



**The Situation of Economic
And Social Rights in Afghanistan
Sixth Report, 1390 - 91**

Introduction:

This is the sixth report of the AIHRC on the situation of economic and social rights in Afghanistan. Subjects of discussion in this report is explained under rights title, like the right to work and employment, the right to social security, the right to free marriage and establishing of family, the right to an adequate standard of living, the right to health and the right to education. At the end of the report, the main priorities in the area of human rights of Afghan citizens and their hopes for the future of the country have been highlighted. In this report, as in previous reports of this series, particular attention has been devoted to vulnerable groups such as women, children, persons with disabilities, refugees and IDPs, and their situation has been focused upon.

In this report, the situation of the above mentioned rights in the years 1390 and 1391 is reviewed. This report is based on the data and information collected by the field monitoring team of the AIHRC, which are collected and arranged in a particular bank specified for monitoring data.

Likewise, to complete and strengthen this report, we have tried, as far as possible, to use the official information and data prepared by the governmental and non-governmental organizations and agencies, the reports published by other agencies, news media, and exclusive interviews with the government officials and non-governmental organizations, as well as the reports provided by the AIHRC.

Each section of this report begins by describing the legal framework of the relevant rights based on the provisions of international human rights documents and treaties, the domestic laws of Afghanistan, the responsibilities and obligations of the government under these documents, the laws and ANDS and other documents that contain the programs and government obligations. Next, the situation of those rights are investigated, using the data gathered by the AIHRC's Field Monitoring of the AIHRC and the data and information collected from other agencies and organizations within this investigation the degree to which the government has fulfilled their legal obligations and responsibilities is discussed and finally the major shortcomings and problems affecting the realization of the rights discussed in this report are identified.

Thus, this report attempts to provide a clear picture of the situation of the said rights in Afghanistan over the past two years. Likewise, attempt have been made to compare the data from the two years covered by this report with each other as well as with the data from previous periods. In this way, the improvement of the human rights situation in Afghanistan can be realized more precisely.

However, this report cannot claim to portray a completely comprehensive picture of the situation of economic and social rights in Afghanistan. In the current national situation such a thing is almost impossible. As there are many problems and challenges that impact the feasibility of conducting a comprehensive research. The most significant of these challenges are the security restrictions, which make it difficult to reach the very remote areas of the country. Restriction and socio-cultural sensitivity and lack of possibilities are the other part of the challenges.

At the end of this report, as usual, specific recommendations are presented to the relevant bodies and agencies for the improvement of the situation of economic and social rights in Afghanistan. The AIHRC urges all the relevant authorities that the recommendations should be seriously considered by the relevant organs, and become the foundation for the implementation of effective programs and measures to improve the situation of human rights in Afghanistan.

As noted above this data has been collected under very difficult social and security conditions, as well as logistical constraints. The authors of this report consider it their duty to extend their sincere thanks and gratitude to all those stakeholders who contributed in this report. The staff of the AIHRC's Field Monitoring Unit, despite countless difficulties and numerous social, security and logistic risks, performed their monitoring mission in the best way possible, and gathered the information contained in this report. The colleagues in the AIHRC's Database Unit, especially Shahin Bashardost - worked hard to categorize, process the field monitoring data and hand it over to the authors of this report. Our heartfelt appreciation and thanks go to all of them.

Thanks are also due to the many organs and governmental and non-governmental agencies that shared their data with us either by sending a written formal letter or through exclusive interviews and official publication of reports.

Finally, we would like to express our thanks and gratitude to all the donors of the AIHRC, especially those who supported our human rights field monitoring program with their effective financial grants, and helped the AIHRC in carrying out its human rights monitoring mission and in the publication of this report.

We hope that this report will facilitate a thorough understanding of the challenges and shortcomings of the Economic and Social Rights in Afghanistan, and help the relevant organs and departments to plan and develop effective programs to help improve these rights in the country.

About the AIHRC

The AIHRC as a national human rights institution, was established base on the Presidential Decree and the provisions of the Bonn Agreement, and started its work on 16.03.1381. After the adoption of the Constitution and enshrining of Article 58 in it in 1382, the AIHRC found a strong legal base.

As has been acknowledged in the preamble of the Constitution, “in the past, injustice, shortcomings and numerous troubles have been imposed on our country. Human rights and the fundamental freedoms of citizens have been repeatedly violated, and no investigation and prosecution have taken place. Therefore, it was necessary that an official organ should be anticipated in the Constitution to ensure the human rights of citizens in the country. Recognizing this important point, Loyjerga of Constitution, specified Article 58 of the Constitution for the establishment of the AIHRC. This Article stipulates that in order 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.”¹

In 1384, the Law on the Structure, Duties and Mandates of the AIHRC, based on Article 58 of the Constitution, was approved by the President, and the structure, mandate and basis of action of the AIHRC was defined. Based on Article two of this Law, "the AIHRC is established in the framework of the Islamic Republic of Afghanistan and operates independently. The AIHRC carries out its activities and duties under the provision of the Constitution and other effective laws of the country”²

Based on the said Article “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. Similarly, on Sawr 22, 1384, the Law on the Structure, Duties and Mandates of the AIHRC based on Article 58 of the Constitution was approved by the President. The purpose of the establishment of the AIHRC is described in the

¹- Constitution (1382), Introduction.

² The Law on Structure, Duties and mandates of the AIHRC, No. 16, Publication date: 22/02/1384, published by the Commission Press Unit. (From: AIHRC (1390). The fifth report on the Economic and Social Rights in Afghanistan 1388-89. p. 4.)

Law on the Structure, Duties and Mandates of the AIHRC, which states that the AIHRC will work to achieve the following 5 objectives:

1. Monitoring the observance of human rights
2. Promotion and protection of human rights
3. Monitoring the situation and people's access to human rights and freedoms
4. Monitoring and investigation of human rights violations
5. Taking measures in order to improve the human rights situation in the country³

Article 21 of the Law on Structure, Duties and Mandates of the AIHRC has clearly defined and formalized the main duties and mandates of the AIHRC to monitor the human rights situation, investigate cases of human rights violations and conduct research. This article provides that the AIHRC is mandated to monitor the human rights situation, the implementation of the provisions of the Constitution, other laws, bills and regulations and Afghanistan's commitment to human rights standards. Likewise, this article states that the AIHRC has a duty to monitor the performances of administrative, legal and judicial systems, institutions, national and international profitable and non-profitable organizations in the country that affect human rights. Paragraph 16 of this article regarding the conduction of national research, provides as such: "carrying out research to find effective ways to harmonizing principles and mechanisms of international human rights instruments with Afghan culture and national traditions and making suggestions in this respect."⁴

In order to conduct its affairs and implement its duties and mandate, the AIHRC established 14 regional and provincial offices, so that people can have access to the Commission and register their complaints to be handled. Presently, the AIHRC has active offices in 6 provinces and in 8 zones (which cover several neighboring provinces).

AIHRC has 5 program units. Each Unit has been operating in all regional and provincial offices: monitoring and investigation unit, women's rights unit, the children's rights unit, the persons with the disability rights unit, and the human rights education unit. It's worth mentioning that there was another unit – the transitional justice unit- that was closed in 2011 with the completion of the transitional justice project.

In 1388 the IHRC devised and designed a strategic plan in consultation with their staff and with more than 500 stakeholders involved in human rights issues across the country, including civil society organizations, international organizations, government agencies, elders and community councils. This strategic plan was prepared for a four year period from 1389 - 1392 Solar (2010 - 2013). Based on this strategic plan, the AIHRC's prospective - a just, democratic and developed society in which human rights, are observed, respected and protected - will be identified.

³ .The Law on Structure, Duties and mandates of the AIHRC (1384)

⁴ .-Ibid paragraph 16 – Article 21

Similarly, in this strategic plan a range of values has been identified for the AIHRC including human dignity, justice, equality, negation of discrimination, freedom, commitment, transparency and accountability, consultation and participation, respect and mutual understanding, tolerance, and acceptance of criticism. Based on this strategic plan, the AIHRC has 5 main objectives and has organized all of its activities and efforts to achieve them. These 5 objectives include: leadership, education, empowerment, advocacy, and monitoring and investigation.⁵

The preparation and design of research reports, in order to provide a clear and accurate picture of the situation of human rights in Afghanistan, is another part of the activities of the AIHRC for which the Research and Investigation Unit he Research and Investigation Unit performs several important functions, and their creation was thus essential to the AIHRC from the very beginning of its establishment. Among these essential tasks is the preparation and design of research reports for the provision of a clear and accurate picture of the human rights situation in Afghanistan These human rights research reports discuss various themes and issues of human rights. The Report on Economic and Social Rights in Afghanistan is a series of reports that have been prepared and published every two years. Now, the sixth report of this series is ready to be published.

The Research and Investigation Unit performs several important instead if you want it stronger) functions, and their creation was thus essential to the AIHRC from the very beginning of its establishment. Among these essential tasks is the preparation and design of research reports for the provision of a clear and accurate picture of the human rights situation in Afghanistan.”

⁵ .From the AIHRC (1392). Causes and patterns of rape and honor killings in Afghanistan. Pp. 9-10.

Afghan Government's National and International Commitments on Economic and Social Rights

Economic and social rights, which are considered to be the second-generation rights, are made of a large set of necessary human rights, essential to meeting the basic needs and requirements of human beings, including the right to work, the right to education, the right to health, the right to adequate living standards (access to food, shelter, potable water, etc.), the rights to social insurance, freedom of marriage and establishing family, prohibition of discrimination in the enjoyment of resources.

The International Covenant on Economic, Social and Cultural Rights is the most important legally binding international document containing the aforementioned rights, which are officially recognized as human rights. This Covenant was adopted by the UN General Assembly in 1966, and up until April 2007 a total of 156 countries have joined it. The government of Afghanistan joined this important International Convention on April 24, 1983.

Article 2 of the International Covenant on Economic, Social and Cultural Rights states:

1. "Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures."
2. "The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

This Article proves that the International Covenant on Economic, Social and Cultural Rights obliges every state party to take steps individually or with international cooperation and assistance for the progressive and full realization of the rights recognized in this Convention through maximum utilization of the existing resources and suitable means; states should take urgent, conscious, objective and purposeful steps for the realization of these rights. It is necessary for the states to ensure, at the very least, the minimum essential level of enjoyment of these rights, and make effort for the full enjoyment of these rights by the people while taking into full consideration the vulnerable groups in the society.⁶ At the same time, observance of equality and the prohibition of discrimination in the enjoyment of the economic and social rights is the most important precondition for the realization of these rights. Observance of this principle is very urgent and is not contingent on feasibility. States should observe and implement it without any delay.

According to the UN Committee for Economic, Social and Cultural Rights, if in any country an eye-catching number of citizens are deprived of adequate food, basic health services, shelter and primary education that country will be considered as a clear violator of this Convention. These minimum obligations are applicable without taking into consideration the availability of resources and other factors in a country.⁷

Another important point that this article emphasizes is taking legal measures for the ensuring of these rights, and applicable legal guarantees by the states to respect, protect and implement these rights.

Taking into consideration the Afghan government's international commitments on Economic and Social Rights, Article 6 of our constitution states: "The state is obliged to create a prosperous and progressive society based on social justice, protection of human dignity, protection of human rights, realization of democracy, and to ensure national unity and equality among all ethnic groups and tribes and to provide for balanced development in all areas of the country". Similarly, based on Article 7 of our Constitution, the State is obliged to observe the United Nations Charter, inter-state agreements, as well as international treaties to which Afghanistan is a party, and the Universal Declaration of Human Rights.⁸ According to the above mentioned articles of our Constitution, the government of Afghanistan is obliged to observe and implement human rights norms including economic and social rights. Similarly, the state is obliged to observe those international treaties to which Afghanistan is a party. Undoubtedly, the most important of them is the International Conventional on Economic and Social Rights. Therefore, the State of Afghanistan is obliged to observe, protect and implement Economic Social and Cultural Rights based on the international treaties which Afghanistan is a party, and based on the Constitution, it should seek all possibilities for the implementation of these human rights of Afghan citizens.

Ultimately, we can conclude that the legal framework of the obligation of Afghanistan in ensuring economic and social rights is designed on the basis of two main source, Constitution of

⁶ - Michael Freeman, human rights, Translator: Mohammad Keyvanfar, Hermes publish, first published 1387, p. 223

⁷ The AIHRC, Economic and Social Rights Situation in Afghanistan, fourth report 1388, p 8

⁸ The ISA, Constitution, adopted in 1382, articles 6 and 7

Afghanistan and the ICESCR. In addition, MDGs and ANDS are the other legal frameworks regarding economic and social rights.

Based on these legal documents and strategies, the government of Afghanistan is obliged to take effective measures for the ensuring of economic and social rights of citizens. These measures should be taken through the utilization of all available national and international resources, immediately and with an efficiently use of time, without discrimination, and in a fair and balanced way.

Summary of the Report

Following the series of reports on economic and social rights situation in Afghanistan, the AIHRC has prepared and is now issuing the sixth report. The present report evaluates and analyzes the economic and social rights situation during the years 1390 and 1391. Efforts have been made in this report to evaluate the level of public access to economic and social rights compared to previous years. Here, a summary of this report is presented.

1. The Right to Work:

A shortage of work opportunities is considered one of the serious challenges in Afghanistan. Due to this shortage, the people of Afghanistan undertake hazardous immigrations to other counties. Jobs created by the government in the last ten years have been short-term and unstable, and the unemployment rate among working force in the country has increased. Findings by the Ministry of Labor and Social Affairs show that of Afghanistan's thirty million people, 10 million are eligible for work. Of the 10 million people eligible for work, 25 percent of them are unemployed or temporarily employed. However the figure for the absolutely unemployed persons exceeds one million people.

Field evaluations conducted by the AIHRC show that during the years 1390 and 1391 only 55 percent of the participants stated that they have had access to employment. Although Afghanistan is an agricultural country, this research demonstrate that the majority of public income comes from non-agricultural sources. In 1390, almost 70 percent and in 1391 around 73.5 percent of people under the coverage of this report stated that their incomes are from non-agricultural sources, and they earn their daily living through daily work and non-technical jobs.

The lack of permanent and regular jobs causes families to become indebted. According to this research, during 1390 and 1391, more than 50 percent of the participants stated that they were indebted.

Children make up the most vulnerable social group of society. Child labor is legally prohibited. Based on statistic by the Ministry of Labor and Social Affairs, out of 6.5 million children in crisis, almost 4 million of them are under the protection of the Ministry of Labor and Social Affairs and its partner institutions. Almost one million of them are child workers.

According to the present research, in 1390, almost 31 percent and in 1391 around 24 percent of the interviewees stated that their children had engaged in various jobs outside the home, such as

fetching water, working on farms, collecting firewood, metalwork, brick laying, car washing, carpet weaving, working at hotels, vending, and shepherding. More than 50 percent of the interviewees stated that the working environment for their children was not healthy and safe.

Women are another vulnerable and deprived groups in society. Due to cultural and social reasons, there is limited work opportunity for women in Afghanistan and they are faced with numerous challenges, this includes economic dependency, which is considered a basic problem and usually causes physical and mental violence. Based on reports by the International Labor Organization, “women make up 78 percent of unpaid workers in families” on average, women receive wages 50 percent lower than men and only 2.7 percent of women are in managerial positions in the economic sectors. Unsafe working conditions is another problem facing women, and even women who work at state institutions do not enjoy psychological security in their working environment in Afghanistan.

Poverty is another serious problem which affects a large number of families in Afghanistan. According to the surveys conducted, more than 35 percent of families in Afghanistan live below the poverty line. Lack of creation of work opportunities by the government, disproportionate allocation of resources, unemployment, drought, administrative corruption, wars and illiteracy are considered to be the main reasons for poverty in Afghanistan. These factors have caused the continuous spread of poverty among the people. Poverty can cause numerous problems, including insecurity and violence. Evaluations show that poverty is one of the factors of violence in families.

2. The Right to Social Protection

Access to the right to social protection is also faced with numerous limitations. Vulnerable groups such as elderly people and orphans do not enjoy adequate protection and necessary care. In addition, the elderly in most cases are caretaker of their families. The findings of this report show that 41 to 42 percent of the families are cared by the elderly.

As of yet, there have been no shelter for elderly people in Afghanistan, and there is no systematic plan for their protection. The elderly are thus faced with serious problems and challenges in Afghanistan. These include a lack of jobs, according with the capacity of elderly persons, lack of shelters for them, poverty, and homelessness.

Retired persons are also counted as elderly persons. Based on the information provided by the Pension Department, around 120000 retired persons are living in Afghanistan. Their maximum salary is 52000 Afs and their minimum salary is 8000 Afs.

Continued war in Afghanistan has caused tremendous human casualties. During recent decades a large number of people have lost their lives as a result of armed conflicts. Most of the victims have been the head of their families and as a result their family members remained without caretakers. According to existing figures, from Saur, 1357 until 1390 more than 124,361 persons have been registered as martyred. Based on a report by the Ministry of Labor and Social Affairs, around 6000 orphans are living in 70 orphanages, and around 6 million children are in crisis.

Field reports provided by the AIHRC show that almost 8 percent of the families are headed by women.

Disability is another effect and outcome of war in our society. Presently, a person with a disability receives 2500 Afs as salary. This amount of money does not meet his basic needs. Those persons with disabilities, a serious disability receive 5000 Afs per month, which is paid annually. The maximum payment for a person with disability exceeds 60000 Afs annually.

Another issue is lack of access to identity cards. The present research shows that in 1391 approximately 54 percent of people stated that their children had no identity cards. A total of 43.5 percent of those interviewed stated that their children have received identity cards. The remaining interviewees did not respond to this question. Of those that claimed that their children had no identity cards, almost 50 percent of them stated that they did not ask for identity cards. In some cases, in spite of asking for identity cards for their children, they have not been able to obtain one, owing to such reasons as being female, Kochi, displaced, a returnee or due to administrative corruption.

Based on this research, in 1391, among all participants, 84.1 percent stated that their children have not received birth certificates and the reason has been they had not asked to have birth certificate for their children, only 12 percent of them stated that they had received birth certificates for their children and 3.9 percent did not give a clear answer to this question.

Security is one of the most basic issues in relation to social security. According to the present research, almost 14 percent of the interviewees stated that over the last 12 months the security condition had deteriorated, 44.9 percent of them stated that it was improved, while 37.8 percent stated that security condition during the last years had remained the same. The participants believe that the main cause of insecurity is the existence of anti-government armed forces. In response to another question asking if their families enjoyed the right to freedom of movement, 45.7 percent of the participants stated that they have always enjoyed the right to freedom of movement, 35 percent stated that most of the times their families have enjoyed freedom of movement, while 17 percent of the interviewees stated that they have only sometimes enjoyed the freedom of movement and security, and 2.3 percent did not give a clear answer.

Begging is another challenge, especially for children. Around 4200 beggars have been collected from Kabul City. After an assessment was conducted, it was revealed that 3800 of them (80 percent) are professional beggars.

Most of the beggars in Afghanistan abuse children for the purpose of begging. In many cases, beggars give tranquilizers or sleeping pills to their children, which has a very dangerous impact on their psychological health.

Other vulnerable groups discussed in this report are refugees, returnees and displaced persons. According to information provided to the AIHRC by the Ministry of Refugees and Returnees, a total of 2,655,363 Afghan refugees has been registered who are residing outside the country. Most of these refugees live in our neighboring countries of Iran and Pakistan. Based on this information, around 1,637,740 registered refugees, including 399,436 men, 452,189 women and 786,115 children are living in Pakistan while the number of unregistered refugees in Pakistan exceeds 1,000,000 persons.

According to this information, 824,189 registered Afghan refugees, including 214,326 men, 214,200 women and 395,561 children are living in Iran. The Ministry of Refugees and Returnees Affairs reported that the total number of unregistered Afghan refugees in Iran exceeds 1,400,000 persons.

According to the Ministry of Refugees and Returnees Affairs the situation of Afghan refugees in Iran and Pakistan in terms of access to health services, education, work opportunities and social security is not good.

Lack of access to services, health insurance and paid education as well as deprivation from office jobs, the performance of hard labor jobs, harsh treatment by the police and, lack of access to defense lawyers, restriction of freedom of movement, and forced deportations are the main challenges faced by the Afghan refugees in Iran.

Afghan returnees are also faced with numerous problems. In the early 1380s there was hope in Afghanistan and a large number of refugees from Iran and Pakistan returned home, but lack of job opportunities and deterioration of the security condition became a concern for the people. In 1390 a total of 112,000 people and in 1391 a total of 49,003 people returned home voluntarily.

Most of the returnees who come home have limited living facilities and opportunities in our country. Shelter, adequate food, and access to health services are the basic needs which are inaccessible. The assistance rendered by the Ministry of Refugees and Returnees Affairs was not enough to meet their needs. Findings by the AIHRC in this research show that in 1390 and 1391, out of all interviewees in each year, 23 percent have been returnees who had spent some times as refugees. Around 55 percent of these refugees had returned home voluntarily. Most of these returnees have returned from Iran and Pakistan. In 1390 around 65 percent of them stated that they were satisfied with their return, while 31.6 percent of them expressed their dissatisfaction in this regard. Similarly, in 1391, around 68 percent of the interviewees stated that they were satisfied with their return, while 29.3 percent of them expressed their dissatisfaction. Their dissatisfaction had various reasons, but the main reason was unemployment, and most of the returnees were suffering from it.

Internal displacement is another economic and social rights problem in Afghanistan. Insecurity, natural disasters such as drought, flood, earthquakes and landslides, poverty, unemployment and local conflicts cause hundreds of families to leave their native land and move to cities, or from one province to another. According to information from the Ministry of Refugees and Returnees Affairs, the number of displaced people in 1390 reached 420,665 people, and this number exceeded to 405,978 people in 1391.

Based on the findings of this research, the number of displaced people due to unemployment remains on the top. Based on the findings of the AIHRC, most of the displaced people in 1390 came from Ghor province and the majority of displaced people in 1391 came from Bamian province, due to drought and unemployment.

3. The Right to Marriage and Establishing Family

Similar to other rights, the right to marriage and establishment of family is faced with numerous challenges women and girls are the primary victims of violation of this right. Violence against women, especially family violence – is the main factor in the violation of the rights of women

and girls in the family. The figures of violence against women show that a total of 4865 cases of violence against women was registered by the different offices of the AIHRC in 1390. This figure exceeded 5701 cases of violence against women in 1391. Comparison of these two figures shows a 17 percent increase in the level of violence against women in Afghanistan.

Out of all registered cases of violence against women in 1390, almost 32 percent of them were physical violence, including cases of slapping, beating with a cable, stick and even the butt of a gun, kicking, pulling out hair, injuring with a knife or pocket knife, burning with boiling water and even mutilation. Similarly, 25 percent of these cases of violence are verbal and psychological violence, such as various types of threats, insult, humiliation and accusations. More than 8 percent of the cases of violence against women are sexual violence, such as sexual assaults and forced sexual intercourse, forced pregnancy, prostitution, sexual degradation and so on. Another 16 percent of cases of violence are economic violence, such as non-provision of alimony, work prevention, selling or usurpation of women's private properties and jewelry, deprivation of the right to heritage, and having no financial authority at home. The findings of the report in 1390 shows that almost 19 percent of cases of violence against women were forced marriage, Bad, exchange of women, child marriage, forced divorce, expulsion from home or prevention from education.

Of all cases of violence against women over 1391 29 percent were cases of physical violence, 25 percent verbal and psychological violence, more than 7 percent sexual violence, almost 19 percent economic violence, and 20 percent other forms of violence. Based on the findings, physical violence remains the most prevalent form of violence during the current year. Each group is divided into minor forms of violence, included the ones mentioned in the statistics of 1390.

Most of these cases of violence against women are family violence. Among all the relevant statistic of 1390, a total of 98 percent (4766 of the cases of violence against women in 1390) occurred inside the family. Based on the statistic this figure exceeded 98.4 percent (5607 cases of violence against women) in 1391.

In addition, women and girls are faced with more important cases such as forced marriage, child marriage, Bad and exchange of girls, and expulsion from home. Based on statistics for the years 1390 and 1391, a total of 172 cases of forced marriage have been recorded by various offices of the AIHRC during these two years.

In the cases of violence against women recorded by the AIHRC there are a large number of child marriages taken place every year. 86 cases of child marriage in 1390 and 118 cases of child marriage in 1391 were recorded by the AIHRC. Comparison of these two figures shows a 37 percent increase in the registered cases of child marriage in the year 1391.

The most important reason for child marriages, as mentioned by the respondents, is economic problems. Undoubtedly, girls and boys from poor families are the victims of child marriage.

As it was mentioned, Bad and the exchange of girls are another serious issue of women's rights violations. The AIHRC registered 5 cases of Bad in 1390 and 9 cases in 1391. This figure exceeded 18 cases in 1389. The statistics of violence against women in 1390 shows 46 registered

cases relate to the exchange of girls, while this figure increased to 61 cases in 1391. The number of marriages reached 30 cases in 1389. Comparison of these figures shows that the number of girls exchange marriages is increasing.

Another serious issue is the expulsion of women from home. The AIHRC registers a large number of cases related to expulsion of women from home every year. In 1390 a total of 243 cases of expulsion of women from home were registered. This figure exceeded 303 cases in 1391, representing a 25 percent increase compared to that over 1390. The number of cases related to expulsion of women from home reached 262 cases in 1392, 13 percent decrease, but compared to previous year is higher than the figure in 1390.

What makes this violence shocking is that the main perpetrators are the victim's own closest family members. The statistics from both years show that the majority of perpetrators of violence against women are husbands. Almost 68 percent of cases of violence against women are perpetrated by husbands, fathers, brothers-in-law, mothers, uncles and other relatives.

Sexual violence and honor killings are another shocking type of violence against women in Afghanistan. Due to both the sensitivity and the importance of these two issues, the AIHRC launched the first national inquiry in 1392 to assess cases of sexual assault and honor killings which occurred during the years 1390 and 1391. A detailed report was published⁹ based on the findings of this national inquiry, from the beginning of 1390 to the end of Saur, 1392 a total of 406 cases of honor killings and sexual assaults have been registered by AIHRC offices from all over the country, that 243 cases related to honor killings and 163 cases related to sexual assault. Although severe traditional sensitivities and limitations thereof cause a large number of such cases to remain secret or publicly untold, yet the high statistic shows a higher level of sexual assaults and honor killings which imply a shocking situation in Afghanistan.

4. The Right to Adequate Living Standards

The right to an adequate standard of living is one of the economic and social rights. It includes the rights to housing, access to water and food, and other rights related to basic needs for living. Based on the present research, in 1390, 4.4 percent and in 1391, 5 percent of the interviewees stated that they did not own a house and were living in rented houses. Similarly the present research shows that 1.8 percent of interviewees stated that they were living in tents or caves.

Security of property is considered an important issue in the discussions on housing and residence. Individuals' properties should be safe from seizure, confiscation and destruction. According to this research, 1 percent of the interviewees stated that they are entangled in land and house disputes, and that in order to settle their disputes, they had to refer to the courts. Similarly, more than 70 percent of those who had disputes stated that their dispute has not been settled yet. Of the interviewees in 1390 and 1391, around 3 percent and almost 3.3 percent respectively stated that they were faced with expulsion from the houses they were living in. The findings by the AIHRC's field monitoring teams show that seizure of estates still exists as a

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Refer to AIHRC 1392, Factors and Grounds for sexual assaults and honor killings in Afghanistan (National inquiry report)

challenge. Based on this research, 0.5 percent of the interviewees in 1390 and 0.8 percent in 1391 stated that their estate has been seized. Most cases of seizure have been committed by neighbors, tribal influential figures, state authorities and local commanders.

Food security and access to adequate food is the right to life. According to the present research, around 48 percent of the interviewees in 1391 stated that they had meat, bean and grains only once a week. Similarly, 37 percent of them stated that they had fruit and vegetable once a week. Around 17 percent of them had fruit and vegetables three times a week and 10 percent of them used fruit or vegetable twice per week. The remaining participates did not respond. This data shows that the economic capacity of families is not strong enough to buy enough meat and fruit.

Water is also one of the basic human needs. Shortage of potable water has turned into a serious problem in Afghanistan. Polluted water in Afghanistan, especially in the capital, has serious negative effects on the health of citizens. Reports prepared by the UNDP show that “thousands of people, especially children, lose their lives as a result of drinking non-healthy water” This report considers the crisis of water shortage and drinking of unhealthy water as the most important challenge ahead of the development and progress in under-developed countries. The Ministry of Public Health also expresses concern over water pollution. According to a survey they conducted, 46 percent of people in Afghanistan still have no access to potable water. This lack of access leads to diarrhea and other water-borne diseases that most often take the life of children.

The long distance to drinking water sources is another problem in most villages and rural areas. This long distance is especially problematic for families during the cold winter season. Based on the present research, 83 percent of the interviewees in 1390 and 80 percent of them in 1391 stated that the distance from home to a water source is less than one kilometer, but there are families who live more than three kilometers away from water sources.

Water distribution dispute is another problem faced by people, especially in villages. In 1390, 40 of all interviewees stated that they had water distribution dispute, 19 of them within their own village and 21 of them with inhabitants of other villages. However, in 1391, the number of these disputes increased; of 6429 interviewees, 96 stated that they had water distribution dispute. It was also mentioned that these disputes were settled through local Shora and tribal Jergas.

5. The Right to Health

Shortage of professional physicians, lack of buildings for some health centers, non-arrival of health facilities on time and lack of ambulance are the main health challenges, mentioned by interviewees in this research. Similarly, a shortage of medicine, shortage of medical equipment, lack of facilities in the health centers, and the high prices of health services and medicines were also mentioned.

According to the research, of 4629 participants in 1390, a total of 3174 of them 49.9 percent, stated that there was no ambulance in their clinics. This number rose to 52 percent in 1391. Health services and health centers is another topic of discussion in this research. Choosing health center depends mostly on the economic situation and type of public access to these centers. The present research shows that most people, (50 - 60) percent, go to clinics when they are sick.

Mother and child mortality is another health problem in Afghanistan. Although there is an eye-catching decrease in the mother and child mortality compared to previous years, the level of mother and child mortality remains high.

Save the Children stated that “as a result of efforts made in this area, mother and child mortality decreased around 70 percent”. According to this organization, improvement is made in the situation of Afghan mothers and infants as a result of their increased access to health services, implementation of immunization and vaccination programs, an increase in the number of health workers, and awareness promotion among women and girls. Based on a statement made by the Minister of Public Health, “the results of a survey show that ten years ago the maternal mortality rate was 1600 per 100000 live births, while this figure decreased to 327 mothers in recent months (a 5 percent decline).” Based on the present research conducted by the AIHRC, in 1390 around 3.7 percent (237) of people stated that they had lost one mother in the family due to childbirth during last year, 95.8% of them stated that they had not lost any mother in the family during childbirth.

