. According to the Constitution, provincial council elections should also be held in 2009; for the elections to be meaningful, however, much more attention must be paid to the institutions of provincial governance." **[39i] (p6)**

6.08 The Institute for War and Peace Reporting, on 19 March 2006 recorded that:

"The 34 [provincial] councils are elected for a four-year term by a proportional representational system based on the estimated population of each province, and they then select their own chairperson. But the constitution is less clear about their job and their powers vis-à-vis other government bodies, particularly the regional administrations led by governors which are appointed by Kabul rather than elected…Council members grumble that the current law binds them hand and foot, giving them no authority at all. Among the areas in which they are demanding more power are provincial budgets and the appointments made by the regional administrations." **[73g]**

6.09 A UN report dated 11 September 2006 stated that "Strong provincial government leadership, starting with the Governor, remain some of the most important factors in achieving progress in the fields of security, development and service delivery at the provincial level. Recent appointments of highly qualified officials in some provinces have led to notable improvements in those areas." **[39l] (p4)** The report further observed that "Provincial governments are the main nodes through which the authority of the central Government is transmitted across the national territory. Centre-province relations are strained in many areas, however, as provincial officials often feel neglected or even undermined by the central Government." **[39l] (p5)**

6.10 The UN Secretary-General's Report of 6 March 2008 noted that "Assembly has submitted a number of laws and agreements to the Upper House (Meshrano Jirga) for approval, including the labour law, the mines law, the cooperatives law and the Framework Convention on Tobacco Control…" Demonstrating that the "relationship between the legislature and the executive branch can produce positive results, important tensions still exist. After extensive debate, the media law was approved by both Houses, but was rejected by the President on the grounds that it was too restrictive." **[39b] (p2)**

POLITICAL PARTIES

6.11 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"The law on political parties obliges parties to register with the [Ministry of Justice] MOJ and requires them to pursue objectives consistent with Islam. Political parties based on ethnicity, language, Islamic school of thought, and religion were not allowed. At year's end there were approximately 100 registered political parties. Parties generally were able to conduct activities throughout the country without opposition or hindrance, except in regions where anti-government violence affected overall security." **[2a] (Section 2b)**

6.12 The Library of Congress, Country Profile on Afghanistan, dated August 2008, recorded that:

"In 2008 the largest individual parties were the Islamic Party of Afghanistan, the National Congress Party of Afghanistan (represented in the presidential election by fifth-place finisher Abdul Latif Pedram), the National Islamic Movement of Afghanistan (an Uzbek party, represented in the election by fourth-place finisher Abdul Rashid Dostum), the National Movement of Afghanistan (a coalition of 11 parties also known as the Afghan Nationalist Party), the Islamic Society of Afghanistan, the Islamic Unity Party, and the United National Front (founded by members of the Northern Coalition and other leaders after the 2005 elections). United National Front member Yonous Qanooni, the speaker of the Wolesi Jirga, has been a key voice of opposition to the Karzai government and is considered a likely candidate in the 2009 presidential election. President Karzai has declined to form a party to advance his programs. The first parliament featured a broad division between leaders of previous military conflicts and younger 'modernists' who emphasized future development of the country. Another important division of political power is between the Pashtun-dominated south and the Tajik- and Uzbek-dominated north." **[98a] (p18)**

6.13 The UNHCR document, Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, 31 December 2007, observed

"Afghan citizens have the right to form social organizations and political parties, provided their programme and charter are not contrary to the principles of Islam, the provisions and values of the Constitution, and that their organizational structure and financial sources are made public. Furthermore, they are prohibited from having military or paramilitary aims, and structures or affiliation to foreign political parties." **[11a] (p23)**

A copy of the Political Parties Law may be accessed via the Afghanistan Online website. **[66]**

See Political affiliation for information on political rights in practice and Annex B for more information on political parties and organisations and a list of political parties approved by the Ministry of Justice

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Human Rights

7. INTRODUCTION

7.01 The UN Secretary General report dated 10 March 2009 stated that:

"Afghanistan continues to be confronted by serious human rights challenges linked to long-standing problems such as weak governance, entrenched impunity, lack of attention to transitional justice, extreme poverty and discriminatory laws and practices, in particular against women and girls. These problems are compounded by the intensifying armed conflict. The transformation of Afghanistan into a peaceful, pluralist society is threatened by growing restrictions on freedom of expression.

"The widespread abuse of power by those in positions of authority, coupled with arbitrary detentions and the continued failure of the judiciary to respect fair trial guarantees or to operate in a just and independent manner, helps sustain the prevailing culture of impunity.

"The Action Plan for Peace, Reconciliation and Justice failed to meet its objectives within the time frame initially envisaged. Reinvigorating the transitional justice agenda is an urgent challenge. The Government and the international community have particular responsibilities to address the concerns of a significant majority of Afghans, who have repeatedly underlined their desire for a just and sustainable peace. The United Nations is reviewing measures needed to safeguard material evidence pertinent to alleged crimes, including allegations of tampering with mass grave sites." **[39j] (p11-12)**

7.02 The USSD Report on Human Rights Practices 2008, Afghanistan, released on 25 February 2009, stated in its introductory section that the country's human rights record remained poor. Human rights problems included:

- extrajudicial killings
- torture
- poor prison conditions
- official impunity
- prolonged pretrial detention
- restrictions on freedom of the press
- restrictions on freedoms of religion
- violence and social discrimination against women
- restriction on religious conversions
- abuses against minorities
- sexual abuse of children
- trafficking in persons
- abuse of worker rights
- child labor **[2a]**

7.03 The Human Rights Watch World Report 2009, Afghanistan, covering events of 2008, stated that "Afghanistan is experiencing its worst violence since the fall of the Taliban government. Widespread human rights abuses, warlordism, and impunity persist, with a government that lacks the strength or will to institute

necessary reforms. Corruption and an escalating cost of living are affecting millions." **[17b]**

7.04 An August 2007 report by the Afghan Independent Human Rights Commission (AIHRC) stated that:

"Afghanistan is a party to the following main international human rights instruments:

International Covenant on Economic, Social and Cultural Rights (ICESCR) – ratified April 1983;
International Covenant on Civil and Political Rights (ICCPR) – ratified April 1983;
Convention Against Torture and other Cruel Inhuman or Degrading Treatment (CAT) – ratified June 1987;
International Convention on the Elimination of all forms of Racial Discrimination (CERD) – ratified August 1987;
Convention on the Rights of the Child (CRC) – ratified April 1994;
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography – ratified October 2002;
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – ratified March 2003;
Optional Protocol on the involvement of Children in Armed Conflict – ratified September 2003." **[78d] (p4)**

Afghanistan also ratified the International Criminal Court (ICC) Treaty on 10 February 2003. (Human Rights Watch, 2004) **[17g]**

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8. SECURITY SITUATION

OVERVIEW

8.01 The UN Secretary-General's report, dated 10 March 2009, stated that:

"According to United Nations statistics, 2008 ended as the most violent year in Afghanistan since 2001, with 31 per cent more incidents than in 2007. The second half of 2008 saw an average of 857 incidents per month, against 625 per month during the first six months. A mild winter has provided an environment for high levels of violence at a time that traditionally sees a decrease in hostilities. Specifically, there were 42 per cent more incidents in December 2008 than in December 2007, and 75 per cent more in January 2009 than in January 2008.

"Two trends identified in the previous report further worsened: attempts by insurgents to destabilize previously stable areas and increased use by insurgents of more sophisticated asymmetric attacks, with an increasing disregard for the lives of civilians.

"These attacks, including assassinations, intimidation, abductions, stand-off attacks, use of improvised explosive devices and suicide attacks, increasingly targeted civil servants, religious scholars, the aid community and road construction projects. The numbers of each type of incident increased in the second half of 2008, and such incidents continued to occur into 2009, including the coordinated armed and suicide attacks against multiple Government ministries in Kabul on 11 February…

"Insurgents continued to expand their presence in previously stable areas. The north-western province of Badghis and the neighbouring province of Faryab became a battleground through the winter, with a significant increase in insurgent action." **[39j] (p5)**

8.02 The Amnesty International Afghanistan Country Report 2009, covering events from January to December 2008, released 28 May 2009, noted:

"The Taleban and other anti-government groups significantly expanded their attacks to cover more than a third of the country, including areas once considered relatively safe in the centre and the north. Increased military attacks between anti-government groups and US and NATO troops resulted in more than 2,000 civilian deaths. The government failed to maintain the rule of law or to provide basic services to millions of people even in areas under its control." **[7m]**

8.03 A report by the World Health Organisation released in February 2009 covered the humanitarian situation in 2008 observing that:

"The security situation in Afghanistan has deteriorated further over the past year, with the number of incidents worsening the security of humanitarian operations increasing year on year since 2005. Armed clashes between the pro-government forces and anti-government elements have continued to rise both in numbers and intensity. At the same time, asymmetric attacks by anti-government elements have risen at an even faster rate. These include the

increasing use of suicide attacks, improvised explosive devices, stand-off attacks, assassinations, intimidation and abductions. Overall security-related incidents including the insurgency, factional issues and related crime reached a peak for 2008 in August, with a total of 987 incidents during the month, against 686 for August of 2007, an increase of 44%." **[43b] (p9)**

8.04 In March 2008 the BBC reported that

"Afghan mobile phone companies have begun switching off their signals at night in parts of the restive south after several attacks by the Taleban. Ten mobile phone masts were attacked in recent weeks, the latest on Tuesday night, the Afghan government says. Last month the Taleban threatened the companies, alleging that the networks were being used by Afghan and Nato troops to target them. Mobile phones are the only form of communication for many Afghans… Since a threat by the Taleban last month to target the towers unless the phone companies switched off their signals at night, 10 such facilities have been attacked, six of them completely destroyed." **[25o]**

8.05 The International Council on Security and Development (ICOS) (formerly Senlis Council) Afghanistan: Decision Point, published in February 2008 noted that "A significant proportion of Afghans are becoming more and more alienated in their own land, severely threatening the international community with the impending burden of a failed state for many years to come.

"A rise in support for the Taliban – be it active, tacit or coerced – shows little sign of slowing, particularly as the movement frequently appears to be the most efficient benefactor of the disenfranchised." **[20a] (p16)**

8.06 IRIN news reported on 22 July 2008 about the increasing attacks on aid agencies. The article noted:

"The increasing number of attacks on aid agencies is reducing their ability to deliver life-saving assistance to vulnerable communities; the consequences are 'serious' and could lead to a 'humanitarian crisis', aid workers have warned… 'If insecurity continues to hamper NGO [non-governmental organisation] access, and needs remain unmet, we worry that the humanitarian situation will deteriorate into a crisis,' Anja de Beer, the director of ACBAR [Agency Coordinating Body for Afghan Relief], a network of 100 local and international NGOs operating in Afghanistan, told IRIN on 21 July in Kabul.

"Beer's concerns were echoed by Matt Waldman, Oxfam's policy and advocacy adviser in Kabul: 'Increasing attacks and threats against aid agencies hinder their ability to provide much needed relief, and if this continues it could have serious humanitarian consequences'.

"Concerns about NGOs' security rose after two French aid workers working for Action contre la Faim (ACF), a French NGO, were abducted by unidentified gunmen in Nili, the capital of Daykundi Province in central Afghanistan, on 18 July [2008]. ACF has temporarily suspended its operations across the country for security reasons." **[36a]**

8.07 On 23 July 2008, IRIN News reported on the increasing amount of health centre closures throughout the country due to insurgency, leaving up to

100,000 people without basic health services over the last four months. Abdullah Fahim, a spokesman for the Ministry of Public Health (MoPH), told IRIN that "Currently some 400,000 people in the country do not have access to basic health services because of attacks on health personnel and health centres, and also due to lack of security for health workers… About 32 health centres were torched, destroyed and/or closed down due to insecurity in 2007. Over the past four months 19 health facilities have been shut down or attacked… At present more than 50 health centres are inactive; some were torched or destroyed, others remain shut because of direct threats to health workers." **[36b]**

(See also section 28: Medical Issues)

8.08 On 1 August 2008, the Agency Coordinating Body for Afghan Relief (ACBAR) released a statement highlighting its concern over the insecurity of Afghan civilians. The statement noted that:

"We, the 100 national and international NGO members of ACBAR, express our grave concern about the deteriorating security situation in Afghanistan and the serious impact on civilians. There has been a surge in the number of civilian casualties caused by all sides, a spread of insecurity to previously stable areas, and increasing attacks on aid agencies and their staff.

"So far this year [2008] the number of insurgent attacks, bombings and other violent incidents is up by approximately 50 per cent on the same period last year. The number of insurgent attacks for each of the months of May (463), June (569) and July is greater than the number of such attacks in any other month since the end of major hostilities following the international intervention in 2001. Prior to May 2008, the highest number of insurgent attacks in a single month was 405 in July 2007…

"Around two-thirds of the reported civilian casualties can be attributed to insurgent activities, especially the increasing use of suicide bombings and other indiscriminate attacks in civilian areas and the use of civilian property from which to launch attacks. The increased number of air strikes by international military forces, which are up by approximately 40 per cent on last year, has also contributed to the rising civilian death toll." **[94a]**

8.09 The UN Secretary-General report published in September 2008 stated:

"The United Nations Department of Safety and Security has assessed approximately 90 of almost 400 districts as areas of extreme risk. According to figures from the Government of Afghanistan, 12 districts are completely beyond its control. Difficulty of access is compounded by the insurgency's aggressive tactics to cut off major provincial centres. Consequently, even areas that have a permissible security environment are increasingly inaccessible to the United Nations, the Government and non-military actors." **[39a] (p6)**

8.10 The International Council on Security and Development (ICOS) (formerly Senslis Council) report, 'Struggle for Kabul: The Taliban Advance', December 2008, stated that:

"According to research undertaken by ICOS throughout 2008, the Taliban now has a permanent presence in 72% of the country. This figure is up from 54% in November 2007… Moreover, it is now seen as the de facto governing power in a number of southern towns and villages. The increase in their geographic spread illustrates that the Taliban's political, military and economic strategies are now more successful than the West's in Afghanistan. Confident in their expansion beyond the rural south, the Taliban is at the gates of the capital and infiltrating the city at will." **[20c] (p5)**

8.11 The September 2008 Human Rights report 'Troops in Contact Airstrikes and Civilian Deaths in Afghanistan' stated that:

"The armed conflict in Afghanistan is governed by international humanitarian law (the laws of war). The applicable law on the conduct of hostilities can be found in Protocol I to the Geneva Conventions, which is largely accepted by the United States and NATO states as reflective of customary international law. The Taliban and other insurgent forces are also bound by the laws of war. The laws of war on the conduct of hostilities require warring parties to take all feasible precautions to minimize harm to civilians. They prohibit deliberate and indiscriminate attacks against civilians, and attacks in which the harm to civilians is disproportionate to the expected military gain." **[17e]**

8.12 The Refugee International report, dated 29 January 2009, stated that "The conflict between NATO/ISAF forces and armed opposition groups has severe consequences on the humanitarian situation. The violence destroys crops and homes, generates displacement, and hampers the ability of humanitarian actors to intervene. Moreover, civilians are often caught in the middle of military operations." **[104a]**

8.13 More than 2,100 civilians were killed in Afghanistan during 2008 because of escalating fighting that spread to new areas. (RFE/RL, 3 February 2009) **[29h]** "Anti-Government elements remain responsible for the largest proportion of civilian casualties, demonstrating in their tactics a disregard for the lives of civilians. Civilian deaths caused by anti-Government elements rose from 700 in 2007 to 1,160 in 2008 — an increase of over 65 per cent." (UN Secretary General, 10 March 2009) **[39j] (p13)**

8.14 News articles on the security situation and security incidents in Afghanistan are regularly published by the international press and are too numerous to detail individually in this report. See the Latest News page at the beginning of this report for information on the most recent reported incidents. The BBC News South Asia, Al Jazeera and Radio Free Europe/Radio Liberty web sites also gives details of incidents as they occur. See:

http://news.bbc.co.uk/1/hi/world/south_asia/default.stm
http://english.aljazeera.net/
http://www.rferl.org/default.aspx

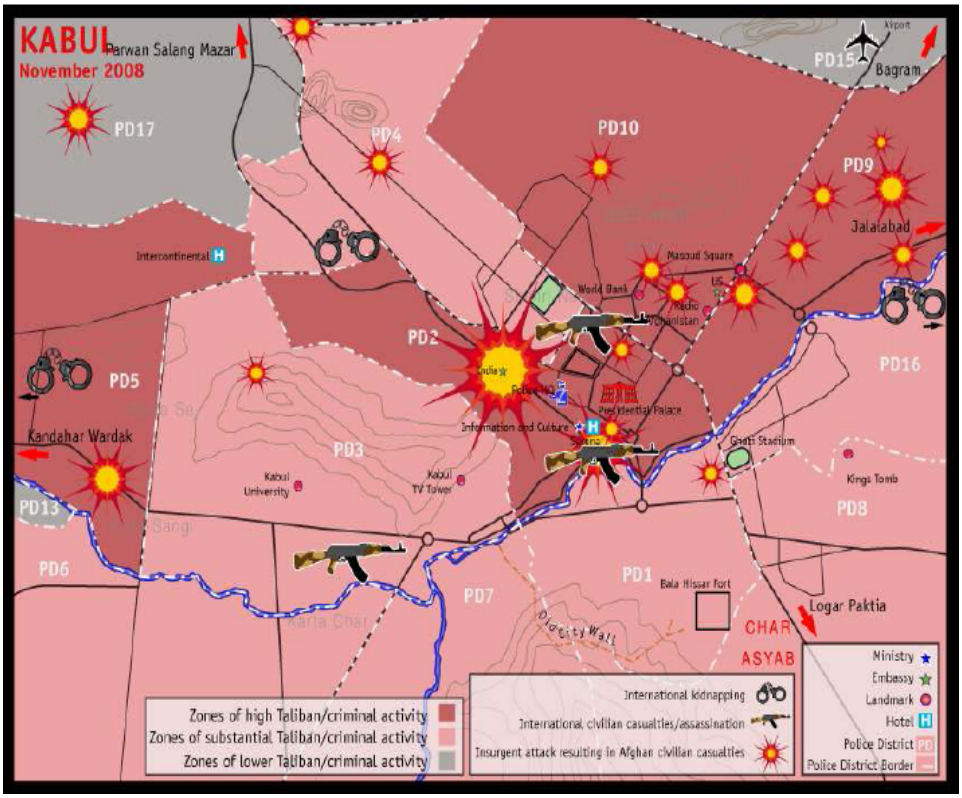
SECURITY SITUATION IN DIFFERENT REGIONS

Kabul City

8.15 The International Council on Security and Development (ICOS) (formerly Senlis Council) reported in December 2008 "With Taliban presence

intensifying and spreading throughout the city [of Kabul], criminal activity has been given space to flourish, increasing significantly in recent months. The fluidity of non-state actors means that it can be impossible to distinguish between Taliban inspired insurgent and pure criminal activities." **[20c] (p5)**

8.16 The map below taken from the December 2008 Senslis Council report gives an indication of the Taliban/criminal presence in Kabul.



"NOTE: Map statistics are based upon publicly recorded attacks and local perceptions of Taliban presence" (The International Council on Security and Development (ICOS) (formerly Senlis Council), December 2008) **[20c] (p5)**

Additional maps on pages 9 to 12 depicting civilian casualties and kidnappings in Kabul can be located in the Senlis report, December 2008 at: http://www.icosgroup.net/documents/Struggle_for_Kabul_ICOS.pdf **[20c]**

8.17 The International Council on Security and Development (ICOS) (formerly Senlis Council) report of December 2008 stated:

"Of the four doors leading out of Kabul, three are now compromised by Taliban activity. The roads to the west, towards the Afghan National Ring Road through Wardak to Kandahar have become unsafe for Afghan or international travel by the time travellers reach the entrance to Wardak province, which is about thirty minutes from the city limits. The road south to Logar is no longer safe for Afghan or international travel. The road east to Jalalabad is not safe for Afghan or international travel once travellers reach the Sarobi Junction which is about an hour outside of the city. Of the two

roads leaving the city to the north only one – the road towards the Panjshir valley, Salang tunnel and Mazar – is considered safe for Afghan and international travel. The second road towards the north which leads to the Bagram Air Base is frequently used by foreign and military convoys and subject to insurgent attacks.

"By blocking the doors to the city in this way, the Taliban insurgents are closing a noose around the city and establishing bases close to the city from which to launch attacks inside it. Using these bases, the Taliban and insurgent attacks in Kabul have increased dramatically – including kidnapping of Afghans and foreigners, various bomb attacks and assassinations. This dynamic has created a fertile environment for criminal activity. The links between the Taliban and criminals are increasing and the lines between the various violent actors becoming blurred. All of these Taliban successes are forcing the Afghan government and the West to the negotiating table." **[20c]**

8.18 The UN Secretary-General's report, dated 23 September 2008 stated that:

"The influence of the insurgency has expanded beyond traditionally volatile areas and has increased in provinces neighbouring Kabul… The insurgency's dependence on asymmetric tactics has also led to a sharp rise in the number of civilian casualties. Civilians are also being killed as a result of military operations carried out by Afghan and international security forces, in particular in situations in which insurgents conceal themselves in populated areas. Another worrying development is the fact that attacks on aid-related targets and non-governmental organizations have become more frequent and more deadly." **[39a]**

8.19 In August 2008 The Nato-led International Security Force (ISAF) began handing over command of Kabul to the Afghan security forces. (BBC, 28 August 2008) **[25l]**

8.20 A UNHCR security update on 6 October 2008, noted that the Sarobi, Paghman (Arghad-e Bala and Arghand-e Payan), Khak-e-Jabar, Musahi and Charasyab districts of Kabul were assessed as being insecure after recent threats had been observed or reported in these areas. **[11d]**

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List of main security incidents in and around Kabul city:

8.21 On Sunday 27 April 2008, Hamid Karzai, Afghanistan's president escaped unhurt in an attack by the Taliban during a ceremony marking the defeat of the Soviet invasion of Afghanistan. At least six people, including a member of parliament and three attackers, were killed and nine others wounded in the assault near the presidential palace, Kabul…. Gunfire and explosions erupted after Karzai had taken the stage after an inspection of troops in what was meant to have been the largest annual parade of Afghanistan's military. **[15c]**

8.22 The BBC reported on 7 July 2008 that "A suicide bomber has rammed a car full of explosives into the gates of the Indian embassy in the Afghan capital, killing 41 people and injuring 141. Five embassy personnel were killed - India's defence attache, a senior diplomat and two security guards - as well as an

Afghan man. Five Afghans died at Indonesia's embassy nearby. … No-one has admitted being behind the attack, the deadliest in Kabul since the overthrow of the Taleban in 2001. Afghanistan has seen a sharp increase in violence, particularly in the south and east - and Taleban militants recently vowed to step up their attacks in the capital." **[25p]** The *Telegraph* reported that at least 141 people were injured in the incident. **[59a]**

8.23 On 22 July 2008, a suicide attack near the Babur's Gardens containing the tombs of the Moghal Empire wounded three people who were riding in a minibus. One report said the bomber was on foot and he detonated his explosives when he saw a security checkpoint. The BBC reported that "Afghanistan has seen a sharp increase in violence recently. Taleban militants recently vowed to step up their attacks in the capital." **[25h]**

8.24 Three civilians died when a suicide bomber attacker targeted a convoy of NATO-led forces on the eastern outskirts of Kabul on Monday 11 August 2008. The *New York Times* reported that this was the first suicide bombing in the capital since 7 July 2008 when the Indian Embassy was attacked, killing nearly 60 people. (*NYT*, 12 August 2008) **[28b]** On Thursday 14 August 2008, two civilians were injured when rockets fired by two militants landed on Afghanistan's International Airport. The *China Daily* reported that the Taliban militants were not available to comment on the incident. **[96a]**

8.25 "While it was true that July and August [2008] had seen the highest number of security incidents since 2002, the insurgency had now extended to provinces around Kabul, the capital, and attacks had become more deadly and increasingly targeted humanitarian personnel." (United Nations, 14 October 2008) **[39e]** "Mohammad Hashim Mayar, the deputy director for the umbrella group overseeing Kabul's aid community, said attacks against relief workers have increased this year [2008], with 28 killed in the first nine months compared with 17 in all of 2007." (e-Ariana, 4 November 2008) **[34a]**

8.26 The BBC reported on 19 August 2008 that:

"Ten French soldiers have been killed in an ambush by Taleban fighters east of the Afghan capital, Kabul. A further 21 French troops were wounded in one of the heaviest tolls suffered by the Nato-led International Security Assistance Force (Isaf)… The deaths come amid warnings that insurgents are closing in on the capital city… The French troops were caught up in fighting that started on Monday in the area of Sarobi some 50 km (30 miles) east of Kabul. French defence officials said about 100 soldiers - from France, the US and Afghanistan - were on a reconnaissance mission when bad road conditions forced them to stop their vehicles. A group of French soldiers was sent ahead on foot to check the terrain, but they were ambushed by Taleban fighters and nine were killed. A tenth French soldier was killed when his vehicle overturned on the road. An Afghan intelligence officer told the BBC the troops had been ambushed from several directions." **[25q]**

8.27 A further BBC report on 20 August 2008 recorded that "Kabul's early morning silence was broken on Monday night first by the crunch of rockets exploding in the city… The second rocket attack in Kabul in less than a week will further feed the paranoia of Afghans and also the international community." **[25r]**

8.28 "At 0800 on Monday 20 October in Kabul Afghanistan, Gayle Williams, 34 years old, one of the women workers of the SERVE Afghanistan team, a joint South African UK national, was walking to work. Gayle was shot and killed shortly before she was due to arrive at the office. Reports say that two men on a motorcycle shot her and then fled the scene." (SERVE, *nd*) **[37a]** "'Our people carried out this attack in District 3 of Kabul this morning,' Zabiullah Mujahed, the Taleban's spokesman, told *The Times*. 'The reason that we killed her was because she was spreading Christianity'." (*The Times* Online, 21 October 2008) **[68b]**

8.29 On 25 October 2008 two men, one of them British, were shot dead in the centre of Kabul:

"David Giles, 42, from Hull, and Jason Bresler, a South African, worked for DHL, the international courier company and were arriving at the company's offices in the morning when the shootings took place. An Afghan security guard was also killed. The Taliban denied any involvement, but that would not rule out involvement by another antiwestern group led by Gulbuddin Hekmatyar, who claimed responsibility for the deaths of 10 French soldiers killed south of the capital in August." (*The Times* Online, 26 October 2008) **[68d]**

8.30 On 30 October 2008 "… three suicide bombers stormed a government ministry. Two of the bombers opened fire on guards outside the Ministry of Information and Culture, while the other bomber detonated inside the government building, Taliban spokesman Zabiullah Mujahid said. Kabul's deputy police chief, Alishah Ahmadzai, said five people were killed and 12 wounded -- six critically. But the Taliban claimed to have killed six guards in the attack, which it said targeted 'foreign advisers' at the ministry. The Afghan government, in a statement condemning the attack, identified the five killed as 'innocent civilians.' Two bombers escaped, according to a Taliban statement. Kabul police have arrested one man suspected of helping the bomber, according to Ahmadzai." (CNN, 30 October 2008) **[97a]** "Azizudin, a police official at the site, said Thursday's explosion caused massive damage to the building, which is located in the city centre, at a busy intersection. The Taliban has claimed responsibility for the blast according to the AP news agency." (AlJazeera, 30 October 2008) **[15e]**

8.31 On 3 November 2008 the BBC reported that "Gunmen in Afghanistan have kidnapped a French aid worker in the capital, Kabul, police say. An Afghan driver who tried to stop the abduction was killed, police said. Officials told Reuters news agency the aid worker was driving in the west of the city with another Frenchman when gunmen in a Toyota saloon seized him… He was in the vehicle of another French non-[g]overnmental organisation, Afrane, which had been blocked by the gunmen's car, officials told the AFP news agency in Paris. They said that Mr Egreteau unsuccessfully tried to flee on foot while his colleague escaped." There was no indication at the time of this report as to the motive. **[25v]** The Christian Broadcasting Network reported on the incident: "Afghan officials tightened security after a French aid worker was kidnapped by three gunman and an intellegence employee was killed while trying to intervene. Taliban militants have denied any involvement in the attack." **[52a]**

8.32 The BBC article of 3 November 2008 also reported that "The Taleban and criminal gangs have kidnapped or killed dozens of foreigners and hundreds of

Afghans over the last five years, but up until recently kidnappings in Kabul have been rare. Most of those abducted were released unharmed after a ransom was paid, but an increasing number have been killed." **[25v]**

(See also Section 27: Abuses by Non-Government Armed Forces - Kidnappings and section 24: Children – Child kidnappings for further information on kidnappings)

8.33 BBC News reported on 17 January 2009 that "A suicide bomb near the German embassy and a US base in the capital, Kabul on Saturday 17 January 2009 killed four civillians and an American soldier, injuring at least twenty others. The Taliban claimed the attack." **[25a]**

8.34 In January 2009 at least 20 people were killed when the Taliban attacked government offices in the capital, Kabul. Two Afghan ministries and a prison headquarters were targeted in the assault, which sent civilians and government workers fleeing for safety. The militants attacked the buildings in response to the alleged mistreatment of Taliban prisoners. (BBC, 11 February 2009) **[25f]** (New York Times, 11 February 2009) **[28a]** (The Long War Journal, 11 February 2009) **[55d]** (Aljazeera, 12 February 2009) **[15h]**

Afghanistan Information Management Services (AIMS) provides district profiles and maps on Afghanistan. **[103a]**
http://www.aims.org.af/sroots.aspx?seckeys=96

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The West and Herat

8.35 The International Committee of the Red Cross noted in its report, Afghanistan: ICRC activities from January to October 2008, released on 13 November 2008, that "The intensity of fighting in western Afghanistan is now comparable to that in the east and south. Hostilities continue to claim the lives of Afghans, international aid workers and foreigners. Remote parts of the country remain difficult to reach." **[64a]**

8.36 In February 2008, The Long War Journal reported that:

"Although the US military has reported a 40 percent decrease in Taliban activity along Afghanistan's porous border with Pakistan, the rugged mountain provinces of Nuristan and Kunar tucked away in northeastern Afghanistan have remained turbulent. Despite the frigid weather and heavy snowfall, insurgent activity in Afghanistan's northeastern Kunar province has been particularly fierce. According to an Afghan security report obtained by the Long War Journal, Kunar suffered 963 attacks in 2007, making it the second most active province for insurgents, after Kandahar." **[55b]**

8.37 The UN Secretary-General's report of 6 March 2008 stated that "With the looting of convoys on the Kandahar-Farah road, WFP has faced problems in transporting food and other vital assistance to Herat, the hub from which aid is delivered to provinces in the western region, which have been most affected by harsh winter conditions." **[39b]**

8.38 An Amnesty International public statement, dated 5 June 2008, reported that "On April 17 [2008], a suicide bomber blew himself up in a busy bazaar in the southwestern Afghan province of Nimroz, killing 23 people, including two senior policemen, and injuring 35 others, including children and women. It is not clear which group was responsible for the attack." **[7e]**

8.39 In August 2008 it was reported that around 60 children and 30 adults were killed in a US air strike in the Shindand district of Harat Province, western Afghanistan. The US air forces were called upon to assist Afghan soldiers who were fighting Taliban militants in the village of Azizabad. President Karzai sacked two senior Afghan Officers over the incident. (BBC, 26 August 2008) **[25n]** The incident sparked a reaction from the Afghan Cabinet calling for an end to air strikes in civilian populated areas. (Al Jazeera, 26 August 2008) **[15d]**

8.40 A UNHCR security update on 6 October 2008, noted that the following western areas were assessed as being insecure after recent threats had been observed or reported:

- "**Hirat:** The whole province except Hirat city, Kohsan, Kushke Rubat Sangi, Guzara and Engil districts are assessed as being insecure.

- **Farah:** The whole province, except Farah city is assessed as being insecure. The highways from Hirat to Farah, from Nimroz to Farah and from Farah to Kandahar are also assessed as being insecure.

- **Nimroz:** The whole province except Zaranj city and the highways from Hirat to Nimroz and Farah to Nimroz are assessed as being insecure.

- **Badghis:** The whole province, except Qala-e-Naw (the provincial capital) Aab Kamari and Qadis districts are assessed as being insecure. The highway from Qala-e-Now (provincial capital of Badghis) to Faryab is also assessed as being insecure.

- **Ghor:** The whole province, except Chakhcheran city (the provincial capital) is assessed as being insecure." **[11d]**

8.41 Around 100 civilians were killed in what was believed to be a US air strike in Farah province during a battle on the 4 and 5 May 2009, resulting in the largest single incident in Afghanistan since the Taliban were toppled in 2001. Between 20 and 30 Taliban insurgents were also reportedly killed in the strike. It is believed that civilians had been sheltering from the fighting when the incident happened. The Taliban had reportedly escaped the fighting in one village and split up taking shelter in two other villages, ushering civilians into their homes and using them as 'human shields'. (Aljazeera, 7 May 2009) **[15i]** (BBC, 6 May 2009) **[25af]**

8.42 The incident forced an outcry in the town of town of Farah, the provincial capital, where protesters staged a protest and threw stones at government offices. "Haji Nangyalai, one of the protesters, said the demonstration had been called to 'show our anger at the crimes committed by the American forces'. 'They have killed our innocent people carelessly, that is why we are protesting'." (Aljazeera, 7 May 2009) **[15i]**

8.43 Al Jazeera reported on 7 May 2009, that

"… there were a number of conflicting accounts of what had occurred. 'The provincial governor told us that no one consulted him about the air strikes,' he said. 'It's also been reported that the Taliban themselves killed villagers... There is one account of how they herded together three families and put them in a room and chucked a grenade in there.'…General David McKiernan said US forces launched air raids as they came to the aid of Afghan police who may have been ambushed by the Taliban. He said the Taliban beheaded three civilians, possibly to lure in the police." **[15i]**

8.44 Aljazeera then reported that the investigation into the US air strike in Farah province 4 and 5 May 2009, headed by an Afghan army general concluded that at least 140 civilians were killed. However, "The US military has acknowledged that 'a number' of civilians were killed, but said it was impossible to say how many because all the bodies were buried before investigators arrived." **[15a]**

Afghanistan Information Management Services (AIMS) provides district profiles and maps on Afghanistan. **[103a]**
http://www.aims.org.af/sroots.aspx?seckeys=96

Central

8.45 The BBC reported on 13 July 2008 that:

"Two Afghan women have been shot dead by Taleban militants in the country's central Ghazni province. Taleban fighters told the Associated Press that the women had been operating a prostitution ring for American soldiers and foreign contractors. They also claimed that the women had been working for the local police. A spokesman for the Ghazni governor said the dead women were 'innocent local people' and the US has also dismissed the allegations." **[25j]**

8.46 A UNHCR security update on 6 October 2008, noted that the following Central areas were assessed as being insecure after recent threats had been observed or reported:

- "Ghazni: The entire province including the highways from Kandahar to Ghazni and from Kabul to Ghzani is assessed as being insecure.
- Maidan-Wardak: The entire province and the highways within the province is assessed as being insecure.
- Logar: The entire province apart from the highway from Kabul to Gardez is assessed as being insecure.
- Kapisa: Alasay, Nijrab, Kohband and Tagab districts and the highways from Mahmood Raqi (the provincial capital of Kapisa) to the mentioned districts are assessed as being insecure.
- Kabul: Sarobi, Paghman (Arghad-e Bala and Arghand-e Payan), Khak-e-Jabar, Musahi and Charasyab districts are assessed as being insecure.

- Parwan: Koh-e-Safi, Siya Gird and Shinwari districts are assessed as being insecure.

- Daikundi: Kiti and Kijran districts and the highway from Uruzgan to Daikundi are assessed as being insecure." **[11d]**

Afghanistan Information Management Services (AIMS) provides district profiles and maps on Afghanistan. **[103a]**
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South, South-East and East

8.47 The UN Secretary-General's report of 6 March 2008 stated that: "Owing to insecure conditions, United Nations agencies are unable to operate in 78 districts in the south of the country. United Nations road missions to almost all districts in the south have been suspended for several months." **[39b] (p12)**

8.48 An Amnesty International public statement dated 5 June 2008, stated that "On 31 January 2008 in Lashkargah, capital of Helmand province a suicide attacker blew himself up inside a mosque, killing the deputy governor of the province, Haji Pir Mohammad, and five other people. Eighteen people were wounded including a a four-year-old child." **[7e]**

8.49 The Amnesty International Public Statement also reported that:

"On 17 February [2008] a suicide bomber blew himself up close to a crowd of around 500 people watching a dog fight in Arghandab, on the western outskirts of Kandahar city. According to Kandahar's governor, Asadullah Khalid, nearly 70 civilians were killed and dozens were injured. The Taleban denied responsibility for the attack, but senior Afghan officials believe the group was targeting the head of Kandahar's Auxiliary Police, Abdulah Hakim Jan, and a militia leader opposed to the Taleban, who also died in the attack." **[7e]**

8.50 The statement also recorded that "On 18 February [2008] a suicide car bomber in Spin Boldak, a district of Kandahar province bordering Pakistan, apparently targeting Canadian troops, killed 35 civilians and injured 27. Three Canadian soldiers were injured in this attack. The Taleban claimed responsibility but denied that civilians were killed." **[7e]**

8.51 On 26 March 2008 the BBC reported that eight people had been killed and at least 17 wounded including five children, when a bomb exploded in an Afghan farmers market, in Gereshk district, Helmand Province. The Taliban [Taleban] were believed to be behind the attack. **[25ax]**

8.52 The BBC further reported on 29 April 2008 that at least 18 people were killed and 41 injured after a suicide attack in Nangarhar province, eastern Afghanistan. Eleven police officers were amoung those killed. The Taleban [Taliban] admitted they carried out the attack. **[25aw]**

8.53 A *Telegraph Online* article dated 14 June 2008 reported that:

"A NATO spokesman said this morning that as many as 1,100 detainees had escaped after the Taliban attacked Sarposa Prison in Kandahar using suicide bombers, a truck bomb and rockets, killing at least nine security guards…The attackers struck with a bomb concealed in a water tanker that blew apart the prison gates, allowing a suicide bomber to dash inside and destroy two mud walls crushing police officers and guards. At the same time, Taliban fighters on motorbike[s] fired rockets at the complex in what an Afghan minister [Qasim Hashimzai] described as the rebels' 'most sophisticated attack yet.' In a sign of the Taliban's confidence in the success of their attack, minibuses were waiting nearby to ferry the rescued prisoners to freedom. Others scurried away through the undergrowth." **[59b]**

8.54 The *Telegraph* article also reported that:

"Qari Yousef Ahmadi, a Taliban spokesman, said hundreds of prisoners had escaped in the assault, which he said had been planned for the past two months 'to release our Taliban friends'. 'Today we succeeded,' he said. The escaped prisoners 'are safe in town and they are going to their homes.' He said 30 insurgents on motorbikes and two suicide bombers staged the attack. He added that a handful of prisoners had not seized the chance to escape and had remained in the prison." **[59b]**

8.55 The BBC reported that many of those that stayed were mainly women, children and political prisoners. Among those who escaped were high-ranking Taleban commanders. Afghan police and army carried out house to house searches while NATO forces secured the city and outlying districts. (BBC, 14 June 2008) **[25am]** The Afghan authorities were investigating the incident. (*The Telegraph*, 14 June 2008)) **[59b]**

8.56 On 24 June 2008 the Institute for War and Peace Reporting (IWPR) also reported on a two-day clash where the

"Taleban were engaged in a standoff against the Afghan National Army, ANA, and NATO in Arghandab [Kandahar province]. The insurgents had mined roads and blown up bridges, and many civilians had left in anticipation of violence. …The insurgent presence in Arghandab increased dramatically following a daring prison break on June 13 [2008], in which at least 350 Taleban were freed, along with several hundred other inmates. …Within days, there were close to 600 fighters gathered in Arghandab, according to residents." **[73d]**

8.57 The IWPR further noted on the incident that "For three days, the tension mounted as the Taleban predicted that they would shortly take Kandahar city, and NATO and the government downplayed the threat. On June 18 [2008], NATO moved into Arghandab, and by the following day it was all but over as the Taleban withdrew and the fighting stopped. Some ANA forces remained in the area to clean up." **[73d]**

8.58 On 13 July 2008 at least 50 civilians, many of them women and children were reported killed in a US airstrike while attending a double wedding between two families, according to Afghan authorities. The US said they had targeted insurgents but eyewitness reports said that the wedding group was passing

though a narrow mountain pass which separated the two families. (BBC Online, 13 July 2008) **[25aj]**

8.59 The *Times Online* also reported on the incident, noting that:

"An Afghan government investigation has concluded that 45 women and children and two men were killed when a US aircraft bombed a wedding party in eastern Afghanistan last Sunday. The nine-man investigation team appointed by the Afghan President, Hamid Karzai, found that only civilians were hit during the airstrike. Burhanullah Shinwari, the leader of the investigation team and the deputy speaker of Afghanistan's Upper House, said: 'We found that 47 civilians, mostly women and children, were killed in the airstrikes and another nine were wounded.' The claims of civilian casualties were initially strongly rebutted by the US military. A US military statement … claimed: 'intelligence revealed a large group of militants operating in Deh Bala district. Coalition forces identified the militants in a mountainous region and used precision air strikes to kill them'." **[68a]**

8.60 The Institute for War and Peace Reporting (IWPR) recorded that tribal leaders called for President Karzai to deliver justice to those responsible for the attack on the wedding party. Rai Khan an elder from Haskamena district said: "Karzai should hand over the murderers so that we can hang them, or else he should resign …If he does not do one or the other, then we will leave our homes and take matters into our own hands." The US were conducting their own investigation. **[73a]**

8.61 The BBC reported on 13 July 2008, that at least 21 people had been killed and 43 wounded in a suicide attack in a crowded market in Deh Rawaud district, Uruzgan province. Police reported that many of the dead were children. The suicide bomber was on a motorbike that struck a police vehicle, according to the provincial police chief, Jumma Gul. **[25ai]**

8.62 ReliefWeb reported on 27 July 2008 "NATO killed dozens of Taliban insurgents in an air strike on Sunday [27July 2008], following an attack by the militants on a government building in southeastern Khost province near the border with Pakistan, the provincial governor said. The Taliban denied they suffered any losses, saying the group killed eight police in the raid on the building." **[40c]**

8.63 The article further noted that "Hours after the attack, a suicide bomber in a separate part of Khost blew himself up at the gate of an Afghan road construction firm, killing a guard and wounding six other people, another official said." **[40c]**

8.64 The BBC reported on 12 May 2008 on the temporary closure of the UN repatriation centre in Jalalabad:

"The UN has closed its repatriation centre in eastern Afghanistan because of unrest in the city of Jalalabad… The UN says it decided to close the centre after protests closed the main road from Kabul to the Pakistan border. In one demonstration, locals claimed that US forces had killed three civilians in a military operation. The other protest, Jalalabad, was connected to the killing of a local MP's father and the kidnapping of seven members of his family. The

UN High Commission for Refugees is keen to stress that the closure is only a temporary measure." **[25ac]**

8.65 A UNHCR security update on 6 October 2008, noted that the following areas in the south, south-east and east were assessed as being insecure after recent threats had been observed or reported:

"**South**
All districts of **Hilmand, Kandahar, Uruzgan, Zabul** and the highways to these provinces and also from Kandahar to Nimroz through Delaram are assessed as being insecure.

"**South East**
All districts of **Paktika, Khost, Paktia** and the highways to these provinces are assessed as being insecure…

"**East**

- Kunar: The whole province except Asad Abad (the provincial capital), is assessed as being insecure.

- Laghman: The whole province except central and eastern parts of Mehtarlam (the provincial capital) is assessed as being insecure.

- Nangarhar: Khogyani, Pacheer Wa Agam, Deh Bala, Naziyan, Shirzad, Chaparhar, Door Baba, Goshta, Lal Poor, Achin, Hisarak and Kot districts are assessed as being insecure.

- Nooristan: The whole province except Paroon (the provincial capital) is assessed as being insecure. " **[11d]**

8.66 Five schoolgirls were attacked with acid by suspected Taliban fighters on 12 November 2008. The girls were on their way to Mirwais Nika Girls High School when the incident happened. Two men on motorbikes stopped next to them and threw acid into the face of one of the girls' inflicting acid burns. Her sister was also injured while trying to help her. (Al jazeera, 12 November 2008) **[15f]**

8.67 On 13 November 2008 the BBC reported that "Seven civilians and a US soldier have been killed in a suicide car bomb attack against a US convoy in eastern Afghanistan, Afghan officials say. The blast tore through a crowded market near Jalalabad, capital of the eastern Nangarhar province. Many of the 65 injured were children, an interior ministry spokesman said… A US military spokesman had earlier told the BBC that 19 people had died in the blast." **[25ab]**

8.68 On 6 January 2009, 32 Taliban (Taleban) insurgents were killed during an operation conducted by coalition forces in Langham Province, east of Kabul. The operation's objective was to disrupt the Taliban's roadside bomb network. Cashes of weapons and explosives were later found during the search of the compound which had been occupied by the insurgents. (BBC Online, 7 January 2009) **[25ab]**

8.69 On 4 May 2009 The BBC reported on bomb attacks in two provinces leaving 25 dead:

"In the southern province of Zabul, a roadside bomb killed 12 civilians, mainly women and children. A separate ambush killed six security workers. In Laghman, an eastern province, seven people including a mayor, bodyguards and villagers were killed by a suicide bomber, the interior ministry said. Officials said a 14-year-old boy detonated explosives strapped to him. The office of the governor of Laghman said 10 people were also wounded, including three women, in the attack outside a municipal administration building, Reuters news agency reported. Police in Zabul said Taleban militants killed the security workers at a construction site, with two civilians also dying." **[25i]**

Afghanistan Information Management Services (AIMS) provides district profiles and maps on Afghanistan. **[103a]**
http://www.aims.org.af/sroots.aspx?seckeys=96

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Border region – Afghanistan/Pakistan

8.70 The International Council on Security and Development (ICOS) (formerly Senlis Council) report published in February 2008 stated that:

"To the east of Afghanistan, it is becoming increasingly clear that several parts of Pakistan's North West Frontier Province are morphing into semi-autonomous statelets beyond the reach of Islamabad. Militants once trained by Pakistan as part of their strategic arsenal against India have now fallen outside of their mentor's control. These loose cannons are posing a security risk to the people of Afghanistan and the forces of NATO-ISAF alike, and more direct preventative measures aimed at blocking their passage to, and egress from, Afghanistan must now be implemented." **[20a] (p9)**

8.71 "In late June [2003] US-led forces launched a major assault on suspected Taliban and al-Qa'ida fighters along Afghanistan's border with Pakistan, in response to an increase in attacks on members of the Afghan Transitional Administration and ISAF. The Taliban, reportedly bolstered by new volunteers from Pakistan and by funds from drugs-trafficking, continued their campaign of violence. Humanitarian organizations were also affected by the increase in violent incidents." (Europa World Online, accessed 5 January 2009) **[1c] (Recent history)**

8.72 Europa World Online futher added:

"In 2005–06, however, despite a number of meetings between Afghan and Pakistani officials, relations were strained, with President Karzai and his Pakistani counterpart engaging in public recriminations over cross-border activities and the fight against the Taliban. In December 2006 Pakistan's proposal to lay landmines and construct fences along the Afghan–Pakistani border to prevent the cross-border movement of militants provoked a negative reaction from Karzai, who claimed that such a strategy would be divisive. Relations between the two countries appeared to improve with the holding of a joint `peace jirga' in Kabul in August 2007." **[1c] (Recent history)**

8.73 The US State Department (USSD) report 2007, published on 11 March 2008, stated that:

”Taxi, truck, and bus drivers reported that both security forces and armed militants operated illegal checkpoints and extorted money and goods. The number of such checkpoints increased at night, especially in the border provinces. In Kunduz the customs department had no effective control of the many illegal crossings and claimed the corruption of border police permitted smuggling of drugs, weapons, and other commodities. Residents reported having to pay bribes to ANP [Afghan National Police] and border police officials at checkpoints and border crossings between Jalalabad and Pakistan. The Taliban imposed nightly curfews on the local populace in regions it controlled.” **[2h] (Section 2d)** Furthermore, the report noted that “Ethnic Hazaras reported being asked to pay additional bribes at border crossings where Pashtuns were allowed to pass freely.” **[2h] (Section 2d)**

8.74 Radio Free Europe / Radio Liberty reported in November 2008 that:

“The border areas linking northwestern Pakistan with eastern Afghanistan have seen a significant increase in violence of late, threatening Kabul's control over its share of the vital region. November 13 [2008] saw one of the area's deadliest attacks in recent months when a suicide car bomber struck a U.S. military convoy passing through a busy cattle market in Bati Kot, a village on the outskirts of Jalalabad, capital of Afghanistan's eastern Nangarhar Province. A U.S. military spokesman said more than 20 civilians and one U.S. soldier were killed in the attack. Seventy-four civilians were injured, according to an Afghan health official. There was no immediate claim of responsibility for the attack, but Taliban militants regularly use suicide attackers in assaults against Afghan, U.S., and other foreign forces.” **[29b]**

8.75 The BBC Online reported on 26 November 2008 that the US and Pakistan military “…are working together closely on a section of the border that divides the Afghan province of Kunar and the Pakistani tribal area of Bajaur. Pakistan launched a serious and sustained operation there after its forces were besieged by local Taleban militants supported by foreign fighters from Afghanistan. The Americans say this is having a significant impact in curbing cross-border militancy, and have moved to block the escape of fleeing insurgents.“ **[25ap]**

8.76 In December 2008 “…authorities briefly suspended the Khyber supply route to launch an offensive against militants. The operation was intended to halt a wave of hijackings and attacks on vehicles carrying supplies into Afghanistan.” (BBC Online, 14 January 2009) **[25au]** In January 2009 ethnic Pashtun tribesmen blockaded the border crossing in the Chaman area of Balochistan province in protest at the killing of a tribesman by the security forces. However, the blockade ended after five days when it was agreed that the killing would be investigated. (BBC Online, 14 January 2009) **[25au]**

8.77 Four militants were killed by Pakistani forces in the Bajaur region of the Afghan border on 9 July 2008 after the militants “…fired rocket-propelled grenades at a paramilitary force post near the town of Nawagai, a military official said.” This was the most serious incident in the area since militants declared a cease-fire two weeks previously. “Pakistan is under international pressure to eliminate militant enclaves in lawless ethnic Pashtun areas on the Afghan border from where the Taliban orchestrate their insurgency in Afghanistan and Al-Qaeda plots violence.” (RFE/RL, 9 March 2009) **[29j]**

Afghanistan Information Management Services (AIMS) provides district profiles and maps on Afghanistan. **[103a]**
http://www.aims.org.af/sroots.aspx?seckeys=96

North and North-East

8.78 The UN Secretary-General's report of 6 March 2008 stated that "While the effects of insecurity in the south of the country have been widely reported, the Afghanistan Non-Governmental Organization (NGO) Safety Office has reported that in 2007 over half of fatalities of NGO personnel occurred in the north, mainly in connection with economically motivated crimes." **[39b] (p12)**

8.79 A UNHCR security update on 6 October 2008 noted that the following areas in the north-west and north-east were assessed as being insecure after recent threats had been observed or reported:

"**North West**

- Faryab: Kohistan, Qaisar and north of Almar districts are assessed as being insecure.

