Home Office
UK Border Agency

AFGHANISTAN

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

5 November 2010

SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

i This Country of Origin Information (COI) Report has been produced by the 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 15 October 2010. The 'Latest News' section contains further brief information on events and reports accessed from 16 October to 1 November 2010. The report was issued on 5 November 2010.

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 compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. 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 compilation of extracts 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 though COIS will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. 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.

6 The main text of this COI Report contains the most up to date publicly available information as at 15 October 2010. Further brief information on recent events and reports has been provided in the Latest News section to 1 November 2010.

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. 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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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 COI material. The IAGCI welcomes feedback on UKBA's COI Reports 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/

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.

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Latest News

EVENTS IN AFGHANISTAN FROM 16 OCTOBER TO 1 NOVEMBER 2010

THE LATEST NEWS PROVIDES A NON-EXHAUSTIVE SELECTION OF SIGNIFICANT EVENTS SINCE 16 OCTOBER 2010. FURTHER INFORMATION MAY ALSO BE AVAILABLE FROM THE LIST OF USEFUL SOURCES BELOW.

The Home Office is not responsible for the content of external websites.

1 November 2010 Aid agencies carrying out humanitarian duties in Afghanistan are having their work 'inhibited' by the increase in groups hired by the government, allied foreign military forces and armed criminal gangs agencies have warned. The International Committee for the Red Cross (ICRC) said it had to cancel several projects where it was to offer assistance because it was unable to secure security guarantees from all the armed actors concerned.
Integrated Regional Information Networks (IRIN), Afghanistan: Proliferation of armed groups threatens aid work, 1 November 2010
http://www.irinnews.org/Report.aspx?ReportID=90939
Date accessed 1 November 2010

27 October 2010 President Hamid Karzai said that the deadline for private security organisations to cease operating in Afghanistan had been extended for two months. The original date given was 17 December 2010. The President believed there current role was undermining the development of Afghan government forces.
British Broadcasting Corporation (BBC), Afghanistan delays ban on private security firms, 27 October 2010
http://www.bbc.co.uk/news/world-south-asia-11634618
Date accessed 29 October 2010

19 October 2010 The International Committee of the Red Cross (ICRC) opened its seventh prosthetic and orthotic centre in Afghanistan to help rehabilitate permanently disabled people. There were about 770 registered patients at ICRC orthopaedic centres in Afghanistan.
Integrated Regional Information Networks (IRIN), Afghanistan: More war victims, fewer landmine casualties Afghanistan: Hidden Justice, 19 October 2010
http://www.irinnews.org/Report.aspx?ReportID=90914
Date accessed 29 October 2010

USEFUL NEWS SOURCES FOR FURTHER INFORMATION

A list of news sources with Weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in Annex F – References to source material.

AlertNet (Thomson Reuters) http://www.alertnet.org/thenews/newsdesk/index.htm?news=all

British Broadcasting Corporation (BBC) http://news.bbc.co.uk

Cable News Network (CNN) http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAy

Integrated Regional Information Networks (IRIN) http://www.irinnews.org/

Reuters http://www.reuters.com/

Voice of America (VoA) News http://www.voanews.com/english/news/

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REPORTS ON AFGHANISTAN PUBLISHED OR ACCESSED BETWEEN 14 OCTOBER AND 1 NOVEMBER 2010

The Home Office is not responsible for the content of external websites.

[1] **Transparency International (TI)** http://www.transparency.org
a 2010 Corruptions Index, 26 October 2010
http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results
Date accessed 1 November 2010

[2] **United Nations High Commissioner for Refugees (UNHCR)** http://www.unhcr.org
a Confinement Conditions at a U.S. Screening Facility on Bagram Air Base, Policy Brief No. 3, 14 October 2010
http://www.unhcr.org/refworld/pdfid/4cbc418f2.pdf
Date accessed 29 October 2010

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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. (Central Intelligence Agency (CIA) World Factbook, updated 24 June 2010) **[1a] (Government)** Afghanistan has 34 provinces. The principal towns included Kabul (capital) Pul-e-Khomri Qandahar Herat Mazar-i-Sharif Kunduz Jalalabad Baghlan Ghazni Maymana. (Europa World Online, accessed 8 July 2010) **[1c]**

1.02 The CIA World Factbook, updated 27 September 2010, noted that Afghanistan had a population of 28,395,716. **[3a] (People)** Pushtuns make up the largest ethnic group at 42 per cent, followed by Tajiks (27 per cent), Hazaras (9 per cent), Uzbek (9 per cent) and Aimak (4 per cent). Other smaller groups include Turkmen and Baluch. **[3a] (People)**

(See also Section 22: Ethnic groups)

1.03 The US Department of State's *Background Note* on Afghanistan, updated on 26 March 2010, noted "Dari (Afghan Farsi) and Pashto are official languages. Dari is spoken by more than one-third of the population as a first language and serves as a lingua franca for most Afghans, though Pashto is spoken throughout the Pashtun areas of eastern and southern Afghanistan. Tajik and Turkic languages are spoken widely in the north. Smaller groups throughout the country also speak more than 70 other languages and numerous dialects." **[2b] (People)**

1.04 An estimated 80 per cent of the population were Sunni Muslims, with Shia Muslims accounting for 19 per cent. Only one per cent was made up from other groups. (CIA World Factbook, updated 27 September 2010) **[3a] (People)**

1.05 Europa World Online, accessed 8 July 2010, noted that "The Afghan year 1389 runs from 21 March 2010 to 20 March 2011, and the year 1390 runs from 21 March 2011 to 20 March 2012." **[1b]**

1.06 Public holidays include:

"2011 15 February (Liberation Day, commemoration of mujahidin struggle against Soviet occupation and withdrawal of Soviet troops in 1989); 15 February* (Roze-Maulud, Birth of Prophet Muhammad); 21 March (Nauroz: New Year's Day, Iranian calendar); 18 April (Liberation Day); 28 April (Revolution Day; Loss of the Muslim Nation); 1 May (Workers' Day); 1 August* (first day of Ramadan); 19 August (National Day); 30 August* (Id al-Fitr, end of Ramadan); 6 November* (Id al-Adha, Feast of the Sacrifice); 5 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." (Europa World Online, accessed 8 July 2010) **[1b]**

KABUL (CAPITAL CITY)

1.07 The Kabul Provincial Profile on the Afghanistan Investment Support Agency (AISA) website, accessed 7 July 2010, described the capital as "Located in a valley, Kabul city is one of the highest capitals in the world situated at an elevation of… 1,800 m. surrounded by the Lowgar and Paghman mountains in the south-east, Qrough mountain in the south-west, Shirdarwaza in the north east, Charikar in the north and the Tangi Gharow mountains in the west." **[12] (p1)**

1.08 The International Organization for Migration (IOM) Country Sheet on Afghanistan, updated on 13 November 2009, stated that:

"Kabul is currently home to nearly 4 million people. A high number of people who fled the country are still returning home. More than 2 million houses were destroyed or damaged beyond repair, while all basic health and education facilities ceased functioning. According to surveys conducted on behalf of Afghanistan's Ministry for Housing and Urban Development, averages of 2.8 families, or 18-20 persons, are thought to live in houses generally built to accommodate six.

"Afghan authorities have been taking some limited steps to try and remedy the housing shortage, mostly relying on the expansion of the private construction sector. Cities such as Kabul, Jalalabad and Herat have seen large-scale real estate projects multiply over the past time. However, little control is exerted over construction volumes, heights, prices, etc. Priority is also given to office buildings." **[9a] (p5)**

1.09 The same source stated:

"Buying a house or an apartment remains a distant dream for most of Kabul's citizens; however it is much cheaper in other provinces in comparison. A simple three-room apartment now costs around USD 30,000 while houses start from USD 50,000 and go up to a staggering three million dollars in different parts of the city. In addition, landlords are keen to request up to 12 months' advance rent payment…

"The average monthly rent, in a safe area, for an apartment large enough to house one family (3 Rooms) is USD 200 – 500 and the rent of a room is around USD 100 – 150. The average price of a similar property is USD 70,000." **[9a] (p5-6)**

1.10 The AISA website, accessed 7 July 2010, described that:

"Twenty years of war and continuous under-investment have had a serious effect on urban housing and the physical infrastructure in the Province. Large parts of the urban infrastructure in Kabul, especially government and municipal buildings, schools and health facilities were either dilapidated or completely destroyed. The damage or destruction of homes during the war has led to settlements of large parts of the population in unplanned areas with little access to safe piped water or proper sanitation and waste collection systems. While the construction sector is booming, many buildings are still in need of repair to help residents to obtain services. Electrical (or power), plumbing and telecommunication infrastructure is in dire need of repair and/or installation.

"Apart from the main city roads, many smaller roads in the capital are in extremely poor conditions [sic] and need repair. While the country has no extensive highway system,

three main asphalted roads/highways connect the capital with the rest of the country. The Salang road links Kabul with the northern provinces, while the Kabul-Kandahar highway is the main artery between the capital and the southern provinces, as well as the most important road in the country." **[12a] (p5-6)**

1.11 The IOM Country Sheet on Afghanistan further added, "Buses, donated to Afghanistan by India, Japan, Iran (around 600), all operate in Kabul at the moment. A typical bus fare for transportation within the city is around AFA 5. Private transportation companies also exist. Fares are higher than on public buses. Taxis in Kabul (AFA 100 – 150 depending on the distance – much more for out-of-city destinations)." **[9a] (p16)**

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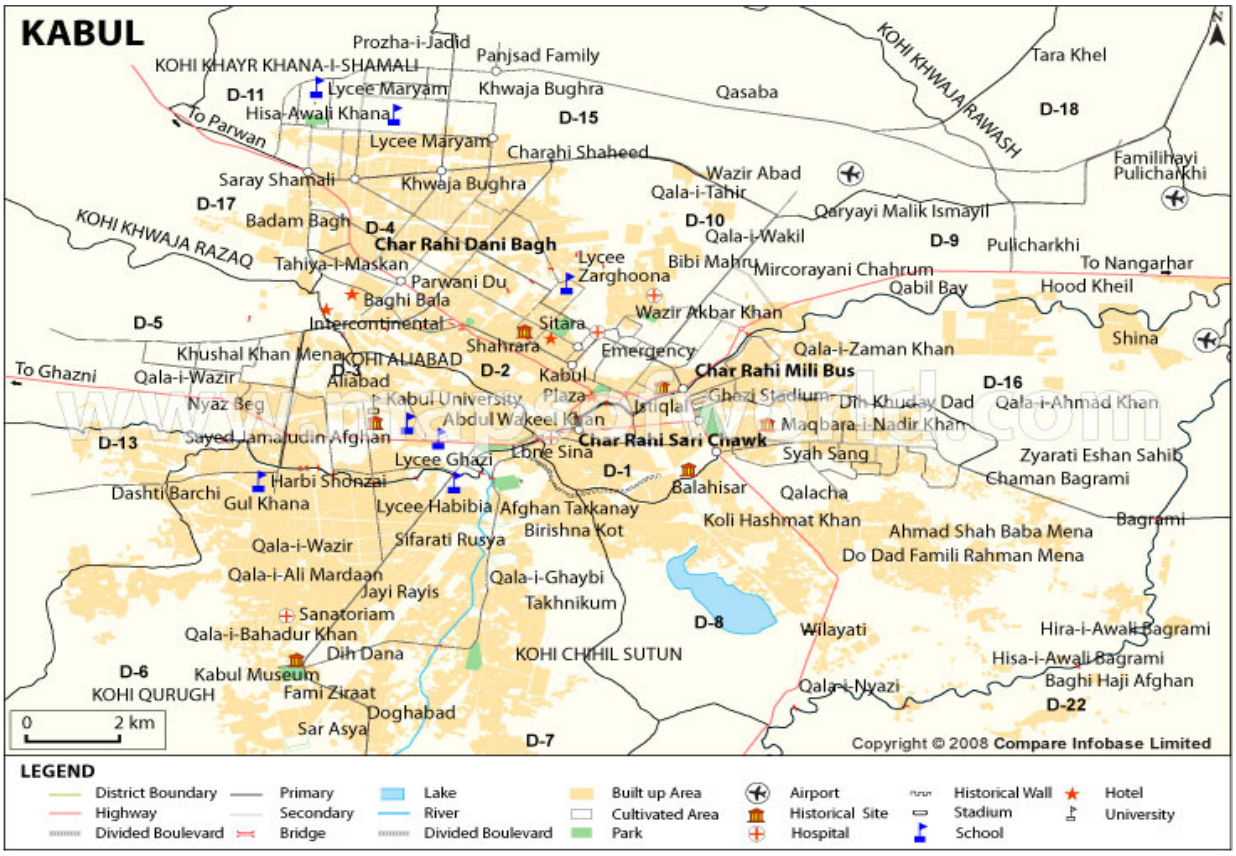
MAP

1.12 United Nations (UN) Map of Afghanistan, July 2009

(UNHCR, July 2009) **[19a]**

1.13 Map of Kabul



(Maps of the World) **[92a]**

The Afghanistan Information Management Services (AIMS) website provides district profiles and maps on Afghanistan. **[91a]**

The University of Texas website also provides maps of Afghanistan, including city maps, historical maps and links to further maps. **[93a]**

The US Department of Defence, Report on Progress Toward Security and Stability in Afghanistan and United States Plan for Sustaining the Afghanistan National Security Forces, April 2010, contains maps of insurgent areas of operation **(p23)**, Afghanistan and Pakistan military operations **(p33)**; and key border crossings **(p33). [60a]**

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2. ECONOMY

2.01 The Foreign and Commonwealth Office (FCO) *Afghanistan Country Profile*, updated on 5 May 2010, 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 (CIA) World Factbook, Afghanistan, updated 27 September 2010, noted:

"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. 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, weak governance, and the Afghan Government's inability to extend rule of law to all parts of the country pose challenges to future economic growth. Afghanistan's living standards are among the lowest in the world. While the international community remains committed to Afghanistan's development, pledging over $57 billion at three donors' conferences since 2002, the Government of Afghanistan will need to overcome a number of challenges, including low revenue collection, anemic job creation, high levels of corruption, weak government capacity, and poor public infrastructure." **[3a]**

2.03 The World Bank report, *Afghanistan Economic Update*, April 2010 stated:

"In spite of the difficulties, Afghanistan has enjoyed mostly favorable macroeconomic conditions, with a historically high GDP growth (22.5 percent) and declining prices in 2009/10. The external debt burden fell to 10 percent of GDP upon securing debt relief under the Heavily-Indebted Poor Country and Multi-lateral Debt Reduction initiatives. Official exports collapsed in 2009/10 but were more than offset by overwhelming donor inflows. Preliminary results for the fiscal year that has just ended (2009/10) show a performance better than expected in the core budget: a 10-percent containment of operational expenditure and a 16-percent surge in revenue. However, low execution of the development budget gives cause for concern, as it continues to slide, reaching only 38 percent of the budget in 2009/10. The banking sector needs to be closely monitored, as two of the seventeen banks were found to have breached prudential norms. GDP growth is expected to reach 8.6 percent in 2010/11, inflation is low, at about 2 percent." **[23a]**

2.04 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted that:

"Ethnic minorities continued to face oppression, including economic oppression. Dasht-i Barchi, one of Kabul's poorest neighborhoods, was home to a large Hazara population. Average earnings per day were 13 Afghanis (25 cents) per person, although the minimum wage was 63 Afghanis ($1.25) per day; average household size was nine to 10 persons. In Dasht-i Barchi, 60 percent of all families rented their homes and were therefore subject to landlord exploitation; 50 percent of families' income went to cover rent, and families moved frequently." **[2a] (Section 6)**

(See also Section 1: Geography – Kabul (Capital city))

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2.05 The USSD Report 2009, also noted:

"In July [2008] President Karzai signed a law doubling the minimum wage to 4,000 Afghanis ($80) for government workers. The minimum wage was 2,000 Afghanis per month ($40) in the private sector, but in practice wages were not protected. The minimum wage did not provide a decent standard of living for a worker and family. Wages were determined by market forces, informal negotiation, or, in the case of government workers, dictated by the government. Many workers were hired as day laborers." **[2a] (Section 7e)**

2.06 The International Organization for Migration (IOM) Country Sheet on Afghanistan, updated on 13 November 2009 stated that "Unemployment is not recorded on a regular basis. It is however expected to reach up to 45% in some regions, for a national average of 30-35%. Rates are high among all age groups, the youth (aged 16 to 25) being the most active group (around 25% unemployment). Seasonality can in rural areas exert a significant influence over both unemployment and under-employment (up to 40%) rates." **[38b] (p10)**

2.07 Additional basic economic data:

- GDP growth in 2009, estimated at 22.5%
- Inflation rate in 2009, estimated at 30.5%;
- Unemployment rate in 2008, estimated at 35%; and
- Labour force by occupation for years 2008-2009: agriculture 78.6%, industry 5.7%, and services 15.7% (CIA World Factbook, last updated 27 September 2010) **[3a] (Economy)**

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3. HISTORY

OVERVIEW TO DECEMBER 2001

3.01 The Freedom House report (FH), *Freedom in the World 2010*, Afghanistan, covering events in 2009, published on 3 May 2010, stated 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. Muhammad Zahir Shah ruled from 1933 until he was deposed in a 1973 coup and a republic was declared. 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 was defeated by U.S.-backed guerrillas and forced to withdraw in 1989." **[6a]**

Communist/PDPA rule (1978-1992)

3.02 The *New York Times* Profile on Afghanistan, updated 26 July 2010 noted:

"The first Soviet troops parachuted into Kabul on Dec. 27, 1979, to assist Babrak Karmal, who had become president in a coup within the Afghan Communist leadership. Moscow insisted that the troops came in response to a plea for help from a legitimately constituted Karmal Government. But most Western analysts say the Soviets engineered

the coup as a pretext to replace Hafizullah Amin, the Afghan leader, who had lost their trust.

"Soviet troops stayed in the country for more than nine years, fighting a conflict that cost them roughly 15,000 lives and undisclosed billions of rubles, while undermining the cherished image of an invincible Soviet Army. The Kabul Government generally kept a firm grip on the cities, but throughout the war was unable to rout the rebels in the countryside, where the conservative populace was antagonized at the outset by changes in social and land policies that offended Muslim tradition. After 1986, the Soviet Air Force was also rendered largely useless by advanced Stinger antiaircraft missiles supplied by the United States to the rebels.

"Eventually, after peace talks moderated by the United Nations, the last Soviet troops left Afghanistan in February 1989, in what was in effect a unilateral withdrawal. They left behind a country that was not only devastated by the war but that had become a beacon to Islamic extremists from across the globe who had come to assist in the fighting, including Osama bin Laden and the group he helped found, Al Qaeda." **[42a]**

The mujahidin in power (1992-1996)

3.03 The Freedom House 2010 Report stated that:

"The mujahideen guerrilla factions finally 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 Islamist Taliban movement entered the fray, seizing Kabul in 1996 and quickly establishing control over most of the country, the rest of which remained in the hands of other factions. In response to the terrorist attacks of September 11, 2001, the United States launched a military campaign to topple the Taliban regime and eliminate Saudi militant Osama bin Laden's terrorist network, Al-Qaeda." **[6a]**

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The Taliban in power (1996-2001)

3.04 The US Department of State's *Background Note* on Afghanistan updated on 26 March 2010 noted however that:

"The Taliban had risen to power in the mid-1990s in reaction to the anarchy and warlordism that arose after the withdrawal of Soviet forces. Many Taliban had been educated in madrassas in Pakistan and were largely from rural southern Pashtun backgrounds. In 1994, the Taliban developed enough strength to capture the city of Kandahar from a local warlord and proceeded to expand its control throughout Afghanistan, occupying Kabul in September 1996. By the end of 1998, the Taliban occupied about 90% of the country, limiting the opposition largely to a small mostly Tajik corner in the northeast and the Panjshir valley." **[2b] (Rise and Fall of the Taliban)**

3.05 The Congressional Research Service (CRC) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 17 September 2010, stated:

"The Taliban regime was led by Mullah Muhammad Umar, who lost an eye in the anti-Soviet war while fighting as part of the Hizb-e-Islami mujahedin party of Yunis Khalis.

Umar held the title of Head of State and 'Commander of the Faithful,' remaining in the Taliban power base in Qandahar and almost never appearing in public, although he did occasionally receive high-level foreign officials. Umar forged a political and personal bond with bin Laden and refused U.S. demands to extradite him. Like Umar, most of the senior figures in the Taliban regime were Ghilzai Pashtuns, which predominate in eastern Afghanistan. They are rivals of the Durrani Pashtuns, who are predominant in the south." **[22a] (p5)**

3.06 The USSD *Background Note* on Afghanistan, updated on 26 March 2010, further stated that, "The Taliban sought to impose an extreme interpretation of Islam – based upon the rural Pashtun tribal code – on the entire country and committed massive human rights violations, particularly directed against women and girls. The Taliban also committed serious atrocities against minority populations, particularly the Shi'a Hazara ethnic group, and killed noncombatants in several well-documented instances" **[2b] (Rise and Fall of the Taliban)**

3.07 The CRC report of 17 September 2010, stated:

"The Taliban progressively lost international and domestic support as it imposed strict adherence to Islamic customs in areas it controlled and employed harsh punishments, including executions. The Taliban authorized its 'Ministry for the Promotion of Virtue and the Suppression of Vice' to use physical punishments to enforce strict Islamic practices, including bans on television, Western music, and dancing. It prohibited women from attending school or working outside the home, except in health care, and it publicly executed some women for adultery. In what many consider its most extreme action, and which some say was urged by bin Laden, in March 2001 the Taliban blew up two large Buddha statues carved into hills above Bamiyan city, considering them idols." **[22a] (p6)**

3.08 The USSD *Background Note* on Afghanistan, updated on 26 March 2010, stated:

"From the mid-1990s the Taliban provided sanctuary to Osama bin Laden, a Saudi national who had fought with the mujahideen resistance against the Soviets, and provided a base for his and other terrorist organizations. Bin Laden provided both financial and political support to the Taliban. Bin Laden and his Al-Qaida group were charged with the bombing of the U.S. Embassies in Nairobi and Dar Es Salaam in 1998, and in August 1998 the United States launched a cruise missile attack against bin Laden's terrorist camp in southeastern Afghanistan. Bin Laden and Al-Qaida have acknowledged their responsibility for the September 11, 2001 terrorist attacks against the United States.

"Following the Taliban's repeated refusal to expel bin Laden and his group and end its support for international terrorism, the U.S. and its partners in the anti-terrorist coalition began a military campaign on October 7, 2001, targeting terrorist facilities and various Taliban military and political assets within Afghanistan. Under pressure from U.S. military and anti-Taliban forces, the Taliban disintegrated rapidly, and Kabul fell on November 13, 2001." **[2b] (Rise and Fall of the Taliban)**

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POST-TALIBAN (DECEMBER 2001 ONWARDS)

3.09 The CRC report of 17 September 2010, stated:

"After the September 11 attacks, the Bush Administration decided to militarily overthrow the Taliban when it refused to extradite bin Laden, judging that a friendly regime in Kabul was needed to enable U.S forces to search for Al Qaeda activists there…

"Major combat in Afghanistan (Operation Enduring Freedom, OEF) began on October 7, 2001. It consisted primarily of U.S. air-strikes on Taliban and Al Qaeda forces, facilitated by the cooperation between small numbers (about 1,000) of U.S. special operations forces and CIA [Central Intelligence Agency] operatives. The purpose of these operations was to help the Northern Alliance and Pashtun anti-Taliban forces by providing information to direct U.S. air strikes against Taliban positions. In part, the U.S. forces and operatives worked with such Northern Alliance contacts as Fahim and Amrollah Saleh, who now serves as Afghanistan's intelligence director, to weaken Taliban defenses on the Shomali plain north of Kabul (and just south of Bagram Airfield, which marked the forward position of the Northern Alliance during Taliban rule). Some U.S. combat units (about 1,300 Marines) moved into Afghanistan to pressure the Taliban around Qandahar at the height of the fighting (October-December 2001), but there were few pitched battles between U.S. and Taliban soldiers. Some critics believe that U.S. dependence on local Afghan militia forces in the war subsequently set back post-war democracy building efforts." **[22a] (p8)**

3.10 The Foreign and Commonwealth Office (FCO) *Afghanistan Country Profile*, updated 5 May 2010, 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 (known as the Bonn Agreement…), signed on 5 December 2001, set out a road map for the restoration of representative government in Afghanistan." **[4a] (History)**

3.11 The Freedom House 2010 Report noted that "As a result of the December 2001 Bonn Agreement, an interim administration took office to replace the ousted Taliban. In June 2002, the United Nations oversaw an emergency *loya jirga* (gathering of representatives) that appointed a Transitional Administration (TA) to rule Afghanistan for a further two years. Interim leader Hamid Karzai won the votes of more than 80 percent of the delegates to become president and head of the TA." **[6a]**

(See also Subsection on the Bonn Agreement)

3.12 The Freedom House 2010 Report added:

"A new constitution was ratified in January 2004. It described Afghanistan as an Islamic republic and called for a presidential system and a bicameral National Assembly. Later that year, Karzai won the landmark presidential election - Afghanistan's first in more than three decades - with 55 percent of the vote, and in December he formed a cabinet that was a mix of technocrats and regional powerbrokers. Relatively peaceful elections for the new National Assembly and 34 provincial councils were held in September 2005. However, a large number of warlords and others involved in organized crime and human rights abuses were elected." **[6a]**

3.13 The FCO *Afghanistan Country Profile* noted that "On 9 October 2004, Afghanistan held its first ever Presidential elections. On Wednesday 3 November [2004], Hamid Karzai was officially confirmed as the winner with 55.4% of the vote (70% turnout). This was a significant milestone in Afghanistan's history and evolution as a democracy." **[4a] (Politics)**

3.14 The FCO *Afghanistan Country Profile* further noted:

"Elections to the *Wolesi Jirga* (the lower house of the Afghan Parliament) were held on 18 September 2005. They were the first such elections in 36 years. These elections were more complex and a greater logistical challenge than the Presidential elections of 2004. 12.5 million Afghan voters registered, and 2735 candidates stood for election. Candidates stood in their own right as individuals, with no parties officially recognised in the elections. 51.5% of eligible voters turned out on polling day – 41% of these were women. Certified results for the Lower House were announced on 12 November 2005. Provincial election results for the Upper House followed on 27 November 2005. The electoral process was completed on 10 December 2005 when President Karzai appointed the final 34 members of the Upper House. The inaugural session of the Afghan National Assembly took place on 19 December 2005." **[4a] (Politics)**

(See also Section 5: Constitution)

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The Bonn Agreement

3.15 The Congressional Research Service report of 17 September 2010 stated:

"Immediately after the September 11 attacks, former U.N. mediator Lakhdar Brahimi was brought back (he had resigned in frustration in October 1999). U.N. Security Council Resolution 1378 (November 14, 2001) called for a 'central' role for the United Nations in establishing a transitional administration and inviting member states to send peacekeeping forces to promote stability and aid delivery. After the fall of Kabul in November 2001, the United Nations invited major Afghan factions, most prominently the Northern Alliance and that of the former King – but not the Taliban – to an international conference in Bonn, Germany.

"On December 5, 2001, the factions signed the 'Bonn Agreement.' It was endorsed by U.N. Security Council Resolution 1385 (December 6, 2001). The agreement was reportedly forged with substantial Iranian diplomatic help because Iran had supported the military efforts of the Northern Alliance faction and had leverage to persuade temporary caretaker Rabbani and the Northern Alliance to cede the top leadership to Hamid Karzai as leader of an interim administration. Other provisions of the agreement:

- authorized an international peace keeping force to maintain security in Kabul, and Northern Alliance forces were directed to withdraw from the capital. Security Council Resolution 1386 (December 20, 2001) gave formal Security Council authorization for the international peacekeeping force (International Security Assistance Force, ISAF);
- referred to the need to cooperate with the international community on counter narcotics, crime, and terrorism; and
- applied the constitution of 1964 until a permanent constitution could be drafted." **[22a] (p10)**

The full text of the Bonn Agreement can be accessed through the United Nations Assistance Mission in Afghanistan (UNAMA) website. **[18a]**

Presidential and Provincial Council elections – 20 August 2009

3.16 The Foreign and Commonwealth Office (FCO) stated on the British Embassy in Kabul's website that:

"In 2009, Afghanistan, supported by the international community, managed and ran its own nationwide elections for the first time in over 30 years. While both the presidential and provincial council votes proved controversial, they symbolise how far Afghanistan has come since the fall of the Taliban regime in 2001. The 2009 polls offered the Afghan people an opportunity to influence decisions that affect their daily lives and represent an important milestone in Afghanistan's ongoing democratic development.

"Polling took place on 20 August 2009. Afghanistan's Independent Election Commission (IEC) deployed over 144,000 staff on polling day (of whom 36% were women) to administer the vote. Over 210,000 members of civil society organisations and candidate agents were accredited to observe the polls. The Free and Fair Elections Foundation of Afghanistan (FEFA), the country's leading domestic observation body, deployed over 7,000 domestic observers in all of Afghanistan's 34 provinces. Afghan observers were joined by over 400 international observers, including a 100-strong EU Election Observation Mission.

"The elections were contested by 41 presidential candidates (including two women) and 3,180 provincial council hopefuls (333 of whom were women). While turnout was not as high as hoped, preliminary results showed over 4.6 million ballots had been cast. The IEC estimate that around 38% of voters were women.

"The IEC's initial results indicated Hamid Karzai had won the presidential race in the first round with 54.6% of the vote, followed by Dr Abdullah Abdullah. However, owing to the significant number of complaints and suspicious results, Afghanistan's Electoral Complaints Commission (ECC) subsequently ordered an audit and recount of ballots cast in the presidential race. Based on an audit of suspicious ballot boxes overseen by the ECC, the IEC announced that following the removal of fraudulent votes, no candidate had received more than 50% of the vote in the first round.

"A second round run-off was scheduled for 7 November [2009]. However, on 1 November Dr Abdullah announced that he was withdrawing from the second round. On 2 November, the IEC announced Hamid Karzai the winner and Afghanistan's president for a second term." **[4f]**

The Electoral Complaints Commission (ECC), Final Report 2009, Presidential and Provincial Council Elections – 20 August 2009 can be located on the ECC website. **[108a]**

Factsheets regarding the September 2010 elections Parliamentary elections are located on the Independent Electoral Committee (IEC) website. **[109a]**

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4. RECENT DEVELOPMENTS: - MAY TO OCTOBER 2010

4.01 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 14 September 2010, stated:

"The main political development during the reporting period [June 2010 – September 2010] was the holding of the Kabul Conference on 20 July 2010. The Conference, co-chaired by the Government and the United Nations, represented a milestone in Afghanistan's transition towards the full exercise of its sovereign authority. It was the largest international high-level event held in Kabul since the beginning of the Bonn process, with the participation of 76 international delegations.

"The Conference marked a decisive first step within the Kabul process, which began with the inaugural speech of President Hamid Karzai in 2009, and through which Afghans will gradually assume full responsibility for their own security, governance, and economic and social development. The Government of Afghanistan, in preparation for the Conference, drafted 23 national priority strategies and programmes, including the national security policy and the Afghan peace and reintegration programme. It also designed a strategy for the transfer of lead responsibility for security on a province-by-province basis, according to clearly defined conditions." **[17f] (p1-2)**

4.02 The United Nations Secretary General's report of 14 September 2010 further noted:

"The Government has made a promising start in taking forward the Kabul process. First, it has begun to detail the national priority programmes with a focus on identifying short-term (3-6 months) and medium-term (6-12 months) targets. Second, it is taking steps to strengthen public financial management and administration through joint capacity assessments of the 14 line ministries responsible for the bulk of development spending. Identified capacity and delivery gaps will be addressed through the provision of additional technical assistance through the Civilian Technical Assistance Programme, training and procurement capacity-building. Third, the Government has committed itself to maintaining and further enhancing inter-ministerial collaboration and Cabinet oversight of progress of the Kabul process." **[17f] (p8)**

4.03 The United Nations Secretary General's report of 14 September 2010 further observed the preparations for the September 2010 parliamentary elections. The report stated:

"Preparations for the parliamentary elections scheduled for 18 September 2010 were also a major political focus during this period. The publication of the final list of polling centre locations four weeks in advance was an important development that will increase the transparency of the elections. All other technical elements of the electoral preparations have also proceeded on schedule, including the finalization of the list of candidates and the beginning of the official campaign period." **[17f] (p2)**

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PARLIAMENTARY ELECTIONS – 18 SEPTEMBER 2010

4.04 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 14 September 2010, stated:

"The election campaign began on 23 June [2010], on schedule, following the finalization of the list of candidates… The Independent Electoral Commission on 12 July [2010] announced the final list of candidates for the national assembly elections. The final list reflected the exclusion of 36 candidates by the Commission on the ground of links to illegal armed groups. The Electoral Complaints Commission, thereafter, excluded additional candidates for technical irregularities, bringing the total number of excluded candidates to 76 as at 5 September [2010]. Twelve of the excluded candidates are women. As at 5 September, the number of candidates eligible to contest is 2,513, including 397 (or 15 per cent) women and 52 Kuchis (42 men and 10 women), who will stand for the 249 parliamentary seats. Two hundred and twenty-nine of the sitting 249 members of Parliament are seeking re-election." **[17f] (p2)**

4.05 The Foreign and Commonwealth Office (FCO) overview of the Parliamentary elections, 2010, noted that "With nearly 2,500 candidates competing for 249 seats in Parliament, these elections represent a huge organisational and logistical task for the Afghan authorities. Following polling day on 18 September, the tallying and results process is now underway. The IEC [Independent Electoral Committee] expects to announce the results of the election on 30 October 2010." **[4h]**

Factsheets regarding the September 2010 elections Parliamentary elections are located on the Independent Electoral Committee (IEC) website. **[109a]**

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5. CONSTITUTION

5.01 The Foreign and Commonwealth Office (FCO) *Afghanistan Country Profile*, updated 5 May 2010 noted "A new Afghan Constitution was agreed on 4 January 2004 during the Constitutional Loya Jirga, establishing a presidential system of government with all Afghans equal before the law. It enshrined human rights and gender equality within the Afghan political system, and guaranteed a number of seats for women in both Houses of the National Assembly (Parliament). There are also provisions for minority languages and the rights of the Shia minority." **[4a]**

5.02 The Islamic Republic of Afghanistan Office of the President accessed on 20 July 2010 stated that "The present Constitution of the Islamic Republic of Afghanistan was agreed upon by more than 500 delegates representing Afghan men and women from across the country at the Constitutional Loya Jirga (December 13, 2003 - January 4, 2004). The Constitution was formally ratified by President Hamid Karzai at a ceremony in Kabul on January 26, 2004." **[30a]**

5.03 The Constitution includes provisions for citizens' rights and human rights, including:

"**Article Twenty-Two**

Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law…

"**Article Twenty-Nine**

Persecution of human beings shall be forbidden. No one shall be allowed to or order torture, even for discovering the truth from another individual who is under investigation, arrest, detention or has been convicted to be punished. Punishment contrary to human dignity shall be prohibited…

"**Article Thirty-Three**

The citizens of Afghanistan shall have the right to elect and be elected. The conditions of exercising this right shall be regulated by law.

"**Article Thirty-Four**

Freedom of expression shall be inviolable. Every Afghan shall have the right to express thoughts through speech, writing, illustrations as well as other means in accordance with provisions of this constitution. Every Afghan shall have the right, according to provisions of law, to print and publish on subjects without prior submission to state authorities. Directives related to the press, radio and television as well as publications and other mass media shall be regulated by law…

"**Article Thirty-Nine**

Every Afghan shall have the right to travel and settle in any part of the country, except in areas forbidden by law. Every Afghan shall have the right to travel outside Afghanistan and return, according to the provisions of the law. The state shall protect the rights of the citizens of Afghanistan outside the country…

"**Article Forty-Four**

The state shall devise and implement effective programs to create and foster balanced education for women, improve education of nomads as well as eliminate illiteracy in the country…

"**Article Fifty-Two**

The state shall provide free preventative healthcare and treatment of diseases as well as medical facilities to all citizens in accordance with the provisions the law. Establishment and expansion of private medical services as well as health centers shall be encouraged and protected by the state in accordance with the provisions of the law. The state shall adopt necessary measures to foster healthy physical education and development of the national as well as local sports…

"**Article Fifty-Eight**

To monitor respect for human rights in Afghanistan as well as to foster and protect it, the state shall establish the Independent Human Rights Commission of Afghanistan. Every individual shall complain to this Commission about the violation of personal human rights. The Commission shall refer human rights violations of individuals to legal authorities and assist them in defense of their rights. Organization and method of operation of the Commission shall be regulated by law." **[30a]**

The Constitution can be accessed via the Islamic Republic of Afghanistan Office of the President website. **[30a]**

6. POLITICAL SYSTEM

OVERVIEW

6.01 The Central Intelligence Agency (CIA) World Factbook, updated on 27 September 2010, noted that Afghanistan is an Islamic republic; the Government consists of both executive and legislative branches. **[3a] (Government)**

6.02 The Economist Intelligence Unit (EIU) 2008 Country Profile of Afghanistan noted that: "Following the collapse of the extremist Islamic regime of the Taliban in 2001, Afghanistan's constitution was amended to re-establish the country as an Islamic republic with democratic elections for the National Assembly (parliament) and the presidency… Afghanistan is a democratic state, with a directly elected president and a bicameral National Assembly (parliament), the lower chamber of which, the Wolesi Jirga, is directly elected… Hamid Karzai was inaugurated for a second term as president in November 2009 after a disputed election held in August 2009. Elections for the lower house and provincial councils were held in September 2005. Candidates stood as individuals rather than as representatives of parties. The next lower house election is due in 2010." **[84b] (p4-5)**

THE EXECUTIVE BRANCH

6.03 The Central Intelligence Agency (CIA) World Factbook, last updated 27 September 2010, noted that Hamid Karzai has held the position of President since December 2004 and as President, holds the position of head of government. Mohammad Fahim Khan is First Vice President, and has held the position since 19 November 2009. The cabinet is made up of 25 ministers who, under the new constitution, are appointed by the President and approved by the National Assembly. **[3a] (Government)**

6.04 The CIA World Factbook further noted that "… the president and two vice presidents are elected by direct vote for a five-year term (eligible for a second term); if no candidate receives 50% or more of the vote in the first round of voting, the two candidates with the most votes will participate in a second round; a president can only be elected for two terms; election last held 20 August 2009 (next to be held in 2014)." **[3a] (Government)**

THE LEGISLATIVE BRANCH

6.05 Central Intelligence Agency (CIA) World Factbook, last updated 27 September 2010, stated that:

"the bicameral National Assembly consists of the Meshrano Jirga or House of Elders (102 seats, one-third of members 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) and the Wolesi Jirga or House of People (no more than 249 seats); members directly elected for five-year terms

note: 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." **[3a] (Government)**

PROVINCIAL COUNCILS

6.06 There are 34 Provincial Councils in Afghanistan. (CIA World Factbook, last updated 27 September 2010) **[3a] (Government) [3a]** A UN Report dated 11 September 2006 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." **[17a] (p5)**

6.07 When reporting on the 2009 Presidential elections, the Independent Election Committee (IEC) Factsheet on Provincial Councils stated that:

"It is the responsibility of the Provincial Councils members to represent and listen to the concerns of the people of the province and will play an important role in the development of provincial policy and expenditure. Provincial Councils have an important consultative and participatory role in many aspects of provincial affairs. For example, Provincial Councils will participate in determining the provincial development objectives of government in fields such as economic, social, health, education, reconstruction, and will contribute to the improvement of the province.

"The members of the Provincial Council are responsible for working with people to resolve conflicts, such as ethnic conflict and local disputes, for following the laws of the Government of Afghanistan.

"Provincial Council members work closely with the Provincial Governor and other government departments by holding regular monthly meetings. They are required to hold general public meetings at least once every three months." **[32a]**

POLITICAL PARTIES

6.08 The United Nations High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, July 2009, stated that:

"The emergence and formation of political parties in Afghanistan has a long and complex history. Since 2002, the political party system is in almost continuous mutation. Older and more stable parties coexist with new tendencies, and alliances are volatile. Current leftist tendencies (other than those with former links with the PDPA [People's Democratic Party of Afghanistan]) include underground movements with roots in the sixties, movements already existing during the Taleban period that have recently adopted a moderate agenda, and youth movements supporting Western-style social-democracy." **[19b] (p30)**

6.09 The USSD *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted 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 [2009] 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)**

A copy of the Political Parties Law may be accessed via the Afghanistan Online website. **[33a]**

(See also Section 17: 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 Afghanistan Ministry of Justice)

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Human Rights

7. INTRODUCTION

7.01 When presenting the Annual Report for 2009 the Chair of the Afghanistan Independent Human Rights Commission (AIHRC), Dr. Sima Samar stated:

"The human rights situation in Afghanistan remains bleak. The deteriorating security situation has continued to severely hamper the enjoyment of human rights throughout the country, particularly by vulnerable people such as women, children, persons with disabilities and internally displaced persons. Despite existing commitments, strategies, and policies developed to improve the human rights situation, many men, women and children continue to suffer from extreme poverty, high unemployment, systemic discrimination and a lack of access to healthcare, schools and adequate housing. Implementation and enforcement of legislation to protect human rights also remains limited due to weak judicial institutions. The low level of public awareness about human rights has also prevented citizens from realising and accessing their rights and misperceptions about human rights have been used to justify human rights violations such as forced and child marriage and to deny women's rights to education, work and political participation." **[14a] (p5)**

7.02 The USSD *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010, (USSD Report 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
- the use of child soldiers in armed conflict
- and child labor." **[2a] (Introduction)**

7.03 The Amnesty International Report 2010: *The state of the world's human rights: Afghanistan* (AI Report 2010), published on 27 May 2010, stated:

"Afghan people continued to suffer widespread human rights violations and violations of international humanitarian law more than seven years after the USA and its allies ousted the Taleban. Access to health care, education and humanitarian aid deteriorated, particularly in the south and south-east of the country, due to escalating armed conflict between Afghan and international forces and the Taleban [Taliban] and other armed groups. Conflict-related violations increased in northern and western Afghanistan, areas previously considered relatively safe." **[5a]**

7.04 The Foreign and Commonwealth Office (FCO) website, accessed on 22 July 2010, provided an update on the Human Rights situation in Afghanistan, which noted "Despite the difficult security situation, progress continued to be made across nearly all areas of human rights protection in Afghanistan in 2009. Eighty-five per cent of people now live in a district with access to basic healthcare, compared with nine per cent in 2003. Infant mortality rates are down, with 96,000 more under-fives surviving each year, including in 2009." **[4b]**

7.05 With regards to the position of human rights for women, the Human Rights Watch (HRW) *World Report 2010*: Afghanistan, covering events of 2009, published on 19 January 2010, observed:

"The vulnerability of women's and girls' rights was demonstrated in February-March 2009 when the Parliament passed and the president signed the Shia Personal Status Law, which contained many articles offensive and dangerous to women. After a national and international outcry, and an unprecedented campaign by Afghan women's rights activists, the law was amended, but many articles remained that conflict with the Afghan constitution and international human rights standards. One provision grants child custody rights exclusively to fathers and grandfathers. Another forbids a wife from leaving her house without her husband's permission unless she has 'reasonable legal reasons,' which are unspecified. A more positive legislative development was the success of Afghan women's rights activists in getting a law on the Elimination of Violence Against Women passed. Although there are serious flaws in the legislation, it creates the crime of rape in Afghan law for the first time. Violence against women and girls remains endemic, with prevention or justice for victims obstructed by cultural barriers as well as bias and misogyny among many security officials and judges. Many of the women who campaigned against the Shia law came under threats and pressure." **[7a] (p259-260)**

7.06 The USSD Report 2009 observed that, "Reports of human rights violations were actively exploited and sometimes manufactured by the Taliban and other insurgent groups for propaganda purposes". **[2a] (Introduction)**

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8. SECURITY SITUATION

OVERVIEW

Owing to the continued deterioration of the security situation, the gathering of representative base-line data, particularly outside of urban areas and in the south and south-east, is extremely difficult, and thus sources are few.

8.01 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 14 September 2010, stated:

"The security situation has continued to deteriorate in many parts of the country, the overall number of security incidents having increased by 69 per cent compared to the same months in 2009. This can be attributed to a combination of factors, including increased international troop levels and a corresponding increase in security operations by the Afghan National Security Forces, and increased number of incidents using improvised explosive devices, by 82 per cent compared to the same period in 2009. One device targeted a UNAMA convoy in Parwan Province, killing three police escorts and a driver. Complex suicide attacks involving multiple bombers doubled from the previous period to a rate of four per month and continued to target the guesthouses and offices of international civilian development agencies. Such attacks negatively affect the population's confidence in the ability of the Afghan and international security forces to uphold the rule of law and deliver essential social services." **[17f] (p4-5)**

8.02 The United Nations Assistance Mission in Afghanistan (UNAMA) *Afghanistan Mid Year Report on Protection of Civilians in Armed Conflict 2010*, August 2010, stated:

"The human cost of the armed conflict in Afghanistan is escalating in 2010. In the first six months of the year civilian casualties – including deaths and injuries of civilians – increased by 31 per cent over the same period in 2009. Three quarters of all civilian casualties were linked to Anti-Government Elements (AGEs), an increase of 53 per cent from 2009. At the same time, civilian casualties attributed to Pro-Government Forces (PGF) decreased by 30 per cent compared to the first half of 2009." **[18d] (Executive Summary)**

8.03 The UNAMA report recorded that:

"Between 01 January and 30 June 2010, UNAMA HR [Human Rights] documented 3,268 civilian casualties including 1,271 deaths and 1,997 injuries. AGEs were responsible for the deaths and injuries of 2,477 civilians or 76 per cent of the total number of civilian casualties for this period. Suicide and IED attacks caused the most civilian casualties attributed to AGEs including 557 deaths (61 per cent of civilian deaths attributed to AGEs) and 1,137 injuries (73 per cent of civilian injuries attributed to AGEs)." **[18d] (Executive Summary)**

8.04 However, the Institute for War and Peace Reporting (IWPR) reported on 15 September 2010 that the Taliban had disputed the UNAMA casualty figures:

"The Taleban [Taliban] have disputed the findings of a United Nations report holding them responsible for most civilian deaths in Afghanistan this year, and have called for an independent commission to be set up to investigate casualties. In what looks like a

concerted effort to challenge the version of events given by the Afghan government's international allies, the insurgents have also invited journalists to visit areas from which – according to coalition forces – they have been driven out... Rejecting these figures, Taleban representatives insisted that foreign forces were responsible for most casualties, and said they were ready to cooperate fully with a fresh investigation conducted by an independent body." **[27d]**

8.05 The IWPR further added:

"Mohammad Sediq, who has moved to the capital from Helmand province, which has seen heavy fighting in recent months and years, said he believed foreign forces were responsible for the majority of casualties. 'Those who sit in luxury offices and comment about civilian casualties… can't tell good from bad because they're intoxicated with dollars,' he said. 'People in the war zone and those who've lost relatives know the reality. If the government and the foreign forces aren't afraid of telling the truth, why won't they agree to conduct an investigation?' Political analyst Wahid Mozhda accused the UN of undermining its own credibility with its latest report, and he insisted that it was the international forces that inflicted most civilian casualties. 'There have been dozens of cases where two Taleban have been killed and dozens of innocent people including women and children have been wiped out in attacks and bombardments by foreign forces, yet those forces have counted them all as Taleban or al-Qaida,' he said. by contrast, he said, 'The Taleban leader Mullah Mohammad Omar has issued a statement asking his men to be more careful when comes to civilian casualties. We've seen a fall in the number of suicide attacks since this statement came out.'" **[27d]**

8.06 The Afghan Independent Human Rights Commission (AIHRC) report *Civilian Casualty Figure; First Seven Months of 2010 (1st January – 31st July)*, published 8 August 2010, however, recorded an increase in the number of civilian casualties by 5.5% compared to the first seven months of 2009. The report stated "In the first seven months of year 2009 approximately 1252 civilians were killed during the armed conflict but this figure rise [sic] to 1325 in 2010." **[14f] (p1)**

AIHRC recorded civilian casualties January – July 2009 and January – July 2010:

Month	2009	2010
January	141	96
February	149	189
March	129	127
April	128	122
May	271	181
June	236	294
July	198	316
Total	**1252**	**1325**

[14f] (p2)

AIHRC breakdown of civilian casualties based on perpetrators:

- Anti Government Elements 895 - 67.57%
- Pro Government 303 - 22.86%
- Unknown 127 - 9.584% **[14f] (p3)**

Further data providing the breakdown of civilian casualties by region can be located in the Afghan Independent Human Rights Commission (AIHRC) report *Civilian Casualty Figure; First Seven Months of 2010 (1st January – 31st July)*, published 8 August 2010. **[14f] (p4)**

8.07 The AIHRC report on civilian casualty figures, further stated:

"In 2010, as per changes of tactics of Pro-government Forces and Anti-government Elements, there are rare changes in cause and types of civilian deaths then 2009. Last year, based on the types of attacks, Land mines and IEDs [Improvised Explosive Devices] by AGEs [Anti-Government Elements] had the most casualties which in the year 2010 remain to its extreme level, but casualties caused by suicide attacks have had a decreased then the last year. Execution and target killings have replaced the suicide attacks and have taken the lives of nearly 197 civilians in the first seven months of 2010 while in the year 2009, number of 225 civilians were executed during the whole year. The executions of civilians, especially government officials, relatives of security personal, tribe elders and government supporters have been increased seemingly in the South of Afghanistan." **[14f] (p1)**

8.08 The US Department of Defence, *Report on Progress Toward Security and Stability in Afghanistan and United States Plan for Sustaining the Afghanistan National Security Forces*, April 2010, stated:

"The insurgents perceive 2009 as their most successful year. Taliban leader Mullah Omar's recent directives reiterated prohibitions regarding mistreating the population, taking children to conduct jihad, searching homes, kidnapping people for money, and other activities that could turn the population against the Taliban. Expanded violence is viewed as an insurgent victory, and insurgents perceive low voter turnout and reports of fraud during the past Presidential election as further signs of their success.

