



27th March 2012

A Commentary on the February 2012 Afghanistan Operational Guidance Note

This commentary identifies what the 'Still Human Still Here' coalition considers to be the main inconsistencies and omissions between the currently available country of origin information (COI) and case law on Afghanistan and the conclusions reached in the February 2012 Afghanistan Operational Guidance Note (OGN), issued by the UK Border Agency. Where we believe inconsistencies have been identified, the relevant section of the OGN is highlighted in blue.

This commentary is a guide for legal practitioners and decision-makers in respect of the relevant COI, by reference to the sections of the Operational Guidance Note on Afghanistan issued in February 2012. To access the complete OGN on Afghanistan go to:

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/>

The document should be used as a tool to help to identify relevant COI and the COI referred to can be considered by decision makers in assessing asylum applications and appeals. This document should not be submitted as evidence to the UK Border Agency, the Tribunal or other decision makers in asylum applications or appeals. However, legal representatives are welcome to submit the COI referred to in this document to decision makers (including judges) to help in the accurate determination of an asylum claim or appeal.

The COI referred to in this document is not exhaustive and should always be complemented by case-specific COI research.

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Main categories of claims

3.6 Security situation

Excerpt from February 2012 Afghanistan OGN

3.6.2 Treatment. During the first nine months of 2010 the security situation deteriorated in many parts of Afghanistan. Precise figures vary between organisations but all agree that the human cost escalated. **Between 01 January and 30 June 2010**, UNAMA recorded a 69% increase in security incidents compared to the same period in 2009. This resulted in a 31% increase in civilian casualties to a total of 3,268, including 1,271 deaths and 1,997 injuries. Women and children made up a greater proportion of those killed than in 2009. Anti-government elements were, according to the UN, responsible for the deaths and injuries of 76 per cent of the total number of civilian casualties for this period. Suicide and Improvised Explosive Device (IED) attacks caused the most civilian casualties attributed to anti-government elements, including 557 deaths and 1,137 injuries.¹⁸

[...] 3.6.5 UNAMA documented 1,462 civilian deaths in the **first six months of 2011**; an increase of 15 percent over the same period in 2010. The main trends that led to rising civilian casualties in early 2011 were increased and widespread use of improvised explosive devices, more complex suicide attacks, an intensified campaign of targeted killings increased ground fighting, and a rise in civilian deaths from air strikes, particularly by Apache helicopters. In total, 80 percent of all civilian deaths in the first half of 2011 were attributed to anti-government elements (up 28 percent from the same period in 2010), 14 percent were attributed to pro-government forces (down nine percent from the same period in 2010) and six percent were unattributed. The first half of 2011 saw the highest number of security incidents recorded by United Nations Department of Safety and Security (UNDSS) since 2003 when security incidents were first recorded, with 11,826 incidents reported. This compared with 8,242 during the same period in 2010 and 5,095 in the same period in 2009. The southern and south-eastern regions accounted for 64 percent of all incidents, nearly two-thirds. However, the monthly growth rate of incidents was highest in the western region at 35 percent. Armed clashes and IEDs accounted for 71 percent of all security incidents recorded. UNDSS recorded the highest number of security incidents ever for a one month period in June 2011. ²⁴ At the end of 2010, UNHCR considered that the worsening security environment and increasing number of civilian casualties was such that the situation in Helmand, Kandahar, Kunar, and parts of Ghazni and Khost provinces could be characterized as one of generalized violence.²⁵

Paragraphs 3.6.2 and 3.6.5 refer to civilian casualty figures for the first half-year of 2010 and 2011, as provided by the UN Assistance Mission in Afghanistan (UNAMA) in their mid-year reports for 2010 and 2011. For more recent figures and analysis on civilian casualties in Afghanistan covering the whole of 2011, please consult the most recent UNAMA annual report as follows:

➤ [UNAMA, AFGHANISTAN ANNUAL REPORT 2011 PROTECTION OF CIVILIANS IN ARMED CONFLICT, February 2012](#)

[...] Executive Summary

[...] A decade after it began, the armed conflict in Afghanistan again incurred a greater human cost in 2011 than in previous years. The United Nations Assistance Mission in Afghanistan (UNAMA) documented 3,021 civilian deaths in 2011, an increase of eight percent over 2010 (2,790 civilian deaths) and a 25 percent increase from 2009 (2,412 civilian deaths).²¹

[...] ²¹ 2011 marked the fifth consecutive year in which UNAMA documented an increase in civilian casualties in Afghanistan. 11,864 civilians have been killed in the conflict since 2007.

[...] Anti-Government Elements caused 2,332 conflict-related deaths of Afghan civilians in 2011, up 14 percent from 2010. 77 percent of all conflict-related civilian deaths in 2011 were attributed to Anti-Government elements.

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410 civilian deaths resulted from the operations of Pro-Government Forces, down four percent from 2010.²² 14 percent of all conflict-related civilian deaths were attributed to Pro-Government Forces in 2011. A further 279 civilian deaths, or nine percent of the total, could not be attributed to a particular party to the conflict.

[...] The record loss of the lives of Afghan children, women and men resulted from changes in the tactics of Anti-Government Elements and changes in the effects of tactics of parties to the conflict. Anti-Government Elements used improvised explosive devices more frequently and more widely across the country, conducted deadlier suicide attacks yielding greater numbers of victims, and increased the unlawful and targeted killing of civilians. Civilian deaths from aerial attacks by Pro-Government Forces increased in 2011, in spite of a decrease in the number of aerial attacks and an overall decline in civilian deaths attributed to Pro-Government Forces.²³

Excerpt from February 2012 Afghanistan OGN

3.6.7 Kabul has remained largely insulated from the worst violence over the last decade. While insurgent violence has expanded steadily throughout the country, Kabul has remained relatively quiet, although there are isolated incidents, some of them serious. The U.S. military and Afghan security officials claimed to have killed or captured hundreds of would-be assailants around Kabul during 2010, significantly blunting the effectiveness of insurgent forces looking to target the capital.

A series of checkpoints known as the „Ring of Steel“ has been erected around Kabul’s perimeter to provide the capital with an extra layer of protection.²⁷ The ICG report of 27 June 2011 added:

“ Although the number of attacks on Kabul has recently declined, insurgent networks have been able to reinforce their gains in provinces and districts close to the city, launching smaller attacks on soft targets. Outmanned and outgunned by the thousands of foreign and Afghan security forces in and around Kabul, Taliban attacks inside the capital are not aimed at controlling it physically but to capture it psychologically. Once that objective is achieved, the political and financial cost of doing business for foreign forces and diplomatic missions located in Kabul will be too high to sustain for the long haul.”²⁸

Source [27] cited in the highlighted sentence dates from October 2010.¹ This news article describes the increase in police personnel stationed in Kabul and reports that the last large scale attack had taken place in May 2010. This could be read to imply that the increased protection measures have improved security in the capital since May 2010. However, the COI detailed below indicates that despite the cited increased protection measures, high profile attacks are still occurring.

A [database of useful sources to consult on the security situation in a particular region of Afghanistan](#) has also been included in the Appendix.

Non-exhaustive security incidents in Kabul since summer 2011

- [BBC News, Nato pulls out of Afghan ministries after Kabul attack, 25/02/2012](#)
Nato has withdrawn all its personnel from Afghan ministries after two senior US officers were shot dead in the interior ministry building in Kabul. Nato said an "individual" had turned his gun on the officers, believed to be a colonel and major, and had not yet been identified or caught. Nato commander Gen John Allen condemned the attack as "cowardly". The shootings come amid five days of deadly protests over the burning of copies of the Koran by US soldiers.
- [UNAMA, AFGHANISTAN ANNUAL REPORT 2011 PROTECTION OF CIVILIANS IN ARMED CONFLICT, February 2012](#)
[...] Executive Summary
[...] Geographic Shift in the Conflict

¹ E-Ariana (McClatchy Newspapers), [Afghan capital enjoys relative calm amid security crackdown](#), 24/10/2010

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As the year progressed, the conflict gathered intensity outside those southern provinces where fighting has historically been concentrated and worsened in several provinces in the southeastern and eastern regions. In the last half of 2011, although Kandahar and Helmand remained the provinces with the highest number of civilian deaths with 290 civilians killed; this number is a 39 percent decrease compared to the same period in 2010. In contrast, the southeastern provinces of Khost, Paktika and Ghazni and eastern provinces of Kunar and Nangarhar saw a combined total of 446 deaths, a 34 percent increase compared with the same period in 2010. Between July and December 2011, civilian deaths in the central region jumped from 128 to 230, an 80 percent increase from the previous year. This rise was prominent in Kabul province, where civilian deaths increased from 23 in the last half of 2010 to 71 in 2011. 67 of the 71 civilian deaths in Kabul during this period occurred as a result of six suicide attacks. Although targeted killings by AGEs decreased in the southern, central and northeastern regions in 2011, country-wide such killings rose by six percent, with huge increases in the western region (255 percent), the southeastern region (114 percent) and the eastern region (107 percent). This shift was particularly evident in the second half of the year. In 2011, UNAMA documented 54 Afghan civilian casualties (18 killed and 36 injured) as a result of shelling from counter-insurgency operations carried out by Pakistani military forces in the Federally Administered Tribal Areas (FATA) bordering Kunar, Nangarhar and Nuristan provinces in Afghanistan.²⁹

- [AlertNet, FACTBOX-Security developments in Afghanistan, Jan 12, 12/01/2012](#)
[...] KABUL - A suicide bomber on a motorbike killed at least two people and wounded up to 36 more in an attack near the country's parliament in Kabul, government officials said. [...]
- [UN News Service, Security Council condemns 'heinous' attacks on Afghan civilians, 07/12/2011](#)
The Security Council has strongly condemned yesterday's terrorist attacks in Kabul and Mazar-i-Sharif that led to numerous deaths and injuries among Afghan civilians on one of the most important days for Shiite Muslims. The near simultaneous attacks occurred around midday on Ashura, which commemorates the martyrdom of Prophet Mohammed's grandson, Hussein. A suicide bomber struck a shrine packed with worshippers in the capital, Kabul, reportedly killing at least 54 people, while another blast struck near a mosque in Mazar-i-Sharif, killing four.
- [Khaama Press, IED explosion injures at least 3 NATO troops near Kabul, 23/11/2011](#)
[...] According to government officials, at least three NATO-led International Security Assistance Force service members were injured following a roadside improvised explosive device explosion on Kabul - Parwan highway on Tuesday night. The officials further added, the incident took place after a vehicle belonging to German troops struck with a roadside bomb on Kabul-Parwan highway injuring at least three German troops. According to security officials, the incident took place in Qarabagh district of capital Kabul and a vehicle belonging to foreign forces was destroyed during the incident. District chief for Qarabagh Khwaja Mohammad Hanif confirming the incident said, investigations have been started to detain those involved behind the incident. NATO officials yet to comment regarding the incident. No group including the Taliban militants have so far claimed responsibility behind the incident. [...]
- [Pajhwok News, Would-be suicide bomber detained in Kabul, 16/11/2011](#)
A would-be suicide attacker was arrested in the Pul-i-Charkhi area of Kabul on Wednesday, the Ministry of Defence said. The suspect with suicide vest was detained near the Pul-i-Charkhi prison at about 3:30 pm, the ministry said in a statement. The detainee was handed over to intelligence operatives for interrogations.
- [The Guardian, Taliban car bomb attack kills US troops in Kabul: Deadliest insurgent blast in months leaves 13 dead, 30/10/2011](#)
US forces in Afghanistan suffered their deadliest insurgent attack in months yesterday after a car bomb filled with explosives rammed into the side of an armoured bus shuttling troops between Nato bases in Kabul. The International Security Assistance Force (Isaf) said 13 of its troops were killed and one was seriously wounded. Afghan and western officials privately confirmed that all of the dead were from the US, making it the heaviest loss of American lives since a Chinook helicopter was shot down by the Taliban

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in August, killing 30 Americans and eight Afghans. In addition, four Afghan civilians and one sniffer dog of the Isaf International Security Assistance Force were killed in an attack which the Taliban claimed responsibility for in a text message to the Observer. The Taliban said they had filled the vehicle with around 700kg of explosive, and they had struck about midday on a thoroughfare overlooked by the hulks of old royal palaces wrecked by Afghanistan's civil war in the 1990s. One eyewitness said that a red Toyota Corolla had been seen driving at high speed in an apparent attempt to catch up with the heavily fortified bus. The explosion ripped the heavily armoured Rhino bus apart, throwing it several metres over the central reservation of the major road. Many of the windows in a building half a kilometre away that is used by Afghan MPs were smashed. "It was a huge blast," said Mohammad Wali, a student who had crossed the road just before the convoy. "It threw the bus about 10 metres and sent shrapnel all across the area." [...]

- [The New York Times, Gunman Kills C.I.A. Employee At Embassy Annex in Kabul, 27/09/2011](#)
An American employee of the C.I.A. was killed and a second American was wounded by an Afghan employee on the grounds of an annex to the United States Embassy here, officials in Washington said on Monday. The gunman was killed, and the motive for the attack was being investigated, said Gavin Sundwall, a spokesman for the United Embassy in Kabul. The wounded American was evacuated to a military hospital for treatment. The killing was followed by a barrage of gunfire from 9 p.m. to 9:30 p.m. on Sunday. People who were near the compound said they heard an explosion before the gunfire began. The attack was on a building used by the Central Intelligence Agency in Kabul, according to several Western officials, and is near the presidential palace. American officials in Washington confirmed that the person killed in the attack worked for the C.I.A, but it was not clear what position the person held. The second American's wounds were "not life-threatening," the officials said.
- [The Guardian, Taliban stay quiet on killing of former Afghanistan president Rabbani, 21/09/2011](#)
The Taliban have refused to accept or deny responsibility for the assassination in Kabul of former Afghan president Burhanuddin Rabbani, which has plunged the country into a deep political crisis. On the first of three days of national mourning following the killing on Tuesday of Hamid Karzai's chief peace negotiator, the Taliban's spokesmen published a statement on their website refusing to discuss the incident and contesting an earlier report by the Reuters news agency that said the Taliban accepted responsibility. [...]
- [Radio Free Europe/Radio Liberty, Attack On Kabul Ends After 20 Hours, 14/09/2011](#)
An assault by Taliban insurgents on the heart of Kabul's diplomatic and military enclave has ended after 20 hours, a spokesman for the Interior Ministry said. "Fortunately, we have killed the six militants who launched attacks yesterday from this high building where they had been holed up," Kabul police chief Mohammad Ayub Salangi said. "As you see, this was a better location for them to launch the attack, but they could not blow up their car which was full of explosives." The U.S. ambassador to Afghanistan, Ryan Crocker, in an interview transcript distributed to journalists, said about six or seven rocket-propelled grenades landed inside the perimeter of the U.S. Embassy compound.
NATO Soldiers Fight Militants At Kabul Headquarters
Insurgents on September 13 also launched three separate attacks on the outskirts of Kabul. Afghan officials earlier said at least nine people were killed and more than 20 injured in the coordinated attacks. [...]
- [Agence France-Presse, Suicide blasts target British Council in Kabul, 19/08/2011](#)
At least three people were killed as a wave of suicide explosions rocked a British cultural centre in Kabul Friday, a public holiday marking Afghanistan's independence from Britain in 1919. Four blasts, claimed by the Taliban, struck the British Council offices in Kabul, while an AFP reporter at the scene reported heavy gunfire ongoing inside the compound. The British Council is an official organisation part-funded by London which promotes cultural relations in offices around the world. Police said the first two blasts at least were the work of suicide bombers. Kabul's criminal investigations chief Mohammad Zahir told AFP that at least three people had died but that the casualty toll could rise as attackers are still inside the compound. "I can confirm that three have been killed so far and there are five or six injured but the casualty toll may rise," Zahir said. He could not confirm whether any of the dead were foreigners. The British embassy and NATO-led International Security Assistance Force (ISAF) in Afghanistan confirmed that the target was the British

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Council. An embassy spokesman said: "I can confirm reports of an attack against the British Council compound in Kabul." He added that the embassy was in contact with Afghan authorities at the scene but could not provide any information on casualties.

➤ [Radio Free Europe/Radio Liberty, Taliban Attack On Landmark Kabul Hotel Kills 12, Injures 18, 29/06/2011](#)

Afghan President Hamid Karzai says a brazen overnight attack on a landmark Kabul hotel will not derail plans for the transfer of security responsibilities to Afghan forces. Twenty-one people are now known to have died in the hours-long attack -- claimed by the Taliban -- on the Hotel Inter-Continental Kabul. The dead include Afghan civilians, policemen, a Spanish airline pilot, and all nine attackers. Karzai's office "condemned in the strongest terms" the attack as a "ruthless act of terror." In the same statement, the perpetrators are described as "mercenary terrorists who enjoy bloodletting of the innocent human beings." [...]

An Afghan soldier aims his gun as he guards the area surrounding the Hotel Inter-Continental during the deadly attack by Taliban insurgents. Armed with rocket-propelled grenades, rifles, and explosive suicide vests, the attackers stormed the heavily guarded hilltop hotel in western Kabul late at night. Hotel employees and guests say the attackers played Taliban songs on tape recorders and shot anyone they saw as they stormed the multistory building. [...]

➤ [The News, Taliban kill nine in Kabul police station attack, 19/06/2011](#)

Nine people were killed Saturday when three attackers armed with suicide vests and machine-guns stormed a police station in Kabul, officials said. The militants, at least one of whom was in army uniform, got into a compound housing the police station in the crowded main central market area, near the Afghan presidential palace, defence ministry and other official buildings. Five civilians were among the dead along with three policemen and one officer from Afghanistan's intelligence agency, interior ministry spokesman Najib Nikzad said. Ten civilians and two police were wounded. The Taliban claimed responsibility for the attack, the latest embarrassing breach at a supposedly secure location in Kabul, which comes weeks before limited foreign troop withdrawals are due to start from Afghanistan. One of the attackers detonated his explosives at the entrance to the compound, allowing his two accomplices into the building, the interior ministry said. Once inside, they fired at police, sparking a gun battle which lasted for around two hours before the pair were killed. "Three suicide attackers with weapons and explosive vests attacked the police station," Nikzad said. [...]

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3.7 Fear of the Taliban or other anti-government groups

Excerpt from February 2012 Afghanistan OGN

3.7.6 Anecdotal evidence suggests that insurgent recruitment of underage soldiers has been rising. There were numerous credible reports that the Taliban and other insurgent forces recruited children younger than 18, in some cases as suicide bombers and in other cases to assist with their work. For example, in Uruzgan the Taliban reportedly used children to dig hiding places for IEDs [Improvised Explosive Device]. NDS [National Directorate of Security] officials held several children in the juvenile detention facility in Helmand on insurgency-related charges. Although most of the children were 15 or 16 years old, reports from Ghazni province indicated that insurgents recruited children as young as 12, particularly if they already owned motorbikes and weapons. NGOs and UN agencies reported that the Taliban tricked, promised money to children, or forced them to become suicide bombers. Reports of recruitment and use of children have been received from all regions, and particularly from the south, south-east and eastern regions, but the security environment and the lack of human resources dedicated to monitoring and verifying cases has limited reporting on these trends of abuse. Internally Displaced People (IDP) and isolated populations in conflict-affected areas in particular are at risk of child recruitment into non-state armed groups, including the Taliban, Haqqani network, Hezb-i-Islami and Jamat Sunat al-Dawa Salafia. Documented cases show that children are also used as suicide bombers by the Taliban. Some children who have attempted suicide attacks have been heavily indoctrinated, frequently in foreign countries. Some reports suggest that, in the latest incidents of children used in bombings, they may not have been aware of what they were carrying, and explosives were set off remotely without their knowledge.⁴² The U.S. Department of State noted in its 2011 annual report that “discrimination” took place against Hazaras and other Shias and it took the form of “forced recruitment and forced labor”.⁴³

Paragraph 3.7.6 is referenced as been taken from paragraphs 26.64 and 26.66 of the October 2011 Afghanistan COIS report. This is not fully accurate. In fact the first five sentences are actually taken from the 2009 and 2010 annual human rights reports published by the U.S. Department of State, whilst the remaining sentences are the same as those included in the October 2011 Afghanistan COIS report at paragraph 26.66, taken from a February 2010 Mission Report to Afghanistan by the UN Special Representative of the Secretary-General for Children in Armed Conflict. For more current COI on the forced recruitment of children please see the section '[4.3 Minors claiming in their own right](#)' further below.

Excerpt from February 2012 Afghanistan OGN

3.7.8 Conclusion The risk from anti-government groups and forced recruitment into the Taliban **will be highest in areas where armed anti-government groups are operating or have control.** It is important that case owners refer to the most up to date country information and take into consideration the nature of the threat and how far it would extend. Consideration should be given to whether it would be reasonable to expect the applicant to relocate. This assessment will need to be based on the facts of the individual case. For applicants who can demonstrate a well-founded fear of persecution for reason of their imputed political opinion and who are unable to acquire protection or relocate internally, a grant of asylum will be appropriate.

The current guidance provided in the OGN (see highlighted sentence above), based on the caselaw *HK and Others*, suggests that the risk from anti-government groups and forced recruitment into the Taliban is highest in areas where they are operating. Excerpts highlighted in the section '[4.3 Minors claiming in their own right](#)' further below highlight the fact that the recruitment and use of children is occurring throughout Afghanistan.

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Furthermore this section does not address the forced and coerced recruitment and use of young men by non-state armed groups, which has to be seen in the prevailing climate of fear of the Taliban as outlined in the OGN. Though limited, COI reporting on such practices are as follows:

➤ [UNAMA, AFGHANISTAN ANNUAL REPORT 2011 PROTECTION OF CIVILIANS IN ARMED CONFLICT, February 2012](#)

[...] Afghan Local Police and Protection of Civilians

[...] Command and Control

[...] In August 2011 in KhasUruzgan district of Uruzgan province several ALP defected to the Taliban after killing their commander, who had formerly been an insurgent until reconciling with the Government. UNAMA received allegations that the killed commander had forcibly recruited many of these ALP defectors and most were of Pashtun ethnicity. Such circumstances raise concerns not only about ALP command structures, but also vetting and recruitment processes and the weakness of ANP oversight of ALP forces.

➤

➤ [Afghanistan Research and Evaluation Unit, THIRTY YEARS OF CONFLICT: DRIVERS OF ANTI-GOVERNMENT MOBILISATION IN AFGHANISTAN, 1978-2011, January 2012](#)

[...] Refugee camps

[...] Whatever the case, the weight of the refugee camps in the recruitment flow of the insurgency has clearly been declining over time, not necessarily because of fewer recruits from the camps, but if for no other reason because of the growth in recruitment inside Afghanistan. However, the fragmentary information which filters from the Taliban side suggests that the refugee camps remain close to the heart of the leadership: Consultations with mullahs and elders there are held on important issues where the leadership wants to take the pulse of the base of the movement.²¹⁴ Taliban sources also suggest that the camps are the only location where they carry out some kind of forced recruitment: each family is requested to contribute a male of fighting age. Again, conscription implies a considerable organisational capacity and a high degree of control over the refugee camps.²¹⁵

➤ [Norwegian Country of Origin Information Centre \(LANDINFO\), Afghanistan: Human Rights and Security Situation: Report by Dr. Antonio Giustozzi, 09/09/2011](#)

[...] 3. GENERAL CONSIDERATIONS ON THE CHARACTER OF THE CONFLICT AND THE ATTITUDE TOWARDS CIVILIANS OF THE PARTIES IN THE CONFLICT

[...] Forced recruitment has not been a salient characteristic of this conflict. The insurgents have made recourse to it only very marginally, mainly forcing male villagers in areas under their control and not sympathetic to the insurgents' cause to serve as porters. In interviews carried out in several provinces during 2011 with elders and other members of the population, nobody mentioned forced recruitment as an issue, while complaining about Taliban taxation and violence. In some cases of community mobilisation on the Taliban side, community elders might have forced some reluctant families to contribute a male to the lashkar⁶ as stipulated by the traditions.

➤ [United Nations High Commissioner for Refugees \(UNHCR\), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2010](#)

[...] III. Eligibility for International Protection

[...] A. Potential Risk Profiles

[...] 1. Individuals Associated with, or Perceived as Supportive of, the Government and the International Community, Including the International Security Assistance Force (ISAF)

[...] a) Civilians Associated with or Perceived as Supportive of ISAF

[...] The increased targeting of civilians is perceived as part of an effort by armed anti-Government groups to gain control over territories and populations. [39] Local inhabitants are reportedly coerced into supporting anti-Government groups through threats or the use of force. These intimidation tactics are compounded by the reduced public confidence in the capacity of the Afghan Government and international forces to maintain security and provide basic services. [40] Intimidation tactics used by

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armed anti-Government groups against the civilian population reportedly include: individual or community warnings or threats, often in the form of "night letters" (shab nameha), to stop working for, or supporting, the Government or international forces, upon pain of death; [41] as well as setting up road blocks. [42] It is also reported that individuals, including children, suspected of "spying" on behalf of the Afghan military or international forces have been summarily executed by armed anti-Government groups. [43]

➤ [Refugees International \(USA\), Afghanistan: In a Time of Conflict, 01/12/2010](#)

[...] Persisting and Growing Humanitarian Needs

[...] Near Mazar e-Sharif, displaced families indicated they would not return after the Taliban gained footholds and began to forcibly recruit young men, confiscate property and threaten locals. [...]

➤ [United States Institute of Peace, Dangerous Liaisons with the Afghan Taliban: The Feasibility and Risks of Negotiations, October 2010](#)

[...] Taliban Motivations and Objectives

[...] Motivations

[...] Apart from the five main motivations, there are at least two other types of motivation of varying significance. Some individuals apparently join the insurgency out of expediency: They are coerced, intimidated, or pressured into fighting, or believe it is in their personal and family interests, perhaps judging that the insurgents will ultimately prevail. There are also opportunists who exploit the insurgency for criminal purposes, such as extortion or narcotics, or to strengthen their power and influence. [...]

➤ [The International Council on Security and Development, Operation Moshtarak: Lessons Learned, March 2010](#)

[...] A. Taliban Recruitment: Drawing from Afghanistan's Angry Young Men

Rising numbers of young Afghans joining the Taliban

[...] Q2 Why do you think other Afghan men join the Taliban?

Job or Money	242	57%
Jihad	229	54%
Social status	155	36%
Coerced into doing so	147	34%
International Occupation	34	8%
Actions of the Afghan government	6	1%
Lack of security	5	1%
Afghan politics	3	1%
Other	3	1%
Lack of education	2	0%

[Emphasis added]

4.3 Minors claiming in their own right

With the exception of the COI included in paragraph 3.7.6 of the OGN in the section '3.7 Fear of forced recruitment into the Taliban and other anti-government groups' which documents the forced recruitment of children, no COI has been included in section '4.3 Minors claiming in their own right' on the particular risks faced by children. Note the following country guidance case laws:

[AA \(unattended children\) Afghanistan CG \[2012\] UKUT 16 \(IAC\) \(01 February 2012\)](#)

(1) The evidence before the Tribunal does not alter the position as described in HK and Others (minors – indiscriminate violence – forced recruitment by Taliban – contact with family members) Afghanistan CG [2010] UKUT 378 (IAC), namely that when considering the question of whether children are disproportionately affected by the consequences of the armed conflict in Afghanistan, a distinction has to be drawn between children who were living with a family and those who are not. That distinction has been reinforced by the additional material before this Tribunal. Whilst it is recognised that there are some risks to which children who will have the protection of the family are nevertheless subject, in particular the risk of landmines and the risks of being trafficked, they are not of such a level as to lead to the conclusion that all children would qualify for international protection. In arriving at this conclusion, account has been taken of the necessity to have regard to the best interests of children.

(2) However, the background evidence demonstrates that unattached children returned to Afghanistan, depending upon their individual circumstances and the location to which they are returned, may be exposed to risk of serious harm, inter alia from indiscriminate violence, forced recruitment, sexual violence, trafficking and a lack of adequate arrangements for child protection. Such risks will have to be taken into account when addressing the question of whether a return is in the child's best interests, a primary consideration when determining a claim to humanitarian protection.

[HK & Ors \(minors, indiscriminate violence, forced recruitment by Taliban, contact with family members\) Afghanistan CG \[2010\] UKUT 378 \(IAC\) \(23 November 2010\)](#)

1. Children are not disproportionately affected by the problems and conflict currently being experienced in Afghanistan. Roadside blasts, air- strikes, crossfire, suicide attacks and other war-related incidents do not impact more upon children than upon adult civilians.

2. While forcible recruitment by the Taliban cannot be discounted as a risk, particularly in areas of high militant activity or militant control, evidence is required to show that it is a real risk for the particular child concerned and not a mere possibility.

3. Where a child has close relatives in Afghanistan who have assisted him in leaving the country, any assertion that such family members are uncontactable or are unable to meet the child in Kabul and care for him on return, should be supported by credible evidence of efforts to contact those family members and their inability to meet and care for the child in the event of return.

[ZH \(Afghanistan\) v Secretary of State for the Home Department \[2009\] EWCA Civ 470 \(07 April 2009\)](#)

[...] 10. The mere fact that a child applicant for asylum falls within the policy of the Secretary of State is not in my judgment of itself sufficient to discharge the burden on the child applicant to demonstrate that he is at real risk, or there is a serious possibility that he will be persecuted if returned. The threshold for what amounts to persecution is relatively high, the policy sidesteps that difficulty by being broader in scope. The unaccompanied child does not have to demonstrate that he would be at real risk of persecution if returned to fall within the Secretary of State's policy. All he has to demonstrate is that he is unaccompanied, that his parents cannot be traced and that adequate reception arrangements cannot be made for him. Thus the policy is plainly broader in scope for perfectly understandable policy reasons than the narrower definition of what amounts to refugee status. Thus it does not follow automatically, simply from the fact that a child falls within the Secretary of State's broader policy, that there is a real risk or a serious possibility that that particular child's basic human rights will be so severely violated that he will suffer what amounts to persecution.

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COI has been included in this commentary under the following issues which demonstrate that children are disproportionately affected by the conflict in Afghanistan:

- [Indiscriminate violence](#)
- [Forced recruitment](#)
- [Children in displacement](#)
- [Psychological and emotional impact on children](#)

COI has also been included which reports that children are at risk of the following human rights violations in Afghanistan:

- [Kidnapping](#)
- [Sexual violence against children](#)
- [Child Sex and drug trafficking](#)
- [Access to education](#)
- [Forced marriage and ba'ad \(use of girls in marriage to settle disputes\)](#)
- [Child labour](#)
- [Situation of street children](#)
- [Treatment of children in detention centres and prisons](#)

Children & indiscriminate violence

➤ [UNICEF, As more children die in Kandahar, UNICEF highlights the impact of conflict on children, 13/03/2012](#)

[...] UNICEF is deeply saddened and concerned by the recent killing of innocent civilians in Kandahar. According to reports, these deaths included children who were killed in their homes in the middle of the night.

“This tragic event reminds us that families and children continue to suffer unfathomable losses due to the ongoing conflict in Afghanistan,” said UNICEF Afghanistan Representative, Peter Crowley. “It is now more urgent than ever that all parties to the conflict do everything in their power to protect the lives and the rights of children. This needs to be a top priority.”

Last year alone 1,282 children were killed or seriously injured due to the ongoing conflict in Afghanistan. UNICEF calls on all parties to the conflict to ensure that children, women and other civilians are protected at all times and in accordance with international humanitarian law. [...]

➤ [UNAMA, Annual Report 2011; Protection of Civilians in Armed Conflict, February 2012](#)

[...] Attacks on Schools

According to verified data from the Country Task Force on Children and Armed Conflict Anti Government Elements were responsible 28 direct attacks in 2011. This is a decrease from 2010 and 2009. Incidents included burning or attempted burning of school buildings and equipment, intimidation, injury and killing of teachers and students, armed attacks and two incidents of (attempted) suicide attacks in educational school premises.¹⁰² In addition the Ministry of Education reported another 71 incidents of direct attacks on schools, including one incident in which six teachers were allegedly killed, and one abducted by Anti-Government Elements.¹⁰³ Thirty school closures due to AntiGovernment Element threat were recorded, as well as 16 incidents of intimidation and extortion. A third of the incidents were confirmed to directly impact girls' education and co-education facilities. In more than half of the incidents the nature of the school (for boys or for girls) was unidentified. Twelve verified incidents of school occupation by Pro-Government Forces were reported, of which seven occurred in the central region, two in the southern and northern regions and one in the eastern region (Nangarhar). UN Advocacy against the use of schools for military purposes was successful in the central region, where ProGovernment Forces vacated two schools

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in 2011. The UN verified 24 incidents of collateral damage to educational facilities during military operations in the vicinity of schools such as RPG and rocket attacks, crossfires and IED found near schools, causing damage to buildings in 2011. The Ministry of Education recorded an additional 48 incidents in which schools, students or teachers were affected by collateral damage. The central region (28 percent of all incidents) and eastern region (one percent) were most affected by incidents affecting education. 104 General insecurity, as well as direct and indirect incidents affecting schools greatly impacted access to education of children, as parents were reluctant to send their children, especially girls, to school. There is no data on how many children who were enrolled discontinued their education in the course of the school year in 2011 from insecurity.

Children killed and injured by mines and UXOs

In 2011, out of a total of 561 casualties caused by mines and unexploded ordnance (UXO), 431 were under 18 (76 percent). These figures are consistent with 2010, when 459 child victims were recorded. The eastern region was the most affected (154 victims, 35 percent) followed by the northern and southeastern regions (respectively 17 percent and 10 percent of all child victims). 316 children were injured, and 115 children were killed. 105 Boys were four times more likely to be injured or killed than girls (82 percent – 18 percent), and boys between the ages of 8 to 15 formed the most vulnerable group, making up more than half of all deaths and injuries. Most accidents claiming child victims occurred while they were playing (30 percent of all incidents), followed by tending animals (15 percent) and collecting firewood (12 percent). Twenty five of the victims were under six years of age, including three babies. [...]

- [Human Rights Watch, World Report 2012, 22/01/2012](#)
[...] The Taliban and other insurgent groups continue to target schools, especially those for girls. [...]
- [Reuters, One in ten Afghan children die before age 5 – survey, 30/11/2011](#)
[...] One Afghan child in ten will die before their fifth birthday, the Ministry of Public Health said on Thursday, as it launched its first report into mortality in a country that after years of conflict has some of the world's worst rates of early death. [...]
- [UN High Commissioner for Refugees, Afghanistan Protection cluster: Protection Overview Eastern and South-Eastern Regions 2010 / 2011, 30/11/2011](#)
[...] The frequent use of road blocks and check points also severely disrupts the lives of civilians, as well as their access to livelihoods and greatly undermining freedom of movement, and civilian access to basic services, such as education and schools. The on-going conflict continued to impact on education and provisions of health services for children. The Country Task Force on Children and Armed Conflict continued to receive reports of both education and health facilities suffering collateral damage as a result of on-going operations. In addition the burning of schools, armed attacks against schools, and the occupation of schools by armed groups were reported in the east and south-east region. Of concern additionally were reports that the international military forces had conducted search operations within schools and health facilities. [...]
- [Save the Children, Afghanistan in Transition: Putting Children at the Heart of Development, 03/11/2011](#)
[...] D. Child Protection & Child rights
[...] Children continue to suffer the consequences of the ongoing conflict. The number of civilian casualties in Afghanistan continues to increase, with 2010 recording the highest level since the international intervention began in 2001. In 2010, the UN recorded 2,777 civilian casualties as a result of the conflict, with two children dying a day on average.⁷²
Children are at risk from landmines, improvised explosive devices, aerial bombardment, attacks on schools and hospitals, recruitment, the use of children as suicide bombers and other gross violations of their rights. In one recent incident an 8-year-old girl was used as an unwitting suicide bomber by an Armed Opposition Group (AOG) in the Char China district of the country.⁷³ [...]
- [UNICEF, Afghanistan Country Office, Child Protection, November 2011](#)

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[...] The need for the development of formal and informal mechanisms to protect children is more important than ever. Decades of conflict have eroded the physical and social fabric of Afghanistan and continue to impact the lives of children by hampering their access to school and basic services, exposing them to increased violence and abuses and jeopardizing their very survival. [...]