"**North East**

- Baghlan: Baghlan Jadid, Baghlan Kohna, Nahreen, Andarab (now divided to Banu, Deh Salah and Pul-i-Hesar districts), Khost, Fereng, Guzargah Noor, Jelga districts are assessed as being insecure,

- Kunduz: Chardara, Dasht-e-Archi, Akhtash area of Khan Abad districts and the highway to Dasht-e-Archi are assessed as being insecure." **[11d]**

8.80 On 1 August 2008, the Agency Coordinating Body for Afghan Relief (ACBAR) released a statement also highlighting its concern over the insecurity to Afghan civilians. The statement noted that "Insecurity has spread to areas which were previously relatively stable in parts of north, northwest and central Afghanistan, such as Badghis, Ghor, Farah and Kunduz, including to provinces close to and bordering Kabul, such as Ghazni, Logar and Wardak." **[94a]**

Afghanistan Information Management Services (AIMS) provides district profiles and maps on Afghanistan. **[103a]**
http://www.aims.org.af/sroots.aspx?seckeys=96

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9. SECURITY FORCES

OVERVIEW

9.01 Jane's Sentinel Security Assessment: Afghanistan, accessed 18 June 2009

"The new US administration of President Barack Obama has made Afghanistan one of its principal foreign policy priorities…In February 2009, Obama authorised the deployment of 17,000 extra troops to Afghanistan to join the more than 30,000-strong US force there…The United States already has about 23,000 troops serving with NATO and approximately 15,000 under its own command. These additional troops are expected to combat deteriorating security in southern Afghanistan and help to secure more areas for reconstruction." **[35a]**

9.02 The USSD Country Report on Human Rights Practices 2008, Afghanistan, released on 25 February 2009, (USSD Report 2008) noted that:

"The Afghan National Police (ANP), under the Ministry of Interior (MOI), has primary responsibility for internal order. The [National Directorate for Security] NDS has responsibility for investigating cases of national security and also functions as an intelligence agency. In some areas powerful individuals, some of whom reportedly were linked to the insurgency, maintained considerable power as a result of the government's failure to assert control. The North Atlantic Treaty Organization remained in control of the UN-sanctioned International Security Assistance Force (ISAF), which worked closely with the national security forces." **[2a] (Section 1d)**

(See also Section 9: ISAF and PRTs and The role of PRTs for more detailed information)

POLICE

Afghan National Police (ANP)

9.03 The Afghanistan Research and Evaluation Unit's report, 'Cops or Robbers? The Struggle to Reform the Afghan National Police', published July 2007 noted that:

"The Afghan National Police (ANP) is Afghanistan's over-arching police institution, which consists of the following forces: Afghan Uniformed Police (AUP) who are responsible for most day-to-day police activities; Afghan Border police (ABP); Afghan National Civil Order Police (ANCOP); and the Counter Narcotics Police of Afghanistan (CNPA). In 2006 a temporary force, the Afghanistan National Auxiliary Police (ANAP), was established separate from the ANP to support counter-insurgency operations. The ANP operate under the authority of the Ministry of Interior (MoI), which is also responsible for overseeing provincial and district administration and for implementing the government's counter-narcotics policies." **[22a]**

9.04 The Jane's Security Risk Assessment report, Afghanistan, Security forces, updated 3 December 2008, noted that there were approximately 76,000 police personnel. The report also stated:

"The police in Afghanistan have never had an effective national enforcement capacity and have only been able to fully represent the authority of central government within the main cities. Their effectiveness in rural areas (over 90 per cent of the country) has depended entirely on co-operation from local leaders, including religious figures…The Afghan National Police (ANP) force is yet to undergo the reforms required to perform its core mission successfully. Development has been hindered by a lack of federal institution building, corruption, absence of sufficient trainers and a lack of sustained effort by the international community.

"The ANP does not function as a united, professional and disciplined law enforcement entity and is unable to preserve law and order across the majority of the country. Outside Kabul the police depend on considerable assistance from foreign organisations and nations, supported by military force. Former UF fighters without any police training who remain loyal to their former military commanders and/or tribal entities constitute the majority of personnel. Illiteracy and an ignorance of the law prevents some of them from performing even basic duties. Like several other tiers of civil service, many police personnel are not paid regularly and their stations lack even basic equipment such as radios/telephones, pens and paper." **[35a]**

9.05 The World Police Encyclopedia, 2006 edition recorded that:

"The Afghan National Police (ANP) is a centralized, militarilistic state organization under the direction of the Minister of Interior Affairs. It is modelled on the European police system… During the period of conflict from the late 1970s to 2002, there was no effective civilian police. Generally, the military, intelligence agencies, Vice and Virtue Police, warlords, or other armed groups usurped the police function and emphasized their own political and security goals. After the fall of the Taliban in December 2001, the urgent need to re-establish security and civil society made police reform a priority. Germany agreed to lead international efforts to help the Afghan government reconstruct its national police force." **[23] (p4-5)** The Afghan National Police (ANP), under the Ministry of Interior (MOI), has primary responsibility for internal order. (USSD, 2008) **[2a] (Section 1d)**

9.06 The World Police Encyclopedia, 2006 edition, stated

"There are four levels of police and gendarmes in the rank system and a number of ranks within each level. The first or highest level includes ranks equivalent to brigadier general or assistant deputy commissioner and above. The second level contains ranks equivalent to major or colonel or chief inspector to chief superintendent. The third level includes ranks equivalent to company sergeant major to captain, or police staff seargent to inspector. The fourth level includes ranks equivalent to constable to sergeant." **[23] (p4-5)**

9.07 The World Police Encyclopedia, 2006 edition further added that "The basic requirements for entering the police school are Afghan citizenship, age between seventeen and twenty-two years, good physical and mental health, height of at least 1.70 meters, no criminal record, and a minimum nine years of schooling. After the successful completion of one year of police training, a recruit can be appointed as a constable.

The main text of this COI Report contains the most up to date publicly available information as at 28 May 2009. Further brief information on recent events and reports has been provided in the Latest News section to 26 June 2009.

"The higher the level in the police hierarchy, the longer the training. Non-commissioned officers train for a year at the police academy. Commissioned officers receive three years of academic training interspersed with a year of practical training between the second and third and another at the end of the third year, forming in total a training programme of five years. A U.S. screening and training programme was introduced in 2003 to ensure that former conscripts retrained in the ANP are suitable for police work and receive eight weeks of basic police training." **[23] (p6)**

9.08 The Afghan police do not generally carry firearms. However, they are issued weapons when required. "The Law of the Police and Gendarmes sets out the conditions in which firearms and explosives can be used by the police." (The World Police Encyclopedia, 2006 edition) **[23] (p6)**

9.09 The Afghanistan Research and Evaluation Unit's Report, 'Cops or Robbers? The Struggle to Reform the Afghan National Police', published July 2007 noted that:

"One of the big challenges confronting efforts to develop an effective police force in Afghanistan is the lack of policewomen. Of the 63,000 police being paid salaries in the spring of 2006, only 180 were women. Of these, many carry out menial tasks such as cleaning, cooking, and making tea for the men, rather than meaningful policing duties. A few have been trained and posted to search female passengers and their luggage at Afghanistan's airports.

"Afghanistan's conservative culture, which generally requires the strict segregation of men and women, makes the need for more policewomen extremely important. It is culturally unacceptable for male police to interrogate women, let alone search them. The lack of policewomen to question and search female suspects has reportedly resulted in an increasing number of women being used by drug traffickers to smuggle drugs." **[22a]**

(See also Section 23: for further information on Afghan women)

9.10 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers dated December 2007, noted that:

"On 16 August 2006, President Karzai announced that locally recruited temporary auxiliary police forces would be established to strengthen Afghanistan's permanent police force. The overall strategy was to integrate the auxiliary police forces into a unified chain of command and control of the Ministry of Interior. The programme was initiated in six priority insurgency-affected provinces: Farah, Ghazni, Helmand, Kandahar, Uruzgan and Zabul. It was subsequently extended to the provinces of Herat, Kunar, Laghman, Logar, Nangarhar, Nuristan, Paktya and Paktyka. Although the aim was to train and deploy 9,063 auxilliary policemen by 1 May 2007, only 3,212 had been trained, equipped and deployed, by June 2007." **[11a] (p33)**

9.11 The UN Secretary-General report, dated 23 September 2008 stated that:

"Serious shortcomings remain, however, with regard to training and equipping the police. Since the Afghan National Police is the only security force that maintains a durable presence in communities across Afghanistan, its shortcomings have serious effects. A weak, ineffective or distrusted police

force becomes an obstacle to implementing an effective counter-insurgency effort, combating crime and ensuring respect for rule of law, securing a stable Government presence in unstable provinces and keeping vital highways safe and accessible. Border police are almost non-existent along significant parts of the country's border and are unable to prevent large-scale smuggling and drug trafficking. Insufficient numbers of police officers and lack of training and equipment have contributed to a very high casualty rate among the members of the Afghan National Police. As many as 720 police officers have been killed since March. Finally, corruption remains a problem. There are credible reports of police positions, particularly in lucrative transit and drugtraffickingcorridors, being 'sold' for large amounts of money." **[39a] (p7)**

9.12 The Foreign and Commonwealth Office noted in a letter dated 17 March 2008 that:

"The Head of the Police Professional Standards Dept (PPSD) at the Afghan Ministry of Information advises that they investigated 200 complaints against police officers from members of the public this Afghan calendar year (21 March 07-20 March 08). Complaints ranged from minor assaults to using status to demand sexual favours…. 4 out of the 200 have been 'proven' and these have been referred to prosecutors within the Ministry to instigate court proceeding." Complaints involving bribes or corruption, however, are handled by another department in the Ministry." **[4d]**

Afghan Uniformed Police (AUP)

9.13 The Afghanistan Research and Evaluation Unit (AREU) report, July 2007 stated that:

"The AUP is the largest force within the ANP and is responsible for day-to-day police activities at the provincial and district levels. AUP responsibilities include maintaining public order and security, preventing and discovering crime, arresting suspects, protecting public and private property, and regulating road traffic. The strength of the AUP envisioned in the Afghanistan Compact was 31,000, but this number is being revised upward to 45,000." **[22a] (p11)**

Afghan Border Police (ABP)

9.14 The AREU report, July 2007 stated that:

"The function of the ABP is to secure Afghanistan's borders and its international airports. It is responsible for providing border security, surveillance and control, including the prevention of smuggling, drug trafficking and the crossborder movement of insurgents. The ABP are currently organised into eight brigades, but will be reorganised into five border zones that correspond with the five ANP and ANA regional commands. The ABP are responsible for manning 13 border checkpoints, which may be increased to 14, and conducting patrols along the border. The ABP's current strength is 7,900, and the target is 12,000, but the latter number is being revised upward to 18,000." **[22a] (p12)**

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Afghan National Civil Order Police (ANCOP)

9.15 The AREU report, July 2007 stated that:

"The ANCOP is a new police force that was conceived in mid-2006. The mission of the ANCOP is to maintain civil order in Afghanistan's seven largest cities, to provide a robust and mobile police presence in remote high-threat areas, and to serve as a rapid-reaction force to support other police in an emergency. The ANCOP will have strong leadership and be better trained (16 weeks of training) and better equipped than the AUP and ANAP, eventually with special weapons and tactics (SWAT) capabilities." **[22a] (p12)**

9.16 The International Crisis Group Briefing, 18 December 2008 noted that "…they are presently operating almost exclusively in areas where the local police have been sent for training under the Focused District Development (FDD) program. ANCOP's performance and lack of ties to local abusive powerbrokers have apparently led some populations to request these units remain, instead of their regular police returning." **[26a] (p4)**

Counter Narcotics Police of Afghanistan (CNPA)

9.17 The AREU report, July 2007 stated that "The function of the CNPA, which has an approved force size of 2,264, is counter-narcotics investigation and enforcement. Unlike all the other police forces, which report to the MoI's Deputy Minister for Security, the CNPA reports to the Deputy Minister for Counter Narcotics. The CNPA includes a National Interdiction Unit (NIU), established in October 2004 that conducts interdiction raids across Afghanistan." **[22a] (p13)**

Afghanistan National Auxiliary Police (ANAP)

9.18 The Afghanistan Research and Evaluation Unit (AREU) report, July 2007, stated that:

"The ANAP is a recently established temporary police force that is separate from the ANP. It was created in 2006 as a quick fix measure to help address the growing Taliban-led insurgency in southern Afghanistan, and as a way to bring militia groups loyal to local governors under the control of the central government. The approved ANAP force size is 11,271. Recruits are hired locally in 124 high-risk districts, initially with a focus on six provinces in southern Afghanistan. New recruits initially receive only ten days of training — five days of classroom instruction and five days of range firing — followed by one week of additional training each quarter during their one-year contract.

"Upon completion of this brief training, ANAP recruits are issued an AK-47 assault rifle and a standard ANP police uniform, although with a distinctive patch. They are entitled to the same US$70 monthly salary as a regular ANP patrolman. ANAP is presently viewed as a temporary force and recruits are only given contracts for one year, but they are likely to be incorporated into the regular ANP at the end of that year. The first ANAP class graduated in October 2006 in Zabul province, where the programme was first piloted." **[22a] (p13)**

9.19 A report by the International Crisis Group published in December 2008 noted that:

"… [T]he Afghan National Auxiliary Police (ANAP), terminated on 30 September 2008, was widely considered a failure. The program, started in 2006, sought to induct 11,000 village youths to defend their areas after a ten-day training program. In some southern provinces, nearly one third of the trainees were never seen again after they had been given a gun, uniform and this brief training. About 3,200 have since received three weeks' additional training and transitioned to the Afghan Uniformed Police. Others, considered unsuitable or unable to find positions in the new tashkeel, were simply let go, with no apparent efforts to disarm them." **[26a] (p4)**

Structure and Reform

9.20 International Crisis Group (ICG) reported on 18 December 2008 that:

"Police reform in Afghanistan is receiving more attention and resources than ever before, but such increased efforts are still yet to be matched by significant improvements in police effectiveness and public confidence. Too much emphasis has continued to be placed on using the police to fight the insurgency rather than crime. Corruption and political appointments are derailing attempts to professionalise the force. The government and the international community need to reinforce the International Policing Coordination Board (IPCB) as the central forum for prioritising efforts and drive forward with much greater unity of effort. Tangible steps such as appointing a career police commissioner and establishing community liaison boards will build professionalism and wider outreach. A national police force able to uphold the rule of law is crucial to statebuilding and would help tackle the root causes of alienation that drive the insurgency." **[26a] (p5)**

9.21 The ICG continued "Considerable work has gone into overhauling payroll and identification systems to provide more accountable oversight and end patronage networks that skim salaries meant for police officers who may or may not exist. The Electronic Payroll System now functions in most regions, with individual records for some 63,486 police. Of these 35,369 are paid by electronic transfers to individual bank accounts." **[26a] (p3)**

9.22 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"Rank and pay reform procedures put in place in 2006 were largely complete. The force rank structure was revised to align the size of the force with the mission requirements and to align ANP salaries with their ANA counterparts. The reform resulted in the retirement or demotion of more than 7,300 officers in the past two years. International support for recruiting and training of new ANP personnel was conditional upon new officers being vetted in a manner consistent with international human rights standards to generate a more professional police force. The international community worked with the government to develop training programs and internal investigation mechanisms to curb security force corruption and abuses. Over the last 18 months, more than 25,000 ANP members received training in the constitution, police values and ethics, professional development, preventing domestic violence, and fundamental standards of human rights in addition to core

policing skills. Under the Focused District Development (FDD) program, ANP were trained in policing skills including human rights at the central training center and regional training centers for eight-week periods. Nevertheless, human rights problems persisted." **[2a] (Section 1d)**

9.23 The International Crisis Group report dated 18 December 2008 stated that:

"In 2008, insurgents have increasingly targeted female police, with one of the most prominent policewomen, Lt. Colonel Malalai Kakar, killed in Kandahar in September 2008… Her murder followed the killing of a female officer in Herat and two women working at a police station in Ghazni, accused by the insurgents of 'immorality', whose execution was filmed and later shown by many national broadcasters to little local outcry." **[26a] (p5)**

9.24 The report further noted:

"A number of steps are being taken to build up the number of women in the ranks. Because few women are able to stay away from their families in Kabul for prolonged periods to attend the police academy, efforts to increase the number of female officers include training and special courses for higher ranks in the regions as well as incentive payments. The 2008 tashkeel [authorised personnel ceiling] also provides for a new gender mainstreaming unit in the interior ministry to contribute to policy and planning. The unit has begun work with nine staff in Kabul, with 30 to be appointed in the regions." **[26a] (p5)**

(See also Section 23: Women)

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Torture

9.25 The USSD report 2008 stated that:

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

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

"The Ministry of Women's Affairs (MOWA) and NGOs reported police frequently raped female detainees and prisoners. There were reports of abuses by Taliban and other insurgent groups. Media reports and firsthand accounts accused the Taliban of employing torture in interrogations of persons they accused of supporting coalition forces and the central government. The Taliban claimed responsibility in such cases by contacting newspapers and television stations." **[2a] (Section 1c)**

9.26 A report by Amnesty International dated November 2007 stated that:

"Amnesty International has received reports of torture, other ill-treatment, and arbitrary detention by Afghanistan's intelligence service, the National Directorate of Security (NDS). Detainees are transferred from international forces operating in Afghanistan as part of the International Security Assistance Force (ISAF) to Afghan authorities. By transferring individuals to a situation where there is a grave risk of torture and other-ill treatment, ISAF states may be complicit in this treatment, and are breaching their international legal obligations…Concerns about the NDS first emerged in 2002, shortly after it was reformed from the previous Afghan intelligence institution, with a UN call for robust reform. The UN reiterated its concerns about the NDS as recently as September 2007 when it called for investigations into allegations of torture and other ill-treatment by the NDS. The full mandate of the NDS is not made public but appears to include powers to arrest, charge, prosecute and judge individuals for a variety of security-related offences. It also operates its own detention facilities." **[7i] (Frontpage)**

(See also Section 9: Security Forces - National Security Directorate (NSD) (Amniat-e Melli)

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Extrajudicial Killings

9.27 The USSD report 2008 noted that extrajudicial killings continued in Afghanistan:

"In May [2008] the UN Special Rapporteur on extrajudicial, summary, and arbitrary executions visited the country and reported on many cases in which police killed civilians with impunity. He focused on the need to reform the Afghan National Police and judicial system, curbing Taliban and other anti-government elements' abuses, and addressing the often overlooked extrajudicial killing of women. His preliminary report dated May 29 stated that although there were no reliable figures on the numbers of such killings, the numbers of alleged killings were high enough to give Afghans, particularly in the south, some reason to support the Taliban." **[2a] (Section 1a)**

9.28 "A special rapporteur of the UN Commission on Human Rights has said hundreds of civilians have been unlawfully killed by the Afghan police, militias, international forces, foreign intelligence agents and Taliban insurgents in the past four months. Philip Alston - UN rapporteur on extrajudicial, summary and arbitrary execution, who visited different parts of Afghanistan and held extensive talks with commanders of the international forces based in Afghanistan, Afghan government officials, tribal elders and other actors - said at least 300 civilians had been killed by insurgents and about 200 others had been killed by international forces in 2008." **[36p]**

9.29 On the issue of impunity of government officials who commit human rights abuses an IRIN News article dated 19 May 2008 report that:

"'A key reason for these failures to act is the extent to which senior government and international officials focus on 'stability' and 'security' rather than 'human rights',' he said. 'No one in the government has any interest in

investigating, much less prosecuting, those responsible [for unlawful killings]…and no one in the international community seems prepared to change that situation.'" **[36p]**

9.30 Extra-judicial killings recorded in early 2009, included: On 12 January 2009 A man was executed after being sentenced to death for murder in Ghazni city, in southern Ghazni province of Afghanistan after the family of the victim referred the case to the Taliban. He was accused killing a person in the Kalata area of Ghazni city. On 13 April 2009 Taliban militants publicly executed a man and girl for eloping when she was already engaged to marry someone else. On 4 May 2009 three former government employees were executed by the Taliban in Farah province, western Afghanistan accused of cooperating with the state. (Hands Off Cain, accessed 18 June 2009) **[83a]**

ARMED FORCES

9.31 Jane's Sentinel Security Assessment: Afghanistan, updated 19 March 2009, reported:

"Creating an armed forces from nothing is a lengthy and complex process. Planning in Afghanistan has been haphazard, uncoordinated and complicated by corruption and well-meaning but inchoate foreign assistance. The Ministry of Defence remains near non-functional as regards budgeting, long-term planning, establishment of doctrine, structured acquisition of equipment, or any other facet of force development." **[35a]**

9.32 The Afghanistan National Army (ANA) website, accessed on 17 March 2009, noted that:

"Upon becoming president of Afghanistan, Hamid Karzai set a goal of an army of 70,000 men by 2009. By January 2003 just over 1,700 soldiers in five kandaks (Pashtun for battalion) had completed the 10-week training course, and by June 2003 a total of 4,000 troops had been trained. Initial recruiting problems lay in the lack of cooperation from regional warlords and inconsistent international support. The problem of desertion dogged the force in its early days: in the summer of 2003, the desertion rate was estimated to be ten percent and in mid-March, 2004 estimate suggested that 3,000 soldiers had deserted." **[12a]**

9.33 The ANA website further noted:

"As of September 2005, 28 of the 31 Afghan National Army Battalions were ready for combat operations and many had already participated in them. At least nine brigades are planned at this time, each consisting of six battalions. By March 1, 2007 half of the planned army of 70,000 ANA soldiers has been achieved with 46 Afghan battalions operating in the fore or in concert with NATO forces. A total of 14 brigades that will primarily be regionally oriented are planned for 2008.

"Five Corps exist, serving as regional commands for the ANA: the 201st Corps based in Kabul, the 203rd Corps based in Gardez, the 205th Corps based in Kandahar, the 207th Corps in Herat, and the 209th Corps in Mazar-e-Sharif. Each of the four outlying Corps will be assigned one brigade with the majority of the manpower of the army based in Kabul's 201st Corps." **[12a]**

9.34 A Report by the UN Secretary-General dated 23 September 2008 stated that "The Afghan National Army has continued to improve and has now reached strength of more than 62,000. Following a request by the Minister of Defence of Afghanistan, the Joint Coordination and Monitoring Board, at its ninth meeting, on 9 September, agreed to raise the recruitment ceiling from 88,000 to 122,000 by 2012, reflecting the readiness of the Government of Afghanistan to gradually take greater responsibility for the security of the country." **[39a] (p6)**

(See also Section 10: Military Service)

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OTHER GOVERNMENT FORCES

National Directorate of Security (NDS) (Amniat-e Melli)

9.35 The UN Security Council report, 10 November 2008 stated that

"The National Directorate of Security is the intelligence agency of the Government of Afghanistan. It is one of the largest security sector agencies operating under a still classified decree. The Directorate exercises extensive powers, including for detaining, interrogating and investigating, prosecuting and sentencing people alleged to have committed crimes against national security, and it also takes part in military-related operations." **[39d] (p4)**

9.36 A report by Amnesty International dated November 2007 stated that:

"The NDS is one of the largest security sector agencies in Afghanistan. With its headquarters in Kabul, the NDS has sub-offices across the country and 30 departments with approximately 15–30,000 staff. The NDS is presumed to report directly to President Karzai, although the mandate of the NDS is outlined in a Presidential decree that has not been published and remains secret. Amnesty International has also been informed that the NDS also operates under a law promulgated in 1987, 'Law of Crimes against Internal and External Security of the Democratic Republic of Afghanistan', but that its current functions are much broader than this 1987 law would suggest." **[7i] (p33)**

9.37 The Amnesty report futher noted:

"Public knowledge of the organization and oversight mechanisms of the NDS remains limited, but its powers to detain, prosecute, sentence and imprison people appear to reach far beyond the mandates of many intelligence agencies around the world. Amnesty International is particularly concerned that the NDS's powers of investigation and detention are not separated from its powers of prosecution and imprisonment, and that this improper overlapping of functions violates the right to a fair trial, facilitates impunity for perpetrators of human rights violations and undermines the rule of law." **[7i] (p34)**

(See also Section 9: Security Forces – Torture and Section 13: Prison conditions for further information on the NDS)

Fomer security services - KHAD (KhAD)

9.38 A UNHCR report, dated May 2008, stated:

"The origins of KhAD ['Khadimat-e Atal'at-e Dowlati', i.e. State Information Service] can be traced back to a 1,200-strong group inside the PDPA [Peoples Democratic Party of Afghanistan] which, after the arrival of Russian troops in December 1979, took over intelligence responsibilities from KAM. That group, comprised of parchamis, was active from December 1979 until March 1980, and was known as 'the activists'. It was led by a smaller group, headed by Dr. Najibullah and Dr. Baha, who worked on designing and establishing the structure which would be known as KhAD. The Government of Babrak Karmal officially announced the creation of KhAD, with its internal structure of multiple Directorates, on 10 January 1980. In 1986, KhAD was upgraded to Ministry level and from then on was known as WAD (Wezarat-e Amniyat-e Dowlati or Ministry of State Security)." **[11c] (p2)**

9.39 Reporting of the number of KhAD members the UNHCR 2008 report noted that:

"… the strength of the KhAD/WAD, at the peak of its capacity, comprised a total of about 1,000 persons per province, with some provinces having more than others. Of these, about one quarter are believed to have formed the personnel of Support Directorates. In addition, the organization may have had up to 20,000 personnel at its Headquarters in Kabul, an undetermined number of agents and informers depending on location, and a further undetermined number in its military wings. In total, KhAD/WAD may have had between 15,000 and 30,000 staff at the height of its development, the figure being between 60,000 and 90,000 if agents and informers are also taken into account." **[11c] (p4)**

9.40 The same source stated:

"The KhAD/WAD structures included several military components:

- The Directorate for Counter-Rebellion had three military battalions with soldiers based mainly in Kabul City, tasked with operations including arrest and preliminary investigations;

- Fighting forces of KhAD/WAD tasked with carrying out military operations were composed on an ad hoc basis of operative officers of different Directorates, and sent to the front lines;

- As of 1988, the National Guard was established, headed by the fourth Deputy Minister inside the WAD structure, who had himself three deputies: for propaganda and counter-propaganda, operational and logistics affairs respectively. It had more than ten units, each composed of 500 to 700 officers and soldiers, covering ground operations and air defense. The National Guard was tasked with offensive military operations, but was not part of security and intelligence operations." **[11c] (p5)**

9.41 The UNHCR further noted that:

"KhAD/WAD had also some level of control on the Kabul Garrison that was the main military unit in charge of the city's security and army recruitment. The Garrison was under the overall authority of the Deputy Minister of Defense, and was managed in close consultation with senior officials from the Ministry of Interior, the Attorney General's Office, and the KhAD/WAD…

"The KhAD/WAD maintained 32 interrogation units, one in each of the provinces of Afghanistan. Reports of torture exist for the provincial centers in Bamian, Ghazni, Jalalabad, Kandahar, Lashkargah, and Pol-e Khomri. In addition, KhAD/WAD is reported to have practiced torture in the following locations: near Dar-ul Aman palace in Kabul; in Shashdarak area north of Kabul; in two locations, one in Bibi Mahroo in the north-east of Kabul, and the other in Wazir Akbar Khan, near the city centre; and a large building complex in central Kabul known as Sedarat, which also housed the WAD headquarters and the Special Court of National Security." **[11c] (p5-7)**

9.42 UNHCR continued:

"KhAD/WAD officers often infiltrated Mujaheddin groups and fighting forces as commanders, tasked with supporting Afghan Government military operations by weakening the Mujaheddin capacity, exposing Mujaheddin military plans, destabilizing Mujaheddin groups and paving the way for government military action against the Mujaheddin. They were authorized to use any necessary strategies to maintain their cover and not disclose their identity as KhAD/WAD officers." **[11c] (p5-6)**

9.43 Furthermore the report added:

"At both the national and the provincial/district level, certain Directorates were engaged in active security operations, during which many human rights violations occurred. These were above all the Directorates for Operative Activities for Internal Control of KhAD/WAD Personnel, for Counter-Rebellion, for Surveillance of Foreign and National Suspects, for the Protection of the Government and its Representatives, for Activities linked to Infiltration of Mujaheddin, the Directorate of Interrogation, as well as the Police KhAD/WAD, and the corresponding functional units at provincial and district level. The military KhAD/WAD was present throughout the armed forces' structures down to at least battalion level, according to their functional and geographical structures, but still reported to KhAD/WAD.

"However, the KhAD/WAD also included non-operational (support) Directorates/Units at the central, provincial and district levels, as follows:

- Administration and Finance
- Cadre / Personnel
- Post and Parcels
- Propaganda and counter propaganda
- Logistics
- Telecommunications and Decoding
- Press and Educational Institutions
- Agents and Informers

The main text of this COI Report contains the most up to date publicly available information as at 28 May 2009. Further brief information on recent events and reports has been provided in the Latest News section to 26 June 2009.

- Analysis and Reporting." **[11c] (p6-7)**

9.44 The UNHCR further noted:

"For all officers of KhAD/WAD, a mandatory training course was conducted at the KhAD/WAD training centre in Kabul. The training included logistics, recruitment, defamation techniques, organization and identification of covert meetings and networks and training in the use of small networks. Training for middle rank officers (i.e. first lieutenant to lieutenant colonel) was equally mandatory, and was organized in Tashkent (Uzbekistan). Unlike the mandatory training for all KhAD/WAD officers, it included training on interrogation and criminal investigation techniques. Training for high-ranking KhAD/WAD officers (from the rank of colonel upwards) was conducted in Moscow. This training included management and policy issues as well as financial affairs. There is no information available on the number of participants in these courses." **[11c] (p8)**

(See also Section 9: National Security Directorate)

For further information on the history and structure of KHAD, refer to the May 2008 UNHCR report source **[11c]**

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INTERNATIONAL FORCES

9.45 Amnesty International reported on 11 November 2007 that:

"On 7 October 2001, the US-led OEF [Operation Enduring Freedom] was launched as a response to the attacks on the US on 11 September 2001. Security Council Resolution 1368 adopted on 12 September 2001 granted international legal authority for OEF, condemning the 11 September attacks and affirming the right of states to individual and collective self-defence. OEF aimed at ousting the Taleban government which had provided a safe haven for Osama bin Laden and al-Qa'ida. US forces were supplemented by ISAF forces in 2001." **[7i] (p4)**

International Security Assistance Force (ISAF)

9.46 The NATO website, updated March 2008, noted that "The Afghan authorities have the primary responsibility for security. For its part, ISAF's role is to support the Government of the Islamic Republic of Afghanistan (GIRA) in providing and maintaining a secure environment in order to facilitate the re-building of Afghanistan and the establishment of democratic structures, and to assist in expanding the influence of the central government across the country.

"More specifically, ISAF's main security tasks include:

- The conduct of stability and security operations
- Support to the Afghan National Army (ANA)
- Support to the Afghan government programmes to Disarm Illegally Armed Groups (DIAG)

- Support to the Afghan National Police (ANP), within means and capabilities." **[63a]**

9.47 The UN Secretary General report dated 10 March 2009 noted:

"ISAF now has approximately 55,000 troops from 26 North Atlantic Treaty Organization (NATO) and 15 non-NATO countries. Coalition force personnel operating under United States command are believed to number approximately 14,000. The Combined Security Transition Command — Afghanistan, which reports having over 7,000 members, including contracted civilian trainers and mentors, is responsible for assisting the development of the National Army and the National Police." **[39j] (p6)**

Provincial Reconstruction Teams (PRTs)

9.48 The USAID website described the the PRT Mandate:

"PRTs in Afghanistan are key instruments through which the international community delivers assistance at the provincial and district level. As a result of their provincial focus and civilian and military resources, PRTs have a unique mandate to improve security, support good governance, and enhance provincial development. The combination of international civilian and military resources also allows the PRT to have wide latitude to implement their mandate.

"A PRT generally covers one province in Afghanistan, but some cover more than one. There are currently 26 PRTs operating in Afghanistan. PRTs seek to establish an environment that is secure and stable enough for the operation of international and Afghan civilian agencies to provide development support. Due to their unique composition, PRTs are also able to deliver development and support to less secure areas. USAID's programs attempt to work with PRTs to deliver services in less secure or underserved areas of Afghanistan.

"PRTs have a broad mandate that covers the following areas:

- They engage key government, military, tribal, village, and religious leaders in the provinces, while monitoring and reporting on important political, military and reconstruction developments.

- They work with Afghan authorities to provide security, including support for key events such as the Constitutional Loya Jirga, presidential and parliamentary elections, and the disarmament, demobilization and reintegration of militia forces.

- They assist in the deployment and mentoring of Afghan national army and police units assigned to the provinces.

- In partnership with the Afghan Government, the U.N., other donors and NGOs, PRTs provide needed development and humanitarian assistance." **[60b]**

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AVENUES OF COMPLAINT

9.49 BBC News reported on 10 March 2008 that a new government office to deal with "all manner" of complaints and pass these on to the Office of the President. The office has 23 staff and is currently based in the capital, Kabul. The head of the new office said it "…will take the necessary measures to address people's problems - but with no executive powers, critics say it is unclear how effective the complaints procedure can really be." **[25av]**

9.50 The USSD Report 2008 stated "The MOI [Ministry of Interior] Human Rights Unit receives and responds to complaints of police abuse and has trained at least two ANP officers in each province and one at each checkpoint in Kabul to recognize and report human rights violations. Communication and coordination of reports between the provinces and MOI headquarters in Kabul remained a concern." **[2a] (Section 1d)**

9.51 The Afghan Independent Human Rights Commission noted in a report, Economic and social rights in Afghanistan, released in August 2007 that "According to Article 58 of the 2004 Constitution of Afghanistan, the Afghan Independent Human Rights Commission was established with the purpose of 'monitoring the observation of human rights in Afghanistan, to promote their advancement and protection'." **[78d]** "The Commission receives complaints from people around the country and seeks to resolve them through negotiation, court cases, complaints to government ministries and general social activism." (UN-appointed independent expert, 21 September 2004) **[39k] (para.42)**

(See also Section 17: Human Rights Institutions, Organisations and Activists - Afghanistan Independent Human Rights Commission)

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10. MILITARY SERVICE

10.01 The Child Soldiers Global Report 2008, Afghanistan, released April 2008, noted that there was no conscription in the country. It also noted that:

> "Afghanistan's declaration on acceding to the Optional Protocol stated that 'according to the Decree No. 20 dated 25 May 2003 on the voluntary enrolment to the Afghan National Army … the minimum age for recruitment of Afghan Citizen to an active military service is limited by the age of 22 to 28. All recruitments of personnel in the Afghan National Army is voluntary and is not forced or coerced [sic]'." **[33a]**

10.02 The CIA World Factbook, updated 6 November 2008, noted that recruitment started at 22 years old and "inductees are contracted into service for a 4-year term." **[3]** The Library of Congress country profile of Afghanistan, updated in August 2008, observed that "Males are eligible for conscription at age 22, and volunteers may enlist at age 18. The term of service for conscripts is four years." **[98] (p22)**

(See also Section 9: Security Forces – Armed Forces for information on the Afghan National Army (ANA) or Section 24: Children for information on child solders)

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11. JUDICIARY

ORGANISATION

11.01 Europa World Online, accessed on 1 August 2008 stated:

"In December 2001, following more than 20 years of civil conflict, there no longer existed a functioning national judicial system in Afghanistan. In accordance with the Bonn Agreement signed in that month, Afghanistan temporarily reverted to the Constitution of 1964, which combined Shari'a with Western concepts of justice. A new Constitution was introduced in early 2004, which made no specific reference to the role of Shari'a but stated that Afghan laws should not contravene the main tenets of Islam. The Constitution made provision for the creation of a Supreme Court (Stera Mahkama) as the highest judicial organ in Afghanistan. Until the inauguration of the Court, which took place shortly after the Meli Shura (National Assembly) was officially opened on 19 December 2005, an interim Supreme Court, established in January 2005, functioned in the country…The Supreme Court comprises nine members, including the Chief Justice, who are appointed by the President, subject to the approval of the Wolasi Jirga (House of Representatives)." **[1g] (Judicial system)**

11.02 The US State Department (USSD) Country Report on Human Rights Practices 2008, Afghanistan, published on 25 February 2009 (USSD 2008 report), stated that:

"The judicial branch consists of the Supreme Court, high courts (appeals courts), and primary courts. Judges are appointed with the recommendation of the Supreme Court and approval of the president. The Supreme Court has overall responsibility for the national court system. The president appoints Supreme Court members with the approval of the House of Representatives (Wolesi Jirga). A national security court tried terrorists and other cases, although details on its procedures were limited…

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

"Courts primarily decided criminal cases in major cities, although civil cases were often resolved in the informal system. Due to the undeveloped formal legal system, in rural areas local elders and shuras were the primary means of settling both criminal matters and civil disputes; they also allegedly levied unsanctioned punishments. Some estimates suggested 80 percent of all cases went through shuras, which did not adhere to the constitutional rights of citizens and often violated the rights of women and minorities. An NGO in Herat, however, reported shuras often treated women fairly in resolving civil matters such as divorce and custody cases." **[2a] (Section 1e)**

11.03 The USSD 2008 report further stated that:

"In 2005, President Karzai passed a counternarcotics law by decree that serves as law pending parliamentary review. The law created a separate central court with national jurisdiction for narcotics prosecutions above a

threshold level and an accompanying investigatory unit. During the year, it consisted of 30 prosecutors, 35 investigators, seven primary court judges, and seven appellate court judges. The court handled all cases beyond a threshold of two kilograms of heroin, 10 kilograms of opium, and 50 kilograms of hashish or precursor chemicals." **[2a] (Section 1e)**

INDEPENDENCE

11.04 The USSD 2008 noted "The law provides for an independent judiciary…but in practice the judiciary was often underfunded, understaffed, and subject to political influence and pervasive corruption Pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency, as well as bribery and corruption, threatened judicial impartiality." **[2a] (Section 1e)** On the same subject the Secretary-General report 6 March 2008 observed that:

"The Ministry of Justice, whose capacity remains limited, continues to be overburdened by the amount and complexity of legislation awaiting drafting, scrutiny and review. The Ministry, as well as the Supreme Court and the Attorney-General's Office, continue to experience a significant lack of resources, infrastructure and qualified and experienced judges and prosecutors. The establishment of the National Legal Training Centre has resulted in the provision of 'stage' training to those being inducted for judicial or prosecutorial service. However, threats and bribery make it difficult to recruit, deploy and retain qualified justice officials of integrity in areas where they are most needed. Low salaries also contribute to creating conditions conducive to corruption. Further, the lack of transparent and merit-based processes for appointments and career advancement and the absence of effective and fair mechanisms for investigating ethical-code violations result in insufficient accountability, undermining public trust in the judicial system." **[39b] (p6)**

11.05 The Freedom House 2008 Afghanistan Country report stated that:

"There is no functioning nationwide legal system, and justice in many places is administered on the basis of a mixture of legal codes by judges with minimal training. Outside influence over the judiciary remains strong, and judges and lawyers are often unable to act independently because of threats from local power brokers or armed groups. Salaries for judges are woefully inadequate, and corruption is widespread. In rural areas with no police or judicial institutions, unelected and often conservative tribal councils dispense justice. The Supreme Court, composed of religious scholars who have little knowledge of civil jurisprudence, is particularly in need of reform; the replacement of Fazl Hadi Shinwari as chief justice in 2006 was a positive step. The administration's plans to rebuild the judiciary have proceeded slowly, although a new criminal procedure code was promulgated in early 2004 and some progress has been made on the construction of courts and correctional facilities. Many Afghans still do not have access to judicial or legal services, and local warlords act with impunity in parts of the country that remain outside the central government's reach. In the south, the Taliban have established Sharia courts that employ a harsh form of Islamic law." **[41a] (p7)**

(See also Section 18: Corruption)

FAIR TRIAL

11.06 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

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

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

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

"In cases lacking a clearly defined legal statute, or cases in which judges, prosecutors, or elders were simply unaware of the law, courts and informal shuras enforced customary law; this practice often resulted in outcomes that discriminated against women. This included the practice of ordering the defendant to provide compensation in the form of a young girl to be married to a man whose family the defendant had wronged." **[2a] (Section 1e)**

11.07 Radio Free Europe / Radio Liberty reported in December 2008, that:

"More Afghans are being detained without trial, with poor people or those without powerful connections the most common victims, unable to pay bribes to secure their release… While the number of prisoners in Afghanistan remains relatively low, the figure has has more than doubled in the last three years, says the UN, with 12,500 prisoners in the country compared with 6,000 in January 2006." **[29f]**

11.08 The International Development Law Organisation (IDLO) website, accessed on 17 May 2009, noted that

"One of the most serious problems facing the legal system of Afghanistan is a lack of legal material and resources. Libraries and legal collections in the country were in fact largely destroyed during twenty four years of war. Most

judges report that they do not have adequate access to professional resources. In a 2007 survey, 83% stated that they do not have access to written decisions of the Supreme Court; 55% stated that they do not have access to textbooks on the law, procedure and practice; and 36% stated that they do not have sufficient access to statutes or governmental regulations." **[81a]**

CODE OF CRIMINAL PROCEDURE

11.09 A report by the UN Secretary-General dated 12 August 2005 stated that "Following the establishment of the Judicial Reform Commission in 2002, an interim criminal procedure code has been adopted and a number of other relevant laws essential to justice reform have been enacted or drafted." **[39c] (p10)** The International Committee of the Red Cross (ICRC) website provides a copy of the 'Interim Criminal Procedure Code for Courts 2004' **[39c]**

11.10 The USSD 2008 noted that "The Criminal Code, which human rights and legal experts widely reported was inadequate, continued to be rewritten and improved during the year." **[2a] (Section 1d)**

11.11 USAID published an English translation of the Shiite Personal Status Law in , April 2009. **[60d]**

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12. ARREST AND DETENTION – LEGAL RIGHTS

12.01 Article 31 of the Constitution adopted in January 2004 states:

"Every person upon arrest can seek an advocate to defend his/her rights or to defend his/her case for which he/she is accused under the law. The accused upon arrest has the right to be informed of the attributed accusation and to be summoned to the court within the limits determined by law. In criminal cases, the state shall appoint an advocate for a destitute…The duties and authorities of advocates shall be regulated by law."

The Constitution also states that "All final decisions of the courts are enforceable, except for capital punishment, which is conditional upon approval of the President." **[4b]**

12.02 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"The law provides for access to legal counsel, the use of warrants and bail, and provides limits on how long detainees may be held without charges. Detainees often were not informed of charges against them. Police have the right to detain a suspect up to 72 hours to complete a preliminary investigation. If they decide to pursue a case, the file is transferred to the prosecutor's office, which must see the suspect within 48 hours. The investigating prosecutor could continue to detain a suspect without formal charges for 15 days from the time of arrest while continuing the investigation. The prosecutor must file an indictment or drop the case within 30 days of arrest. In practice many detainees did not benefit from any or all of these provisions. NGOs continued to report that prison authorities detained individuals for several months without charging them. The press and human rights organizations reported arbitrary arrest in most provinces. There was little consistency in the length of time detainees were held before trial or arraignment…

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

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

"According to the MOJ, 12,495 persons were detained in correctional facilities nationwide, of whom 7,855 had been tried and convicted; the remaining 4,640 were awaiting trial. There were also widespread shortages of judges. Bamyan

Province, for instance, reported during 2007 no judges were present in three districts and three others were understaffed. Another significant barrier to justice was detainees' lack of awareness of their rights under the 2004 Interim Criminal Code for Courts." **[2a] (Section 1d)**

12.03 The report further noted "An analysis of 104 juvenile cases where the sentence had been confirmed showed that over half would have been eligible under this code for a nonprison sentence. However, there is currently only one day rehabilitation centre recently constructed in Kabul by UNICEF which is not yet operational." **[105a]**

12.04 The Human Rights Watch, 2009 report on Afghanistan stated that "The US military operates in Afghanistan without an adequate legal framework, such as a status-of-forces agreement, and continues to detain hundreds of Afghans without adequate legal process." **[17b]**

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13. PRISON CONDITIONS

13.01 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

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

"The government reported 34 provincial prisons and 203 district detention centers. The government also reported 30 active rehabilitation centers for juveniles. Twenty-two provincial prisons and four district detention centers reported housing female inmates at year's end." **[2a] (Section 1c)**

13.02 The Freedom House 2008 report stated "Prison conditions remain extremely poor. Many inmates are held illegally, and prisoners are forced to rely on relatives for food and other provisions, according to the AIHRC. Prison riots in Kabul in February 2006 left 5 people dead and over 50 wounded." **[41a] (p7)**

(See also Section 12: Arrest and Detention – Legal Rights)

13.03 The United Nations Office on Drugs and Crime report, Female prisoners and their social reintergration, March 2007 recorded that:

"Pul-e Charki prison for women comprises one of the blocks of the prison complex housing male and female prisoners in Kabul. Accommodation is provided in nine rooms, holding 4 to 15 prisoners each and their children. There were 69 women prisoners in the prison in December 2006, with 43 children. Twelve of the children were born in prison. There are 15 members of staff. All those working in the prison are female, though external security is provided by male staff.

"Food is delivered to the women's dormitories. Most women interviewed complained of the lack of adequate and good quality food. Some women also receive food from their families, depending on whether they have visits, which often is not the case.

