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Afghanistan

Country Report

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Table of Contents

I. Background

I. 1. Geographical outline

I. 2. Ethnicity

I. 3. Historical and political background

Outset

The rise of the Taliban

The characteristics of the Taliban

The structure of the Taliban movement

I. 4. The humanitarian situation

Facts and figures

The drought and its impact

The attitude of the international community and its impact

II. Groups at risk

II. 1. Specific groups at risk

Affiliation with the former communist regime

Certain professional profiles

Women of certain profiles

Ethnic groups and political opposition

II. 2. Afghan refugees

II. 3. Voluntary repatriation

Internal flight alternative

III. Documents

IV. Bibliography of recent publications

I. Background

I. 1. Geographical outline

Afghanistan is effectively a desert with the Hindukush Mountains getting ever higher until they reach the Himalayas in the north-east (heights of 7000-8000 metres). There are pockets of cultivation throughout the country. Areas of irrigated land can be found in Kandahar, north of Kabul, around Jalalabad, around Mazar-i Sharif and Kunduz. Agriculture in the central mountain areas is extremely marginal.

As regards subsistence economy Afghanistan shares with Mozambique and Liberia the privilege of being effectively one of the poorest countries in the world, way down the bottom of the UNDP development index. Because of the conflict people's livelihoods have been permanently at risk for many years. The long-standing conflict dramatically affected people's ability to withstand the drought situation which became very serious last year. There are pockets in the country where people are already dying and where people are living on roots and grasses because they have not got enough food.

More than 80% of the population of Afghanistan depend directly or indirectly on agricultural income according to FAO. An estimated 15% of the country are deemed fit for agriculture. About 5,3 million hectares of these are irrigated agriculture, however only 30% of the irrigated land are properly managed while 10% of the remaining irrigation systems have been destroyed by the war and 40% are damaged due to the lack of maintenance as people have been displaced. Yet these irrigation systems in Afghanistan need to be worked on every year because they are very sophisticated constructions. The so-called Karez system, which provides irrigation in parts of the country, gets water from the mountains to the plains in underground channels that need to be cleaned regularly. Otherwise, if that is not being done, the irrigation system is not really functioning. So only a very small part of the country is currently fit for irrigated agriculture.

Looking at the characters of each part of the country, one finds the south as an effectively tribal region, based on the Pashtun population. There are also enclaves of the Pashtun in the north, based on a colonisation process undertaken about hundred years ago. The cities are quite different in character from each other. Kabul was previously the centre of government and has largely had a commercial and administrative function. It has been on a major trade route from Central Asia via Mazar-i Sharif down to Pakistan. Because of the ongoing conflict in the fertile Panjshir Valley and Shomali plains north of Kabul, the blockage of a major pass, the Salang pass and tunnel for some years and the closure of the border by the Uzbek government as a result of the Taliban's capture of Mazar-i Sharif in August 1998 this trade route no longer functions and both Kabul and Mazar have become dead economies. Kabul is essentially a huge welfare camp. A vast proportion of the population are dependent on humanitarian assistance provided by the World Food Programme. The level of begging is of unimaginable proportions. Mazar-i Sharif is barely better. Herat has been the main cultural centre (music, poetry, etc.) over the centuries, with lots of picturesque and beautiful buildings. It has been dramatically affected by the puritanism of the Taliban: paintings were destroyed, murals were overpainted. However, it has retained its importance as a major centre for transit trade coming through from Iran. Kandahar is the most conservative of the Afghan towns. Another major town is Jalalabad which is a very important trading centre benefiting from smuggling. Smuggling along the Eastern and Southern border to Pakistan is the major element in the Afghan economy. Goods come in from Karachi across Pakistan into Afghanistan - within 100 yards of the border and duty-free due to an agreement - and are then smuggled back into Pakistan where

they are extremely competitive with Pakistani goods. This transit trade brings millions of dollars.

The other element of black economy is the poppy production. Afghanistan is the major producer of poppy in the world. The Southern province of Helmand produces one half (45%) of Afghanistan's opium production, Jalalabad produces one quarter. Last year the total production was 4,600 metric tons which represented 75% of the world's production. Most of the heroin on the streets of Europe comes from Afghanistan and the income from the black economy is enormous. Much of the income from the smuggling and opium trade goes to the war effort.

A farmer, who has a plot of land too small to support his family, has the choice to grow wheat or to grow poppy. Unless there is strong dissuasion, he would go for the poppy cultivation because he gets ten times more which is just enough for him and his family to survive. The main profit is not with the person cultivating.

I. 2. Ethnicity

The population of Afghanistan is composed of the following ethnic groups: Pashtuns, in the Pashtun belt of the Central, Eastern and Southern region and in pockets in the North; Tajiks, primarily living in the West and the North-east; Uzbeks in the North; a Turkmen population, supported from Turkmenistan; Shia Hazaras in the centre of the country, so that the central area is predominantly Shia; a small Shia sect in Baghlan and Badakshan, called the Ismaili; and a small Baloch population.

Both Kabul and Jalalabad once had small Hindu or Sikh communities, mainly running the money markets. However, the vast majority of those have left over the last 5-6 years because of the conflict and their social marginalisation.

It is important to note that there are similar ethnic elements on either side of each border, with Uzbeks and Turkmens on both sides of the northern border, a large Pashtun belt within Pakistan along Afghanistan's eastern border and Balochis in the south-east of Afghanistan and across the border in Iran and Pakistan.

Differentiating between Afghans and Pakistani nationals might thus prove difficult. When assessing an individual's identity in the course of an asylum claim the interview process could usefully focus on historical events. If one asks somebody who is middle-aged to recount their lives over the last 20-30 years and to relate what happened to them to the landmarks of historical events, this is quite a sophisticated way of ensuring that they are Afghan. If one tries to focus too much on linguistic differences, whether there is a particular dialect etc., this is more difficult to achieve. However, the interview should be fairly adept and sophisticated, if one goes for the historical approach, otherwise there is the risk of abuse.

I. 3. Historical and political background

Since the beginning of the century there has been a struggle between reformists, those seeking to modernize Afghanistan and in particular to improve the situation of women and girls, and traditionalists, i.e. religious leaders, tribal leaders, who have been seeking to maintain the status quo. This ideological fault line has been a very crucial factor in developments in Afghanistan and still has a great influence on what happens on a day-to-day basis. In the sixties and seventies the reform movement evolved into intellectual movements based in Kabul University, accompanied by a flowering of intellectual activity similar to the developments in Europe. The two major intellectual movements were those espousing political Islam and those looking to the Soviet model of socialism.

As for radical Islam, there is a tendency to believe that it is monolithic. Its basic character is the search for purity within Islam. Back in the seventh century when Islam first emerged Mohammed issued a certain guidance in relation to behaviour and the legal system. Over the years there was periodic relaxation of the rules by those who followed him. In response to that certain elements created new movements trying to return to the original purity. This constant search for purity has been a recurrent theme over the centuries and constitutes an important element when looking at the Taliban.

Another significant feature of the radical Islamic movements over the last couple of centuries has been an extreme ambivalence towards the West. If one looks at the intellectual movements, particularly in the Middle East, one can see many intellectuals arguing that one should adapt to the West, that one should look at what it can offer. At the other end of the spectrum there have been voices saying: „No, the West is corrupt, we have to return to the purity within, we have to assert Islam as being the best way forward“. Arising out of this attitude one has seen the evolution of political Islam, a movement away from simply behavioural and legal aspects towards a statement that Islam could encompass all aspects of life, political life, economical life etc. So it is a kind of comprehensive type of vision.