In 1391, out of 8202 participants, 230 (2.8 percent) stated that they have lost one mother in the family due to childbirth during the last year. 95.7 percent of them stated that they had not witnessed such a case in their families. These figures indicate that there has been no significant change in the rate of maternal mortality during these two recent years— only a 1 percent decrease. Similarly, in 1390, around 5.1 percent of the interviewees gave affirmative response when asked if they had lost a child during childbirth in their families. This figure exceeded 4.4 percent in 1391 a 1 percent decrease.

Based on reports by the Ministry of Public Health, “most of the remote rural areas of our country are covered by vaccination services”. Based on their statistics, “thirty seven cases of polio were identified in the country during the year 1391”. According to findings by the AIHRC, around 72.4 percent of interviewees stated that their children under the age of 5 years have been regularly vaccinated in 1390. 23.8 percent of them gave a negative answer. In 1391, of 8202 interviewees, 82 percent of them stated that their children have been vaccinated regularly in 1391.

Drug abuse and addiction is another serious problem in the country. Addiction to narcotics has increased tremendously during the recent years in Afghanistan. It has not been limited to men; women and children are also becoming addicted to drugs. Based on a report published by the USA on Afghanistan, around 1.3 million people in Afghanistan are addicted to narcotics. According to the Ministry of Public Health, “12 percent of the special hospitals with 20 beds are specified for addicted persons, and likewise, there are 6 centers active in 6 provinces for the treatment of addicts.”

The Pollution of air and living environment is an even more serious problem for the people of Afghanistan, especially in cities. According to an official from the Living Environment Administration, the city of Kabul is among the 10 most polluted cities in the world in terms of air pollution. The Deputy for Policy and International Relations of the National Environmental Protection Agency has said that, on average, suspended particles existing in the air of Kabul take the life of 2300 people annually, and 4 billion Afs is expended on the treatment of airborne

diseases. He furthermore stated that recent studies show that 43 percent of these suspended particles are due to bad roads, 31 percent due to pollution from home kitchens, while 12 percent of the pollution comes from brick kilns operating in the suburbs and 8 percent of the pollution is produced by older vehicles.

6. The Right to Education

One of the remarkable achievements made in recent years in Afghanistan is in the area of education. However, the ground for millions of children to enjoy their right to education has been paved, a large number of children in our country are still deprived of the right to education. Based on the statistics prepared by the Ministry of Labor and Social Affairs, “more than 6 million children are presently deprived of education in the country.” According to statistics provided by the Ministry of Education, “the rate of enrollment at schools exceeded one million students in 1390.” During that year, around 14,000 schools were operational all over the country. The number of students exceeded 8.1 million, and 38 percent of the students were girls. These students were taught by 175,000 teachers, and 36 percent of the teachers were professional teachers. However, in 1391 we had 9.5 million students in Afghanistan, including 4 million girl students who were taught by 190,000 teachers in 16,000 schools. Presently, 50 percent of the teachers are professional and they have at least completed grade fourteen. Higher education is provided for other teachers and around 10 to 12 percent of teachers receive professional training annually and improve their professional capacities.

According to the present research, in 1390 and 1391, more than 60 percent of the participants stated that schools (10 to 12 grades) were operational in their villages. Establishment and development of private schools is another sector which has had an eye-catching progress in Afghanistan. According to the Ministry of Education, “right now more than 500 private schools are operational in Afghanistan.” Around one hundred thousand students are enrolled in these schools. Shortage of books, typing and spelling problems in printing, low quality of the contents of textbooks, classic and ineffective methods of teaching, lack of laboratories, lack of teaching equipment, lack of logical sequence in the content of school subjects are the main problems in the area of quality education. According to the present research, in 1390, around 37 percent, and in 1391, almost 27 percent of the participants considered low quality of education as the main reason for their children who left school. This is a very concerning issue, but the spokesman of the Ministry of Education says that students are taught based on an accountable and effective education curriculum. Likewise, the officials of the Ministry of Education mentioned about printing of new books by this Ministry. According to a statement by the spokesman of the Education Ministry, around 48 million copies of new books have been printed in 1391 and students will not face any shortage of books.

Lack of school buildings is another main challenge for students and a large number of them continue their education in tents, open space, and other unsuitable atmospheres. According to the present research, in 1390 around 83 percent and in 1391 almost 88 percent of interviewees (boys and girls) stated that they were studying in schools with no buildings. The others stated that they were studying in mosques, open spaces, rented buildings or in tents.

During the school year, a number of students leave school due to various reasons. The present research shows that more than 50 percent of these students leave school during high school. Students usually complete the age of 18 when they are in high school (10 to 12 grades). Girls in

this age range are usually prevented from going to school by their families due to cultural reasons or because they get married. Marriage is another reason causing girls to leave school.

Boys also, due to economic problems start working or migrate to another country during this period of study. The participants in this research mentioned low quality of education, poverty, marriage, long distance to school, lack of female teachers, bad condition at school and other issues as the reasons for leaving school.

Security is one of the main issues for all citizens, especially for children. According to the Ministry of Education, 530 schools were closed in 1390 due to security problems, as a result of which almost 400 thousand students were deprived from going to school. At the time of this research (1391) more than 401 schools in southern Afghanistan remain closed, but the rest have reopened. Lack of female teachers in insecure areas causes girls to leave school. Human rights field monitoring research shows that in 1390 around 17 percent and in 1391 almost 18 percent of girls stated lack of female teachers as a reason for leaving school.

7. Priorities and Hope for the Future:

Prioritization of the wants and requirements of citizens in the area of human rights not only indicates the general human rights situation in our society, but also represents the basic needs and necessities of citizens in the area of human rights.

Based on the findings of the year 1390, the most important priority of citizens was employment; of overall priorities expressed by the respondents in human rights field monitoring forms, employment comprised 22 percent; in 1391, employment comprised 23.8 percent of priorities expressed. Employment was the top priority for citizens in 1388 to 1391, and this priority increased in 1391 compared to the previous years. It shows the plight of unemployment and poverty situation in the country. The withdrawal of international forces, increasing insecurity, politico-electoral crisis during elections, and widespread corruption in government offices are all the factors that have further contributed to this crisis.

After employment, the leading priorities expressed by citizens in 1390 were: access to health services by 14.5 percent, access to water by 11.3 percent, food by 10.3 percent, and education by 10.2 percent of priorities.

After employment, the leading priorities in 1391 were access to health services, water, food, fuel and electricity, and education, constituting 14.3 percent, 13.2 percent, 9.4 percent, 7.1 percent and 7 percent of the expressed priorities respectively.

In the field monitoring forms, priorities for each respondents have been categorized under three main categories, first, second and third priorities. Employment was deemed as the first priority for 40.2 percent of the respondents. For 27.2 percent of them, access to potable water was the first priority. Access to health services was the first priority for 8.1 percent of the respondents, and 7.7 percent of them voiced security as their first priority.

A citizen's hope about the future has a direct connection with their present situation and level of their access to human rights during previous years, the improvement of their living quality, security and also the political and economic situation in the country. Therefore, examining

people's hope about the future can help us understand the perception of the human rights situation in the country from perspective of citizens.

The data from the year 1390 shows that 73.3 percent of citizens are hopeful about the future of their families. Only 15.5 percent of them are not hopeful. The data of the year 1391 indicate almost the same percentage. 73.1 percent of respondents expressed that they were hopeful, while 15.4 percent of them stated that they had lost hope about the future of their families.

Citizens are less optimistic about the improvement of the situation in the country. According to the findings in 1390, around 67.9 percent of the respondents of human rights field monitoring forms expressed that they were optimistic about the future of our country. This level of optimism was 68.8 percent in 1391. In 1390, around 17.3 percent of the respondents of these forms and in 1391 almost 16.7 percent of the respondents stated that they had lost their optimism about the improvement of the situation in the country.

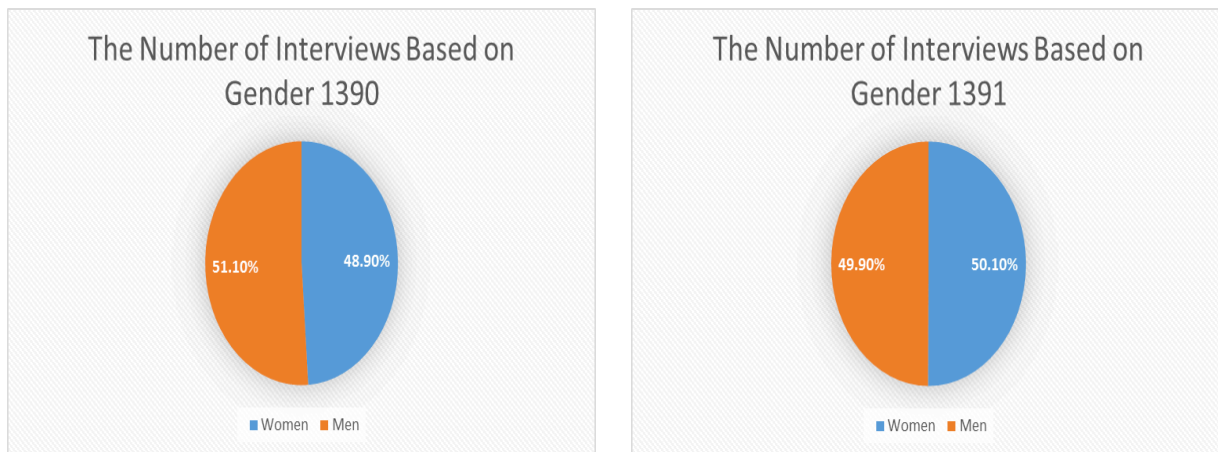
Methodology and Statistical Population

The present report is the sixth report on the economic and social rights situation covering the years 1390 to 1391. The report is based on information from the database of the AIHRC. The information was prepared during the years (90 and 91) as separate studies by the field monitoring staff of the AIHRC and entered into the database. At the same time, supplementary information from other research reports of the AIHRC, annual reports of state organs, interviews with relevant officials, and reports from national and international institutions have been used to complete this information.

Statistical Population

During the years 1390 and 91, the AIHRC's staff in the regional and provincial offices separately conducted interviews with individuals from various groups and strata in society through specific questionnaires. The sample group for this research was chosen randomly from within the research covered area, and included both men and women. In 1390, interviews were conducted with 6429 people (3142 women and 3287 men), while in 1391, interviews were conducted with 8202 people (4110 women and 4092 men).

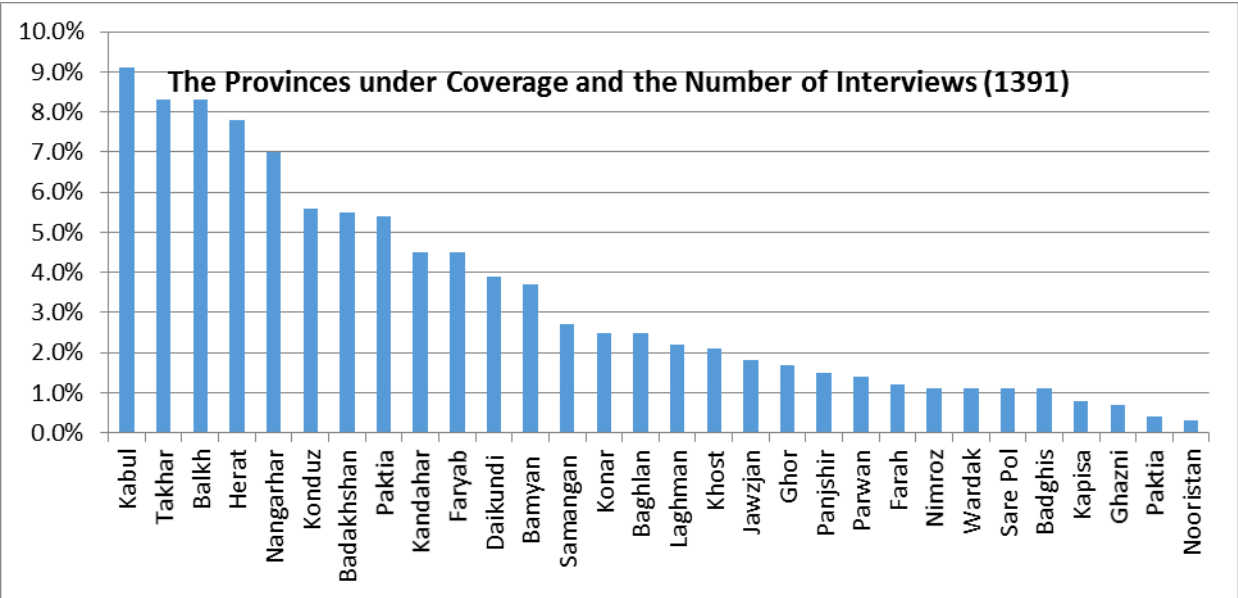
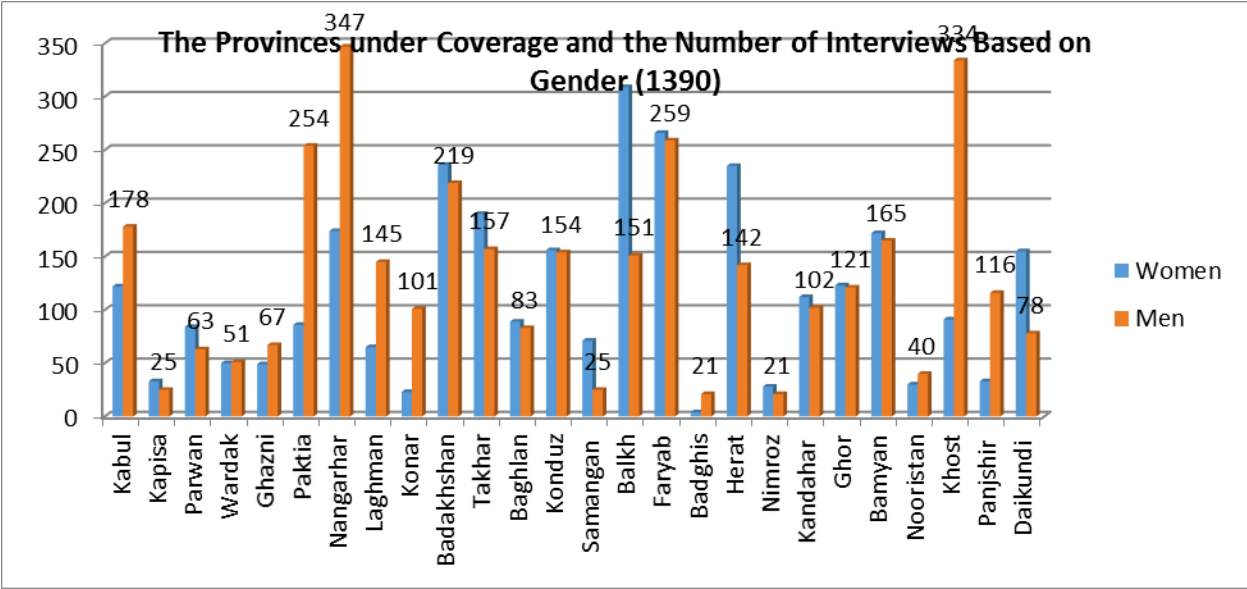
The following tables show the number of interviewees specified by gender:



The number of interviewees specified by their gender (1391)

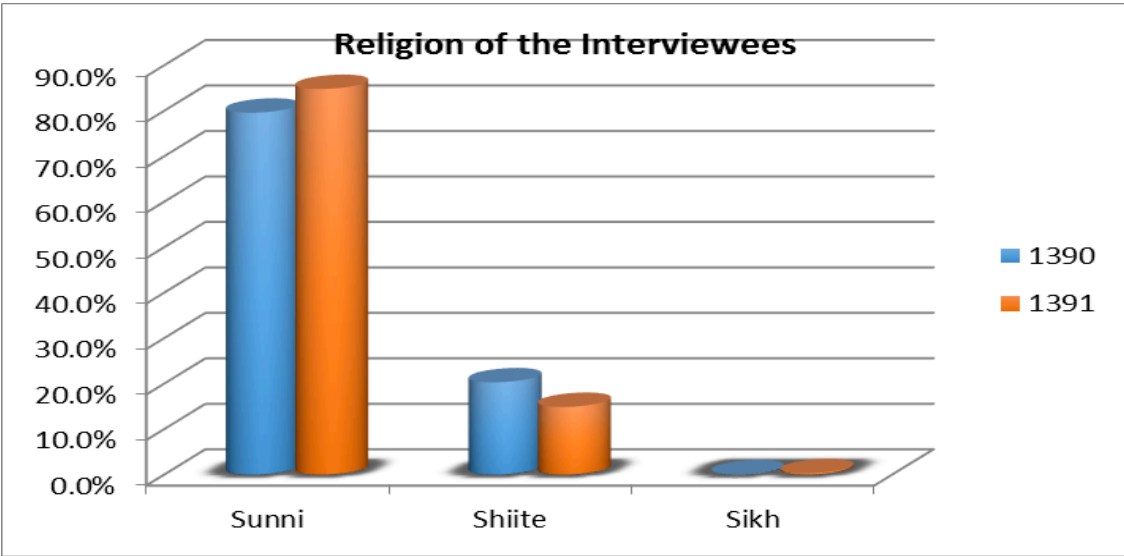
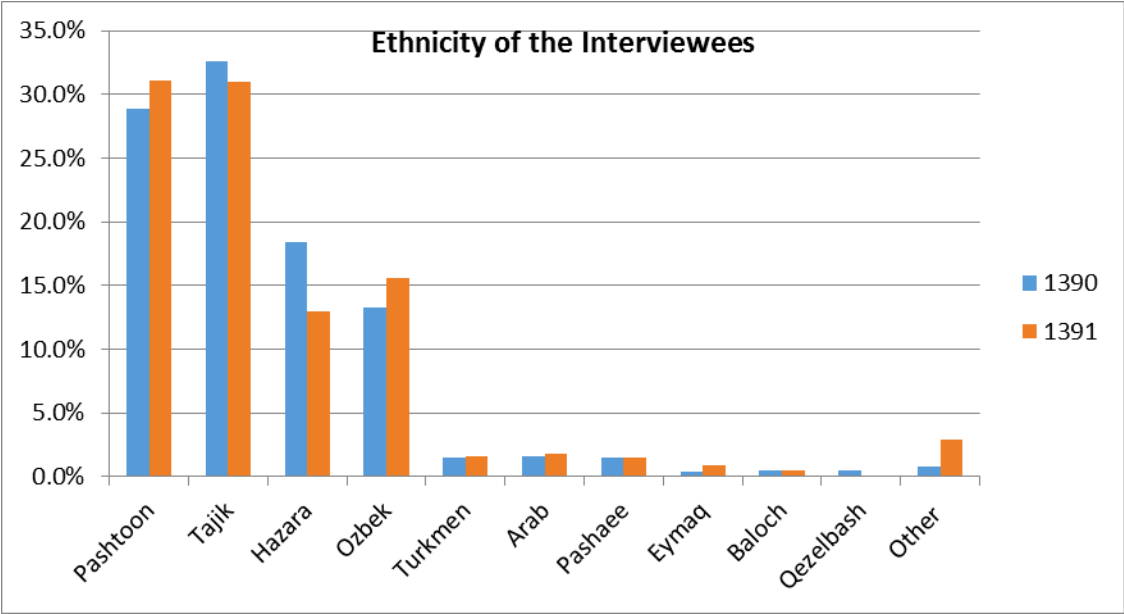
Tremendous efforts have been made to bring all the provinces of our country under the coverage of this research, but due to insecurity and threats by the anti-government armed groups some areas of Afghanistan were not covered by this report. These interviews were conducted in 26 provinces in 1390, while in 1391 it was carried out in 30 provinces. In both years, around 90 percent of the interviews were conducted in remote rural areas and the remaining interviews were carried out in cities.

The following diagram shows the number of the provinces covered and the number of interviews conducted:



Afghanistan is a country with ethnic diversity. Efforts have been made in this research to have statistical samples from all tribes and religions. Interviewees were selected randomly and questionnaires were distributed to them. Each interviewee could mention his/her name and ethnicity.

The following chart shows ethnicity of the interviewees in 1390 and 1391.



This research shows that most of the households are headed by the elderly. During the years 1390 and 1391, more than 40 percent of the interviewees stated that their family were headed by an elderly individual. Similarly, in 1390 around 17 and in 1391 almost 15 percent of the interviewees in this research stated that their household are headed by women. Around one percent of them mentioned that their family heads were children. During those two years, around three percent of the interviewees stated that their families were headed by persons with a disability. In this research, about 89 to 90 percent of the interviewees were married people.

Part I

The Right to Work and Employment

Work and employment is essential as a daily requirement of every one; every person needs to work for the continuation of his/ her life. Employment is considered a basic issue in all countries and states, and it is a big concern for families, societies and governments. Employment has a direct connection with having a firm and stable family foundation, economic and social development. Settling this issue would solve many of society's issues. Therefore, states make tremendous efforts to tackle the problems of employment and lay the groundwork for further employment opportunities. By doing so they would be able, on one hand to fulfill their important duties and on the other hand to ensure the psychological security of the individual, family and society, and consequently, help economic progress in the country.

Based on national and international laws, access to work is a basic human right. Afghanistan joined to ILO in 1934, and so far, has ratified 5 international treaties.¹⁰ States Parties to these international covenants are duty bound to both observe and attempt to implement the established criteria. Labor legal standards are clearly considered in the Afghanistan's National Laws.

Article 48 of the Constitution states that, "everyone has the right to work."¹¹ The Labor Law of Afghanistan, which is based on Article 48, elaborates on the standards and principles of work in a specific way. Ensuring equal right to work, protecting the laborers' rights, improving production and organization of work, increasing labor outputs, and rational utilization of human resource is mentioned and considered as the main targets of Article 2 of the Afghan Labor Law. ¹² In the Afghan Labor Law the standards of international covenants are observed to some extent. Access to work is one of the economic and social rights of both men and women.

Article 23 of the Universal Declaration of Human Rights provides that everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.¹³ Similarly, Articles 6 and 7 of the International Convention on Economic, Social and Cultural Rights elaborate on the right to work: "The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right."¹⁴

Definition of Work:

¹⁰ - Fifth Report on Economic and Social Rights in Afghanistan, the Afghan Independent Human Rights Commission, 1390, p. 17

¹¹ - Constitution of Afghanistan, Monitoring on Implementation of the Constitution Independent Commission, 1390, p 26

¹² -Labor Law, publication of Justice Ministry, 1387, p 1

¹³ - Universal Declaration of HR, adopted on Dec.10, 1948, from Publication of the AIHRC p7

¹⁴ - Convention on Economic, Social and Cultural Rights, adopted on Dec. 16, 1966, from publication of the AIHRC, p 4

Experts have defined work in various ways. One definitions says: work is a continual activity and occupation which has economic benefit. In other words, work is a continual and systematic activity of individuals for economic, cultural and social progress in a society. Or, work is a planned and results-based activity and skill which results in the wellbeing of families and society.¹⁵

Work Situation in Afghanistan

Shortage of work opportunities is a serious challenge in Afghanistan. Due to this lack of work, the people of Afghanistan undertake hazardous and dangerous emigrations. Those who are busy at work in Afghanistan, mostly do not enjoy job security. Although there were favorable grounds for job opportunities over the last decade, the state of Afghanistan has not been successful in the area of job creation.

Horo Bregar, a representative of the ILO in Afghanistan, says, “The jobs created by the state of Afghanistan during the ten last years, were short term and unstable. For this reason the level of unemployment elevated among the workforce. Out of 11.59 million workers in Afghanistan 823,000 of them are unemployment.¹⁶

At the same time, Ali Eftekhanri, spokesman of the Labor and Social Affairs says, “although the rate of unemployment is not precisely known due to lack of exact statistics, the surveys conducted and the findings by the Ministry of Labor and Social Affairs show that out of 30 million population of Afghanistan 10 million are eligible for work. Out of 10 million people eligible for work, 25 percent of them are unemployed or temporarily employed. The number of absolute unemployed persons reaches nearly one million. It means that out of 10 million people eligible for work, two and a half millions of them are unemployed or temporarily employed.”¹⁷

According to specialists, the state of Afghanistan lacks a documented policy to meet the country's economic needs. Abdul Hadi Arghandiwal, the Minister of Economy, says, “Every year, 500,000 young people enter the labor market in our country, but work opportunity is not provided for them. Based on surveys conducted, 48 percent of our workforce is unemployed or temporarily employed and this figure is increasing day by day.”¹⁸

In this research, field assessments conducted by the AIHRC shows that in 1390 and 1391 only 55 percent of participants stated that they had access to work. Although Afghanistan is an agricultural country, the income of the majority of people comes from non-agricultural sources. In 1390, almost 70 percent and in 1391 around 73.5 percent of the people under coverage of this research stated that their incomes were earned from non-agricultural sources.

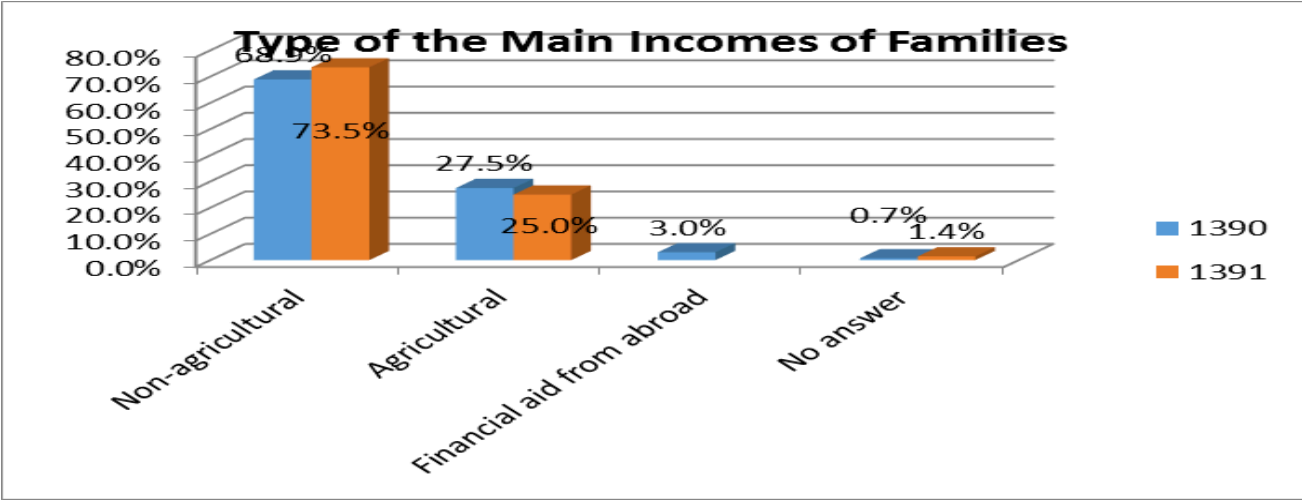
Type of family income

¹⁵ -Lashkari, Fereydoun, economic development, homeland Press, 1378, p. 39

¹⁶ Radio Kelied, concerns of the ILO about situation of Afghan laborers- published on 16 Jawza 1391, adopted on 20 Dalwa 1392 from this site:

¹⁷ Interview with Ali Eftekhari, spokesman of the Labor Ministry in Hoot 1392

¹⁸ - Eight in the morning newspaper, 48 percent of the country's workforce is unemployed, was published on 18 Sawr 1392, taken on 17 Dalw 1392, the newspaper's website, address: <http://8am.af/1392/02/18/job-afghanistan-48-percent-jobless/>

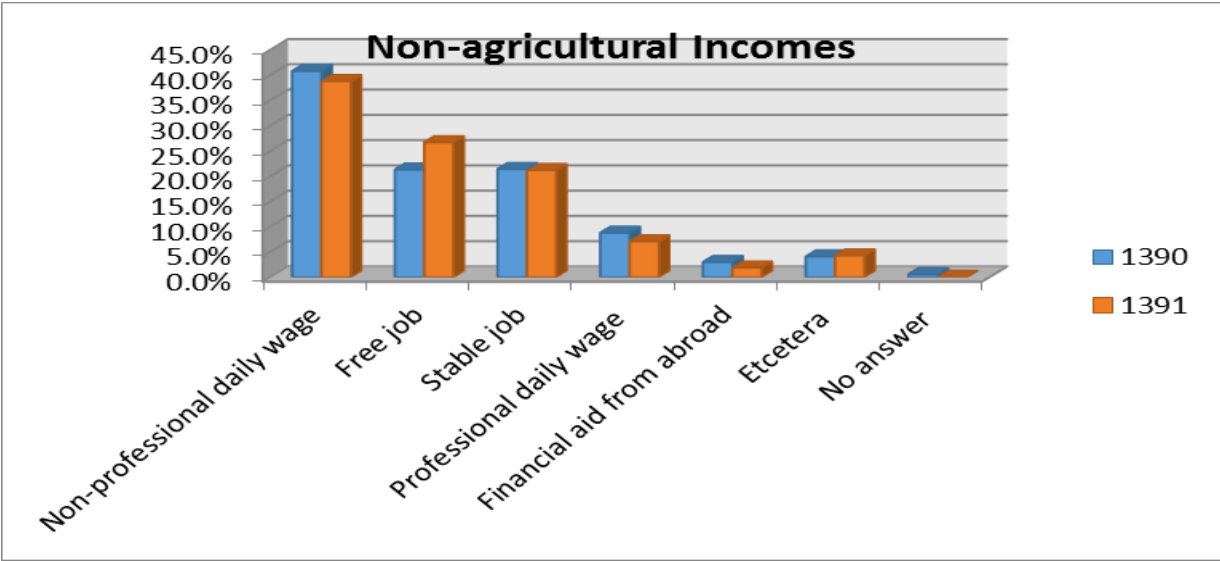


No answer, financial support from abroad, agriculture, non-agricultural

In 13 90 almost 56.8 percent and in 1390 around 45.3 percent of those people who had engaged in agricultural activities stated that they were landowners. The average of the statistic of these two years shows that around 50 percent of those engaged in agriculture were land owners. Others stated that they gained their incomes through leasing land, peasantry, husbandry and etc.

