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DANISH IMMIGRATION SERVICE

# Afghanistan

## Country of Origin Information for Use in the Asylum Determination Process

*Report from Danish Immigration Service's fact finding mission to Kabul, Afghanistan*

*25 February to 4 March 2012*

*Copenhagen, May 2012*

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## Overview of Danish fact finding reports published in 2010, 2011 and 2012

Honour Crimes against Men in Kurdistan Region of **Iraq (KRI)** and the Availability of Protection, Report from Danish Immigration Service's fact-finding mission to Erbil, Sulemaniyah and Dahuk, KRI, 6 to 20 January 2010

2010: 1

Entry Procedures and Residence in Kurdistan Region of **Iraq (KRI)** for Iraqi Nationals, Report from Danish Immigration Service's fact-finding mission to Erbil, Sulemaniyah, Dahuk, KRI and Amman, Jordan, 6 to 20 January and 25 February to 15 March 2010

2010: 2

Human rights issues concerning Kurds in **Syria**, Report from a joint fact finding mission by the Danish Immigration Service (DIS) and ACCORD/Austrian Red Cross to Damascus, Syria, Beirut, Lebanon, and Erbil and Dohuk, Kurdistan Region of Iraq (KRI), 21 January to 8 February 2010

2010: 3

Allegations against the National Agency for the Prohibition of Traffic in Persons (NAPTIP) and warnings against return to **Nigeria**, Report from Danish Immigration Service's fact-finding mission to Abuja, Nigeria, 9 to 17 June 2010

2010: 4

Security and Human Rights in South/Central **Iraq**, Report from Danish Immigration Service's fact-finding mission to Amman, Jordan and Baghdad, Iraq, 25 February to 9 March and 6 to 16 April 2010

2010: 5

Human Rights and Security Issues concerning Tamils in **Sri Lanka**, Report from Danish Immigration Service's fact-finding mission to Colombo, Sri Lanka. 19 June to 3 July 2010

2010: 6

Rohingya refugees in **Bangladesh and Thailand**, Report from Danish Immigration Service's Fact finding mission to Bangladesh and Thailand, 4 to 17 February 2011

2011: 1

Update on Entry Procedures at Kurdistan Regional Government (KRG) Checkpoints and Residence in Kurdistan Region of **Iraq (KRI)**, Report from Danish Immigration Service's fact-finding mission to Erbil, Suleimaniyah and Dohuk, KRI, 7 to 24 March 2011

2011: 2

Iranian Kurdish Refugees in the Kurdistan Region of **Iraq (KRI)**, Report from Danish Immigration Service's fact-finding mission to Erbil, Suleimaniyah and Dohuk, KRI, 7 to 24 March 2011

2011: 3

Chechens in the **Russian Federation**, Report from Danish Immigration Service's fact finding mission to Moscow and St. Petersburg, the Russian Federation, 12 to 29 June 2011  
2011: 4

Update (2) On Entry Procedures At Kurdistan Regional Government Checkpoints (Krg); Residence Procedures In Kurdistan Region Of **Iraq (Kri)** And Arrival Procedures At Erbil And Suleimaniyah Airports (For Iraqis Travelling From Non-Kri Areas Of Iraq), Joint Report of the Danish Immigration Service/UK Border Agency Fact Finding Mission to Erbil and Dahuk, Kurdistan Region of **Iraq (KRI)**, conducted 11 to 22 November 2011  
2012: 1

Security and human rights issues in South-Central **Somalia**, including Mogadishu, Report from Danish Immigration Service's fact finding mission to Nairobi, Kenya and Mogadishu, Somalia, 30 January to 19 February 2012  
2012: 2

**Afghanistan**, Country of Origin Information for Use in the Asylum Determination Process, Rapport from Danish Immigration Service's fact finding mission to Kabul, Afghanistan, 25 February to 4 March 2012  
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## Abbreviations

<b>AAWU</b>	All Afghan Women Union
<b>AGE</b>	Anti-Government Elements
<b>AIHRC</b>	Afghan Independent Human Right Commission
<b>ANA</b>	Afghan National Army
<b>ANP</b>	Afghan National Police
<b>ANSO</b>	Afghanistan NGO Safety Office
<b>AVR</b>	Assisted Voluntary Return programme
<b>CPAU</b>	Cooperation for Peace And Unity
<b>CSHRO</b>	Civil Society and Human Rights Organization
<b>DRC</b>	Danish Refugee Council
<b>IDP</b>	Internally Displaced Person
<b>IFA</b>	Internal Flight Alternative
<b>IOM</b>	International Organisation for Migration
<b>IPCB</b>	International Police Coordination Board
<b>ISAF</b>	International Security Assistance Force
<b>LUA</b>	Lawyers Union of Afghanistan
<b>MoI</b>	Ministry of Interior
<b>MoRR</b>	Ministry of Refugees and Repatriation
<b>MoWA</b>	Ministry of Women’s Affairs
<b>NDS</b>	National Directorate of Security
<b>NGO</b>	Non-Governmental Organization
<b>PRT</b>	Provincial Reconstruction Team
<b>UNAMA</b>	United Nations Assistance Mission in Afghanistan
<b>UNHCR</b>	United Nations High Commissioner for Refugees

## Introduction and methodology

This fact finding report has been produced by the Documentation and Project Division, Danish Immigration Service (DIS) for use by officials involved in the asylum determination process. The information included in the report was gathered during a fact finding mission to Kabul, Afghanistan between 25 February and 4 March 2012.

The necessity of this mission should be seen in the light of the number of asylum seekers from Afghanistan which in recent years has comprised the largest single nationality among asylum seekers in Denmark. In 2009, the total number of Afghan asylum seekers was 1.059, in 2010 1.512 and in 2011 903, representing in total 27% (2009), 30% (2010) and 24% (2011) of the total number of asylum seekers in Denmark.

The purpose of the mission was to collect information on a number of issues which in recent years have been recurring in Afghan asylum cases in Denmark, including internal flight alternative in Kabul, association or employment with US military, international forces, international organizations, NGOs, and Afghan government, conflicts with the Taliban, dishonouring the family through extramarital relations, land disputes, the conflict between Kuchis and Hazaras, and the possibility to obtain false documents in Afghanistan.

The terms of reference for the mission were created by DIS and include comments from the Danish Refugee Appeals Board as well as other partners. The Terms of Reference is included as Annex 1.

In the scope of compiling this report, the delegation consulted a range of sources in Kabul consisting of Afghan authorities, international organisations, local NGOs and research organizations. The sources were contacts established prior to departure as well as sources suggested by relevant international and national partners working with country of origin information (COI).

Before each meeting, all sources were briefed that the information they provided would be for public use in accordance with Danish legislation. The interviews were recorded in handwritten form. Each source was given ample time to correct his or her statements in the records written by the delegation. All sources agreed to review the record of their respective meeting.

Each source was asked for permission to be quoted by name. All sources agreed to be quoted by name and/or by the name of their organization except five who wished to remain partly anonymous and be quoted only by their profession or by the type of their organisation.

This report is not, and does not purport to be, a detailed or comprehensive survey of all issues covered. The information provided in this report is the information of most direct relevance to typical asylum claims made in Denmark.

In the report, care is taken to present the views of the various interlocutors as accurately and transparently as possible. It is inevitable that the report will contain some seemingly contradictory statements. However, it should be noted that the report has been produced to accurately reflect, as far as possible, the information communicated to the delegation in the various meetings and does not contain any opinions or policies held by DIS.

The delegation would like to express its gratitude for the assistance and extensive support provided by the Royal Danish Embassy in Kabul, Afghanistan, during its preparations for the visit and during the mission.

The mission delegation and editorial team comprised Chief Adviser Else Øllgaard and Regional Adviser Majid Behbahani, the Danish Immigration Service.



## 1. Internal Flight Alternative

### 1.1. The security situation in Kabul

Regarding the security situation in Kabul, MoRR said that it is relatively safe compared to the provinces.

IPCB found that there are places in Afghanistan where Afghan National Police (ANP) is functioning well in terms of providing security, especially in Kabul and other big cities like Herat, Mazar-i-Sharif and Faizabad. In this connection, IPCB pointed out that the recent security situation in Kabul (the unrest due to Koran burnings at Bagram at the end of February 2012) had shown that the ANP had been able to secure the central city (within the ring of steel) from demonstrators entering the city. The challenge for the ANP now is to be more preventive in their work according to IPCB.

Regarding the security in Kabul, UNHCR commented that in general Kabul could be an option for safety, but to what extent the city could be a safe place for a person fleeing a conflict depends on the profile of the person and the nature of the conflict the person has fled from. Therefore, an assessment of internal flight alternative (IFA) should be made carefully and on a case by case basis.

Regarding security in Kabul, an international NGO informed the delegation that Kabul is one of few places in Afghanistan where the security situation is relatively good and stable even though incidents are occurring also in Kabul.

Regarding the security situation in Kabul, IOM said that there have been a number of suicide attacks which influences the lives of ordinary people. However, apart from suicide attacks, Kabul is safer than other places in Afghanistan, and the area is more under control. This is, according to IOM, due to the fact that Afghan National Army (ANA) and ANP in general are more trained in security operations in Kabul and other big cities like Herat and Mazar-i-Sharif and the situation is more under control in these cities compared to other parts of the country. In Jalalabad, however, the authorities are not yet that efficient, and the Taliban has a strong influence.

Safety is an issue in Kabul because of suicide bombings, according to AIHRC. In December 2011, 80 people were killed and 200 injured in a religious shrine in Kabul. Hospitals, hotels and shopping malls have also been targeted and AIHRC lost one of their commissioners in the bombing of the Finest Supermarket in February 2011. Contributing to the insecurity is also the increasing crime rate, but Kabul is considered safer than other places, according to AIHRC. In addition, there are social problems such as child labour and prostitutions.

An international organization stated that if someone is fleeing a conflict in his or her area of origin, it depends on the seriousness of the conflict whether he or she will be traced down in Kabul. Afghanistan is a tribal society with close family networks, which means that if you really want to find someone, you will be able to trace him/her down.

Concerning the possibility of tracking down someone in Kabul, an independent policy research organization in Kabul stated that Kabul is a big city and people do not even know their neighbors anymore. There are newcomers every day and people move around and stay in rented

accommodations if they have the financial resources. On this basis, the source believed that if someone flees a conflict and moves to Kabul, it will be quite difficult to find him. The independent policy research organization in Kabul pointed out, however, that it is not difficult for the government to find people in Kabul if they are in search of a particular person. This means that if someone is fleeing someone senior in or well-connected to the government, police or army, they would be in greater peril.

When asked whether it is possible to trace down a person in Kabul who has fled from a conflict in his or her place of origin, an Afghan law practitioner replied that this possibility exists if one has the exact address of that person. However, the Afghan law practitioner added that due to the fact that there is no registration of address in Afghanistan, tracing down a person in a big city like Kabul without an address would be difficult. The same source added that people normally do not go to the police to ask about other people's place of residence because there is still not a good organized police system to help people to do so.

An independent research institute in Kabul explained that Kabul has grown tremendously over recent years. In Afghanistan, most people do not have a proper address in the way citizens of other countries have (street names are problematic, as are house numbers). The standard Afghan method to record and identify a person's name is to cite their father's name, e.g. Sarwar Ali, s/o (son of) Mohammad Naveed. In this way, it is very difficult to trace individual people, particularly in the big cities.

## **1.2. Presence and activities of the Taliban in Kabul**

### ***1.2.1. Profile of the targeted***

UNAMA did not rule out the possibility that the Taliban would target high profile persons in Kabul, but it did not find it likely that the Taliban would make it a priority or have the capacity to track down low profile persons in the city. This is, according to UNAMA, the main reason why UNAMA sometimes brings its staff who faces security risks from the provinces to work and live in Kabul. UNAMA informed the delegation that the greatest security risk in Kabul is posed by criminal groups.

UNHCR said that if a low profile person flees a conflict with the Taliban in the area of origin, it would be possible for him to seek protection within his community in Kabul. UNHCR stated that most probably the Taliban would not make it a priority to track down low profile people in Kabul. However, a thorough assessment of the claim and the IFA should be made on a case by case basis.

Regarding the Taliban activities in Kabul, AIHRC informed the delegation that the Taliban certainly has the means to act and kill in Kabul, and that the Taliban can harm high-profile people anywhere. As examples, AIHRC referred to the murder of Rabbani (in September 2011) and the recent murder (February 2012) of two American advisers inside the Ministry of Interior. When it comes to low profile people, it has however not been a priority for the Taliban to trace them down. Previously (in 2007, 2008 and 2009) the Taliban also targeted low profile people, but in 2011 and 2012 it has been a priority for the Taliban to go after high targets in Kabul. AIHRC also

pointed out that if killings have taken place in Kabul it is not always clear who is behind these killings as it might also be a criminal act.

According to AIHRC, a low profile person who has fled a conflict with a Taliban commander in his place of origin would in most cases not be tracked down by the Taliban in Kabul as it is not a priority for the Taliban to go after low profile people.

Asked about the Taliban activities in Kabul and other major cities, IOM explained that the Taliban cells are certainly operating in Kabul and that their networks seem to be getting stronger and stronger. However, if a low profile person has had a conflict with the Taliban in his place of origin, the Taliban would most probably not make it a priority to track him down in Kabul, according to IOM, as the Taliban's activities will mainly focus on targeting high profile persons. IOM added that the security situation in Mazar-e-Sharif and Herat with regard to the Taliban's presence is similar to that of Kabul.

An independent policy research organization in Kabul found it unlikely that the Taliban would chase down low profile persons who have fled a conflict with the Taliban in their place of origin and have come to Kabul. According to the same source, in the few cases where low profile people have been killed in Kabul, it is not certain whether or not it is the Taliban who is behind the killing. The independent policy research organization added that the Taliban certainly are present in Kabul, but their actions are merely focused on high profile persons like for instance high level government employees, high level politicians or high level employees of the Defence Ministry.

Concerning presence of the Taliban in Kabul, DRC stated that the Taliban certainly is present in some settlements in Kabul, but DRC had no knowledge of the extent of their presence.

When asked whether low profile IDPs are a target for the Taliban or other insurgent groups, DRC replied that it had never heard IDPs in the settlements complain about their security situation, and it had never heard of any low profile person fleeing to Kabul and then being targeted by the Taliban. According to DRC, security is exactly the main reason why many IDPs are in Kabul, and they would not have come to Kabul if they felt that their security was in danger there.

CPAU had never come across cases where the Taliban had gone after low profile persons in Kabul.

### **1.3. Possibility to seek protection from the authorities in connection with conflicts in place of origin**

Regarding the possibility to seek protection from the authorities in connection with conflicts in place of origin, UNHCR stated that the common perception of the police is negative in Afghanistan. In general, people consider the police to be corrupt and weak and it would be the last resort for people to seek protection with the police and other law enforcement agents. Asked if the situation would be different in the big cities, UNHCR replied that the corruption is even higher in the cities than in the country side. UNHCR emphasized that people seek protection within their communities and ethnic groups. In local areas, they will turn to the shuras/jirgas for assistance,

but the shuras/jirgas are very rarely in Kabul and the only protection available is the protection given by one's own ethnic group.

DRC explained that if people were threatened in Kabul, they would not go to the police to ask for help because of the widespread corruption and a lack of trust in the police.

According to DRC, if somebody is threatened and need protection, there is a council of elders ("shura") in each settlement which is responsible for establishing social order in the settlement. All activities in the settlement are coordinated through these councils of elders. In some settlements with ethnically mixed inhabitants, there is a representative from each ethnic group in the council.

CPAU pointed out that people usually do not go to the police when they receive night letters or any other threatening message, not even in Kabul, because , the police would normally not take any action in these cases.

According to IOM, some people who are threatened by the Taliban in Kabul would seek protection with the authorities, but many will not because they do not trust the police. It was though added that some of the ANP staff are getting more and more active and has taken some action on cases related to criminality and kidnapping recently.