It is important to emphasize that radical Islam has not been monolithic. It has taken quite different forms over the last 100 years. The Muslim Brotherhood in Egypt in the 1930s had a very strong emphasis on social justice, founded on community-based structures. In Egypt there are numerous branches of the Muslim Brotherhood in the poor neighbourhoods of Cairo for example, where they create schools and clinics, but also teach young people how to bear arms, how to fight. Iran, by contrast, has had a highly centralised bureaucratic structure. The Ayatollah Khomeini, before he took power, already had blueprints as to how he was going to impose his Islamic vision. The focus was on a central organisational structure which would create the perfect Islamic state. A sophisticated system of checks and balances ensures that the religious element does not lose out to the secular one. So there is a constant reinforcement of the ideology throughout the bureaucratic structure. Another model has been the Wahhabi model in Saudi Arabia where there has been an extremely strong focus on behavioural norms and religious observance. They have a religious police called the *Department for the Preservation of Virtue and the Prevention of Vice* which the Taliban have used as a model. Another important movement are the Deobandi in India where there has been a strong emphasis on female seclusion. One of the groups providing the greatest backing to the Taliban, called Jamiat al-Ulema al-Islami, a Pakistani radical movement, has Deobandi origins. Clearly, one can see influences from some of these models in the Taliban.

The Soviet occupation lasted from 1979-89, with the Soviet backed government remaining in power for three more years from 1989-92. Afterwards the Mujaheddin government was in power from 1992 until either 1994 or 1996, depending on whether

one dates the emergence of the Taliban government from when they first took power in Kandahar in October 1994 or when they took Kabul in September 1996.

The rise of the Taliban

As said, the Taliban first emerged in October 1994 in Kandahar in the south, almost certainly with strong backing from elements within Pakistan and from traders who were keen on establishing a trade route through Afghanistan from Kandahar in the south along the west up through Herat to Central Asia.

When the Taliban first emerged, they were enormously popular in the southern provinces for two reasons: Firstly, the south had suffered a high level of anarchy during the Mujaheddin period of 1992-94. Second, they offered a degree of certainty through a return to conservative value systems to counter the feeling of social chaos created by the conflict. Before the Taliban, Kandahar was divided into four zones of influence of different tribal or military commanders and at times fighting broke out between these zones in the city itself. On the road between Quetta/Pakistan, the border and Kandahar there were numerous checkpoints, each manned by some armed men, extorting money or taxes, at times ambushing people. So it was really unsafe to travel on that road to Kandahar. Yet with the Taliban taking control there was but one checkpoint at the border plus one more when entering Kandahar and the city itself was controlled by one group, the Taliban. For the civilian population of Kandahar this was the most significant change they had seen.

A further factor in the initial success of the Taliban is that when the Mujaheddin took Kabul in 1992, they failed to cohere. There was extremely heavy fighting and Kabul fell into anarchy immediately. Large areas of Kabul were reduced to ruins. Kabul is unbelievably devastated and in some parts of the city one can see mile upon mile of ruins.

Due to the fact that the fights were very well documented, information on who controlled which parts of the country at a given point in time is widely available, so that the chronology of the Taliban conquest can easily be reconstructed. Their advances can be very well explained, if one follows the ring road which is the main linking pipeline in Afghanistan.

They took Kandahar in October 1994, very quickly moved up to Kabul, reaching the outskirts at the beginning of 1995. There was then a year of rocketing and heavy fighting between the Taliban and the Mujaheddin, before the Taliban finally took Kabul in September 1996, shortly after having taken Jalalabad. While they were fighting around Kabul, they also moved to the West and launched an attempt to take Shindand, the main military base and airport at the time. Large numbers of Taliban foot soldiers were killed through mines. The Taliban have a military practice of sending their foot soldiers forward in huge numbers whereas the opposition have a practice of heavily mining areas, causing high casualties. There is the concept of jihad, which leads the Taliban foot soldiers to seek martyrdom.

In September 1995 the Taliban finally took Herat, where they were regarded as an occupation-force, with Herat being an important cultural centre. They then made an attempt on Mazar-i Sharif in May 1997 and were quickly thrown out through a shift in alliances and an uprising of the population. Although it is predominantly an Uzbek town, there is a significant Hazara population. The Hazara stood up against them and large numbers of Taliban were killed. So when the Taliban finally went back to Mazar-i Sharif in August 1998 and captured the city, they took revenge against the Hazaras and thousands were reportedly killed. By taking Bamiyan in September 1998 they

gained control over the central area - the Shia-Hazara area -, even though there are enclaves where the opposition is still maintaining presence.

The Taliban then made an attempt on Charikar where the front-line had been going backwards and forwards over the previous couple of years. They managed to move up to Charikar and the Shomali plains in 1999 and this is close to where the front-line is now. The fighting in the Shomali plains displaced huge numbers of Afghans, mainly to Kabul, but also into the Panjshir Valley, one of the strongholds of the opposition. Then followed an offensive on Taloqan, which fell on 6 September 2000.

The front-line was at the provincial border between Kunduz and Takhar, and then through Baghlan province – with the western parts of the province under Taliban control and the eastern parts controlled by the Northern Alliance – as well as north of Kabul near Charikar. In 2000, it looked as if an offensive would start 1 July north of Kabul, but that lasted for just one day and did not lead anywhere further. The real offensive started on 28 July and in quick succession the Taliban captured two districts, Nahrin and Burka in Baghlan province, then two districts in Takhar province, Eskamesh and Bangi and finally managed to capture Taloqan in the early morning of 6 September. When the Taliban took over the city, supposedly only 20% of the civilian population were left in Taloqan. In the meantime the majority (70%) have returned, but at the time of the conquest the city was basically emptied of civilians who had fled fearing atrocities by the Taliban. When they returned, the Taliban were initially very cautious in order to prove wrong all those fears or allegations of atrocities against the primarily non-Pashtun population of Taloqan. However, there were and now are very high casualties both among the Taliban and the civilian population because of mines. These mines are in agricultural land; up to November 2000 no mine casualties among the civilian population had been reported for Taloqan. As regards bombardments, many reports about bombardments of Taloqan proved not to be correct, there was no damage in the city itself. There might, however, have been civilian casualties in the vicinity because of Taliban bombardment.

The opposition can at present (November 2000) be found in a ring around Taloqan, but they have not managed to dislodge the Taliban from several strategic heights of the area. Fighting has been going on on a low scale since.

Consequently, most parts of the country have been captured by the Taliban by now. However, since the opposition are fighting back strongly at the moment, it is far from clear what will happen. The opposition are getting strong support from Tajikistan, Russia and Iran. The Taliban are rumoured to be receiving support from elements within Pakistan. If the Taliban manage to take the remaining areas of Takhar, they may have a reasonable chance to take Badakshan because there are tribal elements within Badakshan that are thought to be either sympathetic to the Taliban or which could be bought. In Afghanistan there is always the tendency for one side to pay money to different commanders to bring them over to their side. So it is far from clear whether the Taliban will succeed in taking the remaining areas of the north-east. Furthermore, the area is extremely high, about 6,000-8,000 metres. In its remote valleys fighting is basically impossible under wintry conditions.

Beside the two major front-lines there has also been Northern Opposition activity elsewhere in the country, ranging from armed banditry to a more organised form of opposition activity. These areas were, with different intensity, Dara-e-Souf (Samangan), Balkhab and San Charak (Sar-I-Pul), Northern Ghor; at times incidents occurred in Herat Province, parts of Badghis as well as parts of Kunar. Clearly, the statement that the Taliban control 95% of Afghanistan has thus to be treated with caution.

Another important element are the heavy taxes on the population (harvest taxes, religious taxes, land taxes) that the Taliban are imposing throughout the country. Moreover, they are requiring each village to provide people to fight for them, yet there is huge resistance by people to allowing their sons to fight. There is no longer a conviction within Afghanistan that the Taliban are invincible. So the Taliban are relying very largely on volunteers from the madrasahs of Pakistan and from Afghan refugee villages to fight for them. However, the Taliban impose a further tax on villages that will not allow their sons to fight. Periodically one hears about local uprisings in response to the heavy taxation.

