



July 2011

A Commentary on the March 2011 Afghanistan Operational Guidance Note

This commentary identifies what the 'Still Human Still Here' coalition considers to be the main inconsistencies and omissions between the currently available country of origin information (COI) and case law on Afghanistan and the conclusions reached in the March 2011 Afghanistan Operational Guidance Note (OGN), issued by the UK Border Agency. Where we believe inconsistencies have been identified, the relevant section of the OGN is highlighted in blue.

An index of full sources of the COI referred to in this commentary is also provided at the end of the document.

This commentary is a guide for legal practitioners and decision-makers in respect of the relevant COI, by reference to the sections of the Operational Guidance Note on Afghanistan issued in March 2011. To access the complete OGN on Afghanistan go to:

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/>

The document should be used as a tool to help to identify relevant COI and the COI referred to can be considered by decision makers in assessing asylum applications and appeals. This document should not be submitted as evidence to the UK Border Agency, the Tribunal or other decision makers in asylum applications or appeals. However, legal representatives are welcome to submit the COI referred to in this document to decision makers (including judges) to help in the accurate determination of an asylum claim or appeal.

The COI referred to in this document is not exhaustive and should always be complemented by case-specific COI research.

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2. Country Assessment

Actors of protection

Excerpt from March 2011 Afghanistan OGN

2.4 Security and law and order in Afghanistan is primarily the responsibility of three Afghan agencies and the International Security Assistance Force (ISAF). The Afghan National Police is mainly responsible for internal order, the Afghan National Army for external security, and the National Directorate of Security for national security and intelligence. ISAF's mission was originally restricted to Kabul but now covers the whole country. [1] Currently, ISAF efforts focus on increasing the capacity of Afghan security forces, including the Afghan National Army in order to hand over gradually lead responsibility for security. [2] A series of checkpoints known as the 'Ring of Steel' has been erected around Kabul's perimeter to provide the capital with an extra layer of protection. [3]

Source [3] cited in the highlighted sentence dates from October 2010.¹ This news article describes the increase in police personnel stationed in Kabul and reports that the last large scale attack had taken place in May 2010. This could be read to imply that the increased protection measures have improved security in the capital since May 2010. However, the evidence detailed below appears to indicate that despite the cited increased protection measures, high profile attacks are still occurring:

- [Foreign and Commonwealth Office, Afghanistan Travel advice, updated 01/06/2011 \(still current 20/06/2011\)](#)
[...] Insurgents retain the intent and capability to conduct suicide attacks in Kabul City despite the considerable ANSF presence and the 'ring of steel'. Recent attacks have highlighted that representations of GfRoA, ANSF, ISAF and the international community remain the primary targets. [...]
On 21 May the military wing of the Mohammad Dawod Hospital in Kabul was subject to an effective suicide-IED attack. At least six people were killed and over 20 other wounded as a result of the blast. [...]
On 1 May the Taliban issued a press release announcing the start of a Spring offensive, 'Operation Badr', further increasing the danger and threat of attack throughout all of Afghanistan. [...]
On 28 January 2011, a supermarket in the Wazir Akbar Khan area of Kabul City Centre was attacked. This is frequented by the international expatriate community in the area and was the first attack within Kabul's 'Ring of Steel' since February 2010. [...]
- [Associated Press Online, Afghan police: Kabul market blast kills civilian, 31/05/2011](#)
[...] Afghan police say an explosion in the capital city has killed one civilian.
Police spokesman Hashmat Stanekzai says the blast occurred Tuesday evening in a market in a residential neighborhood of Kabul. He says another five people were wounded. [...] Stanekzai says it was not yet clear what caused the evening blast, but that it appeared to either be a bomb or two hand grenades. He said there was no obvious target in the area a collection of shops that is usually crowded in the evening.
A suicide bomber reportedly dispatched by the Taliban killed at least 6 people and wounded 23 more when he detonated explosives at a military hospital in Afghanistan's capital Kabul on Saturday.
- [Al Arabiya, Taliban suicide bomber kills 6 medical students at Kabul military hospital, 21/05/2011](#)
[...] Responsibility for the blast was claimed by the Taliban, whose spokesman Zabihullah Mujahid said two attackers had entered the heavily secured hospital. The Taliban said that 51 people were killed in the incident.
The Afghan Defense Ministry said that the blast took place in a tent used as a dining room by students at the city center hospital, one of the biggest and best equipped in Afghanistan. [...]
- [BBC News, Afghan pilot kills eight US troops at Kabul airport, 27/04/2011](#)
[...] Eight US troops and a US contractor have been killed by an Afghan air force pilot at Kabul airport in an apparent argument, US officials say. [...] The Taliban claimed responsibility for the incident in a text sent to AP but the authorities have not confirmed any insurgent activity. [...]

¹ E-Ariana (McClatchy Newspapers), [Afghan capital enjoys relative calm amid security crackdown](#), 24/10/2010

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- [International Business Times News, Suicide bombing in Kabul targets defense minister, 18/04/2011](#)
[...] Another suicide bombing in Afghanistan has killed at least two people and injured seven in an attack inside the country's defense ministry in Kabul. [...]
- [Pajhwok Afghan News, Suicide blast hits army vehicle in Kabul; 7 injured by KhwajaBasir Ahmad, 10/04/2011](#)
[...] Three civilians and four Afghan National Army (ANA) soldiers were injured when a suicide bomber on foot blew himself up near a vehicle of the troops in Kabul on Saturday, officials said. [...]
- [Pajhwok Afghan News, 4 bombers killed, 3 ISAF soldiers injured in Kabul attack by KhwajaBasir Ahmad, 02/04/2011](#)
[...] Two suicide bombers blew themselves up and two others were shot dead before they could explode their explosives during an assault on a coalition base in Kabul on Saturday, officials said. Three foreign soldiers were injured. [...]
- [Voice of America News, Taliban Claims Responsibility for Kabul Blast, 14/02/2011](#)
[...] The Taliban has claimed responsibility for a suicide bombing in Kabul on Monday that killed two people. Afghan officials say a suicide bomber blew himself up at the Kabul City Center, which includes the Safi Landmark Hotel, popular with foreigners staying in the capital. The explosion killed two security guards and wounded several other people. A spokesman for the Taliban, Zabiullah Mujahid, claimed responsibility for the attack in a text message sent to reporters. [...]
- [Associated Press Online, Bomb explodes in central Kabul; no dead reported, 08/02/2011](#)
[...] Afghan police say a bomb has exploded in a crowded intersection in downtown Kabul but there are no reports that anyone was killed. A police officer on the scene says the bomb was attached to a parked car belonging to traffic police as the policemen were outside the vehicle, directing traffic. [...]
- [Radio Free Europe/Radio Liberty, Suicide Attack Kills Eight In Kabul Supermarket, 28/01/2011](#)
[...] Afghan police say a suicide bomber has killed eight people and injured six in a grocery store in Kabul frequented by foreigners. [...]
- [Agence France-Presse \(AFP\), Four killed, 29 wounded in Kabul suicide attack, 12/01/2011](#)
[...] At least four people were killed and 29 wounded on Wednesday in a suicide motorcycle blast in Kabul that was claimed by the Taliban, who said it targeted a minibus carrying Afghan spy agency employees. The attacker detonated his explosives-laden vehicle in an area of the Afghan capital close to government ministries, parliament and the offices of foreign companies, officials and witnesses said. [...]
- [Radio Free Europe/Radio Liberty, Explosion In Kabul Kills One, Wounds Three Others, 04/01/2011](#)
[...] An explosion in the Afghan capital has killed one Afghan policeman and wounded three civilians. Police say a bag of explosives was planted near a bridge in Kabul, but it was unclear what it was targeting. [...]
- [BBC, Afghanistan attacks target army bases, killing 13, 19/12/2010](#)
[...] In Kabul the attackers opened fire on a bus filled with Afghan army soldiers. Security forces at a nearby checkpoint opened fire on the attackers. One was shot dead. But a suicide bomber then detonated explosives, killing five soldiers. [...] The assault took place outside the Kabul military training centre on the outskirts of the city - the country's main base for the training of recruits. [...]
- [Associated Press Online, 9 Afghan guards kidnapped in Kabul province, 30/11/2010](#)
[...] Afghan gunmen attacked a construction company in Kabul province, wounding one security guard and kidnapping nine others, the Interior Ministry said Tuesday. [...]
- [Associated Press Online, Afghan officials: Kabul attack kills 1, wounds 2, 12/11/2010](#)
[...] A suicide car bomber blew himself up as a NATO convoy passed his vehicle on the outskirts of the capital on Friday, killing one civilian and wounding two troops, officials said. NATO said one Afghan civilian was killed in the blast near the entrance to a coalition base south of Kabul. The Afghan Defense Ministry said an Afghan soldier and a NATO service member were wounded in the explosion. [...]

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- [Pajhwok Afghan News English, Woman injured in Kabul rocket strike, 05/10/2010](#)
[...] A woman was injured when a rocket aimed at the Kabul International Airport struck a residential house on Tuesday, residents and officials said. The rocket, allegedly fired by the Taliban fighters, landed three kilometers from the airport in the Qala-i-Khayat area at about 6am, a police officer said. Brig. Gen. Muhammad Zahir, Kabul Asmaie 101st police zone chief, told Pajhwok Afghan News no one was hurt in the strike. [...]
- [US State News, COALITION FORCES KILL TALIBAN SENIOR COMMANDER PLANNING KABUL ATTACKS, 11/09/2010](#)
[...] With the parliamentary elections a little more than a week away, coalition forces killed Nur Mohammad, a senior commander involved in improvised explosive device (IED) and suicide attacks in Kabul city, with a precision air strike in Kabul province last night. [...]
- [New York Times, Fatal Attack on Guesthouse in Afghan Capital, 10/08/2010](#)
[...] Two suicide bombers wearing explosive vests and carrying firearms and grenades attacked a guesthouse frequented by foreigners in central Kabul, the police said, killing two Afghans.

The attackers apparently failed to break through the fortified gate and instead detonated their vests in the street after shooting and killing the two Afghan guards, witnesses said. [...]
- [The Independent \(London\) Kabul blast kills three ahead of Afghan state-building conference; As international delegates start to arrive, militants declare their intent, 19/07/2010](#)
[...] A lone suicide bomber managed to slip through a tight-security cordon in Kabul on foot yesterday and detonate explosives in a market area near the US embassy, killing three people the day before the world's top diplomats began arriving in the city for the biggest international meeting in Afghanistan since the 1970s. [...]
- [UN News Centre, Attack on UN vehicle in Afghan capital leaves one staff member dead, 29/06/2010](#)
[...] The United Nations has confirmed that one of its vehicles was shot at this morning in the Afghan capital, Kabul, resulting in the death of one staff member. [...] Two Afghan staff members were travelling in the vehicle when it came under fire, reportedly at a busy traffic circle in the city. The other staff member was unharmed. [...]

Excerpt from March 2011 Afghanistan OGN

2.5 The police are only able to fully represent the authority of the government of Afghanistan in the main cities. The Afghan police force that is responsible for Kabul has jumped from 5,000 officers to 18,000, and the Afghan army has established a new division with 7,000 soldiers to help protect the capital. [4] However their ability to provide protection is limited (see below).

The above highlighted statement regarding the ability of police to fully represent the authority of the Government of Afghanistan in urban centres seems to be in direct contradiction with the subsequently highlighted sentence regarding the limited ability of the Afghan authorities to provide effective protection to civilians even in the capital city (See also paragraphs 2.6 and 2.7 cited below). That the ability to provide protection in Kabul is only described as 'limited' is addressed below with regards to section 2.9 of the OGN.

Excerpt from March 2011 Afghanistan OGN

2.8 Caselaw

[2005] UKIAT 00096 ZN: CIPU list of warlords is not complete and there may be individuals who cannot rely on sufficient protection, even in Kabul.

[2003] UKIAT 00057 K (Afghanistan); [2003] UKIAT 00076 AL (Afghanistan); and [2003] UKIAT 00088 S (Afghanistan) all held that there is in general sufficiency of protection in Kabul.

It is considered that the highlighted summary of the case law is not fully consistent with the individual determinations. Whilst each case cited finds that there is sufficient protection available for the particular profile of claimant in question, it cannot be asserted that there is a general sufficiency of protection in Kabul. This is exacerbated by the fact that the citation of the case law is incomplete. The full citation of the case cited here as

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[2003] UKIAT 00057 K (Afghanistan) is in fact [K \(Risk – Sikh - Women\) Afghanistan CG \[2003\] UKIAT 00057](#) which if cited in full, would give a clearer indication of the individual profile assessed. Moreover given the other case cited here is not a Country Guidance decision and was promulgated as far back as 2003, it is considered that its findings are now obsolete and up to date COI should be considered in its place.

Excerpt from March 2011 Afghanistan OGN

2.6 Police effectiveness in rural areas (over 90% of the country) is dependent on local leaders, including religious figures. The police force is beset by inadequate training, illiteracy, corruption, involvement in drug trafficking, and high levels of desertion. Most police are under-equipped, and lack ammunition and vehicles. In some cases, equipment requisitioned by their commanders is sold and the funds pocketed by the police officers. Commentators complain that donors continue to press for the force's expansion at the cost of quality and standards. [5]

2.7 Protection in Afghanistan generally is compromised by high levels of corruption, ineffective governance, a climate of impunity, lack of official impetus for the transitional justice process, weak rule of law and widespread reliance on traditional dispute resolution mechanisms that do not comply with due process standards, all of which contribute to a deteriorating human rights situation in the country. [6]

2.9 State protection outside of Kabul will only be accessible in exceptional cases. In Kabul the authorities, including the ISAF forces, are in general willing to offer protection to citizens. **However, case owners must bear in mind that for the reasons above, their ability to provide effective protection is limited.** It is important that case owners refer to the most up to date country information to ascertain whether, in the circumstances prevailing at the time the decision is made, sufficient protection is available in Kabul for an individual claimant, taking full account of their personal circumstances.

It is considered that the COI provided at paragraphs 2.6 and 2.7 of the OGN, is generally consistent with the COI available in the public domain with regards to the inability of the police to provide effective protection in Afghanistan. Given this COI and the additional COI on security incidents in Kabul highlighted above, it is questionable whether the security forces in Kabul can be said to provide even limited protection. The following COI supports this view and where information specific to Kabul was not found, COI which referred to the situation for the police in general Afghanistan has been presented which it can be assumed also applies to the situation in Kabul:

Infiltration by insurgents in Kabul

➤ [New York Times, Suicide Bomber Attacks Kabul Military Hospital, 21/05/2011](#)

[...] KABUL, Afghanistan — A powerful midday blast on the grounds of the heavily guarded national military hospital here killed at least 6 people and injured more than 20 others, government officials said.

Gen. ZahirAzimi, a Defense Ministry spokesman, described the six people who were killed as medical students, but a doctor at the hospital said they were Afghan soldiers training to be medics.

General Azimi said the attack was the work of one suicide attacker who set off the blast inside a tent at the multistory hospital as the trainees were sitting down to lunch. Investigators were trying to determine how the attacker infiltrated the grounds, bypassing military checkpoints at every entrance.

The Taliban quickly claimed responsibility for the blast.

The military doctor, who asked that his name not be used because he was not authorized to speak to the media, said that only the legs of the suicide attacker remained from the blast, but from those remains it appeared he was wearing an army uniform. [...]

The attack is sure to reignite concerns about insurgent infiltrators within the ranks of the Afghan security forces, and about sympathizers working within the government. All vehicles and visitors are supposed to be searched before entering the compound. [...]

➤ [International Business Times News, Suicide bombing in Kabul targets defense minister, 18/04/2011](#)

[...] Another suicide bombing in Afghanistan has killed at least two people and injured seven in an attack inside the countrysdefense ministry in Kabul.

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Following the pattern seen in a recent wave of bombings, the attacker went into the building disguised as an Afghan soldier. He reportedly had a defense ministry pass to gain access into the structure, before blowing himself up, and killing a bodyguard for the deputy minister of defense. [...]

Lack of prosecutions for bombings in Kabul

Only one source of COI was found regarding arrests or prosecutions made by the Afghan security forces for the bombings and insecurity incidents that were reported to take place in Kabul as detailed above at pages 2-4. Whilst a lack of COI on an issue or event should never be taken as indicative that it did not occur, it is considered that a lack of such reported arrests is relevant in this context, given that they would be considered newsworthy, especially by State media agencies. However, this should also be seen in the context that many of the perpetrators were suicide bombers who died in the attack.

➤ BBC Monitoring South Asia – Political Supplied by BBC Worldwide Monitoring, Afghan security officials detain two terrorist groups in Kabul, 04/02/2011 (subscription only source- no direct hyperlink available therefore full document provided here)

[Presenter] National Security Directorate [NDS] says they have detained two terrorist groups who were masterminding terror attacks and explosions in Kabul city in different operations. NDS spokesman, LotfollahMashal, says the detained terrorists are affiliated with the Haqqani terrorist network and had organized an armed attack on a bus carrying army personnel in Pol-e Charkhi neighbourhood of Kabul city and a suicide attack on a vehicle carrying NDS staff in Alawoddin Square in Kabul. He has also said that 12 government armed opponents have laid down their arms in five provinces and joined the peace process. HamunKhamosh reports.

[Correspondent] At a press conference in Kabul yesterday, NDS spokesman, LotfollahMashal, said they detained organizers of two recent attacks including an armed attack on a vehicle carrying army staff and a suicide attack on a vehicle carrying NDS staff in different operations in Kabul.

[LotfollahMashal, captioned as NDS spokesman] These terrorist groups had masterminded two attacks in Kabul city last month. The first one was the armed attack on a vehicle carrying army staff in Pol-e Charkhi road and the other one was the suicide attack on a vehicle carrying NDS staff in sixth district of Kabul near the Alawoddin Square.

[Correspondent] Mr Mashal continued to say that one of the members of these two detained terrorist groups have confessed that he had gone to SalahoddinHaqqani's home in Peshawar during the month of Ramadan and based on his order, he returned to Kabul to organize terror attacks.

[LotfollahMashal] Haqqani-affiliated terrorist group, Jaish-e Mohammad and some other terrorist groups had organized most of the terror and destructive activities in Kabul city. These two Mullahs, who were staying in mosques, were organizing terror and suicide attacks based on the order of SalahoddinHaqqani in Miramshah in North Waziristan of Pakistan. Fortunately, they were detained before carrying out further terror and destructive attacks.

[Correspondent] NDS spokesman added that in line with the decisions made by the High Peace Council and as a result of efforts made by NDS officials, some 12 government armed opponents and 30 unarmed individuals have joined the peace process in the country during the past ten days.

[LotfollahMashal] In line with the decisions made by the High Peace Council and based on their instructions, some 189 armed individuals have surrendered to NDS officials and submitted their weapons to NDS officials as well. They have also given up violence, accepted the Afghan constitution and said that henceforward, they want to continue their peaceful lives as Afghan citizens. Some 30 unarmed individuals have also joined the peace process, however, they were cooperating with terrorist groups in the past.

[Correspondent] NDS officials have also said that they have detained perpetrators of a suicide attack in a shopping centre in Kabul last Friday [28 January] and added that they have launched a serious investigation into the matter. It is worth mentioning that last Friday's suicide attack in a shopping centre in Wazir Akbar Khan neighbourhood of Kabul city claimed the lives of nine civilians including six members of a Kabul University lecturer's family.

➤ BBC Monitoring South Asia – Political Supplied by BBC Worldwide Monitoring, Article says corrupt, incompetent Afghan officials must be sacked, 03/03/2010 (subscription only source- no direct hyperlink available therefore full document provided here)

Text of article in Pashto: "The process of removal from jobs must be followed with rigour", published by Afghan independent secular daily newspaper Hasht-e Sobh on 2 March

Many bad and painful incidents have been caused by terrorist actions over recent years. These incidents have inflicted heavy losses on the lives and property of the people of Afghanistan. Many buildings and hotels were burned due to

terrorists attacks in Kabul in the past eight years and many civilians including children and women were martyred. The attacks also claimed the lives and property of foreigners.

Many innocent Afghans were also killed or kidnapped as a result of attacks by terrorists and Taleban on main highways in Afghanistan. Labourers and engineers working on reconstruction projects were also killed or kidnapped from time to time. A number of investors and traders were kidnapped and kept in private jails for months.

People are fed up with corruption in government organizations. They have repeatedly asked the government in the past eight years to prevent such actions, but the government ignored people's pleas and never held any government officials accountable for these painful acts and incidents. It did not sack any officials who may have shown complacency in their duties.

Government officials also never considered themselves responsible for what had been happening in the country and underestimated all those painful incidents.

It was observed in the past eight years that Afghan and foreign forces were targeted by terrorist forces in different parts of the country and many troopers lost their lives and military equipment, but nobody took responsibility for those losses.

It seems that the government spent the past eight years irresponsibly. This irresponsibility claimed the lives of many Afghans including women and children.

In one of the recent terrorist acts, five terrorists entered the Foroshgah-e Bozorg-e Afghan shopping centre in the capital Kabul to shoot the Office of the President from that location, but this business centre was soon surrounded by security forces. Security forces and terrorists exchanged fire until 3:30 in the afternoon. All terrorists and 12 others including security personnel were killed in the attack and around 70 people sustained injuries.

Terrorists also succeeded to stage a suicide attack in an ambulance in front of Golbahar Centre on the same day. Everyone started to blame the security forces and they were asking why such incidents take place in the presence of these forces. A number of people were demanding that relevant security officials must be sent to court. The Wolesijirgah of the parliament summoned security officials and questioned them about the incident. Security officials promised to prevent such incidents in the future. The government continued to not hold anyone accountable.

One month had passed since that attack was staged and then terrorists unleashed another attack on a guesthouse where Indian nationals were staying. Terrorists first launched a suicide attack and then entered the guesthouse killing six Indian doctors, one French cameraman and one Italian diplomat.

A similar attack was launched on Kabul city centre but security forces moved swiftly and surrounded the area. The battle at this site lasted for a total of four hours after which all terrorists and 17 others including civilians were killed and 38 people were injured.

People once again blamed security officials for this incident. People were asking how terrorists can attack shops, hotels and other buildings so easily in broad daylight in the presence of so many security forces. Some people even alleged that security officials are linked with terrorists otherwise they would not have been able to launch attacks so bravely in broad daylight.

The government should not remain indifferent to this. It should punish responsible security officials and sack them so that other security officials recognize their duties and prevent all terrorist attacks in the future.

On the basis of comments and demands of the people, security officials admitted after the most recent terrorist attack that they had failed in their duties. They admitted that they had failed to prevent this terrorist attack and that they are unable to perform their duties as people expect them to perform. This was clearly stated by the chief of crime investigation department of Kabul police, SayyedAbdolGhaffarSayyedzadah, in an interview on Sunday. He announced that chief of Kabul police, his deputy in security affairs and he had sent their resignation letters to the interior minister saying that they cannot see their countrymen die in terrorist actions anymore.

It is the first time during the past eight years that a number of senior government officials admitted their weakness and resigned.

The people of Afghanistan consider these resignations a good step for better security and sense of responsibility in the future. They call upon all officials to quit their jobs if they are unable to fulfil their responsibilities and to allow those persons who are capable of doing the job to replace them.

The people of Afghanistan also call upon the government to quickly identify and sack all those officials who are incompetent and lack the necessary courage and honesty in their work. This will reduce administrative corruption to a great extent and the competent and deserving will take over responsibilities.

Police impunity throughout Afghanistan

➤ [Oxfam Joint Briefing Paper No Time to Lose: Promoting the Accountability of the Afghan National Security Forces, 10/05/2011](#)

[...] Summary

By 2014, the Afghan national army and police – under the authority of the Ministries of Defence and Interior, respectively – are expected to assume full responsibility for the protection of Afghan civilians. But as international military actors prepare for withdrawal, there are serious concerns regarding the professionalism and accountability of the security forces they will leave behind.

The civilian toll of the conflict in Afghanistan is getting worse each year. In 2010 at least 2,777 civilians were killed – the highest since 2001. Armed opposition groups continue to account for the highest number of civilian casualties and the most serious violations of human rights and humanitarian law; but the Afghan National Security Forces (ANSF) – financed, trained and equipped by the international community – also account for substantial civilian harm. At least 10 per cent of Afghan civilians killed in the conflict in 2010 were killed by their own security forces.

But civilian casualty statistics do not convey the full extent of harm caused to the civilian population by the ANSF. Human rights organisations have documented a series of alleged violations of human rights and humanitarian law on the part of the national security forces, including night raids carried out without adequate precautions to protect civilians, the recruitment and sexual abuse of children, mistreatment during detention, and the killing and abuse of civilians by local police seen by many communities as criminal gangs.

The international community has been pouring money into the war in Afghanistan for almost a decade, but serious efforts to strengthen the professionalism and accountability of the national security forces only really began in 2009. For the best part of a decade there has been a striking lack of attention to the development of qualified security personnel, and equally, a lack of attention to the institutional reform necessary to ensure accountability. [...]

[...] There is no satisfactory mechanism by which an individual can lodge a complaint against the ANSF; nor for the processing of complaints; nor for the dissemination of findings or the payment of compensation. The military justice system functions only for those without political connections, there is no permanent institution devoted to investigating allegations of harm caused by the ANSF, and civilian casualties caused by the ANSF are not even counted by the government. As greater responsibility is handed over to the national security forces, there is a serious risk that unless adequate accountability mechanisms are put in place, violations of human rights and humanitarian law may escalate – and Afghan civilians will pay the price.

Combating abusive conduct on the part of the ANSF and the climate of impunity in which abuse takes place, as well as improving the government's response to civilian harm caused during lawful combat operations, is a moral, political and legal imperative both for the international community and the Afghan government. Afghan communities have high hopes for their own security forces; but a perceived lack of accountability for violations, as well as 'collateral damage' followed by neither apology nor redress, undermines the perceived legitimacy of the Afghan government and makes those high hopes appear misplaced. [...]