"The Afghan insurgency has a robust means of sustaining its operations. Small arms weapons and ammunition are readily available throughout the region, in addition to sources of improvised explosive devices (IED) and home-made explosive materials and technology. External funding is top-down, while internal funding is bottom-up, providing the Taliban consistent streams of money to sufficiently fund operations. Internally, a significant portion of funds are derived from taxing the opiate trade. Externally, funding originates in Islamic states and is delivered via couriers and hawalas [an informal value transfer system based on the performance and network of money brokers, called hawaladars]. A ready supply of recruits is drawn from the frustrated population, where insurgents exploit poverty, tribal friction, and lack of governance to grow their ranks. At this point, the insurgency exhibits several strengths and weaknesses.

"**Insurgent Strengths:**

- The speed and decisiveness of insurgent information operations and media campaigns remain not only the insurgents' main effort, but also their most significant strength.

- Organizational capabilities and operational reach are qualitatively and geographically expanding.

- The ability to intimidate through targeted killings and threats in order to force acquiescence to their will.
- The strength and ability of shadow governance to discredit the authority and legitimacy of the Afghan Government is increasing.
- IED use is increasing in numbers and complexity; IEDs are as much a tactic and process as they are a weapon.
- Insurgents' tactics, techniques, and procedures for conducting complex attacks are increasing in sophistication and strategic effect.

"**Insurgent Weaknesses and Vulnerabilities:**

- The insurgency includes multiple locally-based tribal networks, as well as layered command structures, which at times can make decentralized execution difficult.
- Persistent fissures among insurgent leadership persist at the local levels.
- The insurgency is dependent on many marginalized / threatened segments of the Pashtun population.
- The insurgency is over-reliant on external support.
- Insurgent violence against civilians and respected figures can be counterproductive." **[60a] (p21-22)**

8.09 The April 2010 US Department of Defence report further noted:

"Following the December 2009 announcements of the troop uplift, insurgent leaders directed their commanders to avoid large-scale confrontation with ISAF [International Security Assistance Force] forces and to increase the use of IEDs. This reporting period has seen insurgent combatants adhere closely to their leaders' intent with a 236% increase in IEDs [Improvised Explosive Devices] noted across the country and a marked increase in stand-off tactics compared to the same period last year. ISAF forces have enjoyed some success in clearing insurgents from their strongholds, particularly in central Helmand, but progress in introducing governance and development to these areas to move toward hold and build operations has been slow. The insurgents' tactic of re-infiltrating the cleared areas to perform executions has played a role in dissuading locals from siding with the Afghan Government, which has complicated efforts to introduce effective governance." **[60a] (p23)**

8.10 The April 2010 US Department of Defence report further observed:

"Over the first quarter of 2010, the insurgents' strategy has proven effective in slowing the spread of governance and development; however, the insurgency has also been under unprecedented pressure. Reporting indicates increased and often strained efforts to resource the fight, which has led to tension and sporadic dips in morale. From the insurgents' perspective, this strain has been compounded by the recent high-profile arrests of several Pakistan-based insurgent leaders by Pakistani authorities and removal of many Afghanistan-based commanders, predominantly by international partner special operations forces (SOF). The arrests in Pakistan have increased

insurgent leaders' concern over the security of their safe havens. Financial and logistical support has also proven problematic for combatants operating in areas where recent key leaders have been arrested. If suitable replacements for those captured leaders are not found quickly, combatants in those areas will be impacted. International partner SOF operations against insurgent commanders have also caused short-term disruption to insurgent activity, but their real value may be the longer-term effect on replacement commanders' commitment to the insurgency. This is a difficult metric to obtain data on..." **[60a] (p24)**

8.11 The same source report added:

"ISAF, in coordination with the Afghan Government, continues to conduct clear, hold, build, and sustain operations throughout Afghanistan in support of the NATO mission. In order to execute military operations more effectively, COMISAF continued to refine his strategy by promulgating three new operational directives in addition to the Tactical Directive, Partnering Directive, COIN Guidance, and the Driving Directive..." The directives are described more fully in the US Department of Defence, Report on Progress Toward Security and Stability in Afghanistan and United States Plan for Sustaining the Afghanistan National Security Forces, April 2010 **[60a] (p24-25)**

8.12 The United Nations Secretary-General report of 14 September 2010 noted:

"Anti-government elements significantly increased their assassination campaign. During the reporting period [June 2010 – September 2010], 21 people were reported to be assassinated each week, compared to seven per week in the previous period. The majority of assassinations continue to occur in the south and south-east, primarily targeting Government officials, civilians and members of the Afghan National Security Forces. Ten members of a humanitarian non-governmental organization were killed in southern Badakhshan Province when returning from a medical mission early in August. Both the Taliban and Hezb-e Islami of Gulbuddin Hikmatyar claimed responsibility for the attack, but the actual perpetrators remain unknown." **[17f] (p5)**

8.13 With regards to security sector reform, the United Nations report of 14 September 2010 stated:

"Community-based defence initiatives across Afghanistan are intended to stem the spread of insurgency and mitigate the challenges associated with the recruitment and retention of the Afghan National Security Forces. UNAMA [United Nations Assistance Mission in Afghanistan] has provided advice to the Government and ISAF in the development of an overarching framework, within which all community-based defence initiatives will be subsumed and linked to reintegration efforts. My Special Representative has received assurances from both the Government and ISAF that the recruitment of Police-e-Mahali (Afghan Local Police) units across Afghanistan will reflect the country's ethnic and tribal composition. Ongoing training of recruits, which includes a human rights component, aims at ensuring that they are suitably prepared for possible inclusion in the National Security Forces. The Afghan Local Police will also be strictly defensive in nature and, finally, those units will be subordinate to the command and control of the Afghan National Security Forces." **[17f] (p5)**

8.14 Integrated Regional Information Networks (IRIN) reported on 4 October 2010 that:

"Armed violence has been widespread since the demise of the Taliban regime nine years ago but NGOs are not being deliberately targeted by Taliban insurgents, according to the Afghanistan NGO Safety Office (ANSO). 'We don't believe the Taliban have a strategic intent to target NGOs,' Nic Lee, director of ANSO, told IRIN, adding that in areas under their control Taliban insurgents sometimes even prohibit attacks on NGOs. The insurgents were responsible for 483 security incidents on 18 September [2010] – voting day in the parliamentary elections which the Taliban opposed – but only two mortars landed near NGO offices, causing no casualties, ANSO said. 'Armed violence has escalated phenomenally – 50-60 percent higher than last year – but incidents involving NGOs have decreased,' said Lee. However, 'collateral damage' and risks posed by criminal gangs are impeding aid activities, he said. At least 84 security incidents involving NGOs were recorded from 1 January to 15 September [2010] by ANSO." **[29e]**

(See also Section 19: Human rights institutions, organisations and activists)

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SECURITY IN DIFFERENT REGIONS

8.15 Jane's Sentinel *Country Risk Assessment: Afghanistan*, Security, updated 10 September 2010, observed that:

"The deteriorating security situation in the south and east of the country can be attributed to the increased tempo and scale of operations launched by militant Islamist insurgents from either side of the Afghan-Pakistan border. While these are invariably depicted as falling under the convenient Taliban/Al-Qaeda banner, the reality is far more complex. The relatively limited pool of hard core Taliban ideologues is swollen by an expedient blend of local men hired to fight, local leaders keen to preserve their revenue streams, opium farmers angered by government crop eradication programmes and foreign fighters seeking to use Afghanistan as part of a global jihad." **[36b]**

8.16 Afghanistan Rights Monitor *ARM Mid-Year Report Civilian Casualties of Conflict January-June 2010* stated:

"The Taliban-led insurgency, which has deep roots in Pakistan's Balochistan and Sindh provinces, has been the largest insurgent network with a strong focus on southern Afghanistan. Taliban fighters are most active in rural areas where they force communities to provide them with different kinds of support such as foot soldiers, finance and logistical services. Taliban sub-commanders and other mid-level operatives interact with tribal elders which enables local interlocutors to convey peoples' concerns about civilian casualties and the impacts of Taliban's fighting tactics on civilian people. Taliban fighters are largely engaged in suicide and IED attacks, ambushes, targeted assassinations and harassment and intimidation activities." **[103a] (p9)**

8.17 Jane's Sentinel Country Risk Assessment: Afghanistan, Security, updated 10 September 2010, also observed that:

"Northern provinces have become the scene of rivalry between two former United Front (UF, also known as Northern Alliance) factions, Jamiat-i-Islami and Jombesh-i-Milli. Their leading figures, respectively the Tajik Atta Mohammad and the Uzbek Abdul

Rashid Dostum, had been members of the Karzai government and hold the military rank of general, recognised by the Afghan Ministry of Defence. Neither Dostum nor Mohammad has demonstrated a genuine desire to seek peaceful resolution of their power struggle and ongoing violence indicates that northern regions will remain outside Kabul's control for the foreseeable future." **[36b]** The Afghan–Pakistan border region is widely believed to be the front line in the war against Islamic militants. The British Broadcasting Corporation (BBC) website provided a map, updated in December 2009, showing the state of militant activity on either side of the border. **[28k]**

8.18 The Afghanistan National Safety Office (ANSO) Quarterly Data Report Q2 2010 covering 1 January – 30 June 2010 reported that the first half of 2010 also saw an increase of attacks on private development organisations (PDOs) with more than 30 staff killed and 50 injured between January and April. Most attacks were reported in the south but nine provinces have seen deterioration in security, including Nangahar, Paktya, Kandahar, Paktika, Uruzgan, Helmand, Ghazni, Fara and Kunduz. Incidents involving Non-Governmental Organisations (NGOs), however, have occurred predominantly in the north/north west. Data on the incidents can be located on the ANSO Quarterly Data Report. **[89a]**

8.19 The International Council on Security and Development (ICOS) report *Operation Moshtarak: Lessons Learned*, March 2010, stated:

"NATO's Operation Moshtarak, launched in February 2010 in Helmand province, was the first deployment after the beginning of the much-debated surge of 30,000 additional US troops. It was billed as the largest military operation since the invasion of 2001…

"The main focus of Operation Moshtarak was on the Nad Ali district of Helmand province, targeting in particular the area of Marjah, which for several years had been under the control of the Taliban. Up to 15,000 American, British, other coalition forces and Afghan troops were deployed for the operation. The offensive has been described as the largest in Afghanistan since the fall of the Taliban government in October-December 2001…

"The offensive was extensively planned in advance, and the emphasis was placed on protecting the Afghan people. Above all, Operation Moshtarak was to be Afghan-led. Afghan security forces were placed in the frontline alongside NATO combat troops, and Afghan officials were on standby as a 'government in a box' ready to provide administration and services after the district fell." **[10a] (p2,5)**

8.20 The first stage of the operation was deemed a success as US and British forces seized a number of Taliban strongholds across central Helmand province (*Telegraph* online, 13 February 2010). **[63b]**

8.21 Towards the end of February 2010, Operation Moshtarak, in which four British troops lost their lives, entered its final stages and saw the enemy either killed or retreat back into the Afghan population. Sky News reported:

"As a result of Operation Moshtarak, markets in both Nad-e-Ali and Marjah are starting to open again, Lindy Cameron, the head of the multinational Provincial Reconstruction Team in Helmand, said. He was quoted by the Ministry of Defence as saying: 'As well as local people being able to buy their own food again, the Afghan National Army can

now get their own supplies, and yesterday Afghan soldiers were walking back to their checkpoints with food they had bought in the local bazaar.'" **[87a]**

8.22 An article in the *New York Times* online, updated 28 September 2010, reported

"In late September 2010, American and Afghan troops began active combat in an offensive to drive the Taliban out of their strongholds surrounding the city of Kandahar. It was the first large-scale combat operation involving multiple objectives in Kandahar Province, where a military offensive was originally expected to begin in June. That offensive was downgraded to more of a joint civil-military effort after the military encountered problems containing the Taliban in the much smaller city of Marja and because Afghan leaders feared high civilian casualties." **[87a]**

The US Department of Defence, Report on Progress Toward Security and Stability in Afghanistan and United States Plan for Sustaining the Afghanistan National Security Forces, April 2010, contains maps of insurgent areas of operation **(p23)**, Afghanistan and Pakistan military operations **(p33)**; and key border crossings **(p33). [60a]**

The Afghanistan Information Management Services (AIMS) website provides district profiles and maps on Afghanistan. **[91a]**

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.

Some of the main media sources that report the news include BBC News South Asia **[28]**, Al Jazeera - Central and South Asia **[67]** Radio Free Europe/Radio Liberty **[50a]** and Reuters web sites also provide details of incidents as they occur.

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9. CRIME

9.01 The Foreign and Commonwealth Office (FCO) travel advice for Afghanistan, updated on 20 July 2010, observed that "Crime is a serious countrywide concern, particularly in rural areas. Foreigners have been the victims of violent attacks, including armed robbery and rape." **[4c] (Crime)**

9.02 The US Department of State (USSD) *Afghan Country Specific Information*, updated March 2010, stated that "A large portion of the Afghan population is unemployed, and many among the unemployed have moved to urban areas. Basic services are rudimentary or non-existent. These factors may directly contribute to crime and lawlessness. Diplomats and international relief workers have reported incidents of robberies and household burglaries as well as kidnappings and assault." **[2c] (Crime)**

9.03 Integrated Regional Information Networks (IRIN) reported on 4 October 2010 that "… in highly insecure and lawless areas, where neither the government nor the Taliban are fully in control, and criminal groups operate freely, aid organizations face serious risks of abduction, theft and other financially-motivated attacks, experts say." **[29e]**

(See also Section 19: Human Rights Institutions, Organisations and Activists)

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OPIUM PRODUCTION

9.04 The United Nations Office on Drugs and Crime (UNODC) *Programme in Afghanistan*, August 2010 stated:

"UNODC has been providing ongoing technical and financial assistance to Afghanistan in drug control and crime prevention. Efforts have been made to enhance the capacity of the Afghan Government and authorities to tackle the narcotic drugs problem effectively and to strengthen legal institutions. In order to complement UNODC's justice reform programme, the current project focuses on strengthening the Afghan Government's capacity to effectively tackle corruption throughout the country." **[65c] (p8)**

9.05 The report further added

"To address the interdiction of narcotics, an Afghan operational counter narcotics law enforcement structure will be established within the National Police Structure under the Ministry of Interior, known as the Counter Narcotics Police of Afghanistan (CNPA). It is recognized that the long-term development of the CNPA requires the establishment of a professional training mechanism that can develop and deliver a wide-ranging drug law enforcement curriculum. The training ensures development of current staff and new staff to be inducted in the future. The developed training is also being delivered to other relevant police groups and agencies (e.g. regular police, border police, customs, judiciary, forensics, etc.). This project is developing a recognized Professional Police Training Unit with a trained and dedicated staff to carry out CN training." **[65c] (p6)**

9.06 The UNODC *Afghanistan Opium Survey 2010 Summary Findings*, September 2010 noted

"The total opium poppy cultivation estimated for Afghanistan in 2010 did not change from 2009 and remained at 123,000 hectares. Ninety eight per cent of the total cultivation took place in nine provinces in the Southern and Western regions, including the most insecure provinces in the country. This further substantiates the link between insecurity and opium cultivation observed since 2007.

"Total opium production in 2010 was estimated at 3,600 metric tons (mt), a 48% decrease from 2009. The sharp decline was due to the spread of a disease that affected opium fields in the major growing provinces, particularly Hilmand [Helmand] and Kandahar. The disease started to appear in the fields after flowering in spring. This was too late to plant another crop, therefore the disease did not change the area under opium cultivation. The major effect of the disease was visible in the yield which dropped to 29.2 kg/ha, a 48% reduction from 2009.

"Virtually all opium production (96%) took place in the same southern and western provinces where cultivation is concentrated. The other provinces produced only 4% of the country's total opium in 2010." **[65e] (Summary Findings)**

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Blood feuds

9.07 The United Nations High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, July 2009, stated that:

"Blood feuds in Afghanistan can be long-running conflicts, with a cycle of retaliatory violence between parties. This violence often targets individuals by association with the family or tribe of the person seen as wrongdoer. In such situations, the victim's tribe or family members seek revenge by killing, physically injuring or publicly shaming the perpetrator or persons related by family or tribe. This is a practice well recognized as part of the traditional moral code of the Pashtuns or Pashtunwali. However, this tradition has also entered the practices of other ethnic groups. The fact that a dispute has been solved through a formal justice mechanism does not normally put an end to a blood feud...

"In the context of blood feuds, several factors should be taken into consideration in determining the risk upon return, including the nature of the blood feud, the experiences of other members of the family or clan engaged in the feud (e.g. whether any family members have been killed or injured by the opposing family or clan), and the cultural context. Since family membership falls within the ambit of the 'membership of a particular social group', in blood feud cases, it would be possible to define the particular social group, for instance, as 'family members involved in a blood feud' or 'family members targeted because of an ancient code', or 'male members of a family targeted under a traditional blood feud canon'." **[19b]**

(See also Section 20: Corruption and Section 28: Medical Issues)

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10. SECURITY FORCES

OVERVIEW

10.01 The Council on Foreign Relations background information on *Afghanistan's National Security Forces*, dated 16 April 2009, stated:

"Afghanistan's National Security Forces consist of three principle components - the army, the army air corps, and the national police. Within these units, specialized personnel round out the country's security capabilities, including communications and logistical staff, border guards, and narcotics officers. Yet as sound as the country's security apparatus appears on paper, its effectiveness, professionalism, and state of readiness remains uneven. In March 2009, with violence in Afghanistan at an all-time high, President Obama vowed to 'accelerate our efforts to build an Afghan Army of 134,000 and a police force of 82,000 so that we can meet these goals by 2011.' The U.S. government has spent at least $16.5 billion (PDF) to train and equip Afghan army and police forces. But experts say realizing the new Obama endgame – turning over 'security responsibility to the Afghans' – will take time, money, and far more resources than have been committed." **[34a]**

10.02 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted that:

"Three ministries have responsibility both in law and in practice for providing security in the country. The ANP [Afghan National Police], under the MOI [Ministry of Interior], has primary responsibility for internal order but increasingly was engaged in fighting the insurgency. The ANA [Afghan National Army], under the Ministry of Defense (MOD), is responsible for external security. The NDS [National Directorate of Security] had responsibility for investigating cases of national security and also functioned as an intelligence agency. In some areas certain individuals, some of whom reportedly were linked to the insurgency, maintained considerable power as a result of the government's failure to assert control. NATO [North Atlantic Treaty Organisation] remained in control of ISAF [International Security Assistance Force], which worked closely with the national security forces." **[2a] (Section 1d)**

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POLICE

Afghan National Police (ANP)

10.03 The Afghan Research and Evaluation Unit (AREU) report, *Cops or Robbers? The Struggle to Reform the Afghan National Police*, published in July 2007, observed that:

"Article 5 of the Police Law details the wide-ranging duties and obligations of the police, which include:

- Ensuring and maintaining public order and security;
- Ensuring and protecting the security and legal rights and freedoms of individuals and society;
- Preventing crime, discovering crimes and arresting suspects;
- Protecting public and private property;
- Fighting against the cultivation of poppies and marijuana, and the production and trafficking of illegal drugs;
- Fighting against organised crime and terrorism;
- Regulating road traffic;
- Responding to and assisting victims of natural disasters; and
- Safeguarding borders, preventing smuggling, and controlling check posts at borders and international airports." **[13a] (p5-7)**

10.04 Jane's Sentinel Country Risk Assessment: Afghanistan, Security and Foreign Forces section, updated on 3 December 2008, stated that:

"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. During and immediately after the period of the Taliban government, Afghanistan had no centralised police service, although the United Front (UF, also known as the Northern

Alliance) fighters who took over Kabul in 2001 were swift to declare themselves the primary guarantor of security in the capital." **[36a]**

10.05 The Congressional Research Service (CRC) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 17 September 2010, stated "Most police are under-equipped, lacking ammunition and vehicles. In some cases, equipment requisitioned by their commanders is being sold and the funds pocketed by the police officers. These activities contributed to the failure of a 2006 'auxiliary police' effort that attempted to rapidly field large numbers of new ANP officers." **[22a] (p54)**

(See also Section 20: Corruption for information regarding corruption within the Police force)

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Structure and reform

10.06 The Council on Foreign Relations background information on *Afghanistan's National Security Forces*, dated 16 April 2009, stated:

"On paper the police force looks solid, with the Afghan Uniformed Police responsible for general enforcement and public safety; the Border Police patrolling the country's borders and conducting counter-smuggling operations; the Civil Order Police responsive for disturbances in urban areas; the Counter Narcotics Police countering drug trafficking; the Criminal Investigation Police investigating crimes; and the Counter Terrorism Police heading counterinsurgency operations. But the Pentagon says development of Afghanistan's police force 'has been hindered by lack of institutional reform, widespread corruption, insufficient U.S. military trainers and advisors, and a lack of unity of effort within the international community.'" **[34a]**

10.07 The Freedom House report, *Freedom in the World, 2010*, Afghanistan, covering events in 2009, published on 3 May 2010, noted that the national police suffered from "… inadequate training, illiteracy, corruption, involvement in drug trafficking, and high levels of desertion, but donors continue to press for the force's expansion at the cost of quality and standards." **[6a]**

10.08 The *Independent* online reported on 28 March 2010 that:

"Corruption, desertion and drug abuse within the Afghan police are threatening its ability to take over the fight against the Taliban and the UK's chances of an exit from the country, government documents show. A series of internal Foreign Office papers obtained by *The Independent on Sunday* lay bare the deep concerns of British officials over the standard of recruits to the Afghan National Police (ANP), ranging from high casualty rates and illiteracy to poor vetting and low pay. The memos, which warn that building an effective police force 'will take many years', also reveal how non-existent 'ghost recruits' may account for up to a quarter of the purported strength of the police force, often the front line against the Taliban insurgency. The 'attrition rate' among police officers – including losses caused by deaths, desertion and dismissals, often due to positive drug tests – is as high as 60 per cent in Helmand province…

"The alarm over the capacity of the police raises profound questions over the coalition strategy for pacifying Afghanistan and eventually withdrawing from the country. At the international conference on Afghanistan in January [2010], Gordon Brown pledged to more than double 'military mentoring teams' for the police as part of a wider Nato plan to increase Afghan security forces to 300,000. A Foreign Office spokeswoman yesterday accepted that the challenges to police reform were 'significant and long term', but insisted that progress was being made. She said: 'We are aware of widespread criticisms of the ANP, some of which are deeply concerning. The UK is fully committed to police reform to ensure a professional and accountable police force.'" **[35a]**

10.09 The USSD Report 2009 noted:

"International support for recruiting and training new ANP personnel continued, with the goal of professionalizing the police force, including the ongoing implementation of the CPD [Central Prison Directorate] staff prison reform and restructuring program. The international community worked with the government to develop awareness and training programs as well as internal investigation mechanisms to curb security force corruption and abuses. Training programs for police emphasize law enforcement, the constitution, police values and ethics, professional development, the prevention of domestic violence, and fundamental standards of human rights, in addition to core policing skills. The MOI reported that during the year, every new police officer received training in human rights. In every province two officers were responsible for human rights reporting. In Kabul 50 officers were responsible for human rights reporting, including internal police matters. Nevertheless, human rights problems persisted." **[2a] (Section 1d)**

10.10 The Congressional Research Service (CRC) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 17 September 2010, stated:

"Police training now includes instruction in human rights principles and democratic policing concepts, and the State Department human rights report on Afghanistan... says the government and outside observers are increasingly monitoring the police force to prevent abuses. In March 2010, then-Interior Minister Atmar signed a 'strategic guidance' document for the ANP, which prioritizes eliminating corruption within the ANP and winning public confidence. About 1,000 ANP are women, demonstrating some commitment to gender integration of the force." **[22a] (p54)**

10.11 An article by the Institute for War and Peace Reporting (IWRP) on recruitment of women into the ANP, dated 4 March 2010 noted:

"Afghanistan's interior ministry hopes to recruit up to 5,000 women police officers, no easy task in a traditional Muslim society… While they won't be fighting insurgents like some of their male colleagues, they will staff checkpoints to deal with the problem of male rebels who at present get through dressed in burqas, often hiding guns or narcotics under their folds.

"The deputy interior minister, General Munir Mangal, says the recruitment of more women will make the work of the police easier. 'We face problems while searching and operating in houses and some other suspicious places, because the people do not let male police enter their houses and search women. Local people always complain, asking us to use female police to search their houses,' he said. They are also needed for security work in jails, airports and checkpoints around Kabul, he said.

"Colonel Shafiqa Quraishi, head of the gender department in the interior ministry, acknowledged to IWPR that the recruitment drive would present problems in a society where most people do not allow their women to work in the security forces and because of the ongoing violence in parts of the country. She said the hiring of 5,000 new female officers would be undertaken in cooperation with members of the provincial councils, tribal elders, religious scholars and influential local individuals." **[27a]**

10.12 The International Security Assistance Force (ISAF) noted the strength of the ANP:

"Strength: 102,995 (as of 29 Mar 10)
Currently in training: 7,116
Target Strength: 109,000 (by October 2010)
134,000 (by October 2011)
Primary ANP organizations include:
Afghan Uniformed Police: 81,842
Afghan Border Police: 14,494
Afghan National Civil Order Police: 3,964
Afghan Counter-Narcotics Police: 2,695" **[37a]**

AFGHAN NATIONAL GUARD

10.13 Jane's Sentinel Country Risk Assessment: Afghanistan, Security and Foreign Forces section, updated 3 December 2008, stated that "The duties of the Afghan National Guard are to protect vulnerable personnel and installations. The first 600 soldiers graduated in April 2002, but the close protection of prominent figures in Afghanistan is still carried out in the main either by private Afghan militias or foreign private security contractors. The National Guard appears to be involved in protecting some facilities in Kabul." **[36a]**

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ARMED FORCES

Afghan National Army (ANA)

10.14 The International Crisis Group (ICG) report *A Force in Fragments: Reconstituting The Afghan National Army*, 12 May 2010, stated:

"For nearly a decade, the Afghan military has been promoted as the cornerstone of counterinsurgency in the country. Billed as a rare success story in a conflict with few bright spots, the Afghan armed forces will undoubtedly prove pivotal to stabilising Afghanistan. Yet nine years after the fall of the Taliban, there appears to be little agreement between the government of President Hamid Karzai and its international backers on what kind of army the country needs, how to build it or which elements of the insurgency the Afghan army should be fighting. Persistent structural flaws meanwhile have undermined the military's ability to operate independently." **[8c]**

10.15 The Congressional Research Service (CRC) report of 17 September 2010 stated that "The Afghan National Army has been built 'from scratch' since 2002 – it is not a direct continuation of the national army that existed from the 1880s until the Taliban era. That

national army all but disintegrated during the 1992-1996 mujahedin civil war and the 1996-2001 Taliban period. However, some Afghan military officers who served prior to the Taliban have joined the new military." **[22a] (p51)**

10.16 The US Department of Defence, *Report on Progress Toward Security and Stability in Afghanistan and United States Plan for Sustaining the Afghanistan National Security Forces*, April 2010, stated:

"The ANA consists of six Army corps including the 111th Division in RC-Capital, 201st Corps and 203rd Corps in RC-East, 205th Corps in RC-South, 207th Corps in RC-West, and 209th Corps in RC-North. The newly formed 215th Corps is also being manned and trained to operate in RC-South. Fielding of the 215th Corps will establish two ANA corps in the south (one will cover RC-Southeast and one will cover the proposed RC-Southwest). Each corps has between two and four brigades. A brigade consists of 4 infantry kandaks (battalions), one combat support kandak and one combat service support kandak. The 3rd Kandak, 3rd Brigade, 201st Corps is the only armor kandak in the ANA. In total there are 16 brigades and 99 kandaks. By October 2011, when the ANA is planned to reach its approved end-strength of 171,600 personnel, the ANA organization will include additional infantry, artillery, armor, engineer, commando, combat support, combat service support, and the requisite intermediate commands and sustaining institutions." **[60a] (p104)**

10.17 The CRC observed that "ANA battalions, or 'Kandaks,' are the main unit of the Afghan force. There are over about 100 Kandaks. The Kandaks are stiffened by the presence of U.S. and partner embeds, called 'Operational Mentor and Liaison Teams' (OMLTs). Each OMLT – of which there are about 61 – has about 12-19 personnel, and U.S. commanders say that the ANA will continue to need embeds for the short term, because embeds give the units confidence they will be resupplied, reinforced, and evacuated in the event of wounding." **[22a] (p51-52)**

10.18 The US Department of Defence report, dated April 2010, noted that "The MoD [Ministry of Defence] continues to ensure that the ANA is ethnically balanced at the kandak level to ensure that it is a force that represents the nation.

	Pashtun	Tajik	Hazara	Uzbek	Others
officer	42%	41%	8%	4%	5%
NCO	46%	36%	10%	4%	3%
Soldier	38%	31%	14%	10%	7%
Total Force	41%	34%	12%	8%	5%

[60a] (p104)

10.19 The CRC also observed:

"U.S. and allied officers say that the ANA is becoming a major force in stabilizing the country and a national symbol. It now has at least some presence in most of Afghanistan's 34 provinces, working with the PRTs [Provincial Reconstruction Teams], and it deployed outside Afghanistan to assist relief efforts for victims of the October 2005 Pakistan earthquake. According to the Department of Defense, the ANA is now

able to lead 75% of the combat operations in the eastern sector, and over 45% of operations overall, and it participates in about 90% of all combat operations. It has demonstrated 'increasing competence, effectiveness, and professionalism,' and some U.S. officials have praised its bravery and competence in the course of Operation Moshtarek. Among other examples of the ANA taking overall responsibility, in August 2008, the ANA took over security of Kabul city from Italy, and it took formal control of Kabul Province in early 2009. The commando forces of the ANA, trained by U.S. Special Operations Forces, are considered well-trained and are taking the lead in some operations against high value targets, particularly against HIG elements in Nuristan province.

"However, some U.S. military assessments say the force remains poorly led. It still suffers from at least a 20% desertion rate. Many officers are illiterate or poorly motivated. Some accounts say that a typical ANA unit is only at about 50% of its authorized strength at any given time, and there are significant shortages in about 40% of equipment items. Some recruits take long trips to their home towns to remit funds to their families, and often then return to the ANA after a long absence. Others, according to U.S. observers, often refuse to serve far from their home towns. The FY2005 foreign aid appropriation (P.L. 108-447) required that ANA recruits be vetted for terrorism, human rights violations, and drug trafficking." **[22a] (p51)**

10.20 The US Department of Defence report, dated April 2010, stated:

"Recruiting within the ANA has largely exceeded goals between October 2009 and March 2010, and in several months the ANA recruited more personnel than they could train. Retention within the ANA (defined as the ability to re-contract ANSF personnel) has also been strong as the ANA exceeded its goal of 60% retention for each of the past six months. Attrition (defined as the unplanned loss of ANSF personnel), still remains a problem as the ANA has failed to meet desired goals over the last six months. Absent without leave (AWOL) personnel remain a significant contributor to attrition rates, with the percentages growing over the past year from six percent in May 2009 to a high of 12% in November 2009. For the last twelve months, AWOL has averaged nine percent. NTM-A and the MoD anticipate pay raises, instituted in December 2009, and other initiatives to provide better equipment (including up-armored vehicles and crew-served weapons), will improve attrition rates." **[60a] (p105)**

10.21 An article in the *New Statesman* dated 26 November 2009 noted "… the Afghan National Army is plagued by desertion: 10,000 recruits have disappeared in recent months. Soldiers are under-equipped and underpaid; some 15 per cent of them are thought to be drug addicts. Dominated by Tajik troops from the north of the country, the 'national' army has little or no credibility in the southern, Pashtun areas of Afghanistan, where the Taliban mainly operate, and from where they draw ethnic support." **[38a]**

10.22 The ICG report dated 12 May 2010 stated "Despite billions of dollars of international investment, army combat readiness has been undermined by weak recruitment and retention policies, inadequate logistics, insufficient training and equipment and inconsistent leadership." **[8c]**

10.23 The US Department of Defence Report added:

"Two major risks associated with accelerated ANA growth are inadequate recruiting and retention and inadequate leadership. COMISAF [Commander, International Security Assistance Force] has implemented measures to mitigate these risks…

"Recent pay increases, including a base pay increase, re-contracting bonuses, and hazardous duty pay, as well as continued fielding of electronic pay systems to ensure pay is received by the soldier, will help mitigate concerns in both of these areas. Embedded partnering with international partner forces will likely also have a strong impact on recruiting as it will provide better mentorship and leadership to the ANSF as well as improved force protection and enablers to fielded forces. In addition, mandatory literacy training is now included as part of the basic training. This training has been shown as a significant factor as to why some individuals join the ANA." **[60a] (p103)**

10.24 On 4 December 2009 the *New York Times* online reported:

"Afghan soldiers get about $100 a month, a third of what some local warlords pay fighters, a major reason for desertion. This is a false, dangerous economy. The United States has spent nearly $60 billion on Afghanistan this year, and Mr. Obama's troop increases would add at least $30 billion. Adding 30,000 Afghan Army soldiers at triple their current pay costs under $1 billion.

"Most Afghan soldiers are paid in cash, which means that they often have to return home to deliver money to their families, sometimes going AWOL [Absent Without Leave]. A modest investment in wire or digital money transfer systems could ease that problem, reduce the desertion rate and make it harder for corrupt commanders to steal recruits' pay." **[42da]**

10.25 Afghanistan saw a positive move when twenty nine women army officer recruits passed-out of training. These were the first women that had been commissioned into the army since the early 1990s. The BBC reported on 23 September 2010 that "Their recruitment is part of a huge US-funded training programme. Women were forbidden from serving by the Taliban… The women will not however be sent to the front line of the fight against the Taliban, which is at its fiercest since the US-led invasion of the country in 2001. The aim is to strengthen army and police ranks so that 150,000 foreign forces can begin to withdraw." **[28j]**

The US Department of Defence, Report on Progress Toward Security and Stability in Afghanistan and United States Plan for Sustaining the Afghanistan National Security Forces, April 2010, contains further information on the ANA, including its training and structure. **[60a]**

Afghan National Army Air Corps (ANAAC)

10.26 The CRC report of 17 September 2010 noted:

"Equipment, maintenance, and logistical difficulties continue to plague the Afghan National Army Air Corps (Afghan Air Force). The force is a carryover from the Afghan Air Force that existed prior to the Soviet invasion, and is expanding gradually after its equipment was virtually eliminated in the 2001-2002 U.S. combat against the Taliban regime. It now has about over 3,000 personnel, including 400 pilots, as well as a total of about 46 aircraft. Afghan pilots are based at Bagram air base." **[22a] (p52)**

(See also Section 11: Military Service)

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OTHER GOVERNMENT FORCES

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

10.27 The United Nations (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." **[17b]**

10.28 The US State Department *Country Report on Human Rights Practices 2008*, Afghanistan, published on 25 February 2009 (USSD Report 2008), noted that:

"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." **[2d] (Section 1d)**

10.29 The Freedom House report, *Freedom in the World 2010*, Afghanistan, covering events in 2009, published on 3 May 2010, stated that "The intelligence service, the National Directorate of Security, lacks transparency and stands accused of serious human rights violations." **[6a] (p6)** The Amnesty International report of November 2007 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." **[5b] (p34)**

(See also Section 10: Security forces - Human rights violations by government forces – Torture, Section 15: Prison conditions and Section 20: Corruption

Former security forces – KHAD (K*h*AD)

10.30 A UNHCR report on the *Structure and Operation of the KhAD/WAD in Afghanistan 1978-1992* 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 [(Komite-ye Amniyat-e Melli or 'Committee for National Security']. 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)." **[19c] (p2)**

10.31 Observing 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." **[19c] (p4)**

10.32 The same sourced observed:

"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." **[19c] (p5-6)**

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INTERNATIONAL FORCES

10.33 The *New York Times* profile on Afghanistan, updated 26 July 2010 noted, "In February 2009, President Obama ordered 17,000 additional troops sent to Afghanistan. In December of that year, after a lengthy policy review, he announced that another 30,000 American troops would deploy in 2010, and laid out a strategy meant to blunt the Taliban's resurgence. Saying that the deployment was not an open-ended commitment, Mr. Obama declared that a troop withdrawal would begin in 2011." **[42a]** The additional US troops would mean their military strength in Afghanistan would increase to more than 100,000 personnel. (British Broadcasting Corporation, 2 December 2009) **[28c]** The goal, reported by Channel 4 News Online was to "… speed the battle against Taliban insurgents, secure key population centres and train Afghan security forces so they can take over and clear the way for a US exit, [President] Obama said." **[40a]**

10.34 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 14 September 2010 stated "The International Security Assistance Force (ISAF) in January 2010 initiated the deployment of 34,000 additional troops to Afghanistan to

support national security forces in their stabilization efforts. Large military operations by Government and international forces are focusing on Helmand and Kandahar to restore stability and enable Government institutions to provide services." **[17f] (p5)**

International Security Assistance Force (ISAF)

10.35 The NATO website, updated 7 July 2010 noted:

"ISAF was created in accordance with the Bonn Conference in December 2001. Afghan opposition leaders attending the conference began the process of reconstructing their country by setting up a new government structure, namely the Afghan Transitional Authority. The concept of a UN-mandated international force to assist the newly established Afghan Transitional Authority was also launched at this occasion to create a secure environment in and around Kabul and support the reconstruction of Afghanistan…

"On 11 August 2003 NATO assumed leadership of the ISAF operation, turning the six-month national rotations to an end. The Alliance became responsible for the command, coordination and planning of the force, including the provision of a force commander and headquarters on the ground in Afghanistan." **[41a]**

10.36 NATO's role in Afghanistan as described on their website, updated 7 July 2010, described that:

"NATO's main role in Afghanistan is to assist the Government of the Islamic Republic of Afghanistan (GIRoA) in exercising and extending its authority and influence across the country, paving the way for reconstruction and effective governance. NATO does this predominantly through its United Nations-mandated International Security Assistance Force (ISAF).

"Since NATO took command of ISAF in 2003, the Alliance has gradually expanded the reach of its mission, originally limited to Kabul, to cover all of Afghanistan's territory. Accordingly, the number of ISAF troops has grown from the initial 5000 to around 100 000 troops from 46 countries, including all 28 NATO member nations." **[41a]**

10.37 The BBC News Question and Answers webpage on the role of the International Security Assistance Force (ISAF) in Afghanistan, dated 7 October 2009, described that:

"The majority of foreign troops in Afghanistan are under the command of the Nato-led International Security Assistance Force (Isaf). Established by the UN Security Council in December 2001, its stated role is to promote security and development. It is also involved in training the Afghan National Army (ANA) and the Afghan National Police (ANP). As of October 2009, Isaf had 67,700 personnel from 42 different countries including the US, European countries, Australia, Jordan and New Zealand. There are about 36,000 US troops who are not part of Isaf serving in the east of Afghanistan – on the border with Pakistan – under Operation Enduring Freedom (OEF)." **[28d]**

PROVINCIAL RECONSTRUCTION TEAMS (PRTS)

10.38 The United States Agency for International Development (USAID) website, updated 22 July 2010, described the Mandate of the Provincial Reconstruction Teams' (PRT).

"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." **[16a]**

10.39 An article dated 14 May 20140 on the NATO website noted:

"PRTs typically include about 80 people. Roughly 60 are experts in engineering, agriculture and foreign affairs, and about 20 are civilian specialists who work shoulder-to-shoulder with the various Afghan partners. Working together, the teams help extend the central government's authority throughout the country by providing area security and supporting the reconstruction and development activities of Afghan, international, national and non-governmental actors in the provinces." **[41b]**

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HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

Arbitrary arrest and detention

10.40 The USSD Human Rights Report 2009, stated that "The law prohibits arbitrary arrest or detention; however, both remained serious problems." **[2a] (Section 1d)**

10.41 The United Nations Assistance Mission in Afghanistan (UNAMA) report, *Arbitrary Detention in Afghanistan*, published in January 2009, stated that:
"Afghans are still being arbitrarily detained without legal basis or grounds… Monitoring found that, while less frequent than a few years ago, Afghans still may be detained for breaches of civil law or contractual obligations for which detention is not permitted under

50 The main text of this COI Report contains the most up to date publicly available information as at 15 October 2010. Further brief information on recent events and reports has been provided in the Latest News section to 1 November 2010.

applicable law. Monitoring shows that these types of arbitrary detentions generally involve:

- housing, land and property disputes,
- arguments over debt, normally with the detaining authority supporting the lender in securing payment of the debt; and
- family disputes, including over marriage (these also generally fall under breaches of Shari'a and customary or social practices)." **[18b] (p6)**

10.42 The January 2009 UNAMA report also stated that:

"Throughout Afghanistan, MoJ (Ministry of Justice) detention center authorities did not necessarily release prisoners who had completed their legally mandated sentence or those who were granted an early release by Presidential Decree. MoJ detention center officials and prisoners explained to monitors that many prisoners were not being released despite their sentences expiring because they could not produce a guarantor or financial guarantor. The Supreme Court High Council has rejected such conditionality for release as a violation of Article 27 of the Constitution." **[18b] (p13)**

10.43 The *Daily Star* reported on 27 March 2009 that:

"The United Nations yesterday criticised arbitrary detention in Afghanistan as widespread and unacceptable, calling for an immediate review in order to protect rights. The findings were presented in a report by the chief human rights officer of the UN mission in Afghanistan, Norah Niland, after more than 18 months spent monitoring Afghan detention facilities. 'Arbitrary detention is widespread in Afghanistan, and unacceptable. Everyone that is detained, lawfully or unlawfully, has rights to be respected,' she told a news conference in Kabul…The report, which monitored 2,000 Afghan detentions between November 2006 and July 2008, highlighted that Afghans were often detained without legal basis, including for 'so-called moral crimes'… The UN human rights officer could not provide the overall number of detainees, arbitrary detention facilities or arbitrary detainees in Afghanistan." **[43a]**

10.44 The Amnesty International Report 2010: *The state of the world's human rights: Afghanistan* (AI Report 2010), published on 27 May 2010, stated:

"Some 700 Afghans remained in detention at the US base at Bagram airport without charge or trial in 'security internment' of indefinite length. On 15 November [2009], the USA inaugurated a new 'improved' detention facility adjacent to the Bagram facility but continued to withhold detainees' rights to due process…

"NATO and US forces continued to hand over detainees to the National Directorate of Security (NDS), Afghanistan's intelligence service, where they were at risk of torture and other ill-treatment, arbitrary detention and unfair trials. Law enforcement officials illegally detained – and in some cases even tried – people on charges not provided for in the Penal Code, such as breaches of contractual obligations, family disputes, as well as so-called 'moral crimes'. The NDS arrested and detained people, including journalists, for acts considered a 'risk to public or state security and safety', which have been vaguely defined in Afghan law." **[5a] (p57)**

10.45 The Human Rights Watch (HRW) *World Report 2010*: Afghanistan, covering events of 2009, 19 January 2010 noted that "The US continued its extralegal detention practices at Bagram airbase, though changes in policy should bring modest improvements, such as regular review hearings for detainees." **[7a] (p259)**

10.46 The HRW report also stated that:

"The absence of due process of law remains a fundamental failing of the Afghan legal system, as Afghans continue to face arbitrary detention, are frequently denied access to a lawyer, and are often denied the right to challenge the grounds of their detention before an impartial judge. Court proceedings are often marred by corruption and the abuse of power. There are persistent reports of torture and abuse against detainees being held by the National Directorate of Security, with human rights officials receiving only erratic access to detention facilities where abuses are believed to be taking place." **[7a] (p258)**

(See also Section 14: Arrest and Detention – Legal Rights)

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Torture

10.47 The USSD Report 2009 noted:

"The constitution prohibits such practices; however, there were reports of abuses by government officials, local prison authorities, police chiefs, and tribal leaders. NGOs reported that 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 methods included, but were not limited to, beating by stick, scorching bar, or iron bar; flogging by cable; battering by rod; electric shock; deprivation of sleep, water, and food; abusive language; sexual humiliation; and rape. An April Afghanistan Independent Human Rights Commission (AIHRC) report stated that torture was commonplace among the majority of law enforcement institutions, especially the police, and that officials used torture when a victim refused to confess to elicit bribes or because of personal enmity. Observers report that some police failed to understand the laws regarding torture…

"There were reports of torture and other abuses by Taliban and other insurgent groups. Media reports and firsthand accounts accused Taliban of employing torture in interrogations of persons they accused of supporting coalition forces and the central government. The Taliban contacted newspapers and television stations in such cases to claim responsibility." **[2a] (Section 1c)**

10.48 The HRW *World Report 2010,* Concurred and stated that "There are persistent reports of torture and abuse against detainees being held by the National Directorate of Security, with human rights officials receiving only erratic access to detention facilities where abuses are believed to be taking place." **[7a] (p259)**

10.49 The Freedom House report, *Freedom in the World, 2010*, Afghanistan, covering events in 2009, published on 3 May 2010, stated:

"In a prevailing climate of impunity, government ministers as well as warlords in some provinces sanction widespread abuses by the police, military, and intelligence forces under their command, including arbitrary arrest and detention, torture, extortion, and extrajudicial killings. The Afghan Independent Human Rights Commission (AIHRC), which was formed in 2002 and focuses on raising awareness of human rights issues as well as monitoring and investigating abuses, receives hundreds of complaints of rights violations each year. In addition to the abuses by security forces, reported violations have involved land theft, displacement, kidnapping, child trafficking, domestic violence, and forced marriage." **[6a]**

(See also Section 10: Security forces – National Security Directorate (NSD) (Amniate-e, Melli) and Section 25: Women)

Extra-judicial killings

10.50 The USSD Report 2009 noted that extrajudicial killings did occur. **[2a]** An Integrated Regional Information Networks (IRIN) News article dated 15 May 2008 stated that:

"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." **[29k]**

10.51 On the issue of impunity of government officials who commit human rights abuses, the same IRIN News article reported 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 [Philip Alston] 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.'" **[29k]**

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PRIVATE SECURITY FIRMS

10.52 The Afghanistan Rights Monitor (ARM) *Mid-Year Report Civilian Casualties of Conflict January-June 2010* stated:

"Some of the world's very notorious private security companies such as Xe Services (the former Blackwater) are operating in a virtual state of impunity in Afghanistan. Xe Services and several other international security companies are used by US/NATO and other Western diplomatic and development actors primarily for security and protection services.

