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Country of Origin Report on Afghanistan

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Introduction

This general country report describes the situation in Afghanistan insofar as it is relevant to the assessment of asylum applications from persons originating from Afghanistan and to decisions on the repatriation of rejected Afghan asylum-seekers. It is an update of previous country reports on the situation in Afghanistan, and covers the period from August 2014 to October 2016.

The report is based on information from public and confidential sources. Use has been made of information from various agencies of the United Nations, non-governmental organisations, specialist literature and media reports. An overview of the public sources consulted is included in the list of references. The report is also based on local observations and confidential reports of the Dutch mission in Afghanistan.

Frequent reference is made to the consulted public sources. Where public sources are mentioned, the text is in many cases also supported by information obtained on a confidential basis.

Where reference is made in certain passages to previous country reports, it can be assumed that the situation described in these reports is still applicable.

Chapter One provides an overview of recent political developments, power factors and developments with regard to the Afghan army and police.

Chapter Two outlines the security situation in the country in the different regions.

Chapter Three gives an overview of the human rights situation in Afghanistan. After a description of legal guarantees and international treaties to which Afghanistan is a party, the possibilities for monitoring respect for human rights are considered. The extent to which a number of fundamental human rights are protected or violated is then considered. Finally, the situation of specific groups, including minors, is presented.

The main focus in Chapter Four is on migration flows, reception in the region and the reception of internally displaced persons.

1 Country information

1.1 Political developments

1.1.1 *Government of National Unity*

The presidential elections of 14 April 2014 ended in a run-off between candidates Ghani¹ and Abdullah², both of whom claimed victory. The elections were accompanied by widespread fraud. After months of political tension and significant pressure from the US, Ghani and Abdullah signed an agreement and formed a government of 'national unity'. On 29 September 2014, Ghani was appointed President and Abdullah was appointed Chief Executive Officer (CEO). This position should eventually be formalised as prime minister, a post that does not yet exist in the Afghan system and that requires a constitutional amendment.³

Because of the uneasy relationship between Ghani and Abdullah and the demands from the two men's supporters regarding the selection of candidates for ministerial posts, the formation of the cabinet took more than six months rather than the promised several weeks.⁴

On 12 January 2015, parliament voted on the appointment of 25 candidate ministers, but only ratified eight ministerial nominations and the nomination of Ramatullah Nabil as Director of the intelligence service – the National Directorate for Security (NDS). Seven candidates were rejected because of their possession of dual nationality, something not permitted by the Afghan Constitution for ministers. A number of candidates were unable to gather enough support due to tribal relations between Pashtuns, Tajiks, Uzbeks and Hazaras and the influence of former warlords in parliament. In addition, the proposed Minister of Agriculture turned out to be wanted by Interpol for tax evasion and fraud, and the candidates for the finance and defence posts withdrew for personal reasons. The appointment of just eight ministers was a disappointing outcome for Ghani and Abdullah, especially as it meant that the key posts of Economic Affairs, Justice, Defence and the Governorship of the Central Bank were left vacant.⁵

Not until 18 April 2015 could a virtually complete cabinet be sworn in, but the post of Defence Minister remained vacant despite several nominations to parliament.⁶ Mohammed Masoom Stanekzai⁷ held the position as acting minister for a time, but on 5 May 2016 President Ghani nominated General Abdullah Khan as Defence Minister and Stanekzai as Director of the NDS.⁸ Parliament approved these appointments on 20 June 2016.⁹ The position of Director of the NDS had fallen vacant when the then director Nabil unexpectedly stepped down on 10 December

¹ The New Yorker, *Afghanistan's theorist-in-chief*, 4 July 2016.

² BBC News, *Profile: Abdullah Abdullah*, 29 September 2014.

³ The New York Times, *Afghan presidential rivals finally agree on power-sharing deal*, 20 September 2014; The Washington Post, *Ghani, Abdullah sworn in as part of Afghanistan's power-sharing arrangement*, 29 September 2014.

⁴ The Guardian, *Afghan president Ghani names cabinet ministers three month after taking power*, 12 January 2015; Reuters, *Afghan president faces new hurdles as cabinet nominees rejected*, 28 January 2015.

⁵ The Guardian, *Afghan president Ghani names cabinet ministers three month after taking power*, 12 January 2015; Reuters, *Afghan president faces new hurdles as cabinet nominees rejected*, 28 January 2015; confidential sources.

⁶ AAN, *Finally towards a complete Afghan cabinet?*, 24 March 2015; AAN, *Afghanistan (almost) has a cabinet: MP confirms all candidate ministers*, 18 April 2015.

⁷ Masoom Stanekzai is also head of the Joint Secretariat of the HPC/APRP.

⁸ AAN, *Old names for the NDS and Defense Ministry: NUG proposes Stanakzai and Abdullah Khan, again*, 13 May 2016.

⁹ Khaama Press, *Afghan MP's approve Stanikzai and Habibi as NDS Chief and Defense minister*, 20 June 2016.

2015 after publicly criticising President Ghani over his rapprochement with Pakistan. Massoud Andarabi was appointed as Acting Director on 11 December 2015.¹⁰

Although cooperation between Ghani and Abdullah appeared to improve slightly in the first year of the unity government, this has not yet translated into administrative progress on the political, economic and security fronts. The lack of certainty about their precise roles and influence is an obstacle to effective governance.¹¹ And although both Ghani and Abdullah indicated during the elections that they would be president of 'the entire country', their supporters are ethnically divided. This too stands in the way of good governance. As a Pashtun, Ghani is mainly supported by the Pashtun in the south and east of the country, while Abdullah is of mixed Pashtun-Tajik descent and derives most of his support from the Tajiks in the north. Both are also backed by various warlords and local power brokers, who fight out their differences at local level.¹² Thus the Acting Governor of Balkh, Atta Muhammad Noor, supports CEO Abdullah, while Vice President Dostum backs President Ghani.¹³

In early August 2016, Abdullah openly expressed strong criticism of Ghani and described him as unfit for his role. According to Abdullah, Ghani takes decisions without consulting him and is failing to make progress with the electoral reforms. They have met several times since then in an attempt to overcome their differences of opinion, but tensions remain.¹⁴

Ghani and Abdullah agreed when they entered into office to carry out electoral reforms ahead of the parliamentary elections of 2016. This was one of the conditions for the formation of the unity government. For Abdullah in particular, it was of critical importance, as he believes that electoral fraud cost him his victory. Although the electoral commission announced in January 2016 that the parliamentary elections would be held on 15 October 2016¹⁵, they did not take place. This was partly due to lack of agreement over the composition of the reform commission and difficulties in drawing up the presidential decree needed to implement the reforms. The Lower House rejected the decree in a vote on 13 June 2016. A number of MPs were said to be stalling the approval process because they wanted to postpone the elections for fear of not getting enough votes. The decree that was then put forward was a watered-down version of the first decree and contained few structural electoral reforms. On 28 June 2016, the Upper House approved the decree unanimously. This cleared the way for the appointment of new members of the Independent Election Commission (IEC), which was supposed to organise the elections. The IEC was under fire because of its inability to run smooth a presidential election in 2014. The impartiality of various commissioners had also been called into question. On 26 March 2016, the head of the Election Commission, Ahmad Yousuf Nuristani, resigned. Abdullah's supporters had long been calling for his resignation because they suspected him of bias (in favour of Ghani). His post has yet to be

¹⁰ BBC News, *Afghanistan intelligence chief resigns amid row*, 10 december 2015; AAN, *Political cleavages over Pakistan: the NDS's chief's farewell*, 23 December 2015; UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, (A/70/775/-S/2016/218), 7 March 2016.

¹¹ Congressional Research Service, *Afghanistan: Post-Taliban Governance, Security and U.S. Policy*, 6 June 2016.

¹² The Wall Street Journal, *Afghan rivals Abdullah Abdullah and Ashraf Ghani race to presidential run off*, 6 June 2014; Briefings to the United Nations Security Council by the Secretary General's Special Representative for Afghanistan, 22 June and 17 September 2015; EIU, *Country Report Afghanistan*, 16 June 2016.

¹³ President Ghani has officially dismissed Noor, who has held this position since 2004, but Noor refuses to stand down. CEO Abdullah wants to keep Noor in his post. In mid-2016 he was still in office. – New York Times, *'They cannot remove me by force': A strongman on Afghan infighting*, 3 April 2016; AAN, *Political landscape; Young technocrats taking over: Who are the new Afghan governors and what can they achieve?*, 18 September 2015; Congressional Research Service, *Afghanistan: Post-Taliban governance, security and US policy*, 26 September 2016.

¹⁴ UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, (A/70/1033/-S/2016/768), 7 September 2016; The New York Times, *Afghan Chief Executive Abdullah denounces president Ghani as unfit for office*, 11 August 2016; Tolo News, *Ghani's management style under scrutiny*, 31 August 2016.

¹⁵ AAN, *The IEC announces 2016 election date – but what about electoral reform?*, 18 January 2016.

filled; the Election Commission is contending with a forty percent vacancy rate. No new commissioners had been appointed by the end of October 2016, And it is unclear when the parliamentary elections will take place.¹⁶

1.1.2 *Provincial elections*

The elections for the provincial councils took place on 5 April 2014. The provisional results were released on 19 May 2014, but due to the large number of complaints and allegations of fraud and manipulation the IEC, which was also responsible for the presidential election at the same time, was unable to publish the final results until 25 October 2014. Major irregularities were said to have occurred: over two hundred thousand of the seven million votes had to be declared invalid, partly because 713 of the more than 22,000 polling stations were retrospectively disqualified.¹⁷

1.1.3 *Government corruption*

When President Ghani took up office, one of his main goals was to reduce the level of corruption in Afghanistan. According to the US, the EU and other donors, endemic corruption is one of the biggest threats to the country's development. More than USD 100 billion of aid money has been spent in Afghanistan since 2001, but much of this has disappeared. Although President Ghani has taken a number of measures, such as setting up an Anti-Corruption Council, appointing a new Attorney General at the Attorney General's Office (which is known to be highly corrupt, see also 3.4.4 Judicial process) and appointing civil servants on the basis of quality rather than connections, corruption does not seem to have decreased in the past year.¹⁸ *Transparency International* has ranked the country in third-last place (166 out of 168) on its *Corruption Perceptions Index*.¹⁹ Corruption is present at all levels and in all parts of government. One of the biggest problems is the fact that influential people in both formal and informal positions exert their influence on policing and justice, which allows them to operate with impunity. Despite reforms implemented in recent years, the judiciary remains largely dysfunctional and corrupt. See also 3.4.4. Judicial process. The government is unable to provide basic services to its citizens. This is partly due to the centralised system, which means that budgets tend to be left unallocated in the capital, and partly because many employees are incompetent, often having been recruited on the basis of personal connections and not quality. The *Transparency International report National Integrity System Assessment 2015* analyses the situation in Afghanistan as regards corruption within the government.²⁰

¹⁶ Reuters, *Afghan leader extends parliament's term, promises election date*, 19 June 2015; Reuters, *Afghan electoral commission head quits, clouding political landscape*, 26 March 2016; UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/924-S/2016/532)*, 10 June 2016; Khaama Press, *Afghan senators approve president Ghani's decree on electoral reforms*, 28 June 2016; Khaama Press, *Afghan parliament rejects president Ghani's decree on electoral reform*, 13 June 2016; Khaama Press, *Parliament delays voting for presidential decree regarding electoral reforms*, 11 June 2016; AAN, *Pushing the parliament to accept a decree: another election without reform?*, 10 June 2016; The Hague Institute for Global Justice, *Breaking Afghanistan election cycle crisis*, 18 April 2016; EIU, *Country Report Afghanistan third quarter 2016*; confidential source.

¹⁷ Election results on IEC website: http://www.iec.org.af/results/en/finalresults/show_pr_elected; AAN, *Elections 2014 (54) – Provincial Council results creaking under the weight of manipulations*, 29 October 2014.

¹⁸ Wall Street Journal, *Afghan president Ashraf Ghani starts new effort to fight corruption*, 25 April 2016; Transparency International, *Corruption in Afghanistan: what needs to change?*, 16 February 2016.

¹⁹ <http://www.transparency.org/cpi2015>.

²⁰ Transparency International, *National Integrity System Assessment, Afghanistan 2015*, 16 February 2016; USIP, *State strengthening in Afghanistan, Lessons learned 2001 – 2014*, 2016.

1.2 High Peace Council (HPC)

The High Peace Council (HPC) was founded in 2010 at national and provincial level to organise and steer talks with the Taliban and other insurgents. The HPC consists of seventy members, nine of whom are women. However, the female members do not participate in formal peace talks. They make background efforts, with varying degrees of success, to play a role as mediators between the HPC and social pressure groups and communities. President Ghani has indicated that women will be involved in official peace talks 'at the right time', but this has not happened so far. In June 2015, the government presented a national action plan to implement UN Security Council (UNSC) Resolution 1325 (*Women, Peace and Security*), but the plan lacks any timetable, budget and allocation of responsibilities for its implementation. As a result, the document provides little basis for committing the government to the full involvement of women in the peace process. Several Afghan and international organisations, including women's organisations, have called on President Ghani to address this shortcoming.²¹

Since 2010, the HPC has directed the *Afghanistan Peace and Reintegration Programme* (APRP) together with the provincial peace councils. The programme is supported by the United Nations Development Programme (UNDP) and aims to ensure that lower-ranking opposition fighters lay down their arms and reintegrate into local Afghan communities. The HPC holds various meetings with community groups to generate support for peace talks with the Taliban. The possible release of Taliban fighters is one way of gaining the confidence of the insurgents for peace talks.²²

The UN reports that from the beginning of the programme in August 2010 to May 2015, 10,240 former insurgents came forward for disarmament and reconciliation, including 949 leaders. In addition, 7,813 weapons were handed in. 1,462 people joined the programme in 2015, and 1,716 in 2014.²³

1.2.1 Peace talks with the Taliban

In 2015 and 2016, talks with the Taliban took place in various formats. Direct peace talks between the members of the HPC and representatives of the Taliban were held in Muree, Pakistan, for the first time on 7 July 2015. The first official round of talks was preceded by meetings in Doha (Pugwash Conference, 2-3 May 2015) and in Urumqi, China (19-20 May 2015).²⁴ However, the Taliban pulled out of the peace talks after the disclosure by the Afghan government on 29 July 2015 that the Taliban leader Mullah Omar had died two years earlier. The Taliban had concealed this to prevent unrest within its own ranks.²⁵

In December 2015, China, Pakistan and the US agreed to hold quadrilateral peace talks with Afghanistan. The *Quadrilateral Coordination Group on the Afghan Peace*

²¹ HRW, *Afghanistan: Set out concrete plan to involve women*, 12 January 2016; HRW, *Afghanistan: Accept full role for women in talks*, 27 September 2015; Afghan Women's Support Forum, *Reflections on Afghanistan's Peace and Reintegration Programme*, 15 February 2016.

²² IWPR, *IWPR trains Afghan's High Peace Council*, 5 February 2016; IWPR, *Afghanistan's High Peace Council five years on*, 18 January 2016.

²³ UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/775-S/2016/218)*, 7 March 2016; UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/69/929-S/2015/422)*, 10 June 2015.

²⁴ High Peace Council, *First direct meeting between the representatives of the HPC and the Taliban*, 15 July 2015. The National, *Afghans, Taliban agree to 'meet again' following Pakistan talks*, 9 July 2015.

²⁵ The New York Times, *Taliban name lesser-known cleric as their new leader*, 26 mei 2016; The New York Times, *Shaken, Taliban begin effort to replace dead leader, Mullah Mansoor*, 24 May 2016; The New York Times, *Taliban leader, trying to end infighting, appoints critics to senior posts*, 5 April 2016; BBC News, *Taliban leader Mullah Aktar Mansour killed, Afghan's confirm*, 22 May 2016.

and Reconciliation Process met in Islamabad and Kabul four times in January and February 2016. At the meeting on 6 February 2016, the group established a roadmap for peace talks. At the meeting on 23 February 2016, the group invited the Taliban and other insurgent groups to participate in direct peace talks with the government in March 2016. On 5 March, however, the Taliban issued a statement indicating that they would not participate in peace talks until their conditions were met, including the withdrawal of all foreign troops, the release of all Taliban prisoners held by the Afghan government and the removal of the Taliban from the international sanctions list. They then began their spring offensive in April. The Quadrilateral Coordination Group met most recently on 18 May 2016 in Islamabad. No new date was set for further consultation.²⁶

The relationship between Afghanistan and Pakistan remains problematic with regard to the Taliban. After entering into office, President Ghani sought a rapprochement with Pakistan with a view to joint participation in any peace negotiations, to the discontent of many of his ministers. Relations cooled after the announcement of Mullah Omar's death in Pakistan and the US drone attacks on Taliban leader Mullah Mansour, also in Pakistan. The fact that both Taliban leaders were in hiding in Pakistan reinforced the idea that Pakistan was at least turning a blind eye to the presence of Afghan Taliban on Pakistani soil. Pakistan has always refused to allow military action against the Afghan Taliban on Pakistani territory, and advocates a purely political solution. It condemned the US drone attack on its territory, but it is also speculated that Pakistan may have covertly authorised the attack, so as not to jeopardise relations with the US.²⁷

In any case, bringing the Taliban on board is not the only requirement for holding a successful peace process, as they are not the only insurgent group. Moreover, the Taliban's central leadership does not always have all the group's factions under control. Especially since the death of Mullah Omar, infighting between the various Taliban factions has increased.²⁸

1.3 Power factors

Afghan society is characterised by a diffuse distribution of power, with patronage playing an important role. There are numerous parallel power structures; in part, these stem from the past, but in part they have arisen recently due to the power vacuum left by weak or non-existent authorities. Afghan politics is highly personal; political parties/factions often represent a religious or ethnic group and generally have no detailed political programme. To create support and due to the lack of a political party structure, those in power make use of a patronage system, with which they try to strike a balance between supporters and opponents.²⁹ As a technocrat with a background at the World Bank, President Ghani is trying to break this habit. Thus in the civil service (including the Kabul municipal authorities, the Attorney General's Office and the Customs Department) he has appointed young people and managers on the basis of quality rather than connections. The political approach of

²⁶ UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/924-S/2016/532)*, 10 June 2016; UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/775-S/2016/218)*, 7 March 2016.

²⁷ The Diplomat, *The dilemma of Pakistan's foreign policy*, 18 August 2016; The Diplomat, *Balochistan and the killing of Mullah Akhtar Mansour*, 7 June 2016; The Guardian, *US drone strike in Pakistan kills Taliban leader Mullah Mansoor*, 22 May 2016.

²⁸ The Guardian, *Dozens killed in clashes between rival Taliban factions in Afghanistan*, 10 March 2016.

²⁹ Congressional Research Service, *Afghanistan: government, politics, elections and government performance*, 12 January 2015; The New Yorker, *Afghanistan's theorist-in-chief*, 4 July 2016; The Diplomat, *Afghanistan in 2016: Ashraf Ghani's case for cautious optimism*, 5 January 2016.

former President Karzai, which was characterised by compromises and deals, merely gave local warlords, drug traffickers and their associates more power. As a result, the central government has become fragmented, divided and powerless to consolidate and extend its authority in the country. The government's authority extends little further than Kabul and the provincial capitals, and is often weakened by corruption, local power factors (see 1.3.2 Power of old (mujahideen) factions/political parties) and a weak judicial process (see 3.4.4 Judicial process).³⁰

1.3.1 *Formal power brokers*

A list of people who actually hold power in the government, provinces, districts and major cities in Afghanistan is difficult to provide, because power relationships often shift or vary according to different interests.

In addition to President Ashraf Ghani, a Pashtun from the prominent Ghilzai clan, and CEO Abdullah Abdullah, of mixed Tajik-Pashtun descent, former President Karzai, a Durrani Pashtun, remains a powerful figure on the political scene.³¹ President Ghani's closest advisers are all Pashtun, and they come from Karzai's power base. Abdul Salam Rahimi, formerly Deputy Minister of Finance when Ghani was Finance Minister, is Ghani's Chief of Staff. The current National Security Adviser is Mohammad Hanif Atmar – also a Pashtun and Minister of the Interior under Karzai. Sadiq Muddabir, a Hazara, is head of the President's Office of Administrative Affairs.³²

The Minister of the Interior Noor ul Haq Olomi resigned in February 2016 and was replaced by Taj Mohammad Jahid in April 2016. Abdul Basil Anwar is the current Minister of Justice. Abdullah Khan is Minister of Defence and Mohammed Masoom Stanekzai, a confidant of Ghani, is Director of the NDS. He initially held the position of acting Minister of Defence. As a former chairman of the High Peace Council (HPC), Stanekzai is closely acquainted with the peace talks with the Taliban.³³

Ismael Khan, a warlord who was Minister of Water and Energy under Karzai, has not received an influential position under Ghani.³⁴

Important Hazaras include Mohammad Mohaqiq, Deputy CEO in the current government, Karim Khalili, former Second Vice President and current Vice Chairman of the High Peace Council, and Umer Daudzai, former Minister of the Interior.³⁵

1.3.2 *Power of old (mujahideen) factions/political parties*

In Afghan politics, the political parties, factions and warlords who belonged to the Northern Alliance that fought against the Taliban are still dominant and influential. They are mostly former mujahideen who still have authority at regional level and have their own armed groups (non-state armed groups), which do not fall under the formal authority. They often undermine the authority of the central government,

³⁰ The Diplomat, *Will Afghanistan's lone fighter succeed?*, 21 July 2016; The New Yorker, *Afghanistan's theorist-in-chief*, 4 July 2016; The Diplomat, *Afghanistan in 2016: Ashraf Ghani's case for cautious optimism*, 5 January 2016.

³¹ The New York Times, *Afghanistan is in chaos. Is that what Hamid Karzai wants?* 5 August 2016; The Washington Post, *Afghanistan's Karzai gave up the presidency, but not the power*, 18 July 2015; The Express Tribune, *Hamid Karzai: the Afghan ex-president who can't let go*, 17 July 2015; Congressional Research Service, *Afghanistan: government, politics, elections and government performance*, 12 January 2015.

³² Congressional Research Service, *Afghanistan: government, politics, elections and government performance*, 12 January 2015 and Afghan biographical data at <http://www.afghan-bios.info/>.

³³ Confidential source; <http://www.afghan-bios.info/>; Congressional Research Service, *Afghanistan: Post-Taliban governance, security and US Policy*, 26 September 2016.

³⁴ The Express Tribune, *Afghan warlords anger at being 'sidelined' by Ghani*, 19 June 2015.

³⁵ Khaama Press, *Mohaqiq: People should remain alert to defend themselves*, 18 July 2015; Khaama Press, *Syed Ahmed Gilani appointed new chairman of Afghan High Peace Council*, 21 February 2016; Tolo News, *Umer Daidzai suggests early elections*, 7 October 2015.

and their power position is based partly on political relations and partly on intimidation and violence. Some warlords also hold formal positions as minister, governor or even vice president. The government cannot do without their support, because it needs their militias in the fight against the Taliban and other AGEs. Two examples are Vice President Abdul Rashid Dostum and former Governor of Balkh Atta Mohammad Noor, both key regional power brokers and former warlords from the Northern Alliance, who operate at the interface between formal and informal power. Their past record as warlords in the Northern Alliance includes human rights violations, but even now they are accused of abuse of power. Although their militias in northern Afghanistan fight against the Taliban, at the same time they undermine the government with crimes such as murder, land grabbing, armed robbery and illegal taxation. Regional and local administrators and police commanders are often appointed because of their loyalty to the local power brokers and allow the militias to operate with impunity.³⁶

The formal positions of Dostum and Noor have weakened since the inauguration of President Ghani. Dostum was especially important to Ghani during the election campaign, as his involvement enabled him to secure the loyalty of the Uzbek voters. Since his appointment as Vice President, President Ghani has made very little use of his services. Although Dostum mobilised his own troops in Faryab province, his home base, to drive out the Taliban, in late June 2016 President Ghani ordered him to cease his military operations there due to suspected human rights violations. Noor, who supports Abdullah, has also been sidelined; President Ghani relieved him of his post as Governor of Balkh, but so far he has stayed on, with Abdullah's support. Noor and Dostum are rivals for power in northern Afghanistan. Although their formal positions have weakened, their regional influence and power definitely have not.³⁷

1.3.3 *Insurgent groups*

The insurgent groups that operate against the Afghan government in Afghanistan and are not under the authority of a government are referred to in NATO and other correspondence and reports as 'armed opposition groups' (AOGs) and 'anti-government elements' (AGEs). The Taliban, the Haqqani network and Hezb-i-Islami are the main insurgent groups fighting against the Afghan authorities. They fall within the definition of an AGE.³⁸ In the rest of this country report, the term AGEs will be used to refer to insurgent groups operating against the Afghan government.

The three main insurgent groups in Afghanistan are the Taliban, the Haqqani network and Hezb-i-Islami Hekmatyar. They have parts of the country under control mainly in the south and east, but the Taliban have also been increasingly active in the north of the country since 2015. As far as is known, their leaders all operate from Pakistan. The leaders of all three factions fought against the Soviets in the eighties of the last century, participated in the civil war in Afghanistan in the nineties and have mainly directed their activities against the Afghan government since 2001. They all have a variable number of members and largely consist of part-time fighters. This means that the numbers of these groups can vary considerably.³⁹

³⁶ The Washington Post, *The warlords of Afghanistan*, 1 April 2015; HRW, *'Today we shall all die', Afghanistan's strongmen and the Legacy of Impunity*, 3 March 2015; Reuters, *Open criticism, unruly militias add to Afghan government woes*, 5 July 2016.

³⁷ UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, (A/70/1033/S/2016/768), 7 September 2016; The New York Times, *Afghanistan's vice president is barred from entering US*, 25 April 2016; The New York Times, *'They cannot remove me by force': a strongman on Afghan infighting*, 2 April 2016; The Guardian, *Afghanistan's warlord vice-president spoiling for a fight with the Taliban*, 4 August 2015; Reuters, *Open criticism, unruly militias add to Afghan government woes*, 5 July 2016.

³⁸ As already documented in the general country report on Afghanistan, December 2013.

³⁹ US Department of Defense, *Enhancing security and stability in Afghanistan*, June 2016; International Crisis Group, *Afghanistan's Insurgency after the Transition*, 12 May 2014 and Danish Institute for international studies, *The elections and political realignments in Afghanistan*, May 2014.

In Pakistan's border area with Afghanistan, and in particular in North and South Waziristan, many Taliban and other fighters (including those of foreign origin) have long had a safe haven. On 15 June 2014 Pakistan began an offensive – Operation Zarb-e-Azb – to drive combatants, including Taliban fighters, out of these areas. The aim of the military operation was to tackle the nerve centre of terrorism in Pakistan. Many members of the Pakistani Taliban – known as the Tehrik-i-Taliban Pakistan or TTP – and other fighters had already left the area before the long-impending operation was begun. Many of them have sought refuge in Afghanistan. The military operation has led to many internally displaced persons and Pakistani refugees seeking refuge in Afghanistan. According to Pakistan, 3,500 insurgents have been killed and much weaponry destroyed in the operation, which has now lasted two years.⁴⁰

An overview of the main AGEs is given below.

1.3.3.1 The Taliban

The insurgency in Afghanistan is still mainly led by the Taliban. The Taliban's 'headquarters', the Quetta Shura, has been located in Quetta, Pakistan, since the fall of the Taliban regime in 2001. The Taliban follow an ultraconservative form of Sunni Islam. Although support for the Taliban is traditionally strongest among the Pashtun, in the north people belonging to other ethnic groups also join the Taliban, such as Tajiks and Uzbeks. Their strongest zone of influence is in (Pashtun-dominated) south and central Afghanistan, and in the east in the border area with Pakistan. Most commanders and fighters operate in their local area and are therefore in direct contact with the population. Estimates of the number of active Taliban range from 25,000 to several tens of thousands. The Taliban have a major influence on the daily life of the population through the mosque, the network of village elders and family ties. For example, if a citizen is dissatisfied with the local government, the Taliban mediate or offer their services. They also have shadow governments (with vice-governors, governors, directors, taxes, education and law enforcement), including their own legal system that incorporates elements of Sharia and tribal traditions.⁴¹

When doubts were raised during the peace talks in July 2015 about the involvement of founder and leader Mullah Omar in the talks, the announcement of his death on 29 July 2015 initially created divisions within the Taliban. The maintaining of a two-year silence about Mullah Omar's death, during which period his second-in-command Mullah Akhtar Mansour had continued to issue orders, caused the leadership great embarrassment and produced internal friction. After the revelation of Mullah Omar's death, reports immediately began to circulate of large numbers of Taliban fighters offering their services to other, more extreme AGEs. On 4 August 2015, a few days after the nomination of Mullah Akhtar Mansour on 31 July 2015, the head of the political committee, Tayyed Agham, resigned from his post in protest.⁴² The immediate family of Mullah Omar are also thought to have opposed the succession of Mullah Akhtar Mansour for a long time. However, he was chosen as leader, with Haqqani commander Sirajuddin Haqqani and spiritual leader Haibatullah Akhunzadeh as his two deputies. The initial protests against Mansour were silenced by the Taliban's temporary capture of Kunduz in October 2015 and

⁴⁰ The Economic Times, *490 Pakistan soldiers, 3,500 militants killed in operation Zarb-e-Azb*, 15 June 2016; The Jamestown Foundation, *The successes and failures of Pakistan's operation Zarb-e-Azb*, 10 July 2015; Al Jazeera, *Pakistan military targets fighters in northwest*, 13 June 2015; confidential source.

⁴¹ Al Jazeera, *Analysis: The Taliban's resurgence in Afghanistan*, 27 December 2015; Council on Foreign Relations, *The Taliban in Afghanistan*, 4 July 2014; Stanford University, *Mapping militant organisations*, 13 July 2016.

⁴² The Interpreter, *Taliban factionism rises after Mullah Omar's death*, 13 August 2015; Reuters, *New Taliban leader facing tension as top official quits*, 4 August 2015.

territorial gains in Helmand. In May 2016 Mansour was killed by the US in a drone strike in Balochistan.⁴³ The Taliban put Haibatullah Akhunzadeh forward as their new leader and appointed Mullah Yaqub, son of Mullah Omar, as the new deputy leader alongside Haqqani who was already a deputy. Haqqani's appointment consolidated ties with the Haqqani network. Haibatullah Akhunzadeh, from Kandahar, was a confidant of Mullah Omar and has been an important radical spiritual leader since the formation of the Taliban. He is considered capable of holding the Taliban together. In late May 2016 Akhunzadeh was thought to have announced in an audio message that he would not participate in peace talks, but a Taliban spokesman denied that the message originated from Akhunzadeh.⁴⁴

Despite two successive changes of leadership, the Taliban have further strengthened their presence in Afghanistan since the withdrawal of international troops in late 2014. They now have more areas of Afghanistan under their control than at any time since they were expelled in 2001, including large parts of Helmand and Kunduz. Other districts throughout the country are also under pressure.⁴⁵

The Taliban are more and more relying on the increasing drug money from the production of opium and other drug-related activity in Afghanistan which are controlled by them. The Afghan government also earns income from the drug trade, often in competition with the Taliban.⁴⁶

One of the groups operating in northern Afghanistan, in Takhar and elsewhere, is the *Islamic Movement of Uzbekistan* (IMU). This group was formerly linked to the Taliban, but in August 2015 it unilaterally pledged allegiance to IS through its leader Usmon Ghaz. This brought about a split in the group, and in June 2016 a group that wished to remain loyal to the Taliban and Al Qaeda and not to IS seceded from the IMU. The new group, which has not yet appointed a leader, also calls itself IMU.⁴⁷

1.3.3.2 The Haqqani network

The Haqqani network is closely intertwined with the Taliban. It is named after its leader Jalaluddin Haqqani, but is run by his son Sirajuddin, who since 2015 has also been one of the deputy leaders of the Taliban. Persistent rumours that Jalaluddin Haqqani had himself died some time ago, like Mullah Omar, were refuted in an official statement by the Taliban on 1 August 2015. However, this statement has failed to dispel all doubts on the part of the American, Afghan and Pakistani intelligence services, since Jalaluddin has not made any public appearances for a long time.⁴⁸

The leadership of Haqqani is in North Waziristan, which is one of the Federally Administered Tribal Areas (FATAs) in Pakistan. The Pakistani army's military operation in North Waziristan seems not to have completely disrupted the Haqqani

⁴³ Congressional Research Service, *Afghanistan: Post-Taliban Governance, Security and U.S. Policy*, 6 June 2016; BBC News, *Profile: Taliban leader Mullah Akhtar Mansour*, 22 May 2016; BBC News, *Taliban leader Mullah Akhtar Mansour killed, Afghans confirm*, 22 May 2016.

⁴⁴ CNN, *New Taliban leader vows: No peace talks; 'terror on enemies' will continue*, 26 May 2016; Long War Journal, *Taliban spokesman denies new emir rejected peace talks [updated]*, 26 May 2016; Reuters, *Afghan Taliban spokesman says movement's new leader has not issued audio message*, 25 May 2016.

⁴⁵ Brookings, *Blood and faith in Afghanistan*, June 2016; The New York Times, *More than 14 years after US invasion, the Taliban control large parts of Afghanistan*, 19 April 2016.

⁴⁶ The New York Times, *Penetrating every stage of Afghan opium chain, Taliban become a cartel*, 16 February 2016; The New York Times, *Tasked with combating opium, Afghan officials profit from it*, 15 February 2016; The New York Times, *Bountiful Afghan opium harvest yields profits for the Taliban*, 4 May 2016.

⁴⁷ Radio Free Europe Radio Liberty, *What next for the Islamic Movement of Uzbekistan?*, 23 August 2015; Global Security, *Islamic Movement of Uzbekistan (IMU)*, viewed on 20 August 2016; The Long War Journal, *Islamic Movement of Uzbekistan faction emerges after group's collapse*, 14 June 2016.

⁴⁸ International Crisis Group, *Afghanistan's Insurgency after the Transition*, 12 May 2014; The Long War journal, *Taliban deny reports of Jalaluddin Haqqani's death*, 1 August 2015.

network.⁴⁹ The network's leadership and members have sought refuge in Afghanistan among other places. How much of a blow has been dealt to the network's capacity remains unclear, but it is certainly still able to commit or prepare major attacks, such as the attack on VIP protection officers in Kabul on 19 April 2016, in which 64 people died and more than 340 were wounded.⁵⁰

In North Waziristan, the network controls a parallel administration with courts, recruiting centres, tax offices and security forces. It also has several training camps and safe houses which are used by Al Qaeda leaders and fighters and Taliban fighters who are preparing for combat in Afghanistan.⁵¹

According to the US Department of Defence, the Haqqani network poses the greatest threat to the US, the coalition and the Afghan forces. The fact that its leader Sirajuddin is also a deputy leader of the Taliban has only increased its influence. Haqqani is thought to have an influence on the command and control structure within the Taliban, and also has close ties with Al Qaeda.⁵²

1.3.3.3 Hezb-i-Islami / Hekmatyar Faction (HIG)

HIG is ideologically and politically allied to the Taliban, but sometimes fights the Taliban for control of certain areas, especially in provinces to the north and east of Kabul. Many HIG fighters are thought to have moved across to the Taliban. The leader of Hezb-i-Islami is Gulbuddin Hekmatyar, a former mujahedin party leader, whose base is in the north and east (Kunar, Nuristan, Kapisa and Nangarhar). HIG has lost a lot of power and influence in recent years.⁵³ Reports that Hekmatyar had called on his supporters to switch their support from the Taliban to IS were strongly denied by the leadership in late October 2015.⁵⁴ In May 2016 Hekmatyar signed a preliminary peace agreement with the Afghan government, raising the prospect of an amnesty and transformation into a legal political organisation. On 27 June 2016 he withdrew from this agreement, after calling on President Ghani in a letter to bring about a complete withdrawal of foreign troops and the dissolution of the Afghan government. On 22 September 2016, negotiators from the Afghan government and from Hekmatyar nonetheless signed a peace agreement, which was then signed by Hekmatyar and Ghani on 29 September. Human rights activists and victims of Hekmatyar are critical of the agreement.⁵⁵

1.3.3.4 Al Qaeda

According to the US, Al Qaeda was focusing on survival and consisted of fewer than a hundred troops, mainly in the provinces of Kunar and Nuristan, bordering Pakistan. Al Qaeda enjoys passive support from the local Taliban and the population there. During the fighting season (spring and summer), Al Qaeda was also thought

⁴⁹ Reuters, *Former Afghan spy chief says letters show Pakistan supports militants*, 15 July 2016.

⁵⁰ Long War Journal, *Haqqani network publicizes training camp in Afghanistan*, 17 September 2015; The National Interest, *Why won't Pakistan act against the Haqqani network?*, 7 May 2016; The Express Tribune, *Afghanistan says Kabul attack was planned by Haqqani network in Pakistan*, 23 April 2016; Congressional Research Service, *Afghanistan: Post-Taliban governance, security and U.S. policy*, 6 June 2016.

⁵¹ Long War Journal, *Haqqani network publicizes training camp in Afghanistan*, 17 September 2015; Stanford University, *Mapping militant organisations – Haqqani Network*, 15 May 2015.

⁵² The Diplomat, *The Taliban enter the Haqqani era*, 13 May 2016; US Department of Defense, *Enhancing Security and Stability in Afghanistan*, June 2016.

⁵³ EASO Country of Origin Information Report, *Afghanistan recruitment by armed groups*, September 2016; Congressional Research Service, *Afghanistan: Post-Taliban governance, security and U.S. policy*, 6 June 2016; Global Security, *Hzib-i-Islami*, August 2016.

⁵⁴ Radio Free Europe, Radio Liberty, *Afghanistan's Hekmatyar announces support for IS in fight against Taliban*, 7 July 2015.