According to IPCB, the ANP is part of the Afghan National Security Forces (ANSF) whose main focus has been primarily counter-insurgency operations. IPCB informed the delegation that it is the aim of the police training programme to professionalize the ANP in a way that the force will ultimately move away from the security cluster and towards justice and good governance. In the discussions about the development of ANP, the focus was initially on quantity of the force rather than quality of the individual policeman. The changing role of ANP in order to protect people has now become a priority in the training programme. According to IPCB, ANP's law enforcement capability could be improved and changes in this area have started. That is why the biggest challenge is to develop the ANP into a law enforcement institution as part of the whole institutional reform programme in the Ministry of Interior (MOI). This exercise takes time as it is a challenge to change people's perception of the police, according to IPCB. It was, however, added that there is a move in the population towards acceptance of the police.<sup>1</sup>

#### **1.4. Support mechanisms incl. social networks, relatives and ethnic groups**

There are, according to an independent policy research organization in Kabul, different factors affecting an IDP's ability to settle down in Kabul, including his resources, his network in the city and his job opportunities.

According to an international organization, it will in general be quite difficult to settle in Kabul if you do not have family and relatives there to support you.

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<sup>1</sup> In this context, IPCB referred to the Police Perception Survey: UNDP-Afghanistan, *Police Perception Survey – 2011, The Afghan Perspective*, Kabul 2011, accessed at <http://www.undp.org.af/Publications/KeyDocuments/2011/PPS-Eng%20Version-2011%20Final%20Lowest%20Res.pdf> on 27 March 2012

According to UNHCR, although Kabul is a big city, the culture in Afghanistan is such that everybody within a certain ethnic community would try to find protection within their own ethnic community.

UNHCR emphasized that support mechanisms such as social networks, ethnic communities and extended family links are crucial for the prospects of integration and security in other locations than the place of origin. People who do not have social networks will have difficulties as there is no support from the government.

UNHCR also noted that the situation for single women or female headed households is very difficult. In general, UNHCR found that young single men would have better chances of settling in Kabul and other big cities as compared to single women for whom the situation would be extremely difficult.

According to IOM, support mechanisms such as social networks, relatives and ethnic groups have a high impact everywhere in Afghanistan and they have an impact on people's access to employment and food security. Most people live within their own ethnic groups.

Since Kabul is a city which has grown from 500.000 to 5 million inhabitants, it is difficult for a single person to establish his own new networks, according to IOM. However, it was added that all ethnic groups have their own communities in Kabul, and young men will usually find their own ethnic community when they come to the city. The ethnic community tends to integrate the newcomers within the group and provide protection for them.

Concerning the existence of social networks in the informal settlements in Kabul, DRC explained that IDPs build their own new social networks within the settlements, and they help each other through these networks. In some areas, the inhabitants of the settlements are from the same ethnic group and people have often re-established their social relations from their place of origin. In other areas, people are cooperating across ethnicities through the established shuras.

Asked if it would be possible for someone who is fleeing a local conflict with the Taliban to settle in Kabul, IPCB stated that it is easier to hide in a city of five million people than in a local village. However, IPCB emphasized that the family, the tribe and the community play a prominent role in the life of an Afghan citizen, and this is also where people find protection. For this reason, it would be a difficult decision for someone to uproot himself and go and settle in Kabul.

### **1.5 Access to basic rights**

MoRR emphasized that Kabul no longer has the capacity to absorb more people and basic services cannot be provided in Kabul. According to MoRR, there are 500,000 IDPs in Afghanistan and many of them are in Kabul. These people have been displaced due to natural disasters (droughts) as well as conflicts. Furthermore, Kabul has received another category of internally displaced persons due to unemployment in rural areas which causes movements to urban places and creation of informal settlements.

AIHRC highlighted that during the Taliban period, Kabul had around 500.000 inhabitants. Due to the conflicts in different areas in the last decades - and to some extent also due to natural disasters such as the drought, the return of refugees, better economic opportunities and operation of the international NGOs - many people have fled to Kabul in recent years. Now the city has more than five million inhabitants and has reached its limits, according to AIHRC. At present, there is no more room for people to settle in Kabul, people cannot find a decent livelihood, and houses as well as public services such as water and sanitation are not available. This winter (2012), many people, and especially many children, have died due to the cold weather in Kabul.

UNHCR pointed out that Kabul has grown rapidly within the last ten years and is now a city of approximately 5 million people. UNHCR further pointed out that the living conditions in Kabul are difficult, especially in the so-called informal and illegal settlements where a mixture of groups of returnees, migrants and people fleeing conflict in their area of origin have settled. As an example, UNHCR mentioned that drinking water is problematic. At present, mobile water tanks are supplying people with drinking water in these areas, but the supply is not sufficient and the government does not allow a permanent solution such as installation of water pumps in the area. The position of the government is that the inhabitants of these sites are migrants who have come to Kabul for economic reasons and should go back to their area of origin. Furthermore, the Kabul municipality does not allow NGOs to work on more durable solutions in these areas. Kabul's informal settlements include 43 different sites in Kabul, each with a relatively homogenous ethnic group, according to UNHCR. 19,400 persons (3,235 families) are living in these informal settlements throughout Kabul.<sup>2</sup> The settlements have no protection against eviction and as the government wants to develop Kabul as a capital city, these settlements are subject to being bulldozed.

According to DRC, access to some basic rights such as access to water is poor in the informal settlements, especially because the government does not allow permanent improvements. In some settlements, 1,000 families are sharing one water pump.

When asked whether IDPs live under worse conditions in Kabul compared to their place of origin, DRC stated that if one sees the situation in the settlements in Kabul, one cannot imagine that these people could have lived under worse conditions before. Most of them were farmers before coming to Kabul and their economic situation would probably have been better, but they have come to Kabul for safety. DRC believes, however, that some IDPs will not face any security problem if they go back to their area of origin, but they remain in Kabul due to better access to health care services, better livelihood opportunities, and hope for better future in the city compared to their place of origin.

An international organization in Kabul stated that important improvements in Kabul's infrastructure such as providing 24 hours electricity supply have been made as a consequence of the international presence. However, living conditions in Kabul are tough. Although Kabul faces the same problems as any other big city, the situation in Kabul is worse than in other major cities

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<sup>2</sup> UNHCR is currently [March 2012] reviewing the population figures of the sites.

in Afghanistan because the demand for jobs and social services is higher than what the city can offer.

According to the international organization, everything is more expensive in Kabul than in other places of Afghanistan, in particular housing and food. In other cities like Mazar-i-Sharif and Herat, the cost of living is lower than in Kabul and food is cheaper. Many people who are coming to Kabul need to have two jobs to sustain themselves and their families. For example, there are people who have a job during the day and work as guards in the night.

### **1.5.1 Access to housing**

When asked whether it is possible for people who flee a conflict in their area of origin to move to and settle in Kabul, an Afghan law practitioner explained that generally there is no legal barrier for people from other places in Afghanistan to come and settle in Kabul. The Afghan law practitioner added, however, that finding a place to live in Kabul is a major problem as rents are very high. There are though areas with lower rents such as Pol-e-Charkhi, Kotal-e- Khair Khana or suburbs of Kabul. The same source added that some of the people who have come to Kabul live in tents as they cannot afford other accommodation and the government does not provide any shelters for them.

According to MoRR, many IDPs live in tents in Kabul which are quite hard to live in during cold winters and hot summers, for example this winter where the weather has been very cold.

MoRR pointed out that according to the Presidential Decree number 104 from 2005,<sup>3</sup> all returnees and IDPs have to return to their place of origin, and the government will allocate a plot of land to returnees to settle on. MoRR is working to prepare these IDPs to return to their areas of origin with the assistance of aid organizations and donors.

According to UNHCR, housing is problematic in Kabul because of scarcity and rents are high.

As regards access to housing in Kabul, DRC stated that housing is expensive in Kabul, and many live in extremely bad conditions either in tents or mud houses and have done so for the last 8-10 years.<sup>4</sup> DRC added that the Afghan authorities do not seem to be willing to provide any help in the informal settlements mainly because the government want these people to go back to their areas of origin. According to DRC, even when NGOs want to provide help, they are told by the authorities that many among the settlers have settled illegally on land they do not own, and the NGOs should therefore not help them. Some of these people may also face eviction by the government.

When asked about the house rents in Kabul, DRC mentioned as an example that a family of six should pay about 100 US dollars per month for a flat in a low middle class neighbourhood. DRC added that for the same reason DRC sees no movements out of the informal settlements.

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<sup>3</sup> Presidential Decree No. 104, 6. December 2005, ref. <http://morr.gov.af/en/Documents and Annex 4>

<sup>4</sup> In this connection DRC referred to the World Bank/UNHCR study on IDPs (*Research Study on IDPs in urban settings – Afghanistan*, Kabul May 2011) in which it is found that 92 % of IDPs in Kabul rely on temporary housing arrangements of which a third live in tents (p.32 ff).

Concerning house rent paid by a single person, DRC stated that normally single people live with friends and rent a flat together with others, and it is hence difficult to estimate how much the single persons pay.

Housing in Kabul is a big problem, according to IOM. Renting a house in Kabul is very expensive. In central Kabul, the rent for a small house for six to seven family members will vary between 300 to 450 US dollars per month depending on the location. In comparison, a teacher's salary is 80 US dollars per month.

IOM added that people will usually join family members and stay with their relatives in Kabul. This is also what many of the returnees on the Assisted Voluntary Return programme (AVR) are doing, according to IOM. In this way, they will manage the expenditures by sharing the rent and squeezing together.

Asked whether a young single man would be able to manage on his own in Kabul, IOM replied that IOM did not have any examples from their AVR programme of young men staying on their own in Kabul as they would normally have other family members to stay with.

#### **1.5.2. Access to the labour market**

According to MoRR, the main problem in Kabul is employment for people coming from the provinces or returning from abroad.

AIHRC pointed out that the employment rate is very low in Afghanistan. 36 % of the workforce is unemployed and another 36 % is earning less than one dollar a day. Kabul has a relatively better employment rate, but people coming from the provinces will have difficulties in finding sustainable jobs.

According to AIHRC, there are both wealthy people and poor people who have fled conflicts in their area of origin. The economic situation of most of the people has not improved by coming to Kabul. People who lived under poor conditions in their area of origin will also live in poor conditions in Kabul. There are people who had their land and were living from agriculture but who have ended up as daily labourers in Kabul.

Asked about the access to employment, UNHCR explained that it is better in the big cities than in the country side. According to UNHCR, many people come to Kabul in search of jobs because they think that there are lots of jobs in Kabul due to the presence of the international community. However, because of the rapid growth of the population of the city in recent years, the access to employment is more acute in Kabul compared to other cities, and it is difficult for newcomers to establish a livelihood there.

Regarding access to the labour market in Kabul, DRC explained that because many people do not have education, they are doomed to unemployment or to low-paid jobs as day-labourers, and it is quite difficult for them to earn their living. DRC assumed that persons with vocational skills have a reasonable chance of providing a minimal livelihood, and that is the reason why DRC has started activities with vocational training in motorbike repair, cell phone repair, tailoring and carpet



weaving in some settlements. DRC also pointed out that persons with foreign language and computer skills have very good job opportunities in Kabul.

Compared to single women or families, single young males – even those with no education – have better chances to find jobs and survive in Kabul, according to DRC. As DRC explained, widows and single women are in an extremely vulnerable situation, particularly widows who tend not to be looked after by their families and some of them even end up in prostitution.

IOM stated that employment in general is a big problem in Afghanistan. IOM added that the labour market in Kabul is under a huge pressure as a result of the considerable growth of the city's population within the last ten years. The same source explained that due to the worsening security situation in the various provinces, many people are coming to Kabul. The source added that many returnees from the AVR programme are also staying in Kabul looking for job opportunities, instead of returning to their areas of origin which may be insecure areas. Moreover, there are people who have come from the rural areas to the city in search of better job opportunities and better life. IOM pointed out that the access to employment is still higher in Kabul and other big cities than in the rural areas.

IOM further said that young men will have the biggest opportunities for jobs compared to other groups and many young people decide to come to Kabul because of employment opportunities.

Regarding job opportunities, IOM said that most jobs are found in the private sector (often small businesses), and there are only few opportunities in the public sector. For people coming to Kabul from the country side without any education, the only opportunity available is often low-paid daily labour, mainly in the construction or service sector, according to IOM. These people will gain 5-7 US dollars per day, and it is especially difficult for families with children to survive with such low income. Others will try to make a living as shop keepers but they can barely survive on that. IOM said that most people who are fleeing the country side and who have previously been farmers will end up in a worse economic situation than previously, but they prefer to stay in Kabul because it is a safer place for them and their families than their area of origin.

IOM stated that compared to other newcomers, educated people have better opportunities to find a job within the government or in private companies, particularly those with foreign language or computer skills.

According to an international NGO, the main problem in Kabul is to find a job in order to sustain a livelihood. As many families have moved to Kabul due to insecurity, there is pressure on the available resources and jobs. The international NGO found that in general it is easier for a single man to settle and integrate in Kabul than for a whole family.

An Afghan law practitioner stated that to find a job is a considerable challenge for people moving to Kabul although there are more job opportunities in Kabul compared to other places in Afghanistan, especially for educated people.

An international organization said that a large part of the economy in Kabul is sustained by the international presence, in particular ISAF troops. It is expected therefore that the employment situation in Kabul will be catastrophic the day the international forces leave the country.

The same source stated that for men it is easier to find jobs than for women although the unemployment rate is very high even for men. There are many frustrated young men in Kabul who do not have a job due to lack of education. If you are educated, you have more chances to find a job in Kabul.

Regarding young men, MoWA stated that if they come to and settle down in Kabul, they will not face so many problems as single women do and if they have relatives, it will be much easier.

#### 1.5.2.1 Women's access to the labour market

An international organization explained that there are fewer women in the labor market compared to men, and that is why the unemployment is less visible for women. Widows will be in a highly vulnerable situation if they do not have social networks and family to support them, and they might end up in prostitution.

Asked about the situation for women in Kabul, including single women and female headed households, AIHRC found that if they have access to work, they will be able to manage on their own. There are no restrictions on their movement and the Afghan society protects women, according to AIHRC.

Regarding women, and especially widows, IOM explained that they are bound by family rules and traditions and are hence rarely allowed to work, which is partly determined by the Afghan culture. However, it is a trend observed by IOM that young educated women are more and more entering the labour market, and more and more families are allowing young women to get an education and a job. Over the last seven years, IOM has seen more and more female staff applying for jobs within their organization.

MoWA said that there is no support for women who want to settle in Kabul. MoRR does not allocate land to female-headed households. Further, it was stressed that housing prices are huge in Kabul, and if a single woman should have a chance to survive in Kabul, she must be provided with a place to live.

Another major challenge for a single woman in Kabul would be to find a job, according to MoWA. It would be easier for well-educated women to find a job in Kabul, but even then they would have difficulties in sustaining livelihood if there are no jobs. MoWA pointed out that it is generally difficult for a single woman to manage life alone in Afghanistan. Living alone as a single woman is very unusual, and she will also face security issues in her life. For female-headed households it is easier and more accepted if they have children.

#### **1.5.3 Access to other basic rights**

IOM said that in Kabul and other big cities, access to schools is unproblematic. Education for adults such as language training and computer training is also available. However, most people who come to Kabul need to earn money immediately in order to support themselves and their families

and will not avail themselves of education opportunities. In Herat, the situation is different as the level of education in general is higher and many Afghans in Herat have been educated in Iran.

Regarding access to school for internally displaced children, an Afghan law practitioner stated that those children have access to education in Kabul and they can continue their education there.

Asked about access to schools in Kabul, DRC stated that in theory there is access to schools for all in Kabul, and there is no legal hindrance for newcomers to enrol their children in schools in Kabul. However, there are many internally displaced children who due to poverty work as casual labourers or street vendors instead of attending school. DRC added that there are also NGOs running schools for the children in the informal settlements.

IOM said that access to health is better in Kabul than in the countryside, and the health service is relatively good.

Regarding access to health care services, UNHCR stated that the access and the availability of medical care in general is better in the cities than in the countryside, particularly in Kabul where the access and the availability of medical care is best compared to other places in Afghanistan.

Regarding access to health care services in Kabul, DRC similarly stated that the situation in Kabul is better than in rural areas. DRC added that some aid organisations provide health care services in the settlements, for example a physician visiting the settlement twice a week.

