



# EASO Country of Origin Information Report Afghanistan

Key socio-economic indicators,  
state protection, and mobility in  
Kabul City, Mazar-e Sharif, and  
Herat City



August 2017





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# Acknowledgments

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The following departments reviewed this report:

Belgium, Office of the Commissioner General for Refugees and Stateless Persons, Cedoca (Centre for Documentation and Research)

Finnish Immigration Service – Legal Service and Country Information Unit

Netherlands, Immigration and Naturalization Service – Office of Country Information and Language Analysis

Swedish Migration Agency, Lifos – Centre for Country of Origin Information and Analysis

United Nations High Commissioner for Refugees (UNHCR), RSD Section

Furthermore, the content of this report was reviewed by:

Antonio Giustozzi - independent researcher, visiting professor at King's College London and author of several articles, papers and books on Afghanistan.

Samuel Hall Consulting - an independent think tank providing research and strategic services, expert analysis, tailored counsel and access to local knowledge for a diverse array of actors operating in the world's most challenging environments.

Asylum Research Consultancy – a consulting group that provides country specific and thematic COI research for UNHCR, publishes commentaries on COI reports, and undertakes research consultancy, project management and training to the asylum, immigration and human rights sector both in the UK and internationally.

It must be noted that the review carried out by the mentioned departments, experts or organisations contributes to the overall quality of the report, but does not necessarily imply their formal endorsement of the final report, which is the full responsibility of EASO.



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# Disclaimer

This report was written according to the EASO COI Report Methodology (2012)<sup>(1)</sup>. The report is based on carefully selected sources of information. All sources used are referenced. As much as possible, and unless otherwise stated, all information presented, except for undisputed or obvious facts, has been cross-checked.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

Refugee, risk and similar terminology are used as a generic terminology and not as legally defined in the EU asylum acquis and the Geneva Convention.

Neither EASO nor any person acting on its behalf may be held responsible for the use that may be made of the information in this report.

The target users are asylum caseworkers, COI researchers, policymakers, and decision-making authorities.

The drafting of this report was finalised in May 2017. Any event taking place after this date is not included in this report. More information on the reference period for this report can be found in the methodology section of the introduction.

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<sup>(1)</sup> The EASO methodology is largely based on the Common EU Guidelines for processing Country of Origin Information (COI), 2008, and can be downloaded from the EASO website: [https://coi.easo.europa.eu/administration/easo/PLib/EASO\\_COI\\_Report\\_Methodology.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO_COI_Report_Methodology.pdf).



## Glossary and Abbreviations

|                                    |  |
|------------------------------------|--|
| <b>AAN</b>                         | Afghanistan Analysts Network   |
| <b>AGEs</b>                        | Anti-Government Elements   |
| <b>AGO</b>                         | Attorney General’s Office  |
| <b>AIHRC</b>                       | Afghanistan Independent Human Rights Commission  |
| <b>AISA</b>                        | Afghanistan Investment Support Agency  |
| <b>AJCJ</b>                        | Anti-Corruption Justice Centre; special court for prosecution of high profile corruption cases established in 2016   |
| <b>ALCS</b>                        | Afghanistan Living Conditions Survey; long running survey of the Afghan population conducted by CSO  |
| <b>ALP</b>                         | Afghan Local Police; a security initiative to include armed militias in the police force, under the auspices of the Ministry of the Interior, funded by the US.  |
| <b>ANSF</b>                        | Afghan National Security Forces (including Afghan National Army, Afghan National Police and National Directorate of Security)  |
| <b>APPRO</b>                       | Afghanistan Public Policy Research Organization  |
| <b>AREU</b>                        | Afghanistan Research and Evaluation Unit   |
| <b>Bacha Baazi</b>                 | Dancing boys: Young boys who dance and are often sexually abused. This practice is often associated with powerful men.   |
| <b>BPHS</b>                        | Basic Package of Health Services   |
| <b>CID</b>                         | Criminal Investigations Division   |
| <b>CPAN</b>                        | Child Protection Action Network; a network of government and non-government organisations and has a mandate to monitors child protection issues and provides services to children in need of protection        |
| <b>CPU</b> s                       | Child Protection Units in ANP and ALP recruitment centres aimed at preventing child recruitment  |
| <b>CSO</b>                         | Central Statistics Office; governmental organisation responsible for surveying and maintaining statistics about Afghan society and government  |
| <b>EHPS</b>                        | Essential Package of Hospital Services   |
| <b>EVAW Law</b>                    | Law on the Elimination of Violence Against Women; issued by presidential decree in 2009  |
| <b>FGC</b>                         | Family Guidance Centres; supported by the NGO Women for Afghan Women and offers pro bono counselling, mediation, and legal advice  |
| <b>FPC</b>                         | Family Protection Centres; Supported by the UN and Ministry of Health, and accessed by referral, FPCs support survivors of gender-based violence by health, medical, and psychosocial support and legal advice |
| <b>FRU</b>                         | Family Response Units; offices within the ANP that handle crimes relating to children and women, including domestic violence   |
| <b>Ghost soldiers/ghost police</b> | Soldiers or police officers who are listed as part of the official estimates for the ANSF and for whom salaries are paid, but who have actually deserted, are absent, or, who are non-existent personnel       |

|                                       |   |
|---------------------------------------|---|
| <b>Ghost schools/ghost students</b>   | Schools and students listed as part of the official estimates for which or whom funds have been allocated, but appear non-existent  |
| <b>Haqqani Network</b>                | An armed insurgent movement under the leadership of Sirajuddin Haqqani, based in south-east Afghanistan and North Waziristan (Pakistan)   |
| <b>Hezb-e Islami/Gulbuddin (HIG)</b>  | Afghan opposition movement of which the main faction is led by Gulbuddin Hekmatyar  |
| <b>HOOAC</b>                          | High Office of Oversight and Corruption   |
| <b>Huqooq Department</b>              | A department that attempts to resolve family issues or civil cases through mediation under the Civil Procedure Code prior to referral to court; provincial departments exist in all 34 provinces                                |
| <b>IWA</b>                            | Integrity Watch Afghanistan   |
| <b>IDMC</b>                           | Internal Displacement Monitoring Centre   |
| <b>IDP</b>                            | Internally Displaced Persons  |
| <b>ILO</b>                            | International Labour Organization   |
| <b>Islamic Emirate of Afghanistan</b> | The Islamic Emirate of Afghanistan was the state in Afghanistan from 1996 to 2001 under the Taliban regime. The Taliban still uses this name.   |
| <b>ISK or ISKP</b>                    | Islamic State in Khorasan Province; affiliates of ISIL based in Pakistan and Afghanistan.   |
| <b>Jihadi</b>                         | The insurgency against the communist regime and Soviet occupation was called a jihad and fighters from this period (1979-89) are still referred to as jihadi.   |
| <b>Jirga</b>                          | A gathering of tribal elders  |
| <b>kandak</b>                         | A military or police sub-unit of 800 troops and the basic unit of the ANA   |
| <b>kankur</b>                         | University entry exam   |
| <b>KIS</b>                            | Kabul informal settlements constructed on the outskirts of the city   |
| <b>LWJ</b>                            | The Long War Journal  |
| <b>Madrassa</b>                       | Islamic religious school  |
| <b>Mahr</b>                           | An amount of money promised by the groom to his wife usually as insurance for the woman in case of divorce by her husband or death  |
| <b>MCTF</b>                           | Major Crimes Task Force; specialised policing unit for high profile corruption cases  |
| <b>MoLSAMD</b>                        | Ministry of Labour, Social Affairs, Martyrs and Disabled  |
| <b>MoRR</b>                           | Ministry of Refugees and Returnees  |
| <b>Mullah</b>                         | Islamic cleric (teachers and preachers) who studied in a madrassa. In Afghanistan they are very prevalent outside the cities and usually the single religious authority in a village. They can often read Arabic and the Koran. |
| <b>Nahia</b>                          | An urban/city district  |
| <b>NUG</b>                            | National Unity Government; a coalition government formed after the 2014 elections with Ashraf Ghani as President and Abdullah Abdullah as CEO   |
| <b>Pashtunwali</b>                    | Unwritten codes of tribal ethics, traditions, and customs followed by Pashtuns  |
| <b>Purdah</b>                         | The social and religious practice of gender seclusion followed in some Muslim cultures  |

|                          |   |
|--------------------------|---|
| <b>Returnee</b>          | A person returning after an absence from the country, either due to removal or voluntarily  |
| <b>Safarish/Sifarish</b> | Being recommended by someone / recommendation   |
| <b>Shanakht</b>          | Means both ‘identity’ and ‘knowing someone’   |
| <b>Sharia</b>            | Islamic law, used and interpreted by the schools of jurisprudence (Hanafi, Hanbali, Maliki, Shafii and Ja’fari)   |
| <b>Shura</b>             | Community council   |
| <b>Shura-e-gozara</b>    | Neighbourhood shura in urban areas  |
| <b>SIGAR</b>             | Special Inspector General for Afghanistan Reconstruction; an independent oversight body on US-funded reconstruction programs.   |
| <b>Taliban</b>           | Armed Islamic insurgent movement in Afghanistan under the leadership of Mullah Akhtar Mohammad Mansur and the Rahbari Shura. The movement originated in the Afghan refugee communities in Pakistan and in Kandahar in the Mujahideen era (1980s and 90s), took control of Kabul in 1996 and, by 2001, controlled most of the country. See also: Islamic Emirate of Afghanistan. |
| <b>Tazkira</b>           | National ID card.   |
| <b>UNAMA</b>             | United Nations Assistance Mission in Afghanistan.   |
| <b>UNHCR</b>             | United Nations High Commissioner for Refugees.  |
| <b>UNOCHA</b>            | United Nations Office for the Coordination of Humanitarian Affairs.   |
| <b>USIP</b>              | United States Institute for Peace.  |
| <b>VBIED</b>             | Vehicle-borne improvised explosive device.  |
| <b>Wahabism</b>          | Ultra-conservative Sunni Islamic movement, based on the Salafi theology and characterised by the strict observance of the Koran. Its origins and heartland are in Saudi Arabia.   |
| <b>Warlord</b>           | A charismatic military leader with autonomy and capability of monopolising large-scale violence in a territory.   |
| <b>Wakil</b>             | Village or community leader, often a large landowner; usually appointed by representatives of the central government to serve as a liaison between the village and central government   |
| <b>Wakil-e-gozara</b>    | Neighbourhood representative or local leader in urban areas.  |
| <b>Wasita</b>            | Personal connections or a reciprocal relationship or connection with someone with influence or power; used in the context of <i>shanakht</i> (knowing somebody), or <i>safarish/sifarish</i> (recommendation).  |
| <b>Zina</b>              | Sexual relations out of wedlock in Islamic law.   |
| <b>Zorabad</b>           | Literally translates as “land taken by force”. It refers to the areas where people grabbed government and public land and sold it to others or build their houses without seeking official permission.  |





# Introduction

This report was co-drafted by a national COI specialist, as referred to in the [Acknowledgements](#) section, and EASO.

## Terms of Reference

The report aims to provide relevant information for the assessment of international protection status determination (PSD, including refugee status and subsidiary protection).

The terms of reference of this report were defined by EASO based on discussions held and input received from policy experts in EU+ countries and UNHCR within the framework of a Country Guidance Network pilot exercise to develop a Country Guidance Note on Afghanistan. The report was drafted for the purpose of developing a chapter on internal protection alternatives.

Terms of Reference for this report can be found in [Terms of Reference](#).

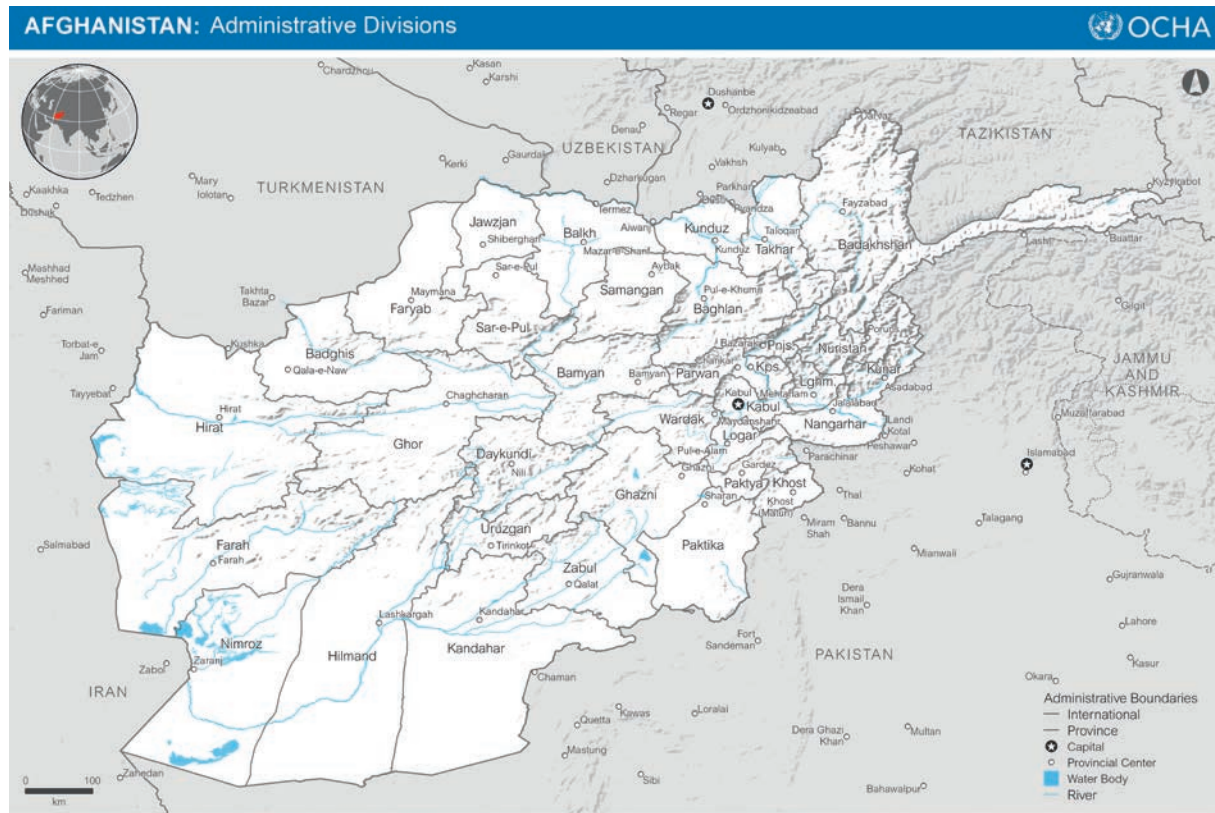
## Methodology

The information is a result of desk research of public, specialised paper-based and electronic sources until 23 March 2017. In addition, EASO researchers conducted extensive interviews with the following experts:

- A **Western official**, Skype interview, 7 February 2017; e-mail follow up 10 and 13 February 2017. The official is based in Kabul and works for an international organisation with field offices across the country. The official, who has been based in the country for more than a decade, regularly conducts field visits to Mazar-e Sharif, Herat, and Kabul on political, human rights, security, and governance issues. The source requested to remain anonymous.
- A **Director of a research organisation**, Skype interview, 6 February 2017. The research organisation is based in Kabul and conducts research on human rights and governance issues. The contact wished to remain anonymous for security reasons.
- A **representative of a civil society organisation in Afghanistan**, e-mail, 28 January 2017. The civil society organisation is an independent non-profit that conducts research on public policy and governance issues across numerous field offices in the country. The contact requested to remain anonymous.
- A **researcher** from an independent research organisation in Afghanistan, Skype interview, 30 January 2017. The research organisation is based in Kabul and focuses on political, economic, and security issues in the country. The contact wished to remain anonymous.
- **Hervé Nicolle, co-founder and co-director of independent think tank Samuel Hall**, 7 February 2017;
- **Neamat Nojumi**, a scholar on Central and Southwest Asia and **senior policy analyst on Afghanistan**, 8 and 16 February 2017;
- A **Western security official** who requested to remain anonymous, specialized in security in Afghanistan, based in Kabul, e-mail 5 April 2017;
- A **local journalist** who requested to remain anonymous, reporter in Herat for a national newspaper, e-mail 6 April 2017.

To verify whether the writers respected the EASO COI Report Methodology, a peer review was carried out by COI specialists from the departments listed as reviewers in the [Acknowledgements](#) section. In addition, a review of the report was carried out by Antonio Giustozzi, Samuel Hall Consulting, and the Asylum Research Consultancy. All comments made by the reviewers were taken into consideration and most of them were implemented in the final draft of this report. EASO performed the final quality review and editing of the text. This quality process led to the inclusion of some additional information, in response to feedback received during the respective reviews, until 24 May 2017.

# Map of Afghanistan



Map 1: Afghanistan - administrative divisions, source: UN OCHA © United Nations

# 1. Background information on Kabul City, Herat City and Mazar-e Sharif

## 1.1. Kabul City

Kabul City is the capital of Kabul province and the capital of Afghanistan located in the country's Central Region <sup>(1)</sup>. According to the United Nations High Commissioner for the Refugees (UNHCR) in Afghanistan,

the population of Kabul estimated by the Central Statistics Office is about 3 million, while informal estimates suggests more than 7 million living in the city. The rapid urbanisation trend exacerbated with the return of Afghan refugees from Pakistan and Iran as well as the conflict induced IDPs moving towards Kabul in search of better security, perceived better livelihoods opportunities, better access to basic services has been putting a lot of strain on the jobs market, absorption capacity of basic services and even security in terms of organized crimes <sup>(2)</sup>.

Kabul is a city initially built for 500,000 people, with currently 75 % of informal settlements <sup>(3)</sup>.

According to a study on displaced youth in Kabul from 2014,

In only six years, Kabul city experienced a three-fold population increase from 1.5 million in 2001 to 4.5 million in 2007, growing to an estimated 5 million people today. It has been termed 'one of the fastest growing cities in the region. [...] Over 40 % of the population is under 15 and almost two thirds under 25, leading to a youth bulge, a situation where the proportion of young people is significantly larger than older age groups <sup>(4)</sup>.

Kabul is an ethnically diverse city with communities of almost all ethnicities. Pashtuns, Tajiks, Hazaras, Uzbeks, Turkmen, Baluchs, Sikhs and Hindus all reside there <sup>(5)</sup> with no group clearly dominating. As people tend to move to areas where they already have family, or into particular districts as part of a larger group with the same ethnicity, different neighbourhoods have become associated with different ethnic groups <sup>(6)</sup>.

## 1.2. Herat City

Herat City is the provincial capital of Herat province which is located in the West of Afghanistan <sup>(7)</sup>. Herat is estimated to house between 477,452 <sup>(8)</sup> and 730,000 inhabitants and, given its 'strong and relatively diversified economies including robust construction, manufacturing and services sectors', is 'under considerable urbanisation pressure' <sup>(9)</sup>.

Historically, Herat city has been a Tajik-dominated enclave in a Pashtun-majority province that includes sizeable Hazara and Aimaq minorities <sup>(10)</sup>. Because many returnees from Iran settled in Herat since 2002, shia Hazara now make up a quarter of the city's population <sup>(11)</sup>. This figure may include shia Tajiks as well <sup>(12)</sup>. In some cases, ethnic groups tend to inhabit specific quarters for ease of social interaction and to offer mutual protection <sup>(13)</sup>. The degree of ethnic segregation in Herat is, according to analyst Jolyon Leslie, 'pronounced' <sup>(14)</sup>. Besides returnees, Herat still

<sup>(1)</sup> EASO, Country of Origin Information Report: Afghanistan – Security Situation, November 2016 ([url](#)), p. 17.

<sup>(2)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(3)</sup> Samuel Hall, e-mail, 12 March 2017.

<sup>(4)</sup> Samuel Hall, Urban displaced youth in Kabul – Part 1. Mental Health Also Matters, 2016 ([url](#)), p. 7.

<sup>(5)</sup> Pajhwok Afghan News, Kabul Province Background Profile, n.d. ([url](#)).

<sup>(6)</sup> APPRO, Migration and Urban Development in Kabul: Classification or Accommodation?, October 2012 ([url](#)), p. 8.

<sup>(7)</sup> EASO, Country of Origin Information Report: Afghanistan – Security Situation, November 2016 ([url](#)), p. 160.

<sup>(8)</sup> UNOCHA, AFGHANISTAN: Population Estimate for 2015, 26 August 2015 ([url](#)).

<sup>(9)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), pp. 12, 8.

<sup>(10)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), pp. 8, 13.

<sup>(11)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), pp. 8, 13.

<sup>(12)</sup> Giustozzi, A., e-mail 27 February 2017. Professor Antonio Giustozzi is an independent researcher and analyst, and author of many books and publications on Afghanistan. He made this addition during the review of this report.

<sup>(13)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), pp. 8, 13.

<sup>(14)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), pp. 8, 13.

has a strong base of local residents, people who never migrated and, compared to other large cities, a fairly small share of IDPs. This is partly due to the fact that the biggest IDP settlements are outside the city limits <sup>(15)</sup>. UNHCR registered 1,958 IDPs in Herat for 2015 <sup>(16)</sup>. According to a 2016 survey on Herat province ‘The youth population (age 15 to 24 years) composed 22.1 % of the total population’ <sup>(17)</sup>.

### 1.3. Mazar-e Sharif

Mazar-e Sharif is the provincial capital of Balk province, which is located in the North of Afghanistan <sup>(18)</sup>. The population of Balkh is heterogeneous with Tajiks and Pashtuns forming the largest groups, followed by Uzbeks, Hazaras, Turkmens, Arabs, and Baluchis. Balkh is also home to a sizeable population of Jats, also known as Jogi and Chori Forush’ <sup>(19)</sup>. These communities live partially mixed in the city <sup>(20)</sup>. Mazar-e Sharif’s population is estimated between 368,000 and 693,000 and is characterised by its ethnic and linguistic diversity <sup>(21)</sup>. The Central Statistical Organisation estimates the population at 402,806 inhabitants <sup>(22)</sup>.

According to a January 2015 survey, about 38% of Mazar-e Sharif population are migrants. Most of them descend from other Afghan provinces. Only 17% of migrants are returnees from abroad <sup>(23)</sup>. According to UNHCR

Balkh Province has received 19,764 conflict induced IDPs since early 2015: 2,509 in 2015 and 17,227 in 2016, most of whom identified in Mazar-e Sharif urban and semi-urban area. The increasing number of IDPs recorded in Balkh Province is an indicator of the deteriorating security situation in a large number of provinces in the North and North east [...] Summing the movement of conflict induced displaced with the number of returns, Balkh Province, mostly Mazar-e Sharif, has received approximately 26,000 persons in the last two years <sup>(24)</sup>.

<sup>(15)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), pp. 31-32.

<sup>(16)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 47.

<sup>(17)</sup> UNFPA, Launch of Herat Socio-demographic and Economic Survey Highlights 2016, 20 December 2016 ([url](#)), p. 5.

<sup>(18)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 22.

<sup>(19)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 22.

<sup>(20)</sup> Fishstein, P., et al., Balkh’s economy in transition, August 2013 ([url](#)), p. 22.

<sup>(21)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 22-23.

<sup>(22)</sup> UNOCHA, AFGHANISTAN: Population Estimate for 2015, 26 August 2015 ([url](#)).

<sup>(23)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh 5 January 2015 ([url](#)), pp. 28-32.

<sup>(24)</sup> UNHCR Afghanistan, e-mail 3 March 2017. UNHCR made this addition during the review of this report.

## 2. Key socio-economic indicators

### 2.1. Economic growth

From 2003 until 2012, economic growth averaged 9.4 %<sup>(25)</sup> but GDP growth rate has begun to decrease: it fell sharply from 14.4 % in 2012 to 2 % (2013), and stayed under 2 % until 2016<sup>(26)</sup>. According to the economist Hervé Nicolle from Samuel Hall, it is likely to reduce further owing to the slowdown in business activity due to insecurity and political uncertainty<sup>(27)</sup>.

Taking into account the average annual population growth, estimated at about 2.8 % for 2015 [latest figures available]<sup>(28)</sup>, UNOCHA argues that growth essentially drops to zero<sup>(29)</sup>, or even, as analysts from the Afghanistan Analyst Network have argued, a continuing decline in average per-capita income<sup>(30)</sup>. If the contribution of the illicit economy is omitted, the formal economy alone shows negative growth<sup>(31)</sup>.

From a contextual standpoint, the economic growth has significantly slowed due to the large security challenges and the lower levels of military- and aid-financed spending<sup>(32)</sup>. Military assistance and development aid declined as a share of GDP from 98 % in 2010 to 59 % in 2013 and is projected to decline to 44 % in 2018 and 39 % in 2020<sup>(33)</sup>.

The World Bank points towards the possibility of a slow recovery over the next three years, projecting the possible scenario where growth gradually increases again to 3.6 % in 2018, if the political situation stabilises and planned reforms are successfully implemented<sup>(34)</sup>. The World Bank warns, however, that any deterioration in the security environment could weaken growth prospects<sup>(35)</sup>. Analysts are not optimistic on the prospects of political stability, improving security situation<sup>(36)</sup> or improvements in the Afghan economy in 2017<sup>(37)</sup>. The International Crisis Group (ICG) warns that the rapidly deteriorating economy risks merging with the escalating humanitarian crisis into what it calls a ‘dangerous critical mass’<sup>(38)</sup>. Analyst Shoaib Ahmad Rahim call the situation at the beginning of 2017 ‘very alarming’, to be ‘further aggravated as the repatriation of Afghan refugees from Pakistan resumes in spring 2017’<sup>(39)</sup>.

#### 2.1.1. Development aid

The international community committed to donate over \$15 billion for the development priorities until 2020 at the Brussels donor conference of October 2016. The promised \$3.8 billion development aid per year<sup>(40)</sup> is only slightly less than the \$3.9 billion per year pledged in Tokyo in 2012<sup>(41)</sup>. Four years before, in Paris in 2008, the international community pledged to donate \$21 billion<sup>(42)</sup>.

<sup>(25)</sup> According to prof. A. Giustozzi, ‘all data on GDP is based exclusively on surveys and hence of limited reliability’. Hervé Nicolle added that ‘it should be noted that certain reports estimate that 80-90% of Afghanistan’s GDP is based on the informal economy, including 35% stemming from opium trade. Official economic indicators are generally approximations of reality, but in Afghanistan’s case perhaps more so than usual’. Both made these comments during the review of this report.

<sup>(26)</sup> World Bank (The), *Afghanistan - Data*, n.d. ([url](#)).

<sup>(27)</sup> Samuel Hall, e-mail 12 March 2017.

<sup>(28)</sup> World Bank (The), *World Development Indicators*, n.d. ([url](#)). These population growth figures do not include the returnees, who counted for another 2 % population growth in 2016, according to prof. Giustozzi. Giustozzi, A., e-mail 27 February 2017. Professor Antonio Giustozzi is an independent researcher and analyst, and author of many books and publications on Afghanistan. He made this addition during the review of this report.

<sup>(29)</sup> UNOCHA, *Humanitarian Needs Overview 2017*, 31 December 2016 ([url](#)), p. 8.

<sup>(30)</sup> Byrd, B., et al., *Afghanistan’s Government Revenue: Continuing Robust Growth in the Face of Economic Weakness*, 1 September 2016 ([url](#)).

<sup>(31)</sup> UNOCHA, *Humanitarian Needs Overview 2017*, 31 December 2016 ([url](#)), p. 8.

<sup>(32)</sup> World Bank (The), *Afghanistan Development Update: Afghanistan riding into the headwinds of lower aid*, 20 April 2016 ([url](#)).

<sup>(33)</sup> World Bank (The), *Islamic Republic of Afghanistan Agricultural Sector Review*, June 2014 ([url](#)), p. 4; World Bank (The), *Supporting growth and stability in Afghanistan*, 1 January 2017 ([url](#)), pp. 6, 8.

<sup>(34)</sup> World Bank (The), *Afghanistan Development Update: Afghanistan riding into the headwinds of lower aid*, 20 April 2016 ([url](#)).

<sup>(35)</sup> World Bank (The), *Afghanistan Development Update: Afghanistan riding into the headwinds of lower aid*, 20 April 2016 ([url](#)).

<sup>(36)</sup> AAN, *What to watch? Key issues to follow in Afghanistan in 2017*, 27 January 2017 ([url](#)).

<sup>(37)</sup> Rahim, S.A., *Can Afghanistan’s Economy Rebound in 2017?*, 25 January 2017 ([url](#)).

<sup>(38)</sup> ICG, *The Economic Disaster Behind Afghanistan’s Mounting Human Crisis*, 3 October 2016 ([url](#)).

<sup>(39)</sup> Rahim, S.A., *Can Afghanistan’s Economy Rebound in 2017?*, 25 January 2017 ([url](#)).

<sup>(40)</sup> Rahim, S.A., *Can Afghanistan’s Economy Rebound in 2017?*, 25 January 2017 ([url](#)).

<sup>(41)</sup> BBC, *Afghanistan aid: Donors promise \$15.2bn in Brussels*, 5 October 2016 ([url](#)).

<sup>(42)</sup> Washington Post (The), *International Donors Pledge Additional \$21 Billion for Afghanistan*, 13 June 2008 ([url](#)).

Yet, even with over \$15 billion in support announced, the UN Secretary General expects economic growth to remain slow <sup>(43)</sup>.

The international community has donated around \$130 billion to Afghanistan since 2002 <sup>(44)</sup>. The biggest share, \$115 billion from 2002 to 30 June 2016, has come from the United States. However, more than \$72.5 billion – or over 63 % of the total amount donated by the US – has gone to security and counter narcotics initiatives <sup>(45)</sup>. The aid-effectiveness of the remaining billions spent to governance, development, civilian operations and humanitarian aid has yielded, according to the Afghanistan Analysts Network, “very modest achievements” on the ground, “given persistent budget under-spending and rampant corruption in the country” <sup>(46)</sup>. SIGAR, reporting on aid saturation and overspending, states that “spillover from more than \$100 billion in reconstruction assistance contributed to pervasive corruption, illicit activity, and other adverse effects that distorted economic norms and undermined state legitimacy” <sup>(47)</sup>.

### 2.1.2. Business climate

The business climate has been consistently negative since the second half of 2015, with Kabul systematically scoring worse than the national average <sup>(48)</sup>. In the first half of 2016, the economy further declined and investment dropped significantly, with domestic investment decreasing by 47.42 % and foreign direct investment decreasing by 55.68 % <sup>(49)</sup>. This drop in investment was attributed by the UN to ‘the worsening security conditions, political volatility, and pressures on the economy following the influx of returnees and uncertainty over the short-term economic growth rates’ <sup>(50)</sup>. According to figures of the Afghanistan Investment Support Agency (AISA), there was a 26 % drop in registration of new companies in the first two years of the National Unity Government (2014-2016) and investment plummeted to 1 billion dollars, down from \$2.2 billion during the same period under the previous government <sup>(51)</sup>. The mining industry saw 77 % less investment, construction 57 % less, and the water and energy sectors 54 % less investment, with the reasons cited by the Afghanistan Investment Support Agency (AISA) director quoted in a Tolonews article as lack of political and economic stability and insecurity <sup>(52)</sup>. Bureaucratic inefficiency and widespread corruption are additional burdens that have hampered investment for private enterprises, according to Afghan American author Masuda Sultan <sup>(53)</sup>. According to the World Bank ‘Corruption is pervasive, [...] which have strengthened patronage networks, funded armed groups, and exacerbated grievances. The magnitude and pervasiveness of corruption in Afghanistan in recent years have been striking’ <sup>(54)</sup>. According to a study from 2011, corruption takes the form of arbitrary taxes, the level of which are often dependant on connections and/or negotiation <sup>(55)</sup>. Negatively impacting the business environment is the lack of skilled workers, despite significant improvements in the education sector, and an ongoing brain-drain, whereby the most educated and skilled youth are emigrating in large numbers <sup>(56)</sup>.

The national economy has, according to the private research institution Samuel Hall, become subject to centrifugal forces: because of the rising insecurity on the roads, the economies of the three cities studied in this report have become ever more focused on the economies of their respective neighbouring countries: Kabul is focused on trade with Pakistan, Mazar-e Sharif is focused on Tajikistan, and Herat on Iran, while other secondary cities (Maimana, Faizabad, etc.) are more and more economically isolated. Each city’s economy has become increasingly insular, with very little integration <sup>(57)</sup>. Recent infrastructural developments - connections to international railway networks in Central-Asia and the Chabahar port in Iran - have further tightened the economies of these cities to their

<sup>(43)</sup> UNSG, The situation in Afghanistan and its implications for international peace and security, 13 December 2016 ([url](#)), p. 15 (para. 64), p. 16 (para. 68).

<sup>(44)</sup> BBC, Afghanistan aid: Donors promise \$15.2bn in Brussels, 5 October 2016 ([url](#)).

<sup>(45)</sup> SIGAR, Quarterly Report to US Congress, 30 July 2016 ([url](#)), p. 65.

<sup>(46)</sup> AAN, The Brussels Conference on Afghanistan: Between aid and migration, 30 September 2016 ([url](#)).

<sup>(47)</sup> SIGAR, Corruption in Conflict: Lessons from the U.S. Experience in Afghanistan, September 2016 ([url](#)), pp. 51-52.

<sup>(48)</sup> ACCI, Business Tendency Survey Report October 2016, October 2016 ([url](#)), p. 3.

<sup>(49)</sup> UNSG, The situation in Afghanistan and its implications for international peace and security, 13 December 2017 ([url](#)), p. 10-11.

<sup>(50)</sup> UNSG, The situation in Afghanistan and its implications for international peace and security, 13 December 2017 ([url](#)), p. 10-11.

<sup>(51)</sup> Tolo News, Investments fall as Afghanistan prepares for the Brussels Summit, 16 Augustus 2016 ([url](#)).

<sup>(52)</sup> Tolo News, Investments fall as Afghanistan prepares for the Brussels Summit, 16 Augustus 2016 ([url](#)).

<sup>(53)</sup> Masuda, S., Saving private enterprise in Afghanistan, 2 January 2017 ([url](#)).

<sup>(54)</sup> World Bank (The), Supporting growth and stability in Afghanistan, 1 January 2017 ([url](#)), p. 5.

<sup>(55)</sup> Mercy Corps and Samuel Hall, Afghanistan: Economic Assessment and Labour Market Survey of Mazar-i Sharif, Pul-i Khumri, Kandahar City and Kunduz City, 2011 ([url](#)), p. 22.

<sup>(56)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 58.

<sup>(57)</sup> Samuel Hall, Skype interview, 7 February 2017.

neighbours<sup>(58)</sup>. Despite their huge potential, these municipal economies have become predominantly focused on massive imports, driven by donor-money<sup>(59)</sup>. Imports, however, have been in decline since 2014 due to the slowdown in economic activity and were in the first half of 2016 at the lowest since 2013<sup>(60)</sup>.

The Afghanistan Food Security Cluster found in its assessment covering April-June 2016 that ‘[t]he current economic slowdown is aggravating both economic inequality – through more acute deterioration of the poorest households’ economic situation – and food insecurity’<sup>(61)</sup>. The source further noted that ‘[u]rban migration no longer seems to bring better livelihoods, yet, there is no sustainable alternative [in] rural areas, as population growth is increasing pressure on land that is already insufficient for the rural population’<sup>(62)</sup>.

## 2.2. Employment

### 2.2.1. Unemployment

According to the International Labour Organisation, ‘data on unemployment in Afghanistan is as weak as it is controversial’<sup>(63)</sup>. World Bank data, based on International Labour Organisation (ILO) estimates, put the unemployment rate in 2014 at 9.1 %<sup>(64)</sup>. According to the Afghanistan Living Conditions Survey (ALCS), unemployment had already risen to 24 % in 2014. Taking into account the 15.3 % of people who are underemployed, ALCS put the number of people who are ‘not-gainfully employed’ at almost 40 % in 2014<sup>(65)</sup>. There are no more recent figures, but ICG states that, as of 2016, ‘anecdotal evidence makes it abundantly clear that these trends are worsening’<sup>(66)</sup>. Employment expectations by business managers in all sectors have been consistently negative since the second half of 2015<sup>(67)</sup>. According to the online publication Trade Economics, mere unemployment is estimated to be 40 % at the end of 2016 and prospects are very bleak<sup>(68)</sup>.

The central and most important challenge for urban households is securing employment, according to the consultancy Samuel Hall<sup>(69)</sup>. Access to employment and livelihoods – especially stable employment – is the key determinant for food security and reducing vulnerability<sup>(70)</sup>.

With population growth rates near 3 %, the most recent economic growth rates and near-term projections are, according to the World Bank, ‘well below the levels needed to create jobs for the large numbers of people entering the labour force and to reduce poverty’<sup>(71)</sup>. Because of internal migration, population increase in the cities is growing even faster, at a rate of 5.4 % per year<sup>(72)</sup>. Despite foreign aid as the main driver of the economy in the first decade after the Taliban regime was toppled in late 2001, there was little investment to create durable employment<sup>(73)</sup>.

According to Samuel Hall, employment indicators should therefore be relativised, keeping in mind that:

- 1) Women: Indicators do not take into account the fact that the vast majority of women do not figure among the labour force in the first place – nor do the almost 50 % of the Afghan population of 14 years of age or younger. Roughly 20 % of full-time workers in Herat and Kabul are female according to 2014 WB data (Enterprise Survey). This figure is only 5 % for Mazar-e Sharif<sup>(74)</sup>.

<sup>(58)</sup> Rahim, S.A., Can Afghanistan’s Economy Rebound in 2017?, 25 January 2017 ([url](#)).

<sup>(59)</sup> Samuel Hall, Skype interview, 7 February 2017.

<sup>(60)</sup> Rahim, S.A., Can Afghanistan’s Economy Rebound in 2017?, 25 January 2017 ([url](#)).

<sup>(61)</sup> Food Security and Agricultural Cluster, Seasonal Food Security Assessment (SFSA), April-June 2016 ([url](#)), p. 5.

<sup>(62)</sup> Food Security and Agricultural Cluster, Seasonal Food Security Assessment (SFSA), April-June 2016 ([url](#)), p. 7.

<sup>(63)</sup> ILO, Afghanistan: Time to move to Sustainable Jobs, May 2012 ([url](#)), p. 28.

<sup>(64)</sup> World Bank (The), Unemployment, total (% of total labor force) (modelled ILO estimate), n.d. ([url](#)).

<sup>(65)</sup> CSO and ICONINSTITUT, Afghanistan Living Conditions Survey 2014 Mid-term results (preliminary figures), December 2014 ([url](#)), p. 6.

<sup>(66)</sup> ICG, The Economic Disaster Behind Afghanistan’s Mounting Human Crisis, 3 October 2016 ([url](#)).

<sup>(67)</sup> ACCI, Business Tendency Survey Report October 2016, October 2016, ([url](#)), p. 7.

<sup>(68)</sup> Trading economics, Afghanistan unemployment rate. Forecast 2016-2020, last update 17 February 2017 ([url](#)).

<sup>(69)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 66.

<sup>(70)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 66.

<sup>(71)</sup> World Bank (The), Supporting growth and stability in Afghanistan, 1 January 2017 ([url](#)), p. 6.

<sup>(72)</sup> Samuel Hall, Urban displaced youth in Kabul – Part 1. Mental Health Also Matters, 2016 ([url](#)), p. 7.

<sup>(73)</sup> National Centre for Policy Research, Kabul University, Unemployment: Causes and its Economics Outcomes during Recent Years in Afghanistan, 2013 ([url](#)), p. 2.

<sup>(74)</sup> Samuel Hall, e-mail 12 March 2017.

- 2) Vulnerability: More than 90 % of jobs should be classified as “vulnerable employment” as they do not offer secure stable employment and income. These jobs include own account workers, unpaid family workers and day-labourers <sup>(75)</sup>.
- 3) Youth: Youth unemployment is much higher than overall unemployment, at 23 % for young females and 16 % for young males according to 2014 figures from the World Bank <sup>(76)</sup>, where the World Bank estimated the unemployment to be 9.1 % in that year <sup>(77)</sup>. According to a report by the Afghan government on the state of the Afghan cities, ‘Afghanistan has one of the youngest populations in the world [...] Cities are home to a disproportionate number of youth (between 15 and 24), who constitute nearly a quarter of the urban population (23.6 %), notably higher than in rural areas (17.8 %)’ <sup>(78)</sup>. Urban youth unemployment is especially high in the cities where youth unemployment is 50 % higher than overall urban unemployment <sup>(79)</sup>.

## 2.2.2. Employment in certain sectors

Afghanistan remains mainly a rural society, with an economy that is very much based on agriculture <sup>(80)</sup>. More than 50 % of the workforce is employed in agriculture and 96 % of manufacturing is in fact food processing, a sector which is also highly dependent on agriculture <sup>(81)</sup>. In 2015, the Afghan Government predicted that ‘agriculture, particularly periurban agriculture, is likely to be an important “shock absorber” over the coming years as international funds become less significant in Afghanistan’s economy and the services sector may not be able to maintain the relatively high levels of growth of recent years’ <sup>(82)</sup>.

According to a study by Mercy Corps and Samuel Hall from 2011, there are two categories of jobs in the Afghan cities: formal employment, and low-skilled informal labour. Within the formal sector, employment may include formal jobs with government, NGOs, international organisations and a limited number of jobs within the formal economy <sup>(83)</sup>. The Assessment Capacities Project (ACAPS) found that ‘the formal labour market is very thin and dominated by the public sector’ with 9.4 % of jobs nationwide being in the formal labour market <sup>(84)</sup>. In the cities, formal employment represents 20 % of the available jobs, mainly within the public sector <sup>(85)</sup>.

The second category of employment within cities are low-skilled jobs in the bazaars, day labourers in the construction industry or seasonal agricultural workers. Often through family networks, workers in this second category are able to access apprenticeships in family businesses in the fields of baking, construction, masonry, mechanics and metal work <sup>(86)</sup>. These people are likely to have, temporarily at least, a more or less stable income. This is much less so for day labourers. According to Hervé Nicolle from Samuel Hall, there are two sectors employing day labourers: construction and agriculture. Due to the changes described above, including the withdrawal of international military troops, the reduction in international aid and the dramatic drop in investment, over the last few years the construction sector collapsed, while in agriculture the situation has remained more or less the same in the same time period. However, job opportunities in agriculture are per definition seasonal and wages have fallen, due to increased competition on the job market but also because demand for agricultural produce has dropped. Demand for agricultural produce dropped, among other reasons, due to instability and insecurity on the roads. Agricultural produce is not being transported as freely and certain fruits or vegetables can no longer be found in certain cities <sup>(87)</sup>. When faced with job loss, many urban dwellers attempt to venture into street vending, but in doing so they face harassment by the police <sup>(88)</sup>.

<sup>(75)</sup> Samuel Hall, e-mail 12 March 2017.

<sup>(76)</sup> World Bank (The), Afghanistan. Data, n.d. ([url](#)).

<sup>(77)</sup> World Bank (The), Unemployment, total (% of total labor force) (modelled ILO estimate), n.d. ([url](#)).

<sup>(78)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)) p. 3.

<sup>(79)</sup> World Bank (The), Poverty Status Update, October 2015 ([url](#)), pp. 33-34.

<sup>(80)</sup> World Bank (The), Islamic Republic of Afghanistan Agricultural Sector Review, June 2014 ([url](#)), p. 5.

<sup>(81)</sup> World Bank (The), Supporting growth and stability in Afghanistan, 1 January 2017 ([url](#)), p. 7.

<sup>(82)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 56.

<sup>(83)</sup> Mercy Corps and Samuel Hall, Afghanistan: Economic Assessment and Labour Market Survey of Mazar-i Sharif, Pul-i Khumri, Kandahar City and Kunduz City, 2011 ([url](#)), p. 19.

<sup>(84)</sup> ACAPS, Afghanistan’s Job Challenge, 1 December 2014 ([url](#)), p. 7.

<sup>(85)</sup> ACAPS, Afghanistan’s Job Challenge, 1 December 2014 ([url](#)), p. 7.

<sup>(86)</sup> Mercy Corps and Samuel Hall, Afghanistan: Economic Assessment and Labour Market Survey of Mazar-i Sharif, Pul-i Khumri, Kandahar City and Kunduz City, 2011 ([url](#)), p. 19.

<sup>(87)</sup> Samuel Hall, Skype interview, 7 February 2017.

<sup>(88)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 67.



Post-conflict reconstruction had swelled the share of the services sector, although services remain largely unsophisticated, dominated by wholesale and retail services, transport, and government services<sup>(89)</sup>. Many jobs in the services sector, including those generated as a result of international assistance, were mostly temporary and unsustainable due to dependence on aid flows<sup>(90)</sup>. According to the World Bank, 80 % of new jobs created in 2007/2008-2011/2012 were informal and more than half were day-labour arrangements<sup>(91)</sup>. Growth in these jobs, driven by military and external aid-spending between 2002-2012, was mainly concentrated in the cities<sup>(92)</sup>. This has led to rapid urban growth<sup>(93)</sup>. Adding to this, a growing number of youth IDPs and returnees move to the urban centres, creating large communities with a migration background, whether they are economic migrants, IDPs or returnees and, most often, combining characteristics of two or three of these profiles<sup>(94)</sup>.

The small private sector that grew out of external aid — a mere 10 to 12 % of the country's official GDP<sup>(95)</sup> — has been hit hard since 2014 with the reduction of aid and international contracts, and the closure of about 800 military bases around the country causing tens of thousands of Afghans to lose their jobs, especially in services and construction<sup>(96)</sup>. By one estimate, quoted by the International Crisis Group in 2016, 200,000 jobs were lost in logistics since 2014, security and other sectors of the war-driven economy, as a result of the military drawdown alone<sup>(97)</sup>. At one point US CENTCOM estimated that 60 % of all construction contracts were commissioned by military and development agencies<sup>(98)</sup>. According to Samuel Hall's Hervé Nicolle, the services sector is collapsing. He explained that many sectors such as IT-services, consultancies and law offices were all closing. As a result, a large-scale brain drain is taking place, further hampering the possibility of economic recovery. He added that 'the collapse in the construction sector also had an impact on employment in sectors indirectly linked to construction activities too. For example, in the brick kilns of northern Kabul, people are found to be working virtually unpaid'<sup>(99)</sup>.

The other sectors that generated many new jobs in the past decade are the public sector and employment in health and education-related services, primarily for high-skilled workers<sup>(100)</sup>. Despite the high unemployment rate and poor employment prospects, even for highly skilled youth, thousands of available government vacancies are not filled<sup>(101)</sup>.

The director of a research organisation in Kabul that conducts research on human rights and governance issues, noted during his interview with the author of this report in February 2017 that 'there is a very small and highly competitive segment of the job market, accessible to those who are highly qualified, with international organisations, such as UN agencies, which publish their vacancies online. However, even in filling in these vacancies, it remains unclear to what extent there is the need for reliance on informal recommendations'<sup>(102)</sup>.

Those who lost their job and have been able to accumulate some monetary and social capital, and have entrepreneurial skills, may start a business, such as a shop, or a car import business, for example<sup>(103)</sup>.

On the other side of the spectrum, a growing number are becoming societally marginalised, as they are unemployed, lack a supportive network, and resort to crime. Petty crime, muggings, car-jackings, robberies, narcotics trade and more serious crimes are on the rise in cities<sup>(104)</sup>.

According to figures provided in the annual report by the US Department of State covering 2016 'the legal minimum wage for permanent government workers is 6,000 Afghanis (\$103) per month. There is no minimum wage for

<sup>(89)</sup> World Bank (The), Islamic Republic of Afghanistan Agricultural Sector Review, June 2014 ([url](#)), p. 6.

<sup>(90)</sup> ILO, Afghanistan: Time to move to Sustainable Jobs, May 2012 ([url](#)), p. 27.

<sup>(91)</sup> World Bank (The), Poverty Status Update, October 2015 ([url](#)), p. 38.

<sup>(92)</sup> World Bank (The), Islamic Republic of Afghanistan Agricultural Sector Review, June 2014 ([url](#)), p. 4; World Bank (The), Poverty Status Update, October 2015 ([url](#)), pp. 34-36.

<sup>(93)</sup> Samuel Hall, Urban displaced youth in Kabul – Part 1. Mental Health Also Matters, 2016, ([url](#)), p. 7.

<sup>(94)</sup> Samuel Hall, October 28 2014 recommendations workshop Urban Displaced Youth in Kabul City, 28 October 2014 ([url](#)), p. 8; Samuel Hall, Urban Poverty Report, 2014 ([url](#)), pp. 30-32.

<sup>(95)</sup> Sharan, T., Why Europe's plan to send Afghan refugees back won't work, 23 September 2016 ([url](#)).

<sup>(96)</sup> National Centre for Policy Research, Kabul University, Unemployment: Causes and its Economic Outcomes during Recent Years in Afghanistan, 2013 ([url](#)), p. 2; ICG, The Economic Disaster Behind Afghanistan's Mounting Human Crisis, 3 October 2016 ([url](#)).

<sup>(97)</sup> ICG, The Economic Disaster Behind Afghanistan's Mounting Human Crisis, 3 October 2016 ([url](#)).

<sup>(98)</sup> Fishstein, P., et al., Balkh's economy in transition, August 2013 ([url](#)), p. 11.

<sup>(99)</sup> Samuel Hall, Skype interview, 7 February 2017.

<sup>(100)</sup> World Bank(The), Poverty Status Update, October 2015 ([url](#)), p. 33.

<sup>(101)</sup> Tolo News, Officials summoned in Parliament over vacant govt. posts, 1 October 2016 ([url](#)).

<sup>(102)</sup> Director of a research organisation, Skype interview, 6 February 2017.

<sup>(103)</sup> Director of a research organisation, Skype interview, 6 February 2017.

<sup>(104)</sup> Director of a research organisation, Skype interview, 6 February 2017; Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 20; Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 14.

permanent workers in the private sector; but the minimum wage for workers in the non-permanent private sector was 5,500 Afghanis (\$95) per month. According to the Central Statistics Office, 36 % of the population earned wages below the poverty line of 1,150 Afghanis (\$20) per month<sup>(105)</sup>. According to the same source '[e]mployers often chose not to comply with the law or to hire workers informally. Most employees work longer than 40 hours per week, are underpaid, and work in poor conditions, particularly in the informal sector. Workers are generally unaware of the full extent of their labour rights under the law'<sup>(106)</sup>. According to a report by the International Labour Organisation (ILO), in Afghanistan, 'most work contracts are verbal contracts based on no other agreement than moral, which makes it difficult to distinguish paid from unpaid jobs, or long-term from temporary jobs'<sup>(107)</sup>.

### 2.2.3. IDPs and returnees

UNOCHA's Humanitarian Needs Overview for 2017 reported that 'IDPs have limited access to labour opportunities – being unable to find employment, due to their rural skillset and low literacy rate – and are mostly reliant on casual labour. Women in particular find it very difficult or are not permitted to work to supplement their household income or support their families in the case of female headed households'<sup>(108)</sup>.

A study by Amnesty International on the situation of IDPs based on visits to Afghanistan in November 2015 and February 2016 found that those displaced face particular challenges being cut off from their livelihoods and support networks. Many in the Kabul Informal Settlement lack basic skills like literacy, numeracy or vocational skills, hampering their access to job markets<sup>(109)</sup>. Amnesty International found that '[m]ost families were reliant on a single breadwinner – usually the male head of household – who was engaged in informal, part-time work, often in manual labour as a porter at a local market or assisting with construction work. In several cases, children had been forced to prioritise work over school in order to help feed their families and were engaged in menial labour'<sup>(110)</sup>. Amnesty International also found that the growing number of IDPs in Kabul has raised competition over dwindling employment opportunities as day labourer or porter at the markets<sup>(111)</sup>.

In its special report on the situation of returnees in 2015/early 2016, the Afghanistan Independent Human Rights Commission (AIHRC) found that '[l]imited access to work is one of the basic challenges in the country. Based on the findings by the IOM, around 77 % of the returnees lack job security in Afghanistan. The UNHCR confirms that some of the returnees migrate again due to lack of work in the country'<sup>(112)</sup>.

In the cities returnees create additional competition for jobs, putting high pressure on labour markets, resulting in few opportunities and, according to UNOCHA, 'significantly lower wages'<sup>(113)</sup> (see 2.3.5. Consequences of displacement). While some research suggested that returnees have benefited from their migration history in the sense that they increased their employability in a highly competitive job market and thus secured a relatively higher income<sup>(114)</sup>, other research suggests that the acquired skills often do not match demand in the Afghan context<sup>(115)</sup>. In reference to Afghan youth who return but are unable to turn their migration experience into an asset once back in Afghanistan, Samuel Hall Consultancy speaks of a 'lost generation abroad'<sup>(116)</sup>.

### 2.2.4. Urban employment for women

The Constitution and CEDAW treaty prohibit discrimination, but in practice women often have limited access to labour market because of traditional customs, lack of proper education, security issues and high unemployment<sup>(117)</sup>. Women

<sup>(105)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), section 7.e.

<sup>(106)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), section 7.e.

<sup>(107)</sup> ILO, Afghanistan: Time to move to Sustainable Jobs, May 2012 ([url](#)), p. 28.

<sup>(108)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 14.

<sup>(109)</sup> AI, 'My children will die this winter'. Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), pp. 40-41.

<sup>(110)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), pp. 40-41.

<sup>(111)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), pp. 40-41.

<sup>(112)</sup> AIHRC, The Returnees – An Overview of the Situation of Returnees in Afghanistan, 2015, 22 June 2016 ([url](#)), p. 9.

<sup>(113)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 26.

<sup>(114)</sup> APPRO, Return Migration and Development Nexus, April 2014 ([url](#)), p. 14.

<sup>(115)</sup> Ahmadi, B. and Lakhani, S., The forced return of Afghan refugees and implications for stability, January 2016, ([url](#)); Samuel Hall, October 28 2014 recommendations workshop Urban Displaced Youth in Kabul City, 28 October 2014 ([url](#)), p. 18.

<sup>(116)</sup> Samuel Hall, October 28 2014 recommendations workshop Urban Displaced Youth in Kabul City, 28 October 2014 ([url](#)), p. 18.

<sup>(117)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), pp. 50-51; APPRO, Women's Peace and Security in Afghanistan, February 2016 ([url](#)), pp. 17-19; Netherlands Enterprise Agency, Addressing the Obstacles for Afghan SMEs to employ women and support their economic empowerment, 25 October 2016 ([url](#)), pp. 4-7.

continue to face workplace discrimination and hiring practices that favour men<sup>(118)</sup>. SIGAR interviewed 40 women in Kabul who also identified the lack of security and corruption as a major barrier blocking the advance of women in political and economic life, making it difficult for women to gain entry into these systems, which are controlled largely by male power-holders<sup>(119)</sup>. APPRO similarly found that nepotism and bribery made access to employment more difficult for women, particularly to obtain work with NGOs or the government<sup>(120)</sup>.

As reported by HRW, sexual harassment in the workplace, including in the government, is a major problem and there are no laws to specifically prohibit it or protect victims<sup>(121)</sup>. In Kabul City, working women report facing harassment in and out of their workplaces, with a number of women surveyed by APPRO who spoke of inappropriate or sexually suggestive requests by some male co-workers and superiors<sup>(122)</sup>.

In general, cultural and customary restrictions on women's movement prevented many women from working outside the home and women, particularly in rural areas, are primarily involved in home-based income-generating activities such as weaving, sewing, and agriculture<sup>(123)</sup>. Some Afghan businesswomen undertake activities in farming and crafts but rely on external support from international and national non-governmental organisations and micro-credit schemes. Women producers in the horticulture sector in dried fruit have been able to form cooperatives to get better access to markets<sup>(124)</sup>. One of the NGOs offering training, financial and organisational support is Zardozi Markets for Afghan Artisans. It operates in Mazar-e Sharif, Jalalabad, Herat and Kabul. From 2010 to 2015 it helped more than 4,000 women to upgrade their production skills, obtain basic business training, and support them with mentorship. The organisation reported in 2015 that 2,775 of their beneficiaries are still working<sup>(125)</sup>.

A 2016 study by the Netherlands on gender and SMEs found that employment in Afghanistan is largely based on informal network connections, rather than merit, and marginalised groups, including women, struggle to participate, although they are increasingly involved in business sectors<sup>(126)</sup>. The study explains that 'potential female employees have often struggled to gain initial permission from their husband or parents to work and female participation in the formal economy remains low'<sup>(127)</sup>. According to national statistics, the level of women's participation in the labour market is lower in cities than in the rural areas and lower than the national average<sup>(128)</sup>. The Central Statistics Office found that 13 % of urban women were employed, compared to 19 % in rural areas and the 19 % national average<sup>(129)</sup>.

Those urban women who work are predominantly employed in menial and low paid jobs<sup>(130)</sup>. The State of Afghan Cities 2015 report stated that 62 % of the urban female population is illiterate, and 'in the cities, uneducated women are largely excluded from the labour force'<sup>(131)</sup>. Furthermore, the majority of urban women are employed in low-skilled, irregular, and low-earning jobs such as house-cleaning or sewing, or domestic labour<sup>(132)</sup>. Women with higher education, often obtained overseas, are more likely to find urban employment, though these women are the minority and 'face considerable structural constraints' to their economic participation, due to poor urban safety for women and girls, cultural and social barriers, and lack of access to land, housing, and property<sup>(133)</sup>. Additional barriers may come from the lack of available and suitable jobs, mobility restrictions linked to security, and the openness and attitudes of the woman's family with regards to her employment<sup>(134)</sup>. Urban female headed households, especially

<sup>(118)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 53.

<sup>(119)</sup> SIGAR, Quarterly Report to US Congress, 30 October 2016 ([url](#)), p. 12.

<sup>(120)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 63.

<sup>(121)</sup> HRW, Afghanistan: Fight Rampant Sexual Harassment, 14 October 2014 ([url](#))

<sup>(122)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 62-63.

<sup>(123)</sup> ILO, Afghanistan: Time to move to Sustainable Jobs, May 2012 ([url](#)), p. 4.

<sup>(124)</sup> Ganesh, L., Women's Economic Empowerment in Afghanistan 2002-2012, November 2013 ([url](#)), p. 26.

<sup>(125)</sup> Zardozi, Annual Report 2015 ([url](#)), p. 8.

<sup>(126)</sup> Netherlands Enterprise Agency, Addressing the Obstacles for Afghan SMEs to employ women and support their economic empowerment, 25 October 2016 ([url](#)), accessed 9 March 2017, p. 4.

<sup>(127)</sup> Netherlands Enterprise Agency, Addressing the Obstacles for Afghan SMEs to employ women and support their economic empowerment, 25 October 2016 ([url](#)), accessed 9 March 2017, pp. 4, 8, 21.

<sup>(128)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities. Volume 1, 2015, ([url](#)), p. 20; CSO, Women and Men in Afghanistan 2014, ([url](#)), p. 15.

<sup>(129)</sup> CSO, Women and Men in Afghanistan 2014, ([url](#)), p. 15.

<sup>(130)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities. Volume 1, 2015, ([url](#)), p. 20.

<sup>(131)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities. Volume 1, 2015 ([url](#)), p. 58; CSO, National Risk and Vulnerability Assessment 2011-12, 2014 ([url](#)), p. 30.

<sup>(132)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities. Volume 1, 2015 ([url](#)), p. 20.

<sup>(133)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities. Volume 1, 2015 ([url](#)), p. 20.

<sup>(134)</sup> Netherlands Enterprise Agency, Addressing the Obstacles for Afghan SMEs to employ women and support their economic empowerment, 25 October 2016 ([url](#)), pp. 5, 24.

if widowed or disabled, face particular vulnerability due to poverty, landlessness, and limited social capital <sup>(135)</sup>. Married and older women state that it is more difficult for them to find work than younger, single women <sup>(136)</sup>. However, young married women, particularly Pashtuns, are also pressured to remain home <sup>(137)</sup>.

Societal preferences are that women who do work should be employed in professions such as teaching and home-based activity <sup>(138)</sup>. An IWPR article about Laghman province found that there was an ‘enormous gender imbalance’ in public sector employment, and that within the local government, educated women were limited to working in fields of education and healthcare <sup>(139)</sup>. According to 2013 national labour force statistics, of the 13 % of urban women who were employed, employment types were: salaried public workers (40 %), self-employed (‘own-account’) (28 %), or unpaid family workers (14 %), salaried private workers, or day labourers; 1 % of the employed female population were identified as an ‘employer’. ‘Vulnerable’ employment accounts for 49 % of female employment <sup>(140)</sup>. Data indicates that in the major cities, women earn a fifth of the male average income, or about 50 Afghanis (\$0.9) compared to 250 Afghanis (\$4.3) paid to male employees <sup>(141)</sup>. Sources report that women who work in public jobs such as lawyers, journalists, politicians, humanitarian workers, police officers are threatened and harassed <sup>(142)</sup>. When a female-run business is successful, women face the risk of having it taken over, or being forced to share it with male members of family <sup>(143)</sup>.

Many women employed in the civil service do not meet the minimum qualification standards of having a bachelor’s degree <sup>(144)</sup>. According to APPRO, Balkh province has one of the highest female participation rates in the civil service (43 % of government employees are female), however, male colleagues were discriminatory and generally assumed that female colleagues lacked the capacity to carry out their tasks <sup>(145)</sup>. In Herat, women make up 40 % of the civil service, and in Kabul, 34 %; however, again, discrimination in the labour market and workplace impeded their full participation <sup>(146)</sup>. Attitudes towards working women are changing slowly as ideas about women’s participation in public and economic life have evolved over the past 15 years of international aid. While there is still a strong preference for public sector and traditionally ‘female’ professions in education or at home, women are beginning to be present in private sector, such as the service industry, media, telecommunication, electronics, finance, or construction. For example, in the mobile-phone company, Roshan, women constitute 19 % of staff and 17 % of management. In big cities such as Kabul, Mazar-e Sharif or Herat there are examples of some women working in factories, particularly in small workshops. Some upper and middle class women run their own businesses in urban areas. However, they still face cultural restrictions and limitations on their freedom of movement <sup>(147)</sup>.

A 2012 study stated that nearly 75 % of general education teachers in Kabul City are women <sup>(148)</sup>. The study adds: ‘This is not necessarily positive, however, as the high percentage of female teachers in Kabul City may also be an indication that teaching is one of the few economic opportunities available to well-educated women and that other higher paying opportunities are available for men’ <sup>(149)</sup>.

According to 2013 UNFPA survey, in Kabul city only 5.7 % of women over the age of 15 worked compared to 63.9 % of men <sup>(150)</sup>. Of the women that did work, 69.8 % were employed in community and personal services, followed by manufacturing (18.1 %), with low percentages for participation in all other sectors <sup>(151)</sup>. Employed women tended to

<sup>(135)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities. Volume 1, 2015 ([url](#)), p. 20.

<sup>(136)</sup> US DoS, Country Reports on Human Rights Practices for 2015 - Afghanistan, 13 April 2016 ([url](#)), p. 53.

<sup>(137)</sup> Netherlands Enterprise Agency, Addressing the Obstacles for Afghan SMEs to employ women and support their economic empowerment, 25 October 2016 ([url](#)), p. 24.

<sup>(138)</sup> Netherlands Enterprise Agency, Addressing the Obstacles for Afghan SMEs to employ women and support their economic empowerment, 25 October 2016 ([url](#)), pp. 5, 24-25.

<sup>(139)</sup> IWPR, Afghan Women Limited to Education and Health Care Roles, 14 November 2016 ([url](#)).

<sup>(140)</sup> CSO, National Risk and Vulnerability Assessment 2011-2012, 2014 ([url](#)), p. 35.

<sup>(141)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities. Volume 1, 2015, ([url](#)), p. 20.

<sup>(142)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 51; HRW, Afghanistan: Fight Rampant Sexual Harassment, 14 October 2014 ([url](#)).

<sup>(143)</sup> Netherlands Enterprise Agency, Addressing the Obstacles for Afghan SMEs to employ women and support their economic empowerment, 25 October 2016 ([url](#)), p. 21.

<sup>(144)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 40.

<sup>(145)</sup> APPRO, Women’s Peace and Security in Afghanistan, February 2016 ([url](#)), pp. 17-18.

<sup>(146)</sup> APPRO, Women’s Peace and Security in Afghanistan, February 2016 ([url](#)), pp. 36, 40.

<sup>(147)</sup> Netherlands Enterprise Agency, Addressing the Obstacles for Afghan SMEs to employ women and support their economic empowerment, 25 October 2016 ([url](#)), pp. 19-20.

<sup>(148)</sup> Islamic Republic of Afghanistan, Education Joint Sector Review, June 2012 ([url](#)), pp. 17-31.

<sup>(149)</sup> Islamic Republic of Afghanistan, Education Joint Sector Review, June 2012 ([url](#)), p. 31.

<sup>(150)</sup> CSO, Socio-economic Survey Kabul, 2013 ([url](#)), p. 43.

<sup>(151)</sup> CSO, Socio-economic Survey Kabul, 2013 ([url](#)), pp. 49, 52.

have reached vocational or higher level education<sup>(152)</sup>. According to APPRO, which surveyed women from Kabul City, and the districts of Khak-e-Jabbar and Istalif, ‘women engaged in home-based activities such as tailoring, embroidery, and creating fur products do have seen a major reduction in the demand for their products’ while beyond the private sector many government positions have been frozen and few employment opportunities being available for new university graduates<sup>(153)</sup>. Women reportedly had to pay bribes of 10,000 Afghanis to obtain a teaching position<sup>(154)</sup>. According to a study by the Netherlands, the situation has been compounded by the withdrawal of international forces, noting that:

As a result of deteriorating security, for those women with jobs, or even with their own businesses, the deterioration in the physical security situation, political uncertainty and reduction in women’s projects (and ‘liberal rights’ momentum) has led to increased levels of conservatism by their families, with tighter restrictions on work (particularly in Kabul), including both permission to work (out of the house), as well as conditions on participation in work (location of work, type of work, and duration out of the house)<sup>(155)</sup>.

UNHCR commented that the majority of the poor population are unable to cope inside the city and have to move to the outskirts where there are greater social pressures and protection risks<sup>(156)</sup>. Women’s income was very low, for example, Deutsche Welle reported that a widowed woman with a cleaning job earned about 1200 Afghanis (17 Euro) per month<sup>(157)</sup>.

According to a survey conducted by UNFPA in 2016, 11.4 % of women over the age of 15 were working in Herat province<sup>(158)</sup>. Of those women who were engaged in economic activities, 40 % had reached higher or vocational level education<sup>(159)</sup>. According to the French NGO, URD Groupe, limited mobility and the strict application of *pardah* for women restricts access to employment for women<sup>(160)</sup>. The main economic activities of chronically poor and unskilled women in the city are to help neighbours with housework or activities such as baking bread, cleaning clothes or houses, skinning animals<sup>(161)</sup>. Opportunities for poor women are limited and some households depend deeply on charity. Better off households in Herat that have enough male labour may also have women involved in carpet weaving, baking, or tailoring<sup>(162)</sup>. Female headed households were rare in Herat city. The very high cost of rent in the city means that those who do not have relatives when they arrive in the city moved from house to house and had to leave when they could no longer pay rent. Other families were able to live with their relatives<sup>(163)</sup>.

An example of female entrepreneurship in Herat is the Khadija-tul Kubra market, a dedicated market for businesses run by women. However, business owners complain that it is situated far from the district centre and shopping centres and one female entrepreneur encountered difficulties renting a space to run her business in the city centre, leaving her no option but to move to the Khadija-tul Kubra market. According to the IWPR article, the main obstacles to developing the businesses of women are conservative social prejudice that prevent women from working alongside men, and the lack of access to financial capital to support women’s businesses<sup>(164)</sup>.

According to a survey conducted by UNFPA in 2015, in Mazar-e Sharif, 10.4 % of the female population over the age of 15 were working<sup>(165)</sup>. Of the 10.4% who worked, almost 40 % of women engaged in economic activities in Balkh province had vocational or higher education<sup>(166)</sup>. Working women in Balkh were employed as craft and trade workers (39.6 %) or as machine operators and assemblers (28.8 %), and 17.4 % were employed as managers, professionals, technicians or clerks<sup>(167)</sup>.

<sup>(152)</sup> CSO, Socio-economic Survey Kabul, 2013 ([url](#)), p. 47.

<sup>(153)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 63.

<sup>(154)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 63.

<sup>(155)</sup> Netherlands Enterprise Agency, Addressing the Obstacles for Afghan SMEs to employ women and support their economic empowerment, 25 October 2016 ([url](#)), pp. 22-23.

<sup>(156)</sup> UNHCR, 3 March 2017. UNHCR Afghanistan made this addition during the review of this report.

<sup>(157)</sup> DW, Afghan widows would ‘rather die’, 30 January 2013 ([url](#)).

<sup>(158)</sup> CSO, Socio-Demographic and Economic Survey Herat, 7 March 2017 ([url](#)), p. 36.