"Healthcare is inadequate. A prison doctor is said to visit on a regular basis, but interviews suggested that visits take place only on request and that treatment provided typically consists of pain killers only. A female gynaecologist working for AWEC [Afghan Women's Educational Centre] has been visiting prisoners in Pul-e Charki once a month. The NGO, Emergency, also provides medical care to male and female prisoners in Pul-e Charki, with a 24-hour medical service available to prisoners. AWEC and Emergency supplement the diet of pregnant women and breast feeding mothers. Prisoners were not satisfied with the medical service and complained of various health conditions, including Hepatitis B and especially psychological problems. AIHRC expressed concern regarding the arrangements for

childbirth. Hospitals apparently do not send doctors to prisons for delivery (and in any case there are no proper facilities for women to deliver in prisons), and they do not always accept women from prison for childbirth in hospitals." **[87b]**

13.04 The report also noted that "Toilet and washing facilities are located outside the prison and hygiene is poor…. and many women complained about the lack of a heating system. There are three rooms which are used for vocational training and education classes, provided by AWEC (Basic Health Education, Literacy Classes, First Aid, Handicrafts and Tailoring). Classes are held five days a week, between 8.30 and 12.00." **[87b]**

(See also Section 23: Women and Imprisonment of Women for further information)

13.05 Furthermore, the report noted "There is a day centre for children, though it did not appear to be in use at the time of visits conducted in December 2006, due to the lack of heating. At other times AWEC facilitates a child specialist to take care of the children in this day centre and teaches them the basics of the alphabet, numbers and Islam. The children are said to be given toys to play with and taught to draw. They are also provided with supplementary food by AWEC." **[87b]**

(See also Section 24: Children)

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14. DEATH PENALTY

14.01 The Constitution of January 2004 allows for capital punishment, conditional on the approval of the President. **[4a]** The Hands Off Cain report on Afghanistan, accessed on 17 May 2009, noted:

"The 160 articles make no explicit reference to Sharia law, but the constitution declares Afghanistan to be an 'Islamic republic' and states that 'no law shall be contrary to the beliefs and provisions of the sacred religion of Islam' – and the Islamic provisions do foresee capital punishment, namely for crimes against Islam (armed robbery, adultery, and apostasy or blasphemy), and for crimes against the person (murder)." **[83a]**

"The 1976 Penal Code, still in force nowadays, identifies the crimes subject to capital punishment in numerous articles, which refer to two main categories: crimes against the security of the State and crimes against individuals, namely certain types of aggravated murder.

"Other provisions of aggravated murder have been included in recent legislation, such as: the Anti Narcotic and Drug Law issued in November 2003, which provides for the death sentence in the case where a drug smuggler, while resisting arrest, kills a law enforcement officer; and the presidential decree of July 3, 2004 that foresees the death penalty for those convicted of child kidnapping and smuggling aimed at using the victim's body parts whenever a death is caused as consequence.

"Crimes punishable by death are also listed in the Law on Crimes against Internal and External Security of 1987, and in the Military Law of 1989, both of soviet inspiration and still in force. Such crimes are mostly related to the security of the State, especially in time of war. The crimes identified by these laws are processed respectively by the National Security Court and by the Military Court.

"However, the newly adopted Juvenile Code, that defined as juvenile 'a person who has completed the age of 12 and has not completed the age of 18', clearly states, under article 39, paragraph c, that children cannot be convicted to death penalty." **[83a]**

14.02 Amnesty International reported on 13 November 2008:

"The death penalty is handed down in Afghanistan for crimes such as kidnapping, murder and rape…. According to Afghan law, all death sentences have to be endorsed by three courts (primary, appeal and Supreme Court) before they go to the president who has to sign the execution order, or pardon those accused. The Taliban used the death penalty until the end of their rule in 2001. After they fell from power the new government observed a self-imposed moratorium that ended three years later with the execution of Abdullah Shah in April 2004." **[7c]**

14.03 In October 2007, the use of the death penalty was resumed after a three-year moratorium when President Karzai ratified the death sentences of 15 prisoners, which were reportedly carried out in chaotic circumstances. (Aljazeera.net, 8 October 2007) **[15b]** (AI, 9 October 2007) **[7k]** (IRIN,

17 October 2007) **[36u]** (Times Online, 6 November 2007) **[68c]** (International Relations and Security Network, 13 November 2007) **[82a]** A November 2007 report by the International Relations and Security Network (ISN) remarked:

"Government officials are defending last month's execution of 15 prisoners, despite of claims that the operation was a roadside slaughter. The authorities have been severely criticized for the escape of Afghanisyan's [sic] most notorious criminal Timor Shah, who was sentenced to death for kidnapping, rape and murder. It is not clear how Timor Shah managed to avoid the 7 October execution, which reportedly took place at 9:30pm by the side of a road on the outskirts of Kabul." **[82a]**

14.04 Amnesty International's Afghanistan report 2008 recorded the incident, noting that one of those sentenced to death bribed his way out of his execution and the other 15 were shot as they attempted to flee the execution. The report further noted that "Between 70 and 110 people were believed to remain on death row." **[7l]** A report by Radio Australia on 18 April 2008 stated "In Afghanistan a hundred people have been sentenced to death on a single day. Human rights groups have called on President Hamid Karzai not to sign the execution orders." **[10a]** Human rights groups questioned whether the Afghan justice system was capable of providing free and fair trials. They say there is a risk innocent people could be executed. (BBC Online, 13 November 2008) **[25w]**

(See also Section 16: Freedom of Speech and Media – Journalists for information on journalists sentenced to death)

14.05 Amnety International's report, Death Sentences and Executions in 2008, published in March 2009 noted:

"In Afghanistan at least 17 people were executed and at least 131 others sentenced to death. The Supreme Court of Afghanistan upheld around 31 death sentences issued by lower courts and which now await President Karzai's approval. The trial proceedings in most cases violated international standards of fairness, including providing inadequate time for the accused to prepare their defence, lack of legal representation, reliance on weak evidence and the denial of the defendants' right to call and examine witnesses." **[7n]**

14.06 Death sentences handed out in early 2009, included:

- on 27 February 2009 three police officers were sentenced to death and two others sentenced to 20 years in prison after hanging a person, in Ghargi area of Panjwai District while they were manning a police checkpoint;;
- on March 12, 2009 three people were sentenced three to death in two murder cases at a primary court in western Herat province; and
- on 28 February 2009 a villager was sentenced to death for giving wrong information that resulted in nearly 100 civilians being killed in Nato airstrikes which took place in August 2008 in Herat Province. (Hands Off Cain, accessed 18 June 2009) **[83a]**

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15. POLITICAL AFFILIATION

FREEDOM OF POLTIICAL EXPRESSION

15.01 The US State Department Report on Country Human Rights Practices 2008, Afghanistan, released on 25 February 2009, stated:

"The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in the 2004 presidential and 2005 parliamentary elections…In 2004, citizens chose Hamid Karzai to be the first democratically elected president in an election that was perceived as acceptable to the majority of the country's citizens. Observers stated it did not meet international standards and noted irregularities, including pervasive intimidation of voters and candidates, especially women.

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

"On October 6 [2008], voter registration for the 2009 presidential and provincial council elections and the 2010 parliamentary elections started under the direction of the Independent Election Commission…There was no established tradition of political parties; however, they slowly grew in importance in the National Assembly. The MOJ recognized more than 100 accredited political parties. Political parties generally were able to conduct activities throughout the country, except in regions where anti-government violence affected overall security. Many tribal leaders, former mujaheddin leaders, and insurgents were active MPs. There were reports that some used fear and intimidation to influence the votes of other members. AIHRC and UNAMA reported officials sometimes interfered with political parties. The parties also exercised significant self-censorship. Political parties were visibly suppressed or curtailed in some parts of the country.

"Although women's political participation gained a degree of acceptance, there were elements that continued to resist this trend. Women active in public life faced disproportionate levels of threats and violence… There were no laws preventing minorities from participating in political life; however, different ethnic groups complained of not having equal access to local government jobs in provinces where they were in the minority. The law requires 10 seats of the Wolesi Jirga be allocated to Kuchis. Some members of parliament disagreed with this allotment arguing that under the constitution all groups were to be treated equally. **[2a] (Section 3)**

15.02 The Economist Intelligence Unit (EIU), Afghanistan Country report – Main report, 4 April 2009, ranked Afghanistan 138th out of the 167 countries rated in its democracy index. The EIU classified the country "as an 'authoritarian' regime, despite having conducted democratic elections for both the

presidency and legislature (as well as a number of regional bodies)." The low rating reflected the weakness of the government whose "writ" was limited in much of the country. **[84a]**

(See also Political system and Freedom of Speech and Media)

FREEDOM OF ASSOCIATION AND ASSEMBLY

15.03 Article 35 of the new Constitution adopted in January 2004 states:

"The citizens of Afghanistan have the right to form social organizations for the purpose of securing material or spiritual aims in accordance with the provisions of the law. The citizens of Afghanistan have the right to form political parties in accordance with the provisions of the law, provided that:

1. The program and charter of the party are not contrary to the principles of sacred religion of Islam, and the provisions and values of this Constitution.
2. The organizational structure and financial sources of the party are made public.
3. The party does not have military or paramilitary aims and structures.
4. Should have no affiliation to a foreign political party or sources.

Formation and functioning of a party based on ethnicity, language, religious sect and region is not permissable.

A party set up in accordance with provisions of the law shall not be dissolved without lawful reasons and the decision of an authorized court." **[4b]**

Article 36 states "The citizens of Afghanistan have the right to un-armed demonstrations, for legitimate peaceful purposes in accordance with the law." **[4b]**

15.04 The US State Department (USSD) report 2008, published on 25 February 2009, stated that "The constitution provides for freedom of assembly and association; however, security conditions and, in some cases, local officials restricted this right in practice. Increased Taliban and other anti-government activity, particularly in the south and east, forced UN agencies and NGOs to cancel or curtail some public activities." **[2a] (Section 2b)**

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16. FREEDOM OF SPEECH AND MEDIA

OVERVIEW

16.01 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"The independent media were active and reflected differing political views. Approximately 650 print publications, 55 private radio stations, 15 television networks, and 10 news agencies operated during the year. There were 150 private printing houses and 145 media and film production companies across the country. The two largest TV stations are Tolo TV, part of the Moby Media conglomerate, which has a 60 percent market share and Ariana TV, which has a 35 percent market share. The government owns at least 35 publications and about the same number of radio stations. Under a new media law parliament passed in September, the government gave some independence to Radio Television Afghanistan (RTA), the government-run media outlet." **[2a] (Section 2a)**

16.02 The International Federation of Journalists report, In the balance: Press Freedom in South Asia 2007-2008, stated that:

"Since the fall of the Taliban regime, Afghanistan has witnessed a significant increase in media size and diversity. However, with the economy failing to pick up momentum and levels of poverty remaining high, the growth in advertising spending within Afghanistan has been modest, placing a significant impediment on the growth of an independent media. Donors who supported media development in the early years of post-Taliban Afghanistan imposed strict deadlines for media organisations to become self-sustaining, conditions that for the most part could not be met. Many donors have since pulled out, although the Afghan media continues to maintain a tenuous existence through bridging donations and other short-term financial commitments." **[92a] (p5)**

16.03 The US State Department Country Report on Human Rights 2008, Afghanistan, released on 25 February 2009, stated:

"During the year, various insurgents, government officials, and Taliban subjected members of the press to harassment, intimidation, and violence. According to independent media and observers, government repression and armed groups prevented the media from operating freely. Threatening calls and messages against media organizations also remained common and some resulted in violence… According to Nai Media, the government was responsible for at least 23 of the 45 reported incidents of intimidation, violence, or arrest of journalists between May 2007 and May 2008." **[2a] (Section 2a)**

16.04 A Freedom House report on Afghanistan, 2008, recorded that "Afghan media continue to grow and diversify but faced rising threats in 2007, mostly in the form of physical attacks and intimidation." **[41a] (p5)**

16.05 The Committee to Protect Journalists report, Attacks on the Press in 2008, recorded that:

"The security situation deteriorated as reporters came under increasing threats, both political and criminal in nature. At least three foreign correspondents and two local reporters were kidnapped across the country, not only in the provincial areas that became exceedingly dangerous after the U.S.-led invasion in 2001, but in the area surrounding the capital, Kabul, that had once been considered safer." **[91a]**

16.06 In the run-up to presidential elections in August 2009, the Institute for War and Peace Reporting, reported in an article dated 9 February 2009 that the authorities have been accused of subdueing the media, including the closure of The Payman Daily on 8 February 2009 after

"… mounting pressure on staff, which appears to have been triggered by the January 11 publication of an article that the Ulema, or Council of Religious Clerics, deemed blasphemous." According to Fazel Rahman Orya, a political commentator for Shamshad Television in Kabul, "'Officials in Kabul have no backing among the citizens of Afghanistan, and they have recently been isolated by the international community as well'." **[73f]**

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MEDIA LAW

16.07 The US State Department (USSD) report 2008, published on 25 February 2009, stated that "The law provides for freedom of speech and of the press; however, there were instances of insurgents, government officials, and Taliban intimidating journalists in order to influence reporting. Some media observers contended individuals could not criticize the government publicly or privately without fear of reprisal." **[2a] (Section 2a)**

16.08 The USSD 2008 report further added:

"The parliament passed a media law in September [2008] that contained a number of content restrictions. Under Article 45 of the law, the following are prohibited: works and materials that are contrary to the principles of Islam; works and materials offensive to other religions and sects; works and materials humiliating and offensive to real or legal persons; works and materials considered libelous to real and legal persons and that may cause damage to their personality and credibility, works and materials affecting the stability, national security, and territorial integrity of the country; false literary works, materials and reports disrupting the public's mind; propagation of religions other than Islam; disclosure of identity and pictures of victims of violence and rape in a manner that damages their social prestige, and articles and topics that harm the physical, spiritual, and moral well-being of people, especially children and adolescents." **[2a] (Section 2a)**

16.09 The same sourced added "Under …new media law …the government gave some independence to Radio Television Afghanistan (RTA), the government-run media outlet…. The freedom of speech law covered foreign media; however, they were restricted from commenting negatively on Islam and from publishing materials considered a threat to the president." **[2a] (Section 2a)**

16.10 The USSD 2008 report further stated:

"Also under the new media law, new newspapers, printers, and electronic media must be licensed by and registered with the Ministry of Information and Culture. There was concern within the media community that the new law would place greater restrictions on media content and create an overall climate of government intimidation and self-censorship. The government strictly regulated and limited foreign investment in the media." **[2a] (Section 2a)**

NEWSPAPERS, RADIO, INTERNET AND TELEVISION

16.11 The International Federation of Journalists Annual report 2008 stated that:

"Readership of the print media is limited and will remain so until the literacy deficit begins to be bridged at an accelerated pace. Television audiences are potentially very large, but will remain an unrealised potential until innovative methods of bringing electricity to each human settlement in Afghanistan can be found. This leaves radio as the sector with immediate potential for the most rapid growth in content and audience." **[92a] (p5)**

16.12 Reuters reported on 13 May 2008 that:

"Taliban insurgents have ordered residents of a province near the capital Kabul to stop watching television, saying the networks were showing un-Islamic programs, officials and local media said… The order is the last in a wave of curbs that the resurgent militants have announced in areas they are active. A senior Afghan information ministry official, Najib Manelai, said that dozens of masked men with weapons entered mosques in Logar province at the weekend and threatened residents against watching television. 'They threatened the people that 'if you do not give up watching televisions, you will face violence,' Manelai told Reuters. Media reports quoted residents as saying that the Taliban imposed the ban because TV networks were showing programs that were 'un-Islamic and anti-Afghan culture'… The information ministry along with security forces was taking action against the Taliban move, minister Manelai said, without giving details." **[24c]**

16.13 The USSD 2008 report stated that:

"In August [2008] in Kandahar, a female news anchor for a local television station left the province after she received threatening letters about her work… The Ministry of Information and Culture ordered four private television stations to stop broadcasting Indian soap operas by April 15. Several initially complied with the ban, but at the end of the year three of the four were again broadcasting the shows. In the case of one station, Tolo TV, the outlet reached a separate arrangement with the Ulema Council, the country's highest quasi-governmental religious authority, which allowed Tolo to broadcast Indian soap operas provided Tolo also dedicated a specific amount of airtime to religious programming." **[2a] (Section 2a)**

16.14 The USSD 2008 report further noted that:

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

involved government sanction against distributing information he downloaded from the Internet. Internet access was unavailable to most citizens, and computer literacy and ownership rates were minuscule." **[2a] (Section 2a)**

(See also Section 14: Death Penalty for further information on Sayed Perwiz Kambakhsh's case)

16.15 Radio Free Europe/Radio Liberty is recorded as being the number one radio station for news in Afghanistan, according to the USSD 2008 Country Report on Terrorism:

"RFE/RL's Radio Free Afghanistan has a weekly reach of 45.7 percent in the country, according to the most recent national survey conducted in August 2008, making it the number one radio station for news in Afghanistan. Afghanistan is the only country in the RFE/RL broadcast region where a U.S. government-funded broadcaster is the dominant media outlet. Radio Free Afghanistan delivers breaking news, in-depth reporting, and analysis to the people of Afghanistan on the struggles their young democracy faces, including a resurgent Taliban." **[2d] (p243)**

16.16 The USSD 2008 Country Report on Terrorism stated "Radio Free Afghanistan not only maintained a close relationship and dialogue with its listeners, but it has had an impact on the country, reuniting families, providing basic health and hygieneinformation, and promoting change… Unfortunately, Radio Free Afghanistan faces an increasingly challenging security environment." **[2d] (p243-244)**

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JOURNALISTS

16.17 The US State Department (USSD) report 2008, published on 25 February 2009, stated that "Although some independent journalists and writers published magazines and newsletters, circulation largely was confined to Kabul, and many publications were self-censored. The freedom of speech law covered foreign media; however, they were restricted from commenting negatively on Islam and from publishing materials considered a threat to the president." **[2a] (Section 2a)**

16.18 The USSD report for 2008 also recorded the deaths of at least two journalists during 2008. "On June 8, BBC journalist Abdul Samad Rohani was found dead in Helmand province several days after insurgents had kidnapped him. Although government officials alleged Taliban killed him, Taliban spokesman Qari Yusuf Ahmad denied any involvement in his death. A Norwegian journalist was among the eight victims of the January 15 Serena Hotel suicide attack." **[2a] (Section 2a)**

16.19 The Freedom House report on Afghanistan 2008, published on 2 July 2008 recorded that:

"A growing number of journalists have been arrested, threatened, or harassed by politicians, security services, and others in positions of power as a result of their coverage. Kamran Mir Hazar, editor of a popular news website, was

detained several times by national security forces in 2007 following several critical stories. Many reporters practice self-censorship, avoiding sensitive issues such as Islam, national unity, corruption, and crimes committed by specific warlords. Journalists are also increasingly being targeted by insurgents." **[41a] (p5)**

16.20 Amnesty International concurs with this and recorded on 11 February 2008 that:

"The case against Perwiz Kambakhsh appears to be politically motivated, aimed at stopping his brother Yaqub Ibrahimi - also a journalist who works for the Institute for War and Peace Reporting (IWPR) a charity providing training and capacity building for local media - from publishing articles critical of local power holders. Perwiz was arrested in November 2007 after Yaqub published a series of articles voicing concerns about local leaders." **[7j]**

16.21 Aljazeera.net reported on 8 November 2008 that:

"Mellissa Fung, a journalist working for the Canadian Broadcasting Corporation in Afghanistan, has been freed after being seized at a UN refugee camp outside Kabul last month [October 2008]… Fung had been on assignment in the southern city of Kandahar, where Canada has at least 2,700 troops on a military mission due to end in 2011. Afghan officials said that three men had been arrested over the abduction." **[15g]**

16.22 In a Radio Free Europe/Radio Liberty article, dated 14 January 2009, it was reported that:

"An Afghan government commision that oversees the media is taking journalists from the daily 'Payman' to the Supreme Court to be prosecuted, RFE/RL's Radio Free Afghanistan reports. The commission accuses 'Payman' of printing articles that are anti-Islamic and anti-religion. It also accuses the chief editor and other staffers at the daily of insulting the beliefs of Afghans and committing unlawful acts. The Religious Council of Afghanistan called in a decree for the government to put the editorial staff of the daily on trial. The daily wrote in the January 14 issue of the newspaper that officials from the Supreme Court have arrested seven members of the 'Payman' staff." **[29i]**

16.23 The Afghanistan Independent Human Rights Commission (AIHRC), press release of 12 March 2009, stated that:

"The Afghanistan Independent Human Rights Commission (AIHRC) condemns the killing of Jawed Ahmad, a young Afghan Journalist, in Kandahar on 10 March 2009. The AIHRC, while clearly sees this as an un-Islamic and inhumane act, urges the Afghan government to identify, arrest, and take accountable the perpetrators of this tragic incident, at their earliest convenience.

"The AIHRC has registered 43 cases of murder, intimidation, and mistreatment against journalists since 2008, which shows an appalling curve. The AIHRC therefore expresses its high level of concern, and believes that continuation of such incidents will not only threat personal safety and security of citizens, and particularly of journalists, but structurally question freedom of expression and citizen's rights to information as enshrined in the Constitution.

"The AIHRC is therefore urging all parties to the conflict, especially the Afghan Government, to protect civilians', as well as journalists' and media personnel's lives." **[78e]**

16.24 Although Journalists have, relatively, the freedom to express themselves, the state is unable to offer suitable protection from drug and kidnap gangs or from blasphemous expression. "Thus, between June 2007 and January 2009, there were no fewer than 24 physical assaults, 35 death threats, 14 arrests and seven abductions. Scores more journalists, mainly women and those working in the provinces, have been forced to resign because of external pressure." (Reporters Without Borders World Report 2009) **[62a]**

The International Federation of Journalists report, Under Fire, Press Freedom in South Asia 2008-2009 lists media workers that have been subject to physical harm, intimidation, abducted, detained or killed during the last reporting period. The report can be located at: http://asiapacific.ifj.org/assets/docs/155/069/f7e389b-13d6045.pdf **[92a] (p30-31)**

The Committee to Protect Journalists (CPJ) website which can be located at: http://www.cpj.org/ and the Reporters Without Borders website, located at: http://www.rsf.org included further details of journalists attacked, threatened, abducted and imprisoned.

NIGHT LETTERS

16.25 The International Crisis Group report published on 24 July 2008 noted that:

"Night letters (shabnamah) are a traditional means of communication in Afghanistan. Printed or handwritten pages are delivered to individuals, distributed through towns and villages or even blanketed over provinces. It is difficult to establish the true source of night letters, since messages are sent by a large variety of sources. Criminal groups, including those involved in the drugs trade, could, for example, conceivably use night letters in the name of the Taliban to generate fear in an area.

"The Taliban uses them often to deliver threats, generally directed at Afghans who work with the international forces or the government. For instance, a printed one-page missive distributed in south eastern Afghanistan in May 2008 in the name of the 'Afghanistan Islamic Emirate Khost Jihadi Military Front' warned 'all residents in Khost' that:

1. Tribal elders should not consider the U.S. stronger than Allah and not give verdicts against mujahidin; otherwise you will soon regret it.

2. Those who spy and work for the infidel government and military forces should quit their jobs by 20 June; otherwise they will see something which they have never seen in their lives.

3. Do not get close to the infidel forces at any time or in any place.

4. During attacks on government and infidel forces, you should keep yourselves safe and not provide support for them; if this rule is violated, your death will be the same as the death of the U.S. and their puppets.

5. Our mines are live; we do not allow the killing of civilians, but you should not show them to the infidels and their slaves. We will show our power to those who show our land mines to them or inform them about us.

6. When you see infidel forces on the street and roads, stop where you are and do not go forward.

7. Those mullahs who perform funerals for those who are killed in the campaign – national army, national and border police and intelligence – will be killed with torture; and remember: such a mullah will never be forgiven." **[26c] (p12)**

16.26 The USSD 2008 report stated:

"As in recent years, Taliban distributed threatening letters at night in villages and sent threatening text messages to intimidate and attempt to curtail development activities… As in the past, insurgents issued night letters threatening women working for the government, local NGOs, and foreign organizations. Women who received threats were often forced to move constantly to evade those harassing them." **[2a] (Section 5)**

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17. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

AFGHANISTAN INDEPENDENT HUMAN RIGHTS COMMISSION

17.01 The Chaipersons note from the Afghanistan Independent Human Rights Commission (AIHRC) Annual Report 1 January to 31 December 2008 stated that the:

"Afghanistan Independent Human Rights Commission (AIHRC) was established in 2002 with a strong mandate to protect, promote, and monitor human rights of Afghan citizens in the country. The AIHRC has travelled a long way to fulfil its obligations and realize its goals, continuously expanding its operations to reach towns and remote villages in most parts of the country. The commission has received and investigated numerous human rights violation cases and has imparted human rights awareness and knowledge to thousands of Afghans from all segments of society ranging from government officials to the general population and school children. Despite the significant achievements, by the AIHRC and its partners, towards the realization of human rights and respect for human dignity, a vicious circle of challenges continued, and even worsened in 2008, to obstruct the Commission's goals and jeopardize its success." **[78b] (p5)**

17.02 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

The constitutionally mandated AIHRC continued to address human rights problems. The president appointed the nine-member commission, which generally acted independently of the government, often voicing strong criticism of government institutions and actions, and accepting and investigating general complaints of human rights abuses. The AIHRC operated 12 offices outside Kabul. The AIHRC was reasonably influential in its ability to raise public awareness and shape national policy on human rights. In 2007 some MPs sought to review the law that defines the mandate of the AIHRC and proposed the AIHRC include religious scholars educated in Shari'a. No action was taken on the mandate of the AIHRC by year's end. In 2007 however, President Karzai appointed a religious scholar as a commissioner who continued in this role throughout the year. The government did not fund the AIHRC, which continued to rely on international donors." **[2a] (Section 4)**

17.03 The Afghanistan Independent Human Rights Commission's (AIHRC) mandate was set out in their report of August 2007:

"According to Article 58 of the 2004 Constitution of Afghanistan, the Independent Human Rights Commission of Afghanistan was established with the purpose of 'monitoring the observation of human rights in Afghanistan, to promote their advancement and protection.'

"Article 5 of the new Law on the Structure, Duties and Authorities of the Afghanistan Independent Human Rights Commission (Official Gazette, Issue No. 855, 21 June 2005), sets out the Commission's objectives and responsibilities, which include:

"The promotion and protection of human rights (Article 5);

The main text of this COI Report contains the most up to date publicly available information as at 28 May 2009. Further brief information on recent events and reports has been provided in the Latest News section to 26 June 2009.

"Monitoring the implementation of the Constitution and other laws as well as Afghanistan's commitment to human rights (Article 21, 2);

"Monitoring the performance of State authorities and NGO's [sic] regarding the equal distribution of services and welfare (Article 21, 4).

"Where violations and abuses of human rights are identified, the Commission has a mandate to take steps to protect and to promote human rights, including through advocacy and submission of reports to the Government." **[78d] (p3-4)**

NON-GOVERNMENTAL ORGANISATIONS (NGOS)

17.04 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Hundreds of local human rights NGOs operated independently and included groups focusing on women's rights, media freedom, and rights of disabled persons. Government officials were generally cooperative and responsive to the organizations' views. The lack of security and instability in parts of the country severely reduced NGO activities in these areas." **[2a] (Section 4)**

17.05 A statement by the Agency Coordinating Body for Afghan Relief in August 2008 stated "Aid organizations and their staff have been subject to increasing attacks, threats and intimidation, by both insurgent and criminal groups. This year [2008] there have been over 84 such incidents, including 21 in June, more than in any other month in the last six years. So far this year [2008] 19 NGO staff have been killed, which already exceeds the total number of NGO workers killed last year." **[94a]**

17.06 The *Washington Post*, reported in an article on 17 February 2008 that "In addition to foreigners, Afghans in the capital are also coming under threat, especially those associated with international groups. Employees of foreign aid organizations or news agencies have received warnings to quit. Last week, several such Afghans who previously had been willing to be identified asked not to be named now. Others said they had sent their families to Pakistan as a safety precaution." **[32a]**

17.07 A Yahoo! News article dated 14 August 2008 recorded that "Several Afghans have also been pulled off the road by Taliban, who have accused them of 'spying' for Western interests, and shot or beheaded them." **[90a]**

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18. CORRUPTION

18.01 In its 2008 Corruption Perceptions Index (CPI), Transparency International ranked Afghanistan at 176 in the world corruption ranking, out of 180 countries, giving it a CPI score of 1.5, making Afghanistan among the worst countries in terms of governmental corruption. (CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). **[100a]**

18.02 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials frequently engaged in corrupt practices with impunity. In March [2008], the UN Office on Drugs and Crime released a statement urging the government to crack down on major smugglers--some linked to government officials—and stated drug lords and corrupt government officials operated with impunity. The government took some steps to address corruption including becoming a state party to the UN Convention against Corruption, adopting new anticorruption legislation, and establishing a new anticorruption body. However, not all of these actions had been implemented by year's end. The government hired two anticorruption unit employees in September and initiated training for the employees in November. The president replaced a cabinet minister, several governors, police chiefs, and other officials because of their corrupt practices.

"A lack of political accountability and technical capacity to monitor government spending exacerbated government corruption, as did low salaries. Observers alleged governors with reported involvement in the drug trade or past records of human rights violations nevertheless received executive appointments and served with relative impunity." **[2a] (Section 3)**

18.03 Corruption has reportedly infected most services in Afghanistan and extends from low-level police officers, who earn approximately $100 a month taking bribes to pay for food and their rent to top Government Officials, including the Attorney General, who was accused of corruption. (*The Chicargo Tribune*, 25 November 2008) **[101a]**

18.04 *The Chicago Tribune* article also reported that:

"A 2007 survey by Integrity Watch Afghanistan said the average Afghan household pays an estimated $100 in petty bribes every year—even though 70 percent of the families in Afghanistan live on less than $1 a day… Bribes here are called shirini, which means 'sweets' in the Afghan language of Dari. Most interactions with the government require shirini — getting a new driver's license quickly costs $100 to $160, Afghans say. Even to pay a water or electricity bill, a customer has to hand over a bribe." **[101a]**

18.05 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"The government made efforts to combat corruption in the security apparatus. The government electronically direct deposited police and military salaries during the year, making pay a more transparent and accountable process and less subject to corruption… In August [2008] the parliament passed the Law on Monitoring the Implementation of the Anti-Administrative Corruption Strategy, which sought to increase ministerial transparency and accountability, tighten contracting laws, and increase legal access to information on high-ranking individuals' assets. President Karzai appointed the chief of the commission in September [2008]. During December the commission opened a central office in Kabul and hired a small staff. The government also established an anticorruption unit within the Attorney General's Office. Efforts to staff the unit with prosecutors were ongoing at year's end." **[2a] (Section 1d)**

18.06 *The Chicago Tribune* reported on 25 November 2008 "…the anti-corruption bureau once had 380 employees, but that number was reduced to 141 and the provincial offices were closed." None the 174 major cases of corruption that were sent to the attorney general's office got very far in the system. However, "[the] …new anti-corruption commission, the High Office of Oversight & Anti-Corruption, includes representatives from several law-enforcement bodies and supposedly has more power." **[101a]** The commission "…opened its Kabul headquarters and began to hold regular meetings with the President, the Supreme Court, the Attorney-General and the Ministry of Justice." (UN Secretary General, 10 March 2009) **[39j] (p7)**

18.07 The USSD 2008 report further noted:

"The law provides for an independent judiciary, but in practice the judiciary was often underfunded, understaffed, and subject to political influence and pervasive corruption. Pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency, as well as bribery and corruption, threatened judicial impartiality. The Counternarcotics Tribunal in Kabul was an exception and international organizations reported no evidence of corruption or political influence by its officials. Other courts administered justice unevenly according to a mixture of codified law, Shari'a (Islamic law), and local custom." **[2a] (Section 1d)**

18.08 The USSD 2008 report additionally noted that "Illegal border checkpoints, some reportedly manned by tribal leaders and low-level members of insurgent groups, extorted bribes. Human rights groups and detainees reported local police extorted bribes from civilians in exchange for release from prison or to avoid arrest." **[2a] (Section 1d)**

(See also Section 9: Security Forces and Section 11: Judiciary for further information)

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19. FREEDOM OF RELIGION

OVERVIEW

19.01 The USSD International Religious Freedom Report 2008, covering events between 1 July 2007 and 30 June 2008, Afghanistan, (USSD IRF Report 2008). released on 19 September 2008, stated:

"The Constitution states that Islam is the 'religion of the state' and that 'no law can be contrary to the beliefs and provisions of the sacred religion of Islam.' It proclaims that 'followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law.' Government and political leaders aspire to a national environment that respects the right to religious freedom. Residual effects of years of Taliban rule, popular suspicion regarding outside influence and the motivations of foreigners, and still weak democratic institutions are factors that slow the realization of this aspiration. Intolerance was manifested in harassment and occasional violence against religious minorities and Muslims who were perceived as not respecting conservative Islamic strictures…The country's population is nearly entirely Muslim. Non-Muslim minority groups faced incidents of discrimination and persecution. Conversion is understood by many citizens to contravene the tenets of Islam and Shari'a. Within the Muslim population, relations among the different sects continued to be difficult. Historically, the minority Shi'a community faced discrimination from the majority Sunni population. This discrimination continued. Some Sunnis complained about the growing influence of the Shi'a community in political circles. Local Sikh and Hindu populations, although allowed to practice their religion publicly, continued to encounter problems obtaining land for cremation and faced discrimination when seeking government jobs as well as harassment during major celebrations. Due to societal pressure, most local Christians hid their religion from others." **[2c] (Section I)**

19.02 The US Commission on International Religious Freedom, Annual Report 2009, Afghanistan chapter, released on 1 May 2009, noted that:

"Conditions for freedom of religion or belief in Afghanistan have become increasingly problematic in recent years. The failure of the new constitution to protect individuals from within the majority Muslim community to dissent from the prevailing Islamic orthodoxy continues to result in serious abuses, including criminal court cases that violate the country's international commitments. In addition, the failure or inability of the Afghan government to exercise authority over much of the country outside Kabul contributes to a progressively deteriorating situation for religious freedom and other related human rights in many of the provinces. Although the status of religious freedom has improved since the fall of the Taliban regime, religious extremism, including violence and intimidation by resurgent Taliban insurgents, poses an increasingly serious threat to human rights in the country. In light of these very real dangers to the progress made toward establishing democracy, rule of law, and human rights protections in Afghanistan, the Commission has determined that Afghanistan should remain on its Watch List…the Commission will continue to monitor the deteriorating situation in the country for religious freedom and related human rights." **[70a] (p 144)**

19.03 The report further noted:

"In January 2004, Afghanistan adopted a new constitution that provides for the freedom of non-Muslim religious groups to exercise their faith, contains an explicit recognition of equality between men and women, and declares the state will abide by 'the UN charter, international treaties, international conventions…and the Universal Declaration of Human Rights.' However, the constitution does not extend explicit protections for the right to freedom of religion or belief to every individual, particularly to individual Muslims, the overwhelming majority of Afghanistan's population, or minority religious communities." **[70a] (p 144)**

19.04 The report also noted:

"The absence of a guarantee of the individual right to religious freedom and the empowerment of the judicial system to enforce Islamic principles and sharia law mean that the constitution does not fully protect individual Afghan citizens who dissent from state-imposed orthodoxy against unjust accusations of religious 'crimes,' such as apostasy and blasphemy. There are few protections for Afghans to debate the role and content of religion in law and society, to advocate the rights of women and religious minorities, and to question interpretations of Islamic precepts without fear of retribution or being charged with 'insulting Islam.' These legal deficiencies have permitted the official imposition of harsh, unfair, and at times even abusive interpretations of religious orthodoxy, violating numerous human rights of individuals by stifling dissent within the Afghan population." **[70a] (p 144)**

19.05 The US State Department report 2008, Afghanistan, released on 25 Ferbruary 2009, observed:

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

"Licensing and registration of religious groups is not required; the government assumes all native-born citizens to be Muslim. In practice non-Muslims faced harassment and social persecution and opted to practice their faith discreetly. According to Islamic law, conversion from Islam is punishable by death. In recent years this sentence was not carried out in practice. In May 2007 the General Directorate of Fatwas and Accounts under the Supreme Court issued a ruling on the status of the Baha'i faith, declaring it a form of blasphemy. The ruling also declared all Muslims who convert to Baha'i to be apostates and all followers of the Baha'i faith to be infidels." **(2a) (Section 2c)**

19.06 The USSD International Religious Freedom Report 2008, Afghanistan, released on 19 September 2008, stated:

"After the fall of the Taliban, there continued to be episodic reports of persons at the local level using coercion to enforce social and religious conformity. During the reporting period, moderates in the Government opposed attempts by conservative elements to enforce rules regarding social and religious practices based on their interpretation of Islamic law Shari'a, including the proposed legislation in April 2008 to ban men and women associating in public, loud music, and playing with pigeons, among other things. There were no reports of anti-Semitic acts." **[2c] (Section III)**

19.07 Furthermore the report added "Proselytism was practiced discreetly, since it is viewed as contrary to the teachings of Islam. During the period covered by this report, there were a few reported incidents involving individuals attempting to proselytize." **[2c] (Section II)**

Religious demography

19.08 The USSD IRF Report 2008 report observed that:

"Reliable data on religious demography is not available because an official nationwide census has not been conducted in decades. Observers estimate that 80 percent of the population is Sunni Muslim, 19 percent Shi'a Muslim, and other religious groups make up less than 1 percent of the population. There are approximately 2,200 Sikh and Hindu believers and more than 400 Baha'is. There is a small, hidden Christian community; estimates on its size range from 500 to 8,000. In addition, there are small numbers of adherents of other religious groups, mostly Buddhist foreigners." **[2c] (Section I)**

19.09 The report further stated that:

"In the past, small communities of Hindus, Sikhs, Baha'is, Jews, and Christians lived in the country, although most members of these communities emigrated during the anti-Soviet jihad years of civil war and Taliban rule. Non-Muslim minorities were estimated to number in the hundreds at the end of Taliban rule. A small population of native Hindus and Sikhs never left. Since the fall of the Taliban, some members of religious minorities have returned, with many settling in Kabul." **[2c] (Section I)**

19.10 Additionally the report stated:

"Traditionally, the dominant religion is the sect of Sunni Islam that follows the Hanafi school of jurisprudence. For the last 200 years, much of the population adhered to Deobandi-influenced Hanafi Sunnism from Deoband, India, near Delhi. A sizable minority adhered to a more mystical version of Islam, generally known as Sufism. Sufism centers on orders or brotherhoods that follow charismatic religious leaders. During the 20th century, the influence of the Wahhabi form of Islam grew in certain regions.

"Members of the same religious group have traditionally concentrated in certain regions. Some groups were displaced forcibly by kings for internal security reasons or to make agricultural and grazing land available to favored ethnic groups. Sunni Muslim Pashtuns dominate the south and east. The homeland of the Shi'a Hazaras is in the Hazarajat, the mountainous central highlands around Bamyan. Northeastern provinces traditionally have Ismaili populations. Other areas, including Kabul, the capital, are more

heterogeneous and include Sunni, Shi'a, Hindu, Sikh, and Baha'i populations. The northern city of Mazar-e-Sharif includes a mix of Sunnis (including ethnic Pashtuns, Turkmen, Uzbeks, and Tajiks) and Shi'a (Hazaras and Qizilbash) including Shi'a Ismailis." **[2c] (Section I)**

LEGISLATION

19.11 Article 2 of the Constitution adopted on 4 January 2004 states "The religion of the state of the Islamic Republic of Afghanistan is the sacred religion of Islam. Followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law." Article 3 states that "In Afghanistan, no law can be contrary to the beliefs and provisions of the sacred religion of Islam." **[4a]**

19.12 The USSD International Religious Freedom Report 2008, Afghanistan, released on 19 September 2008 stated:

"Blasphemy is a capital crime under some interpretations of Shari'a, and authorities could punish blasphemy with death, if committed by a male over age 18 or a female over age 16, who is of sound mind. Those accused of blasphemy are given 3 days to recant their actions and could otherwise face death by hanging. In recent years, this sentence was not carried out in practice, although during the reporting period a court sentenced a student journalist to death for activity it ruled blasphemous. The case was under appeal at the end of the reporting period." **[2c] (Section II)**

(See also subsection - Converts and Christians for more information on religious freedom under the Constitution)

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MUSLIMS

Shias (Shiite)

19.13 The USSD International Religious Freedom Report 2008, Afghanistan, released on 19 September 2008 stated that the Shi'a minority, represented 19% of the population. Further:

"Prior to the drafting of the Constitution, some conservative jurists argued that the Constitution should favor the Hanafi school of Islamic jurisprudence associated with the Sunnis over the Jafari school adhered to by Shi'as. These jurists also called for the primacy of Shari'a in the legal system. While the Constitution does not make specific reference to Shari'a, it does state that when there is no provision in the Constitution or other laws guiding ruling on an issue, the courts' decisions shall accord with Hanafi jurisprudence in such a way as to serve justice in the best possible manner. The Constitution also grants that Shi'a law will be applied in cases dealing with personal matters where both sides are Shi'as; there is no separate law applying to non-Muslims.

"The Constitution requires that the President and Vice President be Muslim and does not distinguish in this respect between Sunnis and Shi'as. This

requirement is not explicitly applied to government ministers or Members of Parliament, but each of their oaths includes swearing to support the provisions of Islam." **[2c] (Section II)**

19.14 The USSD IRF Report 2008 noted "Historically, the minority Shi'a community faced discrimination from the majority Sunni population. This discrimination continued. Some Sunnis complained about the growing influence of the Shi'a community in political circle." **[2c] (Section III)**

19.15 Furthermore:

"The rigid policies adopted both by the Taliban and by certain opposition groups adversely affected adherents of other branches of Islam and other religious groups. The active persecution of the Shi'a minority, including Ismailis, which occurred under the Taliban regime ended. Although there were reported incidents of discrimination and treatment varied by locality, Shi'a generally were free to participate fully in public life." **[2c] (Section II)**

19.16 The USSD IRF Report 2008, stated that "The Shi'a community openly celebrated the birthday of Imam Ali, one of the most revered figures in the Shi'a tradition. In past years, the Shi'a holiday of Ashura, during which Shi'a Muslims hold religious parades, triggered violence in the cities of Kabul and Herat. However, observations of Ashura in January 2008 were peaceful." **[2c] (Section II)**

(See also Section 20: Hazaras)

ISMAILIS

19.17 The USSD International Religious Freedom Report 2008, Afghanistan, released on 19 September 2008 stated:

"According to a recent United Nations High Commissioner for Refugees (UNHCR) report, while Ismailis were not generally targeted or seriously discriminated against, they continued to be exposed to risks in some local areas. In years past, local commanders in Baghlan province occupied or confiscated and then sold Ismaili land, and Ismailis were unable to reclaim their property. The Baghlan Provincial court and other provincial authorities refused to dispense justice for Ismailis in land-related cases. Ismailis faced illegal taxation and extortion by local commanders. In Tala-wa-Barfak District, cases of rape of Ismaili women were reported, with perpetrators acting with impunity." **[2c] (Section III)**

SIKHS AND HINDUS

19.18 The USSD 2008 report noted:

"There were approximately 500 Sikhs and Hindus in the country. Although those communities were allowed to practice their faith publicly, they reportedly continued to face discrimination, including intimidation; discrimination when seeking government jobs; and verbal and physical abuse in public places. Although community representatives expressed concerns over land disputes, they often chose not to pursue restitution through the courts for fear of

retaliation, particularly when powerful local leaders occupied their property. The government allocated a plot of land in Kabul for Sikhs to hold funerals.