"Despite their active presence across the country, most international security firms operate in an opaque environment and beyond meaningful legal parameters and oversight. Most Afghans, even law and order enforcement forces, do not distinguish

foreign private security guards from international military and intelligence actors given that there are too much similarities among them. As international security companies operate in highly hostile environment, execute various sensitive security missions and use lethal force at their discretion, it is very likely that civilian people are affected by their presence and activities. However… it is extremely difficult to monitor, investigate and verify security incidents and civilian casualties resulting from their activities." **[103a] (p12)**

10.53 The ARM Mid-year report further stated:

"Private security companies owned and managed by Afghans or jointly by Afghans and foreigners have increasingly turned into sources of concern both for the government and local communities. President Hamid Karzai and other Afghan officials have voiced concerns about the growth, strength and operation of these companies and have referred to them as 'states within the state'.

"Because provision of private security for personnel, facilities, goods and convoys is a highly lucrative business, it has attracted many powerful Afghans including close relatives of President Karzai, the first Vice President, the defense minister, members of parliament and former Jehadi leaders. The loosely regulated and weakly supervised private security enterprise has created or contributed to a number of problems in Afghanistan. It has undermined the effective build up of state security institutions; contributed and enhanced corruption; created and empowered illegitimate local warlords; and has undermined the rule of law.

"Some private security networks are established, financed and commanded by foreign military and intelligence actors, often under a nominal Afghan leadership, and their local armed men are used as a mercenary force in night raids, targeted assassinations and other counter-insurgency operations.

"As with foreign security companies, compiling accurate information about the involvement of domestic security firms in incidents resulting in civilian casualties has been extremely difficult and tricky. Local people often misunderstand private security guards with police, army and other state and foreign security actors. Some Afghans, mostly in the southern provinces, call private security guards 'Afghani foreigners' due to their close association with foreign forces and their mimicking operating style." **[103a] (p12)**

10.54 However, in August 2010 President Hamid Karzai signed a decree limiting the scope of work undertaken by private security firms. The British Broadcasting Corporation (BBC) reported on 3 October 2010 that:

"Afghanistan has announced a formal ban on eight private security companies. President Hamid Karzai pledged to limit the scope of security companies when sworn in last year and in August signed a decree giving them four months to end their operations. The first targets are firms with temporary permits and those operating illegally or who have committed past breaches of security. Firms with guards in foreign embassy or business compounds are exempt… There are 52 such companies, both international and domestic, registered with the government. They employ thousands of staff, who many Afghans believe often act with impunity." **[28m]**

10.55 The BBC report added:

"Mr Karzai's spokesman, Waheed Omer, said: 'The process of dissolving eight private security companies and collecting their weapons has been carried out successfully.' Interior Ministry spokesman Zemarai Bashary said the UN and Nato's Isaf forces had given the plan their backing. 'The interior ministry is implementing this plan with seriousness and decisiveness,' he said, adding that about 400 weapons had been impounded. Private security firm employees are allowed to transfer to the Afghan security forces." **[28m]**

(See also Annex B: Political organisations and other groups)

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AVENUES OF COMPLAINT

10.56 Article Fifty-Eight, Chapter 2 of the Afghan Constitution, states:

"To monitor respect for human rights in Afghanistan as well as to foster and protect it, the state shall establish the Independent Human Rights Commission of Afghanistan. Every individual shall complain to this Commission about the violation of personal human rights. The Commission shall refer human rights violations of individuals to legal authorities and assist them in defense of their rights. Organization and method of operation of the Commission shall be regulated by law." **[30a]**

10.57 The Afghan Independent Human Rights Commission (AIHRC) *Annual Report* covering the period from 1 January – 31 December 2009, stated that the "Monitoring and Investigation Unit (M&IU) monitors human rights, receives complaints of abuses from the public, investigates those abuses and addresses them with the relevant authorities." **[14a] (p14)**

10.58 BBC News reported in March 2008 on a new government office that had opened to collect "all manner" of complaints and to pass these on to the Office of the President. The office was based in the capital, Kabul. The head of the new office, Asadullah Wafa, said it "…will take the necessary measures to address people's problems…" The article added "…with no executive powers, critics say it is unclear how effective the complaints procedure can really be." **[28e]**

10.59 The AIHRC report added:

"In 2009, 4,283 people (883 women) approached the AIHRC for assistance and were either processed as complainants or provided with legal advice and referred to the concerned authorities or institutions. Of 824 complaints received in 2009 (involving 961 human rights violations), 815 complaints were investigated and 497 interventions led to resolutions…

"In comparison to 2008, the number of human rights complaints decreased by 10% and the number of violations by 7%. The AIHRC believes that this slight reduction may be due to the fact that, as a result of the Commission's awareness-raising activities, people now have an increased understanding about the AIHRC mandate and are therefore contacting the AIHRC less frequently regarding complaints unrelated to human rights. The slight decline may also be attributed to the worsening security situation in the

country and limited access of people to AIHRC office, particularly in Southern provinces such as Khost, Paktika, Ghazni, Wardak and Zabul." **[14a] (p15)**

(See also Section 19: Human Rights Institutions, Organisations and Activists – Afghanistan Independent Human Rights Commission (AIHRC))

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11. MILITARY SERVICE

11.01 The Central Intelligence Agency (CIA) World Factbook, updated on 27 September 2010, noted that recruitment started at 22 years old and "inductees are contracted into service for a 4-year term." **[3a] (Government)** 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." **[44a] (p22)** The US Department of State Country Report on Human Rights Practices 2009, Afghanistan, published on 11 March 2010 (USSD Report 2009), stated however "The legal recruitment age for members of the armed forces is 18… The government, with international assistance, vetted all recruits into the armed forces and police, rejecting applicants under the age of 18." **[2a] (Section 1g)**

11.02 In November 2009 the *Asia Times* Online reported that:

"One in every four combat soldiers quit the Afghan National Army (ANA) during the year ending in September [2009], published data by the US Defense Department and the Inspector General for Reconstruction in Afghanistan reveals. That high rate of turnover in the ANA, driven by extremely high rates of desertion, spells trouble for the strategy that US President Barack Obama has reportedly decided on, which is said to include the dispatch of thousands of additional US military trainers to rapidly increase the size of the ANA." **[110a]**

(See also Section on Security forces – Armed forces and Section on Children – Child soldiers)

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12. ABUSES BY NON-GOVERNMENT ARMED FORCES

OVERVIEW

12.01 The Congressional Research Service report of 17 September 2010 stated:

"As noted in General McChrystal's August 2009 initial assessment and the Defense Department April 2010 report cited below, security is being challenged by a confluence of related armed groups who are increasingly well equipped and sophisticated in their tactics and operations, particularly by using roadside bombs. According to the April 2010 Defense Department report, 'the insurgents perceive 2009 as their most successful year.' However, there is not greement [sic] about the relative strength of insurgents in all of the areas where they operate, or their degree of cooperation with each other. Afghan and U.S. assessments are that there are more than 20,000 total insurgents operating in Afghanistan, up from a few thousand in 2003." **[22a] (p24)**

See Annex B for details on Political organisations and other groups

12.02 The Human Rights Watch (HRW) Report, *The "Ten-Dollar Talib" and Women's Rights Afghan Women and the Risks of Reintegration and Reconciliation*, dated 13 July 2010, stated:

"In January 2010 it emerged that the Afghan government had brought into force an amnesty law providing immunity from prosecution to combatants who agree to join the reconciliation process. The law violates Afghanistan's obligations under international law to prosecute all those responsible for war crimes, crimes against humanity, and other serious human rights abuses, including sexual crimes of war. This applies to perpetrators of atrocities on all sides, including Taliban and other insurgent leaders." **[7b] (p7)**

12.03 The Freedom House report (FH), *Freedom in the World 2010*, Afghanistan, covering events in 2009, published on 3 May 2010, stated that "An estimated 2,000 illegal armed groups, with as many as 125,000 members, continue to operate." **[6a]**

12.04 The Human Rights Watch (HRW) *World Report 2010*, Afghanistan covering events of 2009, published 19 January 2010, stated that:

"As part of their campaign of terrorizing the civilian population, the Taliban and other insurgent groups continued to target schools, in particular girls' schools. According to the Ministry of Education, in the first five months of the Afghan year 1387 (April-August 2009), 102 schools were attacked using explosives or arson, and 105 students and teachers were killed by insurgent attacks. Three girls' schools in the central region were attacked with chemicals (thought to be pesticide or insecticide) in April and May 2009, which the Ministry of Education says injured 196 girls." **[7a] (Afghanistan Section, p261)**

12.05 In June 2010 the Taliban were reported to have executed a seven year old boy who they suspected of spying for US and Allied forces. Hands off Cain reported "The child was tried and publicly hanged in the village of Heratiyan, in Sangin, Helmand province, said Dawoud Ahmadi, the provincial governor's spokesman. Afghan officials said the boy was accused of spying for US and Nato forces and hanged from a tree. Ahmadi said the murder came just days after the boy's grandfather, Abdul Woodod Alokozai, spoke out against militants in their hometown." **[47a]**

12.06 On 10 June 2010, the *New York Daily News* (NYDN) also reported on the incident, noting:

"That outrage drew immediate condemnation from the Afghan president, who called the execution a 'crime against humanity.' 'I don't think there's a crime bigger than that, that even the most inhuman forces on earth can commit,' Hamid Karzai said Thursday. 'A 7-year-old boy cannot be a spy. A 7-year-old boy cannot be anything but a 7-year-old boy [.] The execution happened Tuesday [8 June] in the embattled Helmand province, said Dawoud Ahmadi, a spokesman for the provincial governor. 'The innocent boy was not a spy, but he may have informed the police or soldiers about planted explosives,' Ahmadi told Central Asia Today." **[48a]**

12.07 On 15 August 2010 a couple accused of adultery were stoned to death in the Taliban-controlled village of Mullah Quli in Kunduz, northern Afghanistan, for 'eloping'. The Taliban tricked the man and woman into returning to the village after they had ran away and were brought to the local bazaar where they were stoned before a large crowd. The Taliban later left leaving the woman dead but the man was still alive. The Taliban returned after a while and shot the man three times. The incident was condemned in the strongest terms by the government. (BBC, 16 August 2010) **[28g]**

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ARBITRARY ARREST AND DETENTION

KIDNAPPINGS

12.08 The HRW Report 2010 stated that:

"Kidnapping of Afghans for ransom is common, including NGO [Non-Governmental Organisation] workers, and businessmen and their children. The most active areas are in the south, east, and central regions, where kidnappings significantly contribute to levels of insecurity, sharply curtailing movement for women and children in particular. Kidnappings are carried out by criminal gangs, and are also used by insurgent groups for money and leverage over prisoner releases. The police seem largely incapable or unwilling to tackle kidnappings or other abuses by powerful interests." **[7a] (Afghanistan Section, p259)**

12.09 The USSD *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010, (USSD Report 2009), stated that "The law prohibits arbitrary arrest or detention; however, both remained serious problems."

"The MOI reported 368 abductions during the year, at least one of which resulted in the death of a hostage. The Afghanistan NGO Safety Office (ANSO) reported insurgents and others kidnapped 20 aid workers during the year, a decline from 38 in 2008; all abductees were local staff. ANSO reported that most abductions were temporary and most abductees were released unharmed, usually due to the efforts of community elders. One person was reportedly killed while resisting an abduction attempt. Observers alleged that noninsurgency-related kidnapping was a form of dispute resolution." **[2a] (Section 1g)**

12.10 On 26 August 2010 Al Jazeera news reported on the kidnapping of ten people working for a female candidate running in Afghanistan's September 2010 parliamentary election. The article noted:

"Six campaign workers for Fawzia Gilani and four of her relatives were kidnapped in the western province of Herat on Wednesday afternoon, Gilani told the Kabul-based Tolo News website Thursday. The group was travelling between the districts of Adraskan and Farsi when armed men abducted them, Gilani said. One of the kidnappers called her to tell her of the abduction, she said. Dilawar Shah, the provincial security director, told *Tolo News* that Gilani's campaign team 'entered Adraskan district without co-ordination with security forces'. Villagers told Gilani the kidnappers drove off in the campaigners' two vehicles, the Associated Press (AP) news agency reported." **[67b]**

12.11 Another high-profile kidnapping was that of Linda Norgrove, a British aid worker, along with three of her Afghan colleagues, in southern Kunar province on 26 September 2010. Al Jazeera news later reported, on 9 October 2010, that Linda had been killed during a rescue attempt by American military forces. Initial reports indicated Linda had been killed by an explosive vest being detonated, but subsequently it was believed it may have been the US forces that accidentally killed her during the rescue attempt. Al Jazeera stated that "The Taliban group who took her initially asked for a prisoner exchange for a Pakistani neuroscientist who had recently been jailed in New York for 86 years for attempting to kill US soldiers and agents,..." **[67b]**

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WARLORDS AND COMMANDERS

12.12 An International Crisis Group (ICG) article, "*Dealing with brutal Afghan warlords is a mistake*", Written by Nick Grono and Candace Rondeaux in the Boston Globe, dated 17 January 2010, reported that:

"Three decades of warfare in Afghanistan have produced a multitude of warlords and commanders. Institutions have been supplanted by abusive powerholders, who maintain their control through violence, patronage, corruption, and external backing. There was a real opportunity to fundamentally change this dynamic after the fall of the Taliban in 2001, but it was squandered…

"A list of power brokers in Afghanistan today reads a bit like a who's who of commanders responsible for atrocities during the civil war. While warlords like Afghanistan's current co-vice presidents Mohammad Qasim Fahim and Karim Khalili have reinvented themselves as powerful officials, Hekmatyar chose a different path. After a brief stint as prime minister before the Taliban charged into Kabul, Hekmatyar, founder of the powerful Hizb-e Islami political party, retreated to Iran in the mid-nineties, only to resurface in 2001 when he declared his opposition to the US military engagement in Afghanistan…

"In the past year or so Hekmatyar, a charismatic Pashtun Islamic fundamentalist, has begun to raise his profile, granting several interviews with major news outlets and stepping up the tempo of his political propaganda. He has put a lot of effort into restyling himself in a more acceptable guise – as a strong moderate fundamentalist with Afghanistan's best Islamic interest at heart. This despite his own claims that he plotted

with the Taliban to foment a deadly attack that killed 10 French soldiers in August 2008, just one of several violent assaults on coalition troops and Afghan government that he has claimed responsibility for in recent years." **[8a]**

12.13 The HRW Report 2010 stated that "In many areas of the country local strongmen and former warlords continue to exert significant power over communities, using intimidation and violence to maintain their control. The Afghan government has continued to lose public legitimacy because of these abuses, widespread corruption, failure to improve living standards, and lack of progress in establishing the rule of law even in areas under its control." **[7a] (Afghanistan Section, p259)**

12.14 In December 2009 an article in the *Institute for War and Peace Reporting* noted that former warlords had shown a re-emergence in the north of Afghanistan, particularly in Balkh province where there had been parties taking an interest in the province's vacant governer's position. Lal Mohammad Ahmadzai, a spokesman for the police force in the north, said "In many districts, those who made their living at the barrel of a gun are trying to do so again.' But he insisted that his men – part of the national police force – were fully capable of dealing with the threat." **[27b]**

12.15 The HRW Report 2010 also noted that "President Karzai attempted to secure his reelection in 2009 through a series of deals with former warlords from all the main ethnic factions. The choice of Mohammad Qasim Fahim as Karzai's vice presidential running mate was emblematic of this trend; Fahim has long been implicated in possible war crimes from the 1990s and is widely perceived by many Afghans to be connected to criminal gangs." **[7a] (Afghanistan Section, p260) [2a]**

12.16 The USSD Report 2009, noted that "The Law on National Reconciliation and Amnesty, which was published in December 2008, grants amnesty to persons engaged in conflict during the past 25 years." **[2a] (Section 1d)**

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NIGHT LETTERS

12.17 The Human Rights Watch report dated 13 July 2010 stated that "A common means of intimidation and control of local communities by insurgents is the use of night letters – threatening letters usually hand-delivered or posted to a door or mosque by insurgent groups, often at night." **[7b] (p25)**

12.18 The USSD Report 2009, stated:

"As in recent years, the Taliban distributed threatening messages in attempts to curtail government and development activities. Ten jurists from Laghman province reported that judges and prosecutors routinely faced death threats and other forms of intimidation in their jobs. In addition to threats against persons working for the government or NGOs, the Taliban distributed 'night letters' (death threats) and text messages warning citizens not to vote in the August 20 [2009] elections, including messages to an entire village in Uruzgan." **[2a] (Section 1g)**

12.19 An International Crisis Group (ICG) 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. **[8b] (p12)**

12.20 One example given in the HRW report was that of Nadia N., who worked for an International NGO in a southern Afghan province. Nadia received the following night letter:

"We would warn you today on behalf of the Servants of Islam to stop working with infidels. We always know when you are working. If you continue, you will be considered an enemy of Islam and will be killed. In the same way that yesterday we have killed Hossai, whose name was on our list, your name and other women's names are also our list.

"Nadia N. told Human Rights Watch that she believed that she was targeted because she was working 'outside the home.' She informed the local security services, but said she expected no protection. She resigned from her job, and has moved to another province." **[7b] (p25)**

12.21 Additionally in the southeastern province of Ghazni the Taliban reportedly posted 'night letters' in the run-up to the August 2009 elections reminding Afghans of their religious obligations and reiterating warnings that they will continue to disrupt the election process. One letter warned Afghans that "In order that this illegitimate process faces failure, the fighters will intensively attack polling centers, and [we] warn voters to stay home one day before," Young Afghans were specifically warned in one letter to avoid using high-tech gadgets and reminded of the Taliban's interpretation of the Shari'a law in a letter obtained by Reuters on 3 August 2009 stating "People with camera cellphones must not have pictures of unrelated women and handsome boys in their phones, which is against Islamic Shari'a," (RFE/RL, 18 August 2009) **[50a]**

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DISBANDMENT OF ILLEGAL ARMED GROUPS (DIAG)

12.22 The Freedom House report (FH), *Freedom in the World 2010*, Afghanistan, covering events in 2009, published on 3 May 2010, stated that:

"An estimated 2,000 illegal armed groups, with as many as 125,000 members, continue to operate. A voluntary disarmament, demobilization, and reintegration (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, the disarmament process never moved to the enforcement stage as planned, and international programs supported by the United States, Britain, and Canada to rearm informal militias as a counterinsurgency force are actively undermining efforts to curtail

and regulate the use of illegal arms. Afghan law demands that illegal armed groups be excluded from elections, but Afghan institutions lack the will and capacity to enforce this ban meaningfully. Such groups continue to reinforce their power bases through legitimate and illegitimate means, and pose a troubling threat to stability and good governance." **[6a]**

12.23 The Congressional Research Service (CRC) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 17 September 2010, stated

"Since June 11, 2005, the disarmament effort has emphasized another program called 'DIAG' - Disbandment of Illegal Armed Groups. It is run by the Afghan Disarmament and Reintegration Commission, headed by Vice President Khalili. Under the DIAG, no payments are available to fighters, and the program depends on persuasion rather than use of force against the illegal groups. DIAG has not been as well funded as was DDR: it has received $11 million in operating funds. As an incentive for compliance, Japan and other donors have made available $35 million for development projects where illegal groups have disbanded. These incentives were intended to accomplish the disarmament of a pool of as many as 150,000 members of 1,800 different 'illegal armed groups': militiamen that were not part of recognized local forces (Afghan Military Forces, AMF) and were never on the rolls of the Defense Ministry. These goals were not met by the December 2007 target date in part because armed groups in the south say they need to remain armed against the Taliban, but UNAMA [United Nations Assistance Mission in Afghanistan] reports that some progress continues to be achieved. Several U.S.-backed local security programs implemented since 2008, discussed below, appear to reverse the intent and implementation of the DIAG process." **[22a] (p43)**

12.24 The United Nations Development Programme, *Disbandment of Illegal Armed Groups (DIAG), First Quarter Report, 2010,* noted:

"In the first quarter of 2010, the Afghanistan New Beginnings Programme's (ANBP) Disbandment of Illegal Armed Groups (DIAG) project continued to play a crucial role within the security sector in Afghanistan by assisting the Government of Afghanistan in disarming and disbanding illegal armed groups, collecting weapons, and in delivering development projects to enhance socio-economic outcomes in compliant districts. In doing so, it contributed to socio-economic community development and enhanced good governance. In this quarter, nine Illegal Armed Groups (IAGs) were disbanded, bringing the total number disbanded since the beginning of DIAG to 704. 1,281 weapons were handed over during the year as a result of DIAG District Operations (DDI) and contributions from other stakeholders, bringing the total of weapons collected under DIAG to 47,551. During this quarter, 1,734 individual weapons were registered, 39 private security companies had their licenses extended until March 2011, and seven districts became compliant with the DIAG process, bringing the total number of compliant districts to 95. These accomplishments reflect the contribution of the DIAG project in supporting weapons management in Afghanistan." **[20a] (p6)**

12.25 The report further noted "The MoI [Ministry of Interior] capacity development action plan gathered pace in the first quarter of 2010, with 43 staff trained in DIAG processes and basic computer programmes, and vehicles and office equipment handed over for use in regional and provincial offices. ANBP mentors continued to provide daily guidance, capacity development initiatives and management oversight to the central DIAG offices." **[20a] (p6)**

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13. JUDICIARY

ORGANISATION

13.01 The US State Department *Country Report on Human Rights Practices 2008*, Afghanistan, published on 25 February 2009 (USSD Report 2008), noted 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 [Non-Governmental Organisation] in Herat, however, reported shuras often treated women fairly in resolving civil matters such as divorce and custody cases." **[2d] (Section 1e)**

13.02 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 14 September 2010, stated that "Justice reform is an important component of the governance agenda, and UNAMA [United Nations Assistance Mission in Afghanistan] continues to engage Afghan judicial institutions and donors on the preparation of a six-month justice action plan to strengthen judicial institutions, access to justice, linkages between formal and informal systems, and transitional justice." **[17f] (p9)**

INDEPENDENCE

13.03 The USSD Report 2009 report 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. Bribery, corruption, and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency threatened judicial impartiality." **[2a] (Section 1e)**

13.04 The Freedom House report, *Freedom in the World 2010*, Afghanistan, covering events in 2009, published on 3 May 2010, stated:

"The judicial system operates haphazardly, and justice in many places is administered on the basis of a mixture of legal codes by inadequately trained judges. Corruption in the judiciary is extensive, and judges and lawyers are often subject to threats from local leaders or armed groups. Traditional justice remains the main recourse for the population, particularly in rural areas. The Supreme Court, composed of religious scholars who have little knowledge of civil jurisprudence, is particularly in need of reform." **[6a]**

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FAIR TRIAL

13.05 The USSD Report 2009, observed that:

"Trial procedures rarely met internationally accepted standards. The administration and implementation of justice varied in different areas of the country. By law all citizens are entitled to a presumption of innocence. In practice the courts typically convicted defendants after sessions that lasted only a few minutes. Defendants have the right to be present at trial and to appeal; however, these rights were not always applied. Trials were usually public. All criminal trials are decided by judges, as there is no right to a jury trial under the constitution. A defendant also has the right to consult with an advocate or counsel at public expense when resources allow. This right was inconsistently applied, in part due to a severe shortage of defense counsel. Defendants frequently were not allowed to confront or question witnesses. Citizens often were unaware of their constitutional rights. Defendants and attorneys were entitled to examine the physical evidence and the documents related to their case before trial; however, observers noted that in practice court documents often were not available for review before cases went to trial.

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

"Under Shari'a relatives of victims can pursue a case against a suspected offender. A judge can offer restitution or, in the case of murder, execution, which the relatives can carry out only if a member of the family consents. Under Shari'a, if the family of the victim forgives the perpetrator, the judge must issue a pardon.

"In cases lacking a clearly defined legal statute, or cases in which judges, prosecutors, or elders were unaware of the law, judges and informal shuras enforced customary law; this practice often resulted in outcomes that discriminated against women. This included the practice 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)**

13.06 An International Development Law Organisation (IDLO) press release dated February 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." **[45a]**

(See also Section 25: Women – Legal rights)

CODE OF CRIMINAL PROCEDURE

13.07 The USSD Report 2009, noted that:

"The criminal procedure code sets limits on pretrial detention, but authorities did not respect such limits, and lengthy pretrial detention remained a problem, in part because the overburdened system could not process detainees in a timely fashion…

"The Criminal Law Reform Working Group, which included local legal experts and international rule of law advisors, completed its revision of the criminal procedure code and submitted it to the Taqnin, the legislative drafting department of the MOJ [Ministry of Justice], for further consideration. At year's end the Taqnin had not taken steps to respond to the Criminal Law Reform Working Group's recommendations. **[2a] (Section 1d)**

A copy of the Afghanistan Penal Code can be located on the the Office of the United Nations High Commissioner for Human Rights (OHCHR) website. **[21a]**

The United States Agency for International Development (USAID) published an English translation of the Shiite Personal Status Law in, April 2009. **[16b]** The International Committee of the Red Cross (ICRC) website provides a copy of the 'Interim Criminal Procedure Code for Courts 2004' **[39a]**

(See also Section 25: Women – Legal rights)

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14. ARREST AND DETENTION – LEGAL RIGHTS

14.01 Article 31, Chapter 2: *Fundamental Rights and Duties of Citizens,* of the Constitution, ratified by President Hamid Karzai at a ceremony in Kabul in January 2004, states:

"Upon arrest, or to prove truth, every individual can appoint a defense attorney. Immediately upon arrest, the accused shall have the right to be informed of the nature of the accusation, and appear before the court within the time limit specified by law. In criminal cases, the state shall appoint a defense attorney for the indigent. Confidentiality of conversations, correspondence, and communications between the accused and their attorney shall be secure from any kind of violation. The duties and powers of defense attorneys shall be regulated by law." **[1a]**

14.02 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010, (USSD Report 2009), stated that:

"The law provides for access to legal counsel and the use of warrants, and it limits how long detainees may be held without charge. Authorities often did not inform detainees of charges against them. Police have the right to detain a suspect as long as 72 hours to complete a preliminary investigation. If they decide to pursue a case, the file is transferred to the Prosecutor's Office, which must interrogate the suspect within 48 hours. The investigating prosecutor can continue to detain a suspect without formal charges for 15 days from the time of arrest while continuing the investigation. With court approval, the investigating prosecutor may detain a suspect for an additional 15 days. The prosecutor must file an indictment or release the suspect within 30 days of arrest. Investigation may continue even if an indictment cannot be completed within the 30 days. In practice many detainees did not benefit from any or all of these provisions… There was little consistency in the length of time detainees were held before trial or arraignment. Postsentence detention also was reportedly common." **[2a] (Section 1d)**

14.03 The Human Rights Watch (HRW) *World Report 2010*: Afghanistan, covering events of 2009, 19 January 2010 noted that "The US continued its extralegal detention practices at Bagram airbase, though changes in policy should bring modest improvements, such as regular review hearings for detainees." **[7a] (p)**

14.04 With regards to the legal procedures for detaining children, the USSD Report 2009 also noted "The juvenile code presumes children should not be held to the same standard as adults. Detained children were typically denied their basic rights and many aspects of due process, including presumption of innocence, the right to be informed of charges, access to defense lawyers, and the right not to be forced to confess. Some of the children in the criminal justice system were victims rather than perpetrators of crime; particularly in cases of sexual exploitation, perpetrators were seldom imprisoned as cases were seldom prosecuted, and some victims were perceived as shameful and in need of punishment, having brought shame on their family by reporting the abuse. Some children were allegedly imprisoned as a family proxy for the actual perpetrator, presumably a bread-winner." **[2a] (Section 1d)**

14.05 A report by the Kings College London on the *Alternatives to Imprisonment in Afghanistan* dated February 2009 recorded that "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 [United Nations Children's Fund] which is not yet operational." **[46a]**

(See also Section 10: Security Forces - Arbitrary Arrest and Detention and Section 13: Judiciary - Fair trial)

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15. PRISON CONDITIONS

15.01 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted that:

"Prison conditions remained poor; however, the government took some steps to improve conditions within the Ministry of Justice (MOJ) prisons and detention centers. Most prisons and detention centers, particularly MOI detention centers, were decrepit, severely overcrowded, and unsanitary and fell well short of international standards. The AIHRC, ICRC, and other observers 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. Prisoners with contagious diseases and prisoners with mental illness rarely were separated from other prisoners." **[2a] (Section 1c)**

15.02 The Afghanistan Independent Human Rights Commission (AIHRC) report, *The Situation of Detention Centers and Prisons in Afghanistan, 2009*, published on 25 June 2010 stated:

"The AIHRC's assessments indicate that the buildings for the prisons and detention centers in most of the country's provinces do not meet the standards suggested by the CPT [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment] and that the space available to hold individuals in custody is not sufficient for the numbers of detainees and prisoners. The frequent overcrowding that results from the limited space has often made it impossible to segregate prisoners who have been tried and convicted from people who have only been accused and are awaiting trial…This is not true in all cases: in Jawzjan province, for example, convicted prisoners are kept together with those awaiting trial, despite the availability of facilities and space that would allow for the two groups to be held separately." **[14b] (93-4)**

15.03 The AIHRC report added:

"Article 12 of the Law of Prisons and Detentions Centers indicates that men and women should be held in different prisons, with at least one prison for each gender in each province, and this part of the law has been implemented to some extent. Currently, the center of every province has separate prisons for men and women. Article 12 also states that there should be one detention center in every district. The Commission has received reports of the absence of detention centers in a majority of districts, which is a serious problem in and of itself. Balkh province, for example, is made up of 14 districts and a border town, but only nine of these districts have their required detention center, the rest do not." **[14b] (p5)**

15.04 With regards to building new prisons the AIHRC observed:

"The Afghan government has not yet allocated enough financial resources to manage and reconstruct places of custody. The Ministry of Finance of Islamic Republic of Afghanistan allocated a budget of only 699,798,000 Afghani (about USD 15,371,729) for the year 1388 (March 2009-March 2010) – about 600,000,000 Afghani (about USD 13,179,571) less than the 1,297,830,000 Afghani (USD 28,508,071) requested by the General Office of Prisons and Detention Centers. Objecting to the shortage of funds made available for detention centers and prisons, the General Director of Prisons and Detention Centers appealed to both the government and the international community for more financial assistance…

"Within the past few years, seven prisons and one detention center have been built, including: the Kabul Prison for Women, the Jawzjan Prison for Women, the Herat Prison for Women, prisons in Laghman, Helmand, Khost, Paktia, and recently built detention

centers for drug addicts. The General Department of Prisons and Detention Centers aims to renovate or build three to four prisons or detention centers every year…

"The General Director of the Prisons and Detention Centers says that the seven new buildings that have been designed to hold prisoners have about 3.5- 4 m² of space per person. It appears, however, that this standard has not been implemented in practice, as overcrowding in the prisons has led to violations of this space-to-person ratio." **[14b] (p3-7)**

15.05 The AIHRC reported on the lack of ventilation and inconsistency to access to electrical power:

"Clause 3 of Article 24 of the Law of Prisons and Detention Centers obliges the Ministry of Justice to take necessary steps, with the cooperation of the Ministry of Health, regarding the lighting and the ventilation of the rooms. The law requires that rooms used to hold individuals in custody receive adequate artificial light and daylight and be free from humidity.

"Unfortunately, in most of the prisons in the provinces, such conditions are not completely fulfilled. In some prisons, where some of the prisoners' rooms face the sun, prisoners are able to enjoy the sunshine, but in the rest prisoners are deprived of this sunlight. The majority of prisons do not have consistent access to electricity, and generators are only used to produce energy at night. Although the prisons in Nangarhar, Khost and Paktia provinces have electricity for a good number of hours, only the prisons in the Kabul, Faryab, Kunduz, Maidan Wardak, Balkh, Jozjan, and Sari Pool provinces have access to electricity 24 hours a day.

"The high level of humidity in the rooms is yet another serious issue in the prisons. Humidity has a direct impact on prisoner health… Ventilation and heating of prison rooms is another problem that has not been taken seriously. There are fans in some of the prisons which are used in the summer. In the winter, however, there are no heating facilities in most of the prisons. Only the prisons in Bamyan, Khust and Paktia have heating facilities." **[14b] (p3-7)**

15.06 The sanitary conditions were reported as very basic with detainees open to hygiene-related health issues. The AIHRC report stated:

"Generally, the majority of the detention centers and prisons do not follow the rules requiring hygienic sanitary conditions. The Commission's provincial and regional reports show that there are not enough proper showers and toilets in most of the detention centers and prisons. In Nimroz prison, for example, there is one shower for 80 to 100 prisoners. In Takhar province, which has 322 prisoners, there are 10 showers. In Baghlan Prison, only three showers have been provided for 234 prisoners. These statistics show that the number of showers does not correspond to the number of prisoners, and it appears as though prisoners face many hygiene-related problems as a result. In some of the prisons, there is no specific place meant for bathing and toilets, a curtained corner is all that is allocated for the prisoners' needs.

"The Commission's provincial and regional offices report that the condition of the toilets is unbearable. A number of the prisons have not even created specific bathrooms, instead guards or prisoners have designated very simple spaces, such as a 4-walled section of floor or earth, without a door or a ceiling for use. Only the prisons located in

Nangarhar, Samangan, Bamyan and Faryab, enjoy clean and suitable showers and toilets." **[14b] (p9-10)**

15.07 In Pul-e-Charkhi, regarded as Afghanistan's most notorious prison, Taliban detainees are segregated from the rest of the population and held under tight security on the top floors of a block known as "The Zone". The cells measured about eight feet by eight feet (2.5m by 2.5m) and were occupied by up to three prisoners. Lyse Doucet, reporting for BBC Newsnight, who was allowed to visit the prison in May 2010, stated that:

"Inside its walls, behind watchtowers and trenches, there is now everything from aerobics classes to outside recreation – which actually translates as sunbathing. Some prisoners take that literally, slathering their bare backs with lotion under a hot sun in the courtyard. A class to study the Koran and a makeshift madrassa spill down the hall across an entire floor of the main prison." Furthermore "Many told us they had also spent time in the US-run detention centre at Bagram, north of Kabul, and complained of abuse there. However, there were few complaints about physical conditions here. Their main complaint was not knowing when their cases would be heard, a lament frequently heard in Pul-e-Charkhi. Many prisoners remain in prison beyond the length of their sentences because of what they condemn as an ineffective and corrupt system of justice." **[28f]**

(See also Section 14: Arrest and detention – legal rights, Section 25: Women – Imprisonment of women and Section 26: Children)

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16. DEATH PENALTY

16.01 Article 129 of the Constitution allows for capital punishment, conditional on the approval of the President. **[30a]**

16.02 The Hands off Cain report on Afghanistan, accessed 4 August 2010, noted:

"The 160 articles [of the Constitution] 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). However, another constitutional provision, article 27, requires the existence of an approved law for the qualification and punishment of a crime, and it may be argued that the Islamic provisions on death penalty are not approved laws." **[47b]**

16.03 Hands off Cain further added:

"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." **[47b]**

A copy of the Juvenile Code can be located via the Italian Ministry of Foreign Affairs website. **[85a]**

16.04 Amnesty International's article, *Afghanistan moves towards a wide use of executions*, published on 13 November 2008, stated that:

"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." **[5d]**

16.05 In 2009 there were no executions reported. However, at least 133 people were reported to have been sentenced to death during the same year. (Amnesty International, 29 March 2010) **[5c]**

16.06 In January 2010 *The New York* Times reported that an Australian national, working as a contractor, had been sentenced to death for murder. The article noted:

"An Australian security contractor working for an American company has been sentenced to death by an Afghan court for murdering a colleague and then trying to cover up the crime by staging a Taliban ambush. It is the first time a foreigner working with the NATO [North Atlantic Treaty Organisation] coalition has been sentenced to death in Afghanistan. The contractor, Robert Langdon, a 38-year-old who worked for a security company called Four Horsemen International, was convicted of murder last October and sentenced to death, but the authorities kept quiet about the case. It became public on Wednesday after an appeals court upheld the sentence and, in response, Prime Minister Kevin Rudd of Australia said his government would ask for clemency. An Australian Foreign Ministry statement said the country would make a 'high level' and 'vigorous' lobbying effort to at least commute the death sentence, but a spokesman for the Afghan Foreign Ministry, Zahir Faqiri, said that 'so far we have not received any official protest from the government of Australia.' The appeals court judge,

Abdul Salam Qazizada, said the cold-blooded nature of the attack and its cover-up justified the sentence." **[12b]**

(See also Section 12: Abuses by Non-government armed forces)

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17. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

17.01 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted that "The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in the August [2009] presidential and provincial council elections." **[2a] (Section 3)**

17.02 The Freedom House report (FH), *Freedom in the World 2010*, Afghanistan, covering events in 2009, published on 3 May 2010, stated, however, that there had been restrictions on political activity:

"Levels of political freedom are higher in urban centers, but violence, insecurity, and repression prevail nationwide. Critics have warned that the 2003 Political Parties Law's vague language could be exploited to deny registration to parties on flimsy grounds. In addition, analysts viewed the adoption of the single-nontransferable-vote system for the 2005 legislative elections as a disadvantage for new political parties. Parties lack a formal role within the legislature, which further weakens their ability to contribute to stable political, policymaking, and legislative processes. There have been a number of violent attacks against members of the Afghan government, including assassination attempts on President Karzai." **[6a]**

FREEDOM OF ASSOCIATION AND ASSEMBLY

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

"To attain moral and material goals, the citizens of Afghanistan shall have the right to form associations in accordance with provisions of the law. The people of Afghanistan shall have the right, in accordance with provisions of the law, to form political parties, provided that:

1. Their manifesto and charter shall not contravene the Holy religion of Islam and principles and values enshrined in this constitution;

2. Their organizations and financial resources shall be transparent;

3. They shall not have military or quasi-military aims and organizations; and

4. They shall not be affiliated with foreign political parties or other sources.

"Formation and operation of a party on the basis of tribalism, parochialism, language, as well as religious sectarianism shall not be permitted. A party or association formed according to provisions of the law shall not be dissolved without legal causes and the order of an authoritative court." **[30a]**

17.04 Chapter 36 states "The people of Afghanistan shall have the right to gather and hold unarmed demonstrations, in accordance with the law, for attaining legitimate and peaceful purposes." **[30a]**

17.05 The USSD Report 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." **[2a] (Section 2b)** The report added "A lack of physical security as well as interference from local authorities and security forces inhibited freedom of assembly in areas of the country where security was poor." **[2a] (Section 2b)**

17.06 The USSD Report 2009 also noted, when reporting on Freedom of Assembly, that "The law on political parties obliges parties to register with the MOJ [Ministry of Justice] and requires them to pursue objectives consistent with Islam. Political parties based on ethnicity, language, Islamic school of thought, and religion were not allowed. Anti-government violence affected the ability of provincial council candidates and political parties to conduct activities in many areas of the country." **[2a] (Section 2b)**

(See also Section 6: Political parties)

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18. FREEDOM OF SPEECH AND MEDIA

OVERVIEW

18.01 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted that:

"The law provides for freedom of speech and of the press; however, journalists increasingly were vulnerable to physical harm and reported numerous instances of pressure from multiple sources to influence reporting, including national and provincial governments, warlords, the drug mafia, foreign governments and individuals, and Taliban insurgents. Some media observers contended that individuals could not criticize the government publicly without fear of reprisal." **[2a] (Section 2a)**

18.02 The International Federation of Journalists (IFJ) report, *Battle for Democracy, Press Freedom in South Asia 2009-2010*, stated that "For all of eight years since the fall of the Taliban regime, independent media in Afghanistan has expanded and diversified, though without a coherent regulatory framework or governance structure. Concurrently, there has been little headway in putting in place strong social and political norms regarding the place of the media in a postconflict society and the latitude available to it in terms of the constitutional right to free speech." **[25a] (p6)**

18.03 The Freedom House report (FH), *Freedom in the World 2010*, Afghanistan, covering events in 2009, published on 3 May 2010, stated that "Afghan media continue to grow

and diversify but faced rising threats in 2009, mostly in the form of physical attacks and intimidation… Media diversity and freedom are markedly higher in Kabul than elsewhere in the country, but some local warlords display limited tolerance for independent media in their areas." **[6a]**

18.04 The Committee to Protect Journalists (CPJ), *Attacks on the press 2009* report, Afghanistan, noted that during 2009:

"Deepening violence, flawed elections, rampant corruption, and faltering development provided plenty of news to cover, but the deteriorating national conditions also raised dangers for local and foreign journalists working in Afghanistan. Roadside bombs claimed the life of a Canadian reporter and injured several other international journalists. A series of kidnappings mainly targeted international reporters, but one captive Afghan journalist was killed during a British military mission that succeeded in rescuing his British-Irish colleague." **[24a]**

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MEDIA LAW

18.05 The Freedom House (FH) Freedom of The World, *Map of Press Freedom*, Afghanistan, 2010 stated that "Article 34 of the constitution allows for freedom of the press and of expression, but Article 130 stipulates that courts and Islamic jurists can rule on a case 'in a way that attains justice in the best manner.' Several journalists have been arrested under this arbitrary clause." **[6b]**

18.06 The IFJ *Press Freedom in South Asia 2009-2010* report stated:

"July 2009 brought a major breakthrough with Afghanistan's mass media law formally gaining presidential assent. Yet a delay of two months in publishing the full text of the Act led to some misgivings. This was seen to be a deliberate effort to ensure that its provisions on the obligations of the stateowned media organisations were not operationalised before the conclusion of the presidential elections on 20 August [2009]…

"The status of the state-owned broadcaster, Radio Television Afghanistan (RTA), was one of the most contentious issues holding up the adoption of the media law. President Hamid Karzai had, in refusing to give his assent to the bill, indicated in December 2007 that he was not in agreement with the purported change in the status of RTA – from state-owned broadcaster to a public service trust…

"The final compromise was, seemingly, to split the difference. RTA is now described, under article 13 of the law, as 'a mass media that belongs to the Afghan nation and shall perform, as an independent directorate, within the framework of the Executive Branch'. The budget of the RTA, the law stipulates, 'shall be provided by the Government, and through advertisements and provision of services'...

"The media law as finally adopted includes several prohibitions on media content as well as numerous stipulations on mandatory content. In these respects, the law is no different from the draft that has been under debate since 2007. Material that is prohibited under the law includes anything:

- Deemed contrary to the principles and provisions of the religion of Islam or to other religions and sects; That is 'defamatory, insulting and offensive' to 'real or legal persons' and could cause 'damage to their personality and credibility';
- That is 'contrary to the Constitution and' could be considered a criminal action under the Penal Code;
- That disseminates or promotes any religion other than Islam;
- That reveals the identity of victims of violent crime or sexual assault in a manner that damages their 'social dignity'; and
- That harms 'psychological security and moral well-being of people, especially children and adolescents'." **[25a] (p6-7)**

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NEWSPAPERS, RADIO, INTERNET AND TELEVISION

18.07 The IFJ *Press Freedom in South Asia 2009-2010* report stated, "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." **[25a] (p5)**

18.08 The USSD Report 2009 stated that:

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

"Prior to the August 20 [2009] elections, radio and television stations ran unprecedented candidate debates, forums, and interviews, widening the content and quality of information available to the public. Several stations ran live coverage on election day. Reporters Without Borders, Internews, and other news groups noted that equal time protections were not in place and many candidates could not afford to pay for messages, so unequal access to airtime for the more than 40 presidential candidates hindered impartiality. The Media Commission of the IEC [Independent Election Commission] did not find significant problems with candidate access to the media, although it stated that state media aired biased reports in favor of the incumbent president." **[2a] (Section 2a)**

18.09 The USSD Report 2009 added that "The Taliban increased efforts to influence and control radio, which reaches more persons in remote areas than other media. In Kunduz two radio stations reported threats from the Taliban. One of the stations shut down as a result of Taliban pressure. Taliban spokesman Zabiullah Mojahed rejected Taliban responsibility." **[2a] (Section 2a)**

18.10 The FH *Map of Press Freedom,* Afghanistan, 2010 stated that, "Access to the internet and satellite television is growing rapidly and remains mostly unrestricted, although it is largely confined to Kabul and other major cities. Only 3.55 percent of the population had access to the internet in 2009. Because of high illiteracy levels in the country, broadcast media remain far more popular than print or online media." **[6b]** The USSD Report 2009

noted that "Internet access was unavailable to most citizens; computer literacy and ownership rates were estimated at less than 10 percent of the population." **[2a] (Section 2a)**

18.11 The USSD Report 2009 additionally noted that, "There were no government restrictions on access to the Internet or reports that 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. Tolo TV reported that the MoIC [Ministry of Information and Culture] ordered four election-related Web sites to close, claiming they were 'undermining the personality of presidential candidates' they favored or opposed." **[2a] (Section 2a)**

18.12 On 4 March 2010, Reuters reported however, that the Afghan government planned to put restrictions on Internet sites. The article noted:

"The Afghan government said this week it would clarify new restrictions on news coverage of Taliban strikes after widespread criticism of the plan by media rights groups and some of its most important allies, including the United States. Afghanistan's National Directorate of Security (NDS) spy agency summoned journalists on Monday to outline the new restrictions, but a day later the government hinted it might row back from some of the more draconian measures. Information and Culture Minister Sayed Makhdoom Raheen said the new Internet bans were not linked to media freedom issues. 'We have specified that four sites which announce sexual issues, drug trafficking and cultivation, violence issues – like making bombs and gambling – must be banned,' he told Reuters. 'There were complaints from the families and the intention is to stop the seduction of the youth generation,' Raheen said." **[49a]**

18.13 The FH *Map of Press Freedom,* Afghanistan, 2010 stated that, "Private broadcast media, particularly those that are commercially viable, such as Tolo TV, exercise the greatest amount of independence in their reporting… International radio broadcasts in Dari or Pashto – such as those from the British Broadcasting Corporation, Voice of America, and Radio Free Europe/Radio Liberty – remain key sources of information for many Afghans." **[6b]**

18.14 In July 2010 Radio Free Europe/Radio Liberty (RFE/RL) reported that the Afghan cabinet had closed the Emroz (Today) television channel. RFE/RL noted:

"The government's closing on July 27 of the Emroz (Today) television channel, owned by Afghan parliament member Najibulla Kabuli, is unprecedented. Kabuli told Radio Free Afghanistan by phone on July 27 that the government's decision to shut down his TV station was politically motivated. He said Emroz has been trying to reveal to viewers 'Iran's interference in Afghanistan's affairs.' Kabuli accused some politicians and political parties of 'pressuring Afghan President Hamid Karzai to close' the station. Hakim Asher, the head of the Afghan government's Center for Information and Media, told Radio Free Afghanistan that the decision to close Emroz was made 'because the television channel was fueling religious tensions and harming national unity.' Emroz has aired mainly recreational programs since 2008. It also provided in-depth coverage of several executions of Afghans in neighboring Iran last year." **[59d]**

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JOURNALISTS

18.15 The Freedom House report (FH), *Freedom in the World 2010*, Afghanistan, covering events in 2009, published on 3 May 2010, stated that "Afghan media continue to grow and diversify but faced rising threats in 2009, mostly in the form of physical attacks and intimidation. Though a 2007 media law was intended to clarify press freedoms and limit government interference, 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." **[6a]**

18.16 The Reporters Without Borders *World Report 2009*, covering 2008, published in September 2009, stated that "Afghan journalists are relatively free to express themselves, as long as they do not comment critically on the country's only really taboo subject: Islam. Through the will of the Mujahideen, the Constitution prevails but Sharia law can be applied, under Articles 130 and 131 of fundamental law." **[26a]**

18.17 The USSD Report 2009, noted:

"Violence against journalists increased during the year [2009]. According to independent media and observers, a combination of government repression, armed groups, and manipulation by foreign groups and individuals prevented the media from operating freely. Journalists were subject to pressure from government officials, foreign governments, and the Taliban and other insurgents, who harassed, intimidated, and threatened to commit violence against them.

