

## Introduction

The Afghanistan Independent Human Rights Commission (AIHRC) has been established under Article 58 of the Afghan Constitution to promote, protect, and monitor human rights, and functions in accordance with the Law on the Structure, Duties, and Mandate of the AIHRC. The Commission currently has eight regional and four provincial offices, and its programme units include children's rights, women's rights, the rights of people with disability, transitional justice, monitoring and investigation of human rights violations, and human rights education, and its support units are research and policy, translation, publications, reporting, peace-building, and special investigation. To realise the AIHRC's goals, the judiciary, the ministries, other governmental and nongovernmental organisations, and the citizens should cooperate with the Commission.

Article 4 of the Law on the Structure, Duties, and Mandate of the AIHRC specifies, *"According to this law, human rights shall mean the fundamental rights and freedoms of Afghan citizens which are enshrined in the Afghan Constitution, declarations, covenants, treaties, protocols, and other international human rights instruments ratified and acceded to by Afghanistan and to which Afghanistan is a party. Equal and fair access to social welfare and other services provided by the state are also considered human rights of the citizens."*

The foundation of human rights is based on the dignity of human race. Other rights emanate from this right and pay homage to the rudimentary value of human dignity. The sacred religion of Islam has affirmed the worth of human beings in the Holy Koran, which reads, *"We endowed humankind with dignity."* The Prophet was the embodiment of this merit in his behaviour and offered strong exhortations concerning the rights of women, children, the elderly, the sick, prisoners of war, and all others. He vehemently deplored the torture of war prisoners and the wounded, and stressed respect to other religions.

The present report explains the situation of human rights in accordance with the national and international instruments and the commitments of the Afghan government. In addition, in each section, the actual enjoyment by the people of the concerned right is described by presenting figures gathered and cases registered by the Commission. At the end of each section, the report offers a number of recommendations for improving the situation of human rights as a result of the AIHRC's practical experience.

But before we move on, it is necessary to consider the following points with regard to the collection and analysis of data:

- The statistical data related to the violation of each right is based on the cases recorded by the Commission, which have been investigated and followed up.
- This report also makes references to the data gathered from the AIHRC's research work. This includes the reports on the situation of economic and social rights prepared annually by the Commission through its countrywide monitoring of human rights and the research projects undertaken by its Research and Policy Unit on human rights in Afghanistan.
- State data has also been used in the production of this report and the sources have been cited where used.

- The AIHRC analyses human rights violations on a “case” scale. Each case may contain more than one violation and more than one aggrieved person.
- The figures contained in this report, in no way, reflect all the cases of human rights violations in Afghanistan. Many cases of human rights violations may have gone unrecorded given the lack of people’s awareness of the AIHRC. The Commission believes, therefore, that the overall number of cases is more than that specified in this report.

## Abstract

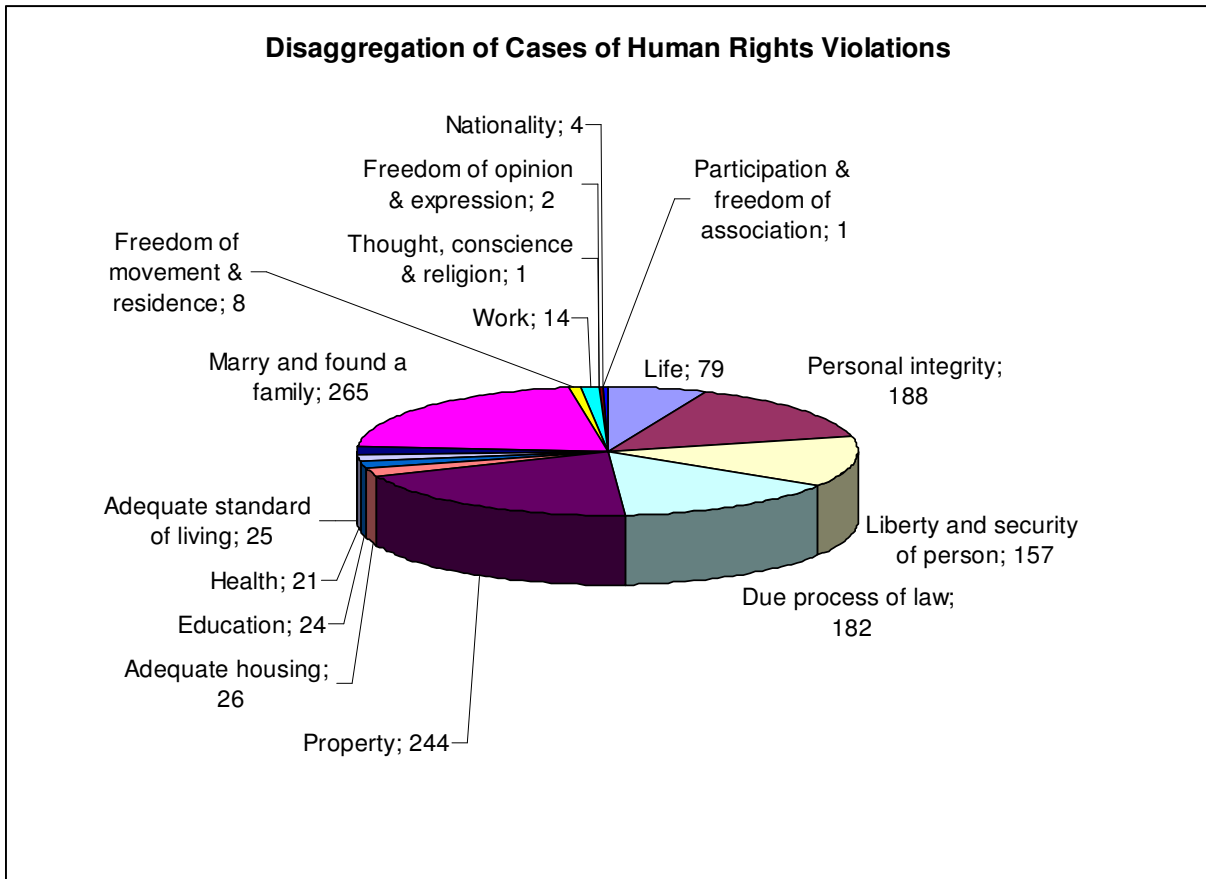
- In the year 1386 (2007/2008), the right to marry and found a family is the most frequently violated right with respect to women (265 cases of violation). The major causes for the violation of this right are the lack of application of law, the lack of public knowledge of women's human rights, the culture of impunity, the resolution of conflicts and cases by local *jirgas* and *shuras*, and administrative corruption. The lack of application of law has resulted in many cases of early marriages (marriages under the age of 16, the minimum age of marriage for girls under the Afghan Constitution), forced marriages, *bad dadan*, and *badal*.
- With 244 cases of violation, the right to property is the second most frequently violated right recorded by the Commission. The most significant factors responsible for the violation of the right to property include administrative corruption, the lack of application of law vis-à-vis the violators, and the lack of public knowledge of women's inheritance rights.
- In the year 1386 (2007/2008), 188 cases of violation of the right to personal integrity were registered by the AIHRC. These cases are not all related to the torture and ill-treatment of prisoners. Physical and psychological violence against women, such as the provision of no maintenance, battering by family members, sexual assault, torture, *bad dadan*, and *badal* are other cases of violation of the right to personal integrity, which reveal the treatment of women as a sheer commercial property. This will be discussed in further detail in the relevant section of the report. Additionally, the Commission has also recorded cases of child ill-treatment and sexual assault against children. Factors like the lack of application of law, the rampant culture of impunity, and the lack of knowledge of law enforcement officers of the right to personal integrity are responsible for this category of violations.
- The denial of due process of law is a serious violation of human rights. In 1386 (2007/2008), 182 cases of violation of this right were registered by the Commission. Lack of access to defence lawyers, the lack of application of law, the approach of people to local *jirgas* and *shuras* for the resolution of criminal cases, the low capacity of law enforcement officers, the inadequate number of juvenile courts (courts for dealing with delinquency committed by persons under 18 years of age), and administrative corruption are the major causes for the infringement of the right to due process of law.
- The violation of the right to life has been highly worrying in the past year. The cases related to the violation of this right include the deaths of civilians during the military attacks by the government, coalition forces, and the opposition. Suicide attacks are a significant cause for the violation of the right to life, which have resulted in the deaths of 381 civilians, including both women and children, in the previous year. Besides, many Afghans were killed as a consequence of military attacks by the opposition, mines, and military attacks by the government troops and coalition forces.
- The lack of access to adequate housing is another category of human rights violations, resulting in the recording by the Commission of 26 cases. Moreover, a large number of Afghans is not so circumstanced that they can access adequate housing.
- The right to an adequate standard of living is another right that has been frequently violated. A large group of Afghans faces economic poverty and the lack of access to healthy water. The findings of the AIHRC's human rights field monitoring indicate

that out of 11,187 interviewees (5,205 women and 5,982 men), 39.7% of them had no kind of employment. Among those who were employed, 61.1% of them had an income of less than 50 Afghanis per day, which can never satisfy the needs of living an adequate standard of life. In the meantime, 61.7% of all interviewees stated that their families were in debt. Besides, there has been no remarkable difference in people's access to healthy, potable water in comparison to the previous year: 52% of people have no access to healthy, potable water, 13% walk for over one hour to reach the water source, 47% complain that they and animals use the same water source, and 6% have conflicts with people from their own or another community over water.

- In the past year, the AIHRC put 24 cases of violation of the right to education in its file. The inadequacy of schools, the lack of experienced teachers, and the inaccessibility of schools are the major causes leading to such violations. The majority of schools lack the facilities required in a teaching ambience, ranging from the inadequacy of teaching materials to the lack of standard classes and school buildings. Most of the schools across the country do not have adequate buildings and the classes are held under tents, under tree shadows, or under sun shades.
- In the previous year, 21 cases of violation of the right to health were recorded by the Commission. Although 92% of respondents in the human rights field monitoring (in total, 11,187 people, 5,205 women and 5,982 men) stated that the health services (hospitals, and public and private clinics) are available in their communities, the responses related to the usability and accessibility of such services were in obvious contradiction with the aforesaid figures. The availability of health centres should not be taken to mean that such centres are equally and non-discriminatorily accessible. The main reasons for why the health facilities are not used include the lack of physical accessibility, the poor quality of services, poverty and non-affordability, and the lack of woman doctors. In specific terms, the lack of woman doctors may deprive some women of accessing health services due to cultural traditions and reservations. In addition to all these, health centres have been created in some areas, but they are yet to be supported by sufficient human resources.
- A considerable number of Afghans is unemployed. As previously indicated, those Afghans who work make less than 50 Afghanis a day, which is *per se* a violation of the right to work, as pay should be proportionate to work and should be sufficient for meeting the primary needs of a family. Administrative corruption and the lack of employment creation are the main hurdles facing the enjoyment by the Afghans of the right to work.
- Various cases of violation of the right to freedom of opinion and expression occurred across Afghanistan in the past year. These included killings, hostage-takings, threats, pressures, and attacks against radio and television stations. The statistics of the International Centre for Journalists shows that there were at least 13 cases of journalist battering in the year 1386 (2007/2008). The same source says that 6 journalists, including an Italian correspondent, were killed. 24 cases of detention, 19 cases of death threat, and 2 cases of injury took place. Besides, 2 cases of abduction and 2 cases of attempt on life occurred against journalists. Journalists have been threatened and targeted for assassination mainly to prevent them from publishing and broadcasting critical and satirical news and materials.

- The Commission recorded one case of violation of the right to freedom of thought, conscience, and religion in the past year. There was no such case in the year 1385 (2006/2007).
- In the previous year, there was one case of violation of the right to participation and freedom of association in the AIHRC's record. The merits of the case indicate that gender-based discrimination is responsible for this violation.
- In the past year, the Commission registered four cases of violation of the right to nationality. These cases occurred as a result of the negligence of authorities.

For the disaggregation of cases of human rights violations across Afghanistan, please look at the following pie chart.



In a general sense, the major causes for human rights abuses are insecurity, war-related conflict and violence, the lack of application of law, the rampant culture of impunity, lack of people’s awareness of their human rights, the poor capacity of law enforcement officers, weak economy, and the dereliction and negligence of concerned authorities. These are further detailed in their relevant sections in this report, corroborated by the statistics gathered and cases recorded by the Commission.

## The Right to Life

Deprivation of the right to life has been strongly condemned by all religions throughout the course of human history. This right and its safeguards have been enshrined in a number of international instruments and the states parties have been seriously prohibited to violate an individual's right to life. But there are several situations in which states have played roles in violations of people's rights in this respect.

Article 23 of the Afghan Constitution reads, "*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.*" Furthermore, the government of Afghanistan has the duty to protect the right to life. How far the Afghan government has been successful in this protection is a topic we will have a glance at in this section.

According to the reports of the AIHRC's regional and provincial offices, there have been several cases of violation of the right to life in the previous year that are considered a serious concern. Based on the complaints registered by the Commission, 79 cases of violation of this right have been recorded across the country. It should be pointed out that the term "recorded case" does not mean "the number of people whose right to life has been abused." That is because the violation can be collective or individual in each recorded case. Therefore, each case may contain more than one violation. The following example will further clarify:

Establishing whether there has been a violation of the right to life and whether state is responsible in a particular case encompasses:

1. Deprivation of life and arbitrary killing in which the state agent is implicated;
2. Negligence and the state's lack of willingness or ability to protect the right to life;
3. The inability of the state to prosecute cases where there has been a damage to the right to life;
4. The state's failure to take the measures necessary for reparation or necessary for the prosecution of the case in which the right to life has been infringed.

If the state is involved in any of the above four circumstances, it should be held to account.

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*"In Kandahar province, a man approached the Commission and stated that 7 members of his family had been killed by a person in Tanai district. According to his remarks, the murderer is cruel and despotic, loots property, and robs people on the way. Though the case has been recorded by the court and the local police, the violator moves freely and the law enforcement agencies do not want or are not able to arrest him."*

The case was immediately investigated by the AIHRC.

Although this incident has been registered as "one case" of violation of the right to life in the Commission, it contains 7 cases of murder. Unfortunately the Commission does not have accurate figures on how many cases of violation of the right to life exactly occurred in the past year.

The right to life was mostly violated in Kandahar (10 cases), Helmand (8 cases), and Khost (8 cases) provinces. But one should pay heed that these figures do not represent all cases in Afghanistan. The reason is that the AIHRC recorded only those cases that were referred to it. There is a strong probability that there are many more cases that were not referred to the Commission and, hence, have not been reflected in this report.

The cases of violation of the right to life, which we discuss in the present report, include individual killings, casualties due to military operations, suicide attacks, the killing of women as a result of family violence, honour killings, and death threats. These are the cases registered by the Commission. We have sometimes made a reference to state sources and these sources have been cited where used.

State responsibility emanates mainly from the lack of seriousness and attention in its organs to prosecute the cases. The report indicates that the majority of cases were not seriously investigated by the government. Additionally, the increase in the number of cases of violation of the right to life is emblematic of the government's failure to establish justice and ensure security for the citizens of Afghanistan. State inaction in prosecuting these cases has further spread the culture of impunity and has further emboldened the violators. The following is a discussion in detail of the cases that raised serious concerns in the previous year.

### **Armed Conflict**

The year 1386 (2007/2008) was a bloodier year than the previous years. Based on the statistics provided by the Ministry of Interior, 1,220 civilians were killed in armed conflict in 1386 (2007/2008). These include the loss of civilian lives as a result of military attacks carried out by the Afghan forces, coalition forces, and the opposition, bombardments, roadside mine explosions, and suicide attacks.

### **Suicide Attacks**

According to the statistical information made available to us by authentic state sources, 381 civilians, women and children included, lost their lives as a consequence of suicide attacks.

The severest case in the previous year was the suicide attack and attempt on the lives of MPs in Baghlan province that resulted in the deaths of at least 60 children. The AIHRC has officially raised its objection and concern regarding civilian casualties, especially those of children. In addition to the condemnation of the deaths of 60 children in the suicide attack, the Commission, in an official letter, urged the Ministry of Education to refrain from allowing children to receive high-level officials in gatherings. Although urgent measures were taken to address this case and some officials including educational authorities were removed from their posts, there was no serious step taken to prosecute those responsible for targeting children in this incident.

Another shocking case, which occurred at the end of the year 1386 (2007/2008), was the suicide attack carried out against the spectators of a dog fight competition in Kandahar province, leading to the deaths of over 100 civilians. It should be reminded that animal harassment is against the principles of Islam and Afghan ethos. In addition to providing



security for the Afghan citizens, the government is responsible to ensure that Afghans have access to healthy, educational entertainment.

### **Military Attacks**

Several cases of civilian casualties during military attacks by the government forces, international forces, and the opposition have been recorded. These cases include the detonation of roadside mines resulting in civilian casualties, direct targeting of civilian persons, and indirect victimisation of the civilian population in the course of military attacks. According to the statistics registered by the Commission, 373 civilian persons lost their lives due to the attacks carried out by the Afghan and international forces. It should be pointed out that these figures are not fully representative as there may be other incidents that might have gone unrecorded by the AIHRC. According to one state source, 866 civilians lost their lives in the ongoing armed conflict.

For instance, we study the following incident where the right to life was violated due to the military attacks.

*“According to the Commission’s report, foreign forces killed 11 persons including the local mosque leader while searching a civilian house in Shawali Kot, Kandahar.”*

The AIHRC has established a special monitoring unit to address cases involving civilian casualties as a result of the armed conflict between the Afghan and international forces, and the opposition. In Hut 1386 (February/March 2008), this unit prepared a comprehensive report containing the details of the incident involving the opening of fire by the American forces towards the civilian population in Kandahar and presented it to the relevant authorities. This report has been made publicly available in the Commission’s website.



Violation of the right to life due to bombardment in Kandahar

### **Civilian Casualties in Demonstrations**

On Jawza 7, 1386 (May 28, 2007), Afghan security forces opened direct fire against a number of demonstrators who staged a rally in protest to the continuation of the governor's work in Jawzjan province, leading to the deaths of 7 demonstrators.<sup>1</sup> The AIHRC investigated the case and made a series of recommendations to the government. One of the recommendations was the prosecution of offenders. The families of the victims demanded the removal of the governor. As a result, the governor was ousted from his position, but the government failed to bring to justice those who violated laws.

### **Afghan Children Detained in Iran**

The right to survival and development is a basic right of all children. A shocking and worrying case in the previous year relating to the right to life was the situation of Afghan children arrested and detained in Iran on charges of illicit drug smuggling. In the past year, the Commission issued statistics regarding the 21 Afghan children arrested in Iran for illegal drug trafficking. These figures and interviews with the parents indicate that the children were under detention for 7 months (as of interview with the parents) and judicial decisions have not been made to determine their cases. They may reach the age of 18 when major punishments including death sentence can be applied to them.<sup>2</sup> The AIHRC took serious measures in this regard that, *inter alia*, include the following:

- A report on the situation of these children with the list of their names was submitted to the Afghan authorities including the Ministry of Labour and Social Affairs, and the Ministry of Foreign Affairs.
- Direct and indirect contacts through the Ministry of Foreign Affairs were made to the Iranian diplomatic mission in Afghanistan to address this issue.
- Sharing the report with UNICEF, the Commission made a contact to the UNICEF office in Iran so that the rights of these children including their right to have access to legal assistance can be ensured.

Unfortunately, there was no change and development in the protection of these children, taking into due account the harsh treatment by the Iranian law with cases involving illegal drug trafficking. What is significant concerning the violation of the right to life or at least threat to the right to life is that the Afghan government has a duty to prevent the exploitation of children for drug trafficking purposes. Many of these children were able to enter Iran with fake passports and it is here that the responsibility lies in the Afghan government.

### **Identification of Mass Graves**

During the previous year, around 62 mass grave sites were discovered and identified, about which the Commission's staff gathered enough information. One of these was the discovery of a mass grave site in Badakhshan province in which around 120 bodies were identified. Further investigation is under way. Though the violations of the right to life occurred many years ago, it is the duty of the government to respect the dignity of the deceased individuals who lie there and to treat these sites legally and professionally. Furthermore, the treatment of the mass grave sites by the authorities has, in many cases, been unprofessional. For example,

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<sup>1</sup> For details, please see [http://www.aihrc.org.af/dar\\_rep\\_27\\_june\\_2007\\_sheberghan.htm](http://www.aihrc.org.af/dar_rep_27_june_2007_sheberghan.htm).

