

Wolfgang Taucher - Mathias Vogl - Peter Webinger (eds.)

AFGHANISTAN

2014 and beyond



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Imprint

Editors

Wolfgang Taucher
Mathias Vogl
Peter Webinger

Austrian Federal Ministry of the Interior
Herrengasse 7 / 1014 Vienna / Austria
BFA-Staatendokumentation@bmi.gv.at

Copy Editors

Alexander Schahbasi
Thomas Schrott
Doris Petz
Martina Schrott
Gerald Dreveny
Sarah Kratschmayr

Layout

Martin Angel

Print

Austrian Federal Ministry of the Interior

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Contents

Foreword <i>Wolfgang Taucher, Mathias Vogl, Peter Webinger</i>	6
<i>Vanda Felbab-Brown</i> Outlook on Security.....	8
<i>William Byrd</i> Economy	32
<i>Dina Latek</i> Women.....	42
<i>Martin Hofman & David Reichel</i> Migration.....	102
<i>Michael Izady</i> Maps	118

Foreword

With Afghanistan in the global limelight and ongoing developments shaping the country's future for years to come, understanding Afghanistan seems more important than ever. Due to the substantial number of refugees fleeing the country, the Country of Origin Information Unit of the Austrian Federal Office for Immigration and Asylum has continuously focused on the region during the previous years. For the same reason the European Asylum Support Office (EASO) dedicated its very first Country Reports („Insurgent strategies - intimidation and targeted violence against Afghans“ and „Taliban Strategies - Recruitment“) to Afghanistan as well. Based on our in-house analysis, we now draw upon the expertise of renowned international experts to compile this anthology and we are very grateful for their knowledgeable contributions.

Vanda Felbab-Brown, a Senior Fellow at the Brookings Institution in Washington and author of “Aspiration and Ambivalence: Strategies and Realities of Counterinsurgency and State-building in Afghanistan”, previews security and political developments in Afghanistan in 2014 and after. William A. Byrd, a Senior Expert at the United States Institute of Peace (USIP) who previously served as the World Bank's country manager for Afghanistan in Kabul, analyzes the challenges and possible international implications of Afghanistan's economy during transition. Dina Latek, an Afghanistan analyst at the Country of Origin Information Unit of the Federal Office for Immigration and Asylum takes a closer look at the situation of women in the country. An analysis of migration flows from Afghanistan to Europe is provided by Martin Hofmann and David Reichel, both researchers at the International Centre for Migration Policy Development (ICMPD) in Vienna. Michael Izady kindly granted us permission to use his maps - hosted by the Gulf/2000 Project at Columbia University - on ethnic groups, religious composition, languages and tribes in Afghanistan.

We hope that the second volume of our *Regiones et Res Publicae* series provides policy makers and analysts with a substantial outlook on potential developments in Afghanistan – for 2014 and beyond.

Wolfgang Taucher
*Director of the Federal Office
for Immigration and Asylum*

*Austrian Federal Ministry
of the Interior*

Mathias Vogl
*Director-General for
Legal Affairs*

*Austrian Federal Ministry
of the Interior*

Peter Webinger
*Deputy Director-General
for Legal Affairs*

*Austrian Federal Ministry
of the Interior*

Security and Political Developments in Afghanistan in 2014 and After: Endgame or New Game

Vanda Felbab-Brown

Security and Political Developments in Afghanistan in 2014 and After: Endgame or New Game?

The great uncertainties about the security and political transitions underway in Afghanistan and the country's economic outlook are likely to continue generating pervasive ambivalence in Washington, Kabul, and other capitals over how to manage the U.S. and ISAF withdrawals and their after-effects. Many Afghans fear that a civil war is coming after 2014; and outmigration and capital flight are intensifying. The security, political, and economic developments in 2014 and 2015 will be critically influenced by three factors: The first key determinant is whether Afghan National Security Forces (ANSF) are capable of functioning at least at the level of their 2013 performance while improving "tail" (e.g., logistical and specialty enablers) support and reducing casualty levels. The second factor is whether Afghanistan signs the Bilateral Security Agreement (BSA) with the United States, enabling a continued presence in Afghanistan of a small contingent of U.S. forces after 2014 and allowing other coalition countries to make similar commitments. The posture and mission of the U.S. and coalition deployments and international financial support for Afghanistan will also be of critical importance. Third, Afghan presidential elections in 2014 will deeply influence the political, security, and economic developments in Afghanistan for years to come. All three of these factors will also profoundly effect any future negotiations between the Afghan government and the Taliban. Moreover, Afghanistan's impending economic downturn will have both immediate and medium-term repercussions for Afghanistan's stability. Although a detailed discussion of external influences from neighboring countries and regional powers on Afghanistan's security and stability is not within the remit of this paper, it nonetheless needs to be recognized that Afghanistan's regional environment

will critically intensify or reduce internal conflicts within Afghanistan, helping to stabilize the country or fuel conflict dynamics.

The State of Afghan National Security Forces, the State of the Taliban, and the Return of the Warlords

The ANSF: Staying Together and Fighting On?

During 2013, the security situation in Afghanistan was dominated by the continuing withdrawal of Western forces, the handover of security responsibility to the ANSF, and the Taliban's campaign to discredit the ANSF. Although the Taliban failed in this main objective and the ANSF performed well tactically, Afghan forces are still plagued by many deep-seated problems, particularly on the "tail" support side.

Dramatically altering the security landscape, the withdrawal of U.S. and NATO forces proceeds at a speedy pace. While in 2012, there were 150,000 ISAF troops in Afghanistan, by November 2013, this number declined to approximately half, about 50,000 of them Americans. By February 2014, U.S. forces are expected to be reduced to 33,000, with full withdrawal completed later in the year - unless a BSA is signed enabling a continuing presence of U.S. forces. By the end of 2013, over 90% of 800 ISAF bases had been closed, with some handed over to the ANSF and others dismantled because the ANSF lacks the capacity to maintain all of them. As remaining Western forces redeploy toward Kabul, entire Afghan provinces lack a Western presence. Meanwhile, the ISAF is losing intelligence-gathering capacity and an in-depth picture of broader political-security developments across the country.

A crucial milestone was passed in June 2013 when the ANSF took over lead responsibility for security throughout Afghanistan. Despite an intense military campaign by the Taliban, the ANSF did not cede any territory. Showing increasing initiative, the ANSF performed well in tactical operations and exhibited improved planning and execution. Nonetheless, facing an intense Taliban campaign between April and October - during which the insurgents mounted 6,604 attacks in 30 of Afghanistan's 34 provinces including 50

suicide bombings, 1,704 shootings and shellings, 1,186 bombings, and 920 ambushes - the ANSF suffered intense casualties.¹ To safeguard morale, the Afghan military did not disclose the casualty rates for the Afghan army. The Afghan Interior Ministry revealed that 2,052 members of both the Afghan National and Local Police were killed and more than 5,000 wounded during the 2013 fighting season, compared with a combined total of 2,970 police and soldiers killed in 2012.² Such casualty rates will be difficult for the Afghan forces to sustain on a prolonged basis.

High ANSF casualty levels are partially caused by poor medical evacuation capacities. Afghan air assets are nascent, and most medevac takes place by land. Overall, the non-combat support - the tail side of ANSF capacities - continues to suffer significant deficiencies. A wicked combination of U.S. legalism, Soviet-style bureaucracy, and Afghan tribal rivalries logistics and maintenance are deeply dysfunctional and pervaded by corruption and clientelism. Intelligence and other specialty enablers continue to suffer from a myriad of problems, constituting a big hole in transition plans. The Afghan government does not have the capacity to easily redress these serious and potentially debilitating deficiencies that could critically undermine the morale and fighting capacities of the ANSF. Without external advice and oversight after 2014, many of the deleterious conditions will intensify, straining the fighting capacity of ANSF.

Not just the logistics component of the ANSF but the forces overall are fissured along ethnic and patronage lines. Whether the forces will avoid shattering after 2014 is in part a function of maintaining payments to Afghan soldiers and units, and hence of the levels of corruption and ethnic divisions within ANSF. The financing is fully dependent on foreign aid – currently US\$7 billion per year but expected to fall to somewhere between \$2billion to \$4 billion a year after 2014, with a planned reduction of ANSF size from the present 352,000 to 228,500 in 2015. How these reductions take place will determine to an important extent whether the ANSF can absorb them without disastrous consequences for their fighting capacities. To the extent that the reductions are not commensurate with the level of fighting on the battlefield and are driven by inflexible timelines

or the collapse of support for Afghanistan stabilization in the United States and international community - because of the lack of a Bilateral Security Agreement or the Afghan presidential elections having gone disastrously wrong - cuts in external funding can set off the disintegration of ANSF. And it is questionable whether the Afghan government could find alternative funding, such as from Saudi Arabia, the United Arab Emirates (UAE), Russia, or India.

The Taliban: How Long Can They Keep It Up?

The capabilities of the Taliban and associated insurgent groups, such as Gulbuddin Hekmatyar's Hezb-i-Islami, are hardly limitless. The Taliban also struggles with logistics, particularly as disrupting the group's supply chains has been a key ISAF focus. The Taliban's fundraising and supply problems are likely to be further augmented as external support is diluted and redirected to other jihad conflicts, such as in Syria, Iraq, and Libya. Although its operations attract great media and public attention, threaten human security, and shake the confidence of the Afghan people, the Taliban's casualty levels have been high. During 2013, the group treated its foot soldiers as cannon fodder, a policy that could generate significant recruitment problems in the future, particularly if the departure of Western troops in 2014 weakens the group's capacity to mobilize on the basis of fighting an infidel occupation. Potential recruits may exhibit greater reluctance to fight a blatant civil war even though the Taliban will cloak its continuing violent campaign as jihad against an apostate government.

The insurgency has maintained an impressive capacity to replace eliminated mid-level commanders and "shadow governors," but nonetheless its operational strains are significant. Even so, an ANSF left essentially on its own after 2014 may lose much of the capacity to target and disrupt the Taliban's middle leadership.

With all the challenges the Taliban and its associated insurgents face, none of them is close to being defeated. The Taliban is still deeply entrenched in Afghanistan and its capacity to persevere with an intense insurgency is undiminished. The group has good reason to believe that the departure of

Western forces will considerably weaken the ANSF, and its military position will improve significantly.

The Warlords and Militias: Back Again

Although the upcoming 2014 presidential elections have focused Afghan political energies on Kabul, prominent former warlords and current powerbrokers, anxious to participate in the post-2014 future, have been actively attempting to refurbish and consolidate their local power bases. Powerful government officials and out-of-government powerbrokers such as Ismail Khan, Abdul Rashid Dostum, Sher Mohammad Akhundzada, Matiullah Khan, and Abdul Razziq (some of whom are running for presidential or vice-presidential positions in the elections) have sought to oust local officials and replace them with their own loyalists, sometimes by instigating local insecurity. And those local powerbrokers not in charge of either Afghan National Police (ANP) or Afghan Local Police (ALP) units have been attempting to appropriate local ALP units or resurrect their own militias, ideally having them anointed as the ALP.

The momentum of spontaneous anti-Taliban uprisings in 2011 and 2012, such as in the Andar District of Ghazni Province and in Logar Province, seems to have fizzled out. Along with some of the rural Afghan Local Police units and even regular police units, many of these anti-Taliban forces will be up for grabs by powerbrokers. Some ALP units will also likely disintegrate in the face of inadequate logistics and funding. Others, such as those ALP units recruited from the Taliban or Hezbi-Islami, may defect back to the insurgencies. Others may turn to predation on local communities and crime. Much will depend on how a post-2014 Ministry of Interior and local government officials can maintain supplies for and control over these anti-Taliban forces and actors, who are only loosely anchored into the formal state security apparatus.

Maintaining such control and established funding, recruitment, monitoring, and other operational procedures will in fact be a massive challenge for all of Afghan security and even civilian institutions - at least in the near term. In the only weakly institutionalized and intensely patronage-

based system, entire levels of ministries and other institutions will likely face massive personnel turnover and purges after the elections. The extent to which new appointees persist with procedures the international community has sought to inculcate, or instead intensify clientelistic, corrupt, and discriminatory processes, remains to be seen, but will strongly influence both security and politics in Afghanistan. For months after the formation of a new government, contestation over positions, networks, and other spoils will consume much political energy, potentially spilling into actual violence. The new government will face tough dilemmas in balancing what powerbrokers to keep in the tent (even though their influence can hamper the functioning of the government) and which established powerbrokers to fire from key ministerial positions with the attendant risks of their becoming spoilers.

Such local contestations and turf wars are likely to persist well into 2015 and beyond, even if local powerbrokers may seek to label the instability as Taliban-instigated. As has been its modus operandi and skill, the Taliban will seek to insert itself into such local contestations. Politics in Afghanistan thus has been increasingly, though informally devolving to the local level. These re-empowered and reenergized powerbrokers will pose a major challenge for the new Afghan government, undermining its governance capacity and potentially intensifying insecurity.

Overall, both as a result of the Taliban's activity and non-Taliban contestation and infighting, the security and political picture well into 2015 is likely to be a murky environment of fluid and shifting alliances, local accommodations among a variety of actors including the Taliban (that may nonetheless be very short-lived), and unreliable deals, with turf wars potentially spilling into actual criminal, ethnic, and political violence. The Taliban will seek to make 2015 bloody so as to crack the ANSF. Amidst this great uncertainty and multiple forms of insecurity, short-term profit and power maximization objectives and hedging are likely to remain pervasive. But if in 2016 the Afghan government and its security forces have not buckled, the insecurity may start diminishing, and Afghan powerbrokers as well as ordinary citizens may adopt longer-term horizons and more stable deals, and even the Taliban's calculus may change.

Afghanistan Bilateral Security Agreement and the Level and Nature of International Support after 2014

The morale and calculations of the Taliban, the ANSF, the Afghan government and power elites, and the Afghan people will be critically influenced by whether the United States and Afghanistan sign the BSA and whether some U.S. and NATO forces remain in Afghanistan after 2014. Other ISAF countries have indicated that in the absence of a BSA and U.S. presence, they would not maintain their forces in Afghanistan after 2014.

Negotiations over the BSA dominated U.S.-Afghan diplomatic relations in 2013 and will continue to do so in 2014 until the BSA is either signed or Washington has lost patience and indeed adopts the so-called zero option, pulling the plug on Afghan stabilization. U.S. diplomats had hoped to conclude negotiations by October, but that timeline and subsequent ones have been repeatedly missed. Even though about 80% of the deal had been worked out, with the Afghan side mostly getting the language it wanted, three issues in particular confounded the negotiations.³ First, Afghan negotiators demanded U.S. guarantees against Pakistan's military interference in Afghanistan - potentially obligating the U.S. to attack Pakistan - which Washington has categorically refused. Second, Afghan negotiators sought to secure firm, specific, and multi-year financial aid commitments from the U.S., a request that violates the U.S. Constitution because the Congress allocates foreign aid on a yearly basis. Third, the U.S. appears to have compromised, though exactly how is not yet clear, on its key demand that U.S. counterterrorism units targeting al-Qaeda (not the Taliban) continue to operate independently after 2014. Afghan President Hamid Karzai has sought to channel these counterterrorism operations through the ANSF, with the U.S. providing intelligence only. A nonnegotiable U.S. requirement - and one of the greatest outstanding disagreements - pertains to the legal immunity of U.S. soldiers. The Afghans have sought to eliminate it while the U.S. categorically refuses to permit any of its soldiers to remain in Afghanistan in the absence of immunity guarantees.

In late November 2013, when the U.S. believed all disagreements

had been ironed out, a loya jirga (grand council) of 3,000 Afghan public representatives, government officials, and tribal elders selected by President Karzai endorsed the BSA. Yet to the consternation of both U.S. diplomats and Afghan politicians and civil society, and to the applause of the Taliban, President Karzai still refused to sign the BSA, insisting that only the next Afghan administration to be elected in April 2014 should sign the deal. He also added new conditions for the U.S. to satisfy first – the end to all, including counterterrorist, air raids and house searches, substantial headway on peace negotiations with the Taliban, which he had unsuccessfully tried to initiate secretly on his own, and a U.S. guarantee that it would not “meddle” in Afghanistan’s 2014 presidential elections. By this last demand, Karzai of course means that the United States and the international community not meddle with any of his meddling with the elections.

The difficulties in concluding the BSA reflect the steady deterioration since 2009 of the relationship between the Obama administration and Karzai, given their vastly divergent strategic viewpoints. Karzai wants the U.S. to bring far greater pressure on Islamabad to stop providing a safehaven in Pakistan for Afghan Taliban leadership and soldiers. Karzai fails to recognize that the resilience of the Afghan insurgency is also a function of the misgovernance, corruption, criminality, and abuse perpetrated by his government and associated local or regional powerbrokers.

President Karzai’s foreign policy of brinkmanship - constantly generating crises, and visibly shopping for new friends in Russia, China, Iran, and India to use as leverage against the U.S. and NATO - has depleted the fragile support left in the U.S. for the Afghanistan effort. Yet Karzai is wedded to the strategic belief that Washington cannot walk away because America requires a platform for pursuing a “New Great Game” in Central Asia against China and Russia. But the White House seems to have identified China and East Asia, not Central Asia, as its strategic priority despite being mired in the Middle East. Thus, influential members of the Obama administration increasingly regard Afghanistan as an unwise liability, and the U.S. president has repeatedly talked of “winding down” the war in Afghanistan, or more precisely U.S. participation in it.

The Obama administration has repeatedly stressed that because of planning requirements for any post-2014 U.S. military deployment, it cannot wait to sign the BSA only after the 2014 presidential elections in Afghanistan (currently slated to take place in April) and until a new government is formed.⁴ Meanwhile, a number of U.S. and NATO officials have expressed skepticism that President Karzai would sign the BSA before that, and the Afghan president himself has stated that the decision whether to sign or not would be made by his successor.

And yet waiting for the successor to sign will likely involve waiting considerably beyond April 2014. Even if the elections are not delayed for security or weather reasons, the first round is unlikely to produce a winner with over 50% of the vote. Claims of fraud, demands for recount, and political bargaining may delay the second round for several weeks or months. A similar contestation of the results, political bargaining, and delays could easily take place after the second round of the elections. Even once the winner is determined, he may require weeks to form a government. Thus, it is not at all inconceivable that a new Afghan president ready to sign the BSA might not be available until October or November 2014, and it is questionable whether either the United States or NATO partners will be willing to wait that long. A United Nations extension of the current ISAF mandate may buy time and delay the deadline for total U.S. and ISAF withdrawal for a few months until 2015, but it is not clear that either Washington or Kabul is ready to accept such an interim measure or that U.N. Security Council countries such as Russia and China would consent to such a temporary deal without an explicit agreement from the Afghan government.

Even if the BSA is ultimately signed, it remains unclear how many U.S. and ISAF soldiers would remain in Afghanistan after 2014. President Obama has repeatedly stated that any post-2014 U.S. mission would be confined to counterterrorism operations (potentially targeting al Qaeda and the Haqqani network only) and limited ANSF training and advisory assistance. Nonetheless, these two missions can take on a variety of configurations, and their precise shape will be primarily determined by troop levels. While former ISAF commanders and Afghanistan experts have called for between

15,000 and 20,000 NATO soldiers, increasingly it appears that 10,000 may be the maximum, with a U.S. deployment as small as 3,000-8,000 troops. Such a small force posture greatly limits potential missions, particularly if force protection requirements and anti-al-Qaeda units consume the bulk of the deployment. It thus no longer appears feasible for the ISAF, as previously planned, to continue to provide the ANSF with capabilities after 2014 that they lack now. Any post-2014 ISAF engagement with the ANSF may be limited to corps-level and ministry advising, oversight of external financing, and Afghan special operations forces support. The security environment that the ANSF will face in 2014 and 2015 will thus be increasingly difficult.

Moreover, to the extent that the dominant U.S. objective of retaining a U.S. military force in Afghanistan is counterterrorism - defined primarily as a capacity and bases for striking terrorist targets in Pakistan or reaching into Pakistan in case of a major security meltdown which threatened the safety of Pakistan's nuclear weapons -, Afghanistan will not get much out of such an arrangement. Although the deal might preserve critical financial flows to Afghanistan, it would not deliver a direct military advantage to the government. At the same time, it would continue to antagonize Pakistan and worsen the already difficult Afghanistan-Pakistan relations. U.S. counterterrorism forces and bases would likely come under attack and may become either sitting ducks or be drawn again into the Afghan internal insurgency struggles. Afghanistan might not thus welcome such a deal, and Washington might not be able to sustain it.

The 2014 Presidential and Provincial Council Elections: Setting off Infighting or a Platform for Legitimacy Renewal?

Along with ISAF's departure, the 2014 presidential elections will be a defining historical moment for the country. The elections could become a platform for the renewal of a political dispensation that has become increasingly illegitimate as a result of the Afghan government's failings: incompetence, corruption, nepotism, criminality, and power abuse. Because President Karzai is constitutionally barred from running again, the elections will usher in not only a new government, but - in the country's

highly centralized, personality-based patronage system - also potentially a major transfer of power. Layers of institutions and scores of appointments could be changed by the new leadership, affecting access to political and economic resources for ethnic groups, tribes, and powerbrokers' networks.

The political energies of 2013 and early 2014 have been consumed by preparations for the elections, with a frenzy of meetings among Afghan politicians and political networks and a preoccupation with bargaining. Many Afghan politicians believe that highly contested elections would be disastrous for stability, potentially provoking violence and a prolonged political crisis. They thus have gravitated toward finding a consensus candidate or candidates, yet failed to agree on any before the October 2013 registration deadline.⁵ With Afghan political parties remaining weak, and despite some impressive civil society activism, presidential hopefuls will have to rely on their personal electoral vehicles and bargaining by powerbrokers. Ultimately, many politicians registered for the contest just to stay in the bargaining game over spoils and dispensations.

Despite its potential to resurrect the legitimacy of the Afghan political system, there are multiple ways in which the elections could trigger extensive violence: Widespread fraud could be alleged; losers could refuse to accept the results; the Taliban could escalate attacks, and ethnic Pashtuns could become disenfranchised due to insecurity.

The Taliban has rejected participating in, and the legitimacy of, the upcoming 2014 presidential and provincial council elections in Afghanistan, and has attacked voter registration workers. While the group is not fielding candidates, it has engaged some presidential contenders in discussions. The Taliban's counterpart Hezbi-Islami already is a significant political force within Afghanistan's official and formal political sphere and will be engaged in political bargaining related to the elections. Since the Pashtun areas of southern and eastern Afghanistan are the most violently contested and the Taliban influence there is the greatest, the government's inability to protect potential voters from Taliban attacks and reprisals and a general sense of insecurity could deter the overwhelmingly Pashtun population in those

regions from participating in the elections.

Fighting by losers in the elections - such as aggrieved Pashtun communities feeling disfranchised as a result of inadequate security at the polls or ethnic minorities losing in ethnically mixed provinces - but also by individual powerbrokers could break out. A postponement of elections on technical, weather, or security grounds (or even outright suspension of voting and extension of Karzai's rule) could also spark fighting. Interethnic violence or losers' rebellions, particularly after elections, could generate potentially untenable stress on the ANSF, already mostly left on its own to provide security for the elections and struggling with ethnic and patron-based fragmentation. Extensive fraud, widespread fighting, or prolonged political paralysis (as Afghan politicians bargaining over a political resolution come to an inconclusive result), or a refusal by Karzai to surrender power, could eviscerate any remaining support in ISAF countries for continuing assistance to Afghanistan.