➤ [U.S Department of State, 2010 Human Rights Report: Afghanistan, 08/04/2011](#)

[...] Role of the Police and Security Apparatus

[...] International support for recruiting and training new ANP personnel continued, with the goal of professionalizing the police force, including the continuing implementation of the CPD staff prison reform and restructuring program. The international community worked with the government to develop awareness and training programs, as well as internal investigation mechanisms to curb security force corruption and abuses. Training programs for police emphasized law enforcement, the constitution, police values and ethics, professional development, the prevention of domestic violence, and fundamental standards of human rights, in addition to core policing skills. The MOI reported that every new police officer received limited training in human rights. Two officers were responsible for human rights reporting in each province. In Kabul 81 officers were responsible for human rights, an increase of 31 over 2009. A separate inspector general conducted investigations into internal police matters.

Nevertheless, human rights problems persisted. Violations of human rights and women's rights within the MOI (for example, sexual harassment) reportedly were not dealt with adequately. According to international experts and a civil society organization, the MOI Inspector General's Office charged with investigating internal police issues lacked the ability or the will to take the direct action needed in cases involving disciplinary problems among police, including sexual harassment charges. [...]

➤ [Human Rights Watch, World Report 2011, 24/01/2011](#)

[...] Timely and transparent inquiries or accountability for forces in the event of wrongdoing are often lacking when civilians are hurt or killed in night raids, airstrikes, or escalation of force incidents. A notable exception may be the response to allegations that five US soldiers deliberately killed and mutilated Afghan civilians in early 2010; several soldiers will face a court martial-for which no date has yet been set-on charges of premeditated murder. [...] In January 2010 it emerged that a law had been quietly brought into effect in late 2009 that provides amnesty to perpetrators of

war crimes and crimes against humanity, despite earlier pledges by President Hamid Karzai that the National Stability and Reconciliation law would not be promulgated. [...]

While the main international actors now acknowledge that impunity has fuelled the insurgency, they have not effectively addressed systemic concerns, including the entrenched power of strongmen and former warlords, misuse of presidential powers, police corruption, and judicial weakness. This was exacerbated by continued international support for powerbrokers with past and present records of human rights abuses. The US military has introduced guidelines and a system of oversight for contracting to try to reduce perceptions it is fuelling corruption, though this has not yet led to a break with notorious powerbrokers providing logistical and security services.

Police corruption throughout Afghanistan

- [Institute for War and Peace Reporting, Open Season for Kabul Police: Robust “shoot first” tactics said to reduce rate of serious offences, 14/03/2011](#)

[...] The international community has prioritised assistance for the Afghan National Police, and around 30 countries have been involved in providing training and equipment to the 122,000-strong force.

However, public confidence in the ANP remains low. An opinion survey commissioned by the United Nations in 2010 and published last month revealed a widespread lack of trust in the police. Some 60 per cent of the 5,000 people polled across all 34 provinces of Afghanistan reported significant levels of corruption among police officers, and about half said they would not report a crime to them.

“People lost trust in the police from the very beginning,” Kohestani said. “It’s going to take a lot of time before people begin trusting and cooperating with the police again. And the police will not be successful unless this happens.” [...]

International Crisis Group, Exit vs Engagement, 28/11/2010

1. ANP

Created, financed and overseen by the U.S. and its NATO allies, the ANP is corrupt, brutal and predatory. Although police reform is receiving more attention and resources than ever before, such increased resources are still to be matched by significant improvements in police effectiveness and public confidence.²⁵ The poorly and hastily trained rank and file are largely illiterate, many are drug addicts, while officers, many appointed and promoted on political rather than professional grounds, are known more for their abuse of power, particularly at the local level.

Despite pay increases, attrition rates remain high as the poorly armed and poorly trained police is used more as an auxiliary security force than an enforcer of law. Resorting to bribery, illegal tax collection, drug dealing and even murder, the ANP is feared and mistrusted by Afghan citizens, not only undermining the legitimacy of the state but also that of the international community, particularly the U.S., responsible for bankrolling and training it.

Corruption throughout Afghanistan

- [The Fund for Peace, The Failed States Index 2011, 20/06/2011](#)

[...] The Troubled Ten: The Failed States Index’s Worst Performers

[...] 7. Afghanistan

Afghanistan has ranked in the top ten on the Failed States Index for the past five years. The country faces many security challenges, including attacks on the American security forces and the widespread violence resulting from Taliban insurgent groups. Insurgents and illegally armed anti-American groups continue to undermine efforts to forge a functioning government capable of providing access to basic necessities and able to implement public services. Moreover, pervasive political corruption and the prominence of drug lords challenge state legitimacy. The government’s inability to control regions in which drug lords operate has made it difficult to combat the country’s robust drug trade and the growing black market. Until Afghanistan has the capacity to suppress its many security challenges, improves stability is unlikely. [...]

- [U.S Department of State, 2010 Human Rights Report: Afghanistan, 08/04/2011](#)

[...] Section 4 Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The government had limited success in bringing corruption cases, especially in cases involving low- and mid-level officials. More cases were opened against high-level officials, but successful prosecutions and convictions were rare, although they occurred. The progress made in initiating and prosecuting high-level corruption cases was due in large part to international assistance in creating special anticorruption law enforcement investigatory, prosecutorial, and judicial entities.

Corruption was endemic throughout society, and the massive flows of money from the military, international donors, and the drug trade exacerbated the problem. Prisoners and local NGOs reported that corruption was widespread across

the justice system, particularly in relation to the prosecution of criminal cases and "buying" release from prison. There were also numerous reports of money being paid to reduce prison sentences, halt an investigation, or have charges dismissed outright. In July the administrative head of President Karzai's National Security Office was arrested on the basis of an investigation by the anticorruption task force. Mohammad Zia Salehi was arrested by the Attorney General's Office and charged with soliciting bribes. Due to direct intervention by President Karzai, however, Salehi was freed within hours.

Allegations of corruption surfaced around the Kabul Bank, the country's largest private financial institution. The media reported that the bank's top two directors were forced to resign and the chairman ordered to surrender \$160 million worth of luxury villas bought with bank funds in Dubai.

Provincial police benefited financially from corruption at police checkpoints and from the narcotics industry. Observers reported that ANP officers often had to pay money to the MOI to secure promotions. A lack of political accountability and low salaries exacerbated government corruption. The international community worked with the national and provincial governance structures to address the problem of low salaries. Salaries for the police, investigators, and judges increased significantly; however, the pay for prosecutors remained very low. The process of pay and grade reform for prosecutors made only slight progress during the year. Police mentors addressed problems of corruption among police and justice officials at provincial and district levels.

Credible sources, including detainees, reported that local police in many parts of the country extorted a "tax" and inflicted violence at police checkpoints. Police also reportedly extorted bribes from civilians in exchange for release from prison or to avoid arrest. Police abuses generally declined following international police training efforts. Observers alleged that the high acquittal rate in courts reflected the lack of training of judges, poor investigations, lack of evidence, and possible bribes to legal officials. Lack of formal education and low literacy rates among the ANSF and the judiciary hampered the consistent delivery of justice. [...]

➤ [The Australian, Karzai adviser arrested over embezzlement, 30/03/2011](#)

Afghan authorities last night arrested a senior economics adviser to President Hamid Karzai on embezzlement charges. The arrest of Noorullah Delawari, a former governor of the Afghan central bank, comes a day after police in Kabul detained a former minister in Mr Karzai's government over the misuse of public funds.

"Noorullah Delawari has been arrested on charges of embezzlement and corruption," said Amanullah Iman, a spokesman for the Attorney-General's office.

An official, who asked not to be named, said the case was linked to that of former transport minister Inayatullah Qasimi, who was arrested on Monday.

Mr Qasimi faces charges of misusing public funds in relation to the purchase of two aircraft for the Afghan national airline, Ariana, which the Attorney-General's office said lost the government more than \$US9 million.

Mr Delawari is also accused of embezzling \$300,000 from the central bank, the official said.

Afghanistan is one of the world's most corrupt countries, ranked only just ahead of Somalia in a list compiled by global watchdog Transparency International.

Mr Karzai's government is under pressure from its Western backers to crack down on graft that pervades all sectors of Afghan society.

Deputy Attorney-General Rahmatullah Nazari said last November that about 20 senior officials, including former ministers, were being investigated for corruption.

But action has yet to be taken and there have been allegations that Mr Karzai has blocked some investigations to protect those closest to him.

➤ [New York Times, Cables Depict Afghan Graft, Starting at Top, 04/12/2010](#)

[...] From hundreds of diplomatic cables, Afghanistan emerges as a looking-glass land where bribery, extortion and embezzlement are the norm and the honest man is a distinct outlier.

Describing the likely lineup of Afghanistan's new cabinet last January, the U.S. Embassy in Kabul noted that the Afghan agriculture minister, Asif Rahimi, "appears to be the only minister that was confirmed about whom no allegations of bribery exist."

In a seeming victory against corruption, Abdul Ahad Sahibi, the mayor of Kabul, received a four-year prison sentence last year for "massive embezzlement." But a cable from the embassy told a very different story: Mr. Sahibi was a victim of "kangaroo court justice," it said, in what appeared to be retribution for his attempt to halt a corrupt land-distribution scheme. [...]

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Capacity of police force in Kabul

- [The Age \(Melbourne, Australia\), AFP aids Afghan hit squads; Files used for capture-or-kill raids, 27/12/2010](#)
Cables released by WikiLeaks show how the joint police effort in Kabul has been hampered by a lack of staff.
A request from the US embassy in October last year said more officers were needed to help others working in the Afghan Threat Finance Cell in Kabul under the joint command of the Afghan government and NATO. One cable says the group "urgently requires access to translators [for] an increasing amount of wire-intercept information including complex technical and financial records" as the police target halawas - the informal money networks that far outnumber proper banks and are often used by drug traffickers.
- [BBC Monitoring South Asia – Political Supplied by BBC Worldwide Monitoring, Police numbers in Afghan capital need to double - Kabul police chief, 18/11/2010](#) (subscription only source- no direct hyperlink available therefore full document provided here)
[Presenter] More policemen are needed to improve the security situation in Kabul city. The Kabul police chief said that, taking into account the population in Kabul, more than 20,000 policemen are needed. Meanwhile, he said that the people's cooperation could be effective in improving the security situation in the city.
[Correspondent] The Kabul police chief, Mohammad AyubSalangi, said that even though the police had improved in terms of quality and quantity, still more attention was needed.
[Gen Mohammad AyubSalangi, captioned as the Kabul police chief, talking to camera] Kabul needs 20,000 to 25,000 policemen. The police should carry out their duties in a systematic, rotating and punctual manner.
[Correspondent] Salangi said that the Interior Ministry had given priority to training the police and this process would take 5 to 10 years.
[Salangi] For three years, very serious attention has been paid to the police. We can say that almost 5 to 10 years are needed to properly train the Afghan police.
[Correspondent] Currently, there are more than 10,000 police in Kabul Province.

General capacity of police force

- [Centre for Strategic and International Studies, Can Afghan Forces Be Effective By Transition? 13/06/2011](#)
Shaping Transition: The Afghan National Army (ANA): Much Better Data on Numbers than Quality and Endurance
Recent reports show a steady growth in the size of the Afghan Army and Air Force, and in many key qualitative aspects of formal training. The critical problem is that there is no matching mix of transparent, credible metrics and narratives on the quality and effectiveness of any element of Afghan forces once they leave formal training and enter the field, and no meaningful data on the quality of the partnering they need to succeed. The effectiveness measures that are reported on the ANA measure formal training and equipment resources and not performance in the field. Uncertain loyalties, ties to power brokers, retention, attrition problems, and corruption are not addressed. A new rating system is supposed to have been developed, but its value and realism is not yet clear, and there are reports that provinces are being rated – sometimes favorably – on the basis of grossly inadequate coverage of a few districts.
[...] Shaping Transition: The Afghan National Police (ANP): Numbers that Disguise Major Problems in Quality, Ties to Power Brokers and Corruption
Once again, NTM-A provides data that shows the steady growth of the police force, and real progress in creating a more effective training system. Some manpower data do, however, lump together the different elements of the police force and – like the data on the ANA – highlight some of the problems in retention. The data do not break out progress by element of the police, or spotlight the failure to expand the Afghan National Civil Order Police to anything like the needed goal. ISAF indicates this critical paramilitary element of the police needs to be over four times its current strength. Far more realism is needed in measuring police force quality – particularly because corruption and ties to powerbrokers crippled the effectiveness of much of the police. Moreover, current rating systems do nothing to link the analysis of the police effort to the presence and effectiveness of the rest of the justice system and the presence of effective governance. The end result is that current effectiveness ratings are virtually meaningless if the police are to play a key role in “hold, build, and transition” and free the Afghan Army to perform its military mission. [...]
- [Afghanistan: Post-Taliban Governance, Security, and U.S. Policy Afghan National Police \(ANP\), 15/04/2011](#)
[...] Afghan National Police (ANP)
U.S. and Afghan officials believe that building up a credible and capable national police force is at least as important to combating the insurgency as building the ANA. The April 2010 and November 2010 DOD reports on Afghanistan stability reinforce a widespread consensus that the ANP substantially lags the ANA in its development. Outside assessments are widely disparaging, asserting that there is rampant corruption to the point where citizens mistrust and fear the ANP.

Among other criticisms are a desertion rate far higher than that of the ANA; substantial illiteracy; involvement in local factional or ethnic disputes because the ANP works in the communities its personnel come from; and widespread use of drugs. It is this view that has led to consideration of stepped up efforts to promote local security solutions such as those discussed above.

➤ [UN Security Council: The situation in Afghanistan and its implications for international peace and security \[S/2011/120\], 09 March 2011](#)

[...] 8. A 16 January preparatory meeting to the next Security Standing Committee of the Joint Coordination and Monitoring Board recommended an increase in the authorized strength of the Afghan National Police from 134,000 to 170,000 and in the Afghan National Army from 171,600 to 195,000 by November 2012. As of January 2011, the actual strength of the Afghan national security forces was as follows: 152,000 for the national army and 118,000 for the national police. UNAMA continues to emphasize the importance of merit-based and ethnically balanced recruitment across the country, as well as the provision of training through the North Atlantic Treaty Organization (NATO) Training Mission — Afghanistan and Combined Security Transition Command — Afghanistan and the European Union Police Mission in Afghanistan.

9. In January 2011, the Minister of Interior signed the new national police strategy, to be followed by the national police plan. The strategy provides guidance for continued development and increased operational capability of the Ministry, in line with its five-year strategic priorities. These include training and education, police leadership development, anti-corruption, improvements to living standards and working conditions of the police, review of the organizational structure, and the development of a system of incentives and disciplinary measures. [...]

➤ [Radio Free Europe/Radio Liberty, Karzai Unveils Areas For Afghan Security Handovers, 22/03/2011](#)

[...] Over the past year international donors agreed to expand the Afghan forces to 307,000 by October, up from the current 152,000 soldiers and 118,000 police officers. Karzai has said in the past that for his country to police itself, it needs nearly 400,000 security personnel. [...]

➤ [Foreign and Commonwealth Office, Countries of Concern, The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern, 31/03/2011](#)

[...] A professional, well-trained police force is critical to ensuring that human rights are respected in Afghanistan. That is why, in conjunction with the government of Afghanistan and the international community, we are focusing efforts on the development of law-enforcement policing skills; the institutional capacity of the Ministry of Interior; and sustainable mechanisms to hold the Afghan police to account for corruption and poor performance.

An effective police force, alongside the other Afghan security forces, will also help ensure that communities are safe and secure, providing an environment where the human rights situation can improve. There are still many challenges relating to the integrity and professionalism of the Afghan National Police, but progress is being made. In 2010, the size of the police force exceeded growth targets. More effective training programmes raised standards of leadership and discipline and helped the police to protect their communities better. Training programmes, which include human rights awareness, became mandatory for new recruits. The minister of interior has implemented programmes to improve discipline structures, including the authorisation of the Afghan National Police code of conduct, and drug rehabilitation programmes have been initiated. [...]

➤ [International Crisis Group, Exit vs Engagement, 28/11/2010](#)

[...] As violence has increased, the Afghan National Security Forces (ANSF) have proven a poor match for the Taliban. Casualties among Afghan and ISAF forces have spiked, as have civilian casualties. Afghanistan still lacks a cohesive national security strategy and the Afghan military and police remain dangerously fragmented and highly politicised. [...]

Internal relocation

Excerpt from March 2011 Afghanistan OGN

2.16 The traditional extended family and community structures of Afghan society continue to constitute the main protection and coping mechanism, particularly in rural areas where infrastructure is not as developed. Afghans rely on these structures and links for their safety and economic survival, including access to accommodation and an adequate level of subsistence. In certain circumstances, relocation to an area with a predominantly different ethnic/religious make-up may also not be possible due to latent or overt tensions between ethnic/religious groups.

[...] 2.18 In practice, all returns are currently to Kabul. Careful consideration must be given to any other place of proposed internal relocation and how it will be accessed, taking account of the latest information about the security situation. A Country of Origin Information request should be submitted to Country of Origin Information Service if more information is needed. Assuming that the proposed place of internal relocation is safe, and can safely be accessed, internal relocation in Afghanistan will generally be reasonable where protection is available from the individual's own extended family, community or tribe in the area of intended relocation. Single males and nuclear family units may, in certain circumstances, subsist without family and community support in urban and semi-urban areas with established infrastructure and under effective Government control.

The above highlighted sentences identify some factors that need to be taken into consideration when assessing internal relocation options and paragraph 2.16 is paraphrased from the latest December 2010 UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*.² UNHCR's approach to internal relocation is generally approved in the leading UK case dealing with the issue of internal relocation and the definitions of reasonableness and undue harshness in [*Januzi v. Secretary of State for the Home Department & Ors* \[2006\] UKHL 5 \(15 February 2006\)](#).

It is worth noting that the December 2010 UNHCR Guidelines highlight various additional "reasonableness" factors relating to internal relocation— both human rights and humanitarian considerations - that should be taken into account when assessing IFA for "Individuals at Risk of Targeted Persecution" as follows:

➤ [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Afghanistan, 17/12/2010, section III, C, 1. Individuals at Risk of Targeted Persecution](#)

[...] Whether an IFA/IRA is "reasonable" must be determined on a case-by-case basis, taking fully into account the security, human rights and humanitarian environment in the prospective area of relocation at the time of the decision. To this effect, the following elements need to be taken into account: (i) the availability of traditional support mechanisms, such as relatives and friends able to host the displaced individuals; (ii) the availability of basic infrastructure and access to essential services, such as sanitation, health care and education; (iii) ability to sustain themselves, including livelihood opportunities; (iv) the criminality rate and resultant insecurity, particularly in urban areas; as well as (v) the scale of displacement in the area of prospective relocation.

It should also be noted that UNHCR provides specific guidance in relation to assessing the relevance of an internal flight alternative for claimants fleeing a situation of generalised violence:

➤ [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2010, section III, C, 2. Individuals Fleeing Generalized Violence](#)

[...] When assessing the relevance of an IFA/IRA for those individuals fleeing from a situation of generalized violence in Afghanistan, it is of particular importance to consider: (i) the concrete prospects of safely accessing areas of Afghanistan not affected by the generalized violence, including by assessing the risks associated with the widespread use of IEDs and landmines throughout the territory, attacks and fighting taking place on busy roads, and activities of organised criminal

² UNHCR, [UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2010, section III, C, 1. Individuals at Risk of Targeted Persecution](#).

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gangs; and (ii) the volatility and fluidity of the conflict in terms of the difficulty of identifying potential safe zones. Furthermore, the area of prospective IFA/IRA has to be practically, safely and legally accessible.

It should also be borne in mind that areas considered relatively stable may, nevertheless, be inaccessible in instances where access roads to and from such areas are considered insecure.

If relocation from a situation of generalized violence is deemed relevant, in particular in urban areas, the reasonableness test should take into consideration the elements outlined above for individuals at risk of targeted persecution.

The following sources provide an indication of the information available in the public domain at the time of writing this commentary in relation to those relevant issues which form part of an individual assessment of internal relocation. The sources are presented under the following sub-headings:

- [Traditional support mechanisms \(not only restricted to Kabul\)](#)
- [Scale of displacement, access to basic infrastructure and essential services in Kabul](#)
- [Criminality rate in Kabul](#)
- [Accessibility and freedom of movement in Kabul](#)
- [Situation of returnees](#) (incl. economic & social situation, risk of kidnapping/extortion/bribery, risk of secondary displacement, risk of land disputes)

For sources on the general safety in Kabul, please see the sources listed in the previous section 'Actors of protection' at page 2 and in the next section 'General security situation' which begins at page 22.

Additional sources to be consulted for the most up to date information on the situation and treatment of IDPs in Afghanistan are also listed [here](#).

Given that the likely area of relocation proposed by the UKBA will be the capital city of Kabul, the sources below only refer to the situation found there. It is still imperative that the specific characteristics of the claimant (e.g. gender, educational background, religion, ethnicity, family ties, health etc.) are taken into consideration when researching for additional COI on Kabul or any other place of proposed relocation.

Traditional support mechanisms (not only restricted to Kabul)

➤ [Afghanistan Research and Evaluation Unit, SECURING LIFE AND LIVELIHOODS IN RURAL AFGHANISTAN - The Role of Social Relationships, December 2010](#)

[...] This paper provides evidence of the importance of social relationships to Afghan rural life and livelihood outcomes. This is an understanding of rural life not generally reflected in programme design and implementation. The paper draws from recently completed qualitative research on rural livelihood change in Kandahar, Badakhshan, Sari-Pul and Faryab provinces. Data was collected in 11 villages across the four provinces through in-depth interviews with eight case households in each village.¹

The household data clearly demonstrates the various ways in which social relationships are important to livelihood security. The nature and quality of these relationships, and a household's relative position within them, influence the extent to which the relationships might enable accumulation or slow improvement, support efforts to cope with crises, or keep households in poverty. Village characteristics, including concentration of landholdings and the availability of viable non-farm options to support diversification, are associated with variations across households in livelihood outcomes, as are household characteristics such as availability of male labour, and health and disability status.

Wealthy and socially powerful elites in the villages support village interests to varying degrees, depending on the extent to which these interests overlap with their own. In poorer and more marginal rural economies, such as Badakhshan and Sar-i-Pul, this overlap is greater and there is more evidence of traditional patronage imbued with obligation to help others. In the more unequal Kandahar villages, links to politically powerful actors and a surplus economy have led to self-interested economic practices among the elites. Connections upward are used to advance elite households and not to gain advantages for the villages. Some of the village elite actively maintain existing inequalities, exploiting the less powerful to further their own accumulation.

[...] Among poorer households, hierarchical relationships with those positioned to deliver needed resources are central to livelihood security. These include dependence on landlords, with risks of arbitrary loss of sharecrop land; reliance on labour contractors or smugglers to access work outside the village in urban areas or Iran; and dependence on carpet traders for access to weaving work in Faryab. This dependence provides more predictability to highly uncertain lives, but

at a cost of higher risks, lower returns and fewer choices for the future. Charitable relationships are another way in which connections are important to livelihood security, especially for the poorest. Economic decline in many study areas, as well as modernisation processes slowly shifting interest away from collective needs, has meant offerings vary in quantity from year to year. This has made life highly precarious for those households dependent on charity. Those with more resources, who are able to access credit and reciprocate help, are enmeshed in informal mutual support networks. These generally offer credit free of interest, which aids crisis coping for most and slow improvement for a few. Respondent households recognise the importance of social relationships to livelihood security. This means they value their inclusion in the village community and work to maintain it. The need to avoid jeopardising relationships, coupled with the existence of social inequalities within the villages, means that holding elites accountable is challenging. Efforts to change existing power relations are even more so. If these efforts risk the security that poorer and less powerful households have, even if that security is gained on unfavourable terms, they may be unwilling to participate. In this way, social relationships can create and maintain poverty. These aspects of social relationships are therefore part of the problem of poverty that policy and programmes need to address in order to achieve sustained improvements in livelihood security.

➤ [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Afghanistan, 17/12/2010, section III, C, 1. Individuals at Risk of Targeted Persecution](#)

[...] The traditional extended family and community structures of Afghan society continue to constitute the main protection and coping mechanism, particularly in rural areas where infrastructure is not as developed. Afghans rely on these structures and links for their safety and economic survival, including access to accommodation and an adequate level of subsistence. Since the protection provided by families and tribes is limited to areas where family or community links exist, Afghans, particularly unaccompanied women and children, and women single head of households with no male protection, will not be able to lead a life without undue hardship in areas with no social support networks, including in urban centres. In certain circumstances, relocation to an area with a predominantly different ethnic/religious make-up may also not be possible due to latent or overt tensions between ethnic/religious groups.

The following report assists in demonstrating the importance of family and community structures. Although not recent, the International Crisis Group report of August 2009 provides background information to Afghan “solidarity networks” as well as to the general challenges that returnees may face:

➤ [International Crisis Group, Afghanistan: What Now for Refugees?, 31/08/2009, section III, A and B, 2](#)

[...] Solidarity networks, composed of family members, friends and other contacts extending across one or several countries, are vital to Afghan mobility. These networks generally stem from kinship and qawm, or tribal affiliations, but are not necessarily mono-ethnic. Based on mutual trust and obligations contracted over generations, they constitute a powerful social and economic support system, thus helping the state to bear the burden.

During the decades of civil war, Afghans had relied extensively on these networks to migrate locally, regionally or internationally. Families fleeing their homes sought the assistance of their kin group or qawm to seek refuge in the neighbouring valley and, if problems persisted, to settle in Afghanistan's urban areas or in an asylum country. The location and prior migratory routes of these solidarity networks often determined where migrants went: Pashtun tribes continued seeking the hospitality of fellow tribesmen across the Durand Line in NWFP; and many Hazaras continued to go to Balochistan's capital Quetta or to Iran. Families from the same qawm thus often settled in the same neighbourhoods or camps and maintained close ties even when they were dispersed geographically.

