

The situation of human rights in Afghanistan In 1393

Introduction

This report is the tenth annual report on the human rights situation in Afghanistan in 1393. This report is prepared based on the duties and mandates of the AIHRC defined in Article 21 of the Law on the Structure, Duties and Mandates of the AIRHC.

The main addressees of this report is the National Assembly of Afghanistan, meanwhile, the media, governmental and non-governmental organizations and other individuals can also use this report. The purpose of this report is to provide a clear picture of the various aspects of the human rights situation in the country, in order to develop a practical strategy and strengthen and promote human rights, and all-rounded attempts will be made to support and protect the human rights of citizens in the country. The report can help the institutions to outline and make plans for their practical programs, so that they can adjust and implement their programs keeping in mind the human rights situation in the country.

This report is a descriptive and an analytical report provided based on the cases registered in the database of the AIHRC and the information collected by the Human Rights Field Monitoring Team. Moreover, for the enrichment of this report, the information and reports published by national and international institutions, as well as the figures obtained from various government agencies are also used. Likewise, the cases recorded in the database of the AIHRC in 1393 has also been used in this report, that some of these cases are briefly described in the report.

The report has been prepared based on the criteria and principles of international instruments on human rights, and applicable laws of the country. This report, has been provided with a new structure in which the important part of human rights is analyzed. The report has three chapters. In the first chapter the general information is described, which includes introduction and legal analysis. The second chapter of the present report analyses the statistical data that represent the different parts of the human rights situation in the country. Chapter three contains the conclusion and recommendations where specific recommendations have been made toward the improvement of human rights.

We would like to thank all those who contributed in the preparing of this report. We hope that this report will provide a clear picture of the situation of human rights, and help the organs and entities responsible for the protection and promotion of human rights.

Summary Report

This report shows that various areas of human rights are still faced with numerous challenges in Afghanistan. Based on the findings of this report, 733 cases of human rights violation have been registered in 1393, while this figure amounted to 1055 cases in 1392. This figure shows a decrease of 322 registered cases, compared with the year 1392 indicating around 18 percent decrease.

In 1393, out of 733 registered cases, 204 cases were related to violations of the right to effectively addressing of the cases and the right to due proceedings which makes up about 28 percent of all registered cases of human rights violations.

In term of gender segregation, out of 733 cases, 178 cases that makes up 24 percent of the total cases is related to women, and the remaining 555 cases which makes up 76 percent of all registered cases is related to men, while in 1392 about 19.5 percent of all the registered cases was related to women., so it shows 4.5 percent increase in the number of cases related to women compared to the year 1392. Based on findings by this report, out of the total cases of human rights violation, 87 cases is related to children, it means, persons under 18 years old. This figure covers 12 percent of all the registered cases of human rights violation. While, in 1392, almost 10 percent of the cases was related to children.

One of the serious human rights issues which has recently acquired international importance is the right to life. According to figures recorded in the database of the AIHRC, in 1393, around 57 cases of violation of the right to life have been recorded, out of which 35 cases is related to men, 22 cases is related to women and 11 cases is related to children. The registered cases cover 14 provinces.

Civilian casualties is the major component of the discussion on the right to life. Number of civilian casualties recorded by the AIHRC shows that 7653 cases of dead and wounded (2899 killed and 4754 wounded) occurred during eleven months (Hamal to Dalwa) of 1393, while the figure of registered casualties was 5258 incidents(2084 killed and 3174 wounded) in eleven months (Hamal to Dalwa) of 1392. Comparison of these figures shows 31 percent increase in the number of casualties during eleven months in 1393. Similarly, the UNAMA office in Kabul reports 22 percent increase in civilian casualties in 2014.

Database of the AIHRC shows that breakdown of civilian casualties based on the perpetrators has been changed a lot compared to the year 1392. Civilian casualties committed by the anti-government armed elements during eleven months in 1392 exceeded 4326 incidents (1660 killed and 2666 wounded), while this figure reached 5429 incidents (1970 killed and 3459 wounded) during eleven months in 1393 which indicates a 20 percent increase.

The number of civilian casualties committed by pro-government forces (international forces and government forces) during eleven months in 1392 reached 248 (121 killed and 127 injured), while this figure was 419 (144 killed and 275 injured) during eleven months in 1393 which shows 40 percent increase in the number of casualties committed by pro-government forces.

The number of civilian casualties committed by unknown perpetrators remained unidentified because either the AIHRC staff could not reach the area due to insecurity or none of the conflicting sides claimed the responsibility for the incident, exceeded 663 persons (294 killed and 369 injured) during eleven months in 1392. This figure was recorded as 1704 incidents (764 killed and 940 injured) during eleven months in 1392. The comparison of the civilian casualty figures during these two years indicates a 61 percent increase in the year 1393.

Traffic incident is another issue in Afghanistan which victimizes a large number of people annually. Information collected by the AIHRC shows that traffic incidents took the life of 1196 persons during the year 1392. This figure covers most of the provinces that have been accessible to the staff of the AIHRC. This figure includes 63% men (750 men), 13% women (125 women) and 25% children (294 children). Similarly the number of people injured as a result of traffic accidents reached 3871 people, during the year 1392 which includes 72% men (2729 men), 13% women (507 women) and 13% children (545 children). This figure is clearly shown in the following chart.

Terror and target killings exist as a very concerning issue in Afghanistan. The AIHRC recorded 717 cases of terror and target killings in 1392 and 1328 of such cases in 1393. It indicates that the level of terror and target killings has increased 30 percent in 1393.

Honor killing is a widespread case witnessed in various parts of Afghanistan. A report by the AIHRC on the Situation of Violence against Women shows that around 92 cases of honor killings have been registered in 1393, while 120 cases of honor killings were recorded in 1392. Although the level of cases of honor killings has decreased around 13 percent in 1393 compared to the last year, still it remains as a concerning issue in the country. According to the case management of the AIHRC, out of 57 cases of violation of the right to life, 22 cases is related to women.

Human dignity is considered one of the basic and important concepts in the area of human rights. The present report shows that registered number of cases of violation of the right to human dignity has been 30 cases less compared to that in the last year, indicating a 13 percent decrease. Out of these cases, 36 cases is related to women and 68 cases is related to men. It means that almost 65 percent of these cases is related to men. Out of all registered cases of violation of the right to human dignity in this report, around 75 percent of the cases is related to torture, violent and cruel treatments. Of course this figure covers men and women in general. Out of the registered cases of violation of the right to human dignity, 36 cases is related to women. Sexual assault, humiliation, and beating are the common types of violation of the right of women to human dignity witnessed among other cases. Number of the registered cases of violence against women in 2014 includes 54 cases of sexual assaults which are distinguished from other cases of sexual violence against women.

Children in Afghanistan are faced with numerous challenges which occasionally violate their right to dignity. Improper and degrading treatment of children, sexual assaults and beating are big threats against children. Case Management of the AIHRC shows that out of 103 cases of violation of the right to dignity in this report 28 cases is related to children which makes up 27 percent of all the cases. During the last year, 24 percent of the cases of violation of dignity is related to children. It shows a 3 percent increase. Out of all cases related to children in this report 12 cases are sexual assaults and exploitation, 3 cases of torture and 13 cases of violent and cruel treatments.

The right to liberty and personal security is a basic human right. The AIHRC's Case Management shows that 173 cases of violation of the right to liberty and personal security have been recorded during the year 2014, while 257 of such cases were registered in 1392. These figures show that there are 84 cases fewer than that in the last year, and it indicates a 20 percent decrease. Field report on human rights situation shows that more than 47 percent of the participants stated that security situation was better during the recent years compared to the previous year. Out of 5081 participants, around 754 of them (15 percent) stated that security situation was not good but deteriorated. Out of them, 75 percent of the participants view that the anti-government armed elements are the main cause of insecurity. 13 percent of them blamed irresponsible armed men and powerful individuals for insecurity. Around 2 percent of the participants consider police forces as responsible for insecurity in the country. The right of detainees is another issue of discussion in this report. According to the AIHRC's Case Management, 9 cases of violation of the rights of detainees have been recorded, out of which 5 cases were settled and 4 others were postponed. These 9 cases all is related to men and did not include women and children.

Freedom of movement is part of personal liberty. Field report by the AIHRC shows that out of 5081 interviewees in 1393 around 47 percent of them stated that their families have always been enjoying of the right to freedom of movement. In 1392 around 43 percent of the participants had stated that their families had always been enjoying of freedom of movement. It shows that the level of enjoyment of the right to freedom of movement has increased by 4 percent in 1393.

The right to property is a part of economic rights. The Commission's Case Management shows that around 69 cases of violation of the right to property have been recorded in 1393 out of which 16 cases were settled, 52 cases were postponed and 1 case was closed. In 1392 around 75 case of violation of the right to property were recorded which made up 7.1 percent of all the cases. Although, the number of such cases was 6 cases less than the in the last year, they include almost 9.4 percent of all cases, which shows a 2 percent increase. From gender point of view, 59 cases is related to men and 10 cases is related to women. Field report by the AIHRC shows that out of 5081 interviewees in 1393, around 17 of them (0.3 percent) stated that their houses or lands were usurped. The interviewees mentioned local powerful individuals, neighbors and tribal influential figures as the usurpers of their lands or houses.

Enjoyment of the adequate living standard and welfare is considered one of the economic rights. Access to suitable shelter is a norm of adequate living standard. Field evaluations conducted by the AIHRC show that out 5081 interviewees, around 42 persons (0.8 percent) were living under tents. 76 percent of them stated that they were living in inherited houses and almost 5 percent of them were living in rental or mortgaged houses. Access to adequate water and food are the other

component of adequate living standards. Based on the findings of this report, almost 2 percent of the interviewees stated that they eat food twice a day. 97 percent of them had access to food three times a day, and 0.3 percent of the interviewees (13 persons) stated that they were eating food only once in 24 hours.

The database on human rights situation shows that out of all the interviewees in this research, 84 percent of them gave positive answer to the question whether they had access to potable water, while, the other 15.8 percent of interviewees gave negative response to this question. Based on this report, most of the people get their drinking water from wells, 29 percent of them from ordinary or simple wells and 23 percent of them from deep wells. Protection of displaced persons to have access to adequate living standards is of the government's responsibilities. In this research, around 312 of the interviewees have said that they had been displaced from their houses. They mentioned different reasons for their displacement, for example, joblessness (45 percent of them), lack of security (27 percent), lack of shelter (11 percent) and 9 percent of them mentioned that drought has been the reason for their displacement.

The right to health is a basic human right. The database of the AIHRC shows that 19 cases of violation of the right to health have been recorded in 1393 out of which 7 cases were settled, 10 cases were postponed and 2 cases were closed. From the gender point of view, 2 cases were related to women and 17 cases were related to men. The Commission's field evaluation is another source for this research. According to these evaluations, out of 5081 interviewees, 93 percent of them stated that they had access to health services. While, last year around 90 percent of the interviewees stated that they had access to health services. In 1393 the level of access to health services increased by 3 percent. In this research 52 percent of the interviewees mentioned lack of medical equipment and medicine, 18 percent mentioned long distance, 5 percent mentioned lack of trained staff and 3 percent mentioned lack of female staff as the main challenges in the area of health services.

In some rural areas and villages, the issue of child birth still continue to exist as a serious and basic problem. Based on a report published by the Ministry of Public Health, during 9 months in 1393 a total of 948249 pregnant women had, at least one time, access to antenatal services, and a total of 503056 child births took place in the health centers. At the same time, field assessment by the AIHRC shows that out of all the interviewees, only 9 percent of them have received child-birth assistance rendered by trained midwives during their recent child birth. Around 32 percent of them stated that they had received assistance from relatives, 23 percent from a doctor or nurse and 20 percent of them had received child-birth assistance from local untrained midwives. Out of all interviewees, around 96 percent of them stated that in the recent year, they have lost no mother in their families during child bearing and 95 percent of them stated that they have lost no children during the last year. These figures show no big difference compared to that in the last year. During the last year 96 percent of interviewees had stated that they did not witness any death of mothers during child birth.

Employment is a part of economic right. Based on the statistic by the Ministry of Labor and Social Affairs, at the moment around 800 thousand people are absolutely jobless in Afghanistan. Population of Afghanistan is estimated around 27 million people out of them around 10 million are eligible for work and almost 4 million people have no permanent jobs. 800 thousand people are absolutely jobless, around 60 percent of workers work on farms. Based on the Labor Law of

Afghanistan, working hours is 40 hours per week officially. People who have no permanent job can get work less than 40 hours. Civil servants constitute a part of work force in the country. According to the statistic issued by the Census Bureau, the total number of civil servants in the second quarter of the year 1393 exceeded 389156 people, out of which 78 percent were men and 22 percent were women. In general, the number of civil servants increased 0.5 percent compared to that in 1392.

The sources and level of incomes are an important issue in the sector of labor. Field assessment by the AIHRC show that out of all participants in this research, around 33 percent of them mentioned agriculture as the source of their income while 65 percent of them stated that the source of their incomes were non-agricultural sources. Similarly, around 17 percent of the interviewees stated that their daily income was less than 50 Afs and 37 percent of them mentioned their income more than 50 Afs, while 44 percent of them did not have fixed income. Findings of this research show that 52 percent of the participants stated that their families were in debt. They mentioned various reasons for being in debt, but the main reason was basic expenditures such as food and clothes which made up around 58 percent of the debts. Marriage expenditure 13 percent, medical treatment 8 percent, building of shelter 7 percent, and joblessness 4 percent were mentioned as the main reasons for being in debt. Based on the proclamation by Child Protection Fund for Afghanistan, around 30 percent of Children in Afghanistan are working. According to field assessment by the AIHRC 22 percent of the interviewees stated that their children were working.

Education and training is one of the most important human rights. According to the findings by the present report, around 95 percent of the participants stated that they had access to education. Out of them more than 94 percent had access to public education centers. Based on the statistic issued by the Ministry of Education, around 11 million students attend schools at the moment. They are taught by 203 thousand teachers. Almost 50 percent of the teachers are professional and they are graduates of at least grade 14. Around 42 percent of students were girls in 1393. In spite of that, during the recent years it is witnessed that a large number of girl students leave schools due to various reasons such as getting married and prevailing of traditional views in the society. The present report shows that almost 50 percent of the participants stated that their girl students have left school before completion of their high school studies. The present report shows that the participants mentioned problems such as long distance from schools, lack of security along the roads to schools, low quality of education, lack of facilities at schools, lack of school buildings, lack of female teachers as the main reasons for leaving schools. The present research shows that 15 percent of the students have no access to school buildings.

In fact, marriage and establishment of a family is the corner stone of a society. Freedom in marriage and choosing of spouse is the social right of every person. Database of the AIHRC shows that 42 cases of violation of the right to marriage have been recorded during the year 1393, out of which 33 cases was related to women and 9 cases was related to men, while ten cases related to children. Out of these figures, 17 cases were settled, and 25 cases were postponed. Most of these cases were forced marriages. These cases indicate that the right to choosing spouse and marriage has been violated in different ways. Early marriage is a serious problem in Afghanistan. Afghanistan's civil law has fixed the age of marriage (16 for girls and the age 18 for boy), but due to various economic and cultural reasons a large number of children, the majority of whom are girls become victims of early age marriage. Early marriages mostly

result in bitter consequences and often end up in family violence and even divorce. According to findings by this research, 7.7 percent (391 persons) of the participants stated that their daughters got married under the age of 16, while 1.9 percent (93 persons) of the participants stated that their sons got married under the age of 18. These findings show that girls are more victims of child marriage than boys. The reasons for early marriage of girls are different from the reasons for early marriage of boys. Findings by this report show that economic poverty is the main reason for early marriage of girls. Due to economic problems, some families give their young daughters in marriage against some money as wedding price (sheer baha). The reasons for early marriage of boys are mentioned as exchange of girls (badal) and social traditions.

Out of 733 registered cases of human rights violation in the database of the AIHRC, around 36.2 percent (265 cases) of them were settled, 60.4 percent of them were postponed and 3.4 percent of them were closed.

The data of the AIHRC's Case Management show that a total of 204 cases of violation of the right to legal proceedings and effective addressing were registered by different offices of the AIHRC during the year 1393. The above mentioned figure out of 733 registered cases by the AIHRC's Case Management, makes up 28 percent of all the cases. Around 398 cases related to this right were registered by different offices of the AIHRC in 1392, out of which 268 of them were postponed, 118 cases were settled and 12 cases were closed.

Provincial based identification of the cases shows that the most of registered cases of violation of this right relate to Kabul, Herrat, Konduz, Fariab, Ningarhar, Takhar and Diakundi provinces.

In term of gender, 18 cases (8.8 percent) out of 204 cases of violation of the right to legal proceedings and effective addressing is related to women and the remaining 91.2 percent of the cases is related to men.

In term of age, 17 cases is related to children and 138 cases is related to individuals aging between 19 to 40 years and the remaining 42 cases is related to individuals aging over 40 years.

The data of the AIHRC's Case Management show that on time addressing of the cases at judicial and justice organs is faced with tremendous challenges. Most of the cases are not addressed in specific legal time which causes violation of the victims' and accused persons' legal rights.

Out of the total cases of violation of the right to an effective addressing and legal proceedings in 1393, a total of 122 cases is related to a failure in addressing of the cases in due legal time. This figure makes up 59.8 percent of the total cases of violation of this right. Other cases of violation of the right to effective addressing and legal proceedings are: non-observance of the arrest and detention norms (33 cases), lack of effective addressing of the cases (29 cases), non-observance of the penal code and punishment (4 cases) and etc.

The above-mentioned statistic shows that effective and legal addressing of cases of human rights violation are faced with numerous challenges in the judicial and justice system of Afghanistan.

The main reasons for this are: corruption and low level of professional capacity in the system, weakness of independency, influential groups and powerful individuals, lack of security, presence of illegal and irresponsible armed groups and individuals in different parts of our country, and lack of effective monitoring on these organs.

Chapter on

Overviews

1. About this Report:

Based on article 21 of the Law on Structure duties and Mandates of the AIHRC, preparing of an annual report on human rights situation in the country is one of the duties undertaken by the AIHRC, presented to the President and the Parliament of our country¹. The AIHRC prepares a special annual report on human rights situation and presents it to the President and Parliament. This is the tenth report assessing human rights situation in 1393.

This is a descriptive-analytical report based on human rights complaints recorded by the regional and provincial offices as well as researches conducted by the AIHRC and other institutions, and news reports issued by media in the country.

Although this report is particularly addressed to the Parliament and President Office, other organs and institutions including governmental and non-governmental organs, and researchers can use it too. Similarly, the AIHRC's staff can use it in the identification of their needs and organization of their activities.

The purpose of this report is to present a general picture of human rights situation in the country in the light of which responsible institutions can design and implement their programs for protection and promotion of human rights in the country. Through explanation of human rights situation in different parts of our country, this report precisely identifies and introduces the existence of needs and challenges in the areas of human rights activities in the light of which necessary activities in various human rights fields can be implemented.

2. Legal Backups and Lawful Commitments by the State of Afghanistan Regarding Human Rights

As we know, in today's world human rights have been turned into a credible international norm and criteria to measure the legitimacy and efficiency of the states. Based on principles of international rights, the states are obliged to observe human rights and guarantee its implementation and take effective measures for its promotion. The states are duty-bound to observe and respect human rights. Protection and promotion of human rights emanates from its international status.

¹ - The Law on Structure, Duties and Mandates of the AIHRC (1384). Article 21.

“The nature of the government's commitment to promoting and ensuring respect for the fundamental human rights originates from the nature of international law, human rights and international humanitarian law, as its main provisions are composed of the peremptory international law, so the said commitment will be the creator of a series of common public relations” peremptory rules are absolute and binding rules that cannot be violated by any state and all the states under any condition should observe them.²” Jus cogens rules do not protect the values or interests of a group of people, but protect the fundamental values that underpin the entire international community. No government can... violate the jus cogens or even suspend it for a while.³

Human rights regulations are part of peremptory norms and all states are obliged to observe and guarantee them under any condition. In reality, “If jus cogens are to be presented in the international rights, undoubtedly, the law related to human rights protection would be part of these regulations.”⁴

States’ obligations regarding human rights are clearly explained in the credible international documents and conventions on human rights. Based on these documents, the states are obliged to observe human rights values and norms in their countries and ensure for their citizens, the rights enshrined in these documents. These documents demand from the states to include human rights values in their national laws and amend their national laws in consistency with human rights norms.

Based on the principle of peremptory norms of human rights standards as well as the stipulation of international instruments and the Constitution of our country on human rights, the Afghan government has specific responsibilities toward observance and protection of human rights in the country. Accordingly, the state of Afghanistan has duty to ensure and protect the human rights and freedoms of the citizens and to make effective and consistent efforts in this regard. Herein the most important points stipulated in the international instruments of human rights and Afghan laws, are briefly mentioned.

The Universal Declaration of Human Rights adopted by the UN General Assembly in 1948 has established a set of basic rights and freedoms for human beings. In its preamble, the United Nations General Assembly in the preamble of the Declaration has proclaimed that it is a common standard of achievement for all peoples and all nations in the world.⁵

This declaration emphasizes on inherent dignity of man and considers all human beings as equal. Based on this declaration, there is no distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status to prevent people from enjoyment of their human rights. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to

² . Lawyer, doctor Amir Saeed (1390). Guarantee enforcement of fundamental human rights. Tehran, publication of the Legal Foundation. Mezan Page- 371

³ . Ibid., P. 39 .

⁴ Ibid, p. 40

⁵ . UN General Assembly (1948), Universal Declaration on Human Rights, Preamble. Published by the AIHRC

which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.⁶

The Universal Declaration on Human Rights has a recommendatory tone, therefore it encourages the countries to observe and protect human rights. On the other hand, more emphasis has been made on these rights by the two very important conventions of Civil and Political Rights, as well as Economic, Social and Cultural Rights Convention (adopted by the UN General Assembly in 1966) and they oblige the state parties to observe and protect these rights.

Article 2 of the Convention on Civil and Political Rights reads:

“1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant”⁷

Article 2 of the Convention on Economic, Social and Cultural Rights also emphasizes on commitment of the state parties to observe the rights enshrined in this convention:

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.⁸

⁶ . Ibid, article 1 and 2

⁷ . UN General Assembly (1966). Civil and Political Rights Convention, article 2, paragraphs. 1 and 2, published by the AIHRC

⁸ . UN General Assembly (1966), Economic, Social and Cultural Rights Convention article 2, Published by the AIHRC

Therefore, these two conventions oblige the state parties to observe and protect human rights enshrined in these two conventions and they make the state parties committed to observe, protect and promote these rights.

In separate articles, these two conventions emphasize on civil, political, economic, social and cultural rights and ensure these rights for every person. Similarly article three of these two conventions emphasize on equal rights for men and women.⁹

In addition to these two important conventions and the Universal Declaration of Human Rights, numerous other documents have been adopted by the UN General Assembly which emphasize on the specific areas of human rights or address the rights of vulnerable persons in the society such as women, children, persons with disabilities, refugees, displaced persons, elderly people or pay attention to emergency situations such as war, illness, natural disasters and address human rights of the victims under the said conditions. The most important of these documents are:

- Universal Declaration on Child Rights, adopted by the UN General Assembly on 20 Nov. 1959
- Convention on the rights of the child, adopted by the UN General Assembly on 20 Nov. 1989
- Convention on the Elimination of all forms of Discrimination against Women adopted by the UN General Assembly on 18 Dec. 1979
- Declaration on the Elimination of Violence against Women adopted by the UN General Assembly on 23 Feb. 1994
- Convention on the Rights of Persons with Disability adopted by the UN General Assembly on 13 Dec. 2006.
- International Convention on the Elimination of all forms of Racial Discrimination adopted by the UN General Assembly on 21 Dec. 1965
- Convention against Torture and Other Cruel Inhuman, Degrading Treatment or Punishment adopted by the UN General Assembly on 10 Dec. 1984.
- The Four Geneva Conventions adopted of Aug. 12 .1949 on the case of armed conflicts and protection of civilians, hostages and the wounded people
- Convention against Human Trafficking and Sexual Exploitation, Adopted by the General Assembly of the United Nations
- Protocol to Prevent, Suppress and Punish Trafficking in person, especially women and children adopted by the UN General Assembly on Dec. 2000
- Optional Protocol to the Convention on the Child Rights on the non-involvement of children to armed conflicts adopted by the UN General Assembly on May 25. 2000.

⁹ .Refer to: UN General Assembly (1966), Civil and Political Rights Convention. And also UN General Assembly (1966), Economic, Social and Cultural Rights Convention

Article seven of Afghanistan's Constitution emphasizes on observance of international commitments by the State of Afghanistan in the area of human rights. This article reads: "The state shall observe the United Nations Charter, inter-state agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights."¹⁰

Chapter two of Afghanistan's Constitution contains specific articles which ensure the rights of every individual. These rights cover a large number of human rights which are mentioned in human rights documents.¹¹ The last article of our country's Constitution (article 162) reads, "Upon the enforcement of this Constitution, laws and legislative decrees contrary to its provisions shall be invalid."¹² Therefore, all laws and legislative decrees contrary to provisions of the Constitution or cannot fulfill its objectives should be amended according to the provisions of this Constitution to be in consistency with human rights norms. Base on this, the State of Afghanistan is also obliged to observe, ensure and promote human rights

According to above explanations, the state is obliged to make effective efforts for observance, insurance and protection of human rights for three following reasons:

1. Human rights norms enshrined in the international laws are part of the international peremptory norms which are inclusive and cannot be suspended. The State is obliged to observe and protect them under any condition.
2. Human rights international documents consider the observance, ensuring and promotion of human rights as a duty of the states.
3. The Constitution of Afghanistan obliges the state to observe and ensure human rights for its citizens.