One of the critical questions that the international community, such as ISAF countries, will need to determine and coordinate sufficiently in advance is whether they will become involved in any way with the political bargaining surrounding the presidential elections. The rupture of relations between the Afghan government and the United States as a result of the failed attempt by Richard Holbrooke to prevent the reelection of Hamid Karzai in 2009 is a potent deterrent against any such involvement. Yet foreign influence may well be crucial in discouraging losers from taking to the streets and cocking their weapons, or for fostering consensus building. It is also likely that non-ISAF countries, such as Iran, but potentially also Pakistan, India, Saudi Arabia, or Russia, will not abstain from some form of involvement in the elections, such as donations and advice, to their favored candidates. Regardless of whether ISAF countries decide to stay completely out or get involved, early coordination among them could enhance the effectiveness of their policies. The international community's involvement or noninvolvement in the post-vote bargaining will cast a long shadow on its relationship with Afghanistan much after 2014.

Negotiations with the Taliban: A Deal Nowhere in Sight

Long-term peace and stability in Afghanistan will require reconciliation and reintegration of groups and communities alienated from the country's political dispensation. Negotiations with the Taliban will thus need to produce a settlement acceptable not just to the insurgents and the Afghan government, but also to the country's ethnic minorities. Prominent Afghan northern politicians have stated that a deal that cedes too much territory and power to the Taliban would be unacceptable to them and a reason for war.⁶ For such a settlement to be truly stable, it will also require reconciliation between the Afghan people, such as women's groups, and the Afghan government and reduction in the impunity, abuse, and corruption the Afghan government and associated powerbrokers have been able to get away with over the past decade. Close-to-the-vest bargaining among Afghan powerbrokers and the Taliban may produce a deal, but it is questionable whether it can produce stability.

Nonetheless, even such a problematic narrow deal between the Afghan government and the Taliban remains elusive. Stalled since March 2012 (when the Taliban withdrew from efforts to spur talks, claiming the U.S. refusal to release key Taliban leaders from Guantánamo violated good faith), negotiations to end fighting experienced a breakthrough in June 2013. After months of efforts by diplomats, non-governmental organizations (NGOs), and third-party go-betweens from various countries, the Taliban, to much fanfare, opened an office in Doha, Qatar. However, in violation of what the U.S. understood to be the Taliban's agreement, the latter exhibited its 1990s flag and other insignia at the office, televising the scene live worldwide, and sending shockwaves throughout Afghanistan. Civil society, women's groups, ethnic minorities, and even many ordinary Afghans believed that the West was about to sell them out for a fig leaf to cover the ISAF's departure. President Karzai felt threatened by the legitimacy seemingly accorded to the insurgents and the direct channels to the international community the Doha office provided them. Thinking he had secured guarantees from Washington to prevent the Taliban from staging such a public relations coup, and believing that his government would be the Taliban's principal

interlocutor, Karzai charged betrayal by Washington and abruptly withdrew from the negotiations.

Ever more distrustful, Karzai subsequently sought to engage the Taliban and Pakistan directly, bypassing the U.S. The Afghan government managed to persuade the government of recently elected Pakistani Prime Minister Nawaz Sharif to release one of the Taliban's key leaders, Mullah Abdul Ghani Baradar and some 20 top Taliban operatives from house arrest in Pakistan. However, that seeming diplomatic *démarche* ultimately did not provide the Afghan government with access to Baradar, on whom it pins hopes of a negotiated deal. Frustrated, Kabul sought to deliver on its years-old threat to cultivate proxies and provide safe-havens to anti-Pakistani militants in Afghanistan as leverage against Pakistan in hopes of encouraging Islamabad to hand over Afghan Taliban leaders. However, the Pakistan Taliban leader whom Afghan intelligence picked for this ploy, Latif Mehsud, was seen as highly dangerous by Washington because he was implicated in the failed 2010 car bomb attempt in New York City's Times Square. When U.S. Special Operations Forces snatched Mehsud from an Afghan intelligence service convoy, another major crisis in the U.S.-Afghan relationship erupted.

For its part, the Taliban had long shown no willingness to engage with the Afghan government, disparaging the Karzai administration as abusive, illegitimate, and a U.S. puppet. Aside from the Doha media coup, it focused its negotiating energies on the United States, demanding changes to the Afghan Constitution, power-sharing in the national government until new elections can be held, and the withdrawal of all foreign troops. Nonetheless, during the fall and winter 2013, the Taliban apparently engaged directly with President Karzai in secret negotiations, held in such strict confidence that even the Afghan High Peace Council (a body officially designated to negotiate with the Taliban) did not know about them.⁷ Karzai's unwillingness to sign the BSA and his insistence on releasing dangerous Taliban and Haqqani fighters and terrorists from the Bagram prison, despite American pressure and fury and despite previous agreements with the United States, may have been partially motivated by his desire to appease the Taliban during those furtive talks. Nonetheless, by early 2014, the negotiations seemed to fall

apart.

The collapse of Karzai's negotiating gambit is not surprising. With the departure (or even just a radical decrease in the presence) of Western forces, the Taliban has every reason to believe that time is on its side. Even if it cannot defeat the ANSF, it will be in a stronger position on the battlefield and hence at the negotiating table with far fewer or no ISAF soldiers in Afghanistan. Just like the Doha office, its secret talks with Karzai (which the group in fact denied took place) are most likely a ploy to drag out time as well as obtain international recognition. It is also conceivable that waving the prospect of a negotiated deal in front of Karzai was the Taliban's masterful ploy to derail the BSA.

Serious negotiations between the Taliban and the Afghan government are most likely to occur if two conditions are met. One, the Taliban becomes persuaded that the ANSF can stand on its own and would not collapse under its further onslaught, despite a radically diminished Western presence. And two, the Afghan government enjoys far greater legitimacy than the current one - as a result of successful 2014 presidential and provincial council elections. Conversely, elections marred by violence and fraud will strengthen the Taliban's hand both on the battlefield and in negotiations. These conditions also imply that the Taliban will unlikely enter into serious negotiations any time soon, at least not before late-2015 or even 2016. In any case, such negotiations are likely to drag for years, while fighting simultaneously goes on. Meanwhile, 2014 and 2015 have a high chance of being very bloody years in Afghanistan as the Taliban tests the mettle of ANSF. Some sustained U.S. and Western presence in Afghanistan would critically stiffen ANSF's spine, as well as increase confidence in sustained U.S. funding and other assistance. Moreover, should a negotiated deal be struck, both sides, and particularly the Taliban, may have strong incentives to violate it; thus the presence of an impartial enforcer, such as a sufficiently robust U.N. force, would be desirable. Nonetheless, it is very unlikely that the international community will have an appetite for fielding such a force, conceiving of the deal instead a justification for further reductions in its involvement in Afghanistan. Thus, enforcement of any deal will most likely

have to depend on the capacity of ANSF.

Economic Downturn and Instability

The political and security transition uncertainties have already had a pronounced effect on Afghanistan's fragile economy. While general economic woes and a major shrinkage of Afghan gross domestic product (GDP) after 2014 have been anticipated, the 2013 economic performance turned out worse than expected. According to the World Bank, Afghan economic growth will contract by over 10% and is expected to reach only 3.1% in 2013 and 3.5% in 2014, down from 14.4% in 2012.⁸ Moreover, much of Afghanistan's economic growth has been tied to international aid and security spending. The economic downturn was also caused by the inability of the government to improve tax and customs collection, reduce massive corruption and diversions of both aid and public finance, and prevent capital flight. President Karzai's promise at a July 2012 donors' conference in Tokyo to increase tax revenues from 5% to 15% remains unkept.

Equally unfulfilled was the promise that the country's mineral wealth would generate revenue to wean Afghanistan off dependence on foreign aid and on illegal opium poppy for income generation, economic growth, and human development. A key mining law has been on hold for over a year. Although Chinese investors bought a number of mining licenses, including most prominently the Aynak Copper Mine concession for \$3 billion, no production has started or is likely to start soon. Much to the frustration of the Afghan government and the international community, Chinese officials cite the lack of security, debilitating corruption, and lawlessness as reasons for delaying the actual mining.⁹ A lesser, but symbolically important oil project in northern Afghanistan is also suspended. Legal agricultural production declined in 2013, even as the opium poppy industry continues to thrive. Expected to expand in 2014 and 2015 as its structural drivers remain unaddressed, opium poppy cultivation continues to provide an economic lifeline for large segments of the population and underpins much of the country's economic growth.

Other uncertainties surround the post-2014 economic aid long promised to Afghanistan. Some members of the U.S. Congress have argued that such aid hinges on whether a BSA is signed or not. Already in early 2014, the U.S. Congress allocated just \$1.1 billion in U.S. civilian assistance to Afghanistan, only 50% of what the Obama administration has originally sought. The difficult security environment also means that the U.S. Agency for International Development (USAID) will be increasingly unable to monitor its economic projects in Afghanistan. Despite the hopes and promises of an economic dividend following ISAF force reduction after 2014, Afghanistan's economic outlook remains challenging.

The causal relationship between instability and economic downturn, of course, also runs the other way. The lack of job opportunities delegitimizes the Afghan government and increases prospects for instability. With half of Afghanistan population under thirty, the risks of instability are further augmented. Also, as a consequence of the departure of Western forces and likely many Western NGOs, tens of thousands of jobs employing the Afghan young as translators, cooks, drivers, cultural advisors, and local liaisons, will evaporate. Many of Afghanistan's now educated and far more urban youth will struggle to find employment. The still primarily rural Taliban may hold little appeal for them, but it is conceivable that other Islamist movements, perhaps akin to Egypt's Muslim Brotherhood, will eventually come to vie for their allegiance or that they will simply come to oppose the political system and the established powerbrokers through strikes and protests. Educated, pro-Western, and impressive young Afghan civil society members located primarily in Kabul exhibited great dynamism during 2013 and they too will seek to mobilize the dissatisfied urban youth. To the extent that the Westernized reformers manage to harness the energy of the alienated young Afghans, they might acquire great influence and be able to launch crucial reforms to stabilize the country. But such an outcome is hardly guaranteed as traditional powerbrokers and their sons continue to dominate Afghan politics, and, particularly, if Western support for Afghanistan's civil society after 2014 wanes as a result of diverted attention or donor exhaustion and negligence.

The Inescapable Regional Geopolitics

The remit of this paper is to focus on Afghanistan's internal security and political dynamics in 2014 and early post-2014 future. They are, of course, inextricably linked to the regional security environment; and Afghanistan's neighbors and regional powers greatly influence the country's internal dynamics in all key realms, including the economic sphere. This paper will make only a few framing observations, without being able to provide extensive nuance and details on the most recent developments.

Visions of a New Silk Road notwithstanding, Afghanistan's external environment is hardly auspicious. Although all of Afghanistan's neighbors, including arguably Pakistan, do not wish to see Afghanistan disintegrate into a civil war and do not enjoy the prospect of continuing insecurity, a regional framework for Afghanistan's security and neutrality remains elusive.

Despite pressure from the United States and the West, Pakistan continues to sponsor – and hold on a leash – various of the insurgent factions, including the Taliban and the Haqqanis. The greater the prospect for instability after 2014, the more reluctant will Pakistan be to relinquish whatever levers on the Afghan insurgents it has. More immediately, should a deal between the Pakistani government and the Tehrik-i-Taliban Pakistan (TTP) be struck in early 2014 and a discussed offensive by the Pakistani military into North Waziristan again not take place, the Pakistani military may be highly disinclined to tighten the border between Afghanistan and Pakistan during the Afghan presidential elections. The military might be wary of alienating the TTP and jeopardizing a deal, even though Afghan and Pakistani militant violence would undermine the conduct and legitimacy of the elections. Despite recent rapprochement overtures from Islamabad, Pakistan still views India as its principal enemy and views Afghanistan through the lens of its competition with India, fearing a pro-India government in power in Kabul.

India for its part fears the return of the Taliban or a Taliban capacity to sponsor anti-India attacks and provide safe-havens to salafi groups

in Afghanistan. Unpersuaded about Afghanistan's post-2014 stability, it resents that the United States, so as not to provoke Pakistan, has assiduously tried to restrain India's security and intelligence activities in Afghanistan and modulate India's engagement in the country.¹⁰ Russia, Iran, and China share many of India's security objectives and concerns about a post-2014 Afghanistan, though their involvement varies. Also anxious about the security of its economic investments in Afghanistan, China has provided limited economic assistance, refusing to become directly militarily involved. Iran has also been hedging its bets – including to counter U.S. military presence and prevent a post-2014 U.S. military role in the country – by cultivating Afghan politicians and the Arg Place through financial payoffs and other means of influence and also by reaching out to the Taliban to some extent. Turkey, Saudi Arabia, and the United Arab Emirates have had extensive and multifaceted engagement with the Taliban, including trying to induce the group to negotiate.

Deeply ambivalent about U.S. intentions in Afghanistan and displeased by the prospect of U.S. long-term bases there, Russia nonetheless considers a limited U.S. post-2014 presence preferable to the instability it fears would break out in Afghanistan without the BSA and a U.S. presence. Yet Russia may also contribute to Afghanistan's instability by cajoling the next Afghan government into aggressive eradication of opium poppy. Moscow identifies heroin flows from Afghanistan as a key source of Russia's drug epidemic, which is compounding its demographic crisis. The Russian government continues to be wedded to the notion that the drug abuse and associated spread of contagious diseases can be contained through poppy suppression in Afghanistan. Thus, as the prospect of legal agricultural growth, rural development, and other forms of alternative livelihoods decreasing the size of Afghanistan's drug trade remain elusive, Russia's pressure on Afghanistan to undertake intense eradication will likely grow. In the absence of alternative livelihoods, eradication, however, will only impoverish and alienate Afghan farmers, throw them into the hands of the Taliban opposing eradication, delegitimize the Afghan government, and intensify instability and the insurgency.

What a Collapse Could Look Like: Civil War, Coup, or Assassination?

If the current political order and security arrangements cannot be sustained and infighting or civil war do break out, it will become irresistible for outside actors, including Pakistan, Iran, India, Russia, the Central Asian countries, Saudi Arabia and China, to once again cultivate their favored proxies to prosecute at least their minimal objectives in Afghanistan and the region. Because of its counterterrorism and other concerns, the United States is also unlikely to refrain from sponsoring and supporting its own favored groups among the warring Afghans, even if through indirect means. Whether direct or indirect, U.S. involvement on the Afghan battlefield will intensify the conflict dynamics in some areas and perhaps reinforce some of the pockets of security elsewhere. And in turn, the outsiders' rivalries in Afghanistan will spill beyond that country and intensify their competition in other territories and functional domains.

The odds are low that a post-2014 conflict will approximate a neatly delineated war between clearly defined groups along crisply-drawn lines on the map. Unlike in the mid- and late 1990s, when the Taliban was steadily pushing its way from the south, there is unlikely to be an easily recognizable zone of battle moving north past the Shomali Plain and across the Hindu Kush. Nor will the conflict quickly escalate to the level of killing that Afghanistan experienced from the late 1970s through the 1990s. [In 1978 an estimated 40,000 Afghans were killed, followed by 80,000 in 1979. By 1987, between 1 million and 1.5 million Afghans, or about 9 percent of the population, had died in the war.¹¹ Deaths due to disease and starvation were also high among Afghan refugees. In comparison, between several thousand and 20,000 Afghans are believed to have died in 2001 as a result of the U.S. intervention.¹²]

In the case of a post-2014 civil war, the fighting can be expected to be highly localized and complex. Some locations, including perhaps in the surge areas of the south, may well remain isolated security pockets as a result of strong ANSF presence and, perhaps, sufficiently effective governance. Other places, such as the province of Balkh and most of the province Herat, also

have a chance of remaining rather stable and experiencing little fighting since key local government officials or power brokers have these areas firmly in their grip. Elsewhere, such as in parts of Kandahar and in Nangarhar, the contest may be as much between the Taliban and the Afghan National Security Forces as among various Durrani Pashtun powerbrokers linked to the Afghan government. There may also be fighting among the “new warlords” and powerbrokers who have emerged in that region over the past decade by providing services to the international community. Parts of the north, including Kunduz and Baghlan, have a high chance of blowing up into vicious ethnic conflicts. So does Ghazni in the center. Kabul would likely be among the last places to succumb to any future civil war; but if it does, the bloodbath is less likely to come from the capital being shelled from the outside, like during the 1990s, but rather from fierce street fighting. Rightly or not, many Pashtuns in Kabul feel that they were dispossessed of their land there by the influx of Tajiks after 2002, and many are poised to settle the score. A splintering of the ANSF would rapidly fan such civil war fires, with the Afghan National Police, Afghan Local Police, and other militias being the first to fall apart and start supporting rival powerbrokers.

One big question is, can whatever pockets of security, micro-deals, and micro-accommodations that might exist in such a future scenario remain sufficiently insulated from external fighting and contestation elsewhere in the country? At least some locales will be highly vulnerable to security problems leaking in from the outside. Since many patronage networks run throughout the country, there may well be only a few communities and areas in Afghanistan able to avoid being drawn into surrounding conflicts. Much will depend not only on the quality and robustness of the security forces in the areas—whether the ANSF, the ALP, or warlords’ militias—but also on the quality and robustness of local governance.

But there is also the possibility of a military coup after 2014, not a rare phenomenon in South Asia. Even with all its outstanding problems, the Afghan National Army will be the most trained institution in Afghanistan. One coup scenario could feature a revolt by the increasingly professional mid-level commanders whose promotions are frustrated by their politicized

bosses. Another possibility is that Afghan National Army commanders, or at least commanders of a particular ethnic faction within it, may well consider military rule preferable to a civil war. Given how extremely dissatisfied with the current political system many Afghans are, overwhelmingly seeing it as an exclusionary mafia rule, they may even welcome a coup. Already, calls for a strongman rule are not infrequent in Afghanistan. But the different groups at odds with each other—Ghilzai Pashtuns, Durrani Pashtuns, Tajiks, Uzbeks, and Hazaras—and the many subgroups under these broad categories are hardly likely to agree on who that strongman should be.

President Karzai is likely conscious of the coup specter at least to some extent. For a long time his relationship with the Afghan National Security Forces was at arm's length at best, despite the fact that at other times he has fired various ANSF leaders in order to break up their patronage networks and has appointed new leaders more likely to be loyal to him, or at least without the same level of independent power. The summer 2012 reshuffle of key cabinet security and intelligence posts was yet another example of his approach to controlling the ANSF. Rather than trying to develop his own strong and direct control over the Afghan National Security Forces, he has—typically—preferred to operate by dividing and co-opting his potential political rivals within the ANSF. However, in his BSA tactical maneuvers and power plays, he might have lost track of the fact that his unwillingness to sign the BSA and the prospect of a total U.S. military departure from Afghanistan threatens not only many Afghan elites and powerbrokers as well as ordinary people, but also the Afghan military. If political negotiations among presidential contenders and Afghan powerbrokers and vote recounts delay the formation of Afghan government and U.S. departure from Afghanistan seems imminent, Karzai's continued recalcitrance to sign the BSA may trigger a coup or an assassination. But should such a scenario materialize, would all political support for a sustained Western military presence in Afghanistan evaporate? Or would the United States and allied countries try to redefine such developments in a way similar to their handling of the military coup in Egypt?

Conclusion

So what the battlefield would look like in 2015 and after remains very much undetermined. The zero option of no U.S. and potentially other Western troops in Afghanistan is more alive than ever, even as many uncertainties about Afghanistan's capacity to maintain stability and hold off the Taliban and civil war remain. Clearly, the economic outlook will remain troubled for years to come. A 2014 presidential election that despite its imperfections is seen as broadly acceptable to the Afghan people would inject confidence into the country's citizens and strengthen support among the international community. Similarly, an agreed BSA between Afghanistan and the U.S. and a continued, albeit limited, presence of international forces after 2014 would help assuage and manage the fears, uncertainties, hedging, and fissiparous tendencies on the rise in Afghanistan. Neither a BSA nor an international presence will resolve the misgovernance that has characterized Afghanistan over the past decade, but they can provide an enabling environment for improving it. And they would also provide a much better platform for negotiating with the Taliban.

Vanda Felbab-Brown is a Senior Fellow at the Brookings Institution and author of "Aspiration and Ambivalence: Strategies and Realities of Counterinsurgency and State-building in Afghanistan" (Washington, D.C.: Brookings Institution, 2013).

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- ² Afghan Ministry of Interior data cited in Frud Bezhan, 'Afghan Security Forces Pass First Test, But Questions Remain,' Radio Free Europe/ Radio Liberty, 2 November, 2013, <http://www.rferl.org/content/afghan-security-forces-feature/25155931.html>.
- ³ Author's interviews with U.S. State and Defense Department officials involved in the negotiations, Kabul, July 2013, and Washington, D.C., September and October 2013.
- ⁴ See, for example, Rhodes, Ben, Deputy National Security Advisor for Strategic Communications, '2014 Foreign Policy Priorities for the Obama Administration,' The Washington Foreign Press Center, Washington DC, 29 January, 2014, <http://iipdigital.usembassy.gov/st/english/texttrans/2014/01/20140130291890.html#axzz2sZvPb9qd>.
- ⁵ Author's interviews with Afghan national and local politicians, Afghanistan, July 2013.
- ⁶ Author's interviews with northern Afghan politicians, Kabul, July 2013.
- ⁷ Ahmed, A., and Rosenberg, M., 'Karzai Arranged Secret Contacts with the Taliban,' New York Times, 3 February, 2014.
- ⁸ World Bank, 'South Asia Economic Focus: Turmoil in Global Capital Markets is a Wake-Up Call for South Asia, World Bank Says,' Press Release, October 9, 2013, <http://www.worldbank.org/en/news/press-release/2013/10/09/south-asia-economic-focus-turmoil-capital-markets-world-bank>.
- ⁹ Author's interviews with Chinese officials, Beijing, October 2013.
- ¹⁰ Author's interviews with Indian government officials, Washington, DC, Spring 2013.
- ¹¹ These numbers are drawn from Ryan Evans, 'The Once and Future Civil War in Afghanistan,' Foreign Policy.com, 26 July, 2012, http://afpak.foreignpolicy.com/posts/2012/07/26/the_once_and_future_civil_war_in_afghanistan.
- ¹² Ibid.

Afghanistan's economy during transition: Challenges and possible international implications

William A. Byrd

Background on Afghanistan's Economy¹

Historically, the economy of Afghanistan had an overall structure similar to that of many low-income countries involving largely low-productivity subsistence-based economic activities (in which agriculture was the largest source of livelihoods for the population). However, the Afghan economy has been greatly distorted by several decades of protracted conflict and subsequently by large inflows of aid and international military spending since 2001, especially in recent years. International assistance to Afghanistan, including aid to Afghan National Security Forces (ANSF) but not international military expenditures on their own forces, peaked at an estimated US \$15.7 billion in 2010/11, approximately equivalent to the country's estimated GDP in that year. Although much aid to Afghanistan was not actually spent in the country, and much of the remainder translated into higher imports and capital flight rather than stimulating domestic production within Afghanistan, nevertheless the economic and other impacts of aid have been very large—ranging from extremely high demand for the quite limited supply of skilled and professional Afghan human resources to higher real estate prices to more general rises in wage rates especially in larger cities, among others.

Economic growth in Afghanistan, averaging over nine percent p.a. over the past decade, has been among the most rapid in the world, but it has been subject to large year-to-year fluctuations emanating from the agricultural sector as well as to a lesser extent from changing aid levels. As compared to other low-income developing countries undergoing post-conflict transitions, Afghanistan's economic structure has shifted more in favor of services and much less toward industry.² This reflects the stimulative impact of large

financial inflows on growth of certain services (such as transportation, security services, etc.), as well as notably construction (post-2001 construction boom, massive construction of facilities and roads etc.). Higher demand for agricultural and manufactured products, on the other hand, has been satisfied to a large extent through imports (the limited development of manufacturing has been based largely on inputs from the agricultural sector). Agriculture remains central both as part of the overall economy and as a source of livelihoods for many millions of Afghans. Opium, whose illicit cultivation was very limited in size and geographical spread prior to the 1970s, burgeoned during the several decades of protracted conflict, and further expanded in the first decade of the 21st century. Accounting for the bulk of global illicit opiates production, opium poppy is by far Afghanistan's most important crop (in terms of value), with major ramifications for the rural economy, politics, governance, and security.