Those people whose incomes are earned from non-agricultural sources usually earn their daily expenditure through daily laboring and unskilled jobs. The following chart shows income sources of the interviewees:

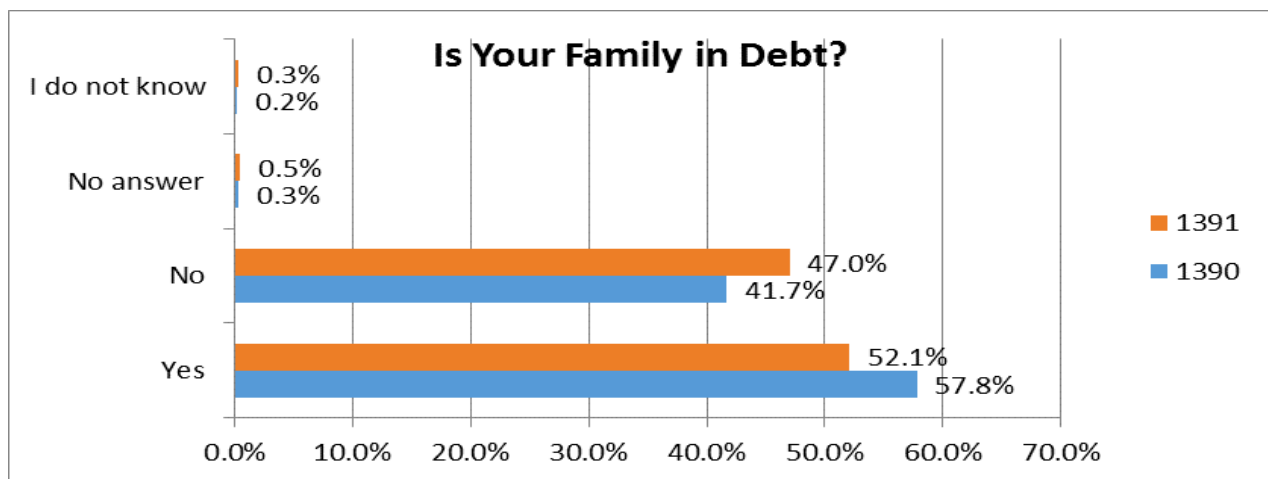
Non-agricultural incomes



No response, financial support from outside, skilled wage earners, permanent job, private business, unskilled workers

In addition to source of income mentioned in the above chart, other sources such as begging, collecting of garbage, selling water and assisting relatives were mentioned by the interviewees as a means of earning their daily income. Lack of permanent employment causes families to plunge into debt. Based on this research, during the years 1390 and 91 more than 50 percent of participants stated that they were in debt.

Is your family in debt?



During this research, the interviewees presented various reasons for their debts. The majority of them were providing of basic needs such as food and clothes. In 1390 more than 66.5 percent and in 1391 around 56.8 percent of the interviewees stated that they plunged into debt to provide **primary** living requirements, such as food and clothing.

Marriage expenditure was the second most prevalent reason for debt. During these two years, around 11 and 12 percent of the participants stated that the expenditure for marriage was the main reason for their debt. Other major reasons included expenditure for funeral ceremonies, medical expenses, homebuilding, and others.

Child Labor: The performance of labor by children – one of society's most vulnerable groups – is prohibited by law.

Under Article 32 of the (UN) Convention on the Rights of the Child, States Parties “recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.”

challenges, including economic dependency, which is considered a serious issue. And sometimes leads to physical or emotional violence. Women are faced with various types of violence in Afghanistan. Among these is economic violence, which refers to the economic and financial dependency of women on men, and to which illiterate women are particularly likely to fall victim. Economic violence is classified as one of the widespread types of violence.

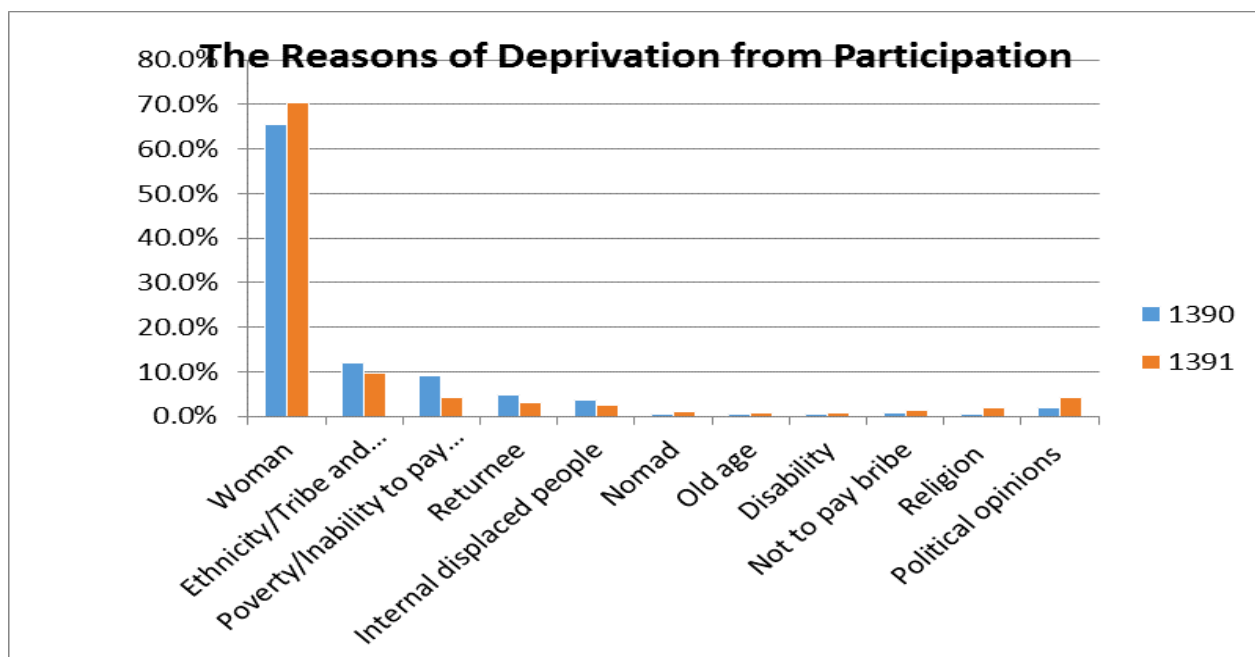
According to an assessment made by the ILO, most women in Afghanistan are deprived of participation in the labor market due to low levels of education and expertise, cultural and social obstacles, engagement in child raising, shortage of work opportunities, lack of security, limited access to information on the labor market, and lack of legal protection. The statistics presented about poverty and economic inequalities show that women are one of the most disadvantaged groups in our society. The increase of poverty is the increase of women's vulnerability. Based on a report prepared by the ILO, 78 percent of unpaid workers in families are women. On average, women earn 50 percent less compared to men. Only 2.7 percent of women hold managerial position in economic activities.²²

The bad working environment is another problem faced by women in our country. Those women who work at state organs and other institutions do not feel safe psychologically, and the social and cultural situation in the office are also less likely to be secure for women.

Participation in Development

Every person has the right to participate in any development activities which bring about improvement in living conditions and progress in society. Various developmental projects have been implemented recently in different parts of Afghanistan. In the present study, the participants named a number of projects – such as water supply project, road building, electricity, agriculture and others – which were operating in their areas. The participation of women in these developments and social services was limited due to their gender. This report found that most of those women deprived of participation in local councils and developmental projects were excluded for their gender. Reasons for non-participation.

²² - Eight in the morning newspaper, women victims of economic violence in Afghanistan, taken from - Hoot 16, 1392, the site of this media, Address: <http://8am.af/1392/03/26/women-economy-afghanistan-victims/>



Poverty: Economic poverty is the lack of ability to meet human needs. Today, the emergence of financial problems in many countries has caused a poverty increase in communities. Poverty is a serious problem affecting a large number of families in Afghanistan. Elimination of poverty, and public access to adequate standards of living, is one of the objectives of human rights. International Human Rights Law defines poverty as such: “poverty may be defined as a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.”²³

Reducing of poverty is mentioned as part of the objectives of the National Development Strategy for Afghanistan. The third section of this strategy, emphasis has been made on reducing of poverty. However, the state has thus far not been able to implement this strategy. Based on the surveys conducted, around 35 percent of the population in Afghanistan is living under the poverty line.²⁴ Lack of working ground, unequal allocation of resources, unemployment, drought, administrative corruption, war and illiteracy are the main causes of poverty in Afghanistan. These factors have caused poverty continue and causes a large number of problems, including insecurity and violence, and evaluations show that it is one cause of family violence.

²³ - Office of the UN High Commissioner for Human Rights, Human Rights Dimensions of Poverty in Afghanistan, Kabul, March 2010

²⁴ - Interview with Ali Eftekhari spokesperson for the Ministry of Labor, Social Affairs, Martyrs and Disabled, 28 Hoot 1392

Part II

The Right to Social Security

The right to social security is included among economic and social rights. Social security refers the right of individuals to have access to physical and intellectual advantages to protect themselves against any vulnerability such as unemployment, retirement, disability and pregnancy. Based on Article 22 of the Universal Declaration of Human Rights, everyone, as member of society has the right to social security. Similarly, Article 25 says, “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”²⁵

Similarly, this right is enshrined in the Article 9 of the International Convention on Economic, Social and Cultural Rights. According to Article 53 of the Afghan Constitution, the State of Afghanistan adopts necessary legal measures to regulate medical services and financial assistance to children and family members of martyrs and missing persons, reintegration of persons with disability and their active participation in the society. The state ensures the rights of retired and elderly persons, women with no caretaker, and persons with disability, orphans and poor people and provides assistance according to the laws.²⁶ The State of Afghanistan has taken into consideration some protection programs in the NDS for vulnerable social strata. A part of this strategy reads, “... to carry out stable policies, the State is committed to launch organized programs in the areas of employment provision and social security as well as in the area of income generation through reforms and programs focused on the poorest classes in the society.”²⁷

To implement this part of the NDS, the State has established a special sector under the name of the Social Security Sector. Social Security Sector contains a collection of policies and public measures aiming at promotion of capacities, opportunities and security for poor Afghans through the economic development process. These policies are directed to the elimination of poverty, promotion of self-sufficiency, provision of assistance to poor people, humanitarian assistance during natural disasters, protection of retired persons, assistance to vulnerable youths and assistance to persons with disability, in order to manage incidents in a proper way.²⁸ However, these programs were not implemented by those in charge as was anticipated; present evaluations show that elderly persons, families of martyrs and orphans remain deprived of necessary protection and care.

²⁵ Universal Declaration of Human Rights

²⁶ Constitution of Afghanistan

²⁷ NDS

²⁸ - Ministry of Finance, Introducing of the social security sector:

<http://www.budgetmof.gov.af/index.php?option=com>

Old age

Old age is a period of life when individuals need more care and support. Based on national and international laws, protection of elderly persons is one of the main responsibilities of the government. Article 53 of the Constitution of Afghanistan reads, “The state shall guarantee the rights of retirees, and shall render necessary aid to the elderly, women without a caretaker, disabled and handicapped as well as poor orphans, in accordance with provisions of the law.”²⁹

Evaluations show that in many cases, elderly persons are the caretakers of their families. The findings of this research show that 41 to 42 percent of caretakers of families are elderly persons. The recent census carried out by the Central Department of Census of Afghanistan shows that 1.4 million people in Afghanistan are over 60 years old meaning that only six percent of the population is elderly. Of these 42 percent are women.³⁰ Unfortunately, no shelter for elderly persons has yet been established in Afghanistan, and there is not any systematic program for their protection. Therefore, elderly persons are faced with numerous problems and challenges in Afghanistan. Lack of employment opportunities, suitable for the capacity of elderly persons, lack of shelters, poverty and homelessness are the problems facing elderly people in this country. A new report by the UN Population Fund shows that among 91 countries, the living conditions for elderly persons in Afghanistan is the worst.³¹ Based on a report published by the AIHEC in 1391, more than 57 percent of interviewees stated that they depended on others' help in their daily activities.³²

Retired persons are also considered elderly persons. According to the Labor Law in Afghanistan, after the completion of age 65 an employee gets retired and their pensions are paid according to their last salary of their working period. A number of retired employees, whose pension is not rated in accordance to the new Law, receive a pension which is not sufficient for their basic needs. Therefore, retirees who bear the responsibilities for their families or not supported by their family face with serious economic problems. According to a report prepared on elderly persons by the AIHRC, out of all elderly people who were state employees, 38.7 percent of them stated that they were retired.

According to information from the Pension Department, there are around 120,000 retired persons in Afghanistan at the moment, with annual pension allowances ranging from 8,000 to 52,000 Afs.³³

Orphans and Families of Martyrs

²⁹ - Afghanistan Constitution, from publications of the Monitoring on Implementation of the Constitution Independent Commission, printed in 1390, p 29

³⁰ - BBC, Persian , Is Afghanistan the worst country for elderly persons? Broadcast in Oct. 2013, adopted in March 2014 from this site:

http://www.bbc.co.uk/persian/afghanistan/2013/10/131014_k04_elderly_life_in_afghanistan.shtml

³¹ -BBC Ibid

³² - AIHRC, situation of elderly persons in Afghanistan 1391, published in Hamal 1392, p 20

³³ - Radio Azadi, problems of retirees, broadcast in July 1390, adopted from the site:

<http://da.azadiradio.org/content/article/24429956.html>

The decade long war in Afghanistan caused tremendous casualties. During the recent decades, a large number of people lost their lives in the armed conflicts. Most of these victims were the breadwinners for their families and as a result, many families lost their breadwinners. Families of martyrs and missing persons are the most vulnerable class in society who should be protected. Based on the Convention on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Constitution of our country, the state is obliged to protect orphans and survivors of martyrs. During the many decades of war, the people of Afghanistan were severely affected and received tremendous casualties. According to the existing statistics, 124,361 people were recorded as martyrs from Saur, 1357 until the year 1390.

Undoubtedly, this figure cannot cover all martyrs and victims in our country. Only a small fraction of the victims have been registered. Therefore, it can be said that the number of martyrs and victims of the armed conflicts is larger. At present, 2250 Afs is paid as an allowance to each family of martyrs and missing persons. This is not a sufficient amount of money to meet their basic needs. For this reason, the children of the martyrs must do hard labor to earn their living necessities. In addition, due to the shortage of employment in Afghanistan many family caretakers emigrate in search of jobs. These migrations are usually undertaken illegally and involve serious hazards. Many of such migrants go missing and their children remain without a caretaker as orphans. In such cases their children are left in need of protection, which should be rendered by the State.

The exact number of orphans in Afghanistan is not known, but a report by the Ministry of Labor and Social Affairs shows that around 6000 orphans are living in 70 orphanages, and almost 6 million children are in crisis. Furthermore, field monitoring reports by the AIHRC show that caretakers of almost 8 percent of families are women.

Persons with Disability

Disability is one of the negative effects of war. Afghanistan has passed many decades of war and unrest, and still suicide attacks and violence continue in its nooks and corners. War and armed conflict are the main causes of disabilities. The Convention on the Rights of Persons with Disability defines a person with a disability as, “persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” According to evaluations made by the AIHRC, 840,000 persons in Afghanistan suffer from serious disabilities. Of those 200,000 are children. Polio has also caused many children to become paralyzed. Based on the national and international laws, the state is obliged to protect persons with disability and provide them employment opportunities suitable to their abilities.

At present, persons with disabilities receive 2500 Afs per month, which is not a sufficient amount of money to meet their basic needs. According to the spokesman of the Ministry of Labor and Social Affairs, those people with severe disability receive 5000 Afs per month, paid annually. The maximum annual payment for a disabled person is 60,000 Afs. Preparing training opportunities for persons with disabilities is an urgent need, but unfortunately, necessary actions have not been taken in this regard. The Ministry of Labor and Social Affairs has prepared short term training facilities for a number of persons with disabilities which by no means can solve these people's living problems.

Maternity Leave

Maternity leave is an issue related to social security. Based on international treaties, states are obliged to take into consideration maternity leaves for pregnant mothers in the framework of their laws. According to the Labor Law of Afghanistan, women are entitled to this right and they can legally enjoy the right to maternity leave. Precise statistics are not available to know what percentage of eligible women benefit from this right; reports indicate that women in remote provinces cannot benefit as they should, but in the cities women can have full access. According Article 54 (1) of the Labor Law of Afghanistan, expectant women are entitled to 90 days maternity leave with payment, and they can take one third of the leave before and two third of their leave after childbirth.

In case of abnormal childbirth or twins, their leave will be extended by 15 days. Mother can benefit from this right when she brings her employer a certificate from a maternity hospital. After the termination of maternity leave a mother must return to her office within 5 days, otherwise she will be counted absent and cannot benefit from maternity privilege.

Identity Card and Birth Certificate

An identity card proves the identity of a person, and every citizen is entitled to have one. Without an identity card, the rights of citizenship are often limited for individuals in many areas. Evaluations show that in remote areas, many people and their children have no identity cards. The present research shows that in 1391 almost 54 percent of the interviewees said that their children had no identity cards, while 43.5 percent stated that their children had identity cards. The remaining gave no response in this regard. Almost 50 percent of the people whose children had no identity cards said that they had not make any request to receive one. However, sometimes they were unable to obtain identity cards due to various reasons, such as being female, Kochi, displaced, a returnee, or due to administrative corruption.

A birth certificate is also evidence of a person's identity, and children can use it as an identity card during schooling or participation in social activities. The present research indicates that many children in remote areas and villages have no birth certificate. Based on this research, in 1391, 84.1 percent of participants stated that their children had no birth certificate; only 12 percent said that their children had one. The main reason for having no birth certificate was that the families did not request one, as most of them were unaware of its importance for their children. Of the people whose children had no birth certificate, 65.3 percent of them had not requested one. While under the Constitution of Afghanistan, all citizens are entitled to have an identity card, Jogeas continue to be deprived of this right. This has caused many children of Jogeas to be deprived of education.

Security

Security is a basic human right, and everyone has the right to live in a secure and peaceful environment. Lack of security can deprive people of their other rights, such as the rights to education, health, access to an adequate standard of living, work and others. Therefore, security is counted as one of the priorities for progress in life. Security has strong and unbreakable tie with human life. Killings, terror, kidnapping, theft, plundering, intimidation and allegation are counted as various types of violation of individual and public security. Security is a precondition for economic development, ensuring democracy, the rule of law, ensuring social justice, and

equality in a society. Living in a secure and peaceful atmosphere is a basic right of every person, and it is said that insuring people's political and social needs also depends on ensuring security in the society.

Based on Article 3 of the Universal Declaration of Human Rights, everyone has the right to enjoy freedom and personal security. According to Article 23 of our Constitution, life is the gift of God as well as the natural right of human beings; no one shall be deprived of this except by legal provision. Therefore, state authorities are obliged to prepare a safe and secure condition for citizens. Afghanistan is a country where the issue of security has not yet been settled, and insecurity can be witnessed in various forms in different parts of the country. Nor is the security situation stable; at times it becomes critical. Such conditions naturally lead to widespread concerns and worry. Based on the present research, in 1391, around 14 percent of the interviewees stated that over the prior 12 months security conditions has been deteriorating, while 44.9 percent stated that they were improving. The remaining 37.8 percent said that during the last year security conditions were without change. The participants believed that the main factor of insecurity is the existence of the armed opposition forces. When asked, does your family enjoy freedom of movement and security?"45.7 percent of them stated that their families always enjoy freedom of movement, 35 percent stated they do so most of the time, while 17 percent stated that their families have enjoyed freedom of movement only sometimes.

Begging

From the viewpoint of sociology, beggary is considered a kind of social deviation. Some people resort to beggary because of poverty, but some others do it as a business to gain income. Begging is usually performed by a member of a vulnerable class in society, such as children, women with no guardians, persons with disability, refugees, and elderly persons. Poverty, joblessness, disability, and addiction are begging's main causes. Begging has increased in Afghanistan in recent years, especially in the capital city. Beggars typically use various deceptions to attract public sympathy and receive cash assistance. Assessments show that most of these beggars are not in dire need, but rather practice it as a business.

Ali Eftekhari, spokesman of the Ministry of Labor and Social Affairs, has said that evaluations by the Ministry show that 80 percent of the beggars in Kabul city are professional beggars. He adds, "the Ministry of Labor and Social Affairs, in cooperation with some other State organs, collected around 4200 beggars from Kabul city. After evaluation it was revealed that 3880 of them – around 80 percent – were identified as professional beggars."³⁴ Professional beggars are those persons who are not very poor and needy but practice begging in groups or individually as an occupation. It is difficult to distinguish the needy beggars from occupational beggars. Those beggars who have serious economic difficulties or have no ability or opportunity to work are counted as vulnerable people, and it is the State's responsibility to protect them. Occupational begging is not a criminalized in the law, and there is no crime under which to bring charges against them

For this reason it is difficult to prevent their collective or individual activities. In 1387 a presidential decree was issued on the prohibition of begging on the basis of which the Council of

³⁴ - An interview with a spokesperson for the Ministry of Labour, dated 28 Hoot 1392
Interview with the Spokesman of the Ministry of Labor, on 28 Hoot 1392

Ministers approved the plan for collecting the beggars. Although practical measures were taken, the program was ultimately not successful. In spite of this, Dr. Raof Herawi, the Legal Adviser of the Justice Ministry has said that this Ministry has a plan to legally settle the begging issue. He noted that in the draft of the new Law on Social Protection, the abuse of children for the purpose of begging is considered a crime, and perpetrators would be sentenced to short-term imprisonment. However, this draft law has not yet been finalized.³⁵

Abuse of Beggar Children

Abuse of children is a practice commonly employed by beggars in Afghanistan. In many cases, beggars give sleeping pills to their children while begging. According to Dr. Farid, a mental health specialist, “those beggars who give sleeping drugs such as opium or other drugs composed of opium to their children to make them sleep for hours is very dangerous. In general, it causes addiction. At the same time, taking of any kind of sleeping drug for a long time causes various diseases such as dullness, lung, nerves and heart problems as well as general body weakness. It is very dangerous for individuals and for the society at large.”

Meanwhile, some women with disabled children try to make their children’s disability conspicuous in public, in order to attract public attention and receive cash assistance. Forcing children to beg is another way of abusing children in the cities. Parents leave children with worn out and ragged clothing in crowded areas and force them to beg.

The Proliferation of Begging by Gangs

Ethical norms on assisting poor people have unfortunately acted to encourage begging and attracted begging mafia gangs to enter the cities of our country, and conduct their business through the employment of beggars. Naeem Dindar, Secretary General of the Afghan Red Crescent, stated,

“as a result of the activities during the recent years regarding the collection of beggars we found out that there are some bandits and organizations that are active in the city promoting begging through the hiring and leasing of beggars. Besides professional beggars, there are some Pakistani beggars active in this country. When we arrest and keep them, we receive many telephone calls from influential and powerful government and non-governmental organs to release them.

Times and again, when we arrested Pakistani beggars, the authorities in Pakistan Embassy intervened and released them on bail. For example, out of 4 thousand collected beggars, 125 of them were Pakistani citizens who were released through intervention by Pakistan Embassy. Similarly 3858 beggars were released on bail.”³⁶

In addition to the promotion of begging and attempts to make it a common practice, there are other concerns in this regard. Some people disguised as beggars to carry out other activities such as prostitution, smuggling, kidnapping, theft, selling arms, and spying. As begging becomes more and more of a business, the probability of its involvement in such activities also increases.

³⁵ -Radio Kelied, children in the abyss of sleeping drugs, by Sohaila Weda, adopted on 4 Hamal 1393 form the site: <http://tkg.af/dari/report/research/10660>

³⁶ Ibid: Radio Kelied

Migrants and Refugees:

Immigrants are those people who leave their native country and reside in another country. Immigration by both individuals and families has various causes such as poverty, war, unemployment, lack of facilities, insecurity and national disasters. Being refugee has its specific definition. In the framework of existing treaties, the word “refugee” refers to people who flee their native country due to racial, ideological, religious, national and political threats, torture, and harassment, and take refuge in another country with no intention to return. According to the Universal Declaration of Human Rights, “every person has the right to freedom of movement and residence within the border of each state”. In Article 13 (2) grants that, “everyone has the right to leave any country, including his own, and to return to his country.”

Afghanistan is a country that has seen a staggering number of emigrants and refugees depart for other countries. Citizens of this country have been faced with various challenges during recent years; wars and insecurity, drought, poverty and unemployment, social limitations and racial tensions are the main reasons migrants leave.

Based on new information from the Ministry of Immigration and Repatriation made available to the AIHRC, a total of 2,655,363 registered Afghan refugees are living outside the country. The majority of these refugees are residing in the neighboring countries of Pakistan and Iran. Based on this information, around 1637740 Afghan refugees are registered in Pakistan, out of them 399436 are men, 452189 women and 786115 are children. Similarly the number of unregistered Afghan refugees in Pakistan exceeds 1000000 persons.

According to this information, 824,189 Afghan refugees are registered in Iran. Out of them 214,326 are men, 214,200 are women and 395,561 are children. The number of unregistered Afghan refugees in Iran exceeds 1,400,000 persons.

According to the Ministry of Refugees and Repatriation Affairs the situation of Afghan refugees is critical in Iran and Pakistan in terms of their access to health services, education, employment and social security.

In Iran, the main challenges facing Afghan refugees are: deprivation of services and health insurance; (education against money??); exclusion from office jobs, and the performance of hard labor; strict and harsh treatment by police and other security elements; lack of access to defense lawyers; limitations to movement rights; and deportation.

Authorities from the Ministry of Refugees and Repatriation Affairs have stated that Afghan refugees have been executed without consideration of international norms and human rights conventions, not even being their bodies were delivered to their relatives. Movement of Afghan refugees is prohibited in some districts of Iran. In relation to crimes committed by Afghan refugees, the government of Iran acts in ways contrary to their own criminal laws. When an Afghan refugee commits a crime, this crime has a negative effect on all members of his family too, and their residence cards are annulled. Hundreds of Afghan refugees are deport from Iran every day. They live a miserable life in the border areas. Field monitoring conducted by the AIHRC also shows that the situation of deported Afghans is very critical and concerning.

Afghan refugees are faced with harsh treatment, degradation, insults, and beatings by Iranian police during deportation from Iran. According to the government of Iran, most Afghan refugees are illegal refugees and should be deported from their country. Most of these deportations take place in the area of Zarange (border between Iran and Afghanistan). Deported refugees, including women and children live a critical life in Zarange province and they are deprived of the most basic facilities. In Zarange, a 28 year woman named Fatema daughter of Abdul Rahman narrates as follows how she was deported:

Early in the morning one day, the police broke into our house without any pre notice. My husband had left home for work. I together with my small children was at home and very frightened. The police threatened us and demanded we go with them; otherwise they would take us out by force. I implored them to give me a chance to contact my husband, but the police paid no heed to my request. They put us in a vehicle by force and took us to a camp. After spending one day and night at Zahidan Camp, they deported us to Afghanistan. Now we are in Afghanistan while my husband remained in Iran. We could not take our household belongings with us.

Afghan refugees in Pakistan also face poor living conditions. They have no health insurance, and only the children of relatively well-off refugees are able to attend schools. Repeated warnings by the state of Pakistan on evacuation of the camps is a concern for Afghan refugees. Police have a very strict disposition toward Afghan refugees; according to reports by the Ministry of Refugees Affairs, whenever terrorist acts occur in surrounding areas, Pakistan police arrest and detain Afghan refugees in the area without any investigation.

Repatriates

Repatriates are those people who return home after a period of immigration. At the beginning of the 1380s a number of hopeful Afghan refugee families returned home from various countries, especially from Iran and Pakistan. But lack of employment and the gradual deterioration of security conditions in the country caused various concerns for the people. Recently, the issues of 2014 and the destiny of Afghanistan after the year 2014, as well as unemployment and insecurity, have caused a major reduction in the number of returnees. The following table shows the breakdown of the number of returnees, their gender and their host countries. This table has been prepared by the Ministry of Refugees and Repatriation Affairs.

Statistic of Voluntary returnees by gender during the years 1390 to 1392

Table A

Voluntary repatriation	1390			1391			1392		
	112000 people			94003 people			69000 people		
	men	wome n	childre n	men	wome n	childre n	men	wome n	children

	28400	27600	56000	24000	23001	47001	16800	16513	35687
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Voluntary returnees by host countries during the years 1390 to 1392

Table B

Name of the Countries	Iran	Pakistan	Other Countries
Number of people	125200	142303	
Total	275003		

Table D:

Deportees by gender during 1390 to 1392

year 1390				year 1391			year 1392		
gender	men	women	children	men	women	children	men	women	children
number	45000	1600	3600	1150000	1800	2500	86000	2000	3000
total	50200 people			154300 people			31000 people		

Deportees by host countries during the years 1390 to 1391

Table C

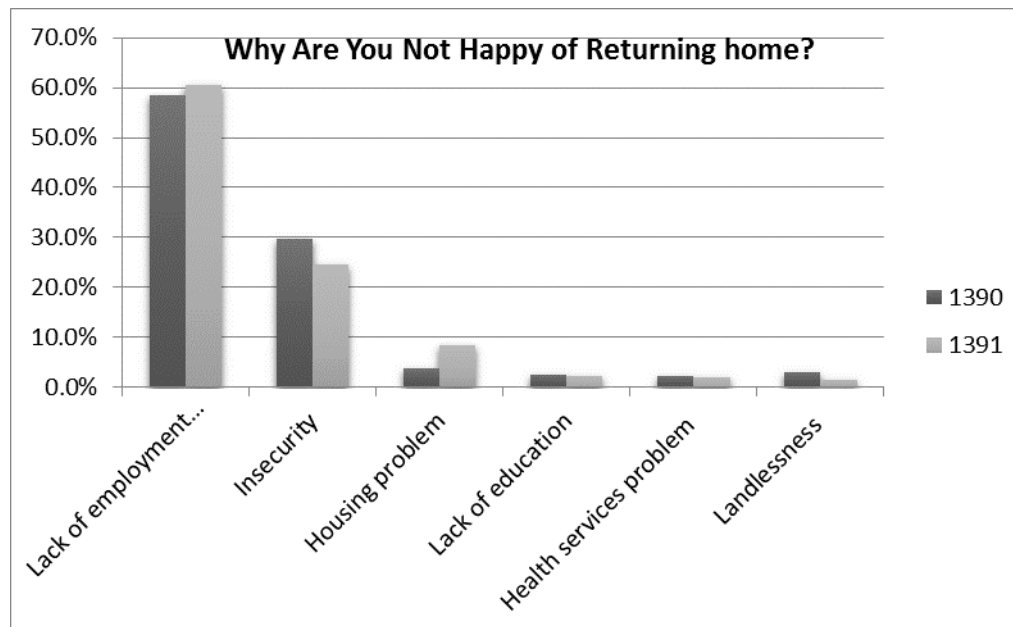
Deportees from Iran	Deportees from Pakistan	Other Countries	Total
207208 people	15700 people	12592 people	235500 people

Most of these returnees do not have sufficient living facilities at their disposal. They have no access to their basic needs such as shelter, adequate food and health services. The assistance provided by the ministry of Refugees and Repatriation Affairs is not enough to meeting their basic needs. According to the Ministry of Refugees and Repatriation Affairs, voluntary returnees receive USD 200 from the UNHCR and most of them prefer to stay in the cities to find work.

Based on the information provided by the ministry of Refugees and Repatriation Affairs, the Ministry has established 62 small residential complexes in 29 provinces for these returnees. To provide services for residents of these citadels, protocols have been signed with 13 related ministries. Due to lack of sufficient facilities such as water, schools, long distances from the cities, and security problems, only a few returnee families have chosen to reside in these citadels. The ministry has distributed 15816 residential plots to the most vulnerable returnees and displaced families in different provinces. A large number of returnees are deprived of receiving basic assistance.