There is the ever present risk that the Taliban might alienate the population so they have to take some account of local reactions to their rule.

The characteristics of the Taliban

The Taliban are certainly a radical Islamic movement, yet non-intellectual by comparison with those who sought political Islam in Kabul University in the sixties and seventies. It can be seen as a reaction against the Mujaheddin parties who were espousing a more intellectual Islam. One can say that there is a strong emphasis on folk religion as there is no written ideology, no attempt to record the nature of the movement in writing. It is very much a return to what is perceived as the pure, authentic form of Islam, although one can also see very clear influences from the other radical Islamic movements elsewhere, particularly the Wahhabis in Saudi Arabia with a strong focus on behavioural norms and their religious observance and from the Deobandi in India with their strong emphasis on female seclusion. The Taliban norms are seen as extreme even by people in the villages, although, by and large, they acquiesce in them because they do not want to return to the anarchy that existed before the Taliban took over.

The Taliban cannot be termed a state in the sense that they control a whole country, but operate in many respects as a de facto state which can be defined as totalitarian. They have an absolute conviction that they are right and do not accept any other perspective but the wish to impose a particular vision on the population and to do that by force. As with radical Islamic movements over the centuries, there is a constant search for purity in response to apparent relaxation, particularly in relation to female seclusion. So over the years there has been a whole succession of edicts, e.g. prohibiting women from working, making it more and more difficult for women to get access to health care by stating e.g. that they cannot leave their homes without a male relative, that they cannot be seen by a male doctor when there are only a few female doctors, that a male health care worker cannot touch a woman except on the infected part, so that it is very difficult to diagnose medical conditions. All the girls schools were closed, particularly in Herat, where there were many thousands of girls in education by 1995.

One can see a pattern over the years of edicts being issued, followed by a period of some relaxation, where perhaps it is possible to open the old girls schools, for women to work in very clearly defined sectors, and then suddenly the hard-liners come back and say: „This is not okay, this is going too far“. So another edict is issued. This process repeats itself, as was the case in summer 2000 when more edicts made it more difficult for women to work.

The edict on the ban of employment of Afghan women by international agencies was the latest and also very drastic example of these changes between more liberal and then more conservative forces having the say. International organisations had been employing more and more Afghan women as monitors of projects, as surveyors having

access to female households, as teachers. When WFP attempted to re-survey its bakery programme with more than 100,000 household beneficiaries and tried to employ 600 women to have access to those households, the hard-liners felt it was time again to make sure what the rule is, so the latest example of these edicts was issued on 18 July 2000, an excerpt of which reads:

„Under the current circumstances it is difficult for the average follower to prevent such activities, which has a very bad impact on the Afghan culture. The Ministry of Planning and other relevant departments should impose a ban on employment of Afghan women in foreign and non-governmental organisations. Out of necessity only in the health sector women can work in the framework of the rules of the Islamic Emirate's relevant department.“

After the announcement of this decree the religious police threatened to beat up any woman found to be working in these bakeries. The women-run bakeries had to close for one day. The Taliban then seemingly realised that the closure had an impact on the population of Kabul which was difficult to absorb, and the bakeries were exempted from the edict by Mullah Omar. However, except for the health sector, all other Afghan female staff of agencies remain at home since the issuing of this edict.

This recurrent back and forth move can also be observed with regard to other areas of everyday life: the observance of the correct length of one's beard, the way women are dressed (going out on the streets without mahram, a male escort), men's attendance at mosque for prayer times, the closing times of shops. When social control becomes insufficient to guarantee people's compliance with these rules, a period of forced implementation follows suit. Men are stopped and if their beards are too short, they go into detention. Shopkeepers found to have their shops open when prayer time is approaching are beaten. Road blocks are put up and people are forced to go to the mosques.

As can be seen from the aforementioned edict, the Taliban have an extreme ambivalence in relation to Western value systems and the presence of Western agencies. There is the very central fear within their belief system that Afghan values will be undermined by Western culture and by the presence of Western aid workers. One can understand why they have this fear: as they are searching for purity in a situation, where the internet, email and the rapidly increased emergence of global culture make it actually very difficult for enclaves such as Afghanistan to remain untouched, the Taliban are hence trying to create a cocoon around the country to keep out Western influences. They see Western aid workers as undesirable elements within. As a result of this huge ambivalence there is a tendency to be suspicious of Westerners and Afghans working for Western agencies. It has to be stressed that within a given Western agency there may be one or two Europeans or Americans, but hundreds of Afghans. So, by and large, humanitarian agencies are run by Afghans, who in the eyes of the Taliban are tainted by their association with Western agencies. This creates an inevitable apprehension, which extends also to Pakistan where the Taliban have a strong presence and where an accelerating Talibanisation process creates a feeling of unease amongst professionals and intellectuals. Some have felt under threat and this has been a factor in the decision of many of the Afghans who have sought asylum in Europe.

Another key point to make in relation to the Taliban is that they had received a very limited education. They rely very heavily on thousands of volunteers educated in what are termed madrasahs, i.e. schools for teaching of Islam. In these schools they simply sit in a room and learn the Koran word by word. There is no attempt to teach people how to reflect, so one ends up with young people with an extremely narrow vision. The students of the madrasahs have also been taught military training. Many of them seek

martyrdom. Their education leads them to have a strongly anti-Western as well as an anti-Shia perspective.

The anti-Shia sentiment goes back a very long way and particular radical movements are more anti-Shia than others. Within Pakistan there have been major atrocities against Shias by radical elements. This dispute goes back centuries, there are differences of interpretation in terms of Islamic succession and Islamic observance. The Shia in Afghanistan can also be highly visible because many have their historical origins in Mongolia, so that quite often their physical type is different from most Afghans. There are differences within both the Sunni and the Shia between those who are more tolerant and those who are more hard-line.

Wahhabism and the Deobandi creed are focusing on behavioural norms of a very strict, conservative Sunni school of thought. Sunnis are supposed to pray five times a day at particular times. For Shia this obligation does not exist, they pray different verses and they have a slightly different praying movement. The conviction that there is one right behaviour coupled with the wish for purity results in the need for everybody to conform.

There is a relatively liberal Tajik Shia population in the Western region. The Ismailis, living around Baghlan and in Badakshan are even more liberal because they do not have the rigid schools of thought, even less than the other Shias. Being Shia in Afghanistan is very often associated with a more liberal way of thinking and living. From the perspective of a Taliban this is something that cannot be right. Moreover, Shiaism is very closely linked to the conflict as the Shia are presumably found on the other side of the front-line. They are considered to be part of the opposition, so this is an added factor, having nothing to do with the different religion.

Non-Muslims are supposed to wear some sort of yellow cloth, like the Hindus and the Sikhs. It is meant for their protection to make it clear to every simple Taliban footsoldier that these are not Muslims. Reportedly there is an agreement between the Taliban and the Hindu/Sikh communities about their freedoms and rights, but nevertheless there is discrimination against them to a certain degree.¹

The Taliban are not only strongly anti-Shia, but also strongly anti-liberal. Anyone who is educated, who is an intellectual, particularly those working for the aid agencies, are seen as threats to the movement. They do not want anyone who is thinking or reflecting or potentially challenging their assumptions. The Taliban wish to impose their vision without anyone else raising questions, so liberal elements are very much targeted by the Taliban and are at risk from the average soldier.

One of the difficulties in identifying the Taliban creed is in differentiating between traditional Afghan value systems, in particular the Pashtun tribal code in the south, and the radical Islamic influences from outside. The Pashtun code is based on tribal honour, with the position of the women very closely linked to the honour of the tribe. If a woman is seen too much in public, this is shameful and reflects badly on the family. If one's daughter is seen out on the streets, she must be a loose and bad woman. There is an enormous pressure on women to behave in a very correct way. A woman who is working is perceived as not looking after her family. There is no need for girls to be educated because their primary function is to bring up children. The Taliban do not want girls to have too many wild ideas because their duty is to bring up the next generation of Muslims. If they have too many other thoughts and ideas, then they are going to introduce these ideas to their children. Within the Pashtun code there is

¹On this issue see Human Rights Watch: Afghanistan: Taliban ID Policy Creates Second-Class Citizens, 24 May 2001

therefore a very strong emphasis on girls and women living within a tightly defined framework, not being seen in public and not bringing discredit or shame to the family.