The grafting of a heavily service- and construction-oriented component onto a low-income, largely subsistence economy is also reflected in employment and livelihoods. Good labor market information is not available, but agriculture remains the largest sector in terms of employment, even though its share in GDP has dropped to 25 percent (in 2012). Industry (including construction and mining) accounts for 21 percent of GDP (of which manufacturing 13 percent and mining only one percent—the remainder consists of construction), while services have risen to 54 percent.³

Afghanistan's distorted economic structure should not detract from the very real development progress achieved over the past dozen years. Average per-capita income rose from an estimated \$186 in 2002 to \$688 in 2012, school enrollments rose from one million in 2002 (of whom very few were girls) to 9.2 million in 2012 (of whom 3.6 million girls), life expectancy rose substantially, and maternal mortality fell by half.⁴ In addition major progress was achieved in some infrastructure sectors such as roads and mobile telecommunications (though less in others such as irrigation and electric power), government functionality and capacity development, and macroeconomic and public financial management. Afghanistan's domestic revenues impressively increased from three percent of GDP in 2002 to 11

percent of GDP in 2011.

Despite these achievements, Afghanistan remains a very poor country, with an estimated average per-capita income that is the lowest in Asia and among the 20 lowest countries in the world. The poverty ratio is estimated at 36 percent, and the majority of Afghans are vulnerable to falling into poverty due to any of a number of personal or economic shocks, or deterioration in security. Social indicators are still among the worst in the world even after the significant improvements over the past decade. Moreover, the economic gains and social progress achieved—funded largely by extraordinary high aid inflows—are fragile and at risk.

Challenges of Transition

Transition in Afghanistan has multiple dimensions—security, political, and economic—and the fact that key stages in all three dimensions coincide in 2014 increases the complexity of the transition challenge and multiplies the risks the country faces in the short run.

The ongoing **security transition** involves withdrawal of most international combat troops from the country, and hand-over of full responsibilities for security to Afghan National Security Forces (ANSF), occurring in the context of the persistent Taliban insurgency (which benefits from sanctuary and support in Pakistan) as well as other local conflicts. Questions arise about the financial sustainability of ANSF given high costs and overwhelming reliance on foreign resources, how critical operational and support functions hitherto provided by international forces will be handled in the future when the latter are drawn down, oversight and management of security forces, and the coherence of the army and risks of fragmentation, particularly if there are political problems.

The keystone of the **political transition** is the 2014 Presidential election—which if successful will comprise an unprecedented peaceful transfer of power from one Afghan leader to another through democratic process. Provincial council elections at the same time, and Parliamentary elections scheduled to be held in 2015, compound the challenges of political

transition. The degree to which the loose networks of non-Taliban political elites at the central level will continue to cohere and minimize violence in their interactions, how central-local political connections will evolve (or break down), and whether serious peace negotiations with the Taliban will be possible at some point, are among the questions which inject further uncertainty into the political outlook.

Major declines over time in aid and international military expenditures in Afghanistan, following a period of extraordinarily high aid dependency, will comprise a central element of the ***economic transition***. Falling aid will impact on the structure of the economy and will necessitate significant macroeconomic adjustments. Other sources of growth will need, over time, to replace aid and foreign military spending so that robust economic growth can be maintained even though at much lower levels than in the past. While Afghanistan's fairly rich mineral resources are widely seen as having good potential to become a major source of growth over the longer term, this will take a great deal of time, and also depends on whether Afghanistan can avoid the trap of the "resource curse" which severely hinders the growth and development of most resource-rich low-income countries. Agriculture, agriculture-based economic activities, and some services will be essential contributors to economic growth as well as especially to job creation.

From a political economy perspective, massive aid as well as the opium economy provided enormous amounts of money, contracts, etc. which together with the Afghan government's authority over senior appointments have funded, lubricated, and strengthened patronage networks. Declines in financial flows and changes in their composition will definitely have political economy implications, but these are not easy to predict. It is clear, however, that total resources for patronage will fall sharply; the Afghan government's share in remaining funds will increase; declines will be greatest at local levels, especially in insecure areas in the south/east which had heavy international military presence and high aid; and drug money will become increasingly important. It is not clear whether having a greater share in much smaller financial inflows will enhance the importance of central authorities and top politicians in providing patronage, or whether the overall decline

in funding, and possibly worsening insecurity, will on balance weaken the central government's role in this regard. A related question is whether and how sustainably the loose patronage "network of networks" centered around the current government leadership will hold together during the political transition. Even if it does, at regional and local levels within Afghanistan competition over declining funds for patronage may intensify, so localized conflicts may continue and even proliferate, possibly aggravated by taking revenge and "settling accounts" by currently excluded and marginalized groups.⁵

The different dimensions of transition interact with each other and could turn out to be mutually reinforcing in a positive or negative direction. In particular, political and security developments will have major implications including through their impact on the expectations and confidence of the population, domestic and foreign investors, and political leaders in aid- and troop-providing countries, among others.

Economic Ramifications of Transition

Afghanistan's economy faces serious challenges during the ongoing transition and beyond 2014. A variety of scenarios and outcomes—ranging from moderately positive and "muddling through" futures to dire worst-case scenarios—can be envisaged. Uncertainty itself will have economic impacts during transition (which is already happening). For example, as of the time of writing, by all indications the delay in signing and putting in place the Bilateral Security Agreement (BSA) between Afghanistan and the USA is having adverse impacts on economic confidence, resulting in declines in demand for goods and services, investments, and real estate prices, as well as individuals and businesses cutting spending, putting business decisions on hold, some people deciding whether to stay away or leave the country, and for some farmers, planting more opium poppy.⁶ While most of these problematic effects are reversible if the BSA is put in place soon, they are likely to get progressively worse, and harder to undo, the longer the uncertainty over the BSA persists.

Despite the uncertainties, some future trends can be predicted with a degree of confidence. Economic growth will slow down from extraordinarily high levels in the dozen years since 2001,⁷ and investment will greatly decline. Concomitantly, employment will not grow very rapidly, and already high unemployment and underemployment rates (together estimated at over 50 percent) will only get worse. Macroeconomic adjustment can be expected to entail sharp reductions in imports, depreciation of the Afghan currency, and likely higher inflation. Public finances will continually face serious difficulties as aid drops and domestic revenue will take a very long time to catch up. And the opium economy is expected to become more important in relative as well as probably absolute terms.

While the economic ramifications of transition are very important, and Afghanistan's economic development matters a great deal in the long run—for the country itself and for the region around it, the role of economic factors in playing a major role influencing transition, let alone determining its outcome, should not be overstated. Particularly on the downside, adverse political and security developments could through a variety of effects have serious repercussions for the economy, and at the extreme precipitate economic collapse, whereas the reverse causation from economic factors to political and security outcomes can be expected to be much more limited in the short run. More specifically, a failed political transition (for example if the election process and outcome are severely compromised as a result of widespread violence or pervasive election fraud), or a collapse of security (for example due to fragmentation of security forces along ethnic or other lines), would have disastrous effects on the Afghan economy, leading to a severe, likely prolonged economic contraction with associated adverse human impacts.

Implications for the International Economy and Aid Community

Although the Afghan economy is small from a global perspective, the potential international economic impacts of the country's transition (its political and security as well as economic transition) could be significant for regional countries as well as in some respects more widely.

Among the international economic implications of Afghanistan's transition and much lower future growth of the Afghan economy, cross-border labor flows and economic migration are likely to be among the most important, especially for the surrounding region. The first and largest destinations for such flows would be the neighboring countries of Pakistan and Iran. The Gulf states and other neighbors of Afghanistan would come next. While Europe and the USA (as well as other distant potential destinations such as Australia) would see much smaller human flows from Afghanistan than closer countries, these nevertheless could become significant as well. Earlier waves of diaspora of educated elites from Afghanistan have created existing connections in a number of countries, which will most likely facilitate future flows of skilled and professional economic migrants to those countries.

Under downside scenarios for Afghanistan's transition, especially if large-scale and widespread violent conflict breaks out, there could well be large outflows of refugees as well as economic migrants, as seen in the 1980s and 1990s (when millions of Afghans moved into and stayed in Pakistan and Iran). However, it is not clear whether conditions in the main destination countries would be as conducive to large inflows of Afghans as they were in those earlier decades. The governments of both Pakistan and Iran have periodically launched initiatives to return Afghan refugees and migrants to Afghanistan, although large numbers particularly of the latter remain in both countries, and flows of migrant labor continue. Receptivity to large new inflows of Afghans, however, may well be very limited.

Another international implication of the economic transition in Afghanistan will be continuing, and more likely than not increasing, outflows of opiates (mainly heroin) to other countries. This is nothing new, but any ambitions to sharply cut production and supply of opiates from Afghanistan in the next several years would be highly unrealistic. Instead, expectations for progress will need to be kept modest—particularly since simplistic and misguided efforts to curb opium production in the short run would be counterproductive, and in some cases could be even more harmful than the problem they would be trying to address in the first place.⁸

Looking beyond the next few years, Afghanistan has considerable potential for developing its abundant underground resources—especially solid minerals such as copper, iron, coal, and numerous others such as gemstones, gold, and lithium, as well as to a lesser extent hydrocarbons (natural gas and oil). Some of these resources are significant regionally and even globally, and their exploitation would entail infrastructure requirements (including in neighboring countries) and development of “resource corridors” which could catalyze a wider range of economic activities and more broad-based growth than mining investments typically generate on their own.⁹ However, other than modest extraction of hydrocarbons and ongoing smaller-scale exploitation of gemstones and other minerals (often using artisanal techniques), major mining investments will take a long time to reach fruition. The delays encountered in exploiting the world-class Aynak copper resource, for which a contract was awarded in 2007 but major investments have not yet started (and the Chinese company concerned is attempting to renegotiate the contract), provide a good example.

Finally, the level and sustainment of international financial support to Afghanistan will be an important factor contributing to economic outcomes as well as security and other developments during Afghanistan’s current transition and beyond 2014. A precipitous drop in aid to Afghanistan (currently one of the most aid-dependent countries in the world), and especially an aid cut-off, would be a recipe for disaster. This is amply demonstrated by Afghanistan’s own historical experience after 1992, when the demise of the Soviet Union resulted in abrupt stoppage of the USSR’s massive financial and material support, precipitating the collapse of the Najibullah government, descent into a bloody civil war characterized by numerous human rights violations, the destruction of Kabul, and subsequently the rise of the Taliban movement in reaction.¹⁰ International experience also demonstrates the damage that can be caused by abrupt aid cut-offs in situations characterized by ongoing violent conflict. Somalia in the late 1980s is a good example, where an abrupt stoppage of aid, in a highly aid-dependent country with a large army already facing a persistent insurgency, precipitated collapse of the state and fueled civil war as the

army, no longer being paid, fragmented.¹¹

Aid to Afghanistan arguably has been far too high during the second half of the first decade of the 21st century, particularly in the peak “surge” years, and disproportionately has gone to support ANSF and serve short-run counter-insurgency and stabilization objectives.¹² Inevitably there has been significant waste and corruption, and Afghanistan lacked the absorptive capacity to reap the full benefits of such massive amounts of aid (as would any country faced with such a large inflow of resources).¹³ Clearly this assistance is unsustainable at recent levels. However, gradual reductions in aid over time are called for rather than precipitous declines or abrupt cut-offs. In this context, the recent halving of US civilian aid to Afghanistan in the current fiscal year is worrisome,¹⁴ and if such trends continue serious macroeconomic and fiscal problems would arise, with damaging security, political, and regional / international as well as economic implications. For its part, the new Afghan administration that comes into office after the presidential election will need to set a strong positive tone in terms of its commitment to development, and take meaningful actions to improve governance, which will help prevent further precipitous declines in international assistance.

William A. Byrd is a Senior Expert at the United States Institute of Peace (USIP). This paper draws on the author’s recent and ongoing research on various economic dimensions of transition in Afghanistan. The views expressed are the author’s own and do not necessarily reflect the views of the U.S. Institute of Peace, which does not take policy positions.

- ¹ Basic background on the Afghan economy and future economic prospects is provided in World Bank, *Afghanistan in Transition: Looking Beyond 2014* (Washington, DC: World Bank, 2013), especially in chapter 2.
- ² See William Byrd, Gary Milante, and Kenneth Anye, *A New Approach to Understanding Afghanistan's Transition: Comparisons with International Postconflict Experience* (U.S. Institute of Peace Peace Works, No. 87, June 2013).
- ³ See World Bank, "Transition to Transformation Update" (presentation to Joint Coordination and Monitoring Board meeting in Kabul, 29 January 2014).
- ⁴ World Bank, "Transition to Transformation Update"; see World Bank, *Transition in Afghanistan: Looking Beyond 2014* (especially chapter 2) for more details on economic progress.
- ⁵ See William Byrd, "Changing Financial Flows during Afghanistan's Transition: The Political Economy Fallout" (U.S. Institute of Peace PeaceBrief, No. 157, 11 September 2013).
- ⁶ See William A. Byrd, Casey Garret Johnson, and Sanaullah Tasal, "Compounding Uncertainty in Afghanistan: Economic Consequences of Delay in Signing the BSA" (U.S. Institute of Peace PeaceBrief, No. 166, 4 February 2014).
- ⁷ The World Bank has projected that economic growth will decline from over nine percent p.a. during the past dozen years to the 4-6 percent p.a. range, which coupled with Afghanistan's rapid population growth would imply much slower increases in average per-capita incomes (*Afghanistan in Transition: Looking Beyond 2014*, chapter 2).
- ⁸ See William Byrd, "Afghanistan and the International Drug Control Regime: Can the 'Tail' Wag the 'Dog'?" (U.S. Institute of Peace PeaceBrief, No. 143, 17 April 2013). For a critique of the numerous simplistic and extreme options for addressing the drug issue in Afghanistan, see William Byrd, "Responding to Afghanistan's Opium Economy Challenge: Lessons and Policy Implications from a Development Perspective" (World Bank Policy Research Working Paper, No. 4545, March 2008).
- ⁹ See World Bank, Afghan Ministry of Mines, and AusAid, *Afghanistan Resource Corridor Technical Summary* (Tokyo Conference, 8 July 2012).
- ¹⁰ Afghanistan's recent as well as earlier history is detailed in numerous publications; for a short distillation of some lessons from this experience, including the catastrophic impact of the abrupt cut-off of Soviet assistance in 1992, see William Byrd, *Lessons from Afghanistan's History for the Current Transition and Beyond* (U.S. Institute of Peace Special Report no. 314, September 2012).
- ¹¹ See *Afghanistan in Transition: Looking Beyond 2014*, Box 1.1, pp. 35-36.
- ¹² See Paul Fishstein and Andrew Wilder, *Winning Hearts and Minds? Examining the Relationship between Aid and Security in Afghanistan* (Feinstein International Center, Tufts University, January 2012). See also Frances Z. Brown, *The U.S. Surge and Afghan Local Governance: Lessons for Transition* (U.S. Institute of Peace Special Report, No. 316, September 2012) for a discussion of the problematic assumptions behind the "surge" in stabilization-related aid at the local level in Afghanistan.
- ¹³ Large inflows of aid have had effects similar to those associated with sudden windfalls from exploitation of natural resources (or sharp price hikes for existing natural resource exports), sometimes referred to as an "aid tsunami" or the "aid curse".
- ¹⁴ Although at over \$1 billion per year the US civilian aid budget for Afghanistan remains very substantial, it is hard to see how the Tokyo pledge of approximately \$4 billion in total civilian aid per year from all donors can be achieved after this reduction. See <http://www.reuters.com/article/2014/01/22/us-usa-afghanistan-aid-idUSBREA0L02320140122>

Women in Afghanistan

Dina Latek

Introduction

It is nearly impossible to describe the situation of Afghan women in a simple manner. This analysis examines recent developments as well as the challenges in the struggle for women's rights and gender equality, which has seen a modest progress since the ouster of the Taliban in 2001. Most importantly, the article provides an analysis of women as actors in Afghanistan by voicing and echoing their challenges, problems and obstacles, which they encounter on a daily basis. Women, who every day, fight for education, freedom and most importantly their basic rights.

Seldom mentioned in the media, famous and strong female leaders such as Bibi Ayesha, a female warlord who has previously led a contingent of men against the Soviets and endured the fight against the Taliban, have and continue to exist today in Afghanistan.¹ More recently, Sadaf Rahimi, who in 2012 would have been the first Muslim female boxer to compete in the Olympics, a sport that was once strictly prohibited to women in Afghanistan. Out of fear for her physical safety in the ring, the International Boxing Association has decided not to extend her wildcard invitation to the London Olympics.² These women are changing Afghanistan for the better by acting as role models for other women. Discussing the roles of women in Afghan society is a complex topic. After more than three decades of warfare and instability, the role of the females in society has undergone significant changes.³

Women's rights

Legal and political developments

Throughout the changing political landscape of Afghanistan, women's rights have been exploited by different groups for political gains, sometimes

having improved, but often being abused.⁴ Up until the conflict in the 1970s, relatively steady progress for women's rights was visible in Afghanistan during the 20th Century. In the year 1919, Afghan women became eligible to vote - only a year after women in the UK and one year before the women in the United States were allowed to vote. In the 1950s, "purdah" (gender segregation) was eliminated; while in the 1960s a new constitution guaranteed equality to women in many areas of life, including political participation.⁵ Women were making important contributions to national development. But after years of conflict, the Taliban emerged in 1994 and ruled Afghanistan, from 1996 until 2001, enforcing their interpretation of the Islamic law (Sharia). Women and girls were banned from: going to school or studying, working, or leaving the house without a male chaperone, accessing healthcare delivered by men (with women forbidden to work, healthcare was virtually inaccessible), being involved in politics or speaking publicly and from showing their skin in public.⁶ After the fall of the Taliban regime in November 2001, hopes were high that the situation of women would improve significantly.⁷ In the following years, many schools opened their doors to girls and women went back to work.⁸

In December of 2001, the United Nations invited relevant Afghan parties to an international conference in Bonn, Germany; where on December 5, 2001 the "Bonn Agreement"⁹ was signed by all parties.¹⁰ Following strong international criticism of the Taliban's treatment of Afghan women, numerous programs, aimed at enabling them to live freely, safely and with dignity, were launched.¹¹ The drastic changes that followed resulted in women's political participation, which, for example involved a quota of around 25 percent of the parliamentary seats to be reserved for women.¹² International declarations and commitments to enhance the legal situation of Afghan females were ratified:

- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2003;
- The 1951 Convention relating to the Status of Refugees and its 1967 Protocol in 2005;¹³
- The UNESCO Convention against Discrimination in Education in 2005;¹⁴

- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified without any reservations in 2003, after originally being signed in 1980.

Also, a national legal framework was founded:

- The establishment of the Ministry of Women's Affairs (MOWA) in 2001¹⁵
- The ratification of a new constitution with an essential provision on gender equality in 2004
- New laws and amendments to previous laws, e.g.:¹⁶
 - o Provisions of the Constitution and in the Electoral law, which establish specific quotas for women in the Wolsi Jirga and the Meshrano Jirga¹⁷ and
 - o The Elimination of Violence against Women Law in 2009.¹⁸

Subsequently, international support poured in.¹⁹ Programs focusing on education, human rights, gender equality and the empowerment of Afghan women have been initiated and funded by international and national donors.²⁰

Unquestionably, certain progress has been made along with improvements towards equality.²¹ However, improvements in most regards have been far more modest than hoped for.²² Furthermore, a climate of persisting violence, in particular against women, the on-going political process and the security forces transition have put Afghanistan in a challenging position.²³ The question remains whether this progress can be sustained in face of the withdrawal of international forces and the complete takeover of security responsibility by the Afghan National Security Forces.²⁴

The 2004 Constitution and conflicting social customs

When the new Constitution in 2004 was ratified, it stated that no law "*should contravene the tenets and provisions of the holy religion of Islam in Afghanistan*" and that "*all citizens of Afghanistan, man and woman, have equal rights and duties before the law*".²⁵ The new 2004 Constitution employed the 1964 Constitution as its foundation.²⁶ The expressions

“beliefs” and “provisions” are rather vague and could be prone to comprehensive interpretations.

