Home Office
UK Border Agency

AFGHANISTAN

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

11 October 2011

SECURING OUR BORDER CONTROLLING MIGRATION

Contents

 The main text of this COI Report contains the most up to date publicly available information as at 24 September 2011. Further brief information on recent events and reports has been provided in the Latest News section to 11 October 2011.

 The main text of this COI Report contains the most up to date publicly available information as at 24 September 2011. Further brief information on recent events and reports has been provided in the Latest News section to 11 October 2011.

Annexes

Preface

i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 24 September 2011. The 'Latest News' section contains further brief information on events and reports accessed from 25 September to 11 October 2011. The report was issued on 11 October 2011.

ii The Report is compiled wholly from material produced by a wide range of external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

iv The structure and format of the Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.

v The information included in this Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.

vi As noted above, the Report is a compilation of extracts produced by a number of information sources. In compiling the Report no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. Reports do not aim to bring consistency of spelling but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

viii This Report and the accompanying source material are public documents. All Reports are published on the UKBA website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant weblink has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from COI Service upon request.

ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be produced if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.

x In producing this Report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

Country of Origin Information Service
UK Border Agency
St Anne House
20-26 Wellesley Road
Croydon, CR0 9XB
United Kingdom
Email: cois@homeoffice.gsi.gov.uk
Website: http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's COI material. The IAGCI welcomes feedback on UKBA's COI Reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

xii In the course of its work the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at http://icinspector.independent.gov.uk/country-information-reviews/

xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the

decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

Independent Advisory Group on Country Information
Independent Chief Inspector of the UK Border Agency
5th Floor, Globe House
89 Eccleston Square
London, SW1V 1PN
Email: chiefinspectorukba@icinspector.gsi.gov.uk
Website: http://icinspector.independent.gov.uk/country-information-reviews/

Return to contents

Latest News

EVENTS IN AFGHANISTAN FROM 25 SEPTEMBER 2011 TO 11 OCTOBER 2011

THE LATEST NEWS PROVIDES A NON-EXHAUSTIVE SELECTION OF SIGNIFICANT EVENTS SINCE 25 SEPTEMBER 2011. FURTHER INFORMATION MAY ALSO BE AVAILABLE FROM THE LIST OF USEFUL SOURCES BELOW.

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

7 October 2011 Former Afghan attorney general Abdul Jabar Sabet was reported to have been kidnapped while he was driving a car in the Char-asia area of Logar Province. He was Afghanistan's attorney general from May 2006 to June 2008 and also ran for president in the 2009 elections. It was unknown which group was respondible for the kidnapping at the time this report was published.
http://www.rferl.org/content/former_afghan_attorney_general_abducted_in_afghanistan/24352889.html
Date accessed 11 October 2011

1 October 2011 The Afghan government will no longer hold peace talks with the Taliban. Afghan President Hamid Karzai said "... there were no partners for dialogue among the Taliban." He said the killing of former Afghan President, Burhanuddin Rabbani, who had been negotiating peace terms with the Taliban had convinced him to focus on dialogue with Pakistan.

http://www.bbc.co.uk/news/world-south-asia-15134128
Date accessed 7 October 2011

28 September 2011 Very few Afghan policewomen in northern Afghanistan rise to senior positions because of widespread chauvinism and lack of political connections, according to Sergeant Zeba, a recruitment officer at the Afghan National Police headquarters for Balkh province. She said they were treated as 'inferiors' and excluded from high level meetings. Sergeant Fatima also attached to the same ANP headquarters also complained of discrimination, saying policewomen in other provinces had been able to get promoted. Afghan interior ministry spokesman Sediq Sediqi denied claims of systemic discrimination.
http://iwpr.net/report-news/afghan-policewomen-complain-unfair-treatment
Date accessed 7 October 2011

27 September 2011 At least two civilians were killed when a suicide bomber rammed a car packed with explosives into a police truck outside a bakery in southern Afghanistan. Another 26 people were wounded, including 10 police officers and six children. The Taliban later claimed responsibility for the attack.
http://english.aljazeera.net/news/asia/2011/09/201192784116619729.html
Date accessed 28 September 2011

25 September 2011 Two policemen and two civilians were killed in a suicide attack at a police checkpoint in Yahya Khel district of Paktita province, near Afghanistan's

eastern border with Pakistan. Immediately following the attack gunmen then fired bullets at the police headquarters from two or three directions, but ended after 15 minutes.
http://english.aljazeera.net/news/asia/2011/09/201192511363617808.html
Date accessed 28 September 2011

USEFUL NEWS SOURCES FOR FURTHER INFORMATION

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

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

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

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

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

Reuters http://www.reuters.com/

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

Return to contents
Go to sources

REPORTS ON AFGHANISTAN PUBLISHED OR ACCESSED BETWEEN 25 SEPTEMBER 2011 TO 11 OCTOBER 2011

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

[1] **United Nations Assistance Mission in Afghanistan (UNAMA)**

a Treatment of Conflict Related Detainees in Afghan Custody, 10 October 2011
http://unama.unmissions.org/Portals/UNAMA/Documents/October10_%202011_UNAMA_Detention_Full-Report_ENG.pdf
Date accessded 11 October 2011

[2] **Amnesty International** http://www.amnesty.org

a Afghanistan ten years on: Slow progress and failed promises, 5 October 2011, (via Refworld)
http://www.unhcr.org/refworld/country,,,,AFG,,4e8e92fd2,0.html
Date accessded 10 October 2011

[3] **Oxfam** http://www.oxfam.org.uk/

a A Place at the Table: Safeguarding women's rights in Afghanistan, 3 October 2011
http://policy-practice.oxfam.org.uk/publications/a-place-at-the-table-safeguarding-womens-rights-in-afghanistan-143670
Date accessded 10 October 2011

[4] **United States Department of Labor** http://www.dol.gov

a 2010 Findings on the Worst Forms of Child Labor - Afghanistan, 3 October 2011 **(p3-9)**
http://www.dol.gov/ilab/programs/ocft/PDF/2010TDA.pdf
Date accessded 10 October 2011

Return to contents
Go to sources

Background Information

1. GEOGRAPHY

1.01 The Islamic Republic of Afghanistan is located in south-western Asia. With an area covering 652,230 sq km, it shares borders, spanning 5,529 km, with Turkmenistan (744 km), Uzbekistan (137 km) and Tajikistan (1,206 km) to the north, Iran (936 km) to the west, the People's Republic of China (76 km) to the north-east and Pakistan (2,430 km) to the east and south. Afghanistan has a mostly rugged mountainous terrain with plains in the north and southwest. (Central Intelligence Agency (CIA) World Factbook, updated 23 August 2011, accessed on 28 September 2011) **[3a] (Government)** Afghanistan has 34 provinces. The principal towns included Kabul (capital), Pul-e-Khomri, Qandahar, Herat, Mazar-i-Sharif, Kunduz, Jalalabad, Baghlan, Ghazni and Maymana. (Europa World Online, accessed 8 July 2010) **[1a]**

1.02 The CIA World Factbook, updated 23 August 2011, accessed on 28 September 2011 2011, noted that Afghanistan had a population of 29,835,392. Pushtuns make up the largest ethnic group at 42 per cent, followed by Tajiks (27 per cent), Hazaras (9 per cent), Uzbek (9 per cent) and Aimak (4 per cent). Other smaller groups include Turkmen and Baluch. **[3a] (People)**

(See also Section 22: Ethnic groups)

1.03 The US Department of State's *Background Note* on Afghanistan, updated on 6 December 2010, noted "Dari (Afghan Farsi) and Pashto are official languages. Dari is spoken by more than one-third of the population as a first language and serves as a lingua franca for most Afghans, though Pashto is spoken throughout the Pashtun areas of eastern and southern Afghanistan. Tajik and Turkic languages are spoken widely in the north. Smaller groups throughout the country also speak more than 70 other languages and numerous dialects." **[2b] (People)**

1.04 An estimated 80 per cent of the population were Sunni Muslims, with Shia Muslims accounting for 19 per cent. Only one per cent was made up from other groups. (CIA World Factbook, updated 23 August 2011, accessed on 28 September 2011) **[3a] (People)**

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

1.06 Public holidays include:

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

"* These holidays are dependent on the Islamic lunar calendar and may vary by one or two days from the dates given." (Europa World Online, accessed 8 July 2010) **[1a]**

KABUL (CAPITAL CITY)

1.07 The Department for International Development (DFID), Regional Rural Economic Regeneration Strategies (RRERS), Provincial Profile, Kabul Province, undated, accessed 16 September 2011, described the capital as "Located in a valley, Kabul city is one of the highest capitals in the world situated at an elevation of… 1,800 m. surrounded by the Lowgar and Paghman mountains in the south-east, Qrough mountain in the south-west, Shirdarwaza in the north east, Charikar in the north and the Tangi Gharow mountains in the west." **[11b] (p1)**

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

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

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

1.09 The same source stated:

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

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

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

Return to contents
Go to sources

INFRASTRUCTURE

1.11 The DFID Regional Rural Economic Regeneration Strategies, Provincial Profile on Kabul Province, undated, accessed on 16 September 2011, noted:

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

"Apart from the main city roads, many smaller roads in the capital are in extremely poor conditions [sic] and need repair. While the country has no extensive highway system, three main asphalted roads/highways connect the capital with the rest of the country. The Salang road links Kabul with the northern provinces, while the Kabul-Kandahar highway is the main artery between the capital and the southern provinces, as well as the most important road in the country." **[11b] (p5-6)**

1.12 The Afghanistan Research and Evaluation Unit (AREU) report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, focused on research carried out in the six provinces of Samangan, Jawzjan, Sar-i-Pul, Day Kundi, Laghman and Wardak. The report noted:

"Despite the increasing level of conflict, major positive changes have happened over the past ten years. A great deal of road construction has taken place across the country and a paved ring road is nearing completion. Airports have been improved. A rudimentary but effective health system has been created from scratch. Every year, more boys and girls are attending schools and more teachers, both male and female, are graduating from training institutes. Even the more remote parts of the country now have access to communications in the form of radio, television and mobile phones. Electrical distribution to the cities has been improving. GDP is expanding rapidly, albeit from a low base.

"However, the key issue of sustainability continues to hover over much of the development taking place in post-2001 Afghanistan. The country is dependent on large inflows of development aid and, setting aside opium, on an economy that is largely devoted to serving the substantial foreign military and civilian presence in the country. In particular, there has been heavy investment in building a strong, centralised system of government focused in Kabul-based institutions. The critical question is whether this approach will ultimately be able to produce a sustainable, effective governance system that can respond to the wishes of its people." **[13a] (p8)**

1.13 Jane's Security Country Risk Assessment report on Afghanistan's infrastructure, updated 3 February 2011, accessed on 27 September 2011, stated that:

"Before the Soviet invasion, Afghanistan had approximately 18,000 km of roads. Over two decades of war and neglect have destroyed most of the inadequate network. Afghanistan requires at least 30,000 km of paved roads to create a reasonable commercial and social transport network, and since the US invasion foreign assistance has enabled the Karzai government to begin some projects. These include a 1,200 km highway linking Kabul with Herat and Kandahar, which is being funded by Saudi Arabia, Japan and the US. Germany agreed to finance a road from Jalalabad to Torkham on the Afghan-Pakistani border, but insurgent and US military operations have disrupted

progress. In 2006, the two US companies Black & Veatch and the Louis Berger Group won a USD1.4 billion contract to rebuild roads, power lines and water supply systems in Afghanistan… Figures published by the World Bank in December 2010 indicated that over 10,370 km of roads have been rehabilitated under the National Emergency Rural Access Programme." **[36a] (Infrastructure)**

1.14 The Congressional Research Service (CRS) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 22 September 2011, accessed on 6 October 2011, stated:

"Afghanistan does not currently have any functioning railway. However, three railway projects are under way. One, from Mazar-i-Sharif to Hairaton, on the border with Uzbekistan, was completed in March 2011 with $165 million from the Asian Development Bank. It is to become operational in summer 2011. With funding from Japan and China, other rail lines will extend from Iran to Herat Province, and from the Tajikistan border down to Konduz. The various segments are eventually to link up and parallel the Ring Road that circles Afghanistan. The railway will integrate Afghanistan to the former Soviet railway system in Central Asia, increasing Afghanistan's economic integration in the region." **[22a] (p67)**

(See also Section on Economy)

1.15 With regards to airlines, the CRS Report added, "The 52-year-old national airline, Ariana, is said to be in significant financial trouble due to corruption that has affected its safety ratings and left it unable to service a heavy debt load. However, there are new privately run airlines, such as Safi Air (run by the Safi Group, which has built a modern mall in Kabul), and Kam Air. Another, Pamir, was ordered closed in 2010 due to safety concerns." **[22a] (p70)**

1.16 The CRS Report of 22 September 2011 further noted:

"Several Afghan telecommunications firms have been formed. With startup funds from the Agha Khan Foundation (the Agha Khan is leader of the Isma'ili community, which is prevalent in northern Afghanistan), the highly successful Roshan cellphone company was founded. Another Afghan cellphone firm is Afghan Wireless. The most significant post-Taliban media network is Tolo Television, owned by Moby Media. U.S. funds are being used to supplement the private investment; a $4 million U.S. grant, in partnership with the Asia Consultancy Group, is being used to construct communication towers in Bamiyan and Ghor provinces. The Afghan government says it plans to link all major cities by fiber optic cable by the end of 2011." **[22a] (p70)**

Return to contents
Go to sources

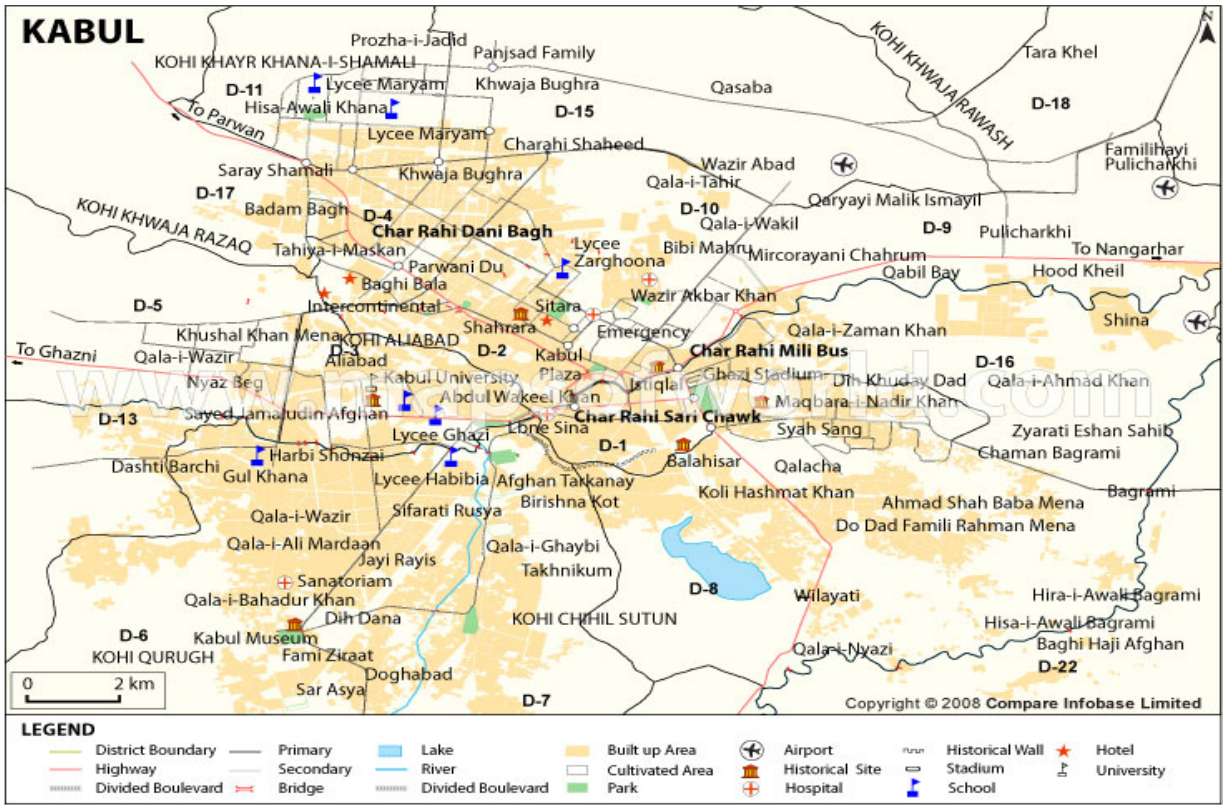
MAP

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

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

Return to contents
Go to sources

1.18 Map of Kabul



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

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

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

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

Return to contents
Go to sources

2. ECONOMY

2.01 The Foreign and Commonwealth Office (FCO) *Afghanistan Country Profile*, updated on 8 June 2011, accessed on 21 September 2011, noted:

"Afghanistan's economy has been seriously damaged by decades of war. The main activity remains agriculture (which involves around 80% of the population), both subsistence and some commercial. The main traditional crops are grain, rice, fruit, nuts and vegetables. But all have been severely affected by drought in recent years. Industry is small scale and includes handicrafts, textiles, carpets, and some food processing. Exports consist of mainly fruit, nuts, vegetables and carpets." **[4a]**

2.02 The Central Intelligence Agency (CIA) World Factbook, Afghanistan, updated 23 August 2011, accessed on 28 September 2011, noted:

"Afghanistan's economy is recovering from decades of conflict. The economy has improved significantly since the fall of the Taliban regime in 2001 largely because of the infusion of international assistance, the recovery of the agricultural sector, and service sector growth. Despite the progress of the past few years, Afghanistan is extremely poor, landlocked, and highly dependent on foreign aid, agriculture, and trade with neighboring countries. Much of the population continues to suffer from shortages of housing, clean water, electricity, medical care, and jobs. Criminality, insecurity, weak governance, and the Afghan Government's inability to extend rule of law to all parts of the country pose challenges to future economic growth. Afghanistan's living standards are among the lowest in the world. While the international community remains committed to Afghanistan's development, pledging over $67 billion at four donors' conferences since 2002, the Government of Afghanistan will need to overcome a number of challenges, including low revenue collection, anemic job creation, high levels of corruption, weak government capacity, and poor public infrastructure." **[3a]**

2.03 The World Bank report, *Afghanistan Economic Update*, May 2011, stated; "Afghanistan's economy is growing strongly fueled by international development assistance and security related spending. The growth drivers of recent years have been above-average agricultural production, strong growth in construction and transportation, and security spending enabled by large aid flows, especially in FY2009/10. Real GDP growth reached 8.2 percent in FY2010/11, and is likely to remain thereabouts over the medium term." **[23a] (Overview)**

2.04 The Congressional Research Service (CRS) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 22 September 2011, accessed on 6 October 2011, stated:

"Efforts to build the legitimate economy are showing some results, by accounts of senior U.S. officials. Major new buildings include several marriage halls in Kabul city, as observed by CRS in October 2009. Some sectors… are being developed primarily (although not exclusively) with private investment funding. There has been substantial new construction, particularly in Kabul, such as the Serena luxury hotel (opened in November 2005); a $25 million Coca Cola bottling factory (opened in September 2006); and numerous apartment complexes, marriage halls, office buildings, and other structures. The bottling factory is located near the Bagrami office park (another private initiative), which includes several other factories. The Serena was built by the Agha Khan foundation, a major investor in Afghanistan." **[22a] (p67)**

(See also Section 1: Geography - Infrastructure)

2.05 The World Bank report added: "The Kabul Bank crisis hit the financial sector in September 2010. The resolution of Kabul Bank's problems is a critical condition for the IMF-supported Extended Credit Facility (ECF), and consequently, for additional financial support from development partners. The authorities are expected to finalize a resolution plan soon. However, while uncertainty remains, the full implications of the crisis for the fiscal budget and development of the financial sector cannot accurately be determined." **[23a] (Overview)**

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

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

(See also Section 1: Geography – Kabul (Capital city) and Section 22: Ethnic groups)

2.07 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011(USSD Report 1010), noted that "The minimum wage for government workers was 4,000 afghanis ($80) per month. There is no minimum wage in the private sector." **[2a] (Section 7e)**

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

2.09 Additional basic economic data:

- GDP growth in 2010, estimated at 8.2%
- Inflation rate in 2009, estimated at 13.3%;
- Unemployment rate in 2008, estimated at 35%; and
- Labour force by occupation for years 2008-2009: agriculture 78.6%, industry 5.7%, and services 15.7% (CIA World Factbook, updated 23 August 2011, accessed on 28 September 2011) **[3a] (Economy)**

Return to contents
Go to sources

3. HISTORY

OVERVIEW TO DECEMBER 2001

3.01 The Freedom House (FH) report, *Freedom in the World 2011*, Afghanistan, covering events in 2010, published on 16 May 2011, stated that:

"After decades of intermittent attempts to assert control and ward off Russian influence in the country, Britain recognized Afghanistan as a fully independent monarchy in 1921. Muhammad Zahir Shah ruled from 1933 until he was deposed in a 1973 coup and a republic was declared. Afghanistan entered a period of continuous civil conflict in 1978, when a Marxist faction staged a coup and set out to transform the country's highly traditional society. The Soviet Union invaded to support its allies in 1979, but was defeated by U.S.-backed guerrillas and forced to withdraw in 1989." **[6a]**

Communist/PDPA rule (1978-1992)

3.02 The Congressional Research Service (CRS) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 22 September 2011, accessed on 6 October 2011, stated:

"Afghanistan's slide into instability began in the 1970s when the diametrically opposed Communist Party and Islamic movements grew in strength. While receiving medical treatment in Italy, Zahir Shah [who reigned as King from 1933 to 1973] was overthrown by his cousin, Mohammad Daoud, a military leader who established a dictatorship with strong state involvement in the economy. Daoud was overthrown and killed in April 1978 by People's Democratic Party of Afghanistan (PDPA, Communist party) military officers under the direction of two PDPA (Khalq faction) leaders, Hafizullah Amin and Nur Mohammad Taraki, in what is called the Saur (April) Revolution. Taraki became president, but he was displaced in September 1979 by Amin. Both leaders drew their strength from rural ethnic Pashtuns and tried to impose radical socialist change on a traditional society, in part by redistributing land and bringing more women into government. The attempt at rapid modernization sparked rebellion by Islamic parties opposed to such moves. The Soviet Union sent troops into Afghanistan on December 27, 1979, to prevent a seizure of power by the Islamic militias, known as the mujahedin (Islamic fighters). Upon their invasion, the Soviets replaced Amin with another PDPA leader perceived as pliable, Babrak Karmal (Parcham faction of the PDPA), who was part of the 1978 PDPA takeover but was exiled by Taraki and Amin." **[22a] (p2)**

3.03 The CRS Report of 22 September 2011, further noted; "In 1986, after the reformist Mikhail Gorbachev became leader, the Soviets replaced Karmal with the director of Afghan intelligence, Najibullah Ahmedzai (known by his first name). Najibullah was a Ghilzai Pashtun, and was from the Parcham faction of the PDPA. Some Afghans say that some aspects of his governing style were admirable, particularly his appointment of a prime minister (Sultan Ali Keshtmand and others) to handle administrative duties and distribute power" **[22a] (p2)**

3.04 The CRS Report of 22 September 2011 added:

"The State Department has said that a total of about $3 billion in economic and covert military assistance was provided by the U.S. to the Afghan *mujahedin* from 1980 until the end of the Soviet occupation in 1989. Press reports say the covert aid program grew from about $20 million per year in FY1980 to about $300 million per year during FY1986-FY1990. The Soviet pullout decreased the perceived strategic value of Afghanistan, causing a reduction in subsequent covert funding. As indicated in Table 11, U.S. assistance to Afghanistan remained at relatively low levels from the time of the Soviet withdrawal, validating the views of many that the United States largely considered its role in Afghanistan 'completed' when Soviets troops left, and there was little support for a major U.S. effort to rebuild the country. The United States closed its embassy in Kabul in January 1989, as the Soviet Union was completing its pullout, and it remained so until the fall of the Taliban in 2001.

"With Soviet backing withdrawn, Najibullah [Ahmedzai] rallied the PDPA Army and the party-dominated paramilitary organization called the *Sarandoy*, and successfully beat back the first post-Soviet withdrawal *mujahedin* offensives. Although Najibullah defied expectations that his government would immediately collapse after a Soviet withdrawal, military defections continued and his position weakened in subsequent years. On March 18, 1992, Najibullah publicly agreed to step down once an interim government was

formed. That announcement set off a wave of rebellions primarily by Uzbek and Tajik militia commanders in northern Afghanistan - particularly Abdul Rashid Dostam, who joined prominent *mujahedin* commander Ahmad Shah Masud of the Islamic Society, a largely Tajik party headed by Burhannudin Rabbani. Masud had earned a reputation as a brilliant strategist by preventing the Soviets from occupying his power base in the Panjshir Valley of northeastern Afghanistan. Najibullah fell, and the *mujahedin* regime began April 18, 1992. Each year, a public parade is held to mark that day." **[22a] (p3)**

The mujahidin in power (1992-1996)

3.05 The CRS Report of 22 September 2011 stated:

"The fall of Najibullah exposed the differences among the mujahedin parties. The leader of one of the smaller parties (Afghan National Liberation Front), Islamic scholar Sibghatullah Mojadeddi, was president during April-May 1992. Under an agreement among the major parties, Rabbani became President in June 1992 with agreement that he would serve until December 1994. He refused to step down at that time, saying that political authority would disintegrate without a clear successor. Kabul was subsequently shelled by other mujahedin factions, particularly that of nominal 'Prime Minister' Gulbuddin Hikmatyar, a Pashtun, who accused Rabbani of monopolizing power. Hikmatyar, who never formally assumed a working prime ministerial role in Kabul because of suspicions of Rabbani, was purportedly backed by Pakistan. Hikmatyar's radical faction of the Islamist Hizb-e-Islami (Islamic Party) had received a large proportion of the U.S. aid during the anti-Soviet war.

"Yunus Khalis, an Islamic cleric, led a more moderate Hizb-e-Islami mujahedin party during that war, although Khalis turned anti-U.S. in the mid-1990s. Taliban leader Mullah Umar was a fighter in Khalis's party during the anti-Soviet war. Khalis died in 2006." **[22a] (p5)**

3.06 The Freedom House 2011 Report stated that:

"The mujahideen guerrilla factions finally overthrew the Marxist government in 1992 and then battled one another for control of Kabul, killing more than 25,000 civilians in the capital by 1995. The Islamist Taliban movement entered the fray, seizing Kabul in 1996 and quickly establishing control over most of the country, the rest of which remained in the hands of other factions. In response to the terrorist attacks of September 11, 2001, the United States launched a military campaign to topple the Taliban regime and eliminate Saudi militant Osama bin Laden's terrorist network, Al-Qaeda." **[6a]**

Return to contents
Go to sources

The Taliban in power (1996-2001)

3.07 The CRS Report of 22 September 2011 further noted:

"In 1993-1994, Afghan Islamic clerics and students, mostly of rural, Pashtun origin, formed the Taliban movement. Many were former mujahedin who had become disillusioned with conflict among mujahedin parties and had moved into Pakistan to study in Islamic seminaries ('madrassas') mainly of the 'Deobandi' school of Islam. Some say this interpretation of Islam is similar to the 'Wahhabism' that is practiced in

Saudi Arabia. Taliban practices were also consonant with conservative Pashtun tribal traditions." **[22a] (p5)**

3.08 The US Department of State's *Background Note* on Afghanistan updated on 6 December 2010 noted that:

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

3.09 The CRS Report of 22 September 2011 stated:

"The Taliban regime was led by Mullah Muhammad Umar, who lost an eye in the anti-Soviet war while fighting as part of the Hizb-e-Islami mujahedin party of Yunis Khalis. Umar held the title of Head of State and 'Commander of the Faithful,' remaining in the Taliban power base in Qandahar and almost never appearing in public, although he did occasionally receive high-level foreign officials. Umar forged a political and personal bond with bin Laden and refused U.S. demands to extradite him. Like Umar, most of the senior figures in the Taliban regime were Ghilzai Pashtuns, which predominate in eastern Afghanistan. They are rivals of the Durrani Pashtuns, who are predominant in the south." **[22a] (p5-6)**

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

3.11 The CRS Report of 22 September 2011, stated:

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

3.12 The US Department of State's *Background Note* on Afghanistan, updated on 6 December 2010, stated:

"From the mid-1990s the Taliban provided sanctuary to Osama bin Laden, a Saudi national who had fought with the mujahideen resistance against the Soviets, and provided a base for his and other terrorist organizations. Bin Laden provided both

financial and political support to the Taliban. Bin Laden and his Al-Qaida group were charged with the bombing of the U.S. Embassies in Nairobi and Dar Es Salaam in 1998, and in August 1998 the United States launched a cruise missile attack against bin Laden's terrorist camp in southeastern Afghanistan. Bin Laden and Al-Qaida have acknowledged their responsibility for the September 11, 2001 terrorist attacks against the United States.

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

Return to contents
Go to sources

The Northern Alliance

3.13 The Northern Alliance was described by the British Broadcasting Corporation (BBC) in November 2001, shortly after the Taliban regime fell, as a "…multi-ethnic opposition group, which was plagued by internal dissent when it governed, but is now united in its desire to topple the ruling Taleban." **[28q]** Adding: "The alliance is primarily comprised of three non-Pashtun ethnic groups - Tajiks, Uzbeks and the Hazaras - and in the past relied on a core of some 15,000 troops to defend its territories against the predominantly Pashtun Taleban." **[28q]**

3.14 The CRS Report of 22 September 2011, stated:

"The Taliban's policies caused different Afghan factions to ally with the ousted President Rabbani and Masud and their ally in the Herat area, Ismail Khan - the Tajik core of the anti-Taliban opposition - into a broader 'Northern Alliance. In the Alliance were Uzbek, Hazara Shiite, and even some Pashtun Islamist factions… Virtually all the figures mentioned remain key players in politics in Afghanistan, sometimes allied with and at other times feuding with President Hamid Karzai:

- "Uzbeks/General Dostam. One major faction was the Uzbek militia (the Junbush-Melli, or National Islamic Movement of Afghanistan) of General Abdul Rashid Dostam. Frequently referred to by some Afghans as one of the 'warlords' who gained power during the anti-Soviet war, Dostam first joined those seeking to oust Rabbani during his 1992-1996 presidency, but later joined Rabbani's Northern Alliance against the Taliban.

- "Hazara Shiites. Members of Hazara tribes, mostly Shiite Muslims, are prominent in Bamiyan, Dai Kundi, and Ghazni provinces (central Afghanistan) and are always wary of repression by Pashtuns and other larger ethnic factions. The Hazaras have tended to serve in working class and domestic household jobs, although more recently they have been prominent in technology jobs in Kabul, raising their economic status. They are also increasingly cohesive politically, leading to gains in the September 2010 parliamentary elections. During the various Afghan wars, the main Hazara Shiite militia was Hizb-e-Wahdat (Unity Party, composed of eight different groups). Hizb-e-Wahdat suffered a major setback in 1995 when the Taliban captured and killed its leader Abdul Ali Mazari.

One of Karzai's vice president's Karim Khalili, is a Hazara. Another prominent Hazara faction leader is Mohammad Mohaqeq.

- "Pashtun Islamists/Sayyaf. Abd-i-Rab Rasul Sayyaf, later a post-Taliban parliamentary committee chairman, headed a Pashtun-dominated hardline Islamist mujahedin faction called the Islamic Union for the Liberation of Afghanistan (Ittihad Islami) during the anti-Soviet war. Even though he is an Islamic conservative, Sayyaf viewed the Taliban as selling out Afghanistan to Al Qaeda and he joined the Northern Alliance." **[22a] (p6-7)**

3.15 The same CRS Report added:

"Throughout 2001, but prior to the September 11 attacks, Bush Administration policy differed little from Clinton Administration policy - applying economic and political pressure while retaining dialogue with the Taliban, and refraining from militarily assisting the Northern Alliance. The September 11 Commission report said that, in the months prior to the September 11 attacks, Administration officials leaned toward such a step and that some officials also wanted to assist ethnic Pashtuns who were opposed to the Taliban. Other covert options were reportedly under consideration as well.

"In a departure from Clinton Administration policy, the Bush Administration stepped up engagement with Pakistan to try to reduce its support for the Taliban. At that time, there were allegations that Pakistani advisers were helping the Taliban in their fight against the Northern Alliance. In accordance with U.N. Security Council Resolution 1333, in February 2001 the State Department ordered the Taliban representative office in New York closed, although Taliban representative Abdul Hakim Mujahid continued to operate informally. In March 2001, Administration officials received a Taliban envoy to discuss bilateral issues.

"Even though the Northern Alliance was supplied with Iranian, Russian, and Indian financial and military support - all of whom had different motives for that support - the Northern Alliance nonetheless continued to lose ground to the Taliban after it lost Kabul in 1996. By the time of the September 11 attacks, the Taliban controlled at least 75% of the country, including almost all provincial capitals. The Alliance suffered a major setback on September 9, 2001 (two days before, and possibly an integral part of, the September 11 attacks), when Ahmad Shah Masud was assassinated by Al Qaeda operatives posing as journalists. He was succeeded by his intelligence chief, Muhammad Fahim, a veteran figure but one who lacked Masud's undisputed authority." **[22a] (p7-8)**

3.16 At the time of General Ahmed Shah Masood's [Ahmad Shah Masud] death the alliance controlled just under 5 per cent of Afghanistan "… the Panjshir valley, stronghold and birthplace of General Masood, and a small enclave in the mountainous north-east." (BBC, November 2001) **[28q]**

Other key figures of the Northern Alliance were profiled in the BBC article Who are the Northern Alliance?, 13 November 2001**[28q]**

POST-TALIBAN (DECEMBER 2001 ONWARDS)

3.17 The CRS Report of 22 September 2011, stated "After the September 11 [2001] attacks, the Bush Administration decided to militarily overthrow the Taliban when it refused a final U.S. offer to extradite bin Laden in order to avoid military action…

"Major combat in Afghanistan (Operation Enduring Freedom, OEF) began on October 7, 2001. It consisted primarily of U.S. air-strikes on Taliban and Al Qaeda forces, facilitated by the cooperation between small numbers (about 1,000) of U.S. special operations forces and CIA operatives. The purpose of these operations was to help the Northern Alliance and Pashtun anti- Taliban forces by providing information to direct U.S. air strikes against Taliban positions. In part, the U.S. forces and operatives worked with such Northern Alliance contacts as Fahim and Amrollah Saleh, who during November 2001–June 2010 served as Afghanistan's intelligence director, to weaken Taliban defenses on the Shomali plain north of Kabul (and just south of Bagram Airfield. That airfield marked the forward position of the Northern Alliance during Taliban rule). Some U.S. combat units (about 1,300 Marines) moved into Afghanistan to pressure the Taliban around Qandahar at the height of the fighting (October-December 2001), but there were few pitched battles between U.S. and Taliban soldiers." **[22a] (p8-9)**

3.18 The Freedom House 2011 Report noted that "As a result of the December 2001 Bonn Agreement, an interim administration took office to replace the ousted Taliban. In June 2002, the United Nations oversaw an emergency *loya jirga* (gathering of representatives) that appointed a Transitional Administration (TA) to rule Afghanistan for a further two years. Interim leader Hamid Karzai won the votes of more than 80 percent of the delegates to become president and head of the TA." **[6a]**

(See also Subsection on the Bonn Agreement)

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

(See also Section 5: Constitution)

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

3.21 The FCO *Afghanistan Country Profile* further noted:

"On 18 September 2005 the Afghan population took part in the first Parliamentary elections for 36 years. These elections were more complex and a greater logistical challenge than the Presidential elections of 2004. 12.5 million Afghan voters registered, and 2735 candidates stood for election. 51.5% of eligible voters turned out on polling day – 41% of these were women. Parliamentary elections were again held on 18 September 2010. These were held under difficult circumstances and were by no means free of malpractice. However, the Afghan electoral authorities overcame considerable logistical and security challenges to deliver a broadly satisfactory process on Polling Day. The current Afghan Parliament convened for the first time on 26 January [2011]." **[4a] (Politics)**

Return to contents
Go to sources

The Bonn Agreement

3.22 The Foreign and Commonwealth Office (FCO) *Afghanistan Country Profile*, updated 8 June 2011, accessed on 21 September 2011, noted: "After the fall of the Taliban regime in November 2001, the United Nations brought together leaders of Afghan ethnic groups in Germany. The Agreement on Provisional Arrangements in Afghanistan pending the Re-establishment of Permanent Government Institutions (known as the Bonn Agreement…), signed on 5 December 2001, set out a road map for the restoration of representative government in Afghanistan." **[4a] (History)**

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

Presidential and Provincial Council elections – 20 August 2009

3.23 The Foreign and Commonwealth Office (FCO) stated on the Afghanistan British Embassy website, updated 14 March 2011, that:

"The second Presidential and Provincial Council elections were held on 20 August 2009. Despite widespread fraud the Presidential elections were contested by 41 candidates under difficult circumstances. After fraudulent votes were investigated and removed by the Afghan Independent Election Commission (IEC) and Election Complaints Commission (ECC), the final IEC figures showed that over 4.5 million voters across Afghanistan turned out to express their political will. Millions of Afghans across the country also voted in the Provincial Council elections, held the same day.

"After the removal of fraudulent ballots the results showed President Karzai with 49.67 per cent of the vote. Because he polled less than 50 per cent, a second round run-off election was scheduled to be held between President Karzai and Dr Abdullah Abdullah, the runner up. But before the second round could go ahead, Dr. Abdullah pulled out of the race, citing concerns about corruption, and the IEC declared President Karzai the winner on 2 November. The Prime Minister congratulated Karzai on his reappointment, and discussed with him the importance of moving quickly to set out a programme for the future of Afghanistan.

"Millions of brave Afghans defied intimidation to vote and it was significant that the audit process conducted by the IEC and ECC was robust and transparent, and overseen by international and Afghan election observers (who had, for example, access to the national counting centre)." **[4f]**

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

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

(See also Section 25: Women)

Parliamentary elections – 18 September 2010

3.24 The *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report* , published March 2011, stated:

"The first Afghan-run parliamentary e*l*ections since the 1960s were held on 18 September [2010]. More than 2,500 candidates stood for election across 34 provinces. While by no means free of irregularities or fraud, there is general consensus that they represented a significant improvement on the 2009 presidential elections. Following polling day, cases of malpractice were investigated and the new anti-fraud mechanisms implemented by the Independent Election Commission and the Electoral Complaints Commission resulted in the disqualification of 1.3 million fraudulent ballots." **[4b] (p120-121)**

3.25 The Human Rights Watch (HRW) *World Report 2011: Afghanistan*, covering events of 2010, published 24 January 2011, reported on the violent events that occurred during the polling period:

"More than 30 were killed on polling day. The Taliban claimed responsibility for killing three candidates during the campaign period: Sayedullah Sayed, killed by a bomb while speaking in a mosque; Ghazni candidate Najibullah Gulisanti, abducted and, after failed demands for prisoner release, killed; and Haji Abdul Manan Noorzai, shot dead while walking to a mosque in Herat. In August five campaign workers supporting Fauwzia Gilani in Herat were abducted and killed. Women campaigners throughout the country told election observers of threats and intimidation.

"There were serious attacks on election officials; in September, 28 election staff in Baghlan were kidnapped and two were killed in Balkh. Election monitors were also threatened and abducted during the campaign period." **[7a]**

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

Return to contents
Go to sources

4. RECENT DEVELOPMENTS: - MAY TO OCTOBER 2011

4.01 Burhanuddin Rabbani, the former Afghan President, was killed in a suicide attack on 20 September 2011. Al Jazeera reported that:

"A Taliban suicide bomber on Tuesday killed Rabbani, head of a council that was trying to negotiate a political end to the war, in what analysts called a blow to peace efforts. Taliban spokesman Zabihullah Mujahid claimed responsibility, saying the killer had gone to Rabbani's home for talks. 'As soon as Rabbani came three steps forward to hug Mohammad Masoom, he triggered his explosive-filled jacket killing Rabbani, (another) Taliban militant Wahid Yar and four security guards present at the house,' he told Reuters. The Kabul police chief's office, in a statement, said the explosives had been hidden in the suicide bomber's turban. Mujahid said the Taliban's central leadership had appointed two 'articulate and well-trained' fighters -- Masoom and Yar -- to build contacts with Rabbani. He also told Reuters that Yar, a former minister when the Taliban were in power in Kabul, had visited Rabbani's home many times. 'Both of them were frequently meeting him at his Kabul home and secured trust of Rabbani and his guards. They were telling Rabbani that they would soon bring senior Taliban leadership to the negotiating table with him,' Mujahid said by phone from an undisclosed location." **[49c]**

4.02 On 31 August 2011 *Khaama Press*, an Afghan online newspaper & magazine reported that locals from a village in Herat province stoned a militant to death after he took the life of a local resident. The article stated:

"According to local authorities in western Afghanistan, another insurgent militant was stoned to death by local residents of a village in western Herat province. The officials futher added, the incident took place in Shindand district of Herat province after a Taliban militant assassinated a local resident of Zeri-Koh village in Shindand district. Provincial police spokesman, Noor Khan Naikzad said, Mullah Jabar, the Taliban member was arrested and stoned to death by the local residents. Mr. Naikzad also said, Mullah Jabar was an active member of the Taliban militants group who was involved in majority of terrorist acitivities in the area." **[100a]**

4.03 In a similar incident, village residents took revenge by killing a Taliban commander after he had killed a local resident, according to a *New York Times* news report on 22 August 2011. The article stated:

"Angry villagers stoned to death a local Taliban commander and his bodyguard in southern Afghanistan Sunday (21 August) after the militants killed a 60-year-old man accused of aiding the government, Afghan officials said. It was a rare reversal of brutality aimed at the Taliban and, some Afghan officials believe, suggests a growing sense of security in an area where the insurgency has lost ground to NATO [North Atlantic Treaty Organisation] forces in the last two years. The stoning happened in the Nawa District of Helmand Province, a verdant agricultural area along the Helmand River Valley, now considered one of the safest places in the volatile south as a result of a heavy influx of American troops and aid dollars. 'People won't tolerate the Taliban's barbaric actions anymore,' said Dawoud Ahmadi, a spokesman for the governor of Helmand Province. 'They will stand against them whenever they are harmed.'" **[42f]**

4.04 An article by Radio Free Europe/Radio Liberty (RFE/RL) on 23 August 2011, noted "On 23 August [2011] around 700 Afghans marched through Kabul protesting against a decision by the country's election commission to throw nine lawmakers out of parliament in a dispute over vote fraud. The decision on 21 August by the Independent Election Commission (IEC) to dismiss nine lawmakers after the September 2010 parliamentary election, saying a 'long institutional impasse' had come to an end." **[50c]**

(See also Section 20: Corruption)

4.05 The *New York Times* (NYT) list of latest developments in Afghanistan, updated 13 September 2011, accessed on 16 September 2011, stated:

"President Obama declared that the United States had largely achieved its goals in Afghanistan in June 2011, setting in motion an aggressive timetable for the withdrawal of American troops by 2014. Many in Kabul welcomed the announcement, including President Hamid Karzai. In southern Afghanistan the mood was far more sober: local officials and tribal elders questioned the ability of Afghan troops to defend them and said the Taliban are far from defeated.

"The beleaguered election commission declared after months of intense political pressure that it would change the results of 2010's parliamentary elections. Controversy has paralyzed the Afghan government since the election, provoking street demonstrations by losing candidates and counterdemonstrations by the declared

winners. The uncertainty prevented President Hamid Karzai from appointing a cabinet or nominating Supreme Court justices.

"Several recent statements by the Taliban seemed to signal that they may be interested in a negotiated settlement, yet they continued to wage a brutal war that has taken an ever higher toll on civilians and American forces. Aug. 6, 2011, was the deadliest day for American forces in the nearly decade-long war: insurgents shot down a Chinook transport helicopter, killing 30 Americans, including some Navy Seal commandos from the unit that killed Osama bin Laden, as well as 8 Afghans." **[42a]**

4.06 On 22 July 2011 militants kidnapped and hanged an eight year-old boy because his father, a police officer in the southern city of Gereshk, Helmand Province, refused to provide militants with a police vehicle which they had demanded, officials claimed. (CNN, 24 July 2011) **[82b]**

4.07 CNN reported that on 24 July 2011 "…formal ceremonies marking the handover of security to Afghan forces took place in Kabul and Panjshir province. They are the fifth and sixth areas to be transferred to national forces." **[82b]**

4.08 On 17 July the NATO [North Atlantic Treaty Organisation] handed over security control of the central Afghan province of Bamiyan to Afghan forces. This was the first of seven areas to be passed to local security forces under transition of power before foreign troops end combat operations in 2014; largely because it was considered one of the safest provinces in Afghanistan. This was followed a week later with the hand-over of Lashkr Gah city in Helmand Province. (BBC, 17 July 2011) **[29m]**

4.09 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 23 June 2011, stated:

"The process of transition towards Afghan security responsibility (Inteqal), as approved and formally initiated at the NATO [North Atlantic Treaty Organisation] Lisbon Summit in November 2010, moved forward with the 22 March [2011] announcement by President Karzai of the first areas identified for transition starting in July [2011]. The seven areas are the provinces of Kabul (except the Sarobi district), Panjshir and Bamiyan and the municipalities (and corresponding districts) of Herat (Herat Province), Mazar-e-Sharif (Balkh Province), Mehtar Lam (Laghman Province) and Lashkar Gah (Helmand Province).

"The NATO-led ISAF [International Security Assistance Force] has undertaken a two-stage planning process for transition in coordination with the Afghan Transition Coordination Commission led by Ashraf Ghani. The first step focuses on the conditions necessary for the beginning of the transition process in the identified areas, while the second step addresses the necessary actions towards completing the transition process and reaching full Afghan security responsibility. The planning process is intended to take into account key development and governance elements that may impact the security transition and support sustainable transfer of lead security responsibility." **[17a] (p9)**

4.10 Following the death of Osama Bin Laden in early May 2011, Ayman al-Zawahiri who was serving as second-in-command of al-Qaeda, was appointed head of the militant organisation. A BBC article in June 2011 reported that "The statement announcing his appointment was posted on a militant website and attributed to al-Qaeda's General

Command." Adding: "Al-Qaeda warned it would continue to fight a holy war against the US and Israel under Zawahiri's direction." **[28t]**

Return to contents
Go to sources

5. CONSTITUTION

The Constitution can be accessed via the UK Foreign and Commonwealth Office website. **[4a]**

5.01 The Foreign and Commonwealth Office (FCO) *Afghanistan Country Profile*, updated 8 June 2011, accessed on 21 September 2011, noted: "A new Afghan Constitution was agreed on 4 January 2004 during the Constitutional Loya Jirga, establishing a presidential system of government with all Afghans equal before the law. It enshrined human rights and gender equality within the Afghan political system, and guaranteed a number of seats for women in both Houses of the National Assembly (Parliament). There are also provisions for minority languages and the rights of the Shia minority." **[4a]**

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

"**Article Twenty-Two**

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

"**Article Twenty-Nine**

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

"**Article Thirty-Three**

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

"**Article Thirty-Four**

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

"**Article Thirty-Nine**

Every Afghan shall have the right to travel and settle in any part of the country, except in areas forbidden by law. Every Afghan shall have the right to travel outside Afghanistan

and return, according to the provisions of the law. The state shall protect the rights of the citizens of Afghanistan outside the country…

"**Article Forty-Four**

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

"**Article Fifty-Two**

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

"**Article Fifty-Eight**

To monitor respect for human rights in Afghanistan as well as to foster and protect it, the state shall establish the Independent Human Rights Commission of Afghanistan. Every individual shall complain to this Commission about the violation of personal human rights. The Commission shall refer human rights violations of individuals to legal authorities and assist them in defense of their rights. Organization and method of operation of the Commission shall be regulated by law." **[4a]**

5.03 The Afghanistan Research and Evaluation Unit (AREU) report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, focused on research carried out in six provinces of Samangan, Jawzjan, Sar-i-Pul, Day Kundi, Laghman and Wardak. The report noted:

"Applying the 2004 constitution to local government is taking time. Although provincial councils were elected in 2005, local government was given little attention in the years following the establishment of the first Karzai administration. In 2007, powers related to local government were transferred from the Ministry of Interior to the newly-created IDLG [Independent Directorate for Local Government], which reports directly to the president's office. IDLG's head was given ministerial status with a seat in the Cabinet, and the body has since come to provide an important focus for improving the function of local government - helped on by significant external funding. The Policy Paper on Subnational Governance received presidential approval in March 2010 and was accompanied by legislation on the formation of provincial, district, village and municipal councils (yet to be enacted at the time of writing)." **[13a] (p13)**

Return to contents
Go to sources

6. POLITICAL SYSTEM

OVERVIEW

6.01 The Central Intelligence Agency (CIA) World Factbook, updated 23 August 2011, accessed on 28 September 2011, noted that Afghanistan is an Islamic republic; the Government consists of both executive and legislative branches. **[3a] (Government)**

6.02 The Economist Intelligence Unit (EIU) 2008 Country Profile of Afghanistan noted that:

"Following the collapse of the extremist Islamic regime of the Taliban in 2001, Afghanistan's constitution was amended to re-establish the country as an Islamic republic with democratic elections for the National Assembly (parliament) and the presidency… Afghanistan is a democratic state, with a directly elected president and a bicameral National Assembly (parliament), the lower chamber of which, the Wolesi Jirga, is directly elected… Hamid Karzai was inaugurated for a second term as president in November 2009 after a disputed election held in August 2009." **[84b] (p4-5)**

(See also Section 3: History - Presidential and Provincial Council elections – 20 August 2009 and Parliamentary elections - 18 September 2010)

THE EXECUTIVE BRANCH

6.03 The Central Intelligence Agency (CIA) World Factbook, updated 23 August 2011, accessed on 28 September 2011, noted that Hamid Karzai has held the position of President since December 2004 and as President, holds the position of head of government. Mohammad Fahim Khan is First Vice President, and has held the position since 19 November 2009. The cabinet is made up of 25 ministers who, under the new constitution, are appointed by the President and approved by the National Assembly. **[3a] (Government)**

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

(See also Section 3: History - Presidential & Provincial Council elections - 20 August 2009)

THE LEGISLATIVE BRANCH

6.05 The Central Intelligence Agency (CIA) World Factbook, updated 23 August 2011, accessed on 28 September 2011, stated that:

"[T]he bicameral National Assembly consists of the Meshrano Jirga or House of Elders (102 seats, one-third of members elected from provincial councils for four-year terms, one-third elected from local district councils for three-year terms, and one-third nominated by the president for five-year terms) and the Wolesi Jirga or House of People (no more than 250 seats); members directly elected for five-year terms.

"note: on rare occasions the government may convene a Loya Jirga (Grand Council) on issues of independence, national sovereignty, and territorial integrity; it can amend the

provisions of the constitution and prosecute the president; it is made up of members of the National Assembly and chairpersons of the provincial and district councils.

"elections: last held on 18 September 2010 (next election expected in 2015)" **[3a] (Government)**

6.06 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 23 June 2011, stated "Political contestation within the newly elected Lower House of the National Assembly (Wolesi Jirga) continued almost four months after its inauguration. Activity by a controversial Special Court created in December [2010] to look into electoral issues has included an ad hoc recount of ballots. The recount was completed on 27 April [2011]..." **[17a] (Political developments)**

6.07 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 21 September 2011, stated:

"On 23 June, a Special Court created by the Supreme Court ordered 62 changes to the composition of the 249-member Wolesi Jirga (Lower House of the National Assembly) after conducting an ad hoc recount. On 3 August [2011], a decision by the Court of Appeals was reported as confirming the Special Court's findings and directing the issue to the attention of the President. On 10 August [2011], President Hamid Karzai issued a decree instructing the Independent Electoral Commission to finalize the matter without delay. The Commission re-examined the 62 cases highlighted by the Special Court and, on 21 August [2011], announced nine changes to the membership of the Wolesi Jirga. On 3 September [2011], eight of the nine individuals were sworn in amid tight security; the ninth candidate was sworn in on 10 September, upon returning to Kabul." **[17k] (p3)**

6.08 The UN General Assembly Security Council report, 21 September 2011 added:

"The dispute over the electoral results and over who was the final arbiter was both a source and symptom of ongoing tensions between the different branches of Government. The Wolesi Jirga, which sat through its summer recess in a show of unity against the Special Court, insisted that the election results were final and that the Independent Electoral Commission had the sole authority on the matter. On 10 August [2011], it passed a resolution repeating its demand for the removal of the Attorney General and the six Supreme Court justices who had created the Special Court. The Supreme Court, on the other hand, continued to assert judicial pre-eminence and, on 16 August [2011], demanded that all 62 changes be implemented by the Commission, reiterating that until that was done it would consider the Wolesi Jirga illegitimate. Throughout the period, the candidates who were backed by the Special Court continued to demand, at a series of demonstrations in Kabul, that all 62 changes be implemented, while a coalition composed largely of opposition Members of the National Assembly and their supporters rejected every single change and held a sit-in for several weeks on the grounds of the National Assembly to voice their dissatisfaction. Since the Commission's announcement, the Wolesi Jirga has been divided, with the above-mentioned coalition continuing to reject the new Members of the National Assembly and refusing to attend sessions as long as their nine former colleagues are excluded. Meanwhile, a new group backs the decision of the Commission, arguing that it is an opportunity to end the impasse." **[17k] (p3)**

(See also Section 4: Recent developments: - May to October 2011)

PROVINCIAL COUNCILS

6.09 There are 34 Provincial Councils in Afghanistan. (CIA World Factbook, updated 23 August 2011, accessed on 28 September 2011) **[3a] (Government)**

6.10 When reporting on the August 2009 Provincial Council elections, the Independent Election Committee (IEC) Factsheet on Provincial Councils, accessed on 31 August 2011, stated that:

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

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

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

6.11 The Afghanistan Research and Evaluation Unit (AREU) report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, focused on research carried out in six provinces of Samangan, Jawzjan, Sar-i-Pul, Day Kundi, Laghman and Wardak. The report noted:

"The role of the provincial council is outlined in the Subnational Governance Policy Document and the 2010 Draft Local Government Law. The number of its members varies according to the population of the province population, ranging from seven members for populations of 500,000 or less to 31 members for provinces of three million or more. Councillors receive a $300 monthly salary ($340 for council heads). In the study provinces, the provincial councils elected in 2009 each had nine members, three of which were women. The duties of a provincial council as outlined in the 2010 Draft Law are to regularly consult with citizens, monitor service delivery and hold the provincial administration to account. In addition, they are charged with ensuring that women and young people have access to the council, listening to complaints and resolving certain civil disputes. These activities serve to meet the objectives of local government, which are described as promoting Islamic values, maintaining order, protecting human rights, contributing to development processes, reducing poverty and disaster management. The Draft Law provides a useful clarification of the Policy Document, which is somewhat sweeping in its demands on the provincial council." **[13a] (p42)**

6.12 The AREU report of June 2011, noted:

"The key actor in a province is its *wali* (provincial governor), who acts as a representative of the president and has substantial powers in overseeing development, coordination and security. Walis supervise *woluswals* (district governors) and, where they are present, ASOP's [Afghanistan Social Outreach Program] District Community

Councils. Their signature is required on any document of significance. Their position has a political and diplomatic function in promoting the government and gaining the trust of the public. *Walis* also have a role in making recommendations for higher-level appointments and selecting lower grade staff within the province. Other than this, the provincial administration has little independent decision-making power…

"A provincial government administration is composed of directorates covering administrative, financial and sectoral services along with audit responsibilities. Members of the provincial administration are increasingly being appointed through Priority Reform and Restructuring… The *wali* has authority to hire lower level administrative staff (grades six to eight). Appointments in grades three to five are made by the provincial Civil Service Board and sent to the IDLG [Independent Directorate for Local Government]. Grades one and two, such as the *walis* and *woluswals*, are political appointments made by the Senior Supervisory Board and approved by the President." **[13a] (p15-16)**

6.13 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 23 June 2011, stated:

"In the field, UNAMA [United Nations Assistance Mission in Afghanistan] continues to work closely with provincial development councils and sector working groups led by line ministries to strengthen the coordination of provincial development planning and aligned support from provincial reconstruction teams and donors. As part of its effort towards greater coherence, UNAMA has facilitated an ongoing dialogue on transition among United Nations agencies, funds and programmes in Afghanistan in order to identify linkages between existing activities and the Government's priorities. This includes looking at ongoing United Nations activities in the first group of regional areas identified for transition in order to better support a sustainable transition process, particularly the capacity of provincial authorities to assess development needs, identify key gaps in funding and coordinate line departments and donors present in the provinces." **[17a] (p9)**

Return to contents
Go to sources

DISTRICT GOVERNMENT

6.14 The Afghanistan Research and Evaluation Unit (AREU) report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, noted:

"The *woluswal* [district governor] is responsible for coordinating and monitoring district line ministries' efforts to provide service delivery, justice and security. District offices have no budget and work as branches of the provincial administration, which pays salaries, transport and incidentals. The *woluswal* is the government's point of interaction with the public - either formally or via more casual social exchanges - and passes requests and concerns to higher authorities including the wali's office. *Woluswals* chair weekly coordination meetings between line ministries and other development actors present in the district, as well as weekly security meetings with the Afghan National Police (ANP), National Directorate for Security (NDS), Afghan National Army (ANA) and International Security Assistance Force (ISAF), if present. Meetings with the *wali* take place on a monthly basis. It was observed that communication between the two officials has improved with the introduction of a District Affairs Officer in the *wali's* office." **[13a] (p17)**

POLITICAL PARTIES

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

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

6.16 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011, (USSD Report 2010), noted that: "The law on political parties obliges parties to register with the MOJ [Ministry of Justice] and requires them to pursue objectives consistent with Islam. Political parties based on ethnicity, language, Islamic school of thought, and religion are not allowed. Antigovernment violence affected the ability of provincial council candidates and political parties to conduct activities in many areas of the country." **[2a] (Section 2b)**

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

(See also Section 17: Political Affiliation for information on political rights in practice, and Annex B for more information on political parties and organisations, and a list of political parties approved by the Afghanistan Ministry of Justice)

Return to contents
Go to sources

Human Rights

7. INTRODUCTION

7.01 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 21 September 2011, stated:

"Concerns about the protection of civilians increased with the rise in civilian deaths and injuries. In its mid-year report on the protection of civilians for the first six months of 2011, UNAMA [United Nations Assistance Mission in Afghanistan] documented 1,462 civilian deaths, an increase of 15 per cent over the same period in 2010, with anti-Government elements responsible for 80 per cent of the deaths, an increase of 28 per cent compared with the same period in 2010. Pro-Government forces were responsible for 14 per cent of civilian deaths, a decrease of 9 per cent over the same period in 2010. In 6 per cent of cases, the civilian deaths could not be attributed to either party to the conflict." **[17k] (p5)**

(See also Section 8: Security situation)

7.02 The International Crisis Group (ICG) report, *Aid and Conflict in Afghanistan*, dated 4 August 2011, stated:

"After a decade of major security, development and humanitarian assistance, the international community has failed to achieve a politically stable and economically viable Afghanistan. Despite billions of dollars in aid, state institutions remain fragile and unable to provide good governance, deliver basic services to the majority of the population or guarantee human security. As the insurgency spreads to areas regarded as relatively safe till now, and policymakers in Washington and other Western capitals seek a way out of an unpopular war, the international community still lacks a coherent policy to strengthen the state ahead of the withdrawal of most foreign forces by December 2014." **[8f] (Executive Summary and Recommendations)**

7.03 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011, (USSD Report 2010), stated in its introductory section that the country's human rights record remained poor. Human rights problems included:

- extrajudicial killings
- torture
- poor prison conditions
- official impunity
- prolonged pretrial detention
- restrictions on freedom of the press
- restrictions on freedoms of religion
- violence and social discrimination against women
- restriction on religious conversions
- abuses against minorities
- sexual abuse of children
- trafficking in persons
- abuse of worker rights

- the use of child soldiers in armed conflict
- child labor. **[2a] (Introduction)**

7.04 The Human Rights Watch (HRW) *World Report 2011: Afghanistan*, covering events of 2010, published 24 January 2011, stated:

"Safeguards against the potential human rights implications of reconciliation and reintegration have been poorly articulated by most key international actors involved, including the US, United Kingdom, and UN. While most have stressed the need to protect women's rights, notably US Secretary of State Hillary Clinton, the constitution is cited as sufficient protection, without explicit guarantees that women's right to work and freedom of movement and education will be protected in a negotiated settlement.

"While the main international actors now acknowledge that impunity has fuelled the insurgency, they have not effectively addressed systemic concerns, including the entrenched power of strongmen and former warlords, misuse of presidential powers, police corruption, and judicial weakness. This was exacerbated by continued international support for powerbrokers with past and present records of human rights abuses. The US military has introduced guidelines and a system of oversight for contracting to try to reduce perceptions it is fuelling corruption, though this has not yet led to a break with notorious powerbrokers providing logistical and security services.

"The US and NATO [North Atlantic Treaty Organisation] continued to operate in Afghanistan without an adequate legal framework, such as a status-of-forces agreement. It is rare for the US and NATO to hold independent and transparent investigations into possible acts of wrongdoing, or to hold individuals to account. This is particularly true of special operations forces, and the opaque irregular Afghan forces working with both special operaions forces and the CIA." **[7a]**

7.05 The USSD Report 2010 also noted:

"According to Physicians for Human Rights, there were several known mass grave sites in the country, most notably outside the town of Shebergan in Jowzjan Province. On March 22 [2010], the media widely reported that a mass grave containing nearly 1,000 bodies was discovered in Jalalabad, Nangarhar Province. The Afghanistan Independent Human Rights Commission (AIHRC) reported that tampering with mass grave sites hampered independent investigations of the Jowzjan Province mass grave site, which allegedly contained the remains of 2,000 Taliban fighters killed during conflict in 2001. There were no new developments regarding the September 2009 discovery of a mass grave in Kunduz Province or in Bamyan in October 2009." **[2a] (Section 1a)**

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

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

"The human rights situation in Afghanistan remains bleak. The deteriorating security situation has continued to severely hamper the enjoyment of human rights throughout the country, particularly by vulnerable people such as women, children, persons with disabilities and internally displaced persons. Despite existing commitments, strategies, and policies developed to improve the human rights situation, many men, women and

children continue to suffer from extreme poverty, high unemployment, systemic discrimination and a lack of access to healthcare, schools and adequate housing. Implementation and enforcement of legislation to protect human rights also remains limited due to weak judicial institutions. The low level of public awareness about human rights has also prevented citizens from realising and accessing their rights and misperceptions about human rights have been used to justify human rights violations such as forced and child marriage and to deny women's rights to education, work and political participation." **[14a] (p5)**

Return to contents
Go to sources

8. SECURITY SITUATION

OVERVIEW

Owing to the continued deterioration of the security situation, the gathering of representative base-line data, particularly outside of urban areas and in the south and south-east, is extremely difficult, and thus sources are few. This section should be read in conjunction with Section 7: Human Rights, Section 10: Security Forces, Section 12 Abuses by non-government armed forces and Annex B: Political organisations and other groups.

8.01 The Congressional Research Service (CRS) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 22 September 2011, accessed on 6 October 2011, stated:

"As noted in Defense Department reports, the most recent of which was released on May 3, 2011, security is being challenged by a confluence of related armed groups whose tactics continue to evolve based on experiences from previous fighting. Of these groups, Al Qaeda has been among the least materially significant to the fighting in Afghanistan, but may pose the greatest regional threat and transnational threat to the United States and its allies. There has not been agreement about the relative strength of insurgents in all of the areas where they operate, or their degree of cooperation with each other. Press reports in December 2010, quoting U.S. military officers in Afghanistan, said there has been increasing operational cooperation among the various insurgent groups. U.S. assessments are that there up to 25,000 total insurgents operating in Afghanistan, up from a few thousand in 2003." **[22a] (p16)**

8.02 The CRS Report of 22 September 2011 added:

"The pace and scope of the transition to Afghan security leadership was intended to depend on assessments of how well U.S. policy is working. Prior to the surge, the Karzai government was estimated by [sic] to control about 30% of the country, while insurgents controlled 4% (13 out of 364 districts). Insurgents 'influenced' or 'operated in' another 30% (Afghan Interior Ministry estimates in August 2009). Tribes and local groups with varying degrees of loyalty to the central government control the remainder. Some outside groups report higher percentages of insurgent control or influence. The Taliban had named 'shadow governors' in 33 out of 34 of Afghanistan's provinces, although many provinces in northern Afghanistan were assessed as having minimal Taliban presence.

"General Petraeus stated in his March 15 and 16, 2011, testimony before the two armed services committees of Congress that U.S. strategy is showing results, particularly in the provinces of focus (Helmand, Qandahar) although such gains are 'fragile and reversible.' That same assessment was reflected in a White House report to Congress submitted in March 2011 and covering July 2010-March 2011,34 and in the DOD [Department of Defence] '1230 Report' of April 2011, covering the six months prior to April 1, 2011. In his June 22, 2011, speech, President Obama stated that the United States had achieved its core objectives, articulated in the December 2009 speech, of pressuring Al Qaeda, reversing Taliban momentum, and building capable Afghan security forces. Some specifics include:

- "Opening of a contiguous secure corridor for commerce between Helmand and Qandahar, and markets, and other signs of normal life proliferating in Helmand and Qandahar. Less progress has been achieved in RC-East, where a relatively small proportion of the U.S. surge forces were deployed. However, as noted above, U.S. and partner forces are increasing defenses along the border with Pakistan to prevent the movement of Haqqani and other militants into Afghanistan.

- "U.S. commanders receiving overtures from local insurgent leaders who have lost morale and seek to discuss possible terms for their reintegration. Commanders also say they have obtained internal insurgent communications indicating low morale and reluctance to obey orders on the part of insurgent fighters.

- "The Afghan forces are becoming increasingly large, adding 70,000 personnel since mid-2009, and are increasingly in the lead on operations." **[22a] (p25-26)**

Return to contents
Go to sources

8.03 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 21 September 2011, stated:

"There were fewer security incidents in July [2011] (2,605) and August [2011] (2,306) than in June [2011] (2,626). As at the end of August, the average monthly number of incidents for 2011 was 2,108, up 39 per cent compared with the same period in 2010. Armed clashes and improvised explosive devices continued to constitute the majority of incidents. The south and south-east of the country, particularly around the city of Kandahar, continued to be the focus of military activity and accounted for approximately two thirds of total security incidents." **[17k] (p1)**

8.04 The UN General Assembly Security Council report, 21 September 2011 noted there had been an increase in civilian deaths:

"From June [2011] to August [2011], UNAMA [United Nations Assistance Mission in Afghanistan] documented 971 civilian deaths and 1,411 injuries, an increase of 5 per cent in civilian casualties compared with the same period in 2010. Anti-Government elements were linked to 1,841 civilian casualties (77 per cent) and pro-Government forces to 282 (12 per cent). The remaining casualties could not be attributed to either party to the conflict. The increase can be attributed, in the context of overall intensified fighting, mainly to the use by anti-Government elements of landmine-like pressure-plate improvised explosive devices and suicide attacks, in violation of international

humanitarian law. Improvised explosive devices and suicide attacks accounted for 45 per cent of civilian casualties, an increase of 177 per cent compared with the same period in 2010. In a disturbing development, anti-Government elements attacked two hospitals and several mosques, places protected under international law. On 25 June [2011], a suicide attack against a hospital in Logar Province killed 25 civilians, including 13 children, and injured 25 others. Targeted killings of high-profile Government officials and individuals associated or perceived to be associated with the Government and/or ISAF [International Security Assistance Force] occurred throughout the country.