Just as they provided assistance in exile, these networks are also facilitating reintegration by helping refugees resettle in their original communities. Some, particularly in Pakistan, are able to visit their relatives at home to assess the feasibility of returning to their home province. As the insurgency escalates and living conditions fail to improve, particularly in rural areas, Afghans within the country and in exile can tap the information, shelter and livelihood opportunities that such networks provide in Kabul, Mashad, Peshawar or even as far away as Dubai and London. This social network also enables repatriating Afghans to leave again should conditions deteriorate at home.

Families sometimes choose to return precisely because members of their kin group or qawm remain in exile. In the words of a parliamentarian from Uruzgan province: “Those who have family staying in the country of asylum are fine, their family helps but those who don't are likely to become refugees again”. The former are less likely to once again face displacement because of economic hardship. By living throughout the region, they can make use of a variety of economic opportunities while benefiting from differing living costs. For instance, since salaries are higher in Afghanistan and living costs lower in Pakistan, a number of refugees come to work in Afghanistan's towns, leaving part of their family in Pakistani cities until they have secured sufficient resources to bear the cost of the household's repatriation. Similarly, because wages for unskilled labour are higher and living costs lower in Iran than in Afghanistan, Afghan families, facing

Iranian state repression and discrimination, return home while leaving their young men behind to work. Families find it easier to resettle if they diversify their sources of income and rely on regional and even global remittances, as the state is still unable to provide basic services.

[...] The perceived impact of refugee return on reconstruction and development nevertheless remains controversial. Typically, the longer and farther away their exile, the more they are regarded with distrust by fellow Afghans. Afghans returning from Europe or North America are often accused of being motivated by the high salaries paid by international organisations rather than a longer term commitment to the country's future. "They've left their families in the West, they invest in the West and keep a hand on their foreign passport they have in their pocket. They're not very different from the other foreigners who are here They are strangers in their own country". [64] Some Afghans who remained in the region throughout the civil war even argue that those returning from the West should have no role in the country's reconstruction since they did not suffer or help defend their country. On the contrary, by now questioning local commanders' authority and legitimacy, they are further fracturing a population already divided along factional and ethnic lines. [65]

Scale of displacement, access to basic infrastructure and essential services in Kabul

➤ [Internal Displacement Monitoring Centre \(Norwegian Refugee Council\), AFGHANISTAN: Armed conflict forces increasing numbers of Afghans to flee their homes - A profile of the internal displacement situation, 11/04/2011](#)

[...] The majority of urban IDPs have settled in unplanned, informal settlements known as zor abad, or places taken by force. These settlements make up 70 percent of Kabul's total urban area and accommodate 80 percent of the city's population, according to a World Bank estimate (AREU, August 2006: 21; WB, 2005). They have low land and shelter costs, they are close to employment opportunities and they have established social networks either of relatives or others of the same ethnicity (SFL Hillside, 2010: 5).

Others live in some 31 informal settlements of a spontaneous nature at the margins of the urban perimeter, ranging in size from five to 700 families (OCHA, February, March and December 2010). A 2010 survey by UNHCR shows that there has been a gradual growth of such settlements in Kabul since 2002, and that their inhabitants come from varied backgrounds (UNHCR Kabul, September 2010; IRINNEWS, 23 November 2010).

[...] In Kabul, where up to 60 per cent of housing had been destroyed as of 2004 (ACF January 2004, p. 10), up to 70 per cent of the population lives outside the city's planning zone. The majority of IDPs settled in informal areas such as hillside settlements near the city centre. In a NRC survey of informal settlements in Kabul, 43 per cent of the respondents were IDPs or migrants, 36 per cent were refugee returnees and 11 per cent local residents (NRC 2010: 17). NRC's survey suggests that housing conditions in the surveyed areas are similar for returnee, IDPs and economic migrants. The population influx to urban areas has created a housing crisis, and the right of poor people to adequate housing and security of tenure is largely unmet in all larger cities (GoA - NRVA, 2009: 24). High rents and frequent evictions have forced IDPs and refugee returnees into cramped conditions (ACF January 2004, p. 23). A 2005 study in Herat, Kabul, Jalalabad and Mazar-i-Sharif found that on average, five people shared one room (AREU 2006: 31).

[...] The Watchlist on Children and Armed Conflict even heard of displaced parents in Kabul settlements who had sold their children to survive or provide for the rest of their families (June 2010). According to the Child Rights Consortium (CRC), children in informal settlements near Kabul suffered from diseases related to cold weather conditions, malnutrition and inadequate shelter, a finding echoed by the UN Special Representative (SRSGCAC 2010, p. 11; IRIN, 26 November 2009). Most children in these areas did not attain the minimum standard for the provision of basic necessities as outlined by Guiding Principle 18 (BI, 2008: XX).

[...] Data on employment in Kabul and other cities suggests that the unemployment rate among samples which include IDPs was lower than the national average. NRC/ALTAI's research reveals a degree of sustainability in refugee returnees' urban lives. Many are affected by external shocks including inflation, unemployment and serious illness and death during the reintegration process, but 62 per cent of interviewees said they were able to at least partially recover (2010: 10).

[...] IDPs in Kabul's hillside settlements live in areas with significant sanitation, health and safety problems, and where upgrading services would be prohibitively expensive. SFL's 2010 study concludes that the settlements are not viable and that a plan to relocate residents to flatland areas should be developed and implemented (SFL for USAID, January 2010: 32). This would, however, affect tens of thousands of IDPs who have already invested in shelters there.

[...] IDPs who settled in Farah city late 2008, Qala-e-Nau city in early 2009 and Kabul from November 2009 all said they lacked access to adequate food, shelter, health care, safe drinking water, sanitation, clothes and education.

[...] Food insecurity is also a challenge for urban returnees. Mazar-e-Sharif has the worst levels of food security, according to NRC/ALTAI Consulting, followed by Jalalabad, Kabul and Heart (NRC/ALTAI, 2010: 29). The most common coping strategy was either to reduce food quality and quantity or purchase food on credit (Ibid).

[...] Data on the displaced population is case based. An Action Contre la Faim (ACF)-led assessment of children under the AGE of five in an informal IDP settlement in Kabul found that malnutrition was a serious problem (IRINNEWS, 4 and 14 January 2010).

[...] Those living in Kabul's makeshift Qambar camps in Kabul were forced to defecate in the open. ACF had intended to respond to residents' complaints about infestations of flies and mosquitos by installing toilets and water points, but the government refused them permission to do so (IRIN, 23 April 2009).

[...] Health hazards are endemic in the areas where refugee returnees and IDPs have settled in Kabul and included lack of potable water, open sewage and the accumulation of solid waste (KM/USAID-OFDA, January 2010: 7). Urban returnees surveyed by NRC/ALTAI (2010: 2X) rated difficult access to health services as their fifth most important problem. Twenty per cent of urban IDPs registered by the UN Humanitarian Country Team (UNHCT) in 2010 were either physically disabled, mentally ill, chronically ill or drug-addicted. Some informal IDP settlements did not have health structures in February 2011, although the Ministry of Public Health said all citizens were entitled to the free-of-charge basic health services at state hospitals and clinics across the country (IRINNEWS, 1 February 2011).

➤ [Radio Free Europe/Radio Liberty, Kabul Housing Shortage Leaves The Middle Class Behind, 31/01/2011](#)

Ahmad Saqib spends over three hours a day commuting between his rented house in the northern Afghan town of Jabal Saraj and the capital Kabul, where he works as an accountant.

"By the time I get home in the evening, I'm exhausted and have no energy to chat with my family," says the father of five. "I wish I had a place to live in Kabul, but it's beyond my means."

"In very cheap areas of Kabul, in places inaccessible to vehicles, located on hilltops far from city center, the rent prices for an average family house hover between 10,000 and 15,000 afghanis [about \$220 to \$330]."

Foreigners offer hard currency instead of unstable national currency.

That is well out of Saqib's price range, whose monthly salary of about \$200 places him among the city's growing middle class but falls far short of what he would need to rent a home in Kabul, let alone purchase one.

The lack of affordable housing -- driven by a rapidly rising population spurred by rural to urban migration, the wartime destruction of neighborhoods, and an influx of well-heeled foreign contractors occupying choice locations -- has become one of the biggest social problems in Kabul. Critics say not enough is being done by city authorities to address the issue, as ordinary Afghans such as Saqib find themselves being pushed down -- if not off -- the city's property ladder.

Kabul Mayor Muhammad Younus Nawandish highlights the population issue. "Kabul had a population of some 1.5 million in 2001, and now the number of its inhabitants exceeds 5 million," he says, adding that the vast majority are unable to find housing in the capital.

[...] Hafizullah, a real estate agent in Kabul, believes the influx of tens of thousands of foreigners with high expat salaries to the Afghan capital in recent years also contributes to rising rental costs.

"Foreigners offer hard currency instead of unstable national currency," Hafizullah says. "They mainly rent houses in upscale and secure areas with high-quality houses, such as Wazir Akbar Khan or Shirpur neighborhoods, where depending on the size and the quality of the house, rent costs up to \$15,000 a month or even more."

[...] According to Hafizullah, a three-room apartment in an average area of Kabul that rented for about \$200 per month five years ago, now costs a minimum of \$500.

Middle-class Afghans' incomes, however, have not kept pace. With few exceptions, public-sector workers' wages range between \$50 and \$250 a month.

Saifuddin Sayhon, professor of economics at the Kabul University, estimates that the cost of living, including food and energy prices in the capital, has risen by 30 to 50 percent in recent years.

Sayhon says the expensive housing projects that city authorities have embarked upon will not solve the housing crisis for middle-income Afghans.

[...] Even then, according to Hakim, an architect who like many Afghans goes only by one name, the high cost of construction in Kabul poses an obstacle.

There are two major factors, he says, land prices in Kabul are high, and almost all construction materials have to be imported.

"In areas like Shirpur, Wazir Akbar Khan and Shahr-e Naw one square meter of land costs \$1,000. To build an average house, you'd need at least 500 square meters of land. So the land alone would cost you \$500,000 in the exclusive areas of Kabul," Hakim says. "Far from the city center, land prices are cheaper. 300 square meters in these areas cost around \$30,000 to \$40,000."

Hakim goes on to say that many of the residents of new apartment blocks are Afghans who work for foreign companies in Kabul.

"An average three-room apartment in Aria costs about \$140,000, which still is beyond the reach of ordinary Afghans," says Hakim. "That's why many people still go for mud-brick houses in remote districts or the outskirts of the city, which cost around \$30,000 or \$40,000 depending on their size and the area."

➤ [Refugees International \(USA\), Afghanistan: In a Time of Conflict, 01/12/2010](#)

[...] As violence spreads, urban areas provide the only measure of security and job opportunities for many Afghans, leading to rapid urbanization and the establishment of slums. The slums, or "informal settlements," house over 13,000 people in 30 sites in Kabul alone and have grown steadily as people have fewer survival options. The UN Population Fund noted that satellite imagery shows significant urbanization in the capitals of the most insecure provinces, like Ghazni and Paktia.

In Kabul, residents of these slums are a mix of people displaced by conflict or natural disasters as well as people categorized as "economic migrants." Many of these "migrants" are from the nomadic Kuchi group who lost their livestock-based livelihoods during the war and grazing lands due to desertification. Much of the land belongs to the government, which fears that providing services will only draw more people to the sites. This complicates the ability of aid groups to address the horrific living conditions, including the lack of clean water and extremely high rates of child malnutrition. Because the residents have no title to the land, NGOs are not permitted to build shelters, wells or other permanent structures.

UNHCR has commendably taken the lead in profiling the Kabul sites and pressing the government to allow services and provide other land options to this extremely vulnerable group. The lines of responsibility are many, but the slums are symptomatic of failed programs to help returning refugees and protect IDPs. The Ministry of Refugees and Returnees, which should be involved in resolving these problems, is a small advisory office with frequent staff turnover and is considered extremely weak. UNHCR should be supported by donors and aid agencies to assist these groups and expand profiling to other urban areas. Several Kabul sites are under imminent threat of eviction and residents have nowhere to go. Aid agencies say they could do much more if the government provided other uncontested land, but the government has been unwilling to do so.

➤ [OCHA Afghanistan, Monthly Humanitarian Update, December 2010](#)

[...] Inter-Agency Protection Profiling of Kabul Informal Urban Settlements (KIS): UNHCR with AIHRC and DoRR is leading a protection profiling exercise at the KIS since August 2010; 2,301 families (13,806 individuals) live in 31 informal/illegal sites in KIS. Those sites, owned by Afghan Government, private individuals and Kabul Municipality are for some of them occupied since 2002. KIS inhabitants are in their great majority returnees (both spontaneous and assisted), but also deportees and persons who have never been forcefully uprooted. They all face eviction threats and live in dire conditions with limited access to clean water, sanitation and health facilities. First results of the exercise also reveal the prevalence of SGBV and drug abuse, lack of physical security, tension with local community, limited birth registration and access to education.

➤ [The Washington Post, Afghanistan's disheartened, 22/11/2010](#)

For those who have escaped Afghanistan's worst violence, some things are hard to forget: the sight of a woman's hair entangled in the mulberry branches, her legs strewn far away in the dirt. Or the sounds they heard as they hid in an underground hole, counting the bombs to pass the time, praying the American troops would leave.

Some of those Afghans have tiptoed in the footsteps of neighbors to avoid the mines. They've been hit with shrapnel and tied with flex cuffs, threatened by the Taliban and frightened by the coalition, seen relatives shot and homes destroyed. So they left Helmand province and made their way to this dirt lot on the outskirts of Kabul, where month by month the settlement expands with those who have come to wait out the war.

[...] But the Helmand refugees living in this squalid camp, known as Charahi Qambar, offer a bleaker assessment.

[...] The first families to set up tents at the site arrived in 2007, and the camp has since grown to more than 1,000 families, making it the largest of some 30 informal settlements around Kabul. They consist of two main groups, about 800 families who claim to come from the Helmand area and about 200 families who say they come from Tajikistan, according to a United Nations official who works on refugee issues.

The residents say they are mostly farmers who brought their bundles by bus and taxi to live in these mud hovels or under scraps of tarp. It is a place of wailing children and dirt-caked faces, where husbands search for menial labor and wives burn heaps of trash to cook their daily gruel.

Ahunzada, a 35-year-old mullah, gets by on meager donations from other refugees, given to him as payment for teaching Islamic classes and leading the daily prayers in a low-ceilinged makeshift mosque built from mud. Two years

ago, he left his opium fields in Sangin, one of the most violent parts of Helmand, which British troops recently handed over to U.S. Marines after taking casualties for four years.

[...] At the camp, Ahunzada's wife has carpeted the walls and floors of their hut with blankets, but the cold last winter claimed the life of their 1-year-old son, Ahmad Shah. His elder brother, Shahfiullah, now coughs and snuffles in the morning chill.

"I look at him and I have to leave the house like a thief," Ahunzada said. "My son is asking me to bring him something, buy me fruit, buy me an apple. If I don't have any money, what should I bring him?"

To help feed the eight members of his family now living in the camp, Barigul has turned to making bricks, buying dirt from the trucks on the highway, and mixing it with sand and water. As an opium farmer in Musa Qala, he could make \$60 a month. Here, he is lucky to earn half that.

"What we are earning is just hand to mouth," he said.

➤ [IRIN, Winter misery as food prices rise, 15/11/2010](#)

Ali Ahmad, the sole breadwinner of an extended family in Kabul, has to decide whether to buy firewood to keep his children warm in winter or food to save them from hunger.

"Everything is expensive... wheat flour, ghee, sugar, fuel and wood and I cannot afford them," he complained.

A steady rise in food prices this year is posing serious risks for millions of Afghans who earn less than US\$30 a month, aid agencies say.

The average wheat price in September was 7.3 percent higher than in August, and wheat prices in Afghanistan were "the highest in the region", according to a UN World Food Programme (WFP) market price bulletin.

On 15 November in Kabul a 50kg sack of wheat flour was 1,190 Afghanis (US\$26.50), and 16 litres of cooking oil 1,200 Afghanis (almost \$27) - prices which, according to vendors, were higher than in September.

"Prices are going up steadily," said Mohammad Zahir, a vendor in Kabul, adding that they would increase further in winter.

Food prices are, however, markedly lower than during the global crisis in 2008, which pushed 4.5 million Afghans into high-risk food insecurity.

Afghanistan is expecting a good harvest this year but there is likely to be a deficit of at least 700,000 tons of wheat in 2010 which is expected to be met in part by wheat imports from Kazakhstan.

➤ [IRIN, UNHCR worried about growing number of conflict IDPs, 03/11/2010](#)

The UN Refugee Agency (UNHCR) says it is concerned about the growing number of internally displaced persons (IDPs) caused by conflict in Afghanistan, and the fact that it is often too dangerous to assist them.

[...] "These figures do not include IDPs scattered in urban/semi-urban locations for which systematic accounting is problematic. These figures equally do not reflect IDP groups that have scattered across the inaccessible areas of the southern swathe of the country following recent armed offensives," Nader Farhad, a UNHCR spokesman in Kabul, told IRIN.

[...] A growing number of IDPs are being drawn to Kabul's expanding slums. A new MoRR survey said 2,398 families (over 14,000 individuals) were living in 16 slums in Kabul.

MoRR's Joraat said the causes of their displacement were floods, conflict, lack of shelter and poverty.

UNHCR said there was "no noted IDP settlement in Kabul" but "mixed informal settlements dotting the city with mixed groups" and that it was working to identify "core protection issues related to IDPs among these mixed groups" in collaboration with the Afghanistan Independent Human Rights Commission and the MoRR. Kabul's slums include IDPs, land-grabbers and nomads.

Flu-like symptoms and respiratory illnesses brought on by cold winter weather also disproportionately affect slum-dwellers living in cramped quarters.

➤ [IRIN, Afghanistan: Little relief for growing number of conflict IDPs, 14/10/2010](#)

Over 100,000 people have been forced out of their homes by clashes in different parts of Afghanistan over the past 12 months but by no means all of them have received aid, according to aid agencies and affected people.

[...] Internal displacement in Afghanistan is a "highly politicized and controversial" issue, according to a May 2010 report by the Brookings Institution and The Liaison Office (TLO), a Kabul-based NGO.

"The problem is twofold: first no organization has a clear mandate to assist IDPs, and second, IDPs are often labelled economic migrants," Susanne Schmeidl, a TLO researcher and author of the report, told IRIN.

The Afghan government has ultimate responsibility for assisting and protecting IDPs. The UN Guiding Principles on Internal Displacement say (Principle 25): "The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities," but they are not legally binding.

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Backed by aid agencies, the government categorizes IDPs into three groups: 1) conflict-induced IDPs, 2) disaster-induced IDPs, and 3) protracted IDPs. It treats conflict-related displacement as a temporary issue.

“Our policy is to make sure IDPs return to their original homes when security improves,” said MoRR spokesman Islamudin Joraat.

[...] Many IDPs in Kandahar, Kabul and Helmand provinces said they had been abandoned by the government and aid agencies.

Criminality rate in Kabul

The Afghanistan NGO Safety Office, a non-profit humanitarian activity providing services, free of charge, to the NGO community in Afghanistan, produces bi-weekly reports on, amongst others, the crime situation in Kabul. Due to formatting incompatibilities the reports could not be copied into this commentary – the reports can be viewed directly and printed out here: http://www.afgnso.org/index_files/Page447.htm.

- [Foreign and Commonwealth Office, Afghanistan Travel advice, updated 01/06/2011 \(still current 20/06/2011\)](#)
[...] Other areas have seen steady improvements in security, but are still prone to terrorist attacks and a high crime rate, including Kabul City.

Accessibility and freedom of movement in Kabul

- [Foreign and Commonwealth Office, Afghanistan Travel advice, updated 01/06/2011 \(still current 20/06/2011\)](#)
[...] Kabul:
We advise against all travel to the Surobi, Paghman, Musayhi, Khak-e Jabbar and Chahar Asyab Districts of Kabul province.
We advise against all but essential travel to Kabul.
[...] Safety and Security - Local Travel - In Kabul
We advise against all travel to the Surobi, Paghman, Musayhi, Khak-e Jabbar and Chahar Asyab Districts of Kabul province. We advise against all but essential travel to Kabul City itself and the remaining districts in the province.
There are regular, indiscriminate rocket and bomb attacks in the city and targeted attacks against ISAF patrols and establishments. Reports continue to indicate that further attacks are likely against Western targets in central Kabul, and particularly along the Jalalabad Road, the Airport Road, the Wardak road and in the vicinity of Kabul airport. Hotels and other guest-houses where foreigners stay continue to be likely targets. There are specific threats against the major Ministry and Government buildings. There have been indirect fire attacks against Kabul International Airport and further attacks cannot be ruled out.

Situation of returnees (incl. economic & social situation, risk of kidnapping/extortion/bribery, risk of secondary displacement, risk of land disputes)

- [Afghanistan Research and Evaluation Unit, Local Governance in Afghanistan, June 2011](#)
[...] 4.1 Security context
[...] Several forms of armed anti-government activity were observed in the course of the research. In the northern provinces there were criminal bands, initially small in number, involved in robbery and extortion. As a result of inaction by the government and ISAF, they were able to rapidly grow to take over substantial parts of districts. As they did so, they developed links of convenience with the Taliban and operated to their bidding, for which they were rewarded. Although they use the language of Islam, these groups are more economic in nature. By contrast, the Taliban and the armed wing of HIA are driven more by religion and politics.
- [Amnesty International, Annual Report 2011: Afghanistan, 13/05/2011](#)
[...] Justice and security forces
[...] However, Afghan police faced widespread allegations of involvement in illegal activities including smuggling, kidnapping, and extortion at checkpoints.
- [Internal Displacement Monitoring Centre \(Norwegian Refugee Council\), AFGHANISTAN: Armed conflict forces increasing numbers of Afghans to flee their homes - A profile of the internal displacement situation, 11/04/2011](#)
[...] Causes of displacement
Land and resources

A legal review of Afghans laws finalized in 2010 did not find that prevention from displacement was addressed in the Afghan legal system. But several of the rights safe guarded in the Constitution are relevant, including Articles 38 and 40 which affirm the inviolability of private homes and property, and the Civil Codes' protection of extrajudicial confiscation or acquisition of property (BPID/NRC, November 2010: 24-25). In practice however, the weak rule of law does not prevent displacement happen due to the infringement of these laws. Local and inter-ethnic disputes over natural resources, particularly land, are common across most of Afghanistan. The phenomenon is most clearly seen in the central highlands, where clashes between Kuchis and Hazaras militias have caused significant displacements since 2007. It is also evident in the east and south-east and north, where returning IDPs and refugees claim access to the property they were forced to abandon. A report by the Afghanistan Independent Human Rights Commission (AIHRC) published in 2007 found that 67 per cent of refugee returnees were unable to return to their places of origin due to lack of land, or left after finding that their land had been taken (AIHRC, 2007). Another study published in the same year found that returnees' claims make up a large proportion of all disputes over the private ownership of rural land (BI, November 2007). Some 40 per cent of IDPs interviewed by the AIHRC linked their displacement to land issues (AIHRC, May 2006: 2, 8), and in 2009 UNOCHA reported an increase in internal displacement as a result of conflict over land and resources (OCHA, 2 February 2009).

[...] Conflict induced displacement since 2009

According to OCHA, of those displaced between January 2003 and September 2009, some 60 per cent were refugee returnees in secondary displacement and 40 per cent were "battleaffected" (OCHA, September 2009: 13).

[...] Displacement to urban areas

[...] Judging by a recent study, refugee returnees living in the main cities are generally not IDPs. Eighty per cent of refugee returnees come from an urban background and chose cities as their preferred destination upon return. Ninety-two per cent of refugee returnees who live in Kabul, Jalalabad, Herat and Mazar did not change residence after having returned to Afghanistan (NRC/ALTAI, 2010: 9). Of those who did leave their initial place of residency, 49 per cent did so in search of employment and only 21 per cent as a result of conflict and insecurity, the latter making up only 1.6 per cent of the total number of urban returnees (Ibid: 18). Most researchers assume that IDPs and refugee returnees have comparable needs and coping strategies (see e.g. UNHCR, November 2008), but in contrast to the returnees, IDPs displaced to urban areas are mainly of rural origin.

[...] Physical security

[...] In 2010, the UN Mine Action Centre for Afghanistan (UNMACA) found that most landmine victims were returnees or IDPs.

[...] Food and water

[...] Food insecurity is also a challenge for urban returnees. Mazar-e-Sharif has the worst levels of food security, according to NRC/ALTAI Consulting, followed by Jalalabad, Kabul and Herat (NRC/ALTAI, 2010: 29). The most common coping strategy was either to reduce food quality and quantity or purchase food on credit (Ibid). The Afghanistan Research and Evaluation Unit (AREU)'s 2006 research into IDPs and other vulnerable households found that households spent an average of 45 to 60 per cent of their income on food, outgoings that peaked during the winter months (AREU, 2006: 42).

[...] Medical care and sanitation

[...] The Health cluster estimated in December 2010 that 1,000 000 people (including IDPs, returnees and people in informal settlements) had no access to essential health services due to compounded vulnerabilities; remoteness, insecurity, harsh climate and chronic poverty (OCHA, December 2010: 3).

[...] Health risks for IDPs are related to poverty and access to food and water

[...] WHO said in February 2011, that onethird of the Afghans about three million Afghans who have little or no access to essential health services are IDPs and returnees (OCHA, December 2010).

[...] Health hazards are endemic in the areas where refugee returnees and IDPs have settled in Kabul and included lack of potable water, open sewage and the accumulation of solid waste (KM/USAID-OFDA, January 2010: 7).

[...] Urban returnees surveyed by NRC/ALTAI (2010: 2X) rated difficult access to health services as their fifth most important problem.