<sup>(159)</sup> CSO, Socio-Demographic and Economic Survey Herat, 7 March 2017 ([url](#)), p. 41.

<sup>(160)</sup> Groupe URD, Research on Chronically Poor Women in Afghanistan – Final Report, May 2008 ([url](#)), p. 108.

<sup>(161)</sup> Groupe URD, Research on Chronically Poor Women in Afghanistan – Final Report, May 2008 ([url](#)), p. 107.

<sup>(162)</sup> Groupe URD, Research on Chronically Poor Women in Afghanistan – Final Report, May 2008 ([url](#)), p. 108.

<sup>(163)</sup> Groupe URD, Research on Chronically Poor Women in Afghanistan – Final Report, May 2008 ([url](#)), pp. 107-108.

<sup>(164)</sup> IWPR, Herat Businesswomen Demand State Support, 15 November 2016 ([url](#)).

<sup>(165)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), p. 35.

<sup>(166)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), p. 35.

<sup>(167)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), p. 41.

### 2.2.5. Kabul

According to the Afghan government ‘[t]he 34 Provincial Capitals are home to over eight million Afghans, roughly one-third of the total population [...] Kabul dominates with an estimated 41 % of the urban population’, which leads to ‘considerable urban growth pressure due to in-migration and urban expansion’ <sup>(168)</sup>.

As the capital, Kabul is the financial and political centre and largest city of the country and hosts most of the international agencies. It has a higher level of industrialisation than other cities <sup>(169)</sup>. However, according to the Kabul city Master Plan, the employment structure of Kabul province is 79.4 % agriculture, 5.7 % industry, and 14.9 % services. Even if the population of Kabul province is 80 % urban, most inhabitants depend on agriculture for a living, either directly or indirectly. Since sellers of agricultural produce are also counted among those employed in the agriculture sector, the services sector is largely underestimated <sup>(170)</sup>.

As stated earlier, the business climate has been consequently negative since the second half of 2015, with Kabul systematically scoring worse than the national average <sup>(171)</sup>. According to the Afghanistan Rights Monitor: Baseline Report of April 2016 ‘[o]verall economic activity throughout the country, and particularly in Kabul, has been affected by major security challenges resulting in lack of investor confidence and lower levels of development aid flowing into the country resulting in large losses of aid-dependent professional and auxiliary jobs’ <sup>(172)</sup>. Several press articles report that (day) labourers complain that there are hardly any jobs for them in Kabul, with the number of job seekers outnumbering the available jobs by far and most days of the month, labourers remain without job <sup>(173)</sup>.

According to the Government in 2015, Kabul generally has better employment opportunities than most cities due to a greater number of businesses and administrative offices and, ‘[t]he proportion of salaried workers in the urban workforce is by far the highest in Kabul’ <sup>(174)</sup>. However, according to the Afghanistan Rights Monitor: Baseline Report of April 2016

many government departments have frozen entry positions, offering few employment opportunities for the droves of newly qualified university graduates. Nepotism and bribery further compound access to employment, especially for women. Without intermediaries it is difficult to get a job with the government or NGOs [...] There are no reliable statistics on the working population in Kabul City [...] Lack of economic stability and unemployment were repeatedly mentioned as one of the most prominent challenges faced by adults in all three target districts [Kabul City, Istalif and Khak-e-Jabar], triggering migration of young male adults <sup>(175)</sup>.

### 2.2.6. Herat

Herat is one of Afghanistan’s major trading hubs and has strong historical trade ties with Iran and Turkmenistan <sup>(176)</sup>. As the national economy stagnates, the volume of trade is expected to decrease significantly, negatively impacting employment and services in Herat <sup>(177)</sup>.

The small- and medium-sized enterprise industry is well developed in Herat, particularly in handicrafts, rugs and silk <sup>(178)</sup>. The province has industry including shoe factories, mobile-phone factories and refrigerator factories – staffed entirely by men <sup>(179)</sup>. Exports of these goods and agricultural products from the province have fluctuated significantly in recent years <sup>(180)</sup>. Although no other Afghan city attracted as much private investment since 2001 as Herat did, initial optimism waned as locally manufactured products were undercut by products from Iran <sup>(181)</sup>.

<sup>(168)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. vii and 8.

<sup>(169)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 3 and 62.

<sup>(170)</sup> RECS International Inc. Yachiyo Engineering Co., Draft Kabul City Master Plan, June 2011 ([url](#)), p. 2-21.

<sup>(171)</sup> ACCI, Business Tendency Survey Report October 2016, October 2016 ([url](#)), p. 3.

<sup>(172)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 62-63.

<sup>(173)</sup> Pajhwok Afghan News, Joblessness surges under unity govt: Labourers, 4 August 2016 ([url](#)); Outlook Afghanistan, Tackling Unemployment in Afghanistan, 8 July 2015 ([url](#)); Pajhwok Afghan News, Seeking jobs, Kabul youth warn swelling rebel ranks, 7 September 2015 ([url](#)); The Kabul Times, Ordinary Afghans suffer from shrinking economy, insecurity, 14 July 2015 ([url](#)).

<sup>(174)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), pp. 62-63.

<sup>(175)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 62-63.

<sup>(176)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 62.

<sup>(177)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 14-16.

<sup>(178)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 63.

<sup>(179)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 52-53.

<sup>(180)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 13.

<sup>(181)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 17.

Employment in the small and medium enterprises in 2015 was either through day labour or as self-employed small entrepreneurs. These two categories account for the absolute majority of job market segments, while salaried workers are a small minority of the job market <sup>(182)</sup>. According to analyst Jolyon Leslie half of the working population of Herat are day labourers whose income is particularly vulnerable to the vagaries of the labour market <sup>(183)</sup>. In effect, in Herat specifically, households reported an economic deterioration as a consequence of the economic drawdown <sup>(184)</sup>. Where at one point 20 % of sales went to international NGO customers, this figure was down to 2 % in 2014 <sup>(185)</sup>. In 2011-2012 NGOs (Afghan and international) spent more than \$73 million in Herat but the next year only spent \$20.6 million <sup>(186)</sup>.

Herat's economy is also affected by insecurity and political uncertainty, according to analyst Jolyon Leslie <sup>(187)</sup>. Private investment in the city has dropped markedly, which is most obvious in the construction sector where many sites remain unfinished <sup>(188)</sup>. The business climate in Herat has been largely negative since the second half of 2015, with a small uptick in the second quarter of 2016, only to decline again in the next quarter <sup>(189)</sup>. According to the Afghanistan Rights Monitor: Baseline Report of April 2016 '[a]ccess to work is limited due to insecurity and the presence of a "power mafia" that discourages investment in the province' <sup>(190)</sup>.

According to the Afghanistan Rights Monitor: Baseline Report of April 2016, '[t]he general sentiment is that there is discrimination and nepotism in accessing paid employment in Herat. Government positions are commonly "sold" for high prices to those who can afford them' <sup>(191)</sup>. Anecdotal evidence says unemployment and under-employment in Herat is on the rise and impatience among the youth is growing <sup>(192)</sup>. A study on Herat found that 58.6 % of the city population 15 years old and over was unemployed in 2015 <sup>(193)</sup>. Analyst Jolyon Leslie estimated in 2015 that about 30,000 people may be in need of employment in Herat <sup>(194)</sup>.

Heratis attribute the rising level of criminality, particularly petty theft, kidnapping, and more serious crimes, to the rising level of unemployment <sup>(195)</sup>.

#### *Access to employment for IDPs & returnees in Herat*

In a 2014 study by Samuel Hall Consultancy on migration profiles in the five major cities of Afghanistan, Herat was ranked second, after Jalalabad, in terms of absorbing the largest share of returnees (33 %) <sup>(196)</sup>.

Regarding seven protracted IDP settlements in Herat city in 2016, UNHCR came to similar conclusions as to the situation in Kabul. Most IDP families were dependant on a single income from daily wage labour (construction, labouring, loading and unloading goods in marketplaces) or other insecure and seasonal forms of employment. Some women work as cleaners in local houses or as vendors. A '[s]ignificant number of children are also involved in garbage collection, cleaning vehicles and hawking goods at road intersections to supplement family income. Families earned an average of 1,000-3000 AFN (\$45) per month, which they reported was insufficient to run the household' <sup>(197)</sup>.

An assessment of the IDPs in Herat in 2015 came to a similar conclusion: 'Casual labour is currently the primary, if not only source of income, together with other sources of income such as begging or spinning wool. As a result, IDP households secure their basic needs through unsustainable income sources that increase their vulnerability' <sup>(198)</sup>.

<sup>(182)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), accessed 30 January 2017, p. 62.

<sup>(183)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 19.

<sup>(184)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p.9.

<sup>(185)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), pp. 62-63.

<sup>(186)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 33.

<sup>(187)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 3.

<sup>(188)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 13.

<sup>(189)</sup> ACCI, Business Tendency Survey Report October 2016, October 2016 ([url](#)), pp. 4, 7.

<sup>(190)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 52-53.

<sup>(191)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 52-53.

<sup>(192)</sup> Pajhwok Afghan News, Growing unemployment: Herat youth hit out to govt, 9 May 2016 ([url](#)).

<sup>(193)</sup> UNFPA, Launch of Herat Socio-demographic and Economic Survey Highlights 2016, 20 December 2016 ([url](#)), p. 16.

<sup>(194)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 20; Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat's dynamism, 11 January 2017 ([url](#)).

<sup>(195)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), pp. 20, 34; Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat's dynamism, 11 January 2017 ([url](#)).

<sup>(196)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 31.

<sup>(197)</sup> UNHCR, Profile and Response Plan of Protracted IDP Settlements in Herat, October 2016 ([url](#)), p. 6.

<sup>(198)</sup> REACH, Rapid assessment of Internally Displaced Persons in Herat, April 2015 ([url](#)), p. 6.

### *Access to employment for women in Herat*

Analyst Jolyon Leslie found that in 2015 the proportion of women in paid labour in Herat was higher than in any other urban community in Afghanistan <sup>(199)</sup>. The high number of women and children from vulnerable families engaged in informal employment in Herat points to how families struggle to survive, according to Leslie <sup>(200)</sup>.

According to the Afghanistan Rights Monitor: Baseline Report of April 2016

The employment of women is [...] hindered by family resistance to women working outside the home [...] There are different views about women's access to paid employment. Some men resent positive discrimination and quotas for employing women. Others believe that women are routinely discriminated against because of patriarchy [...] Women have access to jobs in tailoring, agricultural cooperatives, embroidery and beauty parlors. There are reports of harassment of women at work, particularly in Herat City [...] Women suffer the most for inadequate working conditions. Sanitary facilities at many government and non-government workplaces are insufficient and inadequate for women <sup>(201)</sup>.

### **2.2.7. Mazar-e Sharif**

The population of Mazar-e Sharif is about 590,000 and given its 'strong and relatively diversified economies including robust construction, manufacturing and services sectors' is 'under considerable urbanisation pressure' <sup>(202)</sup>.

The relatively peaceful situation in Balkh province in the first decade after transition allowed for a surge in economic development and an "economic boom" after 2004 <sup>(203)</sup>. Mazar-e Sharif's economic performance has attracted many labourers from the countryside, from neighbouring districts, provinces and even further afield <sup>(204)</sup>. A 2014 study on urban poverty by Samuel Hall found that the city had by far the biggest share of economic migrants of all five major cities in Afghanistan <sup>(205)</sup>.

Due to its link with Central Asia and advantageous central position in the north of Afghanistan, Mazar-e Sharif is an important import/export hub, as well as a regional trading centre for Northern Afghanistan <sup>(206)</sup>. According to UNHCR in Afghanistan, 'In late 2016, some key districts connecting Mazar-e Sharif to Hairatan Border, Kaldara and Shortepa, witnessed an increasing number of anti-government elements and security incidents along the highway. The attacks mostly targeted commercial convoys and are directed as disrupting the commercial ties of the province with Uzbekistan and China' <sup>(207)</sup>.

Mazar-e Sharif is also an industrial centre, with a large number of small and medium enterprises and several large-scale manufacturing enterprises. Compared to other major cities, Mazar-e Sharif has the largest share of self-employed people, followed by salaried workers and day labourers <sup>(208)</sup>. According to the Afghan government '[t]he SME industry in Mazar-e Sharif is well developed, providing Qaraqul skin, handicrafts, rugs and carpets. Mining, textiles and agro-based products are also growing in significance' <sup>(209)</sup>.

Mazar-e Sharif's booming urban economy has provided a source of non-agricultural income for many households but that has been in visible decline since about 2013. This is attributed to a combination of factors, mainly the reduction in international financial flows which has curtailed employment on military bases and in construction. For example, an estimated 7,000 people lost their jobs due to the closure of two military bases in and around Mazar-e Sharif. Here too, the uncertainty due to the political instability in the National Unity Government has affected the economy of Mazar-e Sharif. Businessmen adopted a wait-and-see attitude <sup>(210)</sup>. The business climate in the province Balkh

<sup>(199)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 19.

<sup>(200)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 19.

<sup>(201)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 52-53.

<sup>(202)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), pp. 3, 8.

<sup>(203)</sup> Fishstein, P., et al., Balkh's economy in transition, August 2013 ([url](#)), p. 1.

<sup>(204)</sup> Fishstein, P., et al., Balkh's economy in transition, August 2013 ([url](#)), p. 44.

<sup>(205)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 31.

<sup>(206)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 7.

<sup>(207)</sup> UNHCR Afghanistan, e-mail 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(208)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 63.

<sup>(209)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 63.

<sup>(210)</sup> Fishstein, P., Briefing note on fieldwork in Balkh Province, May 2015, October 2015 ([url](#)), p. 5.



has been largely negative since the second half of 2015, mainly due to ‘security’ factors <sup>(211)</sup>. Until 2012-2013, the construction sector was booming, with a peak period in 2009-2010. Rising wages had reflected a constant demand for labour. However, between 2010 and 2012 there was a 50 % reduction in construction activity. As a result, many companies have become inactive and went on “stand-by”. From 2012-2013 wages declined, reflecting a drop in demand for construction workers <sup>(212)</sup>.

While there are no formal economic statistics available, there were, according to analyst Paul Fishstein, clear indicators that construction, investment and trade were all down in Mazar-e Sharif, with casual labourers finding less work and stagnant or lower wages <sup>(213)</sup>. Those who arrive for casual labour in Mazar-e Sharif are at a disadvantage relative to those who are better known and make better use of their networks to find work <sup>(214)</sup>.

In 2013 the provincial unemployment rate was above the national average, while the under-employment rate was below it <sup>(215)</sup>. According to a study by Mercy Corps and Samuel Hall from 2011, the main recruitment channel in Mazar-e Sharif is, as in other cities, the social network: 85 % of labourers reported being recruited through friends or family, being either an employer or an employee. Only 7 % of employees reported having a formal work contract. This highlights the informal nature of employment relations in Afghanistan. It also reinforces the assumption that most businesses are family-run, where no contract is deemed necessary. Salaries in Mazar-e Sharif are close to the average in other Northern cities <sup>(216)</sup>.

According to Afghanistan Rights Monitor: Baseline Report of April 2016, ‘[t]here is uniform contention that access to employment is severely compromised by corruption and nepotism. Bribery is a pre-condition of gaining employment even if a candidate has the necessary qualifications. There are allegations of ordinary government positions being sold for up to 60,000 Afghanis’ <sup>(217)</sup>.

#### *Access to employment for IDPs & returnees in Mazar-e Sharif*

UNHCR stated in 2017 that both IDPs and returnees faced significant challenges in accessing meaningful employment and livelihood opportunities. IDPs, who are mostly former farmers and lost their livestock and harvest in place of origin, often rely on daily wage jobs. These jobs are more limited during fall and winter seasons. Returnees also mostly rely on daily wage jobs. The average daily income for returnees and IDP families is between 50 and 100 AFS <sup>(218)</sup>.

## 2.3. Poverty

### 2.3.1. General trends

With a shrinking economy and dwindling employment opportunities, per-capita incomes have fallen for four straight years in the period 2011-2015 and they were predicted to continue to decline in 2016 <sup>(219)</sup>. According to official statistics, the number of people living in poverty grew from 36 % in 2007/2008 to 39 % in 2013/2014 <sup>(220)</sup>. Living in poverty is defined as earning a wage below the poverty line of 1,150 Afghanis (\$20) per month <sup>(221)</sup>. Afghanistan has the highest percentage of poor people of all Asian countries [45 countries] in a comparison by the Asian Development Bank <sup>(222)</sup>. According to UNOCHA, the number of people in need of humanitarian assistance has increased by 13 % in 2016 to 9.3 million at the start of 2017 <sup>(223)</sup>. Inequality has also increased, according to The World Bank <sup>(224)</sup>.

<sup>(211)</sup> ACCI, Business Tendency Survey Report October 2016, October 2016 ([url](#)), pp. 4, 7.

<sup>(212)</sup> Fishstein, P., et al., Balkh’s economy in transition, August 2013 ([url](#)), pp. 41, 46; Fishstein, P., Briefing note on fieldwork in Balkh Province, May 2015, October 2015 ([url](#)), p. 5.

<sup>(213)</sup> Fishstein, P., Briefing note on fieldwork in Balkh Province, May 2015, October 2015 ([url](#)), p. 5.

<sup>(214)</sup> Fishstein, P., Briefing note on fieldwork in Balkh Province, May 2015, October 2015 ([url](#)), p. 5.

<sup>(215)</sup> Fishstein, P., et al., Balkh’s economy in transition, August 2013 ([url](#)), p. 23.

<sup>(216)</sup> Mercy Corps and Samuel Hall, Afghanistan: Economic Assessment and Labour Market Survey of Mazar-i Sharif, Pul-i Khumri, Kandahar City and Kunduz City, 2011 ([url](#)), pp. 49-50.

<sup>(217)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 29.

<sup>(218)</sup> UNHCR Afghanistan, e-mail 3 March 2017. UNHCR made this addition during the review of this report

<sup>(219)</sup> Bloomberg, Mortgages Set to Debut in Taliban-Hit Afghan Housing Market, 29 November 2016 ([url](#)).

<sup>(220)</sup> CSO, Afghanistan Living Conditions Survey 2013-2014 – Key indicators, 3 May 2016 ([url](#)).

<sup>(221)</sup> US DoS, Country Report on Human Rights Practices 2015, 13 April 2016 ([url](#)).

<sup>(222)</sup> Asian Development Bank, Basic Statistics 2016, April 2016 ([url](#)).

<sup>(223)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 16.

<sup>(224)</sup> World Bank (The), Supporting growth and stability in Afghanistan, 2016 ([url](#)), p. 7.

At national level, there are some significant regional differences between poverty levels, with the highest poverty in the Northeast, West Central, and East regions of Afghanistan. Poverty rates range from 27.7 % in the Southwest to 49.7 % in the Northeast <sup>(225)</sup>. According to the World Bank ‘Paradoxically, the lagging regions were not those that experienced the most conflict. The conflict has had the perverse effect of increasing economic integration and employment in the more conflict-affected regions, while the more remote Northeast, dependent on agriculture and vulnerable to natural disasters, received relatively less attention from government and donors’ <sup>(226)</sup>.

### 2.3.2. Urban poverty

Rural areas accounted for 76 % of the population and 81 % of the poor in 2011-2012 but urbanisation has led to an increase in the number of poor people living in urban areas <sup>(227)</sup>. Samuel Hall observed that, besides the urban rural divide, poverty is widespread in the cities and not limited to informal settlements alone. There is no real stratification between subgroups of vulnerable people, though IDP households were identified as particularly vulnerable <sup>(228)</sup>. According to Samuel Hall, ‘the failure to reduce the gap between the poverty rates in urban and rural areas over the last five years indicates that the Afghan economic development may not have been as inclusive as wished’ <sup>(229)</sup>.

According to a 2015 report from the Government of Afghanistan, based on World Bank figures from 2014, 29 % of the total urban population in Afghanistan lives under the poverty line <sup>(230)</sup>. World Bank figures available online state for 2007 28.9 % urban poor and 27.6 % urban poor in 2011 <sup>(231)</sup>.

A 2014 report by Samuel Hall however stated that 78.2 % of urban households in the five major cities fell below the poverty line and that this number is on the rise <sup>(232)</sup>. Samuel Hall compares this figure of 78.2 % with figures from the National Risk and Vulnerability Assessment (NRVA), that had put urban poverty at 29.1 % and 28.9 % in 2007/2008 and 2011/2012 respectively <sup>(233)</sup>. Samuel Hall looks for an explanation of the big difference between 29 % and 78 % urban poor at the moment of collection of data: the NRVA figures date from 2011, when the economy still very much boomed thanks to international spending, while its own figure dates from 2014, when the majority of international troops had withdrawn and the tension around the disputed presidential elections stalled investment. Both had a disproportionate impact on the cities, where most of the jobs provided by the international presence were located and day-labourers in construction were immediately dependent on investments in infrastructure or real estate. Samuel Hall also stated the NRVA-study covered smaller cities, while their study focusses on the five major cities <sup>(234)</sup>. Hervé Nicolle from Samuel Hall added: ‘A glance at the poverty line of 1710 Afghani per person per month reveals a universally dismal panorama, with about one in five Kabuli households (22 % ± 4 %) above the cut-off, Herat, Kandahar and Mazar-e Sharif at around 15 % and Jalalabad at a disastrous 3 % (± 1.5 %). The poverty rate is much higher in Jalalabad, much lower in Kabul, and indistinguishably middling in Herat, Kandahar and Mazar’ <sup>(235)</sup>.

Hervé Nicolle from Samuel Hall noted that ‘beyond the pure “poverty” headcount indicator, poor urban households are less resilient than rural ones in terms of food security, as they can only rarely grow produce to supplement their diet’ <sup>(236)</sup>. Furthermore, housing, food, fuel and transport are all larger expenditure posts in an urban setting <sup>(237)</sup>. A majority of urban households researched by Samuel Hall reported a deterioration of their economic situation due to the drawdown, particularly in Herat and Mazar-e Sharif <sup>(238)</sup>.

In this regard, according to a 2015 report by the Afghan government on the state of the Afghan cities,

<sup>(225)</sup> World Bank (The), Supporting growth and stability in Afghanistan, 2016 ([url](#)), p. 8.

<sup>(226)</sup> World Bank (The), Supporting growth and stability in Afghanistan, 2016 ([url](#)), p. 8.

<sup>(227)</sup> World Bank (The), Supporting growth and stability in Afghanistan, 2016 ([url](#)), p. 7.

<sup>(228)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), pp. 10 – 11.

<sup>(229)</sup> Samuel Hall, e-mail, 12 March 2017.

<sup>(230)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 19.

<sup>(231)</sup> World Bank (The), Urban poverty headcount ratio at national poverty lines (% of urban population), n.d. ([url](#)), accessed 23 March 2017.

<sup>(232)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 36.

<sup>(233)</sup> CSO, National Risk and Vulnerability Assessment 2011-2012. Afghanistan Living Condition Survey, 2014 ([url](#)), p. 52.

<sup>(234)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 36.

<sup>(235)</sup> Samuel Hall, e-mail, 12 March 2017.

<sup>(236)</sup> Samuel Hall, e-mail, 12 March 2017.

<sup>(237)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), pp. 38, 43.

<sup>(238)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 9.

Poverty and inequality are serious problems in Afghanistan’s cities. Nearly one-third of the urban population lives below the official poverty line. Furthermore, cities present a unique set of dynamics that often compound the vulnerability of poor urban households who frequently suffer from weaker coping mechanisms, higher incidence of food insecurity and less social capital and support networks compared with rural households <sup>(239)</sup>.

In a study among urban poor, Samuel Hall found in 2014 that ‘most urban communities now have access to basic services – even if their reliability and the quality of services provided is not always guaranteed’ <sup>(240)</sup>.

According to the Afghan Government, ‘[t]he urban poor, especially women and children, are the most vulnerable to the impacts of a poor urban environment. These groups often reside on the most hazardous land; are the most food insecure (34 % of the urban population); drink from the most polluted water sources; use the most inadequate sanitation facilities; suffer the most from unaffordable and irregular energy supplies; and are the most vulnerable to the effects of natural disasters’ <sup>(241)</sup>. In general the study found that ‘[a]ccess to improved sanitation is low, with only 29 % of urban dwellers having improved sanitation facilities [...] Access to improved water sources is better at 71 %, yet this figure masks severe issues of water quality due to polluted wells and groundwater contamination. Only 14 % of dwellings have piped water access. While access to electricity is relatively high in cities (85 %), it is irregular and unreliable. Almost all urban Afghans (99 %) still rely on solid fuels for winter heating and cooking, which results in significant health problems, especially for women and children’ <sup>(242)</sup>.

### 2.3.3. Reasons for the rise in poverty

The Afghan government in its 2015 report on the state of the cities noted that ‘As of 2014, urban poverty is worsening, due in part to the drawdown of the international presence in Afghanistan and corresponding economic slowdown. Poor households, IDPs, returnees and female-headed households in cities are, and will continue to be most affected by these macro-economic changes’ <sup>(243)</sup>. Besides slow economic growth, the deteriorating security situation also resulted in increased poverty, which is also reflected in the limited numbers of employment opportunities, argued the World Bank <sup>(244)</sup>.

According to the Afghanistan Living Conditions Survey 2013-2014, ‘[t]he profile of the poor reveals that households with certain characteristics, such as households with higher number of younger children, households relying on child labour, households with an illiterate head and a head employed in informal labour arrangements – particularly in agriculture or construction sectors – are more vulnerable to poverty than others’ <sup>(245)</sup>.

The Afghan labour market is characterised by a high share of informal labour arrangements – in the cities more than one in two jobs are informal. About one in three persons in the cities is jobless or underemployed. Although, according to The World Bank, unemployment declined in the period 2007/2008 – 2011/2012 in the cities, underemployment rose there in the same period. This represents a relatively big share of workers exposed to the risk of poverty <sup>(246)</sup>.

Even if a household can secure a steady income for a month, in 2014 the wages from day labour were so low that a double-income household working 20 days per month could not provide for a 7.4 member household (the average household size)<sup>(247)</sup>.

Job losses, unemployment and displacement often result in negative coping mechanisms such as child marriages, child labour in brick kilns or carpet-weaving factories, street begging and selling items on the street and in traffic or sending (often minor) family members to migrate for labour opportunities to make money <sup>(248)</sup>.

<sup>(239)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 3.

<sup>(240)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 47.

<sup>(241)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 97.

<sup>(242)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 97.

<sup>(243)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p.viii.

<sup>(244)</sup> World Bank (The), Afghanistan Development Update: Afghanistan riding into the headwinds of lower aid, 20 April 2016 ([url](#)).

<sup>(245)</sup> CSO, Afghanistan Living Conditions Survey 2013-2014 – Key indicators, 3 May 2016 ([url](#)).

<sup>(246)</sup> World Bank (The), Poverty Status Update, October 2015 ([url](#)), pp. 35-36.

<sup>(247)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), pp. 36-37.

<sup>(248)</sup> Mercy Corps and Samuel Hall, Afghanistan: Economic Assessment and Labour Market Survey of Mazar-i Sharif, Pul-i Khumri, Kandahar City and Kunduz City, 2011 ([url](#)), p. 20; Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 14; Samuel Hall, Skype interview, 7 February 2017.

### 2.3.4. Women headed households

According to UNAMA, women living alone experience societal stigma, and UNHCR explained that women who leave an abusive marriage face the risk of prosecution for *zina*. Apart from a small number of elite Afghan women, living alone is ‘socially and culturally impossible’ in Afghanistan<sup>(249)</sup>. Unaccompanied women fleeing abuse, such as those who couldn’t be reunited with family or who were unmarried, were not commonly accepted by society<sup>(250)</sup>.

According to official 2012 statistics, only 0.4 % of Afghan households are headed by women; however, 54.7 % of these households are poor, in comparison to 36 % of male-headed households<sup>(251)</sup>. According to research on chronically poor women conducted in 2008, female-headed households, defined as the main breadwinner and decision-maker, were rare, particularly in Pashtun areas, because most of the time widows and unmarried women were under male protection as part of another household. Women-headed households are more numerous in big cities than in rural areas, where the social network is more tight-knit<sup>(252)</sup>. NRC emphasises that there is a high prevalence of widows and female heads of household among the internally displaced<sup>(253)</sup>. Urban households headed by women are vulnerable because of higher poverty, lower income, higher rates of landlessness, limited social and family networks and vulnerability to abuse and exploitation<sup>(254)</sup>. Often, in female-headed households children, especially boys, start working at a young age (usually at 12-13 years old) instead of getting an education. For children whose mothers are widowed, it often because boys must take over as head of the family<sup>(255)</sup>. Most women who head a household rely mainly on their social networks or on – often irregular – charity. Relatives or neighbours provide them with food, clothes or medicines. Female heads of household in urban areas stated in a 2008 study that housing and high rental costs were key problems they faced due to the inability to regularly pay rent, and difficulty finding somewhere to live if landlords asked them to leave<sup>(256)</sup>.

*Mahr*, a payment made to the bride from a groom’s family, is considered a gift, though ‘mandatory in Islamic cultures’; however, according to the 2011 WCLRF survey, lack of information, cultural customs, and the husbands prevent women from accessing *mahr*<sup>(257)</sup>. According to the survey, regardless of urban or rural status, 35 % of women received their *mahr* and 21 % of women polled were unaware of the definition or meaning of *mahr*<sup>(258)</sup>.

The same WCLRF survey found that a woman’s ability to own property was dependent on her residence, education level, employment status, and monthly income. Of the women surveyed who did own property, 51 % inherited it, while 39 % of women who owned property bought it themselves from income earned through employment, positively associating ownership with employment status<sup>(259)</sup>.

According to UNHCR, unaccompanied women, widows, divorced women and women whose husbands disappeared are at a greater risk of becoming victims of rape<sup>(260)</sup>.

<sup>(249)</sup> UNAMA and OHCHR, Justice through the Eyes of Afghan Women, April 2015 ([url](#)), p. 29; Guardian (The), The Afghan female politician in hiding, 14 January 2014 ([url](#)).

<sup>(250)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)) p. 36.

<sup>(251)</sup> CSO, Women and Men in Afghanistan 2014 ([url](#)), p. 5.

<sup>(252)</sup> Groupe URD, Research on Chronically Poor Women in Afghanistan – Final Report, May 2008 ([url](#)), p. 65.

<sup>(253)</sup> NRC, Strengthening Displaced Women’s Housing, Land and Property Rights in Afghanistan, November 2014 ([url](#)), p. 28.

<sup>(254)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 20.

<sup>(255)</sup> Groupe URD, Research on Chronically Poor Women in Afghanistan – Final Report, May 2008 ([url](#)), p. 55; Wall Street Journal (The), After Decades of Conflict, Many Afghan Women Struggle to Survive on Their Own, 23 November 2017 ([url](#)).

<sup>(256)</sup> Groupe URD, Research on Chronically Poor Women in Afghanistan – Final Report, May 2008 ([url](#)), p. 66.

<sup>(257)</sup> WCLRF, Women’s Right to Heritage and Property, 2011 ([url](#)), p. 18.

<sup>(258)</sup> WCLRF, Women’s Right to Heritage and Property, 2011 ([url](#)), p. 17.

<sup>(259)</sup> WCLRF, Women’s Right to Heritage and Property, 2011 ([url](#)), p. 23.

<sup>(260)</sup> UNHCR, 3 March 2017. UNHCR Afghanistan made this addition during the review of this report.

## Never married women

In Afghan, male-dominated society, the situation of single women is very difficult as unaccompanied women are not generally accepted by society<sup>(261)</sup>. Official statistics indicate that 92 % of women are married by the time they reach the age of 25<sup>(262)</sup>. Early marriage is common in Afghanistan, leaving girls and women in forced marriages exposed to the health consequences of early pregnancy, such as fistula, and risks of domestic violence<sup>(263)</sup>.

Girls and women who try to escape from forced marriage are often rejected by their families and have nowhere to go due to the stigma of running away. Women and girls may be even killed for shaming the honour of the family. Those without any family support are often forced to become beggars or prostitutes to support themselves and their families<sup>(264)</sup>.

## Widows

According to various estimates, there are between 1.5 and 2.5 million widows in Afghanistan, although no official statistics exist<sup>(265)</sup>. Afghanistan has one of the highest proportions of widows in the world<sup>(266)</sup>. Over decades of war, women have lost husbands and male relatives who have died in conflicts, or who are widowed when their older husbands die<sup>(267)</sup>. The average age of Afghan widows is 35 years, most are illiterate and raise more than four children<sup>(268)</sup>.

According to the Afghanistan Analysts Network (AAN), in the city of Kabul there may be about 50,000 to 70,000 widows, though official data are not available<sup>(269)</sup>. In Kabul City, 2013 statistics found that most widows were over the age of 24, with 19 % being aged 50-59<sup>(270)</sup>. In Balkh province, widows were mainly over 40, with 54 % of women 60 and over widowed<sup>(271)</sup>. Herat province demonstrates similar marital status characteristics to Balkh<sup>(272)</sup>. Female widows made up 10.7 % (Kabul)<sup>(273)</sup>, 11.8 % (Balkh)<sup>(274)</sup> and 23.9 % (Herat)<sup>(275)</sup> of the percentage of the population with functional difficulties (seeing, hearing, walking, remembering/cognitive, communication, or self-caring) in socio-demographic surveys. In Herat, widows were the group with the highest level of functional difficulties<sup>(276)</sup>.

The situation of widows differs depending on a number of factors – the wealth of the family, number and age of children, place of residence (urban or rural area), ethnic origin, community support as well as the relationships in the husband's and her own family<sup>(277)</sup>.

Under Islamic and Sharia law, women have the right to inheritance<sup>(278)</sup>, whether they are daughters or widows. Divorced women do not have this right<sup>(279)</sup>. However, these laws state that women who inherit receive one-eighth of the property if they have children, and one quarter if they do not, while daughters inherit half of the amount given

<sup>(261)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 36.

<sup>(262)</sup> Islamic Republic of Afghanistan – Ministry of Public Health and CSO, Afghanistan – Mortality Survey 2010 ([url](#)), p. 51.

<sup>(263)</sup> HRW, Afghanistan: Ending Child Marriage and Domestic Violence, 4 September 2013 ([url](#)), pp. 6, 11.

<sup>(264)</sup> Women for Afghan Women, Halfway House, n.d. ([url](#)).

<sup>(265)</sup> AAN, Covering for Each Other in Zanabad: The defiant widows of the hill, 7 May 2015 ([url](#)); DW, Afghan widows would 'rather die', 30 January 2013 ([url](#)); UN Women, Women's Centres in Afghanistan, n.d. ([url](#)); Beyond the 11<sup>th</sup>, Our work ([url](#)).

<sup>(266)</sup> AAN, Covering for Each Other in Zanabad: The defiant widows of the hill, 7 May 2015 ([url](#)); IRIN, Bleak prospects for country's estimated 1,5 million widows, 30 January 2008 ([url](#)).

<sup>(267)</sup> DW, Afghan widows would 'rather die', 30 January 2013 ([url](#)).

<sup>(268)</sup> IRIN, Bleak prospects for country's estimated 1,5 million widows, 30 January 2008 ([url](#)).

<sup>(269)</sup> AAN, Covering for Each Other in Zanabad: The defiant widows of the hill, 7 May 2015 ([url](#)).

<sup>(270)</sup> CSO, Socio-economic Survey Kabul, 2013 ([url](#)), p. 26.

<sup>(271)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), p. 14.

<sup>(272)</sup> CSO, Socio-Demographic and Economic Survey Herat, 7 March 2017 ([url](#)), p. 16.

<sup>(273)</sup> CSO, Socio-economic Survey Kabul, 2013 ([url](#)), p. 61.

<sup>(274)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), p. 54.

<sup>(275)</sup> CSO, Socio-Demographic and Economic Survey Herat, 7 March 2017 ([url](#)), p. 56.

<sup>(276)</sup> CSO, Socio-Demographic and Economic Survey Herat, 7 March 2017 ([url](#)), p. 56.

<sup>(277)</sup> Grace, J., Who Owns the Farm? Rural Women's Access to Land and Livestock, February 2005 ([url](#)), pp. 19-26; Groupe URD, Research on Chronically Poor Women in Afghanistan – Final Report, May 2008 ([url](#)), p. 58.

<sup>(278)</sup> NRC, Strengthening Displaced Women's Housing, Land and Property Rights in Afghanistan, November 2014 ([url](#)), p. 9.

<sup>(279)</sup> WCLRF, Women's Right to Heritage and Property, 2011 ([url](#)), pp. 7-8.

to sons<sup>(280)</sup>. A 2011 study by the Women and Children Legal Research Foundation (WCLRF) about Afghan women's rights to property found that patriarchal attitudes in society are among the reasons women cannot access their inheritance rights; 55 % of men and 45 % of women surveyed thought that women have no right to inheritance<sup>(281)</sup>.

Even if they inherit land formally, women often transfer it to their male relatives, sons or brothers. If the husband's parents are alive when he dies, the husband's assets will pass to his parents and his wife will not receive anything. Traditionally, the widow should marry a brother-in-law to claim her husband's wealth<sup>(282)</sup>. Women reportedly face pressure from family members or husbands if they try to claim their inheritance. If a woman decides to claim her rights to inherit land (for example through the legal route) against the will of her family, she will lose personal and economic support and the safety guaranteed by her extended family, and risks sparking additional domestic pressure and abuse<sup>(283)</sup>.

Widows are among Afghanistan's most vulnerable groups because they are stigmatised, perceived as morally questionable as they have no male guardian, and are susceptible to violence<sup>(284)</sup>. Widows lack the family protection of male guardians that fathers, brothers, or husbands provide<sup>(285)</sup>.

According to AREU, young widows often remarry if they are too young to sustain themselves, or if they simply want to get re-married, while other widows may have to remarry to support themselves, particularly if they do not inherit land<sup>(286)</sup>. It is customary for widowed women to enter into a second marriage with someone from the husband's family, usually his brother, in order to obtain support, yet this is not always possible. Also, some women do not always agree to such a solution<sup>(287)</sup>. Widows and their daughters are often not supported, especially if the new husband/brother-in-law is already poor<sup>(288)</sup>. The UN documented violence against widows because they were perceived to be an economic burden on relatives<sup>(289)</sup>.

Widows rarely work outside the home and few have any job prospects<sup>(290)</sup>. In large cities, widows also work as cleaners, weavers or tailors, and as beggars or prostitutes. If they have adult children, they may be supported by them<sup>(291)</sup>.

There is no general government support scheme for widows. However, the Ministry of Labour, Social Affairs, Martyred and Disabled says that it pays benefits to about 80,000 registered widows, whose deceased husbands were soldiers or policemen killed on duty, and who are entitled to receive benefits from the state equal to their husband's incomes. Widows of the civilians killed in attacks are entitled to receive 5,000 afghanis a month. However, sources report that the majority of widows of civilians received a small one-off compensation package, not a regular stipend. Widows sometimes are unaware that they are entitled to such aid. There have also been cases where they have been scammed by middle-men. According to the *Wall Street Journal*, there is a common belief that compensation is available only for selected elite<sup>(292)</sup>. According to a *Deutsche Welle* article, even if the state pays indemnity for the death of a soldier, the money goes to the father of the deceased, rather than to his wife and children<sup>(293)</sup>.

In Kabul, a community of approximately 1,000 widowed women who had been outcast from their own communities self-organised and built an illegal settlement in Kabul City called Zanabad ('women's town') to support one another<sup>(294)</sup>. The first buildings there were established in the early 1990s and, by 2011, about 500 widows had built their own houses, some had become literate, and some had found jobs or started small businesses, while others are beggars or street sellers. At the beginning of the settlement, police would harass residents, although one resident says that

<sup>(280)</sup> WCLRF, Women's Right to Heritage and Property, 2011 ([url](#)), pp. 7-8.

<sup>(281)</sup> WCLRF, Women's Right to Heritage and Property, 2011 ([url](#)), p. 11.

<sup>(282)</sup> Groupe URD, Research on Chronically Poor Women in Afghanistan – Final Report, May 2008 ([url](#)), pp. 58, 62.

<sup>(283)</sup> NRC, Strengthening Displaced Women's Housing, Land and Property Rights in Afghanistan, November 2014 ([url](#)), pp. 56-58.

<sup>(284)</sup> UNAMA, Annual Report 2014 – Protection of Civilians in Armed Conflict, February 2015 ([url](#)), p. 3; *Wall Street Journal* (The), After Decades of Conflict, Many Afghan Women Struggle to Survive on Their Own, 23 November 2017 ([url](#)).

<sup>(285)</sup> Lacuna, Widowhood in Afghanistan, July 2015 ([url](#)).

<sup>(286)</sup> Grace, J., Who Owns the Farm? Rural Women's Access to Land and Livestock, February 2005 ([url](#)), p. 23.

<sup>(287)</sup> Lacuna, Widowhood in Afghanistan, July 2015 ([url](#)).

<sup>(288)</sup> Lacuna, Widowhood in Afghanistan, July 2015 ([url](#)).

<sup>(289)</sup> UNAMA, Annual Report 2014 – Protection of Civilians in Armed Conflict, February 2015 ([url](#)), p. 15.

<sup>(290)</sup> *Wall Street Journal* (The), After Decades of Conflict, Many Afghan Women Struggle to Survive on Their Own, 23 November 2017 ([url](#)).

<sup>(291)</sup> NRC, Listening to Women and Girls Displaced to Urban Afghanistan, January 2015 ([url](#)), p. 14; AAN, Covering for Each Other in Zanabad: The defiant widows of the hill, 7 May 2015 ([url](#)).

<sup>(292)</sup> *Wall Street Journal* (The), After Decades of Conflict, Many Afghan Women Struggle to Survive on Their Own, 23 November 2017 ([url](#)).

<sup>(293)</sup> DW, Afghan widows would 'rather die', 30 January 2013 ([url](#)).

<sup>(294)</sup> *Washington Post* (The), Afghan widows form community on Kabul hill, 14 August 2011 ([url](#)).

police now regularly patrol and provide night patrols. Widows get also receive food aid from NGOs such as flour, oil or beans, and the women also organise literacy training and meetings to support one another. Since 2014, the government has provided electricity and water, and the widows, although they do not yet legally own the land, are in the process of trying to convince the government to issue them land certificates <sup>(295)</sup>.

In Herat, APPRO reports that there are no special provisions for widows, divorced or handicapped women, and the government concedes that widows are vulnerable. UNHCR and WFP are the only organisations supporting vulnerable internally displaced women in the province <sup>(296)</sup>.

In Balkh province, the government does not provide special provisions for widows unless the deceased husband had the right to a pension <sup>(297)</sup>. The UNHCR Afghanistan commented that in Mazar-e Sharif, humanitarian organisations providing emergency protection cash assistance report that almost half of the assisted cases are single, female-headed households who are unable to provide for their families. Displaced women are often also the only breadwinner in the family, mostly finding daily job opportunities as housemaids and paid only in kind (food items or clothes) <sup>(298)</sup>.

### Divorced women

Afghan legislation, in accordance with Islamic law, allows for divorce, although it is much easier for men than women to obtain <sup>(299)</sup>. Women can obtain a divorce only under certain conditions, and, according to LandInfo, due to cultural customs and women's limited ability to act independently, 'divorce case law practice is arbitrary' <sup>(300)</sup>. IWPR similarly reports that divorce law remains restrictive and is unevenly applied <sup>(301)</sup>. According to a civil society group interviewed by *The Guardian*, men have the right to divorce at any time, without reason, whilst women cannot obtain a divorce unless she can prove he has not provided food or clothing, for example. If she is beaten, she requires two witnesses and the divorce process can take over a year <sup>(302)</sup>. In Afghan society, divorce is stigmatized and associated with a loss of esteem <sup>(303)</sup>. There are few NGOs and resources available to assist women seeking divorce <sup>(304)</sup>.

*Mahr* is a dowry to be paid by the groom's family, and is considered as insurance for the woman in case her husband divorces her or dies <sup>(305)</sup>. Under Shariah, when a husband divorces his wife, she is entitled to receive *mahr* <sup>(306)</sup>. It should also be paid upon the death of a woman's husband <sup>(307)</sup>. According to Islamic law, a wife can decide how to use *mahr*; however, she may return it to her husband or to her extended family and it is considered as her property. In practice, however, *mahr* is almost never paid and implemented as provided by Islamic law <sup>(308)</sup>. There is, according to AAN, also a custom of paying a 'bride price' (known as *walwar* in Pashto or *toyana/sherbaha* in Dari), which has no foundation in Islamic law, and is distinct from *mahr*. It is common that money is taken by the bride's family, father, or brother for a bride price, but called *mahr* <sup>(309)</sup>. There have been cases of disputes over *mahr*, which can 'sometimes lead to domestic violence' <sup>(310)</sup>.

In the event of divorce, custody of children is frequently awarded to the husband's family because of cultural norms and because mothers are unable to provide for their children economically <sup>(311)</sup>. Whether or not a woman faced

<sup>(295)</sup> AAN, Covering for Each Other in Zanabad: The defiant widows of the hill, 7 May 2015 ([url](#)).

<sup>(296)</sup> APPRO, Women's Peace and Security in Afghanistan, February 2016 ([url](#)), p. 37.

<sup>(297)</sup> APPRO, Women's Peace and Security in Afghanistan, February 2016 ([url](#)), p. 19.

<sup>(298)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(299)</sup> IWPR, Divorce Rights Still Elusive for Afghan Women, 15 September 2015 ([url](#)); Landinfo, Afghanistan: Marriage, 19 May 2011 ([url](#)), p. 20.

<sup>(300)</sup> Landinfo, Afghanistan: Marriage, 19 May 2011 ([url](#)), p. 20.

<sup>(301)</sup> IWPR, Divorce Rights Still Elusive for Afghan Women, 15 September 2015 ([url](#)).

<sup>(302)</sup> Guardian (The), Afghanistan, domestic violence and divorce, 5 May 2015 ([url](#)).

<sup>(303)</sup> Landinfo, Afghanistan: Marriage, 19 May 2011 ([url](#)), p. 20.

<sup>(304)</sup> Guardian (The), Afghanistan, domestic violence and divorce, 5 May 2015 ([url](#)).

<sup>(305)</sup> Emadi H., *Culture and Customs in Afghanistan*, Greenwood Press, Westport, 2005, pp. 165-166; Muzhary, F., The Bride Price: the Afghan tradition of paying for wives, 25 October 2016 ([url](#)); Landinfo, Afghanistan: Marriage, 19 May 2011 ([url](#)), p. 7.

<sup>(306)</sup> NRC, Strengthening Displaced Women's Housing, Land and Property Rights in Afghanistan, November 2014 ([url](#)), p. 52.

<sup>(307)</sup> Muzhary, F., The Bride Price: the Afghan tradition of paying for wives, 25 October 2016 ([url](#)).

<sup>(308)</sup> Muzhary, F., The Bride Price: the Afghan tradition of paying for wives, 25 October 2016 ([url](#)).

<sup>(309)</sup> Muzhary, F., The Bride Price: the Afghan tradition of paying for wives, 25 October 2016 ([url](#)); Rastin-Tehrani, K., and Yassari, N., , Max Planck Manual on Family Law in Afghanistan, July 2012 ([url](#)), pp. 19, 56.

<sup>(310)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 62.

<sup>(311)</sup> UNAMA and OHCHR, Justice through the Eyes of Afghan Women, April 2015 ([url](#)), pp. 12, 27.

violence, boys up to the age of 7 and girls up to 9 can remain with the mother, although often the father gets custody and most women do not contest this in court. There is no clear provision in the law that obliges the father to maintain the children financially while in their mother's custody<sup>(312)</sup>. In order to obtain a divorce, women require a *tazkera*<sup>(313)</sup>.

Available statistics for Kabul, Herat and Balkh provinces show that less 1 % of population surveyed were listed as divorced<sup>(314)</sup>. An article by IWPR stated that divorce is still perceived as 'profoundly shameful', though, according to an AIHRC employee interviewed for the report, the number of recorded divorce cases is increasing and attitudes are changing slowly, particularly in urban areas<sup>(315)</sup>. In Balkh, while divorce is becoming more common, such cases are very difficult to settle. The majority of divorce cases are done through the AIHRC, however, 'following them up in the formal justice system is difficult and outcomes are susceptible to influence due to corruption<sup>(316)</sup>.'

### Women left behind

There is yet another category of women whose status is less visible than widows – women whose husband has disappeared or simply left them without divorcing them. These women cannot remarry for 6 to 10 years, and do not appear to be able to claim property if they do not know whether their husband has died<sup>(317)</sup>.

### Households headed by married women

There are some households where a woman is the only breadwinner while she is married, often because her husband is old, ill, drug-addicted or disabled. According to the French NGO, Groupe URD, such women are also in a very difficult situation if they have no support or no male children to take over as the head of household<sup>(318)</sup>.

## 2.3.5. The consequences of displacement

Since mid-July 2016 the rates of Afghans returning from abroad, both registered refugees and undocumented migrants, suddenly rose steeply. In 2016, almost 620,000 undocumented returnees (249,832) and registered refugees (370,102) returned to Afghanistan from Pakistan. The overwhelming majority – 93 % (577,454) – returned since July. These persons returned from Pakistan in 2016 following continued pressure by Pakistani authorities through new visa requirements, shorter extension of proof of registration cards, increased police raids, detentions and deportations, restricted access to livelihoods, health care and education as well as lack of employment opportunities<sup>(319)</sup>. UNOCHA expects another 1.1 million returnees in 2017<sup>(320)</sup>. To put this in perspective, the International Monetary Fund equalled this number of returnees to Afghanistan in the period 2016-2017 to '50 million migrants entering the European Union over a two-year period'<sup>(321)</sup>.

In the first two months of 2017, the high rate of return recorded in the second half of 2016 continued, according to the UN Secretary General<sup>(322)</sup>. Besides the large-scale returns from Pakistan, there have been significant numbers of returns from Iran<sup>(323)</sup> (roughly 450,000) and Europe (about 10,000, according to the Ministry of Repatriation and Refugees spokesperson)<sup>(324)</sup>. It was estimated that up to 1.6 million Afghans were internally displaced or newly returned by the end of 2016. They would require assistance, according to the UN Secretary General, as would those who repatriate from Europe. The UN Secretary General warned that '[w]ithout the development of concrete plans to manage the process of integration, food insecurity and poverty will continue'<sup>(325)</sup>. UNHCR Afghanistan added

<sup>(312)</sup> UNAMA and OHCHR, *Justice through the Eyes of Afghan Women*, April 2015 ([url](#)), pp. 12, 27.

<sup>(313)</sup> Guardian (The), *Afghanistan, domestic violence and divorce*, 5 May 2015 ([url](#)).

<sup>(314)</sup> CSO, *Socio-Demographic and Economic Survey Herat*, 7 March 2017 ([url](#)), p. 16; CSO, *Socio-Demographic and Economic Survey Balkh*, 5 January 2015 ([url](#)), p. 14; CSO, *Socio-Demographic and Economic Survey Balkh Highlights*, 5 January 2015 ([url](#)); CSO, *Socio-economic Survey Kabul*, 2013 ([url](#)), p. 24.

<sup>(315)</sup> IWPR, *Divorce Rights Still Elusive for Afghan Women*, 15 September 2015 ([url](#)).

<sup>(316)</sup> APPRO, *Afghanistan Rights Monitor: Baseline Report*, April 2016 ([url](#)), p. 29.

<sup>(317)</sup> Grace, J., *Who Owns the Farm? Rural Women's Access to Land and Livestock*, February 2005 ([url](#)), p. 23.

<sup>(318)</sup> Groupe URD, *Research on Chronically Poor Women in Afghanistan – Final Report*, May 2008 ([url](#)), pp. 63-64.

<sup>(319)</sup> UNOCHA, *Afghanistan: Returnee Crisis Situation Report No. 5*, 12 January 2017 ([url](#)), p. 7.

<sup>(320)</sup> UNOCHA, *Afghanistan: Returnee Crisis Situation Report No. 5*, 12 January 2017 ([url](#)), p. 5.

<sup>(321)</sup> IMF, *Return of Afghan Refugees to Afghanistan Surges as Country Copes to Rebuild*, 26 January 2017 ([url](#)).

<sup>(322)</sup> UNSG, *The situation in Afghanistan and its implications for international peace and security*, 3 March 2017 ([url](#)), pp. 9-10 (para. 41).

<sup>(323)</sup> United Nations in Afghanistan, *Population Movement Bulletin*, Issue 8, 26 January 2017 ([url](#)), p. 2.

<sup>(324)</sup> Reuters, *Afghan asylum seekers sent home fear deportations will add to chaos*, 16 December 2016 ([url](#)).

<sup>(325)</sup> UNSG, *The situation in Afghanistan and its implications for international peace and security*, 13 December 2016 ([url](#)), p. 17.



that ‘the findings of UNHCR’s returnee monitoring clearly indicate that one or more family members of the recent returnees and IDPs had to travel to another major city or to Pakistan or to the gulf countries in search of work and remittance to their family members living in Kabul’ <sup>(326)</sup>.

UNOCHA’s flash appeal of September 2016 highlighted that ‘the overall vulnerability of the population has increased as a result of their unanticipated departures from the asylum country; coupled with the already over-stretched absorption capacity in Afghanistan and the lack of resources, concerns are raised of a humanitarian crisis and secondary displacement as winter approaches’ <sup>(327)</sup>.

The UN Secretary General stated in March 2017: ‘Although the large urban centres of Jalalabad and Kabul became a destination of choice, in particular among undocumented returnees, the absorption capacity in urban settings, in particular in terms of access to land, health care and education, was limited’ <sup>(328)</sup>.

Compounding urban poverty, internally displaced persons flee the countryside and move to urban areas where they make up a large proportion of the poor <sup>(329)</sup>. The number of internally displaced persons was 1.18 million in 2016 <sup>(330)</sup>. According to Samuel Hall, migration is a social time bomb in a country where the combination of forced and voluntary, internal and international migration, in- and out-migration, is testing the absorption capacities of urban hubs. Urban centres have a growth rate of 5.4 % annually and a doubling of the population is anticipated over the next 7 years <sup>(331)</sup>.

Increasingly, with potentially large numbers of returning refugees or internally displaced who have lost their livelihoods, government and host community resources are, according to the World Bank ‘stretched to breaking point’ <sup>(332)</sup>. Because of the urban nature of displacement, the humanitarian community in Afghanistan faces additional challenges in identifying humanitarian needs and the most vulnerable families <sup>(333)</sup>.

A major problem for IDPs is often the lack of civil documentation. This may hamper access to a wide range of basic rights, including housing, health, education, humanitarian assistance, public services, etc. However, according to the results of a survey by the Norwegian Refugee Council (NRC), ‘although displacement did not seem to play a significant role in rates of possession of identity documents, gender was revealed as the key divider. Women, especially IDP women, are significantly less likely to hold a *tazkera*, the national identity document, as well as other forms of documentation – 58 % of women hold no documentation at all’ <sup>(334)</sup>. NRC also noted that there was a generational aspect to the possession of documentation and the effect it has on poverty:

As access to documentation is heavily dependent on *tazkera*, and access to *tazkera* is heavily dependent on relatives having *tazkera*, children of those without *tazkera* will likely find themselves facing difficulties in accessing documentation. As noted above, the lack of civil documentation limits educational, employment and financial opportunities. Finally, the lack of educational, employment and financial opportunities makes it more probable that those without documentation are likely to find themselves trapped in a cycle of poverty, from one generation to the next <sup>(335)</sup>.

According to the 2014 Urban Poverty Report ‘the newly-arrived are amongst the most vulnerable groups as the newly-arrived IDPs fared significantly worse than the average urban poor’ <sup>(336)</sup>.

## IDP women

As reported by the Special Rapporteur on violence against women, the overcrowded living situation of informal IDP settlements on the outskirts of cities increases the risk of gender-based violence against women <sup>(337)</sup>. According to

<sup>(326)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(327)</sup> UNOCHA, Afghanistan Flash Appeal 2016. One million people on the move, 7 September 2016 ([url](#)), p. 12.

<sup>(328)</sup> UNSG, The situation in Afghanistan and its implications for international peace and security, 3 March 2017 ([url](#)), p. 10 (para. 42).

<sup>(329)</sup> World Bank (The), Supporting growth and stability in Afghanistan, 2016 ([url](#)), p. 8.

<sup>(330)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(331)</sup> Samuel Hall, e-mail, 12 March 2017.

<sup>(332)</sup> World Bank (The), Supporting growth and stability in Afghanistan, 2016 ([url](#)), p. 8.

<sup>(333)</sup> UNOCHA, Humanitarian Bulletin Afghanistan Issue 59. 01 - 31 December 2016, 15 January 2017 ([url](#)), p. 2.

<sup>(334)</sup> NRC, Access to Tazkera and other civil documentation in Afghanistan, 8 November 2016 ([url](#)), pp. 23, 35-39.

<sup>(335)</sup> NRC, Access to Tazkera and other civil documentation in Afghanistan, 8 November 2016 ([url](#)), p. 39.

<sup>(336)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 59.

<sup>(337)</sup> UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum: Mission to Afghanistan, 12 May 2015 ([url](#)), p. 8.

UNAMA, ‘internally displaced women and children face particular risks of abuse of their basic rights, in particular, access to adequate shelter, food and health services’<sup>(338)</sup>. The NRC explains that displacement places women and children at ‘disproportionate risk’ where they live with less opportunities than in their area of origin, including with regards to access to education, health and the labour market, and less freedom, social capital and social networks<sup>(339)</sup>. Displaced women have less freedom as they lack the social and community networks which provide for possibilities to leave their homes<sup>(340)</sup>.

Women who are displaced from rural to urban areas face particular difficulties in accessing the labour market given that agriculture is typically one of the only areas where they would have been given permission to work by their husbands. Limited education also compounds women’s lack of transferrable skills<sup>(341)</sup>. Women, particularly displaced women are far less likely than men to have a tazkera or other forms of identity documents, or in comparison to returnee women<sup>(342)</sup>.

Furthermore, displaced women struggle to establish new networks due to mobility constraints<sup>(343)</sup>. NRC further explains that ‘internally displaced women are more likely than the rest of the population to be unemployed and suffer from a lack of access to basic needs, such as food, water and shelter. Employed female IDPs were found to earn 4.3 times less than their male counterparts, i.e., overall IDP women earned 23-47 times less than men if counting their total involvement in economic activities’<sup>(344)</sup>.

According to a study about Afghan displaced women by Nassim Majidi and Camille Hennion, based on 2012-2013 data and published in the *Journal of Internal Displacement*, the economic isolation felt by internally displaced women was most noticeable in urban areas. In cities, women can no longer work in farming, which is one of the only sectors in which women are allowed to work by male family members. They are denied work in male-dominated day-labour sectors, forcing IDP women to work in insecure and irregular jobs, such as tailoring, sewing, or begging. With a very high illiteracy rate (97.6 % of study respondents), IDP women lack the basic skills to enter an urban labour market dominated by services and are poorly equipped to adapt<sup>(345)</sup>.

### 2.3.6. Kabul

A 2014 study by Samuel Hall found little differences between several Afghan cities – the prevalence of poverty in the cities is widespread – Kabul households fared only slightly better, with 77.6 % of households falling under the poverty line compared to an average of 78.2 % in the five main cities<sup>(346)</sup>. Little over one in five households in Kabul live above the poverty line<sup>(347)</sup>.

In January 2017, Tolonews reported a high number of beggars in Kabul and the other big cities who have no access to shelter, food or winter clothes<sup>(348)</sup>. While UNICEF estimated that about 60,000 children were working in the streets of Kabul alone, the Afghanistan Independent Human Rights Commission (AIHRC) estimates this to have exceeded 100,000<sup>(349)</sup>.

#### IDPs and returnees

Kabul has absorbed a disproportionate share of the households with a migration history<sup>(350)</sup>. All subcategories of migrants – IDPs, returnees and economic migrants – have a considerable disadvantage when it comes to resilience<sup>(351)</sup>. Particularly in the first year, IDPs are very vulnerable. They often lack identification documents, which hampers their access to basic rights such as justice, education, formal employment or formal housing market. Therefore, many

<sup>(338)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), p. 44.

<sup>(339)</sup> NRC, Listening to Women and Girls Displaced to Urban Afghanistan, January 2015 ([url](#)), pp. 8, 16.

<sup>(340)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 20.

<sup>(341)</sup> Al, ‘My children will die this winter’ Afghanistan’s broken promise to the displaced, 31 May 2016 ([url](#)), p. 40.

<sup>(342)</sup> NRC and Samuel Hall, Access to Tazkera and other civil documentation in Afghanistan, November 2016 ([url](#)), pp. 23-25.

<sup>(343)</sup> NRC, Listening to Women and Girls Displaced to Urban Afghanistan, January 2015 ([url](#)), pp. 8, 16.

<sup>(344)</sup> NRC, Strengthening Displaced Women’s Housing, Land and Property Rights in Afghanistan, November 2014 ([url](#)), p. 25.

<sup>(345)</sup> Majidi N., Hennion C., Resilience in Displacement? January 2014 ([url](#)), pp. 81-82.

<sup>(346)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 36.

<sup>(347)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 21.

<sup>(348)</sup> Tolo News, Begging trend in Afghan cities discussed, 1 January 2017 ([url](#)).

<sup>(349)</sup> IWPR, No Respite for Kabul’s Street Children, 9 December 2016 ([url](#)).

<sup>(350)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), pp. 16-17.

<sup>(351)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 58.

end up in overcrowded and under-serviced informal settlements <sup>(352)</sup>. The situation in IDP settlements in Kabul is dire, especially during winter. In 2012, reportedly dozens of IDPs died from hypothermia <sup>(353)</sup>. In 2017 again, press articles reported children and the elderly dying in freezing conditions <sup>(354)</sup>.

However, a 2015 report from the Afghan Government stated that ‘the majority of returnees and IDPs who are able to locally integrate in suitable locations tend to achieve a standard of living and access to services on par with the local population after three years’ <sup>(355)</sup>.

The majority of the returnees from Pakistan in 2016, an estimated 275,000, ended up in the province of Nangarhar, mainly in and around Jalalabad. The second-largest group of returnees, an estimated 110,000, went to Kabul <sup>(356)</sup>. Almost half of heads of household of returnees from Pakistan surveyed by IOM between November 2016 and February 2017 indicated shelter as their primary need <sup>(357)</sup>.

UNOCHA warned in September 2016 that ‘[t]he majority of returnees [...] are reporting to go primarily to Kabul’ placing a

significant strain on local resources and services, depleting coping mechanisms in under-served communities which are, in many cases, already hosting also a high number of new and protracted conflict-induced IDPs. The concentration of returnees in urban centres and semi urban areas, specifically [...] Kabul, alongside the lack of absorption capacity, and other factors such as a dysfunctional land allocation system and lack of shelter capacity, will increase current trends of secondary displacement and lead to acute humanitarian emergency needs particularly during the winter months <sup>(358)</sup>.

### 2.3.7. Herat

Of all five major Afghan cities surveyed by Samuel Hall in 2014, households in Herat fared worse than average with more than 82 % of them living under the poverty line <sup>(359)</sup>. A report from 2017 mentions the exploitation of children by street beggars and gangs, a practice activists in Herat quoted in the report called ‘rampant’ <sup>(360)</sup>.

#### IDPs and returnees

Returnees in Herat, mainly from Iran, fared much better than returnees in other big cities of Afghanistan. However, IDPs were remarkably more vulnerable and less resilient to shocks than IDPs in other major cities. Within the group of IDPs, those who were displaced recently fare significantly worse <sup>(361)</sup>. An April 2015 assessment of the IDPs in three informal settlements in Herat found that most IDPs were first-time displaced, had an agricultural background and came to Herat because of livelihood opportunities and humanitarian assistance. Nevertheless, the majority reported having insufficient money and resources to purchase food and other basic household items. The IDPs faced difficulties accessing basic needs such as shelter, water, sanitation and education. All IDPs in these sites faced precarious living conditions <sup>(362)</sup>. Recent fighting in neighbouring provinces and in Kunduz has displaced tens of thousands more to Herat. Many were found to be in need of humanitarian assistance by charity organisations in the winter of 2017. Some of them live in tents, near a garbage dump <sup>(363)</sup>.

Still, compared to IDP settlements in Mazar-e Sharif and Kabul, IDPs lived, according to Amnesty International (AI), in marginally better conditions in Shaidayee and Maslakh camps in Herat. However conditions were still not adequate. The provincial government has started distributing land to protracted IDPs but faced many hurdles in doing so, particularly the lack of documentation among IDPs <sup>(364)</sup>.

<sup>(352)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), pp. 16-17.

<sup>(353)</sup> New York Times (The), Driven Away by a War, Now Stalked by Winter’s Cold, 3 February 2012 ([url](#)).

<sup>(354)</sup> Tolo News, 12 children die in Kabul’s cold weather in a week, 7 February 2017 ([url](#)); Pajhwok Afghan News, In harsh winter, Kabul’s tent dwellers struggle to survive, 24 January 2017 ([url](#)).

<sup>(355)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), pp. 17-18.

<sup>(356)</sup> UNOCHA, Afghanistan: Returnee Crisis Situation Report No. 5, 12 January 2017 ([url](#)), p. 2.

<sup>(357)</sup> IOM, Socio-economic survey of undocumented returnees, 7 February 2017 ([url](#)), p. 6.

<sup>(358)</sup> UNOCHA, Afghanistan Flash Appeal 2016. One million people on the move, 7 September 2016 ([url](#)), p. 4.

<sup>(359)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 36.

<sup>(360)</sup> IWPR, Afghanistan’s Child Beggars, 27 February 2017 ([url](#)).

<sup>(361)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), pp. 57-59.

<sup>(362)</sup> REACH, Rapid assessment of Internally Displaced Persons in Herat, April 2015 ([url](#)), p. 1.

<sup>(363)</sup> Pajhwok Afghan News, Kunduz IDPs in dire need for urgent aid in Herat, 24 January 2017 ([url](#)).

<sup>(364)</sup> AI, ‘My children will die this winter’ Afghanistan’s broken promise to the displaced, 31 May 2016 ([url](#)), p. 31.

### 2.3.8. Mazar-e Sharif

Only about 15 % of inhabitants of Mazar-e Sharif live above the poverty line <sup>(365)</sup>. According to a 2015 study, Mazar-e Sharif has the biggest share of income earners making only an irregular living of all five major cities <sup>(366)</sup>. When defining poverty as the share of households that spend more than 60 % of their income on food, Mazar-e Sharif stands out, with over half of its population spending more than 60 % of their income to food, presumably because it is more expensive in Mazar-e Sharif <sup>(367)</sup>. Households in Mazar-e Sharif also reported the lowest dietary diversity <sup>(368)</sup>. The main problem for Mazaris is not the availability of food but the affordability of a diversity of food items <sup>(369)</sup>. Balkh is therefore the exception to the trend whereby more urbanised provinces generally have a lower official poverty rate than rural provinces <sup>(370)</sup>.

#### IDPs and returnees

UNHCR stated in 2017

Balkh Province, mostly Mazar-I-Sharif city, has received approximately 26,000 persons [IDPs and returnees] in the last two years. Despite providing a wider range of basic services compared to other provinces, the absorption capacity of Balkh remains far stretched in proportion to the resources available with the municipal authorities and the humanitarian and development actors. Fragile social services and an ailing economy allow little opportunities for IDPs and returnees to (re)integrate in the urban context of Mazar-I-Sharif. [...] Some IDPs were forced to return to place of origin because they could no longer afford the rent and living expenses in Mazar [although] most of them come from insecure areas <sup>(371)</sup>.

## 2.4. Food security

In 2016, 1.6 million or 6 % of all Afghans were severely food insecure and 9.7 million or 34 % moderately food insecure, according to an assessment quoted by UNOCHA <sup>(372)</sup>. UNOCHA's Humanitarian Needs Overview for 2017 further noted that

The urban poor, particularly petty traders and daily labourers (engaged in agricultural or off-farm labour) are most vulnerable as their income decreased by 17 % according to the 2016 Seasonal Food Security Assessment (SFSA). Additionally, the most vulnerable groups have been identified as: female headed households (59 % food insecure); disabled headed households (39 %, 25 % severely so); households living in tents (74 %); those occupying rooms at relatives (62 %); those living in mountains and deserts (48 %); and those with a higher dependency ratio <sup>(373)</sup>.

The Afghanistan Food Security Cluster found in its assessment covering April-June 2016 that '40 % of the population in Afghanistan is insecure from the perspective of both food consumption and coping capacity' and that 'until now, rural areas were considered more food insecure than urban areas [...]. In 2016, for the first time, urban areas appear to be more food insecure than rural areas' <sup>(374)</sup>. The report says that as a result, urban households were more likely to have resorted to emergency coping strategies such as begging, selling their house or land or migrating <sup>(375)</sup>. The reason for this change is due to 'rising unemployment and under-employment levels in urban areas, as well as the continuing rural to urban migration flows, partly fuelled by the rise in IDPs and urban migration' <sup>(376)</sup>.