As regards access to health services in Kabul, an Afghan law practitioner stated that internally displaced persons have access to health services in Kabul in the same way as in their places of origin. If there are shortcomings, it also applies to all other residents in Kabul.

The Afghan law practitioner stated that there is no shortage of food in Kabul, but food prices are higher in the capital than in other places in Afghanistan.

According to IOM, food security is an issue in the IDP camps but for the rest of the population in Kabul it is not an issue. Food security is not an issue in Mazar and Herat either.

## 2. Association or employment with US military/ISAF

Concerning the risk run by persons who are associated or employed with US military, an independent policy research organization in Kabul informed the delegation that these employees do not run a high risk if their workplace is in Kabul, but if one works in a military base outside Kabul, then there is a risk of being targeted regardless of one's position and type of work. That includes contractors as well as service staff and drivers. As regards other people working for the US military, the independent policy research organization in Kabul stated that for instance interpreters are high targets. Another factor determining the level of risk in this connection is one's place of living. Employees who live locally outside bases run a higher risk compared to those who are originating from another area than where the bases are located. The same source stated that many of those who work for the military keep their jobs a secret if they can.

DRC stated that persons working for the international forces are definitely a target in the rural areas.

According to UNHCR, all persons who are seen to support NATO-soldiers and people working for NATO, as well as foreigners and people working for foreigners are at risk of being targeted by the Taliban.<sup>5</sup> UNHCR commented that regarding staff employed by the US military or ISAF, there is a high possibility for every staff member being intimidated by the Taliban. Interpreters as well as local drivers working for companies supporting the bases are at risk.

UNHCR mentioned it as a rule of thumb that all blue collar employees who are seen going in and out of military bases as well as PRT-camps on a regular basis, may be at risk of intimidation by the Taliban. As UNHCR expressed it: "the more visible you are the higher the risk you run of being targeted". In practice, however, it is difficult to distinguish between the various levels of employment according to UNHCR. In general, all Afghans who are associated with foreigners could be at risk in Kabul as well as in the country side. However, the risk is higher for people outside Kabul, according to UNHCR.

People working for US military or ISAF run a higher risk than other groups, according to IOM. Translators are more at risk than other employees such as cleaning staff, which IOM explained by the fact that translators are more in contact with the military staff. Family members of these employees would always be included in the threats, according to IOM. IOM further said that contractors working for the US military or American or British companies are also targeted, and contractors working for Indian companies are to some extent also targeted.

According to AIHRC, people working with international forces are targeted by the Taliban. Translators working for U.S. military or ISAF forces were mentioned by AIHRC among the Taliban's targets. As regards family members of people working for the international forces, there are

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<sup>5</sup> UNHCR explained that they are not in a position to give details on recruitment of various US military and ISAF staff. UNHCR has tried to collect information from ISAF but as the issue is considered as very sensitive by ISAF, no response was forthcoming.

examples that the Taliban has intimidated their families and acquaintances, but the real risk is for the person working for the forces.

An independent research institute in Kabul informed the delegation that especially interpreters employed by the international forces are at risk, but drivers and service staff could also be targeted. They can be kidnapped, blackmailed or killed because of this association. NATO convoy drivers are also often killed.

AAWU stated that men who work within the security forces and interpreters working for the foreign forces are high targets.

## **2.1 Recruitment of staff serving ISAF/ Danish forces**

According to the Danish Ministry of Defence<sup>6</sup>, interpreters working for ISAF/Danish forces are recruited through foreign companies/contractors. Interpreters are typically local Afghans who are recruited from Kabul but they could also be citizens from other foreign countries. The essential issue is their proficiency of the language. Various local staff used for cleaning, camp management, canteen/cooking etc. are also recruited through foreign companies/contractors. However, in some camps, this type of staff is also citizens from other foreign countries. According to the Danish Ministry of Defence, mechanics are typically not local Afghans, but citizens from other countries who are also recruited through foreign companies/contractors.

The foreign companies which deliver the required personnel to the foreign forces have their own independent recruitment procedure, for which reason the Danish Ministry of Defence is not in a position to inform the delegation whether these procedures are uniform or different for the different nations the companies are servicing.

Staff who has been recruited for mechanical services by the foreign companies lives in the Danish part of the ISAF-camps where they are working if they are serving the Danish forces. Some of the interpreters<sup>7</sup> have their own separate section within the British/ American Tombstone camp. Some staff<sup>8</sup> has received the necessary entrance cards in order to access the camp.

The Danish Ministry of Defence is not issuing certificates for serving the Danish forces as the employment is between the employee and the foreign company/contractor. However, mechanics and interpreters have received “Certificates of Appreciation” from the Danish forces.

According to the Danish Ministry of Defence, some companies are issuing certificates to staff who has served US military after leaving the service, as it will allow the former staff to apply for a Green Card.

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<sup>6</sup> The Danish Immigration Service (DIS) has tried to collect information on recruitment procedures, security checks, registering, etc. of local Afghan staff who are serving US Military/ISAF forces during its mission to Kabul, Afghanistan. However, as the issue is considered as very sensitive by US Military and ISAF, no sources could be identified for an interview. Instead, DIS has contacted the Danish Ministry of Defence, who has replied in writing and given some details on recruitment of various local staff serving US military and ISAF staff.

<sup>7</sup> Those recruited by the company Mission Essential Personnel

<sup>8</sup> Those recruited by the companies Mission Essential Personnel and Supreme Group

### **3. Association or employment with International organizations, NGOs, Western Companies and the Afghan government**

#### **3.1. Association or employment with International organizations, NGOs and Western Companies**

MoRR informed the delegation that people working for the Afghan government or international organizations are subject to intimidation by the insurgent groups.

MoRR said that there have been many cases of extensive intimidation and killings committed by the insurgent groups, and some of these cases are also reflected in the media. According to MoRR, all levels of employees associated with the international community are targeted.

AIHRC stated that people working with NGOs, international organizations and Western Companies are all targeted by the Taliban.

Regarding employment with Western Companies, AIHRC explained that employees in companies who have contracts with international forces or foreign organizations are at risk. This does not include companies which import western commodities but only companies which have contracts.

According to AIHRC, if people travel with ID cards of international organizations or NGOs and they are stopped at the Taliban check points, they will be at risk. In such cases, the Taliban will sometimes even kill people. However, this is usually not the case in the big cities where people will rather be subjected to intimidations. The AIHRC representative interviewed by the delegation has himself been a target for such intimidation.

UNHCR stated that the risk of intimidation of employees of international organizations is generally high and many former employees of international organizations are leaving the country for the same reason, including some of UNHCR's own staff. UNHCR found that especially the mid-level management in these organizations is targeted. It happens that people do not disclose their employment with international organizations even to their closest family.

When asked about possible threats posed to persons who are associated or employed with International organizations, UNAMA stated that it happens that its employees are threatened. Those of UNAMA's employees who are involved in activities in conflict areas do not disclose even to their families that they are working for UNAMA due to possible threats not only from the Taliban but also from criminal gangs. This is particularly the case for local staff in Kandahar and other areas in the South, but to some extent also in the South East. UNAMA added that its staff is generally under pressure in different ways: intimidation by night letters, threatening phone calls, people approaching the employees in the mosque or in the street threatening them to stop working for UN or otherwise they might get killed. UNAMA explained that these cases are reported through its security staff.

UNAMA knew of a case in Kunduz where the names of persons who worked for international organizations were disclosed on a Taliban-controlled radio station, and a female employee was subsequently killed.

UNAMA stressed, however, that threats and intimidation are not a norm but it happens once in a while. Nevertheless, it was pointed out by UNAMA that night letters are quite disturbing for its employees' work, and threats and intimidation apply to its employees at all levels. UNAMA mentioned, however, that no killings or kidnapping of its employees have been reported so far. According to UNAMA, in a few cases the families of the employees have been threatened. UNAMA reported one incident in the southern region of an employee's young son being kidnapped, held for two months and rescued from captivity through an Afghan police operation.

UNAMA added that UNAMA's 2011 Annual Report on Protection of Civilians documents in detail a campaign by Anti-Government Elements (AGEs) for targeted killings and intimidation of Afghan civilians who work for the Government of Afghanistan, international military forces and organizations, or who are perceived by AGEs to be supportive of the government or international military forces.<sup>9</sup>

IOM informed the delegation that their staff members receive threats and night letters due to their employment with IOM. According to IOM, their staff at all levels is targeted by the Taliban, as for instance drivers and cleaners. Some of the staff have also experienced that family members have been kidnapped. IOM explained that the Taliban is considering people employed by international organizations as traitors of the country, for which reason their lives might be in danger, and the threats might also be extended to their family members. IOM has had a case from the country side where the family of a staff member was threatened. IOM further informed the delegation that the organization has also had a case where a staff member involved in community work got killed, and this was assumed to be related to his work. Due to the danger the local staff is facing, IOM is instructing them not to wear any signs or carry any documents related to the organization when they travel outside Kabul. In Kabul, the staff would not face any problems according to IOM. IOM added that if it happened in Kabul or Mazar or Herat, the ANP would take action.

IOM further explained that previously mostly NGO workers were threatened, but within the last 1½ year the threats are more and more being posed to the United Nations (UN). These threats are made openly to agencies working with the UN. The threats are not targeting specific positions but are directed at all levels.

An international organization stated that the level of risk for persons associated with international organizations depends on how much these organizations expose their local staff. As an example, interpreters have a job which is connected with risks if it is performed by local staff. For sensitive tasks, it is often better to have expatriates than local staff being in charge.

Liaison-officers who are networking with various organizations/donors can also be the target of the insurgent groups, according to the same source. Support staff and service staff can also be

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<sup>9</sup> UNAMA and UNHCHR, *Afghanistan, Annual Report 2011, Protection of Civilians in Armed Conflict*, Kabul, Afghanistan, February 2012, accessed on [http://photos.state.gov/libraries/usnato/562411/PDFs\\_001/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://photos.state.gov/libraries/usnato/562411/PDFs_001/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf), 15 March 2012

perceived as supporting “the other side” although it is difficult to assess how much they are a target. The staff normally takes its precautions for themselves as well as for their families.

To what extent persons working for international organizations and Western companies are at risk of being targeted by the Taliban or other insurgent groups depends, according to an independent policy research organization in Kabul, on the organization in question. Regarding the type of employees targeted, the organization stated that employees at all levels have been killed. The same source pointed out, however, that it is not always clear how the assaults have taken place and who is behind: the Taliban, criminal groups or even the government.

AAWU informed the delegation that women who work for Afghan as well as foreign organizations, NGOs and the Afghan government face a high risk of being targeted by the Taliban. However, it was pointed out that women working for foreign organizations and companies are to a larger extent protected - compared to the low profile women working for the government or Afghan organizations - as they work in highly protected workplaces, drive in secure cars and sometimes even have bodyguards.

According to AAWU, the threats posed to employees in international organizations, Western companies, and the Afghan government may end in violence, including killing, kidnapping, or throwing acid on people. AAWU mentioned that someone once shot at AAWU’s office which was assumed by AAWU to be a warning from those who are opposed to its work.

Asked if employment by international organizations could have consequences for the family of the employee, an independent research institute in Kabul said that in rural areas the Taliban would also warn the family to call back their “sons”. This warning would often come by a night letter.

### **3.2 Association or Employment with NGOs**

According to CPAU, in general everyone who is associated or employed with NGOs who are involved in political activities is a target for insurgent groups. If someone is working for US funded projects or organisations or for a contractor who works for Americans, he or she will be a high target not only because of his or her job but also because of the money he or she is perceived to have. Kidnapping would be a possible way to ask for money from such persons.

CPAU stated that persons working for American organizations are at high risk of being targeted because these employees are not allowed to move around in non-armoured vehicles which in turn make them a visible target. According to CPAU, the more a person moves around in a low profile and invisible manner the less he will make himself a target for insurgent groups.

CPAU has taken its own security precautions to avoid attacks when they travel in the country side. Travelling in a low profile manner, not driving in big or armoured cars, using the employees who speak the local language, refraining from carrying satellite phones or cell phones containing



contact information (names, phone numbers, call logs, etc.), and pretending to be researchers from the university<sup>10</sup> are some of the methods used by CPAU to avoid possible risks.

CPAU added that the NGOs cooperating with military groups conducting development work - for example The Provincial Reconstruction Teams (PRT) - in different provinces in Afghanistan are also at risk of being targeted by insurgent groups. This is because they cannot distinguish between who is who as PRT is a mix of contractors, military personnel, business companies and NGOs.

When asked which groups tend to pose a threat to international organisations, NGOs and Western companies, CPAU replied that they comprise the Taliban or other insurgent groups, criminal groups, and individual government employees who carry arms - especially those policemen who are part of the local militia and are not wearing any uniform. The last group is called Arbakis by the local population.

To the question of whether the employees' families also are targeted, CPAU stated that in general it is only the individual employee who is in danger. This is due to the fact that one normally does not find educated people in the villages that are capable of carrying out NGO work and employees at the international organizations, and NGOs are therefore often not locals and their families live in other places.

An independent policy research organization in Kabul explained that it nowadays does not entail a great risk to work for NGOs. In this connection, the independent policy research organization referred to reports from ANSO from which it clearly appears that NGO work has become less dangerous and that attacks on NGO staff have gone down. This is contrary to for example employees in security and development companies or demining organisations who are potential targets. The same source added, however, that the level of risk depends on the place where the organisation operates. In some areas, it is possible to establish an agreement with the Taliban in order for the NGOs to be able to carry out their work. In other areas as for instance in the East, there are foreign commanders operating who make the situation much more dangerous.

The independent policy research organization in Kabul mentioned that it sometimes happens that employees at an NGO, which normally is not a target, are kidnapped and then released after a couple of days; ANSO refers to this as kidnap for information gathering, i.e. the Taliban want to find out what the NGO does. According to the same source, whether a particular person is a target for the Taliban depends on his job, his position within an organisation, and his social ties, that is whether he through his social ties (relatives, tribal links, shared membership of a mujahedin group etc.) is related to persons in the Taliban.

DRC explained that persons associated or employed with international organisations, including NGOs and Western companies, are not targeted in Kabul, and it is only outside Kabul and in the rural areas where they run a risk. Regarding its own staff, DRC has never heard any from its staff

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<sup>10</sup> CPAU explained that they say this only while interviewing people for a research so they are not sceptical of them. This is mainly because people cannot differentiate between a professional research mission and "intelligence gathering" missions by foreign forces.

complain about their security being threatened. There have been very few cases of abduction, but these cases could also be related to people's income and status rather than who they work for, according to DRC. In general, NGO employees are, according to DRC, not threatened, at least not those working in Kabul.

An international NGO did not consider it as a high security risk to be employed by an international NGO. According to the NGO, Taliban's strategy has changed in recent years and their activities have become more and more focused on targeting employees of the Afghan government and foreign troops rather than NGO staff. However, the Taliban has its own opinion on the various NGOs depending on which issues they are working with.

Local Afghan staff employed by the international NGO has not had any problems over the last year. Normally, the NGO is able to work with the local population through agreements with the local community. However, the NGO is taking its precautions and operates in a discrete manner. For instance it uses locally hired vehicles, and the staff is not carrying ID-cards when they are operating in high-risk areas.

The international NGO stated that the Taliban would like to appear as a better alternative to the government and deliver access to basic needs such as food and drinking water. That is why organizations working with these issues are less targeted.

An independent research institute in Kabul pointed out that especially women working with NGOs are at a real risk of being killed or kidnapped by the Taliban. In Kabul there may be kidnappings for ransom by criminal groups, but as regards politically motivated kidnappings, there are not many cases. According to the independent research institute in Kabul, the problems arise when people travel in areas controlled by the Taliban. The institute's researchers "clean" themselves when going to the field by removing SIM cards from their cell phones and not showing any signs which may link them to an organization working with the international community.

An independent research institute in Kabul also pointed at human rights activists as a category of people who are in danger and especially activists working with women's rights. The research institute added that most international NGOs have cut down their staff to a minimum in the rural areas as working conditions have become more and more difficult.

AIHRC stated that there have been a handful cases where family members to people employed by NGOs have also been harassed and extorted.