3. Research Procedure

The report on human rights situation in Afghanistan is a descriptive-analytical report which is prepared based on the data collected by the AIHRC regarding human rights violations in the country. The main sources of this report are the Case Management database and human rights field monitoring database. In addition, the information and data from the databases of violence against women, child field monitoring, child monitoring on borders and special monitoring on humanitarian rights and civilian casualties have also been used in this report. Furthermore, for the enrichment of this report other research reports published by the AIHRC or other entities, media reports, and information received through government and non-government organs have also been used in the present report.

"The Report on Human Rights Situation in Afghanistan" is prepared annually and the present report is the tenth report in this series which depicts human rights situation in 1393. Attempts

¹⁰ . Constitution of Afghanistan (1382), article 7, paragraph 1

¹¹ - Refer to Constitution of Afghanistan(1382), chapter two: Basic Rights and Obligations of the Citizens

¹² - Constitution of Afghanistan (1382), Article 162, paragraph 2

have been made in this report to present a precise picture of the human rights situation through making a comparison between the findings of this year and the last year, and in some cases with the findings of the previous years.

This report covers all over the country and its data are collected by the regional and provincial offices from all parts in the country. However, due to various problems of security, geographic, cold winter and limited resources, continued access to many parts of the country has been limited. These restrictions have been more severe in the areas under the control of the anti-government armed elements.

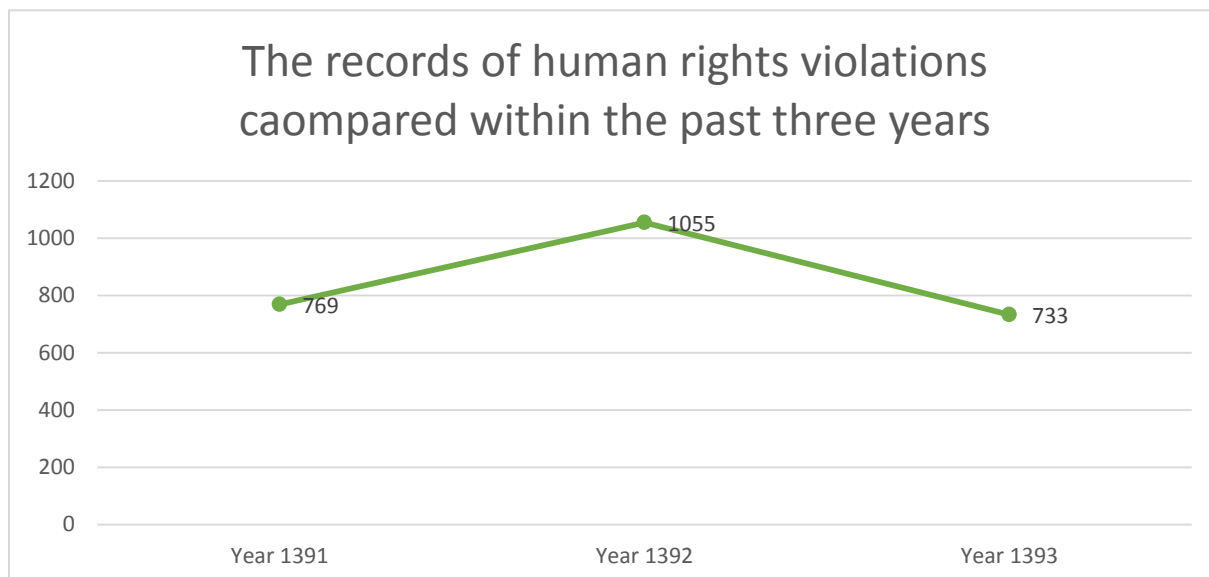
Chapter Two

Evaluation of Human Rights Situation

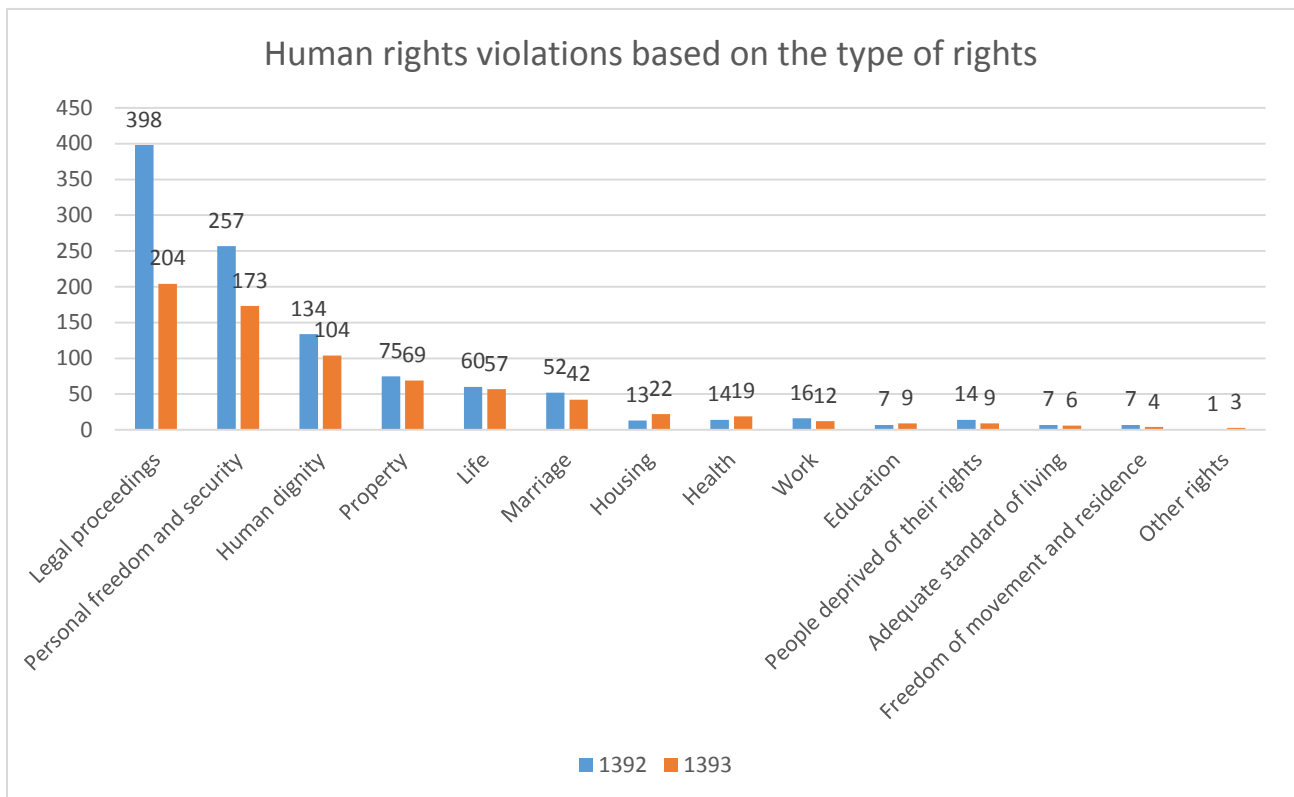
1. Over view of Human Rights Situation in 1393

Although outstanding progress has been made in the area of protection and promotion of human rights in Afghanistan, still human rights in the country is faced with numerous challenges and various cases of human rights violation occur in this country. Failure to effectively address the cases (due to existence of corruption), civilian casualties, poverty and unemployment, violation of the rights of women are considered the major human rights violation.

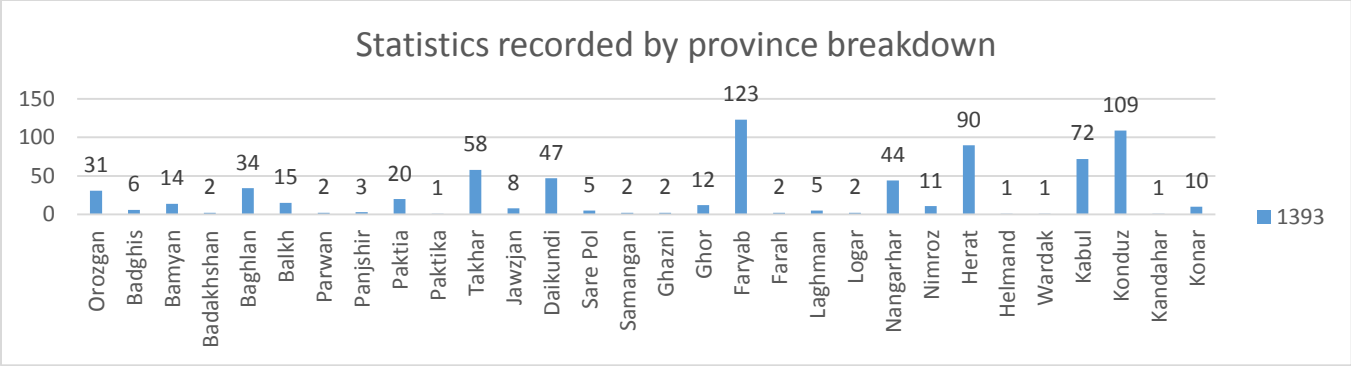
Numerous cases of human rights violation have been recorded by the AIHRC which show the existing realities in our country. The AIHRC annually collects, classifies and records information on human rights violation in separate databases. The present report is based on the Commission's Case Management and field monitoring which shows general situation of human rights in the country. Based on the information by Case Management of the AIHRC a total of 733 cases of human rights violation have been recorded in 1393, while in 1392, this statistics had reached to 1055 of such cases. It shows that cases of human rights violation have been decreased by 322 cases (18 percent) compared to the year 1392. The comparison of these figures is clearly shown in the following chart.



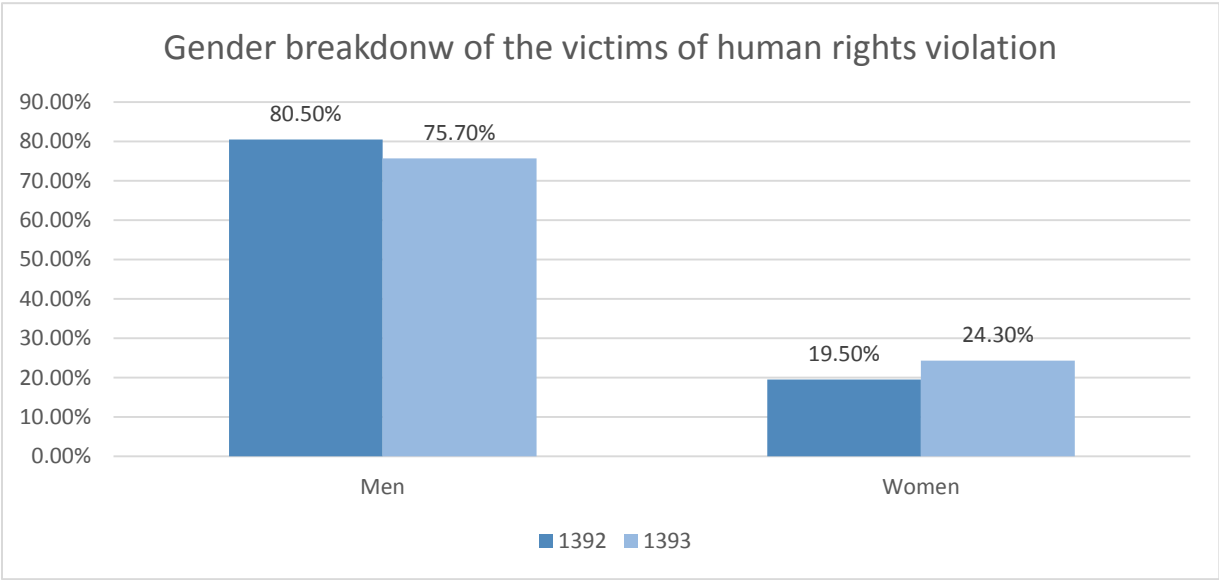
Based on the findings by this report, human rights have been violated in various areas, but violation of the right to legal proceedings comes on the top. Most of the cases are registered about the violation of the right to effective addressing and legal proceedings. This fact shows administrative corruption and lack of transparency in judicial and justice organs and institutions. Out of 733 cases registered in 1393, a total of 204 cases is related to violation of the right to effective addressing and legal proceedings which makes up 28 percent of all the cases. The following table specifies cases of human rights violation by their types.



In terms of provincial breakdown, the most of the cases of human rights violation were recorded in Fariab, Kunduz and Herat provinces. Registered cases of human rights violation in the database of the AIHRC do not cover all cases of human rights violation in the country. Due to traditional views or security problems, most people, especially women refrain to register violation of their rights, but the AIHRC’s regional and provincial offices have made their utmost possible efforts to record and follow up the cases of human rights violation. The following table shows cases of human rights violation by province.

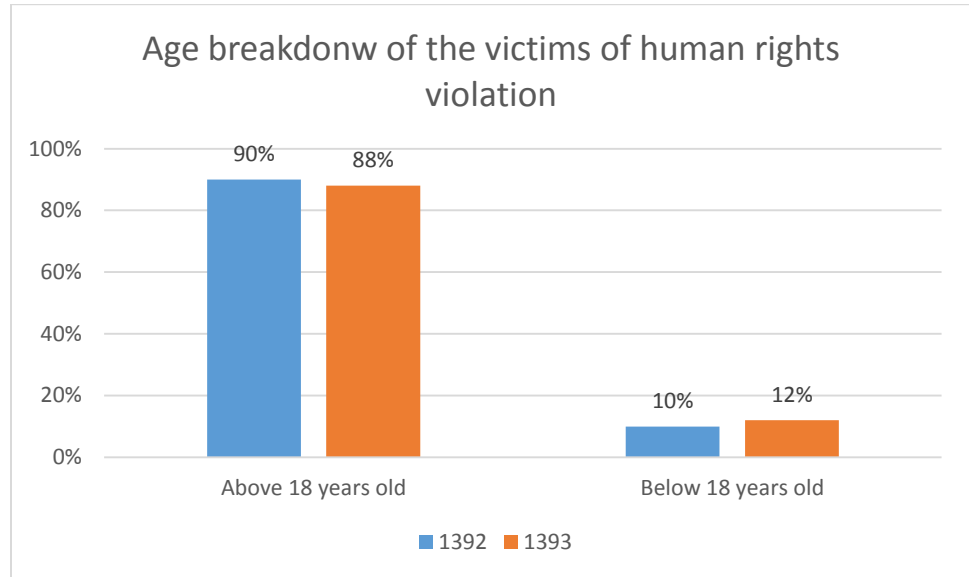


From the gender point view, out of 733 cases, a total of 178 cases (24 percent) is related to women and 555 cases (76 percent) is related to men while 19.5 percent of the cases is related to women in 1392. Comparing to the year 1392, this figure shows a 4.5 percent increase. The following table shows a gender breakdown of the cases:



Children are more vulnerable and they need more protection and attention. The rights of children in Afghanistan are violated in various ways. Children are faced with different challenges such as hard labor, violence, lack of access to education and etc. Based on the findings by the AIHRC, out of all cases of human rights violation, 87 cases are related to children, which makes up 12

percent of all the cases recorded, while in 1392, 10 percent of the cases was related to children. The following table shows cases of violation on the bases of age:



During the first 9 months in 1393, the AIHRC issued 672 press releases on various human rights issues. Similarly, the AIHRC held 7 press conferences and more than 40 national and international media widely reflected the news of the meetings.

Likewise, 650 interviews with media as well as participation in roundtable discussions were made by the leading staff of the AIHRC.

A total of 852 reports and essays on the situation of human rights in Afghanistan were published. This figure was obtained as a result of 948 monitoring made to national and international media. During this reporting period the speeches by the leadership board of the AIHRC were quoted 240 times.



The AIHRC prepares research reports on various issues every year. During the first 9 months in 1392 the AIHRC conducted a national inquiry on Bacha Bazi, a report on human rights situation, a report on economic and social rights situation, a report on civilian casualties, and another report on the elections. Similarly, the AIHRC publishes Human Rights Monthly magazine with a circulation of 20 thousand copies which contains valuable articles on human rights subjects. During the same period, a total of 900 letters form governmental and non-governmental organs were received by the AIHRC which included letters of acknowledgement and letters demanding for cooperation.

This table shows the number of letters received during the first 9 months in 1393.

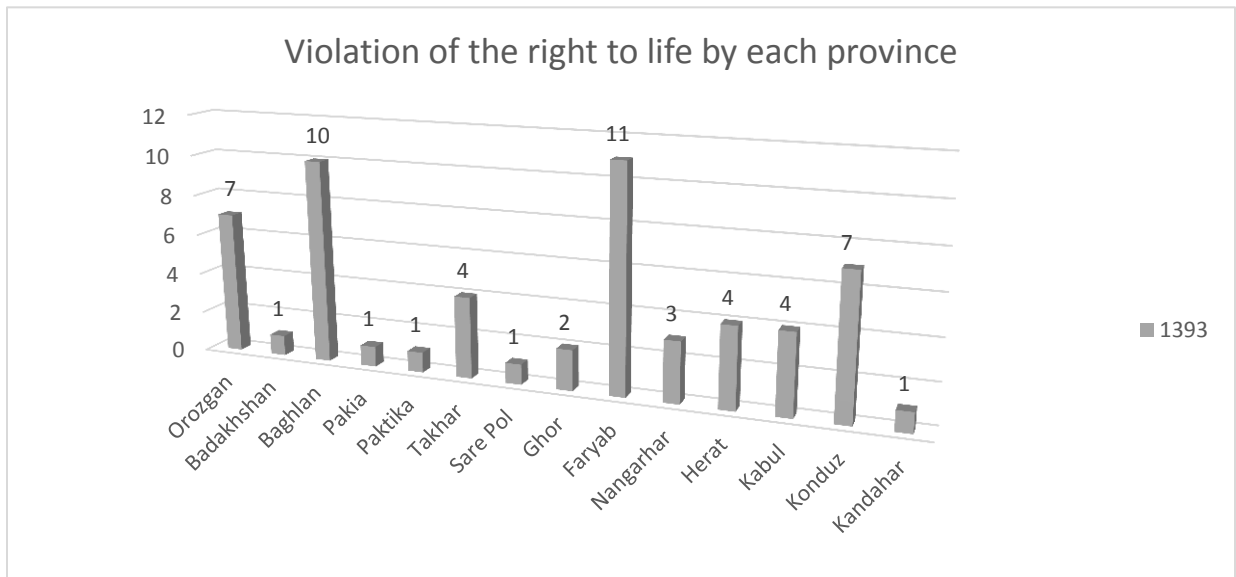
Subject of the letters	State organ	NGO	Total
acknowledgement	464	78	542
Demand for cooperation	262	95	357
Total	726	173	899

The above table shows that government and non-governmental institutions assured the AIHRC of their commitments to human rights norms which indicate a high level of accountability. Similarly, these institutions, through other 357 letters, demanded the AIHRC as a national human right institution for contribution to carry out their duties and commitments in respect to human rights in the country.

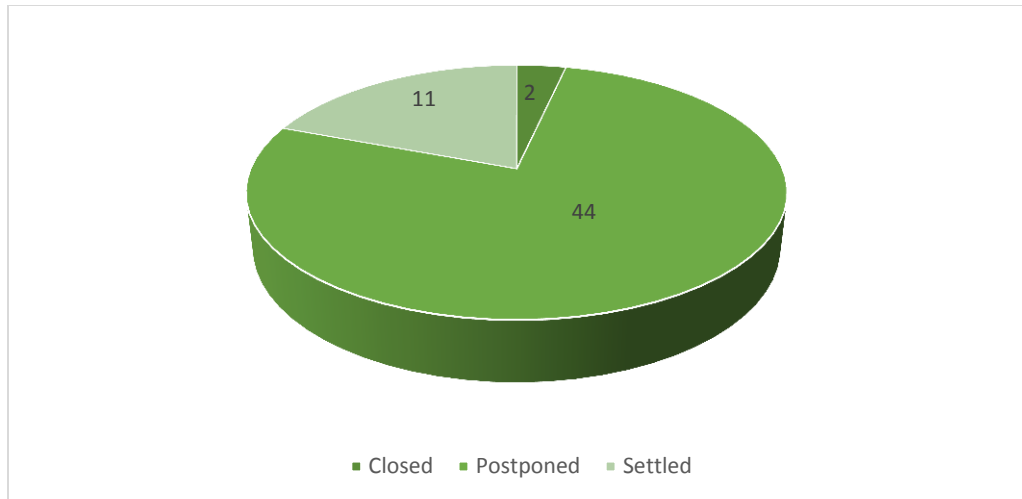
2. The Right to Life and living Security:

The right to life is one of the basic human rights and without this right other human rights have no value. Therefore, it has priority over other human rights. It is considered a basic principle in human rights that no one can be arbitrarily deprived of this right.

To determine relationship between human rights and meaningfulness of life is one of the serious discussions related to human rights philosophy which is, nowadays, of a universal importance. In this part of the report the issues regarding civilian casualties, killings due to traffic and natural incidents, honor and targeted killings in Afghanistan are described. Based on the database of the AIHRC, around 57 cases of violation of the right to life were registered in 1393, out of which 35 cases were related to men and 22 cases were related to women, while 11 cases were related to children. The recorded cases are registered in 14 provinces of the country. The following table shows the cases by each province



Out of these cases, 44 cases were postponed, 11 cases were settled and 2 cases were closed. The following table depicts the situation of the cases:



Civilian Casualties:

Afghanistan still suffers from war and conflicts. For this reason the number of civilian casualties consistently remains high in the list of violation of the right to life. Civilian casualties as a result of armed conflicts remain as a concerning issue during the recent decades. Humanitarian laws emphasize that civilians should not be harmed during armed conflicts. Civilian casualties are mostly committed by anti-government armed insurgents and in some cases security forces also cause civilian casualties during their operations.

Civilian casualties recorded by the AIHRC show that during the eleven months (Hamal to Saur) 1393, a total of 7653 people were killed or injured (2899 people killed and 4754 other injured). This figure exceeded 5258 people (2084 killed and 3174 injured) in 1392. Comparison of these figures shows that the number of civilian casualties increased a 31 percent in eleven months of 1393.

At the same time, a report by the UNAMA indicates: “The number of civilian casualties was reported 10548 people in 2014 which is the highest figure since 2009 up till now. This figure included 3699 killed (25 percent increase) and 6849 injured (21 percent increase) compared to the year 2013, which shows a total of 22 percent increase in the number of civilian casualties.”¹³

The database of the AIHRC shows that the figure of civilian casualties on the base of their perpetrators has been changed a lot compared to that in 1392. Casualties committed by the anti-government armed elements during eleven months in 1392 exceeded 4326 people (1660 killed and 2666 wounded), while this figure reached 5429 people (1970 killed and 3459 wounded) in 1393. It indicates 20 percent increase.

Civilian casualties by pro-government forces (international forces and the government forces) reached 248 people (121 killed and 127 wounded) in 1392, while this figure reached 419 people

¹³ Tolo News, UNAMA Report on Civilian Casualties, issued on 29 Dalwa 1393, adopted on 9 Hoot 1393, add: Address : <http://www.tolonews.com/fa/afghanistan/18261-ground-fighting-causes-22> -

(144 killed and 275 wounded) in 1393. It shows a 40 percent increase in the number of civilian casualties.

Civilian casualties committed by unknown or unidentified perpetrators reached 663 people (294 killed and 369 wounded) during eleven months in 1392 while this figure reached 1704 people (764 killed and 940 wounded) during eleven months in 1393. It shows 61 percent increase during eleven months in 1393. Due to security condition, the AIHRC could not make working trips to some areas to identify the perpetrators, or in some cases no conflicting parties claimed responsibility for the incidents.

At the same time a report by the AUAMA shows, “Around 72 percent of the casualties were perpetrated by the anti-government armed elements, 14 percent by the government forces (12 percent of the armed forces of Afghanistan and 2 percent by the international forces), 10 percent as a result of battles on the ground, 3 percent by unexploded remnants of war and 1 percent of the victims was killed by border shootings. The report adds that most of casualties occurred during the battles between the government forces and anti-government armed groups as a result of rocket and grenade attacks. This report indicates that casualties among women and children increased 40 percent. Casualties among children exceeded 2474 people out of which 714 children were killed and 1740 others were injured. Casualties among women show an increase of 21 percent, 290 women were killed and 611 others got injured.”¹⁴

Based on the findings by the AIHRC, civilian casualties as a result of rocket attacks by Pakistani forces in border areas reached 19 persons (7 killed and 12 wounded) during eleven months in 1392. This figure exceeded 101 (21 killed and 80 wounded) during eleven months in 1393 which indicates a 81 percent increase.

Civilian casualties in the years 1392 and 1393

Year	Killed	Wounded	Total
1392	2084	3174	5258 ^
1393	2899	4754	7653

Segregation based on perpetrators (eleven months 1392-1393)

Pakistani forces		Total	Unidentified		Total	Pro-government forces		Total	Anti-government armed elements		Year
Injure	Kille		Injur	Kille		Injure	Kille		Injure	Killed	

¹⁴ Tolo News- Ibid

d	d			ed	d		d	d		d		
۱۲	۷		۶۶۳	۳۶۹	۲۹۴	۲۴۸	۱۲۷	۱۲۱	۴۳۲۶	۲۶۶۶	۱۶۶۰	۱۳۹۲
۸۰	۲۱		۱۷۰۴	۹۴۰	۷۶۴	۴۱۹	۲۷۵	۱۴۴	۵۴۲۹	۳۴۵۹	۱۹۷۰	۱۳۹۳

Segregation based on types of incidents (in eleven months 1292-1393)

Types of incidents	1392		total	1393		Total
	Killed	Injured		Killed	Injured	
Air bombardments	65	61	126	61	50	111
Demonstrations	20	93	113	2	17	19
Armed conflicts between the government and anti-government armed elements	49	80	129	183	576	759
Protective shootings by pro-government forces	15	9	24	22	29	51
Terror and killings	526	191	717	977	351	1328
Roadside mines/explosions	855	1404	2259	984	2015	2999
Military operations	4	12	16	.	.	.
Night searches	31	10	41	.	.	.
Other incidents	20	82	102	14	36	50
Rocket attacks	117	206	323	280	719	999
Suicide attacks	382	1026	1408	376	961	1337

Segregation on the basis of age and gender (eleven months 1392-1393)

Year	Killed	Total	Injured	Total
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	Men	Women	Child	Un identified		Men	Women	Child	Unidentified	
1392	1438	246	320	80	2084	2006	178	479	511	3174
1393	2136	207	357	199	2899	2820	237	647	1050	4754

The above statistic shows that children casualties during eleven months in 1393 increased 20 percent comparing to the last year.