Some women who are educated and some of whom could theoretically work, having an education in the health sector, do not work because they feel this would make them an outcast in their community. They would lose their reputation, hence affecting the reputation of their entire family and making the family's standing in the community weaker. For this reason they choose not to work.

There was a statement a couple of years ago by one of the Taliban governors in Herat who said that he did not know why everybody was so concerned about the issue of women's rights. He said: „We have given to women the one freedom, the one right they were searching for and that was the right to stay at home.“ He was feeling that women were under enormous pressure to go to work and to get educated when what they really wanted to do was to stay at home and look after their children. So we find a kind of reversal of the norm of the international community.

Over the last 30 years or so education has been used as a means of introducing alternative value systems. The Soviet-backed government from 1978 onwards tried to impose a new education system based on the socialist model. Much of the resistance came from people who were not happy with this alternative value system. When the Mujaheddin parties emerged and took power in the later years, many of them set up their own education structures. One of the major ones, Hisb-e-Islami, ran schools, universities and technical colleges. The key purpose was to introduce this particular version of radical Islam. There have been a whole number of movements which have operated orphanages throughout the country to bring up the next generation of people who adhere to their particular perspective. What can also be seen in the refugee camps and also relates to the Taliban is that very poor families, who cannot afford to feed their children, send them to the schools run by various organisations. So the Taliban are largely drawing on extremely poor families, on people's poverty and ignorance. Taking people from very poor families, who have had no basic education, and giving them a training in some ideology results in having a perfectly indoctrinated people. This is an important element in the Taliban's ambivalence towards education. They know that all these movements have been in existence and are also using the same technique to promote their ideology.

As for the question of conscription by the Taliban, the Taliban still claim that they are a volunteer force, that they do not need to conscribe as there is enough popular support for them. This seems less true given the very big military defeats and high casualties they had to face over the years which made them lose their image of invincibility. Due to a certain reluctance among the population they started to conscribe. Initial attempts to recruit directly seem to have failed because of even armed resistance of the communities. The pattern of recruitment currently employed seems to be based on landownership (payment) and through community-elders. The second pattern can be found in the Pashtun tribal areas where communities - understood by the Taliban to be per se supportive of their regime - are expected to provide a certain number of men for services according to the size of the community. Then there is a system within the community to compensate those families who had to send their sons to the Taliban. The individual does not have a choice if the Shura of the community decides that this particular person will be supporting the Taliban. So ultimately through the pressure of the communities this pattern works as if it were direct conscription into the armed forces.

There were reports about under-age recruitment. Unfortunately the threshold of international law for conscription to the armed forces is still only 15 years of age.

According to observations, there are recruits younger than 15 years within the Taliban, not necessarily in the fighting forces, but in the supply services.

As far as Afghans of non-Pashtun ethnic groups within the Taliban are concerned, there are no reports about systematic recruitment of non-Pashtuns, also because the Taliban do not usually trust these people and certainly do not entrust them with arms. However, there are unconfirmed reports that there is a pattern of Afghans of other ethnic origin and fighting age being arrested and being used to clear minefields. These reports have been so recurrent at different times and places that they do seem likely but probably also not implemented on a large-scale and systematic basis.

The structure of the Taliban movement

The head of the structure is Mullah Omar who was one of the traditional non-intellectual members of the Mujaheddin movement. He has taken on a religious title, being called Amir-ul-Mumineen (Leader of the Faithful). He has absolute authority: if he states something, it happens. Yet, unlike Khomeini's Iran, there is no pyramid of bureaucratic control. However, the Taliban do seek a very tight level of control over the elements they are concerned about. There is e.g. a very powerful and effective intelligence structure, called the Istikhbarat, as well as the religious police Vice and Virtue. Generally, anyone who is targeted by the Taliban is known to them. It is not possible to move from one place to another in Afghanistan without the Taliban knowing. So one has to make the assumption that if a targeted individual moves from A to B, the intelligence services may well know and follow. They also seek to impose a high degree of control over Western agencies because of their fear that Western agencies could undermine their objectives. It is through a network of staff and informants that in practice they keep the movements of people suspected of anti-Taliban activities under surveillance. Like in most totalitarian systems there is very much of an informant system in operation.

While there is effectively a strong control in relation to the intelligence services and the Western agencies, there is not necessarily much control over those wielding power in the name of the Taliban at a local level, who, by and large, are operating in accordance with their interpretation of the Taliban vision. The Taliban vision is a very simple one: it is a search for purity, for the imposition of certain behavioural norms, religious observance norms and for the creation of an Islamic state. So it is quite simple to follow and those who are in power at the local level have a high degree of freedom to interpret it in their own way. This is an important point, leading to very arbitrary behaviour. The individual commanders or footsoldiers feel able to interpret this vision in their own way and the result is bad behaviour against Shias, people seemingly linked to the West. People who commit atrocities are not necessarily brought to justice, in fact most of the time they are not. So there is no impunity, they feel they can act in total freedom in accordance with the vision. The fact that the situation is highly unpredictable is one of the key risks potential returnees are exposed to.

This insecurity is also reflected within the Taliban hierarchy itself. It is very difficult to receive a commitment on paper from Taliban officials due to the uncertainty about what is permissible. So officials below the rank of a governor do not want to commit to a certain interpretation which might not be sanctioned from above at a later point. As regards death penalty, the Taliban seem to refer to Mullah Omar for the announcement of the actual execution.

Edicts and statutes and laws are promulgated and signed by Mullah Omar, and many of them are made public and published in the Official Gazette. So while the Taliban representatives are relatively free in their actions within the system, there will not be any commitment which they could be held to later.

Under Mullah Omar there is the Central Shura, a combination of religious leaders and other key figures who have, by and large, been trained at the madrasahs, thus having a very narrow perspective. On the whole they are quite young. Decision-making is by consensus, but Mullah Omar has the absolute say. While the Taliban see themselves as a visionary movement they seem to be increasingly forced into a situation where they at least bear the semblance of a civil administrative government structure. Initially decisions were taken by Amir ul-Mumineen with his Shura in Kandahar, which is still the case in religious matters. For military and administrative issues, however, the responsibility has more and more shifted to Kabul. In the beginning, the Taliban, rejecting the idea of a secular government, only perceived the Kabul Shura as a form of interim government.

Yet, in the meantime it has increasingly taken on the identity of a governmental structure, with a council of ministers headed by a president, Mullah Mohammed Rabani Akhund, and a variety of ministries enforcing edicts and laws, particularly in relation to Western agencies. They want to have control over what is happening in the aid, health and agriculture sectors, i.e. the social services arena. A case in point is the Ministry of Planning which now intends to control all surveys undertaken by agencies. Agencies operating in Kabul are under a very much greater control than agencies working elsewhere. The Taliban tend to exchange their governors very frequently as they do not want any given governor to build up a power base and to secede from the movement. There is also the tendency to rotate them in terms of replacing a more liberal governor by a hard-liner, so that there is always a movement back and forth. There is this constant process of repurification, going on even through the selection of local leaders.

Although there is a court system, it is not based on a written legal code. A judge makes up his own mind about the case brought before him and uses common sense, i.e. his own personal interpretation of the Taliban vision, instead of referring to a system of rules. The jurisdiction is theoretically based on Sharia, but in practice it means the interpretation of Sharia by that individual person. So the aforementioned risk of arbitrariness applies to the court system, too.