[...] Most IDPs in urban areas own or rent substandard shelter comparable to other poor Groups

[...] In a NRC survey of informal settlements in Kabul, 43 per cent of the respondents were IDPs or migrants, 36 per cent were refugee returnees and 11 per cent local residents (NRC 2010: 17). NRC's survey suggests that housing conditions in the surveyed areas are similar for returnee, IDPs and economic migrants. The population influx to urban areas has created a housing crisis, and the right of poor people to adequate housing and security of tenure is largely unmet in all larger cities (GoA - NRVA, 2009: 24). High rents and frequent evictions have forced IDPs and refugee returnees into cramped conditions (ACF January 2004, p. 23). A 2005 study in Herat, Kabul, Jalalabad and Mazar-i-Sharif found that on average, five people shared one room (AREU 2006: 31). [...]

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- [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)
[...] Local governments provided access to land for basic accommodation, while international organizations and the Afghan Red Crescent Society provided shelter, food, and other life-saving aid. However, the UNHCR reported that access to land and rights for returnees and IDPs was hampered by a weak judiciary. Some IDPs in protracted displacement established self-sufficient settlements in the Herat, Kandahar, Helmand, and Jalalabad areas.
[...] The government's capacity to absorb returned refugees remained low. The economic difficulties and security concerns discouraged numerous refugees from returning to the country, although returnees doubled compared with the previous year. Many refugees needed humanitarian assistance upon arrival. According to the AIHRC and the UNHCR, single women among refugee returnees and deportees were referred to a safe house until their families guaranteed their safety. The UNHCR referred 25 women to safe houses. Common types of extreme vulnerability, as defined by the UNHCR, included minors unaccompanied by adult family members, drug addiction, mental illness, and severe physical illness. Returnees who came back due to flooding in Pakistan were also vulnerable. [...]
- [U.S. Department of Defense, Report on Progress Toward Security and Stability in Afghanistan, April 2011](#)
[...] 4.1 The Insurgency
[...] The insurgency continues to generate sufficient funds to meet its requirements. Insurgents raise funds primarily through taxes, extortion, smuggling, drug trafficking, and foreign donations. Lower-level commanders tax and extort money from local populations, keeping most of the money for local operations. A substantial external funding system of foreign \$donations supports the insurgency's senior leadership. Any reported shortages are likely a result of local distribution challenges and seasonal shortages, rather than a reflection of significant disruption in revenue generating efforts.
- [United Nations Assistance Mission in Afghanistan \(UNAMA\) / Afghanistan Independent Human Rights Commission \(AIHRC\), Afghanistan: Annual Report on Protection of Civilians in Armed Conflict 2010, 09/03/2011](#)
[...] 4. Abductions
Abduction remains a key tactic of the AGEs strategy of intimidation. The AIHRC and UNAMA Human Rights documented 251 incidents where at least 559 civilians were abducted. Both organizations note that abduction is underreported due to fear of jeopardizing the hostages' safety, of any potential negotiations for their release and of fear of retaliation if released. In the complexity of the conflict with many different armed groups, it is difficult to differentiate one group from another when documenting cases of abduction. Criminal gangs abducted civilians often for ransom and in some cases these civilians were handed over to the Taliban or other networks for use as negotiating chips in the conflict. Many civilians abducted were later released following negotiations with elders. However, some civilians who were abducted were later executed. In some cases, notes were left with the bodies detailing why the person had been killed. In most circumstances, civilians killed had been accused of spying for international military forces. [...]
- [UN, The situation in Afghanistan and its implications for international peace and security, 09/03/2011](#)
[...] V. Humanitarian assistance
[...] 63. A total of 5.5 million refugees have returned to Afghanistan over the last nine years, over 20 per cent of the entire population. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that a significant number of all returnees (potentially 40 per cent) are still in need of reintegration support and that many (potentially 28 per cent) are in dire need of humanitarian assistance. [...]
- [UNHCR, Afghanistan Protection Cluster: Protection Overview \(Southern Region 2010\), 08/02/2011](#)
[...] 1. Basic Right to Security and Freedom of Movement:
[...] These have proven to be extremely effective in spreading fear in exerting control over civilian populations and undermining support for the Afghan government and its international military allies. UNAMA HR noted that figures of abductions are often under reported for obvious reasons. Abductions are predominant in the SR. AGE check points remain rampant across the Region and are used for extortion and as tools of intimidation and harassment. These have a direct impact on the freedom of movement and impact on a range of rights including livelihoods and access to basic services such as health facilities. It is pertinent to note that International Military (IM) Forces check points in Marja and Nad Ali during Operation *Moshtarak* hindered the movement of civilians including the injured in need of medical assistance. Night letters are another intimidation tactic and warn entire communities to not send daughters to school, not let sons join the ANSF and to stop civilians from working with the Government etc.

➤ [Human Rights Watch, World Report 2011, 24/01/2011](#)

[...] Impunity

[...] Kidnapping for ransom is common, with an estimated 450 Afghans abducted annually according to the Afghanistan NGO Security Office. Insurgent groups also use kidnapping to demand prisoner releases. [...]

➤ [Refugees International, Afghanistan: In a time of conflict, 01/12/2010](#)

[...] UNHCR now recognizes that its returnee assistance, at under \$100 per person, barely covers transportation costs and that the government's Land Allocation Scheme for returnees has largely failed due to limited water, markets or jobs. Additional UNHCR aid is limited to the most vulnerable families, with disabled, widowed or elderly members. Emergency winterization packages provide meager supplies, including an empty gas canister and one pair of socks for extremely vulnerable adults. IDPs, whether failed returnees, or displaced by conflict or natural disaster often have little choice but to join the ranks of the urban poor, where they drop off UNHCR's caseload. [...]

➤ [Institute for War and Peace Reporting \(UK\), Kidnapping on Rise in Afghan North, 26/11/2010](#)

[...] Like many businessmen in northern Afghanistan, Mohammad Daud wants to keep his success a closely-guarded secret. "The worst thing anyone can call you is rich," he said, explaining that this would amount to an open invitation to kidnappers in the current climate. "I have sent all my children out of the country, but I'm obliged to stay behind because of my business in Mazar-e Sharif," he said. "If things continue like this, however, then I'll be going as well." Kidnappings and robberies targeting the relatively well-off are increasingly common in parts of the north, including Balkh province of which Mazar-e Sharif is the main town. Observers warn that such assaults on business leaders are damaging the local economy. Mohammad Zarif, who owns a pharmacy in Maimana, a town in the northwestern Faryab province, described how he narrowly escaped abduction on October 18. Driving home from work that evening, he noticed that he was being followed and called the police. When he arrived at his home and got out of the car, masked men attempted to seize him, but police were already waiting and the attackers fled. Shopkeeper Mohammad Karim, an eyewitness to the failed kidnapping attempt, described the scene. "I was shutting up my shop when I heard a shot from a Kalashnikov about 20 metres away, and saw men getting out of a four-wheel drive vehicle, firing guns," he said. "They ran away, but one of them was unable to get away so he threw his pistol to the police and called out that he was surrendering." Zarif said he himself escaped a similar kidnapping attempt six months previously. "Since then I've become very worried, because these people can do anything; they have very powerful gangs," he said. Other recent cases involved Balkh businessman Haji Gul Ahmad Zargar, kidnapped in September and freed by police after a search lasting several days, and oil trader Ismail Jamshidi, abducted in Balkh province and freed on payment of a 400,000 US dollar ransom. One of Jamshidi's employees, Mohammed Gul Logari, complained that "we found that the police were unable to do anything to secure his safe release, so we had no choice but to pay the kidnappers the ransom. Otherwise Mr Ismail would have been killed." Afghan police accept that there has been an increase in kidnappings for ransom. Salehuddin Sultan, head of Balkh province's crime department, says that in the first seven months of 2010, there were 60 recorded cases of kidnap and robber in his area, up from 42 last year. This year's figure represented about seven per cent of total recorded crimes. "Criminals we have apprehended state in their confessions that their crimes were a consequence of increasing poverty and unemployment," Sultan said. He predicted that assaults on businessmen would create a vicious circle where "factories and businesses close, [more] people turn to crime to earn a living, and the incidence of crime thus continues to grow, so that next year we see more offences". One alleged kidnapper who appeared at a press conference following his arrest in Faryab province said he acted out of desperation. "I was totally frustrated, so I decided I would either get some money to feed my children, or die trying. I didn't commit this crime because I wanted to," he said. Businessmen are naturally concerned for their security. "As an Afghan businessman, I say here and now that I do not feel safe, nor is my family safe, nor is the capital that I've invested here safe," said one man in Mazar-e Sharif he walked to his office, surrounded by armed bodyguards. In a climate where it was close to "suicidal" to remain, he said, bodyguards were a necessity as the security forces would not protect him or his family. Economists say prosperity in the north depends on security, so the risks to business activity are already being felt. "Falling levels of business have a direct impact on consumers, who are under pressure as supply declines and demand rises, affecting prices," economic expert Abdul Satar Naimi said. Traders like Mohammad Ibrahim, a shopkeeper in Mazar-e Sharif, say they have already been hit by price rises. Just six months ago, he said, wholesale prices were reasonable and it was easy to get goods on credit. Now, however, "goods are less available on the wholesale market, and businessmen are selling at higher prices and won't give goods on credit. When we buy at high prices, we have no choice but to sell at high prices, too," he said. According to Mohammed Hassan Ansari, head of industry and exports at the Balkh Chamber of Commerce, "Kidnapping has had an immensely negative impact on trade... trade is falling with every day that passes." Ansari said that despite numerous approaches made to the security agencies, successful businessmen now felt that they had no choice but to hire private guards, even though this was not always enough to protect them. "One prominent businessman was abducted even

though he had armed bodyguards," he said. "A branch of Kabul Bank was looted despite having six armed guards, and the culprits are still at large. Bodyguards are not the right way out of this." General Daud Daud, who commands Afghanistan's Northern Police Zone, appeared to downplay the gravity of kidnapping. "Even in the most advanced countries, there are criminal gangs that commit crimes," he said, adding that measures were being put in place to counter the problem. "Police will shortly be giving the public 24-hour phone numbers, so that people can contact the police about such cases, crimes are prevented, and people feel safe." Habibullah Habib, an defence and security affairs expert, said that in the north of Afghanistan, gangs directed by local militia commanders were well armed and felt able to act with impunity. The solution, he said, was uncompromising action to serve as a deterrent against criminals. "When a criminal is arrested, he should be shown in the media and subject to tough punishment," Habib said. "That way, the number of crimes will fall. "Unfortunately, however, because criminals are in close contact with certain high-ranking officials in government, they are sent to prison through one gate, and leave through another."

➤ [Watchlist on children, Setting the right priorities: Protecting children affected by armed conflict in Afghanistan, June 2010](#)

[...] Most registered Afghan refugees do not want to return to their home country due to the deteriorating security situation, the limited absorption capacity of communities in Afghanistan and the lack of socio-economic opportunities. Without land, jobs, access to basic services and with ongoing security risks, returnees are at a high risk of renewed displacement within Afghanistan or forced re-migration to neighboring countries.⁷⁸ UNHCR alluded to the specific protection concerns of returnee children, including child labor, smuggling and human trafficking, and early or forced marriage.⁷⁹ Moreover, about half of all refugees grew up in another country and 80 percent have lived there for more than two decades, making it difficult for them to reintegrate upon their return to Afghanistan.⁸⁰ [...]

➤ [UNICEF, Children on the move, February 2010](#)

[...] Allegations of recruitment of children by armed groups, including those associated with the Taliban, have been received from all regions, particularly from the south, south-east and east. Recruitment is also reported to be prevalent in areas with high concentrations of returnees or IDPs, particularly in the south and south-eastern provinces.

➤ [UN Office on Drugs and Crime, Corruption in Afghanistan: Bribery as reported by the victims, January 2010](#)

[...] Profile of victims

Although bribery in Afghanistan occurs in all geographical areas and affects all sociodemographic classes, some differences exist in terms of the probability of having to pay a bribe among population groups. The prevalence of bribe paying is significantly higher for men than for women: 53% and 39% respectively in urban areas. This may be due to gender roles that assign to men greater responsibility for dealing with public administration. Nevertheless, the percentage of women who had to pay bribes is significant and shows that female household members often take care of administrative procedures as well. In particular, women have to pay bribes more frequently than men to officials in the health and education sectors (for example, doctors, nurses and teachers). Different social strata of the population have different levels of exposure to solicitations of bribes. Looking at levels of income and education, the groups at the lowest and highest ends of the spectrum report the highest prevalence of bribery (figure 5). In fact, the two population groups that are most different in terms of personal and economic resources register similar levels of experience with bribery.

➤ [Afghanistan Independent Human Rights Commission, Report on the situation of economic and social rights in Afghanistan – IV, November/December 2009](#)

[...] Adequate standard of living

[...] Vulnerable people, such as Kuchis, IDPs, and returnees face more difficulties in accessing clean water.

[...] Refugees, Returnees and IDPs

Refugees, returnees, and IDPs face many problems inside and outside Afghanistan, directly restricting their access to economic and social rights.

[...] Growing insecurity, homelessness, disputes over property, and lack of livelihood options are the factors obstructing the return of refugees and the reintegration of returnees and IDPs. Insecurity in many parts of the country have made return to places of origin almost impossible. Several regime changes in the course of the Afghan conflict have given rise to several ownership claims on one single land plot. Many commanders have illegally expropriated lands and distributed them among their soldiers and relatives. Family size increased almost three times during forced migration and their return to their places of origin is obstructed, for their existing lands or houses are too small to accommodate them all. Additionally, many people who fled Afghanistan lacked property and are reluctant to return to their places of origin because there are no livelihood options. Inadequate economic opportunities have made return to one's place of origin

either impossible or undesirable. Most people who are unable to return to their places of origin migrate to other cities due to lack of livelihood options and homelessness and therefore join the category of the urban poor

[...] Returnees

Many returnees who were able to socially reintegrate returned to Afghanistan in the first few years after the fall of Taliban regime. They were either trained or had acquired sufficient capital outside Afghanistan to ensure successful living after returning. The recently returned people, however, face more problems, given their miserable economic condition.³⁰ The continuous inflow of refugees has added to inadequate servicing of people in the country since Afghanistan is unable to provide adequate livelihood options for its existing population. According to the MoRR, Afghanistan lacks capacity to assist more returnees.³¹ Primitive and insufficient basic services and infrastructure exist only in urban centres and rarely in rural areas and homeless refugees are a concern, for they join the queue of the urban poor. To address this issue, the government of Afghanistan designed a land allocation scheme, which has itself become a problem due to its shortcomings and inadequate infrastructure. The Afghan government lacks capacity to help returnees and assistance offered by UNHCR is limited only to registered returnees who form a small category of all Afghans who are in migration or return or are deported. The HRFM data indicates that only 48.1% of returnees have been assisted during repatriation and 48.6% have repatriated on their own³² or have been deported, in which case no specific assistance (except little transportation allowance) has been rendered to them. The HRFM findings show that of all interviewees, 41% were returnees, with 25.8% repatriating from Pakistan, 11.4% from Iran, and the rest from other countries. The stay period in host countries of returnees varies: 34% stayed in host countries for 11 to 20 years, 30% for four to ten years, 13.8% for one to three years, and 21.2% for over 20 years³³. These findings indicate that it is very difficult for returnees to socially reintegrate in the Afghan community, taking into account the existing context and the fact that they lived outside Afghanistan for many years.

[...] A significant number of returnees do not go to their places of origin for various reasons. According to HRFM data, 33.5%, 27.5%, and 26.4% of returnees cited lack of employment opportunities, housing difficulties, and insecurity as the reasons why they do not return to their places of origin. As indicated above, over half of returnees spent over 11 years outside the country³⁴, and this long, out-of-the-country stay and acclimatisation to an urban lifestyle have made returnees unwilling to return to their rural homelands and have caused difficulties in returnees' social reintegration.

➤ [International Crisis Group, Afghanistan: What now for refugees?, 31/08/2009](#)

[...] B. Challenges to development

Rural areas

[...] Landlessness also remains a major obstacle to return. According to the Norwegian Refugee Council's (NRC) Ingrid Macdonald, "Of the two million refugees remaining in Pakistan, almost 90 per cent claim to have no land or property in Afghanistan; along with insecurity, this will be one of the greatest challenges facing their return and reintegration".³⁹ It is also one of the main reasons for returnees' internal displacement

[...] Urban areas

[...] The perceived impact of refugee return on reconstruction and development nevertheless remains controversial. Typically, the longer and farther away their exile, the more they are regarded with distrust by fellow Afghans. Afghans returning from Europe or North America are often accused of being motivated by the high salaries paid by international organisations rather than a longer term commitment to the country's future. "They've left their families in the West, they invest in the West and keep a hand on their foreign passport they have in their pocket. They're not very different from the other foreigners who are here They are strangers in their own country".⁶⁴ Some Afghans who remained in the region throughout the civil war even argue that those returning from the West should have no role in the country's reconstruction since they did not suffer or help defend their country. On the contrary, by now questioning local commanders' authority and legitimacy, they are further fracturing a population already divided along factional and ethnic lines.⁶⁵ Others question the contribution of refugees returning from neighbouring countries to Afghanistan's democratisation: "In Iran, they've been influenced by state ideology. In Pakistan, they've been educated in madrasas. They're actually very conservative", said an Afghan journalist.⁶⁶ Nevertheless, Afghans who returned in the early years after the Taliban's removal from power often had the qualifications, resources and social networks to reintegrate and participate in economic and political development. As Iran and Pakistan toughen their stance on refugees, however, and returns become largely motivated by push factors, many Afghans repatriating today "do not have all the cards in hand".⁶⁷ As they settle in Kabul or in provincial capitals in search of work, they tap already scarce resources, aggravating the problems faced by the urban poor and hindering management of urban areas. With 63 per cent of refugees returning from Pakistan illiterate and 67 per cent of them claiming to have no skills,⁶⁸ the return of Afghans from neighbouring countries has increased competition over the few low-skilled jobs the Afghan economy has produced in recent years. Returnees have also often been the first victims of the rise in unemployment. Herat, for instance, owes its bustling economic activity to its border location. Returnee investment in transport, communications and property has

been significant, and refugees returning from Iran, labour migrants and IDPs from Afghanistan's western provinces have enhanced the town's multicultural character. These population influxes have also led to the spread of slums and informal settlements in the city's outskirts and criminality among the displaced and unemployed, including drug abuse among male deportees from Iran in particular.⁶⁹ In Uruzgan, where coalition forces are battling the Taliban, young displaced, unemployed men are particularly vulnerable to recruitment by militants,⁷⁰ who are increasingly able to exploit the administration's shortcomings to widen their support base.⁷¹ Faced with a fast-growing, poor and marginalised population, the government is finding it difficult to provide basic services. For example, Kabul's electricity supply, water resources, sanitation and waste collection services, designed over three decades ago, were intended for a population that did not exceed a million; they cannot meet the needs of the informal settlements that today constitute more than 50 per cent of the city,⁷² inhabited mostly by returnees and IDPs.⁷³ The municipality plans to integrate these areas into its new master plan for "greater" Kabul,⁷⁴ but this may take time. UN-Habitat, in collaboration with implementing partners and the municipality, has helped upgrade a number of informal settlements. While the MoRR's land allocation schemes were also intended to provide for the needs of landless returnees while curtailing the capital's uncontrolled expansion,⁷⁵ these LAS, located at a fair distance from the city, have yet to attract Kabul's most vulnerable households. According to a humanitarian aid worker, "With rapid urbanisation, these areas will be part of the city in the next ten to fifteen years. But these people just can't wait that long".⁷⁶ [...]

➤ [Afghanistan Research and Evaluation Unit, Searching For My Homeland: Dilemmas Between Borders; Experiences of young Afghans returning „Home“ from Pakistan and Iran, July 2009](#)

[...] Part 7: From Mohajer to Hamwatan

[...] Undoubtedly, basic material needs for survival must be secured first, but the returnee's situation is considerably affected by the degree of social acceptance of returnees exhibited by those Afghans who remained and by Afghan society more generally. Furthermore, if the process is to lead to long-term settlement, there must be an adequate sense of personal fulfilment through which returnees feel at ease and that they fit in. A balance of these three interlinked dimensions (with none significantly lacking) is crucial for successful reintegration in the long term.

[...] Lack of employment is a critical concern among many respondents. Creation of work opportunities for Afghans, especially for less skilled and economically vulnerable groups, is an urgent priority for the government and concerned agencies. However, according to returnee respondents, the acquired skills from Pakistan and Iran do not always work beneficially in Afghanistan and, instead, are dependent on market needs, timing, location,¹¹⁸ possibility of acquiring materials or equipment, availability of initial investment funds, and connections.

[...] Social rejection by fellow Afghans who had remained during the years of conflict was another difficult experience for some second-generation returnees. This was because the motivation to return to Afghanistan was in many cases related to negative experiences being "outsiders" among the majority populations of Pakistanis and Iranians. There are two major reasons why second-generation refugees experience this social exclusion on return to their homeland: firstly, some returnees may be seen as "intruders" into Afghan society and, secondly, it may be the first time that, as Afghans, they have experienced profound differences among their compatriots based on ethnic or tribal identity.

[...] Around a quarter of returnee respondents, mostly from Iran but some from Pakistan, spoke of their experiences (or recounted those of their family or friends) of being socially ostracised by fellow Afghans on the basis of having returned from other countries. The respondents who spoke of these incidents were primarily single, educated and female. Returnee women are relatively easily identified by what they wear, and their appearance and behaviour can be at odds with local cultural expectations and social codes. These returnees are clearly "outsiders" and make easy targets for harassment by their peers—both male and female. In particular, where second-generation refugees have been highly integrated into the Pakistani or Iranian way of life, and cannot do, or do not know, what is "normal" for Afghans, they may be perceived with contempt as "spoiled," "loafers" or "not Afghan." By and large, there appears to be a general negative attitude shown towards some returnees, who are seen by some of those who remained in Afghanistan to have abandoned their country, fled war and enjoyed a prosperous life in exile. One of the reasons linked to such experiences was fear related to competition for resources. The second generation, who are likely to be in a better socioeconomic position than those who remained, are sometimes seen as undesirable intruders by their country fellows whose "territory" in education, work, property ownership and social status is threatened by the large-scale return of refugees. In addition, there seems to exist some stereotypical perceptions toward girls and women who came back to Afghanistan and were exposed to other worlds as tending to be "freer" in the eyes of some "remainees". This is linked to the general perceptions of Afghans towards Pakistani and Iranian women. In the eyes of second-generation Afghan refugees, Pakistani and Iranian women were often seen as more "free". This includes both in a negative sense (e.g. shame related to less moral behaviour) and positive sense (e.g. more access to education and work). These young returnees who grew up in the Pakistani and Iranian sphere were seen in a similar way by those who remained.[...] The status of "returnee" is only one of the discouraging experiences faced by refugees returning to Afghanistan. For second-generation refugees,

encountering discrimination based on various sectarian lines (ethnic, religious and political) is felt even more intensely than by first-generation refugees or Afghans who had prior experience in Afghanistan and were more aware of this reality. While growing up in Pakistan and Iran, some respondents encountered ethnic discrimination among Afghans by their Afghan teachers at schools; some heard those stories from elders explaining the cause of the war; some others were not fully aware of the diversity of the Afghan people.¹²³ While many of them would have inherited certain perceptions of these issues from their parents and relatives, the more dominant feeling of “difference” was—as refugees—the sense of having an inferior status compared to the citizens of that country. As refugees born or brought up in Pakistan and Iran, the Afghan national identity tended to overshadow ethnic, religious or political affiliations.¹²⁴ For returned second-generation Afghan refugees looking for employment, especially those unfamiliar with the local environment, their lack of networks in their new environment is a formidable obstacle. Some familiarity with the job situation in the new context is critical, even when returnees have had the experience of self-employment or acquiring skills during exile. To be successfully self-employed, some kind of guarantee, connections with a partner, capital or a combination of these is needed, particularly for economically vulnerable groups with fewer connections. Notably, respondents who were relatively wealthy and had strong extended family networks did not mention serious concerns about employment. Similarly, a sense of marginalisation caused by bribery and *wasita* (relations to powerful people) associated with accessing education and work opportunities was often raised as an issue by respondents in this study. Corruption in the context of school exams, university entrance exams and scholarships was reported by educated respondents; they said that only those who had power and money could access more favourable opportunities. Given that many refugees found it difficult to secure satisfactory work during their time in Pakistan or Iran, this apparently—and unexpectedly—unequal situation in their homeland often left them feeling despondent. Some respondents, often males, said that they experienced social acceptance and a welcoming attitude at a relatively early stage of reintegration among the receiving population—whether or not they themselves felt that they fitted in.¹²⁵ Some key factors for this more immediate acceptance were: pre-existing social relationships, strong ties that had been maintained with relatives during exile, and markers of status. If a returnee was a socially respectable person in the community (e.g. in a position of influence, religiously devout, or able to bring benefit to others), he or she was less likely to face harassment. This kind of influence depended on who occupied that shared space, who the returnee was (e.g. not being an obvious target for harassment or physically not fitting in to the local context), and who comprised the population that had remained (such as those who are compassionate, patient and understanding towards newcomers or see some benefit to be gleaned from the returnee).