"Governmental officials intimidated journalists in an effort to influence their reporting. Media sources reported instances of provincial officials attempting to regulate the media based on their personal interests. Local officials asked the director of Uruzgan Radio and Television to obtain content approval before broadcasting television and radio programs.

"Media sources reported that police detained journalists without cause. According to Media Watch, there were 85 reported cases of violence against journalists, including three killings, nine kidnappings, 35 cases of arrest, 12 cases of intimidation, 22 cases of beating, and four cases of injury. The Media Watch annual report noted government involvement in 57 of the 85 cases of violence against journalists." **[2a] (Section 2a)**

18.18 With regards to journalists reporting on the Presidential election in August 2009, the USSD Report 2009, noted:

"On August 19 [2009], the Ministry of Foreign Affairs and the MOD [Ministry of Defence] issued decrees barring journalists from reporting on election day [20 August 2009] violence and ordering them to stay away from the scenes of terrorist attacks. Most journalists ignored the ban, but NDS [National Directorate of Security] agents beat and briefly detained 15 journalists who ignored the directive. According to the Committee to Protect Journalists, security forces obstructed, assaulted, and detained Afghan and foreign journalists in Kabul and elsewhere on election day." **[2a] (Section 2a)**

18.19 On 20 August 2009, the day of the Presidential elections, Afghan and foreign journalists were reported to have been "obstructed, assaulted and detained" and restrictions were

put on the reporting of violent assaults. The Committee to Protect Journalists (CPJ) observed:

"Security forces obstructed, assaulted, and detained Afghan and foreign journalists in Kabul and elsewhere in Afghanistan today, enforcing an official gag order on news of violent incidents during the presidential election. A spokesman for President Hamid Karzai told the press that information about attacks would discourage voter turnout.

"Police briefly detained at least three foreign journalists and several local journalists during the course of the day, according to news reports. Multiple accounts mentioned police beating journalists, threatening them with guns, and snatching equipment, but no serious injuries have been reported. Almost all the reported incidents occurred at the scene of attacks by militant groups." **[24b]**

18.20 The same source listed further incidents where journalists were harassed on the day of the elections, including:

- "At least two Afghan journalists with Tolo TV were briefly detained, and three more beaten in the past two days, according to Saad Mohseni, Tolo's founder and director…
- "Authorities detained Japanese journalist Kojiro Nobuhiro, a Tokyo Broadcasting System (TBS) television correspondent for several hours on Thursday [20 August 2009] morning, according to international news reports. TBS issued a statement saying he had been questioned about his coverage, according to Reuters.
- "The Christian Science Monitor said Dutch photojournalist Ruben Terlo and Rohulla Samadi, a translator with independent Afghan media organization Killid Media, were detained for 30 minutes after covering a gun battle between Taliban and police." **[24b]**

(See also Section 4: Recent Developments – Presidential Elections 20 August 2009)

18.21 On 11 January 2010 the Committee to Protect Journalists (CPJ) reported that:

"The death of U.K.-based *Sunday Mirror* reporter Rupert Hamer, who was killed in an explosion outside a village in southern Afghanistan on Saturday [9 January 2010], is an indicator of the rising danger for journalists in Afghanistan. The explosion also wounded Hamer's colleague photographer Philip Coburn and took the life of a U.S. Marine.

"The men were traveling in an MRAP (Mine Resistant Ambush Protected vehicle) which was hit by a roadside bomb. Hamer and Coburn, both British, were embedded with a squad of U.S. Marines on patrol near Nawa in the southern province of Helmand, where U.S., British, and Canadian troops and Taliban fighters have squared off ahead of an U.S. military offensive expected in February.

"Rupert Hamer's death marks the 18th death of a journalist in the post-9/11 war in Afghanistan, according to CPJ research. Twelve of those killed have been foreign journalists – the highest death toll for war reporters since Iraq…

"Hamer is the second foreign reporter to die in Afghanistan in two weeks. Canadian journalist Michelle Lang, reporting for the *Calgary Herald* and the Canwest News

Service, died on December 30 while embedded with Canadian troops in Afghanistan. Sultan Munadi, an Afghan reporter for *The New York Times*, was killed in September during a rescue operation after a Taliban faction kidnapped him and Times reporter Stephen Farrell near Kunduz." **[24c]**

18.22 The US Commission on International Religious Freedom (USCIRF), *Annual Report 2010*, covering the period from April 1, 2009 – March 31, 2010, published May 2010 stated that "During the reporting period, a student journalist went into exile following a Presidential pardon on a charge of blasphemy. He had originally been sentenced to death, later commuted to 20 years in prison, for disseminating materials on women's rights in Islam. The publishers of an independent translation of the Koran, who also had been sentenced to 20 years in prison in 2008, were released as part of a Nowruz amnesty." **[68a] (p13)**

18.23 On 22 September 2010 the *New York Times* (NYT) reported on the arrests of three journalists:

"International forces arrested two Afghan journalists during raids of their homes in the early hours of Monday and Wednesday on suspicion of collaborating with the Taliban, the United States military said Wednesday. On Saturday, the Afghan intelligence agency also arrested a radio reporter who was the leader of the Kapisa Province journalists' association, according to a spokesman for the governor, who would not say what the charges were… The international forces initially did not announce the arrests of Mr. Nader and Mr. Nekzad, saying only that Taliban 'facilitators' had been detained… The international forces described Mr. Nader as 'a Taliban facilitator' and said he was 'responsible for collecting information relevant to the Taliban information campaign in Kandahar City,' according to its official statement on Wednesday's arrest, which did not identify him by name." **[42e]**

18.24 The NYT article conducted a telephone interview with a Maj. Sunset Belinsky, a spokeswoman for the NATO-led International Security Assistance Force, who said that the journalists were apprehended because "… we had good information they were associated with Taliban activity,' she said. 'Doing due journalistic diligence would not be enough to get arrested. But being with the insurgents while they were planning or instigating operations would be.' The authorities decided to detain Mr. Nekzad for further action, she said, whereas Mr. Nader 'is still going through the process of determining if he is someone who needs to be detained.'" **[42e]**

Details on journalists that have been killed in Afghanistan since 1992 can be located on a Committee to Protect Journalists (CPJ) database. **[24d]** The Reporters sans Frontières' (RSF) website included further details of journalists that have been attacked, threatened, abducted and imprisoned. **[26]**

(See also Section 12: Abuses by Non-Government Armed Forces - Kidnappings)

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19. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

19.01 There were 1,200 national and 301 international NGOs [Non-Governmental Organisations] registered in Afghanistan, according to the Ministry of Education. (IRIN News, 11 May 2010) **[29a]**

19.02 The Human Rights Watch (HRW) *World Report 2010*: Afghanistan, covering events of 2009, published on 19 January 2010, stated that "The government did little to implement the Action Plan for Peace, Reconciliation and Justice, a plan launched in 2005 for transitional justice in Afghanistan. Human rights groups continued to document war crimes, with growing numbers of civil society groups working with victims of war crimes." **[7a] (Afghanistan Section, p260)**

19.03 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 14 September 2010, remarked on the presence of the United Nations Assistance Mission in Afghanistan (UNAMA) which provided assistance to the people of Afghanistan. The report stated:

"UNAMA is committed to supporting the Government's initiatives for greater aid coherence and effectiveness, as well as aligning aid behind the Government's priorities. UNAMA will thus facilitate a coherent Afghan-led agenda in security, governance and development. The joint efforts under way with the Government to strengthen the Joint Coordination and Monitoring Board are intended to provide the required robust framework. UNAMA continues its close cooperation with its partners to enhance the functioning of the clusters, the standing committees and other relevant coordination mechanisms, and to strengthen the monitoring and evaluation of the decisions of the Board. UNAMA and my Special Representative continue to work closely with all international stakeholders, including the European Union Special Representative and the NATO senior civilian representative, to advance transition to greater Afghan leadership." **[17f] (p9)**

19.04 In regards to activists for women's rights, Amnesty International (AI) reported in March 2009 that:

"A small number of brave women human rights defenders dare challenge the status of women and promote human rights through a variety of activities such as reporting abuses by local warlords, running safe houses, raising awareness of child and forced marriages and providing education programmes and family planning services.

"These courageous women frequently face intimidation and attacks, particularly by powerful elements in society, some of them members of the government, others allied with the Taleban and other anti-government forces. In some cases, these women even suffer attacks from their family members who may be politically opposed or embarrassed by their outspokenness. In many instances women human rights defenders have faced death threats and kidnapping attempts against themselves and their families, as well as physical attacks, including acid attacks. Some have fled the country while others have been killed for raising their voice." **[5f]**

19.05 Amnesty International (AI) then reported in March 2010 that:

"The government does little to support women human rights defenders and sometimes actively hinders their work, eroding the hard-won gains Afghan women have made since the fall of the Taleban. In areas under the Taleban's influence, it is all but impossible for women human rights defenders to continue their work, as several high profile women have been attacked and killed. Yet there are many brave and committed women who continue to challenge the status of women in Afghanistan." **[5g]**

19.06 Furthermore, the United Nations report, of 14 September 2010, added:

"UNAMA and the United Nations Development Fund for Women actively supported the participation of civil society, women's groups and the Afghan Independent Human Rights Commission in the Kabul Conference. UNAMA assisted in coordinating a two-day gathering on 17 and 18 July, which brought together nearly 200 women from all over Afghanistan to identify priority issues for women at the Conference. Civil society and Human Rights Commission participants stressed during the Conference that women's rights and human rights should not be compromised in the ongoing peace and reconciliation process, and called for the enforcement of legislation supporting women's rights. The communiqué of the Conference called for the inclusion of Afghan civil society and the Afghan Independent Human Rights Commission in the implementation of the national priority programme for human rights and civic responsibilities. The Human Rights Commission has since met line ministries and civil society to develop a six-month plan of activities to implement the programme, which includes strengthening of the Human Rights Support Unit in the Ministry of Justice. The Afghan Independent Human Rights Commission on 21 August submitted a six-month plan of activities to the Ministry of Finance and the President's Office for approval." **[17f] (p)**

19.07 The Amnesty International article of March 2009 provided two examples where women's rights defenders experienced persecution:

"In 2007, Zakia Zaki, director of Radio Peace in Parwan province and known to be vocal against warlords, was shot dead while sleeping aside her two young sons. Zaki had previously received several death threats after criticising local warlords and the Taleban. No one to date has been brought to justice for this terrible crime.

"Laila, a human rights defender working on justice for victims of war crimes told Amnesty International: 'Since 2007, I have been under systematic pressure by unknown people who were calling me, sending me emails, following me and threatening to kill me. During the first six months of 2008, there were at least two kidnapping attempts on my children on their way home from school.'" **[5f]**

(See also Section 25: Women)

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AFGHANISTAN INDEPENDENT HUMAN RIGHTS COMMISSION (AIHRC)

19.08 The Chairpersons note from the Afghanistan Independent Human Rights Commission (AIHRC) *Annual Report*, covering the period 1 January to 31 December 2008, stated that:

"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." **[14c] (p5)**

NON-GOVERNMENTAL ORGANISATIONS (NGOS)

19.09 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted 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 persons with disabilities. Government officials were generally cooperative and responsive to organization[s] views. The government cooperated with international governmental organizations and permitted them to visit the country." **[2a] (Section 5)**

19.10 In response to the demand from the many aid agencies and their international donors for a coordinated approach to humanitarian assistance in Afghanistan, and for Afghan refugees in Pakistan, the Agency Co-ordinating Body for Afghan Relief (ACBAR) was created in August 1988:

"ACBAR exists to serve and facilitate the work of its NGO members in order to address efficiently and effectively the humanitarian and development needs of Afghans. ACBAR exists primarily to serve the needs of its members and to act in their interest. To this end, ACBAR pursues three aims:

- "To provide high quality information to ACBAR members and external stakeholders.
- "To advocate for and represent the interests of the NGO sector in Afghanistan on behalf of its members.
- "To promote high ethical and professional standards among the NGO community." **[61a]**

19.11 In May 2010 IRIN News reported:

"The Afghan authorities have cancelled the operating licences of 152 national and 20 international NGOs, accusing them of not being accountable. 'All NGOs have to report [their activities] to the Ministry of Economy [MoE] every six months but these NGOs have not reported for almost two years and therefore they [their operating licences] have been annulled,' Seddiq Amarkhil, MoE's spokesman, told IRIN, adding that the NGOs had the right of appeal. Among the 20 international NGOs are Save the Children Japan, Afghan Children's Relief Organization, International Dispensary Association and Samaritan's Purse International Relief." **[29a]**

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20. CORRUPTION

20.01 The Freedom House report (FH), *Freedom in the World 2010*, Afghanistan, covering events in 2009, published on 3 May 2010, stated that "Corruption, nepotism, and cronyism are rampant, and woefully inadequate salaries exacerbate corrupt behavior by public-sector workers. In addition, government transparency and accountability are often undermined by disjointed international involvement." **[6a]** The United Nations Office on Drugs and Crime (UNODC) reported on 20 August 2010 that "Corruption and poor governance are major causes preventing the process of reconstruction and development in Afghanistan." **[65a]**

20.02 In its 2009 Corruption Perceptions Index (CPI), accessed on 31 August, Transparency International ranked Afghanistan at 179 out of 180 countries, giving it a CPI score of 1.3. (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). **[62a]**

20.03 With regards to the law against corruption, the US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted that "The law provides for criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials frequently engaged in corrupt practices with impunity." **[2a] (Section4)**

20.04 The Report of the United Nations (UN) Special Rapporteur on extrajudicial, summary or arbitrary executions, published on 6 May 2009, stated that:

"Senior Government officials described corruption as being so 'widespread' as to be 'unbelievable', and admitted that they had corruption within their offices. According to many Afghans with whom I spoke, the problem is as blatant as it is rampant. One interlocutor told me that, as you approach a courthouse, you will be approached by persons with some link to the judge who will inquire as to your problem and solicit bribes. It was widely affirmed that when wealthy or powerful people do get convicted, they will not spend long in prison." **[17c] (p29)**

20.05 The Afghan National Police had been "penetrated at every level" with corruption, the *Telegraph* online reported Captain Doug Beattie, a former army officer, as saying in November 2009. The article observed that:

"Capt Doug Beattie, who served two tours in Afghanistan working with the ANP [Afghan National Police], said many police officers are in the paid [sic] of insurgents and were more loyal to their tribes than the Afghan government. British officers say that among low-ranking Afghan police, and particularly in more rural areas away from central control, there is widespread corruption and disloyalty. Parts of the ANP play an active role in helping the Taliban and drug warlords get opium and heroin onto the international market. The police are poorly paid and educated, earning about $200 a month, so are vulnerable to corruption. More worryingly, a number are regular opium users and their addiction makes their behaviour unpredictable." **[63a]**

20.06 Captain Doug Beattie, who had retired from the army, further remarked that, "Because they're militia they can be bought and paid off at will. If the government's paying them they're reasonably happy. But if they don't get enough money they're quite happy to be paid by the insurgency." (*Telegraph* online, 4 November 2009) **[63a]**

20.07 On 19 November 2009, *The Guardian* reported that, during his inauguration speech president, Karzai promised to "… tackle corruption by prosecuting government officials and ending a culture of impunity… in an inauguration speech closely monitored by the international community this morning." After being sworn in the President said he wanted "… 'expert' and competent ministers in his government, and pledged to crack down on corrupt officials. He described corruption as a 'dangerous enemy of the state'." **[64a]**

20.08 The United Nations Office on Drugs and Crime (UNODC) report, *Corruption in Afghanistan: Bribery as reported by the victims*, survey findings, published on 19 January 2010, observed that:

"Citizens of Afghanistan have to pay bribes on a very frequent basis. According to survey results, victims of bribery had, during the previous 12 months, been required to give money to an average of 2.4 public officials on an average of two occasions. This means that each adult Afghan who reported the payment of at least one bribe in practice had been forced to pay almost 5 bribes in a year, more than one bribe per quarter. Paying kickbacks is indeed part of daily life for most citizens of this country." **[65b] (p17)**

20.09 The UNODC report further added:

"In most cases bribes are paid in cash (around 76%), but 'baksheesh' are also given in other forms, with difference in patterns between rural and urban areas. In urban areas, the bribe often consists of more than one item, be it cash, food or other goods. When more than one item is offered, the main component of the bribe is typically cash. In urban areas, food is often added to bribes paid in cash, likely in an effort to make bribes appear to be part of ordinary social relationships. In many cases, rural dwellers use parts of their harvest or livestock to pay bribes to public officials." **[65b] (p23)**

2010 In July 2010, Al Jazeera news reported that:

"Afghans paid nearly $1bn in bribes last year, and corruption has become far more widespread since 2006, according to a new survey from a Kabul-based NGO. The study, conducted by Integrity Watch Afghanistan (IWA), found that 28 per cent of Afghan households paid bribes to obtain at least one government service. The average value of the bribes was $156 - nearly one-third of the country's per capita income. IWA's study was based on interviews with 6,500 people in all but two of Afghanistan's 34 provinces. Paktika and Nuristan were the two provinces not surveyed. Yama Torabi, the co-director of IWA, said more than half of Afghans who paid bribes did so at least twice last year. And he said the numbers masked the real depth of the problem, because some of the Afghans surveyed did not use government services in 2009." **[67a]**

2011 The article further noted:

"Corruption appears to be worst amongst Afghanistan's justice and security agencies, according to the survey. Ten per cent of Afghans reported paying bribes to obtain court decisions or police protection. Many of those bribes were expensive and nearly half of them cost more than 2,500 afghanis ($55). 'When you go to the judiciary, there is a much higher likelihood you will pay a bribe, than, say, when you go to the education department,' Torabi said. Forty-two per cent of respondents said the interior ministry was the most corrupt in Afghanistan, followed by the justice ministry at 32 per cent." **[67a]**

20.12 The USSD Report 2009 noted that:

"The government made efforts to combat corruption in the security apparatus. On April 18, the Attorney General's Office established an Anti-Corruption Unit. Before the August 20 elections, the MOI [Ministry of Interior] trained and deployed more than 100 officers as provincial Inspectors General (IGs). Although their role was initially to investigate election-related claims against the police, they remained on duty after the election as general purpose IG officers. The MOI removed 12 senior officers for alleged corruption, along with 14 others. Merit-based promotion boards became functional during the year, with at least three candidates competing for each job; the process of instituting pay reform and electronic funds transfer for police salaries continued. The MOI continued to obtain training for its IG office." **[2a] (Section 4)**

20.13 The Economist Intelligence Unit (EIU) Country report on Afghanistan, published in January 2010, stated that:

"On November 16th [2009] the Afghan government announced that it had formed a major crime unit to tackle corruption. In another response to the mounting international pressure about this issue, the deputy attorney-general, Fazel Ahmad Faqiryar, declared later in November that corruption investigations had been launched against five former and current cabinet members, and that a further 15 former ministers and two officials from the Ministry of Hajj and Religious Affairs were also being questioned. None of those under investigation were named. However, on November 24th Afghanistan's attorney-general, Ishaq Aloko, was quoted in a British daily newspaper, *The Times*, as saying that although sufficient evidence had been collected to charge five ministers with embezzlement and fraud, Mr Karzai had so far refused to sign their arrest warrants. The article suggested that two of the ministers in question were currently in the cabinet and that three were former ministers. In order for the arrests to proceed, Mr Karzai needs to waive the ministerial immunity of the two current ministers. One of these ministers was named in the article as the minister of hajj and religious affairs, Sediq Chakari." **[66a] (p13)**

20.14 On 20 August 2010, the UNODC reported on its website that it had been "… assisting the Attorney General's Office in creating and implementing the Code of Ethics and Professional Standards for prosecutors. Among other things, UNODC advises the Afghan Government on reforming anti-corruption legislation, including by complying with the United Nations Convention against Corruption.

"The Code of Ethics, first launched in August 2009, was developed in an Afghan-led process over a period of three years and was eventually finalized with the expert technical assistance of UNODC and the Justice Sector Support Program of the United States State Department. This Code integrates international standards with the legal and cultural norms of Afghanistan. Important aspects are the inclusion of constitutional and statutory obligations to protect human rights and the rights of the suspect and accused. The final draft of the Code was developed following a consultative process

that include a series of ethics seminars and round tables for prosecutor offices in Kandahar, Kabul, Herat, Mazar and Jalalabad.

"The code is composed of 28 articles that apply specifically to prosecutors and set the standards for their performance in office. It also includes an internal disciplinary mechanism for investigation, adjudication and appeal of complaints against prosecutors by the public and other legal professionals. Furthermore, it provides essential and fundamental standards and norms for all prosecutors, and implements the requirements of the Convention against Corruption, which was ratified by Afghanistan in 2008.

"The importance of a strong Code of Ethics and Professional Standards and guidance on solid professional conduct was emphasized by Mohammad Ishaq Alako, the Afghan Attorney General, as an important element in the fight against corruption and as an important signal of Afghanistan's commitment to implementing the Convention.

"The Code will strenghten professionalism and integrity in the Attorney General's Office and constitutes one in a series of steps to ensure the highest integrity of all prosecutors and ethical conduct that will increase the public's trust in investigations and prosecutions. UNODC will continue to provide technical and financial support to the Attorney General's Office for comprehensive training for prosecutors in all of the provinces, to strengthen their basic capacity, accountability and integrity." **[65a]**

(See also Section 10: Security Forces - Police, and Section 13: Judiciary)

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21. FREEDOM OF RELIGION

OVERVIEW

21.01 The US Commission on International Religious Freedom (USCIRF), *Annual Report 2009*, covering the period from May 2008 to April 2009, published May 2009, noted that:

"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 [United Nations] 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." **[68b] (p144)**

21.02 The Freedom House report, *Freedom in the World 2010*, Afghanistan, covering events in 2009, published on 3 May 2010, noted that

"Religious freedom has improved since the fall of the ultraconservative Taliban government in late 2001, but it is still hampered by violence and harassment aimed at religious minorities and reformist Muslims. The constitution establishes Islam as the official religion. Blasphemy and apostasy by Muslims are considered capital crimes. While faiths other than Islam are permitted, non-Muslim proselytizing is strongly discouraged. A 2007 court ruling found the minority Baha'i faith to be a form of

blasphemy, jeopardizing the legal status of that community. Hindus, Sikhs, and Shiite Muslims – particularly those from the Hazara ethnic group – have also faced official obstacles and discrimination by the Sunni Muslim majority. Militant groups have occasionally targeted mosques and clerics as part of the larger civil conflict." **[6a]**

21.03 The US Commission on International Religious Freedom, *Annual Report 2010*, covering the period from April 1, 2009 – March 31, 2010, published May 2010, (USCIRF 2010 Report), stated that, "… conditions for religious freedom remain problematic, despite gains in freedom of religion or belief since the ouster of the Taliban regime in late 2001. The lack of effective government authority outside of Kabul and major provincial centers contributes to a deteriorating situation for religious freedom and other related human rights in many areas of the country." **[68a] (p13)**

21.04 The USCIRF 2009 Report previously 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." **[68b] (p 144)**

21.05 The USCIRF 2010 Report stated that, "During the reporting period [April 1, 2009 – March 31 2010], a student journalist went into exile following a Presidential pardon on a charge of blasphemy. He had originally been sentenced to death, later commuted to 20 years in prison, for disseminating materials on women's rights in Islam. The publishers of an independent translation of the Koran, who also had been sentenced to 20 years in prison in 2008, were released as part of a Nowruz [Zoroastrian festival celebrating the beginning of the Afghan year] amnesty." **[68a] (p13)**

21.06 The USCIRF 2010 Report added:

"A government ministry announced that it had seized and destroyed a shipment of Shi'a religious books from Iran, apparently because they contained interpretations of Islam deemed offensive to the majority Sunni community. The government's inclination to accommodate traditional, restrictive views of human rights, specifically regarding women, was demonstrated in the controversy over a new family or personal status law for Shi'a Muslims. Nascent efforts at national reconciliation could potentially return Taliban or other insurgents hostile to international human rights standards to positions of influence." **[68a] (p13)**

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Religious demography

21.07 The US Department of State *International Religious Freedom Report* 2009, Afghanistan, covering events between 1 July 2008 and 30 June 2009, Afghanistan, (USSD IRF Report 2009), published on 26 October 2009, noted

"The country has an area of 402,356 square miles and a population of approximately 31 million. 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 less than one percent of the population. According to self-estimates by these communities, there are approximately 4,900 Sikh and 1,100 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. There is one known Afghan Jew." **[2e] (Section I)**

21.08 The IRF Report 2009 further observed:

"Members of the same religious groups 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 highland provinces around Bamyan Province. 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.

"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 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 departed. Since the fall of the Taliban, some members of religious minorities have returned, with many settling in Kabul." **[2e] (Section I)**

21.09 Additionally the IRF Report 2009 stated, "There is one Christian church and one synagogue. Some citizens who converted to Christianity as refugees have returned. Others may have been born abroad into other religious groups. The Baha'i faith has had followers in the country for approximately 150 years. The community is predominantly based in Kabul, where more than 300 Baha'i members live; another 100 are said to live in other parts of the country." **[2e] (Section I)**

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Legislation

21.10 Chapter 1, Article 2 of the Constitution, adopted on 4 January 2004, accessed via the Foreign and Commonwealth Office website, 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]**

21.11 The USSD IRF Report 2009 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.' In 2004, the constitution accorded both Shi'a and Sunni Islam equal recognition. The constitution 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...'

"In April 2009 President Karzai signed a law codifying the implementation of Islamic family law for the Shi'a minority. This law implemented the provision of the constitution recognizing the right of the Shi'a minority to adjudicate personal and family matters according to their own school of jurisprudence. The law attracted widespread criticism because of restrictions on the rights of women. International partners of Afghanistan and Afghan civil society groups objected strongly to the law. The president agreed to suspend enactment of the law until the Ministry of Justice had reviewed and amended it. The review process was ongoing at the end of the reporting period." **[2e] (Introduction)**

21.12 The USSD IRF Report 2009 further stated that:

"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…

"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." **[2e] (Section II)**

21.13 The USSD IRF Report 2009 also stated that

"The government continued to update the existing criminal and civil legal codes to bring them in line with the country's international treaty obligations. Chapter 18 of the Penal Code of 1976 addresses 'Crimes Against Religions,' although it does not address blasphemous remarks. Article 347 of the Penal Code says persons who forcibly stop the conduct of religious rituals and persons who destroy or damage permitted places of worship where religious rituals are conducted or who destroy or damage any sign or symbol of any religion shall be subject to a medium-term prison sentence (defined in Article 101 of the Afghan Criminal Code as confinement in a jail for not less than one, nor more than five years) and/or a cash fine of between $240 and $1,200 (12,000 and 60,000 Afghanis). There is nothing in the penal code related to the spoken or written utterance of insults or profanity against God, religion, sacred symbols, or religious books.

"There are no laws that forbid proselytizing, although many authorities and most of society view the practice as contrary to the beliefs of Islam. There were unconfirmed

reports of harassment of Christians thought to be involved in proselytizing. They reveal their faith to those they trust, but are careful not to be viewed as seeking to spread their faith to the larger community…

"Blasphemy is a capital crime under some interpretations of Shari'a, and according to such interpretations, an Islamic judge 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 three days to recant their actions or face death by hanging. In recent years, this sentence has not been carried out." **[2e] (Section II)**

(See also subsection on Religious conversion)

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Muslims

Shi'as (Shiite)

21.14 The USSD IRF Report 2009 stated:

"Most Shi'a were members of the Hazara ethnic group, which was traditionally segregated from the rest of society for a combination of political, ethnic, and religious reasons, some of which resulted in conflicts. The Hazaras accused the government, led by Pashtuns, of providing preferential treatment to Pashtuns and of ignoring minorities, especially Hazaras. The government made significant efforts to address historical tensions affecting the Hazara community, including affirmative hiring practices. Although there were reported incidents of unofficial discrimination, and treatment varied by locality, Shi'a generally were free to participate fully in public life…

"Relations between the different branches of Islam continued to be difficult. Historically, the minority Shi'a faced discrimination from the Sunni population. Since Shi'a representation has increased in government, overt discrimination by Sunnis against the Shi'a community decreased. Sunni resentment over growing Shi'a influence was expressed widely often linked to claims of Iranian efforts to influence local culture and politics." **[2e] (Section III)**

(See also Section 22: Ethnic Groups - Hazaras)

ISMAILIS

21.15 The USSD IRF Report 2009 noted "According to a recent United Nations High Commission for Refugees (UNHCR) report, Ismailis were not generally targeted or seriously discriminated against, but they continued to be exposed to risks in some local areas." **[2e] (Section III)**

SIKHS AND HINDUS

21.16 The USCIRF 2010 Report stated "As in the case of Shi'a Muslims, the situation of Afghanistan's small communities of Hindus and Sikhs has improved since the fall of the Taliban, as there is no longer any official discrimination. Hindus and Sikhs are allowed to practice their faith and to have places of public worship. However, they are effectively

barred from most government jobs, and face societal hostility and harassment." **[68a] (p208)**

21.17 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 were Sikh, Hindu or Christian. The Hindu community there, although tolerated, were unable to practise their religion freely and faced forms of intimidation from both the public and the authorities. Some were reluctant to send their children to school for fear of mistreatment. **[4d]** The FCO further noted that the Sikh community in Kabul also faced forms of intimidation and were reluctant 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]**

21.18 The USSD IRF Report 2009 stated that:

"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 some to leave the country. Although Hindus and Sikhs had recourse to dispute resolution mechanisms such as the Special Land and Property Court, in practice the communities felt unprotected.

"Some Sikh and Hindu children were unable to attend government schools due to harassment from other 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. The government did not do so during the reporting period." **[4e]**

(See also Section 26: Children – Education)

21.19 In July 2010, Reuters reported on Awtar Singh, a senator and the only non-Muslim voice in Afghanistan's parliament, speaking about the challenges faced by the Hindu and Sikh community. He said "'We have no shelter, no land and no authority … No one in the government listens to us, but we have to be patient, because we have no other options…" **[49b]**

21.20 The same Reuters article noted:

"Ironically the rise to power of the hardline Islamist Taliban marked an improvement in the lives of those who remained – and some émigrés even started to return. 'The Taliban did not suppress us – they respected our religion and if we had any problem they would resolve it immediately, let alone delay it until the next day,' says [Awtar] Singh. Some Afghan Hindus were baffled by Western outrage at one Taliban decree – ordering them to wear a yellow tag to identify their religion – saying in practical terms it spared their clean-shaven faces from the wrath of the Taliban religious police, who insisted Muslim Afghan men must grow beards. The Sikhs escaped scrutiny because they also grow their beards long. Since the Taliban's fall, Afghanistan's new constitution

promises religious minorities greater freedoms than before, but it is harder to ensure in practical terms." **[49b]**

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CHRISTIANS

21.21 The Foreign and Commonwealth Office (FCO) noted in a letter dated 8 January 2010, that their general assessment of treatment of Christians in Afghanistan has not changed since their previous assessment recorded in a letter dated 17 March 2008. **[4d]** Their assessment was 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. **[4e]**

21.22 Most local Christians did not publicly state their beliefs or gather openly to worship, but between 200 to 300 expatriates met regularly at Christian worship services in private locations in the capital, Kabul. There is only one Christian church in the country, which is not open to local nationals. It is situated within the diplomatic enclave. (USSD IRF Report 2009) **[2e] (Section II)**

21.23 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted that:

"Societal pressure forced Christians 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 one known Christian church in the country. Citizens wishing to practice Christianity did so in private locations. However, a Christian television program called 'Afghan Television' broadcast weekly by satellite into the country, and several Christian radio stations were on the air." **[2a] (Section 2c)**

21.24 The FCO assessment further noted that there may be small pockets of Afghan Christians who worship together in secret places. They do not worship with ex pat Christians, as they would still fear for their safety. **[4e]**

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Baha'is

21.25 The USCIRF 2009 Report stated "Members of Afghanistan's small Baha'i community also lead an essentially covert existence, particularly since May 2007 when the General Directorate of Fatwa and Accounts ruled that their faith is a form of blasphemy and that all Muslims who convert to the Baha'i faith are apostates." **[68b] (p146)**

21.26 The USSD IRF Report 2009 stated:

"The General Directorate of Fatwas and Accounts under the Supreme Court has ruled that the Baha'i faith is distinct from Islam and a form of blasphemy. It holds that all Muslims who convert to the Baha'i faith are apostates and all followers of the Baha'i

faith are infidels. The ruling created 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, up to and including the death penalty. 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." **[2e] (Section II)**

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

SUFISM

21.27 In March 2009 Radio Free Liberty / Radio Europe reported:

"Sufi leaders in Afghanistan claim that at least 60 percent of the country's population are followers of Sufism, or at least support and respect Sufi values… Despite their image as being peaceful mystics, Sufis in Afghanistan have been actively involved in politics and military conflicts. In recent Afghan history, many Sufis took up arms in the 1980s and joined the anti-Soviet jihad. Nor do they advocate a Western-style secular government in Afghanistan. Sufism is also widespread in neighboring Pakistan. Nevertheless, compared to other Islamic sects such as Wahhabism, Sufism is seen as much more moderate, tolerant, and peaceful. Masud Naqshband, a Sufi scholar and former mujahed or holy warrior, says Sufi Islam does not support violence, while some other religious groups in Afghanistan and Pakistan 'have opted for extremism in every sense of the word.'" **[59b]**

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RELIGIOUS CONVERSION

21.28 The USSD IRF Report 2009 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) would have three days to recant his or her conversion or be subject to death by hanging. Individuals could also be stripped of all their property and possessions and have their marriage declared invalid. The Afghan Criminal Code does not define apostasy as a crime, and the constitution forbids punishment for any crime not defined in the criminal code. In recent years, neither the national nor local authorities have imposed criminal penalties on converts from Islam." **[2e] (Section II)**

21.29 The United Nations High Commissioner for Refugees report *UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, 2009, concurred noting that "In recent years, the death penalty for conversion has reportedly not been carried out. Converts from Islam face, thus, a risk of persecution on account of their religion." **[19b] (p14)**

21.30 The Foreign and Commonwealth Office (FCO) noted in a letter dated 8 January 2010 that they were not aware of any human rights monitors having raised any recent

concerns about persecution of Christian converts in Afghanistan. The FCO noted also that there were no specific cases of concern raised during Afghanistan's Universal Periodic Review of Human Rights at the UN Human Rights Council in May 2009, by either Council members or independent human rights monitors. **[4e]**

21.31 A high media-profile case was that of Abdul Rahman in March 2006, he was sentenced to death because he converted to Christianity. The *Times Online* reported that "Mr Rahman became a Christian while working for an aid group helping Afghan refugees in Pakistan 15 years ago. He lived in Germany before returning to Afghanistan, where he was detained when his relatives told authorities that he had converted to Christianity after a dispute involving two daughters." Following his release from prison due to pressure from Western countries and doubts about his mental state, Mr Rahman was granted asylum in Italy. **[69a]**

21.32 The decision to release Mr Rahman provoked anger in Afghanistan and was criticised by the leader of the lower house of parliament, Yunus Qanuni, who told the assembly that he should not be allowed to leave the country. **[69a]** *The Guardian* reported on 28 March 2006 that "Around 1,000 protestors marched through the northern city of Mazar-i-Sharif, chanting 'Death to Christians' and 'Death to America' after court officials announced they were dismissing the case." **[64b]**

21.33 In June 2010 an article by the *Agence France Presse* reported that:

"The Afghan government has suspended two Christian aid groups after a TV show reported they were proselytising, which is illegal in the devoutly Islamic country. The organisations – Norwegian Church Aid and Church World Service of the United States – were being investigated after Noorin TV reported they had converted Afghan Muslims to Christianity, the economics ministry said… 'The president of Afghanistan personally is interested in following this issue himself,' Waheed Omar told reporters. 'This has created an uproar and from the president's point of view this is a serious issue and needs investigation.' Karzai had summoned both his interior minister and the head of country's spy agency on the matter, and 'strongly instructed them to take immediate and serious action to prevent this phenomenon,' he said. Kirkens Noedhjelp or Norwegian Church Aid, which has worked in Afghanistan since 1979, released a statement on Monday rejecting the accusations and saying it was working to improve the lives of some of the most vulnerable Afghans." **[104a]**

MIXED MARRIAGES

21.34 The USSD *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted 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 non-Muslim woman had to convert to Islam before marrying a Muslim man. The court could not register a marriage between a Muslim woman and a non-Muslim man. These situations rarely occurred, however, as more than 99 percent of the population was Muslim. The courts registered marriages between non-Muslims, however." **[2a] (Section 1f)**

(See also Section 25: Women – Marriage and Divorce)

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22. ETHNIC GROUPS

Overview

22.01 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted that "The constitution prohibits discrimination between citizens and provides for the equal rights of men and women; however, local customs and practices that discriminated against women prevailed in much of the country. The constitution does not explicitly address equal rights based on race, disability, language, or social status. There were reports of discrimination based on race, ethnicity, religion, and gender." **[2a] (Section 6)** Pushtuns make up the largest ethnic group at 42%, followed by Tajiks (27%), Hazaras (9%), Uzbek (9%) and Aimak (4%). Other smaller groups include Turkmen and Baluch. (CIA World Factbook, last updated 27 September 2010) **[3a] (People)**

22.02 The United Nations High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, July 2009, stated that:

"Despite constitutional guarantees of 'equality among all ethnic groups and tribes' and Government's attempts to address the problems faced by ethnic minorities, discrimination and ethnic clashes, particularly in relation to land ownership disputes, still occur. Severe discrimination against ethnic minorities in some areas is also reported, most commonly in the form of denial of access to education and other services and political representation. As such, members of ethnic groups may be at risk of persecution on the ground of their ethnicity/race, in areas where they constitute a minority." **[19b] (p20)**

22.03 The USSD Report 2009 also noted that "… different ethnic groups complained they did not have equal access to local government jobs in provinces where they were in the minority. The law requires that 10 seats of the Wolesi Jirga be allocated to Kuchi nomads. Some members of parliament disagreed with this allotment, arguing that under the constitution all groups were to be treated equally." **[2a] (Section 6)** The report further stated that "There were no laws preventing minorities from participating in political life…" **[2a] (Section 6)**

Pashtuns (Pathans)

22.04 The Minority Rights Group International (MRGI) profile on the Pashtun group, accessed on 6 September 2010, observed that:

"Pashtun, also called Pushtan, Paktun or Pathan, are the largest ethnic group in Afghanistan. They live mainly in the south and the east of the country. They have a distinct language called Pashto (an official language since 1936) but also speak Pakhto, which are both Iranian dialects that fall within the Indo-European group of languages. They are generally able to speak Farsi when necessary, often relying on the language in the context of trade dealings in the region. It is speculated that the Pashtun are descendents of Eastern Iranians, who immigrated to the area from Iran…

"The social structure of the Pashtuns is based on the Pashtunwali (or Pukhtunwali) code, which is a mixture of a tribal code of honour and local interpretations of the Islamic Law. This requires the speaking of Pashtu and the adherence to established customs. Hospitality, protection of their guests, defence of property, family honor and protection of the female relatives are some of the most important principles for the Pashtuns. They rely on the tribal council jirga for the enforcement of disputes and local decision-making, as well as the seclusion of women from all affairs outside the home. A major aspect of the Pashtunwali code emphasizes personal authority and freedom. Women are required to wear full-length garments known as the burka…" **[70a]**

22.05 The same source observed that:

"Despite their past political dominance, Pashtuns have never formed a homogeneous group, and many have fallen victim to oppression at the hands of the elites from their own community. The power and leadership of individuals are perhaps what divides Pashtuns, not only into different tribes but also into numerous sub-tribes, each isolated within their own borders. Interference in each other's affairs has caused conflict among sub-tribes throughout their history. Yet despite their infighting they have generally rallied to form a unified front when challenged by external interference or interference by a central non-Pashtun government." **[70a]**

22.06 The USSD Report 2009 noted, "Ethnic tensions between Pashtun and non-Pashtun groups, particularly in the Moqur and Qadis districts, resulted in conflict and occasional killings. In February [2009] members of a Pashtun group killed Hafizollah, a prominent non Pashtun, and several of his family members. In retaliation, members of the non-Pashtun group killed several Pashtuns. In September [2009], non-Pashtuns assassinated a Pashtun leader, Mowin Gholan, in retaliation for the killing of Hafizollah." **[2a] (Section 6)**

22.07 The UNHCR's *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, July 2009, stated that:

"Pashtuns throughout northern Afghanistan, where they constitute an ethnic minority, have since been targeted after being associated with the Taleban [Taliban] regime, whose leadership consisted mostly of Pashtuns from southern Afghanistan. As such, Pashtuns have faced abuses including killings, sexual violence, beatings, extortion, and looting. In addition, formerly displaced Pashtuns may be unable to recover their land and property upon return to their area of origin." **[19b] (p18-19)**

22.08 The MRGI further noted:

"With the collapse of the Taliban regime and the signing of the Bonn Agreement (2001), Pashtun dominance over the other ethnic groups in Afghanistan was brought to an end. Accordingly, there seems to be an essential change over the traditional power balance. The Pashtun, the largest and historically most powerful and influential ethnic group are currently significantly under-represented in the central government, which is dominated by the Uzbeks and Tajiks of the Northern Alliance. This less privileged position in administration and power has created obvious dissatisfaction to Pashtun. Of the estimated 1 million of IDPs at the beginning of 2002, most of the ones that have not returned to their original area of inhabitance are Pasthun, who were uprooted by ethnic violence in the north and the west of the country.

"Nevertheless, the Pashtun remain the largest ethnic group and therefore in an increasingly democratic system are likely to regain their influence. Accordingly, many Pashtun who feel that their influence has been eroded since the fall of the Taliban, have been strongly supporting for President Mr. Karzai, himself a Pashtun albeit not aligned to any political party." **[70a]**

Tajiks

22.09 The Central Intelligence Agency (CIA) World Factbook, last updated 24 June 2010, noted that Tajiks comprised about 27 per cent of the population making them the second largest ethnic group in Afghanistan. **[3a] (People)** The Joshua Project People-in-Country Profile of Tajiks in Afghanistan, accessed on 6 September 2010, observed that "The Tajiks are almost entirely Muslim. Most of them are Sunni Muslims of the Hanafi Sect, but there are a few Ismaili Shia Muslims living in the remote mountain areas. Islam permeates every area of their lives. Rituals relating to birth, puberty, marriage, and death are all built around their beliefs. They faithfully repeat memorized prayers five times a day. In addition to Islamic beliefs, spiritism (superstitious beliefs that incorporate use of charms and amulets) is also widespread among the Tajiks." **[71a]**

22.10 The Joshua Project Profile on the Tajik ethnic group further noted, "Tajik society is male dominated, but [Tajik] women have known less public restriction in the workplace and society (except under Taliban rule) than women in other Muslim groups. Their private lives are similar, however, leaning to the man's advantage. Women have no rights of inheritance. Afghan marriages are typically arranged and divorce may be initiated only by a husband who dissolves a union by repeating three times to his wife, 'I divorce you'." **[71a]**

(See also Section 25: Women – Marriage and divorce)

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Hazaras

22.11 The Central Intelligence Agency (CIA) World Factbook, last updated 24 June 2010, noted that Hazaras comprised about 9 per cent of the population The MRG Profile of the Hazara group, accessed on 6 September 2010, observed that:

"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… The Hazaras speak a dialect of Dari (Persian Dialect) called Hazaragi and the vast majority of them follow the Shi'a sect (twelver Imami). A significant number are also followers of the Ismaili sect while a small number are Sunni Muslim." **[70b]**

22.12 The Joshua Project Profile also observed:

"During the 1978-2001 war years numerous Hazara fled with other Afghans to Pakistan or Iran. While many returning refugees settled in Kabul to work as laborers, market vendors or in service positions, a majority returned to their mountain homelands. Comprised of a half-dozen tribes, the Hazara identify by village location more than by

family ties. Marriage is arranged for a price – usually for the groom's economic advantage – and the bride joins her husband's family." **[70b]**

22.13 The US Department of State *International Religious Freedom Report 2009* (USSD IRFR Report 2009), Afghanistan, published on 26 October 2009 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." **[2e] (Section III)**

22.14 The MRGI Profile, accessed on 6 September 2010, further observed:

"The gradual descent of the standing of the Hazaras has seen them plunge to the very depths of the social hierarchy in modern Afghanistan. Their engagement mainly in providing the unskilled labour required by society has resulted in further stigmatization, with a good indicator of this being the low rate of inter-ethnic marriages with the Hazara. Perhaps as a consequence of this, the Hazaras have been relatively isolated from the influence of the other ethnic cultures of Afghanistan, and their identity has remained relatively static.

"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 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." **[70b]**

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Uzbeks and Turkmen

22.15 The MRGI Profile on Uzbeks and Turkmen, accessed on 6 September 2010 stated:

"… both Uzbeks and Turkmen live in the Northern part of Afghanistan. In origins, Turkmen also called, Turcoman, Turkman or Turkomen come from the Turkic-speaking tribes that emerged from Oghuz Khan, back in the seventh and eight centuries. Turkmen are Sunni Muslim of Hanafi tradition and are closely related to the people of modern Turkey to the West, and identical to the majority Muslim population of their Central Asian kin state across the border to the North. Originally a purely tribal society, they have, in the more recent years adopted a semi-nomadic lifestyle. The Uzbeks come from the Altaic and are also a Turkic-speaking ethnic group. **[70c]**

Kuchies (Kochies)

22.16 The MRGI Profile on Kuchies, accessed on 8 September 2010 stated:

"Kuchi, means 'nomad' in the Dari (Persian) language. Kuchi are Pashtun from southern and eastern Afghanistan. They are a social rather than ethnic grouping, although they also have some of the characteristics of a distinct ethnic group. Though traditionally nomadic, many have been settled in northwest Afghanistan, in an area that was traditionally occupied by Uzbeks and Tajiks, after strong encouragement by the Taliban government. Nowadays only a few thousands still follow their traditional livelihood of nomadic herding. Others have become farmers, settled in cities or immigrated. The largest population of Kuchi is probably in Registan, the desert in the Southern Afghanistan…

"Although due to their nomadic life-style the Kuchi were never really involved in the politics of the country, they have played a key role in Afghanistan's post-Taliban political revival. Together with the Pasthun they supported Mr. Karzai in the 2005 presidential elections. Also, in the recent elections they have been allocated 10 seats of the 249 seats, seven for men and three for women, in the new National Assembly. Kuchis were also promised a government department to handle their affairs, but it has yet to materialise." **[70d]**

22.17 The Afghanistan Independent Human Rights Commission (AIHRC) Report on the *Situation of Economic and Social Rights in Afghanistan – IV, Qaws 1388 (November/December 2009)*, stated that:

"Afghan Kuchis are generally categorised into three groups. Settled Kuchis are those who have abandoned their Kuchi way of life and become accustomed to living like other Afghan people in cities or villages away from traditional Kuchi lifestyle and with full reintegration with other members of the community. The second group comprises Kuchis who choose short-term migration throughout the year and migrate within a province or a district for a short period of time in a year. The third category includes Kuchis who choose long-term migration and move from province to province throughout the year. The fact of being a Kuchi is a factor that deprives some Kuchis from accessing their economic and social rights, noting that settled Kuchis generally have a better standard of living than short or long term migratory Kuchis.