"Air strikes remained the leading cause of civilian deaths by pro-Government forces, killing 38 civilians in July [2011], the highest number recorded in any month since February 2010. The number of civilian deaths from ground combat and armed clashes increased by 84 per cent compared with the same period in 2010. During the quarter, UNAMA documented 38 civilian deaths (7 per cent of all deaths) due to military search operations, a 15 per cent increase over the same reporting period in 2010. Civilian casualties from air strikes and night raids continued to generate anger and resentment among Afghan communities towards international military forces." **[17k] (p6)**

8.05 The UN General Assembly Security Council report, 21 September 2011 added:

"There were 9 suicide attacks in July [2011], the third successive monthly decrease from a peak of 17 in April [2011]. There were 11 suicide attacks in August [2011]. As at the end of August, the average monthly number of suicide attacks for 2011 was 12, a level that was unchanged compared with the same period in 2010. Complex suicide attacks made up a greater proportion of the total number of suicide attacks. On average, three such attacks have been carried out per month in 2011, a 50 per cent increase compared with the same period in 2010. Insurgents continued to launch complex suicide attacks in urban centres, including the attacks on the Intercontinental Hotel in Kabul on 28 June [2011], on the British Council in Kabul on 19 August [2011], in the vicinity of the United States Embassy in Kabul on 13 September [2011] and on provincial centres, such as the one on Tirin Kot, Uruzgan Province, on 28 July [2011]. The focus of suicide attacks was no longer southern Afghanistan, the central region currently accounting for 21 per cent of such attacks." **[17k] (p2)**

8.06 The UN General Assembly Security Council report, 21 September 2011 further noted:

"As in the previous reporting period, insurgents continued to conduct a campaign of intimidation, including through the targeted assassination of highranking Government officials, members of the security forces and influential local political and religious leaders. There were 54 incidents in July [2011] and 72 in August [2011], killing 89 and 93 individuals, respectively. The following four high-level persons from southern Afghanistan were killed in July [2011]: Ahmad Wali Karzai, Head of Kandahar Provincial Council; Hikmatullah Hikmat, Head of Kandahar Ulema Shura; Jan Muhammad Khan, Senior Adviser to the President; and Ghulam Haydar Hamidi, Mayor of Kandahar. News of the assassinations reverberated across the country, raising concerns for the political stability of the south, given the influence exerted by those killed and their ties to the Government in Kabul." **[17k] (p2)**

Return to contents
Go to sources

8.07 *The Cost of Kill/Capture: Impact of the Night Raid Surge on Afghan Civilians*, 19 September 2011, a report by the Open Society Foundations, stated:

"Nighttime kill and capture operations ('night raids') by international military have been one of the most controversial tactics in Afghanistan. They are as valued by the international military as they are reviled by Afghan communities. Night raids have been associated with the death, injury, and detention of civilians, and have sparked enormous backlash among Afghan communities. The Afghan government and the Afghan public have repeatedly called for an end to night raids. International military say they have addressed many of the past concerns with night raids, including improved intelligence and conduct. They argue that night raids are a way to reduce civilian casualties and are an essential part of their military strategy." **[78a] (p17)**

8.08 The Open Society Foundations report added:

"Independent monitors, detainees, and witnesses of raids have reported fewer instances of death and/or abuse resulting from night raids in 2010 and the first half of 2011. In 2009 the UN reported that 98 civilians were killed in search and seizure operations (mostly night raids), which they stated dropped by 18 percent in 2010. Considering the dramatic increase in search and seizure operations, this is significant. However, the UN has also stated that it may be underreporting civilian casualties caused by night raids because of the difficulty in accessing areas where they take place. ISAF [International Security Assistance Force] says that civilian casualties occurred in less than 1 percent of night raids in 2010, and has persistently noted that no shots are fired in 80 percent of raids (although no public statistics have been released to support these findings, despite repeated requests)." **[78a] (p17)**

8.09 Despite the decrease in the number of deaths reported from night raids there was a significant increase of night operations. The Open Society Foundations report stated:

"The number of night raids has skyrocketed: publicly available statistics suggest a five-fold increase between February 2009 and December 2010. International military conducted, on average, 19 night raids per night - a total of 1700 night raids - in the three-month period from roughly December 2010 to February 2011, according to the NATO-led International Security Assistance Force (ISAF). ISAF has not released more up-to-date figures; however, interviews conducted for this report suggest a continuing trend of large numbers of night raids, possibly at even higher rates. In April 2011, a senior U.S. military advisor told the Open Society Foundations that as many as 40 raids might take place on a given night across Afghanistan." **[78a] (p2)**

(See also Section 10: Security forces – Avenues of complaint)

8.10 According to U.S. commander General David Petraeus, speaking on a visit to Kabul in July 2011, insurgent attacks against foreign and Afghan forces in Afghanistan have decreased this summer compared to the same time last year. He said attacks were down by 'a few percent' but the number of homemade bomb explosions had risen. (RFE/RL, 10 July 2011) **[50a]**

Return to contents
Go to sources

8.11 The United Nations Assistance Mission in Afghanistan (UNAMA) *Afghanistan Midyear Report 2011 protection of Civilians in Armed Conflict*, July 2011, covering the period 1 January to 30 June 2011, stated:

"In the first six months of 2011, the armed conflict in Afghanistan brought increasingly grim impacts and a bleak outlook for Afghan civilians. As the conflict intensified in the traditional fighting areas of the south and southeast and moved to districts in the west and north, civilians experienced a downward spiral in protection. At the same time, non-State armed groups or Anti-Government Elements (AGEs) altered their tactics with deadly results. Increasingly, AGEs undertook unlawful means of warfare including increased use of improvised explosive devices (IEDs) – particularly victim-activated pressure plate IEDs which act like anti-personnel landmines and are indiscriminate, as they are detonated by any person stepping on or any vehicle driving over them – targeted killings of high profile civilians, and attacks on protected places such as hospitals. These tactics violated Afghans' basic right to life and contravened the international humanitarian law principles of distinction, proportionality and precaution which all parties to the armed conflict – Anti-Government Elements, and Afghan national security and international military forces –are bound to uphold to minimize civilian loss of life and injury." **[18d] (p1)**

8.12 The UNAMA report of July 2011 added:

"UNAMA documented 1,462 civilian deaths in the first six months of 2011, an increase of 15 percent over the same period in 2010. The main trends that led to rising civilian casualties in early 2011 were increased and widespread use of improvised explosive devices, more complex suicide attacks, an intensified campaign of targeted killings increased ground fighting, and a rise in civilian deaths from air strikes, particularly by Apache helicopters.

"In total, 80 percent of all civilian deaths in the first half of 2011 were attributed to Anti-Government Elements (up 28 percent from the same period in 2010), 14 percent were attributed to Pro-Government Forces (down nine percent from the same period in 2010) and six percent were unattributed.

"IEDs and suicide attacks, tactics used by Anti-Government Elements, accounted for nearly half (49 percent) of all civilian deaths and injuries. Civilian deaths from IEDs increased 17 percent from the same period in 2010, making IEDs the single largest killer of civilians in the first half of 2011. IEDs killed 444 civilians, comprising 30 percent of all civilian deaths in Afghanistan during this period (38 percent of all civilian deaths attributed to Anti-Government Elements)…

"Suicide attacks in the first six months of 2011 killed 276 civilians, causing 19 percent of all civilian deaths (24 percent of civilian deaths attributed to Anti-Government Elements). While the number of suicide attacks was similar to the same period in 2010, civilian deaths from suicide attacks increased by 52 percent, the largest increase of any tactic killing Afghan civilians. Suicide attacks in 2011 have become more complex, often using multiple bombers in spectacular attacks that kill many Afghan civilians." **[18d] (p1-2)**

8.13 In June 2011 however, Integrated Regional Information Networks (IRIN) reported that there had been a rise in civilian casualties in May this year. IRIN reported:

"More civilians were killed in Afghanistan in May [2011] than in any other month since 2007, raising fears of a further escalation during the summer with serious humanitarian implications, according to Georgette Gagnon, the human rights director of the UN Assistance Mission in Afghanistan (UNAMA). May [2011] saw 368 conflict-related civilian deaths and 593 civilian injuries, according to UNAMA.

"Gagnon said she was concerned there had been so many casualities at such an early stage in the summer. 'That is why we have been calling on all parties to protect civilians now because we are alarmed.'

"'We have also called on pro-government and international forces to ensure that night raids are carried out in a manner that protects Afghan civilians,' Gagnon told IRIN. 'We have urged them to stop using devices that hurt people indiscriminately.'" **[29a]**

8.14 The Human Rights Watch (HRW) *World Report 2011: Afghanistan*, covering events of 2010, published 24 January 2011, stated "While fighting escalated in 2010, peace talks between the government and the Taliban rose to the top of the political agenda. Civilian casualties reached record levels, with increased insurgent activity across the country. An additional 30,000 United States troops increased international forces to more than 150,000." **[7a]**

8.15 A CBS News article, dated 14 July 2011, reported on how Afghan civilians were killed as a result of being caught between the U.S. and NATO forces fighting the insurgents. The article noted:

"In a midyear report, the U.N. said 1,462 Afghan civilians lost their lives in the crossfire of the battle between Taliban insurgents and Afghan, U.S. and NATO forces. During the first half of last year, 1,271 Afghan civilians were killed. May [2011] was the deadliest month for Afghan civilians since the United Nations started tracking deaths in 2007, with 368 killed. The number of civilians injured rose too - by 7 percent. In the first six months of the year, 2,144 civilians were injured compared with 1,997 during the same time last year. 'They are caught in the middle - caught between two sides and have little places of refuge and little protection,' Georgette Gagnon, director of human rights at the United Nations Assistance Mission in Afghanistan, told reporters. She read an account from a resident of Marjah, a district in Helmand province, a dangerous region in the south that has seen a heavy share of the fighting. 'The Taliban come to any house they please by force,' the man told the U.N. He said Taliban fighters fire from civilian homes, then the U.S.-led coalition and Afghan security forces return fire. 'If I tell the Taliban not to enter, the Taliban will kill me. So what is the answer? ... The people cannot live like this.'" **[7a]**

8.16 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 23 June 2011, stated:

"During the reporting period, the number of security incidents was 51 per cent higher than in the same period in 2010. The majority of incidents involved armed clashes and improvised explosive devices. Suicide attacks have increased significantly since March 2011, with 17 suicide attacks in April, including five complex attacks, a higher number than any month in 2010. Abductions and assassinations of Afghan citizens also rose during the reporting period. The city of Kandahar and its surroundings registered the majority of the incidents during the reporting period, with a quarter of the overall attacks and more than half of all assassinations recorded countrywide." **[17a] (p2)**

Return to contents
Go to sources

8.17 The same source added:

"The Afghan National Security Forces and the International Security Assistance Force (ISAF) have intensified and diversified their operations, continuing to clear areas from

 The main text of this COI Report contains the most up to date publicly available information as at 24 September 2011. Further brief information on recent events and reports has been provided in the Latest News section to 11 October 2011.

the insurgency. At the same time, the insurgency remains resilient, demonstrating a capability to launch spectacular attacks, such as the multiple complex attack against Government buildings in Kandahar City on 7 May following the escape of 488 political prisoners from a nearby prison on 25 April.

"Insurgents continued to conduct asymmetric attacks against Afghan security officials, particularly high-profile police commanders. The Kandahar Provincial Chief of Police was killed at his headquarters on 15 April, while the Northern Zone Commander, General Mohammad Daud Daud, was killed in an attack on 28 May, which also injured the ISAF Commander for Regional Command-North. Attacks by infiltrators against military compounds and recruitment centres have increased in the north-east and east." **[17a] (p2)**

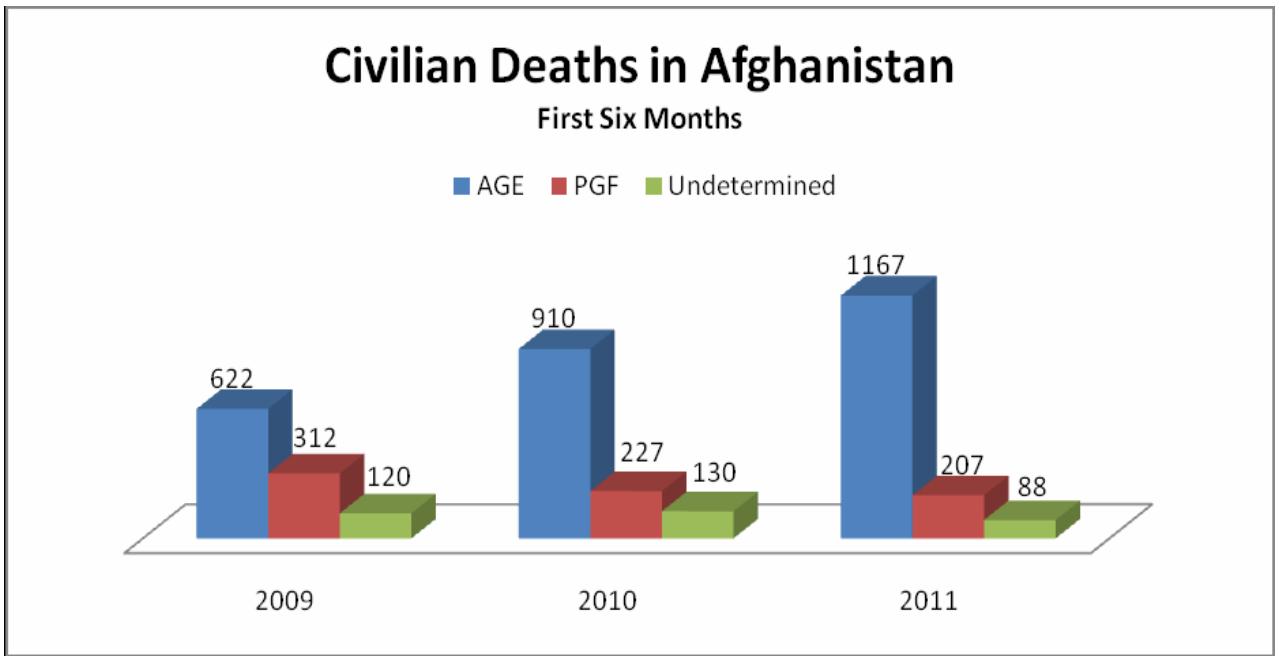
8.18 The US Department of State *Country Reports on Terrorism 2010 - Afghanistan*, 18 August 2011, noted: "Separate but intertwined and affiliated extremist organizations led by Mullah Omar (Taliban), Sirajuddin Haqqani (Haqqani Network), and Gulbuddin Hekmatyar (Hezb-e-Islami Gulbuddin) increased their use of improvised explosive devices (IEDs) and coordinated attacks [in 2010] using multiple suicide bombers, particularly in the eastern and southern portions of the country." **[87a] (Afghanistan)**

8.19 The United Nations *Report of the Secretary-General on children and armed conflict in Afghanistan*, covering the period from 1 September 2008 to 30 August 2010, published on 3 February 2011, stated:

"The Taliban and other armed groups such as the Haqqani network and Hezb-i-Islami, increasingly resorted to asymmetric tactics, and 'complex attacks', including the use of combined improvised explosive devices and suicide attacks, as well as rocket and mortar attacks, which continued to rise in number and intensity. Incidents were focused primarily in the south, south-east, east and central regions. Previously stable regions such as the west and north-east regions have also seen increased numbers of security incidents." **[17h] (p2-3)**

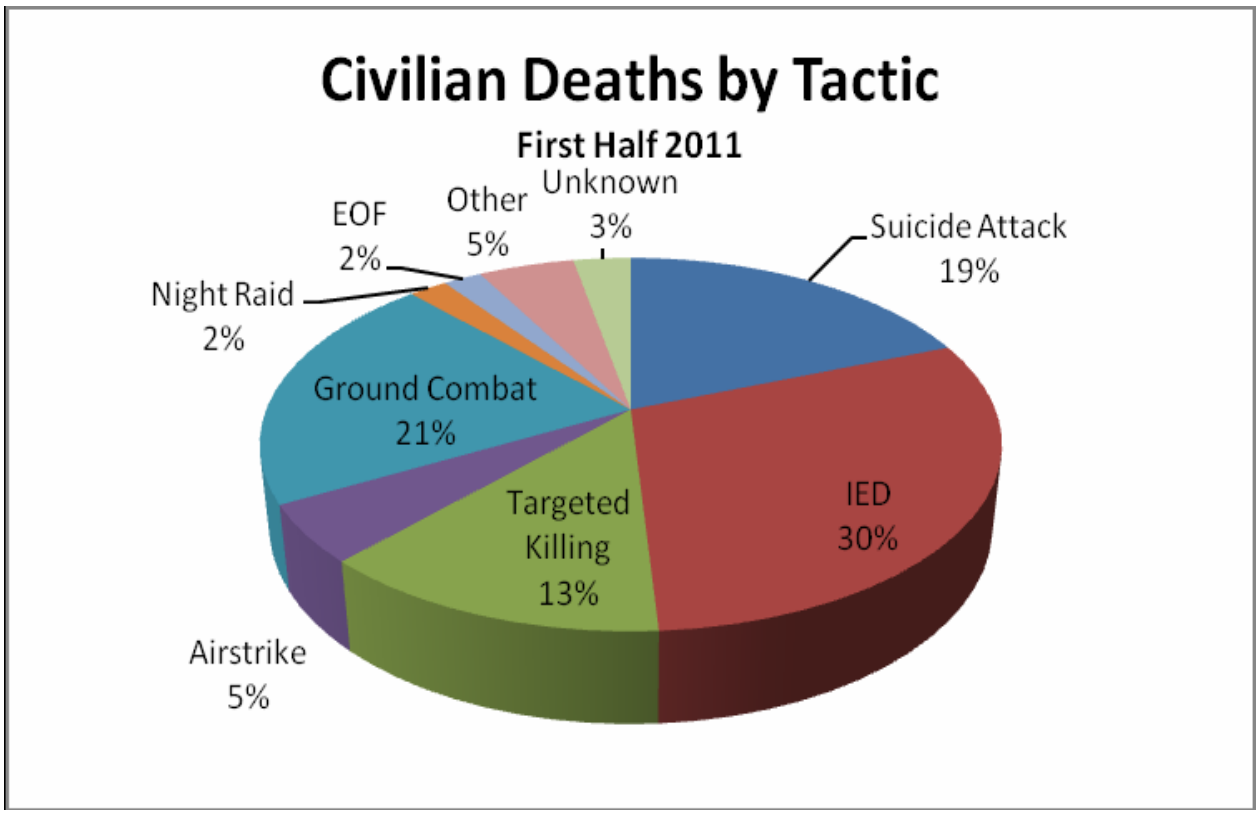
Return to contents
Go to sources

8.20 The following chart compares the numbers of civilians killed during the first six months of each year from 2009 to 2011:



(UNAMA, JULY 2011) **[18d] (p3)**

8.21 The following chart shows the comparison as to what method was accountable for civilian deaths:



(UNAMA, JULY 2011) **[18d] (p4)**

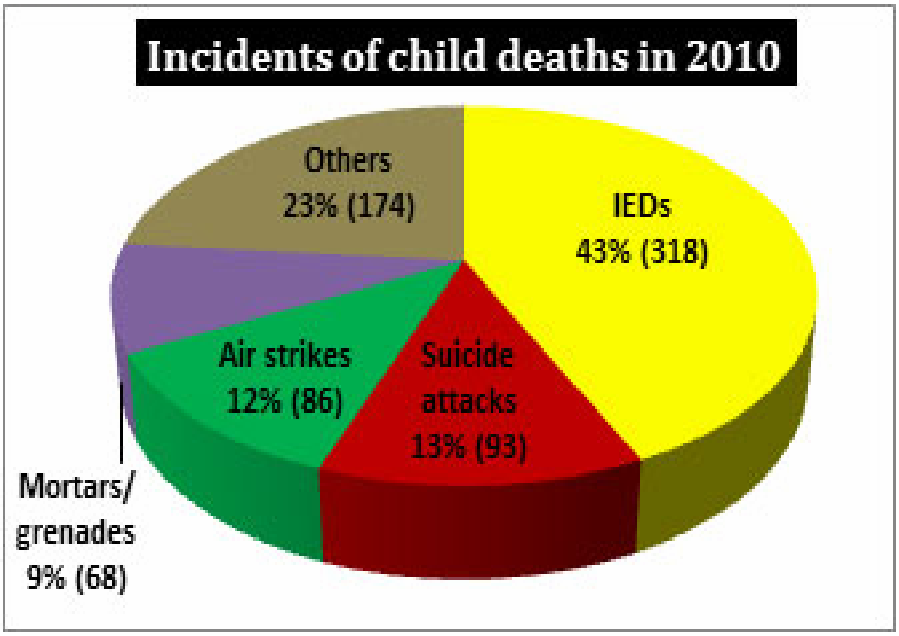
Return to contents
Go to sources

8.22 The HRW *World Report 2011: Afghanistan,* added:

"The Afghan government made greater efforts in 2010 to promote a negotiated settlement with the Taliban and Hezb-e Islami (Gulbuddin). In June [2010] a

Consultative Peace Jirga brought together around 1,500 Afghan elders, politicians, and civil society representatives in Kabul. The government offered limited reassurances it would seek to protect the rights of Afghan women and religious and ethnic minorities during the peace process. In October [2010] a newly appointed High Level Peace Council drew criticism from a wide range of Afghan civil society organizations and human rights defenders because it included numerous former warlords implicated in war crimes." **[7a]**

8.23 During 2010 about 739 children lost their lives in conflict-related security incidents in Afghanistan. The Afghanistan Rights Monitor (ARM) equated the deaths as a result of the following methods:



(ARM, 9 February 2011) **[103b]**

See also Section 26 Children – Violence aginst children for information about Afghan children involved in the conflict and child recruitment.

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

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

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

"Over the first quarter of 2010, the insurgents' strategy has proven effective in slowing the spread of governance and development; however, the insurgency has also been under unprecedented pressure. Reporting indicates increased and often strained efforts to resource the fight, which has led to tension and sporadic dips in morale. From the insurgents' perspective, this strain has been compounded by the recent high-profile arrests of several Pakistan-based insurgent leaders by Pakistani authorities and removal of many Afghanistan-based commanders, predominantly by international partner special operations forces (SOF). The arrests in Pakistan have increased insurgent leaders' concern over the security of their safe havens. Financial and logistical support has also proven problematic for combatants operating in areas where recent key leaders have been arrested. If suitable replacements for those captured leaders are not found quickly, combatants in those areas will be impacted. International partner SOF operations against insurgent commanders have also caused short-term disruption to insurgent activity, but their real value may be the longer-term effect on replacement commanders' commitment to the insurgency. This is a difficult metric to obtain data on..." **[60a] (p24)**

8.26 The same source report added:

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

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

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

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

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

inclusion in the National Security Forces. The Afghan Local Police will also be strictly defensive in nature and, finally, those units will be subordinate to the command and control of the Afghan National Security Forces." **[17f] (p5)**

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

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

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

Return to contents
Go to sources

SECURITY IN DIFFERENT REGIONS

To note: Due to the numerous amounts of security incidents that have occurred across Afghanistan, only a number of reported significant incidents are listed below. Readers are advised to refer to media sources for latest developments. A list of recommended sources, although not exhaustive, can be located in the Latest News Section.

8.30 The British Broadcasting Corporation (BBC) reported on the attack on the US embassy, NATO [North Atlantic Treaty Organisation] headquarters and police buildings in Kabul on 13 September 2011. Around 20 people were reported to have been killed including 11 civilians, among them children, at least four police and ten militants. **[28u]** Al Jazeera reported on 14 September 2011 that:

"The US has blamed the Taliban-affiliated Haqqani network for Tuesday's mutiple attacks… The Haqqani network, which is based in Pakistan and has close relations with the Taliban, are thought to have introduced suicide bombing to Afghanistan, and are believed to have been behind many high-profile attacks in Kabul. The marathon siege in Kabul's diplomatic enclave ended with the killing of two gunmen who had fought off Western and Afghan forces for 20 hours and showered rockets on embassies. The duo were the last survivors of a squad of about 10 fighters who launched the longest and most wide-ranging attack on the Afghan capital since the Taliban were ousted from power in 2001." **[28u]**

8.31 The Intercontinental, a popular hotel for many Westerners visiting the capital, came under attack in late June 2011 by anti-government insurgents. The attack killed nine militants, two police and 11 civilians. The BBC reported on 29 June 2011 that:

"A Taliban spokesman said the insurgent group had carried out the attack. However, interior and defence ministry officials told the BBC it bore the hallmarks of the Haqqani network, a group closely allied to the Taliban but which operates independently. President Hamid Karzai condemned the attack, saying that the insurgents enjoyed spilling innocent blood but that such incidents would not hinder the process of transition of responsibility for security from Nato-led to Afghan security forces. Smoke and flames could be seen coming from the hotel as the sun rose over Kabul. Afghan security officials said at least nine militants had stormed the building, and all had been killed." **[28v]**

8.32 Focusing on the border areas, a BBC article on 1 August 2011 stated:

"The top US military officer has said the border region between Afghanistan and Pakistan is still the world's most dangerous area, calling it the epicentre of terrorism. In a BBC interview Adm[iral] Mike Mullen again called on Pakistan to end 'safe havens' there. Adm Mullen has been visiting US bases in southern and eastern Afghanistan. Adm Mullen said his biggest worry, as he neared the end of his four-year tenure, was continued instability in Pakistan's tribal areas along the Afghan border. He said that despite the death of Osama Bin Laden, plenty of bin Laden acolytes were still plotting operations beyond the region. He has often raised this issue with senior Pakistani military leaders." **[28w]**

8.33 Reporting on the south, on 20 July 2011 four police officers, including a district police chief, were killed by militants, when a gun battle ensued between Afghan police and anti-government fighters in the southern city of Kandahar. The article stated "Sediq Seddiqi, a spokesman for the Afghan interior ministry, said Wednesday's clash was sparked by a police operation following a tip-off about the presence of two anti-government fighters - including an alleged senior Taliban commander - hiding in a house in the area. The commander and one other fighter were killed along with three Afghan police officers in the raid, Seddiqi said." **[67h]**

8.34 The International Crisis Group (ICG) report, *The Insurgency in Afghanistan's Heartland*, 27 June 2011, observed:

"The insurgency in Afghanistan has expanded far beyond its stronghold in the south east. Transcending its traditional Pashtun base, the Taliban is bolstering its influence in the central-eastern provinces by installing shadow governments and tapping into the vulnerabilities of a central government crippled by corruption and deeply dependent on a corrosive war economy. Collusion between insurgents and corrupt government officials in Kabul and the nearby provinces has increased, leading to a profusion of criminal networks in the Afghan heartland. Despite efforts to combat the insurgency in the south, stability in the centre has steadily eroded. Yet, with nearly one fifth of the population residing in Kabul and its surrounding provinces, the Afghan heartland is pivotal to the planned transition from international troops to Afghan forces at the end of 2014." **[8e]**

Return to contents
Go to sources

8.35 The British Broadcasting Corporation (BBC) reported on 7 March 2011 that:

"In the past six weeks, more than 200 Afghan civilians have been killed and hundreds more wounded in a series of brutal suicide bombings, gun battles and improvised

explosive device (IED) attacks across the country. Many of the most bloody attacks have taken place in urban areas considered secure by the government and Nato forces. Part of the reason for such attacks is as retaliation against US Special Forces, who have been launching up to 20 attacks night and day in the winter months on Taliban leaders and their logistical networks, killing or capturing hundreds of fighters." **[28r]**

8.36 The ICG report of 27 June 2011 added:

"Although the number of major attacks on Kabul has recently declined, insurgent networks have been able to reinforce their gains in provinces and districts close to the city, launching smaller attacks on soft targets. Outmanned and outgunned by the thousands of foreign and Afghan security forces in and around Kabul, Taliban attacks inside the capital are not aimed at controlling it physically but to capture it psychologically. Once that objective is achieved, the political and financial cost of doing business for foreign forces and diplomatic missions located in Kabul will be too high to sustain for the long haul. "**[8e]**

8.37 The ICG report further observed:

"The insurgency's penetration of the greater Kabul area has also intensified competition between Taliban fighters associated with Mullah Omar's Quetta Shura (leadership council), the North Waziristan-based Haqqani network and Gulbuddin Hekmatyar's Hizb-e Islami. Violent rivalries between commanders of these insurgent groups in places such as Kapisa, Logar and Wardak have resulted in the loss of hundreds of lives. Caught in the middle are ordinary Afghans who remain fearful of a Taliban return to power…

"An aggressive campaign of assassinations of government officials and infiltration of Afghan security forces in neighbouring provinces has, meanwhile, gutted the government's ability to expand its reach to the periphery. In the rural areas of Ghazni, Wardak, Logar and other nearby provinces, where unemployment runs high and government presence is low, the insurgency has found safe havens far from the borders of Pakistan. A little more than a year after the transfer of additional U.S. troops was completed, violence increased across the country, hitting new peaks in May 2011 as the Taliban launched their spring offensive, which resulted in the highest recorded number of civilian casualties incurred in a single month since the U.S. engagement in Afghanistan began in 2001." **[8e]**

8.38 Three key figures were assasinated during July 2011 including; on 12 July, Ahmed Wali Karzai, Chief of Kandahar Provincial Council and younger half-brother to Hamid Karzai, the Afghan president; on 18 July, Jan Mohammad Khan, former governor of Uruzgan Province and senior presidential aide; and on 27 July, Ghulam Haidar Hameedi, mayor of Kandahar city. (Al jazeera, 27 July 2011) **[67f]**

Return to contents
Go to sources

8.39 On 31 July 2011 a suicide attack on the Lashkar Gah police headquarters in the capital of Helmand province resulted in the deaths of 12 police officers and a child. Provincial spokesman Daoud Ahmadi said police guarding the gate received the worst of the blast, but three civilians were among the 12 wounded. The incident occurred just two weeks

after the Afghans had taken control of security in that area. (Al jazeera, 31 July 2011) **[67e]**

8.40 On 17 July 2011 NATO [North Atlantic Treaty Organisation] handed over security control of the central Afghan province of Bamiyan to Afghan forces. This was the first of seven areas to be passed to local security forces under transition of power before foreign troops end combat operations in 2014; largely because it was considered one of the safest provinces in Afghanistan. This was followed a week later with the hand-over of Lashkr Gah city in Helmand Province. (BBC, 17 July 2011) **[29m]**

8.41 CNN reported that on 24 July 2011 "…formal ceremonies marking the handover of security to Afghan forces took place in Kabul and Panjshir province. They are the fifth and sixth areas to be transferred to national forces." **[82b]**

8.42 On 11 June 2011 in Khost Province, a suicide bomber killed Police Commander Zahir, along with his two bodyguards and injured up to 16 others. The bomber detonated their explosives in front of the police unit's base, Mohammad Yahqoob Mandozai, the Khost deputy police chief, told the AFP [Associated Free Press] news agency. In another attack on the same day, Afghan authorities reported that a roadside bomb in the Arghandab district of Kandahar province hit a bus killing 15 people, including eight children. (Al jazeera, 11 June 2011) **[67d]**

8.43 The Oxfam report, *Nowhere to Turn. The Failure to Protect Civilians in Afghanistan,* 19 November 2010, observed the increase in violent activity in the north. The report stated:

"Despite an increase in the size of international military forces (IMF) from 90,000 to 140,000 over the past year, AOG [Afghan Opposition Groups] have continued to expand their presence into the north, center and west and now have control of or significant influence in over half of the country. Attacks initiated by AOG have increased by 59% between July and September compared with the same period last year. In 2009, they increased 43% on 2008. Government officials can barely access one-third of the country and there are districts outside government control in almost all of Afghanistan's 34 provinces." **[55a] (p6)**

8.44 Jane's Sentinel *Country Risk Assessment: Afghanistan*, Security, updated 23 June 2011, accessed on 27 September 2011, also observed that:

"Northern provinces have become the scene of rivalry between two former United Front (UF, also known as Northern Alliance) factions, Jamiat-i-Islami and Jombesh-i-Milli. Their leading figures, respectively the Tajik Atta Mohammad and the Uzbek Abdul Rashid Dostum, had been members of the Karzai government and hold the military rank of general, recognised by the Afghan Ministry of Defence. Neither Dostum nor Mohammad has demonstrated a genuine desire to seek peaceful resolution of their power struggle and ongoing violence indicates that northern regions will remain outside Kabul's control for the foreseeable future." **[36b]** The Afghan–Pakistan border region is widely believed to be the front line in the war against Islamic militants. The British Broadcasting Corporation (BBC) website provided a map, updated in December 2009, showing the state of militant activity on either side of the border. **[28k]**

8.45 Jane's Sentinel *Country Risk Assessment: Afghanistan*, Security, updated 23 June 2011, accessed on 27 September 2011, observed that the south had seen a deterioration in the security situation:

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

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

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

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

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

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

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

"As a result of Operation Moshtarak, markets in both Nad-e-Ali and Marjah are starting to open again, Lindy Cameron, the head of the multinational Provincial Reconstruction Team in Helmand, said. He was quoted by the Ministry of Defence as saying: 'As well as local people being able to buy their own food again, the Afghan National Army can now get their own supplies, and yesterday Afghan soldiers were walking back to their checkpoints with food they had bought in the local bazaar.'" **[87a]**

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

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

A report by Dr. Antonio Giustozzi commissioned by Landinfo, Afghanistan: Human Rights and Security Situation, 9 September 2011, provides a concise picture of the human rights situation in the context of the ongoing Afghan conflict and an assessment of the conflict from a military-political point of view. The report covers the different areas of Afghanistan and the different actors involved in the conflict. **[43a]**

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

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

News articles on the security situation and security incidents in Afghanistan are regularly published by the international press and are too numerous to detail individually in this report. See the Latest News page at the beginning of this report for information on the most recent reported incidents.

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

Return to contents
Go to sources

9. CRIME

9.01 The Foreign and Commonwealth Office (FCO) travel advice for Afghanistan, updated on 15 September 2011, observed that "Crime is a serious countrywide concern, particularly in rural areas. Foreigners have been the victims of violent attacks, including armed robbery and rape." **[4c] (Crime)**

9.02 The US Department of State (USSD) *Afghan Country Specific Information*, updated 13 July 2011, stated that "A large portion of the Afghan population is unemployed, and many among the unemployed have moved to urban areas. These factors may directly contribute to crime and lawlessness. Diplomats and international relief workers have reported incidents of robberies and household burglaries as well as kidnappings and assault." **[2c] (Crime)**

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

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

9.04 The Congressional Research Service (CRS) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 22 September 2011, accessed on 6 October 2011, highlighted the effects from drug trafficking, noting "Narcotics trafficking is regarded by some as a core impediment to the U.S. mission in Afghanistan by undermining rule of law and providing funds to the insurgency. It is an area on which there has been progress in recent years, although there are questions whether progress

is sustainable. The trafficking is said to generate an estimated $70 million–$100 million per year for the Taliban." **[22a] (p12)**

Return to contents
Go to sources

OPIUM PRODUCTION

9.05 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 21 September 2011, stated:

"Compared with 2010, there was a 65 per cent increase in the eradication of opium poppy fields in 2011, as verified by the Ministry of Counter-Narcotics of Afghanistan and the United Nations Office on Drugs and Crime. In 2011, 3,810 hectares of opium poppy fields were eradicated throughout 18 provinces, compared with 2,316 hectares eradicated throughout 11 provinces in 2010. Most fields eradicated in 2011 were in the southern, western and north-eastern regions. In 2011, fewer fields were eradicated in the eastern and northern regions than in 2010. In 2011, the number of security-related incidents occurring during eradication has been significantly higher than in 2010: Government-led eradication teams have been attacked 48 times in 2011, compared with 12 times in 2010.

"At the end of June 2011, the national average price of dry opium was $274 per kilogram, an increase of 104 per cent compared with June 2010. In 2010, opium production was halved, owing mainly to the opium blight. The historically high prices led to a strong increase in cultivation in northern, north-eastern, southern and western provinces." **[17k] (p11)**

9.06 The United Nations Office on Drugs and Crime (UNODC) report, *Afghanistan Opium Survey 2011*, Winter Rapid Assessment all regions, Phases 1 and 2, April 2011 stated;

"This year the Winter Assessment has been carried out in two phases. In the first phase, the Southern, Western, Central and the Eastern regions were surveyed in December 2010-January 2011; the Northern and the North-eastern regions were covered in February-March 2011 since mostly opium cultivation in this part of the country starts in spring.

"The Opium Winter Rapid Assessment (Phase 2) anticipates a strong increase in opium cultivation in the surveyed regions (North and North-Eastern) in 2011.

"The results of the qualitative assessment province by province are the following:

"• Six provinces, Balkh, Bamyan, Samangan, Sari Pul, Takhar and Kunduz are expected to remain poppy-free in 2011. These provinces were already poppy-free in 2010l [sic].

"• Strong increase in opium cultivation is expected in Badakhshan, Baghlan and Faryab provinces. Baghlan and Faryab provinces were poppy-free in 2010.

"Overall, the cultivation of opium in the Northern and North-Eastern regions is likely to increase strongly in 2011. The provinces which are likely to see an increase would remain quite below the cultivation levels of Hilmand and Kandahar where the expected

decrease would offset the increase in the other provinces. Therefore, overall cultivation is likely to decrease slightly at the national level." **[65f] (p2)**

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

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

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

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

9.08 The United Nations Office on Drugs and Crime (UNODC) report, *Programme in Afghanistan*, published in August 2010, highlighted the ongoing technical and financial assistance in drug control and crime prevention. The report stated "Efforts have been made to enhance the capacity of the Afghan Government and authorities to tackle the narcotic drugs problem effectively and to strengthen legal institutions. In order to complement UNODC's justice reform programme, the current project focuses on strengthening the Afghan Government's capacity to effectively tackle corruption throughout the country." **[65c] (p8)**

Return to contents
Go to sources

BLOOD FEUDS

This Section should be read in conjunction with Section 25: Women – Violence against women – Honour killings/crimes.

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

"In Afghan tradition, blood feuds are conflicts between opposing families, tribes and armed factions. Blood feuds are often initiated in reaction to perceived violations to the honour of women, property rights, and land or water issues. In accordance with the norms of the *Pashtunwali* code the causes of blood feuds are the violation of '*zar, zan*, *zamin*' – gold, women and land.

"Blood feuds in Afghanistan can be long-running conflicts, with a cycle of retaliatory violence between parties. This violence often targets individuals by association with the

family or tribe of the person seen as wrongdoer. In such situations, the victim's tribe or family members seek revenge by killing, physically injuring or publicly shaming the perpetrator or persons related by family or tribe. This is a practice well recognized as part of the traditional moral code of the Pashtuns or Pashtunwali. However, this tradition has also entered the practices of other ethnic groups. The fact that a dispute has been solved through a formal justice mechanism does not normally put an end to a blood feud. Particularly among Pashtuns, blood feuds can be initiated through a formal decision of a jirga, an all-male community based decision making body. A dispute can be prevented from spiraling into a blood feud by finding a peaceful compromise, for instance through *bad dadan* marriages." **[19b]**

9.10 The Human Rights Watch (HRW) report, *Afghanistan: Stop Women Being Given as Compensation*, 8 March 2011 described the customary punishment of *Baad* (or bad dadan) where women and girls are given to an aggrieved family as compensation for crimes. The punishment is usually decided by a local jirga (council). **[7f]**

9.11 The HRW report added:

"*Baad* is a criminal offence under article 517 of the 1976 Afghan Penal Code, but the article only applies to widows and women above age 18, and the sentence for perpetrators of *baad* cannot exceed two years. Despite having been partially criminalized for more than 30 years, many women and *jirga* members interviewed by Human Rights Watch were not aware of the law or the prohibition of the practice.

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

"But several barriers to the enforcement of the law exist, most importantly the lack of political will to implement it, even though article 79 of the constitution categorically states that a presidential decree has the force of law, until or unless it is rejected by parliament, which has not occurred. Human Rights Watch has been told that some senior government officials, judges, and police do not consider the 2009 law as being in force, and police routinely refuse to register complaints under the law. The authorities need to take urgent measures to spread awareness about the law and train all law enforcement officials about its provisions." **[7f]**

9.12 An article in *USA Today* dated 10 July 2007 reported that elders from villages in Nangarhar Province signed a resolution outlawing several practices that harm girls and women. The article noted:

"Shinwari elders from several districts signed a resolution this year outlawing several practices that harm girls and women. These included a ban on using girls to settle so-called blood feuds - when a man commits murder, he must hand over his daughter or sister as a bride for a man in the victim's family. The marriage ostensibly 'mixes blood to end the bloodshed.' Otherwise, revenge killings often continue between the families for generations…

"About 600 elders from the Shinwar district put their purple thumbprint 'signatures' on the handwritten resolution. More than 20 Shinwari leaders gathered in the eastern city

of Jalalabad, nodding earnestly and muttering their consent as the changes were discussed last week. They insisted that women given away for such marriages - including those to settle blood feuds - were treated well in their new families." **[111a]**

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

Return to contents
Go to sources

10. SECURITY FORCES

OVERVIEW

10.01 The United Nations *Report of the Secretary-General on children and armed conflict in Afghanistan*, covering the period from 1 September 2008 to 30 August 2010, published on 3 February 2011, stated "Within the security sector reform framework, Afghan agencies responsible for national security have merged into the Afghan National Security Forces that now include the Afghan National Army, the Afghan National Police, the National Directorate of Security and the Afghan Public Protection Force." **[17h] (p4)**

10.02 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), noted that:

"Three ministries have responsibility both in law and in practice for providing security in the country. The ANP [Afghan National Police], under the MOI [Ministry of Interior], has primary responsibility for internal order but increasingly was engaged in fighting the insurgency. The ANA [Afghan National Army], under the Ministry of Defense, is responsible for external security. The NDS [National Directorate of Security] has responsibility for investigating cases of national security and also functions as an intelligence agency. The investigative branch of the NDS has a facility in Kabul where it holds prisoners on a pretrial basis until the case is handed over to prosecutors. In some areas insurgents maintained considerable power as a result of the government's failure to assert control. The ISAF [International Security Assistance Force] remained a subordinate headquarters within the NATO [North Atlantic Treaty Organisation] command structure and continued to support development of the Afghan National Security Forces (ANSF)." **[2a] (Section 1d)**

10.03 The Congressional Research Service (CRS) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 22 September 2011, accessed on 6 October 2011, stated:

"Since the Taliban were ousted from power, a key tenet of U.S. and NATO policy - and the key to their 'exit strategy' from Afghanistan - has been to build capable Afghan National Security Forces (ANSF), consisting of the Afghan National Army (ANA) and Afghan National Policy [sic] (ANP)…

"Although the ANSF has expanded considerably since 2002, it has been considered a struggle to bring these forces to a level of capability that would allow for a transition from international forces in securing Afghanistan. Obama Administration strategy emphasizes expanding the ANSF and improving it through partnering and more intense mentoring and training - about 70% of Afghan units are now partnered with international forces." **[22a] (p32)**

 The main text of this COI Report contains the most up to date publicly available information as at 24 September 2011. Further brief information on recent events and reports has been provided in the Latest News section to 11 October 2011.

10.04 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 21 September 2011, stated:

> "At the Security Standing Committee meeting on 28 June, members of the Joint Coordination and Monitoring Board agreed to an increase in the number of Afghan National Police from 134,000 to 157,000 and the Afghan National Army from 171,600 to 195,000. In addition, they agreed on accelerated efforts to professionalize the police force, as well as on institutional and administrative reforms to the Ministry of the Interior. Emphasis is increasingly on the capacity of the Afghan National Security Forces to operate independently, with greater concentration by the international community on providing training to the security forces in core areas, including logistics and support. The United Nations Assistance Mission in Afghanistan (UNAMA) continues to monitor and provide advice both to the Government and the International Security Assistance Force (ISAF) on community-based security initiatives, including the Police-e-Mahali (Afghan Local Police), given the possible fallout linked to issues of impunity, command and control, vetting and the risk of ethnically or politically biased militias re-emerging." **[17k] (p2)**

POLICE

AFGHAN NATIONAL POLICE (ANP)

10.05 Jane's Security *Country Risk Assessment* report on Afghanistan's police force, updated 21 April 2011, accessed on 27 September 2011, stated:

> "The police in Afghanistan have never had an effective national enforcement capacity and have only been able to fully represent the authority of central government within the main cities. Their effectiveness in rural areas (over 90 per cent of the country) has depended entirely on co-operation from local leaders, including religious figures. During and immediately after the period of the Taliban government, Afghanistan had no centralised police service, although the United Front (UF, also known as the Northern Alliance) fighters who took over Kabul in 2001 were swift to declare themselves the primary guarantor of security in the capital." **[36c] (Police)**

10.06 The same source added:

> "The ANP does not function as a united, professional and disciplined law enforcement entity and is unable to preserve law and order across the majority of the country. Outside Kabul the police depend on considerable assistance from foreign organisations and nations, supported by military force. Former UF fighters without any police training who remain loyal to their former military commanders and/or tribal entities constitute the majority of personnel. Illiteracy and an ignorance of the law prevents some of them from performing even basic duties. Like several other tiers of civil service, many police personnel are not paid regularly and their stations lack even basic equipment such as radios/telephones, pens and paper." **[36c] (Police)**

10.07 The Afghanistan Research and Evaluation Unit (AREU) report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, noted:

> "Police were paralysed in Taliban areas. In Chak District (Wardak), for example, the police had not made an arrest for two years since the population were intimidated against reporting misdemeanours to the district police office. Citizens in these areas

face high levels of insecurity, crime and violence - during the two month duration of the study in Laghman more than 15 people were killed in personal disputes. The researchers were informed of many instances where district chiefs of police worked in close cooperation with local commanders or *maliks* or at the behest of a dominant party where present. In Laghman, there was clear evidence of relations between the police and the Taliban, whose members were sometimes drawn from the same families." **[13a] (p22)**

Return to contents
Go to sources

10.08 The AREU report, *Cops or Robbers? The Struggle to Reform the Afghan National Police*, published in July 2007, observed that:

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

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

10.09 The AREU report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, focused on research carried out in the six provinces of Samangan, Jawzjan, Sar-i-Pul, Day Kundi, Laghman and Wardak. The report focus on the police noted:

"In each of the research districts, the police were organised in the following departments: *Jenaye* (Criminal), concerned with the investigation of murder, rape, theft, etc; *Kashf* (Detection), which is split into *Astekhbarat* (Intelligence), dealing with political and intelligence related issues as well as of police discipline, and *Mavade Mokhader* (Counter Narcotics); and Terrorism, conducting counterinsurgency in cooperation with other law enforcement bodies. In most districts the chief of police and the district governor judged police numbers as inadequate to meet security needs, and it was frequently stated that forces were only operating at 50-60 percent of capacity." **[13a] (p22)**

10.10 The Congressional Research Service (CRS) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 22 September 2011, accessed on 6 October 2011, observed that:

"The United States has worked to correct longstanding equipment deficiencies. According to General Caldwell in June 2011, the ANP [Afghan National Police] is increasingly being provided with heavy weapons and now have about 5,000 armored vehicles countrywide. Still, most police units lack adequate ammunition and vehicles. In some cases, equipment requisitioned by their commanders is being sold and the funds

pocketed by the police officers. These activities contributed to the failure of a 2006 'auxiliary police' effort that attempted to rapidly field large numbers of new ANP officers." **[22a] (p36)**

10.11 With regards to women's role in the Afghan National Police, the AREU report, of June 2011, noted:

"Very few women are employed in the police force and are present only in the provincial centre, if at all. Senior officers drew attention to the need to have women in their service, and district chiefs of police in particular complained frequently about their inability to search for belligerents wearing burqas. Safe houses or separate prisons for women are also rare. As in other spheres, these drawbacks demonstrate the problems associated with the lack of female engagement in public life in Afghanistan." **[13a] (p22)**

(See also Section 20: Corruption for information regarding corruption within the Police force and Section 25: Women – Social and economic rights)

Structure and reform

10.12 The Afghanistan Research and Evaluation Unit (AREU) report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, noted:

"Police reform was undertaken by the Ministry of Interior during 2008-09, with all senior appointments now made through a competitive process. At a provincial level, the chief of police can make recommendations to the five zonal authorities for staff promotion. If approved, applications are then sent to the Ministry of Interior (MoI). Lower-level recruits require references from *qaryadars* or *maliks,* while senior and mid-level ranks require consultation with the *wali*. However, influential figures such as parliamentarians, provincial council members, and other leading figures also frequently apply pressure to appoint their relatives and, as seen elsewhere, relationships with well-placed individuals and the use of *wasita* are essential to secure transfers." **[13a] (p22)**

10.13 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 9 March 2011, stated:

"In January 2011, the Minister of Interior signed the new national police strategy, to be followed by the national police plan. The strategy provides guidance for continued development and increased operational capability of the Ministry, in line with its five-year strategic priorities. These include training and education, police leadership development, anti-corruption, improvements to living standards and working conditions of the police, review of the organizational structure, and the development of a system of incentives and disciplinary measures." **[17g] (p3)**

Return to contents
Go to sources

10.14 The International Security Assistance Force (ISAF), Media Backgrounder on the Afghan National Security Forces (ANSF) targets, March 2011, noted:

"The primary branches of the ANP include:

- "The Afghan Uniformed Police (AUP) is assigned to Police Districts and Provincial and Regional Commands. It also includes Traffic Police and a United Nations Protective Force.

- "The Afghan National Civil Order Police (ANCOP) is a specialised police force, split into rural and urban units, trained and equipped to counter civil unrest. Urban units maintain civil order in cities and towns, while rural units provide a police presence in high threat remote areas and establish a fair level of security.

- "The Afghan Border Police (ABP) provides the MoI with a general law enforcement capability at international borders, entry points, and in the Border Security Zone, which extends 50 km into Afghan territory. The ABP deters and detects illegal entry and other criminal activity. In addition, the ABP controls pedestrian and vehicular traffic at border crossing points and is responsible for airport security.

- "The Counter Narcotics Police of Afghanistan (CNPA) is the lead law enforcement agency charged with reducing narcotics production and distribution in Afghanistan. It fulfils this task through a multifaceted approach to counter-narcotics operations, incorporating intelligence, interdiction, eradication efforts, and public information.

- "President Karzai established the Afghan Local Police (ALP) in August 2010. This MoI-led interim program is foreseen to last two-five years to compensate for shortfalls in ANSF. It is established in selected areas upon request by the local populace and following validation by the Afghan Government, in conjunction with ISAF. It provides for small, community-based self-defence units under the MoI's chain of command, as represented by the District Chief of Police. The units are representative of, and accountable to, the community. This programme stands as a bridge solution until adequate numbers of ANSF are trained to provide security for the entire country. Currently, there are 14 operational ALP sites with 2,800 recruits." **[37a]**

10.15 The ISAF Media Backgrounder described the structure of the ANP:

"In January 2010, the Joint Coordination and Monitoring Board, the formal decision-making body for Afghan and international coordination, endorsed an increase of the Afghan National Army (ANA) growth target to 134,000 by October 2010 and 171,600 by October 2011; and for the Afghan National Police (ANP) to 109,000 by October 2010 and 134,000 by October 2011. The current approved end-strength for the Afghan National Security Forces (ANSF) is 305,600 forces by the end of October 2011.

"In 2010, the ANSF grew by 79,000 to a total of 270,000. The ANA increased to 152,000 forces in February 2011, while the ANP currently stands at 118,000 forces. In Regional Command-Capital, since 28 August 2008, the ANSF gradually took over the lead responsibility for security in Kabul province. The Afghan Ministry of Interior (MoI) and Ministry of Defence (MoD) lead this effort with the International Security Assistance Force (ISAF)." **[37a]**

10.16 The Amnesty International Report 2011: *The state of the world's human rights: Afghanistan*, (AI Report 2011) published on 13 May 2011 stated "The government initiated efforts to increase the number of police from 96,800 to 109,000 in 2010, and to improve police performance at the district level. However, Afghan police faced

widespread allegations of involvement in illegal activities including smuggling, kidnapping, and extortion at checkpoints." **[5a]**

10.17 The International Crisis Group *Afghanistan: Exit vs Engagement*, Asia Briefing N°115, 28 November 2010, stated:

"Created, financed and overseen by the U.S. and its NATO allies, the ANP is corrupt, brutal and predatory. Although police reform is receiving more attention and resources than ever before, such increased resources are still to be matched by significant improvements in police effectiveness and public confidence. The poorly and hastily trained rank and file are largely illiterate, many are drug addicts, while officers, many appointed and promoted on political rather than professional grounds, are known more for their abuse of power, particularly at the local level.

"Despite pay increases, attrition rates remain high as the poorly armed and poorly trained police is used more as an auxiliary security force than an enforcer of law. Resorting to bribery, illegal tax collection, drug dealing and even murder, the ANP is feared and mistrusted by Afghan citizens, not only undermining the legitimacy of the state but also that of the international community, particularly the U.S., responsible for bankrolling and training it." **[8b] (p7)**

10.18 The Council on Foreign Relations background information on *Afghanistan's National Security Forces*, updated 19 August 2010, stated:

"Afghanistan's national police looks solid on paper, with the Afghan Uniformed Police responsible for general enforcement and public safety; the Border Police patrolling the country's borders and conducting counter-smuggling operations; the Civil Order Police responsible for disturbances in urban areas; and a number of more specialized police units conducting operations like counterterrorism missions, criminal investigations, and counternarcotics patrols." **[34a]**

10.19 The Freedom House report (FH), *Freedom in the World 2011*, Afghanistan, covering events in 2010, published on 16 May 2011, noted that both the Afghan National Army (ANA) and the Afghan National Police (ANP) suffered from "… inadequate training, involvement in drug trafficking, and high levels of desertion." **[6a]**

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

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

"The alarm over the capacity of the police raises profound questions over the coalition strategy for pacifying Afghanistan and eventually withdrawing from the country. At the international conference on Afghanistan in January [2010], Gordon Brown pledged to

more than double 'military mentoring teams' for the police as part of a wider Nato plan to increase Afghan security forces to 300,000. A Foreign Office spokeswoman yesterday accepted that the challenges to police reform were 'significant and long term', but insisted that progress was being made. She said: 'We are aware of widespread criticisms of the ANP, some of which are deeply concerning. The UK is fully committed to police reform to ensure a professional and accountable police force.'" **[35a]**

10.21 The USSD Report 2010 noted:

"International support for recruiting and training new ANP personnel continued, with the goal of professionalizing the police force, including the continuing implementation of the CPD [Central Prison Directorate] staff prison reform and restructuring program. The international community worked with the government to develop awareness and training programs, as well as internal investigation mechanisms to curb security force corruption and abuses. Training programs for police emphasized law enforcement, the constitution, police values and ethics, professional development, the prevention of domestic violence, and fundamental standards of human rights, in addition to core policing skills. The MOI reported that every new police officer received limited training in human rights. Two officers were responsible for human rights reporting in each province. In Kabul 81 officers were responsible for human rights, an increase of 31 over 2009. A separate inspector general conducted investigations into internal police matters. Nevertheless, human rights problems persisted." **[2a] (Section 1d)**

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

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

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

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

Return to contents
Go to sources

AFGHAN LOCAL POLICE (ALP)

10.23 The Human Rights Watch (HRW) *"Just Don't Call It a Militia" Impunity, Militias, and the "Afghan Local Police"*, 12 September 2011, stated:

"The ALP was approved by the Afghan government in July 2010 and established by presidential decree on August 16, 2010. According to the US military and the Afghan government, the ALP is being rolled out across the country to defend rural communities in areas where there is limited Afghan national army and police presence and while the national forces strengthen their capabilities. The Afghan government has an official target to hire 10,000 men for the ALP; the US Congress has approved funding for 30,000. As of August 2011, 7,000 men had been recruited to the ALP.

"The term 'police' in the title of the ALP is a misnomer, as the ALP is not really a police force. Its terms of reference state that it is a 'defensive force' that does not have law enforcement powers. Those supportive of the program say that it was created largely as a short-term fix for the Afghan National Police (ANP) and to free up the Afghan security forces to focus on offensive operations rather than defensive deployments. Afghan security forces will be expected to take the entire burden of such operations as the international troops withdraw. As one international official told Human Rights Watch, 'ALP is the exit strategy.'" **[7j] (p4)**

10.24 The CRS Report of 22 September 2011 further noted:

"One major initiative is the 'Afghan Local Police' (ALP), a program in which local security organs are formed from local recruits who want to defend their communities. The local units are under the control of district police chiefs and each fighter is vetted by a local shura as well as Afghan intelligence (Petraeus testimony, March 15 and 16, 2011). As of August 2011, the initiative has recruited a total of about 6,000 ALP from 40 different districts in several different provinces. There are three ALP centers in Helmand province. According to August 2011 press reports, 100 districts have been approved for the program, each with about 300 fighters, which would bring the target size of the program to about 30,000. The Defense Department notified Congress in September 2010 that it will reprogram about $35 million in Afghan security forces funding to support the initiative." **[22a] (p44)**

AFGHAN NATIONAL GUARD

10.25 Jane's Security *Country Risk Assessment* report on Afghanistan's police force, updated 21 April 2011, accessed on 21 September 2011stated:

"The duties of the Afghan National Guard are to protect vulnerable personnel and installations. The first 600 soldiers graduated in April 2002, but the close protection of prominent figures in Afghanistan is still carried out in the main either by private Afghan militias or foreign private security contractors. The National Guard appears to be involved in protecting some facilities in Kabul…Foreign contract personnel provide close protection for President Hamed Karzai and other government figures in Kabul. They are not answerable to NATO [North Atlantic Treaty Organisation] or any other established force." **[36c] (Afghan National Guard)**

Return to contents
Go to sources

ARMED FORCES

Afghan National Army (ANA)

10.26 The Congressional Research Service (CRS) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 22 September 2011, accessed on 6 October 2011, stated; "The Afghan National Army has been built 'from scratch' since 2002 - it is not a direct continuation of the national army that existed from the 1880s until the Taliban era. That national army all but disintegrated during the 1992-1996 mujahedin civil war and the 1996-2001 Taliban period. However, some Afghan officers who served prior to the Taliban have joined the ANA." **[22a] (p33-34)**

10.27 The CRS Report of 22 September 2011, noted:

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

"The ANA is able to lead a growing percentage of all combat operations, but there is substantial skepticism within the U.S. defense establishment that it can assume full security responsibility by 2014, which is the target time frame announced by Karzai." **[22a] (p33)**

10.28 The Long War Journal (LWJ) reported in May 2011 on the strength of the Afghan National Army (ANA):

"The Afghan army reached its previous goal of 134,000 troops in July 2010. The current goal is to have 171,600 by October 2011. As of March 2011, there were 160,000 troops on its rolls, 4,000 ahead of the March goal.

"Earlier this year, there was discussion of increasing the size of the army beyond the current 171,600-troop goal, but this plan has not yet been officially adopted. The proposal suggests increasing the size of the force to between 195,000 and 208,000 by October 2012. Reaching the higher number would depend on meeting recruiting, retention, and attrition goals, which is not certain. Most of the additional troops would be used to expand the ANA's support structure… Some additional combat units would be added to fill out the existing organizational structure." **[51a]**

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

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

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

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

10.31 The CRS Report of 22 September 2011, added:

"…some U.S. military assessments say the force remains poorly led. It still suffers from at least a 20% desertion rate. Many officers are illiterate or poorly motivated. Some accounts say that a typical ANA unit is only at about 50% of its authorized strength at any given time, and there are significant shortages in about 40% of equipment items. The high desertion rate complicates U.S.-led efforts to steadily grow the force. Some recruits take long trips to their home towns to remit funds to their families, and often then return to the ANA after a long absence. Others, according to U.S. observers, often refuse to serve far from their home towns." **[22a] (p34)**

10.32 The LWJ added "The ANA has established a new Special Operations Forces organization. The newly established Afghan Special Operations Command (ANASOC) is setting up a division headquarters at Camp Moorehead in Wardak province. It will command two different types of units, the existing ANA Commandos and a newly formed unit, the ANA Special Forces (ANASF)." **[51a]**

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

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

[60a] (p104)

10.34 The ICG report dated 12 May 2010 stated "Despite billions of dollars of international investment, army combat readiness has been undermined by weak recruitment and

retention policies, inadequate logistics, insufficient training and equipment and inconsistent leadership." **[8c]**

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

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

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

10.37 The US Department of Defence Report added:

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

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

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

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

"Most Afghan soldiers are paid in cash, which means that they often have to return home to deliver money to their families, sometimes going AWOL [Absent Without Leave]. A modest investment in wire or digital money transfer systems could ease that

problem, reduce the desertion rate and make it harder for corrupt commanders to steal recruits' pay." **[42d]**

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

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

Afghan National Army Air Force (ANAAF)

10.40 Jane's Security *Country Risk Assessment* report on Afghanistan's Air Force, updated 21 September 2011, accessed on 27 September 2011, stated that:

"The Afghan National Army Air Force (ANAAF), formerly the Afghan National Army Air Corps (ANAAC), whose renaming was approved by President Karzai in June 2010, has expanded greatly since the establishment of its first air wing at Kabul in 2004. Current plans call for the overall size of the ANAAF fleet to grow to just over 150 aircraft, while increasing the number of personnel from more than 2,700 to over 8,000 by 2015 (some reports indicate 2016).

"In October 2007, reports indicated that the pilot-to-aircraft ratio was 8 to 1, with about 165 pilots then on strength. By July 2009, there were just over 300 pilots, although only 190 were actually engaged on flying duties. Aircraft utilisation was averaging 140 hours per month." **[36d] (Air Force)**

(See also Section 11: Military Service)

Return to contents
Go to sources

OTHER GOVERNMENT FORCES

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

10.41 The United Nations (UN) Security Council report, 10 November 2008 stated that:

"The National Directorate of Security [NDS] is the intelligence agency of the Government of Afghanistan. It is one of the largest security sector agencies operating under a still classified decree. The Directorate exercises extensive powers, including for detaining, interrogating and investigating, prosecuting and sentencing people alleged to have committed crimes against national security, and it also takes part in military-related operations." **[17b]**

10.42 The USSD Report 2010 noted; "The NDS has responsibility for investigating cases of national security and also functions as an intelligence agency. The investigative branch

of the NDS has a facility in Kabul where it holds prisoners on a pretrial basis until the case is handed over to prosecutors." **[2a] (Section 1d)**

10.43 The Afghanistan Research and Evaluation Unit (AREU) report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, noted:

"The primary role of the NDS is to gather information on anti-government activity and drug trafficking. The Directorate is located in the president's office and operates covertly. In the districts, the NDS is independent of the *woluswal* and the chief of police, though it works closely and shares much of its information with them, as it does with ISAF [International Security Assistance Force]. However, in some areas the NDS expressed concerns that police ties to figures it was investigating were undermining its operations and chose not to mount operations with them. The NDS works through a network of paid male and female informers spread across each district and maintains close links with *maliks* and *qaryadars*. District officers reportedly received $400 a month to pay informants, occasionally supplemented by $10,000 windfall payments for successful arrests or the discovery of arms caches. The NDS are very well informed as to the composition, location and leadership of armed opposition elements in every district; NDS district officers supply information to their provincial and central commands as well as to the police and the PRTs. 'Formerly we used to work for the [Russian] KGB. Now we work under the CIA [Central Intelligence Agency],' said one district officer." **[13a] (p23)**

10.44 The Freedom House (FH) report, *Freedom in the World 2011*, Afghanistan, covering events in 2010, published on 16 May 2011, reported that the NDS lacked "… transparency and stands accused of serious human rights violations." **[6a] (p6)**

10.45 The Amnesty International (AI) report of November 2007 noted:

"Public knowledge of the organization and oversight mechanisms of the NDS remains limited, but its powers to detain, prosecute, sentence and imprison people appear to reach far beyond the mandates of many intelligence agencies around the world. Amnesty International is particularly concerned that the NDS's powers of investigation and detention are not separated from its powers of prosecution and imprisonment, and that this improper overlapping of functions violates the right to a fair trial, facilitates impunity for perpetrators of human rights violations and undermines the rule of law." **[5b] (p34)**

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

Former security forces – KHAD (KhAD)

10.46 A UNHCR report on the *Structure and Operation of the KhAD/WAD in Afghanistan 1978-1992* dated May 2008, stated:

"The origins of KhAD ['Khadimat-e Atal'at-e Dowlati', i.e. State Information Service] can be traced back to a 1,200-strong group inside the PDPA [Peoples Democratic Party of Afghanistan] which, after the arrival of Russian troops in December 1979, took over intelligence responsibilities from KAM [(Komite-ye Amniyat-e Melli or 'Committee for National Security']. That group, comprised of parchamis, was active from December 1979 until March 1980, and was known as 'the activists'. It was led by a smaller group, headed by Dr. Najibullah and Dr. Baha, who worked on designing and establishing the

structure which would be known as KhAD. The Government of Babrak Karmal officially announced the creation of KhAD, with its internal structure of multiple Directorates, on 10 January 1980. In 1986, KhAD was upgraded to Ministry level and from then on was known as WAD (Wezarat-e Amniyat-e Dowlati or Ministry of State Security)." **[19c] (p2)**

10.47 Observing the number of Khad members the UNHCR 2008 report noted that:

"… the strength of the KhAD/WAD, at the peak of its capacity, comprised a total of about 1,000 persons per province, with some provinces having more than others. Of these, about one quarter are believed to have formed the personnel of Support Directorates. In addition, the organization may have had up to 20,000 personnel at its Headquarters in Kabul, an undetermined number of agents and informers depending on location, and a further undetermined number in its military wings. In total, KhAD/WAD may have had between 15,000 and 30,000 staff at the height of its development, the figure being between 60,000 and 90,000 if agents and informers are also taken into account." **[19c] (p4)**

10.48 The same source observed:

"KhAD/WAD officers often infiltrated Mujaheddin groups and fighting forces as commanders, tasked with supporting Afghan Government military operations by weakening the Mujaheddin capacity, exposing Mujaheddin military plans, destabilizing Mujaheddin groups and paving the way for government military action against the Mujaheddin. They were authorized to use any necessary strategies to maintain their cover and not disclose their identity as KhAD/WAD officers." **[19c] (p5-6)**

INTERNATIONAL FORCES

10.49 The NATO website, describing the International Security Assistance Force (ISAF) Mission in Afghanistan, updated 4 February 2011, noted "Since NATO took command of ISAF in August 2003, the Alliance has gradually expanded the reach of its mission, originally limited to Kabul, to cover all of Afghanistan's territory. Accordingly, the number of ISAF troops has grown from the initial 5,000 to more than 130,000 troops from 48 countries, including all 28 NATO member nations." **[41a] (ISAF's Mission in Afghanistan)**

10.50 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 14 September 2010, stated "The International Security Assistance Force (ISAF) in January 2010 initiated the deployment of 34,000 additional troops to Afghanistan to support national security forces in their stabilization efforts. Large military operations by Government and international forces are focusing on Helmand and Kandahar to restore stability and enable Government institutions to provide services." **[17f] (p5)** The additional US troops would mean their military strength in Afghanistan would increase to more than 100,000 personnel. (British Broadcasting Corporation (BBC), 2 December 2009) **[28c]** The goal, reported by Channel 4 News Online was to "… speed the battle against Taliban insurgents, secure key population centres and train Afghan security forces so they can take over and clear the way for a US exit, [President] Obama said." **[40a]**

Return to contents
Go to sources

International Security Assistance Force (ISAF)

10.51 The NATO website describing the evolution of ISAF, updated 4 February 2011, stated:

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

"These agreements paved the way for the creation of a three-way partnership between the Afghan Transitional Authority, the United Nations Assistance Mission in Afghanistan (UNAMA) and ISAF…

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

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

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

Return to contents
Go to sources

Provincial Reconstruction Teams (PRTs)

10.53 The United States Agency for International Development (USAID) website, updated 22 July 2010, accessed on 26 July 2010, described the Mandate of the Provincial Reconstruction Teams' (PRT):

"PRTs in Afghanistan are key instruments through which the international community delivers assistance at the provincial and district level. As a result of their provincial focus and civilian and military resources, PRTs have a unique mandate to improve security, support good governance, and enhance provincial development. The combination of international civilian and military resources also allows the PRT to have wide latitude to implement their mandate.