<sup>2</sup> According to the Iranian law, death is the punishment for illicit drug smuggling cases.

some of these sites have been so excavated that it has led to further damage to the bodies and has, as a result, caused more problems in identifying them.

The AIHRC's concerns for the protection of mass grave sites include:

- The lack of attention by the concerned authorities for the protection of mass grave sites leading to the loss of physical evidence;
- The loss of physical evidence and other proofs of war crimes due to natural events (floods and rainfalls);
- Unprofessional excavation of mass grave sites and the construction of private and public buildings in places where such sites exist;
- The lack of capacity of forensic staff for the identification of the bodies buried in the sites and the lack of attention by the forensic authorities to raise the capacity of their staff;
- Security challenges in identifying, scanning, photographing, and mapping the mass grave sites in some provinces like Paktia and Kandahar;
- The establishment of domestic and foreign military bases in places where these sites exist or may exist. This is a major threat that may destroy the graves. For example, military units have already been shifted to the Polygon area of Pul-e-Charkhi prison, while there are mass grave sites there.
- The building of telecommunication towers by the mobile telephone companies in places in Paktia province where mass grave sites exist. In case of government's inattention, the families of the victims have sometimes arbitrarily exhumed the bodies of their loved ones to inter them in their traditional, ancestral cemeteries. For instance, after the identification of a mass grave site in Kandahar province, the families of the victims transferred the bodies of their loved ones to individual grave sites. This led to the loss of physical evidence and the destruction of the mass grave.
- In some areas these sites have been converted into agricultural lands as a result of the government's negligence.

### **Violence against Women**

The violation of women's right to life due to family violence has been another set of cases registered by the Commission. According to the Commission's record, 59 cases of violation of women's right to life took place in 1386 (2007/2008). It should be pointed out that all these cases do not include honour killings and violations of women's right to life as a result of family violence, because there may have been other cases that have gone unrecorded, possibly due to individuals' lack of access to the Commission.

Impunity of the violators of women's right to life is a major challenge facing the AIHRC, for the majority of the violators hold positions of power. This is further clarified in the following example:

*"A woman was killed in Herat city after her husband opened fire at her. Since the murderer is a man of power and weapon, he cannot be prosecuted. As a result of the Commission's efforts, he was arrested by the security authorities and brought to the court. His case was*

*dealt with by the attorney's office in Herat. Though the forensic doctor certified that the murder has been intentional, the accused person could obtain acquittal and was released."*

In spite of the AIHRC's efforts to have the law implemented in the aforesaid case, the legal provisions were never applied to the murderer. It is *per se* an encroachment upon the rights of the deceased person and can spread similar cases. Additionally, the inattention of the concerned authorities has undermined the standing of law and state in the society and has added to the audacity of the offenders.

But in some other cases the AIHRC could take substantial measures to follow up the cases of violation of women's right to life. The following incident will further clarify:

*"A person, residing in Paktia province, complained to the AIHRC that his sister has been killed by her husband and father-in-law and then dropped into a well. The police and attorney's office discarded the case, arguing that the death has been accidental and as a result of the deceased person's fall into the well. The complainant asked the Commission to bring the perpetrators to justice. The AIHRC's regional office raised the issue with the local police and asked them to find out what really happened. The police transferred the body to a hospital and asked for the forensic doctor's opinion. After forensic examination, it was found that the woman was first killed and then dropped into the well to conceal the criminal act. As a consequence of the Commission's efforts, the perpetrators were arrested and punished by the court."*

Similarly there are other shocking cases about the violation of women's right to life in the previous year. These include 165 cases of self-immolation in which the majority of the cases (90 per cent) resulted in death. No self-immolation case has been prosecuted and those causing women to resort to self-immolation have not been brought to justice.

### **Violation of the Right to Life as a Result of Negligence by Law Enforcement Officials**

One set of the cases in which the government should be held to account for is the violation of the right to life due to the government's hesitation and failure to discharge its legal duties and obligations. In the past year, 15 cases of violation of the right to life as a result of negligence by law enforcement officials were recorded. The following case will provide further clarification:

*"During monitoring by the Commissions' staff of Pul-e-Charkhi prison in Kabul, it was ascertained that an inmate was arrested on charge of intoxication on Hamal 13, 1384 (April 2, 2005) and then sentenced according to Kandahar Public Security Court's judicial decision no 22 dated Saratan 6, 1384 (June 27, 2005) to a one-year ta'liqi imprisonment. He was not freed, but sent with his case to Kabul Central Attorney's Office and then his case was sent to Kabul Court of Appeal on Asad 31, 1385 (August 22, 2006). As of Jawza 3, 1386 (May 24, 2007) (the date of the AIHRC's monitoring), his case has been pending undecided. While his case was presented to a judge-in-charge, he was still under detention without his case being judicially determined. The Commission sent an official letter addressed to the Chief Justice, urging him to assist in determining his case. But before the person was set free and after the passage of over two years and three months, he died of illness in Pul-e-Charkhi prison. The issue was at that time raised with the parliament's judicial affairs commission."*

In addition, a woman prisoner's child died of sickness and lack of breastfeeding in Pul-e-Charkhi prison in the year 1386 (2007/2008).

### **Violation of the Right to Life in Ethnic Disputes**

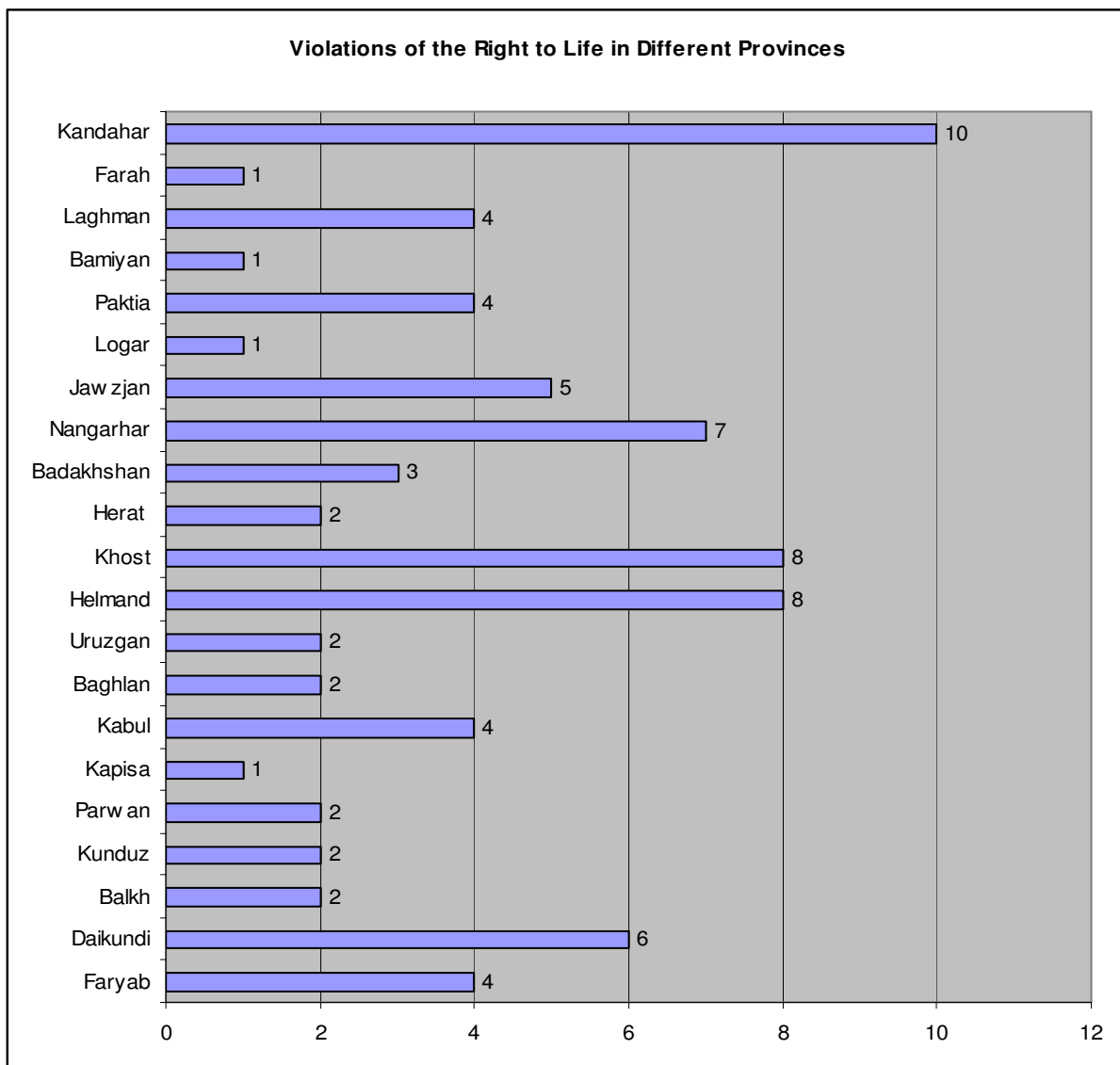
On Jawza 15, 1386 (June 5, 2007), a conflict broke out between kuchis and the residents of Behsoud Part II district that led to heavy financial and human casualties. The dispute was restricted to Behsoud Part II district until Saratan 13, 1386 (July 4, 2007), but since then it spread to Behsoud Part I district and continued in both the districts until the beginnings of Asad 1386 (July/August 2007). The AIHRC's missions visited the region four times to investigate the case, whose findings are explained in the following.

According to the Commission's staff who visited the area, people's statements, local evidence, and confirmations made by the district administrators, 11 people were killed in the course of the ethnic conflict. The killing of one child in Behsoud Part I district was confirmed. In addition to these, 15 persons including 4 women were injured. Eyewitnesses stated that the majority of the killed lost their lives in a most barbaric manner.

The Afghan government could not take the necessary measures to prevent the disputes and to prosecute those responsible for violations of the right to life. The AIHRC urged the government to seriously address this issue, as the conflict may reoccur and cost the lives of local inhabitants.

### **Conclusions and Recommendations**

The following chart shows the cases of violation of the right to life in different provinces in Afghanistan. Accordingly, Khost and Kandahar provinces have the highest number of cases. One should again take note that these figures only represent the cases that have been referred to the Commission. Furthermore, a single case may involve more than one violation of the right to life. There may have been other cases that might not have been referred to the AIHRC. Therefore, the actual number of cases of violation of the right to life may well exceed the figures and statistics given below.



One factor that is responsible for the majority of cases of loss of life includes suicide attacks and civilian casualties during the military strikes. This indicates weakness and inattention on the part of the government to intercept suicide attacks. We can, hence, say that the government's current strategy to combat this political and social challenge is unsuccessful, for this challenge has cost rights violations of Afghan citizens, and the government should review its strategy. To protect people's right to life, the government should:

- Prosecute those responsible for violations of the right to life;
- End the impunity of the violators and their release from detention for they hold positions of power and authority as such a practice is in utter contravention of the Afghan Constitution and can lead to further impunity;
- Prevent violence against women in all its manifestations;
- Raise awareness among and build the capacity of law enforcement officials to prevent the violations of the right to life due to the negligence of these officials;

- Prosecute those law enforcement officials who cause the violation of a person's right to life with his or her negligence;
- Build the capacity of the personnel engaged in the identification of mass grave sites;
- Take the necessary measures to protect mass grave sites and prevent the destruction of such sites; and
- Stop the use of fake passports by children to prevent the exploitation of these children for illicit drug trafficking and to arrest and prosecute those who fake passports.

## The Right to Personal Integrity

According to Article 7 of the International Covenant on Civil and Political Rights (ICCPR), the right to personal integrity means that “*no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...*” Therefore, respect to a person’s human dignity and physical and mental integrity is a fundamental human right. The Afghan Constitution has also prohibited any punishment that is contrary to human dignity. In accordance with the laws, an accused person shall not be tortured under any circumstances.<sup>3</sup>

In addition, Article 275 of the Afghan Penal Code stipulates:

1. “*When a public service officer tortures an accused person for obtaining confession, he or she shall be sentenced to a long-term imprisonment.*”
2. “*If the accused person dies due to torture, the perpetrator shall be punished for intentional murder as set out in this Code.*”

*“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”*

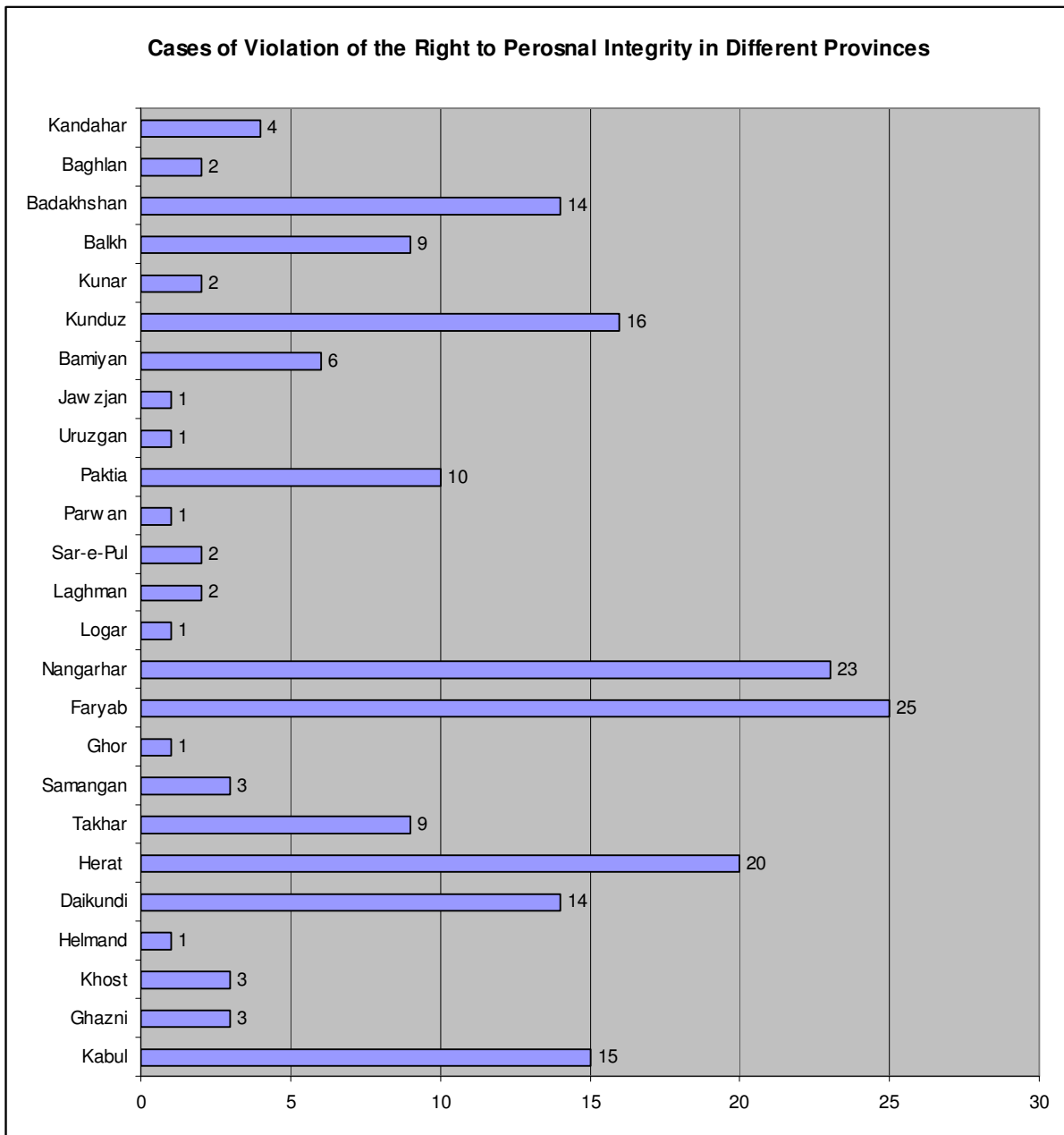
Article 7, ICCPR

Despite the legal emphasis on the right to personal integrity, last year witnessed many cases of violation of this right in Afghanistan. Based on the monitoring conducted and complaints received by the Commission, 188 cases of violation of the right to personal integrity were recorded in the year 1386 (2007/2008). The majority of these cases (25 cases) occurred in Faryab province, which was followed by Nangarhar (23 cases) and Herat (20 cases) provinces.

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<sup>3</sup> Please see Article 29 of the Afghan Constitution.





## Torture

Most of the cases of violation of this right include torture or cruel, inhuman or degrading treatment or punishment, to which mostly prisoners are subjected. The majority of such cases were registered in Faryab province.

In a general sense, it is common to torture prisoners, despite the fact that Afghan laws have prohibited it. For example, sometimes the accused persons are so tortured that they are in dire need of medical treatment. The AIHRC's human rights field monitor states that a person was so beaten up by public service officers that he was taken to a clinic for medical treatment. The following case will further clarify this point:

*“The plaintiff claims that he was arrested in public at the behest of the general. Afterwards, he was thrashed and humiliated by the chief of police, his deputy, and several soldiers and security officers.”*

Degrading treatment and beating of prisoners constitutes another category of violations. A prisoner states thus:

*“Because of my medial condition, I have to go to the rest room several times at night. Every night the prison guard lets me out for two, three times. But at the night of Saratan 5, 1386 (January 25, 2008), he let me out only for once. I knocked at the door for many times, but they did not open it. They opened the door early in the morning. The prison officers frowned at me and humiliated me for this behaviour of mine. I said I am ill. After a short talk between us, they punched my face. They afterwards tied my hands to a tree in the prison court while it was a severely cold morning. I remained there with my hands tied to the tree for about two hours until the prison director released me. All my inmates witnessed it.”*

This case was investigated by the AIHRC’s staff.

According to a research report on the causal factors of violence in law enforcement agencies produced by the Commission, the fact that torture cases and victim complaints are not addressed is the basic cause for the occurrence of torture and cruel, inhuman or degrading treatment or punishment in law enforcement agencies. According to the pertinent authorities, the obstacles in the addressing of torture cases include lack of implementation of law, lack of legal specificity in these areas, lack of other facilities for substantiating crime, the interference of persons holding positions of power, bribery, lack of professional staff, and nepotism in the administration. Approximately 99 per cent of the authorities in the research believe that the cases of torture are not addressed due to the aforesaid reasons. Lack of implementation of law, the interference of persons holding positions of power, and lack of other facilities for substantiating crime were considered the major causal factors.

According to the responses made by the victims of torture, the courts do not pay attention to the fact that the accused person’s confession has been obtained through torture. Another factor, hence, is that the victims do not have a proper knowledge of their human rights. 56 per cent of victims did not approach any institution to report that they were subjected to torture. That is because out of 398 victims in the research, 346 did not have proper awareness of their human rights.



A victim who was injured by Kabul police

### **Women and Violation of the Right to Personal Integrity**

Women are the most victimised group as far as the right to personal integrity is concerned. Many cases of violation of women's right to personal integrity go unrecorded. That is because unaccepted traditions and customs never allow many of these women to approach any institution to complain against torture or humiliation. The number of cases of violation of women's right to personal integrity is, therefore, far more than the figures presented in this report.

### **Violence against Women**

Family violence against women such as battering, prohibition of social activities, expulsion from home, burning, physical injuries, and rape include one set of cases of violation of women's right to personal integrity.

### **Battering of Women**

According to the statistics, in the year 1386 (2007/2008), 845 cases of beating of women were referred to the Commission. The majority of these cases were recorded in Kunduz province (338 cases). Many women are frequently thrashed and degraded. The following case is one of thousands of cases of violence against women:

*“A girl was married to her cousin in her childhood for a brideprice of seven cows. When they reach the legal age to marry and marry, the girl cannot become pregnant. The main problem of infertility actually lies in her husband. To prevent this girl from disclosing this marital secret and advised by the girl's mother-in-law and husband, her father-in-law shaves her head and cuts the front part of her nose.”*

Another woman's father approached the Commission and stated:

*“Two months ago I married my girl to a man. Her husband cut my girl’s fingers with an axe. My girl is now in the female surgery ward of hospital.”*

The case was investigated by the AIHRC’s staff.