[...] Regardless of the social status of returnees, crucial external support has often been provided simply through the generous understanding of others because in some cases, if not most, the receiving population have also experienced displacement of some duration. The positive influence of those in positions of some authority over the receiving communities adds to this, particularly in limited social spaces (such as within a school or village). For example, if teachers introduce returnee students positively to their classmates (“This student is from Pakistan, don’t fight or make arguments”), give equal punishment for misbehaviour and show acceptance of diversity, respondents are more likely to feel, and be, accepted. As the data from this study shows, some returnees may be excluded and disappointed due to their obviously different appearance, but they may still end up successfully reintegrating—the result of external encouragement, self-resilience, the passage of time and identification with *watan*. On the other hand, lack of opportunity to find one’s own place in Afghanistan, isolation (from family, society, school, workplace, etc.) and associated depressions—combined with other material issues—tend to cause the social exclusion of some returnees, and to escalate remembering the positive aspects of Pakistan and Iran as a better option. For example, a story of a 17-year-old married teacher and her brother highlights the comparative outcomes of returnees’ reintegration. Both did not want to leave Iran and upon return to their native village in Hazarajat, they could not eat the local food or communicate with the villagers, and wanted to go back to Iran. While her maternal uncle encouraged them to teach at an informal school, they didn’t want to do this because of her difficulties understanding the local dialect. With repeated encouragement from a liberal relative, even in the face of initial community resistance against a female teacher, she gradually became involved in community activities and stopped thinking about Iran while her brother could not make himself participate. She gradually found herself useful in relation to others, but her educated brother left for Iran. While this female respondent had adapted herself through gradually interacting with villagers and developing attachment to *watan*, her brother had become more isolated—could not adapt himself in these circumstances, no one understood him, and he had no friend except the one who encouraged him to leave for Iran through smugglers. The difference that divided these siblings, who both had the same quality education in Iran, was the degree of each one’s social and personal reintegration within their contexts. The brother remained in isolation, even from family ties, and sought a safe place with a new friend who took him out of Afghanistan by illegal means. In contrast to his sister, who overcame her initial hesitation to teach at an informal school, the brother continued to not interact with others, and his abilities were not utilised; instead, he became de-motivated. Although personality and individual resilience are important in this comparison between sister and brother, the isolation and failure of social and personal adjustment are also critical

points to note. These could be potentially mitigated through external relationships and support, including the opportunity to participate among others and share internal struggles and experiences.

The IOM produced the following country information sheet as part of its project 'Enhanced and Integrated Approach regarding Information on Return and Reintegration in the Countries of Origin': [IOM, Returning to Afghanistan, 13/11/2009](#) – this document focuses on the availability of health care, housing, education, the economic situation and employment, as well as provides information on the banking system and business set-up opportunities, customs, transport, telecommunications and postal services, radio and television and energy.

Evidence provided by country expert, Dr Antonio Giustozzi, referred to in the CG case *PM and Others* and in several previous UKBA COIS reports on Afghanistan, most recently the 24 September 2008 report at paragraph 30.06, suggests that returnees might come to the adverse attention of the Afghan authorities and the wider community and information might be revealed or assumed about their background:

➤ [PM and Others \(Kabul, Hizb-i-Islami\) Afghanistan CG \[2007\] UKAIT 00089 \(12 November 2007\)](#)

[...] Findings and Conclusions

[...] 124. In approaching the question of risk today we obviously bear in mind all the general background material but that is exactly what it is, general. Dr Giustozzi's evidence is specific to the appellants and draws on a wide variety of sources. He indicated in his reports that he has in the past declined to write reports for appellants whose accounts do not fit in with his understanding of events in Afghanistan. He is therefore more than just a "hired gun". He has demonstrated his independence.

[...] 132. These three appellants, all of whom have been out of Afghanistan for a considerable length of time, will be returned to Kabul (as we understand to be the case with returnees generally). We acknowledge that questions of internal flight, or internal re-location only arise if an appellant has established that he is at real risk of serious harm in his home area. For the purposes of this determination we start by considering whether they would be at real risk of serious harm in Kabul and, bearing in the mind that none of them come from Kabul City, whether it would be unduly harsh to expect them to stay there.

[...] We find that the background evidence does not establish that any of these appellants would be at a real risk of serious harm, although clearly there is a possibility that they would come to harm. In order to assess the individuals' situations we need to consider the specific expert evidence that has been put forward. We need to interpret the evidence by Dr Giustozzi and decide whether his conclusions are, as Mr Kovats argues, speculative or not. Mr Jacobs argued that his evidence was not speculative because he is quoted in the COI reports. We do not accept that was a sound submission. As Mr Kovats said, the quoted material is not endorsed or confirmed by the compilers of the report.

133. [...] We also find, as Dr Giustozzi accepted, that those returning from the United Kingdom, and who have been away for a considerable time, would not be suspected of being insurgents when they arrive back in Afghanistan. There was no evidence from him that suggests they would be at risk at the airport, or immediately on arrival in Kabul. It may be different for someone who has only recently left Afghanistan, and who may be suspected of knowing what is currently going on. There is no question that any of these three appellants would have any idea. There have been a number of major political developments since they left and the passage of time alone would indicate that they would not know what is happening now.

134. The risk, according to Dr Giustozzi, would arise after a period following their return. He argues that it is in the nature of Afghanistan society that relationships are based on trust and that for the appellants to obtain work or accommodation they would need to reveal something about themselves to their prospective employer or landlord. He said that would give rise to checks being made into their background. He said that is easier now, with the advent of mobile phones and other communications, and that their pasts would become apparent. It would not thereafter take long for the people and therefore the authorities to hear about them. Not only would the authorities hear about them, through their sources, but it could be assumed that after a relatively short number of weeks or months they would have re-established themselves and become part of informal networks of family and friends. Dr Giustozzi said that the security forces may well then think that they are worth interrogating, because of knowledge they may pick up from those family or friends.

➤ [UKBA, Country of Origin Information Report: Afghanistan, 29/08/2008](#)

[...] Internal Flight or Relocation

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[...] 30.06 “It is not difficult to track people down in Afghanistan, although it might take time. Neighbours and landlords will check people’s backgrounds, because everyone thinks in terms of security, and so they would want to check a newcomer’s background in their home area. Further, messages are sent across the country via chains of communications based on personal contacts, and it would be natural to investigate where someone was from in order to see what role they could play in such a network. The postal service is unreliable and only delivers to the district centres, not to the villages, so that travellers are often used to deliver messages and goods to relatives and friends.”

(Dr Antonio Giustozzi, Afghanistan Notes, 28 June 2006) [37]

Additional sources of information on the situation and treatment of IDPs in Afghanistan

The above list of excerpts provide a snapshot of the situation at the time of writing this commentary. For the most current information on the situation and treatment of IDPs in Afghanistan the following sources should also be consulted:

- [Internal Displacement Monitoring Centre \(IDMC\) Afghanistan country page](#): The IDMC is an international body, which monitors conflict-induced internal displacement worldwide. Its country pages include statistics, analysis, latest news items and key external reports on the situation and treatment of IDPs and returnees
- [ReliefWeb Afghanistan country page](#) provides maps, news and reports from different agencies, including organisations (local, national and international) and various government departments
- [UN Office for the Coordination of Humanitarian Affairs \(OCHA\) Afghanistan country page](#) includes useful thematic and reference maps and monthly humanitarian update reports
- [UNHCR Afghanistan country page](#) provides news, statistics, analysis, maps, and evaluation reports
- The UN reports of the [UN Secretary-General to the Security Council on ‘The situation in Afghanistan and its implications for international peace and security’](#) always contain a section entitled “V. Humanitarian Assistance”
- For latest news items on the humanitarian situation in Afghanistan the following sources should be consulted:
 - [UN News Centre Focus Afghanistan](#)
 - [IRIN Afghanistan humanitarian news and analysis](#)
 - [AlertNet Afghanistan humanitarian news and analysis](#)
 - [International Committee of the Red Cross \(ICRC\) Afghanistan humanitarian news](#)

3. Main categories of claims

3.6 General security situation

Excerpt from March 2011 Afghanistan OGN

3.6.9 Caselaw

GS (Article 15(c): indiscriminate violence) Afghanistan CG [2009] UKAIT 00044 There is not in Afghanistan such a high level of indiscriminate violence that substantial grounds exist for believing that a civilian would, solely by being present there, face a real risk which threatens the civilian's life or person, such as to entitle that person to the grant of humanitarian protection, pursuant to article 15(c) of the Qualification Directive.

3.6.10 Conclusion. Claims based on the general security situation in Afghanistan must be considered with reference to the Interim Asylum Instruction on Humanitarian Protection: Indiscriminate Violence. Case owners should also refer to the Gender Asylum Policy Instruction where appropriate.

3.6.11 There is indiscriminate violence in some parts of Afghanistan but it is not currently at such a level, in Afghanistan generally or a material part of it, that substantial grounds exist for believing that any civilian would, solely by being present there, face a real risk of serious harm.

3.6.12 To establish a claim under Article 15c of the Qualification Directive it will therefore be necessary for a claimant to establish that particular factors place him or her at additional risk above that which applies to the civilian population generally, such that he or she is at real risk of serious harm from the levels of indiscriminate violence that do exist, and that internal relocation to a place where there is not a real risk of serious harm is not reasonable.

3.6.13 It has not yet been established in caselaw what if any characteristics may place an individual in such an enhanced risk category in Afghanistan, so each case must be considered on its individual merits. In doing so, caseowners must consider carefully whether the existence of such factors mean that the harm they fear is not in fact indiscriminate, but targeted, if not at them personally, at a Refugee Convention defined population to which they belong, in which case a grant of asylum is likely to be more appropriate.

It is considered that the conclusion presented in the second highlighted paragraph 3.6.11 is not fully consistent with the COI presented in the *Treatment* section of this main category of claim, particularly the following paragraph of the OGN:

3.6.2 Treatment During the first nine months of 2010 the security situation deteriorated in many parts of Afghanistan. Precise figures vary between organisations but all agree that the human cost escalated. Between 01 January and 30 June 2010, UNAMA recorded a 69% increase in security incidents compared to the same period in 2009. This resulted in a 31% increase in civilian casualties to a total of 3,268, including 1,271 deaths and 1,997 injuries. Women and children made up a greater proportion of those killed than in 2009. Anti-government elements were, according to the UN, responsible for the deaths and injuries of 76 per cent of the total number of civilian casualties for this period. Suicide and IED attacks caused the most civilian casualties attributed to anti-government elements, including 557 deaths and 1,137 injuries.¹¹

It is further considered that the above highlighted conclusion is not consistent with the position taken by UNHCR in their December 2010 Guidelines on this issue, which despite this source being heavily relied upon elsewhere in the OGN, is not included in this section of the OGN. It is considered that the following excerpt should form part of the analysis for this main type of claim in the OGN:

- [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 1712/2010, section III, B, 3. Conflict Induced Displacement and Voluntary Returns, I. Introduction](#)

THIS DOCUMENT SHOULD BE USED AS A TOOL FOR IDENTIFYING RELEVANT COUNTRY OF ORIGIN INFORMATION. IT SHOULD NOT BE SUBMITTED AS EVIDENCE TO THE UK BORDER AGENCY, THE TRIBUNAL OR OTHER DECISION MAKERS IN ASYLUM APPLICATIONS OR APPEALS.

[...] In light of the worsening security environment in certain parts of the country and the increasing number of civilian casualties UNHCR considers that the situation can be characterized as one of generalized violence in Helmand, Kandahar, Kunar, and parts of Ghazni and Khost provinces. Therefore, Afghan asylum-seekers formerly residing in these areas may be in need of international protection under broader international protection criteria, including complementary forms of protection. [...]

The currently available COI continues to document a deteriorating security situation throughout Afghanistan:

➤ [United Nations, Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security, 16/03/2011](#)

[...] 3. [...] At the end of 2010, suicide attacks remained at an average of 2.8 per week compared to the weekly average of 2.6 through 2009. [...]

34. UNAMA documented 7,120 conflict-related civilian casualties (2,777 deaths and 4,343 injuries) in 2010, an increase of 19 per cent compared to 2009. Anti-Government elements were linked to 5,446 civilian casualties (76 per cent of the total number), while military operations by pro-Government forces resulted in 840 civilian casualties (12 per cent of the total number). The remaining 12 per cent could not be attributed. The overall rise in civilian casualties in 2010 can be attributed to the increased use of improvised explosive devices, targeted assassinations by anti-Government elements and intensified military operations, in particular in the southern provinces. Although the number of international military forces increased in 2010, civilian casualties linked to these forces decreased by 21 per cent compared to 2009.

35. The majority of civilian casualties occurred in the south and south-east regions. Improvised explosive devices planted alongside busy roads and suicide attacks by anti-Government elements in civilian areas accounted for the largest number of civilian deaths and injuries. Suicide attacks targeting convoys, buildings and personnel of pro-Government forces also resulted in civilian casualties. Anti-Government elements also used suicide attacks targeting civilian locations, such as the Kabul supermarket attack on 28 January (see para. 7 above). Pro-Government forces used air strikes and night raids to target anti-Government elements, sometimes resulting in civilian casualties and property damage. ISAF and Government authorities continued to consider compensation claims and launched joint investigations into most incidents of civilian casualties. [...]

➤ [The Afghanistan NGO Safety Office, ANSO Quarterly Data Report Q. 4 2010, January 2011](#)

[...] Consistent with the five year trend (above) attacks by armed opposition groups continue to rise. This year they were 64% higher than 2009, the highest inter-annual growth rate we have recorded (see inset graph above). If averaged, the total of 12,244 armed opposition operations (mostly small arms ambushes, below right) represents roughly 33 attacks per day, every single day of the year. In September this rate jumped to more than 50 attacks per day, or 1,541 operations as they ramped up their efforts to disrupt parliamentary elections that month. The year followed a familiar pattern with Jan/Feb starting slow, as AOG remobilize from the winter retreat, followed by seven solid months of expansion and a rapid de-escalation back to December. The final month closing out at 47% higher than December 2009. Although provincial level data (p.12) shows that each province performed differently, taking the national data as a whole we consider this **indisputable evidence that conditions are deteriorating**. If losses are taken in one area they are simply compensated for in another as has been the dynamic since the conflict started. [...]

➤ [Agence France-Presse, Over 10,000 died in Afghan violence in 2010, 02/01/2011](#)

[...] More than 10,000 people, about a fifth of them civilians, lost their lives in violence in Afghanistan last year, an AFP count based on official figures and an independent website tally showed Sunday.

Afghanistan's interior ministry spokesman Zemarai Bashary revealed new figures for the number of civilians, police and militants killed in 2010 -- a total of 8,560 people.

In addition, the Afghan defence ministry said that 810 Afghan soldiers died in 2010, while independent website <http://icasualties.org> puts the total death toll for international troops last year at 711.

That brings the overall number of dead from the war last year to 10,081, according to an AFP calculation. [...]

Furthermore given that COI included in the OGN documents that the security situation in certain parts of Afghanistan has severely deteriorated in the last 18 months and that this intensification and spread of the armed conflict in the country took a heavy toll on the civilian population in the second part of 2009 and in 2010, the country guidance in *GS (Article 15(c): indiscriminate violence) Afghanistan CG [2009] UKAIT 00044* has most likely become obsolete.

The OGN also fails to highlight the importance of an up to date consideration of COI in relation to the levels of generalised violence for each profile of claimant. This is despite the fact that such a consideration is stated in the UKBA Interim Asylum Instruction on Humanitarian Protection: Indiscriminate Violence³, which as paragraph 3.6.10 highlighted above states, must be referred to for this category of claim. Individualised research is required in order to make an assessment as to the level of indiscriminate violence in a particular area of Afghanistan. See pages 2-4 of this review for COI on the current security situation in Kabul.

Additional useful sources to consult on the security situation in specific locations in Afghanistan include:

- [United Nations Assistance Mission in Afghanistan](#): Includes Security Council Resolutions; Reports of the Secretary-General to the Security Council; Briefings of the Special Representative of the Secretary-General to the Security Council; bi-annual UNAMA Reports on the Protection of Civilians; Reports of the Special Representative of the Secretary-General for Children in Armed Conflict; Documents related to Harmful Traditional Practices and the Elimination of Violence against Women (EVAW) Law
- [Brookings Institution Afghanistan Index](#): The Afghanistan Index is a statistical compilation of economic, public opinion and security data. This resource will provide updated and historical information on various data, including crime, infrastructure, casualties, unemployment, Afghan security forces and coalition troop strength.
- [Afghanistan Analysis Network](#): The Afghanistan Analysts Network (AAN) is a non-profit, independent policy research organisation which provides thematic reports, policy briefings and discussion papers, and news by province.
- [Human Security Report Project](#): The Human Security Report Project (HSRP) is an independent research centre affiliated with Simon Fraser University's School for International Studies in Vancouver, Canada. Pairing the latest news with related research, the Monitors provides daily briefings on emerging issues and immediate access to the best available data and analysis on conflict-related issues in Afghanistan
- [Afghanistan Rights Monitor](#): Afghanistan Rights Monitor (ARM) is an independent and impartial Afghan rights watchdog which monitors, investigates and reports human rights violations and other rights-related issues and events from across Afghanistan.
- [The Afghanistan NGO Safety Office \(ANSO\)](#): The ANSO bi-weekly report provides narrative analysis, NGO incident rates and a useful AOG/ACG Tracker for each of Afghanistan's 34 Provinces. The reports appear online each two weeks on the 2nd and 17th of each month and are available back to April 2008
- For latest news items on the security situation in Afghanistan the following sources are recommended:
 - [Radio Free Europe/Radio Liberty: Afghanistan pages](#) Radio Free Europe/Radio Liberty reports the news in 21 countries where a free press is banned by the government or not fully established. The search function allows you to search by keyword within set time periods.
 - [Pajhwok Afghan News](#): Pajhwok Afghan News is Afghanistan's largest independent news agency. You can subscribe to Pajhwok News Wire to receive email news updates. There is no advanced search function.
 - [Institute for War and Peace Reporting, Afghanistan pages](#): The Institute for War and Peace Reporting is an international news agency.

When addressing the question of 'serious harm' and internal armed conflict, it might be useful to include evidence that expressly addresses the legacy of the internal armed conflict in Afghanistan in terms of 'serious

³ [UKBA, Interim Asylum Instruction on Humanitarian Protection: Indiscriminate Violence, September 2010](#) Section F

THIS DOCUMENT SHOULD BE USED AS A TOOL FOR IDENTIFYING RELEVANT COUNTRY OF ORIGIN INFORMATION. IT SHOULD NOT BE SUBMITTED AS EVIDENCE TO THE UK BORDER AGENCY, THE TRIBUNAL OR OTHER DECISION MAKERS IN ASYLUM APPLICATIONS OR APPEALS.

mental traumas', which might include the mental health/PTSD legacy. The following COI address the impact that the conflict is having on people's well-being:

- [Internal Displacement Monitoring Centre \(Norwegian Refugee Council\), Afghanistan: Armed conflict forces increasing numbers of Afghans to flee their homes, 11/04/2011](#)
[...] PROTECTION OF SPECIAL CATEGORIES OF IDPS (AGE, GENDER, DIVERSITY)
[...] GENDER – MEN AND WOMEN
[...] Amnesty International has stated that forcibly displaced women are seriously affected by the trauma of displacement. They are also at greater risk during displacement of being subjected to sexual violence, including rape, and cope with these practices without effective external assistance (see also ICG, 12 July 2010).
[...] DISABILITY
Disability and displacement are intimately linked, as in the case of people hit by shrapnel, who lost limbs after stepping on landmines or who suffer emotional trauma after witnessing massacres. [...]
- [Medecins Sans Frontieres \(MSF\), MSF in Afghanistan – one year on, 25/11/2010](#)
[...] Boost Hospital, Lashkargah, Helmand province
[...] An upgraded emergency room, staffed by a permanent doctor and nurse, now offers a 24-hour stabilisation point for an increasing number of violent trauma and war-wounded patients, who are then referred to other departments for more specialised care. Since the emergency room opened in May 2010, around 20,000 patients – 10% of whom are considered critical cases - have received treatment. In October alone, 4251 cases were seen. [...]
- [United Nations Office on Drugs and Crime, Drug Use in Afghanistan: 2009 Survey, 21/06/2011](#)
[...] Easy access to cheap drugs, and limited access to drug treatment, combined with three decades of war-related trauma have resulted in problem drug-use among almost one million Afghans, roughly 8% of the population between 15 and 64 years old. At twice the global average, this high percentage is debilitating, not only for those affected, but also for their families, communities, and the country as a whole. [...]
- [The Open Society Institute and The Liaison Office, Strangers at the Door: Night Raids by International Forces Lose Hearts and Minds of Afghans, 23/02/2010](#)
[...] Executive Summary
[...] Research conducted by the Open Society Institute (OSI) and the Afghan nongovernmental organization, The Liaison Office (TLO), shows that these raids are widely associated with abuse and impunity. Night raids cause tremendous trauma within Afghan communities, often alienating the very people whom international forces are supposedly trying to protect. During night raids, international and Afghan soldiers force entry into local homes and search the premises after dark, often detaining many, if not all, of the men present.
[...] While conducting night searches may provide an element of surprise and an advantage to pro-government forces, it terrorizes local communities and increases the risk of indiscriminate harm to civilians in the area during these raids. Death, injury, property damage, and emotional stress commonly accompanying night raids erode public confidence and limit progress to protect the population. [...]
- [UNAMA, Afghanistan: Annual report on protection of civilians in armed conflict 2009, January 2010](#)
[...] Women and children, and those who are vulnerable, face particular disadvantages in the context of the problems associated with the armed conflict. Violence and related insecurity greatly affects their ability to access essential services, such as education and health care. Women and children are also victims of air strikes, house-raids, suicide and IED attacks. These attacks often lead to deep psychological scars and trauma; the prevailing situation inhibits access to, or creation of, productive and helpful coping mechanisms.
[...] AGEs have also perpetrated IED and suicide attacks in residential areas. As noted in a recent report by a consortium of NGOs,⁴ the indiscriminate use of IEDs, particularly in residential areas, caused civilians to experience feelings of trauma. The same study found that "there was a clear link between fear and anxiety, and insecurity associated with the current conflict." These effects can be long lasting, creating a climate of fear and often result in reduced mobility and restricted access to basic services by the population. [...]
- [Oxfam International, The Cost of War: Afghan experiences of conflict, 1978-2009, November 2009](#)
[...] Trauma

The psychological impact of conflict is extremely difficult to measure, particularly during such a prolonged period. Nevertheless, the subject was frequently raised by individuals in the course of interviews or group discussions. Individuals often described memory loss, fear and anxiety or expressed concern about the psychological impact on children.

"Because of the years of war, lots of civilians were killed and their houses were destroyed so people were living in fear. And they had no hope for peace." – Female, Parwan

"Children have suffered a lot, and they were mentally impacted because they had witnessed killings and torture. Sometimes they were hungry for days and had to walk long distances during displacement." – Female, Bamiyan

"What do you think the effect that two million Afghans martyred, 70% of Afghanistan destroyed and our economy eliminated has had on us? Half our people are mad. A man who is thirty or forty years old looks like he is seventy years old. We always live in fear. We are not secure anywhere in Afghanistan, whether in Kabul or Jalalabad." – Male, Nangarhar

There was a clear link between fear and anxiety, and insecurity associated with the current conflict. Many individuals, even in areas that are considered to be relatively secure, indicated that the continuing conflict impeded their ability to heal psychologically or forced them to relive painful experiences. One example of this is airstrikes. Some individuals felt the current airstrikes brought up "bad memories" of the pervasive and indiscriminate bombardments by Soviet forces during the communist period.

"The bombings of civilians by Russians are just the same as the bombings of civilians by the Americans happening now." – Male, Herat

The unpredictable nature of suicide bombs and other improvised explosive devices, and the fact that they are a relatively new feature of the war, also added to anxiety about the current conflict. "In urban areas, they live in fear of suicide attacks and remote controlled bombs." – Male, Kandahar

"People living in rural areas as well as urban areas have both suffered. Women and children faced a lot of anxiety over things like abduction, suicide attacks and the remote control bombs that were recently laid in bazaar." – Female, Kandahar [...]

➤ [*IRIN, Middle aged and mentally ill in Kabul, 18/10/2009*](#)

[...] It is unclear how many Afghans suffer from severe types of mental and psychiatric disorder but surveys conducted by NGOs, such as Care International and Physicians for Human Rights, have shown a high prevalence of post-traumatic stress disorder (PTSD), manic depression and anxiety among Afghans. "Recent surveys conducted by national and international organizations indicate that 66 percent of [all] Afghans are suffering from stress disorders and mental problems," the Ministry of Public Health (MoPH) said in a statement on 11 October.

[...] "War and physical violence has caused general damage to the mental health of many Afghans," said Musadiq Nadimee, a psychiatrist at Kabul's Mental Health Hospital (MHH). However, the causes of mental illness are not confined to acts of war, experts say. Domestic violence, extreme poverty and lack of access to treatment and rehabilitation services are some of the drivers of mental illnesses. According to a report entitled Violence, suffering, and mental health in Afghanistan: a school-based survey by the UK medical journal The Lancet: "In Afghanistan, there is a spectrum of violence - ranging from armed insurgency to family conflict - which generates sudden pain and persistent suffering. Our data suggest that, in Afghan children's lives, everyday violence matters just as much as militarized violence in the recollection of traumatic experiences. "Some children identified severe domestic beatings, a severe accident, or a frightening medical treatment as more traumatic than having witnessed parents and grandparents being killed in rocket attacks," the report said. Lack of access to food and water was reported as a common trauma event experienced by over 56 percent of the non-disabled persons interviewed for a [study](#) in the Journal of the American Medical Association in 2004. Lack of shelter was reported as a main trauma event for about 70 percent of the disabled respondents of the same survey.

[...] While mental disorders appear to be rife, there is only one psychiatric hospital serving a population of 27-28 million. About 80-100 patients are attending the 60-bed MHH in Kabul. Health workers in the MHH, who requested anonymity, told IRIN about some of the problems. "We receive only the equivalent of US\$100 monthly for medicines for over 2,500 patients [four US cents per patient]," said a specialist at the hospital. "Patients and their carers often stand in queues in front of the only toilet in the hospital," said another psychiatrist. "The main problem is that people suffering from psychosis and mental illness cannot air their problems so it's like a 'nothing heard nothing happens' situation." [...]

➤ [*Handicap International, Voices from the ground - Landmine and explosive remnants of war survivors speak out on victim assistance, 30/09/2009*](#)

[...] Estimated number of mine/ERW survivors: 52,000-60,000.11

VA/disability coordinating body/focal point: The Ministry of Labor, Social Affairs, Martyrs and Disabled (MoLSAMD) is the lead ministry through its deputy minister and the Disability Stakeholder Coordination Group. Several other coordination mechanisms exist.

VA/disability plan: The Afghanistan National Disability Action Plan 2008-2011 (ANDAP), developed under the Mine Ban Treaty framework, became the de facto work plan for the entire disability sector.