Still, there are no actual food shortages in Afghanistan's big cities but food prices have increased over the past 5 years (prior to 2014) <sup>(377)</sup>. The main variable in access to food is income <sup>(378)</sup>. According to the 2014 Urban Poverty

<sup>(365)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 21.

<sup>(366)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 21.

<sup>(367)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), pp. 37-38, 43-45.

<sup>(368)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), pp. 41-42.

<sup>(369)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), pp. 44-45.

<sup>(370)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 19.

<sup>(371)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(372)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 26.

<sup>(373)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 26.

<sup>(374)</sup> Food Security and Agricultural Cluster, Seasonal Food Security Assessment (SFSA), April-June 2016 ([url](#)), pp. 4, 29.

<sup>(375)</sup> Food Security and Agricultural Cluster, Seasonal Food Security Assessment (SFSA), April-June 2016 ([url](#)), p. 29.

<sup>(376)</sup> Food Security and Agricultural Cluster, Seasonal Food Security Assessment (SFSA), April-June 2016 ([url](#)), p. 29.

<sup>(377)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 8.

<sup>(378)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), pp. 8, 73.

Report '20 % of urban Afghans suffer from poor food consumption, while a further third show borderline food consumption, leaving less than half with acceptable levels of consumption, despite the fact that the survey was conducted postharvest' <sup>(379)</sup>. The report concluded that '[t]here is a gap between the income accessible to most of the urban population and the level of resources they need to guarantee adequate levels of food security. Comparisons between cities show only tenuous trends as poverty and food insecurity is widespread across the board, with the exception of Kabul that fares slightly better' <sup>(380)</sup>.

According to UNOCHA, urban food insecurity is increasing 'due to high pressure on labour markets resulting in scarcer work opportunities and low wages' and rising market prices <sup>(381)</sup>. A high number of returnees remain highly dependent for their food provisions from government and humanitarian actors <sup>(382)</sup>.

#### 2.4.1. IDPs & returnees

UNOCHA's Humanitarian Needs Overview for 2017 noted that '[w]hile food insecurity is chronic in Afghanistan, those affected by recent/sudden shocks are considered to be most in need of immediate food assistance including recent returnees, refugees, newly displaced IDPs, prolonged IDPs with limited or no livelihoods options and natural disaster affected people'<sup>(383)</sup>. The same source further noted that rates of severe food insecurity have been found to be extremely high among IDPs <sup>(384)</sup>.

A study by Amnesty International on the situation of IDPs, based on visits to Afghanistan in November 2015 and February 2016, found that 'providing even one daily meal is often a struggle. Since the daily income for most of those displaced comes from irregular work in the informal sector, families' ability to buy food often changes from day to day' <sup>(385)</sup>.

According to the UN Secretary General in March 2017, a rise in commodity prices combined with a scarcity of services and jobs in areas of high-returnee settlement kept the IDPs and returnees in a very vulnerable situation <sup>(386)</sup>.

#### 2.4.2. Kabul

According to the 2014 Urban Poverty Report '[c]omparisons between cities show only tenuous trends as poverty and food insecurity are widespread across the board, with the exception of Kabul that fares slightly better' <sup>(387)</sup>. The amount of wheat flour a day labourer can buy with one day of casual-labour pay was, compared to other cities, in October 2016 highest in Kabul, and higher than its five-year average <sup>(388)</sup>.

In its assessment covering April-June 2016, the Afghanistan Food Security Cluster found that '[c]onsidering both borderline food consumption and poor food consumption, Kabul is the second most insecure province, a trend that denotes the deterioration of food diets and purchasing power in cities' <sup>(389)</sup>.

According to the Afghanistan Rights Monitor: Baseline Report of April 2016, '[p]oor people are often helped by their neighbors who donate food and clothing. In some neighborhoods the neighborhood representatives (*wakil-e gozars*) identify food insecure families and refer them to charity organisations for assistance. [...] There is no government help available for the food insecure. Also, mosques do not provide food assistance' <sup>(390)</sup>.

In its Afghanistan Rights Monitor: Monitoring Cycle 2 report of October 2016 the Afghanistan Public Policy Research Organization (APPRO) found that in Kabul province 'access to food has deteriorated, reportedly due to lack of employment, general poverty, and substance addiction' <sup>(391)</sup>.

<sup>(379)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 30.

<sup>(380)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 46.

<sup>(381)</sup> UNOCHA, Afghanistan Flash Appeal 2016. One million people on the move, 7 September 2016 ([url](#)), p. 7.

<sup>(382)</sup> FEWS, Afghanistan Food Security Outlook Update, December 201 ([url](#)).

<sup>(383)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 26.

<sup>(384)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 14.

<sup>(385)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), p. 38.

<sup>(386)</sup> UNSG, The situation in Afghanistan and its implications for international peace and security, 3 March 2017 ([url](#)), p. 10 (para. 42).

<sup>(387)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 46.

<sup>(388)</sup> FEWS, Afghanistan Food Security Outlook Update, December 201 ([url](#)).

<sup>(389)</sup> Food Security and Agricultural Cluster, Seasonal Food Security Assessment (SFSA), April-June 2016 ([url](#)), p. 66.

<sup>(390)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 60.

<sup>(391)</sup> APPRO, Afghanistan Rights Monitor: Monitoring Cycle 2, 2 October 2016 ([url](#)), p. 18.

### 2.4.3. Herat

According to the 2014 Urban Poverty Report ‘Herat and Mazar-e Sharif show the poorest levels of food consumption’ compared to the other big cities Kabul, Kandahar and Jalalabad <sup>(392)</sup>. Both cities fared consistently poor on a variety of food-security indicators, suggesting that the ‘high level of poverty in Herat is not compensated for by cheaper food items that could help the urban poor in accessing food’ <sup>(393)</sup>. The report found that Herat and Mazar-e Sharif had lowered the quality and quantity of food consumed, proving that they are overall not faring well despite their previous economic dynamism <sup>(394)</sup>. However, the amount of wheat flour a day labourer could buy with one day of casual labour was, in October 2016, relatively high compared to other cities and above its five-year average <sup>(395)</sup>. Still, according to a map produced by the Famine Early Warning Systems Network, from December 2016 until May 2017 Herat will remain in ‘Crisis’ category regarding access to food <sup>(396)</sup>.

According to the Afghanistan Rights Monitor: Baseline Report of April 2016, ‘[a]n estimated 30 % of the population in Herat province has been recently food insecure. The poor take to begging or garbage collecting for scraps. However, there is a significant spirit among community members to help those who are food insecure or in need. There are no reported cases of death due to hunger’ and ‘food assistance and other programs have been declining in the last 2-3 years. As a result, the number of food insecure people has been going up in the last few years. The mosques do not provide food assistance to the needy, except on special occasions’ <sup>(397)</sup>.

#### *IDPs & returnees*

Regarding seven protracted IDP settlements within Herat municipal boundaries, UNHCR found that ‘[t]he overwhelming majority of IDPs are food insecure’, and some severely so <sup>(398)</sup>.

### 2.4.4. Mazar-e Sharif

According to the 2014 Urban Poverty Report ‘Herat and Mazar-e Sharif show the poorest levels of food consumption’ compared to the other 5 big cities and Mazar-e Sharif also ‘fared poorly on a number of food security indicators’ <sup>(399)</sup>. The report found that households in Herat and Mazar-e Sharif had lowered the quality and quantity of food consumed proving that they are overall ‘not faring well, despite their previous economic dynamism’ <sup>(400)</sup>. In October 2016, the amount of wheat flour one day of casual labour could buy was relatively low compared to other cities and lower than its five-year average <sup>(401)</sup>.

According to Afghanistan Rights Monitor: Baseline Report of April 2016, government assistance is only available for victims of natural disaster and conflict. The poor have to live off begging and charity <sup>(402)</sup>.

## 2.5. Education

The World Bank considers education ‘one of Afghanistan’s success stories’ <sup>(403)</sup>. In 2001, net enrolment was estimated at 43 % for boys and 3 % for girls. The World Bank states that there were only about 21,000 teachers (largely under-educated) for a school-age population estimated at more than 5 million — or about 240 students for every trained teacher. Since 2002, school enrolment has increased from 1 million to 8.7 million. In 2015 there were nearly 300,000 students in public and private institutions of higher education, up from less than 10,000 students at the end of 2001. School participation of girls rose to 36 % and teacher numbers rose to more than 185,000 <sup>(404)</sup>.

<sup>(392)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 30.

<sup>(393)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), pp. 30, 45.

<sup>(394)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 87.

<sup>(395)</sup> FEWS, Afghanistan Food Security Outlook Update, December 2016 ([url](#)).

<sup>(396)</sup> FEWS, Afghanistan Food Security Outlook Update, December 2016 ([url](#)).

<sup>(397)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 50-51.

<sup>(398)</sup> UNHCR, Profile and Response Plan of Protracted IDP Settlements in Herat, October 2016 ([url](#)), p. 6.

<sup>(399)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), pp. 30, 100.

<sup>(400)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 87.

<sup>(401)</sup> FEWS, Afghanistan Food Security Outlook Update, December 201 ([url](#)).

<sup>(402)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 27.

<sup>(403)</sup> World Bank (The), Afghanistan. Overview, Last Updated: 2 November 2016 ([url](#)); UNICEF, Afghanistan. Basic education and gender equality, n.d. ([url](#)).

<sup>(404)</sup> World Bank (The), Afghanistan. Overview, Last Updated: 2 November 2016 ([url](#)).

The big successes are now being contested, with even the minister of Education end of 2016 saying only a little over six million pupils were actually attending classes, almost half the number his predecessor gave: 11.5 million pupils (405). The Afghanistan Food Security Cluster noted that ‘[o]verall, girls remain largely discriminated in their access to education, having low attendance rates (45 % against 62 % of boys in primary school, and 27 % against 47 % in secondary school) according to the ALCS 2014 (406).

However, ‘[o]nly about half of the total registered schools have proper buildings, while the rest operate in tents, houses and under trees. Only 55 % of the teachers meet the minimum requirements while the rest get in-service training to upgrade their skills. National student learning assessments are yet to be mainstreamed and the quality of education and administration re-mains relatively weak’ reports the World Bank (407).

The Afghanistan Food Security Cluster noted in 2014 ‘55 % of primary-school aged children were attending school, a decline by 2 percentage points since 2011-2012. The ALCS found that the main reasons for not attending school were economic – children needed to contribute to the household income and there were security and cultural concerns about girls attending school’ (408).

The country’s spectacular population growth of the past 15 years resulted in the highest youth-population growth of any country in the region and the third-highest in the world. Given this, UNHCR and The World Bank state that ‘Afghanistan will need to increase human capital investment in education by 12 % yearly, to maintain current (inadequate) education outcome’ (409). The youth growth is even more pronounced in the cities, where nearly a quarter of the population is between 15 and 24 years old (compared to almost 18 % in rural areas). According to the Afghan Government, ‘there are simply insufficient education opportunities’ in Afghan cities to meet the demand, resulting in high youth unemployment and under-employment (410).

Enrolment rates in Afghanistan have been rising since 2001, particularly girls’ enrolment and especially among young urban women. Yet barriers remain, particularly for returnees, including poverty, socio-cultural restrictions upon girls, poor infrastructure and lack of qualified teaching staff, particularly female teachers (411). The available qualified female teachers tend to be concentrated in the urban centres. In 2011/2012, the Ministry of Education estimated that 90 % of qualified female teachers were located in the nine major urban centres of Kabul, Herat, Nangarhar, Mazar-e Sharif, Badakhshan, Takhar, Baghlan, Jawzjan and Faryab (412). UNHCR notes that most of the qualified teachers who graduated from the Teachers’ Training Institute prefer to work in the city and, in particular, female teachers are reluctant to work in the districts. The security risks of attacks against schools or teachers that are seen as implementing government policies of enhanced education, in particular girls’ education, has affected the quality of education and the willingness of teachers to work in the districts (413).

Only 14.5 % of female respondents in a 2016 Samuel Hall study on urban youth reported attending some form of short-term training, with 5.3 % attending a tailoring course. Despite this low number, training, especially for women, were said to have a dual positive impact. It improved livelihood opportunities and had a positive impact on the mental health of the girls, offering a chance to break isolation and meet peers (414).

The reduced presence of NGOs and international organisations has impacted on the availability of education in remote areas but that effect has, according to the director of a research organisation in Kabul, so far not been felt in the cities. According to this source, there are no “ghost schools”(415) in the cities. Education is much more available than in rural areas and much more used (416).

(405) SIGAR, Quarterly Report to the United States Congress, 30 January 2017 ([url](#)), p. 177; Adili, A. Y., A Success Story Marred by Ghost Numbers: Afghanistan’s inconsistent education statistics, 13 March 2017 ([url](#)).

(406) Food Security and Agricultural Cluster, Seasonal Food Security Assessment (SFSA), April-June 2016 ([url](#)), p. 27.

(407) World Bank (The), Afghanistan. Overview, Last Updated: 2 November 2016 ([url](#)).

(408) Food Security and Agricultural Cluster, Seasonal Food Security Assessment (SFSA), April-June 2016 ([url](#)), p. 18.

(409) UNHCR and The World Bank, Fragility and population movement in Afghanistan, 3 October 2016 ([url](#)), pp. 3-4.

(410) Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 14.

(411) Majidi, N., “Afghan Displaced Youth”, n.d. ([url](#)), p. 6.

(412) Islamic Republic of Afghanistan, Education Joint Sector Review, June 2012 ([url](#)), p. 33.

(413) UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

(414) Samuel Hall, Urban displaced youth in Kabul – Part 1. Mental Health Also Matters, 2016 ([url](#)), p. 20.

(415) Khan, A., Ghost Students, Ghost teachers, Ghost Schools, 29 July 2015 ([url](#)).

(416) Director of a research organisation, Skype interview, 6 February 2017. The research organisation is based in Kabul and conducts research on human rights and governance issues. The contact wished to remain anonymous for security reasons.

Access to higher education is difficult as there are only 55,000 places in universities per year, for 300,000 applicants. These slots are distributed through a public exam, the *kankur*. But this exam is marred by issues such as crowded exam sites, interventions by local powerbrokers, organisers' mismanagement and the general insecurity<sup>(417)</sup>.

### 2.5.1. IDPs & returnees

According to UNOCHA, 600,000 IDP and returnee children are in need of education in 2017. Its findings indicate that returnee and IDP children do not attend school for three main reasons: i) lack of capacity of schools to enrol additional children; ii) lack of required documentation to facilitate enrolment (although schools are instructed to immediately enrol returnees without documents) and iii) costs associated with education. Additionally, the schools systems are overstretched. Among other issues, shortage of teachers, teaching and learning materials, textbooks, tents, establishment and rehabilitation of sanitation facilities in formal schools, provision of language and catch-up classes are some of the immediate needs<sup>(418)</sup>. A 2015 study found that 'the educational credentials of many refugees who have studied in schools and madrassas in Pakistan are not accepted by Afghan education institutions. Some do not attempt to get their credentials certified because of the lengthy process and demand for bribes. Those who have studied in smaller villages in Pakistan are unfamiliar with the educational requirements in Afghan schools and are left frustrated. Those who have studied in madrassas in Pakistan face the additional challenge of being seen as agents of the Taliban and other insurgent/terrorist groups'<sup>(419)</sup>.

Already overstretched, urban schools are struggling to absorb displaced, IDP and returnee children, a study found at the beginning of 2016<sup>(420)</sup>. Almost half of the returnee children are not enrolled in school, despite the fact that the Provincial Education Departments in all provinces are, according to UNOCHA, committed to the registration of returnees and IDPs and all returnee and IDP children are therefore expected to have access to learning opportunities<sup>(421)</sup>.

A study by Amnesty International on the situation of IDPs, based on visits to Afghanistan in November 2015 and February 2016, found that '[d]espite the IDP Policy specifically stating that those displaced should not be barred from an education because they cannot afford material like books, school uniforms and pens, many families said they still could not send their children to school precisely because they did not have the funds for such material'<sup>(422)</sup>. These findings link the access to education directly to a family's income. Also: '[t]here is often also financial pressure to keep children out of school to support the family financially by working, or a need to stay at home to look after younger siblings'<sup>(423)</sup>. One solution is to send their children to a local mosque that offers some religious teaching classes<sup>(424)</sup>.

In its special report on the situation of returnees in 2015/early 2016, the Afghanistan Independent Human Rights Commission (AIHRC) mentioned an additional challenge for returnee children to access education: 'the returnees are faced with other educational challenges including differences in language and system of education. The children of refugees in Pakistan usually had attended schools where the teaching language and material were in Urdu or in English, but after returning to Afghanistan, the teaching instructions and material were in Dari or Pashtu. They faced language problems'<sup>(425)</sup>.

### 2.5.2. Kabul

In 2013 the overall literacy rate for Kabul city district was 64.8 %; for males it was 77.9 % and for females it was 50.6 %. Compared to the national average, this is fairly high: the country's overall literacy rate is 31.4 % (45.4 % for males and 17 % for females). 6.1 % of the population over 18 years of age had attended higher education. Kabul City had the highest net primary, secondary and high school attendance rates (73.1 %, 48.9 % and 39.1 %, respectively)<sup>(426)</sup>.

<sup>(417)</sup> Ali, O., Battleground Kankur: Afghan students' difficult way into higher education, 23 January 2015 ([url](#)).

<sup>(418)</sup> UNOCHA, Afghanistan: Returnee Crisis Situation Report No. 5, 12 January 2017 ([url](#)), p. 6.

<sup>(419)</sup> Ahmadi, B. and Lakhani, S., The forced return of Afghan refugees and implications for stability, January 2016 ([url](#)).

<sup>(420)</sup> Ahmadi, B. and Lakhani, S., The forced return of Afghan refugees and implications for stability, January 2016 ([url](#)).

<sup>(421)</sup> UNOCHA, Afghanistan: Returnee Crisis Situation Report No. 5, 12 January 2017 ([url](#)), p. 6.

<sup>(422)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), pp. 42-43.

<sup>(423)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), pp. 42-43.

<sup>(424)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), pp. 42-43.

<sup>(425)</sup> AIHRC, The Returnees – An Overview of the Situation of Returnees in Afghanistan, 2015, 22 June 2016 ([url](#)), p. 46.

<sup>(426)</sup> CSO, Socio-economic Survey Kabul, 2013 ([url](#)), pp. 6-8.



In a 2014 study among urban poor, Samuel Hall found 59 % of respondents not getting any formal education, the lowest figure of all five major cities studied. The share of high school and college school educated was the highest in Kabul <sup>(427)</sup>.

The number of qualified female teachers can vary enormously between areas in Afghanistan: a study from 2011/2012 found almost no qualified female teachers in some rural provinces, but about 70 % in Kabul City. In Kabul City nearly 75 % of general education teachers are women <sup>(428)</sup>. The study adds: ‘This is not necessarily positive, however, as the high percentage of female teachers in Kabul City may also be an indication that teaching is one of the few economic opportunities available to well-educated women and that other higher paying opportunities are available for men’ <sup>(429)</sup>. UNHCR added that the high number of female teachers was even limited to certain areas in Kabul, not including the parts of the city that had rapidly grown in recent years <sup>(430)</sup>. Not all youth are able to attend classes in areas of the city where female teachers are available. Samuel Hall found in 2014 that the city’s urban geography is marked by geographic and economic boundaries that many youth, bound to their immediate vicinity, are not able to pass on their own <sup>(431)</sup>.

According to the Afghanistan Rights Monitor: Baseline Report of April 2016 ‘[i]n the three districts [Kabul City, Khak-e-Jabar and Istalif] youth and children (mostly male) have access to education services though the quality of the education is poor. There is a general lack of sufficient textbooks, learning materials, equipment and teachers, particularly female teachers. Numbers from the Ministry of Education indicate there is [...] a ratio of male to female teachers of 4 to 1’ <sup>(432)</sup>. On the teachers, the same source also found that ‘[t]here is also poor performance or absenteeism among teachers, who do not regularly show up for work or do not cover the whole curriculum’ <sup>(433)</sup>.

### 2.5.3. Mazar-e Sharif

Access to education was better in Balkh than in other provinces. There are many educational institutions and technical trainings centres <sup>(434)</sup>. In 2014 there was one public university and six private universities <sup>(435)</sup>.

Mazar-e Sharif and Kabul have the highest percentage of households sending all their children to school. The overall literacy rate is higher than the national rate: 67.1 % (75.5 % for males and 58.4 % for females) for Mazar-e Sharif district. Mazar-e Sharif’s net secondary attendance rate was 54.4 %, its net high school attendance was 39.5 % and net attendance rate for higher education stood at 21 % <sup>(436)</sup>.

To the contrary, a study among urban poor by Samuel Hall found in 2014 that Mazar-e Sharif had the second-highest share of respondents not getting any formal education, compared to the other four big cities in Afghanistan. The share of high school and college school educated respondents was also second lowest among the five cities selected for the study <sup>(437)</sup>.

According to Afghanistan Rights Monitor: Baseline Report of April 2016, ‘[r]ights to education are considered more fulfilled in the center than in the districts in Balkh’ <sup>(438)</sup>. And ‘schooling is thought to be of higher quality in the center’ <sup>(439)</sup>. The report found that ‘[g]irls’ access to education is compromised by poverty and the need for girls to contribute to family income (through embroidery and other handicrafts) as well as the perceived paucity of female

<sup>(427)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 71.

<sup>(428)</sup> Islamic Republic of Afghanistan, Education Joint Sector Review, June 2012 ([url](#)), pp. 17-31.

<sup>(429)</sup> Islamic Republic of Afghanistan, Education Joint Sector Review, June 2012 ([url](#)), p. 31.

<sup>(430)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(431)</sup> Samuel Hall, October 28 2014 recommendations workshop Urban Displaced Youth in Kabul City, 28 October 2014 ([url](#)), p. 17.

<sup>(432)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 61-62.

<sup>(433)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 61-62.

<sup>(434)</sup> Fishstein, P., et al., Balkh’s economy in transition, August 2013 ([url](#)), p. 23. Mercy Corps and Samuel Hall, Afghanistan: Economic Assessment and Labour Market Survey of Mazar-i Sharif, Pul-i Khumri, Kandahar City and Kunduz City, 2011 ([url](#)), p. 44.

<sup>(435)</sup> Ibrahim, N., Bureaucratic Policies and Patronage Politics. Prospects and Challenges of Private Higher Education in Afghanistan, 1 June 2014 ([url](#)), pp. 21-23.

<sup>(436)</sup> CSO, Balkh Province Socio-Demographic and Economic Survey Highlights, October 2016 ([url](#)), pp. 9-12.

<sup>(437)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 71.

<sup>(438)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 28.

<sup>(439)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 28.

teachers, thought necessary for girls beyond grade 6’<sup>(440)</sup>. The report found that ‘[c]orruption further contributes to undermining rights to education. Some teachers are appointed through connections and are not qualified or even fully literate, thereby validating popular concerns about education quality’<sup>(441)</sup>.

UNHCR added to this in 2017:

It should be noted that there is a significant difference between the level of access to education in Mazar-e-Sharif urban center and in the other districts of the province. In Mazar-e-Sharif urban center, there is a high attendance rate and the Department of Education complies with administrative instructions requiring immediate access to displaced and returnee children. In other districts of the province, the level of enrolment remains low. Lack of female teachers, lack of transport and distance from school as well as presence of anti-government elements are among some of the main challenges thwarting the unimpeded access of children to school<sup>(442)</sup>.

#### 2.5.4. Herat

The overall literacy rate for Herat City was 62.8 % (70.1 % for males and 55.4 % for females) and Herat City also scored the highest net primary attendance rate (78 %), net secondary attendance rate (42 %), net high school attendance rate (28.8 %), and net attendance rate for higher education (12.9 %) <sup>(443)</sup>. In a study among urban poor, Samuel Hall found in 2014 the second lowest number of respondents not getting any formal education to be those in Herat <sup>(444)</sup>. Both literacy and enrolment rates are higher in Herat than the national levels. This may be due to the high number of returnee families from Iran, according to analyst Jolyon Leslie <sup>(445)</sup>. There are concerns about the quality of teaching and the lack of qualified teachers. This is exacerbated by the increased enrolment of students and the shortfall of thousands of teachers <sup>(446)</sup>.

According to analyst Leslie in 2015, the growth of private education in Herat has been significant with reportedly 30,000 students enrolled in roughly 70 private schools, who can charge up to \$1,500 in tuition fees per year. According to Leslie, these private schools serve the wealthy in the first place and attract increasing numbers of students because of poor standards of tuition in public schools. Skilled teachers are attracted by higher salaries and better working conditions. In 2015, 30,000 students, of which 5,000 were female, attended a madrassa in Herat <sup>(447)</sup>.

Herat has one public university and seven private universities <sup>(448)</sup>. The public university has been accused of corruption and political interference related to the *kankur* exam (university entry exam) <sup>(449)</sup>.

According to the Afghanistan Rights Monitor: Baseline Report of April 2016: ‘Herat province has 939 primary, middle and secondary schools, a higher education infrastructure, and eight vocational schools. There are over 15,000 teachers, over half of whom are female. In Herat City, it is widely acceptable for girls to be educated, even up to grade 12. Access to education in Herat City is relatively good [...] There are issues with education quality including the lack of professional teachers and teaching materials’ <sup>(450)</sup>.

##### *IDPs & access to education*

Regarding seven protracted IDP settlements within Herat municipal boundaries, UNHCR found that: ‘[p]ossession of civil documentation is mixed; in settlements that have received assistance from aid organisations, rates of possession of civil documentation such *tazkera* are much higher. However, in many cases this tends to be only the head of households, lack of *tazkera* (and the requirement that IDPs return to their province of origin to obtain one) is a major impediment to children enrolling in local schools and thus access to education’ <sup>(451)</sup>.

<sup>(440)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 28.

<sup>(441)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 28.

<sup>(442)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(443)</sup> UNFPA, Launch of Herat Socio-demographic and Economic Survey Highlights 2016, 20 December 2016 ([url](#)), pp. 8, 10.

<sup>(444)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 71.

<sup>(445)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 28.

<sup>(446)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 28.

<sup>(447)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), pp. 28, 41.

<sup>(448)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 28; Ibrahimi, N., Bureaucratic Policies and Patronage Politics. Prospects and Challenges of Private Higher Education in Afghanistan, 1 June 2014 ([url](#)), pp. 23-24.

<sup>(449)</sup> Ali, O., Cheating and Worse: The university entry (kankur) exams as a bottleneck for higher education, 26 February 2014 ([url](#))

<sup>(450)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 50-51.

<sup>(451)</sup> UNHCR, Profile and Response Plan of Protracted IDP Settlements in Herat, October 2016 ([url](#)), p. 6.

## 2.6. Health care

### 2.6.1. Basic data

|  |  |
|--|--|
| <b>Life expectancy at birth</b>                        | 51.3 years (2016 est., The World Bank estimated life expectancy at birth was 60.4 years in 2014 <sup>(452)</sup> ) |
| <b>Death rate</b>                                      | 13.7 deaths/ 1,000 population (2016 est.)  |
| <b>Maternal mortality rate</b>                         | 396 deaths / 100 000 live births (2015 est.)   |
| <b>Infant (under 1) mortality rate</b>                 | 112.8 deaths / 1,000 live births (the worst situation in the world) (2016 est.)                                    |
| <b>Health expenditures</b>                             | 8.2 % of GDP (2014)  |
| <b>Physicians density</b>                              | 0.27 / 1,000 population (2013)   |
| <b>Hospital bed density</b>                            | 0.5 beds/1,000 population (2012)   |
| <b>Unimproved water sources in urban area</b>          | 21.8 % population (2015 est.)  |
| <b>Unimproved sanitation facilities in urban areas</b> | 54.9 % of population (2015 est.)   |
| <b>HIV/AIDS – adult prevalence rate</b>                | 0.04% of population (2015 est.)  |

Basic health and sanitation indicators <sup>(453)</sup>

*Médecins Sans Frontières* (MSF) warned that ‘Health statistics from Afghanistan are notoriously unreliable. Constraints in monitoring – caused in particular by the remote control support of health facilities – mean that data from the most insecure areas are often excluded from statistics. This introduces a persistent bias that is likely to contribute to overly positive country averages’ <sup>(454)</sup>. Similarly, the US Special Inspector General for Afghanistan Reconstruction (SIGAR) found in January 2017 that ‘USAID has obligated nearly \$1.5 billion in assistance to develop Afghanistan’s health care sector and publicly cites numerous achievements made in life expectancy, child and infant mortality, and maternal mortality. However, USAID did not disclose data quality limitations’ which ‘presents Challenges in Assessing Program Performance and the Extent of Progress’ <sup>(455)</sup>.

### 2.6.2. Afghanistan health status

The US Special Inspector General for Afghanistan Reconstruction (SIGAR) found in January 2017 that ‘Afghanistan faces several challenges to developing a strong, sustainable health care sector. The Afghan government lacks funds to operate and sustain its health care facilities; hospitals are unable to provide adequate care; health care facilities lack qualified staff; and corruption throughout the system remains a concern. Because of these challenges, many Afghans seek health care services abroad’ <sup>(456)</sup>.

Afghanistan made a progress in providing health care to their citizens but serious obstacles persist <sup>(457)</sup>. In 2014 *Médecins Sans Frontières* (MSF) found that ‘[a]lthough the number of health facilities in Afghanistan has increased considerably over the past decade, people reveal that there are still too few affordable or properly functioning health facilities that they trust close to them’ <sup>(458)</sup>.

In 2003 the Basic Package of Health Services (BPHS) system was introduced with the aim of providing the minimum essential health services in all primary health-care facilities. All NGOs and health-care providers are expected to base the implementation of their health programmes upon the BPHS. BPHS was designed to tackle problems in the priority areas of maternal and new-born health, child health, public nutrition, and communicable diseases.

<sup>(452)</sup> World Bank (The), World Development Indicators. Afghanistan, n.d. ([url](#)).

<sup>(453)</sup> CIA, World Factbook, People and Society, 12 January 2017 ([url](#)).

<sup>(454)</sup> MSF, Between Rhetoric and Reality, February 2014 ([url](#)), p. 18.

<sup>(455)</sup> SIGAR, Afghanistan Health Care Sector, January 2017 ([url](#)), p. 2.

<sup>(456)</sup> SIGAR, Afghanistan Health Care Sector, January 2017 ([url](#)), p. 3.

<sup>(457)</sup> World Bank (The), Afghanistan Builds Capacity to Meet Healthcare Challenges, 22 December 2015 ([url](#)); Kim, C., et al., An equity analysis of utilization of health services in Afghanistan using a national household survey, 5 December 2016 ([url](#)); World Bank (the), Afghanistan Overview, 2 November 2016 ([url](#)).

<sup>(458)</sup> MSF, Between rhetoric and reality: The ongoing struggle to access healthcare in Afghanistan, February 2014 ([url](#)), p. 8.

The next step, the Essential Package of Hospital Services (EPHS), was established in 2005. The EPHS identified a standardised package of hospital services for each level of hospital: district, provincial, regional and specialty. The system is maintained by international donors (USAID, EU, World Bank, others). The BPHS and the EPHS are delivered using a contracting-out model with the essential contribution of local and international NGOs <sup>(459)</sup>. The BPHS is delivered by NGOs in 31 of 34 provinces and by the Ministry of Public Health in the remaining three <sup>(460)</sup>.

An assessment of the BPHS in 2016 found that it managed to increase availability of health care in Afghanistan. However, there are still massive inequalities in access to health care across the country and the assessment can be summarised as follows:

- Despite an overall increase in the number of female health professionals since the introduction of the BPHS there is still an overall shortage. This is one of the primary reasons for women not being able to access services;
- Household out-of-pocket expenditure on health constitute a major barrier to accessing healthcare;
- Another major reason for financial barriers to accessing health care is the dominance of an unregulated private health sector. Costs can be punitively high and quality is unpredictable due to insufficient regulation;
- Health service availability could be summarised according to a “rural–urban divide”. However, the reality is more complicated and the extent of services available differs by location according to a number of different factors [...] According to 2013 figures urban areas have 36 health workers per 10,000 people and rural areas 16.7 per 10,000 people. The best and the most qualified professionals also work in the cities;
- Many factors that restrict access to health care, such as corruption, “ghost workers” and absenteeism are challenging to measure;
- It is clear that gender inequality, rising insecurity, poor regulation of the costs of accessing health care, and the disparity in service provision between rural and urban areas are key barriers to accessing health care in Afghanistan <sup>(461)</sup>.

According to 2017 HEALTH Cluster Strategic Response Plan,

The Afghan health system is ill-equipped to cope with mass casualty events and to provide basic treatment to victims of war with injuries in need of urgent first aid stabilization, referral and surgical care; and heavily relied on humanitarian assistance for resources and medical expertise. Furthermore, poor health service coverage and limited capacity of the existing health facilities couldn’t absorb the additional caseloads posed by largescale IDP movements, and concentrations of refugees and returnees, often into urban centers. Limited access to health services exacerbates the situation of families, whose living conditions, food supply and consumption are inadequate, thus quickly diminishing resistance to infection, exacerbating the risk of malnutrition and threatening rapid spread of common endemic diseases <sup>(462)</sup>.

According to the US embassy in Kabul, ‘medical services in Afghanistan are extremely undeveloped. Facilities often lack basic cleanliness, diagnostic and treatment equipment, and even the most common medications’ <sup>(463)</sup>.

Apart from public health care facilities, there is also a private sector that is even more widely used. Most health-care visits were conducted by private facilities <sup>(464)</sup>. These institutions are generally very expensive. According to the US Embassy in Kabul, these private institutions are often established by people without any medical degrees or governmental licence <sup>(465)</sup>.

Wealthier people travel abroad for medical treatment, mainly to Pakistan or India <sup>(466)</sup>.

<sup>(459)</sup> Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)); Boslaugh S. E., *Health Care Systems Around the World: A Comparative Guide*, 2013, pp. 1-2.

<sup>(460)</sup> Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)); Boslaugh S. E., *Health Care Systems Around the World: A Comparative Guide*, 2013, p. 2.

<sup>(461)</sup> Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)).

<sup>(462)</sup> WHO, Health Cluster Strategic Response Plan, 2 February 2017 ([url](#)).

<sup>(463)</sup> US Embassy in Afghanistan, List of Medical Providers in Afghanistan, n.d. ([url](#)).

<sup>(464)</sup> Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)).

<sup>(465)</sup> US Embassy in Afghanistan, List of Medical Providers in Afghanistan, n.d. ([url](#)).

<sup>(466)</sup> Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)); BAMF, IOM and ZIRF, Fact Sheet 2014 ([url](#)), p. 16; Stars and Stripes, Afghan Health Care at risk as international aid is scaled back, 5 January 2015 ([url](#)); Kabul Times (The), Optimism about standard treatment, 15 June 2016 ([url](#)); Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 85.

### 2.6.3. Access

The most significant obstacles in accessing health care in Afghanistan are: high cost of treatment, lack of female doctors, long distance to health-care facilities and insufficient number of medical staff in the rural areas, corruption and absenteeism of health workers, and security reasons <sup>(467)</sup>. Across the country, access to health care and immunisation is further limited by ongoing conflict, especially in the East and North East <sup>(468)</sup>.

According to a fact sheet by the German Federal Office for Migration and Refugees (BAMF), IOM and ZIRF Counselling from 2016 '[a]nyone that holds an Afghan national ID (*Tazkira*) can access the healthcare system in Afghanistan' but '[p]hysically and mentally disabled persons, as well as victims of abuses, must ensure strong family and community support. Medical assistance is widely unavailable for the treatment of a variety of diseases and afflictions. Surgical operations can only be handled in selected places, which generally lack adequate equipment and personnel. Diagnostics equipment such as computer tomography scan (one in Kabul) or Magnetic Resonance Imaging is likewise unavailable' <sup>(469)</sup>.

According to the MSF report, public facilities, even if accessible, are sometimes avoided due to the lack of qualified staff, drugs, or certain services. In many areas, public-health facilities have a bad reputation <sup>(470)</sup>.

The medical facilities are also a target of military attacks <sup>(471)</sup>, even in Kabul <sup>(472)</sup>. These attacks are growing in number. In 2016, UNAMA documented 119 incidents targeting health-care facilities. Most of them were attributed to militants but some were caused by ANSF. Most concerned intimidation and harassment of medical staff but there were cases of looting, destroying or occupying medical facilities for military purposes <sup>(473)</sup>.

#### 2.6.3.1. Cost of treatment

According to a fact sheet by the German Federal Office for Migration and Refugees (BAMF), IOM and ZIRF Counselling from 2016 '[t]here is no public health insurance in Afghanistan [...]. The governmental public hospitals are offering free treatment services, but sometimes there might be lack of medicines, patients are referred to private medical stores to purchase medicines. The checkup, examination and laboratory services are free in these hospitals. There is a limited number of state owned hospitals in Afghanistan, which provide medical services free of charge' <sup>(474)</sup>. However, according to expert on Afghanistan Antonio Giustozzi, it is common for doctors in public facilities to ask for money when seeing a patient <sup>(475)</sup>. Corruption is believed to be 'driving up hidden costs for patients and providing a major barrier to accessing healthcare for those who cannot afford the under-the-table payments often required to pay for health services' <sup>(476)</sup>.

Although basic services are provided for free, the overall cost of treatment remains high and that is the main reason treatment is avoided. The biggest costs are connected with buying drugs, laboratory tests, inpatient care, transportation, consultation fees and corruption <sup>(477)</sup>.

Access to health care depends on the financial status of patients. According to MedCOI informants: 'Wealthier Afghans have access to private healthcare facilities in Afghanistan and sometimes abroad, as well as to the EPHS

<sup>(467)</sup> Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)); Boslaugh S. E., *Health Care Systems Around the World: A Comparative Guide*, 2013, pp. 2-3.

<sup>(468)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 13.

<sup>(469)</sup> BAMF, IOM and ZIRF, Country Fact Sheet Afghanistan 2016, 10 January 2017 ([url](#)), pp. 1-2.

<sup>(470)</sup> MSF, Between rhetoric and reality: The ongoing struggle to access healthcare in Afghanistan, February 2014 ([url](#)), p. 28.

<sup>(471)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), p. 27; Watch List, Every Clinic in now on the Frontline, 6 March 2017 ([url](#)), p. 5.

<sup>(472)</sup> BBC, IS gunmen dresses as medics kill 30 at Kabul Military Hospital, 8 March 2017 ([url](#)).

<sup>(473)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), pp. 34-35.

<sup>(474)</sup> BAMF, IOM and ZIRF, Country Fact Sheet Afghanistan 2016, 10 January 2017 ([url](#)), p. 1.

<sup>(475)</sup> Giustozzi, A., e-mail, 27 February 2017. Professor Antonio Giustozzi is an independent researcher and analyst, and author of many books and publications on Afghanistan. He made this addition during the review of this report.

<sup>(476)</sup> Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)); Boslaugh S. E., *Health Care Systems Around the World: A Comparative Guide*, 2013, p. 5.

<sup>(477)</sup> Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)); MSF, Between rhetoric and reality: The ongoing struggle to access healthcare in Afghanistan, February 2014 ([url](#)), p. 8.

and BPHS systems. Those with less ability to pay can access only the BPHS and EPHS systems. The poorest, remotest segments of the population have no access to formal healthcare.' A simple consultation at a private facility costs at least \$40<sup>(478)</sup>.

As poverty is widespread and at least 60 % of the population lives on less than \$1 per day, it is often impossible for people to pay medical costs. According to a MSF survey from 2014, people paid about \$44 just for drugs alone. The costs were a much higher for those who travelled to Pakistan for treatment. To pay for treatment many people borrowed money or sold goods and assets. Treatment costs pushed many people into impoverishment and debt. When the drugs were available in the health facility, patients often couldn't afford them. 60 % of people in Kabul skipped the treatment because of high costs of medication<sup>(479)</sup>.

In a study among urban poor, research organisation and consultancy Samuel Hall found in 2014 that '[e]ven with access to public health facilities, the cost of medication is often too high for urban households to follow the treatment prescribed by doctors. For serious illnesses, many urban households will prefer travelling abroad to get treatment, in particular to Pakistan or India, increasing the overall costs of treatment for households'<sup>(480)</sup>.

#### 2.6.4. Consequences of displacement

UNOCHA's flash appeal of September 2016 noted that '[s]erious health implications are expected with the mass population movements, particularly with the cross-border nature of the returns. [...] The existing health care facilities must be strengthened in order to deal with the significant increase in demands on services, to meet individual health needs and to prevent serious health outbreaks. The initial rapid assessment confirms that the large influx of refugees have placed an enormous pressure on health facilities at district and provincial level, with records of up to a 40 % in patients in the last weeks'<sup>(481)</sup>.

In November 2016 the WHO reported that 'the large influx has led to health services being overstretched, especially for reproductive, maternal and newborn health services as well as for treatment of mental health issues and communicable and non-communicable diseases. Outbreaks of vaccine-preventable diseases such as polio, measles and pertussis as well as zoonotic diseases such as the Crimean-Congo haemorrhagic fever (CCHF) pose major threats'<sup>(482)</sup>.

UNOCHA's Humanitarian Needs Overview for 2017 stated that '[t]he influx of IDPs and refugee returns to district centres and cities is straining existing services and proliferating living conditions in which infection and disease is exacerbated, contributing to emergency levels of malnutrition among displaced children'<sup>(483)</sup>. The same source noted that '[t]he extensive population movements in the country exacerbate the circumstances with significant numbers of IDPs, returnees and refugees congregating in urban centres and the outskirts where basic service provision and infrastructure is unable to absorb the additional burden, and services are overwhelmed or simply not available to address mounting needs'<sup>(484)</sup>. The report concludes that 'existing services are not adequate to meet the basic life-saving health care needs of IDPs and returnees'<sup>(485)</sup>.

A study by Amnesty International on the situation of IDPs based on visits to Afghanistan in November 2015 and February 2016 found that '[m]ost of the communities Amnesty International visited lacked a dedicated healthcare facility, though some were serviced a few days per week by mobile clinics run by NGOs or the government. Two settlements, in Mazar-e Sharif and Herat, had their own dedicated clinics, one run by the MoPH and one by the World Health Organization, but the residents said they were badly resourced and had no specialised doctors'<sup>(486)</sup>.

<sup>(478)</sup> MedCOI Project, Afghanistan Accessibility Info BDA-6460, 9 February 2017 ([url](#)). The MedCOI project is established in order to improve the access to Medical Country of Origin Information (COI) for national migration and asylum authorities in Europe. Through the MedCOI project, Member States and Associated Countries cooperate in order to improve the collection of medical COI and share competences, knowledge and information.

<sup>(479)</sup> MSF, *Between rhetoric and reality: The ongoing struggle to access healthcare in Afghanistan*, February 2014 ([url](#)), pp. 34-35.

<sup>(480)</sup> Samuel Hall, *Urban Poverty Report, 2014* ([url](#)), p. 85.

<sup>(481)</sup> UNOCHA, *Afghanistan Flash Appeal 2016. One million people on the move*, 7 September 2016 ([url](#)), p. 8.

<sup>(482)</sup> WHO, *WHO supports overstretched health services as the number of Afghan returnees mounts*, 20 November 2016 ([url](#)).

<sup>(483)</sup> UNOCHA, *Humanitarian Needs Overview 2017*, 31 December 2016 ([url](#)), p. 7.

<sup>(484)</sup> UNOCHA, *Humanitarian Needs Overview 2017*, 31 December 2016 ([url](#)), p. 28.

<sup>(485)</sup> UNOCHA, *Humanitarian Needs Overview 2017*, 31 December 2016 ([url](#)), p. 28.

<sup>(486)</sup> AI, *'My children will die this winter' Afghanistan's broken promise to the displaced*, 31 May 2016 ([url](#)), pp. 36-37.

The same study found that

Private medical clinics are mostly unaffordable to displaced families, even though many said they offered better quality care and shorter waiting times than those run by the government. As a result, most displaced people are reliant on public hospitals where facilities are often badly overstretched, and there have, as far as Amnesty International is aware, been no efforts in major urban centres to expand health facilities specifically to meet the needs of displaced people [...] Additionally, public hospitals only provide vaccinations and contraceptives free of charge, while other medicines must be bought from private clinics or pharmacies. While affording medicines is a struggle for many Afghans, it can be particularly difficult for displaced people who lack regular incomes and are often economically worse off than other urban poor [...] Some displaced people reported having debts of several thousand Afs at private hospitals or pharmacies to buy medicines which they could not afford to pay back [...] Others said they often simply could not find the money to buy the drugs they needed and had to forego care altogether. This is of great concern since those displaced often live in unhygienic camps which are disease-ridden, and face considerable health issues [...] The lack of health care for women and girls is a particular issue, especially for obstetrics, specifically childbirth issues, and gynaecological problems. Most women told Amnesty International that they could not afford to attend hospitals when pregnant but give birth at home in often unsanitary conditions and without skilled help <sup>(487)</sup>.

### 2.6.5. Access to mental health care

According to an article by the Institute of War and Peace Reporting (IWPR), '[m]ental health issues are rampant across Afghanistan, fed by the legacy of more than three decades of conflict' with women bearing the brunt of the problem <sup>(488)</sup>. The last comprehensive survey, quoted in another IWPR article, 'was carried out in 2004 and found that 68 % of respondents suffered from depression, 72 % from anxiety and 42 % from post-traumatic stress disorders' <sup>(489)</sup>. The director of the Mental Health Department at the Ministry of Public Health, quoted in the same article, stated that 'based on anecdotal evidence, he believed that rates of psychological illness among women were rising year by year' <sup>(490)</sup>. IWPR further notes that 'experts in the northern province of Herat say that rates of depression are rising among women, fuelled by factors including gender violence, poverty and associated social problems' <sup>(491)</sup>. The director of the only Mental Health hospital in Afghanistan, quoted by IWPR, said that 'war, domestic violence and conservative traditions that discriminated against women were all factors that contributing to poor mental health in Afghanistan' <sup>(492)</sup>.

The Public Health Minister reportedly noted that '[p]sychological services were available at some 1,500 health centres around the country [...] with 300 dedicated mental health clinics. The government planned to create another 200 specialist centres', but 'others say that the impact of Afghanistan's conservative traditions and associated gender inequality are central to the issue of women's mental health. Little progress was possible with a fundamental change in attitudes' <sup>(493)</sup>.

Samuel Hall's study on displaced youth in Kabul reported that:

While the needs are significant – in a country where symptoms associated with post-traumatic stress disorders affect the majority after decades of conflict – the country still suffers from the lack of trained professionals (psychiatrists, social workers, psychologists) and adequate infrastructure and awareness about mental health conditions. A rapid comparison between Afghanistan and its neighbours [...] presents a particularly grim picture of the country, with only one tertiary health facility (Kabul Mental Health Hospital), approximately three trained psychiatrists and ten psychologists 'covering' a population of more than 30 million people <sup>(494)</sup>.

According to IWPR 'the ministry had set up clinics across the 34 provinces of the country to treat psychological problems', but 'there was only one dedicated mental health hospital in Kabul. This had 60 beds for women experiencing

<sup>(487)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), pp. 36-37.

<sup>(488)</sup> IWPR, Depression Rampant Among Afghan Women, 12 February 2017 ([url](#)).

<sup>(489)</sup> IWPR, Afghan Women Hit by Mental Health Crisis, 12 May 2016 ([url](#)).

<sup>(490)</sup> IWPR, Afghan Women Hit by Mental Health Crisis, 12 May 2016 ([url](#)).

<sup>(491)</sup> IWPR, Depression Rampant Among Afghan Women, 12 February 2017 ([url](#)).

<sup>(492)</sup> IWPR, Afghan Women Hit by Mental Health Crisis, 12 May 2016 ([url](#)).

<sup>(493)</sup> IWPR, Depression Rampant Among Afghan Women, 12 February 2017 ([url](#)).

<sup>(494)</sup> Samuel Hall, Urban displaced youth in Kabul – Part 1. Mental Health Also Matters, 2016 ([url](#)), p. 12.

mental illness and another 40 beds for female drug addicts undergoing treatment’<sup>(495)</sup>. Family Protection Centres operate in big cities and provide medical and psychological aid to victims of sexual harassment<sup>(496)</sup>. [see chapter 3.8.7 Family Protection Centres]

According to the 2016 study by Samuel Hall ‘the alarming mental health situation of the Afghan youth should not be considered as a secondary individual health issue anymore, but as an actual threat to any possible social, economic and political development in the country’<sup>(497)</sup>. The study found that

youth with no migration background present much healthier profiles on average, while return migrants and especially IDPs find themselves the most vulnerable. A large majority (70 %) of young Kabulis have experienced traumatic experiences (one or multiple shocks that include not only personal traumas, but also criminal or terrorist related issues). According to the Health Index developed in this study, IDPs remain more than a third more likely than youth with no migration background to be deprived from basic access to healthcare, and deportees more than 50 % more likely. Deportees are by far the worst off<sup>(498)</sup>.

### 2.6.6. Access to maternal health care

One of the biggest challenges for the Afghan health-care system is to improve maternal care as the maternal mortality rate and under-five mortality rate is still one of the highest in the world<sup>(499)</sup>.

Women and children are the biggest beneficiary of BPHS and EPHS<sup>(500)</sup>. In 2013, 39 % of babies were delivered with the assistance of a skilled attendant<sup>(501)</sup> compared to 14 % in 2010<sup>(502)</sup>. The percentage is however much higher in urban areas where 74 % of deliveries in 2013 were assisted by skilled health workers, versus 31 % in rural areas<sup>(503)</sup>.

The most serious obstacles for women to access health services were: the lack of skilled female staff, cultural or religious values, regional differences in the health-care distribution, and lack of ID documents<sup>(504)</sup>.

UNOCHA’s Humanitarian Needs Overview for 2017 stated that: ‘An estimated 6.25 million people – over 20 % of the total population are in need of essential health care services. Up to 53 % of these are estimated to be women and an estimated 18 % are under the age of five [...] Women and children are disproportionately affected by the severe reduction in health services. With a total fertility rate of 4.9 %, compromised access to antenatal care, postnatal care, safe deliveries, and disrupted access to vaccinations for children particularly affect pregnant and lactating women (PLWs) and children under five’<sup>(505)</sup>.

*The Guardian* reported in January 2017 that:

For years, declining death rates among pregnant women have been hailed as one of the great gains of foreign aid in Afghanistan. In reality, however, Afghan women dying in pregnancy or childbirth may be more than twice as high as numbers provided by donors would suggest. Since 2010, published figures have shown maternal mortality rates at 327 for every 100,000 live births, a significant drop from 1,600 in 2002. Yet recent surveys give a different picture. In one unpublished study, the Afghan government found an average level of maternal deaths between 800 and 1,200 for every 100,000 live births, according to aid workers in Kabul who have seen the research. If accurate, this would mean that women in Afghanistan – despite more than 15 years of international aid aimed at improving maternal mortality figures – may be dying from maternal complications at rates similar to those found in Somalia and Chad, and only surpassed by South Sudan<sup>(506)</sup>.

<sup>(495)</sup> IWPR, Afghan Women Hit by Mental Health Crisis, 12 May 2016 ([url](#)).

<sup>(496)</sup> UNFPA Afghanistan, Rebuilding lives, 7 December 2014 ([url](#)); UNFPA Afghanistan, New collaboration launched to provide much needed support to women and girls, 9 December 2015 ([url](#)).

<sup>(497)</sup> Samuel Hall, Urban displaced youth in Kabul – Part 1. Mental Health Also Matters, 2016 ([url](#)), p. 11.

<sup>(498)</sup> Samuel Hall, Urban displaced youth in Kabul – Part 1. Mental Health Also Matters, 2016 ([url](#)), p. 11.

<sup>(499)</sup> Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)).

<sup>(500)</sup> Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)).

<sup>(501)</sup> UNICEF, Reimagine the future, 2015 ([url](#)), p. 78.

<sup>(502)</sup> USAID Afghanistan, Health July 2016 ([url](#)), p. 1.

<sup>(503)</sup> UNICEF, Reimagine the future, 2015 ([url](#)), p. 102.

<sup>(504)</sup> Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)).

<sup>(505)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), pp. 28-29.

<sup>(506)</sup> Guardian (The), Maternal death rates in Afghanistan may be worse than previously thought, 30 January 2017 ([url](#)).



According to UNOCHA, there is ‘limited acceptance of men as healthcare providers for women’, which means that the lack of female midwives, nurses and doctors poses a clear obstacle for many women and their children’<sup>(507)</sup>, therefore the training of female medical staff became one of the priorities in Afghanistan but many of them gave up their professional aspirations<sup>(508)</sup>. The shortage of female health workers is more visible in rural areas than in the cities<sup>(509)</sup>. There are only 7,000 female health staff for the entire population and still 11 districts of the country have no female staff<sup>(510)</sup>. The Ministry of Public Health, with the support of international donors, provides training for female doctors, nurses, midwives and community health workers<sup>(511)</sup>. International organisations such as MSF or Agha Khan Foundation are involved in training of Afghan midwives and providing free delivery services<sup>(512)</sup>.

### 2.6.7. Availability of medicines

According to a fact sheet by the German Federal Office for Migration and Refugees (BAMF), IOM and ZIRF Counselling from 2016 ‘[a]ny kind of medication is available on the Afghanistan markets now, but the costs vary based on quality, company names and manufacturers’<sup>(513)</sup>. Most medicines are sold in private pharmacies<sup>(514)</sup>.

The Ministry of Public Health prepared the National Essential Medicines List of Afghanistan. It contains all the medicines recommended for use in BPHS and EPHS. Even if they are available, their quality is often poor: they are out of date, transported in inadequate conditions or simply of low quality<sup>(515)</sup>.

Availability of medicines and medical equipment is limited due to insecurity, road accessibility, disruption of electricity or the cold-chain system. Often there are no life-saving medicines, even in referral hospitals<sup>(516)</sup>.

According to reports, most of the essential medicines are imported from neighbouring countries, half of them illegally without any control. Authorities have no proper equipment for testing medicines. Testing is possible in Kabul only so legal importing takes a lot of time. The whole sector is prone to corruption. There are serious irregularities in the registration of companies responsible for importing. It is estimated that most of them are producing only to export products to Afghanistan. They are not registered or allowed to sell them on the internal market. If the medicine doesn’t work, the doctor is usually blamed<sup>(517)</sup>. According to an article in *The Guardian*, markets are flooded with low-quality and counterfeit medicines. A doctor and provincial council member for Nangarhar quoted in the article clarified: ‘[i]llicit medicine comes in two types[...]. The first is completely fake. The second contains a small dose, say 20 %, of the stated medicine, and this type can be most harmful. Too small a quantity of an antibiotic, for example, will not only fail to treat an infection effectively but risks making the bacteria drug-resistant’<sup>(518)</sup>.

The hospitals, including public facilities in Kabul, sometimes suffer from temporary medicine shortages. Required medicine may not be delivered to hospitals on time. In such instances, medicines are only used in emergency cases. The remaining patients must buy them in private pharmacies<sup>(519)</sup>.

Many people are using traditional medicines for health problems as they are less expensive and easily accessible. However, they may be toxic<sup>(520)</sup>.

<sup>(507)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 13.

<sup>(508)</sup> UNFPA, Midwifery Report 2014, 2014 ([url](#)), p. 23.

<sup>(509)</sup> Globalization and Health, An Assessment of the barriers to accessing the BPHS in Afghanistan 15 November 2016 ([url](#)).

<sup>(510)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 13.

<sup>(511)</sup> USAID, Afghanistan – Health, July 2016 ([url](#)).

<sup>(512)</sup> MSF, International Women’s Day: Safe Delivery Care in Afghanistan, 1 March 2017 ([url](#)); IWPR, Afghan Midwives Make Their Mark, 9 February 2017 ([url](#)).

<sup>(513)</sup> BAMF, IOM and ZIRF, Country Fact Sheet Afghanistan 2016, 10 January 2017 ([url](#)), pp. 1, 2.

<sup>(514)</sup> Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)); Guardian (The), Killing, not curing: deadly boom in counterfeit medicine in Afghanistan, 7 January 2015 ([url](#)).

<sup>(515)</sup> WHO, Essential medicines and pharmaceutical policies, n.d. ([url](#)).

<sup>(516)</sup> WHO, Health Cluster Strategic Response Plan, 2 February 2017 ([url](#)), p. 2.

<sup>(517)</sup> WHO, Essential medicines and pharmaceutical policies, n.d. ([url](#)); Outlook Afghanistan, Low quality medicines, 19 October 2016 ([url](#)); IWPR, Afghan Complain of Substandard Medicines, 11 July 2014 ([url](#)); Guardian (The), Killing, not curing: deadly boom in counterfeit medicine in Afghanistan, 7 January 2015 ([url](#)).

<sup>(518)</sup> Guardian (The), Killing, not curing: deadly boom in counterfeit medicine in Afghanistan, 7 January 2015 ([url](#)).

<sup>(519)</sup> Pajhwork Afghan News, State-run hospitals in Kabul Faced with medicine shortage, 12 August 2015 ([url](#)).

<sup>(520)</sup> WHO, Essential medicines and pharmaceutical policies, n.d. ([url](#)).

### 2.6.8. Kabul

In Kabul and other big cities access to health care is better than in the province and the most qualified staff work there, although there is still much room for improvement <sup>(521)</sup>. In a study among urban poor, Samuel Hall found in 2014 that Kabul benefitted from easier access to health facilities than other cities <sup>(522)</sup>.

In Kabul, prenatal care covers 64 % of the population and access to family planning methods covers 25 %. Most people (60 %) have access to transport from their home to an emergency clinic <sup>(523)</sup>.

A number of clinics and hospitals are situated in Kabul, specialised in (among other things): paediatric and neonatology, family and internal medicine, general and reconstructive surgery, histo-pathology, orthopaedics, gynaecology, psychiatry, diabetology, dermatology <sup>(524)</sup>. In July 2016 the Afghanistan Cancer Foundation was established in Kabul. Cancer patients who had to go to neighbouring countries for chemotherapy are since able to receive treatment in Afghanistan <sup>(525)</sup>. Additionally, the Kabul Ambulance Service is equipped and trained by a Norwegian NGO <sup>(526)</sup>.

A report from the Wazir Akbar Khan hospital, one of the country's busiest, found 'some of the heart-rate monitors reveal they aren't working. What's more, the X-ray technology here is outdated, there is a shortage of oxygen tanks and medicine, and doctors must work punishing hours to keep up with the steady stream of patients' <sup>(527)</sup>. In 2015 and 2016, SIGAR controlled 55 local facilities in Herat and Kabul provinces. Three facilities in Kabul did not have access to electricity, eight did not have proper supplies, and five had no running water <sup>(528)</sup>.

According to the Afghanistan Rights Monitor: Baseline Report of April 2016 '[t]hough people have access to public and private health services in Kabul City, poor quality motivates those who can to seek treatment in India and Pakistan [...] Some corruption – in the form of requiring payments for service at public facilities and doctors receiving kickbacks from pharmacies – is reported and there are widespread complaints about having to purchase medicines in the market, rather than receive them for free at the clinic' <sup>(529)</sup>.

According to MSF, in 2014 in Kabul more than 20 % of patients travelled abroad due to serious illness, mainly to Pakistan and India <sup>(530)</sup>. However, since the clashes at the border town of Torkham in June 2016, it has been more difficult to enter Pakistan for Afghani citizens. Travel restrictions were introduced by Pakistani authorities and now Afghans require valid passports and visas. Periodically, the border is completely closed. Since then, the Pakistani press reported, the number of Afghans visiting private medical facilities in Pakistan has dropped significantly, leaving many Afghans without treatment <sup>(531)</sup>.

Nearly half of the Kabul dwellers cannot afford treatment as they are poor or extremely poor <sup>(532)</sup>. Access to healthcare is not equal in all parts of the city. According to UNHCR, in terms of set up of basic services including health clinics, there is a large gap in response to the newly built areas of the city. There are very few mobile health service providers, mainly humanitarian actors, going into the outskirts of the city <sup>(533)</sup>.

UNOCHA's Humanitarian Needs Overview for 2017 predicts that '[h]ealth service capacities in areas hosting IDPs and those with expected high concentrations of refugee returnees, particularly Kabul and Nangarhar, will be heavily overburdened by rapidly rising demands' <sup>(534)</sup>. In focus-group discussions with returnee and IDP women organised by UNHCR in Kabul, serious concerns were raised about discrimination on the basis of ethnicity in certain parts of the city <sup>(535)</sup>.

<sup>(521)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 48; Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)); MSF, Between rhetoric and reality: The ongoing struggle to access healthcare in Afghanistan, February 2014 ([url](#)), p. 46.

<sup>(522)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 48.

<sup>(523)</sup> Frost A., et al., An assessment of barriers to accessing the BPHs in Afghanistan, 15 November 2016 ([url](#)).

<sup>(524)</sup> US Embassy in Afghanistan, List of Medical Providers in Afghanistan, n.d. ([url](#)).

<sup>(525)</sup> Pajhwok Afghan News, Afghanistan Cancer Foundation inaugurated in Kabul, 28 July 2016 ([url](#)).

<sup>(526)</sup> US Embassy in Afghanistan, List of Medical Providers in Afghanistan, n.d. ([url](#)).

<sup>(527)</sup> Stars and Stripes, Afghan Health care at risk as international aid is scaled back, 5 January 2015 ([url](#)).

<sup>(528)</sup> SIGAR, Afghanistan Health Care Sector, January 2017 ([url](#)), p. 13.

<sup>(529)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 59-60.

<sup>(530)</sup> SIGAR, Afghanistan Health Care Sector, January 2017 ([url](#)), p. 14, 18; MSF, Between Rhetoric and Reality, February 2014 ([url](#)), p. 29.

<sup>(531)</sup> News (The), Big drop in Afghan patients seeking treatment in Pakistan, 11 July 2016 ([url](#)); New Lens – Pakistan, Healthcare in Balochistan under stress 9 September 2016 ([url](#)); Pajhwok Afghan News, Torkham crossing border to reopen soon, 12 March 2017 ([url](#)).

<sup>(532)</sup> MSF, Between Rhetoric and Reality, February 2014 ([url](#)), p. 33-35; APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 59-60.

<sup>(533)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(534)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 28.

<sup>(535)</sup> UNHCR Afghanistan, e-mail 3 March 2017. UNHCR made this addition during the review of this report.

Patients have to buy necessary medicines in the private pharmacy, sometimes in the health facility or on the market. The public health clinics and hospitals lack medicines. Instead, the ill have to go to private pharmacies to buy medicines which may be beyond their means. People die because they cannot afford the treatment or fall into debt<sup>(536)</sup>. There were more than 5,000 pharmacies in Kabul in 2015 but they were poorly equipped: for example, none had a fridge to store temperature sensitive medication such as an insulin<sup>(537)</sup>. Low-quality medicine is common in Kabul<sup>(538)</sup>.

The health facilities are increasingly targeted by terrorists<sup>(539)</sup>, even in Kabul. On 8 March, 2017 ISKP terrorists, disguised as doctors, detonated explosives at the Sardar Daud military hospital in Kabul and started shooting at doctors and patients. More than 30 people were killed and 50 were injured<sup>(540)</sup>. The military hospital in Kabul treats sick and wounded soldiers and their families<sup>(541)</sup>.

### 2.6.9. Herat

Mazar-e Sharif and Herat have a network of health facilities, clinics, hospitals and mobile clinics. The network is still being developed. In January 2017 the Ministry of Health started construction works of 14 new health projects in Herat, including an artificial limbs workshop, assistive devices for Herat's regional hospital, a Herat regional blood bank, and a maternity hospital<sup>(542)</sup>.

In a study among urban poor, Samuel Hall found in 2014 that Herat benefitted from easier access to health facilities than other cities<sup>(543)</sup>.

With regards to mental health treatment, the head of Herat's Public Health Department, quoted by the Institute of War and Peace Reporting (IWPR) in February 2017, said that 'psychotherapy and medication were available at all the province's health centres'<sup>(544)</sup>.

According to the Afghanistan Rights Monitor: Baseline Report of April 2016 '[a]ccess to health services is relatively good, particularly in Herat City [...] There are no services for victims of sexual assault or STD diagnosis and treatment in public health centers. Some private hospitals offer these services'<sup>(545)</sup>.

#### *IDPs*

Regarding seven protracted IDP settlements within Herat municipal boundaries, UNHCR found that 'disabilities, both mental and physical are pervasive among the IDP population, vulnerability is further compounded by poor access to health facilities – even in cases where facilities are in the vicinity they are frequently beyond the means of IDPs to access'<sup>(546)</sup>.

UNHCR Afghanistan added that 'IDPs from Herat usually have access to health service free of charge however they cannot afford buying drugs. The patient's visit is free of cost in government clinics for minor medical issue only. But, if there is a serious medical problem or need for specialist care, then IDPs will have to refer to private clinics'<sup>(547)</sup>. In the Minaret IDP camps, UNHCR found that, '[a]lthough there are two government health clinics in the vicinity, issues of affordability, overcrowding and a lack of medications are significant barriers to IDPs accessing adequate health care. Water borne diseases such as hepatitis A and B, skin rashes and eye infections are prevalent. Issues of public health are compounded by inadequate water and sanitation facilities'<sup>(548)</sup>.

<sup>(536)</sup> MSF, *Between Rhetoric and Reality*, February 2014 ([url](#)), p. 33-35; UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(537)</sup> MedCOI Project, *Afghanistan Accessibility Info BDA-6460*, 9 February 2017 ([url](#)).

<sup>(538)</sup> APPRO, *Afghanistan Rights Monitor May-August 2016*, September 2016 ([url](#)), p. 18.

<sup>(539)</sup> UNAMA, *Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016*, 6 February 2017 ([url](#)), pp. 27-30.

<sup>(540)</sup> BBC, *IS gunmen dresses as medics kill 30 at Kabul Military Hospital*, 8 March 2017 ([url](#)).

<sup>(541)</sup> UN News Service, *Afghanistan: UN mission condemns terrorist attack on Kabul military hospital*, 8 March 2017 ([url](#)).

<sup>(542)</sup> Bakhtar News, *Construction Works of 14 Health Projects Initiated*, 15 January 2017 ([url](#)).

<sup>(543)</sup> Samuel Hall, *Urban Poverty Report, 2014* ([url](#)), p. 48.

<sup>(544)</sup> IWPR, *Depression Rampant Among Afghan Women*, 12 February 2017 ([url](#)).

<sup>(545)</sup> APPRO, *Afghanistan Rights Monitor: Baseline Report, April 2016* ([url](#)), p. 50.

<sup>(546)</sup> UNHCR, *Profile and Response Plan of Protracted IDP Settlements in Herat*, October 2016 ([url](#)), p. 6.

<sup>(547)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(548)</sup> UNHCR, *Profile and Response Plan of Protracted IDP Settlements in Herat*, October 2016 ([url](#)), pp. 34, 65.

UNHCR added that ‘the NGO, World Vision has mobile teams that go to some IDP settlements and provide health services but that is not sufficient to adequately address all the issues. Based on UNHCR monitoring of the IDPs in Maslakh IDP settlement, it was found that although World Vision provides mobile health services there is need to have a clinic, in particular to cater for the emergency cases’<sup>(549)</sup>.

### 2.6.10. Mazar-e Sharif

The main hospital for Northern Afghanistan is the Balk Hospital in Mazar-e Sharif, with 50-70 inpatient admissions and 400 to 500 out-patients per day. It is also a teaching unit for Mazar-e Sharif Medical University<sup>(550)</sup>. The hospital is still developing – in 2016 the construction of Mother and Child Health Centre began<sup>(551)</sup>.

According to Afghanistan Rights Monitor: Baseline Report of April 2016:

Overall, female interviewees in the center, Mazar-i-Sharif, are less satisfied with the situation of health care than are male interviewees. Women contend that there is insufficient oversight of public clinics and hospitals and that this has led to corruption. For example, patients contend that the head of one of the hospitals is corrupt. He is thought to have stolen equipment from the public hospital for use in one of the three private clinics that he owns. Notably, corruption in healthcare appears to be more problematic in the center than in the districts, where interviewees are more satisfied with the quality of services, despite shortages. Maternal and reproductive health services for women are available, with similar distinctions made among Balkh interviewees in judging the quality of these services more highly in the districts than in the center, where private clinics are preferable for those who can afford them<sup>(552)</sup>.

According to UNHCR:

The quality of the public hospital and available medicines in Mazar-e-Sharif is inadequate. Emergency treatment is provided free of charge in the public provincial hospital, but the cost for purchasing basic medicines has to be covered by the patients and is often beyond their means. Humanitarian agencies, providing emergency assistance to returnees and vulnerable IDPs with specific needs, report that almost one third of the assisted cases are individuals with serious or chronic illnesses who have no financial capacity to purchase medicines or afford specialized treatment. UNHCR’s monitoring of IDPs in Mazar-e Sharif and other districts of the Province indicates that displaced persons from other provinces face discrimination in accessing medical care, especially women who often do not possess an identity document<sup>(553)</sup>.