### **3.3 Association or employment with the Afghan government**

According to an international organization, the Taliban considers any person working for the government as a traitor and thereby as a target. Truck drivers, for example, who bring food to military bases or people working for the ministries can be viewed as supporting the enemy side and thus become a target. It is the individual who is targeted but it could also expand to their families.

As regards government employees, it is mainly people working in high positions in Kabul who come under threat, according to IOM. There are also examples of government employees whose families have been kidnapped. IOM had so far not heard of a low profile government employee being targeted in Kabul.

MORR informed the delegation that for people working for the Afghan government in Kabul, it is too risky to travel back to their villages if it is in the North, South or Southeast. MoRR also mentioned that it is difficult for female teachers in the rural areas to carry out their work as they might be targeted.

Regarding employees of the Afghan government, UNHCR explained that many ministers have settled their families in other countries so that they are ready to exit the country after the withdrawal of the foreign forces. According to UNHCR, Afghan government employees at all levels are at risk. Some government employees may have had unofficial discussions and agreements with the Taliban at the local level in order to be able to carry out their work, but those people who have had a stronger voice on behalf of the government or who have been affiliated with the international community will be at risk. According to UNHCR, employees of the MOI (Police/NDS) are particularly at risk. This includes employees from junior to high ranking staff. Considering the number of attacks on governors' offices, government buildings, schools or medical facilities such as the attack on the ANA hospital in Kabul in May 2011, it is fair to say that the risks range from threats to targeted or indiscriminate killings.

Regarding employees of the Afghan government, AAWU said that employees at the highest level have their protection in place, but someone working at a lower level – and especially security guards – is at risk.

Regarding government employees, CPAU stated that they are at risk of being targeted by the Taliban. CPAU added that government officials are not staying in the villages but stay in the provincial capitals and even there one does not find them in many places. Judges for instance are not available and there is no functioning state judiciary. Categorizing the government employees according to the risk of being targeted, CPAU stated that employees in the security forces such as the police, the intelligent service and the military run the highest risk, followed by teachers and employees at health clinics.

When asked what benefit the insurgent groups could derive of targeting a medical clinic, CPAU replied that the main objective of such actions is to create an atmosphere of fear by which these groups can rule, and to obtain this objective they do not hesitate to target teachers or medical workers. However, CPAU stated that the Taliban lately has changed its policy and now allows even girls to attend school but with certain conditions.

According to CPAU, contrary to families of employees in NGOs and contract companies, families of government employees are at risk of being targeted because they often live close to the workplace of the employee.

According to AIHRC, people working with the Afghan government, government employees and even ordinary people who support the Government are targeted by the Taliban.

IPCB said that working as a police man is a risky job vis-a-vis the Taliban as the police force is the face of the Afghan government. IPCB added that for every Afghan soldier killed, there are two policemen who die on their job. Members of the Afghan government and deputy ministers are also at high risk of being targeted by the Taliban.

According to DRC, government employees definitely run a risk of being targeted in the rural areas.

According to an independent research institute in Kabul, employees of the Afghan government at all levels are at risk as soon as they are outside Kabul or outside provincial capitals (i.e. outside those areas “controlled” by the Karzai government), especially in areas controlled by the Taliban. Within the last 12 months, it has become more dangerous for government employees to travel due to criminals as well as insurgent groups. Ordinary citizens can travel but government staff has to sanitize their phones etc. and take the risk of travelling as ordinary individuals.

The source added that whether the threats would also include family members of the government employee depends on the community in which they live and especially the level of education the community has. This means that, in general, the more educated the community is, the less the family is threatened.

## 4. The Taliban

### 4.1. Recruitment by the Taliban

When asked about whether the Taliban recruit young people by force, AIHRC stated that there are no reports indicating that forced recruitment is taking place by the Taliban. AIHRC explained that most people join the Taliban voluntarily, but the Taliban put pressure on families in the regions where they are in control: they collect money and make them pay “zakat” (religious tax) by paying a fee on their crops.

UNHCR referred to a leaked ISAF report on the state of the Taliban in relation to the change of strategy of the Taliban<sup>11</sup>. According to this report, the Taliban do not have difficulties in recruiting people for their force. They have many volunteers and there is a willingness to join the movement. The Taliban may recruit collectively in the villages by offering education to poor people’s sons and by brain washing people. Considering the acceptance by the local population of the Taliban, it could be assumed that forceful recruitment is not widely taking place, however, UNHCR added that very little is known on this at the present time.

Regarding forced recruitment to the Taliban, CPAU stated that in the Southern provinces it has happened that the Taliban came to a village and asked for a number of foot soldiers. However, it was added that unless there is an emergency situation, the Taliban do not recruit people by force even in the Southern provinces because they do not need to do so. According to CPAU, there are many unemployed young males who for the sake of money and social status will voluntarily join the Taliban who enjoy the support of the community in these provinces. According to CPAU, the local people even consider it as a religiously good deed (“sawab”) to provide the Taliban with foot soldiers. As CPAU expressed it: “if you think that a Taliban commander comes to your house and threatens you to give him your son as a foot soldier you make a big mistake”.

Based on its research, CPAU stated that poverty, unemployment, and a desire for higher social status in the community, rather than ideological reasons, are the main factors driving the recruitment to the Taliban. As CPAU explained, the recruited are often ordinary people such as a son of a farmer or a teacher who due to the above mentioned reasons join the Taliban, and many of them do not even know the basics of the Taliban ideology.

Regarding recruitment to the Taliban, an independent policy research organization in Kabul referred to the newly leaked NATO report in which it is stated that popular support for the insurgency in terms of recruitment and donations has increased within the last year.<sup>12</sup>

According to the same source, there are various reasons why people voluntarily join the Taliban. The source stated that economic incentives play a minor role compared to other factors such as: social indignation, people’s frustration over their own situation, their perceptions of injustice (e.g.

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<sup>11</sup> The whole report, *State of the Taliban*, can be seen on New York Times website, <http://www.nytimes.com/interactive/world/asia/23atwar-the-Taliban-report-docviewer.html>

<sup>12</sup> Kate Clark, *The Emperor’s New Clothes: The leaked NATO report on the Taliban*, Afghan Analysts Network, 2.2. 2012, accessed at <http://aan-afghanistan.com/index.asp?id=2481>.

arbitrary detention, night raids, political marginalization, land-grabbing etc.) and ideological and political factors.

Asked about prevalence of forced recruitment by the Taliban, CSHRO informed the delegation that before the fall of the Taliban regime in 2001, it often happened that the Taliban recruited by force, and that they made the Hazaras step on mines to open the way for the Taliban in their military actions, or they forced people to provide them with money. Now the Taliban does not have the same power and influence as they had during their regime, and they cannot for instance go to people's home and forcibly recruit their youngster, according to CSHRO.

CSHRO further said that today some people join the Taliban movement for money while others join because they have lost family members by attacks from foreign forces and they feel frustrated.

According to CSHRO, the Taliban use different methods to recruit members. CSHRO mentioned that a few months earlier (at the end of 2011), a group with connection to the Taliban was arrested and it turned out that they had been planning a suicide action against the President as a map of the Presidential palace was found with them. Among the arrestees, there were university students and employees, one of President Karzai's security guards, and Afghans working for an international organisation. CSHRO concluded that it is no longer exclusively uneducated young males who are the target of the Taliban's recruitment efforts, but they also address educated Afghans and people in key positions.

Asked about the Taliban's methods of recruitment and whether recruitment could include forced recruitment, an independent research institute in Kabul replied that in general, and as far as they were aware, the Taliban does not use forced recruitment. The Taliban might request a village to provide for instance ten persons to be active for the Taliban for one or two months. This type of request would depend on the size of the village, and the request would probably not be made to an individual family.

The research institute explained that recruitment has to be understood in the context of persuading Afghans into "jihad", and that the Taliban tries to convince people by their propaganda and other communication activities (especially videos, mobile phone clips). The source also referred to the lack of services delivered to the rural people, serious unemployment and difficulty in earning a living as possible motivations for recruitment to the Taliban. The research institute further explained that there is a high unemployment rate and there are only very few options for a salary in the rural areas. The salaries offered by the Taliban are therefore attractive to poor rural people.

The independent research institute in Kabul informed the delegation that the Taliban has recently changed its strategy for recruitment towards proselytization, and their recruitment activities are now more and more aimed at the generation in universities and schools in Kabul and other big cities. For the same reasons, the Taliban is getting more active with publications, web pages and CDs targeting people who can read and write and have access to new technology (computers and the internet especially). Among the university students, especially engineers and medical students seem to be targets for the Taliban's recruitment activities. The source added that weapons are

getting more and more sophisticated and require more technological knowledge which may be a reason for the interest for students of engineering.

UNAMA explained that it happens in some areas of the country that the Taliban convinces poor people to give up their youngsters by telling them that they will be taken care of economically and that they will be given an education. Most of the recruited in these cases are under 18, according to UNAMA, and they are taken by the Taliban to madrassas in Pakistan or madrassas in insurgent controlled areas. UNAMA stated that recruitment usually happens village by village but also by the Taliban recruiters going family by family.

UNAMA stressed that it did not have in-depth knowledge about recruitment by the Taliban. UNAMA referred however to reports informing about forced recruitment of children to join the ranks of the Taliban. UNAMA referred especially to its Annual Report on Protection of Civilians in Armed Conflict for 2011 in which it is stated that a total of 212 incidents of child recruitment were reported by parties to the conflict. Of the 212 cases of underage recruitment, 173 (81 percent) were attributed to Anti-Government Elements.<sup>13</sup> UNAMA also referred to recent media reports about recruitment of children in Pakistan.

#### **4.1.1 Recruitment of other ethnicities than Pashtuns**

As regards forced recruitment of Hazaras by the Taliban, CPAU found it quite improbable that the Taliban would make any attempt in Hazara areas to recruit people and they would definitely not do it by force. This is, according to CPAU, because the Taliban and Hazaras generally do not trust each other and the Taliban would therefore not trust Hazaras as foot soldiers.

An independent policy research organization in Kabul stated that it was not in possession of much information on forced recruitment of young males by the Taliban. However, when asked, the independent policy research organization in Kabul found it quite unlikely that the Taliban would attempt to recruit foot soldiers among Hazara people. The same source explained that the Taliban could probably force Hazaras to provide them with money or food, but not foot soldiers.

Regarding prevalence of recruitment of Hazaras by the Taliban, UNAMA stated that although it was not in possession of much information on this, it did not find it very likely that the Taliban would try to recruit Hazaras.

Responding to the question on whether the Taliban would recruit people from the Hazara community, AIHRC said that there have been cases of Hazara communities in Helmand, Ghazni, Wardak, and Uruzgan being subject to intimidation to join the Taliban, and there are also cases where people out of fear support the Taliban economically. However, it was added that recruitment of Hazaras by the Taliban is not a widespread phenomenon and it would be an exception.

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<sup>13</sup> UNAMA and UNHCHR, *Afghanistan, Annual Report 2011, Protection of Civilians in Armed Conflict*, Kabul, Afghanistan, February 2012, accessed on [http://photos.state.gov/libraries/usnato/562411/PDFs\\_001/UNAMA%20POC%202011%20Report\\_Final\\_Feb%202012.pdf](http://photos.state.gov/libraries/usnato/562411/PDFs_001/UNAMA%20POC%202011%20Report_Final_Feb%202012.pdf), 15 March 2012

Asked if the Taliban would recruit other ethnicities than Pashtuns, and especially if the Taliban would recruit persons from the Hazara community, an independent research institute in Kabul replied that in areas where the Taliban is ruling over other ethnicities, they would probably ask the community to either participate or, if not, to “buy” their way out by paying money. If it is a poor area, the Taliban might also ask the community to contribute by providing young men to be active in the Taliban activities. This can be merely acting as porters but may also involve active fighting.

The research institute further said that there are small communities of Sunni Hazaras in some parts of Uruzgan and Ghazni and other areas bordering Hazarajat. However, according to the same source if these communities were to contribute young men to the Taliban, then it would probably be a decision taken by the community rather than a decision of individual families.

#### **4.2. Training of and profile of suicide bombers**

Regarding recruitment of suicide bombers, CPAU mentioned that it normally takes place in Pakistan. CPAU estimated that about 90% of all suicide bombers in Afghanistan stem from Pakistan.

According to CPAU, suicide bombers have often been trained in a camp for several months in order to achieve an ideological attachment to the movement. CPAU ruled out the possibility of forced recruitment of suicide bombers by the Taliban because suicide actions require a certain level of willingness and belief in the purpose of the action. According to CPAU, the Taliban is very careful in recruiting people for suicide attacks and many of them have family attachment to the Taliban and are certainly not picked randomly. In the recent past, many of the suicide bombers who have been successful in completing a mission, and also those who have been caught by security forces, have been Pashtun male teenagers aged between 14 to 19. Last year, President Karzai pardoned and released a group of such teenagers and ordered the Ministry of Education to get them enrolled in local schools. The majority of young suicide bombers are said to be coming from southern parts of the Pakistani province of Punjab (Punjabi Taliban) as well as some other madrassas in North and South Waziristan.

Regarding recruitment of suicide bombers, an independent policy research organization in Kabul stated that suicide bombers are often poor youngsters who have often lived and been trained in Pakistan or in the tribal border areas.

Asked if the Taliban would try to recruit suicide bombers by force, the policy research organization in Kabul found it improbable that suicide bombers are recruited by force and added that the experience has shown that the Taliban has no difficulty recruiting voluntary suicide bombers. According to the same source, kids and young people get brain washed and persuaded to join.

When asked about the ethnicity of suicide bombers, the independent policy research organization in Kabul replied that they are mostly Pashtun but not exclusively.

CSHRO explained that recruitment of suicide bombers to the Taliban takes place through approximately 25.000 madrassas in Pakistan. According to CSHRO, each school has its own way of



recruiting students. The education given to students in madrassas takes between 1-2 years after which some of them will be selected for special classes. CSHRO pointed out that after 3-4 years, the students are ideologically brain washed and prepared to join the Taliban or Al-Qaeda militant groups and participate in suicide attacks.

When asked whether the Taliban would recruit Hazaras as suicide bombers, CSHRO stated that it has never heard of any suicide bomber being of Hazara origin, and it found it improbable that the Taliban would try to recruit suicide bombers among Hazaras by force. As regards Hazaras, CSHRO pointed out that the Taliban bear so much animosity towards Hazaras that their suicide bombers also target gatherings of ordinary Hazaras for example during the Shia religious ceremony of Ashura in Kabul last December (2011).

Regarding training of suicide bombers, UNHCR could only speculate that it would probably take place in Pakistan, and that conducting a suicide operation would possibly require a very religious person who is trained for a while. UNHCR was not in a position to give detailed information on this issue.

An independent research institute in Kabul informed the delegation that, according to their impressions, suicide bombers are either mostly recruited from the refugee camps in Pakistan or from poor families in the South and South East of Afghanistan who are told that their children will get an education and will be sent to religious schools/madrassas in Pakistan. The Taliban will often motivate these families by propaganda and in addition agree to pay all the costs of the “education” and also perhaps pay money to the families.

In this connection, the research institute referred to the recent news about 41 Afghan children aged six to 11 who had been rescued by the Afghan police in Kunar province as they were about to be smuggled across the mountains into Pakistan. According to the news, the insurgents were planning to train, brainwash and use the children as suicide bombers.<sup>14</sup> The independent research institute in Kabul also referred to another event earlier this month (February 2012) in which two children in Kandahar province had been rearrested on suspicion of being suicide bombers. The two children were from a group of would-be suicide bombers who were released after being pardoned by President Karzai last summer (2011).

The independent research institute in Kabul further added that some of the persons picked for suicide bombers are reputedly also drug users or disabled people.

#### **4.3. Existence and consequences of receiving night letters**

AIHRC informed the delegation that night letters are a well known tactic used by the Taliban to intimidate people. This tactic is not much used in Kabul, but in the countryside such as in Wardak and Ghazni provinces this phenomenon is widespread.

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<sup>14</sup> Ref. also: [http://articles.cnn.com/2012-02-21/asia/world\\_asia\\_afghanistan-child-bombers\\_1\\_afghan-police-suicide-bombers-kunar-province?\\_s=PM:ASIA](http://articles.cnn.com/2012-02-21/asia/world_asia_afghanistan-child-bombers_1_afghan-police-suicide-bombers-kunar-province?_s=PM:ASIA)

When asked about assaults following a night letter, AIHRC stated that there are different levels of intimidation: while night letters in some cases may end up with killings, in other cases the assault is limited to beatings or nothing happens.