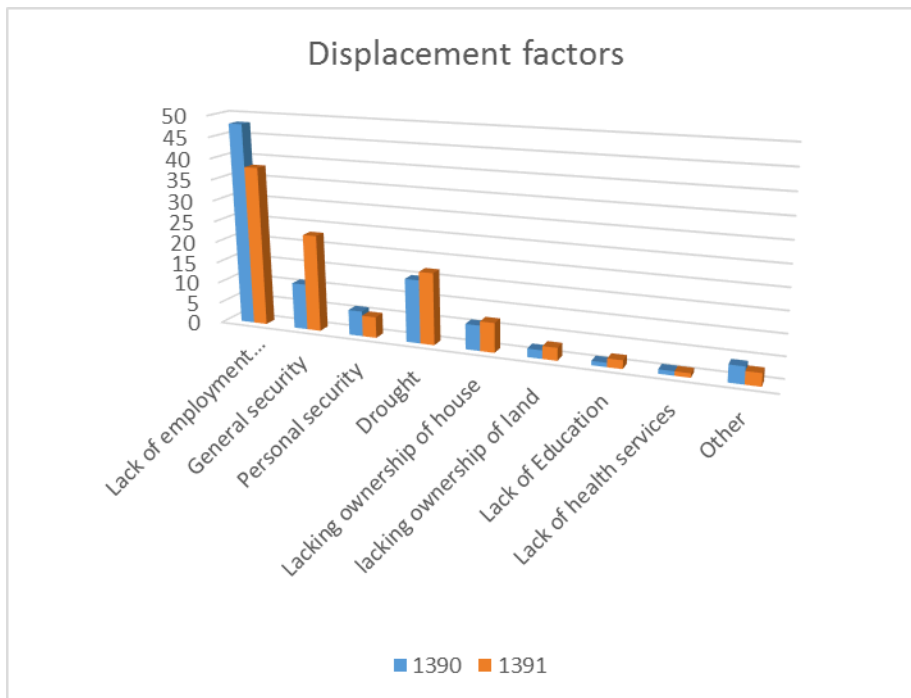
Findings by the AIHRC in this research show that of all the interviewees in 1390 and 1391 around 23 percent had been immigrants for some amount of time, but have now returned home. Around 55 percent of them have returned voluntarily. Most of these immigrants have returned from Iran and Pakistan. Out of the returnees in 1390, almost 65 percent of them stated that they were happy to return, while 31.6 percent of them expressed dissatisfaction. Likewise, out of the returnees in 1391, almost 68 percent of them stated that they were happy to return, while 29.3 percent of them expressed dissatisfaction. Their dissatisfaction was due to various reasons, chief among them unemployment, from which a majority of the returnees were suffering.

Why are you dissatisfied with you return?



Having no land, lack of services, education, shelter, security and employment

Internally Displaced Persons (IDPs) - Due to various problems such as drought, insecurity, natural disaster, poverty and unemployment, in Afghanistan many families are forced to leave their native areas for the cities or move from one province to another. It is natural that displacement is combined with numerous problems. The Ministry of Refugees and Repatriation Affairs considers unemployment as the main problem ahead of displaced families. According to this ministry, in most cases the displaced families live under tents or in ruined building in miserable conditions, and most of them are unemployed. The assistance provided by the Ministry of Refugees and other national and international charity organizations is not sufficient to meet the basic need of displaced families. They are usually faced with unemployment and shelter problems. Based on the findings of this research, unemployment is the main reason for displacement. The following table shows the causes of displacements.



Causes of displacement

Unemployment, general insecurity, personal insecurity, drought, having no shelter, having no land, lack of education opportunity, lack of health services and other

Statistics of internally displaced people (IDP), during the years 1390 to 1392

Field assessment conducted by the AIHRC show that in 1390 the highest level of displacement was reported from Ghoor province while in 1391 the most cases of displacements were reported from Bamian province, which was due to severe drought and unemployment. In 1390, out of all

interviewees, 4.7 percent of them were IDPs, and in 1391 this figure increased by 2 percent and around 6 percent. According to statistics provided by the Ministry of Refugees and Repatriation Affairs and put at the disposal of the AIHRC, the number of internally displaced persons was lower in 1391 compared to previous year. The following table shows the figure of repatriations

year 1390			year 1391			year 1392		
420665			405978			512382		
men	women	children	men	women	children	men	women	children
105491	105160	210332	102494	100984	202500	129596	127595	255191

Part 3

The Right to Freedom of Marriage and Establishment of Family

Human beings are social creature and they are reliant on one another for the fulfillment of their basic needs. This social interdependency and interaction among human beings has turned to be a principle in human life.

Likewise, we know that the family forms the foundation of a society and social environment; in fact, it is considered the smallest social living unit from which the social environment starts. Therefore, the stability and well-being of the social environment depend on the well-being of the family. Therefore, protection of the family and the right to found a family, and similarly the right to marry and choose one's spouse are basic rights of every human being, which must be respected.

The international human rights norms and standards underline the importance of the family and emphasize respect for the right to choose a spouse and found a family for everyone, and they oblige governments to observe and protect these rights for their citizens.

Based on these standards, consent is a fundamental condition of marriage and no one shall be forced to get married against his/her will. Article 16 of the Universal Declaration of Human Rights stipulates the right to marriage as follows:

“Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage,

during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses.”³⁷

As is stipulated in the above-mentioned article, both the man and woman are entitled to equal rights either at the time of engagement or at the time of divorce either’s rights have supremacy over the others

Another paragraph of this article focuses on the protection of the family by society and the State:

“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State”³⁸

Article 5 of the Cairo Declaration on Human Rights also provides that:

“The family is the foundation of society, and marriage is the basis of making a family. Men and women have the right to marriage, and no restrictions stemming from race, color or nationality shall prevent them from exercising this right”³⁹

Article 10 of the International Covenant on Economic, Social and Cultural Rights also considers family as a natural and fundamental element of society, and emphasizes its protection to the greatest degree possible. This article also stresses the importance of consent and provides that: “Marriage must be entered into with the free consent of the intending spouses”⁴⁰

The right to marriage entails issues like consent in marriage, equality between men and women in the affairs concerning marriage, prohibition of child marriage and ensuring of both men's and women's rights in marriage and dissolution.

Family protection, also encompasses issues like protection of mothers before and after childbirth during a reasonable period of time, recognition of maternity leave by securing their rights and social benefits, protection of infants and children against any kind of exploitation as of economic, social, political, military, sexual, etc. which are contrary to human dignity or which disrupt their natural growth and health, and provision of grounds for education etc.

Article 10 (2) and (3) of the Covenant on Economic, Social and Cultural Rights provides that:

“Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

“Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their

³⁷ . The Universal Declaration of Human Rights (1948). Ratified by UN general assembly. Article 16. Published by the AIHRC

³⁸ .Ibid

³⁹ .Islamic Human Rights Declaration (1990). Ratified in the Foreign Affairs Ministers meeting of the Islamic Conference organization in Cairo.

⁴⁰ .International Covenant on Social, Economic, and Cultural Rights (1966). Ratified by the UN general assembly. Article 10. Published by the AIHRC.

employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law⁴¹

Likewise, Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women has stipulated several requirements on issues relating to the right to marriage, and equality in the enjoyment of this right.

This article highlights many issues relating to women's rights such as the provision of equal rights for women in decision making, the number of children and interval between pregnancies, prohibition of child marriage; the determination of legal age for marriage; the provision of similar rights and duties to women regarding guardianship, custody, patronage and adoption (with the best interests of the child taking paramount precedence); and the provision of equal rights for men and women in selection of family name.⁴²

The right to freedom in marriage and the founding of a family is recognized in Afghan law; marriage is the basis for the establishment of the family and family protection is one of the people's rights. The right to family protection first of all concentrates on the freedom in marriage, ensuring of women's and men's rights in marriage, its dissolution, and prohibition of domestic violence.

Article 54 of the Afghan Constitution provides that, "family constitutes the main pillar of society and is protected by the state. The state takes necessary measures to protect the physical and mental well-being of the family, specifically that of child and mother and for children upbringing and eradicates the traditions which are against the provisions of the sacred religion of Islam."⁴³

The primary focus of the right to family protection is the protection of women and, as they represent socially vulnerable groups. Domestic violence is one of the main challenges in this, threatening safety and security against violent and inhumane treatment within their own family.

The safety of women and children against violent and inhumane treatment is therefore one of the important issues in the context of family protection. The Declaration on the Elimination of Violence against Women in its fourth article obliges member states to put effort into combatting violence against women: "[states] should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. The state should pursue by all appropriate means and without delay a policy of eliminating violence against women."⁴⁴

This declaration compels states to adopt specific protection measures and policies, including legal protections of women against violence.

⁴¹ . Ibid

⁴² -AIHRC (1390), Socioeconomic situation in Afghanistan (Fifth report), page 29

⁴³ . Ibid

⁴⁴ .Declaration to Eliminate Violence Against Women (1994). Adopted by the UN General Assembly. Article 4. Retrieved on 23 Sawr 1393 as follows:

The Law on the Prohibition of Violence against Women that was enacted in 1388 is an important step by the Afghan government to protect women against violence. Based on this law, violence against women is a criminal act and its perpetrator is punishable.

Article 4 of this law provides that: “violence is a crime, and no one has the right to commit violence in residential areas, governmental and non-governmental departments, associations, public places, vehicles, or other places. In case of commitment of this crime the perpetrator would be punished in accordance with the law.”⁴⁵

Nonetheless, women face abundant restrictions and deprivations in the enjoyment of their human rights, and violence against women in particular is a serious human rights problem in Afghanistan that will require special attention and practical measures to be taken.

Matrimonial legal frameworks and application of lawful discrimination against women in Afghan law

Present legal regulations on marriage and the foundation of family are relatively vague, and in some cases conflict with international standards and the Afghan Constitution. At the same time, Afghan civil law does not have adequate provisions on marriage, the founding of a family, and its dissolution, and cannot meet the legal requirements related to a family.

These ambiguities and legal gaps are extended by the “Shiite Personal Status Law”. Therefore, serious need for the Law on the Family Regulation is felt to scrutinize the issues related to marriage and the founding of a family in a widespread and comprehensive manner, and outline the necessary regulations.

Discrepancy between the legal age of marriage between boys and girls is another issue existing in the above mentioned laws. Under these laws, the age of 18 is the legal age for boys’ marriage, while the age of 16 is the legal age for girls’ marriage. This age discrepancy in fact indicates a kind of discrimination between boy and girl in the affairs relating to marriage.

Likewise, women do not have equal rights and power with men in the issue of divorce and separation, the Afghan Civil Law and the Shiite Personal Status Law provide that women can ask for separation only in specific situations, such as separation due to defect, separation due to damage, separation due to lack of provision of alimony and separation due to unjustifiable absence,; men may unilaterally divorce their wives for any reason, regardless of these conditions and situations.

However, like other social rights, equality between men and women in issues of marriage is highlighted in international human rights instruments. The Universal Declaration of Human Rights’ seventh article provides that, “all are equal before the law and “all are equal before the law and are entitled without any discrimination to equal protection of the law.”⁴⁶ Article 16 of

⁴⁵ The Law on Prohibition of Violence against Women (1388), article 4, quoted from the book “Collection of Laws”, published by the AIHRC

⁴⁶ .Universal Declaration of Human Rights (1948), ratified by the UN general assembly, article 7, published by the AIHRC

the Convention on the Elimination of All Forms of Discriminations against Women expressly and more specifically provides that:

“States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration”⁴⁷

Equality in citizens’ rights and obligations – including those of men and women – is stipulated in the Afghan Constitution as well. Article 22 provides that “any kind of discrimination and distinction among Afghan citizens is prohibited. “The citizens of Afghanistan – whether man or woman – have equal rights and duties before the law”.⁴⁸

The legal gaps and ambiguities already mentioned cause women to be unable to enjoy their human rights, and face numerous problems and restrictions in the area of marriage and founding

⁴⁷ .The Convention on Elimination of all Forms of Violence against Women (1979), ratified by the UN general assembly, article 16, quoted from website of UN agency in Tehran <http://www.unic-ir.org/hr/convention-women.htm>

⁴⁸ .Afghanistan constitution (1382), article 22, quoted from the book “Collection of Laws”, published by the AIHRC.

of a family. One of the main problems faced by women in Afghanistan is violence, especially domestic violence, to which a large number of women are subjected every year.

Women have limited access to justice in such cases and they cannot enjoy legal protections against domestic violence.

In spite of the fact that much effort has been put into fighting violence against women and protecting their rights in recent years, violence against women remains one of the most serious human rights problems in Afghanistan.

Many girls and women become victims of different kinds of violence. In spite of abundant restrictions, thousands of cases of violence against women are registered with AIHRC offices across the country every year.

Violence against Women:

In spite of the fact that many endeavors have been made to eliminate violence against women in recent years, and that Afghanistan has had many achievements in this area, violence against women remains one of the most appalling and acute violations of human rights in the country.

Many girls and women become victims of violence every year, and in some cases it even leads to their death. Violence against women occurs in many different forms and manners, the most acute of which are sexual and physical violence. The AIHRC collects reports on cases of violence against women in a specific database every year and analyzes them. Such cases are usually registered with the AIHRC offices by victim complainant. Statistics derived from these cases indicate that, unfortunately the level of violence against women is still very high.

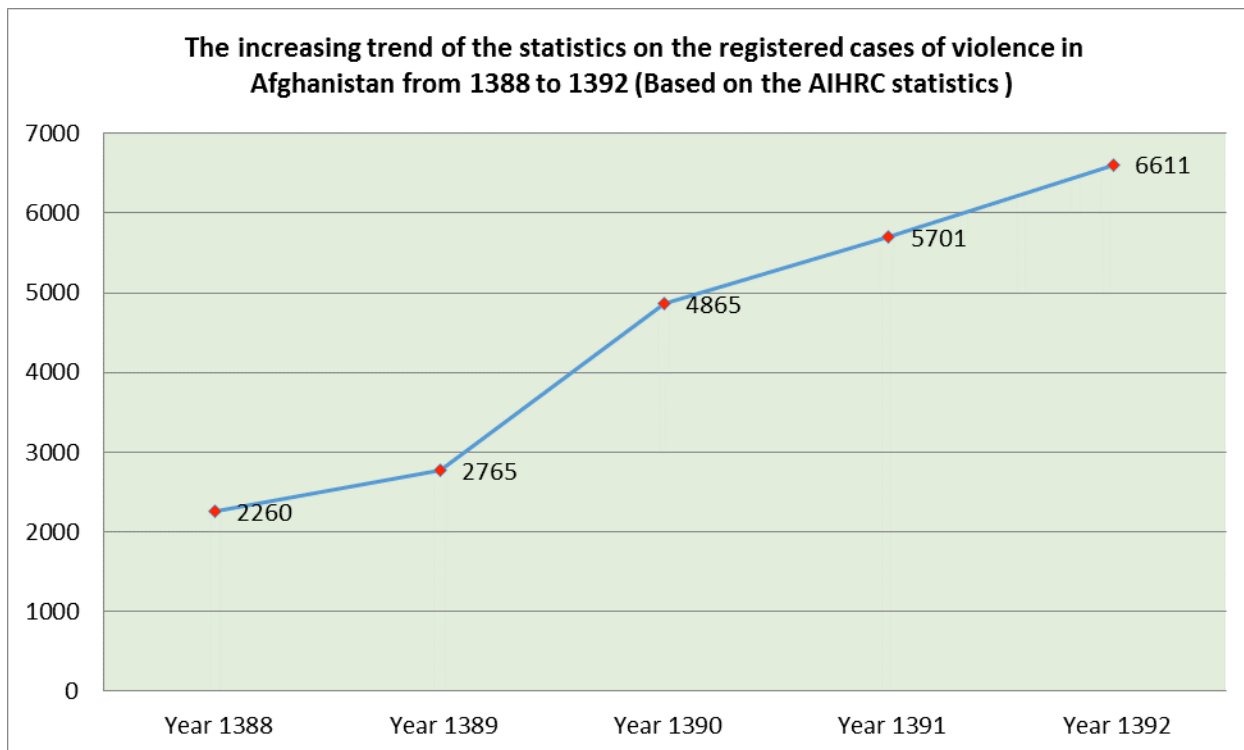
Based on the data of the AIHRC, more than 4865 cases of violence against women were registered with the AIHRC offices in 1390; and more than 5701 cases were registered in 1391. A comparison of these figures indicates a 17 percent increase in cases of violence against women in Afghanistan.

However, from 1388 to 1389 cases of violence against women increased from 2260 to 2765, representing a disturbing increase of registered cases of violence against women. This increase from 1389 to 1390 reaches to 76 percent single-year increase (4865 cases). This increase in cases however, cannot be attributed solely to increases in violence against women or a deterioration of the situation; but several other factors were likely at play. The most important factor is that cases of violence are recorded in the AIHRC's database based on the complainants' complaints, so it is possible that a victim might have been subjected to several forms of violence against women. In this case, one complaint can include several forms of violence against women.

On the other hand, the increase or decrease in violence against women depends on the type of categorization of different forms of violence; a more detailed categorization shows a higher number of cases of violence against women.

The other important reason may be an increase in public trust in the AIHRC, combined with an awareness among women of their rights, leading to an increased likelihood that they will refer their complaints to AIHRC offices or other relevant protective institutions, and have their cases registered. Nevertheless, these statistics indicate a concerning and deplorable situation for

women in Afghanistan. The graph below indicates an increasing trend of the registered cases of violence against women in the last four years:



Types of Violence against Women:

The AIHRC database categorizes the registered cases of violence against women in five major categories: physical violence, verbal-psychological violence, sexual violence, economic violence and other types of violence. Out of these categories, the physical, verbal and psychological violence account for the majority of incidents. As physical violence is the most serious forms of violence against women one can say that violence against women in Afghanistan is in its acute and apparent form.

Of the cases of violence registered in 1390, nearly 32 percent involved physical violence such as slapping, kicking, beating with wires and sticks, gun butts, pulling hair, stabbing, burning with boiled water and even amputation. Verbal and psychological violence accounted for 25 percent of total violence against women; such violence includes different forms of threats, insult, accusation and abuse against women.

More than 8 percent of the violence was sexual violence, including sexual assault, forced sexual intercourse, forced pregnancy, forced prostitution, sexual abuse and humiliation.

Economic violence made up 16 percent of violence against women, including, among others, cases of withholding alimony, prohibiting employment, confiscating or selling women's private

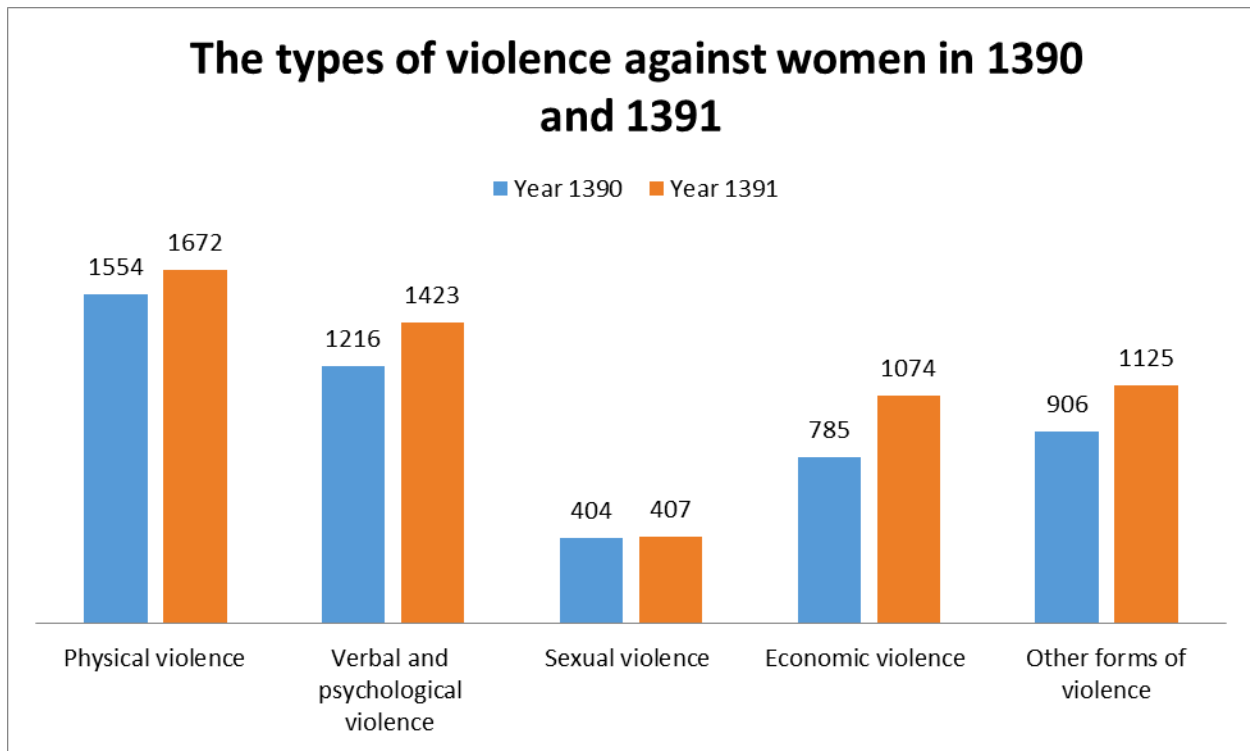
property and valuable things such as cosmetics, denying the right of inheritance, and denying their participation in household decision making.

19 percent of the violence indicated in the data of 1390 is attributed to the other forms of violence against women such as forced marriage, giving as Bad, exchange marriage, early marriage, forced divorce, expulsion from home, or depriving of education.

The forms of violence experienced by women in 1391 include more than 29 percent of physical violence, 25 percent of verbal and psychological violence, more than 7 percent of sexual violence, nearly 19 percent of economic violence and 20 percent of other forms of violence. Physical violence is the most common form of violence experienced by women.

The smaller breakdown of the types of violence in each category includes the cases that have been brought up in the statistics of 1390.

The graph below shows the comparison of the figures of the types of violence against women within the two years discussed.



Domestic Violence:

We know that the work, social, and public environments are less safe for both men and women, and people will naturally feel more secure at home. However, this applies to women more than men, as women are more vulnerable than men.

This vulnerability and insecurity is magnified in a society like Afghanistan, where 1) the security situation is not good, 2) misogynous and patriarchal traditions are predominant in the society, and 3), the level of crime and violation of the law is very high countrywide.

Therefore, naturally, feeling safe within the home is a psychological, natural and inevitable issue. But women don't feel safe even in their own homes. This situation indicates a closed social atmosphere for women, but the more shocking issue is that domestic violence turns the home environment into hazardous place for women as well. Domestic violence is one of the most acute and shocking types of violence against women. These issues turns women's only safe shelter into an unsafe place and deprive them of their rights to feel safe and comfort at their own homes.

The statistics of violence against women indicate that most of the cases of violence against women occur within homes by women's closest relatives. Out of the cases of violence against women registered in 1390, more than 98 percent of the cases (4766 cases out of the total cases of violence against women in 1390) occurred against women within homes. The statistics indicate that this figure increased to 98.4 percent in 1391 (5607 cases out of the total cases of violence against women in 1391).

The more appalling point is that the perpetrators of such violence are the closest people to women. According to the statistics of both years husbands are the most common perpetrators of violence against women. Husbands were involved in nearly 68 percent of all cases of violence against women in both the years. After them, fathers, brothers-in-law, sisters-in-law, mothers, uncles, and other relatives are counted as the perpetrators of most of the acts of violence against women.

This issue indicates that the home environment that is basically the safest place for women has also lost its safety.

Forced Marriage:

Marriage is a fundamental right of individuals that should take place with the full consent of the parties, and no one should be forced into marriage. This right has repeatedly been emphasized in human rights instruments. Article 16 (2) of the Universal Declaration of Human Rights provides that "marriage shall be entered into only with the free and full consent of the intending spouses⁴⁹". Likewise, Article 10 of the International Covenant on Economic, Social and Cultural Rights states that marriage can take place only with the free consent of both parties.⁵⁰

The principle of consent in marriage is enshrined in Afghan laws as well; Article 5 of the Law on Elimination of Violence against Women counts "forced marriage" and "denial of the right to marriage" or "the right to select spouse" as part of violence against women and the punishment is

⁴⁹ -The Universal Declaration of Human Rights (1948). Ratified by the UN general assembly, article 16, published by the AIHRC.

⁵⁰ -The International Covenant on Economic, Social and Cultural Rights (1966). Ratified by the UN general assembly. Article 10, published by the AIHRC.

predicted for their perpetrators in accordance with Articles 26 and 27.⁵¹ Likewise, the Shiite Personal Status Law provides that “validity of the girls’ marriage depends on her consent”. This means that the girls’ marriage without her consent is not valid.

Marriage arrangements have specific legal processes for gaining the consent of both parties. As Article 66 of the Afghan Civil Law provides that “marriage arrangement take place without restriction of time in a single meeting by expressive offer and acceptance that implies urgency and continuation.”⁵²

Nonetheless, forced marriage is one of the important human rights problems in Afghanistan. Based on the statistics of violence against women registered, more than 172 cases of forced marriages were registered by the AIHRC offices in each year, 1390 and 1391, totally 344 cases throughout these two years.

During the years 1388 and 1389, 122 and 237 cases of forced marriages were registered by AIHRC offices respectively, altogether it amounts to 359 cases of forced marriages during the two years. The comparison of the figures of the two years under the discussion of this report along with that of the previous two years indicates a decrease in the number of forced marriages shown in the below table:

The years	The years 1390 and 1391		The years 1388 and 1389	
	1390	1391	1388	1389
The number of forced marriages in each year	172	172	122	237
Total in both the years	344		359	
Total in four years	703			

The years	The years 1390 and 1391		The years 1388 and 1389	
	1390	1391	1388	1389

⁵¹ .The Law on Elimination of Violence against Women (1388). Articles 5, 26 and 27. From the book of Collection of Laws, the publication of the AIHRC.

⁵² .Afghan civil law. Article 66

The number of forced marriages in each year	172	172	122	237
Total in both the years	344		359	
Total in four years	703			

Forced marriage takes place based on the Afghan tribes’ traditional culture and is a prevalent issue. That is why many cases of forced marriages are not informed and registered. Therefore, the number of cases of forced marriages could be more than this.

Preventing forced marriage and ensuring the right to consent in marriage require ensuring the rule of law, marriage legalization, official marriage registration and simultaneously raising awareness of this issue.

Underaged Marriage:

Underaged marriage is also a violation of women's human rights and evidence of violence against women. Underaged marriage is, the betrothal of girls before they reach the legal marriage age. The Law on Elimination of Violence against Women considers underaged marriage as part of the causes of violence against women and criminalizes it under the title of “marriage before the completion of the legal age”⁵³

The age of 18 is the legal marriage age for boys and girls, according to human rights instruments and the prevalent legal custom. Marriage is not permissible before the age of 18, and it could even be counted as evidence of forced marriage.

The Afghan Civil Law has determined the age of 16 as the legal marriage age and the second paragraph of Article 71 clearly provides that “conclusion of underage marriage below the age of

⁵³ .The Law on Elimination of Violence against Women (1388). Articles 5, 26 and 27. From the book of Collection of Laws, the publication of the AIHRC.

15 is not permissible at all". Likewise, Article 94 of the Shiite Personal Status Law has provided that the age of 16 for girls and the age of 18 for boys is the legal marriage age.⁵⁴

Underaged marriage, however, takes place involving boys as well, but girls constitute its main victims. The respondents have been asked in the human rights field monitoring missions about their sons and daughters' marriage before reaching to legal age.

Out of the total respondents in 1391, 1.8 percent of them (151 people) have stated their sons got married before the age of 18. However, regarding the girls marriage before the age of 16, this figure reaches 6.2 percent (511 people).

This question was asked without regard for gender breakdown about child marriage in the 1390 statistics. As a whole 4.4 percent (279 people) gave positive responses to this question.

The important point is the reasons for such marriages. According to the respondents, resolving economic problems has been the primary reason for underaged marriages. This issue indicates that poverty and economic problems are the affecting factors in child marriage and consequently girls and boys of poor families are more prone to this issue.

After economic problems, the respondents of the human rights field monitoring forms, referred to "exchange marriage" as the second most common reason. This means exchange marriage is one of the most important reasons for consequently marriage, because this way girls are usually betrothed at a young age. Giving as Bad, and marriages to resolve disputes are said to be the other reasons behind underaged marriages.

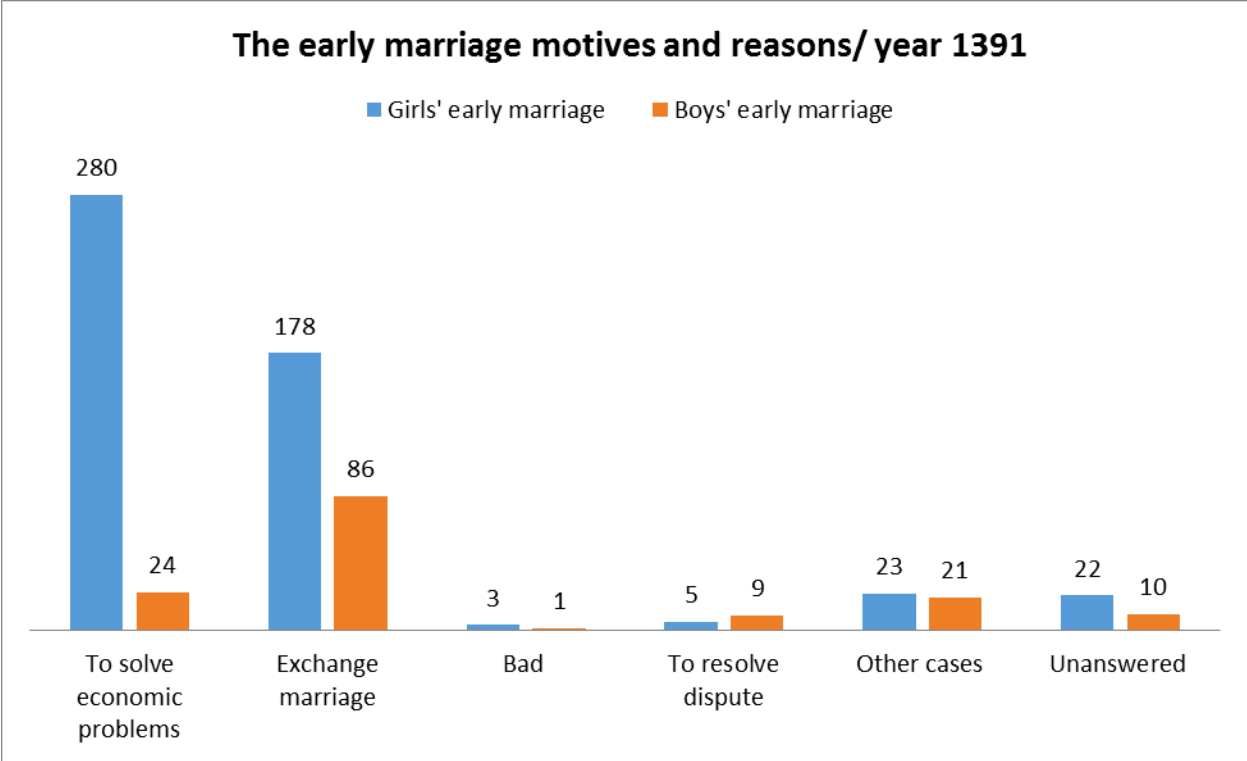
Based on these statistics, girls' marriages are viewed as a solution to economic problems in poor families. This means poor families betroth their daughters for money.