## 2.7. Housing and living conditions

### 2.7.1. Urbanisation

Afghanistan’s urban population grew by 4.5 % a year between 2001 and 2010<sup>(554)</sup>. Some put the urban growth at 5.4 % annually<sup>(555)</sup>. The urbanisation rate between 2010 and 2015 was estimated to be a little under 4 %<sup>(556)</sup>. Some publications have put the urban growth at 5.7 % annually since 2001<sup>(557)</sup>. The urban population is estimated between 26 % and 30 % of the whole population, 50 % of which are believed to reside in Kabul<sup>(558)</sup>.

While The World Bank attributes much of Afghanistan’s urban population growth to natural growth rather than rural-urban migration<sup>(559)</sup> – the average size of the urban family in Kabul, Mazar-e Sharif and Herat is 7.1 members<sup>(560)</sup>

<sup>(549)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(550)</sup> EPOS Health management, Rehabilitation of Balkh Provincial Hospital in Mazar-e Sharif, n.d. ([url](#)).

<sup>(551)</sup> M4health, Mother and Child Health centre construction Project, 28 November 2016 ([url](#)).

<sup>(552)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 26.

<sup>(553)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(554)</sup> World Bank, Leveraging Urbanization in Afghanistan, 2016 ([url](#)).

<sup>(555)</sup> Majidi, N., Urban Returnees and Internally Displaced Persons in Afghanistan, 25 January 2011 ([url](#)), p. 2.

<sup>(556)</sup> CIA Factbook Afghanistan, People and Society, 12 January 2017 ([url](#)).

<sup>(557)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 15.

<sup>(558)</sup> CIA Factbook Afghanistan, People and Society, 12 January 2017 ([url](#)); Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 15.

<sup>(559)</sup> World Bank, Leveraging Urbanization in Afghanistan, 2016 ([url](#)).

<sup>(560)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 69.

– other publications point at internal migration, displacement, and returns from neighbouring countries as the main contributors to urbanization <sup>(561)</sup>. According to Nasim Majidi, there are three types of influx of displaced persons to cities (which can be grouped under the broader term of ‘urban displacement’):

- 1) returnees who came to settle directly to cities upon their return;
- 2) returnees who went to their areas of origin and were then forced to move again, in a pattern of secondary displacement, to the cities;
- 3) internally displaced persons, including conflict-induced, natural-disaster induced displacement, and poverty-induced displacement <sup>(562)</sup>.

The World Bank found that between 1999 and 2010, ‘the urban area grew faster than the urban population, causing low-density and messy urban sprawl. The existence of sprawl, poverty and slums reflects messy urbanization’ <sup>(563)</sup>. Most housing in Afghanistan consists of irregular, detached or semi-detached houses or regular detached houses. A large proportion consists of hillside dwellings. There are blocks of flats or apartments but only in Kabul. 86 % of urban houses in Afghanistan can be classified as slums, according to the UN-Habitat definition <sup>(564)</sup>. The same report found that ‘[a]ccess to adequate housing is a major challenge for the majority of urban Afghans [...] poverty and inequality are the harsh reality for roughly one-third of all urban households. This combined with a lack of affordable housing options and an oversupply at the top end of the formal housing market results in a difficult housing situation for low- and even many middle-income Afghans’ <sup>(565)</sup>.

A 2014 study on Afghanistan’s urban poor found that ‘[i]nformal settlements are considered to be the main recipients of the urban poor, who suffer in particular from a lack of access to basic services as well as from a lack of security of tenure’ <sup>(566)</sup>.

## 2.7.2. Land, property & inheritance law

According to UNAMA ‘the Afghanistan Constitution, passed in 2004, authorizes personal land ownership and protects land from state seizure unless the seizure is to secure a public interest and the owner is provided with prior and just compensation’ <sup>(567)</sup>. The problem of land tenure in Afghanistan is, nevertheless, very complicated: the land and properties are grabbed by military commanders, ethnic leaders, wealthy people with illegal revenues, governmental officials and ANP officers. There are plenty of conflicts related to inheritance. Many legal owners have no official documents. Others claim the right to property on the basis of forged documents. Many people hold their land on a customary basis or as a result of an oral agreement. Most returnees cannot claim their property rights because it is occupied by others <sup>(568)</sup>. According to UNAMA, more than 70 % of all serious crimes in Afghanistan have roots in land-ownership disputes. Most cases, both in formal and informal justice systems, are also related to property disputes <sup>(569)</sup>. Formal mechanisms include: courts, settlement commissions established by local authorities, or *Huqooq* Departments. Most cases, however, are solved by the informal system of local *shuras* or *jirgas* <sup>(570)</sup>. Enforcement of their decisions are usually effective but are informal in their nature and cannot be registered with a formal system. Consequently, most land owners are landless according to the law <sup>(571)</sup>. Governmental institutions lack the capacity to provide control and ensure land management <sup>(572)</sup>.

According to a 2015 study by the Afghan government, most urban households do not have legal rights to the land and they are threatened with eviction. Moreover, legal procedures concerning land ownership are inefficient, ambiguous and costly and corruption is widespread. The procedures of registering land, obtaining title deeds and formal approval

<sup>(561)</sup> APPRO, Rural-Urban Migration: Case of Kabul, 1 October 2012 ([url](#)), p. 8.

<sup>(562)</sup> Majidi, N., Urban Returnees and Internally Displaced Persons in Afghanistan, 25 January 2011 ([url](#)), p. 2.

<sup>(563)</sup> World Bank, Leveraging Urbanization in Afghanistan, 2016 ([url](#)).

<sup>(564)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 86.

<sup>(565)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 86.

<sup>(566)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 47.

<sup>(567)</sup> UNAMA, The Stolen Lands of Afghanistan and its People, August 2014 ([url](#)), p. 11.

<sup>(568)</sup> AAN, Afghanistan’s Returning Refugees, 29 March 2016 ([url](#)); Gaston, E. and Dang, L., Addressing Land Conflict in Afghanistan, June 2015 ([url](#)), p. 2.

<sup>(569)</sup> UNAMA, The Stolen Lands of Afghanistan and its People, August 2014 ([url](#)), p. 10.

<sup>(570)</sup> For more information about the jirga or shura and its role in conflict resolution, please refer to: FATA Research Centre, ‘Pashtunwali: an analysis of the Pashtun way of life,’ in *AfPak Principles of the tribal and clan structure*, Austria, Federal Office for Immigration and Asylum, COI Unit, 5 April 2017 ([url](#)), pp. 36-40.

<sup>(571)</sup> UNAMA, The Stolen Lands of Afghanistan and its People, August 2014 ([url](#)), p. 36.

<sup>(572)</sup> UNAMA, The Stolen Lands of Afghanistan and its People, August 2014 ([url](#)), p. 10.

for a planning and building permit are complicated, time-consuming and costly. There are no publically available copies of the master plans. It is estimated that only 10 % of land transactions are conducted in accordance with the formal legal procedure <sup>(573)</sup>.

### 2.7.3. Living conditions

#### 2.7.3.1. Access to water, sanitation and electricity

According to a 2015 study by the Afghan government, access to improved drinking water is relatively high in Afghan cities. Improved water sources are defined as those that adequately protect water from external contamination. In Afghanistan's cities, improved water sources include: private and public pumps, private and public wells or piped water. Unimproved water sources in Afghan cities include unprotected wells, water tanks and surface water <sup>(574)</sup>. However, the same study found that even coming from an improved water source, water is not free of water-borne diseases, chemicals and other pollutants <sup>(575)</sup>. In February 2017, Reuters reported that '[a] growing population is straining water supplies in Afghanistan's capital, forcing those who can afford it to dig unregulated wells ever deeper to tap a falling water table. Finding water in arid Afghanistan is virtually always a challenge, but a drop in the groundwater level in Kabul caused by overuse and drought is making it even more difficult for residents, especially the poor' <sup>(576)</sup>. Intermittent droughts, lack of sanitation, proper waste management and population growth severely affected water supplies in most large cities, but especially in Kabul. It concerns both shallow and groundwater levels. Most of the shared water points and wells are contaminated and waterborne diseases are common (diarrhoea, dysentery, cholera). Among children, they are at epidemic proportions <sup>(577)</sup>. According to a 2015 study by Afghan government, '[a]ccess to improved sanitation in Afghanistan's cities is significantly lower than access to improved water sources [...] Improved sanitation is defined as facilities that hygienically separate human excreta from human contact. Improved sanitation facilities include all flush toilets (whether to a sewerage system or septic tank), ventilated pit latrines and pit latrines with a concrete slab or floor' <sup>(578)</sup>.

#### IDPs

A study by Amnesty International on the situation of IDPs based on visits to Afghanistan in November 2015 and February 2016 found that

a potable water source adequate to cover residents' needs in the camp or settlements is a rarity. [...] People were often forced to make long, daily trips to gather water from wells located far away from their homes [...] In Chaman-e-Babarak, a water pump installed by an international NGO had stopped working two years ago and the community did not have the money or expertise to repair it. Instead, residents bought water from a truck that came by three times per week and that sold water for 20 Afs (USD 0.30) per gallon (4.5 litres). UN-Habitat estimates that an individual needs a minimum of 20 litres per day. On this basis alone, this is prohibitively expensive for many families, as water costs can run up to several hundred Afs per week (100 Afs is roughly equivalent to USD1.5 as of May 2016). Many families in the settlements without dedicated water pumps said that they simply could not afford to buy enough water for their daily needs. In several of the camps and settlements - such as Charahi-Qambar in Kabul or Minarets in Herat – residents could access water from nearby pumps which had been installed specifically for the camps by aid agencies, were privately owned by neighbours or belonged to a nearby mosque. However, in most cases access to the water was sporadic and not enough to meet the needs of all residents, with sometimes several dozens of families dependent on the same water pump <sup>(579)</sup>.

#### 2.7.3.2. Energy

Almost all households rely on wood, charcoal or waste for heating during winter. This is very unhealthy, especially for poor women and children who are responsible for cooking. According to a 2015 study by the Afghan government, 'access to electricity is relatively high in urban areas, with the 2011/12 NRVA reporting that 95% of urban households

<sup>(573)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 86-87.

<sup>(574)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 98.

<sup>(575)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 98.

<sup>(576)</sup> Reuters, Afghan capital's thirsty residents dig deep to combat drought, overuse, 28 February 2017 ([url](#)).

<sup>(577)</sup> Daily Outlook Afghanistan, Kabul Facing Sever Water Crisis, 10 July 2016 ([url](#)).

<sup>(578)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 98-100.

<sup>(579)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), p. 34.

have access to some source of electricity. However this figure masks the severe irregularity of most access' <sup>(580)</sup>. People often use their private generators and small solar devices for lighting and cell-phone charging. Solar devices are, however, more popular in rural areas <sup>(581)</sup>. The electric grid is primarily an urban source and has risen from 44 % coverage in 2007/8 to 85 % in 2011/12 <sup>(582)</sup>.

### 2.7.3.3. Access to infrastructure and transport

Most roads in cities are dusty, muddy and unpaved. It limits mobility, particularly on the steep slopes of the hills that can be flooded during the rains. Most Afghans use non-motor vehicles as a transport means and large part of city dwellers simply walk (33 % in Kabul and 60 % in Herat). The number of cars however is growing causing the problem of traffic-jams on the existing roads. The system of buses, minibuses and taxis is insufficient <sup>(583)</sup>.

### 2.7.4. Kabul

The 2001 American-led invasion in Afghanistan boosted Kabul's economy. According to an article in The Guardian: '[w]hat was then a ghost town ravaged by civil war is now a shabby but bustling metropolis. High-rise apartment blocks and glitzy, multi-storey wedding halls poke out of the sprawl of traditional single-floor buildings' <sup>(584)</sup>. On one hand, the influx of huge amounts of aid money has spurred a construction boom in Kabul, catering for those with jobs in the services sector that thrived from aid- and military-related spending <sup>(585)</sup>. With the withdrawal of foreign military troops and the big cuts in aid spending, this segment of the market has crashed. While Western aid and reconstruction companies often used to pay (a share of) the rental price for their employees, some of the villas and apartments built for this clientele are now abandoned <sup>(586)</sup>. According to a 2015 study by the Afghan government 'there are over 12,000 apartments currently under construction (as of January 2015), equating to over 50% of the current occupied apartment stock (22,900 units). The resulting oversupply when units under construction come on the market may put downward pressure on prices, however the apartment stock is still vastly too expensive for the majority of Kabul citizens' <sup>(587)</sup>. According to a fact sheet by the German Federal Office for Migration and Refugees (BAMF), IOM and ZIRF Counselling from 2016 '[t]he rent of an apartment ranges from \$400 up to \$600. Living expenses monthly can go up to \$500. Utilities like electricity and water cost no more than \$40 per month, but depending on the consumption, costs might be higher [...] There is a great number of apartments and houses for rent in Kabul city and surroundings, as well as other provinces. The rental costs in Kabul city however are higher than other provinces' <sup>(588)</sup>.

On the other side of the spectrum, 71.5 % of the residential area in Kabul is a 'culmination of unplanned residential areas, residential development on hill sides, IDP settlements and Kuchi camps' <sup>(589)</sup>. According to an article by Radio Free Europe/Radio Liberty '[m]any of the new neighbourhoods started off as encampments of internally displaced persons (IDPs) who have settled on vacant land, usually on the outskirts of the city or on the slopes of the hills that ring it. Over time, the residents have built simple mud-brick homes, but their settlements remain unconnected to the city water supply, sewer system, or bus lines' <sup>(590)</sup>. In Kabul city, informal settlements are referred to as *Zorabad*, which literally translates as 'land taken by force'. It refers to the areas where people grabbed government and public land and sold it to others or build their houses without seeking official permission. The official criteria are that houses are in violation of the master plan of Kabul and do not meet formal requirements for access to land <sup>(591)</sup>. A 2012 report provided the following definitions of settlements in Kabul:

<sup>(580)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 101.

<sup>(581)</sup> World Bank (The), Afghanistan Overview, 2 November 2016 ([url](#)).

<sup>(582)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 101.

<sup>(583)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), pp. 100-101.

<sup>(584)</sup> Guardian (The), Kabul – the fifth fastest growing city in the world – is bursting at the seams, 11 December 2014 ([url](#)).

<sup>(585)</sup> RFE/RL, The changing Face of Kabul, 13 June 2016 ([url](#)), accessed 01 March 2017.

<sup>(586)</sup> RFE/RL, The changing Face of Kabul, 13 June 2016 ([url](#)), accessed 01 March 2017; Stars and Stripes; Departure of foreigners collapses housing market for Kabul's mega-mansions, 15 March 2015 ([url](#)).

<sup>(587)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), pp. 87.

<sup>(588)</sup> BAMF, IOM and ZIRF, Country Fact Sheet Afghanistan 2016, 10 January 2017 ([url](#)), pp. 1-2.

<sup>(589)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 76.

<sup>(590)</sup> RFE/RL, The changing Face of Kabul, 13 June 2016 ([url](#)); Daily Mail, Living in the 'burbs, Kabul style, 10 October 2012 ([url](#)).

<sup>(591)</sup> Nazire, H., et al., Effects of Informal Settlement Upgrading in Kabul City, 28 December 2016 ([url](#)), p. 480.

- Formal areas: Classified as residential land under the 1978 Master Plan and formally sold by the Kabul Municipality for development.
- Informal areas: Located outside the residential areas covered by the 1978 Master Plan. These areas, which include public and privately owned land, have been settled and developed with the effective permission of the landowner, usually through transfer of customary title.
- Illegal areas: Informal settlements that have been settled without the authorisation of the landowner or the transfer of customary title. Most of these settlements are on public land owned by a government authority on hillsides in and around Kabul <sup>(592)</sup>.

Irregular residential areas often occupy areas unsuitable for human habitation, such as very steep slopes and areas prone to floods, landslides or other risks <sup>(593)</sup>. Settlements cover high mountain slopes and the area is becoming inaccessible in rainy season when paths and roads are flooded while most facilities such as schools, hospitals are located outside the informal settlements <sup>(594)</sup>.

The worst situation is in Kabul Informal Settlements (KIS). There are about 50 such camps around Kabul hosting approximately 40,000 people (the biggest, hosting more than 400 to 1,400 families are: Charahi Qamber, Proje Hussain Khil, Shahrake Police, Puli Company, Puli Shina) <sup>(595)</sup>. Half of them live in the settlements established from 2002 to 2009 and the other half settled after 2010. They are IDPs, returnees, economic migrants and ethnic minorities – Kuchi or Jogis <sup>(596)</sup>. An assessment of the conditions in the KIS in January 2016 found that ‘[m]ost KIS inhabitants live in slum-like conditions. Their shelters do not provide sufficient protection against the cold and wet winter months, are over-crowded and do not provide sufficient privacy. In many locations a huge number of families share a small numbers of hand pumps to access clean water. The population lives under constant threat of evictions. Access to basic services and public infrastructure is very limited’ <sup>(597)</sup>. In 2017, press articles reported that children and elder people were dying from hypothermia <sup>(598)</sup>. A study by Amnesty International on the situation of IDPs based on visits to Afghanistan in November 2015 and February 2016 found that ‘[d]isplaced people in the camps and settlements we visited in Kabul, Herat and Mazar-e Sharif invariably lived in extremely poor housing conditions. In Chaman-e-Babrak camp in Kabul, the effects of a few days of heavy rain were clearly visible, with the paths between the houses so muddy that they were barely walkable and many of the huts flooded. Even those who could afford their own mud huts, and were not living in tarpaulin tents, had seen leaks and water damage in their houses’ <sup>(599)</sup>.

Purchasing property in Kabul is limited to the richest segment of the society. An apartment built by the government or private sector costs around \$ 60,000 and is too expensive for 90-95 % of population<sup>(600)</sup>. At the moment, no mortgage products are available in the market but some Afghan banks are considering to offer mortgage loans under Sharia law that prohibits charging interest <sup>(601)</sup>. The Afghanistan Mortgage and Reconstruction Bank, the only mortgage bank in Afghanistan, was dissolved in 2003 <sup>(602)</sup>. Due to a lack of formal long-term loan programmes, people resort to the informal sector for loans <sup>(603)</sup>.

According to official data collected by UNFPA in 2013, about 95 % of households in Kabul had access to electricity; 87 % to a TV set; 97 % to a mobile phone; 50 % of households had improved sanitation facilities; 43 % had a refrigerator; 33 % a computer; 26 % a car; 10 % had access to the Internet <sup>(604)</sup>. However, according to UNHCR, more recent arrivals in the city, IDPs and returnees are not likely to have such facilities and the percentages for the population as a whole may be lower today <sup>(605)</sup>.

<sup>(592)</sup> Metcalfe, V., et al., Sanctuary in the city? Urban displacement and vulnerability in Kabul, June 2012 ([url](#)), p. 3.

<sup>(593)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 76.

<sup>(594)</sup> Nazire, H., et al., Effects of Informal Settlement Upgrading in Kabul City, 28 December 2016 ([url](#)), p. 487.

<sup>(595)</sup> Task Force on the Kabul Informal Settlements, Winter Assistance in the Kabul Informal Settlements, January 2016 ([url](#)), pp. 5-6.

<sup>(596)</sup> Task Force on the Kabul Informal Settlements, Winter Assistance in the Kabul Informal Settlements, January 2016 ([url](#)), p. 9.

<sup>(597)</sup> Task Force on the Kabul Informal Settlements, Winter Assistance in the Kabul Informal Settlements, January 2016 ([url](#)), p. 9.

<sup>(598)</sup> Tolo News, 12 children die in Kabul’s cold weather in a week, 7 February 2017 ([url](#)); Pajhwok Afghan News, In harsh winter, Kabul’s tent dwellers struggle to survive, 24 January 2017 ([url](#)).

<sup>(599)</sup> Al, ‘My children will die this winter’ Afghanistan’s broken promise to the displaced, 31 May 2016 ([url](#)), pp. 30-31.

<sup>(600)</sup> Government of the Islamic Republic of Afghanistan, State of Afghan Cities 2015. Volume One, 2015 ([url](#)), p. 92.

<sup>(601)</sup> Bloomberg, Mortgages Set to Debut in Taliban-Hit Afghan Housing Market, 29 November 2016 ([url](#)).

<sup>(602)</sup> Harakat-AICFO, Mortgage market assessment in 5 major cities of Afghanistan, April 2014 ([url](#)), p. 11.

<sup>(603)</sup> Harakat-AICFO, Mortgage market assessment in 5 major cities of Afghanistan, April 2014 ([url](#)), p. 11; Bloomberg, Mortgages Set to Debut in Taliban-Hit Afghan Housing Market, 29 November 2016 ([url](#)).

<sup>(604)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), pp. 79-80.

<sup>(605)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report



According to Amnesty International: ‘rapid urbanization has put enormous strains on Kabul’s water resources, and that almost half of the capital’s residents lacked regular access to water’. Residents of some informal settlements bought water from a truck (20 Afghans / 0.30 USD per 4.5 litres) <sup>(606)</sup>. More wealthy people started digging unregulated wells to reach a falling water table <sup>(607)</sup>.

### 2.7.5. Herat

According to analyst Leslie, the area of Herat is expanding. A number of residential enclaves (*shahrak*) have appeared around Herat in recent years. Most buildings in Herat have been built since 2001. Property prices increased till 2011, accelerating the property boom. The property boom was also fuelled by money from the drugs trade. After 2014, prices fell about 20-30 %. The urban density is very high and the settlements pattern quite regular although most buildings do not conform to a master plan. There were cases of land-grabbing in Herat city by officials and other powerful individuals and it was done with impunity <sup>(608)</sup>.

61.3 % of respondents to a 2016 survey on Herat reported owning their own house. 23.4 % of the households are reportedly renting their housing unit. 92.1 % of households in Herat had improved sanitation facilities and 42.8 % were staying in houses with roofs made of cement <sup>(609)</sup>. In Herat City, an estimated 5 % of the population is living in soft structures or tents <sup>(610)</sup>.

Of the urban population in Herat, 81.2 % has access to improved water sources, 90.7 % used electricity as a source for lighting and 92.1 % has an improved sanitation facility <sup>(611)</sup>. According to the Afghanistan Rights Monitor: Baseline Report of April 2016, 80 % of the residents in Herat City have access to grid power, 70 % to water, and 30 % to sewage services <sup>(612)</sup>. About 91 % of households in Herat have access to mobile phones, 85 % have a television, 63 % have a refrigerator, 22 % own a computer, 16 % have a car, 10 % a generator, and 16% have access to the Internet <sup>(613)</sup>. In 2016, the Salma Hydro Power Project was opened. The new dam is believed to improve access to electricity and water in Herat and its surroundings <sup>(614)</sup>. Most households use LPG for cooking <sup>(615)</sup>.

#### IDPs

According to UNHCR ‘Herat Province and in particular Herat city and neighbouring Injil district have historically been a significant destination for Internally Displaced People (IDPs). At the end of 2015 Herat was amongst the highest IDP hosting provinces in Afghanistan accounting for approximately 10 % or 120,000 of the IDP population, comprised of a significant protracted IDP caseload, some of whom have lived in Herat for as long as two decades’ <sup>(616)</sup>.

UNHCR found with regards to seven protracted IDP settlements within Herat municipal boundaries that:

The overwhelming majority of dwellings are single room mud brick, offering insufficient protection from the elements, particularly the extreme cold of winter. A significant number of families live in makeshift dwelling and tents, offering even less protection from the elements and highly vulnerable to weather events. Land and security of tenure were a significant issue. Majority of the families have no formal tenure arrangements, relying mostly on verbal agreements. The status of land ownership for most land is unclear with majority contested by local Herati residents. Families in Minaret, Naw Abad, Police Station and Shaidayee have received multiple eviction threats. Additionally, government has prohibited them to construct new shelters or repair existing shelters which has prevented them from investing and improving their housing/living situation <sup>(617)</sup>.

<sup>(606)</sup> AI, ‘My children will die this winter’ Afghanistan’s broken promise to the displaced, 31 May 2016 ([url](#)), p. 34.

<sup>(607)</sup> Reuters, Afghan capital’s thirsty residents dig deep to combat drought, overuse, 28 February 2017 ([url](#)).

<sup>(608)</sup> Leslie, J., Political and Economic Dynamics of Herat, USIP, 2015 ([url](#)), accessed 9 March 2017, pp. 8-10.

<sup>(609)</sup> CSO, Socio-Demographic and Economic Survey Herat, 7 March 2017 ([url](#)), pp. 83, 86-87.

<sup>(610)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 50-51.

<sup>(611)</sup> CSO, Socio-Demographic and Economic Survey Herat, 7 March 2017 ([url](#)), pp. 74, 76, 88.

<sup>(612)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 50.

<sup>(613)</sup> CSO, Socio-Demographic and Economic Survey Herat, 7 March 2017 ([url](#)), accessed 20 March 2017, pp. 76, 74, 88.

<sup>(614)</sup> Afghanistan Times, Modi, Ghani inaugurate long-awaited Salma Dam project, 4 June 2016 ([url](#)).

<sup>(615)</sup> CSO, Socio-Demographic and Economic Survey Herat, 7 March 2017 ([url](#)), p. 72.

<sup>(616)</sup> UNHCR, Profile and Response Plan of Protracted IDP Settlements in Herat, October 2016 ([url](#)), p. 12.

<sup>(617)</sup> UNHCR, Profile and Response Plan of Protracted IDP Settlements in Herat, October 2016 ([url](#)), p. 6.

Moreover the report found that:

Water and sanitation were found to be a serious issue in all settlements surveyed. In many cases IDPs rely on communal water points with issues of congestion and water quality. It is also common for IDPs to rely on community constructed public pit latrines, with inadequate protection for leeching pits causing issues of public health and amenity. Moreover, a significant number of families still have no access to latrines and must resort to open defecation. In many cases water and sanitation facilities are listed by IDPs as their number one development priority <sup>(618)</sup>.

A study by Amnesty International on the situation of IDPs based on visits to Afghanistan in November 2015 and February 2016 found that:

Displaced people in the camps and settlements we visited in Kabul, Herat and Mazar-e Sharif invariably lived in extremely poor housing conditions [...] Displaced people lived in marginally better conditions in Shaidayee and Maslakh camps in Herat, however conditions were still not adequate. Almost all of those we interviewed in these settlements said they lived in mudbrick huts that offered very little protection from hot or cold weather. In Shaidayee camp, there have been some efforts to address land ownership as set out in the IDP Policy. The government has since 2012 started distributing land to protracted IDPs, mainly to displaced people registered as IDPs with the government or UNHCR. The government had sold displaced families 300m<sup>2</sup> of land for 20,000 Afs (USD 290), the cost of the land registry fee according to the local government. While this initiative is commendable, many of those families who were able to afford the land have not then been able to fund building their own houses. Some said they had had to sell the land after running into financial problems. A local government official in Herat said that one obstacle to the land distribution scheme in Shaidayee was also that many displaced people lacked a Tazkera (national ID card), meaning their land ownership could not be registered and thus making them ineligible for the land distribution scheme. Displaced people can face considerable barriers in obtaining national identity cards, which are often unaffordable, or can only be obtained in one's home province which is often too insecure to return to. Others, in particular from Maslakh camp, said officials from the MoRR [Ministry of Refugees and Returnees] had promised them land during 2015 but that nothing had happened since then because the identification of those displaced was still ongoing. A local government official told Amnesty International that, additionally, efforts to distribute land to displaced people in Maslakh camp had been held up by disputes about ownership of the proposed land for distribution <sup>(619)</sup>.

According to UNHCR, none of the IDP settlements have electricity (within the city or suburbs) and poor families living in temporary shelters do not have access to it <sup>(620)</sup>.

## 2.7.6. Mazar-e Sharif

According to a 2015 survey, the majority inhabitants in Mazar-e Sharif own their houses (66.5 %) while 24.5 % rent their accommodation <sup>(621)</sup>. More than half of the houses in the city are constructed from mud or soil with wood logs, the rest from lime with bricks and metal, cement or other materials. Most have earth floor (70 %) or cement (26 %) <sup>(622)</sup>. The households in Mazar-e Sharif are heated by wood, charcoal or coal. The electricity is generally available in the city (93 % household has the access). Most people have access to improved sources of drinking water (76 %), usually piped or from the wells. 92 % of households have improved sanitation facility <sup>(623)</sup>.

According to IOM, rent cost in Mazar-e Sharif in 2014 ranged from USD 150-250 for a three-room apartment in a safe area. The price of a similar apartment was USD 40,000 <sup>(624)</sup>.

According to a 2015 survey, about 94 % of households have access to mobile phone, 91 % have a television, 51 % a refrigerator, 28 % a computer, 20 % have a car, 20 % access to the Internet <sup>(625)</sup>.

<sup>(618)</sup> UNHCR, Profile and Response Plan of Protracted IDP Settlements in Herat, October 2016 ([url](#)), p. 6.

<sup>(619)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), pp. 30-31.

<sup>(620)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(621)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), p. 83.

<sup>(622)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), pp. 79-82.

<sup>(623)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), pp. 68-70, 84.

<sup>(624)</sup> BAMF, IOM and ZIRF, Country Fact Sheet Afghanistan 2016, 10 January 2017, ([url](#)), pp. 14-15.

<sup>(625)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015, ([url](#)), pp. 79-80.

## IDPs & returnees

A study by Amnesty International on the situation of IDPs based on visits to Afghanistan in November 2015 and February 2016 found that

Displaced people in the camps and settlements we visited in Kabul, Herat and Mazar-e-Sharif invariably lived in extremely poor housing conditions [...] In Mazar-e-Sharif, some of the displaced people lived in clay rental houses for which they pay a monthly rent of 500-1000 Afs (USD 7-15). Residents told Amnesty International that the houses do not protect the families from the winter cold or summer heat, and they are full of dust and mosquitoes in the summer. Several families often have to live together in the same house of one or two rooms to share the cost of the rent. As a result, the houses are overcrowded, damp and facilitate the spread of diseases <sup>(626)</sup>.

Some IDPs camps were removed and destroyed in 2011. The families live in various conditions in the city or on its outskirts <sup>(627)</sup>.

During 2016, UNHCR and partners came across IDPs who were forced to squat in Mosques, to share a room with up to 20 individuals, or who were sheltered by authorities in transit sites without access to toilets and proper roofing. Returnees and some protracted IDPs managed to purchase a plot of land in nearby districts, often in areas with limited access to markets and basic services. However, when returnees and IDPs buy a plot of land they were often unable to afford the construction of a house <sup>(628)</sup>.

Moreover, since 2016, there have been no humanitarian agencies to assist with shelter for returnees and conflict-induced IDPs in Mazar-e Sharif <sup>(629)</sup>.

The provincial authorities in Mazar-e Sharif and Balkh Province had in the past allocated land to support the return and reintegration of Afghan refugees returning from Pakistan and Iran. However, most of the land allocated by provincial authorities was not conducive for effective and sustainable reintegration, being located in remote geographical areas and in areas contested by militant groups. This resulted in some sites being abandoned by returnees and IDPs, who moved to Mazar-e Sharif urban centre and are now living in precarious conditions with relatives or in makeshift shelters <sup>(630)</sup>.

Returnees facing land disputes with neighbours and receiving communities encounter serious challenges in obtaining a legal remedy. Firstly, the legal process is very expensive; secondly, interferences, corruption and affiliation of the village occupants with armed groups thwart the willingness and capacity of returnees to seek for a legal remedy <sup>(631)</sup>.

## 2.8. Coping strategies and support network

### 2.8.1. Network as social protection

Despite the establishment of the 2008-2013 National Social Protection Strategy, government social protection in Afghanistan 'remains very limited, with children and women-sensitive social protection almost non-existent' <sup>(632)</sup>. However, the population of Afghanistan is, according to a UNICEF/Samuel Hall report, 'counting on solidarity to be able to fulfil its basic social and health needs' <sup>(633)</sup>.

Afghans rely almost entirely on their family and networks as a safety net <sup>(634)</sup>. The resilience and resourcefulness of Afghan families along with strong community networks are important coping strategies to shocks <sup>(635)</sup>. For IDPs and returnees, the presence of a social network is fundamental in the choice of their destination, as relatives are the

<sup>(626)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), pp. 30-31.

<sup>(627)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), p. 31.

<sup>(628)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(629)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(630)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(631)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(632)</sup> UNICEF and Samuel Hall, Social Protection System, 2014 ([url](#)), p. 6.

<sup>(633)</sup> UNICEF and Samuel Hall, Social Protection System, 2014 ([url](#)), p. 6.

<sup>(634)</sup> APPRO, Return Migration and Development Nexus, April 2014 ([url](#)), p.12

<sup>(635)</sup> UNICEF and Samuel Hall, Social Protection System, 2014 ([url](#)), p. 13.

primary sources of support and economic assistance, information and security<sup>(636)</sup>. Yet, as especially these categories – returning refugees, IDPs and deportees – often lack social networks in the area they are displaced or returned to, they also lack the connections to find adequate employment or proper training<sup>(637)</sup>. The Afghan Government found that ‘cities present a unique set of dynamics that often compound the vulnerability of poor urban households; who frequently suffer from weaker coping mechanisms, higher incidence of food insecurity (34 %) and less social capital and support networks compared with rural households’<sup>(638)</sup>.

However, ‘with so many families in poverty, or experiencing forced displacement over the past decades, informal community support mechanisms have lost potency. Mounting vulnerability and multiple shocks simply plunge families deeper into crisis’, according to UNOCHA<sup>(639)</sup>. A compounding effect of protracted and forced displacement is that it reduces self-protection capacities of affected communities, including the loss of social support networks<sup>(640)</sup>. Host communities’ capacity to accommodate relatives and friends is slowly being diminished by the repetitive and elastic nature of displacement<sup>(641)</sup>. In the traditional society of the Pashtuns, hospitality towards strangers is seen as a core value of the Pashtunwali, the code of honour. However, ‘the traditional forms of Pashtun society have experienced an abrupt and traumatic realignment after the Soviet invasion along with the emergence of non-state actors (Taliban), and the US invasion of Afghanistan’<sup>(642)</sup>. As noted by IDMC, some IDPs may receive help and hospitality from local communities based on their ethnic and tribal affiliations but many host families are economically vulnerable themselves and run through their resources rapidly<sup>(643)</sup>.

In the case of returnees from Europe who had been undocumented in their host country, a study by the United Nations University in Maastricht found that:

All returnees in the 2007 study were reunited with their relatives and strongly relied on the support of their relatives for housing and food. Many returnees also received remittances from relatives still living abroad. Nevertheless, having returned empty-handed and dependent on relatives also damaged their status, which made them feel like failures. Having returned from the West, they mentioned distrust and ambivalent attitudes towards them. While their cultural and religious integrity was questioned, they also felt that people were interested in their money, which led them to hide the fact that they had returned from Europe. The return migration was mentioned as a traumatic experience<sup>(644)</sup>.

While all respondents in a study by the Afghanistan Public Policy Research Organisation (APPRO) stated they had family members in Afghanistan upon return from neighbouring countries, only few reported having help from them upon return; and if they received any help, it was limited to accommodation. The authors of the study attribute this limited help to the hardship which was still a key feature in many Afghan households<sup>(645)</sup>. This was corroborated by another study that found that some returnees moved regularly from family member to family member, partly to avoid outstaying hospitality<sup>(646)</sup>.

The state of solidarity as a social safety net has deteriorated even further in the cities<sup>(647)</sup>. The Afghan government and UNHABITAT stated in a study on the state of Afghan cities:

There exists a perception that poverty, vulnerability and social exclusion are predominantly rural concerns in Afghanistan. In reality, however, this could not be further from the truth. Whilst cities are centres of economic activity, the social safety nets, access to land, and subsistence living of rural areas are not features in cities where the cash economy reigns and enormous market pressures shape the accessibility of services. Urban dwellers frequently find themselves in situations of compounded vulnerability, without access to a number of important coping mechanisms that may be available in rural areas<sup>(648)</sup>.

<sup>(636)</sup> Harpviken, K. B., *Social Networks and Migration in Wartime Afghanistan*, 2009 ([url](#)), p. 3.

<sup>(637)</sup> Samuel Hall, *Urban Displaced Youth in Kabul. Part one: Mental Health Matters*, June 2016 ([url](#)), p. 19.

<sup>(638)</sup> Government of the Islamic Republic of Afghanistan, *State of Afghan Cities 2015. Volume One, 2015* ([url](#)), p.3

<sup>(639)</sup> UNOCHA, *Humanitarian Needs Overview 2017*, 31 December 2016 ([url](#)), p. 7.

<sup>(640)</sup> UNOCHA, *Humanitarian Needs Overview 2017*, 31 December 2016 ([url](#)), p. 32.

<sup>(641)</sup> UNOCHA, *Humanitarian Needs Overview 2017*, 31 December 2016 ([url](#)), p. 24.

<sup>(642)</sup> FATA Research Centre, ‘Pashtunwali: an analysis of the Pashtun way of life,’ in *AfPak Principles of the tribal and clan structure*, Austria, Federal Office for Immigration and Asylum, COI Unit, 5 April 2017 ([url](#)), pp. 29, 44.

<sup>(643)</sup> IDMC, *Afghanistan: New and long-term IDPs risk becoming neglected as conflict intensifies*, 16 July 2015 ([url](#)).

<sup>(644)</sup> van Houte M., *Moving Back or Moving Forward? Return migration after conflict*, 20 November 2014 ([url](#)), p. 96.

<sup>(645)</sup> APPRO, *Return Migration and Development Nexus: Casual Labourers of Kabul*, April 2014 ([url](#)), p. 12.

<sup>(646)</sup> Oeppen C. & Majidi N., *Can Afghans Reintegrate after Assisted Return from Europe?*, 2015 ([url](#)), p. 3.

<sup>(647)</sup> Government of the Islamic Republic of Afghanistan, *State of Afghan Cities 2015. Volume One, 2015* ([url](#)), p. 19.

<sup>(648)</sup> Government of the Islamic Republic of Afghanistan, *State of Afghan Cities 2015. Volume One, 2015* ([url](#)), p. 19.

According to a 2014 Samuel Hall study, 76 % of urban households studied by Samuel Hall are in debt <sup>(649)</sup>. Many family networks in the cities are not strong enough to support households' resilience as remittances in cash from abroad are diminishing <sup>(650)</sup>. In 2015, Afghanistan received an estimated USD 300 million in personal remittances, an amount which has stagnated at this level since 2012 (until 2015) <sup>(651)</sup>.

According to the Afghanistan Public Policy Research Organisation (APPRO):

There is a strong tradition whereby wealthier families in a community assist their poorer neighbours and relatives through food and clothing donations. This tradition is more common in rural areas, due to closely knit ties within extended families, than in urban areas. Besides charity is ad hoc and can be unreliable. [...] Another source of locally based food assistance in some communities is the use of zakat, an Islamic tax, which is collected by the elders and distributed to the extremely poor [...] Mosques do not play a direct, ongoing role in feeding the poor <sup>(652)</sup>.

However, as the 2014 Urban Poverty Report found:

Beyond the system of informal loan supporting poor communities, charity also plays its role to assist households in dire situation, usually on an ad-hoc basis. Both community-based and faith-based mechanisms of charity exist at the community level, at least in theory [...] these forms of community protection have the tendency to fade away with the dissolution of communal structures in the city and the high levels of hardship that most urban households experience themselves. The dissolution of traditional forms of safety nets is a huge risk for the resilience of the urban poor, who, in the absence of a solid system of social protection established by the state, have very few strategies to engage in to avoid starvation <sup>(653)</sup>.

## 2.8.2. Network as key to the job market

Finding a job is crucial to returnees' successful reintegration. In a cash-based society, as most cities in Afghanistan are, a stable income provides access to food safety and healthcare, decreases vulnerability and increases resilience <sup>(654)</sup>. Access to jobs in the shrinking labour market is more than ever dependent on connections <sup>(655)</sup>. A study by the International Labour Organisation (ILO), states: '[w]hen asked to explain how they hired their employees, most employers said that they used the most traditional Afghan network system: friends (62.6 %) or relatives (57.9 %) <sup>(656)</sup>.

A recurrent complaint from job seekers at all levels is that jobs are allocated through personal connections or *wasita* <sup>(657)</sup>. Even finding work in local governance structures is also almost entirely by *wasita* <sup>(658)</sup>. *Wasita* is defined as 'reciprocal connections to those with power or influence' <sup>(659)</sup>. Other terminology used in this context includes *shanakht*, meaning both 'identity' and 'knowing somebody', and *safarish* or *sifarish*, meaning 'recommendation' <sup>(660)</sup>.

A study by Mercy Corps and Samuel Hall from 2011 in the labour markets of four northern cities showed networks were by far the most relevant recruitment channel: more than half of the respondents stated they were recruited by friends or relatives. While another 30 % reported being a friend or relative of another employee. Just 15 % reported being recruited through the local bazaar <sup>(661)</sup>. Small businesses remain family affairs with recruitment and access to credit primarily undertaken through social networks. Formal contracts remain a rarity <sup>(662)</sup>. In a labour market study by the ILO in 2012, recruitment through the bazaar is equally considered as an informal way of recruitment <sup>(663)</sup>. In Kabul specifically, leadership positions in government seem to be distributed to those who have been active during the

<sup>(649)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 9.

<sup>(650)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 9.

<sup>(651)</sup> World Bank (The), Personal remittances, received (current US\$), n.d. ([url](#)).

<sup>(652)</sup> APPRO, Food insecurity in Afghanistan. Policy brief, October 2016 ([url](#)), p. 2.

<sup>(653)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 91.

<sup>(654)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), p. 66; Samuel Hall, skype interview, 7 February 2017.

<sup>(655)</sup> Refugee Support Network, Broken Futures, August 2012 ([url](#)), p. 39.

<sup>(656)</sup> ILO, Afghanistan: Time to move to Sustainable Jobs, 2 June 2012 ([url](#)), p. 31.

<sup>(657)</sup> Fishstein, P., et al., Balkh's economy in transition, August 2013 ([url](#)), p. 20.

<sup>(658)</sup> Saltmarshe, D. and Medhi, A., Local Governance in Afghanistan: A View from the Ground, June 2011 ([url](#)), p. 19.

<sup>(659)</sup> Saltmarshe, D. and Medhi, A., Local Governance in Afghanistan: A View from the Ground, June 2011 ([url](#)), p. v.

<sup>(660)</sup> Nooristani, H.A., conversation in Kabul during a FFM by the Belgian Centre for Documentation and Analysis, Cedoca, 3 October 2014.

<sup>(661)</sup> Mercy Corps and Samuel Hall, Afghanistan: Economic Assessment and Labour Market Survey of Mazar-i Sharif, Pul-i Khumri, Kandahar City and Kunduz City, 2011 ([url](#)), p. 49.

<sup>(662)</sup> Mercy Corps and Samuel Hall, Afghanistan: Economic Assessment and Labour Market Survey of Mazar-i Sharif, Pul-i Khumri, Kandahar City and Kunduz City, 2011 ([url](#)), p. 19.

<sup>(663)</sup> ILO, Afghanistan: Time to move to Sustainable Jobs, 2 June 2012 ([url](#)), p. 31.

2014 elections campaign, making government jobs even less accessible to those without the right connections <sup>(664)</sup>. According to the World Bank '[t]he tendency to distribute government positions and access to resources through patronage-based networks remains well entrenched' <sup>(665)</sup>.

According to a study by Ceri Oeppen and Nassim Majidi, especially for returnees from Europe and Iran – and according to Hervé Nicolle Afghan returnees from Europe often originate from Iran<sup>(666)</sup> – those who have no strong or solid social connections cannot find work <sup>(667)</sup>. The principal determinant in recruiting is trust, according to Hervé Nicolle from Samuel Hall. What outsiders often label as corruption or nepotism, is in fact a system based on (dis)trust. There is so much distrust in the Afghan society that all possible employers, including international actors, only hire people who are suggested to them. If nobody suggests you to a possible employer, you will end up in the ever-shrinking casual day labour market, even if you hold a diploma <sup>(668)</sup>. Even for the jobs with international organisations – such as UN agencies – published online, it's very likely actual assignment relies on informal recommendations <sup>(669)</sup>.

ILO provided two additional reasons for the high degree of 'nepotism' in the Afghan recruitment context:

- 1) as diplomas have no practical value on the labour market, most employers favour interpersonal network as a professional guarantee;
- 2) as labour regulations are rare (in practice) for small and medium enterprises, it becomes a way to hire people at a lower cost and keep the money in the family circle <sup>(670)</sup>.

The study by the consultancy Samuel Hall found that youth often do not know of formal opportunities for vocational training that could eventually give them better access to the labour market. They only know of the informal market that provides training. Small businesses train young Afghans in accordance with traditions and conventions and have no connection to the state educational system <sup>(671)</sup>. Yet, roughly 90 % of these businesses belong to the informal sector, which rests on strong networks and connections <sup>(672)</sup>. Displaced youth in particular lack such social networks <sup>(673)</sup>.

There are many layers to a network. For some, a network consists of their close relatives, for others the network is broader and can consist of friends. When recruited through a network, the share of those recruited through friends or relatives respectively is almost equal, according to a 2011 study by Samuel Hall and Mercy Corps <sup>(674)</sup>.

According to the Managing Director of the Cooperation for Peace and Unity (CPAU), interviewed during a fact-finding mission to Kabul by the Belgian Centre for Documentation and Analysis (Cedoca) in 2014, for some Hazara the network in a new city can be centred around a mosque or religious institution or charity <sup>(675)</sup>. Looking at ethnicity, patterns of residency vary from location to location. In some areas different ethnic groups easily mix among each other, in others people with the same background clearly gather <sup>(676)</sup>. But in general, ethnicity alone is not enough of a solid network to find a job <sup>(677)</sup>.

<sup>(664)</sup> APPRO, Afghanistan Rights Monitor Monitoring Cycle 2: May – August 2016, 2 October 2016 ([url](#)), p. 18.

<sup>(665)</sup> World Bank (The), Supporting growth and stability in Afghanistan, 2016 ([url](#)), p. 3.

<sup>(666)</sup> Samuel Hall, skype interview, 7 February 2017.

<sup>(667)</sup> Oeppen C. & Majidi N., Can Afghans Reintegrate after Assisted Return from Europe?, 2015 ([url](#)), p. 3.

<sup>(668)</sup> Samuel Hall, skype interview, 7 February 2017.

<sup>(669)</sup> Director of a research organisation, Skype interview, 6 February 2017. The research organisation is based in Kabul and conducts research on human rights and governance issues. The contact wished to remain anonymous for security reasons.

<sup>(670)</sup> ILO, Afghanistan: Time to move to Sustainable Jobs, 2 June 2012 ([url](#)), p. 32.

<sup>(671)</sup> Samuel Hall, October 28 2014 recommendations workshop Urban Displaced Youth in Kabul City. A left out category and a lost generation?, 28 October 2014 ([url](#)), p. 17.

<sup>(672)</sup> Samuel Hall, October 28 2014 recommendations workshop Urban Displaced Youth in Kabul City. A left out category and a lost generation?, 28 October 2014 ([url](#)), p. 17.

<sup>(673)</sup> Samuel Hall, October 28 2014 recommendations workshop Urban Displaced Youth in Kabul City. A left out category and a lost generation?, 28 October 2014 ([url](#)), p. 17.

<sup>(674)</sup> Mercy Corps and Samuel Hall, Afghanistan: Economic Assessment and Labour Market Survey of Mazar-i Sharif, Pul-i Khumri, Kandahar City and Kunduz City, 2011 ([url](#)), p. 49.

<sup>(675)</sup> Zaman, I., interview in Kabul during Cedoca FFM, 9 October 2014, Managing Director at Cooperation for Peace and Unity (CPAU).

<sup>(676)</sup> Samuel Hall, Urban Poverty Report, 2014 ([url](#)), accessed 25 January 2017, pp. 33-34; Director of a research organisation, Skype interview, 6 February 2017. The research organisation is based in Kabul and conducts research on human rights and governance issues. The contact wished to remain anonymous for security reasons.

<sup>(677)</sup> Samuel Hall, skype interview, 7 February 2017.

### 2.8.3. Social networks and women: protection and oppression

In Afghanistan, the central social unit is the family and extended kinship system, and individuals and nuclear families rely on one another's support through such networks to survive due to the lack of public services. According to a 2005 book on Afghan culture and customs, written by Hafizullah Emadi <sup>(678)</sup>, although the state has attempted to establish institutional support and services for families, in practice they are not usually implemented widely because in Afghan society, Islamic law and custom still govern most family related issues in Afghanistan, such as marriage, inheritance, and business <sup>(679)</sup>.

The family structure and kinship system is strongly patriarchal with the central authority at the head of the family being the father and eldest son. Deeply rooted cultural values emphasise great respect for conduct, age, marriage at a young age, and motherhood, with an individual's honour and social status greatly determined by one's family <sup>(680)</sup>.

The members of an extended family often live in the same neighbourhood and feel obliged to help each other. The kinship system often extends into the political realm, as those in higher positions often provide favours to their kinfolk. Members of the extended family work together on the farms or conduct common business in the cities to support each other. Emadi explains that individuals who are from wealthy families 'prefer to live outside the extended family' <sup>(681)</sup>.

The position of women and children within family is impacted by the patriarchal structure of the family. Men are the dominant authority inside the family, clan or tribe, with the father figure making all decisions, supervising and controlling the family affairs and activities of members, such as education and work for the children <sup>(682)</sup>. For women, cultural norms define a woman's position as mainly limited to her house and family <sup>(683)</sup>. Women are treated as a man's personal property, or chattel, most frequently in tribal communities <sup>(684)</sup>. In homes where the eldest person is a female, she will be respected as a head of the family, but, for example, a teenage son might still be regarded as the decision maker <sup>(685)</sup>.

The conduct of women and men is described in tribal codes and Islamic law and custom still governs most family related issues in Afghanistan <sup>(686)</sup>. Women are considered an extension of her husband's honour, and are therefore not free to behave as they wish <sup>(687)</sup>. For men, a necessary part of his personal and collective duty in such an honour-based society is the control and protection of women's honour, which is viewed by society both as a reflection of his own honour, given her importance in the family, but also a potential source of social *fitna* (disorder) that must be controlled <sup>(688)</sup>. A woman's environment is her house (motherhood, child rearing and housework) and her freedom of movement outside the house is highly limited. Gender segregation is mandated in public places. For instance, women's freedom to interact socially is restricted. However, the scope of freedom and limits can differ according to family status, education, ethnic background or tribal tradition <sup>(689)</sup>.

As described by Emadi, women are punished severely for transgressing social and cultural norms (including honour killing, stoning or flogging) and women lack the rights or means to defend themselves against such charges <sup>(690)</sup>. Despite provisions in the law that criminalise assault and beating, honour killings and violence against women by their male family members, parallel justice and state institutions continues to be a problem, with hundreds of

<sup>(678)</sup> Hafizullah Emadi is a Hazara scholar who has published numerous books on politics and development in Afghanistan and Asia.

<sup>(679)</sup> Emadi H., *Culture and Customs in Afghanistan*, Greenwood Press, Westport, 2005, pp. 165-166.

<sup>(680)</sup> Emadi H., *Culture and Customs in Afghanistan*, Greenwood Press, Westport, 2005, pp. 166.

<sup>(681)</sup> Emadi H., *Culture and Customs in Afghanistan*, Greenwood Press, Westport, 2005, pp. 166.

<sup>(682)</sup> Emadi H., *Culture and Customs in Afghanistan*, Greenwood Press, Westport, 2005, p. 168.

<sup>(683)</sup> NRC, *Strengthening Displaced Women's Housing, Land and property Rights in Afghanistan*, 15 November 2014 ([url](#)), p. 28.

<sup>(684)</sup> Emadi H., *Culture and Customs in Afghanistan*, Greenwood Press, Westport, 2005, p. 169.

<sup>(685)</sup> University of West Florida, Center for Information Dominance: Center for Language, Regional Expertise and Culture, Afghanistan. Society and norms - family and family life: Overview, n.d. ([url](#))

<sup>(686)</sup> Emadi H., *Culture and Customs in Afghanistan*, Greenwood Press, Westport, 2005, p. 168; University of West Florida, Center for Information Dominance: Center for Language, Regional Expertise and Culture, Afghanistan. Society and norms - Gender roles. Overview, n.d. ([url](#))

<sup>(687)</sup> Rastin-Tehrani, et al., *Max Planck Manual on Family Law in Afghanistan*, July 2012 ([url](#)), p. 18.

<sup>(688)</sup> Ganesh, L., *Women's Economic Empowerment in Afghanistan 2002-2012*, August 2013 ([url](#)), pp. 7-8.

<sup>(689)</sup> Emadi H., *Culture and Customs in Afghanistan*, Greenwood Press, Westport, 2005, pp. 169-171.

<sup>(690)</sup> Emadi H., *Culture and Customs in Afghanistan*, Greenwood Press, Westport, 2005, pp. 171.

thousands of women reporting abuse by various agents, according to NGOs <sup>(691)</sup>. A 2017 article by IWPR states that although nearly 600 cases of honour killings have been registered over the past five years, most perpetrators are not punished or receive a lenient sentence <sup>(692)</sup>.

According to the 2015 UN Human Development Index, Afghanistan is ranked 171<sup>st</sup> out of 188 countries<sup>(693)</sup> and under the Gender Inequality Index, which reflects gender-based inequalities in health, empowerment, and economic activity, Afghanistan is ranked 152 out of 155 countries <sup>(694)</sup>. According to the Austrian Ministry of Interior, despite the strides made in the public sphere, the status of women within the family has not changed substantially. Afghan society still remains deeply conservative and generally wary of the involvement of central authorities in matters seen to be in the family domain <sup>(695)</sup>.

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<sup>(691)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), pp. 35, 37.

<sup>(692)</sup> IWPR, Afghanistan's Domestic Violence Loophole, 16 January 2017 ([url](#)).

<sup>(693)</sup> UN Human Development Index Reports, Gender Development Index 2015, ([url](#)), p. 222.

<sup>(694)</sup> UNDP, Human Development Report Afghanistan -2016 ([url](#)), p. 5.

<sup>(695)</sup> Republic of Austria - Federal Ministry of the Interior, Afghanistan: 2014 and beyond, March 2014 ([url](#)), p. 49.



## 3. Actors of protection

### 3.1. Security context

#### 3.1.1. International drawdown

International forces began to withdraw from Afghanistan in 2011, completing the changeover in 2014, and transitioning responsibility for security operations to the Afghan National Security Forces (ANSF) <sup>(696)</sup>. The ANSF is composed of government security forces, including the Afghan National Army (ANA), the Afghan Air Force (AAF), the Afghan National Police (ANP), the Afghan Local Police (ALP) and the National Directorate of Security (NDS) <sup>(697)</sup>. The ALP is a ‘loosely regulated unit’ that operates as an auxiliary force active in rural areas rather than in the cities <sup>(698)</sup>. The ALP and AAF are not covered in the scope of this report because these entities do not specifically function as protective actors in urban areas. The ANA and other security forces are included only to provide relevant background information on security issues and context that impacts on urban centres.

Operation Sentinel’s Freedom (OFS) is the remaining military mission of the United States in Afghanistan and consists of counterterrorism operations against al Qaeda and the Islamic State-Khorasan Province (IS-KP), and also encompasses US contributions to the NATO-led mission, Operation Resolute Support <sup>(699)</sup>. Operation Resolute Support is the successor mission to the International Security Assistance Force (ISAF) and leaves in Afghanistan a small contingent of approximately 13,000 NATO troops to ‘train, advise, and assist’ command of the ANSF in Afghanistan <sup>(700)</sup>. According to the Special Inspector General for Afghanistan Reconstruction (SIGAR) 30 January 2017 report to US Congress, there are 6,941 US forces and approximately 6,391 troops from other NATO and non-NATO partners in Afghanistan <sup>(701)</sup>. Resolute Support’s mission operates with one central hub (in Kabul/Bagram) and four spokes in Mazar-e Sharif, Herat, Kandahar and Laghman <sup>(702)</sup>. Support to ANA and ANP under the Train, Advise, Assist Command (TAAC) mission is divided into geographic TAAC Zones, which align ANA and ANP command zones across the provinces <sup>(703)</sup>.

For information on the conflict actors and security situation in Afghanistan, including the districts of Herat, Balkh, and Kabul provinces, please refer to *EASO Country of Origin Information Report: Afghanistan – Security Situation* (November 2016) <sup>(704)</sup>.

Everyday security services for Afghans, including managing efforts to fight the armed insurgency and groups including the Taliban and Islamic State-Khorasan Province, became the responsibility of the Afghan government as of December 2014 when international forces completed the transition to Afghan-led command <sup>(705)</sup>. Sources indicate that NATO’s Resolute Support mission involves advisory support to senior leadership cadres in the Afghan security forces and does not involve deploying advisors below the corps level <sup>(706)</sup>. Consequently, since the transition to Afghan command and control, US advisors have little or no contact with security forces below the level of ANA-corps or ANP zone-headquarters <sup>(707)</sup>. However, media sources reported that US forces were deployed, advising, and working closely with Afghan forces in repelling Taliban offensives against Kunduz in 2015 and 2016 <sup>(708)</sup>. In 2016, in Helmand Province’s capital of Lashkar Gah, more than 100 US military members were deployed to prevent the city from being overrun <sup>(709)</sup>.

<sup>(696)</sup> NATO, Nato and Afghanistan, 13 October 2016 ([url](#)); Giustozzi and Ali, The Afghan Army After ISAF, March 2016 ([url](#)); Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), p. 35.

<sup>(697)</sup> UNSC, Report of the Secretary-General on children and armed conflict in Afghanistan, 15 May 2015 ([url](#)), para. 6.

<sup>(698)</sup> ICG, The future of the Afghan Local Police, 4 June 2015 ([url](#)).

<sup>(699)</sup> US DoD, Operation Freedom’s Sentinel, 30 September 2016 ([url](#)), p. 11.

<sup>(700)</sup> Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), p. 35.

<sup>(701)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 91.

<sup>(702)</sup> NATO, Resolute Support Mission in Afghanistan, last updated: 13 October 2016 ([url](#)).

<sup>(703)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 95.

<sup>(704)</sup> EASO, Country of Origin Information Report: Afghanistan – Security Situation, November 2016 ([url](#)).

<sup>(705)</sup> Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), p. 35.

<sup>(706)</sup> Giustozzi and Ali, The Afghan Army After ISAF, March 2016 ([url](#)), p. 5; SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 94.

<sup>(707)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 94.

<sup>(708)</sup> New York Times (The), 2 U.S. Soldiers and 30 Afghans killed in Kunduz battle, 3 November 2016 ([url](#)).

<sup>(709)</sup> Guardian (The), Over a hundred US troops sent to Lashkar Gah to battle Taliban, 22 August 2016 ([url](#)).

and, in 2017, the US announced it would deploy 300 marines to Helmand to further train and advise Afghan forces on how to repel the Taliban <sup>(710)</sup>. According to the UN, the provision of international and Afghan air support and Special Forces remained critical to retaining government control over provincial capitals (Farah, Kunduz, Lashkar Gah, and Tirin Got) that have come under increasing Taliban pressure <sup>(711)</sup>.

### 3.1.2. Population fear for personal safety

Fear for personal safety and insecurity remains a key concern for the Afghan population. Asia Foundation's 2016 Survey of the Afghan People shows an increase in the percentage of Afghans nationwide reporting fear for their personal safety. In 2015, 67 % felt fear always, often, or sometimes, and in 2016, this rose to 69.8 %. Survey findings also point to geographic and social factors, with urban residents (73.5 %) being more worried about personal safety than the rural population (68.6 %) <sup>(712)</sup>. Fear for personal safety was reported to have increased in most provinces from 2007-2016, with 'only small pockets ... reportedly less affected by the current cycle of violence in the country'. These pockets were located in Badakhshan, Jawzjan, Bamyan, Daikundi and Panjshir <sup>(713)</sup>. Integrity Watch Afghanistan (IWA) produced a 2016 National Corruption Survey and found that Afghans rated security as the major problem facing the population by an overwhelming majority (79 %); followed by unemployment, and corruption <sup>(714)</sup>. According to Afghanistan scholars Giustozzi and Ali, the weakness of the Afghan state and security institutions allows insurgents to capitalise on a perceived lack of legitimacy and bolsters their support <sup>(715)</sup>.

Regionally, fear for personal safety in 2016 was reported by the Asia Foundation as being most prominent among survey respondents (by percent who stated 'always, often, or sometimes') as follows:

- South West region (82 %), including Helmand, was ranked highest, as in 2015;
- East region (80.1 %), which also ranked highly in 2015;
- North East region, which rose from 57.1 % (2015) to 63.2 % in 2016;
- North West region, which rose from 58.1 % (2015) to 66.5 %;
- South East region, which dropped from 81 % (2015) to 67 % <sup>(716)</sup>.

## 3.2. Afghan National Army (ANA)

### 3.2.2.1. Mandate and structure

The ANA is mandated to provide external security but primarily serves to fight domestic insurgency and armed groups <sup>(717)</sup>. It is overseen by the Ministry of Defence and, as of November 2016, the overall strength of the ANA, including the AAF but excluding civilian personnel, was 168,327 <sup>(718)</sup>. However, the figures may be as much as 20 % lower for the defence and security forces due to ghost soldiers/police <sup>(719)</sup>.

The ANA is divided into one division and six regional corps: 111th Capital Division (Kabul), 201st Corps, 203rd Corps, 205th Corps, 207th Corps, 209th Corps, and 215th Corps. There are also two Mobile Strike Force brigades (in Kabul and Kandahar) and the National Engineer Brigade<sup>720</sup>. A *kandak* is formed of approximately 800 troops <sup>(721)</sup>. Each

<sup>(710)</sup> Al Jazeera, US to deploy 300 marines to Afghanistan's Helmand, 7 January 2017 ([url](#)).

<sup>(711)</sup> UNSC, The situation in Afghanistan and its implications for international peace and security, 3 March 2017 ([url](#)), para. 13.

<sup>(712)</sup> Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), p. 35.

<sup>(713)</sup> Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), p. 37.

<sup>(714)</sup> IWA, National Corruption Survey 2016, 8 December 2016 ([url](#)), pp. 11, 14.

<sup>(715)</sup> Giustozzi and Ali, The Afghan Army After ISAF, March 2016 ([url](#)), p.13.

<sup>(716)</sup> Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), p. 37.

<sup>(717)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 7.

<sup>(718)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 99.

<sup>(719)</sup> USC, The situation in Afghanistan and its implications for international peace and security, 3 March 2017 ([url](#)), p. 15.

<sup>(720)</sup> US DoD, Enhancing Security and Stability in Afghanistan, June 2016 ([url](#)), pp. 57-58.

<sup>(721)</sup> Grissom A., Shoulder-to-shoulder fighting different wars: NATO advisors and military adaptation in the Afghan National Army, 2001-2011, 2013 ([url](#)), p. 268.

corps is subdivided into *kandaks*, or battalions which serve as the ANA's basic units<sup>(722)</sup>. Each ANA corps is typically composed of a headquarters *kandak*, three to four infantry brigades, and various specialty *kandaks*. The Institute for the Study of War (ISW) provides an organisational diagram of the ANA corps structure<sup>(723)</sup>.

### 3.2.2.2. Capacity and effectiveness

Sources report that the security situation in Afghanistan continued to deteriorate in 2016<sup>(724)</sup> and clashes have intensified<sup>(725)</sup>. Armed clashes between Afghan security forces and the Taliban reached a record high during 2016 and the same pace of conflict continued into 2017<sup>(726)</sup>. In its annual report covering 2016, UNAMA reported that civilian casualties from the conflict in Afghanistan had reached their highest levels since systematic documentation began in 2009. UNAMA reported 11,418 casualties, including 3,498 deaths, in 2016<sup>(727)</sup>. UNAMA indicates that violence from the conflict heavily impacted women and children and noted that 11 % of all civilian casualties in 2016 were women. Child casualties increased by 24 % compared to 2015, the highest annual number recorded by UNAMA<sup>(728)</sup>. In 2016, 636,500 people fled or left their homes due to conflict<sup>(729)</sup>.

According to SIGAR, Afghan security forces have 'not yet been capable of securing all of Afghanistan and has lost territory to the insurgency'<sup>(730)</sup>. Insecurity intensified in 2016 with the Taliban exerting its influence<sup>(731)</sup>, even in areas 'nominally under government control'<sup>(732)</sup>. The number of districts under insurgent control increased during the last quarter of 2016, according to US authorities<sup>(733)</sup>. In January 2017, US forces reported that approximately 57.2 % of the country's 407 districts were under Afghan government control or influence, a decrease from the 63.4 % reported in August 2016 and a 15 % decrease since November 2015<sup>(734)</sup>. SIGAR reported that the Taliban controlled 9 districts, 32 were under its 'influence' and 133 districts were 'contested'<sup>(735)</sup>. In January 2017, the Taliban claimed on its website to be in control of 41 districts<sup>(736)</sup>. US forces identified the regions/provinces with the largest percentage of insurgent-controlled or influenced districts as Uruzgan (83.3 % of districts) and Helmand (57.1 %) <sup>(737)</sup>.

Sources report that the effectiveness of Afghan forces remains highly dependent on international support to secure and retain control over territory and support operational capacity<sup>(738)</sup>. This includes a dependence on international forces to help repel Taliban incursions and gains in key districts, roads and urban centres<sup>(739)</sup>. According to the US Department of Defense's September 2016 report to Congress on Operation Sentinel Freedom, in the quarter from July to September 2016 'fighting escalated in several Afghan provinces this quarter, but Afghan security forces prevented the Taliban from seizing any provincial capitals or major population centers'<sup>(740)</sup>. Resolute Support advisors stated that the Afghan security forces faced increasing combat from insurgent forces and made gains in some areas but continued to face 'long-standing challenges in overcoming leadership deficiencies, corruption, and implementation of automated systems'<sup>(741)</sup>. The UN reports that, between January and October 2016, security incidents recorded reached their highest level since 2007 and describes the Afghan security forces as being under

<sup>(722)</sup> ISW, Afghanistan National Army (ANA), n.d. ([url](#)).

<sup>(723)</sup> ISW, Afghanistan National Army (ANA), n.d. ([url](#)).

<sup>(724)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), pp. 5, 9, 32; SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 85; APPRO, Afghanistan Rights Monitor – Monitoring Cycle 2: May 2016 – August 2016, September 2016 ([url](#)), p. 37; UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), p. 3, 5, 10.

<sup>(725)</sup> UNSC, The situation in Afghanistan and its implications for international peace and security, 13 December 2016 ([url](#)), para. 15.

<sup>(726)</sup> UNSC, The situation in Afghanistan and its implications for international peace and security, 3 March 2017 ([url](#)), para. 3.

<sup>(727)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), p. 3.

<sup>(728)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), pp. 17, 22, 25.

<sup>(729)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), p. 37.

<sup>(730)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 58.

<sup>(731)</sup> Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)); AAN, What to Watch? Key issues to follow in Afghanistan in 2017, 27 January 2017 ([url](#)).

<sup>(732)</sup> Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)).

<sup>(733)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), pp. 89-90.

<sup>(734)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 89-90; SIGAR, Quarterly Report to US Congress, 30 October 2016 ([url](#)), pp. 104-105.

<sup>(735)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), pp. 89-90.

<sup>(736)</sup> Voice of Jihad, The White Flag of Islamic Emirate raised over 41 Districts and Vast Regions, 8 January 2017 ([url](#)).

<sup>(737)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), pp. 89-90.

<sup>(738)</sup> ISW, Afghanistan Partial Threat assessment: November 22, 2016, 23 November 2016 ([url](#)); AAN, What to Watch? Key issues to follow in Afghanistan in 2017, 27 January 2017 ([url](#)); UNSC, The situation in Afghanistan and its implications for international peace and security, 7 September 2016 ([url](#)), para. 30.

<sup>(739)</sup> AAN, What to Watch? Key issues to follow in Afghanistan in 2017, 27 January 2017 ([url](#)).

<sup>(740)</sup> US DoD, Lead Inspector General for Overseas Contingency Operations, 30 September 2016 ([url](#)), p. 1.

<sup>(741)</sup> US DoD, Lead Inspector General for Overseas Contingency Operations, 30 September 2016 ([url](#)), p. 1.

strain in terms of command and control and leadership, although some improvements were noted in reaching troop-level objectives <sup>(742)</sup>. Personnel loss in the Afghan security forces are reportedly due to casualty rates and members becoming wounded, captured, or being absent without leave. Desertion is responsible for two thirds of attrition <sup>(743)</sup>.

According to the Afghanistan Analysts Network (AAN), the security forces are under pressure from attrition and have weaknesses in ‘combat readiness, logistics, air power, morale, intelligence capabilities, command and control’. The forces lack coherence and coordination and continue to violate human rights and cause civilian casualties. As a result, ‘not only are the troops on the ground often not able or willing to effectively respond to Taleban attacks, they are also often poorly equipped, left to fend for themselves and faced with an unresponsive, indifferent and sometimes incompetent leadership wracked by political divisions, mistrust and corruption’ <sup>(744)</sup>. Similarly, in a March 2016 briefing paper for the Afghanistan Research and Evaluation Unit (AREU) on the ANA after ISAF withdraws, scholars Antonio Giustozzi and Ali Mohammad Ali indicate that with the withdrawal of international advisors and support, the military has been faced with logistical, planning and leadership weaknesses. This has been exacerbated by the political interference in senior appointments, which often leads to incompetent commanders being put in place <sup>(745)</sup>.