➤ [U.S. Department of State, Annual report on child labor, 03/10/2011](#)

[...] The reporting period marked Afghanistan's most insecure year since the fall of the Taliban.²² This situation led to grave violations against children, including the recruitment and use of children in armed conflict, the killing and maiming of children in attacks or combat and attacks on schools.²³ These conditions make it more difficult

for children to access school on a regular basis and access to schools is challenging. While enrolment has risen over the years, there are massive gender and geographic disparities.²⁴ Only one quarter of all school buildings are classified as "useable".²⁵ Some schools are too distant for children to attend and most schools are overcrowded, often serving two to three shifts of students per day.²⁶ The lack of access to adequate education makes children particularly vulnerable to child labor. [...]

➤ [UN High Commissioner for Refugees, Afghanistan Protection Cluster: Protection Overview \(Northern and North-Eastern Region - 2010\), 11/05/2011](#)

[...] 5. Basic Rights of Children Severely Hampered in 2010

In 2010, children have been increasingly directly or indirectly affected by the conflict through kidnapping, separation from family members, recruitment in armed groups and armed forces, trafficking or domestic violence. Jawzan, Balkh and Samangan provinces affected by military operations in 2010 host the greatest number of children whose basic rights have been negated. [...]

➤ [UN High Commissioner for Refugees, Afghanistan Protection Cluster: Protection Overview \(Southern Region 2010\), 08/02/2011](#)

[...] Killing and maiming of children continues, although the child casualty rate as a consequence of military operations by the Afghan National Security Forces (ANSF)/ IM Forces was lower in 2010 than in 2009, children continue to be killed and injured due to air strikes and ground attacks, particularly due to imprecise targeting or misinformation. Killing of children by Armed Opposition Groups (AOGs) on the suspicion that they were spies or for being associated with or supporting the IM Forces was reported. UNAMA Child Protection has reported that 494 children were killed and maimed in the South alone, amounting to 27.3% of total casualties in Afghanistan in 2010. Figures show that in Kandahar and Helmand alone, 444 children were killed and injured in 2010. [...]

➤ [United Nations, Report of the Secretary-General on children and armed conflict in Afghanistan, 03/02/2011](#)

[...] 14. Information collected through the Country Task Force for Monitoring and Reporting during the reporting period demonstrates that grave violations against children have increased. Given the deterioration in security and the resulting access constraints, not all incidents come to the attention of child protection actors, nor can they all be independently investigated. Therefore, available data is likely to underrepresent the actual impact of the conflict on children, and the extent to which grave violations are committed against children. The establishment of six regional task forces throughout the country during the reporting period has increased capacity to monitor, report, and verify incidents. [...]

➤ [United Nations High Commissioner for Refugees \(UNHCR\), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2010](#)

[...] Among the most vulnerable groups in Afghanistan, children bear the brunt of the ongoing armed conflict. The Taliban and other anti-Government armed groups are reportedly responsible for the vast majority of the human rights violations against children. [168] UNHCR considers that children with the specific profiles outlined below, [169] including child soldiers, school-age children, particularly girls, as well as children victims of sexual and gender-based violence, may be at risk on the ground of membership of a particular social group, religion and/or (imputed) political opinion depending on the individual circumstances of the case. [170] Asylum claims made by children, including any examination of exclusion

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considerations for former child soldiers, need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims. [171]

Forced recruitment

- [UNAMA, Annual Report 2011; Protection of Civilians in Armed Conflict, February 2012](#)
[...] Impact of the Armed Conflict on Children
Recruitment, Training and Use of Children by Parties to the Conflict
UNAMA remains gravely concerned about recruitment of under 18-year olds into armed forces and armed groups. In 2011, a total of 212 incidents of child recruitment were reported by parties to the conflict, including ANP, ALP and Anti-Government Element. 99
Of the 212 cases of underage recruitment, verified and unverified, 173 (81 percent) were attributed to Anti-Government Element, 23 by ALP and 16 by ANP. Eleven children, including one eight-year old girl who was asked by unidentified men to carry a package to an IMF base, were killed when executing suicide attacks and a 14-year old boy was killed when planting an IED that prematurely exploded. [...]
In the last half of 2011, UNAMA interviewed 67 boys, in 13 provinces, who were detained in Juvenile Rehabilitation Centres on accusation of association with armed groups. Of these children, ranging in age from 9 to 17, about a quarter had been recruited by Anti-Government Elements to conduct military activities, plant IEDs or plan suicide attacks. 100
In 2011, Afghan security forces arrested 204 boys under the age of 18 on charges relating to endangerment of national security 101. [...]
- [Human Rights Watch, World Report 2012, 22/01/2012](#)
[...] The Taliban also use children, some as young as eight, as suicide bombers. [...]
- [United Nations, Report of the United Nations High Commissioner for Human Rights on the human rights situation in Afghanistan and technical assistance achievements in the field of human rights, 18/01/2012](#)
[...] C. Children and armed conflict
23. Recruitment and use of children in the armed conflict emerged as an increasing concern in 2011. OHCHR/UNAMA documented incidents of AGEs recruiting children as young as 12 for suicide attacks, to plant IEDs and to smuggle weapons and uniforms. There were also cases of ANSF recruiting boys, sexual exploitation being a motivating factor. In January 2011, UNAMA and the Government of Afghanistan signed the action plan for the prevention of underage recruitment into ANSF. Similarly, in July 2011, the Minister of the Interior issued a decree reaffirming the commitment of the Government to prevent underage recruitment, sexual exploitation and the killing and maiming of children by members of the Ministry's security forces. The High Peace Council (HPC) recognized the need to introduce child reintegration into the APRP and to engage in dialogue with nonState actors on the immediate release of children within their ranks. Despite these positive developments, OHCHR/UNAMA underscores the need to promptly implement the action plan for ensuring increased protection for children. [...]
- [Voice of America News, Afghan Insurgents Recruit Child Suicide Bombers, 30/12/2011](#)
[...] Throughout the war in Afghanistan, insurgents have modified their tactics to adapt to the changing battlefield. In the past year, fighters have disguised themselves in burqas, hidden bombs in turbans, and increasingly turned to children to carry out attacks. We talk with a Pakistani boy who is one the war's youngest recruited bombers. When 13 year-old Ali Ahmad says he wants an education, he is not talking about the education he already has. "I was taught how to use guns and weapons and they also taught me how to do a suicide attack by pressing some button. They told me I would be paid a lot of money," he explained. Ali lost both of his parents when he was younger. He and his younger brother were living in their uncle's home in Pakistan's Baluchistan province. Three months ago, he ran away. "I met three people near the border and asked them to give me a job. They asked to me to come with them, when I went they grabbed me and put something over my eyes so I could not see and tied my hands and legs," he recalled. "They took me to a training center where I trained for 20 days." Ali's recruiters then showed him the American base in Spin Boldak where they wanted him to attack using a suicide vest. "They said when you

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do the suicide attack, you will go to heaven, even if you kill just one American in this attack. I said that I would be killed too, but they told me that my soul will be in peace," he said. Ali says he knew what would happen if he detonated the vest and was thinking of ways to escape. But before he could carry out his mission, suspicious residents turned him in to security forces. Over the past year Kandahar officials say insurgents have chosen to fight fewer face-to-face battles with troops. Instead, they say militants favor suicide attacks and are increasingly relying on children to carry them out. "Using children is a new enemy tactic. Children are given 50 to 100 Afghans to carry things. They don't know what they're carrying and the control to detonate the bomb is with someone else. When the kids reach the tanks or police vehicles, the enemies blow them up. Many kids are told they will survive," General Abdul Raziq is Kandahar's acting police chief stated. "Children cannot judge, and the older ones no longer want to do it." [...]

➤ [United Nations Report of the Secretary General, The situation in Afghanistan and its implication for international peace and security, 13/12/2011](#)

[...] 32. The United Nations-led country task force on children and armed conflict continued to support the Government of Afghanistan in the implementation of the action plan, signed in February 2011, on the prevention of child recruitment and to monitor grave violations against children committed by parties to the conflict. During the reporting period, the most frequent violations continued to be recruitment and use of children, including for suicide bombing missions or for planting explosives — with a recent rise in reported cross-border recruitment by Taliban — as well as attacks on schools. The killing and maiming of children remains of grave concern, especially in the light of a notable increase in incidents injuring or killing children. [...]

➤ [Human Rights Watch, Taliban Should `as Suicide Bombers, 31/10/2011](#)

[...] The Taliban's use of children as suicide bombers in Afghanistan is an egregious affront to humanity that should cease immediately, Human Rights Watch said today. In the latest incident, on August 27, 2011, residents of Baharak district in northeastern Badakhshan province captured a 16-year-old wearing a suicide vest as he was on his way to blow up a local mosque.

There has been an alarming increase in recent months of suicide bombings, and attempted suicide bombings, by children, Human Rights Watch said. Younger and younger children have been involved. Children as young as 7 have reported that they were deployed as suicide bombers. Surviving children who trained as suicide bombers describe having been given amulets containing verses from the Quran that they were told would protect them from the explosion. They said they were told that when the bomb they carried detonated, everyone around them would die but they would survive.

"The Taliban's use of children as suicide bombers is not only sickening, but it makes a mockery of Mullah Omar's claim to protect children and civilians," said Brad Adams, Asia director at Human Rights Watch. "Any political movement or army that manipulates or coerces children into becoming human bombs has lost touch with basic humanity."

The Taliban has pledged to respect the laws of war, published a code of conduct, and recently released a statement by its leader, Mullah Omar, renewing a commitment to protect civilians. The Taliban has denied using children as suicide bombers or for other military purposes. [...]

➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)

[...] 72. The Committee expresses concern that children are trafficked by criminal groups mainly within the country and into neighbouring countries for forced prostitution, begging and labour in brick kilns, carpet-making factories, the drug smuggling industry and domestic service. The Committee is also deeply concerned that some families knowingly sell their children into forced prostitution, including for *bacha baazi*. The Committee notes with concern that little has been done to implement the provisions of the 2008 Law on Counter Abduction and Human Trafficking and the 2004 National Plan of Action on Combating Child Trafficking, and that human trafficking convictions remain rare while victims of trafficking are punished for acts they may have committed as a direct result of being trafficked, and jailed pending resolution of their legal cases, despite their recognized victim status. [...]

➤ [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)

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[...] Child Soldiers

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

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

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

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

➤ [United Nations High Commissioner for Refugees \(UNHCR\), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2010](#)

[...] According to reports, Afghan men, women and children are trafficked internally and internationally for forced labour and sexual exploitation. Afghan men are trafficked to Iran, Pakistan, Greece, the Gulf States, and possibly Southeast Asian countries, for forced labour and debt bondage in the agriculture and construction sectors. Children are reportedly trafficked internally for sexual exploitation, domestic servitude and forced labour, including forced begging (through organized professional begging rings), and to a lesser extent trans-nationally for the purposes of forced prostitution and forced labour in the drug smuggling/trafficking trade in Pakistan and Iran. Although efforts are being made by the authorities to investigate and prosecute trafficking incidents, no convictions for trafficking-related offences have been reported. Furthermore, there are serious concerns that some victims of trafficking are punished for acts they may have committed as a result of being trafficked. NGOs – the main providers of victim protective services – may also face threats and harassment at the hands of the local community, particularly when assisting victims of perceived "honour" crimes, such as rape.

In light of the foregoing, UNHCR considers that victims of trafficking and persons at risk of being trafficked or re-trafficked, particularly women and children, may be at risk on account of their membership of a particular social group, depending on the individual circumstances of the case. [...]

Forced recruitment of children by armed groups, including the Taliban, the Haqqani network, Hezb-i-Islami, the Tora Bora Front and Jamat Sunat al-Dawa Salafia, is reported, particularly in the southern, south-eastern and eastern regions. Internally displaced children and children part of isolated populations in conflict-affected areas are particularly at risk of recruitment into armed anti-Government groups. Such groups have reportedly abducted children for the purposes of military training in Pakistan. These children have also been used to carry out suicide attacks or to plant explosives, often resulting in their own deaths.

[...] Attacks range from intimidation of pupils and teachers, placement of IEDs on school premises, abductions, beatings and killing of school staff, to arson and other targeted violent attacks on schools.

➤ [United Nations, Report of the Secretary-General on children and armed conflict in Afghanistan, 03/02/2011](#)

[...] 17. Reports of the recruitment and use of children by armed opposition groups were further confirmed through interviews with children in custody under national security charges. This confirmed allegations that children had been lured into carrying explosives or trained in conducting suicide attacks by the Taliban against national and international security forces or government officials. Two boys reported that they had been kidnapped from Afghanistan in 2009 and taken to Pakistan, where they reportedly underwent military training.

[...] 38. Isolated reports were received of sexual violence committed against children by members of the Afghan National Security Forces. Moreover, there continued to be reports of children, especially boys, being sexually abused and exploited by armed groups, including through the practice of baccha baazi (dancing boys). Such incidents and their context were difficult to document, and further efforts will be

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made to fully research and investigate these allegations. On 16 June 2009, in Qara Bagh district, Ghazni province, it was reported that police officials from a police checkpoint on the Kabul-Kandahar Highway were arrested for the kidnapping of a 12-year-old boy. It was reported that the boy had been kept at the checkpoint and forced to dance for the men during the nights.

[...] 40. A total of 77 cases of abducted children, both boys and girls, were reported to the Country Task Force for Monitoring and Reporting during the reporting period. In several incidents more than one child was abducted. Information on the perpetrators and their motives was difficult to obtain; however, in the context of the prevailing security vacuum, criminality appeared the primary motive behind the majority of cases which in some instances are linked to the conflict. Several reports indicated the demand for large amounts of ransom, and several cases also involved sexual abuse against girls and boys.

41. Incidents indicate that armed groups abducted children for a variety of reasons, including retaliation, recruitment, ransom, and to pressure an exchange or release of certain individuals detained by the authorities. On 21 May 2009, in Faryab province, it was reported that the Taliban abducted a community elder and his 14-year-old son and demanded in exchange the release of one individual who had been previously arrested by government officials on charges against national security. The boy was allegedly released within a week. On 13 September 2009, in Khost province, it was reported that a 15-year-old boy was abducted by the Taliban from a mosque, accused of spying for the Government and international military forces, and later killed. On 27 October 2009, in Haska Meena district, Nangarhar province, near the Pakistani border, unidentified armed men reportedly abducted 13 boys aged between 8 and 13 years while they were collecting firewood. The boys escaped during an aerial bombardment. On 24 November 2009, the beheaded body of the 16-year-old son of a National Directorate of Security officer was found, one month after he had reportedly been abducted by the Taliban in Logar province.

[...] 46. There was also an increase in the number of incidents of killing and injury, abduction and threats against students and teachers by armed opposition groups during the reporting period.

Children in displacement

➤ [Amnesty International, Afghans fleeing war find misery in urban slums, 23/02/2012](#)

[...] At least 28 children have died in the harsh winter conditions in the camps around Kabul. The Afghan government estimates more than 40 people have frozen to death in camps across the country. [...]

Those Afghans who have fled to the relative safety of cities face problems of a different kind. Housing in Afghanistan's cities is scarce and rents comparatively high. Families construct makeshift dwellings from mud, poles, plywood, plastic sheeting and cardboard, which offer little protection from the elements.

Food is scarce in the settlements. Many displaced families told Amnesty International that they could only provide their children with one meal each day at most. [...]

Children in slum communities have little access to education. They may be refused school attendance if they cannot produce a national identification card, a document which the authorities say can only be obtained in their home province. Some are turned away from school simply for wearing dirty clothes. [...]

➤ [Save the Children, Save the Children warns more children could die from cold in brutal Afghan winter, 18/02/2012](#)

[...] Following reports that at least 28 children living in camps near Kabul have already died because of freezing temperatures, Save the Children is warning that even more could die from cold in what is Afghanistan's worst winter for 15 years.

The children's charity has launched a rapid response to get help to families as more heavy snowfall is predicted for this coming week and temperatures are expected to drop as low as -17 degrees centigrade. Most of the deaths were reported to have been children aged under five - the most vulnerable in such extreme weather.

Kabul has been badly affected by the freezing conditions, along with northern and central provinces in Afghanistan. Here many children are already severely weakened by malnutrition because of a major food crisis caused by drought and high food prices. The charity is also concerned that the camps may flood when the snow eventually melts. [...]

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Psychological and emotional impact on children

Also note the COI presented above in relation to the [availability of mental health treatment in general in Afghanistan](#).

➤ [Radio Free Europe/Radio Liberty, Afghanistan Violence 'Affecting Afghan Children's Mental Health', 19/09/2011](#)

[...] Afghanistan's Independent Human Rights Commission in Kabul told RFE/RL that many Afghan children have witnessed acts of violence, seeing people being killed in bomb attacks or seeing dead bodies on the streets.

A 2009 study by England's Durham University, the first large-scale survey of Afghan children's mental health, reported that one in five children suffers from psychiatric disorders, including anxiety, depression, and posttraumatic stress disorder.

An RFE/RL correspondent in Kabul's Abdul Haq neighborhood -- the scene of a recent Taliban attack in which six militants launched assaults against Afghan and international forces -- interviewed some children who had witnessed the violence.

"We were in the classroom when we heard gunfire behind our school," said one student. "We all escaped and ran home. A lot of my classmates were crying saying that we were going to die."

"When we were running from the school, I saw a car pull up by the road," Najib, a sixth-grader, told RFE/RL. "A man dressed in women's clothing came out and shot a policeman and then ran into a building." Hasib, 15, said the attacks caused panic among his classmates, with some still traumatized days later. "Psychologically it hit everybody hard," he said. "Many of us don't eat properly, we have trouble sleeping, and find it hard to concentrate on our studies."

Children have been some of the worst victims of Afghanistan's nearly three decades of war. [...]

➤ [The International Bank for Reconstruction and Development / The World Bank, Ghulam Dastagir Sayed, Mental Health in Afghanistan Burden, Challenges and the Way Forward, August 2011](#)

[...] Preface

I. Mental health disorders appear to be widespread in Afghanistan. The majority of the population has experienced frequent traumatic events in recent times; resulting in a very high prevalence rate of mental health problems, as the evidence demonstrates from a number of recently conducted studies. Prevalence of mental health disorders is reported to be even higher among women and disabled people. Prolonged conflict and civil war have resulted in millions of deaths, thousands of people with disabilities and massive internal and external migrations. These are all the main stressors, which, coupled with the obliteration of existing cultural coping mechanisms and lack of proper mental health services, have led to increased prevalence of mental health morbidity. This situation is further complicated by growing number of people with drug abuse in the country. In fact conflict, illicit drug use and mental disorders are linked and reinforce each other.

II. Afghanistan is dealing with many competing health priorities in a constrained environment. Maternal and child mortality are among the highest in the world with a high burden of communicable diseases. To strategically and efficiently address priority health issues after the fall of the Taliban, the Ministry of Public Health developed a Basic Package of Health Services and an Essential Package of Hospital Services. Thanks to an innovative approach of contracting with non-governmental organizations (NGOs) on a large scale, the coverage of basic services rapidly expanded, and has currently reached more than 85 percent of the population. The provision of the Basic Package of Health Services (BPHS) has developed a good platform for any public health intervention in efficiently reaching the majority of the population.

III. A paucity of quality data on mental health problems and the lack of qualified human resources have hampered the development of cost-effective strategies and interventions to address the growing challenge of mental health in Afghanistan. There are few mental health facilities; and they are scattered across the country with limited capacity and low levels of coverage. Present levels of coverage do not reach even a small fraction of the population in need. In addition, the population continues to face the main stressors with ongoing conflict in various parts of the country. There is, however, a good experience of integrating mental health services at primary health care level by HealthNet TPO in the eastern provinces which could be replicated using the BPHS platform. [...]

Mental Health Program in Afghanistan [...]

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26. In addition to the above interventions, there are around 11 mental health counselling facilities across the country with almost no community contact or after-care services, and no services for children and adolescents. These facilities, including the mental health hospital in Kabul, have no linkage or formal reporting contact with MHD at the MOPH. [...]

Kidnapping

➤ [BBC News, Afghan boy's strangling symbolises Helmand challenge, 26/07/2011](#)

[...] Last Friday a boy was kidnapped from his home in Gereshk by a group of insurgents. His name was Ibrahim.

Officials said he was just eight years old, though his family say he had just turned 12. Either way he was an innocent bystander in this conflict.

The insurgents told Ibrahim his father had been injured in a car accident and promised to take him to the local hospital.

In reality they wanted Ibrahim to blackmail his dad, a local police officer called Daoud.

While they held Ibrahim the insurgents rang Daoud saying he would have to handover his green police pick-up truck, for the safe return of his son.

At first Daoud thought it was a joke.

When the voice on his phone started swearing, he simply refused.

The gang of insurgents were deadly serious. Days later Ibrahim's body was found dumped in a ditch. He had been strangled. [...]

➤ [United Nations, Report of the Secretary-General on children and armed conflict in Afghanistan, 03/02/2011](#)

[...] 40. A total of 77 cases of abducted children, both boys and girls, were reported to the Country Task Force for Monitoring and Reporting during the reporting period. In several incidents more than one child was abducted. Information on the perpetrators and their motives was difficult to obtain; however, in the context of the prevailing security vacuum, criminality appeared the primary motive behind the majority of cases which in some instances are linked to the conflict. Several reports indicated the demand for large amounts of ransom, and several cases also involved sexual abuse against girls and boys.

41. Incidents indicate that armed groups abducted children for a variety of reasons, including retaliation, recruitment, ransom, and to pressure an exchange or release of certain individuals detained by the authorities. On 21 May 2009, in Faryab province, it was reported that the Taliban abducted a community elder and his 14-year-old son and demanded in exchange the release of one individual who had been previously arrested by government officials on charges against national security. The boy was allegedly released within a week. On 13 September 2009, in Khost province, it was reported that a 15-year-old boy was abducted by the Taliban from a mosque, accused of spying for the Government and international military forces, and later killed. On 27 October 2009, in Haska Meena district, Nangarhar province, near the Pakistani border, unidentified armed men reportedly abducted 13 boys aged between 8 and 13 years while they were collecting firewood. The boys escaped during an aerial bombardment. On 24 November 2009, the beheaded body of the 16-year-old son of a National Directorate of Security officer was found, one month after he had reportedly been abducted by the Taliban in Logar province.

[...] 46. There was also an increase in the number of incidents of killing and injury, abduction and threats against students and teachers by armed opposition groups during the reporting period.

➤ [Institute for War and Peace Reporting \(UK\), Kidnapping on Rise in Afghan North, 26/11/2010](#)

[...] Like many businessmen in northern Afghanistan, Mohammad Daud wants to keep his success a closely-guarded secret.

"The worst thing anyone can call you is rich," he said, explaining that this would amount to an open invitation to kidnapers in the current climate.

"I have sent all my children out of the country, but I'm obliged to stay behind because of my business in Mazar-e Sharif," he said. "If things continue like this, however, then I'll be going as well."

Kidnappings and robberies targeting the relatively well-off are increasingly common in parts of the north, including Balkh province of which Mazar-e Sharif is the main town. Observers warn that such assaults on business leaders are damaging the local economy. [...]

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Sexual violence against children

- [The Guardian, Military police investigate claims of British troops abusing Afghan children, 18/01/2012](#)

[...] Military police have launched an investigation into claims that British soldiers abused two children during their tour of duty in Afghanistan.
The Ministry of Defence confirmed an inquiry had begun into two soldiers from the Mercian Battle Group, which is serving a six-month stint in the country.
The Sun newspaper reported that the men, who were from lower ranks, had been arrested for allegedly abusing a boy and a girl, who were aged about 10.
The soldiers are said to have filmed separate incidents then showed the footage to other servicemen on their laptop computers. [...]
- [The Guardian, Afghan girl, 15, tortured by in-laws for resisting prostitution, 02/01/2012](#)

[...] Case of Sahar Gul shocks Afghans, but rights activists say serious abuses against females are still common A 15-year-old Afghan girl who was severely tortured for months by her in-laws to force her into prostitution will be sent to India for medical treatment, an Afghan official has said. Sahar Gul's mother-in-law and sister-in-law have been arrested and her husband is being sought, said interior ministry spokesman Sediq Sediqi on Monday. The case has shocked Afghans, though rights activists say serious abuses against women and girls in the conservative society are common. President Hamid Karzai has said that whoever used violence against Gul will be punished. According to officials in north-eastern Baghlan province, Gul's in-laws kept her in a basement for six months, ripped her fingernails out, tortured her with hot irons and broke her fingers. Police freed her last week after her uncle tipped them off. [...]
- [Institute for War and Peace Reporting, Child Street Workers Vulnerable to Abuse, 15/10/2011](#)

[...] Mohammad Nazer Alemi, a child protection campaigner who heads the Youth Information Centre in Balkh province, confirmed that powerful individuals and officials were sometimes implicated in the abuse. He said he was in possession of a documentary film which no media outlet would agree to air, because it showed the involvement of powerful individuals. He referred to the tradition of "bacha bazi" or dancing boys, kept by powerful older men and made to perform at private parties. "They not only force them to dance but also sexually abuse them," he said. [...]
- [UN Report of the Secretary General, The situation in Afghanistan and its implications for international peace and security, 21/09/2011](#)

[...] 29. In the context of the rights of the child, research conducted by UNAMA in five provinces indicated that anti-Government elements recruited children to carry out suicide attacks, plant improvised explosive devices and smuggle weapons and uniforms, and that the Afghanistan National Security Forces recruited boys, with sexual exploitation as one motivating factor. On 6 July, the Minister of the Interior issued a decree reaffirming the commitment of the Government to prevent underage recruitment, sexual exploitation and the killing and maiming of children, all of which contravene national and international laws, by members of its security forces. In a letter to Deputy Minister for Foreign Affairs Jaweed Ludin, my Special Representative, on behalf of the United Nations, welcomed the decree. It is crucial that the action plan, which lists measures to be taken against perpetrators, be implemented without further delay. [...]
- [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)

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

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➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)

[...] 70. The Committee expresses grave concern that limited action has been taken by the State party to combat widespread sexual abuse and exploitation of children, and that perpetrators of such abuse enjoy impunity. The Committee also expresses deep concern that while there is a systematic failure on the part of the authorities to prosecute perpetrators of sexual abuse, child victims are very often considered and treated as offenders, and charged with offences such as debauchery, homosexuality, running away from home or *zina*. The Committee is also particularly concerned that:

(a) Shame and stigma are attached to the child victim rather than the perpetrator;

(b) The crime of rape has not been clearly defined and separated from the offence of *zina* in domestic legislation, and that other types of sexual abuse, including abuse in homosexual relations as well as sexual exploitation, have not been included in the Penal Code;

(c) There is no mechanism in place through which child victims of sexual abuse can lodge complaints and obtain protection and recovery services, with their privacy protected; and

(d) Girl victims of sexual abuse and exploitation are at risk of honour killing, the practice of *baad* or forced marriage with their rapist, and rejected by their families. [...]

➤ [United Nations, Report of the Secretary-General on children and armed conflict in Afghanistan, 03/02/2011](#)

[...] 36. Sexual violence continues to be vastly underreported and concealed in Afghan society. Sexual violence, including that against children, is pervasive. The general climate of impunity, a vacuum in the rule of law, lack of faith in investigating and prosecuting authorities, and misplaced shame have adversely affected the reporting of sexual violence and abuse against children to law enforcement authorities and subsequent prosecution of perpetrators. Child sexual abuse, against both girls and boys, is not clearly defined as a crime in Afghan law, and perpetrators of such violations are rarely held accountable.

37. The Penal Code (1976), article 427, criminalizes adultery and pederasty. The Law on the Elimination of Violence against Women (2009) criminalizes sexual violence, including rape, forced and underage marriage, forced labour and prostitution, and significantly enhances protection and the promotion of women's rights. However, implementation of the law remains a huge challenge, as does for example, the need to define what constitutes an act of rape.

38. Isolated reports were received of sexual violence committed against children by members of the Afghan National Security Forces. Moreover, there continued to be reports of children, especially boys, being sexually abused and exploited by armed groups, including through the practice of *baccha baazi* (dancing boys). Such incidents and their context were difficult to document, and further efforts will be made to fully research and investigate these allegations. On 16 June 2009, in Qara Bagh district, Ghazni province, it was reported that police officials from a police checkpoint on the Kabul-Kandahar Highway were arrested for the kidnapping of a 12-year-old boy. It was reported that the boy had been kept at the checkpoint and forced to dance for the men during the nights. In September 2009, an Afghan National Army soldier was arrested and accused of raping a 15-year-old boy in Kabul city. On 6 November 2009, a 16-year-old boy was reportedly raped by border police at the Islam Qala border in Herat province.

39. Insufficient protection for victims of sexual violence and witnesses to such incidents remains a concern. Fear of violent retaliation against victims and families was cited as a factor for underreporting. Child victims, both boys and girls, are often arrested and charged with intention to commit *zina* (sexual intercourse outside of marriage). There is also a lack of appropriate referral pathways for victims, including children, to receive services and care. Moreover, there is little awareness that rape and sexual violence are criminal offences.

➤ [United Nations, Press Conference by Special Representative for Children and Armed Conflict \(on the agreement to prevent the recruitment of children into the national security forces\), 03/02/2011](#)

[...] Responding to a series of questions about "bacha boy", or "boy play", reportedly taking place in Afghanistan and elsewhere, Ms. Coomaraswamy said that so-called "dancing boys" remained a key concern of the United Nations. It was a practice whereby very powerful warlords and regional commanders, as well as anti-Government forces had young boys taught to dance in a party situation and

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then sexually exploited, she explained, calling attention to a recent documentary aired on the Public Broadcasting System (PBS Television) from 20 April 2010. The practice was particularly worrying because some military commanders and warlords measured their power by the number of boys they possessed and paraded them about, she added, noting with interest that everyone, including Governments, civil society, the media and even the Taliban, voiced moral opposition to the practice but it continued with impunity. Asked how widespread the practice was, particularly in Afghanistan, she said people had told her it was "very widespread, but nobody wants to talk about it". Powerful people in society actually "show their status by having these boys", she reiterated, adding that prosecutions were needed to halt the practice. Pressed as to whether the Taliban's vocal opposition meant they did not engage in the practice, she said they were "verbally" opposed, but there had been reports of commanders "actually engaged" in it.

- [United Nations High Commissioner for Refugees \(UNHCR\), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2010](#)
[...] Sexual abuse and violence against children, including at the hands of family members, is reportedly commonplace in Afghanistan. Furthermore, the practice of *bacha bazi* (boy play) – keeping young boys for sexual and social entertainment, particularly by older and powerful men – has a degree of social acceptance, particularly in the north of the country. According to some reports, the practice, which involves boys as young as 10, is condoned and in some cases protected by the local authorities. The general climate of impunity and the vacuum in rule of law has adversely affected the reporting of sexual abuse and violence against children to the authorities and the prosecution of perpetrators. Children subjected to the practice of *bacha bazi* – who are often driven into the practice by poverty, coercion or force – need to be considered by adjudicators as victims and survivors of rape, rather than persons freely exercising a sexual preference.

Trafficking of children

- [IRIN, Sharp rise in human trafficking in Sindh Province, 21/03/2012](#)
[...] Pakistan's Sindh Province has recorded a sharp increase in reported cases of human trafficking since the beginning of the year, and the trend could continue unless the authorities take action to contain it, say activists. Some 190 cases have been reported in the province in the first two months of 2012, according to Zia Ahmed Awan, chairperson of Madadgaar Helpline, an NGO helping women and child victims of abuse and trafficking. In 2011, the NGO recorded 288 cases. Families receive a payment for allowing their children to be trafficked: Traffickers pick up women and children from villages with the promise of getting them jobs in cities. However, once a certain amount has been paid to the family, the traffickers exploit the woman or child, often treating them as little more than slaves. . "Most of the victims are from Bangladesh and Afghanistan, where poverty and strife have made it difficult for people to meet their basic needs," Awan said. "Combine this with illiteracy and unemployment, and you will have people willing to sell their children." (he is talking about the reported cases here) [...]
- [Agence France Presse, Afghans say 41 child suicide bombers rescued, 20/02/2012](#)
[...] The Afghan government said Monday that police had rescued 41 children from becoming suicide bombers as they were about to be smuggled across the mountains into Pakistan. Interior ministry spokesman Sediq Sediqqi told a news conference that the children aged six to 11 had been released on February 15 from the clutches of four insurgents in eastern Kunar province. He told AFP their families "were fooled by terrorists", who promised to send them to seminaries in Pakistan where they would be "brainwashed" and "prepared for suicide bombings against Afghan and international troops in Afghanistan". [...]
- [Institute for War and Peace Reporting, Afghan Children Ensnared in Heroin Trade With Iran, 10/02/2012](#)
[...] An investigation by the Institute for War and Peace Reporting in four villages of Ghoryan district found a high number of children who have become entangled in smuggling rings. Some of them never return. By midnight, Reza had swallowed ten capsules. In an interview with IWPR, he said he wasn't sure if he could swallow more, but he knew if he could manage another three capsules, he would earn Iranian cash

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worth 20,500 afghanis, or about 400 US dollars, twice the amount he'd be paid if he only swallowed ten. He swallowed the last three with the help of boiled milk. Thirteen plastic-coated capsules of Afghan heroin were now sitting in his stomach. The next day, he set out with a group of children and a handler. With fake travel documents, they were waved through the border checkpoint into Iran. There, at a smuggler's home, he was given laxatives to pass the plastic capsules. The smugglers were only able to retrieve six, however. They paid him for those and sent him back to Ghoryan with seven capsules still in his stomach. Reza felt the pain in his stomach before he had a chance to shop for an iPhone. He called his family and told them what had happened. His parents took him to an illicit doctor to have the capsules removed by surgery. He survived. But other children have not been so lucky. According to more than 50 interviews with smugglers, parents and police officials, an estimated 60 children in four Ghoryan villages have died in the past decade after swallowing capsules of heroin, a refined substance that has increased in popularity since the ouster of the Taleban. According to these interviews, conducted over a period of several months, as many as 1,000 children have disappeared from Ghoryan province since 2002 after they were persuaded to smuggle heroin across the Iranian border. [...]

➤ [U.S. Department of State, Annual report on child labor, 03/10/2011](#)

[...] Afghanistan is a source and destination country for trafficking. Trafficking within Afghanistan is more prevalent than transnational trafficking.¹⁸ Afghan children are internally trafficked for forced labor, including debt bondage, work in the brick and carpet industries, forced begging, sexual exploitation and child soldiering.¹⁹ Boys are trafficked to Iran and Pakistan for sexual exploitation, paramilitary training and drug smuggling.²⁰ Afghan girls are trafficked internationally for prostitution. Girls from other countries are trafficked to Afghanistan.²¹ Research found limited evidence on the nature of trafficking by age and gender for Afghans and foreigners. [...]