However, based on these statistics the main reason for boys' early marriage is exchange of girls, which is a traditional way of marriage amongst Afghan families.

This means the reason why the boys get married at their young age is exchanging of girls by their families with one another. In this case, girls are used as tools for boys' marriage and become the main victims of this tradition. The statistics of girls' marriage through exchange marriage also indicate the presence of this phenomenon.

The graph below illustrates this issue:

⁵⁴ .. The AIHRC (1392). The rape and honor killing factors and grounds in Afghanistan. Published by the AIHRC, page 61.



As illustrated in the above graph, girls constitute the most number of underaged marriage victims. The prevalent traditional beliefs about girls’ early marriage among Afghan tribes strengthen this custom. According to these beliefs, the sooner a girl gets married the better, because it is said that marriage creates security for girls against the evil looks of strangers.

This attitude arises from the type of relation exists in the traditional belief of the people in the society towards women, and the type of relation between man and woman.

Based on that, it is believed that women should always live under men’s control and as their property. The views hidden behind the girls’ marriage lie in the reality of this point that girls find the owner, and consequently become secure against the evil look of strangers. 55

In the statistics of violence against women registered with the AIHRC there is also many cases of early marriage are registered every year. 86 cases of underaged marriage were registered in 1390 and 118 cases of underaged were registered in 1391. Comparing these two figures indicate a 37 percent increase in the number of cases of early marriage registered.

The reality is that the number of early marriages could be more than this, but whereas this is a prevalent traditional issue in many regions of Afghanistan, it is generally not seen as a human rights violation and therefore, such cases are not referred to the AIHRC or other institutions as a violation of women’s rights or violence against women.

⁵⁵ . Ibid, page 60

Underaged marriages are often accompanied by several unpleasant consequences in girls' individual and family life.

Such marriages may lead to an unhappy marriage, depression and different forms of domestic violence. In addition, is sometimes may result in girls' physical injuries.

Legalization of marriage, official registrations of marriage and raising public awareness of the negative consequences could be effective in decreasing the prevalence of underaged marriage. Therefore, in addition to raising awareness in this area, marriage registration centers should be established in different regions of the country, and marriage registrations should be seriously followed up.

Giving as Bad:

Giving as Bad is a pattern of betrothing girls that sometimes very young girls and even newly born babies become the victim of such cultural pattern.

Giving as Bad takes place when there is a dispute between two families or tribes as a result of which girls are betrothed to a man from the family of one of the parties involved in the dispute. This happens mainly in cases concerning honor, for example, sexual assault or murder.

The shocking point is that the girls, who are victimized in the reconciliation of disputes and are given as Bad, do not enjoy the family dignity as a bride of the family, and their husbands' family members do not accept them as a member of their family. Ill-treatment, humiliation, and different forms of domestic violence are the prevalent problems they face in their husbands' homes. As revenge against the opposite family, such girls are at times sexually abused and later they are divorced.

In Article 5 of the Law on Elimination of Violence against Women, giving Bad is defined as evidence of violence against women, and based on Article 25 of this law, the perpetrators shall be sentenced to long-term imprisonment, which shall not be more than 10 years.⁵⁶

However, many cases of giving Bad take place among Afghan tribes. Many of such cases are ignored because they take place in accordance with the prevailing traditions of tribes and are considered to be an acceptable custom.

Nonetheless, such types of cases are registered with the AIHRC offices every year. 5 cases of Bad were registered in 1390 and 9 cases of Bad were registered with the AIHRC offices in 1391. However, in 1389 the number of such cases registered was high as 18 cases.

This custom could be reduced through the registration of marriage and raising the public awareness of the right to marriage and the negative consequences of Bad.

Exchange Marriage:

Exchange marriage is another pattern of girls' marriage that is prevalent amid Afghan tribes. At times, young girls and even babies are exchanged, and in this way, it can be an evidence of underaged marriage as well.

⁵⁶ . The Law on Elimination of Violence against Women (1388). Articles 5 and 25. Quoted from the book "Collection of Laws", published by the AIHRC.

Exchange marriage takes place as a result of the bilateral consent between two families to exchange their girls for marriage, based on which one family betroths their girl to a boy from another family and in return takes a girl from the same family for their boy.

This pattern is specifically prevalent amid poor families. In this way, such families avoid heavy dowries and expenses, and this pattern helps them to not drown in debt.⁵⁷

While, the term “exchange marriage” is not enshrined in the Law on Elimination of Violence against Women, “buying and selling of girls under the pretext of marriage or for the purpose of marriage” is considered violence against women under Article 5 of this law. This law also emphasizes the necessity of consent in marriage and the prohibition of forced marriage.

As we know, exchanging girls are a kind of dealing for the purpose of marriage in that one girl is given as the price of another girl. This kind of marriage is evidence of forced marriage in which the right to consent in marriage is divested from girls and boys who get married in this way.

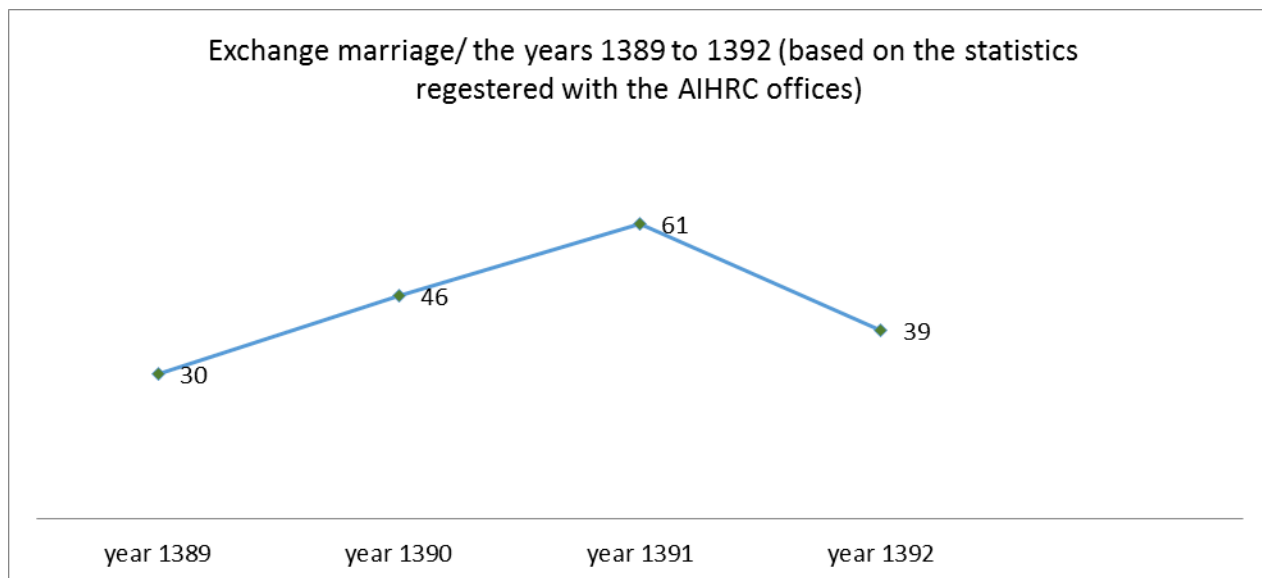
Exchange marriages are not successful and perdurable, because such marriages do not take place with the consent of both parties, and their wants and psychological compatibility is not considered. This may lead to general reluctance, domestic violence or separation of the parties.

The important point in such marriages is that when one girl faces any bad situations like violence or separation, the other girl also faces the same situations, because they are considered as the price of one another, and in fact, in this way one family takes revenge of their girl from the opposite family.

46 cases of exchange marriages were registered with the AIHRC offices in 1390, and in 1391 this figure reached 61 cases, while in 1389, 30 cases of exchange marriage were registered. Comparing these figures, we find that the trend of cases of exchange marriage is clearly upward in the country.

In 1392, however, this figure has declined to 39 cases. The graph below illustrates this trend:

⁵⁷ . The AIHRC (1392). The Rape and Honor killings’ factors and grounds in Afghanistan. Published by the AIHRC, page 61.



Expulsion from Home:

The expulsion of women from their homes is another prevalent pattern of violence against women. This practice takes place as a result of disputes that happen between women and their husbands' family.

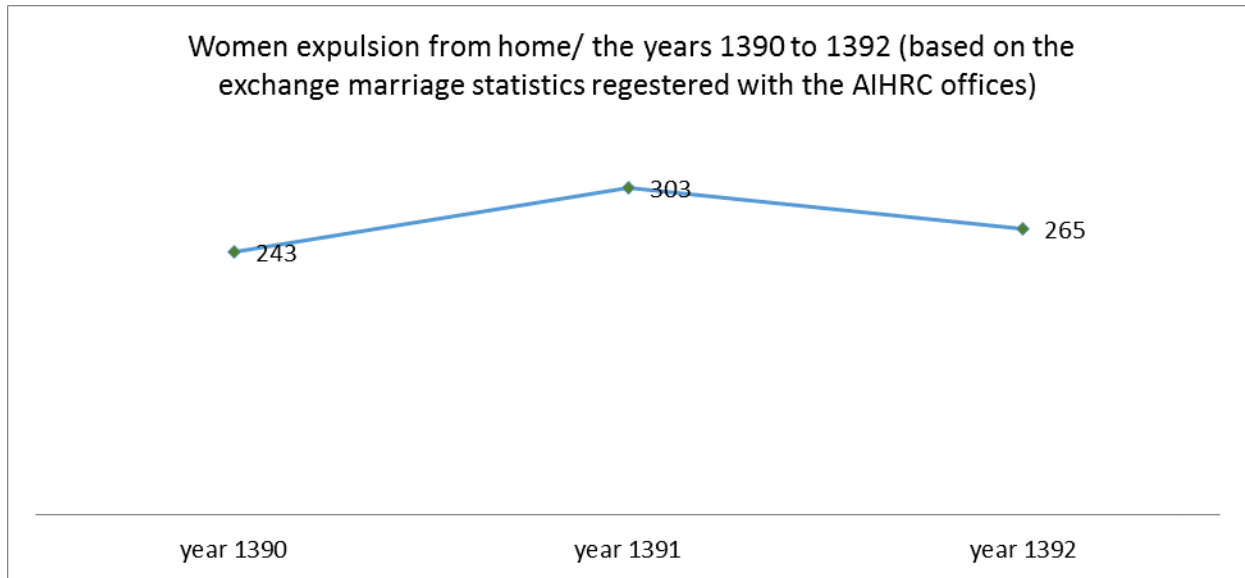
Most such incidences take place after a woman is subjected to domestic violence (for example, humiliation, abuse, beatings, etc.) and consequently they are expelled from the home.

At times, expulsion from home makes the victimized women face a big problem of lack of shelter, because their fathers' or paternal relatives' homes are not available for them or their homes are situated in distant places.

In such situations, women may be harassed or abused by others or may even become victims of sexual assault. In addition, depression and other psychological problems are part of the consequences of expulsion from home, which sometimes may result in the victim committing suicide.

In the statistics of violence against women, a large number of cases of expulsion from home are being registered with the AIHRC offices every year, which indicates an appalling situation of violence against women within families. 243 cases of expulsion from home were registered in 1390.

This figure increased to 303 cases in 1391, indicating a nearly 25 percent increase in cases of expulsion from home in 1391. However, the cases of expulsion from home registered in 1392 declined to 262 cases, indicating a 13 percent decrease from the year before. This figure, however, is still greater than that of 1390.



Providing legal protections and access to justice and judicial authorities for the victims of expulsion, as well as expanding safe shelters networks, will be a good way to protect the women victims of expulsion from home and prevent such problems.

Rape and Honor Killing in Afghanistan:

Sexual assault and honor killing are the most acute and shocking cases of violence against women in Afghanistan.

Based on the delicacy and the importance of these two issues, the AIHRC launched the first National Inquiry in Afghanistan in 1392 to investigate them in depth, which covers the incidents of sexual assault and honor killing in 1390 and 1391, and its results were published in a detailed report.⁵⁸

Based on the findings of that inquiry, 406 cases of honor killing and sexual assault were registered with the AIHRC offices from the beginning of 1390 to Sawr, 1392, out of which 243 were cases of honor killing, and 163 were cases of sexual assault.

However, a large number of cases are concealed and the people are not informed about them because of traditional sensitivities and the restrictions arising from it, however, the above statistics indicate the shocking situation of honor killing and sexual assault in Afghanistan.

The above mentioned research suggests that the most common form of honor killing, based on the priori grounds and factors, is the killing in response to extramarital relations, that is, relations which take place outside of marriage contract.

The honor killing data of the National Inquiry indicate that nearly 50 percent of such cases take place because of women's sexual affair with a stranger and committing of adultery.

⁵⁸ - Refer to the AIHRC (1392). The honor killing and sexual assault factors and grounds in Afghanistan (the national inquiry report).

In many cases, being subjected to sexual assault leads to honor killing. However, sometimes there is no connection with any unlawful sexual relation or even with sexual assault; a mere personal misunderstanding with no evidence may lead to honor killing. For example, a woman running away from home – which is not a crime according to Afghan law – sometimes leads to honor killing.

Traditions and the traditional norms of society are very hard and rough on women, but they are very lenient to men, because of the attitude that views men as superior over women and dominant over women's destiny.

For example, each of the above cases, rarely leads to the killing of men. So these findings indicate an intense restriction on women in traditional Afghan society, and a high level of vulnerability for women.

The shocking point in the inquiry's findings is that approximately 35 percent of these cases are committed by people who have a relationship with the victims.

For example, it has been said that nearly 17 percent of the cases of sexual assault are committed by those who have had a kind of relation with victims; around 10 percent by neighbors, 4 percent by fathers, 2 percent by brothers and 1 percent by the victims' uncles. Marriage contraction lawyer accounts for 1 percent of the cases of rape.

Honor killing is also a sensitive issue, because it is committed by close relatives and family members of the victim, and the people try to forget about it within the family relationships and avoid spreading the information about it.

In 37 percent of such cases the perpetrators' relationship with the victims are not mentioned, and in 7 percent of the cases it is mentioned under the title of perpetrators.

In 56 percent of the cases of honor killing in the inquiry, the perpetrators have been husbands (21 percent), relatives (nearly 14 percent) and brothers (7 percent).

Likewise, it is said that 5 percent of honor killings, are committed by the father of the victim, brothers-in-law of the victim account for 3 percent of killings, and the victim's mother-in-law, uncle, and mother each account for 2 percent of killings.

The findings of the national inquiry suggest that women face many challenges and problems, both in the family environment and in society. The social traditions and cultural norms of Afghan society lay the groundwork for violence and cruelty against women by relegating them to a lower position, leading to the continuation of violence against women as a prevalent and normal social practice.

The aforementioned inquiry has scrutinized the factors and grounds of honor killing and sexual assault in Afghanistan in a detailed manner.

In this report, some of the important factors and grounds of these two problems are described as follows: failure to deal seriously with criminals, the continuation of a culture of impunity, corruption, abuse of state position, interference by influential people in addressing and resolving such cases of violence by unofficial authorities, concealment of crimes and the lack of victims' referral to justice and judicial organs due to fear and mistrust of state organs, women's limited access to justice, tenuous or non-existent state sovereignty in districts and provinces, lack of

protection of the victims and observance of their rights, inhumane attitude towards women, men's aggressive attitude towards women in the social patterns and norms of society, illiteracy and a low level of general awareness, traditional marriage patterns in Afghan society, poverty and economic insecurity and others.

Part 4

The Right to Access to Adequate Standard of Living

The right to an adequate standard of living is a branch of socio-economic rights that entails the right to housing, the right to access to food and water and other rights relating to basic living requirements. Based on the International Covenant on Economic, Social and Cultural Rights, everyone has the right to an adequate standard of living.

The state parties are obligated to provide the ground of access to these rights for the people. Article 11 of the covenant requires that state parties recognize everyone's right to adequate living standard for them and their family, that this right encompass food, clothing, and adequate housing as well as the continuous improvement of living conditions.

Based on the Article 4 of the Afghan Constitution, the state is required to take necessary measures to provide housing facilities for the needy and to improve their socio economic conditions.

Access to basic living facilities and necessities requires a specific policy by the government so that those who are vulnerable due to different reasons be protected.

Vulnerable groups such as displaced people, those affected by natural disasters who are deprived of living facilities are more in need of protection to be able to enjoy the right to an adequate living standard.

The issue such as the right to housing, the right to security of property, the right to access to adequate food, the right to access to potable water, the right to effective proceeding, as well as the issue like refugees, returnees, internal displaced people, nomads, family priorities, aid effectiveness and participation in development are the issues that are discussed under the framework of the right to adequate standard of living.

The Right to Housing

Possessing a house to live in is one of the basic requirements and everyone and every family need to possess adequate housing to be safe from natural disasters and security threats. Most of the cities in the country have witnessed a dramatic increase in population during recent years. Finding a house has become very difficult in most of the cities in Afghanistan.

There has been a remarkable increase in the price of land and housing, including the rate of property rents. Article 14 of the Afghan Constitution states that: "... the state should take necessary measures to provide housing facilities and to distribute public properties to needy residence in accordance with the provisions of the law as per its financial capabilities.

The Afghan government, has undertaken a program of land distribution for the homeless returnees and internal displaced people after 1384, but that program failed to cover all needy people.

So far, the construction projects have been implemented by the private sector in Afghanistan. Homelessness and lack of housing still exists as a problem.

In the present inquiry, 4.4 percent of the interviewees in 1390 and 5 percent of the interviewees in 1391 stated that they did not own a house. They were living in rented houses. Likewise, the present inquiry indicate that 1.8 percent of the interviewees live in tents or caves.

Property rights: Property rights are counted as one of the important issues relating to housing and living location.

The people's property shall be safe from confiscation, seizure and destruction. Based on national and international laws, no one has the right to confiscate or destroy the property of those people who are the real owners of property, houses or lands.

Article 17 of the Universal Declaration of Human Rights states, "no one shall be arbitrarily deprived of his property". Based on Article 40e of the Afghan Constitution, property is safe from violation. This Article provides that no one shall be forbidden from owning and acquiring property unless limited by the provisions of the law.

However, illegal appropriation of property exists as a radical problem in Afghanistan stemming from the crisis left behind by continuous wars. Fighting on property and land is very pervasive in a large number of cities in the country.

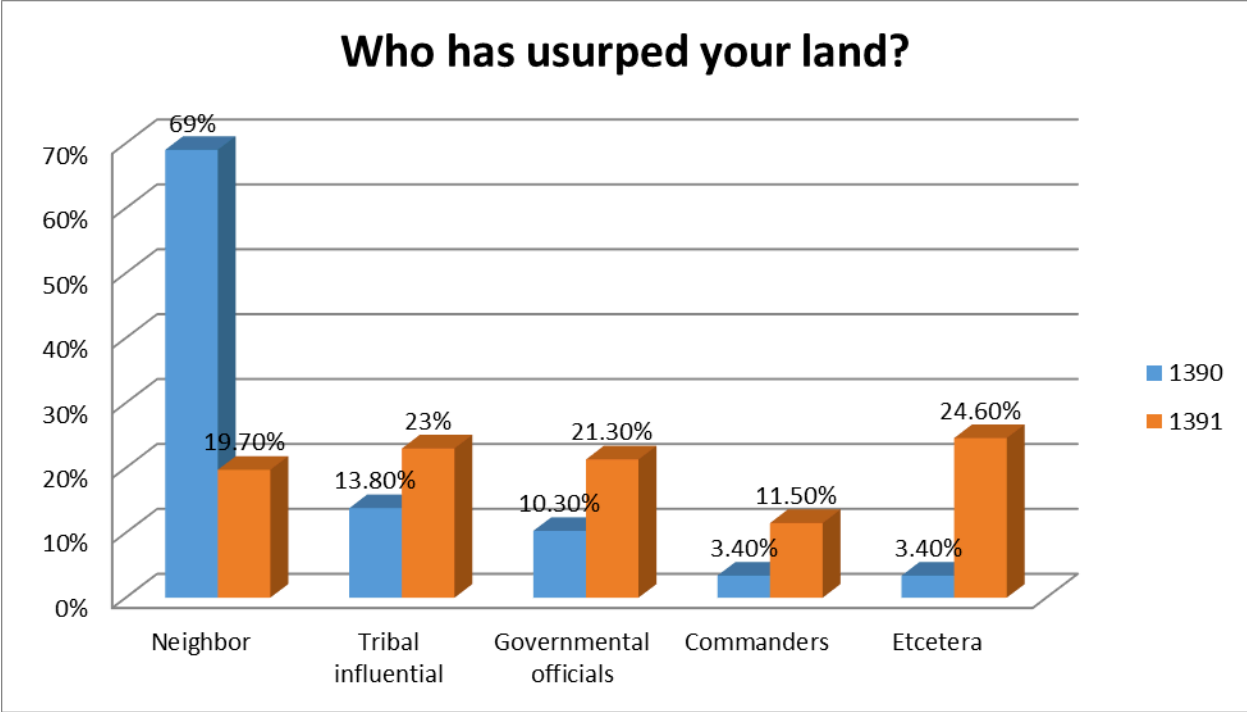
A portion of the disputes are resolved by local and tribal decisions and most of the disputes on property are referred to justice and judicial organs which to some extent paves the way for corruption.

Based on this inquiry in 1391, 1.1 percent of the interviewees stated that they are involved in disputes over their land or house, and most of them said they have referred their dispute to courts for resolution.

More than 70 percent of the people who are involved in a dispute have stated their dispute has not yet been resolved. Out of all interviewees in 1390, nearly 3 percent of them and around 3.3 percent of them in 1391 stated that they were about to lose their present house as the result of a dispute.

AIHRC field monitoring findings indicate that illegal appropriation of property still exists as a problem. Based on this inquiry, out of the total number of interviewees, 0.5 percent of them in 1390 and 0.8 percent of them in 1391 have stated that their lands or houses have been seized.

In most of the cases, the houses and lands have been confiscated by the neighbors, tribal leaders, state authorities and commanders. The graph below illustrates the number of these cases:



The Right to Have Access to Adequate Food

Food is one of the fundamental survival needs. The right to have access to adequate food is an important part of socioeconomic rights, which is outlined in Article 11 of the covenant. Adequate food refers to food that meets the body's needs so that humans do not face malnutrition.

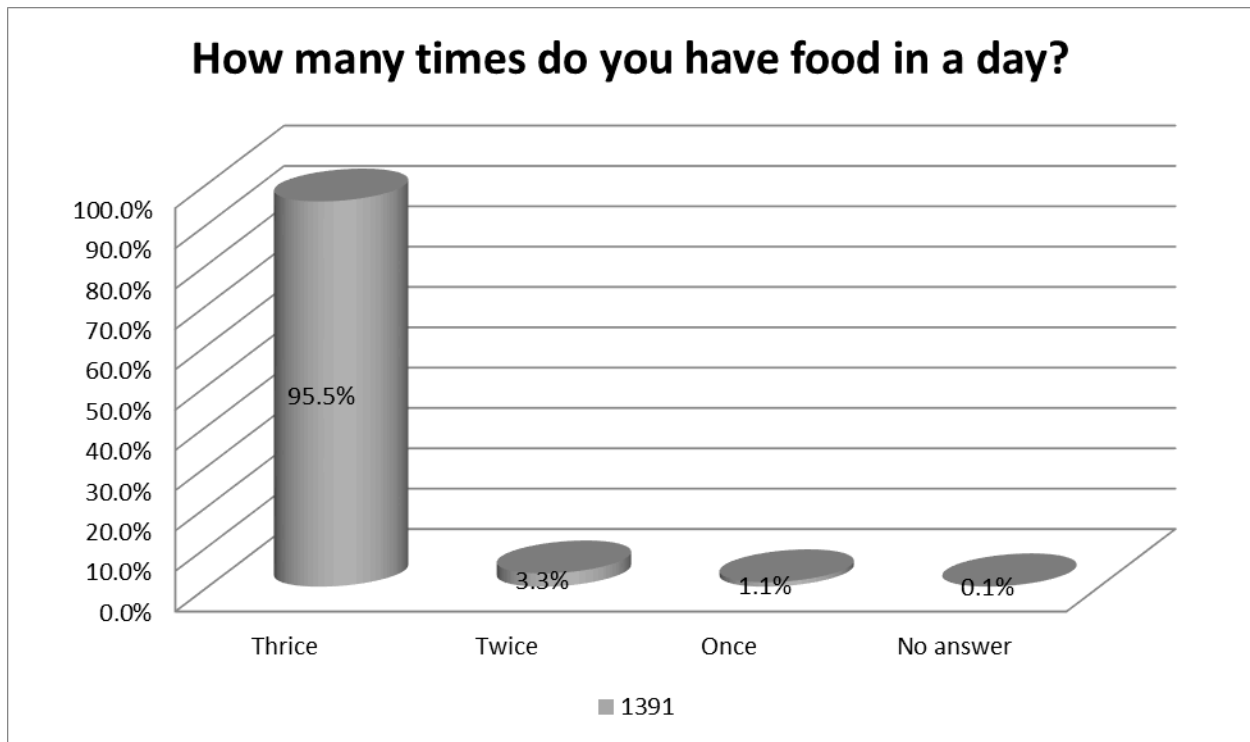
Food security is one of the basic life issues that is of a special importance. That is why in 1945 the UN has designated October 16th, as World Food Day to draw international attention. The risk of hunger currently threatens millions of people in different corners of the world. Fighting the threat of hunger and food poverty is one of the basic responsibilities of the states and countries of the world.

To fight the serious hunger risks, the food aid branch of the UN under the name of World Food Program has been established to supply food at the time of emergency and natural disasters. The World Food Program in Afghanistan has recently announced that nearly 60 percent of Afghan children are facing malnutrition.

Unemployment has a direct impact on the economic situation of families; therefore, poor families are deprived of the right to access to adequate food. Based on the present inquiry in 1391, around 48 percent of the participants declared that they eat meat and grains and beans only once a week.

Likewise, 37 percent of them have stated that they consume fruits and vegetables only once a week. Nearly 17 percent consume fruits or vegetables 3 times a week and 10 percent of them twice a week. Others did not answer this question. This indicates that the families' economy does not afford more than this.

56.5 percent of the participants responded positively to the question of whether there are meat and fruits available in the bazaar near their home. 39 percent declared that they cannot find meat and fruits in their bazaar. In Afghanistan, there are usually three meals in 24 hours. 95 percent of the participants of this inquiry stated that they have three meals in a day, however, the other 5 percent of them have one or two meals in a day. The graph below shows the figures:



The Right to Access to Potable Water

Water is one of the most essential needs of humans. Healthy and clean water guarantees human health. Access to potable water and necessary sanitation is essential for a fruitful and healthy life. Water as a vital human need is at the top of everyone's daily basic needs. Everyone has the right to have access to potable water.

Shortage of potable water has turned into a serious problem in Afghanistan.

Because of the lack of government policies in this area, in addition to water shortages due to the recent drought, insanitary conditions have created a lot of concerns.

Excessive accumulation of population in the capital of the country, lack of sewage system, improper water usage, lack of attention by the authorities for a number of violations like

pollution in the city, expansion of arbitrarily-built houses in the cities, construction of tall buildings with many stories, non-observance of proper sewage regulations, increasing number of arbitrarily-dug absorbing, septic and open wells, the establishment of productive factories, lack of water management and many other occurrences have, for one endangered levels of surface water, and two raised the level of water pollution to the point where citizens are faced with the serious threats of diseases.

Some people obtain potable water from their private wells in Kabul and other cities of Afghanistan. The wells are often located close to sewage wells, and the probability of contamination of water is very high.

According to engineer Dad Mohammad Bahir, the Head of Afghanistan's Independent Directorate for Water Supply and Canalization, lack of an urban master plan is the main factor of water pollution. According to Mr. Bahir, non-consideration of the necessary distance between potable water wells and sewage wells in the newly constructed cities is a reason which causes water pollution.

He adds that, “unless the water supply system is established in the city, constructing of the sewage system is useless”.

According to Mr. Bahir, some studies were conducted on the Kabul city sewage system in 1979, but due to increasing population in the city, now these studies do not meet the requirements.

Dad Mohammad Bahir says, “six hundred million dollars is needed to establish a complete standard sewage system in Kabul city”.⁵⁹

Based on the Afghan National Development Strategy, 50 percent of the families in Kabul and 30 percent of the families in other big cities would have access to tap water by 1391. However, engineer Mohammad Naim Tokhi, the Head of Hydrogeology Department of the Ministry of Mines, states that 30 percent of the people use the potable water provided by the water supply unit, and the remaining 70 percent use open wells and hand pump water, most of which is not healthy. 60

Presently, 40 to 50 cubic meters of potable water is being distributed per day in Kabul city. Based on the technical standard, 100 liters of water should be considered for a person in 24 hours. The water supply authorities say it is out of the government’s capability to meet this standard.

Based on the water supply and sewage department authorities’ estimation, eight billion dollars are needed to construct a sewage system in Afghanistan.⁶¹

⁵⁹- Baste Bastan News Agency- the citizens suffer from lack of sewage system, published on Asad 27, 1390, quoted from http://bostnews.com/details_dr.php?cid=1&id=516 on Hoot 27, 1392.

⁶⁰ - Kelid group, Water; the most essential human need- published on Jaddi 27, 1390, quoted from <http://tkg.af/dari/report/research/7427-%> on Hoot 21, 1392.

⁶¹ Deutsche Welle, Dari- Afghanistan needs 8 milliard dollars to construct sewage system- published in January 2014, quoted from <http://www.dw.de/AF/a-17353546>, in April 2014.

Contaminated water in Afghanistan, mainly in the capital has had negative impacts on the citizens' health. The Human Development Reports of the United Nations indicate that thousands of people, especially children die from using unhealthy water.