VA/disability profile: Access to services for the entire population of Afghanistan is hampered by a severe lack of services, poor to non-existent infrastructure, ongoing conflict and poverty. Between 2005 and 2009, Afghanistan made progress in VA/disability issues, but the general state of the country meant overall service quantity and quality remained low and significant international funds were needed for improvement. Most services are urban-based, and most are run with the support of international organizations. Movement restrictions because of conflict, a lack of roads and the cost of transport are further obstacles. Access to services for women was even more problematic due to cultural barriers. Throughout 2005-2009, a lack of awareness and professionalism, poverty, ethnic and political divisions and prejudice against disability were also obstacles. While geographic coverage of healthcare expanded, only basic assistance was available in rural areas and emergency care was dependent on the location of an incident. Physical rehabilitation coverage was insufficient throughout 2005-2009 and services were (almost) entirely operated by international NGOs and the ICRC. Psychosocial support was almost non-existent, as were peer support groups. Some self-help groups existed through the community-based rehabilitation (CBR) network. However, the network needed to expand its geographical coverage. CBR also needed strengthening and improved coordination, which started to happen in 2008. Economic reintegration projects were limited and carried out mostly by NGOs, while ministries paid some disability pensions and ran some vocational training. Increased attention started to be paid to inclusive education, but still most persons with disabilities did not have access to schools or vocational training. Disability legislation had been developed but not approved as of August 2009. Ministries have shown more ownership and integrated disability more in their policies over the years. National NGOs and DPOs also became increasingly active, and were included more often in VA/disability planning. However, DPO and ministry capacity remained weak.¹²

VA progress on the ground

Respondent profile

By July 2009, 196 survivors aged between 15 and 70 responded to a questionnaire about VA/disability progress in Afghanistan since 2005: 178 men, 11 women, four boys and three girls. Half of the respondents were between 18 and 35. Most (70%) were heads of households (no women) and 38% owned property. In total, 45% of respondents had not received any formal education (71% of women) and 11% of respondents had completed secondary education or higher. Some 43% of people lived in villages with limited services; 7% in remote areas without services; 24% in the capital Kabul; and 22% in large cities with a variety of services.¹³ For 22% of respondents, their household income was sufficient; 9% of respondents were unemployed before the incident and another 2% were beggars. This increased to 20% (and another 2% beggars) after the incident and the vast majority of people changed jobs. For women, the percentage of unemployed decreased from 29% to 7%. In reality, figures are thought to be higher. The respondent profile corresponds with casualty information indicating that the vast majority of casualties are young males (mostly boys) with low education levels, usually injured by ERW during their daily activities. A significant number of people were also injured while traveling. Several respondents, who had incidents in remote areas, moved to less remote areas to obtain services.

General findings

Overall, survivors noted improvements in all areas of VA/disability service provision, but mostly in medical care and much less so in psychosocial support and economic reintegration. Some 36% of respondents thought that they received more services in 2009 than in 2005 and 38% thought that services were now better. Practitioners' responses often mirrored survivor responses. The areas where opinions converged the least were physical rehabilitation and economic reintegration, where practitioners were more positive than survivors. It should be noted that, while some progress was seen, services in Afghanistan are still among the least developed in the world, hampered by conflict and a lack of infrastructure. Some 39% of people thought that women received services "equal" to those available to men; 22% thought they were "a bit worse"; 16% said "absent" and 10% said "better". Women reacted more negatively: 21% said services were equal; 29% said services were absent and all the others said services were worse. This confirms reports throughout 2005-2009 that women systematically received fewer services due to cultural barriers and a lack of skilled female professionals. Some 44% of respondents said that services for children were "never" or "almost never" adapted to their age, a finding that should be accurate, as most respondents were young when they experienced their incident. Most survivors (69%) had not been surveyed by NGOs or the government in the last five years and 16% had been surveyed three or more times. Of those surveyed (57 people), 53% felt more listened to; 44% said it had resulted in more information about services; and 32% found that they had received more services as a result. Some 28% of respondents had been able to explain their needs to the government in the last five years

and 26% had participated in workshops about VA. Most practitioners felt survivors did not receive more services as a result of survey activity (86%). These results sound rather negative, but are not, because of the sheer number of survivors to be reached (up to 60,000) in Afghanistan. Considering the terrain and security circumstances in Afghanistan, data collection has been relatively good and a significant number of people would have had their incident data collected. Additionally, since 2006 Afghanistan has exerted considerable effort to include DPOs and survivors in VA/disability workshops and planning.

Emergency and continuing medical care

More than half of survivors (54%) found that, overall, healthcare had improved since 2005 and 30% believed it had remained unchanged. One-third of respondents thought that survivors “sometimes” received the medical care they needed; the second largest group (18%) said this was “never” the case. Most advances were seen in the fact that there were more centers (65%) and better facilities (64%). Respondents saw less progress in the availability of emergency transport and follow-ups (40%); affordability and capacity to carry out complex procedures (41%) and the availability of equipment and supplies (42%). Least progress was seen in increased government support (36%). Practitioners were in complete agreement with survivors, with 55% reporting progress. They saw the least progress in the availability of supplies/equipment (27%); and no one saw progress in emergency transport or the capacity to carry out complex procedures. The areas where practitioners saw progress were also those where they thought that the government had increased its efforts. The survivor and practitioner responses confirm the government’s efforts to increase the geographic coverage of basic health services, which has gone up from 9% coverage in 2002 to 77% in 2006 to 85% in 2008. Many of these services are still run in cooperation with or by NGOs. The number of disability services in this Basic Package of Health Services was also increased. In 2008-2009, an increasing number of people did not have access to healthcare due to conflict (600,000 in 2009 and 360,000 in 2008).¹⁴ Complex procedures are only available in major cities, and mostly only at one NGO-run hospital in Kabul, which is struggling to find funding.¹⁵ The cost of continued medical care and transport, as well as of medication and accommodation, is often prohibitive. In 2008, the government also reported that it would take five to 10 years to train enough medical staff, many of whom might not want to work in rural areas. Emergency transport and first response remained problematic and could still take up to three days. Many hospitals suffer from shortages of supplies, water and electricity.¹⁶

Physical rehabilitation

Some 44% of respondents believed that, overall, physical rehabilitation services had improved since 2005 and 35% said they remained the same. However, the largest group of respondents (28%) thought that survivors “never” received the physical rehabilitation they needed, closely followed by people saying the needed services were “always” received (26%). Interestingly, in villages and remote areas the responses were 50-50, but most negative responses were received from the capital. This is probably due to the overconcentration of persons with disabilities living in the capital. The largest percentages of survivors saw progress in the quality of mobility devices (52%), the availability of free repairs and better-trained staff (51% each). Least progress was seen in the availability of mobile workshops (20% saw progress), an increased number of centers (29%) or services closer to home (35%). Only 18% of respondents thought that the government increased its support for physical rehabilitation. Among practitioners a markedly higher percentage (64%) saw progress, but their insider perspective might have led them to witness more advances first-hand. Practitioners saw the most progress in the availability of more types of devices and of free repairs, better quality services and better infrastructure. The least progress was noted in the number of centers. Practitioners found that the government had increased its efforts most in staff training, but in many areas, such as number of centers and more types of and better devices, they noted the government “did nothing.”The responses confirm the situation in Afghanistan, where all but one physical rehabilitation center are run by NGOs or international organizations (mainly the ICRC), and it has been reported that the government was reluctant to take on more responsibility.¹⁷NGOs also carried out most of the community-based and mobile services, as well as covering transport, treatment and accommodation costs, and providing training for staff. Service providers have reported throughout 2005-2009 that there were only centers in 10 provinces and physical therapy services in 19. In 2005, Afghanistan reported that rehabilitation centers were needed in at least 30 of 34 provinces.¹⁸ The Ministry of Public Health (MoPH) acknowledged in 2009 that service provision in the 15 uncovered provinces remained problematic.¹⁹ Two main international rehabilitation providers noted in 2009 that no end dates were envisioned for their support, because the government or local organizations were not in a position to take over services.²⁰ While access to services improved from 1% in 2004 to some 40% in 2006, operators still noted that the rehabilitation needs of survivors were seldom met. In late 2007 and in 2008, progress was made on capacity building, awareness raising and the regulation of the sector through the integration of physiotherapy in health packages, staff training, and the development of guidelines and training curricula in close cooperation with the government. These measures would have contributed to the practitioners’ sense of improvement but might have been too recent for survivors to see.

Psychological support and social reintegration

Just over 42% of respondents found that, overall, psychological support and social reintegration services had remained the same since 2005, while 29% saw progress. By far the largest group of respondents (36%) said that survivors “never” received the psychosocial assistance they needed and an additional 11% said the needed services were “almost never” received. Survivors saw most advances in feeling more empowered (49%) and in their own involvement in community activities (50%). Some 35% thought that survivors were considered to be “charity cases” less often. But 30% or fewer saw improvement in the creation of peer support groups, the number of social workers, awareness about the importance of psychosocial services, opportunities to get services and assistance closer to home. Just 10% thought that the government provided more support to psychosocial services. Practitioners agreed with survivors: 45% said psychosocial support remained the same and 30% or less saw progress in specific areas, such as staff training, reduced stigma or more services. Most progress was noted in the involvement of survivors in psychosocial services (45%). Although conflict-related trauma is common in Afghanistan, psychosocial services remained limited, as was the awareness of their importance. Since 2008, just one DPO has provided peer support and systematic counseling to new survivors in Kabul. The CBR network provided some unsystematic services. Other one-off projects or peer support on the work floor in organizations where significant numbers of persons with disabilities work also existed. Services were uncoordinated and largely confined to Kabul. There is no formal training for social workers. However, the government has started to acknowledge the problem by including it more in its basic health package and some training has been started. A mental health unit was started at the MoPH in 2008 and the ministry also started to raise awareness, but due to a lack of actual service implementation, survivors would not have benefited from these recent changes.²¹

Economic reintegration

Nearly half of survivors (45%) felt that, overall, economic reintegration opportunities had remained the same since 2005 and 26% saw improvement. But the largest group of respondents (30%) said that survivors “never” received the economic reintegration they needed. Some 77% said that unemployment was so high that survivors were the last to be chosen for a job. This is a lower percentage than other countries, maybe because quite a few respondents were employed in the VA/disability sector. Most progress was seen on decreased educational and professional discrimination (44%) and increased pensions (42%). In the employment sphere, progress was low: only 21% said it was easier to get a bank loan; and 22% thought that employment quotas were better enforced. Just 17% thought that the government increased its support for economic reintegration. Some 55% of practitioners found that economic reintegration opportunities had improved. Areas of most progress for practitioners were: availability of vocational training (64% compared to 37% of survivors) and of teacher awareness (55% compared to 27% of survivors). Areas of least progress according to practitioners were: job placement and vocational training meeting market demand. Overall, practitioners thought that the government had maintained its efforts. The government acknowledged that economic reintegration of mine/ERW survivors and persons with disabilities remained a challenge and that high general unemployment and stigma severely limited economic opportunities.²² More than 70% of persons with disabilities were unemployed and 73% did not have access to education. Government vocational training programs existed but were of variable quality due to capacity gaps and because of the lack of employment opportunities afterwards. Most projects were carried out by NGOs, but were not able to reach sufficient numbers of survivors. Women were particularly hard to target as they were often not allowed to study or work. In 2008, employment of persons with disabilities even decreased slightly compared to previous years.²³ During the period under review, pensions did indeed double, as noted by survivors, but the amount was still insufficient and many survivors were not registered.²⁴

Laws and public policy

Almost 47% of survivors thought that, overall, the protection of their rights had remained the same since 2005 and 31% saw an improvement. Some 29% said that the rights of survivors were “never” respected; another 10% said this was “almost never” the case and 28% said rights were “sometimes” protected. Most improvement was seen in the decreased use of negative terms about persons with disabilities (53%) and in decreased discrimination (49%). Fewer people thought that legislation relevant to survivors had been developed (38%) or that legislation was increasingly enforced (34%). Some 76% did not think that the rights of survivors were a government priority. Some 55% of practitioners saw improvements in the rights of survivors, but they remarked that the improvements were in the development (64%) not the implementation of legislation (9%). Survivor responses partly confirm the situation in Afghanistan where disability legislation has been developed but not approved as of August 2009. Developing legislation was a slow process, due to institutional problems: inactive government disability coordination (2002-2005), weak coordination (2005-2007), because of ministerial rearrangements as well as an ineffectual UNDP supporting program (the National Programme for Action on Disability, NPAD) in 2005-March 2008. Another obstacle was that, initially, DPOs and civil society were not involved. The situation was the same for the disability policy developed in 2003, which was said to have been poorly understood and, therefore, not implemented.²⁵ Afghanistan also has not signed the UNCRPD, while NGOs and DPOs saw the UNCRPD as an opportunity to put pressure on the government to support

the disability sector. They also noted that the rights of persons with disabilities were generally not ensured due to the lack of a legislative framework. A disability terminology guide was developed and circulated. It was noted that the disability movement was in its "infancy" and that DPOs still did not have enough capacity to effectively lobby for the rights of survivors.²⁶ When asked to respond preliminary survey findings, one government representative said that changes have been made but that survivors do not care about policy developments as long as no real steps on the ground follow. A UN representative agreed with this and added that rural Afghanistan had seen little change in access or additional service provision. All representatives noted that awareness had been raised,²⁷ disability had become more of a priority, and coordination mechanisms had been established at ministries. Several representatives noted that this should further improve services in the future as disability/VA was a long-term issue in a country with many other challenges.

➤ [BBC News, Coping with a traumatised nation, 20/01/2009](#)

[...] According to studies cited by the Afghan health ministry an astonishing 66% of Afghans suffer mental health problems. And yet this hospital is the only facility in the country dedicated to mental disorders - and there are just 40 beds. The resident psychiatrist, Musadiq Nadimee, has a weary look as he paces up and down the building's corridors. "This hospital is just for the complicated cases that are referred to us from across the country," he says with a resigned shrug. One father has admitted his teenage daughter, Hamida, who suffers from schizophrenia. "She's got a lot better," he says, a smile breaking across his face.

[...] But most experts agree that the mental health problems here go far deeper than the illnesses that are commonly found in almost all countries. Afghanistan is a traumatised nation. In 30 years, hundreds of thousands of Afghans have died and most of its people have witnessed horrendous violence at some point in their lives. Many of the mental disorders are connected to these experiences, say health officials. Local journalist Hanif Sherzad says that Afghans continue to be traumatised by their past and the continuing violence. "Many people don't feel safe, they simply don't feel secure," he says. "Even those people that have good physical health and are living in secure places are constantly hearing bad news. It affects them and the vicious cycle continues." The Afghan health ministry readily admits that there simply are not enough facilities or doctors to even begin dealing with the most serious cases. Other health issues - such as infant and maternal mortality - have taken priority. But a senior adviser to the health minister, Dr Abdullah Fahim, worries that if the issue of mental health is not addressed immediately, it will continue to have a slow, corrosive effect on Afghan society. "There's little trust between people," he says. "Sometimes cruel acts committed are seen as part of normal life for Afghans. If this continues then our future will be dark." Because of a lack of understanding, many Afghans suffering mental health problems are believed to be possessed. Some are chained in rooms or even caves until it is believed that the "jinns" - evil spirits - have been exorcised. But others are simply abandoned by their families because they can no longer cope or afford the medication that is required to treat their medical conditions. A small number of mentally ill people are cared for by local charities. [...]

3.7 Fear of forced recruitment into the Taliban or other anti-government groups

Excerpt from March 2011 Afghanistan OGN

3.7.5 *Conclusion* The risk from anti-government groups and forced recruitment into the Taliban will be highest in areas where armed anti-government groups are operating or have control. It is important that case owners refer to the most up to date country information and take into consideration the nature of the threat and how far it would extend, and whether it would be unduly harsh to expect the claimant to relocate. This assessment will need to be based on the facts of the individual case. For claimants who can demonstrate a well-founded fear of persecution for reason of on account of their imputed political opinion and who are unable to acquire protection or relocate internally, a grant of asylum will be appropriate.

The current guidance provided in the OGN (see highlighted sentence above) suggests that the risk from anti-government groups and forced recruitment into the Taliban is highest in areas where they are operating. However, it appears that sources available in the public domain do not necessarily support this statement. The following excerpts highlight the fact that the recruitment and use of children is occurring throughout Afghanistan, that difficulties exist in monitoring and investigating additional cases, and that children are being forcibly recruited or even kidnapped by anti-government groups and the Taliban for their purposes.

➤ [The Guardian, Groomed for suicide: how Taliban recruits children for mass murder, 17/05/2010](#)

The Taliban gave Noor Mohammad a simple choice – either they would cut off his hand for stealing or he could redeem himself and bring glory on his family by becoming a suicide bomber.

Held in Taliban custody in a different village from his parents, after allegedly stealing mobile phones during a wedding party in his village, the 14-year-old boy went for the second option.

He was soon being given basic lessons in how to use a handgun, which he would use to shoot the guards at a nearby US military base in Ghazni, a province in south-east Afghanistan which is considered the most violent in the country.

He was also fitted with a suicide vest that covered his torso with explosives. He was told that when inside the base he should touch two trailing wires together, killing himself and as many US and Afghan soldiers as possible.

Having kitted the soon-to-be martyr out in his jihadi outfit, the insurgents took photos and sent him on his way. Such is one method by which the Taliban recruit a growing number of children used for suicide missions.

A tactic pioneered by al-Qaida but almost unheard of in Afghanistan until 2005, suicide bombing is becoming more popular with insurgents attempting to meet the massively intensified Nato campaign with their own surge of violence.

In one recent case a 12-year-old boy in Barmal district in Pakitika province, which borders Pakistan, killed four civilians and wounded many more when he detonated a vest full of explosives in a bazaar.

[...] Not all bombers are coerced. Some are tricked, like a group of four children who were recently arrested after travelling alone across the border from Pakistan into Afghanistan.

Lutfullah Mashal, the spokesman for the National Directorate of Security (NDS), said his spy agency's informants in Peshawar had raised the alarm that the four were on their way.

The boys had confessed during questioning, telling the security forces they believed only American soldiers would die when they detonated their bombs and that they would escape unscathed.

But, speaking on Tuesday, they claimed they were forced into making a confession after being beaten and threatened with rape by police. Their new account is hard to believe, however, and at times contradictory.

According to Fazal Rahman, a tearful nine-year-old made all the more distressed by the loss of two teeth at the dentist, the idea to travel to Afghanistan came from Maulavi Marouf, the mullah in charge of the Spin Jumad madrasa in the town of Khairabad.

➤ [U.S. Department of State, 2010 Human Rights Report: Afghanistan, 08/04/2011, section 1, g](#)

[...] Officially the government, with international assistance, vetted all recruits into the armed forces and police, rejecting applicants under the age of 18. However, an April report by the UN secretary-general stated that children were recruited and used for military purposes by the ANSF, and especially the ANP.

UNAMA reported that progovernment militias, including the ANSF, recruited underage boys and sometimes sexually abused them in an environment of criminal impunity. Reports verified that some recruitment campaigns took place on

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school compounds. The AIHRC also stated that it received reports of child recruitment by progovernment militias in some provinces.

The UN secretary-general's April report also noted that children were recruited and used for military purposes by several antigovernment and insurgent groups, including the Haqqani network, Hezb-e-Islami Gulbuddin (HIG), the Taliban, the Tora Bora Front, and the Jamat Sunat al-Dawa Salafia.

Anecdotal evidence suggested that insurgent recruitment of underage soldiers was on the rise. There were numerous credible reports that the Taliban and other insurgent forces recruited children younger than age 18, in some cases as suicide bombers and human shields and in other cases to assist with their work. NGOs and UN agencies reported that the Taliban tricked children, promised them money, or forced them to become suicide bombers.

➤ [UN, Report of the Secretary-General on children and armed conflict in Afghanistan, 03/02/2011, section III, para 14, section III, A, para. 15, and section III, D, para. 40](#)

[...] 14. Information collected through the Country Task Force for Monitoring and Reporting during the reporting period demonstrates that grave violations against children have increased. Given the deterioration in security and the resulting access constraints, not all incidents come to the attention of child protection actors, nor can they all be independently investigated. Therefore, available data is likely to underrepresent the actual impact of the conflict on children, and the extent to which grave violations are committed against children. The establishment of six regional task forces throughout the country during the reporting period has increased capacity to monitor, report, and verify incidents.

[...] 15. The recruitment and use of children by parties to the conflict was observed throughout the country during the two-year reporting period. While many cases reported by the media and other sources could not be confirmed owing to access and security considerations, the Country Task Force for Monitoring and Reporting verified 26 out of 47 reported incidents that provide evidence that children were recruited by armed groups as well as by Afghan National Security Forces, including the Afghan National Police.

[...] 17. Reports of the recruitment and use of children by armed opposition groups were further confirmed through interviews with children in custody under national security charges. This confirmed allegations that children had been lured into carrying explosives or trained in conducting suicide attacks by the Taliban against national and international security forces or government officials. Two boys reported that they had been kidnapped from Afghanistan in 2009 and taken to Pakistan, where they reportedly underwent military training. In December 2009, in the western region, a teenager allegedly associated with an armed group led by local warlord Ghulam Yahya, was identified in the Juvenile Rehabilitation Centre. The boy had been arrested in October 2009 and, according to the Prosecutor's office, was in possession of written instructions on how to prepare improvised explosive devices. The teenager was sentenced to four years' imprisonment. At the time of reporting, the boy's case was at the Appeal Court and being followed by UNAMA human rights officers.

[...] 41. Incidents indicate that armed groups abducted children for a variety of reasons, including retaliation, recruitment, ransom, and to pressure an exchange or release of certain individuals detained by the authorities.

➤ [Watchlist on Children and Armed Conflict, Report to the Committee on the Rights of the Child in advance of the examination of Afghanistan's initial report in January 2011, August 2010, Articles 38 & 39](#)

[...] The Taliban, Haqqani network, Hezbi-i-Islami, Jamat Sunat al-Dawa Salafia and other armed groups have recruited children to be used as fighters, camp guards or suicide bombers, particularly along the Afghanistan-Pakistan border. In some cases, children had been trained in foreign countries to undertake suicide missions. In other cases, children have been involuntarily involved in the insurgency as explosives were hidden in their bags or clothing unbeknownst to them. For example, on April 12, 2009, a young boy was killed when a bomb planted in his wheelbarrow exploded 50 feet from a government building in Aybak city, in Samangan. The boy was not aware that he was carrying the explosive device, according to UNAMA.

There are no precise figures on child soldiers in Afghanistan but several reports attest to the severity of the concern. In particular, widespread displacement and the consequent absence of protective community structures have increased the vulnerability of children to recruitment. The March 2009 Secretary-General's report on Children and Armed Conflict noted that forced recruitment of children by armed groups is "prevalent in areas with high concentrations of returnees or internally displaced persons, particularly in the south and southeastern provinces." The surge in international armed forces is feared to trigger a new rise in the recruitment and use of child soldiers by armed opposition groups as part of new large-scale recruitment drives.

➤ [US Department of State, Trafficking in Persons Report 2010: Afghanistan, 14/06/2010](#)

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[...] The United Nations reported that children were associated with the Afghan National Police (ANP) during the year. The government is taking measures to improve the age verification systems of the ANP. Children from ages 12 to 16 years are used as suicide bombers by the Taliban. Some children have been tricked or forced to become suicide bombers. Others are heavily indoctrinated or are not aware that they are carrying explosives that are then set off remotely without their knowledge. Some child soldiers used by insurgent groups were sexually exploited. Boys are sometimes promised enrollment in Islamic schools in Pakistan and Iran, but instead are trafficked to camps for paramilitary training by extremist groups.

4.3 Minors claiming in their own right

Excerpt from March 2011 Afghanistan OGN

4.3.1 Minors claiming in their own right who have not been granted asylum or HP can only be returned where (a) they have family to return to; or (b) there are adequate reception and care arrangements. At the moment we do not have sufficient information to be satisfied that there are adequate reception, support and care arrangements in place for minors with no family in Afghanistan. Those who cannot be returned should, if they do not qualify for asylum or humanitarian protection, be granted Discretionary Leave for a period as set out in the relevant Asylum Instructions.

The following case law, not included in the OGN, regarding unaccompanied minors from Afghanistan should be noted and considered by legal representatives where applicable:

➤ [DS \(Afghanistan\) v Secretary of State for the Home Department \[2011\] EWCA Civ 305 \(22 March 2011\)](#)

Lord Justice Pill

[...] Conclusions

40. Discretionary leave was granted pursuant to chapter 17 of the Secretary of State's policy document but that did not obviate the need to make a finding on entitlement to asylum which, we were told, would entitle an applicant to a longer period of leave to remain. I am not prepared to hold that the grant of discretionary leave is necessarily inconsistent with a prior refusal of asylum. As submitted by Mr Waite, the test to be applied may be a different one.

41. It is established first, that the appellant entered the United Kingdom as an unaccompanied minor aged 15, to be treated in the same way as if he were an orphan, and at risk on return to Afghanistan in the absence of "adequate reception facilities". That is the expression used by the Tribunal in LQ at paragraph 5. In her policy statement on DL the Secretary of State uses the expression "safe and adequate reception arrangements", which is to the same effect. The appellant has family in Afghanistan and, on the Tribunal's findings, he has made no or no sufficient attempts to trace them so that they can receive him on return.

42. I refer to the concessions made on behalf of the Secretary of State mentioned at paragraph 6 of this judgment. On that basis, the appellant is a member of the social group identified by the Tribunal in LQ and is at risk in the absence of adequate reception facilities on a return to Afghanistan. Even if he is not a member of the social group, so that he is not eligible for asylum, the need for humanitarian protection for an unaccompanied minor on return to Afghanistan would need to be considered.

43. The issue is as to what, if any, duties are imposed on the Secretary of State before returning an unaccompanied minor to Afghanistan. Mr Waite did not dispute that the appellant was entitled to a ruling on the asylum issue; discretionary leave would arise only on a finding that there was no entitlement to asylum.