"Continued and multi-year droughts in Afghanistan have disrupted the traditional way of life of Kuchis. Their pastures have dried and their animals have died of starvation. The largest Kuchi concentration, which amounts to about 60,000 people, includes Kuchis who are unable to return to Rigestan plain. Drought in the north and local residents' opposition to Kuchi return are factors that have led to the displacement of another 10,000 Kuchis. These factors combined have disrupted customary Kuchi living and compelled them to live in camps with food assistance, without infrastructure, and through dailywage work. It is impossible for Kuchis to return to their traditional lifestyle as animals have died and it takes several years to recover from drought. It is unlikely for Kuchis to cope with the challenges, because they are unfamiliar with stable livelihood means and do not own immovable property historically." **[14d] (p26)**

22.18 The AIHRC report also noted that:

"Kuchis' enjoyment of the right to health and education are problematic. Since the collapse of the Taliban regime, the President has, on several occasions, promised to build mobile schools and clinics for Kuchis, but few such promises have been kept…

"Like their right to health, Kuchis' right to education is enjoyed considerably less by Kuchis than other segments of Afghanistan's population. Only 33.6% of Kuchi children regularly go to school and 66.4% of Kuchi children never or rarely go to school, while around 42.3% of school-going Kuchi children drop out before they reach the sixth grade. This places Kuchis far behind non-Kuchis who are twice as likely to attend education (60.2% of non-Kuchi children go to school)." **[14d] (p26-27)**

22.19 In May 2010, the AIHRC issued a Press Release which stated:

"The AIHRC expresses its grave concern about the negligence of the government in resolving the problem of Kochies, and reoccurrence of the armed conflict between Kochies and native inhabitants of Behsood district of Maidan Wardak province that has resulted in the killing, injury and displacement of a number of inhabitants of the said district.

"Considering the need for maintaining of security, peace and legality which are the precondition for the realization of justice, ensuring of democracy and guarantee for human rights, unfortunately the reoccurrence and continuation of this problem has a detrimental impact on the enjoyment of human rights by the people including the right to life, security, education, political participation and enjoyment of sound environment.

"Highlighting the importance of the issue the AIHRC has constantly emphasized the need for and urgent, fundamental and fair solution of the issue of Kochies through its press releases and annual reports to Afghanistan government and international societies.

"Urgent, fundamental and fair solution of Kochies problem based on the laws effective in the country particularly Article 14 of the Afghan Constitution is both a social need and a government obligation. The relevant state organs and entities should not neglect ensuring security, safety of people's life and property, addressing of disputes and legal resolution of the incidents that are the components of the government's major obligation and duties.

"The AIHRC while expressing its deepest regret and concern over the reoccurrence of the conflict that resulted in the casualties, injuries and displacement of inhabitants of Behsood district, calls on the government of Afghanistan to take urgent and effective measures to stop conflict and violence, prevent human tragic events, address the situation of IDPS, verify the losses and insure restitution and seek legal and fair ways for a fundamental and permanent resolution of this problem and insure the rights of native inhabitants and Kocheis based on the Afghan Constitution." **[14i]**

A map showing the location of ethnicities can be located in the Congressional Research Service (CRS) report, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, 17 September 2010. **[22a] (p100)**

Nuristanis

22.20 The US Department of State International Religious Freedom Report 2009, Afghanistan, covering events between 1 July 2008 and 30 June 2009, (USSD IRF Report 2009), published on 26 October 2009, noted "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." **[2e] (Section I)**

22.21 The MRGI Profile on Nuristanis, accessed on 8 September 2010 stated:

"Nuristanis arrived in Afghanistan fleeing the eastward spread off [sic] Islam. They speak an [sic] 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 [men] working in livestock herding while the women work on grain production or irrigated terraces." **[70e]**

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23. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS (LGBT)

This Section should be read in conjunction with Section 25: Women and Section 26: Children

LEGAL RIGHTS

23.01 The International Lesbian and Gay Association (ILGA) *World Survey: State sponsored Homophobia*, dated May 2010, stated that same-sex male and same-sex female relationships are illegal in Afghanistan. The report also noted that under Article 427 of the Penal (Criminal) Code, 1976:

"(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... " **[72a] (p23)**

23.02 The ILGA World Survey added:

"In Afghan legal terminology 'pederasty' appears to refer to intercourse between males regardless of age. The fact that paedophilia or sexual relations with persons under the age of consent falls under subsection 2(a) of article 427 indicates that this is the case… Islamic Sharia law, criminalising 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." **[72a] (p12)**

23.03 United Nations High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, July 2009 stated that "Like apostasy, homosexuality is punishable by death, as a Hudood

crime, according to most interpretations of Sharia law, although there were no sexual orientation-related executions reported during 2008." **[19b] (p16)**

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

23.04 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), stated "The law criminalizes homosexual activity; however, authorities only sporadically enforced the prohibition. Organizations devoted to the protection or exercise of freedom of sexual orientation remained underground." **[2a] (Section 6)**

SOCIETAL TREATMENT AND ATTITUDES

23.05 UNHCR's Eligibility Guidelines, July 2009 stated that "Persons accused of committing crimes against Sharia law, such as… homosexuality and adultery, are at risk not only of social rejection and violence at the hands of family or community members, but also of formal prosecution." **[19b] (p16)** The USSD Report 2009 noted however that "There were no reported instances of discrimination or violence based on sexual orientation, but social taboos remained strong." **[2a] (Section 6)**

23.06 Fox News reported in January 2010 that:

"An unclassified study from a military research unit in southern Afghanistan details how homosexual behavior is unusually common among men in the large ethnic group known as Pashtuns – though they seem to be in complete denial about it.

"The study, obtained by Fox News, found that Pashtun men commonly have sex with other men, admire other men physically, have sexual relationships with boys and shun women both socially and sexually – yet they completely reject the label of 'homosexual.' The research was conducted as part of a longstanding effort to better understand Afghan culture and improve Western interaction with the local people." **[73a]**

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24. DISABILITY

This Section should be read in conjunction with Section 28: Medical issues – Landmine and ordinance victim assistance

24.01 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), stated that "The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons who have disabilities and to protect their rights, including health care and financial protection. The constitution also requires the state to adopt measures to reintegrate and ensure the active participation in society of persons with disabilities." **[2a] (Section 6)**

24.02 The 2009 Landmine Monitor Report, accessed 8 September 2010, stated:

"The National Law for the Rights and Privileges of Persons with Disabilities, developed in 2006, was approved by the parliament at the end of 2008 but still awaited presidential approval at the end of May 2009. As of 1 July 2009, Afghanistan had not signed the UN Convention on the Rights of Persons with Disabilities (UNCRPD), but the convention and supporting documents had been translated into local languages by the Afghanistan Independent Human Rights Commission. A disability terminology guide was also under development. Several operators noted that the existence of the UNCRPD provided an opportunity to put pressure on the government to support the disability sector. However, the rights of persons with disabilities were generally not ensured due to the lack of a legislative framework." **[74a] (Victim Assistance)**

24.03 The Afghanistan Independent Human Rights Commission (AIHRC) *Report on the Situation of Economic and Social Rights in Afghanistan – IV, Qaws 1388 (November/December 2009)*, stated that:

"The Afghan concept of disability is mostly limited to physical disabilities, while mental and sensory disability too socially isolates the affected persons and hinders their full participation in society. There are no standard terms in Afghanistan related to the types of disability, levels of need, and other disability-related notions.

"Persons with disabilities are among the most vulnerable segments of population and the government has taken no measures to enable their full participation in society and to ensure their access to social and educational services. Due to the lack of public awareness about the concept of disability, persons with disabilities are often perceived as a family and societal burden and are humiliated and discriminated against. Article 22 of the Afghan Constitution has emphasised the equality of all people and has outlawed all forms of discrimination among citizens. Article 53 of the Constitution requires the government of Afghanistan to take the necessary measures to ensure rehabilitation, training, and active social participation of persons with disabilities and provide them with medical and financial assistance." **[14d] (p18)**

24.04 The USSD Report 2009 further stated that: "The ICRC [International Committee of the Red Cross] reported that accurate figures on the disabled population were not available…" **[2a] (Section 6)** The AIHRC, November/December 2009 report concurred and observed that "There is no precise assessment of the number and situation of persons with disabilities in Afghanistan and different authorities have presented different statistical data on the number of persons with disabilities." **[14d] (p19)**

24.05 The AIHRC report observed:

"Thirty years of war in Afghanistan had unfavourable effects and one of these is the rise in the number of persons with disabilities. The Afghan conflict not only physically incapacitated people, but it also had negative implications for the psyche of Afghan public. Afghanistan is a country largely affected by mines in which around 55 people lose their lives in mine-related incidents per month. The death toll was at 138 people per month in 2001, referring to the fall in death toll in previous years. The Afghan government is party to 2003 Ottawa Convention and as such it is bound to complete mine action by 2013 and declare Afghanistan as a mine-free country. According to the UN, 4 million people still live in areas that have not been de-mined. Several national and international institutions are involved in mine action in Afghanistan, but they face such challenges such as inadequate budget and insecurity." **[14d] (p19)**

24.06 The USSD Report 2009, also stated that there were an "… estimated 800,000 mobility-impaired persons, of whom approximately 40,000 were limb amputees. MOLSA [Ministry of Labor, Social Affairs, Martyrs, and Disabled] provided financial support to 88,000 persons with war-related disabilities. Fewer than 90 percent of persons with physical and mental disabilities had jobs. The AIHRC reported that of the nearly 200,000 school age children with disabilities, only 22.4 percent attended school." **[2a] (Section 6)**

24.07 The AIHRC report noted:

"The government's response to the needs of persons with disabilities has varied during different periods. Such treatment has sometimes been politicised and this is discrimination per se and a serious challenge to ensuring social security and fair and effective relief for persons with disabilities. The ratification of the National Law on the Rights and Privileges of Persons with Disabilities is pending in the National Assembly over differences on Jehadi- and non-Jehadi persons with disabilities. Residential sites named 'towns of persons with disabilities' reflect the government's discriminatory and non-human rights-based treatment of persons with disabilities. Such treatment, apparently aimed at helping these people, further socially isolates persons with disabilities and hinders their social inclusion.

"The government's programmes have been inadequate and ineffective in ensuring social security for this category to address the depth and scope of needs of persons with disabilities. Afghanistan's National Assembly has approved no budget for assisting persons with disabilities, except providing a monthly stipend of 400-600 Afghanis for these people. Services have not been provided equally all over the country and many persons with disabilities are either having no access to adequate services or have to go to faraway places to access such services. For example, physical rehabilitation services are being provided in only 80 of all 364 districts, or in only 19 out of 34 provinces. Persons with disabilities have less access to services and social security in rural areas than in urban ones." **[14d] (p19-20)**

(See also Section 26: Children – Child care and protection, Section 28: Medical issues and Section 30: Freedom of Movement – Mines and unexploded ordnance)

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25. WOMEN

OVERVIEW

25.01 The Organisation for Economic Co-operation and Development's Social Institutions and Gender Index, Country Profile on Afghanistan (SIGI Afghanistan profile), accessed on 9 September 2010, noted:

"Afghan women are among the most vulnerable in the world. Under the Taliban regime, women and girls were systematically discriminated against and marginalised, and their human rights were violated. Women's removal from the public domain meant that they could not play any role in the political process and were excluded from all forms of formal or informal governance. Women and girls were also severely restricted in their access to education, health care facilities and employment.

"The overthrow of the Taliban in November 2001 raised hopes that women in Afghanistan would rapidly regain their human rights. Ongoing threats to women's security make their participation in public life almost impossible" **[75a]**

25.02 The United Nations Assistance Mission in Afghanistan (UNAMA) report, *Silence is Violence, End the Abuse of Women in Afghanistan* (UNAMA report), published on 8 July 2009 stated that:

"Three decades of armed conflict, coupled with associated lawlessness, insecurity, and weak governance, have had a significant impact on the status and situation of women in Afghanistan as well as on efforts geared to their emancipation and empowerment.

"Distinct phases of the war, since the outbreak of armed conflict in 1978, have been characterized by events that were particularly dangerous and harmful for women. During the Soviet period, aerial bombardments were instrumental in triggering large-scale population movements that, in turn, had ramifications for the rural poor and agrarian livelihoods and infrastructure including vital irrigation systems. The Mujahedeen period (1992-1996) was marked by ferocious, internecine warfare that scarred all aspects of Afghan life. Women's rights and freedoms were severely restricted. Grave human rights abuses included extra-judicial executions, torture, sexual violence, disappearances, displacement, forced marriage, trafficking and abduction. This period represents one of the darkest chapters in the history of Afghan women.

"The brutality and predatory nature of the civil war, or Mujahedeen period, contributed to the emergence of the Taliban and their consolidation of power throughout much of the country after their capture of Kabul, September 1996. The Taliban, with their strict and idiosyncratic interpretation of Sharia law put an end to much of the brutality and mayhem that characterised the Mujahedeen period.

"Taliban understanding or interpretation of Islam, however, further institutionalized the marginalization of women. Throughout its harsh, five-year rule, the Taliban's extreme interpretation of Sharia, based on a distorted and oppressive version of Islam, attempted to change the essence of Afghan society to that of a fundamentalist and repressive system of governance where Taliban edicts reigned supreme. Taliban rule was particularly harsh in urban centers where women, in particular, were victimized and were reduced to a shadowy existence. Women and girls were subjected to systematic discrimination that, effectively, confined most females to their homes. Females were not permitted out in public unless accompanied by a mahram [male chaperone]." **[18c] (p5-6)**

25.03 Furthermore, the same source noted that "Following the demise of the Taliban regime at the end of 2001, there was a great deal of hope and optimism amongst Afghans, human rights activists and others, that the situation of women would improve significantly. The Bonn Agreement (December 2001), was concerned with the transformation, reconstruction and development of Afghanistan." **[18c] (p6)**

25.04 The Women for Women International survey, 2009 *Afghanistan Report: Stronger Women Stronger Nations*, 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). 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 [CEDAW]." **[76a] (p16)**

25.05 An Amnesty International (AI) article in March 2009 observed:

"There have been some advances in respect for women's rights since the fall of the Taleban, notably through the establishment of the Ministry for Women's affairs, a constitution that grants women equal status to men, improved access to education and representation of women in parliament. But Afghan women and girls still face endemic violence, including domestic violence, abduction and rape by armed individuals, trafficking, forced marriages, including ever younger child marriages, and being traded in settlement of disputes and debts." **[5f]**

25.06 In some areas women have had their formal rights to education and employment restored and were able to participate in public life. (Freedom House, 2010) **[6a]** However, The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted that "Women continued to face pervasive human rights violations and remained largely uninformed about their rights under the law. Discrimination was particularly acute in rural areas and villages." **[2a] (Section 6)**

25.07 The USSD Report 2009 continued:

"Societal discrimination against women persisted, including domestic abuse, rape, forced marriages, forced prostitution, exchange of girls to settle disputes, kidnappings, and honor killings. Despite the constitutionally protected right to travel freely, many women were forbidden to leave the home except in the company of a male relative. Such cultural prohibitions meant that many women could not work outside the home, and often could not receive access to education, health care, police protection, and other social services." **[2a] (Section 6)**

25.08 The UNAMA report of 8 July 2009 stated that:

"Undoubtedly, some progress has been made in advancing the rights of all Afghans including those of women. Noticeable improvements include the adoption of a new constitution with a specific provision on gender equality. Afghanistan is a party to a number of international human rights treaties, including accession, without reservation, in 2003, to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); this implies the responsibility of the State to protect and promote the human rights of all Afghan women and girls." **[18c] (p7)**

(See also subsection: Violence against women)

25.09 A survey of 1,500 women across different regions by Women for Women International, in their 2009 Afghanistan Report: *Stronger Women Stronger Nations*, 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." **[76a]**

25.10 The Human Rights Watch Report, *The "Ten-Dollar Talib" and Women's Rights Afghan Women and the Risks of Reintegration and Reconciliation*, dated 13 July 2010, stated:

"Following the fall of the Taliban, most Afghans hoped for peace and a legitimate government. Women and girls who had suffered such brutality during the Taliban era, and in the preceding decades of conflict, anticipated great improvements in their lives. Leaders all over the world promised help. Some of those improvements came quickly-girls began to return to schools in bigger numbers, women became more visible in public life, many returned to work. In December 2001, a month after the fall of the Taliban, Dr. Sima Samar became the deputy prime minister and first minister of women's affairs in Afghanistan. The new constitution, passed in 2004, guaranteed women equal rights and a dramatic improvement in their political representation, with a quarter of seats in Parliament reserved for women.

"However, even in these early years flaws were visible. From its inception, compromise weakened the fabric of the new state, with the elevation into government of former Mujahidin commanders and warlords, many of whom have attitudes to women that are reminiscent of the Taliban. Their power has too often placed them and those they protect above the law. Dr. Samar was forced to resign from her position after just six months due to death threats against her. More decisive action against the perpetrators of such threats might have set a different tone." **[7b] (p21)**

(See also Subsection - Social and economic rights, Subsection - Violence against women and Section 19: Human rights institutions, organisations and activists)

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LEGAL RIGHTS

25.11 Afghanistan became a signature to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 18 August 1980, was then ratified on 5 March 2003. (United Nations Treaty Collection, accessed 10 September 2010) **[17d]** Further information on the CEDAW Treaty and other Afghanistan and UN Treaty Bodies can be located on the Office of the United Nations High Commissioner for Human Rights (OHCHR) website. **[21b]**

25.12 The USSD Report 2009 stated that "The constitution prohibits discrimination between citizens and provides for the equal rights of men and women; however, local customs and practices that discriminated against women prevailed in much of the country. The constitution does not explicitly address equal rights based on race, disability, language, or social status. There were reports of discrimination based on race, ethnicity, religion, and gender." **[2a] (Section 6)**

25.13 Amnesty International (AI) reported in March 2009 that "A lack of political will, together with discrimination against women in both the formal and informal justice systems, reinforces a climate of impunity and entrenches cultural attitudes and abusive practices that repress women's rights. The police, the courts and local jirgas (tribal councils) seldom address women's complaints and perpetrators are rarely brought to justice for attacking women or violating their rights." **[5f]**

25.14 The Social Institutions and Gender Index (SIGI) Profile on Afghanistan, accessed on 9 September 2010, noted:

"Legislation in Afghanistan provides only weak support for the financial independence of women. Many women work in the agriculture sector, but their access to land is very limited and very few own land of their own. While Islamic law protects a woman's access to property other than land, customary law traditionally deprives women of economic assets, leaving them dependant on their husbands, fathers or brothers (if unmarried) throughout their lives.

"Afghani women have only limited access to bank loans… most Afghans, men and women, are too poor to provide collateral for loans. Since 2001, foreign aid has helped to establish several micro-finance institutions in the country, which are available to both women and men." **[75a]**

(See also Subsection on Social and economic rights)

25.15 Acknowledging the advances that had been made in women's rights since the fall of the Taliban in 2001, Amnesty International's observations noted in a briefing paper, dated June 2008, that:

"Amnesty International welcomes advances in respect for women's rights since the fall of the Taleban [Taliban], 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." **[5e] (Section 3. Protecting and upholding women's rights)**

25.16 A new law in Afghanistan known as the Shia Personal Status Law (SPSL) threatened to curtail women's rights by regulating marriage, divorce, and inheritance for the Shia population. Human Rights Watch reported in April 2009 that the Law included "… provisions that require a woman to ask permission to leave the house except on urgent business, a duty to 'make herself up' or 'dress up' for her husband when demanded, and a duty not to refuse sex when her husband wants it.

"The provisions of the Shia Personal Status Law directly contradict the Afghan constitution, which bans any kind of discrimination and distinction between citizens of Afghanistan. Article 22 states that men and women 'have equal rights and duties before the law.' The law also contravenes the Convention on the Elimination of All Forms of Discrimination against Women, to which Afghanistan is a state party." **[7c]**

25.17 The USSD Report 2009 observed that "The SPSL, which was amended in the summer to remove the most controversial phrases, went into effect for Shias in July [2009]…The law applies only to the 20 percent of the population who are Shia. Some Shia groups hailed the law for officially recognizing the Shiite minority; however, the law was controversial both domestically and internationally for to its failure to promote gender equality." **[2a] (Section 6)**

25.18 A Human Rights Watch article dated 13 August 2009 recorded that:

"The [amended SPSL] law gives a husband the right to withdraw basic maintenance from his wife, including food, if she refuses to obey his sexual demands. It grants guardianship of children exclusively to their fathers and grandfathers. It requires women to get permission from their husbands to work. It also effectively allows a rapist to avoid prosecution by paying 'blood money' to a girl who was injured when he raped her… The law was designed in secret by a powerful and hard-line Shia leader, Ayatollah Asif Mohseni, and supported by conservative Shia leaders in parliament." **[7d]**

The United States Agency for International Development (USAID) published an English translation of the Shiite Personal Status Law in April 2009. **[16b]**

25.19 The USSD Report 2009, observed that:

"On July 19 [2009], President Karzai signed the Elimination of Violence Against Women (EVAW) law, criminalizing violence against women, including rape, battery or beating; forced or underage marriage; 'baahd' (the giving of a female relative to another family to settle a debt or dispute); humiliation; intimidation; and the refusal of food. Penalties include prison terms of less than six months to the death penalty. Victims have the right to prosecute abusers, seek shelter in a safe house, and receive medical and legal aid, but the law was seen as only a small positive step for women, as implementation was a concern." **[2a] (Section 4)**

25.20 The USSD Report 2009, added:

"Article 17 of the EVAW law specifically punishes rape with life imprisonment, and if the act results in death of the victim, the perpetrator shall be sentenced to death. The law punishes the 'violation of chastity of a woman… that does not result in adultery (such as touching)' with imprisonment of up to seven years. Rape does not include spousal rape. Shari'a law, as interpreted in the local context and influenced by tribal customs, although uncodified, impeded successful prosecution of rape cases. The Koran does not specifically mention a punishment for rape, but under one interpretation of Shari'a, local tribal elders or religious leaders may treat rape as a form of adultery, punishable by stoning to death or 100 lashes of the whip, although there were no reports of such cases during the year. Under some interpretations of Shari'a, a woman who brings a charge of rape sometimes must produce four witnesses to prove that the rape occurred as a result of force. Accused men often claimed the victim agreed to consensual sex, which resulted in an adultery charge against the victim." **[2a] (Section 4)**

(See also Subsection on Violence against women)

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POLITICAL RIGHTS

25.21 The Women for Women international paper, 2009 Afghanistan Report, stated 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." **[76a] (p17)**

25.22 The USSD Report 2009 stated that "As required by law, there were 68 women in the 249-seat Wolesi Jirga; 30 percent of seats are reserved for women. UNIFEM expressed concern that the quota was interpreted as a ceiling rather than a floor, limiting the number of women to 30 percent. There were 23 women in the Meshrano Jirga. One woman served in the cabinet. No women served on the Supreme Court Council. There were 203 female judges." **[2a] (Section 3)**

(See also Subsection on Violence against women)

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Women's participation in the August 2009 Presidential & Provincial Council Elections

25.23 The Womenkind organisation published a report in 2008 that noted:

> "In Afghanistan, a country that has experienced some of the world's most brutal and protracted violent conflicts, there have been significant gains in the numbers of women in Parliament in recent years – there are currently 91 female MPs representing over 25 per cent of the Lower House in the National Assembly – but this has not delivered true empowerment for women, as some Western leaders have claimed. In reality, women MPs are regularly silenced or intimidated. Women's-rights activists express deep frustration at the little say they have in setting the development-aid and reconstruction agenda for their country - and ordinary Afghan women continue to face systematic discrimination and violence in their households and communities." **[78a] (p28)**

25.24 The Human Rights Watch (HRW) report, *"We Have the Promises of the World" Women's Rights in Afghanistan*, published December 2009, stated that:

"While there were some signs of progress for women in the 2009 elections, women's participation was disappointing in many respects, leaving many women feeling that they had been let down by their government and international supporters…

"According to the Independent Election Commission, 38.75 percent of actual voters in the 2009 elections were female, based on the numbers of votes returned from male polling stations and female polling stations. However, this number is unreliable because it fails to take account of the high levels of fraud using women's voting cards and polling stations.

"A number of provinces where the actual female turnout was reported to be very low nonetheless officially recorded high female turnout, raising allegations of fraud. This was particularly true in parts of the southeast such as Paktia province, where more women are recorded as having voted than men (50.3 percent versus 47.7 percent, with the remaining votes coming from ethnic Kuchis). This is highly unlikely, as very few women were observed voting in the district centers, and almost none in rural areas. As one international election official told Human Rights Watch, the reported number of female voters is 'essentially meaningless' because it clearly includes so many fraudulently cast female votes." **[7e] (p28-31)**

25.25 The USSD Report 2009, stated that "Two women ran for president and seven for vice president; 328 women ran for the 124 provincial council seats reserved for women, more than ever before. In some provinces open seats remained for women because not enough female candidates contested the election." **[2a] (Section 3)**

(See also Section 3: History - Presidential Elections - August 2009)

Women's participation in the September 2010 Parliamentary Elections

25.26 The United Nations Assistance Mission in Afghanistan (UNAMA) website noted, when observing the 2010 Parliamentary Elections, that:

"There are 400 women candidates for the Wolesi Jirga elections. This is up from the 2005 elections (328 candidates). This number ensures that, at a minimum, women candidates will fill all 68 seats allocated for women and are likely to win additional seats. The IEC as well as women's civil society organizations are currently engaged in mobilizing women to register as voters so that they can exercise their right to select their representatives." **[18g]**

25.27 A note by The Free and Fair Election Foundation of Afghanistan (FEFA), published on the United Nations Development Programme (UNDP) website, 14 June 2010, stated that the Government should have done more by way of security to protect civilians in the September 2010 Parliamentary elections. The note further added:

"FEFA observers based in thirty one provinces during the nomination of candidates reported serious concerns over security, the ability of women to participate in the elections, and the capacity of electoral institutions… Insecurity on major roads, especially the presence of mines and improvised explosive devices posed a challenge for prospective candidates traveling from their home districts to candidate nomination centers in provincial capitals. Intimidation of candidates by insurgent groups was a source of alarm among FEFA observers, who monitored security incidents in their provinces during the nomination period. Night letters warning individuals not to run in

the elections were issued by the Taliban in several districts in Khost, Logar and Paktika. In Logar, the threatening letters, posted overnight in public places, specifically warned that women standing for election would be targeted for violence. But insurgents were not the only ones posing threats. Candidates running against powerful incumbents with histories of criminal activity and ties to armed groups expressed fears that they and their supporters would be subject to intimidation and violence during the campaigns." **[14b]**

(See also Subsection on Violence against women and Section 3: History - Presidential Elections - August 2009)

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SOCIAL AND ECONOMIC RIGHTS

25.28 The Freedom House report (FH), *Freedom in the World 2010*, Afghanistan, covering events in 2009, published on 3 May 2010, stated that:

"Women's formal rights to education and employment have been restored, and in some areas women are once again participating in public life. Women accounted for about 10 percent of the candidates in the 2005 parliamentary elections, and roughly 41 percent of registered voters were women." **[6a]** However "Another major setback to women's rights came with the passage in 2009 of new legislation that derogated many constitutional rights for women belonging to the Shiite Muslim minority, leaving questions of inheritance, marriage, and personal freedoms to be determined by conservative Shiite religious authorities. Social 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." **[6a]**

25.29 The Social Institutions and Gender Index (SIGI), accessed on 9 September 2010, recorded that "Unlike the Taliban, the current government imposes no legal restrictions on women's freedom of dress." **[75a]** The USSD Report 2008 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." **[2d] (Section 5)**

25.30 The United Nations Assistance Mission in Afghanistan (UNAMA) report, *Silence is Violence, End the Abuse of Women in Afghanistan*, published on 8 July 2009 reported that:

"The burqa received an inordinate amount of attention in the West during the Taliban period. The removal of the burqa is often viewed as a symbol of the 'liberation' of Afghan women. However, for many women, this is often the only protection they have to move in public locations without being harassed. The burqa allows women to maintain a

low-profile. Female police officers have reported that they wear a burqa for their own personal safety when outside of the police station." **[18c] (p10)**

25.31 The USSD Human Rights Report 2009 stated that "Despite the constitutionally protected right to travel freely, many women were forbidden to leave the home except in the company of a male relative. Such cultural prohibitions meant that many women could not work outside the home, and often could not receive access to education, health care, police protection, and other social services." **[2a] (Section 6)**

25.32 The SIGI Afghanistan Profile accessed on 9 September 2010, noted:

"Under Islamic law, provisions on parental authority hold that fathers are the natural guardians of their children. In the case of divorce, mothers are usually granted physical – but not legal – custody of children until they reach the age of custodial transfer. At that time, children are returned to the physical custody of the father or the father's family.

"Women's right to inheritance in Afghanistan may vary, depending on whether they are determined by Islamic and customary law. Under Islamic law, women may inherit from their parents, husbands or children, and, under certain conditions, from other family members. However, their share is always smaller than that to which men are entitled. This is commonly justified by the argument that women have no financial responsibility towards their husbands and children. Under customary law, women do not inherit from their fathers or husbands, but are taken into the care of the husband's family. If a widow is young, she is often encouraged to marry one of her brothers-in-law as a means of being able to take care of her children." **[75a]**

(See also Section 19: Human Rights Institutions, Organisations and Activists and Section 30: Freedom of Movement)

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Access to education and employment

25.33 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." **[76a] (p18)**

25.34 The Afghanistan Independent Human Rights Commission (AIHRC) Report on the *Situation of Economic and Social Rights in Afghanistan – IV, Qaws 1388 (November/December 2009)*, stated that:

"A lack of official statistics and studies on women's economic status render it difficult to achieve an understanding of this indicator. Nevertheless, little has been done to create employment for women, including through fostering handicrafts, and developing small- and large-scale enterprises so that women are provided with economic opportunities. HRFM (Human Rights Field Monitoring) data shows that women's unemployment rate is 54% in cities and 62% in villages." **[14d] (p17)**

25.35 The same source added "In addition, women are extremely dissatisfied with existing gender-based discrimination in public, private, and other contractual sectors, such as carpet-weaving, spinning. Discrimination against women in organisational contexts ranges from discriminatory behaviour to a lack of reinforcement, encouragement, and appreciation for women's initiatives and efforts." **[14d] (p17)**

25.36 The USSD Human Rights Report 2009 stated that "Denial of educational opportunities, limited employment options, and ongoing security threats continued to impede the ability of many women to improve their situation, despite the progress women in urban areas made toward access to public life, education, health care, and employment." **[2a] (Section 6)**

25.37 The UNIFEM's 2010 Fact Sheet on Afghanistan, updated in February 2010, observed that:

- "Only 12% of females 15 years and older can read and write, compared to 39% of males.
- The estimated overall literacy rate for women between ages 15-24 stands at 24% (compared to 53% for men)" **[77a] (Education)**

25.38 Afghanistan saw twenty nine women army officer recruits pass-out of training. They were the first women commissioned into the army since the early 1990s. The BBC reported on 23 September 2010 that "Their recruitment is part of a huge US-funded training programme. Women were forbidden from serving by the Taliban… The women will not however be sent to the front line of the fight against the Taliban, which is at its fiercest since the US-led invasion of the country in 2001. The aim is to strengthen army and police ranks so that 150,000 foreign forces can begin to withdraw." **[28j]**

(See also Section 10: Security forces – Armed forces and Section 26: Children – Access to education for girls)

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MARRIAGE AND DIVORCE

This Section should be read in conjunction with Section 26; Children – Underage/forced marriage.

25.39 The USSD Report 2009 stated that "The legal age for marriage was 16 for girls and 18 for boys. International and local observers estimated that approximately 60 percent of girls were married younger than 16." **[2a] (Section 6)** The Social Institutions and Gender Index (SIGI) Country Profile on Afghanistan and the situation of equality for Afghan women, accessed on 9 September 2010, noted "The Afghan Constitution and Islamic Sharia law both support polygamy, allowing men to take up to four wives. Certain conditions apply to polygamous marriages, such as the equal treatment of all wives, but these are not always observed…" **[75a]**

25.40 The AIHRC report of November/December 2009 stated:

"Harmful traditional practices have extensively challenged the enjoyment by all people of their right to marry and found a family. Elopement, bad and badal marriages [Compensation, whoever commits an offence is liable to pay Badal, such as giving away a girl as to settle a dispute between tribes or families], domestic violence, and many other social problems often arise out of dominant customs that negatively affect women in particular. Forced marriage and underage marriage, which are entered into without the consent of the intending spouses, inflict an unwanted union on an Afghan girl and boy with numerous hazardous ramifications." **[14d] (p4)**

25.41 The US Department of State *International Religious Freedom Report* 2009, Afghanistan, covering events between 1 July 2008 and 30 June 2009, (USSD IRF Report 2009), published on 26 October 2009, noted:

"… 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." **[2e] (Section 3)**

25.42 The Freedom House report, *Freedom in the World 2010*, Afghanistan, covering events in 2009, noted "Women's choices regarding marriage and divorce remain circumscribed by custom and discriminatory laws …" **[6a]** The Womankind report of February 2008 stated "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." **[78b] (p24)**

25.43 The AIHRC report of November/December 2009 stated:

"Although Islamic sharia and the Constitution have conferred appropriate rights on men and women, de jure and de facto equality between men and women has not been accurately provided. The current rules do not offer protection for women. A man can divorce his wife without any due process of law. Lack of registration of marriage and divorce has caused the ill-treatment of women. A woman can remarry three months after divorce and in case of objection she should produce three witnesses in court to substantiate her divorce. A woman can start divorce proceedings if she has enough evidence and this includes that her husband is sick or exposes her to danger, her husband cannot support her, her husband has been absent for four years, or he has been sentenced to 10 years or over in prison. In any of these cases, a court of law can

order the giving to her of her marriage portion and custody of girls until they reach the age of nine and boys until they reach the age of 11." **[14d] (p54)**

25.44 The Womankind report further 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… **[78b] (p25)** Women's economic dependence on male family members prevents them from seeking divorce or leaving abusive marriages." **[78b] (p44)**

25.45 The AIHRC report of November/December 2009 added:

"Although Islamic sharia and the Constitution have conferred appropriate rights on men and women, de jure and de facto equality between men and women has not been accurately provided. The current rules do not offer protection for women. A man can divorce his wife without any due process of law. Lack of registration of marriage and divorce has caused the ill-treatment of women. A woman can remarry three months after divorce and in case of objection she should produce three witnesses in court to substantiate her divorce. A woman can start divorce proceedings if she has enough evidence and this includes that her husband is sick or exposes her to danger, her husband cannot support her, her husband has been absent for four years, or he has been sentenced to 10 years or over in prison. In any of these cases, a court of law can order the giving to her of her marriage portion and custody of girls until they reach the age of nine and boys until they reach the age of 11." **[14d] (p54)**

25.46 With regards to a certificate of marriage the Human Rights Watch (HRW) report, *"We Have the Promises of the World" Women's Rights in Afghanistan*, published December 2009, stated:

"In March 2008, the AIHRC and the Ministry of Women's Affairs succeeded in persuading the Supreme Court to accept a new marriage registration certificate that includes a signature or sign of consent from both bride and groom and some form of proof that they are old enough to marry. Since hardly any birth certificates are issued in Afghanistan, proof of age is still difficult to provide. This is a useful step to begin to reduce the prevalence of child and forced marriage, though it is at present not compulsory, charges are made for the certificate which may act as a deterrent, birth certificates (to prove age) are rare, and awareness and take up still very low." **[9e] (p59)**

25.47 The AIHRC report of November/December 2009 stated "A marriage certificate comprises registration of marriage, entrance into marriage, and the responsibilities of the intending spouses. Article 61 of the Afghan Civil Code requires all marriages to be registered. But to date there has been no mechanism to register marriages and divorces." **[14d] (p54)**

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Relationships outside of marriage 'Zina'

This Subsection should be read in conjunction with the Subsection on Violence against women.

25.48 The USSD Report 2009 stated that:

"'Zina,' a criminal act under the penal code, defined as heterosexual penetration between persons not married to one another, technically means adultery or fornication. In practice police and legal officials often invoked zina to justify the arrest and incarceration of women for social offenses such as running away from home, defying family wishes on the choice of a spouse, fleeing domestic violence or rape, or eloping. Police often detained women for zina at the request of family members. UNAMA reported cases of zina in nearly every province. Authorities imprisoned some women for reporting crimes perpetrated against them and some as 'proxies,' serving as substitutes for their husbands or male relatives convicted of crimes. Authorities placed some women in protective custody to prevent violent retaliation by family members." **[2a] (Section 6)**

25.49 An Integrated Regional Information Networks (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', according to women's rights activists…" **[29b]** 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." **[29b]**

25.50 On 10 August 2010, the *Mail Online* reported on a woman who was flogged before being shot to death following accusations of an illicit relationship. The article noted:

"… 48-year-old Bibi Sanubar, was flogged up to 200 times before being shot on Sunday – in the head and chest – in the remote Qades district. Her alleged lover managed to escape. Abdul Jabbar Khan, security chief in the Taliban-controlled area, said the killing was ordered after the woman allegedly killed her newborn child to conceal illicit sex. The international coalition in the country issued a slightly different version of the incident, saying Sanubar was a still-pregnant widow who was killed for alleged adultery. Elders in the village of Quds contacted Taliban commanders after the woman's pregnancy became known. A local official said: 'She had an illegal relationship with a man who was not her husband.' But he added: ' Her husband died many years before. Then she became pregnant so, according to Islam, we gave her a very strong punishment. It was more than 200 lashes. Then we shot her.' Afghan police said the body was later dumped in an area under government control." **[81a]**

25.51 On 15 August 2010 a couple accused of adultery were stoned to death, in the Taliban-controlled village of Mullah Quli in Kunduz, northern Afghanistan, for "eloping". The Taliban tricked the man and woman into returning to the village after they had ran away and were brought to the local bazaar where they were stoned before a large crowd. The Taliban later left, leaving the woman dead but the man still alive. The Taliban returned after a while and shot the man three times. The incident was condemned in the strongest terms by the government. (BBC, 16 August 2010) **[28g]**

(See also Subsection on Violence against women Section 12: Abuses Non-government forces, Section 21: Freedom of Religion – Mixed marriages, and Section 26: Children – Underage/forced marriage)

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SINGLE WOMEN AND WIDOWS

25.52 France 24 news reported in May 2009 that "In Afghanistan, it is virtually impossible for women to live alone, without the protection of the family and especially of male relatives. Given the importance of the family, Afghan women's advocates say the emphasis in domestic violence cases is on trying to solve the situation within the family through counseling and outreach services." **[80a]** The article also noted that the organisation 'Women for Afghan Women' (WAW) are assisting their clients to find new husbands. "Prospective grooms are carefully selected and approved by the shelter's staff, and tend to be men who cannot afford the customary bride price, making them more accommodating when seeking a wife." **[80a]**

25:53 United Nations High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Asylum seekers from Afghanistan*, July 2009 noted that "Unaccompanied women or women lacking a male 'tutor' (mahram) continued to face limitations on conducting a normal social life. They include divorced women, unmarried women who are not virgins, and women whose engagements to be married have been broken. Unless they marry, which is very difficult given the social stigma associated with these women, social rejection and discrimination continue to be the norm." **[19b] (p32)**

25.54 The UNHCR report further noted:

"Women without male support and protection generally lack the means of survival, given the social restrictions on women living alone, including the limitations on their freedom of movement. This is reflected in the absence of solutions available to the few women able to access domestic violence shelters. Unable to live independently, they face years of quasi-detention, prompting many to return to abusive family situations. The results of such 'reconciliation' are generally not monitored and abuse or honor crimes committed upon return are often done with impunity." **[19b] (p32)**

25.55 An article by the Revolutionary Association of the Women of Afghanistan (RAWA), dated 20 October 2009, stated:

"Despite having one of the largest war victim populations in Asia, Afghanistan does not have a law on how to deal with hundreds of thousands of war widows, orphans and disabled… The office of the president told IRIN that in the last 18 months over 2,800 'condolence payments' (US$2,000 each) had been made to families that had lost a family member in the war, and 1,700 'sympathy payments' ($1,000) had been distributed to people wounded in the conflict. However, the president's 'condolence payments' are ad hoc and authorized only for specific families – mostly those affected by military operations by pro-government forces, officials said." **[79a]** However, two families interviewed in the article said that they had received no help, either from the government or aid agencies. Both families had lost men that were "… killed in explosions allegedly perpetrated by anti-government forces." **[79a]**

25.56 The RAWA article also said "Noor-ul-Haq Ulomi, a member of the National Assembly who served the Soviet-backed government in the 1980s, accused the international community and the current Afghan government of failing to heed the plight of war victims. 'In the past the [Soviet-backed] government distributed free land and apartments, [making available] education facilities for orphans, and employment for

widows and disabled people, but the existing government has done nothing compared to what had been done in the past,'..." **[79a]**

25.57 As far as welfare payments were made, RAWA recorded:

"The families of about 100,000 government employees, police officers, soldiers and Mujahedin fighters killed in fighting between 1979 and 2001 have been registered at the Ministry of Labour, Social Affairs and Martyrs & Disabled (MoLSAMD), but assistance is minimal: With funds from the World Bank the government pays up to $12 monthly (40 US cents a day) to each family. Government officials acknowledge that the real number of victim families is much higher but say they cannot help all of them. Some beneficiaries said the monthly payments they received could not meet their needs for a single day, and also criticized the payment process as corrupt and bureaucratic." **[79a]**

25.58 The USSD Human Rights Report 2009 noted that "Given the early marriage age, some women become widows in their 20s and 30s. Since widows were perceived as their in-laws' property, they could be forced to marry a brother-in-law, who may already have a wife; the late husband's family seized any property he left." **[2a] (Section 6)**

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Imprisonment of women

25.59 The Foreign and Commonwealth Office noted in a letter dated 17 March 2008 that "A number of NGOs [Non-Governmental Organisations] 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]**

25.60 The July 2009 UNHCR report noted:

"Detention for breaches of customary or Sharia law disproportionately affects women and girls. Women and girls are arrested and imprisoned for committing uncodified 'moral crimes', including for perceived misbehaviour such as running away or being improperly accompanied. Victims of rape (female and male), domestic violence, trafficking, forced marriages or other violence against women are often detained on criminal charges. Charging female rape victims with adultery or zina (sex outside of marriage) is reportedly standard practice. 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." **[19b] (p59)**

25.61 The USSD Report 2009 stated:

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

17 and 21 remained detained in Pol-e-Charkhi prison after fleeing abusive forced marriages." **[2a] (Section 6)**

25.62 In June 2010, The British Broadcasting Company (BBC) reported on a newly built women's prison in Afghanistan:

"Badam Bagh, home to 147 women and children, was opened two years ago and markedly improved prison conditions for women. They used to be held at Afghanistan's most notorious jail, Pul-e-Charki, which now has some 5,000 men. [A] separate facility was built, helped by foreign aid, after concern grew about women's conditions. An Afghan parliamentary report had highlighted cases of women being raped inside prison walls. The new centre, a three-storey white building, is bright and clean, and women move freely between their cells and communal areas. Handicrafts allow them to earn some money, and computer classes teach new skills." **[28h]**

15:63 The BBC article focused on two cases where women were imprisoned for being of 'bad character'. Sixteen year old Sabera explained why she had been sentenced to three years imprisonment. "'I was about to get engaged, and the boy came to ask me himself, before sending his parents. A lady in our neighbourhood saw us, and called the police,' she said. In an act of mercy her sentence was reduced to 18 months. "Fellow inmate Aziza was accused of running away from her husband. She says she was acquitted two months ago, but still languishes in prison. A senior official in Afghanistan's Ministry for Women's Affairs told a recent UN workshop that about half of Afghanistan's 476 women prisoners were detained for 'moral crimes'." **[28h]**

25.64 Furthermore, for those women that had been released from serving a prison sentence it was extremely difficult to get support from the Government or be accepted back into society. In August 2010, the Institute for War and Peace Reporting (IWPR) reported that:

"In conservative Afghan society, many women who have done time in prison – often for 'moral crimes' – face being ostracised by their relatives and the wider community. 'Moral crime' is a loosely-defined category that can cover acts such as running away from home, refusing to get married, and even being the victim of rape. While these are not offences in the written criminal code, it is common for courts to impose jail sentences on women deemed guilty of them… Stigmatised by society and with few safety nets, they are commonly left homeless and destitute once they are released… Former prisoners complain that there is no provision made by government agencies or civil society groups to support them after they leave jail. Another woman … spent six months in prison after fleeing her home. 'When I was released from the prison, I was sheltered for a month by the department for women's affairs,'… 'Then they sent me away. I went to several places but no one helped me.'" **[27c]**

25.65 The IWPR also provided an example from another case:

"Masuma, 24, was released six months ago after serving a sentence for running away to escape a forced marriage arranged by her uncle. Her family did take her back, but the reconciliation has not been straightforward.

'It is true that my family accepted me back but this didn't take place very easily,' she said. 'When I returned home, my brother shaved my head with a knife and then locked me in our bathroom where I spent two weeks. They later forgave me but they don't treat

me as they used to, before I ran away. However, I am now trying very hard to regain their trust.'" **[27c]**

(See Section 15: Prison Conditions for further details of prison conditions for women)

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VIOLENCE AGAINST WOMEN

25.66 The Human Rights Watch (HRW) report, *"We Have the Promises of the World" Women's Rights in Afghanistan*, published December 2009, stated that "Violence against women and girls in Afghanistan, including domestic violence, sexual harassment, and rape, is endemic. Despite growing awareness about these issues, the Afghan government has failed to take proactive measures to prevent gender-based violence, investigate crimes, prosecute perpetrators, and ensure victims' safety and access to services." **[7e]**

25.67 The Amnesty International Report 2010: *The state of the world's human rights: Afghanistan*, (AI Report 2010) published on 27 May 2010, concurred and noted that "Women and girls continued to face widespread discrimination, domestic violence, and abduction and rape by armed individuals. They continued to be trafficked, traded in settlement of disputes and debts, and forced into marriages, including under-age marriages. In some instances women and girls were specifically targeted for attack by the Taleban [Taliban] and other armed groups." **[5a]**

25.68 In March 2010, an article by IRIN News reported:

"Over the past two years more than 1,900 cases of violence against women in 26 of Afghanistan's 34 provinces – from verbal abuse to physical violence – have been recorded in a database run by the Ministry of Women's Affairs and UNIFEM. One recorded case is the murder, by her in-laws in Parwan Province north of Kabul, of a young woman who had refused to live with her abusive husband. Another is the regular physical and mental torture meted out to a woman by her husband and mother in-law in Kabul. 'The database does not give a perfect picture but it helps to highlight some of the common miseries of Afghan women,' UNIFEM's Najia Zewari told IRIN." **[29c]**

25.69 The IRIN article highlighted a case where a woman, accused of eloping was publicly beaten. IRIN noted:

"In January [2010] domestic violence forced two young women to flee their homes in Oshaan village, Dolaina District, Ghor Province, southwestern Afghanistan. A week later they were arrested in neighbouring Herat Province and sent back to Oshaan, according to the governor of Ghor, Mohammad Iqbal Munib. 'One woman was beaten in public for the elopement and the second was reportedly confined in a sack with a cat,' Munib told IRIN." **[29c]**

25.70 Women did not often report acts of violence because of the lack of assistance from the authorities. The UNAMA report of 8 July 2009 stated that:

"Victims repeatedly complain that inadequate attention is given by authorities when they report a case of harassment, threat or attack. Women feel that the lack of action by

Afghan authorities serves to reinforce the view that perpetrators of violence are immune from punishment. Afghan women have repeatedly reported that they have lost faith in the law enforcement and judicial institutions that they consider ineffective, incompetent, dysfunctional and corrupt. Referring an incident to the police, the national directorate of security (i.e., the intelligence service) or a prosecutor is said to be of no avail; cases are usually not taken seriously, properly recorded or acted upon. Ultimately, authorities are not willing or are not in a position to provide women at risk with any form of protection to ensure their safety. For instance, the outspoken head of a district office of a department of women's affairs told UNAMA that following threats from the Taliban over a period of several months in 2008, her request for security guards for her office was turned down, including by the provincial governor, who she reported had told her: 'if you are under threat, just go home.' And when a case is acted upon, it is often done in an unprofessional manner with little regard to the safety and security of women, which further undermines women's confidence in public authorities' willingness and capacity to protect them. The police often refer to the lack of appropriate resources, including qualified female officers, to explain their limitations in pursuing such cases. According to many women, reporting a case to the police may actually further endanger them as it raises their profile." **[18c] (p17-18)**

25.71 The Human Rights Watch (HRW) Report, *The "Ten-Dollar Talib" and Women's Rights Afghan Women and the Risks of Reintegration and Reconciliation*, 13 July 2010, stated:

"Women who are active in political life – including parliamentarians and provincial councillors – face attacks and intimidation. This has profound ramifications not only for the safety of women who continue political work, but for their ability to continue to defend the rights of all Afghan women and girls. It can also deter the next generation of women leaders. On March 6, 2010, unidentified gunmen attacked parliamentarian Fawzia Kufi, the second time she has escaped an assassination attempt. On April 5, 2010, Provincial Councilor Neda Pyani was seriously injured in a drive-by shooting in Pul-e Khumri, Baghlan province. The government has barely mustered a response even when very high-profile women are killed, attracting much media attention. It has never brought to justice the killers of several prominent women in public life, including Sitara Achakzai, Malalai Kakar, Zakia Zaki and Safia Amajan. The fact that these assassinations go unpunished increases the threat against women and compounds their fear. Although male politicians have also been attacked, every attack on a high-profile woman has a multiplier effect on other women in the same profession or region. Beyond physical attacks against women politicians, women face constant verbal abuse and threats from their male counterparts while working. Nuhaa N., an official involved in discussions about the Elimination of Violence Against Women (EVAW) law, described how male parliamentarians hurled insults at a woman parliamentarian who was defending the law." **[7b] (p33-34)**

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Honour killings/crimes

This section should be read in conjunction with the Subsections on Violence against women and the Subsection on Rape.