⁵⁵ The Washington Post, *An Afghan warlord comes out of the shadows to make peace. But few trust him*, 29 September 2016; HRW, *Afghanistan war crimes suspect comes home*, 21 September 2016; The New York Times, *Afghanistan signs draft peace deal with faction led by Gulbuddin Hekmatyar*, 22 September 2016; CNN, *Afghanistan signs peace deal with faction led by warlord Gulbuddin Hekmatyar*, 22 September 2016; BBC News, *Hekmatyar signs draft deal with militant Hekmatyar*, 18 May 2016; The Long War Journal, *Hekmatyar withdraws from peace talks with Afghan government*, 28 June 2016.

to be present in Ghazni, Zabul and Wardak provinces.⁵⁶ In October 2015, however, Afghan and US special forces destroyed one of the largest Al Qaeda training camps ever found in Kandahar, after which the US acknowledged that it had underestimated the number of Al Qaeda fighters. The actual number of Al Qaeda fighters is not known at present. Since the death of Taliban leader Mullah Omar, links between Al Qaeda and Taliban seem to have strengthened, increasing Al Qaeda's power position.⁵⁷

1.3.3.5

IS

In mid-2014 IS emerged in Afghanistan, where it is also known as *Islamic State's 'Khorasan'* (IS-K).⁵⁸ Not much is known about its goals, viability or scope of operations, or its relationship with IS in Syria and Iraq.⁵⁹ IS mainly operates in Nangarhar⁶⁰ and primarily attracts disillusioned Taliban commanders and fighters. Its supporters also include fighters who fled Pakistan in 2014 and 2015 during anti-terrorist operations. In January 2015 a spokesman of IS in Raqqa (Syria) announced that IS was expanding its operations to *Khorasan*, a medieval name for a region consisting of present-day Afghanistan and parts of Pakistan and Iran. Hafid Saeed, a former member of the Pakistani Taliban (TTP), was appointed as governor. There do not appear to be strong links between IS in Afghanistan and ISIS in Raqqa (Iraq). The Taliban declared war on IS after this 'official' arrival of IS in Afghanistan.⁶¹

The ideology of IS, an ultra-conservative Sunni grouping, is based on Salafism, an orthodox Islamic law school which is very small in Afghanistan. The majority of Afghans adhere to the Hanafi school of law, while the Taliban follow the Deobandi school of law, although they have strong elements of Salafism. The Afghan Salafi community is small and fragmented, and originates from the anti-Soviet jihad in the eighties of the last century, when Saudi Arabia invested both financially and ideologically in the 'salafisation' of the mujahideen. As a result, a number of small Salafi communities arose, especially in eastern Afghanistan. In recent years, the Salafist influences have come mainly from religious students who have studied at Salafist *madrassas* in Pakistan. The Salafi communities are located in Nangarhar and Nuristan, but also in Badakhshan, Kabul and Herat. In recent years, students from non-Islamic universities have also become interested in Salafism. These are often young people who do not belong to a particular religious community and are attracted to the jihadi nature of IS Salafism. It is not the case that all Salafists are automatically supporters of IS.⁶²

Estimates of the number of IS fighters range between 1,000 and 8,500.⁶³ According to an Afghan security expert, at the height of IS power between August and December 2015 there were about 4,000 fighters operating in seven districts of eastern Nangarhar. US commanders recorded between 1,000 and 3,000 fighters in early 2016.⁶⁴ The largest group of fighters is located in the border districts of Achin,

⁵⁶ US Department of Defense, *Report on Enhancing Security and Stability in Afghanistan*, June 2015.

⁵⁷ The Washington Post, 'Probably the largest' al Qaeda-training camp ever destroyed in Afghanistan, 30 October 2015; The Washington Post, *U.S. troops are back in restive Afghan province, a year after withdrawal*, 8 April 2016; The long war journal, *US military admits Al Qaeda is stronger in Afghanistan than previously estimated*, 13 April 2016; CNN, *Al Qaeda 'very active' in Afghanistan: US Commander*, 13 April 2016; US Department of Defense, *Enhancing Security and Stability in Afghanistan*, June 2016.

⁵⁸ Other names are ISIS or Daesh.

⁵⁹ Oxford Analytica, *Afghan Taliban contain IS's regional reach*, 17 November 2015.

⁶⁰ AAN, *The Islamic State in 'Khorasan': How it began and where it stands now in Nangarhar*, 27 July 2016.

⁶¹ US Institute of Peace, *The Islamic State in Afghanistan, assessing the threat*, April 2016; BBC News, *Why Taliban special forces are fighting Islamic State*, 18 December 2015; Foreign Policy, *In Nangarhar, IS recruits amidst Af-Pak border tensions*, 24 November 2015.

⁶² EASO Country of Origin Information Report, *Afghanistan recruitment by armed groups*, September 2016; AAN, *Beyond jihad and traditionalism, Afghanistan's new generation of Islamic activists*, 23 June 2015.

⁶³ US Institute of Peace, *The Islamic State in Afghanistan, assessing the threat*, April 2016.

⁶⁴ Congressional Research Service, *Afghanistan: Post-Taliban governance, security and US policy*, June 2016; Foreign Policy, *In Nangarhar, IS recruits amidst Af-Pak border tensions*, 24 November 2015.

Nazyan and Deh Bala. The presence of IS outside Nangarhar is limited. In early 2015, some 300 fighters were active in the provinces of Helmand and Farah, but operations by the Taliban against IS and US air strikes decreased their numbers significantly. In nine other provinces, including four in the north (Kunduz, Samangan, Sar-e Pul and Faryab), IS has appointed recruiters, but activities there have been limited so far.⁶⁵ Reports emerged in the last few months of 2015 that IS was steadily gaining support and ground. The Taliban has deployed 'special forces' to fight IS.⁶⁶

IS has carried out a number of major attacks in Afghanistan, mainly on Shiite groups. The attacks in Kabul on 23 July 2016 at a demonstration of Hazaras, in which more than 80 people died (see 3.4.3 Freedom of religion and 3.5.3 Ethnic groups) and the suicide bombing of 18 April 2015 on a bank in Jalalabad in Nangarhar province, in which 35 people were killed and 120 wounded, have been the bloodiest attacks so far.⁶⁷ After the attack on the Hazara demonstration, US forces conducted an operation with the ANDSF against IS in Nangarhar. It is estimated that out of the approximately 3,000 IS fighters at the beginning of 2016, between 1,000 and 1,500 still remained in July 2016. In early August 2016 the US announced that IS leader Hafid Saeed had been killed in a drone attack in the Achin district in Nangarhar on 26 July.⁶⁸

The most recent attack by IS in the period covered by the report took place on 11 October 2016, during a celebration of Ashura by Shiite Muslims in Kabul. At least 16 people died and there were dozens of wounded. See also 3.4.3 Freedom of religion and 3.5.3 Ethnic groups. IS appears to have stationed a group of IS fighters in Kabul, as it is capable of carrying out complex attacks⁶⁹ in the capital.⁷⁰

1.4 Military developments

1.4.1 *International military presence and transition*

On 30 September 2014 President Ghani signed the Bilateral Security Agreement (BSA) between Afghanistan and the US, under whose terms 9,800 US troops would remain in 2015, with that number being gradually reduced to 5,000 by the end of 2016. The majority would work as trainers for the Resolute Support Mission (RSM), and about 2,000 would work as Special Operation Forces, half of them in the anti-terror unit. After 2016 about 1,000 American troops would still remain, depending on the security situation at that time. Due to the growth of the Taliban and IS-affiliated groups, the fight against IS in Iraq and doubts about the strength of the Afghan National Defense and Security Forces (ANDSF), this position has changed. President Obama has promised that the number of US troops will remain at the current level of around 10,000 until the end of 2016 and that even after 2016 more than 5,000 troops will remain active. The troops have been given a broader mandate, allowing them to carry out attacks against Al Qaeda and other AGEs,

⁶⁵ US Institute of Peace, *The Islamic State in Afghanistan, assessing the threat*, April 2016.

⁶⁶ The Washington Post, *The Islamic State is growing in Afghanistan and has its eyes on a specific city*, 6 October 2015; The National, *ISIL emerges in Afghanistan 'stronger than the Taliban'*, 29 October 2015; BBC News, *Why Taliban special forces are fighting Islamic State*, 18 December 2015; Foreign Policy, *On the trail of the Islamic State in Afghanistan*, 5 April 2016; Oxford Analytica, *Afghan Taliban contain IS's regional reach*, 17 November 2015.

⁶⁷ BBC News, *Afghanistan suicide bomb in Jalalabad leaves many dead*, 18 April 2015; Reuters, *Islamic state claims responsibility for Kabul attack, 80 dead*, 24 July 2016; The Guardian, *Does bloody bombing in Kabul signal change of tactics for Islamic State?*, 24 July 2016.

⁶⁸ The Guardian, *Five US troops wounded in combat with Isis in Afghanistan*, 28 July 2016; BBC News, *IS leader in Afghanistan killed, US believes*, 12 August 2016.

⁶⁹ These are attacks in which various techniques are used simultaneously or successively, for example a grenade attack and a suicide attack.

⁷⁰ AAN, *With an active cell in Kabul, ISKP tries to bring sectarianism to the Afghan war*, 19 October 2016.

including IS. From the end of 2017, Afghanistan will in principle have to monitor its own national security without any further foreign assistance.⁷¹

At the same time as the BSA, a Status of Forces Agreement (SOFA) was signed between Afghanistan and NATO, taking effect on 1 January 2015. Under the banner of the Resolute Support Mission (RSM), nearly 12,000 foreign troops will be active until 31 December 2016.⁷²

The RSM focuses on training, advising and assisting the senior management of the Afghan army and police. The purpose of the mission is to develop a professional and self-reliant Afghan security apparatus with the long-term ability to maintain security and thus permanently resist insurgents. Since 2015 a 'hub and spoke' model has been used, with a central presence in Kabul (the hub) and efforts divided into four regions (the spokes). The four regions are: 'North' around the city of Mazar-e Sharif; 'West' around Herat; 'South' around Kandahar; and 'East' around Baghram. Since 2016, the mission has moved to a Kabul-centric model, in which advice is now only given at the central institutional level.⁷³ 6,800 US military personnel are directly involved in the RSM.⁷⁴

1.4.2

Afghan security organisations

The Afghan National Defense and Security Forces (ANDSF) consist of the Afghanistan National Army (ANA) and the Afghan National Police (ANP). The ANA falls under the Ministry of Defence. It focuses on military ground operations, but also has a small Afghan Air Force (AAF), founded in 2007. The ANP, which is responsible for law enforcement and policing, falls under the Ministry of the Interior. Both the ANA and the ANP are divided into specialist services. As well as the ANDSF there is also a National Directorate of Security (NDS) - the Afghan intelligence service. This service does not fall under a ministry, but reports directly to the president.⁷⁵

The growth ceiling for the entire ANDSF has been set at 352,000 in 2018.⁷⁶ For the ANA, the permitted number of troops is 195,000, including 7,800 AAF personnel. The ANP may have up to 157,000 members. The Afghan Local Police, which is not part of the ANDSF and is funded by the US, has a growth ceiling of 30,000.⁷⁷ On the reference date of May 2016 the ANA had 171,428 soldiers (about 87%). There were 148,167 police officers (about 74%) in the ANP at that point.⁷⁸

The reporting period saw more fighting between the Taliban and other armed groups and the ANDSF. There were also many more casualties on the side of the ANDSF than in the previous reporting period.⁷⁹ Between March and August 2016 about 4,500 soldiers and police officers are reported to have been killed and more than 8,000 were injured. The rise of the Taliban and other armed groups since 2015 is

⁷¹ Time, *Obama says 9,800 troops will stay in Afghanistan through 2016*, 15 October 2015; Congressional Research Service, *Afghanistan: post Taliban governance, security and U.S. policy*, 6 June 2016.

⁷² NATO, *Resolute Support Mission in Afghanistan*, 13 June 2016; for the full text of the BSA see <http://www.embassyofafghanistan.org/sites/default/files/documents/BSA%20ENGLISH%20AFG.pdf>; for the full text of the SOFA see: <http://mf.gov.af/Content/files/SOFA%20ENGLISH.pdf>.

⁷³ Letter to Parliament, 19 June 2015, Dutch contribution to Resolute Support Afghanistan; NATO, *Resolute Support Mission in Afghanistan*, 13 June 2016.

⁷⁴ The Economist, *America's military withdrawal from Afghanistan is on hold*, 15 October 2015; Congressional Research Service, *Afghanistan: post Taliban governance, security and U.S. policy*, 6 June 2016.

⁷⁵ Global Security, *Afghanistan – ANDSF*, August 2016; US Institute of Peace, *Afghanistan National Defense and Security Forces*, May 2016.

⁷⁶ Brookings Institute, *Afghanistan Index 31 juli 2015*; US Institute of Peace, *Afghanistan National Defense and Security Forces*, May 2016.

⁷⁷ US Institute of Peace, *Afghanistan National Defense and Security Forces*, May 2016.

⁷⁸ Special Inspector General for Afghanistan Reconstruction (SIGAR), *Quarterly Report to the US Congress*, 30 July 2016.

⁷⁹ The New York Times, *Afghan forces, their numbers dwindling sharply, face a resurgent Taliban*, 12 October 2016; Congressional Research Service, *Afghanistan: post Taliban governance, security and U.S. policy*, 6 June 2016; US Institute of Peace, *Afghanistan National Defense and Security Forces*, May 2016.

partly attributed to the drastic reduction in the international forces, at a time when the ANDSF are not yet strong enough to fully take over the situation.⁸⁰ The ANDSF face many problems: very high turnover, desertion (an estimated 25% at the ANP in 2015), losses, logistical and coordination problems, recruitment of capable commanders, a consistently inadequate budget, administrative weaknesses and 'ghost soldiers'. These are soldiers and policemen who are registered in the system and for whom salaries are paid, but who do not actually exist or who have been killed. The money from the ghost soldiers is pocketed by corrupt commanders or other ANDSF members. In his quarterly report of April 2016 the Special Inspector General for Afghanistan Reconstruction (SIGAR) noted, 'Neither the United States nor its Afghan allies know how many Afghan soldiers and police actually exist, how many are in fact available for duty, or, by extension, the true nature of their operational capabilities'.⁸¹ By way of illustration, in Helmand more than 40% of the estimated 25,000 soldiers are thought to be ghost soldiers. There are plans to introduce an automated electronic payroll system which will ensure that only registered ANDSF personnel receive a salary, which will be deposited directly into their account. ANDSF personnel are issued with an identification card with biometric information. By May 2016 about 70% of ANA personnel had been registered. The system should enter into operation in 2017.⁸²

1.4.3 *The Afghan National Army (ANA)*

Afghanistan does not have military service. Men can join the army at the age of 18. In January 2016, the maximum age for joining the army was increased from 35 to 40. It has also been made easier to return to the army after deserting. The Ministry of Defence hopes in this way to attract more soldiers.⁸³

The ANA again contended in this period with a high turnover rate of about a third of the entire force per year, resulting in high training costs and large numbers of inexperienced soldiers. The turnover was higher in 2016 than in 2015. There is no punishment for deserting from the Afghan army, in order to encourage recruitment. Afghan deserters can openly admit to their status in Afghanistan. Deserters and soldiers who do not renew their contract complain about the quality of leadership, living and working conditions and inadequate care when they are wounded. Problems such as corruption, high security risks, pressure from the Taliban on families not to put their sons in the army, poor food and equipment, and poor medical care also play a role. In addition, many soldiers find it difficult not being stationed in their local area. The worsening security situation makes it harder for them to travel home when they have leave. Once they are home, they therefore often stay away for longer than permitted; sometimes they do not return at all. The high desertion figures are also related to the poor selection procedures, which lead to recruits being taken on who are physically unfit, addicted to drugs or lacking in motivation, for example.⁸⁴

⁸⁰ The New York Times, *Afghan forces fail to turn back Taliban gains*, 28 July 2016; Strategic Culture Foundation, *US President expands mission in Afghanistan: desperate attempt to avoid failure*, 14 June 2016; Brookings, *Blood and Faith in Afghanistan*, June 2016.

⁸¹ Special Inspector General for Afghanistan Reconstruction (SIGAR), *Quarterly Report to the US Congress*, 30 April 2016.

⁸² The Guardian, *Afghanistan's ghost soldiers: thousands enlisted to fight Taliban don't exist*, 17 May 2016; Special Inspector General for Afghanistan Reconstruction (SIGAR), *Quarterly Report to the US Congress*, 30 April 2016; US Institute of Peace, *Afghanistan National Defense and Security Forces*, May 2016; Wall Street Journal, *Afghan Police Force struggling to maintain membership*, 26 February 2016; US Department of Defense, *Enhancing security and stability in Afghanistan*, June 2016.

⁸³ CIA, *Military service age and obligation*, August 2016; The Washington Post, *Stretched by its fight against Taliban, Afghan army raises recruitment age*, 4 February 2016.

⁸⁴ Special Inspector General for Afghanistan Reconstruction (SIGAR), *Quarterly Report to the US Congress*, 30 July 2016; US Department of Defense, *Enhancing security and stability in Afghanistan*, June 2016; The Guardian, *Afghanistan's ghost soldiers: thousands enlisted to fight Taliban don't exist*, 17 May 2016; Congressional Research Service, *Afghanistan: Post-Taliban governance, security and U.S. policy*, 6 June 2016.

The rapid personnel turnover, the high number of casualties, but also the fast pace at which operations have to be carried out, without any intervals for leave and training, have all placed the ANA under considerable pressure. This has been further exacerbated since the withdrawal of the international forces. The number of soldiers killed has risen sharply. The Ministry of Defence stopped releasing figures at the end of 2015, but the number of deaths and injuries in the police and the army is so high that there are not enough new recruits to replace the casualties.⁸⁵

In addition to the formal command and control structures in the ANA, various politically influential figures and former warlords also play an important role. It is not uncommon for orders to be received from these figures rather than from the line commander. Appointments to senior positions are also heavily influenced by political interference and nepotism, which means that incompetent commanders are often appointed.⁸⁶ Corruption in obtaining a position is also widespread, especially at middle and senior levels. Once a position has been acquired, an amount generally has to be paid every month in order to keep it. Often, the salary is not enough to pay for this, so that additional income is needed, and this is often obtained through extortion at checkpoints or by pocketing money from ghost soldiers. In this way a parallel system has arisen alongside the permanent command and control structures and there is a lack of proper coordination between the ANA, ANP and NDS. This applies at the national level, but also at the provincial and unit level. There is also a lot of corruption in the ANA's logistics. At every level through which goods pass, authorisation is required, and in many cases this is only given after a bribe has been paid.⁸⁷

Ethnicity has also long played an important role in the ANA. According to the US Defense Department's annual Afghanistan report from October 2014, the ANA is sufficiently ethnically balanced, especially at unit level. In 2014, 42.5% of officers were Pashtun, 40.9% were Tajik, 8.2% were Hazara and 4.7% were Uzbek. At the level of the troops, the proportions were 40.3% Pashtun, 28.7% Tajik, 10% Hazara and 12.6% Uzbek. Steps have been taken to ensure that no units consist exclusively of Pashtun or Tajik. However, troops from northern and eastern Afghanistan and to a lesser extent from the south have been found to be slightly over-represented. There is also a slight over-representation of Tajiks at the rank of commander. In 2015, the US Defense Department stopped reporting on the ethnic composition of the ANA. Views on the alleged intensity and causes of ethnic friction within the ANA vary considerably. Some claim that ethnic friction is persistent, while others argue that it is rare and decreasing.⁸⁸

There are plans for the ANA to man fewer fixed checkpoints and to develop more flexibility and mobility, so as to be able to act against insurgents wherever necessary. At present the ANA is less mobile than the insurgents. It is hard to change this, as local governments and the public prefer to see fixed checkpoints, fearing that without them, areas may be taken over by insurgents. ANA units are not yet properly trained to operate in mobile units, because they have little knowledge of offensive and intelligence-oriented operations. However, they are becoming increasingly well trained in this respect. By contrast, the Special Forces

⁸⁵ The New York Times, *Afghan forces, their numbers dwindling sharply, face a resurgent Taliban*, 12 October 2016; US Department of Defense, *Enhancing security and stability in Afghanistan*, June 2016; The Guardian, *Afghanistan's ghost soldiers: thousands enlisted to fight Taliban don't exist*, 17 May 2016; Congressional Research Service, *Afghanistan: Post-Taliban governance, security and U.S. policy*, 6 June 2016.

⁸⁶ USIP, *Afghanistan national defense and security forces*, May 2016; Afghanistan Research and Evaluation unit, *The Afghan National Army after ISAF*, March 2016; US Department of Defense, *Progress toward security and stability in Afghanistan*, October 2014; confidential source.

⁸⁷ Confidential source; Brookings, *Blood and Faith in Afghanistan*, juni 2016; USIP, *Afghanistan national defense and security forces*, May 2016.

⁸⁸ Congressional Research Service, *Afghanistan: Post-Taliban governance, security and U.S. policy*, 6 June 2016; US Department of Defense, *Progress toward security and stability in Afghanistan*, October 2014.

(SFs) are capable of conducting such operations effectively, particularly if they receive support from American troops. However, the SFs constitute only a small part of the army and are only deployed in the areas where the fighting is most intense. They have a heavy or excessive task load.⁸⁹

As with the ANP and ALP, human rights violations are sometimes committed by members of the ANA, including the use of schools for military purposes, attacks on hospitals, clinics and medical staff and the destruction of property. In addition, the number of civilian casualties reported as a result of operations by the ANA (ground fighting and increasing numbers of air strikes) increased considerably in this reporting period.⁹⁰

1.4.4

The Afghan National Police (ANP)

The main components of the ANP are the Afghan Uniformed Police (AUP), Afghan National Civil Order Police (ANCOP) and Afghan Border Police (ABP).⁹¹ The ANP is responsible for both traditional policing and (paramilitary) deployment against the Taliban and other armed groups. Although international support for the professional development of the ANP in the form of language and other training and restructuring programmes under the Resolute Support Mission has been a focal point, problems persisted in a multitude of areas, as in the previous reporting period. These problems are high turnover and loss of police officers, lack of capable management, training and maintenance, medical care, corruption, abuse of power, excessive violence, sexual abuse, drug use, impunity and lack of independent oversight. In addition, many police officers are not aware of the legal rights of those who are arrested or charged. The effectiveness of the police has also been hampered by the lack of good education and high levels of illiteracy. In addition, the ANP suffers from high turnover and a shortage of capable officers (greater than at the ANA). Also, it is often involved in local and ethnic conflicts. Provincial directors and other local power brokers misuse the ANP for roles that lie outside their mandate, such as the frequent practice of hiring police officers as bodyguards.⁹²

In the reporting period, members of both the ANA and the ANP committed more extrajudicial killings than in the previous reporting period, for example of citizens with alleged links to insurgent groups. Such killings are rarely investigated judicially.⁹³

For example, the 28-year-old Farkhunda Malikzada was beaten to death by a crowd in the centre of Kabul on 19 March 2015 because she was alleged to have burned a Koran. The officers who were present did not intervene in the particularly violent lynching of Farkhunda, in which she was trampled, beaten with sticks and stoned. The corpse was then run over by a car, dragged through the streets and burned. A

⁸⁹ US Department of Defense, *Enhancing security and stability in Afghanistan*, June 2016; Afghanistan Research and Evaluation unit, *The Afghan National Army after ISAF*, March 2016; confidential source.

⁹⁰ UNHCR, *Eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; UNAMA, *Afghanistan: Annual Report 2015, protection of civilians in armed conflict*, February 2016; UNAMA, *Afghanistan: Midyear Report 2016, protection of civilians in armed conflict*, August 2016; HRW, *Afghanistan: rise in military use of schools*, 17 August 2016; US Department of State, *Country report on Human Rights Practices for 2015 Afghanistan*.

⁹¹ EASO, *COI Rapport Afghanistan security situation*, January 2016.

⁹² UNHCR, *UNHCR Eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; HRW, *Who will police Afghanistan's policemen?*, 12 March 2015; HRW, *Today we shall all die*, 3 March 2015; USIP, *The Afghan National Police in 2015 and beyond*, May 2014; Congressional Research Service, *Afghanistan: Post-Taliban governance, security and U.S. policy*, 6 June 2016; US Department of Defense, *Enhancing security and stability in Afghanistan*, June 2016; Foreign Policy, *Ghani promises 'serious measures' against Afghan troops who sexually abuse children*, 23 September 2015.

⁹³ UNAMA, *Afghanistan: Midyear Report 2016, protection of civilians in armed conflict*, August 2016; US Department of State, *Country report on Human Rights Practices for 2015 Afghanistan*.

single police officer who tried to assist Farkhunda was also attacked by the crowd. Among 49 defendants who stood trial as a result of the investigation ordered by President Ghani, there were 19 policemen. Eleven officers were sentenced to one year in prison for dereliction of duty and eight were acquitted due to lack of evidence. Four of the perpetrators were sentenced for participating in the lynching: three were sentenced to 20 years in prison, and one to 10 years.⁹⁴

The proportions of the different ethnic groups are well represented within the ANP. As of August 2015, the percentages of Pashtun, Hazaras and Uzbeks were roughly similar to the percentages of these ethnic groups in society. Tajiks were slightly over-represented.⁹⁵

As of July 2016 the ANP had employed 2,879 women. The Ministry of the Interior had set itself the goal of increasing the number of women to 6,000 in 2015, but this was not achieved. There were supposed to be 10,000 women in the police service in 2016, in order to reach a level of ten percent of the workforce by the end of 2017, but this will not be achieved either. Women's position in the police is difficult. They are often harassed by their own colleagues and are regularly subjected to attacks by insurgents. Within the organisation, they are often assigned tasks well below their level of education. Within their own community, they are often looked down on.⁹⁶

One of the best-functioning components of the ANP is the Afghan National Civil Order Police (ANCOP). It is organised as a paramilitary force, and relatively well trained and led. ANCOP officers are often used as 'reservists' in support of the ANA. ANCOP consists of about 15,000 troops whose primary task is to prepare anti-terror operations.⁹⁷

1.4.5

The Afghan Local Police (ALP)

The Afghan Local Police (ALP) was established at the instigation of the US in 2010 in order to deploy the existing local militias on an organised basis to fight the Taliban and other armed groups. The salaries of the ALP, which are considerably lower than those of the police, are paid in full by the US. Since June 2015, the ALP has operated under the supervision of the uniformed police of the district concerned. The ALP is not part of the ANDSF, but is under the responsibility of the Ministry of the Interior, which is in charge of maintaining security at village level. There may be up to 30,000 ALP officers active under the Ministry of the Interior. There were approximately 29,800 ALP officers in July 2016; this strong growth since 2015 reflects the need to cope with the advancing insurgents. They are active in every province (though not in every district) apart from Bamyan, Khost, Nimroz, Panjshir and Samangan. Since 2015, the figures have been updated by the ALP itself, so that the reliability of the numbers cannot be independently verified.⁹⁸

The main task of ALP personnel is to man checkpoints near their village of origin and provide protection against insurgent attacks. They may also temporarily detain criminals or insurgents before handing them over to the ANA or ANP, and sometimes

⁹⁴ The Guardian, *Farkhunda murder: Afghan court quashes death sentences*, 2 July 2015; BBC News, *Afghan police jailed over Farkhunda mob killing*, 19 May 2015; BBC News, *Farkhunda: the making of a martyr*, 11 August 2015.

⁹⁵ Confidential source.

⁹⁶ Special Inspector General for Afghanistan Reconstruction (SIGAR), *Quarterly Report to the US Congress*, 30 July 2016; The New York Times, *Afghan police women struggle against culture*, 1 March 2015.

⁹⁷ Special Inspector General for Afghanistan Reconstruction (SIGAR), *Quarterly Report to the US Congress*, 30 July 2016; US Department of Defense, *Enhancing security and stability in Afghanistan*, June 2016.

⁹⁸ International Crisis Group, *The future of the Afghan Local Police*, 4 June 2015; EASO, *COI Rapport Afghanistan security situation*, January 2016; US Department of Defense, *Enhancing Security and Stability in Afghanistan*, June 2016.

they also carry out local anti-terror operations. ALP personnel are in principle selected by the village leadership and operate in their districts or villages of origin. The risk of abuse is thus smaller (due to social control and their sense of responsibility for their own community) than when they come from other areas.⁹⁹

Although the ALP definitely provides security in a significant number of districts and abuses at the ALP have been taken more seriously in recent years, there are still many problems. An evaluation of the ALP programme in 2015 by order of President Ghani showed that a large number of ALP units (2,200 personnel) were led by local power brokers instead of the district chief and were operating without any official authority. Especially in Kunduz, Helmand and Kandahar (but also in other provinces), ALP units were responsible for various human rights violations.¹⁰⁰ Reported violations included executions, maltreatment, destruction of property, theft, threats, intimidation, violence and sexual abuse of girls and boys (*bacha bazi*, see 3.5.6).¹⁰¹ However, UNAMA reported fewer incidents in 2015 and the first half of 2016 than in 2014. It has also emerged that, like the ANA, the ALP has large numbers of ghost personnel.¹⁰²

In addition to the ALP, other 'informal' pro-government forces are also guilty of human rights violations. They are not recorded in the official government structure and can operate more or less with impunity. Officially, they combat the insurgents and also work with the ANDSF, but they often also compete against each other and abuse their position in various ways. Many of these forces are militias run by local power brokers or warlords. The number of such groups has grown since the government called for them in its National Uprising Support Strategy in 2015.¹⁰³

The ALP had a substantially higher number of casualties during the reporting period, mostly because their extensive presence tended to bring them more often into contact with the Taliban and other armed groups. Estimates indicate that they suffered three times as many losses as the ANA or ANP.¹⁰⁴ They are a relatively easy target because they often operate in hostile territory and are not always well equipped and trained for their task. Communications and logistics (e.g. the supply of ammunition) within the ALP have improved, but are still insufficiently developed for effective action.¹⁰⁵

1.4.6

The National Directorate for Security (NDS)

The National Directorate for Security (NDS) has powers to conduct searches, arrest people and perform interrogations. The NDS has its own detention centres in Kabul and in the provinces; its headquarters are in Kabul. General Rahmatullah Nabeel

⁹⁹ US Department of Defense, *Enhancing security and stability in Afghanistan*, June 2016; Congressional Research Service, *Afghanistan: post Taliban governance, security and U.S. policy*, 6 June 2016.

¹⁰⁰ International Crisis Group, *The future of the Afghan local Police*, 4 June 2015.

¹⁰¹ UNAMA, *Afghanistan: Midyear Report 2016, protection of civilians in armed conflict*, August 2016; UNAMA, *Afghanistan: Annual Report 2015, protection of civilians in armed conflict*, February 2016; US Department of Defense, *Enhancing security and stability in Afghanistan*, June 2016; Foreign Policy, *Ghani promises 'serious measures' against Afghan troops who sexually abuse children*, 23 September 2015; UN General Assembly Security Council, *Children and armed conflict*, 20 April 2016.

¹⁰² UNAMA, *Afghanistan: Midyear Report 2016, protection of civilians in armed conflict*, August 2016; UNAMA, *Afghanistan: Annual Report 2015, protection of civilians in armed conflict*, February 2016.

¹⁰³ UNAMA, *Afghanistan: Midyear Report 2016, protection of civilians in armed conflict*, August 2016; UNHCR, *Eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country report on Human Rights Practices for 2015 Afghanistan*.

¹⁰⁴ US Department of Defense, *Enhancing security and stability in Afghanistan*, June 2015; US Department of Defense, *Enhancing security and stability in Afghanistan*, June 2016; UNHCR, *Eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

¹⁰⁵ US Department of Defense, *Enhancing security and stability in Afghanistan*, June 2015; US Department of Defense, *Enhancing security and stability in Afghanistan*, June 2016.

was reappointed as director of the NDS by the Government of National Unity on 12 January 2015. He stepped down unexpectedly in December 2015, after criticising President Ghani over his rapprochement with Pakistan. On 11 December 2015, Massoud Andarabi was appointed as acting director. Stanakzai was appointed as director in May 2016.¹⁰⁶ *The NDS is said to be mainly funded from international sources such as the CIA.*¹⁰⁷

During the reporting period, as in the previous reporting period, there were reports of NDS personnel engaging in arbitrary arrests, and the detention and ill-treatment of people in NDS detention facilities. There is little external and judicial supervision and culprits are rarely called to account for abuse and maltreatment.¹⁰⁸

The International Committee of the Red Cross (ICRC), the Afghanistan Independent Human Rights Commission (AIHRC) and the United Nations Assistance Mission in Afghanistan (UNAMA) usually have access to the detention facilities of the NDS. Other observers do not always gain permission to visit NDS prison facilities. The AIHRC and UNAMA reported difficulties in gaining entry to NDS facilities, particularly those in Kabul and Kandahar, when they arrived unannounced. The AIHRC claims that it has to request visits by official letter at least one or two days in advance. UNAMA and the AIHRC have been explicitly forbidden from bringing in cameras so that reported maltreatments could not be recorded.¹⁰⁹

The NDS is dominated by Tajiks. The number of Pashtuns within the organisation is increasing slightly.¹¹⁰

1.4.7

Forced and voluntary recruitment and conscription

Within the ANDSF, the only reports of forced recruitment relate to the ALP. Recruitment within the ALP is a diffuse procedure, and varies from region to region. Sometimes the arrangements for the supply of personnel to the ALP are made by the village elders, but often local power brokers are also involved. Where this is the case, recruitment is frequently accompanied by coercion, and force is used in not-so-rare-cases. One common tactic is for families to be asked to designate a 'volunteer' to serve in the ALP. If they fail to do so, they have to arm themselves and protect their house day and night. Whether or not force is used in recruitment mainly depends on the attitude of the local ALP commander: some allow violence or use it themselves, while others do not.¹¹¹

The Taliban

In the Taliban's command structure various military committees are responsible for a province or region. Each military committee has a local commander in the field. Recruitment of Taliban fighters usually takes place through the local commander, through tribal elders and through *madrassas*. People are rarely recruited by strangers. Most of the recruited fighters operate in or near their birthplace. The fighters in the lower ranks in particular come from the local community. There are

¹⁰⁶ BBC News, *Afghanistan intelligence chief resigns amid row*, 10 December 2015; AAN, *Political cleavages over Pakistan: the NDS's chief's farewell*, 23 December 2015; AAN, *Old names for the NDS and Defence ministry: NUG proposes Stanakzai and Abdullah Khan, again*, 13 May 2016.

¹⁰⁷ Confidential source.

¹⁰⁸ Confidential source; HRW, *Today We Shall All Die*, 3 March 2015; According to UNAMA, there are cases of torture or other forms of maltreatment of prisoners who are held in custody by the ANA or the ALP before being transferred to the NDS - US Department of State, *Country report on human rights practices for 2015 Afghanistan*.

¹⁰⁹ US Department of State, *Country report on Human Rights Practices for 2015 Afghanistan*.

¹¹⁰ See the general official report on Afghanistan, September 2014.

¹¹¹ EASO COI, *Report Afghanistan recruitment by armed groups*, September 2016; Stability International Journal of Security & Development, *The Afghan Local Police – Closing the Security Gap?*, 7 September 2015.

various reasons why Afghans join the Taliban, including religious and ideological reasons and dissatisfaction with the government. Conflicts with, for example, a different tribe or economic reasons may also play a role. Sometimes pressure is applied by someone such as a family member who is already a member of the Taliban. Families may also receive money if their son joins the Taliban. The use of force in recruitment is unusual. However, the Taliban do use violence in villages and areas adjoining the Taliban area if the inhabitants refuse to help the Taliban. In these areas, they will try to win over the population, test their loyalty and force them to side with the insurgents. The Taliban have killed many village elders in retaliation for failing to cooperate with them. The Taliban will also take action if recruits in an area under their control refuse to fight when an unexpected combat situation arises.¹¹²

The deteriorating economic situation is an increasingly important reason for men to volunteer for the Taliban.¹¹³

In areas where the Taliban are in power or very influential it is easier to get new fighters than in areas where they have less of a foothold. Here, mobile Taliban units (which have existed for a number of years) are used. They reduce the need for forced recruitment. Members of this unit are well trained and often come from Pakistan.¹¹⁴

It was not possible to investigate how safe individuals are who have deserted from the Taliban or other anti-government groups, or how safe their families are. However, former recruits (and their family members) who have joined the reintegration programme may face attacks, threats and death. Partly for the sake of protection, many former Taliban fighters join the ALP.¹¹⁵

IS

In the areas where it is active, IS mainly forces the population to play a support role (for logistical tasks such as cooking and transporting goods) and uses indoctrination methods to spread its ideology. In this way, IS tries to acquire more followers to join in the 'jihad' In Zabul, a group of IS supporters who were expelled from Pakistan have supposedly set up a training centre from which recruitment is also organised.¹¹⁶

The population in areas under IS influence is afraid of forced recruitment, and some have therefore fled. IS is said to 'invite' Taliban fighters to join IS, with the threat of beheading if they do not.¹¹⁷

1.4.8

Forced and voluntary recruitment and conscription of minors

The practice of forced recruitment of minors is not confined to certain provinces. On 2 February 2015, President Ghani ratified a law prohibiting recruitment of minors by the ANDSF. However, the enforcement of this law is complicated by families' socio-economic motives, as the recruitment of a child brings in additional income. Other factors are the ANDSF's inability to estimate recruits' ages accurately, the limited

¹¹² EASO, *COI Rapport Afghanistan security situation*, February 2016; EASO COI, *Report Afghanistan recruitment by armed groups*, September 2016.

¹¹³ CNN, *Failing Afghan economy helping Taliban return to power*, 9 October 2015.

¹¹⁴ EASO COI, *Report Afghanistan recruitment by armed groups*, September 2016.

¹¹⁵ Annual progress report 2014 Afghanistan Peace and Reintegration Programme UNDP; EASO COI, *Report Afghanistan recruitment by armed groups*, September 2016; USIP, *The politics of disarmament and rearmament in Afghanistan*, May 2015.