"A PRT generally covers one province in Afghanistan, but some cover more than one. There are currently 26 PRTs operating in Afghanistan. PRTs seek to establish an environment that is secure and stable enough for the operation of international and Afghan civilian agencies to provide development support. Due to their unique

composition, PRTs are also able to deliver development and support to less secure areas. USAID's programs attempt to work with PRTs to deliver services in less secure or underserved areas of Afghanistan.

"PRTs have a broad mandate that covers the following areas:

- They engage key government, military, tribal, village, and religious leaders in the provinces, while monitoring and reporting on important political, military and reconstruction developments.
- They work with Afghan authorities to provide security, including support for key events such as the Constitutional Loya Jirga, presidential and parliamentary elections, and the disarmament, demobilization and reintegration of militia forces.
- They assist in the deployment and mentoring of Afghan national army and police units assigned to the provinces.
- In partnership with the Afghan Government, the U.N., other donors and NGOs, PRTs provide needed development and humanitarian assistance." **[16a]**

10.54 An article dated 14 May 2010 on the NATO website noted:

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

HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES

Arbitrary arrest and detention

10.55 The USSD *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), noted that:

"The media and human rights organizations reported arbitrary arrests in most provinces. According to AI [Amnesty International], the NDS [National Directorate of Security] continued to arrest and detain suspects arbitrarily without allowing access to defense lawyers, families, courts, or other outside bodies, and incommunicado detention remained a problem. Prompt access to a lawyer was rare. While detainees were allowed access to their families, there were many cases in which such access was not prompt. Scores of detainees were subjected to torture and other mistreatment, including being whipped, exposed to extreme cold, and deprived of food. UNAMA [United Nations Assistance Mission in Afghanistan] reported that police detained individuals for moral crimes, breaches of contracts, family disputes, and to extract confessions. Observers reported that those detained for moral crimes were almost exclusively women." **[2a] (Section 1d)**

10.56 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 9 March 2011, stated:

"Arbitrary detention by Afghan law enforcement and security forces remains a concern that negatively impacts the rule of law and public confidence in justice and security structures. UNAMA [United Nations Assistance Mission in Afghanistan] continued to

receive allegations of ill-treatment, lengthy detention without charge or trial, incommunicado detention and lack of access to defence counsel in National Directorate of Security and Ministry of Justice facilities. Improvements in conditions and treatment have been observed in some facilities, particularly where capacity-building and infrastructure projects have occurred. In late 2010, the National Directorate of Security established an oversight commission to review conditions and allegations of detainee mistreatment in facilities throughout the country." **[17g] (p9)**

10.57 The United Nations Assistance Mission in Afghanistan (UNAMA) report, *Arbitrary Detention in Afghanistan*, published in January 2009, stated that:

"Afghans are still being arbitrarily detained without legal basis or grounds… Monitoring found that, while less frequent than a few years ago, Afghans still may be detained for breaches of civil law or contractual obligations for which detention is not permitted under applicable law. Monitoring shows that these types of arbitrary detentions generally involve:

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

10.58 The January 2009 UNAMA report also stated that:

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

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

10.60 The HRW report also stated that:

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

10.61 The government were taking steps to combat arbitrary arrests and detention. The USSD Report 2010 noted:

"In October 2009 all seven government entities involved in the criminal justice sector– the MOJ [Ministry of Justice], Attorney General's Office, Supreme Court, MOI [Ministry of Interior], NDS [National Directorate of Security], Ministry of Defense, and High Office of Oversight – signed a memorandum of understanding to implement a standard case management system. The system provides for maintenance of uniform records on all inmates, thereby reducing opportunities for corruption through offers and demands for bribes to alter prisoner data. Information on 5,000 inmates, drawn from the 8,000 paper-based CPD files, was entered into the case management system by year's end. The CPD continued to enter the remaining data. As a result 128 inmates held beyond their sentences were released." **[2a] (Section 1d)**

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

Return to contents
Go to sources

Torture

10.62 The USSD Report 2010 noted:

"The constitution prohibits such practices; however, there were reports of serious abuses by government officials, security forces, detention center authorities, and police. Nongovernmental organizations reported that security forces continued to use excessive force, including torturing and beating civilians.

"Human rights organizations reported that local Ministry of Interior (MOI) and NDS [National Directorate of Security] detention center authorities tortured and abused detainees. Torture and abuse methods included, but were not limited to, beating by stick, scorching bar, or iron bar; flogging by cable; battering by rod; electric shock; deprivation of sleep, water, and food; abusive language; sexual humiliation; and rape. HRW [Human Rights Watch] received many reports of torture and mistreatment during interrogations by the NDS, including one case in December 2009 that resulted in death

"The Ministry of Women's Affairs (MOWA) and NGOs [Non-Governmental Organisations] reported that police raped female detainees. NGOs also reported that authorities raped women in prison. There were reports of the sexual abuse of boys by members of the Afghan National Police (ANP) and the Afghan National Army (ANA)." **[2a] (Section 1c)**

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

10.64 The Human Rights Watch (HRW) report *"Just Don't Call It a Militia" Impunity, Militias, and the "Afghan Local Police"*, 12 September 2011, focused on research primarily between October 2010 and June 2011 by a Human Rights Watch researcher, a consultant, and two research assistants in Baghlan, Herat, Kabul, Kunduz, and Wardak provinces, with additional interviews in Kandahar, Uruzgan, and Washington DC. The report observed that with regards to abuses by the Afghan Local Police (ALP):

"US special operations forces who are training and overseeing the new forces say that the new forces have begun to deliver improvements in security in a number of areas

including places such as Gizab and Arghandab where they had previously established the 'Local Defense Initiative' (LDI), a precursor to the ALP. While this report highlights areas of concern, some interviewees warmly welcomed efforts to support local security solutions, even in areas where they were concerned about the individuals empowered by ALP. The real test of the impact for the ALP in terms of insurgent presence and attacks will take place when the presence of international forces is reduced." **[7j] (p5-6)**

10.65 The same HRW report added:

"In the provinces where we [HRW] conducted investigations there is reason for serious concern. In Shindand district in Herat province, for example, which has a reputation for being a vipers' nest of intertwined militias, criminal gangs, and insurgents, Human Rights Watch received numerous complaints about failures of vetting and criminal or insurgent elements being absorbed into the ALP. Allegations of abuse by ALP members surfaced soon after the program began. In October 2010, an ALP member and a man linked to the Taliban were alleged to have killed two men in Bakhtabad village. The family members of one victim said that police officials informed them that nothing could be done because US special operations forces were backing the ALP unit. When the family approached US forces they were told it was an Afghan police matter, reinforcing the common perception among Afghans that armed groups linked to US forces can act with impunity. In another incident, in February 2011, an ALP unit raided several houses in Shindand, stealing belongings, beating residents, and illegally detaining six men. In June 2011, two boys were detained overnight by the ALP beaten and one of them had nails hammered into his feet while in ALP custody.

"In Baghlan province, security has deteriorated in recent years as a result of increased insurgent presence, criminal activity, and abusive government-backed militias. Former Hezb-i-Islami fighters, including local strongman Nur-ul Haq, were among the first recruits of the ALP. Haq and his men were working with US troops prior to being officially approved as ALP members. Haq and his forces were quickly implicated in numerous abuses. In August 2010, on a joint patrol with US forces in the Shahabudeen area, Haq and his men raided a house and unjustifiably killed the owner's nine-year-old son. In April 2011, four armed ALP members in Baghlan abducted a 13-year-old boy on his way home from the bazaar and took him to the house of an ALP sub-commander where he was gang raped. He escaped the next day. Although the assailants' identities were well-known, no arrests have taken place. The ALP in Baghlan has also been implicated in another murder and disappearance, but the police have told Human Rights Watch that they have been unable to question suspected ALP members due to their relationship with special operations forces.

"In Uruzgan province in December 2010, a local strongman detained six elders after they refused to agree to provide men to the ALP. Some members of the ALP in Khas Uruzgan have been implicated by local officials and residents in illegal raids, beatings, and forcible collection of tax." **[7j] (p6)**

10.66 The Freedom House (FH) report, *Freedom in the World 2011*, Afghanistan, covering events in 2010, published on 16 May 2011, stated that:

"In a prevailing climate of impunity, government ministers as well as warlords in some provinces sanction widespread abuses by the police, military, local defense militias, and intelligence forces under their command, including arbitrary arrest and detention, torture, extortion, and extrajudicial killings. The Afghan Independent Human Rights Commission (AIHRC) receives hundreds of complaints of rights violations each year. In

addition to the abuses by security forces, reported violations have involved land theft, displacement, kidnapping, child trafficking, domestic violence, and forced marriage." **[6a]**

(See also Section 10: Security forces – National Security Directorate (NSD) (Amniate-e, Melli), Section 15: Prison conditions and Section 25: Women)

Extra-judicial killings

10.67 The USSD Report 2010 noted that extrajudicial killings did occur. **[2a] (Section 1a)** An Integrated Regional Information Networks (IRIN) News article dated 15 May 2008 stated that:

"A special rapporteur of the UN Commission on Human Rights has said hundreds of civilians have been unlawfully killed by the Afghan police, militias, international forces, foreign intelligence agents and Taliban insurgents in the past four months. Philip Alston – UN rapporteur on extrajudicial, summary and arbitrary execution, who visited different parts of Afghanistan and held extensive talks with commanders of the international forces based in Afghanistan, Afghan government officials, tribal elders and other actors – said at least 300 civilians had been killed by insurgents and about 200 others had been killed by international forces in 2008." **[29k]**

10.68 On the issue of impunity of government officials who commit human rights abuses, the same IRIN News article reported that "'A key reason for these failures to act is the extent to which senior government and international officials focus on 'stability' and 'security' rather than 'human rights',' he [Philip Alston] said. 'No one in the government has any interest in investigating, much less prosecuting, those responsible [for unlawful killings]…and no one in the international community seems prepared to change that situation.'" **[29k]**

Return to contents
Go to sources

PRIVATE SECURITY FIRMS

10.69 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 9 March 2011, stated:

"The decision by the Government of Afghanistan to disband private security companies and transfer protection responsibilities to the Ministry of Interior's Afghan Public Protection Force by the end of 2010 was delayed by difficulties in establishing mechanisms for transitioning away from existing contracts with private security companies. My Special Representative, the international community and NATO [North Atlantic Treaty Organisation] have expressed their support for the principle of eventually disbanding all private security companies and for Afghan institutions to take over security. All parties continue to work to devise a mechanism that does not adversely affect the security of international organizations or the ability of the international donor community to deliver necessary aid." **[17g] (p3)**

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

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

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

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

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

10.71 The ARM Mid-year report further stated:

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

"Despite their active presence across the country, most international security firms operate in an opaque environment and beyond meaningful legal parameters and oversight. Most Afghans, even law and order enforcement forces, do not distinguish foreign private security guards from international military and intelligence actors given that there are too much similarities among them. As international security companies operate in highly hostile environment, execute various sensitive security missions and use lethal force at their discretion, it is very likely that civilian people are affected by their presence and activities. However… it is extremely difficult to monitor, investigate and verify security incidents and civilian casualties resulting from their activities." **[103a] (p12)**

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

"Afghanistan has announced a formal ban on eight private security companies. President Hamid Karzai pledged to limit the scope of security companies when sworn in last year and in August signed a decree giving them four months to end their

operations. The first targets are firms with temporary permits and those operating illegally or who have committed past breaches of security. Firms with guards in foreign embassy or business compounds are exempt… There are 52 such companies, both international and domestic, registered with the government. They employ thousands of staff, who many Afghans believe often act with impunity." **[28m]**

10.73 The BBC report added:

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

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

Return to contents
Go to sources

AVENUES OF COMPLAINT

10.74 Article Fifty-Eight, Chapter 2 of the Afghan Constitution, accessed on 1 September 2011, states:

"To monitor respect for human rights in Afghanistan as well as to foster and protect it, the state shall establish the Independent Human Rights Commission of Afghanistan. Every individual shall complain to this Commission about the violation of personal human rights. The Commission shall refer human rights violations of individuals to legal authorities and assist them in defense of their rights. Organization and method of operation of the Commission shall be regulated by law." **[4a]**

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

10.76 One issue that drew a number of significant complaints was that of night raids by security forces, despite a decrease in the number of deaths reported from night operations. *The Cost of Kill/Capture: Impact of the Night Raid Surge on Afghan Civilians*, 19 September 2011, report by the Open Society Foundations, stated:

"ISAF [International Security Assistance Force] has made efforts in the last year to try to address complaints about accountability for civilian casualty incidents more generally, including those resulting from night raids. ISAF has continued to support the development of a Civilian Casualty Tracking Cell since it was created in December 2008, as well as other reporting and investigation processes. Incidents that ISAF suspects of resulting in civilian casualties are investigated by the Joint Incident Assessment Teams (JIAT), with investigations supervised by a one-star general or equivalent. Particularly controversial or murky cases may involve a site investigation by the JIAT, often undertaken jointly with Afghan government counterparts. These primarily

involve an assessment of any evidence at the site, interviews with those troops involved, and with Afghan local officials.

"A Civilian Casualties Working Group was instituted in March 2011 to explore policy changes at an operational or tactical level that could better reduce civilian casualties and complaints. In the late spring and summer of 2011, ISAF demonstrated greater efforts to reach out to international and Afghan civil society by hosting or participating in conferences designed to allow civil society to engage with them on civilian casualty concerns, and taking more meetings with those raising independent concerns.

"Though these are positive steps forward, other aspects of accountability have failed to improve, or even worsened. ISAF has appeared less responsive to independent monitors raising civilian casualty concerns than in the past. For example, ISAF has more often than not refused to discuss a number of suspected civilian casualty cases, provide evidence that those alleged to be civilians were in fact combatants, share video or other on-site evidence (which used to be forthcoming in the past), re-examine initial findings where contrary evidence surfaces, or to report the final results of investigations." **[78a] (p20)**

10.77 The Open Society Foundations report added:

"While the payment of compensation in cases of civilian harm has become more prevalent overall in Afghanistan, compensation for victims of night raids is still uncommon. In most cases, payment of compensation (more commonly referred to as 'condolences' or 'ex gratia' payments because they are non-binding) in Afghanistan still depends on the civilian who was harmed raising a complaint. Those subject to night raids are often too afraid to request compensation. They may not be able to identify those troops involved in order to make a complaint given the lack of transparency about night raids and the special forces conducting them. The lack of any formal standards for compensating wrongful detention, and a sort of 'presumption of guilt' by ISAF when it receives requests from night raids victims also hinder compensation in these cases. Perversely because ISAF has become more accurate in selecting its targets, and minimizing harm, it appears to have a presumption that most claims stemming from night raids are false." **[78a] (p21)**

(See also Section 8: Security situation for information on night raids by security forces)

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

10.79 The AIHRC report added:

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

"In comparison to 2008, the number of human rights complaints decreased by 10% and the number of violations by 7%. The AIHRC believes that this slight reduction may be due to the fact that, as a result of the Commission's awareness-raising activities, people now have an increased understanding about the AIHRC mandate and are therefore contacting the AIHRC less frequently regarding complaints unrelated to human rights. The slight decline may also be attributed to the worsening security situation in the country and limited access of people to AIHRC office, particularly in Southern provinces such as Khost, Paktika, Ghazni, Wardak and Zabul." **[14a] (p15)**

10.80 The USSD *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), noted in regards to redress for women, that:

"Women who reported cases of abuse or who sought legal redress for other matters reported pervasive discrimination within the judicial system. Local practices were discriminatory toward women, and in parts of the country where courts were not functional or knowledge of the law was minimal, elders relied on an interpretation of Sharia and tribal customs, which generally were discriminatory toward women. Most women reported limited access to justice in tribal shuras, where all presiding elders were men; women in some villages were not allowed any access for dispute resolution. Women's advocacy groups reported that the government intervened informally with local courts to encourage them to interpret laws in ways favorable to women." **[2a] (Section 6)**

(See also Section 13: Judiciary - Community-based dispute resolution (CBDR) and Section 19: Human Rights Institutions, Organisations and Activists – Afghanistan Independent Human Rights Commission (AIHRC))

Return to contents
Go to sources

11. MILITARY SERVICE

This section should be read in conjunction with Section 26: Children – Child recruitment

11.01 The Central Intelligence Agency (CIA) World Factbook, updated 23 August 2011, accessed on 28 September 2011, noted that recruitment started at 22 years old and "inductees are contracted into service for a 4-year term." **[3a] (Government)** The Library of Congress country profile of Afghanistan, updated in August 2008, observed that "Males are eligible for conscription at age 22, and volunteers may enlist at age 18. The term of service for conscripts is four years." **[44a] (p22)** The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), stated however "Officially the government, with international assistance, vetted all recruits into the armed forces and police, rejecting applicants under the age of 18." **[2a] (Section 1g)**

11.02 Reflecting on the sustainability of troop numbers, in November 2009 the *Asia Times* online reported that:

"One in every four combat soldiers quit the Afghan National Army (ANA) during the year ending in September [2009], published data by the US Defense Department and the Inspector General for Reconstruction in Afghanistan reveals. That high rate of turnover in the ANA, driven by extremely high rates of desertion, spells trouble for the strategy

that US President Barack Obama has reportedly decided on, which is said to include the dispatch of thousands of additional US military trainers to rapidly increase the size of the ANA." **[110a]**

(See also Section on Security forces – Armed forces)

Return to contents
Go to sources

12. ABUSES BY NON-GOVERNMENT ARMED FORCES

OVERVIEW

12.01 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011(USSD Report 2010), noted that "There were reports of torture and other abuses by the Taliban and other insurgent groups. Media reports and firsthand accounts accused the Taliban of employing torture in interrogations of persons they accused of supporting coalition forces and the central government. The Taliban contacted newspapers and television stations in several such cases to claim responsibility." **[2a] (Section 1c)**

12.02 The Human Rights Watch (HRW) *World Report 2011*, Afghanistan, covering events of 2010, published 24 January 2011, stated that:

"Threats, violence, and intimidation are regularly used to silence opposition politicians, journalists, and civil society activists, particularly those who speak out about impunity, war crimes, government officials, or powerful local figures.

"Women's rights defenders are regularly threatened and intimidated. Government failure to bring perpetrators to justice compounds fear among other women activists.

"Journalists in the conflict areas face severe pressures. Insurgent groups use arson, kidnapping, and intimidation to try to stop reporting they see as unsympathetic. The government and local strongmen also intimidate and detain journalists." **[7a] (Chapter - Afghanistan)**

12.03 An example of abuse by militants included the death of a young boy: On 22 July 2011 militants kidnapped and hanged an 8 year-old boy because his father, a police officer in the southern city of Gereshk, Helmand Province, refused to provide militants with a police vehicle which they had demanded, officials claimed. (CNN, 24 July 2011) **[82b]**

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

12.05 The USSD Report 2010, noted that:

"… on August 9 [2010], the Taliban publicly executed a woman, Sanam Bibi (also referred to as Bibi Sanubar), for adultery in the Qadis District of Badghis Province. After

a staged public trial, local Taliban commander Mohammad Yousuf publicly lashed Sanam Bibi 200 times, then shot her in the head three times. The man who allegedly had an affair with Sanam Bibi was not punished because he paid a fine of 150,000 afghanis (approximately $3,300)." **[2a] (Section 1a)**

12.06 In June 2010 the Taliban were reported to have executed a seven year old boy who they suspected of spying for US and Allied forces. Hands off Cain reported on 8 June 2010 that "The child was tried and publicly hanged in the village of Heratiyan, in Sangin, Helmand province, said Dawoud Ahmadi, the provincial governor's spokesman. Afghan officials said the boy was accused of spying for US and Nato forces and hanged from a tree. Ahmadi said the murder came just days after the boy's grandfather, Abdul Woodod Alokozai, spoke out against militants in their hometown." **[47a]**

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

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

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

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

See subsection on Warlords and commanders for information about the amnesty for those engaged in the conflict during the previous 25 years.

(See also Section 8: Security Situation for information where further security instances have been noted)

(See Annex B for details on Political organisations and other groups)

ARBITRARY ARREST AND DETENTION

Kidnappings

12.09 The HRW Report 2011 stated that "Kidnapping for ransom is common, with an estimated 450 Afghans abducted annually according to the Afghanistan NGO [Non-Governmental Organisation] Security Office. Insurgent groups also use kidnapping to demand prisoner releases." **[7a] (Afghanistan Section)**

12.10 On 23 August 2011 Radio Free Europe/Radio Liberty (RFE/RL) reported on the dissaprearance of two Germans while they were hiking, fearing they had been kidnapped. The article noted that the two men had vanished on 21 August while "… hiking near the Salang Pass, a major route through the Hindu Kush mountains connecting the capital, Kabul, to northern Afghanistan." Adding "The Taliban are not active in the area where they vanished and a local official said they may have been abducted by ethnic Pashtun nomads." **[50f]**

12.11 On 9 August 2011 Radio Free Europe/Radio Liberty (RFE/RL) reported:

"Tajiks living near the border with Afghanistan say Afghan drug smugglers have abducted a man after he cooperated with Tajik border guards, RFE/RL's Tajik Service reports. They said the armed kidnappers claimed the man, called Amirkhon, had informed Tajik border guards where they had hidden a cache of drugs. Tajik border guards reportedly seized a huge amount of drugs about a week ago in the Shuroobod district of the southern Khatlon Province. Amirkhon is the fourth person from the Shuroobod village of Qavoq to be abducted this year. But Qavoq residents say he is the first to be targeted for his alleged cooperation with border guards." **[50g]**

12.12 The USSD Report 2010, noted that:

"The MOI [Ministry of Interior] reported 162 abductions during the year [2010]. The Afghanistan NGO Safety Office (ANSO) reported that insurgents and others kidnapped 19 aid workers during the year. In December [2010] the UN Secretary General reported 134 NGO staff members were abducted between June and the end of October. The AIHRC/UNAMA [Afghan Independent Human Rights Commission/ United Nations Assistance Mission in Afghanistan] annual report for the year also stated that there was a total of 251 incidents of civilian abductions during the year, an 83 percent increase from 2009." **[2a] (Section 1g)**

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

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

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

WARLORDS AND COMMANDERS

12.15 The Congressional Research Service (CRS) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 22 September 2011, accessed on 6 October 2011, stated: "Governing Afghanistan is complicated by the continuing influence of local strongmen (often referred to as 'warlords'), many of whom wield personal militias or other irregular sources of strength. Although U.S. policy has intended to build up Afghanistan's government as a monopoly of authority, in some cases U.S. and Afghan government officials have worked with these faction leaders to stabilize areas of Afghanistan." **[22a] (p11)**

12.16 The USSD *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), noted that:

"The Law on National Reconciliation and Amnesty, published in December 2009, grants amnesty to all persons engaged in conflict during the previous 25 years, up until the establishment of the interim administration, providing immunity from prosecution for serious violations of human rights, including war crimes and crimes against humanity.

"The AIHRC [Afghanistan Independent Human Rights Commission] stated that some members of the Taliban were released during the 2010 Peace Jirga and through presidential pardons under this law. In addition many alleged war criminals and human rights abusers remained in positions of power within the government. Under the Afghan Peace and Reintegration Program (APRP), antigovernment elements were entitled to amnesty for political offenses if they agreed to live within the country's laws and renounced violence and terrorism. There is no legal framework for political amnesty and forgiveness of other crimes. In the absence of such a framework, the country was expected to continue to provide amnesty on an ad hoc basis to those who sought reintegration, subject to community vetting requirements. Hundreds of persons entered the APRP process by year's end." **[2a] (Section 1d)**

12.17 An Immigration and Refugee Board of Canada (IRB) Response to Information Request, Afghanistan: Situation of warlords in Afghanistan, including state response to regional warlord control (2007 - 2010), 6 January 2011, stated:

"Warlords are sometimes described as 'powerbrokers'… who reportedly 'provide social services in their areas of influence,' and 'maintain private armies'… 'regional strongmen'… or just 'strongmen'… 'local militias'… 'faction leaders'… 'local commanders'…; and 'militia commanders'… The Kabul-based, English-language newspaper the *Daily Outlook* Afghanistan notes that the term 'warlord' is often used to discredit political opponents, and defines it as 'a charismatic military leader who, because of the weakness or absence of a state, ends up playing a political role, though he lacks political legitimacy' (6 Mar. 2010). The Canadian Press also explains that Afghan warlords are 'regional leaders' who came to power during the war with the Soviet Union and the subsequent civil war…" **[53a]**

Return to contents
Go to sources

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

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

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

"In the past year or so Hekmatyar, a charismatic Pashtun Islamic fundamentalist, has begun to raise his profile, granting several interviews with major news outlets and stepping up the tempo of his political propaganda. He has put a lot of effort into restyling himself in a more acceptable guise – as a strong moderate fundamentalist with Afghanistan's best Islamic interest at heart. This despite his own claims that he plotted with the Taliban to foment a deadly attack that killed 10 French soldiers in August 2008, just one of several violent assaults on coalition troops and Afghan government that he has claimed responsibility for in recent years." **[8a]**

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

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

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

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

Return to contents
Go to sources

NIGHT LETTERS

12.22 The Human Rights Watch (HRW) Report, *The "Ten-Dollar Talib" and Women's Rights Afghan Women and the Risks of Reintegration and Reconciliation*, dated 13 July 2010, stated "A common means of intimidation and control of local communities by insurgents is the use of night letters [shabnamah] – threatening letters usually hand-delivered or posted to a door or mosque by insurgent groups, often at night." **[7b] (p25)**

12.23 The Minority Rights Group (MRG) report, *State of the World's Minorities and Indigenous Peoples 2011*, 6 July 2011, covering events of 2010, stated:

"These 'night letters' are written threats delivered at night to a home or mosque, addressed to individuals. 'Night letters' have a historical significance in the Afghan context, in part due to the fact that they were used by armed mujahideen groups against women who were perceived to be 'Western' in dress or attitudes, during the conflict in the 1980s and 1990s. They are followed up with real violence, and in some cases murder." **[70f] (p139)**

12.24 The MRG report noted: "As a result many women have been forced to give up jobs or risk undermining their family's safety. There have been direct attacks on women in politics, including on parliamentarian Fawzia Kufi and provincial councillor Neda Pyani, who was seriously injured in a driveby shooting in Pul-e Khumri, the capital of Baghlan province, in the first quarter of 2010." **[70f] (p139)**

12.25 The online magazine *Wired* reported in March 2011 that the Taliban also sent text messages and "gruesome videos" to Afghans' mobile phones as a way of getting their threats out in mass. **[54a]**

12.26 The Taliban had reportedly distributed night letters and mobile phone text messages warning citizens not to vote in the September 2010 elections.(USSD Report 2010) **[2a] (Section 1g)**

12.27 In a HRW article *Afghanistan: Who Benefits from Taliban Revisionism?*, 21 January 2011, while reporting on claims that the Taliban leadership no longer opposed education for girls and the attacks on schools during 2010, it provided examples where 'night letters' had been sent, including one which had been sent to a school in the northern Provovice of Kunduz in 2010. The letter stated:

"'You were already informed by us to close the school and not mislead the pure and innocent girls under this non-Muslim government ... This is the last warning to close the school immediately ... If you remain in the province, remember that you along with your family will be eliminated. Just wait for your death.'

"Another example where a female teacher received a letter, it said:

"'We Taliban warn you to stop working, otherwise we will take your life away. We will kill you in such a harsh way that no woman has so far been killed in that manner. This will be a good lesson for those women like you who are working.'

"In October 2009 another teacher quit after receiving a letter showing the Taliban insignia. The letter said:

"'We warn you to leave your job as a teacher as soon as possible, otherwise we will cut the heads off your children and we shall set fire to your daughter.'" **[7g]**

12.28 Another example which was noted in the HRW report of 13 July 2010 was that of Nadia N., who worked for an International NGO in a southern Afghan province. She received the following night letter:

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

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

(See also Section 25: Women – Violence against women)

Return to contents
Go to sources

DISBANDMENT OF ILLEGAL ARMED GROUPS (DIAG)

12.29 The Freedom House (FH) report, *Freedom in the World 2011*, Afghanistan, covering events in 2010, published on 16 May 2011, stated that:

"Voluntary disarmament programs carried out beginning in 2003 succeeded in demobilizing over 60,000 militiamen and collected a considerable amount of weaponry. However, the disarmament process never moved to the enforcement stage as planned, and foreign military programs to rearm informal militias as a counterinsurgency force are actively undermining efforts to curtail and regulate the use of illegal arms. Afghan law demands that illegal armed groups be excluded from elections, but Afghan institutions lack the will and capacity to enforce this ban meaningfully, as was manifest during the 2010 parliamentary elections. Ongoing programs aimed at reintegrating former insurgents have failed to ensure that they disarm." **[6a]**

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

"In the first quarter of 2010, the Afghanistan New Beginnings Programme's (ANBP) Disbandment of Illegal Armed Groups (DIAG) project continued to play a crucial role within the security sector in Afghanistan by assisting the Government of Afghanistan in disarming and disbanding illegal armed groups, collecting weapons, and in delivering development projects to enhance socio-economic outcomes in compliant districts. In doing so, it contributed to socio-economic community development and enhanced good governance. In this quarter, nine Illegal Armed Groups (IAGs) were disbanded, bringing the total number disbanded since the beginning of DIAG to 704. 1,281 weapons were handed over during the year as a result of DIAG District Operations (DDI) and contributions from other stakeholders, bringing the total of weapons collected under DIAG to 47,551. During this quarter, 1,734 individual weapons were registered, 39

private security companies had their licenses extended until March 2011, and seven districts became compliant with the DIAG process, bringing the total number of compliant districts to 95. These accomplishments reflect the contribution of the DIAG project in supporting weapons management in Afghanistan." **[20a] (p6)**

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

REINTEGRATION OF INSURGENTS

12.32 The Afghan Research and Evaluation Unit (AREU) report, *Peace at All Costs? Reintegration and Reconciliation in Afghanistan*, October 2010, stated:

"2010 marks the ninth year since the fall of the Taliban in Afghanistan. The increasing complexity of the current conflict and its rising economic, military and human costs have ushered in a sense of urgency, particularly within the international community, about how to mitigate the situation. Furthermore, the Karzai administration has come under increasing international pressure (particularly since the controversial 2009 presidential election) while facing growing disenchantment among the Afghan population for its failure to deliver on many of its promises and for the rising levels of corruption and violence in the country. Partly generated by a shift in US administration, policies within and toward Afghanistan have entered a phase of renewed focus on how to effectively address the issue of rising insurgency.

"Indeed, the most recent initiative, the Afghanistan Peace and Reintegration Programme (APRP), proposed at the London Conference on 28 January 2010, comes at a critical point for Afghanistan, in US-Afghanistan relations, and in the relationship between Afghanistan and countries in south and central Asia as well as in Europe. The APRP is the latest in a series of efforts since 2001 to disarm insurgents and reintegrate them into Afghan society, and to bring an end to the violence." **[8f] (p1)**

12.33 The Congressional Research Service (CRS) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 22 September 2011, accessed on 6 October 2011, stated:

"Before the more recent emphasis on reconciliation, the concept of providing incentives to persuade insurgents to surrender and reenter their communities received most of the U.S. attention. The elements included in a reintegration plan drafted by the Afghan government and adopted by a 'peace loya jirga' during June 2-4, 2010 included providing surrendering fighters with jobs, amnesty, protection, and an opportunity to be part of the security architecture for their communities. In its final declaration, the peace jirga backed the plan, but also called for the release of some detained insurgents where allegations against them are weak. The day after the jirga concluded, Karzai sought to implement that recommendation by calling for a review of the cases of all insurgent detentions. In late June 2010, President Karzai issued a decree to implement the plan, which involves outreach by Afghan local leaders to tribes and others who can convince insurgents to lay down their arms. The Afghan plan received formal international backing at the July 20, 2010, Kabul Conference. Britain, Japan, and several other countries, including the United States, have announced a total of about $235 million in

donations to a new fund to support the reintegration process, of which $134 million has been received. The U.S contribution is to be about $100 million (CERP funds), of which $50 million was formally pledged in April 2011.

"Despite the international funding for the effort, the Afghan-led reintegration process has moved forward slowly. As of September 2011, about 2,400 fighters have reintegrated, but they are mostly from the north and west and not the more violent south and east. However, another 1,000- 2,000, including a higher percentage of those from the south, are expected to begin the process in the near future. Some accounts attribute the slow progress to delays by Afghan officials who say they are not ready to provide the promised protection and job training services to reintegrating fighters. In addition, short of formal reintegration, U.S. military meetings with tribal elders have, in some cases, persuaded Taliban and other insurgents in their areas to stop fighting. On the other hand, some observers say there have been cases in which reintegrated fighters have committed Taliban-style human rights abuses against women and others, suggesting that the reintegration process might have unintended consequences." **[22a] (p41-42)**

12.34 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 21 September 2011, stated:

"According to the Joint Secretariat, 2,374 reintegrees had joined the Afghanistan Peace and Reintegration Programme as at the end of July [2011], 431 more than in the previous month. Twenty-three provincial peace committees have been formed and approved and are functioning. In addition, provincial Joint Secretariat teams have become operational in 25 provinces. Two training workshops for staff members of those bodies, including their heads, were conducted in June [2011] and July [2011] with a view to further strengthening their capacities to implement the Programme. Standard operating procedures on vetting, transition assistance, provincial accounts and small grants were approved and distributed to provincial authorities." **[17k] (p4)**

12.35 When considering ethnic groups under the reintegration of former Taliban fighters, the Minority Rights Group (MRG) report, *State of the World's Minorities and Indigenous Peoples 2011*, 6 July 2011, covering events of 2010, stated:

"When asked for a clarification of the impact on women and minorities of the reintegration of pro-Taliban forces in national politics, Mohammad Masoom Stanekzai, who is in charge of government reintegration programmes, reiterated that any resulting policy changes will not infringe on the promises of Article 22 of the Afghan Constitution. This article, promising equality, provides shallow protection to minorities and women and could easily be subverted by a stricter reading of Article 3, which guarantees the primacy of Sharia law, raising deeper questions about the commitment of the government to values of equality." **[70f] (p141)**

(See also Section 22: Ethnic groups)

12.36 The *New York Times* (NYT) reported on the 19 June 2011 about investments by western governments towards reintergration, noting:

"The money provides a small, short-term stipend to fighters who change sides, and then rewards their communities with generous development and job programs - rather than handing out money or jobs to fighters. The incentives were designed to prevent abuses of past programs, under which fighters would change sides with the seasons, collecting

money in the winter, then resuming the fight in the spring or summer… [Maj. Gen. Phil Jones] said the program has grown more slowly in the south and east because many fighters fear that if they lay down their arms, the Taliban will take revenge on them or their families." **[42c]**

12.37 The NYT also reported on the logistical problems faced in implementing the programme. For example:

"… each province must have a peace and reconciliation committee to serve as an intermediary between active Taliban commanders and the government. Special bank accounts had to be set up to keep track of the money sent to the provincial governors to run the program. Afghan and NATO officials also have difficulty confirming the identities of those who say they want to switch. In Kunduz Province, many of the 400 Taliban who have changed sides in recent months have gone back to their villages to form armed groups known locally as arbakai, according to the leader of the peace and reconciliation committee there. 'A number of them were given guns to secure their own villages after we received guarantees from the village elders about their honesty and loyalty to the government,' said the committee leader, Asadullah Omerkhel. Some of those fighters are accused of taxing local people, running protection rackets and even rape, raising the question of whether they are just criminals." **[42c]**

12.38 The United Nations (UN) General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 23 June 2011, stated:

"The Review Conference of the Afghanistan Peace and Reintegration Programme, held in Kabul on 10 and 11 May, assessed achievements to date and agreed on measures to enhance the implementation of the Programme. During the conference, governors voiced their frustration at the slow roll-out of the Programme and final document, which also highlights the gender dimension of the process, recognized that reconciliation and reintegration are important and integral parts of an overall peace process and that they are mutually reinforcing targets of the Programme." **[17a] (p3-4)**

12.39 The UN General Assembly Security Council report, 23 June 2011 added:

"Progress has been reported on the reintegration of insurgents. According to the United Nations Development Programme (UNDP), which manages one of the trust fund windows and provides technical and operational support to the High Peace Council and the joint secretariat of the Afghanistan Peace and Reintegration Programme, by the end of May [2011], the number of individuals who joined the Programme since its start reached 1,809 throughout 17 provinces. Notably, in March and April, two reintegration events involving Taliban members occurred in Kandahar. This is a significant development in a region that has seen limited progress thus far. However, a number of national and international observers continued to question the background of many individuals who joined the Programme." **[17a] (p3)**

12.40 The CRS Report of 22 September 2011 also stated:

"To help the [reintegration] process along from the international perspective, in November 2009, ISAF [International Security Assistance Force] set up a 'force reintegration cell' to develop additional programs and policies to accelerate the effort to cause insurgents to change sides. These strategies are similar to what was employed successfully in Anbar Province in Iraq in 2006 and 2007. Previous efforts similarly met

mixed success. A 'Program for Strengthening Peace and Reconciliation' (referred to in Afghanistan by its Pashto acronym 'PTS') operated during 2003- 2008, headed by then Meshrano Jirga speaker Sibghatullah Mojadeddi and Vice President Karim Khalili, and overseen by Karzai's National Security Council. The program persuaded 9,000 Taliban figures and commanders to renounce violence and join the political process." **[22a] (p42)**

Return to contents
Go to sources

13. JUDICIARY

ORGANISATION

13.01 The Afghanistan Research and Evaluation Unit (AREU) report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, focused on research carried out in six provinces of Samangan, Jawzjan, Sar-i-Pul, Day Kundi, Laghman and Wardak. The report noted:

"There are three major components to the state justice system in Afghanistan – the Office of the Attorney General, the Judiciary operating under the Supreme Court, and the Ministry of Justice – each of which fulfil differing roles at the local level. There are two forms of justice in Afghanistan. The first is *huqooq-ul-ibad* – rights that are open to human interpretation – and the second is *huqooqul- Allah* – religious rights that are non-negotiable and bound to be upheld by the state. Non-state justice mechanisms make judgements on the basis of *huqooq-ul-ibad* but may not make any decision on the basis of *huqooq-ul-Allah*, which is the role of state justice mechanisms." **[13a] (p24)**

13.02 The Amnesty International Report 2011: *The state of the world's human rights: Afghanistan*, (AI Report 2011) published on 13 May 2011, stated, "The formal justice system remained inaccessible to most Afghans. Concerns about corruption, inefficiency and high costs led many citizens to resort to traditional methods of dispute resolution, as well as seeking 'justice' in Taleban courts, which operated without basic safeguards of due process and rule of law, meted out brutal punishments and routinely discriminated against women." **[5a]**

13.03 The International Crisis Group *Afghanistan: Exit vs Engagement*, Asia Briefing N°115, 28 November 2010, stated:

"The judiciary has been almost entirely neglected. There is increasing disillusionment as crimes go unpunished and courts are unable to adjudicate simple civil cases, such as those over land, a primary source of many disputes in Afghanistan. Yet, justice was regarded as a luxury after the intervention, and the rule of law is still considered an extravagance. Lack of justice has had a profoundly destabilising effect on Afghanistan and judicial institutions have all but withered away in most provinces." **[8b] (p6)**

13.04 The AREU report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, noted:

"Although the formal justice system was seen to be functioning in the northern study provinces, it was viewed with deep mistrust, especially in rural areas. Slow, inaccessible, complex, expensive and corrupt, its failings were contributing substantially to a loss of trust in government as a whole. Law officers thus undertook their responsibilities with varying degrees of integrity. Although statutory law was given

priority over Islamic law in the 1964 constitution, there remains a dual system in the 2004 constitution whereby primacy of one over the other rests with interpretation. While customary law was not even mentioned in the 2004 constitution, it remains the most commonly used system in rural areas." **[13a] (p27)**

13.05 The Human Rights Watch (HRW) *World Report 2011: Afghanistan*, covering events of 2010, published 24 January 2011, stated that:

"Lack of due process of law remains a major failing of the legal system; Afghans continue to face arbitrary detention, and are frequently denied access to a lawyer and the right to challenge the grounds of their detention before an impartial judge. Corruption and abuse of power often taint court proceedings. Reports persist of torture and ill-treatment of detainees held by the National Directorate of Security, with human rights officials gaining only erratic access to detention facilities where abuses are thought to occur." **[7a]**

(See also Section 10: Security forces – Human rights violations by government forces)

13.06 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011(USSD Report 2010), noted that

"The formal justice system was relatively strong in the urban centers, where the central government was strongest, and weaker in the rural areas, where approximately 72 percent of the population lived. Nationwide, fully functioning courts, police forces, and prisons were rare. The judicial system lacked the capacity to handle the large volume of new and amended legislation. A lack of qualified judicial personnel hindered the courts. Municipal and provincial authorities, including judges, had minimal training and often based their judgments on their personal understanding of Sharia, tribal codes of honor, or local custom." **[2a] (Section 1e)**

13.07 The AREU report of June 2011, noted:

"The Huqooq Department of the Ministry of Justice has the responsibility for dealing with civil disputes and enforcing civil judgments. It has links with other parts of the justice system and traditional justice networks, which it relies on to help resolve cases by mediation or conciliation. If the differences involved are irreconcilable, cases are then referred to the courts. The Huqooq is also responsible for enforcing court decisions on civil matters. Its three main areas of focus are property (often land), debt and family matters" **[13a] (p24)**

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

Return to contents
Go to sources

INDEPENDENCE

13.09 The USSD Report 2010 noted:

> "The law provides for an independent judiciary, but in practice the judiciary often was underfunded, understaffed, and subject to political influence and pervasive corruption. Bribery, corruption, and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency threatened judicial impartiality. The Counter Narcotics Tribunal in Kabul, whose members' salaries the international community supplemented and which worked within a secure compound, was an exception. International organizations reported no evidence of corruption or political influence involving its officials. Other courts administered justice unevenly, according to a mixture of codified law, Sharia (Islamic law), and local custom." **[2a] (Section 1e)**

13.10 The Freedom House (FH) report, *Freedom in the World 2011*, Afghanistan, covering events in 2010, published on 16 May 2011, stated that:

> "The judicial system operates haphazardly, and justice in many places is administered on the basis of a mixture of legal codes by inadequately trained judges. Corruption in the judiciary is extensive, and judges and lawyers are often subject to threats from local leaders or armed groups. Traditional justice remains the main recourse for the population, particularly in rural areas. The Supreme Court, composed of religious scholars who have little knowledge of civil jurisprudence, is particularly in need of reform. Prison conditions are extremely poor, with many detainees held illegally. The national intelligence agency as well as some warlords and political leaders maintain their own prisons and do not allow access to detainees." **[6a]**

(See also Section 15: Prison conditions and Section 20: Corruption)

FAIR TRIAL

13.11 The USSD Report 2010, observed that:

> "Trial procedures rarely met internationally accepted standards. The administration and implementation of justice varied in different areas of the country. By law all citizens are entitled to a presumption of innocence. In practice the courts typically convicted defendants after sessions that lasted only a few minutes. Defendants have the right to be present at trial and to appeal; however, these rights were not always applied. Trials were usually public. Judges decided all criminal trials, since there is no right to a jury trial under the constitution. A defendant also has the right to consult with an advocate or counsel at public expense when resources allow. This right was inconsistently applied, in part due to a severe shortage of defense counsel. Defendants frequently were not allowed to confront or question witnesses. Citizens often were unaware of their constitutional rights. Defendants and attorneys were entitled to examine the physical evidence and the documents related to their case before trial; however, observers noted that in practice court documents often were not available for review before cases went to trial, despite defense lawyers' requests. AI reported that trial proceedings fell below international standards, including not providing adequate time for the accused to prepare their defense, lack of legal representation, reliance on insufficient evidence or evidence gathered through torture and other mistreatment, and the denial of the defendant's right to call and examine witnesses.

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

"In cases lacking a clearly defined legal statute, or cases in which judges, prosecutors, or elders were unaware of the law, judges and informal shuras enforced customary law; this practice often resulted in outcomes that discriminated against women. This included the practice ('baadh') of ordering the defendant to provide compensation in the form of a young girl to be married to a man whose family the defendant had wronged." **[2a] (Section 1e)**

13.12 An International Development Law Organisation (IDLO) press release dated February 2009, noted that:

"One of the most serious problems facing the legal system of Afghanistan is a lack of legal material and resources. Libraries and legal collections in the country were in fact largely destroyed during twenty four years of war. Most judges report that they do not have adequate access to professional resources. In a 2007 survey, 83% stated that they do not have access to written decisions of the Supreme Court; 55% stated that they do not have access to textbooks on the law, procedure and practice; and 36% stated that they do not have sufficient access to statutes or governmental regulations." **[45a]**

(See also Section 25: Women – Legal rights)

Return to contents
Go to sources

CODE OF CRIMINAL PROCEDURE

13.13 The USSD Report 2009, noted that:

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

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

A copy of the Afghanistan Penal Code can be accessed through the World Law Guide website. **[112a]**

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

(See also Section 25: Women – Legal rights)

COMMUNITY-BASED DISPUTE RESOLUTION (CBDR)

13.14 The Afghanistan Research and Evaluation Unit (AREU) report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, noted:

"The shortcomings and inaccessibility of the formal justice sector have resulted in a range of actors playing a role in the delivery of justice. These include the ulema [Educated religious leaders and arbiters of Sharia law], Ministry of Hajj and Religious Affairs, provincial councils, *maliks* [village representatives] and local *shuras* [Community council] or *jirgas* [Gathering of tribal elders]. The Ministry of Women's Affairs was also seen to play an active role in supporting women in difficulty, especially those dealing with household violence. Many of these actors attempt to fulfil an initial mediating role that allows complainants or adversaries to settle their disputes without reference to a further body. If the dispute remains unresolved, it is then usually referred to CBDR mechanisms, although a few cases proceed to the formal justice system instead.

"Judicial *shuras*, *jirgas* or *marakas* form the mainstay of CBDR processes. These bodies are normally composed of elders, ulema and *jihadi* commanders, but are flexible in their composition depending on the complexity and seriousness of the case. CBDR *shuras* exist at both village and district levels, and the latter often deal with cases that cannot be resolved in the village." **[13a] (p25)**

(See also Section 10: Security forces – Avenues of complaint)

Return to contents
Go to sources

14. ARREST AND DETENTION – LEGAL RIGHTS

14.01 Article 31, Chapter 2: *Fundamental Rights and Duties of Citizens,* of the Constitution, ratified by President Hamid Karzai at a ceremony in Kabul in January 2004, accessed via the Foreign and Commonwealth Office (FCO) Country Profile on Afghanistan, on 21 September 2011, states:

"Upon arrest, or to prove truth, every individual can appoint a defense attorney. Immediately upon arrest, the accused shall have the right to be informed of the nature of the accusation, and appear before the court within the time limit specified by law. In criminal cases, the state shall appoint a defense attorney for the indigent. Confidentiality of conversations, correspondence, and communications between the accused and their attorney shall be secure from any kind of violation. The duties and powers of defense attorneys shall be regulated by law." **[4a]**

14.02 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), noted that:

"The law provides for access to legal counsel and the use of warrants, and it limits how long detainees may be held without charge. The International Committee for the Red Cross, the AIHRC [Afghanistan Independent Human Rights Commission], and other observers reported that arbitrary and prolonged detention frequently occurred throughout the country. Authorities often did not inform detainees of the charges against them. Police have the right to detain a suspect as long as 72 hours to complete a preliminary investigation. If they decide to pursue a case, the file is transferred to the Attorney General's Office, which must interrogate the suspect within 48 hours. The investigating prosecutor can continue to detain a suspect without formal charges for 15 days from the time of arrest while continuing the investigation. With court approval the investigating prosecutor may detain a suspect for an additional 15 days. The prosecutor must file an indictment or release the suspect within 30 days of arrest. Investigation may continue even if an indictment cannot be completed within the 30 days.

"In practice many detainees did not benefit from any or all of these provisions, largely due to lack of resources. There is also a provision that upon request by defense counsel, the court shall release a detainee held over the 30-day period when an indictment is not filed. However, many detainees were held beyond 30 days, despite the lack of any indictment. Observers reported that prosecutors and police detained individuals on average for nine months without charging them, sometimes for actions that were not crimes under the law, in part because the judicial system was inadequate to process detainees in a timely fashion." **[2a] (Section 1d)**

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

14.04 With regards to the legal procedures for detaining children, the USSD Report 2010 also noted:

"The juvenile code presumes children should not be held to the same standards as adults. The code states that the arrest of a child 'should be a matter of last resort and should last for the shortest possible period.'

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

"Some of the children in the criminal justice system were victims rather than perpetrators of crime. Particularly in cases of sexual exploitation, perpetrators were

seldom imprisoned, as cases were seldom prosecuted; some victims were perceived as shameful and in need of punishment, having brought shame on their family by reporting the abuse. Some children allegedly were imprisoned as a family proxy for the actual perpetrator." **[2a] (Section 1d)**

14.05 A report by the Kings College London on the *Alternatives to Imprisonment in Afghanistan* dated February 2009 recorded that "An analysis of 104 juvenile cases where the sentence had been confirmed showed that over half would have been eligible under this code for a nonprison sentence. However, there is currently only one day rehabilitation centre recently constructed in Kabul by UNICEF [United Nations Children's Fund] which is not yet operational." **[46a]**

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

Return to contents
Go to sources

15. PRISON CONDITIONS

15.01 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), noted that:

"Prison conditions remained poor; however, the government took some steps to improve conditions within the Ministry of Justice (MOJ) prisons and detention centers. Most prisons and detention centers, particularly MOI detention centers, were decrepit, severely overcrowded, and unsanitary and fell well short of international standards. The AIHRC [Afghanistan Independent Human Rights Commission] and other observers continued to report that inadequate food and water, poor sanitation facilities, insufficient blankets, and infectious diseases were common in the country's prisons. However, some observers have found the food and water to be sufficient throughout the Central Prison Directorate (CPD). The CPD has a nationwide program to feed prisoners, but on an extremely limited budget. Many prisoners' families supplement food and other necessary living items.

"The AIHRC reported that many prisons and detention centers lacked potable water, adequate space, heating and cooling facilities, and adequate restrooms. Infirmaries, where they existed, were underequipped. Prisoners with contagious diseases and prisoners with mental illness rarely were separated from other prisoners; according to authorities this was for cultural reasons." **[2a] (Section 1c)**

15.02 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 9 March 2011, stated:

"The population of Afghanistan's prisons continues to grow. In 2001, there were only 600 prisoners nationwide. By October 2007, the figure had reached 10,604. Official figures from January 2011 reveal that the Central Prison Department is housing a total of 18,970 sentenced prisoners and unsentenced detainees, including 597 women and 281 children. This increase in the prison population puts a strain on the already overcrowded system that was designed for about 10,000 prisoners." **[17g] (p9)**

15.03 Evidence of the poor conditions prisoners faced was highlighted in an article by the Institute for War and Peace Reporting (IWPR), when reporting on Parwan Prison, located 64 kilometres north of Kabul in March 2010. In the article Sayed Mansur, 19, a prisoner for more than two years who was still waiting for a trial date, said:

"'For God's sake convey our voice to the government officials and human rights institutions,' he said. 'What the hell is going on? I have been imprisoned for two years because I was accused of murder, but no one deals with my case and I live in the prison with an uncertain future.'" The article added: "The prison, which holds more than 230 men and 17 women, is in the centre of the town of Charikar. Mansur said that more than 55 prisoners lived in a cell with space for just 20 people. There were no exercise facilities, no appropriate place for visitors and the prison's four toilets were shared between more than 200 inmates…" **[27f]**

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

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

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

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

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

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

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

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

"The Commission's provincial and regional offices report that the condition of the toilets is unbearable. A number of the prisons have not even created specific bathrooms, instead guards or prisoners have designated very simple spaces, such as a 4-walled section of floor or earth, without a door or a ceiling for use. Only the prisons located in Nangarhar, Samangan, Bamyan and Faryab, enjoy clean and suitable showers and toilets." **[14b] (p9-10)**

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

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

15.08 The AIHRC report added:

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

Return to contents
Go to sources

15.09 The USSD Report 2010, observed however that:

"Authorities generally did not have the infrastructural capacity to separate pretrial and posttrial inmates. In November [2010] the CPD reported 4,764 male pretrial detainees, 12,953 male prisoners, 103 female detainees, and 463 female prisoners. In most instances limited infrastructure hindered housing prisoners by their classification, but where it was feasible the CPD separated them. Women were not imprisoned with men. In the two largest female prisons, the conditions and programs were better for women than men. Authorities generally did not have the infrastructural capacity to house juveniles according to the nature of the charges against them.

"Under the law, children younger than age seven are allowed to (and often do) live in prison with their mothers who have been convicted of a crime. However, in Kabul this practice was reduced significantly under the direction of the CPD and in conjunction with the opening of a children's support center in the city. A children's support center in Kunduz for children over five years of age, whose mothers were in prison, was scheduled to open in March 2011." **[2a] (Section 1c)**

15.10 The USSD Report 2010, added, "The law provides prisoners with the right to leave prison for up to 20 days for visits; however, the AIHRC reported in 2009 that this right was not observed in most prisons." **[2a] (Section 1c)**

15.11 The British Broadcasting Corporation (BBC) reported on a breakout at Kandahar prison in April 2011. The article stated:

"More than 470 inmates at a prison in southern Afghanistan have escaped through a tunnel hundreds of metres long and dug from outside the jail. Officials in the city of Kandahar said many of those who escaped from Sarposa jail were Taliban insurgents. The Kandahar provincial governor's office said at least 12 had since been recaptured but gave no further details. A spokesman for Afghan President Hamid Karzai said the escape was a 'disaster' which should never have happened. Taliban spokesman Zabiullah Mujahid said it had taken five months to build the 360m (1,180ft) tunnel to a cell within the political wing. He said it was dug from a house north-east of the prison that was rented by 'friends' of the Taliban, and had to bypass security checkpoints and the main Kandahar-Kabul road. About 100 of those who escaped were Taliban commanders, he added. Most of the others are thought to have been insurgents. The prison holds about 1,200 inmates." **[28s]**

15.12 On 26 April 2011 *The Guardian* reported that Afghan forces had recaptured at least 65 of the 480 inmates who managed to escape from the prison. **[64c]**

15.13 With regards to building new prisons in Afghanistan, the AIHRC observed:

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

"Within the past few years, seven prisons and one detention center have been built, including: the Kabul Prison for Women, the Jawzjan Prison for Women, the His Prison for Women, prisons in Laghman, Helmand, Khost, Paktia, and recently built detention centers for drug addicts. The General Department of Prisons and Detention Centers aims to renovate or build three to four prisons or detention centers every year…

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

(See also Section 14: Arrest and detention – legal rights, Section 25: Women – Imprisonment of women and Section 26: Children and Section 28: Medical issues – Mental Health)

Return to contents
Go to sources

16. DEATH PENALTY

16.01 The Hands off Cain report on Afghanistan, undated, accessed on 2 September 2011, noted:

"The 2004 Afghan Constitution, in article 23 asserts the right to life, envisaging at the same time the possibility of its deprivation by the provision of law. However, in accordance with Article 396 of Afghanistan's Constitution, a convict sentenced to death can appeal to two higher courts and article 129 of the Constitution establishes that '... All final decisions of the courts shall be enforced, except for capital punishment, which shall require presidential approval.'

"The 1976 Penal Code, still in force nowadays, identifies the crimes subject to capital punishment in numerous articles, which refer to two main categories: crimes against the security of the State and crimes against individuals, namely certain types of aggravated murder.

"Other provisions of aggravated murder have been included in recent legislation, such as: the Anti Narcotic and Drug Law issued in November 2003, which provides for the death sentence in the case where a drug smuggler, while resisting arrest, kills a law enforcement officer; and the presidential decree of July 3, 2004 that foresees the death penalty for those convicted of child kidnapping and smuggling aimed at using the victim's body parts whenever a death is caused as consequence.

"Crimes punishable by death are also listed in the Law on Crimes against Internal and External Security of 1987, and in the Military Law of 1989, both of soviet inspiration and still in force. Such crimes are mostly related to the security of the State, especially in time of war. The crimes identified by these laws are processed respectively by the National Security Court and by the Military Court.

"However, the newly adopted Juvenile Code, that defined as juvenile 'a person who has completed the age of 12 and has not completed the age of 18', clearly states, under article 39, paragraph c, that children cannot be convicted to death penalty." **[47b]**

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

16.02 The *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report* , published March 2011, stated; "The majority of crimes punishable by the death penalty are terrorism-related, although it can also be applied to other crimes, such as murder. There were no executions carried out in Afghanistan during 2010, although the courts handed down several death sentences and more than 350 prisoners remain on death row." **[4b] (p124)**

16.03 Two Afghan men were executed on 20 June 2011. The Cable News Network (CNN) reported that:

"Two men charged with murder for a February [2011?] bank attack that killed 38 people were executed Monday morning in Kabul, a spokesman for Afghanistan's intelligence agency said. Lutfullah Mashal, spokesman for the National Directorate of Security, identified one of the men as Zar Ajam of Pakistan. He identified the other man as 'Matiullah, whose real name was Mahmood,' a resident of eastern Afghanistan. A third person involved in the attack has been sentenced to 20 years in prison, Mashal said." **[82c]**

16.04 The Amnesty International Report 2011: *The state of the world's human rights: Afghanistan*, (AI Report 2011) published on 13 May 2011 stated, "At least 100 people were sentenced to death, had their sentences confirmed by the Supreme Court, and were awaiting consideration of their clemency appeals by the President. On 24 October [2010], Hamid Karzai ordered the judiciary to review all death row cases." **[5a]**

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

"An Australian security contractor working for an American company has been sentenced to death by an Afghan court for murdering a colleague and then trying to cover up the crime by staging a Taliban ambush. It is the first time a foreigner working with the NATO [North Atlantic Treaty Organisation] coalition has been sentenced to death in Afghanistan. The contractor, Robert Langdon, a 38-year-old who worked for a security company called Four Horsemen International, was convicted of murder last October and sentenced to death, but the authorities kept quiet about the case. It became public on Wednesday after an appeals court upheld the sentence and, in response, Prime Minister Kevin Rudd of Australia said his government would ask for clemency. An Australian Foreign Ministry statement said the country would make a 'high level' and 'vigorous' lobbying effort to at least commute the death sentence, but a spokesman for the Afghan Foreign Ministry, Zahir Faqiri, said that 'so far we have not received any official protest from the government of Australia.' The appeals court judge, Abdul Salam Qazizada, said the cold-blooded nature of the attack and its cover-up justified the sentence." **[12b]**

16.06 In January 2011 *The Guardian* online reported that ex-soldier Robert William Langdon had "…escaped the death sentence by paying the family of his victim $100,000 (£65,000), court documents reveal." Adding: "Langdon will face 20 years in Kabul's notorious Pol-e-Charki prison, home to Taliban and al-Qaida inmates as well as criminals. The jail term is thought to be the longest given to a westerner in Afghanistan since the toppling of the Taliban regime in 2001." **[64d]**

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

Return to contents
Go to sources

17. POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

17.01 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), noted that "The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in the September parliamentary elections. In August 2009 citizens voted in their second presidential and first-ever contested election; after his challenger withdrew from a run-off election, the IEC declared Hamid Karzai president for a second term." **[2a] (Section 3)**

17.02 The Freedom House (FH) report, *Freedom in the World 2011*, Afghanistan, covering events in 2010, published on 16 May 2011, stated that:

"Violence, insecurity, and repression continue to restrict political activity nationwide, particularly outside urban areas. Critics have warned that vague language in the 2003 Political Parties Law could be exploited to deny registration to parties on flimsy grounds. In addition, analysts viewed the adoption of the single-nontransferable-vote system for the 2005 legislative elections as a disadvantage for new political parties. Parties lack a formal role within the legislature, which further weakens their ability to contribute to stable political, policymaking, and legislative processes. There have been regular violent attacks against government officials at all levels, including assassination attempts aimed at the president." **[6a]**

(See also section 18: Freedom of speech and media - Journalists)

FREEDOM OF ASSOCIATION AND ASSEMBLY

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

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

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

2. Their organizations and financial resources shall be transparent;

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

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

"Formation and operation of a party on the basis of tribalism, parochialism, language, as well as religious sectarianism shall not be permitted. A party or association formed

according to provisions of the law shall not be dissolved without legal causes and the order of an authoritative court." **[4a]**

17.04 Chapter 36 states "The people of Afghanistan shall have the right to gather and hold unarmed demonstrations, in accordance with the law, for attaining legitimate and peaceful purposes." **[4a]**

17.05 The USSD Report 2010 stated that "The constitution provides for freedom of assembly and association, and the government generally respected these rights, although in some cases local officials restricted the right of free assembly." **[2a] (Section 2b)**

17.06 The USSD Report 2010 further stated:

"There were numerous protests during the year, related to a variety of causes. Citizens frequently protested against civilian casualties allegedly caused by progovernment forces. Following the September 18 parliamentary elections, there were numerous generally peaceful protests of the election results.

"On September 11 [2010], thousands of citizens protested in response to the plan announced by a cleric in another country to burn copies of the Qu'ran. Four demonstrators were seriously wounded when security forces opened fire as protesters attempted to storm several government buildings in Pul-e-Alam, Logar Province. On September 15, in Kabul media sources reported that demonstrators began throwing stones and shooting at security forces; police shot two demonstrators." **[2a] (Section 2b)**

(See also Section 6: Political parties)

Return to contents
Go to sources

18. FREEDOM OF SPEECH AND MEDIA

OVERVIEW

18.01 The Freedom House (FH) report, *Freedom of the Press 2011*, Afghanistan, 1 September 2011, stated "The media landscape in Afghanistan, although diverse and robust, faces issues of insecurity, censorship, biased media content, and little protection for journalists." **[6b]**

18.02 The same report added:

"The media landscape reflects the disparate political and cultural beliefs across the country. Major sources of funds for media outlets include political parties, ethnic groups, the military, international donors, and foreign governments such as Iran and Pakistan, all of whom are pushing for some influence in the country. Private broadcast media outlets, particularly those that are commercially viable, such as Tolo TV, exercise the greatest amount of independence in their reporting. Low literacy rates and fragmented geography mean that local pockets of the population receive varying information from different media sources. International radio broadcasts in Dari or Pashto – such as those from the British Broadcasting Corporation, Voice of America, and Radio Free Europe/Radio Liberty – remain key sources of information for many Afghans. Despite high levels of government and self-imposed censorship, international and local media

organizations have for the past decade been promoting training programs aimed at developing a genuinely independent media in the country." **[6b]**

18.03 The FH report also stated that "Afghan media continue to grow and diversify, but face major challenges including physical attacks and intimidation… Media diversity and freedom are markedly higher in Kabul than elsewhere in the country, but some local warlords display limited tolerance for independent media in their areas." **[6a]**

Return to contents
Go to sources

MEDIA LAW

18.04 The Freedom House (FH) report, *Freedom of the Press 2011*, Afghanistan, 1 September 2011, stated:

"Article 34 of the constitution allows for freedom of the press and of expression, and a revised 2005 Mass Media Law guarantees the rights of citizens to obtain information and prohibits censorship. However, there are broad restrictions on any content that is 'contrary to the principles of Islam or offensive to other religions and sects.' A newly revised media law, drafted by a coalition of journalists, government bodies, nongovernmental organizations (NGOs), and media organizations, was submitted to the National Assembly in 2010. However, because there have been four media laws approved since March 2002, many journalists are unsure of which media law is under effect and thus often practice self-censorship of content in an effort to avoid violating cultural norms or offending local sensitivities.

"In March, the National Directorate of Security (NDS), an Afghan intelligence agency, told the media not to cover stories live from the sites of terrorist attacks, a move that drew criticism from journalists. The government later distanced itself from that directive. In the same month, the Ministry of Information and Culture and the Afghan journalist community agreed to protocols for the media and state agencies regarding the coverage of terrorist attacks. In July, the ministry shut down Emrooz TV, a private broadcaster, following criticism from Islamic conservatives, though the station was reopened after several days.

"In addition, the legal environment does not allow for extensive protections for journalists. Article 130 of the constitution stipulates that courts and Islamic jurists can rule on a case 'in a way that attains justice in the best manner,' allowing for ambiguity and discriminatory rulings. Under Afghan law, cases involving journalists should be handled by the Media Commission, but this is not always upheld. For example, in September 2010, the NDS arrested Hojtallah Mujadadi, a radio station director. They denied him access to a lawyer and detained him for helping insurgents, despite President Hamid Karzai's pleas to free him. Mujadadi was still detained at year's end. In March, journalist Ahmed Ghous Zalmai and two publishers were released from prison sentences that began in September 2008 for publishing a translation of the Koran in the Dari language without the Arabic original." **[6b]**

18.05 The Committee to Protect Journalists (CPJ), *Attacks on the press 2010* report, Afghanistan, 15 February 2011, noted that "Media outlets came together again in July [2010], when they joined with civil-society organizations to press the government to pass legislation to ensure access to public information in conformance with Article 50 of

the Afghan Constitution. Motivated by the country's suffocating culture of bribery and corruption, they urged legislation that would define public information, set procedures to obtain information, and provide complaint mechanisms." **[24a]**

18.06 The CPJ report, *Attacks on the Press 2010*: Afghanistan, further stated:

"Even in the middle of the armed conflict, and with a government reluctant to work with reporters, Afghan media outlets were burgeoning, at least in terms of numbers. According to Mujahid Kakar, the head of news and current affairs for Moby Media Group, Afghanistan's largest media company, the country had more than 20 private TV channels, 220 radio stations, and 300 newspapers. While many were tied to politicians or their political parties, wealthy businessmen, or leaders of armed factions, there were enough genuine media operations to begin to form a critical mass.