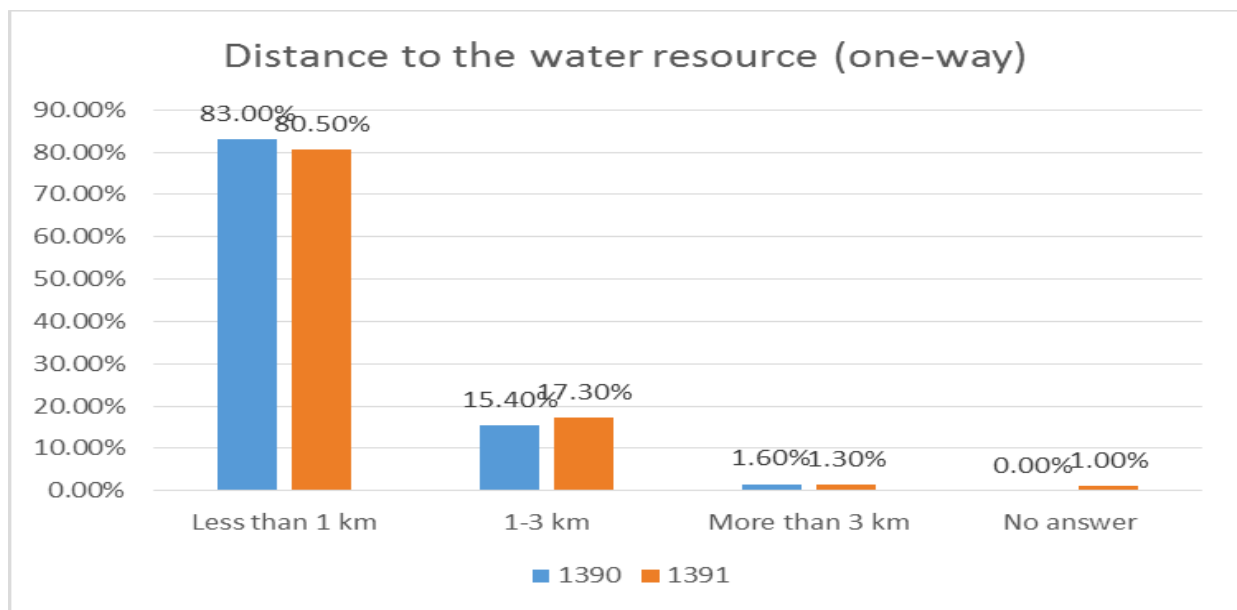
According to this report the crisis of shortage of water and usage of unhealthy water are considered as one of the most serious challenges for developing and underdeveloped countries. The authorities in the Ministry of Public Health also expresses their concerns over the existence of polluted water.

Gholam Sakhi Kargar, the spokesperson of the Ministry of Public Health says, “the survey conducted by this Ministry indicates that presently 46 percent of Afghan people do not have access to healthy potable water, which results in children’s diarrhea and death, besides other diseases”.⁶²

The distance up to the potable water resource is another problem seen in most villages of the country.

Distant water resources create more problems for families in the winter. Based on the present inquiry, 83 percent out of the total interviewees in 1390, and 80 percent in 1391 have stated one-way distance to the water resource is less than a kilometer.

However, there are families that are more than three kilometers away from the water source. The graph below explains the issue:



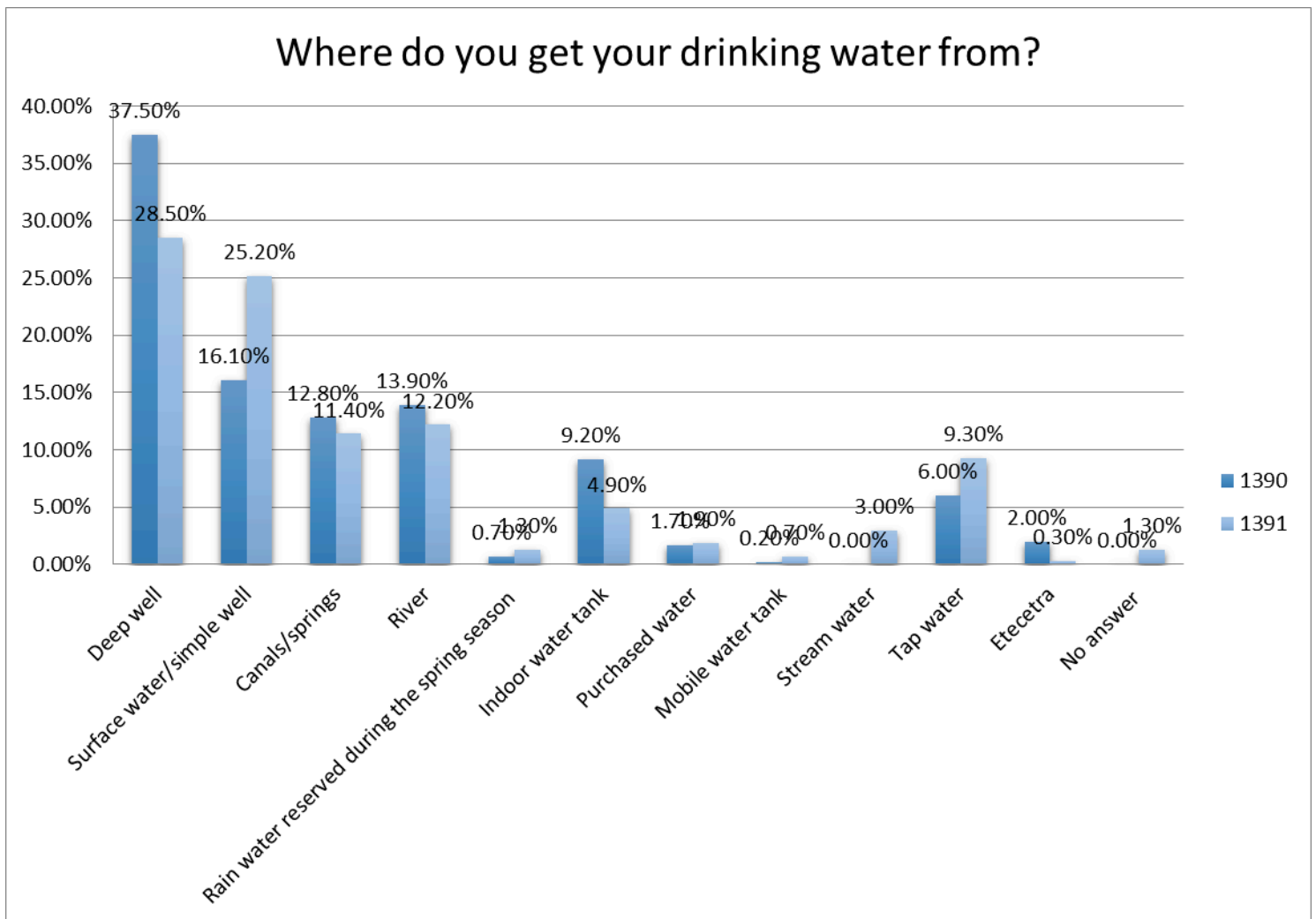
The water sources are different to some extent in cities and villages. People in the villages mostly use spring, canal or river water, while in the cities most people take their necessary water

⁶² -Kelid group, Ibid

from wells or taps. However, the droughts that have affected villages over the past few year have limited peoples’ access to springs and canals.

The present research, which includes a survey both in the urban and rural areas shows that most people use deep wells.

Based on the survey conducted in this research, 37.5 percent of the participants in 1390 and 28.5 percent of the participants in 1391 stated that they get their water from deep wells.



Families often face challenges while getting potable water. The major challenges mentioned by the participants of this inquiry are: inadequate water, salty water, lack of healthy water, using

water from a common resource with animals, dry wells, and waiting for long times in line to get water. The recent droughts caused people to face some problems in the agricultural area, too.

However, Afghanistan is endowed with abundant water resources, but water mismanagement causes many people to be deprived of access to water.

The assessments made by the Ministry of Energy and Water indicate that the Afghanistan water reserves reach to 75 billion cubic meters, 70 percent of which is used by neighboring countries, such as Iran and Pakistan, and only 30 percent is used for internal purposes. The AIHRC's field monitoring assessments indicate that nearly 73 percent of the participants in 1390 and 87.7 percent of the participants in 1391 have stated that their irrigation water was not sufficient.

A dispute over water: disputes and quarrels arising from water problems among tribes and even countries are increasing. According to some experts, the future wars in the world will be over water, not over oil resources.

Afghanistan has abundant water resources in its territory, but gets the least advantage from its water resources. The assessments indicate that Pakistan and Iran use 70 percent of the Afghanistan water.

Well managed water resources can increase the level of per capita income in countries like Afghanistan, where agriculture plays an important role in their economic structure, and would lead to economic development. ⁶³

The dispute over potable or irrigation water exists as a radical problem in different regions of Afghanistan, which at times results in physical disputes between people as well. Such disputes take place between people or between one village and another village.

According to the present research conducted in 1390, out of the total number of participants, there were 40 cases of disputes over water. Of these, 19 cases of disputes over water took place in their own village and 21 cases were inter-village disputes.

The numbers of such cases increased in 1391, and out of 6429 interviewees, 96 people stated that they have a dispute over water. It is said that most of such cases are solved by the local council or tribal Jirgas.

⁶³ _____ - Deutsche Welle, Dari, Connection between Water and Economic Development in Afghanistan, published in April 2012, quoted from www.dw.de/a-16218989 in April 2014.

Part 5

The Right to Health

Access to health is one of the fundamental human rights; everyone has the right to live healthy and enjoy the right to health. Enjoying health and health services is enshrined in the World Health Organization's Constitution, which states, "enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinctions of race, religion, political belief, economic or social condition".⁶⁴

Health is a very necessary part of our life, and authorities must lay the essential grounds to ensure this right. The preamble of the WHO's constitution provides, "[governments] have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures".⁶⁵

Afghanistan is a WHO member, and according to the laws of this organization, member states are obligated to take necessary measures in the development of health services.

Article 25 of the Universal Declaration of Human Rights stipulates that everyone is entitled to the right to health. The second paragraph of this article provides that mothers and children have the right to enjoy special assistance and care.⁶⁶

Access to health services is emphasized in the Afghan Constitution as well. According to Article 52 of the Afghan Constitution, the state shall provide free health facilities to all residence in accordance with the provisions of the law.⁶⁷

Afghanistan acceded to the International Covenant on Economic, Social and Cultural Rights on April 24, 1983. Article 12 of the ICESCR provides that states are obliged to recognize everyone's right to the best possible state of mental and physical health, and take some measures to fully ensure this right.⁶⁸

Based on the general commentary of the Committee on Economic and Social Rights, the right to access to health shall be accessible for all without discrimination. Likewise, health facilities and services shall be provided for all people in society.

Access to Health Services

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<http://www.who.int/about/en/>

65 - Ibid

66 - The Universal Declaration of Human Rights, ratified on December 10, 1948, The AIHRC publications

67 - The Afghan Constitution, Independent Commission for the Supervision of the Implementation of the Constitution- printed in 1390

68 - The International Covenant on Economic, Social and Cultural Rights, ratified on December 16, 1996- the AIHRC publications. Page 7

Increasing the number of health centers during the past several years is a major achievement by the Ministry of Health of Afghanistan. According to the Afghan National Development Program, overall health services cover nearly 90 percent of the population of the country by 1389.⁶⁹

But, public health officials, currently account for 62 percent development of health services in Afghan cities and villages. According to the spokesperson of the Ministry of Public Health, the level of access to health services has increased from 8 percent to 64 percent during the last ten years.⁷⁰

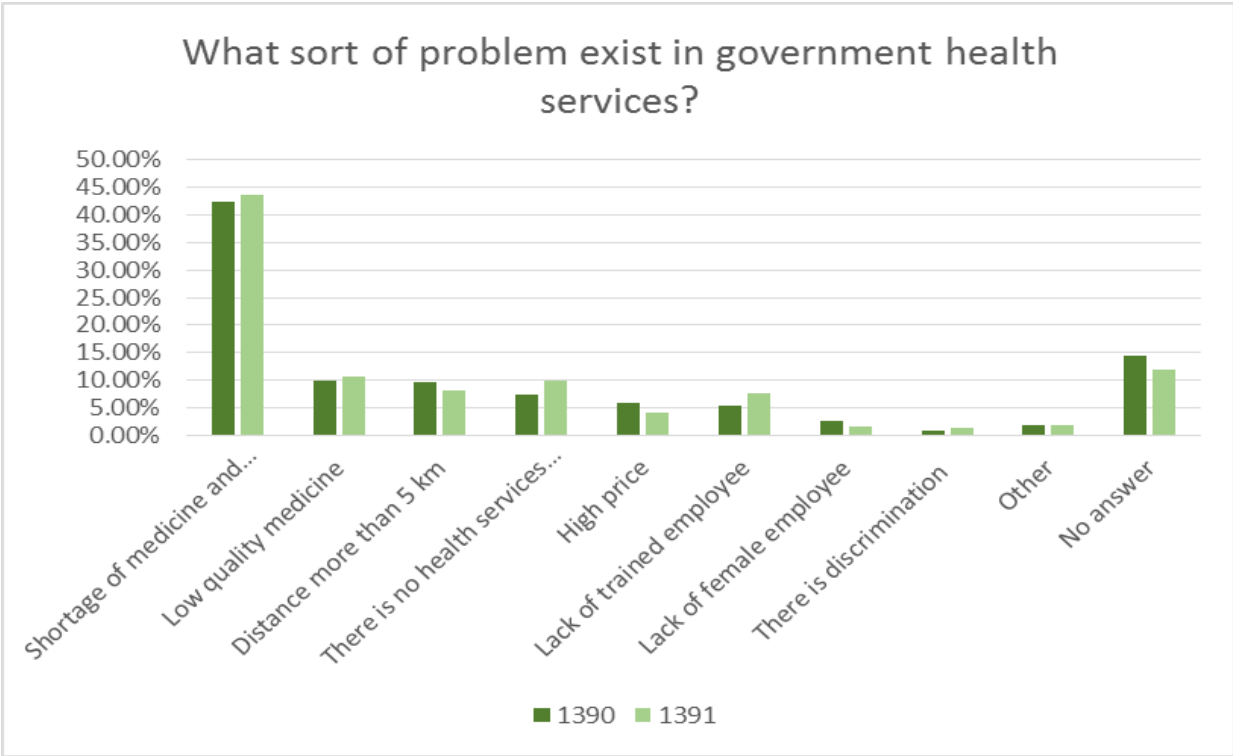
This indicates that the Afghanistan National Development Objectives are still not met. Based on the researches conducted by the AIHRC in 1389 on the economic and social rights situation, nearly 60 percent of people had access to health services.⁷¹ More than 62 percent of the participants have stated in the present research that they have access to health services, however, this access is accompanied by several challenges.

Lack of expert doctors, lack of building for a number of health centers, late delivery of supplies, and lack of ambulances are highlighted as the major challenges faced by health care providers. Likewise, lack of medicine, lack of medical equipment, lack of facilities at health centers, high prices, and other issues are the other problems that the participants mentioned in this research. The graph below shows the previously mentioned problems.

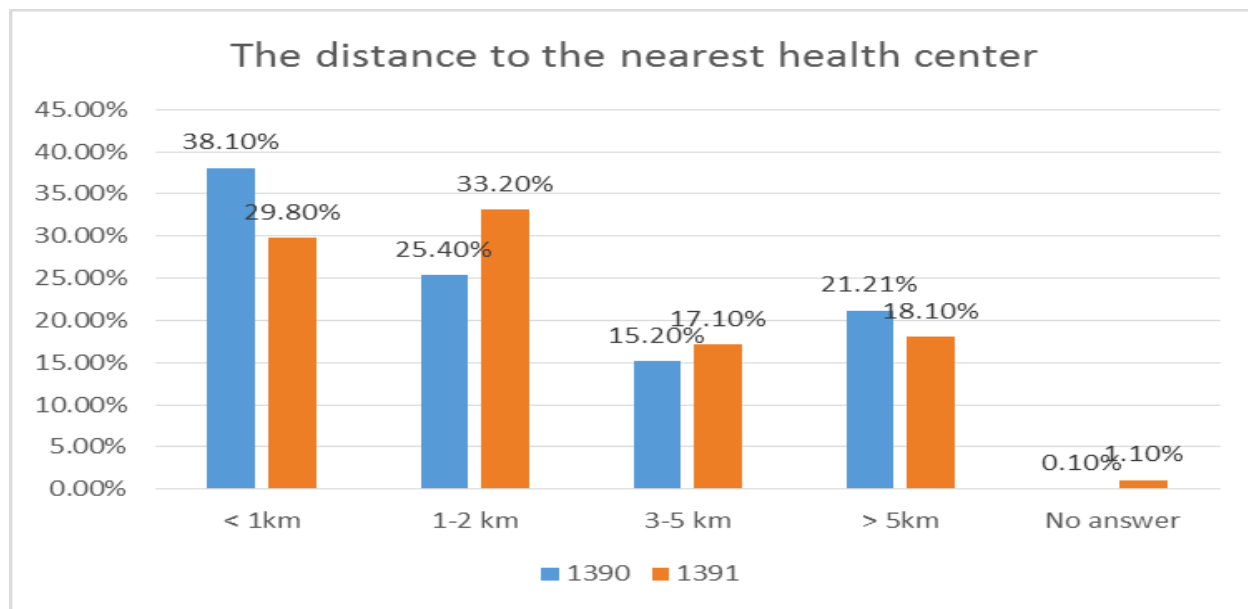
⁶⁹ - Afghanistan National Development Strategy, 1387-1391 Saft- (P, D, F)

⁷⁰ BBC, 38 percent of the people do not have access to health services, published on Hamal 19, 1391, quoted from http://www.bbc.co.uk/persian/afghanistan/2012/04/120407_k02-afghan-health- on Hoot 20, 1392.

⁷¹ -The economic and social rights situation in Afghanistan, the AIHRC, 1388-1389, page 47



The distance of travel to health centers continues to be a problem. The graph below indicates that nearly 21.2 percent in 1390 and around 18.8 percent of the interviewees in 1391 have stated that their one-way distance to a health center is more than 5 kilometers. In this way, the people have to travel difficult and hilly ways to take their patients to a health center.

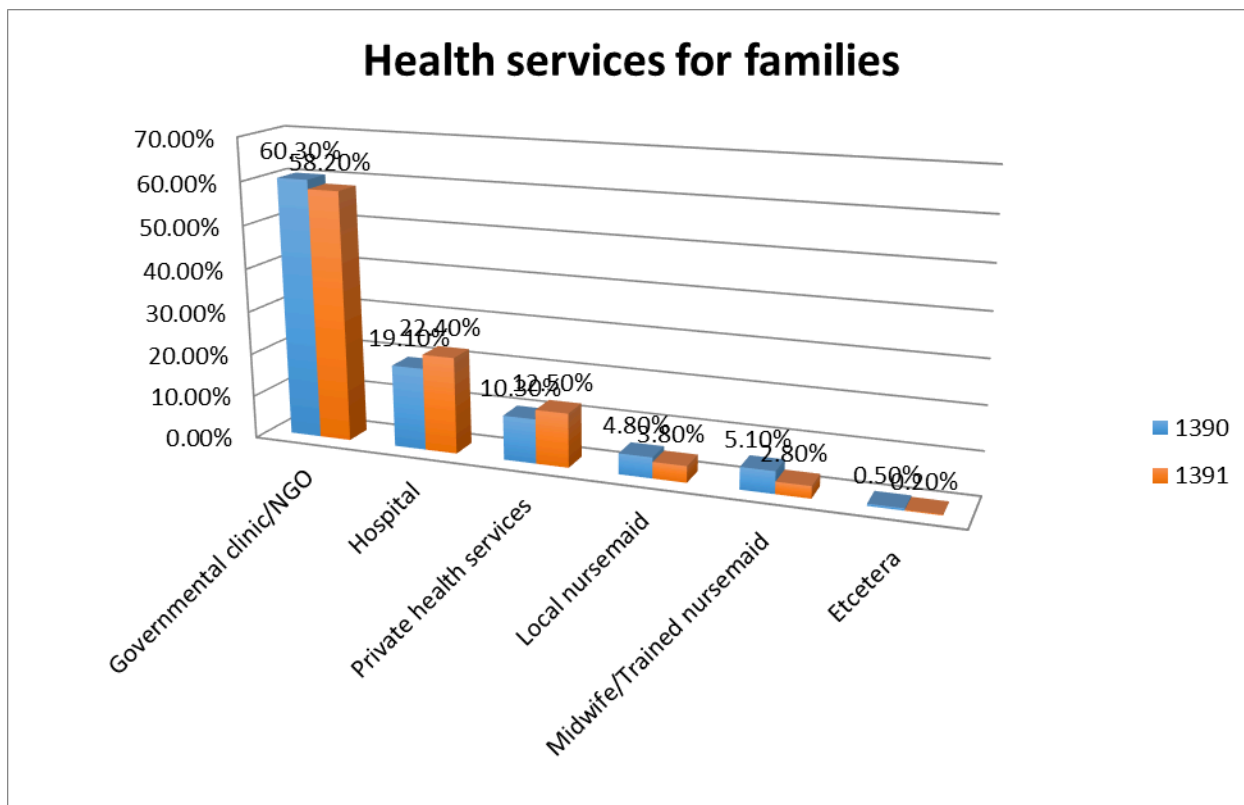


Ambulances are considered one of the basic facilities if health centers and people should have access to them. However, lack of an ambulance at hospitals and clinics continues to exist as a problem. People suffer from many difficulties in this area, and they cannot transfer their emergency patients to health centers.

Out of 4629 participants in this research in 1390, 3174 people, constituting 68.6 percent of this figure, and in 1391 nearly 52 percent of the participants have stated that there has been no ambulance at all.

Health centers and services are the other topics discussed in this research.

Selection of the type of health center depends more on the economic situation of people and the level of their accessibility than anything else. The present research indicates that most people (50 to 60 percent) refer to governmental clinics/NGOs when they are sick. Hospitals, Private health centers, nursemaids and local midwife are considered as other health references consulted people. The graph below shows the health services for families:



According to the Ministry of Public Health before, there were slightly less than 400 health centers across the country, while today there are 1700 centers. In addition, when specialized treatment centers – such as tuberculosis and malaria treatment facilities, mobile centers and others – are included, the number of health centers reaches 2166.⁷²

Lack of centers for the treatment of mental illness in the capital and provinces of Afghanistan is another problem faced by the people.

Based on research conducted after the collapse of the Taliban regime, half of Afghan citizens are suffering from mental and psychological problems. Most of these studies have been conducted by reliable international sources, and the Ministry of Public Health of the country has also confirmed it.⁷³

The Ministry of Public Health has said that half of the people of the country are suffering from different kind of mental disorders. Nonetheless, the Afghan state has not paid attention to this issue. Lack of centers for the treatment of mental illness in the provinces of the country has caused many people fail to have their patients treated and cured.

Maternal Mortality

⁷² -Ibid

⁷³ - Afghan Newspaper, Intensification and expansion of mental illnesses in the Society, published in Saratan 1390, address: http://www.dailyafghanistan.com/opinion_detail.php?post_id=121562

According to the International Covenant on Economic and Social Rights, state parties must take necessary measures to reduce child mortality. Likewise, decreasing maternal mortality is one of the objectives of the Afghanistan National Development Program.

It is stated in the third section of the economic and social section of the Afghanistan National Development Program that: “the mortality rate in children below 5 years of age will be reduced 21 percent by 1391. The rate of mortality in all mothers will decrease 35 percent”.⁷⁴

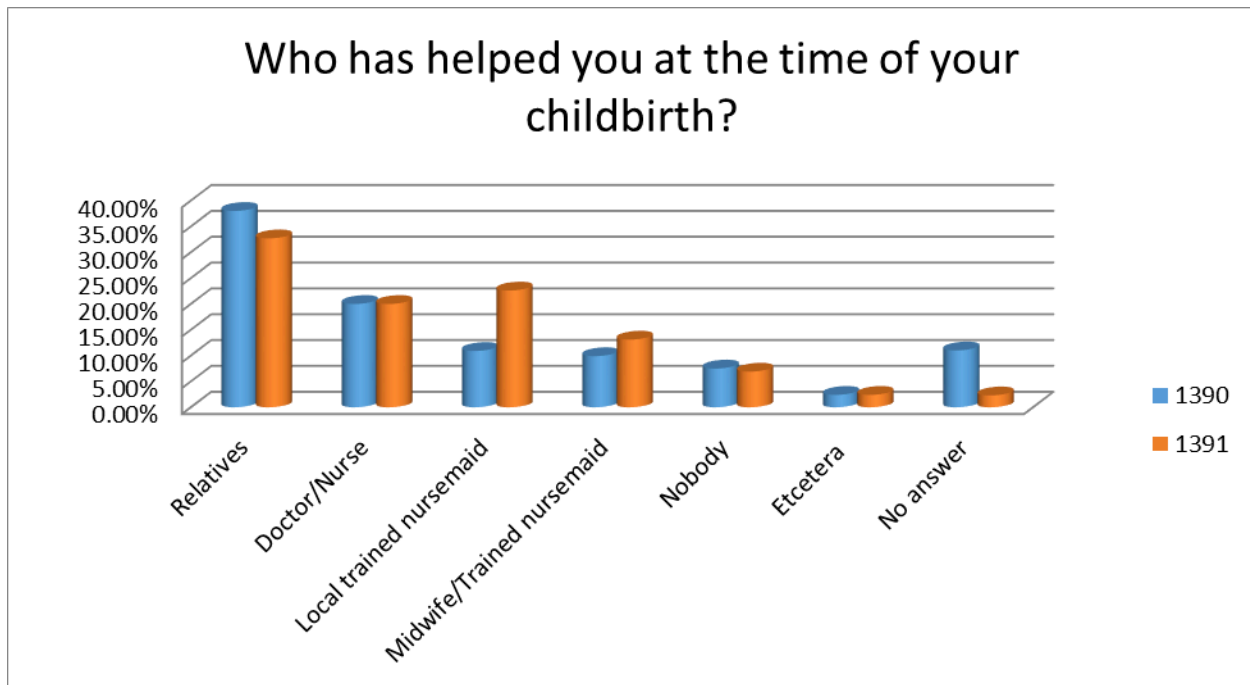
The Public Health authorities believe that the women and child mortality has remarkably decreased compared with previous years. According to Sorayya Dalil, the Minister of Public Health, a rise in the public awareness, access to and usage of medicine, an increase in the number of health centers in different regions, and, above all else, an increase in the number of midwives, are the main factors reducing the rates of women and child mortality. However, in insecure provinces, some problems still exist, such as restrictions in hiring female doctors.

Meanwhile, the international NGO, Save the Children states that efforts made in this area have caused a nearly 70 percent reduction in the rates of maternal mortality. According to this NGO, the improvements made in the situation of Afghan mothers and newly born babies are a result of 1) the increase in the level of mothers’ and their babies’ access to health facilities, 2) launch of immunization and vaccination programs, 3) an increase in the number of health employees, and 4) an increase in the level of women’s and girls’ awareness.

Based on the present research, most of the participants of this interview have said that their relatives have helped them during childbirth.

Likewise, 20 percent of the participants have said that a doctor or nurse has helped them. Local midwives are considered as one of the prevalent references that people refer to at the time of childbirth. Based on the present research, 10 to 20 percent of families have referred to local midwives.

⁷⁴ - The Afghanistan National Development Program, page 14



Based on the statement of the Minister of Public Health, the recorded results in a survey indicate that 10 years ago the rate of maternal mortality was 1600 mothers per 100,000 childbirths. This figure has decreased to 327 mothers in recent years, a five-fold decrease.⁷⁵

In the present research, which was conducted by the AIHRC in 1390, nearly 3.7 percent of 237 people surveyed stated that they have lost one mother in their family as a result of child delivery in the last year, while 95.8 percent of them gave negative response.

However, in 1391, out of a total of 8202 participants, 2.8 percent, or 230 people, stated that they have lost one mother in their family because of child delivery in the last year. 95.7 of them stated that they have not witnessed such a case in their family. This indicates the rate of maternal mortality has not materially varied in the last two years, with only 2 percent decrease.

Likewise, in 1390, nearly 5.1 percent of the interviewees responded “Yes” to the question of whether they have lost any baby at the time of delivery in the last one year. This figure decreased to 4.4 percent in 1391, indicating less than a one percent decrease.

Furthermore, it is indicated in the report published by the Ministry of Public Health that the mortality rate of children below 5 years of age has been 257 per 1000, which has recently decreased to 97 per 1000. Moreover, the mortality rate among children below 1 year of age has been 161 per 1000, which has decreased to 77 per 1000. The figures indicate that most of the mortalities among children below 5 years old are reported to be due to diarrhea and pneumonia.

The Public Health Minister states that child mortality will be remarkably reduced by introducing and applying new vaccinations that are produced by modern technologies.

⁷⁵ BBC, report by Ali Yawar Salimi, Address: <http://www.bbc.co.uk/persian/afghanistan/story/2008/05/080530>

Repeated pregnancies with no interval are other issues that can result in maternal mortality. According to Public Health authorities, the interval between pregnancies was better than last year. For instance, nearly 8 percent of Afghan people used to create interval between the pregnancies, and currently this figure has increased to 30 percent.⁷⁶

Communicable and Dangerous Diseases

Epidemic diseases are a problem that can put the peoples' life in danger. The risk of the spread of the communicable diseases is greater in societies where there are no adequate health facilities. The World Health Organization was in fact established specifically to prevent and contain the spread of communicable diseases.

It is emphasized in the WHO's constitution that the international community should cooperate to prevent epidemic diseases.

This constitution provides that, "Unequal development in different countries in the promotion of health and control of disease, especially communicable disease, is a common danger".

It has been stated in the health section of the Afghanistan National Development Strategy that, "the major priority of the health sector is to address the priority health issues through inclusive coverage of the basic health services. The state continues to render the basic health services and strengthens the focal points that connect the patients to the basic health service centers.

Specifically, the state strengthens the mothers' health services mainly in the areas of guiding family and related issues; improvements in the mothers' and children's nutrition, and controlling of the communicable diseases, considering their inappropriate effects on the people's health situation".⁷⁷

AIDS or HIV is one of the communicable diseases that the entire world is suffering from.

According to statistics from 2012, 34 million people are affected by the HIV virus across the world, 36 million people have lost their lives due to this dangerous disease, and women constitute half of them.

According to Sorayya Dalil, the Minister of Public Health, the number of people in Afghanistan affected by AIDS is 1250, 85 percent of whom are male and 15 percent female. Likewise, according to the World Health Organization's statistics, two to three thousand people are HIV positive in Afghanistan.

The factors, such as air pollution, potable water pollution, lack of canalization, lack of well-equipped hospitals to diagnose and treat diseases in the country, unawareness and illiteracy of many people, insecurity and addiction to narcotics, and carpet weaving have contributed in spreading of communicable diseases.

Being affected by malaria is another issue in Afghanistan that thousands of people are being affected by every year.

⁷⁶ _____ - Radio Dari, The Afghanistan Health Situation..., published in Hamal, 1390, quoted in Qaws, 1392 from this media's website. Address: <http://dari.irib.ir/political/item/21054-%>

⁷⁷ _____ - The Afghanistan National Development Strategy, Ibid.

According to the Ministry of Public Health's notice, nearly 391,000 cases of malaria have been reported from across the country in 1390, which shows a 19 percent decrease compared to that in the last year, and 38 percent reduction compared to that in 2002.