### 3.2.2.3. Integrity

UNAMA’s annual report for 2016 recorded that the ANSF caused 1,663 civilian casualties (457 deaths and 1,206 injured) during ground engagements, a 41 % increase compared to 2015, including 899 civilian casualties (254 deaths and 645 injured) caused by ANA during ground engagements. The same source also documented an increase from 2015 in the number of civilian casualties caused by regular ANSF outside of ground engagements or formal operations. Thirty seven incidents resulted in 43 casualties <sup>(746)</sup>.

The Asia Foundation reports that the percentage of Afghans who perceive the ANA to be honest and fair, able to provide security, and protect civilians dropped in 2016 compared to 2015 <sup>(747)</sup>. Between February 2013 and December 2014, UNAMA found that that ‘20 of 60 detainees interviewed (33 per cent) held in ANA facilities or by ANA soldiers were found to have been tortured or ill-treated. Of the 60 detainees, 33 had been held in ANA facilities outside of Kabul where all but one of the 20 cases of torture and ill-treatment occurred (58 %)’ <sup>(748)</sup>. The US Department of State reported on pro-government and security forces being involved in extrajudicial killings, abuses, and torture, and the government did not hold perpetrators to account <sup>(749)</sup>.

## 3.3. National Directorate of Security (NDS)

### 3.3.1. Mandate, structure and capacity

NDS is partly responsible for civilian protection in urban areas along with the ANP <sup>(750)</sup>. The NDS is the main Afghan government intelligence service and is responsible for law enforcement and internal order <sup>(751)</sup>. According to USIP, NDS has ‘primary jurisdiction’ over cases dealing with internal security, including certain financial crimes and terrorism <sup>(752)</sup>. Along with the ANP, the NDS can detain insurgents under criminal law <sup>(753)</sup>. The NDS has an organisational structure

<sup>(742)</sup> UNSC, The situation in Afghanistan and its implications for international peace and security, 13 December 2016 ([url](#)), para.15, 20.

<sup>(743)</sup> US DoD, Lead Inspector General for Overseas Contingency Operations, 30 September 2016 ([url](#)), p. 54; UNSC, The situation in Afghanistan and its implications for international peace and security, 3 March 2017 ([url](#)), para. 16.

<sup>(744)</sup> AAN, What to Watch? Key issues to follow in Afghanistan in 2017, 27 January 2017 ([url](#)).

<sup>(745)</sup> Giustozzi and Ali, The Afghan Army After ISAF, March 2016 ([url](#)), pp. 1, 11.

<sup>(746)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), pp. 45, 90.

<sup>(747)</sup> Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), accessed 3 February 2017, p. 47.

<sup>(748)</sup> UNAMA and OHCHR, Update on the Treatment of Conflict Related Detainees in Afghan Custody, February 2015 ([url](#)), p. 23.

<sup>(749)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), pp. 1-2.

<sup>(750)</sup> Western official, Skype interview, 7 February 2017.

<sup>(751)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 7.

<sup>(752)</sup> Hughes, M., The Afghan National Police in 2015 and Beyond, May 2014 ([url](#)), p. 14.

<sup>(753)</sup> Hughes, M., The Afghan National Police in 2015 and Beyond, May 2014 ([url](#)), p. 2.

based on provincial divisions, with separate NDS units for Herat, Balkh and Kabul<sup>(754)</sup>. It operates a facility in Kabul for national-security prisoners awaiting transfer to trial<sup>(755)</sup>. The NDS co-locates its provincial headquarters with the ANP and runs its own short-term detention facilities at provincial and district level<sup>(756)</sup>.

### 3.3.2. Effectiveness

A Western official who has been based in Afghanistan for over a decade and conducts regular field and monitoring visits to Herat and Mazar, and who was interviewed for this report, explained that the NDS sometimes runs checkpoints in the cities. They have ‘strike force’ and Special Operations capabilities, operate covert surveillance teams and are generally reserved for ‘surgical’ operations based on intelligence<sup>(757)</sup>. The same source described the NDS as well-resourced, effective and well-organised for this purpose<sup>(758)</sup>. The official said that ordinary citizens were less likely to encounter NDS in their day-to-day movements in and around urban centres than regular ANP<sup>(759)</sup>.

### 3.3.3. Integrity

Although sources believe the NDS has a reputation for being less corruptible than other security institutions<sup>(760)</sup>, the NDS has reportedly been involved in abuses and using torture<sup>(761)</sup>. According to the AIHRC, which conducted a study of torture in detention in Afghanistan during the solar year 1394 (March 2014-March 2015) by interviewing nearly 1,000 detained people across 32 provinces, out of 287 registered cases of torture by the AIHRC, 94 of these (33 %) were recorded in NDS-run facilities<sup>(762)</sup>. AIHRC describes torture as being ‘widely practiced’ in the NDS<sup>(763)</sup>. UNAMA reported that, during 2014, there was systematic torture in NDS custody in one province (Farah), regular and prevalent use of torture in NDS custody in 3 provinces, including Kabul, and credible and reliable incidents of torture in NDS custody in 19 provinces, including in Balkh and Herat<sup>(764)</sup>.

According to the US Department of State, although regular monitoring was conducted by NATO, UNAMA, and civil society, there were difficulties accessing facilities when arriving unannounced and obstruction occasionally prevented visits to some locations. Accountability and judicial oversight of NDS for torture, misconduct and abuse was weak and rarely enforced or prosecuted<sup>(765)</sup>. In its 2016 preliminary examination activities report, the Office of the Prosecutor for the International Criminal Court stated that despite the ‘alleged scale of alleged ill-treatment’ in NDS facilities, only two NDS officials, in relation to one incident, have been prosecuted for mistreatment of detainees<sup>(766)</sup>. The report states that there is a ‘reasonable basis’ to believe that war crimes of torture and ill-treatment have occurred by the NDS<sup>(767)</sup>.

During the time of Hamid Karzai’s presidency, the NDS officer corps was said to be dominated by Panjshiris<sup>(768)</sup>, with 70 % coming from Panjshir, or having ties to the Northern Alliance<sup>(769)</sup>. In 2013, media reported that this ethnic divide between Pashtuns and the Tajik-dominated officer corps was alleged to have contributed to intelligence-coordination failures between the NDS and Kabul<sup>(770)</sup>. The head of NDS, Rahmatullah Nabil, resigned in 2015 over disagreements with President Ashraf Ghani’s government on policy and the involvement of Pakistan in Afghan intelligence affairs<sup>(771)</sup>.

<sup>(754)</sup> Western official, e-mail, 10 February 2017.

<sup>(755)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 8.

<sup>(756)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 4.

<sup>(757)</sup> Western official, Skype interview, 7 February 2017.

<sup>(758)</sup> Western official, Skype interview, 7 February 2017.

<sup>(759)</sup> Western official, Skype interview, 7 February 2017.

<sup>(760)</sup> Researcher, Skype interview, 30 January 2017; Western official, Skype interview, 7 February 2017.

<sup>(761)</sup> Western official, Skype interview, 7 February 2017; AIHRC, Torture in detention in Afghanistan 1394, 8 May 2016 ([url](#)), pp. 29-30; Rondeaux, C., Afghanistan’s colossal intelligence failure, 22 January 2013 ([url](#)), accessed 3 March 2017; UNAMA and OHCHR, Update on the Treatment of Conflict Related Detainees in Afghan Custody, February 2015 ([url](#)), p. 18.

<sup>(762)</sup> AIHRC, Torture in detention in Afghanistan 1394, 8 May 2016 ([url](#)), p. 8.

<sup>(763)</sup> AIHRC, Torture in detention in Afghanistan 1394, 8 May 2016 ([url](#)), pp. 29-30.

<sup>(764)</sup> UNAMA and OHCHR, Update on the Treatment of Conflict Related Detainees in Afghan Custody, February 2015 ([url](#)), pp. xi, 22, 43, 53.

<sup>(765)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), pp. 7-9.

<sup>(766)</sup> ICC – Office of the Prosecutor, Report on Preliminary Examination Activities, 14 November 2016 ([url](#)), pp. 44, 48.

<sup>(767)</sup> ICC – Office of the Prosecutor, Report on Preliminary Examination Activities, 14 November 2016 ([url](#)), pp. 44, 48.

<sup>(768)</sup> Kate Clark, New NDS boss – who is he?, 18 July 2010 ([url](#)); Rondeaux, C., Afghanistan’s colossal intelligence failure, 22 January 2013 ([url](#)).

<sup>(769)</sup> Christian Science Monitor (The), Why Afghanistan’s intelligence agency has a major blind spot, 23 April 2012 ([url](#)).

<sup>(770)</sup> Rondeaux, C., Afghanistan’s colossal intelligence failure, 22 January 2013 ([url](#)).

<sup>(771)</sup> Khaama Press, Afghan Intelligence Chief Rahmatullah Nabil Resigns, 10 December 2015 ([url](#)); Diplomat (The), Why did Afghanistan’s Spy Chief Just Quit?, 11 December 2015 ([url](#)); Afghan Biographies, Nabil, Rahmatullah Maj. Gen., 28 April 2016 ([url](#)).

According to the senior political analyst, the ethnic composition of the NDS has changed dramatically under new Pashtun leadership<sup>(772)</sup>. In May 2016, Ghani appointed a new NDS head, Masoom Stanikzai, described by Reuters as a ‘loyalist ally’ to the President<sup>(773)</sup>. The senior political analyst explained that the majority of new officers promoted from intelligence and interior directorates into the NDS, are Pashtun. The same source explained that regardless of ethnic affiliation, torture is ‘an accepted norm’ across law enforcement agencies and institutions as part of the organisational culture, noting that this has been carried out by all ethnic groups within these agencies<sup>(774)</sup>.

## 3.4. Afghan National Police (ANP)

### 3.4.1. Mandate and structure

The ANP is overseen by the Ministry of Interior and is responsible for internal order and security<sup>(775)</sup>. In administrative centres, the police are the primary defence force against insurgents and are, therefore, heavily militarized<sup>(776)</sup>. The ANP<sup>(777)</sup> is composed of several forces, including the Afghan Uniform Police (AUP), Afghan Border Police (ABP) and Afghan National Civil Order Police (ANCOP)<sup>(778)</sup>. According to the Ministry of Interior, the AUP is the largest component of the Afghan national police. The AUP is responsible for general policing duties under the Police Law, making up approximately 73 % of national police force in 2014, most of whom are patrol-level officers. The MOI states that the AUP is mainly responsible for manning police stations and checkpoints, serving as the first response police service, and running static and mobile checkpoints for security maintenance<sup>(779)</sup>. The AUP is responsible for general policing duties, maintaining internal rule of law and security, as well as prevention of weapons and narcotics trafficking. It is also responsible for providing security on roads, around infrastructure, and cultural sites and relics. Additionally, it detains criminal suspects and engages them in the judicial process with the court system<sup>(780)</sup>.

ANP areas of geographic responsibility were divided into a zonal command structure in November 2015. The eight ANP zones generally align with the ANA corps areas of responsibility<sup>(781)</sup>. The purpose of this new ANP zone structure was to address problems of interference in policing duties by patronage and local power holders. The new structure centralises command from the MOI to zonal commanders<sup>(782)</sup>.

The ANP zonal commands cover the provinces as follows:

- Zone 101: Kabul
- Zone 202: Nangarhar, Laghman, Kunar, Nuristan, Panjshayr, Parwan, Kapisa
- Zone 303: Paktika, Ghazni, Khost, Paktiya, Logar, Wardak, Bamyan
- Zone 404: Kandahar, Zabul, Uruzgan, Daykundi
- Zone 505: Helmand, Nimroz
- Zone 606: Herat, Farah, Ghor, Badghis
- Zone 707: Faryab, Sar-e Pul, Jowzjan, Balkh, Samangan
- Zone 808: Baghlan, Kunduz, Takhar, Badakhshan<sup>(783)</sup>.

<sup>(772)</sup> Nojumi, N., Senior policy analyst, e-mail, 22 March 2017.

<sup>(773)</sup> Reuters, Afghan president moves acting defence minister to head spy agency, 6 May 2016 ([url](#)).

<sup>(774)</sup> Nojumi, N., Senior policy analyst, e-mail, 22 March 2017.

<sup>(775)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 7.

<sup>(776)</sup> Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)).

<sup>(777)</sup> For a detailed explanation of each police component, refer to: Planty, D.J. et al., Police Transition in Afghanistan, February 2013 ([url](#)).

<sup>(778)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 110.

<sup>(779)</sup> Islamic Republic of Afghanistan – MoI, 2013-2014 Annual Report on Afghan National Police, 21 September 2014 ([url](#)).

<sup>(780)</sup> US DoD, Enhancing Security and Stability in Afghanistan, June 2016 ([url](#)), p. 90.

<sup>(781)</sup> US DoD, Enhancing Security and Stability in Afghanistan, June 2016 ([url](#)), pp. 15-17, 63, 95; SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 94-95.

<sup>(782)</sup> US DoD, Enhancing Security and Stability in Afghanistan, June 2016 ([url](#)), p. 87.

<sup>(783)</sup> US DoD, Enhancing Security and Stability in Afghanistan, June 2016 ([url](#)), p. 90.

At the provincial level, police are stationed in each of the rural districts and city districts, with each city divided into urban districts and each having a designated police station <sup>(784)</sup>. According to a Western official interviewed for this report, civilian protection in cities such as Kabul, Herat and Mazar-e Sharif is undertaken by the ANP and some by the National Directorate of Security (NDS) <sup>(785)</sup>.

### 3.4.2. Capacity

SIGAR reports that, as of November 20, 2016, the overall strength of the ANP, including the Afghan Uniform Police (AUP), Afghan Border Police (ABP), Afghan National Civil Order Police (ANCOP), and MOI Headquarters and Institutional Support (MOI HQ & IS), was 147,635 personnel <sup>(786)</sup>. As of January 2017, the ANP is at 94 % of its authorised end strength <sup>(787)</sup>. Given Afghanistan's population of 29 million, this translates into approximately 1 police officer for every 195 Afghans <sup>(788)</sup>. IWA reports that 'a lack of robust human resource management has resulted in a huge number of ghost soldiers and police personnel' <sup>(789)</sup>.

The July 2016 US Department of Defense's report to Congress noted that the ANP is often responsible for providing frontline support to 'hold' territory following counterinsurgency operations, though they remain insufficiently trained and equipped for this purpose and have limited or no appropriate weaponry for counterinsurgency. The report states that 'the ANP is generally recognized to be several years behind the ANA in its development' <sup>(790)</sup>.

Integrity Watch Afghanistan (IWA) reports of problems with the professionalisation of the police force, noting that even if officers have undergone training this has not always translated into professionalism in the performance of duties <sup>(791)</sup>. According to SIGAR, new ANP recruits undergo 10 weeks of initial basic police training and two weeks of literacy training (Level 1), following by unit-level 'field literacy' training from Levels 1-3 (equivalent to grades 1 to 3) <sup>(792)</sup>. According to a January 2014 audit of US-funded literacy programmes for Afghan forces more broadly, there was slow progress by the government in implementing plans to increase training to 16 weeks <sup>(793)</sup>. Poor literacy rates among the ANP contributed to poor professionalism and low police literacy was a problem, even in urban centres <sup>(794)</sup>. USIP estimated that 80 % of the ANP were illiterate <sup>(795)</sup>. According to the same audit of US-funded literacy programmes for Afghan forces, command officials estimated that half the ANSF was illiterate and NATO officials estimated that low literacy levels were expected to persist until the end of the decade <sup>(796)</sup>. Police in urban areas are more literate but poor literacy and lack of training are still basic problems within the ANP <sup>(797)</sup>.

The July 2016 US Department of Defense's report to Congress noted that in the ANP there are problems of attrition as a result of poor leadership. Additionally, the ANP has 'sustained a disproportionately higher number of casualties than the ANA due to inadequate training and equipment, poor planning processes, and a sub-optimal force posture that leaves ANP forces vulnerable at static checkpoints' which contributes to attrition <sup>(798)</sup>. Attrition is reportedly a problem across the ANSF, although less so for ANP policing positions in the cities as these posts are perceived as better and less dangerous <sup>(799)</sup>.

<sup>(784)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

<sup>(785)</sup> Western official, Skype interview, 7 February 2017.

<sup>(786)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 99.

<sup>(787)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 110.

<sup>(788)</sup> TI/IWA, National Integrity System Assessment 2015, 16 February 2016 ([url](#)), p. 88.

<sup>(789)</sup> IWA, Combatting Corruption in Afghan Defense and Security Sector, July 2016 ([url](#)), p. 1.

<sup>(790)</sup> US Department of Defense, Enhancing Security and Stability in Afghanistan, June 2016 ([url](#)), p. 87.

<sup>(791)</sup> IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)) p. 13.

<sup>(792)</sup> SIGAR, Afghan National Security Forces: Despite Reported Successes, Concerns Remain about Literacy Program Results, Contract Oversight, Transition, and Sustainment, January 2014 ([url](#)), p. 14.

<sup>(793)</sup> SIGAR, Afghan National Security Forces: Despite Reported Successes, Concerns Remain about Literacy Program Results, Contract Oversight, Transition, and Sustainment, January 2014 ([url](#)), p. 14.

<sup>(794)</sup> Western official, Skype interview, 7 February 2017; Researcher, Skype interview, 30 January 2017.

<sup>(795)</sup> Planty, D. J. et al., Police Transition in Afghanistan, February 2013 ([url](#)), p. 5.

<sup>(796)</sup> SIGAR, Afghan National Security Forces: Despite Reported Successes, Concerns Remain about Literacy Program Results, Contract Oversight, Transition, and Sustainment, January 2014 ([url](#)), p. 7.

<sup>(797)</sup> Western official, Skype interview, 7 February 2017; Researcher, Skype interview, 30 January 2017.

<sup>(798)</sup> US DoD, Enhancing Security and Stability in Afghanistan, June 2016 ([url](#)), p. 88.

<sup>(799)</sup> Western official, Skype interview, 7 February 2017.

In 2015, most Afghans returning to the country preferred to go to Kabul, Herat, or Mazar-e Sharif due to the perception of relative security and opportunities<sup>(800)</sup>. Kabul City is perceived as more secure than other regions because it is the capital seat of power for the central government and hosts international organisations and security forces<sup>(801)</sup>. The Western official interviewed for this report said the cities of Herat, Kabul, and Mazar-e Sharif were generally far safer from terrorist incidents relative to other areas of Afghanistan<sup>(802)</sup>. In terms of police capacity, the cities of Kabul, Herat, and Mazar-e Sharif are relatively well resourced, staffed, and equipped compared to rural areas<sup>(803)</sup>. In cities, including Herat, Kabul and Mazar, police stations are located in each *nahia*, or city district<sup>(804)</sup>. An Afghanistan researcher based in the country who regularly travels to these cities, and who was interviewed for this report, explained that in larger cities, such as Kabul City, Mazar-e Sharif, and Herat City, the police are more visible on the street on major intersections, roundabouts and guarding infrastructure<sup>(805)</sup>.

### 3.4.3. Access and effectiveness

In 2016, the World Justice Project polled more than 1,000 experts on legal and health issues in Kabul, Herat, and Kandahar, and ranked Afghanistan 111th out of 113 countries assessed against a range of indicators on justice-related performance indicators. For the factor relating to order and security, for which Afghanistan received a national rating overall of 0.34 (out of 1), lack of civil conflict was rated lowest (0.08 out of 1), followed by absence of violent redress (0.38 out of 1; the 112<sup>th</sup> global ranking) and absence of crime (0.56 out of 1)<sup>(806)</sup>. Widespread societal violence, especially against women, remained a problem, with police failing to prevent or respond to it<sup>(807)</sup>.

According to the Asia Foundation survey, in 2016, the ANP was perceived as having increased in relevance as a security provider to the population of Afghanistan<sup>(808)</sup>. However, the survey also found that perceptions of the ANP's capacity, performance and reputation for fairness, efficiency and contribution to improving security declined in 2016<sup>(809)</sup>. Despite this, according to Asia Foundation, Afghans with positive perceptions of the ANA and ANP far outnumber those who are critical of them<sup>(810)</sup>. Asia Foundation reports that the highest confidence levels in the ANP were in Panjshir, Kabul, Bamyan, and Badakhshan. Those provinces reporting the lowest confidence in the ANP were Zabul, Helmand, Ghor, Wardak, Farah, and Herat<sup>(811)</sup>. According to Asia Foundation, the decline in approval ratings 'shows the effect of Afghanistan's security forces assuming control over decision-making and being measured by their actual achievements'<sup>(812)</sup>.

The Asia Foundation's 2016 survey reports that of people who experienced crime or violence, 50 % reported it to the ANP, 19.5 % to the ANA, and 16.6 % to the district authorities<sup>(813)</sup>. ANP maintains the 119 emergency number, which is open 24/7 to the public to report criminal activity, corruption, or terrorism<sup>(814)</sup>. According to the MOI 2014 Annual Report on the Afghan National Police, the call centres are available in Kabul, Kandahar, Helmand, Nangarhar, Herat, Balkh<sup>(815)</sup>. The 2014 annual report states that the call centre had, at that time, 58 employees, including 7 women<sup>(816)</sup>. In terms of impact, the same report states that, nationally, the 119 Call Center assisted in the arrest of 29 suspects for murder, 7 accused kidnappers, 32 accused house burglars, and 19 accused car thieves<sup>(817)</sup>. More recent annual reports were not available on the website of the Ministry of Interior.

<sup>(800)</sup> UNICEF, UNICEF Child Notice 2015, 2015 ([url](#)), p. 90; AIHRC, The Returnees – An Overview of the Situation of Returnees in Afghanistan, 2015, 22 June 2016 ([url](#)), p. 10

<sup>(801)</sup> Metcalfe, V., et al., Sanctuary in the city? Urban displacement and vulnerability in Kabul, June 2012 ([url](#)), p. 7.

<sup>(802)</sup> Western official, Skype interview, 7 February 2017.

<sup>(803)</sup> Researcher, Skype interview, 30 January 2017; Western official, Skype interview, 7 February 2017; Director of a research organisation, Skype interview, 6 February 2017.

<sup>(804)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017; Researcher, Skype interview, 30 January 2017.

<sup>(805)</sup> Researcher, Skype interview, 30 January 2017. The source requested to remain anonymous

<sup>(806)</sup> World Justice Project, Rule of Law Index 2016, 2016, ([url](#)) p. 47.

<sup>(807)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 7.

<sup>(808)</sup> Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), pp. 46-47.

<sup>(809)</sup> Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), p. 47.

<sup>(810)</sup> Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), p. 48.

<sup>(811)</sup> Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), p. 48.

<sup>(812)</sup> Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), p. 48.

<sup>(813)</sup> Asia Foundation, January 2017, Survey of the Afghan People 2016 ([url](#)), pp. 35, 43.

<sup>(814)</sup> IWPR, Afghan Hotline Helps Police Fight Crime, 23 January 2015 ([url](#)); Kabul City Police, About 119 Police, n.d. ([url](#)).

<sup>(815)</sup> Islamic Republic of Afghanistan – MoI, 2013-2014 Annual Report on Afghan National Police, 21 September 2014 ([url](#)).

<sup>(816)</sup> Islamic Republic of Afghanistan – MoI, 2013-2014 Annual Report on Afghan National Police, 21 September 2014 ([url](#)).

<sup>(817)</sup> Islamic Republic of Afghanistan – MoI, 2013-2014 Annual Report on Afghan National Police, 21 September 2014 ([url](#)).



Police response is characterised by sources as unreliable and inconsistent<sup>(818)</sup>. In order to trigger a response from police in Herat City, Mazar, and Kabul City, a very serious crime has to have taken place, such as murder<sup>(819)</sup>, or involving victims who are wealthy or well-positioned people<sup>(820)</sup>. The western official interviewed for this report said that police were seen by ordinary Afghans as predatory and just as likely to exacerbate the situation as they were to offer assistance<sup>(821)</sup>. Sources explained that in Afghanistan, even in urban areas, interactions with police are usually in the form of mediations around conflict, rather than a call, response and arrest<sup>(822)</sup>. Family and domestic matters are typically kept private and police do not get involved<sup>(823)</sup>.

The 2014 Annual Report of the Afghan National Police states that the Criminal Investigation Department (CID) is 'responsible for the discovery and prevention of crime, and cooperates with the Attorney General's Office in the investigation of crime,' with CID being involved in the collection of evidence, investigations, arrests, and referral for prosecution<sup>(824)</sup>. The ANP has a weak investigative capacity and lacks forensics training and technical knowledge, often removing evidence from a scene before it can be collected, or destroying it by washing it away, such as after a large attack<sup>(825)</sup>. The ANP is transitioning from having primarily military functions to a role in community protection and policing<sup>(826)</sup>. According to the USIP, this has created inconsistency and lack of coordination among units trying to transition from military-intelligence-led operations to police-led operations under criminal law, with the effect that the ANP lacks the ability to 'continuously gather information; prevent and discover crimes, including crimes against internal security; address causes of conflict before they escalate into full scale factional and anti-government grievances'<sup>(827)</sup>.

The ANP Annual Report for 2014 states that, nationally, 2,120 individuals were arrested for murder, 4,145 for theft, 234 for kidnapping, 991 for adultery, and 167 for human trafficking. However, the report also gives high numbers for escaped criminals and does not provide the number of convictions as a result of police and judicial cooperation<sup>(828)</sup>. Without providing details about the types of crime, the Afghan Central Statistics Office noted an annual rise in crime statistics from 6,768 in 2008 to 28,026 in 2015-2016<sup>(829)</sup>. The AGO reported that in 2015-2016, a total of 31,126 crimes were recorded, including: 2,029 murders, 3,344 robberies, 972 moral crimes, 1,971 narcotics crimes, 2,347 traffic crimes, 1,572 administrative and financial crimes<sup>(830)</sup>.

However, the UNODC states that there are no reliable crime statistics in Afghanistan due to the lack of police capacity to investigate and because crime, including cases of violent crime, is frequently resolved through traditional mechanisms such as *shuras* and *jirgas*<sup>(831)</sup>. City-level statistics on arrests and investigations made by police specifically in Herat, Mazar-e Sharif and Kabul could not be obtained.

### 3.4.4. Integrity

The MOI was impacted by integrity problems such as allegedly widespread corruption, underperformance and abuse of power by officers of the ANP<sup>(832)</sup>.

#### 3.4.4.1. Political interference and clientalism

Political interference in the police is also reportedly a problem with politicians having influence over appointments within the MOI and ANP. Efforts to professionalise the ANP have not counteracted the corruption which means

<sup>(818)</sup> Western official, Skype interview, 7 February 2017; Researcher, Skype interview, 30 January 2017.

<sup>(819)</sup> Western official, Skype interview, 7 February 2017; Researcher, Skype interview, 30 January 2017.

<sup>(820)</sup> Western official, Skype interview, 7 February 2017.

<sup>(821)</sup> Western official, Skype interview, 7 February 2017.

<sup>(822)</sup> Western official, Skype interview, 7 February 2017; Researcher, Skype interview, 30 January 2017.

<sup>(823)</sup> Western official, Skype interview, 7 February 2017; Researcher, Skype interview, 30 January 2017.

<sup>(824)</sup> Islamic Republic of Afghanistan – MOI, 2013-2014 Annual Report on Afghan National Police, 21 September 2014 ([url](#)).

<sup>(825)</sup> Western official, Skype interview, 7 February 2017.

<sup>(826)</sup> Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), p. 109; Hughes, M., The Afghan National Police in 2015 and Beyond, May 2014 ([url](#)), pp. 1-2.

<sup>(827)</sup> Hughes, M., The Afghan National Police in 2015 and Beyond, May 2014 ([url](#)), p. 7.

<sup>(828)</sup> Islamic Republic of Afghanistan – MOI, 2013-2014 Annual Report on Afghan National Police, 21 September 2014 ([url](#)).

<sup>(829)</sup> Islamic Republic of Afghanistan – CSO, Crimes, Public Libraries, Radios and TV Broadcast, 2008-2015-2016, n.d. ([url](#)).

<sup>(830)</sup> Islamic Republic of Afghanistan, Attorney General's Office, Performance and Achievement of Attorney General's Office during the Last Five Years (1390-1394 i.e. 2011-2015), n.d. ([url](#)), p. 4.

<sup>(831)</sup> UNODC and Islamic Republic of Afghanistan, UNODC Country Programme for Afghanistan 2012-2014, 28 May 2012 ([url](#)), pp. 16-17.

<sup>(832)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 31.

police must still rely on patronage networks to secure posts and get promoted. This occurs in all urban centres but particularly Kabul<sup>(833)</sup>, The US Department of Defense similarly states that the leadership capacity across units of the uniformed police varies, noting however that, in general, ‘Senior MoI and AUP leaders do not empower the lower levels to make decisions. Moreover, local AUP units and leaders are susceptible to influence by local power brokers and government officials’<sup>(834)</sup>. According to the US Department of Defence, provincial police chiefs and other local officials frequently use ANP forces to conduct operations not within their mandate, while local power holders may employ them as bodyguards or influence police<sup>(835)</sup>. Sources report that loyalties in the security forces are also often based on ethnicity<sup>(836)</sup> as well as nepotism and language<sup>(837)</sup>.

#### **3.4.4.2. Corruption and bribery**

Corruption and bribery remain serious problems in the justice institutions of Afghanistan and officials frequently engage in such activities with impunity, despite legal penalties being in place to punish such activity<sup>(838)</sup>. Freedom House reports that corruption is ‘rampant,’ noting that the deterioration of security has contributed to impunity for corrupt practices<sup>(839)</sup>. IWA reports that corruption in Afghanistan’s defence and security institutions has ‘severely impacted’ the ability of these forces to provide security and government legitimacy<sup>(840)</sup>. SIGAR noted that among Afghans who had contact with police in 2016, 48 % say they paid a bribe, down from 53 % in 2015<sup>(841)</sup>. Reportedly 90 % of Afghans encounter corruption in their daily lives with most problems stemming from having to pay bribes to police and government officials<sup>(842)</sup>. The researcher interviewed for this report observed that arbitrary acts of bribery by police were more likely to occur in rural areas and urban police were less prone to this<sup>(843)</sup>. Sources report that ANP officers have allegedly also been involved in criminal activities<sup>(844)</sup>. Police demanded bribes to avoid arrest or imprisonment and prisoners were able to bribe officials to secure release<sup>(845)</sup>.

Wage deficiencies and low pay remain an issue, contributing to corrupt practices such as bribery and extortion among lower ranks of the ANP<sup>(846)</sup>. Additionally, SIGAR reports that electronic pay systems for police and MOI are not fully operational, meaning that about 20 % of ANP personnel may not receive pay because they receive a cash payment from MOI’s trusted agents who operate with little oversight or accountability<sup>(847)</sup>.

#### **3.4.4.3. Abuses and lack of professionalism**

Police are required to follow guidelines such as the ANP Code of Conduct<sup>(848)</sup> and Use of Force Policy<sup>(849)</sup>. Violations of the Code of Conduct by police and prosecutors is not uncommon<sup>(850)</sup>. According to a survey by the Afghanistan Public Policy Research Organization (APPRO), published in April 2016, problems with the ANP are often characterised in terms of inconsistencies in behaviour among police officers, with the possible implication that there is uneven implementation of policing policy (such as the Code of Ethics, and Use of Force policy) or internal oversight over police behavior<sup>(851)</sup>. According to sources, in terms of police willingness to carry out their duties, there are individuals in

<sup>(833)</sup> Western official, Skype interview, 7 February 2017; IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)), pp. 2, 22.

<sup>(834)</sup> US DoD, Enhancing Security and Stability in Afghanistan, June 2016 ([url](#)), p. 90.

<sup>(835)</sup> US DoD, Enhancing Security and Stability in Afghanistan, June 2016 ([url](#)), p. 87.

<sup>(836)</sup> IWA, Combatting Corruption in Afghan Defense and Security Sector, July 2016 ([url](#)), p. 1; Zaman, R. and Khalid, A. H., Trends of Radicalization among the Ranks of the Afghan National Police, November 2015, ([url](#)), p. 18.

<sup>(837)</sup> IWA, Combatting Corruption in Afghan Defense and Security Sector, July 2016 ([url](#)), p. 1.

<sup>(838)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), pp. 30-31.

<sup>(839)</sup> Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)).

<sup>(840)</sup> IWA, Combatting Corruption in Afghan Defense and Security Sector, July 2016 ([url](#)), p. 1.

<sup>(841)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 120.

<sup>(842)</sup> Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)).

<sup>(843)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(844)</sup> Representative of a civil society organisation in Afghanistan who requested to remain anonymous, e-mail, 28 January 2017; Western official, Skype interview, 7 February 2017.

<sup>(845)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 30.

<sup>(846)</sup> Western official, Skype interview, 7 February 2017.

<sup>(847)</sup> SIGAR, Afghan National Police: More than \$300 Million in Annual, U.S.-funded Salary Payments Is Based on Partially Verified or Reconciled Data, January 2015 ([url](#)), p. 3.

<sup>(848)</sup> TI/IWA, National Integrity System Assessment 2015, 16 February 2016 ([url](#)), p. 88; UNDP, Law and Order Trust Fund for Afghanistan (LOTFA), n.d. ([url](#)); Islamic Republic of Afghanistan - MoI, Afghan National Police Code of Conduct, n.d. ([url](#)).

<sup>(849)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 114.

<sup>(850)</sup> TI/IWA, National Integrity System Assessment 2015, 16 February 2016 ([url](#)), p. 97.

<sup>(851)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 114.

the institutions who want to perform and behave professionally, yet they face major obstacles with corruption and are not paid adequately<sup>(852)</sup>. This encourages them to use their position of power to use extortion to supplement their low incomes<sup>(853)</sup>.

Sources report that arbitrary arrest and detention by police continued to occur<sup>(854)</sup>. Police may detain a person for 72 hours to complete a preliminary investigation and transfer the file to prosecution but authorities frequently failed to explain charges to detainees, or detained them without charge, and arbitrary and prolonged detention occurred throughout Afghanistan, as noted by the US Department of State<sup>(855)</sup>.

A national action plan against torture was launched by President Ghani in 2015<sup>(856)</sup>. However, there was little tangible progress on its implementation in 2016 and torture of detainees by security, police and intelligence forces remains a problem, according to sources<sup>(857)</sup>. Police use torture as an investigation and interrogation tool<sup>(858)</sup>. The Western official explained in a Skype interview with EASO that torture is endemic in the police; the court system relies on confessions as the main source of evidence, which encourages police torture<sup>(859)</sup>. According to the AIHRC, which conducted a study of torture in detention in Afghanistan during the solar year 1394 (March 2014-March 2015) by interviewing nearly 1,000 detained people across 32 provinces, out of 287 registered cases of torture by the AIHRC, 171 (59%) were committed in police custody<sup>(860)</sup>. UNAMA reported that between February 2013 and December 2014 it found that Herat, Kandahar, and Baghlan were among the provinces where the highest number of cases of torture by the ANP were documented in 2015<sup>(861)</sup>.

According to the US Department of State, accountability processes, investigations, and prosecutions for torture and abuse by ANP were weak and ‘rarely enforced’<sup>(862)</sup>. AIHRC indicates that the ‘responsible authorities did not legally address cases of torture and did not prosecute perpetrators of torture’ contributing to the problem of impunity for such acts<sup>(863)</sup>. AIHRC reported that none of the cases referred by AIHRC to prosecutors were considered and no redress was given to victims<sup>(864)</sup>. In its 2016 preliminary examination report, the Office of the Prosecutor for the International Criminal Court stated that despite the ‘alleged scale of alleged ill-treatment’ in ANP facilities, no ANP officials have been prosecuted<sup>(865)</sup>. The report states that there is a ‘reasonable basis’ to believe that war crimes of torture and ill-treatment have been perpetrated by the ANP<sup>(866)</sup>.

The ANP are also reported to sexually abuse children with impunity<sup>(867)</sup>. According to the UN, the abuse of children by police is widespread in the southern region of Afghanistan<sup>(868)</sup>.

<sup>(852)</sup> Western official, Skype interview, 7 February 2017; Director of a research organisation, Skype interview, 6 February 2017.

<sup>(853)</sup> Director of a research organisation, Skype interview, 6 February 2017.

<sup>(854)</sup> Western official, Skype interview, 7 February 2017; Nojumi, N., Senior policy analyst, 8 and 16 February 2017, Skype interview.

<sup>(855)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), pp. 8,9.

<sup>(856)</sup> HRW, Afghanistan – Events of 2016, 12 January 2017 ([url](#)).

<sup>(857)</sup> Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)); Western official, Skype interview, 7 February 2017; UNAMA and OHCHR, Update on the Treatment of Conflict Related Detainees in Afghan Custody, February 2015 ([url](#)), p. 38; UNSC, The situation in Afghanistan and its implications for international peace and security, 3 March 2017 ([url](#)), p. 24; HRW, Afghanistan – Events of 2016, 12 January 2017 ([url](#)).

<sup>(858)</sup> AIHRC, Torture in detention in Afghanistan 1394, 8 May 2016 ([url](#)), p. 33; Western official, Skype interview, 7 February 2017; UNAMA and OHCHR, Update on the Treatment of Conflict Related Detainees in Afghan Custody, February 2015 ([url](#)), p. 44.

<sup>(859)</sup> Western official, Skype interview, 7 February 2017.

<sup>(860)</sup> AIHRC, Torture in detention in Afghanistan 1394, 8 May 2016 ([url](#)), pp. 6, 24, 25.

<sup>(861)</sup> UNAMA and OHCHR, Update on the Treatment of Conflict Related Detainees in Afghan Custody, February 2015 ([url](#)), p. 23.

<sup>(862)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 7.

<sup>(863)</sup> AIHRC, Torture in detention in Afghanistan 1394, 8 May 2016 ([url](#)), pp. 8-9, 31-32.

<sup>(864)</sup> AIHRC, Torture in detention in Afghanistan 1394, 8 May 2016 ([url](#)), pp. 8-9, 32.

<sup>(865)</sup> ICC – Office of the Prosecutor, Report on Preliminary Examination Activities, 14 November 2016 ([url](#)), pp. 44, 48.

<sup>(866)</sup> ICC – Office of the Prosecutor, Report on Preliminary Examination Activities, 14 November 2016 ([url](#)), pp. 44, 48.

<sup>(867)</sup> US DoS, Country Reports on Human Rights Practices for 2015 - Afghanistan, 13 April 2016 ([url](#)), p. 5.

<sup>(868)</sup> UNSC, The situation in Afghanistan and its implications for international peace and security, 3 March 2017 ([url](#)), p. 26.

### 3.4.5. Kabul city ANP

#### 3.4.5.1. Structure and capacity

Kabul City Police has 22 police stations<sup>(869)</sup> and all 14 districts of Kabul have their own police stations<sup>(870)</sup>. Kabul City's police website states that the duties of ANP police stations in Kabul are divided into those carried out by district police stations, which are responsible for protection of life and property, in line with MOI command; and other Operational Assistance Components, focused on specialised security such as embassy protection, highway protection, 'Ring of Steel' protection, Parliamentary and Attorney General protection forces<sup>(871)</sup>. The Ring of Steel is a series of police checkpoints, roadblocks, and security installations around central Kabul to protect government offices, courts, and embassies around the city centre<sup>(872)</sup>. Wazir Akbar Khan district is described by BBC as the 'most secure inner circle' of the Kabul Ring of Steel<sup>(873)</sup>.

In reference to the Kabul City police, in 2015 IWA observed that the majority of ANP personnel had undergone initial basic training, meaning the numbers of professional police in the city have increased but noted that Kabul police were 'still far from a fully professional police force'. The ANP in Kabul City was described by the same source as behaving more like the military, rather than a civilian law enforcement force<sup>(874)</sup>.

#### 3.4.5.2. Response and effectiveness

Kabul City has a visible police presence on the street and around key infrastructure and major traffic intersections which are described as well-defended<sup>(875)</sup>. However, in 2016 there were continuing large-scale attacks by the Taliban and anti-government forces in civilian-populated areas including in Kabul City, which targeted civilians<sup>(876)</sup>. Kabul City is described as a 'high-profile target' for large-scale attacks with numerous insurgent attacks reported in 2016<sup>(877)</sup>. The Western official interviewed for this report explained that there had been fewer attacks in urban centres but those that do occur were significantly larger-scale bombings with more casualties<sup>(878)</sup>.

In March 2017, IS-KP reportedly made several attacks on security installations, including attacking the Dawood Khan military hospital in Kabul city where civilians are also treated. The attack killed 30 people, mostly doctors and patients<sup>(879)</sup>. This occurred in the fortified district of Wazir Akbar Khan, where US and foreign diplomatic missions are located<sup>(880)</sup>. In a media statement, the Afghan deputy defence ministry said that an investigation was needed to understand how the attackers penetrated the hospital<sup>(881)</sup>. Afghan media reported that MPs in the house of parliament criticised the leaders of defence, MoI and NDS for the attacks and for failing to prevent recent attacks in Kabul city<sup>(882)</sup>.

Other examples of recent major attacks in Kabul City include:

- On March 13 2017, a roadside bomb in police district 10 in the Taimana area exploded, killing one person and injuring 19 others<sup>(883)</sup>.

<sup>(869)</sup> UNHCR, e-mail, 3 March 2017. UNHCR Afghanistan made this addition during the review of this report.

<sup>(870)</sup> Kabul City Police, Security of the City, n.d. ([url](#)).

<sup>(871)</sup> Kabul City Police, Duties of police stations, n.d. ([url](#)).

<sup>(872)</sup> Taylor, R., Kabul's "ring of steel" tests patience, 9 July 2010 ([url](#)); Washington Post (The), Afghan police commander faces threat of suicide bombers with guns, prayers and soda, 7 October 2015 ([url](#)).

<sup>(873)</sup> BBC, Analysis: What Kabul attacks say about Afghan security, 12 April 2012 ([url](#)).

<sup>(874)</sup> IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)).

<sup>(875)</sup> Researcher, Skype interview, 30 January 2017; Western official, Skype interview, 7 February 2017.

<sup>(876)</sup> UNSC, The situation in Afghanistan and its implications for international peace and security, 7 September 2016 ([url](#)), para.30; UNSC, The situation in Afghanistan and its implications for international peace and security. Report of the Secretary General, 13 December 2016 ([url](#)), para. 19, 21, 31.

<sup>(877)</sup> US DoS - Bureau of Diplomatic Security, Afghanistan 2017 Crime & Safety Report, 6 March 2017 ([url](#)).

<sup>(878)</sup> Western official, Skype interview, 7 February 2017.

<sup>(879)</sup> Guardian (The), Isis militants disguised as doctors kill 38 in Kabul hospital attack, 8 March 2017 ([url](#)); Anadolu Agency, At least 30 killed in Kabul military hospital attack, 8 March 2017 ([url](#)).

<sup>(880)</sup> Xinhua News Agency, Security flaws enable terrorists to target military hospital: Afghans, 10 March 2017 ([url](#)).

<sup>(881)</sup> Xinhua News Agency, Security flaws enable terrorists to target military hospital: Afghans, 10 March 2017 ([url](#)).

<sup>(882)</sup> Tolo News, Security, Political Leadership Under Fire After Hospital Attack, 13 March 2017 ([url](#)); 1TV, Parliament to interrogate security officials over Kabul hospital attack, 11 March 2017 ([url](#)).

<sup>(883)</sup> Tolo News, One Killed, 19 Wounded in Roadside Mine Blast in Kabul: MoI, 13 March 2017 ([url](#)); VoA, Deadly Roadside Bomb Blast Hits Kabul, 13 March 2017 ([url](#)).

- On 8 February 2017 UNAMA recorded 20 civilians killed and 40 injured following a blast outside of the Supreme Court <sup>(884)</sup>.
- On January 10, 2017, twin bombings occurred near the Afghan parliament killing at least 30 and wounding another 43 people <sup>(885)</sup>.
- Another major suicide attack targeted members of the Presidential Protection Service, killing 8 civilians, in November 2016; another suicide bombing in the same month targeting a Shia mosque killed 32 and injured 50 <sup>(886)</sup>.
- In September 2016, the Taliban claimed responsibility for a complex attack on the Ministry of Defence that left 41 people dead <sup>(887)</sup>.
- In August 2016, there was a major insurgent attack on the American University in Afghanistan, resulting in the deaths of 7 students and 4 security personnel; 28 civilians were injured and 500 people were rescued <sup>(888)</sup>.

UNAMA reported that, in 2016, the central region recorded the country's second-highest number of civilian casualties (2,348), marking a 34 % increase compared to 2015, due to the impact of suicide and complex attacks carried out in Kabul City during the year <sup>(889)</sup>. Kabul province recorded the most civilian casualties of all provinces in 2016 with 1,758 civilian casualties: 376 were killed and 1,382 injured <sup>(890)</sup>.

The western official commented that in 2016, a new sectarian, anti-Shia dimension to the violence by IS and Jihadist groups has emerged in some attacks in Kabul and also Herat <sup>(891)</sup>. In 2016, in Kabul City, three large-scale IS-KP attacks were carried out against Shia minorities resulting in 144 deaths and 547 people injured <sup>(892)</sup>.

Increasing problems of criminality in Kabul City since the security transition have exacerbated urban insecurity <sup>(893)</sup>. One source explained that this is partly due to government inaction on impunity and corruption but also, for those who are desperate, criminal activity is a means of supplementing income in a high unemployment environment <sup>(894)</sup>. Displaced youth in Kabul, surveyed by Samuel Hall, said that the main forms of urban violence that they experience involved theft, gangs, terrorist attacks, bombings, and police harassment <sup>(895)</sup>. Kidnapping for ransom of wealthy people is a continuing problem in Kabul and many wealthier people hire private security, live in secure compounds and in some cases relocate outside the country and only return for business <sup>(896)</sup>. In a 2016 study of several districts of Kabul and Kabul City with informal settlements, APPRO found that community violence was widespread and disputes commonly occurred over land, water, and inheritance rights, as well as individual conflicts between extended family. Most conflicts involved men, except for women's rights-related cases of inheritance and *mahr* (a wife's dowry in cases of death or divorce) <sup>(897)</sup>.

Kabul police operates the emergency number 100 for urgent services <sup>(898)</sup>. Police calls are handled in a call centre and sent out to police stations. However, sources indicate that people do not rely on police to respond and that the response is inconsistent <sup>(899)</sup>. APPRO reported that in Kabul police are called upon to prevent violence from escalating but do not have the capacity to 'resolve underlying disputes' <sup>(900)</sup>. According to a survey by APPRO published in April 2016, the majority of interviewees in the three areas of Kabul province surveyed, including in Kabul City, indicated they were content with ANP attitudes and performance. However, respondents indicated that the ANP's behaviour

<sup>(884)</sup> UNAMA, UNAMA condemns attack outside supreme court in Kabul, 8 February 2017 ([url](#)).

<sup>(885)</sup> DW, Multiple casualties reported after explosions in Afghanistan, 10 January 2017 ([url](#)).

<sup>(886)</sup> BBC, Afghanistan Kabul mosque suicide attack kills dozens, 21 November 2016 ([url](#)); UNAMA, UNAMA condemns killing of civilians in second mosque attack in 24 hours, 12 October 2016 ([url](#)).

<sup>(887)</sup> UNSC, The situation in Afghanistan and its implications for international peace and security, 13 December 2016 ([url](#)), para. 19.

<sup>(888)</sup> US DoS - Bureau of Diplomatic Security, Afghanistan 2017 Crime & Safety Report, 6 March 2017 ([url](#)).

<sup>(889)</sup> UNAMA defines the central region of Afghanistan as including Kabul, Kapisa, Logar, Maidan Wardak, Parwan, and Panjshir provinces. UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), p. 4.

<sup>(890)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), p. 4.

<sup>(891)</sup> Western official, Skype interview, 7 February 2017.

<sup>(892)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), p. 43.

<sup>(893)</sup> Researcher, Skype interview, 30 January 2017; Director of a research organisation, Skype interview, 6 February 2017.

<sup>(894)</sup> Director of a research organisation, Skype interview, 6 February 2017.

<sup>(895)</sup> Samuel Hall, Urban displaced youth in Kabul – Part 1. Mental Health Also Matters, 2016, ([url](#)), pp. 16-17.

<sup>(896)</sup> Western official, Skype interview, 7 February 2017.

<sup>(897)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 55-56.

<sup>(898)</sup> Kabul City Police, Security of the City, n.d. ([url](#)).

<sup>(899)</sup> Director of a research organisation, Skype interview, 6 February 2017; Western official, Skype interview, 7 February 2017.

<sup>(900)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 55-56.

towards the public was mixed and the response when complaints were brought to them sometimes resulted in arrest or abuse of innocent people. The survey also documented police discrimination against ethnic minorities in Kabul City, specifically of Hindus and Sikhs<sup>(901)</sup>.

The Western official interviewed for this report explained that police response to calls in the centre of Kabul were more likely to receive a timely reaction than in other districts<sup>(902)</sup>. The director of a research organisation interviewed for this report explained that, in practice, police response is dependent on a person's ability to pay, explaining that the payment of money is the determining factor influencing the response of authorities and 'how outcomes are decided, as well as connections to those in power'<sup>(903)</sup>. Others noted that even if a person is wealthy or can bribe the police, in many cases the quality of the response is poor anyway due to the low level of training and competence, or an unwillingness to do the job<sup>(904)</sup>.

APPRO also observed that in the districts of Kabul outside the city police tended to refer cases to village elders for resolution. Respondents to its survey also claimed that chiefs of police maintained 'close links with local strongmen'<sup>(905)</sup>.

For information on the conflict actors and security situation in the districts of Kabul Province, please refer to *EASO Country of Origin Information Report: Afghanistan – Security Situation* (November 2016)<sup>(906)</sup>.

### 3.4.5.3. Integrity and corruption

IWA observed that because the Kabul City police has been at the centre of police reform since 2008, and given the proximity of MOI to oversee it, the city's force is a prototype and a harbinger of Afghanistan's national police force<sup>(907)</sup>.

Corruption and bribery continued to remain problems, as noted in a 2012 study on urban displacement in Kabul. This pointed out that Kabul City police are poorly paid and frequently expected bribes<sup>(908)</sup>. APPRO found, in April 2016, that there were reports of police in Kabul City failing to do their duty and at times asking money from the poor who approach them<sup>(909)</sup>. According to the IWA's 2015 report on corruption within the Kabul City police,

While nobody denied the existence of serious corruption, opinions were nonetheless divided among the interviewees with regard to the extent of corruption in Kabul's police. Some believed corruption was being contained. Others believe that key jobs in Kabul's police are for sale...Some of the interviewees believed that 'there has been more oversight of the police over the past one year. One of the sources claimed that people's complaints about the ANP have started being seriously investigated. The majority of the interviewees, however, failed to detect any significant change in this regard<sup>(910)</sup>.

Police who were interviewed by IWA indicated a number of factors driving corruption in Kabul's police: the wider climate of corruption in Afghan institutions, the lack of transparency over internal justice in the police force, the perception that impunity benefits corrupt officers, low salaries, as well as perceptions of uncertainty due to the international withdrawal<sup>(911)</sup>. However, there were no reports of ghost policing in Kabul City<sup>(912)</sup>. The western official explained that police posts inside cities are seen as more desirable by ANP personnel, so desertion is less of a problem in urban areas<sup>(913)</sup>. According to IWA, typical cases of corruption of police involve bribes ranging from 5 to 10,000 Afghani.

<sup>(901)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 55-56.

<sup>(902)</sup> Western official, Skype interview, 7 February 2017.

<sup>(903)</sup> Director of a research organisation, Skype interview, 6 February 2017.

<sup>(904)</sup> Researcher, Skype interview, 30 January 2017; Western official, Skype interview, 7 February 2017.

<sup>(905)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 55-56.

<sup>(906)</sup> EASO, Country of Origin Information Report: Afghanistan – Security Situation, November 2016 ([url](#)).

<sup>(907)</sup> IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)) p. 4.

<sup>(908)</sup> Metcalfe, V., et al., Sanctuary in the city? Urban displacement and vulnerability in Kabul, June 2012 ([url](#)), p. 17.

<sup>(909)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 55-56.

<sup>(910)</sup> IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)).

<sup>(911)</sup> IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)) p. 21.

<sup>(912)</sup> IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)).

<sup>(913)</sup> Western official, Skype interview, 7 February 2017.

IWA found that objective data on police corruption is limited in Kabul and since so few cases result in prosecution and sentencing there are no judicial statistics to analyse. Additionally, the arrest and investigation of senior officers is even more rare <sup>(914)</sup>.

Kabul City, is described as a mixture of power brokers and power holders, each with their own security allies working for them, resulting in political factionalism within the MOI <sup>(915)</sup>. A representative of a civil-society organisation in Afghanistan who conducts research and advocacy on issues of governance and rule of law who provided input to this report and requested to remain anonymous, said that in Kabul City a pressing policing issue related to attacks carried out by those in positions of political power against their rivals, with little police intervention <sup>(916)</sup>. For example, in February 2017, the First Vice-President Dostum's bodyguards were accused of abusing and torturing Uzbek political leader, Ahmad Ishchi, one of Dostum's political opponents <sup>(917)</sup>. The AGO reportedly opened an investigation <sup>(918)</sup>, however the Vice-President refused to comply with the summons for questioning issued by the AGO <sup>(919)</sup>. Media sources report that he also blocked the arrest of nine of his bodyguards for the incident <sup>(920)</sup>.

APPRO reported that in Kabul Province, 'cases of abuse by law enforcement officials do not seem to be recorded'. It said the legal department of the police headquarters in Kabul told APPRO that 'cases of death, physical injury, and disappearances resulting from arrest or other acts of apprehending persons by law enforcement officials did not exist' <sup>(921)</sup>. Further information on abuses by Kabul City police could not be found.

### 3.4.6. Herat city ANP

#### 3.4.6.1. Structure and capacity

The province of Herat is ethnically heterogeneous and Dari-speaking <sup>(922)</sup>. Publicly available information on the number, ethnicity and gender composition of police in Herat city could not be found.

The city is divided into 16 administrative units <sup>(923)</sup>. The city's urban districts each have a designated police station <sup>(924)</sup>. The senior political analyst explained that the ANP in Herat patrols the city and deals with interventions, arrests and frontline policing. However, the same source explained that the ANP in general suffers from a network of patron-client relations. Although this is much less the case in the centre, in the rural districts the local police chiefs are more loyal to the local power holders than to the central government; loyalty to Kabul decreases further out from the centre <sup>(925)</sup>. Sources explain that Ismail Khan, the former governor of Herat and key power holder in the province, was a central figure in the functioning of policing in Herat province until his departure in 2004 <sup>(926)</sup>. According to the 2013 book, *Policing Afghanistan*, by Antonio Giustozzi and Mohammed Isaqzadeh, after the removal of Ismail Khan as Governor, the government moved to a centralised command and control structure in 2004 to increase MOI oversight of the force. However, this largely relied on reports sent to Kabul from officers stationed in Herat, or on inspection teams sent to the province. The authors note that the central government has faced serious challenges in controlling the police in Herat for two main reasons: due to the distance from Kabul and because the centralisation of control and the connection to the patronage of the central government in Kabul. The police in Herat became factionalised, undermining the ability of the Ministry of Interior to ensure accountability <sup>(927)</sup>. While Ismail Khan is no longer governor, the stability and influence of his former power networks is still present in Herat province, though it

<sup>(914)</sup> IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)) pp. 5, 20.

<sup>(915)</sup> Western official, Skype interview, 7 February 2017.

<sup>(916)</sup> Representative of a civil society organisation in Afghanistan who requested to remain anonymous, e-mail, 28 January 2017, email.

<sup>(917)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 3. Tolo News, Atta Noor pushes for role on the national stage, 31 January 2017 ([url](#)).

<sup>(918)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 3.

<sup>(919)</sup> UNSC, The situation in Afghanistan and its implications for international peace and security, 3 March 2017 ([url](#)), para. 5.

<sup>(920)</sup> Khaama Press, Army and police forces deployed near Gen. Dostum's house in Kabul, 21 February 2017 ([url](#)).

<sup>(921)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 55.

<sup>(922)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 47.

<sup>(923)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 47.

<sup>(924)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

<sup>(925)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

<sup>(926)</sup> Researcher, Skype interview, 30 January 2017; Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

<sup>(927)</sup> Giustozzi, A. and Isaqzadeh, M., *Policing Afghanistan: The Politics of the Lame Leviathan*, 2013, pp. 175-176.

is eroding as new political figures emerge<sup>(928)</sup>. AAN explained that the current Governor of Herat, Muhammad Asef Rahimi, is a non-Herati from Kabul and many ordinary Heratis speak of him as a symbolic official with little influence and not heavily involved in the province's political and economic dynamics<sup>(929)</sup>.

In December 2014, protests occurred in Herat over the growing insecurity<sup>(930)</sup>. In response, President Ghazni dismissed a number of Herat provincial and district officials, including district police chiefs<sup>(931)</sup>. Ismail Khan publicly criticised the Ghani government for sacking police chiefs and local officials and claimed that the mujahedeen were the most effective force to counteract threats from ISIS and the Taliban<sup>(932)</sup>. According to AAN, writing in January 2017, many Herat officials have not been replaced, or posts are still occupied by acting officials with weak authority<sup>(933)</sup>. In late January 2017, the government in Herat announced efforts to tackle corruption, stating that 120 officials had been arrested by the NDS in Herat since 2016 on corruption and negligence charges<sup>(934)</sup>.

The Herat Provincial Council Chief, Kamran Alizai, maintained his own private militia and was according to sources involved in incidents of threats and violence in recent years<sup>(935)</sup>. He is described by AAN as part of a new generation of rising power brokers in Herat<sup>(936)</sup>.

Since July 2016, the Provincial Police Commander for Herat has been Brigadier General Muhammad Ayub Ansari, who is of Tajik ethnicity<sup>(937)</sup>. In July 2016 he succeeded Abdul Majid Rozi, who retired following a presidential decree and pressure over security problems in Herat<sup>(938)</sup>.

### 3.4.6.2. Response and effectiveness

There is a far greater police presence in Herat City than in rural areas<sup>(939)</sup>. Police in the city districts are described as being better trained and having a better reputation than police in rural areas<sup>(940)</sup>. However, Pajhwok Afghan News reported in February 2017 that local residents complained of the weakness of security and justice institutions in Herat city in light of increases in assassinations in the solar year between March 2016 and March 2017<sup>(941)</sup>.

Security in and around Herat City is reportedly deteriorating<sup>(942)</sup>. Insecurity inside Herat city has become increasingly criminal in nature, with incidents of kidnappings, killings, and robbery reported<sup>(943)</sup>. USIP also reported on increases in anti-government activity and killings of security forces, as well as the 'rearming of militias in and around the city'<sup>(944)</sup>. Assassinations and murders have been a growing problem<sup>(945)</sup>, particularly of government officials<sup>(946)</sup>. The representative of a civil-society organisation who provided input for this report stated that one of the most pressing

<sup>(928)</sup> Researcher, Skype interview, 30 January 2017; Western official, Skype interview, 7 February 2017; Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

<sup>(929)</sup> Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat's dynamism, 11 January 2017 ([url](#)).

<sup>(930)</sup> Pajhwok Afghan News, President sacks 30 officials in Herat, 28 December 2014 ([url](#)).

<sup>(931)</sup> Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat's dynamism, 11 January 2017 ([url](#)); RFE/RL, Afghan President Dismisses Officials In Western Province, 27 December 2014 ([url](#)); Pajhwok Afghan News, President sacks 30 officials in Herat, 28 December 2014 ([url](#)).

<sup>(932)</sup> Military Times, Afghan warlord warns of ISIS rise, 14 April 2015 ([url](#)).

<sup>(933)</sup> Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat's dynamism, 11 January 2017 ([url](#)); See also, IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)), p. 16.

<sup>(934)</sup> Tolo News, Three Herat officials arrested on corruption charges, 27 January 2017 ([url](#)).

<sup>(935)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 21; Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat's dynamism, 11 January 2017 ([url](#)).

<sup>(936)</sup> Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat's dynamism, 11 January 2017 ([url](#)).

<sup>(937)</sup> Afghan biographies, Ansari, Muhammad Ayub Brig Gen, 11 January 2017 ([url](#)).

<sup>(938)</sup> Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat's dynamism, 11 January 2017 ([url](#)).

<sup>(939)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017; Researcher, Skype interview, 30 January 2017.

<sup>(940)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

<sup>(941)</sup> Pajhwok Afghan News, 174 people murdered in Herat since March, 28 February 2017 ([url](#)).

<sup>(942)</sup> APPRO, Afghanistan Rights Monitor – Monitoring Cycle 2: May 2016 – August 2016, September 2016 ([url](#)), p. 17; Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat's dynamism, 11 January 2017 ([url](#)).

<sup>(943)</sup> Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat's dynamism, 11 January 2017 ([url](#)); Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 32; Washington Post (The), In Afghanistan, the Taliban isn't the only group battling for land, 31 May 2016 ([url](#)).

<sup>(944)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 34.

<sup>(945)</sup> Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat's dynamism, 11 January 2017 ([url](#)); Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 32; Representative of a civil society organisation in Afghanistan and who requested to remain anonymous, e-mail, 28 January 2017; Washington Post (The), In Afghanistan, the Taliban isn't the only group battling for land, 31 May 2016 ([url](#)).

<sup>(946)</sup> Washington Post (The), In Afghanistan, the Taliban isn't the only group battling for land, 31 May 2016 ([url](#)).



issues in Herat City is the fear of being kidnapped, or having one's children kidnapped for ransom<sup>(947)</sup>. The same source said that there had been an upward trend in assassinations in the past year of civil society people, religious leaders, and politicians<sup>(948)</sup>. Pajhwok news reported in February 2017 that during the solar year since March 2016, 174 murders occurred in Herat province, including 34 for 'political reasons'<sup>(949)</sup>.

According to USIP, insecurity is a major concern for residents of Herat City with those who can afford to do so moving into 'gated enclaves'<sup>(950)</sup>. USIP states that, in Herat City, as with other urban centres, 'urban security has become a direct function of urban wealth'<sup>(951)</sup>. Similarly, the researcher interviewed for this report indicated that there were many wealthy people in Herat City who pay for their own private security forces due to rising criminality<sup>(952)</sup>.

Sectarian violence struck Herat City with a bombing of a Shia mosque on 1 January 2017, which killed 1 worshipper and injured 5 others, though no group claimed responsibility<sup>(953)</sup>. Hundreds of Shia protesters marched in Herat City in the following days to protest against attacks on Shia mosques<sup>(954)</sup>.

According to APPRO's April 2016 survey of respondents in Herat province, 'with some exceptions, there is general satisfaction with the performance and behavior of the police.' However, there were reports from focus groups that low literacy and low education levels of police impacted on the quality of their behavior<sup>(955)</sup>. Neamat Nojumi, a senior policy analyst on Afghanistan who specialises in human security issues in Afghanistan, and who conducts regular field research across Afghanistan, most recently in 2016, explained in an interview for this report that within the city districts of Herat, police are more active and educated. However, he noted that people of low socio-economic status who are poor or displaced are more likely to have their rights violated by police<sup>(956)</sup>.

In January 2016, Herat police announced that they had arrested 70 people for a range of charges including terrorism, kidnapping, robbery, murder, drug trafficking and working with the Taliban<sup>(957)</sup>. In August 2016, police arrested a man responsible for 13 assassinations of civilians and security-forces personnel<sup>(958)</sup>. In June 2016, Herat police claimed to have killed at least 200 Taliban operatives in the previous three months, during 35 operations across several districts and in Herat City. The police reportedly arrested 19 Taliban and 278 suspects who were alleged to have been involved in criminal and terrorist activities related to the Taliban<sup>(959)</sup>. However, the Pajhwok article about the arrests also stated that people are often released shortly afterwards<sup>(960)</sup>.

The police have a 119 telephone hotline active in Herat. An article from January 2015 by the Institute for War and Peace Reporting (IWPR) reported on a community meeting regarding policing, stating that in Herat residents had reported, over 18 months, 700 suspicious incidents to police using the 119 police hotline, which Herat police credited with preventing many incidents. However, the same article indicated the police were criticised for failing to make the public in remote areas more aware of the 119 service. Additionally, a member of Herat's provincial council stated at the meeting that in some districts residents had never heard of the service and that in some areas there was no mobile-phone coverage. It was mentioned that, at times, police were 'unwilling' to take 119 calls<sup>(961)</sup>.

According to a January 2016 article on Pajhwok regarding increasing problems of road bombs, the Herat Provincial Council reportedly complained about the lack of adequate police personnel who were spread too thinly across the province<sup>(962)</sup>.

<sup>(947)</sup> Representative of a civil society organisation in Afghanistan and who requested to remain anonymous, e-mail, 28 January 2017, email.

<sup>(948)</sup> Representative of a civil society organisation in Afghanistan and who requested to remain anonymous, e-mail, 28 January 2017, email.

<sup>(949)</sup> Pajhwok News, 174 people murdered in Herat since March, 28 February 2017 ([url](#)).

<sup>(950)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 34.

<sup>(951)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 35.

<sup>(952)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(953)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), p. 41; RFE/RL, Hundreds Of Afghan Shi'a Protest Killings, 3 January 2017 ([url](#)).

<sup>(954)</sup> RFE/RL, Hundreds of Afghan Shi'a Protest Killings, 3 January 2017 ([url](#)).

<sup>(955)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 48.

<sup>(956)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

<sup>(957)</sup> Pajhwok Afghan News, 70 detained over various crimes in Herat, 17 January 2016 ([url](#)).

<sup>(958)</sup> Rasad News Agency, Police Arrest Most Dangerous Terrorist In Herat, 22 August 2016 ([url](#)).

<sup>(959)</sup> Pajhwok Afghan News, 224 Taliban killed, 278 criminals held in Herat raids, 22 June 2016 ([url](#)).

<sup>(960)</sup> Pajhwok Afghan News, 224 Taliban killed, 278 criminals held in Herat raids, 22 June 2016 ([url](#)).

<sup>(961)</sup> IWPR, Afghan Hotline Helps Police Fight Crime, 23 January 2015 ([url](#)), accessed 21 April 2017.

<sup>(962)</sup> Pajhwok Afghan News, Roadside bombings spike worries Herat people, 1 January 2016 ([url](#)).

For information on the conflict actors and security situation in the districts of Herat Province, please refer to *EASO Country of Origin Information Report: Afghanistan – Security Situation* (November 2016) <sup>(963)</sup>.

### 3.4.6.3. Integrity and corruption

The presence of civil society in Herat City has increased the level of monitoring over the activities of the police <sup>(964)</sup>. However, the administration in Herat province and districts is described by sources as ‘generally dysfunctional’<sup>(965)</sup> and plagued by ‘widespread corruption’ in the local government <sup>(966)</sup>. USIP argues that the provincial government of Herat operates relatively more effectively than others but that corruption remains pervasive, with powerful individuals able to exploit state institutions and corrupt civil servants acting with impunity <sup>(967)</sup>. Corruption levels within the police, formal justice and among public officials remained a problem in Herat, according to APPRO’s September 2016 report <sup>(968)</sup>. Similarly, in an interview for this report, the senior policy analyst on Afghanistan noted that in Herat City people complain of police corruption and that paying bribes is an accepted norm when conducting business in the city <sup>(969)</sup>.

Sources report that many Heratis believe elements of the security forces collude with criminal elements<sup>(970)</sup> and, in some cases, anti-government groups <sup>(971)</sup>. According to a January 2017 article by AAN on criminality and security in Herat, this collusion is contributing to rising crime, abductions, assassinations and thefts, in the context of reduced economic possibilities with the international troop withdrawal <sup>(972)</sup>. The representative of a civil-society organisation who gave input for this report described the police response to insecurity and crime in Herat City as limited due to police corruption, collusion with criminal groups and political appointees <sup>(973)</sup>. Afghan media reported on one case in 2016 where Afghan security forces arrested a member of the provincial council for Herat for his involvement in kidnappings <sup>(974)</sup>.

An article by the *Washington Post* reports on the 2016 case of a Herati man whose land was taken over by a well-connected land developer. The man complained to officials and then the developer threatened to kill him. When he complained to the police about the threats, the police commander imprisoned him for a month and told him to renounce his claim <sup>(975)</sup>.

According to APPRO, journalists have faced threats for speaking out in Herat <sup>(976)</sup>. Sources report that in January 2017, police in Herat city beat up a journalist for breaking a ban on riding motorcycles <sup>(977)</sup>. Police stated that they would investigate <sup>(978)</sup>. The Afghan Journalists Safety Committee (AJSC) reported that, in August 2016, a TV reporter was physically and verbally abused and briefly detained at police headquarters in Herat City, reportedly by the Head of the Crimes Unit. The journalist was reportedly there to cover a story about a suspect <sup>(979)</sup>.