➤ [Radio Free Asia, Afghan Children Being Sold Into Forced Labor, 12/09/2011](#)

[...] Endemic poverty in parts of Afghanistan is forcing many poor families to sell their children in order to survive, RFE/RL's Radio Free Afghanistan reports. Human rights officials say dire economic conditions have forced many families in the northern Jawzjan Province -- one of the most undeveloped regions in Afghanistan -- to sell their kids. The International Save the Children Alliance, an NGO dedicated to eradicating child labor worldwide, said in a 2010 report that some 28 percent of all children between the ages of 5-15 in Jawzjan have been sold by their parents or guardians. Farid, a 4-year-old boy in Jawzjan, was sold to a relative eight months ago following the death of his father. His mother, who remarried, received 12,000 afghanis (\$280) for her son with the expectation that he would work for the relative. Farid currently lies on a bed in the children's hospital in Jawzjan with severe burns to his arms and feet. Covered in bandages, he cries in pain. "When he was brought to the hospital a week ago, the burns on his body were badly infected and swollen," Dr. Khalil Hidari, the head of the hospital, told RFE/RL. "He was suffering from malnutrition and was in very poor health." Farid's grandmother told RFE/RL the family was not responsible for his poor health or current condition, maintaining that the boy sustained his injuries when he accidentally set a plastic bag alight. But doctors at the hospital are skeptical of that explanation, with some believing someone may have tried to kill Farid because he was not useful or they could no longer afford to feed and care for him. "Unfortunately, many Afghans do not know their own rights or those for children and women," says Maghferat Samimi, head of the provincial office in Jawzjan for Afghanistan's Independent Human Rights Commission. "The resulting levels of violence that accompany this are very concerning to us all." [...]

➤ [IRIN, Urgent need to tackle human trafficking, 25/07/2011](#)

[...] Afghanistan should develop mechanisms to raise awareness about the dangers of human trafficking, support victims and prosecute perpetrators, say rights activists. "We see it as an alarming problem because a huge number of women and children are vulnerable to trafficking in the country," Hussain Nussrat, child rights programme coordinator with the Afghanistan Independent Human Rights Commission (AIHRC), said. "The victims are exploited both inside and outside the country for forced labour, prostitution, drug selling and many more illegal activities." Most victims, according to a July AIHRC report, are women and children who lack parental care, live in poverty or are forced into early marriage. The report was based on a study covering victims of trafficking, family members and the public in 20 of Afghanistan's 34 provinces. Most of those trafficked were girls who had been married before reaching the

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legal age of marriage, the report said. About 81 percent got married before 18, of whom about 50 percent were married when they were under 15. About 29 percent were forced into marriage after being raped, kidnapped, harassed or exposed to violence, said the report which identified 1,889 cases of trafficking in women and children. [...]

➤ [Afghan Independent Human Rights Commission, Summary Report on Investigation of Causes and Factors of Trafficking in Women and Children, 20/07/2011](#)

[...] The summary of the main findings in this report is as follows:

Vulnerability of women and children such as being without parents or having only one of them has role in victimizing of victims of trafficking in persons. Based on the findings of this report most of the victims have been vulnerable people. For instance, more than half of the victims (54%) have been deprived of parental support. Nearly 17 % (77 cases) have been housewife, 7 % of the victims (32 cases) have been beggars, peddlers and the junk collectors and the rest belonged to other categories such as students, teachers, government staff, shopkeepers, tailors, carpet wavers, parents helpers, etc.

Early and forced marriages have been another major factor of trafficking in persons. This report shows that most of the victims of trafficking in persons have been those who have been married before reaching the legal age of marriage. According to interviewees, about 81 % of the victims of trafficking in persons have got married before 18, of which about 50 % were married under 15 years of age, and more importantly, among the victims, there have been persons who have been given to marriage when they have been only 2 years old, This study shows that among women and girls, about 29 % (47 persons) have been forced into marriage after being raped, kidnapped, harassed or exposed to violence, 45.5 % (73 cases) have married based on their parents requests, about 9.3% (15 cases) against money, and other 3.7% (6 cases) have been forced to marriage to resolve family disputes. However, only 12.5 % (20 cases) were married to their own consent.

Poverty and unemployment are among the most important causes of trafficking in persons. Based on this report more than 58 % of the victims' families have had no income, and only 10 % of them have had an income of higher than 7,000 Afs a month. More than 27 % of them have had an income of 1000 to 7,000 Afs. The interviews made with general public also corroborated these findings, and poverty and unemployment were mentioned among most important causes of trafficking in persons.

Traffickers, during the operation, use various means such as deception and fraud, intimidation and coercion, and etc. Based on the result of this report, about 35 % of victims (158 cases) have been trafficked through acts of deception and fraud. Around 31 % (136 cases) of them through coercion and forces, about 12% (51) through parental or spousal consent (concerning female victims) and 22.5% (100) have willingly fallen into the hands of traffickers. Likewise, perpetrators of trafficking in addition to using of different means of deception and forces against victims, they also suggest them various offers such as money, marriage, moving abroad, that are the other means of trafficking used in trafficking in persons. However, 74 % of the victims who had been victimized this way have not received the money they had been promised and the remaining have either partially or totally received the amount promised to them.

Victims of trafficking, who are transferred abroad by traffickers, are faced with various problems including lack of documents for border crossing and movement within destination or transit countries. This report shows, that more than 97 % of the victims who have been transferred abroad have illegally and without having any documents or with fraudulent documents crossed the borders. And only 2.4 % of them have left the country with official and valid documents.

The victims of trafficking in persons are abused and exploited by the traffickers during and after the transfer operation. This report shows that, during transfer, boys, girls and women victims are used for domestic works, daily wage, drug sale, begging, dancing, prostitution; military service, suicide operations, body organs, etc. Interviews with the general public have also confirmed this. [...]

Access to education

➤ [United Nations, Report of the United Nations High Commissioner for Human Rights on the human rights situation in Afghanistan and technical assistance achievements in the field of human rights, 18/01/2012](#)

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[...] 24. Conflict-related violence continues to have an impact on schooling and education, more particularly that of girls. Although the number of girls enrolled in schools has increased in recent years, ongoing insecurity has impacted girls' access to education. AGEs continue to intimidate education personnel and local populations, killing and injuring students and teachers, carrying out attacks in schools and the vicinity, sometimes forcefully closing schools, which in many instances prevents girls from attending school. Of concern is also the issue of PGFs occupying schools for tactical purposes. The Country Task Force on Children and Armed Conflict, of which OHCHR/UNAMA is a member, continues to monitor the impact of conflict on education. It also advocates with Government and AGEs to maintain the neutrality and safety of schools and to immediately cease attacks or threats of attacks against educational institutions and personnel. [...]

➤ [Afghanistan Analysts Network, The International Community's Engagement in Afghanistan beyond 2014, 01/12/2011](#)

[...] 5.2 Long-Term View on Governance Support

[...] Government services with a wide impact, that will need to be prioritised over a long period of time, include education, health, justice and basic welfare. A system of public-private partnership has enabled the reach of the health sector to greatly expand, but it will require a sustained level of funding in order to remain. Education has for years been touted as a major success in terms of enrolment, but the quality of the government- provided education remains excruciatingly poor, with most children receiving only a few hours of classroom teaching per day. [...]

➤ [Save the Children, Afghanistan in Transition: Putting Children at the Heart of Development, 03/11/2011](#)

[...] C. Education

Education is often cited as an example of rapid progress in Afghanistan. In 10 years primary school access rates have jumped from 1 million to 7 million. A decade ago not a single formal girls' school was functioning; now over 2.5 million girls are in school.⁴⁰ Community acceptance of girls' education of girls has increased and in some major urban centers 41 there are now more girls than boys in school. In Badakhshan and Herat provinces, the ratio of girls to boys in school is almost 9:10, but in Zabul and Uruzgan it is still only 1:10.⁴² The GiRoA-UNICEF Back to School campaign, launched in 2002, has seen impressive results increasing access to schools. Training of more teachers, especially female teachers, and community dialogue, has assisted in higher enrollment. Despite 10 years of investment, with education a focus for several key donors, the UN still talks of a "silent crisis for 5 million children (42 percent of all children) not in school due to poverty and vulnerability and an acute shortage of funding due to a very low response to education projects [...]."⁵³

The figure of 7 million children in classrooms is an enrollment figure only, which belies severe disparities in access, and reveals little about the quality of education that children receive - or whether they stay in school. Levels of enrollment and retention for girls reflect a more nuanced measure of progress. Girls only account for 35.5 percent of primary school enrollment and only 4 percent of girls are in 10-12 grades⁵⁴. Measures between provinces and urban and rural areas differ sharply. In Uruzgan, for example, only 0.3 percent of women can read.⁵⁵ Poor retention rates for girls result, in part, from a severe lack of female teachers: almost 48 percent of rural areas do not have a qualified female teacher.⁵⁶ Given the jump in enrollment rates, an enormous strain has been put on a system that barely existed a decade ago.

There are few appropriate facilities available for education: around 50 percent of schools are not located in proper buildings. Instead, lessons are being conducted under trees or in tents⁵⁷. The quality of education is often poor; a Save the Children evaluation study in 2010 found that only 43 percent of a sample of children in grade 3 could read with comprehension.⁵⁸ Moreover, schools are not consistently safe spaces to ensure children are able to learn in a protective environment. Many children confront an abusive environment in school, with 100 percent of boys in one Save the Children assessment reporting that they had encountered physical and humiliating punishment.⁵⁹ Attacks on schools by armed groups remain a major threat (see box). [...]

➤ [UNICEF, Afghanistan Country Office, Education, November 2011](#)

[...] Conflict and fragile security impede delivery of school supplies, enrolment, monitoring and school supervision. These challenges are exacerbated by entrenched cultural norms that oppose the education of

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girls. Early marriage also often interrupts the education of such girls as may have been fortunate enough to have entered school. A general shortage of teachers and acute need for female instructors, coupled with too few physical structures, makes attendance difficult –particularly in rural areas. Sixty percent of the 4.2 million out-of-school children are girls, and there are no female students enrolled in grades 10-12 in 200 out of 412 urban and rural Districts throughout the country. [...]

- [Institute for War and Peace Reporting, Afghan Private Schools Under Scrutiny, 31/10/2011](#)
[...] Education ministry closes ten schools and warns many others to raise standards. The Afghan government is tightening up on private-sector education in the capital Kabul, accusing some schools of falling far below the required standards of teaching. Since President Hamed Karzai ordered a probe of private education in April, the education ministry has closed down ten schools and ordered six others not to reopen for the autumn term until they submit the requisite documentation. [...]
- [IRIN, Patchy progress on education, 22/09/2011](#)
[...] Despite billions of dollars in aid and government funding over the past decade, Afghanistan still has about four million school-age children out of school, officials say.
"Overall our biggest challenge is our operating budget, which is not enough to cover the salaries of our teachers... and of the roughly 14,000 primary and secondary schools in the country, some 7,000 lack buildings, forcing children to study in the open, under trees or in tents," Education Ministry spokesman Aman Iman said. [...] A major impediment to education is conflict. Some 500 schools are still closed in insecure southern and eastern areas due to fighting, assassinations and threats against teachers and students by different anti-government elements, according to the Ministry of Education.
With the help of tribal elders, the ministry has reopened around 200 schools in the southern and eastern regions in the last couple of years. But in Zabul Province, in the south, 160 are still closed. According to Shir Agha Safi, Education Ministry director in Zabul, only 25 have reopened in different districts over the past year. Countrywide, the Education Ministry estimates that closures have deprived more than 400,000 schoolchildren of an education. "We are very concerned that hundreds of thousands of our children can't go to school due to insecurity," Iman said. [...]
- [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)
Education is mandatory up to the secondary level (four years for primary school and three years for secondary), and the law provides for free education up to and including the college level.
Boys made up nearly two-thirds of the school population. In most regions boys and girls attended primary classes together but were separated for intermediate and secondary-level education. Although the rate of secondary school for boys was 10 times the rate for girls, boys could be legally identifiable as "heads of household" as young as age 15, and many boys were forced to leave school to work.
Due to insecurity, inadequate facilities, poor quality of education, severe shortages of female teachers, early and forced marriages, the perceived need for girls to work at home, and cultural pressures, the status of girls and women in education remained a matter of concern. According to UNICEF more than two million girls were enrolled in grades one through 12. Most of the five million children who were estimated not to attend school were girls. According to the MOE, they were deprived education for economic reasons, security problems (especially in the southern provinces), cultural issues (especially girls), and the lack of schools within a short distance of their homes. In December 2009 HRW reported that the number of girls in school dropped 50 percent between sixth and seventh grades. In February a researcher for HRW reported that only 4 percent of secondary school-age girls reached grade 10. Since 2001 most girls enrolled in schools were the first generation in their family to receive formal education. The AIHRC worked with influential local figures to combat these harmful traditions.
Violence impeded access to education in increasing sections of the country from 2008 through year's end. The Taliban and other extremists, as well as criminal gangs, threatened or attacked schools, especially girls' schools, school officials, teachers, and students. As in previous years, where schools remained open, parents were often afraid to send their children, particularly girls. The MOE reported that five million children were deprived of access to education. The AIHRC reported that half of schools did not have adequate, safe, and appropriate space for learning.

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

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

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

Forced marriage and ba'ad (use of girls in marriage to settle disputes)

➤ [New York Times, For Punishment of Elder's Misdeeds, Afghan Girl Pays the Price, 16/02/2012](#)

[...] Shakila, 8 at the time, was drifting off to sleep when a group of men carrying AK-47s barged in through the door. She recalls that they complained, as they dragged her off into the darkness, about how their family had been dishonored and about how they had not been paid.

It turns out that Shakila, who was abducted along with her cousin as part of a traditional Afghan form of justice known as "baad," was the payment.

Although baad (also known as baadi) is illegal under Afghan and, most religious scholars say, Islamic law, the taking of girls as payment for misdeeds committed by their elders still appears to be flourishing. Shakila, because one of her uncles had run away with the wife of a district strongman, was taken and held for about a year. It was the district leader, furious at the dishonor that had been done to him, who sent his men to abduct her.

Shakila's case is unusual both because she managed to escape and because she and her family agreed to share their plight with an outsider. The reaction of the girl's father to the abduction also illustrates the difficulty in trying to change such a deeply rooted cultural practice: he expressed fury that she was abducted because, he said, he had already promised her in marriage to someone else. [...]

➤ [United Nations, Report of the United Nations High Commissioner for Human Rights on the human rights situation in Afghanistan and technical assistance achievements in the field of human rights, 18/01/2012](#)

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[...] III. Violence against women

25. Violence against women and girls, including sexual violence and harmful traditional practices such as ba'ad (providing women in retribution for murder and other crimes), so called "honour" killings, early and forced marriages and rape continue to be persistent and widespread in Afghanistan. In many areas where the criminal justice system's presence is weak, Government authorities continue to refer most complaints of domestic violence and cases of "running away from home" to traditional dispute-resolution mechanisms. Women and girls who flee their homes due to abuse or threats of forced marriage are often charged with the crime of adultery or intent to commit adultery. Moreover, incidents of self immolation as a result of domestic violence continued to increase. While new laws, policies and development aid have brought benefits to Afghan women, deep-rooted discrimination, harmful traditional practices and impunity for violence against women remain widespread. [...]

➤ [UNAMA, A Long Way to Go: Implementation of the Elimination of Violence against Women Law in Afghanistan, 23/11/2011](#)

[...] 1. Executive Summary

The Government of Afghanistan took a big step forward in support of women's equality and protection of women's rights when it enacted the Law on the Elimination of Violence against Women (EVAW law) in August 2009. The landmark legislation criminalizes for the first time in Afghanistan child marriage, forced marriage, forced self-immolation and 19 other acts of violence against women including rape, and specifies punishments for perpetrators. This report examines implementation of the EVAW law by judicial and law enforcement officials throughout Afghanistan for the period of March 2010 to September 2011, and identifies both positive progress and large gaps.⁵

The report updates earlier findings on the law's implementation in OHCHR/UNAMA's December 2010 study Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan. That report documented widespread harmful practices against women and identified the EVAW law as a key tool for combating violence that is often deeply rooted in traditional practices and attitudes that deny women's equality with men and dictate concealment of abuses within the family. The report also found that the Government's implementation of the law, in particular by police and prosecutors, was limited and that much greater efforts were needed to improve enforcement.

UNAMA/OHCHR's research for this report suggests that judicial officials in many parts of the country have begun to use the law – but that its use represents a very small percentage of how the Government addresses cases of violence against women.

UNAMA/OHCHR found there is a long way to go to fully protect women from violence through the EVAW law. [...]

Although the EVAW law is beginning to be implemented as this report documents, women and girls' lack of knowledge of its protective provisions, uneven enforcement, and the prevalence of harmful practices mean that women continue to flee violence and forced marriage. Women's shelters, a relatively new development in Afghanistan play an often life-saving role by offering temporary safe refuge. Afghanistan's Council of Ministers approved the country's first-ever Regulation on Women's Protection Centers on September 5, 2011. The regulation recognizes the critical service that shelters managed by either the Government or NGOs provide and sets standards for their operation designed to safeguard residents' rights and dignity. The regulation's enforcement, along with creation of shelters in regions where they do not exist, may allow more women to obtain the protections of the EVAW law.

[...] 2.Context

Millions of Afghan women and girls experience violence that is often deeply rooted in traditional practices and attitudes that deny women's equality with men. Tradition has led to concealment of abuses within the family, and police and justice officials routinely ignore domestic violence and arrest and prosecute women who attempt to flee forced marriage and family abuse. UNAMA/OHCHR's Silence is Violence: End the Abuse of

Women in Afghanistan released in July 2009, and Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan released in December 2010, are among several reports documenting pervasive violence against women in Afghanistan.¹¹ [...]

➤ [Save the Children, Afghanistan in Transition: Putting Children at the Heart of Development, 03/11/2011](#)

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[...] D. Child Protection & Child rights

[...] Poverty is also a contributing factor to early marriage. According to the Afghanistan National Development Strategy (ANDS), 57 percent of girls are married before the age of 16.71

Early marriage and early childbirth can have a negative impact on the health of girls and young women, as well as increasing the risk of child mortality. They also limit girls' access to education and economic opportunity. [...]

➤ [Amnesty International, Afghanistan ten years on: Slow progress and failed promises, 05/10/2011](#)

[...] Afghanistan's Civil Code sets the legal age of marriage at 16 for girls (18 for boys). According to UNIFEM and Afghanistan Independent Human Rights Commission (AIHRC) 56 percent of all marriages in Afghanistan are child marriages. [...]

➤ [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)

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

➤ [Human Rights Watch, Stop Women Being Given as Compensation, 08/03/2011](#)

[...] The Afghan government should hold accountable those who seek to impose brutal customary punishments such as *baad*, where women and girls are given as compensation for crimes, Human Rights Watch said today. In order to eradicate such abusive practices, the government should strengthen implementation of the Elimination of Violence Against Women law, sending clear signals that such practices will no longer be tolerated by the state.

"There's a law against giving Afghan women away to pay for the crimes of their families but it still happens," said Aruna Kashyap, women's rights researcher at Human Rights Watch. "The government should punish those who treat women like family property."

Baad is one of the most abusive customary practices in Afghanistan, where girls or women are given to an aggrieved family to "compensate" for a crime, a punishment usually decided by a local *jirga* (council). *Jirga* members interviewed by Human Rights Watch presented *baad* as a more "restorative" form of justice than revenge killings or confiscation of property. One Herat-based *jirga* member said, "Instead of killing the brother [in revenge] it was much better to give this girl as *baad*. She was also killed in a way but if they killed the brother then the enmity between the two tribes would continue for centuries."

Similarly, another Kapisa-based *jirga* member said, "If they didn't give her away [as *baad*], the man [from the other family] would take away the house. And the 13 people who lived in that house would come on the streets. In every family one has to make a sacrifice."

The extent of the practice of *baad* throughout Afghanistan has not been documented. Human Rights Watch conducted preliminary research between December 2009 and June 2010, in order to document a number of cases in Kabul and surrounding provinces. According to women's rights activists interviewed by Human Rights Watch, cases of *baad* regularly occur, involving babies, girls, adolescents, and adult women. *Baad* is a criminal offence under article 517 of the 1976 Afghan Penal Code, but the article only applies to widows and women above age 18, and the sentence for perpetrators of *baad* cannot exceed two years. Despite having been partially criminalized for more than 30 years, many women and *jirga* members interviewed by Human Rights Watch were not aware of the law or the prohibition of the practice.

The penal code provisions against *baad* were supplemented by the Elimination of Violence Against Women law, passed by President Hamid Karzai through a presidential decree in 2009, while the Afghan parliament was in recess. The 2009 law criminalizes *baad*, increasing potential sentences for *baad* up to 10 years, extending its application to girls under age 18, and widening the scope of those who could be considered complicit in the crime.

But several barriers to the enforcement of the law exist, most importantly the lack of political will to implement it, even though article 79 of the constitution categorically states that a presidential decree has the force of law, until or unless it is rejected by parliament, which has not occurred. Human Rights Watch has been told that some senior government officials, judges, and police do not consider the 2009 law as

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being in force, and police routinely refuse to register complaints under the law. The authorities need to take urgent measures to spread awareness about the law and train all law enforcement officials about its provisions.

"The Afghan authorities should ensure that communities, religious leaders, prosecutors, judges, and the police, know that *baad* is illegal," said Kashyap. [...]

➤ [UNAMA/OHCHR, Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan, 09/12/2010](#)

[...] Widespread harmful traditional practices – child marriage, giving away girls for dispute resolution, forced isolation in the home, exchange marriage and “honour” killings – cause suffering, humiliation and marginalization for millions of Afghan women and girls.

Such practices are grounded in discriminatory views and beliefs about the role and position of women in Afghan society. Many Afghans, including some religious leaders reinforce these harmful customs by invoking their interpretation of Islam. In most cases, however, these practices are inconsistent with Sharia law as well as Afghan and international law, and violate the human rights of women.

UNAMA Human Rights’ 57-page report Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan documents particular customary practices that violate the rights of women and girls throughout Afghanistan, describes the Government of the Islamic Republic of

Afghanistan’s response to these practices and makes recommendations to end such practices. Based on extensive research and interviews carried out in 2010 in 29 of 34 provinces of Afghanistan with women, men, Government authorities, religious leaders, women’s rights and civil society activists and community groups, UNAMA Human Rights (HR) found that such practices are pervasive, occurring in varying degrees in all communities, urban and rural, and among all ethnic groups. The report found that such practices are further entrenched by the Government’s inability to fully protect the rights of women and girls, highlighting the need to expedite implementation of the Law on Elimination of Violence against Women (EVAW law) which criminalizes many harmful traditional practices. The report notes that most harmful traditional practices are both crimes under Afghan law and inconsistent with Sharia law and cites the relevant article of the EVAW law that criminalizes the harmful practice together with complementary principles of Sharia law. Extensive discussions with a diverse range of Islamic legal experts informed UNAMA HR’s analysis of the principles of Sharia law.

The role of religious leaders, community elders and traditional dispute resolution mechanisms in both perpetuating and eliminating harmful practices is also highlighted.

The report presents findings on community perceptions of harmful practices to better inform the design and delivery of measures by the Government, religious leaders, communities and international donors to end such practices. [...]

Giving away girls to settle disputes, under *baad*, is one of the most severe forms of violence against women in Afghanistan. UNAMA HR found that *baad* is practiced among communities throughout the country although it is illegal under Afghan law.

Despite the occurrence of *baad*, many Afghan men and women interviewed expressed strong opposition to the practice. Women in Faryab province told UNAMA HR that a girl married through *baad*, “is never respected by her new family as they associate her with her male relative who committed the crime and accuse her equally of being a criminal.

The girl is treated like a servant as a means of revenge. Sometimes she is forced to sleep with the animals in the barn.”

Through country-wide discussions and analysis of reported cases, UNAMA HR found that many marriages in Afghanistan are “forced” because a woman’s free and informed consent was missing. Forced marriage in Afghanistan encompasses *baad*, *baadal* (exchange marriages), child marriage (by its very nature forced) and coercion of widows to marry a relative of a deceased husband.

The marriage of girls’ before the age of 16, or under limited circumstances at 15 years is prohibited under Afghan law. Yet the marriage of very young girls is common across all regions and among all ethnic groups. No official figures are available but studies cited by UNAMA HR show that half of all Afghan girls are married before the age of 15. Although child marriage is widespread in Afghanistan, all Afghan men and women interviewed for this report identified child marriage as one of the most serious harmful traditional practices in the country.

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The consequences of child marriage have been widely demonstrated to be lasting and damaging to the health, education and well-being of girls. Afghanistan has the worst rate of maternal mortality in the world and many deaths are of women who were married under the age of 16. [...]

Child labour

➤ [Radio Free Europe/Radio Liberty, In Afghanistan, Children Comprise Half Of Workforce At Brick Kilns, 07/02/2012](#)

[...] A new International Labor Organization (ILO) assessment says that half of the workforce in Afghan brick kilns are children under the age of 14.

The ILO report details brick-making as one of the worst forms of child labor, where children work in a slavish cycle of debt that is almost impossible to escape.

Though both child labor and so-called bonded work are illegal in Afghanistan, children as young as 5 produce hundreds of bricks a week for a few dollars to pay off family debts, which only swell the longer they work there.

Poor health from harsh working conditions, reliance on shelter and electricity provided by brick employers and denied education mean brick makers are tied to their work.

The United Nations estimates that almost 2 million children in Afghanistan are in full or part-time work. [...]

➤ [Save the Children, Afghanistan in Transition: Putting Children at the Heart of Development, 03/11/2011](#)

[...] D. Child Protection & Child rightsPoverty remains an underlying cause of many violations of child rights. It contributes to child trafficking and child labor. Many families send their children to work, especially in households headed by women unable to enter the labor market themselves, or by fathers unable to work due to disability. Many of the 37,000 street working children in Kabul are working because of such family situations.⁷⁰Kabul reflects a trend of declining rural security and income opportunity leading to growing urbanization. Children often work in unsafe environments in order to support their families. [...]

➤ [U.S. Department of State, Annual report on child labor, 03/10/2011](#)

[...] Children in Afghanistan are engaged in the worst forms of child labor,¹ including agricultural work and child soldiering.² Children working in agriculture may be exposed to such dangers as applying pesticides, using dangerous machinery and tools and transporting heavy loads. Some children cultivate poppies for opium production.³

Children also raise livestock or shepherd animals, risking injury from animals and falling. Those who raise livestock are subject to physical abuse and sexual harassment from the animals' owners.⁴

Children engage in hazardous and exploitative work in home-based carpet weaving with their families. They work long hours with unsafe working equipment, carry heavy loads and breathe hazardous chemicals and wool dust.⁵ They work in brick factories for long hours in extreme heat or cold, under unhygienic conditions and in polluted environments. Some of these children labor in conditions of debt bondage.⁶ Children work as auto mechanics and as welders and blacksmiths in metal workshops. Those occupations expose them to occupational injuries, such as cuts and burns.⁷

They may be found working in construction sites.⁸ Children also gather, distribute and sell firewood, making them vulnerable to animal attacks, falls, car accidents and abuse from landowners. These children may also be subject to smuggling.⁹ Children work in coal mining and family-run gem mining operations.¹⁰ In urban areas, some children belong to begging gangs or engage in street vending.¹¹ Children working on the streets

are exposed to many dangers, including severe weather, vehicle accidents and criminal elements.¹²

Children work as domestic servants, which may require them to work long hours, perform dangerous activities and may endure physical and sexual exploitation.¹³

Children are used in activities related to narcotics, including opium smuggling.¹⁴ Children join the ANSF, including the ANP.¹⁵ Research has not found clear evidence regarding the role of children in these State armed groups. Non-State armed groups, such as Haqqani Network, Hezb-i-Islamic, Tora Bora Front, Jamat Sunat al-Dawa Salfia and the Taliban, recruit child soldiers, and the Taliban reportedly uses children as

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suicide bombers.¹⁶ Armed groups also reportedly use children, especially boys, in baccha baazi (“boy play”). These children are required to dance for them and are often sexually exploited.¹⁷ [...]

Situation of street children

- [Agence France Presse, Afghanistan and 1 other Kabul street children struggle to survive, 24/10/2011](#)

[...] In crowded downtown Kabul, nine-year-old Ahmed looks like any other energetic salesman hawking plastic bags for 10 cents a piece, darting in and out of snarled traffic to chase after pedestrians. Except the child peering out under a woollen hat, striding around in a blue jacket and jeans is actually Khatera -- a girl sent onto the streets by her father to earn desperately needed money. Only by disguising herself as a boy can she survive the competitive market of child workers and score a sale. Girls get teased and harassed in the male-dominated country with few employment opportunities for women. "My dear daughter just sell your plastic bags, don't fight, you are a girl anyway. The boys will beat you up. Just do your business and come back," advises Khatera's father, helping her into her jacket. The United Nations estimates there are 50,000 street children in the Afghan capital alone. Among them are those who cannot afford an education or those who are the only breadwinners for fatherless or unemployed families. Charity workers put the number at 60,000, saying the return of refugees, insecurity and drought have pushed more children onto the streets in the 10 years since US-led troops drove the Taliban from power. [...]

- [Institute for War and Peace Reporting, Child Street Workers Vulnerable to Abuse, 15/10/2011](#)

[...] Hundreds of children work on the streets of Mazar-e Sharif, collecting rubbish, carrying goods, selling produce or simply begging. Experts say they are often at risk of sexual exploitation. The Afghanistan Independent Human Rights Commission has repeatedly expressed concern over an increase in sexual abuse cases. "Children are the most vulnerable section of society," said Salamat Azimi, head of the commission's section for children's rights in northern Afghanistan. "There is no guarantee these children will not be abused." Sexual abuse is a taboo subject in Afghanistan, and the families of victims often keep quiet about it out of shame or fear of reprisals. Nevertheless, local media in the north have recently reported on ten cases of abuse, and got family members to speak out on behalf of the victims. Maria Sayi, head of child protection at Balkh provincial welfare department, said the lawless environment, poverty and unemployment forced many minors to work. "Children can often be observed working from sunrise until evening. The International Labour Organisation has banned such conditions for children," she said, adding that Afghan labour legislation was unclear on the hours and kind of jobs minors were allowed to work at. A survey carried out by her organisation in 2008 covered some 780 children, and found that many of them had been forced to drop out of school and go to work for economic reasons. Sayi said that when cases of child abuse were uncovered, her agency worked with the police to pursue the culprits. But sometimes they involved individuals too powerful to be held to account. "Influential figures are often involved, and we fail to go after them," she said. "When we realise that we have leads that take us out of our depth, we are forced to stop investigating the case. Even the national security forces sometimes warn us to stop." Sayi said her department had received threats from powerful individuals when it investigated such cases. [...]

- [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)

[...] 68. The Committee is concerned that there are significant numbers of children working in the streets in the State party, and that these children are at great risk of physical, emotional and sexual exploitation and abuse. The Committee expresses particular concern that children in street situations are often used as sex workers and introduced to intravenous drug use by criminal groups. The Committee is also concerned that children in street situations under the age of criminal responsibility have been arrested and detained by the Afghan National Police. [...]

Treatment of children in detention centres and prisons

- [UNAMA, Annual Report 2011; Protection of Civilians in Armed Conflict, February 2012](#)

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[...] In the last half of 2011, UNAMA interviewed 67 boys, in 13 provinces, who were detained in Juvenile Rehabilitation Centres on accusation of association with armed groups. Of these children, ranging in age from 9 to 17, about a quarter had been recruited by Anti-Government Elements to conduct military activities, plant IEDs or plan suicide attacks. 100

In 2011, Afghan security forces arrested 204 boys under the age of 18 on charges relating to endangerment of national security 101. [...]

➤ [UN High Commissioner for Refugees, Afghanistan Protection cluster: Protection Overview Eastern and South-Eastern Regions 2010 / 2011, 30/11/2011](#)

[...] The UN-led Country Task Force on children and armed conflict has continued to receive reports bthat IM/ ANSF detained and arrested children with alleged association with armed groups, including as suicide attackers in the ER. On 20 May 2011, in Nuristan province, Parun district, Chatras area, a 12-year-old child died when a suicide vest accidentally detonated during his training session.³³ Such instances have also been reported from the SER too, where AGEs have reportedly used children between the ages of 10-14 years as suicide bombers. It was reported that in some instances children detained in the SER on alleged association with armed groups were from other provinces in Afghanistan, and in some instances were Afghan children who had received training in Pakistan, or were children from Pakistan sent to Afghanistan in order to conduct operations. [...]

➤ [UNAMA, Mistreatment of conflict-related detainees in Afghan facilities, 10/10/2011](#)

[...] Executive Summary

[...] Torture and Abuse of Detainees by NDS and ANP

UNAMA's detention observation found compelling evidence that 125 detainees (46 percent) of the 273 detainees interviewed who had been in NDS detention experienced interrogation techniques at the hands of NDS officials that constituted torture, and that torture is practiced systematically in a number of NDS detention facilities throughout Afghanistan. Nearly all detainees tortured by NDS officials reported the abuse took place during interrogations and was aimed at obtaining a confession or information. In almost every case, NDS officials stopped the use of torture once detainees confessed to the crime of which they were accused or provided the requested information. UNAMA also found that children under the age of 18 years experienced torture by NDS officials. [...]

➤ [UN Report of the Secretary General, The situation in Afghanistan and its implications for international peace and security, 21/09/2011](#)

[...] 27. UNAMA continued to observe detention facilities across Afghanistan, including through visits to detention facilities of the National Directorate of Security and the Afghan national police in Kabul, Kandahar, Khost, Kapisa, Laghman and Takhar to monitor arbitrary detention, ill-treatment and fair trial guarantees. UNAMA investigated allegations of ill-treatment and lengthy detention without charge or trial and lack of access to defence counsel in cases involving conflict-related detainees, including children. UNAMA is discussing with the Government its findings related to the serious mistreatment of detainees in several facilities managed by the National Directory of Security and the national police. [...]

➤ [Institute for War & Peace Reporting, Grave Abuse Alleged at Kabul Juvenile Centre, 21/05/2011](#)

[...] The death of an inmate at a juvenile detention centre in the Afghan capital Kabul has raised concerns that lax procedures have left children vulnerable to assault and sexual abuse.

Massoud Khalil, 17, died after being assaulted at the detention centre, apparently by two older inmates.

[...] Although the facility is supposed to house only minors under the age of 18, some inmates are said to be older than that. IWPR has heard from several sources that these individuals have influential relatives who have got them admitted to the juvenile detention centre so they will serve shorter sentences and be saved from the rigours of adult prison, but that some then use their age and status to engage in bullying and violence.

Massoud's father Abdul Khalil said that whenever he visited the detention centre, his son complained that abuse was prevalent there.

"My son said there had been clashes after the older kids had made illegal demands," he said. "Even though officials were aware of it, they didn't do anything about it."

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A 16-year-old boy who had been placed in the detention centre after running away from home told IWPR that older boys threatened and beat the younger ones and forced them into sexual acts.

[...] While not prepared to discuss allegations of abuse, Adatkhwah said the centre was overcrowded and short of accommodation, sports and leisure facilities, and teaching staff. [...]

➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)

[...] 35. The Committee is deeply concerned that almost half of the children arrested are reportedly subjected to different forms of verbal and physical abuse by the police during arrest in order to extract a confession, and that virginity testing is imposed on girls in judicial proceedings. The Committee also expresses grave concern that children are being handcuffed and shackled in juvenile rehabilitation centres, during transportation to court or hospital, and at night, allegedly for security reasons or as a form of punishment.