When asked whether people would seek protection with the police in such cases, AIHRC stated that people would do so, but the protection provided by the police has not been effective until now. As an example, AIHRC mentioned that a week earlier one person was killed after receiving a warning despite the fact that he went to the police and asked for protection.

UNHCR informed the delegation that the Taliban, especially since 2009, has had the capacity to intimidate people by warning them: “we know who you are and where you work”. UNHCR explained that the use of night letters to intimidate people working for the Afghan government and Westerners is very widespread. In rural areas, the use of night letters is most widespread whereas the pattern of intimidation in Kabul is different and would most likely be in the form of phone calls rather than night letters.

UNHCR stated that the intimidation by the Taliban will mostly be repeated until the victim is silenced by obeying orders. In cases of continued refusal to heed the warnings (for example continued collaboration with state authorities), intimidation can potentially lead to physical elimination. According to UNHCR, the intimidation will often also include the family members of the victim.

According to an international organization, the use of night letters and threats by the Taliban is quite common, but this is not a phenomenon limited to the Taliban as use of threats in general are very common in Afghanistan.

IPCB commented that night letters are a fairly well known occurrence. The message of these letters is often that the receiver should stop supporting the government.

Concerning prevalence of night letters, CPAU confirmed that night letters are common. The messages contained in these letters could for instance be urging people to stop going to school or to work and leave their jobs. If the messages continue, they might have serious consequences such as physical elimination, abduction for ransom, physical beating and torture, etc.

However, CPAU added that it is quite easy to fabricate a Taliban night letter and people sometimes even pretend to be the Taliban and threaten each other by night letters or SMS messages for different reasons. That is why when people receive a threatening message on their phone, they go to the mobile company to trace the number and identity of the person who has sent the message to find out whether the threat is real.

CPAU pointed out that people usually do not go to the police, not even in Kabul, when they receive night letters or any other threatening message because the police would normally not take any action in these cases.

When asked whether night letters are used as a means of posing threats, AAWU stated that night letters exist, but that the Taliban in Kabul and other big cities often send warnings by cell phones with temporary SIM cards.

According to an international NGO, there are two types of night letters. One is genuine (from the Taliban or other opposition groups) and always entail follow-up (consequences). The other is not genuine and it mostly originates from a personal dispute. It may increase people's attention, but the threats are normally not followed through as it is not supported by an organized group.

Concerning the prevalence of the Taliban's use of night letters to warn or intimidate people, an independent policy research organization in Kabul stated that the situation is different in different areas. In Kandahar, for example, night letters are widely used and people would normally expect a warning of three letters. However, it was pointed out by the independent policy research organization that physical assaults and murders are also carried out without warnings in advance by night letters. As the organization explained, people may be "invited" to attend a Taliban court to defend themselves. For that purpose, letters may also have the phone number of a Taliban judge. However, this type of "invitation" may also be seen by people as a means of intimidation. The same source has increasingly seen cases where people who have had enough of threats have sold their properties in the countryside and moved to big cities.

IOM stated that night letters are the main way of threatening people and that these letters are very prevalent. Most often, night letters will threaten people with kidnapping of family members or with killing. Over the last two years, these letters have become more and more prevalent in the country side but not in Kabul, according to IOM. Asked what the consequences of receiving a letter would be, IOM stated that it could be killing. IOM had a staff member who had received a warning and he got killed afterwards.

An independent research institute in Kabul informed the delegation that night letters have previously been a prevalent tool for intimidation used by the Taliban or other insurgent networks. However, the insurgents have recently started availing themselves of the media and embracing the new technology such as Internet, Facebook and mobile phones in order to make manifestations and threats against individuals. Mobile messages are now, according to the research institute, one of the more prevalent tools used to intimidate people.

According to the independent research institute in Kabul, the consequences of ignoring a threatening message could be assaults, kidnappings and hijackings. Usually, when the threat comes by mobile, this is an attempt to intimidate. However, it was added that there are also threats by criminals using the name of the Taliban. This happens particularly in the major cities where the Taliban are not very strong but criminal networks are.

UNAMA considered night letters as the biggest source of intimidation, and stated that it is a common tactic used by the Taliban in most areas including the provinces in the South, South East and the West and even in Kabul. According to UNAMA, people are usually warned by several night letters. Some night letters are also posted at the door of the local mosque. UNAMA stated that some of their staff members have been taken out of the country due to threats taken to the extreme limits in night letters.

UNAMA informed the delegation that night letters are often used in the areas where the Taliban tries to get a foothold, for instance in Jalalabad.

#### 4.4. Situation for former members of the Taliban

Regarding the situation for former Taliban members, UNHCR informed the delegation that the government has had a re-integration scheme in place. However, the impact of this scheme is not well known.

An independent policy research organization in Kabul informed the delegation that some former mid-level members of the Taliban are now living in Kabul without any problems. The representative from the independent policy research organization in Kabul personally knew a former mid-ranking Talib who is now staying in Kabul and has a job in the public sector. This person has been threatened (attempted blackmail) to work for the insurgency, and he does not return to his home province. Other former members like ordinary foot soldiers would not have any problems as long as they stay away from their area of origin, according to the same source.

When asked whether former members of the Taliban are at risk of being targeted by the Taliban, CPAU stated that immediately after leaving the Taliban, the former members tend to move to other countries, for example Iran or Pakistan, for work, and if they come back to Afghanistan, they may be employed by the government in the security forces like the police. It was added by CPAU that if these ex-Taliban go back to their place of origin, they will be at high risk of being targeted. However, if they move to Kabul, they will be safe because the Taliban would usually not make it a priority to kill former low profile members in Kabul. The Taliban would prefer to save their resources in Kabul to target high profile figures rather than their former low profile members.

An independent research institute in Kabul commented that the situation for a former member of the Taliban would depend on his position within the group. If a former low level fighter decides to quit the group, he might be able to stay and find himself a job in big cities such as Kabul. The Taliban does not have a unified structure and is not strong enough to go after former combatants. As the independent research institute in Kabul expressed it: "A Taliban commander in Uruzgan can do nothing in Kabul".

The independent research institute in Kabul added that the situation for a former Taliban member would also depend on his personal network with the local commander, which means the better relation the less threatened, but in most cases it would not be a Taliban strategy to track down low profile former members. According to the same source, most of the former Taliban members are living in big cities, and they are protected by the government. Those Taliban members, who stop fighting and negotiate with the government or who surrender their arms, can be provided housing and sometimes money, and there is a government programme for the former Taliban members to reintegrate them into the society.

## 5. Dishonoring the family or breaking social norms with regard to marriage and relationships between men and women

AAWU informed the delegation that having a relationship outside marriage is a serious problem in Afghanistan as a relationship between a young man and a young woman is exclusively for the purpose of marriage. AAWU further added that according to the tradition in Afghanistan, young men and women are not allowed to have any relationship without the consent of the parents.

When asked how widespread sexual relations outside marriage are among young people, AAWU stated that if it exists it is very hidden, for which reason AAWU could not give any estimate on that. If the family of a woman discovers that she is having a relation to a man, the life of both the woman and the man may be in danger.

An Afghan law practitioner stated that love relations are not wide-spread in the rural areas. This is due to the serious consequences which such relations can have for the young men and women in rural areas. In Kabul, one can come across love relations which will end up in marriage with the consent of the parents.

The Afghan law practitioner pointed out that there is a contradiction in Afghanistan's legal system which on the one hand permits young people to get married with whom they want, but on the other hand puts them in prison if they run away to be able to marry each other. The law practitioner referred to article 425 of the Afghan Penal Code.<sup>15</sup>

An independent policy research organization in Kabul mentioned that there are cases where young couples, who have run away from their homes, have been arrested and put in prison. The independent policy research organization in Kabul explained that if a girl in an honour case ends up in shelter, it means that the girl has been threatened by both her own and the male's family.

In Afghanistan a relationship between a young man and a young woman before or outside marriage is a serious violation of the honor of the families, and especially the family of the young women, according to LUA. Whether the relationship is sexual or just a friendly relation, the woman's family may threaten to murder both their own daughter and the boy and his family. Threats may start with individual threats against the boy but may later also include threats between the families. If the girl's father is a warlord, threats have serious consequences and if the relation also is of sexual nature it could even endanger the lives of the couple. LUA emphasized that there are many honor-related cases in Afghanistan, and in some cases both the young woman and man have been killed. In some areas, these cases are settled by stoning without any court being involved.

According to an independent research institute in Kabul, almost all marriages in Afghanistan are arranged marriages, and a high percentage of people marry their cousins. The independent

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<sup>15</sup> According to the Afghan Penal Code this article reads: "The person who carries of a girl, who is sixteen years or over, at her own will from her parents' residence for the purpose of lawfully marrying her, shall not be deemed as having committed an act of kidnapping." accessed on 22 March 2012 at <http://www.unhcr.org/refworld/pdfid/4c58395a2.pdf>

research institute in Kabul further emphasized that the culture in Afghanistan is such that it is almost impossible to have relations outside or before marriage. The family of a young girl will mobilize a network around her to protect her and to ensure that she will not be able to enter any relationship.

MOWA stated that young men and women, who are breaking social norms with regard to marriage, including rejecting a forced marriage, are facing huge problems in Afghanistan. Among the cases of violence against women which have been reported to MOWA from provinces in the first three quarters of Afghan year 1390 (2011-2012), 131 are cases related to forced marriages.

MOWA explained that to avoid a forced marriage young men and women run away from home. MoWA stated that according to the law, it is not a crime to run away from home, but many young males and females who run away from their homes end up in prison. MWA has launched a campaign to raise awareness about this issue.

### **5.1. Consequences for young men**

Asked about the consequences for young men who have had a relation to a young woman outside marriage, UNHCR stated that the situation would be very dangerous for him as well as for his family. If there is a powerful person in the girl's family whose reputation and honour is at stake, the risk is even higher. UNHCR added that there are many young returnees from Iran or European countries, especially girls and women, who have not been able to adapt to the more traditional Afghan society and who end up in such dishonouring conflicts or immolating themselves.

According to an independent policy research organization in Kabul, when the honour-related conflicts are not solved in a peaceful way, it is mostly young women who tend to be the victim of honour killings compared to young males for whom it is easier to leave the area and reside somewhere else. The policy research organization in Kabul stated that women are generally in a much more vulnerable position with regard to settling down on their own in Kabul or elsewhere, in comparison with men who can move on and stay in other places. The source added that it is very unusual for women to live by themselves and almost impossible for most women not to be living with their own or husband's family.

An Afghan law practitioner stated that based on its experience, it is mostly women who face grave problems with regard to dishonouring the family because young men often have the possibility to leave the area or the country and reside in other places.

AIHRC emphasized that young men could be at risk if they inflict damage to a family's honour by having a relationship with a girl from that family before marriage. Young men will in such cases only have their own family to protect them.

AIHRC added that the girls' family would often solve the issue by marriage. However, families with a high status will not accept a marriage between their daughter and a young man of a lower status. If the relationship includes mixed ethnic parties, it will be even more complicated. The consequences for the young man involved would often be killing, mutilation of his body, harsh

beating or sometimes imprisonment with allegations of kidnapping the daughter. AIHRC gave an example with a young couple who had fled to Pakistan, but were persuaded by their families to come back. After their return, the young man was charged with kidnapping and was put in prison, and he has been in prison for the last two years.

Asked if a young man from the countryside would be safe in Kabul after having been involved in a dishonouring case, AIHRC informed the delegation that he will face the risk of being tracked down by the girl's family, especially if it is an influential family, as honour is an important issue in the Afghan society. In general, the more influential the girl's family is, the higher risk the young man will face.

AIHRC added however that most dishonouring cases will calm down by time, for example after a couple of years, and it is particularly within this period that the young man will be at risk.

The reaction of the families will, according to AAWU, depend on their social and educational background: if the woman comes from an educated family, they will in the first step send a warning to the man to stop seeing the woman, and they will not allow the young woman to go out (to school or to university). In case the relation continues, they will try to frighten the young man by sending somebody to beat him up. However, if the woman's family belongs to an illiterate family, it may end up killing the man. AAWU added that fanatic families would even kill other members of the young man's family, or the young man's family would have to compensate the other family with a girl who may end up serving as a "slave" for the woman's family.

Asked about whether a young man who flees his area and goes to Kabul - because he has been threatened by the family of a woman with whom he has had sexual relation - will be safe in Kabul, AAWU replied that as he has caused damage to the honour of the woman's family and honour is an important issue in Afghanistan, the woman's family will make an attempt to find him through the ethnic network. As Kabul has a huge population with different people from different parts of Afghanistan, it might be difficult, but the family will never give up. On the other hand, even if the family cannot find him, the young man will always live in fear of being found and it will be difficult for him to search for jobs etc.

According to MoWA, if a young man is threatened by the family of a young woman with whom he has had a relation in his area of origin and he flees to Kabul, the woman's family would sometimes be able to find him in Kabul.

## **5.2. Possibilities for men and women to seek protection in such cases**

When asked about the possibility to seek protection in shelters in honour-related cases, an Afghan law practitioner replied that the quality of women shelters in Afghanistan is good. However it was added that there are women shelters only in major cities like Kabul, Herat, and Mazar-e-Sharif, and one finds no shelters in the rural areas of Afghanistan.

An Afghan law practitioner stated that there is no shelter for the young men who face serious problems in connection with dishonouring the family.

According to UNHCR, there have been cases in Afghanistan where the girl has been killed by her own family or the girl has been put in protective detention<sup>16</sup> in a prison or in shelter. A woman cannot leave the shelter if she is not going to obey and follow the orders of her family because a woman alone, without any kind of family support, will not be able to survive in Afghanistan.

According to UNHCR, there are no facilities and no safe houses for men.<sup>17</sup> However, while it is very difficult for a young woman to leave her area of origin or the country on her own, it is easier for a young man to do so.

Asked if there would be any possibilities to seek protection for the young men in honour-related cases, AAWU replied that there are no shelters for young men to go to in such cases.

Concerning protection of young men who are breaking social norms with regard to marriage, MoWA stated that there are no shelters to protect young men in such cases. According to MoWA, men who are forced into their first marriage sometimes end up marrying a second time as the first marriage has not been based on their will and they want to get married by their own choice later.

Concerning women's shelters, MoWA stated that there are 12 shelters all over Afghanistan: three in Kabul, two in Herat, two in Mazar-e-Sharif, one in Bamyan, one in Kapisa, one in Faryab, one in Parwan, and one in Ningarhar. These shelters are run by NGOs, but MoWA intends to open its own shelters throughout the country. So far, two shelters in Kabul and Herat are planned this year. According to MoWA, there are no shelters in small towns.

### 5.3. Possibilities for settling disputes

According to UNHCR, the cases where a young man has had a relation to a young woman outside marriage are normally settled between the families and the state does not intervene.

According to an independent policy research organization in Kabul, conflicts in connection with relationship outside marriage or love marriages are often confined and settled within the affected families and do not involve the broader community.

According to the independent policy research organization in Kabul, it is not every family who wants killing as a solution to an honour-related conflict, and it is at the same time not every family who is capable of protecting its members from an honour-related killing. The same source added that although there are peaceful settlements to an honour-related conflict such as marriage or exchange of money, it is not always that families succeed in resolving the conflict through such solutions.

An Afghan law practitioner stated that it is a huge problem for a young man to break the culture and have a relation to a young woman outside marriage. The Afghan law practitioner assessed that about 90% of such cases are not brought for the court as the families normally prefer to keep silent and handle these cases themselves. By bringing a case which involves relation outside

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<sup>16</sup> UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan (page 24)

<sup>17</sup> A male child when he reaches the age of 13, should leave the shelter



marriage for the court and thereby disclosing the news to the public, the families risk causing damages to their reputation. Instead, families can solve such cases in different ways. One of the solutions could be that the family of the girl forces the young man to get married with the girl.

As far as the Afghan law practitioner has experienced, few cases involving love relations end up with the marriage of the young man and woman and most marriages are arranged marriages in Afghanistan.