"Non-Muslims faced discrimination in schools. The AIHRC continued to receive reports students belonging to the Sikh and Hindu faiths were prevented from enrolling in some schools and others stopped attending due to harassment from both teachers and students. Hindus and Sikhs had recourse to dispute resolution mechanisms such as the Special Land and Property Court, but in practice the community felt unprotected. Although Hindus reported being harassed by neighbors in their communities, there were no known reports of discrimination against Hindus by the government." **[2a] (Section 2c)**

19.19 The USSD International Religious Freedom Report 2008, Afghanistan, released on 19 September 2008 stated:

"Non-Muslim minorities such as Sikhs, Hindus, and Christians continued to face social discrimination and harassment and, in some cases, violence. This treatment was not systematic, but the Government was not able to improve conditions during the reporting period. The Hindu population, which is less distinguishable than the Sikh population, whose men wear a particular headdress, faced less harassment, although Hindus reported being harassed by neighbors in their communities. The Sikh and Hindu communities, although allowed to practice their faith publicly, reportedly continued to face discrimination, including intimidation, causing them to leave the country. While Hindus and Sikhs had recourse to dispute resolution mechanisms such as the Special Land and Property Court, in practice the communities felt unprotected." **[2c] (Section III)**

19.20 The Foreign and Commonwealth Office (FCO) noted in a letter dated 17 March 2008 that less than one per cent of the population of Kabul are Sikh, Hindu or Christian. The Hindu community there, although tolerated, are unable to practise their religion freely and face forms of intimidation from both the public and the authorities. Some are reluctant to send their children to school for fear of mistreatment. **[4d]** The FCO further noted that the Sikh community in Kabul also face forms of intimidation and are also reluctantant to send their children to school. However, generally they are tolerated and some own and run successful businesses. The Guru Dwara in Karte Parwan, Kabul is a fully functioning temple. **[4d]**

19.21 The USSD International Religious Freedom Report 2008 further stated that:

"Some Sikh and Hindu children were unable to attend government schools due to harassment from teachers and students. The Government took limited steps to protect these children and reintegrate them into the classroom environment. The AIHRC reported that members of the Hindu community in Kandahar City faced discrimination in schools and asked the local government to build a separate school for Sikh and Hindu children. This request was not met... [however] In July 2007 the Ministry of Education opened a school for Sikh and Hindu children in Ghazni Province. A Sikh school in Kabul has been privately run with no assistance from the Government for several years and reported having only one full-time teacher for 120 students." **[2c] (Section II)**

19.22 Furthermore the report stated that:

"Unlike in previous years, when Hindus complained of not being able to cremate the remains of their dead in accordance with their customs, the Government intervened to protect their right to carry out cremations. Although community representatives expressed concerns over land disputes, they often chose not to pursue restitution through the courts for fear of retaliation, particularly when powerful, local leaders occupied their property. There were no known reports of discrimination against Hindus by the Government." **[2c] (Section II)**

19.23 The *Pakistan Daily* reported on 25 July 2008 that:

"Ghazni governor inaugurated a temple for adherent of Sikh religion after completion of the construction work on this holy place of Sikh followers in Ghazni province. Accomplished on over 27 acres of land the Sikh temple had been completed by $151000 assistance from Provincial Reconstruction Team (PRT). Ismail Jahangir spokesman of the Ghazni governor told the new temple had rooms for guests and chicken. Dilip Singh MP of the Sikhs in Ghazni province while praising the step said problems in offering their religious ceremonies and parties was solved with this new temple. They had been faced with several troubles before the inauguration of this new temple, he added. The new temple could house 3000 people at once, he informed, urging the government to focus on the religious minorities in the province to protect their entitled rights. 'I am an Afghan and I am entitled to all rights to be looked after.' He added. Thousands of Sikhs and Hindus would rush to Ghazni to attend religious festivals when the peace and stability returns to the province, he hoped… There are two Sikh temples in Ghanzi province." **[93a]**

(See also subsection - Legislation)

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CHRISTIANS

19.24 The USSD 2008 report stated that:

"Due to societal pressure, Christians were forced to remain underground, not openly practicing their religion or revealing their identity. During the year there were sporadic reports of harassment and threats against Christians. There was only one known Christian church in the country, located in the diplomatic quarter. Local nationals wishing to practice Christianity did so in private locations, as the church was not open to them. Members of the government called for the execution of Christian converts." **[2a] (Section 2c)**

19.25 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, published December 2007 stated that: "Afghans suspected or accused of having converted from Islam to Christianity or other faiths risk persecution. The risk emanates from family and/or tribe members as well as the broader community. Severe punishment within the legal system is also possible for those who do not recant their conversion." **[11a] (p8)**

19.26 The same document noted that "… the Constitution of Afghanistan is silent on issues of conversion and while calling for the respect of human rights and

fundamental freedoms, defers to Sharia law for matters not explicitly dealt with by the Constitution. Under Sharia Law, conversion is punishable by death. As such, the risk of persecution continues to exist for Afghans suspected or accused of having converted to Christianity or other faiths." **[11a] (p67)**

19.27 The Foreign and Commonwealth Office (FCO) noted in a letter dated 17 March 2008 noted that practising Christianity in Afghanistan is considered extremely dangerous and is not discussed openly. However, in Kabul there may be small pockets of Afghan Christians who risk worshiping together in secret places. **[4d]**

19.28 The FCO further noted that Christianity is still not accepted. Christians are regularly discriminated against and face verbal and physical abuse from the authorities, former friends and also family members. Authorities do not generally investigate allegations of harassment or ill-treatment or bring those responsible to justice. **[4d]**

Christian converts

19.29 Members of the government called for the execution of Christian converts." (USSD 2008 report) **[2a] (Section 2c)** On the same subject, the USSD International Religious Freedom Report 2008 stated that

"Conversion from Islam is considered apostasy and is punishable by death under some interpretations of Shari'a. A citizen who converted from Islam (if a male over age 18 or a female over age 16, who is of sound mind) has 3 days to recant his or her conversion or could otherwise be subject to death by hanging. Individuals can also be stripped of all their property and possessions and have their marriage declared invalid. In recent years, the death sentence has not been carried out." **[2c] (Section II)**

BAHA'IS

19.30 UNHCR's December 2007 Eligibility Guidelines also note that "In light of the May 2007 Supreme Court ruling declaring the Baha'i faith distinct from Islam and a form a blasphemy, Afghans converting to the Baha'i faith face a risk of persecution similar to that of Christian converts." **[11a] (p67)** In addition, the US State Department report on International Religious Freedom 2008 stated that:

"The ruling creates uncertainties for the country's small Baha'i population, particularly on the question of marriages between Baha'i women and Muslim men. Citizens who convert from Islam to the Baha'i faith face risk of persecution, similar to that of Christian converts. Also unclear is how the Government will treat second generation Baha'is who technically have not converted, as they were born into families of Baha'i followers, but may still be viewed as having committed blasphemy. The ruling was not expected to affect foreign national Baha'is." **[2c] (Section II)**

(See also subsection – Legislation for further information on blasphemy)

MIXED MARRIAGES

19.31 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"The government's willingness to recognize the right to marry varied according to nationality, gender, and religion. The family court could register a marriage between a Jewish or Christian woman and a Muslim man, but the court required the couple to accept a Muslim ceremony. A woman of any other faith had to convert to Islam before marrying a Muslim man. The court could not register a marriage between a Muslim woman and a non-Muslim man. The court could not register marriages for citizens who stated they were not Muslim, even if they were born into other faiths. During the year these situations rarely occurred, as more than 99 percent of the population was Muslim." **[2a] [Section 1f]**

19.32 The South Asia Tourism Society (SATS) description on marriages within ethnic groups noted that "The Uzbeks have no hesitation marrying with Uzbek and Tajik, but are averse to nuptial relations with Pushtuns". **[2a]**

(See also Section 23: Women)

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20. ETHNIC GROUPS

OVERVIEW

20.01 The USSD 2008 report observed "The constitution states discrimination between citizens is prohibited and provides for the equal rights of men and women… Equal rights based on race, disability, language, or social status are not explicitly mentioned in the law. There were reports of discrimination based on race, ethnicity, religion, and gender." **[2a] (Section 5)** Pushtuns make up the largest ethnic group at 42%, followed by Tajiks (27%), Hazaras (9%), Uzbec (9%) and Aimaq (4%). Other smaller groups include Turkmen and Baluch. (CIA World Factbook, last updated 6 November 2008) **[3]**

20.02 The USSD 2008 report added:

"A 2006 UNHCR paper reported that although there were attempts to address the problems ethnic minorities faced and there were improvements in some areas, there was still a well-founded fear of persecution. Confiscation and illegal occupation of land by insurgents and tribal leaders caused displacement in isolated situations. Other forms of discrimination concerned access to education, political representation, and civil service employment. A 2006 UNHCR paper reported that although the government attempted to address the problems faced by ethnic minorities and some areas improved, there was still a well-founded fear of persecution by tribal and insurgent leaders. Confiscation and illegal occupation of land by powerful individuals, in some cases tied to the insurgency, caused displacement in isolated situations. Discrimination, at times amounting to persecution, continued in some areas, in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse and detention." **[2a] (Section 5)**

20.03 The UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 stated that:

"Continuing efforts to address the problems faced by persons residing in areas where they constitute an ethnic minority are reflected in a more tolerant climate in some localities. However, such minorities may still face persecutory acts, such as physical abuse and detention, or discrimination amounting to persecution by local power-holders in some areas. Where it occurs, discrimination often manifests itself in terms of access to education and other services, political representation and with regard to land and property." **[11a] (p8)**

Blood Feuds

20.04 The Oxfam Research Report, February 2008 recorded that:

"Afghanistan's people are a patchwork of different ethnicities and in some areas these differences hinder social cohesion. For example, Oxfam researchers in the Ghourian district of Herat reported that 'the biggest reason for conflict is land disputes, which mainly happen between Pashtuns and Tajiks'. Despite a strong sense of national identity, ethnic and tribal affiliations have long been of significance. Inequalities and rivalries between ethnicities existed prior to the Saur Revolution of 1978, but were intensified by conflict as

tensions increased and commanders sought to exploit differences for their own ends." **[75a]**

20.05 The report further recorded that:

"Another major source of conflict… is disagreements within or between families. Such disputes can easily spread to tribes or communities, and in a significant number of cases relate to women, marriage, or sexual relations. Violence can result from the transgression of traditional conjugal norms, such as the provision of dowries, arranged marriage, the custom of a family providing a girl for marriage as compensation for a crime (baad), or to resolve a dispute (badal), or the practice whereby a widow is expected to marry her deceased husband's brother. Domestic violence against women or severely discriminatory treatment is also often a cause and consequence of family, tribal, or community disputes." **[75a] (p10)**

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PASHTUNS (PATHANS)

20.06 In June 2005 UNHCR stated that Pashtuns were the largest ethnic group in Afghanistan, constituting about 38 per cent of the population. **[11b] (p8)** The 2005 Encyclopedia of the World's Minorities recorded that there are also Pashtuns in Pakistan, mainly in the North West Frontier and Baluchistan provinces. Their language, Pashto, became an official language of Afghanistan in 1936. The Encyclopedia also stated that "Sociopolitical strife, droughts, and resulting famine have led to mass immigration eastward across a shared border into Pakistan, producing large refugee communities." **[27] (p955)**

20.07 The 2005 Encyclopedia of the World's Minorities also recorded that:

"Pashtun/Pakhtun society is organized along hierarchical, patrilineal lines allegedly connecting tribesfolk back to an eponymous common ancestor. Affiliations to lineages and clans (zai, khel) are fairly fluid in practice. Major groups include the Durrani, Ghilzai, and Karlanri, each consisting of several tribes and clans. Overall there are at least 60 tribes. Tribal genealogy determines societal rank, land use, and patterns of inheritance. Social conduct, especially for men, revolves around the concept of pashtunwali or pakhtunwali – an idealised system of hospitality, honor, and revenge used to regulate interactions and mediate disputes. This system is overseen by tribal chiefs (khans), a title bestowed on Pashtun leaders by Indian Mogul and Iranian Safawid rulers in the sixteenth century CE, and by tribal assemblies (jirgas). Blood feuds often arise between tribesmen over issues relating to personal or familial honor, especially involving women, and over the exercise of property rights, particularly grazing of livestock." **[27] (p955-956)**

20.08 The USSD 2008 report, published on 25 February 2009, stated that

"In early September [2008] repatriated Pashtuns and other residents of Khowja Bahawodeen district of Takhar province clashed regarding the resettlement of the Pashtuns in the area. President Karzai sent a delegation to mediate. Some Pashtun members of parliament strongly criticized the

behavior of the Takhar people and threatened that if the conflict continued, Pashtuns would attack minority ethnic groups living in Pashtun majority areas. The president dispatched ANA units to the area and their efforts combined with those of the government mediators resulted in rapid cessation of violence." **[2a] (Section 5)**

20.09 The report further noted that "The Hazaras accused President Karzai, a Pashtun, of providing preferential treatment to Pashtuns and of ignoring minorities, especially Hazaras." **[2a] (Section5)**

20.10 The UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, dated December 2007 stated that:

"Afghans of Pashtun ethnic origin from northern and central Afghanistan, in particular some districts of Jowzjan, Sar-i-Pul and Faryab and Kapisa, are possibly at risk of persecution and are unable to recover their land and property subsequent to displacement. Similarly, while most Afghan Gujurs from Baghlan were able to return, Afghan Gujurs from Takhar continue to face serious difficulties as mentioned above. Generally, asylum-seekers originating from areas where they are an ethnic minority are at heightened risk if they attempt to reclaim land and property." **[11a] (p66-67)**

TAJIKS

20.11 The 2005 Encyclopedia of the World's Minorities recorded that the Tajik population in Afghanistan is difficult to determine:

"Most estimates range between three and four million, only slightly less than the number in Tajikistan. Tajik-speakers settle primarily in northeastern Afghanistan extending south to Kabul. A second center exists in the west of the country, in the province of Herat. Tajiks, under the leadership of Ahmad Shah Masud, were very active in the fight of the Northern Alliance against the Taliban. They used to compose a significant portion of the lower and middle level of the state administration as the state capital is located in a Tajik-speaking area. Tajik, or Dari, is one of the two state languages and is also a medium of interethnic communication as minority groups speak Tajik rather than Pashtu as a second language." **[27] (p1175-1176)**

20.12 In June 2005, the UNHCR noted that Tajiks comprised about 25 per cent of the population making them the second largest ethnic group; they are Persian (Dari) speaking Afghans. **[11b] (p8)** The 2005 Encyclopedia of the World's Minorities recorded that the majority of Tajiks are Sunni Muslims. **[27] (p1175)**

20.13 The South Asia Tourism Society (SATS) description noted that

"Tajiks or Tadzhiks constitute the second largest ethnic group in Afghanistan. Populating around 4.5 million, they live in the Panjsher Valley north of Kabul and in the northern and northeastern provinces of Parwan, Takhar, Badakhshan, and also Baghlan and Samangan. Few Tajik people extend into the central mountains. Most Tajiks speak Dari Persian language. Tajik community is not divided into tribes. They prefer to identify themselves with the valley or region they live in like Panjsheri, Badakhshi, Samangani and Andarabi. For earning livelihood, Tajiks do sedentary mountain farming and sheep/goat herding. Tajiks grow variety of fine fruits and nuts." **[81a]**

HAZARAS

20.14 The Minority Rights Group International website, accessed on 23 July 2008 describes the Hazaras:

"…were once the largest Afghan ethnic group constituting nearly 67% of the total population of the state before the 19th century. More than half were massacred in 1893 when their autonomy was lost as a result of political action. Today they constitute approximately 9% of the Afghan population. The origin of Hazara are much debated, the word Hazara means 'thousand' in Persian but given the Hazaras features, current theory supports their decent from Mongol soldiers left behind by Genghis Khan in the 13th century.

"The majority of Hazaras live in Hazarajat (or Hazarestan), land of the Hazara, which is situated in the rugged central mountainous core of Afghanistan with an area of approximately 50,000 sq. km, with others living in the Badakhshan mountains. In the aftermath of Kabul's campaign against them in the late 19th century, many Hazaras settled in western Turkestan, in JauzJan and Badghis provinces. Ismaili Hazaras, a smaller religiously differentiated group of Hazaras live in the Hindu Kush mountains. The most recent two decades of war have driven many Hazaras away from their traditional heartland to live on the fringes of the state in close proximity to Iran and Pakistan. There is also a large cross-border community of Hazaras who make up an influential ethnic group in the Pakistani border city of Quetta." **[76a]**

20.15 The South Asia Tourism Society (SATS) description of Hazaras noted that:

"Central regions of Afghanistan, known as Hazarat, are inhabited by the Hazaras. Good number of Hazaras also dwell in Badakhshan. Most of them are farmers and shepherds. Most Hazaras are the followers of the Shia sect of Islam. The Hazaras have their ancestors in Xinjiang region of north-western China. For a long time, the Hazaras were a neglected lot. However, they are now trying to get rid of their inferior status." **[81a]**

20.16 The Minority Rights Group International further noted that:

"The Hazaras speak a dialect of Dari (Persian Dialect) called Hazaragi and the vast majority of them follow the Shi'a sect (twelve Imami). A significant number are also followers of the Ismaili sect while a small number are Sunni Muslim. Within Afghani culture the Hazaras are famous for their music and poetry and the proverbs from which their poetry stems … The Hazaras are reported to have nuclear families with the husband considered the head of the family except in the case of husband's death, when the woman becomes the head. In the latter case the older wife in polygamous marriages succeeds the deceased husband until the eldest sun [*sic*] reaches maturity. At national level Hazaras tend to be more progressive concerning women's rights to education and public activities. Educated Hazara women, in particular ones who returned from exile in Iran are as active as men in civic and political arenas. Hazara families are eager to educate their daughters. U.N. officials in Bamian, 20 miles to the east, said that since the collapse of Taliban rule in late 2001, aid agencies have scrambled to build schools and have succeeded in attracting qualified female teachers to meet the demand." **[76a]**

The main text of this COI Report contains the most up to date publicly available information as at 28 May 2009. Further brief information on recent events and reports has been provided in the Latest News section to 26 June 2009.

(See also Section 23: Women)

20.17 Minority Rights Group International also noted:

"Hazaras are one of the national ethnic minorities recognized in the new Afghan constitution and have been given full right to Afghan citizenship. Their main political party, Hizb-e Wahdat gained only one seat in the cabinet. Hazaras are concerned about the rising power of the warlords, who they feel pose a direct threat to their community. Also, given the suppression suffered by Hazaras under the Mujaheedin, the power of Northern Alliance (Mujaheedin leadership of 10 years ago) in the new leadership is a cause for worry." **[76a]**

20.18 The USSD International Religious Freedom Report 2008 stated that:

"Throughout the country's history, there have been many examples of conflicts between the Hazaras and other citizens. The Hazaras accused the Government, led by Pashtuns, of providing preferential treatment to Pashtuns and of ignoring minorities, especially Hazaras. Hazaras have reported being asked to pay bribes at border crossings where Pashtuns were allowed to pass freely. These conflicts often have had economic and political roots but also have religious dimensions. The Government made significant efforts to address historical tensions affecting the Hazara community, including affirmative hiring practices." **[2c] (Section III)**

20.19 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"On June 15 [2008], a violent clash between Hazaras and Kuchis in the Behsud District of Wardak province continued for several weeks. Kuchi representatives claimed Hazaras killed 30 Kuchis in the clash, but the AIHRC [Afghan Independent Human Rights Commission] did not find evidence to support these claims. In an August 18 report, the AIHRC noted fighters killed 24 Hazara residents of the area during the conflict. The AIHRC also reported that as a result of the conflict, villagers evacuated 400 villages, and fighters burned 79 houses, 10 shops, and three mosques. According to the AIHRC, the ANA response to the conflict was ineffective and failed to prevent an escalation of violence. The AIHRC reported ANP units were successful in preventing some violence and allowing some villagers to return to agricultural activities." **[2a] [Section 5]**

20.20 A demonstration by the Hazaras in the capital, Kabul, on 22 July 2008 ended peacefully after five hours, the BBC reported. The demonstrators were calling on the government to do more to protect their land after disputes with the nomadic Kuchis, some called for the President to resign:

"The Hazaras accuse the nomadic Kuchis of killing a number of Hazaras recently in the Behsud district of Wardak province, while the Kuchis say Hazaras attacked their camps, killing several nomads. The Kuchis say they have historic grazing rights over the land in Wardak province, south-west of Kabul. President Karzai set up a commission to deal with the dispute last year after several people died in clashes between the Kuchis and the Hazaras." **[25k]**

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UZBEKS AND TURKMEN

20.21 The 2005 Encyclopedia of the World's Minorities recorded that Turkmen reside "… in northwestern and northeastern Afghanistan where they are minorities among Pushtun and Hazara. The Turkmen are Sunni Muslims and relatively few are Shia Muslims." **[27] (p1223)** The same source also stated that "Uzbeks were one of the major ethnic groups in the north of the country for centuries. Today, the majority of them are settled in the provinces of Kunduz and Mazar-i Sharif… Uzbeks became known as one of the key elements in the Northern Alliance against the Taliban, under the leadership of General Dostum." **[27] (p1288)**

20.22 The South Asia Tourism Society (SATS), undated but accessed on 29 April 2009, noted "Most Turkmens are nomadic poeple who herd yaks. Turkmens speak both archaic form of Turkish and Persian. Many nomadic Turkmens still live in dome-shaped tents based on wooden frames. Men wear coats with long sleeves, while women also wear long dresses to cover their hands in cold weather." **[81a]**

20.23 Article 16 of the Constitution recognises six additional languages, besides Dari and Pashtu, as official languages in the regions where they are spoken by the majority of the population. These include Uzbeki and Turkmani. **[4a]**

KUCHIS

20.24 The Associated Press reported on 14 May 2006:

"Officials estimate there are about three million Kuchis [Pashtu for nomads] among the 25 million or so Afghans, with about 60 per cent of them still following the nomadic life. They are among the poorest of the battered country's poor, owning little more than a tent and a few sheep and cows… Armed villagers and warlords often chase them off the land guaranteed to them under the new constitution. Hospitals refuse their sick, and graveyards reject their dead. They earn money by selling milk from their animals, but many also make their children work or beg. Even if they wanted to settle down, most couldn't afford to buy or rent a house.

"Yet not all Kuchis share the same lot. Some have bought property and use it as a base to return to after several months of travel. And there is a smaller, more affluent group that settled down long ago, leaving the roaming lifestyle behind." **[54b]**

20.25 The Afghanistan Independent Human Rights Commission report, December 2008, stated that:

"One consequence of the drought that has plagued Afghanistan for nearly 15 years is that the Kuchis' traditional way of life is no longer viable. Their pasturelands have dried up and their animals have weakened or died from a lack of food and water. The largest concentrations of displaced Kuchis, numbering roughly 60,000 people, are those who cannot return to the Registan desert. Drought conditions in the north, as well as the reluctance of local communities to allow the Kuchis to return with their flocks, has displaced

a further 10,000 individuals. With their traditional way of life destroyed, the Kuchi have been forcing to live in camps and to subsist on food assistance, with daily wage labor as their only livelihood option as few of the Kuchi are educated or have specialized skills. The return of this population to their traditional way of life in the Registan desert is impossible because such return is unsustainable, given the loss of their livestock and the fact that the amelioration of drought conditions, if it happens, will take several years. Replacing flocks is an expensive proposition and will not be supported by donors or government when the likelihood is that the flocks will die for lack of pasture and water. The ability of the Kuchi to adapt to their changed circumstances is limited as most are unfamiliar with settled livelihoods and do not own property. Their landlessness makes their situation particularly difficult." **[78a] (p50)**

20.26 A news article by the Institute for War and Peace Reporting (IWPR) dated 25 August 2005 stated that it was unknown how many of the recorded 3.7 million Kuchis in the latest official census conducted in the 1970s still existed in Afghanistan: "A preliminary count puts their number now at no more than 1.5 million, and the true figure may be as low as 600,000." IWPR also noted:

"Afghanistan's Kuchis have been hardest hit by the catastrophic events of recent years… Promises of mobile clinics, schools, and other facilities for Kuchis have gone unfulfilled, they say, leaving them poor, sick, and uneducated. Kuchi women bear the brunt of the burden. With little access to medical care, they have an extremely high rate of maternal and infant mortality, and illnesses related to reproductive health are common." **[73e]**

20.27 The final report of the Joint Electoral Management Body (JEMB) on the September 2005 elections, published in December 2005, stated that the Kuchis were allotted ten seats in the Wolesi Jirga. **[74b] (p20)** The IWPR news article of 25 August 2005 reported the Kuchi community as saying this number was insufficient to give them any significant power in the 249-seat parliament. **[73e]**

NURISTANIS

20.28 The USSD International Religious Freedom Report 2008 noted that "Nuristanis, a small but distinct ethnolinguistic group living in a mountainous eastern region, practiced an ancient polytheistic religion until forcibly converted to Islam in the late 19th century. Some non-Muslim religious practices survive today as folk customs." **[2c]**

20.29 The Minority Rights Group International website, accessed on 23 July 2008 described the Nuristanis:

"Nuristanis arrived in Afghanistan fleeing the eastward spread off Islam. They speak an unique Indo-European-language. Nuristanis were conquered by Amir Abdur Rahman Khan in 1895-96 and were obliged to abandon their ancient religious belief in favour of Islam. They reside mainly in the East of the country - between the Pashtun tribes of Kunar, the Kalash in Pakistan's Chitral, and the Tajiks of Badakhshan in the North. Nuristan (land of light) is located on the southern slope of the Hindu Kush mountain range and is spread over four valleys, with each valley having its own distinct language/dialect: Kati, Waigali, Ashkun and Parsun…Nuristani men and

women follow a strict division of labour with the working in livestock herding while the women work on grain production or irrigated terraces." **[76c]**

20.30 On 7 April 2008 The Long War Journey reported that:

"A series of airstrikes in northeastern Afghanistan on Sunday killed at least 16 people in what Coalition and Afghan Defense officials said was a deliberate operation against the network of top fugitive warlord Gulbuddin Hekmatyar. The strike occurred in the volatile mountain province of Nuristan, a rugged area north of Kunar long known to be a hotbed of insurgent activity. US and Afghan forces launched Sunday's attack after intelligence sources revealed Gulbuddin Hekmatyar was in the Dohabi (Doab) district trying to meet with Kashmir Khan, his top military commander, Nuristan's governor Tamim Nuristani told The Associated Press. The Defense Ministry has since announced Hekmatyar was not the target rather a group of his loyalists who planned on meeting with Nuristani based Taliban fighters…

"Nuristan's deputy governor, Mohammad Aleem, claimed numerous civilians were killed in the clash, including women and children. Several other Nuristani officials cited the casualty figure around 19 or 20, including women and children, adding local villagers had relayed the figures via radio communications… Both the Afghan Defense Ministry and Coalition officials have denied the reports of civilian casualties." **[55c]**

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21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

21.01 The International Lesbian and Gay Association (ILGA) survey, State Homophobia, updated May 2008 stated that same-sex male and same-sex female relationships are illegal. The report also noted that under Article 427 of the Penal (Criminal) Code:

"(1) A person who commits adultery or pederasty shall be sentenced to long imprisonment.
(2) In one of the following cases commitment of the acts, specified above, is considered to be aggravating conditions:
a. In the case where the person against whom the crime has been committed is not yet eighteen years old." **[80a]**

21.02 The source added "In Afghan legal terminology 'pederasty' appears to refer to homosexual acts and not paedophilia, which instead falls under subsection a) of article 427. Islamic Sharia law, criminalizing homosexual acts with a maximum of death penalty, is applied together with the codified Penal law. However, no known cases of death sentences have been handed out for homosexual acts after the end of Taliban rule." **[80a]**

21.03 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, 31 December 2007 stated that "Open homosexual relations are not possible in Afghanistan given conservative social mores. In addition to gays and lesbians risking violence from family or community members, most interpretations of the applicable criminal law indicate that homosexual acts would lead to severe punishment were they to come to the attention of authorities." **[11a] (p9)**

21.04 The USSD report for 2008 recorded "The law criminalizes homosexual activity; however, the authorities only sporadically enforced the prohibition." **[2a] (Section 5)**

21.05 The Amnesty International document, Sexual Minorities and the Law: A World Survey, updated July 2006, stated same-sex relationships were illegal (and punishable by up to 15 years in prison) but, with regard to transgender persons, it reported that there was "No data or the legal situation was unclear." **[7d]**

SOCIETAL ILL-TREATMENT OR DISCRIMINATION

21.06 The USSD report for 2007 recorded "A recent UNHCR report noted that most homosexual persons hid their sexual orientation. Many observers believed that societal disapproval of homosexuality was partly the cause for the prevalence of rape of young boys. During 2006 the Taliban published a new set of rules that explicitly forbade the recruitment of young boys for sexual pleasure." **[2h] (Section 5)**

21.07 GlaobalGayz.com, updated April 2008 noted that:

"Male-to-male conjunctions generally follow along old Arabic traditions. In most modern Islamic 'cultural' (premarital) homosexual behaviour there is a

mute understanding that sex is mutural [sic] consensual, temporary and that it's a form of companionship, if not affection, among peers… Whether the activity is mutual or forceful, there is an almost universal attitude in these eastern cultures that such sexual indulgence is not 'gay', that is, it's not sex or love between two men who identify as homosexuals. (In Afghanistan it's common for the older participants to be married with kids.) Rather, in a collective mental shell game the meaning of sex is re-framed: heterosexual men engage in homosexual behavior in which the younger guy is not a 'fem' but obedient and passive and the older one is not a 'butch queer' but assertive and active." **[42]**

This section should be read in conjunction with Section 23 on Women.

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22. DISABILITY

22.01 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons with disabilities and protect their rights, including health care and financial protection. The constitution also requires the state to adopt necessary measures to reintegrate and ensure the active participation of persons with disabilities in society. The government did not effectively enforce these protections. The Ministry of Urban Development and Housing built access ramps for persons with disabilities around the Kabul Municipality building and in all Kabul public bathrooms. In April, the Ministry of Work, Social Affairs, Martyrs, and Disabled (MOWSAMD) released the Afghanistan National Disability Plan 2008-2011 (ANDP), which aims to address the rights and needs of all persons with disabilities.

"According to the 2006 National Disability Survey, the country's population included 747,500 to 867,100 persons with severe disabilities, including 17 percent who had disabilities as a result of war and approximately seven percent as a result of landmines. More than 72 percent of all persons with disabilities have not received any education, and fewer than 30 percent of persons with disabilities have jobs. Although community-based health and rehabilitation committees continued to provide services to approximately 100,000 persons, their activities were restricted to 60 of 330 districts. The MOWSAMD worked to coordinate and develop policy strategies that create employment opportunities, access to education, health care, and greater mobility for citizens with disabilities. During the year ministry services extended to only 16 of the 34 provinces. Groups advocating the rights of persons with disabilities repeatedly protested the inaction of the MOWSAMD." **[2a] (Section 5)**

22.02 The USSD 2007 report noted:

"According to the MOWSAMD [Ministry of Work, Social Affairs, Martyred, and Disabled], sample surveys estimated a total disabled population of two million persons, 25 percent of whom had disabilities caused by the country's two-and-a-half decades of conflict. IRIN reported that more than 50 percent of persons with disabilities are less than 19 years old. Domestic NGOs offered privately funded trade classes to persons with disabilities. However, according to the National Disability Survey, more than 72 percent of all persons with disabilities over age six have not received any education, and fewer than 30 percent of persons with disabilities have jobs. Although community-based health and rehabilitation committees continued to provide services to approximately 100,000 persons, their activities were restricted to 60 out of 330 districts. As a result, they were able to assist only a small number of those in need. The MOWSAMD worked within the framework of the UN Development Program's National Program for Action and Disability (NPAD) to coordinate and develop policy strategies that create employment opportunities, access to education, health care, and greater mobility for disabled citizens; however, during the year, the MOWSAMD reported that the scope of NPAD was greatly reduced due to a lack of funds. Ministry services currently extend to only 16 of the 34 provinces. Disabled groups repeatedly protested the inaction of the MOWSAMD." **[2h] (Section 5)**

22.03 United Nations Development Programme (UNDP) Afghanistan, accessed 10 August 2006, noted "War in Afghanistan has created a population dramatically affected by trauma and disability. Estimates suggested two million people may have a physical disability of some sort. This figure excludes those who have some sort of mental trauma, perhaps from something they witnessed or the high level of domestic violence." It is estimated that 75 per cent of children with disabilities do not attend school and 80 per cent of people with disabilities are unemployed **[47a]**

(See also Section 24: Children – Child care and Health issues)

22.04 The 2008 Afghanistan Landmine Monitor report stated that "Afghanistan does not have specific legislation protecting the rights of persons with disabilities, but the constitution provides guarantees for the rights of persons with disabilities." **[14a]**

The Landmine Monitor report 2008 provides further information on the landmine situation in Afghanistan and accessed directly via the link given in Annex G for source number **[14a]**.

(See also Section 30: Freedom of Movement – Mines and unexploded ordnance.)

22.05 A UNHCR paper dated 31 December 2007 advised that:

"Ill or disabled persons who cannot work or live on their own in Afghanistan should not return unless they have effective family and/or community support. Examples are persons permanently disabled by diseases such as polio or meningitis, landmine victims, persons injured during the war, accident victims, and persons with severe handicaps or birth defects, including blind, deaf and mute persons. Similarly, mentally ill persons who need long term treatment or special care will not be able to cope in Afghanistan without family assistance. There are very few specialized institutions and personnel. This is particularly problematic for persons suffering severe mental illnesses, who, as a result, are not self-sufficient. It should be noted that occasional drug users are often believed to be mentally ill by their families. Drug use reduction programmes, albeit part of the counter-narcotics strategy of the Government of Afghanistan, are nascent and offer extremely limited facilities, all with long waiting lists." **[11a] (p78-79)**

(See also Section 28: Medical Issues)

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23. WOMEN

OVERVIEW

23.01 Afghanistan is a signatory to the UN Convention for the Elimination of All Forms of Discriminiation Against Women (CEDAW) **[78a] (p27)** The Women for Women 2009 Afghanistan Report, noted that:

"The 2001 Bonn Agreement pledged to address the structural impediments to women's rights in Afghanistan and to include women in political life. Quotas were set to ensure places for women in the Loya Jirga and the interim administration, and a Ministry of Women's Affairs was established. The Gender and Law Working group, a women's lobby, was able to push through some amendments to the draft constitution released in 2003. These amendments, retained in the final document and approved in 2004, included an explicit reference to the equality of men and women before the law (Article 22) and increased the number of women in the legislature's lower house to two female delegates from each province (Article 83).32 Article 7 of the Constitution also requires that Afghanistan abide by various conventions that it has signed, including the UN Convention Against all Forms of Discrimination Against Women." **[99a] (p16)**

23.02 The Freedom House report, Freedom in the World 2008, Afghanistan, released in July 2008, observed:

"The end of Taliban rule freed women from extremely harsh restrictions and punishments that kept them veiled, isolated, and, in many cases, impoverished. Women's formal rights to education and employment have been restored, and in some areas, women are once again participating in public life. The new constitution contains provisions guaranteeing equal rights for women and reserving a quarter of the seats in the Wolesi Jirga and provincial councils for women. Record numbers of women registered to vote—an average 41 percent of all registered voters were women—and took part in the 2004 and 2005 elections. In addition, more than 500 women, about 10 percent of all candidates, registered to contest the 2005 parliamentary elections. However, a 2005 Human Rights Watch report noted that women in the political sphere, particularly those standing as candidates, faced significant threats and harassment from armed factions and conservative religious leaders. Social norms restricting women's ability to travel independently and appear in public, particularly in the south, also negatively affected their efforts to run for office and participate fully as members of parliament.

"Despite women's political gains, societal discrimination and violence remain pervasive, with domestic violence occurring in an estimated 95 percent of households, according to one survey. Women's choices regarding marriage and divorce remain circumscribed by custom and discriminatory laws, and the forced marriage of young girls to older men or widows to their husbands' male relations is a problem. Nearly 60 percent of Afghan girls are married before the legal age of 16, according to UNICEF. However, in March 2007 the Supreme Court approved a new formal marriage contract stipulating that the bride must be at least 16, a move welcomed by activists who hope that it will lead to fewer underage marriages. To the extent that it functions, the justice system discriminates against women. In most cases, according to a 2005

Amnesty International report, complaints of violence against women—including abduction, rape, forced marriage, and murder—are not adequately investigated by authorities. Cases of self-immolation by women seeking to escape forced or abusive marriages, particularly in the provinces of Herat and Kandahar, continued to be an issue in 2007, the AIHRC reported. Honor killings of women believed to have brought shame on their families are also reportedly on the rise. As a result of increasing lawlessness, women and children are subject to abduction, trafficking, and sexual violence. In certain areas, warlords impose Taliban-style dress and behavioral restrictions on women, further circumscribing their freedoms." **[41a]**

23.03 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 noted that:

"Over the past five years, the Government of Afghanistan and the international community have placed initiatives promoting gender equality high on their agenda. The Ministry of Women's Affairs was created immediately after the demise of the Taliban and Afghanistan ratified the UN Convention on the Elimination of All Forms of Discrimination against Women in 2003…Various mechanisms, such as women's focal points, gender units, women's shuras and women's departments have been created in ministries to facilitate the incorporation of gender priorities into their work, and serve as vehicles for raising and discussing women's concerns at the policy level. Inter-ministerial and inter-agency bodies that initiate, coordinate, and monitor gender equality measures are also operational, such as the Inter-Ministerial Commission for the Elimination of Violence against Women (CEVAW), Inter-Ministerial Working Group on Gender and Statistics (IWGGS) and NGO Coordination Council. To implement the Afghanistan Compact and the ANDS benchmarks on gender, the ANDS created the Consulting Working Group on Gender (CG2), Cross-Cutting Consulting Group (CCCG) on Gender, Technical Advisory Group for Women and Children (TAG) as sub-working groups within the legal reform working group and Sub-Working Group on Vulnerable Women, all of which have been instrumental in keeping gender high on the agenda of macro development processes.

"Through these initiatives, there have been measurable improvements on women's participation in public life over the past five years. Women now represent 27 percent of the National Assembly and hold one sixth of the seats in the Upper House, ranking Afghanistan twentieth among countries with the highest representation of women in the legislature. A great number of women and girls have returned to schools and Government ministries have started to address many of their obstacles, including violence against women." **[11a] (p43-44)**

23.04 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

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

threat of violence, continued to impede the ability of many women to improve their situation.

"Societal discrimination against women persisted, including domestic abuse, rape, forced marriages, exchange of girls to settle disputes, kidnappings, and honor killings. In some rural areas, particularly in the south, women were forbidden to leave the home except in the company of a male relative." **[2a] (Section 5)**

23.05 Human Rights Watch noted in its World Report 2009, covering events in 2008, released in January 2009, that:

"Afghan women and girls rank among the world's worst-off by most indicators, including maternal mortality, life expectancy, and literacy.

"Insecurity prevents the vast majority of girls from attending school in the south and southeast…Even in conflict-free areas, Afghan girls continue to face immense obstacles to education such as lack of girls' schools, sexual harassment en route to school, and early marriage which tends to prematurely end schooling. According to Ministry of Education data, 46 percent of primary school-aged girls were enrolled in primary school, compared with 74 percent of boys. At the secondary level only 8 percent of girls and 18 percent of boys were enrolled.

"Women still confront widespread discrimination, significant barriers to working outside the home, and restrictions on their mobility; many still cannot travel without an accompanying male relative and a burqa." **[17b]**

23.06 In a report dated 6 March 2008, the UN Secretary-General stated that:

"Tangible improvement in the status of women remains a major challenge, despite numerous Government policies and programmes addressing gender issues. Implementation of the National Action Plan for the Women of Afghanistan has begun through pilot projects. Further progress will depend on political will, the availability of resources and implementation capacity.

"There has been some progress on women's economic advancement, with women constituting 66 per cent of microfinance borrowers and 38 per cent of the participants in the National Skills Development Programme. In partnership with the United Nations Development Fund for Women (UNIFEM) and the Ministry of Women's Affairs, the Independent Administrative Reform and Civil Service Commission adopted a gender equity policy to strengthen the participation of women in the civil service.

"Nonetheless, violence and harmful practices against women and girls remain a cause for serious concern. In 2007, UNAMA [United Nations Assistance Mission in Afghanistan] received over 2,000 complaints of gender-based violence. Better coordination to tackle violence against women is being pursued at the policy level through the Inter-Ministerial Commission on Violence against Women and numerous community-level initiatives. The collection and analysis of data on violence against women is being systematically institutionalized into the work of relevant ministries. A special fund for the protection of women at risk has been set up by UNIFEM with the support of the Office of the United Nations High Commissioner for Refugees.

However, the systematic failure to ensure women's access to justice and protection from violence and a tendency to criminalize female victims still need to be addressed. An improvement in women's enjoyment of their rights requires greater accountability on the part of national authorities, as well as monitoring of the implementation of Government commitments, particularly the 13 gender-equity benchmarks of the Compact." **[39b] (p11)**

(See also Section 23: Violence against women)

23.07 A United Nations Development Fund for Women (UNIFEM) fact sheet of January 2008 provided statistical information on the participation of women in various aspects of Afghan life – such as politics, employment and the security services – and gender specific statistics concerning areas such as health, education and violence. **[72b**

23.08 A survey of 1,500 women across different regions of Afghanistan by Women for Women International revealed that:

- "41.2% of women said that the biggest problem they face in daily life is the lack of important commodities, followed by insufficient employment opportunities (26.2%) and lack of social services (13.5%).
- 66.2% of women said that the first problem the national government should fix is the security situation, followed by economic and political problems. Responses were the same at the local level, giving security the highest priority." **[99a]**

23.09 IRIN News reported on 8 March 2008 that "Registered cases of physical violence against women and girls in Afghanistan have increased by about 40 percent since March 2007. UN agencies involved in women's development efforts in Afghanistan say a dramatic increase in the number of reported cases of violence against women does not necessarily imply that gender-based violence has increased." **[36s]** A later report by IRIN News, published in July 2008, recorded that there was little support for the victims of child sexual abuse in Afghanistan. **[36y]**

23.10 The Afghanistan Independent Human Rights Commission (AIHRC) report, December 2008 stated that:

"Maternal care is still largely unavailable. Average female life expectancy for females is 45 years… The extent of the lack of coverage for maternal care is reflected in the HRFM [Human Rights Field Monitoring] survey of vulnerable groups. Relatives and friends remain one of the main sources of assistance during labor in 40% of urban and 50% of rural households. Overall, trained staff assisted only 30% of births and about 8% of births took place unassisted. Households in urban locations were more likely to use trained help: 22% with a doctor or nurse and 25% a midwife or trained birth attendant. Only 10% of rural households had the assistance of a doctor or nurse and another 17% were assisted by a midwife or trained birth attendant. In light of the lack of medical care available in rural areas, these numbers leave mothers particularly vulnerable; in case of complications at birth, 30% of the rural population would not be able to reach medical facilities in time." **[78a] (p54)**

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LEGAL RIGHTS

23.11 The USSD report for 2008 noted:

"The constitution prohibits discrimination between citizens and provides for the equal rights of men and women; however, local customs and practices that discriminated against women prevailed in much of the country. Equal rights based on race, disability, language, or social status are not explicitly mentioned in the law. There were reports of discrimination based on race, ethnicity, religion, and gender." **[2a] (Section 5)**

23.12 The UN Secretary-General's report of 6 March 2008, stated that "While public access to courts and legal aid is a constitutional right, it remains elusive to the majority of Afghans, especially women, children and vulnerable groups. This problem is compounded by the fact that public awareness of legal rights and processes is limited." **[39b] (p6-7)**

23.13 UNHCR's December 2007 paper explained:

"Customary law prevails in Afghanistan where traditional dispute resolution mechanisms such as Shuras and Jirgas are often used in place of formal court systems in criminal and civil cases, including in disputes over marriage and land. Shuras and Jirgas are longstanding features of Afghan social structures. Traditional dispute resolution mechanisms, especially in rural areas, remain dominant and often to the detriment of women and children's rights. Almost without exception, members of a Jirga are all men. Decisions of a Jirga are binding and sanctions for non-compliance are harsh, including arson of the trespasser's house, isolation or expulsion from the community and forced removal from the settlement." **[11a] (p31)**

23.14 Amnesty International's 2008 report on Afghanistan noted that "Women's rights continued to be eroded in many areas. Women working for the government faced threats and several survived attempted assassinations." **[7l]**

23.15 In a briefing paper, dated 11 June 2008, Amnesty International stated:

"Amnesty International welcomes advances in respect for women's rights since the fall of the Taleban, notably through the establishment of the Ministry for Women's Affairs, the National Action Plan for Women, improved access to education and representation of women in parliament. But Afghan women and girls still encounter discriminatory laws, policies and practices, which include physical attacks on them as women. Women and girls face endemic domestic violence, trafficking, forced marriages, including child marriages, and being traded in settlement of disputes. The police, the courts and other justice sector officials seldom address women's complaints of abuses, including beatings, rape and other sexual violence. Women victims and defendants have little recourse to justice and are discriminated against in both the formal and informal justice systems." **[7a] (3. Protecting and upholding women's rights)**

23.16 Womankind's February 2008 report concluded that:

"Critical groundwork has been laid in the initiation of legal reform and the creation of institutions mandated to protect women's human rights. However, a

framework alone is not enough. Realising women's human rights will require enforcement of the laws, which at present exist on paper only. Translating good intentions and *de jure* rights (rights based on law) into real, meaningful changes for women demands a commitment of political will and the necessary resources to back that will. It also demands co-ordination among stakeholders, long-term visions and strategies, and consistent public assertions from national leaders which demonstrate that women's human rights were not merely a convenient promise to sell a large-scale, resource-consuming intervention to Afghan citizens and Western publics, but a legitimate, genuine and realisable call to action." **[88a] (p14)**

23.17 On 15 April 2009, Afghan women protested against a new law which was passed by the two houses of Afghanistan's parliament and reportedly signed by President Hamid Karzai. The new law is reported to contain articles that deny Afghan Shi'a women the right to leave their homes except for 'legitimate' purposes; they cannot refuse their husband sex, forbids them from working, visiting the doctor or receiving education without their husbands' permission; weakens mothers' rights in the event of a divorce; and makes it impossible for wives to inherit houses and land from their husbands. Some protestors were attacked by supporters of the law who threw stones at them and tried to seize their banners. (UN, 2 April 2009) **[39g]** (BBC, 15 April 2009) **[25aq]**

POLITICAL RIGHTS

23.18 The USSD 2008 report stated that "Although women's political participation gained a degree of acceptance, there were elements that continued to resist this trend." **[2a] [Section 3]**

23.19 The Women for Women International report, 2009 recorded that:

"The overwhelming majority of women in Afghanistan have only limited direct contact with political institutions. The Afghan Government recently committed to fast tracking the increase of women's participation in the civil service at all levels to 30% by 2013. Currently, only 22% of all regular government employees are women, and only 9% percent of these are at the decision-making level. In the 9,394 Community Development Councils established throughout Afghanistan by May 2007, the number of female members was 21,239 (24%), compared to 67,212 (76%) male members. While women represent 27% of the National Assembly, the Minister of Women's Affairs is the only female cabinet member, and in 17 of 36 ministries there are fewer than 10% female employees.

"There is currently an Afghan Women Judges Association, created in 2003, and an Afghan Women Lawyers and Professionals Association. The Family and Juvenile Courts are headed by women, but of the 1,547 sitting judges in Afghanistan only 62, or 4.2%, are female. Of the 546 prosecutors, 35 (6.4%) are female, and of the 1,241 attorneys 76 (6.1%) are female. There are no women members in the Supreme Court Council." **[99a] (p17)**

23. 20 The UNIFEM fact sheet of 2008 noted the following statistics on women's participation in the spheres of politics, justice and security respectively:

"• Women represent 27% of the National Assembly: (68 out of 249 seats in the Wolesi Jirga and 23 out of 102 seats in the Mesherano Jirga

- Women held 121 out of 420 Provincial Council seats in 2005
- Women account for 25.9% of all civil servants
- The number of women who registered for elections increased from 41.5% in 2004 to 44% in 2005... [however]
- Only one cabinet member is female (the Minister of Women's Affairs)
- There were not enough women to meet the 124 seat quota at the Provincial Council elections, and 3 seats had to be given to men
- In 17 of the 36 Ministries there are less than 10% female employees
- Out of the total 17 Ambassadors of Afghanistan to other countries in 2007, only two were women." **[72b] (Political participation)**
- There is currently an Afghan Women Judges Association, created in 2003, and an Afghan Women Lawyers and Professionals Association
- The Family and Juvenile Courts are headed by women
- Of the 1,547 sitting judges in Afghanistan only 62 or 4.2% are female
- Of the 546 prosecutors, 35 or 6.4% are female
- Of the 1,241 attorneys 76 or 6.1% are female
- There are no women members in the Supreme Court Council. **[72b] (Participation in the Justice sector)**
- Women represent less than 1% of employees in police and military services
- There were only 233 policewomen out of the total 62,407 personnel in Afghanistan in February 2007
- There are 259 women in the Afghan National Army, which is 0.6% of approximately 43,000 military personnel
- There are no women in the auxiliary police force." **[72b] (Participation in Security services)**

See Annex E for a list of Cabinet members and see Section 17: for further information on Women's rights activists

23.21 The report further noted:

"Women, both in urban and rural areas, must conform to conservative and traditional norms of behaviour in order to be safe from physical and psychological violence or abuse. Pressure to conform is very strong, both from within families and communities, and by the public. The conduct of women in the workplace is carefully watched. Afghan women who, having resided abroad, adopt 'Western' values, which are considered to be inconsistent with social mores in Afghan society, would only be able to continue to enjoy relative social, cultural and economic freedom if they can rely on strong family protection. Such protection is more readily available in Kabul than in the provinces. UNHCR is aware of self-immolation cases of women returning from Iran. Those cases were reportedly rooted in the social restrictions imposed upon return. Women returning from Iran interviewed by UNHCR have also expressed frustration at the lack of available public and social opportunities and activities for women, and the serious restrictions to the freedom of movement often imposed by family members and society as a whole. In this respect, Afghan tradition imposes that women cannot travel freely without male escorts (Maharam). Furthermore, women are presented with the challenges of harassment and pressures from families to wear a burka or a chador." **[11a] (p68-69)**

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SOCIAL AND ECONOMIC RIGHTS

23.22 The UNHCR report dated December 2007 stated that "Progress in the realization of gender equality remains, however, an uphill struggle as legal and social discrimination are deep-rooted, insecurity grows, and customary practices prevail. Afghan women and girls continue to suffer extremely low social, economic and political status." **[11a] (p44)**

23.23 The USSD 2008 stated "Women active in public life faced disproportionate levels of threats and violence. As required by law, there were 68 women in the 249-seat Wolesi Jirga. President Karzai appointed 17 women to serve in the 102-seat Meshrano Jirga, and an additional six female MPs were elected to that house, bringing the total to 23 women in the Meshrano Jirga. There was one woman in the cabinet. There were no women on the Supreme Court." **[2a] (Section 2d)**

(See also Section 30: Freedom of Movement)

23.24 The UNHCR's paper of December 2007 reiterated:

"Afghan woman, in most part, are required to follow particular codes of behavior. Where a woman refuses or otherwise does not conform her behavior in accordance with this code, and faces punishment as a result, she may have a well-founded fear of persecution. Persecution can take the form of honor killings or other violence as well as discriminatory restrictions related to education, moving outside the home without a male relative or participating in the work-force. Risks due to failure to conform to the conventional roles and restrictions on women's conduct can be viewed as either linked to the ground of religion and/or political opinion, as non-conformity can be seen as opposing traditional power structures." **[11a] (p64)**

23.25 The USSD 2008 report noted that:

"The government did not require women to wear burqas. Although some women continued to wear the burqa out of personal choice, many other women felt compelled to wear one due to societal or familial pressure. Cases of local authorities policing aspects of women's appearance to conform to a conservative interpretation of Islam did occur… and most women, even in Kabul, wore head covering. In rural areas and villages made more accessible by new roads, formerly unveiled women donned burqas when they worked in the fields to avoid being seen by strangers." **[2a] [Section 5]**

Access to education and employment

23.26 The US State Department 2008 report noted that although women had better access to education, the denial of education during the ongoing insurgency was an impediment to improving their situation. **[2a] (Section 5)**

23.27 The UN Secretary-General's March 2008 report stated that "…the gross enrolment in schools is estimated to have increased in 2007 to 5.7 million, with girls constituting 35 per cent of that figure." **[39b] (p13)** Whilst UNIFEM's fact sheet, published in January 2008, noted:

- "In 2005, 58.8% of students enrolling in Teacher Training Institutions in Afghanistan were female…
- "The estimated literacy rate for women stands at 15.8% (compared to 31% for men)
- "Only 19% of schools are designated as girls schools
- "In 29% of educational districts there are no designated girls schools at all
- "Only about 28.4% of teachers in Afghanistan were women in 2005
- "At the primary level there is one girl student for every two boys
- "At the secondary level there is one girl for every three to four boys
- "The number of girls in secondary school decreased by 4.7% per annum during 2004-5." **[72b] (Education)**

23.28 The Women for Women International report, 2009 recorded that:

"In the economy of rural Afghanistan, male and female roles differ. For the most part, women and girls engage in a number of farm-based activities 'ranging from seed bed preparation, weeding, horticulture, and fruit cultivation to a series of post-harvest crop processing activities such as cleaning and drying vegetables, fruits and nuts for domestic use and for marketing.'

"In rural areas, the definition of 'economic activity' frequently 'excludes the exchange of labor and products between households' and 'post-harvest processing of crops (drying/cleaning/preserving), which is a predominately female domain.' It also seems to exclude 'the vital role women in the South play regarding a household's contracting of poppy harvesters, for whom three solid daily meals are part of their wage packet.'