[...] 74. The Committee welcomes the adoption of the Juvenile Code in 2005 and the establishment of the specialized juvenile justice system based on said Juvenile Code. The Committee is however deeply concerned at the situation of juvenile justice in the State Party, in particular that:

(a) To date juvenile courts have only been established in six districts and children in conflict with the law are tried by family judges, many of whom are not specifically trained for juvenile justice;

(b) Status offences regarded as "abnormal behaviours" can lead children to be sentenced as criminals, in particular girls who are victims of violence and abuse and who are made responsible for the criminal acts committed against them;

(c) Detention is not the last resort and a large number of children are in detention, almost half of them in pre-trial detention, while about half of the girls in Juvenile Rehabilitation Centres have been charged with so-called moral offences, such as running away from home, some of them even during pregnancy and the birth of their child;

(d) A number of children under the age of criminal responsibility, which is 12 years, are in Juvenile Rehabilitation Centres;

(e) Alternatives to detention are rarely used despite options provided by the Juvenile Code of 2005;

(f) A number of children in detention are not separated from adults, nor are they provided with adequate food, care, protection, education and vocational training, and they are often subjected to abuse and torture;

(g) Children are not provided with legal aid, including while in court, and often statements are forcibly extracted from them; and

(h) Many parents are not informed of the detention of their children, and children not allowed to meet with their parents. [...]

➤ [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)

[...] There were reports of the sexual abuse of boys by members of the Afghan National Police (ANP) and the Afghan National Army (ANA).

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

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

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

➤ [UN High Commissioner for Refugees, Afghanistan Protection Cluster: Protection Overview \(Southern Region 2010\), 08/02/2011](#)

[...] 2. Children as Direct and Indirect Victims of the Conflict⁵:

The recruitment and use of children by armed groups and national security forces was observed in the SR, especially within the Afghan National Police (ANP). Children are detained due to their alleged association with armed groups at NDS premises. Access to detention facilities is difficult to obtain and information/tracing of cases is particularly challenging. Children are also detained by IM forces at international detention facilities in contravention of IHL, and in the context of conflicting jurisdictions guiding such detentions. There is concern that such detainees are not treated as children in line with international standards. Reportedly, no special protections are provided for such juveniles in IM Forces detention except the requirement that they must be accompanied by a special representative, not necessarily a lawyer, at their Detainee Review Board (DRB) hearings. However there is no evidence that such a requirement is consistently applied. [...]

Blood feuds

The OGN has not included any information on the prevalence and possible risk emanating from 'blood feuds' in Afghan society. The following COI available in the public domain which documents the practice being committed against both men and women is worth noting on this issue:

- [LandInfo, Afghanistan: Blood feuds, traditional law \(pashtunwali\) and traditional conflict resolution, November 2011](#)
[A useful 22 page report covering the following issues: customary laws; Pashtunwali; honour, shame and revenge in Pashtunwali; Blood revenge/feuds; Pashtunwali and conflict resolution; customary laws and conflict resolution among ethnic groups]
- [United States Institute of Peace, The Politics of Dispute Resolution and Continued Instability in Afghanistan, August 2011](#)
[...] Sources of Local Conflict
Dispute types vary widely in Afghanistan, but a few types—including land, water, family, and criminal disputes—tend to predominate in the districts where USIP worked. Many disputes fall into more than one of these categories. For example, in one major dispute in which USIP's DRC was involved in Nangarhar, a disagreement over the inheritance of land between an uncle and a nephew led to a feud in which four family members were killed. By the time the dispute was brought to the DRC, the most salient issue had become the murder of the family members, making it simultaneously a dispute over land, inheritance, and murder. [...]
- [Radio Free Europe/Radio Liberty, Kandahar mayor killed in suicide bombing, 27/07/2011](#)
The mayor of Afghanistan's southern city of Kandahar has been killed by a suicide bomber in the latest in a spate of attacks targeting key local officials within the power base of Afghan President Hamid Karzai's government.
[...] Taliban spokesman Qari Yousuf Ahmadi said by telephone from an undisclosed location that the suicide bomber was a Taliban fighter. Ahmadi said the bomber took revenge for the deaths on July 26 of two Afghan children involved in the land dispute. [...]
- [UNHCR, Afghanistan Protection Cluster: Protection Overview on the Northern and North-Eastern Region, 11/05/2011](#)
[...] Jawand to Shakh, Qaysar - In December 2008, a group of 86 families was displaced from three villages in Jawand (20 from Teraj, 20 from Lalabay and 46 from Khoja Sorkhian) belonging to the Tajik tribes of Taymani, Shabazi and Lalabay. Reports indicate intertribal tension in the area and different armed factions linked to warlords and militia regularly clash. As tribe members, they feel under pressure from the tribe to take part in the fighting and are legitimate targets for the opposing faction. Intertribal revenge killings of tribe members of the opposing side are a common tactic so the families decided it was safer for them to flee. They are dispersed over several villages in the Shakh area and do not expect to be able to return to Jawand in the near future. [...]
- [Pajhwok Afghan News, Land dispute claims three lives in Nimroz, 05/05/2011](#)
Three people were killed in a clash over land distribution in the southwestern province of Nimroz, an official said on Thursday.
The clash erupted on Wednesday in Zaranj City, the provincial capital, police chief, Brig. Gen. Abdul Jabbar Purdali, told Pajhwok Afghan News.
Two people were detained on charge of the murder case, he said.
Ali and Mahboob -- inherited 10 acres of land from their father and shared it evenly 10 years ago. But due to high land prices, their sons did not agree to the distribution between their fathers.
The dispute surfaced three years ago when the cousins traded fire that resulted in four deaths.

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➤ [Human Rights First, Detained and Denied in Afghanistan, May 2011](#)

[...] T.K.

T.K., a farmer from Khost province, was detained for about five months on suspicion of being a Taliban commander. He told Human Rights First: "We have hostility within my tribe, from a long time ago, when the Russians were in Afghanistan, during jihad time. My uncle was killed, and this feud continues more than 25 years later." He believed he was detained based on false statements told to U.S. forces.

[...] It is impossible to know precisely how many false tips have led to the imprisonment of innocent Afghans because such "intelligence" is classified. However, the large number of Afghans detained for long periods of time and eventually released without charge, the frequency of civilian casualties based on misinformed targeting, and the longstanding tribal conflicts and land disputes in many regions of Afghanistan suggest that U.S. actions based on false intelligence is a major problem. Indeed, one former detainee we interviewed estimated that 80 percent of the population of Khost province, where he lives, is involved in a personal or family feud that could motivate false reports to Coalition forces [...]

➤ [U.S. Commission on International Religious Freedom, Annual report 2011: Afghanistan, May 2011](#)

[...] Violence Targeting Christian

[...] The church in Sol had been destroyed by arson several days earlier by local Muslims after clashes between Christians and Muslims left two dead. The clashes reportedly resulted from a feud between the families of a Christian man and a Muslim woman who allegedly were having a romantic relationship

[...] Blasphemy Laws

Widespread Abuse

[...] The lack of procedural safeguards empowers accusers to use the laws to abuse religious freedom, carry out vendettas, or gain an advantage over others in land or business disputes or in other matters completely unrelated to blasphemy. [...]

➤ [Internal Displacement Monitoring Centre \(Norwegian Refugee Council\), AFGHANISTAN: Armed conflict forces increasing numbers of Afghans to flee their homes - A profile of the internal displacement situation, 11/04/2011](#)

[...] Kandahar

[...] PGF military operations displace tens of thousands farmers, and professionals flee Taliban threats Military operations were stepped up in 2010 following the US-led troop "surge". The international forces' stated focus was on ensuring authority in the province, and increasing governance and development (The Times, 30 March 2010), but tribal elders said that the PGF would only engage the Taliban briefly and then retreat because of the dangers posed by IEDs (National Post, 26 August 2010; The Economist, 7 October 2010). It was also unclear how the PGF would replace local governance structures severely disrupted by Taliban human rights abuses and tribal feuds

[...] North

[...] Displacements in the context of growing insurgent influence The provinces of Faryab and Ghormach District in Badghis Province (other districts are examined under 'west') have also experienced fighting in most districts. Although significant displacements were registered in 2006 – around 2,000 people fled military operations in the Pakhtun Kot district of Faryab province in July that year - most have taken place more recently. The violence is often attributed to the greater strength of the insurgency, and the armed mobilisation of Pakhtun minority communities (Noref Policy Brief, July 2010; The Christian Science Monitor, 27 July 2009), but local feuds and competition over drug trafficking also play a role.

[...] Access to Justice

[...] With regards to issues which affect the displaced population, land issues as outlined in section six, including restitution and/or compensation for lost or damaged property is extremely important. For this and other challenges faced by the displaced population such as marriages, debt, family feuds and other concurrent challenges in the intersection of the private and public spheres, local councils are important.

➤ [U.S Department of State, 2010 Human Rights Report: Afghanistan, 08/04/2011](#)

[...] There were 11 formal women's shelters across the country run by NGOs, and five informal shelters or referral centers run by NGOs or MOWA. The MOWA and other agencies referred women to the formal

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shelters, which provided protection, accommodation, food, training, and health care to women escaping violence in the home or seeking legal support due to family feuds. [...]

➤ [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2010](#)

[...] III. ELIGIBILITY FOR INTERNATIONAL PROTECTION

POTENTIAL RISK PROFILES

[...] 11. Blood Feuds

The well-established practice of blood feuds is rooted in traditional Afghan culture. Blood feuds are conflicts between opposing families, tribes and armed factions, and are often initiated in reaction to perceived violations to the honour of women, property rights, and land or water issues.²³³

According to the practice, individuals associated with the family or tribe of the individual seen as the wrongdoer are targeted by the victim's tribe or family members. Revenge is sought through killing, physically injuring or publicly shaming the perpetrator or individuals related by family or tribe. Blood feuds can be long-running conflicts, lasting for generations, with a cycle of retaliatory violence between parties.²³⁴

Solving a dispute through a formal justice mechanism does not normally put an end to a blood feud. Particularly among Pashtuns, blood feuds can be settled through a formal decision of a jirga – generally an all-male community-based dispute resolution mechanism.²³⁵

A peaceful compromise, such as a bad dadab marriage, may sometimes prevent a dispute from spiralling into a blood feud.²³⁶

In light of the foregoing, UNHCR considers that persons involved in, or targeted because of, a blood feud may, depending on the circumstances of the individual case, be at risk on account of membership of a particular social group.²³⁷

Claims by persons with the aforementioned profiles may, however, give rise to the need to examine possible exclusion from refugee status.

[...] 233 Pursuant to the norms of the Pashtunwali code, the causes of blood feuds are the violation of "zar, zan, zamin" – gold, women and land

234 See, for example, The Times, Karzai forced to investigate family blood feud after cousin is murdered, 23 December 2009, <http://www.unhcr.org/refworld/docid/4b3c8bb42.html>; and The Telegraph, Afghan blood feud ends after 30 years, 1 June 2008, <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/2061531/Afghan-blood-feud-ends-after-30-years.html>.

235 See, for example, Tribal Analysis Center, Jirga System in Tribal Life, April 2007, p.5, <http://www.tribalanalysiscenter.com/PDFTAC/Jirga%20System%20in%20Tribal%20Life.pdf>.

236 An ancient Pashtun tradition, bad (or baad) marriages is a practice in which a girl is given in marriage to an opposing family in order to resolve a dispute or as a form of compensation; see AIHRC, Report on the Situation of Economic and Social Rights in Afghanistan - IV, December 2009, <http://www.unhcr.org/refworld/docid/4b3b2df72.html>. Although in decline, bad marriages are still reportedly used in dispute resolution; see, for example, Afghanistan Research and Evaluation Unit, Community-Based Dispute Resolution Processes in Nangarhar Province, December 2009, <http://www.unhcr.org/refworld/docid/4b3870cf2.html>; and Afghanistan Research and Evaluation Unit, Community-Based Dispute Resolution Processes in Bamiyan Province, December 2009, <http://www.unhcr.org/refworld/docid/4b38706e2.html>. For further information on harmful traditional practices, including bad marriages, please refer to Section IIIA(6) Women with Specific Profiles.

237 For further guidance see UNHCR, UNHCR Position on Claims for Refugee Status Under the 1951 Convention relating to the Status of Refugees Based on a Fear of Persecution Due to an Individual's Membership of a Family or Clan Engaged in a Blood Feud, 17 March 2006, paras. 5-6 and 16-20, <http://www.unhcr.org/refworld/docid/44201a574.html>; and UNHCR, Guidelines on International Protection No. 2: "Membership of a Particular Social Group" Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees, 7 May 2002, <http://www.unhcr.org/refworld/docid/3d36f23f4.html>. See also Refugee Appeal No. 76355, 5 November 2009, <http://www.unhcr.org/refworld/docid/4b3c8bb42.html>, where the New Zealand Refugee Status Appeals Authority held that the appellant, a Tajik who was perceived to have violated the family honour of a Pashtun family, was at risk of persecution on the ground of a particular social group.

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➤ [UN Assistance Mission in Afghanistan, Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan, 09/12/2010](#)

[...] 3.2 Baad or giving away girls to settle disputes

[...] A member of a UNAMA HR focus group in Uruzgan province described baad in his community as occurring in the following way: "Girls are sometimes exchanged as compensation for a murder so as to prevent or settle a feud between families. Typically, a delegation from the murderer's family will come to the house of the victim's family. Such a delegation is known as a maraka. It is likely to bring cash, guns and sheep. If the victim's family accepts the delegation's request for reconciliation, the sheep will be slaughtered to provide a feast. The guns are likely to be accepted, but in general, money will be rejected on the grounds that no price can be put on a human life. If that happens, the delegation will propose that one or more girls from the murderer's family be given in marriage to men from the victim's family. This is baad." (Male focus group discussion conducted by UNAMA HR, April 2010)

➤ [UNICEF, Children on the move, February 2010](#)

[...] Zalmay - Pashtun, Jalalabad

[...] His father was killed at the end of 2008 and his mother said that he had to move to Jalalabad city to live with his maternal uncle. He left Afghanistan two months ago. He wanted to stay in Jalalabad but some people wanted to kill him, and his uncle told him that he must go to some place that is safer. His uncle has a shop in Jalalabad and these people came and told him that they wanted to kill him to get revenge. They wanted to kill him because of a dispute between two families. His uncle said it is better that you leave this country.

[...] Khoshal Khan - Pashtun, Loghar

[...] He had to leave Afghanistan because his grandfather and mother's uncle were killed in the feud. "A third party killed the killers and they said we did it, but actually we did not do it. It is a long story. So those people were after my family."

[...] Triggers that lead to decision to become a child on the move

[...] The children who participated in the focus group in the UK were all Pashtun and said it was not possible to stay in Afghanistan because there was no safety, proper education and job prospects, forcible recruitment by Taliban and family feuds.

➤ [ACCORD, Country Report: Afghanistan, November 2007](#)

[...] Mohammad Aziz Rahjo, Afghanistan, UNHCR Considerations for specific groups relevant to the determination of refugee status

[...] 5.5. Individuals at Risk or Victims of harmful traditional practices:

[...] 5.5.1. Causes of Blood Feuds: a culture of revenge

In Afghanistan, traditionally blood feuds are long-lasting conflicts between opposing parties and tribes. Blood feuds between armed factions didn't exist before the conflict in Afghanistan - that is something new: If someone is killed from Jamiat-e-Islami by Hezb-i-Islami then Jamiat-e-Islami will seek revenge and will kill one or two or three from the other faction. Blood feuds emerge from disputes and killings over property and the violation of women's honour. In Afghanistan there is the word namus. Namus translates as "honour", but it translates as "property" as well. Based on the Afghan traditional proverb "zan, zar, zamin" (women, gold, and land), "property" or namus covers wife (or the honour of female family members), property, the right to water and land. If one of these elements of namus is violated, then for sure the question of blood feud and revenge will arise. Blood feud is a feature mainly among Pashtun ethnic origin, but also among Uzbeks and Tajiks (though not to the extent that exists among the Pashtun families and tribes). There might also be cases of blood revenge among Hazaras, for example if they find members of non-Hazara forces (like Hizb-i Islami or Ittihad-i Islami) who committed crimes against them during the fighting in the early 1990ies, even if these acts already were acts of retaliation for Hazara commanders who committed crimes. So, blood feuds also can serve as a means of political revenge. Blood feuds are based on the notion of revenge, in some areas families or tribes may provide protection, but their protection will not last long. Revenge is passed on from generation to generation. Blood feuds are really widespread in Afghanistan. They can be found in southern, central and south-eastern provinces, where the traditional justice structure has been functioning since a long time and the official or formal

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justice system was not even before the conflict able to function properly. They are also widespread in the east and in the north-east of Afghanistan.

[...] Characteristics of Blood Feuds

- Mainly among Pashtuns
- Based on notion of Revenge
- Family/tribe may provide protection
- Passed on from generation to generation
- Widespread

[...] 5.5.2. Settlement of feuds

The only structure that deals with the settlement of blood feuds is the local shuras and jirgas. If the cause for the conflict is a violation of the right to property, including water, then the local jirga or shura will be involved. If it is an inter-tribal feud, then the shuras of the two tribes will meet and discuss possible solutions. If on the other hand the feud's cause is the violation of women's honour, the conflicting parties will try to act confidentially and not to involve the local shura or jirga, because they consider it as a public shame for the family and tribe. If the issue gets to be known to many among the village or tribe, a jirga might be called in these cases as well. A jirga will decide according to the cases they decided on in the past. A possible solution can be apologies together with blood money being paid. In addition to that, the jirga may order the perpetrator's family/tribe to give a female member to the family or tribe who lost a member. But the jirga might also decide that revenge is the only possible way. Even the killing of a woman might be the outcome – in fact, the jirga decision may be anything. Some tribes among Pashtuns are satisfied with the calling of a jirga when someone of their tribe has been killed. The jirga may then decide to give a female family member of the perpetrator's tribe to the victim's tribe. They can then sell that woman, for example. Kuchi Afghans, on the other hand, will in any case go for revenge and will not seek any other solution of the conflict or feud, they will not respect any other jirga decisions. As for the possibility of protection by the government for persons at risk of blood feud, the government's capacity is weak. In the areas where local shuras and jirgas are functioning, there is no rule of law. The government cannot do much in these cases.

[...] 13. Annex 1: Blood feuds

In the context of Afghanistan a blood feud is a long-running argument or fight, with a cycle of retaliatory violence between parties - often, through guilt by association of individuals, groups of people, especially families or tribes with the relatives of some one who has been killed or otherwise wronged or dishonoured. In such a situation the victim's family or tribe members are seeking revenge by killing, physically injuring and/or publicly shaming the perpetrator(s) or his/her family or tribe members of the act of the perpetrator(s). Feuds tend to begin in particular in reaction to alleged violations to the honour of women property rights, land and water issues. In accordance with the norms of the Pashtunwali code the causes of blood feuds/culture of revenge are the violation of "Zar, zan, zamin" - gold, women and land. Killing or injuring as a result of dispute over water and land, and unlawful relation with a woman create blood feuds and ends usually with the death of the perpetrator, his/her family or tribe member or exchange of girls in compensation of crimes committed by their family members. With decades of war and conflict the tradition of blood feud has been expanded to and is common among armed factions. This culture has also influenced Tajik, Uzbek, Hazara and other Afghans of non Pashtun ethnic origin.

People affected by blood feud:

f The perpetrator(s) (male or female) or those perceived as to be responsible for committing the crime/act remain the main target for the revenge in a blood feud. Female family members killed or forced to marry the victim's family member in compensation for the crime. This practice is different from place to place and in some areas targeting a woman in response to a blood feud does not exist. Close relatives: brothers, cousins, including children but targeting them when they come of age.

f Relatives or any other member(s) of the tribe that have showed support to the perpetrator(s),

f Members of the perpetrator(s) faction and armed groups, or their supporters.

f Some of the Pashtun tribes also look for blood feud and revenge despite the perpetrator having undergone prosecution and sentencing through a formal justice system

Geographical application:

The practice of blood feud is different from area to area and from tribe to tribe. This practice is mainly found in Pashtun tribes mostly in Paktia, Paktika, Khost, but also in Kunar, Ghazni, Maidan Wardak, Kandahar, Laghman, Zabul, Uruzgan, Helmand, Badghis, Hirat, Kapisa, Kunduz, Baghlan provinces.

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However, the practice of blood feud has also been adopted by Afghans of other ethnic origin and therefore other provinces of the country can also be affected. This practice can occur in the village, district and province of origin or habitual residence, other places in the country of origin as well as outside the country, depending on the opportunities that the victim's family or tribe enjoys.

Peaceful solution of the blood feud:

In some areas, families try to solve the issue confidentially, particularly if it concerns the violation of a woman's honour. If the issue is not solved, then the parties call for a local or tribal jirga to decide on the case. As showed by practice, members of the jirgas normally follow the norms of the Pashtunwali code and order for retaliatory violence outlined above. This is also the case with the Kuchi (nomad) Afghans. The Kuchis are known never to accept any compromise (e.g. female marriage into their tribe, financial compensation) and look only for the death of the perpetrator(s) or family/tribe members. There are some tribes such as the Shinwar tribe in the eastern provinces of Afghanistan who accept a compromise and accept the exchange of girls from the families of the perpetrator(s) in compensation for the committed crime. The practice has shown that such tribes are resorting to this solution in order to be able to sell the girls in the future.

State Protection

In such situations generally, the authorities are unable and unwilling to intervene and protect individuals from threats emanating from the family of the victims or armed groups. This is due to the lack or absence of state structures in the area, weak rule of law and also due to the fact that state or de facto officials share and accept the same cultural values of the blood feud practice. Women and men continue to be imprisoned for social or sexual offences, such as refusing to proceed with a forced marriage, escaping an abusive marriage, or involvement in extramarital relationships. Women and men continue to face prison for these "crimes." Authorities point out that sometimes such detention is necessary to protect individuals in particular women from violent acts of revenge by their family or tribe members. Forced and early marriage, honour killings as well as criminalization of acts and practices not foreseen as crimes under national law affect both men and women in Afghanistan. Women, however, continue to be disproportionately affected. Apart from the obvious violation of the woman's honour, single women are likely to be ostracized by the Afghan community or fall prey to malicious gossip which could destroy their reputation or social status and therefore, create condition for the blood feud. This exposes them to an increased risk of abuse, threats, harassment and intimidation by Afghan men, including risk of being kidnapped, sexually abused or killed. In majority of these cases the government is not in a position to protect women.

2. Country Assessment

2.3 Actors of protection

Excerpt from February 2012 Afghanistan OGN

2.3.3 Police effectiveness in rural areas (over 90% of the country) is dependent on cooperation of local leaders, including religious figures.³ While the police have a stronger presence in the main cities, their ability to provide effective protection is still limited (see below). The police force is beset by inadequate training, illiteracy, corruption, involvement in drug trafficking, and high levels of desertion. Most police are under-equipped, and lack ammunition and vehicles. In some cases, equipment requisitioned by their commanders is sold and the funds pocketed by the police officers. Commentators complain that donors continue to press for the force's expansion at the cost of quality and standards.

2.3.4 The Afghan police force responsible for Kabul has jumped from 5,000 officers to 18,000, and the Afghan army has established a new division with 7,000 soldiers to help protect the capital.⁴ However their ability to provide protection is limited as reflected in the fact that the Taliban have continued to successfully target both perceived opponents and civilians in Kabul in recent months. For example, on 29 October, insurgents rammed a car bomb into the side of an armoured bus shuttling US troops between NATO bases in Kabul killing 13 troops.⁵ On 6 December 2011, a suicide bomber struck a shrine packed with civilian worshippers in Kabul, killing at least 54 people.⁶

2.3.5 Protection in Afghanistan generally is compromised by high levels of corruption, ineffective governance, a climate of impunity, lack of official impetus for the transitional justice process, weak rule of law and widespread reliance on traditional dispute resolution mechanisms that do not comply with due process standards, all of which contribute to a deteriorating human rights situation in the country.⁷ In 2011, the U.S. Department of State reported that the security forces committed unlawful killings, used excessive force, committed serious abuses, including torturing and beating civilians, and arrested or detained people arbitrarily.⁸ In November 2011, the Congressional Research Service noted that assessments of the police were widely disparaging, citing among the criticisms rampant corruption, a desertion rate far higher than that of the ANA; substantial illiteracy; involvement in local factional or ethnic disputes; and widespread use of drugs.⁹ The International Crisis Group reported that the Taliban and other insurgents had taken advantage of the corruption in the Afghan security agencies and infiltrated entire units of the police and army in central eastern provinces like Kabul.¹⁰

[...] 2.3.7 State protection outside of Kabul will only be accessible in exceptional cases. **In Kabul the authorities, including the ISAF forces, are in general willing to offer protection to citizens. However, case owners must bear in mind that for the reasons above, their ability to provide effective protection is limited.** It is important that case owners refer to the most up to date country information to ascertain whether in the circumstances prevailing at the time the decision is made, effective protection is available in Kabul for an individual applicant, taking full account of their personal circumstances. [Emphasis added] [...]

It is considered that the COI provided at paragraphs 2.3.3 – 2.3.5 and 2.3.7 of the OGN is generally consistent with the COI available in the public domain with regards to the inability of the police to provide effective protection in Afghanistan. Given this COI and the additional COI on security incidents in Kabul highlighted above in the section '[3.6 General security situation](#)', it is questionable whether the security forces in Kabul can be said to provide even limited protection as implied in paragraph 2.3.7. The following COI under the relevant research headings supports this view and where information specific to Kabul was not found, COI which referred to the situation for the police in general Afghanistan has been presented which it can be assumed also applies to the situation in Kabul:

- [Infiltration by insurgents in Kabul](#)

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- [Capacity of police force in Kabul](#)
- [Police impunity throughout Afghanistan](#)
- [Police corruption throughout Afghanistan](#)
- [General capacity of the police force](#)

Infiltration by insurgents in Kabul

- [International Crisis Group, The Growing Danger in Kabul, 29/06/2011](#)

[...] The Taliban and other insurgent groups have profited tremendously from corruption within Afghan security agencies, which has allowed the insurgency to infiltrate entire units of the police and army in central eastern provinces like Kabul, Ghazni and Laghman and to extract millions in protection payments from Afghan and international security contractors charged with security NATO supply convoys. [...]
- [The New York Times, Suicide Bomber Attacks Kabul Military Hospital, 21/05/2011](#)

A powerful midday blast on the grounds of the heavily guarded national military hospital here killed at least 6 people and injured more than 20 others, government officials said.

[...] General Azimi said the attack was the work of one suicide attacker who set off the blast inside a tent at the multistory hospital as the trainees were sitting down to lunch. Investigators were trying to determine how the attacker infiltrated the grounds, bypassing military checkpoints at every entrance. The Taliban quickly claimed responsibility for the blast.

The military doctor, who asked that his name not be used because he was not authorized to speak to the media, said that only the legs of the suicide attacker remained from the blast, but from those remains it appeared he was wearing an army uniform. The doctor determined that the remains belonged to the suicide bomber from the amount of damage to the body.

[...] The attack is sure to reignite concerns about insurgent infiltrators within the ranks of the Afghan security forces, and about sympathizers working within the government. All vehicles and visitors are supposed to be searched before entering the compound.

Capacity of police force in Kabul

- [UN News Service, UN-backed survey shows improving public perception of Afghan police, 01/02/2012](#)

[...] The survey of 7,278 Afghans was carried out across all 34 provinces for the country's Interior Ministry by the Afghan Centre for Socio-Economic and Opinion Research (ACSOR). It also shows marked regional differences in perception.

[...] But public perception of the police has deteriorated in some areas, notably in central Kabul and in the eastern and western parts of the country where the rates of crime are high. [...]
- [Center for Strategic and International Studies, THE AFGHANISTANPAKISTAN WAR AT THE END OF 2011: Strategic Failure? Talk Without Hope? Tactical Success? Spend Not Build \(And Then Stop Spending\)?, 15/11/2011](#)

[...] In Regional Command Capital, the ANSF has established a layered defense system in and around Kabul, which has resulted in improved security, and the ANSF continues to respond effectively to threats and attacks. Nevertheless, Kabul continues to face persistent threats, particularly in the form of high-profile attacks and assassinations. [...]
- [International Crisis Group, The Growing Danger in Kabul, 29/06/2011](#)

The deadly attack on the Intercontinental Hotel in Kabul late Tuesday night is a timely reminder of just how precarious the situation remains ten years after the first U.S. troops entered Afghanistan. From taxi drivers to television talk show hosts, all of Kabul is abuzz with the news of the Taliban's latest strike on the capital. The all-out assault on the fortress-like hotel on a hill has underscored the growing fear across the country that it is only a matter of time before Afghanistan descends once again into civil war. With the

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White House announcement last week of plans to withdraw 33,000 U.S. troops by September 2012, the Long War appears to be entering its last years as far as the U.S. is concerned. Most Afghans understand, however, that the fight will go on long after the last foreign troops leave and that plans for a transition to full Afghan control of security in 2014 are little more than a politically convenient fantasy. Insurgents have demonstrated a startling determination to expose the Afghan government's weaknesses ever since Afghan president Hamid Karzai announced plans in late March to begin transitioning security in the capital city and six other areas of the country to Afghan control by July of this year. Since March, at least 50 people have been killed and scores wounded in insurgent attacks in or close to four out of the seven areas slated for transition next month. The strike on the Intercontinental was a strategic blow; it occurred only hours before Afghan provincial governors were scheduled to gather in the capital for a conference on transition plans. The investigation into the attack on the hotel is still ongoing, but given the pattern of past attacks in the capital it is not at all unlikely the armed attackers were able to sneak their weapons past security checkpoints by greasing a few government palms along the way, or by wearing police uniforms, as has been reported by some outlets.

[...] The Taliban and other insurgent groups have profited tremendously from corruption within Afghan security agencies, which has allowed the insurgency to infiltrate entire units of the police and army in central eastern provinces like Kabul, Ghazni and Laghman and to extract millions in protection payments from Afghan and international security contractors charged with security NATO supply convoys. [...]

Police impunity throughout Afghanistan

➤ [Institute for War and Peace Reporting, Afghan Investors Scared by Kidnapping Wave, 14/02/2012](#)

Afghan police and relatives of powerful officials have been linked to a wave of kidnapping and killing that threatens to scare away investors vital to economic recovery. When Shour Niazi, a trader, was kidnapped in the capital Kabul on January 20, it was by armed men in the uniform of the National Security Directorate, the domestic intelligence agency. Once inside the vehicle, they pulled a black mask over his face and drove him to a building where he was detained and beaten every day, while the kidnapers demanded a three million US dollar ransom from his family. "When they realised they wouldn't get the money, they wanted to kill me," Niazi told IWPR. "I made a hole in the wooden ceiling of the room and escaped. I then informed the police, who arrested some of them." Niazi has little confidence the men will be punished. He says suspects in such cases are always released. Kidnappings are nothing new in Afghanistan, but some fear the problem is escalating ahead of the 2014 withdrawal of American forces. The Afghan Chamber of Commerce and Industry, ACCI, says 85 of its members have been killed or abducted since late March 2011, 20 more than in the preceding 12 months. Ahmad Shah Hakimi, deputy chairman of the Kabul Chamber of Commerce, believes police were complicit in an attack on his entourage while he was transporting three million dollars last July. The assailants attempted to kidnap Hakimi and his brother, and killed two of his bodyguards. Although the abduction attempt failed, they made off with the money, held in a box inside Hakimi's vehicle. The circumstances of the attack made him suspicious. "If government officials are not supporting these groups, how come they were able to kill two of my bodyguards and steal my money close to a police checkpoint?" he asked. ACCI vice-chairman Khan Jan Alokozay told IWPR that his organisation believes senior officials and their relatives, rather than insurgent groups or ordinary criminals, are involved, "These are officials who have positions in the government. High ranking officials support them and they use government facilities," he alleged. When the perpetrators of abductions are arrested, Alokozay says they are often released soon afterwards on the orders of corrupt officials. "There are documents and evidence available that indicate that some kidnapers have been released by the legal and judicial authorities," he said. Alokozay said criminal proceedings against suspected kidnapers had been derailed by interference in Paktia and Logar provinces, and in Jalalabad city in Nangarhar province, all in eastern areas of Afghanistan. "Investment has fallen by 30 percent because of these factors," he added. Alokozay said police were currently under pressure to release a man arrested last month for alleged involvement in a kidnapping. The pressure, he said, was being exerted by the suspect's brother, a member of the Meshrano Jirga or upper house of parliament. General Mohammad Zaher, head of criminal investigations at Kabul police headquarters, acknowledged that this was the case but insisted the force would not be swayed. "The senator is exerting pressure on us to

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release his brother," he said. "We have never released a criminal because he is a someone's relative or client, nor will we ever do so." The general insisted the police had a good record on solving abduction cases. "The police have acted successfully in every kidnapping case, and have arrested the criminals with all due haste," he said. His predecessor in the post, however, conceded that some members of the Afghan National Police had taken part in kidnappings. "When I was head of criminal investigations at Kabul police headquarters, I arrested about seven police officers for involvement in such cases," Sayed Abdul Ghafar Sayedzada, now director of criminal investigations at the Afghan interior ministry, said. Sayedzada said the courts needed to make more of an effort to ensure suspects were prosecuted. "I would urge the legal and judicial bodies to act swiftly and seriously in solving these cases," he said. Officials at the prosecution service and Supreme Court declined to be interviewed on these matters. [...]

- [Institute for War and Peace Reporting, Afghan Constitution More Breached Than Honoured, 19/01/2012](#)

As Afghanistan marked the eighth anniversary of its constitution this month, legal experts bemoaned the failure to put it into practice, blaming conflict, corruption and a culture of impunity.

The constitution passed on January 4, 2004 laid out a vision of a modern Afghanistan committed to human rights, democracy and the rule of law. [...]

- [UN General Assembly, Report of the United Nations High Commissioner for Human Rights on the human rights situation in Afghanistan and technical assistance achievements in the field of human rights*, 18/01/2012](#)

Summary

[...] Despite some gains in the spheres of education and health, particularly for women, impunity, poor governance, characterized by corruption, inability to provide essential services, including security and access to justice, have disappointed aspirations of the vast majority of Afghans

[...] Introduction

[...] 5. Impunity remains deeply entrenched in Afghanistan. Accountability for human rights violations remains weak, and little or no political support has materialized for the advancement of transitional justice mechanisms, despite past commitments on the part of the Government. [...]

Police corruption throughout Afghanistan

- [UN News Service, UN-backed survey shows improving public perception of Afghan police, 01/02/2012](#)

[...] The survey of 7,278 Afghans was carried out across all 34 provinces for the country's Interior Ministry by the Afghan Centre for Socio-Economic and Opinion Research (ACSOR).

[...] The survey also finds that corruption remains a significant concern, although the incidence of malpractice went down by seven points since 2010, as have other forms of police misconduct, including excessive use of force and perceived bias. [...]

- [Institute for War and Peace Reporting, Afghan Constitution More Breached Than Honoured, 19/01/2012](#)

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[...] Introduction

[...] 5. Impunity remains deeply entrenched in Afghanistan. Accountability for human rights violations remains weak, and little or no political support has materialized for the advancement of transitional justice mechanisms, despite past commitments on the part of the Government. [...]

➤ [Feinstein International Center, Winning Hearts and Minds? Examining the Relationship between Aid and Security in Afghanistan, January 2012](#)

[...] 4. Drivers of conflict and insecurity

Given the assumed link between lack of development and insecurity, the study first tried to understand the drivers of insecurity in the five provinces in order to assess whether aid projects were addressing them. When asked about the drivers of conflict or insecurity in their areas, while respondents identified mostly similar factors, a number of notable differences existed among provinces in the weight respondents gave to the various factors.⁵⁷

The main reported drivers of conflict or insecurity were poor governance, corruption, and predatory officials; ethnic, tribal, or factional conflict; poverty and unemployment; behavior of foreign forces (including civilian casualties, night raids, and disrespect for Afghan culture); competition for scarce resources (e.g., water, land); criminality and narcotics (and counter-narcotics); ideology or religious extremism; and, the geopolitical policies of Pakistan and other regional neighbors. As discussed below, many of these factors are complex, intertwined, and overlapping, so isolating the strength and influences of each as separate analytical factors is difficult.