Under Article 130 of the 2004 Constitution the extent and the applicability of the Sharia in regards to the statutory law is defined.²⁷ In accordance with the 1964 Constitution, the 2004 Constitution only recognizes the applicability of the Hanafi jurisprudence where the constitution and “other laws” are silent. This stipulation evidently institutes the priority of the constitution and positive law over un-enacted Islamic law, according to Finkelman.²⁸

However, the implementation of justice, as well as the administration varied in different regions of the country. In major cities, courts resumed to decide criminal cases as mandated by the law, while the formal legal system frequently was not present in rural areas.²⁹ In absence of effective state structures, customary informal mechanisms for the administration of justice, such as tribal or village councils, continued to be popular and significant for resolving disputes, particularly in rural areas.³⁰

These consultative gatherings of local elders are referred to as jirgas and shuras, usually of men selected by the community, and are the primary source of settling both criminal matters and civil disputes.³¹ According to estimations, 80 percent of all disputes in Afghanistan are settled through “traditional dispute resolution (TDR) mechanisms”.³² Village decision making is characterized by cooperation and consensus. Shuras gather to discuss particular issues or resolve disputes that arise within the village or with neighboring areas. In most instances, members of shuras are elders who have achieved positions of respect in the community.³³ These traditional positions are normally given to older men who are widely respected and trusted for their honesty and goodwill. Almost every village has at least a few of these men who are considered to be the legislative body of the village.³⁴

However, they also imposed unsanctioned punishments.³⁵ The councils apply regionally diverse customary rules centered on interpretations of Islamic principles. These potentially contravene the international human

rights standards to which Afghanistan is bound qua international law.³⁶ Many women stated limited access to justice in male-dominated tribal shuras, in which inquiries concentrated on the settlement with the community and families rather than the rights of the individual. In some villages women were not allowed any access to dispute resolution mechanisms. In many cases, the shuras did not respect the constitutional rights and sometimes violated the rights of women. Often they resulted in outcomes that discriminated against women. For example, the practice of baad, where young girls are offered as compensation, is still reported.³⁷

In some cases though, women's advocacy groups stated that the government got involved with local courts and encouraged them to interpret laws favorable to women.³⁸ Furthermore, since 2007, the United Nations Development Program (UNDP) in collaboration with the Afghan Ministry of Hajj and Religious Affairs (MoHRA) trained 5,000 mullahs on how to bring improvements in women's lives, related to education, marriages, rights, and inheritance. The mullahs are then responsible for disseminating this information on women's rights from an Islamic perspective in different districts in four provinces. Additionally, the MoHRA has assembled a book for the Friday sermons - jumma khutbas - on how to incorporate gender rights in a more Islamic way.³⁹

Elimination of Violence Against Women Law (EVAW law) and controversies

The controversy on the Elimination of Violence Against Women Law underlines how far improvements of the legal situation of women resemble a walk on eggshells:

Passed in 2009, it is the first law in Afghanistan to criminalize violence against women.⁴⁰ It identifies 22 acts as violence against women, proposes punishments for the perpetrators as well as setting out various related government responsibilities.⁴¹ It outlaws various forms of violence, including child marriage, forced marriage, the trade of women for the purpose or under the pretext of marriage, the traditional practice of baad that requires the giving away of a woman or a girl to settle a dispute, forced self-immolation and

17 other acts of violence including rape and physical abuse.⁴² The country's penal code, dating from 1976 enforces crimes such as bodily harm, forced marriage and murder; however, no explicit references to violence within the family or to underage marriage are being made. The Afghan civil code, as another example, stipulates the legal minimum marriage age for girls at 15, but there are no punishments in the penal code for violators. The penal code also conflates rape with consensual adultery, which both are criminal acts. Thus a separate law, specifically on violence against women, would therefore send a strong signal that there would be no impunity for abuses against women, and force the Afghan government to take the issue more seriously.⁴³ It therefore represents a huge achievement, particularly since many acts that the law penalizes are not considered crimes by the greater part of the Afghan society, including law enforcement.⁴⁴

However, the political will to effectuate the law and consequently the actual implementation of the law itself is limited. As such is also the awareness of the EAW law; although the AIHRC, some justice implementers, and civil society make efforts to increase it. Parts of the public and religious community deem the law un-Islamic. Thus, a lack of its successful and proper enforcement continues.⁴⁵ Human Rights Watch even concludes that the Afghan government has done a poor job enforcing it.⁴⁶ One explanation of women's rights activists for the low enforcement is a lack of social legitimacy:⁴⁷

Although approved by presidential decree, it was never endorsed by the Afghan parliament. Article 79 of the current constitution (2004) states that a Presidential decree is legal, except if rejected by the Parliament.⁴⁸ A number of laws have been put in place in this way and remain in force even though parliament has not ratified them, as is the case with the EAW Law.⁴⁹

Attempts to achieve parliamentary acceptance were already made in the fall of 2009, since some activists hope parliamentary approval would attain greater legitimacy and thus improve implementation.⁵⁰ However, due to controversial reactions to the law, particularly by influential religious leaders,⁵¹ Afghanistan's women's rights community was split for years whether to

present the EAW law to parliament for ratification. The majority seems to think that the law should be left as a presidential decree as it would never get past parliamentary ratification in an acceptable form.⁵²

In the latest attempt, in May 2013, reactionary elements in the parliament opposed at least eight articles in the legislation.⁵³ The parliamentary discussion quickly was broken off after a series of inflammatory remarks from conservative MPs.⁵⁴ Particularly, the parts of the law outlawing forced and child marriage and unrestricted access to health care, education and women's shelters were considered to be "un-Islamic" by several members of the Parliament who proposed eradicating these provisions from the law.⁵⁵

However, a National Action Plan for the EAW Law is being drafted, which will define specific steps to apply the law by raising awareness and executing protective and preventive measures, which will include the reporting and monitoring of Violence against Women (VAW) cases.⁵⁶

The Shia Personal Status Law

In March 2009, international outrage arose over the Shiite Personal Status Law (SPSL), which included a handful of articles that restricted the rights of Afghan Shia women.⁵⁷ Pursuant to the 2004 Constitution, the 2009 Shia Personal Status Law governs family and marital issues for the approximately 19 percent of the population who are Shia. Although the law officially recognized the Shia minority, the law drew controversy both domestically and internationally due to its failure to promote gender equality. The SPSL directly contradicts Afghanistan's constitution, which bans any kind of discrimination and distinction between citizens of Afghanistan as article 22 of the constitution 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.⁵⁹ Furthermore, the law contains articles that are of particular concern, including those on minimum age of marriage, polygamy, and the right of inheritance, the right of self-determination, freedom of movement, sexual obligations, and guardianship.⁶⁰

Attempts to alter the law were made.⁶¹ In April 2009 around 300 Afghan Shiite women carrying banners demonstrated against the conservative marriage law in Kabul.⁶² Around 1,000 Afghan men demonstrated against the protesters, some of them throwing stones. Police struggled to keep the two groups apart.⁶³

In response to international criticism, president Karzai promised to examine the law in regards to any contradictions to the constitution or the sharia, and to carry out any corrections. However, he stated that apprehensions are due to misinterpretations. Unbeknownst to the public, a slightly modified version came into force in July 2009.⁶⁴

In February 2014, a new law was drafted, which caused an international outcry, as it would introduce changes to the criminal code prohibiting judicial authorities from questioning the relatives of a criminal defendant. It would also limit testimony in domestic violence⁶⁵ and consequently make prosecutions of abusers difficult.⁶⁶ Although it does not specifically refer to women or domestic violence, Article 26 bars a broad swath of “relatives” for acting as witnesses, a concern in a country where the majority of violence against women is committed by or in front of family members.⁶⁷ The bill is part of a new version of the Afghan Penal Code, a project the Afghan Parliament has been working on for six years.⁶⁸ The law awaits final signature from President Hamid Karzai.⁶⁹

In November 2013, a law drafted by Afghan officials that would have reinstated public execution by stoning as a punishment for adultery, was stopped after being leaked to the media.⁷⁰

Women in the Afghan society today

Although women have made substantial strides in the public sphere since 2001, their status within the family remained largely unchanged. In a patriarchal, patrilineal society, women face deep currents of Islamic conservatism, and family and community disapproval for challenging traditional gender roles.⁷¹ Social custom limits women’s freedom of

movement without male consent or a male chaperone.⁷² Owing to this cultural and tribal norms that also curtail interactions between unrelated men and women, women face particularly tight constraints on economic, social, and political activity.⁷³ Boundaries remain for women's entry to the public sphere. According to a survey in 2012, 80 percent of females stated that women should be allowed to work outside the home compared to 55 percent of men.⁷⁴ Nevertheless, although patriarchal relations in Afghanistan share certain generic features, there are also considerable disparities across Afghanistan – by class, ethnicity and location.⁷⁵

Regional differences

Generally, in rural Afghanistan, the principle of *purdah* dictates that women should be hidden from public view and therefore activities outside the household are often barred to them, so as to preserve their honor (*gheirat*).⁷⁶ On the other hand, in certain mountainous, rural regions, where entire settlements are made up of one kin, females often exercise greater freedom of movement outside their home than women from lower-middle and poorer classes in urban households.⁷⁷

Women in Afghanistan's Northern region enjoy certain liberties and more rights in their childhood and youth. A Swiss newspaper observed that the separation of the sexes was much less stringent in the city of Mazar-e Sharif, the capital of the Northern Province of Balkh, than in other regions of Afghanistan. The interaction between (unrelated) young men and women is relatively unconstrained. They even attend school and work together. If they come from a liberal family, young people may even meet in mixed groups during leisure times; a gathering that would not be possible in many other regions. In southern and eastern Afghanistan, boys and girls attend separate schools, and rarely have any interaction, unless they are related to each other. On the other side, one explanation for the reportedly higher prevalence of female suicides in the North is attributed to these freedoms as women often might find it harder to fit back into traditional structures, when they try to stretch the limits of these freedoms, after their adolescence.⁷⁸

Differences are also visible along the ethnic lines. Hazara women are said

to be much less constrained by behavioral norms that limit their activities outside of their households, however they also face many difficulties. Conversely, Pashtoons are generally regarded to be the most conservative group in Afghanistan, particularly regarding the behavior of women. These differences are visible also between regions like Jalalabad, which is mainly inhabited by Pashtoons, and Bamyan, mainly populated by Hazara.⁷⁹ The all-encompassing burqa, which was imposed by the Taliban as mandatory for any woman in the public domain, is mainly associated with female propriety among women in the Pashtoon community.⁸⁰

These regional differences can be seen in the survey, previously mentioned: urban respondents more often agreed with the statement that women should be allowed to work outside the home than their rural counterparts (urban: 81 percent; rural: 61 percent). The greatest percentage of support for women working outside the home could be found in the northwest with 80 percent, 75 percent in central/Kabul, 71 percent central/Hazarajat, 65 percent in the Northeast, 59 percent in the East and 58 percent in the West. However, opposition was the highest in the southwest with 55 percent, and in the east with 40 percent and in the west with 38 percent.⁸¹

Employment

Although women have made substantial strides in a patriarchal society, they still face deep currents of Islamic conservatism, and disapproval for challenging traditional gender roles.⁸² Families often prevent their daughters from working because the basic idea of men and women operating together in an office is sufficiently controversial.⁸³ Another obstacle why women choose to stay home is sexual harassment: female workers are forced to navigate entrenched sexist and patriarchal attitudes, excuse sexual advances, and live with memories of harassment, abuse and even rape.⁸⁴ An April 2013 HRW-report stated that workplace sexual harassment is a huge problem within the public and private sectors in Afghanistan.⁸⁵

According to a World Bank report published in 2012, the employment rate of women aged between 15 and 24 in 2010 was reported to be at 9.8

percent.⁸⁶ It is important to note that it is difficult to extrapolate employment data because it does not differentiate across various variables; such as sex, education, province and sector.⁸⁷

Progress can be seen in an increased number of girls having access to education resulting in an increased female workforce in education, healthcare,⁸⁸ governmental entities, and international organizations.⁸⁹ A major milestone was the establishment of the Afghan Ministry of Women's Affairs (MOWA) in 2001.⁹⁰ In 2010, women in the public sector accounted for 4.7 percent of judges, 6.4 percent of prosecutors, 6.1 percent of attorneys, 15.2 percent of university teachers, and 18.5 percent worked as civil servants. It is important to note that women's participation varied from one region to another.⁹¹

A great share of the female workforce is employed in the government sector.⁹² In large metropolitan cities, women are also employed as doctors, attorneys, teachers, nurses, and engineers.⁹³ However, it is important to consider the difference between urban and rural areas, where a majority of the population provides paid or unpaid contributions to their household.⁹⁴ According to data, 32.1 percent of the active Afghan female population was involved in agriculture in 2010.⁹⁵ Specifically in rural areas, mobility outside the household is limited for cultural reasons, therefore women are mainly engaged in home-based income-generating activities, in rudimentary unskilled pastoral and agricultural activities. Women working in the household's agricultural exploitation, for instance, provide unpaid contribution to the economic welfare of their household through harvesting activities.⁹⁶ Traditionally livestock animals and their produce are considered women's domain.⁹⁷

Afghan businesswomen and female entrepreneurs are largely operating on a micro level, and require support on both a national as well as international level. The biggest obstacles for female entrepreneurs in Afghanistan are the conservative attitudes, which make it challenging for a woman to run a business and make decisions independently.⁹⁸

Females who formerly traded agricultural goods individually have progressively started forming cooperatives. Possessing cooperative strength, women are better able to target markets. An increase was registered in the grouping of female horticulturalists into cooperatives and women producer groups. In Herat, for example, female saffron growers formed associations. In Pashtoon Zarghoon district, a producer association of 275 women owns the land, whereas another association in the Ghoryan district, which consists of 480 women, including many widows leasing the land for cultivation.⁹⁹ In the capital city of Kabul, the Afghan Pride Association (APA), a processing center owned and operated by women has 200 members who work at the center as processors and/or supervisors. The APA cooperates with various women's associations such as the Afghanistan Women Business Council (AWBC).¹⁰⁰

Services that enhance mobility can support gender equality in employment and education. For example, improved transportation services and infrastructure, as well as decreased commute times boosted female attendance in Afghanistan.¹⁰¹ Moreover, legal literacy in combination with livelihood training provided to Afghan women by an international NGO enhanced their awareness of their rights, but also their readiness to take up paid work outside the house.¹⁰² Noteworthy is the fact that the economic empowerment of women has not been evaluated as often, as compared to the number of projects undertaken and resources invested.¹⁰³

Income generating programs

Several projects for economic empowerment in Afghanistan are being supported and funded by international organizations, partnering countries as well as NGOs. Several projects are worth mentioning;

- The **First Micro Finance Bank Afghanistan**, which is co-owned by the Aga Khan Foundation,¹⁰⁴ has a network of 45 bank branches in 14 provinces. The number of Microfinance Loans disbursed increased from 38,055 in 2008 to 42,015 in 2010. The percentage of female borrowers¹⁰⁵ increased from 13 percent in 2008 to 19

percent in 2013.¹⁰⁷

- The **Afghanistan Rural Enterprise Development Program**, funded by the World Bank, and co-financed by the Afghanistan Reconstruction Trust Fund (ARTF), is helping the development of rural small and medium businesses through microfinance and technical assistance. The program is operating in 341 villages. The number of borrowers increased from 1,014 at the end of 2011 to more than 2,500 borrowers by March 2012. Altogether, they consist of more than 31,000 active members with 47 percent consisting of females.
- Through the **Rebuilding Agricultural Markets Program/ Food and Agriculture Organization (RAMP/FAO) project**, 850 village women producer groups were established. These coalitions received training through female trainers and a supply of vaccines and mixed feed livestock. Advisors guided the producer groups to establish contacts with shop owners in the provincial centers for the marketing of eggs.¹⁰⁹
- The **Rural Microfinance and Livestock Support Programme** by the International Fund for Agricultural Development (IFAD) was initiated in 2009 and will continue until 2016. It is expected that a total of 40,678 households will benefit from the project. The project itself aims at ameliorating the livelihoods of poor livestock owners in the northern part of Afghanistan. The programme is targeting - amongst other groups - women, particularly women who are head of households.¹¹⁰
- An example for a completed and successful project is the **Vocational Training for Afghan Women** by the World University Service of Canada (WUSC) and CARE Canada from 2007 - 2012. It offered Afghan women without any source of income, such as widows and internal refugees, skills training to find employment or start their own business and therefore become more self-sufficient. The project sought to address barriers to the economic empowerment of women in Afghanistan and provided vulnerable women with vocational training based on labor-market demand. Other related support was literacy and numeracy training, life skills

training, child care services, assistance in the job search process, job placements and apprenticeships. With regards to women that aimed at starting their own business, the project provided business management training and helped the women gain access to microcredits. Amongst other results as of July 2011 1,976 trainees (62 percent women) completed trade training and graduated with marketable skills and 42 producer groups have been formed (consisting of 507 members in total), of which 17 are currently operational (153 members) in Afghanistan.¹¹¹

Women in police and army

Police and army are noteworthy, as one area of employment, in which traditional gender roles are challenged:

Although the first Afghan policewoman took up her duties in 1967, once the Taliban came to power in 1996, women were banned from serving in the police. The Afghan Government, as well as international donors (including donor states) have committed themselves to restore Afghanistan's basic institutions, and with it the Afghan National Police (ANP). Several initiatives to increase the number of female police officers in the ANP have been launched by the Afghan Government.¹¹² One example is the Law and Order Trust Fund for Afghanistan (LOTFA), initiated in 2011 and aimed at strengthening Afghanistan's law enforcement. One of the aims is female recruitment.¹¹³ However, social norms often prevent Afghan women from approaching male police officers.¹¹⁴ Given the cultural sensitivity and stigma around reporting sexual and other violence against women, an increase in policewomen will result in improved access for women reporting violence and seeking justice.¹¹⁵

A low, but steady increase in the number of female employees within the ANP has already been achieved. In 2005 women amounted for 180 out of 53,400 personnel of ANP. As of July 2013, there were 1,551 female police officers in a force of 157,000.¹¹⁶ The Afghan Ministry of Interior (MoI) stated that as of June 2013, 1,974 women were employed by the ministry, including 195 female Central Prisons Department guards, ANP, and 15 Special Forces

Officers.¹¹⁷ Further, the Ministry of Interior is targeting the 5,000 mark of women recruited by the end of 2014.¹¹⁸

As of November 2013 the Afghan army employed 458 women. In September 2013, a gender and human rights department was inaugurated within the Ministry of Defense and a female recruitment program was launched.¹¹⁹ A new military academy which is modeled after The Royal Military Academy Sandhurst in the UK – and will be Britain's only military presence in the country once combat troops leave at the end of 2014 – is located outside of Kabul.¹²⁰ The Academy also intends to train 100 female Afghan National Army officers per year with the first recruits to be chosen in April 2014. The recruits are scheduled to start in June 2014 and will spend a year at the academy before graduating.¹²¹

Noteworthy, as a role model, is the first female pilot in the Afghan air force - Col Latifa Nabizada, who joined the military in 1989. In 1996, after the Taliban seized control of Kabul, she fled to Pakistan. After the Taliban were ousted she rejoined the Air Force and continued with her service.¹²² Brig Gen Khatool Mohammadzai was the army's first female paratrooper. Since 1984, she has completed more than 600 jumps. During the days of the Taliban regime she stayed at home and also returned after the regime's fall. Nevertheless, activists say she faces discrimination in a male dominated army.¹²³

Despite the above mentioned efforts, women face high challenges in these contexts: The ANP lacks basic items, such as uniforms, and little or no training is prevalent.¹²⁴ Estimates suggest that 70–80 percent of the ANP are illiterate, with illiteracy rates among policewomen being even higher.¹²⁵ To combat illiteracy among the police, in 2011 the **Literacy Empowerment for Afghan Police (LEAP)** has been implemented. It aims at improving the quality of policing in Afghanistan through literacy training of Afghan National Police.¹²⁶ Career opportunities and training for women are particularly limited, and many women find themselves performing menial tasks (such as making tea), resulting in intelligent women being unmotivated and unfulfilled. The opposite also exists: women, who lack basic skills and

motivation to serve their communities, but are promoted to jobs reserved for women, undermining confidence in policewomen and fuel negative male attitudes towards them.¹²⁷

A severe problem is sexual harassment and assault of policewomen by their male colleagues.¹²⁸ The absence of safe and separate toilets makes women particularly vulnerable. This was confirmed by several reports of women claiming that sexual assaults occurred in isolated locations such as unsafe toilets and changing areas. Three orders to install facilities in police stations since 2012 have not been implemented, even though the government had promised the funds.¹²⁹ Sexual assaults against female police officers show how deeply embedded (sexual) violence against women is in the Afghan society.¹³⁰ An unpublished United Nations report found that 70 percent of policewomen personally experienced sexual harassment or sexual violence themselves; however a rather smaller segment stated that they were raped or otherwise sexually assaulted.¹³¹ The new Minister of the Interior repeated the commitment to install mechanisms to protect women from abuse and harassment.¹³²

The commander of the Kabul city police set guidelines in 2013 targeting the improvement of working conditions for the 300 female police officers in Kabul, preventing their mistreatment and discrimination by their male colleagues.¹³³ As part of the LOTFA measurements, preliminary assessments of the infrastructural status of police stations occurred in 29 locations in Kabul to further offer women police safe facilities, including separate toilets and dressing rooms.¹³⁴

Education

In regards to free and compulsory education, Article 4 of the Afghan education law states that the “intermediate (basic) education in Afghanistan is compulsory”.¹³⁵ Article 43 of the Afghan 2004 Constitution states that “education is the right of all citizens of Afghanistan, which shall be offered up to the B.A. [undergraduate Bachelor] level in the state educational institutes free of charge by the state.”¹³⁶ Hence, secondary education and

Higher education are free but not compulsory.¹³⁷

During the Taliban regime, the vast majority of girls over eight did not receive any education, especially in urban areas, although some secret schools remained in operation. The United Nations estimated that only 3 percent were somewhat being educated under the Taliban.¹³⁸ According to the data generated by the Afghan Ministry of Education (MoE) in 2011, the student enrollment increased eightfold from less than one million in 2001 to more than 7.3 million in 2011¹³⁹ – with more than 38¹⁴⁰ percent of them being girls compared to fewer than 900,000 students (all male) in 2002.¹⁴¹ In 2012 the number of students enrolled in various forms of formal education was 8,328,350 with 38.04 percent comprising female students and 61.96 percent male students. However, there are provinces with a very low percentage of overall enrolment: Uruzgan (2 percent), Helmand (4 percent), Zabul (5.2 percent) and Kandahar (11 percent). Zabul had the least number of students enrolled with a total of 21,114.¹⁴² In the Northern Province Balk, as an example of a region where the situation for girls is better, around 50 percent of the girls are in school and 40 percent continue at the university level. Women’s graduation from university has led to an increase in the female workforce.¹⁴³

According to data revealed in 2013, the total number of schools, which included primary, middle, professional, nighttime schools, teacher training and religious schools was 14,394.¹⁴⁴ There were a total of 12,802 schools between 2010 and 2011, out of these 1,974 were schools for girls and 6,858 were mixed schools, according to the Afghan Central Statistics Organization.¹⁴⁵

In regards to higher education, 112,367 students were enrolled at 60 government and private universities, of which 19,934 were female students. Out of 4,873 university teachers, the total number of female teachers numbered at 603. In regards to vocational training, data revealed that there were only a few women; out of 27,019 students 3,245 were female. The highest enrolment in vocational training for women was in management and accounting, with around 50 percent of the students.¹⁴⁶

The rise in female students is due to the fact that the MoE implemented programs to tackle gender disparity, which aimed at building schools close to villages and which included the establishment of more schools for girls.¹⁴⁷ Other goals were the engagement of the communities and their elders through school shuras in the decision-making, of the parents, in regards to their children's education, as well as the development of various teacher education programs to train and develop more female teachers.¹⁴⁸ The number of teachers has considerably risen since 2002, leading to 174,400 teachers in 2011 of which approximately 50,000 were female teachers.¹⁴⁹

Nevertheless, the progress made in educational outcomes appears to be stronger for men than women, signifying the risk of widening gender gaps. In Afghanistan, exclusion has a strong gender dimension: women still have limited access to and command over productive resources, illustrated by a low female literacy rate of 22 percent in comparison to a 51 percent rate for men;¹⁵⁰ and women's literacy rate in rural areas was more than three times lower than urban areas.¹⁵¹ More than half of all girls are still not attending school. Improvements in the context of amongst other areas female literacy have been far more modest than hoped for.¹⁵²

Another issue in regards to the education of women or girls is security. Parents, particularly in insecure areas, out of fear for reprisals, such as acid attacks on girls, or school burnings – are reluctant to send their daughters to school.¹⁵³ Periodic attacks in 2012 transpired against students, teachers and school buildings, usually in the more conservative south and east of the country, from where the Taliban insurgency draws most of its support.¹⁵⁴ For example, in Takhar province - a hotbed of militancy - four poisoning attacks on schools for girls were reported between May and June in 2012.¹⁵⁵ Such attacks are coordinated by ultra-conservative elements of the Afghan society that that are opposed to female education.¹⁵⁶ One of the latest incidents in April 2013 involved 74 schoolgirls that felt sick after smelling gas and had to be brought to hospital.¹⁵⁷

President Karzai calls local leaders to promote fairness and equality in

education for women, a right that was granted to women after the fall of the Taliban in Afghanistan in 2001.¹⁵⁸ Afghanistan has one of the youngest populations in the world – more than 43 percent of the population is 14 years or younger.¹⁵⁹ It is imperative to ensure quality in education in order to maintain sustainable economic growth and stability. The Afghan Government internationally has committed itself to increase the literacy rate by 60 percent during the next seven years.¹⁶⁰ It works in cooperation with several international organizations and NGOs, as well as partner countries for the enhancement of education. The main international actors are e.g. the United Nations, which run several large-scale literacy projects in Afghanistan in cooperation with the Afghan government,¹⁶¹ as well as USAID, which works with the Afghan Government to improve opportunities in basic, higher as well as technical and vocational education.¹⁶² Since 2002, USAID has built more than 600 schools and provided more than over 100 million textbooks to schools throughout the country.¹⁶³

Also several NGOs work in this area. Some of the programs should be named as example, especially as regional specific challenges get visible.