I. 4. The humanitarian situation

Facts and figures

Since there is no effective government, the Taliban do not put resources into public services (health care, education, water supply, sanitation, etc.) at the present time, except to a tiny degree. The humanitarian agencies - UN agencies, International Red Cross and NGOs - are effectively providing skeleton services in relation to health care, education, water supply, sanitation and support to the agricultural sector, so that the major responsibility for the implementation of these basic services rests with them. Due to the enormous ambivalence on the part of the Taliban towards the Western presence the Western agencies have a very difficult relationship with the Taliban. There is a policy of engagement: Agencies are generally of the view that it is better to sit down and talk to the Taliban about practical needs and outcomes than to distance themselves. At the same time as there is a kind of denunciation process at the international level, where the international community is constantly denouncing the human rights abuse of the Taliban, agencies on the ground are taking a very pragmatic approach because it is the only way in which they can actually reach the population. This policy of engagement does lead to results over a period. Given the appalling humanitarian situation and the suffering of Afghans, engagement with the authorities, however, remains the only option to alleviate human suffering.

In the past year, the drought has made a dramatic difference, basically throwing the entire aid community back to ensuring survival of the affected population notwithstanding modest developments in health and education services.

Mortality: The child mortality rate speaks for itself: one child in four does not reach the age of five years. In some areas up to 40% of the children are malnourished, partly the effect of several years of war and now of the drought. The maternal mortality rate is actually the highest in the entire world, which is not surprising in the face of access to maternity care for only 12% of the population. The main diseases are tuberculosis, malaria and all forms of diarrhoeal diseases, given that only 23 % of the population have access to safe drinking water (only 19% in rural areas). Due to the drought this year's figure would even be much lower as water tables have dropped drastically mainly in the south, but also in the other region with wells running dry and requiring deepening.

Disability: 4% of the population are reportedly disabled, with ever increasing numbers, since there are about 3,000 mine injuries every year. The other reason for this high rate is Polio, which has not yet been eradicated in Afghanistan, even though it is one of the main aims of the WHO.

Access to health care: One has to consider the restrictions of the Taliban on access of women to health care with caution, given that already the starting point is so bad: Only 36 % of the population (only 17% in rural areas) have access to health care. Given the geographical conditions in Afghanistan, 'access' - as defined by a 12 km distance according to WHO standards - can still mean that in many cases one would not be making it in time to get medical treatment. Then there is one physician per 50,000 persons and in addition coverage is very uneven in the country, with the coverage certainly worst in the central highlands.

Literacy: The adult literacy rates are estimated to be 21% for men and 5,6% for women (UNICEF figures). As for access to primary education, the UNESCO figures - based on a recent survey, yet in the eyes of some agencies to be treated with caution - are as follows: Gross enrolment ratio (i.e. the ratio of the primary school aged population total to those who go to school, which does not mean they will complete education) is 39% for boys and 3% for girls, if one takes a population of 4 million children of primary school age. Of those who go to school only 7 % attend schools which are supported by international aid agencies. As regards girls' and women's access to education the Taliban restrictions have equally had a mere exacerbating effect on already very poor rates. Meanwhile the situation of girls' primary school attendance has somewhat improved in the rural areas, where with the support of international agencies the local communities have taken on the issue themselves and the Taliban close their eyes to it. It remains much more a problem in the cities. Girls' education is mainly home- or community-based, there are no formal girls schools.

As for the higher education system, it theoretically exists for boys, but it is not supported by the international community and does not meet any standards. This also applies for the universities of Kabul, Jalalabad, Herat and Mazar-i Sharif, certain faculties of which are open and working in principle. However, since most of the professors and teachers have left, the quality of the education is very poor. Two notable exceptions can be found in the cases of 50 nurses being trained in the nursing school in Herat Hospital as well as of 8 women who were allowed to attend the medical faculty of Kabul University and to receive their practical training for becoming doctors in Kabul.

The drought and its impact

No harvest can be expected before mid 2001 and until then the food situation will remain extremely precarious. According to the World Food Program's vulnerability assessments a population of 1 million Afghans is at risk as they do not have the resources to see them through to the next harvest. Massive relief efforts, often difficult for security reasons, will be necessary to help Afghans survive until the harvest. At present, the most difficult areas to provide emergency humanitarian assistance, with high numbers of the most vulnerable communities, are the areas of the central highlands which are not accessible during the winter, namely the Hazarajat and parts of the provinces of Ghor, Badghis and Southern Faryab.

In 2000 the shortfall of cereals in Afghanistan was estimated to be 2.3 million metric tons, this is a shortfall of more than 50% of the food requirements of the population in Afghanistan. During the last three years there was insufficient snow-fall and rain with the consequence that the irrigation and water sources were not refilled and leading to an almost complete failure of rain-fed crops (affecting 2,5 million rain-fed farmers directly). In those few areas which have irrigated agriculture there was a reduced crop harvest since water-tables fell and many irrigation systems fell dry as did many wells, mainly in the southern and western region. On the whole, cumulative effects of conflict and the drought have led to a doubling in the need for food aid from outside.

The second largest group affected were those living on animal husbandry. The main rivers in the south, Helmand River and Arghandab River, have dried up. Due to the lack of water many sheep herds died in the southern region; others had to be sold at very cheap prices. Depending on the region, there has been a 20-50% reduction in the livestock in Afghanistan, mainly affecting the semi-nomad Kuchi of which there are now more than 20,000 IDPs around Kandahar and Helmand City, displaced from areas where there was no more water for their animals. They left the rural areas and moved towards the sources of potable water around the cities and to water-sources.

The third major impact of the drought was felt by wage labourers. A large source of income for Afghans who do not own land used to be wage labour opportunities during the agricultural season (ploughing, harvesting etc.) when there was need for daily labour in a considerable scale. Since there was no or reduced harvest, there was also no or reduced wage labour markets. Many Afghans, through their labour dependent on agriculture, therefore did not have any income, migrated in search of wage labour or sold their assets to survive. Urban wage labour markets diminished and kept dropping constantly throughout the year with bottom wages.

Coping mechanisms and displacement: Adding all these factors together, more and more Afghan families were forced to live on their assets, selling their animals, land, houses and household belongings. Very often they now have nothing left to sell and hence will not have any chance to survive in the coming months, without any income in sight, if they are not getting support from outside. There is a considerable amount of internal displacement because of the drought, particularly from the areas inaccessible during winter. 7,000 families from Ghor and Badghis have moved to Herat, literally arriving there with nothing (numbers have reached 100,000 IDPs in six camps in Herat). A considerable number of people are moving out of the Hazarajat area while there are also alarming reports now about people who are still in these areas and should have left, but do not have the means for leaving their places of origin. Therefore WFP is now warning about famine and starvation. There already have been reports on localised cases of starvation.

Parallel to this very alarming food security situation urban poverty is on the rise. IDPs are placing an incredible burden on cities that are already extremely marginal in their economies, like Kabul and Mazar. WFP has started subsidised bakery programmes for poor urban families not only in Kabul, where they have been doing so for the last several years, feeding more than 300,000 persons or about one fifth of the population, but also in Jalalabad, Mazar-i Sharif as well as in Kandahar and its surroundings where the growing urban poverty necessitates free food distributions. The only city where such proportions and the need for food aid programmes have not yet been reached (with the exception of the internally displaced people) is Herat, being the most prosperous city due to transit trade.

Conflict-related displacement: In addition to internal displacement, the year 2000 has also seen a large wave of displacement (similar to 1999) due to the direct effects of the conflict. Large scale displacement, both internally and across the border to Pakistan took place from front-line areas of Baghlan and Takhar, as well as smaller numbers from Kunduz. The largest group fled north-east and are now in areas controlled by the opposition, in Takhar and Badakhshan (an estimated 84,000 persons). Others fled south and west and are scattered in various locations in the Northern region (Kunduz, Baghlan and Balkh), overall an estimated 100,000 persons of both conflict and drought-related displaced people. A new influx of Afghan refugees still continues from the north-east where the fighting took place, amounting to an estimated 152,000 persons. Altogether, in 2000 and early 2001, the number of displaced persons has reached half a million persons.