One should, nonetheless, note that thousands of women never approach any institution to complain against frequent beating and never object to the status quo. According to a report by Global Rights, 87.2 per cent of women (5,700 women), who were interviewed by this organisation, had at least reported one type of violence against themselves. The analysis of the cases indicates that often cases involving severe violence against women are recorded, while daily battering of women has been “accepted” as a normal phenomenon in many areas.

### **Rape against Women**

The fiercest kind of violence against women and children is rape that subjects the victims to a serious physical and mental trauma. In the year 1386 (2007/2008), 51 cases of rape against women were registered by the AIHRC. The following case will provide further clarification:

A person referred to the Commission and said, *“I married my girl to a man. The brother of my girl’s husband raped and killed my girl.”*

Another complainant states:

*“My husband’s brother encroached upon me and asked for illegitimate things. As I did not succumb to his demands, he thrashed me. I petitioned the office of the district administrator. He had given money to the district administrator. So no one paid any attention to my petition.”*

As the above example indicates, even law enforcement officers violate girls and women’s rights and do not prosecute the perpetrators of sexual assault. Addressing rape is not only restricted to prosecution. The victims of rape should access physical and mental health services as rape subjects the victims to a severe mental trauma.

### ***Bad dadan***

*Bad dadan* is an egregious violation of women’s right to personal integrity. In the previous year, 50 cases of *bad dadan* were recorded by the Commission. It is not only the violation of one human right, but is the beginning for the violation of several other rights of women, such as the right to marry and found a family, the right to due process of law (since women are subjected to *bad dadan* not for the crime they have committed, but to retaliate a crime perpetrated by one of their male relatives), and, of course, the right to personal integrity. Such women are traded as commercial goods by the two families. Neither the father’s family nor the husband’s family has ever sought their consent and allowed them to make the decisions of their lives. They consume women as they consume a property over which the institution of family has full trading powers. Such a practice exists while Article 517 of the Afghan Penal Code specifies, *“A person who marries a widowed woman or a girl under the age of 18 to a husband against her consent and will, shall be sentenced to a short-term imprisonment.”* This legal provision has been infringed upon in numerous cases. Paragraph 2 of the same Article

reads, *“If the crime set out in the above Paragraph is bad dadan, the perpetrator shall be sentenced to a medium-term imprisonment that does not exceed two years.”*

### **Non-provision of Maintenance**

The denial of maintenance is a form of violence against women that leads to the violation of their right to personal integrity. In a country where the absolute majority of women are illiterate and unemployed, non-provision by the husband of maintenance can result in the woman and her children’s starvation. In the year 1386 (2006/2007), 245 cases of non-provision of maintenance were referred to and investigated by the AIHRC. The majority of such cases occurred in Kabul (93 cases).

### **Expulsion from Home**

Expulsion from home is a form of humiliating women. In the past year, 29 cases of home expulsion were recorded by the Commission with most of them happening in Kabul (27 cases). In some instances, expulsion is exacerbated by physical violence. The following example will clarify the matter:

*“A woman states that she married a person, who resides at Hassan Khail village, in the year 1379 (2000/2001). She has two children and has been frequently beaten up and ill-treated by her husband and her husband’s family since the beginning of their marriage. Her husband is an addict and many a time he batters his wife with a cable. Recently he took away her two children and expelled her from home.”*

### **Torture of Women**

There are other cases that indicate the torture of women by their families. The following case is an example of torture cases against women that was investigated by the AIHRC:

A woman referred to the Commission’s office and told about a 23-year-old girl thus, *“It is three years that this girl’s father has chained her feet and locked the chains. He even does not allow her to go to the rest room. The girl has attempted suicide for several times, but in vain. In addition, she once resorted to self-immolation, but survived. The girl somehow managed to report her situation to the neighbours and they approached the Commission. Considering the sensitivity of the matter, the AIHRC’s staff visited the girl with maximum care and heed. The girl said she was deprived of schooling as she was forced to do the household chores. She had suitors, but her mother rejected them and replied that her daughter was engaged to the brother of her sister’s husband. After the suitors left, her father attributed accusation to the girl’s character, saying she had an affair with one of the suitors. Afterwards the father did not allow her sisters and her mother, who was a teacher, to attend school. She says she had asked her father for a medical examination to prove that she did not have any illegitimate affair with anyone. But the father does not do it. Her father has chained and thrashed her.”*

After the efforts taken by the Commission, the father has agreed to unchain her daughter after 3 years of time.

### **Violation of Children’s Right to Personal Integrity**

According to the Commission's statistics and reports, 25 cases of violation of children's right to personal integrity have been recorded. Violence against children is common in home, school, and the broader social community. Violence and corporal punishment are widespread practices both in the home ambience and in the school environment. Teachers and other school authorities resort to violence and corporal punishment to rectify certain student behaviours. In addition to corporal punishment, children's right to personal integrity is violated through verbal abuses. Though no statistics and figures exist in this regard, there are many examples of child humiliation and degradation.

### **Rape against Children**

There are numerous cases in which children have been raped or sexually abused. The following example is one such case:

*A person referred to the Commission's office and stated, "My nephew, who is under my custody, was moving from our village towards another village. On his way to that village, my nephew was stopped by some person and forced into sodomy after that person beat him up. Doctor has certified the occurrence of sodomy. Although I approached the security officials and the case is in the attorney's office, no measures have been taken to arrest that person."*

The Commission's staff followed up this case.

The following case was registered during the investigative work of the Commission's staff members:

*"At 12:30 in the afternoon on July 08, 2007, an 18-year-old boy took a 3-year-old boy who was playing in front of his house to a corner and sexually attacked him. After hearing his clamour, his mother rushes to the scene and takes the rapist boy to the office of chief of police. After examination in the district hospital, the doctor certifies the occurrence of the act. Since the district attorney is an acquaintance of the perpetrator, the case is not prosecuted."*

This case was followed up by the Commission's staff.

### **The Sale of Children**

Transacting children as commercial properties is a gross violation of children's right to personal integrity. The following example will provide further clarification:

*"A 14-year-old girl from Kapisa was in the juvenile rehabilitation centre. Her father died and her mother married another man. She along with her other two sisters live in their stepfather's house. She was sold by her stepfather to an 80-year-old man from Balkh province for USD 2,000, and then made to marry him. Afterwards, he sold her to another man for USD 5,000. After the second man had sexual intercourse with the girl, she fell unconscious and was taken to a hospital in Hairatan town. The security organs became informed of the case and began their investigations. The girl's stepfather and mother escaped from the area and the girl was taken into custody in the house of chief of police's bodyguard in Hairatan. After three days, the case was referred to the attorney's office. For one week the girl was in the*

*custody of the attorney's office. Finally the case was referred to a court in Shour Tappa and the court decided that the girl should be kept in the juvenile rehabilitation centre in Balkh. She spent three months and a half in the juvenile rehabilitation centre without her case being procedurally decided. The judge-in-charge insists that she has to go to the house of the second person to whom she was sold for USD 5,000. In fact, the person who has sold the girl is never held to account for what he has done to the child."*

As a result of the Commission's follow-up, the case was resolved and the child returned to her parents.

The above case illustrates that not only the government has failed to protect children's inalienable right to personal integrity, but when such vulnerable children approach the government institutions (like the attorney's office in the aforesaid example), these institutions are not able to address their cases. Additionally, in many cases, juvenile delinquents are tortured during their arrest and detention by the police.

Another case investigated by the AIHRC indicates that economic poverty, in some cases, causes parents to attempt the sale of their children:

*"A father and mother, who were disabled people, sold their 9-month-old daughter to their landlord for 500 Afghanis due to their economic weakness, inability to pay their rent, and inability to provide the needs of their child, and because of the proposal of the landlord's wife. The Commission's work informed the authorities of this matter. According to the chief of police in Kunduz province, this family along with their 9-month-old daughter was transferred to Kabul in accordance with the President's decree."*

## **Conclusions and Recommendations**

There are numerous cases involving violence and humiliation in which the right to personal integrity, especially that of women and children, has been encroached upon. As discussed in detail in this section of the report, women suffer the majority of cases of violation of the right to personal integrity. Children constitute another vulnerable group who are subjected to various forms of violence. In addition, the government authorities do not have a proper treatment with prisoners and those under detention and subject them to battering. The following recommendations are, therefore, proposed to improve this situation:

- The government should act to raise awareness among the relevant authorities so that they refrain from torturing prisoners and others under detention;
- The perpetrators of torture should be seriously prosecuted to ensure the non-reoccurrence of this ugly phenomenon;
- The necessary educational programmes should be designed to raise awareness among school authorities to prevent the further spread of the culture of corporal punishment in the school environment and to recommend and implement alternative ways to improve certain behavioural patterns among the students;
- The government should try to raise awareness among people about women's right to personal integrity so that violence against women can be hindered in all its manifestations;

- The practice of *bad dadan* should end and Paragraph 4, Article 517, Afghan Penal Code should be amended so that in addition to the victim's complaint, law enforcement agencies should be enabled to act according to their discretion;
- The culture of impunity for those responsible for family violence should come to an end;
- The perpetrators responsible for the rape of women and children should be prosecuted;
- Access to courts and law enforcement agencies should be provided in all parts of Afghanistan so that local *shuras* and *jirgas* cannot take the law into their hands and cause human rights violations; and
- Children's right to personal integrity should be respected and their humiliation should stop.



## The Right to Freedom and Security of Person

The right to freedom and security of person in life is each and every individual's right. The state has the responsibility to ensure freedom and security for all Afghan nationals. The laws of the state should be so regulated that police and other law enforcement agencies cannot act in certain ways that restrict or take away people's legally sanctioned liberties. The right to freedom and security of person has been enshrined in the Universal Declaration of Human Rights (UDHR) and other international instruments.

*“Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”*  
Paragraph 1, Article 9, ICCPR

The term “freedom” has a broad semantic concept. Considering the national and international laws, it encompasses all general and legal freedoms and liberties that ensure a kind of independence and self-determination for individuals in diverse aspects of life. This right is, undoubtedly, essential for the development of human personality. In addition to formally recognising the right to freedom and security of person, the states have to take specific measures to protect this right.

The Afghan Constitution specifies:

*“Liberty is the natural right of human beings. This right has no limits unless affecting others' freedoms as well as public interests, which shall be regulated by law. Liberty and human dignity are inviolable. The state shall respect and protect liberty as well as human dignity.”*<sup>4</sup>

Nevertheless, the right to freedom is one of the most frequently violated human rights in Afghanistan. We will deal with this issue in detail in this section of the report.

Referring to the relevant international instruments, the cases of violation of the right to freedom and security of person have been classified according to the following definition:

*“Violation of a person's right to freedom occurs when a state agent or any other person, who holds a position of official authority, deprives a non-state agent or any other person with no justifiable reason of his or her freedom through imprisonment or any other type of detention, or compels him or her to reside at a pre-specified place of stay. Therefore, all arrests must be legal and based on the legal provisions of arrest and detention and the procedures determined by law.”* (This definition is based on Article 3 of UDHR and Article 9 of ICCPR.)

Pursuant to the AIHRC's statistics, out of 1,329 cases of human rights violations in the year 1386 (2007/2008), 157 cases are related to the violation of the right to freedom and security of person. The majority of these cases (30 cases) have been recorded in the area assigned to the Commissions' office in Kandahar (that covers the provinces of Helmand, Zabul, Uruzgan, and Kandahar). Other cases of violation of the right to freedom and security of person were

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<sup>4</sup> Article 24 of the Afghan Constitution.

registered by Nangarhar office (19 cases in Kunar, Jalalabad, Nuristan, and Laghman) and by Kunduz office (11 cases in Baghlan, Takhar, and Kunduz). It is noteworthy that these figures represent the cases that were referred to the Commission and obviously should not be representative of the cases that were not referred to it. Therefore, they might have been other cases that may have gone unrecorded by the AIHRC.

As the figures indicate, the number of violations of this right has considerably decreased vis-à-vis the previous year. In the year 1385 (2006/2007), 722 cases and in the year 1386 (2007/2008), only 157 cases of violation of the right to freedom and security of person were registered at the AIHRC's offices. This shows that law enforcement agencies have acquired more awareness of human rights rules and regulations and have implemented their awareness. This is a remarkable progress on the part of the government for the protection of the rights of Afghan people.

In the year 1386 (2007/2008), the most significant types of violation of the right to freedom and security of person include illegal arrest, detention, and imprisonment that is often perpetrated by the state. Similarly, a number of people live under detention for a long period of time and the courts do not issue their final verdicts on them. This is *per se* a violation of the right to freedom. What follows is the discussion of the cases of violation of the right to freedom and security of person.

### **Freedom from Arbitrary Arrest or Detention**

Paragraph 1 of Article 27 of the Afghan Constitution specifies, "*No one shall be pursued, arrested, or detained without due process of law.*" In addition, Article 9 of ICCPR stipulates, "*...No one shall be subjected to arbitrary arrest or detention...*"

There are numerous cases in which people have been imprisoned by the state agencies without sufficient proofs. The following case will further clarify this matter:

A person, a resident of Maimana in Faryab province, approached the AIHRC's office and claimed thus, "*My son and nephew were arrested on charge of murdering a person in Qaisar district of Faryab province. They do not have any substantiating proofs for arresting them. They have been incarcerated in Faryab prison for over 8 months and their future is still not certain.*"

The Commission's staff initially raised the aforementioned issue with the provincial court in Faryab and urged the judges to deal with the case of the accused persons. Furthermore, the AIHRC raised the issue with the primary court of Qaisar district and requested them to determine the case of the accused persons without any further delay and in accordance with the provisions of law. As a consequence of the AIHRC's efforts, the two persons, who were illegally arrested, were released from their detention and made a reunion with their families.

### **Freedom from Enforced Disappearances**

According to the Declaration on the Protection of all Persons from Enforced Disappearance, enforced disappearance occurs when individuals are arrested, detained, kidnapped against

their will or deprived of their liberty by state agencies, organised groups or individual persons that act in direct or indirect acquiescence with the state.<sup>5</sup>

The government has the duty to ensure the security of its nationals. The prosecution of those responsible for disturbing public safety is a key obligation of the government. Several cases, however, occurred in the year 1386 (2007/2008), indicating the failure of the government to ensure security in the territory under its jurisdiction. The following example will provide further clarification:

*“A 20-year-old girl, a 10-grade student in a school in Herat, was abducted on her way to school while the abductor had the intention to rape her. Fortunately he was not able to commit rape. The girl escaped from the grip of the kidnapper and petitioned the office of the district administrator. Though the perpetrator has been identified by the victim and other accompanying girls, he was released after spending two nights under detention since he is a local strongman. No case has been filed against him.”*

As a result of this event, around a hundred girls left school, fearing they might also be harassed by the same person and they even launched demonstrations in the girls’ school. The demonstrations had no fruits and could not lead to the prosecution of the offender.

After the Commission got to know this issue, it sent its staff to the area to talk with the local authorities. The police were pressurised to arrest and prosecute the accused person. To prevent the accused person’s influence in the local area, his case was transferred for prosecution to the centre of the province. As a result, the situation in the girls’ school returned to normality.

Instead of protecting the freedom and security of persons in danger, law enforcement agencies have protected the persons accused of violating laws. As a result of the AIHRC’s follow-up, the case was investigated.

This case clearly indicates that the right to freedom and security of person has been encroached on in some cases, mainly due to the inattention on the part of the government. Abduction of children and traders in the west of Afghanistan during the previous year caused public apprehensions that the government does not adopt the necessary responses and reactions at the earliest possible time.

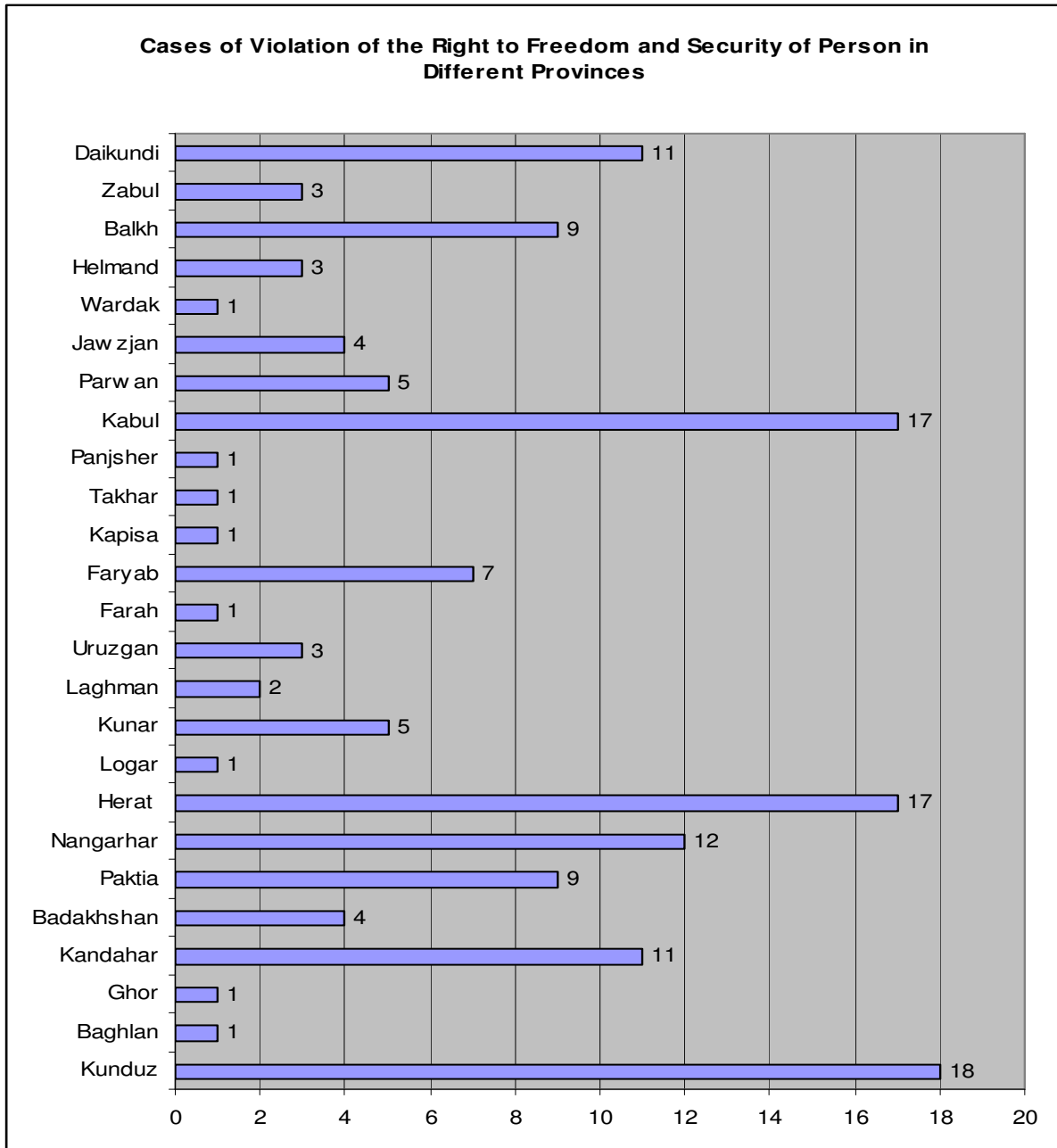
## **Conclusions and Recommendations**

In a general sense, the cases of violation of the right to freedom and security of person are indicative of a precarious security situation dominating Afghanistan. People feel less safe and the government does not properly heed it. A group of people has been forced to leave their homes for security reasons and settle in comparatively peaceful regions. In numerous cases, people have been arbitrarily arrested or detained. The following recommendations are, therefore, put forth:

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<sup>5</sup> Declaration on the Protection of all Persons from Enforced Disappearance adopted by General Assembly resolution 47/133 of 18 December 1992.

- The government should ensure the security of Afghan citizens;
- The arbitrary arrest or detention of people should come to an end; and
- Individuals responsible for violations of the right to freedom and security of person should be prosecuted.