The Afghan law practitioner added that another solution could be that the family of the girl demands that another girl in the man's family – sometimes a minor - should get married with a man in the girl's family. If none of these solutions were a possibility, it will cause killing the young male by the girl's family and the family might also choose to kill their own daughter. In Kabul, some people tend to solve the problem by marriage, but in the country side killing is quite probable to take place.

According to the Afghan law practitioner, if a young man and woman who have run away from their homes are arrested by the police, their case is brought to the prosecution for accusing them for committing a crime. If it is brought for a family court, the court will then call the families of the arrestees and ask them on what grounds they oppose the marriage of the arrestees, and if the families do not have a legally legitimate reason for their opposition, the court will ask the families of the man and woman to get the man and the woman married. If their family denies, the court will get them married.

The Afghan law practitioner explained that a problem which young people, who have run away, often face when their case is brought for a provincial court is that their families could influence the court case and might falsely claim that the young couple have committed other wrong doings such as stealing the families' jewellery or money before running away.

The Afghan law practitioner explained that family courts are found in all key provinces, but not all family courts are well equipped. However, in the big cities like Kabul, Herat and Mazar-e-Sharif, family courts are well-functioning, particularly in Kabul which has the best family court in Afghanistan. People in other provinces prefer - if they find themselves in a terrible situation - their cases to be transferred to and processed by the court in Kabul. This is though only possible by the permission of the Supreme Court or through change of the permanent residence of the defendant.

The Afghan law practitioner mentioned that there are some national and international civil rights organisations in Afghanistan who help young people who are imprisoned because of running away. In these cases, the young couple may receive legal advice from legal aid organizations free of charge. The legal advisers also assist the young couple, particularly the woman, in the court if it is necessary.

When asked whether a young man and woman who have run away from their homes can go to a Mullah and get married without the permission of their families, the Afghan law practitioner stated that a Mullah in most cases would ask them to bring witnesses who can confirm who they are and that will most often be their families.

According to LUA, some honor related cases may be solved by negotiation and counseling between the families. One of the LUA defense lawyers mentioned that she has had many cases involving young couples who fled together. After taking the case to the court and after the young couple has married they can start a new life, but they may receive continuous threats from their families.

According to an independent research institute in Kabul, in the rare cases where a young man and woman have had relations outside or before marriage, the family of the girl may ask for money from the man's family, and if the family of the girl is a rich family, the compensation asked will be very high. In the worst cases, there may also be honor killings where the family will kill their own daughter.

The independent research institute in Kabul stated that if a young man and woman marry each other against the will of the woman's family, they may be able to escape the area and settle in other places, but they usually cannot go back to their families unless a kind of economic compensation is paid to the woman's family.

Asked if there would be more peaceful ways to settle such disputes, AAWU explained that if the family of a woman does not choose killing or other physical assault as a solution, there are usually two options: that the two families in secret negotiate on the matter or the case is brought for the shura/jirga. Sometimes the solution in such cases would be that the young man must marry the woman if the relationship is of sexual nature. This solution is particularly used by families with a good social and educational background.

MoWA informed the delegation that it has a director of women's affairs and two legal managers in every province. These managers may be contacted by young women who face problems, including honour-related violence. If a girl who has fled her family comes to MoWA and asks for help, the first step MoWA will take is to call and hold a number of meetings with her family. The director of women's affairs will lead these meetings. If no solution is found and the girl's family does not make a firm promise that they will not cause her any harm or if the girl herself does not want to go back to her family, MoWA will send the girl to a shelter. MoWA pointed out, however, that it prefers as much as possible to find a solution together with the woman's family and not to send women to shelters. MoWA mentioned that due to the Afghan culture it is generally difficult for families to take back a girl who has been in a shelter.

According to MoWA, if a young man has had a relation to a young woman, he would in most cases be forced to marry her if his/her family discovers that. When asked how often such cases are solved by violence against the young man or his family, MoWA stated that violence (killing) is the outcome in a very small number of cases.

## 6. Land disputes

According to LUA, land disputes are one of the major problems in Afghanistan. The problem dates back in history and is not limited to the last ten years. Part of the problem is that there is no systematic registration of land in Afghanistan. Another part of the problem is that many people have fled Afghanistan during the latest 20-30 years, which means that some land has been left without an owner, or others have seized and used the land. In rural areas, where many people have fled the country, the land has been occupied by local powerful people.

Land disputes arise when people are returning to their land after many years and want to claim the land back. During their absence, other people have for many years had a life based on the cultivation of this land, which then will create a conflict when they return. Many former IDPs and refugees returning from abroad face this problem, according to LUA.

LUA emphasized that in Afghanistan, and particularly in the rural areas, ownership and heritage of land is first and foremost based on tradition and memories of the local people. There are often no records as land is not registered, and most people do not have a title deed to their land. For the same reason, it is difficult to solve land disputes by bringing the case to the court.

According to DRC, the main reason behind many land disputes in Afghanistan is that different regimes have allocated the same plot of land to different persons. When for example people who fled the country during the communist regime or the rule of Taliban have come back to their homes, they have realised that their land has been allocated in their absence to other persons who now claim to be the owner of the land.

According to CPAU, most conflicts in the rural areas in Afghanistan are related to land and water. For example 60-70% of the conflicts in the Northern provinces are disputes over land and water. A great number of these land disputes have arisen because of the claims from the people who after many years of residence abroad - primarily in Pakistan - have returned to their place of origin and realised that their land has been seized and used by others. Most of these disputes arise among neighbours and families. According to CPAU it is not a general trend that powerful people have grabbed land during the absence of the original owners. When asked to what extent land disputes erupt among family members, CPAU stated that the majority of land disputes are family conflicts over inheritance, for instance two brothers starting a fight over the inheritance of their father's land after his death.

An independent research institute in Kabul informed the delegation that as many people have fled the country in recent decades, their land has been left without owners, and many locally powerful families may have exploited the situation and grabbed people's or government land. Proving land ownership in Afghanistan is complex and multifaceted, and there are also cases of fake land documents being prepared. The research institute knew of at least one case where the fake documents were reputedly prepared by corrupt government officials. This is, according to the source, one of the main reasons behind a large number of land disputes in Afghanistan today.

According to AIHRC, land disputes occur all over the country and among all ethnic groups. However, there have been less land disputes in Afghanistan in recent years. Land disputes remain though a very hot issue in the Afghan society according to AIHRC.

### **6.1 Settling land disputes**

An international organization explained that disputes, including land disputes, are traditionally settled by local shuras/elders who are more relied on by the population than the formal justice system. Besides, they are much faster and much cheaper than the formal system. Lawyers cost money and one may also have to pay bribes to judges. That is the reason why most people prefer to settle conflicts by the Sharia law which they consider to be a better way to solve the conflicts compared to the judiciary. Conflicts within the communities are not so exposed and that may also be a reason to settle disputes locally.

LUA explained that there are two ways of solving land disputes. The traditional way is bringing the case to the local shura/jirga. In this case, the elders in the area will base their decision on what can be remembered about the ownership of the land in the past. This way of conflict resolution is most prevalent in rural areas. The other way to solve land disputes is by bringing the case to the court. However, according to LUA, people prefer the traditional way of solving conflicts due to the corruption and disfunctionality of the formal court system. LUA explained that it will take minimum one year to solve the conflict through the court. Besides, people do not believe in the system and expect the case to be handled in favor of the influential party to the conflict who can bribe the judges. However, in urban areas, people do have title deeds to their land, and cases regarding land disputes are solved by using the formal court system.

Asked whether a powerful party to a conflict may influence the outcome of the decision of the shura/jirga, LUA replied that if one of the parties is a powerful and influential person, it has definitely an impact on the decision in favor of the more powerful people.

LUA emphasized that there is no rule of law in Afghanistan, and the way people get access to land and property is by using their power. Threats are not limited to the individual, but could include the whole family. According to LUA, there are many cases in Afghanistan where the whole family is threatened due to land disputes. Threats are sometimes realized and may result in murder. LUA said, however, that they could not estimate how widespread this phenomenon is.

According to an independent research institute in Kabul, all land transactions fall under the purview of the Supreme Court. However, as there is no agreed national survey (cadastral system) in the country and as the transfer of ownership is not linked to any detailed survey document or centralized repository of land records, every single land transaction has the potential to become a disputed transaction.

The independent research institute in Kabul explained that due to corruption, there is no straightforward legal way to settle the land disputes as the court system is not working at all. At the end, the result will usually depend on the amount of bribe the individual will be able to pay the judges. Also in the Ministry of Land, title deeds and documents may be faked due to corruption.

An Afghan law practitioner stated that there are two main ways of solving a land dispute: the legal system where the parties can take their case to the court, or the traditional community based system through the shura/jirga. As the Afghan law practitioner explained, most of the land disputes are settled by the shura/jirga. The Afghan law practitioner referred to Afghanistan Human Development Report 2007<sup>18</sup> in which it is documented that 80% of the cases in Afghanistan are resolved by the shura/jirga and only 20% of cases are brought for the court. He added that if one of the parties in a land dispute is a rich or influential person, he will most probably win the case. This applies both to land courts as well as to the shura/jirga, as he will in any case bribe the judges.

When asked whether land disputes are always brought before the shura/jirga when they arise, the Afghan law practitioner stated that it is not always the case and that the parties themselves have to take the initiative to bring the case before the shura/jirga.

CPAU stated that some land disputes are settled through the local land registration offices that are in possession of documents proving the ownership of a particular land in the local area. However, due to the fact that few land registration offices are organised and function properly and that there is a lack of active courts in most of the districts, most land disputes are settled through the shura/jirga. CPAU explained that decisions made by the shura/jirga are unanimous and decisive. If such decisions are not adhered to, the individual will experience a social boycott by his tribe.

If one of the parties to a land dispute is an influential powerful person, he will according to CPAU, usually attempt to put the other party under pressure through threats and even by sending someone to beat the other party up, while he at same time will try to influence the shura/jirga by his money and position. The ultimate intention of the powerful person will, however, be to reach a solution based on consensus which more or less is accepted by the other party, and killing would hence be the very last resort. According to CPAU, in general, the shura/jirga's decisions on land disputes tend to be neutral. Besides, the decisions usually apply for a temporary period of two to three years. This means that the decision could change with a power change in the region and could turn into a violent conflict. The decision of the shura/jirga is therefore not necessarily a permanent solution.

CPAU found it improbable that a powerful party to a land dispute would try to track down the other party in other areas of Afghanistan in order to eliminate him. As CPAU explained, most of the killings which have been carried out in connection with land disputes, have taken place spontaneously on the spot, and in a very few cases the killing has been a planned action carried out in other places.

AIHRC pointed out that conflicts related to land often cause big feuds and huge fighting, particularly between families who may kill each other for land, as land is a matter of honour and pride. Some disputes are settled locally by the shura/jirga or by courts, but if the case is taken to court, people might end up paying three times more the value of the land. If the dispute over land

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<sup>18</sup> UNDP and Kabul University, *Afghanistan Human Development Report 2007, Bridging Modernity and Tradition: Rule of Law and the Search for Justice*, 2007, accessed on 22 March 2012 at [http://hdr.undp.org/en/reports/nationalreports/asiathepacific/afghanistan/afghanistan\\_2007\\_en.pdf](http://hdr.undp.org/en/reports/nationalreports/asiathepacific/afghanistan/afghanistan_2007_en.pdf)

is not solved neither by the shura/jirga or the court, there will be continuous clashes between tribes and families. If someone is having a conflict with a local commander or a rich person, the commander or the rich person will very likely win the case in one way or another, according to AIHRC.

AAWU stated that land disputes belong to the most controversial subjects in Afghanistan. According to AAWU, if someone has a land dispute with an influential person such as a commander, he will probably face the risk of being assaulted or even killed. Besides, land courts as well as the shuras/jirgas are usually under the influence of influential and powerful persons, and the governmental institutions are corrupted, for which reason the case cannot be settled through these channels. Moreover, if a person wants to bring his land case for a court, he may even have to spend 2-3 times the price of the land to be able to have his problem solved, which is mainly due to a deep rooted corruption in the system.

AAWU stated that land disputes sometimes end in violence, even within families. As an example AAWU mentioned that it sometimes happens that one of the brothers in a family goes to the city to study or emigrate abroad while another brother stays in the village and works on the family's land. After some years, when the brother who left the area comes back and claims a share of the land, a dispute may arise between the brothers and it may even lead to one of them being killed by the other. In such disputes, which also arise between uncles and nephews, the local people usually support the most powerful party to the dispute, according to AAWU.

## **6.2. Regional differences in settling land disputes**

According to CPAU, very few land disputes end in violence. However, it was added that the situation is different in different provinces. In provinces in the North such as Badakhshan, Takhar, Kunduz, Jowjan, Sar-e-pol, Balkh, Baghlan, and Faryab, land disputes rarely lead to violent clashes between the conflicting parties. The situation in the South is very different where even minor disputes will end in violence as many people carry weapons. In some parts of the South, it is common that local commanders grab land and women are given as a compensation for land. CPAU further explained that this also has to be seen in a context where every piece of land in the South may be used for poppy cultivation. CPAU added that in the South, there are examples that the whole family has been killed – even babies – because of land disputes. However, CPAU further explained that in the Southern provinces, the jirgas are not regularly functioning as the Taliban are running their own courts in every district and decisions are made on the spot.

The situation in Ghazni province has been affected by drought in the last couple of years, and there is only limited agricultural land for use. The area is mostly divided into small orchards which are not demarcated. In 2007, CPAU made an investigation and found that the majority of land disputes in Jaghori and Malistan districts in Ghazni ended peacefully. This is partly due to the fact that the educational level of people in those two districts of Ghazni is high compared to other provinces, according to CPAU. In Jaghori, for example, there are more than 50 high schools from where many young people graduate every year. Due to a shortage of land and a lack of job

opportunities, a large number of these graduates leave the area and move to Kabul or seek abroad.

An international organization mentioned a recent case where a family from Jalalabad had traced down a 14 year old girl in Kabul. The girl was raped as a revenge for a land dispute in Jalalabad. Losing face is a big problem in Afghanistan, according to the international organization.

The Afghan law practitioner explained that the number of land disputes which end in violence have decreased in the past 15 years, and disputes have increasingly been solved peacefully by the shura/jirga and by the formal legal system if the case is brought for the court. According to the law practitioner, land disputes with violent results mostly prevail in provinces which are controlled by Taliban, like Kandahar, Ghazni and Northern provinces. If no peaceful solutions are found, land disputes might end in killings. If somebody was killed by one of the parties, the whole families would be involved and threatened. It was stated that land disputes also sometimes are settled through exchange of young girls/daughters between the parties of the conflict. It means for example that if one of the parties has killed someone from the other party's family, the conflict could be solved by the murderer's family offering a girl for marriage to a man from the other family.

### **6.3. Situation after settling the dispute**

UNHCR informed the delegation that if a land conflict has been settled by a local jirga, and the injured family does not agree to the solution, the conflict may continue to create problems. Even if the family agrees and does not claim their land back immediately, they may still be a target because there is a risk that they will claim back their land at a later stage. This is particularly the case where male members of the family (heirs) are alive who could claim the land back. This kind of (blood) feud which could extend to the whole family or tribe with an active risk of revenge was a characteristic of the Pashtuns but it has now touched all the other ethnic groups in Afghanistan, according to UNHCR.

When asked whether a person who has lost his land in a land dispute would still risk being harmed by the other party to the conflict who may want to eliminate him to put a permanent end to the conflict, CPAU stated that he would probably not face such problem in the community. According to CPAU, the shura/jirga is a socially coherent and socially well-founded institution whose decisions generally are respected by everyone in the community, including the parties to the conflict. Besides, it often takes several days before a shura/jirga arrives at a decision on a land dispute and it is primarily because the shura/jirga intends to adopt a solution that is accepted by all parties.

If an individual gives up or renounces his land due to a land dispute, it will not be an option for him to stay on in the village, according to an independent research institute in Kabul. First of all, the person will not be able to make a living and survive in the village without land. Secondly, losing a dispute is tantamount to "losing face" which is an important issue in Afghanistan.