¹¹⁶ EASO COI, *Report Afghanistan recruitment by armed groups*, September 2016; The Washington Post; *Islamic State establishes recruitment, training center in Afghanistan*, 14 August 2016.

¹¹⁷ EASO COI, *Report Afghanistan recruitment by armed groups*, September 2016.

availability of birth certificates and the ease with which such certificates can be forged. In addition, many children are recruited informally, mainly by the ALP, making oversight even more difficult.¹¹⁸

The UN warns that the figures are not reliable because they are partly based on unverifiable statements by third parties. It also considers it likely that there is underreporting. For the year 2014, the UN reported the recruitment and deployment of 68 minors (65 boys, 3 girls); 22 of these cases were verified. Twenty minors were found to have been deployed by anti-government groups, and 22 by the ALP and ANP.¹¹⁹ For the year 2015, the UN reported the recruitment of 116 minors, including 1 girl. Forty-eight of these cases have been verified. Thirteen minors were recruited by the ANDSF: 5 by the ALP, 5 by the ANP and 3 by the ANA. Twenty cases were attributed to the Taliban and 15 to other AGEs.¹²⁰ In the first half of 2016, 34 cases were reported: 26 by the Taliban, 4 by other AGEs and 4 by the ALP.¹²¹

Anti-government groups use their underage recruits to manufacture and transport Improvised Explosive Devices (IEDs) and carry out suicide attacks. There is growing concern about cross-border recruitment of children and the use of religious schools in Afghanistan and Pakistan for recruitment and military training by the Taliban and other AGEs.¹²² Although the Taliban officially no longer permit the recruitment of children, in practice it still regularly occurs. Younger children are often used to carry weapons, as messengers or spies, or to make and install IEDs.¹²³ The Haqqani network actively recruits children; it prefers to recruit them as early as possible and targets less intelligent children in particular. They are taught in special madrassas, where in addition to the usual religious education they receive military training and are prepared to commit a suicide attack. IS also works with very young children, who are brainwashed. In areas under their control, they have turned schools into recruiting centres.¹²⁴

Children have also been subjected to sexual violence by both the ALP and pro- and anti-government groups. Among other things, they have been exploited for *bacha bazi* (see 3.5.7 Homosexuals).¹²⁵

In the ALP in particular, children are active who want to avenge a dead family member, such as their father or uncle. This is often with the consent of the rest of the family and the village elders. For example, in February 2016 the Taliban killed a boy of ten, who with the consent of his family and the authorities had led an ALP unit in Uruzgan for months after his father had died and his uncle had been injured. In spite of the ban on the recruitment of child soldiers, the Afghan government then declared him a hero in an official ceremony; his photo appeared on social media,

¹¹⁸ UNAMA, *Afghanistan: Midyear Report 2016, protection of civilians in armed conflict*, August 2016; UNAMA, *Afghanistan: Annual Report 2015, protection of civilians in armed conflict*, February 2016; Report of the Secretary-General to the Security Council (A/69/926-S/2015/409), *Children and armed conflict*, 5 June 2015; Report of the Secretary-General to the Security Council (A/70/836-S/2016/360), *Children and armed conflict*, 20 April 2016.

¹¹⁹ Report of the Secretary-General to the Security Council (A/69/926-S/2015/409), *Children and armed conflict*, 5 June 2015.

¹²⁰ Report of the Secretary-General to the Security Council (A/70/836-S/2016/360), *Children and armed conflict*, 20 April 2016.

¹²¹ UNAMA, *Afghanistan: Midyear Report 2016, protection of civilians in armed conflict*, August 2016

¹²² Report of the Secretary-General to the Security Council (A/70/836-S/2016/360), *Children and armed conflict*, 20 April 2016; EASO COI, *Report Afghanistan recruitment by armed groups*, September 2016.

¹²³ Al Jazeera, *Afghan Taliban recruiting boys from Kunduz families*, 30 September 2015; HRW, *Afghanistan: Taliban child soldier recruitment surges*, 17 February 2016; EASO COI, *Report Afghanistan recruitment by armed groups*, September 2016.

¹²⁴ EASO COI, *Report Afghanistan recruitment by armed groups*, September 2016.

¹²⁵ UNAMA, *Afghanistan: Midyear Report 2016, protection of civilians in armed conflict*, August 2016; UNAMA, *Afghanistan: Annual Report 2015, protection of civilians in armed conflict*, February 2016; Report of the Secretary-General to the Security Council (A/70/836-S/2016/360), *Children and armed conflict*, 20 April 2016; EASO COI, *Report Afghanistan recruitment by armed groups*, September 2016.

dressed in an oversized uniform and military boots. The Taliban killed him when he was on his way to school in May 2016.¹²⁶

¹²⁶ The Guardian, *My grandsons fight to avenge their father: child soldiers in Afghanistan*, 25 mei 2016; Deutsch Welle, *Child soldiers – what is their role in the Afghan conflict?*, 13 February 2016; The New York Times, *Taliban gun down 10 year old militia hero in Afghanistan*, 2 February 2016.

2 The security situation

2.1 Developments in the security situation during the reporting period

In general, violence in Afghanistan can be said to have fluctuated seasonally. Most combat operations and attacks took place in the spring and summer, and there was less violence in the winter. Once the snow on the mountain passes between Afghanistan and Pakistan had melted sufficiently and the poppy harvest had been secured, the Taliban would start their traditional spring offensive. However, in recent years the traditional 'fighting season' has all but ceased to exist: fighting continues throughout the year, although the Taliban still announce the spring offensive. In 2015, this began on 24 April, under the name *Azm* (perseverance). In 2016 the spring offensive was called *Omari Operations*, after the slain Taliban leader Mullah Omar.¹²⁷ In the winter of both 2014 and 2015, a significant reduction in Taliban activities was less noticeable than in previous years.¹²⁸ In addition, both years were characterised by unusually fierce spring offensives, with more armed clashes between the Taliban or other AGEs and the Afghan government occurring in 2016 than in 2015. The number of security incidents rose sharply in 2015 compared to 2014, and fell very slightly in the first six months of 2016 compared to 2015. Since the beginning of the 2016 offensive, the Taliban have carried out at least 36 attacks on district capitals.¹²⁹

Since 2013, the Taliban has been steadily gaining ground from the government forces. According to the Afghan Ministry of the Interior, at the end of June 2016 the Taliban had nine districts under its complete control and more than 40 other districts were fiercely disputed.¹³⁰ According to research by *The Long War Journal*, at the end of October 2016 the Taliban had 41 districts under its control and 43 districts were disputed (out of 398).¹³¹ This number may be even higher in reality because reporting does not cover all districts - particularly in northern and eastern Afghanistan. The districts where the Taliban are in charge are scattered throughout the country, making it impossible to talk in terms of a closed 'front line' or a continuous sphere of influence. Shifts occur regularly. The Taliban do not usually succeed in occupying the provincial capitals for a long time, although they have done so for a short time in places such as Kunduz and Tarin-Kot.¹³²

The map below gives an overview of the areas controlled by the Taliban on 28 August 2016.¹³³

¹²⁷ AAN, *Operation Omari: Taleban announced 2016 spring offensive*, 14 April 2016 and the official website of the Taliban: <http://shahamat-english.com/>.

¹²⁸ The New York Times, *Afghan forces, their numbers dwindling sharply, face a resurgent Taliban*, 12 October 2016; Brookings Institute, *Blood and hope in Afghanistan: a June 2015 update*; Los Angeles Times, *Talks with Taliban a 'waste of time', says critic of Afghanistan's president*, 18 February 2016.

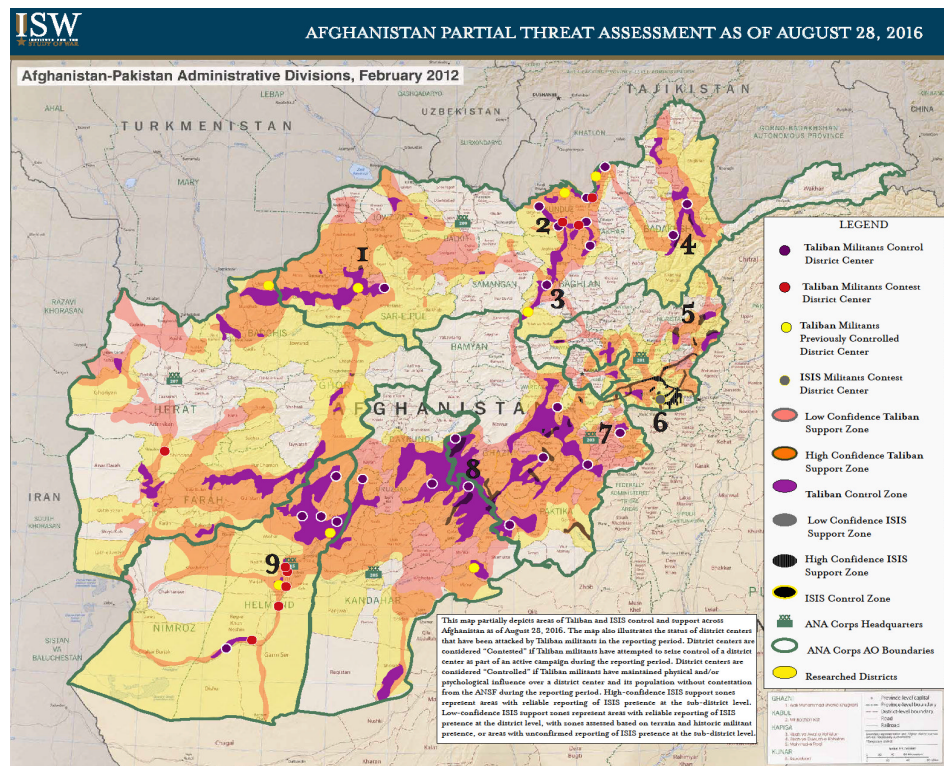
¹²⁹ General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/924-S/2016/532)*, 10 June 2016.

¹³⁰ The Long War Journal, *Afghan Ministry of Interior admits 9 districts under Taliban control*, 29 June 2016; Tolo News, *Over 50 districts face severe security threats, MoI admits*, 28 June 2016.

¹³¹ The Long War Journal, *Map of Taliban controlled and contested districts in Afghanistan*, last updated on 28 August 2016.

¹³² For an up-to-date picture, see the specially developed Google Maps overview: 'Map of Taliban controlled and contested districts in Afghanistan'. <https://www.google.com/maps/d/viewer?mid=zDzQXfEc6tT8.k5Httg4pfKEg>) at district level online via: <http://www.longwarjournal.org/archives/2015/10/taliban-overruns-district-loses-control-of-2-others-in-afghan-north.php>

¹³³ Institute for the study of war, *Afghanistan partial threat assessment: August 28, 2016*, for the original map see <http://www.understandingwar.org/background/afghanistan-partial-threat-assessment-august-28-2016>.



In general, the security situation continued to deteriorate during the reporting period.¹³⁴ For the year 2014, the UN recorded 22,051 security incidents, an increase of 10 percent on 2013. In 2014, UNAMA recorded 3,699 civilian deaths and 6,849 civilian injuries as a result of the conflict. More than two-thirds of the incidents occurred in the south, southeast and east, with Nangarhar Province as the worst-affected area. Armed clashes and IEDs claimed the most victims. In Kabul, 31 suicide attacks took place in 2014, compared to 18 in 2013. The Taliban captured four district centres in 2014: Yamgan and Kuran Wa Munjan (Badakhshan), Du Ab (Nuristan) and Charsada (Ghor).¹³⁵

The security situation further deteriorated in 2015. The UN recorded 32,634 security incidents, 70 percent of which occurred in the south, east and southeast. UNAMA recorded 3,545 civilian deaths and 7,457 civilian injuries as a result of the conflict. About half of all incidents took place in Ghazni, Helmand, Kandahar, Kunar and Nangarhar. The situation in Kunduz remained fragile as a result of the temporary occupation by the Taliban. Armed clashes and IEDs claimed the most victims.¹³⁶ The Taliban extended the areas under their control and captured 24 district capitals in the north (in the provinces of Badakhshan, Baghlan, Faryab, Jawzjan, Kunduz, Sari Pul and Takhar), in the west (in the provinces of Badghis and Farah), in the east (in the province of Nuristan) and in the south (in the provinces of Helmand and

¹³⁴ Confidential source; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/924-S/2016/532)*, 10 June 2016; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/359-S/2015/684)*, 1 September 2015; UNAMA, *Afghanistan annual report 2015, Protection of civilians in armed conflict*, february 2016; UNAMA, *Afghanistan mid year report 2016, Protection of civilians in armed conflict*, July 2016; Brookings, *Blood and hope in Afghanistan: a June 2015 update*; Brookings, *Blood and faith in Afghanistan, a June 2016 update*.

¹³⁵ General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/69/801-S/2015/151)*, 27 February 2015; UNAMA, *Afghanistan annual report on protection of civilians in armed conflict: 2015*, February 2016.

¹³⁶ General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/775-S/2016/218)*, 7 March 2016; UNAMA, *Afghanistan annual report 2015, Protection of civilians in armed conflict*, February 2016.

Kandahar).¹³⁷ In December 2015 and January 2016, the Taliban occupied parts of Helmand of strategic importance for opium- and arms-smuggling, including the districts of Garmsir, Khanashin, Marjah, Sangin and Washir. Although most district capitals were subsequently liberated - temporarily in some cases - this shows that the Taliban are expanding their sphere of influence. The capital may have been freed again in many of these districts, but the Taliban maintain control in the rest of the district.¹³⁸

In the first half of 2016, the UN reported a further deterioration in the security situation, with an increase in armed clashes, mainly between the Taliban and the ANDSF. June 2016 saw the highest number of armed clashes since June 2014. While there were more armed clashes, the number of security incidents fell slightly, mainly due to less use of IEDs. Between 16 February and 19 May 2016, the UN recorded 6,122 incidents, down 3 percent from the same period in 2015. More than two-thirds of the incidents occurred in the south, southeast and east. The end of the poppy harvest was marked by an increase in clashes between the Taliban and the ANDSF in Helmand Province.¹³⁹

Between 20 May and 15 August 2016, the UN recorded 5,996 security incidents, up by more than 4 percent on the same period in 2015. More than two-third of the incidents occurred in the south, southeast and east.¹⁴⁰

UNAMA recorded a total of 8,397 civilian casualties in the first nine months of 2016: 2,562 dead and 5,835 wounded. This number is comparable with the same period in 2015. Armed clashes and IEDs claimed the most victims.¹⁴¹ Since the beginning of the spring offensive on 12 April, the Taliban have carried out more than 35 attacks on district capitals. They have also occupied strategic areas in the provinces of Helmand and Uruzgan and recaptured strategic areas in Baghlan province. The Taliban have also stepped up their operations in Kunduz.¹⁴²

The increase in armed clashes represents a major challenge for the Afghan troops, who have suffered heavy losses in recent years as a result. The low quality of the units, the high rate of desertion, poor logistics and planning and lack of coordination between the various ANDSF components are the main problems in the ANDSF (see also 1.4.2 Afghan security organisations). In 2014 the ANDSF lost around 5,000 soldiers in armed conflict; in 2015 again, around 5,000 soldiers were killed, and around 14,000 were wounded. How many soldiers have died so far in 2016 has not been revealed, but it is more than in the same period of 2015.¹⁴³ This increase is largely attributable to the withdrawal of foreign forces, as a result of which the ANDSF are carrying out almost all operations themselves. In addition, the Taliban is geographically more widespread and other more extremist AGEs, including IS, are also active. The combat operations of the ANDSF have therefore increased in both intensity and geographical extent. Due to the poor condition of the ANDSF, elements within the government also armed pro-government forces other than the ALP in

¹³⁷ The 24 district centres (in no particular order): Jawand, Yamgan, Chahar Dara, Dasti Archi, Waygal, Kohistanat, Naw Zad, Musa Qala, Raghistan, Warduj, Baharak, Khak-e Safed, Khwaja Ghar, Imam Sahib, Qala-i-Zal, Kunduz District, Tala Wa Barfak, Kham Ab, Gurziwan, Ghorak, Bala Baluk, Ghormach, Darqad, Reg - UNAMA, *Afghanistan annual report on protection of civilians in armed conflict: 2015*, February 2016.

¹³⁸ General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/775-S/2016/218)*, 7 March 2016; UNAMA, *Afghanistan annual report 2015, Protection of civilians in armed conflict*, February 2016.

¹³⁹ General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/924-S/2016/532)*, 10 June 2016; UNAMA, *Afghanistan mid year report 2016, Protection of civilians in armed conflict*, July 2016.

¹⁴⁰ General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/1033-S/2016/768)*, 7 September 2016.

¹⁴¹ UNAMA, *Civilian casualty data for third quarter of 2016*, 19 October 2016.

¹⁴² General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/924-S/2016/532)*, 10 June 2016; UNAMA, *Afghanistan mid year report 2016, Protection of civilians in armed conflict*, July 2016.

¹⁴³ Reuters, *Afghan forces' casualties climbing in 2016, top U.S. Commander says*, 10 July 2016.

2015. These troops are totally outside the command structure of the ANDSF and operate outside the law, with the risk of human rights violations and impunity.¹⁴⁴

The Taliban have shown during this reporting period that they are able to carry out offensives far from their traditional strongholds in the eastern and southern regions. In areas that the Taliban capture, they introduce shadow governments with (vice-) governors, administrators, taxation, education and policing.¹⁴⁵

2.2 Civilian casualties

In general it can be said that the Afghan authorities have little ability to protect the population against violence, except - to some extent - in Kabul, Herat and Mazar-i-Sharif. This is the result of corruption, ineffective governance, a climate of impunity and the weakness of the rule of law. An individual in Afghanistan depends primarily on his or her own network and relationships for protection. These are often based on long-standing family ties, village relations and ethnic traditions.¹⁴⁶

In 2014, UNAMA documented 10,534 civilian casualties (8,638 in 2013): 3,701 dead (2,969 in 2013) and 6,833 wounded (5,669 in 2013). The increase in the number of deaths and injuries was mainly from ground combat in populated areas with heavy weapons such as mortars, grenades and rockets. In addition, more people died than in 2013 from IEDs, suicide attacks and complex attacks.¹⁴⁷ The casualties¹⁴⁸ (dead and wounded) as a result of ground combat were mainly in the south (935), east (770) and north (435). Helmand recorded the highest numbers of dead (282) and wounded (458) from ground combat, followed by Kunar (56 dead and 284 wounded) and Faryab (118 dead and 197 wounded). Most of the casualties caused by IEDs were in the south (1,013), southeast (451) and east (437), with the highest numbers in Helmand, Kandahar, Nangarhar, Faryab, Khost and Ghazni. The largest relative increase in casualties caused by IEDs occurred in central, northeastern and northern Afghanistan.¹⁴⁹

For 2014, UNAMA documented that 753 people died and 361 people were wounded in targeted attacks. This was a decrease of 5 percent from 2013. The main targets included district officials, mullahs, village elders, labourers, teachers, election officials and court officials. The Taliban claimed some of these attacks.¹⁵⁰

In total, 37 court officials were killed and 53 were wounded in 2014. Various court buildings were destroyed. UNAMA also recorded 49 cases of the administration of parallel justice (*sharia* law, operating outside the formal legal structure), in which people were beheaded, limbs were amputated, beatings were given or illegal detention was imposed. 81 people died and 15 were wounded as a result. This represented a quadrupling of the number of parallel judicial cases from 2013.

¹⁴⁴ The Diplomat, *No good news: Afghan civilian casualties still increasing*, 17 February 2016; The Diplomat, *Is the Afghan army losing the war in Afghanistan?*, 22 July 2015; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/359-S/2015/684)*, 1 September 2015; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/69/929-S/2015/422)*, 10 June 2015; US Department of Defense, *Report on Enhancing Security and Stability in Afghanistan*, June 2015.

¹⁴⁵ Institute for the Study of War, *The Taliban Resurgent: Threats To Afghanistan's Security*, March 2015.

¹⁴⁶ Confidential sources; UN General Assembly, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights in 2014 (A/HRC/28/48)*, 8 January 2015; US Department of State, *2015 Country Reports on Human Rights Practices – Afghanistan*, UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

¹⁴⁷ These involve the use of various techniques, such as grenade attacks and suicide attacks.

¹⁴⁸ References to casualties in this chapter are to civilian casualties.

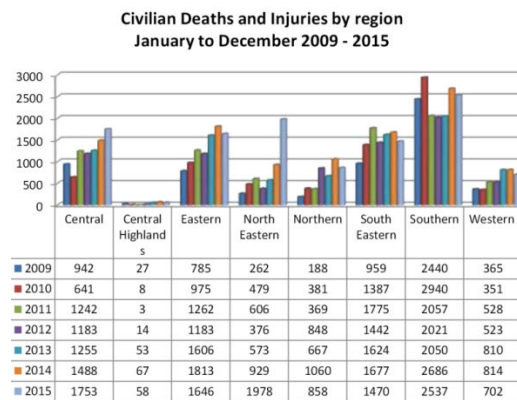
¹⁴⁹ UNAMA, *Afghanistan Annual Report 2014 Protection of Civilians in Armed Conflict*, February 2015.

¹⁵⁰ UNAMA, *Afghanistan Annual Report 2014 Protection of Civilians in Armed Conflict*, February 2015.

Parallel justice was seen throughout the country, but especially in districts controlled by the Taliban or other AGEs.¹⁵¹

More than 70 percent of the victims were attributed to AGEs and 14 percent to pro-government forces. The other victims could not be attributed to either party. In 2014, the number of children who died as a result of the conflict rose by 40 percent to 714 dead and 1,760 wounded. Most of these perished during ground fighting between members of the ANSDF and insurgents, or as a result of IEDs. Many women were left without a husband, putting them in an even more vulnerable position. The number of women who died was 298, and 611 women were wounded.¹⁵²

In 2015, UNAMA documented 11,002 civilian casualties, including 3,545 fatalities. Compared with 2014, the number of deaths fell by 4 per cent and the number of wounded rose by 9 percent.¹⁵³



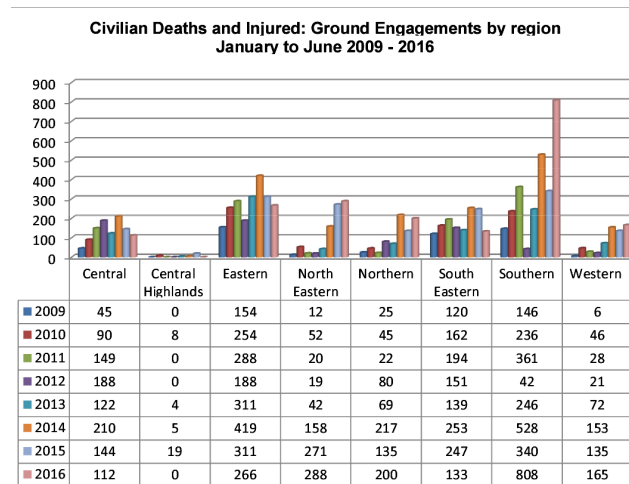
The largest number of victims (both dead and wounded) was caused by ground combat: 1,116 dead and 3,021 wounded. Thirty percent of these cases were attributed to pro-government forces, an increase of 40 percent, and 25 percent to AGEs. Many fights took place in and around populated areas, where the ANSDF tried to regain ground ('clearance operations') from the Taliban, often using explosive weapons such as artillery, mortars, rockets, grenades and recoilless rifles. Forty-four percent of the victims could not be attributed to either party. The highest number of casualties (dead and wounded) resulting from ground combat occurred in the northeast (1,265), south (927) and east (686).¹⁵⁴

¹⁵¹ UNAMA, *Afghanistan Annual Report 2014 Protection of Civilians in Armed Conflict*, February 2015; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

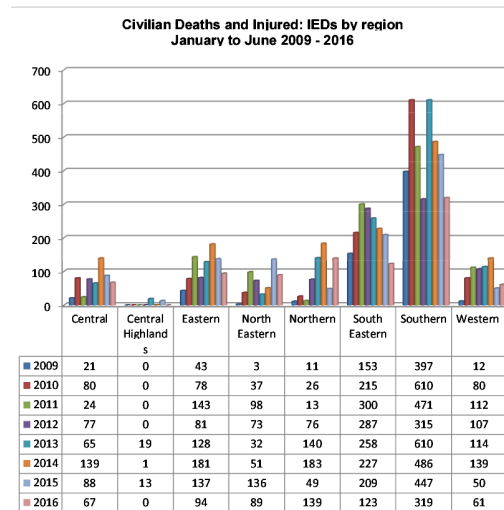
¹⁵² UNAMA, *Afghanistan Annual Report 2014 Protection of Civilians in Armed Conflict*, February 2015.

¹⁵³ UNAMA, *Afghanistan Annual Report 2015 Protection of Civilians in Armed Conflict*, February 2016.

¹⁵⁴ UNAMA, *Afghanistan Annual Report 2015 Protection of Civilians in Armed Conflict*, February 2016.



IEDs were again the second-highest cause of casualties after ground operations in 2015, although they claimed 20 percent fewer casualties than in 2014. This was probably because the ANDSF was more capable of disabling them and the Taliban made more focused use of them. The casualties (dead and wounded) as a result of IEDs were mainly in the south (743) and southeast (491) of the country.¹⁵⁵



In 2015 the number of deaths due to complex suicide and other attacks¹⁵⁶ increased by 16 percent from 2014. The number of targeted killings (850 dead and 572 wounded) rose by 27%. The victims included members of aid organisations, village elders, government officials, mullahs and officials of the judiciary. Targeted attacks reflect a deliberate Taliban policy. At the start of the spring offensive in 2015 they announced that 'officials of the stooge regime and other pernicious individuals' would be targeted. They also explicitly announced that 'judges, prosecutors, the personal [*sic*] of the Ministry of Justice and the likes' would be targeted. A large

¹⁵⁵ UNAMA, *Afghanistan Annual Report 2015 Protection of Civilians in Armed Conflict*, February 2016.

¹⁵⁶ These involve a combination of several types of attack (such as a suicide bomber and the use of weapons), often in multiple places at once or sequentially.

number of targeted attacks ensued. Attacks on both judicial officials and employees of other government agencies doubled in 2015.¹⁵⁷

There were also more deaths as a result of ground operations and air strikes by pro-government forces. Compared with 2014, the number of female victims (333 dead and 913 wounded) increased by 37 percent. This was partly due to targeted attacks against prominent human rights activists and women who worked in public service. UNAMA also recorded eight parallel court rulings in which women were convicted of moral offences. There was also a 14 percent increase in the number of child casualties (733 dead and 2,096 wounded): one in four casualties in 2015 was a child. Children were particularly affected as a result of ground combat, IEDs and remnants of explosives.¹⁵⁸

2015 saw a rise in the number of incidents related to schools. These mainly consisted of intimidation and threats to staff. As a result, more than 22 schools temporarily or permanently closed their doors. In 20 cases, particularly in Kunduz, the police, the ALP or the army annexed schools for their own use, preventing children from attending and creating a risk that the school would come under fire. The Taliban and IS also used schools on a number of occasions. In 2015, UNAMA also recorded an increase in attacks on hospitals, clinics and health personnel, by AGEs but also by the ANDSF and the US (a hospital in Kunduz). There were 63 incidents in which staff were threatened (up 47 percent on 2014), as a result of which clinics were closed and female staff in particular stopped working. The Taliban in particular as well as other AGEs were responsible. The Taliban also hindered the polio vaccination campaign. Especially in Nangarhar there were many incidents. In 2015, UNAMA recorded 18 cases of abduction of health personnel.¹⁵⁹

Over 60 percent of the casualties (2,315 dead and 4,544 wounded) were attributed to AGEs: of these, 1,490 casualties were openly claimed by the Taliban, 2,549 were not claimed by the Taliban but were attributed to them, 2,738 were not attributed to a specific AGE, 18 were openly claimed by IS and 64 were attributed to IS but not openly claimed by it. Seventeen percent of the casualties were attributed to pro-government forces (14 percent to the ANDSF, 2 percent to international forces and 1 percent to other pro-government forces).¹⁶⁰

The increase in the number of victims in 2015 occurred mainly in the northeast and central part of Afghanistan. Most of the casualties in the northeast were due to the temporary occupation of Kunduz by the Taliban (see also 2.4.1 Regional security situation). The increase in the central part of the country was mainly caused by a number of complex suicide and other attacks in Kabul. Like in 2014, the highest number of casualties occurred in the south and southeast of the country.¹⁶¹

In the first nine months of 2016, the number of casualties was approximately equal to that in the same period in 2015. Between January and 30 September 2016, UNAMA recorded 8,397 civilian casualties: 2,562 dead and 5,835 wounded. In the same period in 2015 there were 2,681 dead and 5,805 wounded. The number of female casualties fell by 12 percent, but the number of children who were victims of the conflict (639 dead and 1,822 wounded) was 15 percent higher than in the same period in 2015. Children were particularly affected as a result of ground combat,

¹⁵⁷ UNAMA, *Afghanistan Annual Report 2015 Protection Of Civilians In Armed Conflict*, February 2016; UN News Centre, *UN in Afghanistan condemns Taliban's deadly attack on judges and prosecutors*, 11 May 2015.

¹⁵⁸ UNAMA, *Afghanistan Annual Report 2015 Protection Of Civilians In Armed Conflict*, February 2016.

¹⁵⁹ Confidential sources; UNAMA, *Afghanistan Annual Report 2015 Protection Of Civilians In Armed Conflict*, February 2016; HRW, *Education on the front lines*, 17 August 2016; Aljazeera, *Attacks on hospitals: Afghanistan's medics under fire*, 19 July 2016; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

¹⁶⁰ UNAMA, *Afghanistan Annual Report 2015 Protection of Civilians in Armed Conflict*, February 2016.

¹⁶¹ UNAMA, *Afghanistan Annual Report 2015 Protection of Civilians in Armed Conflict*, February 2016.

IEDs and remnants of explosives. UNAMA recorded six parallel legal rulings in which women were accused of moral offences.¹⁶²

Ground combat caused the most casualties: 829 dead and 2,425 wounded. In the southern region, the number of victims therefore rose by more than 50 percent, mainly as a result of fighting in Helmand and Uruzgan. There were also many casualties in Baghlan and Takhar in the northeast. IEDs accounted for the second highest number of casualties (496 dead and 1,018 wounded). The percentage of casualties resulting from ground combat rose, while that resulting from IEDs fell.¹⁶³ Although AGEs were responsible for most of the casualties, the number of casualties at the hands of pro-government forces rose by more than 40 percent. The number of complex suicide and other attacks increased in the first six months of 2016, with 225 dead and 774 wounded. Most attacks took place in cities, the worst-hit being Kabul and Jalalabad (Nangarhar).¹⁶⁴ There were also more civilian deaths as a result of ANDSF air strikes. The number of targeted killings of 'ordinary' civilians fell in the first half of 2016 to 279 dead and 304 wounded - 25% lower than in the same period in 2015. The number of targeted attacks on government personnel, court officials, journalists and mullahs increased. Although the Taliban say they do not want to kill innocent civilians, they justify these attacks by referring in the case of judicial officials to 'legitimate military targets', and in the case of journalists to 'intelligence networks' and the 'invader-run (propaganda) machine'. They see restaurants as 'guesthouse of foreign invader(s)'. The number of attacks on judicial officials increased significantly after the execution of six Taliban prisoners in May 2016. The number of kidnappings also rose in the period to October 2016. See further under 3.4.6 Torture, maltreatment and threats.¹⁶⁵

In addition to the numbers of dead and wounded, the daily consequences of the war for the population are considerable: destroyed homes, destruction of property and livelihoods, displacement, limited access to education, healthcare and other services and lack of protection by the government. After generations of war, no families remain in Afghanistan that have not been affected by war, violence or displacement.¹⁶⁶

2.3 Security in Kabul

During the reporting period, the number of incidents in Kabul increased sharply. In a number of periods there were spikes in violence. A first wave of violence during the reporting period took place in October and November 2014. During this period, ten suicide attacks were perpetrated, following the installation of the Government of National Unity and in anticipation of the transfer of responsibilities from the international forces to the ANDSF.¹⁶⁷ In 2014 as a whole, 31 suicide attacks took place, compared to 18 in 2013. These included suicide attacks on buses transporting

¹⁶² UNAMA, *Civilian casualty data for third quarter of 2016*, 19 October 2016; UNAMA, *Afghanistan midyear report 2016 Protection of Civilians in Armed Conflict*, July 2016.

¹⁶³ UNAMA, *Civilian casualty data for third quarter of 2016*, 19 October 2016.

¹⁶⁴ UNAMA, *Afghanistan midyear report 2016 Protection of Civilians in Armed Conflict*, July 2016.

¹⁶⁵ UNAMA, *Civilian casualty data for third quarter of 2016*, 19 October 2016; UNAMA, *Afghanistan midyear report 2016 Protection of Civilians in Armed Conflict*, July 2016; The Guardian, *Afghanistan executes 6 Taliban prisoners*, 8 May 2016; Afghanistan Times, *Intentional militant attacks on journalists increased: NAI*, 17 March 2016; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

¹⁶⁶ UNAMA, *Afghanistan Annual Report 2015 Protection of Civilians in Armed Conflict*, February 2016.

¹⁶⁷ The Guardian, *NATO ends combat operations in Afghanistan*, 28 December 2014.

military personnel,¹⁶⁸ on a NATO convoy, on the convoy of a female MP, on the police headquarters, on a compound where foreign workers lived, on American soldiers, on a British embassy car, on an NGO compound, on a foreign charity project and on a school funded by France. The Taliban claimed responsibility for most of the attacks.¹⁶⁹

Between 1 January and 13 September 2015, more than 200 security incidents occurred in Kabul, including 68 explosions.¹⁷⁰ Attacks took place every month. The first major attack after the withdrawal of the international troops at the end of 2014 was a suicide attack on a EUPOL car on 5 January. The Taliban claimed responsibility for this attack.¹⁷¹ Between February and June 2015 several high-profile incidents took place in Kabul,¹⁷² including the murder of the police chief in Uruzgan on 18 March,¹⁷³ a suicide attack on a Turkish NATO convoy on 26 February,¹⁷⁴ a suicide attack on the Kabul Park Palace Hotel on 14 May 2015,¹⁷⁵ an attack near Kabul airport on 17 May 2015¹⁷⁶ and one near the Parliament on 22 June 2015.¹⁷⁷

After the announcement of the death of Taliban leader Mullah Omar, a series of attacks took place in Kabul between 7 and 10 August 2015, including on the main base of the Afghan army, the police academy, the headquarters of the international force and the airport. There were more than 50 dead and 330 wounded.¹⁷⁸ On 22 August 2015, 12 people were killed and more than 60 were wounded when a car bomb went off next to a hospital in central Kabul. The Taliban were thought to have been targeting a foreign convoy. The victims included three US contractors, but most of the victims were bystanders.¹⁷⁹

In 2016 several attacks took place every month up to August 2016. The most serious of these are listed here. On 21 January 2016, seven personnel were killed in a suicide attack on a bus of the news agency Tolo. It was the first major attack on a media organisation in Afghanistan. In late 2015, the Taliban had called Tolo TV a 'legitimate military target'. The Taliban claimed responsibility for this attack.¹⁸⁰ In February there were two suicide attacks on the headquarters of the National Civil Order Police (20 dead, 29 wounded) and the Ministry of Defence at the end of the working day (12 dead, 8 wounded).¹⁸¹ On 19 April 2016, more than 64 people died and 347 were wounded in a suicide attack outside the walls of the NDS. The Taliban claimed responsibility for the attack. Most of the victims were civilians, although the

¹⁶⁸ Tolo news, *Suicide attack targets ANA vehicles in Kabul*, 1 October 2014; Pajhwok Afghan News, *4 soldiers killed in fresh suicide attack on ANA bus*, 2 October 2014.

¹⁶⁹ UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and stability (A/69/801*-S/2015/151*)*, 27 February 2015; Ecoi-net, *General security situation in Afghanistan and events in Kabul*, 5 July 2016; EASO, *Country of Origin Information Report: Afghanistan security situation*, February 2016.

¹⁷⁰ EASO, *Country of Origin Information Report: Afghanistan security situation*, February 2016; Ecoi-net, *General security situation in Afghanistan and events in Kabul*, archived version of 4 May 2015.

¹⁷¹ The Guardian, *Suicide bomber attacks European police training mission in Kabul*, 5 January 2015.

¹⁷² UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and stability (A/69/929-S/2015/422)*, 10 June 2015.

¹⁷³ The Guardian, *Powerful Afghan police chief killed by Taliban suicide bomber*, 19 March 2015.

¹⁷⁴ Reuters, *Suicide bomb strikes top NATO envoy team in Afghanistan*, 26 February 2015.

¹⁷⁵ BBC News, *Kabul Park Palace Hotel attack kills 14*, 14 May 2015.

¹⁷⁶ BBC News, *Taliban suicide attack kills three near Kabul airport*, 17 May 2015.

¹⁷⁷ BBC News, *Taliban attack on Afghan parliament in Kabul ends*, 22 June 2015.

¹⁷⁸ The New York Times, *Waves of suicide attacks shake Kabul on its deadliest day of 2015*, 7 August 2015; BBC News, *Afghanistan: Taliban suicide bomb attack near Kabul airport*, 10 August 2015; Relief Web, *Kabul: death toll rises in deadliest 24 hours Afghan capital has seen in years*, 8 August 2015.

¹⁷⁹ The Guardian, *Deadly suicide bomb attack on NATO convoy in Kabul*, 23 August 2015.

¹⁸⁰ BBC News, *Kabul blast: suicide bomber kills 7 TV staff*, 20 January 2016.

¹⁸¹ The Guardian, *Taliban suicide bombings kill Afghan civilians*, 27 February 2016; The Guardian, *Taliban suicide bomber in deadly attack on Kabul police base*, 1 February 2016.