The attitude of the international community and its impact

What added to these difficulties were the implications of the UN sanctions against the Taliban which were imposed in November 1999. From the humanitarian point of view these sanctions had more of a psychological than a real impact on prices of basic commodities. There is a deep sense of isolation and of being let down by the international community among the Afghan population. In fact the sanctions led to sharp inflation and a rise in bread prices not so much because there were less goods available, but because of people's fear of the impact of this UN branding of the Taliban.

The Taliban have manipulated the sanctions by stating to the population that all their economic problems are the consequence of the UN sanctions. Considering how serious the humanitarian situation is and how important it is that aid agencies are able to work in the country, one has to bear in mind the continuing tension with the Taliban and the fact that humanitarian agencies are not really in the position to influence their policies. While the international community is seeking to denounce the Taliban's gender policies, this is increasingly causing hard-line and conservative positions. The agencies are not really in a position to reverse this trend, but are rather at the mercy of this move towards a hard stance. Amongst many of the hard-liners there is the view that it would not take much to expel Western aid agencies and that if they go, God will somehow provide for the population, not sensing that there will be a humanitarian catastrophe when they leave. In this regard it is important to note that the Taliban's explanation as to why Afghanistan has been so severely affected by the drought is that God is punishing the Afghan people for not being compliant in their religious duties.

In August 1998 the US government launched air strikes on Sudan and Afghanistan in response to the bombing of the US embassies in Nairobi and Dar-e-Salaam. This has had a devastating impact on the region. Prior to that the Taliban were very isolationist in relation to the rest of the Islamic world, regarding the other Islamic countries to be less pure. However, the US airstrikes gave them a kind of heroic status throughout the Islamic world, reinforced by the US government continually making reference to the

radical fundamentalist Osama Bin Laden as being guilty of bombing the US embassies. As the Taliban had been steadfast in asserting that they would continue to provide protection and hospitality to Osama Bin Laden, this has enhanced their heroic status. So young people who had been brought up in the madrasahs in Pakistan are more and more ready to fight, since the West is creating an increasingly negative image of itself. The rapid Talibanisation process in Pakistan is creating serious difficulties for the government and is of major concern to the international community.

II. Groups at risk

II. 1. Specific groups at risk

There are no clear-cut rules who is and who is not at risk in Afghanistan. The following profiles might provide some general information as well as elements which need to be considered and assessed through individual refugee status determination.

Affiliation with the former communist regime

Affiliation with the former communist regime of Afghanistan might pose a risk for Afghans, depending on the degree to which a person is identified with an ideology contrary to the vision of the Taliban or other Islamic groups and is being associated with human rights violations committed under the Najibullah regime. The revenge factor is particularly strong regarding the much feared secret service Khad, which was headed by Najibullah himself before he became president of Afghanistan. From time to time there have been purges of people who had functions in the communist regime or were PDPA members, not only leading to dismissal from positions, but also to arrest and arbitrary and prolonged detention. A considerable proportion of women were organised as party members and hence can equally be facing risks. The degree of risk is further dependent on rank or function within the communist regime or party. Another relevant aspect which requires to be assessed is the family background or extended family links. While the family-background might contribute to an increased risk, it might also be well possible that someone who had a high function will not be at risk as the family will be able to provide protection. If, on the other hand, only one person in a village joined the PDPA or had the function of a party secretary, being of low rank, he might nevertheless be exposed without the appropriate family background and might be at risk irrespective of his past. When determining the degree of identification it is therefore not so much the former rank of the person in question that has to be taken into account, but the whole context in which a person operated. A police officer, for example, might be more strongly identified with the communist regime than a military officer due to the different degree of interaction with the civilian population. Still, the rank is of course also important as is the professional position. Members of several professions were obliged to register with party associations. People will also be at risk if one of their family members has been linked to the PDPA. However, the risk does not necessarily extend to women. Normally there are no reprisals against women because of their husbands. Yet, if their husbands are at risk and the male head of the family may be missing it will be impossible for the family to survive, unless there are other male relatives who can support an otherwise female headed household. The fact that the male head of the family is at risk therefore automatically puts the family into a hazardous situation not because of the political background of or the suspicion against the husband, but because of the lack of income and protection. Family links can thus have effects in both ways: either exposing a person to a higher risk or reducing the risk that s/he might face. A very important element is moreover the educational profile: the better educated one is - particularly if s/he has been educated abroad (especially in CIS countries) - the more will s/he be at risk. In this respect a decree in 1999 pronounced that everyone who had been promoted under the communist regime - be it through scholarships, be it through being sent abroad for training purposes - would be dismissed from the ministries or even arrested. For the Taliban and other factions in Afghanistan, it is still very relevant what an Afghan did or thought during the communist regime and it is not becoming less relevant as time passes.

Persons suspected of opposing the current de-facto government

People suspected of being in favour of a secular government, i.e. intellectuals, journalists, as well as royalists might also face a risk of persecution. Any suspected or real opposition to the Taliban ideology might create a risk. To this effect, it is not necessary that one pronounces one's opinions very explicitly and publicly, a suspicion or rumour or behaviour might suffice. A simple example for such a risk to arise might be when a person is found absent from mosques at prayer-times or found trimming his beard and is therefore thought to distance himself from the Taliban. The ethnic origin does not play a role in this context, with Afghans of Pashtun ethnic origin being possibly more at risk as they might be in a position to contribute to disunity among Pashtuns, who comprise the basis of the Taliban movement and are expected to generate support for the Taliban. There were unconfirmed reports of supporters of the former King Zahir Shah as well as influential Afghans of Pashtun ethnic origin in Pakistan being at risk.

The aid sector plays in here as well, it being one of the few real opportunities of employment for Afghan professionals. There has been a progressive departure of professionals from Afghanistan over a period of almost 20-30 years. Therefore, the number of educated Afghans in Afghanistan is small, however they are still perceived as a threat to the interests of the Taliban. Aid workers are seen as having potential access to the population and are under suspicion of building links with the communities against the Taliban. There is a relationship between their seniority in the hierarchy and the level of risk they are exposed to. There are cases where this threat also extends to family members; again, this would affect men and not women.

An additional danger for Afghan aid-workers, due to their contacts with foreigners, is the accusation of engaging in proselytization or conversion to Christianity. This accusation creates a risk of arrest, killing or disappearance and many leave the country under such a threat.

Certain professional profiles

By nature of the rules and regulations of the Taliban artists, musicians, actors, painters are unable to work in their professions and generate income. According to § 54 of the Handbook on Procedures and Criteria Determining Refugee Status these persons may be refugees, if the discrimination is of substantive pre-judicial nature that makes earning a livelihood impossible. Discrimination then amounts to persecution. There is a large number of people belonging to this group, especially in the western regions, including people who owned TV and video shops, women's tailors who are not allowed anymore to have contact with female clients, etc.

The Taliban have made it impossible for any kind of cultural life to exist: they do not allow music to be played or any representations of human faces or form to be produced; they have destroyed statues and painted over murals.

As for sportsmen, there is a huge controversy as the Taliban do not allow people to play sports with any part of the body uncovered, except for the face of course. An embarrassing incident occurred when the players of a Pakistani football team, because of their half exposed legs had their heads forcibly shaved by the religious police. Subsequently the hierarchy apologized for the action of their representatives. The controversy also affected the question of Afghan athletes' participation in the Olympic Games in Sydney. The decision went back and forth for weeks, but when the IOC ruled in favour of them, the Taliban tried to make political capital out of it by equating this decision with international recognition. The IOC then withdrew the permission to attend.