<sup>(963)</sup> EASO, Country of Origin Information Report: Afghanistan – Security Situation, November 2016 ([url](#)).

<sup>(964)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

<sup>(965)</sup> Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat’s dynamism, 11 January 2017 ([url](#)).

<sup>(966)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 22.

<sup>(967)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 36.

<sup>(968)</sup> APPRO, Afghanistan Rights Monitor – Monitoring Cycle 2: May 2016 – August 2016, September 2016 ([url](#)), p. 17.

<sup>(969)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

<sup>(970)</sup> Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat’s dynamism, 11 January 2017 ([url](#)); Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 32.

<sup>(971)</sup> Leslie, J., Political and Economic Dynamics of Herat, 2 April 2015 ([url](#)), p. 32.

<sup>(972)</sup> Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat’s dynamism, 11 January 2017 ([url](#)).

<sup>(973)</sup> Representative of a civil society organisation in Afghanistan and who requested to remain anonymous, e-mail, 28 January 2017, email.

<sup>(974)</sup> 1TV, Herat provincial council member arrested on suspicion of kidnapping, 8 August 2016 ([url](#)).

<sup>(975)</sup> Washington Post (The), In Afghanistan, the Taliban isn’t the only group battling for land, 31 May 2016 ([url](#)).

<sup>(976)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 49.

<sup>(977)</sup> Pajhwok Afghan News, Police beat local tv chief editor in Herat, 1 January 2017 ([url](#)); AFJC, AFJC condemns police for beaten up a TV journalist in Herat, 6 February 2015 ([url](#)).

<sup>(978)</sup> Pajhwok Afghan News, Police beat local tv chief editor in Herat, 1 January 2017 ([url](#)).

<sup>(979)</sup> AJSC, Six Months Report July-December 2016 Exclusive Report: Analysis of violence against Journalists 2012-2016, 18 January 2016 ([url](#)), p. 8.

### 3.4.7. Mazar-e Sharif ANP

#### 3.4.7.1. Structure and capacity

Publicly available information on the number of police, as well as the ethnic and gender composition for Mazar-e Sharif and Balkh province could not be found. The senior political analyst interviewed for this report explained that the police dynamics and relative stability in Mazar-e Sharif is more similar to Herat than to other provinces, due to the influence of strong local power-holders and figures, such as the governor<sup>(980)</sup>. Balkh governor Atta Mohammad Noor, of the Jamiat Party, is described as one of Northern Afghanistan's most dominant political figures. He is a former Mujahideen commander and of Tajik ethnicity<sup>(981)</sup>. In 2014, President Ghani dismissed him as governor but he refused to step down<sup>(982)</sup>. Tolo News reports in February 2017 that Atta was in talks on moving to Kabul to take up a post in the national government<sup>(983)</sup>. Sources have ascribed the relative stability in Balkh province to his leadership dominance<sup>(984)</sup>.

#### 3.4.7.2. Response and effectiveness

The *New York Times* reported that security in Mazar-e Sharif has been gradually deteriorating since the transition to Afghan command in 2014<sup>(985)</sup>. In May 2015, Balkh Governor Atta publicly stated that if the government did not become more effective in dealing with security matters in Northern Afghanistan, then he would have to take action himself<sup>(986)</sup>. Mazar-e Sharif had a reputation as a relatively quiet city until the 2016 bombing of the German Consulate<sup>(987)</sup>. The senior political analyst explained that there has been a new infiltration by insurgents in the north who are carrying out abductions, for example, stating that this kind of activity had rarely happened in the northern part of the country<sup>(988)</sup>.

In terms of police response, in Mazar-e Sharif, citizens surveyed by APPRO in April 2016 stated that they were generally satisfied with the security conditions and the ANP in the city and neighbouring districts. However, citizens typically complained 'vociferously' about informal power holders more than the ANP. Police were described as responding well in relation to harassment in the street, or in providing protection to girls traveling to school<sup>(989)</sup>. APPRO reported that between May and August 2016 in Balkh province, there was an increase in security checkpoints and security meetings with the governor and police which resulted in improved security conditions, while there was also improvement in police registration of cases involving women and children<sup>(990)</sup>. However, there were reports of continuing security problems, for example:

- In April 2017, Taliban attacked an army base in Mazar-e Sharif and killed over a hundred soldiers, to some accounts 140, and wounding another 160 soldiers<sup>(991)</sup>.
- On 10 November 2016, a VBIED detonated at the German consulate in Mazar-e Sharif, killing 4 civilians and injuring 128 people, including 19 women and 38 children<sup>(992)</sup>. The Taliban claimed responsibility for the bombing<sup>(993)</sup>. The Indian Consulate in Mazar-e Sharif was also attacked in 2016<sup>(994)</sup>.

<sup>(980)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017.

<sup>(981)</sup> New York Times (The), In Afghanistan's North, Ex-Warlord Offers Security, 17 May 2010 ([url](#)).

<sup>(982)</sup> New York Times (The), "They cannot remove me by force": a strongman on Afghan infighting, 2 April 2016 ([url](#)).

<sup>(983)</sup> Tolo News, Atta Noor pushes for role on the national stage, 31 January 2017 ([url](#)).

<sup>(984)</sup> HRW, Today We Shall Die - Afghanistan's Strongmen and Legacy of Impunity, ([url](#)), pp. 36-37; New York Times (The), In Afghanistan's North, Ex-Warlord Offers Security, 17 May 2010 ([url](#)); Giustozzi, A., The Resilient Oligopoly, December 2012 ([url](#)), p. 43.

<sup>(985)</sup> New York Times (The), Taliban Suicide Bomber Kills at Least 3 in Northern Afghanistan, 8 February 2016 ([url](#)).

<sup>(986)</sup> Tolo News, Noor threatens action if violence in the north continues, 15 May 2015 ([url](#)).

<sup>(987)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(988)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017.

<sup>(989)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 23.

<sup>(990)</sup> APPRO, Afghanistan Rights Monitor – Monitoring Cycle 2: May 2016 – August 2016, September 2016 ([url](#)), p. 9.

<sup>(991)</sup> BBC, Mazar-e Sharif attack: Afghanistan mourns deadly Taliban assault, 22 April 2017 ([url](#)); Al Jazeera, Taliban fighters attack Afghan army base, 'killing 140', 22 April 2017 ([url](#)).

<sup>(992)</sup> UNSC, The situation in Afghanistan and its implications for international peace and security, 13 December 2016 ([url](#)), para. 31.

<sup>(993)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), p. 62.

<sup>(994)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), p. 73.

- In April 2015, four Taliban militants attacked a government compound in Mazar-e Sharif which houses the provincial Attorney General's Office and provincial court of appeal. Five members of the security forces and five civilians were killed, with more than 60 injured, including women and children<sup>(995)</sup>. A district police chief was also killed<sup>(996)</sup>.
- In October 2014, the Mazar-e Sharif ANP headquarters was attacked by two members of the Taliban, killing two people and injuring 18 before being killed by security forces<sup>(997)</sup>.

There is a political rift within the region between supporters of Atta and supporters of Dostum, which has caused infighting within the population<sup>(998)</sup>. In April 2016, street violence broke out in Mazar-e Sharif between supporters of Balkh Governor Atta and those of First Vice President, General Dostum, reportedly because Atta was accused of pulling down a billboard of Dostum<sup>(999)</sup>. Atta claimed in the media that Dostum was trying to disrupt peace in the city and that he had forces trying to come into the province but that they were 'repelled at the border gates' by Atta's force<sup>(1000)</sup>.

For information on the conflict actors and security situation in the districts of Balkh Province, please refer to *EASO Country of Origin Information Report: Afghanistan – Security Situation* (November 2016)<sup>(1001)</sup>.

### 3.4.7.3. Integrity and corruption

Police corruption remained a problem in Mazar-e Sharif<sup>(1002)</sup>. The senior political analyst interviewed for this report explained that there was a good police presence in Mazar and that police behaviour has greatly improved when compared to eastern or southern provinces, mainly due to the growth and presence of civil society. However, the same source stated that the capacity of the police to protect depends on the socio-economic status of the victim; if a person is unable to pay bribes, that person is less likely to receive assistance<sup>(1003)</sup>. Other sources gave the view that petty police criminality was less tolerated in Mazar-e Sharif by the governor – for the sake of the city's image<sup>(1004)</sup>. Governor Atta sometimes visits police stations or court houses as part of his public relations. If a matter before the police or courts involves a complaint about a person who is connected to the local political power holders, the person seeking justice will not be likely to obtain recourse<sup>(1005)</sup>. According to a December 2012 paper by Antonio Giustozzi about the political dynamics of Northern Afghanistan, Atta maintained a large patronage network, many of whom have received positions in the police and state administration. He has also used his revenue to co-opt rivals and supporters. For example, some police districts in Mazar-e Sharif and the districts were manned by former militiamen who were co-opted<sup>(1006)</sup>. According to Giustozzi, those who have refused to make deals with Atta have been purged from the police and state administration<sup>(1007)</sup>. Sources explained that police in Mazar-e Sharif would be unlikely to contradict or cross Atta's influence<sup>(1008)</sup>. In some areas, police will not speak openly about the government<sup>(1009)</sup>. Human Rights Watch cited a confidential NATO report that states Atta has 'significant control over the ANP at the district level' and is said to 'canalize his influence in [the west of Mazar-e Sharif] primarily through ... officials of the Balkh administration, particularly ANP commanders and various militias' and *arbakis* (tribally organised community police)<sup>(1010)</sup>.

Police are recruited locally and are therefore under the political influence of local power holders such as the governor, whose influence is pervasive<sup>(1011)</sup>. Giustozzi's research indicates that because of this representatives of the central

<sup>(995)</sup> RFE/RL, Gunmen storm prosecutors office in northern Afghanistan, 9 April 2015 ([url](#)).

<sup>(996)</sup> VOA, Taliban suicide bombers target Afghan courthouse, 9 April 2015 ([url](#)).

<sup>(997)</sup> Reuters, Taliban dressed as Afghan police kill 2, injure 18 at police headquarters, 12 October 2014 ([url](#)).

<sup>(998)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017.

<sup>(999)</sup> New York Times (The), "They cannot remove me by force": a strongman on Afghan infighting, 2 April 2016 ([url](#)).

<sup>(1000)</sup> New York Times (The), "They cannot remove me by force": a strongman on Afghan infighting, 2 April 2016 ([url](#)).

<sup>(1001)</sup> EASO, Country of Origin Information Report: Afghanistan – Security Situation, November 2016 ([url](#)).

<sup>(1002)</sup> APPRO, Afghanistan Rights Monitor – Monitoring Cycle 2: May 2016 – August 2016, September 2016 ([url](#)), p. 10.

<sup>(1003)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017.

<sup>(1004)</sup> Director of a research organisation, Skype interview, 6 February 2017; Western, Skype interview, 7 February 2017.

<sup>(1005)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017.

<sup>(1006)</sup> Giustozzi, A., The Resilient Oligopoly, December 2012 ([url](#)), p. 44.

<sup>(1007)</sup> Giustozzi, A., The Resilient Oligopoly, December 2012 ([url](#)), p. 45.

<sup>(1008)</sup> Western official, Skype interview, 7 February 2017; Researcher, Skype interview, 30 January 2017.

<sup>(1009)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017.

<sup>(1010)</sup> HRW, Today We Shall Die - Afghanistan's Strongmen and Legacy of Impunity, 3 March 2015 ([url](#)), p. 39.

<sup>(1011)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017; Giustozzi, A., The Resilient Oligopoly, December 2012 ([url](#)), p. 46.

government in Kabul have difficulty in asserting their authority over police in the north <sup>(1012)</sup>. AIHRC stated in the media that the governor knows all the players in Mazar-e Sharif, including the criminals, and that some are protected, while at other times he has gained popularity for returning stolen goods, for example <sup>(1013)</sup>.

Human Rights Watch reports that the Afghan Local Police (ALP) in Balkh are allies of Atta, or militiamen who have been incorporated into ALP ranks, which operate in rural districts <sup>(1014)</sup>. These ALP militias have been implicated in ‘serious human rights abuses’ <sup>(1015)</sup>.

According to sources, arbitrary detention continues to be a problem <sup>(1016)</sup>. The senior political analyst interviewed for this report noted that in Mazar-e Sharif, as in other parts of Afghanistan, there is a lack of coordination between police, prosecutors and the courts. Although the police are not supposed to hold people beyond legal time limits, and must then release the suspect or process him through the Attorney General’s Office, this does not always happen. Instead, police will make arrests but will release the individuals again if they are connected to the local established power holders. Suspects of low socio-economic status are often held unconditionally and indefinitely <sup>(1017)</sup>.

Human Rights Watch reported that, in 2015, the head of the Criminal Investigation Department (CID), the NDS Deputy of Operations, and a senior officer of NDS, had been engaged in criminal activities, including harassing local residents in Mazar-e Sharif, operating unofficial bodyguard units, and supporting kidnapping gangs. In one case, Atta intervened to prevent a kidnapper from being transferred to Kabul for prosecution <sup>(1018)</sup>.

The AIHRC reported a 2015 case of torture in Mazar-e Sharif involving a person who was accused of harassing the Head of the CID in Mazar-e Sharif. While detained the victim was allegedly beaten and tortured by a policeman to elicit a confession. When the victim refused to confess, he was beaten into unconsciousness. He reportedly approached the AGO in Mazar-e Sharif to complain but his complaint received no attention <sup>(1019)</sup>.

Women in Balkh continue to have limited access to formal justice <sup>(1020)</sup>. In its survey of Balkh province in April 2016, APPRO found that some police personnel were found to have behaved unprofessionally and in a ‘brutal’ manner towards women, such as ‘insulting schoolgirls, driving fast, and harassing hawkers and street vendors for bribes’ <sup>(1021)</sup>. According to the UNHCR, in Mazar-e Sharif, international and non-governmental organisations working on prevention and response to sexual and gender-based violence report of impunity for crimes perpetrated by ANP as well as reluctance by ANP to investigate such cases <sup>(1022)</sup>.

## 3.5. Formal justice system

### 3.5.1. Structure

The formal justice system comprises the judiciary, which is independent from the executive branch, the Ministry of Justice, the Attorney General’s Office (AGO), and the Ministry of Interior <sup>(1023)</sup>. Article 116 of the Constitution of Afghanistan provides that the judiciary shall be independent, with one Supreme Court, the highest judicial authority <sup>(1024)</sup>. The judiciary comprises the Supreme Court as well as Courts of Appeal and Primary Courts located in all 34 provinces <sup>(1025)</sup>. The Supreme Court has no judicial or administrative authority over the Executive and the Legislative branches <sup>(1026)</sup>.

<sup>(1012)</sup> Giustozzi, A., *The Resilient Oligopoly*, December 2012 ([url](#)), p. 46.

<sup>(1013)</sup> New York Times (The), *In Afghanistan’s North, Ex-Warlord Offers Security*, 18 May 2010 ([url](#)).

<sup>(1014)</sup> HRW, *Today We Shall Die - Afghanistan’s Strongmen and Legacy of Impunity*, 3 March 2015 ([url](#)), pp. 38-39.

<sup>(1015)</sup> HRW, *Today We Shall Die - Afghanistan’s Strongmen and Legacy of Impunity*, 3 March 2015 ([url](#)), pp. 36-37.

<sup>(1016)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017; Western official, Skype interview, 7 February 2017.

<sup>(1017)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017.

<sup>(1018)</sup> HRW, *Today We Shall Die - Afghanistan’s Strongmen and Legacy of Impunity*, 3 March 2015 ([url](#)), pp. 39, 41-42.

<sup>(1019)</sup> AIHRC, *Torture in detention in Afghanistan 1394*, 8 May 2016 ([url](#)), p. 27.

<sup>(1020)</sup> APPRO, *Afghanistan Rights Monitor – Monitoring Cycle 2: May 2016 – August 2016*, September 2016 ([url](#)), p. 10.

<sup>(1021)</sup> APPRO, *Afghanistan Rights Monitor: Baseline Report*, April 2016 ([url](#)), p. 23.

<sup>(1022)</sup> UNHCR, e-mail, 3 March 2017. UNHCR Afghanistan made this addition during the review of this report.

<sup>(1023)</sup> Special Inspector General for Afghanistan Reconstruction (SIGAR), *Rule of Law in Afghanistan: US Agencies Lack a Strategy and Cannot Fully Determine the Effectiveness of Programs Costing more than \$1Billion*, July 2015 ([url](#)), p. 3.

<sup>(1024)</sup> Islamic Republic of Afghanistan, *Constitution of Afghanistan*, 3 January 2004 ([url](#)), Article 117.

<sup>(1025)</sup> Islamic Republic of Afghanistan, *Constitution of Afghanistan*, 3 January 2004 ([url](#)), Article 117.

<sup>(1026)</sup> IWA, *Combatting Corruption in Afghan Defense and Security Sector*, July 2016 ([url](#)), pp. 58-59.

Within each district (398 districts in 34 provinces) there are primary courts to deal with all matters of ordinary criminal, civil, and family cases. Within the capital city of each province, there are courts of appeal, which have jurisdiction over the primary courts and courts for juveniles, commercial, and family issues. The Courts of Appeal ‘oversee the decisions of the lower courts (...) and may correct, overturn, amend, confirm or repeal the rulings and decisions of a lower court’ <sup>(1027)</sup>.

The *Huqooq* department attempts to resolve family issues through mediation. If this fails, the case will be referred to court <sup>(1028)</sup>.

Other primary institutions of the justice sector are the Ministry of Justice, which drafts and reviews proposed laws in line with the Constitution, and provides legal counsel; as well as the Attorney General’s Office (AGO), which investigates and prosecutes crime, including corruption <sup>(1029)</sup>. The AGO has offices in Kabul, in all 34 provinces, and in 365 prosecutorial districts <sup>(1030)</sup>.

According to SIGAR, by December 2017, the government plans to create, staff, and establish functional prosecution units in each of the 34 provinces to deal specifically with cases of violence against women <sup>(1031)</sup>. Specialised courts for juveniles were functional in six provinces (Kabul, Herat, Balkh, Kandahar, Nangarhar, and Kunduz) <sup>(1032)</sup>.

Criminal cases involve up to three stages through primary courts, appeals courts, and finally, the Supreme Court <sup>(1033)</sup>. Criminal cases are decided in major cities, as mandated by the law, while civil cases were often settled through traditional systems or private negotiations facilitated by lawyers and judges <sup>(1034)</sup>. However, civil disputes often turn into criminal matters <sup>(1035)</sup>. USIP writes that land ownership and control, for example, has led to murder <sup>(1036)</sup>. It is frequently claimed that the informal system only handles civil disputes. However, USIP conducted a survey in 2015 that found that the informal or customary system is also involved in criminal cases, such as intervention by elders into arrests, securing prisoner release, arranging reconciliation, or visiting victims to convince them of the need for reconciliation <sup>(1037)</sup>.

### 3.5.2. Capacity

Under the Afghan constitution, citizens have the right to a fair trial in an independent judicial system. However, according to the US Department of State, due to the lack of capacity and problems of pervasive corruption and political threats, the right is rarely enforced <sup>(1038)</sup>. Dr. Ali Wardak, a reader of criminology at the University of South Wales whose published research over the past decade has focused on rule of law in Afghanistan, explains that, in 15 years of development and investment in the justice sector, post-Taliban Afghanistan has succeeded in acquiring a ‘functioning modern justice system’. However, it continues to be hampered by major challenges in delivering effective justice to Afghans due to lack of transparency and public trust, weak coordination and inadequate human and physical resources <sup>(1039)</sup>. According to Transparency International and Integrity Watch Afghanistan (IWA), the AGO’s office has adequate financial resources but has weaknesses in terms of technical and human resources and lacks professional prosecutors at the regional level <sup>(1040)</sup>. In 2013, the intergovernmental organisation International Development Law Organization (IDLO) found there were 1,845 prosecutors in the AGO in Afghanistan <sup>(1041)</sup>.

<sup>(1027)</sup> IWA, *Combating Corruption in Afghan Defense and Security Sector*, July 2016 ([url](#)), pp. 58-59.

<sup>(1028)</sup> APPRO, *Afghanistan Rights Monitor: Baseline Report*, April 2016 ([url](#)), p. 52.

<sup>(1029)</sup> SIGAR, *Rule of Law in Afghanistan: US Agencies Lack a Strategy and Cannot Fully Determine the Effectiveness of Programs Costing more than \$1Billion*, July 2015 ([url](#)), p. 3.

<sup>(1030)</sup> IDLO, *Women’s Professional Participation in Afghanistan’s Justice Sector*, 6 June 2014 ([url](#)), p. 23.

<sup>(1031)</sup> SIGAR, *Quarterly Report to US Congress*, 30 January 2017 ([url](#)), pp. 146-147.

<sup>(1032)</sup> US DoS, *Country Reports on Human Rights Practices for 2016 – Afghanistan*, 3 March 2017 ([url](#)), p. 8.

<sup>(1033)</sup> US DoS, *Country Reports on Human Rights Practices for 2016 – Afghanistan*, 3 March 2017 ([url](#)), p. 9.

<sup>(1034)</sup> US DoS, *Country Reports on Human Rights Practices for 2016 – Afghanistan*, 3 March 2017 ([url](#)), p. 12.

<sup>(1035)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017.

<sup>(1036)</sup> Khan, H. M., *Islamic Law, Customary Law, and Afghan Informal Justice*, March 2015 ([url](#)), p. 6.

<sup>(1037)</sup> Khan, H. M., *Islamic Law, Customary Law, and Afghan Informal Justice*, March 2015 ([url](#)), p. 13.

<sup>(1038)</sup> US DoS, *Country Reports on Human Rights Practices for 2016 – Afghanistan*, 3 March 2017 ([url](#)), pp. 11-12.

<sup>(1039)</sup> Wardak, A., *A Decade and a Half of Rebuilding Afghanistan’s Justice System: An Overview*, 2016 ([url](#)), pp. 8, 18.

<sup>(1040)</sup> TI/IWA, *National Integrity System Assessment 2015*, 16 February 2016 ([url](#)), pp. 87, 88.

<sup>(1041)</sup> IDLO, *Women’s Professional Participation in Afghanistan’s Justice Sector*, 6 June 2014 ([url](#)), p. 24.

In urban centres, the formal justice system is relatively strong compared to rural areas where the central government is weak and lacks a presence<sup>(1042)</sup>. The researcher interviewed for this report explained that in the larger cities, such as Herat, Mazar, and Kabul, the formal courts are operational and staffed but the legal process remains lengthy and the system is highly corrupt because salaries are not paid to officials<sup>(1043)</sup>. The Western official interviewed for this report similarly explained that even in cities court cases take an extraordinarily long time and those working in the system are faced with corruption<sup>(1044)</sup>. Additionally, the researcher explained that courts are frequently overloaded because of the number of cases brought forward, many of which are bogus, or have no proper legal basis, but remain in the system backlog<sup>(1045)</sup>.

The US Department of State notes a widespread shortage of judges in the country<sup>(1046)</sup>. Sources report continuing problems of inadequately trained judiciary officials<sup>(1047)</sup>. Municipal and provincial judicial authorities had minimal training and continued to make judgments based on personal interpretations of sharia law without appropriate reference to statutory law, tribal codes of honour, or local custom<sup>(1048)</sup>.

Low numbers of female professionals in policing and justice sectors remains a key factor in the widespread lack of trust women have in the formal processes to seek justice<sup>(1049)</sup>. For information on women in the judiciary, see [3.8.2 Judiciary](#).

### 3.5.3. Access and effectiveness

In 2016, the World Justice Project polled more than 1,000 experts in legal and health issues in Kabul, Herat, and Kandahar, and ranked Afghanistan 111th out of 113 countries assessed against a range of indicators of justice-related performance indicators<sup>(1050)</sup>. Afghanistan's best scores were for constraints on government powers (0.43 out of 1), fundamental rights (0.40), open government (0.40), and regulatory enforcement (0.36), while its worst scores were for order and security (0.34), civil justice (0.34), criminal justice (0.28), and the absence of corruption, for which Afghanistan ranked the lowest globally, at 0.23 out of 1<sup>(1051)</sup>.

In terms of people's ability to access civil and criminal justice, the World Justice Project found that the factors most heavily impacting these sectors of the judiciary were corruption, discrimination, and improper political influence. With respect to 'absence of corruption' as an indicator, the judiciary and legislature were most cited as impacted by corruption, while the executive branch and police/military fared better<sup>(1052)</sup>. A lack of funding, personnel and adequate training, as well as bias and threats to security, also beset the justice sector<sup>(1053)</sup>. The 2016 mid-year report of the Ministry of Justice, published in September 2016, identifies the main problems affecting the justice system, including insecurity in the provinces, a lack of legal aid personnel, lack of facilities and offices, and weak cooperation between police, prosecutors and courts<sup>(1054)</sup>. The AIRHC also identified a number of barriers to access to justice in 2015 including a lack of precise investigation to detect crimes, corruption in the courts and justice system, a lack of administrative personnel, inactive attorney offices in some districts, inactive primary courts, lack of access to lawyers, influential and powerful individuals influencing the judiciary, lack of prosecution of offenders and arbitrary detention<sup>(1055)</sup>.

A lack of legal representation for those detained or accused remains a problem, according to sources<sup>(1056)</sup>. Many people detained were unable to access counsel due to lack of defence lawyers and legal practitioners, as well as

<sup>(1042)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 11.

<sup>(1043)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1044)</sup> Western official, Skype interview, 7 February 2017.

<sup>(1045)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1046)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 12.

<sup>(1047)</sup> Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)); US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 11.

<sup>(1048)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 11.

<sup>(1049)</sup> IDLO, Women's Professional Participation in Afghanistan's Justice Sector, 6 June 2014 ([url](#)), p. 7; APPRO 6 February 2017, Skype interview.

<sup>(1050)</sup> World Justice Project, Rule of Law Index 2016, 2016 ([url](#)), p. 21.

<sup>(1051)</sup> World Justice Project, Rule of Law Index 2016, 2016 ([url](#)), pp. 31, 47.

<sup>(1052)</sup> World Justice Project, Rule of Law Index 2016, 2016 ([url](#)), p. 47.

<sup>(1053)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 11.

<sup>(1054)</sup> Islamic Republic Afghanistan - Ministry of Justice, The First Six Months Report of Fiscal Year (2016), September 2016 ([url](#)), p. 8.

<sup>(1055)</sup> AIHRC, Annual Report 1394, 13 September 2016 ([url](#)), p. 58.

<sup>(1056)</sup> Western official, Skype interview, 7 February 2017; Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)).

corruption<sup>(1057)</sup>. Under the law, defendants have a right to a lawyer and to legal aid but defendants are often not informed of this during the investigation<sup>(1058)</sup>. Legal aid is mainly provided by civil society; government legal aid is not meaningfully available, even in the cities, according to the Western official<sup>(1059)</sup>. AAN reported that there were 300 legal aid lawyers in Afghanistan, of which only 69 were employed by the Ministry of Justice’s Legal Aid Department across 16 provinces in 2012<sup>(1060)</sup>.

AHRC reports that prisoners detained by security forces have had their access to defence lawyers limited by officials, are not aware of their right to representation, and that civil society legal aid providers are mainly concentrated in Kabul, Herat, and Balkh<sup>(1061)</sup>. People were frequently detained for lengthy periods of time awaiting trial<sup>(1062)</sup>. In some instances, AIHRC reports that officials of the judiciary are not aware of the basic right to representation held by those detained. AIHRC believes this has contributed to the exposure to torture in detention<sup>(1063)</sup>. Trial procedures and prosecutions continue to rely on confessions rather than evidence<sup>(1064)</sup> as well as on uncorroborated witness statements<sup>(1065)</sup>.

USIP noted that there was a lack of standards and consistency in ‘site exploitation, evidence handling, and criminal investigation continues to be a widespread national problem’<sup>(1066)</sup>. The Western official similarly noted that evidence was frequently lost or destroyed because police lack capacity to conduct forensic investigations<sup>(1067)</sup>.

The efficacy of the justice system is hampered by a lack of inter-institutional cooperation, integration and coordination between police, prosecutors, courts, and the prison system<sup>(1068)</sup>. USIP found that Afghan leaders ‘share an ongoing frustration over the judicial system’s inability to carry a policing-generated investigation through to successful adjudication’<sup>(1069)</sup>. USIP reports that there is a lack of consistency and standardisation of procedures at the national level between police and prosecutors, and at the subnational level there are differences in ‘tools, tactics, and procedures’ applied, resulting in hundreds of cases being thrown out or not prosecuted because evidence did not conform with the law<sup>(1070)</sup>. Criminologist and researcher Dr. Ali Wardak notes that what is of particular significance in understanding the limits on access to justice and causes of lack of trust in the justice system is that ‘even in relatively secure areas’ the implementation of court decisions remains a struggle for justice institutions<sup>(1071)</sup>.

In 2015-2016 (solar year 1394), the Attorney General’s Office investigated 32,667 criminal cases (including remaining cases from the previous year) and referred them to the courts. The cases were listed as follows:

- 15,933 cases were referred to the primary court following primary investigation;
- 11,476 cases were solved in the Appellate court and binding proceedings were finalised;
- 1,558 cases were ‘archived due to lack of sufficient evidence’.

The AGO’s office ‘judicially settled’ about 14,154 cases related to Civil Prosecutions, 1,895 cases related to ‘internal and external security’; 10,259 cases related to Deputy AGO in Military Affairs; 610 cases related to special prosecution on counter narcotics; and 1,225 cases related to Elimination of all forms of Violence Against Women (EVAW)<sup>(1072)</sup>.

Further information court statistics, including prosecutions and convictions could not be found.

<sup>(1057)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), pp. 11, 13.

<sup>(1058)</sup> Islamic Republic Afghanistan - Ministry of Justice, The First Six Months Report of Fiscal Year (2016), September 2016 ([url](#)), p. 8.

<sup>(1059)</sup> Western official, Skype interview, 7 February 2017.

<sup>(1060)</sup> Han, S., Legal Aid in Afghanistan. Context, Challenges and the Future, 18 April 2012 ([url](#)), p. 6.

<sup>(1061)</sup> Han, S., Legal Aid in Afghanistan. Context, Challenges and the Future, 18 April 2012 ([url](#)), pp. 6, 21.

<sup>(1062)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 10.

<sup>(1063)</sup> AIHRC, Torture in detention in Afghanistan 1394, 8 May 2016 ([url](#)), pp. 8-10.

<sup>(1064)</sup> Western official, Skype interview, 7 February 2017.

<sup>(1065)</sup> Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)).

<sup>(1066)</sup> Hughes, M., The Afghan National Police in 2015 and Beyond, May 2014 ([url](#)), p. 14.

<sup>(1067)</sup> Western official, Skype interview, 7 February 2017.

<sup>(1068)</sup> Wardak, A., A Decade and a Half of Rebuilding Afghanistan’s Justice System: An Overview, 2016 ([url](#)), p. 10.

<sup>(1069)</sup> Hughes, M., The Afghan National Police in 2015 and Beyond, May 2014 ([url](#)), p. 9.

<sup>(1070)</sup> Hughes, M., The Afghan National Police in 2015 and Beyond, May 2014 ([url](#)), p. 7.

<sup>(1071)</sup> Wardak, A., A Decade and a Half of Rebuilding Afghanistan’s Justice System: An Overview, 2016 ([url](#)), p. 10.

<sup>(1072)</sup> Islamic Republic of Afghanistan, Attorney General’s Office, Performance and Achievement of Attorney General’s Office during the Last Five Years (1390-1394 i.e. 2011-2015), n.d. ([url](#)), pp. 2, 3.



### 3.5.4. Integrity

Corruption in the judiciary remains a widespread problem and is characterised as institutionalised and endemic in society<sup>(1073)</sup>. Wardak describes official corruption as ‘intricately intertwined’ with the interests of warlords and political elites who heavily influence the Afghan state and the court system, which facilitates corruption<sup>(1074)</sup>. The 2016 *National Corruption Survey* by Integrity Watch Afghanistan found that the majority of Afghans surveyed listed the judges, prosecutors and courts, as well as law enforcement officers, as the most corrupt institutions in the country<sup>(1075)</sup>. According to IWA, corruption increased in 2016, as indicated by the increase in the frequency and amount of bribes paid by Afghans to corrupt officials<sup>(1076)</sup>.

A new Attorney General, Farid Hamidi, was appointed in April 2016, and reportedly has taken the issue of corruption seriously<sup>(1077)</sup>. However, political interference remains a problem within the Attorney General’s Office<sup>(1078)</sup>. According to the AGO’s 5-year activity report, in 2015-2016, 18 AGO staff who were involved in corruption were prosecuted but were either exonerated or given disciplinary punishments<sup>(1079)</sup>.

According to IWA, in 2016, visits to courts, prosecutors, or municipal government offices required people to pay bribes more than half of the time<sup>(1080)</sup>. According to the US Department of State, widespread corruption is reported across the justice sector, especially with respect to criminal prosecutions, permitted arrangements for release from prison, sentence reductions, halting investigations, or dismissing charges entirely<sup>(1081)</sup>.

Transparency International and IWA found that, according to the *National Integrity System Assessment of 2015*, despite the independence assured to the judiciary under the law, it encounters pressure and interference from government agencies and powerholders to request or demand favours or particular treatment<sup>(1082)</sup>. As reported by SIGAR, political interference remains a problem, as, for example the AGO faces political influence in the prosecution of corruption-related cases<sup>(1083)</sup>.

According to the researcher interviewed for this report, engagement with the legal system is never a straightforward process and although people may try to use the formal system, which they do in larger cities, they often don’t follow up on cases or are frustrated by the lengthy process, unhappy with the verdict, or the decisions of the court are not implemented<sup>(1084)</sup>. According to Freedom House, formal justice is applied haphazardly and based on a combination of different legal codes, and impartiality is frequently compromised by bribery, corruption, and pressure by tribal elders, politicians, insurgents, and families of the accused<sup>(1085)</sup>. The senior policy analyst explained that in cities a person who wants to pursue a matter or a complaint would enquire within their own community to see who has influence or connections in the courts or police, or who has political connections. Cases linger in the courts for lengthy periods of time, even in urban areas. The same source explained that, depending on the importance of the issue in relation to those in power, there can be strong political interference in the judicial process<sup>(1086)</sup>.

### 3.5.5. Security problems for the justice sector

Both male and female legal professionals continue to face threats to their security, intimidation, and harassment, including in Kabul and Herat<sup>(1087)</sup>. For example, the Supreme Court in Kabul was attacked in February 2017 by

<sup>(1073)</sup> Western official, Skype interview, 7 February 2017; IWA, National Corruption Survey 2016, 8 December 2016 ([url](#)), p. 21; US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 30.

<sup>(1074)</sup> Wardak, A., A Decade and a Half of Rebuilding Afghanistan’s Justice System: An Overview, 2016 ([url](#)), p. 8.

<sup>(1075)</sup> IWA, National Corruption Survey 2016, 8 December 2016 ([url](#)), p. 27.

<sup>(1076)</sup> IWA, National Corruption Survey 2016, 8 December 2016 ([url](#)), p. 24.

<sup>(1077)</sup> Western official, Skype interview, 7 February 2017; New York Times (The), New Afghan Attorney General Seeks Justice in System Rife With Graft, 3 September 2016 ([url](#)).

<sup>(1078)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 141.

<sup>(1079)</sup> Islamic Republic of Afghanistan, Attorney General’s Office, Performance and Achievement of Attorney General’s Office during the Last Five Years (1390-1394 i.e. 2011-2015), n.d. ([url](#)), p. 4.

<sup>(1080)</sup> IWA, National Corruption Survey 2016, 8 December 2016 ([url](#)), accessed 9 February 2017, p. 33

<sup>(1081)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 30.

<sup>(1082)</sup> TI/IWA, National Integrity System Assessment 2015, 16 February 2016 ([url](#)), pp. 61, 64.

<sup>(1083)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), pp. 141-142.

<sup>(1084)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1085)</sup> Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)).

<sup>(1086)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017.

<sup>(1087)</sup> IDLO, Women’s Professional Participation in Afghanistan’s Justice Sector, 6 June 2014 ([url](#)), p. 46.

Islamic State in Khorasan, killing at least 20 civilians, and injuring 41 others, mostly court staff <sup>(1088)</sup>. UNAMA stated that it appeared that judiciary staff were deliberately targeted as part of an ongoing pattern of such attacks <sup>(1089)</sup>. The Supreme Court was also attacked in 2013, killing 17 and injuring 39 <sup>(1090)</sup>. TI/IWA reported in their 2016 report that 13 prosecutors have been killed since 2014, and at a 2015 meeting of the Afghan Prosecutors Association, the organisation complained that the government was not providing sufficient security <sup>(1091)</sup>. UNAMA has documented 74 attacks targeting judges, prosecutors and judicial staff, which have resulted in 89 dead and 214 injured between 2015 and February 2017 <sup>(1092)</sup>.

### 3.5.6. Intersections with customary justice and informal dispute resolution

The primary means of settling both criminal and justice disputes and imposing punishments is frequently through local elders and *shuras* (local consultative gatherings of men selected by the community) <sup>(1093)</sup>. Alongside the formal court system are the customary *Jirga* (Council of Elders and Wise) and *Shura* (Council of the Ulama and Wise) systems <sup>(1094)</sup>. A locally recruited district/neighbourhood representative or intermediary between residents and the government is known as an *arbab* in some areas, or in cities and urban neighbourhoods, a *wakil-e-gozar* <sup>(1095)</sup>. These customary mechanisms of justice deal with property, family, and the adjudication of disputes <sup>(1096)</sup>. IWA indicated that such traditional mechanisms are located ‘in almost every village in Afghanistan’ and used to resolve most disputes in the country <sup>(1097)</sup>.

According to Wardak, Afghan justice institutions are typically categorised as ‘formal’ and ‘informal’. However, there is a ‘complex multiplicity’ of justice actors outside the state justice system, including the Ministry of Women’s Affairs, the AIHRC, civil-society organisations, *shura-e-gozars* in urban areas (neighbourhood shura), *jirgas/shuras* in both rural and urban areas, religious institutions and elders, as well as the Taliban mobile court system <sup>(1098)</sup>.

Customary justice systems reliant on Sharia or customary laws are used often, particularly in rural areas <sup>(1099)</sup>. The 2016 Asia Foundation survey found that informal justice systems remain highly relevant for Afghan citizens, with 37.2 % of respondents indicating that they reported criminality to the village *shura/jirga* and 18.2 % reported it to tribal elders <sup>(1100)</sup>. Criminologist and researcher Dr. Ali Wardak explained, based on a 2015 research he conducted in Kabul for UNDP, that the perceived benefits of the informal dispute resolution approach include: restorative justice, accessibility, lower costs, speed and efficiency, community ownership, relative transparency and the preservation of women’s reputations <sup>(1101)</sup>. He also explains that weaknesses in the system include: the exclusion of women, violations of law and human-rights principles and lack of knowledge about these legal rights, the influence of warlords or strongmen, and the lack of legally binding, registered decisions <sup>(1102)</sup>.

According to a 2013 study on the role of the urban *wakil-e-gozar* by IWA, *wakils* are involved in representing the interests of their district/neighbourhood to the government, in providing arbitration and dispute resolution, and dealing with buying and selling property. In the case of criminal matters involving robbery, murder, or theft, ‘the first action is still done by the police’ <sup>(1103)</sup>. The 2013 IWA study on *wakils* indicated that in police searches, *wakils* serve as a ‘local guide’ to the neighbourhood. Additionally, police or NDS sometimes ask for cooperation from *wakils* to

<sup>(1088)</sup> Tolo News, Daesh claims responsibility for Kabul Supreme court attack, 9 February 2017 ([url](#)); Khaama Press, ISIS claims Kabul Supreme Court attack that left 21 dead, 41 wounded, 8 February 2017 ([url](#)).

<sup>(1089)</sup> Khaama Press, ISIS claims Kabul Supreme Court attack that left 21 dead, 41 wounded, 8 February 2017 ([url](#)).

<sup>(1090)</sup> Tolo News, Daesh claims responsibility for Kabul Supreme court attack, 9 February 2017 ([url](#)).

<sup>(1091)</sup> TI/IWA, National Integrity System Assessment 2015, 16 February 2016 ([url](#)), p. 92.

<sup>(1092)</sup> UNAMA, UNAMA condemns attack outside supreme court in Kabul, 8 February 2017 ([url](#)).

<sup>(1093)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 12.

<sup>(1094)</sup> IWA, Combatting Corruption in Afghan Defense and Security Sector, July 2016 ([url](#)), pp. 58-59; SIGAR, Rule of Law in Afghanistan: US Agencies Lack a Strategy and Cannot Fully Determine the Effectiveness of Programs Costing more than \$1Billion, July 2015 ([url](#)), p. 3.

<sup>(1095)</sup> Barakat, S. and Wardell, G., Capitalizing on Capacities of Afghan Women: Women’s Role in Afghanistan’s Reconstruction and Development, December 2001 ([url](#)), p. 44; IWA, Review of Wakil-e-Gozars’ Duties and Their Relationship with Administrative Corruption, 2013 ([url](#)), p. 7.

<sup>(1096)</sup> SIGAR, Rule of Law in Afghanistan: US Agencies Lack a Strategy and Cannot Fully Determine the Effectiveness of Programs Costing more than \$1Billion, July 2015 ([url](#)), p. 3.

<sup>(1097)</sup> IWA, Combatting Corruption in Afghan Defense and Security Sector, July 2016 ([url](#)), pp. 58-59.

<sup>(1098)</sup> Wardak, A., A Decade and a Half of Rebuilding Afghanistan’s Justice System: An Overview, 2016 ([url](#)), p. 11.

<sup>(1099)</sup> Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)).

<sup>(1100)</sup> Asia Foundation, Survey of the Afghan People 2016, January 2017 ([url](#)), p. 43.

<sup>(1101)</sup> Wardak, A., A Decade and a Half of Rebuilding Afghanistan’s Justice System: An Overview, 2016 ([url](#)), p. 11.

<sup>(1102)</sup> Wardak, A., A Decade and a Half of Rebuilding Afghanistan’s Justice System: An Overview, 2016 ([url](#)), p. 113.

<sup>(1103)</sup> IWA, Review of Wakil-e-Gozars’ Duties and Their Relationship with Administrative Corruption, 2013 ([url](#)), pp. 7, 13.

identify suspects of criminals<sup>(1104)</sup>. The researcher interviewed for this report explained that the shura system is still used more often than formal justice processes but that is more in semi-urban and rural areas, rather than in larger cities where the formal justice is more present<sup>(1105)</sup>. In a study on neighbourhood wakils, IWA similarly reported that most people attempt to use the court system to resolve disputes, noting however that when a woman is involved, the courts ‘refrain from engagement’ and refer the case back to *jirgas*, *wakil-e-gozars*, or the family. A judge interviewed for the IWA study stated that the reason for this was so that ‘court time is not wasted’, that women are not able to visit the court regularly, and that most families do not permit women to go to court. The 2013 IWA study found that it was very rare for traditional dispute resolution mechanisms to refer any matter to the official court system, and documented no instances of this occurring<sup>(1106)</sup>.

Due to the frustrations with the formal court system, people sometimes turn to tribal or Taliban courts to resolve their disputes<sup>(1107)</sup>. The Taliban retains its own shadow justice system based on its interpretation of sharia in regions under their control<sup>(1108)</sup>. According to the Western official, this happens far less in cities<sup>(1109)</sup>.

### 3.5.7. Kabul city

Judicial practice in the court system in Kabul is described by anthropologist and researcher Antonio De Lauri as a ‘form of institutionalized social bargaining’. In observing civil cases, for example, the author describes a ‘culture of negotiation’ in primary courts where the court plays a mediating role without an objective of preserving specific rights or pronouncing sentences. Kabul courts are characterised by a climate of corruption, external pressure and a lack of resources, which leads many people to resort to customary justice<sup>(1110)</sup>. According to sources, people in Kabul City tend to turn to the formal justice system but in the districts and rural areas rely more on customary and informal systems<sup>(1111)</sup>. The researcher interviewed for this report observed that in cities people may try to pursue both tracks in their attempts to obtain a satisfactory outcome, or if the formal processes becomes too lengthy and cumbersome<sup>(1112)</sup>. The Western official noted that urban residents, if frustrated with the formal system, will also turn to customary courts<sup>(1113)</sup>. The same source explained that even in urban centres the formal system takes an extraordinarily long time and bribery is the key to obtaining the desired outcome. The official noted that sometimes parties will try to engage someone as an ‘arbitrator’ to settle the dispute that essentially serves to negotiate bribes given to judges<sup>(1114)</sup>. The civil society director explained that in Kabul City the resolution of disputes is very much linked to the contenders’ ability to pay for the desired outcome to individuals in power. The source said that this dynamic was the same in Kabul City, Herat City and Mazar-e Sharif<sup>(1115)</sup>.

APPRO observed, based on surveying Kabul City, and Istalif, and Khak-e-Jabber districts of Kabul province, that ‘there is little overall satisfaction with the performance of the formal justice system, perceived as complex, slow and corrupt’. Additionally, bribery of judiciary staff was reported to have become customary. There were reports that, within pursuits of the formal justice system in Kabul, parties with connections to the court or powerbrokers interfered in the outcomes and decisions of court proceedings. According to APPRO, such interference includes bribery, threats, and destruction or the falsification of documents. Individual citizens were reportedly ‘unable to stand against power holders in disputes’ without risk of being killed or harmed<sup>(1116)</sup>.

The high-profile 2015 case of the mob killing of Farkhunda Malikzada in Kabul City, a 27-year-old Muslim woman who was falsely accused of burning a Quran, then beaten and burned to death in front of police, is illustrative of the many problems with the functioning of the Afghan formal system as well as the implementation of Afghanistan’s law on Elimination of Violence Against Women (EVAW). The police attempted to intervene, and eventually detained 50 people for the killing but were unable to prevent the murder. Of the people detained, 49 of them, including 19

<sup>(1104)</sup> IWA, Review of Wakil-e-Gozars’ Duties and Their Relationship with Administrative Corruption, 2013 ([url](#)), pp. 14-15.

<sup>(1105)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1106)</sup> IWA, Review of Wakil-e-Gozars’ Duties and Their Relationship with Administrative Corruption, 2013 ([url](#)), p. 14.

<sup>(1107)</sup> Western official, Skype interview, 7 February 2017; IWA, National Corruption Survey 2016, 8 December 2016 ([url](#)), p.15; VOA, Corruption encourages parallel judiciary in Afghanistan, 12 January 2016 ([url](#)).

<sup>(1108)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 12.

<sup>(1109)</sup> Western official, Skype interview, 7 February 2017.

<sup>(1110)</sup> De Lauri, A., ‘Corruption, Legal Modernisation and Judicial Practice in Afghanistan’, 2013 ([url](#)), pp. 537-538.

<sup>(1111)</sup> Researcher, Skype interview 30 January 2017; APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 56-57.

<sup>(1112)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1113)</sup> Western official, Skype interview, 7 February 2017.

<sup>(1114)</sup> Western official, Skype interview, 7 February 2017.

<sup>(1115)</sup> Director of a research organisation, Skype interview, 6 February 2017.

<sup>(1116)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 56-57.

police officers, were prosecuted; however, several key suspects were not captured by police. The defence lawyers complained that those on trial had not received adequate rights to counsel, with only 7 defendants having lawyers. The government pressured the judiciary to find culprits guilty due to the high profile nature of the case. After three days of deliberations, the judge of the Kabul Primary Court sentenced four men to death, 8 others were sentenced to 16 years in prison, 18 civilians and 8 police officers were found not guilty for lack of evidence, and the other 11 police officers were given the lightest sentence possible – to remain in their districts and refrain from travelling for a year. In contravention to Afghan criminal procedure, which permits various parties to make submissions and present evidence, the defendants' appeal to the court was held behind closed doors<sup>(1117)</sup>. The four death sentences were overturned by the court of appeal in June 2016, without submissions from the victim's family, and had their sentences reduced to between 10-12 years imprisonment for the killing<sup>(1118)</sup>. Female lawyers who followed the case additionally noted that the case highlighted the system's bias against women, noting that some government officials were not in favour of 50 men being punished for the death of one woman<sup>(1119)</sup>. The Supreme Court was approached by a panel of lawyers requesting a retrial<sup>(1120)</sup>. However, the Supreme Court upheld the reduced sentences<sup>(1121)</sup>.

On 8 February 2017 UNAMA recorded 20 civilians killed and 40 injured following a blast outside of the Supreme Court in Kabul, many of whom were female Supreme Court employees<sup>(1122)</sup>.

### 3.5.8. Herat city

According to a study of the training needs of the justice sector in Herat Province, carried out in 2013 and funded by the Italian Embassy in Afghanistan, the Afghan Ministry of Justice had 7 staff members in Herat Province<sup>(1123)</sup>, while the Legal Aid department comprised 5 staff members, tasked with appointing defence lawyers to the poor in criminal cases. People can approach the Legal Aid department directly for assistance, or via the police or other justice departments. The Legal Aid Department and Ministry of Justice Staff of Herat who were interviewed for the study explained that Afghans' lack of awareness of the law and low literacy rates, as well as corruption, were the key barriers to accessing justice in Herat. When interviewed, staff from the Herat Legal Aid Department indicated that cases were frequently delayed by a lack of staff, high caseload, and lack of cooperation from police and judicial officials<sup>(1124)</sup>.

According to a 2014 report, Herat is the only province out of 34 provinces where the AGO is led by a female prosecutor<sup>(1125)</sup>. In 2013 the Herat Prosecution Office had 92 employees (prosecutors and administrative staff)<sup>(1126)</sup>. Three of the five female prosecutors working in the office had a bachelor's degree, while the other two were high-school graduates<sup>(1127)</sup>.

AIHRC documented several cases in Herat where residents made complaints that were referred to the police or justice officials regarding confiscation or appropriation of land and property but their complaints were not responded to, and authorities took no action to resolve them. In one case, a woman's property was allegedly purchased with false documents and, seeking the court's assistance, decrees were issued to prevent the construction of new buildings on that location. Despite the decrees by the court and orders being issued to police, construction went ahead anyway, allegedly due to the developer's relationship with a politician in Kabul<sup>(1128)</sup>.

APPRO reports in April 2016 that Herat province's formal judicial system is plagued by corruption as a result of lack of expertise, low pay, and political interference by power holders and government officials, causing public mistrust in the state's judiciary. Additionally, formal justice processes are lengthy and characterised by 'inappropriate demands

<sup>(1117)</sup> New York Times (The), Flawed Justice After a Mob Killed an Afghan Woman, 26 December 2015 ([url](#)); Foreign Policy, A Year Later, Still no Justice for Farkhunda, 1 April 2016 ([url](#)).

<sup>(1118)</sup> New York Times (The), Afghanistan Said to Overturn Death Sentences in Woman's Lynching, 2 July 2015 ([url](#)).

<sup>(1119)</sup> New York Times (The), Afghanistan Said to Overturn Death Sentences in Woman's Lynching, 2 July 2015 ([url](#)).

<sup>(1120)</sup> New York Times (The), Afghan Panel to Call for Retrial in Death of Farkhunda, a Female Scholar, 12 Augustus 2015 ([url](#)).

<sup>(1121)</sup> Foreign Policy, A Year Later, Still no Justice for Farkhunda, 1 April 2016 ([url](#)).

<sup>(1122)</sup> UNAMA, UNAMA condemns attack outside supreme court in Kabul, 8 February 2017 ([url](#)).

<sup>(1123)</sup> AMMC, Baseline study of justice stakeholders training needs in Herat Province, 2013 ([url](#)), p. 29.

<sup>(1124)</sup> AMMC, Baseline study of justice stakeholders training needs in Herat Province, 2013 ([url](#)), pp. 30, 39.

<sup>(1125)</sup> IDLO, Women's Professional Participation in Afghanistan's Justice Sector, 6 June 2014 ([url](#)), p. 24.

<sup>(1126)</sup> IDLO, Women's Professional Participation in Afghanistan's Justice Sector, 6 June 2014 ([url](#)), p. 24.

<sup>(1127)</sup> IDLO, Women's Professional Participation in Afghanistan's Justice Sector, 6 June 2014 ([url](#)), p. 24.

<sup>(1128)</sup> AIHRC, The Situation of Human Rights in Afghanistan in 1393, 11 August 2015 ([url](#)), pp. 46-47.

from formal justice staff'. APPRO also notes that in the districts judges are at risk of being threatened by local powerholders and armed groups <sup>(1129)</sup>. In September 2016, APPRO reported that Herat province saw no changes in corruption levels in formal justice institutions <sup>(1130)</sup>.

In Herat, a police officer from the Central Investigation Division was reportedly arrested in January 2015 for accepting bribes. However, no disciplinary measures were taken against him <sup>(1131)</sup>. Other cases of serious violations of the Code of Conduct have been punished, such as the removal by President Ghani of 20 Herat police officers who were placed under investigation <sup>(1132)</sup>.

In May 2016, the Afghan government was unable to hold the head of the Herat provincial council, Haji Kamran Alizai, accountable, when his bodyguards seriously wounded an NDS officer in downtown Herat <sup>(1133)</sup>. In August, the editor of a Herat newspaper said that Alizai threatened journalists in the paper's regional offices <sup>(1134)</sup>. In another example, in autumn 2016, Alizai's armed guards also reportedly raided the Herat Appellate Attorney's Office in order to release a man accused of embezzlement <sup>(1135)</sup>. Alizai was reportedly suspended from his duties, put under a travel ban, and was under investigation by the AGO <sup>(1136)</sup>.

In April 2016, the head of the Appellant Court of Herat, Samiuddin Rahin, was murdered in a drive-by shooting outside his house in the fifth district of Herat City. Two people were arrested for killing the chief prosecutor <sup>(1137)</sup>.

### 3.5.9. Mazar-e Sharif

Corruption levels in Balkh are described as rampant and intractable in the court, AGO, and *Huqooq* Department <sup>(1138)</sup>. A 2015 article by Pajhwok cites the Chairman of the Balkh Provincial Council as stating that corruption and graft in Balkh province was a problem for all government departments in the province, but particularly noted the departments of public health and education, as well as the Prosecutor-General's office and courts, appeared to have higher levels of corruption <sup>(1139)</sup>. However, another media article quoted the provincial government's spokesman, who stated that the government could not deny the level of corruption in local departments, but stated that it was lower in Balkh compared to other provinces <sup>(1140)</sup>.

The senior policy analyst on Afghanistan who was interviewed for this report stated that, in terms of moving from arrest to judicial processing in the formal court system in Mazar-e Sharif, people are often released because of local connections or bribery <sup>(1141)</sup>. The same source made the observation that in the court system, a person cannot pursue litigation or adjudication without bribery – it is a fee for a service system, meaning the person who pays the highest bribe will receive the desired outcome <sup>(1142)</sup>. APPRO made the same observation about Balkh province more broadly, that there is a widely held sentiment that 'formal justice institutions generally resolve cases only when bribes are paid or when personal connections are involved.' The same source reported that even in instances where justice officials attempt to resolve cases fairly, they face threats or pressure from local powerholders, resulting in the subversion of decisions. APPRO indicated that such dynamics were worse in Mazar-e Sharif than the districts because of the higher concentration of local stakeholders <sup>(1143)</sup>. In September 2016, APPRO reported that Balkh province saw a

<sup>(1129)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 48-49.

<sup>(1130)</sup> APPRO, Afghanistan Rights Monitor – Monitoring Cycle 2: May 2016 – August 2016, September 2016 ([url](#)), p. 16.

<sup>(1131)</sup> TI/IWA, National Integrity System Assessment 2015, 16 February 2016 ([url](#)), p. 97.

<sup>(1132)</sup> TI/IWA, National Integrity System Assessment 2015, 16 February 2016 ([url](#)), p. 97.

<sup>(1133)</sup> Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat's dynamism, 11 January 2017 ([url](#)).

<sup>(1134)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 21.

<sup>(1135)</sup> Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat's dynamism, 11 January 2017 ([url](#)).

<sup>(1136)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 21.

<sup>(1137)</sup> Pajhwok Afghan News, Two held on murder charges of chief prosecutor in Herat, 29 April 2016 ([url](#)); Khaama Press, Herat Appellate Court Chief shot dead by unknown gunmen, 28 April 2016 ([url](#)).

<sup>(1138)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 24.

<sup>(1139)</sup> Pajhwok Afghan News, Balkh government departments riddled with corruption: PC head, 17 June 2015 ([url](#)).

<sup>(1140)</sup> Pajhwok Afghan News, Balkh departments least corrupt, claims official, 27 February 2016 ([url](#)).

<sup>(1141)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017.

<sup>(1142)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017.

<sup>(1143)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 24.

decrease in corruption in the judiciary due to the transfer of some officials; however the levels of corruption in the police remained unchanged <sup>(1144)</sup>. In January 2015, a judge of the appellate court in Balkh was arrested in Mazar-e Sharif by the NDS for accepting bribes <sup>(1145)</sup>.

Due to corruption and delays, cases in the formal judiciary institutions can take years to resolve <sup>(1146)</sup>. Without providing details, the head of the justice department in Balkh explained in his 2015 annual performance report to the public, that 2,320 cases were sent to court by his department, 85 to the police department, and that 236 cases ‘had been cleared’ <sup>(1147)</sup>.

In the 2015 delivery of annual performance reports, the head of the AGO in Balkh, while presenting his report, said that ‘based on the instructions of the government they did not have the authority to [oversee] local departments’ and were only responsible for pursuing cases brought to them by security institutions <sup>(1148)</sup>.

The AIRHC identified a number of barriers to access to justice in 2015 and noted with regards to Mazar-e Sharif that ‘the police failure to summon the accused as well as the attorney’s failure to bring them before the court ... has caused the proceedings of cases to be delayed’ <sup>(1149)</sup>.

In June 2016, Pajhwok news reported that a girl had been gang-raped by a local politician in Balkh. Elders of the village accused governor Atta of hatching a political plot against a political rival by accusing him of raping a girl. The girl’s parents reportedly took her to the EAW prosecution unit at the AGO in Mazar-e Sharif to register the rape and an order was issued to police to arrest the suspect; however, police did not arrest him. Elders from the village, who denied that the rape took place, reportedly went to the provincial council to ask them to pressure the judiciary to intensify their investigation into the alleged plot <sup>(1150)</sup>.

The UNCHR in Afghanistan stated that, in Mazar-e Sharif, as with the ANP, the level of impunity for crimes of sexual and gender-based violence affects the investigation and the prosecution segments of the security and judiciary system. Discrimination against women is also frequent in inheritance cases and in the issuance of identity cards by local authorities <sup>(1151)</sup>.

## 3.6. Anti-corruption efforts and mechanisms to report misconduct

### 3.6.1. Reporting corruption and misconduct by officials and police

According to the US Department of State, the law provides for criminal punishments for corruption by officials but this was not applied effectively, and corruption occurred with impunity <sup>(1152)</sup>.

Citizen complaints about corruption can be made to the High Office of Oversight and Corruption (HOOAC), which, according to its website, has the power to ‘manage and investigate any complaint involving allegations of administrative corruption’ <sup>(1153)</sup>. The HOOAC is responsible for conducting initial investigations and determining whether to refer complaints to the AGO for investigation and prosecution; however, these investigations rarely resulted in prosecution. According to SIGAR, the office ‘often lacked authority and enforcement power’ <sup>(1154)</sup>.

TI/IWA assessed the HOOAC as ‘one of the weakest agencies within the Afghan state structure’ due to lack of independence, political interference, weak legal backing, alleged corruption and poor leadership. Furthermore, the

<sup>(1144)</sup> APPRO, Afghanistan Rights Monitor – Monitoring Cycle 2: May 2016 – August 2016, September 2016 ([url](#)).

<sup>(1145)</sup> Bakhtar News, Judge of a court arrested in Balkh, 22 January 2015 ([url](#)).

<sup>(1146)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 24.

<sup>(1147)</sup> Pajhwok Afghan News, Balkh depts annual performance report submitted, 7 February 2015 ([url](#)).

<sup>(1148)</sup> Pajhwok Afghan News, Balkh depts annual performance report submitted, 7 February 2015 ([url](#)).

<sup>(1149)</sup> AIHRC, Annual Report 1394, 13 September 2016 ([url](#)), p. 58.

<sup>(1150)</sup> Pajhwok Afghan News, Alam Khel elders deny girl gang raped, 9 June 2016 ([url](#)).

<sup>(1151)</sup> UNHCR, e-mail, 3 March 2017. UNHCR Afghanistan made this addition during the review of this report.

<sup>(1152)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 30.

<sup>(1153)</sup> Islamic Republic Afghanistan - HOOAC, What can I complain about?, n.d. ([url](#)).

<sup>(1154)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), pp. 141-142.

public lacks trust in the institution to successfully investigate corruption. In practice, the cases investigated by HOOAC have not been prosecuted due to a lack of evidence, according to the AGO <sup>(1155)</sup>. According to the US Department of State, corruption cases were rarely pursued, particularly if they involved police <sup>(1156)</sup>.

TI/IWA reports that although there are accountability measures in the law for police and the AGO, such laws are ‘silent on independent mechanisms for citizens to complain about misconduct in police actions’. The MoI is responsible for investigating complaints against police made by citizens and such complaints are to be prosecuted by the AGO <sup>(1157)</sup>. The director of a research organisation who was interviewed for this report stated that there was no internal oversight over the police when a person encountered injustice. Having one’s grievances handled is not treated as a right. Instead a person’s ability to pay for redress through bribery was noted <sup>(1158)</sup>.

According to the representative of a civil-society organisation who gave information for this report, there are two main methods to report police misconduct: calling the 119 police hotline, where citizens can report any crime, including police misconduct, or contacting the AIHRC police ombudsman unit. The source reported that these mechanisms are rarely used by citizens because people are not aware of the 119 service and the AIHRC unit. The same source states that those who have reported police misconduct through the 119 service have not received an adequate response <sup>(1159)</sup>. The senior political analyst also explained that the only real recourse that a person has if they want to make a complaint about the police is to approach AIHRC or UNAMA, particularly for cases of police abuses. He felt there was little other recourse other than AIHRC, UNAMA, or approaching insurgents, which people sometimes do, though this occurs mainly in rural areas <sup>(1160)</sup>. Oxfam reports that the AIHRC has a police ombudsman’s office for external oversight and complaints, with the main office in Kabul and branches in Nangarhar, Balkh and Herat. The same source notes that the AIHRC received 105 complaints of harassment and sexual abuse from police in 2012 but underreporting is a pervasive problem. Further information on the results of the complaints was not provided <sup>(1161)</sup>.

There are two institutions responsible for investigation and prosecution of police corruption: Military Attorney Directorate (Saronwali Nezami, SN) and the Military Court (Mahkameh Nezami, MN). According to IWA, cases of police corruption are rarely referred to them for prosecution and are undermined by political interference <sup>(1162)</sup>. IWA’s research on Kabul City police found that arrest and investigation of senior officers was rare and ‘believed to be very difficult to document in the absence of thorough investigations’ <sup>(1163)</sup>.

TI/IWA reports that, in 2015, MoI investigated 145 complaints made against the police, of which 51 were made by other police officers, and 35 were made by citizens about local police <sup>(1164)</sup>. Information on further action taken in these complaints could not be found.

According to IWA, in 2014, the 119 hotline received more than 2,000 complaints of police corruption made by citizens. Only 9 cases were referred for prosecution and none were actually carried out. Instead, the complaints were used by MOI officials to extort money from officers against whom the complaints were made before the cases were dropped <sup>(1165)</sup>. Reuters reports that the UN sponsored a report regarding the lack of effectiveness in the hotline system. The UN report found that the Chief of the Inspector General’s Office, responsible for investigating the complaints, ignored or blocked them <sup>(1166)</sup>. Other sources report that when complaints are made about police, at times they may be used for blackmailing the accused, rather than resolving the issue <sup>(1167)</sup>.

<sup>(1155)</sup> TI/IWA, National Integrity System Assessment 2015, 16 February 2016 ([url](#)), pp. 141-143.

<sup>(1156)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 30.

<sup>(1157)</sup> TI/IWA, National Integrity System Assessment 2015, 8 February 2016 ([url](#)), p. 94.

<sup>(1158)</sup> Director of a research organisation, Skype interview, 6 February 2017.

<sup>(1159)</sup> Representative of a civil society organisation in Afghanistan who requested to remain anonymous, e-mail, 28 January 2017.

<sup>(1160)</sup> Nojumi, N., Senior policy analyst, Skype interview, 16 February 2017.

<sup>(1161)</sup> Oxfam, Women and the Afghan Police, 10 September 2013 ([url](#)), p. 18.

<sup>(1162)</sup> IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)), p. 22.

<sup>(1163)</sup> IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)), p. 20.

<sup>(1164)</sup> TI/IWA, National Integrity System Assessment 2015, 16 February 2016 ([url](#)), p. 95.

<sup>(1165)</sup> IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)), p. 22.

<sup>(1166)</sup> Reuters, UN Investigation finds corruption in Afghan police oversight division, 19 April 2015 ([url](#)).

<sup>(1167)</sup> Director of a research organisation, Skype interview, 6 February 2017; Western official, Skype interview, 7 February 2017.

### 3.6.2. Anti-Corruption Justice Centre (ACJC) and Major Crimes Task Force (MCTF)

There have been some efforts by the government to deal with corruption in the judiciary and public institutions, such as investigating and arresting judges for corruption and dismissing corrupt officials<sup>(1168)</sup>. According to a Western official, the new government is trying to address corruption but progress has been limited<sup>(1169)</sup>. SIGAR reported in October 2016 that no major progress on anti-corruption efforts were noted within the Ministry of Interior, noting that although both the Ministries of Defense and Interior have developed anti-corruption plans, implementation has been slow with the MoD ‘making some progress’ while the MoI is still waiting for approval of its plan<sup>(1170)</sup>.

In August 2016, President Ghani opened the Anti-Corruption Justice Center (ACJC) to prosecute high profile corruption cases in the government<sup>(1171)</sup>. The centre reportedly has 7 primary court and 7 appellate court judges, 25 prosecutors, and 12 investigators, as well as administrative support staff<sup>(1172)</sup>. The ACJC combines investigators from the Major Crimes Task Force (MCTF), Afghan Attorney General’s Office (AGO) prosecutors, and judges<sup>(1173)</sup>. The government inaugurated a new facility for the Anti-Corruption Justice Center (ACJC) in January 2017<sup>(1174)</sup>.

SIGAR reports that, as of December 2016, 55 cases have been referred to the ACJC centre with 8 cases assessed for prosecution<sup>(1175)</sup>. Two high-profile convictions have occurred: a bank branch manager was convicted for embezzlement of \$152,500 and sentenced to 10 years in prison, and a high-level AGO prosecutor was convicted for accepting a \$250 bribe, sentenced to 2.5 years in prison and fined \$750<sup>(1176)</sup>. A third conviction was secured in January 2017, when the ACJC and the Major Crimes Task Force successfully investigated and prosecuted a senior MOI official for taking hundreds of thousands of dollars in bribes. The official was found guilty, fined, and sentenced to 14 years in prison<sup>(1177)</sup>. The proceedings undertaken by the ACJC were described by international observers as ‘procedurally fair, orderly, and professional’<sup>(1178)</sup>.

Between March 2015 and March 2016, the AGO reported that it prosecuted 163 Afghan officials for embezzlement, 145 individuals for bribery (including 94 from the military police and five from the National Directorate of Security), and 1,030 officials for misuse of authority<sup>(1179)</sup>. The Attorney General’s Office has an anti-corruption unit that reportedly prosecuted 22 cases of low-level corruption since April 2016<sup>(1180)</sup>.

The Major Crimes Task Force (MCTF) is a policing unit set up to investigate and make arrests in relation to high-level corruption<sup>(1181)</sup>. SIGAR observed that the effectiveness of MCTF to take action against high-level corruption ‘continues to be limited by external factors, such as AGO corruption and political pressure’. The MoI commander of the Afghan Uniform Police reportedly ‘threatened to kill MCTF personnel if they initiated an investigation without the commander’s approval’ and, in another incident, the Minister of Interior ordered MCTF to release a suspect due to their ‘shared geographic heritage’; however, the MCTF did not comply<sup>(1182)</sup>.

According to the US Department of State, impunity exacerbated corruption among officials<sup>(1183)</sup>. The anti-corruption prosecutions have reportedly had ‘little deterrent effect’ and the deteriorating security situation has contributed to impunity for corrupt practices<sup>(1184)</sup>. According to IWA, despite 10 years of police reform, little has been achieved in

<sup>(1168)</sup> Ariana News, 7 Ex- Afghan ministers to be prosecuted for corruptions, 7 February 2015 ([url](#)).

<sup>(1169)</sup> Western official, Skype interview, 7 February 2017.