International education programs and initiatives in Afghanistan¹⁶⁴

- The five-year **“Global Education First Initiative”** which was launched by the UN Secretary General in 2012, aims at putting every child in school and improve of quality of learning.¹⁶⁵
- **The Mobile Literacy Program in Afghanistan**, carried out by the Afghan Institute for Learning (AIL) in conjunction with Creating Hope International - was a one year pilot project aimed at improving literacy skills of rural communities, specifically targeting women.¹⁶⁶
- In September 2013, USAID in cooperation with NGOs launched a project to provide 840 women and their children with community and home-based literacy classes. Additionally 40 community libraries will be set up, with the aim of reaching more than 20,000 users. The project will last two years and is implemented in Mazar-I-Sharif, Badakhshan, Kapisa, Bamiyan, Ghazni, Panjsher and Kabul provinces.¹⁶⁷
- Established in 2008, the **Programme for Enhancement of Literacy**

in Afghanistan (ELA) initially provided literacy education, skill development and income generation opportunities within 18 provinces of Afghanistan to around 600,000 youth and adult illiterates - of whom 60 percent were female. Additionally, the building of institutional and human capacity of the National Literacy Centre is targeted at ensuring the sustainability of literacy education.¹⁶⁸ Through the support of the governments of Sweden and Japan, ELA was able to expand its activities to 27 provinces by providing courses in basic literacy, numeracy, and skills to an additional 580,000 adult learners.¹⁶⁹ The third phase of this programme was launched in October 2013.¹⁷⁰

- The Agency for Technical Cooperation and Development (ACTED) is running a project enabling 250,000 girls in rural Afghanistan to get access to quality education.
- **The Radio Literacy Program** in Ghazni province educates the residents of Qara Bagh district on basic reading and writing in Pashto. The program depends on hand-crank radios and lesson books that are handed out to local residents by Afghan National Security Forces and the Afghan Local Police. The lessons are broadcast from a radio tower and received on the radios.¹⁷¹
- A rather unique project worth mentioning for its creativity is “Skateistan” – an education project based in Kabul, which teaches children to skateboard. 40 percent of its members are girls – a rarity in a country, where until recently women were banned from participating in sport.¹⁷²

Violence against women

In Afghanistan, violence against women exists in several forms.¹⁷³ The topic itself is deemed taboo in Afghanistan’s traditional society, yet it is very common.¹⁷⁴ The only statistical estimates concerning the prevalence of violence against women available are derived from a nationwide survey conducted in 2008, in which 4,700 women in 16 provinces of Afghanistan were interviewed.¹⁷⁵

In the first six months of 2013, the Afghanistan Independent Human

Rights Commission (AIHRC) registered and collected reports of physical, sexual, economic, verbal and psychological violence, and other forms of violence connected to harmful traditions and customs.¹⁷⁶

The chart below illustrates data collected and compared by the AIHRC of the first six months in 2012 and 2013. In the first six months of 2013 1,249 cases of physical violence against women were registered, whereas in 2012 only 889 cases were registered, resulting in a 30.1 percent increase over the same period in 2012. The AIHRC assumes that the increase could also stem from increased public awareness. Nevertheless, AIHRC believes that the actual amount of incidents was higher given the continuing stigma and risk of reprisal associated with reporting such violence.¹⁷⁷

Forms of violence	Number of Cases	
	2013 (1392)	2012 (1391)
Physical violence	1249	889
Sexual violence	262	256
Verbal and psychological violence	976	808
Economic violence¹⁷⁸	862	715
Other forms of violence	805	663

Violence against Women in Afghanistan (The first six months of the year-2013)¹⁷⁹

Furthermore, most women do not seek legal assistance because they are unaware of their rights, and further fear to be prosecuted themselves or being returned to their family or perpetrator.¹⁸⁰

Rape, Honor crimes and forced marriage

Honor killings are committed against women by a member of a family or a tribe, typically executed by a man.¹⁸¹ The motives for these offenses range from a simple rumor: being associated with the opposite sex to sexual relations or running away from home.¹⁸²

It is widely perceived in Afghanistan that women carry the family's reputation. Men feel the societal pressure and therefore the right to control women not to bring shame to the family.¹⁸³ Women and girls try at all costs to avoid actions causing shame to men or the family. Some Afghan tribes in southern Afghanistan even consider shame that is brought upon one family as a shame brought upon the entire tribe.¹⁸⁴

AIHRC stated in November 2013 that during the previous two years, more than 240 honor-killings have been recorded by the AIHCR.¹⁸⁵ Given the fact that there is a high rate of under-reporting the actual number of cases is deemed to be much higher.¹⁸⁶ RAWA estimated that in around 21 percent of cases of honor killings, the husband of the victim was the perpetrator. In approximately 57 percent of honor-killing incidents, the relatives of the husband, such as his mother, or other relatives were the perpetrators.¹⁸⁷ A high percentage of those involved in honor killings remains unknown.¹⁸⁸

“Honor” is also central to the issue of rape.¹⁸⁹ In the context of rape, the community attributes shame rather to rape victims than to the perpetrator. Even in the legal sphere, victims often find themselves being prosecuted for the offense of zina (adultery).¹⁹⁰ The EAW Law for the first time introduced “rape” as a criminal offense under Afghan law.¹⁹¹ It punishes rape with “continued imprisonment,” widely interpreted as life imprisonment although not every conviction resulted in such. If the act caused the death of the victim, the law provides for the death sentence. The offense of “rape” does not include spousal rape under the law.¹⁹²

A prevalent form of violence correlated to a traditional practice is forced marriage.¹⁹³ This is the case, when women and girls must marry without their consent, maybe even facing threats or violence, are kidnapped for

marriage, when they are 15 years or younger or are traded through informal dispute resolution mechanisms.¹⁹⁴ In Afghanistan *baad*¹⁹⁵ is a customary practice that involves the forcible exchange of women and girls as brides to resolve blood feuds, debts¹⁹⁶ or as compensation for criminal acts or personal injury suffered by another party or family.¹⁹⁷ In this way family disputes may be settled in manners that infringe on the Afghan law, as well as international human rights standards and are contrary to Islamic legal principles – particularly if the resolution includes the practice of *baad*.¹⁹⁹

Particularly in rural areas, even offenses involving violence against women may resume to be solved through informal dispute resolution mechanisms in sentences detrimental to women.²⁰⁰ As a consequence rape cases may be settled through the exchange of women.²⁰¹

However, women or girls that were married through *baad*, are rarely respected, since she is linked to her male relative who committed the crime that she was exchanged for.²⁰² *Badal* is another form of forced marriage, in which the exchange of daughters or sisters as brides between different families or tribes takes place.²⁰³

In regards to child marriages, under the Civil Code in Afghanistan, the legal age for marriage is 16 years for girls and 18 years for boys. A girl younger than 16 years can get married with the consent of her father or through a (competent) court. However, the marriage of a girl who is younger than 15 years is not permissible.²⁰⁴ Nevertheless, child marriage remains common in Afghanistan.²⁰⁵

According to data - collected between 2000 and 2011 by the Afghan “Central Statistics Organisation” (CSO) and UNICEF²⁰⁶ - 20 percent of women between 15 and 19 years are already married. Furthermore, 15 percent of girls surveyed were married before the age of 15, and 46 percent were married before the age of 18. Education, wealth and the location of household in which a girl lives, play an important role in the context of child marriages.²⁰⁷ Thus, young women without education are more than three times as vulnerable to be married under the age of 18 as their counterparts,

who have secondary education or higher.²⁰⁸ Particularly in times of wars and severe insecurity the percentage of early marriage increases, based on the aspiration of parents to safeguard their daughter's honor against threats of rape or possible forced marriage to militia commanders.²⁰⁹

Under the EAW law those who arrange forced or underage marriages may be sentenced to imprisonment of minimum two years, but implementation remains limited.²¹⁰

In Afghanistan female mobility without male consent or male guardian is limited by social customs.²¹¹ Unaccompanied women are not commonly accepted in society.²¹²

As a last resort, in response to harmful practices and violence against women in Afghanistan, women run away from home or in drastic cases even self-immolate.²¹³

“Running Away”, “Moral Crimes” and Zina

Women and girls trying to escape domestic violence or forced marriage by running away often are treated as criminals rather than victims.²¹⁴ Legally, “running away” or “home escape” is not a crime under Afghan law. No provision in the Penal Code addresses the issue nor is it a crime under Sharia law.²¹⁵

Nevertheless, in instances, Afghan women and girls face punishment from families and local governing institutions for leaving home without permission.²¹⁶ Based on local interpretation of “running away” as a “moral crime”, often women who ran away ended up in prison.²¹⁷ These included even cases of women who running away from unlawful forced marriages or domestic violence, were charged with “moral crimes”.²¹⁸ “Moral Crimes” are vaguely defined.²¹⁹

The Supreme Court issued statements in 2010 and 2011 that “running away” should be handled as a crime whenever a woman flees to a “stranger” as opposed to a “relative” or “legal intimate”. In 2010 the court stated, that

running away from family or husbands, “could cause crimes like adultery and prostitution and is against Sharia principles” and governed that the act is prohibited and prosecutable based on discretionary punishment”. Further, the court called for girls and women confronted with abuse to refer their cases to judicial institutions and to the government rather than resorting to such personal actions.²²⁰

While several high-level Afghan government officials, including from the police and Justice Ministry, have recently publicly confirmed that “running away” is not a crime under Afghan law, such statements have yet to be translated into policy.²²¹

In April 2012 the Attorney General’s Office ordered a halt to arrests and convictions for “running away,” as it is not a crime under the law.²²² Some legal experts have indicated that a growing view that women and girls should not be charged with “running away” has merely resulted in a shift towards charging them with attempted zina (adultery).²²³ As such reports exist that some justice officials conflated running away with the intent to commit zina without taking into account the conditions that prompted the woman to leave her home.²²⁴

“Zina,” the term for adultery and other illicit sexual relations, is a criminal act under the penal code. Police and legal officials often charged women with intent to commit zina detained them upon the request of the family for social offenses such as running away from home, defying family choice of a spouse and fleeing domestic violence.²²⁵ Consequently family members track women down who ran away by accusing them of “zina”.²²⁶ Male members of the family – contended that their criminal behavior faces no scrutiny – may easily use these allegations as a weapon. They accuse or threaten to accuse women of committing zina. In cases like these, women have to undergo medical examinations causing serious harm to their reputation and credibility, even when charges are never proven.²²⁷

Statistics published by the Afghan Interior Ministry indicated that the number of women and girls who were detained for “moral crimes” in

Afghanistan increased to approximately 600 in May 2013 from 400 in October 2011, which indicates a 50 percent increase in a year and a half.²²⁸

However, since 2012, the Afghan government and its international partners have made some progress in addressing wrongful imprisonment of women and girls for “moral crimes”. Key officials have spoken out, at least on the illegality of “running away” prosecutions.²²⁹ E.g. in September 2012 three Afghan officials – one of them being the Minister of Justice – strongly condemned the wrongful imprisonment of women and girls on the charge of “running away”.²³⁰ Further, specialized units have made some progress in increasing enforcement of the EAW Law. There has been a small surge in the number of shelters, and there seems to be a growing awareness by police that many cases should be referred to a family court for resolution through marriage or divorce rather than being sent to prosecutors.²³¹

Suicide and self-immolation

In a drastic last resort, some women commit suicide to flee domestic violence or forced marriage.²³²

The Ministry of Women’s Affairs reported that in 2012 there were more than 171 cases of suicides as a result of domestic violence.²³³ It is assumed that the real figure is substantially higher. Most suicides simply are not registered because the families keep them secret since suicide, amongst other things, is a grave sin in Islam.²³⁴ 36 suicide attempts were registered with the Afghanistan Independent Human Rights Commission in four Northern provinces in 2012, 10 women survived.²³⁵ Reports indicate that in the – better developed - Northern Province of Balkh, suicide amongst young women is on the rise. One explanation is that women in their youth enjoy certain liberties, which – once grown up - makes it even harder for them to accept the still existing restrictions of these freedoms, such as forced marriages.²³⁶ A similar explanation is that women in cities tend to be more educated, have greater access to the media and therefore get to know other ways of living, which remain unattainable.²³⁷

One form of suicide is self-immolation.²³⁸ Treating doctors said that

disputes within the family, as well as poverty, forced marriages, drug addiction and underage marriage are major reasons and motives behind the decision to self-immolate.²³⁹ Many women – often burnt by fuel or cooking oil – refuse to speak about the reasons behind their drastic actions.²⁴⁰

During the evaluation period of the first half year in 2013 AIHRC registered 34 instances of self-immolation of women in Afghanistan.²⁴¹ Officials stated that in 2011, 88 cases of self-immolation of women (altogether there were 94 persons) were registered in Western Afghanistan.²⁴² Most cases in 2011 were clustered in the western Herat province, close to the border of Iran, where it also has been described as a more common means of committing suicide.²⁴³ However, in September 2013 the main hospital in Herat – also cited by an UNAMA report in 2013 - stated that the province has experienced a strong drop in the number of cases of self-immolation by women over the previous six months. The hospital manager believes that the reason for the decline is a raised level of awareness among the public, deriving from campaigns by national and international NGOs in support of relevant government organizations, in the city as well as far-flung districts.²⁴⁴

In 2011 the Afghan government launched a national media campaign to address the growing problem of self-immolation. The campaign addressed a range of issues of burn injuries from accidents, as well as issues of domestic violence and abuse that seem to prompt many attempted self-immolations.²⁴⁵

The French non-governmental organization HumaniTerra – which has established a presence in Afghanistan since 2002 – inaugurated the Herat Burn Centre in 2007. The center is a place of preventive medicine, care, post-traumatic after-care and treats 700 patients annually. It has become a national training center in 2009. The center is supervised by the Afghan Health Ministry. The Organization also led a self-immolation prevention campaign in the years from 2008 to 2011.²⁴⁶ A proposed Phase-II of the self-immolation prevention campaign was designed for 12 calendar months, to be carried out in Herat City. As partners, Voice of Women (VWO) and HumaniTerra International provided awareness to students, their parents,

teachers of two schools, and to the people coming to Herat Regional Hospital, Herat Burn Centre and Herat Maternity Hospital regarding the act of self-immolation and its disastrous consequences.²⁴⁷ In Kabul, the Istiqlal Hospital opened a specialized unit that treats women burn patients.²⁴⁸

Prosecution and support through the ERAW Law

In accordance with the ERAW law, women – who are victims of acts of violence – have the right under the law to seek help from the Department of Women’s Affairs (DoWA), Afghanistan’s Independent Human Rights Commission (AIHRC), the police or the prosecutor’s office. Dependent on the woman’s wish, the Department of Women’s Affairs (DoWAs), AIHRC and the Department of Huqooq [within the Ministry of Justice] frequently mediate or refer the woman to relevant services, such as a women’s shelter.²⁴⁹ These institutions attempt to find a solution by ways of mediation and dialogue.²⁵⁰

Lack of awareness of their legal rights and illiteracy reduced women’s ability to access justice.²⁵¹ A culture of under-reporting of violence against women in Afghanistan is present, which is partly nurtured by social norms preventing most Afghan women from approaching male police officers.²⁵² This results in a lack of prosecution as well as a culture of impunity.²⁵³

While implementation of the ERAW law remained weak, there were reports of successful prosecutions by the Violence Against Women (VAW) units.²⁵⁴

These specialized **VAW units** were inaugurated in 2010, by the Afghan Attorney General in cooperation with the International Law Organization (IDLO), situated within the Attorney General’s Office in Kabul.²⁵⁵ The unit’s prosecutors obtain special trainings on gender justice. Within the first year of establishment, the unit prosecuted approximately 300 cases, which involved assault or rape and the prosecutions doubled from the first to the last month of the initial year. A network of victim support services was established by the Kabul Unit, which included services like housing, health, and educational resources in order to facilitate their use by women and girls.²⁵⁶ Subsequently in April 2011 a second Specialized Violence Against

Women (VAW) Unit was established within the Appeal Prosecution Office in Herat province, with specialized prosecutors.²⁵⁷

During the year 2012, 1,352 complaints were brought to the Violence Against Women (VAW) prosecution units for crimes under the EVAW law. This indicates a significant increase over the 500 cases registered in the year 2011. Provincial directorates of women's affairs suggested that this reflected an increased awareness of women's rights more so than an increase in the incidences of violence against women. The greater part of complaints that were brought under the EVAW law was resolved through family mediation. The VAW unit in Kabul impeached 38 cases and obtained 28 convictions, with the remaining 10 cases resulting in acquittals.²⁵⁸

Nationwide 355 Female Response Unit investigators were operating out of 146 offices, which were primarily staffed by policewomen who addressed violence and crimes against women, children, and families. Female police officers are trained to help victims of domestic violence, however instructions to wait for the victims to reach out hinder them. Women serving in civilian and ANP positions in the MOI offered mediation and resources to prevent future domestic violence.²⁵⁹

Women's shelters

Women seeking help in cases of domestic violence often have to turn for help outside of their home and community. According to UNICEF, there were 14 women's shelters in 2012. Data showed that approximately 40 percent of the women in these shelters were under the age of 18.²⁶⁰

The number of shelters for women in Afghanistan has increased to a quantity of 18 in 2013, according to Human Rights Watch.²⁶¹ The U.S. Department of State acknowledged the presence of 21 formal and informal shelters. Since the expansion, which is due to international efforts, women's access to shelters has increased. In Kabul, also an increase in referrals from police to women's shelters was reported by NGOs, assumedly reflecting improved ANP training and awareness raising. However, there are not enough shelters for the actual number of women requiring assistance.²⁶²

Some of the 34 provinces in Afghanistan do not have a single shelter. It is the more conservative southern half of the country that does not have any shelters.²⁶³ Due to the lack of places in shelters, in some cases women were taken into protective custody (including a detention center) by police for their own protection. Women who could not be reunited with their families had to remain in shelters, because “unaccompanied” women are not commonly accepted in society.²⁶⁴

The shelters depend entirely on funding of international donors and governments.²⁶⁵ According to HRW the Afghan government has shown no interest in funding shelters through the government budget.²⁶⁶ However, in 2011 the Afghan Government announced to nationalize all shelters and bring them under the oversight of the Ministry of Women’s Affairs (MOWA). Human Rights NGOs worked with the Ministry to change the regulations and stop the proposed nationalization. Through a final shelter regulation, the MOWA is authorized to regulate all shelters, but allows NGOs to continue to run them.²⁶⁷

Societal attitudes toward shelters exist.²⁶⁸ In 2012, even the Minister of Justice, Habibullah Ghaleb, equated women’s shelters as houses of „prostitution and immorality“ provoking fierce condemnation from women’s groups.²⁶⁹ He later apologized for the remarks.²⁷⁰

Legal aid organizations in Afghanistan

It is important to note that there is a severe distinction in access to justice for women in the regards to ethnicity, urban/rural location, level of education and economic status. Gaining access to the formal justice system is largely deemed to be better in the urban areas, although, it is widely known that women have reduced access to both formal court and traditional conflict resolution systems.²⁷¹ Bearing in mind the high obstacles in women’s access to justice, some organizations, funded by international donors and/or international donor countries, nevertheless exist, as well as legal aid services supported by the Afghan Government.²⁷²

The **Legal Aid Organization of Afghanistan** - established in 2006 - provides, amongst other things, free family law services to women in addition to criminal legal aid.²⁷³

The *Legal Aid Department* was established in 1989 under the structure of the Supreme Court. The department aims to defend the rights of indigent suspects for free and ensures their access to justice. Since 2008 the Legal Aid Department has been under the guidance of the Ministry of Justice (MOJ).²⁷⁴ It operates in 24 provinces in Afghanistan, with the MOJ planning to establish more offices.²⁷⁵

Legal organizations mainly focusing on women are:

- In Kabul, Justice for All Organization (JFAO) is a pro-bono legal clinic, founded by judges, lawyers and prosecutors in March 2008; JFAO is a non-profit, non-political and non-governmental organization seeking to expand the rule of law and to promote access to justice for marginalized groups in Afghanistan, such as women, children and prisoners; sub-offices exist in Badakhshan, Balkh, Baghlan, Herat, Kunduz and Takhar.²⁷⁶
- Other NGOs providing legal aid to women are: The Institute of Destitute Accused (OIDA), Afghan Women Lawyers Organization (AWLO), Ahmad Aba Women's Association (AWE), Turkman Women Activists Rights Association (TWARA) and Badghis Social and Women Tailoring Association (BSWTA).²⁷⁷
- Examples of other general legal aid organizations are: Da Qanoon Gushtunky;²⁷⁸ Information Counseling and Legal Assistance (ICLA) programme;²⁷⁹ The International Legal Aid Foundation-Afghanistan (ILF-A)²⁸⁰

Health

Poverty, conflict, as well as slow economic and social progress are the reason for Afghanistan's startling health indicators:²⁸¹ In 2013, the World Health Organization (WHO) cited data from 2010 indicating a mortality rate of 460 per 100,000 live births.²⁸² In 2014, PLOS Medical, a medical magazine

stated that maternal mortality is still high (approximately 300–400 deaths per 100,000 births), but it has dropped by two-thirds since 2002.²⁸³ A larger fraction will suffer long-term consequences from giving birth.²⁸⁴

In 2010, only 15 percent of deliveries occurred in health facilities.²⁸⁵ Between 2010 and 2011, an estimated 34 - 39 percent of births were attended by skilled health personnel.²⁸⁶ The neonatal mortality rate was estimated by the UN Inter-Agency Group for Child Mortality Estimation (UN-IGME) to be at 36 per 1,000 live births in 2012, and the infant rate at 71. The female life expectancy at birth in 2010 was 61 years. In comparison, the male life expectancy at birth in Afghanistan was at 62 years in 2010.²⁸⁷

Human resource development lacks skilled health professionals at all levels of the health services, especially nurses, midwives, pharmacists, environmental hygienists and a severe absence of female health workers in the remote areas of the country. The main challenge is evident - insufficient deployment of female health workers as numerous cultural restrictions on women hinder their ability to work.²⁸⁸

As a response to overcome the shortage in skilled health professionals, the Afghan Government in 2002 established the midwifery education program, allowing for the development of a professional health care for women. The program recognized the gender implications of residential schooling in society. Families and village elders were ensured that strict rules and security were set up and that it was therefore acceptable for these young females to live together in the provincial capitals. In 2008 32 provinces had midwifery schools.²⁸⁹ The number of midwifery schools increased from 5 in 2003 to 33 in 2010.²⁹⁰

After the fall of the Taliban regime, the Afghan Ministry of Public Health (MoPH), funded by USAID and other donors, commenced a wide-ranging overhaul of the health care system to improve the dire health situation in Afghanistan. The program included guaranteeing that women and families receive a basic package of health services (BPHS) at primary health care facilities throughout the country:

- More than 3,000 midwives throughout Afghanistan have been supported by various donors including USAID
- The training of 17,377 health care workers, supervisors, faculty and MoPH staff in 28 areas of service delivery - ranging from emergency obstetric and newborn care to mental health to family planning - was conducted
- Establishment of the national community health nursing education program in order to meet critical shortages of nurses in rural areas
- Support of organizational growth and technical expertise of the Afghan Midwives Association (AMA), as well as the Afghan Society of Obstetricians and Gynecologists (AFSOG)²⁹¹
- Supported of midwifery schools, which have trained 1,695 new midwives, of which 88 percent have been deployed to their communities²⁹²

To name one example for an international midwife training, in September 2011 an advanced training program for 31 experienced Afghan midwives was conducted in Egypt. The training was sponsored by USAID, the Afghan Ministry of Public Health and the Egyptian Government.²⁹³