4.1 Corruption, poor governance, and predatory government

A widely reported cause of insecurity in all five provinces was the poor quality of governance, in particular the corrupt and predatory activities of local officials and police, as this was described as alienating the population and providing an opportunity for the Taliban. In the most insecure provinces of Helmand, Paktia, and Uruzgan it was reported as among the most important factors. The belief that the government (and its international supporters) had failed to deliver on governance took a number of different forms.

Consistent accusations included obtaining positions and contracts through nepotism, favoritism, and bribery rather than through merit; flagrant and extensive abuse of authority in extortion and in the illegal occupation and re-selling of land; arbitrary detention both as a source of revenue and as a way to neutralize one's rivals; distribution of patronage to reinforce one's own position and marginalize others; control and protection of narcotics production and trade as well as other illegal enterprises; and, maintenance of illegal checkpoints on the road to collect revenue. As one UN official in Uruzgan put it, "it's a business not a government."⁵⁸

Described as especially galling was that corrupt government officials were often the same unsavory individuals who played a deeply alienating role in previous eras (e.g., 1992–6)—and who, to widespread applause, were swept out by the Taliban regime. In some areas the current government is seen as largely composed of the same local strongmen (e.g., Sher Mohammad Akhundzada in Helmand, Jan Mohammad Khan in Uruzgan, Mohammad Atta in Balkh) who played a role in past corrupt regimes, and who were allowed to reinstate themselves post-2001.

[...] The free rein of corrupt local officials, especially within the ANP and the justice system, where most believe that favorable outcomes are only available if one is powerful or willing (and able) to pay large bribes, has reinforced the sense of impunity and lack of redress for ordinary citizens.

[...] As would be expected, in all five provinces corruption was said to take place according to the tribal and ethnic lines described below, underlining the overlapping nature of the drivers of insecurity. [...]

➤ [Congressional Research Service, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, 22/11/2011](#)

[...] Afghan National Police (ANP)

[...] Outside assessments are widely disparaging, asserting that there is rampant corruption to the point where citizens mistrust and fear the ANP. Among other criticisms are a desertion rate far higher than that of the ANA; substantial illiteracy; involvement in local factional or ethnic disputes because the ANP works

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in the communities its personnel come from; and widespread use of drugs. It is this view that has led to consideration of stepped up efforts to promote local security solutions such as those discussed above. [...]

➤ [Afghanistan Analysts Network, Afghanistan's Paramilitary Policing in Context: The Risk of Expediency, 22/11/2011](#)

[...] 4.3 Combating corruption

Establishing police units under the direct control of the MoI and, in doing so, increasing the leverage of the centre versus the periphery proved possible. However, the fight against corruption proved much more difficult to carry out – despite increased urgency and pervasiveness of corruption from 2001 onwards. Afghanistan ranked as one of the most corrupt countries in the world, and pressure from both the Afghan public and foreign donors to do something about it started mounting. Corruption has exacerbated the dysfunctionality of the Afghan policing system and negatively affected the morale of the police and the quality of the leadership; many mentors believed that corruption was sabotaging all their efforts to develop the police. From 2002 onwards, the misuse or diversion of resources by police personnel became common practices, reducing the effectiveness of an already weak system. 69 Police corruption has reached a level of dysfunctionality where appointments to positions of power are disrupted and tasks routinely not fulfilled (some forms of corruption do not necessarily lead to dysfunctionality, for example charging unofficial taxes for services without disrupting their delivery.) Evidence of the police force's involvement in corruption is overwhelming, even in official statistics. Until the first quarter of Afghan year 2009–10 (1388), 18,276 police personnel were accused of having been involved in 10,480 cases of misbehaviour (abuses of power and corruption), according to the attorney general's office; 30 were continued on a large scale in 2010 indicates that only a minority of cases were being uncovered or followed up. Complaints by drivers and passengers concerning the behaviour of police at check-posts on the highways remained very common. 73

➤ [U.S. Department of Defense, Report on Progress Toward Security and Stability in Afghanistan, October 2011](#)

[...] 5.6: COUNTER-CORRUPTION AND TRANSPARENCY

Corruption and organized crime present a significant threat to the success of the ISAF mission and the security and stability of the Afghan state. Corruption undermines the effectiveness, cohesion, and legitimacy of the Afghan Government; it alienates elements of the population and generates popular discontent from which insurgent groups draw strength; it deters investment, encourages the diversion of international assistance, and impedes licit economic growth; it enables criminal networks to influence important state institutions and functions; and it facilitates the narcotics trade and other transnational threats emerging from Afghanistan.

[...] Despite continued U.S. and coalition support, the Afghan Government continues to lack the resolve to address many corruption issues. A number of anti-corruption commitments have not been addressed nearly a year after the Kabul Conference and Afghans' perceptions of corruption in the government and its negative effects on their daily lives remain high.³¹

General capacity of the police force

➤ [Institute for War and Peace Reporting, Doubts Over Afghan Police Loyalties, 17/02/2012](#)

Despite a new survey indicating a rise in public confidence in the Afghan National Police, ANP, observers warn that the force's loyalties remain divided, and this could pose a security threat once NATO forces withdraw in 2014. Research carried out by the Afghan Centre for Socio-Economic and Opinion Research, ACSOR and the United Nations Development Programme indicates that 81 per cent of respondents felt respect for the law-enforcement agencies, a rise of eight percentage points from three years ago. Local observers warn that despite the ANP's apparently improved reputation, real concerns about its loyalties and cohesion persist. Ashraf Ghani Ahmadzai, a politician who currently chairs the Afghan Transition Coordination Commission dealing with the security handover from NATO to Afghan troops, said he was very dissatisfied with the police service, particularly in the north of the country. "Police have been recruited on the basis of partisan, ethnic, and factional connections in the north," he said, adding that once in uniform, their loyalties remained to their interest groups rather than to the public. "The police serve partisan, ethnic and parliamentary officials rather than the public. They take instructions from those

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who appointed them, and if they don't do what they want, they will be fired." Ahmadzai said while the Afghan National Army had made some progress in recent years, "I am more worried and concerned about the police; that mistreatment by them could jeopardise the [handover] process because they interact closely with the public," he said. The ANP currently numbers around 150,000 officers, and tens of millions of dollars have been spent on forming and training the force, with particular input from the German and United States governments. In northern Afghanistan in particular, many agree with Ahmadzai's suggestion that factional allegiances remain strong. Farid Ahmad Nurzai, a resident of the Dehdadi district of Balkh province, said that although he was happy Afghan forces were taking over from NATO, the current state of the ANP reminded him of the warlords and militias of the early 1990s. Many Afghans fear a return to the civil war, in which armed factions committed major abuses amid general chaos and lawlessness. "We can see that all the old militia members from Jamiat-e Islami and Junbesh-e Milli have been recruited either into local police units or to the ANP," he said Nurzai said the outlook would be dire unless a real national police force that rose above factional interests was forged. A police officer in the north, who spoke on condition of anonymity, confirmed that ANP units across the region were divided along partisan lines. In Balkh province, they were linked to the mainly Tajik faction Jamiat-e Islami, whereas in neighbouring Jowzjan province they were Uzbek and loyal to Junbish-e Milli. In Sarepul and Samangan, control of ANP units was divided among Junbesh, Jamiat, and the Hazara faction Wahdat-e Islami. He claimed that the interior ministry was "filtering out policemen from other groups, the Pashtuns in particular". According to Balkh resident, Fahim Sarwari, "The current police are the former militia members, just with a change of uniform." Sarwari said the presence of international forces had ensured that the ANP more or less kept to the law, but a NATO exit could lead to a return of the chaos of the civil war era, with the police presenting a threat to civilians instead of protecting them. Interior ministry spokesman Seddiq Seddiqi insists ANP appointments are made on the basis of merit, not political affiliation. "Although some officials, including members of parliament, do lobby for certain individuals to be appointed to posts, the interior minister has never heeded any unsound recommendation," he said. Seddiqi said that the ministry was planning to start moving ANP officers to different provinces to encourage a nationwide sense of loyalty. Another police officer in the north, however, said the ANP lacked the kind of disciplined management that would curb ethnic, linguistic and regional affiliations, build morale in the force, and forge a sense of national cohesion. Claims that the interior ministry system was a meritocracy, he said, were "an absolute lie". Political analyst Abdul Wakil agreed that the former militia leaders still exerted more influence over police officers than ANP commanders or government ministers. "How, then, can the nation trust this police force?" he asked. [...]

➤ [Institute for War and Peace Reporting, Afghan Investors Scared by Kidnapping Wave, 14/02/2012](#)

Afghan police and relatives of powerful officials have been linked to a wave of kidnapping and killing that threatens to scare away investors vital to economic recovery. When Shour Niazi, a trader, was kidnapped in the capital Kabul on January 20, it was by armed men in the uniform of the National Security Directorate, the domestic intelligence agency. Once inside the vehicle, they pulled a black mask over his face and drove him to a building where he was detained and beaten every day, while the kidnappers demanded a three million US dollar ransom from his family. "When they realised they wouldn't get the money, they wanted to kill me," Niazi told IWPR. "I made a hole in the wooden ceiling of the room and escaped. I then informed the police, who arrested some of them." Niazi has little confidence the men will be punished. He says suspects in such cases are always released. Kidnappings are nothing new in Afghanistan, but some fear the problem is escalating ahead of the 2014 withdrawal of American forces. The Afghan Chamber of Commerce and Industry, ACCI, says 85 of its members have been killed or abducted since late March 2011, 20 more than in the preceding 12 months. Ahmad Shah Hakimi, deputy chairman of the Kabul Chamber of Commerce, believes police were complicit in an attack on his entourage while he was transporting three million dollars last July. The assailants attempted to kidnap Hakimi and his brother, and killed two of his bodyguards. Although the abduction attempt failed, they made off with the money, held in a box inside Hakimi's vehicle. The circumstances of the attack made him suspicious. "If government officials are not supporting these groups, how come they were able to kill two of my bodyguards and steal my money close to a police checkpoint?" he asked. ACCI vice-chairman Khan Jan Alokozay told IWPR that his organisation believes senior officials and their relatives, rather than insurgent groups or ordinary criminals, are involved, "These are officials who have positions in the government. High

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ranking officials support them and they use government facilities,” he alleged. When the perpetrators of abductions are arrested, Alokozay says they are often released soon afterwards on the orders of corrupt officials. “There are documents and evidence available that indicate that some kidnappers have been released by the legal and judicial authorities,” he said. Alokozay said criminal proceedings against suspected kidnappers had been derailed by interference in Paktia and Logar provinces, and in Jalalabad city in Nangarhar province, all in eastern areas of Afghanistan. “Investment has fallen by 30 percent because of these factors,” he added. Alokozay said police were currently under pressure to release a man arrested last month for alleged involvement in a kidnapping. The pressure, he said, was being exerted by the suspect’s brother, a member of the Meshrano Jirga or upper house of parliament. General Mohammad Zaher, head of criminal investigations at Kabul police headquarters, acknowledged that this was the case but insisted the force would not be swayed. “The senator is exerting pressure on us to release his brother,” he said. “We have never released a criminal because he is a someone’s relative or client, nor will we ever do so.” The general insisted the police had a good record on solving abduction cases. “The police have acted successfully in every kidnapping case, and have arrested the criminals with all due haste,” he said. His predecessor in the post, however, conceded that some members of the Afghan National Police had taken part in kidnappings. “When I was head of criminal investigations at Kabul police headquarters, I arrested about seven police officers for involvement in such cases,” Sayed Abdul Ghafar Sayedzada, now director of criminal investigations at the Afghan interior ministry, said. Sayedzada said the courts needed to make more of an effort to ensure suspects were prosecuted. “I would urge the legal and judicial bodies to act swiftly and seriously in solving these cases,” he said. Officials at the prosecution service and Supreme Court declined to be interviewed on these matters. [...]

➤ [UNAMA, AFGHANISTAN ANNUAL REPORT 2011 PROTECTION OF CIVILIANS IN ARMED CONFLICT, February 2012](#)

[...] Executive Summary

Afghan Local Police and Protection of Civilians

With the start of transition in 2011, Afghan and international military forces relied increasingly on the Afghan Local Police (ALP) to fill gaps in securing rural and remote areas of the country.³⁰ ALP units have been formed in specific districts where the Afghan National Police or Afghan National Army were not present in sufficient numbers to adequately secure local communities and comprise individuals recruited locally to provide security within a limited geographic area. Costing considerably less to train and maintain than Afghan National Police or Afghan National Army recruits, the ALP numbers 11,066 in 57 districts with the Ministry of Interior authorized to recruit up to 30,000 in 99 districts.³¹ According to the International Security Assistance Force in Afghanistan (ISAF), the ALP provides an “enduring physical security presence that operates with local support and national approval and oversight,” is a “key piece in the comprehensive joint Afghan-ISAF counter-insurgency effort”, and “part of the wider Afghan-ISAF security network.”³² Throughout 2011, UNAMA received mixed reports on the performance of the ALP and their impact on civilian protection. At year’s end, most interlocutors reported improved security in areas where the ALP operated. Concerns persisted however regarding recruitment of known human rights abusers into the ALP in some areas and inadequate vetting, training, command and control, accountability and oversight.³³ UNAMA documented inappropriate influence by local power brokers in the recruitment and conduct of ALP members in some areas, ALP commanders imposing illegal taxes on some communities in Paktika and Kunduz provinces, and forced recruitment of local residents including children in some districts in Paktika, Farah and Uruzgan provinces. UNAMA received reports of murder, rape, violence and intimidation by ALP forces in Kunduz, Baghlan and Sari-Pul provinces and displacement of civilians in Uruzgan and Sari-Pul provinces caused by ALP abuses. [...]

➤ [Human Rights Watch, World Report 2012, 22/01/2012](#)

[...] The Armed Conflict

[...] In an effort to combat insurgency the Afghan government continues to arm and provide money, with little oversight, to militias in the north that have been implicated in killings, rape, and forcible collection of illegal taxes. As part of its exit strategy, the United States is backing “Afghan Local Police” (ALP), village-based defense forces trained and mentored primarily by US Special Forces, which have been created since 2010 in parts of the country with limited police and military presence. In its first year ALP units were implicated—with few consequences for perpetrators—in killings, abductions, illegal raids, and beatings,

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raising serious questions about government and international efforts to vet, train, and hold these forces accountable.

[...] Weak Rule of Law and Endemic Corruption

Afghanistan's justice system remains weak and compromised, and a large proportion of the population relies instead on traditional justice mechanisms, and sometimes Taliban courts, for dispute resolution.

Human rights abuses are endemic within the traditional justice system, with many practices persisting despite being outlawed. [...]

- [UN General Assembly, Report of the United Nations High Commissioner for Human Rights on the human rights situation in Afghanistan and technical assistance achievements in the field of human rights*, 18/01/2012](#)

[...] II. Protection of civilians

8. Protection of civilians remained a major concern throughout Afghanistan. As the conflict intensified in the traditional fighting areas of the south and southeast and moved to districts in the west and north, civilians experienced a downward spiral in protection. Fighting between armed groups and national and international forces took place regularly in more than half of the provinces. Even those provinces not directly affected by the fighting endured roadside bombings, targeted killings and suicide bombings that negatively impacted protection of civilians. [...]

- [Human Rights Watch, Afghanistan: Don't Expand Afghan Local Police, 15/12/2011](#)

President Barack Obama should halt plans by the US military to expand the Afghan Local Police program until significant reforms are made in training, supervision, and accountability, Human Rights Watch said today. On December 10, 2011, the commander of US Special Operations Command, Adm. William McRaven, suggested in a media briefing that the Afghan Local Police (ALP), locally based paramilitary units, would be increased from its current strength of 9,800 to more than 30,000.

A September 2011 Human Rights Watch report, "Just Don't Call it a Militia: Impunity, Militias, and the 'Afghan Local Police,'" detailed abuses by the ALP and various militias created or supported by the US since the defeat of Taliban rule in 2001. The report, while acknowledging that ALP units had contributed recently to improved security in some areas, documented serious abuses by ALP and other US-backed forces in several provinces, including looting, illegal detention, beatings, killings, sexual assault, and extortion. The report also described how the establishment of the ALP had inflamed ethnic tensions in some areas.[...] In response to the Human Rights Watch report, the US military in October ordered an investigation into the alleged abuses. An unclassified summary of the results released on December 15 stated that the investigation substantiated in whole or in part many of Human Rights Watch's allegations.

[...] Since the Human Rights Watch report was issued in September, there have been new problems with the ALP. Recent media reports documented a fatal armed clash between ALP and ANP in Baghlan Province in August. Other violent clashes involving members of ALP units included an incident in Herat Province in which two people were killed. Human Rights Watch is also investigating numerous other new allegations, including new cases of assault, extortion, intimidation, and illegal taxation. ALP units, which are established under the leadership of local commanders and often recruit members of a single ethnic or tribal background, have also exacerbated ethnic tensions in some parts of the country, triggering instability and local conflicts, Human Rights Watch said. In reports recently presented to the US-led NATO mission in Afghanistan, the UN High Commissioner for Refugees and the Norwegian Refugee Council both cited abuses by the ALP as a factor in a 51 percent increase in displacement of Afghans in the first 10 months of 2011 compared with the same time period in 2010. ALP units operate without proper oversight and lack effective mechanisms to investigate and respond to abuses, Human Rights Watch said. The review system to vet incoming ALP members and leaders relies on local leaders who can be vulnerable to intimidation and threats. As a result, units in some places are no more than the militias of local warlords, re-designated as ALP with the legitimacy of US support, including uniforms and pay. [...]

- [UN General Assembly, The situation in Afghanistan and its implication for international peace and security: Report of the Secretary-General, 13/12/2011](#)

[...] II. Relevant developments

[...] B. Security developments

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17. UNAMA also continued to monitor and provide advice on community-based security initiatives, including the Afghan Local Police, the Critical Infrastructure Protection Programme and other local defence initiatives, which continue to grow. The Afghan Local Police now numbers more than 9,000 in 56 sites sanctioned by the Ministry of the Interior. While these local defence forces have contributed to stability in some areas, the programme remains controversial, given possible fallout linked to issues of human rights abuses and decrease in civilian protection, impunity, vetting, command and control, and the potential re-emergence of ethnically or politically biased militias. UNAMA has engaged with the relevant authorities on these concerns and on specific allegations, and was advised that efforts to provide strict oversight would be increased.

[...] III. Human rights

27. The protection of civilians remained a major concern throughout the country. [...]

➤ [Afghanistan Analysts Network, Afghanistan's Paramilitary Policing in Context: The Risk of Expediency, 22/11/2011](#)

[...] 5.6 Conclusion

Efforts to improve command and control after 2002 narrowly focused on getting the police in better shape for the counter-insurgency effort. This had major implications for the functionality of the system. Significantly, internal affairs, more relevant to civilian policing, was neglected throughout the 2002–10 period and had only minimal impact on the functioning of the police. The technical capability to manage the fighting was greatly increased, but the willingness to fight had to be ensured through the appointment of individuals committed for personal or political reasons. The same individuals, however, most of the time showed little or no commitment to maintaining good relations with local communities, containing corruption and operating a transparent system.

➤ [Congressional Research Service, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, 22/11/2011](#)

[...] Afghan National Police (ANP)

[...] Outside assessments are widely disparaging, asserting that there is rampant corruption to the point where citizens mistrust and fear the ANP. Among other criticisms are a desertion rate far higher than that of the ANA; substantial illiteracy; involvement in local factional or ethnic disputes because the ANP works in the communities its personnel come from; and widespread use of drugs. It is this view that has led to consideration of stepped up efforts to promote local security solutions such as those discussed above. [...]

➤ [Center for Strategic and International Studies, THE AFGHANISTANPAKISTAN WAR AT THE END OF 2011: Strategic Failure? Talk Without Hope? Tactical Success? Spend Not Build \(And Then Stop Spending\)?, 15/11/2011](#)

Executive Summary

[...] Progress is taking place in creating an Afghan army, but without a functioning state to defend, the ANSF could fragment. Far less progress is taking place in creating the police and justice system.

[...] The ANA development effort is being rushed, funding is being cut, there are trainer and partner shortfalls, and the end result may be unsustainable. ANSF is making progress, particularly the ANA. There are sharp differences, however, between reported and actual progress, and no agreed plan as yet exists for shaping and full force development through 2014 and afterwards. Major cuts have already been made in future near-term funding. There are important ethnic differences in the ANA that could affect its future loyalties, and there are serious problems with loyalty to powerbrokers, corruption, and in leadership. These could all be corrected with time, the needed number of foreign trainers and partners, and adequate funds – but none may be available at the levels and duration required. The total current revenue generating capability of the Afghan government is also only about one-sixth of the US and allied spending on the ANSF in 2011. ISAF and NTM-A reporting sharply downplays these problems, but they are all too real. The ANAF will not be ready until 2016, and will then have very limited combat and IS&R capability. The ANP development effort is being rushed, funding is being cut, and there are significant trainer and partner shortfalls. The ANP are not supported by effective rule of law in terms of courts, detention facilities and a functioning legal system. The most effective element, the ANCOP, have an unacceptable attrition rate. Other police units have major problems with leadership corruption and loyalties to local power brokers. The border police are particularly corrupt. The Afghan Local Police work as long as they are

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supported by large elements of Special Forces, but these forces are not large enough to meet current expansion goals, and it is unclear what will happen when SOF advisors leave.

➤ [U.S. Department of Defense, Report on Progress Toward Security and Stability in Afghanistan, October 2011](#)

[...] 2.7: AFGHAN NATIONAL POLICE CAPACITY AND GROWTH MANNING

[...] Since adopting this attrition model, the ANP reported an average monthly attrition rate of 1.5 percent over the past six months. Although overall attrition in the ANP has remained near target levels for the past year, high attrition continues to challenge the ANP in particular, which has experienced an annual attrition rate of 33.8 percent; although this has decreased significantly from 120 percent annual rate in November of 2009, it remains above the accepted rate for long-term sustainment of the force.

[...] AFGHAN UNIFORM POLICE

[...] AUP attrition remains the lowest of all police pillars at 1.3 percent, and has consistently remained below the monthly attrition objective of 1.4 percent for the last 11 months (November 2010 – September 2011).

[...] EQUIPPING

Building a capable and sustainable ANP depends on acquiring the equipment necessary to support the three basic police functions: shoot, move, and communicate. [...] Despite progress, however, the ANP remains underequipped as a result of fielding challenges. [...]

➤ [The Brookings Institution, Afghanistan Ten Years after 9/11: Counterterrorism Accomplishments while a Civil War Is Lurking?, 06/09/2011](#)

[...] The quality of the Afghan national security forces, on which preserving stability hinges to a great extent, also still remains questionable. The Afghan National Police in particular continue to suffer from many vices and deficiencies, not the least of which is an absolute lack of capacity to suppress crime – the scourge of the lives of Afghans that eviscerates their security and provides a perfect mobilization platform for the Taliban. The Afghan National Army (ANA) has made large progress: Not only has it grown in size, but also its quality has improved. The coming two years will show how much capacity to tackle the Taliban and other forms of insecurity it has. But even the ANA represents hardly a clear-cut success. Worryingly, it appears that it is deeply ethnically-factionalized, not to mention the fact that most of its high-level commanders continue to be northerners and that southern Pashtuns exhibit little interest in signing up for even rank-and-file positions. Thus, there is a real danger that the ANA may fracture along ethnic lines and around particular commanders when the foreigners leave. [...] The militias mushrooming around Afghanistan with or without the encouragement of ISAF often prove unreliable and incapable of standing up to the Taliban, yet they frequently bring other forms of insecurity to an area and undermine good governance and peaceable relations within and among Afghan communities. The Afghan Local Police, one of such militia forces, has the most stringent oversight mechanisms compared to the other militias, but even in its case, the oversight exists mainly during the vetting phase of standing it up. Even in the ALP's case, established mechanisms are lacking for rolling it back should some of its units go rogue. Moreover, precisely because the absolutely necessary vetting takes time, the ALP currently numbers in the low thousands, with a growth of about 1,000 ALP fighters per half a year; thus the ALP can hardly be counted upon as a game-changer. However, sacrificing the vetting procedures and rushing to stand up the ALP faster will likely plunge it into the same abuse and unreliability problems that other militia forces have exhibited, only intensifying conflict dynamics in Afghanistan. [...] The political situation overall in the country is at its worse since 2002. Political patronage networks have been shrinking and becoming more exclusionary, including those surrounding President Hamid Karzai and the Arg Palace. Afghans are profoundly alienated from the national government and other power arrangements they face and deeply dissatisfied with the inability and unwillingness of Kabul to provide elemental public goods and with the pervasive corruption of the country's power elites. Local government officials had only had a limited capacity and motivation to redress the broader governance deficiencies. The level of inter-elite infighting, much of it along ethnic and regional lines, is also at the decade's peak. The result is pervasive hedging on the part of key powerbrokers, including by their resurrecting semi-clandestine or officially-sanctioned militia forces. Undertones of preparations for a civil war are sounding more strongly.

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➤ [Human Rights Watch, “Just Don’t Call It A Militia”: Impunity, Militias and the ‘Afghan Local Police’, September 2011](#)

[...] Summary

[...] In Afghanistan armed groups are proliferating. A decade after the US-led invasion of Afghanistan following the attacks of September 11, 2001, the Taliban-led insurgency has intensified in many parts of the country. In response, the Afghan government and its international supporters, as part of the international exit strategy, are expanding the national army and police at high speed. The government has reactivated various irregular armed groups, particularly in the north. Hundreds of small militias have also been created, by powerful local figures and sometimes by communities themselves, to respond to the deteriorating security situation in many parts of the country. International forces operating in Afghanistan work closely with militias, many of which have been accused of human rights abuses. For decades, Afghans have suffered serious human rights abuses at the hands of local militias, which include a diverse array of irregular forces ranging from armed groups working for tribal leaders to private security companies, criminal gangs, and insurgent groups. The closest Afghan word for militia is *arbaki* (see note on terms on page 17). This term also encompasses irregular forces created by formal government programs. Militias of all varieties have participated in murderous tribal vendettas, targeted killings, smuggling, and extortion. Rapes of women, girls, and boys have been frequent. Militias are usually controlled by men described as local strongmen or warlords—typically former mujahideen commanders who built up power bases during the anti-Soviet jihad—whose source of protection extends into the heart of local and national government. Abusive militias have alienated Afghans from the national government and in some places contributed to the expansion of the insurgency even as the growth in the insurgency has occasioned periodic spikes in government reliance on militias. It is a classic vicious circle. For example, Kunduz province in northeastern Afghanistan, long one of the more secure parts of the country, is now beset with militias. The rise of militias there has been in part a local response to a rapid decline in security as the Taliban and other insurgent groups have infiltrated and occupied significant parts of the province since 2008. But their rise has also been a deliberate policy of the National Directorate of Security (NDS), which has reactivated militia networks of previous decades, primarily through the *Shura-e Nazar* (“Supervisory Council” of the north, formerly led by Ahmed Shah Masood) and *Jamiat-i Islami* networks. The NDS has provided money and guns without requisite oversight. With patronage links to senior officials in the local security forces and the central government, these groups operate with impunity. In Kunduz the spread and power of militias has become pernicious. Human Rights Watch received a number of allegations of human rights abuses by militias in Kunduz province, including killings, rape, beatings, and extortion. In most cases, no action has been taken against the perpetrators. For example, in Khanabad district in August 2010, a militia killed a young man who refused to join the force. The local prosecutor refused to make any arrests because of the commander’s connection to the provincial chief of police and a local strongman, Mir Alam, who is closely involved with abusive armed groups. Into this mix, the United States and the Afghan government are now also providing military weaponry, training, and salaries to thousands of men in a new village-level force, the Afghan Local Police (ALP). Created at the behest of and funded by the US, the ALP is officially designed to “secure local communities and prevent rural areas from infiltration of insurgent groups.” It is supposed to supplement national security forces by providing community defense, but without law enforcement powers. It is seen by the US military as a way to deal with the immense time pressures of trying to hand control of security to the Afghan government by 2014 while maintaining stability in remote parts of the country. In creating the ALP, the Afghan government and the US say they have learned the lessons of the past and that this time things will be different. Supporters point in particular to what they describe as more rigorous measures to involve the local community in selecting and vetting recruits, as well as efforts to avoid empowering pre-existing militias and heavy oversight by US special operations forces for most of the new forces. While such goals are laudable, not enough is being done when creating new ALP units to address the factors that permitted past government-backed militias to commit abuses with impunity, sabotaging community trust, and undermining larger security objectives. Indeed, many Afghans have told Human Rights Watch that this new force is hard to distinguish from *arbakai* (plural for *arbaki*). The constant resort to militias as a quick security fix suggests a lack of understanding of how oppressive even a small militia can be when it operates without proper oversight and with impunity when it commits abuses. When militias engage in rape, murder, theft, and intimidation, and when there is little or no recourse to justice for victims, the creation of militias doesn’t decrease insecurity, it creates it. This report first provides an overview of the

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often negative consequences of government attempts over the past decade to create civilian defense forces. Since the fall of the Taliban, such forces have included the Afghan National Auxiliary Police, Afghan Social Outreach Program forces, Community Defense Forces, Community Defense Initiative/Local Defense Initiative forces, and Interim Security for Critical Infrastructure units. We look in detail at and present new evidence of recent abuses by a diverse group of local militias that have developed in Kunduz and by Afghan Public Protection Program (AP3) forces in Wardak, the most recent experiment in creating a civilian defense force, which is now an ALP force. While some community defense force programs have been more successful than others, all have been plagued by failures of vetting and oversight, and, too often, impunity for human rights abuses. In different ways and to different degrees, all of the programs have at times been hijacked by local strongmen or by ethnic or political factions, spreading fear, exacerbating local political tensions, fueling vendettas and ethnic conflict, and in some areas even playing into the hands of Taliban insurgents, thus subverting the very purpose for which the militias were created. Against this backdrop, the report then provides a detailed account of the ALP one year after it was created. Based primarily on interviews in Kabul, Wardak, Herat, and Baghlan, with additional interviews in Kandahar, Kunduz, and Uruzgan, we conclude that unless urgent steps are taken to prevent ALP units from engaging in abusive and predatory behavior, the ALP could exacerbate the same perverse dynamics that subverted previous efforts to use civilian defense forces to advance security and public order. The creation of the ALP is a high-risk strategy to achieve short-term goals in which local groups are again being armed without adequate oversight or accountability. [...] We have long raised concern about how desperate Afghans are for better security. But as this report makes clear, insecurity does not come only from “anti-government” elements. Poor governance, endemic corruption, human rights abuses, and impunity for government-affiliated forces are key drivers of the insurgency, which need to be addressed if development and true stability are to come to Afghanistan. The Afghan Local Police The ALP was approved by the Afghan government in July 2010 and established by presidential decree on August 16, 2010. According to the US military and the Afghan government, the ALP is being rolled out across the country to defend rural communities in areas where there is limited Afghan national army and police presence and while the national forces strengthen their capabilities. The Afghan government has an official target to hire 10,000 men for the ALP; the US Congress has approved funding for 30,000. As of August 2011, 7,000 men had been recruited to the ALP. The term “police” in the title of the ALP is a misnomer, as the ALP is not really a police force. Its terms of reference state that it is a “defensive force” that does not have law enforcement powers. Those supportive of the program say that it was created largely as a short-term fix for the Afghan National Police (ANP) and to free up the Afghan security forces to focus on offensive operations rather than defensive deployments. Afghan security forces will be expected to take the entire burden of such operations as the international troops withdraw. As one international official told Human Rights Watch, “ALP is the exit strategy.” Proponents of the ALP point to safeguards, such as Ministry of Interior control over the ALP, village shura (council) nomination and vetting of members, and training and mentoring by US special operations forces. ALP units are also supposed to report to the district chief of police. But Ministry of Interior officials have conceded to Human Rights Watch that many such safeguards had also been promised for previous initiatives that ended in failure. [...] An assumption undergirding creation of the ALP appears to be that the national police will be able to control ALP forces, despite weak command and control structures, and the fact that the ALP often far outnumber the national police in the districts where they operate. Furthermore, the ALP forces often have separate, informal channels to powerful government officials and local strongmen who can protect them from official accountability. The directive creating the ALP is vague about its powers. Rules about the ALP’s right to search and detain, where individuals can be detained, the length and conditions of detention, and the process for handing over detainees to the national police are unclear. ALP units undergo three weeks of training compared to the six weeks (soon to be eight weeks) for basic patrol officers in the national police force. The current ALP plan also lacks clear guidelines for the planned demobilization or transfer of ALP members to the national police when the ALP is wound up. The ALP is now a year old and the original 2010 plan envisioned the ALP to last from two to five years. The US military is the funder and primary driver behind the creation of the ALP, which it sees as a critical element of its current strategy in Afghanistan, particularly the goal of transitioning security to Afghan forces by 2014. In his testimony to the Senate Armed Services Committee in March 2011, Gen. David Petraeus called the ALP “arguably the most critical element in our effort to help Afghanistan develop the capability to secure itself.” The program follows US counterinsurgency doctrine. The US military manual, “Tactics in Counter Insurgency,” published in 2009, recommends local paramilitary forces in situations to make up for weak national forces, with no

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mention of the potential for blowback: If adequate HN [host nation] security forces are not available, units should consider hiring and training local paramilitary forces to secure the cleared village or neighborhood. Not only do the members of the paramilitary have a stake in their area's security, they also receive a wage. Providing jobs stimulates the economy. Having a job improves morale and allows locals to become a potential member of the local governmental process.