If the injured party to a land dispute does not accept the decision of the shura/jirga, it could result in threats and even murder, LUA stated. In some cases the threatened person would have to flee the country. Asked if it would be possible to find protection in Kabul or other cities (Mazar and Herat), LUA stated that the problem would still exist. LUA explained that the person who has caused the conflict and who has gained ownership of the land might want to eliminate the other part in order to make sure that he will not claim the land back. Unless the threatened person has personal relations to the authorities or to the National Security, he would always have to live with this threat.

LUA further explained that if the person/the family renounce their land, it will still be a problem for them to stay in the area as the conflict will still be latent, and the possibility that the family will claim their land back is always there. In addition, for the injured part it is also a question of economy, as the family would not be able to survive in the village if they cannot cultivate their land.

AIHRC stated that if a family renounce the land, it would be an exception if the commander would go after the family, and a local commander would definitely not trace down the family in Kabul, although it would be possible.

AAWU stated that if a person has a land dispute with a more powerful person, and he renounces the land due to a decision taken by the land court or the shura/jirga, he will not face any danger of being harmed by the other party, if he stays in his place of origin. AAWU pointed out, however, that the person would have no income to survive in the village, if he no longer owns any land.



## 7. Kuchi-Hazara conflict

AIHRC emphasized that the Kuchi- Hazara conflict is a very sensitive issue as it is a conflict between two ethnic groups and it is a conflict which has roots back in 1887 after the massacre of Hazaras and the King's policy to contain them. The conflict erupted each year from 2007 up to 2010, but in 2011 there have been fewer disputes.

According to AIHRC, the conflict has been destructive in Hisa-I-Awali Bihsud, Markazi Bihsud and Day Mirdad districts in Wardak province and Nawur district in Ghazni. Villages have been burned and 2,000 Hazara families have left the area. Most of the families have settled in Kabul, some have moved to Mazar, while others have left the country.

According to AIHRC, there have been allegations that the Taliban have supported the Kuchis, but it has not been documented. However, it is a fact that the Kuchis have been armed.

UNHCR stated that the conflict between Kuchis and Hazaras is in principle a geographically isolated conflict between two communities over local resources. The last incidents were in 2010, and in 2011 there were no violent attacks reported. However, the conflict remains unresolved. UNHCR emphasized that it is a conflict between communities in a local area which should not lead to personal persecution of individuals outside the geographical boundaries of the involved districts in Wardak and Ghazni province (i.e. Hisa-i-Awali Bihsud and Markazi Bihsud in Wardak and Nawur district in Ghazni). UNHCR referred to the UNEP-report for further information.<sup>19</sup>

CSHRO stated that the biggest challenge in the central region (Maydan Wardak area) today is the dispute between the Hazaras and Kuchis. According to CSHRO, the Kuchis are armed and they have attacked people with the support of Taliban. Kuchis have caused disputes in the two Behsud districts in Wardak province and in Nawur district in Ghazni in recent years.

According to CSHRO, the Kuchi-Hazara dispute is a seasonal conflict which arises in the spring each year where herdsmen need pastures in the involved districts. CSHRO mentioned that while there were violent clashes between Hazaras and Kuchis in 2010, no major clashes took place in 2011. As a result of the 2010 clashes, a large number of houses were burned, many families lost their properties, and many Hazaras moved to neighbouring districts in Bamyan.

When asked whether Kuchis would try to track down a Hazara with whom they have been in conflict in Wardak or Ghazni, if he flees to other areas, CSHRO replied that Kuchis are not capable of doing so, and it is only possible in the involved districts. CSHRO explained that Hazaras are not concentrated in one specific part of Kabul, and it would therefore be quite difficult to track down a specific Hazara in Kabul.

According to CSHRO, if a Hazara has a conflict with a Kuchi in his area of origin, and he flees his area and moves to big cities like Kabul, Herat or Mazar-e-Sharif, he will not face any security

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19 Liz Alden Wily, *Recommended Strategy for Conflict Resolution of Competing High Pasture Claims of Settled and Nomadic Communities in Afghanistan*, United Nations Environment Programme (UNEP), Kabul 2009, accessed on 1 April 2012 at: [http://postconflict.unep.ch/publications/afg\\_tech/theme\\_01/afg\\_rangeland\\_EN.pdf](http://postconflict.unep.ch/publications/afg_tech/theme_01/afg_rangeland_EN.pdf)

problem although he will still face the challenge of finding a job. Many Hazaras from the affected districts have moved either to other districts in Bamyan or to Kabul where they stay with their family and relatives and they do not go back to their place of origin. Only old Hazara people are left in the affected districts.

When asked to what extent Hazaras in Kabul have access to the labour market, CSHRO stated that there are not many job opportunities in Kabul and it is a considerable challenge for many to sustain their livelihood. A large number of Hazaras are low-paid day-labourers or work in construction. According to CSHRO, every morning one can see many Hazara day-labourers in Kabul waiting for someone to come and offer them an occasional job. As an example of occasional jobs, CSHRO mentioned that a great majority of those being hired in the winter season to sweep the snow off the roofs and in people's houses are Hazaras.

CSHRO mentioned that Hazaras' access to the labour market is limited with regard to public offices, embassies and international organization, and that there are very few Hazara employees in these organizations. This is despite the fact that a large number of Hazaras are educated people, and one generally finds many Hazaras receiving education in Kabul University and other educational institutions in the city.

An independent policy research organization in Kabul considered the Hazara-Kuchi dispute as a conflict which is limited to a certain period of time (the spring season) and a certain geographic area. There were village burnings last year and the conflict is unresolved. The source found it unlikely that Kuchis would threaten or persecute Hazaras in Kabul because of a fight in Wardak or Ghazni.<sup>20</sup>

Based on experience from one of its project aiming at settling the conflict between Hazaras and Kuchis<sup>21</sup>, CPAU stated that the violent clashes between Hazaras and Kuchis in recent years have been a politically provoked conflict whose roots must be found in other places (for example in Kabul) than in the involved districts. According to CPAU, what happens between Hazaras and Kuchis is a reflection of what happens nationally, and the conflict is being used as a tool. Every time there is an election at the national level, one can expect that the conflict will erupt because in their eagerness for votes the politicians side with one or the other parties to the conflict.

CPAU explained that no clashes have been reported between Kuchis and Hazaras throughout 2011 simply because no election has taken place during the year. It was added that the dispute between Hazaras and Kuchis has been a longstanding historical conflict, but it is only within the last 4-5 years that the conflict has turned into violence because it has been politicised and each side has

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<sup>20</sup> An independent policy research organization in Kabul further referred to information from Fabrizio Foschini, *Who cares about the Kuchi-Hazara conflict, nowadays?*, Afghan Analysts Network. 23-06-2011, Accessed at [http://aan-afghanistan.com/index.asp?id=1823\\_on\\_29\\_March\\_2012](http://aan-afghanistan.com/index.asp?id=1823_on_29_March_2012)

<sup>21</sup> Khibar Rassul, *Fractured Relationships, Understanding Conflict between Nomadic and Settled Communities in Wardak's Pastureland*, CPAU, October 2010, accessed at <http://www.cpau.org.af/images/downloads/CPAU%20Report%20-%20Fractured%20Relationships.pdf>

been armed. While the Taliban, for instance, has fought on the Kuchi side, Pakistan sides with the Kuchis and Iran supports Hazaras.

CPAU explained that the dispute between Hazaras and Kuchis is a conflict which arises in a certain season (spring) in a geographically limited area. CPAU found it therefore quite improbable that a Kuchi or a Hazara tries to seek out and take revenge on someone from the other party in other places than in the districts where the dispute has erupted. According to CPAU, if a Kuchi who has killed a Hazara returns to the area where the murdered person's family live, the Hazara family will possibly try to take revenge and to defend themselves. On the other hand, one can hardly find a Kuchi who goes to Kabul or other areas and tries to track down a Hazara who has killed a member of his family. As CPAU explained, Kuchis are used to losing family members and relatives in their fragile nomadic life, and losing a family member will not immediately provoke a sense of revenge among Kuchis.

An independent research institute in Kabul explained that the conflict between local Hazaras in the two Behsud districts of Wardak province and the Pashtu nomads (Kuchis) has been politicized in Kabul as an influential political lobby of representatives from the two ethnic groups has shifted the conflict to the national realms of politics.

Concerning the Hazara-Kuchi conflict, AAWU stated that no solutions have been found so far, and it is highly possible that clashes will break out again in the future. According to AAWU, the conflict has also been provoked from outside Afghanistan, as Iran and Pakistan gain political advantage from the conflict and side with Hazaras and Kuchis respectively.

AAWU pointed out that the dispute between Hazaras and Kuchis does not only erupt in the spring but also in other times of the year when animals are grassing. AAWU added that although the conflict for the moment is limited to two provinces (Ghazni and Wardak), one can expect disputes to arise in other places to where Kuchis move.

AAWU stated that if the Hazaras who have left the area due to the clashes come back again and claim their land back, clashes will very likely arise again. On the other hand, AAWU found it unlikely that the Hazaras would face any danger from Kuchis if they moved to other areas.

AAWU concluded that a fundamental solution is required to solve this dispute which is not only a dispute between nomads and the local Hazara community, but also a conflict which involves politicians in Kabul.

### 7.1 Mediation Efforts

CSHRO explained that the commission appointed by President Karzai to find a solution to the Hazara-Kuchi dispute has been to no avail. According to article 14 in the Constitution<sup>22</sup>, the

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<sup>22</sup> The Constitution of Afghanistan, January 3 2004, Article Fourteen, "To develop agriculture and animal husbandry, improve economic, social and living conditions of farmers, herders and settlers as well as improve the nomads livelihood, the state, within its financial means, shall design and implement effective programmes to provide housing and distribute public estates to deserving citizens, the state shall adopt necessary measures in accordance with the provisions of the law within financial possibilities".

government is to provide Kuchis with land, but no serious initiative has been taken by the government so far to realize it. This is mainly because both the government and the Taliban gain political advantage from the conflict and there is no real interest in finding a solution. It was added that the Taliban and sometimes the government side with Kuchis.

CPAU stated similarly that the commission appointed by President Karzai in 2007 to find a solution to the Hazara Kuchi dispute has so far not come up with any useful proposal which is accepted by all the parties. The commission itself is headed by someone (Wahid-Ullah Sabawoon) who tends to side with Kuchis, according to CPAU.

CPAU added though that by offering land to a group of Kuchis in the outskirts of Kabul, the government has made an effort to make Kuchis settle down, but this effort has failed completely because the Kuchis in these cases have sold the land and moved on. Due to a continuous lack of solution to the conflict, CPAU expects that the violent clashes between Kuchis and Hazaras will erupt again in future.

According to an independent research institute in Kabul, the government has been promising a solution to the Kuchi problems for years now, saying that land would be allocated to the nomads to help them settling down, but this has been to no avail. The research institute further emphasized that a government commission established by Karzai to resolve the dispute has been widely seen as an artificial commission and has not yielded any results.

AIHRC mentioned that a Commission established by Karzai in 2007 has not been successful in mediating the conflict.

## 8. Documents

All sources agreed that it is possible to obtain all types of forged documents in Afghanistan.

UNHCR informed the delegation, with reference to The Guardian newspaper article of 18 January 2012 “Boom time for Afghanistan's people smugglers”<sup>23</sup>, that various types of forged documents are widespread in Afghanistan.

As to the possibility of buying false documents, an international organization confirmed that many things can be forged and/or bought. For example, if you want to have a driving license, it is cheaper to go through the official channels, but most people prefer to buy a false one, for which you pay triple but you get the document within an hour. Forged letters of employment with foreign organizations or ISAF are probably possible to buy in Kabul, according to the source.

IOM said that it is a common practice to forge documents in Afghanistan. IOM has come across many such documents over the years. How people get the documents is not known to IOM, but there seem to be plenty of opportunities to get forged ID documents, including tazkeras and driving license.

CPAU stated that it is possible to obtain all types of false documents in Afghanistan, including ID cards, birth certificates, driving licenses, marriage certificates, night letters from Taliban, and even news paper articles. However, CPAU added that since it is expensive and risky (risk of being caught up by local police) to obtain these documents in Afghanistan, people tend to order them from agencies in Pakistan who produce and send them to Afghanistan. CPAU mentioned that there is a street/ market in the city of Peshawar in Pakistan called Ghesseh-Khani (meaning “story telling”: ed.) where a large number of false documents used by Afghans stem from. CPAU also knew of agencies who officially call themselves “travel agents” and who keep offices providing “asylum stories” and documents needed to verify the stories as a package to Afghans who intend to seek asylum in the Western countries.

When asked whether it is possible to buy original documents that can be used to prove an asylum case, CPAU stated that this possibility exists. CPAU mentioned as an example that there are journalists who are paid to publish articles and stories about a person in less known newspapers which then can be used by that person in an asylum case. The CPAU representative added that he personally was aware of a journalist who had performed such tasks.

LUA informed the delegation that false documents in Afghanistan are produced in Pakistan, particularly in the tribal areas and in Peshawar, and that any document can be obtained from there, including education papers with various degrees from universities in the USA. According to LUA, the needed knowledge, equipment or techniques to produce false documents do not exist in Afghanistan.

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<sup>23</sup> <http://www.guardian.co.uk/world/2012/jan/18/afghanistan-people-smugglers-taliban-europe>, accessed on 28 March 2012

According to an independent policy research organization in Kabul, it is possible to obtain all types of forged documents, not only in Kabul, but all over Afghanistan.

Asked about the possibility of buying false documents, IPCB said that it is certainly possible. However, IPCB did not have any indication of how widespread false documents are.

UNAMA assumed that all types of forged documents can be obtained in the black market in Afghanistan.

An independent research institute in Kabul informed the delegation that documents in general are problematic in Afghanistan. Very few things are registered and marriages, births and deaths are in general not registered in Afghanistan. There is a black market for buying and selling documents. The research institute mentioned that many Afghan documents stem from Peshawar in Pakistan, and even university degrees can be bought there.

### **8.1. Passports**

UNHCR said that regarding passports, there has recently been a black market for sale of Afghani passports. UNHCR explained that genuine Afghan passports are printed in the UK, but due to technical problems there has been a lack of passports over the past one year. It is well known that passports have been sold on the black market.

Passports are, according to IOM, less likely to be subject to forgery. Over the last 4 years, IOM has only come across one case with a forged passport.

An international organization stated that passports are most likely to be more regulated and obtained via official channels.