Women of certain profiles

Women in Afghanistan, particularly in Taliban controlled cities, are subject to violations of their most fundamental civil and political rights. They are denied access to education and to employment (with some exceptions in the health sector) and are curtailed in their freedom of movement and of assembly. According to decrees issued by the Taliban, women are, in principle, not allowed to leave their houses and travel without the appropriate „legal escort“ of a close male relative („mahram“). They need to be completely covered or veiled with the so-called „burqa“. Subject to punishment of the drivers in case of non-observance, women are not allowed to use taxis or cars without the necessary „mahram“. Shopkeepers are threatened with punishment if undertaking business with unveiled women (women are hardly seen entering shops and business is made from the streets in the open and plainly visible to everybody). Invitations and gatherings of women in hotels or for weddings are prohibited. Another serious restriction affecting women was the closure of public baths („hamam“) in Taliban controlled areas of Afghanistan that deprived women not only of a space to meet, but also of an opportunity to care for their personal hygiene. Further decrees restricting the behaviour of women in public „to prevent sedition and uncovered females“ foresee punishment for women as well as their husbands in case of non-compliance and misbehaviour. Women are prohibited from washing laundry in public places in cities, they are not allowed to have dresses measured and tailored by tailors.

These rules affecting women are particularly serious for educated women living in the cities now controlled by the Taliban, who were used to a much more liberal way of living. Particularly in the cities and there namely in Kabul, the arrival of the Taliban disrupted the lives of many women who had been working or studying as well as of the many women who were heading households in the absence of a male breadwinner. And it is in the cities, that the Taliban are imposing these rules and punishing the non-observance, at times with extreme cruelty. There are numerous examples and reports about the punishment of women for non-compliance - even inadvertently - with these rules, usually by serious beatings in public. Women in cities are generally not free to move in public without being at risk of facing inhuman or degrading treatment or punishment. In rural areas, women can move, in relative freedom, in the villages and take an active part in agricultural activities. They work alongside their husbands and other men in the fields throughout the country. Possibilities for single women to earn a livelihood and secure the necessary basis for survival are non-existent and cannot be created by international humanitarian agencies with their limited means.

In the above-described context, the following categories of women are particularly at risk and exposed to often insurmountable problems: single women without male and/or community support; women heads of households; women, mainly from an urban background, denied access to employment and education and women not respecting (or suspected of not respecting) the social norms. In addition, there is an increasing number of reports about a risk, not only for the women concerned but also for members of their families, if women refuse to enter into marriages with Taliban.

If there is no other convention ground to consider women of such profiles as refugees, women of such specific profiles could be considered as a particular social group at risk.

However, the black-and-white picture about women in Afghanistan under Taliban rule does not fully reflect reality. Even without the Taliban regulations some groups would still be at risk, e.g. a single woman without male or community support or a female-headed household in the more conservative communities would have the same difficulties in sustaining their and their families' lives. Many of the rules imposed by the

Taliban brought forward and enhanced existing social and discriminatory norms and traditions. The only case in which women are allowed to go out on the streets without a mahram seems to be begging. It is, however, important to underline that there is great variation in the austerity of punishing the non-compliant in terms of place and time. Not only is there the already mentioned pattern of periods of acceptance being followed by periods of strict enforcement, but also considerable differences between rural and urban areas. As most of the villages consist of interrelated communities, i.e. several extended families linked by intermarriage, women can act more freely in this environment. The seclusion of women mainly refers to men they are not related to.

As for educated women, it has to be mentioned that the Taliban have reformed their ministries, leading to a dismissal of 18,000 employees of the Ministry of Education, mainly teachers. The majority of these people were women still nominally on the payroll, but in fact unable to work. While Afghanistan's education system was mainly based on female teachers, it has now been confirmed that women will not be allowed to be employed in the education sector. So many women lost their only source of income, and the only exception for female employment therefore remains the health sector. Even so, many women who could theoretically work in this field refrain from doing so as it would expose them and could entail a loss of social status within their communities.

With regard to women suspected of adultery, there have been confirmed reports about adulterers being punished by death. Adultery is a very sensitive issue in Afghan culture as the honour of a woman and through it the honour of a family is at stake, if there is merely talk about a possible adulterous relationship.

It is generally known, that there is prostitution among Afghan women living as refugees in Pakistan. However, the question whether prostitution exists in Afghanistan is very difficult to answer, even more so as it touches the issue of national honour and shame.

Ethnic groups and political opposition

Afghans of particular ethnic groups and at specific location are currently the most relevant group at risk. The main pattern of persecution takes the form of arbitrary arrest and detention, at times of extrajudicial executions, and certainly of ill-treatment in detention, with an increase in the number of reports of actual torture. The target group are Afghan males of fighting age (ranging from 15-50 years) in areas in which the authorities believe that opposition groups are emerging or where there is an increased number of security incidents attributed to opposition activities or where developments at the front-line suggest that many Afghans there would join the opposition, necessitating pre-emptive measures. It was several years ago that this pattern was observed, namely by a wave of arrests and detention of Afghans of Tajik ethnic origin, originating from Panjshir Valley and living in Kabul. Other reports suggest a similar pattern targeting Hazara and Tajik Shia in Herat (waves of arrest in May 1999 in response to an alleged coup with a number of detainees being killed and their bodies displayed as a deterrent), and at locations in the North, targeting Afghans of Uzbek origin in Faryab.² The main reasons for these arrests are actual or suspected involvement in opposition activities, linked to ethnic and religious origin since the opposition is mainly comprised of non-Pashtuns and ethnic minorities. There are many cases of prolonged detention since 1998, even 1997. Sometimes the purpose of arresting and detaining members of ethnic minorities is to extort money with impunity.

² For a report on a recent massacre reportedly committed by the Taliban on the Hazara civilian population in Yakaulong in the central highlands please refer to Human Rights Watch: Vol.12, No.7 (C) Massacres of Hazaras in Afghanistan, 19 February 2001 [Internet <<http://www.hrw.org/reports/2001/afghanistan/>>]

The original reason is the search for weapons, yet often people are only released after large amounts of money have been paid.

As for religion as a reason for risk, namely Afghan Shiaism, there were tendencies in the pattern of persecution where it really became anti-Shia and the religious origin became the strongest element leading to a risk of persecution. However, neither the religious nor the ethnic origin are the main element; the risk stems rather from the suspected or real opposition to the Taliban, i.e. their potential to undermine the maintenance of the Taliban control. When Mazar-i Sharif fell to the Taliban in 1998, there were very open anti-Shia propaganda statements (see the Human Rights Watch Report *Afghanistan: The Massacre in Mazar-i Sharif* (1998) for details). There are restrictions on Shia in as far as holidays, celebrated traditionally by Shia, are concerned, especially those involving large gathering of people. The New Year Nouwroz celebrations, originally a Zoroastrian tradition, as well as Moharram, one of the main holidays of the Shia, have been prohibited as anti-Islamic by the Taliban.

II. 2. Afghan asylum-seekers and refugees

Despite the grim humanitarian situation and the degree of poverty in Afghanistan Afghan refugees and asylum-seekers often resort to human smugglers to leave Afghanistan and leave countries of first asylum (Iran and Pakistan) for other countries. Often, it is the extended family which decides that a particular member is at risk and that someone in the family will sell their house, when the threat reaches a certain level. Alternatively, money is collected or borrowed from people outside the family or the family gets indebted to agents who content themselves with receiving the money two or three years later. There are confirmed cases of families now living in Iran whose children or other family members are kept hostage until the family is able to pay smugglers. Rates for smuggling are different: Those coming over land pay a lot less than those who fly in by air. There are still people in Afghanistan who are making money, such as traders or smugglers. The black economy is massive.

The countries where most of the Afghans leaving the country are seeking refuge are the two neighbouring states Pakistan and Iran. It has to be emphasized that the numbers of Afghans, both refugees and undocumented Afghans are still large in both countries: There are 1.4 million Afghan refugees in Iran and 1.2 million in Pakistan according to official sources and a similarly high number who are unregistered. In comparison to the number of Afghans in Europe, the two neighbouring countries are bearing a very high burden of hosting what remains the world's second largest refugee case-load. In addition, the economic situation in both countries is deteriorating and both are affected by the drought.