44. I do not accept the submission of Mr Waite that the Secretary of State was entitled to do nothing by way of tracing enquiries. Regulation 6(1) of the 2005 Regulations, following the Directive, imposes a plain duty on the Secretary of State to endeavour to trace the members of the minor's family as soon as possible after the minor makes his claim for asylum. I reject the submission that, because the Regulations deal with the reception of asylum seekers, the duty does not arise and I fail to see how the Secretary of State can ignore her regulation 6 duty when considering the asylum application. The possibility and desirability of a safe return are factors which should be considered from the start, as stated in the policy document.

45. In ZH, Lady Hale, at paragraph 23, cited article 3(1) of the UNCRC, section 11 of the Children Act 2004 and section 55 of the 2009 Act. The need to "safeguard and promote the welfare of children who are in the United Kingdom", specified in section 55, requires a proactive attitude to the possibility of return to a family. That appears to be conceded, and asserted, in chapter 15 of the Secretary of State's policy document entitled "Processing an Asylum Application from a Child", though the care to be exercised in making enquiries is emphasised. Although not issued until after the Tribunal's decision, the guidelines issued by UNHCR on 22 December 2009 and the aide-memoire of August 2010 confirm the need.

46. I readily acknowledge the difficulties which may arise on the making of enquiries and these too are considered in the policy document. In the present case, however, the Secretary of State did nothing at all to assist with tracing family members or to enquire about reception arrangements on return and the court has been invited to uphold that inactivity. It is neither necessary nor appropriate to specify precisely what should have been done; this can be worked out once the

principle is established. What should be done will vary from case to case. Inactivity, combined with the failure to bring to the attention of the Tribunal the instruments cited in this judgment, was not, in my view, a permissible option.

47. The Secretary of State seeks to defeat the claim by reason of the appellant's alleged failure to cooperate with the Red Cross. Tracing work by the ICRC would almost certainly have been assisted by a contribution from the Secretary of State, based on information available to her. The lack of cooperation does not relieve the Secretary of State of her duties. It would be relevant to a decision as to what the Secretary of State was required to do in a particular case and also to the eventual decision as to whether the right to asylum had been established in that case. But the duty cannot be ignored.

48. I would allow the appeal and remit the case to the Tribunal for further consideration, including the hearing of evidence. It would not in my view be appropriate to allow the appeal outright. Written submissions on the basis for remittal are invited. This may be a pyrrhic victory for an appellant who is likely to have reached the age of eighteen before a decision is made but Mr Gill understandably seeks to establish that more is required of the Secretary of State in the circumstances.

➤ [HK & Ors \(minors, indiscriminate violence, forced recruitment by Taliban, contact with family members\) Afghanistan CG \[2010\] UKUT 378 \(IAC\) \(23 November 2010\)](#)

1. *Children are not disproportionately affected by the problems and conflict currently being experienced in Afghanistan. Roadside blasts, air-strikes, crossfire, suicide attacks and other war-related incidents do not impact more upon children than upon adult civilians.*

2. *While forcible recruitment by the Taliban cannot be discounted as a risk, particularly in areas of high militant activity or militant control, evidence is required to show that it is a real risk for the particular child concerned and not a mere possibility.*

3. *Where a child has close relatives in Afghanistan who have assisted him in leaving the country, any assertion that such family members are uncontactable or are unable to meet the child in Kabul and care for him on return, should be supported by credible evidence of efforts to contact those family members and their inability to meet and care for the child in the event of return.*

➤ [LQ \(Age: immutable characteristic\) Afghanistan \[2008\] UKAIT 00005 \(15 March 2007\)](#)

A person's age is an immutable characteristic. Although it changes constantly, one can oneself do nothing to change what it is at any particular time.

[...] 5. The sole remaining question is, therefore, whether the appellant's ill-treatment would amount to persecution for one of the reasons mentioned in Article 1A(2) of the Refugee Convention. The only one proposed is "membership of a particular social group". The Immigration Judge took the view that, insofar as the appellant's claim to risk of persecution for membership of a particular social group depended on his being a child, it could not succeed, because age is not an immutable characteristic. As he wrote at paragraph 26 of his determination,

"If there is anything that is not immutable, it is age. The appellant gets older by the day. He is not immutably a child. Neither is the issue of immutability frozen in time to the moment of decision."

6. We are persuaded by Mr Waite's submissions (to which Mrs Maher offered no very spirited objection) that the Adjudicator erred in this conclusion. We think that for these purposes age is immutable. It is changing all the time, but one cannot do anything to change one's own age at any particular time. At the date when the appellant's status has to be assessed he is a child and although, assuming he survives, he will in due course cease to be a child, he is immutably a child at the time of assessment. (That is not, of course, to say that he would be entitled indefinitely to refugee status acquired while, and because of, his minority. He would be a refugee only whilst the risk to him as a child remained.)

7. Mrs Maher's submission was that if the appellant's age at any moment is immutable, the risk to him as a "street child" is not. He might at any moment be adopted or receive some other form of care. We regard that submission as pure speculation. There is nothing in the evidence before us or before the Immigration Judge to suggest that there is any prospect that the appellant, if returned to Afghanistan, would be able to achieve any change in his circumstances. We note Mrs Maher's reminder that the Immigration Judge did not find the appellant wholly credible. But his findings do establish that the appellant is an orphan and would be at risk. In the light of the expert evidence, we conclude that the risk of severe harm to the appellant, as found by the Adjudicator, would be as a result of his membership of a group sharing an immutable characteristic and constituting, for the purposes of the Refugee Convention, a particular social group. We therefore substitute a determination allowing his appeal under s83.

The above judgement of LQ (*Age: immutable characteristic*) Afghanistan should be read against the COI provided further below, especially on the availability of reception arrangements/orphanages for children and the treatment they receive there.

In its determination of 27 February 2011, in *FM (A Child) Afghanistan*, a Judge of the Upper Tribunal has, in a very detailed determination, found that the CG case of *HK & Ors (minors, indiscriminate violence, forced recruitment by Taliban, contact with family members) Afghanistan* was based on incomplete country evidence and failed to take account of important international legal obligations. The decision is arguably capable of citation under 11.2 of the [President's Practice Direction on the Immigration and Asylum Chambers of the First Tier Tribunal and Upper Tribunal](#), if the Immigration Judge hearing the appeal gives permission in an individual case (11.1(b)), given that the propositions advanced in *FM* are not the subject of a reported case (having been overlooked in *HK*). A copy of the determination of *FM* and a note written by the counsel for *FM* to the ILPA and RLG membership can be requested directly from Mark Symes, Garden Court Chambers: marks@gclaw.co.uk

In August 2010, UNHCR published its position on what minimum standards should apply to return unaccompanied and separated children to Afghanistan:

➤ [UNHCR, Aide-mémoire: Special measures applying to the return of unaccompanied and separated children to Afghanistan, August 2010](#)

[...] II. UNHCR Position on minimum safeguards

8. The paragraphs below spell out the minimum safeguards which UNHCR believes should apply to the return of unaccompanied and separated children to Afghanistan, and on which UNHCR's engagement in such returns would be premised. Moreover, implementing these safeguards would require the commitment of the sending country to secure the cooperation of the Government of Afghanistan in relation to the below measures.

A. Special measures for unaccompanied and separated children

i) The Government of (*sending country*) will ensure that unaccompanied and separated children are not returned to Afghanistan, unless return is decided upon in a formal procedure which contains all necessary safeguards, assesses all solutions available to a child, and ensures that the child's best interest is a primary consideration. The child shall be fully informed and consulted at all stages of this process and provided with appropriate counselling and support.

ii) The Government of (*sending country*), with the cooperation of the Government of Afghanistan, will ensure that genuine efforts are made to trace family members. If family members are successfully traced, the Government of (*sending country*) in cooperation with the Government of Afghanistan will ensure through an individual assessment that the family is willing and able to receive the child. The outcome of this assessment (where applicable) will inform the decision on return.

iii) Where family tracing is unsuccessful, return to a child-care institution in Afghanistan may be considered as a last resort option. In such a case, full documentation of tracing efforts should be handed over to the caregiver in Afghanistan, to facilitate continuation of tracing efforts after return. The Government of (*sending country*) will ensure in cooperation with the Government of Afghanistan that specific and adequate reception and care arrangements are put in place prior to return. As a minimum, reception and care arrangements should include:

- Receiving the child at the airport followed by immediate access to appropriate accommodation, support for basic needs, access to education and health care.
- The appointment of a caregiver with appropriate qualifications and training, including in child-protection, who has been formally assigned responsibility for the child and is able to exercise legal capacity where necessary.
- An individual plan for the child's sustainable reintegration, drawn up in collaboration with the child and his/her guardian in (*sending country*) and which is based on an assessment of access upon return to food, housing health care, education, vocational training and employment opportunities. The Government of (*sending country*), working with the Government of Afghanistan, will ensure this plan is formally shared with the above-mentioned caregiver in Afghanistan.
- Adequate and ongoing post-return evaluation.

With the exception of the COI included in paragraph 3.7.3 in the section '3.7 Fear of forced recruitment into the Taliban and other anti-government groups', which documents the forced recruitment of children, no COI has been included in section '4.3 Minors claiming in their own right' on the particular risks faced by children.

Children are at risk of the following human rights violations in Afghanistan:

- [Deterioration of the treatment and situation of children](#)

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- [Fear of kidnapping](#)
- [Perceived spy/supporter of the international armed forces or the Afghan government by the Taliban or other armed groups](#)
- [Treatment of children in detention centres and prisons](#)
- [Perceived Taliban/armed group member by the Afghan security forces](#)
- [Sexual violence against children](#)
- [Harmful traditional practices](#)
- [Trafficking of children](#)
- [Girls access to education](#)
- [Forced marriage](#)
- [Child labour](#)
- [Life in orphanages](#)
- [Situation and treatment of street children](#)

Children are also disproportionately affected by the conflict in Afghanistan:

- [Children & indiscriminate violence](#)
- [Children in displacement](#)
- [Mental and emotional impact on children](#)

Core sources have been included under each sub-heading. Unless specifically mentioned it can be inferred that the documented human rights abuses occur throughout Afghanistan, are directed against both girls and boys and occur whether or not the child lives with his/her family or community. It is imperative that additional COI research is conducted with the specific profile of claimant in mind when representing a minor facing return to Afghanistan.

Deterioration of the treatment and situation of children

- [United Nations Assistance Mission in Afghanistan \(UNAMA\) / Afghanistan Independent Human Rights Commission \(AIHRC\), Afghanistan: Annual Report on Protection of Civilians in Armed Conflict 2010, 09/03/2011](#)
[...] In 2010, women and children were extremely adversely affected by the conflict.
- [United Nations, Report of the Secretary-General on children and armed conflict in Afghanistan, 03/02/2011](#)
14. Information collected through the Country Task Force for Monitoring and Reporting during the reporting period demonstrates that grave violations against children have increased. Given the deterioration in security and the resulting access constraints, not all incidents come to the attention of child protection actors, nor can they all be independently investigated. Therefore, available data is likely to underrepresent the actual impact of the conflict on children, and the extent to which grave violations are committed against children. The establishment of six regional task forces throughout the country during the reporting period has increased capacity to monitor, report, and verify incidents.
- [United Nations High Commissioner for Refugees \(UNHCR\), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2010](#)
[...] Among the most vulnerable groups in Afghanistan, children bear the brunt of the ongoing armed conflict. The Taliban and other anti-Government armed groups are reportedly responsible for the vast majority of the human rights violations against children. [168] UNHCR considers that children with the specific profiles outlined below, [169] including child soldiers, school-age children, particularly girls, as well as children victims of sexual and gender-based violence, may be at risk on the ground of membership of a particular social group, religion and/or (imputed) political opinion depending on the individual circumstances of the case. [170] Asylum claims made by children, including any examination of exclusion considerations for former child soldiers, need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims. [171]

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➤ [United Nations Children's Fund \(UNICEF\), UNICEF calls for a comprehensive Child Act in Afghanistan, 23/11/2010](#)

Afghanistan needs a comprehensive Child Act fully in line with the provisions and principles of the Convention on the Rights of the Child.

In Afghanistan today one in five children die before reaching their fifth birthday - mostly from easily preventable diseases like diarrhoea and pneumonia – five million children are still out of school, over three million of whom are girls, and only six percent of children are registered at birth, leaving the great majority without a legal identity, protected and cared for by law.

Fear of kidnapping

➤ [United Nations, Report of the Secretary-General on children and armed conflict in Afghanistan, 03/02/2011](#)

[...] 17. Reports of the recruitment and use of children by armed opposition groups were further confirmed through interviews with children in custody under national security charges. This confirmed allegations that children had been lured into carrying explosives or trained in conducting suicide attacks by the Taliban against national and international security forces or government officials. Two boys reported that they had been kidnapped from Afghanistan in 2009 and taken to Pakistan, where they reportedly underwent military training.

[...] 38. Isolated reports were received of sexual violence committed against children by members of the Afghan National Security Forces. Moreover, there continued to be reports of children, especially boys, being sexually abused and exploited by armed groups, including through the practice of baccha baazi (dancing boys). Such incidents and their context were difficult to document, and further efforts will be made to fully research and investigate these allegations. On 16 June 2009, in Qara Bagh district, Ghazni province, it was reported that police officials from a police checkpoint on the Kabul-Kandahar Highway were arrested for the kidnapping of a 12-year-old boy. It was reported that the boy had been kept at the checkpoint and forced to dance for the men during the nights.

[...] 40. A total of 77 cases of abducted children, both boys and girls, were reported to the Country Task Force for Monitoring and Reporting during the reporting period. In several incidents more than one child was abducted. Information on the perpetrators and their motives was difficult to obtain; however, in the context of the prevailing security vacuum, criminality appeared the primary motive behind the majority of cases which in some instances are linked to the conflict. Several reports indicated the demand for large amounts of ransom, and several cases also involved sexual abuse against girls and boys.

41. Incidents indicate that armed groups abducted children for a variety of reasons, including retaliation, recruitment, ransom, and to pressure an exchange or release of certain individuals detained by the authorities. On 21 May 2009, in Faryab province, it was reported that the Taliban abducted a community elder and his 14-year-old son and demanded in exchange the release of one individual who had been previously arrested by government officials on charges against national security. The boy was allegedly released within a week. On 13 September 2009, in Khost province, it was reported that a 15-year-old boy was abducted by the Taliban from a mosque, accused of spying for the Government and international military forces, and later killed. On 27 October 2009, in Haska Meena district, Nangarhar province, near the Pakistani border, unidentified armed men reportedly abducted 13 boys aged between 8 and 13 years while they were collecting firewood. The boys escaped during an aerial bombardment. On 24 November 2009, the beheaded body of the 16-year-old son of a National Directorate of Security officer was found, one month after he had reportedly been abducted by the Taliban in Logar province.

[...] 46. There was also an increase in the number of incidents of killing and injury, abduction and threats against students and teachers by armed opposition groups during the reporting period.

➤ [United Nations High Commissioner for Refugees \(UNHCR\), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2010](#)

[...] Forced recruitment of children by armed groups, including the Taliban, the Haqqani network, Hezb-i-Islami, the Tora Bora Front and Jamat Sunat al-Dawa Salafia, is reported, particularly in the southern, south-eastern and eastern regions. Internally displaced children and children part of isolated populations in conflict-affected areas are particularly at risk of recruitment into armed anti-Government groups. Such groups have reportedly abducted children for the purposes of military training in Pakistan. These children have also been used to carry out suicide attacks or to plant explosives, often resulting in their own deaths.

[...] Attacks range from intimidation of pupils and teachers, placement of IEDs on school premises, abductions, beatings and killing of school staff, to arson and other targeted violent attacks on schools.

➤ [Institute for War and Peace Reporting \(UK\), Kidnapping on Rise in Afghan North, 26/11/2010](#)

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Like many businessmen in northern Afghanistan, Mohammad Daud wants to keep his success a closely-guarded secret. "The worst thing anyone can call you is rich," he said, explaining that this would amount to an open invitation to kidnappers in the current climate.

"I have sent all my children out of the country, but I'm obliged to stay behind because of my business in Mazar-e Sharif," he said. "If things continue like this, however, then I'll be going as well."

Kidnappings and robberies targeting the relatively well-off are increasingly common in parts of the north, including Balkh province of which Mazar-e Sharif is the main town. Observers warn that such assaults on business leaders are damaging the local economy.

- [Radio Free Europe/Radio Liberty, Outrage Over A NATO Dismissal Of Kabul Children's Fears, 23/11/2010](#)
Fourteen-year-old Rabia doesn't feel safe on the streets of Kabul as she goes about her daily routine.

[...] "There are powerful human traffickers who are kidnapping children for evil purposes," Rabia says. She cites the mysterious fate of a very young girl in her neighborhood who was playing outside when she simply disappeared.

"Nobody knows what happened to her, but many in our neighborhood fear she was taken by traffickers who will kill her to harvest her organs or smuggle her to another country for evil purposes," Rabia says. "I also know an 11-year-old missing boy with the same story. Nobody knows what happened to him."

[...] Hamida Barmaki, the head of children's affairs for the Afghan Independent Human Rights Commission

[...] Barmaki says increasing violence and other dangers faced by Afghan children include kidnappings, sexual assaults, the threat of opium addiction, and poverty that robs many children of the chance to go to school.

- [Watchlist on Children and Armed Conflict, Report to the Committee on the Rights of the Child in advance of the examination of Afghanistan's initial report in January 2011, August 2010](#)

[...] There are few documented cases of child abduction due to conflict in Afghanistan which seem for the most part connected to trafficking by criminal networks (see below: Trafficking). However, the UN-led Country Task Force on the MRM has received confirmed information of children abducted or transferred to Pakistan where they received military training, according to a protection worker. While the documented incidents are very few, they raise concerns about the extent of the phenomena given the lack of the access of the Task Force to the area where the children were held and also the lack of follow-up of cases where children have disappeared.

Other reports also indicate the risk of children being abducted by armed elements. On October 26, 2009, unknown armed men reportedly abducted 13 boys between the ages of 8 and 13 years while the children were collecting firewood in Haska Meena District, Nangarhar Province, near the Afghanistan-Pakistan border, according to Pajhwok Afghan News (PAN), Afghanistan's leading independent news agency. While three children returned to their families a week after their capture, the remaining ones were brought to Pakistan's Dogar area in the Tirah Valley but escaped during aerial bombardments on November 16, 2009. The Pakistan Taliban denied involvement in the abduction but one of the children's relatives claimed that the armed men let the Pakistan Taliban ask the children about their family's relation to the Afghan Security Forces, according to PAN.

Perceived spy/supporter of the international armed forces or the Afghan government by the Taliban or other armed groups

- [United Nations Assistance Mission in Afghanistan \(UNAMA\) / Afghanistan Independent Human Rights Commission \(AIHRC\), Afghanistan: Annual Report on Protection of Civilians in Armed Conflict 2010, 09/03/2011](#)

[...] At least eight incidents were documented where children were extra-judicially executed, often on the suspicion of spying for the Government or the international military forces or for being associated with the Government. Three children were killed by AGEs on the allegation of spying. Two children were killed reportedly for being associated with the Government and in three cases the circumstances and the motive are unclear, although local tribal politics involving the Taliban seems to have had a part in the killings. The youngest victim to be killed on the allegation of spying was a seven-year old boy from Sangin district in Helmand province on 9 June. He was hanged from a tree. The Taliban denied the killing.

The other two killings took place in Kunar and Ghazni provinces on 11 March and 29 June respectively. In the former case a 17 year old allegedly went through a trial and in the latter case a 12 year old boy was publicly executed allegedly by AGEs in the district centre of Waghaz in Ghazni province. Two children, a 17 year old and a 13 or 14 year old who were accused by the Taliban of being associated with the Government were both killed in Chack district in Wardak province on 8 March and 19 July respectively.

➤ [UN, Report of the Secretary-General on children and armed conflict in Afghanistan, 03/02/2011](#)

[...] 32. Of grave concern is the killing of children by armed opposition groups, including the Taliban, on the suspicion that they were spies, or for being allegedly associated with or supporting international military forces. At least nine cases were reported of children executed on suspicion of spying for the international military forces, including the public hanging by the Taliban of a seven-year-old boy reported in Helmand province in June 2010. In February 2009, two young school students were executed by armed opposition groups, while a third child was critically injured in Wardak province. They were suspected of spying for the international military forces because they had been seen speaking in English with international soldiers patrolling the area. In December 2009, a 16-year-old rickshaw driver in Laghman province was killed on suspicion of providing reports to the international military forces about the location of improvised explosive devices on the way to an international military base. Children have also been killed when armed opposition groups have targeted parents because of their association with the Government. In December 2009, a 16-year-old boy was killed alongside his father, a mullah, in Kunar province.

➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights, 19/01/2011](#)

[...] 12. In the first 11 months of 2010, OHCHR/UNAMA documented a number of executions carried out by the Taliban in Badghis, Ghazni, Kandahar, Kunduz, Uruzgan and Wardak provinces. These incidents included the public execution of a woman by shooting on 7 August in Badghis province for alleged adultery, the public execution by stoning of a man and woman on 15 August in Kunduz province for alleged adultery, [\[1\]](#) and the sentencing of two women to death on 14 October in Ghazni province for allegedly killing their mother-in-law. A relative of the mother-in-law reportedly executed one of the women and the execution of the second woman, who is pregnant, is reportedly being delayed until she gives birth. OHCHR/UNAMA also recorded a number of other reported serious human rights violations including the execution (by hanging) of a 7-year-old boy accused of spying for the Government on 10 June in Helmand province and the assassination of a 12-year-old boy on 29 June in Ghazni province. These incidents indicate that AGEs commit serious human rights violations with full impunity and underscore the severe protection and accountability gaps that exist in Afghanistan.

➤ [Institute for War and Peace Reporting \(UK\), Outrage at Afghan Boy's Murder for "Collaboration", 19/06/2010](#)

The Taleban execution of an eight-year-old boy for allegedly collaborating with coalition forces in Afghanistan's Helmand province has caused deep anger among local residents .

The hanging of a child is seen as completely unacceptable by Afghans in the province, and contradicts the Taleban's own rules of engagement. What is worse, it seems he was murdered not as a suspected collaborator, but because his father was unable to hand over cash that the insurgents wanted to extort from him.

Treatment of children in detention centres and prisons

➤ [Institute for War & Peace Reporting, Grave Abuse Alleged at Kabul Juvenile Centre, 21/05/2011](#)

The death of an inmate at a juvenile detention centre in the Afghan capital Kabul has raised concerns that lax procedures have left children vulnerable to assault and sexual abuse.

Massoud Khalil, 17, died after being assaulted at the detention centre, apparently by two older inmates.

[...] Although the facility is supposed to house only minors under the age of 18, some inmates are said to be older than that. IWPR has heard from several sources that these individuals have influential relatives who have got them admitted to the juvenile detention centre so they will serve shorter sentences and be saved from the rigours of adult prison, but that some then use their age and status to engage in bullying and violence.

Massoud's father Abdul Khalil said that whenever he visited the detention centre, his son complained that abuse was prevalent there.

"My son said there had been clashes after the older kids had made illegal demands," he said. "Even though officials were aware of it, they didn't do anything about it."

A 16-year-old boy who had been placed in the detention centre after running away from home told IWPR that older boys threatened and beat the younger ones and forced them into sexual acts.

[...] While not prepared to discuss allegations of abuse, Adalatkhwah said the centre was overcrowded and short of accommodation, sports and leisure facilities, and teaching staff.

"The centre is designed to hold 60 people, but because of rising crime rate, there are 200 children here. They include 30 girls, most of them imprisoned for running away from home," she said.
Under Afghan law, women and girls who run away from home can be imprisoned.

➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)

[...] 35. The Committee is deeply concerned that almost half of the children arrested are reportedly subjected to different forms of verbal and physical abuse by the police during arrest in order to extract a confession, and that virginity testing is imposed on girls in judicial proceedings. The Committee also expresses grave concern that children are being handcuffed and shackled in juvenile rehabilitation centres, during transportation to court or hospital, and at night, allegedly for security reasons or as a form of punishment.

[...] 74. The Committee welcomes the adoption of the Juvenile Code in 2005 and the establishment of the specialized juvenile justice system based on said Juvenile Code. The Committee is however deeply concerned at the situation of juvenile justice in the State Party, in particular that:

(a) To date juvenile courts have only been established in six districts and children in conflict with the law are tried by family judges, many of whom are not specifically trained for juvenile justice;

(b) Status offences regarded as "abnormal behaviours" can lead children to be sentenced as criminals, in particular girls who are victims of violence and abuse and who are made responsible for the criminal acts committed against them;

(c) Detention is not the last resort and a large number of children are in detention, almost half of them in pre-trial detention, while about half of the girls in Juvenile Rehabilitation Centres have been charged with so-called moral offences, such as running away from home, some of them even during pregnancy and the birth of their child;

(d) A number of children under the age of criminal responsibility, which is 12 years, are in Juvenile Rehabilitation Centres;

(e) Alternatives to detention are rarely used despite options provided by the Juvenile Code of 2005;

(f) A number of children in detention are not separated from adults, nor are they provided with adequate food, care, protection, education and vocational training, and they are often subjected to abuse and torture;

(g) Children are not provided with legal aid, including while in court, and often statements are forcibly extracted from them; and

(h) Many parents are not informed of the detention of their children, and children not allowed to meet with their parents.

➤ [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)

[...] There were reports of the sexual abuse of boys by members of the Afghan National Police (ANP) and the Afghan National Army (ANA).

According to the AIHRC, Terre des Homme, and the UN Children's Fund (UNICEF), many of the children in detention centers and orphanages suffered physical abuse. There were credible reports of cases in which authorities threatened and mistreated juvenile detainees.