"Afghan journalists had yet to organize themselves into a single professional organization, as several groups vied for predominance. But there was a unified response in March [2010] when, in a series of individual meetings, Afghan National Directorate of Security spokesman Said Ansari told media managers not to report live from the scenes of terrorist attacks. Reuters, the Associated Press, and other international media outlets also received the instructions in separate meetings. After a strong negative response from news media, Karzai's office distanced itself from the directive and said it was merely formulating guidelines. A few days later, a group of Afghan editors, journalists, and media owners developed their own voluntary guidelines for live coverage." **[24a]**

18.07 The Freedom House 2011 Report stated that:

"Though a 2007 media law was intended to clarify press freedoms and limit government interference, a growing number of journalists have been arrested, threatened, or harassed by politicians, security services, and others in positions of power as a result of their coverage. The most prominent case of state intimidation has been that of Parwez Kambakhsh, a journalist with the daily newspaper *Janan-e-Naw* who was sentenced to death for blasphemy in January 2008 before being pardoned in 2009." **[6a]**

Return to contents
Go to sources

NEWSPAPERS, RADIO, INTERNET AND TELEVISION

18.08 The Freedom House (FH) report, *Freedom of the Press 2011*, Afghanistan, 1 September 2011, stated "As of September 2010, there were 20 private TV channels, 220 radio stations, and 300 newspapers operating in the country. The government owns some media networks, including print press and radio and television stations, but it does not control most media." **[6b]**

18.09 The International Federation of Journalists (IFJ) *Press Freedom in South Asia 2009-2010* report stated, "Readership of the print media is limited and will remain so until the literacy deficit begins to be bridged at an accelerated pace. Television audiences are potentially very large, but will remain an unrealised potential until innovative methods of bringing electricity to each human settlement in Afghanistan can be found. This leaves radio as the sector with immediate potential for the most rapid growth in content and audience." **[25a] (p5)**

18.10 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011(USSD Report 1010), noted that "Some independent journalists and writers published magazines and newsletters, although circulation largely was confined to Kabul. Newspaper readership has progressed significantly, from almost nil under Taliban rule. Newspapers tended to reflect more openly on domestic developments in comparison to broadcasters." **[2a] (Section 2a)**

18.11 The Freedom House 2011 Report stated that "Dozens of private radio stations and several private television channels currently operate. Some independent outlets and publications have been criticized by conservative clerics for airing programs that 'oppose Islam and national values,' or fined by the authorities for similar reasons. The use of the internet and mobile telephones continues to grow rapidly and has broadened the flow of news and other information, particularly for urban residents." **[6a]**

18.12 The USSD Report 2010 noted that:

"On March 1[2010], the NDS [National Directorate of Security] and the MOI [Ministry of Interior] banned live television coverage of ongoing insurgent attacks, ostensibly in an effort to protect reporters and restrict the flow of information to insurgents. Media outlets immediately complained to the Ministry of Information and Culture (MOIC), which convened a series of meetings with independent media, resulting in an agreement on the parameters of media coverage of security incidents." **[2a] (Section 2a)**

18.13 The CPJ report, *Attacks on the Press 2010*: Afghanistan, 15 February 2011, further stated:

"In June [2010], the Ministry of Communications instructed local Internet service providers to blacklist websites that promoted alcohol, gambling, and pornography, as well as ones that hosted dating and social networking services. But three months after the rules went into effect, the government targeted a news website, the Pashto-language Benawa. The site had angered the government when it incorrectly reported that the first vice president, Mohammed Qasim Fahim, had died. (The site corrected the error within a half-hour.) The site eventually came back online, apparently with government approval, after the case drew widespread attention." **[24a]**

18.14 The USSD Report 2010 stated that, "The government banned a news Web site, Benawa, on September 10 [2010], reportedly for mistakenly reporting that Vice President Mohammed Qasim Fahim died, despite the fact that a correction was issued within 30 minutes. Benawa officials accused Information Minister Sayed Makhdum Rahin of issuing the ban in retaliation for stories previously published about him." **[2a] (Section 2a)**

18.15 The USSD Report 2010 additionally noted that:

"In general the government did not restrict access to the Internet. However, on May 21[2010], the MOIC [Ministry of Information and Culture] banned access to all pornographic Web sites. The government asked telecommunications providers to limit or ban access to online gambling and social dating Web sites, although the media reported that enforcement was weak and that citizens regularly could access pornographic and gambling sites. There were no reports that the government monitored e-mail or Internet chat rooms. Some reports indicated that the government increased its efforts to control independent online media through Internet Service Providers (ISPs). Individuals and groups could engage in the peaceful expression of views via the

Internet, including e-mail messages… Lack of public infrastructure limited public access to the Internet; computer literacy and ownership rates were estimated at less than 10 percent of the population." **[2a] (Section 2a)**

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

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

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

"The government's closing on July 27 [2010] of the Emroz (Today) television channel, owned by Afghan parliament member Najibulla Kabuli, is unprecedented. Kabuli told Radio Free Afghanistan by phone on July 27 that the government's decision to shut down his TV station was politically motivated. He said Emroz has been trying to reveal to viewers 'Iran's interference in Afghanistan's affairs.' Kabuli accused some politicians and political parties of 'pressuring Afghan President Hamid Karzai to close' the station. Hakim Asher, the head of the Afghan government's Center for Information and Media, told Radio Free Afghanistan that the decision to close Emroz was made 'because the television channel was fueling religious tensions and harming national unity.' Emroz has aired mainly recreational programs since 2008. It also provided in-depth coverage of several executions of Afghans in neighboring Iran last year." **[50e]**

Return to contents
Go to sources

JOURNALISTS

18.18 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 23 June 2011, stated:

"Afghan journalists and media outlets continue to operate in a complex conflict environment. Many Afghan journalists report that they are directly threatened by insurgents to report favourably on them, or not to report favourably on Government activities. A statement in June [2011] by the Ulema Council called for the closure of a prominent national television broadcaster owing to 'un-Islamic' coverage and criticized reporting by one of the major daily newspapers, contributing to a climate of pressure on some of the country's most outspoken independent media outlets." **[17a] (p7)**

18.19 The Amnesty International Report 2011: *The state of the world's human rights: Afghanistan*, (AI Report 2011) published on 13 May 2011, stated:

"Afghan journalists continued to report critically on events, risking harassment, violence, and censorship. The Afghan authorities, especially the intelligence service, the National Directorate of Security (NDS), arbitrarily detained journalists. The Attorney General's Office illegally closed down radio stations and censored other media outlets. One of the most common grounds for applying such restrictions was the vague and undefined charge of being anti-Islamic. The Taleban and other anti-government groups continued to target journalists and blocked almost all reporting from areas under their control. **[5a]** The AI report 2011 included the following list of incidents that had occurred with regards to journalists, as examples:

"On 5 September [2010], Sayed Hamed Noori, a presenter, journalist and Deputy Chairman of Afghanistan National Journalists Union, was murdered in Kabul.

"On 18 September [2010] (election day), Radio Kapisa FM director Hojatullah Mujadadi was arrested by the NDS at a voting station in Kapisa province. He claimed he was threatened by both the governor and NDS officials because of his independent coverage of the situation in the province.

"Japanese freelance journalist Kosuke Tsuneoka was kidnapped in late March [2010] during a reporting assignment in a Taleban-controlled region of northern Afghanistan. His captors released him to the Japanese Embassy on 7 September [2010]. After his release, he said that his captors were not Taleban insurgents, but 'a group of corrupt armed factions' with links to the Afghan government." **[5a]**

18.20 The Freedom House (FH) report, *Freedom of the Press 2011*, Afghanistan, 1 September 2011, stated "In September [2010], NATO [North Atlantic Treaty Organisation] arrested Mohammed Nadir, a cameraman for Al-Jazeera, and Rahmatullah Naikzad, a journalist for Al Jazeera and the Associated Press, after accusing them of spreading propaganda for the Taliban; however, both journalists were released one week later." **[6b]**

18.21 The Human Rights Watch (HRW) *World Report 2011: Afghanistan*, covering events of 2010, published 24 January 2011, also observed that, "Journalists in the conflict areas face severe pressures. Insurgent groups use arson, kidnapping, and intimidation to try to stop reporting they see as unsympathetic. The government and local strongmen also intimidate and detain journalists." **[7a]**

18.22 The death of journalist Ahmad Omid Khpalwak was reported by Reporters Without Borders on 9 September 2011. The report noted "The journalist, Ahmad Omid Khpalwak, who worked for the Afghan news agency *Pajhwok* and the *BBC*, was killed during fighting in Tarin Kot, in the southern province of Oruzgan on 28 July. According to the findings of an ISAF investigation, released yesterday, he was shot when he tried to show his press card because the US soldier thought he was about [to] detonate a suicide vest." **[26b]**

18.23 On 29 June 2011 Reporters Without Borders reported on the release of two French journalists who had been abducted by the Taliban and held captive for 18 months. The article noted "Reporters Without Borders is delighted by today's release of French journalists Hervé Ghesquière and Stéphane Taponier and their Afghan interpreter Reza,

who were abducted by a Taliban group on 29 December 2009 in the northeastern province of Kapisa while doing a report for the French TV station France 3." **[26c]**

18.24 The USSD Report 2010, noted:

"Violence against journalists continued. According to independent media and observers, a combination of government repression, armed groups, and manipulation by foreign groups and individuals prevented the media from operating freely. Journalists increasingly were vulnerable to physical harm and reported numerous instances of pressure from multiple sources to influence reporting, including national and provincial governments. According to Afghan Media Watch, violence against journalists decreased by 32 percent during the year. Afghan Media Watch registered 58 cases of violence against journalists and claimed that the government was responsible for 22 of them." **[2a] (Section 2a)**

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

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

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

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

"Hamer is the second foreign reporter to die in Afghanistan in two weeks. Canadian journalist Michelle Lang, reporting for the *Calgary Herald* and the Canwest News Service, died on December 30 while embedded with Canadian troops in Afghanistan. Sultan Munadi, an Afghan reporter for *The New York Times*, was killed in September during a rescue operation after a Taliban faction kidnapped him and *Times* reporter Stephen Farrell near Kunduz." **[24c]**

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

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

"International forces arrested two Afghan journalists during raids of their homes in the early hours of Monday and Wednesday on suspicion of collaborating with the Taliban,

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

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

Details on journalists that have been killed in Afghanistan since 1992 can be located on the Committee to Protect Journalists (CPJ) database. **[24d]** The Reporters Without Borders website included further details of journalists that have been attacked, threatened, abducted and imprisoned. **[26]**

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

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

Return to contents
Go to sources

19. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

19.01 There were approximately 1,300 national Non-governmental Organisations [NGOs], 300 international NGOs and 16 United Nations organisations involved in humanitarian and development assistance in Afghanistan as of January 2010, according to the Agency Coordinating Body for Afghan Relief (ACBAR), as noted in the Child Soldiers report, *Setting the Right Priorities: Protecting children affected by armed conflict in Afghanistan*, June 2010. **[86b] (p11)**

19.02 The *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report* , published March 2011, stated:

"Human rights defenders and human rights-focused civil society organisations are growing in strength and number in Afghanistan. An international civil society conference on Afghanistan took place in January, which made recommendations direct to the foreign minister-level London Conference. Civil society campaigned for and won a place at the table at the Kabul Conference, demonstrating the determination of Afghan civil

society groups and human rights defenders to make their voices heard on the international stage." **[4b]**

19.03 The Human Rights Watch (HRW) *World Report 2011: Afghanistan*, covering events of 2010, published 24 January 2011, stated, "Threats, violence, and intimidation are regularly used to silence opposition politicians, journalists, and civil society activists, particularly those who speak out about impunity, war crimes, government officials, or powerful local figures." **[7a]**

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

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

19.05 The FCO report of March 2011 noted that: "There is an ever-growing network of women's NGOs and advocacy groups across the country. These groups are increasingly leading the way in calling for change on both women's rights issues and on the wider human rights agenda." **[4b]** The HRW *World Report 2011* added "Women's rights defenders are regularly threatened and intimidated. Government failure to bring perpetrators to justice compounds fear among other women activists." **[7a]**

19.06 Amnesty International (AI) reported in March 2009 that:

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

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

Return to contents
Go to sources

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

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

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

"UNAMA and the United Nations Development Fund for Women actively supported the participation of civil society, women's groups and the Afghan Independent Human Rights Commission in the Kabul Conference. UNAMA assisted in coordinating a two-day gathering on 17 and 18 July, which brought together nearly 200 women from all over Afghanistan to identify priority issues for women at the Conference. Civil society and Human Rights Commission participants stressed during the Conference that women's rights and human rights should not be compromised in the ongoing peace and reconciliation process, and called for the enforcement of legislation supporting women's rights. The communiqué of the Conference called for the inclusion of Afghan civil society and the Afghan Independent Human Rights Commission in the implementation of the national priority programme for human rights and civic responsibilities. The Human Rights Commission has since met line ministries and civil society to develop a six-month plan of activities to implement the programme, which includes strengthening of the Human Rights Support Unit in the Ministry of Justice. The Afghan Independent Human Rights Commission on 21 August submitted a six-month plan of activities to the Ministry of Finance and the President's Office for approval." **[17f] (p13)**

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

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

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

(See also Section 25: Women)

Return to contents
Go to sources

AFGHANISTAN INDEPENDENT HUMAN RIGHTS COMMISSION (AIHRC)

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

"Afghanistan Independent Human Rights Commission (AIHRC) was established in 2002 with a strong mandate to protect, promote, and monitor human rights of Afghan citizens in the country. The AIHRC has travelled a long way to fulfil its obligations and realize its goals, continuously expanding its operations to reach towns and remote villages in most parts of the country. The commission has received and investigated numerous human rights violation cases and has imparted human rights awareness and knowledge to thousands of Afghans from all segments of society ranging from government officials to the general population and school children. Despite the significant achievements, by the AIHRC and its partners, towards the realization of human rights and respect for human dignity, a vicious circle of challenges continued, and even worsened in 2008, to obstruct the Commission's goals and jeopardize its success." **[14c] (p5)**

19.11 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011(USSD Report 1010), noted that "The constitutionally mandated AIHRC continued to address human rights problems and operated without government interference or funding." **[2a] (Section 5)**

19.12 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 23 June 2011, stated:

"Although in December 2010 the Government of Afghanistan pledged to allocate $1 million in the State budget for the Afghanistan Independent Human Rights Commission, the final 2011/2012 budget submitted to the Parliament allocated only $500,000. This, together with a three-month delay in salary payments for all Afghanistan Independent Human Rights Commission staff owing to hold-ups in funding from major international donors, puts the Commission's independence and long-term sustainability at risk. UNAMA [United Nations Assistance Mission in Afghanistan], with international partners, continues to assist the Commission to identify a sustainable funding mechanism." **[17a] (p6-7)**

19.13 The USSD Report 2010, noted that "A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The lack of security and instability in parts of the country severely reduced NGO activities. Insurgent groups and the Taliban directly targeted NGOs during the year." **[2a] (Section 5)**

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

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

- "To provide high quality information to ACBAR members and external stakeholders.
- "To advocate for and represent the interests of the NGO sector in Afghanistan on behalf of its members.

- "To promote high ethical and professional standards among the NGO community." **[61a]**

19.15 The Afghanistan Research and Evaluation Unit (AREU) report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, focused on research carried out in six provinces of Samangan, Jawzjan, Sar-i-Pul, Day Kundi, Laghman and Wardak. The report noted:

"Nongovernmental actors have made a substantial contribution to the achievements that have taken place since 2002 in respect of health, education, rural development, civil engineering and construction. This includes a number of international NGOs (INGOs) present in Afghanistan during the Taliban period, that have long-standing relations of mutual respect with the communities with whom they work. Where given permission by the Taliban, INGOs have been able to operate in areas not controlled by the government to deliver health, education and support for the NSP [National Solidarity Program].

"The commitment, industry and outputs of INGOs are impressive across all sectors. They have combined technical assistance and a wide range of capacity-building activities with the effective use of indigenous knowledge. The majority of their activities are managed by competent Afghan staff, and it is not uncommon to find INGO-trained staff moving on to apply their skills in government institutions. INGOs paid far more attention than the government to employing and using the skills and abilities of women." **[13a] (p32)**

Return to contents
Go to sources

20. CORRUPTION

20.01 The Freedom House (FH) report, *Freedom in the World 2011*, Afghanistan, covering events in 2010, published on 16 May 2011, stated that "Corruption, nepotism, and cronyism are rampant at all levels, and woefully inadequate salaries encourage corrupt behavior by public employees. In what appeared to be a demonstration that it was taking action against corruption, the Afghan government in November 2010 banned 150 nongovernmental organizations (NGOs), mostly local groups, for defying financial reporting procedures." **[6a]** The United Nations Office on Drugs and Crime (UNODC) reported on 20 August 2010 that "Corruption and poor governance are major causes preventing the process of reconstruction and development in Afghanistan." **[65a]**

20.02 In its *2010 Corruption Perceptions Index* (CPI), accessed on 22 June 2011, Transparency International ranked Afghanistan at 176 out of 178 listed countries, giving it a CPI score of 1.4. (CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt). **[62a]**

20.03 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011(USSD Report 2010), noted that

"The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The government had limited success in bringing corruption

cases, especially in cases involving low- and mid-level officials. More cases were opened against high-level officials, but successful prosecutions and convictions were rare, although they occurred. The progress made in initiating and prosecuting high-level corruption cases was due in large part to international assistance in creating special anticorruption law enforcement investigatory, prosecutorial, and judicial entities.

"Corruption was endemic throughout society, and the massive flows of money from the military, international donors, and the drug trade exacerbated the problem. Prisoners and local NGOs reported that corruption was widespread across the justice system, particularly in relation to the prosecution of criminal cases and 'buying' release from prison. There were also numerous reports of money being paid to reduce prison sentences, halt an investigation, or have charges dismissed outright. In July the administrative head of President Karzai's National Security Office was arrested on the basis of an investigation by the anticorruption task force. Mohammad Zia Salehi was arrested by the Attorney General's Office and charged with soliciting bribes. Due to direct intervention by President Karzai, however, Salehi was freed within hours." **[2a] (Section 4)**

20.04 The Freedom House 2011 Report stated that:

"The international community, concerned that government corruption is crippling the counterinsurgency campaign, has called on the Karzai administration to make the issue its top priority. However, a number of high-profile incidents in 2010 illustrated a lack of political will to address the problem. Karzai intervened to thwart a graft case against a top aide in July [2010], and subsequently sought to curb the independence of foreign-funded anticorruption bodies. In September [2010], a public scandal involving the collapse of one of Afghanistan's largest banks revealed how government officials, their family members, and well-connected businessmen colluded to enrich themselves at the expense of ordinary depositors and citizens. And in October [2010], the president admitted that his administration routinely received large amounts of cash from the Iranian and other foreign governments. The Afghan government's failings with respect to transparency and accountability are often exacerbated by disjointed international involvement." **[6a]**

20.05 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 23 June 2011, stated:

"The joint anti-corruption Monitoring and Evaluation Committee was inaugurated on 11 May [2011]. The six members (three Afghan and three international), who were appointed through a presidential decree, highlighted the efforts being made by the Government of Afghanistan in fulfilling the outcomes of the London and Kabul Conferences. Over the coming months, the Committee is expected to help develop clear and objective benchmarks for progress in tackling corruption and to prepare periodic reports on national and international activities for the President, the Parliament and all Afghans." **[17a] (p10)**

20.06 An article by Radio Free Europe/Radio Liberty (RFE/RL) in June 2011, reported on a decision by Afghan lawmakers in favour of dismissing five senior judges for corruption:

"Lawmakers in Afghanistan have voted to fire the five most senior members of the Afghan Supreme Court, deepening a political crisis. The move comes after a special tribunal, established by President Hamid Karzai, ruled on June 23 that 62 lawmakers

would have to be removed due to alleged voter fraud during recent elections. Analysts say parliamentarians voted on June 25 [2011] to remove the Supreme Court justices to express their frustration over the court's failure to halt the ruling by the special tribunal. Fatima Aziz, a lawmaker from northern Kunduz Province, said 183 out of 190 lawmakers voted to impeach the five members of the Supreme Court's High Council. Ahmad Humayoun, a lawmaker from eastern Khost Province, said the vote was taken because the five had all advised Karzai to set up the special court. Meanwhile, European Union Ambassador Vygaudas Usackas has met a parliamentary delegation, including speaker Abdul Raouf Ibrahimi, to discuss the crisis. Whether the five judges will actually be sacked remains unclear." **[50h]**

20.07 The USSD Report 2010 described the level of corruption within the Afghan National Police force:

"Provincial police benefited financially from corruption at police checkpoints and from the narcotics industry. Observers reported that ANP [Afghan National Police] officers often had to pay money to the MOI [Ministry of Interior] to secure promotions. A lack of political accountability and low salaries exacerbated government corruption. The international community worked with the national and provincial governance structures to address the problem of low salaries. Salaries for the police, investigators, and judges increased significantly; however, the pay for prosecutors remained very low. The process of pay and grade reform for prosecutors made only slight progress during the year. Police mentors addressed problems of corruption among police and justice officials at provincial and district levels.

"Credible sources, including detainees, reported that local police in many parts of the country extorted a 'tax' and inflicted violence at police checkpoints. Police also reportedly extorted bribes from civilians in exchange for release from prison or to avoid arrest. Police abuses generally declined following international police training efforts. Observers alleged that the high acquittal rate in courts reflected the lack of training of judges, poor investigations, lack of evidence, and possible bribes to legal officials. Lack of formal education and low literacy rates among the ANSF and the judiciary hampered the consistent delivery of justice." **[2a] (Section 4)**

20.08 The USSD Report 2010, noted that:

"The government made efforts to combat corruption in the security apparatus. Before the September 18 elections, the MOI [Ministry of Interior] trained and deployed provincial inspectors general (IGs) to investigate election-related claims against the police; however, they remained on duty after the election as general purpose IG officers. Merit-based promotion boards continued, with at least three candidates competing for each job; the process of instituting pay reform and electronic funds transfer for police salaries also continued. The MOI continued to obtain training for its IG office.

"The High Office of Oversight (HOO), which is intended to play the role of watchdog, introduced two programs that could provide a means to constrain corruption, if implemented effectively. The publication of asset declarations by senior government officials, if verified, could provide much needed transparency to the activities of senior officials." **[2a] (Section 4)**

Return to contents
Go to sources

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

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

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

(See also Section 10: Security forces – Police)

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

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

20.12 The UNODC report further added:

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

20.13 In July 2010, Al Jazeera news reported that:

"Afghans paid nearly $1bn in bribes last year, and corruption has become far more widespread since 2006, according to a new survey from a Kabul-based NGO. The study, conducted by Integrity Watch Afghanistan (IWA), found that 28 per cent of Afghan households paid bribes to obtain at least one government service. The average value of the bribes was $156 – nearly one-third of the country's per capita income. IWA's study was based on interviews with 6,500 people in all but two of Afghanistan's

34 provinces. Paktika and Nuristan were the two provinces not surveyed. Yama Torabi, the co-director of IWA, said more than half of Afghans who paid bribes did so at least twice last year. And he said the numbers masked the real depth of the problem, because some of the Afghans surveyed did not use government services in 2009." **[67a]**

20.14 The article further noted:

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

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

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

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

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

"The code is composed of 28 articles that apply specifically to prosecutors and set the standards for their performance in office. It also includes an internal disciplinary mechanism for investigation, adjudication and appeal of complaints against prosecutors by the public and other legal professionals. Furthermore, it provides essential and

fundamental standards and norms for all prosecutors, and implements the requirements of the Convention against Corruption, which was ratified by Afghanistan in 2008.

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

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

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

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

Return to contents
Go to sources

21. FREEDOM OF RELIGION

OVERVIEW

21.01 The Freedom House (FH) report, *Freedom in the World 2011*, Afghanistan, covering events in 2010, published on 16 May 2011, stated that "Religious freedom has improved since the fall of the Taliban government in late 2001, but it is still hampered by violence and harassment aimed at religious minorities and reformist Muslims." **[6a]**

21.02 The Freedom House report further added:

"The constitution establishes Islam as the official religion. Blasphemy and apostasy by Muslims are considered capital crimes. While faiths other than Islam are permitted, non-Muslim proselytizing is strongly discouraged, and there are restrictions on religious conversion from Islam. A 2007 court ruling found the minority Baha'i faith to be a form of blasphemy, jeopardizing the legal status of that community. Hindus, Sikhs, and Shiite Muslims – particularly those from the Hazara ethnic group – have also faced official obstacles and discrimination by the Sunni Muslim majority. Militant groups have targeted mosques and clerics as part of the larger civil conflict." **[6a]**

21.03 The US Commission on International Religious Freedom (USCIRF), *Annual Report 2011*, covering the period from 1 April 2010 – 31 March 2011, published May 2011, stated that:

"The absence of a constitutional guarantee of the individual right to freedom of thought, conscience, and religion and the empowerment of state-backed religious leaders to interpret arbitrarily, and the judicial system to enforce, undefined Islamic principles and sharia law have permitted the official imposition of harsh, unfair, and at times even abusive interpretations of religious orthodoxy. As a result, Afghans cannot debate the role and content of religion in law and society, advocate for the rights of women and religious minorities, or question interpretations of Islamic precepts without fear of retribution or being charged with religious 'crimes' such as apostasy, blasphemy, or insulting Islam. In meetings with USCIRF staff in Kabul in December 2010, Afghan government officials repeatedly cited religious law when justifying the state's actions that limit religious freedom and basic human rights.

"For instance, in September 2009, former student journalist Parwiz Kambakhsh went into exile after being released from prison as the result of an unpublicized Presidential pardon. Kambakhsh had been sentenced to death for blasphemy in Balkh province in January 2008 for circulating material to other students, some of which he had downloaded from the Internet, concerning women's rights in Islam. Another blasphemy case similarly ended with a presidential pardon and the release of three prisoners in March 2010. In that case, a court in Kabul in September 2008 sentenced journalist Ahmed Ghous Zalmai and mosque leader Mullah Qari Mushtaq to 20 years in prison, and publisher Mohammad Ateef Noori to five years, for their roles in publishing an independent translation of the Koran. Authorities were influenced by religious scholars on the Ulema Council who alleged that the translation misinterpreted verses on social issues, was 'un-Islamic,' and did not have a parallel Arabic text next to the Dari translation." **[68a] (p217-218)**

21.04 The US Department of State *International Religious Freedom Report* 2010, Afghanistan, covering events between 1 July 2010 and 31 December 2010, (USSD IRF Report 2010), published on 13 September 2011, noted:

"The government continued to update the existing criminal and civil legal codes to bring them in line with the country's international treaty obligations. The 1976 penal code addresses 'Crimes against Religions,' although it does not address blasphemous remarks. The penal code also says persons who forcibly stop the conduct of religious rituals of any religion and persons who destroy or damage permitted places of worship where religious rituals are conducted or who destroy or damage any sign or symbol of any religion shall be subject to a medium-term prison sentence (defined in the criminal code as confinement in a jail for not less than one, nor more than five years) and/or a cash fine of between 12,000 and 60,000 Afghanis ($240 and $1,200). There is nothing in the penal code related to the spoken or written utterance of insults or profanity against God, religion, sacred symbols, or religious books." **[2e] (Section II)**

Return to contents
Go to sources

Religious demography

21.05 The USSD IRF Report 2010, published on 13 September 2011, noted:

"The country has an area of 402,356 square miles; population estimates ranged from 24 to 33 million. Reliable data on religious demography is not available because an official nationwide census has not been conducted in decades. Observers estimated that 80 percent of the population is Sunni Muslim, 19 percent Shi'a Muslim, and other religious

 The main text of this COI Report contains the most up to date publicly available information as at 24 September 2011. Further brief information on recent events and reports has been provided in the Latest News section to 11 October 2011.

groups comprise less than 1 percent of the population. According to self-estimates by these communities, there are approximately 3,000 Sikhs, more than 400 Baha'is, and 100 Hindu believers. There is a small Christian community; estimates on its size range from 500 to 8,000. In addition there are small numbers of adherents of other religious groups. There is one known Jewish Afghan." **[2e] (Section I)**

21.06 The IRF Report 2010 further added:

"Historically members of the same religious groups have concentrated in certain regions. Sunni Muslim Pashtuns dominate the south and east. The homeland of the Shi'a Hazaras is in the Hazarajat, the mountainous central highland provinces around Bamyan province. Northeastern provinces traditionally have Ismaili populations. Other areas, including Kabul, are more heterogeneous and include Sunni, Shi'a, Sikh, Hindu, and Baha'i populations. The northern city of Mazar-e Sharif includes a mix of Sunnis (including ethnic Pashtuns, Turkmen, Uzbeks, and Tajiks) and Shi'a (Hazaras and Qizilbash), including Shi'a Ismailis.

"In the 20th century, small communities of Baha'is, Buddhists, Christians, Hindus, Jews, and Sikhs lived in the country, although most members of these communities emigrated during the years of civil war and Taliban rule. By the end of Taliban rule, non-Muslim populations had been virtually eliminated except for a small population of native Hindus and Sikhs. Since the fall of the Taliban, some members of religious minorities have returned, many settling in Kabul.

"Nuristanis, a small but distinct ethnolinguistic group living in a mountainous eastern region, practiced an ancient polytheistic religion until they converted to Islam in the late 19th century. Some non-Muslim religious practices survive today as folk customs.

"There are two active gurdwaras (Sikh places of worship) in Kabul and 10 in other parts of the country; there were 64 gurdwaras throughout the country before the war. There are four Hindu mandirs (temples) in three cities; two mandirs are located in Kabul, one of which shares a wall with a mosque; one is in Jalalabad, and one in Ghazni. Eighteen others were destroyed or rendered unusable due to looting during the Mujahideen civil war.

"There is one synagogue, which is not in use for lack of a Jewish community. There is no longer a public Christian church; the courts have not upheld the church's claim to its 99-year lease, and the landowner destroyed the building in March 2010. Chapels and churches for the international community of various faiths are located on several military bases, PRTs, and at the Italian embassy. Some citizens who converted to Christianity as refugees have returned.

"The Baha'i Faith has had followers in the country for approximately 150 years. The community is predominantly based in Kabul, where more than 300 Baha'i members live; another 100 are said to live in other parts of the country." **[2e] (Section I)**

Return to contents
Go to sources

LEGISLATION

21.07 Chapter 1, Article 2 of the Constitution, adopted on 4 January 2004, accessed via the Foreign and Commonwealth Office website, on 21 September 2011, states "The religion

of the state of the Islamic Republic of Afghanistan is the sacred religion of Islam. Followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law." Article 3 states that "In Afghanistan, no law can be contrary to the beliefs and provisions of the sacred religion of Islam." **[4a]**

21.08 The USSD IRF Report 2010 stated:

"The constitution states that Islam is the 'religion of the state' and that 'no law can be contrary to the beliefs and provisions of the sacred religion of Islam.' In 2004 the constitution accorded both Shi'a and Sunni Islam equal recognition. The constitution proclaims that 'followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law…'

"In July 2009 President Karzai signed the Shia Personal Status Law (SPSL), a civil law governing family and marital issues for the Shia minority. The constitution recognizes the right of the Shia minority to adjudicate personal and family matters according to Shia jurisprudence. The first version of the law attracted widespread criticism because of restrictions on the rights of women. The Ministry of Justice amended the text to remove the most controversial phrases; President Karzai signed the amended bill." **[2e] (Introduction)**

21.09 The USCIRF 2011 Report stated that "The constitution provides that Shi'a law will be applied in cases in which both parties are Shi'a Muslims. The government's efforts in 2009 to further accommodate Shi'a practices with the adoption of a Shi'a family law proved controversial, however, due to provisions that many Afghan and international observers believed to be contrary to constitutional guarantees of equal rights for women, particularly in regard to women's rights in marriage." **[68a] (p218)**

21.10 The USSD IRF Report 2010 stated "The constitution states that when there is no provision in the constitution or other laws that guide ruling on an issue, the courts' decisions shall accord with Hanafi jurisprudence in the way that would serve justice in the best possible manner. The constitution also grants that Shia law would be applied in cases dealing with personal matters where all parties are Shia. There was no separate law applying to non-Muslims." **[2e] (Section II)**

(See also subsection on Religious conversion)

Return to contents
Go to sources

MUSLIMS

Shi'as (Shiite)

21.11 The USCIRF 2011 Report stated that:

"The situation of Afghanistan's Shi'a Muslim minority has improved markedly since the end of Taliban rule, when its members were severely persecuted due to religious and ethnic differences. Most Shi'a Afghans are from the Hazara ethnic group and compromise between 10 to 19 percent of the population. Hazaras have traditionally

been harshly discriminated against and segregated from the rest of society for a combination of political, ethnic, and religious reasons.

"During the reporting period [1 April 2010 – 31 March 2011], Shi'a Muslims were able to perform their traditional Ashura public processions and rituals in Kabul without incident or hindrance. USCIRF staff saw large, temporary commemorative gates set up throughout Kabul in December 2010, and Shi'a Muslims with flags flying from their cars or motorcycles were a common sight. Hazara Shi'a Muslims participate fully in public life, including in parliament and in senior positions in the Karzai government. While the September 18 [2010] elections for the lower house of the Afghan parliament were criticized for fraud, 59 of 249 parliamentary seats were given to Hazara Shi'a Muslims. In addition, four Ismaili Muslims, followers of a branch of Shi'ism, were also elected. Afghanistan's Second Vice President, Abdul Karim Khalili, is a member of the Hazara Shi'a Muslim minority. Dr. Sima Samar, head of the Afghanistan Independent Human Rights Commission (AIHRC), is also a Hazara Shi'a Muslim. The former Minister of Justice, Sarwar Danesh, is a Hazara Shi'a Muslim, the first of that community to hold that post. There were also reports that during the reporting period the Ministry of Information closed a radio station for two months, as punishment for programming that incited violence against Shi'a Muslims…

"Despite the overall improvement for the status of the Shi'a Muslim community, its members are still threatened by insurgents. In June 2010, the decapitated corpses of 11 Hazara males were discovered in the Khas Oruzgan district of Oruzgan province. Police officials reported they were killed by the Taliban 'because they were ethnic Hazaras and Shiite Muslims.' There also are claims of forced expulsions of ethnic Hazaras and Tajiks from areas controlled or conquered by the Taliban, as well as harassment of these minorities throughout Taliban-controlled areas." **[68a] (p218)**

(See also Section 22: Ethnic Groups – Hazaras)

Ismailis

21.12 The USSD IRF Report 2010, published on 13 September 2011, noted "Three Ismailis serve as members of Parliament; members of the Ismaili community complained of being marginalized from positions of political authority." **[2e] (Section III)**

SIKHS AND HINDUS

21.13 The USSD IRF Report 2010, published on 13 September 2011, noted:

"Non-Muslim minorities such as Sikhs, Hindus, and Christians continued to face social discrimination and harassment and, in some cases, violence. This treatment was not systematic, but the government did nothing to improve conditions during the reporting period." **[2e] (Section III)**

21.14 An article by the Institute for War and Peace Reporting (IWPR) on 28 July 2011 reported "Given its proximity to India, Afghanistan historically had substantial Hindu and Sikh minorities, estimated at 20,000 before the factional civil war in 1992-96, followed by Taleban rule under which they were subject to discrimination rules. With most community members long gone, the total number of Hindus and Sikhs in Afghanistan is now estimated at around 3,000." **[27g]**

21.15 An article in the *The Guardian* online, dated 6 July 2011, stated:

"The collapse of the Soviet-backed regime had left Afghan Sikhs in a vulnerable position. With their black dastar headgear and their neat but untrimmed beards, they stood out from the Muslim crowd, and became an easily identifiable target for crime and harassment. A community of traders with business contacts stretching from Afghan cities to India, Japan and Korea, the Sikhs were perceived as wealthy and this perception, in turn, made them a key target for kidnapping gangs. Even during the famously rigid rule of the Taliban, members of the Sikh community were kidnapped for ransom, and according to one trusted source, the kidnappers included Taliban. One Sikh family, for example, lost six members during the Taliban rule, having failed to collect the required ransom to secure the release of relatives." **[64e]**

21.16 The USCIRF 2011Report stated however, that:

"As in the case of Shi'a Muslims, the situation of Afghanistan's small communities of Hindus and Sikhs has improved since the fall of the Taliban. Hindus and Sikhs are allowed to practice their faith and have places of public worship. USCIRF staff was [sic] able to visit a Hindu temple in Kabul, located on a major road and next to a mosque. However, Hindu leaders have complained about difficulties in finding locations to erect funeral pyres, and Hindus and Sikhs are effectively barred from most government jobs and face societal hostility and harassment." **[68a] (p219)**

21.17 An article in *The Navhind Times*, the first English newspaper of Goa, dated 6 February 2011, stated "Surprisingly three progressive Hindu and Sikh women participated in the elections held in 2010 in Afghanistan. In fact the Sikh dental doctor Anar Kali Honaryar largely relied on Muslim supporters during her campaign and President Hamid Karzai chose a female, Hindu candidate when he voted in the parliamentary election. But the candidates did not win." **[89a]**

21.18 The same article in *The Navhind Times* also stated:

"Hindus thrived long before the arrival of Islam in the seventh century and for a long time dominated the country's economy, but today Sikh and Hindu Afghans now find themselves struggling for survival. 'We have no shelter, no land and no authority,' says Awtar Singh, a senator and the only non-Muslim voice in Afghanistan's Parliament. 'No one in the government listens to us, but we have to be patient, because we have no other options,' regrets Singh, who adds bitterly 'the Indians say you belong to Afghanistan, and here we are seen as Indians. No government cares for us.'" **[89a]**

21.19 A British Broadcasting Corporation (BBC) article, dated 20 February 2011, reported on an Afghan family who fled to the UK after the son was attacked because of his religion. The article noted:

"Arti Kumar says she fled the country in September 2007 with her two sons, Akash and Ravi, because they had been targeted by the Taliban…The family say they decided to leave after a Taliban guard attacked older son Ravi, then aged 17, hitting him on the head with a rifle. The assault left him brain damaged. They sold the family textile business to raise money to pay an agent to take them out of Afghanistan. But they were told he could only take three of them. Ms Kumar says: 'I haven't heard from my husband Ram - he stayed behind. It's been three years.' She also believes her 16-year-old daughter Rekha was abducted by the Taliban. She has never been found. 'We looked for her for two years. Then my son was attacked. I'm so stressed, I don't know what to do. And now this deportation.' They believe that their lives will be in danger if they are

forced to return. Akash, 18, says: 'People over there, Muslim people, no offence to anyone but they don't like Hindus. They don't want us to follow our religion they just want us to convert." **[28x]**

21.20 The USSD IRF Report 2010, published on 13 September 2011, noted:

"The Hindu population, which is less distinguishable than the Sikh population (whose men wear a distinctive headdress), faced less harassment, although both groups reported being harassed by neighbors in their communities. The Sikh and Hindu communities, although allowed to practice their religion publicly, reportedly continued to face discrimination, including intimidation. Although Hindus and Sikhs had recourse to dispute resolution mechanisms such as the Special Land and Property Court, in practice the communities felt unprotected.

"Many in the Sikh and Hindu communities did not send their children to public school because of reported abuse and harassment by other students. In previous years, Hindus and Sikhs sent their children to private Hindus and Sikhs schools, but those schools have closed since the community's deteriorating economic circumstances have made private schooling unaffordable for most families. There is one school for Sikh children in Ghazni; one in Helmand; and since March, one in Kabul that only teaches Dari and Pashto. There is one school in Nangarhar provided by the government for the Sikh community. A few Sikh children attended private international schools. There were no Christian schools in the country. No Hindu children attended school in Kabul during the reporting period. The government took limited steps to protect and reintegrate these children into the classroom environment." **[2e] (Section III)**

21.21 The Institute for War and Peace Reporting (IWPR) article from 28 July 2011, stated:

"Ravinder Singh [a Sikh community leader in the capital Kabul] said between 500 and 550 children in Nangarhar, Helmand, Kandahar, Ghazni, Baghlan, Laghman and Kunar provinces were being deprived of an education because of bullying. He emphasised that in other areas of life, such as dealing with government offices, Sikhs and Hindus did not face discrimination – it was only among schoolchildren. 'We have good relations with other Afghans. We share their joys and sorrows,' he said. 'I ask my Muslim brothers and sisters, parents in particular, to bring up their children not to mistreat or insult Hindu children in the schools or on the streets.' 'I used to go to the Muslims' school, but I left. There were lots of Muslims and they made fun of us,' nine-year-old Kuljit Singh said. He attends a Sikh prayer house in the southeastern city of Jalalabad that has been turned into an unofficial school. Another pupil, Jagjeet Singh, 11, described similar experiences, saying, 'Many of our children stop going to school after going for a few days, because the other students harass them, cut their hair and even beat them. They don't respect us.'" **[27g]**

21.22 The same IWPR article added "A spokesman for the national education ministry, Abdul Sabur Ghofrani, also said the dispersed nature of the Sikh and Hindu communities was an obstacle, but insisted, 'One of the priorities in our future plans is to establish special schools for the [Hindu and Sikh] minority, because they too are Afghans, they have a right to study, and the government must provide them with the facilities to do so.'" **[27g]**

21.23 The Foreign and Commonwealth Office (FCO) noted in a letter dated 17 March 2008 that less than one per cent of the population of Kabul were Sikh, Hindu or Christian. The Hindu community there, although tolerated, were unable to practise their religion freely and faced forms of intimidation from both the public and the authorities. Some were

reluctant to send their children to school for fear of mistreatment. **[4d]** The FCO further noted that the Sikh community in Kabul also faced forms of intimidation and were reluctant to send their children to school. However, generally they are tolerated and some own and run successful businesses. The Guru Dwara in Karte Parwan, Kabul, is a fully functioning temple. **[4d]**

(See also Section 26: Children – Education)

21.24 In July 2010, Reuters reported:

"Ironically the rise to power of the hardline Islamist Taliban marked an improvement in the lives of those who remained – and some émigrés even started to return. 'The Taliban did not suppress us – they respected our religion and if we had any problem they would resolve it immediately, let alone delay it until the next day,' says [Awtar] Singh [a senator and the only non-Muslim voice in Afghanistan's parliament]. Some Afghan Hindus were baffled by Western outrage at one Taliban decree – ordering them to wear a yellow tag to identify their religion – saying in practical terms it spared their clean-shaven faces from the wrath of the Taliban religious police, who insisted Muslim Afghan men must grow beards. The Sikhs escaped scrutiny because they also grow their beards long. Since the Taliban's fall, Afghanistan's new constitution promises religious minorities greater freedoms than before, but it is harder to ensure in practical terms." **[49b]**

21.25 A BBC article dated 11 February 2010 focused on civil rights campaigner Anarkali Kaur Honaryar, a Sikh who was awarded "Person of the Year" by Radio Free Europe's Afghan chapter. The article noted:

"Dr Honaryar - a trained dentist - is one of about 3,000 Sikhs and Hindus who remain in Afghanistan… But the outbreak of hostilities meant that most - including Dr Honaryar's relatives - moved to safer places in India, Europe and Canada. She has led campaigns for the civil rights of the embattled communities who stayed on, including one to get crematoriums built for their dead. 'Some people still think we are foreigners. They think we are Indians who are working and living here for a while. But we are Afghans too, and we should have all the rights and opportunities that other Afghans have,' says the demure yet outspoken doctor. ..

"Once the Taliban were overthrown in 2001, Dr Honaryar went to Kabul University to study medicine. She was part of the loya jirga (grand council) that selected the interim government to replace the Taliban. 'The situation for women has improved since the Taliban days. Now if the Karzai government does not listen to us, at least we can appeal to human rights groups,' she says. And so she joined the Afghan Independent Human Rights Commission in 2006. 'They know I am a Sikh but they still trust me with their most personal problems,' she says of the hundreds of mostly Muslim women she meets. 'The culture here is loaded against women. We try to solve their problems, but we also need to change the laws.'" **[28x]**

Return to contents
Go to sources

CHRISTIANS

21.26 The Foreign and Commonwealth Office (FCO) noted in a letter dated 8 January 2010, that their general assessment of treatment of Christians in Afghanistan has not changed

since their previous assessment recorded in a letter dated 17 March 2008. **[4d]** Their assessment was that Christianity is still not accepted. Christians are regularly discriminated against and face verbal and physical abuse from the authorities, former friends and also family members. **[4e]**

21.27 The USSD IRF Report 2010, published on 13 September 2011, noted:

"Public opinion continued to be openly hostile toward Afghan converts to Christianity and to proselytizing by Christian organizations and individuals. Public protests occurred in several provinces after inflammatory public statements made by members of Parliament and television programming; one protest burned an effigy of Pope Benedict XVI, and another protest demanded the closing of all churches (although none exist). More than 1,000 individuals marched in Mazar-e Sharif, demanding the banning of organizations that proselytized. One Christian-affiliated NGO lost its office space when neighbors requested that its landlord evict them." **[2e] (Section III)**

21.28 The USSD IRF Report 2010, published on 13 September 2011, stated: "There were unconfirmed reports of harassment of Christians thought to be involved in proselytizing. Some Christians avoided situations in which they might be viewed as seeking to spread their religion to the larger community." **[2e] (Section II)**

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

(See also subsection on Religious conversion)

BAHA'IS

21.30 The USSD IRF Report 2010, published on 13 September 2011, stated "In 2007 the General Directorate of Fatwas and Accounts under the Supreme Court issued a ruling on the status of the Baha'i Faith, declaring it distinct from Islam and a form of blasphemy. There have been no cases cited under this ruling since its issuance." **[2e] (Section II)**

21.31 The USCIRF 2011 Report stated "Members of Afghanistan's small Baha'i community lead an essentially covert existence, particularly since May 2007 when the General Directorate of Fatwa and Accounts ruled that their faith is a form of blasphemy and that all Muslims who convert to the Baha'i faith are apostates. There were no reports, however, of anti-Baha'i incidents or court cases during the past year." **[68a] (p219)**

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

SUFISM

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

"Sufi leaders in Afghanistan claim that at least 60 percent of the country's population are followers of Sufism, or at least support and respect Sufi values… Despite their image as being peaceful mystics, Sufis in Afghanistan have been actively involved in politics and military conflicts. In recent Afghan history, many Sufis took up arms in the 1980s and joined the anti-Soviet jihad. Nor do they advocate a Western-style secular government in Afghanistan. Sufism is also widespread in neighboring Pakistan. Nevertheless, compared to other Islamic sects such as Wahhabism, Sufism is seen as much more

moderate, tolerant, and peaceful. Masud Naqshband, a Sufi scholar and former mujahed or holy warrior, says Sufi Islam does not support violence, while some other religious groups in Afghanistan and Pakistan 'have opted for extremism in every sense of the word.'" **[50b]**

Return to contents
Go to sources

RELIGIOUS CONVERSION

21.33 The USSD IRF Report 2010, published on 13 September 2011, stated:

"Conversion from Islam is considered apostasy and is punishable by death under some interpretations of Islamic law in the country. The criminal code does not define apostasy as a crime, and the constitution forbids punishment for any crime not defined in the criminal code; however, the penal code states that egregious crimes, including apostasy, would be punished in accordance with Hanafi religious jurisprudence and handled by an attorney general's office prosecutor. Converting from Islam to another religion was considered an egregious crime, and fell under Islamic law. Male citizens over age 18 or female citizens over age 16 of sound mind who converted from Islam had three days to recant their conversion or be subject to death by stoning, deprivation of all property and possessions, and the invalidation of their marriage. In recent years neither the national nor local authorities have imposed criminal penalties on converts from Islam. During the year, according to the Attorney General's Office, no penalties have been imposed, although two men were in detention for conversion to Christianity." **[2e] (Section II)**

21.34 The USSD IRF Report 2010 added:

"In May [2010] police arrested two Afghan citizens for converting away from Islam. At the end of the reporting period, one of the individuals denied converting away from Islam and was released. The other remained in detention.

"In October 2010 another individual was arrested in Mazar-e-Sharif for reportedly converting away from Islam. At the end of the reporting period, the case remained with the prosecutor. The individual was also without legal representation at the end of the reporting period." **[2e] (Section II)**

21.35 The USCIRF 2011 Report stated:

"The few Afghan Christians, converts from Islam or their children, have long been forced to conceal their faith and are unable to worship openly. The situation for Christians deteriorated further in the past year, after a May 2010 broadcast by Noorin TV showed Afghans being baptized. This broadcast set off a firestorm of criticism from the conservative religious establishment, and President Karzai then stated that his ministries would track down converts. Reportedly, 20 individuals were arrested. All were released soon after, except Said Musa. Musa was detained in a Kabul prison for six months before being quietly released due to U.S. and international pressure. Musa was reported to have fled the country with his family. After the May television broadcast, the Afghan government also suspended the operations of two Christian relief groups on charges of proselytizing. Both groups rejected these assertions and reportedly have been allowed to continue their work in the country. Shoaib Assadullah was arrested in late October 2010 and was been imprisoned in Mazar-i-Sharif for six months, after being accused of giving a Bible to a friend." **[68a] (p219)**

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

21.37 The Foreign and Commonwealth Office (FCO) noted in a letter dated 8 January 2010 that they were not aware of any human rights monitors having raised any recent concerns about persecution of Christian converts in Afghanistan. The FCO noted also that there were no specific cases of concern raised during Afghanistan's Universal Periodic Review of Human Rights at the UN Human Rights Council in May 2009, by either Council members or independent human rights monitors. **[4e]**

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

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

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

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

INTERFAITH MARRIAGES

21.41 The USSD *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), noted that:

> "The government's willingness to recognize the right to marry varied according to nationality, gender, and religion. The family court could register a marriage between a Jewish or Christian woman and a Muslim man, but the court required the couple to

accept a Muslim ceremony. A non-Muslim woman had to convert to Islam before marrying a Muslim man. The court could not register a marriage between a Muslim woman and a non-Muslim man. These situations rarely occurred, however, as more than 99 percent of the population was Muslim. The courts registered marriages between non-Muslims, however." **[2a] (Section 1f)**

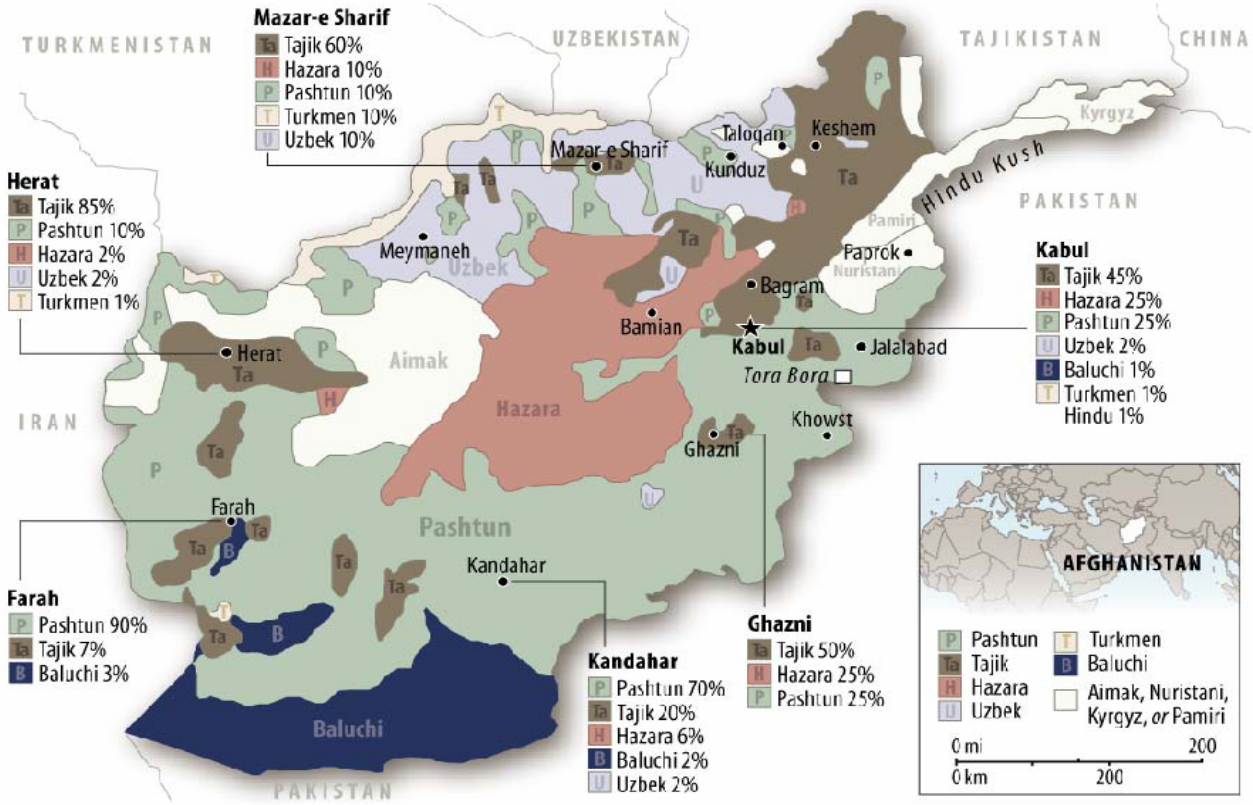
(See also Section 25: Women – Marriage and Divorce)

Return to contents
Go to sources

22. ETHNIC GROUPS

Map of Ethnic groups

21.16 The Congressional Research Service (CRS) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 22 September 2011, accessed on 6 October 2011, provided a map with guidance to where the different ethnic groups were located.



[22a] (p95)

OVERVIEW

22.01 Pushtuns (Pashtuns/Pathans) make up the largest ethnic group at 42 per cent, followed by Tajiks (27 per cent), Hazaras (9 per cent), Uzbek (9 per cent) and Aimak (4 Per cent). Other smaller groups include Turkmen and Baluch. (CIA World Factbook, updated 23 August 2011, accessed on 28 September 2011) **[3a] (People)**

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

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

22.03 The Minority Rights Group (MRG) report, *State of the World's Minorities and Indigenous Peoples 2011*, 6 July 2011, covering events of 2010, stated:

"The ongoing instability and violence disproportionately affects minorities, with the beheading of 11 Hazaras in June 2010 in Uruzgan province, attributed by police to the Taliban, standing as a stark reminder of the challenge in re-building Afghanistan. There has also been a growth in tension between communities, typified by an incident in May in Behsud, where Hazaras and Kuchis clashed over land issues. Kuchis are ethnic Pashtun nomads. The government has been unable to bring perpetrators of such violence to account. On 5 August 2010, ten members of an International Assistance Mission eye team were killed in Badakhshan. Observers feared that this incident, along with an increase in killings of civilians in the region, could signal an expansion of the conflict into northern areas of Afghanistan. The population of Badakhshan is mainly Tajik, but also includes a sizeable Ismaili religious community." **[70f] (p141)**

22.04 When considering ethnic groups under the reintegration of former Taliban fighters, the MRG report of 6 July 2011 stated:

"When asked for a clarification of the impact on women and minorities of the reintegration of pro-Taliban forces in national politics, Mohammad Masoom Stanekzai, who is in charge of government reintegration programmes, reiterated that any resulting policy changes will not infringe on the promises of Article 22 of the Afghan Constitution. This article, promising equality, provides shallow protection to minorities and women and could easily be subverted by a stricter reading of Article 3, which guarantees the primacy of Sharia law, raising deeper questions about the commitment of the government to values of equality." **[70f] (p141)**

(See also Section 12: Abuses by non-government armed forces - Reintegration of insurgents)

22.05 The USSD Report 2010 also noted that "There were no laws preventing minorities from participating in political life; however, different ethnic groups complained that they did not have equal access to local government jobs in provinces where they were in the minority." **[2a] (Section 3)**

PASHTUNS (PATHANS)

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

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

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

22.07 The same source observed that:

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

22.08 The USSD Report 2010 noted, "Ethnic tensions between Pashtun and non-Pashtun groups resulted in conflict and occasional killings." **[2a] (Section 6)**

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

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

Return to contents
Go to sources

TAJIKS

22.10 The Central Intelligence Agency (CIA) World Factbook, updated 23 August 2011, accessed on 28 September 2011, noted that Tajiks comprised about 27 per cent of the population making them the second largest ethnic group in Afghanistan. **[3a] (People)** The Joshua Project People-in-Country Profile of Tajiks in Afghanistan, undated, accessed on 6 September 2010, observed that "The Tajiks are almost entirely Muslim. Most of them are Sunni Muslims of the Hanafi Sect, but there are a few Ismaili Shia Muslims

living in the remote mountain areas. Islam permeates every area of their lives. Rituals relating to birth, puberty, marriage, and death are all built around their beliefs. They faithfully repeat memorized prayers five times a day. In addition to Islamic beliefs, spiritism (superstitious beliefs that incorporate use of charms and amulets) is also widespread among the Tajiks." **[71a]**

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

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

HAZARAS

22.12 The Central Intelligence Agency (CIA) World Factbook, updated 23 August 2011, accessed on 28 September 2011, noted that Hazaras comprised about 9 per cent of the population. **[3a]** The MRGI Profile of the Hazara group, accessed on 6 September 2010, observed that:

"The majority of Hazaras live in Hazarajat (or Hazarestan), land of the Hazara, which is situated in the rugged central mountainous core of Afghanistan with an area of approximately 50,000 sq. km, with others living in the Badakhshan mountains… The Hazaras speak a dialect of Dari (Persian Dialect) called Hazaragi and the vast majority of them follow the Shi'a sect (twelver Imami). A significant number are also followers of the Ismaili sect while a small number are Sunni Muslim." **[70b]**

22.13 The Joshua Project Profile also observed:

"During the 1978-2001 war years numerous Hazara fled with other Afghans to Pakistan or Iran. While many returning refugees settled in Kabul to work as laborers, market vendors or in service positions, a majority returned to their mountain homelands. Comprised of a half-dozen tribes, the Hazara identify by village location more than by family ties. Marriage is arranged for a price – usually for the groom's economic advantage – and the bride joins her husband's family." **[70b]**

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

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

"The Hazaras are reported to have nuclear families with the husband considered the head of the family except in the case of husband's death, when the woman becomes the head. In the latter case the older wife in polygamous marriages succeeds the deceased husband until the eldest sun reaches maturity. At national level Hazaras tend

to be more progressive concerning women's rights to education and public activities. Educated Hazara women, in particular ones who returned from exile in Iran are as active as men in civic and political arenas." **[70b]**

Return to contents
Go to sources

UZBEKS AND TURKMEN

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

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

KUCHIES (KOCHIES)

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

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

"Although due to their nomadic life-style the Kuchi were never really involved in the politics of the country, they have played a key role in Afghanistan's post-Taliban political revival. Together with the Pasthun they supported Mr. Karzai in the 2005 presidential elections." **[70d]**

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

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

their economic and social rights, noting that settled Kuchis generally have a better standard of living than short or long term migratory Kuchis.

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

22.18 The AIHRC report also noted that:

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

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

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

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

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

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

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

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

A map showing the location of ethnicities can be located in the Congressional Research Service (CRS) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy* **[22a] (p95)**

NURISTANIS

22.20 The US Department of State *International Religious Freedom Report* 2010, Afghanistan, covering events between 1 July 2010 and 31 December 2010, (USSD IRF Report 2010), published on 13 September 2011, noted; "Nuristanis, a small but distinct ethnolinguistic group living in a mountainous eastern region, practiced an ancient polytheistic religion until they converted to Islam in the late 19th century. Some non-Muslim religious practices survive today as folk customs. 1" **[2e] (SectionI)**

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

"Nuristanis arrived in Afghanistan fleeing the eastward spread off [sic] Islam. They speak an [sic] unique Indo-European-language. Nuristanis were conquered by Amir Abdur Rahman Khan in 1895-96 and were obliged to abandon their ancient religious belief in favour of Islam. They reside mainly in the East of the country – between the Pashtun tribes of Kunar, the Kalash in Pakistan's Chitral, and the Tajiks of Badakhshan in the North. Nuristan (land of light) is located on the southern slope of the Hindu Kush mountain range and is spread over four valleys, with each valley having its own distinct language/dialect: Kati, Waigali, Ashkun and Parsun…Nuristani men and women follow a strict division of labour with the [men] working in livestock herding while the women work on grain production or irrigated terraces." **[70e]**

Return to contents
Go to sources

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

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

LEGAL RIGHTS

23.01 The International Lesbian and Gay Association (ILGA) *World Survey: State sponsored Homophobia*; dated May 2011, stated that same-sex male and same-sex female relationships are illegal in Afghanistan. The report also noted that under Article 427 of the Penal (Criminal) Code, 1976:

"(1) A person who commits adultery or pederasty shall be sentenced to long imprisonment.

(2) In one of the following cases commitment of the acts, specified above, is considered to be aggravating conditions:
a. In the case where the person against whom the crime has been committed is not yet eighteen years old... " **[72a] (p36)**

23.02 The ILGA World Survey added:

"In Afghan legal terminology 'pederasty' appears to refer to intercourse between males regardless of age. The fact that paedophilia or sexual relations with persons under the age of consent falls under subsection 2(a) of article 427 indicates that this is the case… Islamic Sharia law, criminalising homosexual acts with a maximum of death penalty, is applied together with the codified Penal law. However, no known cases of death sentences have been handed out for homosexual acts after the end of Taliban rule." **[72a] (p36)**

23.03 United Nations High Commissioner for Refugees (UNHCR) *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, July 2009 stated that "Like apostasy, homosexuality is punishable by death, as a Hudood crime, according to most interpretations of Sharia law, although there were no sexual orientation-related executions reported during 2008." **[19b] (p16)**

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

23.04 The USSD *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), noted that, "The law criminalizes homosexual activity, but authorities only sporadically enforced the prohibition. Organizations devoted to the protection or exercise of freedom of sexual orientation remained underground. There were no reported instances of discrimination or violence based on sexual orientation, but social taboos remained strong." **[2a] (Section 6)**

SOCIETAL TREATMENT AND ATTITUDES

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

23.06 Fox News reported in January 2010 that:

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

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

Return to contents
Go to sources

24. DISABILITY

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

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

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

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

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

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

24.03 The US Department of State *Country Report on Human Rights Practices 2009*, Afghanistan, published on 11 March 2010 (USSD Report 2009), noted that, "The ICRC [International Committee of the Red Cross] reported that accurate figures on the disabled population were not available…" **[2g] (Section 6)** The AIHRC, November/December 2009 report concurred and observed that "There is no precise assessment of the number and situation of persons with disabilities in Afghanistan and different authorities have presented different statistical data on the number of persons with disabilities." **[14d] (p19)**

24.04 The AIHRC report observed:

"Thirty years of war in Afghanistan had unfavourable effects and one of these is the rise in the number of persons with disabilities. The Afghan conflict not only physically incapacitated people, but it also had negative implications for the psyche of Afghan

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

24.05 The AIHRC report noted:

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

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

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

Return to contents
Go to sources

25. WOMEN

OVERVIEW

25.01 The Organisation for Economic Co-operation and Development's Social Institutions and Gender Index, Country Profile on Afghanistan (SIGI Afghanistan profile), undated, accessed on 16 September 2011, noted:

"Afghan women are among the most vulnerable in the world. Under the Taliban regime, women and girls were systematically discriminated against and marginalised, and their human rights were violated. Women's removal from the public domain meant that they could not play any role in the political process and were excluded from all forms of

formal or informal governance. Women and girls were also severely restricted in their access to education, health care facilities and employment.

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

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

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

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

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

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

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

25.04 The Women for Women international paper, *Stronger Women Stronger Nations*, 2009 Afghanistan Report, stated that:

"The 2001 Bonn Agreement pledged to address the structural impediments to women's rights in Afghanistan and to include women in political life. Quotas were set to ensure

places for women in the Loya Jirga and the interim administration, and a Ministry of Women's Affairs was established. The Gender and Law Working group, a women's lobby, was able to push through some amendments to the draft constitution released in 2003. These amendments, retained in the final document and approved in 2004, included an explicit reference to the equality of men and women before the law (Article 22) and increased the number of women in the legislature's lower house to two female delegates from each province (Article 83). Article 7 of the Constitution also requires that Afghanistan abide by various conventions that it has signed, including the UN Convention Against all Forms of Discrimination Against Women [CEDAW]." **[76a] (p16)**

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

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

25.06 In some areas women had had their formal rights to education and employment restored and were able to participate in public life. (Freedom House, *Freedom in the World 2011*) **[6a]** However, the US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011(USSD Report 1010), noted that "Women continued to face pervasive human rights violations and remained largely uninformed about their rights under the law. Discrimination was particularly acute in rural areas and villages." **[2a] (Section 6)**

25.07 The UNAMA report of 8 July 2009 stated that:

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

(See also subsection: Violence against women)

25.08 A survey of 1,500 women across different regions by Women for Women International, in their 2009 Afghanistan Report: *Stronger Women Stronger Nations*, revealed that:

- "41.2% of women said that the biggest problem they face in daily life is the lack of important commodities, followed by insufficient employment opportunities (26.2%) and lack of social services (13.5%).

- "66.2% of women said that the first problem the national government should fix is the security situation, followed by economic and political problems. Responses were the same at the local level, giving security the highest priority." **[76a]**

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

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

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

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

Return to contents
Go to sources

LEGAL RIGHTS

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

25.11 The USSD Report 2010, noted that "The constitution prohibits discrimination between citizens and provides for the equal rights of men and women; however, local customs and practices that discriminated against women prevailed in much of the country. The constitution does not explicitly address equal rights based on race, disability, language, or social status. There were reports of discrimination based on race, ethnicity, religion, and gender." **[2a] (Section 6)**

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

25.13 The Social Institutions and Gender Index (SIGI) Profile on Afghanistan, undated, accessed on 16 September 2011, noted:

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

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

(See also Subsection on Social and economic rights)

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

"Amnesty International welcomes advances in respect for women's rights since the fall of the Taleban [Taliban], notably through the establishment of the Ministry for Women's Affairs, the National Action Plan for Women, improved access to education and representation of women in parliament. But Afghan women and girls still encounter discriminatory laws, policies and practices, which include physical attacks on them as women. Women and girls face endemic domestic violence, trafficking, forced marriages, including child marriages, and being traded in settlement of disputes. The police, the courts and other justice sector officials seldom address women's complaints of abuses, including beatings, rape and other sexual violence. Women victims and defendants have little recourse to justice and are discriminated against in both the formal and informal justice systems." **[5e] (Section 3. Protecting and upholding women's rights)**

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

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

25.16 The SPSL was then amended as the USSD IRF Report 2010 observed:

"In July 2009 President Karzai signed the Shi'a Personal Status Law (SPSL), a civil law governing family and marital issues for the Shi'a minority. The constitution recognizes the right of the Shi'a minority to adjudicate personal and family matters according to their own school of jurisprudence. The first version of the law attracted widespread criticism because of restrictions on the rights of women. The Ministry of Justice made some amendments to remove the most controversial phrases; President Karzai signed the amended version which was published in the official gazette [on July 27, 2009 (Gazette 988)]." **[2e] (Introduction)**

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

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

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

25.18 The USSD Report 2010, observed that:

> "The EVAW [Elimination of Violence Against Women] law criminalizes violence against women, including rape, battery, or beating; forced or underage marriage; 'baahd' (the giving of a female relative to another family to settle a debt or dispute); humiliation; intimidation; and the refusal of food. The law specifically punishes rape with life imprisonment, and if the act results in the death of the victim, the law provides for the death sentence for the perpetrator. The law punishes the 'violation of chastity of a woman… that does not result in adultery (such as touching)' with imprisonment of up to seven years. Under the law rape does not include spousal rape. Sharia law, as interpreted in the local context and influenced by tribal customs, although uncodified, impeded successful prosecution of rape cases. Under one interpretation of Sharia, local tribal elders or religious leaders may treat rape as a form of adultery, punishable by stoning to death or 100 lashes. Under some interpretations of Sharia, a woman who brings a charge of rape sometimes must produce four witnesses to prove that the rape occurred as a result of force. The law was seen as only a small step forward due to lack of sufficient implementation." **[2a] (Section 4)**

25.19 With regards to the legislation on child labour the United Nations (UN) *Report of the Secretary-General on children and armed conflict in Afghanistan*, covering the period from 1 September 2008 to 30 August 2010, published on 3 February 2011, noted:

> "The Penal Code (1976), article 427, criminalizes adultery and pederasty. The Law on the Elimination of Violence against Women (2009) criminalizes sexual violence, including rape, forced and underage marriage, forced labour and prostitution, and significantly enhances protection and the promotion of women's rights. However, implementation of the law remains a huge challenge, as does for example, the need to define what constitutes an act of rape." **[17h] (p10)**

(See also Subsection on Violence against women)

POLITICAL RIGHTS

25.20 The Women for Women international paper, *Stronger Women Stronger Nations*, 2009 Afghanistan Report, stated that:

> "The overwhelming majority of women in Afghanistan have only limited direct contact with political institutions. The Afghan Government recently committed to fast tracking the increase of women's participation in the civil service at all levels to 30% by 2013. Currently, only 22% of all regular government employees are women, and only 9%

percent of these are at the decision making level. In the 9,394 Community Development Councils established throughout Afghanistan by May 2007, the number of female members was 21,239 (24%), compared to 67,212 (76%) male members. While women represent 27% of the National Assembly, the Minister of Women's Affairs is the only female cabinet member, and in 17 of 36 ministries there are fewer than 10% female employees.