The situation for Afghans in both main countries of asylum is becoming increasingly difficult: Iran is under enormous pressure from its own population and parliamentarians to return Afghans as soon as possible. Those without documents face a real threat of being forcibly returned. Similar pressures can be observed within Pakistan which changed its policy on Afghans: Afghans arriving in Pakistan are no longer considered prima-facie refugees, but fall under the Foreigner's Act which does not contain an asylum provision. In addition, given Pakistan's recognition of the Taliban authorities as the government of Afghanistan, many Afghans do not feel safe in Pakistan, in particular those belonging to ethnic minorities.³

³ For an update on Pakistan's position towards Afghan refugees see a series of IRIN reports listed in the bibliography attached to this report.

II. 3. UNHCR assisted voluntary repatriation

Diplomatic representations, UN main offices and most of the NGO head offices for Afghanistan are based in Pakistan, either in Islamabad or Peshawar. In Afghanistan, all UN agencies, including UNHCR have field offices. UNHCR maintains offices in Kandahar, Herat, Mazar-i Sharif, Kabul and Jalalabad as well as various field units with local staff in other locations. UNHCR's main task in the country is to facilitate and support Afghans voluntarily returning from the two neighbouring countries by monitoring the situation of returnees and rendering assistance after their return with a view to support their reintegration. The return of Afghans from Europe is close to impossible at present, since there is no direct connection to Afghanistan and neither Pakistan nor Iran nor any of the other neighbouring countries seem willing to allow transit.

Under UNHCR's repatriation programme, voluntary return is being facilitated. However, there are an increasing number of Afghan returnees who state, as their main reason for return, the deteriorating situation in the countries of asylum and the fear of being forcibly returned (from Iran), if they do not use the opportunity to return voluntarily. This applies mainly for the returnees from Iran, but also for Afghans in Pakistan whose situation is economically one between a rock and a hard place. An increasing number of Afghans seem to avail themselves of the opportunity of returning with some modest assistance from the UNHCR because of the deteriorating situation in the countries of asylum and not because of any improvements at their places of origin in Afghanistan.

At the same time, however, return is less sustainable, given deteriorating conditions in Afghanistan. Return is sustainable for those who have access to land, the labour market or some other way of generating income, the chances for which have still decreased due to the drought. Nevertheless, the interest of Afghans in returning has been fairly high in 2000. To date, UNHCR assisted the voluntary repatriation of 125,000 persons from Iran and 70,000 from Pakistan. With regard to the situation of returnees after return, UNHCR regularly publishes returnee monitoring reports. These indicate sources of income after return (in some areas there are a high number of returnees with no regular source of income) as well as access to basic social services (water, health and education).

In principle UNHCR's support for Afghans who want to return is very much also motivated by the attempt to provide a valve for those who cannot go back to enjoy at least some form of asylum and protection in the countries where they are. If UNHCR would stop supporting voluntary returnees, this would have repercussions on the big number of refugees who still are in Pakistan. Without any support from the international community to ease the burden of these two main countries of asylum, the future perspective for Afghans there looks rather grim and the margin for asylum will get narrower.

Internal flight alternative

In this context the question of places of return arises. Given the situation in Afghanistan, the only chance of survival and protection through the traditional family, extended family and community systems is where one has links, namely at one's place of origin, and safety can only be defined in relative terms. More than 80% of Afghans who return voluntarily return to their places of origin. Only where one has a link to family or land one will have a chance in the first place to re-establish a livelihood in the current generally adverse circumstances of continued conflict and poverty. While returnees have a freedom of movement and are not forced to go to certain places, they will only be safe where people know them. Consequently, although there are areas

which have not seen any fighting for some years, they cannot be regarded as safe areas, unless, as stated, one has links to people or land there. Under these circumstances UNHCR is of the view that in Afghanistan there cannot be an internal flight alternative for individuals or individual families. There is a large number of IDPs, i.e. groups of people moving from one area to another particular area. These groups draw enough attention to be supported by limited aid efforts. For an individual Afghan, by contrast, there is no IFA since, by settling in an area where s/he is not known, s/he would either arouse suspicion or would not be able to survive. Moreover, there is only a limited stretch of area not controlled by the Taliban and it is not possible to say how long this will remain the case.

III. Documents

Large parts of the male population held ID cards which were small booklets issued during the communist years and containing information on the military service. If one was found to be of military age, but not having served in the military yet, one was basically not able to move as one could be checked and drafted at every checkpoint. Many Afghans who were mobile and did not live in remote rural areas would have these ID cards. This does not mean that someone who no longer has such an ID card or never had one is not an Afghan national. Rather are these ID cards the documents the majority of Afghans are most likely to still possess. Currently, the Taliban are attempting to introduce new ID cards. According to the Taliban's plan women will not be obliged to have an ID card, but it will be possible for them to receive one. It is believed that the Northern Alliance does not issue any ID cards.

With regard to passports, there are the old blue ones with the title „Islamic State of Afghanistan“ on the front. These booklets are issued by non-Taliban embassies abroad as well as Taliban authorities within the country and the Taliban embassy in Pakistan. As far as it is known, the Northern Alliance does not issue these passports anymore. In all cases it is the same booklet and the issuing authority can only be seen from the stamp, but it is very relevant depending on where the holder wants to travel. On the one hand, the authority would be the Islamic Emirate of Afghanistan, and on the other, the Islamic State of Afghanistan. Crossing the Afghan border and entering Taliban controlled areas will legally only be possible with a passport issued by the Taliban. Similarly, Pakistan will normally only issue a visa to an Afghan holding a passport issued by the Islamic Emirate of Afghanistan. The only embassy abroad that issues these passports is the one in Pakistan. Some Taliban representations – one of which seems to be in Frankfurt, Germany – obviously receive such passports from the embassy in Pakistan. So there is a way to get hold of Taliban issued Afghan passports abroad. While Iran and Turkmenistan would issue visas to someone possessing a passport issued either by the Taliban or the Northern Alliance, all other neighbouring countries would not do so. Uzbekistan, Tajikistan and Russia would only recognize a passport issued by the Northern Alliance. Many Afghans in the north who do trade or have family links in these countries hold therefore two passports. If a person, however, will be found with a Northern Alliance passport in the Taliban territory, s/he might be in trouble, at least subject to further scrutiny.

In order to receive a passport or a confirmation of citizenship it is sufficient that three male witnesses confirm one's identity in front of the issuing authority. Attempts to get hold of other documents - like extracts of old registers on land ownership, marital certificates, birth certificates etc. – would raise more questions and arouse suspicion and thus very rarely occur. People rather approach the authority with the witnesses in order to be issued a new document. Most of the marriages will not be registered in the first place. Yet even if that has been done, people are very reluctant to get hold of the

respective extracts. With the Afghan society being largely undocumented, usually no certificates are being issued. So in this sense there is no proof that a wedding was performed. Nevertheless, the mere fact that an Afghan woman and man are living together and have children is a very strong indication of them being married. By tradition, extramarital relationships are extremely rare. Given that even women who are not properly covered are considered loose persons whose honour is already tainted and who thus have a very low rank in society, it would take a lot for a woman to be cohabiting with a man to whom she is not married. Consequently, one can also assume that the husband is the father of the children. Still, there might be cases where a minor is a member of the extended family as it is very common in the Afghan society that one takes care of the children of one's brother, sister or cousin. Even if the child is an orphan, this will not be documented in any way and adoption is non-existent.

It is possible to get documents by corruption, primarily done by people who are hesitant to approach the authorities directly, which is the case for many. Eventually questions like: „Why does this person want a passport? Why does s/he want to travel?“ would come up. People who have enough money would rather avoid these questions altogether.