<sup>(1170)</sup> SIGAR, Quarterly Report to US Congress, 30 October 2016 ([url](#)), pp. 168-169.

<sup>(1171)</sup> Tolo News, Anti-Corruption Justice Center Opens For Business, 28 August 2016 ([url](#)); SIGAR, Quarterly Report to US Congress, 30 October 2016 ([url](#)), p. 166; Operation Freedom’s Sentinel, 30 September 2016 ([url](#)), p. 63; UNSC, The situation in Afghanistan and its implications for international peace and security, 13 December 2016 ([url](#)), para. 42.

<sup>(1172)</sup> US Department of Defense, Lead Inspector General for Overseas Contingency Operations, 30 September 2016 ([url](#)), p. 63.

<sup>(1173)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), pp. 139-141.

<sup>(1174)</sup> UNSC, The situation in Afghanistan and its implications for international peace and security, 3 March 2017 ([url](#)), accessed 7 March 2017, para. 35.

<sup>(1175)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 140.

<sup>(1176)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 31; SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 140; Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)).

<sup>(1177)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 44.

<sup>(1178)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 31.

<sup>(1179)</sup> SIGAR, Quarterly Report to US Congress, 30 October 2016 ([url](#)), p. 166.

<sup>(1180)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), p. 141.

<sup>(1181)</sup> Washington Post, Hard-boiled cops of Afghan major crimes unit up against ‘ocean’ of lawbreaking, 4 June 2016 ([url](#)).

<sup>(1182)</sup> SIGAR, Quarterly Report to US Congress, 30 October 2016 ([url](#)), p. 169-170.

<sup>(1183)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 31.

<sup>(1184)</sup> Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)).



terms of creating an accountable police force, even in Kabul City<sup>(1185)</sup>. According to APPRO, reporting in September 2016, administrative reforms such as changes in leadership and replacement of corrupt officials, as well as training for police, produced positive change in several provinces, although corruption remains a problem across all provinces<sup>(1186)</sup>. UNAMA reported that civilian protection deteriorated in 2016 by the compounding effect of a ‘pervasive absence of accountability’ for breaches of human rights by the parties to the conflict<sup>(1187)</sup>.

## 3.7. Experiences of displaced people and returnees

### 3.7.1. Networks of protection

According to the researcher interviewed for this report, an issue of concern for IDPs and returnees is that for people who are newly returned, or people who have been outside of Afghanistan for an extended period, those who have no established networks that would help to protect and settle them in these cities, and who can vouch for them, face difficulties. Coping with displacement requires that IDPs/returnees rely on family or tribal networks as they provide information and facilitate moving. In the absence of protection from authorities in IDP or informal settlements, for example, people can get caught up with, or must seek protection from, local powerbrokers. Also, individuals who have no established networks locally are more likely to be taken advantage of, or seen critically by the local population. The source said that police would be unlikely to respond to somebody in such a situation because he or she would have no established local networks to vouch for them<sup>(1188)</sup>. The senior political analyst on Afghanistan interviewed for this report explained that people without established networks to help a person navigate locally would experience significant difficulty resettling. People who have been outside the country, growing up in Iran, Europe or the US would be in a particularly difficult position due to their unfamiliarity with local systems. He explained that the person may not know how to react in local situations, which could put them in a position where they are threatened or have their rights violated<sup>(1189)</sup>. The researcher gave an example: if a person has been in Iran for 20 years, or left Afghanistan when they were very young and grew up in Europe and were now being returned, it will be very difficult for that person to fit in now because they are unaware of how to operate in the local environment and culture, particularly if they had no local network or relations. The local community will sense that a person is not fitting in correctly, people will pick up on it immediately and this can identify the person as an outsider, which makes integration difficult<sup>(1190)</sup>. Because of the embedded corruption, clientelism and nepotism that pervades institutions, it is difficult for people who are not local to understand and adjust to this, even to obtain basic documentation like an ID card or driver’s licence<sup>(1191)</sup>.

The senior political analyst explained that people who have lived in Iran for an extended period, or who grew up as children in Iran and have Iranian accents or speak an Iranian Farsi dialect, would stand out and may have difficulties integrating because they may not be perceived as ‘Afghan’<sup>(1192)</sup>. The researcher interviewed for this report also stated that Afghans who lived in Iran for lengthy periods, or especially Tehran, have a strong accent when speaking Dari, which can present barriers to being employed<sup>(1193)</sup>.

For further information on networks, see section 2.8 Coping strategies/ Support Networks.

### 3.7.2. Forced evictions

Displaced people living in settlements around urban centres, including Kabul City, Herat, and Mazar-e Sharif, are at constant risk of forced eviction as they lack affordable housing options and occupy property without permission<sup>(1194)</sup>.

<sup>(1185)</sup> IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)), p. 24.

<sup>(1186)</sup> APPRO, Afghanistan Rights Monitor – Monitoring Cycle 2: May 2016 – August 2016, September 2016 ([url](#)), pp. 37, 39.

<sup>(1187)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), p. 12.

<sup>(1188)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1189)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

<sup>(1190)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1191)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

<sup>(1192)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017; Researcher, Skype interview, 30 January 2017.

<sup>(1193)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1194)</sup> AI, ‘My children will die this winter’ Afghanistan’s broken promise to the displaced, 31 May 2016 ([url](#)), pp. 31-32; IDMC and NRC, Still at risk - Security of tenure and the forced eviction of IDPs and refugee returnees in urban Afghanistan, February 2014 ([url](#)), pp. 5, 9, 10, 17.

Sources state that police are involved in evictions of IDPs and informal settlements<sup>(1195)</sup>. This is particularly the case if the government wants the land used for the settlement to be returned<sup>(1196)</sup>. A 2014 report by the Internal Displacement Monitoring Centre (IDMC) and the Norwegian Refugee Council (NRC), which focused on urban displaced people, including protracted IDPs and returnees, found that in Mazar-e Sharif 27 families were forcibly evicted from contested municipal property in Ferdawsi Intersection settlement. In Kabul City, 26 families were evicted from Yakatoot settlement. The study also found that 4,900 families settled on municipal and government land faced the threat of eviction from Maslakh, Shaydayee, and Minaret settlements in Herat City<sup>(1197)</sup>. In May 2016, the UN reported that Maslakh remained under threat of eviction<sup>(1198)</sup>. Families in Herat's IDP settlements of Minaret, Naw Abad, Police Station and Shaidayee have received multiple eviction threats, as of October 2016, while the local authorities prohibit further construction or repairs<sup>(1199)</sup>. According to UNHCR, Shaidayee is the only part of the IDP settlements in Herat which is on municipal land and consists of a government township that originally was allocated to police officers but IDPs have settled there for the past two decades. The government decided that the existing Maslakh settlement should expand to the township of Kamaludin Behzad. The official transfer of ownership of the Maslakh settlement is still in process. The government envisages that 80 % of the houses in the area will be destroyed which has created resistance among the population who lack alternative accommodation<sup>(1200)</sup>.

In Kabul City, in 2014, IDMC/NRC reported that 1,760 families in 5 different informal settlements experienced threats of eviction<sup>(1201)</sup>.

An Amnesty International (AI) report from May 2016, which involved interviews with more than 100 displaced people in IDP camps and settlements in Herat City, Kabul City, and Mazar-e Sharif found that all the camps and settlements in these areas were located on territory controlled by the government<sup>(1202)</sup>. However, AI reports that harassment and threats of expulsion from properties where IDPs have created communities is a daily problem for interviewees from Kabul and Mazar-e Sharif. Displaced residents of such settlements come under pressure to leave from local government officials or local strongmen or the so-called 'land mafia'<sup>(1203)</sup>. The report states that, according to interviews, at times individuals claiming the land where IDPs live will approach the police and the courts, creating difficulties for displaced people<sup>(1204)</sup>.

According to AI, on 18 June 2015, police officers from District Four of Kabul City police, along with men dressed in military-style uniforms, arrived at the Chaman-e-Babrak settlement with bulldozers and began to destroy shelters. The men reportedly beat an elder who tried to negotiate with them and protests ensued in the camp. The police and armed men then fired on residents, leading to the deaths of two men and injury to 10 residents. According to AI, writing in April 2016, there was no investigation into these police actions<sup>(1205)</sup>.

Population pressure and returns of large numbers of refugees and displaced people has caused land conflict to proliferate in Herat<sup>(1206)</sup>. For example, illegal land-grabbing has reportedly been a problem in Herat City, by local strong men, corrupt officials and land developers. Displaced populations attempting to set up informal settlements have also faced problems<sup>(1207)</sup>.

The senior political analyst explained that displaced people who move into Herat are not perceived well. He stated that Herat has a historically negative view of IDPs from the southern region of Afghanistan because Heratis associate Pashtun refugees with the Taliban, who reportedly used to arm some displaced Pashtun cadres in the Taliban period. The same source explained that there was a strong anti-Taliban sentiment in Herat<sup>(1208)</sup>. Similarly, the UNHCR

<sup>(1195)</sup> Researcher, Skype interview, 30 January 2017; AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), pp. 31-32.

<sup>(1196)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1197)</sup> IDMC and NRC, Still at risk - Security of tenure and the forced eviction of IDPs and refugee returnees in urban Afghanistan, February 2014 ([url](#)), pp. 9, 10.

<sup>(1198)</sup> United Nations in Afghanistan, Population Movement Bulletin, Issue 3, 15 May 2016 ([url](#)).

<sup>(1199)</sup> UNHABITAT et al., Profile and Response Plan of Protracted IDP Settlements in Herat, Inter-Agency Durable Solutions Initiative, October 2016, ([url](#)), p. 6.

<sup>(1200)</sup> UNHCR, e-mail, 3 March 2017. UNHCR Afghanistan made this addition during the review of this report.

<sup>(1201)</sup> IDMC and NRC, Still at risk - Security of tenure and the forced eviction of IDPs and refugee returnees in urban Afghanistan, February 2014 ([url](#)), pp. 9, 10; United Nations in Afghanistan, Population Movement Bulletin, Issue 3, 15 May 2016 ([url](#)).

<sup>(1202)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), p. 10.

<sup>(1203)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), p. 31-32; NRC, quoted in Washington Post, Number of displaced in Afghanistan doubled since 2013 to 1.2 million, report says, 31 May 2016 ([url](#)).

<sup>(1204)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), pp. 31-32.

<sup>(1205)</sup> AI, 'My children will die this winter' Afghanistan's broken promise to the displaced, 31 May 2016 ([url](#)), pp. 31-32.

<sup>(1206)</sup> Rao, S. and Turkstra, J., 'Enhancing security of land tenure for IDPs', May 2014 ([url](#)), pp. 15-17.

<sup>(1207)</sup> Washington Post (The), In Afghanistan, the Taliban isn't the only group battling for land, 31 May 2016 ([url](#)).

<sup>(1208)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

explained that there were perceptions in Herat that the Pashtun IDPs were affiliated with the Taliban and that their lifestyle and linguistic differences would have a negative impact on the host communities<sup>(1209)</sup>. The senior political analysts said that young men without a local network connection may be seen as suspect by police<sup>(1210)</sup>.

According to UNHCR, IDPs are seen to be putting a strain on the local labour market by local Heratis<sup>(1211)</sup>. IRIN reports that there are two views of the displaced people living in Herat – one is that fellow Muslims should be assisted, while the other is that the living conditions are good but IDPs are to blame for kidnapping and drug problems<sup>(1212)</sup>. According to the *Washington Post*, local leaders are described as ‘disdainful’ towards displaced families who have moved to Herat City. Displaced Pashtun families living in Herat City have reportedly set up illegal mud hut villages on government land, such as the Shayidee encampment<sup>(1213)</sup>. In some cases, the government is attempting to relocate the displaced families living near Herat city to a village five miles away; however, that is land claimed by other local villagers. There is also a neighbourhood of displaced ethnic Hazaras on the city outskirts. The community built a road on a local villager’s property and he sued to have it removed; he won, but the order has not been implemented<sup>(1214)</sup>.

### 3.7.3. Police response to problems inside IDP areas

A 2012 study by the Overseas Development Institute (ODI) on three communities of IDPs in Kabul City found that access to formal justice was limited and people relied on *wakils* (local community leaders), *shuras* and *jirgas* for resolution of disputes because they are seen as more efficient, accessible and less corrupt<sup>(1215)</sup>. A 2012 APPRO study on in-migrant settlement populations to three urban districts of Kabul City also explained that all disputes that arise in the community are first referred to the local *wakils* for resolution, with the next step in referral being to community elders (*shura*). If a dispute cannot be resolved at that stage, the police or the ANA checkpoint are informed. However, the APPRO report explained that government authorities were the ‘last resort’ because they will expect bribes and the party that is able to pay the most will have the dispute decided in their favour<sup>(1216)</sup>. Sources explained that in urban areas the police typically do not enter where IDPs are located and are not as visible in these areas<sup>(1217)</sup>. The Western official stated that the police in some instances believe their lives will be in danger if they enter these informal settlement areas. They usually will not go into them unless they have some form of protective arrangement made through local governance brokers<sup>(1218)</sup>.

According to a senior political analyst, police are reluctant to pursue cases where a refugee or IDP has been a victim of crime or violence<sup>(1219)</sup>. According to an interagency report produced in October 2016 by UN agencies and civil society, which profiled the IDP settlements in Herat and involved interviews with IDPs, respondents reported ‘an unwillingness of the local police to respond to law and order issues in a timely fashion and address criminality in their location’<sup>(1220)</sup>. APPRO’s 2012 study of three districts in Kabul found that police would conduct occasional patrols when the population of the settlements was lower, often to harass dwellers without land permits or extort bribes in exchange for not demolishing structures; however, as the number of settlers increased, visits and harassment from police decreased as community governance structures through *wakils* and *shuras* emerged. In the case of one district, police no longer enter the area and do not respond when called for complaints of community conflicts<sup>(1221)</sup>. Respondents in ODI’s 2012 study on IDPs in Kabul found that although there were differences in the nature of threats to protection across the three Kabul districts studied, there was a trend in the inability of law enforcement agencies to uphold the rule of law. Police frequently demanded bribes and those who could pay received the desired outcome. Police also threatened residents with reprisal, such as destroying their homes<sup>(1222)</sup>. Despite the concerns raised, the study found that respondents indicated their access to justice in Kabul was better than in their places of origin<sup>(1223)</sup>.

<sup>(1209)</sup> UNHCR, e-mail, 3 March 2017. UNHCR Afghanistan made this addition during the review of this report.

<sup>(1210)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

<sup>(1211)</sup> UNHCR, e-mail, 3 March 2017. UNHCR Afghanistan made this addition during the review of this report.

<sup>(1212)</sup> IRIN, New solutions for Afghanistan’s protracted IDPS, 20 February 2014 ([url](#)).

<sup>(1213)</sup> Washington Post (The), In Afghanistan, the Taliban isn’t the only group battling for land, 31 May 2016 ([url](#)).

<sup>(1214)</sup> Washington Post (The), In Afghanistan, the Taliban isn’t the only group battling for land, 31 May 2016 ([url](#)).

<sup>(1215)</sup> Metcalfe, V., et al., Sanctuary in the city? Urban displacement and vulnerability in Kabul, June 2012 ([url](#)), p. 15.

<sup>(1216)</sup> APPRO, Migration and Urban Development in Kabul, October 2012 ([url](#)), p. 14.

<sup>(1217)</sup> Western official, Skype interview, 7 February 2017; Researcher, Skype interview, 30 January 2017.

<sup>(1218)</sup> Western official, Skype interview, 7 February 2017; Director of a research organisation, Skype interview, 6 February 2017.

<sup>(1219)</sup> Nojumi, N., Senior policy analyst, Skype interview, 8 February 2017.

<sup>(1220)</sup> UNHABITAT et al., Inter-agency Durable Solutions Initiative – Profile and Response Plan of Protracted IDP Settlements in Herat, October 2016 ([url](#)), p. 38.

<sup>(1221)</sup> APPRO, Migration and Urban Development in Kabul, October 2012 ([url](#)), p. 14.

<sup>(1222)</sup> Metcalfe, V., et al., Sanctuary in the city? Urban displacement and vulnerability in Kabul, June 2012 ([url](#)), p. 15.

<sup>(1223)</sup> Metcalfe, V., et al., Sanctuary in the city? Urban displacement and vulnerability in Kabul, June 2012 ([url](#)), p. 15.

According to the Western official interviewed for this report, IDPs perceive the police as predatory and are unlikely to approach them for assistance <sup>(1224)</sup>. Similarly, the researcher interviewed for this report explained that IDPs and returnees avoided interactions with the police for fear of getting into trouble, or having problems because of living in informal settlements <sup>(1225)</sup>. In focus group discussions, conducted by UNHCR in 2016 with IDPs and returnees, the majority of the respondents stated that they preferred informal conflict resolution than pursuing criminal cases because they have little trust in the police and justice sector due to the widespread corruption and bureaucracy. One of the self-protection mechanism for returnees, IDPs and even the local population is living in one community together in order to protect each other and local interests <sup>(1226)</sup>.

The researcher interviewed for this report explained that for disputes between IDPs and the local host population, this can become a problem: IDPs are perceived as outsiders, and local judges, or local elders – especially, in the case of traditional dispute resolution – are more likely to favour the local residents in decisions. An IDP will not be able to approach a judge over a land dispute, for example because they have no documents to show ownership, or no identity papers <sup>(1227)</sup>. People coming from rural areas, who are illiterate, or who do not speak the local language and are not familiar with the local systems will face bigger barriers in a new location <sup>(1228)</sup>.

## 3.8. Women’s access to justice and protection

### 3.8.1. Legal framework

After the Bonn Agreement in 2001, many changes were to be implemented to the legal order of Afghanistan, with the government taking steps to promote equal rights for men and women, such as the adoption of a national Constitution enshrining the principle of gender equality and including gender quotas in public administration and elected bodies. Ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) without reservation took place in 2003. The Law on the Elimination of Violence Against Women (EVAW) was passed with a presidential decree in 2009 <sup>(1229)</sup>. The EVAW law defines and criminalises 22 acts of violence against women, including rape, battery, or beating; forced marriage; humiliation; intimidation; and deprivation of inheritance <sup>(1230)</sup>. However, the conservative elements of Afghan society object to the EVAW and some judges question its status or do not apply it. The law was not ratified by parliament and some female MPs did not support the law <sup>(1231)</sup>. The implementation, awareness, and enforcement of the EVAW law is limited <sup>(1232)</sup>.

Important gaps exist both in penal and civil legislation which allow discrimination against women to continue in the treatment of violent crime <sup>(1233)</sup>. For example, according to article 398 of the Penal Code, a man can kill or injure a woman ‘in order to defend his dignity and respect’ without being prosecuted for violent assault or murder, but instead will be punished by imprisonment for not longer than two years <sup>(1234)</sup>. The law does not ensure necessary remedies protecting abused women and children from violence, such as providing for protection and restraining orders <sup>(1235)</sup>.

The Ministry of Women Affairs (MoWA) and departments of women’s affairs (DoWA) at provincial level are the primary government agencies responsible for gender policy issues. MoWa supports women’s rights, provides training, and

<sup>(1224)</sup> Western official, Skype interview, 7 February 2017.

<sup>(1225)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1226)</sup> UNHCR, e-mail, 3 March 2017. UNHCR Afghanistan made this addition during the review of this report.

<sup>(1227)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1228)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1229)</sup> UNAMA and OHCHR, Justice through the Eyes of Afghan Women, April 2015 ([url](#)), p. 10-11, Republic of Austria - Federal Ministry of the Interior, Afghanistan: 2014 and beyond, March 2014 ([url](#)), p. 44.

<sup>(1230)</sup> UNAMA and OHCHR, Justice through the Eyes of Afghan Women, April 2015 ([url](#)), pp. 2, 11; US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 33.

<sup>(1231)</sup> Al Jazeera, Where Afghan law fails women, 2 January 2015 ([url](#)).

<sup>(1232)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), pp. 9, 10, 33.

<sup>(1233)</sup> IWPR, Afghanistan’s Domestic Violence Loophole, 16 January 2017 ([url](#)); UNAMA and OHCHR, Justice through the Eyes of Afghan Women, April 2015 ([url](#)), pp. 28-29.

<sup>(1234)</sup> IWPR, Afghanistan’s Domestic Violence Loophole, 16 January 2017 ([url](#)).

<sup>(1235)</sup> UNAMA and OHCHR, Justice through the Eyes of Afghan Women, April 2015 ([url](#)), p. 29.

coordinates with other governmental and non-governmental organisations throughout Afghanistan<sup>(1236)</sup>. However, it suffers from a lack of state funding, independence and staff capacity, poor infrastructure, inadequate security, as well as cultural norms affecting its functioning<sup>(1237)</sup>.

There are several other institutions and initiatives providing some support concerning female and family related problems: Family Response Units (FRU) coordinated by police, EVAW Units subordinated to Attorney General, Family Protection Centres within health facilities, Women’s Protection Centers providing shelter for victims of gender-based violence and Family Guidance Centres provide legal aid and counselling<sup>(1238)</sup>.

### 3.8.2. Judiciary

The first EVAW Unit was established in the Attorney General’s Office in Kabul in 2010<sup>(1239)</sup>. The AGO operates 33 EVAW prosecution units in 33 provinces<sup>(1240)</sup>. As of early 2014, it had registered more than 4,000 cases of gender-based violence across Afghanistan<sup>(1241)</sup>. In other provinces, assigned prosecutors deal with cases of violence against women at least on a part-time basis<sup>(1242)</sup>. According to US Department of State, from March 2014 to March 2015:

the government reported 4,541 registered cases of violence against women, with 3,038 registered under the EVAW law. The Ministry of Women’s Affairs, Ministry of Interior, and AGO also registered 1,179 cases of divorce, separation, annulment of engagements, alimony, and child custody, which may or may not have stemmed from domestic violence, bringing the total number of registered cases to 5,720<sup>(1243)</sup>.

However, institutional weakness of the judiciary and discrimination against women has impeded the implementation of the EVAW law<sup>(1244)</sup>. Centrally imposed legal norms, especially around women’s rights, are often not fully accepted by the wider Afghan society and the justice sector. The statutory law is often perceived as less important than Islamic law, remains ineffectively interpreted, formal legal systems are less present in rural areas and customary and different legal systems are overlapping<sup>(1245)</sup>. The administration lacks resources for the implementation of legal protection for women, including poor infrastructure, a lack of women police officers or specialised units, a lack of proper investigation and forensic capacities, and failure to prosecute such crimes<sup>(1246)</sup>.

Women’s participation in the formal justice system as judges, prosecutors, and lawyers is progressing, but women continue to remain underrepresented<sup>(1247)</sup>. A 2014 report on female participation in the justice system, produced by the IDLO, found that there were 1,652 judges in Afghanistan, including 119 women, based on 2010 data from the Supreme Court. This increased to 2,296 judges as of 2013, with 152 female judges, although 503 vacancies remained<sup>(1248)</sup>. There are very low numbers of trained female judges in the Afghan justice sector<sup>(1249)</sup>. According to the IDLO, in justice sectors nationwide, in 2013 women constituted 8.4 % of judges, and 6 % of prosecutors<sup>(1250)</sup>. This marks a slight increase in the number of women judges, from 4.7 % in 2008<sup>(1251)</sup>. Of the 152 female judges in Afghanistan in 2013, due to problems of security and social stigma, very few female judges worked in Balkh (8 judges), Herat (4), and Baghlan (2), with the overwhelming majority of women judges working in Kabul (12 in the Supreme

<sup>(1236)</sup> Islamic Republic of Afghanistan – MOWA, MoWA History, n.d. ([url](#)).

<sup>(1237)</sup> UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Afghanistan, 12 May 2015 ([url](#)), p. 8.

<sup>(1238)</sup> Oxfam, Women and the Afghan Police, 10 September 2013, ([url](#)), p. 16.

<sup>(1239)</sup> IDLO, Afghanistan’s Violence Against Women Units, n.d. ([url](#)).

<sup>(1240)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 33.

<sup>(1241)</sup> IDLO, Afghanistan’s Violence Against Women Units, n.d. ([url](#)).

<sup>(1242)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), accessed 21 March 2017, p. 36.

<sup>(1243)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), accessed 21 March 2017, p. 33.

<sup>(1244)</sup> UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Afghanistan, 12 May 2015 ([url](#)), pp. 17, 18; APPRO, Women’s Peace and Security in Afghanistan, February 2016 ([url](#)), pp. 18-19; US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 39.

<sup>(1245)</sup> Republic of Austria - Federal Ministry of the Interior, Afghanistan: 2014 and beyond, March 2014 ([url](#)), pp. 45-46, 48-49; Al Jazeera, Where Afghan law fails women, 2 January 2015 ([url](#)); Hozyainova, A., Sharia and Women’s Rights in Afghanistan, May 2014 ([url](#)), p. 1.

<sup>(1246)</sup> UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Afghanistan, 12 May 2015 ([url](#)), pp. 17-18.

<sup>(1247)</sup> IDLO, Women’s Professional Participation in Afghanistan’s Justice Sector, 6 June 2014 ([url](#)), p. 3.

<sup>(1248)</sup> IDLO, Women’s Professional Participation in Afghanistan’s Justice Sector, 6 June 2014 ([url](#)), p. 20.

<sup>(1249)</sup> IDLO, Women’s Professional Participation in Afghanistan’s Justice Sector, 6 June 2014 ([url](#)), p. 11; Director of a research organisation, Skype interview, 6 February 2017.

<sup>(1250)</sup> IDLO, Women’s Professional Participation in Afghanistan’s Justice Sector, 6 June 2014 ([url](#)), p. 7.

<sup>(1251)</sup> IDLO, Women’s Professional Participation in Afghanistan’s Justice Sector, 6 June 2014 ([url](#)), p. 20.

court compound and 58 in the Kabul Appeal Court) <sup>(1252)</sup>. There were 79 female prosecutors in Kabul in 2013 and, in the provinces outside of Kabul, women prosecutors made up 2.8 % of all prosecutors in the provinces outside Kabul in 2013 <sup>(1253)</sup>. In Balkh province there were 5 female professionals employed in the AGO office <sup>(1254)</sup>. The UN reported in March 2017 that the Afghanistan Independent Bar Association indicated that there are 2677 lawyers in the country, 712 of whom are women <sup>(1255)</sup>.

There are also other major obstacles for women and girls to benefit the formal justice system. Sources mention the unresponsiveness and pervasive gender-bias in the policing sector, the attitude that domestic violence is a family matter, police discouraging victims from filing a case, a climate of impunity which normalises violence and renders it as acceptable, lack of knowledge of the law, fear of reprisal from perpetrators and family members, social exclusion, financial and other constraints, the lack of freedom of movement, fear of being treated as criminals instead of victims, forced virginity testing as well as lack of female police officers, corruption and lack of proper investigation into crimes and a failure to prosecute <sup>(1256)</sup>. Given conservative norms, women also struggle to communicate with male lawyers, especially on gender-violence issues <sup>(1257)</sup>.

In practice, access to state justice is highly limited and most family and gender-related cases are solved through mediation, even in big cities. Even if the formal legal system is more available in large cities there are allegations that court judgments are often gender-biased and discriminatory <sup>(1258)</sup>. The NRC identifies the following ‘significant flaws’ in traditional dispute resolution mechanisms: a lack of qualifications and skills; harmful traditional practices; exclusion of women, inconsistent decision making and corruption <sup>(1259)</sup>, and lack of monitoring <sup>(1260)</sup>. A senior judge interviewed by SIGAR considered that informal courts, composed almost entirely of men are more biased against women than formal courts <sup>(1261)</sup>. The Ministry of Justice could not properly monitor the cases resolved due to lack of staff and resources <sup>(1262)</sup>.

In Balkh province, including Mazar City, APPRO reported there have been complaints of incompetence and discrimination by the formal judiciary in its implementation, and the use of informal courts or elders to resolve disputes remains common <sup>(1263)</sup>. In Herat, the police claims to use the EVAW law as the basis for prosecution and there are fewer complaints about the judiciary compared to other provinces. However, stigmatisation and social conservatism obstructed women’s access to formal justice institutions <sup>(1264)</sup>.

A 2016 study by medical doctors Sonya Stokes, Andrea Seritan, and Elizabeth Miller, published in the journal *Violence Against Women*, examined care-seeking patterns of behaviour among 22 women who had experienced domestic and gender-based violence in Afghanistan and who were residents in a Kabul women’s shelter run by an NGO. The survey found that in some instances, women reported the harm to police and received assistance; in other cases, police refused to intervene or subjected them to arrest for leaving an abusive relationship, or forced them to undergo virginity testing <sup>(1265)</sup>. The UN states that in domestic violence cases, judges take into account whether the violence was a response to the ‘women’s disobedience’. This results in decisions not to prosecute or in reduced sentences <sup>(1266)</sup>.

A 2015 study on women’s peace and security in 15 provinces of Afghanistan examined the situation of protection of women in Herat Province (Guzara and Injil), Balkh (Mazar-e Sharif, Dawlatabad, Khulm), and Kabul (Istalif and Bagrami).

<sup>(1252)</sup> IDLO, Women’s Professional Participation in Afghanistan’s Justice Sector, 6 June 2014 ([url](#)), p. 20.

<sup>(1253)</sup> IDLO, Women’s Professional Participation in Afghanistan’s Justice Sector, 6 June 2014 ([url](#)), p. 24.

<sup>(1254)</sup> IDLO, Women’s Professional Participation in Afghanistan’s Justice Sector, 6 June 2014 ([url](#)), p. 24.

<sup>(1255)</sup> UNSC, The situation in Afghanistan and its implications for international peace and security, 3 March 2017 ([url](#)), p. 22.

<sup>(1256)</sup> Outlook Afghanistan, Ups and Downs to Women’s Rights, 12 December 2016 ([url](#)); UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Afghanistan, 12 May 2015 ([url](#)), pp. 17-18.

<sup>(1257)</sup> IWPR, Afghanistan: Nangarhar’s Sole Female Lawyer - Lack of representation means that women find it even harder to access justice, 14 February 2017 ([url](#)).

<sup>(1258)</sup> Outlook Afghanistan, Ups and Downs to Women’s Rights, 12 December 2016 ([url](#)); Republic of Austria - Federal Ministry of the Interior, Afghanistan: 2014 and beyond, March 2014 ([url](#)), pp. 42-49; APPRO, Women’s Peace and Security in Afghanistan, February 2016 ([url](#)), pp. 18, 37, 41; UNAMA and OHCHR, Justice through the Eyes of Afghan Women, April 2015 ([url](#)), pp. 2, 7.

<sup>(1259)</sup> NRC, Strengthening Displaced Women’s Housing, Land and property Rights in Afghanistan, 15 November 2014 ([url](#)), p. 34.

<sup>(1260)</sup> Pajhwok Afghan News, Cases of Violence against Women: Is mediation the best Option?, 11 May 2016 ([url](#)).

<sup>(1261)</sup> SIGAR, Quarterly Report to US Congress, 30 October 2016 ([url](#)), p. 15.

<sup>(1262)</sup> Pajhwok Afghan News, Cases of Violence against Women: Is mediation the best Option?, 11 May 2016 ([url](#)).

<sup>(1263)</sup> APPRO, Women’s Peace and Security in Afghanistan, February 2016 ([url](#)), p. 18.

<sup>(1264)</sup> APPRO, Women’s Peace and Security in Afghanistan, February 2016 ([url](#)), p. 37.

<sup>(1265)</sup> Stokes et al., Care seeking patterns among women who have experienced gender-based violence in Afghanistan, June 2016, ([url](#)).

<sup>(1266)</sup> UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum: Mission to Afghanistan, 12 May 2015 ([url](#)), pp. 17-18.

It found that in all three regions examined, there was insufficient female personnel in the ANP, a lack of effort by the formal justice system to protect women from gender-based violence, while corruption and discrimination in the justice system impeded women's access to justice <sup>(1267)</sup>.

According to sources, women continue to be arrested in the cities of Mazar-e Sharif, Kabul, and Herat for behaviour deemed to be immoral or that transgresses family honour <sup>(1268)</sup>. Women may be punished for trying to escape their family situation, for example in case they run away from home, or from forced marriage, domestic violence or rape. In 2012, the government ordered an end to prosecutions of women for running away. Prosecutors had reportedly charged women for *zina* (i.e. the intention of or being perceived to have committed extramarital sexual relations) or even for 'attempted *zina*' by the court. Although constitution and the state law do not punish such behaviour, some judges treat this as a criminal offence under Islamic law. Such women can be then detained by police and prosecuted by courts <sup>(1269)</sup>. However, in the cities this is less of a problem than in rural areas, or peri-urban areas, because there is better monitoring by civil-society groups in urban centres <sup>(1270)</sup>.

According to Mahboobeh Jamshidi, head of the department of women's affairs in Herat, 'the overwhelming majority of women who experienced domestic violence developed mental illnesses. However, there is no strategic plan to address mental-health issues among women and only one psychological consulting centre for women in Herat <sup>(1271)</sup>.

### 3.8.3. Female participation in the ANA and ANP

Of the total ANA force (estimated at 160,000), approximately 1,500 are women <sup>(1272)</sup>. The overall percentage of women in the Afghan security forces remains at 1.4%, most of whom are in the ANP <sup>(1273)</sup>. ANP employed 2,834 female police officers in 2015 <sup>(1274)</sup>. According to Resolute Support, the majority of the women within the ANP, as of August 2016, were Tajik (1,246), followed by Hazara (856), Pashtun (480), and Uzbek (131) <sup>(1275)</sup>.

Sources report that female members of the ANSF experience workplace harassment <sup>(1276)</sup>. This includes sexual harassment, assault, and gender-based discrimination including a lack of equal pay and benefits <sup>(1277)</sup>. Women also experience discrimination in job promotion, lack appropriate facilities, and are labelled as a promiscuous or prostitutes, particularly by conservative sectors of the population. The working conditions for women in the ANP, along with security concerns and pressure from male family members, account for the continuing lack of female participation <sup>(1278)</sup>. The Taliban has targeted women in the army and along with their families they have experienced community intimidation and discrimination <sup>(1279)</sup>. In July 2016, the MOI established a complaint mechanism for female ANP members regarding such harassment but provided no information on implementation <sup>(1280)</sup>.

### 3.8.4. Women's trust in police and judiciary

It is generally understood that violence against women in Afghanistan is underreported, owing in part to a lack of confidence in the judicial system, as well as societal acceptance of the practice and stigmatisation of victims <sup>(1281)</sup>.

<sup>(1267)</sup> APPRO, Women's Peace and Security in Afghanistan, February 2016 ([url](#)), pp. 17-20, 35-38, 39-42.

<sup>(1268)</sup> Western official, Skype interview, 7 February 2017; Director of a research organisation, Skype interview, 6 February 2017.

<sup>(1269)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), pp. 6, 7, 9; UNAMA and OHCHR, Justice through the Eyes of Afghan Women, April 2015 ([url](#)), p. 29.

<sup>(1270)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1271)</sup> IWPR, Depression Rampant Among Afghan Women - Gender violence, poverty and associated social problems fuels widespread mental health problems, 12 February 2017 ([url](#)).

<sup>(1272)</sup> Tolo News, Female ANA officers call for more women recruits, 13 February 2017 ([url](#)).

<sup>(1273)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), pp. 114-115.

<sup>(1274)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 39.

<sup>(1275)</sup> SIGAR, Quarterly Report to US Congress, 30 October 2016 ([url](#)), p. 128.

<sup>(1276)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), pp. 114-115; Director of a research organisation, Skype interview, 6 February 2017.

<sup>(1277)</sup> SIGAR, Quarterly Report to US Congress, 30 January 2017 ([url](#)), pp. 114-115; Director of a research organisation, Skype interview, 6 February 2017; UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum: Mission to Afghanistan, 12 May 2015 ([url](#)), p. 10.

<sup>(1278)</sup> Director of a research organisation, Skype interview, 6 February 2017; SIGAR, Quarterly Report to US Congress, 30 October 2016 ([url](#)), p. 128.

<sup>(1279)</sup> SIGAR, Quarterly Report to US Congress, 30 October 2016 ([url](#)), p. 10; US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)).

<sup>(1280)</sup> UNSC, The situation in Afghanistan and its implications for international peace and security, 7 September 2016 ([url](#)); Director of a civil society organisation, 6 February 2017, Skype interview.

<sup>(1281)</sup> Khaama Press, Shocking Status of Women in Afghanistan, 23 March 2016 ([url](#)); Outlook Afghanistan, Ups and Downs to Women's Rights, 12 December 2016 ([url](#)); US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), pp. 34, 38, 39; APPRO, Women's Peace and Security in Afghanistan, February 2016 ([url](#)), p. 37.

According to the Asia Foundation Survey for 2016, the number of Afghans who are aware of an organisation, authority, or institution in their area that a woman can approach to get assistance with resolving her problems has ‘increased significantly’ from 19.2 % in 2014, to 23.9 % in 2016 <sup>(1282)</sup>. Of those that were aware of such institutions, most people cited the Directorate of Women’s Affairs (51.1 %), the Human Rights Council (8.6 %), district office (6.9 %), women’s shuras (5.4 %), or elders (4.5 %). The ANP were identified as an option by only 2.1 % of respondents, while 3.1 % identified the court, 1.3% listed the attorney general, or government organisations (0.5 %). Depending on the type of problem, women may seek different resolution mechanisms, although shuras and jirgas are ‘significantly more likely to be used by women for family problems than other institutions’ <sup>(1283)</sup>. A senior judge interviewed by SIGAR reported that families often restrict women in taking cases to court because of fears that doing so would damage their reputations <sup>(1284)</sup>. The 2016 Asia Foundation survey found that women ‘who seek formal dispute resolution are more likely to take a family problem to a shura/Jirga for resolution, while for divorce they are more likely to take their case to a state court or a Huqooq department for resolution’ <sup>(1285)</sup>. However, women tended to report more favourable views of state courts than of shuras/jirgas <sup>(1286)</sup>. Violence against women is often not reported, and women do not report it for the sake of family order and reputation <sup>(1287)</sup>.

According to APPRO, in April 2016, while violence against women in the districts of Herat appears to occur mostly within the family, in Herat City women face additional forms of violence because more women are working in the city centre and appear in public which exposes them to abuse and harassment by men on the street, including police, and harassment in the workplace <sup>(1288)</sup>.

In Balkh, APPRO found that there is little trust in legal institutions in rural areas especially, while one informant they interviewed gave the view that women in the urban centre approach civil society, AIHRC, Family Response Units (FRUs), the women’s affairs department, or the police chief, but not the courts, which are perceived to be corrupt. Neighbourhood representatives are also sometimes engaged for domestic issues <sup>(1289)</sup>. In Herat province, APPRO found that corruption in the formal justice system is due to a lack of expertise, low salaries and influence and public mistrust is partly attributed to the ease with which the powerful and government officials can interfere in the process <sup>(1290)</sup>. With regards to Kabul city APPRO noted that people tend to rely on formal justice institutions, while in the districts, there was greater reliance on traditional justice systems. The formal justice system is considered to be complex, slow and corrupt <sup>(1291)</sup>.

APPRO indicated that due to corruption in the formal justice system, women are particularly vulnerable to having their rights to justice denied. APPRO found that ‘women seldom have money to pay bribes, have fewer personal connections to high places, and can face illegitimate requests to marry or enter into inappropriate relations. Some contend that illiteracy and lack of awareness of laws are in part to blame for injustices. The EVAW law has many provisions to protect women’s rights but there is little awareness of the legal provisions and there are ‘insufficient mechanisms to implement it’ <sup>(1292)</sup>. Perpetrators can pay a bribe to have a case dropped, further undermining trust in the formal justice system <sup>(1293)</sup>.

<sup>(1282)</sup> Asia Foundation, Survey of the Afghan People – Afghanistan in 2016, January 2017 ([url](#)), pp. 144-145.

<sup>(1283)</sup> Asia Foundation, Survey of the Afghan People – Afghanistan in 2016, January 2017 ([url](#)), pp. 144-145.

<sup>(1284)</sup> SIGAR, Quarterly Report to US Congress, 30 October 2016 ([url](#)), p. 16.

<sup>(1285)</sup> (Asia Foundation, Survey of the Afghan People – Afghanistan in 2016, January 2017 ([url](#)), pp. 144-145.

<sup>(1286)</sup> Asia Foundation, Survey of the Afghan People – Afghanistan in 2016, January 2017 ([url](#)), pp. 146.

<sup>(1287)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 62.

<sup>(1288)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 52.

<sup>(1289)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 28-29.

<sup>(1290)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 48.

<sup>(1291)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 56.

<sup>(1292)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 24.

<sup>(1293)</sup> UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Afghanistan, 12 May 2015 ([url](#)), p. 18.



### 3.8.5. Family Response Units of the Ministry of Interior / ANP (FRU)

According to the Ministry of Women’s Affairs, ‘law enforcement agencies are required to apply the EVAW law and inform MoWA about incidents. Each provincial headquarters and large district is meant to have a Family Response Unit (FRU), staffed by policewomen’<sup>(1294)</sup>. The first Family Response Units (FRU) was established in 2006 in Kabul as specialised three-person units to deal with situations of domestic violence and provide support to victims<sup>(1295)</sup>.

FRUs are responsible for wide range of family-related issues such as the cases of domestic violence, kidnappings, sexual abuse, attempted suicide, forced virginity tests, property disputes involving widows, child custody issues and also deal with female suspects of crime. In practice, FRUs mainly deal with simple family disputes often based on economic problems or with street beggars. Serious cases of female-related violence are carried out by Criminal Investigation Division (CID)<sup>(1296)</sup>.

According to the director of a research organisation, there is a family response unit (FRU) in each city of Herat, Mazar-e Sharif, and Kabul, but their performance is varied in each unit and with each individual staff person that a victim might encounter. The cross-cutting issue among FRUs is the lack of standardisation in the procedure for handling cases of gender violence and a lack of capacity<sup>(1297)</sup>. Oxfam similarly explained that FRUs have weak capacity and undertrained staff, are under-used, are largely confined to police stations and lack dedicated space and facilities<sup>(1298)</sup>.

IWA described the capacity challenges faced by FRUs in December 2015, stating that

the declining role of foreign embassies and organisations in influencing appointments to the police is well shown by the struggling Family Response Units, whose creation was advocated exactly by international actors. The MoI has struggled to even staff the six Family Response Units of Kabul city. Although all six units are headed by female police officers, only the Family Response Unit of district 4 (Shahr-e Naw – Kolola Pushta) is adequately staffed with 30 policewomen, while the other five Units in Dar-ul-Aman (2), Kart-e Parwan (2) and Qalay Fataullah only had five policewomen each as of January 2015. Of these 55 policewomen, moreover, only a handful are educated at the police academy, the rest having only taken short 2-3 week courses. In fact only the district 4 Unit was fully functional, while the other units were barely being used by the public. Professional policewomen reportedly do not like being posted to the Family Response Units, due to the strong prevailing cultural attitudes, which view the Units as violating local tradition and interfering in the business of private households. Female police officers often come under pressure from their own families not to serve in such Units<sup>(1299)</sup>.

The number of cases dealt with by FRUs is also limited. According to data from 2011, most FRUs dealt with one or two cases a month<sup>(1300)</sup>. According to the Western official, separate FRUs in Herat City, Mazar-e Sharif and Kabul City are present to deal with issues such as domestic violence; however, if cases do go to court, they are processed through the normal court system, which is notoriously slow<sup>(1301)</sup>.

According to APPRO, there were 80 women being sheltered in Kabul province in FRUs and women’s shelters as of April 2016<sup>(1302)</sup>. Family Response Units were negatively perceived by society, including in Kabul<sup>(1303)</sup>. APPRO also found that women who face threats of violence can access safe houses in Herat, however there is social stigma and negativity associated with doing so, although it is less severe than in other provinces<sup>(1304)</sup>. The province has five FRUs, including one on Herat City and one in Guzara. Women’s shelters are available only in Herat City. APPRO’s study documented positive views of shelters among males and female respondents, although some men also perceived shelters to be places where women are ‘sexually misused’<sup>(1305)</sup>.

<sup>(1294)</sup> Islamic Republic of Afghanistan – MOWA, First Report on the Implementation of the Elimination of Violence against Women (EVAW) Law in Afghanistan, 17 March 2014 ([url](#)), p. 13.

<sup>(1295)</sup> Oxfam, Women and the Afghan Police, 10 September 2013, ([url](#)), p. 16; UNFPA, Afghanistan’s First Family Response Unit Open for Business, 25 January 2006 ([url](#)).

<sup>(1296)</sup> Samuel Hall, Women’s Perceptions of the Afghanistan National Police, December 2011 ([url](#)), p. 9.

<sup>(1297)</sup> Director of a research organisation, Skype interview, 6 February 2017.

<sup>(1298)</sup> Oxfam, Women and the Afghan Police, 10 September 2013 ([url](#)), p. 24.

<sup>(1299)</sup> IWA, Senior Appointments and Corruption within Kabul city police, December 2015 ([url](#)), p. 10.

<sup>(1300)</sup> Samuel Hall, Women’s Perceptions of the Afghanistan National Police, December 2011 ([url](#)), p. 9.

<sup>(1301)</sup> Western official, e-mail, 13 February 2017, email correspondence.

<sup>(1302)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 62.

<sup>(1303)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 62.

<sup>(1304)</sup> APPRO, Women’s Peace and Security in Afghanistan, February 2016 ([url](#)), p. 37.

<sup>(1305)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), p. 52.

According to APPRO there are only two FRUs in Balkh province <sup>(1306)</sup>. Women have access to safe houses, but they are deterred from using them due to stigma and conservatism <sup>(1307)</sup>.

### 3.8.6. Women’s Protection Centres

NGO shelters are typically viewed by the community as places that encourage women to leave home or behave immorally. There are concerns regarding the ability of shelters to provide protection and over their ability to provide long term support and reintegration to women <sup>(1308)</sup>. According to the UN, NGO shelters were often the only safe refuge for women surviving domestic violence <sup>(1309)</sup>.

Sources report that 28 women’s shelters in Afghanistan are operational <sup>(1310)</sup>, also called Women’s Protection Centers <sup>(1311)</sup>. Space is insufficient at these centres, particularly in urban centres and most of them are situated in the western, northern and central regions <sup>(1312)</sup>. The shelters hosted about 3,000 women and children in 2014 <sup>(1313)</sup>. Examples of civil society shelters include:

One organisation providing shelter is HAWCA (Humanitarian Assistance for the Women and Children of Afghanistan) which is present in Kabul, Herat, Jalalabad, and Mazar-e Sharif. In 2015 the organisation was looking after the Women Protection Centre in Kabul, provided legal aid for women in Kabul, Herat and Mazar-e Sharif, conducted training and awareness sessions for schoolgirls, provided aid to street working children, coordinated and conducted public relations activities <sup>(1314)</sup>. In 2015, HAWCA provided protection services to 199 women in Kabul, and legal aid to 120 women victims of violence in Mazar-e Sharif, and to 155 women in Kabul and Herat <sup>(1315)</sup>.

The Afghan Women Skills Development Center (AWSDC) also runs a ‘transit shelter’ in Kabul where women can access legal advice and mediation <sup>(1316)</sup>.

Women for Afghan Women (WAW) runs 11 confidential shelters for women in need of assistance to flee violence in 11 provinces in northern Afghanistan and Kabul <sup>(1317)</sup>. The shelters are linked to WAW’s Family Guidance Centres (FGCs) <sup>(1318)</sup>. WAW also operates one ‘halfway’ houses for long-term stay in Kabul <sup>(1319)</sup>, and three transitional houses for women leaving prison (in Kabul, Herat and Mazar-e Sharif) <sup>(1320)</sup>, as well as four Children’s Support Centers (in Herat, Balkh, Kabul and Kunduz) <sup>(1321)</sup>. Pajhwok reported about a women’s shelter in Kabul city run by the Ministry of Women’s Affairs that houses 57 women and girls, offering accommodation, health services and counselling <sup>(1322)</sup>.

Women who could not be reunited with family or who were unmarried were compelled to remain in women’s protection centres and shelters were perceived by society as being centres of prostitution <sup>(1323)</sup>. According to the Ministry of Women’s Affairs, some officials in some safe homes perceive the women in the shelters as criminals <sup>(1324)</sup>. The US Department of State reports that MoWA, as well as nongovernmental entities, sometimes arranged marriages

<sup>(1306)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 28-29.

<sup>(1307)</sup> APPRO, Women’s Peace and Security in Afghanistan, February 2016 ([url](#)), p. 19.

<sup>(1308)</sup> UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum : Mission to Afghanistan, 12 May 2015 ([url](#)), pp. 13, 15.

<sup>(1309)</sup> UNAMA and OHCHR, Justice through the Eyes of Afghan Women, April 2015 ([url](#)), p. 4.

<sup>(1310)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 36; Pajhwok Afghan News, Inside shelters for victims of domestic violence, 7 March 2017 ([url](#)).

<sup>(1311)</sup> IDLO, Launch of Women’s Protection Centres Guidelines, n.d. ([url](#)).

<sup>(1312)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 36.

<sup>(1313)</sup> CSO, Women and Men in Afghanistan 2014 ([url](#)), p. 9.

<sup>(1314)</sup> HAWCA, Annual Report 2015 ([url](#)).

<sup>(1315)</sup> HAWCA, Annual Report 2015 ([url](#)), pp. 10, 12, 13.

<sup>(1316)</sup> AWSDC, Transit Shelters ([url](#))

<sup>(1317)</sup> Women for Afghan Women, Women’s Shelters, n.d. ([url](#)).

<sup>(1318)</sup> Women for Afghan Women, Women’s Shelters, n.d. ([url](#)).

<sup>(1319)</sup> Women for Afghan Women, Halfway House, n.d. ([url](#)).

<sup>(1320)</sup> Women for Afghan Women, Transitional Houses, n.d. ([url](#)).

<sup>(1321)</sup> Women for Afghan Women, Children Support Centres, n.d. ([url](#)).

<sup>(1322)</sup> Pajhwok Afghan News, Inside shelters for victims of domestic violence, 7 March 2017 ([url](#)).

<sup>(1323)</sup> Outlook Afghanistan, UPs and Downs to Women’s Rights, 12 December 2016 ([url](#)); US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 36.

<sup>(1324)</sup> Pajhwok Afghan News, Inside shelters for victims of domestic violence, 7 March 2017 ([url](#)).

for women who could not return to their families<sup>(1325)</sup>. Women who could not find protection often end up in prison due to lack of protection centres or due to accusations of running away<sup>(1326)</sup>. Women's shelters are perceived by society as housing prostitutes or sheltering immoral women<sup>(1327)</sup>. Women who are sheltered may not be able to return home due to such stigma<sup>(1328)</sup>. This results in women living in shelters for long periods, as long as five years, and there remains a need to address their long term safe and independent living arrangements<sup>(1329)</sup>.

In Balkh and Kabul Provinces it has been reported that in addition to stigmatisation, women who return to their communities from prisons or safe houses have been subjected to further violence, aggression and even murder<sup>(1330)</sup>.

### 3.8.7. Family Protection Centres

The first Family Protection Centres (FPC) are attached to hospitals and health care facilities. They aim to support victims of gender-based violence in terms of psychological and trauma counselling as well as medical treatment. FPCs are associated with Family Response Units and the Ministry of Women's Affairs. The first FPCs were established in 2013 in Kabul and Nangarhar provinces. According to UNFPA, six centres in Kabul, Nangarhar, Herat, Balkh, Bamyan and Baghlan Province and the centres have the capacity to help 6000 women a year<sup>(1331)</sup>. In 2015, FPCs registered over 1,900 cases of gender-based violence, mostly concerning physical and psychological violence, forced or early marriage, denial of resources and rape<sup>(1332)</sup>.

### 3.8.8. Family Guiding/Guidance Centres

Family Guidance Centers provide legal aid and counselling for women and are present in 17 provinces<sup>(1333)</sup>. FGCs were launched initially in Kabul by the NGO WAW in 2006<sup>(1334)</sup>. The FGC in Mazar also has a shelter which is run by the NGO, Women for Afghan Women<sup>(1335)</sup>. Clients can access the FGC by walk-in, or from referral by government ministries, police, AIHRC, or other NGOs<sup>(1336)</sup>.

There are numerous non-governmental organisations which assist women in need. Most are associated with the Afghan Women's Network (AWN), which states on its web-page that it has more than 3,500 individual members and 125 women's organisations, most of which are involved in educational programmes, advocacy and awareness campaigns, not providing shelter<sup>(1337)</sup>.

## 3.9. Experiences of ethnic minorities

Sources report that Hindus, Sikhs, and Hazara people encounter societal discrimination from the Sunni majority<sup>(1338)</sup>. A 2015 study on radicalisation within the ranks of the ANP, which included Herat, Balkh, and Kabul, found that 90 % of officers surveyed believed that all religious faiths are worthy of respect, but also that 80 % of police polled believed it was a Muslim's duty to establish a caliphate but did not perceive these two ideas to be contradictory<sup>(1339)</sup>. According

<sup>(1325)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 36; UN Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum: Mission to Afghanistan, 12 May 2015 ([url](#)), pp. 13, 15.

<sup>(1326)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), accessed 21 March 2017, p. 36; AWSDC, Transit Shelters ([url](#)).

<sup>(1327)</sup> Western official, Skype interview, 7 February 2017.

<sup>(1328)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1329)</sup> Outlook Afghanistan, Ups and Downs to Women's Rights, 12 December 2016 ([url](#)).

<sup>(1330)</sup> APPRO, Women's Peace and Security in Afghanistan, February 2016 ([url](#)), pp. 20, 42.

<sup>(1331)</sup> Khaama Press, Shocking Status of Women in Afghanistan, 23 March 2016 ([url](#)); UNFPA, New collaboration launched to provide much needed support to women and girls, 9 December 2015 ([url](#)).

<sup>(1332)</sup> UNFPA, New collaboration launched to provide much needed support to women and girls, 9 December 2015 ([url](#)).

<sup>(1333)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), pp. 35-36.

<sup>(1334)</sup> Women for Afghan Women, Family Guidance Centres, n.d. ([url](#)).

<sup>(1335)</sup> SIDA, Evaluation of Women for Afghan Women – Family Guidance Center and Shelter in Mazar-e Sharif, 2014 ([url](#)), p. 41.

<sup>(1336)</sup> Women for Afghan Women, Family Guidance Centres, n.d. ([url](#)).

<sup>(1337)</sup> Afghan Women's Network, AWN's History, n.d. ([url](#)).

<sup>(1338)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 47; Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)); Al Jazeera, The decline of Afghanistan's Hindu and Sikh communities, 1 January 2017 ([url](#)).

<sup>(1339)</sup> Zaman, R. and Khalid, A. H., Trends of Radicalization among the Ranks of the Afghan National Police. Technical report, 2015 ([url](#)), p. 22.

to Freedom House, ‘conservative social attitudes, intolerance, and the inability or unwillingness of law enforcement officials to defend individual freedoms mean that those perceived as violating religious and social norms are highly vulnerable to abuse’<sup>(1340)</sup>.

The 2015 study on radicalisation within the ranks of the ANP found that security personnel believed that ethnic inequality existed in the security forces, especially among respondents from Herat, Kunduz, Bamyán, and Paktika<sup>(1341)</sup>. Civil-society organisations claim that the government ‘frequently assigned Hazara ANP officers to symbolic positions with little authority within the Ministry of Interior’ or to more insecure areas<sup>(1342)</sup>. According to the Western official interviewed for this report, in the cities of Herat, Mazar, and Kabul, the police force is largely reflective and mixed in terms of ethnic backgrounds and relatively tolerant toward ethnicity, compared to rural areas. The Western official stated that if a person was a minority and in a different area of the city predominantly populated by a different ethnic group, they would be perceived as out of place. The same source explained that there was an endemic problem across Afghanistan whereby people favour their own ethnic group or family connections, However, this occurred more in terms of nepotism rather than outright ethnic discrimination<sup>(1343)</sup>.

A survey by APPRO published in April 2016 documented police discrimination against ethnic minorities in Kabul City, specifically of Hindus and Sikhs. The report gave an example of a Hindu man who said that the police call Hindus ‘foreigners’ and ask to see their national identification cards<sup>(1344)</sup>. In 2016, there were tensions between Muslims and the community of Sikhs and Hindus living on the outskirts of Kabul, where the Muslim residents opposed their funeral and cremation rituals. Local residents threw stones and bricks during processions and the community required police protection to carry out funerals rituals. The government allocated a space outside the city for the cremations to occur<sup>(1345)</sup>.

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<sup>(1340)</sup> Freedom House, Freedom in the World 2016 – Afghanistan, 27 January 2017 ([url](#)).

<sup>(1341)</sup> Zaman, R. and Khalid, A. H., Trends of Radicalization among the Ranks of the Afghan National Police. Technical report, 2015 ([url](#)), p. 22.

<sup>(1342)</sup> US DoS, Country Reports on Human Rights Practices for 2016 – Afghanistan, 3 March 2017 ([url](#)), p. 47.

<sup>(1343)</sup> Western official, Skype interview, 7 February 2017.

<sup>(1344)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 55-56.

<sup>(1345)</sup> Reuters, Afghanistan’s dwindling Sikh, Hindu communities flee new abuses, 22 June 2016 ([url](#)).

## 4 Children

### 4.1. General consideration

Afghanistan is a very young society. More than 41 % of the population is under the age of 14. The fertility rate is 5,2 children per woman, while the infant mortality rate is the highest in the world and counts almost 113 deaths per 1,000 live births [all 2016 estimates] <sup>(1346)</sup>.

Generally, children are considered as a very important element for family continuity and well-being. Every birth is celebrated, particularly when a son is born <sup>(1347)</sup>. According to IWPR reports, sons are considered as crucial asset for economic security and as ‘future defenders of its rights and honour’, especially among Pashtun communities. According to IWPR, men feel stigmatised when they have no male child and often mistreat, insult or even kill their wives because of these prejudices. These attitudes are less visible in urban centres and among the more educated. Ordinary people often don’t understand the biological mechanisms determining the babies’ sex <sup>(1348)</sup>.

Male and female children can play together until the age of 10, after which, girls usually stay at home and learn basic home skills. Boys start assisting their fathers and help them in business. Children must respect their elders, and older brothers or sisters. Families expect children to take care of parents and support them in their old age <sup>(1349)</sup>. According to UNICEF ‘children are required to adhere to strict, conservative social norms while still developing physical and psychological maturity. They are often required or are obliged to take on adult responsibilities’ <sup>(1350)</sup>.

Children are often subjected to corporal punishment, including slapping, verbal abuse, punching, kicking, and hitting with thin sticks, electrical cables and shoes. According to AREU survey, conducted in 2008, ‘for many families this type of violence can be described as normal or everyday violence’ <sup>(1351)</sup>. Some extreme examples of violence against have occurred <sup>(1352)</sup>. Children are also frequently forced into early marriage or child labour <sup>(1353)</sup>.

General insecurity directly threatens many children or their families, as well as increases criminal activities and risk of abuse and violence against children <sup>(1354)</sup>. UNAMA recorded record numbers of child casualties in 2016: ‘[c]hild civilian casualties from ground engagements increased at a higher rate than adult civilian casualties due to an increase in ground fighting in civilian-populated areas, which are typically inhabited by large families with many children’ <sup>(1355)</sup>. According to UNOCHA, almost 6.5 million people, predominantly women and children, face significantly increased vulnerability to infection, disease and death due to the immediate and cumulative impact of the conflict on public service provision <sup>(1356)</sup>.

According to the UN, there are numerous threats to the wellbeing of children, including malnutrition, exploitation, forced early marriage, sexual abuse and harmful child labour. These issues concern displaced populations in particular. Children constitutes more than half of the displaced people. At least 1.3 million children under five in Afghanistan need assistance for malnutrition while only a small part receives humanitarian aid <sup>(1357)</sup>. In practice, without extended family support, the life of the children is very difficult, particularly for those whose families are without a father <sup>(1358)</sup>.

<sup>(1346)</sup> CIA Factbook Afghanistan, People and Society, 12 January 2017 ([url](#)), accessed 6 March 2017.

<sup>(1347)</sup> Emadi H., Culture and Customs in Afghanistan, 2005, pp. 177-179.

<sup>(1348)</sup> IWPR, Afghanistan: The Shame of Having Daughters, 30 January 2017 ([url](#)).

<sup>(1349)</sup> Emadi H., Culture and Customs in Afghanistan, 2005, pp. 177-179.

<sup>(1350)</sup> UNICEF, Afghanistan – the picture in Afghanistan, n.d. ([url](#)).

<sup>(1351)</sup> Smith, D. J., Love, Fear, and Discipline: Everyday violence toward children in Afghan families, February 2008 ([url](#)), p. 3.

<sup>(1352)</sup> Smith, D. J., Love, Fear, and Discipline: Everyday violence toward children in Afghan families, February 2008 ([url](#)), p. 3.

<sup>(1353)</sup> IWPR, Child Marriages on the Rise in Afghan Province, 7 December 2016 ([url](#)); US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 37.

<sup>(1354)</sup> UNICEF, Afghanistan – the picture in Afghanistan n.d. ([url](#)).

<sup>(1355)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), p. 18.

<sup>(1356)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 16.

<sup>(1357)</sup> UN News Service, Thousands of Afghan children dying of hunger amid ‘unprecedented’ displacement, 9 January 2017 ([url](#)).

<sup>(1358)</sup> Afghan Orphans, Orphans, n.d. ([url](#)).

Rates of maternal and child mortality in Afghanistan remain among the highest in the world <sup>(1359)</sup>. The volatile security situation in many parts of the country has also limited the ability of Polio vaccination teams to reach targeted children. During the August 2016 campaign eight districts were completely inaccessible and almost 350,000 children were not able to be reached and vaccinated, primarily in the East and North East regions <sup>(1360)</sup>.

In the cities, street children in particular face a lot of threats: risk of trafficking, sexual abuse, kidnapping, drug addiction and recruitment by insurgents or as drug runners <sup>(1361)</sup>.

A survey quoted by UNOCHA said early marriage and child labour were major risks faced by repatriated children not in school <sup>(1362)</sup>. Samuel Hall elaborated on this point during an interview. Through a study Samuel Hall is conducting in the recent returnee communities, it is seeing a strong increase in domestic violence, child labour and child marriages. Families force children to work, or beg in the streets, to compensate for the high cost of living in Kabul. Child marriages, starting at 7 or 8 years old, are concluded among returning families in order to create a more robust social platform <sup>(1363)</sup>.

## 4.2. IDP & returnee children

UNOCHA's Humanitarian Needs Overview for 2017 noted that '[i]n 2016 the conflict has led to unprecedented levels of displacement, reaching half a million in November – the highest number recorded to date. 56 % of the displaced are children and face particular risk of abuse, and exploitation, as well as interrupted school attendance and harmful child labour. Multiple forms of GBV [gender based violence], particularly early and forced marriage, domestic, psychological, and sexual abuse are reported, affecting individuals in hosting and displaced communities alike' <sup>(1364)</sup>. The same source noted though that 'numerous protection concerns [...] remain un- or underreported due to cultural sensitivities, thus preventing a successful systematic assessment of these phenomena and associated needs' <sup>(1365)</sup>.

Adoption of negative food security coping mechanisms is apparent among almost all the undocumented return population from reducing food consumption to sending children to work <sup>(1366)</sup>. Out of the 1.8 million people requiring treatment for acute malnutrition, 1.3 million are children under five <sup>(1367)</sup>.

## 4.3. Children – state protection

Afghanistan signed the International Convention on the Rights of the Child in 1994 but this is not considered as a legally binding instrument in the internal order and is not fully incorporated into the domestic legal system <sup>(1368)</sup>.

Afghanistan is also a part of all the most important conventions concerning child labour, including the ILO Minimum Age Convention (C. 138), the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (C. 182), UN Convention on the Rights of the Child (CRC), the UN CRC Optional Protocol on Armed Conflict, the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and the Palermo Protocol on Trafficking in Persons <sup>(1369)</sup>. However, Afghanistan has not ratified ILO Convention 29 concerning forced labour <sup>(1370)</sup>. In 2014, the Government published also a number of national laws concerning these issues, such as a list of 29 occupations and working conditions prohibited for children, a law that criminalises the recruitment of children under the age of 18 into state security institutions, prohibitions on forced and night labour, and introduced compulsory education age and free public education (art. 17 of the Education

<sup>(1359)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 13.

<sup>(1360)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 13.

<sup>(1361)</sup> IWPR, No Respite for Kabul's Street Children, 9 December 2016 ([url](#)); IWPR, Afghan Children Targeted by Drug Gangs, 29 November 2016 ([url](#)).

<sup>(1362)</sup> UNOCHA, Afghanistan: Returnee Crisis Situation Report No. 5, 12 January 2017 ([url](#)), p. 6.

<sup>(1363)</sup> Samuel Hall, skype interview, 7 February 2017.

<sup>(1364)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 5.

<sup>(1365)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 33.

<sup>(1366)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 13.

<sup>(1367)</sup> UNOCHA, Humanitarian Needs Overview 2017, 31 December 2016 ([url](#)), p. 5.

<sup>(1368)</sup> IWPR, Afghanistan: Beggars Accused of Intentionally Maiming Children, 9 September 2016 ([url](#)); Islamic Republic of Afghanistan – Ministry of Justice, Implementing the Convention on the Human Rights of the Child in Afghanistan, 4 May 2011 ([url](#)); Islamic Republic of Afghanistan – Ministry of Foreign Affairs, The First Session of Periodic Reporting Process of Afghan Government on the Implementation of Convention on the Rights of Child Convened, 28 November 2016 ([url](#)).

<sup>(1369)</sup> US Department of Labor, 2015 Findings on the Worst Forms of Child Labor, n.d. ([url](#)), pp. 2-3.

<sup>(1370)</sup> Child Soldiers International, Ongoing Recruitment and Use of Children by Parties to the Armed Conflict in Afghanistan, March 2016 ([url](#)), p. 6.

Law)<sup>(1371)</sup>. HRW notes that, ‘[d]espite these domestic laws and international obligations, child labour, including in some of the country’s most hazardous industries, is widespread in Afghanistan<sup>(1372)</sup>. According to APPRO, child labour and other abuses are widely ignored because there is a need for cheap labour and large families rely on children to ensure regular income<sup>(1373)</sup>.

According to UNICEF in 2014, the government of Afghanistan ‘does not view the CRC as legally binding, and as such the full range of child rights has not been systematically incorporated into the legal system or domestic policy. There is little direct reference to the rights of children in the Constitution, in policy and legislative frameworks or national level policy dialogues’<sup>(1374)</sup>. UNICEF blamed the ‘partial and fragmented approach’ to low budget allocations given to these sectors by the government and partners<sup>(1375)</sup>. There are very few provisions in the law for enforcement and in practice Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSAMD) have no legal tools to enforce these regulations<sup>(1376)</sup>.

Several institutions are responsible for law enforcement and control mechanisms relating to protection of children, including the Ministry of Labour, Social Affairs, Martyrs, and Disabled (MoLSAMD), Ministry of Interior and Ministry of Women Affairs (MoWA). MoLSAMD can also investigate cases of child labour and refer them to the Attorney General’s office. In 2015 MoLSAMD employed 18 labour inspectors; however, about 200 are needed<sup>(1377)</sup>.

The primary mechanism for responding to child labour cases is the Child Protection Action Plan Network (CPAN). In 2014, 19 CPAN technical advisors conducted 350 child labour inspections across Afghanistan<sup>(1378)</sup>. CPAN is a coalition of governmental bodies, non-governmental organisations and religious communities authorised to conduct inspections and take care of children engaged in hazardous child labour. CPAN has a broad child protection mandate that covers issues such as recruitment of child soldiers, forced and underage marriages, and child trafficking, in addition to vulnerable working children<sup>(1379)</sup>, so it conducts only very limited inspections of workplaces for child labour violations<sup>(1380)</sup>. Over the last four years CPAN has helped an average of 3,000 children a year. When CPAN identifies a vulnerable working child, it refers the child to NGOs or government agencies that provide relevant support, including legal aid, shelter, and social services such as health and educational support. Provincial CPAN members and technical assistants do not receive training on the country’s labour laws or child labour regulations, limiting their ability to identify illegal and harmful labour practices<sup>(1381)</sup>.

The government also took moderate steps to investigate and combat human trafficking. However, there is no information of any prosecutions concerning children victims. In fact, according to the US Department of State, it is often the victims of human trafficking, sexual exploitation or child soldiers who are routinely prosecuted and convicted for crimes, rather than the perpetrators<sup>(1382)</sup>.

UNICEF indicates that children can independently request protection and assistance from AIHRC, and the most common way of hearing such requests from children comes during monitoring visits by AIHRC to orphanages, juvenile rehabilitation centres and shelters<sup>(1383)</sup>.