Taliban regularly proclaims its desire to spare civilians.¹⁸² In June and July 2016, Kabul was rocked by two major attacks. On 20 June 2016, 14 Nepalese guards who worked for the Canadian embassy died in a suicide attack. The Taliban claimed responsibility for the attack.¹⁸³ On 23 July, at least 80 people died and more than 230 people were wounded when three suicide bombers blew themselves up during a major demonstration of Hazaras in the city centre. See also 3.4.3 Freedom of religion and 3.5.3 Ethnic groups. IS claimed responsibility for the attack; the bombers were said to have come from Nangarhar to carry it out. It was the largest IS attack in Afghanistan so far and the first in Kabul. IS has its base in Nangarhar in eastern Afghanistan; see also 1.3.3.5 IS.¹⁸⁴ On 24 August 2016, at least 12 people, including 7 students, died in an attack on the American University in Kabul.¹⁸⁵ On 5 September 2016, at least 30 people were killed, including several high-ranking military personnel, and more than 100 people were wounded in a suicide attack at the Ministry of Defence.¹⁸⁶ On the evening of the same day, a suicide attack took place at an office of the international aid organisation CARE; the employees were successfully evacuated.¹⁸⁷ On 11 October, on the eve of the Shiite holy day of Ashura, at least 14 people were killed in an attack on a Shiite mosque in Kabul, where worshippers had gathered to prepare for Ashura. More than 40 people were wounded. IS claimed responsibility for the attack. See also 3.4.3 *Freedom of religion*.¹⁸⁸

2.4 The regional security situation

The security situation deteriorated during the reporting period. One indicator of this is the number of civilian casualties, which rose in all regions in 2014, 2015 and the first nine months of 2016 compared to 2013 (see also Section 2.2). The number of districts where the Taliban are influential also increased. The overall security picture remains mixed: reports of territorial gains by the Taliban contrast with successes of the ANDSF in maintaining or restoring control over areas.¹⁸⁹

This section provides a description in broad outline of the security situation in the different parts of Afghanistan.

¹⁸² Khaama Press, *64 killed, 347 wounded in coordinated Kabul suicide attack*, 19 April 2016; Independent, *Kabul attack: death toll from Taliban bombing rises to 64 as terrorist group threatens more attacks on 'invaders'*, 20 April 2016. For regularly supplemented systematic reporting of attacks, see <http://www.ecoi.net/news/188769::afghanistan/101.general-security-situation-in-afghanistan-and-events-in-Kabool.htm>.

¹⁸³ The Guardian, *Suicide bombing in Kabul kills 14 Nepalese security guards*, 20 June 2016; BBC News, *Suicide attack on minibus in Kabul kills at least 14*, 20 June 2016.

¹⁸⁴ Reuters, *Islamic state claims responsibility for Kabul attack, 80 dead*, 24 July 2016; The Guardian, *Isis claims responsibility for Kabul bomb attack on Hazara protesters*, 24 July 2016; BBC News, *Key Islamic state leader Saad Emarati killed in Afghanistan*, 26 July 2016.

¹⁸⁵ BBC News, *Kabul raid: seven students among 13 dead in university attack*, 25 August 2016; The Guardian, *American University attack: 12 dead and 24 injured in Afghanistan*, 25 August 2016.

¹⁸⁶ Tolo News, *Over 30 killed in twin bombing outside MoD*, 5 September 2016; BBC News, *Afghan blasts: twin Kabul explosions 'kill 24 people'*, 5 September 2016.

¹⁸⁷ Al Jazeera, *Afghanistan: Pamalrena siege ends in Kabul*, 7 September 2016; Tolo News, *Afghan capital locked down amid deadly attacks*, 6 September 2016.

¹⁸⁸ The Guardian, *Gunmen kill 14 people in attack on Shia muslim shrine in Kabul*, 11 October 2016; Al Jazeera, *Afghanistan: new attack kills 14 worshippers at mosque*, 12 October 2016.

¹⁸⁹ Confidential source; Institute for the study of war, *Afghanistan partial threat assessment: June 30, 2016*; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security (A/70/924-S/2016/532)*, 10 June 2016; Brookings, *Blood and hope in Afghanistan: a June 2015 update*; Brookings, *Blood and faith in Afghanistan, a June 2016 update*.

2.4.1 *The north (Badakhshan, Takhar, Baghlan, Kunduz, Samangan, Balkh, Sar-i-Pul, Jowzjan, Faryab)*

During the reporting period, the presence of the Taliban and other AGEs increased in northern Afghanistan. The temporary occupation of the provincial capital Kunduz was one of the biggest Taliban victories for years. In the provinces of Kunduz, Badakhshan, Takhar and Baghlan, the number of civilian casualties resulting from ground combat rose 50 percent in 2015 compared to 2014, with 1,978 dead and wounded. The first half of 2016 saw a 6 percent increase (288 victims) compared to the same period in 2015.¹⁹⁰

AGEs took large parts of the territory of the provinces of Kunduz, Sar-e Pul and Faryab during the reporting period, as well as parts of the provinces of Baghlan and Badakhshan. In all these provinces the Afghan government is fragmented, leaving room for pro-government militias run by local rulers. These mainly compete against each other, intimidate the population and create space that is occupied by the Taliban and other AGEs. In 2015, thousands of foreign fighters (including Chechens, Uighurs, Arabs, Turkmens and Uzbeks) were driven from their safe havens in the tribal areas in Pakistan in a military campaign. Many of them arrived in northern Afghanistan and joined one of the groups there. In northern Afghanistan, furthermore, two rival warlords fight against the Taliban, but also against each other: Vice President Dostum and the deputy governor of Balkh, Mohammad Atta Noor,¹⁹¹ both see themselves as the most important military defenders of the north.¹⁹²

Kunduz

Although the Taliban had been engaged in a major offensive in the province of Kunduz since early 2015 and the Afghan security forces knew they needed to deploy more troops in order not to lose the capital, they failed to do so. The reasons for this were poor coordination and disputes between the provincial authorities. It was a simple matter for the Taliban to capture Kunduz, and the government was unable to provide protection to its citizens. During the occupation that began on 28 September and lasted until 13 October 2015, the Taliban released 900 prisoners, including 300 Taliban fighters. They also intimidated employees of international organisations and ANDSF combatants who had been wounded and captured. In addition, a number of massacres occurred, possibly in retaliation for disloyalty. The Taliban went door to door with lists, looking for students, human rights activists and female employees of the government, international organisations and NGOs. It is not known whether the Taliban actually caused any casualties among these groups, but Amnesty International reported that the Taliban committed rapes and murders.¹⁹³ In an ANDSF action supported by American, German and British troops, the city was recaptured after a 12-day siege on 13 October 2015. In total there were more than 280 dead and 550 wounded. While the Americans were providing air support by bombing Taliban targets, the MSF hospital in the centre of the city was hit on 3

¹⁹⁰ Confidential sources; UNAMA, *Afghanistan midyear report 2016 Protection Of Civilians In Armed Conflict*, juli 2016; UNAMA, *Afghanistan year report 2015 Protection Of Civilians In Armed Conflict*, February 2016; Brookings, *Blood and faith in Afghanistan*, June 2016.

¹⁹¹ President Ghani has officially dismissed Noor, who has held this position since 2004, but Noor refuses to stand down. CEO Abdullah wishes to keep him. In mid-2016 he was still in office. – New York Times, *'They cannot remove me by force': A strongman on Afghan infighting*, 3 April 2016.

¹⁹² Brookings, *Blood and faith in Afghanistan, a June 2016 update*; AAN, *The 2015 insurgency in the north: the fall and recapture of Kunduz*, 16 October 2015; ISW, *Afghanistan partial threat assessment*, 12 April 2016; EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016.

¹⁹³ Confidential sources; Amnesty International, *Afghanistan: harrowing accounts emerge of the Taliban's reign of terror in Kunduz*, 1 October 2015; UNAMA, *Afghanistan: human rights and protection of civilians in armed conflict, special report on Kunduz province*, December 2015; EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016.

October 2015. Thirty people died and 37 were wounded. The attack was strongly condemned.¹⁹⁴

Despite strong ANDSF deployment, the situation remained unsettled in the districts of Khanabad, Chahardara, Dasht-e-Archi, Aliabad, Shahar, Darah and the northernmost district, Imam Sahib. Several other illegal armed groups (former jihadi commanders, armed militias fighting against the Taliban and criminal groups) contribute to ongoing instability in Kunduz. There are also other AGEs active in Kunduz (including the Islamic Movement of Uzbekistan (IMU)) which cooperate with the Taliban. An attack by the Taliban on Kunduz city in April 2016 was repulsed with the help of US troops. In July 2016 the Taliban took three-quarters of the district of Qala-e-Zal after three days of fighting. The Taliban have large numbers of fighters, weapons and vehicles in Kunduz.¹⁹⁵ In early August 2016, the Taliban shadow governor¹⁹⁶ of Kunduz was killed in a drone attack.¹⁹⁷ In early October 2016, the Taliban had recaptured some central parts of the capital, Kunduz, with Afghan forces offering little resistance. The Taliban used civilians' homes as shelters. After a week of intense fighting in the city, with air and other support from US troops, the Taliban were repulsed.¹⁹⁸

In Kunduz, ALP militias and other pro-government militias committed human rights abuses, including targeted killings, illegal detention, destruction of property, theft, threats and intimidation. Compared to 2015, the first half of 2016 showed a slight decline in the number of incidents caused by the ALP.¹⁹⁹

Baghlan

For the Taliban, Baghlan is a strategic province in the north. In the last two years the Taliban have made significant gains in Baghlan. Between April and May 2016 the Taliban took control of the Dand-e Shahabuddin, Dand-e Ghor²⁰⁰ and Shahr-e Naw areas in the district of Pul-e Khumri. The capture of these areas closed off access to Pul-e Khumri's main road to Kunduz Province. There is also a large Taliban presence in the Surkh Kotal area of Pul-e Khumri District, where the ring road runs between the provincial capital of Baghlan and Balkh. In May 2016 the Taliban installed a checkpoint along the highway in order to stop cars and check for ANDSF members. The districts of Baghlan-e-Jadid, Burkah and Doshi were said to be almost entirely in the hands of the Taliban. The security of the provincial capital, Pul-e Khumri, was thought to be in danger. As well as the Taliban, other military groups, including informal pro-government forces and the ALP, also caused unrest in the province. In addition, Highway 1 between Mazar-i-Sharif and Kabul is the scene of regular fighting between the Taliban and the ANDSF. The fighting in and around population

¹⁹⁴ Confidential sources; AAN, *Airstrike on a hospital in Kunduz: claims of a war crime*, 7 October 2015; BBC News, *Kunduz: Afghan MSF hospital strike a mistake, says US*, 7 October 2015; MSF, *Initial MSF internal review: Attack on Kunduz trauma centre, Afghanistan*, November 2015; The Washington Times, *MSF: US payments to victims of Kunduz hospital bombing inadequate 'sorry money'*, 26 February 2016; AAN, *The 2015 insurgency in the north: the fall and recapture of Kunduz*, 16 October 2015.

¹⁹⁵ ISW, *Afghanistan partial threat assessment*, 30 June 2016; Tolo-news, *Probe finds Taliban outnumber security forces in Kunduz*, 13 June 2016; Al Jazeera, *Fighting rages as Taliban attacks Afghanistan's Kunduz*, 21 July 2016; AAN, *The 2016 insurgency in the North: Beyond Kunduz city – lessons (not taken) from the Taleban takeover*, 30 January 2016; confidential source.

¹⁹⁶ The Taliban have their own shadow governor in almost all provinces, who is part of the Taliban's parallel system of governance.

¹⁹⁷ Khaama Press, *Taliban shadow governor for Kunduz likely killed in US drone strike*, 18 August 2016.

¹⁹⁸ The New York Times, *Embolded Taliban overrun parts of Kunduz and taunt Afghan forces*, 3 October 2016; The New York Times, *Afghan forces, their numbers dwindling sharply, face a resurgent Taliban*, 12 October 2016; Al Jazeera, *Taliban storm into Afghanistan's Kunduz*, 3 October 2016; The New York Times, *Afghan forces push Taliban out of Kunduz center, officials say*, 4 October 2016.

¹⁹⁹ UNAMA, *Afghanistan annual report 2015 Protection of civilians in armed conflict*, February 2016; UNAMA, *Afghanistan midyear report 2016 Protection of civilians in armed conflict*, February 2016.

²⁰⁰ This area is strategically located and has been contested several times. In September 2015 the Taliban captured the area and held on to it for five months; the ANSF then began an operation in January 2016 and took over the area in March 2016. When the ANSF handed over responsibility for security to the ALP the next day, the Taliban had retaken the area within a day. Many ALP members joined the Taliban, while others laid down their arms. AAN, *Taliban in the north: gaining ground along the ring road in Baghlan*, 15 August 2016.

centres caused many civilian casualties as well as destruction of property, reduced access to social services and displacement. A number of schools in Baghlan (as well as in other provinces) are used for military purposes (by both pro-government forces and the Taliban), preventing many children from attending school.²⁰¹ In early June, more than 32,500 people were displaced by fighting in the Dand-e Shahabuddin and Dand-e Ghori districts.²⁰²

Jowzjan

Jowzjan Province, which is mainly inhabited by Uzbeks and until recently was quiet, saw more violence in 2015 due to the general destabilisation of northern Afghanistan. Most incidents took place in the southern districts of Qushtepa and Darzab, usually on the road between Shiberghan and Qushtepa. In the villages in these districts the Taliban increased their influence through illegal taxation, intimidation, recruitment and the use of homes as protection against attacks by pro-government forces. There were also parallel courts in all villages under Taliban control. Atta Noor and Dostum conducted rival operations in Jowzjan in February and March 2016. Two women were executed in Jowzjan in spring 2016, one of them by the Taliban shadow governor himself, according to reports.²⁰³

Sar-e-Pul

The security situation also deteriorated in the province of Sar-e-Pul last year. The district of Kohistanat was in 2015 under temporary control of the Taliban, after an ALP commander defected to the Taliban together with a group of ALP members in July 2015. After intense fighting, in which newly established self-defence groups were also involved, the Taliban were defeated in August 2015. The self-defence groups were accused of killings, illegal taxation, illegal detention and land seizures in the district of Sancharak. They were also alleged to have exploited boys in the practice of *bacha bazi*.²⁰⁴

Badakhshan

In Badakhshan Province, the districts of Warduj and Yamgan were under Taliban control in July 2016. The district of Baharak was already in the hands of the Taliban in October 2015. A number of other districts, including Jorm, Argo and Kishim, are disputed. On 10 April 2015, the Taliban attacked an army base in Jurm; in the course of the attack more than 30 ANA soldiers were killed (some of them were beheaded) and at least 17 Taliban combatants died. Some sources claim that the number of ANA soldiers killed was much higher than officially stated. The Taliban shocked the villagers by displaying the heads of a number of ANA fighters in public. The situation in the province has not calmed down since the attack. The lapis lazuli mines in the province, which could contribute to the economic development of the province and the entire country, are also a cause of division and dispute. Millions of dollars are diverted to rich warlords, the Taliban and other AGEs.²⁰⁵

²⁰¹ HRW, *Education on the front lines, military use of school's in Afghanistan's Baghlan province*, August 2016.

²⁰² Confidential source; Pahjwok News, *Baghlan's Dahna-i-Ghori district falls to Taliban*, 15 August 2016; ISW, *Afghanistan partial threat assessment*, 30 June 2016; Institute for the Study of War, *The Taliban Resurgent: Threats To Afghanistan's Security*, March 2015; AAN, *The 2015 insurgency in the North: Surrounding the cities in Baghlan*, 21 October 2015; Tolo News, *Security situation in Baghlan stalled, say officials*, 12 July 2016; Tolo News, *Baghlan Provincial Council warns of provincial collapse*, 12 August 2016; UNAMA, *Afghanistan midyear report 2016 Protection of civilians in armed conflict*, February 2016.

²⁰³ ISW, *Afghanistan partial threat assessment*, 12 April 2016; EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016; The New York Times, *Taliban publicly execute two women in Northern Afghanistan*, 7 May 2016.

²⁰⁴ EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016; UNAMA, *Afghanistan midyear report 2015, Protection of civilians in armed conflict*, July 2015.

²⁰⁵ Tolo News, *17 villages under Taliban control in Baharak, Badakhshan*, 14 August 2016; The long war journal, *Afghan ministry of Interior admits 9 districts under Taliban control*, 29 June 2016; Long War Journal, *Taliban overruns another two districts in Afghan north*, 2 October 2015; AAN, *Violence in Badakhshan persists: with last year's Jurm attack still tells us about insecurity in the North*, 10 April 2016; EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016; Global Witness, *War in the treasury of the people – Afghanistan, lapis lazuli and the battle for mineral wealth*, June 2016.

Faryab

In Faryab, large parts of the province are under Taliban control, which focuses on the southern districts of Qaysar, Almar and Pashtun Kot and spills over into the more central districts of Gurziwan, Khwaja Sabz Posh, Shirin Tagab and Dawlatabad. In October 2015 the Ghormach district fell to the Taliban. After the Afghan government's reconquest of the district, the Taliban then took it again in October 2016.²⁰⁶ There are regular attacks by AGEs, clearance operations by pro-government forces and fighting between different groups. In 2015, Vice President Dostum himself led a number of military operations in order to gain territory from the Taliban. Atta Noor also conducted operations. In February 2016 the Taliban kidnapped bus passengers on several occasions. In July 2016, civilians from Faryab called on the government to do more to protect the province. Many people have fled to the neighbouring province of Balkh. There is also a small IS presence in Faryab. In both Faryab and Jawzjan, UNAMA is concerned about the continuing deployment of pro-government forces allied to powerful local rulers, because they are able to commit human rights violations with impunity.²⁰⁷

In the relatively peaceful province of Balkh, security incidents occurred regularly in 2015 and 2016 in the districts of Chimtal, Chahar Bolak, Dowlatabad and Shor-Tepa. The capital, Mazar-i-Sharif, is regarded as one of the safest cities in Afghanistan. However, an attack took place there on 12 October 2016 at a Shiite mosque, where worshippers were celebrating Ashura. At least 14 people died and there were at least 36 wounded. IS claimed responsibility for the attack.²⁰⁸ In the province of Samargan the situation was calm apart from a number of incidents. In the relatively peaceful province of Takhar, the ANDSF succeeded in recapturing the district of Darqad from the Taliban in January 2016.²⁰⁹

2.4.2

The south (Helmand, Kandahar, Uruzgan, Nimroz, Zabul)

The deteriorating security situation described in the previous reporting period continued in this reporting period. Although the attacks have shifted to the east of the country, the south is still one of the most insecure areas and the home territory of many AGEs. The Taliban's activities in the south further intensified in 2015 and 2016 despite increased efforts to counteract them by the ANDSF.

During the first six months of 2016, the number of civilian casualties as a result of ground operations in southern Afghanistan, particularly in Helmand and Uruzgan, doubled to 808. The south saw the highest number of civilian casualties in 2015: 2,537 dead and wounded. There were 927 civilian casualties resulting from ground operations and 743 from IEDs - a decrease of 6 percent from 2014.²¹⁰

²⁰⁶ The Long War Journal, *Remote district in northwestern Afghanistan falls to the Taliban*, 11 October 2016²⁰⁶ The Long War Journal, *Remote district in northwestern Afghanistan falls to the Taliban*, 18 October 2015; The Long War Journal, *Another Afghan district falls to the Taliban*, 18 October 2015.

²⁰⁷ The Jamestown Foundation, *Resurgent Taliban in Afghanistan's north*, 1 April 2016; EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016; Tolo news, *Faryab residents flee, call for help as security deteriorates*, 16 July 2015; Pajhwok; ISW, *Afghanistan partial threat assessment*, 12 April 2016; UNAMA, *Afghanistan midyear report 2016 Protection of civilians in armed conflict*, February 2016.

²⁰⁸ Confidential source; Khaama Press, *12 killed as Taliban attack repulsed in northern Balkh province*, 18 April 2016; EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016; Al Jazeera, *Afghanistan: new attack kills 14 worshippers at mosque*, 12 October 2016; The Guardian, *Shia Muslims killed in mosque bombing in northern Afghanistan*, 12 October 2016.

²⁰⁹ Khaama Press, *40 Taliban militants surrender to security forces in Takhar*, 16 January 2016; EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016.

²¹⁰ UNAMA, *Afghanistan midyear report 2016 Protection of Civilians in Armed Conflict*, July 2016; UNAMA, *Afghanistan year report 2015 Protection of Civilians in Armed Conflict*, February 2016.

Seventy percent of security incidents in 2015 occurred in the south, east and southeast. Helmand and Kandahar are the most vulnerable provinces in the south.

Helmand

The ANDSF strategy of focusing on maintaining control of district centres seems to do little to prevent the Taliban from making repeated attempts to occupy districts. In the second half of 2014, in 2015 and in 2016, the Taliban carried out several major attacks in Helmand Province. The Afghan security forces, sometimes assisted by US troops, conducted security actions and clean-up operations, with little or no success. Many districts in Helmand have been disputed several times,²¹¹ with numerous deaths on the part of both the Taliban and the ANDSF.²¹²

In December 2015 and January 2016, the Taliban (again) attempted to occupy strategic parts of Helmand, including the districts of Garmsir, Khanashin, Marjah and Sangin. As a result, the opium-smuggling route was kept open for the Taliban. The Taliban attach importance to controlling Sangin District because it is an important centre for the drug trade. Sarwan Kala, in Sangin, is where the military commander of the Taliban, Ibrahim Sadar, comes from. Helmand has been a major transit route for opium for many years, and the Taliban and drug dealers are in control in some districts.²¹³ Poor leadership, a high desertion rate and poor morale had weakened ANDSF troops in Helmand, giving the Taliban the opportunity to occupy strategic areas. The government is trying to reinforce the troops, including a small number of international troops, but the ANDSF continues to contend with serious shortcomings. After several offensives²¹⁴ in 2015, the ANDSF withdrew from several districts in early 2016, including Musa Qala and Now Zad.²¹⁵ In May 2016 the Taliban also took control of Sangin District. They now have full control in five districts (Now Zad, Musa Qala, Baghran, Dishu, and Khanashin); at least seven districts are heavily contested (Nahr-i-Sarraj, Kajaki, Nad Ali, Nawa-i-Barak, Marjah, Garmsir, and Sangin). There is also a Taliban presence in Washir.²¹⁶ In the district of Baghran, the Taliban have allegedly been in charge for almost ten years.²¹⁷ The position of the district capital, Lashkar Gah, is weak. In June, July and August 2016 operations were conducted by ANDSF and US forces, both on the ground and by means of air strikes, in order to push back the Taliban and above all to prevent them from taking the capital. Around 30,000 people fled the violence, especially from Nawa district, which lies south of the capital. All access roads to the capital were said to have been closed in late August 2016.²¹⁸ As a result of the violence in the province, approximately 100 schools had already been closed in 2015 and the number of civilian casualties increased. Both Taliban and ANDSF troops were killed, but there are no clear figures to report. Helmand is of strategic importance to the Afghan government.²¹⁹ On 1

²¹¹ The Telegraph, *Afghan town bathed in British blood once more at Taliban's mercy*, 17 July 2015.

²¹² Institute for the Study of War, *The Taliban Resurgent: Threats to Afghanistan's Security*, March 2015; EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016.

²¹³ Institute for the Study of War, *The Taliban Resurgent: Threats To Afghanistan's Security*, March 2015; The Telegraph, *Sangin: why is a collection of sunbaked, mud-wallet hamlets on the river Helmand so important?*, 22 December 2015.

²¹⁴ AAN, *The second fall of Musa Qala: how the Taliban are expanding territorial control*, 3 September 2015.

²¹⁵ The Long War Journal, *Afghan army abandons another district in Helmand*, 21 February 2016.

²¹⁶ The Long War Journal, *Taliban denies Helmand's shadow governor killed in airstrike*, 2 August 2016.

²¹⁷ The New York Times, *Taliban present gentler face, but wield iron fist in Afghan district*, 14 August 2015.

²¹⁸ Tolo News, *Lashkarga city under siege*, 24 August 2016.

²¹⁹ Tolo News, *Security bodies highlight Helmand's strategic importance amid war*, 12 August 2016; The Telegraph, *Taliban edges closer to Helmand city of Lashkar Gah*, 11 August 2016; VOA, *Taliban captures district in Helmand province*, 30 July 2016; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, 7 March 2016; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, 10 June 2016; Brookings, *Blood and faith in Afghanistan, a June 2016 update*; ISW, *Afghanistan partial threat assessment: the Taliban and ISIS*, February 2016; EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016; AAN, *The second fall of Musa Qala: how the Taliban are expanding territorial control*, 3 September 2015.

August 2016 the Taliban shadow governor of Helmand and his military commander were reported to have been killed in a drone strike, but the Taliban denied this.²²⁰ In early October 2016, Nawa District fell under Taliban control again, and the district police chief was killed. There were conflicting reports about the liberation of the district.²²¹ On 11 October 2016, over 100 Afghan policemen and soldiers died near Lashgar Gah when they walked into a Taliban trap; they had negotiated a 'safe' escape route, but were shot by the Taliban as they fled.²²²

Kandahar

Kandahar is one of the country's commercial centres, and the Kabul-Kandahar highway is one of the most important in the country. The highway is also the scene of numerous security incidents and a breeding ground for organised crime. Kandahar is one of the most violent provinces in southern Afghanistan, and accounts for a large proportion of security incidents in the country. Numerous military operations and armed clashes between AGEs and the ANDSF occur there. Kandahar is the centre from which the Taliban began. In 2015 and 2016 there were regular security incidents there. The most recent attack was a suicide attack by the Taliban on Kandahar airport on 9 December 2015, in which 37 civilians were killed.²²³ In October 2015 the US dismantled two major Al Qaeda camps in Kandahar.²²⁴

Uruzgan

Although to a lesser degree than in Kandahar and Helmand, armed confrontations between AGEs and pro-government forces take place regularly in Uruzgan. Thus there was heavy fighting in several parts of Uruzgan in May 2015, during which more than 160 insurgents were killed. Several clashes also occurred in July 2015, during which the police chief of Dehrawud District was killed.²²⁵ Between May and August 2015 there was fighting for control of the Khas Uruzgan District. The ALP commander Samad (who was a member of the Taliban until 2012) and his men, who took on the fight against the Taliban, were unable to maintain their position and were evacuated from the district by the Afghan Special Forces. Samad and his men were later found to have been guilty of serious misconduct against the local population in the district. In early 2016 the Taliban killed Samad's ten-year-old nephew, who had fought during the uprising against the Taliban in Khas Uruzgan to avenge his murdered father.²²⁶

In 2016, control of several areas has been disputed in Uruzgan, including Char Chino (parts of which were taken by the Taliban in June 2016), Deherawood (June 2016) and Gizab (May 2016). In March 2016 Afghan forces abandoned two checkpoints in the district of Shahidi Hassa after fighting with the Taliban. The Taliban are also trying to occupy strategic areas along the Kandahar-Tarin Kot highway.²²⁷ On 8 September 2016 heavy fighting took place in the capital, Tarin Kot, between the ANDSF and the Taliban, who were trying to take the city. They

²²⁰ Khaama Press, *Taliban shadow governor and war commander killed in Helmand*, 2 August 2016; The Long War Journal, *Taliban denies Helmand's shadow governor killed in US airstrike*, 2 August 2016.

²²¹ The Long War Journal, *Taliban overruns another district in Helmand*, 3 October 2016; The Long War Journal, *Resolute support claims Nawa district is 'under government control'*, 4 October 2016.

²²² The New York Times, *Afghan forces, their numbers dwindling sharply, face a resurgent Taliban*, 12 October 2016.

²²³ The Guardian, *Taliban attack on Kandahar airport leaves dozens dead*, 9 December 2015.

²²⁴ The long war journal, *US military strikes large Al Qaeda training camps in Southern Afghanistan*, 13 October 2015; EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016.

²²⁵ EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016.

²²⁶ AAN, *Trouble in Khas Uruzgan: insults, assaults, a siege and an airlift*, 2 September 2015; The New York Times, *Taliban gun down 10 year old militia hero in Afghanistan*, 2 February 2016.

²²⁷ The Long War Journal, *Taliban seizes a district in Uruzgan*, 15 June 2016; The Long War Journal, *Afghan forces withdraw from district in Uruzgan*, 9 March 2016; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, 10 June 2016.

occupied a large number of checkpoints and attacked the police station and other strategic government buildings. Many government officials fled to the airport.²²⁸

The Taliban also carried out several attacks and targeted killings in Uruzgan. In August 2015, targeted killings claimed the lives of several prominent officials, including the head of the provincial council in Uruzgan.²²⁹

The provinces of Nimruz and Zabul are the calmest provinces in southern Afghanistan, but there too, armed clashes, attacks and kidnappings have taken place. In Zabul two kidnappings occurred in 2015 that caused a considerable commotion. In February 2015, 31 people were abducted by the Islamic Movement of Uzbekistan (IMU), mainly Hazaras on their way home from Iran. One of them is said to have been beheaded. After months of negotiations, 19 of these hostages were set free in May 2015. In October 2015, IS kidnapped seven Hazaras, including two women and a girl of nine, as they were travelling. Taliban fighters found their bodies in November 2015. Their throats had been cut. Their violent deaths shocked Afghanistan and the Hazara community. See also 3.4.3 *Freedom of religion* and 3.5.3 *Ethnic groups*.²³⁰

2.4.3

The east (Nuristan, Kunar, Laghman, Nangarhar, Logar, Paktia, Khost, Paktika)

The presence of AGEs with links in Pakistan and the influx of the Haqqani Network, in addition to the rise of IS, made the east less safe in the course of 2014 and 2015. The number of AGE attacks in the east increased again during the reporting period, with the worst violence occurring in the provinces of Nangarhar and Kunar.

Kunar has been one of the most disputed provinces for many years. It has a 170-kilometer border with Pakistan's tribal areas, and various insurgent groups such as Laskar-e Taiba and Tehrik-e-Taliban Pakistan have concentrated their activities there. The Taliban have a considerable presence and Al Qaeda also has training camps in Kunar.²³¹ Foreign fighters, including Uzbeks, have also joined. Drone attacks have eliminated several leaders of insurgent groups. In 2015 and 2016, the rebels intensified their activities, leading to more insecurity and uncertainty for the population.²³²

Due to its location on the border with Pakistan, Nangarhar is a strategic province for both the Taliban and Afghan forces, leading to numerous armed clashes, and attacks by the Taliban on the ANDSF and ordinary civilians. The capital, Jalalabad, is also the scene of regular attacks.²³³ Since late 2014, the security situation has

²²⁸ NOS, *Zware gevechten in Tarin Kowt*, 8 September 2016; Al Jazeera, *Afghanistan: Taliban pushes into Uruzgan's Tarinkot*, 8 September 2016.

²²⁹ Afghan spirit, *Uruzgan provincial council head dies in ambush*, 29 August 2015.

²³⁰ EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016; BBC News, *Afghanistan kidnap video: hostage beheaded 'by Uzbek gunmen'*, 7 April 2015; BBC News, *Afghanistan Hazara kidnapped passengers released*, 11 May 2015; AAN, *The 'Zabul Seven' protests: who speaks for the victims?*, 12 November 2015.

²³¹ The Long War Journal, *US military strikes large Al Qaeda training camps in Southern Afghanistan*, 13 October 2015.

²³² EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016; Tolo News, *Kunar residents raise concerns over spike in security threats*, 1 March 2016; Tolo News, *Unknown gunmen attack Kunar schools*, 19 May 2016; Khaama Press, *45 militants killed, 80 wounded in failed Taliban attack in Kunar*, 8 May 2016; The Long War Journal, *Taliban destroys afghan army helicopter in IED attack at military base*, 15 April 2016; Al Jazeera, *Suicide attack kill dozens in Afghanistan*, 27 February 2016; Khaama Press, *Taliban militants launch major attack in Kunar province*, 28 July 2015; Tolo News, *13 insurgents, one civilian killed in Kunar clashes*, 14 April 2016; Khaama Press, *Drone strike leaves 5 militants dead in Kunar province*, 3 January 2016; Khaama Press, *Drone strike kills TTP commander in Kunar*, 1 November 2015; Tolo News, *Kunar drone strike kills 4 Taliban*, 22 May 2015; The bureau of Investigative Journalism, *Get the data: US strikes in Afghanistan – a list of US air and drone strikes – Afghanistan 2016*.

²³³ EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016; BBC News, *Afghanistan militants dead in Jalalabad attack*, 2 March 2016; Tolo News, *Daesh militants conduct group attacks in Nangarhar*, 24 June 2015; Tolo News, *2 civilians, 2 police injured in Nangarhar blast*, 25 July 2015; Tolo News, *Three civilians killed in Nangarhar blast*, 10 January 2016; NBC News, *Jalalabad suicide attack leaves 13 dead, 14 wounded*, 17 January 2016.

further deteriorated due to the emergence of IS. This has led to armed clashes between IS and the Taliban and the ANDSF, as well as the use of US drones.²³⁴ IS controls the area south of Jalalabad in Nangarhar Province, specifically in villages in the districts of Achin, Deh Bala, Bati Kot, Shinwar, Kot, and Chaparhar.²³⁵ In the district of Hisarak, the Taliban are in charge everywhere except for the district capital. They tax the local population to fund the fight against IS. Government officials can only reach the capital by helicopter, as the journey is too dangerous by car.²³⁶

The Haqqani network was responsible for much of the violence in the highlands of the eastern provinces of Paktika, Paktia and Khost during the reporting period. It has an important base in the Zurmat District of Paktia Province. The group has been less affected by the Pakistani military intervention on the other side of Afghanistan's eastern border than was previously thought and has shown that it is still able to carry out coordinated attacks far from its operational area.²³⁷

Khost, with a porous border of 185 kilometres with the tribal areas in Pakistan, provides a safe haven for many different Afghan and Pakistani fighters. Many districts in Khost have a weak government presence, and the reporting period saw attacks and clashes between insurgents and the ANDSF and international forces.²³⁸ Most of the reported attacks by insurgents took place in the capital of Khost.²³⁹ In recent years the US has carried out a lot of air strikes in Khost, in which innocent civilians have reportedly been affected in a number of cases. The ANDSF has also carried out operations in which it has been guilty of misconduct in some cases, with innocent civilians being killed.²⁴⁰

Paktika has a 360-kilometre border with the tribal areas in Pakistan. Haqqani has a significant presence there and was responsible for an attack on a volleyball match in November 2014.²⁴¹ Most attacks in Paktika target police stations and police vehicles. In Paktika, the ALP is responsible for security in some districts. Although it is said to have been partially successful in this role, there have also been reports of abuse and maltreatment by ALP units. The ALP in Paktika is led by commander Azizullah, who is known to have committed human rights violations.²⁴² The security situation in Paktika is unclear; according to the governor it was good in the summer of 2015, but according to the *Long War Journal* a number of districts are under Taliban control or are disputed (Bermal, Dila, Nika, Urgan, Yahya Khel, Waza Khwa, Yusuf Khel and Ziruk). In the district of Waza Khwa, which borders the Pakistani province

²³⁴ AAN, *The Islamic state in 'Khorasan': how it began and where it stands now in Nangarhar*, 27 July 2016; Tolo News, *30 Daesh fighters killed in Nangarhar drone strike*, 26 June 2016; The Bureau of Investigative Journalism, *Get the data: A list of US air and drone strikes, Afghanistan 2015*; AAN, Tolo News, *Nangarhar residents voice concerns over security issues*, 21 May 2015; Foreign Policy, *In Nangarhar, IS recruits amidst Af-Pak border tensions*, 24 November 2015.

²³⁵ Tolo News, *Daesh presence 'widespread' in Nangarhar province*, 8 January 2016.

²³⁶ BBC News, *The Afghan district stuck between IS and the Taliban*, 20 February 2016.

²³⁷ US Department of Defense, *Enhancing Security and Stability in Afghanistan*, June 2016; Long War Journal, *Taliban touts camp in Paktia province*, 5 August 2015.

²³⁸ Khaama Press, *67 killed as nearly 800 insurgents launched coordinated attacks in Khost*, 4 July 2016.

²³⁹ BBC News, *Afghanistan suicide bomb blast kills 16 in Khost*, 2 April 2015; Khaama Press, *Three policemen wounded in Khost terrorist action*, 27 April 2015; Pajhwok Afghan News, *3 killed, 5 wounded in Khost explosion*, 28 April 2015; NBC News, *Explosion near Camp Chapman in Khost, Afghanistan, kills 33*, 13 July 2015; Tolo News, *34 Taliban insurgents killed in US drone strike in Khost*, 6 June 2015; Pajhwok, *15 civilians killed in yesterday drone strike in Khost*, 6 June 2015.

²⁴⁰ EASO, *Country of origin information report: Afghanistan – security situation*, February 2016; The bureau of investigative journalism, *The mystery of Khost: Did a US drone kill 14 innocent Afghans as they prepared a funeral?*, 18 February 2016; AAN, *De ANSF's Zurmat operation: Abuses against local civilians*, 4 March 2016.

²⁴¹ Dawn, *Haqqani network behind Afghan volleyball bombing: spy agency*, 24 November 2014; The Guardian, *Suicide bomber kills at least 50 at volleyball match in Afghanistan*, 24 November 2014.