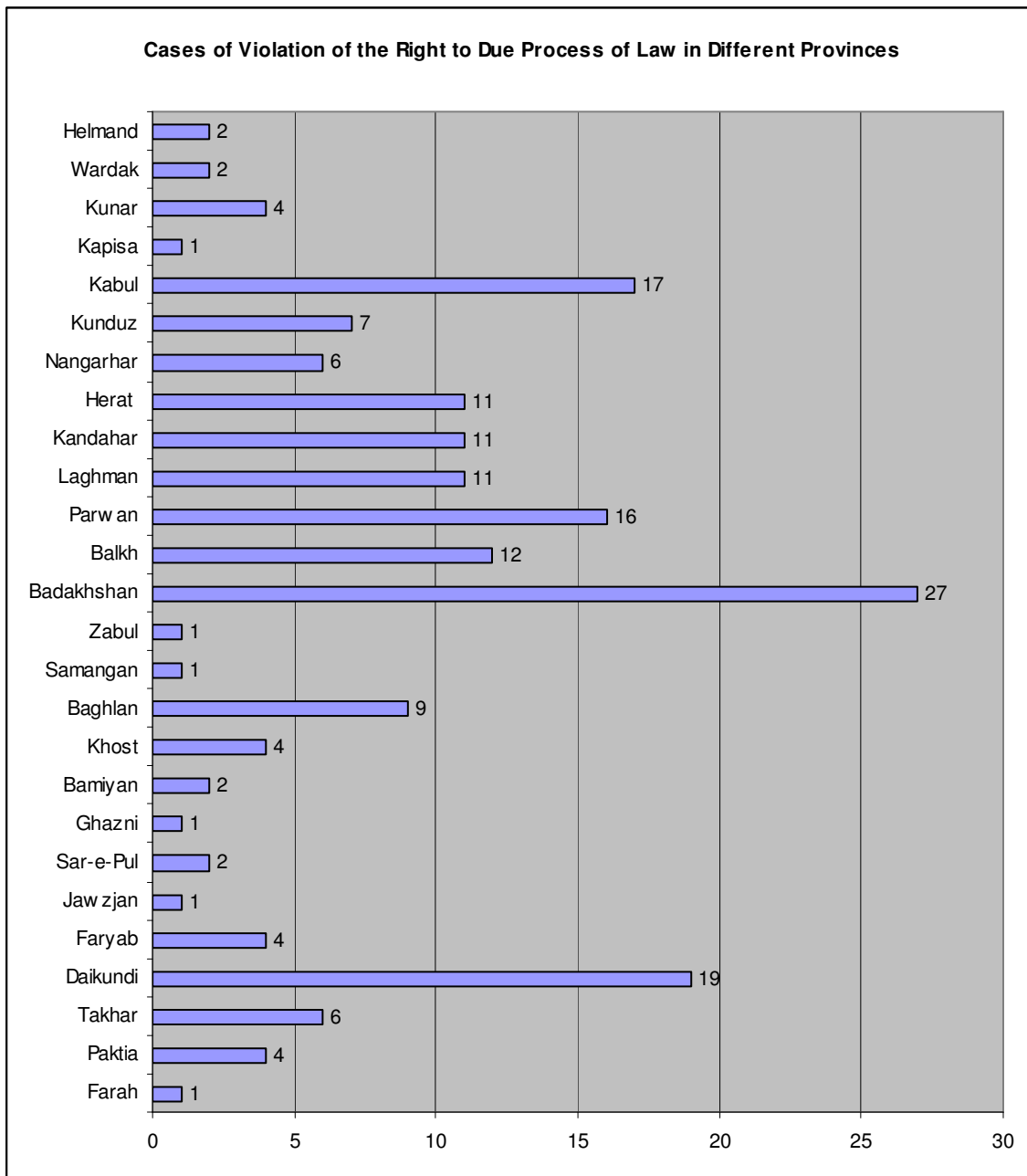
## **The Right to Due Process of Law**

The right to due process of law is a fundamental human right that has been recognised to protect individuals against arbitrary and illegal deprivation of their rights and freedoms, especially the right to life. The right to due process of law has been enshrined in UDHR.

Article 10 of UDHR specifies, *“Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”*

In addition, Paragraph 1, Article 14, ICCPR stipulates, *“All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law...”*

There are, however, numerous cases of violation of the right to due process of law in Afghanistan. In the year 1386 (2007/2008), 182 cases of violation of this right were recorded by the AIHRC. The majority of these cases occurred in Badakhshan province (27 cases) and Daikundi province (19 cases). For further information, please see the chart below.



The pending, undecided situation of a number of accused persons is one of the pervasive and vivid violations of the right to due process of law. Final verdicts have not been issued regarding many accused persons who are kept in prison contrary to the provisions of the Interim Criminal Procedure Code and the Law of Prisons. In some cases, it takes years to decide the situation of an accused person. However, according to the Interim Criminal Procedure Code, a case should be decided within two months in the primary court, within two months in the court of appeal, and within five months in the Supreme Court. Hundreds of prisoners in Pul-e-Charkhi prison have waited for the issuance of Supreme Court's verdicts for over two months and their situation still remains undetermined.

**Lack of Access to Defence Lawyer and Violation of the Right to Adequate Defence**

The lack of access of accused persons to defence lawyer is a violation of the right to due process of law, especially the right to adequate defence. Based on Article 31 of the Afghan Constitution and Article 14 of ICCPR, every accused person has the right to choose a defence lawyer and benefit, if he or she is financially unable, the aid of a defence lawyer provided gratis by the state. Whenever a person is arrested and detained by the state agencies, it is the duty of the concerned authorities to inform the arrested or detained person of this right.

Additionally, the inadequate number of defence lawyers is another factor that has impinged a negative influence on the right to due process of law. While all accused persons need the assistance of a defence lawyer, women and children are the most vulnerable groups who are in more need of access to a defence lawyer. In the case of not accessing a defence lawyer, the violations of their rights are more likely. The following example will further emphasise this point:

*“A 12-year-old girl lives with her grandmother in Sar-e-Pul province. Her father has died and her mother has remarried. According to a claim by a person of the same district in the district primary court, ‘the girl was at her age 1 betrothed to my currently 10-year-old son in the year 1376 (1997/1998).’ After hearing the testimonies of two persons supporting the complainant’s claim, the district primary court forcibly took away the girl from his grandmother and submitted her to the plaintiff. He then drove the girl along with five other people including the judge to his house. He locks the girl in a room for over seven days and does not allow anyone to meet her. According to the reports of the Commission’s regional office, the girl lives in unfavourable conditions and under detention for over a week, while over a hundred of her relatives in the district and the provincial capital were busy with following up her case. Eventually as a result of the pressures exerted by the AIHRC and other organisations, the girl returned to her grandmother pursuant to the President’s instruction and Supreme Court’s ruling.”*

The above example indicates that in the case of not accessing a defence lawyer, the violation of the accused person’s rights is more likely. Moreover, there has been no independent and impartial hearing on the part of the court. The following example of violation of children’s right to due process of law indicates the negative impact that the lack of access to a defence lawyer can impinge on the results of the cases referred to courts:

*“Some persons sexually assaulted an 8-year-old girl in Ghazni province. The victim’s family petitioned the district officials and the perpetrators were arrested. The perpetrators were then released after six days, instead of being referred to the attorney’s office. The local jirga resolved the case through bad dadan of a girl. After the issue came to the Commission’s notice, it sent official letters to the attorney general’s office and the ministry of interior. As a result of the follow-up of the case, one of the perpetrators was arrested and his case was investigated by the attorney’s office.”*

Lack of access to due process of law, as mentioned in the previous example, caused the violation of another innocent person’s rights. If a girl is traded under *bad dadan*, she does not consent it, and it is, therefore, an infringement of the principle that one person’s commission of a crimes does not affect other people. But in the previous example, a girl was traded under *bad dadan* and was punished for another person’s offence.

## **The Right of Persons below 18 Years to be Prosecuted by Juvenile Courts**

In the year 1386 (2007/2008), 25 cases of violation of the right to due process of law took place in which children were involved. The lack of juvenile rehabilitation centres across the country is a major cause of the violation of right to due process of law with regard to the children in conflict with law. In spite of explicit legal stipulation that children's offences should be addressed by a special court, most of the country's provinces presently lack the structure of a juvenile special court and children are prosecuted by ordinary courts contrary to the legally accepted norms and standards. In such a case, the best interests of a child are not taken into account as a fundamental principle of consideration. In addition, there is no juvenile rehabilitation centre and children are kept with adults at the same place—another infringement of legal provisions.

The lack of facilities to ensure this right, limited access to defence lawyers, judges and other judicial personnel, especially those who are women, and the lack of knowledge of national and international laws among the judicial personnel are the other challenges that threaten the right to due process of law. The following case will provide further clarification:

*“A 6-year-old child was sexually assaulted by a boy in Bamiyan province on Saratan 6, 1386 (June 27, 2007). Her mother finds the child unconscious at the scene and takes her to the local hospital. She remains unconscious for several hours at the hospital. The doctor's opinion indicates that there has been a serious damage to the little girl due to the sexual assault, for she was bleeding for several days as a result of the injuries. The girl's father takes, on the first day, the boy to the police. After their investigation, the police refer the case to the attorney's office. With no consideration of legal provisions, the attorney's office refers the case to shura-e-ulama (the council of religious scholars). The council decides that the boy's father should pay a sum of 200,000 Afghanis to the girl's family and he afterwards can be released. The accused person's family along with elders and religious scholars goes to the girl's house and pays them the agreed amount. Finally the girl's father exonerates the boy and declines to receive the sum of 200,000 Afghanis.”*

The aforementioned case illustrates that the attorney's office, as a legal institution, does not do its job in a principled manner and refers a criminal case to the council of religious scholars. This is *per se* a violation of the right to due process of law. Local councils are not law enforcement agencies and should not be permitted to resolve criminal cases. The AIHRC's follow-up of this case shows that the violation of the right to due process of law did not end there.

*“After the Commission's staff contacted the district judge, he told them that the case is not relevant to him and it is the job of the special juvenile court to deal with it. Therefore, the judge will send this case to Bamiyan's provincial capital. It is while the Supreme Court had already sent an internal letter to all courts around the country that pending the establishment of special juvenile courts, the district primary courts can deal with the cases of children. But the district judge changed the course of the case by sending it to the provincial capital. Finally as a result of the AIHRC's intervention and visit with the chief judge of Bamiyan's secondary court, the secondary court ordered the primary court to deal with this case. This*



*case, nonetheless, still remains undetermined and the accused person is presently kept in the juvenile rehabilitation centre at the centre of Bamiyan.”*

As this case indicates, in the absence of special juvenile courts, the relevant cases are referred to primary courts. At the same time, some of the primary courts refrain from dealing with the cases involving persons below 18 years of age. In any way, the judiciary’s failure and negligence leads to the violations of the right to due process of law.

### **The Right from Freedom of Arrest or Detention, Unless in Accordance with Law**

In some of the cases, people are illegally detained without the charges against them being determined. The following example will clarify:

*“During its visit to the prison in Paktia province and its review of the records of prisoners and the accused, the AIHRC’s monitoring team found out that a person, who was a resident of Paktia province, was detained on Asad 27, 1386 (August 18, 2007) on charges of cutting down trees and setting fire to a person’s house and that his case was not referred to the court and hence remained undetermined until Dalw 10, 1386 (January 30, 2008) (approximately five months). The Commission raised this issue with the chief of prison and the attorney’s office. As a result, the accused person’s case was referred to the primary court in Paktia province.”*

There are other numerous cases in which people have been detained illegally. For example, a woman, in her petition to the AIHRC’s regional office in Kunduz, writes:

*“One year ago my father wanted to marry me with my cousin. Since I did not like him, I eloped with another boy who had come to our house as suitor for five times. We went to his uncle’s house in one of the districts in Kunduz province. Once my father learned I have escaped, he demanded a girl from the boy’s family as bad and after that, agreed to my marriage with the boy of my liking. Afterwards, they imprisoned us.”*

After talking to the attorney and the judge in charge of this case at the provincial level, the judge stated that he does not have any competence in this case and the judicial decision about the situation of the accused persons has to be taken in the district. As a result of frequent meetings with the judge of the secondary court and serious follow-up, finally the court decided to determine the case and the situation of the accused persons. This shows how unaware the authorities are of the binding laws of the land.

### **Conclusions and Recommendations**

The results of this study indicate that numerous cases referred to the courts are dealt with in absence of defence lawyers. In some instances, the trials are not independent, fair, and legally based.<sup>6</sup> The analysis of the cases referred to the AIHRC with regard to the right to due process of law shows that in absence of special juvenile courts, the cases involving persons below the age of 18 are referred to primary courts. In some cases, primary courts have refrained from dealing with such cases and as a consequence, the accused persons’ cases have remained

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<sup>6</sup> Like the case of the 12-year-old girl in Sar-e-Pul province that was discussed above.

undetermined. In addition, as discussed in this section of the report, in many instances, the authorities lack a full understanding of the applicable laws and they, therefore, cause the violations of the right to due process of law. The recommendations are as follows:

- It is necessary to have the facilities needed to provide an adequate number of defence lawyers for the accused;
- The government should avoid referring the cases to structures outside of the judicial system. *Shuras*, *jirgas*, and *marakas* should not have the power to decide criminal cases;
- Special juvenile courts should be established in all provinces and the cases involving persons below the age of 18 should be dealt with by these setups;
- The government should pay due attention to raising the capacity of judicial personnel; and
- According to the law, when an accused person is unable to choose a defence lawyer, the government is responsible to help him or her access the aid of a defence lawyers.

## **The Right to Property**

The right to property was the most frequently violated right in the course of the year 1386 (2007/2008). In the past year, most of the references and complaints by the people to the AIHRC relate to the right to property.

Considering the cases referred to the Commission, the expropriation of state and private lands is on the rise. Based on the AIHRC's statistics, during the past four years (1382 (2003/2004)-1385 (2006/2007)), the complaints concerning the right to property increased from 8% to 40%. Fortunately, in the year 1386 (2007/2008), the figures show a decrease of 19% vis-à-vis the previous years. In the year 1386 (2007/2008), 224 cases of violation of the right to property were recorded by the Commission. The majority of these cases occurred in Faryab province (27 cases), Takhar province (26 cases), and Balkh and Kunduz provinces (24 cases). In Farah, Ghazni, Laghman, Nuristan, Paktika, Panjsher, Zabul, and Uruzgan provinces no such cases were registered. Administrative corruption, especially in municipalities, property registration offices, and the judicial organs, and the passive responses of these institutions are the main causal factors responsible for violations of this right. The common cases of violation of the right to property include the destruction of residential houses and the expropriation of private property, which most often is perpetrated by people who hold positions of power and authority inside or outside of the government.

*"1. Everyone has the right to own property alone as well as in association with others.*

*2. No one shall be arbitrarily deprived of his property."*

Article 17, UDHR

## **The Expropriation of Private Property**

National and international laws have recognised the right to own property alone as well as in association with others. On the right to property, Article 40 of the Afghan Constitution reads:

*"Property shall be safe from violation. No one shall be forbidden from owning property and acquiring it, unless limited by the provisions of law. No one's property shall be confiscated without the order of the law and decision of an authoritative court. Acquisition of private property shall be legally permitted only for the sake of public interests, and in exchange for prior and just compensation. Search and disclosure of private property shall be carried out in accordance with provisions of the law."*

The Commission, however, recorded numerous cases of violation of the right to property in the year 1386 (2007/2008). The following example indicates a case in which the AIHRC's intervention prevented the expropriation of a person's property:

*"A person, who is a resident of Gardez city, was unable to restore his expropriated property from a local strongman, despite the fact that he had referred to the governmental organs for several years. He petitioned the Commission's regional office and asked for help in restoring his property. The regional office involved the tribal elders in this case and was, after*

*continued talks with the parties to the dispute, able to convince the perpetrator to return the disputed land back to the victim.”*

Also a person approached the AIHRC’s office in Bamiyan province and complained thus, “*I have a legal case with a person. Our case is going on in the municipal court of Bamiyan province. Two days ago the chief of police in Shibar district along with the party against me went to the area and sealed my private house, which is not at all related to the existing case. That house is my private property and is not at all disputed. The house that is disputed has not been sealed and on the other hand, our case is still proceeding in the court and the court is yet to issue its final verdict.*”

The statements by the victim indicate violations of human rights, for his right to property has been violated without the order of a competent authority and without any consideration to the relevant national and international legal standards. The Commission’s staff visited the house and after that talked to the chief of police in the aforesaid district. He confessed his act and stated that they sealed the plaintiff’s house without the order of the court. The illegality of such a measure was explained to the district administrator, chief of police, and head of legal affairs department in a meeting where all these officials acknowledged their illegal act and immediately ordered the restitution of the plaintiff’s residential house.

### **Violation of Women’s Right to Property**

A considerable number of cases of violation of the right to property (25 cases) occurred in which women were affected. This is while the government of Afghanistan has signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which contains guarantees for women to own property. Moreover, the government is responsible to ensure the right to property for all Afghan nationals. But with regard to the right to property, women constitute a vulnerable group and their properties are expropriated in many cases. The following example will provide further clarification:

*“Two acres of land in Shirabad village of Dehdadi district was the property of a woman that was expropriated by a local influential man. Afterwards this woman complained to the relevant authorities and asked for the restoration of her rights. After following some legal procedures, her case is sent to Dehdadi court of Balkh province. The court then recognises, in its letter no 337 dated Hut 7, 1385 (February 26, 2007), the woman’s property and orders its restoration for her. Since the perpetrator is a local strongman and due to the negligence of the relevant authorities, the land still remains expropriated. That is when the AIHRC intervenes.”*

In order to have the decision of the court implemented, the Commission contacts the district administrator, chief of police, and head of legal affairs department. As a result of the pressures exerted by the AIHRC, the district administrator along with a delegation composed of representatives of primary court, legal affairs department, property affairs department, police, and AIHRC visits the area and officially returns the land to its original owner on Saur 09, 1386 (April 29, 2007).