Abuses by the ALP

US special operations forces who are training and overseeing the new forces say that the new forces have begun to deliver improvements in security in a number of areas including places such as Gizab and Arghandab where they had previously established the "Local Defense Initiative" (LDI), a precursor to the ALP. While this report highlights areas of concern, some interviewees warmly welcomed efforts to support local security solutions, even in areas where they were concerned about the individuals empowered by ALP. The real test of the impact for the ALP in terms of insurgent presence and attacks will take place when the presence of international forces is reduced. In the provinces where we conducted investigations there is reason for serious concern. In Shindand district in Herat province, for example, which has a reputation for being a vipers' nest of intertwined militias, criminal gangs, and insurgents, Human Rights Watch received numerous complaints about failures of vetting and criminal or insurgent elements being absorbed into the ALP. Allegations of abuse by ALP members surfaced soon after the program began. In October 2010, an ALP member and a man linked to the Taliban were alleged to have killed two men in Bakhtabad village. The family members of one victim said that police officials informed them that nothing could be done because US special operations forces were backing the ALP unit. When the family approached US forces they were told it was an Afghan police matter, reinforcing the common perception among Afghans that armed groups linked to US forces can act with impunity. In another incident, in February 2011, an ALP unit raided several houses in Shindand, stealing belongings, beating residents, and illegally detaining six men. In June 2011, two boys were detained overnight by the ALP beaten and one of them had nails hammered into his feet while in ALP custody. In Baghlan province, security has deteriorated in recent years as a result of increased insurgent presence, criminal activity, and abusive government-backed militias. Former Hezb-i-Islami fighters, including local strongman Nur-ul Haq, were among the first recruits of the ALP. Haq and his men were working with US troops prior to being officially approved as ALP members. Haq and his forces were quickly implicated in numerous abuses. In August 2010, on a joint patrol with US forces in the Shahabudeen area, Haq and his men raided a house and unjustifiably killed the owner's nine-year-old son. In April 2011, four armed ALP members in Baghlan abducted a 13-year-old boy on his way home from the bazaar and took him to the house of an ALP sub-commander where he was gang raped. He escaped the next day. Although the assailants' identities were well-known, no arrests have taken place. The ALP in Baghlan has also been implicated in another murder and disappearance, but the police have told Human Rights Watch that they have been unable to question suspected ALP members due to their relationship with special operations forces. In Uruzgan province in December 2010, a local strongman detained six elders after they refused to agree to provide men to the ALP. Some members of the ALP in Khas Uruzgan have been implicated by local officials and residents in illegal raids, beatings, and forcible collection of tax. These cases raise serious concerns about ALP vetting, recruitment, and oversight. They also raise questions about the relationship of US forces with abusive members of the ALP and other groups and the lack of willingness of the district chief of police to investigate abusive ALP members. Many Afghans with whom Human Rights Watch spoke expressed concerns that criminal and insurgent elements were being absorbed into the force. When their concerns were raised with US and other foreign officials, reassurances were usually offered that the involvement of local shuras would guard against such problems. At both the policy and operational level, few questions appear to have been asked or assessments made about the composition of the shuras themselves or their ability to play an effective role against more powerful local forces. Officials and elders in some communities told Human Rights Watch that they had been pressured into accepting the ALP in their area. Local officials in Shindand and Baghlan objected to the deployment of the ALP, with the district council telling the Ministry of Interior that the ALP would be destabilizing. Local councilors complained to Human Rights Watch that the council had come under pressure from the government to accept otherwise unacceptable recruits into the ALP because the recruits had a close working relationship with US forces. The head of the Baghlan provincial council told Human Rights Watch that he had made his objections known to US forces without success: I spoke with Captain Andy from Special Forces. I told him that you are here to support Afghan people, not give them guns, they are criminals.... Captain Andy responded that they are not criminals. I was surprised that Special Forces are backing these people. US special operations

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forces talk about communities signing up for the ALP as drawing a “line in the sand”—that is, sending a clear signal to insurgents that the community in question backs the government. Communities are being asked to make a choice: you are either with us or against us. But for many Afghan communities the choice is not binary. In some parts of the country this decision means either supporting a government-backed militia that has raped, killed, and robbed, or the Taliban, which has carried out bomb attacks, assassinated civil servants, and threatened to kill teachers in girls’ schools. US and ISAF military forces in Afghanistan have compounded this unpalatable choice since they entered Afghanistan in 2001 by elevating abusive armed groups in security partnerships or giving them lucrative contracts in logistics or reconstruction. International forces can appear to be blind about these relationships. In other cases they are in active collusion, even as they talk about their fight against “the bad guys.” For the Afghan government and international allies who are currently promoting reintegration of Taliban and other insurgent fighters, the lure of the Afghan Local Police is almost irresistible. Not only do reintegrated fighters need jobs, but they also need security to protect themselves from retaliatory attack. But, for communities, this means seeing individuals and groups that have been their attackers or opponents for many years suddenly donning the uniforms of their protectors. If a community sees that there is no accountability for the members of the government’s new security force, and no certainty that their loyalties have now changed, they are unlikely to trust them or offer support. [...] The ALP is touted as a sensible response to the immediate security needs in conflict areas. However, many Afghans interviewed by Human Rights Watch fear that the ALP could be a destabilizing force if it strengthens local strongmen who act with impunity; our research suggests that this is already happening in some areas. Avoiding incorporating abusive forces into the ALP requires a commitment and strategic vision to tackle impunity, corruption, and factionalism within the government. Yet this vision has been in short supply. Almost 10 years after the fall of the Taliban government, it is striking how little has been accomplished in building effective state institutions, particularly those that deliver justice and rule of law. The Karzai government has shown little appetite for confrontations with corrupt officials or those who protect abusive forces. The US and other governments have not chosen to spend their political capital on demanding and then following through on reforms. The US government has obligations under the “Leahy Law” to ensure that no military unit receiving US assistance is involved in gross human rights abuses for which it is not held accountable. The US Department of Defense is largely funding the Afghan Local Police program, so needs to be fully apprised of US obligations under the Leahy Law. Instead of taking serious actions against abuses, short-term fixes have been the norm, as standards have been watered down. Consistent pressure to reduce US troop levels and concerns about the costs of US engagement in Afghanistan are encouraging resort to a quick fix. This thinking is to the detriment of long-term needs in Afghanistan. As the US prepares for transition of security to the Afghan government, it should be giving priority to ensuring a sustainable security strategy that will best secure the human rights of all Afghans. The concerns General McNeil expressed in the quotation at the start of this report that local paramilitary forces could end up empowering local strongmen and warlords should be at the forefront of evaluations of the ALP and the Afghan government’s strategy of promoting militias. The ALP should be judged on whether it can bring security without violating the rights of the local communities it has been tasked to defend. If it becomes just another abusive militia, it will not only cause immense harm to local communities, but risks undermining support for the central government and inflaming ethnic and political fault lines. Or, as one elder from Shindand suggested, it “will drive us to the Taliban.” Despite past failures and the entreaties of many Afghans, the strategy of creating new local forces, with all their inherent risks, persists. How the Afghan government and its international backers deal with the ALP and other armed groups will be a major test. Sadly, it is still not clear that either has the patience to implement sustainable policies that will protect local communities from both insurgents and government-backed predatory forces, no matter which side commits the abuses.

➤ [Refugees International, U.S. Congress must halt payments to Afghan local police due to human rights abuses, 28/06/2011](#)

Refugees International is calling on the United States Congress to halt payments to the Afghan Local Police initiative due to concerns that its units are increasing insecurity in Afghanistan. [...] An RI team recently returned from Afghanistan, where they heard stories of Afghan Local Police units and irregular militias committing abuses including murder, theft, extortion, bribery, and intimidation.[...] In the ten months since the Afghan Local Police (ALP) program was initiated, the Afghan government has mobilized more

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than 6,200 members in over 34 districts with the help of U.S. forces and ISAF. But Afghans and humanitarian actors have criticized the rapid rollout of the ALP program. The expansion of the ALP and the subsequent rise of informal militias – many operating under the guise of the ALP – is increasing insecurity. RI interviewed displaced people who said that newly formed militias looted, harassed, and forcibly taxed villagers in Jawzjan province. RI was also told of instances where powerful warlords pressured local leaders to formalize pre-existing militias into the ALP – around tribal, ethnic, or political lines – so they could use these units to avenge personal disputes or strengthen their influence.

2.4 Internal relocation

Excerpt from February 2012 Afghanistan OGN

2.4.5 The traditional extended family and community structures of Afghan society continue to constitute the main protection and coping mechanism, particularly in rural areas where infrastructure is not as developed. Afghans rely on these structures and links for their safety and economic survival, including access to accommodation and an adequate level of subsistence. In certain circumstances, relocation to an area with a predominantly different ethnic/religious make-up may also not be possible due to latent or overt tensions between ethnic/religious groups.¹⁷

2.4.6 In practice, all returns are currently to Kabul. Careful consideration must be given to any other place of proposed internal relocation and how it will be accessed, taking account of the latest security, human rights and humanitarian conditions in the prospective area of relocation at the time of the decision, including the availability of traditional support mechanisms, such as relatives and friends able to host the displaced individuals; the availability of basic infrastructure and access to essential services, such as sanitation, health care and education; and their ability to sustain themselves, including livelihood opportunities. Single males and nuclear family units may, in certain circumstances, subsist without family and community support in urban and semi-urban areas with established infrastructure and under effective Government control.

The above highlighted sentences identify some factors that need to be taken into consideration when assessing internal relocation options, which are mainly drawn from the December 2010 UNHCR Eligibility Guidelines.² UNHCR's approach to internal relocation is generally approved in the leading UK case dealing with the issue of internal relocation and the definitions of reasonableness and undue harshness in [Januzi v. Secretary of State for the Home Department & Ors \[2006\] UKHL 5 \(15 February 2006\)](#).

It is worth noting that the December 2010 UNHCR Guidelines highlight two additional "reasonableness" factors relating to internal relocation – both security and scale of displacement considerations - that should be taken into account when assessing IFA for "Individuals at Risk of Targeted Persecution" as follows:

[UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Afghanistan, 17/12/2010, section III, C, 1. Individuals at Risk of Targeted Persecution](#)

[...] Whether an IFA/IRA is "reasonable" must be determined on a case-by-case basis, taking fully into account the security, human rights and humanitarian environment in the prospective area of relocation at the time of the decision. To this effect, the following elements need to be taken into account: (i) the availability of traditional support mechanisms, such as relatives and friends able to host the displaced individuals; (ii) the availability of basic infrastructure and access to essential services, such as sanitation, health care and education; (iii) ability to sustain themselves, including livelihood opportunities; **(iv) the criminality rate and resultant insecurity, particularly in urban areas; as well as (v) the scale of displacement in the area of prospective relocation. [Emphasis added]**

It should also be noted that UNHCR provides specific guidance in relation to assessing the relevance of an internal flight alternative for claimants fleeing a situation of generalised violence:

² UNHCR, [UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan](#), 17/12/2010, section III, C, 1. Individuals at Risk of Targeted Persecution.

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➤ [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2010, section III, C, 2. Individuals Fleeing Generalized Violence](#)

[...] When assessing the relevance of an IFA/IRA for those individuals fleeing from a situation of generalized violence in Afghanistan, it is of particular importance to consider: (i) the concrete prospects of safely accessing areas of Afghanistan not affected by the generalized violence, including by assessing the risks associated with the widespread use of IEDs and landmines throughout the territory, attacks and fighting taking place on busy roads, and activities of organised criminal gangs; and (ii) the volatility and fluidity of the conflict in terms of the difficulty of identifying potential safe zones. Furthermore, the area of prospective IFA/IRA has to be practically, safely and legally accessible.

It should also be borne in mind that areas considered relatively stable may, nevertheless, be inaccessible in instances where access roads to and from such areas are considered insecure.

If relocation from a situation of generalized violence is deemed relevant, in particular in urban areas, the reasonableness test should take into consideration the elements outlined above for individuals at risk of targeted persecution.

The following sources provide an indication of the information available in the public domain at the time of writing this commentary in relation to those relevant issues which form part of an individual *assessment of internal relocation*. Given that the likely area of relocation proposed by the UKBA will be the capital city of Kabul, the sources below only refer to the situation found there. Where information specific to Kabul was not found, COI which referred to the general situation (e.g. unemployment in urban areas) has been presented which it can be assumed also applies to the situation in Kabul. It is still imperative that the specific characteristics of the claimant (e.g. gender, educational background, religion, ethnicity, family ties, health etc.) are taken into consideration when researching for additional COI on Kabul or any other place of proposed relocation.

The sources are presented under the following sub-headings:

- [Traditional support mechanisms](#)
- [Access to basic infrastructure and essential services in Kabul](#)
- [Livelihood opportunities](#)
- [Criminality rate in Kabul](#)
- [Scale of displacement in Kabul](#)
- [Situation of returnees \(incl. economic & social situation, risk of kidnapping/ extortion/ bribery, risk of secondary displacement, risk of land disputes\)](#)
- [Accessibility and freedom of movement in Kabul](#)

For sources on the availability of effective protection in Kabul, please see the sources listed in the previous sections '[2.3 Actors of protection](#)' and '[3.6 General security situation](#)'.

For additional sources to be consulted for the most up to date information on the situation and treatment of IDPs in Afghanistan, see the [database of useful sources to consult on the situation for internally displaced persons in Afghanistan](#) in the Appendix of this report.

Traditional support mechanisms

➤ [UN High Commissioner for Refugees, World Bank, Study Reveals Vulnerability of IDPs Living in Afghan Cities and Urges a Comprehensive Approach to Support Durable Solutions, 01/06/2011](#)

In an effort to better understand the characteristics, livelihood strategies and vulnerabilities of Internally Displaced Persons (IDPs) households living in urban centres and to find a durable solution for them, UNHCR in partnership with the World Bank completed a research study on IDPs in Kabul, Kandahar and

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Herat cities. A total of 450 IDP households (150 households in three locations in each city) were interviewed to provide the baseline data for the study.

[...] Key findings of the research include:

[...] Outside camps, protective community networks are IDPs' second most important factor in trying to fulfill their basic needs. The BI found that IDP networks pooled resources in order to be able to afford accommodation in their place of displacement (BI/TLO 2010: 93). The situation for IDPs who live in a host community rather than with a host family is complicated by the fact that new arrivals add pressure on community resources and are negligent of local norms and power structures. Host families often provide not only basic services but also a route to acceptance within the community. IDPs sometimes access work and loans through them. On the downside, the presence of IDPs in host families can put a strain on social relations because of a lack of space and privacy. Such situations require additional resources over and above those needed for ongoing survival, and as such erode the asset base of both the IDPs and their hosts (FEWS, October 2009). [...]

➤ [Internal Displacement Monitoring Centre \(Norwegian Refugee Council\), AFGHANISTAN: Armed conflict forces increasing numbers of Afghans to flee their homes - A profile of the internal displacement situation, 11/04/2011](#)

[...] The reach and limits of social networks for displaced populations

Family and tribal networks play a key role in supporting new IDPs by providing assistance in areas of refuge. Access to free accommodation means IDPs can reduce expenditure until they are able to pay rent (BI/TLO 2010, 93). The exchanges of unpaid services such as communal labour, childcare and cooking are important (AREU, April 2006 p21). Networks are also a source of loans and contacts essential in finding a job. According to the Brookings Institution and the Tribal Liaison Office, extended family networks enable displaced heads of household in Kandahar to seek livelihoods elsewhere while leaving the care of women and children to brothers or uncles (BI/TLO, May 2010: 18, 58). IDPs living outside camps and without a host family struggle to establish links with social networks (AREU, August 2006: 18). Collective activities can help inject a feeling of solidarity among community members, but a study by AREU found that where there was diversity within a community, reciprocity was more limited than in homogeneous settlements. Self-help systems in IDP neighbourhoods were delimited by tribal boundaries (Ibid: 62). [...]

➤ [Afghanistan Research and Evaluation Unit, SECURING LIFE AND LIVELIHOODS IN RURAL AFGHANISTAN - The Role of Social Relationships, December 2010](#)

[...] This paper provides evidence of the importance of social relationships to Afghan rural life and livelihood outcomes. This is an understanding of rural life not generally reflected in programme design and implementation. The paper draws from recently completed qualitative research on rural livelihood change in Kandahar, Badakhshan, Sari-Pul and Faryab provinces. Data was collected in 11 villages across the four provinces through in-depth interviews with eight case households in each village.¹ The household data clearly demonstrates the various ways in which social relationships are important to livelihood security. The nature and quality of these relationships, and a household's relative position within them, influence the extent to which the relationships might enable accumulation or slow improvement, support efforts to cope with crises, or keep households in poverty. Village characteristics, including concentration of landholdings and the availability of viable non-farm options to support diversification, are associated with variations across households in livelihood outcomes, as are household characteristics such as availability of male labour, and health and disability status.

Wealthy and socially powerful elites in the villages support village interests to varying degrees, depending on the extent to which these interests overlap with their own. In poorer and more marginal rural economies, such as Badakhshan and Sar-i-Pul, this overlap is greater and there is more evidence of traditional patronage imbued with obligation to help others. In the more unequal Kandahar villages, links to politically powerful actors and a surplus economy have led to self-interested economic practices among the elites. Connections upward are used to advance elite households and not to gain advantages for the villages. Some of the village elite actively maintain existing inequalities, exploiting the less powerful to further their own accumulation.

[...] Among poorer households, hierarchical relationships with those positioned to deliver needed resources are central to livelihood security. These include dependence on landlords, with risks of arbitrary loss of sharecrop land; reliance on labour contractors or smugglers to access work outside the village in

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urban areas or Iran; and dependence on carpet traders for access to weaving work in Faryab. This dependence provides more predictability to highly uncertain lives, but at a cost of higher risks, lower returns and fewer choices for the future. Charitable relationships are another way in which connections are important to livelihood security, especially for the poorest. Economic decline in many study areas, as well as modernisation processes slowly shifting interest away from collective needs, has meant offerings vary in quantity from year to year. This has made life highly precarious for those households dependent on charity. Those with more resources, who are able to access credit and reciprocate help, are enmeshed in informal mutual support networks. These generally offer credit free of interest, which aids crisis coping for most and slow improvement for a few. Respondent households recognise the importance of social relationships to livelihood security. This means they value their inclusion in the village community and work to maintain it. The need to avoid jeopardising relationships, coupled with the existence of social inequalities within the villages, means that holding elites accountable is challenging. Efforts to change existing power relations are even more so. If these efforts risk the security that poorer and less powerful households have, even if that security is gained on unfavourable terms, they may be unwilling to participate. In this way, social relationships can create and maintain poverty. These aspects of social relationships are therefore part of the problem of poverty that policy and programmes need to address in order to achieve sustained improvements in livelihood security. [...]

The following report assists in demonstrating the importance of family and community structures. Although not recent, the International Crisis Group report of August 2009 provides background information to Afghan “solidarity networks” as well as to the general challenges that returnees may face:

➤ [International Crisis Group, Afghanistan: What Now for Refugees?, 31/08/2009, section III, A and B, 2](#)

[...] Solidarity networks, composed of family members, friends and other contacts extending across one or several countries, are vital to Afghan mobility. These networks generally stem from kinship and qawm, or tribal affiliations, but are not necessarily mono-ethnic. Based on mutual trust and obligations contracted over generations, they constitute a powerful social and economic support system, thus helping the state to bear the burden. During the decades of civil war, Afghans had relied extensively on these networks to migrate locally, regionally or internationally. Families fleeing their homes sought the assistance of their kin group or qawm to seek refuge in the neighbouring valley and, if problems persisted, to settle in Afghanistan's urban areas or in an asylum country. The location and prior migratory routes of these solidarity networks often determined where migrants went: Pashtun tribes continued seeking the hospitality of fellow tribesmen across the Durand Line in NWFP; and many Hazaras continued to go to Balochistan's capital Quetta or to Iran. Families from the same qawm thus often settled in the same neighbourhoods or camps and maintained close ties even when they were dispersed geographically. Just as they provided assistance in exile, these networks are also facilitating reintegration by helping refugees resettle in their original communities. Some, particularly in Pakistan, are able to visit their relatives at home to assess the feasibility of returning to their home province. As the insurgency escalates and living conditions fail to improve, particularly in rural areas, Afghans within the country and in exile can tap the information, shelter and livelihood opportunities that such networks provide in Kabul, Mashad, Peshawar or even as far away as Dubai and London. This social network also enables repatriating Afghans to leave again should conditions deteriorate at home. Families sometimes choose to return precisely because members of their kin group or qawm remain in exile. In the words of a parliamentarian from Uruzgan province: “Those who have family staying in the country of asylum are fine, their family helps but those who don't are likely to become refugees again”. The former are less likely to once again face displacement because of economic hardship. By living throughout the region, they can make use of a variety of economic opportunities while benefiting from differing living costs. For instance, since salaries are higher in Afghanistan and living costs lower in Pakistan, a number of refugees come to work in Afghanistan's towns, leaving part of their family in Pakistani cities until they have secured sufficient resources to bear the cost of the household's repatriation. Similarly, because wages for unskilled labour are higher and living costs lower in Iran than in Afghanistan, Afghan families, facing Iranian state repression and discrimination, return home while leaving their young men behind to work. Families find it

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easier to resettle if they diversify their sources of income and rely on regional and even global remittances, as the state is still unable to provide basic services.

[...] The perceived impact of refugee return on reconstruction and development nevertheless remains controversial. Typically, the longer and farther away their exile, the more they are regarded with distrust by fellow Afghans. Afghans returning from Europe or North America are often accused of being motivated by the high salaries paid by international organisations rather than a longer term commitment to the country's future. "They've left their families in the West, they invest in the West and keep a hand on their foreign passport they have in their pocket. They're not very different from the other foreigners who are here They are strangers in their own country". [64] Some Afghans who remained in the region throughout the civil war even argue that those returning from the West should have no role in the country's reconstruction since they did not suffer or help defend their country. On the contrary, by now questioning local commanders' authority and legitimacy, they are further fracturing a population already divided along factional and ethnic lines. [65] [...]

Access to basic infrastructure and essential services in Kabul

- [UN General Assembly, The situation in Afghanistan and its implications for international peace and security: Report of the Secretary-General, 05/03/2012](#)

[...] VI. Development and humanitarian assistance

[...] 51. An estimated 19,300 persons were displaced in December 2011 and January 2012 owing to conflict across the country, further aggravating Afghanistan's deepening displacement crisis and bringing the total number of internally displaced persons in 2011 to almost 500,000, a 45 per cent increase in internally displaced persons owing to conflict compared to 2010.

52. Acute vulnerability, with limited shelter options, access to basic services and income generation, coupled with the unusually harsh winter conditions, contributed to the tragic and widely publicized death of children living in informal settlements in Kabul in January and February. More than 30,000 people currently live in 45 informal settlements in and around the capital. Between November 2011 and January 2012, most settlements received non-food items and/or fuel. Work is ongoing to address remaining gaps. The acute vulnerability in the informal settlements provides a snapshot of the harsh realities facing displaced Afghans throughout the country, many of whom are beyond the reach of the humanitarian community. Durable solutions to Afghanistan's displacement crisis require immediate and effective coordinated action by the Government and development actors to ensure that rural development, urban planning and housing, and property rights are adequately addressed. [...]

- [CIA World Factbook, Afghanistan: Economy, last updated 28/02/2012](#)

Economy Overview

Afghanistan's economy is recovering from decades of conflict.

[...] Despite the progress of the past few years, Afghanistan is extremely poor, landlocked, and highly dependent on foreign aid. Much of the population continues to suffer from shortages of housing, clean water, electricity, medical care, and jobs. Criminality, insecurity, weak governance, and the Afghan Government's difficulty in extending rule of law to all parts of the country pose challenges to future economic growth. Afghanistan's living standards are among the lowest in the world. While the international community remains committed to Afghanistan's development, pledging over \$67 billion at nine donors' conferences between 2003-10, the Government of Afghanistan will need to overcome a number of challenges, including low revenue collection, anemic job creation, high levels of corruption, weak government capacity, and poor public infrastructure.[...]

- [Integrated Regional Information Networks \(IRIN\), Afghanistan: IDPs at a crossroads, 24/02/2012](#)

Thousands of internally displaced persons (IDPs) in Afghanistan, mainly from the strife-torn southern provinces, have been heading for Kabul in the hope of finding work and a better life, but most end up living in appalling conditions in makeshift camps. Besmillah (he goes by just the one name), 38, fled the southern province of Helmand with his five children and wife two years ago after a rocket landed in his compound. "Because I was a poor farmer we didn't have a lot of valuable stuff, but we couldn't even bring our clothes with us," Besmillah told IRIN. He and his family now live in a mud-hut in a makeshift

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settlement in eastern Kabul. He has not been able to find work and the government has not provided him with shelter. "This winter killed my three-year-old child as I couldn't fix the holes in my hut and I wasn't able to buy fuel or wood for a Bukhari [heater]," he said. According to the Afghan Health Ministry, more than 20 children have frozen to death in these settlements over the past few weeks. [...]

➤ [Amnesty International, Fleeing war, finding misery: The plight of the internally displaced in Afghanistan, 23/02/2012](#)

[PLEASE NOTE: Due to formatting incompatibilities the report could not be copied into this commentary. Relevant sections for this particular issue include:

- 1. Summary (pages 9-13)
- 3. Living conditions (pages 31-50)
- 5. The threat of forced eviction (pages 56-64)
- 6. The response of the Afghan government (pages 64-73)]

➤ [Agence France-Presse, Mental trauma takes huge toll in Afghan war, 24/01/2012](#)

Mohammad Qasim, a 58-year-old butcher, is traumatised, depressed and anxious -- like 50 percent of his fellow Afghans after 30 years of war, according to government figures.

[...] Qasim is suffering from post traumatic stress disorder, an affliction he shares with half of his fellow Afghans, according to the director of the health ministry's mental health department, Doctor Bashir Ahmad Sarwari. "Two out of four Afghans suffer from trauma, depression and anxiety -- they make up some 50 percent of the population," he told AFP. "They are in trauma mainly because of three decades of war, poverty, family disputes and migration issues." Sarwari says that although the number of mental health specialists is growing -- there are now about 70 -- they cannot cope with the demand for treatment in a population of some 30 million people. Hospital facilities are also pitiful -- there is just one state-run mental health hospital with 100 beds, backed by small care centres in some private hospitals. [...]

➤ [IRIN, Numbers of returnees down, 09/11/2011](#)

[...] Since March 2002, 4.6 million Afghans have repatriated mainly from Pakistan and Iran under a UNHCR programme. This year's returnees include 43,000 from Pakistan and about 17,000 from Iran. But some say life has been tougher back home. Abdul Shokoor, 35, and his six-member family, for example, lived in an abandoned kindergarten building with other returnee families in the eastern part of Kabul since returning from Pakistan last year under the UNHCR repatriation programme. He went to his place of origin in Baghlan province, about 300km northeast of Kabul, but due to insecurity and lack of employment opportunities he had to return to the capital. "I returned with a hope that my life would be better in my own country, but I was wrong," Shokoor told IRIN, adding that now he was standing every day near a roundabout seeking daily labour to earn enough money to buy some food for his children. Under the UNHCR repatriation programme, which has entered its 10th year, every returnee receives US\$150 upon arrival to cover their transport and some initial costs before settling back home. Afghanistan's capacity to absorb more returnees is limited, therefore UNHCR is working with the government to ensure sustainable reintegration for those who have returned or will be returning in the future. [...]

➤ [Danish Refugee Council, Danish Refugee Council upscale reintegration efforts in Afghanistan, 08/09/2011](#)

Afghanistan has experienced more than three decades of conflict, with millions of Afghans fleeing into Pakistan and Iran. According to UNHCR, since 2002 over 5.6 million Afghan refugees have returned home. These returnees represent nearly a quarter of Afghanistan's population, yet more than 40% have not fully reintegrated. At the same time almost half a million IDPs remain in the same position. "Ongoing conflict, limited infrastructures and basic services, shortage of land and housing, lack of livelihood and income opportunities -- these things all add to the difficulties in reintegrating the millions of returning refugees and IDPs. The challenges must be addressed coordinated between national institutions and the international community," says Stefano Cordella, DRC Country Representative in Afghanistan. [...]

➤ [Integrated Regional Information Networks, KABUL: Afghanistan's water crisis, 06/07/2011](#)

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Only 48 percent of Afghanistan's population have access to safe drinking water and only 37 percent use improved sanitation facilities - with serious health implications, especially for children, according to the UN Children's Fund. While some parts of the country are physically water scarce, most people lack access to safe water because of inadequate infrastructure and poor management rather than insufficient resources, says a report published by the Centre for Policy and Human Development at Kabul University. "During three decades of turmoil in Afghanistan, water supply infrastructure has been neglected or destroyed, while the relevant institutions responsible for management and service delivery have collapsed," said the report entitled Afghanistan Human Development Report 2011. "Around 73 percent of the population relies on improvised and inadequate facilities to supply water, while water sources are becoming increasingly polluted and overexploited in places like Kabul." Some 70 percent of the urban population live in unplanned areas or in illegal settlements, while 95 percent lack access to improved toilets. In Kabul 80 percent of the population live in unplanned settlements where poor sanitation and lack of access to safe drinking water are common.

➤ [UN High Commissioner for Refugees, World Bank, Study Reveals Vulnerability of IDPs Living in Afghan Cities and Urges a Comprehensive Approach to Support Durable Solutions, 01/06/2011](#)

In an effort to better understand the characteristics, livelihood strategies and vulnerabilities of Internally Displaced Persons (IDPs) households living in urban centres and to find a durable solution for them, UNHCR in partnership with the World Bank completed a research study on IDPs in Kabul, Kandahar and Herat cities. A total of 450 IDP households (150 households in three locations in each city) were interviewed to provide the baseline data for the study. The research study highlights that conflict-induced displacement; limited reintegration opportunities for returning refugees, the rapid growth of cities and proliferation of informal settlements constitute an enormously complex challenge for the Government, Municipalities, humanitarian and development actors in Afghanistan. The study, which is part of a broader World Bank research on poverty in Afghanistan, details the extreme vulnerability of IDPs, even in comparison to the profile of urban poverty captured in the World Bank's Poverty Status Report based on the 2007/08 National Risk and Vulnerability Assessment. "The research identifies the realities of displacement and the risk that unplanned urban growth leaves entire communities vulnerable to extreme poverty," said Nicholas Krafft, World Bank Country Director for Afghanistan. "We hope the analysis will contribute to inform the public policy debate on how to promote more inclusive urban development and to assist the most vulnerable segments of the Afghan population."

Key findings of the research include:

- While conflict and insecurity are usually the main push factors to displacement, economic considerations such as food security and better employment opportunities act as the main pull factors to the urban centres.
- Displacement to urban centres is rarely temporary. 70% of IDPs interviewed have lived in their current informal settlement for over 2 years and more than 90% plan to settle permanently. 80% said that their unwillingness to return home was due to the lack of livelihood opportunities in their place of origin.
- IDPs living in informal settlements of urban areas tend to be more vulnerable and deprived than urban poor, with the biggest challenges being related to unemployment, access to proper housing and food security.
- IDPs have fewer labor market opportunities. This is mainly due to the lack of skills adapted to the urban economic context and lower literacy rates compared to the urban poor which translates into lower earning capacity and higher vulnerability to poverty.
- Most urban IDPs live in informal settlements with poor sanitation and few essential services. Over 70% do not have access to electricity, adequate water and sanitation facilities. 18% of the urban poor face similar challenges.
- IDPs live in much more precarious housing conditions than the urban poor, a key factor in their vulnerability irrespective of the length of displacement. About 60% of IDPs live in tents, temporary shelter or shack, and 85% of IDPs do not have any land deed compared to 25% of the broader category of urban poor.
- IDPs living in informal settlements are also extremely vulnerable to food insecurity especially for the initial years of settlement. 14% of IDPs covered in this study report to have problems satisfying food needs

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several time every month, showing a risk of being food insecure almost 5 times higher compared to the urban poor population. [...]

Significant variations within the IDP population

Displaced peoples' own resources (savings, knowledge and labour) are the main factor in determining the fulfillment of their basic needs. The ability of households to withstand the shock of displacement depends on the resources originally held and their ability to generate new income. Differences are more likely to exist between internally displaced households than between IDPs as a group compared to other groups (AREU 2004 pp. 1-3). But general data suggests that the nomadic Kuchi - whose health and literacy indicators rank lowest among the total population - are worse off than other internally displaced groups (GoA, 2009 p. 117).

Outside camps, protective community networks are IDPs' second most important factor in trying to fulfill their basic needs. The BI found that IDP networks pooled resources in order to be able to afford accommodation in their place of displacement (BI/TLO 2010: 93). The situation for IDPs who live in a host community rather than with a host family is complicated by the fact that new arrivals add pressure on community resources and are negligent of local norms and power structures.

Host families often provide not only basic services but also a route to acceptance within the community. IDPs sometimes access work and loans through them. On the downside, the presence of IDPs in host families can put a strain on social relations because of a lack of space and privacy. Such situations require additional resources over and above those needed for ongoing survival, and as such erode the asset base of both the IDPs and their hosts (FEWS, October 2009). [...]

Whether they rent or invest in their own shelter, the majority of IDPs in urban areas live in unplanned areas. In Kabul, where up to 60 per cent of housing had been destroyed as of 2004 (ACF January 2004, p. 10), up to 70 per cent of the population lives outside the city's planning zone. The majority of IDPs settled in informal areas such as hillside settlements near the city centre. In a NRC survey of informal settlements in Kabul, 43 per cent of the respondents were IDPs or migrants, 36 per cent were refugee returnees and 11 per cent local residents (NRC 2010: 17). [...]

➤ [Internal Displacement Monitoring Centre \(Norwegian Refugee Council\), AFGHANISTAN: Armed conflict forces increasing numbers of Afghans to flee their homes - A profile of the internal displacement situation, 11/04/2011](#)

[...] The majority of urban IDPs have settled in unplanned, informal settlements known as zor abad, or places taken by force. These settlements make up 70 percent of Kabul's total urban area and accommodate 80 percent of the city's population, according to a World Bank estimate (AREU, August 2006: 21; WB, 2005). They have low land and shelter costs, they are close to employment opportunities and they have established social networks either of relatives or others of the same ethnicity (SFL Hillside, 2010: 5). Others live in some 31 informal settlements of a spontaneous nature at the margins of the urban perimeter, ranging in size from five to 700 families (OCHA, February, March and December 2010). A 2010 survey by UNHCR shows that there has been a gradual growth of such settlements in Kabul since 2002, and that their inhabitants come from varied backgrounds (UNHCR Kabul, September 2010; IRINNEWS, 23 November 2010).

[...] In Kabul, where up to 60 per cent of housing had been destroyed as of 2004 (ACF January 2004, p. 10), up to 70 per cent of the population lives outside the city's planning zone. The majority of IDPs settled in informal areas such as hillside settlements near the city centre. In a NRC survey of informal settlements in Kabul, 43 per cent of the respondents were IDPs or migrants, 36 per cent were refugee returnees and 11 per cent local residents (NRC 2010: 17). NRC's survey suggests that housing conditions in the surveyed areas are similar for returnee, IDPs and economic migrants. The population influx to urban areas has created a housing crisis, and the right of poor people to adequate housing and security of tenure is largely unmet in all larger cities (GoA - NRVA, 2009: 24). High rents and frequent evictions have forced IDPs and refugee returnees into cramped conditions (ACF January 2004, p. 23). A 2005 study in Herat, Kabul, Jalalabad and Mazar-i-Sharif found that on average, five people shared one room (AREU 2006: 31).

[...] The Watchlist on Children and Armed Conflict even heard of displaced parents in Kabul settlements who had sold their children to survive or provide for the rest of their families (June 2010). According to the Child Rights Consortium (CRC), children in informal settlements near Kabul suffered from diseases related to cold weather conditions, malnutrition and inadequate shelter, a finding echoed by echoed by the UN Special Representative (SRSGCAC 2010, p. 11; IRIN, 26 November 2009). Most children in these areas did

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not attain the minimum standard for the provision of basic necessities as outlined by Guiding Principle 18 (BI, 2008: XX).

[...] Data on employment in Kabul and other cities suggests that the unemployment rate among samples which include IDPs was lower than the national average. NRC/ALTAI's research reveals a degree of sustainability in refugee returnees' urban lives. Many are affected by external shocks including inflation, unemployment and serious illness and death during the reintegration process, but 62 per cent of interviewees said they were able to at least partially recover (2010: 10).

[...] IDPs in Kabul's hillside settlements live in areas with significant sanitation, health and safety problems, and where upgrading services would be prohibitively expensive. SFL's 2010 study concludes that the settlements are not viable and that a plan to relocate residents to flatland areas should be developed and implemented (SFL for USAID, January 2010: 32). This would, however, affect tens of thousands of IDPs who have already invested in shelters there.

[...] IDPs who settled in Farah city late 2008, Qala-e-Nau city in early 2009 and Kabul from November 2009 all said they lacked access to adequate food, shelter, health care, safe drinking water, sanitation, clothes and education.

[...] Food insecurity is also a challenge for urban returnees. Mazar-e-Sharif has the worst levels of food security, according to NRC/ALTAI Consulting, followed by Jalalabad, Kabul and Herat (NRC/ALTAI, 2010: 29). The most common coping strategy was either to reduce food quality and quantity or purchase food on credit (Ibid).

[...] Data on the displaced population is case based. An Action Contre la Faim (ACF)-led assessment of children under the AGE of five in an informal IDP settlement in Kabul found that malnutrition was a serious problem (IRINNEWS, 4 and 14 January 2010).