²⁴² Pajhwok, *ALP improves Paktika security but harasses residents*, 13 August 2015; Al Jazeera, *Who will police Afghanistan's policemen?*, 12 March 2015; HRW, *Today we shall all die, Afghanistan's strongmen and the legacy of impunity*, 3 March 2015.

of Baluchistan, the Taliban have *madrassas* (Koranic schools), recruitment centres, training camps and command centres.²⁴³

Between November 2014 and July 2015, the ANDSF carried out several operations in Paktia (the districts of Chamkani, Sayed Karam, Zurmat and Jahikhel) in which insurgents were killed and arms were seized. There were also armed clashes between the Taliban, who control parts of Janikhel District, and the ANDSF in August 2016.²⁴⁴

The Taliban have control over substantial parts of Nuristan, a very conservative province. Al Qaeda also has a presence in Nuristan. In November 2015, hundreds of policemen and government officials were reported to have defected to the Taliban in Nuristan in the district of Waygal, which is contested between the Taliban and the ANDSF.²⁴⁵ According to the Nuristani authorities, 80 percent of girls in Nuristan do not go to school due to lack of security and 'local customs'. Only a few schools in the capital, Parun, and schools in a few districts are said to allow girls. Nuristan is the scene of regular clashes between Afghan forces and insurgents. Drone attacks are also carried out there.²⁴⁶

2.4.4 *The west (Badghis, Herat, Ghor, Farah)*

Although this region is relatively quiet compared to the rest of the country, since 2015 there has been an increase in the number of violent incidents (including a relatively large number of kidnappings).²⁴⁷

Most of the unrest in Herat is in the district of Shindand, where several rival Taliban units fight each other. In addition to armed clashes between rebel groups, the province of Herat also suffers from a high level of 'ordinary' violence by criminal gangs, whose activities overlap with the activities of AGEs. Young people without any study or employment prospects, many of whom wish to leave the country, often turn to criminal activities.²⁴⁸

A deterioration in the security situation in Ghor has already been apparent for a number of years. It is an isolated, mountainous and underdeveloped province, where the Taliban and other AGEs hold sway to a large extent and fight each other, especially in the districts on the border with the troubled provinces of Helmand, Farah, Badghis, Faryb and Uruzgan. There is a weak government presence, which in any case partly consists of warlords with their own AGEs. Due to the high levels of

²⁴³ EASO, *Country of origin information report: Afghanistan – security situation*, February 2016; The Long War Journal, *Taliban overruns outpost in eastern Afghanistan*, 22 September 2015; Pajhwok, *Paktika security relatively good, claims governor*, 23 July 2015.

²⁴⁴ EASO, *Country of origin information report: Afghanistan – security situation*, February 2016; Afghanistan Times, *Janikhel district on brink of collapse: Paktia officials*, 10 August 2016; Pajhwok, *Scores of rebels perish in clearing operations: MoD*, 28 July 2015; Tolonews, *29 insurgents killed in Afghan military operations*, 5 March 2015; Tolonews, *21 Taliban insurgents killed in Afghan raids*, 12 November 2014.

²⁴⁵ EASO, *Country of origin information report: Afghanistan – security situation*, February 2016; The Long War Journal, *Taliban claims hundreds of military personnel, government officials defect*, 1 December 2015.

²⁴⁶ Tolo News, *80 percent of Nuristan girls not going to school*, 17 September 2015; EASO, *Country of origin information report: Afghanistan – security situation*, February 2016; Khaama Press, *Afghan army helicopters pound militants amid ongoing clashes in Nuristan*, 24 March 2016; Tolo News, *Four Pakistani insurgents killed in Nuristan clash: border officials*, 22 November 2015; Khaama Press, *Drone strike kills 6 militants in Nuristan*, 27 May 2015; Pajhwok, *US drone strike in Nuristan leaves 5 rebels dead*, 28 June 2015; The bureau of Investigative Journalism, *Get the data: US strikes in Afghanistan – a list of US air and drone strikes – Afghanistan 2016*.

²⁴⁷ EASO, *Country of origin information report: Afghanistan – security situation*, February 2016; UNAMA, *Afghanistan year report 2015 Protection of civilians in armed conflict*, February 2016; UNAMA, *Afghanistan year report 2014 Protection of civilians in armed conflict*, February 2015.

²⁴⁸ EASO, *Country of origin information report: Afghanistan – security situation*, February 2016; Afghanistan Times, *Fight between Taliban leaves 13 dead, 12 injured in Herat*, 15 May 2016; Khaama Press, *Police rescue 17 civilians kidnapped by Taliban in Herat province*, 9 April 2016; Pajhwok, *Abducted Halo Trust deminers freed in Herat*, 2 April 2016; Khaama Press, *Clash among the supporters of Taliban chief and Mullah Rasool leaves 24 dead*, 7 December 2015; Tolonews, *Taliban clashes force Herat residents to flee their homes*, 9 December 2015; Pajhwok, *224 Taliban killed, 278 criminals held in Herat raids*, 22 June 2016; Pajhwok, *70 suspected criminals detained in Herat*, 27 February 2016; AAN, *The new gangs of Herat: how young Afghans turn away from their community*, 24 October 2014.

opium production around the province, Ghor acts as a transit area between Helmand and Faryab. The population suffers greatly from the AGEs and the absence of government.²⁴⁹ Serious human rights violations have taken place, in some cases perpetrated by parallel courts.²⁵⁰ There have also been targeted killings and kidnappings.²⁵¹ In August 2016 the Taliban attacked a bus carrying foreign tourists in the district of Chesht-e-Sharif on the road from Bamyan to Herat.²⁵² In late October 2016 an IS-affiliated group kidnapped at least 30 people, including several children, while they were collecting wood in the mountains. In a liberation operation by the police, an IS commander was killed. In retaliation, IS killed at least 26 of the hostages.²⁵³

In Farah too, the security situation has grown more troubled since the departure of international troops. There is a fierce battle in progress between the government forces and the insurgents. Kidnappings and parallel court cases are also a regular occurrence there.²⁵⁴ In October 2015, after more than a week of fighting, the district of Bala Buluk in Farah fell into the hands of the Taliban. The district had already been a Taliban stronghold previously. IS also has a presence in Bala Buluk.²⁵⁵ The districts of Qala-i Kah, Khaki Safed and Pur Chaman are also contested.²⁵⁶

In Badghis, other insurgent groups are active in addition to the Taliban, including foreign fighters from Uzbekistan and Pakistan. Jawand District in Badghis fell to the Taliban in May 2015, but was recaptured by Afghan troops.²⁵⁷ The district of Ab Kamari was also contested. In July 2016, 80 insurgents in Badghis joined the peace process and laid down their arms.²⁵⁸

2.4.5 *The central provinces (Bamyan, Daikundi, Panjshir, Ghazni, Parwan, Kapisa, Maydan Wardak, Kabul)*

The central provinces of Bamyan, Daikundi and Panjshir are among the most peaceful in Afghanistan, but incidents have also taken place in these provinces. In 2015 there were 58 civilian dead and wounded as a result of security incidents. In the first half of 2016 there were eight. Bamyan is still Afghanistan's safest province, but due to unrest in neighbouring provinces there is also more instability. The mines in Bamyan that were closed in 2013 have since been illegally operated by the Taliban. In Kahmard District in Bamyan, the NDS dismantled a Taliban weapons

²⁴⁹ EASO, *Country of origin information report: Afghanistan – security situation*, February 2016; Pajhwok, *Illegal armed men constant threat to Ghor security*, 9 January 2015; Pajhwok, *In Ghor government, absenteeism, and corruption rampant*, 20 June 2015.

²⁵⁰ Tolonews, *Taliban 'brutally' kill young man in Ghor*, 19 December 2015; Khaama, *Taliban execute woman on adultery charges in Ghor*, 8 February 2016.

²⁵¹ Khaama Press, *Gunman abduct 4 including 2 education officials in Ghor province*, 19 June 2016; Pajhwok, *District education officer shot dead in Ghor*, 17 January 2015; Pajhwok, *Judge among 4 wounded in Ghor bombing*, 8 July 2015; Pajhwok, *Rebels harass, loot pro-govt residents in Ghor*, 8 June 2015.

²⁵² BBC News, *Afghanistan's Taliban attack foreign tourist convoy*, 4 August 2016.

²⁵³ BBC News, *IS in Afghanistan 'kills 30 abducted civilians'*, 26 October 2016; Los Angeles Times, *Islamic State loyalists kill 26 Afghan civilians after kidnapping dozens, officials say*, 26 October 2016.

²⁵⁴ EASO, *Country of origin information report: Afghanistan – security situation*, February 2016; Pajhwok, *Taliban's deputy shadow governor for Farah killed*, 11 October 2015; Afghanistan Times, *Taliban hang six security personnel in Farah*, 16 August 2016; Khaama Press, *20 militants killed as major Taliban offensive repulsed in Farah*, 25 April 2016.

²⁵⁵ Khaama, *Dozens of policemen under siege of Taliban in Farah's Bala Buluk district*, 14 October 2015; The Long War Journal, *Taliban overruns district in Farah province*, 15 October 2015.

²⁵⁶ EASO, *Country of origin information report: Afghanistan – security situation*, February 2016.

²⁵⁷ EASO, *Country of origin information report: Afghanistan – security situation*, February 2016; Press TV, *Taliban militants capture Jawand District in Badghis*, 10 May 2015; Tolonews, *ANSF retake control of Jawand district of Badghis*, 12 May 2015.

²⁵⁸ Kabul Tribune, *80 Badghis insurgents renounce violence, join peace process*, 19 July 2016.

depot in April 2016.²⁵⁹ In June 2016, the district chief of Kahmard was killed, allegedly by the Taliban.²⁶⁰

In Daikundi, the Taliban are present in various areas and several schools have been closed. Kajran, which borders on the troubled Helmand and Uruzgan Provinces, is the most vulnerable and contested district. There are ANA troops stationed in Kajran, and several clashes with AGEs took place in 2015. In February and March 2015, two kidnappings of bus passengers, including a group of Hazaras, occurred in Kajran. IS involvement in one of these incidents has been suggested.²⁶¹

The other central provinces have faced greater insecurity than in the previous reporting period. In 2015 there were 1,753 casualties (dead and wounded), compared to 1,488 in 2014. In the first half of 2016 there were 1,113 casualties (dead and wounded).²⁶²

Ghazni is one of the most important central provinces in Afghanistan. The capital, Ghazni, lies 145 kilometres south of Kabul on the Kabul – Kandahar highway. It is a troubled province where insurgents – mostly Taliban – operate in various districts, resulting in a large number of security incidents. Innocent civilians were among the casualties, but there were also attacks targeting government officials and members of the police. The ANDSF also conducted a number of operations to clear areas of insurgents.²⁶³ Ghazni remained the most dangerous province in the central region during this reporting period too. A number of districts, including Nawa, have now been under Taliban control for ten years. There is also a local Haqqani network active in Ghazni. Kidnappings are common in eastern Ghazni. In June 2016, pro-government units conducted an offensive along the highway between Ghazni and Zabul and tightened up security measures to prevent more kidnappings by the Taliban. Residents of Ghazni believe that the security situation has deteriorated further in 2016 – partly due to increased violent clashes between the Taliban and pro-government forces. In some areas there is said to be little government presence. In May 2016, out of 19 districts in Ghazni, district chiefs were only stationed in seven district capitals (Jaghori, Jaghato, Waghaz, Andar, Nahor, Qarabagh and Ab-Bandde). The other district chiefs worked from the capital of the province.²⁶⁴ In early June 2016, Ghazni's Taliban shadow governor was said to have been killed in an air strike, but this was denied by the Taliban.²⁶⁵

In Parwan many security incidents were concentrated in the Ghorband valley.²⁶⁶

Wardak was less stable than in the previous reporting period. The influence of insurgents grew and clashes with Afghan troops occurred, mainly in the districts of Chack, Daymirdad and Nirkh.²⁶⁷

²⁵⁹ Pajhwok NDS operatives seize weapon catches in Bamyan, 10 April 2016.

²⁶⁰ Pajhwok, Kahmard districts chief killed; governor blames Taliban, 16 June 2016; Gandhara, Taliban profiting from 'closed' mines in Bamyan and Wardak, 16 July 2015; EASO, Country of Origin Information Report: Afghanistan – security situation, February 2016.

²⁶¹ Pajhwok, Daikundi governor pledges improved security, 10 March 2016; Pajhwok, Daikundi security, stability top priority: PC, 31 May 2015; EASO, Country of Origin Information Report: Afghanistan – security situation, February 2016.

²⁶² UNAMA, Afghanistan Annual report 2015 Protection of civilians in armed conflict, February 2016; UNAMA, Afghanistan Annual midyear report 2016 Protection of civilians in armed conflict, July 2016.

²⁶³ EASO, Country of origin information report: Afghanistan – security situation, February 2016; Pajhwok, Security personnel among 13 killed in Ghazni clashes, 1 August 2016; Khaama, Key Taliban commander killed during a clash in Ghazni province, 20 July 2016; The Nation, Taliban storm Afghan court, 10 dead in Ghazni clashes, 1 June 2016; Khaama, Civilians suffer casualties as militants attack vehicle in Ghazni, 6 April 2016; Khaama, Deadly clashes erupting between rival Taliban groups in Ghazni, 16 February 2016; Khaama, 13 civilians killed on Kabul – Ghazni highway, 24 March 2015.

²⁶⁴ Pajhwok, Security on the nosedive in most parts of Ghazni: residents, 29 June 2016; Pajhwok, 11 districts chiefs operate from Ghazni city, 25 May 2016.

²⁶⁵ Khaama Press, Taliban shadow governor for Ghazni killed in airstrike, 18 July 2016; The Long War Journal, Taliban denies Ghazni's shadow governor killed in airstrike, 21 June 2016.

²⁶⁶ EASO, Country of Origin Information Report: Afghanistan – security situation, February 2016.

In Kabul Province, in addition to those that occurred in the capital, there were numerous incidents in the east in particular.²⁶⁸

²⁶⁷ EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016.

²⁶⁸ EASO, *Country of Origin Information Report: Afghanistan – security situation*, February 2016.

3 Human rights

3.1 Legal context

In September 2015, a first annex to the new (May 2014) Criminal Procedure Code (CPC) was added concerning Terrorist Crimes and Crimes against Internal and External Security.²⁶⁹ The Criminal Procedure Code Working Group is meeting every week to complete the commentary and guidelines for the implementation of the CPC.²⁷⁰

The Criminal Law Working Group, chaired by the Minister of Justice, meets every week to work on the revision of the Penal Code.²⁷¹

3.1.1 Nationality legislation

Both the Law on Citizenship and the Constitution contain an article on nationality or dual nationality. These articles read as follows:

Article 7 of the Law on Citizenship (2000): 'Anyone who, according to the orders of this law, is citizen of the IEA cannot hold a double citizenship position.'

Article 4 of the Afghan Constitution (2004): '(.....)' 'No individual of the nation of Afghanistan shall be deprived of citizenship. The citizenship and asylum related matters shall be regulated by law.'

In addition, use is also made of information from the *Official Gazette* of 1992 of the Afghan Ministry of Justice. This states that dual nationality is not allowed, but that 'a former citizen of Afghanistan, who fled the country due to political instability or war and has acquired new citizenship, may still hold "unofficial" Afghan citizenship'.²⁷²

Although it is thus not possible to hold dual nationality according to the Law on Citizenship, the Constitution and the information from the *Official Gazette* do make allowance for this under certain circumstances. In practice, therefore, Afghans do sometimes have dual nationality: a number of candidate ministers were not appointed for this reason. Those with dual nationality are almost always people who have lived abroad for years and acquired the citizenship of their new homeland.²⁷³

²⁶⁹ Text of this annex: <https://www.afghanistan-analysts.org/wp-content/uploads/2016/01/2015-09-Pres.-Legis.-Decree-76-Annex-1-to-CPC-English-2016-Jan.-11-v.4-from-UNAMA-RoL-Hartmann-2.pdf>.

²⁷⁰ UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and stability (A/70/775-S/216/218)*, 7 March 2016.

²⁷¹ UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and stability (A/70/775-S/216/218)*, 7 March 2016.

²⁷² <https://sites.google.com/site/citizenshiplawinfo/country-list-a-b-c-d/afghanistan-citizenship-law>, viewed 9 May 2016; Canada: Immigration and Refugee Board of Canada, *Afghanistan: Citizenship, including legislation and whether dual citizenship is permitted (2008-2013)*, 5 February 2013; UK Border Agency, *COI report Afghanistan, section 32 Citizenship and nationality*, 2013.

²⁷³ Reuters, *Afghan parliament rejects cabinet nominees over dual citizenship*, 21 January 2015.

3.2 Documents

The official identity documents in Afghanistan are the identity card (known as the *Tazkera*) and the Afghan passport.²⁷⁴

There are two types of passports: the handwritten and the digital passport. The handwritten passport can be valid for one, two, three, four or five years. The digital passport can be valid for five or ten years. *Tazkeras* are valid until the holder's death.²⁷⁵

3.2.1 *The Tazkera*

The *Tazkera* is the identity document for Afghan citizens. A *Tazkera* is required for various procedures, such as enrolling for school, for legal transactions such as buying land or property, and for applying for a passport. If a person does not have a *Tazkera*, part of these procedures can be performed, but a *Tazkera* is still required to complete the entire procedure. Whether this is always the case in practice, or whether someone can go to school without a *Tazkera*, for example, is not known, but the possibility cannot be excluded.²⁷⁶

There are two different authorities for the issuance of *Tazkeras* and passports: the Population Registration Directorate and the Passport Directorate. Both directorates are part of the Ministry of the Interior and have their own provincial offices (and district offices for the *Tazkera*) to handle document applications. Each also has its own central and local archives.²⁷⁷

The *Tazkera* is usually applied for at district level and the application must be made in writing. In principle, each district should have an office for this purpose, but this is not always the case.²⁷⁸ The registration of the *Tazkera*, including a photograph of the applicant, is recorded in a book - the *Ketab Assas* - and the same information is also recorded in a book in the provincial capital and in Kabul. To find a record, you need to know in which volume, on which page and in which column of the *Ketab Assas* it has been registered. The record books have not yet been digitized, but there are plans to do this in the next few years in cooperation with IOM.²⁷⁹

Parents may apply for the *Tazkera* on behalf of their child up to the age of six. The application must be made in person from the age of seven years. The application must be accompanied by a number of passport photographs plus the *Tazkeras* of two male relatives: father, brother, uncle or cousin. This is to be sure of the identity of the applicant. The *Tazkera* is based on the family's lineage. If it is not possible to submit two other *Tazkeras*, the district representative (*malik*) or another important person in the community such as the mullah is called in to assess the application. If this person approves the application, he puts his signature and a stamp on it. The *Tazkera* must be picked up in person.²⁸⁰

There is no consensus on whether an application for a *Tazkera* can also be made from abroad. Various public sources indicate that this is not possible,²⁸¹ but a local

²⁷⁴ See the General Country Report on Afghanistan, September 2014, still up to date.

²⁷⁵ See the General Country Report on Afghanistan, September 2014, still up to date.

²⁷⁶ See the General Country Report on Afghanistan, September 2014, still up to date; confidential source.

²⁷⁷ See the General Country Report, September 2014, still up to date; confidential source.

²⁷⁸ Pahjwok, *Logar districts without census offices; residents in trouble*, 14 March 2016.

²⁷⁹ Confidential source.

²⁸⁰ Confidential source.

²⁸¹ Schweizerische flüchtlingshilfe, *Snellrecherche der SFH-Länderanalyse vom 11. Februar 2016 zu Afghanistan: Antrag und ausstellung einer Tazkira im Ausland*, 11 February 2016; Immigration and Refugee Board of Canada, *Afghanistan: the issuances of tazkira certificates; whether individuals can obtain tazkira's while abroad*, 16 December 2011.

source in Kabul has stated that it is possible.²⁸² If so, this could be done at some of the larger Afghan embassies. The requirements that the *Tazkeras* of two close family members are needed and the application must be made in person also apply to an application from abroad. The application is forwarded to the Afghan Ministry of Foreign Affairs in Kabul to be assessed. The applicant must authorise someone in Afghanistan to finalise the application.²⁸³

The *Tazkera* records various data: sex, name, surname, name of father and grandfather, place and date of birth (although the latter can also be an estimate or simply a year), course of study/occupation, name of husband/wife (may be added later), religion, whether or not in military service, appearance (skin colour, eye colour, height, shape of eyebrows) and any other specific physical characteristics. Ethnicity is not mentioned. *Tazkeras* issued in recent years have no longer been a booklet, but a loose sheet of paper, pending the introduction of a *Tazkera* which is produced electronically, the e-*Tazkera*.²⁸⁴

The e-*Tazkera*

Since late 2009, there have been plans for an e-*Tazkera*, which will be created electronically and will be less susceptible to fraud. Discussions about what information should and should not be on the card have delayed its introduction. The biggest stumbling block is whether ethnicity and religion should be indicated on the card or whether it should merely show that the holder is 'Afghan'. The debate over the card, which would also be used for voter registration for the parliamentary elections, reveals how delicate ethnic relations are in the country. The Pashtun do not want ethnicity to be indicated, because they are afraid that it will turn out that there are far fewer Pashtun than assumed (the last census dates from 1979) and that they have a disproportionate amount of power. On the other hand, the other ethnicities do not want the word 'Afghan' on the card, because this is the Afghan word for Pashtun. On 3 August 2016, CEO Abdullah submitted a proposal to parliament to issue two cards: a biometric card without information on nationality, ethnicity and religion and a separate booklet in which such information is recorded. Both the upper and the lower house must approve the proposal before the e-*Tazkera* can be issued.²⁸⁵

3.2.2

The passport

Passports may be applied for in the provincial capital or in Kabul. A passport is generally only applied for if the applicant is going to make a trip abroad. Women may apply for a passport independently and children over six years old may obtain their own passport. Women under 16 and men under 18 need permission from their parents or guardian to obtain a passport.²⁸⁶

Since 2013, passports have been produced electronically; fingerprints are taken and the passport photograph is scanned in.²⁸⁷ Because the different computer systems on which passports are produced have not yet been connected to each other and no central database currently exists containing all biometric and other data, people

²⁸² Confidential source.

²⁸³ Confidential source.

²⁸⁴ Confidential source.

²⁸⁵ Radio Free Europe Radio Liberty, *Two for all: Afghanistan's identity card crisis*, 7 September 2016; The Washington Post, *Afghan ID cards were meant to stop voter fraud but instead stoked ethnic division*, 18 August 2016; AAN, *The troubled history of the E-Tazkera (part 1): political upheaval*, 26 January 2016; Heart of Asia, *E-Taskera distribution a need, a concern*, 6 April 2016; IWPR, *Afghans impatient for new ID cards*, 4 March 2015; confidential source.

²⁸⁶ Confidential source.

²⁸⁷ Khaama Press, *Modernising the Afghan Passport Office*, 5 November 2014.

sometimes still have multiple passports. There is also no central database with information about criminals or other persons to whom a passport may not be issued. The fingerprints that have to be given at Kabul airport are not entered into a central system.²⁸⁸

Since January 2016 it has reportedly been possible to apply for a passport online.²⁸⁹

There is a lot of corruption associated with applications for documents. In many cases, official procedures do not work in practice unless the official concerned is bribed. Document fraud is also common; the *Tazkera* has no security features and is easy to forge. Other documents are also easy to forge with today's technology. This may also be the case with documents which are submitted in connection with asylum applications. For instance, the authenticity of threatening letters from the Taliban is sometimes doubted. These letters, also called 'night letters' or *shabnameh* are used by the Taliban to win over, warn or threaten the population.²⁹⁰

One general point about the issue of documents other than the *Tazkera* is that it has never been customary in Afghanistan to issue marriage, birth²⁹¹ and death certificates. Such documents are mainly applied for by wealthy families if they need them for specific purposes.²⁹²

3.3 Monitoring

The parliament, the Wolesi Jirga, has three commissions that deal with human rights: the Women's Affairs, Civil Society and Human Rights Commission, the Narcotics, Toxic Substances and Ethics Commission and the Legal, Administrative and Anti-Corruption Commission. In the Senate, the Meshrano Jirga, there is a Gender and Civil Society Commission. There are no new developments to report with regard to the commissions.²⁹³

Human rights organisations and activists, both Afghan and foreign, can generally do their work in Afghanistan without government interference. Security restrictions and occasional obstruction by authorities occurred in the reporting period. Human rights activists and organisations remained concerned about the fact that war criminals and human rights violators hold positions of power within the government.²⁹⁴

Human rights advocates, female ones in particular but also others who are committed to human rights, have reason to fear AGEs, mainly because of threats and attacks. See also 3.4.1 *Freedom of expression and press freedom*. The government offers little protection in this respect. Government officials (with women

²⁸⁸ Confidential source.

²⁸⁹ Tolo News, *Afghanistan launches online Passport Application Service*, 14 January 2016.

²⁹⁰ Confidential sources; EASO Country of Origin Information Report, *Afghanistan recruitment by armed groups*, September 2016; Tolo News, *Fraud in Passport Office revealed after Iranian national got Afghan Passport*, 22 August 2015; 1tvNews, *UAE imposes visa restrictions on Afghans 'to stop fraud'*, 22 July 2015; Immigration and Refugee Board of Canada, *Afghanistan, night letters (Shab Nameha, Shabnama, Shabnameh), including appearance (2010 – 2015)*, 10 February 2015.

²⁹¹ Birth certificates are available in hospitals. In many cases, hospitals give parents a copy of these documents. They may not be used as official documents until they have been registered with the IDCU. There is no information on the number of birth certificates provided by hospitals to the IDCU. Statistics on non-hospital births are not available.

²⁹² See the general official report on Afghanistan, September 2014, still up to date.

²⁹³ US Department of State, *Country reports on human rights practices for 2015: Afghanistan*.

²⁹⁴ HRW, *Dispatches: Afghanistan torture video highlights impunity*, 12 March 2016; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; Human Rights Watch, *Today we shall all die*, 3 March 2015; AAN, *Impunity and silence: The meagre reaction to the latest HRW report*, 4 March 2015.

as the largest group) are often victims themselves. The government is also scarcely able to investigate cases and prosecute offenders. See also Sections 3.4 and following.²⁹⁵

3.3.1 *Afghan Independent Human Rights Commission (AIHRC)*

In December 2014, the International Coordination Committee of the Human Rights Institutions (ICC) in Geneva extended the 'A' status of the Afghan Independent Human Rights Commission (AIHRC) for the period 2014 – 2019. The AIHRC had followed up on a number of ICC recommendations from November 2013 which were necessary to maintain its 'A' status. The most important of these were the appointment procedure for committee members and the need for a greater financial contribution to the AIHRC from the government. However, the AIHRC remained largely dependent on international donors even in 2015.²⁹⁶

Research by the AIHRC has resulted in a controversial conflict mapping report, which has been ready for publication since December 2011. The report maps human rights violations from 1978 until the Taliban period. The report was presented to the then President Karzai in 2014, who refused to guarantee the safety of AIHRC personnel if the report was published. The current President Ghani indicated before his appointment that he would publish the report, but this has not happened so far.²⁹⁷

The AIHRC faces various restrictions in carrying out its tasks and mandate due to lack of security and pressure on the organisation from local power brokers, representatives of government agencies and others. In October 2015 an attack on an AIHRC car took place in Jalalabad in Nangarhar, in which two employees were killed and six were injured.²⁹⁸

3.3.2 *Transitional justice*

In the area of transitional justice, there were few developments in this or the previous reporting period. The focus of the current government is mainly on reconciliation and negotiations with the Taliban, not on accountability.

UNAMA also supported the Afghan People's Dialogue on Peace Initiative in 2015. This committee consists of NGOs, peace activists and the AIHRC and has organised discussion meetings on peace throughout the country. On this basis, provincial road maps have been drawn up. The committee draws attention to ordinary Afghans and the need for inclusiveness in the peace process.²⁹⁹

A culture of impunity remains deeply rooted in Afghanistan. For decades, crimes committed during the various wars have gone unpunished. The Taliban and other insurgents are still rarely called to account for their war crimes. Afghanistan has

²⁹⁵ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; Amnesty International, *Their lives on the line, Women human rights defenders under attack in Afghanistan*, April 2015; Amnesty International, *Annual report 2015/2016 Afghanistan*.

²⁹⁶ Vertrouwelijke bron; AIHRC, *re-accredited with "A" Status by the ICC Sub-Committee on Accreditation*, 28 January 2015; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*.

²⁹⁷ Confidential source; Institute for War and Peace Reporting, *Afghan Human Rights Workers under threat*, 21 January 2016; HRW, *World report 2015, Afghanistan*; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*.

²⁹⁸ Confidential source; Amnesty International, *AI condemns deplorable attack on Afghanistan Independent Human Rights Commission*, 26 October 2015; Pajhwok, *2 AIHRC officials killed, 6 injured in Jalalabad blast*, 26 October 2015.

²⁹⁹ UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and stability (A/70/775-S/216/218)*, 7 March 2016; Afghan People's Dialogue on Peace Initiative Steering Committee, *Press release* 9 January 2016; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*.

been a member of the International Criminal Court (ICC) since 2003. In January 2016, the Afghan government indicated that it wanted greater cooperation with the ICC and would be open to a visit by the ICC, but this has not taken place so far.³⁰⁰

3.4 Compliance and violations

Afghanistan has committed itself in its Constitution, laws and ratification of international treaties to safeguard human rights. Some improvements have occurred since the fall of the Taliban regime. Millions of Afghan boys and girls go to school. Civil society and the media have been given the opportunity to give Afghan citizens a voice, and improvements have also occurred for women. Nevertheless, the human rights situation in Afghanistan remains poor and rights are not safeguarded. Significant parts of the population, including women, children, ethnic minorities and prisoners, remain exposed to human rights violations by different actors. These violations take place in a climate of insecurity, poverty, impunity, a weak rule of law and endemic corruption.³⁰¹

The most significant human rights violations in Afghanistan are:

- widespread violence - including indiscriminate attacks on civilians and targeted violence against individuals associated with the government by armed insurgents;
- torture and abuse of detainees;
- widespread disregard for the rule of law and little accountability for human rights violators;
- targeted violence of and endemic societal discrimination against women and girls.

Human rights violations can occur anywhere in the country, regardless of who has effective control in a particular area.³⁰²

3.4.1 Freedom of speech and press freedom

The Afghan Constitution provides for freedom of speech and the right to print and publish without prior submission to the authorities. The Media Law of 2009 prohibits censorship and guarantees the right of citizens to obtain information. The Access to Information Law (2014) provides for the possibility of access to all government information, except where this undermines Afghanistan's national security, violates someone's privacy, or threatens a judicial investigation.

In practice, there remain concerns about the degree of freedom of speech and access to information. In addition, the government offers little protection against violations of the right to freedom of speech and press freedom.³⁰³

³⁰⁰ HRW, *Letter to president Ghani, Afghanistan Cooperation with the International Criminal Court*, 14 April 2016; The Daily Outlook Afghanistan, *Ending the prevalent culture of impunity*, 25 April 2016; UNHCR, *Eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; HRW, *Today we shall all die*, 3 March 2015.

³⁰¹ UNHCR, *UNHCR Eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; IWPR, *Cynism marks international women's day*, 8 March 2016; UNAMA, *Justice through the eyes of Afghan women*, 15 April 2015.

³⁰² US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; Amnesty International World Report 2015/2016, *Afghanistan*; UNHCR, *UNHCR Eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, mission to Afghanistan*, 12 May 2015.

³⁰³ US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; Amnesty International World Report 2015/2016, *Afghanistan*; UNHCR, *UNHCR Eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

Human rights activists

Human rights activists proclaimed their views freely, but the authorities occasionally used pressure, regulations and threats to silence critics. At provincial level, freedom of expression was significantly more constrained: local power brokers, such as former mujahedin-era military leaders exerted influence and authority and used it to intimidate or threaten their critics – both ordinary citizens and journalists.³⁰⁴ Human rights activists were subjected to targeted attacks by AGEs, threats and intimidation in the reporting period. Female human rights defenders in particular were subjected to threats, assault or liquidation. In 2015, an average of 24 women a week were killed in conflict-related violence. In October 2015, two employees of the AIHRC died in Jalalabad when their bus was struck by an IED. Responsibility for the attack was not claimed, but a local radio station reported that IS had sent it a message saying it was behind the attack. Human rights violations were rarely investigated and perpetrators were not brought to justice. The weak judicial system plays a role in this, but also the fact that many powerful figures in politics themselves have a background of abuse of power and human rights violations. Afghanistan also has no national legislation or other mechanisms that can specifically provide protection to human rights defenders.³⁰⁵

Journalists/the media

The media reported freely on all issues and criticised the government openly. In the press freedom index published by Reporters Without Borders, Afghanistan stands at position 120 out of 180 countries.³⁰⁶ However, complete freedom of the press is lacking in Afghanistan, and especially access to information. In addition, with the departure of US forces, the reduction of donor funding and growing insecurity, violence against journalists has increased in the past two years.³⁰⁷ In 2015, the NAI, the Afghan media watchdog, reported a total of 95 incidents against journalists. In 2014, the organisation reported 80 incidents. In the period January – May 2016 there were already more than 30.³⁰⁸

Compared to a few years ago, it is easier for journalists to write about subjects such as corruption or drugs. There are around 20 independent media outlets. Newspapers no longer leave sensitive issues to the foreign media, but cover them themselves. To strengthen their position, they do so at the same time as different broadcasters or newspapers. According to media organisations, social media have helped to open up subjects for discussion. People can find anything on the Internet, and the use of the Internet and social media is growing rapidly in Afghanistan. About four million people use the Internet, including over two and a half million Facebook users. Twitter is also popular for news. The government does not restrict social media and also makes considerable use of them itself. The Taliban also use the Internet and social media to spread their message. Within their Cultural Commission they have a multimedia branch, which is responsible for uploading video and propaganda material. They have their own English-language website and a Twitter account.³⁰⁹

³⁰⁴ US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; US Department of State, *Country reports on human rights practices for 2014, Afghanistan*.

³⁰⁵ Confidential source; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; Institute for War and Peace Reporting, *Afghan Human Rights Workers under threat*, 21 January 2016; UN News Service, *UN condemns attack on human rights workers in Afghanistan that killed two, injured six*, 26 October 2015; Amnesty International, *Their lives on the line*, 7 April 2015; Amnesty International World Report 2015/2016, Afghanistan chapter.

³⁰⁶ Press Freedom Index 2016, in 2015 Afghanistan was at position 122.

³⁰⁷ US Department of State, *Country reports on human rights practices for 2015 Afghanistan*; HRW, *Stop reporting or we'll kill your family, threats to media freedom in Afghanistan*, January 2015.

³⁰⁸ NAI Media Watch Report, *monthly report #27*, December 2015; AJCS, *six months report jul – dec 2015*. The figures in the reports and on the NAI website differ. The report mentions 95 incidents, while 73 are mentioned on the website. <http://data.nai.org.af/>; The US State Department human rights report refers to 125 incidents in 2014.

³⁰⁹ Confidential source; EASO Country of Origin Information Report, *Afghanistan recruitment by armed groups*, September 2016.

While press freedom has improved in recent years, the situation for journalists in the reporting period did not improve. They were exposed to threats from the Taliban and other AGEs and were a focused target of attacks.³¹⁰ Most threats came from individuals acting on behalf of powerful government officials or influential local power brokers, including militia leaders and other so-called warlords. However, it is not always clear who is making the threats.³¹¹ In October 2015 the military commission of the Taliban designated two independent TV stations, ToloNews TV and 1TV, as 'military targets' because of their coverage of the capture of Kunduz. They put videos on the Internet with archive footage of about 30 journalists, with death threats in the voice-over.³¹² It was the first time that the Taliban had systematically identified the media as a military target. When Kunduz was captured in October 2015 they went door to door looking for journalists.³¹³ In January 2016, six journalists from ToloTV were killed and more than 20 were wounded in a suicide attack in Kabul. In June 2016, an American photojournalist and his Afghan translator were killed in Helmand when they drove into an ambush with the US Army. The National Journalists Union has urged the government to do more to ensure the safety of journalists in Helmand.³¹⁴

Besides going in fear of the Taliban and other AGEs, journalists are above all under 'soft' pressure from the government. For instance, attempts are made to persuade influential journalists to accept a job as a press officer in the government, or they are warned by the government that they are in danger and that the government cannot guarantee their safety. Regarding journalistic content, journalists find it hard to gain access to information, despite the Access to Information Law. Facebook is widely used by the government to contradict reports by journalists.³¹⁵

Press freedom and independent media were more restricted at provincial level (than at national level), as many local media outlets (both newspapers and TV) are owned by former mujahideen warlords, specific individuals or political parties. These often influence journalistic content. Local governments are also less inclined to provide journalists with information. Local journalists also have less protection of the major national media stations and foreign presence, and there is more cultural and social conservatism in the provinces.³¹⁶

In late 2015, IS opened a radio station in Nangarhar in eastern Afghanistan, Voice of the Caliphate, to recruit Afghans for IS. The Afghan government tried to take this radio station off the air. In February 2016, it appeared to have succeeded in doing so.³¹⁷

³¹⁰ HRW, *Attack on journalists threatens media freedom*, 21 January 2016; HRW, *Stop reporting or we'll kill your family, threats to media freedom in Afghanistan*, January 2015; Al Jazeera, *Q&A: the high price of freedom of speech in Afghanistan*, 7 January 2016.

³¹¹ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; HRW, *Stop reporting or we'll kill your family, threats to media freedom in Afghanistan*, January 2015; Amnesty International, *Their lives on the line*, 7 April 2015; International Humanist and Ethical Union, *The freedom of thought report 2015, Afghanistan*.

³¹² US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; UN News Centre, *UN Mission 'seriously concerned' by Taliban threats against Afghan media outlets*, 13 October 2015; RSF, *Taliban and Islamic State treat media as targets*, 13 October 2015; Amnesty International World Report 2015/2016, Afghanistan chapter.

³¹³ The Guardian, *Taliban pull out of Kunduz two weeks after seizing the city*, 13 October 2015; The New York Times, *Taliban threats to Afghan journalists show shift in tactics*, 18 October 2015.

³¹⁴ BBC News, *Kabul blast: suicide bomber kills 7 TV staff*, 20 January 2016; The New York Times, *NPR journalist and translator killed by Taliban in Afghanistan*, 5 June 2016; ToloNews, *Journalists under increasing threat in Taliban's heartland*, 10 August 2016.

³¹⁵ Confidential sources.