Another case, for instance, is as follows:

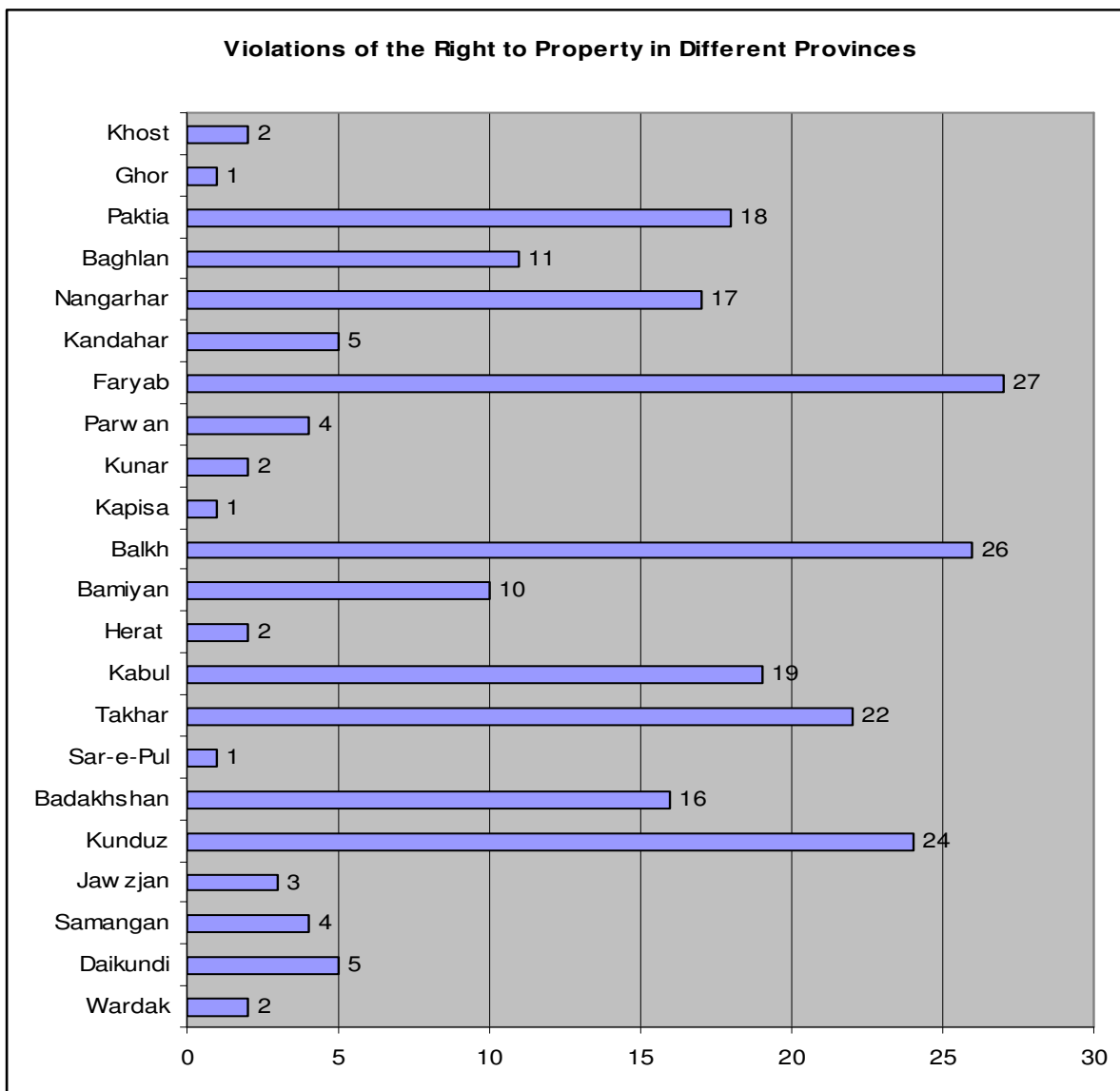
*“A woman approached the Commission and stated that her land was forcibly expropriated by a person in Daikundi district who had forged fake ownership documents for it. After continued follow-up by the AIHRC’s provincial office, the land was resorted to the woman.”*

Usually women’s right to property is violated as a result of lack of awareness. The majority of cases of violation of the right to property referred to the Commission relate to the restoration of women’s inheritance right. Women are forced, through different means including intimidation and violence, to ignore their rights in inheritance. The following example will further clarify this point:

*“The complainant’s husband died of illness in Jawza 1385 (May/June 2006). He left a house, two shops, and their belongings for his family. But the complainant’s stepson considers no inheritance rights for her stepmother who has a son and a daughter. She approached the court for this issue. Her case has been pending in the municipal court for one year and five months, but no measures have been taken to solve her problem. Eventually she was compelled to approach the Commission’s provincial office for the resolution of the dispute.”*

### **Conclusions and Recommendations**

In a general sense, in the year 1386 (2007/2008), 224 cases of violation of the right to property were registered by the AIHRC. The figures indicate that women are a vulnerable group with regard to this right and their rights have been violated in many cases, for women’s access to justice is much more limited than men, given the dominating customs and traditions. The majority of Afghan women do not know their inalienable rights in this area. As a result, in many cases, violations of women’s right to property are never reported. Women’s deprivation of their rights in inheritance is a clear example of violations of their rights to own property.



The Commission faces a series of challenges in addressing the cases of violation of the right to property. These problems include the absence of rule of law, administrative corruption, lack of timeliness in addressing the cases, irresponsible and superficial treatment with property expropriators, and lack of cooperation of the authorities in the AIHRC.

Therefore, the government should pay due attention to prevent the violations of the right to property. The following measures by the government can have a possible effect on reducing the cases of violation of the right to property:

- The development of mass awareness, especially among women of their rights in property ownership and inheritance;
- Serious and systematic combat against administrative corruption;
- Efforts to strengthen the rule of law; and
- Serious and legal treatment with those who violate the right to property.

## The Right to Adequate Housing

The right to adequate housing is essential for each person. The right to adequate housing also includes the right to live in peace and dignity. The right to safe, potable water is also a component of the right to adequate housing.

*“The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international cooperation based on free consent.”*

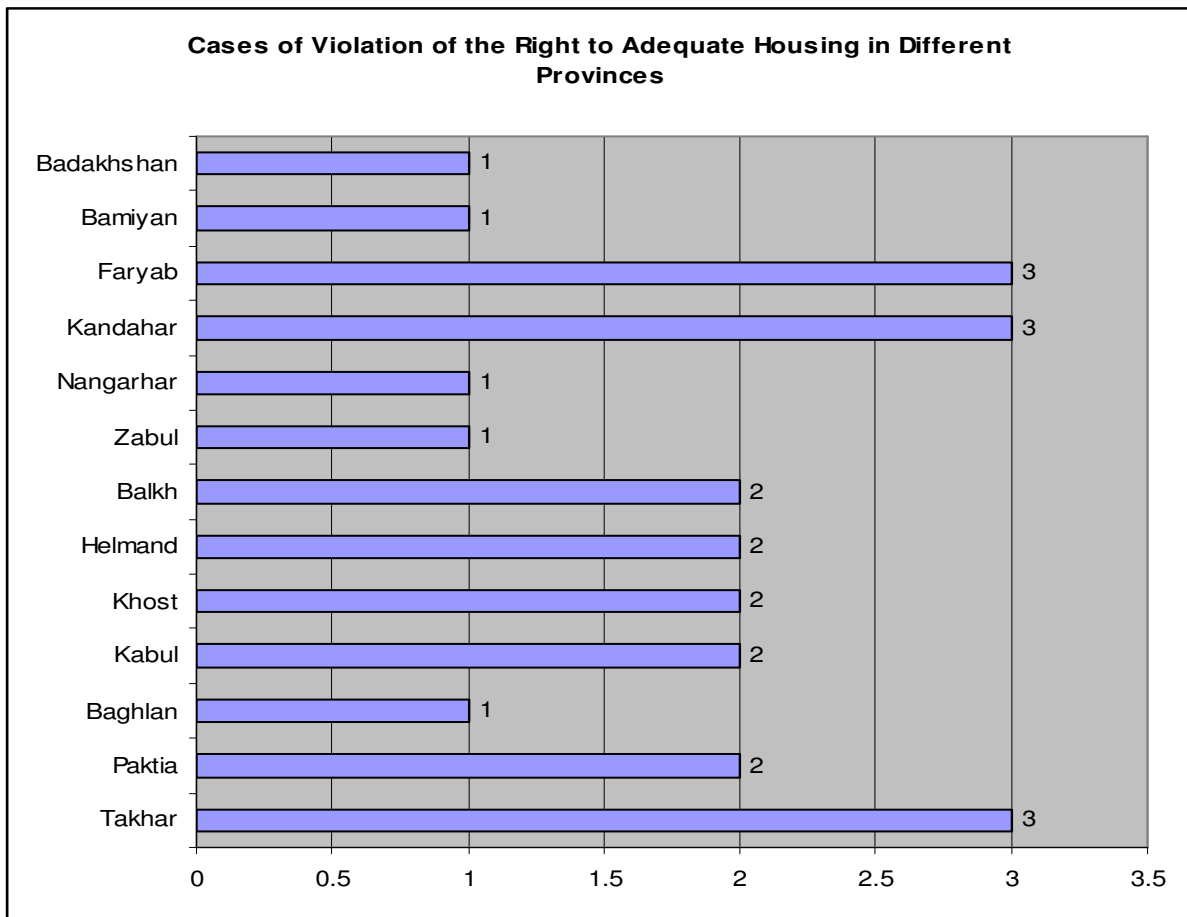
Paragraph 1, Article 11, International Covenant on Economic, Social, and Cultural Rights (ICESCR)

This right, additionally, encompasses protection in times of employment, sickness, disability, widowhood, old age, and other states of vulnerability.

On the right to housing, Article 39 of the Afghan Constitution stipulates:

*“Every Afghan shall have the right to travel and settle in any part of the country, except in areas forbidden by law. Every Afghan shall have the right to travel outside Afghanistan and return, according to the provisions of the law. The state shall protect the rights of the citizens of Afghanistan outside the country.”*

In the year 1386 (2007/2008), 26 cases of violation of the right to adequate housing were referred to the Commission. These cases were recorded in different parts of the country like Kabul, Kandahar, and Faryab provinces. Please see the chart below for more details on the number of cases of violation of the right to adequate housing in different provinces.



Out of all the cases of violation of the right to adequate housing, two cases occurred with regard to women, one with regard to children, and others (23 cases) with regard to men.



A person's residential house



Article 14 of CEDAW specifies women's right to adequate housing thus, "2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications." As a signatory to CEDAW, the Afghan government has the duty to ensure these rights for women. Many Afghans, however, do not enjoy the right to adequate housing.

We, for instance, refer to one of the cases related to the right to adequate housing that was investigated by the AIHRC.

*"In one of the villages in Wardak province, there is a house where an 8-year-old girl and a 4-year-old girl live alone. Their father lost the other members of his family due to war. In spite of his neurological disorder, he lives with his two daughters in the house that has a distance of a 40-minute walk from the other houses in the locality. Their father is in a poor health situation. He just disappears for consecutive days and spends the night in other people's houses and other areas. His two children live alone in the house with empty stomachs and away from social life. The elder girl, who is 8 years old, goes to the houses of other people daily to ask for some food. She then brings some food for her younger sister. She sometimes returns empty-handed. His younger sister, who is unable to go out, remains at the house alone and hungry. As a result of the AIHRC's efforts and in consultation with the local elders, these two children were transferred to the houses of their relatives in Kabul."*

Although accurate statistical information is not available, a large number of returnees live in an unfavourable environment under tents. People with disability are another category of vulnerable people. Some of them are denied to have adequate housing and this human right is, hence, not ensured for them. In spite of the fact that people with disability have drawn the attention of the authorities to their problems through staging demonstrations and rallies, there is yet to be any effective measures to provide them with their basic human rights and entitlements. This is while Article 14 of the Afghan Constitution requires the state to adopt, within its financial capability, all the necessary measures to provide housing for citizens and distribute public lands for them.

Considering the increase in the population of cities in Afghanistan and the lack of the necessary municipal infrastructure like safe, drinking water, canalisation, electricity, pollution and so on, a greater number of people live in cities and are deprived of their right to adequate housing. Kabul is a clear example in this respect. A lot of people have settled around the mountains in Kabul city. They face many problems, such as the lack of safe water, electricity, and other amenities that are needed for having an adequate housing.

## **Conclusions and Recommendations**

The analysis of cases draws the inference that many Afghans do not enjoy their right to adequate housing. Cities in Afghanistan lack the standardised urban facilities and some urban residents have settled in the areas around the mountains. This category of people faces many problems like safe water and canalisation. The following recommendations are, therefore, presented:

- The government should pay due attention to provide adequate housing for all Afghans, especially such vulnerable categories of people like women, unsupported children, and people with disability;
- Cities should acquire the necessary living facilities and amenities; and
- The government should assist those families who do not have an adequate house for living.

## **The Right to Education**

Education is a substantial human right, the implementation of which enables people to bring about peace and prosperity for the human community. With regard to this right, Article 43 of the Afghan Constitution reads:

*“Education is the right of all citizens of Afghanistan, which shall be offered up to the BA level in the state educational institutes free of charge by the state. To expand balanced education as well as to provide mandatory intermediate education throughout Afghanistan, the state shall design and implement effective programmes and prepare the ground for teaching mother tongues in areas where they are spoken.”<sup>7</sup>*

*“The state shall devise and implement effective programmes to create and foster balanced education for women, improve education of nomads as well as eliminate illiteracy in the country.”*

Article 44, Afghan Constitution

Afghanistan is one of those countries that have the lowest rate of literacy. Only 28% of Afghans are literate,<sup>8</sup> and female literacy rate is generally lower than that of male. Based on the survey conducted by the Ministry of Education, for every 100 male students, there are only 55 female students who go to school, and this rate differs from province to province.<sup>9</sup> Based on Millennium Development Goals (MDGs), states are required to take measures to attain international standards in the area of education (Target 2), and to provide gender equality in education (Target 3). According to Index 3 of this MDG for Afghanistan, by 2020, all Afghan children, anywhere they may be, will be able to complete their primary education.<sup>10</sup> While customs and traditions and present traditional patterns cause violations of women’s right education, lack of access to schools is the reason for most of those who have been deprived of education.

But, Afghanistan has a long way to go to achieve the MDG. In this chapter we deal with the inadequacies and shortcomings that cause violations of the right to education.

## **Lack of Suitable Environment**

<sup>7</sup> Afghan Constitution, Article 43

<sup>8</sup> National Risk and Vulnerability Survey

<sup>9</sup> Ministry of Education: Department of Planning: “School Survey 1386, Summary Report”

<sup>10</sup> Afghanistan National Development Strategy

Most of the schools lack necessary and required facilities in their studying environment. From lack of teaching materials to class and school buildings are all the challenges that should be taken into consideration to ensure the right to education. Most of the schools in the country do not have proper buildings and the classes are held outdoor under the tents, trees, or even under the sunshine. From 3,447 students that were asked by the Commission all over the country, 25% mentioned that their schools have no building. Some of these children are studying in open space without any sunshade overhead. Holding studying classes in the open space under the sunshine will cause harmful, irremediable health damages in the future.



Education on the roof and under searing sunshine

This picture is an example of those schools that do not conform to any standards. The probability of falling of students from the heights is against all national and international standards and a matter of ponder.

Some schools have witnessed numerous problems in ensuring equal access to the right to education.

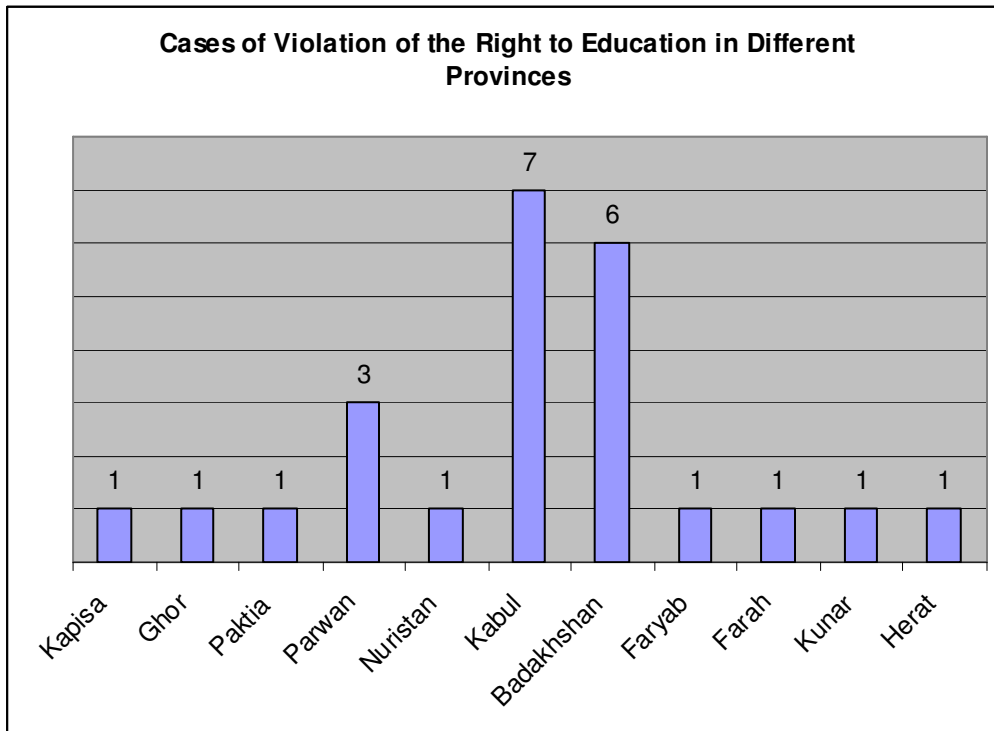
### **Problems of Access to Schools**

The Commission's field monitoring of economic, social, and cultural rights indicates that despite the existence of primary schools in almost all places, girls and boys cannot maintain a regular, continued school attendance. The data available to the AIHRC<sup>11</sup> show that this problem is faced not only by girls, but also by boys. In general, of 11,187 interviewees (5,205 women and 5,982 men), 21/88% stated that their boys could not regularly and continually attend their schools, while 32/14% said that their girls were not able to have a regular school attendance. The main reasons for the irregular school attendance of girls include far distance, the lack of female schools, child labour, poverty and inability to afford school expenditures,

<sup>11</sup> 2007 Economic and Social Rights Report, AIHRC

and child marriage. In the same manner, the reasons for boy's irregular school attendance entail child labour, far distance, and poverty.

### Cases of Violation of the Right to Education per Province



The following example will further clarify:

*“In Kokh-e-Shirkhan village of Sarobi district, there is no girls’ school and boys have to walk a long distance to get to their school. Boys’ school is across the river, and there is no bridge over the river. When the river is full, the students cannot get across to reach their school.”*

Education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. Education should facilitate good understanding, tolerance, and respect to all thoughts in different racial, national, and religions communities, and develop the United Nations works and activities to maintain peace.

Article 13 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) specifies:

*“The States Parties to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. The States Parties to the present Covenant shall take necessary measures to ensure this right.”*

The Afghanistan Compact has developed key benchmarks to achieve the above-mentioned goals. The Compact anticipates that by end of 2010, in line with Afghanistan's MDGs, net enrolment in primary school for girls and boys will be at least 60% and 75% respectively; a new curriculum will be operational in all secondary schools; the number of female teachers will be increased by 50 percent; 70 percent of Afghanistan's teachers will have passed a competency test; and a system for assessing learning achievement will be in place nationally.

### **Lack of Secondary or High Schools**

Lack of secondary and high schools is one of the challenges that lie ahead of equal access of children to education. There is no balance in securing the right of education in most part of the country, that is, in most of the provinces the number of high schools is not proportional to the number of secondary schools, and likewise the number of secondary school is not proportional to the number of elementary school. This forces children to stop their study against their will. These problems are more serious for schoolgirls.

The following example will provide further clarification:

*“In Khewindi village, Sarobi district, Kabul province, there is a boys' school where girls are studying till class 3. After that, due to lack of girls' school, girls have to stop study and stay at home. Likewise in Guldara district of Kabul province, there is only one intermediate school for girls. The children have to leave study and stay at home after their intermediate education.”*

Moreover, in some parts of the country, there is only one formal language taught in schools and speakers of other languages are deprived of study. For example, in Guldara district, as there is no school in Pashtu, children of Naseri tribe, who speak Pashtu, cannot study at the district schools.

### **Lack of School for Religious Minorities**

Hindu and Sikh children who are living in several provinces of the country are deprived of education. There is no school built by the government for these children in any part of the country. Therefore, these children attend normal public schools and are very often teased by Muslim children at school. These children are another group of children whose equal access to education is continuously prevented.

### **Teaching Methods and Cases of Violence**

Violence, in its physical, mental, and emotional manifestations, is commonplace in Afghan schools, obstructing the normal course of child education. Educational authorities have sufficed to sending letters to schools and have not taken practical steps to put a conclusive end to violence in the school setting, raising serious apprehensions in this respect.

The following example will further specify this point:

*“In Sarobi district of Kabul province, children are ill-treated. In one of the schools there, a teacher thrashed a little girl’s head with a staff, leading ultimately to the end of that girl’s educational course.”*

In addition to experiential violence, humiliation, degradation, and abuse of power pose major challenges to the Afghan school system. In a school in Logar province, a student’s parent said, *“My son goes to school for learning. One of the school officials abuses his position by sending the schoolchildren to gather the locusts in the nearby farmlands and take them to his domestic poultry. He asks children whose parents subsist with animal husbandry to bring him milk and butter, or face failure in school. He also employs the school’s servants to do his personal housekeeping chores.”*

### **Inadequacy of Study Materials**

In most parts of the country, students do not have full access to books and other study materials. Besides, these books contain such inappropriate, unsuitable words and phrases that engrave the culture of violence in the students’ minds, the rectification of which requires instant action. Though the textbooks have been reviewed and reprinted, these pitfalls unfortunately still persist. Both the teachers and students complained about the confusing complexity of the textbooks during the AIHRC’s monitoring. Some teachers claimed that certain textbooks have not been developed proportionately to the capacities and penchants of the students. At certain other times, it seems some textbooks are even higher than a teacher’s professional status and capability.