25.72 A United Nations Assistance Mission in Afghanistan (UNAMA) Report, *Silence is Violence, End the Abuse of Women in Afghanistan*, published on 8 July 2009, stated that:

"Private feuds, such as those between families or within communities are also a motive for sexual violence. In such contexts, rape is used to 'dishonour' another family, tribe or clan, to obtain revenge for a previous crime. Men thus enter into a cycle of revenge, based on the sexual abuse of women. Sexual violence and rape are seen as 'compensating' for an earlier crime. However, it was noted by some interlocutors that revenge is usually meted out on families that are considered less powerful." **[18c] (p23)**

25.73 In 2008/9, honour killings contributed to 6.4 percent of deaths amoungst women in Afghanistan. (AIRHC, November/December 2009) **[14d] (p59)** The Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, published on 6 May 2009, stated that "'Honor killings' occur with impunity in parts of Afghanistan." **[17c] (p30)** The USSD Report 2009, noted that "The AIHRC [Afghanistan Independent Human Rights Commission] documented 51 honor killings throughout the year; however, the unreported number was believed to be much higher." **[2a] (Section 6)**

25.74 The Report of the UN Special Rapporteur, 6 May 2009 observed that the "Women in the family of the deceased victim of an 'honor killing' are typically too afraid of their own families to make a complaint to police. And they know that the police are unlikely to carry out an investigation, or that if they do, bribery will ensure impunity for the perpetrators. I received reports of a number of cases in which police did attempt to carry out investigations, but senior Government officials interfered with or prevented the investigations. Like any other murders, international law requires that these killings be investigated, prosecuted, and punished." **[17c] (p30-31)**

25.75 The same source further reported on the 'honour killing' of two cousins (boy and girl) who "… allegedly had sexual relations outside of marriage. They were invited to a 'dinner' by their uncles and, when sleeping, were shot and killed. The boy's body was sent to his father. The girl's was buried without any funeral prayers. No family members complained to the police. The police knew about the deaths, but did not investigate, claiming that they could not do so without a complaint from the family." **[17c] (p30)**

(See also Subsection on Relationships outside of marriage 'Zina')

25.76 Another example is that of Bibi Aisha, a young Afghan wife, whose ears and nose were cut off after being accused of shaming her husband's family: The Cable News Network (CNN) who reported on the story in August 2010 noted:

"Her father had promised her hand in marriage, along with that of her baby sister's, to another family in a practice called 'baad.'… At 16, she was handed over to her husband's father and 10 brothers, who she claims were all members of the Taliban in Oruzgan province. Aisha didn't even meet her husband because he was off fighting in Pakistan. 'I spent two years with them and became a prisoner,' she says. Tortured and abused, she couldn't take it any longer and decided to run away. Two female neighbors promising to help took her to Kandahar province. But this was just another act of deception. When they arrived to Kandahar her female companions tried to sell Aisha to another man.

"All three women were stopped by the police and imprisoned. Aisha was locked up because she was a runaway. And although running away is not a crime, in places throughout Afghanistan it is treated as one if you are a woman. A three-year sentence was reduced to five months when President Hamid Karzai pardoned Aisha. But eventually her father-in-law found her and took her back home. That was the first time she met her husband. He came home from Pakistan to take her to Taliban court for dishonoring his family and bringing them shame. The court ruled that her nose and ears must be cut off. An act carried out by her husband in the mountains of Oruzgan where they left her to die. But she survived." **[82a]**

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Rape

This section should be read in conjunction with the Subsection on Violence against women and the Subsection on Honour killings/crimes

25.77 The United Nations Assistance Mission in Afghanistan (UNAMA) report, *Silence is Violence, End the Abuse of Women in Afghanistan* (UNAMA report), published on 8 July 2009, stated that:

"The power imbalance of the relationship between men and women within the family means that husbands decide over issues related to their partners' sexuality, including the frequency and nature of sexual intercourse. Early and forced marriages are in this respect particularly conducive to marital rape, including of very young girls.

"Most information on sexual violence and rape in particular, is anecdotal, incomplete and at times unreliable. There is a lack of official primary and comprehensive data on rape. Statistics on rape cases (including cases reported to the police, Prosecutors and the courts) as well as on the profile of both victims and perpetrators, are currently unavailable. To address this gap, the Ministry of Women's Affairs has established a database, though cases remain under-reported.

"UNAMA's preliminary data gathering suggests that rape is a widespread occurrence in all parts of Afghanistan and in all communities, and all social groups." **[18c] (p22)**

25.78 The UNAMA Report, published on 8 July 2009, also stated that:

"On the issue of rape, UNAMA's research found that although under-reported and concealed, this ugly crime is an everyday occurrence in all parts of the country. It is a human rights problem of profound proportions. Women and girls are at risk of rape in their homes and in their communities, in detention facilities and as a result of traditional harmful practices to resolve feuds within the family or community. In some areas, alleged or convicted rapists are, or have links to, powerful commanders, members of illegal armed groups, or criminal gangs, as well as powerful individuals whose influence protects them from arrest and prosecution. In the northern region for example, 39 per cent of the cases analyzed by UNAMA Human Rights, found that perpetrators were directly linked to power brokers who are, effectively, above the law and enjoy immunity from arrest as well as immunity from social condemnation." **[18c] (p2)**

25.79 The UNAMA report further stated that:

"UNAMA's preliminary data gathering suggests that rape is a widespread occurrence in all parts of Afghanistan and in all communities, and all social groups. The majority of rape cases that have been reported involve young girls (as young as three years old) or females, aged between 7 and 30, with a fair number of cases ranging between 10 and 20 years of age. Women are at risk in their homes and communities, and on the streets whilst travelling to and from work or school. A significant number of reported cases coincided with armed robberies and kidnapping, and several recorded cases involved gang-rape. Women in both rural and urban settings are at risk of rape, but the risk appears to be greater for women in rural areas. Unaccompanied women and those who have previously been subjected to sexual violence are at greater risk, as are widows, divorced women, and women whose husbands are out of the country. In the latter case, abuse, mainly involves beatings but sometimes sexual violence by the husband's male relatives. Similarly, girls who run away from home, including from forced marriage, are also at risk as they are perceived as an easy target. Moreover, when it comes to sexual violence in the family, observers note that illiterate or poor women are less likely to report cases of violence, including rape." **[18c] (p22)**

25.80 The USSD Report 2009 additionally noted that:

"The Ministry of Women's Affairs (MOWA) and NGOs [Non-Governmental Organisations] reported that police frequently raped female detainees and prisoners. For example, on September 15 [2009], Radio Arman reported that authorities had arrested three police officers in Dai Kundi province for the rape of a 13-year-old girl. An Afghan National Army (ANA) soldier was sentenced to 15 years' imprisonment for the September 2008 rape of an 11-year-old girl in Jowzjan province; UNAMA confirmed that the soldier remained in custody at year's end." **[2a] (Section 1c)**

25.81 The UNAMA Report also stated that

"In many cases, not only the victim of a rape incident, but her entire family will fear for their own safety and well-being, because of the stigma attached to rape and the risk of reprisals. This often results in forced abortions carried out by family members in order to hide the fact that their female relative was a victim of rape…

"Most information on sexual violence and rape in particular, is anecdotal, incomplete and at times unreliable. There is a lack of official primary and comprehensive data on rape. Statistics on rape cases (including cases reported to the police, Prosecutors and the courts) as well as on the profile of both victims and perpetrators, are currently unavailable. To address this gap, the Ministry of Women's Affairs has established a database, though cases remain under-reported." **[18c] (p22)**

25.82 The same source added:

"In general, Afghan women and men consider discussing issues related to sex and sexual violence as taboo, as women's sexuality is effectively controlled by men. In the course of this research, UNAMA found it extremely difficult to use terms like 'rape', 'sexual consent' and zina. The issue of marital rape is never considered or reported, since women have no choice in terms of consenting to sexual intercourse with their spouse… Any woman who dares to report a rape subjects herself to potential further victimization, including criminal prosecution and imprisonment for zina." **[18c] (p21)**

25.83 The UNAMA Report further noted:

"Only in a few isolated cases have public institutions taken appropriate action. In many instances, victims seeking help and justice are further victimized. Evidence has proved that victims of rape are discouraged from taking their cases to the police, and if they do so, are not treated with respect. Frequently, rape victims are humiliated or denied justice, and are sexually abused while held in custody or detention. The Government has not invested adequately in measures geared to investigating rape cases effectively, nor in prosecuting the perpetrators. More should be done by the Government to promote change in societal attitudes and practices that at times condone sexual violence through harmful customs, such as baad – the handing over of a girl as 'compensation' to settle a dispute or a crime – or insisting that a victim marry her rapist. Media reporting on rape is progressively exposing the problem in the public realm. However, on occasion, this further endangers rape victims by revealing their identity. While some politicians have been outspoken in their condemnation of rape, Government action to address rape is woefully inadequate." **[18c] (p21)**

25.84 The UNAMA Report added:

"There is no explicit provision in the 1976 Afghan Penal Code that criminalises rape. In instances of forced sexual intercourse, law enforcement and judicial authorities overwhelmingly resort to the concept of zina, which does not adequately address the issue of consent, one of the core elements of the crime of rape. Zina (under chapter eight of the Penal Code which focuses on crimes of adultery, pederasty, and violation of 'honour'), only refers to individuals engaged in sex outside of marriage… **(p23)** The issue of the criminalization of rape is further complicated by the fact that judges rely extensively on their own interpretation of Islamic law and its jurisprudence when adjudicating zina cases. In this respect, a party alleging zina has to provide four adult male witnesses of sound standing – this is impossible in nearly all cases." **[18c] (p24)**

25.85 The US Commission on International Religious Freedom (USCIRF), *Annual Report 2009*, covering the period from March 2008 – April 2009, published May 2009, stated that:

"In April 2009, Parliament passed and President Hamid Karzai signed a law to enact a Shi'a Muslim family code. However, as written, the code would have sanctioned marital rape and the inability of a woman to leave home without her husband's permission, except in emergencies. Proponents of the measure stated it would have recognized the distinct practices of Afghanistan's Shi'a minority, constituting about 15 percent of the population. However, a swift international outcry prompted suspension of the legislation. According to Afghan government officials, the law will be reviewed for its permissibility under the Afghan Constitution and international human rights instruments." **[68b] (p146)**

25.86 The HRW *Annual Report 2010* observed "After a national and international outcry, and an unprecedented campaign by Afghan women's rights activists, the law was amended, but many articles remained that conflict with the Afghan constitution and international human rights standards." **[7a] (p259-260)**

25.87 The USSD Report 2009 stated that "On July 19 [2009], President Karzai signed the Elimination of Violence Against Women (EVAW) law, criminalizing violence against women, including rape… Article 17 of the EVAW law specifically punishes rape with life imprisonment, and if the act results in death of the victim, the perpetrator shall be sentenced to death." **[2a] (Section 6)**

(See also Subsection on Relationships outside of marriage 'Zina')

Self harm

25.88 Afghanistan recorded a large number of suicide attempts by Afghan women every year. In August 2010 ABC News reported:

"The government says every year about 2,300 women or girls attempt to kill themselves, mainly due to mental illness, domestic violence and poverty. Rachel Reid, Afghan analyst from Human Rights Watch, has told Radio Australia's Connect Asia program there are a range of issues facing women in Afghanistan. 'There are extraordinarily high levels of child-enforced marriage, domestic violence, violence against women generally and huge cultural, social taboos on women seeking help when they've got problems,' she said." **[83a]**

25.89 The USSD Report 2009 noted that:

"Women occasionally resorted to self-immolation when they believed there was no escape from their situations. During the first nine months of the year, the AIHRC documented 86 cases of self-immolation, in contrast to 72 cases in 2008. Other organizations reported an overall increase during the past two years. The burn unit of the Herat Regional Hospital, which draws patients from Farah and Ghor as well, reported receiving eight to 10 cases of self-immolation per quarter; 95 percent of the cases were female." **[2a] (Section 6)**

25.90 Some Provinces don't provide numbers of self-immolation cases. Heart Province had among the highest recorded levels. "At the burns centre of the provincial hospital in Heart…" Dr Mohammed Jalili said "… he has seen more than 80 cases of women committing self-immolation in the past year. The majority of these women have died from their injuries." (BBC, 19 March 2009) **[28i]**

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GOVERNMENT AND NGO ASSISTANCE

Shelters

25.91 The Women for Women International report 2009 recorded that:

"The National Action Plan for the Women of Afghanistan (NAPWA) [due to be fully implemented by the end of 2010] is a 10-year plan of action by the Government of Afghanistan to implement its commitments to women constituents, focusing on six sectors: security; legal protection and human rights; leadership and political participation; economy, work and poverty; health; and education. It includes a comprehensive analysis of women's circumstances in each of these sectors, a product of a two-year consultation between the UN Development Fund for Women (UNIFEM) and Afghanistan's Ministry of Women's Affairs. It identifies policies and actions that must be implemented to address women's difficulties, taking into consideration the government's commitments under the Afghanistan Millennium Development Goals, the Afghanistan Compact and the ANDS [Afghanistan National Development Strategy]. The NAPWA has been endorsed by 17 ministries and accepted by the President and the

Social Committee of the Cabinet and UNIFEM expects it to be formally launched in the near future." **[76a] (p17)**

25.92 The USSD Report 2009 stated that:

"There were 11 women's shelters across the country, some run by MOWA [Ministry of Women's Affairs] and some by NGOs. MOWA and other agencies referred women to the centers, which provided protection, accommodation, food, training, and health care to women escaping violence in the home or seeking legal support due to family feuds. MOWA reported receiving two to three new domestic violence victims a month; 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.

"According to a UN High Commission on Human Rights (UNHCHR) report, 'unaccompanied' women were not accepted in society, so women who could not be reunified with their family had nowhere to go. The difficulty of finding durable solutions for women who ended up in a shelter was compounded by the societal attitude toward shelters, linked to the perception of 'running away from home' as a serious violation of social mores. The misapprehension that safe houses were a 'safe haven' for immoral women forced them to operate nearly clandestinely and in a precarious security situation. In lieu of relying on shelters, girls who sought to escape violence at home were reportedly sometimes 'married' or 'engaged' to older men as a means of providing them with safety; observers noted that officials across the justice sector promoted and accepted this practice." **[2a] (Section 6)**

(See also Subsection on Single women and widows and Subsection on Violence against women)

WOMEN'S HEALTH

25.93 The Women for Women International report, 2009 recorded that "Women's health indicators in Afghanistan are some of the worst in the world; women's average life expectancy is only 44 years. Only 14% of births are assisted by skilled attendants, so it is no surprise that the maternal mortality rate is 1,600 to 1,900 deaths per 100,000 live births, meaning that one woman dies in childbirth every 29 minutes. In rural areas, the percentage of women who cannot access healthcare ranges from 30-90%." **[76a] (p34)**

25.94 The USSD Report 2009 stated that:

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

"According to Save the Children and UNIFEM, the country had the second highest maternal mortality rate in the world. Only 14 percent of births had skilled attendants present, and only 12 percent of women received professional prenatal care. Early marriage and early pregnancy put girls at greater risk for premature labor, complications during delivery, and death in childbirth. Lack of skilled attendance during childbirth and

lack of obstetric and postpartum care were key causes of maternal mortality. The number of trained midwives increased from 467 in 2002 to 2,500 during the year." **[2a] (Section 6)**

25.95 The Women for Women International report 2009 recorded:

"Women for Women International (WfWI), in cooperation with Professor Naila Kabeer and the UK-based Pathways of Women's Empowerment Programme, surveyed 1,500 women in different regions of Afghanistan, asking them about the conditions of their lives as they perceive them… The biggest healthcare problem identified was lack of staff and facilities at both the national (38.5%) and local (24.2%) levels. Next listed were untrained healthcare staff and poor services for women. In both cases, the problems were seen to be greater at the community level, which would likely be the access point for health services. Costs of access and security issues occupied a lower level of importance, but the cost of access received greater emphasis from non-WfWI [Women for Women International]-affiliated women; WfWI-affiliated women placed greater emphasis on security issues." **[76a]**

(See also Section 26: Children – Health and Welfare and Section 28: Medical Issues)

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26. CHILDREN

Overview

26.01 The Save the Children Country Brief: Afghanistan 2009/10, accessed on 24 September 2010, noted:

"Afghanistan is one of the poorest countries in the world, and is ranked second for its child mortality rate – one in four children die before they reach their fifth birthday. The fall of the Taliban in November 2001 ended more than two decades of conflict, during which the country's infrastructure and systems have been almost totally destroyed. It's estimated that 70% of the population live in poverty. More than half of all children under five (54%) are stunted due to poor nutrition. Life expectancy is just 44. "**[84a]**

26.02 The Save the Children Country Brief also noted:

"More than half of Afghanistan's 27.1 million population are under 18 years of age. Two-thirds of the population live on less than US$2 a day, so many children have to work to support their families. Many do not have enough to eat, have no school to go to and cannot get treatment when they are ill. Children are often caught up in the fighting which continues in the south and east. The Afghan government has very limited capacity to meet the basic needs of its citizens." **[84a]**

26.03 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 14 September 2010, stated:

"The first six months of 2010 saw more than 1,030 incidents of child rights violations documented by the country task force on children and armed conflict. Because access to insecure areas remained a significant obstacle to the verification of reports, UNAMA

[United Nations Assistance Mission in Afghanistan] and UNICEF [United Nations Children's Fund] initiated training in August [2010] for Afghan and international field monitors on child rights violations. A sixth regional task force to monitor and report on child rights violations was established in Mazar-e-Sharif in June [2010]." **[17f] (p13-14)**

26.04 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), stated that:

"The Ministry of Labor, Social Affairs, Martyrs, and Disabled (MoLSA) stated that police frequently beat children. MOLSA reported that more than five million children lived in need of humanitarian assistance, and it recognized 23 categories of 'Children Facing Threats,' including forced marriage, trafficking, drug addiction, and neglect. During the year [2009] drought and food shortages forced many families to send their children onto the streets to beg for food and money. Police regularly beat and incarcerated children they took off the streets. NGOs reported a predominantly punitive and retributive approach to juvenile justice throughout the country. Although it was against the law, corporal punishment in schools, rehabilitation centers, and other public institutions remained common." **[2a] (Section 6)**

26.05 The Save the Children Country Brief, Afghanistan 2009/10, accessed on 24 September 2010, noted that:

"In the past five years progress has been made [to improve the lives of children], 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 enrolment 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." **[84a]**

26.06 The Save the Children charity, just one of many helping to meet children's needs in Afghanistan as well as cross the globe also remarked in its Country Brief on Afghanistan that it had been assisting children through "… community and school-based education for teachers, parents and grandparents and other community members." **[84a]**

26.07 The United Nations Children's Fund (UNICEF) *Humanitarian Action Report 2010*, published on 4 February 2010 observed, however, that:

"Children continue to face multiple risks to their personal safety, especially as community support mechanisms remain weak and there are few government services to protect them and their families from gender-based violence, domestic abuse and exploitation. Armed groups also continue to recruit children to be used as spies and informants or transport explosives and conduct suicide attacks. These children are subject to arrest, capture and detention without due process by Afghan and international military forces for their alleged association with armed groups." **[15a] (p94)**

26.08 Reflecting on children lost in the conflict, IRIN News reported in January 2010 that "2009 had been the deadliest year for Afghan children since 2001." IRIN added:

"Armed conflict killed hundreds of children and adversely affected many others in 2009… an Afghan human rights group has said. About 1,050 children died in suicide attacks, roadside blasts, air strikes and in the cross-fire between Taliban insurgents and pro-government Afghan and foreign forces from January to December 2009, the Afghanistan Rights Monitor (ARM) a Kabul-based rights group, said in a statement on 6 January. 'At least three children were killed in war-related incidents every day in 2009, and many others suffered in diverse but mostly unreported ways,' Ajmal Samadi, ARM's director, was quoted in the statement as saying." **[29d]**

26.09 The United Nations Secretary-General report of 14 September 2010 noted:

"On 18 July [2010], the Ministry of Foreign Affairs launched the Inter-Ministerial Steering Committee on Children and Armed Conflict. The Committee's terms of reference include support for monitoring and reporting of grave child rights violations, policy and legal reform, and the prevention of violations, such as sexual abuse. The Government indicated its intention to develop an action plan on the prevention of recruitment of children under 18, including the need for more stringent verification procedures, following the description of underage recruitment of Afghan National Police in my most recent report on the status of children and armed conflict (A/64/742-S/2010/181). UNAMA [United Nations Assistance Mission in Afghanistan] and UNICEF [United Nations Children's Fund] will provide technical advice and capacity-building to support the Government's initiative." **[17f] (p14)**

Basic legal information

26.10 Article 17 of the Afghanistan Juvenile Code, accessed through the Italian Ministry of Foreign Affairs website, noted that children who are under 18 years of age are recognised as juveniles. **[85a]** The legal age for voting is 18 years. (Child Soldiers Global Report 2008: Afghanistan) **[86a]**

26.11 With regards to the legal age for children to work the USSD Report 2009 stated:

"In July [2009] the 2008 labor code went into effect, setting the minimum age for employment at 18 years but permitting children 15 years and older to do 'light work.' Children between ages 16 and 18 may work only 35 hours per week. Children 14 years and older may work as apprentices. Children younger than 13 were prohibited from work under any circumstances, although this law was not observed in practice. There was no evidence that authorities in any part of the country enforced child labor laws." **[2a] (Section 7d)**

26.12 The Afghan Juvenile Code recognises those children below the age of 12 years old are not considered to be criminally responsible. (AIHRC, J*ustice for Children, The situation of children in conflict with the law in Afghanistan,* 26 June 2008) **[14e]** Article 12.1 of the Afghan Juvenile Code, accessed through the Italian Ministry of Foreign Affairs website stated that "In applying penal and procedural provisions to children, reference shall be made to the age they had at the moment in which the crime was committed." **[85a] (p3-4)**

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LEGAL RIGHTS

26.13 Afghanistan is a party to The Convention on the Rights of the Child (CRC), ratified in April 1994. (Afghan Independent Human Rights Commission, August 2007) **[17e] (p20)**

Domestic legislation

26.14 The Afghanistan Independent Human Rights Commission (AIHRC) Report on the *Situation of Economic and Social Rights in Afghanistan – IV, Qaws 1388* (November/December 2009), stated that "Current legislation undermines the right to marry and found a family in Afghanistan and Afghan Family Law which stipulates an age difference of two years for the marriage of boys and girls (18 and 16 respectively), is per se indicative of gender-based discrimination in the Afghan legal system." **[14d] (p4)**

26.15 On marriage laws, the Human Rights Watch (HRW) report, *"We Have the Promises of the World" Women's Rights in Afghanistan*, published December 2009, stated that "Forced marriage is a crime under Afghan law, though the law only covers widows and women under 18." **[7e] (p58)**

26.16 The same HRW report added "Article 517 of the Penal Code states that someone who forces a girl or widow into marriage 'contrary to her will or consent' shall be given a short-term prison sentence, the duration of which is not specified but is unlikely to be more than one year." **[7e] (p58)** However, the USSD Report 2008, also observed the situation regarding forced marriages, stated: "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." **[2d] (Section 5)**

(See also Subsection on Underage/forced marriage)

26.17 With regards to the legislation on child labour the AIHRC report of November/December 2009 stated:

"Child labour has been prohibited in Article 10 of the ICESCR [International Covenant on Economic, Social, and Cultural Rights], Article 32 of the CRC, and Article 49 of the Afghan Constitution. Also according to Article 13 of Afghan Labour Law, which was approved in 1385 (2007), it is legal to employ persons aged over 18. At the same time, the provisions of this Law have allowed the employment of persons from the age of 15 onwards for light work and the employment of persons aged over 13 for apprenticeship programmes. The Afghan Labour Law stipulates that, 'Employment of persons under 18 is prohibited to a type of work that is harmful to their health and causes physical damage or disability'. Harmful work depends on a child's age, working hours, and work typology. No child under 18 should be employed to a type of work that is 'harmful' to their health, safety, and morals and that exceeds 35 hours per week." **[14d] (p46)**

(See also Subsection on child labour)

26.18 On the protection of children against violence, 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." **[21c] (p1)**

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Judicial and penal rights

26.19 The Afghan Independent Human Rights Commission (AIHRC) report, *Justice for Children, The situation of children in conflict with the law in Afghanistan*, 26 June 2008, stated:

"The Government of Afghanistan ratified the UN Convention on the Rights of the Child in 1994 and in 2005 passed the Juvenile Code enacting these international treaty obligations into national law. Since this time concerted efforts have been made for the development of the juvenile justice system in Afghanistan:

- In 2005 the Juvenile Justice Administration Department (JJAD) overseen by the Ministry of Justice was established with financial and technical support from UNODC [United Nations Office on Drugs and Crime] and UNICEF [United Nations Children's Fund]

- Over 250 professionals have been trained (judges, prosecutors, police, and social workers)

- In Kabul, juveniles are housed in a newly constructed juvenile rehabilitation centre, however for the majority of provinces where juvenile rehabilitation centres exist these are located in a rented house outside of the compound of the adult prison. These centres are often only available for male juveniles while female juveniles are detained with adults in the women's prison. In Kandahar and Jalalabad the juvenile rehabilitation centre is a separate wing within the adult prison.

- Establishment of first 'open' juvenile rehabilitation centre in Kabul

- Specialised juvenile prosecutors' offices have been established in 5 provinces (Balkh, Herat, Kandahar, Kabul and Kunduz)

- However, in reality, children in conflict with the law may have felt little impact from these changes. Reviews of the juvenile justice sector have highlighted the

lack of coordination between implementing ministries and agencies, and the delayed implementation of juvenile courts, legal aid, and social support systems." **[14e] (p6)**

26.20 The United Nations International Children's Fund (UNICEF) Justice for Children Series, Social Investigation Report – *Understanding Children's Circumstances*, Issue 4, February 2009

"The situation is changing as children are increasingly able to access their rights to legal representation and with the intervention of social workers and child advocates in individual cases. However these improvements have largely been brought about by external actors, for example with the provision of legal support through the Legal Aid Organization of Afghanistan (LAOA) and social support through Child Protection Action Networks (CPAN).

"For the juvenile justice system to reach its key objective in the rehabilitation and reintegration of children in conflict with the law the role of social workers needs to be institutionalised within the juvenile justice. With access to effective social services police, juvenile prosecutors and juvenile judges are able to benefit from expert advice regarding the situation and most appropriate measures for rehabilitation of the child, as well as support for the implementation of any such measures." **[15b] (p1)**

26.21 The same UNICEF report added:

"The Juvenile Code details all the information that needs to be collected in preparing a juvenile case. It also stipulates that the juvenile prosecutor is 'obliged to obtain information about [the child] from police, parents, care takers, teachers, experts and any other person that has information about them.' (Article 17.2)

"This information is considered in any decision the juvenile prosecutor (i.e. the 'best interests of the child') and if a case is filed in the juvenile court it informs the adjudication of the judge. The collection and analysis of such information is critical in ensuring that the most appropriate decisions are made for children and society working for the rehabilitation/reintegration of the child as well as the prevention of reoffending." **[15b] (p2)**

A copy of the Juvenile Code can be located via the Italian Ministry of Foreign Affairs website **[85a]**

26.22 The Institute for War and Peace Reporting reported on 2 September 2009 that a main complaint from the children at the juvenile correction and education centre in Mazar-e-Sharif, in Balkh Province, was the waiting time before their cases were heard in court. One boy, aged about 17 years old, had reportedly been detained for eighteen months without his case being heard. The director of the centre, Mohammad Wais Sufizada, acknowledged that the court hadn't decided on children's cases on time and said that "It is a problem all over the country". However, Mohammad Sadeq Fayaz, the director of the Balkh juvenile appeal court said "The maximum delay for a case in our court has been two months. It is an outright lie that we have kept cases for six to 18 months." **[27e]** The USSD Report 2008 noted "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." **[2d] (Section 1c)**

26.23 The AIHRC report, 26 June 2008 stated "To date only three Juvenile Primary Courts have been established (in Kabul, Mazar and Jalalalbad) with two more provinces in the process of establishing these courts. 28 provinces remain with no formal plans, in spite of the fact that the Juvenile Code clearly stipulates that cases involving juveniles should be processed in specialised juvenile courts. As such justice for children in conflict with the law remains very much rooted in the criminal justice system." **[14e] (p6)**

26.24 The United Nations Children's Fund (UNICEF), Justice for Children in Afghanistan Series, *The Role of Police: the key to change*, January 2009:

"UNICEF reported in January 2009 that: "Daily monitoring of detention centres in 10 provinces was conducted from February to September 2008. This included juvenile rehabilitation centres, police detention facilities, and prisons. During this time a total of 812 children were encountered. Of these cases 30% of children were able to be released into family care after being contacted and assisted by detention monitors and lawyers." **[15c]**

(See also Section 13: Judiciary, Section 14: Arrest and detention – Legal Rights, Section 15: Prison conditions and Section 25: Women – Imprisonment of women)

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VIOLENCE AGAINST CHILDREN

26.25 The USSD Report 2009 noted 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 labour and police beatings frequently occurred and more than five million children lived in desperate need of humanitarian assistance. **[2a] (Section 6)**

26.26 The Amnesty International Report 2010: *The state of the world's human rights: Afghanistan* (AI Report 2010), published on 27 May 2010, stated:

"Women and girls continued to face widespread discrimination, domestic violence, and abduction and rape by armed individuals. They continued to be trafficked, traded in settlement of disputes and debts, and forced into marriages, including under-age marriages. In some instances women and girls were specifically targeted for attack by the Taleban [Taliban] and other armed groups. Women human rights defenders continued to suffer from violence, harassment, discrimination and intimidation by government figures as well as the Taleban and other armed groups." **[5a]**

26.27 In 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'." **[13b] (p43)**

26.28 The UNHCR's [United Nations High Commissioner for Refugees] Eligibility Guidelines report, July 2009, concurred; and noted that "Girls' schools are increasingly a target of attacks. Some 50 percent of security incidents at schools across the country were specifically directed against girls' schools despite the fact that they represent only 14.8 percent of the total number of primary, secondary and high schools in the country. Furthermore, female teachers are specifically targeted and higher bounties are offered for killing them." **[19b] (p33)**

26.29 In April 2009 an article by IRIN News stated "Insurgents have torched hundreds of schools and killed dozens of teachers and students over the past four years in a country which desperately needs more schools and teachers. About 700 schools were reportedly closed because of insecurity and attacks in 2008, though some have been re-opened over the past few months, the MoE [Ministry of Education] has said." **[29i]**

26.30 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. Afghan Education Ministry spokesman Mohammad Asif Nang told RFE/RL's Radio Free Afghanistan on April 29 [2009] that 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." **[59d]** The IRIN News article of April 2009 noted that "Over six million students, about 34 percent of them female, were enrolled in public schools in 2009 and the government has vowed to double that number by 2020." **[29i]**

26.31 The UNICEF *Humanitarian Action Report 2010*, published on 4 February 2010 observed that:

"Together with the Ministry of Education, Save the Children and other partners, UNICEF supported the re-opening of 214 schools, or nearly one third of the 651 schools (as of November 2008) due to threats and violence. In addition, UNICEF and partners established community-based schools equipped with safe water sources and sanitation facilities in 29 out of the country's 34 provinces where there are few, if any, formal education opportunities. Further, in all five regions of the country one teacher each from over 75 per cent of schools in 11 conflict-affected provinces received training in psychosocial support. UNICEF also enabled more than 1.5 million vulnerable children to return to a more normal way of life through the provision of recreational kits. Rapid response for education in emergencies included supply of tents, seating mats and blackboards." **[15a] (p94-95)**

26.32 IRIN News reported on 4 February 2010 that:

"Of the 283 state-funded schools in the province, over 220 were closed in 2008 due to general insecurity and direct attacks, Helmand's department of education said. 'Two years ago we had only 56 functioning schools in Helmand Province but in the past year we have reopened over 60 schools and now we have about 116 functioning schools,' Mohammad Wali, deputy director of the provincial education department, told IRIN. Asif Nang, a Ministry of Education (MoE) spokesman in Kabul, told IRIN even more schools (105) had reopened in the past year, meaning that the province had about 170 functioning schools. He attributed the reopenings to local support and a tacit rapprochement with the insurgents. 'Tribal and religious elders have helped us a lot and have convinced the government's opposition [the Taliban] to allow the reopening of schools,' Nang said. The MoE said it had also brought together various local actors (religious leaders, tribal elders, parents and government offices) in local 'school support councils' which have been campaigning for the protection of schools in insecure areas." **[29j]**

26.33 With regards to the position of human rights for women and girls, the Human Rights Watch (HRW) *World Report 2010*: Afghanistan, covering events of 2009, published on 19 January 2010, observed:

"As part of their campaign of terrorizing the civilian population, the Taliban and other insurgent groups continued to target schools, in particular girls' schools. According to the Ministry of Education, in the first five months of the Afghan year 1387 (April-August 2009), 102 schools were attacked using explosives or arson, and 105 students and teachers were killed by insurgent attacks. Three girls' schools in the central region were attacked with chemicals (thought to be pesticide or insecticide) in April and May 2009, which the Ministry of Education says injured 196 girls." **[7a] (p261)**

26.34 In April 2010, more than 50 school girls in northern Afghanistan became ill after being exposed to a poison in a suspected gas attack that Government officials blamed on the Taliban. *The Independent* online reported:

"In three separate incidents at schools in the city of Kunduz, teenagers reported being overcome by fumes. The suspected attacks came almost a year to the day after a similar incident in Kapisa province. Victims said they suffered dizzy-ness, nausea, and streaming eyes. 'I was in class when a smell like a flower reached my nose,' Sumaila, 12, told Reuters. 'I saw my classmates and my teacher collapse and when I opened my eyes I was in hospital.' Officials were swift to blame the Taliban, which banned girls from an education when it ruled Afghanistan and which has more recently been linked with acid attacks on female pupils. But the militants denied responsibility. Spokesman Zabihullah Mujahid said: 'We strongly condemn such an act that targeted innocent schoolgirls by poisonous gas.' Some rights advocates suspect that opposition to female education is no longer the exclusive preserve of the Taliban. Instead, they claim that Islamists unaligned with the insurgency may sometimes be responsible." **[35b]**

(See sub-section on Education)

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Sexual violence against children

26.35 The USSD Report 2009 noted:

> "Sexual abuse of children remained pervasive. NGOs noted that most child victims were abused by extended family members. A UNHCR report noted tribal leaders also abused boys. During the year [2009] the MOI [Ministry of Interior] recorded 17 cases of child rape; the unreported number was believed to be much higher. In January and February, the ANP [Afghan National Police] arrested men in three separate cases of the rape of boys in Jowzjan province. According to the AIHRC, most child sexual abusers were not arrested. Numerous reports alleged that harems of young boys were cloistered for 'bacha baazi' (boy-play) for sexual and social entertainment; although credible statistics were difficult to acquire, as the subject was a source of shame and 'dancing boys' was a widespread culturally sanctioned form of male rape." **[2a] (Section 6)**

26.36 The United Nations Assistance Mission in Afghanistan (UNAMA) Mission Report, *Children and Armed Conflict*, of the visit of the Special Representative for Children & Armed Conflict to Afghanistan, 20-26 February 2010, stated "Children, especially boys, continue to be sexually abused and exploited by armed forces and groups. The issue of Baccha Baazi [Bacha Bazi] or 'boy plays' [literal translation] was raised in the Special Representative's previous visit to Afghanistan by religious authorities and community leaders, who condemned the practice as against Islam." **[18f] (p9)**

26.37 The Public Broadcasting Service (PBS), Frontline Afghanistan reported in April 2010 on the practice of Bacha Bazi:

> "The men dress the boys in women's clothes and train them to sing and dance for the entertainment of themselves and their friends. According to experts, the dancing boys are used sexually by these powerful men.
>
> "In detailed conversations with several bacha bazi masters in northern Afghanistan and with the dancing boys they own, reporter [Najibullah] Quraishi reveals a culture where wealthy Afghan men openly exploit some of the poorest, most vulnerable members of their society.
>
> "'What was so unnerving about the men I had met was not just their lack of concern for the damage their abuse was doing to the boys,' Quraishi says. 'It was also their casualness with which they operated and the pride with which they showed me their boys, their friends, their world. They clearly believed that nothing they were doing was wrong.'" **[105a]**

26.38 The UNAMA Mission Report observed:

> "Though the Security Council Working Group advised the UN country team to support the Government's efforts to prevent and punish sexual violence, little has been done to date. This is most probably due to the social stigma attached to the issue as well as the inability of the Government to fully control armed group leaders who may be perpetrating such acts. That said, more research and engagement with civil society is needed to bring about grass-roots efforts to combat these crimes and hold perpetrators accountable." **[18f] (p9)**

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Underage/forced marriage

This section should also be read in conjunction with Section 25: Women – Marriage and Divorce.

26.39 The Afghanistan Independent Human Rights Commission (AIHRC) *Report on the Situation of Economic and Social Rights in Afghanistan – IV, Qaws 1388 (November/December 2009)*, stated that:

"Article 10 of the ICESCR [International Covenant on Economic, Social and Cultural Rights] has recognised family as 'the natural and fundamental group unit of society' and has decreed that 'marriage must be entered into with the free consent of the intending spouses'. This provision is often ignored in Afghanistan. In this connection, the Afghan Civil Code has made the marriage of an adolescent aged 15-16 dependent on the consent of the father or competent court and has forbidden the marriage of any child below the age of 15. Any force or compulsion in marriage is a violation of the marriage protocol." **[14d] (p55)**

26.40 The HRW report, *"We Have the Promises of the World"* Women's Rights in Afghanistan, December 2009, noted:

"Fifty-seven percent of all marriages that take place in Afghanistan are classified as child marriages by UNIFEM (under the legal age of 16), and 70 to 80 percent as forced marriages. These practices underlie many of the problems faced by women and girls, with a correlation between domestic violence and child/forced marriage. Early marriages often contribute to girls dropping out of school and to early childbearing, with the attendant risks of health complications or maternal death.

"Prevailing attitudes in rural areas tend to condone the marriage of girls soon after reaching puberty. Bride prices and poor economic conditions increase the prevalence of child marriage. Girls and boys often have little choice within families about their marriage age and partner, with less autonomy for girls, and often less importance placed on their continued education. The response of families and communities to attempts to escape forced marriages can often be harsh, including honor killings." **[7e] (p7-8)**

26.41 The Freedom House report, *Freedom in the World 2009*, Afghanistan, covering events in 2008, published on 16 July 2009, recorded that "Nearly 60 percent of Afghan girls are married before the legal age of 16, according to UNICEF [United Nations Children's Fund]. 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." **[7c] (p10)**

26.42 The USSD Report 2009 stated, however, that:

"According to Human Rights Watch and UNIFEM, more than 70 percent of marriages were forced and despite laws banning the practice, a majority of brides were younger than the legal marriage age of 16; the practice cuts across social, ethnic, religious, tribal, and economic lines. According to the UNHCHR [Office of the High Commissioner on Human Rights], only 5 percent of marriages were registered, leaving forced marriages outside legal control. The AIHRC [Afghanistan Independent Human Rights

Commission] recorded 28 cases from January to September [2009] of women given to another family for 'baahd,' to settle disputes or as a debt settlement, although a presidential decree outlaws baahd. The unreported number was likely to be much higher. IRIN [Integrated Regional Information Networks] reported that drug smugglers often demanded young brides when farmers failed to produce opium and lacked other means to repay their loans. In a practice known as 'badal,' a brother and a sister are married to another pair of siblings to avoid any payment having to be made." **[2a] (Section 6)**

26.43 The International Organisation for Migration (IOM) report *Child Marriage, Drug Smuggling and Forced Prostitution – An Afghan Trafficking Experience*, 4 December 2008, noted 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." **[9b]**

26.44 The Afghanistan Research and Evaluation Unit (AREU) report, *Decisions, Desires and Diversity: Marriage Practices in Afghanistan* published in February 2009, found during research that "… it is not only girls but also boys who are forced into marriage, and this can have detrimental consequences for both spouses and the wider family… boys and men who are forced into marriage may take out their frustration at the situation by acting violently toward their wives or by taking second wives." **[13c] (p1-2)**

26.45 The AIHRC report of November/December 2009, noted that "190 cases of forced marriage were registered by the AIHRC and 186 such cases were recorded by MoWA [Ministry of Women Affairs] in 1387 (2008/09)…" **[14d] (p55)**

26.46 The Afghan Independent Human Rights Commission (AIHRC) Annual Report, covering the period from January 1-December 31, 2009, stated:

"International organisations have undertaken many efforts to decrease the number of child marriages and to pressure the government to regulate and implement relevant laws as well as programmes to raise public awareness of such faulty traditional inclinations. International conventions do not explicitly mention an 'age' that is very early for a girl to marry, but international organisations like UNICEF [United Nations Children's Fund] and the UN Population Fund have recommended that 18 should be considered the minimum marriageable age for a girl." **[14a] (p56)**

Child labour

26.47 The Afghanistan Research and Evaluation Unit (AREU) Briefing Paper, *Confronting Child Labour in Afghanistan*, May 2009, stated that "Child labour is an issue of growing concern in Afghanistan. According to recent estimates, one in four Afghan children aged seven to 14 is engaged in some form of work." **[13d]**

26.48 Cases of child slavery and debt bondage practices have also risen in Afghanistan, particularly in poor rural communities and are 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." **[29g]**

26.49 The AREU report 2009 noted that:

"The decision to send children to work is influenced by a complex interaction of economic, social and cultural factors… Faced with the apparent lack of concrete benefits to education in the short- or long-term, poor households may decide that their children's time is more effectively used for income generation. The opportunity cost of spending time in school is often too high to bear given poor educational quality and outcomes and the pressing need for household survival. Child labour, then, is not only a means of ensuring short-term benefit to the household in terms of increased income in the present; it is also a way for children to learn marketable skills that can support them in an uncertain future… In the absence of an overarching social protection framework, child labour is one of the strategies that some poor households use to diversify and increase income." **[13d]**

26.50 On 12 June 2009, Radio Free Europe/Radio Liberty (RFE/RL) reported that UNICEF [United Nations Children's Fund] had voiced its concern about the growing number of children working in Afghanistan and noted that girls were more likely to be pressured into work than boys. The number of children working had increased since a survey undertaken in 2003 by UNICEF. UNICEF was reported as saying that "… many Afghan families have no money to send their children to school and need them to earn money to support the family." However, Radio Free Europe/Radio Liberty also reported that "Afghanistan recently signed an international convention for preventing child labor, which UN officials expect will help reduce the extent of the problem there." **[50c]**

26.51 The USSD Report 2009 noted that:

"According to UNICEF estimates, at least 30 percent of primary school-age children undertook some form of work and there were more than one million child laborers younger than 14. The AIHRC [Afghanistan Independent Human Rights Commission] reported that 43 percent of child laborers were younger than 12 and 35 percent were between 12 and 15. Many child laborers worked as domestic servants, street vendors, peddlers, or shopkeepers. Children worked in the worst forms of child labor in several sectors, including carpet weaving, brick making, and poppy harvesting. Children were also heavily employed in agriculture, mining (especially family-owned gem mines), and organized begging rings. Some sectors of child labor exposed children to land mines. According to the AIHRC, 85 percent of child laborers were boys, but this figure did not include the uncounted number of girls who perform domestic work in their homes. Many families stated that they needed the income their children provided, but many reportedly also believed that work was useful for children. MOLSA [Ministry of Labor, Social Affairs, Martyrs, and Disabled] and the Aschiana Foundation reported approximately 60,000 child laborers in Kabul alone, the majority of whom migrated to the city from other provinces. Children faced numerous health and safety risks at work, and some of them sustained serious injuries such as broken bones." **[2a] (Section 7d)**

26.52 The USSD Report 2009 added:

"Carpet weaving was especially dangerous for children, particularly in urban settings, as the enclosed spaces where they lived and worked exposed them to upper respiratory diseases, eyestrain, and spinal and muscular damage. Parents sometimes administered narcotics to their children to ease their physical pain. Children were considered suitable to learn carpet weaving at age five, and many children began working in this sector at an early age; families typically worked together weaving carpets, earning 1,500 Afghanis ($30) per month for their efforts, well below the minimum wage." **[2a] (Section 7d)**

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CHILDCARE AND PROTECTION

Child soldiers

This section should be read in conjunction with Section 11: Military Service for context purposes.

26.53 The USSD Report 2009 noted that:

"The legal recruitment age for members of the armed forces is 18. There continued to be unconfirmed reports that children younger than 18 falsified identification records to join the national security forces and the ANP. There were no reports of forced child conscription by the government into the national security forces.

"The government, with international assistance, vetted all recruits into the armed forces and police, rejecting applicants under the age of 18.

"Anecdotal evidence suggests that insurgent recruitment of underage soldiers was on the rise. There were numerous credible reports that the Taliban and other insurgent forces recruited children younger than 18, in some cases as suicide bombers and in other cases to assist with their work. For example, in Uruzgan the Taliban reportedly used children to dig hiding places for IEDs [Improvised Explosive Device]. There were many reports of insurgents using minor teenage boys as combatants in Paktya province. In July in Helmand province, authorities apprehended a child before he allegedly would have been equipped to become a suicide bomber. NDS [National Directorate of Security] officials held several children in the juvenile detention facility in Helmand on insurgency-related charges. Although most of the children were 15 or 16 years old, reports from Ghazni province indicated that insurgents recruited children as young as 12, particularly if they already owned motorbikes and weapons. NGOs and UN agencies reported that the Taliban tricked, promised money to children, or forced them to become suicide bombers." **[2a] (Section 5)**

26.54 The United Nations Assistance Mission in Afghanistan (UNAMA) Mission Report, *Children and Armed Conflict*, reporting on the visit of the Special Representative for Children & Armed Conflict to Afghanistan, 20-26 February 2010, stated:

"Reports of recruitment and use of children have been received from all regions, and particularly from the south, south-east and eastern regions, but the security environment and the lack of human resources dedicated to monitoring and verifying cases has limited reporting on these trends of abuse. Internally Displaced People (IDP) and isolated populations in conflict-affected areas in particular are at risk of child recruitment

into non-state armed groups, including the Taliban, Haqqani network, Hezb-i-Islami and Jamat Sunat al-Dawa Salafia. The Taliban have been listed in the 8th report of the Secretary-General on children and armed conflict for the recruitment and use of children under the age of 18 years (A/63/785-S/2009/158).