[...] Those living in Kabul's makeshift Qambar camps in Kabul were forced to defecate in the open. ACF had intended to respond to residents' complaints about infestations of flies and mosquitos by installing toilets and water points, but the government refused them permission to do so (IRIN, 23 April 2009).

[...] Health hazards are endemic in the areas where refugee returnees and IDPs have settled in Kabul and included lack of potable water, open sewage and the accumulation of solid waste (KM/USAID-OFDA, January 2010: 7). Urban returnees surveyed by NRC/ALTAI (2010: 2X) rated difficult access to health services as their fifth most important problem. Twenty per cent of urban IDPs registered by the UN Humanitarian Country Team (UNHCT) in 2010 were either physically disabled, mentally ill, chronically ill or drug-addicted. Some informal IDP settlements did not have health structures in February 2011, although the Ministry of Public Health said all citizens were entitled to the free-of-charge basic health services at state hospitals and clinics across the country (IRINNEWS, 1 February 2011).

Livelihood opportunities

➤ [CIA World Factbook, Afghanistan: Economy, last updated 28/02/2012](#)

Economy Overview

Afghanistan's economy is recovering from decades of conflict. The economy has improved significantly since the fall of the Taliban regime in 2001 largely because of the infusion of international assistance, the recovery of the agricultural sector, and service sector growth. Despite the progress of the past few years, Afghanistan is extremely poor, landlocked, and highly dependent on foreign aid. Much of the population continues to suffer from shortages of housing, clean water, electricity, medical care, and jobs.

[...] While the international community remains committed to Afghanistan's development, pledging over \$67 billion at nine donors' conferences between 2003-10, the Government of Afghanistan will need to overcome a number of challenges, including low revenue collection, anemic job creation, high levels of corruption, weak government capacity, and poor public infrastructure.[...]

➤ [Integrated Regional Information Networks \(IRIN\), Afghanistan: IDPs at a crossroads, 24/02/2012](#)

Thousands of internally displaced persons (IDPs) in Afghanistan, mainly from the strife-torn southern provinces, have been heading for Kabul in the hope of finding work and a better life, but most end up living in appalling conditions in makeshift camps. Besmillah (he goes by just the one name), 38, fled the

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southern province of Helmand with his five children and wife two years ago after a rocket landed in his compound. "Because I was a poor farmer we didn't have a lot of valuable stuff, but we couldn't even bring our clothes with us," Besmillah told IRIN. He and his family now live in a mud-hut in a makeshift settlement in eastern Kabul. He has not been able to find work and the government has not provided him with shelter. "This winter killed my three-year-old child as I couldn't fix the holes in my hut and I wasn't able to buy fuel or wood for a Bukhari [heater]," he said. According to the Afghan Health Ministry, more than 20 children have frozen to death in these settlements over the past few weeks. [...]

➤ [Amnesty International, Fleeing war, finding misery: The plight of the internally displaced in Afghanistan, 23/02/2012](#)

[PLEASE NOTE: Due to formatting incompatibilities the report could not be copied into this commentary. Relevant sections for this particular issue include:

- 1. Summary (pages 9-13)
- 3. Living conditions
 - Employment (pages 42-44)]

➤ [Integrated Regional Information Network, AFGHANISTAN: Time running out for displaced farmers, 27/01/2012](#)

[...] Now he, his two wives and 11 children live on the outskirts of Mazar-i-Sharif, some 85km away, in rented homes without water or electricity. In this community, families displaced by the drought live four or five to a home, with only a tarpaulin covering the mud floor, and sheets covering the holes meant for windows. Young children walk around barefoot in sub-zero temperatures and do not go to school. In each family one man tries to find casual work in the city. If he is lucky, he earns 200 Afghani a day (US\$4) with which to feed his entire family. Newly arrived families received tarps and blankets from the International Organization for Migration (IOM), as well as a three-month food ration, but some say they are still very much in need. [...]

➤ [Civil-Military Fusion Centre, The Youth Bulge in Afghanistan: Challenges and Opportunities, October 2011](#)

[...] Employment Prospects

Only 49% of Afghan men (15-24 years old) are literate reports the United Nations Children's Fund (UNICEF). Female rates for the same age bracket are even lower at, 18% for 15-24 year olds. Given unemployment rates of 40%, finding a job in Afghanistan is challenging, reports UNICEF. According to the IRIN, joblessness is not just impacting the least educated youth but also university-educated youth. Recently, the Miakhel article shares that out of 83 students graduating with a degree from Nangarhar University, only a few had jobs. The remaining graduates were unemployed. Afghan's Deputy Minister of Labour and Social Affairs, Wasel Nur Mohmand, told Miakhel that young people were frequently left outside the job market because they had little to offer, in terms of skills and experience, to potential employers. The Deputy Minister stated: "[B]oth government and the private sector employ people who have skills, many of our young people don't have these skills, which is why they are unemployed." As will be discussed later in this report, steps are increasingly being taken to overcome challenges such as those noted by the Deputy Minister. Additionally, the 2007 UNDP's National Youth Programme's Joint Programme Document suggests that serious policy gaps have been partially responsible for the current state of youth unemployment. For one, the Joint Programme Document reports that as of 2007, vocational and business training opportunities for young people had been in short supply. A 2010 Committee on Education & Skills Policy (CESP) technical paper recognises that the current number and quality of vocational schools are underserving the young population. Also, many of the returning youth, who were educated and trained in other countries while displaced by fighting and political conditions in Afghanistan were unable to receive official recognition for their qualifications from Afghan authorities. Many such repatriated refugees were thus prevented from working in their respective fields. [...]

➤ [Institute for War and Peace Reporting, Troop Pullout Bad for Afghan Economy, 22/08/2011](#)

[...] Government officials say between 35 and 40 per cent of the workforce is unemployed. As a result, many are forced to seek employment abroad, and 36 per cent of the resident population lives below the poverty line. Khodadad, a tribal elder in Qarabagh district of Ghazni province said local villages had

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emptied as residents moved to the cities or to other countries in hope of finding work. "There's no security or work in the villages," he said. "Farming is no longer profitable. Poverty is increasing and people live in desperate conditions." Life remains hard for many in the cities, too. Yaqub, a 65-year-old resident of the capital Kabul, said he earned two to four dollars a day working as a porter, and had to support a family of seven from this. Housing rent alone was 50 dollars a month, he said. "Our lives are getting worse on a daily basis," he said. "The poor have become poorer and the rich have become richer. Our government and the foreigners are all liars and traitors." Sayed Masud, an economist who lectures at Kabul university, said that while GDP had increased, this had not been matched by a rise in living standards for the majority. The figures were also skewed by illicit revenues from the drugs trade, and the fact that large amounts of foreign aid money had been siphoned off. As a result, he said, "Ten per cent of the population have the same income as the other 90 per cent. So 90 per cent of people are hostage to ten per cent." [...]

- [UN High Commissioner for Refugees, World Bank, Study Reveals Vulnerability of IDPs Living in Afghan Cities and Urges a Comprehensive Approach to Support Durable Solutions, 01/06/2011](#)

In an effort to better understand the characteristics, livelihood strategies and vulnerabilities of Internally Displaced Persons (IDPs) households living in urban centres and to find a durable solution for them, UNHCR in partnership with the World Bank completed a research study on IDPs in Kabul, Kandahar and Herat cities. A total of 450 IDP households (150 households in three locations in each city) were interviewed to provide the baseline data for the study.

[...] Key findings of the research include:

[...] • IDPs have fewer labor market opportunities. This is mainly due to the lack of skills adapted to the urban economic context and lower literacy rates compared to the urban poor which translates into lower earning capacity and higher vulnerability to poverty. [...]

Criminality rate in Kabul

The Afghanistan NGO Safety Office, a non-profit humanitarian activity providing services, free of charge, to the NGO community in Afghanistan, produces bi-monthly reports on, amongst others, the crime situation in Kabul. Due to formatting incompatibilities the reports could not be copied into this commentary – the reports can be viewed directly and printed out here: <http://www.ngosafety.org/2011.html>.

- [Foreign and Commonwealth Office, Afghanistan Travel advice, updated 12/03/2012 \(still current 13/03/2012\)](#)

[...] Safety and Security - Political Situation

[...] Other areas have seen steady improvements in security, but are still prone to terrorist attacks and a high crime rate, including Kabul City. [...]

- [CIA World Factbook, Afghanistan: Economy, last updated 28/02/2012](#)

Economy Overview

[...] Criminality, insecurity, weak governance, and the Afghan Government's difficulty in extending rule of law to all parts of the country pose challenges to future economic growth. [...]

Scale of displacement in Kabul

- [Amnesty International, Fleeing war, finding misery: The plight of the internally displaced in Afghanistan, 23/02/2012](#)

[PLEASE NOTE: Due to formatting incompatibilities the report could not be copied into this commentary. Relevant sections for this particular issue include:

- 1. Summary (pages 9-13)
- 2. Internal displacement in Afghanistan (pages 16-18)]

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➤ [UNAMA, AFGHANISTAN ANNUAL REPORT 2011 PROTECTION OF CIVILIANS IN ARMED CONFLICT, February 2012](#)

[...] Executive Summary

Impact of the Armed Conflict on Afghans

As 2011 unfolded, ordinary Afghan people experienced growing intrusion into and disruption of their daily lives by the armed conflict in their country. Conflict and insecurity displaced 185,632 Afghans in 2011, an increase of 45 percent from 2010.35 [...]

➤ [Integrated Regional Information Network, AFGHANISTAN: Time running out for displaced farmers, 27/01/2012](#)

[...] There are already more than 450,000 people displaced by conflict in Afghanistan, of whom 289,000 have been displaced for more than one year, according to the UN, putting a stress on government and aid agencies in a country already heavily dependent on international aid. [...]

Situation of returnees (incl. economic & social situation, risk of kidnapping/extortion/bribery, risk of secondary displacement, risk of land disputes)

➤ [Integrated Regional Information Network, Bracing for mass evictions from Pakistan, 27/02/2012](#)

The Afghan government and international aid workers are bracing for an imminent deportation from Pakistan of thousands of Afghan migrants and unregistered refugees - a move they warn could be destabilizing for the fragile country.

[...] Many returnees end up living in informal settlements or begging on the street. [LINK TO STORY ON SUSTAINABLE SOLUTIONS FOR REFUGEES] Aid workers say young, unemployed, badly integrated youth are easy targets for Taliban recruiters. For Candace Rondeaux, senior analyst with the International Crisis Group in Afghanistan, the implications of a mass return in a short period of time would be "enormous". [...]

➤ [Amnesty International, Fleeing war, finding misery: The plight of the internally displaced in Afghanistan, 23/02/2012](#)

[PLEASE NOTE: Due to formatting incompatibilities the report could not be copied into this commentary. Relevant sections for this particular issue include:

- 1. Summary (pages 9-13)
- 2. Internal displacement in Afghanistan (pages 16-18)
 - Returning refugees (page 27)
 - Inability to return to safety (page 27)
 - Seeking shelter in slums (page 29-30)]

➤ [Agence France-Presse, UN says Afghan refugee strategy a 'big mistake', 27/12/2011](#)

The head of the UN refugee programme in Afghanistan on Tuesday described its strategy in the war-ravaged country since 2002 as the "biggest mistake UNHCR ever made". Almost a quarter of the population of Afghanistan is made up of refugees returning from Pakistan and Iran. Many find themselves homeless, or living in slums under tarpaulin. But Peter Nicolaus, UNHCR representative in Afghanistan, said the international community had failed to help returnees find a means of earning a living and therefore reintegrating into society. "We made a big mistake, the biggest mistake UNHCR ever made," he said of the strategy which was implemented in 2002. [...]

➤ [Danish Refugee Council, Danish Refugee Council upscale reintegration efforts in Afghanistan, 08/09/2011](#)

Afghanistan has experienced more than three decades of conflict, with millions of Afghans fleeing into Pakistan and Iran. According to UNHCR, since 2002 over 5.6 million Afghan refugees have returned home.

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These returnees represent nearly a quarter of Afghanistan's population, yet more than 40% have not fully reintegrated. At the same time almost half a million IDPs remain in the same position. "Ongoing conflict, limited infrastructures and basic services, shortage of land and housing, lack of livelihood and income opportunities – these things all add to the difficulties in reintegrating the millions of returning refugees and IDPs. The challenges must be addressed coordinated between national institutions and the international community," says Stefano Cordella, DRC Country Representative in Afghanistan. [...]

➤ [Internal Displacement Monitoring Centre \(Norwegian Refugee Council\), AFGHANISTAN: Armed conflict forces increasing numbers of Afghans to flee their homes - A profile of the internal displacement situation, 11/04/2011](#)

[...] NRC/ALTAI highlights various types of economic vulnerability among urban returnees. Its research found that 96.2 per cent had no remittances, 80.5 per cent of respondents had no savings, 63 percent relied on one family member per household to provide for the rest, 52.6 per cent lacked access to loans and 37.2 per cent had only a single source of income (NRC/ALTAI 2010: 8).

[...] It is documented that tens of thousands of IDPs fled to regional cities, and that returning IDPs who take their families home to their villages to be looked after by relatives then go back to urban centres in search of work (Ibid: 5, 17).

[...] Causes of displacement

Land and resources

A legal review of Afghans laws finalized in 2010 did not find that prevention from displacement was addressed in the Afghan legal system. But several of the rights safe guarded in the Constitution are relevant, including Articles 38 and 40 which affirm the inviolability of private homes and property, and the Civil Codes' protection of extrajudicial confiscation or acquisition of property (BPID/NRC, November 2010: 24-25). In practice however, the weak rule of law does not prevent displacement happen due to the infringement of these laws. Local and inter-ethnic disputes over natural resources, particularly land, are common across most of Afghanistan. The phenomenon is most clearly seen in the central highlands, where clashes between Kuchis and Hazaras militias have caused significant displacements since 2007. It is also evident in the east and south-east and north, where returning IDPs and refugees claim access to the property they were forced to abandon. A report by the Afghanistan Independent Human Rights Commission (AIHRC) published in 2007 found that 67 per cent of refugee returnees were unable to return to their places of origin due to lack of land, or left after finding that their land had been taken (AIHRC, 2007). Another study published in the same year found that returnees' claims make up a large proportion of all disputes over the private ownership of rural land (BI, November 2007). Some 40 per cent of IDPs interviewed by the AIHRC linked their displacement to land issues (AIHRC, May 2006: 2, 8), and in 2009 UNOCHA reported an increase in internal displacement as a result of conflict over land and resources (OCHA, 2 February 2009).

[...] Conflict induced displacement since 2009

According to OCHA, of those displaced between January 2003 and September 2009, some 60 per cent were refugee returnees in secondary displacement and 40 per cent were "battleaffected" (OCHA, September 2009: 13).

[...] Displacement to urban areas

[...] Judging by a recent study, refugee returnees living in the main cities are generally not IDPs. Eighty per cent of refugee returnees come from an urban background and chose cities as their preferred destination upon return. Ninety-two per cent of refugee returnees who live in Kabul, Jalalabad, Herat and Mazar did not change residence after having returned to Afghanistan (NRC/ALTAI, 2010: 9). Of those who did leave their initial place of residency, 49 per cent did so in search of employment and only 21 per cent as a result of conflict and insecurity, the latter making up only 1.6 per cent of the total number of urban returnees (Ibid: 18). Most researchers assume that IDPs and refugee returnees have comparable needs and coping strategies (see e.g. UNHCR, November 2008), but in contrast to the returnees, IDPs displaced to urban areas are mainly of rural origin.

[...] Physical security

[...] In 2010, the UN Mine Action Centre for Afghanistan (UNMACA) found that most landmine victims were returnees or IDPs.

[...] Food and water

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[...] Food insecurity is also a challenge for urban returnees. Mazar-e-Sharif has the worst levels of food security, according to NRC/ALTAI Consulting, followed by Jalalabad, Kabul and Herat (NRC/ALTAI, 2010: 29). The most common coping strategy was either to reduce food quality and quantity or purchase food on credit (Ibid). The Afghanistan Research and Evaluation Unit (AREU)'s 2006 research into IDPs and other vulnerable households found that households spent an average of 45 to 60 per cent of their income on food, outgoings that peaked during the winter months (AREU, 2006: 42).

[...] Medical care and sanitation

[...] The Health cluster estimated in December 2010 that 1,000 000 people (including IDPs, returnees and people in informal settlements) had no access to essential health services due to compounded vulnerabilities; remoteness, insecurity, harsh climate and chronic poverty (OCHA, December 2010: 3).

[...] Health risks for IDPs are related to poverty and access to food and water

[...] WHO said in February 2011, that onethird of the Afghans about three million Afghans who have little or no access to essential health services are IDPs and returnees (OCHA, December 2010).

[...] Health hazards are endemic in the areas where refugee returnees and IDPs have settled in Kabul and included lack of potable water, open sewage and the accumulation of solid waste (KM/USAID-OFDA, January 2010: 7).

[...] Urban returnees surveyed by NRC/ALTAI (2010: 2X) rated difficult access to health services as their fifth most important problem.

[...] Most IDPs in urban areas own or rent substandard shelter comparable to other poor Groups

[...] In a NRC survey of informal settlements in Kabul, 43 per cent of the respondents were IDPs or migrants, 36 per cent were refugee returnees and 11 per cent local residents (NRC 2010: 17). NRC's survey suggests that housing conditions in the surveyed areas are similar for returnee, IDP s and economic migrants. The population influx to urban areas has created a housing crisis, and the right of poor people to adequate housing and security of tenure is largely unmet in all larger cities (GoA - NRVA, 2009: 24). High rents and frequent evictions have forced IDPs and refugee returnees into cramped conditions (ACF January 2004, p. 23). A 2005 study in Herat, Kabul, Jalalabad and Mazar-i-Sharif found that on average, five people shared one room (AREU 2006: 31). [...]

In 2009 the IOM produced a country information sheet as part of its project 'Enhanced and Integrated Approach regarding Information on Return and Reintegration in the Countries of Origin': [IOM, Returning to Afghanistan, 13/11/2009](#) – this document focuses on the availability of health care, housing, education, the economic situation and employment, as well as provides information on the banking system and business set-up opportunities, customs, transport, telecommunications and postal services, radio and television and energy.

Evidence provided by country expert, Dr Antonio Giustozzi, referred to in the CG case *PM and Others* and in several previous UKBA COIS reports on Afghanistan, most recently the 24 September 2008 report at paragraph 30.06, suggests that returnees might come to the adverse attention of the Afghan authorities and the wider community and information might be revealed or assumed about their background:

➤ [PM and Others \(Kabul, Hizb-i-Islami\) Afghanistan CG \[2007\] UKAIT 00089 \(12 November 2007\)](#)

[...] Findings and Conclusions

[...] 124. In approaching the question of risk today we obviously bear in mind all the general background material but that is exactly what it is, general. Dr Giustozzi's evidence is specific to the appellants and draws on a wide variety of sources. He indicated in his reports that he has in the past declined to write reports for appellants whose accounts do not fit in with his understanding of events in Afghanistan. He is therefore more than just a "hired gun". He has demonstrated his independence.

[...] 132. These three appellants, all of whom have been out of Afghanistan for a considerable length of time, will be returned to Kabul (as we understand to be the case with returnees generally). We acknowledge that questions of internal flight, or internal re-location only arise if an appellant has established that he is at real risk of serious harm in his home area. For the purposes of this determination we start by considering whether they would be at real risk of serious harm in Kabul and, bearing in the

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mind that none of them come from Kabul City, whether it would be unduly harsh to expect them to stay there.

[...] We find that the background evidence does not establish that any of these appellants would be at a real risk of serious harm, although clearly there is a possibility that they would come to harm. In order to assess the individuals' situations we need to consider the specific expert evidence that has been put forward. We need to interpret the evidence by Dr Giustozzi and decide whether his conclusions are, as Mr Kovats argues, speculative or not. Mr Jacobs argued that his evidence was not speculative because he is quoted in the COI reports. We do not accept that was a sound submission. As Mr Kovats said, the quoted material is not endorsed or confirmed by the compilers of the report.

133. [...] We also find, as Dr Giustozzi accepted, that those returning from the United Kingdom, and who have been away for a considerable time, would not be suspected of being insurgents when they arrive back in Afghanistan. There was no evidence from him that suggests they would be at risk at the airport, or immediately on arrival in Kabul. It may be different for someone who has only recently left Afghanistan, and who may be suspected of knowing what is currently going on. There is no question that any of these three appellants would have any idea. There have been a number of major political developments since they left and the passage of time alone would indicate that they would not know what is happening now.

134. The risk, according to Dr Giustozzi, would arise after a period following their return. He argues that it is in the nature of Afghanistan society that relationships are based on trust and that for the appellants to obtain work or accommodation they would need to reveal something about themselves to their prospective employer or landlord. He said that would give rise to checks being made into their background. He said that is easier now, with the advent of mobile phones and other communications, and that their pasts would become apparent. It would not thereafter take long for the people and therefore the authorities to hear about them. Not only would the authorities hear about them, through their sources, but it could be assumed that after a relatively short number of weeks or months they would have re-established themselves and become part of informal networks of family and friends. Dr Giustozzi said that the security forces may well then think that they are worth interrogating, because of knowledge they may pick up from those family or friends. [...]

➤ [UKBA, Country of Origin Information Report: Afghanistan, 29/08/2008](#)

[...] Internal Flight or Relocation

[...] 30.06 "It is not difficult to track people down in Afghanistan, although it might take time. Neighbours and landlords will check people's backgrounds, because everyone thinks in terms of security, and so they would want to check a newcomer's background in their home area. Further, messages are sent across the country via chains of communications based on personal contacts, and it would be natural to investigate where someone was from in order to see what role they could play in such a network. The postal service is unreliable and only delivers to the district centres, not to the villages, so that travellers are often used to deliver messages and goods to relatives and friends." (Dr Antonio Giustozzi, Afghanistan Notes, 28 June 2006) [37] [...]

Accessibility and freedom of movement in Kabul

➤ [Foreign and Commonwealth Office, Afghanistan Travel advice, updated 12/03/2012 \(still current 13/03/2012\)](#)

[...] Kabul:

We advise against all travel to the Surobi, Paghman, Musayhi, Khak-e Jabbar and Chahar Asyab Districts of Kabul province. We advise against all but essential travel to Kabul.

[...] Safety and Security - Local Travel - In Kabul

We advise against all travel to the Surobi, Paghman, Musayhi, Khak-e Jabbar and Chahar Asyab Districts of Kabul province. We advise against all but essential travel to Kabul City itself and the remaining districts in the province. There are regular, indiscriminate rocket and bomb attacks in the city and targeted attacks against ISAF patrols and establishments. Reports continue to indicate that further attacks are likely against Western targets in central Kabul, and particularly along the Jalalabad Road, the Airport Road, the Wardak road and in the vicinity of Kabul airport. Hotels and other guest-houses where foreigners stay continue to be likely targets. There are specific threats against the major Ministry and Government buildings. There

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have been indirect fire attacks against Kabul International Airport and further attacks cannot be ruled out. [...]

➤ [UNAMA, AFGHANISTAN ANNUAL REPORT 2011 PROTECTION OF CIVILIANS IN ARMED CONFLICT, February 2012](#)

[...] Executive Summary

[...] Tracking the geographic shifts in the conflict, communities in conflict-affected and remote regions became even more vulnerable through the proliferation of pro- and antiGovernment armed groups, roads increasingly blocked by checkpoints or lined with IEDs, restricted humanitarian assistance and increased harassment and intimidation by parties to the conflict. [...]

When addressing the question of 'serious harm' and internal armed conflict, it might be useful to include evidence that expressly addresses the legacy of the internal armed conflict in Afghanistan in terms of 'serious mental traumas', which might include the mental health/PTSD legacy. The following COI address the impact that the conflict is having on people's well-being and the mental health treatment available:

Availability of mental health treatment in Afghanistan

➤ [Agence France-Presse, Mental trauma takes huge toll in Afghan war, 24/01/2012](#)

Mohammad Qasim, a 58-year-old butcher, is traumatised, depressed and anxious -- like 50 percent of his fellow Afghans after 30 years of war, according to government figures.

[...] Qasim is suffering from post traumatic stress disorder, an affliction he shares with half of his fellow Afghans, according to the director of the health ministry's mental health department, Doctor Bashir Ahmad Sarwari. "Two out of four Afghans suffer from trauma, depression and anxiety -- they make up some 50 percent of the population," he told AFP. "They are in trauma mainly because of three decades of war, poverty, family disputes and migration issues." Sarwari says that although the number of mental health specialists is growing -- there are now about 70 -- they cannot cope with the demand for treatment in a population of some 30 million people. Hospital facilities are also pitiful -- there is just one state-run mental health hospital with 100 beds, backed by small care centres in some private hospitals. [...]

➤ [Afghanistan Research and Evaluation Unit, Healing the Legacies of Conflict in Afghanistan: Community Voices on Justice, Peace and Reconciliation, January 2012](#)

[...] 3.3 Lingering effects of war: Mental, emotional and psychological suffering

The previous sections have outlined some of the heavy costs war has inflicted on all the research communities and it was clear that the vast majority of people were still grappling emotionally with the legacies of the conflicts. This was particularly obvious among respondents who were struggling to deal with the death or disappearance of a loved one or were haunted by shocking scenes of violence. Psychological suffering was perhaps more evident in older people who had experienced several phases of conflict and was more widely discussed by female respondents. Other factors identified as prolonging or triggering emotional and psychological pain were the ongoing violence and the visibility or presence of perpetrators. These experiences continued to affect their emotional and mental health and their ability to cope with everyday life. Even if people generally stated that life had improved (excluding rural Ghazni), a common sentiment was that an underlying suffering or fear was always present, as an older man in rural Bamiyan eloquently explained: I can say that the after-effects of the conflicts exist in our body as a disease does and some of these effects still remain in our hearts. When a violation affects the heart, a person is dead just like a withered flower. Since the time Karzai has become king, everything has gone well, but this withering has not left our hearts.

People in all research sites discussed suffering from a range of psychological or emotional problems. Common ailments that were often listed were feelings of nervousness, fear and panic. While no psychiatrist was involved in the research, these appear to be common anxiety symptoms or posttraumatic stress syndrome.¹²⁰ In a few serious cases people reported that their relatives had been driven to what they classified as "madness," largely as a result of a severe wartime experience.

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[...] A significant proportion of respondents, particularly women, drew links between mental suffering and physical illness, such as high blood pressure, heart problems, headaches and even cancer. This awareness of the significant impact conflicts have on their emotional and physical well-being is significant. As the World Health Organisation (WHO) argues, "Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."¹²¹ Well-being in the Afghan context can be defined as an individual's ability to cope with the normal stresses of life, and to work productively and fruitfully while making a contribution to her or his community. A number of people argued that they struggled to cope with their daily lives as a result of their wartime experiences. Many people in all three provinces had experienced the disappearance of a relative or friend during each conflict. Uncertainty over the fate of a loved one was found to be an obstacle in coming to terms with the past. In contrast to the stark finality of death, grieving processes are often delayed in cases of disappearance because without bodies and funerals relatives are often unable to accept the reality of their loss. People also discussed the solace that grave sites provided, which were absent when people had disappeared. Respondents who had experienced this loss frequently appeared reluctant to accept that their relatives were likely dead and were living in limbo waiting for their return. Cases of disappearance leave many unanswered questions in the minds of loved ones that need to be resolved to assist healing processes. Even respondents who were prepared to accept that their relatives had died wanted answers to difficult questions, such as how they died, did they suffer, and who was responsible.

[...] Ongoing violence was shown to perpetuate and compound people's feelings of insecurity in all three provinces. Although fear was often triggered by a recent attack, the impact was exacerbated by people's past experiences of violence. This was true even in Bamiyan, which is generally considered the safest province in Afghanistan, because as one younger man succinctly put it: "If there is war, the heart's complexes are not reduced." In Kabul and Bamiyan, current violence served as a reminder both of ongoing insecurity and of past conflicts and provoked fears that Afghanistan, and in particular their areas, would once again be consumed by fighting. Security was strongly linked in all communities with people's ability to deal with the past. While in Ghazni the present dangers affected people's ability to move forward, in Bamiyan and Kabul reports of violence in other parts of the country and occasionally in Kabul City triggered memories of past atrocities and served as a reminder of the possibility of future violence. It should be noted that people in Ghazni Province, in particular in the rural site, less frequently linked their experience during past conflicts with their ability to cope currently, given that they are feeling genuine danger in the current period, which was of greater concern. In fact, as one older respondent pointed out, "People have forgotten abuses that happened in the past because the situation now is worse than the past." Moreover, in some cases people's ongoing suffering was compounded by the visibility of alleged perpetrators. This was particularly true of people in the Kabul City site, who often considered how their ability to cope and deal with the past was hindered by the public presence of alleged perpetrators of the Afshar attack in public positions. The victims of Afshar are forced to see those they believe guilty of human rights violations in government, in the community, or on the television. Respondents described how they experienced fresh pain whenever they saw those they held responsible for their losses. An elderly Qizilbash respondent, whose sister's entire family was killed in rocket attacks during the civil war, described how seeing certain individuals speak in public made him feel like "I am being shot by bullets." The majority of people interviewed said that the passing of time had little impact on their ability to forget or deal with the past. In fact, the notion of the impact of time on healing past violations was perhaps less relevant for people interviewed given current security concerns. People generally considered that their ability to cope hinged on an improvement in their lives as well as better security conditions in the country as a whole. [...]

➤ [Tearfund, The silent illness stalking Afghanistan, 24/11/2011](#)

No one knows the true impact that years of war and instability have had on the mental health of people in Afghanistan. Research suggests the psychological consequences of insecurity, trauma, migration, poverty and poor education are far-reaching. A study of 300 children in Kabul showed that 90 per cent believed they would die in war, 67 per cent had seen dead body parts and 80 per cent said they felt frightened, sad and unable to cope with life. Another report showed that large parts of the population in one Afghan province were suffering the symptoms of depression, anxiety and post-traumatic stress disorder.

Help lacking

Help for those with mental illness is desperately lacking, with psychotherapy and counselling almost unknown to most of the population. [...]

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➤ [Radio Free Europe/Radio Liberty, Violence 'Affecting Afghan Children's Mental Health', 19/09/2011](#)

Human rights officials in Afghanistan have endorsed earlier findings suggesting that endemic violence is inflicting considerable psychological trauma and distress on children in that country, RFE/RL's Radio Free Afghanistan reports. Afghanistan's Independent Human Rights Commission in Kabul told RFE/RL that many Afghan children have witnessed acts of violence, seeing people being killed in bomb attacks or seeing dead bodies on the streets. A 2009 study by England's Durham University, the first large-scale survey of Afghan children's mental health, reported that one in five children suffers from psychiatric disorders, including anxiety, depression, and posttraumatic stress disorder. [...]

➤ [Institute for War and Peace Reporting, Harsh Remedies at Afghan Shrine, 31/08/2011](#)

Beatings and spartan diet form traditional "cure" for people with psychiatric disorders. At a holy shrine in southeast Afghanistan, people with mental disturbances are still being chained up as part of a "cure" that doctors and Islamic scholars condemn as primitive magic. The Mia Ali Sahib shrine at Samarkhel in Nangarhar province has offered its own form of treatment for psychiatric disorders for the last 300 years, and people still bring relatives there despite the availability of modern care in the town of Jalalabad. Among the eight current inmates, IWPR's reporter saw one man with long, unkempt hair and dirty, his legs scarred by the chains that held him imprisoned in a small room. The man, aged about 35, clearly had no idea where he was, but his behaviour suggested he might have served in the military in the past. "Did you bring the wages for my soldiers?" he asked, laughing and gesturing at the scraps of paper covered with writing which were scattered around him. "It's written down here who you should pay and who you shouldn't pay." Treatment costs 100 US dollars a month at the shrine, which also makes money by selling amulets. Relatives often offer gifts for an apparently successful cure. Mia Shafiq, a descendant of Mia Ali Saheb in whose name the shrine was established, said the standard treatment involved tying up the patient for 40 days, he and feeding them nothing but dry bread, black pepper, salt and water. "They aren't allowed to eat anything else," he said. "Also, they can't bathe or cut their nails and hair for 40 days." Mia Shafiq said he himself was living proof that the therapy worked. "I was tied up here for 35 days and now I'm fine," he said. Critics say that in addition to denying patients proper food and hygiene, staff at the shrine often abuse them. Mia Shafiq admitted this happened, saying, "We beat some mentally ill people if they won't stay quiet and annoy us, so as to calm them down." An old man chained up by a tree called out, "Please bring me some food, for God's sake. I am dying of starvation. I was told I'd get fried chicken and boiled potatoes here, but they don't even give me dried bread." Weeping, he said, "I am hungry. They didn't give me food yesterday morning or evening." When Mia Shafiq heard the old man complaining, he took his stick and went over to him, saying, "Tell me now, what do you want?" The old man threatened to kill him; and then begged him not to hit him. Medical experts say the shrine can only aggravate patients' conditions. "If you try treating a patient with shrines and amulets, the disease will grow stronger day by day," Dr Fazel Rahim Naseri, a psychiatric medicine specialist who lectures at Nangarhar university, said. "So by the time patients are admitted to hospital, they're beyond treatment, and some may even die." In addition, he said, the restricted diet prescribed at the Mia Ali shrine was liable to cause further health issues for patients. Dr Naseri said that if some people appeared to recover after spending time at the shrine, it was either because their condition was episodic in nature, or because they were only pretending to be ill so as to escape problems in their daily lives. Dr Ahmad Zaher Allahyar, head of mental health at the provincial health department, said that while resources were limited, there was provision for proper psychiatric care in Nangarhar. The regional hospital's psychiatric unit could accommodate 14 men and six women as in-patients, and had a library, TV and other forms of recreation. "In addition, we also have advisory centres for patients' families where experts in spiritual and psychological matters provide advice," he said. Mia Shafiq insisted the shrine had healing powers, saying, "It's the doctors who are deceiving people.... Many patients who are brought to the shrine have not been cured by medicines, but recover here with the blessing of God." Islamic scholars say that despite the popular belief in supernatural charms and cures are part of the Muslim tradition, such things are in fact proscribed by the faith. "Seeking help from shrines, amulets and other things of that kind are deemed to be paganism, which God regards as a great sin," Mawlawi Abdul Azizi Khairkhwah, the head of the religious affairs department in

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Nangarhar, said. "We have ordered imams at the mosques to educate the people about this, and about the true spirit of Islam."

➤ [World Health Organisation \(WHO\), Mental Health in Afghanistan: Burden, Challenges and the Way Forward, August 2011](#)

[...] MENTAL HEALTH STATUS

5. Due to a combination of high prevalence, early onset, persistence and disability, mental health disorders constitute a major part of the total burden of disease globally and even more so in conflict and post-conflict settings. There is no disagreement about the very high burden of mental health disorders in Afghanistan, much of which can be attributed to deep social trauma, over 30 years of armed conflict coupled with natural disasters, double-digit unemployment, acute poverty, dissolution of social capital, and inadequate access or lack of access to mental health services.

6. There is a dearth of quality information about mental health issues in Afghanistan -- both from household surveys and the Health Management Information System (HMIS) which does not adequately capture mental health disorders. According to a national survey conducted in 2004 by Lopes Cardozo et al, 44 percent of the respondents had experienced more than four traumatic events in the last ten years, 68 percent had some form of depression, 72 percent had anxiety and 42 percent had post traumatic stress disorders (PTSD).⁶ These problems were even higher among female respondents and disabled people. In addition, 84 percent of the respondents reported to have feelings of hatred.