³¹⁶ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*.

³¹⁷ NAI Media Watch Report, *monthly report #27*, December 2015; VICE, *The Islamic State 'Voice of the Caliphate' radio broadcast goes silent after airstrikes*, 2 February 2016.

The culture of impunity and threats ensure that journalists sometimes apply self-censorship to issues such as corruption, land seizures, involvement of politicians in drug trafficking and other sensitive topics.³¹⁸

In addition to threats and violence, journalists also contend with an uncertain security situation, even when they are not themselves the target.³¹⁹

In 2015, the number of female journalists was estimated at between 2,000 and 2,500 out of a total of about 12,000.³²⁰ Complicating factors such as lack of training, unsafe working conditions (e.g. direct threats from religious militants), great pressure from their families to quit their jobs and incidents involving sexual harassment ensured less participation by women in the media.³²¹

The Media Law

On 28 January 2015, the new Mass Media Law was adapted to replace the Media Law dating from 2009.³²² The Media Violations Investigation Commission (MVIC), a government agency that had operated without a legal basis since 2009 and was widely used to keep journalists under the government's thumb, was dissolved in April 2015.³²³ However, during the reporting period the Ministry of Information and Culture had not yet established the Mass Media Commission, which is supposed to provide and monitor a clear and fair framework for journalistic freedom, as required by the new Mass Media Law.³²⁴

Universities

There were no reports of academic freedom or cultural events being curtailed by the government in 2015. However, on several occasions insurgents attacked schools which were associated with the government or foreign donors. For example, at least 12 people died on 24 August 2016, including seven students, in an attack on the American University in Kabul.³²⁵

3.4.2

Freedom of association and assembly

According to the Constitution, Afghans have the right of assembly and association. The Afghan Constitution permits demonstrations and public meetings. The Government generally respected the right to peaceful gatherings in the reporting period. The police used violence in clashes with demonstrators on a number of occasions. Numerous public gatherings and protests took place.³²⁶ In March 2015 there were demonstrations across the country for the liberation of 31 Hazara

³¹⁸ US Department of State, *Country reports on human rights practices for 2015 Afghanistan*; HRW, *Stop reporting or we'll kill your family, threats to media freedom in Afghanistan*, January 2015.

³¹⁹ US Department of State, *Country reports on human rights practices for 2015 Afghanistan*.

³²⁰ Index on censorship, *How Afghanistan's female journalists are covering the stories no one else can*, 6 March 2015; US Department of State, *Country reports on human rights practices for 2015 Afghanistan*.

³²¹ Tolonews, *Reporting heroes: Afghan female journalists*, 14 April 2016; AJSC, *The reporting heroes, A study on the condition of Afghan female journalists*, 31 March 2016; IWPR, *Afghan women leaving journalism*, 27 April 2016; HRW, *Afghanistan media under attack*, 21 January 2015; US Department of State, *Country reports on human rights practices for 2015 Afghanistan*.

³²² Amnesty International World Report 2015/2016, Afghanistan chapter.

³²³ HRW, *Dispatches boost Afghanistan's media*, 5 May 2015.

³²⁴ Freedom House, *Freedom of the world 2015 – Afghanistan*; US Department of State, *Country reports on human rights practices for 2015 Afghanistan*. The complete text of the new law: http://www.afghan-web.com/politics/storage/law_on_mass_media.pdf.

³²⁵ BBC News, *Kabul raid: seven students among 13 dead in university attack*, 25 August 2016; The Guardian, *American University attack: 12 dead and 24 injured in Afghanistan*, 25 August 2016; US Department of State, *Country reports on human rights practices for 2015 Afghanistan*; Freedom house, *Afghanistan country report 2015*.

³²⁶ US Department of State, *Country reports on human rights practices for 2015 Afghanistan*; Freedom house, *Afghanistan country report 2015*.

hostages.³²⁷ Thousands of residents of Kabul took to the streets in March 2015 to condemn the murder of Farkhunda Malikzada and demonstrate for justice for female victims of violence.³²⁸ In November 2015, protests broke out in cities across Afghanistan after seven Hazaras, including two women and a girl, had been killed by IS-related militants in Zabul Province. See also 3.4.3 *Freedom of religion* and 3.5.3 *Ethnic minorities*.³²⁹ In May 2016, thousands of Hazaras took to the streets of Kabul to protest against the government's decision to re-route a new electricity network (TUTAP), and not run it through Bamyan as originally planned.³³⁰

The work of more than 280 international and over 1,900 national NGOs is not restricted by the government, but their ability to operate freely and effectively is hampered by the poor security situation and threats and violence from AGEs. Those working for national and international NGOs are seen by the Taliban and other AGEs as 'being on the side' of the government. They are frequently subjected to threats and violence. See also 2.2 Civilian casualties and 3.4.1 *Freedom of speech and press freedom*.³³¹

Political opposition

Under the Law on Political Parties as amended in 2009, political parties are required to register with the Ministry of Justice. Political parties are not allowed to pursue objectives that are contrary to Islam and the Afghan Constitution. Furthermore, political parties are not allowed to incite ethnic, religious or sectarian violence or to use it themselves, to have visible links with armed groups or to receive funding from foreign actors. Parties must have at least 10,000 members to register. In 2012 the Council of Ministers approved a regulation obliging political parties to hold office in at least 20 provinces within one year of registration, on penalty of deregistration. In 2015, according to the ministry, 20 parties had failed to satisfy this requirement. Ten of them were deregistered.³³²

Since political parties have only been able to register officially since 2001, they have not traditionally had a statutory, formalised role in the political system. Political parties now consist mainly of former Islamist military factions, communist-affiliated organisations, ethno-nationalist groups and civil society organisations that have been turned into political parties. Because of the single non-transferable vote system, in which votes are cast not for parties but for people, they have little influence in parliament. This weakens their ability to contribute to political, policy-making and legislative processes. In recent years, political parties and alliances have become more developed, and in the presidential elections in 2014 they played a more prominent role than previously and allied with one or more candidates more than they had done in the past. Former politicians such as ex-President Karzai still have a lot of political power, even though they are not part of a political party.³³³

³²⁷ BBC News, *Afghanistan Hazara kidnapped passengers released*, 11 May 2015.

³²⁸ Afghanistan Analysts Network, *The killing of Farkhunda (2)*, *Mullahs, feminists and a gap in the debate*, 29 April 2015; Prospect, *Why was a young woman killed by a mob in the streets of Kabul?*, 14 August 2015; LATimes, *A year later, Afghans reflect on a mob lynching of a woman falsely accused of burning Koran*, 18 March 2016.

³²⁹ Afghanistan Analysts Network, *The 'Kabul seven' protests: who speaks for the victims?*, 12 November 2015.

³³⁰ LATimes, *An ethnically charged dispute over electricity brings protesters into Kabul's streets*, 16 May 2016; Afghanistan Analysts Network, *Power to the people (2)*, *the TUTAP protests*, 16 May 2016.

³³¹ Freedom House, *Freedom in the World 2015 – Afghanistan*; US Department of State, *Country reports on human rights practices for 2015 Afghanistan*; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

³³² USIP Report, *Political Parties in Afghanistan*, March 2015; US Department of State, *Country reports on human rights practices for 2015 Afghanistan*.

³³³ USIP Report, *Political Parties in Afghanistan*, March 2015; US Department of State, *Country reports on human rights practices for 2015 Afghanistan*; The Washington Post, *Afghanistan's Karzai gave up the presidency, but not the power*, 18 July 2015.

During the reporting period, a number of new opposition groups were established. On 18 December 2015, former presidential candidate Abdul Rassul Sayyaf announced the formation of the Afghanistan Protection and Stability Council, a group of former mujahideen leaders and figures from the government of ex-President Karzai. In January 2016, former Finance Minister Anwar ul-Haq Ahady formed the New National Front, consisting of former members of Afghan Millat among others. The opposition takes the view that the term of office of the Government of National Unity expired two years after 21 September 2014.³³⁴

3.4.3 *Freedom of religion*

According to estimates, 99% of the Afghan population is Muslim, of whom 80% are Sunni and 19% are Shiite. Other religions account for less than 1 percent of the population.³³⁵

The Constitution states that followers of religions other than Islam are free 'within the bounds of law in the exercise and performance of their religious rituals'. At the same time, the 'sacred religion of Islam' is, according to the Constitution, 'the religion of the Islamic Republic of Afghanistan', and 'no law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan'.³³⁶ *The Constitution further states that 'if there is no provision in the Constitution or other laws about a case, the courts shall, in pursuance of Hanafi³³⁷ jurisprudence, and, within the limits set by this Constitution, rule in a way that attains justice in the best manner'.* This applies to matters such as apostasy, blasphemy and conversion. In family cases where both parties are Shia, the Constitution states that Shia jurisprudence should be applied. There is no separate law relating to non-Muslims and guaranteeing the individual right to freedom of religion.³³⁸

The Office of Fatwa and Accounts of the Supreme Court uses Hanafi jurisprudence in the implementation of the law. Even in cases that conflict with the Universal Declaration of Human Rights and the ICCPR, the courts continue to adhere to the Hanafi interpretation of Islamic law. See 3.4.4 *Judicial process* for more information about the Afghan legal system.³³⁹

The Criminal Code does not include any specific references to religious conversion, apostasy or blasphemy. However, it states that 'flagrant' crimes such as conversion should be punished in line with Hanafi jurisprudence, under which conversion is punishable by death. Men found guilty of this crime have three days to recant their conversion, failing which they face the death penalty. For women, the penalty is imprisonment until they repent or die. Those guilty of blasphemy can also be put to death under Hanafi jurisprudence, after being given three days to repent.³⁴⁰

³³⁴ US Department of State, *Country reports on human rights practices for 2015 Afghanistan*; USIP Report, *Political Parties in Afghanistan*, maart 2015; *Political Parties Law Afghanistan* (http://www.afghan-web.com/politics/parties_law.html); Freedom House, *Freedom in the World 2015 – Afghanistan*; UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and stability (A/70/775-S/2016/2018)*, 7 March 2016.

³³⁵ US Department of State, *International Religious Freedom Report for 2014 Afghanistan*; US Commission on International Religious Freedom, *Annual Report 2015*.

³³⁶ <http://www.afghanembassy.com.pl/afg/images/pliki/TheConstitution.pdf>.

³³⁷ The largest Sunni school of law in Islam.

³³⁸ <http://www.afghanembassy.com.pl/afg/images/pliki/TheConstitution.pdf>; United States Commission on International Religious Freedom, *Annual Report 2016 – Tier 2: Afghanistan*; International Humanist and Ethical Union, *The freedom of thought report 2015, Afghanistan*; US Department of State, *International Religious Freedom Report for 2014 Afghanistan*.

³³⁹ International Humanist and Ethical Union, *The freedom of thought report 2015, Afghanistan*.

³⁴⁰ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; International Humanist and Ethical Union, *The freedom of thought report 2015, Afghanistan*; US Department of State, *International Religious Freedom Report for 2014 Afghanistan*.

The media law prohibits the production, reproduction, printing and publication of material that is contrary to the principles of Islam or offensive to other religions or faiths.³⁴¹

In 2014 and 2015, as far as is known, there were no prosecutions for blasphemy. However, there were a number of incidents. In October 2014, religious leaders called for the arrest of a journalist who had written an 'anti-Islam' article in English. It turned out that the journalist did not live in Afghanistan and the publication's chief editor had fled Afghanistan before the article was published. Five other people were arrested in connection with the article, and later released.³⁴² In March 2015, an Afghan woman, Farkhunda Malikzada, was savagely killed by a crowd of men in the centre of Kabul after being falsely accused of burning a Koran (see also 1.4.4. *Afghan National Police*). Although some religious leaders and government officials initially welcomed the murder of an 'alleged blasphemer', the Ministry of Hajj and Religious Affairs declared – after worldwide protests – that Farkhunda was innocent.³⁴³

In reality, it is still difficult in Afghanistan for religious minorities to practise their faith openly. Non-Muslims, especially converts, apostates, Christians (including converted Christians), Hindus and Sikhs, can face social discrimination, restricted educational and economic opportunities and – sometimes violent – confrontations. These groups also have little protection in respect of their faith from a legal viewpoint.³⁴⁴

Religious leaders were targeted by the Taliban, IS and other AGEs during the reporting period because of their particular interpretation of Islam, or their cooperation with the government. A number of them were killed. They were warned not to hold funeral services for members of the ANDSF who had been killed. Mosques were also burned down; in many cases, responsibility for such actions was not claimed. The sources do not indicate whether the religious leaders and mosques concerned were Shiite or Sunni.³⁴⁵

During the reporting period a large number of attacks were carried out on Shiites, especially Hazaras, responsibility for which was claimed by IS. In addition to religious motives, political and ethnic motives also lie behind these attacks. See under *Shiites* and *3.5.3 Ethnic groups*.³⁴⁶

It is common for members of the Taliban to monitor the social habits of the local population and impose punishments according to their interpretation of Islam in areas under their control.³⁴⁷

³⁴¹ United States Commission on International Religious Freedom, *Annual Report 2016 – Tier 2: Afghanistan*; US Department of State, *International Religious Freedom Report for 2014 Afghanistan*.

³⁴² US Department of State, *International Religious Freedom Report for 2015, Afghanistan*; US Department of State, *International Religious Freedom Report for 2014, Afghanistan*.

³⁴³ United States Commission on International Religious Freedom, *Annual Report 2016 – Tier 2: Afghanistan*; Afghanistan Analysts Network, *The killing of Farkhunda (2), Mullahs, feminists and a gap in the debate*, 29 April 2015.

³⁴⁴ US Department of State, *International Religious Freedom Report for 2015, Afghanistan*; US Department of State, *International Religious Freedom Report for 2014, Afghanistan*.

³⁴⁵ UNHCR, *Eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *International Religious Freedom Report for 2015, Afghanistan*; US Department of State, *International Religious Freedom Report for 2014, Afghanistan*.

³⁴⁶ BBC News, *Kabul shrine attack kills Shia Muslims during Ashura*, 11 October 2016; The Guardian, *Gunmen kill 14 people in attack on Shia Muslim shrine in Kabul*, 11 October 2016; The National Interest, *The persecution of Afghanistan's Hazaras has less to do with religion than you think*, 28 July 2016; US Department of State, *International Religious Freedom Report for 2015, Afghanistan*; US Department of State, *International Religious Freedom Report for 2014, Afghanistan*.

³⁴⁷ UNHCR, *Eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *International Religious Freedom Report for 2015, Afghanistan*.

Converts

The right to change one's religion was not respected either by the law or in practice. Converts are at serious risk of having their rights violated. See also below under *Christians*. Conversion to a religion other than Islam is regarded as apostasy and may lead to the imposition of the death penalty. Men over 18 and women over 16 who have converted from Islam and do not retract their conversion within three days risk having their marriage dissolved and all their property confiscated. They also risk rejection by their families and the community and loss of employment. There were no known cases of imposition of the death penalty on converts during the reporting period. However, a number of incidents took place. In March 2014, the Taliban attacked a guesthouse run by the NGO Roots of Peace, because they believed that it was being used as a church to convert Afghans to Christianity. In June 2014, an Indian priest was kidnapped in Herat by the Taliban. He was released six months later. In any case, six people were wounded in the attack, including a child. In July 2014, two female employees of a Christian NGO in Herat were shot dead by Islamist rebels.³⁴⁸

Hindus and Sikhs

There are no reliable figures on the number of Sikhs and Hindus in Afghanistan. Estimates range from 2,500 people to 1,000 families. At least one of Kabul's eight *gurdwaras* (Sikh places of worship) is still active; according to information from the British Embassy in Kabul there are still seven *gurdwaras* in Kabul. There are also a few Hindu temples scattered across the country.³⁴⁹

In principle, Sikhs and Hindus are free to practice their religion and they have one reserved seat in the Upper House. A request also to reserve a seat in the Lower House for the 2015 parliamentary elections was rejected.³⁵⁰

Like other minorities, Sikhs and Hindus suffer from discrimination and intimidation in Afghanistan, both from the government (in terms of political representation and government jobs) and in the social domain. Hindu and especially Sikh children are often bullied by other children at ordinary Afghan schools. They used to have their own schools, but because many Hindus and Sikhs have left Afghanistan in recent years and their economic situation is poor, many of these schools have closed. There are reportedly still separate Sikh schools in Kabul, Helmand and Ghazni, which are also attended by Hindu children. The government contributes to the funding of these schools. Both groups experience difficulties in finding places to perform their funeral rituals (incineration). Burning the dead is prohibited in the Islamic faith. However, the government has provided Hindu and Sikh communities with police protection during funerals. In relation to land disputes in which they are victims of illegal occupation and seizure of their land, the community does not feel protected by the government. They have also been unable to recover land that was taken

³⁴⁸ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; United States Commission on International Religious Freedom, *Annual Report 2016 – Tier 2: Afghanistan*; US Department of State, *International Religious Freedom Report for 2015, Afghanistan*; US Department of State, *International Religious Freedom Report for 2014, Afghanistan*.

³⁴⁹ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; Home Office, *Country Information and guidance, Afghanistan: Hindus and Sikhs*, January 2016; United States Commission on International Religious Freedom, *Annual Report 2016 – Tier 2: Afghanistan*; US Department of State, *International Religious Freedom Report for 2014, Afghanistan*; Aljazeera, *Inside the little-known kitchen of Afghanistan's Sikhs*, 9 January 2016.

³⁵⁰ Home Office, *Country Information and guidance, Afghanistan: Hindus and Sikhs*, January 2016; United States Commission on International Religious Freedom, *Annual Report 2016 – Tier 2: Afghanistan*; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *International Religious Freedom Report for 2015 Afghanistan*; US Department of State, *International Religious Freedom Report for 2014 Afghanistan*; Afghan Analysts Network, *A lost opportunity? Hindus and sikhs do not get a reserved seat in parliament*, 16 December 2013.

away during the Mujahideen period. For fear of retaliation, they have refrained from obtaining statutory reimbursement.³⁵¹

Christians

It is unclear how many Christians live in Afghanistan; probably there are several thousand. Some of these are Afghans who have converted to Christianity in another country. The social attitude towards Christians and conversion to Christianity is hostile, and Christians cannot openly profess their faith. There are no remaining churches in Afghanistan (apart from one in the grounds of the Italian Embassy), and Christians pray alone or gather in small groups in people's homes. Christians who speak about their faith run the risk of being intimidated and threatened. As a result, little is known about them. There is also the risk of being attacked by the Taliban or other extremist groups. In this reporting period, there were no reports of Christians having been arrested. Some Christians are thought to have left for India during this period as well.³⁵²

Baha'i

The small Baha'i community in Afghanistan (mainly in Kabul, and a small group in Kandahar) has led an invisible existence since the Supreme Court issued a decree in 2007 characterising the Baha'i faith as a form of blasphemy. Muslims who convert to the Baha'i faith are regarded as infidels.³⁵³

Shiites

Most Shiite Afghans belong to the Hazara ethnic group, but there are also other Shiite populations in Afghanistan, such as the Farsiwan in Herat and the Ishmaelites. The Shiites are the largest religious minority group in Afghanistan, representing somewhat less than 20 percent of the population. Most of them live in the central highlands of Afghanistan and to the north in the mountains of Badakhshan, in Herat and in Kabul. Shiites have historically experienced discrimination at the hands of the Sunni majority and have faced violence from extremist Sunni groups such as the Taliban. Since the fall of the Taliban regime, the situation has improved for Shiite Muslims and they can participate fully in social life, in parliament and in senior positions in the government. Social discrimination is said to have diminished. However, the Shiite Hazaras believe that their social position is still subordinate, discrimination is still an issue and they are not properly represented in government positions. Security is also neglected in areas where there is a Shiite majority. Parts of central Afghanistan, where the Hazaras live, are among the poorest in the country and often lack basic services and electricity.³⁵⁴ For more information, see 3.5.3 Ethnic groups.

In the reporting period the number of kidnappings and attacks against Shiites rose; Shiite Hazaras were the main victims. Responsibility for some of the attacks was claimed by IS and IS-affiliated insurgent groups. Sectarian violence, which used to

³⁵¹ US Department of State, *International Religious Freedom Report for 2015 Afghanistan*; Home Office, *Country Information and guidance, Afghanistan: Hindus and Sikhs*, January 2016; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

³⁵² US Department of State, *International Religious Freedom Report for 2015 Afghanistan*; United States Commission on International Religious Freedom, *Annual Report 2016 – Tier 2: Afghanistan*; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

³⁵³ US Department of State, *International Religious Freedom Report for 2015 Afghanistan*; United States Commission on International Religious Freedom, *Annual Report 2016 – Tier 2: Afghanistan*; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

³⁵⁴ Al Jazeera, *Afghanistan: Who are the Hazara's?*, 27 juni 2016; UNHCR, *eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; International Business Times, *Who are the Hazara and why do Isis and the Taliban hate them?*, 11 November 2015; US Department of State, *International Religious Freedom Report for 2015 Afghanistan*.

be rare in Afghanistan, thus seems to have been imported by foreign groups. This makes the position of the Hazaras more vulnerable and increases their sense of insecurity, particularly given their recent history under the Taliban. The Afghan government condemned the attacks sharply, but is fairly powerless against the violence. An overview of the main incidents is given below. See also 3.5.3 Ethnic groups.³⁵⁵

In February 2015, insurgents stopped a bus in Zabul, separated the 31 Hazaras from the rest of the passengers and kidnapped them. In May 2015, 19 of them were released in exchange for Uzbek prisoners. The Islamic Movement of Uzbekistan (IMU) was probably behind the kidnapping.³⁵⁶

In November 2015, seven Hazaras, including two women and a girl, were killed in Zabul. They were among a group of people whom IS kidnapped on several occasions while they were travelling. Their bodies, with the throats cut, were found by the Taliban while they were driving an IS-affiliated group out of the area. The brutality of the murders greatly shocked Afghan society. On 11 November 2015 a large demonstration was held in Kabul, in which the victims of the killings were carried in coffins. Thousands of people participated in the demonstration, most of them Hazara, but also people from other ethnic backgrounds. Responsibility for the killings was not officially claimed, and there were conflicting reports in the press, but Uzbek fighters of the Islamic Movement of Uzbekistan (IMU) were probably behind the attack.³⁵⁷

On 23 July 2016, at least 80 people died and more than 230 people were wounded when three suicide attackers blew themselves up during a major demonstration of Hazaras in the city centre. IS claimed responsibility for the attack; the bombers were said to have come from Nangarhar to carry it out. IS released the following statement: 'Two fighters from Islamic State detonated explosive belts at a gathering of Shi'ites in the city of Kabul in Afghanistan.' The explicit reference to the Shiite background of the target is relatively new to Afghanistan, where, unlike in Iraq, a bloody sectarian conflict has not been on the agenda.³⁵⁸

On 11 October 2016, on the eve of the Shiite holy day of Ashura, at least 14 people were killed in an attack on a Shiite mosque in Kabul, where worshippers had gathered to prepare for Ashura. More than 40 people were wounded. IS claimed responsibility for the attack.³⁵⁹

On 12 October 2016, an attack took place on a Shiite mosque in the capital of Balkh, Mazar-i Sharif, where worshippers were celebrating Ashura. At least two of the attackers were wearing police uniforms and were armed with grenades and machine guns. At least 14 people died and there were at least 36 wounded. IS claimed responsibility for the attack.³⁶⁰

³⁵⁵ AAN, *With an active cell in Kabul, ISKP tries to bring sectarianism to the Afghan war*, 19 October 2016; HRW, *Afghanistan's shia Hazara suffer latest atrocity*, 13 October 2016.

³⁵⁶ BBC News, *Afghanistan Hazara kidnapped passengers released*, 11 May 2015; The New York Times, *Taliban are said to target Hazara's to try to match ISIS' brutality*, 22 April 2015.

³⁵⁷ The New York Times, *Afghan fighters loyal to ISIS beheaded 7 hostages, officials say*, 9 November 2015; Tolo News, *Zabul residents protest beheading of 7 hostages*, 11 November 2015; AAN, *The 'Zabul 7' protests: who speaks for the victims?*, 12 November 2015; Tolo News, *Thousands of women join protest over beheading of Zabul seven*, 11 November 2015.

³⁵⁸ Reuters, *Islamic state claims responsibility for Kabul attack, 80 dead*, 24 July 2016; The Guardian, *Isis claims responsibility for Kabul bomb attack on Hazara protesters*, 24 July 2016.

³⁵⁹ BBC News, *Kabul shrine attack kills Shia Muslims during Ashura*, 11 October 2016; AAN, *With an active cell in Kabul, ISKP tries to bring sectarianism to the Afghan war*, 19 October 2016.

³⁶⁰ The Guardian, *Shia Muslims killed in mosque bombing in northern Afghanistan*, 12 October 2016; Al Jazeera, *Afghanistan: new attack kills 14 worshippers at mosque*, 12 October 2016; HRW, *Afghanistan Shia Hazara suffer latest atrocity*, 13 October 2016.

Ethnicity and religion are often inextricably linked in Afghanistan, such as with the Hazaras who are Shiites. So it is not always easy to determine whether discrimination or violence has taken place on the grounds of religion or on the grounds of ethnicity. See also 3.5.3 *Ethnic groups*.³⁶¹

Sayyeds/Sadaat

In Afghanistan, the word *Sadaat* refers to a lineage (and its members) that is believed to be descended from the prophet Mohammed. The Sadaat are a minority group in Afghanistan. Sadaat are found among both Sunni and Shiite Muslims. Most Sadaat are Sunni and live in the north in the provinces of Kunduz and Balkh and in the east in the province of Nangarhar. The Shiite Sadaat live mainly in central Afghanistan, in Bamyan Province.³⁶² As far as is known, the Sadaat are seen as a respected minority group because of their descent, and they suffer no discrimination from being Sadaat.³⁶³

3.4.4

Judicial process

The Afghan legal system remained in a poor state in this reporting period. The World Justice Project (WJP) Rule of Law Index 2015 placed Afghanistan second-last in the world rankings.³⁶⁴ The country has serious and systemic problems which mean that in reality the law offers no protection to civilians. Impunity for perpetrators is commonplace. The legal sector is understaffed, underpaid, inadequately trained, inefficient and susceptible to threats and political influence. Corruption is pervasive at the national, provincial and local levels. Judges, prosecutors, courts and other legal authorities were subjected to targeted attacks by AGEs more often in this period than in 2014.³⁶⁵

The President of the Supreme Court is Sayed Yousuf Halim.³⁶⁶ Halim comes from the Ministry of Justice. The Supreme Court was often deployed under President Karzai to block proposals from parliament. President Ghani aims to bring more diversity to the Supreme Court. For example, he nominated Anisa Rasooli to be the first female Supreme Court judge, but she fell a few votes short of being appointed.³⁶⁷ The Attorney General's Office (AGO) is headed by Attorney General Farid Hamidi, who was one of the commissioners of the AIHCR. He has a good reputation, and one of the reasons for his appointment is to investigate the large number of corruption cases which lie before the AGO (and which are deliberately not investigated because the accused are often powerful individuals). The AGO is considered to be one of the most corrupt public institutions in Afghanistan.³⁶⁸

The formal and informal judicial system

The formal judicial system in Afghanistan is a combination of 'secular' law (which the Constitution states may not contravene the rules of Islam), customary law and

³⁶¹ UNHCR, *eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

³⁶² Landinfo September 2015, *Afghanistan: Sadaat/Sayyed*.

³⁶³ Confidential sources.

³⁶⁴ World Justice Project, *Rule of Law Index 2015*.

³⁶⁵ The Diplomat, *Corruption: Can Afghanistan's government overcome its national shame?* 14 May 2016; Transparency International, *National Integrity System Assessment, Afghanistan 2015*; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; UNHCR, *eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; UNAMA, *Annual Report on Protection of Civilians in Armed Conflict: 2015*; SIGAR, *Audit report 15-68 Rule of Law in Afghanistan*, July 2015.

³⁶⁶ Pajhwok Afghan News, *WJ approves Yousuf Halim as Supreme Court Member*, 8 July 2015; International Bar Association's Human Rights Institute, *The Rule of Law, Democracy and the Legal Profession in the Afghan Context: Challenges and Opportunities*, January 2014.

³⁶⁷ The Washington Post, *Historic bid to become Afghanistan's first female justice falls nine votes short*, 27 July 2015.

³⁶⁸ The New York Times, *New Afghan Attorney General seeks justice in system rife with graft*, 3 September 2016; Khaama Press, *Afghan MPs approve Farid Hamidi as new Afghan attorney general*, 9 April 2016; Confidential sources.

religious law - the Hanafi school of law, the largest and most pragmatic of the four Islamic schools of law. The formal court structure is set out in the Constitution of 2004 and consists of a Supreme Court, Court of Appeal, provincial courts, courts of first instance and special courts such as the youth and family courts, a public security court, a commercial court and the court for drug-related cases. This extensive formal structure is mainly active in the cities. This is partly due to institutional problems, and partly because lawyers and prosecutors often have to leave their jobs because of lack of security. In addition, courts in the formal judicial system often prioritise the application of religious law (Hanafi jurisprudence) over secular law, partly because they are not well informed about the official laws. The Constitution also makes allowance for this. The formal and informal judicial systems are thus closely linked.³⁶⁹

Outside the large cities, only a fraction of potential cases end up in the formal courts. An estimated 80 percent of lawsuits are dealt with in traditional, informal judicial systems which are a mix of *sharia*, local customs and tribal codes of honour. These are also called *jirga* or *shura*; the *jirga* - meaning 'circle' in Pashtun - is the dispute settlement mechanism of the Pashtun. The *jirga* is divided into three levels: the *maraka* is the local *jirga*, the *qawmi* is the tribal *jirga* and the *loya jirga* is the national assembly. At the *jirga* the tribal elders, men with knowledge of customary law (folk Islam or *narkh*) and the mullahs play an important role in mediation. The *shura* - Arabic for 'consultation' or 'advice' - is historically a conflict mediation mechanism like the *jirga* for the non-Pashtun: the Tajiks, Hazaras and Uzbeks. The *shura* has less clearly defined rules than the *jirga* and as a result of the many wars in Afghanistan has been more influenced by warlords, landowners and others with political power than the *jirga*.³⁷⁰

Informal justice is seen as faster, more accessible, fairer and less corrupt than the formal judicial system. It is mainly the civil cases (such as land ownership, family cases or local disputes) that are settled informally, but criminal cases are also dealt with in the parallel systems in the absence of the formal judicial system. There is also not always a clear separation between informal and formal justice. A member of parliament or governor is sometimes invited to give a ruling on a case in the informal system.³⁷¹ The two systems are thus intertwined. The confidence of the Afghan population in the formal judicial system is low and many Afghans are ignorant of national law and their rights arising from it, partly because of high levels of illiteracy. However, there are risks associated with both the process and the outcome in traditional justice: men are dominant - women may not attend their own case in person - and solutions may be at odds with the formal law or fundamental human rights. Above all, little or no attention is paid to the interests of women and children in this form of justice.³⁷²

Parallel justice

In the districts of Afghanistan where the Taliban and other AGEs are in control, they have their own parallel judicial system, based on a strict interpretation of *sharia*. The penalties they impose are often incompatible with national and international

³⁶⁹ UNHCR, *Eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country reports on human rights practices for 2015, Afghanistan*; SIGAR, *Audit report 15-68 Rule of Law in Afghanistan*, July 2015; International Bar Association's Human Rights Institute, *The Rule of Law, Democracy and the Legal Profession in the Afghan Context: Challenges and Opportunities*, January 2014.

³⁷⁰ Ali Wardak, *Jirga – a traditional mechanism of conflict resolution in Afghanistan*, 2003 (still relevant).

³⁷¹ Confidential source.

³⁷² UNAMA, *Khost forum points to formal justice system as better option*, 26 May 2016; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; DW, *Why many Afghans distrust their judicial system*, 5 February 2015; The New York Times, *Taliban justice gains favor as official Afghan courts fail*, 31 January 2015; USIP Special report, *Islamic law, customary law and Afghan Informal Justice*, March 2015; International Bar Association's Human Rights Institute, *The Rule of Law, Democracy and the Legal Profession in the Afghan Context: Challenges and Opportunities*, January 2014; Ali Wardak, *Jirga – a traditional mechanism of conflict resolution in Afghanistan*, 2003 (still relevant).

humanitarian law. In 2015, UNAMA documented 44 cases (less than in 2014) in which sentences were pronounced and carried out such as stoning, beheading, shooting, hanging and causing a wall to collapse on the offender. UNAMA documented 60 deaths and 16 injuries in 2015 as a result of the imposition of the death penalty or beatings by AGEs. In the first half of 2016, UNAMA documented 26 incidents in which 24 people were killed. For instance, a woman was publicly executed in Jowzjan Province in March 2016 because she was alleged to have murdered her husband.³⁷³

Because they regard the government's courts as corrupt, there is appreciation among the mostly rural population for the justice of the Taliban and other AGEs, despite the opaque and unclear legal process and the deterrent penalties.³⁷⁴

Capacity and (in)security

The judiciary does not have sufficient capacity and quality to study and implement the large volume of new and amended laws. There is still a shortage of qualified officials, although the number of qualified lawyers has increased. Especially at the municipal and provincial levels, judges lack proper training. They often base their rulings on their own interpretation of *sharia* without reference to legal texts, tribal codes or local regulations. Many of the judges on the Supreme Court are only familiar with *sharia* law.

Access to codes of law and legal guidelines has improved, but there are still too few of both in circulation, which hampers the work of judges and prosecutors.³⁷⁵

Insecurity in the legal sector increased sharply in 2015 compared to 2014. The Taliban carried out targeted attacks on judges, public prosecutors and legal institutions. The attacks led to 46 dead and 142 wounded in 2015, compared to 37 dead and 53 wounded in 2014.³⁷⁶ In the first half of 2016, UNAMA documented 23 attacks on judges, prosecutors and court officials, in which a total of 36 people were killed and 68 people were wounded. Many of the dead and wounded were civilians. The Taliban claimed responsibility for 12 of the attacks. After the execution of six Taliban prisoners in May 2016, the Taliban said in a statement that court personnel would pay a high price for the executions. They classified officials in the legal sector as a 'legitimate military target'. In May and June 2016 there were then three major attacks on court officials. On 25 May, a suicide attacker killed himself on a bus carrying officials of the provincial court of Wardak. Two judges and 12 civilians were killed and nine people were injured. On 1 June, the Taliban carried out a complex attack on the provincial high court, in which two court officials and two civilians were killed and 15 people (including the head of the court) were injured. On 5 June, the Taliban carried out an attack with 'silent' pistols and grenades on a government building in which several judicial organisations were based. They killed the provincial chief prosecutor and six civilians. Twenty-three people were injured, including three judges. The government can offer little or no appropriate protection to officials in the judicial system.³⁷⁷

Legal process

³⁷³ UNAMA, *Afghanistan annual report 2015 Protection of civilians in armed conflict*, February 2016; BBC News, *Video shows Afghan women's 'Taliban execution'*, 7 May 2016.

³⁷⁴ Confidential sources; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; UNAMA, *Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2015*; DW, *Why many Afghans distrust their judicial system*, 5 February 2015; The New York Times, *Taliban justice gains favor as official Afghan courts fail*, 31 January 2015.

³⁷⁵ US Department of State, *Country reports on human rights practices for 2015 Afghanistan*.

³⁷⁶ UNAMA, *Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2015*; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

³⁷⁷ UNAMA, *Afghanistan midyear report on protection of civilians in armed conflict: 2016*; UNAMA, *UNAMA condemns attack targeting Logar judicial officials*, 5 June 2016; PressTV, *6 killed in Taliban attack in Afghanistan's Ghazni*, 1 June 2016; UNAMA, *UNAMA condemns attack targeting judicial authorities*, 25 May 2016.

The information under this heading relates to formal justice. The Constitution provides for the right to a fair trial, but this was rarely the case in practice. The administration of justice varies by court and by region. By law, all defendants are innocent until proven guilty, and they have the right to attend the hearing and to appeal, but these rights were not always respected. Public hearings took place in some provinces, but this was not the norm. Accused parties were often not informed or informed too late what the nature of the charges was, and due to a severe shortage of lawyers they were rarely able to defend their case. The opportunity to view documents and evidence before the start of the trial was also often not provided. Civilians were often unaware of their rights, and were therefore unable to claim them.³⁷⁸

The role of criminal defence lawyers during cases improved slightly; they were given more respect and tolerance to do their job. However, they also still faced threats and abuse from public prosecutors and police officers.³⁷⁹

The legal term for detaining a suspect and issuing a decision are 30 days for a decision by the Court of First Instance, 30 days for a decision on appeal and 60 days for a Supreme Court decision. The request for appeal must be filed within 20 days, and the application for a review by the Supreme Court must be filed within 30 days. If the deadlines for appeal are not met, the law requires that the accused be released. Many courts failed to meet these deadlines, but the suspects usually remained in custody.³⁸⁰

In cases where the law provides no guidance or when judges, prosecutors or other presiding court officials are unaware with the statutory law, they enforce customary law. As described earlier, this is very common. Customary law often leads to rulings which discriminate against women. The practice of *ba'ad*, in which a female family member (whether a girl, a woman or a baby) is given away to the family of the victim as compensation for a male relative's crime, still occurs (especially among the Pashtun). There are no known figures concerning this practice. *Ba'ad* is imposed by a local *jirga* and is seen as a tool for resolving blood feuds. Article 517 of the Criminal Code criminalises *ba'ad* in the case of women over 18 and widows, but says nothing about girls. The Elimination of Violence Against Women (EVAW) Law criminalises *ba'ad* in general, but many judges and lawyers do not know this law or do not want to use it.³⁸¹

3.4.5 *Arrest, custody and detention*

Arbitrary and prolonged detention occurred frequently throughout the country. Suspects were generally not informed about the charges brought against them. By law, detainees are entitled to legal assistance and they should receive a summons. They should also not be held for more than 72 hours without charge. If the police decide to open a case, the file is transferred to the Attorney General. On occasion, the Attorney General formulated a charge even when it was clear that no crime was committed. Charges have also been made that carry no penalty under law. The prosecutor may detain the suspect during the follow-up investigation for a certain period (between 10 and 75 days), depending on the severity of the offence.