"There is currently an Afghan Women Judges Association, created in 2003, and an Afghan Women Lawyers and Professionals Association. The Family and Juvenile Courts are headed by women, but of the 1,547 sitting judges in Afghanistan only 62, or 4.2%, are female. Of the 546 prosecutors, 35 (6.4%) are female, and of the 1,241 attorneys 76 (6.1%) are female. There are no women members in the Supreme Court Council." **[76a] (p17)**

(See also Subsection on Violence against women)

Return to contents
Go to sources

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

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

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

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

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

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

(See also Section 3: History – Presidential and Provincial Council elections – 20 August 2009)

Women's participation in the September 2010 Parliamentary elections

25.23 The Freedom House (FH) report, *Freedom in the World 2011*, Afghanistan, covering events in 2010, published on 16 May 2011, stated that Afghan women "… accounted for about 16 percent of the candidates in the 2010 parliamentary elections, and roughly 41 percent of registered voters were women; 69 female parliamentarians were elected. There were two women among the 41 candidates for the 2009 presidential election, but on the whole female participation was limited by threats, harassment, and social restrictions on traveling alone and appearing in public." **[6a]**

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

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

25.25 A note by The Free and Fair Election Foundation of Afghanistan (FEFA), dated 16 June 2010, stated that the Government should have done more by way of security to protect civilians in the September 2010 Parliamentary elections. The note added:

"FEFA observers based in thirty one provinces during the nomination of candidates reported serious concerns over security, the ability of women to participate in the elections, and the capacity of electoral institutions… Insecurity on major roads, especially the presence of mines and improvised explosive devices posed a challenge for prospective candidates traveling from their home districts to candidate nomination centers in provincial capitals. Intimidation of candidates by insurgent groups was a source of alarm among FEFA observers, who monitored security incidents in their provinces during the nomination period. Night letters warning individuals not to run in the elections were issued by the Taliban in several districts in Khost, Logar and Paktika. In Logar, the threatening letters, posted overnight in public places, specifically warned that women standing for election would be targeted for violence. But insurgents were not the only ones posing threats. Candidates running against powerful incumbents with histories of criminal activity and ties to armed groups expressed fears that they and their supporters would be subject to intimidation and violence during the campaigns." **[30a]**

(See also Subsection on Violence against women and Section 3: History – Parliamentary elections - 18 September 2010)

SOCIAL AND ECONOMIC RIGHTS

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

"The government did not require women to wear burqas. Although some women continued to wear the burqa out of personal choice, many other women felt compelled to wear one due to societal or familial pressure. Cases of local authorities policing aspects of women's appearance to conform to a conservative interpretation of Islam did

occur… and most women, even in Kabul, wore head covering. In rural areas and villages made more accessible by new roads, formerly unveiled women donned burqas when they worked in the fields to avoid being seen by strangers." **[2d] (Section 5)**

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

"The burqa received an inordinate amount of attention in the West during the Taliban period. The removal of the burqa is often viewed as a symbol of the 'liberation' of Afghan women. However, for many women, this is often the only protection they have to move in public locations without being harassed. The burqa allows women to maintain a low-profile. Female police officers have reported that they wear a burqa for their own personal safety when outside of the police station." **[18c] (p10)**

25.28 The USSD Report 2010 noted:

"Religious organizations in some provinces reinforced the social unacceptability of women travelling or even leaving home without a male family member or other approved escort. One religious leader said that travel without a 'mahram,' or unmarriageable relative, raised 'questions about a woman's piety.' The Ulema Council for the Western Region issued a declaration that women traveling a distance of greater than 54 miles from home must be accompanied by a chaperone and forbidding female employees of foreign organizations from working alone in a room with a foreign man. For example, on July 8, the Pajhwok News Agency reported that the provincial Ulema council in Badakhshan issued a resolution asking all women not to leave their homes without a male member of their family." **[2a] (Section 6)**

(See also Section 30: Freedom of movement)

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

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

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

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

Return to contents
Go to sources

Access to education and employment

25.30 The USSD Report 2010 stated that "Denial of educational opportunities, limited employment options, and continuing security threats continued to impede the ability of many women to improve their situation, despite the progress women in urban areas made toward access to public life, education, health care, and employment." **[2a] (Section 6)**

25.31 The US Department of State's *Background Note* on Afghanistan, updated on 6 December 2010, noted

"Adult literacy activities increased rapidly in 2009. Learning centers grew from 1,100 to 6,865, and activities expanded from 9 to 20 provinces, bringing literacy and financial services to over 169,000 beneficiaries (62% female). From a situation of total illiteracy, these learners can now read, write, form simple sentences, and do basic mathematical calculations. Ongoing support of literacy and basic education is paramount, as well as the quality and preparation of teachers in order to close the literacy gap left by 30 years of conflict." **[2b] (Education)**

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

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

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

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

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

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

Return to contents
Go to sources

Marriage and divorce

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

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

25.36 The AIHRC report of November/December 2009 stated:

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

25.37 The Freedom House report, *Freedom in the World 2011*, Afghanistan, covering events in 2010, noted "Women's choices regarding marriage and divorce remain circumscribed by custom and discriminatory laws …" **[6a]**

25.38 The AIHRC report of November/December 2009 stated:

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

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

"In March 2008, the AIHRC and the Ministry of Women's Affairs succeeded in persuading the Supreme Court to accept a new marriage registration certificate that includes a signature or sign of consent from both bride and groom and some form of proof that they are old enough to marry. Since hardly any birth certificates are issued in Afghanistan, proof of age is still difficult to provide. This is a useful step to begin to

reduce the prevalence of child and forced marriage, though it is at present not compulsory, charges are made for the certificate which may act as a deterrent, birth certificates (to prove age) are rare, and awareness and take up still very low." **[9e] (p59)**

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

Return to contents
Go to sources

Relationships outside of marriage 'Zina'

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

25.41 An Integrated Regional Information Networks (IRIN) News article dated 16 July 2008 reported that "In Afghanistan sexual relations between a man and a woman outside marriage are considered a serious crime and offenders can face death penalty and/or a lengthy prison sentence, depending on their marital status and other circumstances. Every year hundreds of female sex workers are sent to prison for allegedly having 'unlawful sexual relationships', according to women's rights activists…" However, "High food prices, drought, unemployment and lack of socio economic opportunities are pushing some women and young girls in northern Afghanistan into commercial sex work, women's rights activists and several affected women told IRIN." **[29b]**

25.42 The USSD Report 2010 stated that:

"'Zina,' the term for adultery or fornication, is a criminal act under the penal code. In practice police and legal officials often charged women with intent to commit zina to justify their arrest and incarceration for social offenses such as running away from home, defying family choice of a spouse, fleeing domestic violence or rape, or eloping. Police often detained women for zina at the request of family members. UNAMA [United Nations Assistance Mission in Afghanistan] reported cases of zina in nearly every province." **[2a] (Section 6)**

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

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

 The main text of this COI Report contains the most up to date publicly available information as at 24 September 2011. Further brief information on recent events and reports has been provided in the Latest News section to 11 October 2011.

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

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

Return to contents
Go to sources

Single women and widows

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

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

25.47 The UNHCR report further noted:

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

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

"Despite having one of the largest war victim populations in Asia, Afghanistan does not have a law on how to deal with hundreds of thousands of war widows, orphans and

disabled… The office of the president told IRIN that in the last 18 months over 2,800 'condolence payments' (US$2,000 each) had been made to families that had lost a family member in the war, and 1,700 'sympathy payments' ($1,000) had been distributed to people wounded in the conflict. However, the president's 'condolence payments' are ad hoc and authorized only for specific families – mostly those affected by military operations by pro-government forces, officials said." However, two families interviewed in the article said that they had received no help, either from the government or aid agencies. Both families had lost men that were "… killed in explosions allegedly perpetrated by anti-government forces." **[79a]**

25.49 The RAWA article also said:

"Noor-ul-Haq Ulomi, a member of the National Assembly who served the Soviet-backed government in the 1980s, accused the international community and the current Afghan government of failing to heed the plight of war victims. 'In the past the [Soviet-backed] government distributed free land and apartments, [making available] education facilities for orphans, and employment for widows and disabled people, but the existing government has done nothing compared to what had been done in the past,'..." **[79a]**

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

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

25.51 The USSD Report 2010 noted that "Due to the early marriage age, some women become widows in their 20s and 30s. Since widows were perceived as their in-laws' property, they could be forced to marry a brother-in-law, who might already have a wife; the late husband's family seized any property he left." **[2a] (Section 6)**

Return to contents
Go to sources

Imprisonment of women

25.52 The Foreign and Commonwealth Office noted in a letter dated 17 March 2008 that "A number of NGOs [Non-Governmental Organisations] report that hundreds of women and girls are being detained in prisons across the country: the majority for violating social, behavioural and religious codes. There is uncertainty surrounding the legality of their detention." **[4d]**

25.53 The July 2009 UNHCR report noted:

"Detention for breaches of customary or Sharia law disproportionately affects women and girls. Women and girls are arrested and imprisoned for committing uncodified 'moral crimes', including for perceived misbehaviour such as running away or being improperly accompanied. Victims of rape (female and male), domestic violence, trafficking, forced marriages or other violence against women are often detained on

criminal charges. Charging female rape victims with adultery or zina (sex outside of marriage) is reportedly standard practice. Women are often returned to male offenders when reporting violence. Sentencing by judges of females convicted of sexual offences such as adultery is often disproportionately harsh as opposed to male offenders who often are released or enjoy much lighter sentences." **[19b] (p59)**

25.54 The USSD Report 2010 stated:

"Local officials occasionally imprisoned women at the request of family members for opposing the family's choice of a marriage partner or being charged with adultery or bigamy. Women also faced bigamy charges from husbands who had deserted them and then reappeared after the woman had remarried. Local officials imprisoned women in place of a family member who had committed a crime but could not be located. Some women resided in detention facilities because they had run away from home to escape domestic violence or the prospect of forced marriage. Several girls between the ages of 17 and 21 remained detained in Pol-e-Charkhi Prison after fleeing abusive forced marriages." **[2a] (Section 6)**

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

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

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

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

"In conservative Afghan society, many women who have done time in prison – often for 'moral crimes' – face being ostracised by their relatives and the wider community. 'Moral crime' is a loosely-defined category that can cover acts such as running away from home, refusing to get married, and even being the victim of rape. While these are not offences in the written criminal code, it is common for courts to impose jail sentences on women deemed guilty of them… Stigmatised by society and with few safety nets, they are commonly left homeless and destitute once they are released… Former prisoners complain that there is no provision made by government agencies or civil society groups

to support them after they leave jail. Another woman … spent six months in prison after fleeing her home. 'When I was released from the prison, I was sheltered for a month by the department for women's affairs,'… 'Then they sent me away. I went to several places but no one helped me.'" **[27c]**

25.58 The IWPR also provided an example from another case:

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

'It is true that my family accepted me back but this didn't take place very easily,' she said. 'When I returned home, my brother shaved my head with a knife and then locked me in our bathroom where I spent two weeks. They later forgave me but they don't treat me as they used to, before I ran away. However, I am now trying very hard to regain their trust.'" **[27c]**

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

Return to contents
Go to sources

VIOLENCE AGAINST WOMEN

25.59 An Al Jazeera news article reported on 15 June 2011 on how Afghanistan is considered to be the "most dangerous place for women". The article stated:

"Afghanistan has been ranked as the world's most dangerous country for women, with Congo taking a close second position, a Thomson Reuters Foundation expert poll has said. Violence, dismal healthcare and brutal poverty afflicts women in Afghanistan... in the global survey of perceptions of threats ranging from domestic abuse and economic discrimination to female foeticide, genital mutilation and acid attacks. 'Ongoing conflict, NATO [North Atlantic Treaty Organisation] airstrikes and cultural practices combined make Afghanistan a very dangerous place for women,' Antonella Notari, head of women change makers, a group that supports women social entrepreneurs around the world, said. The survey asked 213 gender experts from five continents to rank countries by overall perceptions of danger as well as by six risks. The risks were health threats, sexual violence, non-sexual violence, cultural or religious factors, lack of access to resources and trafficking. Some experts said the poll showed that subtle dangers such as discrimination that don't grab headlines are sometimes just as significant risks for women as bombs, bullets, stonings and systematic rape in conflict zones. 'I think you have to look at all the dangers to women, all the risks women and girls face,' Elisabeth Roesch, who works on gender-based violence for the International Rescue Committee in Washington, said. 'If a woman can't access healthcare because her healthcare isn't prioritised, that can be a very dangerous situation as well.'" **[17a]**

25.60 The same Al Jazeera article added "Afghanistan emerged as the most dangerous country for women overall and worst in three of the six risk categories: health, non-sexual violence and lack of access to economic resources." **[17a]**

25.61 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 21 September 2011, stated:

"UNAMA [United Nations Assistance Mission in Afghanistan] increased its advocacy and monitoring of the implementation of the Law on the Elimination of Violence against Women by police, prosecutors and judges. Judicial authorities are increasingly becoming aware of the law. Prosecutors in 28 provinces registered complaints under the law in the past year, although less than one quarter of the cases reached the courts. Instances of violence against women and impunity for perpetrators remained widespread, with much of the violence grounded in harmful traditional practices such as forced and underage marriage. Authorities often failed to investigate and arrest perpetrators of acts criminalized by the law while continuing to arrest women and girls who attempted to flee forced marriages or family abuse, charging them with the intent to commit adultery. UNAMA assisted provincial governors and departments of women affairs in establishing and strengthening provincial commissions for the prevention of violence against women and conducted awareness programmes for members of civil society and officials in 13 provinces." **[17k] (p6)**

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

25.63 The Amnesty International Report 2011: *The state of the world's human rights: Afghanistan*, (AI Report 2011) published on 13 May 2011, concurred and noted that "Afghan women and girls continued to face endemic violence and discrimination at home and in the public sphere. The Afghanistan Independent Human Rights Commission documented 1,891 cases of violence against women, but the true number may be higher." **[5a]** The AI report 2011 included the following cases where severe violence had occurred:

- "In March [2010], 18-year-old Bibi Aysha had her nose and ears cut off by her husband in Uruzgan province, southern Afghanistan, apparently on the order of a Taleban commander acting as 'judge' for the crime of running away from her abusive in-laws.

- "On 9 August [2010], the Taleban shot dead a woman, after forcing her to abort her foetus, in Badghis province on accusations of adultery.

- "On 16 August [2010], the Taleban stoned to death a couple for alleged adultery and elopement in Imam Sahib district, Kunduz province." **[5a]**

25.64 The Human Rights Watch (HRW) *World Report 2011: Afghanistan*, covering events of 2010, published 24 January 2011, stated:

"Women in de facto Taliban-controlled areas face 'night letters' - threatening missives often delivered at night–and death threats by phone. In recent years several high profile women have been assassinated; their killers have not faced justice. While men in Taliban-controlled areas are also threatened and attacked, there is an additional gender-related dimension to the pressures on women connected to the Taliban's interpretation of Sharia law, which is used to justify harsh punishments for women seen to be mixing with men outside their immediate families." **[7a]**

(For further information on 'night-letters' see Section 12: Abuses by non-government armed forces – Night letters)

25.65 Furthermore, the AI report 2011 stated that "Afghan women and female politicians, including parliamentary election candidates, were increasingly attacked by the Taleban and other armed groups." **[5a]** The AI report 2011 listed the following recorded examples:

- "In March [2010], Member of Parliament Fawzia Kofi was injured by gunfire by unknown gunmen while travelling from Jalalabad to Kabul.
- "In April [2010], Nadia Kayyani, a Provincial Council member, was left in a critical condition after being attacked in a drive-by shooting in Pul-e-Khumri, the provincial capital of Baghlan, northern Afghanistan.
- "Two Afghan aid workers were killed in Helmand [Province] after returning from Garmseer district where they were running a project for women's economic empowerment. Both women were forced out of their car by a group of armed men. Their bodies were found the next day near Garmseer district centre." **[5a]**

(See also subsection – Women's participation in the September 2010 Parliamentary elections)

25.66 The Child Soldiers report, *Setting the Right Priorities: Protecting children affected by armed conflict in Afghanistan*, June 2010 stated "Acts of sexual violence are reportedly committed by armed groups or criminal gangs as well as family members, guardians or caretakers. This includes staff of prisons, juvenile rehabilitation centers, police stations and orphanages, according to UNAMA [United Nations Assistance Mission in Afghanistan] / Office of the High Commissioner for Human Rights (OHCHR)." **[86b] (p29)**

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

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

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

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

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

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

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

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

(See also section 12: Abuses by non-government armed forces – Night letters)

Return to contents
Go to sources

Honour killings/crimes

This section should be read in conjunction with the Subsections on Violence against women and the Subsection on Rape and Section 9: Crime – Blood feuds.

25.71 The Institute for War and Peace Reporting (IWPR) reported in June 2011 on the rise of honour killing in the western region of Afghanistan. The article noted "The Herat branch of the Afghanistan Independent Human Rights Commission, AIHRC, recorded 14 'honour killings' – murders of women and girls committed by family members – in the 12 months ending this March, a substantial increase on the four known cases the previous year. However, most agree that the real figure is likely to be much higher, because of the culture of shame surrounding such cases." **[27h]**

25.72 The IWPR article further added:

> "'Families conceal such cases for reasons of honour and prestige,' Suraya Daqiqi, head of the AIHRC's women's affairs section in Herat, said. 'We obtained these figures through security agencies, the Herat provincial hospital and the media.' Karima Husseini, head of publications at the women's affairs department for Herat province, said the numbers were going up, although her office only became aware of cases when they happened in urban areas rather than in the countryside. In another recent case, Zahra, a young woman preparing to sit her university exam was shot dead by her father in a suburb of Herat. The facts of the case have not been established, but some reports suggest the man suspected his daughter of having an illicit relationship. Daqiqi said murders of this kind were often the result of men resorting to murder on the merest suspicions about female relatives, without even trying to establish whether their fears had any basis. Abdul Wajed Frotan, a religious scholar in Herat, said Islamic law in no way sanctioned arbitrary killings. It was considered especially sinful to commit such an act on the basis of doubt or suspicion, he added." **[27h]**

25.73 In 2008/9, honour killings contributed to 6.4 percent of deaths amongst women in Afghanistan. (AIRHC, November/December 2009) **[14d] (p59)** The Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, published on 6 May 2009, stated that "'Honor killings' occur with impunity in parts of Afghanistan." **[17c] (p30)** The USSD Report 2010, noted that "The AIHRC [Afghanistan Independent Human Rights Commission] documented 44 'honor killings' throughout the first nine months of the year; however, the unreported number was believed to be much higher. Under the penal code, a man convicted of honor killing after finding his wife committing adultery cannot be sentenced to more than two years' imprisonment." **[2a] (Section 6)**

25.74 The Human Rights Watch (HRW) News Release, *Afghanistan: Stop Women Being Given as Compensation*, 8 March 2011 stated "Human Rights Watch also documented cases where girls given in *baad* became victims of domestic violence with no real mechanism for escaping from violence apart from risking their lives by running away." HRW also described that the customary punishment of Baad (or bad dadan) is where women and girls are given to an aggrieved family as compensation for crimes. The punishment is a usually decided by a local jirga (council). **[7f]**

25.75 The same HRW News Release stated "An officer in the Afghanistan Independent Human Rights Commission told Human Rights Watch of a case in Kabul province in January 2010, when a family gave two girls, ages 3 and 6, as *baad*. While the 3-year-old was sent to Logar province to the man's relatives, the 6-year-old remained in Kabul. Both girls were eventually returned to their parents after intervention by the Afghan Independent Human Rights Commission. But the officer stated that very few cases get reported to local authorities." **[7f]**

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

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

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

25.77 The Child Soldiers report of June 2010 stated:

"Fear of stigmatization, exclusion and reprisals prevents Afghan survivors of gender-based violence (GBV) from speaking out and thus conceals the extent of this violence in the country. In Afghan society, sexual acts committed outside marriage are widely believed to 'dishonor' families and communities. In order to 'save' their honor, some families have reportedly rejected or even killed the child or woman who was raped. The social pressure put on the survivor and the family to hide the incident has also resulted in a number of forced abortions." **[86b] (p29)**

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

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

25.79 The Report of the UN Special Rapporteur, 6 May 2009 observed that the:

"Women in the family of the deceased victim of an 'honor killing' are typically too afraid of their own families to make a complaint to police. And they know that the police are unlikely to carry out an investigation, or that if they do, bribery will ensure impunity for the perpetrators. I received reports of a number of cases in which police did attempt to carry out investigations, but senior Government officials interfered with or prevented the

investigations. Like any other murders, international law requires that these killings be investigated, prosecuted, and punished." **[17c] (p30-31)**

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

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

Return to contents
Go to sources

Rape

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

25.81 The Child Soldiers report of June 2010 stated:

"Afghan penal law fails to criminalize rape against women and minors. In the absence of specific laws on rape, most judges and law enforcement agencies resort to the concept of zina when dealing with rape cases, which is covered under Chapter 8 of the Penal Code. However, zina focuses on adultery, pederasty and violation of 'honor' but does not adequately define coercion to differentiate the victim and the perpetrator of rape. As a result, GBV survivors – even if they were children – have been erroneously prosecuted for adultery. The vague definition of zina has led courts to prosecute children, particularly girls, for running away from their homes, even if they were escaping domestic violence. Authorities are also regularly accused of discarding accusations of rape, especially if children file the complaint." **[86b] (p29-30)**

25.82 The USSD Report 2010 noted:

"Accused men often claimed the victim agreed to consensual sex, which resulted in an adultery charge against the victim. The MOI [Ministry of Interior] reported 60 cases of rape during the year, and the AIHRC [Afghanistan Independent Human Rights Commission] reported 60 cases between January and September; the actual number of cases was probably much higher. The MOI reported 99 arrests in connection with rape cases. Statistics on convictions were unavailable. Rapes were difficult to document due to social stigma. Male victims seldom came forward. Peer sexual abuse was allegedly common. Female victims faced stringent societal reprisal, from being deemed unfit for marriage to being imprisoned. According to NGOs [Non-Governmental Organisations], authorities raped women in prison." **[2a] (Section 1c)**

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

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

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

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

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

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

Return to contents
Go to sources

25.85 The UNAMA report further stated that:

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

25.86 The UNAMA Report also stated that

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

"Most information on sexual violence and rape in particular, is anecdotal, incomplete and at times unreliable. There is a lack of official primary and comprehensive data on rape. Statistics on rape cases (including cases reported to the police, Prosecutors and the courts) as well as on the profile of both victims and perpetrators, are currently unavailable. To address this gap, the Ministry of Women's Affairs has established a database, though cases remain under-reported." **[18c] (p22)**

25.87 The same source added:

"In general, Afghan women and men consider discussing issues related to sex and sexual violence as taboo, as women's sexuality is effectively controlled by men. In the course of this research, UNAMA found it extremely difficult to use terms like 'rape', 'sexual consent' and zina. The issue of marital rape is never considered or reported, since women have no choice in terms of consenting to sexual intercourse with their spouse… Any woman who dares to report a rape subjects herself to potential further victimization, including criminal prosecution and imprisonment for zina." **[18c] (p21)**

25.88 The UNAMA Report further noted:

"Only in a few isolated cases have public institutions taken appropriate action. In many instances, victims seeking help and justice are further victimized. Evidence has proved that victims of rape are discouraged from taking their cases to the police, and if they do so, are not treated with respect. Frequently, rape victims are humiliated or denied justice, and are sexually abused while held in custody or detention. The Government has not invested adequately in measures geared to investigating rape cases effectively, nor in prosecuting the perpetrators. More should be done by the Government to promote change in societal attitudes and practices that at times condone sexual violence through harmful customs, such as baad – the handing over of a girl as 'compensation' to settle a dispute or a crime – or insisting that a victim marry her rapist. Media reporting on rape is progressively exposing the problem in the public realm. However, on occasion, this further endangers rape victims by revealing their identity. While some politicians have been outspoken in their condemnation of rape, Government action to address rape is woefully inadequate." **[18c] (p21)**

25.89 Reporting on one rape case the USSD Report 2010 stated that:

"On February 27 2010, Kunduz police arrested a man in connection with the alleged rape of two women in the northern district of Imam Saheb. The women alleged that they were raped in December 2009 by five members of a local militia. Although the women reported the case to the police five days later, police in Imam Saheb did not conduct a thorough investigation. After the case received national attention, the Ministry of Interior sent a team to Kunduz to investigate. Kunduz police then reopened the case and arrested a suspect, with warrants outstanding for others." **[2a] (Section 6)**

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

Self harm

25.90 Afghanistan recorded a large number of suicide attempts by Afghan women every year. In August 2010 ABC News reported:

"The government says every year about 2,300 women or girls attempt to kill themselves, mainly due to mental illness, domestic violence and poverty. Rachel Reid, Afghan analyst from Human Rights Watch, has told Radio Australia's Connect Asia program there are a range of issues facing women in Afghanistan. 'There are extraordinarily high levels of child-enforced marriage, domestic violence, violence against women generally and huge cultural, social taboos on women seeking help when they've got problems,' she said." **[83a]**

25.91 The USSD Report 2010 noted that:

"Women sometimes resorted to self-immolation when they believed there was no escape from their situations. During the first nine months of the year, the AIHRC [Afghanistan Independent Human Rights Commission] documented 111 cases of self-immolation, compared with 86 cases in 2009. Other organizations reported an overall increase during the past two years. On July 31, Faizullah Kakar, presidential advisor on health, reported that an estimated 2,400 women committed suicide every year because of depression resulting from fears and concerns over the continued conflicts; forced and underage marriages, including 'baahd' to a rival tribe or family; domestic violence, including violence from in-laws; and sexual violence. Kakar estimated that 28 percent of women between the ages of 15 and 35 suffered from depression and psychological problems." **[2a] (Section 6)**

25.92 Some Provinces don't provide numbers of self-immolation cases. Herat Province had among the highest recorded levels. "At the burns centre of the provincial hospital in Herat…" Dr Mohammed Jalili said "… he has seen more than 80 cases of women committing self-immolation in the past year. The majority of these women have died from their injuries." (BBC, 19 March 2009) **[28i]**

(See also Section 28: Medical issues – Mental health)

Return to contents
Go to sources

GOVERNMENT AND NGO ASSISTANCE

Shelters

This section should be read in conjuction with Section 27: Trafficking – Protection to victims of trafficking

25.93 The United Nations General Assembly Security Council Report of 23 June 2011, stated:

"During the period under review, the United Nations country team worked closely with civil society and Government authorities on amendments to the draft regulation on women's protection centres put forward by the Ministry of Women's Affairs and the Ministry of Justice. Earlier drafts of the regulation raised questions about the continued independent management of the centres by civil society groups and the extent to which women's rights would be protected, including against the forced return to families and

non-consensual disclosure of information to law enforcement authorities. The Criminal Law Reform Working Group, comprising national and international legal experts, including the United Nations, recommended amendments that would fully protect women's rights. The amendments were incorporated in the final version of the regulation, which, at the time of the writing of this report, had been submitted to the Technical Legislative Review Committee of the Council of Ministers for the Government's approval." **[17a] (p5-6)**

25.94 On 16 February 2011 Voice of America (VOA) reported "The Afghan government says it plans to take control of women's shelters – a move strongly opposed by international human rights groups. This week, the Afghan Women's Affairs Minister said the government found problems in the operation of the shelters, including corruption and misuse of funds in the 11 registered safe houses run by non-governmental organizations." **[58a]** However, the Agence France Presse (AFP) reported on 20 February 2011 that "President Hamid Karzai said… his government did not plan to take control of all shelters for abused women in Afghanistan, in an apparent contradiction of a previous announcement. Women's affairs minister Husun Bano Ghazanfar said… that the government had proposed authorising officials to take over "all existing women's shelters in Afghanistan." **[59a]**

25.95 In an article on 14 March 2011 reporting on shelters for women and girls in Afghanistan, the United Nations Children's Fund (UNICEF) observed that; "There are 14 women's shelters around the country – supported by international organizations like UNICEF – and about 40 per cent of the women in the shelters are under the age of 18." **[15e]**

25.96 The global campaign Violence is Not our Culture (VNC), established in 2007, highlighted the situation of shelters in their campaign article *VNC: Secure the independence of women's shelters in Afghanistan*, dated 22 February 2011:

"Fourteen (14) shelters were set up around the country by independent Afghan women's groups after the fall of the Taleban. Despite a lack of resources, cultural prejudices, and intimidation against them, these shelters have provided protection to countless numbers of Afghan women and girls who have fled from gender-based violence committed against them by members of their own family and community. Acts of gender-based violence confronting many of them include forced marriage, under-aged marriage, and threats of violent punishments because of suspicions that they have defied imposed social norms pertaining to their sexual rights, freedoms of movement and expression, and choice in sexual partner. Most of these violent acts are justified in the name of 'religion', yet in fact, these acts have no basis in Islam, which is the dominant religion in Afghanistan." **[57a]**

25.97 The Women for Women International report 2009 described the National Action Plan for the Women of Afghanistan (NAPWA) noting that:

"The National Action Plan for the Women of Afghanistan (NAPWA) is a 10-year plan of action by the Government of Afghanistan to implement its commitments to women constituents, focusing on six sectors: security; legal protection and human rights; leadership and political participation; economy, work and poverty; health; and education. It includes a comprehensive analysis of women's circumstances in each of these sectors, a product of a two-year consultation between the UN Development Fund for Women (UNIFEM) and Afghanistan's Ministry of Women's Affairs. It identifies policies and actions that must be implemented to address women's difficulties, taking into consideration the government's commitments under the Afghanistan Millennium

Development Goals, the Afghanistan Compact and the ANDS [Afghanistan National Development Strategy]. The NAPWA has been endorsed by 17 ministries and accepted by the President and the Social Committee of the Cabinet and UNIFEM expects it to be formally launched in the near future." **[76a] (p17)**

25.98 The USSD Report 2010 stated that:

"According to a December [2010] UNAMA [United Nations Assistance Mission in Afghanistan] report, 'unaccompanied' women were not accepted in society, so women who could not be reunified with their family had nowhere to go. The difficulty of finding durable solutions for women compelled to stay in a shelter was compounded by the societal attitude toward shelters, linked to the belief that 'running away from home' was a serious violation of social mores. The misapprehension that safe houses were a safe haven for immoral women forced them to operate nearly clandestinely and in a precarious security situation. In lieu of relying on shelters, girls who sought to escape violence at home were reportedly sometimes 'married' or 'engaged' to older men as a means of providing them with safety; observers noted that officials across the justice sector promoted and accepted this practice. During the year Emrooz TV broadcast programs claiming that shelters were brothels, which civil society activists and women's rights groups argued to be baseless accusations. During the year Nasto Naderi, a television journalist, produced a series of comments accusing shelters of carrying out activities violating Islamic law. He did not provide proof of these claims." **[2a] (Section 6)**

25.99 The United Nations General Assembly Security Council Report of 23 June 2011, stated

"The United Nations Office on Drugs and Crime, in partnership with relevant Government ministries and non-governmental organizations, inaugurated in June [2011] the first post-release transition shelters in Mazar-e-Sharif and Kabul for women leaving prisons. This initiative is implemented by a local non-governmental organization. The project aims at promoting successful reintegration of women prisoners into civilian life prior to and after their release, including through providing shelter, security, food and socio-psychological and capacity-building support. As of June [2011], Afghanistan's prisons housed nearly 650 women, some with their children (over 280 minors)." **[17a] (p6)**

(See also subsection on Imprisonment of women)

(See also Subsection on Single women and widows and Subsection on Violence against women and Section 10: Security forces - Avenues of complaint for information on redress for women)

Women's health

25.100 The Women for Women International report, 2009 recorded that "Women's health indicators in Afghanistan are some of the worst in the world; women's average life expectancy is only 44 years. Only 14% of births are assisted by skilled attendants, so it is no surprise that the maternal mortality rate is 1,600 to 1,900 deaths per 100,000 live births, meaning that one woman dies in childbirth every 29 minutes. In rural areas, the percentage of women who cannot access healthcare ranges from 30-90%." **[76a] (p34)**

25.101 The USSD Report 2010 stated that:

"Women and children were overwhelmingly the victims of preventable deaths due to illness. Women constituted 68 percent of those infected with tuberculosis. Additionally,

of the 25,000 citizens who died from tuberculosis each year, 16,000 were women. Many households could afford neither the cost of health care nor transport to health-care facilities, and many women were not permitted to travel to health facilities on their own. Observers reported that 60 percent of the population had access to primary health-care centers within two hours' walking distance from their homes, an increase from 9 percent in 2002.

"According to reports in the British medical journal The Lancet, both adults and children suffered from a broad spectrum of mental health problems, including depression, anxiety, and posttraumatic stress related to widespread social suffering and domestic violence, as well as acts of war." **[2a] (Section 6)**

25.102 The Women for Women International report 2009 recorded:

"Women for Women International (WfWI), in cooperation with Professor Naila Kabeer and the UK-based Pathways of Women's Empowerment Programme, surveyed 1,500 women in different regions of Afghanistan, asking them about the conditions of their lives as they perceive them… The biggest healthcare problem identified was lack of staff and facilities at both the national (38.5%) and local (24.2%) levels. Next listed were untrained healthcare staff and poor services for women. In both cases, the problems were seen to be greater at the community level, which would likely be the access point for health services. Costs of access and security issues occupied a lower level of importance, but the cost of access received greater emphasis from non-WfWI [Women for Women International]-affiliated women; WfWI-affiliated women placed greater emphasis on security issues." **[76a]**

(See also Section 26: Children – Health and Welfare, Section 28: Medical Issues and the subsection on Maternal Health)

Return to contents
Go to sources

26. CHILDREN

OVERVIEW

26.01 The Save the Children Country Brief: Afghanistan 2009/10, accessed on 5 September 2011, noted:

"Afghanistan is one of the poorest countries in the world, and is ranked second for its child mortality rate – one in four children die before they reach their fifth birthday. The fall of the Taliban in November 2001 ended more than two decades of conflict, during which the country's infrastructure and systems have been almost totally destroyed. It's estimated that 70% of the population live in poverty. More than half of all children under five (54%) are stunted due to poor nutrition. Life expectancy is just 44. "**[84a]**

26.02 The Save the Children Country Brief also noted:

"More than half of Afghanistan's 27.1 million population are under 18 years of age. Two-thirds of the population live on less than US$2 a day, so many children have to work to support their families. Many do not have enough to eat, have no school to go to and cannot get treatment when they are ill. Children are often caught up in the fighting which

continues in the south and east. The Afghan government has very limited capacity to meet the basic needs of its citizens." **[84a]**

26.03 The Save the Children Country Brief, Afghanistan 2009/10, accessed on 5 September 2011, noted:

"In the past five years progress has been made [to improve the lives of children], but Afghanistan still faces many challenges. It has high infant, child and maternal mortality; low immunization; chronic nutritional deficiencies among children; low literacy levels; low school enrolment and high drop-out rates, especially among girls; and difficulty protecting children and promoting their rights…Afghanistan remains a generally unsafe place for children – especially street and working children, children who have been institutionalized because of family constraints and children injured by landmines or other accidents. There are also many girls and boys who are subjected to corporal and psychological punishment in schools and homes." **[84a]**

26.04 The United Nations Children's Fund (UNICEF) *Humanitarian Action Report 2010*, published on 4 February 2010 observed, however, that:

"Children continue to face multiple risks to their personal safety, especially as community support mechanisms remain weak and there are few government services to protect them and their families from gender-based violence, domestic abuse and exploitation. Armed groups also continue to recruit children to be used as spies and informants or transport explosives and conduct suicide attacks. These children are subject to arrest, capture and detention without due process by Afghan and international military forces for their alleged association with armed groups." **[15a] (p94)**

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

"The first six months of 2010 saw more than 1,030 incidents of child rights violations documented by the country task force on children and armed conflict. Because access to insecure areas remained a significant obstacle to the verification of reports, UNAMA [United Nations Assistance Mission in Afghanistan] and UNICEF [United Nations Children's Fund] initiated training in August [2010] for Afghan and international field monitors on child rights violations. A sixth regional task force to monitor and report on child rights violations was established in Mazar-e-Sharif in June [2010]." **[17f] (p13-14)**

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

"On 18 July [2010], the Ministry of Foreign Affairs launched the Inter-Ministerial Steering Committee on Children and Armed Conflict. The Committee's terms of reference include support for monitoring and reporting of grave child rights violations, policy and legal reform, and the prevention of violations, such as sexual abuse. The Government indicated its intention to develop an action plan on the prevention of recruitment of children under 18, including the need for more stringent verification procedures, following the description of underage recruitment of Afghan National Police in my most recent report on the status of children and armed conflict (A/64/742-S/2010/181). UNAMA [United Nations Assistance Mission in Afghanistan] and UNICEF [United Nations Children's Fund] will provide technical advice and capacity-building to support the Government's initiative." **[17f] (p14)**

26.07 IRIN News reported in January 2010 that "2009 had been the deadliest year for Afghan children since 2001." IRIN added:

> "Armed conflict killed hundreds of children and adversely affected many others in 2009… an Afghan human rights group has said. About 1,050 children died in suicide attacks, roadside blasts, air strikes and in the cross-fire between Taliban insurgents and pro-government Afghan and foreign forces from January to December 2009, the Afghanistan Rights Monitor (ARM) a Kabul-based rights group, said in a statement on 6 January. 'At least three children were killed in war-related incidents every day in 2009, and many others suffered in diverse but mostly unreported ways,' Ajmal Samadi, ARM's director, was quoted in the statement as saying." **[29d]**

(See also subsection on Violence against children)

Basic legal information

26.08 Article 17 of the Afghanistan Juvenile Code, accessed through the Italian Ministry of Foreign Affairs website noted that children who are under 18 years of age are recognised as juveniles. **[85a]** The legal age for voting is 18 years. (Child Soldiers Global Report 2008: Afghanistan) **[86a]**

26.09 With regards to the legal age for children to work the USSD *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), stated that:

> "The labor law sets the minimum age for employment at 18 years old but permits children 15 years and older to do 'light work.' Children between the ages of 16 and 18 may work only 35 hours per week. Children 14 years old and older may work as apprentices. Children younger than age 13 are prohibited from work under any circumstances, although these laws were not observed in practice. Although the labor law prohibits the employment of children in work likely to threaten their health or cause disability, there is no defined list of hazardous jobs. There was no evidence that authorities in any part of the country enforced child labor laws." **[2a] (Section 7d)**

26.10 The Afghan Juvenile Code recognises those children below the age of 12 years old are not considered to be criminally responsible. (AIHRC, J*ustice for Children, The situation of children in conflict with the law in Afghanistan,* 26 June 2008) **[14e]** Article 12.1 of the Afghan Juvenile Code, accessed through the Italian Ministry of Foreign Affairs website stated that "In applying penal and procedural provisions to children, reference shall be made to the age they had at the moment in which the crime was committed." **[85a] (p3-4)**

Return to contents
Go to sources

LEGAL RIGHTS

26.11 Afghanistan is a party to The Convention on the Rights of the Child (CRC), ratified in April 1994. (Afghan Independent Human Rights Commission, August 2007) **[17e] (p20)**

Domestic legislation

26.12 The United Nations (UN) *Report of the Secretary-General on children and armed conflict in Afghanistan*, covering the period from 1 September 2008 to 30 August 2010, published on 3 February 2011, noted:

"The Penal Code (1976), article 427, criminalizes adultery and pederasty. The Law on the Elimination of Violence against Women (2009) criminalizes sexual violence, including rape, forced and underage marriage, forced labour and prostitution, and significantly enhances protection and the promotion of women's rights. However, implementation of the law remains a huge challenge, as does for example, the need to define what constitutes an act of rape." **[17h] (p10)**

26.13 On the protection of children against violence, the Office of the United Nations High Commissioner for Human Rights (OHCHR) Briefing for The Human Rights Council Universal Periodic Review – 5th session, 2008 noted:

"Corporal punishment of children is lawful in the home. Children have limited protection from violence under the Penal Code, the Constitution and the Juvenile Code, but there is no explicit prohibition of corporal punishment. In an official statement in 2005, the Ministry of Justice announced that 'the use of any form of violent behaviours and beating and humiliating of children that breaches their human rights 'to be respected and treated with dignity', is prohibited', and at a meeting of the South Asia Forum in July 2006, following the regional consultation in 2005 of the UN Secretary General's Study on Violence against Children, the government made a commitment to prohibition in all settings, including the home. But legal reform to enact explicit prohibition has yet to begin." **[21c] (p1)**

(See also subsection on Violence against children)

26.14 With regards to the legislation on child labour the United Nations report of 3 February 2011 stated "In April 2010, Afghanistan ratified the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) of the International Labour Organisation. The Rome Statute was ratified in 2003; however, it has yet to be incorporated into domestic legislation. The minimum age of recruitment into the Afghan National Security Forces is 18 years." **[17h] (p3)**

(See also Subsection on child labour)

26.15 Regarding marriage the Afghanistan Independent Human Rights Commission (AIHRC) Report on the *Situation of Economic and Social Rights in Afghanistan – IV, Qaws 1388* (November/December 2009), stated that "Current legislation undermines the right to marry and found a family in Afghanistan and Afghan Family Law which stipulates an age difference of two years for the marriage of boys and girls (18 and 16 respectively), is per se indicative of gender-based discrimination in the Afghan legal system." **[14d] (p4)**

26.16 On marriage laws, the Human Rights Watch (HRW) report, *"We Have the Promises of the World" Women's Rights in Afghanistan*, published December 2009, stated that "Forced marriage is a crime under Afghan law, though the law only covers widows and women under 18." **[7e] (p58)**

26.17 The same HRW report added "Article 517 of the Penal Code states that someone who forces a girl or widow into marriage 'contrary to her will or consent' shall be given a short-term prison sentence, the duration of which is not specified but is unlikely to be more than one year." **[7e] (p58)** However, the USSD Report 2008, also observing the situation regarding forced marriages, stated:

"There is no clear provision in the Criminal Procedure Law to penalize those who arrange forced or underage marriages. Article 99 of the Law on Marriage states marriage of a minor may be conducted by a guardian. In March 2007, the Supreme Court approved a new marriage contract stipulating the man needs to verify his bride is 16 years of age, and marriage certificates would not be issued for underage brides. According to local NGOs, legal proceedings based on this contract proceeded in Kabul. The proceedings often took longer than a week, and a local shelter housed numerous women during the course of these proceedings. The AIHRC estimated as many as 70 percent of reported cases of domestic violence have roots in child marriage." **[2d] (Section 5)**

(See also Subsection on Underage/forced marriage)

Return to contents
Go to sources

Judicial and penal rights

This section should be read in conjuction with Section 14: Arrest and detention – legal rights

26.18 The Afghan Independent Human Rights Commission (AIHRC) report, *Justice for Children, The situation of children in conflict with the law in Afghanistan*, 26 June 2008, stated:

"The Government of Afghanistan ratified the UN Convention on the Rights of the Child in 1994 and in 2005 passed the Juvenile Code enacting these international treaty obligations into national law. Since this time concerted efforts have been made for the development of the juvenile justice system in Afghanistan:

- In 2005 the Juvenile Justice Administration Department (JJAD) overseen by the Ministry of Justice was established with financial and technical support from UNODC [United Nations Office on Drugs and Crime] and UNICEF [United Nations Children's Fund]

- Over 250 professionals have been trained (judges, prosecutors, police, and social workers)

- In Kabul, juveniles are housed in a newly constructed juvenile rehabilitation centre, however for the majority of provinces where juvenile rehabilitation centres exist these are located in a rented house outside of the compound of the adult prison. These centres are often only available for male juveniles while female juveniles are detained with adults in the women's prison. In Kandahar and Jalalabad the juvenile rehabilitation centre is a separate wing within the adult prison.

- Establishment of first 'open' juvenile rehabilitation centre in Kabul

- Specialised juvenile prosecutors' offices have been established in 5 provinces (Balkh, His, Kandahar, Kabul and Kunduz)

- However, in reality, children in conflict with the law may have felt little impact from these changes. Reviews of the juvenile justice sector have highlighted the lack of coordination between implementing ministries and agencies, and the delayed implementation of juvenile courts, legal aid, and social support systems." **[14e] (p6)**

26.19 The United Nations International Children's Fund (UNICEF) Justice for Children Series, Social Investigation Report – *Understanding Children's Circumstances*, Issue 4, February 2009, stated:

"The situation is changing as children are increasingly able to access their rights to legal representation and with the intervention of social workers and child advocates in individual cases. However these improvements have largely been brought about by external actors, for example with the provision of legal support through the Legal Aid Organization of Afghanistan (LAOA) and social support through Child Protection Action Networks (CPAN).

"For the juvenile justice system to reach its key objective in the rehabilitation and reintegration of children in conflict with the law the role of social workers needs to be institutionalised within the juvenile justice. With access to effective social services police, juvenile prosecutors and juvenile judges are able to benefit from expert advice regarding the situation and most appropriate measures for rehabilitation of the child, as well as support for the implementation of any such measures." **[15b] (p1)**

26.20 The same UNICEF report added:

"The Juvenile Code details all the information that needs to be collected in preparing a juvenile case. It also stipulates that the juvenile prosecutor is 'obliged to obtain information about [the child] from police, parents, care takers, teachers, experts and any other person that has information about them.' (Article 17.2)

"This information is considered in any decision the juvenile prosecutor (i.e. the 'best interests of the child') and if a case is filed in the juvenile court it informs the adjudication of the judge. The collection and analysis of such information is critical in ensuring that the most appropriate decisions are made for children and society working for the rehabilitation/reintegration of the child as well as the prevention of reoffending." **[15b] (p2)**

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

26.21 The Institute for War and Peace Reporting reported on 2 September 2009 that a main complaint from the children at the juvenile correction and education centre in Mazar-e-Sharif, in Balkh Province, was the waiting time before their cases were heard in court. One boy, aged about 17 years old, had reportedly been detained for eighteen months without his case being heard. The director of the centre, Mohammad Wais Sufizada, acknowledged that the court hadn't decided on children's cases on time and said that "It is a problem all over the country". However, Mohammad Sadeq Fayaz, the director of

the Balkh juvenile appeal court said "The maximum delay for a case in our court has been two months. It is an outright lie that we have kept cases for six to 18 months." **[27e]**

26.22 The USSD Report 2008 noted "Children whose mothers had been convicted of a crime often lived in prison with their mothers, particularly if they had no other family. Prisons did not separate prisoners and lacked adequate separate housing for women, accompanying children, and juveniles. Women were never imprisoned with men. Authorities generally did not separate prisoners awaiting trial from the rest of the inmate population." **[2d] (Section 1c)**

26.23 The AIHRC report, 26 June 2008 stated "To date only three Juvenile Primary Courts have been established (in Kabul, Mazar and Jalalalbad) with two more provinces in the process of establishing these courts. 28 provinces remain with no formal plans, in spite of the fact that the Juvenile Code clearly stipulates that cases involving juveniles should be processed in specialised juvenile courts. As such justice for children in conflict with the law remains very much rooted in the criminal justice system." **[14e] (p6)**

26.24 The United Nations Children's Fund (UNICEF), Justice for Children in Afghanistan Series, *The Role of Police: the key to change*, January 2009:

"UNICEF reported in January 2009 that: 'Daily monitoring of detention centres in 10 provinces was conducted from February to September 2008. This included juvenile rehabilitation centres, police detention facilities, and prisons. During this time a total of 812 children were encountered. Of these cases 30% of children were able to be released into family care after being contacted and assisted by detention monitors and lawyers'." **[15c]**

(See also Section 13: Judiciary, Section 14: Arrest and detention – Legal Rights, Section 15: Prison conditions and Section 25: Women – Imprisonment of women)

Return to contents
Go to sources

VIOLENCE AGAINST CHILDREN

26.25 The Amnesty International Report 2011: *The state of the world's human rights: Afghanistan*, (AI Report 2011) published on 13 May 2011, stated: "Afghan women and girls continued to face endemic violence and discrimination at home and in the public sphere." **[5a]**

26.26 The Amnesty International Report 2010: *The state of the world's human rights: Afghanistan* (AI Report 2010), published on 28 May 2010, also noted that:

"Women and girls continued to face widespread discrimination, domestic violence, and abduction and rape by armed individuals. They continued to be trafficked, traded in settlement of disputes and debts, and forced into marriages, including under-age marriages. In some instances women and girls were specifically targeted for attack by the Taleban [Taliban] and other armed groups. Women human rights defenders continued to suffer from violence, harassment, discrimination and intimidation by government figures as well as the Taleban and other armed groups." **[5c]**

26.27 The Human Rights Watch (HRW) news release, *Afghanistan: Taliban Should Stop Using Children as Suicide Bombers*, 31 August 2011, stated:

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

Return to contents
Go to sources

26.28 The HRW news release added:

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

"The United Nations Assistance Mission in Afghanistan has collected evidence that the Taliban has been recruiting children ages 11 through 17 to carry out activities including armed combat, planting improvised explosive devices, and smuggling weapons across the Pakistan-Afghan border. The Afghan Independent Human Rights Commission confirms increasing use by the Taliban of child suicide bombers. The Afghan government has reported that as many as 100 children who were recruited as suicide bombers by the Taliban are in the custody of the National Directorate of Security." **[7i]**

26.29 The same HRW news release listed the following recorded incidents involving children:

- "On June 26 [2011], an 8-year-old girl was killed in central Uruzgan province when a bag of explosives that the Taliban had instructed her to carry to a police checkpoint detonated.
- "On May 20 [2011], in Nuristan province, a suicide vest strapped to a 12-year-old boy exploded prematurely, killing several suspected insurgents, including the boy.
- "In early May [2011], five children, all under age 13, from Logar and Ghazni provinces who had allegedly been trained as suicide bombers were arrested by the National Directorate of Security.
- "Around May 3 [2011], a 14-year-old boy who said he had been coerced by the Taliban into carrying a bomb under threat that he would otherwise have his hand cut off surrendered to international troops in Ghazni province.
- "On May 1 [2011], a 12-year-old boy blew himself up in a bazaar in the Barmal district of eastern Paktika province, killing four civilians and wounding 12 others.

- On April 13 [2011], in Kunar province, an explosive vest detonated by a 13-year-old boy killed 10 people, including 5 schoolboys." **[7i]**

(See also subsection on Child recruitment)

26.30 With regards to child abuse the US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), noted that:

"Child abuse was endemic throughout the country, based on cultural beliefs about child-rearing, and included general neglect, physical abuse, sexual abuse, abandonment, and confined forced labor to pay off family debts. The Ministry of Labor, Social Affairs, Martyrs, and Disabled (MOLSA) stated that police frequently beat children. During the year drought and food shortages forced many families to send their children onto the streets to beg for food and money. NGOs reported a predominantly punitive and retributive approach to juvenile justice throughout the country. Although it was against the law, corporal punishment in schools, rehabilitation centers, and other public institutions remained common. The MOLSA also reported that more than five million children lived in need of humanitarian assistance." **[2a] (Section 6)**

(See also subsection on Sexual violence against children)

26.31 The United Nations (UN) *Report of the Secretary-General on children and armed conflict in Afghanistan*, covering the period from 1 September 2008 to 30 August 2010, published on 3 February 2011, noted:

"Information collected through the Country Task Force for Monitoring and Reporting during the reporting period demonstrates that grave violations against children have increased. Given the deterioration in security and the resulting access constraints, not all incidents come to the attention of child protection actors, nor can they all be independently investigated. Therefore, available data is likely to underrepresent the actual impact of the conflict on children, and the extent to which grave violations are committed against children. The establishment of six regional task forces throughout the country during the reporting period has increased capacity to monitor, report, and verify incidents." **[17h] (p4)**

26.32 The UN report further added:

"During the reporting period, 1,795 children were injured or killed because of conflict-related violence although the figures are assumed to be underreported as access to conflict-affected areas remained difficult. Children continued to be casualties of suicide attacks, improvised explosive devices and rocket attacks by armed groups, including the Taliban. Children have also been victims of air strikes and night searches by pro-government forces. In addition, 568 children were injured or killed as a result of landmines and other explosive remnants of war during the reporting period." **[17h] (p8)**

26.33 The Human Rights Watch (HRW) *World Report 2011: Afghanistan*, covering events of 2010, published 24 January 2011, stated "The Taliban and other insurgent groups continued to target schools, particularly for girls over 10-years-old. According to the Ministry of Education, between March and October 2010, 20 schools were attacked using explosives or arson, and insurgent attacks killed 126 students." **[7a]**

26.34 The UNHCR's [United Nations High Commissioner for Refugees] Eligibility Guidelines report, July 2009, concurred; and noted that "Girls' schools are increasingly a target of attacks. Some 50 percent of security incidents at schools across the country were specifically directed against girls' schools despite the fact that they represent only 14.8 percent of the total number of primary, secondary and high schools in the country. Furthermore, female teachers are specifically targeted and higher bounties are offered for killing them." **[19b] (p33)**

26.35 The Cable News Network (CNN) reported in June 2010 about an attack on a large number of schoolgirls in Balkh province. The article stated:

"About 60 schoolgirls in Afghanistan's Balkh province appear to have been poisoned and required hospitalization, the Ministry of Health said Sunday [13 June 2010]. The victims ranged in age from 9 to 14. Most suffered minor reactions, ministry spokesman Sakhi Kargan told CNN. It's at least the third suspected poisoning of girls attending schools in Afghanistan this week. Nearly 90 people were poisoned in attacks on three schools in April. There have been no known deaths to date in any of the attacks. The Taliban banned girls from going to school when they ruled Afghanistan from 1996 to 2001. Since girls' schools began reopening after the Taliban were overthrown, facilities, female students and teachers have been the victims of attacks." **[82d]**

26.36 In April 2009 an article by IRIN News stated "Insurgents have torched hundreds of schools and killed dozens of teachers and students over the past four years in a country which desperately needs more schools and teachers. About 700 schools were reportedly closed because of insecurity and attacks in 2008, though some have been re-opened over the past few months, the MoE [Ministry of Education] has said." **[29i]**

26.37 However, on 1 May 2009, Radio Free Europe/Radio Liberty reported that:

"Due to the efforts of tribal and community leaders, more than 200 schools have reopened in Afghanistan recently, many of them in the country's volatile southern region. Afghan Education Ministry spokesman Mohammad Asif Nang told RFE/RL's Radio Free Afghanistan on April 29 [2009] that in the past year some 11,000 schools have reopened despite more than 200 school-related terrorist attacks…the ministry is also addressing textbook shortages by buying 30 million new books for the next academic year." **[59d]** The IRIN News article of April 2009 noted that "Over six million students, about 34 percent of them female, were enrolled in public schools in 2009 and the government has vowed to double that number by 2020." **[29i]**

26.38 The UNICEF *Humanitarian Action Report 2010*, published on 4 February 2010 observed that:

"Together with the Ministry of Education, Save the Children and other partners, UNICEF supported the re-opening of 214 schools, or nearly one third of the 651 schools (as of November 2008) due to threats and violence. In addition, UNICEF and partners established community-based schools equipped with safe water sources and sanitation facilities in 29 out of the country's 34 provinces where there are few, if any, formal education opportunities. Further, in all five regions of the country one teacher each from over 75 per cent of schools in 11 conflict-affected provinces received training in psychosocial support. UNICEF also enabled more than 1.5 million vulnerable children to return to a more normal way of life through the provision of recreational kits. Rapid response for education in emergencies included supply of tents, seating mats and blackboards." **[15a] (p94-95)**

26.39 IRIN News reported on 4 February 2010 that:

"Of the 283 state-funded schools in the province, over 220 were closed in 2008 due to general insecurity and direct attacks, Helmand's department of education said. 'Two years ago we had only 56 functioning schools in Helmand Province but in the past year we have reopened over 60 schools and now we have about 116 functioning schools,' Mohammad Wali, deputy director of the provincial education department, told IRIN. Asif Nang, a Ministry of Education (MoE) spokesman in Kabul, told IRIN even more schools (105) had reopened in the past year, meaning that the province had about 170 functioning schools. He attributed the reopenings to local support and a tacit rapprochement with the insurgents. 'Tribal and religious elders have helped us a lot and have convinced the government's opposition [the Taliban] to allow the reopening of schools,' Nang said. The MoE said it had also brought together various local actors (religious leaders, tribal elders, parents and government offices) in local 'school support councils' which have been campaigning for the protection of schools in insecure areas." **[29j]**

26.40 In April 2010, more than 50 school girls in northern Afghanistan became ill after being exposed to a poison in a suspected gas attack that Government officials blamed on the Taliban. *The Independent* online reported:

"In three separate incidents at schools in the city of Kunduz, teenagers reported being overcome by fumes. The suspected attacks came almost a year to the day after a similar incident in Kapisa province. Victims said they suffered dizzy-ness, nausea, and streaming eyes. 'I was in class when a smell like a flower reached my nose,' Sumaila, 12, told Reuters. 'I saw my classmates and my teacher collapse and when I opened my eyes I was in hospital.' Officials were swift to blame the Taliban, which banned girls from an education when it ruled Afghanistan and which has more recently been linked with acid attacks on female pupils. But the militants denied responsibility. Spokesman Zabihullah Mujahid said: 'We strongly condemn such an act that targeted innocent schoolgirls by poisonous gas.' Some rights advocates suspect that opposition to female education is no longer the exclusive preserve of the Taliban. Instead, they claim that Islamists unaligned with the insurgency may sometimes be responsible." **[35b]**

26.41 In February 2008 the Afghanistan Research and Evaluation Unit (AREU) published a report on their 2006 research project investigating the changing nature of family dynamics in Afghanistan. The report noted that corporal punishment was widely used in Afghanistan and stated:

"…there are two dominant and interrelated motivations for this: parents' fears for their children's futures and second, the idea that keeping children frightened of adults makes them behave well. Parents are extremely frightened of their children not growing into good, useful moral adults. For example, for virtually all the parents the research teams spoke to, ensuring that their children studied hard and got a good education was uppermost in their concerns. Since violence has been used as the primary way to discipline children many adult family members are frightened of not using corporal punishment in case this will lead to their children not behaving correctly or not turning into the adults they want them to be. The common, if not universal, assumption that in order to discipline children they should be frightened was expressed to the research teams. Alongside this is the idea that if a beating is severe enough children will never forget how it felt and, therefore, not repeat their 'bad behaviour'." **[13b] (p43)**

(See sub-section on Education)

Sexual violence against children

26.42 The USSD Report 2010 noted:

> "Sexual abuse of children remained pervasive. NGOs [Non-Governmental Organisations] noted that most child victims were abused by extended family members. A UNHCR [United Nations High Commissioner for Refugees] report noted tribal leaders also abused boys. During the year the MOI [Ministry of Interior] recorded 28 cases of child rape; the unreported number was believed to be much higher. According to the AIHRC [Afghanistan Independent Human Rights Commission], most child sexual abusers were not arrested. Numerous media outlets reported that harems of young boys were cloistered for 'bacha baazi,' a practice in which young boys are sold to powerful local figures and businessmen and trained to dance in female clothes for male audiences and then used and traded for sex; however, credible statistics were difficult to acquire as the subject was a source of shame.
>
> "The AIHRC reported that pornography is a crime but child pornography, reportedly widespread, is not specifically prohibited by law. Exploiting a child for sex purposes, as is done with bacha baazi, is a crime." **[2a] (Section 6)**

26.43 The United Nations (UN) *Report of the Secretary-General on children and armed conflict in Afghanistan*, covering the period from 1 September 2008 to 30 August 2010, published on 3 February 2011, noted:

> "Sexual violence continues to be vastly underreported and concealed in Afghan society. Sexual violence, including that against children, is pervasive. The general climate of impunity, a vacuum in the rule of law, lack of faith in investigating and prosecuting authorities, and misplaced shame have adversely affected the reporting of sexual violence and abuse against children to law enforcement authorities and subsequent prosecution of perpetrators. Child sexual abuse, against both girls and boys, is not clearly defined as a crime in Afghan law, and perpetrators of such violations are rarely held accountable…
>
> "Isolated reports were received of sexual violence committed against children by members of the Afghan National Security Forces. Moreover, there continued to be reports of children, especially boys, being sexually abused and exploited by armed groups, including through the practice of baccha baazi (dancing boys). Such incidents and their context were difficult to document, and further efforts will be made to fully research and investigate these allegations. On 16 June 2009, in Qara Bagh district, Ghazni province, it was reported that police officials from a police checkpoint on the Kabul-Kandahar Highway were arrested for the kidnapping of a 12-year-old boy. It was reported that the boy had been kept at the checkpoint and forced to dance for the men during the nights. In September 2009, an Afghan National Army soldier was arrested and accused of raping a 15-year-old boy in Kabul city. On 6 November 2009, a 16-year-old boy was reportedly raped by border police at the Islam Qala border in Herat province." **[17h] (p4)**

26.44 The Public Broadcasting Service (PBS), Frontline Afghanistan reported in April 2010 on the practice of Bacha Bazi:

> "The men dress the boys in women's clothes and train them to sing and dance for the entertainment of themselves and their friends. According to experts, the dancing boys are used sexually by these powerful men.

"In detailed conversations with several bacha bazi masters in northern Afghanistan and with the dancing boys they own, reporter [Najibullah] Quraishi reveals a culture where wealthy Afghan men openly exploit some of the poorest, most vulnerable members of their society.

"'What was so unnerving about the men I had met was not just their lack of concern for the damage their abuse was doing to the boys,' Quraishi says. 'It was also their casualness with which they operated and the pride with which they showed me their boys, their friends, their world. They clearly believed that nothing they were doing was wrong.'" **[105a]**

26.45 The UN Office of the Special Representative of the Secretary-General for Children Affected by Armed Conflict, *February 2010 Mission Report by the Special Representative of the Secretary-General for Children in Armed Conflict on visit to Afghanistan*, 26 February 2010, stated:

"Though the Security Council Working Group advised the UN country team to support the Government's efforts to prevent and punish sexual violence, little has been done to date. This is most probably due to the social stigma attached to the issue as well as the inability of the Government to fully control armed group leaders who may be perpetrating such acts. That said, more research and engagement with civil society is needed to bring about grass-roots efforts to combat these crimes and hold perpetrators accountable." **[17i] (p9)**

26.46 The UN report of 3 February 2011, noted:

"Insufficient protection for victims of sexual violence and witnesses to such incidents remains a concern. Fear of violent retaliation against victims and families was cited as a factor for underreporting. Child victims, both boys and girls, are often arrested and charged with intention to commit zina (sexual intercourse outside of marriage). There is also a lack of appropriate referral pathways for victims, including children, to receive services and care. Moreover, there is little awareness that rape and sexual violence are criminal offences." **[17h] (p10)**

(See also Section 25: Women - Relationships outside of marriage 'Zina')

Return to contents
Go to sources

Underage/forced marriage

This section should also be read in conjunction with Section 25: Women – Marriage and Divorce.

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

"Article 10 of the ICESCR [International Covenant on Economic, Social and Cultural Rights] has recognised family as 'the natural and fundamental group unit of society' and has decreed that 'marriage must be entered into with the free consent of the intending spouses'. This provision is often ignored in Afghanistan. In this connection, the Afghan

Civil Code has made the marriage of an adolescent aged 15-16 dependent on the consent of the father or competent court and has forbidden the marriage of any child below the age of 15. Any force or compulsion in marriage is a violation of the marriage protocol." **[14d] (p55)**

26.48 The HRW report, *"We Have the Promises of the World"* Women's Rights in Afghanistan, December 2009, noted:

"Fifty-seven percent of all marriages that take place in Afghanistan are classified as child marriages by UNIFEM (under the legal age of 16), and 70 to 80 percent as forced marriages. These practices underlie many of the problems faced by women and girls, with a correlation between domestic violence and child/forced marriage. Early marriages often contribute to girls dropping out of school and to early childbearing, with the attendant risks of health complications or maternal death.

"Prevailing attitudes in rural areas tend to condone the marriage of girls soon after reaching puberty. Bride prices and poor economic conditions increase the prevalence of child marriage. Girls and boys often have little choice within families about their marriage age and partner, with less autonomy for girls, and often less importance placed on their continued education. The response of families and communities to attempts to escape forced marriages can often be harsh, including honor killings." **[7e] (p7-8)**

26.49 The Freedom House report, *Freedom in the World 2011*, Afghanistan, covering events in 2010, recorded that "Nearly 60 percent of Afghan girls are married before the legal age of 16, according to UNICEF [United Nations Children's Fund]…" **[6a]**

26.50 The USSD Report 2010 stated, however, that:

"Under the EVAW [Elimination of Violence Against Women] those who arrange forced or underage marriages may be sentenced to imprisonment of not less than two years; but there has been very limited, if any, implementation of this law. The Law on Marriage states that marriage of a minor may be conducted by a guardian. By law the marriage contract requires verification that the bride is 16 years of age; however, less than 10 percent of the population had birth certificates. Since the marriage registration process was officially legalized in 2008, the AIHRC [Afghanistan Independent Human Rights Commission] has been promoting marriage registration as an important tool for preventing forced and underage marriages. The Herat regional office of the AIHRC conducted a campaign on the use and advantages of marriage registration in the western region.

"The custom of bride money may have motivated families facing poverty, indebtedness, and economic crisis to pledge daughters as young as six or seven years old, with the understanding that the actual marriage would be delayed until the child reached puberty. However, reports indicated that this delay was rarely observed and that young girls were sexually violated not only by the groom but also by older men in the family, particularly if the groom was also a child." **[2a] (Section 6)**

26.51 The International Organization for Migration (IOM) report *Child Marriage, Drug Smuggling and Forced Prostitution – An Afghan Trafficking Experience*, 4 December 2008, noted that:

"Forced marriages are common throughout the country and among the Afghan diaspora. Women rarely make decisions about their own life and girls as young as two years old are sometimes committed for marriage as a way to settle family feuds or debts. According to the German non-governmental organization, Medica Mondiale, the majority of females (57 per cent) are married before the legal age of 16 with up to 80 per cent of marriages being forced in Afghanistan. Women and girls are often considered to be a mere commodity and those girls who try to escape such control over their lives are ostracized by their families for alleged dishonour and non-respect of Afghan tradition." **[9b]**

26.52 The Afghanistan Research and Evaluation Unit (AREU) report, *Decisions, Desires and Diversity: Marriage Practices in Afghanistan* published in February 2009, found during its research that "… it is not only girls but also boys who are forced into marriage, and this can have detrimental consequences for both spouses and the wider family… boys and men who are forced into marriage may take out their frustration at the situation by acting violently toward their wives or by taking second wives." **[13c] (p1-2)**

26.53 The AIHRC report of November/December 2009, noted that "190 cases of forced marriage were registered by the AIHRC and 186 such cases were recorded by MoWA [Ministry of Women Affairs] in 1387 (2008/09)…" **[14d] (p55)**

26.54 The Afghan Independent Human Rights Commission (AIHRC) Annual Report, covering the period from January 1-December 31, 2009, stated:

"International organisations have undertaken many efforts to decrease the number of child marriages and to pressure the government to regulate and implement relevant laws as well as programmes to raise public awareness of such faulty traditional inclinations. International conventions do not explicitly mention an 'age' that is very early for a girl to marry, but international organisations like UNICEF [United Nations Children's Fund] and the UN Population Fund have recommended that 18 should be considered the minimum marriageable age for a girl." **[14a] (p56)**

Return to contents
Go to sources

Child labour

26.55 The US Department of Labor (USDOL) report *2009 Findings on the Worst Forms of Child Labor*, Afghanistan, covering the period March 2009 to February 2010, published on 15 December 2010 stated that;

"Children in Afghanistan are exploited in the worst forms of child labor, especially in agriculture. Agricultural work commonly exposes children to harmful pesticides, dangerous machinery and tools, and carrying of heavy loads. There are reports of children being involved in cultivation of poppies for opium production. Children also engage in exploitative work in carpet weaving, where they work in dim lighting for up to 12 hours per day. Children work in brick factories and as blacksmiths and auto mechanics. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of coal and gems. In urban areas, some children belong to begging gangs or work as street vendors. They are vulnerable to extreme weather, accidents caused by proximity to vehicles, and criminal elements. Children also work as domestic servants, where they may be forced to work long hours, perform dangerous activities, and may be exposed to physical and sexual exploitation.