Civilian casualties based on geographical division

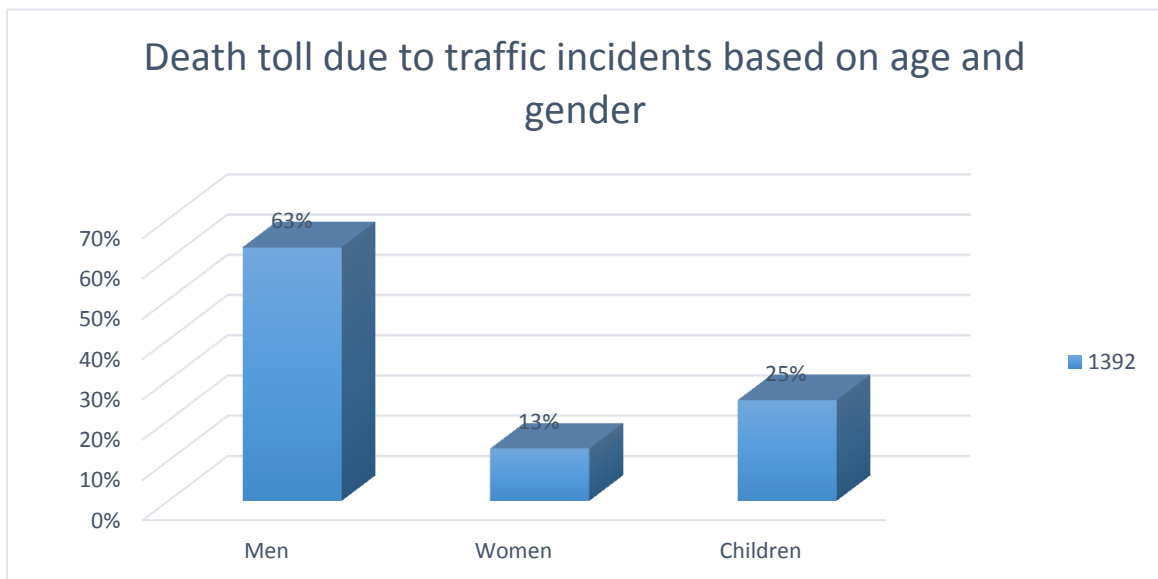
Zone or area	1392		Total	1393		Total
	Killed	Wounded		Killed	Wounded	
Center	387	699	1086	364	637	1001
East	238	361	599	605	1300	1905
North	132	210	342	229	327	556
Northeast	132	204	336	274	465	739
South	172	378	550	299	443	742
South west	723	1005	1728	885	1419	2304
West	300	317	617	243	163	406
Total	2084	3147		2899	4754	

Note: Geographical classification in this report is made on the basis of seven zones and the aforementioned zones including the following provinces:

1. Central: Bamian, Daikundi, Ghazni, Kabul, Parwan, Wardak, Kapisa, Punjshir and Logar
2. East: Kunar, Laghman, Ningarhar, Nooristan
3. North: Balkh, Fariab, Jowzjan, Samangan, Sar-e-pul
4. Northeast: Badakhshan, Baghlan, Kundoz, Takhar
5. South: Khost, Paktia, Paktika
6. Southwest: Helmand, Kandahar, Zabul, Urozgan
7. West: Badghis, Ghoor, Farah, Herrat, Nimrooz

Traffic accidents: traffic accident in Afghanistan is a problem which takes the life many people annually. Information collected by the AIHRC shows that traffic accidents in 1392 took the life of 1196 people. his figure includes incidents happened in the majority of the provinces covered by the AIHRC. This figure does not cover those areas of our country which are not accessible for the AIHRC. There is more possibility that the real number of casualties arising from traffic accidents is higher than what is mentioned here. There were many obstacles during this research which were beyond the ability of the AIHRC to overcome.

This figure includes 750 men(63%), 152 women (13%) and 294 children (25 %) which is shown in the following chart.



Similarly, the total number of traffic accidents in 1392, which resulted in the injuries, exceeded 3871 people, out of which 72 % (2729 people) were men, 13%(507 people) were women and the other 13% (545 people) were children. It is clearly show in the following chart:

This figure describes that almost 2 to 3 people are killed as a result of traffic accidents every day and 9 to 10 people get wounded. It inflicts tremendous economic damage on the country. The total of traffic casualties exceeds 5067 people in a year. As a result of traffic accidents, 12 to 13 people lose their lives each day all over the country.

Factors involved in traffic incidents are generally classified in three main groups such as human factor, technical factor and natural factor. The biggest one is human factor. Assessments show that non-standard roads 17 %, unawareness of drivers about traffic rules 15%, low level of awareness of the citizens about traffic regulations, and carelessness 10%, driving at high speed 10%, having no number plate and driving license 9% and under age driving 5%, are the main causes of traffic incidents.

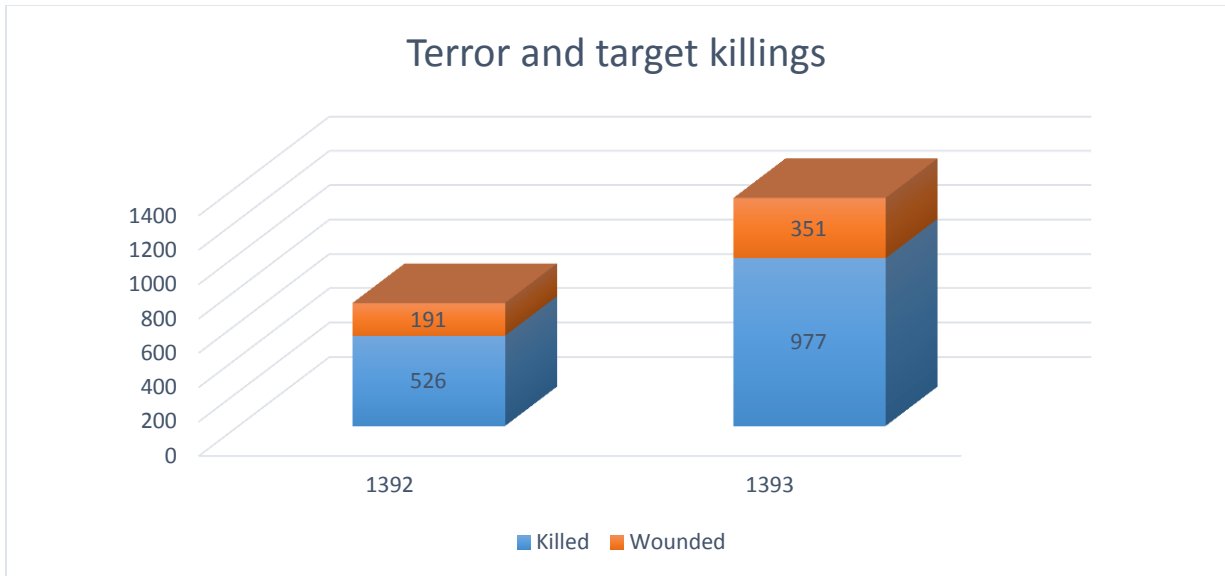
The Census Central Bureau quoting the Ministry of Interior Affairs issued a report on the number of traffic accidents in the year 1392 and 1393, which shows that a total of 779 cases were recorded during the first quarter of the year 1392 while 953 cases were recorded in the second quarter of the same year. The total of traffic accidents reached 1732 cases in 1392. Similarly, 739 cases of traffic accidents were recorded during the first quarter of the year 1393, and 808 cases were recorded during the second quarter of the same year from all provinces. The total number of traffic accidents exceeds 1547 cases. In this way, the number of traffic incidents during the first half of 1393 was 185 cases less than the first half of the year 1392 which shows almost a 5 percent decrease.¹⁵ Of course the number of casualties in these incidents is not specified. Specific statistic of traffic accident occurred in the last half of the year 1393 is not available yet.

Terror and Target Killings: Terror is an organized and pre-planned activity carried out by the groups or individuals for achieving political goals. Terror and target killings in any form are contrary to human rights values and are considered horrible and inhumane actions. Terror is a clear violation of the right to life and nobody has the right to terrorize another person or kill a person for reaching political goals. There are numerous cases of terror and targeted killings recorded in the database of the AIHRC.

Case: “ Ningarhar- On 11/09/1392 a person complained to this office that his son was kidnaped by a band of terrorists and then he was killed. The case is under process in the related organs and a member of this band has been arrested up till now. Similarly the victim’s family members are under threat of the terrorists forcing them to stop following up of the case. Therefore, he demands for the cooperation by the AIHRC.”

Terror and targeted killing in Afghanistan continues to remain as a very concerning issue. Recorded statistic by the AIHRC shows the number of terror and target killings reached 717 cases in 1392, and this figure exceeded 1328 cases in 1393, which indicates 30 percent increase. The following chart shows the statics during these two years.

¹⁵ - Central Statistics Office, quarterly statistical indicators, PDF, page 20, retrieved from the Central Statistics Office website: Address: <http://cso.gov.af/fa/page/1500/12570/12574>



Honor Killing: Violence against women is one of the main challenges and concern which sometimes results in killing of women. Honor killing is one of the most common cases witnessed in various parts of Afghanistan. A report prepared by the AIHRC on the situation of violence against women shows that 92 cases of honor killings were recorded in 1393, while this figure reached 120 cases in 1392. Although the level of honor killing decreased by 13 percent in 1393 compared to the last year, but honor killing remains as a concerning issue. Based on the Commission’s case management, out of 57 cases of violation of the right to life, 22 cases related to honor killing.



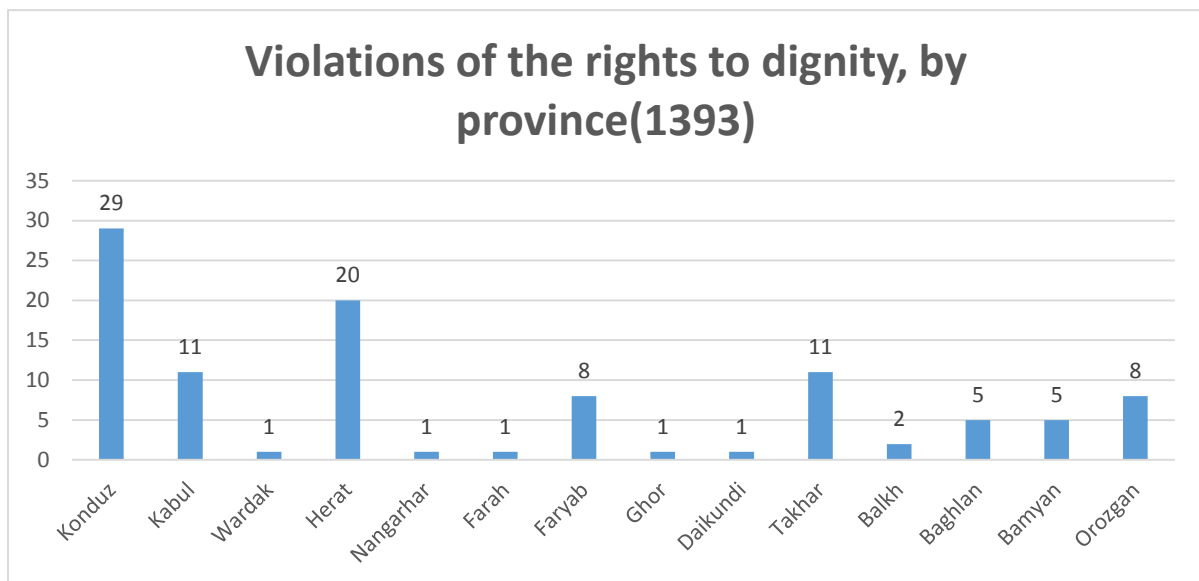
Case: Takhar- a complainant claims as such: “My daughter was mercilessly killed on 16/4/1393 by her father-in-law, mother-in-law, and her husband residents of Takhar province. Her husband fled to Iran and the attorney released the murderer father-in-law and now he is free. No one asks about this case. I handed over petitions to Takhar Court of Appeal twice. He gave order to the local attorney. I handed over the order to the attorney, but he responded that he had released the perpetrator, because he had no care taker in his family.”

Case: Maymana- a Complainer claims as such: “My sister was given in marriage to son of On Wednesday, 21/5/ 1393, during the evening her husband and his brother shot my sister dead mercilessly. Although I complained to the authorities, but they did not arrest the perpetrators.”

Human Integrity

Human dignity and integrity is considered as an important and basic concept in the area of human rights. Respecting and observance of human dignity is a considerable issue in the human rights area. Various cases of violation of the right to human dignity have been witnessed in Afghanistan including torture, degradation, assault and beating. Based on the Commission’s Case Management, the majority of cases of violation of this right have been recorded in Kunduz province.

The following chart shows violation of this right in different provinces



The present report shows that the number of violation of this right is 30 cases less than that in the last year which indicates a 13 percent decrease. Out of the total number, 36 cases are related to women and 68 cases are related to men. Around 65 percent of the cases are related to men. During the last year 85 percent of the cases of violation of the right to dignity are related to men. Although cases of violation of this right related to men were on the top during the two years, but it shows a 20 percent decrease compared to that in the last year. The cases related to women show 20 percent increase. Types of violation of this right have been somewhat different among men and women. Beating by powerful people, torture and mistreatment by security in charges are the most important cases of violation of this right related to men. Cases of violation of the rights of women to human dignity include sexual assault, beating and humiliation by husbands.

The most cases of violation of the right of women to human dignity are sexual assaults, beating and humiliation by husbands and relatives.

Based on the findings by the AIHRC, a total of 104 cases of violation of the right to human dignity have been recorded during the year 1393, out of which 32 cases were settled, 65 cases were postponed and 7 cases were closes.

Legal status of the cases of violation of the right to human dignity		
Status	Number of cases	Percent
settled	32	30.8%
pending	65	62.5%
closed	7	6.7%
total	104	100%

Torcher and Abuse: Torcher and mistreatment is a clear violation of the right to human dignity. Based on human rights norms, no one should be tortured or mistreated. Out of the registered cases of violation of the right to human dignity, around 75 percent of the cases are relate to torture and cruel treatment. Of course this figure covers men and women in general. The AIHRC identified and assessed 167 cases of tortures till the end of Qaws 1393, two of which resulted in the victim’s death.

Case: “ A complainant claims that he was arrested by the National Security Department of Karookh district in Herrat province. Being accused of terroristic attack, he was severely beaten and tortured. As a result of beating and torture he has been in hospital for two days.

Case: A complainant states, “One day, ... son of ... and ... son of ... broke into my house and they beat me hard. I wanted to complain to the District Governor office, but on the way my car was stopped by Mawalwi ..., and me and my father were badly beaten by ..., ... and The doctor report is with me. I complained to the Security Police office, but no action was taken.”

Insult and degradation: Any kind of humiliating and degrading treatment of people means non-observance of human dignity. Insult and degradation is against human rights norms and no one

has the right to insult or degrade others. Among the recorded cases, some of them indicate insulting and degrading treatments committed by powerful individuals, security in charges or by relatives and family members.

Case: Fariab province- “I was arrested by the security forces and spent two months in Jail. I was released on 23/6/1393. When I was in the jail I witnessed felonious treatments. I got tired of this situation and started objection, but I faced with mistreatment by the jail keepers, and especially I was mistreated by ... and They mercilessly beat me until I fainted. They put me in a cell and banned my medical treatment. After three days, they took me to a doctor to dress my wounds.”

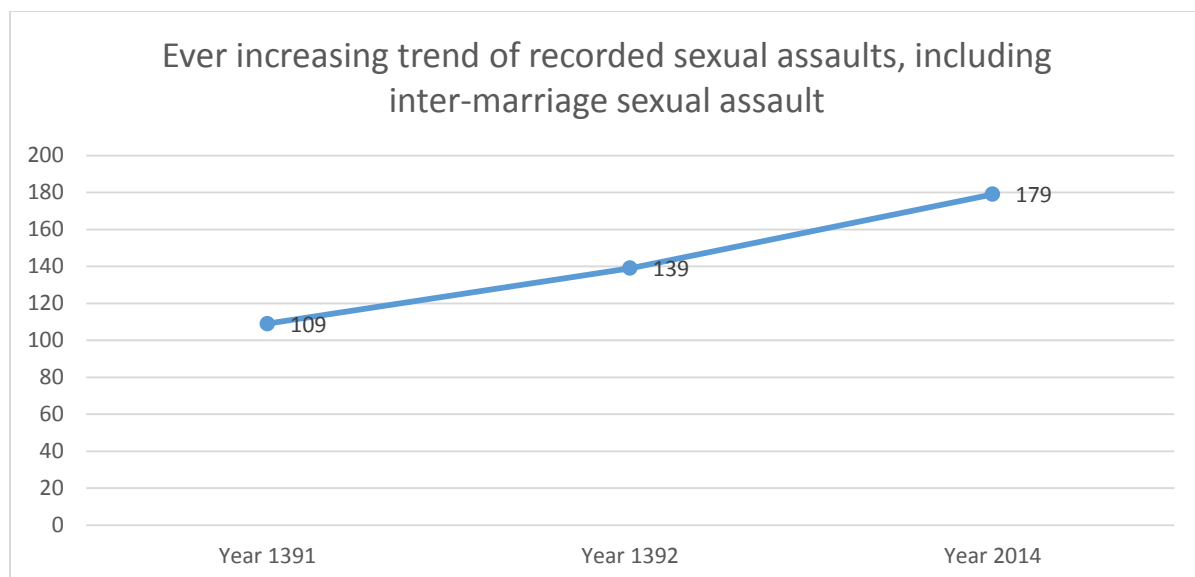
Discrimination: Since all human beings enjoy equal human rights, any kind of discrimination can be counted as violation of the right of individuals to dignity. Discrimination on the basis of gender, ethnicity, color, race and religion is prohibited in terms of human rights.

Case: A complainant says, “It has been 15 years that I am married with It is one month that my husband has married another woman. Since his second wife has come to our house, I have been completely ignored by my husband. He buys everything for her and treats her kindly. Now he has started to mistreat me and many times he has insulted and beaten me severely.”

Violation of human dignity of women: Women are mostly faced with numerous challenges in Afghanistan and most of the times their human dignity is violated in different forms. Factors such as illiteracy and traditional views regarding women are the main issues. In the present report, out of all registered cases about violation of the right to human dignity, 36 cases are related to women. Sexual assaults, humiliation and beating are the main cases of violation of women right to dignity.

Sexual Assaults: Sexual assault is the worst type of violence against women which victimizes a large number of women annually. Recorded statistic of the violence against women covers 54 cases of sexual assault in 2014 which were distinguished from other types of sexual violence against women. If forced intercourse and sodomy are counted as sexual assaults, out of all case of sexual violence, 179 cases are sexual assault in 2014. It covers 43 percent of cases of sexual violence against women which is a shocking figure. Counting forced intercourse and sodomy as sexual assault, the total cases of sexual assault exceeded 139 cases, which makes up 30.7 percent of all the cases of sexual violence in 1392. Statistic of sexual assaults reached 109 cases in 1391, which made up 27 percent of sexual violence against women. Comparison of cases of sexual assault during these three years shows an increasing trend of sexual assaults. The following chart shows it clearly.¹⁶

¹⁶ Report on Situation of violence against women, in 2014- the AIHRC



Similarly, numerous cases of sexual assault have been recorded by the Commission’s Case Management which indicates violation of the right of women to human dignity.

Case: “Fariab province- A complainant, resident of Qarghan district claims that his daughter had a conflict with her husband. She was summoned by the Criminal Police Department and then under the pretext of following her case she was taken into a room and was raped.”

Case: “Urozan: A complainant says, “For a long time I was working with Commander ... in a mine clearance project. One day when my wife was at her father’s house, Commander ... broke into their house and raped my wife. When I wanted to disclose this case, he arrested me under pretext of planting mine.”

Case: “Baghlan-A 12 year old girl was raped by her cousin, ..., in charge of a religious Madrasa. Four months later, on 8/9 of Saur 1393, the girl’s farther invited the perpetrator at his house and cut his nose and ears. The girl’s father said that he was satisfied with his action and the state should implement justices.

Insult and Degradation of Women: Humiliation and degradation includes insult, making fun of, verbal and psychological violence which exist as a serious problem in the society. Women become more victims of such behavior and treatments in the family and in society at large.

Case: Fariab- “... claims, “ Our neighbor, ... broke into my house on 15/4/1393 and he wanted to make a sexual attack on my daughter, but I prevented and kicked him out. He had harassed my daughter along the way to school. I complained to the Criminal Police office, but no action has been taken yet.”

Beating: Beating in any form is a human right violation. The victims of this crime are mostly women which are usually perpetrated by husbands or their relatives. Most of such cases remain secret due to traditional views and the victims are not willing to register the cases. Only a limited number of such crimes are registered which shows difficult situation of women in the families.



Qase: Shah Bi Bi complains, “I was beaten by ..., the son of my husband’s brother on 1/6/1393. I complained to the Security Police Office and they introduced me to the Public Health Department. It has been two days that I am wondering at the hospital. They scores of beating are visible on my body, but the forensic doctor does not confirm the case.”

Case: Kundoz- ... a resident of Char Dara district complained to Kundoz regional office of the AIHRC and claims as such, “One and a half year ago I got married with ...’s daughter and gave my sister to ...’s son in marriage. My father-in-law is a local commander and he often beats my sister and threatens her to death. I complained to the district office but they did not pay attention. I demand for help and cooperation.”

Killing: Many cases of killing of women occur every year. One of the most heinous and shocking case of killing was killing of Farkhonda which was committed at the end of 1393. The AIHRC published its finding regarding this case in a press release:

“The case of Farkhoda was a shocking incident which occurred in Kabul at the end of 1393. She was accused of burning the holy Koran and was killed by a number of passersby in a very horrible way. Shortly after this incident, the AIHRC issued a press release and condemned killing of Farkhonda as an inhumane incident and demanded from the authorities to arrest and punish the perpetrators. Similarly, one day after this incident the AIHRC investigated this incident and published its findings as following

On Thursday, 28/12/1393 a young woman named "Farkhunda" was killed in the most brutal way in Shahe-Do-Shamshera Mosque, in the center of Kabul city. The victim was first beaten punched, kicked and hit with stones, wood and clay under an indescribable suffering and torture and then was thrown into the roof, and the victim's body was later pulled by the car, at a distance of about two hundred meters long, with a complete disrespect, and was trampled and then thrown into the Kabul river and set on fire.

The inclusive investigations and inquiries indicate that Miss Farkhunda was 27 years old, graduated from fourteenth grade from Bibi Ayesha Sediqa Darol Olom (a religious school), she had done her studies in the religious sciences, and recently she had been learning Tajweed of the Holy Quran at the Islah Educational Center

The claim of burning of the Holy Quran by Farkhunda was not approved by any authority, and this was a false claim and is an unlawful accusation. In addition to this that the higher ranking governmental authorities have denied the occurrence of this act, the eyewitnesses, one of the neighbors of the Shahe Doshamsheri Wali's Mosque, one of the police authorities of the second district police station and suspects in the case of killing of Farkhunda told the AIHRC's staff that the Holy Quran was not burnt.

12 of the suspects who are currently under the police custody have told the AIHRC's staff during an interview that, "We have not seen burning of the Holy Quran and we have not witnessed any burnt volume as well, we have been merely told that this lady has burnt the Holy Quran." Hence, no witness and document, which indicates burning of the Holy Quran has been achieved by the AIHRC's staff while investigating about the case.



Based on the AIHRC's investigation and findings, a number of the police officers and soldiers of second district police station have obviously committed negligence in this incident, and they have committed negligence in their duty to protect the victim's life and human dignity; the video files and eye-witnesses' statements clearly shows that the victim was saved by police at the very beginning of the incident, but after a few minutes again the perpetrators of this criminal act reached to the victim but the policemen only watched the incident and did not take any effective action to prevent the commitment and continuation of disrespects against the victim.

Although this incident didn't last more than 2 hours and a large number of people were watching the killing of an innocent woman at the bank of the Kabul River, the National Police and security forces of the Ministry of Interior Affairs and the National Security didn't take any effective measure to prevent such a crime and to save the victim's life. A policeman who was present on the site stated to the Commission's staff, "We repeatedly contacted the authorities in the Second Police station and requested for help and sending of more policemen, but they did not pay attention and did not act in time. At the same time they did not give us permission to shoot and bring the situation under control to save the victim's life." It shows negligence and carelessness by the authorities towards security and rights of the citizens and cannot be justifiable at all.

Undoubtedly, the heinous crime of killing Farkhonda is a clear human rights violation and is a criminal action. The right to life, the right to human dignity and personal security are the basic human rights which have been severely violated in this incident. These rights are recognized as basic human rights in the international human rights document to which Afghanistan is adhered. Protection of these rights have been enshrined in Afghanistan's Constitution and other enforced laws. On the other hand, committing of such a crime against a victim is criminalized in the Penal Code of Afghanistan as well as in the Law on Annihilation of Violence against Women and it is considered a serious crime.

In addition to a clear violation of human rights, this incident is imposition of arbitrary and extra-judicial punishment. While arbitrary punishment of individuals is absolutely prohibited by the Constitution of Afghanistan and international human rights instruments, no one can be punished except by an authorized court and based on the provision of the law, because innocence is the natural condition unless the accused person is recognized guilty by an authorized court. On the other hand trial and issuance of a verdict is the authority of a court established by the enforced law and no other sources can implement and resort to arbitrary punishment.