### **Lack of Experienced and Professional Teachers**

Lack of professional teachers is a key problem in schools. Some teachers have only elementary education, while some others have no education at all. It matter-of-factly indicates that some teachers are employed just to keep students busy and not to teach them, for they are not, in any sense, qualified enough to be in the teaching profession.

### **Insecurity**

The problem of security is one of top priority that affects children’s right to education across the country. As a result of insecurity, many children, especially in southern, south-eastern, and south-western provinces, have been deprived of education. Insecurity has particularly affected girls, considerably reducing their enrolment and attendance rates in primary, secondary, and high schools. It has also hampered the creation of an educational environment that is most conducive for the development of women teachers.

### **Lack of Educational Centres for Children with Disability**

Disability is a contributing factor to increased child vulnerability. There is no equal, and even balanced, access to education by children with disability. The Commission has met with these children and dealt with the cases involving the violation of disabled children’s right to education. Children with disability continue to struggle against an environment that limits their potentialities, the improvement of which requires an action of a more serious nature. It is

necessary to construct special schools for people with disability, especially those who suffer from auditory and expressive debilitations.

### **Expropriation of Schools and Educational Property**

State property has been continuously expropriated during the previous years, turning it into a big problem for the state. Schools are no exception as far as expropriation is concerned.

The following example further illustrates this point:

*“The parents of students of Hesarak School in Chamkanai district of Paktia province approached the Commission’s regional office on Jawza 14, 1386 (June 4, 2007) to complain against the expropriation of the school by local strongmen during the civil war. They stated that they had referred to the state authorities for several times, but no one had listened to and heeded them and that the school still remained under the sway of the expropriators. After documentation and investigation of the case in the concerned central and provincial authorities, the officials of Chamkanai district transferred the ownership of Hesarak School to the provincial educational authority on Saratan 27, 1386 (July 18, 2007), which was witnessed by the Commission’s representative.”*

### **Conclusions and Recommendations**

The content analysis of the right to education reveals there are manifold difficulties encountered by the Afghan people in their enjoyment of the right to education. Violence in school, inadequacy of schools, lack of professional teachers, inadequacy of textbooks, lack of school buildings and study materials, and administrative corruption are the main challenges facing the country’s educational architecture. Therefore, the Commission puts forth the following recommendations to remedy the current state of affairs:

- Adequate, proportionate school buildings should be constructed in areas where such an inadequacy is felt;
- The government should take measures to build the capacity of teachers;
- Schools should be accessible to all Afghans and education should be provided in all languages, especially where these languages are spoken by a considerable number of people;
- Special schools should be built for religious minorities;
- The Ministry of Education should remove religious prejudice and discrimination in schools pending the establishment of special schools for religious minorities;
- Modern textbooks should be developed for use by students;
- Girl school enrolment and attendance should be further encouraged and reinforced;
- The government should adopt awareness-raising programmes to encourage parents to send their children to school;
- Schools should be free of the culture of violence and humiliation; and appropriate training should be provided for school authorities and teachers so as to adopt constructive methods for student adherence to school rules and regulations;
- Bribery, administrative corruption, and abuse of power should be eliminated in school; and he perpetrators of such acts should be prosecuted; and

- The government should take steps to ensure the maintenance of educational property; and those responsible for the expropriation of schools and other educational property should be prosecuted.



## **The Right to an Adequate Standard of Living**

An adequate standard of living is the right of all humans, encompassing a set of other human rights, namely, the rights to food, water, health, social security, clothing, and housing. States should progressively realise this right by taking all the necessary and appropriate measures.

No motion and change in a country's policy can justify the deprivation of its people of the right to an adequate standard of living or the limitation of this right. This right has been enshrined in Article 25 of the Universal Declaration of Human Rights (UDHR) and Article 11 of ICESCR.

Article 25 of UDHR stipulates:

*“1. 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.  
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.”*

Article 11 (1) of ICESCR points out:

*“The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international cooperation based on free consent.”*

The cases of violation of the right to an adequate standard of living reach the figure 25 in the year 1386 (2007/2008), of which the majority (5 cases) was registered in Balkh province. In addition to these cases, the findings of the Commission's human rights field monitoring puts Afghans' enjoyment of this right at a very low level. The indicators used to assess the enjoyment by the people of the right to an adequate standard of living are the level of family income and the degree of their indebtedness, which are discussed in the following sections of this report.

### **Poor Economic Situation**

Human rights field monitoring findings show out of 11,187 interviewees (5,205 women and 5,982 men), 60.3% were employed, while 39.7% did not have any kind of employment. Of those employed, only 10.4% gained persistent, stable income from their private or public jobs. Similarly, of those who were employed, 61.1% make less than 50 Afghanis a day. Additionally, 61.7% of interviewees stated that their families were in debt.

Apart from these statistics, the right to adequate standard of living can be gauged on the basis of such indicators as internal displacement and evacuation of one's living place due to the lack of the necessary existential amenities.



The living place of two unsupported girls aged four and eight

### **Internally Displaced Persons (IDPs)**

A large number of Afghans have been forced to displace in other parts of the country because of unemployment and lack of access to housing and water. According to the AIHRC's Economic and Social Rights Report in the year 1386 (2007/2008), 1,150 families constituted the IDPs, of which 75% stated that they were displaced because they did not have adequate housing. 43% were displaced because of unemployment and 21.5% were displaced because of the growing insecurity.

### **The Right to Water for Use by Person and Family**

In spite of the government's commitments under the MDGs, the Afghanistan Compact, and the Afghanistan National Development Strategy (ANDS), there has been no noteworthy difference in people's access to water in the years 1385 (2006/2007) and 1386 (2007/2008). 52% of people did not have access to healthy, potable water; 13% walked more than an hour to reach the water source; 47% shared their water source with animals; and 6% were in conflict over water with people from their own community or from another local community.<sup>12</sup>

Considering the commitments of the government and the problems people face with regard to the right to water, it is thus inferred that the government has not taken any effective steps to ensure this right and may fail to fulfil its commitments by the year 2010.

Some social groups are more vulnerable than others. These are discussed in the following.

### **Children, Women, and People with Disability**

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<sup>12</sup> 2<sup>nd</sup> Economic and Social Rights Report in Afghanistan

Although the right to adequate standard of living is a major problem in the country and considering the lack of public awareness of government's obligations in this respect, only 25 cases of violation of this right were recorded by the Commission's offices in the past year.

Children, women, and people with disability are the most vulnerable social groups. 2 cases of violation that were referred to the AIHRC are related to children. One of the two cases is as follows:

*“Two children, who are brothers to each other, were brought to the Commission by a person who is a resident of Laghman province. Their father was killed by the Taliban in Laghman province. They have no family members or relatives in that province. They were at risk of sexual exploitation and smuggling outside the country. The Ministry of Labour and Social Affairs had declined their admission. To save the future of these two children, the Commission introduced them to Tomorrow's Afghanistan, a social welfare organisation, and its staff members monitor their living situation.”*

This case indicates that because of many problems associated with the right to an adequate standard of living specifically for children, some of these children become the breadwinners of their families and take on the responsibility of financially maintaining their families and that there are children who are living an inadequate standard of life. This case shows the relevant state organs do not carry out their legal duties regarding children and fail to protect the rights belonging to this vulnerable social segment.

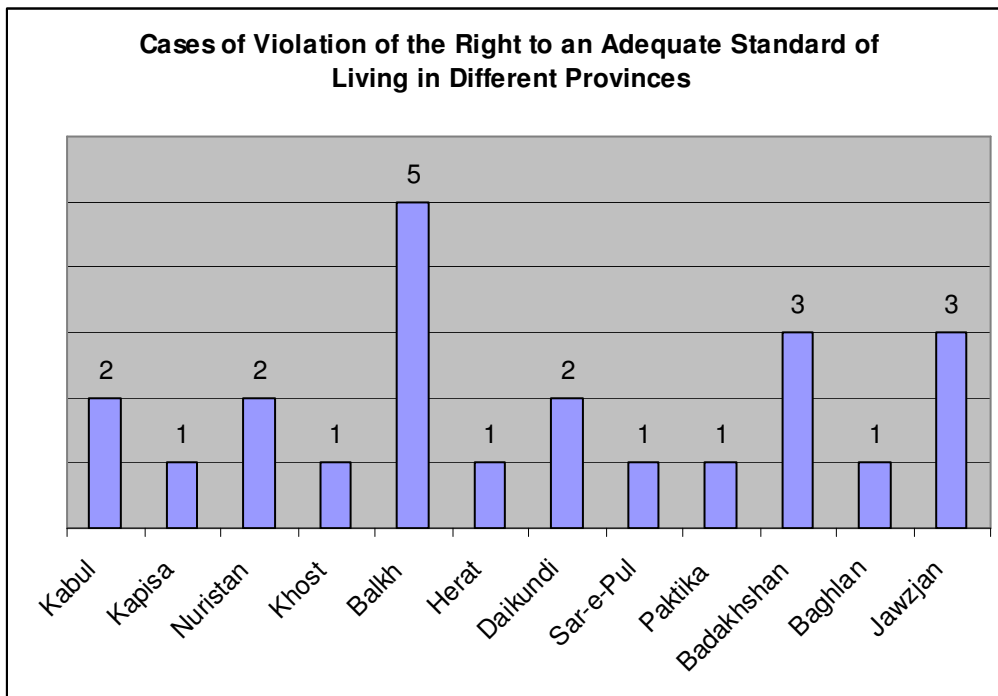
Although the forced labour of children is prohibited under the Afghan Constitution (Article 49), a large number of children are forced to work, for they are the breadwinners of the families and are responsible for financially supporting their families. In accordance with the AIHRC's Economic and Social Rights Report, 48% of interviewed children (1,401 children) were busy with some type of work in the year 1386 (2007/2008). This figure indicates that one in every two children is engaged in work. The majority of these children work in unhealthy environments with exposure to harmful objects and materials for long hours and even at night. 20.6% of the children who work are collecting garbage. 15.7% stated that they had to work in either very hot or very cold weather. This is indicative of the fact that these children do not enjoy an adequate standard of living.

People with disability constitute another socially vulnerable group, who face with more problems given the type of the disability from which they suffer. Based on the Commission's research, 55% of people with disability are unemployed and 55% are employed and their monthly income is less than 3,500 Afghanis. The salary a person with disability obtains from the state is less than 500 Afghanis per month, leaving a negative impact on their right to an adequate standard of living.

Women live in the same apprehensive situation. Since there is no wide scope of work for women, some women are not allowed to work outside home and some others are subjected to different kinds of violence (this will be dealt with in another section of this report). Of those women who work outside home, they are mostly engaged in the teaching profession and their salaries are, in no way, sufficient to ensure for them an adequate standard of living. Therefore, one can say many women do not enjoy their right to an adequate standard of living.



A child aged 4 living under the support of her sister aged 8



### Conclusions and Recommendations

As is obvious from the above cases, a large number of Afghans do not have an adequate standard of living, their access to water is limited, and face with a lack of job opportunities. In addition, those who are employed have highly insufficient incomes that do not satisfy their basic, daily needs. Therefore the following recommendations should be taken seriously by the concerned authorities:

- The government should take serious measures to improve the quality of life among Afghans, to create job opportunities, and to establish the minimum salary standards for the people;

- Child labour should be prevented; and families who are forced to financially rely on their children's labour should be supported so that their children can enjoy an adequate standard of living and education;
- Minimum age of work and minimum salary should be established by the law so as to prevent salary-related violations against workers, especially child workers;
- People with disability should be so financially assisted that they can satisfy their basic needs; and
- Access to healthy water should be facilitated for all people.

## **The Right to Health**

All individuals, including men, women, and children, have the right to enjoy the highest attainable standards of physical and mental health. Discrimination is prohibited in all its forms. Equal access of all to the right to health is a basis and foundation for accessing other human rights. If a person's right to health is not ensured, he or she may not be able to utilise his other rights like the rights to education, work, and so forth. This right entails access to a healthy working environment, the protection of pregnant women, the availability of health services, appropriate conditions for the sound development of children, physical accessibility of health services, and safe environment.

There is no health centre in many parts of the country. Besides, public knowledge of the right to health is very limited and people do not have information about their fundamental rights. In the year 1386 (2007/2008), 21 cases of violation of the right to health were recorded by the Commission with 2 cases concerning women and another 2 cases relating to children. The majority of these cases occurred in Badakhshan, Kabul, and Kunduz provinces. It should be, however, pointed out that these cases are not representative of all violations of the right to health in Afghanistan. The AIHRC has just registered those cases that were referred to it. Alluding to these cases and its research like the Economic and Social Rights Report conducted by the Commission, we discuss the right to health in the following sections.

### **The Availability and Accessibility of Health Services**

Based on ICESCR, health centres, facilities, and services should be accessible to all people, especially to socially vulnerable groups like racial minorities, women, children, the elderly, and people with disability.

The AIHRC's field monitoring that assesses the situation of economic and social rights provides specific information about the quality of people's access to health in Afghanistan. Of 11,187 interviewees (5,205 women and 5,982 men), 91.7% stated that there are health services (hospitals and private and public clinics) in their communities. The rate of availability of health centres shows an increase from the year 1385 (2006/2007) to the year 1386 (2007/2008).

Nonetheless, the responses differed vividly on how accessible and usable these health facilities are. The availability of health centres does not mean that such centres are accessed equally and non-discriminatorily. The main reasons for not using health services include lack of physical accessibility, poor quality of services, poverty and non-affordability, and lack of women physicians. In specific terms, lack of women doctors can deprive many women of health services in a highly traditional society like Afghanistan. In addition, there are health centres in some areas, but they are yet to be staffed by doctors and other health personnel.

The following example will provide further clarification:

*“In Qarmi village, Yamgan district, Badakhshan province, the government built a 20-bed hospital in cooperation with a local NGO based on the national development plan of the Ministry of Public Health. The residents of this village complained about the lack of health personnel, including both men and women, and the lack of medicine. Due to these problems,*

*the hospital is closed. This is while many people in this village are inflicted with respiratory diseases. The villages complained that the medicine that is provided by NGOs to this hospital is not sufficient for the people. That is why the villagers have to walk for hours to reach neighbouring districts and provincial centre (Faizabad) to seek proper health care.”*

After the Commission contacted the concerned authorities, the problems of the villagers were solved and the hospital was, to some relative degree, staffed.

According to Article 52 of the Afghan Constitution, the state has an obligation to provide the means for the cure of illnesses and to supply free health facilities for all Afghans based on the provisions of law. Free access to health services is yet to realise for many people in Afghanistan. Additionally, the AIHRC’s monitoring of health centres including hospitals and clinics indicates some NGOs do not fulfil their contractual obligations and fail to provide the necessary medicine at the required time and place. The following example can further specify this point:

*“Some local residents complained against the way the local 12-bed hospital in Waigal district of Nuristan province and other clinics were running. IMC, an NGO, had contracted to provide the personnel and medicine of these health institutions, but has failed to do so. In-patients spend their own money to provide food. People are facing with a lot of problems.”*

To deal with this issue, the Commission’s staff met with the head of health department in Nuristan province and the head of the aforesaid NGO and asked them to take immediate measures to remedy this situation. As a result of the efforts by the AIHRC, the NGO supplied the hospital with the necessary staff and medicine and some of the problems were resolved.

Other findings from human rights field monitoring show that over 50 per cent of Afghan families do not have access to safe, drinking water, leading to various ailments and negatively affecting their right to health.

### **Women and the Right to Health**

Women in Afghanistan constitute a vulnerable group. Women’s right to health should be assessed at various levels. The establishment of women health centres does not mean the provision of the right to health for this segment of population. Attention should also be paid to the dominant societal traditions and customs. According to ANDS, lack of a proper understanding of culture in Afghanistan, the treatment of women by men doctors is a constraint. 40% of health centres are facing a lack of women health personnel,<sup>13</sup> resulting in the deprivation of women of their right to health.

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<sup>13</sup> I-ANDS, Chapter 6, Social Gender Equality, Issues and Constraints, p 4

*“Family is the fundamental pillar of the society, and shall be protected by the state. The state shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam.”*

Article 54, Afghan Constitution

Article 12 (1) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) stipulates: “*States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.*” As a CEDAW signatory, the Afghan Government has an obligation to remove discrimination against women in all its forms, especially as it concerns the right of women to health. Deprivation of women of their right to health due to a lack of women practitioners in health facilities is a serious violation of the right to health. As a result, the government should provide the right to health for women with due attention to the problems arising out of the societal customs and traditions dominating Afghanistan.

In addition, there are certain traditional practices in Afghanistan that are in contravention with the provisions of law and precepts of Islam, causing violations of women’s right to health. The clearest example of these practices is early marriage. Early marriage and lack of knowledge of healthy reproduction and prenatal and postnatal care have added to women’s vulnerability, increasing maternal and child mortalities. The Afghan Civil Code puts the age to marry for girls at 16 years, but the practice of early marriages in Afghanistan is simply worrying. Because there is no effective system to register marriages, it is difficult to obtain exact statistics on early marriages in the past year. The Commission’s research, however, indicates that a considerable number of Afghan women married under the age of 16. 265 such cases were recorded by the Commission in the year 1386 (2007/2008).

Lack of access to health centres causes some women to resort to unhealthy practices, which we will deal with in the following parts of this report.

### **Addiction among Afghan Women**

Based on the research conducted by the AIHRC in the previous year, 27% of women addicts in Afghanistan consume narcotics as medicine. The research shows that women do so for treating various illnesses, as a result of which they become addicted and this addiction brings on other health considerations. In addition, it sometimes has led to the addiction of children to narcotics. Those women who want to quit drug addiction cannot simply do it, because there is a lack of treatment facilities. Lack of professional help for such women makes drug addiction for them irreversible. The medical use of narcotics not only does not relieve their pain, but also makes them encounter with further health and social problems.

People with disability are another vulnerable group that is discussed in the following section.

### **Health Services for People with Disability**



Article 53 of the Afghan Constitution reads:

*“The state shall adopt necessary measures to regulate medical services as well as financial aid to survivors of martyrs and missing persons, and for reintegration of the disabled and handicapped and their active participation in society, in accordance with provisions of the law.*

*The state shall guarantee the rights of retirees, and shall render necessary aid to the elderly, women without caretaker, disabled and handicapped as well as poor orphans, in accordance with provisions of the law.”*

The Commission’s research shows that only 45% of interviewees benefited from state help including health services. For the rest, health services are provided by private persons and entities. If no free health care is provided, a large number of people with disability will face many problems, for they are mostly unable to afford health-related expenditures. As a consequence, they are deprived of their right to health.

### **Children and the Right to Health**

Health is essential to a child’s natural development. A child who is deprived of health may not be practically ill, but will be retarded in his or her physical or mental growth and development. The research conducted by the Commission about 2,941 children shows that 72.7% of children know that there are health facilities in their communities, but 47.2% of them stated that they had difficulty accessing such facilities. The problems cited include the following:

- Far distance of health centres: 52.6%;
- Poor quality of medicine: 12.4%;
- Affordability: 8.4%; and
- Inadequacy of medicine and necessary paraphernalia: 16.7%.