"In urban areas, women's access to the labor market 'is constrained by historical circumstances, low skills, limited opportunities, stringent cultural norms, occupational sex segregation and a number of demographic factors.' Outside the domestic sphere, women's employment has always been subject to severe restrictions, and the limited access to childcare continues to pose a significant obstacle to women's employment outside the home." **[99a] (p18)**

23.29 UNIFEM's January 2008 fact sheet reported:

"• 30% of agricultural workers are women
- Women receive 3 times less wages than men
- There are some 50,000 war widows in Kabul, supporting an average of 6 dependents
- Only 38.2% of women in Afghanistan are economically active
- In 2004, the per capita Gross Domestic Product was US$402 for women, compared to US$1,182 for men." **[72b] (Labour force participation)**

23. 30 The USSD 2008 report stated that "Some local authorities excluded women from all employment outside the home, apart from the traditional work of women in agriculture." **[2a] [Section 5]** However, the report further stated that "… recently graduated women police officers there were active in crime investigation including investigating cases of domestic violence. During the year [2008], a local NGO conducted four domestic violence trainings for 240 ANP officers in Kabul, including those working in ANP Family Response Units. The Family Response Units are staffed primarily by female police officers and address violence and crimes against women, children, and families. They offer

mediation and resources to prevent future instances of domestic violence." **[2a] [Section 4]**

23.31 A Womankind report of February 2008 recorded that "In recent research, a relationship was found between higher rates of domestic abuse and women working outside the home, highlighting a possible backlash against new found freedoms. There is very little research on, or understanding of Afghan women in the private sector: small businesses, agriculture or industry." **[88a] (p45)**

Marriage and Divorce

This section should also be read in conjunction with Section 24: Children – Child Marriage

23.32 The US State Department (USSD) report 2008, published on 25 February 2009, stated that "The legal age for marriage was 16 for girls and 18 for boys." **[2a] [Section 5]**

23.33 The USSD 2008 report additionally noted:

"The government's willingness to recognize the right to marry varied according to nationality, gender, and religion. The family court could register a marriage between a Jewish or Christian woman and a Muslim man, but the court required the couple to accept a Muslim ceremony. A woman of any other faith had to convert to Islam before marrying a Muslim man. The court could not register a marriage between a Muslim woman and a non-Muslim man. The court could not register marriages for citizens who stated they were not Muslim, even if they were born into other faiths. During the year these situations rarely occurred, as more than 99 percent of the population was Muslim." **[2a] [Section 1f]**

23.34 The USSD 2008 further noted that:

"The AIHRC [Afghanistan Independent Human Rights Commission] estimated approximately 40 percent of marriages were forced, and distinguished this category from 20 percent of marriages that were 'arranged,' the latter allowing the woman the choice to decline marriage but not to choose her spouse. During the year the AIHRC recorded 30 cases of women given to another family to settle disputes, although the practice is outlawed by presidential decree. The unreported number was believed to be much higher." **[2a] [Section 4]**

23.35 However, the USSD 2008 report also noted that a Womankind report had recorded that "…more than 60 percent of marriages were forced and, despite laws banning the practice, 57 percent of brides were under the legal marriage age of 16." **[2a] [Section 5]**

23.36 The Womankind report of February 2008 noted "Afghan civil law contains numerous provisions that protect women's human rights in the family, such as their right to divorce if they are being maltreated. While seldom enforced, existing law provides a basis from which to advocate for enforcement and education about women's human rights." **[88a] (p24)** Freedom House, in the Freedom in the World 2008 report, noted "Women's choices regarding marriage and divorce remain circumscribed by custom and discriminatory

laws…". **[41a] (p9)** UNHCR's December 2007 paper concurred "Women remain deprived of basic civil rights, including in cases of divorce, custody and with regard to inheritance rights." **[11a] (p44)**

23.37 Womankind also recorded that "Stigma and shame surround divorced women…rendering them unmarriageable and subsequently, financially destitute. Polygamy is one of the few options available to divorced women, who have low social status but require a husband for financial dependence… **(p25)** Women's economic dependence on male family members prevents them from seeking divorce or leaving abusive marriages." **[88a] (p44)** The USSD 2008 stated that "An NGO in Herat, however, reported shuras often treated women fairly in resolving civil matters such as divorce and custody cases." **[2a] (Section 1e)**

23.38 The Afghanistan Human Rights Commission report, December 2008 stated that:

"Islamic Sharia and Constitution of the country have provided suitable rights for women and men, but practically and in some rules and practices of equality between men and women these rights are not ensured. Current legislation leaves women largely unprotected. A man can divorce his wife without due process. In the absence of officially enforced marriage and divorce registration women remain particularly open to abusive practices. A woman can remarry three months after divorce period (Edat). However, if challenged, she will have to provide witnesses to prove her divorce in court. The woman can initiate the divorce process if she has enough reasons to do so; accepted reasons among others include: her husband must be sick and it endangers her; her husband must fail to provide for the family; her husband must be absent for more than four years in the house or be sentenced for imprisonment of 10 years or more. In this case, the court will assign her mahr – divorce maintenance – and custody of girls until they reach their ninth birthday and boys until their seventh birthday." **[78a] (p33)**

23.39 An IRIN News article dated 16 July 2008 reported that "In Afghanistan sexual relations between a man and a woman outside marriage are considered a serious crime and offenders can face death penalty and/or a lengthy prison sentence, depending on their marital status and other circumstances…Every year hundreds of female sex workers are sent to prison for allegedly having 'unlawful sexual relationships'…" **[36g]** However, high food prices, drought, unemployment and lack of socio-economic opportunities are pushing some women and young girls in northern Afghanistan into commercial sex work, women's rights activists and several affected women told IRIN. **[36g]** Men are reportedly turning to prostitutes because they cannot afford to marry. One shopkeeper in Mazar-I-Sharif said "'…If I want to marry a girl, I must have at least $20,000 to marry her. Having sex with a prostitute is the only way that can I [*Sic*] meet my expectations,' he said." (Reuters, 18 May 2008) **[24d]**

23.40 The USSD Religious Freedom report 2008, noted:

"There were no new reported cases of forced chastity examinations. However, local marriage traditions in which a newlywed couple consummates their marriage on a white handkerchief that is later displayed as proof of the bride's virginity until marriage remain popular throughout the country. Women run the risk of immediate divorce and social ostracism, severe punishment from her

in-laws, or death, if her virginity is not confirmed through this ritual. There were no reports of examinations imposed on non-Muslims." **[2c] (Section 3)**

(See also Section 19: Freedom of Religion – Mixed Marriages and Section 24: Children - Child Marriage)

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Single women and widows

23.41 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 noted that:

"The vulnerability of unaccompanied females in Afghanistan is the result of social traditions and gender values, according to which women should not live independently from their family. Where there is no family able to provide care and maintenance, single women can be accommodated temporarily in safe houses run by Afghan NGOs in Kabul and Herat. These constitute only a short-term 'safe haven', yet longer term solutions do not exist. Even in the case of domestic violence, the women or girl is often compelled by the lack of alternatives to return home." **[11a] (p68-69)**

23.42 The report further added:

"… Women without effective male or family-support and single women of marriageable age are uncommon in Afghanistan, and continue to be viewed with some suspicion. They face a high risk of being married off by their families against their will. Single women are likely to be ostracized by the Afghan community or fall prey to malicious gossip which could destroy their reputation and social status. This exposes them to an increased risk of abuse, threats, harassment and intimidation by Afghan men, including risk of being kidnapped, sexually abused and raped. In the majority of these cases, the Government is not in a position to effectively protect women." **[11a] (p9)**

23.43 The UNHCR report further stated that:

"Afghan women, both in urban and rural areas, must conform to conservative and traditional norms of behaviour in order to be safe from physical and psychological violence or abuse. Those at heightened risk include women who are perceived as or actually transgressing prevailing social mores, foreign wives of Afghans, and women without male protection. Single women without male protection, (husband, father, brother or extended family member) will have difficulty both in sustaining themselves, given social restrictions on travelling in public without a male escort in many areas, as well as physical protection problems. Women who suffer domestic violence and are fortunate enough to find accommodation in one of the few shelters available are unable to be integrated elsewhere in the country. Without an alternative durable solution, most eventually return to their family after assurances of safety have been negotiated. This situation reflects the inability for single women to reside safely in Afghanistan without a male family member to provide the traditional protection function." **[11a] (p9)**

23.44 The Womankind report of February 2008 recorded that:

"Afghanistan has one of the largest numbers of widows in the world, estimated to exceed 1 million as a result of the last 30 years of war. Little has been done to support widows in the provinces, who have no or little source of income. Without any literacy, training or skills, and no social safety net, widows are often forced to beg. They are systematically denied their right to traditional protections under Islamic law, such as nafaqa (payment by male family members to widowed or destitute female family members)." **[88a] (p44)**

23.45 The UNHCR noted "… it is common practice in Afghanistan for a widow to marry a family member of the late husband, even against her expressed will. Where a widow does not remarry, her husband's family takes on the decision-making role in relation to her family. Although often deemed a burden, the the *[sic]* late husband's family maintains a strong sense of 'ownership' of the widow's sons." (UNHCR Guidelines, December 2007) **[11a] (p44)**

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Imprisonment of Women

23.46 The Foreign and Commonwealth Office noted in a letter dated 17 March 2008 that "A number of NGOs report that hundreds of women and girls are being detained in prisons across the country: the majority for violating social, behavioural and religious codes. There is uncertainty surrounding the legality of their detention." **[4d]** The UNHCR paper of December 2007 recorded that:

"A recent report of the Office of the High Commissioner for Human Rights indicates that throughout Afghanistan the judicial system is failing to protect and provide justice to women. Women and girls are arrested and imprisoned for committing moral and uncodified crimes, including for perceived misbehaviour such as running away from home. Women are also arbitrarily detained and/or convicted of adultery when reporting crimes of a sexual nature, denied a fair trial and judicial guarantees. Women are often returned to male offenders when reporting violence. Sentencing by judges of females convicted of sexual offences such as adultery is often disproportionately harsh as opposed to male offenders who often are released or enjoy much lighter sentences." **[11a] (p47-48)**

23.47 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"Local officials occasionally imprisoned women at the request of family members for opposing the family's choice of a marriage partner or being charged with adultery or bigamy. Women also faced bigamy charges from husbands who had deserted them and then reappeared after the woman had remarried. Local officials imprisoned women in place of a family member who had committed a crime but could not be located. Some women resided in detention facilities because they had run away from home due to domestic violence or the prospect of forced marriage. Several girls between the ages of 17 and 21 remained detained in Pol-e-Charkhi prison having been captured after fleeing abusive forced marriages." **[2a] (Section 5)**

23.48 Womankind's February 2008 report concurred "The vast majority of women in prison are there for zina (sexual relations outside of marriage) or for running away from home to escape abuse or forced marriage, rather than for legitimate crimes recognised under international law." **[88a] (p23)**

23. 49 MSNBC cable television news channel noted on 30 April 2008 that "In parts of Afghanistan and neighboring Pakistan, where stern social codes prevail, a woman who runs away from home is typically suspected of having taken a lover and can be prosecuted for adultery. Simply leaving her house without her family's permission may be deemed an offense… although it is not classified as such under Afghanistan's penal code." **[30a]** "… a U.N. human rights officer in eastern Afghanistan, said that in 70 to 80 percent of the cases she has seen, a woman complaining of domestic violence is charged as a criminal for running away from home." **[30a]**

23.50 The March 2007 report of the High Commissioner for Human Rights on the situation of human rights in Afghanistan stated:

"Despite being required by law, adequate separate housing for female detainees and prisoners with children remains an issue, with the number of children accompanying their mothers almost equal to the total number of females in detention. Where there are no detention facilities for women, normally at the district level, women are often detained in private homes, under ill-defined custodial arrangements where they are vulnerable to abuse." **[39h] (p15)**

23.51 In January 2008 "...the new Female Prison/Detention Center (FDC) in Kabul was handed over by the United Nations Office on Drugs and Crime (UNODC) to the Ministry of Justice of the Islamic Republic of Afghanistan.

"The new Female Prison/Detention Center that is located in the Tahia-e-Maskan area of the capital will host 96 female prisoners. This center has been constructed by UNODC as a part of Project AFG/R41: 'The Reform of Penitentiary System in Afghanistan'. The project has been carried out with the generous financial assistance of the government of Italy.

"The construction of a new Female Prison/Detention Center in Kabul was launched in December 2005. This center is also equipped and furnished with furniture, sewing machines, kitchen/catering equipment." (UNODC, 24 January 2008) **[87e]**

(See Section 14: Prison Conditions for further details of prison conditions for women)

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VIOLENCE AGAINST WOMEN

23.52 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 noted that "Afghan women, both in urban and rural areas, must conform to conservative and traditional norms of behaviour in order to be safe from physical and psychological violence or abuse. Those at heightened risk include women who

are perceived as or actually transgressing prevailing social mores, foreign wives of Afghans, and women without male protection." **[11a] (p9)**

23.53 The report added:

"The current trends in violence against women in Afghanistan cannot be solely reduced to culture and tradition without consideration of the conflict and post-conflict situation. Four factors underlie women's vulnerability and the perpetuation of violence today: (1) the traditional patriarchal gender order; (2) the erosion of protective social mechanisms; (3) the lack of the rule of law; and (4) the poverty and insecurity in the country.

"Women's ability to protect themselves is also affected by their limited participation in the social, economic and political spheres, by an overall lack of awareness regarding women's rights, by traditional values, and de jure and de facto discrimination. The latter is further aggravated by ongoing conflict in parts of the country. Women active in civil or political spheres brave violence and intimidation, including death threats." **[11a] (p46)**

23.54 Womankind Worldwide reported in February 2008:

"In Afghanistan, seven years after the fall of the misogynist Taliban regime, Afghanistan is still one of the most dangerous places in the world to be a woman. It has the highest maternal mortality rate in the world, one of the highest rates of domestic violence and is perhaps the only country where suicide rates are higher among women than men.

"It is a place where women set themselves on fire to escape brutality, where girls as young as eight years old are married to elderly men and where 60 per cent of marriages are forced. Women and girls still have minimal protection from violence, their basic needs are still not being met and international aid frequently fails to address women's most urgent priorities in judicial reform, health, employment and education." **[88a] (p7)**

23.55 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 noted that:

"In addition to forced and early marriage, domestic violence, sexual harassment and rape, trafficking of women and children, and honour killings are some of the most egregious types of violence perpetrated against women in Afghanistan. The majority of women both in rural and urban areas are faced with domestic violence. Research conducted by AIHRC on domestic violence shows that more than 50 percent of women, in addition to suffering from other types of violence, have been beaten. Domestic violence not only has serious physical and psychological effects on women, but also causes other serious problems such as self-immolation, suicide, escape from the family, forced prostitution and addiction to narcotics." **[11a] (p45)**

23.56 WomanKind Worldwide, February 2008, reported that "Although there have certainly been advances in women's human rights… the progress towards protecting women and girls and including them in the country's social, civil and political life has been unacceptably slow and characterised by a pattern of trial and error, rather than considerate, needs-based planning and responsive action." **[88a] (p7)** The UN Secretary-General's report of 6 March 2008, stated

that "Violence and harmful practices against women and girls remain a cause for serious concern. In 2007, UNAMA received over 2,000 complaints of gender-based violence. Better coordination to tackle violence against women is being pursued at the policy level through the Inter-Ministerial Commission on Violence against Women and numerous community-level initiatives." **[39b] (p11)**

23.57 WomanKind Worldwide, February 2008, noted that:

"Since 2001, women continue to be murdered without justice sought in their name. The stoning to death of a woman in Badakhshan in 2005, the killing of several female journalists in 2006 and 2007, the rape and murder of female aid workers, attacks on women election workers and the murder of the head of the Department of Women's Affairs in Kandahar in 2006 have all been documented. Women are equally at risk in their own homes, where they experience physical abuse by their husbands and in-laws, rape, psychological abuse and forced prostitution... And yet despite this bleak present, Afghan women are faring better than in a recent, more dismal past. … Some surveys have also shown changing perceptions about women's roles and increased acceptance of women in politics or women in education, for instance." **[88a] (p9)**

23.58 An Amnesty International briefing paper of June 2008 recorded:

"Afghan women and girls still encounter discriminatory laws, policies and practices, which include physical attacks on them as women. Women and girls face endemic domestic violence, trafficking, forced marriages, including child marriages, and being traded in settlement of disputes. The police, the courts and other justice sector officials seldom address women's complaints of abuses, including beatings, rape and other sexual violence. Women victims and defendants have little recourse to justice and are discriminated against in both the formal and informal justice systems." **[7a] (3. Protecting and upholding women's rights)**

23.59 The USSD 2008 report noted that:

"The AIHRC documented a total of 76 honor killings throughout the year; however, the unreported number was believed to be much higher. In September, according to a local NGO, an 18 year-old woman in Kapisa Province was killed by her brother because she had run away from a forced marriage. Reportedly, after the woman ran away to a Kabul women's shelter the Governor of Kapisa intervened in the case, sheltered her, and forced the woman's mother to return her to Kapisa, resulting in her death." **[2a] [Section 5]**

23.60 UNIFEM's January 2008 fact sheet recorded the following statistics on violence against women in Afghanistan:

- Out of 1,327 incidents of Violence Against Women (VAW) in Afghanistan, 30.7% were related to physical violence; 30.1% to psychological violence; 25.2% to sexual violence; and 14% a combination of the three
- 82% of incidents of VAW are committed by family members, 9% by the community and 1.7% by state authorities **[72b]**

23.61 UNIFEM's Violence against women – primary database of March 2008 concluded that women are "…mostly being victimized by close family

members… " **[72a] (5.1 Analysis)** Further, "UNAMA's analysis and the statistics generated by the primary VAW database highlight the young age of the victims… 30% of the recorded cases concern victims who are younger than 20 years of age. 9% of the cases relate to girls aged 15 years of younger." **[72a] (5.1 Analysis)** The report continued "It is disturbing to note in the information provided by UNAMA that victims seeking support from government agencies are further subjected to violence by government officials." **[72a] (5.1 Analysis)**

23.62 The USSD 2008 report noted that:

"Authorities rarely prosecuted abusers and only occasionally investigated complaints of violent attacks, rape, or killings, or suicides of women. If cases came to court, the accused were often exonerated or punished lightly. The director of a women's shelter in Kabul noted domestic violence occurred in most homes but went largely unreported due to societal acceptance of the practice. Domestic violence usually consisted of beating women and children and, less often, burning women. During the year, the AIHRC initiated additional efforts to collect statistics on violence against women." **[2a] (Section 5)**

23.63 The USSD 2007 report also noted that:

"The law criminalizes rape, which is punishable by death, but under Shari'a, which the country's laws draw from and cannot conflict, the criminalization did not extend to spousal rape. Under Shari'a, a rape case requires a woman to produce multiple witnesses to the incident, while the man need simply claim it was consensual sex, often leading to an adultery conviction of the victim. Adultery is defined in the Penal Code and designated a crime; premarital sex is not designated a crime, but local officials often considered it a 'moral' offense." **[2a] (Section 5)**

Self-Harm

23.64 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 noted that: "Self-immolation continues to represent the most desperate measure used by Afghan women to put an end to situations of extreme violence." **[11a] (p46)** IRIN News reported on 8 March 2008 that:

"The number of women attempting suicide in the past year was 626, of whom 130 died. Suicide methods included self-immolation, the slashing of veins and taking lethal doses of drugs, according to the AIHRC [Afghanistan Independent Human Rights Commission]. Cases of rape and self-immolation appeared to be going up: 'In 2006 we recorded 1,545 cases of violence against [or severe psychological oppression of] women, which included 98 cases of self-immolation and 34 cases of rape, while in 2007 we listed 2,374 cases of violence, which constitute 165 self-immolations and 51 cases of rape,' Subhrang [Suraya Subhrang, a commissioner on the rights of women at AIHRC] told IRIN…" **[36s]**

23.65 The USSD 2008 report noted that "Women occasionally resorted to self-immolation when they felt there was no escape from their situations. During the year the AIHRC documented 72 cases of self-immolation, in contrast to 110 cases in 2007. Other organizations reported an overall increase during the past two years. According to the AIHRC [Afghanistan Independent Human

Rights Commission], almost all the women had doused themselves with gasoline and set themselves alight. In Herat Province, during the first six months of the year, the Herat city hospital alone recorded 47 cases of self-immolation, of whom 40 died. There have also been reports of relatives setting women on fire to create the appearance of self-immolation." **[2a] (Section 5)** The Womankind report of February 2008 recorded that "While no decrease in cases of self-immolation can be reported, the issue became a public concern for the first time when several organisations began work on it." **[88a] (p24)**

23.66 On 27 May 2008 the Revolutionary Association of the Women of Afgahanistan reported on a typical case of attempted suicide where the woman victim ended up in Kabul hospital after setting fire to herself. RAWA reported that "For those who live through this form of suicide attempt, the scarring can be a death sentence in itself. The survivors who leave this ward cannot return home because of the shame they brought on their family. Some will live the rest of their lives on the streets or if they're lucky, they may find a safe house." **[49b]**

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GOVERNMENT AND NGO ASSISTANCE

Shelters

23.67 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"There were at least 19 women's shelters across the country. The five shelters in Kabul were home to more than 100 women and girls. The Ministry of Women's Affairs (MOWA) and other agencies referred women to the centers, which were designed to give protection, accommodation, food, training, and healthcare to women escaping violence in the home or seeking legal support due to family feuds. According to the MOWA [The Ministry of Women's Affairs], as many as 20 women and girls were referred to the MOWA's legal department every day; however, space at the specialized shelters was limited. Women in need of shelter who could not find a place in the Kabul shelters often ended up in prison.

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

crimes against women, children, and families. They offer mediation and resources to prevent future instances of domestic violence." **[2a] (Section 5)**

23.68 The Womankind report of February 2008 recorded "A new shelter has opened in Mazar-i-sharif, the first in the northern region. At present, an estimated 8-10 shelters operate in the country (four in Kabul, one in Herat, one in Balkh and two in central Afghanistan)." **[88a] (p21)** Also, "The Government of Afghanistan (GoA) provided land to the International Organisation of Migration (IOM) for the construction of a shelter for trafficking victims." **[88a] (p26)** Nevertheless, "Afghan women leaders and activists overwhelmingly feel that aid is donor-led rather than being needs-based. For example, while there is an acute need for women's shelters, this has not been a popular project among donors." **[88a] (p52)**

See Section 24: Children - Education

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24. CHILDREN

OVERVIEW

24.01 The Save the Children website, accessed on 22 June 2009, noted that:

> "In the past five years progress has been made, but Afghanistan still faces many challenges. It has high infant, child and maternal mortality; low immunization; chronic nutritional deficiencies among children; low literacy levels; low school enrollment and high drop-out rates, especially among girls; and difficulty protecting children and promoting their rights…
>
> "Afghanistan remains a generally unsafe place for children - especially street and working children, children who have been institutionalized because of family constraints and children injured by landmines or other accidents. There are also many girls and boys who are subjected to corporal and psychological punishment in schools and homes." **[50a]**

24.02 Like many other Non-Governmental Organisations (NGOs) addressing the childrens needs in Afghanistan, Save the Children, are addressing the problem "…through community and school-based education for teachers, parents and grandparents and other community members. With our International Save the Children Alliance partners, other child-focused organizations and the Ministry of Labor and Social Affairs, we work to ensure that the Child Protection Action Network we helped create remains strong. Save the Children-led Child-to-Child group activities also are key to children receiving help with their day-to-day problems." **[50a]**

24.03 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

> "The government demonstrated a continuing commitment to address the concerns of vulnerable children and their families. In 2006 the government launched its National Strategy for Children at Risk (NSFCAR), which was designed by the Ministry of Work, Social Affairs, Martyred, and Disabled (MOWSAMD) to improve care for vulnerable children and families. In 2007, the Ministry of Public Health (MOPH) trained 500 health workers on prevention of child abuse and violence against children." **[2a] (Section 5)**

24.04 The US State Department (USSD) 2008, further recorded that:

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

is against the law, corporal punishment in schools remained common." **[2a] (Section 5)**

24.05 The report further added:

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

"According to MOI the number of reported sexual assaults on children in the north significantly increased during the year. UNAMA reported 80 cases of rape of girls between ages 8 and 14 in Takhar province during the year. The AIHRC attributed the relatively high number of reported cases of rape in the north to greater insecurity inhibiting reporting in the south. Due to ongoing violence in many areas of the south, aid organizations and government agencies could not assist victims or investigate crimes to the same degree as in more secure northern provinces" **[2a] (Section 5)**

24.06 The United Nations Security Council's report, 10 November 2008, observed:

"There are a number of substantive reports of children, especially boys, being sexually abused and exploited by members of the armed forces and armed groups. For example, two police officers in a south-eastern province who were arrested after the intervention of child protection actors for sexually abusing a 15-year-old boy were released after allegedly bribing the authorities. In a similar incident, in the north, a 16-year-old boy reportedly recruited into the Afghan National Army after providing a falsified identity document was subsequently sexually abused by two soldiers. There is insufficient protection for victims of or witnesses to violence, and very few cases reach the prosecution stage. Fear of violent retaliation against victims and families was cited as a factor by reliable sources. In addition, given the lack of specific legislation on the subject of sexual violence, victims are often arrested and charged with adultery." **[39d] (p13)**

24.07 The United Nations Security Council's report, 10 November 2008 stated that:

"While most of the victims do not wish their experience to be reported, it is possible to discuss certain incidents involving personnel of the Afghan National Security Forces where the cases were appropriately dealt with by the authorities. For instance, a member of the Afghan National Army active in northern Afghanistan raped an 11-year-old girl and was sentenced to 15 years imprisonment by a military court in early 2008. A 12-year-old boy and an adult male relative employed in a police post who were sexually abused by three police officers over an unknown period of time filed a complaint with the support of the Child Protection Action Network. The perpetrators were sentenced to 10 years imprisonment. In a southern province, a 16-year-old boy, stopped on the pretext of an identity check by a police officer, was subsequently raped. He reported the abuse to service providers who helped him to file a complaint. The case is being prosecuted." **[39f] (p13)**

24.08 The Human Rights Watch World Report 2009, Afghanistan chapter, released in January 2009, noted:

"As part of their campaign of terrorizing the civilian population, the Taliban and other insurgent groups continue to target schools, and in particular girls' schools. According to the Ministry of Education, over one hundred schools were attacked between March and October 2008, with the Afghanistan NGO Security Office recording more than 30 teachers and students killed in the first 10 months of 2008…. child labor is prevalent throughout the country and is another reason children do not attend school.

"The UN special representative for children and armed conflict drew attention in 2008 to the largely taboo practice of bacha bazi (the keeping of boys as sex slaves by wealthy or powerful patrons). The government of Afghanistan has done little to tackle this abusive cultural tradition." **[17b]**

24.09 The UNICEF website's country page on Afghanistan, undated, accessed 17 May 2009 noted that "...violence against girls and women remains alarmingly common. Creating a protective environment for women and children is a high priority on both national and local levels. More than half of Afghanis are under 18, making efforts on behalf of children vital to the country's future." It also listed some of main issues facing children and also some recent achievements:

- "Infant, under-five, and maternal mortality rates in Afghanistan are among the world's highest. Twenty five per cent of children die before reaching their fifth birthday. Fifty women die each day from pregnancy-related complications. More than half of all children are stunted.
- Because immunization coverage is still very low, preventable diseases kill thousands of children annually. Malaria (which afflicts approximately 2 million people per year), measles, and respiratory infections are the leading causes of childhood death.
- The great majority of Afghanistan's population lacks access to safe water or sanitation. Diarrhoeal diseases and tuberculosis are chronic threats to public health.
- Two million children of primary school age do not attend classes. Literacy rates are low.
- The gender gap in education is narrowing, but girls still lag far behind boys in school enrolment.
- Landmines and unexploded ordnance pose a serious risk to children's safety…
- UNICEF and its partners have immunized 5 million children against polio and delivered millions of vitamin A supplements. Polio cases dropped from 27 in 2004 to only five in 2005. New health facilities are making immunizations more routine.
- Five new salt iodization plants are helping to reduce iodine deficiency, while therapeutic feeding programmes in 20 hospitals have been created to combat malnutrition.
- Half a million Afghanis have gained access to safe water and sanitary latrines…
- More than 500,000 girls enrolled in school for the first time in 2005.

- UNICEF and its partners have trained 30,000 teachers and supplied educational materials for 4.87 million students. In areas with no schoolhouses, tents, teacher training, and learning materials have been provided to offer informal learning opportunities for 250,000 children…
- Nearly 3,500 former child soldiers have been reintegrated into family settings…
- More than 8,000 children received vocational training. UNICEF mobilized 670 people to prevent child trafficking." **[44e]**

24.10 Afghanistan has ratified to The Convention on the Rights of the Child (CRC) (Afghan Independent Human Rights Commission, August 2007) **[78d] (p20)**

CHILD LABOUR

24.11 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"The law recognizes the standard legal age for work as 15, but there are provisions for 13- and 14-year-olds to work as apprentices, provided they work only 35 hours per week. Under the law, children under 13 may not work under any circumstances. There was no evidence that authorities in any part of the country enforced child labor laws. Child labor remained a pervasive problem. According to UNICEF estimates, at least 30 percent of primary school-age children undertook some form of work and there were more than one million child laborers under age 14. Most child laborers worked as street vendors or shopkeepers. Others in northern provinces worked in the carpet weaving industry. Some sectors in which child labor was concentrated exposed children to the dangers of landmines. AIHRC [Afghanistan Independent Human Rights Commission] reported approximately 60,000 child laborers in Kabul alone, the majority of whom migrated to the city from other provinces. According to Save the Children, there were as many as 5,000 child laborers in brick factories in Nangarhar. Children faced numerous health and safety risks at work and some of them sustained serious injuries such as broken bones.

"MOWSAMD [Ministry of Work, Social Affairs, Martyred, and Disabled] reported the government was working on the problem of child labor. The NSFCAR [National Strategy for Children at Risk] addressed child labor and demanded the creation of diversified services for vulnerable families to prevent family separation and exploitation of children. MOE efforts to promote universal basic education, such as workshops in schools and outreach to employers, also contributed to the prevention of exploitative child labor." **[2a] [Section 6d]**

24.12 IRIN News reported on 18 March 2008 that students have turned to working in the poppy fields in Helmand Province to help fund their education. Due to insurgency-related violence, "hundreds of students from rural areas have flocked to schools in Lashkargah where schools have remained open despite widespread security threats. Many of these students live in rented rooms in Lashkargah, and cannot regularly travel to their homes for both security and financial reasons." **[36o]**

24.13 Cases of child slavery and debt bondage practices have also risen in Afghanistan, particularly in poor rural communities and is often disguised as

marriage. IRIN News reported in February 2009 on the "Extreme poverty, lack of awareness about child rights, weak law enforcement and strong conservative traditions are among the problems which have pushed many minors - boys and girls - into situations of peonage, child rights activists say." **[36k]**

VIOLENCE AGAINST CHILDREN

24. 14 The Office of the United Nations High Commissioner for Human Rights (OHCHR) Briefing for The Human Rights Council Universal Periodic Review – 5th session, 2008 noted:

"Corporal punishment of children is lawful in the home. Children have limited protection from violence under the Penal Code, the Constitution and the Juvenile Code, but there is no explicit prohibition of corporal punishment. In an official statement in 2005, the Ministry of Justice announced that 'the use of any form of violent behaviours and beating and humiliating of children that breaches their human rights 'to be respected and treated with dignity', is prohibited', and at a meeting of the South Asia Forum in July 2006, following the regional consultation in 2005 of the UN Secretary General's Study on Violence against Children, the government made a commitment to prohibition in all settings, including the home. But legal reform to enact explicit prohibition has yet to begin." **[79a]**

24.15 The OHCHR further noted that based on research undertaken in 2008:

"…interviews with more than 200 men and women from 61 families in urban and rural areas in four provinces, plus 56 focus group discussions and 46 interviews with key informants, found that physical violence occurred within all 61 case study families, most commonly slapping, verbal abuse, punching, kicking, and hitting with sticks, electrical cables and shoes. More unusual types of violence included shooting at children, tying them up, washing them in cold water outside during winter and public humiliation. Corporal punishment was used on children as young as 2 or 3 years." **[79a]**

24.15 On February 2008 the Afghanistan Research and Evaluation Unit (AREU) published a report on their 2006 research project investigating the changing nature of family dynamics in Afghanistan. The report noted that corporal punishment was widely used in Afghanistan and stated:

"…there are two dominant and interrelated motivations for this: parents' fears for their children's futures and second, the idea that keeping children frightened of adults makes them behave well. Parents are extremely frightened of their children not growing into good, useful moral adults. For example, for virtually all the parents the research teams spoke to, ensuring that their children studied hard and got a good education was uppermost in their concerns. Since violence has been used as the primary way to discipline children many adult family members are frightened of not using corporal punishment in case this will lead to their children not behaving correctly or not turning into the adults they want them to be. The common, if not universal, assumption that in order to discipline children they should be frightened was expressed to the research teams. Alongside this is the idea that if a beating is severe enough children will never forget how it felt and, therefore, not repeat their 'bad behaviour'." **[36k] (p43)**

24.16 The report added:

"…data reveal that keeping children in a state of fear is believed to be the only way to make them behave. For example, a young man during a focus group discussion in Nangarhar proudly told the team that he beats the children so hard so that they are always frightened of him. This now means that when he comes home they are all so frightened of him that they become instantly quiet. This is a situation in his family he is proud of and he believes he is doing the right thing for his children." **[36k] (p43)**

24.17 The United Nations Security Council's report, 10 November 2008 stated that:

"Violence against children, specifically of a sexual nature, occurs particularly during times of instability. The practice of 'bacha baazi' (boy-play) consists of boys kept cloistered and used for sexual and harmful social entertainment by warlords and other armed group leaders. This practice, like any violence against children, is strongly condemned by Islam and by all religious and by governmental as well as cultural leaders. Prosecution of a small number of cases has been confirmed by the country Task Force on Monitoring and Reporting, and more initiatives, including studies on the issue of child sexual abuse, are being developed. However, law enforcement officials and human rights activists highlighted difficulties in preventing the practice, addressing the violence and prosecuting the perpetrators more consistently." **[39f] (p14)**

23.18 The US State Department (USSD) report 2008, published on 25 February 2009, stated that "There were reports of Taliban forces using children younger than 18 in some cases as suicide bombers. Although most of the children were between 15 and 16 years old, children as young as 12 were used. UNAMA reported Taliban tricked, promised money, or forced the children to become suicide bombers." **[2a] [Section 1g]**

Child kidnappings

24.19 The UN Security Council noted on 10 November 2008 that:

"Very few cases of children having been abducted as a result of the conflict have been documented. However, due to the security vacuum prevailing in some areas, criminal kidnapping of children is reported frequently. In one case, antigovernment elements in the Western Region abducted the child of a Provincial Prosecutor who had launched a criminal investigation against the group. The child was killed soon after his abduction." **[39f] (p11)**

(See also Section 27: Kidnappings for further information and Section 25: Trafficking for more information on Trafficking)

Child Marriage

This section should also be read in conjunction with Section 23: Women – Marriage and Divorce

24.20 IOM reported in December 2008 that:

"Forced marriages are common throughout the country and among the Afghan diaspora. Women rarely make decisions about their own life and girls as young as two years old are sometimes committed for marriage as a way to settle family feuds or debts. According to the German non-governmental organization, Medica Mondiale, the majority of females (57 per cent) are married before the legal age of 16 with up to 80 per cent of marriages being forced in Afghanistan. Women and girls are often considered to be a mere commodity and those girls who try to escape such control over their lives are ostracized by their families for alleged dishonour and non-respect of Afghan tradition." **[38a]**

24.21 The US State Department's Human Rights Report, 2008 recorded that "The legal age for marriage was 16 for girls and 18 for boys. International and local observers estimated that 60 percent of girls were married before 16." **[2h] (Section 5)** Radio Free Radio Liberty however, reported on 10 January 2008 that the legal age for marriage for girls had changed from 16 to 17 years old and that "Men who want to marry girls under 17 are not entitled to obtain a marriage certificate, although rights activists say many men simply do not bother with officially registering their marriages." **[29g]**

24.22 The Freedom House 2008 Afghanistan Country Report noted however that "… Nearly 60 percent of Afghan girls are married before the legal age of 16, according to UNICEF. However, in March 2007 the Supreme Court approved a new formal marriage contract stipulating that the bride must be at least 16, a move welcomed by activists who hope that it will lead to fewer underage marriages." **[41a] (p10)**

24.23 The US State Department's Human Rights Report, 2008 further noted that:

"There is no clear provision in the Criminal Procedure Law to penalize those who arrange forced or underage marriages. Article 99 of the Law on Marriage states marriage of a minor may be conducted by a guardian. In March 2007, the Supreme Court approved a new marriage contract stipulating the man needs to verify his bride is 16 years of age, and marriage certificates would not be issued for underage brides. According to local NGOs, legal proceedings based on this contract proceeded in Kabul. The proceedings often took longer than a week, and a local shelter housed numerous women during the course of these proceedings. The AIHRC estimated as many as 70 percent of reported cases of domestic violence have roots in child marriage." **[2a] (Section 5)**

(See also Section 23: Violence against women and section 24: Child Marriage)

24.24 The February 2006 report of the UN Special Rapporteur stated that:

"Economic reasons are said to play a significant role in such marriages. Due to the common practice of bride money, the girl child becomes an asset exchangeable for money or goods. Families see committing a young daughter (or sister) to a family that is able to pay a high price for the bride as a viable solution to their poverty and indebtedness. In another typical scenario, a brother and a sister are married to another pair of siblings to avoid, by mutual compensation, any payment having to be made.

"The custom of bride money may motivate families that face indebtedness and economic crisis to 'cash in' the 'asset' as young as 6 or 7, with the understanding that the actual marriage is delayed until the child reaches puberty. However, reports indicate that this is rarely observed, and that little girls may be sexually violated not only by the groom but also by older men in the family, particularly if the groom is a child too." **[39m] (p8)**

24.25 Statistics published by UNICEF show that the total child marriage rate 1987-2006 was 43 per cent. **[44a]**

24.26 A report by the Afghanistan Research and Evaluation Unit in February 2009 noted the issue of boys being forced into marriage, in some cases often leading to committing polygamy because the male was not satisfied with his first chosen wife. The objection of being forcably married was also noted as one reason that some younger men had wanted to continue their education or apprenticeships, but their families had insisted they get married. Additionally, families forced their sons to marry a girl he did not want to marry just because they considered it an alternative to the the girl the boy was "in love with", who the family had considered unsuitable. **[22b]**

Child Soldiers

24. 27 The US State Department's Human Rights Report 2008, published on 25 February 2009, stated that

"The legal recruitment age for members of the armed forces was 18. There were unconfirmed reports of children younger than 18 falsifying their identification records to join the national security forces, which offered a large-scale source of new employment opportunities. There were no reports of forced child conscription by the government; however, Integrated Regional Information Networks (IRIN), the AIHRC, and the UN reported children younger than 18 were being recruited and in some cases sexually abused by the ANP and government-supported local militias." **[2a] (Section 5)**

24.28 Additionally, the Child Soldiers Global report, 2008 stated that "There were anecdotal reports of under-18s serving in the armed forces. There were reports of the use of children as suicide bombers by anti-government elements including the Taleban, and of both forcible and voluntary recruitment by the Taleban of children in southern provinces and parts of Pakistan." **[33a]**

24.29 The USSD 2008 further noted that:

"Although most of the children were between 15 and 16 years old, children as young as 12 were used. UNAMA reported Taliban tricked, promised money, or forced the children to become suicide bombers. Warlords and Taliban leaders were reported to be involved in the sexual exploitation of young men. Rule 19 of the Taliban Rule Book, updated in 2006, states, 'Mujaheddin are not allowed to take young boys with no facial hair onto the battlefield or into their private quarters,' implying sexual exploitation of young men had occurred." **[2a] (Section 1)**

(See also Section 10: Military Service)

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JUDICIAL AND PENAL RIGHTS

24.30 The UN Secretary-General Report, 6 March 2008, noted that:

> "The Ministry of Justice, whose capacity remains limited, continues to be overburdened by the amount and complexity of legislation awaiting drafting, scrutiny and review… While public access to courts and legal aid is a constitutional right, it remains elusive to the majority of Afghans, especially women, children and vulnerable groups. This problem is compounded by the fact that public awareness of legal rights and processes is limited. Data from the Ministry of Justice, for example, show that 20 per cent of children in custodial institutions are accused of offences that are not crimes under Afghan law, such as running away from home. Further, a recent study of 22 provincial juvenile facilities by the United Nations Children's Fund (UNICEF) and the Afghanistan Independent Human Rights Commission pointed to a general lack of due process in the juvenile justice system. The study revealed that only 24 per cent of juveniles had contact with a lawyer during detention, 56 per cent reported that their statement was not given voluntarily and only 9 per cent were advised of their rights upon arrest." **[39b] (p6-7)**

24.31 A report by King's College, London, on International Centre for Prison Studies in February 2009 noted that:

> "The treatment of juveniles is of particular concern because of their vulnerability and the potential for abuse. It is reported that in January 2008, 455 juveniles were in prison, of whom 437 were still not yet sentenced and 18 had been sentenced. It was suggested to us that most juveniles are imprisoned for theft. In 1994 Afghanistan ratified the Convention on the Rights of the Child which requires children to be held separately from adults and for custody to be used as a last report and for the shortest possible time." **[105a]**

24.32 The USSD 2008 report noted that

> "Children whose mothers had been convicted of a crime often lived in prison with their mothers, particularly if they had no other family. Prisons did not separate prisoners and lacked adequate separate housing for women, accompanying children, and juveniles. Women were never imprisoned with men. Authorities generally did not separate prisoners awaiting trial from the rest of the inmate population." **[2a] [Section 1c]**

EDUCATION

24.33 The Constitution adopted in January 2004 recognised that education is the right of all citizens of Afghanistan. **[4a]** The US State Department 2008 report recorded that "The law makes education mandatory up to the secondary level and provides for free education up to the college level." **[2a] (Section 5)** Statistics published by UNICEF show that the literary rate for young women (aged 15-24), 2000-2006 is only 18 per cent, compared to 51 per cent for boys. **[44a]** Statistics also show that secondary school attendance for girls, 2000–2006, was 6 per cent compared to 18 per cent for boys. **[44a]**

(See also Section 23: Women and Section 24: Children)

34.34 The USSD 2008 report stated:

"Violence continued to impede access to education in some parts of the country where Taliban and other extremists threatened or attacked schools, officials, teachers, and students, especially in girls' schools. Where schools did remain open, parents were often afraid to send their children to school, particularly girls… Due to insecurity, inadequate facilities, severe shortage of female teachers, and lack of motivation to send girls to school, the status of girls and women in education remained a matter of concern. In some villages girls stopped attending school at the age of 12 or 13 because parents would not permit their teenage girls to be taught by adult men. The general lack of protection of schools from attacks and inadequate and distant facilities, resulted in lower enrollment and higher dropout rates among girls, as did early and forced marriages." **[2a] (Section 5)**

24.35 "During 2007, Afghanistan enrolled 5.67 million children in primary and secondary school. Among the 4.67 million pupils in primary school, more than 330,000 were new female students. To address the paucity of schooling opportunities in remote villages, 3,867 community-based schools were built, reaching over 146,000 youths previously not in school." (UNICEF, June 2008) **[44b] (p9)**

24.36 The USSD 2008 report noted:

"In most of the country the enrollment of girls in schools may have increased, in some places significantly. However, nearly one-third of districts and several provinces had no schools for girls. Girls' enrollment was as low as 15 percent in some areas. Even in secure areas such as Kabul, where access to schools was not an issue, some male family members did not allow girls to attend school. In most regions boys and girls attended primary classes together but were separated for intermediate and high school-level education." **[2a] (Section 5)**

24.37 On 10 April 2008 IRIN news reported that:

"At least 10 schools have been attacked by unidentified gunmen in different parts of Afghanistan in the past three weeks, Ministry of Education (MoE) officials told IRIN. Armed assailants, believed to be associated with Taliban insurgents, have torched three schools in Kunduz, two in Kandahar, and one school each in Helmand, Paktia, Khost, Wardak and Farah provinces since the new school year began on 23 March, according to the MoE. Armed men broke into Ortablaq school in Imam Saheb District of northern Kunduz Province and cut-off the ears of a watchman before setting the school ablaze on 4 April, the Ministry of Interior said… Apart from the torchings, there have been other attacks: Kandahar Province Department of Education officials said five schools had been attacked in the same period; in another incident one teacher was reportedly killed when a school was attacked in Khost Province, southeastern Afghanistan, in late March, MoE said." **[36i]**

24.38 The same source added:

"Ministry of Education statistics shown to IRIN indicate there were 2,450 'terrorist' attacks on schools from March 2006 to February 2008. In the same period 235 schoolchildren, students, teachers and other education workers

were killed, and 222 wounded. About 500 schools have remained closed due to insecurity, particularly in the volatile south where Taliban insurgency has also hindered humanitarian and development access. 'Up to 300,000 students cannot go to school because of insecurity and threats,' said the MoE's Elmi [Hamid Elmi, a spokesperson for the Ministry of Education (MoE)]. Taliban insurgents oppose female education and say the school curriculum is 'un-Islamic', a charge rejected by the Afghan government and moderate Islamic scholars." **[36i]**

24.39 A UNICEF article on 28 April 2008 recorded that:

"The Ministry of Education's goal is to increase the net enrolment rate for girls and boys in primary grades to at least 60 per cent and 75 per cent, respectively, by 2010…To help reach the goal for girls' education, AGEI was launched in March 2007 with support from UNICEF and key partners under the umbrella of the global UN Girl's Education Initiative.

"The Afghan initiative offers a forum for extensive information-sharing, networking and funding to improve coordination and collaboration on girls' education. The forum links local and national initiatives, and draws necessary expertise from within the country and outside sources." **[44c]**

24.40 There are approximately 12,000 public schools in Afghanistan, half of which do not have a building. In 2008, about 700 schools were forced to close due to insecurity and attacks. (IRIN, 21 April 2009) **[36j]**

24.41 Aproximately one third of Afghanistan's 14.5 million under 18 year olds miss out on education, according the the UN Children's Fund. Most of these are girls suffering from threats of violence, gender discrimination and culture. Lack of educational facilities is also a problem. (IRIN, 13 May 2009) **[36e]** However, on 1 May 2009 Radio Free Europe/Radio Liberty reported that:

"Due to the efforts of tribal and community leaders, more than 200 schools have reopened in Afghanistan recently, many of them in the country's volatile southern region…. in the past year some 11,000 schools have reopened despite more than 200 school-related terrorist attacks…the ministry is also addressing textbook shortages by buying 30 million new books for the next academic year." **[29a]**

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CHILDCARE

24.42 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"Living conditions for children in orphanages were unsatisfactory. Children reported mental, physical, and sexual abuse, were sometimes trafficked out of state-run orphanages, and did not always have access to running water, health services, recreational facilities, or education…

"Displacement due to the conflict also affected children. NGOs estimated up to one-third of all refugees were children, and street children remained a problem in urban areas, although no reliable estimates were available. Street children

had little to no access to government services, although several NGOs provided access to basic needs such as shelter and food." **[2a] [Section 5]**

24.43 The Afghanistan Independent Human Rights Commission (AIHRC) Annual Report 2007 stated that:

"The CRU [The Childs Rights Unit] monitored 48 orphanages and 28 Children Correctional Centres (CCCs) in 28 provinces for cases of abuse and unsuitable living conditions in 2007. As a result of the AIHRC interventions, standards of CCCs in Baghlan, Balkh, Gardez, Jawzjan, Kandahar, Kunduz, Samangan and Sar-e-Pul were found to have improved. A total of 101 illegally detained children (83 boys and 18 girls) were released following the AIHRC interventions. The CRU's advocacy efforts for the better treatment of the juvenile offenders resulted in the establishment of a child correction centre Daikundi Province." **[78c]**

24.44 The UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 stated "The government does not have the capacity to provide protection or shelter for all those at risk. Those children without at least extended family support in Afghanistan are likely to experience homelessness and abuse." **[11a] (p9)**

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HEALTH ISSUES

(See also Section 28: Medical Issues)

24.45 The US State Department 2007 report, published on 11 March 2008, recorded that "Children did not have adequate access to health care; only one children's hospital existed in the country, and it was not readily accessible to those outside Kabul." **[2h] (Section 5)**

24.46 The Foreign & Commonwealth Office Afghanistan Country Profile, reviewed in January 2009, noted that:

"Immunisation is having a real impact. In March 2006, a Ministry of Public Health, UNICEF and World Bank nationwide campaign was launched to immunise 7 million children, in all of Afghanistan's 34 provinces, against polio. Since 2002 UN agencies have administered 16 million vaccinations against measles, saving an estimated 35,000 lives. Cholera and diarrhoeal diseases are being tackled through health education, water chlorination and the construction of wells throughout the country." **[4a] (p9)**

24.47 The UNICEF country page on Afghanistan, updated on 17 May 2009 provides statistics on child health and nutrition, as well as other indicators including economic situation, demongraphy and education. **[44e]**

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25. TRAFFICKING

25.01 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"A new law enacted on July 14 [2008] prohibits trafficking in persons. The law defines trafficking in persons as the transfer, transit, employing, keeping, and or giving a person in one's control for the purpose of exploitation or taking advantage of weak financial status or helplessness by spending or taking money or interest or other means of deception to gain the consent of the victim or the guardian of the victim." **[2a] [Section 5]**

25.02 The US State Department (USSD) Report on Trafficking in Persons Report, published in June 2008, stated:

"Afghanistan is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Afghan children are trafficked within the country for commercial sexual exploitation, forced marriage to settle debts or disputes, forced begging, debt bondage, service as child soldiers, and other forms of forced labor. Afghan women and girls are also trafficked internally and to Pakistan, Iran, Saudi Arabia, Oman, and elsewhere in the Gulf for commercial sexual exploitation. Afghan men are trafficked to Iran for forced labor. Afghanistan is also a destination for women and girls from China, Iran, and Tajikistan trafficked for commercial sexual exploitation. Tajik women and children are also believed to be trafficked through Afghanistan to Pakistan and Iran for commercial sexual exploitation.