"Documented cases show that children are also used as suicide bombers by the Taliban. Children involved range from 13-16 years of age and, according to testimonies of failed bombers, have been tricked, promised money or otherwise forced to become suicide bombers. However, some children who have attempted suicide attacks have been heavily indoctrinated, many times in foreign countries, and efforts must be undertaken to combat this practice. That said, some reports suggest that, in the latest incidents of children used in bombings, they may not have been aware of what they were carrying, and explosives were set off remotely without their knowledge.

"There are also concerns of children present in Afghan National Army (ANA) and Afghan National Police (ANP) forces due to insufficient age determination procedures, though ANA and ANP policy is clearly designed to prevent this. Furthermore there are consistent reports of children coming into harm's way by being associated with Afghan police units at checkpoints, including as messengers." **[18f] (p5)**

(See also Section on Trafficking)

26.55 The United Nations Children's Fund (UNICEF) *Humanitarian Action Report 2010*, 4 February 2010 observed that "Children continue to face multiple risks to their personal safety, especially as community support mechanisms remain weak and there are few government services to protect them and their families from gender-based violence, domestic abuse and exploitation." **[15a] (p94)**

26.56 The Save the Children Factsheet on Afghanistan, 2009, accessed on 11 October 2010, described some of their work towards protection of Afghan children:

"Afghanistan is an unsafe place for children – and there are many girls and boys who are subjected to corporal and psychological punishment in schools and homes. Building on past successes, Save the Children now leads child protection initiatives through community-, school- and pre-school-based activities to mobilize communities to respond to child-identified protection issues – ranging from child survival health topics and home safety to complex issues such as the fear of kidnapping. Together with our Save the Children Alliance partners, UNICEF [United Nations Children's Fund], other child-focused organizations and relevant ministries, we facilitate the Child Protection Action Network, which aims to address child protection issues with action and follow-up. We are especially active in helping children raise their voice to community, regional and national leaders, and in helping raise awareness of government responsibility to child rights and well being.

"Despite ongoing challenges, including reignited civil and military unrest in many parts of Afghanistan, Save the Children is committed to supporting and sustaining humanitarian and development efforts for Afghan children and families, especially mothers, by continuing to:

- "Deliver integrated, community based education and protection programs, especially for girls and preschool children.

- Partner with communities and local public health professionals to improve young children's nutritional status and offer opportunities for their mental, emotional and physical development.

- Support the Ministry of Education to further strengthen and improve school leadership, management, environments and instruction for child-centered teaching and children's learning.

- Support the Ministry of Public Health's ability to innovate, expand and deliver services, including those to meet the emerging challenges of acute malnutrition for children and of HIV/AIDS prevention education." **[84b]**

See subsection on Basic Legal Information and Section 35: Employment Rights

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Street children

26.57 The USSD Report 2009 stated that "NGOs estimated there were 60,000 street children in urban areas. Street children had little or no access to government services, although several NGOs provided access to basic needs such as shelter and food… During the year drought and food shortages forced many families to send their children onto the streets to beg for food and money. Police regularly beat and incarcerated children they took off the streets." **[2a] (Section 6)**

26.58 An article by the British Broadcasting Corporation (BBC), dated 24 May 2010, observed that the number Afghan children working on the streets had increased. The article noted:

"By day, street kids weave impishly through vehicles stuck in Kabul's burgeoning traffic. They brandish everything from packets of gum, to tin cans wafting with incense, or a ragged bit of cloth to wipe your dusty windows. By night, older teenagers are still hanging out at the main roundabouts, waving ribbons of cards for mobile telephones. Children who should be at school are learning skills to survive on rough streets. With an arsenal of tricks, from grinning to grabbing, they hustle to try to earn enough Afghani notes or one dollar bills to put food on their family's table." **[28n]**

26.59 The same BBC article highlighted the plight of a 10-year-old girl named Nargis, who starts her begging at 6am going from house to house. In Afghan society sending Nargis' teenage sisters onto the streets would bring dishonour, and her younger siblings are too small. The article observed that her father could not work and he was a drug addict. The article further observed, however, that:

"… a small percentage of street kids do get the chance to spend some time in school. Aschiana, an Afghan charity, is one of the few centres where children can combine street work with a few hours in the classroom. Older children can learn a trade, and all of the youngsters get a chance to play, and even dream. Nargis is one of the lucky few, she sits eagerly in the front row on a long wooden bench, squeezed between other girls.

Bending over her notebook, pencilling neat lines of words in Dari, she escapes into a world of lessons with its promise of a better future." **[28n]**

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Children's homes

26.60 The USSD Report 2009 stated that:

"Living conditions for children in orphanages were unsatisfactory. The MoLSA [Ministry of Labor, Social Affairs, Martyrs, and Disabled] operated 34 residential orphanages and 22 day-care centers, designed to provide vocational training to children from destitute families. There were 18 private orphanages in the country. NGOs reported that 60 to 80 percent of 4- to 18-year-old children in the orphanages were not orphans, but children whose families could not provide food, shelter, or schooling. Children in orphanages reported mental, physical, and sexual abuse; were sometimes trafficked; and did not always have access to running water, winter heating, indoor plumbing, health services, recreational facilities, or education." **[2a] (Section 6)**

26.61 The Afghanistan Independent Human Rights Commission (AIHRC) *Report on the Situation of Economic and Social Rights in Afghanistan – IV, Qaws 1388 (November/December 2009)*, stated that:

"Based on existing statistics, there are presently 9,347 orphaned children in institutions around the country, of which 39% are institutionalised nocturnally and 61% diurnally. AIHRC findings indicate that the accommodation, nutrition, health, and education of these children are not compatible with the accepted norms. Even cases of violence against these children by institution authorities have been reported. Besides, there are doubts whether or not genuinely eligible children are admitted to these institutions, because there is evidence that some of the diurnally institutionalised children are relatives or sometimes family members of institution authorities." **[14d] (p52-53)**

26.62 Focusing on one particular centre as an example, a document by the Afghan Women's Organization (AWO), accessed 22 October 2010, noted that the Kabul Centre of Mirmun was able to accommodate up to 25 young girls between the age of 3 and 12 years. AWO noted that "Orphan girls are especially vulnerable. Many are threatened with abandonment from their extended families due to their inability to provide for the family. Many are threatened with marriage at an alarmingly young and premature age." The document further observed that "To identify girls, we approached women's NGOs, MOWA [Ministry of Women's Affairs], the Ministry of Labor and Social Welfare, and other personal contacts. We gathered all available information on each case that was referred to us, and made several visits to their relatives and to their residences. Whenever we discovered that the information received was not accurate, the children were returned to their relatives." **[106a]**

26.63 The same AWO source described one of the stipulations for entrance to the centre:

"When the children are selected, their relatives are compelled to sign a contract which gives their permission for the girls to pursue their University level education which is arranged by our centre. They agree that in the case of a breach of this contract, they will be obliged to return all our expenses. Each new resident to our centre is oriented to the

centre and is introduced to her sisters. They are given a proper hygiene assessment, which includes bathing and hair cuts, as needed. Upon their arrival they are provided with 3 new outfits of clothes. A medical check-up is completed and the girls are enrolled in school." **[106a]**

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EDUCATION

26.64 The Constitution adopted in January 2004 recognised that education is the right of all citizens of Afghanistan. **[4a]** The USSD Report 2009 recorded that "Education is mandatory up to the secondary level (four years for primary school and three years for secondary), and the law provides for free education up to the college level." **[2a] (Section 6)** An April 2009 IRIN News article noted that "Afghanistan is one of the least literate countries in the world. Only 18 percent of women and 50 percent of men are able to read and write, according to UNESCO [United Nations Educational, Scientific and Cultural Organization]." **[29h]** The IOM Country Sheet on Afghanistan, updated 13 November 2009 noted that "… education including textbooks in governmental school[s] is free. The private schools charge monthly fees of Afs.1500 to Afs.5000, based on grade and quality of schools. Some private schools charge additional annual fees of Afs.2500 to Afs.4000 on textbooks and uniform." **[9a] (p7)**

26.65 The World Bank, Afghanistan Gender Mainstreaming Implementation Note Series, No. 1, *Toward Greater Gender Equity in Education*, November 2008, stated:

"More than 30 years of war have devastated Afghanistan's education system, although recent years have seen significant progress in making education more accessible to all school-aged children. The current education sector faces a number of challenges, however, that keep the country among the world's lowest ranked in terms of educational attainment at every level – primary, secondary, and tertiary. Although Ministry of Education (MoE) statistics show a tremendous increase in girls' enrolments since 2001, gender disparities still remain an issue in education. MoE's School Survey for Afghan year 1386 (2007) shows that overall the student population is approximately two-thirds male, with the exception of Community Based Education (CBE) schools, which are supported by nongovernmental organizations (NGOs) (MoE 2007)... In 2007, a total of 3,667,862 male students (64.62 percent) and 2,008,089 female students (35.38 percent) were registered in general education. This 2:1 male-female ratio persists across the general education and teacher training programs (MoE 2007). The gap is even greater at the tertiary level: in 2008/9, there were 43,553 male students (82 percent) and 9,802 female students (18 percent) enrolled in the country's 23 higher education institutions (MoHE 2005). There is considerable variation across regions in girls' enrolments at all levels... the South, Southeast, and East zones have the lowest percentages of female students, while the Central, West, North, and Northeast zones have relatively higher percentages of female students." **[23b]**

26.66 The report further observed that "Poverty, limited access to education, and lack of employable skills are all high risk factors for girls, increasing vulnerability to early marriage and other forms of exploitation. High quality basic education better equips girls with the knowledge and skills necessary to adopt healthy lifestyles, protect themselves

from illness, and take an active role in social, economic, and political decision making as they transition to adolescence and adulthood." **[23b]**

26.67 The International Organization for Migration (IOM) Country Sheet on Afghanistan, updated on 13 November 2009, stated that:

"The once robust and well-respected education system in Afghanistan has fallen over the past two decades into a state of neglect. War has destroyed more than 70 % percent [sic] of the schools and there are not enough teachers or necessities such as textbooks and notebooks to provide adequate educational services. Under the repressive regime of the Taliban, girls did not have access to education, while boys' education focused mostly on religion. Despite success in sending children to school now, gender disparity trends in education remains worrisome. The literacy rate for young women between the ages of 15 and 24 is only 18 per cent, compared to 51 per cent for boys. There are about 6.4 million students in schools and 35 per cent of them are girls. One of the greatest difficulties in teaching the students is that Afghanistan has so few adequately trained teachers left in the country. Currently in the system there are more than 135,000 teachers, and out of that only 22 per cent of them are graduated from teachers colleges. Only about 30,000 have a Grade 12 level of education, the rest all have below Grade 12 education. To address this, the ministry has added 24 teacher-training colleges to a previous 14, and last year they were able to graduate about 14,800 students from the colleges, a big jump from the last five years which saw a total of 4,500 students graduate. At present, teachers' income also remains problematic. Nonetheless, an anticipated reform of Afghanistan's civil service regime as well as encouragements for the return of qualified teachers, currently residing abroad, offer promising perspectives." **[9a] (p6-7)**

26.68 The same IOM source noted:

"Access to educational services varies considerably according to provinces. There are currently approximately 4,700 formal schools and 2,000 non-formal learning establishments. These include primary and secondary schools. Universities are active in major urban centers, including Kabul, Jalalabad, Kandahar, Herat and Mazar-e-Sharif. With respect to Universities, IOM's Return of Qualified Afghans Program has contributed to the placement of several qualified professors with Afghanistan's Ministry of Higher Education. In addition, several Western countries (UK, US, Germany) have established university exchange, as well as scholarship, programs allowing Afghan students to spend part or their entire curriculum abroad. The dates for the academic year tend to vary according to the regions and weather conditions. Major cities are indicated below: Kabul, Mazar, Herat: 22 March – 5 December Bamyan, Ghazni, Ghor: 21 April – 6 November Jalalabad, Kandahar, Hilmand: 6 September – 5 June." **[9a (p7)**

26.69 The US Department of State's *Background Note* on Afghanistan, updated on 26 March 2010, noted however that:

"Afghanistan has made impressive advances in increasing basic education. More than 10,000 schools are providing education services to 6.3 million children, a six-fold enrollment growth since 2001. During the Taliban regime no girls were registered in schools. Today, 36.3% of the student population is girls. Similarly, the number of teachers has increased seven-fold to 142,500, of whom nearly 40,000 are women.

"Adult literacy activities increased rapidly in 2009. Learning centers grew from 1,100 to 6,865, and activities expanded from 9 to 20 provinces, bringing literacy and financial services to over 169,000 beneficiaries (62% female). From a situation of total illiteracy, these learners can now read, write, form simple sentences, and do basic mathematical calculations. Ongoing support of literacy and basic education is paramount, as well as the quality and preparation of teachers in order to close the literacy gap left by 30 years of conflict." **[2b] (Education)**

26.70 The United Nations Assistance Mission in Afghanistan (UNAMA) Mission Report, *Children and Armed Conflict*, reporting on the visit of the Special Representative for Children & Armed Conflict to Afghanistan, 20-26 February 2010, noted that according to the Minister of Education, H.E. Mr. Ghulam Farooq Wardak, "… since the fall of the Taliban regime, when under 1 million children, all boys, were attending formal schooling, the number has increased to 7 million students, 30% of whom are girls, and that expanding girl's education was a top priority for his ministry. Currently 5 million children in Afghanistan do not have access to education, approximately 43 % of the total school-age population." **[105a]**

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Access to education for girls

26.71 The Asia Foundation publication, *Increasing Education Opportunities for Afghan Girls*, 21 July 2009, stated that:

"… during the five years of Taliban rule, from 1996-2001, girls were forbidden to attend school. As a result, today, only 12-15 percent of Afghan women are literate. Fortunately, schools have re-opened throughout the country, and except in a few very conservative areas, most Afghan parents prize education for their girls as well as boys and many make sacrifices to ensure that all of their children go to school, recognizing that education is the key to a better future." **[107a]**

26.72 The USSD Report 2009 noted that:

"According to Save the Children, only 5 percent of girls attended secondary school. In many families girls stopped attending school at age 11 or 12 because parents would not permit their teenage girls to be taught by adult men. Nearly 29 percent of all educational districts lacked girls' schools. Nearly 80 percent of educational districts and several provinces lacked secondary schools for girls due to lack of female teachers; the AIHRC reported there were only 216 girls' high schools in the country, most of them situated in the provincial centers. Girls' enrollment was as low as 9 percent in some areas. Since 2001 most girls enrolled in schools were the first generation in their family to receive formal education." **[2a] (Section 6)**

26.73 The Human Rights Watch (HRW) *World Report 2010*: Afghanistan, covering events of 2009, dated 19 January 2010, stated:

"As part of their campaign of terrorizing the civilian population, the Taliban and other insurgent groups continued to target schools, in particular girls' schools. According to the Ministry of Education, in the first five months of the Afghan year 1387 (April-August 2009), 102 schools were attacked using explosives or arson, and 105 students and

teachers were killed by insurgent attacks. Three girls' schools in the central region were attacked with chemicals (thought to be pesticide or insecticide) in April and May 2009, which the Ministry of Education says injured 196 girls." **[7a] (p261)**

26.74 The UNICEF *Humanitarian Action Report 2010*, published on 4 February 2010, noted, when referring to Afghanistan, that:

"More than half of all school-aged children, of whom 65 per cent are estimated to be girls, are not in school because of a combination of inadequate school infrastructure, poverty, armed conflict and climate-related disasters. In 2009 alone, floods prevented 100,000 children, mostly girls, from attending school. Violence related to national elections in 2009 also caused disruption in learning as the majority of polling centres were located in the schools themselves. Acute shortages of teaching and learning materials, especially for poor and conflict-affected children, are also contributing to the country's low primary school attendance rate and consequently low levels of literacy." **[15a] (p94)**

26.75 The UNHCR's Eligibility Guidelines report, July 2009, noted that "Girls' schools are increasingly a target of attacks. Some 50 percent of security incidents at schools across the country were specifically directed against girls' schools despite the fact that they represent only 14.8 percent of the total number of primary, secondary and high schools in the country. Furthermore, female teachers are specifically targeted and higher bounties are offered for killing them." **[19b] (p33)**

26.76 An IRIN News article on 4 February 2010 reported that:

"The Taliban had banned girls from attending schools, and women from working, during their rule (1994-2001), and a notorious acid attack maimed a number of girls in Kandahar in 2008, but a statement issued by the 'Taliban Leadership Council' on 27 January [2010] said: 'The Islamic Emirate of Afghanistan is determined to take constructive steps with regard to education for all compatriots based on Islam and the requirements of the current age.' The MoE [Ministry of Education] said it had agreed to Taliban conditions for the reopening of schools. The insurgents have demanded that the curriculum be in full compliance with Islamic values, and girls must wear the `hijab'. 'Female students must wear an appropriate `hijab' in accordance with local traditions,' MoE's Nang confirmed." **[29j]**

26.77 The Human Rights Watch (HRW) report, *"We Have the Promises of the World" Women's Rights in Afghanistan*, published December 2009, stated that:

"After the decimation of girl's schools by the Taliban, it is not surprising that girl's education has become the most symbolic element of the international donor effort in Afghanistan. Despite significant gains – this year more than six million students enrolled in primary and secondary school – stark gender disparities remain. The majority of girls still do not attend primary school, and a dismal 11 percent of secondary-school-age girls are enrolled in grades 7-9. Only 4 percent enroll in grades 10-12. While the number of both boys and girls attending school drops dramatically at the secondary school level, the decline is much more pronounced for girls." **[7e] (p8-9)**

26.78 The same HRW report noted:

"In southern and eastern Afghanistan, general insecurity and attacks on schools, teachers, and students remain the primary barriers, with a disproportionate effect on

girls. According to data from the Ministry of Education, in the first five months of the Afghan year 1388 (April to August 2009), 102 schools were attacked using explosives or arson and 105 school students and teachers were killed by insurgent attacks (though it is not clear that these were necessarily targeted killings). Although these attacks were against both male and female teachers and students, several poison attacks in 2009 were clearly directed at girls, with 200 students poisoned this year, of whom 196 were female.

"In other parts of the country, distance to the closest school is a major barrier. The distribution of secondary schools is concentrated in provincial capitals, and there are large areas without a school. This shortage of schools affects girls disproportionately – there are more boys' schools than girls' schools, and the long distances to reach the nearest school often pose heightened safety and security challenges for girls. Human Rights Watch interviewed girls who make journeys to school that require up to six hours of walking a day. While families are concerned about every child's security, they are especially reluctant to send teenage girls who may be targeted for sexual violence or harassment. Only 19 percent of schools are designated as girls' schools, with no girls' schools in 29 percent of all educational districts." **[7e] (p9-10)**

26.79 IRIN News noted on 4 February 2010, when reporting on education in Helmand Province, that "There were three girls' high schools and a few primary schools for girls, said Wali [deputy director of the provincial education department], adding that about 16,000 girls and over 66,000 boys were enrolled at schools in the province. Most of the female students attend schools in the provincial capital, Lashkargah, where the insurgents' influence is limited." **[29j]**

(See also Subsection on Violence against children and Section 25: Women – Access to education and employment)

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HEALTH AND WELFARE

26.80 The Afghanistan Independent Human Rights Commission (AIHRC) report, *The General Situation of Children in Afghanistan*, 9 April 2008, stated that:

"Research indicates that since children with disability are in need of especial care, they encounter serious problems if they lack especial care facilities. The children with disability stated that their needs were not duly heeded, and that they were stigmatised. They were deprived of recreation and leisure. To worsen, they had no access to health and educational facilities, and there is yet to be any especial educational and vocational training centre for children with disability. Outlying provinces and cities lack orthopaedic clinics, which offer artificial organs like artificial hands and feet." **[14h] (p10)**

26.81 The Foreign and Commonwealth Office (FCO) *Afghanistan Country Profile*, updated on 5 May 2010, noted:

"Immunisation is having a real impact. In March 2006, a Ministry of Public Health, UNICEF [United Nations Children's Fund] 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] (Health)**

26.82 The UNICEF *Humanitarian Action Report 2010*, published on 4 February 2010, observed however, that

"Although the total number of reported measles cases came down from 8,762 in 2001 to 349 in 2005, due to the accumulation of vulnerable children, more cases focals were reported in 2009 (897 cases). In response, a mass measles immunization campaign, with three phases of supplementary immunization activities, resulted in the vaccination of over 3 million children aged between 9 and 36 months, representing a 110 per cent coverage rate as the campaign reached more children than originally expected. In addition, approximately 5,000 malnourished children under five without medical complications were successfully treated in UNICEF-supported outpatient clinics and centres across the eight provinces most affected by drought and high food prices. The distribution of 9.7 million multiple micronutrient supplements helped to improve the nutritional status of 322,500 pregnant and lactating women while about 428,000 children under five received micronutrient supplements in the form of Sprinkle sachets. Combined vitamin A supplementation and polio vaccination campaigns reached 98 per cent of all children under five, benefiting some 6.7 million children." **[15a] (p94)**

(See also Section 28: Medical Issues)

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27. TRAFFICKING

OVERVIEW

27.01 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), stated that:

"The 2008 antitrafficking law was published on July 15 [2009]. There were reports that persons were trafficked to, from, through, and within the country. The country was a source for women and children trafficked predominantly to Iran and Pakistan for forced labor and commercial sexual exploitation. Children were trafficked internally for forced labor as beggars or for debt bondage in the brick kiln and carpet industries. Women and girls were kidnapped, lured by fraudulent marriage or job proposals, or sold into marriage or commercial sexual exploitation within the country and elsewhere. Boys as well as girls were victims of trafficking." **[2a] (Section 6)**

27.02 The US Department of State *Trafficking in Persons Report*, covering 2009, (USSD TiP Report), published in June 2010, stated:

"Trafficking within Afghanistan is more prevalent than transnational trafficking, and the majority of victims are children. Afghan boys and girls are trafficked within the country for forced prostitution and forced labor in brick kilns, carpet-making factories, and domestic service. Forced begging is a growing problem in Afghanistan; Mafia groups organize professional begging rings. Afghan boys are subjected to forced prostitution and forced labor in the drug smuggling industry in Pakistan and Iran. Afghan women

and girls are subjected to forced prostitution, forced marriages - including through forced marriages in which husbands force their wives into prostitution - and involuntary domestic servitude in Pakistan and Iran, and possibly India. NGOs report that over the past year, increasing numbers of boys were trafficked internally. Some families knowingly sell their children for forced prostitution, including for bacha baazi - where wealthy men use harems of young boys for social and sexual entertainment. Other families send their children with brokers to gain employment. Many of these children end up in forced labor, particularly in Pakistani carpet factories. NGOs indicate that families sometimes make cost-benefit analyses regarding how much debt they can incur based on their tradable family members.

"Afghan men are subjected to forced labor and debt bondage in the agriculture and construction sectors in Iran, Pakistan, Greece, the Gulf States, and possibly Southeast Asian countries. Under the pretense of high-paying employment opportunities, traffickers lure foreign workers to Afghanistan, and lure Afghan villagers to Afghan cities or India or Pakistan, then sometimes subject them to forced labor or forced prostitution at the destination. At the end of 2009 and beginning of 2010, an increasing number of male migrants from Sri Lanka, Nepal, and India who migrated willingly to Afghanistan were then subjected to forced labor." **[2f] (Country Narratives, Afghanistan)**

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Prevention

27.03 USSD TiP Report, published in June 2010, stated:
"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. Despite these efforts, such as the continued referral of identified trafficking victims to care facilities, the government did not show evidence of increasing efforts over the previous year. Specifically, the Afghan government did not prosecute or convict trafficking offenders under its 2008 law, and punished victims of sex trafficking with imprisonment for adultery or prostitution. Afghanistan is therefore placed on Tier 2 Watch List." **[2f] (Country Narratives, Afghanistan)**

27.04 The USSD TiP Report further noted that:

"During the reporting period, the Government of Afghanistan made no discernible progress in preventing human trafficking. The MOWA [Ministry of Women's Affairs] Initiative to Strengthen Policy and Advocacy through Communications and Institution Building launched and partially funded a public information campaign with foreign donor support. The campaign was comprised of billboards, radio spots, and a short radio drama series on trafficking, and targeted all 34 provinces. Monitoring reports confirmed increased awareness of trafficking issues. The ANP [Afghan National Police] worked to improve its age verification procedures in order to eliminate child soldiers from its ranks. While the government issued some birth certificates and marriage certificates, many citizens in rural areas do not request or obtain these documents; fewer than ten percent of children are registered at birth. The government did not take steps to reduce the demand for commercial sex acts or forced labor during the reporting period. In December 2009, the Monitoring, Reporting and Response Steering Committee was formed to write an action plan for the government's work with UN [United Nations] Task Forces on Trafficking and Children in Armed Conflict; this action plan has not been

completed to date. Afghanistan is not a party to the 2000 UN TIP Protocol." **[2f] (Country Narratives, Afghanistan)**

27.05 An article on the International Organization for Migration (IOM) website entitled *Child Marriage, Drug Smuggling and Forced Prostitution – An Afghan Trafficking Experience* dated 4 December 2008 stated:

"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." **[9b]**

27.06 The USSD Human Rights Report 2009 stated that "In April [2009] the IOM [International Organisation for Migration] and MOI [Ministry of Interior] signed an agreement establishing a cooperative framework to combat trafficking and assist victims of trafficking and other vulnerable migrants, expanding activities to six provinces: Nangahar, Helmand, Nimroz, Herat, Balkh, and Kunduz." **[2a] (Section 6)**

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Prosecution

27.07 The USSD TiP Report, published in June 2010, stated:

"The Government of Afghanistan made no discernible anti-human trafficking law enforcement efforts over the reporting period. Afghanistan's Law Countering Abduction and Human Trafficking (2008) prescribes penalties of life imprisonment for sex trafficking and 'maximum term' imprisonment for labor trafficking, which in practice is between eight and 15 years. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. However, the Elimination of Violence Against Women (EVA W) law, enacted in July 2009, supersedes other laws and can be used to decrease the penalties outlined in Afghanistan's anti-trafficking law. The prescribed penalty for an offender who abducts a victim and subjects him or her to forced labor is short-term imprisonment not to exceed six months, and a fine, and the prescribed penalty for an offender who forces an adult female into prostitution is at least seven years. The National Directorate of Security (NDS) has investigated 16 cases of suspected human trafficking crimes and sent them to court for potential prosecution. The Ministry of Interior (MOI) arrested 24 offenders in 19 alleged cases of human trafficking during the reporting period. Since the government of Afghanistan confuses trafficking with smuggling and abductions, it is not clear whether all of these prosecutions and arrests were for trafficking. The government did not report whether the arrests, investigations, and prosecutions were under the countertrafficking law. The Afghanistan government did not provide information on human trafficking convictions." **[2f] (Country Narratives, Afghanistan)**

Protection to victims of trafficking

27.08 The USSD TiP Report, published in June 2010, stated:

> "The Government of Afghanistan made minimal progress in protecting victims of trafficking. Afghanistan did not have a formal procedure to identify victims of trafficking. The MOI identified 360 victims of sex trafficking— including 44 women, 211 men, 13 girls, and 70 boys. The MOI [Ministry of Interior] released 338 of these victims to return home, but did not provide data on whether it ensured their safe return and reintegration. The remaining 22 victims were unaccounted for. The government continued to run two referral centers in Parwan and Jalalabad. Under a formalized referral agreement established in late 2007, Afghan police continued to refer women victimized by violence to the Ministry of Women's Affairs (MOWA), UNIFEM [United Nations Development Fund for Women], IOM [International Organisation for Migration], and NGOs [Non-Governmental Organisation]. The government lacked resources to provide victims with protective services directly; NGOs operated the country's shelters and provided the vast majority of victim assistance, but some faced hardships due to threats from the local community, particularly when assisting in cases that involved perceived 'honor' crimes, such as rape. One NGO-run shelter in Kabul is specifically for trafficking victims. Some NGOs running care facilities for trafficking victims reported generally adequate coordination with government officials." **[2f] (Country Narratives, Afghanistan)**

27.09 The USSD TiP Report further stated that:

> The Ministry of Labor and Social Affairs, Martyrs and Disabled (MOLSAMD) provided some job training to street children and children in care facilities, and MOWA provided free legal services to victims of violence; it is unclear how many people served were victims of trafficking. There are no facilities in Afghanistan to provide shelter or specific protective services to male trafficking victims, although an NGO-run shelter for boy victims will open in 2010. During the reporting period, some trafficked boys were placed in government-run orphanages and a facility for juvenile criminals while their cases were being investigated, while adult men are kept in detention centers during investigation. Living conditions in government-run orphanages are extremely poor and some corrupt officials may have sexually abused children and forced them into prostitution. The anti-trafficking law permits foreign victims to remain in Afghanistan for at least six months; there were no reports of foreign victims making use of this provision of immigration relief." **[2f] (Country Narratives, Afghanistan)**

27.10 The same source noted:

> "Serious concerns remain regarding government officials who punish victims of trafficking for acts they may have committed as a direct result of being trafficked. In some cases, trafficking victims were jailed pending resolution of their legal cases, despite their recognized victim status. Female trafficking victims continued to be arrested and imprisoned or otherwise punished for prostitution and fleeing forced marriages for trafficking purposes. In some cases, women who fled their homes to escape these types of forced marriages reported being raped by police or treated by police as criminals simply for not being chaperoned. Victimized women who could not find place in a shelter often ended up in prison; some women chose to go to prison for protection from male family members. There is no evidence that the government encouraged victims to assist in investigations of their traffickers during the reporting period. Attempts to seek redress are impeded in part because an Afghan victim would

be in grave danger for simply identifying his or her assailant." **[2f] (Country Narratives, Afghanistan)**

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28. MEDICAL ISSUES

28.01 The Foreign and Commonwealth Office (FCO) *Afghanistan Country Profile*, updated on 5 May 2010, noted:

"The health infrastructure in Afghanistan damaged or destroyed by years of conflict, is gradually being re-established 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…

"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." **[4a] (Health)**

28.02 The International Organization for Migration (IOM) Country Sheet on Afghanistan, updated on 13 November 2009, stated that:

"Life expectancy at birth is 43 years in Afghanistan, slightly more than half that of the wealthiest countries of the world. The country has some of the highest morality rates in the world: infant mortality rate is 129 per 1,000 live births. Under-five mortality is 191 per 1000 live births and the maternal mortality rate is 1600 per 100,000 live births. 52% of the population are under the age of 18 years. The main cases of maternal death are: haemorrhage, eclampsia, post portum infection and unsafe abortions – all of which are preventable through provision of emergency obstetric care. Child mortality is caused principally by three preventable diseases: acute respiratory infections (ARI) diarrhoea, and measles. Chronic malnutrition, developed at a young age, translated into extraordinarily high prevalence rates of underweight children (40%) and of stunting (54%), while wasting is 7%. In addition, as a direct consequence of the years of conflict, Afghanistan has a large numbe[r] of people living with disabilities and with mental health problems." **[9a] (Health Care)**

28.03 In October 2009, there were reports of cholera spreading through some provinces of Afghanistan. The International Rescue Committee (IRC) responded to the outbreak by providing aid assistance. The IRC reported:

"Afghanistan's health ministry has recorded over 670 cases of cholera and acute watery diarrhea in almost a third of the country's 34 provinces, including in the capital Kabul. Nearly 30 deaths have been reported. Following initial reports of an outbreak on

October 8 [2009], IRC emergency teams traveled to Nangahar, where almost 300 cholera cases have been detected. To help stop the spread of the disease and provide people with safe water, the teams have purified over 2,000 wells with chlorine. They have also distributed posters and hygiene training materials including information on how to avoid contracting the disease to local volunteers." **[100a]**

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OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

28.04 The United Nations High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan,* July 2009 stated 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. Many Afghan women are reluctant to be, or may be prevented from being, treated by male health workers. At the same time, due to the reduction of available health facilities, women in rural areas are obliged to walk much longer distances to access health care, and frequently will not do so because they do not have a male relative ready to accompany them, or because of fear of insurgents. Women from rural areas are at an even greater risk of dying during childbirth. Such areas average fewer than six doctors, seven nurses and four midwives for every 100,000 women. In Panjshir province, for example, there are seventeen health centres. Each employs only one female doctor and one midwife to serve 30,000 to 60,000 people.

"While important progress in healthcare has been made through the Government's expansion of the basic package of health services, health infrastructure in Afghanistan is reported to be damaged and poorly maintained, lacking trained and skilled workers and medical supplies. Some observers claim that the health services are not able to meet the basic health needs of a majority of the population. The United Nations reports that the basic package of health services now covers 82 per cent of the population. There are 900 clinics and approximately 40 percent of the population has access to healthcare. According to the Ministry of Public Health, over 600,000 persons lack basic healthcare services due to attacks on healthcare facilities and health workers – a figure that has doubled since 2007. The overall quality of health services in Afghanistan has however been improved. According to Fahim, 'the infant mortality rate has reduced by 26 percent and now 80,000 fewer infants are dying each year compared to during Taleban [Taliban] rule.'

"First-aid is available at the district level but emergency transport is lacking; trauma care and continuing care are limited to a few hospitals in major cities and can be of poor quality and expensive." **[19b] (p57-58)**

28.05 The Afghanistan Independent Human Rights Commission (AIHRC) *Report on the Situation of Economic and Social Rights in Afghanistan – IV, Qaws 1388 (November/December 2009)*, stated that:

"Although health services are almost free of charge for all Afghan people, vulnerable segments of population encounter many problems since health services have poor quality or inadequate geographical coverage. That is why men's life expectancy is only 47 years and it is 45 for women – almost half of life expectancy in world's developed and wealthier countries. The Afghan Government and its international partners always allude to the development of the health sector as one of their significant achievements in the past several years. The Government claims approximately 85% of all Afghan people presently have access to health services. Although HRFM [Human Rights Field Monitoring team of the Afghanistan Independent Human Rights Commission] findings reveal that such a claim is close to reality, health services nevertheless face several major challenges in Afghanistan. Poor quality health services and facilities, long distances of health centres from remote districts, and growing insecurity are among these challenges. On the other hand, experienced and specialised doctors are unwilling to work in outlying areas for economic and geographical reasons." **[14d] (p5)**

28.06 The International Organization for Migration (IOM) Country Sheet on Afghanistan, updated on 13 November 2009 stated that:

"Afghanistan's modern health facilities are mostly concentrated in Kabul and other large cities. The country has always had a shortage of medical facilities, particularly in rural areas. Afghanistan has a severe shortage of doctors, nurses, medical supplies, drugs and hospital beds. The current government is working to reopen hospitals and boost the level of available care. Considerable amounts have been earmarked for the construction of clinics throughout the country. The country is in dire need of skilled Afghan professionals who would be able to provide sustainable medical services to the Afghan population. The hospitals in Afghanistan are rudimentary. They are understaffed, there are not enough drugs, and they lack specialist facilities. High tech equipment is not available and cleanliness is a luxury that few medical centers offer. Afghans are still crossing into neighbouring Pakistan to seek basic medical services. Such phenomenon is the result of higher medical standards as well as the relative ease with which Afghans may cross the Afghan-Pakistani border. The vast majority of the health sector is financed by international donors either bilaterally or multilaterally to support the recovery and development of the health sector." **[9a] (Health Care)**

28.07 The IOM Country Sheet on Afghanistan further observed that:

"Although there are only three Pharmaceutical companies in Afghanistan: Aria, Afghan American and Kemiagar which have very limited production, all kinds of medicines are becoming more widely available in the country, with a prevalence of imports from Pakistan, India and Iran. It is good to mention that the individual fees of doctors in Afghanistan is 150 to 200 AFA [Afganis] excluding laboratory and other tests and the average daily charge of a bed in private hospitals is 500 – 1500 AFA." **[9a] (Health Care)**

The IOM Country Sheet on Afghanistan lists the names of both private and state owned hospitals throughout Afghanistan. **[9a]**

28.08 The USSD *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), stated that:

"Oral contraceptives, intrauterine devices, injectables, and condoms were available commercially and through provincial hospitals. Men and women were equally diagnosed and treated for sexually transmitted infections, including HIV, when health care was

available. NGOs reported that sexually transmitted diseases were widespread and typically went undiagnosed since most persons suffered from numerous untreated medical conditions." **[2a] (Section 6)**

28.09 The Afghan government's National Licensed Drugs List (LDL), dated December 2007 provides a list of medicines that can be imported and sold in Afghanistan under their International Non-proprietary Name (INN). The LDL stated that:

"The LDL contains all the drugs listed in the EDL [Essential Drugs List], and hence contains all the drugs recommended for use in the BPH [Basic Package of Health Services], EPHS [Essential Package of Hospital Services] 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." **[95a]**

The National Licensed Drugs List (LDL) can be located on the Afghanistan Ministry of Public Health (MoPH) website.

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MATERNAL HEALTH

28.10 Integrated Regional Information Networks (IRIN) reported on 4 October 2010 that "One of the most risky places in the world for a woman in pregnancy or childbirth is Afghanistan. An Afghan woman is 225 times more likely to die in childbirth than a woman in the UK, for example. There is hardly a family in Afghanistan that has not been touched by a tragic experience associated with childbirth." **[29l]**

28.11 The United Nations Children's Fund (UNICEF) report, *The State of the World's Children 2009*, stated:

"Decades of conflict and instability have disrupted Afghanistan's basic health infrastructure. Women in particular have suffered from a lack of access to health services. As a consequence, maternal mortality among Afghan women is extremely high, standing at 1,800 deaths per 100,000 live births in 2005, according to the latest inter-agency estimates.

"Women in Afghanistan face a lifetime risk of death from causes related to pregnancy or childbirth of 1 in 8, the second highest rate in the world. More women die in Afghanistan from these causes than from any other, with haemorrhage and obstructed labour the most common. The proportion of maternal deaths ranges from 16 per cent of all deaths of women of childbearing age in Kabul (the largest urban center in Afghanistan) to 64 per cent in the Ragh district of Badakhshan.

"The high rates of maternal death reflect several factors, including limited access to quality maternal health care, particularly in rural parts of Afghanistan; a lack of knowledge of maternal health and safe delivery; and the scarcity of qualified female health providers, since there is a strong cultural preference for women to be cared for by other women. It is estimated that 9 out of 10 rural women deliver their babies at home, without skilled birth attendants or access to emergency obstetric care. Sociocultural factors that inhibit women's mobility without the permission or escort of male relatives can also limit their access to essential services. Other factors contributing

to maternal mortality are the low social status of women and girls, poverty, poor nutrition and lack of security." **[15d] (p60)**

28.12 IRIN News reported on 4 October 2010 that:

"Almost a decade of donor funded health projects has resulted in a marginal reduction in maternal and child mortality, according to new estimates set out in a UN [United Nations] report on maternal health. Maternal deaths have fallen from 1,600 per 100,000 live births in 2001 to 1,400 in 2010, still the second highest in the world. The infant mortality rate dropped from 165 per 1,000 live births in 2001 to 111 in 2008, while the under-five mortality rate fell from 257 to 165 per 1,000, according to the report Trends in Maternal Mortality 1990-2008." **[29f]**

28.13 The UNICEF report, *The State of the World's Children 2009,* stated:

"Afghanistan's Government is collaborating with local and international partners, including UNICEF, to develop a comprehensive approach that includes strengthening and expanding midwifery education, creating policies to ensure the pivotal role of midwives in providing essential obstetric and newborn care, supporting the establishment of a professional association for midwives, and developing initiatives to increase access to skilled care during childbirth.

"The Community Midwifery Education (CME) programme, an 18-month, skills-based training programme that has less stringent entry requirements than previous midwifery programmes, is considered an appropriate approach to scaling up training and deployment of skilled birth attendants. In 2008, there were 19 CME programmes, each with 20–25 trainees. This represents a marked increase in training capacity over 2002, when there were only six nurse midwifery training programmes run by the Institute of Health Science at regional centres, and one community midwifery programme in Nangahar province. The number of midwives available in the country has increased rapidly, from 467 in 2002 to 2,167 in 2008.

"The CME encourages applications from women in districts with shortages, with the understanding that they will work in those districts once they are trained. This policy has resulted in a sharp increase in facilities having skilled female health personnel (doctors, nurses or midwives), from 39 per cent in 2004 to 76 per cent in 2006. It is also having a tangible impact on maternal care; the number of deliveries attended by skilled workers has risen from roughly 6 per cent in 2003 to 19.9 per cent in 2006. The success of the skills-based training approach has resulted in the existing midwifery programmes adopting the CME curriculum and certification process." **[15d] (p60)**

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT (ART)

28.14 The Afghan Ministry of Public Health (MoPH) National AIDS Control Program, accessed on 4 October 2010, described the situation of HIV in Afghanistan:

"Afghanistan faces a high risk of an HIV epidemic. Despite a low HIV prevalence in the country, Afghanistan is at high-risk for spread of HIV infection for several reasons: almost 3 decades of protracted armed conflicts, huge numbers of people displaced

internally and externally; poor economy, open borders, poppy cultivation and use of injecting drugs and lack of blood safety and injection practices. In responding to the challenge, Afghanistan Ministry of Public Health in 2003 established the National AIDS Control Program under the Directorate of Communicable Diseases Control. The NACP is now delivering services through 24 contracts in 8 key provinces of the country namely Kabul, Herat, Kunduz, Mazar, Kandahar, Ghazni, Badakhshan and Nangarhar. 10 Voluntary Counseling and Testing Centers (VCCT), 15 Drop-in-centers and 2 ART centers in Kabul and Herat have been actively providing services. Up to date, there are 556 HIV positive cases reported from different sources and 9 people have died of AIDS." **[95b]**

28.15 The World Bank Paper on HIV/AIDS in Afghanistan, July 2010

"According to National AIDS Control Program, to date some 556 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. Comprehensive integrated biological – behavioral surveillance (IBBS 2009) has been completed among priority populations of injecting drug users, prisoners, female sex workers and road transport workers. The results of the survey have important implications for Afghanistan's AIDS program. Injecting drug use is the major source of new HIV infections, with transmission highest in Western Afghanistan." **[95b]**

28.16 The World Bank Paper further observed "HIV prevalence is significant among prisoners and appears to be related to the proportion of injecting drug users in prison. HIV prevalence is zero among both sex workers and road transport workers, suggesting limited sexual transmission in Afghanistan to date. Of particular concern are the very high rates of sexually transmitted infections and blood borne viruses in all groups." **[95b]**

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DRUG ADDICTION

28.17 The United Nations Office on Drugs and Crime (UNODC) report, *Drug Use in Afghanistan: 2009 Survey*, which was conducted in partnership with the national Ministries of Counter Narcotics and Public Health, with financial contribution from the Government of the United Kingdom, interviewed 2,614 drug users and 2,614 key informants across all 32 provincial capitals, covering 354 district centres and other districts in each of the provinces. The Survey found that:

"Illicit drug use has increased across the country, dramatically so for opium, heroin and other opiates. In four years, the number of regular opium users in Afghanistan grew from 150,000 to approximately 230,000 – a jump of 53 per cent. The numbers are even more alarming for heroin. In 2005, the estimate of regular heroin users in the country was 50,000, compared to approximately 120,000 users in 2009, a leap of 140 per cent. Overall, the annual prevalence of regular opiate use is estimated to be 2.7 per cent of the adult population1 (between 290,000 and 360,000 persons). Opium is by far the most commonly used opiate with an estimated prevalence of about 1.9 per cent of the adult population. Heroin prevalence is estimated to be about 1.0 per cent of the adult

population and other opiates users are estimated to make up about 0.5 per cent of the adult population.

"Overall, adult drug users are estimated to number close to one million (high estimate 940,000) people. That figure represents nearly 8 per cent of the population aged between 15 and 64. To some extent drug use corresponds with the geographic areas of opium and cannabis production and trading. The highest prevalence of drug use is found in the Northern and Southern regions, while the Central region has the most number of drug users in the country, up to 288,000 individuals." **[65d] (p5)**

28.18 The Survey also observed the cost of obtaining drugs:

"In terms of daily expenditure for various drugs, drug users in the Southern region were spending less for drugs, especially heroin and opium as these drugs are cheaper in that region. Invariably, all drugs are expensive in the Central region. On the whole, drug users are financially burdened by their addiction. Heroin use caused the highest burden ($2.2 per day), followed by opium ($ 1.6) and other opiates ($1.5). Overall, the survey estimates that drug users in Afghanistan spend on average $300 million US on their drug habit every year." **[65d] (p10)**

28.19 There were concerns that drug use was prevalent amongst Afghan security services. A report by the United States Government Accountability Office (GAO) published in the first quarter of 2010 stated:

"According to State officials, 12 to 41 percent of Afghan police recruits at Regional Training Centers test positive for drugs, depending on the province. A State official noted that this percentage likely understates the number of opium users because opiates leave the system quickly; many recruits who tested negative for drugs have shown opium withdrawal symptoms later in their training. A State official also reported that the drug demand reduction program is considering the establishment of dedicated rehabilitation clinics at the regional police training centers; however, because the police recruits leave once they finish their training, these clinics will not be able to provide the same long-term inpatient services that exist at the 26 clinics. While State recognizes that police addiction problems are an issue, a State official said that due to limited State financial resources, its U.S. drug demand reduction programs do not specifically target police forces." **[96a] (p33)**

28.20 As for the availability of treatment for drug use, the UNODC Survey noted:

"There is a troubling gap in drug treatment services for drug users in Afghanistan. While there are 40 structured drug treatment services across 21 provinces in the country, treatment provision is mostly dominated by residential and home – based approaches. These tend to focus on detoxification, residential rehabilitation and aftercare which happens to be of low intensity and infrequent. As a consequence, among the drug users interviewed for this survey, only a small fraction (11 per cent) had ever received any form of treatment for their drug problem even though more than 90 per cent said they were in need of treatment. Similarly, around two thirds of key informants expressed an urgent or considerable need for more drug treatment services in their local areas. A majority of key informants in the Western, Eastern and Southern regions considered it difficult to get treatment for drug problems for adolescents and children. Currently, drug treatment services for children are available only in Farah, Kabul, Nangahar, Badakhshan, Balkh and Herat. These treatment gaps need to be addressed by

establishing a range of accessible services and interventions, especially those aimed at community outreach, motivational interviewing, and treatment readiness." **[65d] (p17-18)**

28.21 The United States Government Accountability Office (GAO) report, published in March 2010, stated:

"The United States has funded drug demand reduction efforts since 2006 and, in 2009, State increased its funding from $2 million to $11 million to support 26 drug treatment clinics, further develop protocols for the treatment of addicts, and train Afghan prevention providers and counselors. The UNODC and the United Kingdom no longer fund drug demand reduction programs, and State and Afghan officials reported that other coalition partners are not supporting such efforts with funding or personnel." **[96a] (p32-33)**

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CANCER TREATMENT

28.22 In November 2008, while reporting on an Afghan woman diagnosed with breast cancer, the North Atlantic Treaty Organisation (NATO) observed that "There is no cancer care in Afghanistan. Most people here that are diagnosed with cancer are in already in a very advanced stage and receive no care. They are truly left to die. Women have a worse situation because of the scarcity of female doctors, and it is shameful for them to be examined by a male physician." **[37b]**

28.23 In June 2010, an article on the Pharmacy News website reported on the lack of treatment for cancer:

"Hundreds of people die needlessly in Afghanistan because of a lack of cancer specialists and diagnostic centres, doctors say. Afghanistan did have a cancer diagnostic centre at Ali Abad Hospital in Kabul, but that was destroyed during the civil war 30 years ago and has never reopened… Due to a lack of cancer specialists in Afghanistan, those who can afford it travel overseas for treatment, but many more die, having never been properly diagnosed… For many people in Afghanistan though, paying to seek treatment overseas is not an option. Amirudin, 29, resident of Saragi district in Kabul, has had blood cancer for the past year. He also said that the lack of specialised treatment centres in Afghanistan meant he had to pay a lot of money to travel abroad. 'I have gone to Pakistan for treatment three times, each time I spent 40,000 to 70,000 Pakistani rupees ($470-$820).' However, now, Amirudin, the owner of a general store, said he had run out of money and was seeking medical care at Jamhoriat Hospital, in Kabul. The illness makes him nauseas, unable to sleep and keeps him in constant pain." **[96a]**

28.24 The article also noted that according to Mansoor Ahmad, an assistant at the Pakistani Embassy in Kabul, "… about 2,000 visas are issued daily, among which 500 to 700 are for medical reasons. He said that most patients going to Pakistan have either heart problems or cancer. Fahim [Dr Abdullah Fahim, an adviser to the Ministry of Public Health] said he did not know the exact number of Afghans travelling overseas for medical treatment." **[98a]**

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MENTAL HEALTH

28.25 The Afghan Ministry of Public Health estimated that 66% of Afghans suffered from mental health problems. (BBC, 20 January 2009) **[28l]** Furthermore, the BBC reported:

"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." **[28l]**

28.26 In December 2009 the Christian Science (CSM) Monitor reported that some Afghans with mental health problems were sometimes kept in cave like environments, shackled and chained to walls, in what were referred to as 'shrines'. In one example the CSM reported:

"Hamidullah Khan says he went insane after he fell down a well. The chatty young man spends his days alone with his right foot chained to the wall of a windowless cell of the Mia Ali Shrine, a religious site that, for centuries, has taken in the mentally ill.