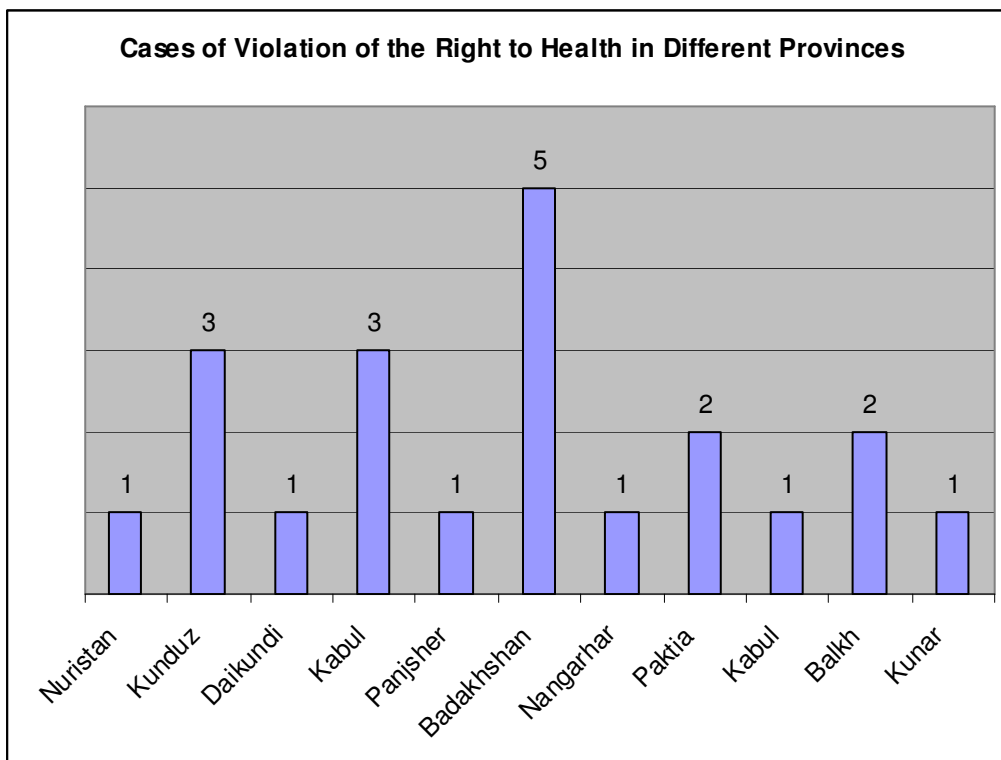
It is while according to the Afghanistan Compact by the end of 2010, primary health care will have covered 90% of Afghans; delivery-related mortalities will have reduced by 15%; and all children under the age of 7 will have been vaccinated, reducing child mortalities by 20%.



Lack of healthy, potable water in Pul-e-Khomri city (Baghlan province) has caused these children to fetch water from long distances using animals

Based on the statistics provided by the United Nations Children's Fund (UNICEF), the rate of child mortality in Afghanistan is 165 in every 1000 children. In addition, of every five children, one of them dies before reaching the age of five. Besides, 6.7% of children aged below five suffer from acute malnutrition and 54% of them are inflicted with chronic malnutrition.

In addition to these, as it was discussed with regard to the right to an adequate standard of living, of every two children, one of them is engaged in some sort of labour. According to the AIHRC's Economic and Social Rights Report, 48% of child interviewees (1,401 children) were labourers in the year 1386 (2007/2008). These figures indicate that on an average basis, of every two children, one of them is busy with some type of work. The majority of these children work in unhealthy environments with exposure to harmful objects and materials for long hours and even at night. 20.6% of the children who work are collecting garbage. 15.7% stated that they had to work in either very hot or very cold weather. This is indicative of the fact that these children are risking their lives and are very vulnerable from a health point of view.



### Conclusions and Recommendations

Factors like lack of access to health centres, inadequacy of health personnel, and non-affordability of health services are responsible for the violations of the right to health in Afghanistan. It is while the Government of Afghanistan has an obligation to make health facilities available to all Afghans. Numerous cases were recorded by the Commission in the previous year, which indicate the failure of the government in this area. This has caused other social problems. For example, lack of access to health centres has led a number of Afghan women to use narcotics as medicine, resulting in their addiction and their children's addiction to these illicit drugs. Therefore, the following recommendations are presented to improve this situation:

- The government should ensure accessible health services for all Afghans, especially for such vulnerable groups as children, women, and people with disability;
- With regard to women, the government should rethink the way health services are presented and make such services available to women based on this rethink. For example, Afghan women traditionally do not approach men physicians. Therefore, the government should offer these services keeping in mind the country's ruling traditions and customs;
- The government should make further efforts for the provision of health services for children and people with disability;
- The government should seriously work for ensuring children's right to an adequate standard of living and prevent child labour in all its possible forms. Since many child labourers are the breadwinners of their families, these families should be financially assisted so as to prevent forced labour of children;

- Poverty and rising prices leave unfavourable impacts on the health of Afghans, especially those who are poor. Necessary measures, hence, should be taken to reduce poverty in the country; and
- In order to reduce poverty and decrease the rate of maternal and child mortalities, the Ministry of Public Health should take immediate, serious steps to promote family planning.

## **The Right to Marriage and Found a Family**

The right to marriage and found a family is one of the basic human rights, which requires the fulfilment of certain conditions. Non-fulfilment of these requirements causes human rights violations. These conditions include the principle of consent in marriage, determination of the minimum age of marriage, and official registration of marriages. According to the Afghan Civil Code, the age of marriage is 16 for girls and 18 for boys. In addition, the marriage of a 15-year-old girl is permissible with the consent of her father and the competent court, but marriage of a girl under the age of 15 is prohibited. In the year 1386 (2007/2008), the government published the marriage certificate and efforts for the finalisation of the law on the elimination of violence against women continue. Based on Article 54 of the Afghan Constitution, family is the basic unit of society and should be supported by the government. Therefore, it is necessary that the family law should be approved and promulgated as soon as possible.

Marriage can be entered into only with the full consent of both sides. As a corollary, man and woman have the same rights in choosing their spouse.<sup>14</sup>

In spite of these laws, 265 cases of violation of the right to marriage and found a family were registered by the AIHRC's regional and provincial offices in 1386 (2007/2008).

### **Early Marriages**

One of the most common cases of violation of this right is early marriage. Precise statistics of early marriages is not available, because most marriages in Afghanistan are not officially registered. Furthermore, in many cases no identification card or birth certificate is available to determine the age of marriage. Last year 16 cases of early marriage<sup>15</sup> were recorded by the Commission. Harmful effects of early marriages include escape from home, suicide, self-immolation, killing, sexual deviations, mental health problems, increasing maternal and infant mortalities, and deprivation of girls from education which leave long-term, negative impacts on women's role in the country's political, social, and economic life.

Sometimes families for various reasons force their daughters to get married at an early age. Poverty, hunger, and lack of caretaker can be considered as reasons. For example, a woman who came to the Commission stated:

*“Eight years ago my uncle married me to a 65-year-old man when I was only 8 years old. At that time my father was in Iran. Now my husband is impotent and moreover cannot provide the needs of the family.”*

### **Forced Marriages**

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<sup>14</sup> The sum-up of Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women.

<sup>15</sup> Figures provided by the AIHRC's database.

Last year, 265 cases of forced marriage<sup>16</sup> were registered by the AIHRC. Forced marriages and early marriages, which contravene the principle of consent in marriage, are commonplace in Afghanistan. Such marriages manifest in different forms such as *bad dadan*, *badal*, forced marriage of widows to the close male relatives of their deceased husbands, and marriage for repaying debts, which are all contrary to Islamic precepts and national and international laws. The following case will further clarify:

A woman from Faryab province complained, *“My sister was engaged with a man from Shirin Tagab district of Faryab province. Before marriage she died. Now that man claims that I was engaged with him and he wants to get married with me. I reject his claim and do not consent to this marriage. It is more than one year that my case is under process in the local primary court, but no measure has been taken to solve my problem.”*

Another woman stated:

*“It has been twelve years that I am engaged with my cousin, but he pays no attention to me. He lives in the Netherlands. I want to cancel this engagement, but my brother and father beat me for that. My father once wounded me by a pistol and then treated me. If I do not marry my cousin, I fear my father will kill me.”*

Forced marriage has detrimental consequences such as escape from home, self-immolation, and so on. The following case is a clear example:

*“A brother of my husband proposed to marry my sister. My mother and sister did not agree with this proposal. My father-in-law provided narcotics to the district administrator as bribe to get his help in this case and marry my sister to his son by force. When the district administrator’s men came to our house to take my sister, she committed to self-immolation.”*

The aforesaid examples indicate that sometimes not only the family, but also bribery and corruption in state apparatus are responsible for violations of the right of Afghan citizens to marriage and found a family. Poor families are not only oppressed by the powerful individuals, but the law enforcement organs also support those individuals.

### ***Bad dadan and Badal***

*Bad dadan* and *badal* are other incidents of violation of the right to marriage and found a family. For example:

*“A woman in her complaint to the Commission claims that her daughter, based on a decision made by the council of elders, was given as bad to a 12-year-old boy from the victim family to settle a murder feud.”*

Another case referred to the Commission indicates:

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<sup>16</sup> Figures provided by the AIHRC’s database.

*“A man from the village seriously injured a 35-year-old man by a spade. The elders and mosque leader of the village decided to give his 5-year-old daughter to the injured man as bad. He was also imprisoned for two months.”*

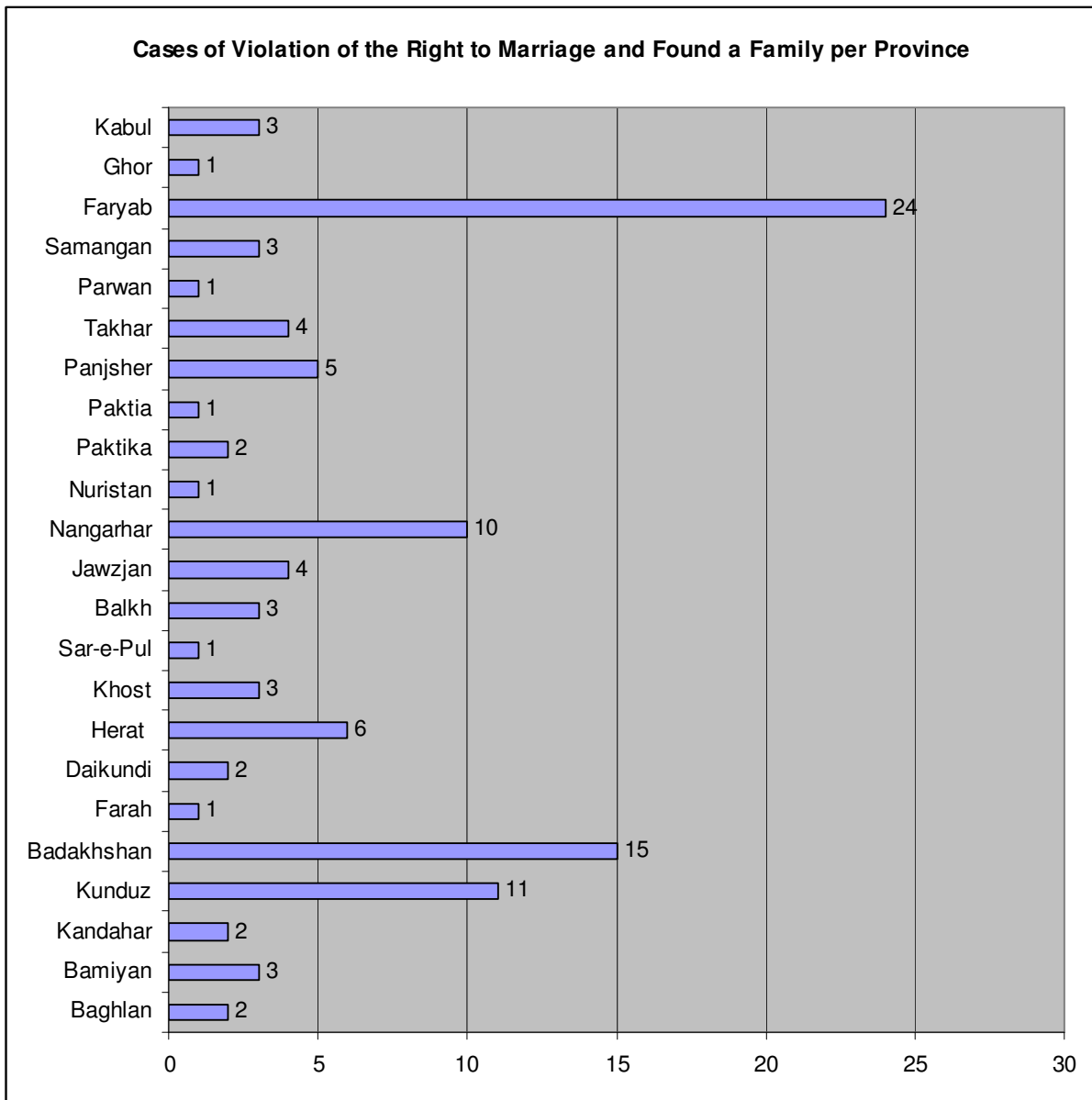
In order to prevent such incidents, the AIHRC has held awareness-raising workshops for the mosque leaders and other segments of population. In addition, the Commission has contacted the Departments of Hajj and Religious Affairs across the country to continue its awareness-raising campaign and make efforts to prevent such incidents.

Many cases of *bad dadan* have been reported to the Commission, some of which are discussed under other sections of this report. The cases indicate that women are punished for the crimes they have not committed. This is against the principles of Islam and the laws of the land. (This issue also has been analysed under the discussion of the right to due process of law.)

In addition, *badal* also causes many problems. The victims of this practice are usually women. For example:

*“The father and uncle of a girl exchanged her for her uncle son’s marriage without her consent. The case was under process in the district court, but the district administrator without taking the legal norms into consideration forced the girl to be submitted to her fiancé.”*

The above-mentioned example shows that the law enforcement authorities have a role in such violations and cause the violation of the right to marriage and found a family.



### Conclusions and Recommendations

There are manifold obstacles and problems against the implementation of the right to marriage and found a family which mostly victimise girls and women. The most common obstacles are lack of awareness, prevailing negative traditions and customs in family relations, nonregistration of marriages, poverty, unemployment, discrimination against women, poor law enforcement, abuse of official authority, and presence of irresponsible armed groups. Therefore, the Commission puts forth the following recommendations to ameliorate this state of affairs:



- The government should implement the national laws and abide by its international commitments<sup>17</sup> to prevent early marriages and forced marriages;
- The government should establish official courts all over the country to eliminate the culture of *bad dadan* and ensure that all criminal cases are settled through official courts;
- Criminal cases should not be judged or settled by *shuras* or *jirgas*;
- The government should devise awareness-raising programmes on the right to marriage and found a family as well as negative consequences of early marriages in order to prevent violations of the right to marriage and found a family due to unawareness;
- Those who are accused of forced marriages should be prosecuted legally; and
- The government should devise systematic programmes for uprooting traditions and practices such as *bad dadan* and *badal*.

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<sup>17</sup> Article 16 of the Universal Declaration of Human Rights (UDHR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Articles 60-89 of the Afghan Civil Code, and Article 517 of the Afghan Penal Code.

## **The Right to Freedom of Movement and Residence**

According to Paragraph 1 of Article 12 of the International Covenant on Civil and Political Rights (ICCPR), everyone, who is legally residing in a country, enjoys the right to freedom of movement and residence in that territory. This right includes the rights to citizenship, property, not to be discriminated, and not to be displaced by force. All these rights are enshrined in the Afghan Constitution which will be discussed in other parts of this report. Due to security problems, the possibility for enjoyment of this right was very limited in 1386 (2007/2008).

In the previous year, 8 cases of violation of this right were referred to the Commission, while in 1385 no such violations were reported.

*“The residents of Maghzar village complained that their passing road has been blocked by people from Amrikh village located on their way. The residents of Maghzar village are Hazara, but the inhabitants of Amrikh village are Tajik by ethnicity. The residents of Maghzar village complain that due to ethnic issues, the state authorities pay little attention to settle this dispute.”*

This case indicates that ethnic differences can cause the violation of the right to freedom of movement and residence. In addition, cruelty and oppression by powerful individuals cause the Afghan citizens not to reside in their native places and force them to displace. The following case referred to the Commission reveals this fact:

*“On Mizan 1, 1386 (September 23, 2007), a local commander in Kata Qala area of Faryab province beat six villagers and threatened them to death. One of them was seriously wounded and around sixty families were displaced to Maimana city and other places due to cruelty and oppression of the said commander. The commander looted and plundered all their properties. The Peace and Reconciliation Commission, of which the AIHRC is a member, intervened in the case and finally summoned the commander to the centre of that province. In this way security was reestablished in the area.”*

The above-mentioned example indicates a violation of the right to freedom of movement and residence. The state has an obligation to prevent such incidents.

In addition, lack of security causes violation of the right to freedom of movement and residence. Employees of the governmental and nongovernmental organisations cannot move freely in the areas where state opposition is present. Women employees are facing increased security problems. Therefore, their presence and participation in field activities is disrupted and limited. Attacks on employees of NGOs and journalists have restricted the right to freedom of movement and residence.

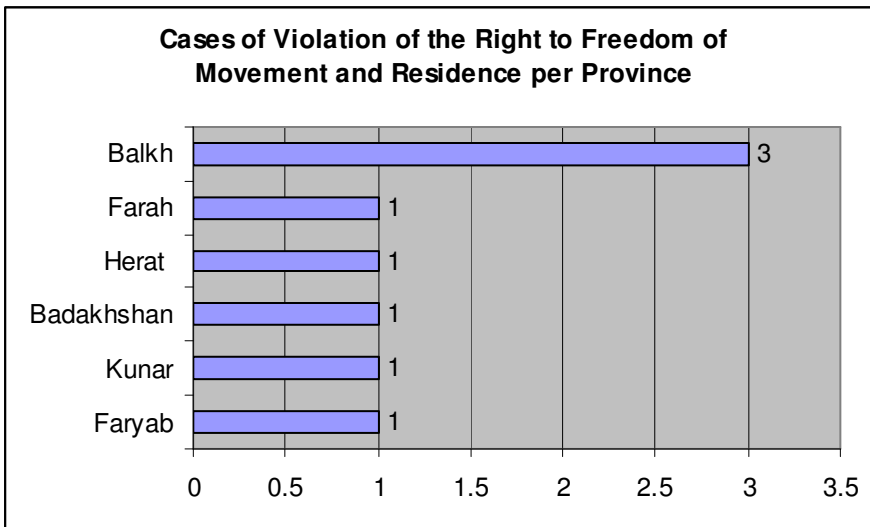
Air attacks in 1386 (2007/2008) have also caused civilian displacements in different areas of the county, statistics of which is not available.

Similarly, in 1386 (2007/2008), during fights between Kuchis and the inhabitants of Behsud districts, around 186 villages in both districts of Behsud were evacuated and 1,900 families

were displaced.<sup>18</sup> To settle this issue a delegation headed by Wahidullah Sabaoon, an adviser to the President on ethnic affairs, was sent to the region and as a result, the affected families were financially assisted. The AIHRC also sent four separate visiting delegations to report the incident. Similarly the delegations had meetings with the heads of Kuchis to settle the issue between the two sides.

**Conclusions and Recommendations**

In 1386 (2007/2008), eight cases of violation of the right to freedom of movement and residence were recorded by the Commission. Comparing to last year, there is an increase, but due to security problems and unawareness of people about their rights, the figures stated in this report do not cover all the incidents that may have occurred in 1386 (2007/2008). This report indicates that the main perpetrators are the state opposition forces and some local commanders. They not only prevent the free movement of state employees, but also have deprived other people of this right. The incident in Behsud and the air attacks are two main cases of violation of the right to freedom of movement and residence in the previous year.



The following recommendations are presented to improve the current situation of the right to freedom of movement and residence:

- The government should take serious measures to ensure the right to freedom of movement and residence;
- Prevention of ethnic discrimination is a positive step towards ensuring this right. Therefore, awareness-raising programmes should be devised to promote awareness on religious and ethnic manifestations of discrimination; and
- The violators of this right should be legally treated.

<sup>18</sup> 116 villages were evacuated and 1,000 households displaced from Behsud district part I and 70 villages were evacuated and 900 households displaced from Behsud district part II.

## The Right to Work

World's states are required to provide suitable conditions for all their active citizens to enjoy the freedom of choosing their jobs. This right widely deals with employment and considers joblessness as a social concern. The right to work is one of the most important rights in the International Covenant on Economic, social, and Cultural Rights (ICESCR).

The right to work relates to two basic themes:

1. The right to have access to work; and
2. The rights of workers in the workplace, which include respect to human dignity, freedom of choosing one's work, the right to equal pay for equal work, appropriate working hours, nondiscrimination, and safe working conditions.

Article 48 of the Afghan Constitution reads:

*“Work is the right of every Afghan. Working hours, paid holidays, employment, and employee rights and related matters shall be regulated by the law. Choice of occupation and craft shall be free within the bounds of law.”*

Article 23 of the Universal Declaration of Human Rights (UDHR) reaffirms this right and explains that fair access to work and equal payment for equal work without discrimination is the right of each person.