"The Government of Afghanistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Anti-trafficking offices are now established within the Attorney General's office in all provinces. In addition, Afghan law enforcement officials received training in anti-trafficking investigations. The government also worked with IOM to implement a public awareness program to address trafficking of women and girls in the most vulnerable provinces. The Government of Afghanistan works with non-governmental organizations by providing in-kind contributions such as land for shelters.

"Nonetheless, despite a significant problem, the government did not provide sufficient evidence that it adequately punishes acts of trafficking. In addition, Afghanistan punishes some victims of sex trafficking with imprisonment for adultery or prostitution, acts committed as a result of being trafficked.Although the government lacks resources to provide comprehensive victim protection services, it fails to ensure that victims receive access to care available from NGOs." **[2g] (p53)**

25.03 Furthermore the same USSD report noted that:

"The Government of Afghanistan did not provide sufficient evidence of efforts to punish trafficking over the reporting period. Afghanistan does not prohibit all forms of trafficking, but relies on kidnapping and other statutes to charge some trafficking offenses. These statutes do not specify prescribed penalties, so it is unclear whether penalties are sufficiently stringent and commensurate with those for other grave crimes, such as rape. Despite the availability of some

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statutes, Afghanistan did not provide adequate evidence of arresting, prosecuting, or convicting traffickers… There was no evidence that the government [of Afghanistan] made any efforts to investigate, arrest, or prosecute government officials facilitating trafficking offenses despite reports of widespread complicity among border and highway police." **[2g] (p53)**

25.04 The same source also recorded that:

"The Government of Afghanistan made inadequate efforts to protect victims of trafficking. Afghanistan lacks resources to provide victims with comprehensive rehabilitation care; NGOs provided the bulk of assistance to victims. Law enforcement authorities do not employ formal procedures toidentify victims of trafficking and refer them to protection services provided by NGOs…. Four women's shelters nationwide provide protection to female victims of abuse, including victims of trafficking, but they have limited capacity and lack adequate funding; the government did not report referring or assisting any victims of trafficking in these centers during the reporting period. Child trafficking victims are sometimes placed in orphanages until reunited with their parents." **[2g] (p53)**

25.05 The US State Department (USSD) report 2008, published on 25 February 2009, stated that the "MOJ ran an Italian-supported juvenile rehabilitation center where minor victims of trafficking in need of shelter assistance were accommodated. NGOs operated shelters that provided medical, psychological, and legal counseling. Adult victims were sometimes jailed." **[2a] [Section 5]**

25.06 The International Organisation for Migration (IOM) stated on 4 December 2008 that:

"Successful cooperation with the government has recently led to the enactment of Afghanistan's first counter-trafficking legislation, the Law on Combating Kidnapping and Human Trafficking, on 14 July [2008]. IOM worked closely with members of the Legislation Department at the Ministry of Justice in drafting the law and provided necessary technical advice through weekly meetings and a series of training activities.

"Under the victim assistance component of IOM's counter-trafficking programme, both foreign nationals trafficked to Afghanistan as well as Afghan victims of internal and cross-border trafficking are identified through IOM's referral network. They are assisted through the provision of daily necessities such as clothing and food, medical and psychological support as well as reintegration assistance where appropriate. IOM has assisted over 130 victims of trafficking since 2006." **[38a]**

(See also Section: 23 Women and Section 24 Children)

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26. DRUG PRODUCTION AND ADDICTION

26.01 The World Bank report of August 2008 recorded that:

"Afghanistan is the world's largest producer of opium, which is used to make heroin. A 2005 survey estimated that Afghanistan had almost one million drug users including 200,000 opium users and 19,000 drug injectors, of whom 12,000 inject prescription drugs and 7,000 inject heroin. A 2006 survey in Kabul estimated that several categories of drug use had increased by more than 200 percent in 12 months." **[69b]**

26.02 The BBC reported in June and August 2007 on the soaring levels of opium production in Afghanistan. **[25ao]** The BBC also noted that Afghanistan was now accountable for over 90 per cent of opiates in the world, recording that "…Helmand province is now the biggest single drug-producing area in the world, surpassing whole countries such as Columbia [*sic*]." **[25an]**

26.03 The UNHCR Eligibility Guidelines paper noted that "The security situation is further aggravated by heavy fighting between anti-Governmental elements and the ANA/ISAF/NATO forces and the growth of criminal and drug gangs, which enjoy a symbolic relationship with anti-Government armed groups." **[11a] (p35)**

26.04 The United Nations Office on Drugs and Crime (UNODC) 2008 World Drugs Report recorded that:

"In 2007, opium production in Afghanistan reached 8,200 mt [metric tonnes]: 24% higher than global opium production in 2006 (6,610 mt). Record levels of cultivation and a high yield led to the 34% increase in potential opium production in 2007. Taking domestic consumption of opium, seizures and opium exports into account, Afghanistan's morphine and heroin production is estimated to have reached 666 mt in 2007, up from 555 mt in 2006. Reaching its highest point since 1990, global opium production rose to more than 8,800 mt in 2007. The proportion of Afghanistan in global opium production remained 92%." **[87c] (p228)**

26.05 The UNODC Opium Winter Rapid Assessment Survey, published February 2008, stated:

"A positive development is that opium cultivation is down, at least when measured in physical terms (hectares and tonnes). The 18 provinces that were opium-free in 2008 are likely to remain that way in 2009… In the north, centre, and east of the country, pressure from government authorities, scarcity of food grains, an effective pre-planting information campaign as well as higher prices for licit crops seem to have contributed to the decline… In the south and south-west, reduced opium cultivation is due to high wheat prices, low opium prices, and low availability of water due to severe drought. The effective implementation of the Provincial Counter-Narcotics Strategy in Hilmand shows what strong leadership can achieve, even against the odds." **[87d] (Preface)**

26.06 The report added "Nevertheless, the drugs trade remains a major source of revenue for anti-government forces and organized crime operating in and

around Afghanistan. Drug money is also a lubricant for corruption that contaminates power." **[87d] (Preface)**

Opium poppy cultivation levels from 2005 to 2008 and expected trends in 2009

PROVINCE	Cultivation 2005 (ha)	Cultivation 2006 (ha)	Cultivation 2007 (ha)	Cultivation 2008 (ha)	Change 2007-2008 (ha)	Change 2007-2008 (%)	2009 Cultivation trend
Ghazni	0	0	0	0	0	0%	Poppy free
Kabul	0	80	500	310	-190	-38%	Decrease
Khost	0	133	0	0	0	0%	Poppy free
Logar	0	0	0	0	0	0%	Poppy free
Paktika	0	0	0	0	0	0%	Poppy free
Paktya	0	0	0	0	0	0%	Poppy free
Panjshir	0	0	0	0	0	0%	Poppy free
Parwan	0	124	0	0	0	0%	Poppy free
Wardak	106	0	0	0	0	0%	Poppy free
Central Region	**0**	**337**	**500**	**310**	**-190**	**-38%**	
Kapisa	115	282	835	436	-399	-48%	Decrease
Kunar	1,059	932	446	290	-156	-35%	Decrease
Laghman	274	710	561	425	-136	-24%	Decrease
Nangarhar	1,093	4,872	18,739	0	-18,739	-100%	Uncertain
Nuristan	1,554	1,516	0	0	0	0%	Poppy free
Eastern Region	**4,095**	**8,312**	**20,581**	**1,151**	**-19,430**	**-94%**	
Badakhshan	7,370	13,056	3,642	200	-3,442	-95%	Decrease
Kunduz	275	102	0	0	0	0%	Poppy free
Takhar	1,364	2,178	1,211	0	-1,211	-100%	Poppy free
North-eastern Region	**9,009**	**15,336**	**4,853**	**200**	**-4,653**	**-96%**	
Baghlan	2,563	2,742	671	475	-196	-29%	Strong decrease
Balkh	10,837	7,232	0	0	0	0%	Poppy free
Bamyan	126	17	0	0	0	0%	Poppy free
Faryab	2,665	3,040	2,866	291	-2,575	-90%	Decrease
Jawzjan	1,748	2,024	1,085	0	-1,085	-100%	Poppy free
Samangan	3,874	1,960	0	0	0	0%	Uncertain
Sari Pul	3,227	2,252	260	0	-260	-100%	Uncertain
Northern Region	**25,040**	**19,267**	**4,882**	**766**	**-4,116**	**-84%**	
Day kundi	2,581	7,044	3,346	2,273	-1,073	-32%	Decrease
Hilmand	26,500	69,324	102,770	103,590	820	1%	Decrease
Kandahar	12,989	12,619	16,615	14,623	-1,992	-12%	Decrease
Uruzgan	2,024	9,703	9,204	9,939	735	8%	Decrease
Zabul	2,053	3,210	1,611	2,335	724	45%	Decrease
Southern Region	**46,147**	**101,900**	**133,546**	**132,760**	**-786**	**-1%**	
Badghis	2,967	3,205	4,219	587	-3,632	-86%	Decrease
Farah	10,240	7,694	14,865	15,010	145	1%	Decrease
Ghor	2,689	4,679	1,503	0	-1,503	-100%	Uncertain
Hirat	1,924	2,287	1,525	266	-1,259	-83%	Strong decrease
Nimroz	1,690	1,955	6,507	6,203	-304	-5%	Decrease
Western Region	**19,510**	**19,820**	**28,619**	**22,066**	**-6,553**	**-23%**	
Total (rounded)	**104,000**	**165,000**	**193,000**	**157,000**	**-36,000**	**-19%**	**Overall decrease**

UNODC, February 2008 **[87d] (p3)**

26.07 The surge in opium production has been accompanied by a rise in addiction amoungst Afghans. (BBC, 28 August 2007) **[25ag]** (IRIN, 26 June 2007) **[36t]**

(Associated Press, 3 January 2008) **[54c]** The Associated Press reported in January 2008 that:

"The first nationwide survey on drug use, conducted last year by the Ministry of Counter Narcotics and U.N. Office on Drugs and Crime, found nearly 1 million addicts in this nation of about 30 million people, including 60,000 children under age 15…Drugs of choice range from hashish, opium and heroin to pharmaceutical medicines. An estimated 5,000 children are addicted to opiates, and the remainder take cough syrup and other drugs, the survey found. The actual numbers are probably much higher, especially for children and women, the report said." **[54c]**

26.08 IRIN News, on 28 April 2009, reported that "Over 900,000 people in Afghanistan were considered drug addicts and many of them had little awareness of addiction-related diseases, according to a 2005 survey of the UN Office on Drugs and Crime (UNODC), which also provided the figure of 19,000 intravenous drug users." **[36w]**

26.09 IRIN News reported on 2 March 2008 that "Villagers in remote areas of Badakhshan Province, north-eastern Afghanistan, have been using opium as a substitute for medicine for years. They are oblivious to the harm it can do to their health." **[36m]**

26.10 A research study carried out by the Afghanistan Independent Human Rights Commission, Effective Factors Associated with Drug Addiction and the Consequences of Addiction among Afghan Women, published February 2008, involving 828 individuals interviewed in 21 provinces found that:

"It is rather difficult to establish a direct relationship between income and drug addiction. Although, the majority of the respondents report very low monthly income, it can not be said that poverty leads to drug addiction, as there are many women who live in poverty, but they are not addicted to drugs. The relationship between poverty and drug addiction, can be explored through access to health care. People with low income are more likely to be concentrated in remote parts of the country, whose access to health centers is very limited. Thus, these women use drugs for medical purposes…" **(p4)**

"In general, as it can be observed from the findings, addicted women are not lonely reclusive women who lack any family members or friends. The fact that the majorities of respondents are married and have children shows that these respondents are surrounded by their immediate family members and lead a social life. However, many [of] these women live in poor economic conditions; they are jobless or involved in the kind of occupations that does not generate sufficient income to sustain a family." **[48a] (p9)**

26.11 The AIHRC research study also recorded that:

"A quarter of respondents… report that their children use drugs. The age of children was not reported in the survey, however, the qualitative interviews reveal that younger children are fed opium by their mothers to keep them quiet, and the older children in addition to consuming drugs themselves provide drugs for their mothers. Additionally, other immediate family members who were reported to have been using drugs were fathers (9.78 %), mothers (7.49 %), brothers (6.28 %), and sisters (7.0 %)." **[48a] (p10)** Furthermore, the

study recorded that women's reasons given for using drugs included recreation, pain, insomnia, fatigue, sexual dysfunction, hemorrhage, cough, diarrhoea, sadness and grief. **[48a] (p17)**

(See also Section 23: Women and Section 24: Children)

26.12 A Reliefweb article dated 20 April 2008 recorded that:

"Afghan deputy health minister for technical affairs Faizullah Kakar said mental illness and drug abuse were the most urgent health problems that the country now needs to tackle … 66 percent of Afghans suffer from depression or some form of mental disorder, and an increasing number are turning to illegal drugs… The picture is grim in parts of the country's south and west where Kakar said government healthcare workers have not been able to provide service because of the ongoing Taliban insurgency. 'Forty of our doctors and workers died in the south, so many people are scared to go to the south to work. When we try to build a clinic in the south, it's hard to find a company that will build it. Maintaining it is a challenge'." **[40a]**

26.13 A Save the Children/Columbia University survey recorded that "Poverty, unemployment, mental illness and depression, lack of awareness and various other socio-economic factors are driving many Afghan youths to drug abuse and addiction…" (IRIN News, 28 April 2009) **[36w]**

26.14 BBC Online reported on 25 July 2008 that President Karzai had been accused of protecting drug barons and obstructing efforts to eradicate opium crops. According to Thomas Schweich, a former US counter-narcotics official, the former Attorney General had claimed that Mr Karzai had reportedly prevented the prosecution of some 20 officials. Mr Karzai denied the allegations. Although president Karzai denies that his supporters were involved in drug smuggling, Mr Schweich said that "[Mr Karzai] perceives that there are certain people he cannot crack down on and that it is better to tolerate a certain level of corruption than to take an aggressive stand and lose power," Mr Karzai said that "I don't blame Afghans for drugs smuggling. They may do it due to helplessness and there may be only a few of them." **[25g]**

26.15 In April 2009 an IRIN News article reported that

"…treatment and rehabilitation services meet only 0.25 percent of the needs nationwide, according to UNODC [United Nations Office on Drugs and Crime]. There are only about 100 beds in a handful of specialist centres dedicated to tackling addiction. Several drug users in Kabul told IRIN they would have to wait months to be admitted to a rehabilitation centre… Lack of funds was the main problem: 'We only have about US$700,000 for all treatment and rehabilitation activities in the country, which is very little,' Abdullah Wardak, a Health Ministry official, told IRIN." **[36w]**

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27. ABUSES BY NON-GOVERNMENT ARMED FORCES

OVERVIEW

27.01 The Freedom House report, Freedom in the World 2008, released 2 July 2008, stated that:

"An estimated 2,000 illegal armed groups, with as many as 125,000 members, continue to operate. A voluntary DDR program targeting irregular militia forces between 2003 and 2005, and the follow-up Disbandment of Illegal Armed Groups (DIAG) initiative, succeeded in demobilizing over 60,000 militiamen and collected a considerable amount of weaponry. However, more recently, progress on disarmament has stalled amid worsening security, and there are still an estimated 100,000 illegal weapons, mostly small arms, in the country. Many civilians, particularly in rural areas where the government is unable to provide security, are increasingly reluctant to hand over their weapons. In October 2007, the DIAG's mandate was extended until 2011." **[41a]**

27.02 The Freedom House report further stated:

"Several thousand civilians were killed in 2007 as a result of attacks by the Taliban and other Islamist groups; during localized fighting between ethnic factions, particularly in the north; or during combat between Taliban fighters on one side and government and coalition forces on the other. Insurgents shifted tactics in 2006 by dramatically stepping up suicide attacks, and the trend continued in 2007. The security situation in much of the country has continued to decline despite the expansion of ISAF to the south and east in 2006. In addition to political and terrorist violence, criminal gangs kidnap foreigners and prominent Afghans for ransom, while drug traffickers and local warlords use force and extortion to defend their operations and influence." **[41a]**

KIDNAPPINGS

27.03 BBC News reported on 16 December 2008 that "According to the Afghanistan International Chamber of Commerce (AICC), 173 businessmen have been kidnapped across the country in the last three years: a number of them have been killed." **[25aa]**

27.04 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

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

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join anti-government elements, or, in the case of journalists, stop reporting on issues objectionable to the kidnappers." **[2a] [Section 1d]**

(See also Section 24: Children – Child Kidnappings and Section 8: Security situation – Kabul)

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WARLORDS AND COMMANDERS

27.05 On 21 September 2004 the UN-appointed independent expert of the Commission on Human Rights reported:

"As a result of decades of armed conflict, ethnic allegiances and the prolonged absence of a legitimate centralized State, local and regional power within Afghanistan is subject to the authority exercised by a variety of armed actors commonly referred to as warlords. These warlords' local commanders wield authority through a combination of arms, mutually supportive relationships with other armed actors, social networks and ethnic allegiances. Some key figures in Afghan politics might be described as classic warlords through their exercise of a monopoly of economic and military authority over a sizeable area. Others, who might be termed petty warlords or local commanders, exercise authority over a relatively small area and have only minor backing by genuine force. Often, the power of less dominant commanders is the result of linkages and networks with a number of armed actors. Overall, there exist numerous non-State armed groups throughout the country. Alone, few of these groups and their leaders pose a fatal threat to a unified, central Government, but combined, they do. They also present a significant impediment to a unified national Government capable of preventing these groups from committing gross violations of fundamental human rights." **[39k] (para. 29)**

27.06 Human Rights Watch reported on 27 September 2006 that:

"Afghans throughout the country have told Human Rights Watch that they view regional warlords, ostensibly allied with the government, as a major source of insecurity. In southern Afghanistan, tribal chiefs, like Sher Mohammad Akhundzada the former governor of Helmand province who was removed due to allegations of corruption and involvement in the drug trade, have been allowed to operate private militias with the blessing of President Karzai. Warlords with records of war crimes and serious abuses during Afghanistan's civil war in the 1990s, such as parliamentarians Abdul Rabb al Rasul Sayyaf and Burhanuddin Rabbani, General Abdul Rashid Dostum, and current Vice President Karim Khalili, have been allowed to hold and misuse positions of power, to the dismay of ordinary Afghans." **[17f]**

27.07 The USSD report 2008, published on 25 February 2009, recorded that the Afghan National Police (ANP) had primary responsibility for internal order. "In some areas powerful individuals, some of whom reportedly were linked to the insurgency, maintained considerable power as a result of the government's failure to assert control." **[2a] (Section 1d)** "NGOs reported powerful local leaders and insurgents, including Taliban, continued to operate private prisons." **[2a] (Section 1c)**

27.08 The Institute for War and Peace Reporting (IWPR) recorded on 9 July 2008 that:

"The Afghan government scored a minor victory last month by reeling in a rebellious 'warlord' who led a band of warriors over nearly three decades. What really set this case apart is that the militia commander is a woman. The authorities' decision to co-opt rather than capture Bibi Aysha, who goes by the nickname Kaftar ('the pigeon'), has upset locals who say that given her record, she is unlikely to accept the strictures of civilian life, still less a job as a public servant. Kaftar probably never meant to strike a blow for gender equality, but over the years she has shown that an Afghan woman can make just as tough and ruthless a warlord as her male counterparts. Now 55, Kaftar has fought almost everyone from the Russians and the Taleban to the present government of President Hamed Karzai. Until recently, she had the dubious distinction of being the only paramilitary commander – outside the Taleban and its allies – still in open confrontation with the Afghan state. Last month, she surrendered to the government together with five armed men, most of them her relatives. It was the second time she had laid down her weapons since the fall of the Taleban regime in 2001." **[73c]**

27.09 The IWPR article continued:

"Kaftar is a well-known figure in her native Baghlan province, which lies due north of the capital Kabul. Legend has it that she became a fighter by accident, when she grabbed a gun to kill the Soviet soldiers who had shot her son during the mujaheddin war of the Eighties. Her success later led to her appointment as local commander for the Jamiat-e-Islami faction, whose military leader was Ahmad Shah Massoud. After Taleban forces captured Kabul in 1996 and pushed north, Kaftar claims to have commanded 2,000 armed men resisting their advance. After the United States-led invasion sent the Taleban running, Kafter surrendered her weapons under a government-run demobilisation programme. She even entered political life briefly, representing Baghlan's Nahrin district during the Emergency Loya Jirga, the 2002 assembly that hammered out a structure for government and confirmed Karzai as head of state pending an election… The whereabouts of the rest of Kaftar's militia remains a mystery. According to local residents and officials, she had more than 200 armed men under her command." **[73c]**

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WAR CRIMES AND HUMAN RIGHTS ABUSES PRIOR TO 2001

27.10 The Freedom House report, Freedom in the World 2008, Afghanistan, released 2 July 2008 stated:

"Since taking power in 2002, the administration has faced the question of how to deal with perpetrators of past abuses. The cabinet in 2005 approved an Action Plan on Peace, Justice, and Reconciliation, including commemoration for victims, truth-seeking and justice mechanisms, and the vetting of potential state employees, but the plan was not formally launched until December 2006. Many perpetrators were elected to the National Assembly despite calls for them to be disqualified, and some, such as warlord Abdul Rasul Sayyaf, have

established dominant positions in the new parliament, making any attempt at prosecution difficult. In March 2007, President Karzai signed a law initiated by parliament that provides a sweeping amnesty for war crimes committed prior to 2002, drawing criticism from human rights groups and some lawmakers." **[41a] (p8)**

27.11 The Freedom House 2008 Afghanistan Country report further stated that "Warlords in the parliament joined forces in early 2007 to push through controversial legislation granting immunity for past war crimes." **[41a] (p1)** "In a highly controversial move, a group led by Abdul Rabb al Rasul Sayyaf, Burhanuddin Rabbani, and Taj Mohammad, all of whom have been implicated in war crimes and other serious human rights abuses, attempted to pass a blanket amnesty law. Facing unprecedented public opposition, the bill was amended to allow individuals to file criminal and civil cases against perpetrators, though these provisions are unlikely to be effective because of a lack of political will and severe threats and intimidation against witnesses and complainants. President Karzai did not sign the legislation and its legal status remains unclear." (HRW, 2008) **[17a]**

27.12 The UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007, stated that:

"Many of the activities of members of armed groups resisting the communist regimes and the Soviet occupation – from 27 April 1978 until the fall of Najibullah in April 1992 - amounted to war crimes and crimes against humanity, both against combatants of rival factions and against civilians. Similarly, between 1992 and 1996 armed conflict between various factions was also accompanied by serious violations of international human rights law and humanitarian law." **[11a] (p10)**

27.13 Amnesty International's Afghanistan Country Report 2008, covering events from January to December 2007 stated that:

"A culture of impunity continued, boosted in February [2007] by the introduction of the Amnesty Bill, which absolves the government of responsibility for bringing to justice suspected perpertrators of past human rights violations and crimes under international law, including war crimes and crimes against humanity. In December [2007], President Karzai stated that his administration did not yet have the capacity to arrest and prosecute many of those responsible for past and continuing human rights abuses. Those accused of such abuses included members of parliament as well as provincial government officials." **[7l]**

27.14 A report by the Afghanistan Justice Project (AJP) dated 17 July 2005 gives details of human rights abuses committed between 1978 and 2001. The report gives the names of commanders during this period who were involved in the abuses and stated:

"To say that all of the armed forces that fought in Afghanistan committed war crimes is not to say that every single fighter has been guilty of such actions. What the Afghanistan Justice Project has documented are incidents in which senior officers and commanders ordered actions amounting to war crimes by their forces, or allowed such actions to take place and did nothing to prevent or stop them. The Afghanistan Justice Project's intent in documenting these

incidents is not to impugn the cause for which any of the armed groups fought, but rather to call for accountability where those actions amounted to war crimes." **[13b] (p4)**

(For detailed information refer to source **[13b]**)

DISARMAMENT, DEMOBILISATION AND REINTEGRATION PROGRAMME (DDR)

27.15 The UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, dated December 2007 recorded that:

"The disarmament, demobilization and reintegration (DDR) process of the Afghan Militia Forces (AMF) was completed in June 2006. This process included the safe removal and cantonment of over 10,880 heavy weapons. Cities such as Gardez, Mazar-e Sharif and Bamyan are now largely free of operational heavy weapons. The cantonment of these weapons, coupled with the demobilization of Afghan militia forces, has reduced opportunities for factions to engage in clashes of the scope and intensity that affected the Northern provinces in the period 2002-2004, and the Western provinces in 2006." **[11a] (p37)**

27.16 The Afghanistan New Beginnings Programme (ANBP) factsheet, dated 1 July 2006, on the Disarmament, Demobilisation and Reintegration stated:

"DDR supported the disarmament of 63,380 former officers and soldiers of the Afghan Military Forces (AMF) as well as the decommissioning of 259 AMF units. Fifty-five thousand eight hundred and four (55,804) ex-combatants chose one of the reintegration options, which further benefited 53,415 of them, leaving aside 2,759 drop-outs.

"The approach to reintegration has been holistic and reintegration options have ranged from agriculture, vocational training and job placement, small business opportunities, demining, teaching, government jobs, wage labor and joining [the] Afghan National Army (ANA) or the Police." **[40d]**

DISBANDMENT OF ILLEGAL ARMED GROUPS (DIAG)

27.17 UN Security Council report of 10 November 2008 recorded:

"The Afghan Government's disbandment of illegal armed groups programme targets the estimated 1,800 illegal armed groups active in the country, which still possess approximately 336,000 weapons. In addition to the risk represented by those weapons, the armed groups represent an obstacle to the restoration of the rule of law. Some factions targeted by the countrywide demobilization, disarmament and reintegration programme have neither been fully disarmed nor mainstreamed into the regular political system. As a result, several armed groups remain heavily involved in illegal activities such as narcotics and weapons trafficking." **[39d] (p5)**

27.18 The UN Secretary-General's report, dated 6 March 2008 had noted that:

"Progress has been made on the disbandment of illegal armed groups. Out of 51 targeted districts, 21 have complied with the programme, and 161 illegal armed groups were disbanded. Over 1,050 individuals were arrested or

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disarmed and 5,700 weapons confiscated. The Afghanistan New Beginnings Programme supported by the United Nations Development Programme (UNDP), continues to promote capacity-building, in particular through the establishment of a dedicated cell for the disbandment of illegal armed groups, within the Ministry of the Interior, to support the transition to full Government control of the disarmament process." **[39b]**

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ANTI- GOVERNMENT AND ANTI-COALITION FORCES (ACF)

27.19 Anti-Government elements remain responsible for the largest proportion of civilian casualties, demonstrating in their tactics a disregard for the lives of civilians. Civilian deaths caused by anti-Government elements rose from 700 in 2007 to 1,160 in 2008 — an increase of over 65 per cent. (UN Secretary-General's report, 10 March 2009) **[39j]** and they "…continued to threaten, rob, attack, and kill villagers, government officials, foreigners, and nongovernmental organization (NGO) workers." (USSD 2008 report) **[2a]**

27.20 The UN Secretary-General's report, dated 10 March 2009, noted that "Two trends identified in the previous report further worsened: attempts by insurgents to destabilize previously stable areas and increased use by insurgents of more sophisticated asymmetric attacks, with an increasing disregard for the lives of civilians." **[39j]**

27.21 The Human Rights Watch World Report 2009, Afghainstan, released in January 2009 stated that "The Taliban and other militants have extended their control into parts of the country previously considered relatively stable, such as Logar and Wardak which border Kabul province, and parts of Herat province in the west. Kabul was a target of several audacious militant attacks in 2008, with several major roads out of the capital becoming dangerous to travel." **[17b]**

(See Annex C for list of armed groups)

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28. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

28.01 The Afghanistan Independent Human Rights Commission (AIHRC), December 2008 report stated:

"The government of Afghanistan has committed to provide free health care services to all citizens under article 52 of the 2004 Constitution. This is reinforced by the Government's ratification of the Convention on the Rights of the Child under which the Government has committed itself to take appropriate measures to diminish infant and child mortality and to ensure appropriate pre-natal and post-natal health care for mothers (Article 24 (2)). This commitment was further asserted by the Afghanistan Compact following the London conference in 2006 and has been extended into the ANDS [Afghanistan National Development Strategy], signed by the President in April 2008." **[78a] (p52)**

28.02 The Rabia Balkhi Women's Hospital is the only women's hospital in Kabul. "Its 13,000 births per year make up only a tiny fraction of the more than one million births nationwide annually, but, nonetheless, the hospital is an irreplaceable starting point for building the capacity of the Afghan health system to care for women." In 2005, doctors at the hospital carried out the first ever blood transfusion that saved a newborn baby's life. (International Medical Corps, 2006) **[86a]**

28.03 IRIN News reported on 7 April 2009 that: "Over 600,000 Afghans lack basic healthcare services due to attacks on healthcare facilities and health workers - a figure that has doubled since 2007, Abdullah Fahim, a spokesman for the Ministry of Public Health (MoPH), has said." **[36n]**

28.04 IRIN further reported that there was "… an increase in the number of attacks on health facilities and health workers over the past year… About 32 health centres were torched, destroyed and/or closed down due to insecurity in 2007, and 28 health facilities were shut down or attacked in 2008, MoPH [Ministry of Public Health] said." **[36n]**

28.05 The Foreign & Commonwealth Office (FCO) Afghanistan Country Profile, reviewed in January 2009, stated that:

"The health infrastructure in Afghanistan damaged or destroyed by years of conflict, is gradually being reestablished by the Afghan Government with the help of the international community. The health services inherited at the end of 2001 were limited in capacity and coverage, and while the Ministry of Health has shown leadership the health status of the Afghan people is still among the worst in the world. The majority of the population lacks access to safe drinking water and sanitary facilities. Disease, malnutrition and poverty are rife and an estimated 6.5 million people remain dependant on food aid." **[4a] (p8-9)**

28.06 Statistics in the FCO Country Profile, updated on 6 January 2009, on Afghanistan stated that:

- "average life expectancy is 43.1 years (UNDP, 2005)

- 13.5% of babies dies during or shortly after birth (UNDP, 2007)
- 26% of children die before reaching the age of 5 (UNDP, 2007)
- Maternal mortality rate: 1600 per 100000 live births (UNDP, 2007)
- More than three million Afghans benefited from rural water supply and sanitation activities in the country. 10119 water points, 66 networks and 1713 water reservoirs have been constructed
- 32.5% of the rural population has access to safe drinking water (UNAMA 2008)" **[4a] (Health)**

28.07 The same FCO Country Profile also stated that:

"The World Bank, the United States Agency for International Development and the European Community are helping the Afghan Ministry of Health, through NGOs, to provide a basic healthcare service to the entire population. The package consists of services for maternal and newborn health; child health and immunisation; nutrition; communicable disease; mental health; disability; and the supply of essential drugs. The Ministry of Health has established a Child and Adolescent Health Department and a Department of Women and Reproductive Health to tackle high infant and maternal mortality rates.

- 83% of the population now has access to medical facilities, compared to 9% in 2004 (NATO, June 2007)
- 76% of children under the age of five have been immunised against childhood diseases (NATO, June 2007)
- More than 4000 medical facilities have been opened since 2004 (NATO, June 2007)." **[4a] (Health)**

28.08 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007, noted that:

"In terms of access to healthcare, Afghanistan's poor healthcare system has a very strong urban bias in its existing infrastructure. Overall, there are only 210 health facilities with beds to hospitalize patients. With the exception of four provinces, the current ratio of doctors per patient stands at one doctor per 10,000 patients.

"Nevertheless, important progress in healthcare has been made through the Government's expansion of the basic package of health services. Under the National Health Policy 2005-2009, the Ministry of Public Health is focusing on accelerating the implementation of primary healthcare and Basic Package of Health Services (BPHS) and Essential Package of Hospital Services (EPHS). The BPHS includes maternal and newborn health, child health and immunization, public nutrition, communicable diseases, mental health, disability and supply of essential drugs… The EPHS has three main objectives:

- to identify a standardized package of defined clinical, diagnostic and administrative services for district, provincial and national hospitals;

- to provide a guide for the Ministry, NGOs and donors on how the hospital sector should be staffed, equipped and provided with drugs for the defined set of services at each level; and

- to promote a health referral system that integrates the BPHS within hospitals." **[11a] (p51)**

28.09 On 23 July 2008 IRIN News reported that "Up to 100,000 people have been deprived of access to basic health services in different parts of Afghanistan over the past four months, due largely to worsening insecurity, with attacks on health workers and health centres, the Ministry of Public Health (MoPH) said. The new figure is in addition to the over 300,000 people who last year lost access to primary health facilities, mostly in the volatile south and southeast." **[36b]**

28.10 Mirwais Hospital, in Kandahar, Sheberghan Hospital, in Jawzjan, and Jalalabad Public Health Hospital all benefit from ICRC support and training, which has enabled them to continue treating victims of the conflict and responding to other emergencies. A joint ICRC-health ministry project is also under way to further strengthen Mirwais hospital's capacity to deliver essential health services. The three hospitals:

- treated around 42,700 inpatients and 200,100 outpatients;
- performed some 17,200 operations.

In Kabul and elsewhere, the ICRC provided medical supplies to the 400-bed Afghan National Army hospital and seven other medical facilities, including the health ministry's Central Blood Bank and Radiology Department. An emergency kit for the treatment of up to 50 war-wounded is pre-positioned at the ministry. The organization also provided supplies and financial support to nine Afghan Red Crescent clinics which offer general consultations and vaccinations for women and children. "All combatants wounded in war have the right to medical assistance. The ICRC sent over 900 consignments of first-aid and pre-hospital care supplies to remote areas lacking medical facilities." (International Committee of the Red Cross, 13 November 2008) **[64a]**

28.11 The Afghanistan Independent Human Rights Commission report of December 2008 stated that:

"Based on the recommendations by the World Health Organization to Afghanistan, the government has adopted the budget policy to spend 60 percent of the budget on primary health care and 40 percent of the budget on hospital services. However, according to the budget published by the Ministry of Public Health in 2007, out of US$105 million required to fund planned services, only US$10 million were allocated. This severely undermines the ability of the health services to reach the public." **[78a] (p54-55)**

28.12 The Foreign and Commonwealth Profile of Afghanistan, updated in January 2009 stated that:

"In response to a strategy outlined by the Ministry of Health, the international community is supporting the government in rebuilding the primary health-care system. Since the fall of the Taliban in 2001, the health sector has seen significant progress in development, with reductions in morbidity (disease) and mortality (death). In 2001, 8% of the Afghan population had access to basic health care; today, 79% have access to basic health services. In 2001, Afghanistan was ranked the world's worst in infant mortality; in 2007 Afghanistan's infant mortality rates were falling due to the efforts of the Ministry of Public Health (MoPH) and its international partners." **[4a]**

28.13 Furthermore, the FCO Profile stated that:

"There has been a marked increase in health infrastructure; the number of health facilities providing the BPHS has increased to 897 (from 746), the number of health facilities providing comprehensive emergency obstetric care has also increased to 89 (from 79), and the number of health facilities within the government's program of Integrated Management of Childhood Illnesses stands at 309 facilities located in eight provinces and 39 districts. Thirteen therapeutic feeding units have been established, and two additional midwifery schools were opened. Twelve mobile health facilities were established to provide basic health services to the nomadic Kuchi population. The number of health facilities providing direct observed treatment short courses (in the treatment of tuberculosis) increased to 55% (from 45%).

"Approximately 40,000 insecticide bed nets were distributed to control the spread of malaria. Provincial teams in eight provinces were established to track the prevalence of avian flu. In total, 670 health facilities have been renovated or constructed." **[4a]**

28.14 The Afghan government's national licensed drugs list (LDL), dated December 2007, contained:

"… all medicines that can be imported and sold in Afghanistan, under their International Non-proprietary Name (INN). The LDL contains all the drugs listed in the EDL, and hence contains all the drugs recommended for use in the BPH, EPHS and the MoPH's national programs. It also contains dispensary products and products used in dentistry. It is used as guideline by the authorities granting import licenses for drugs used in the public and private sector." **[13a]**

The National Licensed Drugs List (LDL) Ministry of Public Health in Afghanistan can be located on the Afghanistan Ministry of Public Health (MoPH) website at: http://www.moph.gov.af/en/

28.15 In Paktika province where the Central Statistics Office estimated the female population to be over 180,000, women have access to little healthcare. There are no female doctors and very few nurses or midwives. However, "With the help of aid organisations, the Ministry of Public Health (MoPH) increased the number of midwives in the country from 400 in 2001, to about 2,500 in 2008, but that is still not enough." (IRIN News, 1 February 2009) **[36e]**

(See also Section 23: Women and Section 24: Children)

HIV/AIDS

28.16 The World Bank report on HIV/AIDS in Afghanistan, August 2008 stated that:

"Reliable data on HIV prevalence in Afghanistan is sparse. To date, 478 HIV cases have been reported. However, UNAIDS and WHO estimate that there could be between 1,000 and 2,000 Afghans living with HIV. The HIV epidemic is at an early stage in Afghanistan and is concentrated among high-risk groups, mainly injecting drug users (IDUs) and their partners. Afghanistan's emerging epidemic likely hinges on a combination of injecting drug use and unsafe paid sex. According to a 2006 study, 3 percent of IDUs in Kabul were HIV positive. Almost one third of the IDUs participating in the study said they used contaminated injecting equipment. In addition, large proportions of these (male) drug users also engaged in other highrisk behavior. For example, 32 percent had sex with men or boys, and 69 percent bought sex. Only about half of the IDUs knew that using unclean syringes carries a high risk of HIV transmission or that condoms can prevent infection." **[69b]**

28.17 The World Bank further noted that "UNICEF (through PMTCT, training, and MSM study), UNFPA (through VCCTs), and WHO (through ART and TB/HIV projects) are supporting Afghanistan's efforts to combat HIV/AIDS." **[69b]**

28.18 IRIN stated in an article dated 7 January 2009 that:

"Forty of the 504 people diagnosed with HIV/AIDS in Afghanistan will be provided with standard antiretroviral therapy for the first time, as efforts are made to boost control of the killer disease, the Ministry of Public Health (MoPH) has said. 'We expect WHO [the World Health Organization] to have imported ARVs [antiretrovirals] by the end of January. We will give them to 40 already identified patients,' Saif ur-Rehman, head of the national HIV/AIDS programme at the MoPH, told IRIN." **[36z]**

MENTAL HEALTH

28.19 The BBC recorded that "According to studies cited by the Afghan health ministry an astonishing 66% of Afghans suffer mental health problems." (BBC Online, 20 January 2009) **[25u]**

28.20 UNHCR's Eligibility Guidelines, December 2007, noted that "There is very limited psychosocial trauma support in Afghanistan. Further, in more conservative areas, social mores leave victims of rape or other sexual abuse subject to family rejection and social ostracism and, thus, to the loss of traditional protection mechanisms. Victims of such trauma may thus risk further maltreatment if their being a victim of sexual violence becomes known." **[11a] (p9)**

28.21 The World Health Organisation Mental Health Atlas 2005 noted that:

"Mental health is not a part of [the] primary health care system. Actual treatment of severe mental disorders is not available at the primary level. Community level workers from the local population (villages) have been involved in providing integrated health care for the last 8 years… There are community care facilities for patients with mental disorders. Mental Health is included in Basic Package for Health Services (BPHS) which covers health

The main text of this COI Report contains the most up to date publicly available information as at 28 May 2009. Further brief information on recent events and reports has been provided in the Latest News section to 26 June 2009.

service delivery up to district level. New treatment guidelines for common mental health disorder[s] are being formulated (draft is ready). Four Community Mental Health Centers have been established in the capital [Kabul], but further expansion is required. There are 2 general psychiatric rehabilitation centres with 160 beds." **[43]**

28.22 The World Health Organisation Mental Health Atlas 2005 stated:

"Currently, there are no social workers, and there are only very few trained psychiatrists. Most doctors working as psychiatrists have either had in-service training or have attended short courses abroad. A three month diploma course was held in 1996 to train some doctors in psychiatry. Postgraduate training in psychiatry is not present. Psychologists get their training from Kabul University. Much of qualified manpower and technical expertise has left the country… NGOs [Non-Governmental Organisations] are involved with mental health in the country. They are mainly involved in treatment. The Afghan Government collaborates with non-governmental organizations to rapidly expand basic (mental) health services to underserved populations…The following therapeutic drugs are generally available at the primary health care level of the country: carbamazepine, Phenobarbital, amitriptyline, chlorpromazine, diazepam, haloperidol. The cost of medicines keeps fluctuating as the local currency is unstable due to the war. Over-the-counter sales of psychotropics occur." **[43]**

28.23 The BBC Online recorded on 20 January 2009 that:

"The Afghan health ministry readily admits that there simply are not enough facilities or doctors to even begin dealing with the most serious cases. Other health issues - such as infant and maternal mortality - have taken priority… Because of a lack of understanding, many Afghans suffering mental health problems are believed to be possessed. Some are chained in rooms or even caves until it is believed that the 'jinns' - evil spirits - have been exorcised. But others are simply abandoned by their families because they can no longer cope or afford the medication that is required to treat their medical conditions. A small number of mentally ill people are cared for by local charities." **[25u]**

LANDMINE & ORDNANCE - VICTIM ASSISTANCE

28.24 The 2008 Afghanistan Landmine Monitor Report stated that "Ongoing conflict, extreme poverty, a lack of infrastructure, and low economic development continue to hamper access to services for the entire population, but particularly for the most vulnerable groups. Afghanistan lacks or has low quality services in all areas of victim assistance (VA)." **[14a]**

28.25 The report further stated that:

"The MPH [Ministry of Public Health] coordinates healthcare through two strategies: the Basic Package of Health Services (BPHS) and the Essential Package of Hospital Services (EPHS), implementation of which is mostly contracted to NGOs and international organizations. Coordination among service providers remained limited and the MPH lacked the capacity to efficiently contract services to NGOs. BPHS coverage was said to have increased from 9% in 2002 to 85% by 2008; EPHS was implemented in 15 hospitals. Nevertheless, healthcare in Afghanistan remains among the worst in

the world. It lacks infrastructure, emergency transport, trained staff (especially women), and supplies and funding, often preventing persons with disabilities, including mine/ERW survivors, from receiving needed assistance. It will take an estimated five to 10 years to train sufficient medical staff, some of whom may refuse to work in rural areas.

"Although basic healthcare is in principle free, most public hospitals are poorly equipped, forcing people to go to unaffordable private clinics. The MPH estimated that some 360,000 people in the conflict-affected Helmand, Kandahar, Paktika, and Zabul provinces do not have access to health services. Non-state armed groups targeted and killed some 40 health workers in 2007–2008, resulting in the closure of at least 36 health centers and the withdrawal of international health providers. NGOs provide first-aid training, but there is no formal training to deal with traumatic injury; ISAF occasionally provides emergency transport.

"Physiotherapy services are available in 19 provinces and 14 orthopedic workshops—completely dependent on international organizations—operate in 10 provinces. The MPH is in charge of coordinating physical rehabilitation, but only manages one center." **[14a]**

(See also Section 22: Disability and Section 30: Freedom of Movement - Mines and unexploded ordnance)

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29. HUMANITARIAN ISSUES

OVERVIEW

29.01 Afghanistan is one of the poorest countries in the world. "Because of conflict and insecurity, the people of Afghanistan have for years been denied the basic services that we take for granted, like healthcare and schooling. Although some real progress is being made, Afghanistan is currently off track to meet all Millennium Development Goals." (DFID, 22 August 2008) **[51a]**

29.02 The World Bank's economic report on Afghanistan published February 2008, recorded:

"The starting point – in late 2001 at the fall of the Taliban – for recent developments in Afghanistan was dire… Numerous people were suffering (and still are) from low food consumption, loss of assets, lack of social services, disabilities (e.g. from land-mine accidents), and disempowerment and insecurity … In sum, Afghanistan was essentially left out of the last 25 years of global development, with virtually no increase in per-capita income during this period and average life expectancy of only 43 years."
[69a] (Executive summary paras. 5 & 6)

(See also Section 2: Economy)

29.03 A report by the World Health Organisation released in February 2009 covered the humanitarian situation in 2008 obseving that "The humanitarian situation worsened during 2008. The most pressing problems today are the perilous food security situation – which is affecting as much as one-sixth of the population and is caused by the current drought and exacerbated by high global food prices – and the impact of the armed conflict on civilians.