³⁷⁸ US Department of State, *Country reports on human rights practices for 2015 Afghanistan*; UNAMA, *Khost forum points to formal justice system as better option*, 26 May 2016.

³⁷⁹ US Department of State, *Country reports on human rights practices for 2015 Afghanistan*.

³⁸⁰ US Department of State, *Country reports on human rights practices for 2015 Afghanistan*.

³⁸¹ HRW, *Afghanistan: Stop women being given as compensation*, 8 March 2011; NBC News, *Baad in Afghanistan: Virgin 'slaves' given away to end disputes*, 9 May 2016; Vertrouwelijke bron; US Department of State, *Country reports on human rights practices for 2015 Afghanistan*; Gandhara, *Rural Afghan girls continue to fall victim to 'Baad' marriages*, 28 July 2015.

Suspects may not be detained for any longer if the investigation is still ongoing, but prosecutors frequently ignored these deadlines.³⁸²

Incommunicado detention remained a problem, and it was rare for suspects to have quick access to a lawyer. In principle, detainees have access to their families, but this right was often refused.³⁸³

Afghanistan has no system of bail, and the authorities sometimes held defendants who had been acquitted by the court while the prosecutor appealed, for fear that the accused would abscond.³⁸⁴

People are sometimes detained without trial for lengthy periods in Afghanistan. In October 2015, Presidential Decree 76 was adopted: Annex Number One to the Criminal Procedure Code on Terrorist Crimes and Crimes against Internal and External Security. Article 10 of the decree makes it possible to detain persons suspected of committing an act of terrorism act or prisoners for an extra year if it is expected that they may commit another act of terrorism after their release. No evidence or trial is necessary according to the decree. Human rights organisations have reacted critically to the decree. See also 3.4.6 *Torture, maltreatment and threats*.³⁸⁵

Although it is forbidden by the Constitution, government officials, members of security services, detention centre personnel and police officers often used violence to elicit a confession or information. This was mainly done to conflict-related detainees in NDS detention centres, but the ALP, ANP and ANA also used violence against prisoners.³⁸⁶

Prison conditions

In May 2016 there were 29,666 people (the vast majority of whom were men) detained in 34 provincial prisons. This is an increase of over 50 percent in five years.³⁸⁷ The General Directorate of Prisons and Detention Centers (GDPDC), part of the Ministry of the Interior, is responsible for all civilian prisons and detention centres, including the large national prison in Pul-e Charki. The ANP, which is overseen by the Ministry of the Interior, and the NDS also have short-term detention facilities at provincial and district level. There are also said to be a number of unofficial detention centres, including one in Kandahar. The Ministry of Defence runs the Afghan National Detention Facilities in Parwan.³⁸⁸

The situation varies in prisons in Afghanistan; there are prisons with reasonable facilities and prisons and detention centres where conditions are very poor. Prisons in places such as Kunduz and Takhar in the northeast of the country are in very poor condition. Generally speaking, many prisons are overcrowded - with an occupancy rate of nearly twice the official maximum capacity - and the sanitation and food and water supplies are mediocre to poor. Prisoners' relatives often provide extra food. Access to health care in the provincial prisons has improved in recent years, but

³⁸² US Department of State, *Country reports on human rights practices for 2015 Afghanistan*.

³⁸³ Amnesty International, *Annual Report Afghanistan 2015/2016*; US Department of State, *Country reports on human rights practices for 2015 Afghanistan*.

³⁸⁴ US Department of State, *Country reports on human rights practices for 2015: Afghanistan*.

³⁸⁵ HRW, *Afghanistan: reject indefinite detention without trial*, 15 november 2015; AAN, *Casting a very wide net: did Ghani just authorise interning Afghans without trial?*, 21 January 2016.

³⁸⁶ Confidential source; UNHCHR, *Report of the OHCHR on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights in 2015 (A/HRC/31/46)*, 11 February 2016; US Department of State, *Country reports on human rights practices for 2015 Afghanistan*; UK Home Office, *Country information and guidance Afghanistan: prison conditions*, September 2015.

³⁸⁷ Confidential source.

³⁸⁸ US Department of State, *Country reports on human rights practices for 2015 Afghanistan*.

outbreaks of disease caused by overcrowding are common and sufficient medication is by no means always available. Due to overcrowding, prisoners of different 'risk levels' are often kept together, which allows radicalisation to take place. There is a big shortage of female doctors to treat female prisoners. Many women have their children with them in prison, for whom the conditions are far from good. In May 2016 there were about 700 women with their children in detention - about 300 children in total.³⁸⁹

There are reports that members of the ANDSF maintain their own detention centres and use them to torture prisoners. The police, and specifically the provincial police chief of Kandahar, Abdul Raziq, are known to treat conflict-related detainees in unorthodox ways.³⁹⁰

The AIHRC, UNAMA and the NATO Resolute Support Mission generally had access to the prisons and detention centres run by the various ministries. However, security restrictions and obstructions by the authorities made sure that this was not possible in all cases. UNAMA and the AIHRC reported that they were refused entry to NDS and ANP detention centres a number of times when they made unannounced visits. The AIHRC usually had to submit a formal request to the NDS for a visit at least two days in advance. It was not allowed to take cameras, mobile phones or recording devices in NDS facilities, so that it was not really possible to obtain physical evidence of abuse. The NDS has appointed a colonel to monitor whether human rights are respected in the facilities.³⁹¹

Women in detention

Many women in prison have been convicted of *zina* (adultery or other illicit sexual relations), when in fact they have violated social conventions by running away from home, rejecting a suitor or fleeing domestic violence or rape. This is the case for hundreds of women. Running away from home or fleeing a domestic situation is not punishable under the Criminal Code, but Article 130 of the Constitution states that in cases which are not covered in the Constitution or other laws, the court may act in a manner consistent with Hanafi jurisprudence. This often implies a *zina* conviction, which can mean up to 15 years in prison. Women are sometimes also convicted on behalf of their families, to avoid disgrace. It is also common for women to be subjected to internal examination in the handling of their case ('fertility research'), to 'prove' that they are no longer a virgin. The doctor's statement is used in court as evidence for *zina*. For more information about *zina* see 3.5.6 *Women*.³⁹²

Juveniles in detention

The Ministry of Justice is responsible for the Juvenile Rehabilitation Centres (JRCs), as juvenile prisons are called in Afghanistan. Afghan youth law states that a juvenile may only be arrested when all other prevention methods have been exhausted and that the detention period should be as short as possible. Young people in JRCs across the country suffered from a lack of good nutrition, healthcare and education. In the juvenile justice system as elsewhere, there is often a lack of due process, including the principle of innocence until proven guilty, the right to be informed of the charge, access to a lawyer and the right not to be forced into a confession. Many

³⁸⁹ Confidential source; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; Unama Rule of Law Unit, *Assessment of Afghanistan prison health services*, March 2016.

³⁹⁰ US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; Foreign Policy, *Kandahar's enforcer fights evil with brutality*, 26 February 2016.

³⁹¹ US Department of State, *Country reports on human rights practices for 2015 Afghanistan*.

³⁹² Confidential source; FCO, *Country Information and Guidance Afghanistan: Women fearing gender based harm and violence*, February 2016; HRW, *Dispatches: Sexual assault in the name of science in Afghanistan*, 29 February 2016; HRW, *Afghanistan: End 'moral crimes charges', 'virginity' tests*, 25 May 2016.

children spent too long in custody without any charge. They are often detained even for minor offences, such as stealing a SIM card or sending a text message to a girl.

Although Afghan law provides for the creation of juvenile police, juvenile prosecutors and juvenile courts, only Kabul, Herat, Balkh, Kandahar, Nangarhar and Kunduz have special juvenile courts. In the other provinces, juvenile court cases are dealt with in the ordinary courts. Some children in JRCs are victims rather than offenders. For instance, children are sometimes detained for reporting abuse. They are seen as having disgraced the family by doing so and are therefore imprisoned themselves. Young people who had been abused were also detained in some cases, because they could not return to their families and there was nowhere else for them to find shelter.³⁹³

Children continue to be imprisoned who are suspected or accused of security-related offences or involvement with opposition groups: in March 2016 there were 227 boys detained in a JRC on the basis of such charges. More than 50 children were detained together with adults in the maximum security prison in Parwan.³⁹⁴

Insurgents in detention

The Parwan Detention Facility in Bagram Province was transferred to the Afghan authorities by the US on 10 December 2014. Afghan insurgents are detained in this prison, as well as a number of foreign insurgents.³⁹⁵ On 19 October 2015, a presidential decree entered in force making it possible to hold terrorism suspects without concrete evidence indefinitely. Most of these suspects are in the Parwan prison.³⁹⁶ At the end of 2015, the AIHRC condemned the failure to release 300 convicts who had served their sentence.³⁹⁷

3.4.6 *Torture, mistreatment and threats*

Under Article 275 of the Criminal Code of 1976³⁹⁸ torture is a crime. Torture and mistreatment mostly of conflict-related prisoners, but also of non-conflict-related prisoners, continued to be practised during this reporting period by the ANP, the ALP, the ANA and the NDS. Methods used included beating with sticks, beating with heated steel, electric shock, enforced sitting in awkward positions, rape and sexual violence against children. Such mistreatment occurred in official and unofficial/private detention centres. Based on interviews with former detainees, UNAMA concluded in 2015 that 35% of all prisoners were subjected to some form of torture. It is a common and generally accepted method of extracting confessions. Criminal cases rely almost exclusively on confessions to get a conviction. Mechanisms for detecting and taking action against torture and mistreatment are almost non-existent and the culture of impunity allows this practice to continue.³⁹⁹

³⁹³ US Department of State, *Country reports on human rights practices for 2015 Afghanistan*; Children in crisis, *Juvenile Justice project Afghanistan*, January 2016; International Bureau for Children's rights, *Justice for children in humanitarian action: impact of the armed conflict in Afghanistan*, July 2015.

³⁹⁴ UNGASC, *The situation in Afghanistan and its implications for international peace and security (A/70/924-S/2016/532)*, 10 June 2016.

³⁹⁵ The Guardian, *US finally closes detention facility at Bagram airbase in Afghanistan*, 11 December 2014.

³⁹⁶ HRW, *Afghanistan: reject indefinite detention without trial*, 15 November 2015; AAN, *Casting a very wide net: did Ghani just authorise interning Afghans without trial?*, 21 January 2016.

³⁹⁷ HRW, *Afghanistan: reject indefinite detention without trial*, 15 November 2015; AAN, *Casting a very wide net: did Ghani just authorise interning Afghans without trial?*, 21 January 2016.

³⁹⁸ Penal Code Afghanistan, 1976.

³⁹⁹ HRW, *Dispatches: Afghanistan torture video highlights impunity*, 12 March 2016; UNHCHR, *Report of the OHCHR on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights in 2015 (A/HRC/31/46)*, 11 February 2016; HRW, *Today We Shall Die*, 3 March 2015; AAN, *Because of impunity: UN reports Afghan forces still torturing Afghans*, 25 February 2015; UNAMA, UNHCHR, *Update on the treatment of Conflict-related detainees in Afghan custody: accountability and implementation of Presidential Decree 129*, February 2015; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; Amnesty International, *Annual Report Afghanistan 2015/2016*.

President Ghani's government has taken UNAMA's conclusions on torture seriously and adopted an action plan in early 2015 to eradicate torture. The Ministry of Justice has been working since November 2015 on an anti-torture law, which is expected to pay considerable attention to compensation for victims of torture. The government has also undertaken to ratify the Optional Protocol to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment. Despite a slight decrease since 2015, torture remains a common and in practice accepted interrogation method, with no consequences for the perpetrators. Presidential Decree 76 (see 3.4.5 *Arrest, custody and detention*), which allows individuals suspected of committing a terrorist act to be detained without evidence or trial, makes it easier for torture to remain unseen.⁴⁰⁰

Torture in ANP and NDS centres usually happened during interrogation in custody and was aimed at obtaining a confession or information. The torture of children under 18 by the ANP and the NDS also occurred in this reporting period.⁴⁰¹ The ALP was again guilty of murder, torture, rape, robbery and exploitation in this period. Human rights violations were also perpetrated by government-affiliated groups.⁴⁰² In addition, the Taliban and other AGEs were guilty of abusing, intimidating and threatening people on a large scale.⁴⁰³

Kidnappings/disappearances

The number of reported kidnappings in 2015 was 410, an increase of 112% compared to 2014. Kidnappings usually take place on highways between the major cities. In almost all cases, AGEs were responsible, but the ALP was also guilty of kidnappings. Financial gain, intimidation of the population or the desire to exert pressure were the main motives for the kidnappings. The Taliban often stopped vehicles to check whether the passengers were working for the government, police or army. In some cases they were then kidnapped. Many of those who were kidnapped were murdered, as a means of exerting pressure on other kidnapping victims or their families, because the kidnappers' demands could not be met or because the purpose of the kidnapping was to kill the victims. 145 kidnapping victims are known to have died. A striking number (146) of Hazaras were kidnapped in 2015. The kidnappings took place in 20 different incidents in areas with a mixed population of Hazaras and non-Hazaras in the provinces of Ghazni, Balkh, Sari Pul, Faryab, Uruzgan, Baglan, Wardak, Jawzjan and Ghor. It is not always clear whether the kidnappings took place because the victims were Hazara, or for other reasons. Responsibility for some of these kidnappings was claimed by IS, and these were accompanied by brutal violence, including beheadings.⁴⁰⁴ See also 3.4.3 *Freedom of religion* and 3.5.3 *Ethnic groups*. Numerous kidnappings also took place throughout the country in the first half of 2016. Between 1 January and 30 June, UNAMA documented 195 conflict-related kidnappings, with a total of 1,141 victims. Of these,

⁴⁰⁰ UNHCHR, *Report of the OHCHR on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights in 2015 (A/HRC/31/46)*, 11 February 2016; Amnesty International, *Annual Report Afghanistan 2015/2016*; confidential source.

⁴⁰¹ UNHCHR, *Report of the OHCHR on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights in 2015 (A/HRC/31/46)*, 11 February 2016; UNAMA, UNHCHR, *Update on the treatment of Conflict-related detainees in Afghan custody: accountability and implementation of Presidential Decree 129*, February 2015.

⁴⁰² UNAMA, *Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2015*, February 2016; HRW, *World Report 2015 – Afghanistan*; Amnesty International, *Annual Report Afghanistan 2015/2016*; AAN, *Castig a very wide net: did Ghani just authorise interning Afghans without trial?*, 21 January 2016.

⁴⁰³ US Department of State, *Country reports on human rights practices for 2015 Afghanistan*.

⁴⁰⁴ AAN, *Hazaras in the crosshairs? A scrutiny of recent incidents*, 24 April 2015; Aljazeera, *Afghanistan: who are the Hazara's?*, 27 June 2016; UNAMA, *Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2015*, February 2016; The New York Times, *Protest in Kabul for more security after seven hostages are beheaded*, 11 November 2015.

46 were killed and 39 were injured. The Taliban claimed responsibility for eight of the kidnappings.⁴⁰⁵

International aid workers were also the victims of kidnappings in this reporting period. In 2014, 54 international aid workers were kidnapped. The exact figures for 2015 and the first half of 2016 are not known, but the number increased. The risk of kidnapping has increasingly curtailed the freedom of movement of employees of international organisations.⁴⁰⁶

The authorities often attempted to negotiate in order to get the victims released, sometimes successfully. They are unable to do much to prevent the kidnappings, as they can take place anywhere. In parts of the country where kidnappings occur, the government is, moreover, not even physically present. In November 2015, thousands of people took to the streets of Kabul to protest against the increasing insecurity, the large number of kidnappings and the government's inability to provide protection. The protests followed after the murder of seven abducted Hazaras. See also 3.4.3 *Freedom of religion* and 3.5.3 *Ethnic groups*.⁴⁰⁷

3.4.7 *Extrajudicial executions and killings*

There were further instances of extrajudicial executions and killings in Afghanistan in this reporting period. These are perpetrated both by AGEs and by the ALP and ANP. Several sources state that the ALP and ANP have been guilty of extrajudicial executions in Kandahar Province among other places. The chief of the Kandahar police, Abdul Raziq, is one of the alleged perpetrators. Because the perpetrators either have a position of strength themselves or are related to a powerful person in the establishment, their actions go unpunished. The close ties of the militias, warlords and ethnic groups with the government mean that there has been little change to this situation. The Taliban in particular as well as the AGEs carry out killings to punish people suspected of having collaborated with the Afghan authorities or foreigners or of spying for them.⁴⁰⁸

Honour killings

Honour killings occurred in the reporting period, but it is difficult to determine how frequently they occurred. Most such killings are probably not reported. Between March 2014 and March 2015, the AIHRC reported 92 honour killings, 50 percent of which were on the grounds of *zina*. Considerably more killings of women were reported in 2015 (241, including 119 honour killings) than in 2014 (162, including 92 honour killings). Whether and to what extent there was an actual increase in violence against women is difficult to specify. More violence against women may have taken place, but it is also possible that more cases are being reported. In a number of cases the Taliban carried out the punishment (death by stoning, flogging or three gunshots) in districts where they are in charge. In November 2015, for instance, a girl was stoned in Ghor who was alleged to have planned to run away with a boy when she was already married. She had been married off to a much older

⁴⁰⁵ Daily Outlook Afghanistan, *The worrisome rise of kidnapping civilians*, 8 June 2016; US Department of State, *Country reports on human rights practices for 2015, Afghanistan*; Press TV, *Taliban stop busses in south, abduct 27 Afghan passengers*, 21 June 2016; Fox News, *Taliban kill 9, abduct 35 in Afghan bus attacks*, 31 May 2016; Tolo News, *Five aid workers abducted in Ghazni*, 18 February 2016; Pajhwok Afghanistan, *ICRC resumes operations in Ghazni city after release of workers*, 20 February 2016; INSO, *Abduction rate Afghanistan January to May 2016*, op www.ngosafety.org/country/afghanistan; UNAMA, *Afghanistan midyear report 2016, protection of civilians in armed conflict*, July 2016.

⁴⁰⁶ The New York Times, *US embassy in Afghanistan warns Americans after kidnapping attempt*, 5 May 2016; Aidworkers security, *Aid workers security report 2015*; EASO Country of Origin Information Report – *Afghanistan security situation*, January 2016.

⁴⁰⁷ The New York Times, *Protest in Kabul for more security after seven hostages are beheaded*, 11 November 2015; Daily Outlook Afghanistan, *The worrisome rise of kidnapping civilians*, 8 June 2016.

⁴⁰⁸ US Department of State, *Country reports on human rights practices for 2015, Afghanistan*; UN, *Report of the OHCHR on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights in 2015*; HRW, *Today we shall die, Afghanistan's strongmen and the legacy of impunity*, March 2015; confidential source; NPR, *He calmed Kandahar, but at what cost?*, 21 May 2015.

man whom she had not wanted to marry. Although President Ghani condemned the stoning and sent a presidential delegation to Ghor to investigate the matter, one of the members of the delegation was in favour of stoning, provided it was done according to the proper rules, as a way of protecting women's honour. The man who expressed this view is a prominent member of the National Ulema Council, the highest religious authority in Afghanistan. The Ulema Council is in favour of legislation that makes *sharia* punishment such as stoning and flogging legally permissible. In early 2016 there was an honour killing in northern Afghanistan, in the district of Faizabad. According to the district governor, one of two female governors in Afghanistan, the murder was carried out by the Taliban shadow government in the district.⁴⁰⁹

Women who flee to one of the shelters for women for fear of an honour killing (see 3.5.6 Women) are often unable to leave again because of the high probability that they will be killed. Avoiding an honour killing by resettling in a big city is very difficult, if not impossible, for an Afghan woman, not least because she cannot live anywhere on her own. Women who do so are in a very vulnerable position. See also 3.5.6 Women.⁴¹⁰

Under the Criminal Code, carrying out an honour killing is a criminal offence. The maximum penalty is two years' imprisonment. Under the Elimination of Violence Against Women Law (EVAW Law, see 3.5.6 Women) the stoning or flogging of young people is a criminal offence, but especially in districts where the Taliban is in control, this rule is disregarded. The government is unable to provide protection against honour killings, and potential victims – mostly women – are unlikely to request it in any case, out of shame or fear of violence or the loss of their children. Women are sometimes taken into custody as a preventive measure 'for their own safety' to protect them against honour killings.⁴¹¹

Blood feuds also still occur in Afghanistan, especially among the Pashtun, but also among or between other ethnic groups. The reasons for such feuds vary, but usually involve the honour of one family being infringed by murder by another family. The underlying dispute might relate to land, water or other property, for example.⁴¹²

The imposition of a sentence under the Criminal Code (maximum two years) does not mean that the feud is over: after the offender has been released, another trial may await him in the informal system. Blood feuds may also involve a simmering vendetta which only comes to a head after generations.⁴¹³

3.4.8 *The death penalty*

The current Constitution and the Penal Code of 1976 provide for the imposition of the death penalty. The law provides for the imposition of the death penalty for a number of offences, including murder, kidnapping and crimes related to terrorism or the overthrow of the state. Under Islamic law, blasphemy and apostasy are not

⁴⁰⁹ CBS News, *Pregnant girl, 14, burned in alleged 'honor killing'*, 18 July 2016; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; The New York Times, *Afghan mullah leading stoning inquiry condones practice*, 7 November 2015; The New York Times, *Taliban publicly execute two women in Northern Afghanistan*, 7 May 2016; AIHRC, *National inquiry report on factors and causes of rape and honour killing in Afghanistan*, 9 June 2013; Pajhwok, *241 Afghan women murdered in 2015: AIHRC report*, 7 March 2016.

⁴¹⁰ The New York Times, *A thin line of defense against 'honor killings'*, 2 March 2015.

⁴¹¹ The New York Times, *Afghan mullah leading stoning inquiry condones practice*, 7 November 2015.; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*.

⁴¹² Confidential source; CORI thematic report Afghanistan, *Blood feuds*, February 2014; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum seekers from Afghanistan*, 19 April 2016.

⁴¹³ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum seekers from Afghanistan*, 19 April 2016.

tolerated and (in line with Article 130 of the Constitution) they may result in the imposition of the death penalty. The permission of the President is required for the execution of the death penalty.

The death penalty was pronounced and executed again in this reporting period, often after unfair trials with confessions obtained through torture. In October 2014, President Ghani pledged to review 400 death sentences. The review had not yet been completed in July 2016.⁴¹⁴ In 2014, six people were executed by hanging. Five of the six people who were put to death in 2014 were convicted in the same case of rape and armed robbery. In 2014 at least 15 people were sentenced to death. In 2015, one death sentence was carried out by hanging. The person concerned had been convicted of murder, kidnapping and armed robbery.⁴¹⁵ In May 2016, six people were executed after being found guilty of involvement in a number of high-profile attacks. Amnesty International has called on the Afghan government to introduce a moratorium on the death penalty.⁴¹⁶

3.5 Position of specific groups

3.5.1 *Political parties*

In October 2015 there were 68 political parties registered with the Ministry of Justice. The main parties are currently the Right and Justice Party led by President Ghani and the National Coalition led by Abdullah. Many former warlords have their own political party, including Vice President Dostum (Junbesh) and Mohaqqueq (Wahdat Mardum). Most parties also have an ethnic background.⁴¹⁷ For the political opposition see 3.4.2 *Freedom of association and assembly*.

3.5.2 *Human rights activists*

Generally speaking, the government does not impose any formal restrictions on Afghan and international human rights organisations. In this reporting period, activists from civil society and independents in parliament were explicit participants on the political scene. At the same time, there were instances of government officials and local rulers intimidating and threatening human rights organisations and campaigners (especially women's rights campaigners). See also 3.4.1 *Freedom of speech and press freedom*.⁴¹⁸

According to the latest human rights report from the US State Department in 2015 there were no reports of political prisoners or detainees held by the government.⁴¹⁹

3.5.3 *Ethnic groups*

The Constitution recognises the ethnic diversity of Afghan society, but at the same time states that ethnicity must not be a motive for presidential decisions and that

⁴¹⁴ Amnesty International, *Death sentences and execution report 2014 en 2015*.

⁴¹⁵ Amnesty International, *Death sentences and execution report 2014 en 2015*.

⁴¹⁶ Amnesty International, *The death penalty will not deliver security*, 9 May 2016.

⁴¹⁷ USIP, *Political Parties in Afghanistan*, March 2015.

⁴¹⁸ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; Institute for War and Peace Reporting, *Afghan Human Rights Workers under threat*, 21 January 2016; UNAMA, *Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2015*, February 2016; USIP, *Political parties in Afghanistan*, March 2015; UN News Service, *UN condemns attack on human rights workers in Afghanistan that killed two, injured six*, 26 October 2015; Amnesty International, *Their lives on the line*, 7 April 2015; Amnesty International, *World Report 2015/2016, Afghanistan chapter*.

⁴¹⁹ US Department of State, *Country reports on human rights practices for 2015, Afghanistan*.

political parties may not be based solely on an ethnic basis. Despite this, socio-economic and political tensions often crystallise as ethnic divisions. Political loyalty has traditionally been tied to ethnicity and religion in Afghanistan. Where political and social tensions arise between groups or individuals, it is therefore not always easy to determine whether the underlying cause is ethnic or religious. Territorial disputes also often have an ethnic component.⁴²⁰

The largest ethnic groups are the Pashtun, the Tajiks, the Hazaras and the Uzbeks. There are also a number of smaller groups. All ethnic groups are represented at all levels of the central government and have a large degree of control over the implementation of government programmes in their geographical regions. However, as a result of voluntary or involuntary relocations in the past (and present), members of all groups have also ended up in other places where they form a minority. In an area where a particular ethnic group is in the majority, this group will try to maximise its power and influence, for example by hiring people with the same ethnic background. This is common among all ethnic groups and occurs at all levels. Individuals from a minority group in a given area are therefore at risk of disadvantage and discrimination, although this does not apply to any one ethnic group in particular. Also, ethnicity is not always the cause of deprivation, which may also have an economic or other cause. However, it is true to say that the Pashtun, as the largest ethnic group from an historical viewpoint, have the most political and economic power, while the Hazaras have a history of persecution. Only after the end of the Taliban regime in 2001 their situation improved legally and socially, but their position is still vulnerable. See below for more information about the Hazaras. It is also possible for rivalry to occur between clans within ethnic groups, for example the Pashtun; they do not necessarily constitute homogeneous groups.⁴²¹

The Hazaras

Since the fall of the Taliban regime, the situation has improved for the Hazaras, and they can participate fully in social life, in parliament and in positions in the government, even senior ones. The Hazaras attach great importance to good (higher) education, including for their daughters. At many state universities, the Hazaras are the largest group of students. This is less true at private schools because the Hazaras usually cannot afford private education. The Hazaras are relatively active in NGOs and international organisations, where employees are hired on the basis of their abilities rather than their connections. In the public sector it would still be hard for a Hazara to get a job (unless a Hazara is in charge). Recruitment is largely based on personal networks in Afghanistan, which has a negative impact on groups that have been traditionally excluded from education and employment, such as the Hazaras. This situation is slowly changing, for two reasons. First, because in recent years more and more Hazaras have been employed in government, so that they too are building up a network and recruiting their 'own' people. Second, because the government is trying to raise professional standards and is keen to hire people on the basis of quality. However, this process is not happening quickly. Hazaras sometimes report discrimination during a job application process because they are identifiable by their name and appearance. According to the human rights report of the US Department of State, they also report illegal taxation, forced recruitment, forced labour, physical abuse and detention. Hazaras working for the ANP, it is claimed, are often appointed to symbolic positions in the

⁴²⁰ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

⁴²¹ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; Al Jazeera, *Afghanistan: Who are the Hazaras?*, 27 June 2016; Congressional Research Service, *Afghanistan: politics, elections and government performance*, January 2015; confidential source.

Ministry of the Interior where they have little authority, or to positions in insecure regions.⁴²²

In the reporting period the number of attacks against Hazaras rose. Responsibility for some of the attacks, in which the Hazaras were targeted because of their Shiite faith, was claimed by IS and IS-affiliated insurgent groups. See 3.4.3 *Religious freedom* for an overview of these attacks. The murder of seven Hazaras in November 2015 triggered a large protest of more than 2,000 people in Ghazni and Kabul. It was not just Hazaras that took to the streets, but other ethnic groups too, including Tajiks, Uzbeks, and Pashtun. The protesters demanded improved security from the Ghani government. It was the largest anti-government rally in years.⁴²³

UNAMA recorded an increase in kidnappings and killings of Hazara civilians by AGEs in 2015. Based on confirmed incidents, at least 146 people were kidnapped in 20 separate incidents. All the incidents took place in areas with a mixed population of Hazaras and non-Hazaras, in the provinces of Ghazni, Balkh, Sari Pul, Faryab, Uruzgan, Baghlan, Wardak, Jawzjan and Ghor. UNAMA was able to confirm that 118 of the 146 kidnapped Hazaras were released, while 13 Hazaras were killed by anti-government groups, and 2 others died in captivity. Hazaras were also kidnapped in 2016: in the first half of the year, UNAMA documented three kidnappings, in Maidan Wardak (one) and Sari Pul (two), in which a total of 36 Hazaras were kidnapped. It was not always clear whether the kidnappings had an ethnic or religious motive, or took place for other reasons, for example because the victims were working for an NGO or the government. Since many Hazaras are employed by international and national NGOs and can be recognised as Hazara from their name and appearance, this makes them vulnerable when they are stopped by an AGE on the road. The roads between Kabul and Ghazni, Kabul and Bamyan and Kabul and Daikundi are especially dangerous. The road to Bamyan via Wardak is known as 'Death Road', and is a place where Hazaras are specifically targeted by AGEs. Many Hazaras working in Kabul only travel to Bamyan by plane, or have stopped going there entirely.⁴²⁴

According to a report by ACCORD, areas with a homogenous Hazara population, for example in Bamyan and Daikundi, are reasonably peaceful for Hazaras. The unstable areas are those adjacent to areas where AGEs are largely or entirely in control, such as in the northern part of Bamyan and the parts of Daikundi that border Uruzgan. In areas with a non-homogeneous population such as Ghazni, where many Hazaras and Pashtun live, it is less safe for Hazaras in the parts where they are in the minority. This may also apply to other ethnicities who are in a minority in a given area.⁴²⁵

⁴²² Immigration and Refugee Board of Canada, *Afghanistan: situation of Hazara people living in Kabul City, including treatment by society, security situation and access to employment*, 20 April 2016; Al Jazeera, *Afghanistan: Who are the Hazara's?*, 27 June 2016; UNHCR, *eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country reports on human rights practices for 2015: Afghanistan*; International Business Times, *Who are the Hazara and why do Isis and the Taliban hate them?*, 11 November 2015; US Department of State, *International Religious Freedom Report for 2015 Afghanistan*.

⁴²³ UNAMA, *Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2015*; Reuters, *Thousands of Afghan Hazaras join power line protest in Kabul*, 16 May 2016; International Business Times, *Who are the Hazara and why do Isis and the Taliban hate them?*, 11 November 2015; BBC News, *Afghan Hazara killings spur thousands to march in Kabul*, 11 November 2015; BBC News, *Afghan killings: thousands protest over murdered Hazaras*, 10 November 2015; Afghan Analysts Network, *Hazaras in the crosshairs? A scrutiny of recent incidents*, 24 April 2015; HRW, *Afghanistan events of 2015*, January 2016.

⁴²⁴ ACCORD, *Anfragebeantwortung zu Afghanistan: Lage der Hazara, Zugang zu staatlichem Schutz und Hintergründe des Konfliktes zwischen Kuchis und Hazara*, 2 September 2016; Immigration and Refugee Board of Canada, *Afghanistan: situation of Hazara people living in Kabul City, including treatment by society, security situation and access to employment*, 20 April 2016; AAN, *Hazaras in the crosshairs? A scrutiny of recent incidents*, 24 April 2015; The New York Times, *Taliban are said to target Hazara's to try to match ISIS' brutality*, 22 April 2015; The Express Tribune, *Five abducted Hazaras beheaded in Afghanistan: officials*, 17 April 2015.

⁴²⁵ ACCORD, *Anfragebeantwortung zu Afghanistan: Lage der Hazara, Zugang zu staatlichem Schutz und Hintergründe des Konfliktes zwischen Kuchis und Hazara*, 2 September 2016.

In May 2016, thousands of Hazaras demonstrated against President Ghani's decision not to route a major electricity connection (TUTAP) through Bamyan, as initially planned. The Hazaras believe that this will make their economic situation even worse. Parts of central Afghanistan, where the Hazaras live, are among the poorest in the country and often lack basic services and electricity.⁴²⁶

In 2015 there were clashes between Kuchi and Hazaras: see *Kuchi*.

Kuchi

Estimates of the number of Kuchi in Afghanistan vary between 1.5 and 3 million. The Kuchi are the nomadic people from the south and east of Afghanistan.⁴²⁷ Today, many of the Kuchi no longer live in the traditional nomadic way, but have settled in towns and cities.

The Kuchi community is one of the poorest and most marginalised in Afghanistan. The highest illiteracy rate in Afghanistan occurs in the Kuchi community. Many Kuchi live in the slums of Kabul. They have little access to healthcare facilities and a low social and economic status. As a result, they are also at risk of deprivation and discrimination.⁴²⁸ Although the Constitution provides that the state should take measures to improve the situation of nomads, including access to education (Article 44), this is rarely the case in practice. The Kuchi have been assigned ten seats in parliament, including three for Kuchi women. The position of the Kuchi in politics is marginal and their political leaders often use their position for personal gain, which does the community no good.⁴²⁹

Many Kuchi make their living from livestock, but their access to grasslands has been reduced by conflict and drought. The Kuchi winter in the south and east of Afghanistan and travel north in May and June to cooler areas in the centrally located Hazarajat. On the way there they first stop off in the centrally located provinces of Wardak (the districts of Daimirdad and Behsud) and Ghazni (Jaghathu District). Due to a conflict between the Hazaras and the Kuchi about access to grasslands in central Afghanistan, dating back to the late nineteenth century, they often go no further than these districts. Since 2007, this conflict has intensified in the provinces of Wardak and Ghazni, sometimes resulting in violence. In 2015 too, the conflict turned violent in Wardak. As well as armed confrontations, in which people on both sides were injured, the Hazaras kidnapped a number of Kuchi, despite an arranged ceasefire. So far as is known, no action has been taken by the authorities to find a lasting solution to the conflict.⁴³⁰

3.5.4

Journalists

See 2.3.1 *Freedom of expression and press freedom*.

⁴²⁶ UNAMA, *Afghanistan Annual Report on Protection of Civilians in Armed Conflict: 2015*; Reuters, *Thousands of Afghan Hazaras join power line protest in Kabul*, 16 May 2016; International Business Times, *Who are the Hazara and why do Isis and the Taliban hate them?*, 11 November 2015; BBC News, *Afghan Hazara killings spur thousands to march in Kabul*, 11 November 2015; BBC News, *Afghan killings: thousands protest over murdered Hazaras*, 10 November 2015; Afghan Analysts Network, *Hazaras in the crosshairs? A scrutiny of recent incidents*, 24 April 2015.

⁴²⁷ *Kuchi* is the Pashtun word for 'travel'. The majority of Kuchi are Pashtun, but there are also Kuchi with a different ethnicity. This official report discusses the Kuchi under the heading of ethnic groups, in line with the UNHCR eligibility guidelines for Afghanistan.

⁴²⁸ Radio Free Europe, *Afghanistan Kuchi nomads forced to settle*, 18 September 2015; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; Afghanistan Analysts Network, *The social Wandering of the Afghan Kuchis*, November 2013; Richard Tapper, *Who are the Kuchi? Nomad self-identities in Afghanistan*, 2008.

⁴²⁹ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; Afghan Analysts Network, *New building, old MP's: a guide to the Afghan parliament*, 4 February 2016; confidential source.

⁴³⁰ Afghanistan Analysts Network, *The social Wandering of the Afghan Kuchis*, November 2013; Pajhwok, *Urgent steps needed to resolve Kuchi-Hazara conflict*, 24 June 2015.

3.5.5

Schoolchildren

By law, children must attend school in Afghanistan between the ages of 6 and 14. Children, especially girls, do not usually remain at school until the age of 14, but are removed at a younger age. The number of girls completing primary school is only half that of boys. The difference is greater in the countryside than in the city, and greater for poor families than for wealthy families. In a large number of provinces, many schools have no physical building; students are taught in the open air or in tents.⁴³¹ There is also a serious shortage of teachers and textbooks. According to UNICEF, 40 percent of school-age children in Afghanistan do not attend school due to insecurity and social norms.⁴³²

Insecurity as a result of the armed conflict is the main risk that schoolchildren run. During the reporting period, children died in attacks on schools, as a result of ground combat or because they were killed by an IED or mine on the way to school. Schoolchildren were also forcibly recruited by the ANDSF and AGEs and schools were used as a military object. According to the Afghan Ministry of Education, between 500 and 600 schools were closed due to insecurity in August 2016. The Taliban also sometimes close schools in areas under their control and recruit boys from these schools to fight. Among other places, this happened in the Wardoj District of northern Badakhshan and in the districts of Baraki Barak and Charkh in Logar.⁴³³ School-age girls are at high risk of being harassed by men on their way to school or at school. This is one of the reasons why many girls leave school early. This applies to all the girls, but for girls who have a 'western lifestyle' this risk is even greater. On this subject, see the thematic country report *Schoolgaande kinderen (in het bijzonder meisjes) in Afghanistan*.⁴³⁴ See also 3.5.6 Women.