7. Given the conflict situation in Afghanistan, the proportion of people with PTSD appears to be lower than in other settings, which could be attributed to family and community support, religious beliefs and other social factors. However, one should be cautious, as the expression of distress related to psychological trauma in Afghans may be very different than the symptoms described in the usual psychiatric classification systems such as Diagnostic and Statistical Manual of Mental Disorders (DSM IV) (Miller et al 2006). The most common coping mechanisms listed by the respondents included reading the Quran (37 percent), praying (28 percent) and talking to family members (9 percent). (Scholte et al, 2004).

8. No reliable data exists on the prevalence of epilepsy in Afghanistan. There is, however, a huge stigma attached with epilepsy and society looks down upon epileptic patients. Due to associated stigma, epileptic patients tend to lose their self-esteem, avoid socialization and their productivity decreases. Epilepsy is classified under the broader umbrella of mental health disorders. The epileptic patients not only need therapeutic treatment, but they also need psychosocial counseling to restore their self-esteem.

[...] Mental Health Program in Afghanistan

19. The Mental Health Department (MHD) was established in 2005 in the MOPH. The department consists of Mental health and Drug Demand Reduction sections. The mandate of the MHD is to ensure the continuing relevance, dissemination, implementation, and monitoring of the National Mental health Strategy (see Annex II: Summary of the mental health strategy). The department aims to ensure that the Government of the Islamic Republic of Afghanistan/Ministry of Public Health (GIROA/MOPH) response to the mental health of the Afghanistan population is clearly identified in the policy and strategy, and addressed through medium and short-term plans, protocols, and practices. In other words, the aim of the department is to exercise the stewardship role of the MOPH in the area of mental health programs in the country. Some of the key positions such as the hospital mental health focal point, the PHC mental health focal point and the mental health technical officer positions are vacant in the mental health department--limiting its technical ability to provide appropriate leadership for mental health interventions. Thus due to lack of technical capacity and shortage of financial resources, the department is not in the driving seat. It has often been bypassed by development partners, both donors and UN implementing agencies. There are many small scale mental health projects being implemented across the country, from the details of which the Department is not aware. There is no database of ongoing mental health interventions and mental health partners in the country.

20. A strategy paper on integrating mental health in PHC was developed in 2005 by a mental health task force. The strategy paper proposed three phases to complete the integration process. In the first phase, a mental health unit was to be established within the primary health care department. In phase two, a pilot program on a limited scale in selected geographic areas was to be implemented; and in phase three, based on the results of the pilot, nationwide implementation of mental health interventions was to be initiated. The paper was a good start, but mainly due to competing priorities in the health sector, it did not get fully implemented.

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[...] 24. The main implementing agencies are: HealthNet TPO (conducts training for all EU-financed EPHS and BPHS implementers), International Assistance Mission (IAM), Medica Mondiale, Humanitarian Organization Supporting Afghans (HOSA), Window for Life, Agency for Assistance and Development of Afghanistan (AADA), and the implementing NGOs of BPHS and EPHS.

25. The mental health integration in BPHS has been tried in a number of places on a small scale, and the population coverage of these programs remains small. The key interventions being implemented include:

☐ In 2002, HealthNet TPO started a mental health pilot in three districts of Nangarhar province, with the objective of integrating mental health services at the primary care level. The project developed training manuals, Information, Education, Communication (IEC) materials and HMIS tools. The results of the pilot were promising in terms of detecting more mental health patients and providing mental health services at PHC level. Based on its findings, it was recommended to consider integration of mental health to BPHS.

☐ Based on the findings of the pilot project, HealthNet TPO expanded the mental health services to 12 provinces including ten EU-supported provinces. The results indicated that after systematic training of health workers, the reporting of mental health-related problems increased from 1–2% up to 10% of the total outpatient consultations, reflecting an increased awareness of health staff to identify, manage and report mental health disorders. Currently, HealthNet TPO with financing from EU is trying to further strengthen the integration of the mental health component at BPHS in EU-funded provinces by training staff of the BPHS implementing NGOs to implement mental health services at the primary level.

☐ HealthNet TPO is also piloting basic psychiatry services at provincial hospitals in five provinces (Nangarhar, Kunar, Laghman, Logar and Daikundi) with EU financing. The objective is to introduce small-scale services at provincial level and develop a multi-disciplinary approach. The project will be thoroughly evaluated and the results will be shared with all stakeholders.

☐ At the same time, HealthNet TPO is implementing a community-based psychosocial program in 5 provinces (Kapisa, Nangarhar, Urozgan, Khost and Paktia) where the focus is on prevention of mental health problems and on solving psychosocial problems at the community level. This program is focusing on women and children through a number of innovative community-based approaches in coordination with MOPH, Ministry of Women Affairs (MOWA) and Ministry of Education (MOE).

☐ Since August 2008, the Humanitarian Organization Support Afghans (HOSA), an Afghan local NGO with financing from EU, is implementing a mental health project in Bamyan, Balkh and Herat provinces, where two professional psychosocial counselors have been deployed in selected Comprehensive Health Centers (CHCs) to provide one-on-one psychosocial counseling for mentally ill patients. The project duration is two years and could be a good source of information on integrating professional psychosocial counseling at BPHS facilities.

26. In addition to the above interventions, there are around 11 mental health counseling facilities across the country with almost no community contact or after-care services, and no services for children and adolescents. These facilities, including the mental health hospital in Kabul, have no linkage or formal reporting contact with MHD at the MOPH. Gaps, Challenges and Opportunities:

27. Afghanistan faces a high burden of mental health problems, persistent stressors and limited mental health services. There are critical gaps in the response:

☐ access and availability of mental health services remains limited

☐ available services are of low quality mental health services

☐ lack of trained skilled manpower for service delivery, (there are only two internationally recognized psychiatrists in the country, and both of them do not practice). There are no trained clinical psychologists or psychiatric nurses

☐ lack of competent leadership and technical capacity to implement the mental health strategy

☐ lack of proper Monitoring and Evaluation (M&E) system and indicators to measure success of mental health services

☐ medicalisation of mental health problems, combined with poor quality of mental health services has led to irrational use of anti-depressants and benzodiazepines

☐ inadequate financing of mental health and psychosocial interventions

28. The present vertical health facility-based approach is insufficient and inadequate to provide services. Lack of services for children and adolescents is another major shortcoming of the approach. However, experience has shown that BPHS forms an excellent platform for the provision of basic health services in the country. With 85 percent coverage in the country and good community linkages, effective inclusion of mental health interventions in BPHS programs would ensure good coverage of primary mental health care with minimal cost (about .36 USD) per capita per year, according to HealthNet TPO's experience in

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Nangarhar province) across the country to all population groups, including children and adolescents. The National Tuberculosis program is a good example, which has successfully exploited BPHS as a vehicle to expand the TB DOTS coverage to more than 90 percent of the population. [...]

➤ [Internal Displacement Monitoring Centre \(Norwegian Refugee Council\), Afghanistan: Armed conflict forces increasing numbers of Afghans to flee their homes, 11/04/2011](#)

[...] PROTECTION OF SPECIAL CATEGORIES OF IDPS (AGE, GENDER, DIVERSITY)

[...] GENDER – MEN AND WOMEN

[...] Amnesty International has stated that forcibly displaced women are seriously affected by the trauma of displacement. They are also at greater risk during displacement of being subjected to sexual violence, including rape, and cope with these practices without effective external assistance (see also ICG, 12 July 2010).

[...] DISABILITY

Disability and displacement are intimately linked, as in the case of people hit by shrapnel, who lost limbs after stepping on landmines or who suffer emotional trauma after witnessing massacres. [...]

➤ [IRIN, Middle aged and mentally ill in Kabul, 18/10/2009](#)

[...] It is unclear how many Afghans suffer from severe types of mental and psychiatric disorder but surveys conducted by NGOs, such as Care International and Physicians for Human Rights, have shown a high prevalence of post-traumatic stress disorder (PTSD), manic depression and anxiety among Afghans. "Recent surveys conducted by national and international organizations indicate that 66 percent of [all] Afghans are suffering from stress disorders and mental problems," the Ministry of Public Health (MoPH) said in a statement on 11 October.

[...] "War and physical violence has caused general damage to the mental health of many Afghans," said Musadiq Nadimee, a psychiatrist at Kabul's Mental Health Hospital (MHH). However, the causes of mental illness are not confined to acts of war, experts say. Domestic violence, extreme poverty and lack of access to treatment and rehabilitation services are some of the drivers of mental illnesses. According to a report entitled Violence, suffering, and mental health in Afghanistan: a school-based survey by the UK medical journal The Lancet: "In Afghanistan, there is a spectrum of violence - ranging from armed insurgency to family conflict - which generates sudden pain and persistent suffering. Our data suggest that, in Afghan children's lives, everyday violence matters just as much as militarized violence in the recollection of traumatic experiences. "Some children identified severe domestic beatings, a severe accident, or a frightening medical treatment as more traumatic than having witnessed parents and grandparents being killed in rocket attacks," the report said. Lack of access to food and water was reported as a common trauma event experienced by over 56 percent of the non-disabled persons interviewed for a study in the Journal of the American Medical Association in 2004. Lack of shelter was reported as a main trauma event for about 70 percent of the disabled respondents of the same survey.

[...] While mental disorders appear to be rife, there is only one psychiatric hospital serving a population of 27-28 million. About 80-100 patients are attending the 60-bed MHH in Kabul. Health workers in the MHH, who requested anonymity, told IRIN about some of the problems. "We receive only the equivalent of US\$100 monthly for medicines for over 2,500 patients [four US cents per patient]," said a specialist at the hospital. "Patients and their carers often stand in queues in front of the only toilet in the hospital," said another psychiatrist. "The main problem is that people suffering from psychosis and mental illness cannot air their problems so it's like a 'nothing heard nothing happens' situation." [...]

➤ [Handicap International, Voices from the ground - Landmine and explosive remnants of war survivors speak out on victim assistance, 30/09/2009](#)

[...] Estimated number of mine/ERW survivors: 52,000-60,000.11

VA/disability coordinating body/focal point: The Ministry of Labor, Social Affairs, Martyrs and Disabled (MoLSAMD) is the lead ministry through its deputy minister and the Disability Stakeholder Coordination Group. Several other coordination mechanisms exist.

VA/disability plan: The Afghanistan National Disability Action Plan 2008-2011 (ANDAP), developed under the Mine Ban Treaty framework, became the de facto work plan for the entire disability sector.

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VA/disability profile: Access to services for the entire population of Afghanistan is hampered by a severe lack of services, poor to non-existent infrastructure, ongoing conflict and poverty. Between 2005 and 2009, Afghanistan made progress in VA/disability issues, but the general state of the country meant overall service quantity and quality remained low and significant international funds were needed for improvement. Most services are urban-based, and most are run with the support of international organizations. Movement restrictions because of conflict, a lack of roads and the cost of transport are further obstacles. Access to services for women was even more problematic due to cultural barriers. Throughout 2005-2009, a lack of awareness and professionalism, poverty, ethnic and political divisions and prejudice against disability were also obstacles. While geographic coverage of healthcare expanded, only basic assistance was available in rural areas and emergency care was dependent on the location of an incident. Physical rehabilitation coverage was insufficient throughout 2005-2009 and services were (almost) entirely operated by international NGOs and the ICRC. Psychosocial support was almost non-existent, as were peer support groups. Some self-help groups existed through the community-based rehabilitation (CBR) network. However, the network needed to expand its geographical coverage. CBR also needed strengthening and improved coordination, which started to happen in 2008. Economic reintegration projects were limited and carried out mostly by NGOs, while ministries paid some disability pensions and ran some vocational training. Increased attention started to be paid to inclusive education, but still most persons with disabilities did not have access to schools or vocational training. Disability legislation had been developed but not approved as of August 2009. Ministries have shown more ownership and integrated disability more in their policies over the years. National NGOs and DPOs also became increasingly active, and were included more often in VA/disability planning. However, DPO and ministry capacity remained weak.¹²

VA progress on the ground

Respondent profile

By July 2009, 196 survivors aged between 15 and 70 responded to a questionnaire about VA/disability progress in Afghanistan since 2005: 178 men, 11 women, four boys and three girls. Half of the respondents were between 18 and 35. Most (70%) were heads of households (no women) and 38% owned property. In total, 45% of respondents had not received any formal education (71% of women) and 11% of respondents had completed secondary education or higher. Some 43% of people lived in villages with limited services; 7% in remote areas without services; 24% in the capital Kabul; and 22% in large cities with a variety of services.¹³ For 22% of respondents, their household income was sufficient; 9% of respondents were unemployed before the incident and another 2% were beggars. This increased to 20% (and another 2% beggars) after the incident and the vast majority of people changed jobs. For women, the percentage of unemployed decreased from 29% to 7%. In reality, figures are thought to be higher. The respondent profile corresponds with casualty information indicating that the vast majority of casualties are young males (mostly boys) with low education levels, usually injured by ERW during their daily activities. A significant number of people were also injured while traveling. Several respondents, who had incidents in remote areas, moved to less remote areas to obtain services.

General findings

Overall, survivors noted improvements in all areas of VA/disability service provision, but mostly in medical care and much less so in psychosocial support and economic reintegration. Some 36% of respondents thought that they received more services in 2009 than in 2005 and 38% thought that services were now better. Practitioners' responses often mirrored survivor responses. The areas where opinions converged the least were physical rehabilitation and economic reintegration, where practitioners were more positive than survivors. It should be noted that, while some progress was seen, services in Afghanistan are still among the least developed in the world, hampered by conflict and a lack of infrastructure. Some 39% of people thought that women received services "equal" to those available to men; 22% thought they were "a bit worse"; 16% said "absent" and 10% said "better". Women reacted more negatively: 21% said services were equal; 29% said services were absent and all the others said services were worse. This confirms reports throughout 2005-2009 that women systematically received fewer services due to cultural barriers and a lack of skilled female professionals. Some 44% of respondents said that services for children were "never" or "almost never" adapted to their age, a finding that should be accurate, as most respondents were young when they experienced their incident. Most survivors (69%) had not been surveyed by NGOs or the government in the last five years and 16% had been surveyed three or more times. Of those surveyed (57 people), 53% felt more listened to; 44% said it had resulted in more information about services; and 32% found that they

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had received more services as a result. Some 28% of respondents had been able to explain their needs to the government in the last five years and 26% had participated in workshops about VA. Most practitioners felt survivors did not receive more services as a result of survey activity (86%). These results sound rather negative, but are not, because of the sheer number of survivors to be reached (up to 60,000) in Afghanistan. Considering the terrain and security circumstances in Afghanistan, data collection has been relatively good and a significant number of people would have had their incident data collected. Additionally, since 2006 Afghanistan has exerted considerable effort to include DPOs and survivors in VA/disability workshops and planning.

Emergency and continuing medical care

More than half of survivors (54%) found that, overall, healthcare had improved since 2005 and 30% believed it had remained unchanged. One-third of respondents thought that survivors “sometimes” received the medical care they needed; the second largest group (18%) said this was “never” the case. Most advances were seen in the fact that there were more centers (65%) and better facilities (64%). Respondents saw less progress in the availability of emergency transport and follow-ups (40%); affordability and capacity to carry out complex procedures (41%) and the availability of equipment and supplies (42%). Least progress was seen in increased government support (36%). Practitioners were in complete agreement with survivors, with 55% reporting progress. They saw the least progress in the availability of supplies/equipment (27%); and no one saw progress in emergency transport or the capacity to carry out complex procedures. The areas where practitioners saw progress were also those where they thought that the government had increased its efforts. The survivor and practitioner responses confirm the government’s efforts to increase the geographic coverage of basic health services, which has gone up from 9% coverage in 2002 to 77% in 2006 to 85% in 2008. Many of these services are still run in cooperation with or by NGOs. The number of disability services in this Basic Package of Health Services was also increased. In 2008-2009, an increasing number of people did not have access to healthcare due to conflict (600,000 in 2009 and 360,000 in 2008).¹⁴ Complex procedures are only available in major cities, and mostly only at one NGO-run hospital in Kabul, which is struggling to find funding.¹⁵

The cost of continued medical care and transport, as well as of medication and accommodation, is often prohibitive. In 2008, the government also reported that it would take five to 10 years to train enough medical staff, many of whom might not want to work in rural areas. Emergency transport and first response remained problematic and could still take up to three days. Many hospitals suffer from shortages of supplies, water and electricity.¹⁶

Physical rehabilitation

Some 44% of respondents believed that, overall, physical rehabilitation services had improved since 2005 and 35% said they remained the same. However, the largest group of respondents (28%) thought that survivors “never” received the physical rehabilitation they needed, closely followed by people saying the needed services were “always” received (26%). Interestingly, in villages and remote areas the responses were 50-50, but most negative responses were received from the capital. This is probably due to the overconcentration of persons with disabilities living in the capital. The largest percentages of survivors saw progress in the quality of mobility devices (52%), the availability of free repairs and better-trained staff (51% each). Least progress was seen in the availability of mobile workshops (20% saw progress), an increased number of centers (29%) or services closer to home (35%). Only 18% of respondents thought that the government increased its support for physical rehabilitation. Among practitioners a markedly higher percentage (64%) saw progress, but their insider perspective might have led them to witness more advances first-hand. Practitioners saw the most progress in the availability of more types of devices and of free repairs, better quality services and better infrastructure. The least progress was noted in the number of centers. Practitioners found that the government had increased its efforts most in staff training, but in many areas, such as number of centers and more types of and better devices, they noted the government “did nothing.”The responses confirm the situation in Afghanistan, where all but one physical rehabilitation center are run by NGOs or international organizations (mainly the ICRC), and it has been reported that the government was reluctant to take on more responsibility.¹⁷NGOs also carried out most of the community-based and mobile services, as well as covering transport, treatment and accommodation costs, and providing training for staff. Service providers have reported throughout 2005-2009 that there were only centers in 10 provinces and physical therapy services in 19. In 2005, Afghanistan reported that rehabilitation centers were needed in at least 30 of 34 provinces.¹⁸ The Ministry of Public Health (MoPH) acknowledged in 2009 that service provision

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in the 15 uncovered provinces remained problematic.¹⁹ Two main international rehabilitation providers noted in 2009 that no end dates were envisioned for their support, because the government or local organizations were not in a position to take over services.²⁰ While access to services improved from 1% in 2004 to some 40% in 2006, operators still noted that the rehabilitation needs of survivors were seldom met. In late 2007 and in 2008, progress was made on capacity building, awareness raising and the regulation of the sector through the integration of physiotherapy in health packages, staff training, and the development of guidelines and training curricula in close cooperation with the government. These measures would have contributed to the practitioners' sense of improvement but might have been too recent for survivors to see.

Psychological support and social reintegration

Just over 42% of respondents found that, overall, psychological support and social reintegration services had remained the same since 2005, while 29% saw progress. By far the largest group of respondents (36%) said that survivors "never" received the psychosocial assistance they needed and an additional 11% said the needed services were "almost never" received. Survivors saw most advances in feeling more empowered (49%) and in their own involvement in community activities (50%). Some 35% thought that survivors were considered to be "charity cases" less often. But 30% or fewer saw improvement in the creation of peer support groups, the number of social workers, awareness about the importance of psychosocial services, opportunities to get services and assistance closer to home. Just 10% thought that the government provided more support to psychosocial services. Practitioners agreed with survivors: 45% said psychosocial support remained the same and 30% or less saw progress in specific areas, such as staff training, reduced stigma or more services. Most progress was noted in the involvement of survivors in psychosocial services (45%). Although conflict-related trauma is common in Afghanistan, psychosocial services remained limited, as was the awareness of their importance. Since 2008, just one DPO has provided peer support and systematic counseling to new survivors in Kabul. The CBR network provided some unsystematic services. Other one-off projects or peer support on the work floor in organizations where significant numbers of persons with disabilities work also existed. Services were uncoordinated and largely confined to Kabul. There is no formal training for social workers. However, the government has started to acknowledge the problem by including it more in its basic health package and some training has been started. A mental health unit was started at the MoPH in 2008 and the ministry also started to raise awareness, but due to a lack of actual service implementation, survivors would not have benefited from these recent changes.²¹

Economic reintegration

Nearly half of survivors (45%) felt that, overall, economic reintegration opportunities had remained the same since 2005 and 26% saw improvement. But the largest group of respondents (30%) said that survivors "never" received the economic reintegration they needed. Some 77% said that unemployment was so high that survivors were the last to be chosen for a job. This is a lower percentage than other countries, maybe because quite a few respondents were employed in the VA/disability sector. Most progress was seen on decreased educational and professional discrimination (44%) and increased pensions (42%). In the employment sphere, progress was low: only 21% said it was easier to get a bank loan; and 22% thought that employment quotas were better enforced. Just 17% thought that the government increased its support for economic reintegration. Some 55% of practitioners found that economic reintegration opportunities had improved. Areas of most progress for practitioners were: availability of vocational training (64% compared to 37% of survivors) and of teacher awareness (55% compared to 27% of survivors). Areas of least progress according to practitioners were: job placement and vocational training meeting market demand. Overall, practitioners thought that the government had maintained its efforts. The government acknowledged that economic reintegration of mine/ERW survivors and persons with disabilities remained a challenge and that high general unemployment and stigma severely limited economic opportunities.²² More than 70% of persons with disabilities were unemployed and 73% did not have access to education. Government vocational training programs existed but were of variable quality due to capacity gaps and because of the lack of employment opportunities afterwards. Most projects were carried out by NGOs, but were not able to reach sufficient numbers of survivors. Women were particularly hard to target as they were often not allowed to study or work. In 2008, employment of persons with disabilities even decreased slightly compared to previous years.²³ During the period under review, pensions did indeed double, as noted by survivors, but the amount was still insufficient and many survivors were not registered.²⁴

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Laws and public policy

Almost 47% of survivors thought that, overall, the protection of their rights had remained the same since 2005 and 31% saw an improvement. Some 29% said that the rights of survivors were "never" respected; another 10% said

this was "almost never" the case and 28% said rights were "sometimes" protected. Most improvement was seen in the decreased use of negative terms about persons with disabilities (53%) and in decreased discrimination (49%). Fewer people thought that legislation relevant to survivors had been developed (38%) or that legislation was increasingly enforced (34%). Some 76% did not think that the rights of survivors were a government priority. Some 55% of practitioners saw improvements in the rights of survivors, but they remarked that the improvements were in the development (64%) not the implementation of legislation (9%). Survivor responses partly confirm the situation in Afghanistan where disability legislation has been developed but not approved as of August 2009. Developing legislation was a slow process, due to institutional problems: inactive government disability coordination (2002-2005), weak coordination (2005-2007), because of ministerial rearrangements as well as an ineffectual UNDP supporting program (the National Programme for Action on Disability, NPAD) in 2005-March 2008. Another obstacle was that, initially, DPOs and civil society were not involved. The situation was the same for the disability policy developed in 2003, which was said to have been poorly understood and, therefore, not implemented.²⁵ Afghanistan also has not signed the UNCRPD, while NGOs and DPOs saw the UNCRPD as an opportunity to put pressure on the government to support the disability sector. They also noted that the rights of persons with disabilities were generally not ensured due to the lack of a legislative framework. A disability terminology guide was developed and circulated. It was noted that the disability movement was in its "infancy" and that DPOs still did not have enough capacity to effectively lobby for the rights of survivors.²⁶ When asked to respond preliminary survey findings, one government representative said that changes have been made but that survivors do not care about policy developments as long as no real steps on the ground follow. A UN representative agreed with this and added that rural Afghanistan had seen little change in access or additional service provision. All representatives noted that awareness had been raised,²⁷ disability had become more of a priority, and coordination mechanisms had been established at ministries. Several representatives noted that this should further improve services in the future as disability/VA was a long-term issue in a country with many other challenges.

➤ [BBC News, Coping with a traumatised nation, 20/01/2009](#)

[...] According to studies cited by the Afghan health ministry an astonishing 66% of Afghans suffer mental health problems. And yet this hospital is the only facility in the country dedicated to mental disorders - and there are just 40 beds. The resident psychiatrist, Musadiq Nadimee, has a weary look as he paces up and down the building's corridors. "This hospital is just for the complicated cases that are referred to us from across the country," he says with a resigned shrug. One father has admitted his teenage daughter, Hamida, who suffers from schizophrenia. "She's got a lot better," he says, a smile breaking across his face. [...] But most experts agree that the mental health problems here go far deeper than the illnesses that are commonly found in almost all countries. Afghanistan is a traumatised nation. In 30 years, hundreds of thousands of Afghans have died and most of its people have witnessed horrendous violence at some point in their lives. Many of the mental disorders are connected to these experiences, say health officials. Local journalist Hanif Sherzad says that Afghans continue to be traumatised by their past and the continuing violence. "Many people don't feel safe, they simply don't feel secure," he says. "Even those people that have good physical health and are living in secure places are constantly hearing bad news. It affects them and the vicious cycle continues." The Afghan health ministry readily admits that there simply are not enough facilities or doctors to even begin dealing with the most serious cases. Other health issues - such as infant and maternal mortality - have taken priority. But a senior adviser to the health minister, Dr Abdullah Fahim, worries that if the issue of mental health is not addressed immediately, it will continue to have a slow, corrosive effect on Afghan society. "There's little trust between people," he says. "Sometimes cruel acts committed are seen as part of normal life for Afghans. If this continues then our future will be dark." Because of a lack of understanding, many Afghans suffering mental health problems are believed to be possessed. Some are chained in rooms or even caves until it is believed that the "jinns" - evil spirits - have been exorcised. But others are simply abandoned by their families because they can no longer cope or afford the medication that is required to treat their medical conditions. A small number of mentally ill people are cared for by local charities. [...]

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APPENDIX

1. Useful sources to consult on the security situation in Afghanistan

Source	Type of source	Website's search function
Afghanistan Analysis Network publications	The Afghanistan Analysts Network (AAN) is a non-profit, independent policy research organisation which provides thematic reports, policy briefings and discussion papers on Afghanistan.	<ul style="list-style-type: none"> Simple search function which allows for keyword searches in publications
Afghanistan NGO Safety Office (ANSO) reports	The Afghanistan NGO Safety Office (ANSO) is an independent, non-profit project providing free analysis and advice to humanitarians since 2002. Two types of reports are produced of which only those from 2007-2011 are accessible online (More recent reports provided upon request): <ul style="list-style-type: none"> Provincial reports (provide narrative analysis, NGO incident rates and a useful AOG/ACG Tracker for each of Afghanistan's 34 Provinces) Country reports (Quarterly statistical and analysis reports on NGO incident rates and AOG initiated attacks) 	N.A.
Afghanistan Research and Evaluation Unit publications (AREU)	The Afghanistan Research and Evaluation Unit (AREU) is an independent research institute based in Kabul. AREU produces approximately 30 original publications per year in English, based on recent and ongoing research projects. AREU also produces a quarterly newsletter that lists newly available publications and information resources related to Afghanistan, and the annually updated <i>A to Z Guide to Afghanistan Assistance</i>	<ul style="list-style-type: none"> Simple search function which allows for keyword searches in publications
AlertNet Afghanistan pages	Humanitarian news site from Thomson Reuters providing information on natural disasters, conflicts, refugees, hunger, diseases and climate change. Its FACTBOX reports document daily security incidents by region. Country pages include sections on: <ul style="list-style-type: none"> At a Glance In detail Timeline Links News 	<ul style="list-style-type: none"> Country page Advanced search function which allows for: <ul style="list-style-type: none"> Keyword search Searches limited by source; content partner; aid agency; country; topic; sub-topic; crisis and by time frame Search results can be organised by date
British and Irish Agencies Afghanistan Group (BAAG) resources	This section includes key reports and briefing papers on Afghanistan from NGOs, think tanks, and governmental bodies. They are divided into the broad categories, including civilian casualties, corruption, development, economy, education, governance, health, human rights, refugees, UN reports and women	N.A.
Brookings Institution Afghanistan Index	The Afghanistan Index is a statistical compilation of economic, public opinion and security data. It provides updated and historical information on various data,	<ul style="list-style-type: none"> The Index is updated fortnightly

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	<p>including crime, infrastructure, casualties, unemployment, Afghan security forces and coalition troop strength.</p> <p>(Brookings also tracks reconstruction and security in Iraq and Pakistan)</p>	
Centre for Strategic and International Studies Afghanistan publications	<p>The Centre for Strategic and International Studies (CSIS) is a bipartisan, nonprofit organization headquartered in Washington, D.C, USA. It conducts research and analysis and develops policy initiatives. It regularly publishes reports on the current situation in Afghanistan.</p>	N.A.
Institute for War and Peace Reporting Afghanistan pages	<p>The Institute for War and Peace Reporting is registered charity providing international news with the intention of giving a voice to people at the frontlines of conflict, crisis and change. The Afghanistan country pages provide recent news.</p>	<ul style="list-style-type: none"> • Simple search function which allows for keyword searches and searches by phrases (“...”) only • Filters searches by year
Pajhwok Afghan News	<p>Pajhwok Afghan News is Afghanistan’s largest independent news agency. News divided under relevant categories such as governance, security & crime, accidents & disasters, health, education, and migration.</p>	<ul style="list-style-type: none"> • Simple search function which allows for keyword searches in news articles
Radio Free Liberty/Radio Europe Afghanistan pages	<p>Radio Free Europe/Radio Liberty reports the news in 21 countries where a free press is banned by the government or not fully established. The Afghanistan country pages provides information in chronological order on:</p> <ul style="list-style-type: none"> ○ Latest news ○ Features & Commentary 	<ul style="list-style-type: none"> • Simple search function which allows for keyword searches and searches by phrases (“...”) only • Allows to search within time frames • Limits searches by section
Relief Web Afghanistan country page	<p>Relief Web is a database of reports from international and non-governmental organizations, governments, research institutions and the media for news, reports, press releases, appeals, policy documents, analysis and maps related to humanitarian emergencies worldwide. Provides:</p> <ul style="list-style-type: none"> ○ In-depth profiles, updates and reports on countries and disasters ○ Maps ○ Database of who’s reporting 	<ul style="list-style-type: none"> • Country and thematic pages • Advanced search function which allows for: <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT) ○ Searches for phrases (“...”) <ul style="list-style-type: none"> ➤ Limits searches by: Country; source; theme; content format; feature; disaster type; vulnerable groups; published date (by month); language
United Nations Assistance Mission in Afghanistan (UNAMA)	<p>Key documents include: Includes Security Council Resolutions; Reports of the Secretary-General to the Security Council; Briefings of the Special Representative of the Secretary-General to the Security Council; bi-annual UNAMA Reports on the Protection of Civilians; Reports of the Special Representative of the Secretary-General for Children in Armed Conflict; Documents related to Harmful Traditional Practices and the Elimination of Violence against Women (EVAW) Law</p> <p>Key documents Include:</p> <ul style="list-style-type: none"> ○ Security Council Resolutions 	<ul style="list-style-type: none"> • Advanced search function which allows for searches by: <ul style="list-style-type: none"> ○ Phrase; ALL words; At least one word ○ Limits search by categories and date range

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	<ul style="list-style-type: none">○ Reports of the Secretary-General to the Security Council○ Briefings of the Special Representative of the Secretary-General to the Security Council○ Bi-annual and annual UNAMA Reports on the Protection of Civilians○ Reports of the Special Representative of the Secretary-General for Children in Armed Conflict○ Documents related to Harmful Traditional Practices and the Elimination of Violence against Women (EVAW) Law○ Press releases	
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2. Useful sources to consult on the situation for internally displaced persons in Afghanistan

Source	Type of source	Website's search function
AlertNet Afghanistan pages	Humanitarian news site from Thomson Reuters providing information on natural disasters, conflicts, refugees, hunger, diseases and climate change. Its FACTBOX reports document daily security incidents by region. Country pages include sections on: <ul style="list-style-type: none"> ○ At a Glance ○ In detail ○ Timeline ○ Links ○ News 	<ul style="list-style-type: none"> ● Country page ● Advanced search function which allows for: <ul style="list-style-type: none"> ○ Keyword search ○ Searches limited by source; content partner; aid agency; country; topic; sub-topic; crisis and by time frame ○ Search results can be organised by date
Afghanistan Research and Evaluation Unit publications (AREU)	The Afghanistan Research and Evaluation Unit (AREU) is an independent research institute based in Kabul. AREU produces approximately 30 original publications per year in English, based on recent and ongoing research projects. AREU also produces a quarterly newsletter that lists newly available publications and information resources related to Afghanistan, and the annually updated <i>A to Z Guide to Afghanistan Assistance</i>	<ul style="list-style-type: none"> ● Simple search function which allows for keyword searches in publications
British and Irish Agencies Afghanistan Group (BAAG) resources	This section includes key reports and briefing papers on Afghanistan from NGOs, think tanks, and governmental bodies. They are divided into the broad categories, including civilian casualties, corruption, development, economy, education, governance, health, human rights, refugees, UN reports and women	N.A.
Internal Displacement Monitoring Centre (IDMC) Afghanistan country page	The IDMC is an international body which monitors conflict-induced internal displacement worldwide. Its country pages include: <ul style="list-style-type: none"> ○ Statistics ○ Maps ○ Internal Displacement Profile ○ IDP News alert ○ Key documents; news and reports from other organisations on the situation and treatment of IDPs and returnees. 	<ul style="list-style-type: none"> ● Country and thematic pages ● Advanced search function which allows for: <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT) ○ Searches for phrases (“...”) ○ It is not possible to search within particular time frames
IRIN News Afghanistan Country page	A service of the UN Office for the Coordination of Humanitarian Affairs. It provides: <ul style="list-style-type: none"> ➤ Humanitarian news and analysis by country and theme. 	<ul style="list-style-type: none"> ● Country and thematic pages ● Advanced search function which allows for <ul style="list-style-type: none"> ○ Keyword searches (Exact Wording; All the Words; Any Words) ○ Limits searches by Services; Country; Theme; Report Type ○ Searches within time frames

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		(From: To)
Relief Web Afghanistan country page	Relief Web is a database of reports from international and non-governmental organizations, governments, research institutions and the media for news, reports, press releases, appeals, policy documents, analysis and maps related to humanitarian emergencies worldwide. It provides: <ul style="list-style-type: none"> ○ In-depth profiles, updates and reports on countries and disasters ○ Maps ○ Database of who's reporting 	<ul style="list-style-type: none"> ● Country and thematic pages ● Advanced search function which allows for: <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT) ○ Searches for phrases (“...”) ➤ Limits searches by: Country; source; theme; content format; feature; disaster type; vulnerable groups; published date (by month); language
The ICRC Afghanistan country page	The International Committee of the Red Cross Afghanistan country page includes sections on: <ul style="list-style-type: none"> ○ Latest News ○ Facts and Figures ○ Highlights ○ Reference Documents 	<ul style="list-style-type: none"> ● Country page ● Advanced search function which allows for: <ul style="list-style-type: none"> ○ Keyword searches (Exact Wording; All the Words; Any Words)
UNHCR Afghanistan country page	UNHCR country pages provide: <ul style="list-style-type: none"> ○ Statistical snapshot ○ Latest news ○ UNHCR fundraising reports ○ Background, analysis and policy ○ Statistics ○ Maps ○ Operational Updates ○ Afghanistan Policy Papers (including Eligibility Guidelines) 	<ul style="list-style-type: none"> ● Country page does not have a search function ● UNHCR home page has an advanced search function which allows for : <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT, ALL) ○ Keyword by title ○ Limits searches by category, country of origin, country of asylum ○ Searches within time frames
UN News Centre Focus Afghanistan	Afghanistan country page provides links to: <ul style="list-style-type: none"> ○ UN statements in relation to Afghanistan ○ UN resolutions and reports on Afghanistan ○ UN agencies working in Afghanistan 	N.A.
UN Office for the Coordination of Humanitarian Affairs (OCHA)	OCHA's Afghanistan country page includes: <ul style="list-style-type: none"> ○ Monthly humanitarian update reports ○ Thematic and reference maps 	N.A.