Based on this notice, cases of malaria are witnessed more in regions of Afghanistan where rice is cultivated, and the provinces, such as Nangarhar, Konar, Laghman, Baghlan, Konduz, Takhar, Badakhshan, Balkh, Faryab, Badghis, Herat, Helmand, Qandahar and Khost are more prone.⁷⁸

Decreasing malaria is one of the UN Millenium Development Goals, and all the countries across the world are committed to achieve this objective, April 25th is World Malaria Day, in honor of promoting effective control of malaria worldwide.

Vaccination

Vaccination is deemed to be a health requirement for children. Based on a report released by the Ministry of Public Health, most of the remote areas of the country are covered by vaccination services. According to their statistics, 37 positive cases of polio were recorded in the country in 1391.

In 1391, nearly 90 percent of children were vaccinated⁷⁹. Some regions were deprived of this program due to insecurity. In some cases, the Taliban has prevented the implementation of the program, which is a matter of concern.

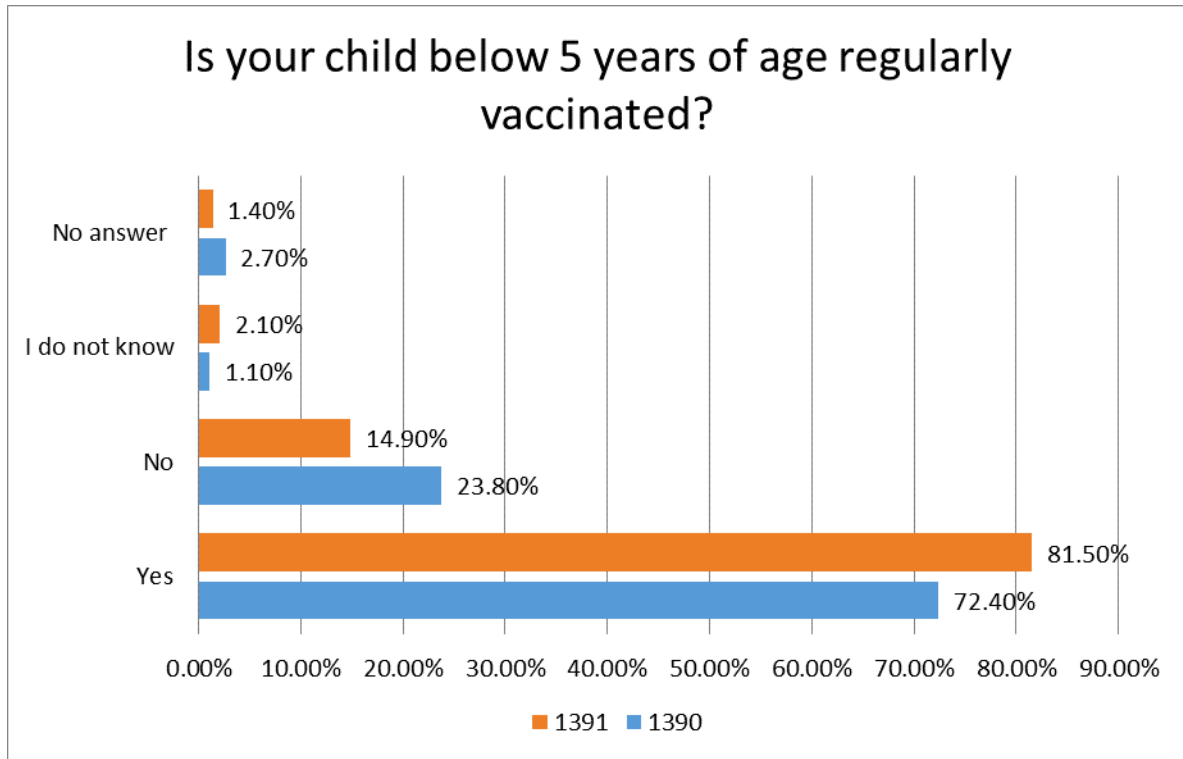
According to AIHRC field monitoring, in 1389 74.9 percent of people have stated that their children below 5 years of age have been regularly vaccinated.

However, based on this assessment, in 1390 nearly 72.4 percent of the interviewees stated that their children below 5 years of age have been regularly vaccinated. And 23.8 percent of them gave negative answers.

In 1391, out of 8202 people, almost 82 percent of them stated that their children below 5 years of age have been regularly vaccinated , while, 14.9 percent of them gave negative response. The graph below shows these figures:

⁷⁸ □ UNAMA, Decreasing Malaria in Afghanistan- published on Sawr 10, 1392- quoted from <http://unama.unmissions.org/Default.aspx?ctl=Details&tabid=13793&mid=17589&ItemID=36761> in Jaddi, 1392.

⁷⁹ The Ministry of Public Health, Polio eradication campaign..., published in August, 2013, quoted from <http://moph.gov.af/fa/news/82513> in February, 2014.



Addiction

Addiction to narcotics is a phenomenon that has considerably increased in Afghanistan during recent years. This fatal phenomenon has not only affected men, but women and children also. In addition to being a serious threat to the life of the addicted person, addiction leads to the dismantlement of their families, and this can directly affect the women and children’s destinies as well.

Several shocking reports demonstrate that addiction is a serious matter of concern. A report released by the USA on Afghanistan concluded that nearly 1.3 million Afghans are affected by narcotics. The health authorities in Afghanistan, however, have taken some measures in this regard during the last few years, although such measures have not been able to decrease the number of addicts in the country.”

Lack of fundamental investment in this area by national and international institutions, and lack of government attention to this issue has caused an increase in the number of addicts. Out of all countries, Afghanistan has the highest number of addicts.

Poverty, unemployment, unknown destiny, insecurity, domestic violence, immigration, hard labors, and illiteracy are factors in addiction. According to the Public Health authorities, there are around 12 percent specialized hospitals with 20 beds for the addicts, likewise, 6 other centers are operating in 6 provinces.

It has been determined that the number of the centers and other providers of health services are inadequate and cannot manage to meet the treatment requirements for the addicts. In interviews

conducted by the media with addicts, it is shown that most of the addicts have asked the government to treat them freely, but the government has not taken any fundamental measure in this area.

Air and Environment Pollution

Healthy environment is a third generation human rights. Several international instruments have been approved regarding this issue. Based on Article 15 of the Constitution, the Islamic Republic of Afghanistan is obliged to take necessary measures to protect the forests and the environment. In addition to issues such as insecurity, poverty, terrorism, environmental problems are deemed to be a serious and dangerous threat to the lives of Afghans.

Air pollution in the big cities of Afghanistan – especially in Kabul – is considered a serious problem. While no assessment has been made regarding air pollution in other cities of the country, according to the Environmental Administration’s authorities, Kabul is one of the 10 most polluted cities of the world.⁸⁰ The Environmental Administration states the air pollution threatens the lives of 5 million people in Kabul.

Abdul Wali Modaqiq, Policy and International Relations deputy in the National Environmental Administration states that due to the existence of suspended small particles in the air in Kabul, 2300 people, on average, lose their lives and four billion Afs are spent for the treatment every year⁸¹.

Regarding air pollution in Kabul, Mr. Modaqiq says, “There are many small particles called PM10 in the air that we inhale in Kabul city”.

According to him, based on the studies made, 43 percent of the particles in the air are due to bumpy roads, 31 percent of the pollution is due to smokes rising from kitchens, 12 percent of the pollution is coming from brick kilns in the cities and 8 percent of the pollution is produced by old vehicles using diesel fuel.⁸²

The use of low quality coal and fuels, non-asphalted roads and streets, the lack of a sewage system, and an increase in the number of vehicles are the major factors of environmental pollution in Kabul. According to a report published by the New York Times, a study conducted by the Asian Development Bank indicates that air pollution in Kabul causes an additional 600 cases of asthma annually, and generally, around 2287 people die of diseases arising from air pollution every year.

Thus, based on the report of this newspaper, civilian casualties due to air pollution only in Kabul is two times more than the mortality rate during the war years reportedly 1400 people in the last year.⁸³

⁸⁰ Hashte Sobh newspaper, the garbage should be collected on time, published on Jawza 4, 1390- quoted from http://8am.af/oldsite.php?option=com_content&view=article&id=19507:1390 on Dalw 4, 1392.

⁸¹ The AIHRC- the workshop on Human Rights and Environment, published in Jaddi 1392- quoted from http://www.aihrc.org.af/home/daily_report/2317, in Dalw 1392.

⁸² Radio Ashna, VoA- Concerns due to air pollution in Kabul. Published on Dalw 13, 1391, quoted from <http://www.darivoo.com/content/afghanistan-weather-waters/1595542.html> on Jaddi 28, 1392.

⁸³ Radio Deutsche Welle- Air pollution’s serious dangers in Kabul city- published in January 2013- quoted from <http://www.dw.de/a-16564787> in February 2014.

Mohammad Kazem Homayon, head of the planning department of the Environment Administration says that if attention is not paid to air pollution, this problem will turn into a disaster.

He adds, "Poverty is one of our major problems. That is why the people use fossil energies, such as coal". a decrease in the gas price by the government would be a good solution".⁸⁴

If we have a global perspective regarding environmental issues, it seems that the environmental issues have turned into an international problem in the last decades. Two major types of factors play an important role in disturbance of the environment.

The first group are natural and climate factors, such as global warming and water supply decrease. The second group are factors caused primarily by Afghan society, such as deforestation, industrialization, and increase in the number of factories, which produce smoke and carbon dioxide.

Many developing countries have put efforts and made investments to prevent environmental destruction. However, in these countries, such as Afghanistan, that enjoy fewer facilities, the environment situation gets more appalling by the day.

⁸⁴ Radio Deutsche Welle: <http://www.dw.de/a-16564787> Ibid.

Part 6

The Right to Education

Education makes up the intellectual infrastructure of a society. The growth of a society is directly linked to the educational situation and system. Enjoyment of the right to education by children and citizens guarantees growth and awareness in the society. Access to education is the right of every person that can benefit from it.

Based on the Universal Declaration of Human Rights, everyone has the right to obtain an education Article 26 of the UDHR provides that, “education shall be free, at least in the elementary and fundamental stages”.⁸⁵

The Afghanistan Constitution stipulates that all Afghans have the right to education. Enshrined in Article 43 of the Afghan Constitution is the guarantee that for the purpose of generalization of balanced education in Afghanistan, the state is obliged to ensure compulsory secondary education, and outline and implement effective programs”⁸⁶.

According to the International Covenant on Economic, Social and Cultural Rights, states parties to the covenant must recognize everyone’s right to education. The Article 13 (2) provides that preliminary education must be compulsory and free of cost for all⁸⁷. Likewise, Articles 28 and 29 of the Convention on the Rights of the Child emphasize children’s education and oblige the states to lay the educational foundations for children⁸⁸.

If we scrutinize the education situation in Afghanistan, we can clearly see that education quality and facility are poor compared with other countries.

Afghanistan is among the countries with the lowest level of literacy and experiences big challenges in this area. Over the past decade, a lot of funds have been spent on improving Afghanistan education, and many national and international institutions have been operating in this area. Since Afghanistan is considered a post-war country, it requires more support to strengthen education.

While, some efforts have been made for improvements in the educational system and situation by the concerned institutions, this country is not in a good educational situation. Based on the Ministry of Labor and Social Affairs’ statistics, more than 6 million children are deprived of their right to education in Afghanistan.

Access to Education

⁸⁵ The Universal Declaration of Human Rights, Ratified on December 10, 1948- the AIHRC’s publications, page 7

⁸⁶ The Afghanistan Constitution, Printed in 1390, the Independent Commission on Monitoring the Implementation of the Constitution, page 23.

⁸⁷ The International Covenant on Economic and Cultural Rights, ratified on December 16, 1966, the AIHRC publications, page 7

⁸⁸ The Convention on the Rights of the Child, ratified on November 20, 1989, the AIHRC publications, page 17

Afghanistan is one of the countries capable of increasing population growth. Therefore, with each passing year there have been more requests for enrollment in schools, and it is necessary that attention be paid to developing and building educational centers and schools, and increasing the number of teachers, so that the foundations of education be provided to the children of Afghan citizens.

According to statistics presented by the Ministry of Education, one million students were enrolled in schools in 1390. Amanullah Aman, spokesperson for the Ministry of Education says, "In 1390 nearly 14,000 schools were active all over the country in which 8.1 million students were studying, 38 percent of which were girls, and 175,000 teachers have been teaching them, 36 percent of whom were professional teachers. However, we have had 9.5 million students, out of which girls account for 4 million of them, who are taught by 190,000 teachers in 16,000 schools.

Currently half of the teachers are professional, who have graduated from teacher training centers, and others are pursuing their education, and the number of professional teachers increase by 10 to 12 percent every year".⁸⁹

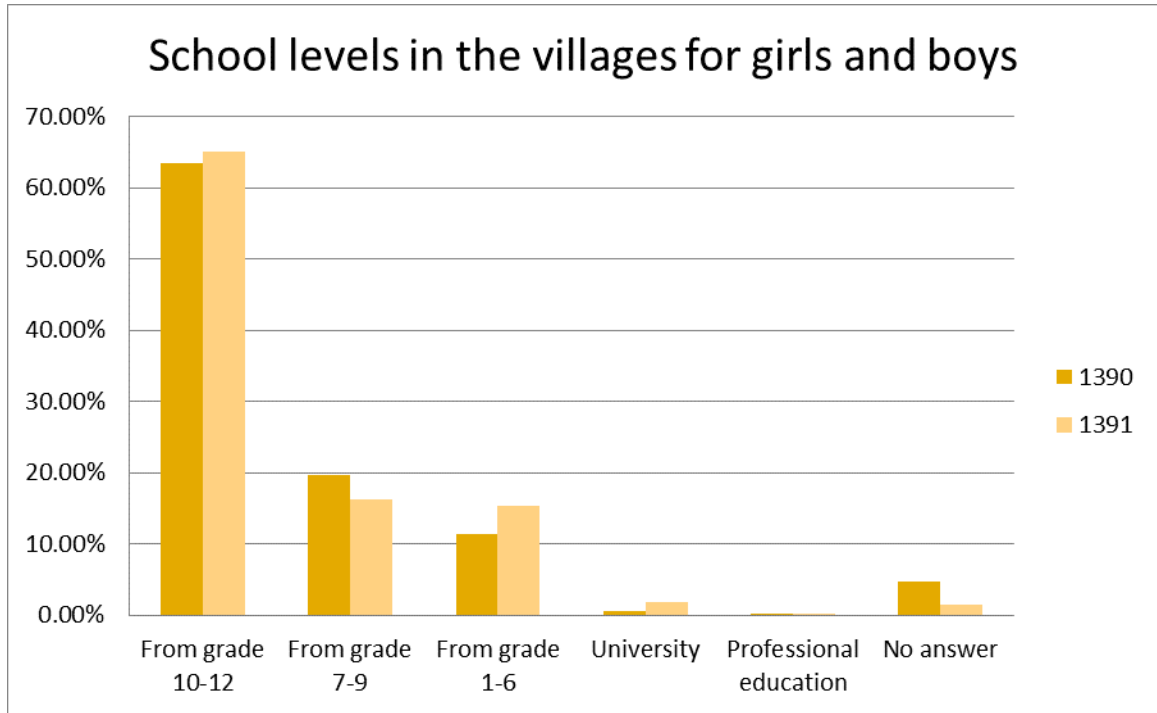
This figure suggests that the problem of shortage of teachers at the village level will soon be resolved.

According to the authorities from the Ministry of Education, 3400 schools have been active in Afghanistan in which one million students have been taught by 20,000 teachers.

The number of students in schools increases yearly; nevertheless, the Ministry of Education states that they try to increase the number of schools in accordance with the requirements every year to provide further space for applicants.

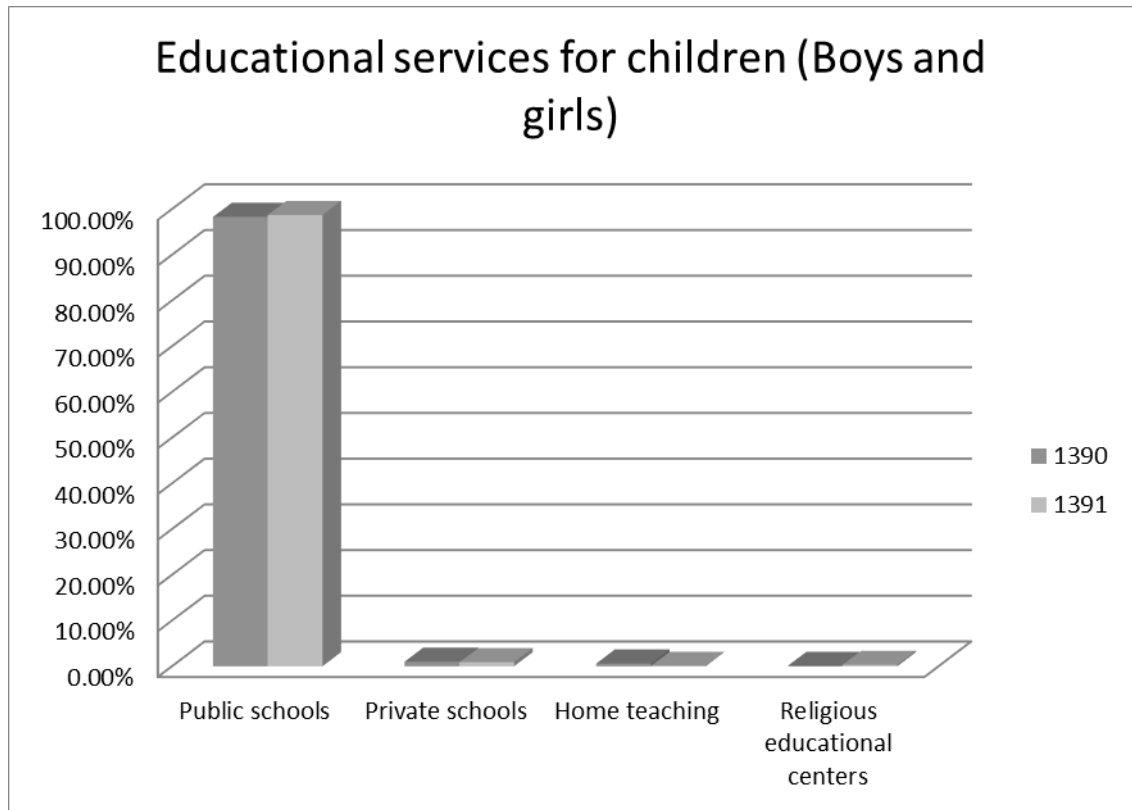
Based on the report issued by the Ministry of Education, almost 274 primary schools have been turned into secondary schools, and 305 middle school have been changed to high schools. Based on the present research, more than 60 percent of the participants have stated there are high schools in their villages.

⁸⁹ -Deutsche Welle website, Afghanistan Education based on statistics. Published on November 18, 2011- quoted on Jaddi 10, 1392 from [http://www.dw.de/%D9%85% a-15542426](http://www.dw.de/%D9%85%a-15542426)



Establishing and developing private schools are the other issues that have had a dramatic growth in Afghanistan.

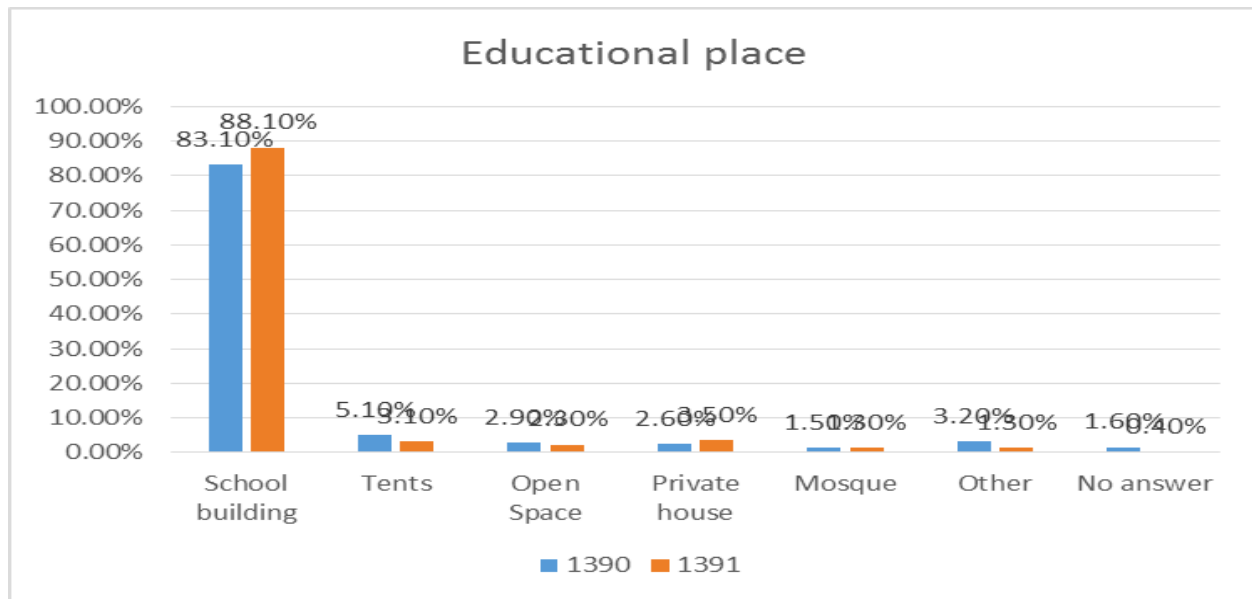
According to authorities from the Ministry of Education, currently around 500 private schools are operating in Afghanistan, and one thousand students are studying in these schools. However, studying in public schools is cheaper than private schools, and mostly the people send their children to public schools. The findings of the present research show that nearly 98 percent of students go to public schools.



School building:

Lack of school building is considered one of the main challenges for students, and a large number of students study under tents or in open areas (campus). The Ministry of Education in its recent notice has stated that nearly 50 percent of Afghan schools do not have a building.

Around 83 percent of the interviewees in 1390 and approximately 88 percent of them (boys and girls) in 1391 stated the school where they study has a building. Others have stated that they study in mosques, in open areas, rented houses or tents. The graph below shows the percentage of these figures:



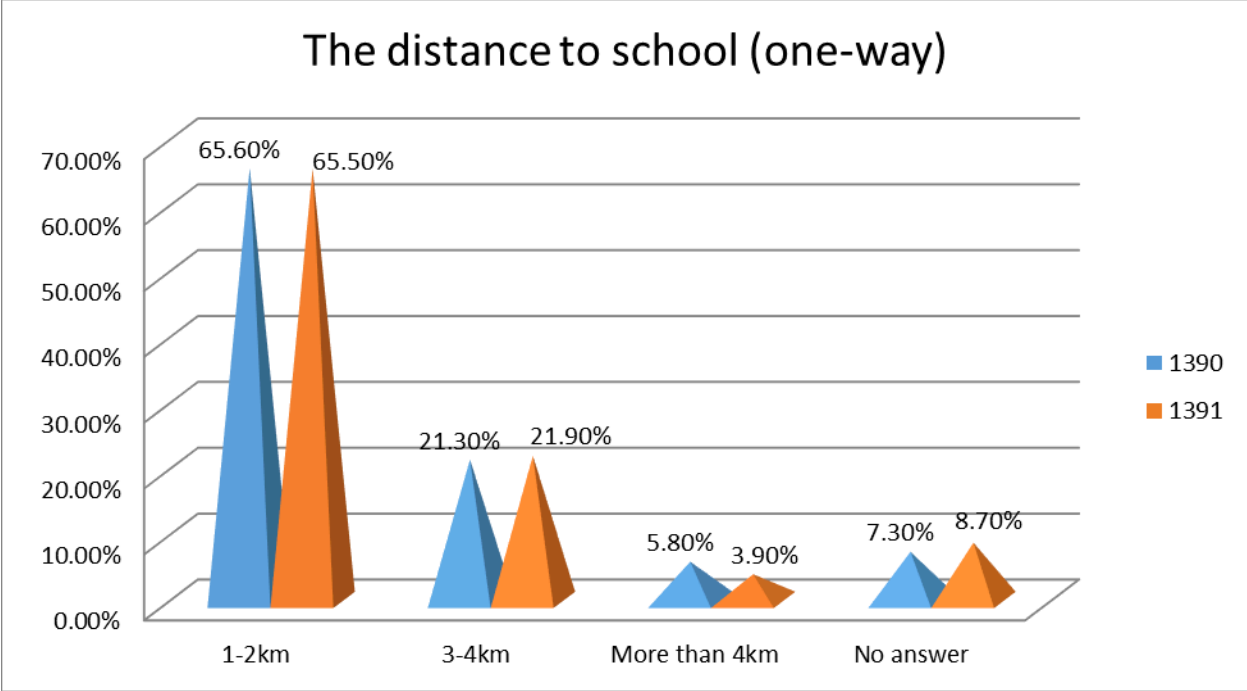
Major Teaching Curriculum Challenges

Shortage of textbooks, orthographical and printing mistakes, low quality materials and content, conventional and ineffective methods, lack of laboratories, lack of well-equipped teaching tools, and lack of logical sequence in the contents of the subjects are the main problems in providing quality education and facilities.

Based on the present research, nearly 37 percent of the participants in 1390 and around 27 percent of them in 1391 stated the low quality education is the reason why their children have abandoned education, and this is an appalling figure.

However, the spokesperson for the Ministry of Education says that students are learning through an accountable and effective curriculum. Likewise, the authorities from this ministry speak of having published newly printed textbooks. Based on the statement of the spokesperson, the ministry had provided about 48 million newly printed books so that students would not have any kind of problem in this regard.

Distance from home to school is another problem, with a number of students having to travel difficult ways to reach their schools. Difficult environmental conditions and lack of transportation facilities make it difficult for students to get to school. The graph below shows the one-way distance to school:

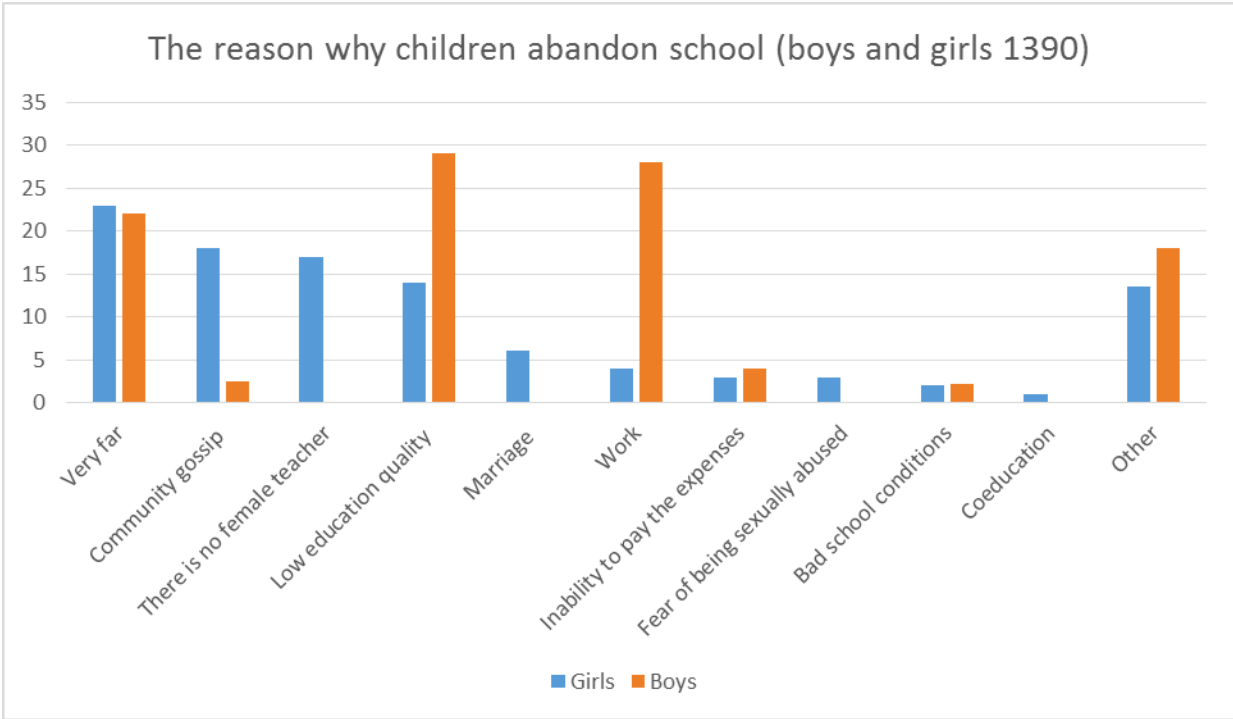


Abandoning School

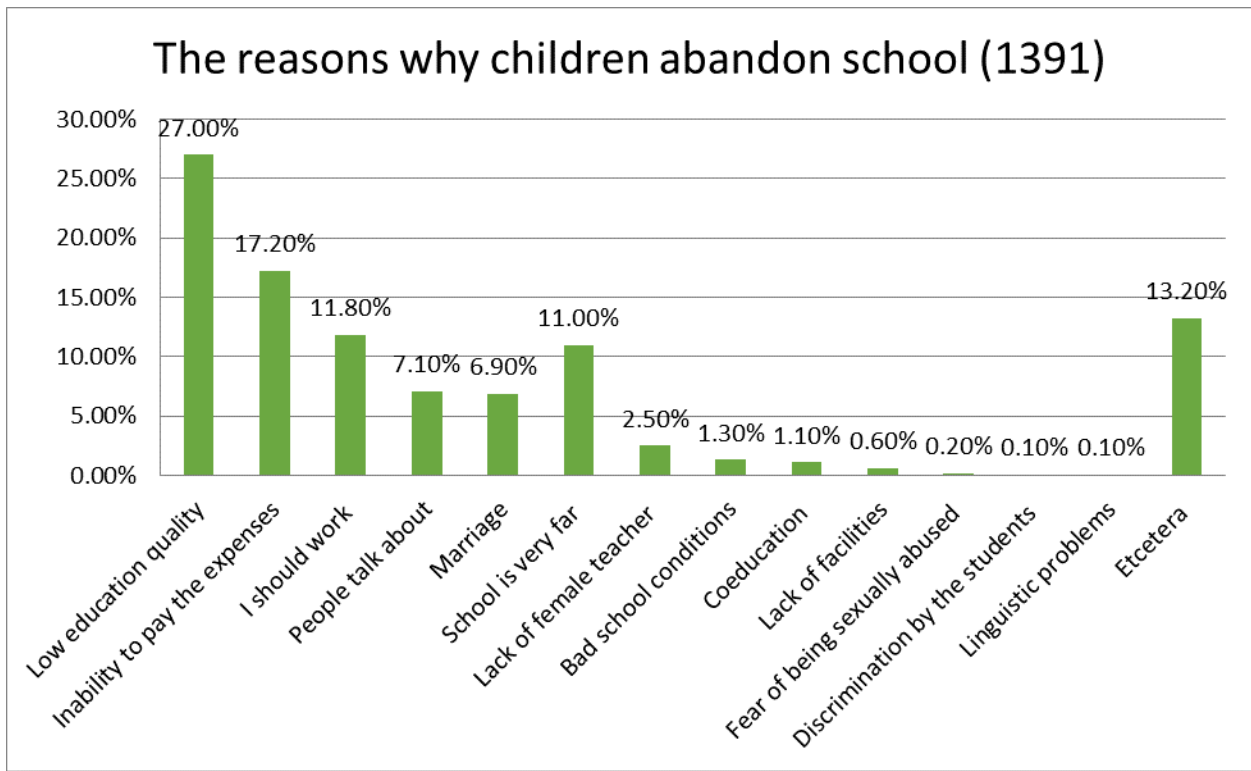
Some students abandon school due to different reasons during school. The present research shows that more than 50 percent of the children who have abandoned school have been in the high schools. Most of the students who continue up to high school (grade 10 to 12) complete the age of 18.