Badal (exchange of women): Exchange of women as a tradition still exists in Afghan society. It usually takes place as a result of economic problem. Instead of paying money for marriage, girls are exchanged between the two families. This tradition violates the right to freedom of choosing spouse and usually it is conducted by force and imposed on girls and boys.

Case: Based on a petition by the complainant, ... husband of ... was taken to Pakistan for medical treatment, but after operation he passed away and his dead body was transferred to Afghanistan. ... was prevented from returning home by the brothers of her husband who live in Pakistan and they have said that ... should not marry another person. On the other hand they wanted to take an 18 year old daughter of ... from Dasht-e-Archi and transfer her to Pakistan for the purpose of marriage, but the local people prevented them. The case was reported to Archi District Security Commander, but no action has been taken yet."

Bad: A girl is given for the settlement of tribal and family disputes. When there is a conflict or animosity between two families, a girl is given in marriage to the opposite side in order to end up the animosity. This harmful tradition which is against human rights values still exists in Afghanistan and victimizes innocent girls.

Case: ... says, "During a personal dispute, my brother wounded ... with a knife, but this case was settled by the local elders. Now ...'s father asks my family to engage me for his son. My father accepted his proposal out of fear, but I disagree with this marriage."

During the year 2014 more than 2026 complainants referred to the Commission's offices and registered cases of violence against women.

Violation of the Human Dignity of Children: Children as a vulnerable group in the society need more and basic protection. Children are faced with numerous problems in Afghanistan some of which violates their right to human dignity. Unfavorable treatments, humiliation, sexual assaults and beating are the cases which threaten children. The Commission's Case Management shows that out of 103 cases of violation of the right to human dignity, 28 cases are related to

children. They make up 27 percent of all registered cases. Last year 24 percent of the cases of violation of this right was relate to children. It shows a 3 percent increase. Out of all children's cases in this report, 12 cases are relate to sexual assault and exploitation, 3 cases of torture and 13 cases of violent and cruel treatment.

Case: Kundoz- "I am a 15 year old boy and on 101/1393 I was sodomized repeatedly by Commander ... and his armed men for five nights and days. I suffered from their cruelty. I am seeking for a help to punish these criminals."

Case: Herrat- One year ago, ... a young girl was given in marriage to Due to family violence and harassment by her husband and his family members, she complained to the local police office. Unfortunately the police instead of helping her, supported her husband's family.

Case: Fariab- A complainant complains, "I was on duty at the hospital. In my absence, ... son of ... kidnapped my six years old son, ..., and sodomized him. I reported the case to the Criminal Department, but the perpetrator has not been arrested yet."

The AIHRC has paid a special attention to the situation of children in the country. During the first three months in 1393 Child Rights Field Monitoring Teams conducted 131 monitoring missions in 29 provinces of our country and interviewed 1056 children (498 girls and 574 boys) to assess their problems. They also visited children correction centers in various provinces 320 times and paid visits to orphanages 92 times and assessed their problems and demanded for a serious attention of the authorities.

4. Personal Security and Freedom

The right to personal security and freedom is one of the most important human rights, which protects all the human beings merely for being human. The first step in the acceptance of the right to personal security and freedom in the society is to recognize this right thoroughly. Based on the human rights standards, the people's personal security and freedom are inviolable.

Under this topic the following subjects will be discussed: freedom from arbitrary arrest and detention, freedom from beating, freedom from death threat, freedom from forced labor, freedom from forced disappearance, home safety and privacy, freedom from abduction and hostage taking, the right of people under detention and freedom of movement.

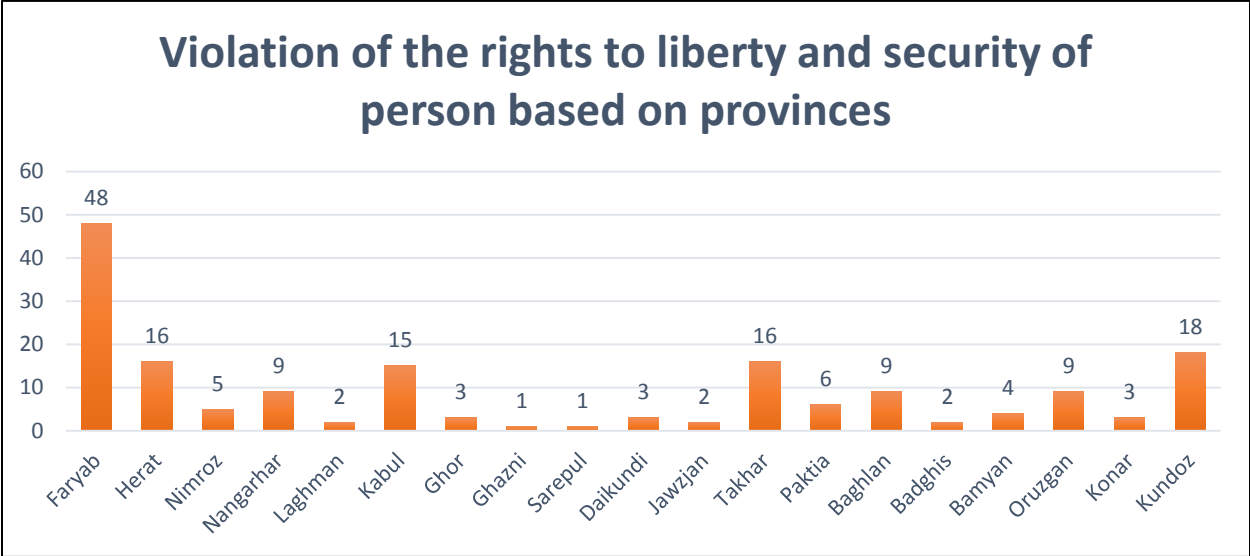
The AIHRC's Case Management shows that in 2014, 173 cases relating to violation of the right to personal freedom and security were registered. While in 1392, 257 of such cases had been registered.

This figure shows 84 incidents lesser than that in the previous year, and shows around a 20 percent decrease. The legal situation of the cases in 1393 is specified in the table below:

Legal Status of the Cases of Violation of the rights to liberty and security of person		
Status	Number of cases	Percentage
Resolved	76	43.90%
pending	93	53.80%
Closed	4	2.30%
Total	173	100%

Based on the AIHRC’s database, most of the cases of violation of the right to personal security and freedom are recorded in Faryab province in 1393.

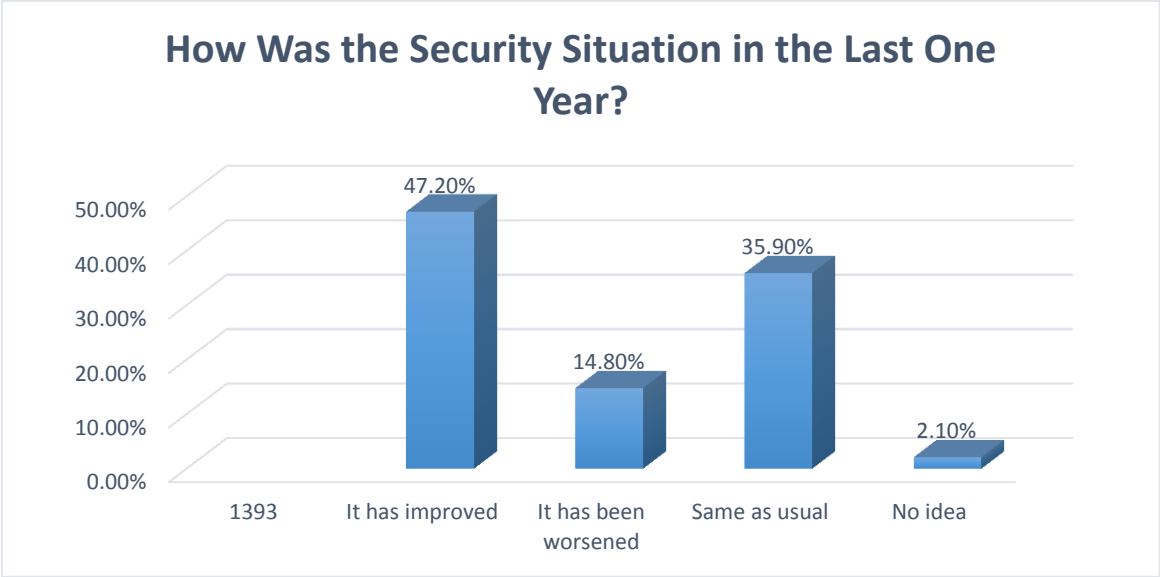
Violation of the right to liberty and security of person are specified by province in the following chart



Of all these cases, 125 incidents were men-related cases, which constitute 72 percent of all the cases, and 48 other cases were women-related. Out of the total cases of violation of the right to personal freedom and security, 14 incidents of it relate to children. Children’s incidents include beating, forced disappearance, battering and arbitrary detention.

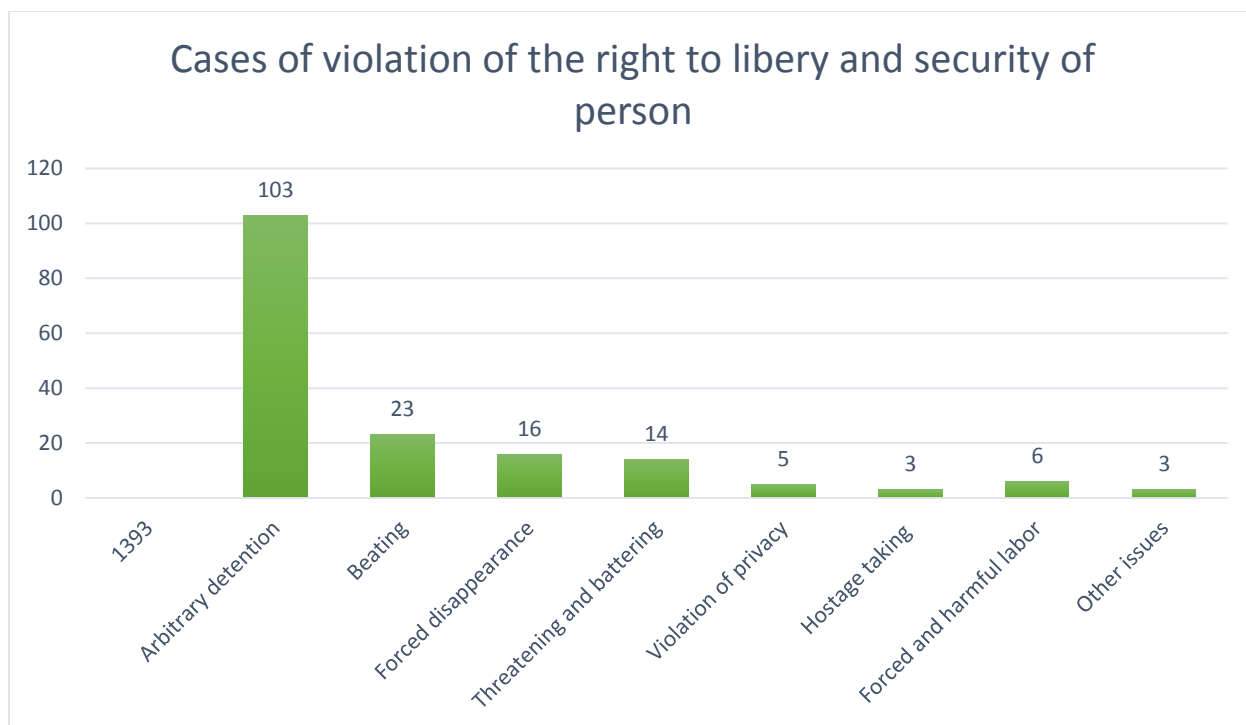
The field report on human rights situation indicates that more than 47 percent of the participants have stated that security situation has improved in the recent one year compared to the previous year. Out of 5081 participants in this interview, around 754 of them constituting 15 percent; have stated that security situation is not good and it has been deteriorated.

Out of them, 75 percent of the participants believe that the main factor of insecurity is the anti-government armed elements. 13 percent of them said the powerful people and the irresponsible armed individuals are the main factor of insecurity. Around 2 percent of the participants believe that police are involved in insecurity. The rest have not responded. The graph below shows the responses uttered by the participants concerning security situation:



The AIHRC’s Case Management indicates that the issue of arbitrary detention accounts for most of the incidents of violation of the right to personal freedom and security. 103 incidents of arbitrary detention, 23 incidents of beating, 16 incidents of forced disappearance, 14 incidents of threatening and 5 incidents of violation of privacy rights have been recorded.

The graph below has specified the number of these cases:



Freedom from arbitrary arrest and detention:

As it is visible in the graph, arbitrary arrest and detention constitute most of the incidents of violation of the right to personal security and freedom.

Legally nobody has the right to arbitrarily arrest or detain a person, but it has been witnessed that 103 cases relating to this issue have been recorded. Arbitrary detention has mostly occurred by local powerful people and commanders. The cases indicate that security officials have also violated these rights in some incidents.

Case: «Daikundi- the victim who resides of Shahrستان district has been sentenced to 3 months in prison by the Shahrستان district primary court on 10/7/1392 on accusation of beating and battering. The file has reached to the appeal court on 17/9/1392 after due administrative proceedings in the primary and appeal attorney offices. The victim’s sentence period has completed on 10/10/1392 but the Appeal Court has not addressed his case, and the attorney office claims that there is appeal against him, and the appeal court has not issued any decree relating to this issue, therefore, they cannot release the accused. The time period that the victim has passed in the prison after the end of his term is completely illegal and without the decree of any authorized authority, in this way his right to personal security and freedom and his right to legal proceedings have been denied. »

Case: «Konduz- during the monitoring mission to the police custody of Takhar police headquarter, ... son of ... and ... son of ... claim that, “After giving exam, we were going home to ... village from the College by motorcycle on 16/9/1392, when we reached to a police checkpoint on Takhar-Kunduz highway, police stopped us. After some moments a person called ... came over and all the policemen respected him. ... gave me severe beating and charged us

with accusations, then arrested us. It has been many days that we are under detention with unknown destiny. »

Safety from Beating:

Beating is one of the most violent forms of conflict. The AIHRC's case management indicates that 23 incidents of beating have been recorded in the last year, which is situated in the second row of violation of the right to personal security. Beating has occurred in different forms. Beating, using knife, pistol or other tools that cause injury can be seen in the cases. The perpetrators of such cases have mostly been local powerful people and illegal armed individuals.

Case: «Faryab- ... daughter of ... resident of Qaisar district claims that, “My husband ... went to Iran. He left me and my milk-fed baby named ... at home who was only 22 months old, and my brother-in-law ... was responsible for our guardianship. Last day he took my daughter out of her cradle and stabbed her, while I was trying to stop him, he injured me with knife as well. »

Freedom from Enforced Disappearance:

Legally nobody has the right to hold a person in secret or make him disappear. It has been emphasized in the first Article of the International Convention for the Protection of All Persons from Enforced Disappearance that nobody should be subject to enforced disappearance. »

Based on the provisions of this convention, no exceptional circumstances whether state of war or war threat, internal political instability, or any other general emergency situation cannot justify enforced disappearance. According to the international standards, anyone deprived of liberty should be kept in such places that are recognized and specified.

Freedom from Threat and Battering: Personal security is everyone's right. Nobody has the right to threaten or beat others. Threatening or beating are considered to be against the human rights values.

Case: « **Faryab** – A woman claims that, “My husband named ... son of ... treated me violently, and I was leading a wretched life. Consequently I had to complain to get divorced. After the due process, the triple courts issued their final decision in favor of me, and I got divorced, but ... along with his relatives do not stop chasing me, threatening me to death saying to me “Why have you got divorced?” He went to Mowlawi ... and complained before him against me, and he considered the courts decisions in contrary to Sharia, he threatened me and my family members that in case I do not return to ...'s home, I should leave the area, because my divorce decrees are against the Islamic Sharia. »

Home Safety and Privacy: Everyone has the right that their home and privacy be safe from disturbances. People's privacy is less respected and observed in Afghanistan. Disturbance of others' privacy is an unethical action, and it is in contrary to human values and dignity.

However, the culture of observance of privacy is not institutionalized in the Afghan traditional society. Interference in people's personal affairs is seen as a common and as a usual issue. It has been seen in many cases that home, which is a part of privacy, has sometimes been attacked. The cases below depict this reality:

Case: « Kundoz – Mowlawi ... lodged a complaint at the AIHRC’s regional office in Kundoz, and claimed that, “My daughter who is 17 years old went to Kundoz to her uncle’s home on 24/1/1393. She went out with her cousin to have ice-cream in a hotel. Her cousin was friend with a guy called ..., this guy came to this hotel to see his friend as well, and he has been followed and arrested by a criminal department staff. When the criminal department staff tried to arrest ..., he runs away without committing any crime. The criminal department staff opens fire at him, as a result of which, one passer-by got wounded. Currently my daughter along with her cousin and ... are under detention without committing any crime. »

Case: «The complainant claims, “On 16/8/1392 around 2am some people entered into my home, they brutally beat me and my wife, even they wanted to cut off my wife’s nose that the signs of its injury is still visible. While they were beating us, I recognized some of them who were residing in our neighborhood. Both of us, I and my wife got injured, and then they threatened us to death, and they made us leave the village. We have been displaced from our original living place, and currently we live in the Pashtoonkot district. »

Freedom from Abduction and Hostage Taking: Abduction and hostage taking continued to remain in Afghanistan as one of the basic challenges. This crime is committed in order to gain material privileges or for any other purposes. This is mostly done by mafia groups or powerful and illegal armed people. Abduction and hostage taking is illegal and an inhuman act, be in any form.

Case: «Herat – ... has been abducted from a few meters away from her home by some people named ... son of ..., ... son of ... and some other people on 7th of Ramazan of this year. They took her with themselves and forcefully concluded marriage to ..., but ... had run away from the area and got home. After lodging a complaint with the police headquarter, two of the perpetrators were arrested, but fled to Iran. »

Freedom from Forced and Harmful Labor: Based on the national and international instruments, forced labor is prohibited. The internal laws of the country and the international instruments have prohibited forced labor. Around 6 cases of forced labor have been recorded at the AIHRC’s case management.

Case: «Orozgan- One of the local powerful people took me to his home for three days and made me do his chores without paying my wage. After three days of hard labor, he has fired me, a complainant said. »

The Right of People Deprived of Freedom: Sometimes people’s freedom is deprived based on law. This means that a person because of the crime he commits would be kept under detention based on the decree the justice and judicial organs issue. At this circumstance, the detainee would enjoy the rights and privileges, such as freedom from maltreatment and torture, access to healthy water and food, the right to have connection with the family members, and the right to have access to advocate.

According to the Case Management, 9 cases of violation of the right of people deprived of freedom have been recorded, out of which 5 incidents are resolved and 4 other incidents are suspended. All these 9 cases relate to men, and do not include women and children.

2 cases have been recorded in each provinces of Orozgan, Paktia, Faryab and Nangarhar, and 1 case in Konar province. The AIHRC has visited prisons and detention centers for around 1046 times in 29 provinces in the first 9 months of 1393.

As a result of these monitoring missions made to prisons and detention centers, almost 395 people who were illegally imprisoned or detained have been released. Likewise, problems of other prisoners, such as hygiene, food and water situation has been reported to the authorities.



The Right to have connection with the Family at Detention Centers: Every detainee has the right to be in contact with his family and relatives. The authorities cannot deprive people of this right.

Case: «Paktia- ... son of ... a resident of Ali Shir district of Khost province was arrested by the coalition forces in Ahmad Abad district of Paktia province 2 years back, and he was transferred to an unknown place and has not had any connection with his family since his arrest.

»

The Principle of Nondiscrimination: People must not be discriminated at detention centers, but sometimes it has been seen that people are discriminated and they are not treated equally due to different reasons.

Case: «Nangarhar- The complainant has complained that he had been entitled to pardon based on the decree issued by the president of the Government of Islamic Republic of Afghanistan concerning political prisoners, but the attorney office and the prison administration have not entered his name in the political prisoners' list, therefore, he request the AIHRC to help me in this regard. »

Freedom of Movement: Freedom of movement is considered as a part of everyone's freedom. Based on the human rights instruments, freedom of movement and residence is everyone's right. Everyone has the right to freely move and residence, unless restrained by law.

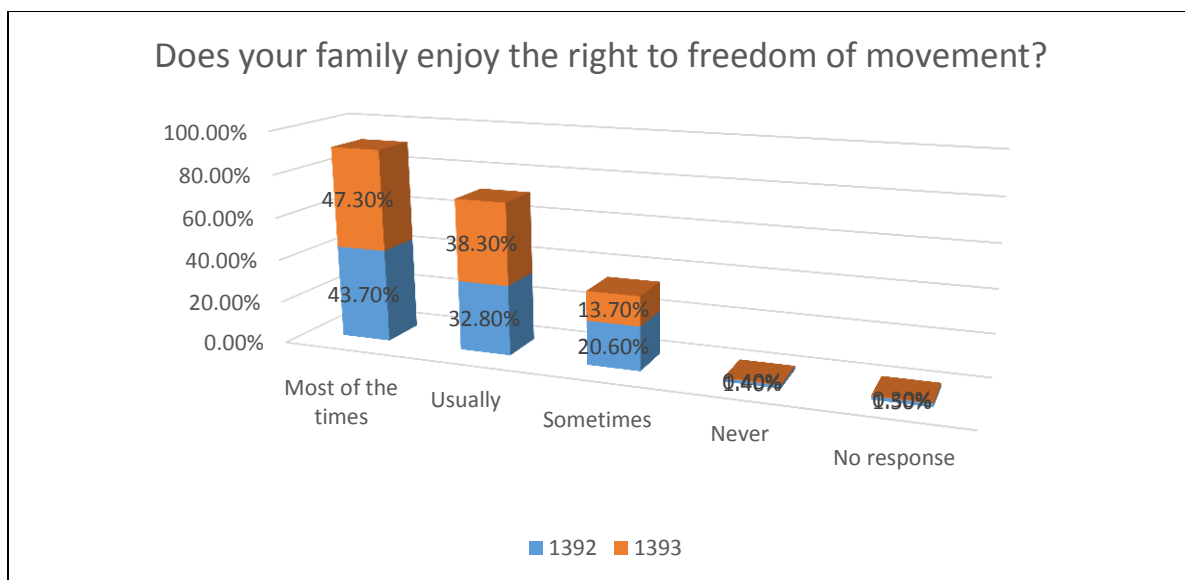
Lack of complete security has, to some extent, limited people's freedom. Threats and insecurities caused people not to be able to move freely in different regions of the country. Likewise, freedom of movement is faced with some limitations within Kabul city due to security issues as well.

For example, blocking of some of the streets and public routes caused people not to be able to move easily.

Likewise, due to cultural restricts and social traditional attitudes in some provinces, freedom of movement is restricted for women. There were some reports from Herat in 1393 that the security officials were avoiding the girls' rights to movement with their fiancés at public parks, and they were asked for their marriage certificate. Freedom of movement is further restricted for women in some other insecure provinces as well.

The AIHRC's field report indicates that out of 5081 interviewees in 1393, only 47 percent of them said their family enjoy freedom of movement all the time.

In 1392 around 43 percent of the participants said that their family enjoy freedom of movement all the time. A 4 percent increase can be seen in the level of satisfaction from freedom of movement in 1393. The graph below shows this comparison:



4 cases of violation of freedom of movement have been recorded at the AIHRC’s database in 1393, out of which, 3 cases of them have been resolved, and one case has been suspended.

Case: «Konduz- I along with my family went to Imam Saheb’s Rawza, in the campus there were two girls talking and walking with a boy. A person clothed in private clothing introduced himself as a criminal department staff, after getting some money as bribe, he left the guy and took the girls with himself. I interfered, but he threatened me with his pistol. »

The Right to Political Participation/Elections

Political participation is one of the human rights of individuals. Participation and taking part in elections is one of the political rights of everyone that eligible individuals who have completed their legal age, has the right to vote. On the other hand, the elections’ process must be conducted fairly and transparently in order to show the people’s will.

Afghanistan held presidential and provincial councils’ elections in 1393. None of the nominees could gain 50 plus 1 percent of the votes in the first round of the elections. Hence, the elections went to the second round.

The AIHRC has accurately and inclusively monitored both the election rounds, and it has prepared and released specific findings in a report. The AIHRC tried to report the existing challenges to the authorities as soon as possible during casting votes, and the AIHRC has asked the authorities to tackle them. The Afghan election held in 1393 has faced some problems and shortages.

In more than 1584 polling centers, which have been monitored by the AIHRC’s staff, issues, such as violations and abuses at the polling centers, ballot shortage, polling center late opening, and bias of the IEC’s staff have been witnessed, each account for 5, 4.9, 3.3 and 1.8 percent respectively.

Casting vote by individuals below the legal age, repeated voting, security forces interference, prevention of the presence of monitors and observers, early closing of the polling centers, and illegally stuffed ballot boxes amounted to one percent each.

Insecurity has been another problem on the elections' day. More than hundred incidents of threatening behavior, explosion, firing by irresponsible armed people, anti-government armed elements and local powerful people have been witnessed at the polling sites and centers.

Delay and violation of the pre-scheduled program to announce the election result was one of the major challenges in 1393 elections that took place by both relevant election commissions, and the election result was not announced in its pre-determined time. .

Delay by both ECC and IEC pertaining vote counting, addressing the complaints, solving the problems and dispatching them from the ECC to the IEC, and failure to announce the election result at the due time determined in the law are contrary to the election law, bills and procedures of both the Commissions, and they are considered as violation.

The postponement of the second round of elections to 24 of Jawza, according to the electoral commission's timetable is also a clear violation of paragraph two of Article 20 of the election law.

The number of women in the 1393 elections has been less than the previous years.

According to the IEC 6,892,816 people participated in election of Hamal 16, 1393. 64 percent of whom were men and the other 36 percent were women. While women's turnout in 1389, 1388, 1384 and 1383 elections was 39, 38, 41 and 44 percent respectively.