Another aspect is the distance to health clinics and facilities. According to a case study conducted by UNICEF, families stated the absence of transportation, distance to services, insecure travel conditions, along with the inability to afford transport or care, as obstacles. UNICEF also found that health care knowledge among women impacted on their decision to seek care: in Ragh – rural Afghanistan – only 30 percent of families sought care, while 72 percent did so in the capital Kabul. The Ministry of Public Health responded by developing a national strategy to increase the quantity of qualified skilled birth attendants and emergency obstetric care facilities, as well as the employment of community health workers to create a link between the health system and rural communities. Also, six maternity waiting homes (MWH) were constructed by UNICEF and the Ministry of Public Health in the rural areas of Afghanistan – in the provinces of Kandahar, Badakhshan, Laghman, Kunar Herat, and Bamyān – and they took up work in 2009. Each one of the MWH is able to accommodate ten women and their newborns

and is staffed with two midwives.²⁹⁴

In December 2013 the Afghan Ministry of Public Health along with its UN partners announced the introduction of two action plans to further reduce maternal, neonatal and child deaths in the country: the Reproductive, Maternal, Neonatal and Child Health Plan and the Every Newborn Action Plan. Both plans were established by the Reproductive and Child Health Departments of the Ministry of Public Health and its partners, aiming at the achievement of a 10 percent surge in access to crucial reproductive, maternal, newborn and child health services by people living in Afghanistan's most underserved and underprivileged areas.²⁹⁵

Afghan women as main political actors

Women comprise more than half of Afghanistan's population (approximately 55 percent) and in the past decade, their participation in politics has increased. This development has consistently been held up as a major achievement for women's rights since the fall of the Taliban.²⁹⁶

As of September 2013 there were 68 women members in the parliament's Lower House, 28 women senators in the Upper House, one female governor, a female director of the Human Rights Commission, a female director of the Red Crescent, and nine women were members of the High Peace Council,²⁹⁷ which is composed of 70 seats. Three cabinet-level positions were occupied by female ministers - Public Health, Social Affairs, and Women's Affairs. Due to the implementation of the constitutionally mandated quota system, more than 30 percent of Provincial Council members are women.²⁹⁸ Like in many other regards, women's participation varied from one region to another.²⁹⁹ In the Provincial Council in Balkh, to name one example, five of the 19 members are women.³⁰⁰

Regarding the representation in parliament, in the year 2013, women held 27.2 percent of the seats in parliament.³⁰¹ Since 2006, the percentage has been consistently between 27.3 - 27.7 percent. In comparison, the female parliamentarians' ratio was at 3.7 percent in the year 1990.³⁰²

Afghanistan ranks amongst the top 30 countries in the world with the highest representation of women in the Parliament.³⁰³ Nevertheless, traditional societal practices, including the need for male escorts or permission to work, which limit women's participation in politics and activities outside their home community, continue. These likely influence the central government's male-dominated composition.³⁰⁴

Reports also indicate that the female members of the High Peace Council were marginalized by their male counterparts, banned from participating in initial contacts with representatives from the Taliban or other insurgent groups, and largely excluded from pertinent decision-making processes.³⁰⁵

In May 2012, the Afghan Upper House of parliament quietly removed an electoral law that stipulated that a quarter of all Provincial Council seats should be allotted to women. Female politicians detected this and fought to have the bill recalled. In July 2012, the Lower House reinstated the law, however lowered the allotment to 20 percent. Many worried that this, combined with then recent deadly attacks on female politicians, threatens women's participation – both as voters and potential candidates – in the 2014 presidential and parliamentary elections.³⁰⁶

Women who are active in public life face threats, violence and were the targets of attacks by the Taliban and other insurgent groups. According to reports, most female MPs experienced some type of threat or intimidation; and many believed that the state could not or would not protect them.³⁰⁷ Most notably in 2013, troubling developments for women's rights were visible, with more attacks on, and killings of high-profile female government and police officials.³⁰⁸ On the other hand, it should also be mentioned that men who encourage women to advance their professional careers or who support political rights exist.³⁰⁹ For example, in 2012 women and men were protesting in Kabul together against the execution of a woman on charges of adultery by the Taliban in Qimchok, Parwan Province.³¹⁰

Historically, there have been famous Afghan female leaders such as Nazoo Anaa, who is considered to be the mother of Afghan nationalism, or

Bibi Ayesha, the female “warlord”, who led men against both the Soviets and the Taliban.³¹¹

Current examples of exceptional women in Afghanistan’s politics or state administration can be found and some names should be mentioned here:

- Khadija Ghaznawi - who owns a logistics company and runs a peace campaign group - was one of 17 presidential candidates culled from an initial list of 27 who had registered for Afghanistan’s April presidential election when Hamid Karzai is due to step down. In October 2013 she was disqualified and is not one of the remaining 10 nominees for the post of president.³¹²
- Colonel Jamila Bayaz – who was appointed in January 2014 as district police chief of Kabul’s District 1. It is for the first time in Afghanistan that a woman has been appointed as district police chief.³¹³
- MP Fariba Ahmadi Kakar, after previously working as a teacher, was elected in 2005 as an independent member of the Lower House for the Kandahar province as one of 69 female deputies in the 249-seat chamber. She was subsequently reelected for the MP position in 2010.³¹⁴ In August 2013 she, along with her children, was abducted at gunpoint by insurgents in the central province of Ghazni. After a month she was reportedly freed in exchange for five Taliban fighters.³¹⁵
- Lieutenant Bibi Islam has been portrayed since 2010 as a rising star of the ANP. Up until her death, she was considered the most senior policewoman in her home-province of Helmand. She was gunned down by unknown assassins on her way to work in July 2013.³¹⁶ Only two months later her successor - Lieutenant Nigara - was also killed under similar circumstances.³¹⁷
- In 2005, Habiba Sarobi was the first female to be appointed as a governor by President Hamid Karzai.³¹⁸

Women’s participation in political life – as voters, candidates, and leaders - will help to ensure that their grievances are heard and interests are secured in the long term. Progress has been made however modest it

might appear.³²⁰

The AREU sums it up perfectly: “*While gender-specific norms are among the most pervasive and resistant to change in any society, change is happening*”.³²¹

Nevertheless, the question remains whether this progress can be sustained in face of the withdrawal of international forces, with security taken over by the ANSF.³²² In order to expand and sustain improvements made in gender equality and women’s rights, it will be imperative to proactively reach out to rural citizens of Afghanistan – both men and women.³²³

Dina Latek is an Afghanistan analyst in the Country of Origin Information Unit of the Austrian Federal Office for Immigration and Asylum.

Annex

Women's Organizations in Afghanistan

The fall of the Taliban created an increase of opportunities for women and girls to obtain education, as well as participating in public life. Since 2001 plenty of organizations fighting for women's rights and development have been founded. According to a USAID report in mid-2012 45 percent of civil society organizations assist women, compared to 18 percent in 2005. These women and women's rights groups have been demanding, but also receiving, substantial improvements and access to public services. A few organizations worth mentioning will be listed here:

- The **Revolutionary Association of the Women of Afghanistan (RAWA)**, founded in 1977, is considered to be the oldest political and social organization in Afghanistan.³²⁷ Initially an underground organization, it is now a humanitarian organization, which continuously fights domestic and international oppression of Afghans.³²⁸
- **Afghanistan Women Council (AWC)** is a non-governmental organization established in 1986 in Peshawar, Pakistan, aiming at initially supporting female Afghan refugees there.³²⁹ Nowadays, located in Afghanistan, it aims at promoting human rights as well as the rights of women and children, peace building, gender and democracy.³³⁰
- **United Nations Assistance Mission in Afghanistan (UNAMA)** - established in 2002 by the United Nation Security Council - is a political mission with the aim of assisting in laying sustainable peace and development in the country.³³¹
- **The Afghan Independent Human Rights Commission (AIHRC)** - established in 2002 in accordance with the provisions of the Bonn Agreement³³² - was enshrined in Article 58 of the 2004 Afghan Constitution. Therefore it is a national institution in the within the Afghan administration. However, it functions independently and within the legal framework.³³³ The current chairperson is a woman: Dr. Sima Samar.³³⁴

- 1 Asharq al-Awsat (22.4.2009)
2 Time (19.7.2012)
3 Pax Populi (12.3.2013)
4 Amnesty International UK (25.10.2013) (Hereinafter AI UK) and Asia Research Centre (2003/2004)
5 AI UK (25.10.2013) and US Department of State (17.11.2001) (Hereinafter USDOS)
6 AI UK (25.10.2013) and Asia Research Centre (2003/2004)
7 United Nations Assistance Mission in Afghanistan (2009) (Hereinafter UNAMA)
8 AI UK (25.10.2013)
9 The Bonn Agreement is an agreement on Provisional Arrangements in Afghanistan Pending the
Re-establishment of Permanent Government Institutions. United Nations Peacemaker (5.12.2013)
and United Nations Security Council (5.12.201)
10 Congressional Research Service (22.11.2013) (Hereinafter CRS) and CRS (17.01.2014)
11 Advocacy International (12.2010) (Hereinafter AI)
12 Human Rights Watch (3.2012) (hereinafter HRW)
13 The EVAW law was initially approved by presidential decree in 2009. However in May 2013 it was
rejected by parliament, as it was considered to be "un-Islamic". Further explanation will be given in
chapter
14 United Nations Treaty Collection (13.11.2013) (hereinafter UNTC)
15 AI (12.2010)
16 United Nations Treaty Collection (13.11.2013) (hereinafter UNTC)
17 AI (12.2010); United Nations Committee on the Elimination of Discrimination Against Women (CEDAW)
(23.7.2013) (Hereinafter UN CEDAW)
18 The EVAW law was initially approved by presidential decree in 2009. However in May 2013 it was
rejected by parliament, as it was considered to be "un-Islamic". Further explanation will be given in
chapter
19 HRW (3.2012)
20 Afghanistan Research and Evaluation Unit (3.2012) (Hereinafter AREU) and UNAMA (2009)
21 AI UK (25.10.2013) and UNAMA (2009)
22 HRW (3.2013)
23 UN CEDAW (23.7.2013)
24 Cordaid (11.2013)
25 MoJ (2004)
26 United States Institute of Peace (3.2004) (Hereinafter USIP)
27 Finkelman, Andrew in The Fletcher School Online Journal for issues related to Southwest Asia and
Islamic
Civilization (Spring 2005) (2) (Hereinafter Finkelman)
28 Finkelman (Spring 2005) and United Nation Public Administration Network (2004) (Hereinafter UN
PAN)
29 USDOS (19.4.2013)
30 Schoiswohl, Michael in Int J Constitutional Law (10.2006) 4 (4) (Hereinafter Schoiswohl)
31 USDOS (19.4.2013)
32 USIP (21.12.2011); the same number is used by USDOS (19.4.2013)
33 Brick, Jennifer (09.2008)
34 USIP (21.12.2011);
35 USDOS (19.4.2013)
36 Schoiswohl (10.2006) and Brick, Jennifer (09.2008)
34 USDOS (19.4.2013)
38 USDOS (19.4.2013)
39 AREU (7.2013)
40 United Nations News Centre (20.5.2013) (Hereinafter UNNC)
41 Open Democracy (29.11.2013)
42 UNNC (20.5.2013)
43 Open Democracy (29.11.2013)
44 Medica Afghanistan (9.6.2013)
45 USDOS (19.4.2013)
46 HRW (7.1.2014)
47 Open Democracy (29.11.2013)
48 AREU (7.2013)

- 49 Open Democracy (29.11.2013)
 50 Open Democracy (29.11.2013)
 51 Medica Afghanistan (9.6.2013)
 52 Open Democracy (29.11.2013)
 53 UNNC (20.5.2013), Reuters (18.5.2013) and Feminist Majority Foundation Blog (20.5.2013)
 54 Open Democracy (29.11.2013)
 55 UNAMA (8.12.2013)
 56 AREU (9.2013)
 57 AREU 2010
 58 USDOS (19.4.2013)
 59 Human Rights Watch (14.4.2009)
 60 USDOS (19.4.2013)
 61 Opendemocracy (29.11.2013)
 62 RAWA (16.4.2009)
 63 RAWA (16.4.2009)
 64 Lauer, Sabrina (10.2012)
 65 Washington Post (11.2.2014) (Hereinafter WP)
 66 Human Rights Watch (4.2.2014) (Hereinafter HRW)
 67 WP (11.2.2014)
 68 DW (7.2.2014)
 69 WP (11.2.2014)
 70 (HRW 4.2.2014)
 71 University of Notre Dame (8.2012)
 72 USDOS (19.4.2013)
 73 World Bank (11.2012) (Hereinafter WB)
 74 AREU (7.2013)
 75 Institute for Development Studies (12.2011) (Hereinafter IDS)
 76 WB (11.2012)
 77 IDS (12.2011)
 78 Neue Züricher Zeitung (6.2.2014) (Hereinafter NZZ)
 79 World Post (4.9.2012) and AREU (7.2013)
 80 IDS (12.2011)
 81 AREU (7.2013)
 82 University of Notre Dame (8.2012)
 83 HRW (4.3.2012)
 84 IPS (17.5.2013)
 85 HRW (25.4.2013)
 86 WB (2012)
 87 AREU (7.2013)
 88 University of Notre Dame (8.2012); Islamic Republic of Afghanistan Ministry of Education (2011) and CSO (2011)
 89 Cordaid (11.2013)
 90 Advocacy International (12.2010)
 91 Civil-Military Fusion Centre (2.2012)
 92 Inter Press Service News Agency (17.5.2013)
 93 University of Montana (4.4.2012)
 94 ILO (5.2012)
 95 AREU (7.2013)
 96 International Labour Organization (5.2012) (Hereinafter ILO)
 97 AREU (7.2013)
 98 AREU (7.2013)
 99 AREU (7.2013)
 100 AREU (7.2013)
 101 ILO (12.2012)
 102 IDRC (2012/1)
 103 AREU (7.2013)
 104 Rizvi, Zaigham M. (6.10.2013)
 105 In 2010 the number of individual depositors went up from 37,342 in 2009 to 57,841.

- 106 Aga Khan Agency for Microfinance (2010)
 107 Rizvi, Zaigham M. (6.10.2013)
 108 WB (22.8.2012)
 109 AREU (7.2013)
 110 IFAD (2014)
 111 Foreign Affairs, Trade and Development Canada (11.2.2014)
 112 OXFAM International (10.9.2013)
 113 United Nations Development Programme (2013) (Hereinafter UNDP)
 114 Crisisgroup (14.10.2013) and OXFAM (10.9.2013)
 115 HRW (25.4.2013)
 116 OXFAM (10.9.2013)
 117 UNDP (6.2013)
 118 OXFAM (10.9.2013) and HRW (25.4.2013)
 119 United Nations General Assembly und Security Council (6.12.2013)
 120 BBC News (27.10.2013)
 121 BBC News (28.1.2014)
 122 BBC News (18.6.2013)
 123 BBC News (18.6.2013)
 124 UNDP (6.2013)
 125 UNDP (6.2013)
 126 Description: LEAP has established literacy training materials, which are being provided in pre-service and in-service training modules to 500 police literacy facilitators in 19 provinces by 24 Master Trainers. This technical expertise meant to be literacy materials specific for patrolmen/women and non-commissioned officers. Currently, LEAP is supporting the Afghan Police Literacy Program by providing Monthly Newsletter and Quarterly Magazine. LEAP has also been helping the Literacy Department of Ministry of Interior in long term institutional capacity building in quality police literacy; Source: UNESCO (29.11.2013)
 127 UNDP (6.2013)
 128 Crisisgroup (14.10.2013)
 129 HRW (25.4.2013)
 130 HRW (25.4.2013)
 131 New York Times (16.9.2013)
 132 United Nations General Assembly und Security Council (6.12.2013)
 133 Crisisgroup (14.10.2013)
 134 UNDP (6.2013)
 135 United Nations Educational, Scientific and Cultural Organization (21.7.2008) (Hereinafter UNESCO)
 136 United Nation Public Administration Network (2004) (Hereinafter UNPAN)
 137 United Nations Girls Education Initiative (2011) (Hereinafter UNGEI)
 138 Chronic Poverty Research Centre (2010)
 139 Islamic Republic of Afghanistan Ministry of Education (2011)(Hereinafter MoE)
 140 Central Statistics Organization (2011) (hereinafter CSO)
 141 University of Notre Dame (8.2012)
 142 AREU (7.2013)
 143 NZZ (6.2.2014)
 144 AREU (7.2013)
 145 CSO (2011)
 146 AREU (7.2013)
 147 CSO (2011)
 148 MoE (2011)
 149 University of Notre Dame (8.2012) and CSO (2011)
 150 World Bank (26.7.2013) (Hereinafter WB)
 151 AREU (7.2013)
 152 HRW (3.2013)
 153 Asia Foundation (11.2011) (Hereinafter AF) and Reuters (21.4.2013)
 154 Reuters (17.4.2013)
 155 Daily Mail Online (22.4.2013)and Policy Mic (21.4.2013) (Hereinafter Policy Mic)
 156 Reuters (21.4.2013)
 157 Reuters (21.4.2013)

- 158 Policy Mic (21.4.2013)
 159 Index Mundi (21.02.2013)
 160 UNAMA (25.10.2013)
 161 UNAMA (08.09.2013)
 162 USAID (18.12.2013)
 163 USAID (8.9.2013)
 164 ACTED (no date)
 165 UNGEI (09.2012)
 166 UNESCO (29.11.2013)
 167 USAID(8.9.2013)
 168 UNESCO (2008) and MoE (8.12.2013)
 169 MoE (8.12.2013)
 170 UNESCO (22.10.2013)
 171 IIP – United States Department of State (29.1.2013)
 172 Skateistan (2013)
 173 Afghanistan Independent Human Rights Commission (25.11.2013) (Hereinafter AIHRC)
 174 AIHRC (2012)
 175 HRW (4.9.2013); University of Notre Dame (8.2012) and GR (3.2008)
 176 AIHRC (25.11.2013)
 177 AIHRC (25.11.2013)
 178 Economic violence: prevention from work and employment, misappropriation of salary and wage, sale of personal property or jewelry, deprivation from right to heritage, lack of provision of alimony, lack of authority on family expenditures and others. AIHRC (25.11.2013)
 179 AIHRC (25.11.2013)
 180 USDOS (19.4.2013)
 181 Reuters (10.6.2013)
 182 UN High Commissioner for Refugees (6.2013) (Hereinafter UNHCR)
 183 University of Montana (4.4.2012)
 184 University of Montana (4.4.2012)
 185 AIHRC (25.11.2013)
 186 Revolutionary Association of the Women of Afghanistan (10.6.2013) (Hereinafter RAWA) and Reuters (10.6.2013)
 187 RAWA (10.6.2013) and Reuters (10.6.2013)
 188 RAWA (10.6.2013)
 189 Office of the United Nations High Commissioner for Human Rights (8.7.2009) (Hereinafter OHCHR)
 190 OHCHR (8.7.2009)
 191 HRW (10.2.2013)
 192 USDOS 19.4.2013
 193 USDOS 19.4.2013
 194 HRW (12.2009)
 195 Medica Afghanistan (9.6.2013)
 196 USIP (21.11.2011) and HRW (3.2012)
 197 USIP (14.6.2013)
 198 USIP (21.12.2011)
 199 USIP (14.6.2013)
 200 UNAMA (8.12.2013)
 201 HRW (12.2009)
 202 UNAMA (9.12.2010)
 203 UNAMA (8.12.2013)
 204 Asian Legal Information Institute (2006) and USDOS (19.4.2013)
 205 HRW (4.9.2013)
 206 CSO & UNICEF (1.2013)
 207 United Nations Population Fund (2012) (Hereinafter UNFPA)
 208 CSO & UNICEF (1.2013)
 209 University of Notre Dame (8.2012)
 210 USDOS (19.4.2013)
 211 USDOS (19.4.2013)
 212 USDOS (19.4.2013)

- 213 University of Notre Dame (8.12.2012); UNAMA (8.12.2013) and UNAMA (9.12.2010)
 214 Human Rights Watch (31.1.2013)
 215 UNAMA (12.2012); see also HRW (21.5.2013)
 216 HRW (29.3.2012)
 217 USDOS (19.4.2013)
 218 HRW (21.5.2013)
 219 HRW (3.2012)
 220 HRW (29.3.2012)
 221 HRW 21.5.2013
 222 USDOS (19.4.2013)
 223 HRW 21.5.2013; see also USDOS (19.4.2013)
 224 USDOS see also UNAMA (12.2012)
 225 USDOS (19.4.2013); see also HRW (3.2012)
 226 HRW (3.2012)
 227 HRW (3.2012)
 228 HRW (21.5.2013)
 229 HRW (21.5.2013)
 230 UNNC (3.10.2012)
 231 HRW (21.5.2013)
 232 Child Victims of War (7.2012); see also University of Notre Dame (8.12.2012)
 233 USDOS (19.4.2013)
 234 Deutsche Welle (18.4.2013) (Hereinafter DW)
 235 DW (18.4.2013)
 236 NZZ (6.2.2014)
 237 RAWA (19.4.2013)
 238 BBC News (6.9.2011)
 239 RAWA (28.3.2012)
 240 RAWA (28.3.2012)
 241 AIHRC (25.11.2013)
 242 RAWA (28.3.2012)
 243 BBC News (6.9.2011)
 244 UNAMA (11.9.2013) and Reliefweb (15.9.2013)
 245 BBC (6.9.2011)
 246 Humani Terra (2009)
 247 Voice of Women Organization (2013)
 248 University of Notre Dame (8.2012)
 249 UNAMA (8.12.2013)
 250 UNAMA (8.12.2013) and UNAMA (11.2011)
 251 USDOS (19.4.2013)
 252 Crisisgroup (14.10.2013) and OXFAM (10.9.2013)
 253 OXFAM (10.9.2013)
 254 USDOS (19.4.2013)
 255 UN Women (11.2011) and International Development Law Organization (no date) (Hereinafter IDLO)
 256 UN Women (11.2011)
 257 IDLO (13.4.2011)
 258 USDOS (19.4.2013)
 259 USDOS (19.4.2013)
 260 United Nations International Children's Emergency Fund (25.5.2012) (Hereinafter UNICEF)
 261 HRW (21.5.2013)
 262 USDOS 19.4.2013
 263 HRW (21.5.2013)
 264 USDOS (19.4.2013)
 265 Human Rights Watch (1.7.2014); HRW (21.5.2013) and Canadian Women for Women in Afghanistan
 (2.2.2013)
 266 HRW (21.5.2013)
 267 USDOS (19.4.2013)
 268 USDOS 19.4.2013