Usually the girls who reach to this level of study, many of the families, due to cultural reasons prevent their girls from going to school or as they get married, they cannot go to school, marriage is counted as one of the reasons why girls abandon school. The other major reason girls abandon school is threat by the Taliban.

Due to fears and threats from the Taliban, girls cannot go to school in some regions of Afghanistan, or they abandon school at an early age. Likewise, boys are heading to immigration and engage in working outdoors. Overall, the participants of this report have highlighted many reasons for school abandonment, such as low quality of education, poverty, marriage, distance, lack of female teachers, bad school conditions, and others.



The above graph shows the reasons why both boys and girls abandoned school in 1391:



Low teachers' salary and teachers' homelessness

Low teachers' salary is counted as one of the main problems. The salaries received by teachers are insufficient and the teachers cannot afford the increasing prices of the basic food items and house rents.

However, the Ministry of Education states that all teachers are enlisted in the ranking and salary system and enjoy better salaries than before. Yet from the economic point of view, the teachers belong to the poorest social classes in Afghanistan. Homelessness is another problem that is faced by the teachers.

The Ministry of Education's spokesperson states that this ministry has done some works to tackle the problem of homelessness, and this ministry has distributed lands to 51,000 teachers in different provinces, with nearly 20,000 more pieces of lands promised by 1391. Nonetheless, 120,000 teachers are waiting to get land⁹⁰.

Insecurity

Security is one of the main issues for all citizens, especially for children. Lack of security on the children's way to school at the village or district levels deprives them of their inalienable rights to education. Insecurity might threaten the children's lives.

In some regions, insecurity has led to school closure. Intoxication of students could be another problem for the children Amanullah Iman, the spokesperson for the Ministry of Education, states that nearly 530 schools have been closed in 1390, as a result of which almost 400,000 students have been deprived of going to school. However, as of 1391, around 401 of those schools have remained closed in the southern provinces of the country and the rest have been reopened⁹¹.

Limiting of female teachers' activity is the other challenges arising from insecurity. Lack of female teachers in the insecure regions is considered as one of the main problems, which sometimes results in abandonment of school by girls.

The field monitoring investigations conducted by the AIHRC in 1390 indicate that 17 percent of girls stated that the reason why they abandoned school is the lack of female teachers. The Ministry of Education's spokesperson attributed this lack of female teachers to insecurity and added that, "out of 412 districts, in 200 districts we do not have any class higher than grade ten. We do not have any professional female teacher in 212 districts, which is the main challenge and makes our education imbalanced".⁹²

Budget

Budget is considered as an important factor for the improvement and development of each department. Educational development and facilities, in addition to competent management, depend in part on adequate budget. It seems that the authorities could not provide the necessary educational facilities for the students with the main reason being insufficient funds in the budget.

⁹⁰ Ibid

⁹¹ Radio Dari, Quoted from <http://dari.irib.ir/> its official website, on Mizan 10, 1392

⁹² Ibid

According to the Ministry of Education's spokesperson, this ministry had around 400 million dollars in 2011, out of which 166 million was the developmental budget.

The Ministry of Education's spokesperson says that they spend 70 dollars on each student from this budget; for comparison, in the United States 20,000 dollars are spent on a student every year, 7000 dollars in Arabic and European countries, 1200 dollars in Turkey and around 300 dollars in the regional countries.⁹³

⁹³

-Ibid

Part 7

Priorities and Hopes for the Future

1. Priorities:

Fundamentally, all citizenship rights and human rights should be ensured for all citizens, and their needs should be met. However, since ensuring these rights involves major challenges, in reality it is infeasible to ensure all of them, and so each person prioritizes those rights which most pressingly address his needs and requirements. Such prioritization also reflects the general situation of human rights in the society, and represents the most basic needs and demands of the citizens in the human rights context as well.

The AIHRC, in addition to assessing the economic and social rights situation of Afghan citizens every year, makes sure to ask them about their main priorities as well. The AIHRC's field monitoring forms categorize the citizens' priorities into three groups, based on which the basic priorities of each respondents are determined.

Within each group, each priority is categorized into smaller priorities in order to determine greatest import. Recognizing these priorities can help the government and relevant authorities plan specific and accurate policies and programs in the area of ensuring human rights and the requirements of the citizens.

Based on the 1390 data, work and employment has been the greatest priority for citizens, making up nearly 22 percent of the priorities expressed by the AIHRC's respondents of field monitoring forms. In 1391, employment was again determined to be the greatest priority of the respondents, constituting 23.8 percent of the priorities expressed.

This issue indicates the dire situation of unemployment and poverty in our society; unemployment is one of the main problems in Afghanistan and unfortunately, it is increasing continuously, and has reached a crisis level.⁹⁴ The withdrawal of foreign forces, increasing insecurity, politico-electoral crisis in the country, and widespread corruption in government departments have all added to this crisis.

The AIHRC's previous report on the economic and social rights of citizens indicated that employment, expressed as a priority by 20 percent of respondents, constituted the citizen's main priority in 1389 as well.⁹⁵ The ascending trend of work as a priority for citizens indicates their deteriorating economic situation and an unemployment crisis in Afghanistan.

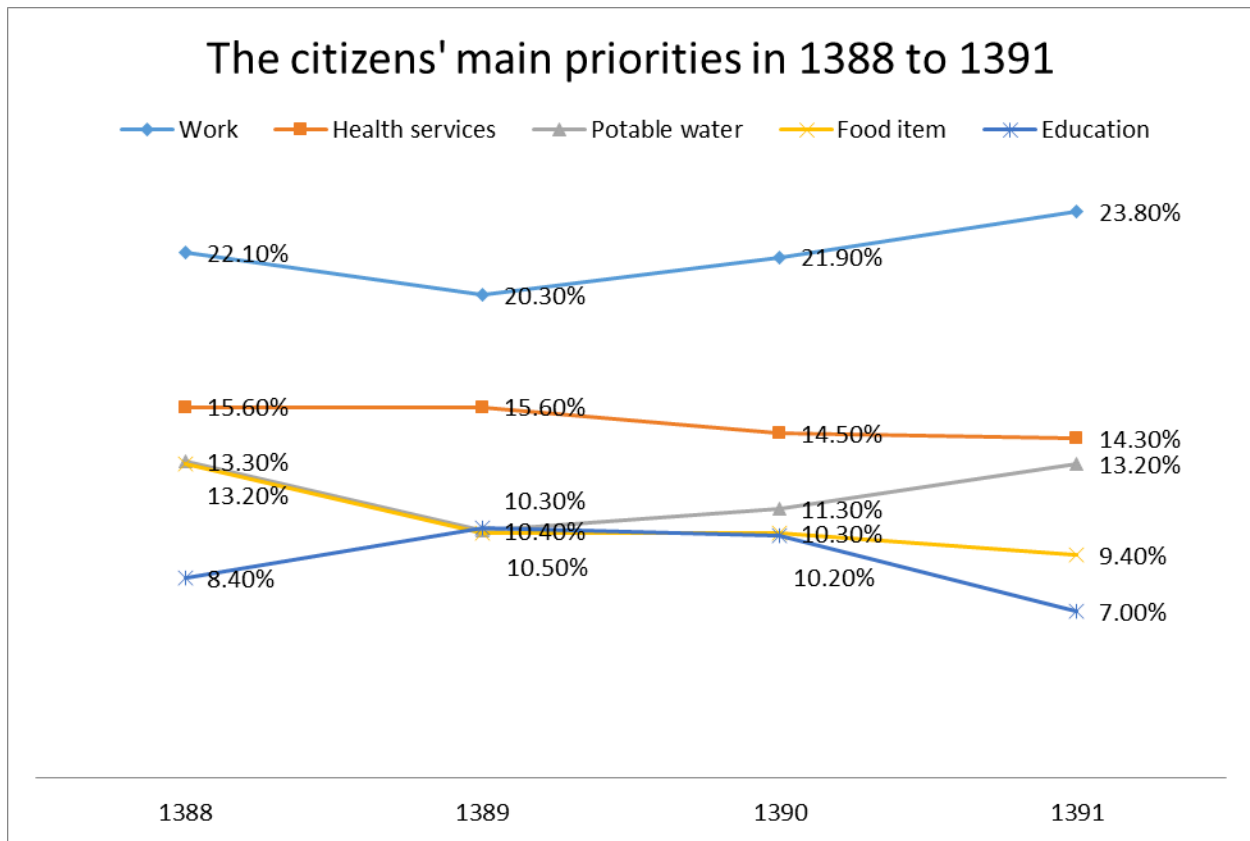
⁹⁴- .Work situation and unemployment and poverty crisis in Afghanistan, it is expounded in the "right to work" section of this report.

⁹⁵ -The AIHRC (1390). Economic and social rights situation in Afghanistan- the fifth report. Published by the AIHRC, page 87.

The data for 1390 indicate that, after employment, the greatest priorities expressed by Afghan citizens were: access to health services by 14.5 percent, access to potable water by 11.3 percent, food issues by 10.3 percent, and education by 10.2 percent.

Likewise, the data form 1391 indicates the percentage of respondents emphasizing access to health facilities, potable water, food issues, fuel, electricity and education to be 14.3 percent, 13.2 percent, 9.4 percent, 7.1 percent and 7 percent respectively, with these issues representing, after employment, the leading priorities in the country. Based on the 1389 statistics, access to health services, education, and potable water and food items (15.6 percent, 10.5 percent, 10.4 percent, and 10.3 percent of respondents, respectively) constituted the next four leading priorities⁹⁶.

The graph below illustrates this issue:



Work constituted the leading priority for citizens throughout the years 1388 to 1391, as illustrated in the graph above. The graph furthermore shows an increase in 1391 compared with the previous years. Access to health services has been the second priority for the citizens throughout these years; however, it has slightly decreased in the recent years. Likewise, the

⁹⁶ .Ibid.

priority of access to water has had an ascending trend, which has been related to continuous drought and shortage of water resources. It is interesting that education has lost its priority rank in 1391 compared with the previous years and has dropped to fifth rank.

As was mentioned, based on the AIHRC's data, the respondents' priorities have been categorized into three main priority groups in order to determine their first, second and third priorities.

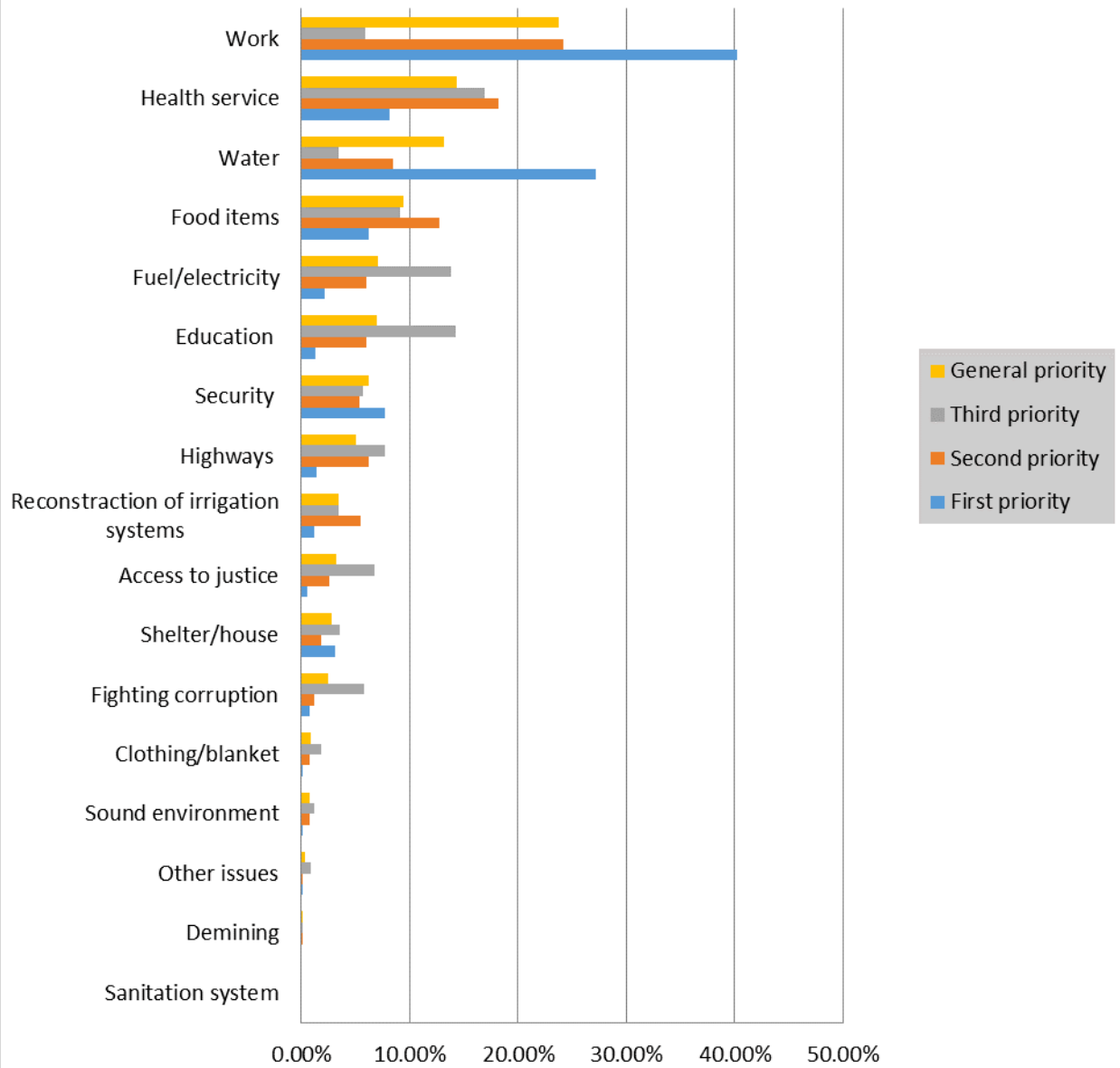
From this point of view, work has been the first priority for 40.2 percent of the respondents. Access to potable water has been the first priority for 27.2 percent of them. After that, access to health services has been the first priority for 8.1 percent of the respondents, and security has been the first priority for 7.7 percent of them.

The table and graph below illustrate the issue:

Number	Priorities	First priority	Second priority	Third priority	General priority
1	Work	40.2%	24.2%	5.9%	23.8%
2	Water	27.2%	8.5%	3.4%	13.2%
3	Health service	8.1%	18.2%	16.9%	14.3%
4	Security	7.7%	5.3%	5.7%	6.2%
5	Food items	6.2%	12.7%	9.1%	9.4%
6	Shelter/housing	3.1%	1.8%	3.5%	2.8%
7	Fuel/electricity	2.1%	6.0%	13.8%	7.1%
8	Highways	1.4%	6.2%	7.7%	5.0%
9	Education	1.3%	6.0%	14.2%	7.0%
10	Reconstruction of irrigation systems	1.2%	5.5%	3.4%	3.4%
11	Fighting corruption	0.7%	1.2%	5.8%	2.5%
12	Access to justice	0.5%	2.6%	6.7%	3.2%
13	Sound environment	0.1%	0.8%	1.2%	0.7%
14	Clothing/blankets	0.1%	0.8%	1.8%	0.9%
15	Demining	0.0%	0.1%	0.1%	0.1%

16	Sanitation system	0.0%	0.0%	0.0%	0.0%
17	Other issues	0.1%	0.1%	0.9%	0.3%

The citizens' priorities/ 1391



2. Hope for the Future:

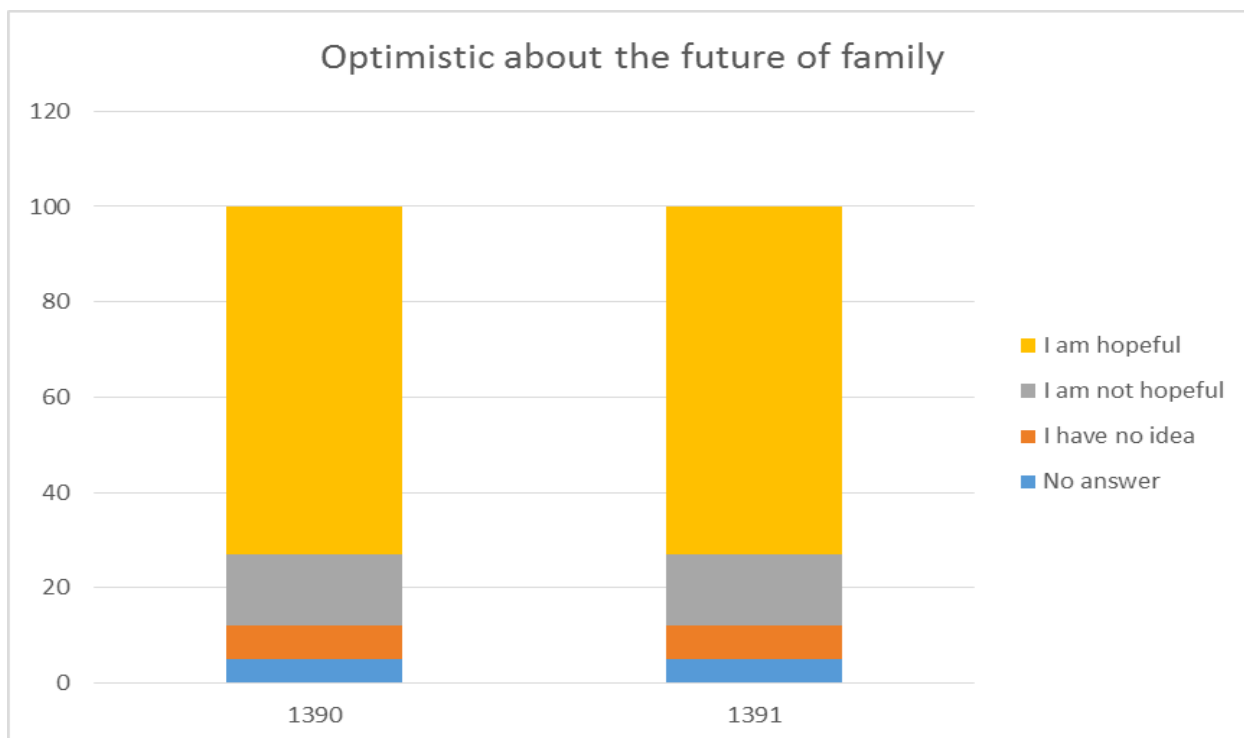
The citizens' hope for the future is directly linked to 1) their current situation and level of access to human rights during the past few years, 2) improvements in the quality of their life and security, and 3) the political, security and economic situation of the country. Thus, Afghan citizens' hope for the future may help understand the prospects for the human rights situation in the country.

The Human Rights Field-Monitoring Unit asked respondents to indicate their hope for the future in two ways: hope for the future of their family, and optimism about the future of the country. The 1390 data indicate that 73.3 percent of citizens are hopeful for the future of their families, 15.9 percent are not hopeful, and 8 percent of them said they have no idea about the question. 2.8 percent of them did not answer the question.

The results in the data of 1391 are almost the same as the previous year: 73.1 percent of citizens expressed that they were hopeful for the future of their family. 15.4 percent said that they have lost hope for the future of their family.

8.7 percent said that they don't know, and 2.8 percent did not answer the question.

The graph below shows this issue:

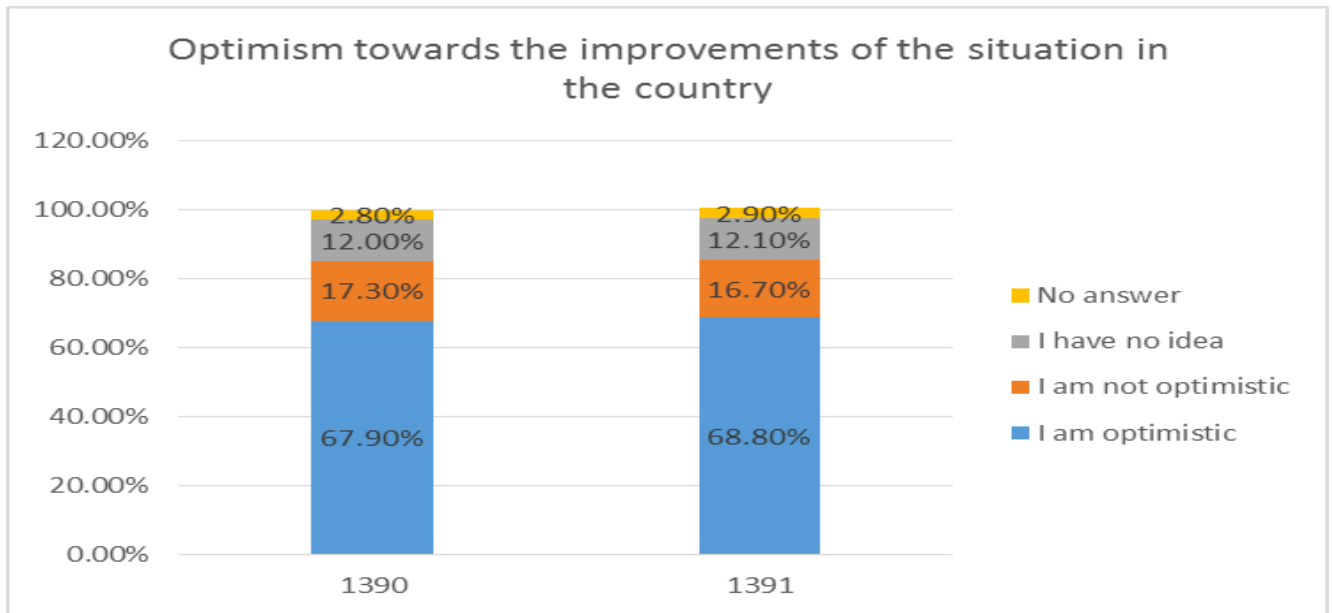


However, Afghan citizens are less hopeful for the improvement of the situation in the country. Based on the data collected in 1390, nearly 67.9 percent of respondents to the human rights field-monitoring forms expressed optimism about the future of the country. Such optimism was around 68.8 percent in 1391.

Nearly 17.3 percent of the respondents in 1390 and 16.7 percent of them in 1391 said that they have lost their optimism for the future of the country.

In these two years, 12 and 12.1 percent of Afghans were uncertain about the improvement of the country in the coming years, while. 2.8 and 2.9 percent declined to answer.

The graph below shows this issue:



It seems that the low level of optimism towards the future of the country arises from the increasing spread of unemployment, poverty, insecurity, instability and corruption. Nonetheless, the above statistics indicate that more than two-thirds of citizens felt optimistic about the future of the country in 1390 and 1391.

Recommendations

The Right to Work and Employment:

The AIHRC presents the following recommendations about the right to work and employment:

1. The findings of this report indicate that the unemployment rate in Afghanistan is rising with every passing year. Therefore, the state should take serious and basic measures to provide work and employment opportunities for different groups of Afghan citizens.
2. A large number of individuals who have received short-term technical and vocational training from the government or private institutions have not been provided with work and employment opportunity after the completion of said training.
3. Children are exposed to hard labor. The government should take fundamental measures for the protection of children. One such measure could be to ensure the availability of work and employment opportunities for the adults of the families, so that the children do not have to be responsible for the family earnings.
4. The government should adopt and enforce necessary laws to prevent and criminalize the employment of children in hard labors which is harmful to their physical and mental health
5. Women are still faced with employment limitations and suffer from an insecure working environment; therefore, the government should take into consideration work and employment opportunities for women in various sectors as well as the establishment of safe working environments for women.
6. Afghanistan is an agricultural country, and keen attention should be paid to the development and growth of agriculture. Findings by this report show that most of the people gain their income from non-agricultural sources.

The Right to Social Safety:

- 1- Findings by the present report show that some of the elderly persons are not in a good economic condition and they do not receive family support; therefore, it is suggested that the government should establish safe shelters for them.
- 2- Those elderly persons who are the breadwinners of their families should be provided with work opportunities according to their abilities.
- 3- Sufficient assistance should be provided by the government to those elderly persons who are the head of their families or have no other caretaker.
- 4- Street children and children without custodians need basic protection. More orphanages and protection facilities should be established for these children by the government and their education costs should be paid.
- 5- Work and employment opportunities should be prepared for children and family members of martyred persons, with regard to their situation and capacities.
- 6- The present salary of persons with disabilities is not sufficient to meet their basic needs. Attention should be paid in this regard and also work opportunities should be provided for them according to their abilities.
- 7- Maternity leave for deserving women should be taken into consideration.

- 8- Less attention has been paid to issuance of birth certificates. Relevant officials should distribute birth certificates to women who give birth to a child.

The identity card is the right of every citizen. Facilities should be provided for the issuance of identity cards so that everyone can obtain one.

- 9- Living in a secure environment is the right of every citizen. Lack of security along the highways is an issue pointed out by the interviewees in this research. Relevant authorities should pay serious attention to the establishment of security along the roads.
- 10- Begging is an ever-increasing issue. Beggars should be identified and work opportunity should be considered for the deserving beggars.

The Right to Freedom of Marriage and Establish Family

1. Observance of the Law on the Elimination of Violence against Women and diligent monitoring its implementation by the courts.
2. Establishment of family courts in all provinces.
3. Elimination of systematic impunity, and punishment of perpetrators of honor killings and sexual assaults through the establishment of a monitoring system, and management of judicial system in the country by the Supreme Court.
4. Revision and amendment of those laws which are in conflict with human rights of women - especially the rights of victims of honor killings and sexual assaults – in accordance with the Constitution, international human rights documents, and especially with CEDAW.
5. Establishment of legal facilities for marriage and through elimination of harmful traditions and customs, such as large dowries and other expenditures.
6. Prevention of forced marriage and child marriage as well as the observance of consent in marriage, and freedom in choosing of a spouse.
7. Provision of facilities for registration of marriage and divorce all over the country, and precise monitoring of its implementation.
8. Nourishment of social culture and the elimination of a culture of violence from the family and social life of the people in our country.
9. Dissemination and promotion of humanistic views about women, based on equal human dignity and respect between men and women, struggle for the removal of degrading and humiliating beliefs about women, avoiding the use of degrading and unfavorable proverbs and sayings about women. This can be achieved through efforts made by government institutions, training centers and universities, mass media and civil society institutions.
10. Adoption and implementation of a criminal, legal, judicial and administrative policy by the government for the protection, rehabilitation, redress and dignity of victims of sexual assaults and their families.

The Right to Access to Adequate Standard of Living:

1. Lack of security for personal property has sometimes led to serious conflicts. The authorities should prevent seizure and confiscation of property by powerful people.
2. The conflicts, which take place in the villages and local areas on property, should be fairly solved and addressed by the authorities.
3. The government should facilitate the development of legal documents on properties.
4. Polluted and unhealthy water is a fundamental problem. The government should present specific plans and programs in the area of water supply services in cities, and for the digging of deep wells and canals.
5. The distribution of national wealth and delivery of general services should be rendered equally and without discrimination for all the regions and people of this country, and adequate developmental funding should be allocated for more deprived regions.

The Right to Health:

1. Those who are living in remote villages have limited access to health centers. This necessitates the establishment of additional clinics in remote areas, and attention should be paid to facilities and equipment as well.
2. Lack of expert and specialized doctors in most health centers is one of the problems that citizens have complained about. The government should pay attention to this issue, and should undertake proper plans to enhance health quality.
3. Despite a poor health situation, several cases in this research indicate that lack of female doctors in some local clinics cause women not to refer to those clinics. Therefore, it is necessary to assign female doctors to health centers that are situated in remote areas.
4. The government should facilitate the establishment and expansion of private clinics and hospitals in addition to continuous monitoring of their activities.
5. Lack of expert midwives in provincial health centers is considered one of the basic problems in the area of health rights. This issue makes a number of women face different risks at the time of childbirth. Therefore, the number of professional midwives should be increased, and should be assigned to provincial clinics.
6. Importing of poor quality medicines has had many side effects. Drugs should be controlled, and the use of poor quality medicines should be prevented.
7. Some remote and insecure regions have been deprived of vaccination services. Vaccination services should be administered in remote and insecure areas, too.
8. The increasing number of addicted persons, and the carelessness of their treatment, are worrying issues. Essential programs should be undertaken regarding the treatment of addicts. b
9. In order to prevent the relapse of addiction, employment opportunities should be provided for those addicted persons who are cured.
10. Air pollution seriously threatens citizens' life in the crowded cities of the country. Practical and basic programs should be outlined and implemented for the prevention of air pollution and protection of the environment.
11. The use of old vehicles, burning of plastic and rubber at hotels and in public bathrooms, the installation of open and nonstandard toilets, and other practices, which cause air pollution should be prohibited.

12. Poaching birds and wild animals, and indiscriminate deforestation should be seriously prevented by the authorities.

The Right to Education:

1. A number of teachers who teach in the villages and districts are not professional, and the treatment of students by the teachers is nonstandard. The government should pay serious attention in the employment of professional teachers for schools in remote areas.
2. The government should undertake specific plans regarding the security of teachers and girl students.
3. Curriculum quality should be raised, and attention should be paid to the spelling and composition of textbooks. Likewise, human rights issues should be included in the textbooks.
4. Shortage of textbooks is a substantial problem; textbooks and technical and teaching equipment should be distributed in schools fairly.
5. A large number of schools lack an actual schoolhouse building. Attention should be paid to the building of schools, with a particular focus on areas with greater numbers of students.
6. Additional female teachers should be recruited in schools so that the girls in villages and local areas can go to school without facing any problem.

Refugees, migrants, returnees, and displaced people:

1. Afghan refugees live in difficult circumstances in many countries, specifically in Iran and Pakistan, and face severe limitations. Serious attention should be paid to the situation of refugees, and Afghan refugees should enjoy their human rights and privileges.
2. Attention should be paid to the situation of those refugees who are waiting for their cases. Assessments indicate that some refugees in different countries are waiting for several years while their destiny is unknown.
3. Returnees who come back home lack adequate living facilities and employment opportunities, both of which should be considered for them.
4. Essential measures should be taken regarding internally displaced persons; specific settlements should be established for IDPs, and housing costs should be minimized for them. Likewise, employment opportunities should be considered for them.
5. The principle of equality should be always be observed, and discrimination of any kind should be avoided while providing such facilities.