5. Ownership:

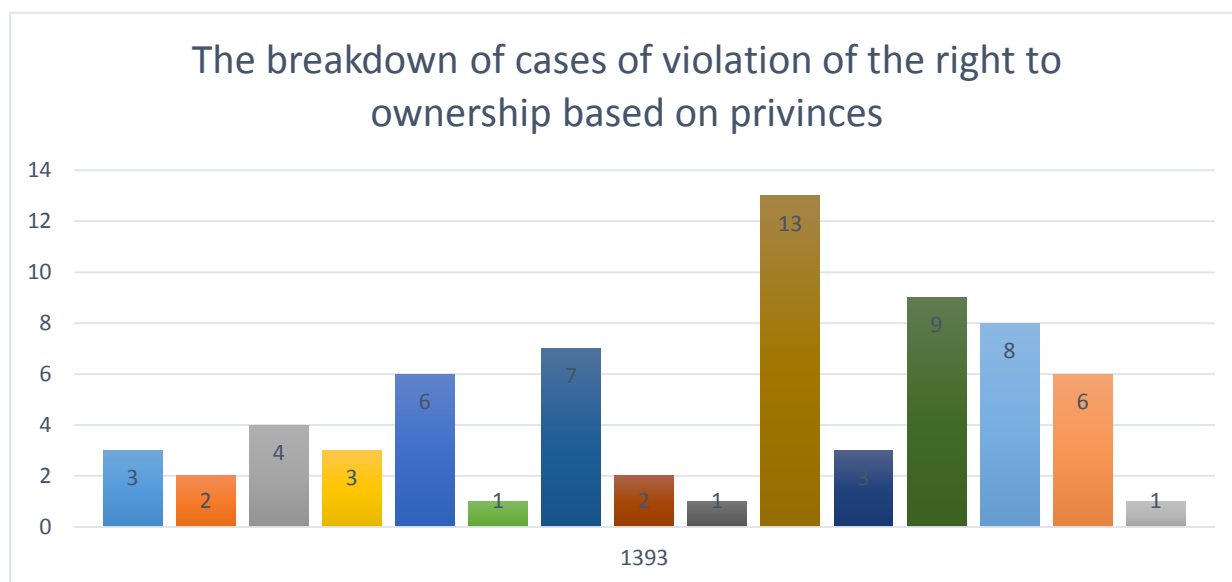
The right to ownership is one of the components of economic rights of individuals, which based on the internal laws and the international instruments, people have the right to own and possess their own properties. Everyone can freely use his moveable and immovable properties within the framework of law, and has the right to possess them.

The people's property is safe from invasion and occupation, and no one has the right to deprive someone of his right to ownership. Freedom from illegal confiscation of property, freedom from expropriation, safety of home and property from attack, safety of public property and violation of women's right to ownership are the significant issues in this debate.

The AIHRC's Case Management indicates that 69 cases relating to violation of the right to ownership have been recorded in 1393. Out of which, 16 cases were resolved, 52 cases were postponed and 1 case has been closed.

Nearly 75 cases relating to violation of the right to ownership were recorded in 1392, which constitutes 7.1 percent of the total cases. However, 6 cases have been recorded lesser than that of last year in 1393, but it include almost 9.4 percent of all the cases, which shows a 2 percent increase.

In terms of gender, 59 cases relate to men and 10 cases relate to women. Most of the cases have been recorded in Herat, Faryab and Kabul provinces. The graph below shows the incidents by provinces:



Safety from Expropriation: Legally nobody has the right to deprive others of their right to ownership. Lack of rule of law further paves the way for violation of the right to ownership, and as a result the right to ownership is taken away by powerful people in different forms.

Case: «Faryab- “on 4/8/1392 at around 6 pm, ..., ... and ... sons of ... tied us up, and beat us. Later on we noticed that they had taken away 137 sheep away with them. We tracked down their footprints up to Dare Shakh at their home, but they refused and threatened us. Then I lodged a complaint with the Garziwan district that the assistant of criminal department went to the area with us. The sheep were available there, after some debates, they returned 13 of the sheep, and they promised that they would return the remaining. Out of the 13 sheep, the criminal department assistant and a village elder each took one sheep as a gift, and after that time when I was approaching them, they were bullying me and did not return the remaining sheep. »

Protection of Shared and Collective Property: in some cases properties are shared among a number of people that everyone has the right to ownership. Becoming a shareholder in properties through purchase or through inheritance is a usual and legal issue in ownership. Sometimes, however, one of the shareholder violates the other’s right to ownership by resorting to power, and causes conflict.

Case: «Balkh- We inherited 6 acres of land from our paternal grandfather, of which half acre of the land is illegally usurped by ... son of ..., and he has brought an official board from the governor’s and district governor’s office for his support, they have shared their decision in favor of us, but after three months, the district court has not issued any decree yet, and based on the rumors; they have taken bribe from the opponent party. »

Case: «Herat- the complainant complains that he has referred to the Law Department due to confiscation of his property by ... (the complainant’s uncle) and the Justice Directorate has

instructed the commander of second police headquarter to summon ..., but the police headquarter commander has not taken any action in this regard. »

Safety of Home and Property from Violation and Illegal Confiscation: another challenge that exists in the context of violation of the right to ownership is attack on property and home by illegal armed people or local powerful people.

The cases recorded in this regard indicate that in several incidents, people's property has been attacked and has been illegally confiscated. The AIHRC's field report indicates that out of 5081 interviewees in 1393, 17 of them who constitute 0.3 percent of the total figure, have said that their home or land has been illegally appropriated.

The interviewees mentioned the local powerful people, neighbors and tribal elders as the confiscators of their land or houses. Based on the database, arbitrary and illegal intervention in private property account for most of the cases.

Case: «Herat- A complainant claims that 9 months ago his house, which is an inherited property, has been illegally appropriated by force, and a security checkpoint is established in its yard. This person referred to district governor's office and the district police headquarter on 10/2/1392 to get his house evacuated, and no organ has legally responded to him. Consequently, on 15/3/1392 mine and explosives have been planted in his house and his house has been exploded and completely destructed, but no authority has addressed this problem yet. »

Case: «Konduz- ... has referred his complaint to the AIHRC's regional office in Konduz, and has claimed that ..., ... and ... sons of ... have looted his home belongings, as they are irresponsible armed people, they are in connection with Commander ... and they work with him. "I had to leave the region and go to Bangi district, since the month of Dalw until now", he said. They have illegally appropriated my land, house, garden and mill, and they have sold the fruits of my garden trees. I referred to the provincial police headquarter but no one listen to me. »

Violation of Women's Right to Ownership: Women's right to ownership is violated in many cases in Afghanistan due to traditional attitudes. Legally, women are entitled to the right to ownership like men, and no one has the right to illegally appropriate their private belongings and property, and deprive them of their right to ownership.

The right to ownership is safe whether a woman inherits belongings and property or she gains them herself. However, there are some cases that show women's right to ownership has been denied or their properties are illegally confiscated.

Case: «Bamyan- The complainant says "regarding the issue of my wife's inherited land that I am her legal representative, despite, the decisive decision issued by the Yakawlang primary court in this regard, and the decree from the Supreme Court and the Ministry of Justice, (decree number 8 dated on 16/12/1391) the relevant authorities in Yakawlang do not implement the decree issued. »

Case: «Paktia- The complainant says her husband has died, her brother-in-law, ... son of ... does not give her the part that her husband had inherited from his father, divided earlier. The issue is

entrusted to Paktia primary court, but the court has neglected to proceed with the legal proceeding, so the issue still remains unresolved. »

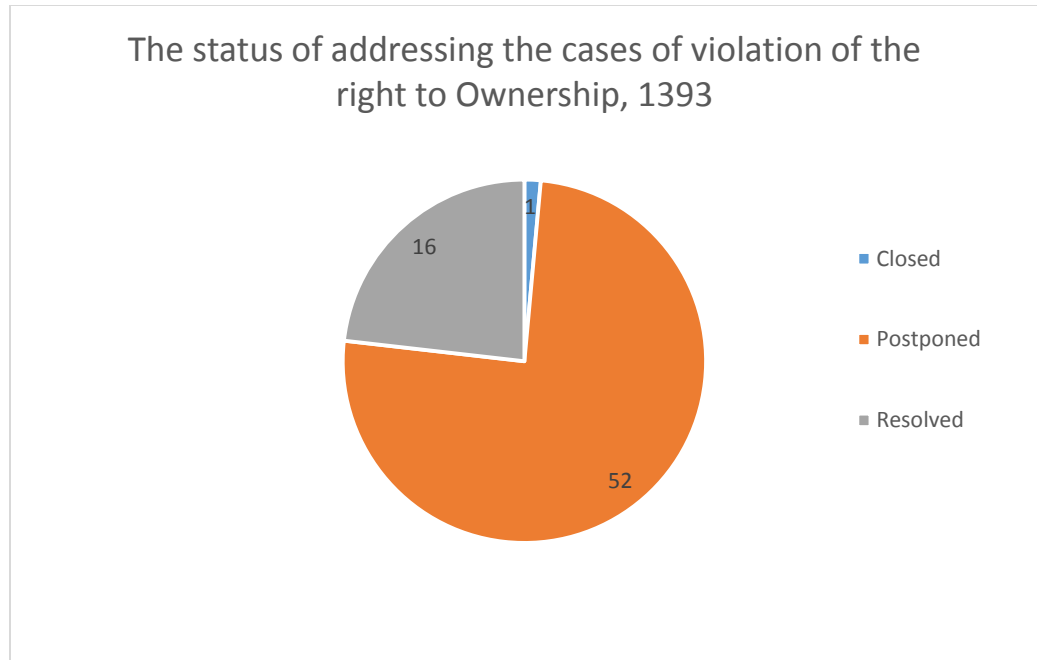
Case: «Herat- a lady complains that their house and some shops have been purchased through fake documents, in the absence of heir by a person called ... who is being supported by a governmental authority from Kabul, and currently the lady's house is under construction. This lady, who is presently a resident of America, refers to legal authorities, and finally the court has issued its decree regarding this issue, and has prevented construction, and this decree has been referred to the police for the purpose of implementation of the law, which took more than two months, but to police do not interfere to stop the construction work, and a new building is being built. »

Failure to address the Cases by the Responsible Authorities: The disputes on the property often leads to quarrel and conflict. Therefore, the justice and judicial authorities have to address such cases carefully and with full accuracy. However, in the cases recorded in the AIHRC's database, most of the people have complained of corruption in the judicial organs and failure by the responsible authorities to address their cases properly.

Case: «Nangarhar- A complainant came to this office and complained that he had inherited 6 acres of land a legacy from his father in Behsood district of Nangarhar province, but now his elder brother has taken the best piece of land that has good price compared to the remaining piece of land, and he threatens the rest of his brothers to death. I have referred to the said district and complained, but so far they have not taken any action in this regard, therefore, I ask for the AIHRC's cooperation. »

Case: «Kabul- the complainant claims that he had bought a piece of his land from..., estate dealer, 5 years ago, the document of which is available with him. The land is located at Sare Kotal-e-Khair Khana at Zakeri settlement. Recently a person by the name of has illegally appropriated the piece of land, and has sold it to another person called He has built two rooms on it and has shifted into that house. I referred to police station and the Law Department. They took 1 hundred and fifty thousand Afs from me at the police station to give it to ... as the cost of construction of two rooms so that he will return my property, but they have not returned the property yet. »

The graph below shows the status of the cases:



6- Enjoyment of Adequate Standard of Living:

Enjoyment of adequate standard of living or welfare is regarded as part of the economic human rights. Everyone has the right to live in peace and security, and this right includes the enjoyment of the necessary living facilities.

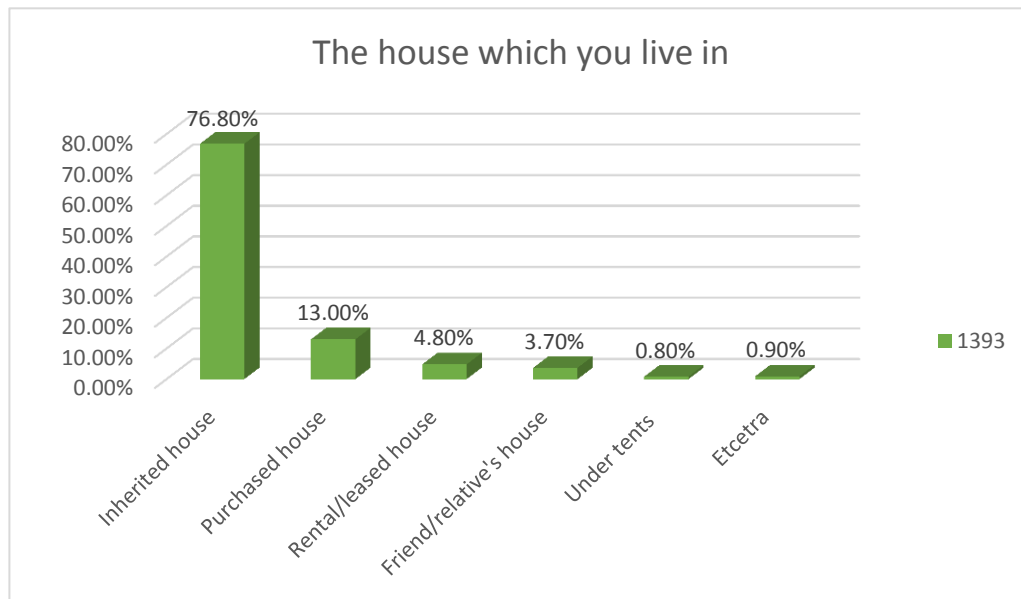


Having Adequate Housing: The right to housing is one of the necessities of life. Everyone has the right to have access to adequate housing. The indicators of adequate housing consists of the strength of housing, housing facilities, and safe and healthy environment. Due to poverty and facility shortage in Afghanistan, many families are deprived of access to adequate housing.

There are families who still live in caves or tents.

The AIHRC’s field investigations indicate that out of 5081 interviewees, nearly 42 people live under tents who make up 0.8 percent of this figure. 76 percent have stated that they have inherited houses, and around 5 percent live in rental and leased houses. The graph below shows these figures:

**Access
Potable
Water**



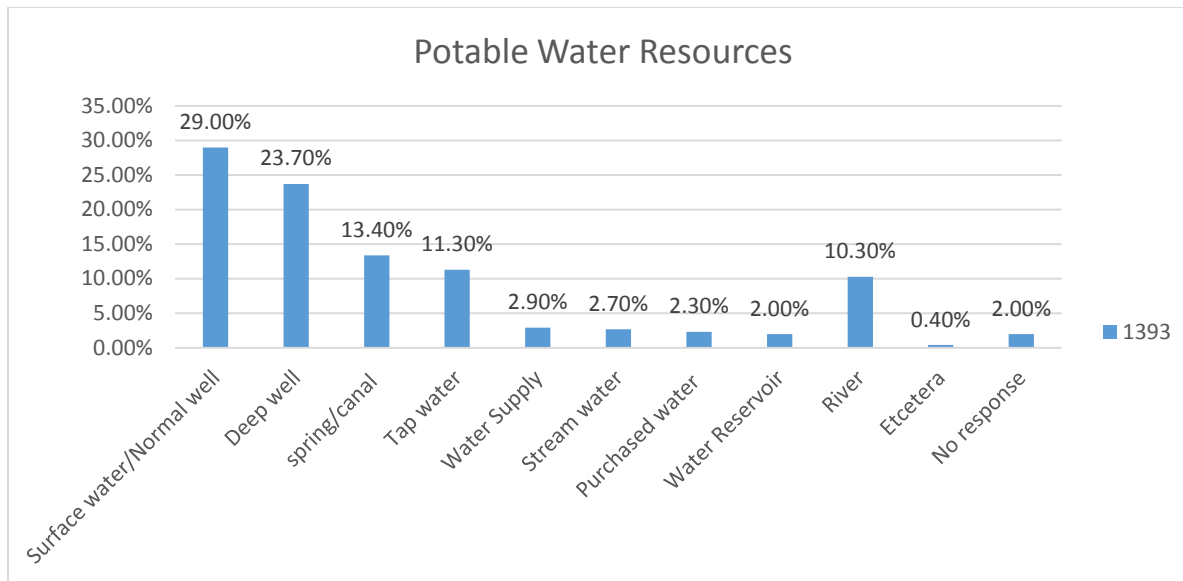
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Adequate Food: Access to adequate water and food is another matter of discussion in the section of adequate standard of living. Everyone shall have access to potable water and adequate food. Based on the findings of this research, almost 2 percent of the interviewees have said that they have food 2 times a day.

97 percent of them have said that they have food 3 times a day, 13 interviewees (0.3 percent) have said that they have food only once in 24 hours.

Likewise, 52 percent of the interviewees stated that meat, fruits and vegetables can be found at their nearby bazaar, but nearly 40 percent of them stated that they can have meat, fruits and vegetables once a week. 8 percent of the participants stated they have meat and fruits 2 to 3 times a week, and nearly 50 percent of the interviewees stated that they could not have meat and fruits throughout a week.

Human rights situation investigation database indicates that out of all the interviewees in this research, 84 percent of them have given positive answers to the question that asks: Do you have access to potable water? The other 15.8 percent have given negative answers. Based on this report, most of the people provide their potable water from wells, 29 percent of whom use simple wells and 23 percent of them use deep wells. The graph below shows the water resources:



Protection against Poverty and Unemployment: Poverty and unemployment face people’s life with serious challenges. There are many families in Afghanistan who, due to poverty and unemployment, are deprived of their rights to adequate standard of living

Case: «Konduz- the complainant states that he has a family of 10 members. He says: “there is no employment opportunity. Poverty and hunger threatens my family. I am seriously suffering from economic problems” He hopes the authorities would help him in such a difficult time. »

Protection against Natural Disasters: Natural disasters include earthquake, landslide, avalanche, flood and drought, which harm many people across the world every year and take victim.

Those who are harmed by natural disasters are in need of inclusive protection and cooperation so that they can have access to basic living facilities, which include housing, potable water and food. Afghanistan also witnesses different natural disasters every year, which harm a large number of people and take victims.

Case: «As a result of several avalanches in the winter of 1393, nearly 300 people have been killed and injured in the Northern provinces, most of whom were from Panjshir province. Based on the reports released regarding these incidents, the avalanche, which took place at Paryan area of Panjshir province, has resulted in killing and injuring of nearly 200 people. »

Protection of the Returnees and Internal Displaced People: The returnees and internal displaced people are subject to living problems and challenges more than others. The returnees and internal displaced people need to be protected and cooperated so that the ground for their access to welfare be provided. Lack of housing and lack of access to potable water and adequate food are the main challenges faced by internal displaced people.

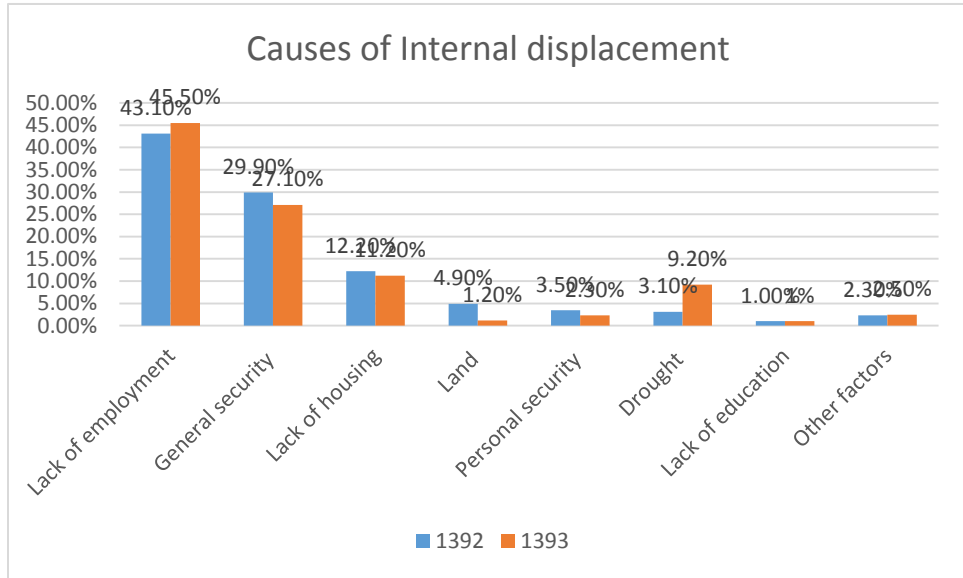
Case: «Konduz- We the residents of Bagh Sherkat village that our number exceeds 476 displaced families are deprived of electricity. We have referred to the Directorate of Energy and Water Supply of the province, but it has been 5 months that no actions concerning our problem have been taken by the government. We are kindly requesting to help us in this respect. »



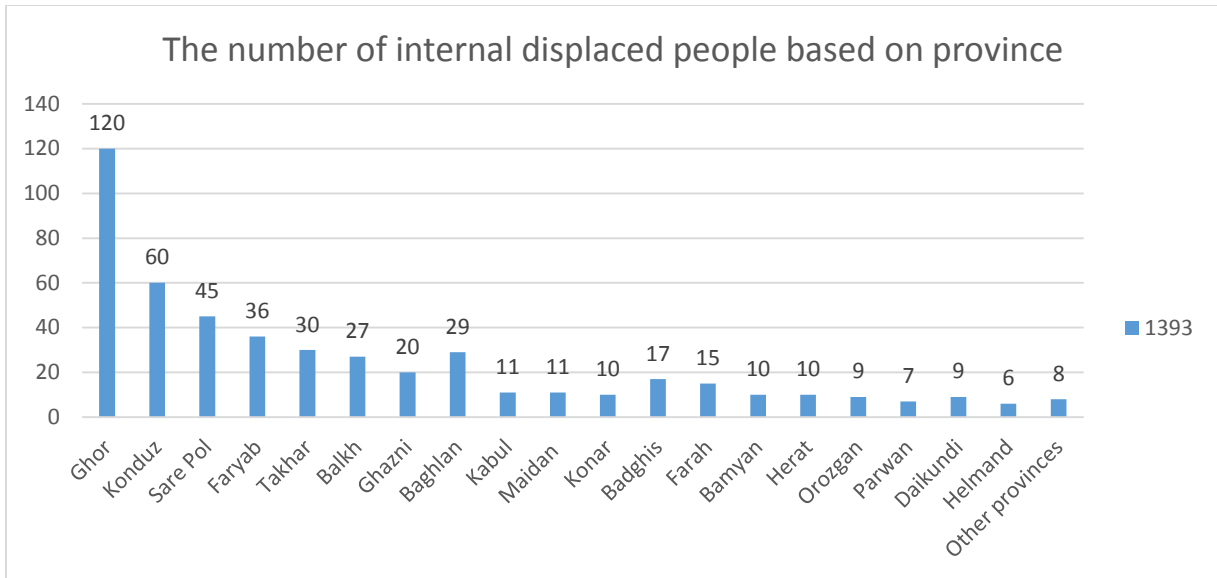
The assessments indicate that many families get displaced due to different natural, economic and security reasons every year. The available statistics on internal displaced people in 1392 reaches to 512382 people. This figure has been presented by the Ministry of Refugees and Repatriations in the previous year.

The accurate figure of the statistics is not yet presented by this Ministry in the year 1393. 312 people, who make up 6 percent of the overall statistics, have stated that they are displaced. The investigations indicate that the main factor of internal displacement is lack of employment opportunity.

Nearly 45 percent of people mentioned lack of employment as the factor of their displacement, 27 percent of them mentioned lack of general security, 11 percent mentioned lack of housing, and 9 percent of them mentioned drought as the factor of their displacement. The graph below compares the displacement factors:



The internal displaced people are from different provinces, and the field investigations indicate that most of the displaced people have been from Ghor province in 1393. Out of 5081 interviewees, around 490 of them have been internal displaced people. The graph below shows the statistics of displaced people based on provinces:



Monitoring the Rights of People with Disability:

People with disability are one of the vulnerable groups of society who need more attention and protection. The AIHRC has always tried to inclusively investigate and report the problems of people with disability to the relevant authorities.

During the first 9 months of the year 1393, 896 people with disability have been interviewed by the AIHRC in different districts, and their problems have been inclusively investigated, and the responsible organs have been requested to pay further attention in this regard.



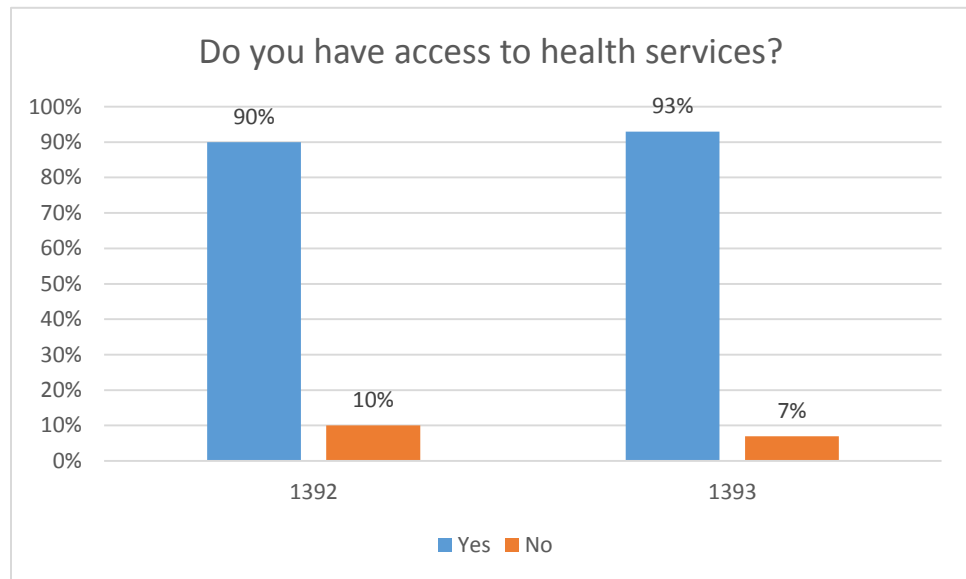
7- Health:

The right to enjoyment of health is one of the human rights, which is necessary for the establishment of other human rights. Based on the human rights principles, everyone has the right to have access to health services.