"More than half of Afghanistan's land area received less than 25% of its normal rainfall in 2008. The cereal harvest in 2008 was the lowest since 2002 and 30% lower than in 2007. The production of wheat in 2008 decreased 85% in rain-fed land and 16% in irrigated land compared to 2007. As a consequence of drought, an estimated 1.2 million children under five and 550,000 pregnant and lactating women in 22 provinces are at high risk of severe malnutrition. The 'Afghanistan Joint Appeal for the Humanitarian Consequences of the Rise in Food Prices 2008,' launched in January 2008, received 82% of the $81.3 million requested to provide a safety net for the 425,000 most vulnerable households. On 9 July 2008, Vice-President Khalili and the Humanitarian Coordinator (HC) launched a second appeal ('Afghanistan Joint Emergency Appeal: High Food Price & Drought Crisis') for an additional $404 million to support nearly two million people affected by current conditions, in addition to the 2.6 million people assisted during the previous six months.5 Resource mobilisation for the second appeal has been slow to date; only 50% of the amount requested has been met. The response is also insufficient to counteract extreme water shortages in certain areas that may lead to the displacement of vulnerable populations. Outside these two appeals, additional international humanitarian funding for Afghanistan in 2008 amounted to $263 million, bringing the combined total to an impressive $532 million." **[43b] (p6)**

29.04 The Department for International Development (DFID) Country Profile, updated 22 November 2008 noted the progress being made since 2001:

- "Over 5 million children are now in school, over a third of them girls – a stark contrast to when it was illegal for girls to go to school.
- 4.8 million refugees have returned home.
- 40,000 fewer babies die each year compared to under the Taliban rule.
- The number of functioning health clinics has increased by 60%.
- The proportion of women receiving antenatal care increased from 5% in 2003 to 30% in 2006.
- The legal economy grew by 8% in 2006/07.
- 70% of registered voters participated in the 2004 Presidential elections.
- 51% of registered voters participated in the 2005 Parliamentary and Provincial Council elections." **[51a]**

29.05 The UN Secretary General report, dated 10 March 2009, stated that "The impact of conflict reduced access to essential services and affected livelihoods and coping mechanisms; it also intensified the challenge for the humanitarian agencies to address the needs of the population. Geographic areas that were once accessible are now largely out of reach for most humanitarian organizations." **[39j] (p13)**

29.06 The report further stated that:

"Owing to poor rainfall, the year's cereal harvest was the smallest since 2002, and more than 5 million people are in need of immediate food assistance. Approximately 1.2 million children under the age of five and 550,000 pregnant or lactating mothers in 22 provinces remain at high risk of severe malnutrition. Water shortages may also lead to the displacement of vulnerable populations. United Nations agencies constructed over 800 watering points in returnee and droughtaffected areas. Winterization efforts continued through pre-positioning and delivery of foodstuffs and non-food items. By January 2009, the World Food Programme had pre-positioned 98 per cent of its planned assistance for 963,000 beneficiaries in 24 provinces, and the Office of the United Nations High Commissioner for Refugees (UNHCR) provided non-food items to 212,000 vulnerable returnees and internallydisplaced persons." **[39j] (p14)**

29.07 Two earthquakes struck Nangarhar province, about 50 miles east of Kabul on 17 April, killing at least 22 people and injuring over 30. The tremors registered 5.5 and 5.1 magnitudes respectively, an aftershock followed two hours later. Hundreds of houses, many made from dried mud, were destroyed. (BBC, 17 April 2009) **[25t]**

29.08 IRIN News further reported on 29 April 2009 that:

"Flash floods, landslides and earthquakes in different parts of Afghanistan in the last 10 days or so have damaged thousands of houses, killed hundreds of livestock and made thousands homeless, the UN Office for the Coordination of Humanitarian Affairs (OCHA) has said. At least 15 people lost their lives and over a dozen of others were injured by floods in Herat, Badakhshan, Parwan, Faryab and Takhar provinces over the past two weeks, according to the Afghanistan National Disasters Management Authority (ANDMA)." **[36q]**

29.09 Over 216,000 Afghan residents in the city of Kabul now have round-the-clock access to electricity. The Afghan Government, along with a consortium of international donors, launched the project to bring power to Kabul in December 2008 when "Ministers of Energy and Economy requested assistance from the United States Agency International Development (USAID) to import 40 megawatts (MW) of power from Uzbekistan…" The project took just 36 days to complete. **[60c]**

(See also Section 31: Internally Displaced People and Section 32:- Returning Afghan Refugees)

INTERNATIONAL AID

29.10 In June 2008 "World donors… pledged about $20bn (£10bn) to rebuild Afghanistan… The US led the way, committing $10.2bn, and there were big pledges from the World Bank, UK, Japan and others." (BBC Online, 12 June 2008) **[25al]** However, "[c]ritics say Afghanistan does not have the capacity to spend the money it already has, let alone bid for more." (BBC Online, 12 June 2008) **[25al]** "Donors made clear that the Afghan government had to do more to fight corruption and aid had to be better coordinated." (*The Guardian*, 13 June 2008) **[18a]**

29.11 IRIN News reported in November 2008 that:

"Early snow has blocked roads to several districts where people are in need of urgent humanitarian assistance. Officials in the northeastern province of Badakhshan said snowfall had blocked access to Sheghnan, Kofab, Pamir, Raghistan and Kohistan districts where thousands of people require food aid and medical care. Roads are the only means of accessing people as the country lacks a railway. Snow… has also been reported in Daykundi, Baghlan and other northern and central provinces, according to the Afghanistan National Disasters Management Authority (ANDMA)…'Of the 26,054 tonnes of food aid which has been promised by the government and aid organisations, so far only 5,476 tonnes have been delivered to Badakhshan,' Mohammad Usman Abozar, an official at the provincial emergency response commission, told IRIN… The UN World Food Programme (WFP), which feeds about eight million food-insecure people in the country, has said it has been delivering food aid to areas where access could get tricky when winter sets in. It has distributed 23,000 tonnes of wheat, oil, pulses and iodized salt to about 950,000 people in 23 provinces, and a further 36,000 tonnes would be distributed to 950,000 people in the coming months. 'So far 64 percent of the planned food has been dispatched,' it said in a statement on 17 November [2008]." **[36d]** "Various aid agencies and government bodies reckon 5-10 million of the estimated 26.6 million population do not have access to adequate food and nutrition." (IRIN News, 27 November 2008) **[36c]**

29.12 Irin News added:

"The expansion of food distribution activities has been accompanied by an unprecedented increase in armed attacks on humanitarian aid convoys… At least 26 attacks on WFP [World Food Programme] food aid trucks have been recorded so far this year [2008], mainly in the insecure south and southwest. Food to feed tens of thousands of hungry people had been looted and/or wasted in the attacks, WFP said. Dozens of local and foreign aid workers have

also been killed and abducted in various security incidents over the past 11 months." **[36c]**

29.13 In December 2008 the The UN Refugee Agency (UNHCR) announced that it started delivering supplies, including 8000 plastic sheets, 32,000 jerry cans, 46,000 items of clothing consisting of 18,000 pairs of shoes and 30,000 pairs of socks to returnees and IDP's [Internal Displaced Persons] across Afghanistan as the winter started setting in. **[46a]** The UN also announced it was doubling its Assistance Mission in Afghanistan (UNAMA) budget which will allow the number of international staff to increase from 1,500 to 2000. **[36f]**

(See also Section 3: Afghanistan Compact)

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LAND AND PROPERTY DISPUTES

29.14 The US State report, 2008 recorded that "Land disputes remained the most common civil dispute and were most often resolved by informal local courts." **[2a] (Section 1e)**

29.15 The Afghanistan Independent Human Rights Commission report, December 2008 stated that:

"Existing mechanisms to ensure security of tenure are either ineffective or do not have mandate to act effectively. From 2002, the Special Land Property Court was established to resolve a large number of property dispute cases; as of January 2007, this court was dissolved and land disputes are now heard in civil courts. Customary forms of adjudication like jirgas and shuras, however, settle most land disputes in Afghanistan. In such cases, customary practice sometimes prevails over state law. This is a problem because customary law often contradicts the principles of equality enshrined in civil law, particularly when it comes to inheritance. On the other hand, shuras often have more accurate records of land ownership than the government, the registries of which are both incomplete and contradictory. Several NGOs interviewed have successfully used shuras to determine ownership of land and settle disputes." **[78a] (p40-41)**

29.16 The AIHRC further recorded that:

"HRFM [The Human Rights Field Monitoring survey] respondents reported a number of cases of illegal occupation. Twenty households had their house occupied by government officials; 208 households were forced out of their homes by unknown individuals; 51 by a 'commander'; 146 by a member of their own community; and, 66 faced problems because they did not have documents to prove the ownership. These problems reflect only a fraction of disputes that require special attention. They are an indication of larger problems: the lack of a land management system, no effective system to resolve disputes, and no facilities for law enforcement." **[78a] (p41)**

29.17 IRIN News reported in September 2008 on the return of hundreds of Pashtuns refugees from Pakistan. The refugees who returned to Takar Province accused local people and militias, mostly Uzbek, of seizing their land.

"Returnee families insist they possess formal and traditional documents proving their ownership over disputed properties. 'We are not making false claims,' said an elderly man, Haji Wali Khan. However, their claims were rejected by people who occupy or control the lands. 'We don't accept their deeds ... they've forged documents,' charged a local man, Sayed Hakim. Some Uzbek and Tajik locals also criticised previous governments for alleged arbitrary distribution of public land to Pashtuns. 'Documents issued during the reign of Zahir Shah [1933-1973] are no longer valid here,' said an Uzbek leader, Jamshid." **[36x]**

29.18 The IRIN article further noted that "President Hamid Karzai appointed a government commission to resolve the land disputes in Takhar Province and to help the reintegration of returnees. However, after several days of heated talks the commission returned to Kabul virtually empty-handed… the government was intending to clarify property ownership documents via the judiciary after Ramadan." **[36x]**

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30. FREEDOM OF MOVEMENT

30.01 The USSD 2008 report, published on 25 February 2009, reported that the law provides for freedom of movement but certain laws limited citizens' movement:

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

"Taxi, truck, and bus drivers reported security forces and armed militants operated illegal checkpoints and extorted money and goods. The number of such checkpoints increased at night, especially in the border provinces. Residents reported having to pay bribes to ANP and border police officials at checkpoints and the Khyber pass border crossing between Jalalabad and Pakistan. Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the southeast.

"In July 2007, the MOI issued an order requesting it be informed of foreign aid and assistance workers' movements outside Kabul. The MOI maintained that this policy helped the government protect and locate foreigners in cases of emergency. The policy remained in place at year's end." **[2a] (Section 2d)**

(See also Section 23: Women or further information on restrictions on movement for women)

30.02 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 stated that:

"UNHCR considers that internal flight or realocation alternative for those fleeing persecution or generalized violence is generally not available. Local commanders and armed groups are often able to extend their influence beyond local areas due to links to more powerful actors, including at the central level. Due to limited capacity and on-going conflict, State authorities are largely unable to provide effective protection from non-state actors.

"Extended family and community structures within Afghanistan society are the predominant means for obtaining protection and economic survival, including access to accommodation. Thus, it is very unlikely that Afghans will be able to lead a relatively normal life without undue hardship upon relocation to an area to which they have no effective links, including in urban areas of the country." **[11a] (P11)**

(See also Section 23: Single women and widows)

MINES AND UNEXPLODED ORDNANCE

30.03 The 2008 Afghanistan Landmine Monitor Report stated that "The Islamic Republic of Afghanistan acceded to the Mine Ban Treaty on 11 September 2002, becoming a State Party on 1 March 2003. Afghanistan has not adopted new national implementation legislation, including penal sanctions, for the Mine Ban Treaty." **[14a]**

30.04 The UN Security Council report, 10 November 2008 noted that "An estimated 728 square kilometres of land, containing 5,027 hazardous areas with anti-personnel and anti-tank mines and a large number of explosive remnants of war from both the previous and current periods of conflict still require clearance, particularly in the east, north and south-east regions." **[39d] (p10)**

30.05 The 2008 Afghanistan Landmine Monitor Report stated that "Afghanistan was unable to meet its 1 March 2007 deadline for stockpile destruction. In April 2007, Afghanistan informed States Parties that while it had destroyed 486,226 stockpiled antipersonnel mines, two depots of antipersonnel mines still remained in Panjsheer province, about 150km north of Kabul. Provincial authorities did not make the mines available for destruction in a timely fashion." **[14a]**

30.06 The report further noted Landmines and ERW [explosive remnants of war], however, continue to cause a high level of casualties, resulting in 608 people killed or injured in 2007, and still pose a formidable challenge to social and economic reconstruction, which is critical to the country's political stabilization. Mine and ERW contamination is particularly concentrated in central and key food-producing eastern provinces, affecting towns and urban commercial areas as well as villages, farm and grazing land, and roads. **[14a]**

30.07 Furthermore the report stated that

"Afghanistan has the world's longest established and biggest mine action program. In 2007, some 8,000 Afghans worked for organizations coordinated by MACA [Mine Action Center for Afghanistan]. These included five Afghan NGOs (Afghan Technical Consultants, Demining Agency for Afghanistan, Mine Clearance Planning Agency, Mine Detection and Dog Centre, and Organization for Mine Clearance and Afghan Rehabilitation), and two international NGOs (Danish Demining Group and HALO Trust). In addition, eight commercial companies operated in Afghanistan in 2007 (ArmorGroup, DynCorp International, EOD [explosive ordnance disposal] Technology, Hemayatbrothers Demining International, Kardan Demining Group, RONCO, S3AG, and UXB International). MineTech International, which left Afghanistan in 2006, was due to restart operations in the second half of 2008 after winning a contract in May. The Zimbabwe-based TDI (The Development Initiative) also opened an office in Kabul in 2008." **[14a]**

30.08 An IRIN News article dated 13 November 2008 reported on the dangers of unexploded ordnance in returnees' settlements, in Baghlan and Nangarhar Provinces. The article recorded that:

"UXOs and explosive remnants of war have also been reported in other returnees' settlements in the eastern provinces of Nangarhar and Kunar.

Hundreds of thousands have returned there in the past few years. 'About 200 metres from our settlement the area is full of landmines and explosive devices which often kill animals,' said Mohammad Afzal, a resident of a settlement in Nangahar Province. Provincial officials said mine-clearing agencies had been asked to re-examine areas in Baghlan and Nangarhar provinces for any hazardous explosives. The Refugees and Returnees' Ministry, however, said it allocated settlement sites for landless returnees after mine-clearing agencies declared those areas risk-free." **[36h]**

30.09 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"Landmines and unexploded ordnance caused deaths and injuries, restricted areas available for cultivation, and impeded the return of refugees to mine-affected regions. The most heavily mined areas were the provinces bordering Iran and Pakistan. The UN Mine Action Center for Afghanistan (UNMACA) reported landmines and unexploded ordnance killed or injured an average of 57 persons each month. Mine explosions during the past two decades affected 4.2 million with an estimated 1.5 million casualties.

"The UN, with funding from international donors, organized and trained mine detection and clearance teams that operated throughout the country. UN agencies and NGOs conducted educational programs and mine awareness campaigns for women and children in various parts of the country. HALO Trust, an anti-mine NGO, cleared 1.14 billion square feet of land. There were almost 83.74 billion square feet of uncleared land remaining at year's end, according to UNMACA." **[2a] (Section 1d)**

(See also Section 22: Disability and Section 28: Medical Issues - Landmine and ordanance – victim assistance)

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31. INTERNALLY DISPLACED PEOPLE (IDPS)

31.01 The US State Department (USSD) report 2008, published on 25 February 2009, stated that:

"Authorities estimated there were more than 200,000 IDPs in the country at year's end. Many of these were members of the residual caseload of more than one million IDPs who left their places of origin because of drought in 1995, insecurity and drought in 2002, and human rights violations and ethnic-based conflict linked to land and property matters between 2003 and 2004. These individuals resided in camp-like circumstances. Most are in the south, but officially organized as well as spontaneous settlements have sprung up on the outskirts of major cities, including Kabul, Herat, and Jalalabad." **[2a] (Section 2d)**

31.02 Radio Free Afghanistan reported on 10 January 2008 that:

"Amid a violent insurgency in its south, Afghanistan is finding it hard to cope with thousands of internally displaced people as well as millions of former refugees repatriated from Pakistan and Iran. 'Most of them have congregated in the already overburdened capital, Kabul, and other cities, adding to unemployment and housing problems. Thousands live in tents and makeshift homes on city outskirts, or rent places in the poorest areas.' Since 2002, some 4 million refugees have returned to Afghanistan under a coordinated voluntary repatriation of refugees from Iran and Pakistan. They receive limited assistance from the UNHCR to resettle in their homeland." **[29c]**

31.03 An Oxfam research report, dated February 2008 stated that:

"Waves of displacement, both internally and beyond, have placed additional pressure on communities that have been forced to accommodate large numbers of newcomers or returnees. Disputes arise when returnees seek to reclaim their land or other property, and social and cultural difficulties can be caused by the fact that many returnees acquire different attitudes or mindsets as a result of their experiences overseas. Some four million Afghans have returned to Afghanistan since 2002…" **[75a]**

31.04 IRIN News reported in January 2009 that:

"The Ministry of Refugees and Returnees (MoRR) said about 770 IDP families (about 4,620 people) were living in the Charahi Qambar area of Kabul. More than 200 families have sought refuge in the informal camp from the southern provinces of Helmand, Zabul and Uruzgan, according to camp residents. The camp is home to dozens of impoverished Kuchis (nomads), vulnerable returnees from Pakistan and conflict-affected households from different parts of the country. Kabul is over 700km from Helmand Province and a difficult choice for IDPs who usually go to nearby areas or travel to Pakistan. Most IDPs in the camp said they had hardly anything to eat and lacked access to safe drinking water and medical care. Lack of shelter and the inability to keep warm in the winter were also cited as major problems. Some survive on donations and support from sympathising local residents." **[36i]**

31.05 An IRIN News article dated 23 April 2009 reported that:

"Open defecation, lack of toilets and poor sanitation in makeshift internally displaced persons (IDP) camps throughout Afghanistan are a health threat, particularly to children, health workers and aid agencies say. According to the Afghan government, at least 230,000 people are living in formal IDP camps and informal settlements where few sanitary, water and toilet facilities are available. About 500 families (2,500 individuals) displaced from southern regions have set up shacks, tents and mud huts in Qambar on the western outskirts of Kabul. Most residents there are forced to defecate in the open. Some also use insecure pit latrines or dry vault toilets near their shacks." **[36v]**

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32. RETURNING AFGHAN REFUGEES

32.01 A November 2008 UNHCR report recorded that: "More than 5 million Afghan refugees – 20 percent of Afghanistan's population – have returned home since 2002. The large majority have gone back to their areas of origin, but recent returnees are facing more difficulties as the country's absorption capacity reaches its current limits:

"Some – including 30,000 returnees now living under tents in the eastern region – are unable to return to their villages due to insecurity, a lack of land, shelter, basic services or job opportunities. These challenges have been compounded by a food crisis and severe drought, forcing thousands of desperate families to leave their homes for other districts, even for neighbouring Iran and Pakistan." **[11e]**

32.02 The Afghanistan Independent Human Rights Commission report, December 2008, stated that "The fate of Afghan refugees is dependent on negotiations between the governments of Afghanistan, Pakistan and Iran and UNHCR. According to the Ministry of Returnees and Reintegration (MoRR), Afghanistan cannot accept any further returnees from Iran or Pakistan due to the lack of economic opportunities and the government's inability to provide them with basic services and infrastructure…." **[78a] (p46)** However, "[t]he government of Pakistan wishes to repatriate as many Afghan refugees as possible, and wishes to close all its refugee camps for Afghans. In 2006, Pakistan announced its intention to repatriate 900,000 refugees to Afghanistan per year, a decision opposed by UNHCR and the government of Afghanistan. The same year, it planned to close two camps in the North-West Frontier Province (NWFP) and two camps in Balochistan. As of March 2008, only the NWFP camps (Jalazai and Kachagari) had been shut down." (AIHRC, December 2008) **[78a] (p46)**

32.03 The AIHRC report further stated that:

"The status of Afghan refugees in Iran is no less precarious. Previously, refugees were repatriated at a slower rate. From 2001 to 2006, it is estimated that 833,000 Afghans living in Iran were able to return, leaving a population of 920,000 registered refugees in the country. However, several areas within Iran were declared off-limits to foreigners, including Afghans registered as refugees. Since there has been a near-continuous migration to Iran for the past 30 years, many Afghans have settled in these no-go areas. The real problem arises because the Iranian government is currently in process of reregistering its refugees and no registration centers are set up in areas considered offlimits to foreigners. If Afghans in these areas are not re-registered, their refugee status will be revoked and they will be subject to deportation. Iran's policy both on labor migrants and refugees has become considerably more restrictive in the past several years. In 2001, Iran began its program to deport all those without a work permit. Though the vast majority of Iranian deportees are not refugees, genuine refugees often get caught up in the process." **[78a] (p46)**

32.04 The Foreign and Commonwealth Profile of Afghanistan, updated in January 2009 stated that:

"The Ministry of Refugees and Repatriation (MORR) leads the Government of the Islamic Republic of Afghanistan in assisting its citizens in returning from exile. The United Nations High Commissioner for Refugees (UNHCR) leads the international community's response, in coordination with the International Organization of Migration (IOM), United Nations Children's Fund (UNICEF), the World Food Program (WFP), the World Health Organization (WHO), and a number of other national and international NGOs and donors. As of November 2008, approximately 3 million Afghans remained in neighboring countries. The U.S. provided more than $500 million in support to Afghan refugees, returnees, and other conflict victims between September 2001 and November 2008." **[2e] (p11-12)**

(See also Section 20: Pashtuns for more information on Pashtuns returning to the north)

32.05 The UN Secretary-General's report of 6 March 2008 stated that:

"In 2007, 365,410 Afghans voluntarily returned to Afghanistan, bringing the overall assisted repatriation figure since 2002 to 4,090,602. There are indications, however, that the rate of voluntary repatriation will be difficult to sustain in the future owing to a combination of deteriorating security, limited economic and social opportunities and the fact that over 80 per cent of the estimated remaining 2.8 million Afghan refugees have been in exile for over two decades. In recognition of this complex challenge, at its sixth meeting the Joint Coordination and Monitoring Board endorsed the proposal of the Government of Afghanistan to hold an international conference on return and reintegration in 2008." **[39b] (p12-13)**

32.06 IRIN News report on 4 March 2008 that Iran is to start deporting over one million unregistered Afghans, Seyyed Taghi Ghaemi, director of the Iranian bureau for aliens and foreign immigrants, informed IRIN News: "We will deport them from Iran as we encounter them." But he did not specify whether all unregistered Afghans would be removed from Iran in 2008." The article added "Many Afghans - most of them single males - illegally cross the border into Iran in search of work, according to the Afghanistan Research and Evaluation Unit (AREU), an independent Kabul-based research organisation. Remittances from Afghans working in Iran provide a lifeline to many vulnerable families in Afghanistan, AREU says. Cheap Afghan labour is also considered to be beneficial to Iran and Pakistan, where Afghans are widely employed in the construction industry." **[36l]**

32.07 A Refugee International reported, dated 26 January 2009, recorded that:

"The five million Afghans who have returned home since 2001 face challenges of their own, most notably access to land and jobs. Programs targeted at these returnees are still inadequate. Donor governments must increase their allocation of funding towards programs in high returns areas that focus on livelihoods, housing, health and education. However, the U.S., the lead donor in Afghanistan, still spends a disproportionate amount of its aid money on large infrastructure projects. Of USAID's budget of $1.1 billion in FY08, $398 million were allocated to road construction alone. This does little to meet the primary needs of the millions of people who are returning home and attempting to rebuild their lives.

"A similar gap is found in the UN's response. While the UN Refugee Agency (UNHCR) provides a basic package to returnees upon arriving in Afghanistan, the agency is unable to provide livelihood support to more than extremely vulnerable families. The UN Development Program (UNDP), whose mandate extends to early recovery activities, should be more involved in the design and implementation of projects that bridge the gap between assistance and self-sufficiency. The early recovery cluster should be established in Kabul, and UNDP must lead it." **[104a]**

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33. CITIZENSHIP AND NATIONALITY

33.01 The United States Office of Personnel Management document, Citizenship Laws of the World, dated March 2001 recorded:

"Citizenship laws [in Afghanistan] are based upon the Official Gazette of the Ministry of Justice for the Republic of Afghanistan dated March 19, 1992.

BY BIRTH: Birth within the territory of Afghanistan does not automatically confer citizenship. Exception is a child of unknown/stateless parents.

BY DESCENT: Child whose mother or father is a citizen, regardless of the country of birth.

MARRIAGE: Foreign national who marries a citizen of Afghanistan is granted citizenship upon application.

BY NATURALIZATION: Afghan citizenship may be acquired upon fulfillment [sic] of the following conditions: Person was born in Afghanistan and has resided continually in country for at least five years.

DUAL CITIZENSHIP: NOT RECOGNIZED.

Exceptions: A former citizen of Afghanistan, who fled the country due to political instability or war and has acquired new citizenship, may still hold 'unofficial' Afghan citizenship. This is recognition that those who fled the country might some day want to return as Afghan citizens without losing new citizenship. The Afghani spouse of a foreign national is not required to renounce Afghan citizenship unless demanded by the spouse's country.

LOSS OF CITIZENSHIP: VOLUNTARY: Voluntary renunciation of Afghan citizenship is permitted by law… The following persons are not allowed to renounce citizenship:

- Person who has continuing financial obligations to the government or other institutions.
- Person who has been convicted of a crime and sentenced to jail.
- Persons involved in national security, whose loss to the country might endanger Afghan security.

INVOLUNTARY: The following is grounds for involuntary loss of Afghan citizenship: Person voluntarily acquires foreign citizenship and does not fall under the exempted status described under 'Dual Citizenship'. Persons concerned with dual citizenship should not assume their Afghan citizenship was lost by default. Embassy should be contacted and citizenship formally renounced." **[61] (p13)**

33.02 The Research Directorate, Immigration and Refugee Board, Canada stated research into Afghanistan citizenship February 2005 recorded that:

"Afghanistan does recognize dual citizenship. However, the decision, made back [sic] three years ago, remains void of any bilateral or multilateral

enforcement bearing as it has been adopted solely by the Government of Afghanistan. The decision principally aims to facilitate and ultimately pave the way for the return of expatriates including refugees abroad to Afghanistan and to get them engaged in the ongoing political and reconstruction processes. The Government has yet to establish regulatory and even statutory frameworks to define legal parameters of the issue both domestically and within the context of bilateral relations involving other States, and for that matter Pakistan. At present, laws and rights of Afghan nationals for dual Afghanistan-Pakistan citizenship remains pending…

"Children born in countries other than the country of origin, including Pakistan, to father or mother or both, who are Afghanistan citizens are considered entitled to Afghanistan citizenship. In fact, the prevailing acts on citizenship in Afghanistan provide that citizenship is hereditary and a child born to either or both Afghan parents anywhere would automatically acquire Afghanistan citizenship.

"However, according to information provided by the High Commission of Pakistan, in Ottawa, Pakistan does not recognize dual nationality with Afghanistan, and although the child of parents who are Afghan citizens may have been born in Pakistan, he/she is not be [sic] entitled to Pakistani citizenship (25 Feb. 2005)." **[77a]**

IDENTITY CARDS

33.03 The Economic and Social Rights Report in Afghanistan-III, December 2008, noted "Article 47 of Afghan Civil Code stated that, a person's civil status shall be marked down in identity card and shall be given to him/ her upon his demand. The identity card shall contain the name, family name, the birth date and birth place, occupation, nationality, place of domicile, name of the spouse and name of the children together with their dates and places of birth." **[78a] (p31-32)**

33.04 The Research Directorate, Immigration and Refugee Board of Canada, recorded on 18 December 2007 that:

"In correspondence dated 16 April 2006 a representative of the Afghanistan Research and Evaluation Unit (AREU) - a donor-funded, Kabul-based research organization (AREU n.d.) - indicated that tazkiras [identity documents] are much more common than passports. The Representative stated that about 70 percent of Afghans have such documents (AREU 16 Apr. 2006). Similarly, the report of a Finnish fact-finding mission to Afghanistan states that the taskira (referred to in the report as Tashkera) is the most commonly used identity document in Afghanistan (Finland Sept. 2006, 36). The United States (US)-issued Reciprocity Schedule states that the taskera is 'the most universal and accurate document in Afghanistan' (US n.d.). According to the AREU Representative, the identity cards 'are required for transacting any business with the government, including the purchase or sale of immovable property, the preparation of official documents (including the passports), admission into school and so on' (AREU 16 Apr. 2006)." **[77b]**

33.05 Furthermore the Refugee Board of Canada recorded that:

"In 7 April 2006 correspondence, the Counsellor of the Embassy of Afghanistan in Ottawa informed the Research Directorate that there are two kinds of identity cards still in circulation in Afghanistan: tazkiras (identity cards) and tazkira certificates. According to the Counsellor, in 1990 or 1992 the Afghan government stopped issuing the tazkira, which is a 20-page identity document, and replaced it with a tazkira certificate, which is only one page that includes the minimum essential information: name of the person, father's name, grandfather's name, date of birth (according to the Hijri calendar) and birthplace (Afghanistan 7 Apr. 2006)." **[77b]**

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DOCUMENTS AND REGISTRATION OF BIRTHS AND MARRIAGES

33.06 The Economic and Social Rights Report in Afghanistan-III, December 2008, noted that:

"Birth certificates are under the remit of the Ministry of Interior.… Currently, most maternity hospitals in Kabul offer birth certificates, but it is hard to reach mothers who deliver at home. Registration facilities are available only in provincial centers. Using vaccination drives as a means to promote birth registration is a good idea; however, medical workers struggle to access insecure and remote areas. A more comprehensive strategy is needed to achieve the target of having all newborns register by the end of 2009… Official statistics state that less than 1% of the population has birth certificates." **[78a] (p31-32)**

33.07 Furthermore, the report added:

"The marriage certificate includes registration procedures, marriage contract, and the responsibilities of the parties. The 1976 Civil Law of Afghanistan in article 61 says that all marriages must be registered. To date, however, there has been no enforcement mechanism to make marriage and divorce registration a routine process. There are arguments that the more traditional areas resist the registration procedure to avoid exposing women's identities. However, there is no substantial evidence available to support this. Drawing on the experience of the Presidential elections where a significant number of women were registered to vote the main barrier to compliance is in inaccessibility of the registrars rather than in active resistance." **[78a] (p34)**

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34. FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

34.01 No information was available to COI Service at the time of writing.

35. EXIT AND RETURN

35.01 The US State Department 2008 report, published on 25 February 2009, noted that the law allowed for freedom of foreign travel "...however, certain laws limited citizens' movement, and the government limited citizens' movement due to security interests." The report also noted that "In 2007, the parliament amended the passport law to give women the right to apply for a passport without permission from a male relative. In some areas of the country, however, local custom or tradition forbids women from leaving the home except in the company of a male relative." **[2a] (Section 2d)**

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36. EMPLOYMENT RIGHTS

36.01 Article 48 of the new Constitution adopted in January 2004 states "Work is the right of every Afghan. Working hours, paid holidays, right of employment and employee and other related affairs are regulated by law. Choice of occupation and craft is free within the limits of law." **[4b]**

36.02 The US State Department 2008 report published on 25 February 2009 noted that:

"The law provides broad provisions for protection of workers, and in January 2007 the parliament passed a new labor law that allows workers to join and form unions. Implementation remained a problem due to lack of funding, personnel, political will, and a central enforcement authority. Labor rights were not understood outside the Ministry of Labor and Social Affairs, and workers were not aware of their rights." **[2a] (Section 6a)**

36.03 The USSD 2008 report also recorded that:

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

"There were no occupational health and safety standards and no enforcement mechanism. Employment was at will, and although there was a Ministry of Labor and Social Affairs, there were few if any protections for workers under either the 1987 or the 2007 law. Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardizing their employment, as all employment could be terminated without cause." **[2a] (Section 6a)**

(See also Section 24: Child Labour)

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Annex A: Chronology of major events

Source (BBC Timeline, updated on 27 March 2009) **[25b]** unless otherwise stated.

1919 Afghanistan regains independence after third war against British forces trying to bring country under their sphere of influence.

1926 Amanullah proclaims himself king and attempts to introduce social reforms leading to opposition from conservative forces. [NB. Europa records that Amanullah succeeded his father, Habibullah, after Habibullah's assassination in 1919.] **[1f] (p53)**

1929 Amanullah flees after civil unrest over his reforms.

1933 Zahir Shah becomes king and Afghanistan remains a monarchy for next four decades.

1953 General Mohammed Daud becomes prime minister. Turns to Soviet Union for economic and military assistance. Introduces a number of social reforms, such as abolition of purdah (practice of secluding women from public view).

1963 Mohammed Daud forced to resign as prime minister.

1964 Constitutional monarchy introduced – but leads to political polarisation and power struggles.

1973 Mohammed Daud seizes power in a coup and declares a republic. Tries to play off USSR against Western powers. His style alienates left-wing factions who join forces against him.

1978 General Daud is overthrown and killed in a coup by leftist People's Democratic Party. But party's Khalq and Parcham factions fall out, leading to purging or exile of most Parcham leaders. At the same time, conservative Islamic and ethnic leaders who objected to social changes begin armed revolt in countryside.

1979 Power struggle between leftist leaders Hafizullah Amin and Nur Mohammed Taraki in Kabul won by Amin. Revolts in countryside continue and Afghan army faces collapse. Soviet Union finally sends in troops to help remove Amin, who is executed.

1980 Babrak Karmal, leader of the People's Democratic Party Parcham faction, is installed as ruler, backed by Soviet troops. But anti-regime resistance intensifies with various mujahedin groups fighting Soviet forces. US, Pakistan, China, Iran and Saudi Arabia supply money and arms.

1985 Mujahedin come together in Pakistan to form alliance against Soviet forces. Half of Afghan population now estimated to be displaced by war, with many fleeing to neighbouring Iran or Pakistan. New Soviet leader Mikhail Gorbachev says he will withdraw troops from Afghanistan.

1986 US begins supplying mujahedin with Stinger missiles, enabling them to shoot down Soviet helicopter gunships. Babrak Karmal replaced by Najibullah as head of Soviet-backed regime.

1988 Afghanistan, USSR, the US and Pakistan sign peace accords and Soviet Union begins pulling out troops.

1989 Last Soviet troops leave, but civil war continues as mujahedin push to overthrow Najibullah.

1991 The US and USSR agree to end military aid to both sides.

1992 Resistance closes in on Kabul and Najibullah falls from power. Rival militias vie for influence.

1993 Mujahedin factions agree on formation of a government with ethnic Tajik, Burhanuddin Rabbani, proclaimed president.

1994 Factional contests continue and the Pashtun-dominated Taleban emerge as major challenge to the Rabbani government.

1996 Taleban seize control of Kabul and introduce hardline version of Islam, banning women from work, and introducing Islamic punishments, which include stoning to death and amputations. Rabbani flees to join anti-Taleban northern alliance.

1997 Taleban recognised as legitimate rulers by Pakistan and Saudi Arabia. Most other countries continue to regard Rabbani as head of state. Taleban now control about two-thirds of country.

1998 Earthquakes kill thousands of people. US launches missile strikes at suspected bases of militant Osama bin Laden, accused of bombing US embassies in Africa.

1999 UN imposes an air embargo and financial sanctions to force Afghanistan to hand over Osama bin Laden for trial.

2001 **January:** UN imposes further sanctions on Taleban to force them to hand over Osama bin Laden.
March: Taleban blow up giant Buddha statues in defiance of international efforts to save them.
April: Mullah Mohammad Rabbani, the second most powerful Taleban leader after the supreme commander, Mullah Mohammad Omar, dies of liver cancer.
May: Taleban order religious minorities to wear tags identifying themselves as non-Muslims, and Hindu women to veil themselves like other Afghan women.
September: Eight foreign aid workers on trial in the Supreme Court for promoting Christianity. This follows months of tension between Taleban and aid agencies.
Ahmad Shah Masood, legendary guerrilla and leader of the main opposition to the Taleban, is killed, apparently by assassins posing as journalists.
October: USA, Britain launch air strikes against Afghanistan after Taleban refuse to hand over Osama bin Laden, held responsible for the September 11 attacks on America.

November: Opposition forces seize Mazar-e Sharif and within days march into Kabul and other key cities.
5 December: Afghan groups agree deal in Bonn for interim government.
7 December: Taleban finally give up last stronghold of Kandahar, but Mullah Omar remains at large.
22 December: Pashtun royalist Hamid Karzai is sworn in as head of a 30-member interim power-sharing government.

2002 **January:** First contingent of foreign peacekeepers in place.
April: Former king Zahir Shah returns, but says he makes no claim to the throne.
May: UN Security Council extends mandate of International Security Assistance Force (ISAF) until December 2002.
Allied forces continue their military campaign to find remnants of Al-Qaeda and Taleban forces in the south-east.
June: Loya Jirga, or grand council, elects Hamid Karzai as interim head of state. Karzai picks members of his administration which is to serve until 2004.
July: Vice-President Haji Abdul Qadir is assassinated by gunmen in Kabul.
US air raid in Uruzgan province kills 48 civilians, many of them members of a wedding party.
September: Karzai narrowly escapes an assassination attempt in Kandahar, his home town.
December: President Karzai and Pakistani, [and] Turkmen leaders sign agreement paving way for construction of gas pipeline through Afghanistan, carrying Turkmen gas to Pakistan.
Asian Development Bank resumes lending to Afghanistan after 23-year gap.

2003 **August:** NATO takes control of security in Kabul. It is the organisation's first operational commitment outside Europe in its history.

2004 **January:** Grand assembly – or Loya Jirga – adopts new constitution which provides for strong presidency.
March: Afghanistan secures $8.2bn (£4.5bn) in aid over three years.
April: Fighting in northwest between regional commander and provincial governor allied to government.
Twenty people, including two aid workers and a police chief, are killed in incidents in the south. Taleban militants are suspected.
First execution since the fall of the Taleban is carried out.
June: Eleven Chinese construction workers killed by gunmen in Kunduz.
September: Rocket fired at helicopter carrying President Karzai misses its target; it is the most serious attempt on his life since September 2002.
October/November: Presidential elections: Hamid Karzai is declared the winner, with 55 per cent of the vote. He is sworn in, amid tight security, in December.

2005 **Februar**y: Several hundred people are killed in the harshest winter weather in a decade.
May: Details emerge of alleged prisoner abuse by US forces at detention centres in Afghanistan.
September: First parliamentary and provincial elections in more than 30 years.
December: New parliament holds its inaugural session.

2006 **January:** More than 30 people are killed in a series of suicide attacks in southern Kandahar province.
February: International donors meeting in London pledge more than $10bn (£5.7bn) in reconstruction aid over five years.
May: Violent anti-US protests in Kabul, the worst since the fall of the Taleban in 2001, erupt after a US military vehicle crashes and kills several people.
May–June: Scores of people are killed in battles between Taleban fighters and Afghan and coalition forces in the south during an offensive known as Operation Mountain Thrust.
October: NATO assumes responsibility for security across the whole of Afghanistan.

2007 **March:** Mullah Obaidullah Akhund, the third most senior member of the Taleban's leadership council is arrested, according to Pakistan authorites.
Afghan President Hamid Karzai signs a controversial bill which providsweeping amnesty for war crimes committed over more than two decades of conflict in Afghanistan.
May: Taleban's most senior military commander, Mullah Dadullah, is killed during fighting with US, Afghan forces.
Afghan and Pakistani troops clash on the border in the worst violence in decades in a simmering border dispute.
July: Former king Zahir Shah dies.
November: Forty-one people killed after suicide attack on a parliamentary delegation in Baghlan.

2008 **February:** Prince Harry's tour of duty in Afghanistan comes to an end after spending ten weeks on the front-line in Helmand Province.
June: 350 Taleban militants break out of Kandahar prison.
July: More than 40 are killed in suicide attack on Indian Embassy in Kabul.
British Defence Secretary Des Browne announces British troop numbers in Afghanistan to increase by 230 to new high of more than 8,000 by spring 2009.
August: Ten French soldiers killed in an ambush by Taleban fighters.
President Karzai accuses Afghan and US-led coalition forces of killing at least 89 civilians in an air strike in the western province of Herat. He later sacks two senior military commanders over the strike.
September: President Bush sends an extra 4,500 US troops to Afghanistan, in a move he described as a 'quiet surge'.
2008 October - Germany extends Afghanistan mission to 2009 and boosts troop numbers in Afghanistan by 1,000, to 4,500.
November: Taleban militants reject an offer of peace talks from President Karzai, saying there can be no negotiations until foreign troops leave Afghanistan.
December: President Karzai and new Pakistani President Asif Ali Zardari agree to form joint strategy to fight militants operating in their border regions.

2009 **March:** Afghanistan's Election Commission rejects President Karzai's call for an April presidential vote, saying it will take place on 20 August.
President Hamid Karzai signed a new law that legalises rape within marriage and bans wives from stepping outside their homes without their husbands' permission.

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Annex B: Political organisations and other groups

In September 2003 a new law allowing the formation of political parties was passed. By July 2007 more than 80 parties were registered with the Ministry of Justice. (Europa Online, accessed 8 August 2008) **[1e] (Political Organisations)**

REGISTERED POLITICAL PARTIES

The Ministry of Justice website provided an undated list of licensed political parties in Afghanistan, which recounted 84 parties when accessed on 6 August 2008. **[65a]**

1 **Republican Party (Hizb-e Jamhuri Khwahan)**
Leader: Sibghatullah Sanjar

2 **National Unity Movement (Tahrik-e Wahdat-e Melli)**
Leader: Sultan Mahmood Ghazi

3 **Freedom Party of Afghanistan (Hizb-e-Istiqlal-e-Afghanistan)**
Leader: Ghulam Farooq Najrabi

4 **Youth Solidarity Party of Afghanistan (Hizb-e Hambastagi-ye Melli-ye Jawanan-e Afghanistan)**
Leader: Mohammad Jamil Karzai

5 **National Unity Party of Afghanistan (Hizb-e Wahdat-e Melli-ye Afghanistan)**
Leader: Abdul Rasheed Jalili (The International Crisis Group (ICG) noted in June 2005 that Jalili is a former Education Minister and dean of the agriculture faculty at Kabul University under the PDPA's Amin. The party depends on support from intellectual Pashtuns and former Khalqi Pashtuns. **[26d] (p9)**)

6 **National Tribal Unity Islamic Party of Afghanistan (Hizb-e Melli-ye Wahdat-e Aqwam-e Islami-ye Afghanistan)**
Leader: Mohammad Shah Khugianay

7 **Labor and Progress of Afghanistan Party (Hizb-e Kar wa Tawse'a-e Afghanistan)**
Leader: Zulfiqar Omid

8 **National Solidarity Movement of Afghanistan (Nahzat-e Hambastagi-ye Melli-ye Afghanistan)**
Leader: Pir Sayyad Ishaq Gailani

9 **National Islamic Front of Afghanistan (Mahaz-e Melli-ye Islami-ye Afghanistan)**
Leader: Sayyad Ahmad Gailani

10 **Freedom and Democracy Movement of Afghanistan (Nahzat-e Azadi wa Demokrasi-ye Afghanistan)**
Leader: Abdul Raqib Jawed Kohestani

11 **Afghan Social Democratic Party (Afghan Mellat)**
Leader: Anwar al-Haq Ahadi

12 Islamic Movement of Afghanistan (Harakat-e Islami-ye Afghanistan)
Leader: Mohammad Ali Jawed

13 United Afghanistan Party (Hizb-e Afghanistan-e Wahid)
Leader: Mohammad Wasel Rahimi

14 People's Welfare Party of Afghanistan (Hizb-e Sahadat-e Mardum-e Afghanistan)
Leader: Mohammad Zubair Payroz

15 National Unity Movement of Afghanistan (Hizb-e Harakat-e Melli-ye Wahdat-e Afghanistan)
Leader: Mohammad Nader Atash

16 Human Rights Protection and Development Party of Afghanistan (Hizb-e Hifazat az Hoquq-e Bashar wa Inkeshaf-e Afghanistan)
Leader: Baryalai Nasrati

17 National Party of Afghanistan (Hizb-e Melli-ye Afghanistan)
Leader: Abdul Rashid Aryan (ICG noted in June 2005 that the party has its roots in the Khalq faction of the PDPA. **[26d] (p8)**)

18 National Congress Party of Afghanistan (Hizb-e Kongra-ye Melli-ye Afghanistan)
Leader: Abdul Latif Pedram

19 Peace Movement (Da Afghanistan Da Solay Ghorzang Gond)
Leader: Shahnawaz Tanai

20 Islamic People's Movement of Afghanistan (Hizb-e Harak-e Islami-ye Mardum-e Afghanistan)
Leader: Al-Hajj Sayyed Hosain Anwari

21 Islamic Justice Party of Afghanistan (Hizb-e Adalat-e Islami-ye Afghanistan)
Leader: Mohammad Kabir Marzban

22 People's Message Party of Afghanistan (Hizb-e Risalat-e Mardum-e Afghanistan)
Leader: Noor Aqa Wainee

23 People's Welfare Party of Afghanistan (Hizb-e Refah-e Mardum-e Afghanistan)
Leader: Miagul Waseq

24 National Peace & Unity Party of Afghanistan (Hizb-e Sulh wa Wahdat-e Melli-ye Afghanistan)
Leader: Abdul Qader Imami

25 Understanding and Democracy Party of Afghanistan (Hizb-e Tafahum-e wa Demokrasi-ye Afghanistan)
Leader: Ahmad Shaheen

26 Young Afghanistan's Islamic Organization (Sazman-e Islami-ye Afghanistan-e Jawan)
Leader: Sayyed Jawad Husaini

27 National Peace & Islamic Party of the Tribes of Afghanistan (Hizb-e Sulh-e Melli-ye Islami-ye Aqwam-e Afghanistan)
Leader: Abdul Qaher Shari'ati

28 Islamic Unity Party of Afghanistan (Hizb-e Wahdat-e Islami-ye Afghanistan)
Leader: Mohammad Karim Khalili ICG noted in June 2005 "The rump faction of the party led by Vice President Karim Khalili maintains a larger and more powerful network of former commanders than its competitor led by Mohaqqeq [see party 29 below] but appears to have comparatively little infrastructure or public support. It did badly in the elections to the Constitutional Loya Jirga, when Khalili was criticised by Hazara delegates for soft-peddling the issues of language and parliamentary powers. He has yet to regain lost ground with his Hazara base." **[26d] (p8)**

29 Islamic Unity Party of the People of Afghanistan (Hizb-e Wahdat-e Islami-ye Mardum-e Afghanistan)
Leader: Haji Mohammad Mohaqeq (ICG noted in June 2005 that this faction of the Wahdat had gained support, as shown in its leader's credible performance [third **[25y]**] in the presidential elections. "It [the party] appears to have shifted its identity from primarily Shia to Hazara nationalism. Avowedly anti-Karzai and fearful of 're-Pashtunisation' of the government – which plays on historical Hazara concerns about political and economic marginalisation – the party has gained support from many Hazara intellectuals." **[26d] (p8)**

30 People's Liberal Freedom Seekers Party of Afghanistan (Hizb-e Libral-e Azadi-ye Khwa-e Mardum-e Afghanistan)
Leader: Ajmal Sohail

31 People's Prosperity Party of Afghanistan (Hizb-e Falah-e Mardum-e Afghanistan)
Leader: Ustad Mohammad Zareef

32 Solidarity Party of Afghanistan (Hizb-e Hambastagi Afghanistan)
Leader: Abdul Khaleq Ne'mat

33 Afghan Society for the Call to the Koran and Sunna (Jama'at al-Da'wat il'l Qur'an wa Sunnat al-Afghanistan)
Leader: Mawlawi Sami'ullah Najibi

34 National Movement of Afghanistan (Hizb-e Nahzat-e Melli-ye Afghanistan)
Leader: Ahmad Wali Masood

35 National Peace Islamic Party of Afghanistan (Da Afghanistan Da Solay Melli Islami Gond)
Leader: Shah Mahmud Popalzai

36 People's Aspirations Party of Afghanistan (Hizb-e Arman-e Mardum-e Afghanistan)
Leader: Al-Hajj Sirajuddeen Zafari

37 National Solidarity Party of Afghanistan (Hizb-e Paiwand-e Melli-ye Afghanistan)
Leader: Sayyed Mansur Naderi

38 National Prosperity and Islamic Party of Afghanistan (Hizb-e Sahadat-e Melli wa Islami-ye Afghanistan)
Leader: Mohammad Osman Salekzada

39 Freedom Party of Afghanistan (Hizb-e Azadi-ye Afghanistan)
Leader: Abdul Malik

40 People's Uprising Party of Afghanistan (Hizb-e Rastakhaiz-e Mardum-e Afghanistan)
Leader: Sayyed Zaher Qaydam Al-beladi

41 Peace and National Welfare Activists Society (Majmah-e Melli-ye Fahalin-e Sulh-e Afghanistan)
Leader: Shams al-Haq Nur Shams

42 Islamic Party of the Afghan Land (Da Afghan Watan Islami Gond)
Leader: Mohammad Hassan Ferozkhel

43 People's Freedom Seekers Party of Afghanistan (Hizb-e Azadi-ye Khwa-e Mardum-e Afghanistan)
Leader: Fida Mohammad Ehsass

44 Muslim Unity Movement Party of Afghanistan (Hizb-e Wahdat-ul-Muslimeen Afghanistan)
Leader: Wazir Mohammad Wahdat

45 Tribes Solidarity Party of Afghanistan Hizb-e Hambastagi-ye Melli-ye Aqwam-e Afghanistan)
Leader: Mohammad Zareef Naseri

46 National Islamic Moderation Party of Afghanistan (Hizb-e Etedaal Melli Islami ye Afghanistan)
Leader: Qara Baik Izadyar

47 National Development Party of Afghanistan (Hizb-e Taraqi Melli ye Afghanistan)
Leader: Dr. Assef Baktash

48 National Independence Party of Afghanistan (Hezb-e-Isteqlal Milli Afghanistan)
Leader: Taj Mohammad Wardak

50 National Islamic Unity Party of Afghanistan (Hizb-e Wahdat-e Melli-ye Islami-ye Afghanistan)
Leader: Mohammad Akbari

51 People's Sovereignty Movement of Afghanistan (Nahzat-e Hakimyat-e Mardum-e Afghanistan)
Leader: Hayatullah Subhani

52 National Islamic Movement of Afghanistan (Hizb-e Junbish-e-Melli-ye Afghanistan)
Leader: Sayed Noorullah **[65a]** (formerly General Abdul Rashid Dostam [Dostum] until 17 April 2005) **[40b]**
Formed in 1992 mainly from troops of former Northern Command of the Afghan army; predominantly Uzbek/Tajik/Turkmen/Ismaili and Hazara Shi'a; 65,000–150,000 supporters. **[1f]** Agence France-Presse reported on 18 April 2005 that the faction had been registered as a formal political party, allowing it to run in the September 2005 parliamentary elections. **[40b]** The JEMB list of political parties approved by the Ministry of Justice dated 20 August 2005 included Junbish-i Melli [Hezb-e-Junbish Mili Islami-e-Afghanistan], led by Sayed Noorullah. **[74a]**

53 Islamic Unity of the Nation of Afghanistan Party (Hizb-e Wahdat-e-Islami Millat-e-Afghanistan)
Leader: Qurban Ali Irfani

54 Elites People of Afghanistan Party (Hib-e Nukhbagan-e Mardum-e-Afghanistan)
Leader: Abdul Hamid Jawaad

55 National Country Party
Leader: Ghulam Mohammad

56 National Freedom Seekers Party (Hizb-e-Azaadi Khwahan-e-Maihan)
Leader: Abdul Hadi Dabeer

57 National Patch of Afghanistan Party (Hib-e-Paiwand-e-Mehanee Afghanistan)
Leader: Sayyed Kamal Sadaat

58 Islamic Society of Afghanistan (Jami'at-e Islami-ye Afghanistan)
Leader: Ustad Rabbani

59 Afghanistan's Islamic Mission Organization (Tanzim-e Dahwat-e Islami-ye Afghanistan)
Leader: Abdul Rabb Rasool Sayyaf

61 People's Party of Afghanistan (Hizb-e Mardum-e Afghanistan)
Leader: Ahmad Shah Asar

62 National Stability Party (Hizb-e Subat-e Melli)
Leader: Mohammad Sami Kharotai

63 National Islamic Fighters Party of Afghanistan (Da Afghanistan Da Melli Mubarizinu Islami Gond)
Leader: Amanat Nangarhari

64 Democratic Party of Afghanistan (Hizb-e-Democrat-e-Afghanistan)
Leader: Abdul Kabir Ranjbar

65 People's Movement of the National Unity of Afghanistan (Da Afghanistan da Melli Wahdat Wolesi Tahreek)

Leader: Abdul Hakim Noorzai

66 **National Sovereignty Party (Hizb-e-Iqtedar Melli)**
Leader: Sayyed Mustafa Kazimi

67 **New Afghanistan Party (Hezb-e-Afghanistan Naween)**
Leader: Mohammad Yunis Qanuni

68 **National Prosperity Party (Hizb-e Refah-e Melli)**
Leader: Mohammad Hasan Jahfari

69 **National Stance Party (Hizb-e-Melli Dareez)**
Leader: Habibullah Janebdar

70 **Afghanistan's Welfare Party (Hizb-e Refah-e Afghanistan)**
Leader: Mir Mohammad Asef Za'ifi

71 **Afghanistan's Islamic Nation Party (Hizb-e-Umat-e-Islami Afghanistan)**
Leader: Tooran (Captain) Noor Aqa Ahmadzai

72 **Afghanistan's National Islamic Party (Hizb-e-Melli Islami Afghanistan)**
Leader: Ruhullah Ludin

73 **The People of Afghanistan's Democratic Movement (Hizb-e-Junbish-Democracy Mardum-e-Afghanistan)**
Leader: Mohammad Sharif Nazari

74 **Progressive Democratic Party of Afghanistan (Hizb-e-Mutaraqi Democaraat Afghanistan)**
Leader: Mohammad Wali Aria

75 **Democratic Party of Afghanistan (Hizb-e-Democracy Afghanistan)**
Leader: Al-hajj Mohammad Tawoos Arab

76 **Muslim People of Afghanistan Party (Hizb-e-Mardum-e-Muslman-e-Afghanistan)**
Leader: Bismillah Joyan

77 **Hizullah-e-Afghanistan**
Leader: Qari Ahmad Ali

78 **Islamic Party of Afghanistan (Hizb-e-Islami Afghanistan)**
Leader: Mohammad Khalid Farooqi

79 **Comprehensive Movement of Democracy and Development of Afghanistan Party (Hizb-e-Nahzat Faragir Democracy wa Taraqi-e-Afghanistan)**
Leader: Sher Mohammad Bazgar

80 **Afghanistan Peoples' Treaty Party (Hizb-e-Wolesi Tarhun Afghanistan)**
Leader: Sayyed Amir Tahseen

81 **United Islamic Party of Afghanistan (Hizb-e-Mutahed Islami Afghanistan)**
Leader: Wahidullah Sabawoon

82 Islamic Movement of Afghanistan Party (Hizb-e-Nahzat-e-Melli Islami Afghanistan)
Leader: Mohammad Mukhtar Mufleh

83 National and Islamic Sovereignty Movement Party of Afghanistan (Hizb-e-Eqtedar-e-Melli wa Islami Afghanistan)
Leader: Engineer Ahmad Shah Ahmadzai

84 The Afghanistan's Mujahid Nation's Islamic Unity Movement (Da Afghanistan Mujahid Woles Yaowaali Islami Tahreek)
Leader: Saeedullah Saeed

OTHER POLITICAL GROUPS

Hizb-e Islami Gulbuddin [or Hizb-e Islami Hekmatyar]
(NB. Spellings differ e.g. Hezb-e Islami/Hisb-i Islami/Hisb-e Islami) Pashtun/Turkmen/Tajik. Leader: Gulbuddin Hekmatyar. c. 50,000 supporters (estimate); based in Iran 1998–99. **[1f]** Founded in the 1970s and reached the height of its power in 1992 when the Soviet-backed Government of President Najibullah fell to a coalition of mujahedin factions, including Hizb-i-Islami. Hekmatyar served as Prime Minister in 1995. **[73b]** Hekmatyar was designated a terrorist by the US State Department on 18 February 2003 **[5a]** for participation in and support for terrorist acts committed by Al-Qaeda and the Taleban, and is currently in hiding. **[73b]**

"Gulbuddin Hekmatyar runs his own faction of Hezb-i-Islami, a radical Islamist group that is loosely aligned with al Qaeda and the Taliban. Hekmatyar was a key player in the Soviet-Afghan war and led one of the biggest insurgent factions against Soviet and Afghan communists' [*Sic*] forces. His brutal battlefield tactics and wanton destruction of Kabul following the collapse of the Afghan Communist regime in the early 1990's led to the demise of Hekmatyar's popularity. The Taliban overran his last stronghold south of Kabul in 1995 and forced him into exile in Iran from 1996-2002.