- 269 Die Welt (20.6.2012); Women's UN Report Program & Network (21.6.2012) (Hereinafter WUNRN) and
 Aljazeera (18.5.2013)
- 270 USDOS 19.4.2013
- 271 Nordic Consulting Group (28.4.2011)
- 272 See e.g. UNAMA (8.12.2013)
- 273 Afghan Analyst Network (17.4.2012) (Hereinafter AAN) and Legal Aid Organization (2013)
- 274 MOJ (2013)
- 275 EUPOL Afghanistan (7.2012)
- 276 Justice for All Organization (2014) and Open Society Foundation (30.5.2013)
- 277 USAID (2013)
- 278 A coalition funded by the government, provides criminal defence counsel services in Logar and
 criminal defense counsel offices in Maidan, Herat, Wardak and Jalalabad, and has offices in Kabul,
 Heart, Kabul and Jalalabad consisting of 31 lawyers and were extending their services in 2007 to
 neighboring provinces
 Source: UNAMA (8.12.2013) see also EUPOL Afghanistan (7.2012); UNAMA (2007)
- 279 Founded by the Norwegian Refugee Council the is operating since 2003 in Afghanistan with seven
 field locations, and Legal Assistance Centres (ILACs) in Kabul, Maimana, Mazar, Kunduz, Jalalabad,
 Bamian, and Herat; approximately 85 lawyers are employed by the ILAC. The NRC registered 2,375
 legal cases and 3,200 information cases of which 750 and 1,495 were respectively solved. Approxi-
 mately 20 percent of cases were related to family, financial, and water rights issues amongst others.
 The NRC counts family, financial, and water rights issues under one aspect
 Source: Nordic Consulting Group (28.4.2011)
- 280 Countrywide public defender organization was established in 2003 and has since then offered free
 criminal defense services to Afghanistan's poor, and is considered to be a non-governmental organiza-
 tion; the organization has 5 offices in Afghanistan, Balkh, Kabul, Helmand, Herat and Nangarhar
 Source: ILF (2011)
- 281 World Bank (5.2013)
- 282 WHO 5.2013
- 283 PLOS Medical (6.1.2014)
- 284 WB (2012)
- 285 World Health Organization (2013) (Hereinafter WHO)
- 286 WHO (2013) and WHO Secretariat Countdown to 2015 (5.2013)
- 287 World Health Organization (2013)
- 288 World Health Organization (5.2013)
- 289 United Nations Population Fund (2011)
- 290 UNFPA (6.2011)
- 291 United States Agency for International Development (19.09.2012) (Hereinafter USAID) and USAID
 (1.2013)
- 292 Jhpiego (2013)
- 293 This program is also worth mentioning, since in a strongly conservative country, this was their first
 time traveling for longer without a male companion, as it was for many of the midwives; USAID
 (25.9.2011)
- 294 United Nations International Children's Emergency Fund (8.2013)
- 295 World Health Organization (8.12.2013):
- 296 Asia Foundation (18.9.2013) (Hereinafter AF)
- 297 AF (18.9.2013); according to a source as of February 2014, there were 68 female MPs in the Afghan
 parliament; Deutsche Welle (7.2.2014)
- 298 USDOS (19.4.2013); see also AF (18.9.2013)
- 299 Civil-Military Fusion Centre (2.2012)
- 300 NZZ (6.2.2014)
- 301 United Nations Statistics Division (1.7.2013)
- 302 United Nations Data (10.12.2013)
- 303 Open Democracy (14.10.2013)
- 304 USDOS (19.4.2013)
- 305 USDOS (19.4.2013)
- 306 AF (18.9.2013)
- 307 USDOS (19.4.2013)
- 308 HRW (4.2.2014)

- 309 MEI (23.4.2012)
310 AREU (7.2013)
311 Middle East Institute (23.4.2012) (Hereinafter MEI)
312 Time (24.10.2013) and The Telegraph (25.10.2013)
313 Radio Free Liberty (14.1.2014)
314 Afghan Bios (2.10.2013)
315 BBC News (8.9.2013)
316 Reuters (4.7.2013) and BBC News (4.7.2013)
317 New York Times (15.9.2013) and Aljazeera America (16.9.2013)
318 Aljazeera (21.2.2013)
319 AF (18.9.2013)
320 Afghanistan Expert – working for an International Organization in Kabul (6.12.2013): Personal Inter
view. Via Skype.
321 AREU (9.2013)
322 Cordaid (11.2013)
323 AREU (9.2013)
324 Devex (23.10.2013)
325 USAID (19.6.2012)
326 Cordaid (11.2013)
327 RAWA (2014)
328 Berkeley Journal of Gender, Law & Justice Volume 17, Issue 1 (2013)
329 United Nations Office for Drugs and Crimes (2014)
330 Afghanistan Women Council (2009)
331 UNAMA (14.1.2014)
332 AIHRC (6.6.2002)
333 AIHRC (12.2011)
334 Afghan Analyst Network (20.9.2013)

Abbreviations

AAN	Afghan Analyst Network
AI	Amnesty International
AIHRC	Afghanistan Independent Human Rights Commission
ANP	Afghan National Police
ANSF	Afghan National Security Forces
CRS	Congressional Research Service
EUPOL	European Union Police Mission
HRW	Human Rights Watch
IDLO	International Development Law Organization
ILO	International Labour Organization
IWP	United States Institute for War and Peace
MoHRA	Ministry of Hajj and Religious Affairs
MOJ	Afghan Ministry of Justice
OHCHR	United Nations Office of the High Commissioner for Human Rights
RAWA	Revolutionary Association of the Women of Afghanistan
UNHCR	United Nations High Commissioner for Refugees
UNAMA	United Nations Assistance Mission in Afghanistan
UNODC	United Nations Office for Drugs and Crimes
UNNC	United Nations News Centre
UN WOMEN	United Nations Entity for gender equality and the empowerment of women
USAID	United States Agency for International Development
USDOS	United States Department of State
USIP	United States Institute of Peace
WB	The World Bank

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Migration from Afghanistan to Europe: A Statistical Overview

Martin Hofmann & David Reichel

Introduction

This chapter provides a quantitative analysis of migration flows from Afghanistan to Europe from 2002 to 2012. The analysis uses available migration statistics provided by Eurostat, UNHCR, OECD and national statistical authorities and draws conclusions on basis of the data they provide. It does not aim to provide underlying and more in-depth explanations for the observed quantitative trends but tries to describe the main migration patterns, to examine if and how Afghan migration to the EU has changed over time, and to carefully assess whether major changes can be expected in the future.

International migration and asylum statistics are not yet fully harmonised, neither at the European nor the global level. Statistics on migration from Afghanistan are not fully comprehensive or comparable, however, the available data allows for identifying and describing the main quantitative developments and trends. The analysis is restricted to countries and time periods for which comparable data is available. Since data collection practices have changed over time and – more importantly – vary from country to country, there is no guarantee of full comparability of data. However, many efforts have been made at the level of the European Union in the past years significantly improving the quality of data in terms of comprehensiveness and comparability. The available data allows for a basic assessment of migration from Afghanistan to Europe. Taking into account the still existing limitations in available migration statistics, it has to be emphasised that the provided figures should be perceived as indicators for certain trends and developments rather than giving a fully accurate analysis of the situation in quantitative terms.

Taking into account its significance, the first section presents main trends regarding flight migration and asylum seekers from Afghanistan, the related quantitative developments, and the most important European destination countries. The second section presents main trends regarding immigration other than asylum, describes the main types of residence permits issued to Afghan nationals, and discusses the issue of acquisition of citizenship. The final section briefly outlines the main trends concerning irregular migration and return.

The conflict in Afghanistan and its impact on migration from Afghanistan to Europe

The beginning of the Afghanistan crisis in 1978 and the Soviet military campaign in 1979 set in motion massive flight movements of Afghan nationals to neighbouring countries and other regions of the world. It has devastated the country not only in terms of armed conflict but also caused social unrest, catastrophic economic prospects, major food shortages and large-scale internal displacement; all of them affecting Afghans over generations. Afghans represent the most important conflict diaspora on a global scale and Afghanistan has remained the most important country of origin of refugees for 32 consecutive years.

According to UNHCR estimates, a total of 2.6 million Afghans were considered refugees living outside their home country in 2012; another 500,000 were estimated to be Internally Displaced Persons. At the same time, UNHCR calculates that more than 5.7 million Afghans have returned to their home country since 2002, mostly from the main host countries in the region, Pakistan and Iran. Thus, the security situation in these countries and economic prospects for the Afghan diaspora will continue to influence the scale of return migration to Afghanistan but also the likelihood of Afghans trying to move further abroad.¹

Flight migration from Afghanistan

Migration from Afghanistan to Europe started following the onset of the

crisis in 1978/1979. From the beginning it had to be characterised as flight migration more than anything else, with other types of migration being of only minor importance. This pattern has remained until present, notwithstanding the fact that - statistically speaking - other types of migration have gained in importance over the years. There are considerable Afghan communities registered in European Union Member States and the levels of immigration (other than applications for asylum) have been rising, but as an analysis of residence permits reveals, they mainly refer to family reasons, refugee status and subsidiary protection. Residence permits issued on the grounds of “education” or “remunerated activities“ are almost non-existent and it can be assumed that family migration will mainly refer to family members of recognised refugees.

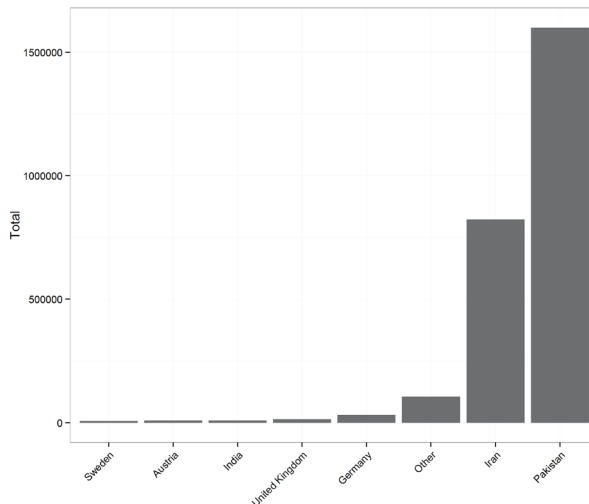
Estimated refugee population

UNHCR estimates the global refugee population on an annual basis. By the end of 2012 the global number of refugees was estimated at 10.5 million. With a total of 2.6 million almost 25% of these refugees originated from Afghanistan, making it the most important country of origin of refugees also in 2012, a rank it holds since more than 30 years. Almost 10% of the total Afghan population are estimated to be refugees located outside their home country. Somalia (1.1 million refugees), Iraq (746,200) and Syria (647,000) follow suit as the most important countries of origin of refugees globally.

Thus, flight migration from Afghanistan above all continues to be a regional challenge. 95% of the Afghan refugees are hosted in Pakistan (app. 1.6 million or 61.5% of the overall Afghan refugee population) and Iran (app. 824,000 or 31.7%). Both host countries have been the main destinations for Afghan refugees since the beginning of the exodus from the country in 1979. The Afghan refugee population is not static, according to UNHCR more than 5.7 million Afghan refugees have returned to their home country since 2002.

Important host countries outside the region are Germany with a total of app. 31,700 Afghan refugees, the United Kingdom with a total of app.

14,425, India with a total of app. 9,200, Austria with a total of 8,600 and Sweden with a total of app. 6,600. „Important“, however, is a relative term in this context. The respective estimated share of host countries, other than Pakistan and Iran, among the global Afghan refugee population is between 0.2% and 1.2%. Despite of the fact that Afghan citizens represented the most important nationality of asylum seekers in the EU in 2012, it has to be stated that the overwhelming majority of Afghan refugees stay in the neighboring countries Pakistan and Iran and only a very small share of them manage to reach Europe or other more distant destinations. The long-term patterns in Afghan flight migration – huge potential, large refugee populations, concentration in the region with small international spill-over, considerable return migration – together with the volatile security situation in Afghanistan but also in the main receiving countries make it hard to predict how the annual flows to Europe will develop in quantitative terms. Based on the long-term trend it is not to be expected that the observed migration patterns undergo fundamental changes. However and taking into account the huge overall number of Afghan refugees, even a small change in these patterns might have a significant impact on the numbers of Afghans arriving in Europe.



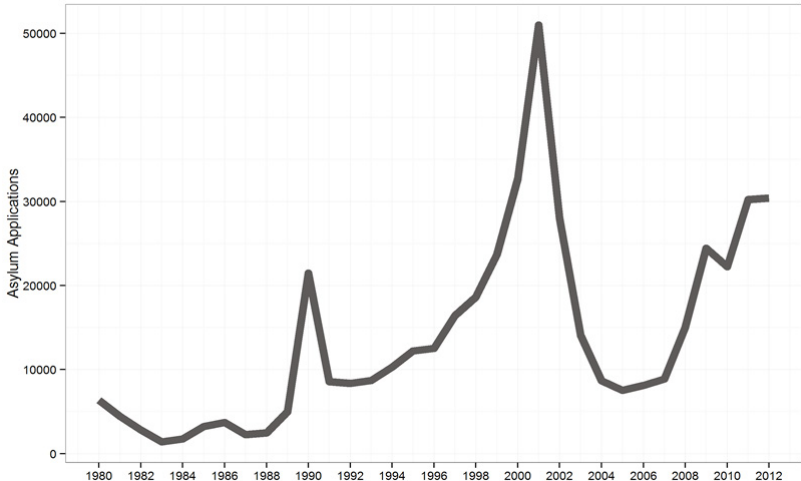
Refugees from Afghanistan 2012²

Asylum trends in the EU

For the year 2012 the UNHCR registered a total of 355,516 asylum applications lodged in Europe, a total of 296,669 were lodged in countries of the European Union (EU 27). When looking at applications in the EU, Afghanistan was the most important country of origin (24,681 applications or 8.3%), followed by Serbia (and Kosovo: S/RES/1244(1999) – 21,538 applications or 7.3%), Syria (21,427 applications or 7.2%), the Russian Federation (19,823 applications or 6.9%), Pakistan (18,835 applications or 6.3%) and Somalia (12,475 applications or 4.2%).

The comparison of the total number of asylum applications lodged by Afghan nationals in the European Union in the years 2002 and 2012 would suggest a rather stable trend. For those EU Member States where annual data is available for both years,³ the total number of applications showed only a slight increase of 3.8%, from a total of 27,006 applications to a total of 28,026 applications. The analysis of the annual developments within this period, however, does not confirm such a stable trend. Between 2002 and 2005 application figures decreased significantly and reached their lowest level in 2005 with a total of 6,830 applications. Since 2006 application figures are on the rise again, with the most significant increases between 2007/2009 and 2010/2011. Thus, the total number of applications is still significantly below the absolute peak of almost 51,000 applications in 2001.

In recent years, the EU has witnessed a constant increase of overall asylum applications. Between 2008 and 2012 the annual application figures have increased by 48.5% from a total of app. 226,000 to a total of app. 336,000. Annual applications lodged by Afghan citizens have exceeded this trend; they have more than doubled from a total of app. 13,300 to more than 28,000. This also implied that the share of asylum applications lodged by Afghan nationals among the total applications increased from 4.5% in 2008 to 8.3% in 2012.

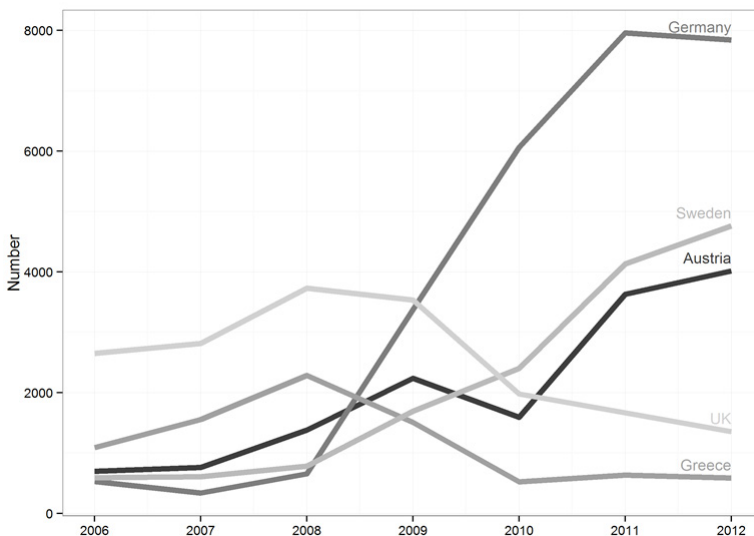


Asylum applications lodged by Afghan citizens in the European Union between 1980 and 2012⁴

Main countries of destination in the EU

In 2012, Germany recorded the highest number of asylum applications lodged by Afghan citizens in the European Union. With a total of 7,840 applications, the country received app. 28% of all Afghan asylum applications in Europe for that year. Sweden was the second most important country of destination (a total of 4,760 applications), followed by Austria (a total of 4,015 applications), Belgium (a total of 3,290 applications), and the Netherlands (a total of 1,620 applications). It is an often observed trend that asylum applications lodged by citizens from a specific country of origin in the EU focus on a small number of main destination countries and that the share of these destination countries among the overall applications increases over time. The available figures for Afghanistan confirm such a trend. In 2012 app. 77% of all applications from Afghan citizens were lodged in the five EU Member States Germany, Sweden, Austria, Belgium and the Netherlands compared to a 69.7% concentration in top-five countries in 2008. Contrary to other nationalities, however, there was a significant change regarding the EU Member States with the highest application rates during this period. In 2012, Germany received 8.5 times more applications from Afghan citizens than in 2008, Sweden 5 times more, the figures for Austria and Belgium doubled. Over the same period, the annual application

figures for the United Kingdom and Greece, the most important countries of destination in 2008, decreased by app. 63% and app. 74% respectively. Such shifts can be explained by a number of reasons ranging from statistical inaccuracies to legal developments, changes in migration routes or a lack of well-established migrant communities which could assist newcomers. A mere look at the quantitative developments suggests that a typical migration pattern of Afghan asylum seekers moving to specific destinations in the EU cannot be identified over the medium- to long-term and that significant shifts between them might also occur in the future.



Asylum applications lodged by Afghani citizens in main countries of destination in the EU 2006 - 2012

General characteristics of Afghan asylum seekers in the EU

A distinct feature among Afghan asylum seekers in the EU is the comparatively high share of individuals considered to be “unaccompanied minors”. In 2012 the share of unaccompanied minors among the total of Afghan asylum seekers was at 19.2% (5,375 in total). This value is significantly higher than the average 3.8% of unaccompanied minors among all asylum seekers in Europe for this year. Since 2008 the share of unaccompanied minors from Afghanistan on average has been 4 – 5 times

higher than for the overall applicants.⁵ Thus, one can speak of a general trend that is likely to continue in the future and will pose specific challenges to European asylum authorities in terms of reception and procedures. Asylum seekers from Afghanistan are predominantly male; in 2012 their share among the overall applications was at 76.0%, which is above the general trend of 65.7% of all asylum applicants in the EU being men.⁶

Decisions on asylum applications lodged by Afghan asylum seekers

It is not possible to compare decisions on asylum cases or recognition rates for certain nationalities between countries. First of all, statistics on decisions do not refer to the years when the respective application was lodged but to the year when a decision was made. Secondly, countries report statistics depending on the standards of their own national systems. Some countries report decisions on “new applications”, others on “first instance decisions”, “first instance and appeal decisions” or “reopened applications”. Consequently, available figures serve only as a rough indicator and allow only for some very careful conclusions. Regarding decisions on asylum applications of Afghan citizens in 2012 in the main receiving countries in the EU, the rates of granting “convention status” or “complementary protection status” ranged between 30.3% and 62.4%.⁷ There is obviously no direct correlation between the chance of getting a status granted and annual application figures, the countries with the largest inflows are not the ones with the highest recognition rates. Notwithstanding - from a mere statistical perspective - Afghan asylum seekers are granted protection status to a considerable degree. In the context of the continued high annual application numbers it is likely that the Afghan refugee population or number of Afghan citizens with complementary protection status will further increase in the future.

Immigration stocks and populations

Unfortunately, data on Afghans in the European Union and its Member States is not sufficient enough to thoroughly assess the overall size of the Afghan population and to compare between countries. Main countries of destination of Afghan asylum seekers have not reported their national

figures on stocks of Afghan populations to Eurostat. Moreover, the fact that the majority of Afghan migrants to Europe are asylum seekers leads to inconsistencies between the countries regarding the categories under which they are counted (or not). However, when combining available data from Eurostat, OECD and the UK Home Office an approximate picture of the volume and distribution of Afghans in the EU can be given. The recent and past main countries of destination of Afghan asylum seekers are also the ones who report the largest Afghan populations. For 2012, Germany and the United Kingdom report an Afghan population of app. 62,000 and 60,000 respectively. Clearly behind follow Sweden (app. 12,700 Afghan citizens), Denmark (app 9,600), Austria (app. 8,500) and Belgium (app. 7,600). When aggregating all available data, the total size of the Afghan population in the EU was at around 165,000 in 2012, implying a moderate increase in comparison to a total of 146,000 in 2008 (plus 13.1%).⁸ Thus, related Eurostat figures refer to the total stock of Afghan citizens in a given year but do not take into account previous naturalisations. This implies that the number of persons “born in Afghanistan” and residing in Europe is in reality higher than the annual population figures would suggest. When adding the app. 100,000 naturalisations of Afghan nationals in the EU since 2012, the total population of persons born in Afghanistan can be estimated at app. 265,000.

Residence permits

The figures on annually issued residence permits and the respective types provide for a more accurate picture on the size, distribution and characteristics of Afghan migration to the European Union. According to the data reported to Eurostat more than 90,000 residence permits issued to Afghan citizens were valid at the end of 2012 in those EU Member States where data was available.⁹ Most residence permits were issued in Germany (app. 40,000 or 44.3%), followed by Sweden (app. 17,300 or 19.0%) and the United Kingdom (app. 8,300 or 9.1%).¹⁰ Both the absolute numbers and the types of permits granted support the hypothesis that migration from Afghanistan to the European Union has to be considered flight migration more than anything else. Regarding absolute numbers it is the main “traditional” (United Kingdom) and “new” (Germany and Sweden) destination

countries of Afghan asylum seekers that have the highest figures. Together they account for more than 72% of all residence permits granted to Afghan citizens in 2012, at least when it comes to the figures reported to Eurostat. Regarding the types of permits granted it becomes obvious that to a very high proportion they are directly or indirectly linked to flight migration. 29.0% of all residence permits for Afghan citizens were granted for “subsidiary protection”, 16.2% for “refugee status”, and 29.9% for “family reasons.” It can be safely assumed that most permits for “family reasons” were granted to family members of Afghan citizens with refugee or subsidiary protection status. An interesting trend can be identified when looking at the types of permits issued in the “traditional” and “new” destination countries of Afghan asylum seekers. In 2012, the United Kingdom issued 66.1% of all permits for “family reasons”, a value clearly above the EU average (29.9%) and the values in Germany (25.6%) and Sweden (31.0%). Thus, the total numbers were almost equal in the United Kingdom and Sweden (app. 5,000 permits for family reasons) but the United Kingdom issued significantly less permits for protection reasons. The disproportionately high share of permits for family reasons can be explained by the fact that the United Kingdom was the main European destination country for Afghan asylum seekers in the past. It can be assumed that many of the permits issued in the United Kingdom in 2012 were issued to family members of Afghan applicants who had been granted a protection status some years ago. It is also safe to say that – against the background of comparatively high rates of granting convention or complementary protection status – the main destination countries of today will see similar developments in the future. Other reasons for granting a residence permit to Afghan nationals are almost negligible, “education” and “remunerated activities” account for only 1.3% and 1.0% of all permits respectively.

Irregular migration

It is by definition not possible to precisely measure the scale of irregular migration to Europe or the total number of irregular migrants residing on the territory of European States. Related estimates are based on extrapolations of other data sets like apprehensions at external borders or within the

territory of states, asylum statistics, regularisations or expulsions/leave orders. These statistics refer to foreign nationals who do not - or no longer - fulfil the legal conditions for entry to, presence in or residence on the territory of a state. However, they do not provide information on the concrete migration history or motivations of the individuals affected. Thus, they have to be perceived as rather weak indicators for the real extent of irregular migration from a specific country of origin.