Access to Health Services: Though, access to health services has been improved than previous years in Afghanistan, but still it faces different problems in terms of quality and standard. The AIHRC's database indicate that 19 cases of violation of the right to health was recorded in 1393, out of which 7 cases have been resolved, 10 cases have been postponed and 2 cases have been closed.

In terms of gender, 2 cases were related to women, and 17 cases were related to men. The AIHRC's field investigations are the other part of resources of this research. Based on these investigations, out of 5081 interviewees, nearly 93 percent of them stated they had access to health services.

Around 90 percent of the interviewees said that they had access to health services in the previous year. The level of access to health services has been nearly 3 percent more in 1393. The graph below shows the comparison:



According to the report released by the Ministry of Public Health in 2014 the followings are the major achievements made in the area of health:

The Major Achievements (First of Jaddi 1392 to end of Qaws 1393)

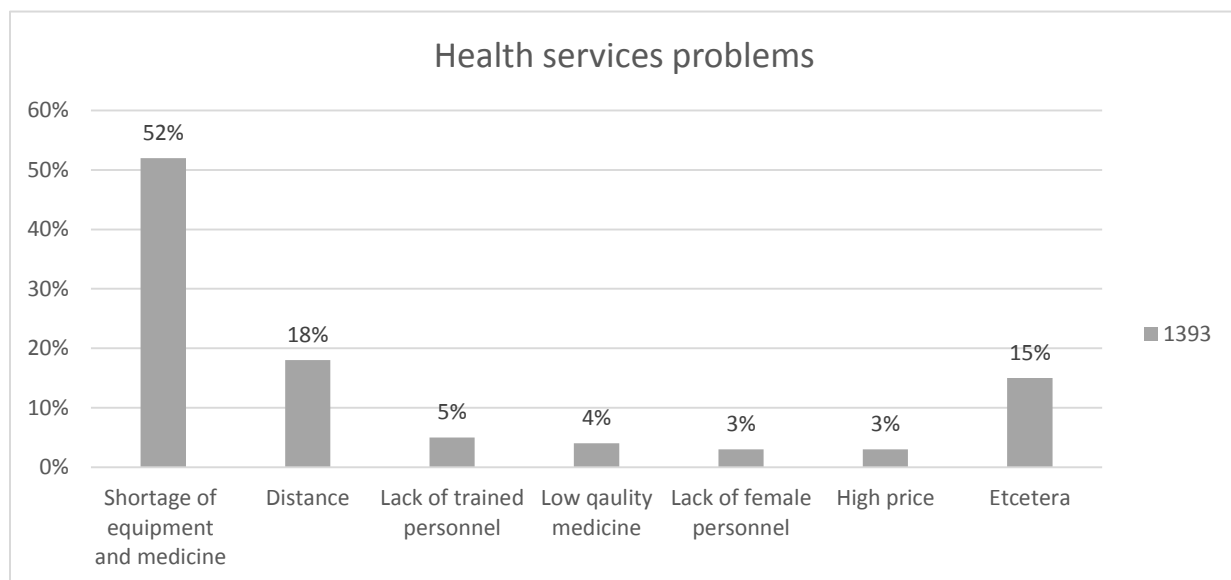
- Totally 40 million patients have been cured on daily basis.
- Totally 250479 patients have undergone surgery operations.
- Totally 820993 incidents have been hospitalized at hospitals and health centers, and they have been under treatment.
- Totally 948249 pregnant women have, at least once, enjoyed prenatal cares.
- Totally 671890 pregnant women have, at least once, enjoyed post-natal cares.
- Totally 503056 child delivery took place at the health centers level.
- Totally 21491 incidents of caesarean operations have been done for complicated childbirths.
- Totally 10511 incidents of Tuberculosis have been diagnosed and treated.
- 39851 incidents of Malaria have been received and have been under treatment across the country.
- 988559 children aging below one year old have taken the third round of PENTA 3 vaccination.
- 38564 safe blood units have been taken, 38429 safe blood units have been distributed, and the blood group of 191773 people has been determined.
- Construction of 11 Basic Health Centers, 5 Comprehensive Health Centers, and 2 District Hospitals in Khost, Kandahar, Badakhshan, Konduz, Badghis, Nooristan, Baghlan, Daikundi, Takhar and Bamyān provinces.

Training program on research methodologies has been organized for 125 people, in which 2 lecturers from Kabul Medicine University, 2 doctors from provinces, 5 doctors from the Obstetrics and Gynecology Association, and 3 midwives have participated.)¹⁷

Based on the statistics published by the Central Statistics Department on health, it indicates that in the second quarter of 1393, there have been 152 governmental hospitals and 252 private hospitals, each of them shows 4.1 and 7.2 percent increase than the second quarter of 1392 respectively. There were 414 fully equipped health centers, 929 basic health centers and 804 sub-health centers in the second quarter of 1393.

Problems and Challenges of Access to Health Services: Although health service centers have considerably improved in the recent years, but still there are different problems in terms of standard and quality. Shortage and low quality of medicine, lack of proper and basic services, lack of adequate facilities, and lack of specialized and professional doctors are still there as the main challenges in the health context.

In this report, 52 percent of the interviewees have mention shortage of medicine and equipment, 18 percent have mentioned the distance, 5 percent mentioned lack of trained personnel, and 3 percent mentioned lack of female personnel as the main challenges in the area of health services.



In the meantime, the Ministry of Public Health have mentioned the following issues as the main problems in the health sector:

- ✓ Time-consuming procurement processes
- ✓ Limited salary and facilities for central and provincial health personnel

¹⁷ The Ministry of Public Health website, annual report, released in Jaddi, 1393. Quoted in Hoot 1393, address: <http://moph.gov.af/fa/page/585/599/annualreport-1393>

- ✓ Lack of competent human resources in all the sections
- ✓ Shortage of expert and specialized personnel, especially female health personnel for the available health facilities in the country
- ✓ Allocation of inadequate budget for health sector
- ✓ Shortage of proper working place for many of the departments within the Ministry of Public Health.

The AIHRC made 5225 monitoring missions to 189 hospitals, 1563 clinics, 1191 health centers and 2075 mobile health teams in 29 provinces of Afghanistan throughout the first nine months of 1393.

Case: Daikundi - The people of Baghale Kando who live on different mountains and valleys, their villages are extremely cold and it is too hard and difficult to frequent between the center and villages. They are more than 20 km away from the center of district that their health center is currently considered to be situated in the center of Shaikh Miran district, but they cannot reach there due to distant and difficult way mainly in winter and fall season because of snow and freezing winter, and in spring due to increases in the level of river water surface. Population of this village is estimated to be 12727 people by the Directorate of Rural Rehabilitation and Development through national solidarity program. These people are not under the health services coverage of the Directorate of Public Health, therefore, given the above mentioned reasons, it is necessary to establish a health center in this village so that they can enjoy their right to health.

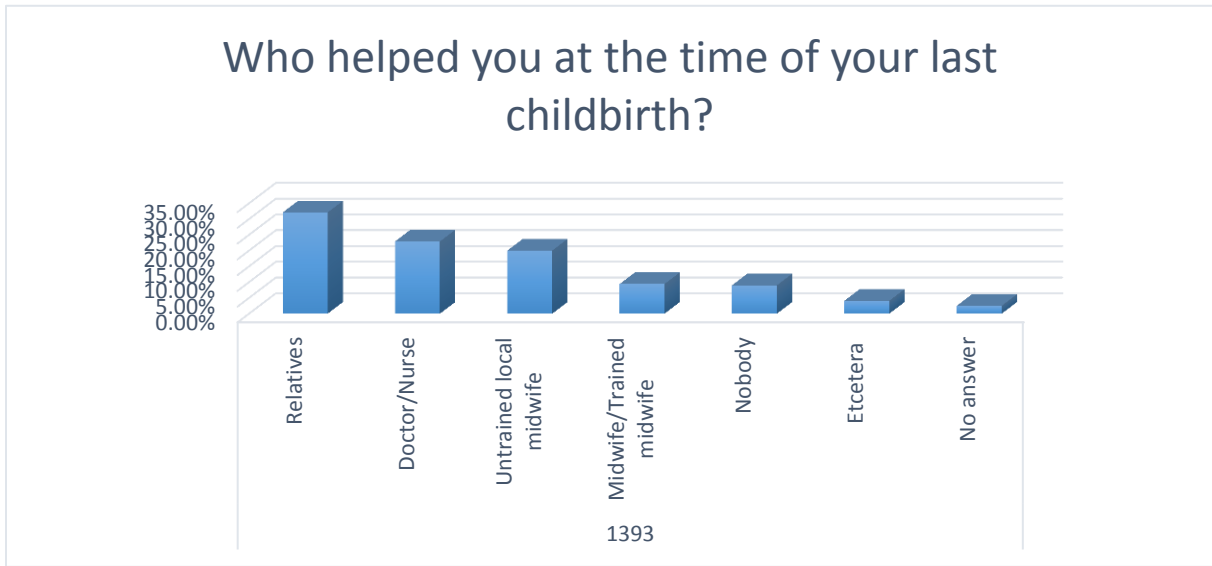
Child and Mother Protection:

Pregnant women are in need of serious and basic protection and care. Basic facilities should be provided for a mother to have access to health services. In case of lack of addressing, the life of both, mother and child will be prone to danger. Therefore, child and mother protection is the basic and important issue in the health sector.

The authorities in the Ministry of Public Health have talked about enhancement of services and provision of facility for child and mother in the recent years. However, child and mother protection has been effective and beneficial in the recent years as a result of increased number of trained midwives and establishment of health service centers, but in some villages, child delivery still remains as a basic and serious problem.

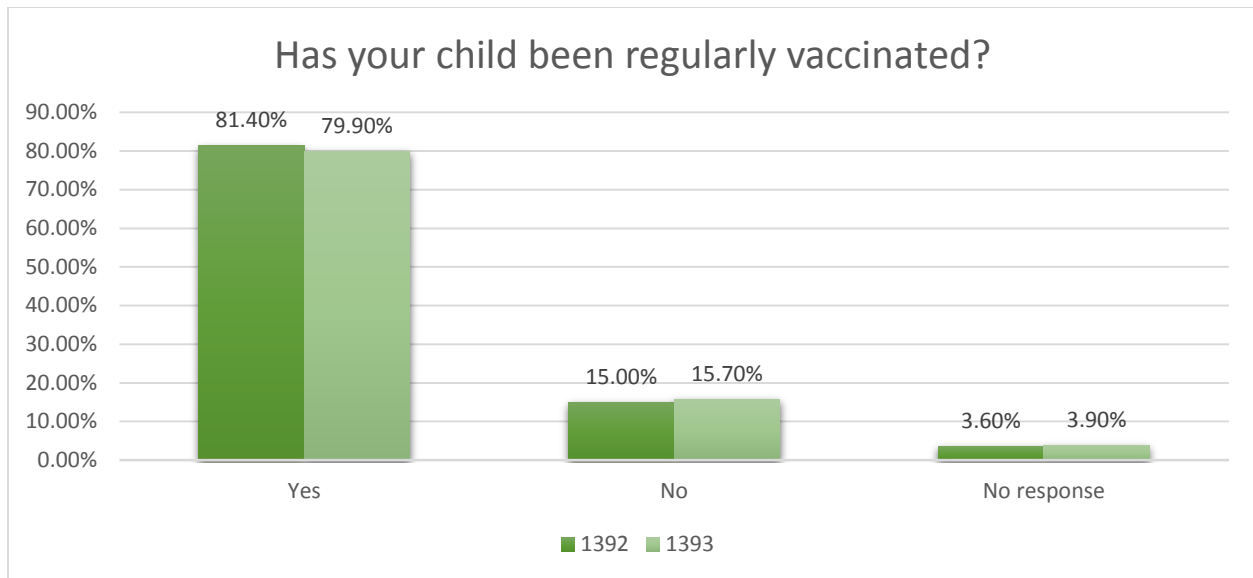
In the activity report released by the Ministry of Public Health during 9 months of 1393 it is mentioned that totally 948249 pregnant women have, at least once, benefited from prenatal cares, and totally 50305 child delivery took place at the health centers level.

In the meantime, the AIHRC's field investigations indicate that out of all the interviewees, only 9 percent of them have stated that a trained midwife has helped them at the time of their last childbirth. Nearly 20 percent of them have stated that a local untrained midwife has helped them. The graph below explains this issue:



Out of all the interviewees, around 96 percent of them stated that they have not witnessed losing any mother in their relatives' family as a result of childbirth in the last one year period, and 95 percent of them stated that they have not lost any child in the last one year. These statistics have no considerable discrepancy compared to that of 1392, likewise, 96 percent stated they did not witness losing any mother at the time of childbirth in the last one year.

This shows that the children and mother mortality rate has considerably decreased in the last years. Likewise, nearly 80 percent of the interviewees stated their children have been regularly vaccinated, 15 percent of them stated that their children have not been regularly vaccinated, and 5 percent of them have not given a clear response in this regard.



Case: «Faryab- A woman who is imprisoned in Faryab Prison claims that she has been pregnant, and at the time of childbirth on 28/1/1393, she has not been taken to hospital, and child was born inside the prison in a horrible situation. She said: “After the childbirth I became seriously affected by obstetrical and gynecological disorders, though I referred to the clinic of the prison but I did not get well, and I request to be treated at a well-equipped place”.

The Situation of Addicts: Addiction has become a serious problem in Afghanistan. According to the current estimations, there are nearly 2 million and 5 hundred thousand addicted people.¹⁸ The responsible organs could not treat them comprehensively as well. Poverty, unemployment, and domestic and social violence are the major reasons for the spread and expansion of addiction.

Case: «Herat- during the interviews conducted with the people of Ghorian district, a large number of people complained about the existence of drug addicts specially the head of household, when they are addicted to narcotics, they are roaming at shrines and at ruined places, and create other problems. There is no facility or clinic to help them quit addiction. »

Case: «Kabul- tens of addicted people live at different corners of Kabul in a bad health situation. Though the government has several times said that they would take measures to treat the addicts, but they could not cover all of them. These people do not enjoy any kind of living facilities and they live in a difficult situation. »

¹⁸ Radio Azadi- quoted from the Ministry of Counter Narcotics, the number of addicts is more than 2 million in the country- address: http://da.azadiradio.org/archive/local_news/20131126/1090/2118.html?id=25180602

8. Work:

The right to work is a part of people's economic rights. Everyone needs to work to earn his living. The economic level of every person depends on the type of his work and job they undertake. Working can provide the opportunities to enjoy other rights. Therefore, working is everyone's right.



The Overall Situation of Access to Employment and the Rate of Unemployment

The unemployment continues to remain as a major problem in Afghanistan, and many of the citizens suffer from lack of employment opportunities. Based on the statistics of the Ministry of Labor and Social Affairs, there are 800 thousand people who are absolutely unemployed in Afghanistan.

The Afghan population is about 27 million, of these nearly 10 million people are eligible to work, around 4 million people have no permanent job. 800 thousand people are absolutely jobless, and almost 60 percent of the workers work on farms. According to the Afghan Labor Law, the official working time is 40 hours per week. People who lack permanent job, work less than 40 hours per week.¹⁹

BBC, A glance at the Afghan work and labor situation, released in May 2014, quoted in March 2015.
Address: http://www.bbc.co.uk/persian/afghanistan/2014/05/140502_k05_afghan_worker_day_law

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Meanwhile, the ILO stated that after 2015, Afghanistan will enter 400 thousand eligible people to work in the labor market, and if a proper and specific measure is not taken to address this issue in the country, unemployment would face Afghanistan with more serious problems.

Civil service staff constitute a part of the country's workforce. Based on the statistics released by the Central Statistics Department, the total number of civil service staff was 389156 people in the second quarter of 1393, out of which 78 percent of them are male and 22 percent of them are female. Generally it shows 0.5 percent increase in the number of civil service staff than 1392.

Source of Income and the Income Rate: Based on the findings of the Ministry of Labor and Social Affairs, around 60 percent of the workers work on farms, but the agricultural resource ensures only the basic expenditures of the families.

The AIHRC's field investigations indicate that out of all the participants of this research, approximately 33 percent of them stated that agriculture is their source of income, and 65 percent of them stated that their source of income is nonagricultural. The graph below shows this figure:

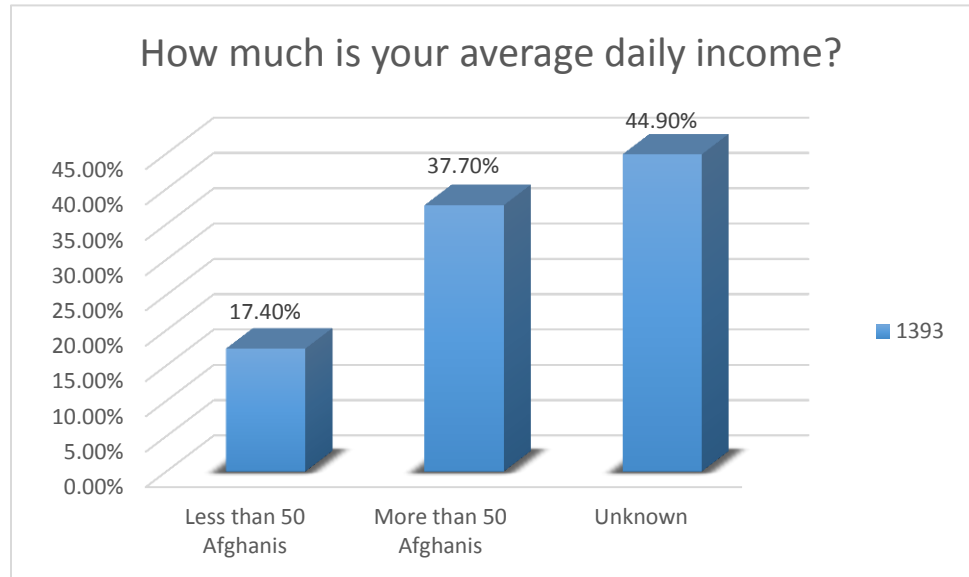


The present research shows that the income level of a number of workers compared to the market rates and the price of basic food items is almost nothing. The World Bank last year declared that 36 percent of Afghan people live below the poverty line.

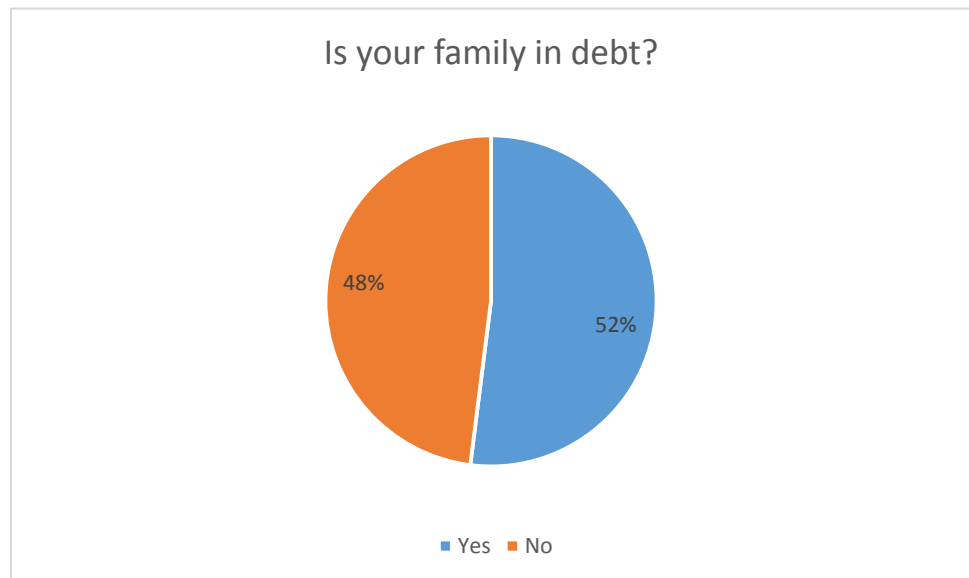
The international poverty line is one dollar. However, the World Bank, with regard to the rates of the day, increased this number to 1.25 dollar, but still the poverty line is measured based on the one dollar in many countries. Nonetheless, one dollar is equal to approximately 55 Afghanis. The income of a worker individual is divided on number of family members who use this income.

If in a family of 6 members, there is only one worker whose income is 300 Afs per day, the income of every member then will actually be 50 Afs, thus the family is below the poverty line. In this research, about 17 percent of the interviewees stated that their daily income is less than 50

Afs, and 37 percent of them stated that their daily income is more than 50 Afs, and nearly 44 percent of the people stated that their income level is not specific.

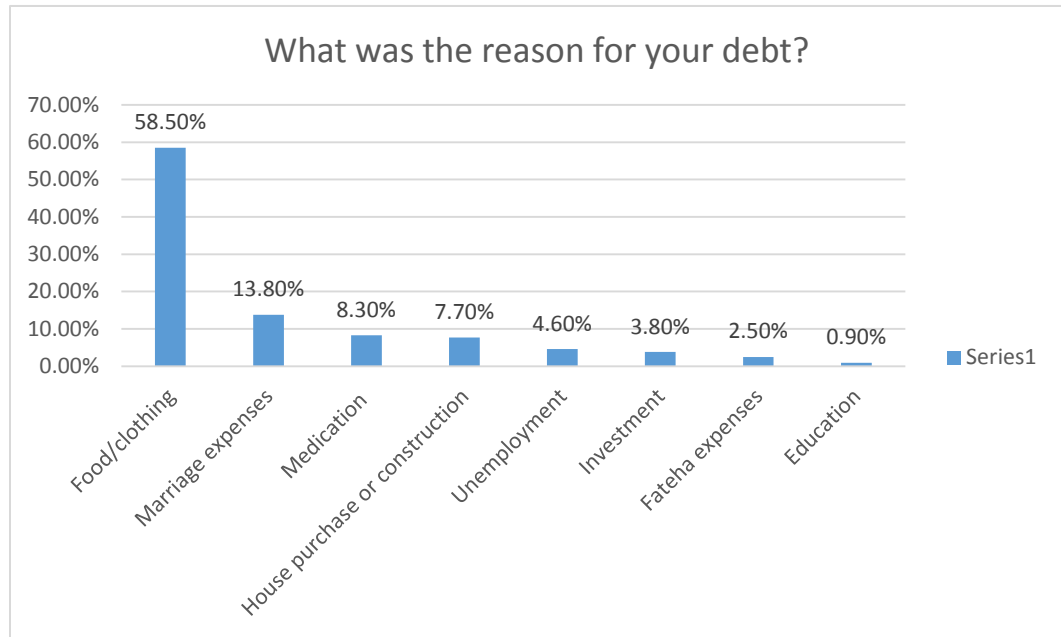


The low income level has caused many families to be in debt. The findings of this research show that 52 percent of the participants have stated that their family is in debt.



Different reasons are mentioned for being in debt, but mostly the reason for being in debt is related to providing of the basic living expenditures, such as food and clothing, which makes up

nearly 58 percent of all the debts. Marriage costs makes up approximately 13 percent, treatment of illness makes up 8 percent, construction of house makes up 7 percent and unemployment accounts for 4 percent of debts. The graph below shows the debt factors with the determined percentage:



The Right to Enjoy Fair Work Conditions:

Many challenges are there ahead of the workers in Afghanistan. Although, since 1947, Afghanistan has signed several international conventions concerning labor, but the principles and standards of these conventions have not been fully implemented.

However, the international labor principles are observed in the Afghanistan Labor Law, but they are violated practically. Lack of transparency in recruitment, lack of safe and sound working environment, lack of job security, and employees' low income level are the major challenges in the working areas.



Based on the AIHRC's database, 12 cases of violation of the right to work have been recorded, 4 of which have been resolved and 8 cases have been postponed. In terms of gender, out of 12 cases, 4 cases are related to women, and 8 cases related to men.