There are also reports of harems of young boys used for sexual and social entertainment." **[94a] (p3)**

26.56 The USSD Report 2010 noted that:

"Child labor remained a pervasive problem. According to UNICEF estimates, at least 30 percent of primary school-age children undertook some form of work, and there were more than one million child laborers younger than the age of 14. Many child laborers worked as domestic servants, street vendors, peddlers, or shopkeepers. They also worked in several other sectors, including carpet weaving, brick making, and poppy harvesting. Children were also heavily employed in agriculture, mining (especially family-owned gem mines), and organized begging rings. Some sectors of child labor exposed children to land mines. According to the AIHRC, 85 percent of child laborers were boys. Girls performed domestic work in their homes. Many families stated that they needed the income their children provided, but many reportedly also believed that work was useful for children. The MOLSA [Ministry of Labor, Social Affairs, Martyrs, and Disabled] and the Aschiana Foundation reported approximately 60,000 child laborers in Kabul alone, the majority of whom migrated to the city from other provinces. Children faced numerous health and safety risks at work, and some of them sustained serious injuries such as broken bones." **[2a] (Section 7d)**

26.57 The USSD Report 2010 further noted:

"Carpet weaving was especially dangerous for children, particularly in urban settings, as the enclosed spaces where they lived and worked exposed them to upper respiratory diseases, eyestrain, and spinal and muscular damage. Children were considered suitable to learn carpet weaving at age five, and many children began working in this sector at an early age; families typically worked together weaving carpets, earning 1,500 afghanis ($30) per month for their efforts, well below the minimum wage.

"Sectors in which there were allegations of children subject to forced labor, including its worst forms, included agriculture, brick kilns, carpet-making factories, domestic service, and organized begging." **[2a] (Section 7d)**

26.58 The USDOL report 2009 added:

"MOLSAMD [Ministry of Labour, Social Affairs and Martyrs & Disabled] is primarily responsible for enforcing and detecting violations of labor laws. It employs only 20 inspectors to cover the country's 34 provinces. Although the revised Labor Code is now in force, the Government acknowledges that most of its provisions have not been implemented due to capacity constraints and lack of awareness within the layers of government. Additionally, the Labor Code references a Labor High Council, established by MOLSAMD, as the highest decision making body relating to labor issues leaving in question the exact role for judicial review of child labor cases. These hurdles, compounded by the current security situation, result in limited enforcement of child labor laws. Further, working children are concentrated in the informal sector and agriculture, which are not covered by the labor law." **[94a] (p4)**

26.59 The Afghanistan Research and Evaluation Unit (AREU) Briefing Paper, *Confronting Child Labour in Afghanistan*, May 2009, stated that "Child labour is an issue of growing concern in Afghanistan. According to recent estimates, one in four Afghan children aged seven to 14 is engaged in some form of work." **[13e]**

26.60 The AREU report 2009 noted that:

> "The decision to send children to work is influenced by a complex interaction of economic, social and cultural factors… Faced with the apparent lack of concrete benefits to education in the short- or long-term, poor households may decide that their children's time is more effectively used for income generation. The opportunity cost of spending time in school is often too high to bear given poor educational quality and outcomes and the pressing need for household survival. Child labour, then, is not only a means of ensuring short-term benefit to the household in terms of increased income in the present; it is also a way for children to learn marketable skills that can support them in an uncertain future… In the absence of an overarching social protection framework, child labour is one of the strategies that some poor households use to diversify and increase income." **[13e]**

Return to contents
Go to sources

CHILDCARE AND PROTECTION

Child soldiers

This section should be read in conjunction with subsection on Violence against children for information on children used as suicide bombers by armed groups; and Section 11: Military Service for context purposes.

26.61 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 9 March 2011, stated:

> "On 30 January 2011, the action plan for the prevention of underage recruitment into the Afghan national security forces was signed by the Minister of Foreign Affairs and my Special Representative, and witnessed by my Special Representative for Children and Armed Conflict, Ms. Radhika Coomaraswamy. The Government committed to the prevention of underage recruitment into the army, police, intelligence services and local police forces. It also committed to addressing issues of sexual violence against children by security forces, and of killing and maiming in contravention of international humanitarian law." **[17g] (p9)**

26.62 The *Children and armed conflict*, Report of the Secretary-General, 23 April 2011, covering the period from January to December 2010, stated:

> "As steps towards the development of the action plan, the Ministry of Interior issued an executive order on 24 April 2010 prohibiting children from being recruited or used within ANP [Afghan National Police], requiring children found in ANP ranks to be separated within 30 days; and calling for investigations and disciplinary action against those found to be in violation of this order. The United Nations Assistance Mission in Afghanistan (UNAMA) undertook its first unannounced verification visit to the Afghan National Police recruitment and training centre in Kunduz City, Kunduz Province, in May 2010, and noted that the executive order was clearly posted on the walls of the centre, and trainers and new recruits were fully aware of its contents. Further, a Government steering committee on children and armed conflict, consisting of eight Deputy Ministers, the Director of the National Directorate of Security and the Presidential Adviser on Health

and Education, was launched on 18 July 2010. The steering committee approved the action plan and established a technical working group, comprising focal points from relevant ministries and the United Nations to ensure its implementation." **[17j] (p3)**

26.63 The USSD Report 2010 noted that "Anecdotal evidence suggested that insurgent recruitment of underage soldiers was on the rise. There were numerous credible reports that the Taliban and other insurgent forces recruited children younger than age 18, in some cases as suicide bombers and human shields and in other cases to assist with their work. NGOs and UN agencies reported that the Taliban tricked children, promised them money, or forced them to become suicide bombers." **[2a] (Section 1g)**

26.64 The United Nations (UN) *Report of the Secretary-General on children and armed conflict in Afghanistan*, covering the period from 1 September 2008 to 30 August 2010, published on 3 February 2011, noted:

"The recruitment and use of children by parties to the conflict was observed throughout the country during the two-year reporting period. While many cases reported by the media and other sources could not be confirmed owing to access and security considerations, the Country Task Force for Monitoring and Reporting verified 26 out of 47 reported incidents that provide evidence that children were recruited by armed groups as well as by Afghan National Security Forces, including the Afghan National Police.

"Cases of children who carried out suicide attacks or who were used to plant explosives, at times unknowingly, were reported. These incidents often led to the deaths of the children involved. For example, in April 2009, an improvised explosive device placed in a wheelbarrow transported by a young boy prematurely detonated 15 metres from the Governor's office in Samangan province, killing the boy. Subsequent investigations indicated that the improvised explosive device had been planted without the knowledge of the boy. In a few documented cases, children were used to carry out suicide attacks. In April 2009, in Laghman province, a 16-year-old boy from Paktya province allegedly carried out a suicide attack against the mayor of Mehtarlam city, which reportedly killed six civilians.

"Reports of the recruitment and use of children by armed opposition groups were further confirmed through interviews with children in custody under national security charges. This confirmed allegations that children had been lured into carrying explosives or trained in conducting suicide attacks by the Taliban against national and international security forces or government officials. Two boys reported that they had been kidnapped from Afghanistan in 2009 and taken to Pakistan, where they reportedly underwent military training. In December 2009, in the western region, a teenager allegedly associated with an armed group led by local warlord Ghulam Yahya, was identified in the Juvenile Rehabilitation Centre. The boy had been arrested in October 2009 and, according to the Prosecutor's office, was in possession of written instructions on how to prepare improvised explosive devices. The teenager was sentenced to four years' imprisonment. At the time of reporting, the boy's case was at the Appeal Court and being followed by UNAMA [United Nations Assistance Mission in Afghanistan] human rights officers." **[17h] (p5)**

26.65 The UN report further added:

"The National Directorate of Security also detains children allegedly associated with parties to the conflict. Between October 2009 and January 2010, in Helmand province,

eight boys aged 15 and 17 were charged with having links to the Taliban and transferred from the National Directorate of Security to the Helmand Juvenile Rehabilitation Centre. Three of the boys were found guilty, and sentenced to three years' imprisonment. During the same period, four other boys were charged broadly with crimes against national security in Helmand province. Two of these boys were found guilty and sentenced to three years' imprisonment." **[17h] (p7)**

26.66 The UN Office of the Special Representative of the Secretary-General for Children Affected by Armed Conflict, *February 2010 Mission Report by the Special Representative of the Secretary-General for Children in Armed Conflict on visit to Afghanistan*, 26 February 2010

"Reports of recruitment and use of children have been received from all regions, and particularly from the south, south-east and eastern regions, but the security environment and the lack of human resources dedicated to monitoring and verifying cases has limited reporting on these trends of abuse. Internally Displaced People (IDP) and isolated populations in conflict-affected areas in particular are at risk of child recruitment into non-state armed groups, including the Taliban, Haqqani network, Hezb-i-Islami and Jamat Sunat al-Dawa Salafia. The Taliban have been listed in the 8th report of the Secretary-General on children and armed conflict for the recruitment and use of children under the age of 18 years (A/63/785-S/2009/158).

"Documented cases show that children are also used as suicide bombers by the Taliban. Children involved range from 13-16 years of age and, according to testimonies of failed bombers, have been tricked, promised money or otherwise forced to become suicide bombers. However, some children who have attempted suicide attacks have been heavily indoctrinated, many times in foreign countries, and efforts must be undertaken to combat this practice. That said, some reports suggest that, in the latest incidents of children used in bombings, they may not have been aware of what they were carrying, and explosives were set off remotely without their knowledge.
There are also concerns of children present in Afghan National Army (ANA) and Afghan National Police (ANP) forces due to insufficient age determination procedures, though ANA and ANP policy is clearly designed to prevent this. Furthermore there are consistent reports of children coming into harm's way by being associated with Afghan police units at checkpoints, including as messengers." **[17i] (p5)**

(See also Section on Trafficking)

26.67 The United Nations Children's Fund (UNICEF) *Humanitarian Action Report 2010*, 4 February 2010 observed that "Children continue to face multiple risks to their personal safety, especially as community support mechanisms remain weak and there are few government services to protect them and their families from gender-based violence, domestic abuse and exploitation." **[15a] (p94)**

(See subsection on Basic legal information)

Street children

26.68 The Xinhuanet news agency reported on 18 January 2011 that:

"An Afghan non-governmental organization (NGO) -- Aschiana has been collecting street children and provides shelter, education and vocational courses to them. 'There

are between 60,000 to 70,000 street children only in capital city Kabul,' Director of Aschiana, Mohammad Yousef, told Xinhua recently. However, there is no official statistics about the number of street children in the militancy-hit Afghanistan. 'We pick up children from streets and after providing education or working skills integrate them to society,' Yousef said. In addition to Aschiana, there are some orphanages run by Afghan government, Afghan Red Crescent Society and some foreign NGOs in Kabul and other Afghan cities provide shelters and education to street children." **[31a]**

26.69 The USSD Report 2010 stated "NGOs [Non-Governmental Organisations] estimated that there were 37,000 street children in urban areas. Street children had little or no access to government services, although several NGOs provided access to basic needs, such as shelter and food." **[2a] (Section 6)**

26.70 An article by the British Broadcasting Corporation (BBC), dated 24 May 2010, observed that the number of Afghan children working on the streets had increased. The article noted:

"By day, street kids weave impishly through vehicles stuck in Kabul's burgeoning traffic. They brandish everything from packets of gum, to tin cans wafting with incense, or a ragged bit of cloth to wipe your dusty windows. By night, older teenagers are still hanging out at the main roundabouts, waving ribbons of cards for mobile telephones. Children who should be at school are learning skills to survive on rough streets. With an arsenal of tricks, from grinning to grabbing, they hustle to try to earn enough Afghani notes or one dollar bills to put food on their family's table." **[28n]**

26.71 The same BBC article highlighted the plight of a 10-year-old girl named Nargis, who starts her begging at 6am going from house to house. In Afghan society sending Nargis' teenage sisters onto the streets would bring dishonour, and her younger siblings are too small. The article observed that her father could not work and he was a drug addict. The article further observed, however, that:

"… a small percentage of street kids do get the chance to spend some time in school. Aschiana, an Afghan charity, is one of the few centres where children can combine street work with a few hours in the classroom. Older children can learn a trade, and all of the youngsters get a chance to play, and even dream. Nargis is one of the lucky few, she sits eagerly in the front row on a long wooden bench, squeezed between other girls. Bending over her notebook, pencilling neat lines of words in Dari, she escapes into a world of lessons with its promise of a better future." **[28n]**

Return to contents
Go to sources

Children's homes

This section should be read in conjuction with Section 27: Trafficking – Protection to victims of trafficking.

26.72 The USSD Report 2010 stated that:

"Living conditions for children in orphanages were poor. The MOLSA [Ministry of Labor, Social Affairs, Martyrs, and Disabled] oversaw 84 residential orphanages, designed to provide vocational training to children from destitute families. Of these 18 were private orphanages and 10 were official centers (but operated by NGOs by agreement with the

ministry). NGOs [Non-Governmental Organisation] reported that 60 to 80 percent of four- to 18-year-old children in the orphanages were not orphans but rather children whose families could not provide food, shelter, or schooling. Children in orphanages reported mental, physical, and sexual abuse; were sometimes trafficked; and did not always have access to running water, winter heating, indoor plumbing, health services, recreational facilities, or education." **[2a] (Section 6)**

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

"Based on existing statistics, there are presently 9,347 orphaned children in institutions around the country, of which 39% are institutionalised nocturnally and 61% diurnally. AIHRC findings indicate that the accommodation, nutrition, health, and education of these children are not compatible with the accepted norms. Even cases of violence against these children by institution authorities have been reported. Besides, there are doubts whether or not genuinely eligible children are admitted to these institutions, because there is evidence that some of the diurnally institutionalised children are relatives or sometimes family members of institution authorities." **[14d] (p52-53)**

26.74 Focusing on one particular centre as an example, a document by the Afghan Women's Organization (AWO), accessed 22 October 2010, noted that the Kabul Centre of Mirmun was able to accommodate up to 25 young girls between the age of 3 and 12 years. AWO noted that "Orphan girls are especially vulnerable. Many are threatened with abandonment from their extended families due to their inability to provide for the family. Many are threatened with marriage at an alarmingly young and premature age." The document further observed that "To identify girls, we approached women's NGOs, MOWA [Ministry of Women's Affairs], the Ministry of Labor and Social Welfare, and other personal contacts. We gathered all available information on each case that was referred to us, and made several visits to their relatives and to their residences. Whenever we discovered that the information received was not accurate, the children were returned to their relatives." **[106a]**

26.75 The same AWO source described one of the stipulations for entrance to the centre:

"When the children are selected, their relatives are compelled to sign a contract which gives their permission for the girls to pursue their University level education which is arranged by our centre. They agree that in the case of a breach of this contract, they will be obliged to return all our expenses. Each new resident to our centre is oriented to the centre and is introduced to her sisters. They are given a proper hygiene assessment, which includes bathing and hair cuts, as needed. Upon their arrival they are provided with 3 new outfits of clothes. A medical check-up is completed and the girls are enrolled in school." **[106a]**

Return to contents
Go to sources

EDUCATION

26.76 The Constitution adopted in January 2004 recognised that education is the right of all citizens of Afghanistan. (Foreign and Commonwealth Office, Country Profile, updated 8 June 2011) **[4a]** The USSD Report 2010 recorded that "Education is mandatory up to the

secondary level (four years for primary school and three years for secondary), and the law provides for free education up to and including the college level." **[2a] (Section 6)** An April 2009 IRIN News article noted that "Afghanistan is one of the least literate countries in the world. Only 18 percent of women and 50 percent of men are able to read and write, according to UNESCO [United Nations Educational, Scientific and Cultural Organization]." **[29h]**

26.77 The IOM Country Sheet on Afghanistan, updated 13 November 2009 noted that "… education including textbooks in governmental school[s] is free. The private schools charge monthly fees of Afs.1500 to Afs.5000, based on grade and quality of schools. Some private schools charge additional annual fees of Afs.2500 to Afs.4000 on textbooks and uniform." **[9a] (p7)**

26.78 An IRIN News article of 12 September 2011, reported on the current situation regarding education for Afghan children:

"Despite billions of dollars in aid and government funding over the past decade, Afghanistan still has about four million school-age children out of school, officials say. 'Overall our biggest challenge is our operating budget, which is not enough to cover the salaries of our teachers... and of the roughly 14,000 primary and secondary schools in the country, some 7,000 lack buildings, forcing children to study in the open, under trees or in tents,' Education Ministry spokesman Aman Iman said. Mir Khan, 10, a pupil at a primary school in Argu District in the northeastern province of Badakhshan, said his school did not have a building or even a wall around the compound, making learning difficult. 'My class is very close to the main road - in a tent. Sometimes even stray dogs get in,' Khan told IRIN. 'Passing cars blow dust into our tent, which gets into our clothes, hair and even notebooks. I really do not want to go to school, but what can I do? My family is forcing me to go.'" **[29g]**

26.79 The same IRIN article continued:

"A major impediment to education is conflict. Some 500 schools are still closed in insecure southern and eastern areas due to fighting, assassinations and threats against teachers and students by different anti-government elements, according to the Ministry of Education. With the help of tribal elders, the ministry has reopened around 200 schools in the southern and eastern regions in the last couple of years. But in Zabul Province, in the south, 160 are still closed. According to Shir Agha Safi, Education Ministry director in Zabul, only 25 have reopened in different districts over the past year. Countrywide, the Education Ministry estimates that closures have deprived more than 400,000 schoolchildren of an education. 'We are very concerned that hundreds of thousands of our children can't go to school due to insecurity,' Iman said." **[29g]**

26.80 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 23 June 2011, stated:

"While national figures indicate a silent crisis for 5 million children (42 per cent of all children) not in school due to poverty and vulnerability, significant progress was made in promoting access to schooling through provision of learning spaces, establishment of community-based schools and the provision of teaching and learning materials. The United Nations Educational, Scientific and Cultural Organization has provided literacy and skills development classes to illiterate youths and adults in 18 provinces through the programme for the enhancement of literacy in Afghanistan. Between April and June,

91,400 learners were enrolled in 3,656 literacy classes in 18 provinces in Afghanistan. Despite the security situation in some districts, literacy classes are being held successfully." **[17a] (p11)**

26.81 The USSD report 2010 noted "Boys made up nearly two-thirds of the school population. In most regions boys and girls attended primary classes together but were separated for intermediate and secondary-level education. Although the rate of secondary school for boys was 10 times the rate for girls, boys could be legally identifiable as 'heads of household' as young as age 15, and many boys were forced to leave school to work." **[2a] (Section 6)**

26.82 The United Nations Assistance Mission in Afghanistan (UNAMA), *Afghan Update, The Education for All Edition*, Summer 2010/ No. 23, noted:

"Most children starting school in Afghanistan are first generation learners; their parents have had little or no formal education. In order to improve the chances of children to succeed, as well as to help children learn and develop to the best of their abilities, the Ministry of Education (MoE), with support from UNESCO [United Nations Educational, Scientific and Cultural Organization], UN-Habitat and UNICEF [United Nations Children's Fund], is currently implementing large scale literacy programmes for women and youth throughout Afghanistan. Literacy programmes are part of the 'early childhood care and development programmes' which include a variety of initiatives such as school readiness, play groups, health care services or nutrition." **[18h] (p4)**

26.83 The Child Soldiers report, *Setting the Right Priorities: Protecting children affected by armed conflict in Afghanistan*, June 2010 stated:

"During their rule, the Taliban denied millions of children the right to education and banned girls from attending school. The return of girls and boys to school became a policy priority of subsequent reconstruction efforts in Afghanistan and a benchmark for the peace-building process in Afghanistan. As of February 2010, 7 million children were attending school, of which approximately one-third were girls. Yet, more than 5 million school-age children continue to miss out on education opportunities, according to aid agencies and the Ministry of Education." **[86b] (p24)**

26.84 The *EFA* (Education For All) *Global Monitoring Report*, 2010, published on 19 January 2011 stated:

"Afghanistan's insecure provinces are often inaccessible to international NGOs [Non-Governmental Organisations], yet have urgent needs in education. Several organizations have responded by scaling up support for community-based schools. Many of these schools date from the 1990s, when they emerged as a response by village councils to the collapse of the state and the enforcement of official Taliban strictures against girls' education. Typically there are no school buildings because classes take place in homes and mosques. Teachers are recruited by the local community.

"NGOs have adapted their systems to this model by working through village councils. Because it is often impossible to visit schools in highly insecure areas, the groups frequently manage projects remotely using mobile phones, local staff and local partners. Responsibility for the day-to-day running of schools is effectively transferred to local staff and school management committees on which village elders and parents are represented.

"Community school systems have many advantages. Because they are located in villages, and children have shorter distances to travel, there are fewer security threats. This partially explains their success in increasing enrolment, particularly for girls. The direct involvement of the community itself also offers advantages. Local leaders are well placed to assess the security risks associated with receiving support from NGOs. Their involvement also provides a form of protection against attack. However, community school models are not without disadvantages, including a lack of quality controls and the danger that security risks may be transferred from the NGO to the community." **[55a] (p2010)**

26.85 The US Department of State's *Background Note* on Afghanistan, updated on 6 December 2010, noted "Afghanistan has made impressive advances in increasing basic education. More than 10,000 schools are providing education services to 6.3 million children, a six-fold enrollment growth since 2001. During the Taliban regime no girls were registered in schools. Today, 36.3% of the student population is girls. Similarly, the number of teachers has increased seven-fold to 142,500, of whom nearly 40,000 are women." **[2b] (Education)**

26.86 The Afghanistan Research and Evaluation Unit (AREU) report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, focused on research carried out in six provinces of Samangan, Jawzjan, Sar-i-Pul, Day Kundi, Laghman and Wardak. The report noted:

"Intensive efforts made to improve education delivery have brought a turnaround in the education sector. New schools have been built and teacher training colleges have been established. Growth in teacher numbers has been matched by an increase in professionalism, and a growing number of teachers interested in the technical development of teaching standards and the curriculum was observed at both provincial and district levels. This has been accompanied by a steady increase in pupil enrolment. As economic situations have improved, families have required less labour, enabling children to go to school. The MoE [Ministry of Education] has involved mullahs, village elders, *maliks* [village representative, landlord] and *qaryadars* [village representative] in spreading awareness about the benefits of education. Engaging mullahs in primary education programmes has both compensated for the lack of qualified teachers in villages and countered their traditional opposition to mainstream education by involving them in the process. This in turn has achieved a balance between religious and formal education and reportedly softened their stand towards the revision of curricula." **[13a] (p29)**

26.87 The United Nations Assistance Mission in Afghanistan (UNAMA) Mission Report, *Children and Armed Conflict*, reporting on the visit of the Special Representative for Children & Armed Conflict to Afghanistan, 20-26 February 2010, noted that according to the Minister of Education, H.E. Mr. Ghulam Farooq Wardak, "… since the fall of the Taliban regime, when under 1 million children, all boys, were attending formal schooling, the number has increased to 7 million students, 30% of whom are girls, and that expanding girl's education was a top priority for his ministry. Currently 5 million children in Afghanistan do not have access to education, approximately 43 % of the total school-age population." **[105a]**

Return to contents
Go to sources

Access to education for girls

26.88 The Asia Foundation publication, *Increasing Education Opportunities for Afghan Girls*, 21 July 2009, stated that:

> "… during the five years of Taliban rule, from 1996-2001, girls were forbidden to attend school. As a result, today, only 12-15 percent of Afghan women are literate. Fortunately, schools have re-opened throughout the country, and except in a few very conservative areas, most Afghan parents prize education for their girls as well as boys and many make sacrifices to ensure that all of their children go to school, recognizing that education is the key to a better future." **[107a]**

26.89 The USSD Report 2010, however, stated that:

> "Violence impeded access to education in increasing sections of the country from 2008 through year's end. The Taliban and other extremists, as well as criminal gangs, threatened or attacked schools, especially girls' schools, school officials, teachers, and students. As in previous years, where schools remained open, parents were often afraid to send their children, particularly girls. The MOE [Ministry of Education] reported that five million children were deprived of access to education. The AIHRC [Afghanistan Independent Human Rights Commission] reported that half of schools did not have adequate, safe, and appropriate space for learning…
>
> "In some parts of the country, especially rural areas, girls' schools were closed due to societal bias or security issues. In some provinces, such as Kandahar and Helmand, girls' schools were open in the provincial capitals but not in outlying districts. According to the United Nations Country Task Force Monitoring and Reporting on Grave Child Rights Violations, there had been 13 attacks on girls' schools since April. In some areas individuals opened schools inside their homes or recruited local mullahs as teachers." **[2a] (Section 6)**

26.90 The UNICEF *Humanitarian Action Report 2010*, published on 4 February 2010, noted, when referring to Afghanistan, that:

> "More than half of all school-aged children, of whom 65 per cent are estimated to be girls, are not in school because of a combination of inadequate school infrastructure, poverty, armed conflict and climate-related disasters. In 2009 alone, floods prevented 100,000 children, mostly girls, from attending school. Violence related to national elections in 2009 also caused disruption in learning as the majority of polling centres were located in the schools themselves. Acute shortages of teaching and learning materials, especially for poor and conflict-affected children, are also contributing to the country's low primary school attendance rate and consequently low levels of literacy." **[15a] (p94)**

26.91 An IRIN News article on 4 February 2010 reported that:

> "The Taliban had banned girls from attending schools, and women from working, during their rule (1994-2001), and a notorious acid attack maimed a number of girls in Kandahar in 2008, but a statement issued by the 'Taliban Leadership Council' on 27 January [2010] said: 'The Islamic Emirate of Afghanistan is determined to take constructive steps with regard to education for all compatriots based on Islam and the requirements of the current age.' The MoE [Ministry of Education] said it had agreed to Taliban conditions for the reopening of schools. The insurgents have demanded that the

curriculum be in full compliance with Islamic values, and girls must wear the `hijab'. 'Female students must wear an appropriate `hijab' in accordance with local traditions,' MoE's Nang confirmed." **[29j]**

26.92 The UNHCR's Eligibility Guidelines report, July 2009, noted that "Girls' schools are increasingly a target of attacks. Some 50 percent of security incidents at schools across the country were specifically directed against girls' schools despite the fact that they represent only 14.8 percent of the total number of primary, secondary and high schools in the country. Furthermore, female teachers are specifically targeted and higher bounties are offered for killing them." **[19b] (p33)**

26.93 IRIN News noted on 4 February 2010, when reporting on education in Helmand Province, that "There were three girls' high schools and a few primary schools for girls, said Wali [deputy director of the provincial education department], adding that about 16,000 girls and over 66,000 boys were enrolled at schools in the province. Most of the female students attend schools in the provincial capital, Lashkargah, where the insurgents' influence is limited." **[29j]**

(See also Subsection on Violence against children and Section 25: Women – Access to education and employment)

Return to contents
Go to sources

HEALTH AND WELFARE

26.94 On 6 June 2011 IRIN news reported "Diarrhoeal diseases, linked to poor hand-washing and hygiene practices, as well as inadequate sanitation, are a significant cause of death among children under five in Afghanistan. According to the health Ministry, around 50,000 under fives die every year due to pneumonia and diarrhoeal diseases." **[29n]**

26.95 The Afghanistan Independent Human Rights Commission (AIHRC) report, *The General Situation of Children in Afghanistan*, 9 April 2008, stated that:

"Research indicates that since children with disability are in need of especial care, they encounter serious problems if they lack especial care facilities. The children with disability stated that their needs were not duly heeded, and that they were stigmatised. They were deprived of recreation and leisure. To worsen, they had no access to health and educational facilities, and there is yet to be any especial educational and vocational training centre for children with disability. Outlying provinces and cities lack orthopaedic clinics, which offer artificial organs like artificial hands and feet." **[14h] (p10)**

26.96 The Child Soldiers report of June 2010 stated:

"… there is limited psycho-social trauma support provided in the country, according to Handicap International. Standard health responses for victims of violence – even rape victims – focus on physical care with little attention paid to the patient's mental well-being. The profession of counseling does not even exist in public health services. Some child protection initiatives engage conflict-affected children in activities to promote creativity and play as an alternative to more traditional psycho-social interventions, including skateboarding and staging a children's circus. While such programs may benefit a few, more systematic interventions are needed for children to help them deal with their war experiences." **[86b] (p21)**

(See also Section 28: Medical issues – Mental health)

26.97 The Foreign and Commonwealth Office (FCO) *Afghanistan Country Profile*, updated on 8 June 2011, accessed on 21 September 2011, noted:

"Immunisation is having a real impact. In March 2006, a Ministry of Public Health, UNICEF [United Nations Children's Fund] and World Bank nationwide campaign was launched to immunise 7 million children, in all of Afghanistan's 34 provinces, against polio. Since 2002 UN agencies have administered 16 million vaccinations against measles, saving an estimated 35,000 lives. Cholera and diarrhoeal diseases are being tackled through health education, water chlorination and the construction of wells throughout the country." **[4a] (Health)**

26.98 The UNICEF *Humanitarian Action Report 2010*, published on 4 February 2010, observed however, that

"Although the total number of reported measles cases came down from 8,762 in 2001 to 349 in 2005, due to the accumulation of vulnerable children, more cases focals were reported in 2009 (897 cases). In response, a mass measles immunization campaign, with three phases of supplementary immunization activities, resulted in the vaccination of over 3 million children aged between 9 and 36 months, representing a 110 per cent coverage rate as the campaign reached more children than originally expected. In addition, approximately 5,000 malnourished children under five without medical complications were successfully treated in UNICEF-supported outpatient clinics and centres across the eight provinces most affected by drought and high food prices. The distribution of 9.7 million multiple micronutrient supplements helped to improve the nutritional status of 322,500 pregnant and lactating women while about 428,000 children under five received micronutrient supplements in the form of Sprinkle sachets. Combined vitamin A supplementation and polio vaccination campaigns reached 98 per cent of all children under five, benefiting some 6.7 million children." **[15a] (p94)**

(See also Section 25: Women – Health and Welfare, Section 28: Medical Issues and the subsection on Maternal Health)

Return to contents
Go to sources

27. TRAFFICKING

OVERVIEW

27.01 The US State Department's *Trafficking in Persons Report 2011*, published 27 June 2011 (USSD TiP Report 2011), placed Afghanistan in Tier 2 Watch List. **[2f] (Afghanistan)** The USSD TiP report defined Tier 2 Watch List as:

"Countries whose governments do not fully comply with the TVPA's [Trafficking Victims Protection Act's] minimum standards, but are making significant efforts to bring themselves into compliance with those standards and:

"a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;

"b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or

"c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year." **[2f] (Afghanistan)**

27.02 The USSD TiP Report 2011 stated:

"The Government of Afghanistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not show evidence of increasing efforts to address human trafficking over the previous year; therefore, Afghanistan is placed on Tier 2 Watch List for a second consecutive year. Specifically, the Afghan government did not prosecute or convict trafficking offenders under its 2008 law, and it reportedly punished victims of sex trafficking with imprisonment for adultery or prostitution. The government seems to seriously underestimate the significance of human trafficking within the country." **[2f] (Country Narratives, Afghanistan)**

27.03 The USSD TiP Report 2011 stated that:

"Afghanistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. According to the Ministry of the Interior, trafficking within Afghanistan is more prevalent than transnational trafficking. The extent of the problem is not known due to weak governmental capacity, the result of 30 years of war. The majority of victims are children, and the Ministry of Interior reported that boys were more at risk for forced labor, commercial sexual exploitation, and forced drug smuggling, than girls. Some Afghan boys and girls are trafficked within the country, in forced prostitution, forced labor in carpet-making factories, and in forced domestic service. They also are taken to Saudi Arabia for forced begging and street vending. Forced begging is a growing problem in Afghanistan; mafia groups organize professional begging rings. Afghan boys are subjected to forced prostitution and forced labor in the drug smuggling industry in Pakistan and Iran. Some Afghan women and girls are subjected to forced prostitution, forced marriages – including through forced marriages in which husbands force their wives into prostitution, and where they are given by their families to settle debts or disputes – and involuntary domestic servitude in Pakistan and Iran, and possibly India. Some families knowingly sell their children for forced prostitution, including for bacha baazi – where wealthy men use groups of young boys for social and sexual entertainment. Other families send their children with brokers to gain employment. Many of these children end up in forced labor, particularly in Pakistani carpet factories. Families often sell their children to traffickers. Some Afghan families, including children, are trapped in debt bondage in the brick-making industry.

"Many Afghan men are subjected to forced labor and debt bondage in the agriculture and construction sectors in Iran, Pakistan, Greece, the Gulf States, and possibly Southeast Asian countries. Under the pretense of high-paying employment opportunities, traffickers lure foreign workers, including those from Sri Lanka, Nepal, and India, to Afghanistan, and lure Afghan villagers to Afghan cities or India or Pakistan, then sometimes subject them to forced labor or forced prostitution subsequent to their arrival. At the end of 2009 and beginning of 2010, an increasing number of male migrants from Sri Lanka, Nepal, and India who migrated willingly to Afghanistan were later subjected to forced labor. The Ministry of Interior reports that male migrants from

Nepal are forced to work in Afghanistan more than any other group of foreign workers. Some Afghan women and children are forced into prostitution in Iran and Slovenia. An increasing number of Afghan children and men are forced laborers in Greece; Afghan boys also are forced into prostitution in that country.

"Women and girls from Iran, Tajikistan, and possibly Uganda and China are reportedly forced into prostitution in Afghanistan. Brothels and prostitution rings are sometimes run by foreigners, sometimes with links to larger criminal networks. Tajik women also are believed to be trafficked through Afghanistan to other countries for prostitution. Trafficked Iranian women transit Afghanistan en route to Pakistan. According to the government and the UN [United Nation], the Taliban use children between 12 to 16 years old as suicide bombers. Some children have been tricked or forced to become suicide bombers. Others are heavily indoctrinated or are not aware that they are carrying explosives that are then set off remotely without their knowledge. Some child soldiers used by insurgent groups were sexually exploited. Boys are sometimes promised 196fghanist in Islamic schools in Pakistan and Iran, but instead are trafficked to camps for paramilitary training by extremist groups." **[2f] (Country Narratives, Afghanistan)**

27.04 The Afghan Independent Human Rights Commission (AIHRC) *Summary Report on Investigation of Causes and Factors of Trafficking in Women and Children*, July 2011, based on 457 interviews with victims of trafficking in persons and 1,871 interviews with the general public in 20 provinces between 22 November 2010 and 24 May 2011, noted:

"Based on the findings of this report most of the victims have been vulnerable people. For instance, more than half of the victims (54%) have been deprived of parental support. Nearly 17 % (77 cases) have been housewife [sic], 7 % of the victims (32 cases) have been beggars, peddlers and the junk collectors and the rest belonged to other categories such as students, teachers, government staff, shopkeepers, tailors, carpet wavers, parents helpers, etc.

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

"Poverty and unemployment are among the most important causes of trafficking in persons. Based on this report more than 58 % of the victims' families have had no income, and only 10 % of them have had an income of higher than 7,000 Afs [afghanis] a month. More than 27 % of them have had an income of 1000 to 7,000 Afs." **[14f]**

27.05 The AIHRC report added:

"Traffickers, during the operation, use various means such as deception and fraud, intimidation and coercion,… etc. Based on the result of this report, about 35 % of

victims (158 cases) have been trafficked through acts of deception and fraud. Around 31 % (136 cases) of them through coercion and forces, about 12% (51) through parental or spousal consent (concerning female victims) and 22.5% (100) have willingly fallen into the hands of traffickers. Likewise, perpetrators of trafficking in addition to using of different means of deception and forces against victims, they also suggest them various offers such as money, marriage, moving abroad, that are the other means of trafficking used in trafficking in persons. However, 74 % of the victims who had been victimized this way have not received the money they had been promised and the remaining have either partially or totally received the amount promised to them." **[14f]**

27.06 The AIHRC report noted, "Victims of trafficking, who are transferred abroad by traffickers, are faced with various problems including lack of documents for border crossing and movement within destination or transit countries. This report shows, that more than 97 % of the victims who have been transferred abroad have illegally and without having any documents or with fraudulent documents crossed the borders. And only 2.4 % of them have left the country with official and valid documents." **[14f]**

27.07 The US Department of Labor (USDOL) report *2009 Findings on the Worst Forms of Child Labor*, Afghanistan, covering the period March 2009 to February 2010, published on 15 December 2010, stated that "The MOI [Ministry of Interior], which oversees the Afghan National Police, is responsible for enforcing laws relating to trafficking and sexual exploitation of children. During the reporting period, the MOI identified child victims of sex trafficking, but it is unclear whether any followup services were provided." **[94a] (p4)**

Return to contents
Go to sources

PREVENTION

27.08 The USSD TiP Report 2011 stated:

"During the reporting period, the Government of Afghanistan made no discernible progress in preventing human trafficking. The government formed an anti-trafficking and anti-smuggling unit in the Ministry of Interior in 2008, but only seven officers cover the entire country, and other investigative sections often borrow members of the unit to conduct different types of investigations. NGO [Non-Government Organisations] sources asserted there was a lack of coordination among government ministries on trafficking issues. The government did not undertake initiatives to prevent trafficking, such as public awareness campaigns to warn at-risk populations of the danger of trafficking. While the government issued some birth certificates and marriage certificates, many citizens in rural areas do not request or obtain these documents. In fact, fewer than 10 percent of children are registered at birth. The government did not take steps to reduce the demand for commercial sex acts or forced labor during the reporting period. Afghanistan is not a party to the 2000 UN TIP Protocol." **[2f] (Country Narratives, Afghanistan)**

27.09 The USDOL report 2009, covering the period March 2009 to February 2010 observed that "The Ministry of Women's Affairs' Initiative to Strengthen Policy and Advocacy through Communications and Institution Building launched a large anti-trafficking awareness campaign directed at women and girls during the reporting period." **[94a] (p5)**

Return to contents
Go to sources

PROSECUTION

27.10 The USSD TiP Report 2011 stated:

> "The Government of Afghanistan made no discernible anti-human trafficking law enforcement efforts over the reporting period. Afghanistan's Law Countering Abduction and Human Trafficking (2008) prescribes penalties of life imprisonment for sex trafficking and 'maximum term' imprisonment for labor trafficking, which in practice is between eight and 15 years. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. However, the Elimination of Violence Against Women (EVAW) law, enacted in July 2009, supersedes other laws and can be used to decrease the penalties outlined in Afghanistan's anti-trafficking law. The prescribed penalty for a convicted offender who abducts a victim and subjects her or him to forced labor is short-term imprisonment not to exceed six months, and a fine, and the prescribed penalty for an offender who forces an adult woman into prostitution is at least seven years. The government did not report any investigations, prosecutions, or convictions of human trafficking offenses and offenders in the reporting period. Government officials reported that some victims of abuse were identified in the reporting period, but could not clarify which of those cases were trafficking, nor could they clarify the disposition of those cases. Local NGOs continued to assert that Afghan government personnel persisted in confusing trafficking with smuggling, abductions, abuse, and other issues, and the government did not take steps to end this confusion. There was no evidence that the government made any efforts to investigate, arrest, or prosecute government officials facilitating trafficking offenses, despite reports of national and border police and workers in government-run orphanages who facilitated trafficking or raped sex trafficking victims. One government official noted that traffickers bribe Afghan officials to ensure their release from imprisonment via a conviction; in other situations, prosecutions are stalled with no action taken. Both the UN and local NGOs have cited isolated reports of the sexual abuse of boys – including *bacha baazi* – by members of the Afghan National Security Forces (ANSF). The Government of Afghanistan and UN officials co-signed a UN-sponsored action plan to address, among other issues, the use of bacha baazi by the ANSF. Living conditions in government-run orphanages are extremely poor and some corrupt officials may have sexually abused children and forced them into prostitution. International organizations and NGOs provided some training to police and prosecutors on identifying and investigating trafficking cases. Training noted in the 2010 Report did not appear to increase law enforcement efforts."
> **[2f] (Country Narratives, Afghanistan)**

PROTECTION TO VICTIMS OF TRAFFICKING

27.11 The USSD TiP Report 2011 stated:

> "The Government of Afghanistan did not make progress in protecting victims of trafficking. Afghanistan did not have a formal procedure to identify victims of trafficking. IOM [International Organization for Migration] reported that international organizations and NGOs referred 21 victims to shelters, and that the government referred 15 victims to shelters, during the reporting period. Under a formalized referral agreement established in late 2007, Afghan police continued to refer women victimized by violence to the Ministry of Women's Affairs, UN Women (formerly UNIFEM), IOM, and NGOs. The government lacked resources to provide victims with protective services directly; NGOs operated the country's shelters and provided the vast majority of victim assistance, but some faced hardships due to threats from the local community, particularly when assisting in cases that involved perceived 'honor' crimes, such as

rape. Some organizations running care facilities for trafficking victims continued to report generally adequate coordination with government officials. In December, IOM officially handed over two shelters, in Kabul and Herat, to the Ministry of Labor, Social Affairs, Martyrs, and Disabled. These shelters provide assistance to trafficking victims, as well as victims of other crimes. The IOM continues to run the shelters and offer direct assistance, as well as vocational and educational training, but the shelters are now registered by the ministry. There are no facilities in Afghanistan to provide shelter or specific protective services to male trafficking victims above the age of 11. During the reporting period, some trafficked boys were placed in government-run orphanages or a facility for juvenile criminals while their cases were being investigated, while adult men are kept in detention centers or hotels during investigation, according to NGO sources. The anti-trafficking law permits foreign victims to remain in Afghanistan for at least six months; there were no reports of foreign victims making use of this provision for immigration relief." **[2f] (Country Narratives, Afghanistan)**

27.12 The USSD TiP Report 2011 further added:

"Government officials were sometimes reported to have punished victims of trafficking for acts they may have committed as a direct result of being trafficked. In some cases, trafficking victims were jailed pending resolution of their legal cases, despite their recognized victim status. Female trafficking victims continued to be arrested and imprisoned or otherwise punished for prostitution and fleeing forced marriages for trafficking purposes, problems the Afghan government has acknowledged. In other cases, women who fled their homes to escape these types of forced marriages reported being raped by police or treated by police as criminals simply for not being chaperoned. Victimized women who could not find place in a shelter often ended up in prison; some women chose to go to prison for protection from male family members." **[2f] (Country Narratives, Afghanistan)**

27.13 The USSD TiP Report 2011 also stated:

"There is no evidence that the government encouraged victims to assist in investigations of their traffickers during the reporting period. Female victims' attempts to seek redress were impeded in part because an Afghan victim would be in grave danger for simply identifying her or his assailant. Authorities arrested several would-be child suicide attackers after they were reportedly psychologically coerced, trained, and equipped in Pakistan by armed opposition groups." **[2f] (Country Narratives, Afghanistan)**

27.14 The USDOL report 2009, covering the period March 2009 to February 2010 observed that "Child victims of trafficking are generally placed with government social service agencies, orphanages, or NGO-run facilities." **[94a] (p5)**

Return to contents
Go to sources

28. MEDICAL ISSUES

28.01 The Foreign and Commonwealth Office (FCO) *Afghanistan Country Profile*, updated on 8 June 2011, accessed on 21 September 2011, noted:

"The health infrastructure in Afghanistan damaged or destroyed by years of conflict, is gradually being re-established by the Afghan Government with the help of the international community. The health services inherited at the end of 2001 were limited in

capacity and coverage, and while the Ministry of Health has shown leadership the health status of the Afghan people is still among the worst in the world. The majority of the population lacks access to safe drinking water and sanitary facilities. Disease, malnutrition and poverty are rife and an estimated 6.5 million people remain dependant on food aid…

"The World Bank, the United States Agency for International Development and the European Community are helping the Afghan Ministry of Health, through NGOs [Non-Governmental Organisations], to provide a basic healthcare service to the entire population. The package consists of services for maternal and newborn health; child health and immunisation; nutrition; communicable disease; mental health; disability; and the supply of essential drugs. The Ministry of Health has established a Child and Adolescent Health Department and a Department of Women and Reproductive Health to tackle high infant and maternal mortality rates." **[4a] (Health)**

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

"Life expectancy at birth is 43 years in Afghanistan, slightly more than half that of the wealthiest countries of the world. The country has some of the highest morality rates in the world: infant mortality rate is 129 per 1,000 live births. Under-five mortality is 191 per 1000 live births and the maternal mortality rate is 1600 per 100,000 live births. 52% of the population are under the age of 18 years. The main cases of maternal death are: haemorrhage, eclampsia, post portum infection and unsafe abortions – all of which are preventable through provision of emergency obstetric care. Child mortality is caused principally by three preventable diseases: acute respiratory infections (ARI) diarrhoea, and measles. Chronic malnutrition, developed at a young age, translated into extraordinarily high prevalence rates of underweight children (40%) and of stunting (54%), while wasting is 7%. In addition, as a direct consequence of the years of conflict, Afghanistan has a large numbe[r] of people living with disabilities and with mental health problems." **[9a] (Health Care)**

28.03 The Afghanistan Research and Evaluation Unit (AREU) report, *Local Governance in Afghanistan: A View from the Ground*, June 2011, focused on research carried out in six provinces of Samangan, Jawzjan, Sar-i-Pul, Day Kundi, Laghman and Wardak. The report noted:

"There have been significant improvements over the past 10 years in health delivery in all six study provinces. This is particularly impressive given that in 2001 virtually no clinics or hospitals were present outside the major cities. For example, maternal and infant mortality rates have decreased and an increasing number of women now opt for ante- and post-natal care, while free or subsidised medicine is provided and consultation charges are nominal. There has been considerable donor-funded capacity building of medical workers and staff management capacity has improved greatly. In all but the most insecure districts, male and female community health workers working out of village health posts deliver first aid and primary healthcare. At the village level, MoPH [Ministry of Public Health] workers have been able to persuade key community figures to take the lead in raising awareness on health issues. For instance, mullahs and village elders in Jawzjan have been involved in campaigns to encourage the vaccination of children. Mobile clinics have been established and in Wardak these were able to deliver health services to Kuchis (Pashtun nomadic pastoralists)." **[13a] (p29)**

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

28.04 The Child Soldiers report, *Setting the Right Priorities: Protecting children affected by armed conflict in Afghanistan*, June 2010 stated:

"At least 1 million Afghans (15 percent of the population) were deprived of basic health care services due to attacks on health care facilities and health workers in 2008, and insufficient coverage by the BPHS [Basic Packages of Health Services] system. This number has doubled since 2007, according to the Ministry of Public Health and WHO [World Health Organization]. The situation in the conflict-affected southern region (Helmand, Kandahar, Zabul and Nimroz) is particularly severe and continues to degrade. Some health facilities have been closed, damaged or destroyed by the armed opposition and the deliberate targeting of health facilities and workers limits access to health services for much of the population living in insecure areas. Many security incidents involving the harassment, intimidation and kidnapping of health workers remain unreported because of fear of retaliation. As of November 2008, 13 southern districts had no functional public health facilities, potentially affecting hundreds of thousands of people, including children, according to the UN." **[86b] (p19)**

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

"In terms of access to healthcare, Afghanistan's poor healthcare system has a very strong urban bias in its existing infrastructure. Overall, there are only 210 health facilities with beds to hospitalize patients. With the exception of four provinces, the current ratio of doctors per patient stands at one doctor per 10,000 patients. Many Afghan women are reluctant to be, or may be prevented from being, treated by male health workers. At the same time, due to the reduction of available health facilities, women in rural areas are obliged to walk much longer distances to access health care, and frequently will not do so because they do not have a male relative ready to accompany them, or because of fear of insurgents. Women from rural areas are at an even greater risk of dying during childbirth. Such areas average fewer than six doctors, seven nurses and four midwives for every 100,000 women. In Panjshir province, for example, there are seventeen health centres. Each employs only one female doctor and one midwife to serve 30,000 to 60,000 people.

"While important progress in healthcare has been made through the Government's expansion of the basic package of health services, health infrastructure in Afghanistan is reported to be damaged and poorly maintained, lacking trained and skilled workers and medical supplies. Some observers claim that the health services are not able to meet the basic health needs of a majority of the population. The United Nations reports that the basic package of health services now covers 82 per cent of the population. There are 900 clinics and approximately 40 percent of the population has access to healthcare. According to the Ministry of Public Health, over 600,000 persons lack basic healthcare services due to attacks on healthcare facilities and health workers – a figure that has doubled since 2007. The overall quality of health services in Afghanistan has however been improved. According to Fahim, 'the infant mortality rate has reduced by 26 percent and now 80,000 fewer infants are dying each year compared to during Taleban [Taliban] rule.'

"First-aid is available at the district level but emergency transport is lacking; trauma care and continuing care are limited to a few hospitals in major cities and can be of poor quality and expensive." **[19b] (p57-58)**

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

"Although health services are almost free of charge for all Afghan people, vulnerable segments of population encounter many problems since health services have poor quality or inadequate geographical coverage. That is why men's life expectancy is only 47 years and it is 45 for women – almost half of life expectancy in world's developed and wealthier countries. The Afghan Government and its international partners always allude to the development of the health sector as one of their significant achievements in the past several years. The Government claims approximately 85% of all Afghan people presently have access to health services. Although HRFM [Human Rights Field Monitoring team of the Afghanistan Independent Human Rights Commission] findings reveal that such a claim is close to reality, health services nevertheless face several major challenges in Afghanistan. Poor quality health services and facilities, long distances of health centres from remote districts, and growing insecurity are among these challenges. On the other hand, experienced and specialised doctors are unwilling to work in outlying areas for economic and geographical reasons." **[14d] (p5)**

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

"Afghanistan's modern health facilities are mostly concentrated in Kabul and other large cities. The country has always had a shortage of medical facilities, particularly in rural areas. Afghanistan has a severe shortage of doctors, nurses, medical supplies, drugs and hospital beds. The current government is working to reopen hospitals and boost the level of available care. Considerable amounts have been earmarked for the construction of clinics throughout the country. The country is in dire need of skilled Afghan professionals who would be able to provide sustainable medical services to the Afghan population. The hospitals in Afghanistan are rudimentary. They are understaffed, there are not enough drugs, and they lack specialist facilities. High tech equipment is not available and cleanliness is a luxury that few medical centers offer. Afghans are still crossing into neighbouring Pakistan to seek basic medical services. Such phenomenon is the result of higher medical standards as well as the relative ease with which Afghans may cross the Afghan-Pakistani border. The vast majority of the health sector is financed by international donors either bilaterally or multilaterally to support the recovery and development of the health sector." **[9a] (Health Care)**

28.08 The IOM Country Sheet on Afghanistan further observed that:

"Although there are only three Pharmaceutical companies in Afghanistan: Aria, Afghan American and Kemiagar which have very limited production, all kinds of medicines are becoming more widely available in the country, with a prevalence of imports from Pakistan, India and Iran. It is good to mention that the individual fees of doctors in Afghanistan is 150 to 200 AFA [Afghanis] excluding laboratory and other tests and the average daily charge of a bed in private hospitals is 500 – 1500 AFA." **[9a] (Health Care)**

The IOM Country Sheet on Afghanistan lists the names of both private and state owned hospitals throughout Afghanistan. **[9a]**

28.09 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), stated that "Oral contraceptives, intrauterine devices, injectables, and condoms were available commercially and through provincial hospitals. Men and women were diagnosed and treated equally for sexually transmitted infections, including HIV, when health care was available." **[2a] (Section 6)**

28.10 The Afghan government's National Licensed Drugs List (LDL), dated December 2007 provides a list of medicines that can be imported and sold in Afghanistan under their International Non-proprietary Name (INN). The LDL stated that:

"The LDL contains all the drugs listed in the EDL [Essential Drugs List], and hence contains all the drugs recommended for use in the BPH [Basic Package of Health Services], EPHS [Essential Package of Hospital Services] and the MoPH's national programs. It also contains dispensary products and products used in dentistry. It is used as guideline by the authorities granting import licenses for drugs used in the public and private sector." **[95a]**

The National Licensed Drugs List (LDL) can be located on the Afghanistan Ministry of Public Health (MoPH) website.

Return to contents
Go to sources

MATERNAL HEALTH

28.11 The Save the Children report, *Champions for Children: State of the World's Mothers 2011*, 5 May 2011, twelfth annual Mothers' Index, which compares the well-being of mothers and children in 164 countries, observed that Afghanistan ranked last. The report also noted that only 14 per cent of births in Afghanistan were attended by skilled health personnel. The Save the Children's annual analysis concluded that Afghanistan was the "worst place in the world to be a mother." **[84c] (p5)** The United Nations International Children's Emergency Fund (UNICEF), *State of The World's Children 2011* report, observed that Afghanistan ranked second in the estimated 2009 under-five mortality rate (U5MR), a "critical indicator of the well-being of children." **[15f] (p87)**

28.12 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 9 March 2011, stated:

"Afghanistan has the highest maternal mortality ratio in the world with 1 in 11 women at risk of dying due to pregnancy and childbirth-related causes. One in five Afghan children dies before reaching the age of five. UNFPA [United Nations Population Fund], UNICEF [United Nations Children's Fund], WHO [World Health Organization], the World Bank, and the Joint United Nations Programme on HIV/AIDS (UNAIDS) are developing a joint action plan 2011-2013 to support the Ministry of Public Health to improve maternal and newborn health, also a key theme of the integrated strategic framework." **[17g] (p14)**

28.13 Integrated Regional Information Networks (IRIN) reported on 4 October 2010 that "One of the most risky places in the world for a woman in pregnancy or childbirth is Afghanistan. An Afghan woman is 225 times more likely to die in childbirth than a woman in the UK, for example. There is hardly a family in Afghanistan that has not been touched by a tragic experience associated with childbirth." **[29l]**

28.14 The United Nations Children's Fund (UNICEF) report, *The State of the World's Children 2009*, stated:

"Decades of conflict and instability have disrupted Afghanistan's basic health infrastructure. Women in particular have suffered from a lack of access to health services. As a consequence, maternal mortality among Afghan women is extremely high, standing at 1,800 deaths per 100,000 live births in 2005, according to the latest inter-agency estimates.

"Women in Afghanistan face a lifetime risk of death from causes related to pregnancy or childbirth of 1 in 8, the second highest rate in the world. More women die in Afghanistan from these causes than from any other, with haemorrhage and obstructed labour the most common. The proportion of maternal deaths ranges from 16 per cent of all deaths of women of childbearing age in Kabul (the largest urban center in Afghanistan) to 64 per cent in the Ragh district of Badakhshan.

"The high rates of maternal death reflect several factors, including limited access to quality maternal health care, particularly in rural parts of Afghanistan; a lack of knowledge of maternal health and safe delivery; and the scarcity of qualified female health providers, since there is a strong cultural preference for women to be cared for by other women. It is estimated that 9 out of 10 rural women deliver their babies at home, without skilled birth attendants or access to emergency obstetric care. Sociocultural factors that inhibit women's mobility without the permission or escort of male relatives can also limit their access to essential services. Other factors contributing to maternal mortality are the low social status of women and girls, poverty, poor nutrition and lack of security." **[15d] (p60)**

28.15 IRIN News reported on 4 October 2010 that:

"Almost a decade of donor funded health projects has resulted in a marginal reduction in maternal and child mortality, according to new estimates set out in a UN [United Nations] report on maternal health. Maternal deaths have fallen from 1,600 per 100,000 live births in 2001 to 1,400 in 2010, still the second highest in the world. The infant mortality rate dropped from 165 per 1,000 live births in 2001 to 111 in 2008, while the under-five mortality rate fell from 257 to 165 per 1,000, according to the report Trends in Maternal Mortality 1990-2008." **[29f]**

28.16 The UNICEF report, *The State of the World's Children 2009,* stated:

"Afghanistan's Government is collaborating with local and international partners, including UNICEF, to develop a comprehensive approach that includes strengthening and expanding midwifery education, creating policies to ensure the pivotal role of midwives in providing essential obstetric and newborn care, supporting the establishment of a professional association for midwives, and developing initiatives to increase access to skilled care during childbirth.

"The Community Midwifery Education (CME) programme, an 18-month, skills-based training programme that has less stringent entry requirements than previous midwifery programmes, is considered an appropriate approach to scaling up training and deployment of skilled birth attendants. In 2008, there were 19 CME programmes, each with 20–25 trainees. This represents a marked increase in training capacity over 2002, when there were only six nurse midwifery training programmes run by the Institute of Health Science at regional centres, and one community midwifery programme in

Nangahar province. The number of midwives available in the country has increased rapidly, from 467 in 2002 to 2,167 in 2008.

"The CME encourages applications from women in districts with shortages, with the understanding that they will work in those districts once they are trained. This policy has resulted in a sharp increase in facilities having skilled female health personnel (doctors, nurses or midwives), from 39 per cent in 2004 to 76 per cent in 2006. It is also having a tangible impact on maternal care; the number of deliveries attended by skilled workers has risen from roughly 6 per cent in 2003 to 19.9 per cent in 2006. The success of the skills-based training approach has resulted in the existing midwifery programmes adopting the CME curriculum and certification process." **[15d] (p60)**

Return to contents
Go to sources

HIV/AIDS – ANTI-RETROVIRAL TREATMENT (ART)

28.17 The Afghan Ministry of Public Health (MoPH) National AIDS Control Program, accessed on 22 September 2011, described the situation of HIV in Afghanistan:

"The Ministry of Public Health and the National AIDS Control Program (NACP) through a comprehensive process with a wide range of stakeholders and development partners have developed an HIV&AIDS National Strategic Framework (2006 – 2010) as Afghanistan's broad vision and strategic objectives to address and mitigate the impact of HIV&AIDS. A program operational plan (PoP) was developed in 2007 to translate the strategic framework into action. The NACP has arranged its all [sic] activities and projects within the framework of the aforementioned strategy." **[95b]**

28.18 The World Bank Paper on HIV/AIDS in Afghanistan, July 2010, stated:

"According to National AIDS Control Program, to date some 556 HIV cases have been reported. However, UNAIDS and WHO estimate that there could be between 1,000 and 2,000 Afghans living with HIV. The HIV epidemic is at an early stage in Afghanistan and is concentrated among high-risk groups, mainly injecting drug users (IDUs) and their partners. Comprehensive integrated biological – behavioral surveillance (IBBS 2009) has been completed among priority populations of injecting drug users, prisoners, female sex workers and road transport workers. The results of the survey have important implications for Afghanistan's AIDS program. Injecting drug use is the major source of new HIV infections, with transmission highest in Western Afghanistan." **[23b]**

28.19 The World Bank Paper further observed "HIV prevalence is significant among prisoners and appears to be related to the proportion of injecting drug users in prison. HIV prevalence is zero among both sex workers and road transport workers, suggesting limited sexual transmission in Afghanistan to date. Of particular concern are the very high rates of sexually transmitted infections and blood borne viruses in all groups." **[23b]**

28.20 The Child Soldiers report, *Setting the Right Priorities: Protecting children affected by armed conflict in Afghanistan*, June 2010, stated:

"Despite repeated warnings of the particular risks for children, the national school curriculum has not incorporated classes on HIV/AIDS. About 59 percent of almost 20,000 high school students between the ages of 15 and 24 in Kabul believed that

people living with HIV must be isolated from the rest of the community, and many would bar them from school or work. Lack of knowledge of HIV and fears of social stigmatization keep many Afghans from accessing existing centers offering treatment and care. Overall, most services are confined to urban centers where a small number of medical facilities offer free checkups, anonymous counseling services or affordable medicine for HIV/AIDS." **[86b] (p23)**

DRUG ADDICTION

28.21 The Child Soldiers report June 2010 observed that "The large supply of opium together with poverty, unemployment, mental illness, lack of awareness and widespread despair has created an increasing demand for drugs in Afghanistan's war-torn society." **[86b] (p21)**

28.22 The United Nations Office on Drugs and Crime (UNODC) report, *Drug Use in Afghanistan: 2009 Survey*, which was conducted in partnership with the national Ministries of Counter Narcotics and Public Health, with financial contribution from the Government of the United Kingdom, interviewed 2,614 drug users and 2,614 key informants across all 32 provincial capitals, covering 354 district centres and other districts in each of the provinces. The Survey found that:

"Illicit drug use has increased across the country, dramatically so for opium, heroin and other opiates. In four years, the number of regular opium users in Afghanistan grew from 150,000 to approximately 230,000 – a jump of 53 per cent. The numbers are even more alarming for heroin. In 2005, the estimate of regular heroin users in the country was 50,000, compared to approximately 120,000 users in 2009, a leap of 140 per cent. Overall, the annual prevalence of regular opiate use is estimated to be 2.7 per cent of the adult population1 (between 290,000 and 360,000 persons). Opium is by far the most commonly used opiate with an estimated prevalence of about 1.9 per cent of the adult population. Heroin prevalence is estimated to be about 1.0 per cent of the adult population and other opiates users are estimated to make up about 0.5 per cent of the adult population.

"Overall, adult drug users are estimated to number close to one million (high estimate 940,000) people. That figure represents nearly 8 per cent of the population aged between 15 and 64. To some extent drug use corresponds with the geographic areas of opium and cannabis production and trading. The highest prevalence of drug use is found in the Northern and Southern regions, while the Central region has the most number of drug users in the country, up to 288,000 individuals." **[65d] (p5)**

28.23 The Survey also observed the cost of obtaining drugs:

"In terms of daily expenditure for various drugs, drug users in the Southern region were spending less for drugs, especially heroin and opium as these drugs are cheaper in that region. Invariably, all drugs are expensive in the Central region. On the whole, drug users are financially burdened by their addiction. Heroin use caused the highest burden ($2.2 per day), followed by opium ($ 1.6) and other opiates ($1.5). Overall, the survey estimates that drug users in Afghanistan spend on average $300 million US on their drug habit every year." **[65d] (p10)**

28.24 There were concerns that drug use was prevalent amongst Afghan security services. A report by the United States Government Accountability Office (GAO) published in the first quarter of 2010 stated:

"According to State officials, 12 to 41 percent of Afghan police recruits at Regional Training Centers test positive for drugs, depending on the province. A State official noted that this percentage likely understates the number of opium users because opiates leave the system quickly; many recruits who tested negative for drugs have shown opium withdrawal symptoms later in their training. A State official also reported that the drug demand reduction program is considering the establishment of dedicated rehabilitation clinics at the regional police training centers; however, because the police recruits leave once they finish their training, these clinics will not be able to provide the same long-term inpatient services that exist at the 26 clinics. While State recognizes that police addiction problems are an issue, a State official said that due to limited State financial resources, its U.S. drug demand reduction programs do not specifically target police forces." **[96a] (p33)**

28.25 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 23 June 2011, stated:

"Progress has been made by the Government of Afghanistan in the establishment of drug treatment and HIV prevention services. The methadone maintenance therapy is a pilot programme for 200 drug users, implemented by the Ministry of Public Health. An external evaluation in April, supported by the World Health Organization, found that the programme was in line with international and national guidelines and was effective. However, the irregular supply of methadone therapy in Afghanistan, resulting from the short-term import approvals of methadone by the Government authorities, has had an adverse effect on treatment outcomes for drug users." **[17a] (p12)**

28.26 The United States Government Accountability Office (GAO) report, published in March 2010, stated:

"The United States has funded drug demand reduction efforts since 2006 and, in 2009, State increased its funding from $2 million to $11 million to support 26 drug treatment clinics, further develop protocols for the treatment of addicts, and train Afghan prevention providers and counselors. The UNODC and the United Kingdom no longer fund drug demand reduction programs, and State and Afghan officials reported that other coalition partners are not supporting such efforts with funding or personnel." **[96a] (p32-33)**

Return to contents
Go to sources

CANCER TREATMENT

28.27 In November 2008, while reporting on an Afghan woman diagnosed with breast cancer, the North Atlantic Treaty Organisation (NATO) observed that "There is no cancer care in Afghanistan. Most people here that are diagnosed with cancer are in already in a very advanced stage and receive no care. They are truly left to die. Women have a worse situation because of the scarcity of female doctors, and it is shameful for them to be examined by a male physician." **[37b]**

28.28 In June 2010, an article on the Pharmacy News website reported on the lack of treatment for cancer:

"Hundreds of people die needlessly in Afghanistan because of a lack of cancer specialists and diagnostic centres, doctors say. Afghanistan did have a cancer

diagnostic centre at Ali Abad Hospital in Kabul, but that was destroyed during the civil war 30 years ago and has never reopened… Due to a lack of cancer specialists in Afghanistan, those who can afford it travel overseas for treatment, but many more die, having never been properly diagnosed… For many people in Afghanistan though, paying to seek treatment overseas is not an option. Amirudin, 29, resident of Saragi district in Kabul, has had blood cancer for the past year. He also said that the lack of specialised treatment centres in Afghanistan meant he had to pay a lot of money to travel abroad. 'I have gone to Pakistan for treatment three times, each time I spent 40,000 to 70,000 Pakistani rupees ($470-$820).' However, now, Amirudin, the owner of a general store, said he had run out of money and was seeking medical care at Jamhoriat Hospital, in Kabul. The illness makes him nauseas, unable to sleep and keeps him in constant pain." **[96a]**

28.29 The article also noted that according to Mansoor Ahmad, an assistant at the Pakistani Embassy in Kabul, "… about 2,000 visas are issued daily, among which 500 to 700 are for medical reasons. He said that most patients going to Pakistan have either heart problems or cancer. Fahim [Dr Abdullah Fahim, an adviser to the Ministry of Public Health] said he did not know the exact number of Afghans travelling overseas for medical treatment." **[98a]**

Return to contents
Go to sources

POLIO

28.30 An Integrated Regional Information Networks (IRIN) news article on 15 September 2011 noted that according to the World Health Organization polio was endemic in Afghanistan. The article noted:

"Afghanistan is intensifying efforts to eradicate polio by the end of next year, but security remains a major challenge especially in the southern provinces where the virus is localized, says a health expert. 'We are focusing on four priority areas - improving access to children in conflict-affected areas, maintaining a polio-free status in areas that are now virus-free, focusing on mobile groups especially repatriated refugees and displaced populations, and maintaining close coordination with Pakistan to avoid the ping-pong movement of the virus across the border,' said Arshad Quddus, head of the World Health Organization (WHO) polio programme in Afghanistan…

"According to the Health Ministry, focusing on the southern region involves concerted efforts to reach all children in conflict-affected areas. Priority is also given to immunization in southern and eastern border regions, it said in a statement. Government data shows that 85 percent of the population now live in polio-free areas, but the virus is still circulating in 13 districts, including the seven where recent cases have been detected. From 2001, we shifted from a centre-based strategy to house-to-house campaigns with well defined service delivery structures. Since then, there has been success. Insecurity in the polio-affected districts, according to health workers in Kabul, makes supervision and monitoring of eradication campaigns difficult. People in these areas also tend to have low literacy rates, poor hygiene practices and low awareness of the benefits of vaccination." **[29o]**

28.31 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 23 June 2011, stated:

"Afghanistan remains one of the four polio-endemic countries in the world, and UNICEF [United Nations Children's Fund], along with partners, continues to support children's polio vaccination campaigns in the country. These campaigns are essential to stop transmission of the polio virus, which is manifest primarily in the southern region. Vaccination campaigns are, however, hampered by security conditions in the southern region; during the reporting period, a significant number of areas remained inaccessible in Kandahar Province and, most recently, in Zabul Province. Innovative efforts continue to be explored to reach and vaccinate all children under five years of age in those areas." **[17a] (p12)**

Return to contents
Go to sources

MENTAL HEALTH

28.32 The Afghan Ministry of Public Health estimated that 66 per cent of Afghans suffered from mental health problems. (BBC, 20 January 2009) **[28l]** Furthermore, the BBC reported:

"The Afghan health ministry readily admits that there simply are not enough facilities or doctors to even begin dealing with the most serious cases. Other health issues – such as infant and maternal mortality – have taken priority… Because of a lack of understanding, many Afghans suffering mental health problems are believed to be possessed. Some are chained in rooms or even caves until it is believed that the 'jinns' – evil spirits – have been exorcised. But others are simply abandoned by their families because they can no longer cope or afford the medication that is required to treat their medical conditions. A small number of mentally ill people are cared for by local charities." **[28l]**

28.33 The International Committee of the Red Cross (ICRC) reported on 1 September 2011 about an ICRC programme introduced to assist in breaking the isolation of mentally ill detainees. Its article noted:

"Mentally ill detainees are often feared or despised. Many are abandoned by their families, cementing their emotional and physical exclusion. A programme offering handicrafts and beadwork might seem an unusual way to overcome such isolation. But it has done just that for 28 mentally ill detainees in Pul-i-Charki prison outside Kabul. The programme is the brainchild of an ICRC detention doctor who started a pilot project four months ago in cooperation with the prison authorities, to provide the men with medical and psychological support. The detainees – who have a range of mental disorders – are among a group of some 50 prisoners currently sharing a ground floor room in Afghanistan's largest jail. Originally incarcerated in different cells, they were moved to their present location mainly because of their disruptive behaviour towards other prisoners. Some have been in Pul-i-Charki for up to ten years…

"A first evaluation of the programme, done in June [2011] by the consultant psychiatrist, showed encouraging results. Today, three of the four prisoners who previously had to be restrained no longer need shackles. Matiullah, who has spent six years in Pul-i-Charki, two of them in the mental ward, is one of them. 'Outside, I worked as a mason,'

he recalls. 'I have been aggressive, even in here, but I feel some changes now. I like doing the handicrafts and it has made me interested in learning to write and do calligraphy. I would like to have notebooks and pens.' The detainee doctor who administers the men's daily medicine has also been quick to notice a change. 'They are eating better,' he says, 'and even gaining weight.' Speaking more personally he goes on, 'In my eight years as a doctor before I myself was detained, I never had the experience that I have had here. I see changes in the men every day. It only needs someone to be kind and cooperative with them to make a difference.'" **[39b]**

(See also Section 15: Prison conditions)

28.34 In December 2009 the Christian Science (CSM) Monitor reported that some Afghans with mental health problems were sometimes kept in cave-like environments, shackled and chained to walls, in what were referred to as 'shrines'. In one example the CSM reported:

"Hamidullah Khan says he went insane after he fell down a well. The chatty young man spends his days alone with his right foot chained to the wall of a windowless cell of the Mia Ali Shrine, a religious site that, for centuries, has taken in the mentally ill.