The first statistical indicator on the extent of irregular migration from Afghanistan to Europe is the number of Afghan nationals found to be illegally present on the territory of an EU Member State. In 2012 this number was at 34,095, implying a decrease of more than 33% since 2008 (51,365). More than 44% of illegally present Afghans were reported by Greece, 17,2% by Germany.¹¹ Closely linked to the numbers on illegally present third country nationals is the second statistical indicator on orders to leave the country issued by EU Member States on an annual basis (leave orders). In 2012, a total of 26,680 leave orders were issued to Afghan citizens in the EU. This represented a share of 5.6% among all leave orders that were issued to foreign citizens in that year. Between 2008 and 2012 there has been a significant decrease in annual leave orders by minus 77% (a total of 29,950 leave orders in 2008). Again, the picture is heavily influenced by the number of leave orders issued in Greece. In 2012, with a total of 16.230 leave orders Greece issued more than 60% of all leave orders concerning Afghan citizens for that year. Without the Greek figure and in view of the high levels of asylum applications, the overall number of leave orders concerning Afghan citizens is remarkably low. In the main countries of destination of Afghan asylum seekers like Germany, Sweden, the United Kingdom or Austria, the numbers for 2012 ranged between 400 and 1,000.¹²

The actual return rate for Afghan citizens, i.e. the number of officially recorded returns of Afghan citizens under a leave order in a given year underwent significant changes in the period between 2008 and 2012. In 2008 it stood at a modest 4.8% (1,910 recorded returns in comparison to 39,950 leave orders). In 2012 the return rate had increased to 21.6% (5,775 recorded returns in comparison to 26,680 leave orders).¹³ As the

officially recorded number of returns almost exclusively include forced returns,¹⁴ and do not provide information on voluntary returns which have not been officially recorded by the authorities, they have to be treated with some caution. The number of actual returns to Afghanistan is definitely higher than what is officially recorded. In fact, the recorded figures indicate a clear trend towards significantly increased returns to Afghanistan from Europe in the years after 2012.

The numbers of rejections at the EU external border concerning citizens from Afghanistan move at rather modest levels. In the years 2008 to 2012 a total of 2,265 Afghan citizens were refused entry at an external border of the European Union, the annual refusals were between 300 and 585. App. 88% of the rejected did not hold valid travel documents, visa or residence permits, the remaining 12% were refused entry upon grounds of false travel documents, visa or residence permits. Most refusals were made at the external borders of Italy, France and the UK.¹⁵

In the case of Afghan migration to Europe, the available indicators are strongly related to the fact that the majority of Afghan migrants apply for asylum. Rejections at the border are comparatively low and the – in comparison – high numbers of leave orders indicate that they mainly refer to rejected asylum seekers or individuals with unauthorised residence. The geographical distribution of illegally present persons from Afghanistan and persons under a leave order indicate that in recent years Greece was the main entry point for Afghan migrants and asylum seekers to the EU, regardless of the fact that most of the actual asylum applications were lodged in other EU Member States.

Acquisitions of citizenship

Since 2002, a total of 103,861 naturalisations of Afghan citizens have been reported in 22 EU Member States. The two most important EU Member States in terms of acquisition of citizenship were the United Kingdom (44,373 naturalisations or 42.7%) and Germany (35,101 naturalisations or 33.8%). Together they accounted for 76.5% of all naturalisations of

Afghan citizens between 2002 and 2012. The overall annual numbers of acquisitions of citizenship have moved along rather stable trends, 2007 formed an exception with a peak of 15,699 naturalisations. This number was a single event though and mainly a result of an exceptionally high number of naturalisations in the United Kingdom in that year.¹⁶ For all other years it can be stated that the steady numbers of naturalisations follow asylum application trends and trends in decisions on applications. After some time, recognised refugees acquire the citizenship of their country of residence.

Conclusions

Migration from Afghanistan to Europe is mainly to be characterized as flight migration. It started following the onset of the crisis in 1978/1979 and the overall migration pattern has never really changed. The factors shaping Afghan flight migration – the large numbers, the concentration in the region, the comparatively limited movements to more distant destinations and the considerable return migration – have also not undergone fundamental changes. As the security situation in Afghanistan continues to be volatile and the impact of developments in 2014 cannot yet be fully assessed, it is hard to predict how asylum application figures in the EU will develop in the future. But it is safe to say that EU Member States should be prepared for continued or even increasing numbers of Afghan refugees.

In 2012, Germany recorded the majority of asylum applications lodged by Afghan citizens in the European Union, followed by Sweden, Austria, Belgium and the Netherlands. There had been a shift since 2008 regarding the main countries of destination away from the United Kingdom and Greece to the afore-mentioned. Such a shift as confirmed by available statistics for the past might occur again in the future. A distinct feature among Afghan asylum seekers in the EU is the comparatively high share of individuals considered to be “unaccompanied minors”. It can be assumed that this trend will continue and entail specific challenges for European asylum authorities in terms of reception and procedures. Finally, since a considerable percentage of Afghan nationals are granted convention status or a complementary protection status and settle down permanently in an

EU Member State, follow-up migration due to family reunification will play an important role in the future as well.

Martin Hofmann is a Programme Manager in the Competence Centre for Legal Migration & Integration at the International Centre for Migration Policy Development (ICMPD).

David Reichel is a Research Officer at the International Centre for Migration Policy Development (ICMPD).

- ¹ UN High Commissioner for Refugees (UNHCR), UNHCR Statistical Yearbook 2012 : Trends in Displacement, Protection and Solutions, 10 December 2013, available at <http://www.unhcr.org/52a7213b9.html> [accessed 10 January 2014], p. 30
- ² UNHCR Statistical Yearbook 2012, p. 106
- ³ AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HU, IE, IT, LT, LU (no data available for 2002), LV, MT, NL, PL, PT, RO, SE, SI, SK, UK.
- ⁴ Own calculations based on data from Eurostat database, table "Asylum and new asylum applicants by citizenship, age and sex Annual aggregated data (rounded) [migr_asyapptza]" (data extracted in January 2014)
- ⁵ Own calculations based on data from Eurostat database, table "Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) [migr_asyunaal]" (data extracted in January 2014)
- ⁶ Own calculations based on data from Eurostat database, table "Asylum and new asylum applicants by citizenship, age and sex Annual aggregated data (rounded) [migr_asyapptza]" (data extracted in January 2014)
- ⁷ UNHCR Statistical Yearbook 2012, p. 106
- ⁸ Own calculations based on data from Eurostat database, table "Immigration by sex, age group and citizenship [migr_imm1ctz]". OECD International Migration Database, table "Stock of foreign population by nationality", UK Office for National Statistics, Datasets and reference tables, table "Estimated population resident in the United Kingdom, by country of birth" (data extracted in January 2014)
- ⁹ AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HU, IE, IT, LT, LU, MT, NL, PT, RO, SE, SI, SK, UK
- ¹⁰ Own calculations based on data from Eurostat database, table "All valid permits by reason, length of validity and citizenship on 31 December of each year [migr_resvalid]" (data extracted in January 2014)
- ¹¹ Own calculations based on data from Eurostat database, table "Third country nationals found to be illegally present - annual data (rounded) [migr_eipre]" (data extracted in January 2014)
- ¹² Own calculations based on data from Eurostat database, table "Third country nationals ordered to leave - annual data (rounded) [migr_eiord]" (data extracted in January 2014)
- ¹³ Own calculations based on data from Eurostat database, table "Third country nationals returned following an order to leave - annual data (rounded) [migr_eirtn]" (data extracted in January 2014)
- ¹⁴ Eurostat metadata "Third country nationals returned following an order to leave": Third country nationals who have in fact left the territory of the Member State, following an administrative or judicial decision or act stating that their stay is illegal and imposing an obligation to leave the territory (see Art. 7.1 (b) of the Council Regulation (EC) no 862/2007). On a voluntary basis Member States provide Eurostat with a subcategory which relates to third country nationals returned to a third country only. Persons who left the territory within the year may have been subject to an obligation to leave in a previous year. As such, the number of persons who actually left the territory may be greater than those who were subject to an obligation to leave in the same year. These statistics include forced returns and assisted voluntary returns. Unassisted voluntary returns are included where these are reliably recorded. Data do not include persons who are transferred from one Member State to another under the mechanism established by the Dublin Regulation (Council Regulation (EC) No 343/2003 and (EC) No 1560/2003, for these cases see related Dublin Statistics). Statistics on enforcement of immigration legislation are based entirely on administrative sources. Member States compile data in compliance with the Council Regulation (EC) 862/2007 and following guidelines and instructions provided by Eurostat. Before publishing the data, consistent validation checks are performed. Certain differences in definitions and practices of producing statistics exist between countries. Compliance with the Regulation requirements ensures a sufficient level of accuracy and comparability, accessed in May 2013 at http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/EN/migr_eil_esms.htm#unit_measure
- ¹⁵ Own calculations based on data from Eurostat database, table "Third country nationals refused entry at the external borders - annual data (rounded) [migr_eirfs]" (data extracted in January 2014)
- ¹⁶ Own calculations based on data from Eurostat database, table "Acquisition of citizenship by sex, age group and former citizenship [migr_acq]" (data extracted in January 2014)

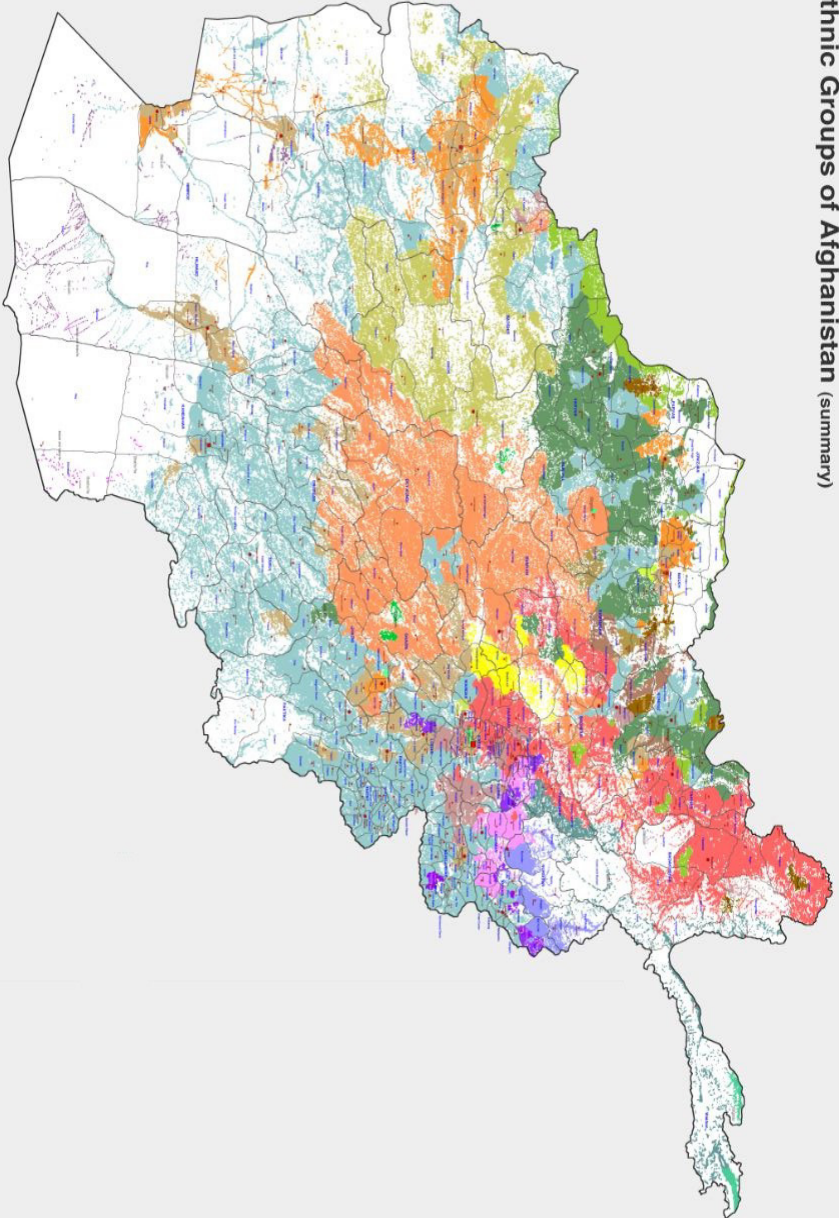
Maps of Afghanistan

Michael Izady



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Ethnic Groups of Afghanistan (summary)









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Mile 0 50 100 150
Km 0 100 200

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Indo-European Language Family:


Iranic branch:

-  Persian (dialects of Dari, Kabuli,
-  Tajiki, Hazara, Khurasani (Herati),
- Aymaqi, Ghaznavi, Sistani, etc.
-  Pashtuns (dialects of Qandahari,
- Paktya Kunari, etc.
-  Pamiri vernaculars, to include Vakhi,
- Munji, Yidgha, Ishkashimi, Shughni,
- Roshni, Sangleji, Sarikuli, et al
-  Baluchi (dialects of Sarhadi,
- Rakhshani, Sarawani)
-  Ormuri, Baraki, Parachi, Tirahi

Dardic branch:





-  Pasha'i
-  Ma'ïyan, Torwali, Khowar, Kalashi,
- Ningilami, Dameli, et al

Kapiric branch:


-  Kafiri/Nuri, Kamviri, Garbi, et al

Altaic Language Family:

Turkic branch:

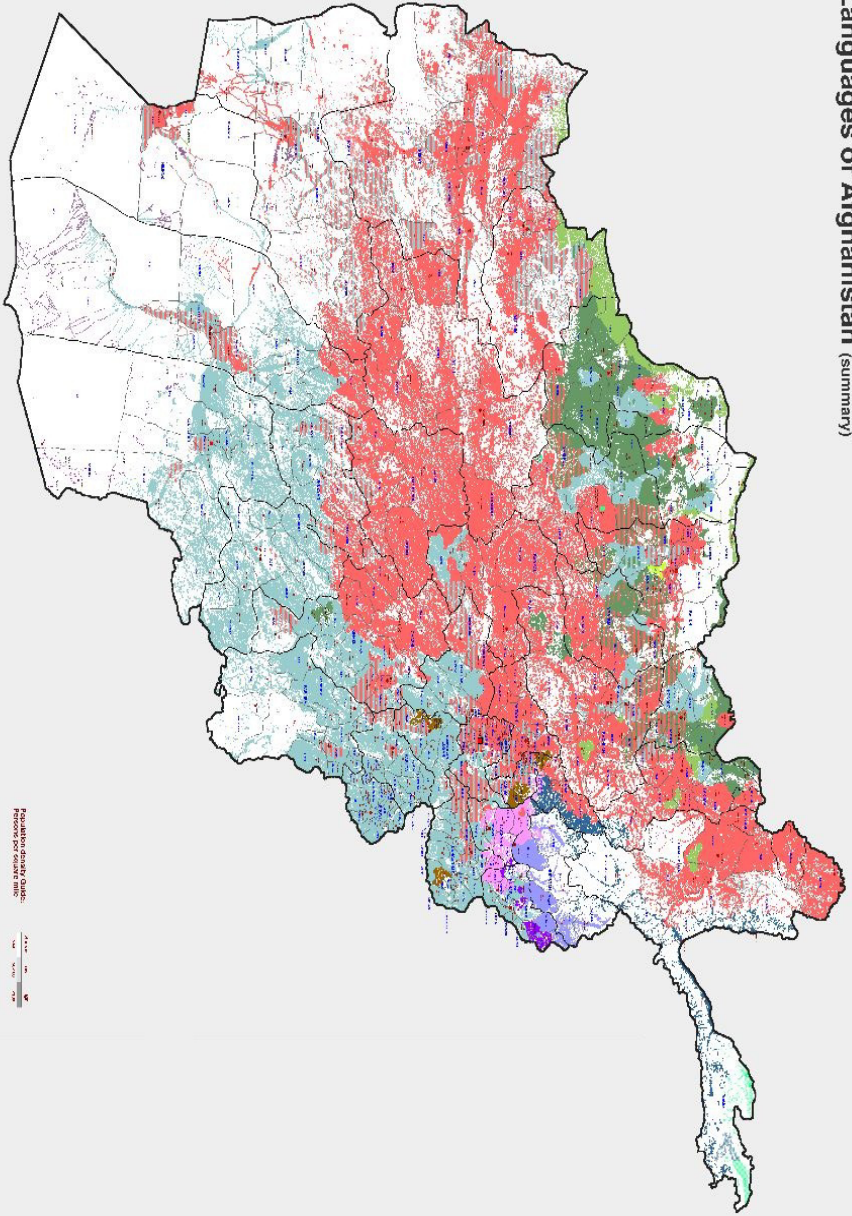
-  Uzbeki
-  Turkmeni
-  Kazakh (Karakalpaki)
-  Kirghizi (at Wakhan and Sar-i Pul)

Dravidian Language Family:

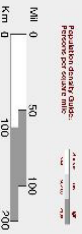
-  Brahu'i

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Languages of Afghanistan (summary)






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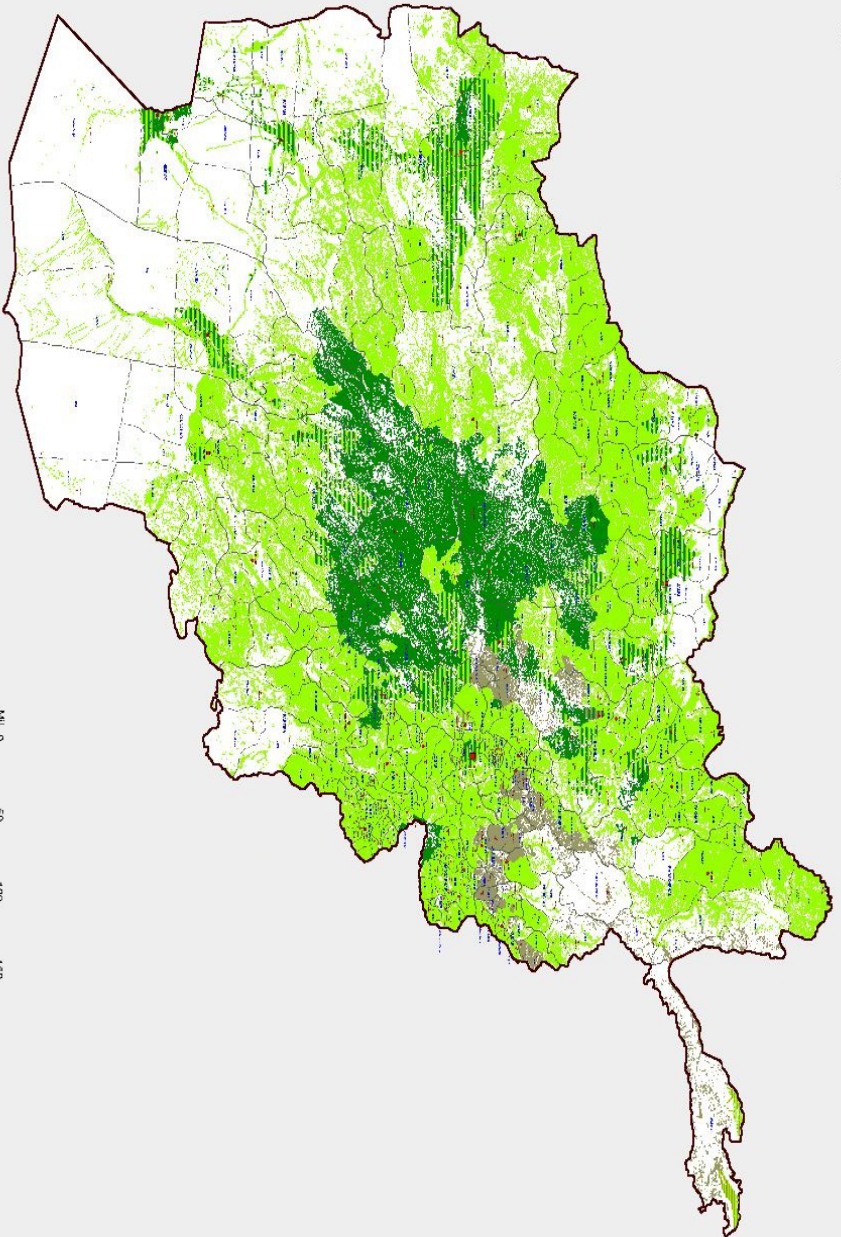
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Islam

-  Sunni (Hanafi rites)
-  Shia: Imami (Ja'fari/ Twelver rites)
-  Shia: Isma'ili (Nizari rites)

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Religious Composition of Afghanistan (Summary)



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Tribes in Afghanistan (summary)

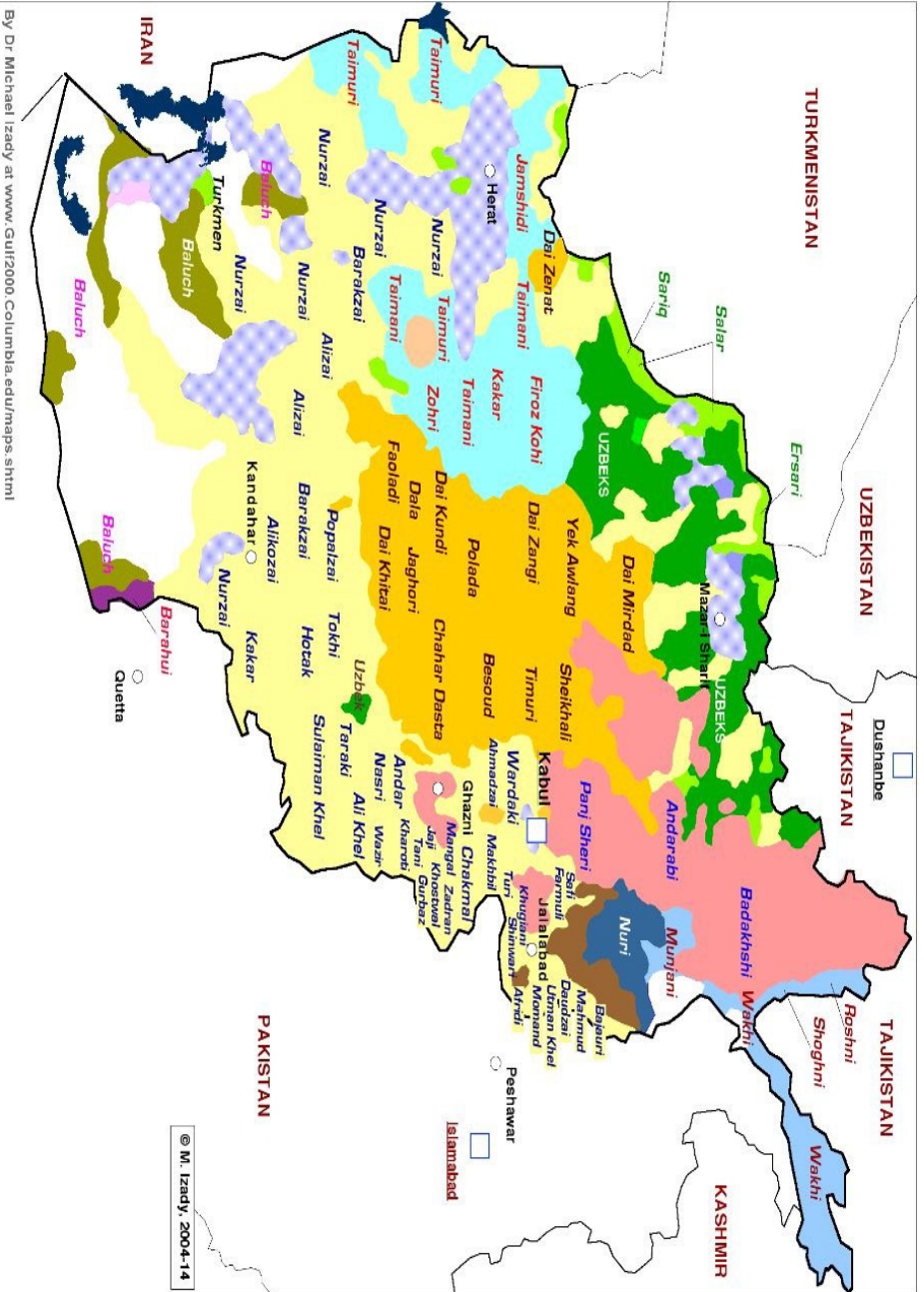
Tokhi A Tribe

Remarks:

The name of all tribes of same ethnic affiliation are presented in the same color letters.

Background colors represent ethnic groups. See the Ethnic map of Afghanistan for detail.

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