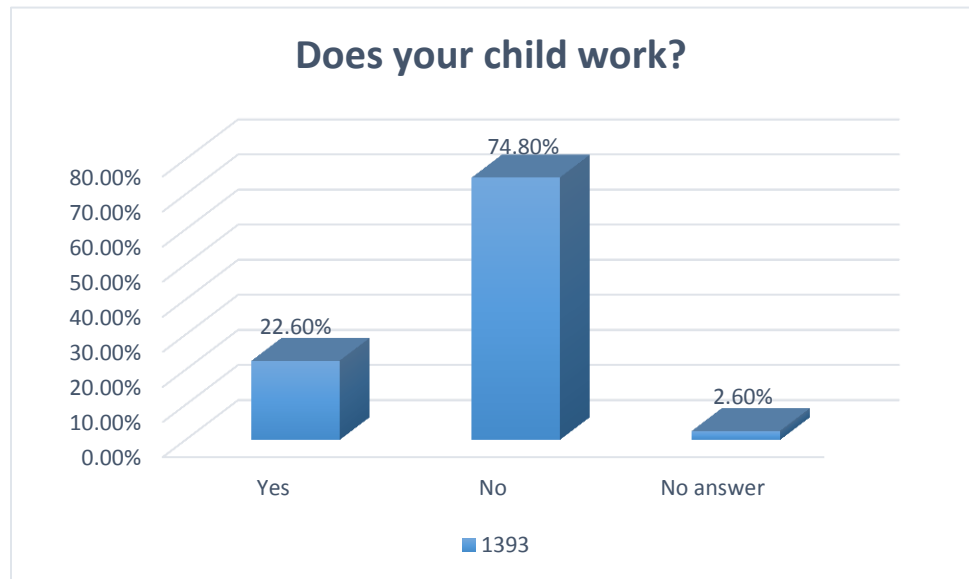
Case: «Kabul- The complainant claims that, “on 3/4/1393 I was put under police custody of Kabul Police Headquarter, but the next day I was released. When I returned to police station, I was told that I was fired. I referred to Police Headquarter, they have introduced me to the police station on 7/4/1393 through an official letter number 1781 for the second time, but when I approached to the head of police station, he told me that someone else was recruited instead of me. I have no idea what to do”. »

Case: «Konduz- the complainant states: I was doing as a teacher in Baghlan province earlier, due to shifting to Imam Saheb district, and based on the letter number 4073 I was assigned as a teacher at the Imam Saheb female school-1, currently the school manager wants to assign another person called ... as a teacher instead of me, who is already a school staff member. »

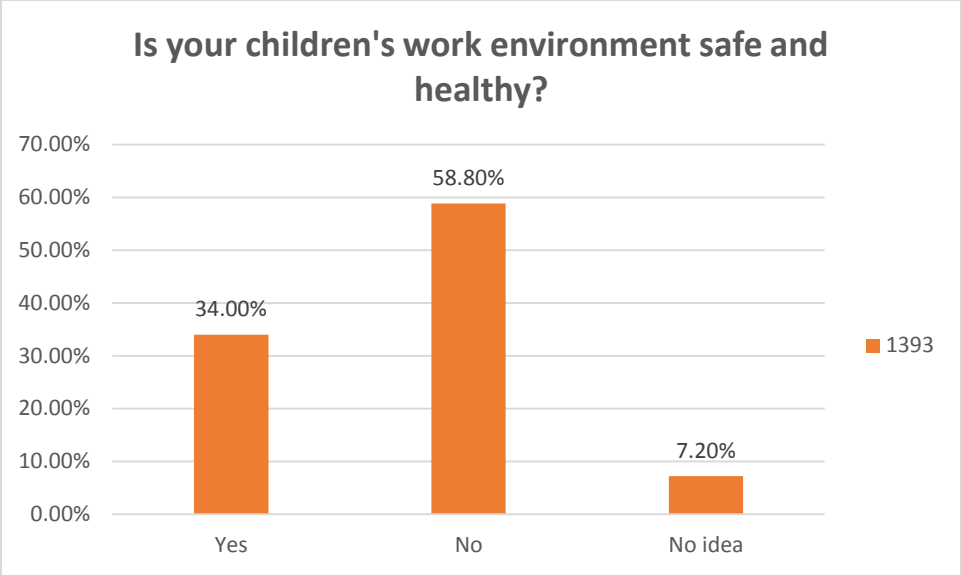
Child labor: Based on the declaration made by UNICEF, approximately 30 percent of afghan children work. Child labor is prohibited in the international instruments, but economic poverty caused a number of children to work to ensure their family expenses in Afghanistan.

Out of 30 percent of child laborers, a large number of them are involved in exhausting and difficult labors. Working on farms, shepherding, badgering, car washing, polishing boots, working at hotels, and carpet weaving are the works done by children.

The AIHRC’s field investigations indicate that 22 percent of the interviewees have stated that their children work.



Inappropriate working environment is another problem, which threatens children’s health. Lack of facilities at work places is more harmful and difficult for children. It can be seen in the present report that most of the interviewees have said that their children’s work environment is not safe and healthy.



- 9. Education:** Education is one of the most important human rights. The right to education includes gaining information through preliminary education, general education and practical skills. The government's commitment on the ensuring and guaranteeing education for all, and compulsory education at the preliminary stages have been emphasized in the Afghan Constitution.



Public Access to Education

Due to several problems, a large number of children have still been deprived of their right to education in Afghanistan.

The ground for access to education is limited due to long distance and insecurity in some regions of the country, but in most of the regions of the country where children have access to education, they cannot enjoy education due to different reasons, such as economic poverty. The Ministry of Labor and Social Affairs has declared that approximately six and half million children are there in Afghanistan who do not have access to education, and they are in need of protection.²⁰

Based on the findings of the present report, about 95 percent of the participants have stated that they have access to education. Out of them, 94 percent have said that the educational centers where they have access to, are governmental. Based on the statistics presented by the Ministry of Education, currently about 11 million students are studying at schools.

²⁰ BBC, six and half million children do not have access to education, address:
http://www.bbc.co.uk/persian/afghanistan/2013/06/130601_k03_afghan_child_conerns

These students are taught by 203 thousand teachers, 50 percent of whom are professional, which means at least they have graduated from 14th grade. The number of new comers at schools is increasing every year. Most of these students take the university entrance exam for their higher education after they graduate from high school that in recent years the number of applicants has reached to more than one thousand people.

Based on the Ministry of Higher Education's report, the Central Statistics Department mentioned in its statistics on the number of students attending universities that the number of students attending governmental universities in 1392 reached to 122992, and in 1393 it reached to 152187 students.

This figure shows a 23.7 percent increase. In 1392, 73576 students attended private universities and higher education institutes, and in 1393 their number reached to 87641 students, which shows a 19.1 percent increase compared to the previous year. »²¹

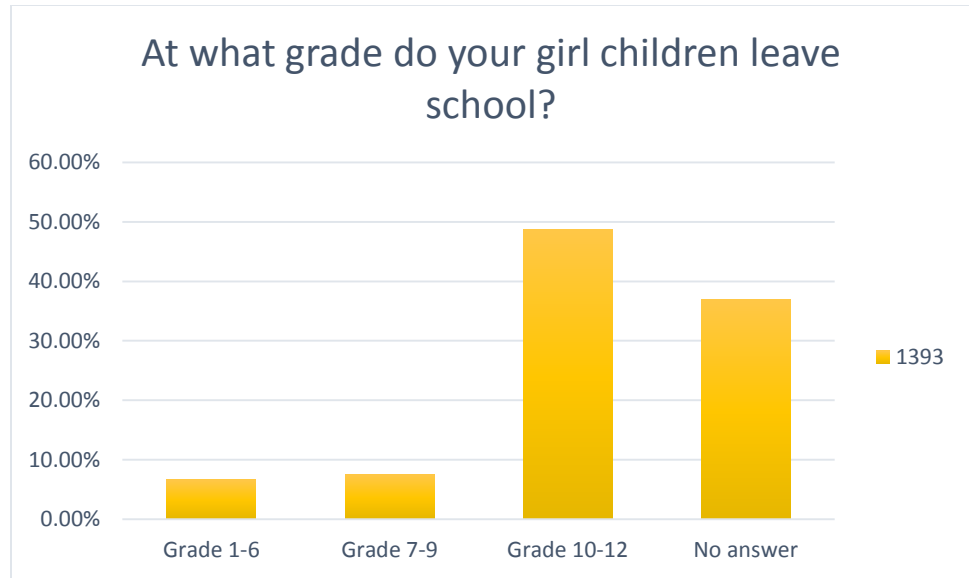
Girls' Access to Education: The level of girls' access to education has considerably increased in the last years. The Ministry of Education states that currently out of 11.5 million students in the country, 4.5 million of them are girls, and compared to last years, the number of girl students at schools has increased by 3 percent.

Mohammad Kabir Haqmal, spokesperson to the Ministry of Education states that the presence of girls was zero percent during the Taliban regime; currently girls account for 42 percent of the students at schools.²² Nonetheless, it can be witnessed that due to different reasons, such as marriage and traditional attitude in the society, girls abandon schools in their last years of study.

The present report shows that nearly 50 percent of the participants have stated that their girl children abandon school during high school. The graph below shows this figure:

²¹ The Central Statistics Department, Quarterly indicators of 1393, address: <http://cso.gov.af/fa/page/1500/12570/12574>

²² Tolo news, 3 percent increase in the number of school girls, released on Dalw 28, 1393, quoted on Hoot 18, 1393, address: <http://www.tolonews.com/fa/afghanistan/18254-three-percent>

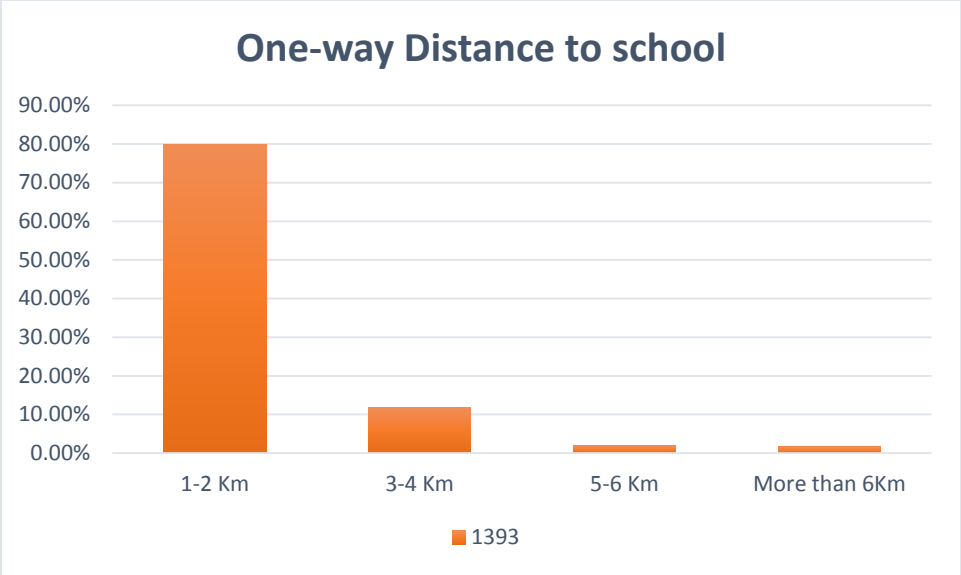


Challenges and Obstacles:

Educational challenges are not exceptional from other problems in Afghanistan. Although investments have been made in the last years to strengthen and promote education, but still several problems are there in the education area.

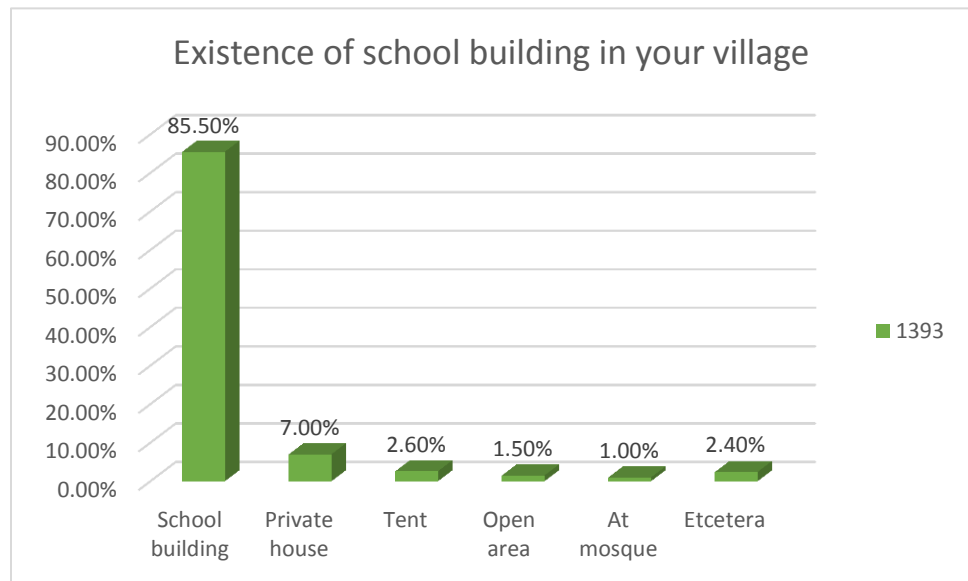
The investigations made in this research show that the participants have highlighted the following problems as the most important ones: long distance, insecurity on the way, low education levels, lack of facilities at educational centers, lack of building for school, and lack of female teachers. The reports show that existence of such problems, in some cases, has resulted in leaving school by students.

Long distance is one of the major problems that students have no choice except walking all the way to school in cold and hot seasons. The graph below shows that almost 80 percent of people have said that their one-way distance to school is 1 to 2 kilometers. Nearly 11 percent said the distance between their home and school is 3 to 4 kilometers, and about 2 percent said that they are 5 to 6 kilometers away from school.



School Building: School building is of the most important necessities in the field of education. The increase in the number of newcomers in schools necessitates further buildings to be built in Afghanistan.

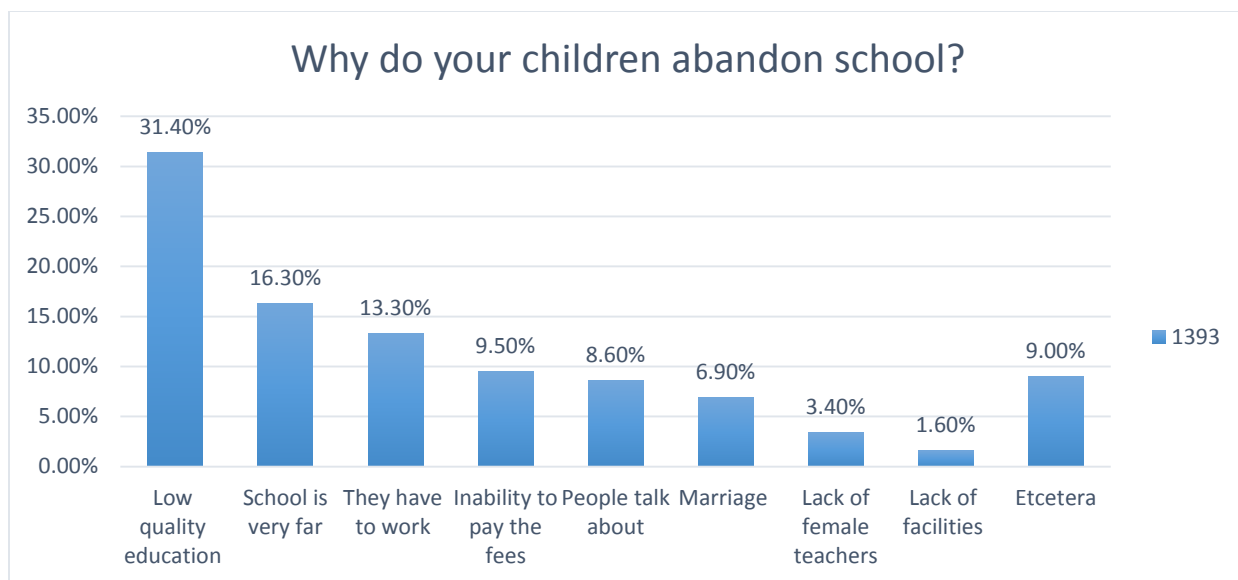
Presently a number of schools lack building in Afghanistan, and classes are held in the rental houses, tents or in open areas. Lack of proper educational environment, and lack of educational facilities decrease the effectiveness of education. The present research shows that nearly 15 percent of students do not have access to school building.



School Abandonment: School abandonment arises from several problems that students face. Low education level, long distance, poverty and unemployment, marriage and traditional attitude in the society cause children to abandon education during school.

The reports indicate that many students have abandoned school in their final years. Some boys undertake responsibility to provide home expenses and they must work.

A number of girls abandon school because of marriage or because the words they hear from people, which is revealed in the below graph. The graph below shows the general reasons behind school abandonment:



Strengthening and Promoting Human Rights through Education: The AIHRC has tried to provide the ground for human rights education for different strata of society through conducting training sessions, seminars and workshops.

During the first three months of 1393, the AIHRC could increase awareness of totally 11395 people (6051 women and 5344 men) in the area of human rights, and relevant human rights issues, the rights of vulnerable people, such as women, people with disability and children, and complaints support mechanisms and the process to address complaints at judicial centers have been improved.

This achievement has been made through holding of 54 training workshops, 5 evaluating session, and 165 awareness raising sessions.

In the next six months (Saratana to Aqrab of 1393) the AIHRC has improved the capacity of 37595 people (15758 women, 20065 men and 1772 children) from different groups of people, government, and civil society of human rights concepts, human rights observance, practice and respect. These achievements have been made by conducting 102 training workshops, 27 academic seminars, 401 training sessions, 66 conferences on national and international human rights events, five 10-day training courses, 19 programs of child to child training, and human rights education programs in higher education institutes.

Likewise, the AIHRC has built the capacity of 661 people (129 women and 532 men) through holding of 12 training workshops and 14 coordination sessions for the media representatives and journalists in Mazar-e-sharif, Kandahar, Helmand, Konduz, Daikundi, Gardiz and Maimana provinces.

The AIHRC organized conferences, seminars and research and academic sessions in order to expand human rights dialog, draw attention, raise public awareness and institutionalize human rights in the country. In this regard, the AIHRC held 27 seminars and academic sessions attended, by 1,750 people to explain the human rights issues..

10. Freedom of Marriage and Establish a Family:

Actually marriage and founding a family constitute the foundation of a society, and freedom of marriage and selection of spouse are the social rights of everyone. According to human rights principles and values, no one shall be deprived of the right to marriage or no one shall be forced to get married. Marriage ceremony is a social and cultural practice, and it is held in different ways in different societies.

Mostly marriages ceremonies are held in its traditional way in Afghanistan, and in some cases, forced marriages, giving away as Bad, exchange marriage, buying and selling girls etc. also take place under the name of marriage. These challenges, however, have decreased compared to previous years, but they still continue to exist as a basic problem.

Freedom of Marriage and Selection of Spouse (Prohibition of Forced Marriage):

Freedom in selection of spouse is the basic and important issue in marriage. Every boy and girl has the right to be free in selection of spouse, and select his/her spouse on his/her own will.

No one has the right to force a person to marriage. Freedom of selection of spouse is somehow restricted in Afghanistan due to traditional attitudes in some families, and girls become the victim of such limitations more than boys.

The AIHRC's database indicates that 42 cases of violation of the right to freedom of marriage have been recorded in 1393, out of which, 33 cases are related to women, and 9 cases are related to men. Out of all the cases, 10 cases are related to children. Out of them, 17 cases are solved, and 25 cases are suspended.

The majority of these cases are related to forced marriage. In these cases it can be seen that the right to freedom of selection of spouse is violated in different forms. The following cases show this reality:

Case: «Ghor- in 1387 when I was a child, ... son of ... along with a number of elders, came to our house and asked my family for my hand, and my family accepted their request. Since then it has been 5 years that I have not had any kind of relation with him, but now that I am a matured girl, I want to cancel the unwanted engagement, but ... has tried several times to take me to his home by force without holding marriage ceremony.»

Case: «Ghor- when I was a child, my father engaged me to my cousin named ... in my absence, and when I got aware of the issue, I showed my disagreement with the engagement. I was beaten by my father and uncle for several times because of showing disagreement. The circumstances compelled me to elope with a boy called ... son of ..., and we sought refuge to center of Ghor province. Currently I am imprisoned for accusation of running away from home. »

Case: «Konduz- My husband passed away two years ago, and I have a 2-year-old child. Currently I live at my parents' home. My brother-in-laws named ... and ... threaten me not to get

married to anybody. They tell me: “in case you want to get married, you should get married to one of us. If you get married to someone else, we will kill you”. »

Case: « Faryab – A woman claims that as such: “My husband named ... son of ... treated me violently, and I had a piteous life. Consequently I was compelled to lodge a complaint to get divorced. After the due process, the triple courts issued their final decision in favor of me, and I got divorced, but ... along with his relatives do not leave me alone, and they are threatening me to death and follow me and ask me, “why I have got my divorce? »

Case: «Nangarhar- A complainant referred to this office and complained that he concluded marriage of his daughter to ... with his full consent, but currently ... with his sons want to cancel the marriage contract of his daughter with ..., and conclude his daughter’s marriage with one of ...’s relatives. »

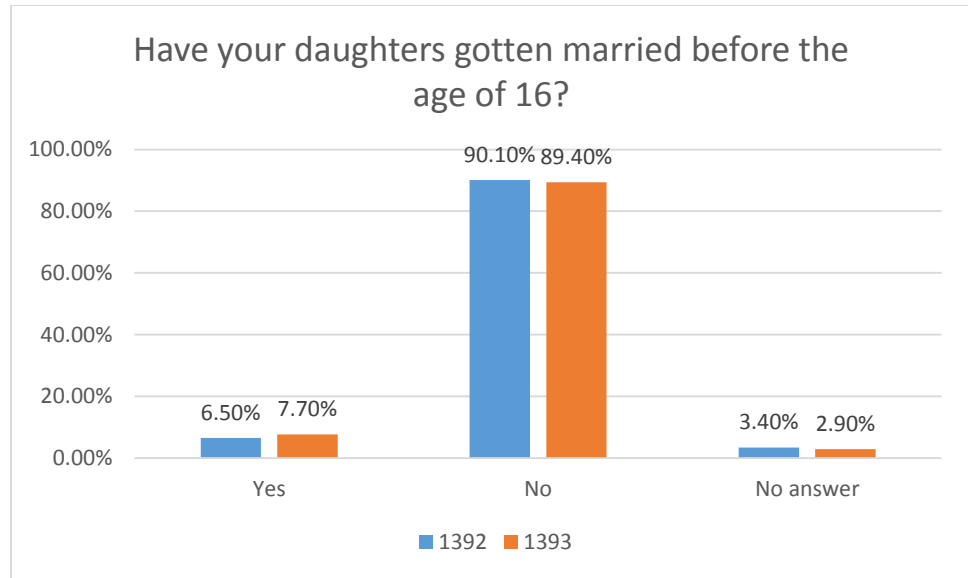
Early Marriages: early marriages exist as a serious problem in Afghanistan. The Afghan Civil Law has determined the age of 16 as the legal marriage age for women, and the age of 18 as the legal marriage age for men. However, a number of children, most of them girls, become the victims of early marriages due to different economic and cultural reasons.

Early marriages convey bitter and horrible messages, which sometimes result in domestic violence and even divorce. Based on the findings of the present research, about 7.7 percent of the participants, (391 people), have stated that their daughters have got married before the age of 16.

While, 93 boys, that makes up only 1.9 percent of the overall statistics, have said that they have got married before the age of 18. This finding shows that girls are more likely than boys to be victim of early marriage.

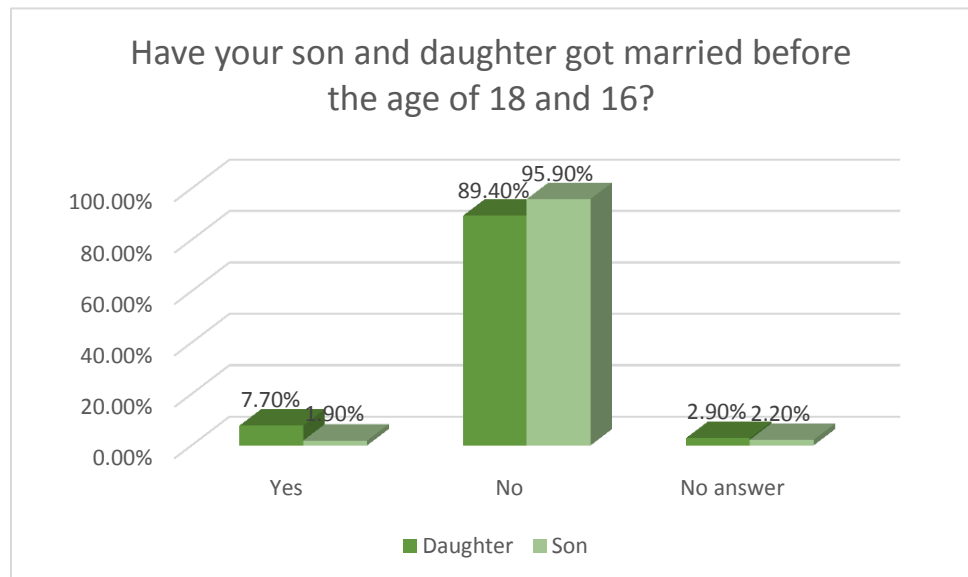
The graph (a) compares girls’ early marriage in the years of 1392 and 1393, and the graph (b) compares boys’ and girls’ early marriages in 1393:

(a)



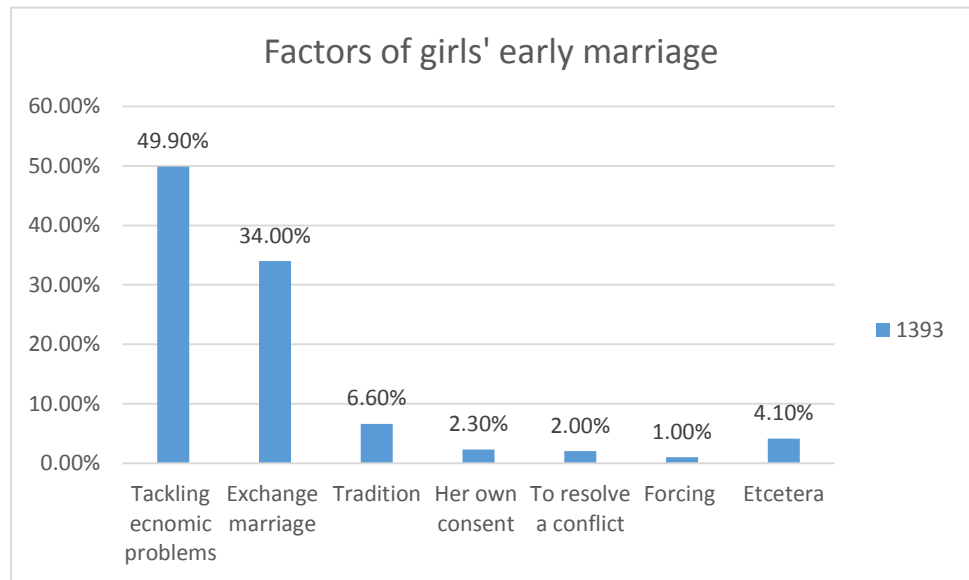
(ب)

(b)



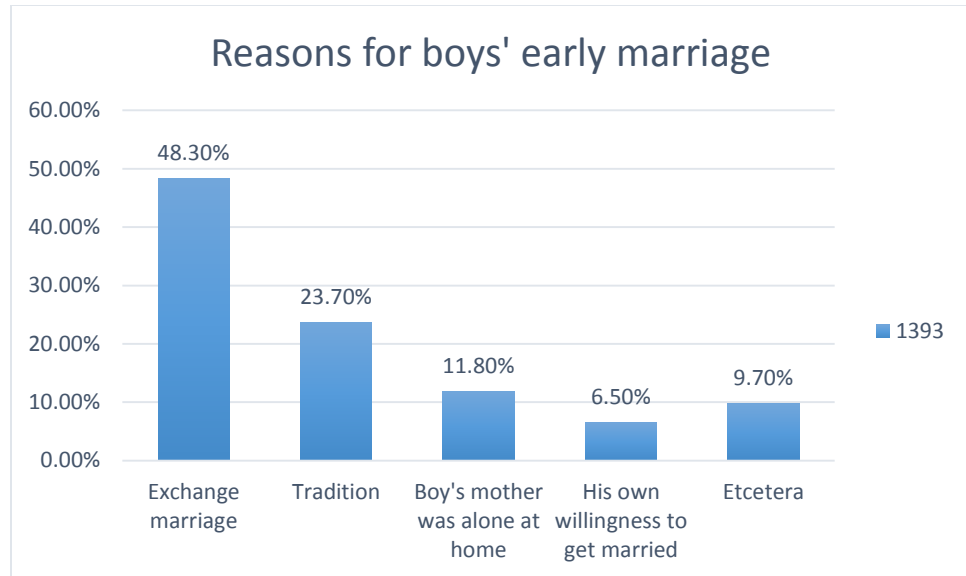
Causes of Early Marriages: factors behind the early marriages are different for girls and boys. The findings of this research indicate that economic poverty is the key factor of girls' early marriages.