3.5.6

Women

The position of women did not improve during the reporting period. The worsening security situation and the expansion of areas controlled by the Taliban/AGEs were all too apparent for women, who were more frequently affected by indiscriminate and targeted attacks. The Taliban and other AGEs restricted women and girls in their (already limited) freedom of movement by denying them access to medical centres and schools. Women and girls do not have the same access to education and healthcare as men. They are often kept at home, prevented from travelling or denied access to schools and medical facilities because there are no female doctors or teachers. Reported violence against women increased: both violence committed by the Taliban and other AGEs and domestic violence (physical, sexual, verbal and psychological).⁴³⁵

In general, the situation for women in major cities such as Kabul, Herat and Mazar-i Sharif is better than in rural areas. Women have more opportunities and there are more facilities there. In recent years there have been role models whom women can

⁴³¹ Tolo News, *Over 60% of Paktia schools without buildings*, 6 August 2016; Pajhwok, *80 pc of Ghor schools without buildings: education director*, 11 October 2016.

⁴³² *Education Sector Analysis Afghanistan*, January 2016; UNICEF, *One in four children in conflict zones are out of school*, 12 January 2016; Tolo News, *UNICEF finds 40 percent of Afghan kids out of school*, 12 January 2016; Daily Outlook Afghanistan, *The challenges of Afghanistan's education system*, 16 January 2016.

⁴³³ Tolo News, *Almost 600 schools closed due to insecurity*, 9 August 2016; UN General Assembly Security Council, *Children and armed conflict (A/70/836-S/2016/360)*, 20 April 2016; UNAMA, *Afghanistan mid year report 2016 Protection of civilians in armed conflict*, July 2016; Tolo News, *Taliban closes schools, recruits students in Wardoj: officials*, 26 October 2015; Pajhwok, *Taliban close 25 girls' schools in Logar*, 27 October 2015.

⁴³⁴ Open Society Foundation, *Sexual harassment in the 'world's most dangerous country for women'*, 20 October 2015; Free Women Writers, *Four obstacles to girls education in Afghanistan*, 12 July 2016; IWPR, *Afghan schoolgirls run gauntlet of abuse*, 31 August 2016; thematic country report *Schoolgaande kinderen (in het bijzonder meisjes) in Afghanistan*, 2011 (still up to date).

⁴³⁵ Khaama Press, *Shocking status of women in Afghanistan*, 23 March 2016; UNAMA, *Afghanistan midyear report 2016 Protection of civilians in armed conflict*, July 2016; UNAMA, *Afghanistan annual report 2015 protection of civilians in armed conflict*, February 2016; AIHRC, *Elimination of violence against women 1394*, 30 November 2015.

emulate. There are a number of female ministers and female MPs. There are also women working for NGOs, as journalists and for government ministries, in education, healthcare and the judiciary. Especially large numbers of women work in education and healthcare. The position of women working in the public arena became more difficult in the reporting period as a result of the deteriorating security situation and the increased influence of the Taliban and other AGEs. MPs, members of the provincial councils, civil servants, journalists, lawyers, police officers, teachers, human rights activists and women working for international organisations faced frequent intimidation, threats and violence. They are seen as immoral because they are contravening social norms. The central authorities are scarcely able to offer them any protection against these problems. The female governor of the conservative province of Ghor faced frequent threats. In December 2015 she was transferred to the position of deputy governor of Kabul. The governor of Daikundi is now the only female governor.⁴³⁶ During the Taliban incursion in Kunduz, hit lists are reported to have circulated of female activists and 'women with any sort of public profile'.⁴³⁷ The threats and violence come not only from the Taliban and other AGEs, but also from religious representatives, the government (or individuals within government) and the community. Violence against women goes largely unpunished.⁴³⁸

Most women in Afghanistan go in fear of threats and violence from their own community: sexual violence, forced marriage, abuse and other forms of violence against girls and women are widespread.⁴³⁹

Although this is not a legal requirement, all women in Afghanistan, both Sunnis and Shiites, wear a headscarf – even in Kabul. The way the headscarf is worn varies according to family or ethnicity. The burqa is also still common, especially among the Pashtun. Women wear a headscarf partly because of tradition, but also because they feel more protected when they do so: without headscarves they would be even more harassed on the streets than is the case now.⁴⁴⁰

Legal capacity

On the basis of civil law, women have the same legal capacity as men, but they usually do not have equal rights. For example, a woman does not receive custody of her children if her husband dies: it is awarded to her parents-in-law. In early childhood (seven for boys and nine for girls) children are 'under the care' of the mother by law, but in practice this is not usually the case. Often they are more or less forced to marry another man from their deceased husband's family so as not to lose the children. Under civil law and Islamic jurisprudence, women (as daughter or widow) have the right to inherit, but much less than what a husband or son inherits. Divorced women are not entitled to inherit. In practice, women usually inherit nothing under customary law unless they marry a male relative from among their in-laws.

It is easier for men to divorce than women, although it is legally possible for both. A divorce is considered a disgrace for a woman, because she has failed to protect her

⁴³⁶ Pajhwok, *Khaze appointed as new governor of Ghor*, 21 December 2015; VOA, *After threats, Afghan women governor reappointed to new post*, 17 December 2015; Khaama Press, *President Ghani appoints female governor for Daikundi province*, 5 June 2015.

⁴³⁷ New York Times, *Fear of Taliban drives women out of Kunduz*, 14 October 2015.

⁴³⁸ UN Human Rights Council, *Report of the special rapporteur on violence against women, its causes and consequences, addendum: mission to Afghanistan*, 12 May 2015; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016; Amnesty International, *Afghanistan: Their lives on the line: Woman human rights defenders under attack in Afghanistan*, 7 April 2015; Radio Free Europe, *Female Afghan governor won't back down amid threats, controversy*, 19 October 2015; Freedom House, *Freedom in the World 2015 – Afghanistan*.

⁴³⁹ Khaama Press, *Shocking status of women in Afghanistan*, 23 March 2016; Aljazeera, *Afghanistan: no country for women*, 3 July 2015.

⁴⁴⁰ Confidential source.

marriage, even if she seeks the divorce on grounds of abuse. Under civil law, a woman may apply for a divorce in court three years after her husband has left. The court will then appoint a period during which the husband must return; after this period, the court will draw up the divorce papers. In practice this is often not the case, and the woman is unable to exercise her right to divorce.

In general, women in the informal judicial system have less legal capacity than in the formal judicial system, but even in the formal judicial system women often face discrimination if they bring a case. Limited access to money to pay fines (or bribes), the lack of female officials to consult and the need for a male guardian have a negative impact on women's access to and participation in the judicial system.⁴⁴¹

Despite the treaty obligations of the CEDAW, the Shia Personal Status Law was adopted in 2009. This special law for Afghanistan's Shiites, who have the constitutional right to regulate family law for their own community, contains several articles which restrict the rights of Afghan Shiite women. These articles relate among other things to a lower minimum age for marriage, polygamy, inheritance, self-determination, freedom of movement, sexual obligations, and guardianship.⁴⁴²

The position of single women

In principle, women do not live alone in Afghanistan. Such a thing would be culturally unacceptable and the honour of the woman (and hence of the rest of the family) would be immediately affected, with all the associated consequences. Those women who are forced by circumstances to live alone despite this face great difficulties and are at risk of sexual and other forms of abuse and a life of poverty. Such women include war and other widows who live alone or with their children. Young widows with children are especially vulnerable.⁴⁴³

For women who are divorced or have run away from their husbands, it is not possible to live alone. Often they are victims of sexual or physical violence from their husbands, which is why they have left. Their honour is compromised and they are ostracised. If they are unable to get a place in a shelter or to return to their own family, they are often forced to return to their husbands or their in-laws. In recent years more and more women have found their way to the shelters. The police also sometimes advise them to go there. There are 28 official shelters for women in Afghanistan; they are one of the few places where women are safe. A number of NGOs also run shelters for women. Women who cannot be reunited with their families are often forced to remain in the shelter. Many of them also end up on the street. Since running away from home is regarded as a moral offence under *sharia* law, many women end up in prison (see below under *Zina*). In regions where there are no shelters, the police sometimes take women into custody to protect them.⁴⁴⁴

In Afghanistan, it is customary for women – including single women – to be accompanied outside the home by a male family member (husband or male relative), known as a *mahram*. The following may be a *mahram*: the husband or immediate male relatives whom the woman may not marry under *sharia* law, i.e. father, brother, paternal and maternal uncles and nephews with whom marriages is proscribed for her under *sharia* law. Especially in rural areas this is still very common among the Pashtun. When women go on a journey, they also usually have

⁴⁴¹ US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016; Home Office, *Country Information and Guidance Afghanistan: women fearing gender based harm / violence*, February 2016.

⁴⁴² USAID, *English translation Shiite personal status law*, April 2009; See also the General Official Report on Afghanistan, August 2011.

⁴⁴³ National Geographic, *Confronting the struggle of Afghanistan's war widows*, 7 December 2015.

⁴⁴⁴ US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016; Home Office, *Country Information and Guidance Afghanistan: women fearing gender based harm / violence*, February 2016; VICE, *Portraits of Afghan women imprisoned for 'moral crimes'*, 18 May 2015; The New York Times, *A thin line of defense against 'honor killings'*, 2 March 2015.

a male relative with them. The male relative protects them against harassment from other men among other things. Without a *mahram*, women are seen as 'fair game'.⁴⁴⁵

The position of Westernised Afghan women

The position of Westernised Afghan women is vulnerable. These are often women with higher education who live in Kabul or another provincial city. Their position is similar to that of Afghan women who have a public profile. They are seen by the community as women who have contravened the cultural, religious and social norms to which they should adhere as women. Their profile makes them more susceptible to sexual and physical violence, attacks from AGEs and social isolation. The extent to which Westernised Afghan women are exposed to these things depends on their social environment, but because of their profile they tend to stand out and be talked about in the community. See also the thematic country report *Schoolgaande kinderen (in het bijzonder meisjes) in Afghanistan*.⁴⁴⁶

Zina

Sexual intercourse outside marriage between two individuals is regarded as an act of *zina* in Afghanistan and is punishable by law. *Zina* may be committed either by a married person or by two unmarried people. *Zina* only relates to sexual contact between a man and a woman. It is a 'moral' crime which is punishable both under Islamic law and under Articles 426 to 429 of the Afghan Penal Code of 1976 (in which *zina* is referred to as 'adultery'). *Zina* is punishable by 'long imprisonment', meaning a sentence of between five and 15 years.⁴⁴⁷

Although both men and women can be prosecuted for *zina*, it is almost exclusively women who are prosecuted. They are condemned as having committed a crime, although they are usually the victims of rape. To obtain evidence of rape, many women accused of *zina* are subjected to a virginity test in which a doctor appointed by the government conducts an internal examination to determine whether a woman is a virgin. If she is not, this is seen as proof of *zina* and the woman is convicted. Running away from home is treated in the same category as *zina*. It is not punishable under the Criminal Code, but many women are prosecuted for running away from home on the basis of Article 130 of the Constitution, on the grounds that this necessarily leads to immoral behaviour. The 'intention to commit *zina*' is often used to convict women, when the only evidence is that they have run away from home.⁴⁴⁸

National and international organisations have been calling for years for the abolition of moral crimes, and hope that the new Criminal Code will reflect this. President Ghani determined through the Supreme Court in December 2015 that judges should no longer convict women for leaving home. However, the Supreme Court is conservative and there are many judges who believe that if a woman seeks protection in a house other than that of a family member, she has committed a moral crime. Additionally, new laws and judicial provisions are slow to reach the provincial and district capitals, meaning that the same penalties are still imposed in

⁴⁴⁵ Confidential source; UNAMA, *Afghanistan annual report on protection of civilians in armed conflict: 2015*.

⁴⁴⁶ UN Human Rights Council, *Report of the special rapporteur on violence against women, its causes and consequences, addendum: mission to Afghanistan*, 12 May 2015; confidential sources; thematic official report *Schoolgaande kinderen (in het bijzonder meisjes) in Afghanistan*, 2011 (still up to date).

⁴⁴⁷ Freedom House, *Freedom in the World 2015 – Afghanistan*; Home Office, *FCO rapport: Country Information and Guidance Afghanistan: Women fearing gender based harm and violence*, February 2016.

⁴⁴⁸ HRW, *Afghanistan: End 'Moral Crimes' Charges, 'Virginity' Tests*, 25 May 2016; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016; Freedom House, *Freedom in the World 2015 – Afghanistan*; Home Office, *FCO rapport: Country Information and Guidance Afghanistan: Women fearing gender based harm and violence*, February 2016; HRW, 'I had to run away', *The imprisonment for women and girls for 'moral crimes' in Afghanistan*, 28 March 2012 (for background).

practice. In May 2016, Human Rights Watch once again called upon the government to abolish moral crimes and inform legal officers of the new rules on leaving home. At present, there are hundreds of women in prison who have been convicted of *zina*, intention to commit *zina* or running away from home. Of the girls in youth detention, it is estimated that more than 90 percent were convicted on these grounds.⁴⁴⁹

The Elimination of Violence Against Women Law (EVAW Law), which has been in force since 2009 by presidential decree, has made it possible to criminalise violence against women (rape, enforced prostitution, persecution or harassment, causing injury or disability, exchanging women in conflict resolution (*ba'ad*), polygamy, forced marriages and marriages with minors).⁴⁵⁰ EVAW does not criminalise marital rape or the rape of men and boys. It also does not cover honour killings. Women's organisations are divided over whether the EVAW Law should be included in the new Penal Code which is currently being drafted, or whether it should remain a separate law. Discussion on this point is still ongoing. There is also the question of whether the law - currently a presidential decree - still needs to be ratified by parliament. Supporters of the law are unwilling to put it to a vote, fearing that it will be rejected by the predominantly conservative parliament. Many clerics and conservative politicians and administrators have described the law as un-Islamic.⁴⁵¹

In 2015 there were EVAW offices in 20 provinces. EVAW-related issues can be reported and handled there. In the other provinces the ordinary courts deal with EVAW cases. The law and the separate units have led to an increase in women reporting violence in recent years, especially in provinces where there is a properly functioning EVAW office. Many cases are settled by mediation, and only a small proportion end up as a criminal case. The main reasons for mediation are the slowness of the courts, fear of corruption and the fact that mediation provides more practical solutions, such as a divorce rather than a punishment.⁴⁵² Although more women are reporting violence and the perpetrators are occasionally punished, the vast majority of women still do not do so, and most perpetrators go unpunished. Women are afraid of retaliation, of returning to their family or to the perpetrator, or of social stigma or exclusion; they may also be unaware of the possibility of reporting violence. Moreover, because marital rape is liable to punishment, many women have nowhere to turn to. Self-mutilation or suicide is often seen by women as the only escape, and is common.⁴⁵³

3.5.7

Homosexuals

Neither the Afghan Penal Code nor the Afghan Constitution contains explicit provisions on homosexuality. Under Article 427 of the Criminal Code, adultery and

⁴⁴⁹ HRW, *Afghanistan: End 'Moral Crimes' Charges, 'Virginity' Tests*, 25 May 2016; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016; Freedom House, *Freedom in the World 2015 – Afghanistan*; Home Office, *FCO rapport: Country Information and Guidance Afghanistan: Women fearing gender based harm and violence*, February 2016; HRW, 'I had to run away', *The imprisonment for women and girls for 'moral crimes' in Afghanistan*, 28 March 2012 (for background).

⁴⁵⁰ US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016; Home Office, *Country Information and Guidance Afghanistan: women fearing gender based harm / violence*, February 2016; confidential sources.

⁴⁵¹ Confidential sources.

⁴⁵² HRW, *Afghanistan: End 'Moral Crimes' Charges, 'Virginity' Tests*, 25 May 2016; US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016; Freedom House, *Freedom in the World 2015 – Afghanistan*; Home Office, *FCO rapport: Country Information and Guidance Afghanistan: Women fearing gender based harm and violence*, February 2016; UNAMA, *Justice through the eyes of Afghan women: Cases of violence against women addressed through mediation and court adjudication*, April 2015.

⁴⁵³ HRW, *Afghanistan: End 'Moral Crimes' Charges, 'Virginity' Tests*, 25 May 2016; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016; Freedom House, *Freedom in the World 2015 – Afghanistan*; Home Office, *FCO rapport: Country Information and Guidance Afghanistan: Women fearing gender based harm and violence*, February 2016; UNAMA, *Justice through the eyes of Afghan women: Cases of violence against women addressed through mediation and court adjudication*, April 2015.

pederasty, among other offences, are subject to punishment by 'long-term' imprisonment. Afghan law has no explicit provisions prohibiting discrimination on the basis of sexual orientation.⁴⁵⁴

The Constitution states that if the law makes no provision on a matter, *sharia* may be applied. Under *sharia*, sexual acts between people of the same sex are not permitted. The maximum punishment for such acts is the death penalty. As far as is known, no homosexuals have been sentenced to death in the formal judicial system since the fall of the Taliban, but prison sentences have been handed out. There is one known conviction in the parallel judicial system: in August 2015, a parallel court sentenced two men and a 17-year-old boy to death by wall-toppling, in which a wall is built and then made to collapse on those found guilty of a crime. Alleged and actual homosexuals are the victims of discrimination, violence and detention in Afghanistan, either from their own family, others around them or the government. They may also become socially isolated because their family wants nothing more to do with them, for fear of honour killing. Members of the Afghan Lesbian, Gay, Bi and Transgender (LGBT) community reported that they were victims of discrimination, taunting, rape and arrest. NGOs also reported arrests, detention, robbery and rape of homosexuals by the police. The government provides no protection.⁴⁵⁵

Homosexuals in Afghanistan usually keep their orientation secret, including from their families, for fear of rejection or honour killing. Relatively speaking, they are safest in a large city – especially Kabul – provided they are not open about their orientation.⁴⁵⁶

Bacha bazi, in which boys and young men (usually up to 18) are dressed up as women and have to dance for a male audience and have sexual contacts with their 'owner' (usually powerful local businessmen or warlords, but also government officials and members of the ANDSF) is a traditional practice and is in Afghanistan not regarded as homosexuality. Many police commanders have their own *bacha bazi*, who not only provide sexual services, but also do chores and carry weapons. This practice is illegal but tolerated, especially in the conservative provinces of Uruzgan, Helmand and Kandahar, but in recent years to an increasing extent also in large cities and the north-eastern provinces such as Kunduz. How many children are involved is not known, but it is not a marginal phenomenon. The Taliban sometimes use the *bacha bazi* as infiltrators, whose task is to first seduce and then murder someone. The AIHRC has called for the inclusion of a ban on *bacha bazi* in the new Penal Code.⁴⁵⁷

There are no human rights organisations openly campaigning for the rights of homosexuals in Afghanistan. It would be legally impossible to do so, as they would be unable to register, and would also be unable to do their work from a social viewpoint.⁴⁵⁸

⁴⁵⁴ See Article 427 of the Criminal Code; Home Office, *FCO Country Information and Guidance Afghanistan: sexual orientation and gender identity*, February 2016; ILGA, *State sponsored homophobia, a world survey of laws: criminalisation, protection and recognition of same-sex love*, May 2015; UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016.

⁴⁵⁵ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016; US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016; Home Office, *Country information and guidance, Afghanistan: sexual orientation and gender identity*, February 2016.

⁴⁵⁶ Home Office, *Country information and guidance, Afghanistan: sexual orientation and gender identity*, February 2016; confidential source.

⁴⁵⁷ Confidential source; Dawn, *Taliban use 'honey trap' boys to kill Afghan police*, 16 June 2016; Radio Free Europe, *Afghan dancing boys tell of rape, abuse*, 25 January 2016; Freedom House, *Freedom in the World 2015 – Afghanistan*; US Department of State, *2016 Trafficking in Persons Report – Afghanistan*; US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016; UNICEF, *Child notice Afghanistan 2015*; Pajhwok, *Bacha Bazi victims need to be protected, says rights official*, 11 August 2015.

⁴⁵⁸ US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016; confidential source.

3.5.8 *Unaccompanied minors*

Under civil law, children reach the age of majority in Afghanistan at 18. From the age of 18 they are also legally competent. The age at which children may legally enter into marriage is 16 for girls and 18 for boys. In practice, girls in particular are often married off much earlier, usually to (much) older men.⁴⁵⁹

The family plays an important role in Afghanistan: the whole of society is based on extended family structures and clans. Minors whose parents have died are therefore usually looked after by relatives. There are children living on the streets, but they often still have parents and are working on the streets to earn some money. Around 6 million school-age children do some form of work, sometimes in addition to school, but often during school hours. Some 600,000 children beg on the streets of Kabul.⁴⁶⁰

There are a number of shelters for minors. The Afghan Ministry of Labour and Social Affairs oversaw 84 Child Protection Action Network Centres and 78 orphanages in the reporting period. These orphanages were all run by NGOs and partly funded by the government. The children who stay there are usually not orphans, but come from poor families which are unable to provide them with shelter, adequate nutrition or education. Conditions in the orphanages are basic. Running water, heating, medical supplies and education are not always available. The government shelters are externally assessed by the AIHRC. There is no external oversight of the other shelters. The AIHRC noted that most shelters lack adequate food, clothing, clean water and safe buildings and do not meet international standards. Children in shelters also reported instances of mental, physical and sexual abuse and child trafficking.⁴⁶¹

There are several NGOs that provide assistance to returning Afghans, including the Afghanistan Migrants Advice and Support Organization (AMASO). Returning children may encounter rejection by their families, abduction, abuse and exploitation; they therefore often try to leave the country again.⁴⁶²

As far as is known, there is no government agency entrusted with the care of unaccompanied minor returnees.

3.5.9 *(Ex-)communists*

No information about individuals who identify with the communist ideology (or are suspected of doing so) is included in the UNHCR Eligibility Guidelines under 'Potential risk profiles'. However, UNHCR provides information about former members of the KhAD and WAD in the section on 'Exclusion from International Refugee Protection'.⁴⁶³

Many former members of the People's Democratic Party of Afghanistan (PDPA) and ex-employees of the former intelligence services KhAD and WAD currently work for the Afghan government. For example, they hold positions as provincial governors,

⁴⁵⁹ UNICEF, *Child Notice Afghanistan 2015*.

⁴⁶⁰ UNICEF, *Child Notice Afghanistan 2015*; US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016; Al Jazeera, *Afghanistan: pity the children*, 16 February 2016; HRW, *They bear all the pain, hazardous child labour in Afghanistan*, July 2016.

⁴⁶¹ UNICEF, *Child Notice Afghanistan 2015*; US Department of State, *Country Reports on Human Rights Practices for 2015 Afghanistan*, February 2016.

⁴⁶² Confidential source; UNICEF, *Child Notice Afghanistan 2015*.

⁴⁶³ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

senior positions in the army or police, or are mayors. Former PDPA members have formed several new parties. As far as is known, ex-communists and their family members have nothing to fear from the government.⁴⁶⁴

As a general category, former and current communists cannot therefore be said to have anything to fear in Afghanistan. Whether there is anything to fear in Afghanistan is an individual matter; this is also true of former employees of the Khad/WAD.⁴⁶⁵

⁴⁶⁴ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

⁴⁶⁵ UNHCR, *UNHCR eligibility guidelines for assessing the international protection needs of asylum-seekers from Afghanistan*, 19 April 2016.

4 Migration

4.1 Internally displaced persons

The number of IDPs (internally displaced persons) has more than doubled in the last three years to more than 1.2 million. The main causes of this are the insecurity in the country, the fragmentation of the conflict, the growth of the Taliban and other AGEs (including IS), combined with a desperate economic situation, drought and various natural disasters.⁴⁶⁶

In 2015 more than 380,000 people were displaced by the internal conflict, an increase of more than 90 percent compared to 2014. This figure does not include the 87,000 people who fled Kunduz when the Taliban took over the city in September 2015, because they returned relatively quickly.⁴⁶⁷ Between January and the beginning of November 2016, more than 455,000 people were displaced by the conflict. Due to difficult access in some areas, this figure may in reality be even higher. There are now more IDPs in Afghanistan than at any time since 2002. People have been displaced to a varying extent in 31 of the 34 provinces.⁴⁶⁸

Between January and June 2016, 50,071 people were displaced by natural disasters. Afghanistan has earthquakes, floods, droughts, landslides and avalanches. On average, about 250,000 people are affected by a natural disaster every year in Afghanistan.⁴⁶⁹

The provinces where most IDPs settled in 2015 were Nangarhar (over 76,000), Kunduz (over 50,000), Takhar (over 39,000), Kabul and Helmand (over 30,000 each). Badghis, Faryab and Farah had between 23,000 and 17,000 IDPs. People were also displaced in almost all other provinces. All of these IDPs were displaced by the armed conflict. In the northeast they fled the conflicts and instability in the areas around Kunduz (the districts of Charsadda, Imam Shaib and Khanabad) mainly as a result of the capture by the Taliban of the province and the provincial capital in October 2015. A steady stream of IDPs came from the eastern region, especially from Nangarhar Province and the districts of Kot, Ahin and Chaparghar, where the Taliban and IS-affiliated groups fought against each other. IDPs from the central region came mainly from the districts of Ghazni, Maidan, Wardak, Kapisa and Logar, due to anti-terror operations. The region was also affected by the situation in Kunduz and the continuous flow of IDPs from the east as a result of clashes between the Taliban and IS-affiliated groups. The west was particularly troubled by clashes between tribes and between different Taliban groups. A substantial group of IDPs came from the south, fleeing the fighting between the ANDSF and AGEs, especially in the northern districts of Helmand Province and the city of Lashkar Gah.⁴⁷⁰

The largest numbers of IDPs at the end of 2015 were located in the south (Helmand, Kandahar and Uruzgan), the northeast (Takhar, Kunduz), the east and the central region (Nangarhar, Kunar, Kabul, Wardak, Ghazni) and the west (Herat, Farah,

⁴⁶⁶ The Diplomat, *Let's not forget Afghanistan's Internally Displaced Persons*, 21 October 2016; OCHA Afghanistan, at <http://www.unocha.org/afghanistan>.

⁴⁶⁷ UNHCR Afghanistan, *End year report on conflict induced displacement – 2015*.

⁴⁶⁸ OCHA, *Afghanistan: conflict induced displacements (as of 6 November 2016)*; Humanitarian Response, *Afghanistan: conflict-induced displacements (as of 24 July 2016)*; Amnesty International, *My children will die this winter, Afghanistan's broken promise to the displaced*, 31 May 2016.

⁴⁶⁹ Humanitarian Response, *Afghanistan: overview of natural disasters*, 31 January to 11 June 2016.

⁴⁷⁰ UNHCR, *Afghanistan, end year report on conflict-induced displacement 2015*; UNHCR, *Conflict-Induced Internal Displacement – Monthly update*, November 2015.

Ghor, Badghis, Faryab). In 2016, the largest numbers of displaced people were in Helmand, Baghlan, Uruzgan and Kunduz. Many IDPs have been living away from their homes for more than ten years and will never return, but hope to integrate locally. More than half of the IDPs live in a city, mostly in informal settlements on the outskirts. For example, there are large informal settlements in Kabul, Kandahar and Herat. According to OCHA, around 55,000 IDPs live in 52 slums in Kabul, known as Kabul Informal Settlements (KIS).⁴⁷¹

Most IDPs live in very poor conditions, which have tended to grow worse because the number of IDPs has increased significantly, the economic situation has deteriorated and international and domestic humanitarian assistance has decreased. There is a severe lack of adequate housing, protection against the winter cold and basic essentials such as food and water. Healthcare facilities are also usually lacking. IDPs are also rarely able to acquire an income. Work is scarce and many IDPs are illiterate. Often, a family depends on a job held by one of its members. Children are also sent out to make some money. Many displaced children do not attend school. The situation of IDPs is generally worse than that of poor city-dwellers. There are no precise figures on returning IDPs. Many of them remain in the areas to which they have relocated and prefer to reintegrate in their new setting. Especially in small towns and rural areas, the IDPs are known, and humanitarian organisations such as OCHA and UNHCR and the local community assist as much as possible with shelter, food and other facilities. However, in recent years more and more IDPs have gone to the cities, where they become part of the group of people who have moved to the city from the countryside for economic reasons. They are often not registered as IDPs. In informal settlements on the outskirts of the large cities they have a uncertain existence; these settlements may be shut down at any time, after which they have to find a new place to live.⁴⁷²

In 2014 the Afghan government launched the National Policy on Internally Displaced Persons, in which various measures were proposed to protect IDPs and improve their situation. According to Amnesty International, this policy did not lead to any results and the situation of IDPs has in fact grown worse. A change of government, but above all lack of will or capacity and large-scale corruption at the Ministry of Refugees and Repatriation, as well as ignorance on the part of other ministries about the rights of IDPs are to blame for this, according to Amnesty International. Some officials at the various ministries, even senior ones, were unaware of the IDP policy, and most of the IDPs themselves knew nothing about their rights.⁴⁷³

4.2 Other displacement

It is estimated that there are over 6 million Afghans in Afghanistan's neighbouring countries; see 4.3.

In addition, around 200,000 Afghans travelled to Europe to seek asylum in 2015. The main route they took was via Iran and Turkey and by boat to Greece. Some of them started from Pakistan or Iran. Most people were brought out of Afghanistan by

⁴⁷¹ Humanitarian Response, *Afghanistan: conflict-induced displacements (as of 24 July 2016)*; UNHCR, *Afghanistan conflict-induced IDP's by province of displacement profiled as of 31 December 2015 (cumulative)*; Humanitarian Response, *Kabul Informal Settlements (KIS), as of 4 January 2016*.

⁴⁷² IDMC, *Afghanistan: new and long-term IDP's risk becoming neglected as conflict intensifies*, 16 July 2015; Amnesty International, *My children will die this winter, Afghanistan's broken promise to the displaced*, 31 May 2016.

⁴⁷³ Amnesty International, *My children will die this winter, Afghanistan's broken promise to the displaced*, 31 May 2016.

traffickers for between 2,000 and 30,000 US dollars, depending on the kind of journey, the length of the journey and whether fake documents such as visas needed to be provided. Smugglers were active in all the major cities in Afghanistan, but villagers were also encouraged to leave for Europe. Most of those who made the journey were young men, in some cases against the wishes of their family. The main reasons for their departure were the poor economic situation and high unemployment, the lack of security and the hope of a better life for their families. Many people who left already had family in Europe. In addition, the story was going round that Germany was welcoming all refugees.⁴⁷⁴

4.3 Reception in the region

Approximately 2.5 million registered refugees live in neighbouring Iran and Pakistan according to UNHCR. The exact number is not known because the records are kept by the Pakistani and Iranian authorities and UNHCR has only limited access to them.⁴⁷⁵ Since 2002, 5.8 million refugees have returned from Iran and Pakistan, 4.8 million of them with UNHCR assistance. Many of them lived in exile for decades, having fled the communist regime and later the Taliban. Many of the refugees still living in Iran and Pakistan were born outside Afghanistan and no longer have any social network in Afghanistan. As well as refugees, there is also a large group of unregistered Afghans in Iran (estimated at 3 million) and Pakistan (estimated at more than 1 million).

4.3.1 *Iran*

During this reporting period, 960,000 registered Afghan refugees and about 3 million unregistered Afghans were living in Iran. Over 95% of all refugees live in urban and semi-urban areas. The Iranian government provides refugees with access to education, health care, language training and work. Undocumented Afghans have no official access to services, but in mid-2015 Iran started to register undocumented children so that they can attend school.⁴⁷⁶ In 2015, more than 544,000 undocumented Afghans returned from Iran: some had been deported (227,000), while others returned voluntarily (317,000). Between January and April 2016 almost 30,000 undocumented Afghans returned: voluntarily in some cases (17,000), or because they were deported (12,000). According to Human Rights Watch, the Iranian Revolutionary Guard has recruited thousands of undocumented Afghans since November 2013 to fight in Syria, partly with threats of deportation to Afghanistan if they refuse.⁴⁷⁷

UNHCR assisted with the return of 2,846 Afghan refugees from Iran in 2015. Each family must complete a Voluntary Repatriation Form (VRF) at one of UNHCR's Voluntary Repatriation Centres (VRCs) - in Iran this means at any UNHCR office. Back in Afghanistan, they receive assistance at one of the four encashment centres in Kabul, Samarkhel (Nangarhar), Jamal Mayna (Kandahar) and Herat. On average they are given 200 US dollars per person there for transport and as a small start-up

⁴⁷⁴ The Economist, *Afghan refugees – living in limbo*, 2 April 2016; Afghan Analysts Network, *We knew that they had no future in Kabul, Why and how Afghan families decide to leave*, April 2016; IOM Afghanistan, *Out-Migration Response*, 2016; confidential source.

⁴⁷⁵ SIGAR, *Afghan refugees and returnees: Corruption and lack of Afghan ministerial capacity have prevented implementation of a long-term refugee strategy*, August 2015.

⁴⁷⁶ Al Jazeera, *Why are Afghan refugees leaving Iran?*, 17 May 2016; HRW, *Unwelcome guests, Iran's violation of Afghan refugee and migrants rights*, 20 November 2013.

⁴⁷⁷ Al Jazeera, *The plight of rejected Afghan asylum seekers*, 6 March 2016; UNHCR, *Afghanistan, Voluntary repatriation and border monitoring monthly update January – May 2016*; UNHCR, *Regional plan July 2016 – December 2017*; HRW, *Iran sending thousands of Afghans to fight in Syria*, 29 January 2016.

sum. They can also stay there and have their health checked. Children under five are vaccinated against polio and measles. Many of the refugees from Iran go back to Iran to study there after their return to Afghanistan. Between January and May 2016, 789 refugees returned to Afghanistan with UNHCR assistance.⁴⁷⁸

4.3.2 *Pakistan*

In 2015 there were more than 1.5 million registered Afghan refugees in Pakistan, and probably more than 1 million unregistered Afghans. Many of them fled to Pakistan in the 1970s and 1980s, and their children have never lived in Afghanistan. Around three-quarters of the refugees live in a city. Since late 2014, when the Pakistani Taliban carried out an attack on a school in Peshawar in which 132 schoolchildren were killed, attitudes to the Afghans have changed. They have experienced violence, intimidation and arrest and detention by the Pakistani police more frequently. Among registered refugees there was also uncertainty about their Proof of Refugee (POR) card. The Pakistani government threatened not to renew the card, which officially expired in November 2015, and to deport everyone. Despite this, in January 2016 a temporary extension of six months was granted until the end of June; at the end of June, the card was extended until the end of 2016. HRW has called for the cards to be extended until the end of 2017 so that work can be done to find a sustainable solution to the problem. Partly as a result of the difficult situation for Afghans in Pakistan, the number of Afghan refugees returning to Afghanistan has increased dramatically. In 2015 nearly 120,000 unregistered Afghans returned, more than 9,000 of whom had been deported. Of the registered refugees, more than 51,000 Afghans returned with the help of UNHCR. In 2016, more than 230,000 registered refugees returned from Pakistan up to the beginning of October, and more than 180,000 undocumented migrants. Like the refugees from Iran, they receive a sum of money on arrival at the encashment centre. There are two voluntary repatriation centres in Pakistan: at Chamkani in Peshawar and at Baleli in Quetta.⁴⁷⁹

Afghanistan has signed a Memorandum of Understanding (MoU) concerning refugees and migration with both Pakistan and Iran.

4.4 **Repatriation from the Netherlands**

In March 2003, the Netherlands, Afghanistan and UNHCR signed an MoU that also makes forcible expulsion possible, provided the relevant humanitarian considerations are taken into account. This MoU is still in force, although the Afghans have formally requested consultations regarding the MoU. In 2015 around 20 Afghans were forcibly expelled and around 30 were repatriated voluntarily with IOM assistance. Up to June 2016, around 10 Afghans were forcibly expelled and around 65 returned voluntarily.⁴⁸⁰

⁴⁷⁸ Al Jazeera, *The plight of rejected Afghan asylum seekers*, 6 March 2016; UNHCR, *Afghanistan, Voluntary repatriation and border monitoring monthly update January – May 2016*; UNHCR, *Regional plan July 2016 – December 2017*.

⁴⁷⁹ IOM, *Undocumented Afghan Returns from Iran & Pakistan January to December 2015*; UNHCR, *Afghanistan, Voluntary repatriation and border monitoring monthly update January – May 2016*; UNHCR, *Regional plan July 2016 – December 2017*; HRW, *What are you doing here? Police abuse against Afghans in Pakistan*, November 2015; Dawn, *PM grants six-month extension to Afghan refugees*, 14 January 2016; HRW, *Pakistan: extent Afghan refugee status through 2017*, 16 January 2016; the Express Tribune, *Pakistan extends Afghan refugees stay until end of 2016*, 29 June 2016.

⁴⁸⁰ Confidential source; IOM Afghanistan, *Newsletter spring & summer 2016*.

4.5 Activities of international organisations

The major international organisations working in Afghanistan with refugees and rejected/repatriated asylum seekers are UNHCR (refugees and IDPs), OCHA (humanitarian aid), IOM (voluntary repatriations of rejected asylum seekers, humanitarian assistance for undocumented Afghans from Iran and Pakistan) and the Red Cross (humanitarian assistance). For the latest information, see the websites of the respective organisations.

4.6 UNHCR's position

Once all legal remedies have been exhausted and an asylum-seeker has been rejected, UNHCR is not opposed to the voluntary or forcible return of rejected asylum-seekers to Afghanistan. However, these lie outside the mandate of UNHCR.⁴⁸¹

The MoUs that Afghanistan has signed with the Netherlands, Denmark, Sweden, Finland, France, the UK and Norway are in force. The Afghan authorities have repeatedly asked to renegotiate the MoUs and are opposed to the forcible repatriation of rejected asylum-seekers.⁴⁸² UNHCR is also party to a number of the MoUs but has indicated its desire to withdraw from them.⁴⁸³

⁴⁸¹ Confidential sources.

⁴⁸² Council of the European Union, *Joint Commission- EASS non-paper on enhancing cooperation on migration, mobility and readmission with Afghanistan*, 3 March 2016.

⁴⁸³ Confidential source.

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