## Organizations, authorities and persons consulted

- **Afghan Independent Human Right Commission (AIHRC)**, M. Musa Mahmodi, Executive Director  
*The Afghanistan Independent Human Rights Commission was established pursuant to the Bonn Agreement (5 December 2001) and on the basis of the decree of the Chairman of the Interim Administration, June 6, 2002, and resolution 134/48 of the United Nations General Assembly in 1993 and the Paris principles and on the basis of article 58 of the Constitution of Islamic Republic of Afghanistan. The Commission is performing its activities in the areas of promotion, protection and monitoring of human rights in Afghanistan.*  
<http://www.aihrc.org.af/>
- **An Afghan law practitioner**
- **An independent policy research organization in Kabul**
- **An independent research institute in Kabul**
- **An international NGO**
- **An international organisation**
- **All Afghan Women’s Union (AAWU)**, Suraia Perlika, General Director  
*AAWU was established in 1992 by Suraia Perlika. AAWU aims at empowerment of Afghan women through different activities, including lobbying, advocacy engaging women in political life, courses in literacy, tailoring, embroidery and carpet weaving etc.*  
<http://blog.world-citizenship.org/wp-archive/706>  
<http://word.world-citizenship.org/wp-archive/1176>
- **Cooperation for Peace And Unity (CPAU)**, Idrees Zaman, Managing Director  
*CPAU is an Afghan-led research organization which aims to strengthen the capacity of Afghans to conduct quality research at a competitive level. It also seeks to empower Afghan civil society to take a leadership role in research, advocacy and policy formulation.*  
<http://www.cpau.org.af/>
- **Civil Society and Human Rights Organization (CSHRO)**, M. Naim Nazari, Director and Wazir Ahmad Khorami, Deputy Director  
*The Civil Society and Human Rights network consists of 58 Afghan organizations which are active in the promotion of human rights. The member organizations have so far all their main offices in Kabul but have representatives also in other regions of Afghanistan. Besides its member organizations, CSHRN works together with over one hundred partner organizations in different regions of Afghanistan.*

[http://www.cshrn.af/CSHRN\\_English/Documents%20of%20CSHRN/About%20Us/About%20Us.htm](http://www.cshrn.af/CSHRN_English/Documents%20of%20CSHRN/About%20Us/About%20Us.htm)

- **Danish Refugee Council (DRC)**, Kirsten Nielsen, Project Manager Livelihood, and Dragan Alavanja, Protection Officer
- **International Organization for Migration (IOM)**, Enira Krdzalic, Head of Resettlement and AVR Unit
- **International Police Coordination Board (IPCB)**, Colonel D.N. Boot, Deputy Head  
*The IPCB coordinates, prioritizes, and directs the international police reform efforts in the wider Rule of Law (RoL) context, providing support for the Afghan Ministry of the Interior (MoI) in the development of policies, strategies, and plans in the areas of police reform and police-justice cooperation in accordance with the IPCB Mandate. The IPCB assists the Government of the Islamic Republic of Afghanistan (GIROA) in a common effort to reform the Afghan National Police (ANP) into a credible, respected, professional, increasingly government-funded police service that is committed to the rule of law, supportive of the government of Afghanistan and its people, and acts consistently with established principles of international law. The role of the IPCB Secretariat is to guide, facilitate and coordinate the activities of the IPCB and its associated bodies. Member nations: Australia, Canada, Denmark, France, Germany, Italy, Japan, The Netherlands, Norway, Turkey, United Kingdom (UK), and the United States of America (USA).*  
<http://www.ipcbafghanistan.com>
- **Lawyers Union of Afghanistan (LUA)**; Mr. Ghayur Secretary General/ Acting President of LUA, Prof. Wali Mohammad “Naseh”, Deputy of Lawyers Union of Afghanistan, Zarmina Najam Stanikzai, Deputy of Lawyers Union of Afghanistan, Abdul Qayum Saiel, Research and Training Organisation of Afghanistan, Farideh Ashraf Zadeh and Ghamar Safi, members of the leading board.  
*Lawyers Union of Afghanistan (LUA) has been established by Afghan lawyers in 1985 in Kabul. This organization is a legal entity of lawyers and researchers that works with the rights and freedom of citizens, building the peace and strengthening the rule of law process through using advocacy and public awareness. After the adoption of a new constitution in Afghanistan, LUA approved a new charter which created the framework for implementing the activities of the organization, including among others rule of law, human rights, and women and juvenile rights. The organization is an independent civil, non-governmental, non-political, and non-profitable organization. The organization has more than 3800 members out of which 30% are women and three women are at the leading board.*
- **Ministry of Refugees and Repatriation (MoRR)**; Director of Planning Abdul Bari Rostace, Chief of Staff Bais Noor Jasoor and Re-integration Advisor to Minister Dr. Nilofar Hesari  
*The MoRR, based on its strategic goals, tries to provide the Afghan repatriates and IDPs opportunity of settling and to get initial re-integration support, including legal support,*



*employment opportunity and professional-technical training in their place of origin.*

<http://morr.gov.af/en>

- **Ministry of Women’s Affairs (MoWA)**, Professor Sayeda Mojgan Mustafavi, Technical and Policy Deputy Minister  
*MoWA’s mission is, in accordance with the Afghan Government’s political and social policy, to ensure and extend women’s rights and respect for rule of law in their life in Afghanistan. The ministry comprises nine central management bodies and 34 women’s affairs management units in different provinces.*  
<http://mowa.gov.af/fa/page/1332>
- **United Nations Assistance Mission in Afghanistan (UNAMA)**, Representative of the UN High Commissioner for Human Rights (OHCHR), Georgette Gagnon, Director, Human Rights Unit.
- **United Nations High Commissioner for Refugees (UNHCR)**, Alessandra Morelli, Deputy Representative, UNHCR, Afghanistan and Jasmine Ketabchi Protection Officer, UNHCR, RA Kabul.

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UN High Commissioner for Refugees, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, 17 December 2010,

The World Bank and UN High Commissioner for Refugees, *Research Study on IDPs in urban settings – Afghanistan*, Kabul, May 2011

## ANNEX 1: TERMS OF REFERENCE

TOR for Danish Fact Finding Mission to Afghanistan 2012

1. Internal flight alternative (IFA)
2. Association or employment with US. military/international forces/ISAF
3. Association or employment with International organizations, Western Companies and the Afghan government
4. The Taliban
5. Dishonouring the family, breaking social norms
6. Land disputes with family members
7. The conflict between Kuchis and Hazaras
8. Possibilities for buying false documents

### Ad 1) Internal flight alternative (IFA)

- Presence and activities of the Taliban and other insurgent groups in Kabul and other major cities
  - Type of conflict in place of origin which would cause reaction by the Taliban and other insurgent groups in Kabul and other major cities (conflict with the Taliban or other insurgent groups, land and honour related disputes, conflict with commanders, common criminality)
  - Profiles targeted (low/high profile)
- Possibility to seek protection from the authorities (the police, the judiciary) in connection with conflicts in place of origin such as:
  - Conflict with the Taliban or other insurgent groups
  - Land and honour related disputes
  - Conflicts with commanders (including conflict related to land, marriage and former armed conflicts)
  - Common criminality
- Other support mechanisms incl. social networks, relatives, ethnic groups in Kabul and other major cities, including importance of not having had a previous residence in these areas

- Access to basic rights including housing, employment, health care, food security and education in Kabul and other major cities compared to the general situation in the country
- The impact of ethnicity, religion, sex, age, economic situation, education and place of origin on the access to basic rights mentioned above

## **Ad 2) Association or employment with US. military/international forces/ISAF**

- **Individuals associated with or serving the US. Military;**
  - Which type of local staff is recruited and how are the recruitment procedures? (incl. interpreters, service staff, maintenance workers and others)
  - Professions (interpreters, service staff, maintenance workers etc.) targeted by the insurgent groups
  - Approval/recruitment procedures, security checks, and registering, including photos and finger printing. Is it possible to have served the military without having any registration?
  - Access to and residence in the bases, including issuing of ID cards Will such individuals be given any form of assistance or, if needed, protection by the Americans or help to be relocated to another country?
  - After leaving the service, can they obtain any documentation (service certificate) regarding their service in the US Military? Existence of standard documentation for completed service?
  - Does local Afghan military personnel at any time wear American uniforms or markings?
  - Consequences for family members (male/female, close/remote, during employment/after leaving service)
- **Individuals associated with or serving ISAF**
  - Which type of local staff is recruited and how are the recruitment procedures? (incl. interpreters, service staff, maintenance workers and others)Is the procedure uniform, or does it vary depending on which country the forces are serving?
  - Professions (interpreters, service staff, maintenance workers etc.) targeted by the insurgent groups
  - Consequences for individuals supporting or working with international forces/ ISAF

- Consequences for family members (male/female, close/remote during employment/after leaving service)
- Access to and residence in the bases, including issuing of ID cards

**Ad 3) Association or employment with International organizations, Western companies and the Afghan government**

- Professions targeted by the insurgent groups
- International organizations/Western companies targeted
- Consequences for individuals associated with or working for international organizations/Western companies
- Consequences for family members (male/female, close/remote, during employment/after leaving)
- Consequences for individuals associated with or working for the Afghan government, including police and security forces
- Consequences for family members (male/female, close/remote, during employment/after leaving)Consequences for individuals associated with or working for Western companies/Afghan companies
- Consequences for family members (male/female, close/remote, during employment/after leaving)

**Ad 4) The Taliban**

- Recruitment by the Taliban
  - Methods of recruitment including existence of forced recruitment
  - Profile of the recruited (sex, age ethnic group), number of recruited pr. family
  - Consequences of refusing recruitment
- Training of and profile of suicide bombers;
  - Profile of suicide bombers (sex, age ethnic group)
  - Length of training of suicide bombers (few days/couple of weeks/longer)
  - Ways and places of training (camps, individual/group training etc.) and possible role of Koran schools/madrassas
- Existence and consequences connected with “night letters”

- Prevalence of the use of night letters
- Assaults following night letters
  
- Situation for former members of the Taliban

#### **Ad 5) Dishonouring the family/breaking social norms**

- Consequences *for men* of dishonouring the family or breaking social norms with regard to marriage and/or extramarital relationship between men and women (from his own and the woman's family)
- Possibilities for men and women to seek protection in such cases (protection by the local police, shelters etc.)
- Possibilities for settling disputes locally between the couple and their families in such cases (elder councils, families)

#### **Ad 6) Land disputes with family members**

- Occurrence in different regions/ethnicities/amongst the poorer rural population/minimum size of the disputed land
- Possibilities to seek protection from the local authorities in such cases (protection by the local police, judiciary etc.)
- Possibilities for settling disputes locally in such cases (elder councils, families)
- Continued risk after renouncing the land if stay in/leaving the region
- Risk for family members (male/female, close/remote), during the dispute/after renouncing the land)
- Importance of adherence to Taliban/commander etc.

#### **Ad 7) The conflict between Kuchis and Hazaras**

- Update on present mediation efforts in the conflict between Kuchis and Hazaras in Wardak province
- Scale of support from the Taliban to Kuchis
- The districts involved
- Personal persecution if involvement in the conflict or general risk

- Geographical boundaries of the conflict (continued risk if leaving the area)
- Risk for family members (male/female, close/remote)

**Ad 8) Possibilities for buying false documents**

- Night letters
- Letters of appointment from the US Military, ISAF, the Afghan government, Western companies/Afghan companies working for the US Military, ISAF, the Afghan security forces/government etc.
- ID cards from the US Military, ISAF, the Afghan security forces, the Government
- Marriage certificates
- Possibility of buying false documents other places than Kabul

ANNEX 2: MAP OF AFGHANISTAN





ANNEX 3: MAP OF WARDAK AND GHAZNI



**ANNEX 4: PRESIDENTIAL DECREE NO. 104**

Unofficial translation



No: 104

Date: 15/09/1384 (06 December 2005)

**Decree**  
**President of the Islamic Republic of Afghanistan**  
**On Land Distribution for Housing to Eligible Returnees and IDPs**

**Article One:**

This Decree is issued on the basis of the Council of Ministers' approval no. 30, dated 16/08/1384 and for the purpose of distributing intact and uncultivated government land to address the housing needs of eligible returnee and IDP compatriots.

**Article Two:**

**1)** An eligible returnee is a person who meets the following criteria:

- a) Possesses a Tazkera (national ID card) from his/her respective province.
- b) Possesses a Voluntary Repatriation Form (VRF) or other valid documents that confirm his/her return to the country or from internal displacement to the area of origin and permanent residence.
- c) Does not own land or a house under his/her name; the name of a spouse or minor child in Afghanistan.

**2)** An eligible IDP is a person who meets the following criteria:

- a) Possesses a Tazkera from his/her respective province.
- b) Possesses documents confirming his/her internal displacement.
- c) Does not own land or a house under his/her name; the name of a spouse or minor child in Afghanistan.

**Article Three:**

In the provinces where government land is not available for distribution, eligible returnees and IDPs will be provided land in a neighbouring province (having the capacity for absorption) by the respective Commission following the approval of the recipient in his/her province.

**Article Four:**

Spontaneous returnees and IDPs will be considered as eligible beneficiaries after presenting the relevant documents to and approval by the relevant Commission.

**Article Five:**

Each returnee and IDP family can only represent themselves and cannot represent others.

**Article Six:**

During the verification process, priority for the distribution of plots will be given to returnees and IDPs who are disabled, widowed and to those families without a head of household.

**Article Seven:**

In order to determine beneficiaries and to ensure the fair distribution of land plots, Commissions will be formed in Kabul and other provinces. They will be composed as follows:

**Central Commission (Kabul):**

- 1- Deputy Minister, Ministry of Refugees and Repatriation, to serve as Chairperson,
- 2- Deputy Minister (Land Management), Ministry of Agriculture, Animal Husbandry and Food, to serve as Member,
- 3- Representative of the Ministry of Urban Development and Housing, to serve as Member,
- 4- Representative of the Ministry of Mines and Industries, to serve as Member,
- 5- Representative of the General Department of Geodesy and Cartography, to serve as Member,
- 6- Representative of Kabul Municipality, to serve as Member,
- 7- Representative of the Afghan Independent Human Rights Commission, to serve as Member,
- 8- Director of the Resettlement Department, Ministry of Refugees and Repatriation, to serve as Member and Secretary.

**Provincial Commission:**

- 1- Deputy Governor, to serve as Chairperson,
- 2- Provincial Mayor, to serve as Member,
- 3- Director of Provincial Department of Agriculture, Animal Husbandry and Food, to serve as Member,
- 4- Representative of the Ministry Urban Development and Housing, to serve as Member,
- 5- Director of Provincial Department of Rural Rehabilitation and Development, to serve as Member,
- 6- Representative of the Afghan Independent Human Rights Commission, to serve as Member,
- 7- Representative of the General Department of Geodesy and Cartography, to serve as Member,
- 8- Representative of the Ministry of Mines and Industries, to serve Member,

9- Director of the Provincial Department of Refugees and Repatriation, to serve as Member and Secretary.

**Article Eight:**

The Commissions, under Article Seven of this Decree, are responsible for the determination of beneficiaries; establishing the boundaries of the land identified by the Ministry of Agriculture, Animal Husbandry and Food; and for taking appropriate decisions with regard to land distribution and the establishment of the settlements.

**Article Nine:**

**1)** The Ministry of Agriculture, Animal Husbandry and Food is responsible for identifying the appropriate amount of land in high altitude and uncultivated sites and for putting those sites at the disposal of the Ministry of Refugees and Repatriation in Kabul as well as in the provinces according to the existing regulations.

**2)** The Ministry of Urban Development and Housing is responsible for providing maps of the sites and plans of the land referred to under Para (1) of this article for the development of required urban services.

**Article Ten:**

**1)** The Commissions, under Article Seven of this Decree, have the following responsibilities:

- a) Verification of beneficiaries and the distribution of land,
- b) Assessment of the potential for future development and expansion of the approved projects to the level of administrative units and presenting proposals to the competent authorities,
- c) Creating partnerships with national and international organisations to seek their support for the development of housing for returnees and the provision of other social services,
- d) Promoting joint efforts among the relevant authorities in Kabul and in the provinces.

**2)** Money collected through the distribution of the plots will be managed by the Ministry of Finance and spent on social services for the settlements under the supervision of the respective Commissions.

**Article Eleven:**

**1.** Those receiving land through the relevant Commissions have the following obligations:

- a) To pay the specified fee.
- b) To construct a house on the plot of land in keeping with the provisions of the relevant legal documents.
- c) Not to not sell the plot of land for a period of ten years.

**2.** If it is proved that a beneficiary under Para (1) of this article has received a plot of land in contradiction to the provisions of this Decree, the land will be repossessed, distributed to another beneficiary, and the individual prosecuted.

**3.** The Municipality is responsible for providing appropriate housing schemes which correspond to the economic conditions of the plot owners and for the landscaping of the new settlements.

**Article Twelve:**

The price for the residential plots of land under this Decree will be fixed based on the proposals of the Commissions in Kabul and the provinces and approved by the Council of Ministers.

**Article Thirteen:**

Beneficiaries receiving land based on the provisions of this Decree will, in the first phase, be issued temporary ownership deeds by the respective Commissions. Permanent ownership deeds will be issued by the respective municipalities after 5 years.

**Article Fourteen:**

Uncultivated land used for forestry, mining or other public infrastructure projects does not qualify for distribution.

**Article Fifteen:**

Where sites have been inaugurated before the enactment of this decree and have gone through the necessary legal procedures, land distribution will continue.

**Article Sixteen:**

The implementation of the provisions of this Decree is the responsibility of the Ministry of Refugees and Repatriation.

**Article Seventeen:**

This Decree is to be enacted and published in the official gazette following its signing.

Hamid Karzai

President of the Islamic Republic of Afghanistan  
Republic of Afghanistan

**Source:**

<http://morr.gov.af/Content/Media/Documents/Presidentialdecree104218201110421115553325325.pdf>