"The shrine-keeper feeds Mr. Khan and three other patients a strict diet of bread and black pepper. The chains and the close walls dictate the position they will sleep on the ground. Sanitation is nonexistent. They use uncollected trash in each cell to fling their waste out the doorway.

"Earlier, Khan spent 40 days chained to an ancient tree in the dirt courtyard. The shrine-keeper says that's the usual treatment when the weather isn't too chilly. Some people don't survive the regimen and are buried in earthen mounds scattered around the shrine.

"Shrines offering this draconian approach to mental illness exist today in Afghanistan alongside a modernizing mental health system supported by Western donors. The two approaches epitomize the two Afghanistans – one a developing nation emerging in the cities, the other an archaic countryside cut off by illiteracy, tradition, and insurgency. Linking the two involves basic training in villages as well as debates over tradition and religion." **[97a]**

Return to contents
Go to sources

LANDMINE AND ORDNANCE VICTIM ASSISTANCE

This Subsection should be read in conjunction with Section 24: Disability

28.35 The United Nations General Assembly Security Council Report, 23 June 2011, stated "Progress has been made towards clearing mine and explosive ordnance. By May [2011], up to 27 per cent of areas contaminated with mines had been cleared. This is an increase of 15 per cent since 2006. A total of 255 (out of 398) districts are still contaminated." **[17a] (p12)**

28.36 The 2009 Afghanistan Landmine Monitor Report, accessed on 8 September 2010, stated:

"The total number of survivors is unknown but is estimated to be between 52,000 and 60,000. In May 2009, Afghanistan stated that despite steady progress and increased commitment, key challenges remained, such as reconstructing health and social services after years of conflict, 'increasing employment and education among persons with disability and ensuring the rights of persons with disability are respected.' Representatives of DPOs [disabled people's organizations] noted that, since 1999, there had been 'very little improvement' in services, because of the limited number of skilled professionals, but also due to a lack of funding as a result of low donor interest in disability." **[74a] (Victim Assistance)**

28.37 The 2009 Afghanistan Landmine Monitor Report added:

"The MoPH [Ministry of Public Health] coordinates healthcare through two strategies: the Basic Package of Health Services and the Essential Package of Hospital Services, implementation of which is mostly contracted to NGOs [Non-Governmental Organisations] and international organizations. Despite increased coverage of these packages, healthcare in Afghanistan remains among the worst in the world. Increased conflict and attacks on health facilities and staff resulted in more than 600,000 Afghans lacking access to services according to April 2009 estimates by the MoPH. This number is twice as high as estimated in the same period of 2008.

"Physiotherapy services are available in 19 provinces and through 14 rehabilitation centers. The lack of services in the remaining 15 provinces is problematic. Although the MoPH coordinates the sector, it only runs one center. In 2008, physical rehabilitation services were included in the MoPH health packages, awareness of the importance of rehabilitation services was raised, and training increased.

"Conflict-related mental health problems are common in Afghanistan, including among mine/ERW [Explosive Remnants of War] survivors, and are exacerbated by stigma related to disability. Psychosocial support activities remained limited, despite increased attention by the MoPH through training and the establishment of a Mental Health Unit at the ministry. As of 2008, there were five mental health clinics in Kabul.

"Stigma and high general unemployment limit the employment prospects of persons with disabilities. SCA [Swedish Committee for Afghanistan] noted that, in 2008, employment of persons with disabilities in the government and private sectors had decreased slightly compared to 2007. Unemployment among persons with disabilities was already estimated at 75%, and some 73% did not have access to education. Results of vocational training programs have been disappointing due to a lack of cooperation, funding and infrastructure, poor quality of education, and a lack of employment opportunities afterwards.

"Persons with disabilities registered at MoLSAMD receive a pension of AFN300–500 ($6–10) per month depending on the degree of disability. This amount is not considered to be sufficient, and many persons with disabilities are not registered for payments." **[74a] (Victim Assistance)**

(See also Section 30: Freedom of Movement – Mines and unexploded ordnance)

Return to contents
Go to sources

29. HUMANITARIAN ISSUES

OVERVIEW

29.01 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 21 September 2011, stated:

"Humanitarian and development needs in Afghanistan remained high both in scale and scope. The deteriorating security situation hampered safe access to people in need, and the increasing effects of drought-like conditions, caused by low levels of precipitation, created greater needs, particularly in the north. In parts of Balkh, Jawzjan, Faryab, Sari Pul and Samangan provinces, all of the rain-fed crops were lost and many families were estimated to have seen 50 per cent of their livestock die owing to lack of water and animal fodder. Food insecurity and lack of access to clean water led to disease outbreaks.

"Current needs assessment estimates suggest that as many as 1.3 million Afghans may require some kind of food assistance over the next 10 months, either through cash-for-work schemes or direct food distributions. Over the coming weeks, the Government and humanitarian organizations, with the support of donors, will undertake the emergency interventions necessary to limit the possibility of a major crisis later in the year. In the absence of effective recovery and development programmes, including for disaster risk reduction, the humanitarian community continued to provide assistance to address the life-threatening consequences of recurrent seasonal disasters such as flash flooding. During the reporting period, humanitarian agencies responded with food and non-food relief assistance to the approximately 9,000 families that were most seriously affected by recurrent seasonal disasters in the provinces of Nimroz, Logar, Balkh, Bamyan, Daykundi, Badghis and Herat." **[17k] (p9)**

29.02 There were approximately 1,300 national NGOs, 300 international NGOs and 16 United Nations organisations involved in humanitarian and development assistance in Afghanistan as of January 2010, according to the Agency Coordinating Body for Afghan Relief (ACBAR), as noted in the Child Soldiers report, *Setting the Right Priorities: Protecting children affected by armed conflict in Afghanistan*, June 2010. **[86b] (p11)**

29.03 The United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 9 March 2011, stated:

"[The] WFP [World Food Programme] continued to provide targeted food assistance between December 2010 and February 2011. Some 260,000 school children received high energy biscuits; over 300,000 women and marginalized groups were supported through food-for-training activities; 600,000 beneficiaries were supported through food-for-work programmes; and nearly 25,000 tuberculosis patients received assistance. As part of the purchase for progress initiative, WFP purchased wheat from small-holder farmers and is supporting local production of high energy biscuits. WFP procured 13,000 metric tons of locally grown wheat from the Ministry of Agriculture, Irrigation and Livestock in support of the development of Afghanistan's strategic grain reserve." **[17g] (p14)**

29.04 The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) Annual Report 2010, described the humanitarian situation in 2010, noting:

"Humanitarian needs remained high in Afghanistan in 2010, particularly among the chronically vulnerable rural population. Millions continue to rely on food assistance and one in five children never reaches the age of five. Violent conflict continually threatens civilians, and natural disasters and extreme weather limit the country's chance of meaningful recovery and development…

"Improved relations between OCHA, humanitarian partners and donors resulted in the establishment of the Humanitarian Technical Donor Group. The new humanitarian coordination architecture of 2010 played an important role in developing a more focused humanitarian strategy. For example, the 2011 Consolidated Appeal Process (CAP) no longer includes recovery and development programming. It now has a more narrowly defined and clearer humanitarian character, focusing on life-saving needs stemming from growing insecurity, natural disasters and the population's overall vulnerability." **[12a] (p65)**

29.05 The United Nations Children's Fund (UNICEF) *Humanitarian Action Report 2010*, published on 4 February 2010, stated:

"One third of Afghanistan's population is considered food insecure. This is due to years of ongoing conflict, increased fighting between government forces an d rebel groups, floods in the Western and Northern Provinces and an earthquake in the Eastern province in 2009. The combination of the food, fuel and financial crises are also putting an estimated 1.2 million children under five and 550,000 pregnant and lactating women at further risk of undernutrition, infectious diseases and worsening livelihoods." **[15a] (p93)**

29.06 The Department for International Development (DFID) overview on Afghanistan, updated 9 March 2009, accessed on 16 September 2011, stated:

"Real progress has been made over the past few years. In 2001, under the Taliban, less than one million children attended school – none of them girls. Today, over five million children attend school, and more than a third are girls. Women now make up one in four of Afghanistan's teachers. Around 85% of the population now has access to basic healthcare, compared to under 10 per cent in 2002. Economic growth has been strong, averaging around 11% between 2002 and 2008, and 22% last year on the back of good harvests. Government tax revenues exceeded $1 billion for the first time last year. The country has risen 23 places in the World Bank Doing Business Rankings, and is now at 160 out of 183. Opium cultivation is declining and the country as a whole is becoming less dependent on growing poppies, which now constitute just 4% of the size of the legal economy. There is still much more to do in development terms, but the country is making progress." **[11a]**

29.07 The United Nations Assistance Mission in Afghanistan (UNAMA) reported on 1 August 2010 that relief had started to reach the 4,000 families affected by the severe flooding in eastern Afghanistan, caused by heavy rains over recent weeks. The UNAMA reported:

"The distribution of assistance by Afghan government officials follows a detailed assessment of damage caused in three eastern provinces – Nangarhar, Kunar and Laghman – and airlift and boat rescue of hundreds of people stranded in waterlogged homes. According to the assessment completed this weekend by various Government and aid agencies, about 2,500 homes were completely destroyed, thousands of livestock lost and hectares of land washed away, including much needed bridges and canals… Relief aid containing mostly non-food items such as tarpaulins, tents, blankets and kitchen kits provided by the International Organization for Migration (IOM) and the

UN Children's Fund (UNICEF) started reaching the affected population yesterday, according to the Jalalabad office of OCHA [Office for the Coordination of Humanitarian Affairs]." **[18e]**

Return to contents
Go to sources

30. FREEDOM OF MOVEMENT

30.01 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), noted that:

"The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government sometimes limited citizens' movement for security reasons. Taxi, truck, and bus drivers reported that security forces operated illegal checkpoints and extorted money and goods. The number of such checkpoints increased at night, especially in the border provinces. Residents reported having to pay bribes to the ANP [Afghan National Police] and border police officials at checkpoints and the Khyber Pass border crossing between Jalalabad and Pakistan. The greatest restriction to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, land mines, and IEDs made travel extremely dangerous, especially at night. Armed insurgents also operated illegal checkpoints and extorted money and goods. The Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the southeast.

"Social custom limited women's freedom of movement without male consent or chaperone." **[2a] (Section 2d)**

(See also Section 1: Geography – Infrastructure for information regarding the state of roads and airlines)

MINES AND UNEXPLODED ORDNANCE

30.02 The 2009 Landmine Monitor Report stated:

"The Islamic Republic of Afghanistan became a State Party to the Mine Ban Treaty on 1 March 2003. It has not adopted national implementation legislation. Afghanistan completed destruction of its known stockpiles of more than 486,000 antipersonnel mines in October 2007, eight months after its treaty deadline. It has discovered or recovered and destroyed tens of thousands of additional mines since then. Taliban forces have used antipersonnel mines sporadically since 2001." **[74a] (Ten-Year Summary)**

30.03 The 2009 Landmine Monitor Report further added:

"Although some three-quarters of impacted communities are located in 12 of the country's 34 provinces, mines and ERW [Explosive Remnants of War] still pose a formidable challenge to the country's social and economic reconstruction, which is critical for political stabilization. Mine and ERW contamination is particularly concentrated in central and key food-producing eastern provinces, affecting towns and urban commercial areas as well as villages, farm and grazing land, and roads. The ALIS [Afghanistan Landmine Impact Survey] found that the main economic blockages caused by mine/ERW contamination were on pastureland, cropland, and roads. However, the extent of contamination makes battle area clearance and/or demining a prerequisite for

most infrastructure and major construction projects." **(Socio-economic impact)** "People are at risk from both mines and ERW, particularly in Helmand and Kandahar provinces, and new contamination in 2008 increased the risk. Risk activities include traveling, recreation, tending animals, and collecting wood/water/food. Children make up almost half of all casualties." **[74a] (Risk profile)**

(See also Section 24: Disability and Section 28: Landmine and ordnance victim assistance. For information on restrictions on movement for women see Section 25: Women – Social and economic rights and Single women and widows.)

Return to contents
Go to sources

31. INTERNALLY DISPLACED PERSONS (IDPS)

A map showing the estimated IDP populations by province of displacement in Afghanistan can be located on page 2 in the Internal Displacement Monitoring Centre (IDMC) report, *Need to minimise new displacement and increase protection for recently displaced in remote areas*,, published on 11 April 2011. **[88a]**

31.01 The Refugees International, Field Report, *Afghanistan: Responsible U.S. transition must address displacement crisis*, 28 June 2011, stated:

"Since January 1, more than 91,000 Afghans have fled their villages – compared with 42,000 over the same time period last year. This is mostly due to international and Afghan forces' military operations against the Taliban. The increasing use of airstrikes by the International Security Assistance Force (ISAF) and the Afghan National Security Forces (ANSF), as well as night raids by U.S. Special Forces is destroying homes, crops and basic infrastructure, traumatizing civilians and displacing tens of thousands of people. In the north alone, nearly 30,000 individuals have been displaced, a more than seven-fold increase compared to last year. Before the military escalated its campaign, Afghans were fleeing for brief periods and returning home shortly thereafter. Now, people are increasingly unwilling to return home because they fear their villages are no longer safe. To address this increasing instability, ISAF and ANSF must reduce the displacement caused by their operations." **[99a] (p1)**

31.02 The Internal Displacement Monitoring Centre (IDMC) report *Need to minimise new displacement and increase protection for recently displaced in remote areas*, 11 April 2011 stated:

"The UN [United Nations] and ICRC [International Committee of the Red Cross] have recorded that 730,000 people have been internally displaced in Afghanistan due to conflict since 2006, an average of 400 a day. At the end of January 2011, 309,000 people remained internally displaced due to armed conflict, human rights abuses and other generalised violence. This figure was higher than at any time since 2005.

"While armed opposition groups have been responsible for the majority of killings, most of the documented mass displacements have occurred as a result of offensives by international forces. Efforts by the International Security Assistance Force in 2010 to limit the impact of fighting on the civilian population have failed to reduce the rate of internal displacement.

"The basic needs of recently displaced people across most regions of the country are often unmet, increasing the risk of disease and death. Internally displaced people (IDPs) have also been vulnerable to food insecurity, while insecurity and the absence of basic services in places of displacement have forced many IDPs into protracted secondary displacement in urban areas. The Afghan government is generally unable or unwilling to assist IDPs. Hundreds of thousands of IDPs have been assisted by international agencies, but assistance outside camps has been short-term and restricted by problems of funding and access." **[88b] (p1)**

31.03 The United Nations Children's Fund (UNICEF) *Humanitarian Action Report 2010*, published on 4 February 2010, observed that:

"These difficult living conditions are made even more so because of little or no access to essential health care, safe water, a basic education or child protection services. In addition, another 2.6 million Afghans remain registered as refugees in neighbouring countries. Despite the urgency to meet the basic humanitarian needs of Afghan disaster – and conflict-affected children and women, nearly 44 per cent of the country remains inaccessible to the humanitarian community because of armed fighting and concomitant lack of security." **[15a] (p94)**

31.04 The IDMC report noted "Internally displaced Afghans represent a cross section of the general population. Some 49 per cent of IDPs are female and 51 per cent male. Fifty-four per cent are under 18 and fewer than two per cent are older than 60." **[88b] (p5)**

31.05 On 6 June 2011 IRIN news reported:

"Clashes between government forces and the Taliban have displaced at least 12,000 people in Afghanistan's remote northwestern province of Faryab, creating a dire need for water, sanitation and other essentials, the Afghan Red Crescent Society (ARCS) warns. 'These IDPs [internally displaced persons] have now sought refuge either with families and friends or have camped in the open in a miserable situation in some secure, but remote, villages with very limited or no access to safe drinking water, sanitation and other basic living facilities,. said Haji Khan Mirza, ARCS director in Faryab Province. The IDPs were forced to flee around 20 villages in the province's Qaysar District. 'We are facing too many problems... The weather is also very hot [so] we are afraid of possible disease outbreaks,' Abdul Samad, 39, a representative of the IDPs, told IRIN. He warned that diarrhoeal diseases could spread rapidly unless people were helped to resolve sanitation problems. ARCS said there were basic healthcare facilities in Faryab, but they would not be able to cope if any major outbreak happened. There are also concerns about access to drinking water." **[29n]**

31.06 With regards to those displaced by the conflict the United Nations General Assembly Security Council, Report of the Secretary-General: *The situation in Afghanistan and its implications for international peace and security*, 14 September 2010, stated "The majority of recent conflict-induced displacement occurred in the southern Provinces of Helmand and Kandahar. Working with local counterparts, United Nations agencies, funds and programmes have continued to assist internally displaced persons in Lashkar Gah, Helmand Province." **[17f] (p11)**

Return to contents
Go to sources

32. CITIZENSHIP AND NATIONALITY

32.01 The United States Office of Personnel Management document, Citizenship Laws of the World, dated March 2001 recorded:

"Citizenship laws [in Afghanistan] are based upon the Official Gazette of the Ministry of Justice for the Republic of Afghanistan dated March 19, 1992.

"BY BIRTH: Birth within the territory of Afghanistan does not automatically confer citizenship. Exception is a child of unknown/stateless parents.

"BY DESCENT: Child whose mother or father is a citizen, regardless of the country of birth.

"MARRIAGE: Foreign national who marries a citizen of Afghanistan is granted citizenship upon application.

"BY NATURALIZATION: Afghan citizenship may be acquired upon 217fghanista [sic] of the following conditions: Person was born in Afghanistan and has resided continually in country for at least five years.

"DUAL CITIZENSHIP: NOT RECOGNIZED.

"Exceptions: A former citizen of Afghanistan, who fled the country due to political instability or war and has acquired new citizenship, may still hold 'unofficial' Afghan citizenship. This is recognition that those who fled the country might some day want to return as Afghan citizens without losing new citizenship. The Afghani spouse of a foreign national is not required to renounce Afghan citizenship unless demanded by the spouse's country.

"LOSS OF CITIZENSHIP: VOLUNTARY: Voluntary renunciation of Afghan citizenship is permitted by law… The following persons are not allowed to renounce citizenship:

"Person who has continuing financial obligations to the government or other institutions.

"Person who has been convicted of a crime and sentenced to jail.

"Persons involved in national security, whose loss to the country might endanger Afghan security.

"INVOLUNTARY: The following is grounds for involuntary loss of Afghan citizenship: Person voluntarily acquires foreign citizenship and does not fall under the exempted status described under 'Dual Citizenship'. Persons concerned with dual citizenship should not assume their Afghan citizenship was lost by default. Embassy should be contacted and citizenship formally renounced." **[101] (p13)**

IDENTITY CARDS

32.02 The Afghanistan Independent Human Rights Commission (AIHRC) report, *Economic and Social Rights Report in Afghanistan-III, December 2008*, noted "Article 47 of Afghan Civil Code stated that, a person's civil status shall be marked down in identity card and shall be given to him/ her upon his demand. The identity card shall contain the name, family name, the birth date and birth place, occupation, nationality, place of domicile,

name of the spouse and name of the children together with their dates and places of birth." **[14g] (p31-32)**

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

"National ID cards and birth certificates are very important to establish the identity of people and their enjoyment of citizenship privileges. Lack of national ID cards provide an enabling environment for human rights violations of individuals, particularly in cases of marriage, punishment, and due process of law. AIHRC statistics indicates that in many cases of forced and early marriages, the age of children is determined to be higher due to lack of birth certificates or national ID cards and as a result, child marriages occur. Issuing birth certificates and national ID cards is an imperative in other countries worldwide, however, the Government has been negligent in this respect. Though this problem is a legacy of previous regimes, the Government still could have implemented a comprehensive census and issued national ID cards for people. In 2007, the Independent Election Commission (IEC) and the Ministry of Interior (MoI) signed a protocol for distributing ID cards. According to this protocol, all Afghan nationals aged over 18 should have received ID cards pending the holding of the second presidential election, but the protocol has fallen short of implementation." **[14d] (p27)**

32.04 The US Department of State *Trafficking in Persons Report 2011*, covering the period April 2009 to March 2010, published 14 June 2010 (USSD TiP Report 2011) noted that "While the government issued some birth certificates and marriage certificates, many citizens in rural areas do not request or obtain these documents. In fact, fewer than 10 percent of children are registered at birth." **[2f] (Country Narratives, Afghanistan)**

(See also Section 26: Children)

Return to contents
Go to sources

33. FORGED AND FRAUDULENTLY OBTAINED OFFICIAL DOCUMENTS

33.01 Very little sourced information on forged and fraudulently obtained official documents was available to the Country of Origin Information Service (COIS) at the time of writing (September 2011). However, in a letter sent to the COIS from the British High Commission (BHC) in Islamabad, Pakistan, dated 12 August 2010, it said that a Project Officer based in the BHC had carried out some research on whether forged Afghan documents had been obtained in Pakistan. Afghan and other foreign nationals were reportedly using stolen or forged Afghan Passports for facilitated illegal movements and smuggling of goods. The letter said that a United Nations High Commissioner for Refugees (UNHCR) Protection Officer had provided examples that gave an indication on the cost of obtaining such documents. The information from the UNHCR observed that "The widely forged document was the national Identity Card (Tazkira), which was even available in Islamabad. The cost for obtaining it ranged from Rs.200-1000. Following issuance of Proof of Registration (PoR) cards in 2007 by NADRA [Pakistan's National Database and Registration Authority] with financial assistance of UNHCR, there are reports of forging this as well. Reportedly forged PoR card can be obtained by paying 2000 to 5000 PKR [Pakistan rupees]." **[4g]**

(See also Section 20: Corruption)

Return to contents
Go to sources

34. EXIT AND RETURN

34.01 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011 (USSD Report 2010), noted that "The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government sometimes limited citizens' movement for security reasons." **[2a] (Section 6)**

34.02 The Altai Consulting *Study on Cross Border Population Movements between Afghanistan and Pakistan*, published in June 2009 stated that:

"In the last 25 years, Afghanistan has experienced a massive flow of emigration generated by the ex-Soviet Union invasion in 1979, the civil war and the Taliban regime. From 1979 to 1992, an estimated 6 million people left the country.

"There are still some 2.1 million registered Afghans in Pakistan, and after massive flows of returns recorded between 2002 and 2005, changes in security, and the poor prospects for rapid economic and social improvements, have caused a decline in the rate of returns since 2006.

"Today, the majority of Afghans travelling to and from Pakistan are temporary migrants, not individuals driven by protection concerns. A UNHCR [United Nations High Commissioner for Refugees]-financed IOM [International Organization for Migration] study conducted in 2005 found that cross border movements for social and economic purposes far exceeded refugee repatriation. But these cross border movements are largely informal in nature and are therefore poorly documented. These observations made in 2005 and since then, regular border monitoring reports carried out by UNHCRs office in Jalalabad and the Department of Refugees and Repatriation (DoRR) of the Government of Afghanistan, all suggest that new policy approaches are now required to recognize that the informal cross border migration – rather than refugee repatriation – is now the key management challenge confronting the two governments." **[90a] (p7)**

34.03 The Altai Consulting study which was conducted during two weeks in September 2008 and two weeks in November 2008 to collect data on the state of cross border population movements between the two main crossing points of Torkham in the east and Spin Boldak/Chaman in the south observed that:

"The Afghan border police and passport office officially control the entry and exit of all individuals, Afghan nationals and internationals, at the Torkham border. The information is collected on a daily basis and the records are kept and sent back to the Ministry of Interior headquarters in Kabul… **(p4)**

"… outside of Torkham and Spin Boldak, along the 2,250 km border, most people do not actually know where the border is located, separating Afghanistan and Pakistan. It is therefore difficult to assess who crosses the border since one land can be spread on both sides. Students often leave their homes in the morning to go to school on the other side, as it is for them part of their community, not of two different countries. This lack of regulation has long been a source of concern. It has now become a priority for both

governments. The test is how to inform the citizens of both countries of the need to participate in the development of a regulated system of official procedures, as they have spent decades behaving otherwise. Therein lies the difficulty in terms of border management practices." **[90a] (p19)**

34.04 The same study noted:

"The border police force still remains ineffective in monitoring and checking travel documents for individuals pertaining to specific tribal and community groups… members of non-Pashtun ethnic groups, especially Hazara Afghans, are more frequently checked and stopped at the border. Pashtuns, however, fall largely outside of this scope of control. In an effort not to discourage the back and forth movement of populations with strong links in both countries, border police officials do not control Pashtun Afghans. Members of our team, themselves Pashtun, simply tested this by crossing the border without showing any papers. They successfully crossed several times into Pakistan, and back into Afghanistan, without showing any identification card. A regulated system will only be successful if administered to all, irrespective of ethnic, tribal or religious lines." **[90a] (p5-6)**

(See also Section 30: Freedom of Movement and Section 1: Geography – Infrastructure for information regarding the state of roads and airlines)

RETURNING AFGHAN REFUGEES

34.05 The Afghanistan Independent Human Rights Commission (AIHRC) *Report on the Situation of Economic and Social Rights in Afghanistan – IV, Qaws 1388 (November/December 2009)*, stated that "Presidential Decree 297 on Dignified Refugee Return states, 'The Interim Afghan Administration… safeguards the right and freedom of all returnees… guarantees their safe and dignified return… expects that in conformity with the principle of voluntary repatriation, Afghans will be given the opportunity to decide freely to return to their country…'" **[14d] (p20)**

34.06 The US Department of State *Country Report on Human Rights Practices 2010*, Afghanistan, published on 8 April 2011(USSD Report 2010), noted however, that

"In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular group, or political opinion.

"The government's capacity to absorb returned refugees remained low. The economic difficulties and security concerns discouraged numerous refugees from returning to the country, although returnees doubled compared with the previous year. Many refugees needed humanitarian assistance upon arrival. According to the AIHRC and the UNHCR, single women among refugee returnees and deportees were referred to a safe house until their families guaranteed their safety. The UNHCR referred 25 women to safe houses. Common types of extreme vulnerability, as defined by the UNHCR, included minors unaccompanied by adult family members, drug addiction, mental illness, and severe physical illness. Returnees who came back due to flooding in Pakistan were also vulnerable.

"During the year 112,917 refugees were repatriated voluntarily from Pakistan with UNHCR assistance, an increase from the 54,552 refugees repatriated in 2009.

Approximately 2.6 million Afghan refugees lived in Pakistan and Iran during the year." **[2a] (Section 2c)**

(See also Section 25: Women - Government and NGO assistance)

34.07 The United Nations High Commissioner for Refugees (UNHCR) Country Operations Profile on Afghanistan, accessed on 21 September 2011, stated that:

"The return of more than 5 million refugees since 2002 has increased the estimated population of Afghanistan by more than 20 per cent. In the areas of highest return, as many as one in three people is a returnee. While there has been progress in reconstruction and development, security remains a major problem.

"The main needs expressed by returnees are for livelihoods support, shelter and land. Access to land and rights for returnees and IDPs is hampered by a weak judiciary. UNHCR conducts a countrywide assessment of needs through annual field surveys (when and where access is permitted), and monitoring activities that use participatory assessment techniques and incorporate age, gender and diversity considerations.

"The cash grant attributed to returnees serves to address vital immediate needs in the first month or so of return, such as transport and food. In 2011, UNHCR will review and increase this grant, in order to offset the rise in the cost of living.

"Children face a wide range of protection concerns, including child labour, smuggling and human trafficking, and early or forced marriage. Doing more to address the livelihood needs of vulnerable returnee families is one way to address the economic factors that can create such protection risks. UNHCR also continues to support safe houses for women and girls at risk and advocate for other solutions as well." **[19d]**

34.08 The International Crisis Group (IGC) report, *What Now for Refugees?* Published on 31 August 2009, which focused on the situation of returning Afghan refugees, noted that

"The [Afghanistan] ministry of rural rehabilitation and development and the ministry of urban development and housing have included returnee assistance, aimed at both refugees and IDPs [Internal Displaced Persons], in their national programs. Others, including NGOs [Non Governmental Organisations], UN agencies and donors, are also aiming to integrate returnee assistance into their development programs. Since reintegration permeates all aspects of reconstruction and development, the needs and vulnerabilities of returning households fall under the mandate of almost all government ministries." **[8d] (p11)**

34.09 The ICG report, published on 31 August 2009, further noted:

"A number of Afghans who returned to the countryside after 2002 had fled their homes in the late nineties or in end-2001. During their relatively short absence, most had maintained strong ties with their communities and often managed to retain their property or access to land. Regular visits and contacts between families and friends facilitated returns and reintegration. These returnees have similar needs to those who had stayed behind, including assistance to rebuild their destroyed houses, seeds and saplings for their fields and orchards, and livestock to replenish their herds." **[8d] (p6)**

34.10 The same ICG report noted, "With the rural areas increasingly insecure, many returning Afghans have migrated to towns and cities, causing rapid urbanisation that is

contributing to rising poverty, unemployment and criminality. Kabul's population has tripled in just seven years." **[8d] (pi)**

Return to contents
Go to sources

Annex A

CHRONOLOGY OF MAJOR EVENTS

Source – British Broadcasting Corporation (BBC) Profile: Timeline, updated on 21 June 2011 **[28b]**, unless otherwise stated.

1919 Afghanistan regains independence after third war against British forces trying to bring country under their sphere of influence.

1926 Amanullah proclaims himself king and attempts to introduce social reforms leading to opposition from conservative forces.

1929 Amanullah flees after civil unrest over his reforms.

1933 Zahir Shah becomes king and Afghanistan remains a monarchy for next four decades.

1953 General Mohammed Daud becomes prime minister. Turns to Soviet Union for economic and military assistance. Introduces a number of social reforms, such as abolition of purdah (practice of secluding women from public view)

1963 Mohammed Daud forced to resign as prime minister.

1964 Constitutional monarchy introduced – but leads to political polarisation and power struggles.

1973 Mohammed Daud seizes power in a coup and declares a republic. Tries to play off USSR against Western powers. His style alienates left-wing factions who join forces against him.

1978 General Daud is overthrown and killed in a coup by leftist People's Democratic Party. But party's Khalq and Parcham factions fall out, leading to purging or exile of most Parcham leaders. At the same time, conservative Islamic and ethnic leaders who objected to social changes begin armed revolt in countryside.

1979 Power struggle between leftist leaders Hafizullah Amin and Nur Mohammed Taraki in Kabul won by Amin. Revolts in countryside continue and Afghan army faces collapse. Soviet Union finally sends in troops to help remove Amin, who is executed.

1980 Babrak Karmal, leader of the People's Democratic Party Parcham faction, is installed as ruler, backed by Soviet troops. But anti-regime resistance intensifies with various mujahedin groups fighting Soviet forces. US, Pakistan, China, Iran and Saudi Arabia supply money and arms.

Return to contents
Go to sources

1985 Mujahedin come together in Pakistan to form alliance against Soviet forces. Half of Afghan population now estimated to be displaced by war, with many fleeing to neighbouring Iran or Pakistan. New Soviet leader Mikhail Gorbachev says he will withdraw troops from Afghanistan.

1986 US begins supplying mujahedin with Stinger missiles, enabling them to shoot down Soviet helicopter gunships. Babrak Karmal replaced by Najibullah as head of Soviet-backed regime.

1988 Afghanistan, USSR, the US and Pakistan sign peace accords and Soviet Union begins pulling out troops.

1989 Last Soviet troops leave, but civil war continues as mujahedin push to overthrow Najibullah.

1991 The US and USSR agree to end military aid to both sides.

1992 Resistance closes in on Kabul and Najibullah falls from power. Rival militias vie for influence.

1993 Mujahedin factions agree on formation of a government with ethnic Tajik, Burhanuddin Rabbani, proclaimed president.

1994 Factional contests continue and the Pashtun-dominated Taleban emerge as major challenge to the Rabbani government.

1996 Taleban seize control of Kabul and introduce hardline version of Islam, banning women from work, and introducing Islamic punishments, which include stoning to death and amputations. Rabbani flees to join anti-Taleban northern alliance.

1997 Taleban recognised as legitimate rulers by Pakistan and Saudi Arabia. Most other countries continue to regard Rabbani as head of state. Taleban now control about two-thirds of country.

1998 Earthquakes kill thousands of people. US launches missile strikes at suspected bases of militant Osama bin Laden, accused of bombing US embassies in Africa.

1999 UN imposes an air embargo and financial sanctions to force Afghanistan to hand over Osama bin Laden for trial.

2001

January UN imposes further sanctions on Taleban to force them to hand over Osama bin Laden.

March Taleban blow up giant Buddha statues in defiance of international efforts to save them.

Return to contents
Go to sources

 The main text of this COI Report contains the most up to date publicly available information as at 24 September 2011. Further brief information on recent events and reports has been provided in the Latest News section to 11 October 2011.

April	Mullah Mohammad Rabbani, the second most powerful Taleban leader after the supreme commander, Mullah Mohammad Omar, dies of liver cancer.
May	Taleban order religious minorities to wear tags identifying themselves as non-Muslims, and Hindu women to veil themselves like other Afghan women.
September	Eight foreign aid workers on trial in the Supreme Court for promoting Christianity. This follows months of tension between Taleban and aid agencies. Ahmad Shah Masood, legendary guerrilla and leader of the main opposition to the Taleban, is killed, apparently by assassins posing as journalists.
October	USA, Britain launch air strikes against Afghanistan after Taleban refuse to hand over Osama bin Laden, held responsible for the September 11 attacks on America.
November	Opposition forces seize Mazar-e Sharif and within days march into Kabul and other key cities.
5 December	Afghan groups agree deal in Bonn for interim government.
7 December	Taleban finally give up last stronghold of Kandahar, but Mullah Omar remains at large.
22 December	Pashtun royalist Hamid Karzai is sworn in as head of a 30 member interim power-sharing government.
2002	
January	First contingent of foreign peacekeepers in place
April	Former king Zahir Shah returns, but says he makes no claim to the throne.
May	UN Security Council extends mandate of International Security Assistance Force (ISAF) until December 2002. Allied forces continue their military campaign to find remnants of Al-Qaeda and Taleban forces in the south-east.
June	Loya Jirga, or grand council, elects Hamid Karzai as interim head of state. Karzai picks members of his administration which is to serve until 2004.
July	Vice-President Haji Abdul Qadir is assassinated by gunmen in Kabul. US air raid in Uruzgan province kills 48 civilians, many of them members of a wedding party.
September	Karzai narrowly escapes an assassination attempt in Kandahar, his home town.
December	President Karzai and Pakistani, [and] Turkmen leaders sign agreement paving way for construction of gas pipeline through Afghanistan, carrying Turkmen gas to Pakistan. Asian Development Bank resumes lending to Afghanistan after 23-year gap.

Return to contents
Go to sources

2003	August: NATO takes control of security in Kabul. It is the organisation's first operational commitment outside Europe in its history.
2004	
January	Grand assembly – or Loya Jirga – adopts new constitution which provides for strong presidency.
March	Afghanistan secures $8.2bn (£4.5bn) in aid over three years.
April	Fighting in northwest between regional commander and provincial governor allied to government. Twenty people, including two aid workers and a police chief, are killed in incidents in the south. Taleban militants are suspected. First execution since the fall of the Taleban is carried out.
June	Eleven Chinese construction workers killed by gunmen in Kunduz. September: Rocket fired at helicopter carrying President Karzai misses its target; it is the most serious attempt on his life since September 2002.
October/ November	Presidential elections: Hamid Karzai is declared the winner, with 55 per cent of the vote. He is sworn in, amid tight security, in
2005	
February	Several hundred people are killed in the harshest winter weather in a decade.
May	Details emerge of alleged prisoner abuse by US forces at detention centres in Afghanistan
September	First parliamentary and provincial elections in more than 30 years
December	New parliament holds its inaugural session.
2006	
January	More than 30 people are killed in a series of suicide attacks in southern Kandahar province.
February	International donors meeting in London pledge more than $10bn (£5.7bn) in reconstruction aid over five years.
May	Violent anti-US protests in Kabul, the worst since the fall of the Taleban in 2001, erupt after a US military vehicle crashes and kills several people.
May–June	Scores of people are killed in battles between Taleban fighters and Afghan and coalition forces in the south during an offensive known as Operation Mountain Thrust.
October	NATO assumes responsibility for security across the whole of Afghanistan.
2007	
March	Mullah Obaidullah Akhund, the third most senior member of the Taleban's leadership council is arrested, according to Pakistan authorites.

Afghan President Hamid Karzai signs a controversial bill which providsweeping amnesty for war crimes committed over more than two decades of conflict in Afghanistan.

May Taleban's most senior military commander, Mullah Dadullah, is killed during fighting with US, Afghan forces.
Afghan and Pakistani troops clash on the border in the worst violence in decades in a simmering border dispute.

July Former king Zahir Shah dies.

November Forty-one people killed after suicide attack on a parliamentary delegation in Baghlan.

2008

February Prince Harry's tour of duty in Afghanistan comes to an end after spending ten weeks on the front-line in Helmand Province.

June 350 Taleban militants break out of Kandahar prison.

July More than 40 are killed in suicide attack on Indian Embassy in Kabul.
British Defence Secretary Des Browne announces British troop numbers in Afghanistan to increase by 230 to new high of more than 8,000 by spring 2009.

August Ten French soldiers killed in an ambush by Taleban fighters. President Karzai accuses Afghan and US-led coalition forces of killing at least 89 civilians in an air strike in the western province of His. He later sacks two senior military commanders over the strike.

September President Bush sends an extra 4,500 US troops to Afghanistan, in a move he described as a 'quiet surge'.

October Germany extends Afghanistan mission to 2009 and boosts troop numbers in Afghanistan by 1,000, to 4,500.

November Taleban militants reject an offer of peace talks from President Karzai, saying there can be no negotiations until foreign troops leave Afghanistan.

December President Karzai and new Pakistani President Asif Ali Zardari agree to form joint strategy to fight militants operating in their border regions.

2009

March Afghanistan's Election Commission rejects President Karzai's call for an April presidential vote, saying it will take place on 20 August.
President Hamid Karzai signed a new law that legalises rape within marriage and bans wives from stepping outside their homes without their husbands' permission.

Return to contents
Go to sources

August Elections are held, but are marred by widespread Taliban attacks, patchy turnout and claims of serious fraud. Accusations of vote rigging and concerns over the low voter turnout cast doubt on the legitimacy of the polls.

2010

February Nato-led forces launch major offensive, Operation Moshtarak, in bid to secure government control of southern Helmand province.

President Karzai angers Western diplomats by issuing a decree giving him total control of the UN-backed Electoral Complaints Commission, which helped expose massive fraud in the October presidential election.

Top Afghan Taliban military commander Mullah Abdul Ghani Baradar is captured in Pakistan

April President Karzai says that foreign observers were responsible for fraud in last year's disputed poll, and accuses UN and EU officials of involvement in a plot to put a puppet government in power. The White House calls his remarks "genuinely troubling".

July Major international conference endorses President Karzai's timetable for control of security to be transferred from foreign to Afghan forces by 2014.

Whistleblowing website Wikileaks publishes thousands of classified US military documents relating to Afghanistan.

General David Petraeus takes command of US, ISAF forces.

August Dutch troops quit.

Karzai bans foreign security firms.

September Afghans brave wave of Taliban attacks to vote in parliamentary elections on 18 September; turnout estimated at 40%.

2011

May Following the death of Al-Qaeda leader, Osama Bin Laden in early May 2011, Ayman al-Zawahiri who was serving as second-in-command of Al-Qaeda, was appointed head of the militant organisation. **[28t]**

July On 17 July the NATO [North Atlantic Treaty Organisation] handed over security control of the central Afghan province of Bamiyan to Afghan forces. This was the first of seven areas to be passed to local security forces under transition of power before foreign troops end combat operations in 2014. **[29m]**

September Burhanuddin Rabbani, the former Afghan President, was killed in a suicide attack on 20 September. **[49c]**

Return to contents
Go to sources

Annex B

POLITICAL ORGANISATIONS AND OTHER GROUPS

Information on major Political organisations in Afghanistan was sourced from the International Council on Security and Development (ICOS) report *Afghanistan's Presidential Election: Power to the People, or the Powerful?*, April 2009 **[10b] (p44-46)** A full list of licensed political parties can be located on the Afghanistan Ministry of Justice website.

MAJOR POLITICAL ORGANISATIONS

National United Front of Afghanistan (UNF)

In March 2007, in a significant political development, several influential figures of the last thirty years in Afghanistan decided to form a new coalition called the National United Front of Afghanistan (Jabhe-ye-Motahed-e-Milli: UNF).

Members and Objectives
The Party is comprised of the following key members:

- Former Commerce Minister, Sayed Mustafa Kazimi
- Former President, Burhanuddin Rabbani
- Speaker of the Lower House, Yunus Qanuni
- Minister for Energy and Water, Ismail Khan
- Communist-era Minister, (Sayed) Mohammad Gulabzoy
- Military aide to President Hamid Karzai, Abdul Rashid Dostum

Former communist party leader turned-Parliamentarian Noor-ul-Haq Ulumi was added to the list in a recent announcement and so were First Vice President Zia Masood, former Afghan Defense Minister Marshal Mohammad Qasim Fahim and Mustafa Zahir, the grandson of Afghanistan's former king Zahir Shah…

The key stated aim of the new coalition is to bring changes to the Constitution in order to diminish Presidential powers and enhance the role of Parliament, thereby allowing the UNF more means to preserve its local interests… **[10b] (p44)**

National Democratic Front (NDF)

Members
Based on the former National Front for Democracy, the NDF is composed of some 13 parties, some of which are of secular inclination. As of mid-2005 these were:

- Afghanistan Work and Development Party
- Afghanistan Liberal Party
- Afghanistan People's Welfare Party
- Afghanistan People's Prosperity Party
- Afghanistan Understanding and Democracy Party
- National Unity of Afghanistan Party
- Freedom and Democracy Movement
- Afghanistan People's Ideal Party
- Afghanistan National Progress Party
- Afghanistan Ethnic Groups' Solidarity Party

- Afghanistan Republican Party
- Young Afghanistan Islamic Party
- Afghanistan People's Liberation Party

International and Local Support
The National Democratic Front has received Western backing, most particularly US support. However, it is argued that the Front is unlikely to find much support in rural areas and other sectarian strongholds. **[10b] (p45)**

Payman-e Kabul (Kabul Accord)

Establishment and Objectives
In 2002, the Revolutionary Organisation of the Toilers of Afghanistan and five other former leftist and Maoist groups forged an alliance called Payman-e Kabul (Kabul Accord). The members of the alliance envision the creation of a modern political party with a social democrat ideology.

Current composition
Nowadays the Payman-e Kabul represents a grouping of leftist liberal parties. There is no visible dominant leader and the constituent parties are wary of each other's power base and appeal to urban youth. **[10b] (p46)**

Afghan Mellat (Afghan Social Democratic Party)

Establishment and Objectives
The Afghan Social Democratic Party or Afghan Mellat (Afghan Nation) is an officially registered social democratic party created in the sixties by Ghulam Mohammad Farhad, a German-educated ethnic Pashtun who defended the superior rights of the Pashtun people over a 'Greater Afghanistan' (which includes the Pashtun regions of Pakistan) and advocated the 'Pashtunisation' of the country. It is regularly branded as an ultranationalist or crypto-fascist group.

Current composition
Since its creation the party has been through many internal splits and struggles over its ideological principles, but after Anwar al-Haq Ahadi assumed the leadership in 1995, the party abandoned most of its most hardline rhetoric and has presented a relatively united front. Despite attempts to reach out to other groups, the Mellat Party still maintains that the Pashtos deserve special rights.

Since the fall of the Taliban the party has supported President Karzai, even endorsing his 2004 candidacy and in turn the President has rewarded Ahadi with the Ministry of Finance. It also has a reduced presence in the Lower House of Parliament. **[10b] (p46)**

OTHER POLITICAL GROUPS

The "Northern Alliance" Congeals

The Congressional Research Service (CRS) report, *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,* 22 September 2011, accessed on 6 October 2011, stated:

"The Taliban's policies caused different Afghan factions to ally with the ousted President Rabbani and Masud and their ally in the Herat area, Ismail Khan - the Tajik core of the anti-Taliban opposition - into a broader 'Northern Alliance.' In the Alliance were Uzbek, Hazara

 The main text of this COI Report contains the most up to date publicly available information as at 24 September 2011. Further brief information on recent events and reports has been provided in the Latest News section to 11 October 2011.

Shiite, and even some Pashtun Islamist factions discussed in Table 6 [of the report]. Virtually all the figures mentioned remain key players in politics in Afghanistan, sometimes allied with and at other times feuding with President Hamid Karzai.

- **"Uzbeks/General Dostam**. One major faction was the Uzbek militia (the Junbush-Melli, or National Islamic Movement of Afghanistan) of General Abdul Rashid Dostam. Frequently referred to by some Afghans as one of the 'warlords' who gained power during the anti-Soviet war, Dostam first joined those seeking to oust Rabbani during his 1992-1996 presidency, but later joined Rabbani's Northern Alliance against the Taliban.

- **"Hazara Shiites**. Members of Hazara tribes, mostly Shiite Muslims, are prominent in Bamiyan, Dai Kundi, and Ghazni provinces (central Afghanistan) and are always fearful of, and subject to some extent to, repression by Pashtuns and other larger ethnic factions. The Hazaras have tended to serve in working class and domestic household jobs, although more recently they have been prominent in technology jobs in Kabul, raising their economic status. They are also increasingly cohesive politically, leading to gains in the September 2010 parliamentary elections. During the various Afghan wars, the main Hazara Shiite militia was Hizb-e-Wahdat (Unity Party, composed of eight different groups). Hizb-e-Wahdat suffered a major setback in 1995 when the Taliban captured and killed its leader Abdul Ali Mazari. One of Karzai's vice president's Karim Khalili, is a Hazara. Another prominent Hazara faction leader is Mohammad Mohaqeq.

- **"Pashtun Islamists/Sayyaf**. Abd-i-Rab Rasul Sayyaf, now a leading Islamic conservative in parliament, headed a Pashtun-dominated hardline Islamist mujahedin faction called the Islamic Union for the Liberation of Afghanistan (Ittihad Islami) during the anti-Soviet war. Even though he is an Islamist conservative, Sayyaf viewed the Taliban as selling out Afghanistan to Al Qaeda and he joined the Northern Alliance." (Congressional Research Service, updated 22 September 2011, accessed on 6 October 2011) **[22a] (p7)**

Return to contents
Go to sources

Annex C

OPPOSITION ARMED GROUPS

Information on opposition armed groups was sourced from The Congressional Research Service (CRS) report, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy. **[22a]** and the Afghanistan Rights Monitor (ARM) Mid-Year Report Civilian Casualties of Conflict January-June 2010 **[103a]** unless otherwise indicated.

The Taliban ("Quetta Shura Taliban")

The CRS report, dated 22 September 2011, stated:

"The core of the insurgency remains the Taliban movement centered around Mullah Umar, who led the Taliban regime during 1996-2001. He and many of his top advisers reportedly run the insurgency from their safe haven in Pakistan, possibly the city of Quetta, according to Afghan officials, thus accounting for the term usually applied to Umar and his aides: 'Quetta Shura Taliban' (QST). Some, such as Mullah Dadullah, his son Mansoor, and Mullah Usmani have been killed or captured. Others, such as Mullah Hassan Rahmani, former Taliban governor of Qandahar, are said to have come under some Pakistani pressure to refrain from militant activities…

"Some believe that Umar and his inner circle blame their past association with Al Qaeda for their loss of power and want to distance themselves from Al Qaeda. Other experts see continuing close association that is likely to continue were the Taliban movement to return to power. It is unclear how this internal Taliban debate might be affected by the death of Al Qaeda founder Osama bin Laden on May 1, 2011. Some within the movement might argue that his removal from the regional picture might lessen international military pressure on the Taliban. Others might argue that his death will lead to a weakening of Al Qaeda in the immediate region and association with Al Qaeda has little value to the Taliban effort. Even before the death of bin Laden, U.S. officials argued that the successes produced by the U.S. 'surge' in Afghanistan were causing some Taliban leaders to mull the concept of a political settlement. 'Preliminary' talks were reported as of March 2011 with figures purporting to represent the QST, as discussed later in the section on 'reconciliation.'" **[ ] (p16-17)**

Al Qaeda/Bin Laden

The CRS report, dated 22 September 2011, stated:

"U.S. officials have long considered Al Qaeda to have been largely expelled from Afghanistan itself. This view was enhanced by the May 1, 2011, death of bin Laden. U.S. commanders have, for several years, characterized any Al Qaeda militants in Afghanistan as facilitators of militant incursions into Afghanistan rather than active fighters in the Afghan insurgency. Then-Director of Central Intelligence (now Defense Secretary) Leon Panetta said on June 27, 2010, that Al Qaeda fighters in Afghanistan itself might number 50-100. Contradicting those comments to some extent, NATO/ISAF officials said in October 2010, that Al Qaeda cells may be moving back into remote areas of Kunar and Nuristan provinces, particularly in areas vacated by U.S.-led forces. Press reports in April 2011 added that some Al Qaeda training camps may have been established inside Afghanistan, but then top U.S. and NATO commander in Afghanistan General Petraeus tried to refute these stories on April 10, 2011, by saying that the Al Qaeda presence in Afghanistan remains small at 'less than 100 or so.' Some of the Al Qaeda fighters

are believed to belong to Al Qaeda affiliates such as the Islamic Movement of Uzbekistan (IMU)…

"U.S. efforts to find Al Qaeda leaders are expected to now focus on his close ally Ayman al-Zawahiri, who is also presumed to be on the Pakistani side of the border and who was named new leader of Al Qaeda in June 2011. CNN reported October 18, 2010, that assessments from the U.S.-led coalition said Zawahiri (and bin Laden) was likely in a settled area near the border with Afghanistan, and not living in a very remote uninhabited area. A U.S. strike reportedly missed Zawahiri by a few hours in the village of Damadola, Pakistan, in January 2006, suggesting that there was intelligence on his movements. Many observers say that Zawahiri is not well liked within Al Qaeda and may have trouble holding the leading figures of the group together. Other senior Al Qaeda leaders are either in or are allowed to transit or reside in Iran. Among them are Al Qaeda's former spokesman, Kuwait-born Sulayman Abu Ghaith, as well as Sayf al Adl." **[22a] (p17-18)**

Return to contents
Go to sources

Hikmatyar Faction

The CRS report, dated 22 September 2011, stated:

"Another 'high value target' identified by U.S. commanders is the faction of former mujahedin party leader Gulbuddin Hikmatyar (Hizb-e-Islami Gulbuddin, HIG) allied with Al Qaeda and Taliban insurgents. As noted above, Hikmatyar was one of the main U.S.-backed mujahedin leaders during the Soviet occupation era. Hikmatyar's faction received extensive U.S. support against the Soviet Union, but is now active against U.S. and Afghan forces in Kunar, Nuristan, Kapisa, and Nangarhar provinces, north and east of Kabul. On February 19, 2003, the U.S. government formally designated Hikmatyar as a 'Specially Designated Global Terrorist,' under the authority of Executive Order 13224, subjecting it to financial and other U.S. sanctions. It is not designated as a 'Foreign Terrorist Organization' (FTO).

"Hikmatyar has expressed a willingness to discuss a cease-fire with the Karzai government since 2007, and several of Karzai's key allies in the National Assembly are members of a moderate wing of Hikmatyar's party. While U.S. commanders continue to battle Hikmatyar's militia, on March 22, 2010, both the Afghan government and Hikmatyar representatives confirmed talks in Kabul, including meetings with Karzai. The speaker of the lower house, Abdul Raouf Ibrahimi, is said to be a member of this group. In January 2010, Hikmatyar outlined specific conditions for a possible reconciliation with Karzai, including elections under a neutral caretaker government following a U.S. withdrawal. Some close to Hikmatyar apparently attended the consultative peace loya jirga on June 2-4, 2010, which discussed the reconciliation issue..." **[22a] (p18-19)**

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

"The Hizb-e-Islami Hikmatyar (HIH) insurgent group is the oldest militant gang with deep ideological, political and strategic ties with the ISI and other Pakistani military establishments. It also receives financial support from extremist individuals and groups in the wealthy Arab countries. HIH fighters are active in the northern provinces of Kunduz and Baghlan and in Logar, Kunar and Maidan Wardak provinces. Gulboddin Hekmatyar, Hizb's reclusive leader and a veteran Jehadi leader backed by Washington in 1980s against the Soviets, has long used

armed violence for political gains. Compared to the IEA and the HG, the HIH is less active on the battle ground but is more active in attacking soft targets such as female students and civilian government employees." **[103a] (p9)**

Haqqani Faction

The CRS report, dated 22 September 2011, stated:

"Another militant faction, cited repeatedly as a major threat to stabilization efforts in Afghanistan, is the 'Haqqani Network' led by Jalaludin Haqqani. As a mujahedin commander during the U.S.-backed war against the Soviet Union, he was a U.S. ally. He subsequently joined the Taliban regime (1996-2011) and served as Minister of Tribal Affairs in that government. Since the ousting of the Taliban regime in 2001, he has been a staunch opponent of the Karzai government and his faction is believed closer to Al Qaeda than to the ousted Taliban leadership in part because one of his wives is purportedly Arab. Press reports indicate that the few Al Qaeda fighters that are in Afghanistan are mostly embedded with Haqqani fighters. Now led mostly by his sons, Siraj (or Sirajjudin) and Badruddin, the faction is most active around its key objective, Khost city, capital of Khost Province. Another Haqqani brother, Mohammad, was reportedly killed by a U.S. unmanned vehicle strike in late February 2010, although Mohammad was not thought to be a key militant commander. On August 16, 2011, the Obama Administration designated a Haqqani member, Mullah Sangeen Zadran, 'shadow governor' of Paktika Province, as a Specially Designated Global Terrorist (SDGT). It is estimated that there may be as many as 3,000 Haqqani fighters.

"Suggesting it may act as a tool of Pakistani interests, the Haqqani network has primarily targeted Indian interests. It claimed responsibility for two attacks on India's embassy in Kabul (July 2008 and October 2009), and reportedly was involved, possibly with other groups, on the December 2009 attack on a CIA base in Khost that killed seven CIA officers. U.S. officials attribute the June 28, 2011, attack on the Intercontinental Hotel in Kabul and a September 10, 2011, truck bombing in Wardak Province to the group. U.S. officials say the attacks on the U.S. Embassy and ISAF [international Security Assistance Force] headquarters in Kabul on September 13, 2011, were the work of the faction as well. Some believe the group may have also been responsible for the September 20 killing of Professor Rabbani. That the faction has a degree of protection in the North Waziristan area of Pakistan and alleged ties to Pakistan's Inter-Services Intelligence Directorate (ISI) were causes of sharp U.S. criticism of Pakistan - in particular by Secretary of Defense Panetta and Joint Chiefs of Staff Chairman Mullen - following the September 2011 attacks on the U.S. Embassy. Admiral Mullen testified before the Senate Armed Services Committee on September 22, 2011, that the Haqqani network acts 'as a veritable arm' of the ISI. The ISI is believed to see the Haqqanis as a potential ally in any new Afghan political structure that might be produced by a political settlement in Afghanistan.

"In addition to pressing Pakistan to deny the group safehaven, U.S. officials say they are continuing to pressure the Haqqani network with military action in Afghanistan and air strikes on the Pakistani side of the border, as well as with direct ground action, such as a raid in late July 2011 that reportedly killed over 80 Haqqani network militants. During a visit to Afghanistan on July 31, 2011, Chairman of the Joint Chiefs of Staff Mullen said that recent U.S. efforts to prevent the movement of Haqqani fighters from Pakistan into Afghanistan were yielding successes.

"Pakistan reportedly arrested a minor family member (Nasruddin Haqqani) in December 2010 – a possible indication that Pakistan senses U.S. pressure for increased action against the

network. However, the faction is viewed as resilient and able to tap a seemingly infinite pool of recruits.

"The faction has generally been considered least amenable to a political settlement with the Afghan government, but it is possible that the May 1, 2011, raid that killed Osama bin Laden will reinforce those within the faction who might want to reassess that stance. To facilitate such a reassessment by the faction, in July 2010, General Petraeus advocated that the Haqqani network be named as an FTO [Foreign Terrorist Organization] under the Immigration and Naturalization Act. Such a move would be intended to signal to Pakistan that it should not continue to support the Haqqani network. In May 2011, there were reports that ISI [Pakistan Inter Services Intelligence] is pushing the Haqqani network to join nascent settlement talks under way between the Afghan government and other insurgent factions. Siraj Haqqani said after the September 13, 2011, attacks on the U.S. Embassy that the faction might, at some point, participate in settlement talks, although many doubt that intent in light of the recent high profile attacks by the group." **[22a] (p19-20)**

The Afghanistan Rights Monitor (ARM) *Mid-Year Report Civilian Casualties of Conflict January-June 2010* stated that the Haqqani Group had:

"… regularly and systematically targeted Indian diplomatic and nondiplomatic facilities and personnel in Afghanistan. The group was reportedly behind a high-profile attack on a private guesthouse in Kabul city on 26 February [2010] in which several Indian nationals were residing. The HG takes almost all of its operational directives from outside Afghanistan and does not interact with local people. The HG is more of a criminal proxy initiated, backed and managed by the Pakistani Inter-Services Intelligence (ISI) for specific anti-Indian objectives. **[103a] (p9)**

(See also Section 10: Security forces)

Return to contents
Go to sources

Annex D

PROMINENT PEOPLE

Information on governmental departments and staff can be located on the website of the Islamic Republic of Afghanistan Office of the President. **[30]**

Hamid Karzai (President)

"Hamid Karzai, who was sworn in as Afghanistan's first elected president in December 2004, is a moderate Pashtun leader from Kandahar.

"A charismatic and stylish member of the influential Popolzai tribe, he has built up a considerable international profile, especially in the West and is backed by the United States. But some at home view his closeness to America with suspicion and distrust. He initially supported the Taleban but hardened against them after the assassination of his father, a former politician, for which the Taleban was widely blamed." (BBC News, 20 November 2008) **[28o]**

Yunnus Qanuni

"Former minister, Mr Qanuni is now the Speaker of the Wolesi Jirga, the lower house of parliament. Seen by some as the most serious contender to Mr Karzai, he stood against him in the presidential elections of 2004.

"A key figure in the Northern Alliance in the immediate aftermath of the fall of the Taleban, Mr Qanuni first held the powerful post of interior minister but later moved to the education ministry. Differences with President Karzai led to his resignation from the cabinet, following which he formed his own political party, Afghanistan-e-Naween. Though unable to hold together a political alliance which could provide a formidable challenge to the Karzai government, Mr Qanuni has been too powerful to be completely marginalised." (BBC News, 20 November 2008) **[28o]**

Sibghatullah Mojaddedi

"A former mujahideen leader, Mr Mojadidi is the Speaker of the upper house of parliament, the Meshrano Jirga. He has played an important and influential part since the fall of the Taleban.

"He was made chairman of the constitutional Loya Jirga in 2003, a delicate process which involved reconciling the interests of Afghanistan's different ethnic groups. Since March 2005, he has headed Afghanistan's National Peace Commission, the body for implementing the process of national reconciliation through the surrender and absorption of former Taleban members." (BBC News, 20 November 2008) **[28o]**

General Rashid Dostum

"The Uzbek general who was one of the most powerful warlords with an independent military base in the north remains a powerful figure in the country. Mr Dostum still heads the Junbesh-e Melli Islami (National Islamic Movement), a predominantly Uzbek militia faction. He was one of the most high-profile candidates to challenge Mr Karzai in the presidential elections in October 2004.

"A veteran of many wars, he has displayed an uncanny ability to switch sides and stay on the right side of those in power. In the 1980s Gen Dostum backed the invading forces of the Soviet Union against the mujahideen rebels. He then played a prominent role in the civil war that destroyed much of the capital, Kabul, and left thousands dead. In 2001, while helping the United States, his militias were accused of suffocating hundreds of Taleban prisoners to death by locking them inside shipping containers." (BBC News, 20 November 2008) **[28o]**

Marshall Mohammed Qasim Fahim

"The former defence minister used to be one of the most powerful men in the country but has been sidelined. He lost his place in the cabinet and is now a member of the upper house. Gen Fahim commanded thousands of men loyal to the Tajik-dominated Northern Alliance that helped topple the Taleban in late 2001. He was widely expected to be named as one of President Karzai's running mates in the 2004 presidential poll, but ended up backing the main challenger, fellow Tajik Yunus Qanuni.

"He was head of intelligence of the Northern Alliance and succeeded General Ahmad Shah Masood, who was assassinated shortly before the 11 September attacks on the US." (BBC News, 20 November 2008) **[28o]**

General Atta Mohammad

"An arch rival of Gen Dostum, Atta Mohammad is the governor of the northern province of Balkh. Their bitter history goes back to the days of the Soviet occupation, when they fought on opposite sides. A former teacher, Gen Atta briefly joined forces with Gen Dostum to recapture Mazar-e-Sharif from the Taleban in 2001. For now, he remains a key regional player in Afghanistan with considerable influence." (BBC News, 20 November 2008) **[28o]**

Gul Agha Sherzai

"Nangarhar province Governor Gul Agha Sherzai commands considerable loyalty among the Pashtuns in Kandahar, the city he controlled before the Taleban took power in 1994. Within hours of the Northern Alliance taking control of Kabul in 2001, Sherzai entered and took control of the southern city. In December 2004, he was appointed as governor of Kandahar with an added, though symbolic, portfolio of minister adviser to Mr Karzai. His reappointment became controversial and human rights groups have accused Mr Sherzai of involvement in the drugs trade. Mr Sherzai was made governor of Nangarhar as part of a series of reshuffles viewed as an attempt to curb the power of the warlords." (BBC News, 20 November 2008) **[28o]**

Return to contents
Go to sources

Masooda Jalal

"The only female candidate in the October 2003 [Sic] [2004] presidential elections, Dr Jalal was the subject of much media attention. A qualified paediatrician from Kabul, she was treating children when the Taleban came to power in 1996 and stopped women from working. Ms Jalal made her presence felt when she challenged President Karzai in the first loya jirga (grand council) after the Taleban were ousted. She was appointed minister for women's affairs in December 2004, but was dropped in the reshuffle of April 2006." (BBC News, 20 November 2008) **[28o]**

Abdul Rassoul Sayyaf

"A former mujahideen leader, Mr Sayyaf is now an elected member of parliament. Leader of the Islamic Union for the Liberation of Afghanistan, he was the only anti Taleban Pashtun leader to be part of the Northern Alliance. A hardliner, he is believed to have formed his party with Saudi backing. A former professor of Islamic law, Mr Sayyaf was the chairman of the first rebel alliance in 1980." (BBC News, 20 November 2008) **[28o]**

Gulbuddin Hekmatyar

The BBC News description of Gulbuddin Hekmatyar on 20 November 2008 stated:

"Leader of the Hezb-e Islami faction, Mr Hekmatyar is a warlord who is in hiding – evading American forces – and is believed to be somewhere along the Afghan-Pakistan border. He is opposed to President Karzai and the presence of US-led foreign forces in Afghanistan and is blamed for carrying out several major attacks in the country.

"The US labelled him a terrorist in 2003. Hekmatyar's Hezb-e-Islami was the strongest force during the years of Soviet occupation. This was largely because his party was the main benefactor of the seven official mujahideen groups recognised by Pakistan and US intelligence agencies for the channelling of money and arms. He later joined forces with General Dostum because he felt his power had been slighted by the mujahideen administration which ran the country from 1992 to 1996.

"The fighting between him and Kabul's administration at the time, controlled by the murdered Afghan commander, Ahmad Shah Masood, is said to have resulted in the deaths of more than 25,000 civilians. The faction of his party which broke away to participate in the electoral process garnered the largest number of seats." **[28o]**

Hazrat Ali

An International Council on Security and Development (Formerly known as the 'Senlis Council') report published in April 2009 described Hazrat Ali as:

"Born in 1964, he is a member of the Pashai minority. His emergence as an important leader came during the Soviet occupation – he was an Afghan army commander under the Soviet puppet regime. During the war against the Taliban he is said to have aligned with Ahmad Shah Massoud. Following the fall of the Taliban he set up the Eastern Shura (local provisional government) in the Jalalabad/Tora Bora area, where he was the 'Minister of Law and Order'. In 2001, the Pentagon is said to have asked the Shura for military help in finding Bin Laden and Al-Qaeda.