"His low-profile return to Afghanistan led to a small and temporary alliance with the Taliban before Mullah Omar ultimately ceased cooperation with Hekmatyar's meager forces. Two groups, however, were created as a merger between local Taliban and Hezb-i-Islami fighters in 2002, Nohzat al-Fath and Lashkar Fedayan-e Islam. Both facilitated training with suicide bombers and improvised explosive devices.

"Hekmatyar leads a band of a few hundred loyalists and several senior subcommanders including, Kahsmir Kahan, Haji Eshanullah, Abdul Salam Hashemi, Engineer Obaidullah, and Munshi Abdul Majid. Kashmir Khan, the most notorious of the bunch, is believed to have helped top al Qaeda members escape the Coalition's air blitz on their Tora Bora Mountain hideout in December 2001. Khan kept a low-profile up until 2006 when he re-emerged as a key insurgent leader in Afghanistan's northeastern regions.

"'The Hezb-i-Islami's fighting potential has eroded over the years,' Hekmatyar expert Dr. Ishtiaq Ahmad said in an interview with Afgha.com. 'The current insurgency is essentially led by the Taliban. However, this does not mean the contribution to this insurgency by Hezb-i-Islami is meaningless. Its renegade commanders still at large such as Kashmir Khan and Obaidullah still pose a threat to Afghanistan, as they are

the ones who carry out Hekmatyar's politically motivated militarism on the ground in alliance with the Taliban'." **[55a]**

(See also Annex C:- Armed Groups)

Hizb-e Islami Khalis [Khales] (Islamic Party Khalis): Pashtun

Leader: Maulvi Muhammed Younis Khalis (deceased) **[55b]** "Pashtun; promotes establishment of an Islamic state in accordance with Qu'ran, Sunnah and Shariah doctrines." c. 40,000 supporters. **[1e]**

A February 2008 report in The Long War Journal stated "The faction folded into the Afghan Taliban movement following the death of Younus Khalis in 2006." **[55b]**

(See also Annex C:- Armed Groups)

Ittihad-i Islami Bara i Azadi Afghanistan (Islamic Union for the Liberation of Afghanistan): Pashtun
Leader: Prof. Abdul Rasul Sayef [Sayyaf]; Deputy Leader: Ahmad Shah Ahmadzay; c. 18,000 supporters. **[1f]** Sayef's party was renamed and registered as Tanzim Dawat-e-Islami-e-Afghanistan to run in the September 2005 parliamentary elections [see party 59 above]. **[74a]**

Jamiat-i Islami (Islamic Society): Turkmen/Uzbek/Tajik [1f]
The ICG noted in June 2005: "Led by former President Burhanuddin Rabbani, the Jamiat is one of the country's oldest Islamist political organisations but its support has been undermined by internal fissures, stemming from discontent with Rabbani's leadership as well as sub-regional rivalries in the north." **[26d] (p9)** In June 2005, the ICG **[26d] (p5)** and UNHCR **[11b] (p19)** noted that Rabbani's Jamiat-i Islami were among the major parties registered for the September 2005 elections. The JEMB list of political parties approved by the Ministry of Justice dated 20 August 2005 included Jamiat-i Islami [Hezb-e-Jamihat-e-Islami-e-Afghanistan], led by Ustad Rabanee. **[74a]**

Khudamul Furqan Jamiat (KFJ) – Society of Servants of the Holy Koran
Eurasianet reported on 27 December 2001 "The KFJ is a Pashtun-dominated organization, and, according to sources, is led by so-called moderate Taliban. KFJ leaders include former Taliban Minister of Foreign Affairs Wakil Ahmed Muttawakil, Education Minister Maulvi Arsala Rahmani, and the Taliban's envoy to the United Nations, Abdul Hakim Mujahid." **[45]**

Jabhe-ye-Motahed-e-Milli (United National Front - UNF) /
National Understanding Front (NUF)

The ICG recorded in June 2005:

"On 1 April 2005, the leader of the Hizb-e Afghanistan-e Nawin (New Afghanistan Party), Younus Qanooni, and a group of mainly Islamist parties announced formation of a new coalition, the National Understanding Front (NUF), comprised of eleven re-branded mujahidin groups and personalities, including three former presidential candidates…Although the NUF's leadership is multi-ethnic and includes Ahmad Shah Ahmadzai, a Pashtun, Qanooni, a Tajik and Mohammad Mohaqqeq, a Shia Hazara, many of its parties share common perceptions that Afghanistan, under Karzai, will again become a Pashtun-dominated state." **[26d] (p10-11)** Radio Free Europe/Radio Liberty reported on 29 December 2005 that Qanuni had resigned as leader of the NUF

after being elected as speaker of the Afghan National Assembly's People's Council (Wolesi Jirga). **[29k]**

However, Europa World Online recorded the following information: Chair. Prof. Burhanuddin Rabbani. Founded in 2007. An informal political grouping including former members of the United Front. The UNF/NUF advocates a parliamentary system of government rather than presidential system; members include Younis Qanooni, Ahmad Zia Masoud, Gen. Abdul Rashid Dostam and Marshal Muhammed Qassim Fahim. **[1e]**

Northern Alliance
Europa records that the Northern Alliance (NA) was an anti-Taliban coalition formed in 1996 by Ahmed Shah Masoud [Masood], General Dostam [Dostum] of Uzbek origin [Jonbesh-e-Melli-e-Islami], and the Hazara leader, General Karim Khalili [Hizb-i-Wahdat] under the presidency of Burhanuddin Rabbani. The NA was expanded and strengthened in June 1997 and restyled as the United Islamic Front for the Salvation of Afghanistan (commonly known as the Northern Alliance or United Front). Following the terrorist attacks on the US on 11 September 2001, US-led coalition forces strengthened and assisted the NA, resulting in the defeat of the Taliban. **[1f] (p60-61**
(See also UIFSA below.)

People's Democratic Party of Afghanistan (PDPA)
UNHCR recorded in June 2005:

"The PDPA was founded in 1965 and split into two factions in 1967: Khalq (The People), led by Nur Mohammed Taraki and Hafizullah Amin and Parcham (The Banner), led by Babrak Kamal. Khalq was more rural-based, mostly comprising of members of the Pashtun tribes. Parcham was more urban oriented and was dominated by Dari speakers. In 1977, the two factions reunited under Soviet pressure. In 1988 the name of the party was changed to Watan (Homeland) Party. The PDPA based government collapsed in 1992 when, following the Peshawar Accords, Mujaheddin troops entered Kabul and the last President of a 'communist' government in Afghanistan, Mohammed Najibullah (previously head of the secret service Khad) had to seek refuge in a UN-building in Kabul where he stayed until he was killed by Taliban troops entering Kabul in September 1996." **[11b] (p46)**

Revolutionary Association of the Women of Afghanistan (RAWA)
The RAWA website, accessed on 26 August 2008, advised:

"RAWA, the Revolutionary Association of the Women of Afghanistan, was established in Kabul, Afghanistan, in 1977 as an independent political/social organization of Afghan women fighting for human rights and for social justice in Afghanistan. The founders were a number of Afghan woman intellectuals under the sagacious leadership of Meena who in 1987 was assassinated in Quetta, Pakistan, by Afghan agents of the then KGB in connivance with fundamentalist band of Gulbuddin Hekmatyar. RAWA's objective was to involve an increasing number of Afghan women in social and political activities aimed at acquiring women's human rights and contributing to the struggle for the establishment of a government based on democratic and secular values in Afghanistan." **[49]**

A May 2007 Revolutionary Association of the Women of Afghanistan (RAWA) article recorded:

"In Pakistan, where many RAWA members are based and where the organization runs schools to counter fundamentalist ideology, the group comes under attack from the Taliban, from other jihadi fanatics and from Pakistani fundamentalist political parties. Saba tells of extremists shooting at the staff at a RAWA-run hospital, attacks with stones and teargas on RAWA demonstrations, and threats published in newspapers.

"Even the magazine the organization sporadically publishes is too hot to handle. 'If it were found in someone's house or they were seen reading it, their life would be in danger. In the Taliban time, a few of our male supporters who were transporting the magazines were arrested and sent to prison. Only with the mediation of some tribal leaders were they released after a few years.' …

"Under the brutal Taliban regime, RAWA kept schools going for girls in private houses. They exposed via their website the testimony of widows forced into prostitution by the Taliban's ban on women working and the hypocrisy of Taliban supporters who were the women's frequent clients. They risked life and limb to photograph secretly the Taliban's gruesome punishments and public executions. Today they run orphanages and teach literacy classes for women who often graduate as grassroots activists for women's rights. And they continue to inform the world of news about Afghanistan the mainstream media won't touch. They have achieved all this without breaking cover." **[49c]**

Shura-yi Nazar

An August 2007 International Crisis Group report recorded that "After the fall of the Taliban, the security organs at the centre were monopolised by the Panjshiri Tajik-dominated Shura-yi Nazar-i Shamali one of whose leaders, Younus Qanooni, was appointed interior minister." **[26b] (p5)** "The Shura-yi Nazar Shamali (Supervisory Council of the North) was a regional military and political structure founded by Ahmad Shah Massoud. Its core leaders were Panjshiris associated with the Jamiat-i Islami party of former President Burhanuddin Rabbani." **[26b] (Footnote 32)**

Taliban [Taleban]

Emerged in 1994; Islamist fundamentalist; mainly Sunni Pashtuns; in power 1996–2001; also active in the Federally Administered Tribal Areas of Pakistan.
Leader Mullah Mohammad Omar. c. 12,000 supporters. **[1e]** UNHCR noted in June 2005 that "The core of the Taliban was educated in madrassas (religious schools) in Pakistan which adhere to the Deobandi orthodox legal and state doctrine and promote taqlid, the obedience to the Koran in its original letter. The political aims of the Taliban were to re-establish security in Afghanistan, to create a truly Islamic State, to disarm the population and to implement a strict interpretation of Shari'a law throughout the country." **[11b] (p48)**

An Associated Press article of August 2008 noted "Taliban insurgents once derided as a ragtag rabble unable to match U.S. troops have transformed into a fighting force - one advanced enough to mount massive conventional attacks and claim American lives at a record pace." **[53a]**

(See also Annex C:- Armed Groups)

United National Islamic Front for the Salvation of Afghanistan (UIFSA) – commonly known as the Northern Alliance or United Front

An anti-Taliban coalition that superseded the Supreme Council for the Defence of Afghanistan in June 1997. **[1f] (p60)** Europa World Online, accessed on 5 January 2009, recorded that "The [Northern] alliance was reported to have been expanded and

strengthened in early June [1997] by the inclusion of the forces of Hekmatyar and of the Mahaz-i-Melli-i-Islami (National Islamic Front), led by Pir Sayed Ahmad Gailani. This new coalition, which superseded the Supreme Council for the Defence of Afghanistan, was known as the United National Islamic Front for the Salvation of Afghanistan, commonly known as the United Front and the Northern Alliance. The United Front was the military wing of the exiled Government, the 'Islamic State of Afghanistan'." **[1c]**

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Annex C: Armed groups

Taliban (Taleban)

The UN Security Council reported in November 2008 that:

"The Taliban emerged in 1994 from southern Afghanistan and launched an armed movement against the various factions that were then fighting each other. After the fall of Kabul to the Taliban in 1996, most of these factions joined together as the Northern Alliance and continued to resist the Taliban. By September 2001, the Taliban controlled approximately 90 per cent of the country. During its regime, in areas under its control, the Taliban interpreted religious and tribal law in their most ultra-conservative forms, thereby trampling women's rights and denying education to children. At the same time, the country became a haven for activity of international groups using terror tactics, including Al-Qaida." **[39f] (p2)**

"In November 1999, the Security Council, by its resolution 1267 (1999), introduced mandatory sanctions against key members of the Taliban and Al-Qaida. Following the events of 11 September 2001, international military forces entered Afghanistan in October 2001 and removed the Taliban from power…" (UN Security Council, 10 November 2008) **[39f] (p2)**

The New York Times (NYT) stated that: "The Taliban grew out of a student movement dedicated to purifying the country, based in the Pashtun region in the country's southeast. Their rise was initially greeted with relief by many Afghans weary of the corruption and brutality of the warlords who had fought for control in the years after the end of Soviet occupation.

"Once in power, the group imposed strict enforcement of fundamentalist Islamic law, banning movies, music and forcing women out of schools and into all-enveloping burqa clothing. The Taliban also provided a haven for Osama bin Laden and his Al Qaeda organization. International condemnation of its harsh measures had little effect on the regime, which seemed almost to welcome pariah status." **[28c]**

After the attack on the World Trade Center in New York on Sept. 11, 2001, the US launched an air and ground campaign that same year in Afghanistan, putting an end to the Taliban regime. However, "…the Taliban continued to exist, living as a guerrilla warfare operation based in the mountainous and largely lawless tribal area on the Pakistan-Afghanistan border. As the American military focus was diverted to the invasion and occupation of Iraq, the Taliban regrouped and began to extend its influence in the southern part of Afghanistan." (NYT, 23 April 2009) **[28c]**

In February 2009 three Pakistani powerful Taliban commanders - Baitullah Mehsud, Hafiz Gul Bahadur and Maulavi Nazir in North and South Waziristan:

"…formed a united council, or shura, called the Council of United Mujahedeen. In a printed statement the leaders vowed to put aside their disputes and focus on fighting American-led forces in Afghanistan.The new Taliban alliance has raised concern in Afghanistan, where NATO generals warn that the conflict will worsen this year. It has also generated anxiety in Pakistan, where officials fear

that a united Taliban will be more dangerous, even if focused on Afghanistan, and draw more attacks inside Pakistan from United States drone aircraft." (NYT, 23 April 2009) **[28c]**

The International Council on Security and Development (ICOS) (formerly Senlis Council) report dated December 2008 recorded that "The Taliban are now dictating terms in Afghanistan, both politically and militarily. At the national level, talk of reconciliation and power sharing between undefined moderate elements of the Taliban movement and elected government officials is commonplace. At a local level, the Taliban is manoeuvring skilfully to fill the governance void, frequently offering a mellower version of localised leadership than characterised their last stint in power." **[20c] (p11)** However, the USSD report on Terrorism, 2008 reported that "The Government of Afghanistan continued to strengthen its national institutions, and some polls indicated the majority of Afghans believed they were better off than they were under the Taliban." **[2d] (p10)**

The International Council on Security and Development (ICOS) (formerly Senlis Council) also reported that:

"The name 'Taliban' (students) refers to the religious scholars who led the strict Islamist movement that ruled Afghanistan from 1996 and 2001. The Taliban can be described as a semi-spontaneous movement lacking deep ideological roots, whose political purposes derived from a fundamentalist interpretation of the Koran. Although small in number at first, the Taliban succeeded in building alliances with local warlords and progressively acquired power. However, although the number of alleged Taliban increased, not all shared the original hyper-conservative beliefs." **[20b] (p54)**

The International Council on Security and Development (ICOS) (formerly Senlis Council) report dated 5 September 2006 noted that:

"A significant number of the original Taliban militants were killed during Operation Enduring Freedom's initial phases, and the Taliban defeat was guaranteed by the defection of the many warlords to the US-sponsored Northern Alliance. Since late 2001, the remnants of the Taliban have been based mainly in Pakistan, and have been supported by a loose coalition comprising Afghans loyal to the former Taliban regime, disenchanted and nationalist Pashtuns, religious conservatives, criminal gangs, opium traffickers, and a new generation of Pakistani and Afghan scholars educated in the madrassas along the Pakistan-Afghan border. This coalition of supporters can be described as the neo-Taliban.

"Both the original Taliban and the neo-Taliban share a common faith in an extreme interpretation of Sunni-Islam. The cohesion of the two Taliban groups, and their local support, is based on a common dislike of political leaders such as the warlords of the 1990s, or the current US-backed Karzai government. However, the tactics employed by the neo-Taliban differ from those of the original Taliban. The neo-Taliban has adopted high-impact terrorist tactics, and has indiscriminately targeted civilians, rather than specific groups of people like the teachers, criminals and Hazara people targeted by the Taliban.

"As a disparate assemblage of several different groups, the neo-Taliban movement has no clear political purpose. However, the strength of their

current offensives against NATO-ISAF troops indicates an increase in coordination and military preparation between these groups. Indeed, field research indicates that the composition of the neo-Taliban exposes a proxy war dynamic, especially given the well-funded, highly organised and technologically sophisticated nature of parts of the insurgency. On closer inspection, there appear to be two aspects to the insurgency. One aspect is highly funded, and technologically sophisticated, while the other conforms to low-level, classic guerrilla-warfare techniques. Pakistan has been implicated in the coordination, financing and organisation of the insurgency.

"The Karzai government tried to create divisions inside the neo-Taliban by offering and making [a] distinction between 'good Taliban' and 'bad Taliban'. So far, the strategy for reconciliation has produced no substantial results in softening the insurgency." **[20b] (Chapter 1, p55-56)**

The Human Rights Watch Afghanistan Country Summary 2007, published on 31 January 2008 stated that:

"The Taliban increasingly relied on public executions to terrorize and rule populations living in areas under their influence. They carried out at least 28 beheadings, several of them filmed and broadcast on the internet. For instance, in April the Taliban distributed video footage of a clearly prepubescent boy beheading Ghulam Nabi, a Pakistani militant accused of betraying a top Taliban official killed in a December airstrike. The Taliban targeted humanitarian aid workers, journalists, doctors, religious leaders, and civilian government employees, condemning them as spies or collaborators. In June they publicly hanged four elders in Helmand province because they were perceived as cooperating with NATO forces. Insurgent groups killed at least 34 aid workers in Afghanistan in 2007." **[17a]**

The International Council on Security and Development (ICOS) (formerly Senlis Council) report published on 5 September 2006 stated that the Taliban was using a mixture of threats and compensation to gain new recruits, particularly in the south of the country where their offensive had intensified:

"These recruits have different motives. They may share the religious beliefs of the combatants. They may also be attracted by the nationalist rhetoric against the foreign troops. They can also join the Taliban because of family or tribal relations. Similarly, the Taliban have generated support by giving poppy farmers protection and financial compensation when their crops are eradicated…In addition, anti-government elements use money to enrol Afghan people in their combat units. The Taliban are also recruiting trained Afghan policemen and guards, who are offered a choice between fighting for the Taliban, and facing death…They [the Taliban] have achieved success because the Afghan Government, backed by US and NATO-ISAF forces, has shown itself incapable of keeping its promises and responding to people's needs." **[20b] (p69-70)**

IRIN News reported on 27 February 2008 that high levels of rural poverty or unemployment are probably helping to drive young people to join the Taliban, who are offering mobile phones, money and other financial incentives to young men to join their ranks. **[36r]**

Former Taliban Members

A New York Times article in March 2009 noted that over 6000 former Taliban members had moved over to the government side since the fall of the Taliban, however, very few senior Taliban commanders had been persuaded to convert. (NYT,11 March 2009) **[28d]** The article noted that "…Mullah Salam, a former Taliban commander who was persuaded by the British, with the aid of the Afghan president, Hamid Karzai, to cross sides in 2007. He remains ostensibly loyal to NATO forces, and some British officials mention him as an example of how a campaign to woo Taliban district commanders might work." **[28e]**

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Haqqani network

A Reuters article in February 2009 reported that the Haqqani network was "Headed by Jalaluddin Haqqani… is allied with the Taliban and is believed to be linked to al Qaeda. It has been behind several high-profile attacks in Afghanistan. Effective leadership of the group has now passed from Jalaluddin, who is in his 70s, to his more radical eldest son Sirajuddin, security analysts say." **[24b]**

The article further noted that "The senior Haqqani rose to prominence during the 1980s, receiving weapons and funds from the CIA and Saudi Arabia to fight the Soviet occupation and has also had long-standing links with Pakistan's military Inter-Services Intelligence (ISI). After the Taliban captured Kabul in 1996, Haqqani sided with the austere Islamist movement and became a government minister." **[24b]**

The Haqqani network is operative in the eastern provinces of Khost and Paktya and is suspected of having masterminded the attack on Kabul's Serena Hotel in January 2008, the attack on a military parade during a ceremony at Kabul Stadium in April 2008 and the attack on the Indian Embassy in July 2008. (UN Security Council, 10 November 2008) **[39d] (p4)**

In March 2009 Sirajuddin told Reuters that his group was "…under the overall command of Taliban leader Mullah Omar and admitted ties with al Qaeda but said he did not need its support." **[24b]**

Hizb-e-Islami (Hisb-e-Islami/Hezb-e-Islami/Hizb-i-Islami)

The UN Security Council reported on 10 November 2008 that "Gulbuddin Hekmatyar is the leader of Hezb-i-Islami Gulbuddin, a group that is mostly active in the east of Afghanistan and in the provinces surrounding Kabul. The group focuses its military operations on suicide attacks and attacks on the Afghan National Security Forces and international forces." **[39d] (p4)**

A Reuters article in February 2009 reported that:

"Founded by Gulbuddin Hekmatyar, Hizb-i-Islami was one of the main mujahideen groups fighting the Soviet invasion in the 1980s, receiving the lion's share of U.S. and Saudi arms and money channelled through the Pakistani intelligence service.

"After the Soviet withdrawal Hekmatyar fought and made fleeting alliances with most other mujahideen factions during the resulting civil war and is credited with killing thousands in Kabul with indiscriminate rocket attacks on the capital." **[24b]**

The article further noted that:

"Pakistan dropped the party in 1994 in favour of the Taliban and, after losing to Mullah Omar's forces, Hekmatyar fled to Iran in 1997. Many of his fighters joined Taliban ranks. After the Sept. 11 attacks Hekmatyar declared himself against the U.S. invasion, was expelled by Iran and returned to his homeland to take up the fight in alliance with the Taliban… With many of his former lieutenants now either in parliament or government, Hekmatyar has declared himself against suicide bombings and there have been a number of false Afghan media reports that he has made peace with the Afghan government." **[24b]**

In February 2008 The Long War Journal reported that:

"…several Afghan insurgents with ties to a Taliban splinter group, Hizb-i-Islami (Khalis faction), and foreign al Qaeda fighters, were arrested in separate raids in western Pakistan last week. The raids were conducted in Chakdara, located in the volatile Swat Valley, and Peshawar, with at least four Afghan nationals with links to al Qaeda being arrested in the Chakdara bust, according to the Pakistani Daily, *The Nation*.

"One of those arrested has been identified as Mian Mohammad Agha, a top Afghan jihadi commander under the Younus Khalis faction of Hizb-i-Islami. The faction folded into the Afghan Taliban movement following the death of Younus Khalis in 2006. A Pajhwok Afghan News report described Mian Mohammad Agha as having 'links to al-Qaeda and Taliban insurgents'." **[55b]**

Former Hizb-e-Islami Members

The Danish fact-finding mission of March/April 2004 reported the views of various sources on the position for people with connections to Hezb-e-Islami in their report published in November 2004. According to UNHCR, ex-Hezb-e-Islami, including former commanders, do not have any problems with the Government in Afghanistan today if they make it clear that they are no longer working with Hekmatyar. UNHCR was reported as saying that "A number of ex-Hezb-e-Islami members occupy high positions within the government. As an example the source mentioned that Hekmatyar's former right-hand [man] currently holds a high position in the government. The present situation taken into consideration, the source found that it depends on the history of a former member of the Hezb-e-Islami whether or not he/she risks being persecuted in Afghanistan." **[8] (Section 6.8)**

The Danish report also noted:

"The CCA [Co-operation Centre for Afghanistan] confirmed that there are people connected with the government who earlier belonged to Hezb-e-Islami. The source mentioned that one of President Karzai's advisors was formerly the deputy head of Hezb-e-Islami's security forces in Peshawar. The source was of the opinion that a former member of the Hezb-e-Islami who has changed side, and who is clearly expressing his support for the government can remain in Afghanistan without being involved in problems. However, it is a pre-condition that one is no longer connected with the party. People who are currently active for the Hezb-e-Islami are considered to be at war with the current government like the Taliban supporters. They will not be able to remain in the country without encountering problems." **[8] (Section 6.8)**

Al Qa'ida (Al-Qaeda)

The BBC Timeline on Afghanistan updated 7 August 2008 noted that al-Qaeda "was formed around 1988 from elements of the international Muslim brigades opposed to the 1979 Soviet invasion of Afghanistan. It seeks to rid Muslim countries of Western influence, get rid of what it views as 'corrupt' regimes and set up a pan-Islamic caliphate. The network is thought to have links to radical Islamist groups in various parts of the world." **[25d]**

A Reuters article in February 2009 reported that "Following the 2001 U.S.-led invasion of Afghanistan, al Qaeda leaders, including bin Laden, are believed to have fled to neighbouring Pakistan, seeking refuge in the tribal areas. Al Qaeda is not now believed to play a leading role in Afghanistan but other militant groups operating inside Afghanistan, particularly the Haqqani network, claim to have close links to the group." **[24b]**

(See also Section 8: Kabul)

Jamat Sunat al-Dawn Salafia

In a special report by the Secretary General to the UN Security Council dated 3 July 2008 noted that "Jamat Sunat al-Dawa Salafia is an Islamic fundamentalist group led by Hajir Ruhollah. The network's activities are very limited because of the tension between this group and Hezb-i-Islami Gulbuddin. As a result, the Salafists are only present in parts of Kunar and Nuristan provinces. In general, the group focuses its military operations on actions against international military forces." **[39d] (p4-5)**

(See also Section 27: Abuses by Non-Government Armed Forces)

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Annex D: Prominent people

ALI Hazrat

Hazrat Ali (a close ally of Jamiat-i-Islami) was appointed Security Commander for Nangahar Province by President Karzai on 20 July 2004. (BAAG, July 2004) **[71a] (p7)** He stepped down from his position as Police Chief of Nangahar and turned in weapons in order to stand for the September 2005 parliamentary election. (*Christian Science Monitor*, 8 September 2005) **[19a]**

A September 2004 Human Rights Watch report noted that, as one of the military commanders having de facto control of the eastern provinces of Nangahar and Laghman, including Nangahar's capital, Jalalabad, his commanders operated criminal enterprises and engaged in numerous human rights abuses, including the seizure of land and other property, kidnapping civilians for ransom and extorting money. Their forces had also been involved in political abuses, including past threats against Loya Jirga candidates and purchasing of votes. **[17h] (p16)**

Hazrat Ali commanded a Northern Alliance force against the Taliban and Al Qaeda and has worked closely with the US military since 2001:

"Several officials with the Afghan Independent Human Rights Commission maintain that Ali disbanded his private army only on paper and that his men still participate in drug trafficking and land grabs, terrorizing the citizenry… Many of Ali's ex-soldiers are now Nangahar provincial police. One ranking Nangahar police official [said] that Ali's men, 'imposed with pressure and power,' have a disproportionate presence on his force. 'They're involved in illegal activities. The battalion commanders, the border police, they're all involved in illegal activities,' the police official said, adding that the crimes include extortion, drug trafficking and other smuggling operations." (*Christian Science Monitor*, 8 September 2005) **[19a]**

DOSTUM (General) Abdul Rashid

"The Uzbek general who was one of the most powerful warlords with an independent military base in the north remains a powerful figure in the country… He was one of the most high profile candidates to challenge Mr Karzai in the presidential elections in October 2004. The veteran of many wars, he has displayed an uncanny ability to switch sides and stay on the right side of those in power. In the 1980s Gen Dostum backed the invading forces of the Soviet Union against the mujahideen rebels. He then played a prominent role in the civil war that destroyed much of the capital Kabul and left thousands dead. In 2001, while helping the United States, his militias were accused of suffocating hundreds of Taleban prisoners to death by locking them inside shipping containers." (BBC News, 4 July 2006) **[25y]**

BBC News reported that General Dostum survived an assassination attempt by the Taliban in January 2005. **[25ah]** On 3 March 2005, BBC News reported the view of Human Rights Watch (HRW) that Dostum should not have been given the high-profile military post. HRW expressed concern that it could mean he will not be held accountable for alleged past human rights abuses. Amnesty International also expressed concern over the appointment. **[25c]** Agence France-Presse reported that Dostum officially joined President Karzai's administration on 18 April 2005 after resigning as leader of Junbesh-i Melli-i Islami. **[40b]** However, the ICG in June 2005 stated that "Dostum will undoubtedly remain the de facto head [of Junbesh-I Melli-I Islami]." **[26d] (p9)**

HAZAMI Abdul Salam
Approved by parliament as the new Chief Justice of the Supreme Court in July 2006 to replace Fazel Hadi Shinwari. "Hazami graduated from Kabul University and obtained a master's degree in 1967 from Egypt's Al-Azhar University, the Sunni Muslim world's highest seat of learning. He also did postgraduate studies in the United States. He left Afghanistan during the Soviet occupation, returning after the Taliban regime was toppled by U.S.-led forces for harboring Osama bin Laden." **[54a]**

HEKMATYAR (Engineer) Gulbuddin [also spelt 'Hikmatyar']
"Leader of the Hezb-e Islami, Mr Hekmatyar is a warlord who is in hiding – evading American forces – and is believed to be somewhere along the Afghan-Pakistan border. He is opposed to President Karzai and the presence of US-led foreign forces in Afghanistan and is blamed for carrying out several major attacks in the country. The US labelled him a terrorist in 2003. Hekmatyar's Hizb-e-Islami was the strongest force during the years of Soviet occupation. This was largely because his party was the main benefactor of the seven official Mujahideen groups recognised by Pakistan and US intelligence agencies for the channelling of money and arms. He later joined forces with General Dostum because he felt his power had been slighted by the Mujahideen administration which ran the country from 1992 to 1996. The fighting between him and Kabul's administration at the time, controlled by the murdered Afghan commander, Ahmad Shah Masood, is said to have resulted in the deaths of more than 25,000 civilians." **[25y]**

In May 2006, Hekmatyar was reported as saying that he was ready to fight under the banner of al-Qaeda: "Correspondents say that statements from Gulbuddin Hekmatyar are rare, but when they appear, their theme and tone is the same: hatred of the United States and its allies in Afghanistan and calls for rebellion there in the name of Islam." **[25e]**

(See also Annex C:- Armed Groups)

JALAL Masooda
Masooda Jalal was the only female candidate in the October 2004 presidential elections. "A qualified paediatrician from Kabul, she was treating children when the Taleban came to power in 1996 and stopped women from working. Ms Jalal made her presence felt when she challenged President Karzai in the first loya jirga (grand council) after the Taleban were ousted. She was appointed minister for women's affairs in December 2004, but was dropped in the reshuffle of April 2006." (BBC News, 4 July 2006) **[25y]**

KHAN Mohammed Fahim (Marshal Mohammad Qasem Fahim)
As former Defence Minister, Mohammed Fahim Khan used to be one of the most powerful men in the country but has now been sidelined:

"He lost his place in the cabinet and is now a member of the upper house [Meshrano Jirga]. Gen Fahim commanded thousands of men loyal to the Tajik-dominated Northern Alliance that helped topple the Taleban in late 2001. He was widely expected to be named as one of President Karzai's running mates in the 2004 presidential poll, but ended up backing the main challenger, fellow Tajik Yunus Qanuni.

He was head of intelligence of the Northern Alliance and succeeded General Ahmad Shah Masood, who was assassinated shortly before the 11 September attacks on the US." (BBC News, 4 July 2006) **[25y]**

KARZAI Hamid
"Hamid Karzai, who was sworn in as Afghanistan's first elected president in December 2004, is a moderate Pashtun leader from Kandahar. A charismatic and stylish member of the influential Popolzai tribe, he has built up a considerable international profile, especially in the West and is backed by the United States. But some at home view his closeness to America with suspicion and distrust. He initially supported the Taleban but hardened against them after the assassination of his father, a former politician, for which the Taleban was widely blamed." (BBC News, 4 July 2006) **[25y]**

KHALILI (General) Abdol Karim
Hazara; Economic Minister of Afghanistan 1993 – 995; Vice-President in the Interim Government of 2001. **[31]** Mr Khalili is currently the second Vice-President in the present Government inaugurated in December 2004. **[67]** Khalili is also the leader of Hezb-e-Wahdat-e-Islami-e-Afghanistan. The party was registered by the Ministry of Justice and participated in the September 2005 parliamentary elections. **[74a]**

KHAN Ismail
Ismail Khan is currently Minister for Energy in the Afghan Cabinet and was formerly the Governor of Herat:

"Known as the Lion of Herat, Ismail Khan is a veteran and legendary Tajik commander who freed Herat from Soviet control, and became a thorn in the side of the Afghan communist government… Controlling the trade route from Iran, he turned the city of Herat into one of the most developed cities in the country soon after taking control of the area after the fall of the Taleban. It was his independent power base and apparent refusal to join hands with the Karzai government that led to his eventual removal and reappointment as energy minister in September 2004. President Karzai's move to replace him was met with violent protests from his supporters. Ismail Khan remains a powerful figure, although with considerably reduced influence." (BBC News, 4 July 2006) **[25y]**

MASOUD [MASSOOD] (General) Ahmed Shah
Tajik. Commander allied to Jamiat-i-Islami. **[85]** BBC News recorded on 8 September 2004 that "Commander Masood [Masoud] – known as the Lion of the Panjshir – was killed three years ago in a suicide bomb attack by two men posing as journalists. That attack – just before the 11 September [2001] bombings in the United States – was subsequently blamed on al-Qaeda and its Taleban allies. Masood remains a powerful symbol. He was famed as a military strategist during the war against the Soviet Union and gained his nom de guerre from his dogged resistance in the Panjshir valley." **[25z]**

MASOUD [MASSOOD] Ahmad Zia
Tajik; formerly Afghanistan's ambassador to Russia and a brother of Ahmad Shah Massood [Masoud], who led the resistance to the Taliban regime until he was killed by Al-Qaida terrorists on 9 September 2001 (see above). **[18b]** He is the first Vice-President in the Government inaugurated in December 2004. **[67]**

MOHAMMAD (General) Atta
"An arch rival of Gen Dostum, Atta Mohammad is the governor of the northern province of Balkh. Their bitter history goes back to the days of the Soviet occupation, when they fought on opposite sides. A former teacher, Atta briefly joined forces with Dostum to recapture Mazar-e-Sharif from the Taleban in 2001. For now, he remains a key regional player in Afghanistan with considerable influence. His appointment as

governor of Balkh was viewed as a move to curb Gen Dostum." (BBC News, 4 July 2006) **[25y]**

MOHAQEQ [MOHAQIQ] Haji Mohammad
"A member of the minority ethnic Hazara community, Mohammed Mohaqiq was elected as an MP in the 2005 elections. He comes from Mazar-e-Sharif and teamed up with Gen Dostum and Atta Mohammad to free the city from the Taleban in 2001. The head and founder of the Wahdat-e-Mardum political party, he had considerable support among the Shia Hazaras, many of whom fought under his command. Planning minister in the interim Afghan government, Mr Mohaqiq performed well to finish third behind Mr Karzai and Mr Qanuni in the presidential election in 2004. He did not keep his post in the new Karzai cabinet after the 2005 parliamentary elections." (BBC News, 4 July 2006) **[25y]**

Mohaqeq's party was registered as Hezb-e-Wahdat-e-Islami Mardom-e-Afghanistan by the Ministry of Justice and participated in the September 2005 parliamentary election. **[74a]**

MOJADDEDI [MUJADIDI] Sebghatullah
A Radio Free Europe/Radio Liberty (RFE/RL) article reported on 29 December 2005 that Mojaddedi had been elected speaker of the Meshrano Jirga (Council of Elders). **[29k]** A BBC News article of 21 December 2005 stated that he was a former Afghan President and a pro-Karzai mujahideen leader. **[25ak]**

OMAR (Mullah) Mohammad
Omar is the leader of the Taliban who lost his right eye fighting the occupying forces of the Soviet Union in the 1980s. He survived the US-led military action, which led to the fall of the Taliban in late 2001 and has evaded capture. (BBC News,2 September 2006) **[25s]** Mullah Omar has reportedly called on Taliban supporters to unite and fight Afghan and foreign troops. (BBC News, 25 July 2005) **[25ae]**

QANUNI [QANOONI] Yunus

"A former minister, Mr Qanuni is now the Speaker of the Wolesi Jirga, the lower house of parliament. Seen by some as the most serious contender to Mr Karzai, he stood against him in the presidential elections of 2004. A key figure in the Northern Alliance in the immediate aftermath of the fall of the Taleban, Mr Qanuni first held the powerful post of interior minister but later moved to the education ministry. Differences with President Karzai led to his resignation from the cabinet, following which he formed his own political party, [Hezb-e-] Afghanistan-e-Naween. Though unable to hold together a political alliance which could provide a formidable challenge to the Karzai government, Mr Qanuni has been too powerful to be completely marginalised." (BBC News, 4 July 2006) **[25y]**

The list of political parties approved by the Ministry of Justice to run in the September 2005 parliamentary elections included Qanuni's new party, Hezb-e-Afghanistan-e-Naween. **[74a]** Qanuni resigned as leader of the NUF after being elected Speaker of the Wolesi Jirga. (Radio Free Europe/Radio Liberty, 29 December 2005) **[29k]**

RABBANI Burhanuddin
"A former Afghan president, Mr Rabbani was elected as an MP from Badakshan in [the] 2005 parliamentary elections. He remains an influential Tajik figure although he is not a frontline political player. He heads the conservative Jamiat-e-Islami, which was

the largest political party in the Northern Alliance that helped sweep the Taleban from power in 2001." (BBC News, 4 July 2006) **[25y]**

(See also Annex B: Jamiat-i-Islami)

SAMAR Sima
A 2004 report by the Global Health Council noted that "Dr. Sima Samar founded and directs the Shuhada Organization, the oldest Afghan non-governmental organization (NGO) operating in the region and the largest woman-led NGO." **[6]** An RFE/RL article dated 29 December 2005 stated "Sima Samar was the first minister of the newly established Ministry of Women's Affairs in the transitional government of Hamid Karzai after the fall of Taliban. She is now the head of the Afghan Independent Human Rights Commission and a UN special rapporteur for human rights in Sudan." **[29d]**

SAYYAF Abdul Rassoul
"A former mujahideen leader, Mr Sayyaf is now an elected member of parliament. Leader of the Islamic Union for the Liberation of Afghanistan, he was the only anti-Taleban Pashtun leader to be part of the Northern Alliance. A hardliner, he is believed to have formed his party with Saudi backing. A former professor of Islamic law, Mr Sayyaf was the chairman of the first rebel alliance in 1980. He was a member of the constitutional loya jirga of 2003. Abdul Rassoul Sayyaf was a major player in the civil war in 1992, which left vast areas of the capital, Kabul, in ruins." (BBC News 4 July 2006) **[25y]**

In June 2005, the International Crisis Group noted that Sayyaf's influence was eroding because the tenth division of the Afghan military forces was being dismantled under the Disarmament, Demobilisation and Reintegration Programme (DDR) and this militia had helped him assert control over much of western Kabul province, including his home district of Paghman. **[26d] (p10)** The list of political parties approved by the Ministry of Justice to run in the September 2005 parliamentary elections included Sayyaf's party, formerly known as Ittihad-i-Islami **[17h]** and now renamed as Tanzim Dawat-e-Islami-e-Afghanistan. **[74a]**

SEDDIQI Suhaila
A BBC News Profile, accessed on 14 March 2005, recorded that Suhaila Seddiqi is a Tajik, a respected doctor and well-known former army general who lives in Kabul. She served as a surgeon in Kabul's military hospital for two decades. She never left Afghanistan and played a key role in keeping the hospital functioning through the 1990s when rocket attacks caused thousands of casualties. Even the Taleban were forced to give Seddiqi back her job after briefly removing her from the post. She was Health Minister in the Interim Government. **[25m]**

SHERZAI Gul Agha
"Nangarhar province Governor Gul Agha Sherzai commands considerable loyalty among the Pashtuns in Kandahar, the city he controlled before the Taleban took power in 1994. Within hours of the Northern Alliance taking control of Kabul in 2001, Sherzai entered and took control of the southern city. In December 2004, he was appointed as governor of Kandahar with an added, though symbolic, portfolio of minister adviser to Mr Karzai. His reappointment became controversial and human rights groups have accused Mr Sherzai of involvement in the drugs trade. Mr Sherzai was made governor of Nangarhar as part of a series of reshuffles viewed as an attempt to curb the power of the warlords." (BBC News, 4 July 2006) **[25y]**

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Annex E: List of Cabinet Ministers

Europa World Online entries for Cabinet, Updated March 2009, accessed on 24 June 2009:

President:
H.E. Hamid Karzai **[1h]**

Vice Presidents:
Karim Khalili
Ahmad Zia Masoud **[1h]**

Senior Minister in the Cabinet
Hedayat Amin Arsala **[1d]**

Commerce and Industry Minister:
Wahidullah **[1d]**

National Defence Minister:
General Abdul Rahim Wardak **[1d]**

Foreign Affairs Minister:
Dr Rangin Dadfar Spanta **[1d]**

Finance Minister:
Mohammad Omar Zakhilwal **[1d]**

Interior Affairs Minister:
Dr Muhammad Hanif Atmar **[1d]**

Interior Affairs Minister
Dr Muhammad Hanif Atmar **[1d]**

Economy Minister:
Dr Mohammad Jalil Shams **[1d]**

Communications and Information Technology Minister:
Engineer Amirzai Sangin [Sangeen] **[1d]**

Borders & Tribal Affairs Minister:
Abdul Karim Barahawi **[1d]**

Refugees and Repatriation Minister:
Zara Ahmad Moqbel **[1d]**

Mines and Industries Minister:
Ibrahim Adil **[1d]**

Water and Energy Minister:
Mohammad Ismail Khan **[1d]**

Public Health Minister:
Dr Mohammad Amin Fatemi [Fatimi/Fatimie] **[1d]**

Agriculture, Irrigation and Livestock Minister:
Muhammad Asif Rahimi **[1d]**

Justice Minister:
Mohammad Sarwar Danesh **[1d]**

Culture and Youth Affairs Minister
Abdul Karim Khoram **[1d]**

Hajj and Islamic Affairs Minister:
[Professor] Nematullah Shahrani **[1d]**

Urban Development Minister
Mohammad Yousef Pashtun **[1d]**

Public Welfare Minister:
Suhrab Ali Safari [Sohrab Ali Saffary] **[1d]**

Work, Social Affairs, the Martyred and the Disabled Minister:
Noor Mohammad Karkin [Qarqeen] **[1d]**

Higher Education Minister:
Dr Mohammad Azam Dadfar **[1d]**

Transport and Civil Aviation Minister:
Hamidullah Farooqi **[1d]**

Education Minister:
Dr Ghulam Farooq Wardak **[1d]**

Parliamentary Affairs Minister:
Asadullah Khaled **[1d]**

Rural Rehabilitation and Development Minister:
Eshan Zia **[1d]**

Women's Affairs Minister:
Hosna Banu Ghazanfar (Hosn Bano Ghazanfar) **[1d]**

[Anti-] Counter-Narcotics Minister:
Gen. Khodaidad **[1d]**

National Security Advisor:
Dr Zalmai Rassoul **[1d]**

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Annex F: List of Abbreviations

AI	Amnesty International
ANBP	Afghanistan New Beginnings Programme
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
DDR	Disarmament, Demobilisation and Reintegration Programme
DIAG	Disbandment of Illegal Armed Groups (DIAG)
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
JCMB	Joint Coordination and Monitoring Board
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
RSF	Reporters sans Frontières
STC	Save The Children
STD	Sexually Transmitted Disease
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNAMA	United Nations Assistance Mission in Afghanistan
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WfWI	Women for Women International
WHO	World Health Organization

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The main text of this COI Report contains the most up to date publicly available information as at 28 May 2009. Further brief information on recent events and reports has been provided in the Latest News section to 26 June 2009.

Annex G: References to Source Material

The Home Office is not responsible for the content of external websites.

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