Special juvenile courts were only functional in six provinces (Kabul, Herat, Balkh, Kandahar, Nangarhar, and Kunduz) and children’s cases were handled by ordinary courts in other locations. Juvenile rehabilitation centres lacked access to adequate food, health care, and education. Detained children were often denied basic rights including

<sup>(1371)</sup> APPRO, Observations from Afghanistan Rights Monitor: Child Labor, 19 June 2016 ([url](#)); HRW, They Bear All the Pain. Hazardous Child Labour in Afghanistan, 13 July 2016 ([url](#)).

<sup>(1372)</sup> HRW, They Bear All the Pain. Hazardous Child Labour in Afghanistan, 13 July 2016 ([url](#)).

<sup>(1373)</sup> APPRO, Observations from Afghanistan Rights Monitor: Child Labor, 19 June 2016 ([url](#)).

<sup>(1374)</sup> UNICEF, Children and Women in Afghanistan: A Situation Analysis 2014, November 2014 ([url](#)), p. 22.

<sup>(1375)</sup> UNICEF, Children and Women in Afghanistan: A Situation Analysis 2014, November 2014 ([url](#)), p. 22.

<sup>(1376)</sup> HRW, They Bear All the Pain. Hazardous Child Labour in Afghanistan, 13 July 2016 ([url](#)).

<sup>(1377)</sup> US Department of Labor, 2015 Findings on the Worst Forms of Child Labor, n.d. ([url](#)), pp. 3-4.

<sup>(1378)</sup> US Department of Labor, 2015 Findings on the Worst Forms of Child Labor, n.d. ([url](#)), pp. 3-4.

<sup>(1379)</sup> HRW, They Bear All the Pain. Hazardous Child Labour in Afghanistan, 13 July 2016 ([url](#)).

<sup>(1380)</sup> US Department of Labor, 2015 Findings on the Worst Forms of Child Labor, n.d. ([url](#)), p. 4.

<sup>(1381)</sup> HRW, They Bear All the Pain. Hazardous Child Labour in Afghanistan, 13 July 2016 ([url](#)).

<sup>(1382)</sup> US Department of Labor, 2015 Findings on the Worst Forms of Child Labor, n.d. ([url](#)), p. 5; US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), pp. 67-68.

<sup>(1383)</sup> UNICEF, Child Notice Afghanistan, November 2015 ([url](#)), p. 28.

the presumption of innocence, the right to be informed of charges, access to defence and protection from self-incrimination<sup>(1384)</sup>. There is at least one juvenile rehabilitation centre in each province but children sometimes are kept also in separate cells of adult prisons because of lack of proper facilities<sup>(1385)</sup>.

#### 4.3.1. Orphans and other vulnerable children – social support

Adoption is not legally recognised in Afghanistan<sup>(1386)</sup>. Parental custody over a minor is executed in principle by one of the parents, or a family member. Testamentary guardianship can be assigned to a person by court<sup>(1387)</sup>.

The Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSAMD) set up a number of programmes to help children they had identified as being at risk. Some of them are aimed at children with no family and support and are implemented through an orphanage network, others involve children who have families but still have to work on the streets. The ministry can provide small and larger loans in cooperation with non-governmental organisations; however, it admits that it is impossible to provide the aid to everyone who needs it because of scarce financial resources<sup>(1388)</sup>. The ministry lacks money to support existing orphanages<sup>(1389)</sup>.

The US Department of State 2016 Human Rights report on Afghanistan stated that, according to Ministry of Social Affairs, there are 84 Children’s Protection Action Network (CPAN) centres and 78 residential orphanages that provide shelter and vocational training to children from destitute families. Some of these are private or NGO-run institutions. Often children there were not orphans but their families were not able to support them. Children in orphanages reported mental, physical or sexual abuse and sometimes they were victims of human trafficking. The living conditions in orphanage were poor. The facilities lacked running water, heating during the winter, education and recreational facilities<sup>(1390)</sup>. According to the head of the Orphanage Department in MoLSAMD, the 13,245 children in orphanages constitute about 10 % of all orphans in the country<sup>(1391)</sup>.

Orphanages run by NGOs deeply rely on foreign aid which diminished with the withdrawal of international forces in 2014<sup>(1392)</sup>. The number of organisations and charities is still insufficient to provide homes for all children in need<sup>(1393)</sup>.

#### 4.3.2. Child Labour

According to the Labour Code, children under the age of 14 cannot work. At the age of 14 they can be employed as apprentices, from 15 they can work legally but until the age of 18 they should not be employed for more than 35 hours a week. Children cannot work in dangerous and harmful conditions<sup>(1394)</sup>.

However, according to the US State Department’s report on Human Rights Practices for 2016 ‘[c]hild labour remained a pervasive problem. The Ministry of Labour declined to estimate the number of working children, citing a lack of data and deficiencies in birth registrations’<sup>(1395)</sup>. According to a 2015 report by the Afghanistan Independent Human Rights Commission (AIHRC) ‘around 30 percent of children in Afghanistan are working. According to field assessment by the AIHRC 22% of the interviewees stated that their children were working’<sup>(1396)</sup>. According to US Department of Labour, children are employed in carpet weaving, brick making, domestic work, farming, forced into commercial sexual exploitation, street works (vending, shoe shining, carrying goods, begging), collecting garbage and drug smuggling<sup>(1397)</sup>. According to IWPR report, children often work for free to pay off their parents’ debts<sup>(1398)</sup>.

<sup>(1384)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 8.

<sup>(1385)</sup> UNAMA, Assessment of Afghanistan Juvenile Rehabilitation Centres, November 2016 ([url](#)), p. 1.

<sup>(1386)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 44; Rastin-Tehrani, K., et al., Max Planck Manual on Family Law in Afghanistan, July 2012 ([url](#)), p. 117.

<sup>(1387)</sup> Rastin-Tehrani, K., et al. Max Planck Manual on Family Law in Afghanistan, July 2012 ([url](#)), p. 103-115.

<sup>(1388)</sup> IWPR, No Respite for Kabul’s Street Children, 9 December 2016 ([url](#)).

<sup>(1389)</sup> IWPR, No Respite for Kabul’s Street Children, 9 December 2016 ([url](#)).

<sup>(1390)</sup> United States Department of State, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 45.

<sup>(1391)</sup> Afghanistan Times, Orphans: the real casualties of Afghan war, 15 March 2015 ([url](#)).

<sup>(1392)</sup> AP, For Afghanistan’s abandoned and orphaned children, decades of war have brought little help, 29 April 2015 ([url](#)).

<sup>(1393)</sup> IWPR, No Respite for Kabul’s Street Children, 9 December 2016 ([url](#)).

<sup>(1394)</sup> HRW, They Bear All the Pain: Summary, 13 July 2016, ([url](#)); US Department of Labor, 2015 Findings on the Worst Forms of Child Labor n.d. ([url](#)), p. 3.

<sup>(1395)</sup> United States DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 50.

<sup>(1396)</sup> AIHRC, The Situation of Human Rights in Afghanistan in 1393, 11 August 2015 ([url](#)), p. 7.

<sup>(1397)</sup> US Department of Labour, 2015 Findings on the Worst Forms of Child Labor, n.d. ([url](#)), p. 2.

<sup>(1398)</sup> IWPR, Afghanistan’s Modern Day Slave Labourers, 24 January 2017 ([url](#)).



Detailed data for Kabul city indicate that 2.8 % of children between 5 and 17 work, and that these working children are almost exclusively boys <sup>(1399)</sup>. In Balkh Province, the percentage is higher, and it is estimated that 7 % of children between 5 and 17 works (10, 7 % boys and 3.1 % girls). The percentage of children engaged in work increases according to the age. At the age of 13-17, 25.5 % of boys in Mazar-e Sharif work <sup>(1400)</sup>.

The situation is worse in the IDP and returnee families. UNHCR notes that ‘with the recent return of Afghan refugees from Pakistan and the newly displaced IDPs, the number of street working children is rapidly growing, children are forced by their parents to collect garbage to be used for heating and firewood or beg in the streets’ <sup>(1401)</sup>.

Drug trafficking and addiction is a growing problem in cities. Children are used for smuggling and selling drugs. It is cheap for drug dealers to use children, and minors usually face less severe punishment in case of detainment. Corruption prevents intervention from officials and police <sup>(1402)</sup>.

Some children, especially small or disabled ones, are involved in accompanying their parents in begging. There were also isolated reports that some parent maimed their children to be beggars <sup>(1403)</sup>.

### 4.3.3. Children - other issues

#### Sexual Abuse

The practice of *bacha bazi*, an abusive practice whereby boys typically aging between 10 to 18 years are kept for sexual exploitation purposes usually by wealthy men or powerful local strongmen, continued <sup>(1404)</sup>. Sexual abuse of children by security forces and government official was also reported <sup>(1405)</sup>. A commissioner of the Afghan Independent Human Rights Commission (AIHRC) interviewed by *Deutsche Welle* in 2016 stated that the practice occurs in all provinces <sup>(1406)</sup>.

Some actions connected to *bacha bazi* can be prosecuted, according to the article 427 of the Afghan Penal Code, which stipulates that adultery and pederasty is a crime liable to ‘a long period of imprisonment’ <sup>(1407)</sup>. However, social approval and weak rule of law in Afghanistan help to create impunity for perpetrators <sup>(1408)</sup>. According to press reports, the legislation criminalizing *bacha bazi* is to be introduced to revised penal code <sup>(1409)</sup>. *Bacha bazi* is not clearly defined in Afghan law. New legislation under consideration by parliament is intended to define both the crime and the possible penalties more clearly <sup>(1410)</sup>.

The victims are mainly poor, illiterate, orphans, or children working as labourers or domestic workers, and are sometimes kept as *bacha bazi* boys for many years <sup>(1411)</sup>.

Reportedly some families sell their children into sexual slavery <sup>(1412)</sup>. According to the State Department’s Trafficking in Persons report for 2016, children who travel unaccompanied and orphans were particularly vulnerable to being trafficked or pushed into forced labour <sup>(1413)</sup>. Without being universal or exclusive, Hagar International noted that the most at-risk populations vulnerable to trafficking were found to be unaccompanied minors, boys in juvenile detention facilities, working children, drug-addicted children, and children in orphanages <sup>(1414)</sup>.

<sup>(1399)</sup> CSO, Socio-economic Survey Kabul, 2013 ([url](#)), pp. 55-56.

<sup>(1400)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), pp. 47-50.

<sup>(1401)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(1402)</sup> IWPR, Afghan Children Targeted by Drug Gangs, 29 November 2016 ([url](#)).

<sup>(1403)</sup> IWPR, Afghanistan: Beggars Accused of Intentionally Maiming Children, 9 September 2016 ([url](#)); IWPR, Afghanistan Child Beggars, 9 September 2016 ([url](#)).

<sup>(1404)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), pp. 42-43; DW, Afghan laws ‘ambiguous’ about pedophilic boy play subculture, 20 June 2016 ([url](#)); AIHRC, Causes and Consequences of *bacha bazi* in Afghanistan, 18 September 2014 ([url](#)).

<sup>(1405)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 43; UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), pp. 19-20.

<sup>(1406)</sup> DW, Afghan laws ‘ambiguous’ about pedophilic boy play subculture, 20 June 2016 ([url](#)).

<sup>(1407)</sup> Islamic Republic of Afghanistan, Afghan Penal Code, 7 October 1976 ([url](#)), art. 427.

<sup>(1408)</sup> Lifos, Tamarapport: *Bacha bazi*, 30 November 2015 ([url](#)); AFP, Kabul to punish those convicted of exploiting boy sex slaves, 22 February 2017 ([url](#)).

<sup>(1409)</sup> AFP, Kabul to punish those convicted of exploiting boy sex slaves, 22 February 2017 ([url](#)).

<sup>(1410)</sup> IWPR, Boys Sold for Sex in Afghan Province, 2 March 2017 ([url](#)).

<sup>(1411)</sup> DW, Afghan laws ‘ambiguous’ about pedophilic boy play subculture, 20 June 2016 ([url](#)).

<sup>(1412)</sup> AFP, Absence of Law, Corruption, Existence of Armed Groups Allow *Bacha Bazi* to Flourish in Afghanistan, 21 December 2016 ([url](#)).

<sup>(1413)</sup> US DoS, 2016 Trafficking in Persons Report - Afghanistan, 30 June 2016 ([url](#)), p. 66.

<sup>(1414)</sup> Hagar international, Forgotten No More; Male Child Trafficking in Afghanistan, October 2013 ([url](#)), pp. 29-30, 31-38.

## Recruitment into Security Forces and Armed Groups

Recruitment of children into government and non-government armed groups continued <sup>(1415)</sup>. The US Department of Labour reported in 2016: ‘Non-state groups, such as the Taliban and Da’esh (also known as the Islamic State of Khorasan Province), recruited children for use in armed conflict, to plant improvised explosive devices, or to act as suicide bombers. The Taliban use some schools for child recruitment and military training. Limited evidence indicates that the Da’esh trained children as young age 5 in the use of weapons. The UN has also verified cases of recruitment and use of children by the Afghan National Defense and Security Forces. Low birth registration contributes to the problem because it makes the determination of a recruit’s age difficult. Child recruitment remains a problem due to the poor standardisation practices in recruitment and difficulties with age verification <sup>(1416)</sup>.

In February 2016 the Law on Prohibition of Children Recruitment was implemented <sup>(1417)</sup>. According to the UN, as of December 2016, the Ministry of Interior has expanded the number of child protection units embedded in ANP recruitment centres to assist in preventing child recruitment into the security forces; there are 17 such centres across Afghanistan, including in:

- Daykundi, Paktiya, Takhar, Badakhshan <sup>(1418)</sup>
- Herat and Jalalabad <sup>(1419)</sup>
- Kabul and Mazar-e Sharif, which were established in 2015 and 2016 <sup>(1420)</sup>
- Ghor, Badghis, Farah <sup>(1421)</sup>

The UN reports that these centres have been credited for preventing the recruitment of hundreds of children into the armed conflict <sup>(1422)</sup>.

For further information on child recruitment, refer to EASO’s November 2016 report on recruitment into armed groups <sup>(1423)</sup>.

## Recruitment into Gangs

Sources report that there have been problems in Herat with youth and boys being recruited into gangs <sup>(1424)</sup>. According to an article on troubled youth in Herat City from a township where almost all the inhabitants had at one time been refugees from Iran or Pakistan, the boys in the study have problems with major community institutions, feel rejected or frustrated by them, and in turn create their own social spaces. Some of these gangs have engaged in petty criminality, others have migrated, and some have been enlisted by the Iranian government to fight in Syria <sup>(1425)</sup>. An article by IWPR in November 2016 stated that local officials and civil society in Herat had warned of an increasing number of youth becoming targets of drug traffickers, employing them in their operations. The article stated that street children in Herat were particularly vulnerable, and there were reports of children being arrested for their involvement <sup>(1426)</sup>.

Due to the difficulties of finding work in Kabul, urban displaced youth there also become vulnerable to being targeted for recruitment and pressured to engage in criminality or gangs <sup>(1427)</sup>. A 2014 study on urban displaced youth living in Kabul stated that youth are exposed to rising criminality in Kabul, both as victims, and targets for recruitment into criminal groups <sup>(1428)</sup>.

<sup>(1415)</sup> Child Soldiers International, Afghanistan briefing: Ongoing Recruitment and Use of Children, March 2016 ([url](#)); UNAMA, Afghanistan Protection of Civilians in Armed Conflict. Annual Report 2016, 6 February 2017 ([url](#)), pp. 20-21.

<sup>(1416)</sup> Child Soldiers International, Ongoing Recruitment and Use of Children, March 2016 ([url](#)), p. 9.

<sup>(1417)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 44.

<sup>(1418)</sup> UNSC, The Situation in Afghanistan and its implications for international peace and security, 13 December 2016 ([url](#)), para. 34.

<sup>(1419)</sup> UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Afghanistan: Child Protection Units Keeping Children Away from National Security Forces, 3 March 2016 ([url](#)).

<sup>(1420)</sup> UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Factsheet on Afghanistan, May 2016, ([url](#)).

<sup>(1421)</sup> DW, Child Soldiers – What’s their role in the Afghan conflict?, 13 February 2016 ([url](#)).

<sup>(1422)</sup> UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Factsheet on Afghanistan, May 2016 ([url](#)); UNSC, Report of the Secretary-General on children and armed conflict in Afghanistan, 15 May 2015, ([url](#)), para. 23.

<sup>(1423)</sup> EASO, EASO Country of Origin Information Report. Afghanistan: Recruitment by armed groups, September 2016 ([url](#)), pp. 39-47.

<sup>(1424)</sup> Kazemi, Reza S. 24, The new gangs of Herat: how young Afghans turn away from their community, October 2014 ([url](#)); IWPR, Afghan children targeted by drug gangs, 29 November 2016 ([url](#)).

<sup>(1425)</sup> Kazemi, Reza S., The new gangs of Herat: how young Afghans turn away from their community, 24 October 2014 ([url](#)).

<sup>(1426)</sup> IWPR, Afghan children targeted by drug gangs, 29 November 2016 ([url](#)).

<sup>(1427)</sup> Samuel Hall, Urban displaced youth in Kabul – Part 1. Mental Health Also Matters, 2016 ([url](#)), pp. 16-17.

<sup>(1428)</sup> Samuel Hall, Urban displaced youth in Kabul – Part 1. Mental Health Also Matters, 2016 ([url](#)), pp. 16-17.

## 4.4. Children – daily life in big cities

### 4.4.4. Kabul

Half of Kabul City's inhabitants in 2013 was under 18 years old <sup>(1429)</sup>. The literacy rate and school attendance rate are, according to a 2013 survey of the Central Statistics Office, relatively high in Kabul Province compared to other provinces <sup>(1430)</sup>.

However, according to the Norwegian Refugee Council (NRC), the situation differs according to the place a person is living and it is especially difficult in the informal settlements and among IDPs population, where school attendance is very low. No girls attended school in some communities surveyed <sup>(1431)</sup>. Instead, various humanitarian organisations estimate that 60,000-100,000 children worked on the streets of Kabul <sup>(1432)</sup>. Most of them were boys – it is estimated that almost 5 % of boys at the age 5-17 worked in the year prior to the 2013 survey <sup>(1433)</sup>. In Kabul province, the majority of working children were employed in crafts (handicraft, food processing, wood works and garments), in sales and in menial jobs <sup>(1434)</sup>. Working children can also face abuse by the police who ask them for money or restrict their access to certain areas <sup>(1435)</sup>.

The overall number of orphans is unknown in Kabul but it is estimated that 0.75 % of children below 5 lost at least one parent and 0.05% lost both of them. The number is lower than in other Afghan provinces <sup>(1436)</sup>. According to a children's rights organisation in Kabul City, interviewed by the Associated Press, there are 20 shelters for children for the city's 4.5 million residents, and these shelters lack expertise and capacity to support traumatised minors <sup>(1437)</sup>. Almost all are based on foreign aid and highly depend on them. There is a constant threat of lack of continuity <sup>(1438)</sup>.

### 4.4.5. Herat

According to Unicef, approximately 30 % of the street children are recent returnees or IDPs, while the rest come from the local community or the suburbs of Herat <sup>(1439)</sup>.

In Herat, the number of children involved in drug trafficking and addiction is rising quickly. According to Wasa foundation, there may be about 3,000 to 5,500 addicted children. In 2015, more than 50 children were detained for selling drugs. Drug gangs target children for small amounts of money or even for food. There is only one clinic treating addicted children but it can help only 100 children a year <sup>(1440)</sup>.

### 4.4.6. Mazar-e Sharif

Half of Mazar-e Sharif's inhabitants in 2013 was under 18 years old <sup>(1441)</sup>. The literacy rate and school attendance rate in Mazar-e Sharif is high and the educational gap between men and women is the smallest in Afghanistan <sup>(1442)</sup>. Displaced children living in the outskirts of Mazar-e Sharif and in neighbouring districts face numerous challenges to enrol in school. While the financial capacity of the family is a major obstacle, other factors such as distance from school, lack of transport and lack of female teachers are also hampering the enrolment of displaced children <sup>(1443)</sup>.

<sup>(1429)</sup> CSO, Socio-economic Survey Kabul, 2013 ([url](#)), p. 21.

<sup>(1430)</sup> CSO, Socio-economic Survey Kabul, 2013 ([url](#)), pp. 28, 34.

<sup>(1431)</sup> NRC, Listening to Women and Girls Displaced to Urban Afghanistan, January 2015 ([url](#)), p. 8.

<sup>(1432)</sup> IWPR, No Respite for Kabul's Street Children, 9 December 2016 ([url](#)).

<sup>(1433)</sup> CSO, Socio-economic Survey Kabul, 2013 ([url](#)), p. 56.

<sup>(1434)</sup> CSO, Socio-economic Survey Kabul, 2013 ([url](#)), pp. 57-58.

<sup>(1435)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 57-58.

<sup>(1436)</sup> CSO, Socio-economic Survey Kabul, 2013 ([url](#)), p. 70.

<sup>(1437)</sup> AP, For Afghanistan's abandoned and orphaned children, decades of war have brought little help, 29 April 2015 ([url](#)).

<sup>(1438)</sup> AP, For Afghanistan's abandoned and orphaned children, decades of war have brought little help, 29 April 2015 ([url](#)).

<sup>(1439)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(1440)</sup> IWPR, Afghan children targeted by drug gangs, 29 November 2016 ([url](#)).

<sup>(1441)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), p. 10.

<sup>(1442)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), pp. 16-27, 48, 62.

<sup>(1443)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

In Mazar-e Sharif about 5 % of children aged 5-17 are engaged in child labour <sup>(1444)</sup>. According to UNHCR, the proportion of displaced children engaged in child labour reportedly reaches up to 80 % of the children aged 6 year and above <sup>(1445)</sup>.

There is no data how many children in the city have no parents. However relatively small numbers of children below 5 are orphans – in Mazar-e Sharif only 0.01% of small children lost both parents and 0.6% at least one of them <sup>(1446)</sup>.

In Balkh province, APPRO reports in April 2016 that '[v]ery few children-related cases have been dealt with through the formal justice system. Thirteen cases involving children had been registered by the police headquarters in the period between September and December 2015. Six of these cases involved theft' <sup>(1447)</sup>. Describing the situation in Balkh province:

Children face an array of rights violations, most notably denial of access to education and being required to work difficult jobs. Working children are vulnerable to sexual abuse, addiction, developmental disorders, and criminality. Children from poor families, especially the internally displaced and children of martyrs or the disabled, are the most likely to take on laboring work. Many believe that the number of working children has been increasing. In response, the Governor's Office has initiated a child protection project that will provide room and board and other support for impoverished children to attend school, rather than work <sup>(1448)</sup>.

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<sup>(1444)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), pp. 16-27, 48, 62.

<sup>(1445)</sup> UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

<sup>(1446)</sup> CSO, Balkh Socio-Demographic and Economic Survey Balkh, 5 January 2015 ([url](#)), pp. 64-66.

<sup>(1447)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 24-25.

<sup>(1448)</sup> APPRO, Afghanistan Rights Monitor: Baseline Report, April 2016 ([url](#)), pp. 24-25.

## 5. Travel into the cities

### 5.1. Restrictions on internal travel to Kabul city, Herat city, and Mazar-e Sharif

There are no legal restrictions on travel inside Afghanistan or for foreign travel<sup>(1449)</sup>. Afghans have the right to freedom of movement and residence<sup>(1450)</sup>. UNICEF reports that Afghans who return to the country are free to settle where they choose upon return, noting that most who return go to Kabul, Mazar, Herat, because of the relative security there, or to other provinces with ‘lower risk of militant attacks and insurgency’<sup>(1451)</sup>. Insecurity is the central barrier impeding freedom of movement within the country<sup>(1452)</sup>. According to Asia Foundation’s 2016 *Survey of the Afghan People*, the deterioration in the security situation has caused fear of cross-province travel to reach an all-time high in 2016. 81.5 % of Afghans stated they were fearful when traveling to other parts of the country – an increase of 20.5 points since 2008<sup>(1453)</sup>. The same report found that armed groups are ‘increasingly focused on cutting off major traffic routes connecting population centers in the country’<sup>(1454)</sup>. In-country travel by road is described as ‘extremely dangerous, especially at night’ due to the risks from insurgents, mines, IEDs, and bandits<sup>(1455)</sup>. IEDs are frequently used in Afghanistan, especially in Kabul<sup>(1456)</sup>. The director of a research organisation interviewed for this report stated that travel by road was generally unsafe and there were numerous checkpoints between Herat and Kabul that changed hands all the time<sup>(1457)</sup>. Sources report instances of illegal checkpoints set up on roads in order to attack road users<sup>(1458)</sup>. Such roadblocks and checkpoints are set up by security forces and by insurgents<sup>(1459)</sup>. Illegal roadblocks and checkpoints are used to extort travellers and drivers<sup>(1460)</sup>. There have also been instances where security forces have shot at vehicles that fail to stop at their checkpoints<sup>(1461)</sup> or if they do not pay requested tolls<sup>(1462)</sup>. At unofficial checkpoints set up by armed groups, they will stop vehicles and check for evidence of a person’s links to the government, foreign funding, or NGOs, and people have been punished, arrested, or executed for this<sup>(1463)</sup>.

Cultural and social attitudes also limit the ability of women to move freely<sup>(1464)</sup>, and required male consent or a male chaperone<sup>(1465)</sup>. At times, for example, police have reportedly stopped and asked women to show their marriage documentation when accompanying male peers<sup>(1466)</sup>. For further information on the situation of women and freedom of movement, refer to Chapter 4, Section 4.2, Freedom of Movement.

<sup>(1449)</sup> Freedom House, *Freedom in the World 2016 – Afghanistan*, 27 January 2017 ([url](#)); US DoS, *Country Reports on Human Rights Practices for 2016 – Afghanistan*, 3 March 2017 ([url](#)), p. 25.

<sup>(1450)</sup> AIHRC, *The situation of human rights in 1393*, 11 August 2015 ([url](#)), p. 43.

<sup>(1451)</sup> UNICEF, *Child Notice Afghanistan*, November 2015 ([url](#)), p. 90.

<sup>(1452)</sup> Freedom House, *Freedom in the World 2016 – Afghanistan*, 27 January 2017 ([url](#)); US DoS, *Country Report on Human Rights Practices 2016*, 6 March 2017 ([url](#)), p. 25; AIHRC, *The situation of human rights in 1393*, 11 August 2015 ([url](#)), p. 43.

<sup>(1453)</sup> Asia Foundation, *Survey of the Afghan People 2016*, 27 January 2017 ([url](#)), p. 39.

<sup>(1454)</sup> New York Times, *Taliban cut off Afghan highway linking Kabul to Northern Gateways*, 14 May 2016 ([url](#)); Asia Foundation, *Survey of the Afghan People 2016*, 27 January 2017 ([url](#)), p. 39.

<sup>(1455)</sup> US DoS, *Country Reports on Human Rights Practices for 2016 – Afghanistan*, 3 March 2017 ([url](#)), pp. 25-26.

<sup>(1456)</sup> US DoS - Bureau of Diplomatic Security, *Afghanistan 2017 Crime & Safety Report*, 6 March 2017 ([url](#)).

<sup>(1457)</sup> Director of a research organisation, Skype interview, 6 February 2017.

<sup>(1458)</sup> Canada - Department of Foreign Affairs and International Trade, *Afghanistan*, 10 February 2017 ([url](#)).

<sup>(1459)</sup> US DoS, *Country Reports on Human Rights Practices for 2015 – Afghanistan*, 13 April 2016 ([url](#)), p. 25; US DoS - Bureau of Diplomatic Security, *Afghanistan 2017 Crime & Safety Report*, 6 March 2017 ([url](#)).

<sup>(1460)</sup> US Department of State, *Country Reports on Human Rights Practices for 2016 – Afghanistan*, 3 March 2017 ([url](#)), p. 25; IWA, *On Afghanistan’s roads – extortion and abuse against drivers*, November 2013 ([url](#)), pp. 1-2; IWPR, *Afghan police accused of highway abuses*, 13 November 2015 ([url](#)).

<sup>(1461)</sup> US DoS - Bureau of Diplomatic Security, *Afghanistan 2017 Crime & Safety Report*, 6 March 2017 ([url](#)).

<sup>(1462)</sup> IWA, *On Afghanistan’s roads – extortion and abuse against drivers*, November 2013 ([url](#)), p. 11.

<sup>(1463)</sup> Director of a research organisation, Skype interview, 6 February 2017.

<sup>(1464)</sup> Afghanistan Independent Human Rights Commission (AIHRC), *The situation of human rights in 1393*, 11 August 2015 ([url](#)), p. 43.

<sup>(1465)</sup> US DoS, *Country Reports on Human Rights Practices for 2016 – Afghanistan*, 3 March 2017 ([url](#)), p. 26.

<sup>(1466)</sup> AIHRC, *The situation of human rights in 1393*, 11 August 2015 ([url](#)), p. 43.

## 5.2. Documents required for travel and entry into Herat City, Mazar, Kabul City

Sources did not mention the specific need for documents to obtain entry into Herat City, Mazar-e Sharif, or Kabul city. There is no systematic requirement for people to produce documents when moving within the country and through checkpoints<sup>(1467)</sup>. The Overseas Security Advisory Council (OSAC) observed that '[a]ppropriate identification is generally sufficient to permit passage through government run checkpoints'<sup>(1468)</sup>. The researcher interviewed for this report explained that in larger cities a person might be asked for ID at security checkpoints but this would be less likely in more rural areas. Most Afghans prefer not to carry state-issued ID with them and instead use other forms of ID to pass through checkpoints, such as an office ID or a bank customer card, or other forms of ID, which are usually acceptable<sup>(1469)</sup>.

The researcher explained that a person may not have legal restrictions but when attempting to access services in a new location, people will question why a person is not in their place of origin, and the *tazkera* is the first document that establishes identity<sup>(1470)</sup>. On a practical level, the *tazkera* is the primary Afghan identity document and is required for access to a range of public services<sup>(1471)</sup>. Sources report that undocumented Afghan who are displaced or move from one place to another experience barriers accessing services such as access to education, banking, and health care due to the lack of documentation<sup>(1472)</sup>. Without a *tazkera*, displaced people cannot access further forms of civil documentation such as passports, birth, marriage or death records, or land titles and deeds to secure property. Afghans say that bribery and personal connections expedite the processes to obtain civil documentation<sup>(1473)</sup>.

According to information provided to UNICEF by a civil-society organisation that assists migrants, obtaining documents such as an identity card can be complicated because 'in order to prove that they are Afghan, Afghan[s] [who are] returned need to be recognized by at least three persons including some elders from his/her own community. Especially when they have been out of the country, as a refugee, it can be difficult for them to succeed'<sup>(1474)</sup>. The UNHCR in Afghanistan commented that in cases where civil documentation is required, people must return to their provinces of origin to obtain it<sup>(1475)</sup>. The researcher similarly explained that in big cities IDPs are frequently told that they need to provide identity papers or a *tazkera* and that they have to return to their place of origin to obtain it<sup>(1476)</sup>.

Sources reported the possibility of being vulnerable to abuse from authorities if a person lacks civil documentation<sup>(1477)</sup>. The director of a research organisation interviewed for this report explained that people without documents can be extorted by security officials, usually police, who threaten to detain the person unless they pay a bribe. Undocumented Afghans, such as those born in Iran, who have gone to Europe and are then returned to Afghanistan, face particular problems in getting documentation in order, which usually does not happen without connections and payments of various types of bribes<sup>(1478)</sup>. NRC/Samuel Hall notes that civil documentation is 'crucial' for social integration of returnees<sup>(1479)</sup>.

Access to the formal justice system requires a *tazkera*<sup>(1480)</sup>. The researcher interviewed for this report explained that, particularly for IDPs without documents, individuals in such a situation cannot take their claims to a judge, for instance in a land dispute, because they have no proof of claim<sup>(1481)</sup>. Without civil documentation such as a *tazkera*,

<sup>(1467)</sup> See for example, Canada - Immigration and Refugee Board (IRB) Afghanistan, Documents required to travel within Afghanistan, documents required to pass checkpoints (2013-January 2015), 3 February 2016 ([url](#)); Researcher, Skype interview, 30 January 2017.

<sup>(1468)</sup> US DoS - Bureau of Diplomatic Security, Afghanistan 2017 Crime & Safety Report, 6 March 2017 ([url](#)).

<sup>(1469)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1470)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1471)</sup> NRC and Samuel Hall, Access to Tazkera and other civil documentation in Afghanistan, November 2016 ([url](#)), p. 16; Director of a research organisation, Skype interview, 6 February 2017; Researcher, Skype interview, 30 January 2017; Western official, Skype interview, 7 February 2017.

<sup>(1472)</sup> Western official, Skype interview, 7 February 2017; Samuel Hall Consulting, Displacement Dynamics – Summary: IDP Movement tracking, needs and vulnerability analysis, Herat and Helmand, 2014 ([url](#)), p. 7.

<sup>(1473)</sup> NRC and Samuel Hall, Access to Tazkera and other civil documentation in Afghanistan, November 2016 ([url](#)), pp. 20-21.

<sup>(1474)</sup> UNICEF, Child Notice Afghanistan, November 2015 ([url](#)), p. 88.

<sup>(1475)</sup> UNHCR, e-mail, 3 March 2017. UNHCR Afghanistan made this addition during the review of this report.

<sup>(1476)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1477)</sup> Director of a research organisation, Skype interview, 6 February 2017; NRC and Samuel Hall, Access to Tazkera and other civil documentation in Afghanistan, November 2016 ([url](#)), p. 38; Samuel Hall Consulting, Displacement Dynamics – Summary: IDP Movement tracking, needs and vulnerability analysis, Herat and Helmand, 2014 ([url](#)), p. 7.

<sup>(1478)</sup> Director of a research organisation, Skype interview, 6 February 2017.

<sup>(1479)</sup> NRC and Samuel Hall, Access to Tazkera and other civil documentation in Afghanistan, November 2016 ([url](#)), p. 39.

<sup>(1480)</sup> NRC and Samuel Hall, Access to Tazkera and other civil documentation in Afghanistan, November 2016 ([url](#)), p. 38.

<sup>(1481)</sup> Researcher, Skype interview, 30 January 2017.

people are more likely to turn to customary justice institutions, which also disadvantage women <sup>(1482)</sup>. IRIN reported that Afghans are free to move where they choose. However, people who have been displaced for decades, such as protracted IDPs in Herat City, continue to encounter difficulties with long-term integration as local government retains the idea that IDPs will return home as quickly as possible <sup>(1483)</sup>.

### 5.2.1. Obtaining civil documentation for women

The Norwegian Refugee Council (NRC) and Samuel Hall conducted a 2015-2016 study of protection issues related to the lack of civil documentation for returning Afghans and IDPs in Mazar-e Sharif, Herat, and Kabul. This study revealed that women, particularly displaced women, were far less likely to have a *tazkera* or other forms of identity documents compared to returnee women, for example. Comparatively, 90 % of men surveyed held a *tazkera*, compared to 38 % of women overall <sup>(1484)</sup>. Women who were single heads of households encountered difficulties obtaining services due to lack of documentation <sup>(1485)</sup>. Without documentation, women are unable to claim their rights, such as land, inheritance, or property <sup>(1486)</sup>. The *tazkera* application process requires male relatives to be involved and to support the process <sup>(1487)</sup>. The UNHCR commented that, for women and girls who have run away from home, it is difficult to obtain a national identify card without a copy of their father’s or brother’s card, which then also results in difficulties obtaining marriage certificates <sup>(1488)</sup>.

The civil registry department in Mazar-e Sharif is functional and UNHCR has not observed discriminatory practices preventing returnees or IDPs to request civil and civil status documentation. However, the process remains less accessible for women and girls, often deprived due to cultural practices from the opportunity to obtain a national ID. Corruption and bribery affecting the civil status registry department thwart access to documents for IDPs and returnees with limited financial means <sup>(1489)</sup>.

## 5.3. International and domestic flight connections

Flight schedules in Afghanistan change frequently and airlines sometimes do not maintain updated flight schedules on their websites. Flight schedules posted online do not necessarily reflect operational flights.

Afghan airlines have recently encountered problems stabilising operations due to financial difficulties with paying taxes, including major carriers such as Safi Airways, Kam Air, and East Horizons Airlines <sup>(1490)</sup>. Safi Airways was ordered by civil aviation authorities to be grounded in September 2016 over failure to pay taxes and operations were suspended <sup>(1491)</sup>. The airline was reportedly operating again in December 2016, according to media articles <sup>(1492)</sup>. Airline intelligence source, ch-aviation, reports that East Horizons Airlines operations have been suspended by the Afghan Civil Aviation Authority (ACAA) since December 2015 for violating regulations on ageing aircraft <sup>(1493)</sup>. East Horizon Airlines flights have not been included in the information below for this reason.

<sup>(1482)</sup> NRC and Samuel Hall, Access to Tazkera and other civil documentation in Afghanistan, November 2016 ([url](#)), p. 38.

<sup>(1483)</sup> IRIN, New solutions for Afghanistan’s protracted IDPS, 20 February 2014 ([url](#)).

<sup>(1484)</sup> NRC and Samuel Hall, Access to Tazkera and other civil documentation in Afghanistan, November 2016 ([url](#)), pp. 23-25.

<sup>(1485)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 26; NRC and Samuel Hall, Access to Tazkera and other civil documentation in Afghanistan, November 2016 ([url](#)), pp. 23-27.

<sup>(1486)</sup> NRC, Strengthening Displaced Women’s Housing, Land and property Rights in Afghanistan, 15 November 2014 ([url](#)), p. 27; NRCI, Displaced Women Lack identity papers, 8 November 2016 ([url](#)).

<sup>(1487)</sup> NRC and Samuel Hall, Access to Tazkera and other civil documentation in Afghanistan, November 2016 ([url](#)), pp. 12, 23, 30.

<sup>(1488)</sup> UNHCR, e-mail, 3 March 2017. UNHCR Afghanistan made this addition during the review of this report.

<sup>(1489)</sup> UNHCR, e-mail, 3 March 2017. UNHCR Afghanistan made this addition during the review of this report.

<sup>(1490)</sup> CH-Aviation, Afghan taxman comes down hard on Safi Airways, 6 September 2016 ([url](#)).

<sup>(1491)</sup> CH-Aviation, Afghan taxman comes down hard on Safi Airways, 6 September 2016 ([url](#)); National (The), Biggest private airline in Afghanistan grounded over non-payment, 6 September 2016 ([url](#)); Reuters, Afghan carrier Safi Airways grounded over debts, 5 September 2016 ([url](#)).

<sup>(1492)</sup> Khaama Press, Safi Airways plane makes emergency landing in Kabul airport, 10 December 2017 ([url](#)); Airline Gazette, Safi Airways in emergency landing due to landing gear problem, 10 December 2016 ([url](#)).

<sup>(1493)</sup> CH-Aviation, Afghan carriers’ tough times getting tougher, 3 May 2016 ([url](#)).

### 5.3.1. Kabul

#### 5.3.1.1. International Flight Connections

International flight services to Kabul operate through the Hamid Karzai International Airport <sup>(1494)</sup>. Online flight schedules for Afghan airlines list the following flight destinations and schedules for service to Kabul:

- Safi Airways lists on its 2015 flight schedule that it flies daily to Kabul from Dubai, twice per week from Islamabad (4Q-256) and from Jeddah (4Q-292), and four times per week from Delhi (Q-244) <sup>(1495)</sup>;
- Kam Air lists scheduled flights dated for 2017 operating service to Kabul from Almaty, Delhi, Islamabad, Istanbul, and Mashhad <sup>(1496)</sup>;
- Ariana Afghan Airlines offers international service to Kabul as follows:
  - Three flights per week to from Delhi;
  - Five flights per week from Dubai;
  - Two flights per week from Ankara;
  - Two flights per week from Istanbul;
  - Two flights per week from Jeddah;
  - One flight per week from Moscow;
  - One flight per week from Urumqi <sup>(1497)</sup>.

The online schedule for Pakistan International Airlines (PIA) indicates that it also offers regular service to Kabul from Islamabad <sup>(1498)</sup>. Turkish Airlines offers a daily service to Kabul from Istanbul on flight 706 <sup>(1499)</sup>.

Flightstats, a flight-tracking website, indicates that international flights arriving in Kabul are listed as being available from several airlines arriving from Delhi, Dubai, Almaty, Islamabad, and Istanbul <sup>(1500)</sup>. Flight tracking websites, which provide real-time flight information, list the following international flights landing at Kabul International Airport <sup>(1501)</sup>:

- THY 706 (Turkish Airlines) from Istanbul to Kabul operates daily <sup>(1502)</sup>
- AIC 243 (Air India) from Delhi to Kabul operates four times per week <sup>(1503)</sup>
- SEJ21 (Spice Jet) from Delhi operates 5 days per week <sup>(1504)</sup>
- UAE640 (Emirates Air) from Dubai to Kabul operates daily <sup>(1505)</sup>
- FDB305 (FlyDubai) from Dubai to Kabul operates several times per week <sup>(1506)</sup>
- FDB301 (FlyDubai) from Dubai to Kabul operates 5 times per week <sup>(1507)</sup>.

Other flight tracking data indicates the following incoming international flights listed as arriving on 13 March 2017:4Q202 (Safi Airways) from Dubai;

- W511-1 (Mahan Air) from Tehran
- FZ301 (FlyDubai) from Dubai
- TK706 (Turkish Airlines) from Istanbul
- SG21 (SpiceJet) from Delhi
- FZ303 (FlyDubai) from Dubai

<sup>(1494)</sup> CAPA – Centre for Aviation, Kabul Hamid Karzai international airport, n.d. ([url](#)).

<sup>(1495)</sup> Safi Airways, Flight schedule (all timings are local), n.d. ([url](#)).

<sup>(1496)</sup> Kam Air, Flight Schedules – Kabul Hamid Karzai International Airport (KBL), n.d. ([url](#)).

<sup>(1497)</sup> Ariana Afghan Airlines, Flight Schedule, n.d. ([url](#)).

<sup>(1498)</sup> Pakistan International Airlines, Flight Schedule – Destination Specific – Kabul, Afghanistan, n.d. ([url](#)).

<sup>(1499)</sup> Turkish Airways, Availability – Istanbul to Kabul, 13 March 2017 ([url](#)); Turkish Airways, e-mail, 13 March 2017.

<sup>(1500)</sup> Flightstats, (KBL) Kabul International Airport arrivals, n.d. ([url](#)).

<sup>(1501)</sup> FlightAware, Arrivals: Kabul Int'l Airport (Kabul) [OAKB], n.d. ([url](#)).

<sup>(1502)</sup> Flightradar24, Flight history for Turkish Airlines flight TK706, n.d. ([url](#)).

<sup>(1503)</sup> FlightAware, Air India 243 - AIC243 / AI243, n.d. ([url](#)).

<sup>(1504)</sup> FlightAware, SpiceJet 21 - SEJ21 / SG21, n.d. ([url](#)).

<sup>(1505)</sup> Flightradar24, Flight history for Emirates flight EK640, n.d. ([url](#)).

<sup>(1506)</sup> FlightAware, FlyDubai 305 - FDB305 / FZ305, n.d. ([url](#)).

<sup>(1507)</sup> FlightAware, FlyDubai 301 - FDB301 / FZ301, n.d. ([url](#)).



- PK249 (PIA) from Islamabad
- EK640 (Emirates) from Dubai
- RQ116 (Kam Air) from Delhi
- 4Q204 (Safi Airways) from Dubai
- RQ214 (Kam Air from) from Islamabad
- ZP57 (Silky Way Airlines) from Baku
- FZ305 (FlyDubai) from Dubai<sup>(1508)</sup>

### 5.3.1.2. Domestic Connections from Kabul

The FlightStats website, which tracks live arrivals and departures at airports, indicates that at Kabul International Airport domestic flights are available from a range of airlines flying out of Kabul to Tarin Kot, Chaghcharan, Farah, Herat, Kandahar, and Mazar-e Sharif <sup>(1509)</sup>. For example:

- Safi Airways operates daily service to Herat (4Q-501) according to its schedule, but did not provide information on whether the flights were operational <sup>(1510)</sup>;
- Kam Air’s 2017 flight schedule listings on their website indicate the airline flies regularly to Bamyan, Bost, Chaghcharan, Farah, Fayzabad, Kandahar, and Zaranj <sup>(1511)</sup>. The ‘flight status’ website of Kam Air states that flights from Kabul were active from Bamyan, Farah, Herat, Kandahar, and Mazar-e Sharif, as of 12 March 2013 <sup>(1512)</sup>;
- Afghan Jet International airline states on its website that it offers flights from Kabul to Chaghcharan (twice weekly), Tereen (twice weekly), Bost (twice weekly), and Kandahar (weekly) <sup>(1513)</sup>. Information on whether these flights were operational could not be found.
- Ariana Afghan Airlines states on its flight schedule that it offers twice daily service to Herat from Kabul (flights 2205 and 251) <sup>(1514)</sup>.

## 5.3.2. Herat (HEA)

### 5.3.2.3. International Connections

Kam Air’s online flight schedule indicates that there are international flights listed for 2017 that are landing in Herat from Istanbul and Mashhad and, in 2015, the schedule also listed flights from Delhi and Dubai <sup>(1515)</sup>. The Kam Air ‘flight status’ website indicates active flights on 12 March 2017 from Delhi (RQ-116) and Dubai arriving in Herat (RQ-006) <sup>(1516)</sup>. Further information on whether these or other international flights to Herat are operational could not be found.

### 5.3.2.4. Domestic Connections from Kabul

Kam Air’s ‘flight status’ website accessed for the date of 12 March 2017 lists three flights arriving in Herat from Kabul per day (RQ-903, RQ-933, RQ-931) <sup>(1517)</sup>. The flight schedule posted on the website of Ariana Afghan Airlines and accessed 13 March 2017 states that the airline offers two flights daily (2205 and 251) to Herat from Kabul <sup>(1518)</sup>.

<sup>(1508)</sup> Airport-departures-arrivals.com, KBL ARRIVALS – Mon 13-Mar-2017, n.d. ([url](#)).

<sup>(1509)</sup> Flightstats, (KBL) Kabul International Airport Departures, n.d. ([url](#)).

<sup>(1510)</sup> Safi Airways, Flight schedule (all timings are local), n.d. ([url](#)).

<sup>(1511)</sup> Kam Air, Flight Schedules – Kabul Hamid Karzai International Airport (KBL), n.d. ([url](#)).

<sup>(1512)</sup> Kam Air, Flight Schedules – Kabul Hamid Karzai International Airport (KBL), n.d. ([url](#)).

<sup>(1513)</sup> Afghan Jet International, KBL-CCN, n.d. ([url](#)); Afghan Jet International, KBL-TII, n.d. ([url](#)); Afghan Jet International, KBL-BST, n.d. ([url](#)); Afghan Jet International, KBL-KDH, n.d. ([url](#)).

<sup>(1514)</sup> Ariana Afghan Airlines, Flight Schedule, n.d. ([url](#)).

<sup>(1515)</sup> Kam Air, Flight Schedules – Herat International Airport (HEA), n.d. ([url](#)).

<sup>(1516)</sup> Kam Air, Flight Status – Herat International Airport, n.d. ([url](#)).

<sup>(1517)</sup> Kam Air, Flight Status – Herat International Airport, n.d. ([url](#)).

<sup>(1518)</sup> Fly Ariana, Flight schedule, n.d. ([url](#)).

However, the Flightstats website, which provides real-time data on flight arrivals and departures, lists four flights arriving in Herat daily, all from Kabul. These flights into Herat are provided to and from Kabul by Kam Air (3 flights per day: 903, 933, 931), and one flight per day to Kabul is provided by Ariana Airlines (251) <sup>(1519)</sup>.

Further information on domestic flights to Herat could not be found.

### 5.3.3. Mazar-e Sharif (MZR)

#### 5.3.3.1. International Connections

The airport at Mazar-e Sharif, inaugurated in 2013, is also known as Mazar Mawlana Jalaluddin Balkhi International Airport <sup>(1520)</sup>.

Turkish Airlines indicates that the carrier has been offering direct flights to and from Istanbul from Mazar-e Sharif since 2013 <sup>(1521)</sup>. International service to Mazar-e Sharif is offered three times per week direct from Istanbul on flight Turkish Airways flight TK736 <sup>(1522)</sup>. Flightmapper and FlightAware, two websites that track live flight data, similarly indicate that Turkish Airlines Flight 736 is a regularly scheduled direct international flight from Istanbul to Mazar-e Sharif <sup>(1523)</sup>.

Kam Air's flight schedule lists 2017 international flights from Mazar-e Sharif to Istanbul and Mashhad, according to its online flight schedule <sup>(1524)</sup>. Flights are also listed to Delhi and Dubai, but are dated 2015 <sup>(1525)</sup>. Information on whether international flights by Kam Air are operational could not be found.

#### 5.3.3.2. Domestic Connections from Kabul

When accessed in March 2017, Kam Air's website on the 'flight status' of service from Kabul to Mazar-e Sharif lists flight RQ-941 and RQ-943 as active <sup>(1526)</sup>. Accessed in March 2017, the FlightStats.com similarly reports that two domestic flights per day to and from Kabul into Mazar-e Sharif are operated by Kam Air (flights 941 and 943) <sup>(1527)</sup>.

Ariana Afghan Airlines' undated website lists service to Mazar-e Sharif as one of its domestic flights; however, a flight schedule from Kabul to Mazar-e Sharif was not available on its website <sup>(1528)</sup>.

Safi Airways has an October 2015 flight schedule on their website indicating service from Kabul to Mazar-e Sharif twice weekly. More recent information about whether these flights are operational could not be found.

When accessed in March 2017, Kam Air also listed a service between Herat and Mazar-e Sharif as being active via flight RQ-006 <sup>(1529)</sup>.

<sup>(1519)</sup> Flightstats, Herat airport – query, n.d. ([url](#)).

<sup>(1520)</sup> Pajhwok Afghan News, Balkh airport terminal inaugurated, 9 June 2013 ([url](#)).

<sup>(1521)</sup> Turkish Airlines, Turkish Airlines has added Mazar-i Sharif, Afghanistan as its 240th destination across 104 countries, 19 November 2013 ([url](#)).

<sup>(1522)</sup> Turkish Airlines, e-mail, 13 March 2017.

<sup>(1523)</sup> Flightmapper, All airlines flying from Ataturk, Istanbul (IST) to Mazar-e Sharif (MZR), n.d. ([url](#)); FlightAware, Flight Activity History (THY736), n.d. ([url](#)).

<sup>(1524)</sup> Kam Air, Flight Schedules – Mazar Mawlana J,M INTL Airport (MZR), n.d. ([url](#)).

<sup>(1525)</sup> Kam Air, Flight Schedules – Mazar Mawlana J,M INTL Airport (MZR), n.d. ([url](#)).

<sup>(1526)</sup> Kam Air, Flight Status – Mazar Mawlana J,M Balkhi INTL Airport – 12 March 2017, n.d. ([url](#)).

<sup>(1527)</sup> Flightstats, (MZR) Mazar-I-Sharif Airport Arrival, n.d. ([url](#)).

<sup>(1528)</sup> Ariana Afghan Airlines, Our Destinations, n.d. ([url](#)); Ariana Afghan Airlines, Flight Schedule, n.d. ([url](#)).

<sup>(1529)</sup> Kam Air, Flight Status – Mazar Mawlana J,M Balkhi INTL Airport – 12 March 2017, n.d. ([url](#)).

## 5.4. Roadway security from airports to city centres

Kabul's international airport is about 1 kilometre north-north-east of Kabul City<sup>(1530)</sup>. There are special compounds around the airport as well as businesses and regular traffic as people are moving in and out of the area to the city centre<sup>(1531)</sup>. There have been bombings, attacks and security incidents occurring around Kabul airport in recent years by insurgents targeting security apparatus<sup>(1532)</sup>. Recent attacks near the airport have included:

- 30 January 2015: the Taliban took credit for an insider attack by an Afghan guard at the airport, with three American contractors being shot and killed<sup>(1533)</sup>;
- 10 August 2015: a VBIED exploded near the airport as government officials exited the Kabul garrison in non-tactical vehicles<sup>(1534)</sup>;
- 28 December 2015: a VBIED exploded near the east gate of the airport, killing two civilians and injuring six<sup>(1535)</sup>;
- 4 January 2016: a VBIED exploded near the airport, targeting a German military vehicle<sup>(1536)</sup>;
- 14 December 2016: an Afghan policeman opened fire at a checkpoint outside the airport, killing one person and wounding two others<sup>(1537)</sup>.

There are no hotels at the airport; there are transportation services from the airport by bus and taxi<sup>(1538)</sup>.

The airports of Mazar-e Sharif and Herat are located outside the cities<sup>(1539)</sup>. The Mazar-e Sharif airport is approximately 9 kilometres east of the city of Mazar-e Sharif, or about 15 minutes by car to the city centre<sup>(1540)</sup>. The Western official interviewed for this report said that the roads to these airports were patrolled regularly and that traveling on these routes during daylight hours was generally safe<sup>(1541)</sup>. The researcher interviewed for this report expressed a similar opinion<sup>(1542)</sup>.

The airport in Herat is approximately 18.5 kilometres south of Herat City<sup>(1543)</sup>. In a document providing information on aerodrome capabilities, the Afghanistan Civil Aviation Authority (ACAA), stated that accommodation at the Herat airport was only available for military personnel. Without providing details, the same source states that 'all non-[Resolute Support/Coalition] transient passengers must arrive with a valid [point of contact] name and phone number to provide accommodation during the night'. The document notes that there are no hotels at the airport but there are hotels in the town and taxis are available at the civilian terminal<sup>(1544)</sup>.

The director of a research organisation interviewed for this report explained that the main road from the airport in Herat to the city cuts through two districts (Injeel and Gozara) that are potentially insecure<sup>(1545)</sup>. According to a local correspondent for a national newspaper, there is a group of 15 Taliban active in that area<sup>(1546)</sup>.

<sup>(1530)</sup> Afghanistan Civil Aviation Agency (ACAA), Kabul International Airport, n.d. ([url](#)).

<sup>(1531)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1532)</sup> US DoS - Bureau of Diplomatic Security, Afghanistan 2017 Crime & Safety Report, 6 March 2017 ([url](#)); Wall Street Journal (The), Afghan policeman opens fire near Kabul airport, 14 December 2016 ([url](#)); LWJ, Taliban claim insider attack at Kabul Airport that killed 3 US contractors, 30 January 2015 ([url](#)); RFE/RL, Suicide Bomber Attacks Police Checkpoint Near Kabul Airport, 4 January 2016 ([url](#)); Reuters, Militants killed after audacious attack on Kabul airport, 17 July 2014 ([url](#)); Pajhwok Afghan News, 3 American contractors gunned down at Kabul airport, 30 January 2015 ([url](#)).

<sup>(1533)</sup> Pajhwok Afghan News, 3 American contractors gunned down at Kabul airport, 30 January 2015 ([url](#)).

<sup>(1534)</sup> US DoS - Bureau of Diplomatic Security, Afghanistan 2017 Crime & Safety Report, 6 March 2017 ([url](#)).

<sup>(1535)</sup> US DoS - Bureau of Diplomatic Security, Afghanistan 2017 Crime & Safety Report, 6 March 2017 ([url](#)).

<sup>(1536)</sup> US DoS - Bureau of Diplomatic Security, Afghanistan 2017 Crime & Safety Report, 6 March 2017 ([url](#)).

<sup>(1537)</sup> Wall Street Journal (The), Afghan policeman opens fire near Kabul airport, 14 December 2016 ([url](#)).

<sup>(1538)</sup> ACAA, Aeronautical Information Publication – Republic of Afghanistan, 2 March 2017 ([url](#)), p. 145.

<sup>(1539)</sup> Western official, Skype interview, 6 February 2017; Researcher, Skype interview, 30 January 2017.

<sup>(1540)</sup> WFP - LCA, Afghanistan Mazar-e-Sharif (Maulana Jalaluddin Balkhi) International Airport, 21 March 2016 ([url](#)).

<sup>(1541)</sup> Western official, 6 February 2017, Skype interview.

<sup>(1542)</sup> Researcher, Skype interview, 30 January 2017.

<sup>(1543)</sup> ACAA, Aeronautical Information Publication – Republic of Afghanistan, 2 March 2017 ([url](#)), pp. 103-106.

<sup>(1544)</sup> ACAA, Aeronautical Information Publication – Republic of Afghanistan, 2 March 2017 ([url](#)), 103-106.

<sup>(1545)</sup> Director of a research organisation, Skype interview, 6 February 2017.

<sup>(1546)</sup> Local correspondent for a national newspaper, e-mail, 6 April 2017.

According to AAN, writing in January 2017, security forces are required to set up patrols and checkpoints around the gates and outskirts of Herat to guard the city from insecurity that is spreading from districts in the vicinity, such as Karokh, and Gozara, to the south<sup>(1547)</sup>. In April 2017, the local correspondent stated that the security forces had recently increased their activities on that road and enhanced their efforts to provide security<sup>(1548)</sup>.

A Western security analyst contacted for this report stated in an e-mail in April 2017 that according to his information, the security along the Herat City – Airport road had ‘significantly improved’ from 2015 to 2017. The number of incidents on that road fell from five in 2015, to one in 2016, and none reported to him in 2017 until the beginning of April 2017<sup>(1549)</sup>. However, a local correspondent for a national newspaper in Afghanistan who was interviewed for this report stated that in the last year (Afghan year, 21 March 2016 – 20 March 2017), ‘there were numerous problems on this road, such as the assassination of several individuals, including women’<sup>(1550)</sup>. In one example from January 2017, a police officer in Injeel was shot and killed by a drive-by motorcyclist<sup>(1551)</sup>. In 2016, the NDS arrested a ring of kidnappers active in Injeel and the municipality of Herat City; the men had been responsible for nine kidnappings<sup>(1552)</sup>. Since the beginning of the new – Afghan – year however, the correspondent specified no incidents have happened on that road<sup>(1553)</sup>.

Two sources confirmed that a person driving on the road between the city and the airport should do so only during daylight<sup>(1554)</sup> and when there is the presence of traffic on the street; not at night, and not to stop<sup>(1555)</sup>.

## 5.5. Freedom of movement for women

In Afghanistan, the scope of women’s mobility, and hence her social and economic life, are determined by local and family specific norms of *pardah*, which are intertwined and bound to local socio-cultural codes of honour, shame, and the *Pashtunwali*, among Pashtuns<sup>(1556)</sup>. Other limitations are prescribed by law, such as through the Shia Personal Status Law, passed in 2009, which contains discriminatory provisions against women, such as the need to obtain her husband’s authorisation before leaving the home<sup>(1557)</sup>.

Restrictive social norms generally limit women’s freedom of movement<sup>(1558)</sup>. Women are usually required to be accompanied by their husband or a male member of family or must have their permission to go outside the home and to work<sup>(1559)</sup>. According to sources, women who go outside alone or go to work are frequently subjected to sexual harassment in the streets, even in urban areas<sup>(1560)</sup>. According to Institute for War and Peace Reporting (IWPR), street harassment of women is a serious problem in Kabul and Herat. Women are stopped, invited to young men’s cars, taunted or mocked. Physical attacks also happen, such as cases of acid attacks on the streets of Kabul. However, the police state that this kind of attack is connected mainly with private disputes. Women organised public protests against violence on the streets in 2015<sup>(1561)</sup>.

Many women still face problems with access to education, health care and livelihood opportunities because they cannot leave the house<sup>(1562)</sup>. This limitation especially concerns unmarried or single girls and women, as well as young women who are usually responsible for raising young children. Older women with older children sometimes

<sup>(1547)</sup> Kazemi, S.R., The Battle between Law and Force: Scattered political power and deteriorating security test Herat’s dynamism, 11 January 2017 ([url](#)).

<sup>(1548)</sup> Local correspondent for a national newspaper, e-mail, 6 April 2017.

<sup>(1549)</sup> Western Security Official, specialized in security in Afghanistan, e-mail, 5 April 2017.

<sup>(1550)</sup> Local correspondent for a national newspaper, e-mail, 6 April 2017.

<sup>(1551)</sup> Frontier Post (The), Cop killed in Herat, 18 January 2017 ([url](#)).

<sup>(1552)</sup> Pajhwok Afghan News, 10 detained on smuggling, kidnapping charges in Herat, 26 March 2016 ([url](#)).

<sup>(1553)</sup> Local correspondent for a national newspaper, e-mail, 6 April 2017.

<sup>(1554)</sup> Director of a research organisation, Skype interview, 6 February 2017; Local correspondent for a national newspaper, e-mail, 6 April 2017.

<sup>(1555)</sup> Director of a research organisation, Skype interview, 6 February 2017.

<sup>(1556)</sup> Netherlands Enterprise Agency, Addressing the Obstacles for Afghan SMEs to employ women and support their economic empowerment 25 October 2016 ([url](#)), p. 19.

<sup>(1557)</sup> UN CEDAW, Concluding observations on the combined initial and second periodic reports of Afghanistan, 23 July 2013 ([url](#)), p. 12.

<sup>(1558)</sup> NRC, Listening to Women and Girls Displaced to Urban Afghanistan, January 2015 ([url](#)), p. 16; US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 26.

<sup>(1559)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), pp. 26, 29.

<sup>(1560)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 37; SIGAR, Quarterly Report to US Congress, 30 October 2016 ([url](#)), p. 10.

<sup>(1561)</sup> IWPR, Afghan Women Demand Action Over Street Harassment, 27 January 2016 ([url](#)); Women in the World, Kabul’s women seek refuge indoors after a series of acid attacks, 08 January 2016 ([url](#)).

<sup>(1562)</sup> US DoS, Country Report on Human Rights Practices 2016, 6 March 2017 ([url](#)), p. 39; NRC, Listening to Women and Girls Displaced to Urban Afghanistan, January 2015 ([url](#)), p. 16.

have more freedom to participate in economic activities and leave young children with the eldest daughter <sup>(1563)</sup>. Unmarried women face the most restrictions, particularly in rural areas, among middle and lower classes, and among Pashtuns. Poorer households may permit more mobility for some women, such as widows or older women, due to ‘urgent needs’ of the household <sup>(1564)</sup>. As reported by SIGAR, the Taliban seeks to punish women who work or study outside of the home in areas that it controls <sup>(1565)</sup>.

There are some public places exclusively for women, such as public women gardens or shrines where women can meet, socialise or pray <sup>(1566)</sup>. Herat city has created two such public gardens, which are patrolled by male and female police officers for security <sup>(1567)</sup>. In Kabul, the Bagh-e-Zanana women’s garden is maintained by the Ministry of Women’s Affairs and in the garden’s centre women can access a computer, the Internet and language training free of charge <sup>(1568)</sup>.

According to a study by the Dutch government, a focus group of female entrepreneurs and workers in Mazar-e Sharif said that very few women can travel alone, and female entrepreneurs may still need a *maharam* (chaperone) for business excursions <sup>(1569)</sup>.

According to NRC, which surveyed three informal settlements in Kabul, Kandahar, and Jalalabad, in these large cities only 40 % of respondents agreed that women and girls could leave the house to visit friends, and 30 % said that they should be accompanied by a male family member. In the informal settlements around big cities, women often lose family and friends from their area of origin and are not be able to establish new social networks. Without leaving the house, they sink even deeper into isolation <sup>(1570)</sup>.

While freedom of movement for women is generally highly restricted, some women are able to drive. The number of female drivers is scarce but interest is rising in Herat and Kabul. About 250 women received their driving licences in 2016 in Herat, and about 1,000 women apply for a licence in Kabul each year. However, both female drivers and their trainers admit that harassment often takes place during training and when driving through town <sup>(1571)</sup>.

## 5.6. Afghan women traveling alone by air

The Western official interviewed for this report stated that Afghan women in general do not tend to travel alone. An educated, experienced woman might take international and domestic flights to travel alone but it would very much depend on that woman’s individual circumstances and her confidence level <sup>(1572)</sup>.

<sup>(1563)</sup> Groupe URD, Research on Chronically Poor Women in Afghanistan – Final Report, May 2008 ([url](#)), pp. 25, 57.

<sup>(1564)</sup> Netherlands Enterprise Agency, Addressing the Obstacles for Afghan SMEs to employ women and support their economic empowerment 25 October 2016 ([url](#)), pp. 19-20.

<sup>(1565)</sup> SIGAR, Quarterly Report to US Congress, 30 October 2016 ([url](#)), p. 10.

<sup>(1566)</sup> University of Montana, Defense Critical Language/Culture Program, Afghan Women, A Guide to Understanding an Afghan Woman’s Role in Her Society, n.d. ([url](#)), p. 15.

<sup>(1567)</sup> IWPR, Afghanistan Women’s Only Parks, 27 January 2016 ([url](#)).

<sup>(1568)</sup> Afghan Zariza, Kabul’s Bagh e Zanana, where women learn to have fun, 6 June 2014 ([url](#)).

<sup>(1569)</sup> Netherlands Enterprise Agency, Addressing the Obstacles for Afghan SMEs to employ women and support their economic empowerment 25 October 2016 ([url](#)), p. 21.

<sup>(1570)</sup> NRC, Listening to Women and Girls Displaced to Urban Afghanistan, January 2015 ([url](#)), p. 16.

<sup>(1571)</sup> Pajhwok Afghan News, Number of female drivers doubles in Herat, 30 November 2016 ([url](#)); IWPR, Afghan Women Going Places, 14 October 2016 ([url](#)); AFP, For Afghan women, driving a car brings both fear and freedom, 8 November 2015 ([url](#)).

<sup>(1572)</sup> Western official, Skype interview, 7 February 2017.

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### **Anonymous and non-public sources**

Representative of a civil society organisation in Afghanistan, e-mail, 28 January 2017. The civil society organisation is an independent non-profit that conducts research on public policy and governance issues across numerous field offices in the country. The representative requested to remain anonymous.

Western official, Skype interview, 7 February 2017. The Kabul-based official works for an international organisation with field offices across the country, and has been based in the country for more than a decade. The official regularly conducts field visits to Herat, Mazar-e Sharif, and Kabul on political, human rights, security, and governance issues. The source requested to remain anonymous.

Western official, e-mail, 10 and 13 February 2017. The Kabul-based official works for an international organisation with field offices across the country, and has been based in the country for more than a decade. The official regularly conducts field visits to Herat, Mazar-e Sharif, and Kabul on political, human rights, security, and governance issues. The source requested to remain anonymous.

Giustozzi, A., e-mail, 27 February 2017. Professor Antonio Giustozzi is an independent researcher and analyst, and author of many books and publications on Afghanistan. He made this addition during the review of this report.

Local correspondent for a national newspaper, e-mail, 6 April 2017.

Nojumi, N., Senior policy analyst, Skype interview, 8 and 16 February 2017. Neamat Nojumi is a scholar on Central and Southwest Asia and senior policy analyst on Afghanistan.

Nojumi, N., Senior policy analyst, e-mail, 22 March 2017. Neamat Nojumi is a scholar on Central and Southwest Asia and senior policy analyst on Afghanistan.

Nooristani, H.A., conversation in Kabul during a FFM by the Belgian Centre for Documentation and Analysis, Cedoca, 3 October 2014. Hawa Nooristani is a former news anchor and Member of Parliament. She is currently Commissioner with the Afghan Independent Human Rights Commission (AIHRC) and member of the High Peace Council.

Researcher from an independent research organisation in Afghanistan, Skype interview, 30 January 2017. The research organisation is based in Kabul and focuses on political, economic, and security issues in the country. The contact wished to remain anonymous.

Samuel Hall, e-mail, 12 March 2017.

Samuel Hall, Skype interview, 7 February 2017.

Director of a research organisation, Skype interview, 6 February 2017. The research organization is based in Kabul and conducts research on human rights and governance issues. The contact wished to remain anonymous for security reasons.

Turkish Airlines, e-mail, 13 March 2017.

UNHCR Afghanistan, e-mail, 3 March 2017. UNHCR made this addition during the review of this report.

Western security official, specialized in security in Afghanistan, e-mail, 5 April 2017.

Zaman, I., interview in Kabul during Cedoca FFM, 9 October 2014, Managing Director at Cooperation for Peace and Unity (CPAU).

# Terms of Reference

During 2016, EASO initiated a pilot project to facilitate Member States' cooperation on the development of country guidance notes on Afghanistan. In the context of this project, the need for updated information was identified on topics of relevance for the consideration of Internal Protection Alternative (IPA) in Afghanistan, with a focus on the cities of Kabul, Herat and Mazar-e Sharif:

- Socio-economic indicators
  - > Employment
  - > Poverty
  - > Food security
  - > Housing
  - > Education
  - > Medical care
  - > Social support networks
- State Actors of Protection
  - > Mandate and structure
  - > Capacity
  - > Access and efficiency
  - > Integrity
- Mobility and internal travel
  - > Legal requirements to travel within Afghanistan
  - > Restrictions on mobility
  - > Situation of and access to airports in the cities of Kabul, Herat and Mazar-e Sharif
  - > Operational international and domestic flights
- Situation of vulnerable groups, in relation to all of the above topics
  - > Internally Displaced Persons
  - > Returnees
  - > Women
  - > Children









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