In 1386 (2007/2008), a total of 14 complaints about violation of the right to work from all over the country were recorded by the Commission. Due to unawareness and inaccessibility of people to the AIHRC, this figure may not cover all cases of violation of this right. The cases registered by the Commission indicate the fact that corruption, personal enmity, and irresponsibility of some state organs are the causes of violation of the right to work.

The following examples will further clarify these points:

*“I wanted to be employed by the Sanitation Department of Kabul Municipality as a cleaner. One of the authorities demanded a sum of 2,000 Afghanis as bribe to employ me. I paid the money and he employed me. Now the same person demands for more money. If I do not pay, he may discharge me.”*

Another case of corruption and bribery is as follows:

*“A person complained to the Commission that he was selected as principal of a high school in Kabul on the basis of a competitive test taken by the State Administration Reform Commission, but another person was appointed in that post without taking any test. He was sent to the remotest school in Kabul.”*

In addition, some of the state authorities do not observe official rules and regulations and act according to their personal interests.

*“Another complainant claims that he was an employee of Agriculture Department in Paktia. Due to some personal differences, the new head of the department discharged him from his job. Now he is deprived of earning for his family and his right to work. This person asked the Commission’s regional office for assistance and legal aid.”*

A research conducted by the AIHRC shows that out of 10,448 interviewees, 60% of them are employed, but the remaining are unemployed. 36.2% of the employed people earn less than 50 Afghanis per day. Therefore it can be said that a large number of Afghan citizens is suffering from poverty. The above-mentioned income does not even meet the needs for food and housing, and is obviously disproportionate to the work these people do.

Lack of access to employment is another problem, especially for people with disability. (This issue will be further discussed under the right to an adequate standard of living.) The majority of these people who are the breadwinners of their families have no access to appropriate employment. The Ministry of Labour, Social Affairs, Martyrs, and Disabled holds special training programmes for building the capacities and skills of people with disability, but due to the following problems, this predicament still persists:

1. The number of people with disability is much higher than job opportunities for them;
2. Due to the level of their skills and capacities, the possibility of employment for people with disability is very limited in the state organs; and
3. The private sector does not pay due attention to people with disability, further shrinking their employment scope.

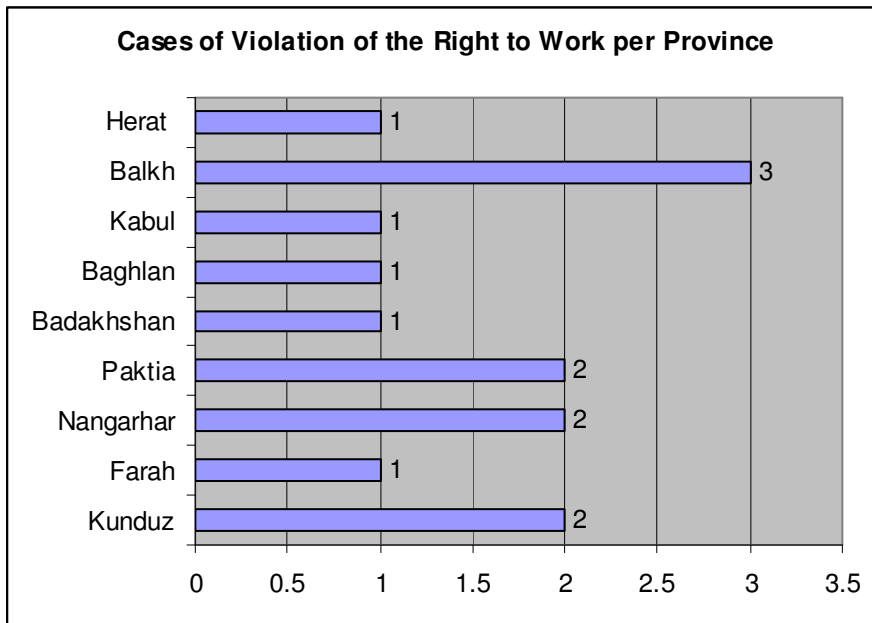


A person with disability engaged in his work

Lack of job opportunities and proper working environment for people with disability and women have caused practical violations of their rights and forced them to do hard labour. Registered cases related to the violations of this right and observations by the Commission indicate that violation of the right to work is on the rise in Afghanistan.

Another group in Afghanistan engaged in different occupations is children. Article 32 of the Convention on the Rights of the Child (CRC), acceded to by the government of Afghanistan in 1994, sets out explicitly that children have the right to be protected against labours that are harmful to their physical and mental growth and interrupt their education. CRC urges its member states to make laws to fix minimum age of work and determine working hours and conditions. According to the second report on economic and social rights situation produced by the Commission, 48% of interviewed children (1,401 children) worked in the year 1386 (2007/2008). Most of these children worked in unhealthy environments and were exposed to harmful substances and materials. They worked for long hours and even at night.<sup>19</sup> In accordance with the relevant International Labour Organisation (ILO) conventions, those activities which expose children to physical, mental, and sexual abuse are considered the worst forms of child labour and must be prohibited under all circumstances.

Another clear violation of the right to work is increasing unemployment of the returnees and general unemployment in the country. The second report on economic and social rights situation shows that unemployment and its negative consequences for the affected people are on the rise. In addition, suitable work, according to its definition, is the type of work with suitable payment. Most of the state employees receive payments that are not sufficient for an adequate living standard.



### Conclusions and Recommendations

A large number of Afghan citizens are suffering from a lack of job opportunities and inadequate wage which cannot suffice an adequate living standard. Women, children, and people with disability are vulnerable regarding the right to work. Children are mostly engaged in harmful work in unhealthy environments. In addition, the wages most people receive against the work they perform is very low that can be *per se* a violation of the right to work.

<sup>19</sup> *General Situation of Children in Afghanistan*, an AIHRC research report in 1386 (2007/2008).

Therefore, the Commission puts forward the following recommendations and draws the attention of the government in this regard:

- The government of Afghanistan is required to seriously tackle the issue of unemployment. The government should pave the way for professional training and employment;
- The government should prevent any discrimination against workers, including gender-based discrimination which deprives people, especially women, of equal access to job opportunities;
- Further opportunities should be provided for women workers;
- Minimum standards of age and wage should be fixed;
- Suitable work conditions and standards should be determined by the law; and
- Educational opportunities should be provided for child workers.

## **The Right to Freedom of Thought, Conscience, and Religion**

The right to freedom of thought, conscience, and religion is a basic human right. This right includes religious education and practice, taking into account Articles 2 and 3 of the Afghan Constitution. Every citizen can enjoy this right individually or in association with others, or privately or in community.

Article 2 of the Afghan Constitution states:

*“The sacred religion of Islam is the religion of the Islamic Republic of Afghanistan. Followers of other faiths shall be free within the bounds of law in the exercise and performance of their religious rituals.”*

*“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”*

Article 27, ICCPR

In 1385 (2006/2007), no violation of this right was registered by the Commission, but in 1386 (2007/2008) one case of violation of this right was referred to the Commission. Some residents from Ayoun and Rabat villages in Pass Keran district of Badakhshan province complained thus:

*“Around 37% of Keran Menjan district inhabitants are followers of Ismailia denomination, but they have not been able to profess and practice their religion freely due to interferences by Suni denomination in this district. It is claimed that due to this pressure and intervention they could not build their place of worship yet. They decided many times to build a place of worship, but they were severely prevented by the followers of Suni denomination. Still they cannot practice their religious traditions openly and freely. Through the Ministry of Hajj and Religious Affairs, the AIHRC intervened and this problem was settled.”*

### **Conclusions and Recommendations**

The above-mentioned case shows that religious differences can cause violation of the right to freedom of thought, conscience, and religion. Taking this principle into consideration that the right to freedom of thought, conscience, and religion is a basic human right, the Commission addresses the following points to related state organs:

- Taking into consideration its responsibilities, the government should prepare the ground for religious education and performance of religious traditions of the citizens;
- Measures should be taken to enable religious minorities to perform their religious traditions without any fear and threat;
- Awareness and training programmes should be launched on the right to freedom of thought, conscience, and religion to prevent persecution of religious minorities; and
- Legal treatment should be used against perpetrators of any kind of discrimination and violence against religious minorities.



## **The Right to Freedom of Speech**

The right to freedom of speech is a basic right of each person and a substantial element of a democratic set-up. Every person is entitled to express his or her thoughts freely. Freedom of speech is not limited to freedom of speech in society, but it also includes any kinds of censorships and punishments. This right includes the right to express ideas and the right to impart, receive, and seek information as well as security for expression of views.

Article 34 of the Afghan Constitution specifies:

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

According to reports issued by Kabul Press<sup>20</sup> and International Institute of Media, last year raised serious apprehensions regarding freedom of speech in Afghanistan. The following cases can be pointed out:

### **Kidnapping and Killing**

On Hut 27, 1385 (March 18, 2007), armed people belonging to Mullah Dadullah, a Taliban commander, beheaded Sayyed Agha, a 25-year-old driver and guide of Italian journalist Daniel Master Geacomo and on Hamal 19, 1386 (April 8, 2007), the Taliban executed Ajmal Naqshbandi, a 25-year-old Afghan journalist on charges of espionage. They were abducted in Helmand province on Hut 15, 1385 (March 6, 2007). The Islamic State of Afghanistan paying little attention to warnings by the Taliban concerning beheading Ajmal Naqshbandi made no serious efforts for his release. Such treatment against journalists and under estimation of such warnings creates serious concerns regarding freedom of expression in Afghanistan. The Italian journalist was released while no attention was paid for the release of Ajmal Naqshbandi. Last year, in the month of Jawza (May/June), Mrs Zakia Zaki, the head of Radio Voice of Peace in Parwan province, was killed by unidentified men in front of her 2-year-old child in her house. Police arrested six suspects, but released four of them due to a lack of evidence. Similarly, Mrs Shakiba Sanga Amaj, a presenter of Shamshad TV, was killed at her home in the month of Jawza 1386 (May/June 2007).

### **Threatening and Intimidation**

During the last year, many cases of violation of the right to freedom of speech were reported. The perpetrators were unidentified individuals and groups, state organs (National Security Directorate, Supreme Court, police, and Attorney-General’s Office).<sup>21</sup> Of course such threats and intimidations do not target only journalists, but sometimes also targets civil society activists. At least 6 such cases have been reported to the Commission. The increasing number

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<sup>20</sup> [www.kabulpress.org](http://www.kabulpress.org).

<sup>21</sup> A report by Media Watch, year 2007, *Nay the Protector of Free Media*.

of cases of threatening and intimidation through telephone calls or in a face-to-face mode has created new concerns for the protection of the right to freedom of speech in the country.

In addition, in many cases journalists have been threatened and intimidated by security institutions, international forces, powerful individuals, local commanders, and state opposition forces and their equipments have been destroyed or confiscated.<sup>22</sup> In some cases journalists have been arrested and even forced to leave the country. The figures presented by International Centre of Journalism show that at least 13 cases of beating of journalists occurred in 1386 (2007/2008). The source adds that 6 journalists including an Italian journalist were killed in the previous year. During that year 24 cases of arrest, 19 cases of death threat, and 2 cases of injury took place. Similarly 2 cases of kidnapping and 5 cases of bid on life were reported during this year. Intimidations and attempts on the lives of journalists mainly occurred to prevent the publication of certain critical news and information. According to reports published on Kabul Press website, banning of Mashal, a weekly paper, in Kandahar, banning of Kunar Magazine by state authorities, prevention of journalists from carrying out their journalistic activities, and intimidation of journalists by unidentified persons are the cases that happened during this year.

Besides cases of violation of the right to freedom of expression, 45 positive incidents occurred during the previous year. These incidents include awards received by Afghan journalists from international institutions for defending freedom of expression and media, licensing of several electronic and print media, and membership of national journalists in international centres and institutions for defending freedom of expression and media. These 45 positive incidents can be regarded as hopeful achievements for further protection of the right to freedom of expression in Afghanistan.<sup>23</sup>

### **Accusing a Journalist of Apostasy**

During the last year, Parwiz Kambakhsh, a student of journalism, was accused by his classmates of dissemination of anti-Islamic articles and he was sentenced to death by the primary court. Since Aqrab 5, 1386 (October 27, 2007), he was under arrest. Parwiz Kambakhsh during the second hearing at the court of appeal expressed that the national security officers of Balkh province forced him to confess under duress. He chose Mohammad Afzal Nuristani as his lawyer, but his case has not been settled yet. The case of Pawiz Kambakhsh aroused reactions from international human rights organisations.

### **Attacks on Radio and Television Stations**

During the last year, many local radio and television stations in different provinces were attacked by armed men. For example, rocket attack on TV station in Logar province, setting on fire of Radio Bamiyan, and burning down 2 radio stations in Maidan Wardak province are worth mentioning.

### **The Law on Media**

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<sup>22</sup> Interview with Zia Bumiya, an official of the International Centre of Journalism.

<sup>23</sup> Interview with Zia Bumiya, an official of the International Centre of Journalism.

In spite of tremendous efforts by institutions of journalists and civil society activists as well as continued and serious discussions inside and outside the parliament, the law on media failed to be approved for the second time.

Similarly, punishment of journalists of national radio and TV in Balkh province by the authorities of the Ministry of Culture and Information for non-usage of national terminologies caused serious and prolonged discussions in the parliament and put under question the sound process of information services.

The above-mentioned incidents clearly indicate that public access to information that is a basic human right is limited. Assault on media and threatening and killing of journalists has prepared the ground for limitation of freedom of speech and created hurdles on the path of delivering information services.

### **Conclusions and Recommendations**

Analysis of the right to freedom of expression made in this section indicates that the right to freedom of expression still faces numerous problems. On the one hand the state opposition in some part of the country forces people not to enjoy freedom of speech; on the other hand some of the state organs violate this right. Therefore, the Commission puts forward the following recommendations and draws the attention of the government to them:

- Afghanistan should have a specific press law. Therefore, the parliament should prioritise the approval of the law on press;
- Legal action should be taken against those who insult, intimidate, and persecute journalists; and
- The government should take serious measures for the protection of journalists and prevention of armed attacks on media centres.

## The Right to Freedom of Association

Article 35 of the Afghan Constitution sets out:

*“To attain moral and material goals, the citizens of Afghanistan shall have the right to form associations in accordance with provisions of the law. The people of Afghanistan shall have the right, in accordance with provisions of the law, to form political parties...”*

*“Everyone has the right to freedom of peaceful assembly and association.”*  
Paragraph 1, Article 20, UDHR

Similarly, Article 22 of the Universal Declaration of Human Rights specifies: *“Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international cooperation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.”* Democratic and legal tools can be employed for the purpose of participating in the society’s political life. Part of this right can be maintained by the state through holding of elections in different levels such as the right to vote and to be elected. People can benefit from this right through establishing political parties, cultural associations, trade unions, and civil society groups. The law on social organisations in line with the Constitution promulgated by the state has provided sufficient freedom and opportunity for the realisation of this right. Last year only one complaint regarding violation of this right was referred to the Commission as follows:

*“Residents of Shaikh Mesri Camp in Nangarhar province elected some representatives to negotiate and discuss their problems. Among the candidates was a woman. The other candidates rejected her nomination and considered her representation as shameful. Through efforts made by the Commission this issue was settled and the woman was elected a representative.”<sup>24</sup>*

The above-mentioned case shows that Afghan citizens have faced with serious challenges while using their right to participate in the unions or associations. Women are facing gender-based discrimination and are not allowed to use his right.

Registration of one case by the Commission does not mean that during the last year only one case of violation of this right occurred. Probably many cases of such violations may have occurred, but because of public unawareness, they may not have been reported.

## Conclusions and Recommendations

As it was explained, one case of violation of the right to participation in the unions was reported to the Commission in 1386 (2007/2008). It does not mean that one such case occurred in the last year, but other cases may not have been reported due to public lack of awareness.

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<sup>24</sup> Shaikh Mesri Camp has been established for the returnees and internally displaced persons in Nangarhar province, which provides housing for approximately 5,000 households.

Although 25% of the seats in parliament were allocated for women and 44% of the voters for the presidential election were women, the presence of women in the unions is very low. Out of 906 social organisations in Afghanistan, only 138 of them belong to women.<sup>25</sup> Likewise, out of 100 registered political parties, only four of them are headed by women. Lack of access to capacity-building, security problems, and cultural restrictions have limited women leadership in the country.<sup>26</sup> This fact has limited women's access to social services, and their participation in the unions to defend their rights.

- The government should take serious measures to strengthen legal bases for the right to freedom of participation in associations and prevent any discrimination against those who want to participate in these associations.

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<sup>25</sup> [www.moj.gov.af/pdf/socialorglist.pdf](http://www.moj.gov.af/pdf/socialorglist.pdf).

<sup>26</sup> Afghanistan National Development Strategy (ANDS), Chapter 6, Gender Equality, Issues and Constraints, p 5.

## **The Right to Citizenship**

In fact, citizenship is based on nationality, which ensures legal relations between an individual and a state to maintain his or her access to general services, including education, health, participation in political process, and access to judicial system in the country.

The Afghan Civil Code in its Article 47 states:

*“Civil status of a person is registered in a special identification card and in case of need it will be handed over to him. Identity card includes name, last name or family name, date of birth, occupation, residence, spouse and children’s names together with dates of their birth.”*

Similarly, Article 15 of the Universal Declaration of Human Rights sets out:

- “1. Everyone has the right to nationality.*
- 2. No one shall be deprived of his nationality nor denied the right to change his nationality.”*

During the year 1386 (2007/2008), four case of violation of this right were registered in AIHRC’s offices.

*“Three brothers who are inhabitants of Diakundi province were denied to be given identity cards by the census department, though they were eligible and completed all the required conditions.”*

*“A woman complained to the Commission that she was denied to be given identity card. She was told to bring her husband’s identity card, but it has been six months that her husband is missing and she has no information about him. The authorities in the census bureau did not accept the witnesses and did not give her identity card.”*

## **Conclusions and Recommendations**

The above-mentioned cases indicate that due to the dereliction of related organs, the right to citizenship of some Afghans is violated which cause numerous problems for those who have no identity cards. Therefore the following points should be considered by the state:

- The government is required to provide identity cards for all people; and
- The related authorities who are careless about their duties and violate the right to citizenship should be legally treated.

## General Recommendations

The Afghan Independent Human Rights Commission has always made efforts to enlighten the public mentality and raise awareness of the related state organs about human rights norms and standards through training programmes. Likewise, the Commission has continually monitored activities of the state organs and has, through legal bases and international commitments of the state of Afghanistan towards institutionalisation of human rights values and culture, tried to prevent human rights violations. Similarly, the Commission provides necessary legal advice to complainants and state officials in the framework of national laws and standards as well as international commitments of the state. In spite of the efforts made by the Commission, state practices have not been satisfactory in realisation and maintenance of human rights in Afghanistan. Severe security problems have challenged and threatened individual and public security and deprived people of their basic rights and freedoms. For example, in many provinces children are deprived of education and due to different reasons their schools have been closed or even destroyed by the state opposition forces.

Treatment and behaviour of state officials with the people, especially in judicial and law enforcement sectors, are most of the time combined with corruption. In spite of efforts made by the Attorney-General in this connection, public concern is increasing. During the last year, violations of the right to life and the right to an adequate standard of living have been more widespread comparing to the previous years. During this year, many suicide attacks in different provinces killed or injured a large number of Afghan people. The most fatal attacks occurred in Baghan, Kandahar, and Helmand provinces.

Based on the evaluation made in this report, the Commission puts forward the following general recommendations. Specific recommendations about each right have been addressed in the related sections.

- The government should abide by its commitments regarding education and training, access to health services, urbanisation, housing, and elevation of the living standards and economy of the citizens;
- The government should ensure security of all citizens and revise those security programmes which have not been successful. More effective security programmes should be initiated;
- The government is required to uproot the culture of impunity in the country, and make serious efforts in implementation of the law;
- Administrative corruption should be eliminated and perpetrators of corruption should be prosecuted;
- More attention should be paid for ensuring the rights of vulnerable groups such as women, children, and people with disability; and
- The government is responsible for a balanced development strategy in all parts of the country. Discriminatory treatments by the state organs should be seriously prevented in order to strengthen and consolidate public trust in the government.