"He was appointed as police chief for Jalalabad by Karzai. In the late 2005 Wolesi Jirga election he won a seat for Nangarhar. He has a following in Nangarhar province but remains a controversial figure in many areas. He has become less prominent on the Afghan political scene in the last period." **[10b] (p32)**

Ahmed Shah Masoud [Massood] (General)

BBC News recorded on 8 September 2004 that "Commander Masood [Masoud] – known as the Lion of the Panjshir – was killed three years ago in a suicide bomb attack by two men posing as journalists. That attack – just before the 11 September [2001] bombings in the United States –

was subsequently blamed on al-Qaeda and its Taleban allies. Masood remains a powerful symbol. He was famed as a military strategist during the war against the Soviet Union and gained his nom de guerre from his dogged resistance in the Panjshir valley." **[28p]**

Return to contents
Go to sources

Annex E

GLOSSARY OF AFGHAN TERMS

BAAD	Giving away a girl as "compensation" to settle a dispute between tribes or families
BACCHA BAAZI [BACHA BAZI]	Men using harems of young boys for social and sexual entertainment
BURQA	Burqa is a piece of clothing that covers a woman from head to foot
HIZB –I- ISLAMI	Faction led by Gulbuddin Hekmatyar was one of the most prominent of the seven Mujahedeen factions fighting the Soviet Union during the 1980s. Currently this faction is engaged in armed opposition against the Afghan authorities and international forces.
JIRGA	A Pashto phrase which means a gathering of tribal elders
MAHRAM	**Male chaperone**
MALIK	V**illage representative, landlord**
MULLAH	Religious leader
MUJAHADEEN	M**uslim guerrilla warriors engaged in jihad (holy war)**
PASHTUNWALI	The Pashtun code of conduct
QARYADARS	V**illage representative**
SHARIA LAW	Devine law of Islam, found in the Quran and Sunna
SHI'A	The second largest denomination of Islam after Sunni. In Afghanistan, Shias constitutes around 10 per cent of the total population.
SHURA	A Dari phrase meaning a council of elders
ULEMA	**Educated religious leaders and arbiters of Sharia law**
WALI	PROVINCIAL GOVERNOR
WOLUSWAL	**District Governor**
ZINA	**Act of sexual intercourse outside of a valid marriage (Article 427,** Penal Code) **[18C] (PIII)**

Annex F

LIST OF ABBREVIATIONS

AI	Amnesty International
ANDS	Afghanistan National Development Strategy
ASOP	Afghanistan Social Outreach Program
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
DPO	Disabled Persons Organisation
EU	European Union
EBRD	European Bank for Reconstruction and Development
ERW	Explosive Remnants of War
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDLG	Independent Directorate for Local Government
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MoIC	Ministry of Information and Culture
MoPH	Ministry of Public Health
MoLSA	Ministry of Labour and Social Affairs
MSF	Médecins sans Frontières
MoWA	Ministry of Women's Affairs
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporters sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights

UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNPF	United Nations Population Fund
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

Return to contents
Go to sources

Annex G

REFERENCES TO SOURCE MATERIAL

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

Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.

1 Europa http://www.europaworld.com

a Country Statistics Afghanistan: Area and population
(Subscription only)
Date accessed 8 July 2010

b Country Profile Afghanistan: Public holidays
(Subscription only)
Date accessed 8 July 2010

2 US Department of State (USSD) http://www.state.gov

a Country Report on human rights practices – 2010: Afghanistan. Published by the Bureau of Democracy, Human Rights, and Labor, 8 April 2011
http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154477.htm
Date accessed 11 July 2011

b Background note: Afghanistan, updated 6 December 2010
http://www.state.gov/r/pa/ei/bgn/5380.htm
Date accessed 14 June 2011

c Afghan Country Specific Information, updated 13 July 2011
http://travel.state.gov/travel/cis_pa_tw/cis/cis_1056.html#crime
Date accessed 5 August 2011

d Country Report on human rights practices – 2008: Afghanistan. Released by the Bureau of Democracy, Human Rights, and Labor, 25 February 2009
http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119131.htm
Date accessed 26 July 2010

e International Religious Freedom Report July-December, 2010: Afghanistan. Published by the Bureau of Democracy, Human Rights, and Labor, 13 September 2011
http://www.state.gov/g/drl/rls/irf/2010_5/168240.htm
Date accessed 19 September 2011

f Trafficking in Persons Report 2011, published 27 June 2011
http://www.state.gov/g/tip/rls/tiprpt/2011/index.htm
Date accessed 30 June 2011

g Country Report on human rights practices – 2009: Afghanistan. Published by the Bureau of Democracy, Human Rights, and Labor, 11 March 2010
http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136084.htm
Date accessed 11 July 2011

h Country Report on Terrorism 2010 - Afghanistan, 18 August 2011
http://www.state.gov/s/ct/rls/crt/2010/170258.htm
Date accessed 7 October 2011

3 Central Intelligence Agency (CIA) https://www.cia.gov

a World Factbook: Afghanistan, updated 23 August 2011
https://www.cia.gov/library/publications/the-world-factbook/geos/af.html
Date accessed 28 September 2011

4 Foreign & Commonwealth Office (FCO) http://www.fco.gov.uk/

a Country Profiles: Afghanistan, updated 8 June 2011
http://www.fco.gov.uk/en/about-the-fco/country-profiles/asia-oceania/afghanistan?profile=all
Date accessed 21 September 2011

b Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report, March 2011
http://s3-eu-west-1.amazonaws.com/htcdn/Human-Rights-and-Democracy-The-2010-Foreign-Commonwealth-Report.pdf
Date accessed 16 June 2011

c Travel Advice: Afghanistan, updated 15 September 2011
http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/asia-oceania/afghanistan
Date accessed 4 August 2011

d FCO letter, response to COIS enquiries, 17 March 2008 (Available on request)
Date accessed 3 September 2010

e FCO letter, response to COIS enquiries , 8 January 2010 (Available on request)
Date accessed 3 September 2010

f Presidential and Provincial Council Elections – 20 August 2009
http://ukinafghanistan.fco.gov.uk/en/about-us/working-with-afghanistan/Politics/Elections-in-Afghanistan/2009-Elections
Date accessed 7 October 2011

g FCO letter, response to enquiries, 12 August 2010 (Available on request)
Date accessed 6 October 2010

5 Amnesty International (AI) http://www.amnesty.org

a Report 2011: The state of the world's human rights, Afghanistan, 13 May 2011
http://www.amnesty.org/en/region/afghanistan/report-2011
http://thereport.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdfDate accessed 15 June 2011

b Afghanistan Detainees transferred to torture: ISAF complicity?13 November 2007
http://www.amnesty.org/en/library/asset/ASA11/011/2007/en/c0abadf1-d36f-11dd-a329-2f46302a8cc6/asa110112007en.pdf
Date accessed 26 July 2010

c Report 2010: The state of the world's human rights, Afghanistan, Afghanistan, 28 May 2010 (via Refworld)
http://www.unhcr.org/refworld/country,COI,AMNESTY,,AFG,,4c03a845c,0.html
Date accessed 5 September 2011

d Afghan women human rights defenders tell of intimidation and attacks, 8 March 2010
http://www.amnesty.org/en/news-and-updates/afghan-women-human-rights-defenders-tell-intimidation-and-attacks-2010-03-08
Date accessed 24 September 2010

e Afghanistan: No more empty promises in Paris: briefing paper, 11 June 2008
http://www.amnesty.org/en/library/asset/ASA11/007/2008/en/d7b61613-37d1-11dd-9ec6-1d6085451ee8/asa110072008eng.pdf
Date accessed 10 September 2010

f Afghan government must take firm action to protect women human rights defenders, 6 March 2009
http://www.amnesty.org/en/appeals-for-action/afghan-government-must-take-firm-action-protect-women-human-rights-defenders
Date accessed 24 September 2010

6 Freedom House http://www.freedomhouse.org/

a Freedom in the World 2011: Afghanistan, 16 May 2011
http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=7980
Date accessed 14 June 2011

b Freedom of the Press 2011 - Afghanistan, 1 September 2011
http://www.freedomhouse.org/template.cfm?page=251&year=2011
Date accessed 21 September 2011

b Freedom of the Press Report, 2010: Afghanistan
http://www.freedomhouse.org/template.cfm?page=251&year=2010
Date accessed 14 October 2010

7 Human Rights Watch (HRW) http://www.hrw.org

a World Report 2011: Afghanistan, covering events of 2010, 24 January 2011
http://www.hrw.org/en/world-report-2011/afghanistan
Date accessed 16 June 2011

b The "Ten-Dollar Talib" and Women's Rights Afghan Women and the Risks of Reintegration and Reconciliation, 13 July 2010 (via Refworld)
http://www.unhcr.org/refworld/pdfid/4c3c07372.pdf
Date accessed 16 July 2010

c Afghanistan: New Law Threatens Women's Freedom, 14 April 2009
http://www.hrw.org/en/news/2009/04/14/afghanistan-new-law-threatens-women-s-freedom
Date accessed 10 September 2010

d President Karzai Makes Shia Women Second-Class Citizens for Electoral Gain, 13 August 2009
http://www.hrw.org/en/news/2009/08/13/afghanistan-law-curbing-women-s-rights-takes-effect
Date accessed 10 September 2010

e "We Have the Promises of the World" Women's Rights in Afghanistan, December 2009
http://www.hrw.org/sites/default/files/reports/afghanistan1209web_0.pdf
Date accessed 10 September 2010

f Afghanistan: Stop Women Being Given as Compensation, 8 March 2011
http://www.hrw.org/en/news/2011/03/08/afghanistan-stop-women-being-given-compensation
Date accessed 16 June 2011

g Afghanistan: Who Benefits from Taliban Revisionism?, 21 January 2011
http://www.hrw.org/news/2011/01/21/afghanistan-who-benefits-taliban-revisionism
Date accessed 10 August 2011

h World Report 2010: Afghanistan, covering events of 2009, 19 January 2010
http://www.hrw.org/world-report-2010
Date accessed 1 September 2011

i Afghanistan: Taliban Should Stop Using Children as Suicide Bombers, 31 August 2011
http://www.hrw.org/news/2011/08/31/afghanistan-taliban-should-stop-using-children-suicide-bombers
Date accessed 2 September 2011

j "Just Don't Call It a Militia" Impunity, Militias, and the "Afghan Local Police", 12 September 2011
http://www.hrw.org/sites/default/files/reports/afghanistan0911webwcover_0.pdf
Date accessed 15 September 2011

8 International Crisis Group (ICG) http://www.crisisgroup.org/

a **"Dealing with brutal Afghan warlords is a mistake", Nick Grono and Candace Rondeaux in the Boston Globe, 17 January 2010**
http://www.crisisgroup.org/en/regions/asia/south-asia/afghanistan/op-eds/dealing-with-brutal-afghan-warlords-is-a-mistake.aspx
Date accessed 7 October 2011

b Afghanistan: Exit vs Engagement, Asia Briefing N°115 Kabul/Brussels, 28 November 2010
http://www.crisisgroup.org/~/media/Files/asia/south-asia/afghanistan/B115%20Afghanistan%20--%20Exit%20vs%20Engagement.ashx
Date accessed 13 June 2011

c A Force In Fragments: Reconstituting The Afghan National Army, 12 May 2010
http://www.crisisgroup.org/en/regions/asia/south-asia/afghanistan/190-a-force-in-fragments-reconstituting-the-afghan-national-army.aspx
Date accessed 24 September 2010

d Afghanistan: What Now for Refugees?, Asia Report N°175 – 31 August 2009
http://www.unhcr.org/refworld/pdfid/4a9b95512.pdf
Date accessed 6 October 2010

e The Insurgency in Afghanistan's Heartland, Asia Report N°207
27 June 2011
http://www.crisisgroup.org/en/regions/asia/south-asia/afghanistan/207-the-insurgency-in-afghanistans-heartland.aspx
Date accessed 1 August 2011

f Aid and Conflict in Afghanistan, Asia Report N°210, 4 August 2011
http://www.crisisgroup.org/en/regions/asia/south-asia/afghanistan/210-aid-and-conflict-in-afghanistan.aspx
Date accessed 5 August 2011

9 International Organisation for Migration (IOM) http://irrico.belgium.iom.int

a Country sheets: Afghanistan, updated 13 November 2009
http://irrico.belgium.iom.int/country-sheets/asia/afghanistan.html
Date accessed 16 September 2011

b Child Marriage, Drug Smuggling and Forced Prostitution – An Afghan Trafficking Experience, 4 December 2008
http://www.iom.int/jahia/Jahia/featureArticleAS/cache/offonce?entryId=20387
Date accessed 11 October 2010

10 International Council on Security and Development (ICOS) (Formerly known as the 'Senlis Council') http://icosgroup.net/

a Operation Moshtarak: Lessons Learned, March 2010
http://www.icosgroup.net/static/reports/operation_moshtarak.pdf
Date accessed 27 September 2011

b Afghanistan's Presidential Election: Power to the People, or the Powerful?, April 2009
http://www.icosgroup.net/static/reports/power_to_the_people.pdf
Date accessed 27 September 2011

11 Department for International Development (DFID) http://www.dfid.gov.uk

a Afghanistan: Overview, updated 9 March 2009
http://www.dfid.gov.uk/Where-we-work/Asia-South/Afghanistan/
Date accessed 16 September 2011

b Regional Rural Economic Regeneration Strategies (RRERS), Provincial Profile, Kabul Province, undated
http://www.undp.org.af/publications/RRERS/Kabul%20Provincial%20Profile.pdf
Date accessed 16 September 2011

12 United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA)
www.unocha.org
a OCHA Annual Report 2010
http://ochanet.unocha.org/p/Documents/OCHA_2010AR.pdf
Date accessed 14 September 2011

13 Afghan Research and Evaluation Unit (AREU) http://www.areu.org.af
a Local Governance in Afghanistan: A View from the Ground, June 2011
http://www.areu.org.af/Uploads/EditionPdfs/1114E%20Local%20Governance%20in%20Afghanistan%20SP%202011.pdf
Date accessed 17 June 2011
b Love, Fear And Discipline: Everyday violence toward children in Afghan families, February 2008, (via Refworld)
http://www.unhcr.org/refworld/publisher,AREU,,,47c3f3cc1a,0.html
Date accessed 7 October 2011
c Decisions, Desires and Diversity: Marriage Practices in Afghanistan Deborah J. Smith, February 2009, (via Refworld)
http://www.unhcr.org/refworld/pdfid/4992cc722.pdf
Date accessed 7 October 2011
d Cops or Robbers? The Struggle to Reform the Afghan National Police, July 2007, (via Refworld)
http://www.unhcr.org/refworld/category,COI,AREU,,,47c3f3c60,0.html
Date accessed 7 October 2011
e Afghanistan Research and Evaluation Unit, Briefing Paper Series, Confronting Child Labour in Afghanistan, May 2009
http://www.areu.org.af/EditionDetails.aspx?EditionId=166&ContentId=7&ParentId=7
Date accessed 7 October 2011
f Peace at All Costs? Reintegration and Reconciliation in Afghanistan, October 2010
http://www.areu.org.af/EditionDetails.aspx?EditionId=457&ContentId=7&ParentId=7
Date accessed 10 August 2011

14 Afghan Independent Human Rights Commission (AIHRC) http://www.aihrc.org.af
a Annual Report January 1-December 31, 2009
http://www.aihrc.org.af/2010_eng/Eng_pages/Reports/Annual/Annual2009.pdf
Date accessed 21 July 2010
b The Situation of Detention Centers and Prisons in Afghanistan, 25 June 2010, (Via Refworld)
http://www.unhcr.org/refworld/publisher,AIHRC,,,4c3c882f2,0.html
Date accessed 28 September 2011
c Annual Report 1 January to 31 December 2008
http://www.aihrc.org.af/Rep_Annual_2008.pdf
Date accessed 1 August 2011
d Report on the Situation of Economic and Social Rights in Afghanistan – IV, Qaws 1388 (November/December 2009), published in 2009
http://www.aihrc.org.af/English/Eng_pages/Reports_eng/Economic_S/4/Economic%20&%20Social_Rights%20Report_English4.pdf
Date accessed 8 September 2010

e Justice For Children, The situation of children in conflict with the law in Afghanistan, 26 June 2008
http://www.aihrc.org.af/Juvenile_Detention_eng.pdf
Date accessed 22 September 2010
f Summary Report on Investigation of Causes and Factors of Trafficking in Women and Children, July 2011
http://www.aihrc.org.af/2010_eng/Eng_pages/Reports/Thematic/Executive_Summary_Human_Trafficking_Report1390_Final_English.pdf
Date accessed 1 August 2011
g Economic and Social Rights Report in Afghanistan-III, December 2008
http://www.aihrc.org.af/2008_Dec/Ecn_soc/Eng_Eco_Soc_rep.pdf
Date accessed 1 August 2011
h The General Situation of Children in Afghanistan, 9 April 2008
http://www.aihrc.org.af/2008/April/Rep_eng_Chi_Nov_2007_U_Apr_2008.pdf
Date accessed 11 October 2010
I Press Release, 18 May 2010
http://www.aihrc.org.af/2010_eng/Eng_pages/Press_Releases/2010/Pre_18_May_2010.pdf
Date accessed 1 August 2011

15 United Nations International Children's Emergency Fund (UNICEF)
http://www.unicef.org
a Humanitarian Action Report 2010, 4 February 2010
http://www.unicef.org/har2010/files/UNICEF_Humanitarian_Action_Report_2010-Full_Report_WEB_EN.pdf
Date accessed 24 September 2010
b Justice for Children in Afghanistan Series, Social Investigation Report – Understanding Children's Circumstances, Issue 4, February 2009
http://www.unicef.org/infobycountry/files/Justice_for_Children_4_FINAL.pdf
Date accessed 12 October 2010
c Justice for Children in Afghanistan Series, The Role of Police: the key to change, January 2009
http://www.unicef.org/infobycountry/files/Justice_for_Children_3_FINAL_rev.pdf
Date accessed 12 October 2010
d The State of The World's Children 2009
http://www.unicef.org/sowc09/docs/SOWC09-FullReport-EN.pdf
Date accessed 15 October 2010
e Shelters for women and girls in Afghanistan, 14 March 2011
http://www.unicef.org/infobycountry/afghanistan_57901.html
Date accessed 15 October 2011
f The State of The World's Children 2011
http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf
Date accessed 16 September 2011

16 United States Agency International Development (USAID)
a Provincial Reconstruction Teams, updated 22 July 2010
http://afghanistan.usaid.gov/en/partnerships/partners_provincial_resconstruction_teams
Date accessed 26 July 2010
b English Translation Shiite Personal Status Law, April 2009
http://www.unhcr.org/refworld/pdfid/4a24ed5b2.pdf
Date accessed 14 October 2010

17 United Nations www.un.org

a United Nations General Assembly Security Council: The situation in Afghanistan and its implications for international peace and security. Report of the Secretary-General A/65/873–S/2011/381, 23 June 2011
http://www.unhcr.org/refworld/country,,,,AFG,,4e0c26812,0.html
Date accessed 19 July 2011

b United Nations General Assembly Security Council: Special report of the Secretary-General pursuant to Security Council resolution 1806 (2008) on the United Nations Assistance Mission in Afghanistan, S/2008/434, 3 July 2008
http://www.un.org/Docs/sc/sgrep08.htm
Date accessed 20 July 2010

c Promotion And Protection Of All Human Rights, Civil, Political, Economic, Social And Cultural Rights, Including The Right To Development. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. A/HRC/11/2/Add.4, 6 May 2009
http://www.unhcr.org/refworld/pdfid/4a1cfb632.pdf
Date accessed 31 August 2010

d Treaty Collection Chapter IV Human Rights: Gambia – Convention on the Elimination of All Forms of Discrimination against Women
http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en
Date accessed 10 September 2010

e Convention on the Rights of the Child
http://treaties.un.org/doc/publication/mtdsg/volume%20i/chapter%20iv/iv-11.en.pdf
Date accessed 27 September 2010

f United Nations General Assembly Security Council: The situation in Afghanistan and its implications for international peace and security. Report of the Secretary-General A/64/911-S/2010/463, 14 September 2010
http://www.unhcr.org/refworld/pdfid/4ca187f62.pdf
Date accessed 10 August 2011

g United Nations General Assembly Security Council: The situation in Afghanistan and its implications for international peace and security. Report of the Secretary-General, A/65/783–S/2011/120, 9 March 2011
http://www.afghanistan-un.org/wp-content/uploads/2011/03/N1125034SG.pdf
Date accessed 10 August 2011

h Report of the Secretary-General on children and armed conflict in Afghanistan, S/2011/55, 3 February 2011
http://www.unhcr.org/refworld/pdfid/4d6238044.pdf
Date accessed 5 September 2011

i UN Office of the Special Representative of the Secretary-General for Children Affected by Armed Conflict, February 2010 Mission Report by the Special Representative of the Secretary-General for Children in Armed Conflict on visit to Afghanistan, 26 February 2010 (via Refworld)
http://www.unhcr.org/refworld/pdfid/4c0e143b2.pdf
Date accessed 13 September 2011

j Children and armed conflict, Report of the Secretary-General, A/65/820–S/2011/250, 23 April 2011 (via Reliefweb)
http://reliefweb.int/sites/reliefweb.int/files/resources/Children%20in%20armed%20conflict.pdf
Date accessed 13 September 2011

k United Nations General Assembly Security Council: The situation in Afghanistan and its implications for international peace and security. Report of the Secretary-General, A/66/369–S/2011/590, 21 September 2011, (via Refworld)
http://www.unhcr.org/refworld/docid/4e8d85ed2.html
Date accessed 6 October 2011

18 United Nations Assistance Mission in Afghanistan (UNAMA)

a The Bonn Agreement
http://unama.unmissions.org/Portals/UNAMA/Documents/Bonn-agreement.pdf
Date accessed 26 July 2010

b Arbitrary Detention in Afghanistan: A Call For Action, Volume 11, January 2009
http://unama.unmissions.org/Portals/UNAMA/Images/LinkImage/ADVC%20-%20Vol%20I%20-%20English.pdf
Date accessed 26 July 2010

c Silence is Violence, End the Abuse of Women in Afghanistan, 8 July 2009
http://unama.unmissions.org/Portals/UNAMA/vaw-english.pdf
Date accessed 7 September 2010

d Afghanistan Midyear Report 2011 protection of Civilians in Armed Conflict, July 2011, covering the period 01 January to 30 June 2011
http://unama.unmissions.org/Portals/UNAMA/Documents/2011%20Midyear%20POC.pdf
Date accessed 2 July 2011

e Government, UN distribute life-saving aid to thousands in eastern Afghanistan, 1 August 2010
http://unama.unmissions.org/Default.aspx?tabid=1741&ctl=Details&mid=1882&ItemID=9857

f Afghan Update, The Education for All Edition, Summer 2010/ No. 23
http://unama.unmissions.org/LinkClick.aspx?link=Afghan+Update%2fAU+Education+English+No.+23.pdf&tabid=1763&mid=2026
Date accessed 12 August 2011

g Afghanistan Parliamentary Elections: 18 September 2010
` http://unama.unmissions.org/Default.aspx?tabid=4481
Date accessed 14 October 2010

19 United Nations High Commissioner for Refugees (UNHCR)
www.unhcr.ch

a Maps and Geographic Information Resources: Afghanistan, July 2009
http://www.un.org/Depts/Cartographic/map/profile/afghanis.pdf
Date accessed 7 July 2010

b UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, July 2009
http://www.unhcr.org/refworld/pdfid/4a6477ef2.pdf
Date accessed 20 July 2010

c Note on the Structure and Operation of the KhAD/WAD in Afghanistan 1978-1992, May 2008
http://www.unhcr.org/refworld/pdfid/482947db2.pdf
Date accessed 26 July 2010

d 2011 UNHCR country operations profile – Afghanistan
http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486eb6
Date accessed 21 September 2011

Return to contents

20 United Nations Development Programme (UNDP) http://www.undp.org.af
a Disbandment of Illegal Armed Groups (DIAG), First Quarter Report, 2010
http://www.undp.org.af/Projects/Q1.ProgRep.2010/ANBP_DIAG_QPR_Q1_2010.pdf
Date accessed 29 July 2010
b Afghanistan: Monitor Warns of Violence, Intimidation Ahead of Parliamentary Elections, 4 June 2010
http://www.undp-elect.org/pdf/PressRelease.FEFA.14Jun10.pdf
Date accessed 20 September 2010

21 The Office of the United Nations High Commissioner for Human Rights (OHCHR)
a Briefing for The Human Rights Council Universal Periodic Review – 5th session, 2008
http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/AF/GIEACPC_AFG_UPR_S5_2009_GlobalInitiativetoEndAllCorporalPunishmentofChildren.pdf
Date accessed 27 September 2010
b Afghanistan and UN Treaty Bodies: Committee on the Elimination of Discrimination against Women, Concluding Observations (2005)
http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N02/614/17/PDF/N0261417.pdf?OpenElement
Date accessed 10 September 2010

22 Congressional Research Service (CRS) http://www.fas.org
a Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, updated 22 August 2011
http://www.fas.org/sgp/crs/row/RL30588.pdfhttp://www.fas.org/sgp/crs/row/RL30588.pdf
Date accessed 6 October 2011

23 The World Bank http://www.worldbank.org.af
a Afghanistan Economic Update, May 2011
http://siteresources.worldbank.org/AFGHANISTANEXTN/Resources/305984-1297184305854/AfghanistanEconomicUpdateJune2011.pdf
Date accessed 31 August 2011
b HIV/AIDS in Afghanistan, July 2010
http://siteresources.worldbank.org/SOUTHASIAEXT/Resources/223546-1192413140459/4281804-1231540815570/5730961-1235157256443/5849910-1278963700621/HIVAIDSbriefAF.pdf
Date accessed 4 October 2010

24 Committee to Protect Journalists (CPJ) http://cpj.org/
a Attacks on the Press 2010: Afghanistan, 15 February 2011
http://cpj.org/2011/02/attacks-on-the-press-2010-afghanistan.php
Date accessed 21 September 2011
d Database: Journalists Killed since 1992
http://cpj.org/killed/
Date accessed 27 August 2010
c Casualties of foreign journalists mount in Afghanistan, 11 January 2010
http://cpj.org/2010/01/casualties-of-foreign-journalists-mount-in-afghani.php
Date accessed 27 August 2010Contents

25 International Federation of Journalists (IFJ) http://www.ifj.org
a Battle for Democracy Press Freedom in South Asia 2009-2010
http://www.ifj.org/assets/docs/141/155/76fdc8d-94b2e9b.pdf
Date accessed 4 August 2010

26 Reporters Without Borders http://www.rsf.org
a Afghanistan – World Report 2009, 1 May 2009
http://arabia.reporters-sans-frontieres.org/rubrique.php3?id_rubrique=796
Date accessed 27 August 2010
b Afghan journalist was killed by US soldier who mistook him for Taliban, 9 September 2011
http://en.rsf.org/afghanistan-afghan-journalist-was-killed-by-us-09-09-2011,40959.html
Date accessed 21 September 2011
c French journalists released after being held hostage for 18 months, 29 June 2011
http://en.rsf.org/afghanistan-french-journalists-released-after-29-06-2011,40549.html
Date accessed 21 September 2011

27 Institute for War and Peace Reporting (IWPR) http://www.iwpr.net
a Police Recruit More Women to Bolster Searches, 4 March 2010
http://www.iwpr.net/report-news/police-recruit-more-women-bolster-searches
Date accessed 23 July 2010
b Warlords Re-emerging in North, 17 December 2009
http://www.iwpr.net/?p=arr&s=f&o=358349&apc_state=henparr
Date accessed 29 July 2010
c No Life Outside for Female Ex-Cons in Afghanistan, 24 August 2010
http://iwpr.net/report-news/no-life-outside-female-ex-cons-afghanistan
Date accessed 13 September 2010
d Taleban Challenge UN on Casualty Figures, 15 September 2010
http://iwpr.net/report-news/taleban-challenge-un-casualty-figures
Date accessed 30 September 2010
e Children Languish Behind Bars, 2 September 2009
http://www.iwpr.net/?p=arr&s=f&o=355531&apc_state=henparr
Date accessed 12 October 2010
f Parwan Prisoners Protest Dismal Conditions, 2 March 2010
http://iwpr.net/report-news/parwan-prisoners-protest-dismal-conditions
Date accessed 10 August 2011
g Afghan Sikhs and Hindus Face Discrimination at School, 28 July 2011
http://iwpr.net/node/53044
Date accessed 19 August 2011
h "Honour Killings" Rising in Afghan West, 28 June 2011
http://iwpr.net/report-news/honour-killings-rising-afghan-west
Date accessed 21 September 2011

Return to contents

28 British Broadcasting Corporation (BBC) http://news.bbc.co.uk
a Afghanistan country profile, updated 8 April 2011
http://news.bbc.co.uk/1/hi/world/south_asia/country_profiles/1162668.stm
Date accessed 21 September 2011
b Afghanistan Time Line, updated 5 October 2010
http://news.bbc.co.uk/1/hi/world/south_asia/1162108.stm
Date accessed 7 October 2010
c Obama to send 30,000 more US troops to Afghanistan, 2 December 2009
http://news.bbc.co.uk/1/hi/8388939.stm
Date accessed 26 July 2010
d Q&A: Isaf troops in Afghanistan, 7 October 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7228649.stm

Date accessed 26 July 2010
e Afghans open bureau of complaints, 10 March 2008
http://news.bbc.co.uk/1/hi/world/south_asia/7288284.stm
Date accessed 27 July 2010
f Inside Afghanistan's most notorious prison, 26 May 2010
http://news.bbc.co.uk/1/hi/programmes/newsnight/8706034.stm
Date accessed 27 July 2010
g Taliban 'kill adulterous Afghan couple', 16 August 2010
http://www.bbc.co.uk/news/world-south-asia-10983494
Date accessed 20 September 2010
h The Afghan women jailed for 'bad character', 29 June 2010
http://news.bbc.co.uk/1/hi/programmes/newsnight/8771605.stm
Date accessed 21 September 2010
i Afghan women who turn to immolation, 19 March 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7942819.stm
Date accessed 23 September 2010
j Afghan women are commissioned into the army, 23 September 2010
http://www.bbc.co.uk/news/world-south-asia-11400095
Date accessed 24 September 2010
k The Afghan-Pakistan militant nexus, updated 1 December 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7601748.stm
Date accessed 30 September 2010
l Coping with a traumatised nation, 20 January 2009
http://news.bbc.co.uk/1/hi/world/south_asia/7838270.stm
Date accessed 4 October 2010
m Afghanistan 'disbands eight private security firms', 3 October 2010
http://www.bbc.co.uk/news/world-south-asia-11461795
Date accessed 7 October 2010
n The harsh lives of Kabul's street children, 24 May 2010
http://news.bbc.co.uk/1/hi/programmes/newsnight/8700905.stm
Date accessed 11 October 2010
o Key Afghan players: Who's who, 20 November 2008
http://news.bbc.co.uk/1/hi/world/south_asia/3706370.stm
Date accessed 13 October 2010
p Legacy of Afghan 'lion' lives on, 8 September 2004
http://news.bbc.co.uk/1/hi/world/south_asia/3638274.stm
Date accessed 13 October 2010
q Who are the Northern Alliance?, 13 November 2001
http://news.bbc.co.uk/1/hi/world/south_asia/1652187.stm
Date accessed 2 August 2011
r Taliban's winter offensive to destabilise region, 7 March 2011
http://www.bbc.co.uk/news/world-south-asia-12664486
Date accessed 9 August 2011
s Afghanistan: Hundreds escape from Kandahar prison, 25 April 2011
http://www.bbc.co.uk/news/world-south-asia-13184920
Date accessed 10 August 2011
t Ayman al-Zawahiri appointed as al-Qaeda leader, 16 June 2011
http://www.bbc.co.uk/news/world-middle-east-13788594
Date accessed 31 August 2011
u Afghan gunbattle: Ryan Crocker says 'not a big deal', 14 September 2011
http://www.bbc.co.uk/news/world-south-asia-14909004
Date accessed 15 September 2011

v Kabul hotel attack: Nato helicopters kill Taliban, 29 June 2011
http://www.bbc.co.uk/news/world-south-asia-13953883
Date accessed 15 September 2011
w Mullen focuses on Afghanistan-Pakistan border havens, 1 August 2011
http://www.bbc.co.uk/news/world-south-asia-14361024
Date accessed 15 September 2011
x Hindu family facing Afghan deportation fears Taliban, 20 February 2011
http://www.bbc.co.uk/news/uk-12345492
Date accessed 19 September 2011
y Afghanistan's Sikh heroine fights for rights, 11 February 2010
http://news.bbc.co.uk/1/hi/world/south_asia/8494291.stm
Date accessed 19 September 2011

29 Integrated Regional Information Networks (IRIN) http://www.irinnews.org
a Afghanistan: Worrying spike in civilian deaths, 17 June 2011
http://www.irinnews.org/report.aspx?reportid=93000
Date accessed 1 August 2011
b Afghanistan: Food prices fuelling sex work in north?, 16 July 2008
http://www.irinnews.org/report.aspx?ReportId=79278
Date accessed 20 September 2010
c Afghanistan: Women's rights trampled despite new law, 8 March 2010
http://www.irinnews.org/Report.aspx?ReportId=88349
Date accessed 21 September 2010
d Afghanistan: 2009 worst year for children – rights watchdog, 6 January 2010
http://www.irinnews.org/Report.aspx?ReportId=87641
Date accessed 24 September 2010
e Afghanistan: Criminal groups pose significant risk to NGOs, 4 October 2010
http://www.irinnews.org/Report.aspx?ReportID=90662
Date accessed 6 October 2010
f Afghanistan: Limited progress on maternal health, 28 September 2010
http://www.irinnews.org/Report.aspx?ReportID=90606
Date accessed 6 October 2010
g Afghanistan: Patchy progress on education, 12 September 2011
http://www.irinnews.org/report.aspx?reportid=93702
Date accessed 20 September 2011
h Afghanistan: Ten schools torched in past three weeks,10 April 2008
http://www.irinnews.org/report.aspx?ReportId=77695
Date accessed 11 October 2010
i Afghanistan: Five million children not in school, 21 April 2009
http://www.irinnews.org/Report.aspx?ReportId=84024
Date accessed 11 October 2010
J Afghanistan: Dozens of schools reopen in Helmand, 4 February 2010
http://www.irinnews.org/Report.aspx?ReportId=87985
Date accessed 11 October 2010
k Afghanistan: Unlawful killings must cease immediately – UN rapporteur, 15 May 2008
http://www.irinnews.org/Report.aspx?ReportId=78224
Date accessed 14 October 2010
l Afghanistan: New IRIN book on loss in childbirth, 19 January 2010
http://www.irinnews.org/report.aspx?ReportId=87731
Date accessed 15 October 2010
m Afghanistan: Bamiyan province handed to local forces, 17 July 2011
http://www.bbc.co.uk/news/world-south-asia-14175988

Date accessed 1 August 2011
n Afghanistan: Clashes displace 12,000 in Faryab Province, 6 June 2011
http://www.irinnews.org/report.aspx?reportid=92909
Date accessed 21 September 2011
o Afghanistan: Stepping up the fight against polio, 15 September 2011
http://www.irinnews.org/report.aspx?reportid=93735
Date accessed 28 September 2011

30 The Free and Fair Election Foundation of Afghanistan (FEFA)
http://www.fefa.org.af/index.php
a Afghanistan: Monitor Warns of Violence, Intimidation Ahead of Parliamentary Elections, 16 June 2010
http://fefa2010.wordpress.com/page/3/
Date accessed 28 September 2011

31 Xinhuanet http://news.xinhuanet.com/
a Street children in Kabul call for peace, seek education, 18 January 2011
http://news.xinhuanet.com/english2010/world/2011-01/18/c_13696551_2.htm
Date accessed 13 September 2011

32 Independent Election Committee (IEC) http://www.iec.org.af
a Fact Sheet On The Provincial Councils
http://www.iec.org.af/pdf/factsheet/eng/fs5E.pdf
Date accessed 31 August 2011

33 Afghanistan Online http://www.afghan-web.com
a Political Parties Law, undated
http://www.afghan-web.com/politics/parties_law.html
Date accessed 16 September 2011

34 Council on Foreign Relations http://www.cfr.org/
a Background information on Afghanistan's National Security Forces, updated 19 August 2010
http://www.cfr.org/afghanistan/afghanistans-national-security-forces/p19122
Date accessed 22 June 2011

35 The Independent http://www.independent.co.uk
a Drugs and desertion: how the UK really rates Afghan police, 28 March 2010
http://www.independent.co.uk/news/world/asia/drugs-and-desertion-how-the-uk-really-rates-afghan-police-1929508.html
Date accessed 23 July 2010
b Taliban condemns poison gas attack on schoolgirls in Kunduz, 26 April 2010
http://www.independent.co.uk/news/world/asia/taliban-condemns-poison-gas-attack-on-schoolgirls-in-kunduz-1954226.html
Date accessed 11 October 2010

Return to contents

36 HIS (Information Handling Services), Jane's http://www2.janes.com (Subscription)
a Country Risk Assessment: Afghanistan, Infrastructure, Updated on 3 February 2011
Date accessed 27 September 2011

b Country Risk Assessment: Afghanistan, Security, updated on 23 June 2011 (Subscription only)
Date accessed 27 September 2011
c Country Risk Assessment: Afghanistan, Security and Foreign Forces, updated on 21 April 2011(Subscription only)
Date accessed 27 September 2011
d Country Risk Assessment: Afghanistan, Air Force, updated on 21 September 2011 (Subscription only)
Date accessed 27 September 2011

37 International Security Assistance Force (ISAF) http://www.isaf.nato.int
a Afghan National Security Forces (ANSF), ANSF meets targets, March 2011
http://www.isaf.nato.int/images/stories/File/factsheets/0423-11_ANSF_LR_en(1).pdf
Date accessed 23 June 2011
b One woman's fight against breast cancer, 25 November 2008
http://www.nato.int/isaf/docu/pressreleases/2008/11-november/pr081125-644.html
Date accessed 4 October 2010

38 New Statesman http://www.newstatesman.com
a Two sides of the Coin, 26 November 2009
http://www.newstatesman.com/asia/2009/11/mehdi-hasan-afghanistan-coin-counter
Date accessed 26 July 2010

39 International Committee of the Red Cross (ICRC) http://www.icrc.org
a Interim Criminal Procedure Code for Courts 2004
http://www.icrc.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/2ee7715e48bfca37c1257114003633af/$FILE/Criminal%20Procedure%20Code%20-%20Afghanistan%20-%20EN.pdf
b Afghanistan: beads of hope for mentally ill detainees, 1 September 2011
http://www.icrc.org/eng/resources/documents/feature/2011/afghanistan-feature-2011-09-01.htm
Date accessed 14 September 2011

40 Channel 4 News http://www.channel4.com
a Obama sends 30,000 troops to Afghanistan, 2 December 2009
http://www.channel4.com/news/articles/world/americas/obama+sends+30000+troops+to+afghanistan/3447037
Date accessed 26 July 2010
b Afghan women join fight for election, 15 September 2010
http://www.channel4.com/news/articles/politics/international_politics/afghan+women+join+fight+for+election/3767282
Date accessed 20 September 2010

41 North Atlantic Treaty Organisation (NATO) www.nato.int
a ISAF's Mission in Afghanistan, updated 4 February 2011
http://www.nato.int/cps/en/SID-37271124-FA3630E5/natolive/topics_69366.htm
Date accessed 9 August 2011
b Provincial Reconstruction Teams look at way forward in Afghanistan, updated 14 May 2010
http://www.nato.int/cps/en/SID-633FC748-673EEC73/natolive/news_62256.htm?selectedLocale=en
Date accessed 26 July 2010

42 New York Times http://topics.nytimes.com
a World: Afghanistan, updated 26 July 2010
http://topics.nytimes.com/top/news/international/countriesandterritories/afghanistan/index.html
Date accessed 27 July 2010
b NATO Contractor Is Sentenced to Death in Afghanistan, 27 January 2010
http://www.nytimes.com/2010/01/28/world/asia/28australia.html
Date accessed 4 August 2010
c Few Taliban Leaders Take Afghan Offer to Switch, 19 June 2011
http://www.nytimes.com/2011/06/20/world/asia/20afghanistan-taliban.html?_r=2
Date accessed 10 August 2011
d Afghanistan's Army, 4 December 2009
http://www.nytimes.com/2009/12/05/opinion/05sat1.html
Date accessed 13 October 2010
e 3 Journalists Arrested in Afghanistan, 22 September 2010
http://www.nytimes.com/2010/09/23/world/asia/23afghan.html?_r=2&ref=afghanistan
Date accessed 14 October 2010
f Afghan Villagers Stone a Taliban Commander to Death, 22 August 2011
http://www.nytimes.com/2011/08/23/world/asia/23afghanistan.html?_r=1
Date accessed 21 September 2011

43 Landinfo http://www.landinfo.no/id/162.0
a Afghanistan: Human Rights and Security Situation, 9 September 2011, report by Dr. Antonio Giustozzi commissioned by Landinfo, (via Refworld)
http://www.unhcr.org/refworld/pdfid/4e8eadc12.pdf
Date accessed 7 October 2011

44 Library of Congress – Federal Research Division http://www.loc.gov/rr/frd/
a Country Profile: Afghanistan, August 2008
http://lcweb2.loc.gov/frd/cs/profiles/Afghanistan.pdf
Date accessed 22 June 2011

45 International Development Law Organisation (IDLO) http://www.idlo.int/
a IDLO Produces key legal resource for Afghan justice institutions, 12 February 2009
http://www.idlo.int/DocNews/339DOC.pdf
Date accessed 29 July 2010

46 King's College London http://www.kcl.ac.uk/
a Alternatives to Imprisonment in Afghanistan, A Report by the International Centre for Prison Studies, February 2009
http://www.kcl.ac.uk/depsta/law/research/icps/downloads/AfghanreportICPSversionFeb09.pdf
Date accessed 30 July 2010

47 Hands of Cain http://www.handsoffcain.info
a Afghanistan: Taleban hang 7-year-old boy to punish family, 8 June 2010
http://www.handsoffcain.info/news/index.php?iddocumento=13309223
Date accessed 2 September 2011
b Afghanistan, undated
http://www.handsoffcain.info/bancadati/schedastato.php?idcontinente=23&nome=afghanistan
Date accessed 2 September 2011

48 New York Daily News (NYDN) http://www.nydailynews.com
a Taliban hang 7-year-old boy accused of being a spy, suicide bomber kills 40 at Afghanistan wedding, 10 June 2010
http://www.nydailynews.com/news/world/2010/06/10/2010-06-10_taliban_hang_7yearold_boy_accused_of_being_a_spy_suicide_bomber_kills_40_at_afgh.html
Date accessed 4 August 2010

49 Reuters www.reuters.com
a Afghanistan to block some Internet sites: minister, 4 March 2010
http://www.reuters.com/article/idUSTRE62324S20100304
Date accessed 27 August 2010
b Afghan Hindus and Sikhs grapple with uncertain future, 2 July 2010
http://in.reuters.com/article/2010/07/02/idINIndia-49826020100702
Date accessed 3 September 2010
c Taliban says won Rabbani trust in order to kill him, 20 August 2011
http://uk.reuters.com/article/2011/09/20/us-afghanistan-attack-taliban-idUKTRE78J6AT20110920
Date accessed 21 September 2011

50 Radio Free Europe/Radio Liberty (RFE/RL) www.rferl.org
a Taliban Summer Attacks Down Compared To Last Year, 10 July 2011
http://www.rferl.org/content/taliban_summer_attacks_down_compared_to_last_year/24261010.html
Date accessed 1 August 2011
b Can Sufis Bring Peace to Afghanistan?, 5 March 2009
http://www.rferl.org/content/Can_Sufis_Bring_Peace_to_Afghanistan/1503303.html
Date accessed 1 August 2011
c Hundreds Of Afghans Protest UN Over Vote Dispute, 23 August 2011
http://www.rferl.org/content/afghanistan_protests_un_vote_dispute_parliament/24305577.html
Date accessed 21 September 2011
d Hundreds Of Schools Reopen In Afghanistan, 1 May 2009
http://www.rferl.org/Content/Hundreds_Of_Schools_Reopen_In_Afghanistan_/1619821.html
Date accessed 11 October 2010
e Afghan Government Shuts Down TV Station, 28 July 2010
http://www.rferl.org/content/Afghan_Government_Shuts_Down_TV_Station_/2111661.html
Date accessed 25 October 2010
f Two Germans Missing, Feared Kidnapped In Afghanistan, 23 August 2011
http://www.rferl.org/content/germans_missing_in_afghanistan/24305606.html
Date accessed 1 September 2011
g Afghan Drug Smugglers Reportedly Abduct Tajik Villager, 9 August 2011
http://www.rferl.org/content/tajik_abducted_by_afghan_drug_smugglers/24292045.html
Date accessed 1 September 2011
h Afghan Lawmakers Fire Five Senior Judges, 26 June 2011
http://www.rferl.org/content/afghan_lawmakers_fire_five_senior_judges/24246700.html
Date accessed 20 September 2011

Return to contents

51 **The Long War Journal (LWJ)** http://www.longwarjournal.org/
a Afghan National Army update, May 2011, 9 May 2011
http://www.longwarjournal.org/archives/2011/05/afghan_national_army_4.php
Date accessed 22 July 2011

52 **CBS News** http://www.cbsnews.com
a Taliban tactics bring spike in civilian deaths, 14 July 2011
http://www.cbsnews.com/stories/2011/07/14/501364/main20079401.shtml
Date accessed 1 August 2011

53 **Immigration and Refugee Board of Canada (IRBC)** http://www.irb.gc.ca
a Afghanistan: Situation of warlords in Afghanistan, including state response to regional warlord control (2007 - 2010), 6 January 2011, AFG103647.E (Via Refworld)
http://www.unhcr.org/refworld/country,,,,AFG,,4dd0faf82,0.html
Date accessed 1 August 2011

54 **Wired** http://www.wired.com
a Taliban Texts Terror to Afghan Phones, 17 March 2011
http://www.wired.com/dangerroom/2011/03/taliban-texts-terror-to-afghan-phones/
Date accessed 10 August 2011

55 **United Nations Educational, Scientific and Cultural Organization (UNESCO)**
http://unesdoc.unesco.org
a EFA Global Monitoring Report, 2010, published on 19 January 2011
http://unesdoc.unesco.org/images/0019/001907/190743e.pdf
Date accessed 12 August 2011

56 **Oxfam** http://www.oxfam.org.uk/
a Nowhere to Turn. The Failure to Protect Civilians in Afghanistan, 19 November 2010
http://www.oxfam.org.uk/resources/policy/conflict_disasters/downloads/bp-nowhere-to-turn-afghanistan-191110-en.pdf
Date accessed 12 August 2011

57 **Violence is Not our Culture (VNC)** http://www.stop-stoning.org
a VNC: Secure the independence of women's shelters in Afghanistan, 22 February 2011
http://www.stop-stoning.org/node/1605
Date accessed 2 September 2011

58 **Voice of America (VOA)** http://www.voanews.com
a Afghan Government Control of Women's Shelters Worries Advocates, 16 February 2011
http://www.voanews.com/english/news/asia/Afghan-Government-Seeks-Control-Over-Womens-Shelters-116320319.html
Date accessed 2 September 2011

59 **Agence France Presse (AFP)** http://www.afp.com/afpcom/en/
a Afghanistan will not control all women's shelters, 20 February 2011 (via Reliefweb)
http://reliefweb.int/node/389216
Date accessed 2 September 2011

Return to contents

60 **Department of Defence** http://www.defense.gov/
a Report on Progress Toward Security and Stability in Afghanistan and United States Plan for Sustaining the Afghanistan National Security Forces, April 2010
http://www.defense.gov/pubs/pdfs/Report_Final_SecDef_04_26_10.pdf
Date accessed 27 August 2010

61 **Agency Co-ordinating Body for Afghan Relief (ACBAR)** http://www.acbar.org/
a ACBAR's Mission
http://www.acbar.org/
Date accessed 31 August 2010

62 **Transparency International** http://www.transparency.org
a Corruption Perceptions Index 2010
http ://www.transparency.org/policy_research/surveys_indices/cpi/2010/results
Date accessed 23 June 2011

63 **The Telegraph** http://www.telegraph.co.uk
a Afghan National Police penetrated by Taliban at 'every level', 4 November 2009
http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/6502175/Afghan-National-Police-penetrated-by-Taliban-at-every-level.html
Date accessed 31 August 2010
b Afghanistan: first stage of operation Moshtarak declared a success, 13 February 2010
http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/7230940/Afghanistan-first-stage-of-operation-Moshtarak-declared-a-success.html
Date accessed 30 September 2010

64 **The Guardian** http://www.guardian.co.uk
a Hamid Karzai sets Afghan security target in inauguration speech, 19 November 2009
http://www.guardian.co.uk/world/2009/nov/19/hamid-karzai-afghanistan-inauguration-speech
Date accessed 1 September 2010
b Afghanistan frees Christian convert, 28 March 2006
http://www.guardian.co.uk/world/2006/mar/28/afghanistan.religion
Date accessed 3 September 2010
c Taliban prison break inmates recaptured, 26 April 2011
http://www.guardian.co.uk/world/2011/apr/26/taliban-prison-break-inmates-recapture
Date accessed 10 August 2011
d Australian escapes death sentence after paying Afghan family, 5 January 2011
http://www.guardian.co.uk/world/2011/jan/05/australian-escapes-afghan-death-sentence
Date accessed 2 September 2011
e Afghan Sikhs: forgotten victims, 6 July 2010
http://www.guardian.co.uk/commentisfree/belief/2010/jul/06/afghanistan-sikhs-persecution
Date accessed 19 September 2011

65 **United Nations Office on Drugs and Crime (UNODC)** http://www.unodc.org/
a UNODC assists Afghanistan justice system in setting up code of ethics, 20 August 2010
http://www.unodc.org/afghanistan/en/frontpage/2010/August/unodc-assists-afghanistan-justice-system-in-setting-up-code-of-ethics.html
Date accessed 1 September 2010

b Corruption in Afghanistan: Bribery as reported by the victims, 19 January 2010
http://www.unodc.org/documents/data-and-analysis/Afghanistan/Afghanistan-corruption-survey2010-Eng.pdf
Date accessed 1 September 2010
c Programme in Afghanistan, August 2010
http://www.unodc.org/documents/afghanistan//Programme_Docs/AFG_Programme_Booklet_August_2010.pdf
Date accessed 7 September 2010
d Drug Use in Afghanistan, 2009 Survey
http://www.unodc.org/documents/afghanistan//Counter_Narcotics/Afghan_Drug_Use_Report_2009_Executive_Summary.pdf
Date accessed 4 October 2010
e Afghanistan Opium Survey 2010 Summary Findings, September 2010
http://www.unodc.org/documents/crop-monitoring/Afghanistan/Afg_opium_survey_2010_exsum_web.pdf
Date accessed 13 October 2010
f Afghanistan Opium Survey 2011, Winter Rapid Assessment all regions, Phases 1 and 2, April 2011
http://www.unodc.org/documents/crop-monitoring/Afghanistan/ORAS_report_2011_phase_II_20110415.pdf
Date accessed 4 August 2011

66 The Economist Intelligence Unit (EIU) http://www.eiu.com/ (subscription only)
a Country Report – Main report, January 2010
Date accessed 1 September 2010

67 Al Jazeera http://english.aljazeera.net
a Study says Afghan graft worsening, 13 July 2010
http://english.aljazeera.net/news/asia/2010/07/201078124118415689.html
Date accessed 1 September 2010
b Afghan campaign workers 'kidnapped', 26 August 2010
http://english.aljazeera.net/news/asia/2010/08/2010826105635265587.html
Date accessed 12 October 2010
c UK aid worker killed in Afghanistan, 9 October 2010
http://english.aljazeera.net/news/asia/2010/10/2010109161448476576.html
Date accessed 12 October 2010
d Afghan blasts leave many dead, 11 June 2011
http://english.aljazeera.net/news/asia/2011/06/20116114354623913.html
Date accessed 1 August 2011
e Taliban claim latest deadly Afghan attack, 31 July 2011
http://english.aljazeera.net/news/asia/2011/07/201173164154698986.html
Date accessed 1 August 2011
f Afghanistan's long legacy of assassinations, 27 July 2011
http://english.aljazeera.net/news/middleeast/2011/07/2011712114155648918.html
Date accessed 1 August 2011
g US blames Haqqani network for Kabul attacks, 14 September 2011
Date accessed 15 September 2011
h Police officers killed in Afghan gun battle, 20 July 2011
http://english.aljazeera.net/news/asia/2011/07/201172055250984972.html
Date accessed 15 September 2011
i Afghanistan 'most dangerous place for women', 15 June 2011
http://english.aljazeera.net/news/asia/2011/06/201161582525243992.html

Date accessed 21 September 2011

68 United States Commission on International Religious Freedom
http://www.uscirf.gov
a Annual Report of the United States Commission on International Religious Freedom, covering the period from 1 April 2010 – 31 March 2011, published May 2011
http://www.uscirf.gov/images/book%20with%20cover%20for%20web.pdf
Date accessed 23 June 2011

69 Times Online http://www.timesonline.co.uk
a Released Christian convert granted asylum in Rome, 30 March 2006
http://www.timesonline.co.uk/article/0,,3-2109903,00.html
Date accessed 1 September 2010

70 Minority Rights Group (MRG) http://www.minorityrights.org
a Profile: Pashtuns, *nd*
http://www.minorityrights.org/5433/afghanistan/pashtuns.html
Date accessed 6 September 2010
b Profile: Hazaras, *nd*
http://www.minorityrights.org/5440/afghanistan/hazaras.html
Date accessed 6 September 2010
c Profile: Uzbeks and Turkmen, nd
http://www.minorityrights.org/5442/afghanistan/uzbeks-and-turkmens.html
Date accessed 6 September 2010
d Profile: Kuchies, nd
http://www.minorityrights.org/5444/afghanistan/kuchis.html
Date accessed 8 September 2010
e Profile: ,Nuristanis nd
http://www.minorityrights.org/5448/afghanistan/nuristanis.html
Date accessed 8 September 2010
f State of the World's Minorities and Indigenous Peoples 2011, 6 July 2011
http://www.minorityrights.org/10848/state-of-the-worlds-minorities/state-of-the-worlds-minorities-and-indigenous-peoples-2011.html
Date accessed 10 August 2011

71 The Joshua Project http://www.joshuaproject.net
a People-in-Country Profile, Afghani, Tajik of Afghanistan, nd
http://www.joshuaproject.net/people-profile.php?rop3=104243
Date accessed 6 September 2010

72 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)
http://ilga.org
a State-sponsored Homophobia. A world survey of laws prohibiting same sex activity between consenting adults, May 2011
http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf
Date accessed 24 June 2011

Return to contents

73 Fox News http://www.foxnews.com
a Afghan Men Struggle With Sexual Identity, Study Finds, 28 January 2010

http://www.foxnews.com/politics/2010/01/28/afghan-men-struggle-sexual-identity-study-finds/?test=latestnews
Date accessed 8 September 2010

74 International Campaign to Ban Landmines http://www.icbl.org
a Afghanistan Landmine Monitor Report 2009
http://www.the-monitor.org/index.php/publications/display?act=submit&pqs_year=2009&pqs_type=lm&pqs_report=afghanistan
Date accessed 8 September 2010

75 The Social Institutions and Gender Index (SIGI) http://genderindex.org
a Gender Equality And Social Institutions In Afghanistan, nd
http://genderindex.org/country/afghanistan
Date accessed 16 September 2011

76 Women for Women International http://www.womenforwomen.org
a Afghanistan Report: Stronger Women, Stronger Nations: 2009,
http://www.womenforwomen.org/news-women-for-women/assets/files/AfghanistanReport.FINAL.hi-res.pdf
Date accessed 2 September 2011

77 United Nations Development Fund for Women (UNIFEM)
http://afghanistan.unifem.org
a 2010 Fact Sheet on Afghanistan, updated February 2010
http://afghanistan.unifem.org/media/pubs/factsheet/10/education.html
Date accessed 20 September 2010

78 Open Society Foundations http://www.soros.org
a The Cost of Kill/Capture: Impact of the Night Raid Surge on Afghan Civilians, 19 September 2011
http://www.soros.org/initiatives/washington/articles_publications/publications/the-cost-of-kill-capture-impact-of-the-night-raid-surge-on-afghan-civilians-20110919/Night-Raids-Report-FINAL-092011.pdf
Date accessed 19 September 2011

79 Revolutionary Association of the Women of Afghanistan (RAWA)
http://www.rawa.org
a Afghanistan: Virtually no safety net for war victims' families, 20 October 2009
http://www.rawa.org/temp/runews/rawanews.php?id=1279
Date accessed 21 September 2010

80 France 24 http://www.france24.com
a Bartered for 'justice', abused women seek shelters (Part II), 20 May 2009
http://www.france24.com/en/20090514-afghanistan-abuse-bartered-justice-women-seek-shelters-part-2
Date accessed 21 September 2010

81 Mail Online http://www.dailymail.co.uk
a Afghan widow given more than 200 lashes before being shot dead by Taliban for adultery was pregnant, 10 August 2010

http://www.dailymail.co.uk/news/worldnews/article-1301487/Bibi-Sanubar-Afghan-widow-shot-dead-Taliban-adultery-pregnant.html
Date accessed 21 September 2010

82 Cable News Network (CNN) http://edition.cnn.com/
a 'Shaming' her in-laws costs 19 year old her nose, ears, 18 March 2010
http://afghanistan.blogs.cnn.com/2010/03/18/shaming-her-in-laws-costs-19-year-old-her-nose-ears/
Date accessed 21 September 2010
b Militants hang 8-year-old boy in southern Afghanistan, 24 July 2011
http://edition.cnn.com/2011/WORLD/asiapcf/07/24/afghanistan.militants.hang.boy/index.html
Date accessed 1 August 2011
c Two charged in deadly Afghan bank attack executed, 20 June 2011
http://articles.cnn.com/2011-06-20/world/afghanistan.bank.attack.executions_1_bank-attack-suicide-attack-lutfullah-mashal?_s=PM:WORLD
Date accessed 10 August 2011
d Afghan schoolgirls hospitalized for possible poisoning, 13 June 2010
http://edition.cnn.com/2010/WORLD/asiapcf/06/13/afghanistan.poisoning/index.html
Date accessed 12 August 2011

83 ABC News http://www.abc.net.au
a Statistics show more Afghan women attempting suicide, 11 August 2010
http://www.abc.net.au/news/stories/2010/08/11/2980477.htm?section=world
Date accessed 23 September 2010

84 Save the Children http://www.savethechildren.org
a Country Brief: Afghanistan 2009/10
http://www.savethechildren.org.uk/en/docs/Afghanistan_CB_2009.pdf
Date accessed 5 September 2011
b Save the Children in Afghanistan fact sheet: 2009
http://www.savethechildren.org/atf/cf/{9def2ebe-10ae-432c-9bd0-df91d2eba74a}/Afghanistan-Fact-Sheet-_2009_.pdf
Date accessed 11 October 2010
c Champions for Children: State of the World's Mothers 2011, 5 May 2011
http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/SOWM2011_FULL_REPORT.PDF
Date accessed 12 September 2011

85 Italian Ministry of Foreign Affairs http://www.esteri.it/
a Afghanistan Juvenile Code
http://www.rolafghanistan.esteri.it/NR/rdonlyres/565B6AC3-4472-4B4E-8315-9987F40E280D/0/23JuvenileLaw.pdf
Date accessed 29 June 2011

86 Child Soldiers http://www.child-soldiers.org/home
a Child Soldiers Global Report 2008: Afghanistan
http://www.child-soldiers.org/regions/country?id=1
Date accessed 29 June 2011
b Setting the Right Priorities: Protecting children affected by armed conflict in Afghanistan - Watchlist on children and armed conflict - June 2010
http://www.child-soldiers.org/regions/country?id=1

Date accessed 29 June 2011

87 **Sky News** http://news.sky.com/
a US General: Operation Moshtarak 'Almost Over', 27 February 2010
http://news.sky.com/skynews/Home/World-News/Afghanistan-Operation-Moshtarak-Almost-Over-Says-US-Brigadier-General-Ben-Hodges/Article/201002415560864?f=rss
Date accessed 29 September 2010

88 **Internal Displacement Monitoring Centre (IDMC)** http://www.internal-displacement.org
a Need to minimise new displacement and increase protection for recently displaced in remote areas, 11 April 2011
http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/8C20C57891906F4FC125786F003978FE/$file/Afghanistan_Overview_April2011.pdf
Date accessed 21 September 2011

89 **The Navhind Times** http://www.navhindtimes.in
a The Hindus of Afghanistan, 6 February 2011
http://www.navhindtimes.in/panorama/hindus-afghanistan
Date accessed 19 September 2011

90 **Altai Consulting** http://www.altaiconsulting.com
a Study on Cross Border Population Movements between Afghanistan and Pakistan, June 2009
http://www.altaiconsulting.com/docs/migration/Altai%202009%20Cross%20border%20study.pdf
Date accessed 13 September 2010

91 **Afghanistan Information Management Services (AIMS)** http://www.aims.org.af
a District Profiles
http://www.aims.org.af/sroot.aspx?seckeyo=52&seckeyz=38
Date accessed 1 October 2010

92 **Maps of the World** http://www.mapsofworld.com
a Kabul City Map, [nd]
http://www.mapsofworld.com/cities/afghanistan/kabul/kabul-city-map.html
Date accessed 1 October 2010

93 **University of Texas in Austin** http://www.lib.utexas.edu
a Perry-Castañeda Library Map Collection, updated 16 April, 2009
http://www.lib.utexas.edu/maps/afghanistan.html#afdetailed.html
Date accessed 1 October 2010

94 **US Department of Labor** http://www.dol.gov/
a 2009 Findings on the Worst Forms of Child Labor: Afghanistan, 15 December 2010
http://www.dol.gov/ilab/programs/ocft/pdf/2009OCFTreport.pdf
Date accessed 30 June 2011

Return to contents

95 **Afghanistan Ministry of Public Health (MoPH)** http://www.moph.gov.af/en/
a National Licensed Drugs List (LDL), December 2007
http://moph.gov.af/Content/Media/Documents/Afghanistan-National-Licensed-Drug-List-December-20076120111341102 42.pdf
Date accessed 29 June 2011
b About the National AIDS Control Program (NAPC)
http://moph.gov.af/Content/Media/Documents/Brochure-English512011132057342.pdf
Date accessed 29 June 2011

96 **United States Government Accountability Office (GAO)** http://www.gao.gov
a Afghanistan Drug Control, March 2010
http://www.gao.gov/new.items/d10291.pdf
Date accessed 4 October 2010

97 **Christian Science Monitor (CSM)** http://www.csmonitor.com
a Afghanistan mental health: Treatment caught between ancient and modern worlds, 15 December 2009
http://www.csmonitor.com/World/2009/1215/Afghanistan-mental-health-Treatment-caught-between-ancient-and-modern-worlds
Date accessed 4 October 2010

98 **Pharmacy News** http://www.pharmacynews.eu
a Lack of cancer specialists forces Afghans to seek treatment abroad, Zarghona Salehi, 20 June 2010
http://www.pharmacynews.eu/hospital-industry/lack-of-cancer-specialists-forces-afghans-to-seek-treatment-abroad
Date accessed 4 October 2010

99 **Refugee International** http://www.refugeesinternational.org
a Afghanistan: Responsible U.S. transition must address displacement crisis
http://www.refugeesinternational.org/sites/default/files/062811_Afghanistan_Responsible_US_Transition%202.pdf
Date accessed 21 September 2011
b Afghanistan and Pakistan: Raise Voices for Civilian Protection, published 26 January 2009
http://www.refugeesinternational.org/sites/default/files/afghpak_012609.pdf
Date accessed 6 October 2010

100 **Khaama Press** http://www.khaama.com
a Another Taliban militant stoned to death, 31 August 2011
http://www.khaama.com/another-taliban-militant-stoned-to-death
Date accessed 21 September 2011

101 **United States Office of Personnel Management** http://www.opm.gov/
a Citizenship Laws of the World: Afghanistan, March 2001
www.opm.gov/extra/investigate/IS-01.pdf
Date accessed 6 October 2010

102 **Ministry of Justice (MoJ), Government of Afghanistan** http://www.moj.gov.af
a Licensed Political Parties, undated
http://moj.gov.af/en/page/1699
Date accessed 21 September 2011

103 **Afghanistan Rights Monitor (ARM)** http://arm.org.af/
a ARM Mid-Year Report Civilian Casualties of Conflict January-June 2010 (Via Reliefweb)
http://www.arm.org.af/file.php?id=4
Date accessed 28 September 2011
b Two Afghan children killed in war everyday in 2010, 9 February 2011
http://arm.org.af/index.php?page=en_Latest+News+05
Date accessed 3 August 2011

104 **Agence France Presse** http://www.afp.com
a Afghan president takes 'personal interest' in suspended NGOs, 1 June 2010. (Via Google News)
http://www.google.com/hostednews/afp/article/ALeqM5iKXZIK03CcdhdnVdqnOQWns9UfkA
Date accessed 8 October 2010

105 **Public Broadcasting Service (PBS)** http://www.pbs.org
a The Dancing Boys of Afghanistan, 20 April 2010
http://www.pbs.org/wgbh/pages/frontline/dancingboys/etc/synopsis.html
Date accessed 11 October 2010

106 **Afghan Women's Organization (AWO)** http://www.afghanwomen.org
a Introduction to the Kabul Centre of Mirmun
http://www.afghanwomen.org/documents/KabulCentreofMirmun.doc
Date accessed 11 October 2010

107 **The Asia Foundation** http://asiafoundation.org
a Increasing Education Opportunities for Afghan Girls, July 2009
http://www.asiafoundation.org/resources/pdfs/AfghanWomenGirlsEDU0709.pdf
Date accessed 12 October 2010

108 **Electoral Complaints Commission of Afghanistan (ECC)** http://www.ecc.org.af
a Electoral Complaints Commission, Final Report, 2009 Presidential and Provincial Council Elections
http://www.ecc.org.af/en/images/stories/pdf/ECC%20Final%20Report%202009.pdf
Date accessed 12 October 2010

109 **Independent Election Committee (IEC)** http://www.iec.org.af
a IEC Fact Sheets 2009/2010
http://www.iec.org.af/eng/content.php?id=4&cnid=46
Date accessed 12 October 2010

110 **Asia Times Online** http://www.atimes.com
a US headache over Afghan deserters, 26 November 2009
http://www.atimes.com/atimes/South_Asia/KK26Df01.html
Date accessed 13 October 2010

111 **USA Today** http://www.usatoday.com
a Afghan girls traded for debts, blood feuds, 10 July 2007
http://www.usatoday.com/news/world/2007-07-09-afghan-girls_N.htm
Date accessed 16 June 2011

112 The World Law Guide http://www.lexadin.nl
a Penal Code 1355
http://www.cicr.org/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/845809a497304d8fc12571140033ac69/$FILE/Penal%20Code%20-%20Afghanistan%20-%20EN.pdf
Date accessed 29 June 2011
b Legislation: Afghanistan
http://www.lexadin.nl/wlg/legis/nofr/oeur/lxweafg.htm
Date accessed 29 June 2011

Return to contents