Due to economic problems, families give their daughter away to marriage against an amount of money by the name of Shir Baha or dowry. The graph below shows the factors behind girls' early marriage:



Findings of the present research show that the key factor behind the boys' early marriage is the issue of exchange marriage. The second factor behind early marriages is the traditional attitudes and beliefs of society. People in villages believe that when a boy and a girl reach to sexual maturity, they should get married.

In this research, about 23 percent of the people have highlighted the issue of tradition as the reason for their sons' early marriage. The graph below shows the factors behind the boys' early marriages:



Buying and Selling Girls under the Name of Marriage: Buying and selling girls under the name of marriage is one of the major and basic challenges in the context of marriage. Receiving a big amount of money by the name of Toyana, Shir Baha or Gala (dowry) by the girl's family has turned into a general and usual custom in Afghanistan.

This issue, not only incurs heavy economic expenses on the boy's family, rather it is against human values and dignity as well. The cases, which are recorded in the AIHRC's Case Management indicate that the issue of selling and buying girls have been accompanied by different problems.

Case: «Takhar- during monitoring mission to Takhar province, we came to know that Commander ... had married ..., a 13 year old girl to his son named ... who is a border police in Shirkhan Bandar against 2100 kg of wheat grains, and she has lived in their home for 3 months. Later on, ...was martyred, and now Commander ... wants to marry ... to his second son, using his power. »

Case: «Konduz- ... daughter of ... has referred to Konduz regional office and has claimed that she was engaged to ... son of ... with the consent of her father, mother and herself. She said: "My father prevents my marriage to gain money, while my father has already received an amount of 180,000 Afghanis from my fiancé. My fiancé is a daily worker, he cannot afford to pay further amount of money, and therefore, I am facing violence by my family. I am looking forward to receive your guidance. »

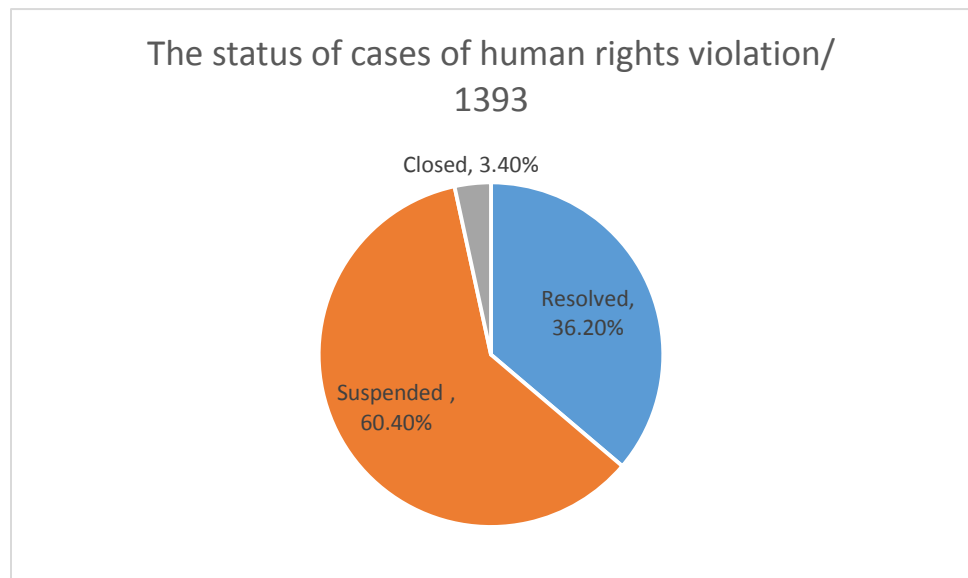
11. Addressing the Cases of Human Rights Violation:

Effective proceeding of the cases of human rights violation, and issuance of fair verdicts are the rights of those who become victims of human rights violation or those who are accused of violating others' rights. Both the complainant and the accused have the right that their relevant cases be effectively addressed within the predetermined time and in a due process and in a transparent and fair manner.

Legal Status of Cases of Human Rights Violation:

Out of all the cases of violation of human rights recorded in the Case Management's database of the AIHRC, about 36.2 percent of them have been resolved, which amounts to more than 265 cases. 60.4 percent of these cases have been suspended, and the other 3.4 percent have been closed. The graph and table below depicts this issue:

The status of cases of human rights violation in 1393		
Percentage	Number of cases	Case status
3.4%	25	Closed
60.4%	443	Suspended
36.2%	265	Resolved
100.0%	733	Total



The status of cases of human rights violation is recorded in the table below with the differentiation of human rights:

The status of cases of human rights violation segregated by the types of rights		
Human rights	Status	Number of cases
The right to life	Closed	2
	suspended	
	Resolved	44
Human dignity	Closed	11
	Suspended	7
	Resolved	65
Personal freedom and security	Closed	32
	Suspended	4
	Resolved	93
The right of people deprived of freedom	Suspended	76
	Resolved	4
The right to legal proceedings	Closed	5
	Suspended	7
	Resolved	105
The right to ownership	Closed	92
	Suspended	1
	Resolved	52
Adequate housing	Suspended	16
	Resolved	20
The right to education	Closed	2
	Suspended	1

The right to health	Closed	8
	Suspended	2
	Resolved	10
The right to adequate standard of living	Suspended	7
The right to marriage and founding family	Suspended	6
	Resolved	25
Freedom of movement and residence	Suspended	17
	Resolved	1
The right to work	Suspended	3
	Resolved	8
Freedom of thought, conscience and religion	Suspended	4
Political participation and social, cultural and trade activities	Closed	1
	Suspended	1

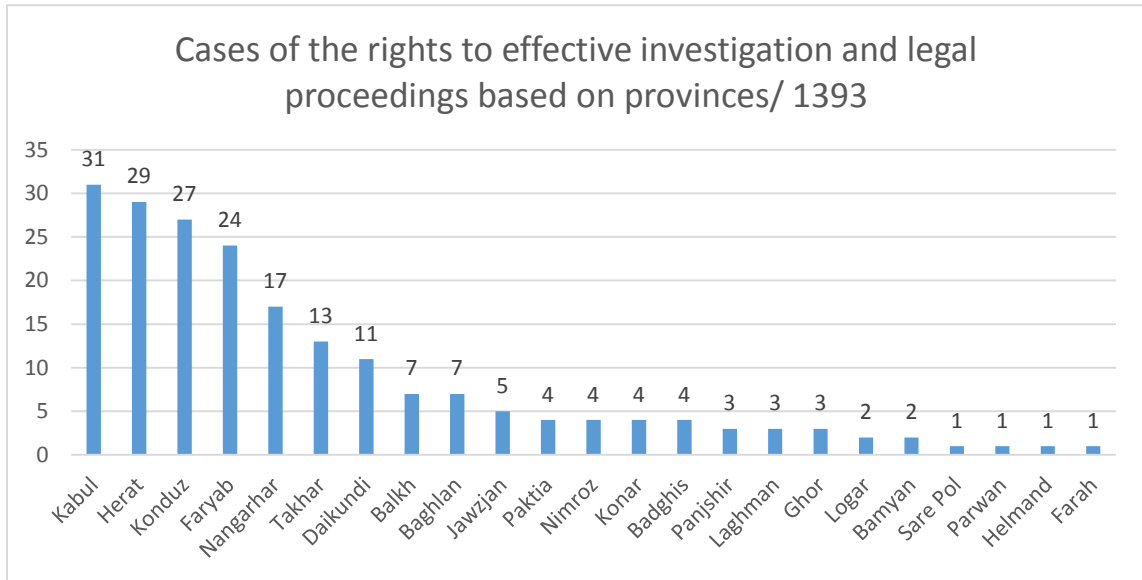
Legal Proceeding and Effective Method of Dealing with the Cases:

As it was mentioned, everyone has the right that their cases be effectively addressed, and passed through the legal proceedings, but the data show a large number of cases of violation of this right by the relevant authorities.

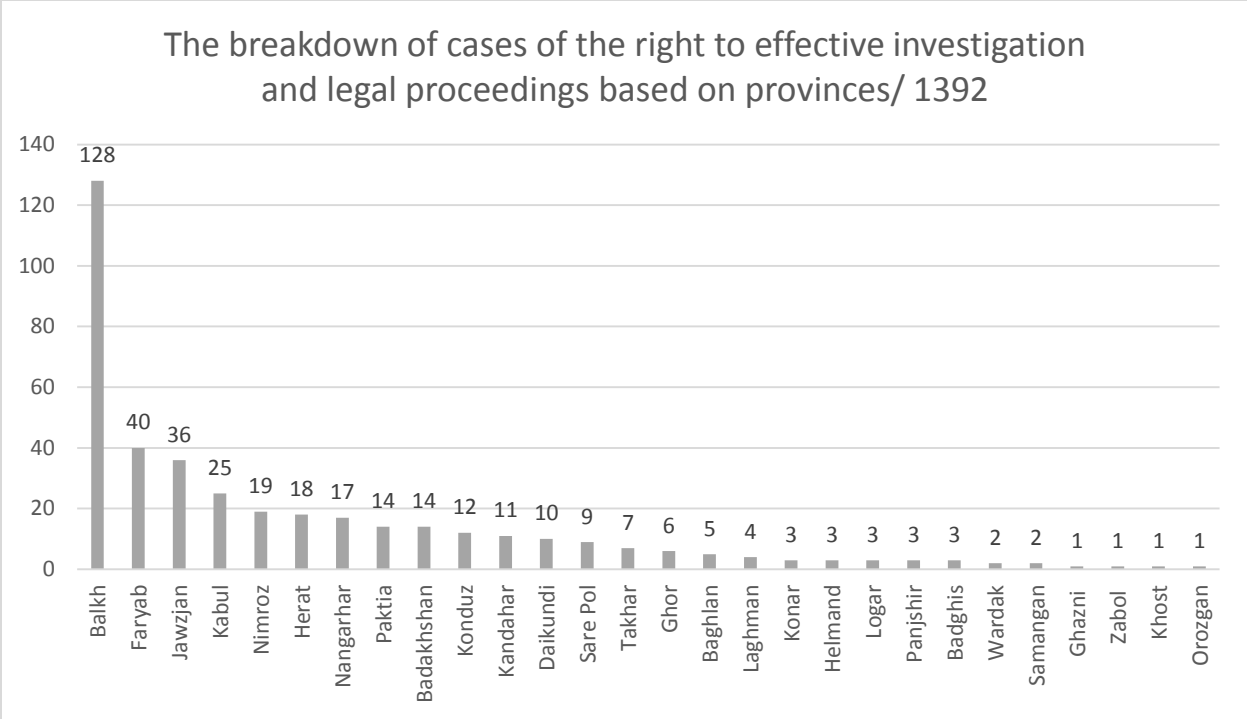
The data of the AIHRC's Case Management indicate that totally more than 204 cases related to the right to legal proceedings and effective handling of cases have been recorded at the AIHRC's offices. This figure shows almost 28 percent of all 733 cases recorded at the Case Management of the AIHRC.

Approximately 398 cases in connection with this right were recorded at the AIHRC's office in 1392, out of which, 268 cases were suspended, 118 cases were resolved, and 12 cases were closed.

The provincial differentiation of these cases indicates that most of the cases of violation of this right, which are recorded at the AIHRC’s offices, are related to Kabul, Herat, Konduz, Faryab, Nangarhar, Takhar and Daikundi provinces. The graph below depicts this issue:



Most of the cases of violation of the right to effective investigation and legal proceedings have been found in Balkh province in 1392, which are more than 128 cases and constitute 32 percent of all the cases. After Balkh province, Faryab, Jawzjan, Kabul, Nimroz, Herat and Nangarhar provinces have allotted most of the recorded cases of violation of this right to themselves. The statistics of violation of this right is shown in the graph below:

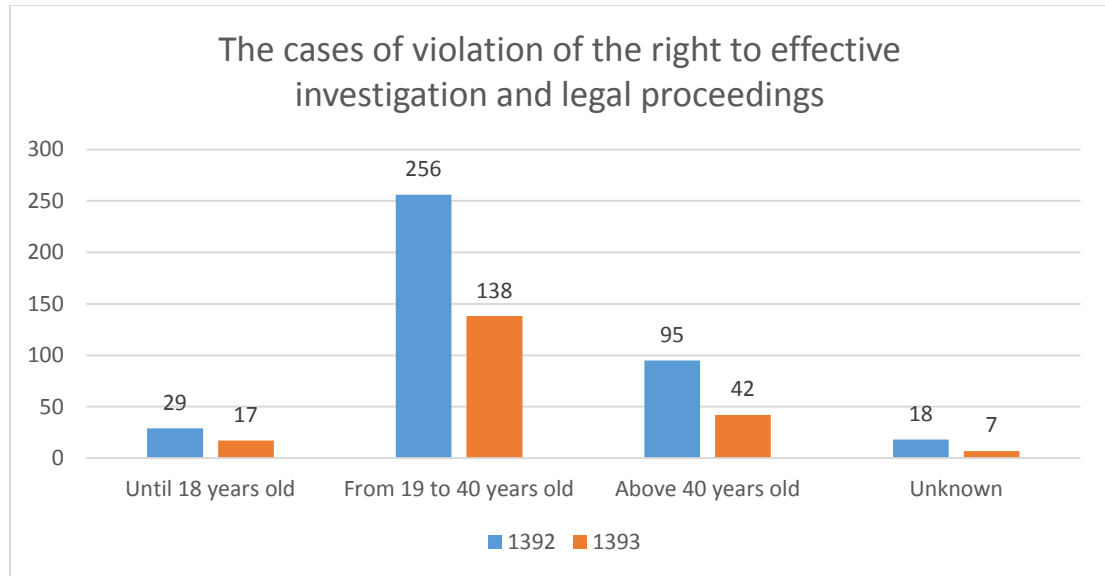


In terms of gender breakdown, 18 cases (8.8%) out of 204 cases of violation of the right to effective investigation and legal proceedings are related to women, and the rest of the cases (91.2%) are related to men. Likewise, in 1392, out of a total of 398 cases, 25 cases of them were related to women, and 373 cases of them were related to men, which constitute 94 percent of the cases.

In terms of age breakdown, 17 cases are related to children, and 138 cases are related to people who come between 19 to 40 years of age. Other 42 cases are related to those who are more than 40 years old. The victims' age in other 7 cases is unknown.

Likewise, in 1392, 29 cases were related to people below 18, who are considered as child. Most of the cases are related to the people who are between 20 to 40 years of age.

The graph below shows the number of cases in the two aforementioned years based on age breakdown:



The Type of Violation of the Right to Effective Investigation and Legal Proceedings:

As it was mentioned, the right to effective investigation and legal proceedings in the investigation of cases of human rights violations, is both, observer of the right of victims of human rights violation and also observer of the right of defendants and convicts. This right indicates the following issues:

- Cases of human rights violation must be addressed within the predetermined legal time;
- The legal stages and requirements must be strongly observed during addressing these cases;
- During addressing the cases, whilst the rights of victims of human rights violation are restored, and perpetrators are sentenced to legal punishments, but the right of accused and convicts should also be observed in accordance with the provisions of the law.

This way we can be hopeful that justice is ensured during addressing the cases.

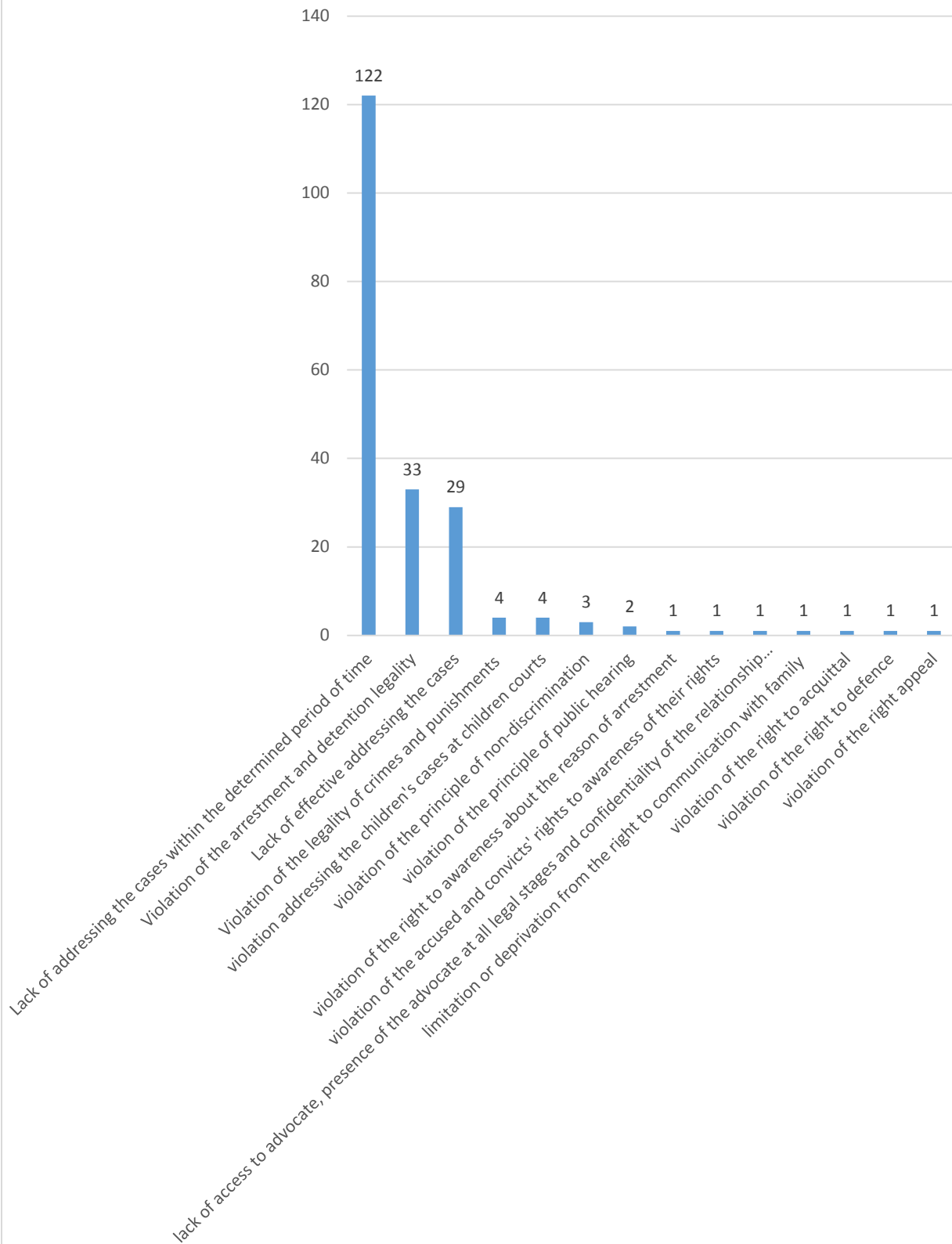
The data of the AIHRC's Case Management indicate that addressing the cases within the determined period of time is faced with many challenges in the Afghan justice and judicial system. Many cases are not addressed within the determined period of time, as a result of which either the right of victims of cases of human rights violation is violated or the rights of the accused and convicts of these cases are violated.

Out of all the cases of violation of the right to effective investigation and legal proceedings in 1393, lack of effective investigation of the cases within the predetermined period of time embraces more than 122 cases of them. This figure constitutes 59.8 percent of all the cases of violation of this right.

Other cases of violation of the right to effective investigation and legal proceedings are as follows: Failure to adhere to legality of arrest and detention (33 cases), lack of effective investigation of the cases (29 cases), Failure to adhere to legality of crime and punishment (4 cases) and etcetera.

The graph below depicts the details on these cases.

Type of the cases of violation of the right to effective investigation and legal proceedings/ 1393



The above statistics indicate that Afghan justice and judicial system is faced with many challenges to effectively address the cases of human rights violation. There are many reasons for this, out of which corruption and low level of professionalism in this system, weakness in the independence of these institutions, influence of powerful and influential people in these institutions, insecurity, existence of illegal and irresponsible armed persons and groups in different regions of the country, and lack of effective supervision over these institutions are the most important reasons.

This issue requires insuring of the independence, reformation, specialization and elimination of corruption from these institutions, and in the meantime, ensuring of the rule of law and legal investigation of these cases, it requires ensuring of security and control over the influential people who influence these institutions.



Chapter Three

Conclusion and Recommendations

Conclusion

By the study and investigation on the situation of human rights in Afghanistan it can be seen that, considerable improvement and achievements have been made in the various areas of human rights during the recent years. Since the government of Afghanistan is obliged to protect and respect human rights, therefore, the government is required to undertake more activities and functions in order to institutionalize human rights in the country.

Studies indicate that human rights in Afghanistan is still faced with numerous challenges and obstacles. The lack of security, poverty and unemployment, prevailing traditional and tribal attitudes are the major challenges that in many cases, cause human rights violations.

War and insecurity, is one of the factors paving the ground for human rights violations. Civilian casualties, assassinations and kidnappings, lack personal security are the worrying issues that occur in Afghanistan every year at any time. War and armed conflict lead to human rights violations in various fields and armed conflict causes the most harms and deaths to civilians, especially women and children, and the right of citizens to dignity is violated

Lack of law enforcement at different levels of government agencies, especially the judiciary is another challenge that in many cases citizens' rights are violated and effective investment is not taking place. Lack of justice, violence and bullying is all due to the lack of law enforcement in various areas that the citizens are suffering from that.

Poverty and unemployment have become a matter of serious concern and has caused the families and citizens to live a difficult and troubled life. Although the number of work force is increasing every year, but employment opportunity is not provided enough and that has forced people undertake dangerous and difficult journeys and migrate to other countries.

Women's right to freedom is faced with many challenges and obstacles in Afghanistan. Women are still exposed to various forms of violence and their rights are violated. Poverty, illiteracy, tribal and traditional attitudes towards women, the lack of moral and social obligation are the key factors for women's rights violation that numerous of such cases occur every year and at any time in the Afghan communities, especially in rural areas.

Children, the vulnerable group in the society, in most countries have gained special attention. It is required that appropriate opportunities and conditions be provided for the growth and development of children. However, despite the importance of the issue in Afghanistan, children have often been deprived of their rights and have not had access to adequate facilities. Violence and abuse of children in the family and society, deprivation of education, sexual abuse and exposure to hard labor are the issues that continue to exist in this country.

Given the situation of different aspects of human rights investigated in this report it is required that that government undertake comprehensive and fundamental programs in order to institutionalize and strengthen the human rights, and basic steps should be taken for the enforcement of law, creation of job opportunity, sustainable peace while preserving the present achievements, attention on the rights of women and children, education and health services.

The AIHRC, as a human rights watchdog institution, every year, submit a public report on the human rights situation to the National Assembly that represents the human rights situation in the country as a whole. This report investigate the human rights situation in 1393, and keeping the current situation in mind, presents the following recommendations, so that the government officials will take practical steps towards its realization.

2. Recommendations:

- ✓ National Council should protect the laws that guarantee the protection of human rights, human dignity and social justice, and supervise the implementation of it. Likewise, in the cases where the principles and values of human rights have not been met, should be modified

- ✓ Lack of security is a major part of the country's problems. Civilian casualties during the conflicts, terror and kidnapping are the cases that are described in this report disturbing. National Council should plan and implement effective strategies to monitor the practices of security forces in order to protect and safeguard the rights of civilians and innocent people.

- ✓ Since the lack of effective handling of cases are, every year in the top of human rights violations, and this indicates corruption in government institutions and the justice organs. Therefore, the National Council should plan effective strategy to supervise the practices of the relevant institutions, in order to ensure and maintain transparency, justice and effective handling of cases in the justice organs.

- ✓ National Council must allocate adequate and increased budget to fund the programs combating human rights violations, promoting human rights values, teaching human rights issues and monitoring the observance of human rights, promoting human right and improving the human rights situation in the country.
- ✓ Coordination with the international community and Afghan civil society can provide further ground for the monitoring and improving of human rights situation in the country. National Council can play an effective role in the development of relations between Afghanistan and the international community by planning and adopting of necessary programs.
- ✓ National Council should plan effective programs in order to get out of the problem of poverty and unemployment, and make the government create job opportunities and provide work areas for the people.
- ✓ Violence against women is one of the major challenges in the country that every year many women became the victims of different types of violence. National Council should have a serious will and determination in the implementation of the Law on the Elimination of Violence against Women and make effort to ensure the rights of women in political and social areas.

Children and the elderly are the vulnerable groups of a society. The National Council should develop an effective strategy to protect children and elderly persons.

Resources and approaches

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