"The shrine-keeper feeds Mr. Khan and three other patients a strict diet of bread and black pepper. The chains and the close walls dictate the position they will sleep on the ground. Sanitation is nonexistent. They use uncollected trash in each cell to fling their waste out the doorway.

"Earlier, Khan spent 40 days chained to an ancient tree in the dirt courtyard. The shrine-keeper says that's the usual treatment when the weather isn't too chilly. Some people don't survive the regimen and are buried in earthen mounds scattered around the shrine.

"Shrines offering this draconian approach to mental illness exist today in Afghanistan alongside a modernizing mental health system supported by Western donors. The two approaches epitomize the two Afghanistans – one a developing nation emerging in the cities, the other an archaic countryside cut off by illiteracy, tradition, and insurgency. Linking the two involves basic training in villages as well as debates over tradition and religion." **[97a]**

28.27 In October 2009 the Ministry of Public Health, on its website, outlined improvements towards the mentally ill:

"Enhancement of Afghan?s [sic] mental health and treatment of mental health disorders are the priorities of the Ministry of Public Health (MoPH) of Afghanistan. In spite of having limited budget and human recourse, some important steps have been taken in the area of mental health within the MoPH such as the establishment of a Mental Health unit, the development of a Mental Health strategy for the integration of MH in Primary Health Care (PHC), the revision of MH part of Basic Package of Health Services (BPHS), the revision of MH part of Essential Package of Hospital Services (EPHS), the finalization of National MH strategy, the standard treatment protocol, the establishment

of a National MH taskforce and the establishment of 16 psycho-social centers (2 in Herat and 14 in Kabul) said Dr S.M.A. Fatimie minister of the pubic health. He also added: In near future MoPH will ensure that at least one trained health professional will be working in every health facility and will ensure that every patient will have the opportunity to be screened and get proper counseling and treatment for the mental health and psychosocial problems." **[95c]**

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LANDMINE AND ORDINANCE VICTIM ASSISTANCE

This Subsection should be read in conjunction with Section 24: Disability

28.28 The 2009 Afghanistan Landmine Monitor Report, accessed on 8 September 2010, stated:

"The total number of survivors is unknown but is estimated to be between 52,000 and 60,000. In May 2009, Afghanistan stated that despite steady progress and increased commitment, key challenges remained, such as reconstructing health and social services after years of conflict, 'increasing employment and education among persons with disability and ensuring the rights of persons with disability are respected.' Representatives of DPOs [disabled people's organizations] noted that, since 1999, there had been 'very little improvement' in services, because of the limited number of skilled professionals, but also due to a lack of funding as a result of low donor interest in disability." **[74a] (Victim Assistance)**

28.29 The 2009 Afghanistan Landmine Monitor Report added:

"The MoPH [Ministry of Public Health] coordinates healthcare through two strategies: the Basic Package of Health Services and the Essential Package of Hospital Services, implementation of which is mostly contracted to NGOs [Non-Governmental Organisations] and international organizations. Despite increased coverage of these packages, healthcare in Afghanistan remains among the worst in the world. Increased conflict and attacks on health facilities and staff resulted in more than 600,000 Afghans lacking access to services according to April 2009 estimates by the MoPH. This number is twice as high as estimated in the same period of 2008.

"Physiotherapy services are available in 19 provinces and through 14 rehabilitation centers. The lack of services in the remaining 15 provinces is problematic. Although the MoPH coordinates the sector, it only runs one center. In 2008, physical rehabilitation services were included in the MoPH health packages, awareness of the importance of rehabilitation services was raised, and training increased.

"Conflict-related mental health problems are common in Afghanistan, including among mine/ERW [Explosive Remnants of War] survivors, and are exacerbated by stigma related to disability. Psychosocial support activities remained limited, despite increased attention by the MoPH through training and the establishment of a Mental Health Unit at the ministry. As of 2008, there were five mental health clinics in Kabul.

"Stigma and high general unemployment limit the employment prospects of persons with disabilities. SCA [Swedish Committee for Afghanistan] noted that, in 2008,

employment of persons with disabilities in the government and private sectors had decreased slightly compared to 2007. Unemployment among persons with disabilities was already estimated at 75%, and some 73% did not have access to education. Results of vocational training programs have been disappointing due to a lack of cooperation, funding and infrastructure, poor quality of education, and a lack of employment opportunities afterwards.

"Persons with disabilities registered at MoLSAMD receive a pension of AFN300–500 ($6–10) per month depending on the degree of disability. This amount is not considered to be sufficient, and many persons with disabilities are not registered for payments." **[74a] (Victim Assistance)**

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

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29. HUMANITARIAN ISSUES

OVERVIEW

29.01 A Watchlist report of June 2010 reported that according to the Agency Coordinating Body for Afghan Relief (ACBAR) there were approximately 1,300 national NGOs, 300 international NGOs and 16 United Nations organisations involved humanitarian and development assistance in Afghanistan as of January 2010. **[94a] (p11)**

29.02 The United Nations Children's Fund (UNICEF) *Humanitarian Action Report 2010*, published on 4 February 2010, stated:

"One third of Afghanistan's population is considered food insecure. This is due to years of ongoing conflict, increased fighting between government forces an d rebel groups, floods in the Western and Northern Provinces and an earthquake in the Eastern province in 2009. The combination of the food, fuel and financial crises are also putting an estimated 1.2 million children under five and 550,000 pregnant and lactating women at further risk of undernutrition, infectious diseases and worsening livelihoods." **[15a] (p93)**

29.03 The Department for International Development (DFID) overview on Afghanistan, accessed on 5 October 2010, stated:

"Real progress has been made over the past few years. In 2001, under the Taliban, less than one million children attended school – none of them girls. Today, over five million children attend school, and more than a third are girls. Women now make up one in four of Afghanistan's teachers. Around 85% of the population now has access to basic healthcare, compared to under 10 per cent in 2002. Economic growth has been strong, averaging around 11% between 2002 and 2008, and 22% last year on the back of good harvests. Government tax revenues exceeded $1 billion for the first time last year. The country has risen 23 places in the World Bank Doing Business Rankings, and is now at 160 out of 183. Opium cultivation is declining and the country as a whole is becoming less dependent on growing poppies, which now constitute just 4% of the size of the legal economy. There is still much more to do in development terms, but the country is making progress." **[11a]**

29.04 The United Nations (UN) General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 14 September 2010, stated that "Ensuring access for humanitarian assistance remained a challenge during the reporting period, and ongoing conflict and insecurity continued to limit the presence and the activities of aid agencies across the country. Attacks against aid workers continued, representing a worrisome trend and impeding the delivery of humanitarian assistance." **[17f] (p10)**

29.05 The United Nations report further noted "The Emergency Response Fund established in February 2010 and administered by the Office for the Coordination of Humanitarian Affairs… has received to date pledges totalling US$ 4,572,250, of which $1,008,592 has been disbursed. Allocations of $2,863,638 were made in response to the Samangan earthquake of 20 April 2010 and other localized emergencies." **[17f] (p10)**

29.06 The United Nations report added that "The World Food Programme continues to provide nutrition and food assistance to the most vulnerable. During the reporting period, WFP provided 877,980 children with high-energy biscuits and school meals; and 10,200 tuberculosis patients and more than 2,080 pregnant or lactating women and children under 5 received supplementary food. A total of 19,365 people, mostly women, underwent skills training." **[17f] (p11)**

29.07 The United Nations Assistance Mission in Afghanistan (UNAMA) reported on 1 August 2010 that relief had started to reach the 4,000 families affected by the severe flooding in eastern Afghanistan, caused by heavy rains over recent weeks. The UNAMA reported:

"The distribution of assistance by Afghan government officials follows a detailed assessment of damage caused in three eastern provinces – Nangarhar, Kunar and Laghman – and airlift and boat rescue of hundreds of people stranded in waterlogged homes. According to the assessment completed this weekend by various Government and aid agencies, about 2,500 homes were completely destroyed, thousands of livestock lost and hectares of land washed away, including much needed bridges and canals… Relief aid containing mostly non-food items such as tarpaulins, tents, blankets and kitchen kits provided by the International Organization for Migration (IOM) and the UN Children's Fund (UNICEF) started reaching the affected population yesterday, according to the Jalalabad office of OCHA [Office for the Coordination of Humanitarian Affairs]." **[18e]**

29.08 The United Nations report also mentioned the recent heavy rainfall in August 2010 that had affected at least nine provinces. The report noted "The Afghanistan National Disaster Management Authority reported that approximately 200,000 people were affected. The Authority, supported by humanitarian agencies, has provided humanitarian assistance in all nine affected provinces. While most of the immediate needs of the population have been covered, the provision of emergency shelter materials remains essential." **[17f] (p10)**

29.09 The International Rescue Committee (IRC) who provided aid to the flood victims noted:

"The flash floods which struck Nangahar on August 31… left thousands of people homeless. Serious flooding occurred in areas south of the city of Jalalabad, where IRC teams responded by distributing tents tarpaulins, plastic floor covers, hygiene kits and clothing to over 4,000 people. The IRC also built 250 latrines to prevent the spread of disease. 'The level of damage to houses and infrastructure is extensive,' Abdul Ahad

said. 'When we first arrived we saw many families still sitting out in the open by their damaged properties. Nearly 300 houses were swept away by the floods and many others suffered extensive structural damage. In many areas we saw piles of broken household goods and other debris.' Ahad said that throughout the flooded province he observed children playing in stagnant pools of dirty water and that this posed a serious health threat. 'These pools are breeding grounds for mosquitoes, particularly prevalent at this time of the year, which may lead to outbreaks of malaria and other diseases,' he said. 'To prevent this, we've trained villagers to spray their houses with insecticide.' So far, 2,300 houses have been treated, Ahad said." **[100a]**

International aid

29.10 In July 2009 Refugees International reported that:

"The humanitarian appeal of $604 million, launched on February 3, 2009, is well funded, but over 52 percent of the appeal addresses food security, and most pledges have gone to the World Food Program's (WFP) operations. Major humanitarian donors still have very limited budgets compared to the main development players. Indeed, the Europe Commission Humanitarian Office (ECHO) has a 2009 budget of €35 million, while the U.S. Office for Foreign Disaster Assistance (OFDA) has a budget of only $29 million, half of which is dedicated to urban projects. By comparison, USAID has a budget of more than $1 billion for 2009. More focus, and funding, is needed to respond to humanitarian needs." **[99a]**

29.11 The Refugees International article added:

"Most NGOs [Non-Governmental Organisations] get the majority of their funding for development projects, as donors have emphasized this sector over the past few years. As many donors are looking to fund projects in the areas where their troops are located, development has been used since 2001 as a tool for counter-insurgency activities instead of being focused on responding to needs alone. This, combined with the UN's partiality derived from its political mandate, has made it extremely difficult to get a real picture of humanitarian needs in Afghanistan. In the words of one UN official, Afghanistan is a 'faceless emergency' – nearly eight years after the collapse of the Taliban regime, the needs are significant, but the international community is still unable to define their magnitude" **[99a]**

(See also Section 8: Security situation, Section 31: Internally Displaced Persons (IDPs) and Section 34: Exit and return - Returning Afghan refugees)

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30. FREEDOM OF MOVEMENT

30.01 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), stated that:

"The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, social custom limited many women's freedom of movement without male consent or chaperone, 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, land mines, and IEDs [Improvised Explosive Device] made travel extremely dangerous, especially at night. The government cooperated with the UNHCR [United Nations High Commissioner for Refugees], the IOM [International Organization of Migration], and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, and other persons of concern.

"Taxi, truck, and bus drivers reported that security forces and armed insurgents 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 [Afghan National Police] and border police officials at checkpoints and the Khyber Pass border crossing between Jalalabad and Pakistan. The Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the southeast." **[2a] (Section 2d)**

Mines and unexploded ordnance

30.02 The 2009 Landmine Monitor Report stated:

"The Islamic Republic of Afghanistan became a State Party to the Mine Ban Treaty on 1 March 2003. It has not adopted national implementation legislation. Afghanistan completed destruction of its known stockpiles of more than 486,000 antipersonnel mines in October 2007, eight months after its treaty deadline. It has discovered or recovered and destroyed tens of thousands of additional mines since then. Taliban forces have used antipersonnel mines sporadically since 2001." **[74a] (Ten-Year Summary)**

30.03 The 2009 Landmine Monitor Report further added:

"Although some three-quarters of impacted communities are located in 12 of the country's 34 provinces, mines and ERW [Explosive Remnants of War] still pose a formidable challenge to the country's social and economic reconstruction, which is critical for 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. The ALIS [Afghanistan Landmine Impact Survey] found that the main economic blockages caused by mine/ERW contamination were on pastureland, cropland, and roads. However, the extent of contamination makes battle area clearance and/or demining a prerequisite for most infrastructure and major construction projects." **[74a] (Socio-economic impact)** "People are at risk from both mines and ERW, particularly in Helmand and Kandahar provinces, and new contamination in 2008 increased the risk. Risk activities include traveling, recreation, tending animals, and collecting wood/water/food. Children make up almost half of all casualties." **[74a] (Risk profile)**

(See also Section 24: Disability and Section 28: Landmine and ordinance victim assistance. For information on restrictions on movement for women see Section 25: Women – Social and economic rights and the Subsection on Single women and widows.

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31. INTERNALLY DISPLACED PERSONS (IDPS)

A map showing the estimated IDP populations by province of displacement in Afghanistan, updated 31 March 2010 can be located on the Internal Displacement Monitoring Centre (IDMC) website. **[88a]**

31.01 The Internal Displacement Monitoring Centre (IDMC) report *Afghanistan: Armed conflict forces increasing numbers of Afghans to flee their homes*, 15 April 2010, stated:

"After large, and mostly spontaneous, return movements following the ousting of the Taliban regime in 2002, internal displacement is again on the rise, with new displacements as a result of the intensification of fighting in many regions. The latest estimates indicate that 240,000 persons are currently internally displaced due to armed conflict and insecurity. Data-tracking and the provision of humanitarian aid is inordinately difficult due to security and logistical constraints, particularly where displacement serves as a short-term coping mechanism." **[88b]**

31.02 The United Nations Children's Fund (UNICEF) *Humanitarian Action Report 2010*, published on 4 February 2010 observed that:

"Currently around 235,000 people are living in displacement, either in makeshift camps or host communities. These difficult living conditions are made even more so because of little or no access to essential health care, safe water, a basic education or child protection services. In addition, another 2.6 million Afghans remain registered as refugees in neighbouring countries. Despite the urgency to meet the basic humanitarian needs of Afghan disaster – and conflict-affected children and women, nearly 44 per cent of the country remains inaccessible to the humanitarian community because of armed fighting and concomitant lack of security." **[15a] (p94)**

31.03 The IDMC report noted:

"IDPs in Afghanistan suffer from lack of access to basic services and legal protection mechanisms, including lack of access to land (repossession of land and landlessness), absence of livelihoods, additional risks due to the minority status of some and political and ethnic dynamics in places of displacement. Female heads of households are particularly vulnerable due to their exclusion from social and economic services and the lack of social protection measures in the country. Access to education has been affected by attacks on schools, especially girls' schools and female teachers.

"In 2009, international assistance constituted around 90 per cent of public expenditure in Afghanistan. However, relief and development assistance are not always based on assessments or needs, and have also occasionally been seen as a means to achieve counter- insurgency objectives. Attacks on humanitarian personnel and premises by armed opposition groups also effectively deny IDPs their right to seek and receive impartial humanitarian assistance.

"Many IDPs rely on their savings, informal day labour or the support of extended social networks for their survival. Some IDPs search for new livelihood opportunities in urban areas, a pattern shared by economic migrants. But while return is improbable for some, economic recession affecting many parts of the country has contributed to increased pressure on host communities and made it harder for IDPs to resettle elsewhere or integrate locally." **[88b]**

31.04 With regards to those displaced by the conflict the United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 14 September 2010, stated "The majority of recent conflict-induced displacement occurred in the southern Provinces of Helmand and Kandahar. Working with local counterparts, United Nations agencies, funds and programmes have continued to assist internally displaced persons in Lashkar Gah, Helmand Province." **[17f] (p11)**

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32. CITIZENSHIP AND NATIONALITY

32.01 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." **[101] (p13)**

IDENTITY CARDS

32.02 The Afghanistan Independent Human Rights Commission (AIHRC) report, *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." **[14g] (p31-32)**

32.03 The Afghanistan Independent Human Rights Commission (AIHRC) *Report on the Situation of Economic and Social Rights in Afghanistan – IV, Qaws 1388 (November/December 2009)*, stated that:

"National ID cards and birth certificates are very important to establish the identity of people and their enjoyment of citizenship privileges. Lack of national ID cards provide an enabling environment for human rights violations of individuals, particularly in cases of marriage, punishment, and due process of law. AIHRC statistics indicates that in many cases of forced and early marriages, the age of children is determined to be higher due to lack of birth certificates or national ID cards and as a result, child marriages occur. Issuing birth certificates and national ID cards is an imperative in other countries worldwide, however, the Government has been negligent in this respect. Though this problem is a legacy of previous regimes, the Government still could have implemented a comprehensive census and issued national ID cards for people. In 2007, the Independent Election Commission (IEC) and the Ministry of Interior (MoI) signed a protocol for distributing ID cards. According to this protocol, all Afghan nationals aged over 18 should have received ID cards pending the holding of the second presidential election, but the protocol has fallen short of implementation." **[14d] (p27)**

(See also Section 26: Children)

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33. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

33.01 Very little sourced information on forged and fraudulently obtained official documents was available to Country of Origin Information Service (COIS) at the time of writing (October 2010). However, in a letter sent to the COIS from the British High Commission (BHC) in Islamabad, Pakistan, dated 12 August 2010, it said that a Project Officer based in the BHC had carried out some research on whether forged Afghan documents had been obtained in Pakistan. Afghan and other foreign nationals were reportedly using stolen or forged Afghan Passports for facilitated illegal movements and smuggling of goods. The letter said that a United Nations High Commissioner for Refugees (UNHCR) Protection Officer had provided examples that gave an indication on the cost of obtaining such documents. The information from the UNHCR observed that "The

widely forged document was the national Identity Card (Tazkira), which was even available in Islamabad. The cost for obtaining it ranged from Rs.200-1000. Following issuance of Proof of Registration (PoR) cards in 2007 by NADRA [Pakistan's National Database and Registration Authority] with financial assistance of UNHCR, there are reports of forging this as well. Reportedly forged PoR card can be obtained by paying 2000 to 5000 PKR." **[4g]**

(See also Section 20: Corruption)

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34. EXIT AND RETURN

34.01 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted that "The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, social custom limited many women's freedom of movement without male consent or chaperone, and the government limited citizens' movement due to security interests.

34.02 The Altai Consulting *Study on Cross Border Population Movements between Afghanistan and Pakistan*, published in June 2009 stated that:

"In the last 25 years, Afghanistan has experienced a massive flow of emigration generated by the ex-Soviet Union invasion in 1979, the civil war and the Taliban regime. From 1979 to 1992, an estimated 6 million people left the country.

"There are still some 2.1 million registered Afghans in Pakistan, and after massive flows of returns recorded between 2002 and 2005, changes in security, and the poor prospects for rapid economic and social improvements, have caused a decline in the rate of returns since 2006.

"Today, the majority of Afghans travelling to and from Pakistan are temporary migrants, not individuals driven by protection concerns. A UNHCR [United Nations High Commissioner for Refugees]-financed IOM [International Organization for Migration] study conducted in 2005 found that cross border movements for social and economic purposes far exceeded refugee repatriation. But these cross border movements are largely informal in nature and are therefore poorly documented. These observations made in 2005 and since then, regular border monitoring reports carried out by UNHCR"s office in Jalalabad and the Department of Refugees and Repatriation (DoRR) of the Government of Afghanistan, all suggest that new policy approaches are now required to recognize that the informal cross border migration - rather than refugee repatriation - is now the key management challenge confronting the two governments." **[90a] (p7)**

34.03 The Altai Consulting study which was conducted during in September/November to collect data on the state of cross border population movements between the two main crossing points of Torkham in the east and Spin Boldak/Chaman in the south observed that:

"The Afghan border police and passport office officially control the entry and exit of all individuals, Afghan nationals and internationals, at the Torkham border. The information is collected on a daily basis and the records are kept and sent back to the Ministry of Interior headquarters in Kabul… **(p4)**

"… outside of Torkham and Spin Boldak, along the 2,250 km border, most people do not actually know where the border is located, separating Afghanistan and Pakistan. It is therefore difficult to assess who crosses the border since one land can be spread on both sides. Students often leave their homes in the morning to go to school on the other side, as it is for them part of their community, not of two different countries. This lack of regulation has long been a source of concern. It has now become a priority for both governments. The test is how to inform the citizens of both countries of the need to participate in the development of a regulated system of official procedures, as they have spent decades behaving otherwise. Therein lies the difficulty in terms of border management practices. **[90a] (p19)**

34.04 The same study noted:

"The border police force still remains ineffective in monitoring and checking travel documents for individuals pertaining to specific tribal and community groups… members of non-Pashtun ethnic groups, especially Hazara Afghans, are more frequently checked and stopped at the border. Pashtuns, however, fall largely outside of this scope of control. In an effort not to discourage the back and forth movement of populations with strong links in both countries, border police officials do not control Pashtun Afghans. Members of our team, themselves Pashtun, simply tested this by crossing the border without showing any papers. They successfully crossed several times into Pakistan, and back into Afghanistan, without showing any identification card. A regulated system will only be successful if administered to all, irrespective of ethnic, tribal or religious lines." **[90a] (p5-6)**

34.05 The USSD Report 2009, also noted:

"The greatest restriction to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, land mines, and IEDs [Improvised Explosive Device] made travel extremely dangerous, especially at night. The government cooperated with the UNHCR [United Nations High Commissioner for Refugees], the IOM, [International Organization for Migration] and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, and other persons of concern.

"Taxi, truck, and bus drivers reported that security forces and armed insurgents 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 [Afghan National Police] and border police officials at checkpoints and the Khyber Pass border crossing between Jalalabad and Pakistan. The Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the southeast." **[2a] (Section 6)**

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RETURNING AFGHAN REFUGEES

34.06 The Afghanistan Independent Human Rights Commission (AIHRC) *Report on the Situation of Economic and Social Rights in Afghanistan – IV, Qaws 1388 (November/December 2009)*, stated that:

"Presidential Decree 297 on Dignified Refugee Return states, 'The Interim Afghan Administration… safeguards the right and freedom of all returnees… guarantees their safe and dignified return… expects that in conformity with the principle of voluntary repatriation, Afghans will be given the opportunity to decide freely to return to their country…'" **[14d] (p20)**

34.07 The Refugees International Overview of Afghanistan, accessed on 6 October 2010, stated:

"Since 2002, in the largest refugee return process ever, over five million Afghans have gone home, the vast majority from neighboring Pakistan and Iran. More than half of these returns took place within the first two years, as Afghans seized the opportunity to rebuild their lives and their country following the fall of the Taliban regime. Today more than three million registered refugees remain in exile – 2.1 million in Pakistan and 0.9 million in Iran – and hundreds of thousands more are living abroad to escape economic hardship or targeted violence. Many are now being pressured to return home despite the fact that living conditions are not always secure or provide livelihood opportunities." **[99a]**

34.08 The Refugee International report also noted that:

"The return of more than 5 million refugees since 2002 has increased the estimated population of Afghanistan by over 20 per cent. In the areas of highest return, as many as one in three people is a returnee. This level of return has put a strain on receiving communities struggling to cope with already limited resources. While reconstruction and development efforts have advanced, security has become more problematic, and Afghanistan's capacity to absorb more returns is limited, without further targeted support." **[99b]**

34.09 The US Department of State Country Profile: Afghanistan, updated on 26 March 2010, stated:

"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 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." **[2b] (p Refugees and Internally Displaced People)**

34.10 The International Crisis Group (IGC) report, *What Now for Refugees?* published on 31 August 2009, which focused on the situation of returning Afghan refugees, noted that

"The [Afghanistan] ministry of rural rehabilitation and development and the ministry of urban development and housing have included returnee assistance, aimed at both

refugees and IDPs [Internal Displaced Persons], in their national programs. Others, including NGOs [Non Governmental Organisations], UN agencies and donors, are also aiming to integrate returnee assistance into their development programs. Since reintegration permeates all aspects of reconstruction and development, the needs and vulnerabilities of returning households fall under the mandate of almost all government ministries." **[8d] (p11)**

34.11 The Refugee International report, dated 26 January 2009, further stated:

"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." **[99b]**

34.12 The UNHCR Country Operations Profile on Afghanistan, accessed on 21 August 2009, stated that:

"The management of migration has already superseded refugees and IDPs [Internally Displaced Persons] as the pre-eminent population movement challenge in Afghanistan, although the Government has yet to adapt its policies accordingly.

"Achieving sustainable return and reintegration is becoming more challenging in the current context. Voluntary repatriation has as a consequence slowed down. A more gradual return at this juncture supports a more sustainable return as the capacity of Afghanistan to absorb more returnees is stretched." **[19d]**

34.13 The AIHRC report stated:

"Growing insecurity, homelessness, disputes over property, and lack of livelihood options are the factors obstructing the return of refugees and the reintegration of returnees and IDPs. Insecurity in many parts of the country have made return to places of origin almost impossible. Several regime changes in the course of the Afghan conflict have given rise to several ownership claims on one single land plot. Many commanders have illegally expropriated lands and distributed them among their soldiers and relatives. Family size increased almost three times during forced migration and their return to their places of origin is obstructed, for their existing lands or houses are too small to accommodate them all. Additionally, many people who fled Afghanistan lacked property and are reluctant to return to their places of origin because there are no livelihood options. Inadequate economic opportunities have made return to one's place of origin either impossible or undesirable. Most people who are unable to return to their places of origin migrate to other cities due to lack of livelihood options and homelessness and therefore join the category of the urban poor." **[14d] (p21)**

34.14 The International Crisis Group (ICG) report, *What Now for Refugees?* published on 31 August 2009, which focused on the situation of returning Afghan refugees, noted:

"A number of Afghans who returned to the countryside after 2002 had fled their homes in the late nineties or in end-2001. During their relatively short absence, most had maintained strong ties with their communities and often managed to retain their property or access to land. Regular visits and contacts between families and friends facilitated returns and reintegration. These returnees have similar needs to those who had stayed behind, including assistance to rebuild their destroyed houses, seeds and saplings for their fields and orchards, and livestock to replenish their herds." **[8d] (p6)**

34.15 The same ICG report noted, "With the rural areas increasingly insecure, many returning Afghans have migrated to towns and cities, causing rapid urbanisation that is contributing to rising poverty, unemployment and criminality. Kabul's population has tripled in just seven years." **[8d] (pi)**

34.16 The Refugee International report, dated 26 January 2009, further stated:

"The cash grant for returnees addresses important needs in the first months of return, such as transport and food. However, it is not enough to sustain return. The 2010 operations plan has a strengthened shelter, water and livelihoods component in order to more effectively sustain returnee reintegration in these challenging circumstances. Furthermore, a community-based approach supports receiving communities and mitigates the potential for conflict over resources, particularly in ethnically mixed areas." **[99b]**

34.17 The Refugee International report added:

"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." **[99b**

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Annex A

CHRONOLOGY OF MAJOR EVENTS

Source - British Broadcasting Corporation (BBC) Timeline, updated on 5 October 2010 [28b], 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.

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.

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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.

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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.

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 The main text of this COI Report contains the most up to date publicly available information as at 15 October 2010. Further brief information on recent events and reports has been provided in the Latest News section to 1 November 2010.

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
2005	
February	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'.
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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August Elections are held, but are marred by widespread Taliban attacks, patchy turnout and claims of serious fraud. Accusations of vote rigging and concerns over the low voter turnout cast doubt on the legitimacy of the polls.

2010

February Nato-led forces launch major offensive, Operation Moshtarak, in bid to secure government control of southern Helmand province.

President Karzai angers Western diplomats by issuing a decree giving him total control of the UN-backed Electoral Complaints Commission, which helped expose massive fraud in the October presidential election.

Top Afghan Taliban military commander Mullah Abdul Ghani Baradar is captured in Pakistan

April President Karzai says that foreign observers were responsible for fraud in last year's disputed poll, and accuses UN and EU officials of involvement in a plot to put a puppet government in power. The White House calls his remarks "genuinely troubling".

July Major international conference endorses President Karzai's timetable for control of security to be transferred from foreign to Afghan forces by 2014.

Whistleblowing website Wikileaks publishes thousands of classified US military documents relating to Afghanistan.

General David Petraeus takes command of US, ISAF forces.

August Dutch troops quit.

Karzai bans foreign security firms.

September Afghans brave wave of Taliban attacks to vote in parliamentary elections on 18 September; turnout estimated at 40%.

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Annex B

POLITICAL ORGANISATIONS AND OTHER GROUPS

Information on major Political organisations in Afghanistan was sourced from the International Council on Security and Development (ICOS) report *Afghanistan's Presidential Election: Power to the People, or the Powerful?*, April 2009 **[10b] (p44-46)** A full list of licensed political parties can be located on the Afghanistan Ministry of Justice website.

MAJOR POLITICAL ORGANISATIONS

National United Front of Afghanistan (UNF)

In March 2007, in a significant political development, several influential figures of the last thirty years in Afghanistan decided to form a new coalition called the National United Front of Afghanistan (Jabhe-ye-Motahed-e-Milli: UNF).

Members and Objectives
The Party is comprised of the following key members:

- Former Commerce Minister, Sayed Mustafa Kazimi
- Former President, Burhanuddin Rabbani
- Speaker of the Lower House, Yunus Qanuni
- Minister for Energy and Water, Ismail Khan
- Communist-era Minister, (Sayed) Mohammad Gulabzoy
- Military aide to President Hamid Karzai, Abdul Rashid Dostum

Former communist party leader turned-Parliamentarian Noor-ul-Haq Ulumi was added to the list in a recent announcement and so were First Vice President Zia Masood, former Afghan Defense Minister Marshal Mohammad Qasim Fahim and Mustafa Zahir, the grandson of Afghanistan's former king Zahir Shah…

The key stated aim of the new coalition is to bring changes to the Constitution in order to diminish Presidential powers and enhance the role of Parliament, thereby allowing the UNF more means to preserve its local interests… **[10b] (p44)**

National Democratic Front (NDF)

Members
Based on the former National Front for Democracy, the NDF is composed of some 13 parties, some of which are of secular inclination. As of mid-2005 these were:

- Afghanistan Work and Development Party
- Afghanistan Liberal Party
- Afghanistan People's Welfare Party
- Afghanistan People's Prosperity Party
- Afghanistan Understanding and Democracy Party
- National Unity of Afghanistan Party
- Freedom and Democracy Movement
- Afghanistan People's Ideal Party
- Afghanistan National Progress Party

- Afghanistan Ethnic Groups' Solidarity Party
- Afghanistan Republican Party
- Young Afghanistan Islamic Party
- Afghanistan People's Liberation Party

International and Local Support
The National Democratic Front has received Western backing, most particularly US support. However, it is argued that the Front is unlikely to find much support in rural areas and other sectarian strongholds. **[10b] (p45)**

Payman-e Kabul (Kabul Accord)

Establishment and Objectives
In 2002, the Revolutionary Organisation of the Toilers of Afghanistan and five other former leftist and Maoist groups forged an alliance called Payman-e Kabul (Kabul Accord). The members of the alliance envision the creation of a modern political party with a social democrat ideology.

Current composition
Nowadays the Payman-e Kabul represents a grouping of leftist liberal parties. There is no visible dominant leader and the constituent parties are wary of each other's power base and appeal to urban youth. **[10b] (p46)**

Afghan Mellat (Afghan Social Democratic Party)

Establishment and Objectives
The Afghan Social Democratic Party or Afghan Mellat (Afghan Nation) is an officially registered social democratic party created in the sixties by Ghulam Mohammad Farhad, a German-educated ethnic Pashtun who defended the superior rights of the Pashtun people over a 'Greater Afghanistan' (which includes the Pashtun regions of Pakistan) and advocated the 'Pashtunisation' of the country. It is regularly branded as an ultranationalist or crypto-fascist group.

Current composition
Since its creation the party has been through many internal splits and struggles over its ideological principles, but after Anwar al-Haq Ahadi assumed the leadership in 1995, the party abandoned most of its most hardline rhetoric and has presented a relatively united front. Despite attempts to reach out to other groups, the Mellat Party still maintains that the Pashtos deserve special rights.

Since the fall of the Taliban the party has supported President Karzai, even endorsing his 2004 candidacy and in turn the President has rewarded Ahadi with the Ministry of Finance. It also has a reduced presence in the Lower House of Parliament. **[10b] (p46)**

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OTHER POLITICAL GROUPS

The "Northern Alliance" Congeals

The Congressional Research Service (CRC) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 17 September 2010, stated:

"The Taliban's policies caused different Afghan factions to ally with the ousted President Rabbani and Masud and their ally in the Herat area, Ismail Khan – the Tajik core of the anti-Taliban
Opposition – into a broader 'Northern Alliance.' In the Alliance were Uzbek, Hazara Shiite, and even some Pashtun Islamist factions.

- "Uzbeks/General Dostam. One major faction was the Uzbek militia (the Junbush-Melli, or National Islamic Movement of Afghanistan) of General Abdul Rashid Dostam. Frequently referred to by some Afghans as one of the 'warlords' who gained power during the anti-Soviet war, Dostam first joined those seeking to oust Rabbani during his 1992-96 presidency, but later joined Rabbani's Northern Alliance against the Taliban…

- "Hazara Shiites. Members of Hazara tribes, mostly Shiite Muslims, are prominent in Bamiyan, Dai Kundi, and Ghazni provinces (central Afghanistan) and are always wary of repression by Pashtuns and other larger ethnic factions. The Hazaras have tended to serve in working class and domestic household jobs, although more recently they have been prominent in technology jobs in Kabul, raising their economic status. During the various Afghan wars, the main Hazara Shiite militia was Hizb-e-Wahdat (Unity Party, composed of eight different groups). Hizb-e-Wahdat suffered a major setback in 1995 when the Taliban captured and killed its leader Abdul Ali Mazari.

- "Pashtun Islamists/Sayyaf. Abd-I-Rab Rasul Sayyaf, later a post-Taliban parliamentary committee chairman, headed a Pashtun-dominated hardline Islamist mujahedin faction called the Islamic Union for the Liberation of Afghanistan during the anti-Soviet war. Even though he is an Islamic conservative, Sayyaf viewed the Taliban as selling out Afghanistan to Al Qaeda and he joined the Northern Alliance to try to oust the Taliban." (Congressional Research Service (CRS), 17 September 2010) **[22a] (p6-7)**

OPPOSITION ARMED GROUPS

Information on opposition armed groups was sourced from The Congressional Research Service (CRC) report, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, 17 September 2010 **[22a]** and the Afghanistan Rights Monitor (ARM) Mid-Year Report Civilian Casualties of Conflict January-June 2010 **[103a]** unless otherwise indicated

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The Taliban ("Quetta Shura Taliban")

The CRC report, dated 17 September 2010, stated:

"The core of the insurgency remains the Taliban movement centered around Mullah Umar, who led the Taliban regime during 1996-2001. Mullah Umar and many of his top advisers remain at large and are reportedly running their insurgency from their safe haven in Pakistan. They are believed to be in and around the city of Quetta, according to Afghan officials, thus accounting for the term usually applied to Umar and his aides: 'Quetta Shura Taliban' (QST). The prime

near term target of their operations is believed to be to capture Qandahar city, the former Taliban stronghold.

"Some believe that Umar and his inner circle blame their past association with Al Qaeda for their loss of power and want to distance themselves from Al Qaeda. Other experts see continuing close association that is likely to continue were the Taliban movement to return to power in Afghanistan. On September 19, 2009, Umar issued an audiotape criticizing the Afghan elections as fraudulent. The Taliban also threatened Afghans who voted in the August 20, 2009, elections." **[22a] (p25)**

Al Qaeda/Bin Laden Whereabouts

The CRC report, dated 17 September 2010, stated:

"U.S. commanders say that Al Qaeda militants are facilitators of militant incursions into Afghanistan rather than active participants in the Afghan insurgency. Director of Central Intelligence Leon Panetta said on June 27, 2010, that Al Qaeda fighters in Afghanistan itself might number 50-100. Small numbers of Al Qaeda members – including Arabs, Uzbeks, and Chechens – have been captured or killed in battles in Afghanistan itself, according to U.S. commanders. Some of these fighters apparently belong to Al Qaeda affiliates such as the Islamic Movement of Uzbekistan (IMU).

"Al Qaeda's top leadership has eluded U.S. forces in Afghanistan and other efforts in Pakistan. In December 2001, in the course of the post-September 11 major combat effort, U.S. Special Operations Forces and CIA operatives reportedly narrowed Osama bin Laden's location to the Tora Bora mountains in Nangarhar Province (30 miles west of the Khyber Pass), but the Afghan militia fighters who were the bulk of the fighting force did not prevent his escape. Some U.S. military and intelligence officers (such as Gary Berntsen and Dalton Fury, who have written books on the battle) have questioned the U.S. decision to rely mainly on Afghan forces in this engagement.

"Bin Laden and his close ally Ayman al-Zawahiri are presumed to be on the Pakistani side of the border. From this redoubt, these leaders are widely believed to continue to be looking for ways to attack the U.S. homeland or U.S. allies and continuing to issue audio statements threatening such attacks. While there have been no recent public indications that U.S. or allied forces have learned or are close to learning bin Laden's location, a U.S. strike reportedly missed Zawahiri by a few hours in the village of Damadola, Pakistan, in January 2006, suggesting that there was intelligence on his movements. On the ninth anniversary of the September 11 attacks on some U.S. observers said it was still significant to try to capture bin Laden if for no other reason than for symbolic value. Press reports in early September 2010 say that Al Qaeda's former spokesman, Kuwait-born Sulayman Abu Ghaith, may have been released from house arrest by Iran and allowed to proceed to Pakistan." (Congressional Research Service (CRS), 17 September 2010) **[22a] (p26)**

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Hikmatyar Faction

The Congressional Research Service (CRC) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 17 September 2010, stated:

"Another 'high value target' identified by U.S. commanders is the faction of former mujahedin party leader Gulbuddin Hikmatyar (Hizb-e-Islami Gulbuddin, HIG) allied with Al Qaeda and Taliban insurgents. As noted above, Hikmatyar was one of the main U.S.-backed mujahedin leaders during the Soviet occupation era. Hikmatyar's fighters - once instrumental in the U.S.-supported war against the Soviet Union - are most active in Kunar, Nuristan, Kapisa, and Nangarhar provinces, north and east of Kabul. On February 19, 2003, the U.S. government formally designated Hikmatyar as a 'Specially Designated Global Terrorist,' under the authority of Executive Order 13224, subjecting it to financial and other U.S. sanctions. It is not also designated as a 'Foreign Terrorist Organization' (FTO)…

"While U.S. commanders continue to battle Hikmatyar's militia, on March 22, 2010, both the Afghan government and Hikmatyar representatives confirmed they were in talks in Kabul, including meetings with Karzai. Hikmatyar has expressed a willingness to discuss a cease-fire with the Karzai government since 2007, and some of Karzai's key allies in the National Assembly are former members of Hikmatyar's mujahedin party. In January 2010, he outlined specific conditions for a possible reconciliation with Karzai, including elections under a neutral caretaker government following a U.S. withdrawal. These conditions are unlikely to be acceptable to Karzai or the international community, although many of them might be modified or dropped." **[22a] (p27)**

The Afghanistan Rights Monitor (ARM) *Mid-Year Report Civilian Casualties of Conflict January-June 2010* stated that the Haqqani Group had:

"The Hizb-e-Islami Hikmatyar (HIH) insurgent group is the oldest militant gang with deep ideological, political and strategic ties with the ISI and other Pakistani military establishments. It also receives financial support from extremist individuals and groups in the wealthy Arab countries. HIH fighters are active in the northern provinces of Kunduz and Baghlan and in Logar, Kunar and Maidan Wardak provinces. Gulboddin Hekmatyar, Hizb's reclusive leader and a veteran Jehadi leader backed by Washington in 1980s against the Soviets, has long used armed violence for political gains. Compared to the IEA and the HG, the HIH is less active on the battle ground but is more active in attacking soft targets such as female students and civilian government employees." **[103a] (p9)**

Haqqani Faction

The CRC report, dated 17 September 2010, stated:

"Another militant faction, cited repeatedly as a major threat, is the 'Haqqani Network' led by Jalaludin Haqqani and his eldest son, Siraj (or Sirajjudin). Jalaludin Haqqani, who served as Minister of Tribal Affairs in the Taliban regime of 1996-2001, is believed closer to Al Qaeda than to the ousted Taliban leadership in part because one of his wives is purportedly Arab. The group is active around its key objective, Khost city, capital of Khost Province. The Haqqani network may have been responsible for the January 18, 2010, attacks in Kabul that prompted four hours of gun battles with Afghan police in locations near the presidential palace." **[22a] (p27)**

The Afghanistan Rights Monitor (ARM) *Mid-Year Report Civilian Casualties of Conflict January-June 2010* stated that the Haqqani Group had:

"… regularly and systematically targeted Indian diplomatic and nondiplomatic facilities and personnel in Afghanistan. The group was reportedly behind a high-profile attack on a private guesthouse in Kabul city on 26 February [2010] in which several Indian nationals were residing.

The HG takes almost all of its operational directives from outside Afghanistan and does not interact with local people. The HG is more of a criminal proxy initiated, backed and managed by the Pakistani Inter-Services Intelligence (ISI) for specific anti-Indian objectives. **[103a] (p9)**

(See also Section 10: Security forces)

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Annex C

PROMINENT PEOPLE

Information on governmental departments and staff can be located on the website of the Islamic Republic of Afghanistan Office of the President. **[30a]**

Hamid Karzai (President)

"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, 20 November 2008) **[28o]**

Yunnus Qanuni

"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, 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, 20 November 2008) **[28o]**

Sibghatullah Mojaddedi

"A former mujahideen leader, Mr Mojadidi is the Speaker of the upper house of parliament, the Meshrano Jirga. He has played an important and influential part since the fall of the Taleban.

"He was made chairman of the constitutional Loya Jirga in 2003, a delicate process which involved reconciling the interests of Afghanistan's different ethnic groups. Since March 2005, he has headed Afghanistan's National Peace Commission, the body for implementing the process of national reconciliation through the surrender and absorption of former Taleban members." (BBC News, 20 November 2008) **[28o]**

General Rashid Dostum

"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. Mr Dostum still heads the Junbesh-e Melli Islami (National Islamic Movement), a predominantly Uzbek militia faction. He was one of the most high-profile candidates to challenge Mr Karzai in the presidential elections in October 2004.

"A 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, 20 November 2008) **[28o]**

Burhanuddin Rabbani

"A former Afghan president, Mr Rabbani was elected as an MP from Badakshan in 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, 20 November 2008) **[28o]**

Marshall Mohammed Qasim Fahim

"The former defence minister used to be one of the most powerful men in the country but has been sidelined. He lost his place in the cabinet and is now a member of the upper house. 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, 20 November 2008) **[28o]**

General Atta Mohammad

"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, Gen Atta briefly joined forces with Gen Dostum to recapture Mazar-e-Sharif from the Taleban in 2001. For now, he remains a key regional player in Afghanistan with considerable influence." (BBC News, 20 November 2008) **[28o]**

Gul Agha Sherzai

"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, 20 November 2008) **[28o]**

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Masooda Jalal

"The only female candidate in the October 2003 [Sic] [2004] presidential elections, Dr Jalal was the subject of much media attention. 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, 20 November 2008) **[28o]**

Abdul Rassoul Sayyaf

"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." (BBC News, 20 November 2008) **[28o]**

Gulbuddin Hekmatyar

The BBC News description of Gulbuddin Hekmatyar on 20 November 2008 stated:

"Leader of the Hezb-e Islami faction, 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 Hezb-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. The faction of his party which broke away to participate in the electoral process garnered the largest number of seats." **[28o]**

Hazrat Ali

An International Council on Security and Development (Formerly known as the 'Senlis Council') report published in April 2009 described Hazrat Ali as:

"Born in 1964, he is a member of the Pashai minority. His emergence as an important leader came during the Soviet occupation - he was an Afghan army commander under the Soviet puppet regime. During the war against the Taliban he is said to have aligned with Ahmad Shah Massoud. Following the fall of the Taliban he set up the Eastern Shura (local provisional government) in the Jalalabad/Tora Bora area, where he was the 'Minister of Law and Order'. In 2001, the Pentagon is said to have asked the Shura for military help in finding Bin Laden and Al-Qaeda.

"He was appointed as police chief for Jalalabad by Karzai. In the late 2005 Wolesi Jirga election he won a seat for Nangarhar. He has a following in Nangarhar province but remains a controversial figure in many areas. He has become less prominent on the Afghan political scene in the last period." **[10b] (p32)**

Ahmed Shah Masoud [Massood] (General)

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." **[28p]**

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Annex D

GLOSSARY OF AFGHAN TERMS

BAAD	Giving away a girl as "compensation" to settle a dispute between tribes or families
BACCHA BAAZI [BACHA BAZI]	Men using harems of young boys for social and sexual entertainment
BURQA	Burqa is a piece of clothing that covers a woman from head to foot
HIZB -I- ISLAMI	Faction led by Gulbuddin Hekmatyar was one of the most prominent of the seven Mujahedeen factions fighting the Soviet Union during the 1980s. Currently this faction is engaged in armed opposition against the Afghan authorities and international forces.
JIRGA	A Pashto phrase which means a gathering of tribal elders
MAHRAM	Male chaperone
MULLAH	Religious leader
MUJAHADEEN	Muslim guerrilla warriors engaged in jihad (holy war)
PASHTUNWALI	The Pashtun code of conduct
SHARIA LAW	Devine law of Islam, found in the Quran and Sunna
SHI'A	The second largest denomination of Islam after Sunni. In Afghanistan, Shias constitutes around 10 per cent of the total population.
SHURA	A Dari phrase meaning a council of elders
ZINA	Act of sexual intercourse outside of a valid marriage (Article 427, Penal Code) **(18c) (PIII)**

192 The main text of this COI Report contains the most up to date publicly available information as at 15 October 2010. Further brief information on recent events and reports has been provided in the Latest News section to 1 November 2010.

Annex E

LIST OF ABBREVIATIONS

AI	Amnesty International
ANDS	Afghanistan National Development Strategy
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
DPO	Disabled Persons Organisation
EU	European Union
EBRD	European Bank for Reconstruction and Development
ERW	Explosive Remnants of War
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
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
MoIC	Ministry of Information and Culture
MoPH	Ministry of Public Health
MoLSA	Ministry of Labour and Social Affairs
MSF	Médecins sans Frontières
MoWA	Ministry of Women's Affairs
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
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporters sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
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
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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Annex F

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