[...] Detained children typically were denied basic rights and many aspects of due process, including the presumption of innocence, the right to be informed of charges, access to defense lawyers, and the right not to be forced to confess. The juvenile code prohibits punishment of children, even for the purpose of correction or reprimand. The law states that police can only undertake initial inquiry, while the authority to review and conduct full investigations into a case against juveniles lies with the Special Court of Children and the Special Prosecution Office for Children. It is the responsibility of the prosecution to decide whether to refer such a case to court. The law provides for the creation of juvenile police, prosecution offices, and courts. Due to limited resources, the special juvenile courts functioned only in six large provinces (Kabul, Herat, Balkh, Kandahar, Jalalabad, and Kunduz). In provinces where special courts do not exist, children's cases fall under the ordinary courts. The law also mandates that children's cases be addressed in private and may involve three stages: primary, appeals, and the final stage at the Supreme Court.

Some of the children in the criminal justice system were victims rather than perpetrators of crime. Particularly in cases of sexual exploitation, perpetrators were seldom imprisoned, as cases were seldom prosecuted; some victims were perceived as shameful and in need of punishment, having brought shame on their family by reporting the abuse. Some children allegedly were imprisoned as a family proxy for the actual perpetrator.

➤ [Watchlist on Children and Armed Conflict, Report to the Committee on the Rights of the Child in advance of the examination of Afghanistan's initial report in January 2011, August 2010](#)

[...] The detention of children often serves as a punitive measure rather than a measure of last resort in Afghanistan despite its harmful consequences for children. A joint survey by AIHRC and UNICEF revealed that children in juvenile

centers were often detained for one year or longer even though they were first-time offenders and had committed only minor offenses such as theft. Police officers have arrested children for vaguely defined “moral offenses,” including disobeying their parents, or even for adultery, sodomy or other sexual offenses regardless of their young age or if they were being forced into sex (see above: GBV). In some cases, law enforcement agents have put unaccompanied and street children or victims of abuse into juvenile rehabilitation centers as a place to “house” them, according to the same report. The lack of a functioning birth registration system poses a major obstacle in providing legal protection to minors as most children lack legal means of identification.

The juvenile justice system lacks the capacity to deal with children in conflict with the law. Although Afghanistan passed its Juvenile Code in March 2005, many law officials are not aware of its provisions. As of October 2008, only three provinces, in Kabul, Mazar and Jalalabad, had juvenile primary courts and five provinces had juvenile prosecutor’s offices. Juvenile rehabilitation centers existed in several locations but UNICEF noted gaps in coordinating their responses leading to delays in legal and social support for children.

During detention, children have reportedly suffered beatings, torture and other verbal and physical abuse. Law enforcement agencies rarely inform families about the arrest of their child or provide children with the legal assistance to which they are entitled. Children also frequently complain about the lack of food, medical services and recreational and education facilities in juvenile justice centers. As most juvenile justice centers are exclusively for boys, girls are usually held in prison together with adult female prisoners and have even less access to education and other opportunities. To date, there are no social services to support the release and reintegration of children from detention facilities despite the stigma attached to children in conflict with the law, particularly related to “moral offenses,” according to AIHRC/UNICEF.

➤ [Terre des Hommes, An Assessment of Juvenile Justice in Afghanistan, January 2010](#)

[...] The data shows that more than half the charges that juveniles are convicted of included theft, murder, or adultery/pederasty offenses. Overall, 4% of juveniles reported being charged and convicted of terrorism. Such crimes are represented above under government crimes that include terrorism, attempted suicide bombers, speaking out against the government, and counterfeiting. For most boys charged with what has been categorized as government offenses, all reported being forced to sign confessions orchestrated by the police after being intimidated, beaten, electrocuted, handcuffed, and even hung. One juvenile shared his experience of being kidnapped from his family and then taken to Pakistan by his captors. He talked about being underground for months with the Taliban, while being taught to fight and learning Islamic Doctrines. The juvenile reported that during the time that he was kidnapped one kid tried to escape but was caught and beheaded. After gaining the trust of his captors, the juvenile was finally allowed above ground and escaped to find his family. Upon his return home, he reported that he was spotted by one of his abductee’s father who told the police that he was a terrorist. The juvenile boy reported that he was then charged and arrested for what he still does not know. In court with no witnesses or evidence presented he was given a 3-year sentence for a charge still unknown to him. Many of the juveniles who participated in this research proclaimed their innocence. Some of the follow up comments that the juveniles volunteered were that they were forced to sign confessions, they were located at the wrong place at the wrong time, and that the police fabricated witnesses that supposedly accused them of committing the crime for which they were arrested. The self reported proportion of children who proclaimed their innocence due to trumped up charges accounted for 28% of the cases represented in this study. It is important to note that the author did not directly question juveniles on their guilt or innocence of the charges for which they were in the JRC for and such data was volunteered by the juveniles. When following up with judges on what if anything judges look for in convicting a juvenile, many reported their reliance on police reports and not necessarily the physical presence of police during the trial process. This was especially surprising since 44% of the judges questioned also indicated that juveniles routinely complain of being tortured and abused by police officers. 33% of those judges questioned refused to answer whether they had heard complaints of abuse by police for children in conflict with the law. This data suggests that more mentoring, training, and or oversight should be given for the juvenile courts to help to ensure that civil liberties are not consistently violated in all of the regions.

[...] Torture is specifically defined as, “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity⁵³. Article 5, section 4 of the “.ICPC states that the suspect and the accused shall not undergo intimidations or any form of physical or psychological pressure. With this being said juveniles were questioned about whether they had fallen victim to torture or abuse while engaged in the juvenile justice system. Overall, 45% of the juveniles interviewed reported being physically abused by police and prosecutors. The 45% for the most part represents

boys and only two juvenile girls reported being beaten. While girls did not report being physically beaten many reported being intimidated by the police who screamed at them and "called them bad names," as one 16 year old in the Central region reported. Juveniles reported that the beatings occur usually as a means to coerce them into confessing or signing confessions authored by the police. Many of the juveniles reported that they communicated their ill treatment to their defense attorneys and some to judges in court. The overall sentiment was that despite the fact that the abuse was reported to professionals within the juvenile justice system no one seemed to care that the juveniles were beaten. In one particular case, in the North, one seventeen year old charged with adultery indicated that "he was kicked like an animal," by six or seven police after he was arrested. Juveniles in the Eastern regions reported the highest levels of physical abuse with more than 58% reporting that they had been abused. One juvenile who was arrested three days prior to our interview with him, indicated that he was beaten in the back of the head with a gun by the police. The author observed marks on the back of his head that suggested that he had been hit with some type of object. Many of the boys individually gave similar details of the beatings that they were subjected to. The juveniles indicated that they were beaten with sticks, guns, or cables, usually on the legs and while at the police districts. The vast majority of juveniles in the West also reported ill treatment especially while in the custody of the police. Over half of the juveniles or 50.5% reported being beaten while in the custody of the police. Again, this figure remains consistent with other like studies⁵⁴. One girl reported being beaten with a stick .by the police and subsequently signing a confession authored by the police. Still other kids reported similar accounts of brutality in individual interviews. Of the most common types of corporal punishment used by the police, it was reported that sticks and wires were usually the weapons of choice in the West. In the Northern regions juveniles reported high levels of beatings at 40%. Again, the stories were very similar about their encounters. Many juveniles indicated that they were beat and kicked by multiple police simultaneously. One juvenile reported being electrocuted and hung by the National Security Police. This particular juvenile was held at the police station for more than two months and four months after that he went to court. When talking with the prosecutor about this case, they communicated that they were aware of this juveniles accusations and believe his story. They further communicated that they even saw marks and thought that his confession was obviously coerced as a result of the brutality of the police. Despite all of this, no formal charges or complaints were brought to the attention of the National Security Police for the brutality.

Perceived Taliban/armed group member by the Afghan security forces

- [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)
[...] 64. While welcoming the establishment in 2010 of the Inter-Ministerial Steering Committee on Children and Armed Conflict and the adoption of an Action Plan to respond to grave violations committed against Afghan children during conflict, the Committee is concerned that there is no specific reference in the 2010 Afghanistan Peace and Reintegration Programme to, nor resources or responsibilities allocated for, the particular needs of all children affected by armed conflict. The Committee further notes with concern that although the minimum age for recruitment in the police and the army has been set at 18 years by presidential decree, under-18 recruitment persists in the State party, including in the ranks of the Afghan police. The Committee is also concerned that, when arrested, children used by insurgent groups are held with adults under national security charges for extended periods of time in facilities of the international armed forces or of the National Directorate of Security, with limited access by national and international child protection bodies.
- [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)
[...] According to the MOJ, 81 children were detained on national security-related charges in juvenile rehabilitation centers during the year; all were male, six younger than the age of 15. The juvenile code presumes children should not be held to the same standards as adults. The code states that the arrest of a child "should be a matter of last resort and should last for the shortest possible period."
- [United Nations, Report of the Secretary-General on children and armed conflict in Afghanistan, 03/02/2011](#)
[...] 25. Information was collected countrywide on some 382 children detained on charges related to national security. Data was not available for all months of the reporting period and access to detention facilities remained difficult. Ninety-seven cases were confirmed as relating to the conflict; all were aged between 9 and 17 and included one girl.
26. Children continued to be detained in international military forces detention facilities in contravention of international law. There is concern that such detainees are not treated in line with international standards for juvenile justice. No special protection measures are provided for such juveniles in detention except the requirement that they be accompanied by a representative, not necessarily a lawyer, at their Detainee Review Board hearings. For example, in July

2010, in Khost province, a 16-year-old boy was arrested and detained at the Parwan detention facility by ISAF on allegation of being a member of the Taliban. He was arrested at his home, along with his brother and father, the latter reportedly being the target of the raid. At the time of reporting, the boy had been in detention for at least two months. The boy reported that he was separated from his father and brother in detention, and that he had no other contact with his family. Despite a Detainee Review Board hearing on 29 September 2010, the boy remained in international military forces detention at the time of reporting. In February 2010, a 16-year-old boy from Nangarhar province was arrested in Jalalabad city on allegation of being a member of the Taliban. While in international military forces detention, the boy was allowed contact with his family. At the time of reporting, the boy's last Detainee Review Board hearing had been held in March 2010, but he remains in international military forces detention.

27. The National Directorate of Security also detains children allegedly associated with parties to the conflict. Between October 2009 and January 2010, in Helmand province, eight boys aged 15 and 17 were charged with having links to the Taliban and transferred from the National Directorate of Security to the Helmand Juvenile Rehabilitation Centre. Three of the boys were found guilty, and sentenced to three years' imprisonment. During the same period, four other boys were charged broadly with crimes against national security in Helmand province. Two of these boys were found guilty and sentenced to three years' imprisonment.

28. It is also of particular concern that children who are released from detention have little follow-up support. An illustration is the case of two boys, Pakistani nationals, aged 10 and 15 years old who were detained by the Ministry of Interior between May and July 2009. While the willingness of the Ministry to share information on their cases is welcomed, the direct hand-over of these two boys, without appropriate monitoring, to their families raises concerns as to follow-up support once they are back in their communities. This is evidenced by the case of a boy who was reportedly kidnapped by the Taliban in Pakistan, reportedly trained to conduct suicide attacks in the Federally Administered Tribal Areas of Pakistan, and pressured into attempting a suicide attack in Afghanistan. After having been given a suicide vest, the boy surrendered to the border checkpoint of Nangarhar province in Afghanistan, and was transferred to Kabul, where he was detained by the Ministry of Interior for an unknown period.

29. The Country Task Force for Monitoring and Reporting supported advocacy for the return to Afghanistan of Mohammad Jawad in August 2009 after he was detained for more than six years at the United States detention facility at Guantanamo Bay. He was arrested as a child by Afghan security forces in 2002, detained at the Bagram detention facility and later transferred to Guantanamo. Appropriate support has yet to be granted by State institutions for sustainable reintegration. In August 2010 it came to the attention of the Country Task Force for Monitoring and Reporting that since his return to Afghanistan, he has been arrested three times by the National Directorate of Security and held in their custody, allegedly for links with ex-prisoners from Guantanamo Bay suspected of still belonging to armed opposition groups in Afghanistan.

➤ [Watchlist on Children and Armed Conflict, Report to the Committee on the Rights of the Child in advance of the examination of Afghanistan's initial report in January 2011, August 2010](#)

[...] Afghan law enforcement agencies have detained children due to their alleged association with armed groups. The National Directorate of Security has reportedly arrested children as young as 12 years old, subjecting them in some cases to interrogations on account of their alleged role within armed groups. Some children reported ill-treatment while in detention and a lack of access to legal assistance or documentation, according to the 2008 Special Representative of the Secretary-General's report on CAC in Afghanistan. In response to repeated requests by the UN and NGOs, the Ministry of the Interior officially granted the UN access to these and other children in similar detention situations in April 2009. The 2008 national law on combating terrorist offenses specifically states that the 2005 juvenile code applies to any offense committed by an individual under the age of 18.

International military forces have also held children in detention facilities in Afghanistan. The United States admitted to having held 90 individuals who were under 18 years old at the time of their arrest in detention facilities in Afghanistan during the 2002-2008 period. At present, U.S. officials denied that there were any more children in ISAF detention facilities, which was also confirmed by protection partners with access to the facilities, according to the Office of the Special Representative on Children and Armed Conflict (OSRSG-CAC). During her visit to Afghanistan in February 2010, the Special Representative on Children and Armed Conflict (SRSG-CAC) also received the commitment of the military leadership that protection partners would be allowed to visit ISAF facilities in order to ensure that no children were detained there.

In two of 12 alleged cases of child detention in Guantanamo Bay, the U.S. refuted claims that these were children and continued to keep the individuals in detention conditions. In one case, that of Mohammed Jawad, a U.S. court ordered his release after seven years in July 2009 on the basis that he had been tortured into confession by the Afghan government prior to his being transferred to U.S. authorities. However, the case of Omar Khadr, who was reportedly 15

at the time of his recruitment, is still awaiting trial by a U.S. military commission at the Guantanamo facility on charges of murder.

Sexual violence against children

- [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)
[...] Sexual abuse of children remained pervasive. NGOs noted that most child victims were abused by extended family members. A UNHCR report noted tribal leaders also abused boys. During the year the MOI recorded 28 cases of child rape; the unreported number was believed to be much higher. According to the AIHRC, most child sexual abusers were not arrested. Numerous media outlets reported that harems of young boys were cloistered for "bacha baazi," a practice in which young boys are sold to powerful local figures and businessmen and trained to dance in female clothes for male audiences and then used and traded for sex; however, credible statistics were difficult to acquire as the subject was a source of shame.
- [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)
[...] 70. The Committee expresses grave concern that limited action has been taken by the State party to combat widespread sexual abuse and exploitation of children, and that perpetrators of such abuse enjoy impunity. The Committee also expresses deep concern that while there is a systematic failure on the part of the authorities to prosecute perpetrators of sexual abuse, child victims are very often considered and treated as offenders, and charged with offences such as debauchery, homosexuality, running away from home or *zina*. The Committee is also particularly concerned that:
 - (a) Shame and stigma are attached to the child victim rather than the perpetrator;
 - (b) The crime of rape has not been clearly defined and separated from the offence of *zina* in domestic legislation, and that other types of sexual abuse, including abuse in homosexual relations as well as sexual exploitation, have not been included in the Penal Code;
 - (c) There is no mechanism in place through which child victims of sexual abuse can lodge complaints and obtain protection and recovery services, with their privacy protected; and
 - (d) Girl victims of sexual abuse and exploitation are at risk of honour killing, the practice of *baad* or forced marriage with their rapist, and rejected by their families.
- [United Nations, Report of the Secretary-General on children and armed conflict in Afghanistan, 03/02/2011](#)
[...] 36. Sexual violence continues to be vastly underreported and concealed in Afghan society. Sexual violence, including that against children, is pervasive. The general climate of impunity, a vacuum in the rule of law, lack of faith in investigating and prosecuting authorities, and misplaced shame have adversely affected the reporting of sexual violence and abuse against children to law enforcement authorities and subsequent prosecution of perpetrators. Child sexual abuse, against both girls and boys, is not clearly defined as a crime in Afghan law, and perpetrators of such violations are rarely held accountable.
37. The Penal Code (1976), article 427, criminalizes adultery and pederasty. The Law on the Elimination of Violence against Women (2009) criminalizes sexual violence, including rape, forced and underage marriage, forced labour and prostitution, and significantly enhances protection and the promotion of women's rights. However, implementation of the law remains a huge challenge, as does for example, the need to define what constitutes an act of rape.
38. Isolated reports were received of sexual violence committed against children by members of the Afghan National Security Forces. Moreover, there continued to be reports of children, especially boys, being sexually abused and exploited by armed groups, including through the practice of *baccha baazi* (dancing boys). Such incidents and their context were difficult to document, and further efforts will be made to fully research and investigate these allegations. On 16 June 2009, in Qara Bagh district, Ghazni province, it was reported that police officials from a police checkpoint on the Kabul-Kandahar Highway were arrested for the kidnapping of a 12-year-old boy. It was reported that the boy had been kept at the checkpoint and forced to dance for the men during the nights. In September 2009, an Afghan National Army soldier was arrested and accused of raping a 15-year-old boy in Kabul city. On 6 November 2009, a 16-year-old boy was reportedly raped by border police at the Islam Qala border in Herat province.
39. Insufficient protection for victims of sexual violence and witnesses to such incidents remains a concern. Fear of violent retaliation against victims and families was cited as a factor for underreporting. Child victims, both boys and girls, are often arrested and charged with intention to commit *zina* (sexual intercourse outside of marriage). There is also a lack of appropriate referral pathways for victims, including children, to receive services and care. Moreover, there is little awareness that rape and sexual violence are criminal offences.

➤ [United Nations, Press Conference by Special Representative for Children and Armed Conflict \(on the agreement to prevent the recruitment of children into the national security forces\), 03/02/2011](#)

[...] Responding to a series of questions about "bacha boy", or "boy play", reportedly taking place in Afghanistan and elsewhere, Ms. Coomaraswamy said that so-called "dancing boys" remained a key concern of the United Nations. It was a practice whereby very powerful warlords and regional commanders, as well as anti-Government forces had young boys taught to dance in a party situation and then sexually exploited, she explained, calling attention to a recent documentary aired on the Public Broadcasting System (PBS Television) from 20 April 2010. The practice was particularly worrying because some military commanders and warlords measured their power by the number of boys they possessed and paraded them about, she added, noting with interest that everyone, including Governments, civil society, the media and even the Taliban, voiced moral opposition to the practice but it continued with impunity.

Asked how widespread the practice was, particularly in Afghanistan, she said people had told her it was "very widespread, but nobody wants to talk about it". Powerful people in society actually "show their status by having these boys", she reiterated, adding that prosecutions were needed to halt the practice.

Pressed as to whether the Taliban's vocal opposition meant they did not engage in the practice, she said they were "verbally" opposed, but there had been reports of commanders "actually engaged" in it.

➤ [United Nations High Commissioner for Refugees \(UNHCR\), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2010](#)

[...] Sexual abuse and violence against children, including at the hands of family members, is reportedly commonplace in Afghanistan. Furthermore, the practice of *bacha bazi* (boy play) – keeping young boys for sexual and social entertainment, particularly by older and powerful men – has a degree of social acceptance, particularly in the north of the country. According to some reports, the practice, which involves boys as young as 10, is condoned and in some cases protected by the local authorities. The general climate of impunity and the vacuum in rule of law has adversely affected the reporting of sexual abuse and violence against children to the authorities and the prosecution of perpetrators. Children subjected to the practice of *bacha bazi* – who are often driven into the practice by poverty, coercion or force – need to be considered by adjudicators as victims and survivors of rape, rather than persons freely exercising a sexual preference.

➤ [Watchlist on Children and Armed Conflict, Report to the Committee on the Rights of the Child in advance of the examination of Afghanistan's initial report in January 2011, August 2010](#)

[...] Fear of stigmatization, exclusion and reprisals prevents Afghan survivors of gender-based violence (GBV) from speaking out and thus conceals the extent of this violence in the country. In Afghan society, sexual acts committed outside marriage are widely believed to "dishonor" families and communities. In order to "save" their honor, some families have reportedly rejected or even killed the child or woman who was raped. The social pressure put on the survivor and the family to hide the incident has also resulted in a number of forced abortions.

As a result of the silence surrounding the issue, there are few publicly reported cases and no comprehensive or official data available on rape and GBV in Afghanistan. However, available information indicates that rape is a "widespread phenomenon" that affects women and children throughout the country. The UN Special Representative on Children and Armed Conflict and others have repeatedly brought attention to the sexual abuse of boys, a practice which Afghans refer to as *bacha bazi* or "boy play." Data gathered by AIHRC from 2003 to 2010 suggested that boys may even be at a higher risk of sexual abuse than girls.

[...] Acts of sexual violence are reportedly committed by armed groups or criminal gangs as well as family members, guardians or caretakers. This includes staff of prisons, juvenile rehabilitation centers, police stations and orphanages, according to UNAMA/ Office of the High Commissioner for Human Rights (OHCHR). However, few if any perpetrators of sexual violence are ever brought to justice. AIHRC estimates that only one out of four abusers are detained based on victims' accounts. Police officers often ignore complaints or refuse to register cases for fear of retaliation or because they received bribes. For example, three police officers were paid for assisting the escape of a man charged with the rape of a 7-year-old boy in the northern city of Mazar-i-Sharif. The police also do not guarantee the protection of survivors and witnesses, according to UNAMA/OHCHR. Women and children reporting on GBV cases have at times reportedly been put into "protective" custody, putting them at risk of further violations, including rape, while in prison.

Afghan penal law fails to criminalize rape against women and minors. In the absence of specific laws on rape, most judges and law enforcement agencies resort to the concept of *zina* when dealing with rape cases, which is covered under Chapter 8 of the Penal Code. However, *zina* focuses on adultery, pederasty and violation of "honor" but does not adequately define coercion to differentiate the victim and the perpetrator of rape. As a result, GBV survivors – even if they were children – have been erroneously prosecuted for adultery. The vague definition of *zina* has led courts to

prosecute children, particularly girls, for running away from their homes, even if they were escaping domestic violence. Authorities are also regularly accused of discarding accusations of rape, especially if children file the complaint.

In order to strengthen the legal framework, the Elimination of Violence against Women Act was passed by presidential decree in July 2009. While the law includes specific provisions on rape and punishes anybody involved in child or forced marriage with up to 10 years imprisonment, it still has to explicitly criminalize rape and to include a definition of rape that is in accordance with international standards. Moreover, concerns remain over its implementation given the ambivalence of the legal provisions, widespread corruption, weak law enforcement mechanisms, impunity and a propensity of judges to apply traditional or Sharia law that conflicts with constitutional law, according to AIHRC. Women and girls also face difficulties in accessing courts and legal bodies, particularly in the provinces.

In some cases of rape against children involving Afghan Security Forces, judicial authorities have sentenced perpetrators to 10 or 15 years imprisonment, according to the 2008 Secretary-General's report on CAC in Afghanistan. However, local power structures regularly affect the outcome of the legal process as power brokers use their influence to shield themselves from prosecution. In 39 percent of cases in the northern region analyzed by UNAMA's Human Rights Unit, perpetrators enjoyed direct links to local power brokers. For example, in May 2009, a local commander who was accused of raping a woman and her daughter convened a jirga or traditional assembly of local leaders, who requested that the survivors and their family leave the district instead of prosecuting the alleged perpetrator.

Negative experiences with formal legal mechanisms or the lack of awareness of these mechanisms have motivated survivors to resort to traditional forms of conflict settlement, either privately or through local community councils such as jirgas, which often mean further abuses for the survivor. For example, families have married off their daughters to the suspected rapist to disguise the alleged crime. In other cases, the girl from the perpetrator's family was offered to the son of the victim's family. In this harmful traditional practice, commonly referred to as *Baad*, the family marries off young girls to families to settle inter-clan or family disputes. In a small percentage of cases, the victim's family receives monetary compensation.

[...] There are currently some minimal in-country support services for survivors of rape and other forms of gender-based violence, including forced marriages and domestic violence, according to women's organizations in Afghanistan. For example, through the Ministry of Women's Affairs, there are a number of mechanisms in place to serve women, including the provision of legal advice, referral to the justice system, provision of defense lawyers and referral to women's shelters. However, these governmental services are currently only offered at the provincial, not the district level.

There is a lack of awareness and willingness of government officials or community elders to treat sexual violence as a priority and provide an appropriate response. There are still only a few NGO-run women's shelters so many victims are forced to remain in abusive homes or continue to experience or witness violence. In their despair, some survivors have tried to commit suicide by setting themselves on fire, resulting in serious burn injuries or death. A hospital in Herat province that specializes in burn injuries recorded 81 cases of self-immolation in 1387 (2008/2009). An estimated 80 percent of the victims were children and young women between the ages of 13 and 25, according to the hospital.

The national Child Protection Action Network (CPAN), which consists of governmental and nongovernmental organizations in Afghanistan, has set up a working group on the prevention, response and protection of child victims of sexual violence, including conflict-related sexual violence. In several instances, this network has responded to reported cases of sexual violence by advocating on the survivor's behalf or by providing services.

In order to improve women and girls' access to justice mechanisms, the Afghan government has established family response units (FRUs) in some police stations to register cases of domestic violence, including sexual violence and child marriage. However, few police stations are currently able to offer this service due to a lack of qualified female police officers and facilities that allow officers to conduct interviews in confidential settings. Most NGOs or civil society members are unaware of existing FRUs and thus unable to use them for referrals.

[...] The conflict has also exacerbated violence levels at school, both between teachers and students and among children, according to Save the Children. Physical and humiliating punishment has become a seemingly accepted disciplinary method as school discipline or guards committees, comprised of teachers and students, are authorized to use physical punishment on students. Half of all interviewed teachers believe that they have a right to beat children (commonly with a stick), according to the Save the Children report. The report further highlights the particular protection needs of boys who, in several reported instances, were raped by male teachers and subjected to sexual harassment by older boys. Many of the students own guns and knives; children frequently commit violence against other children.

Harmful traditional practices

- A report written by UNAMA/OHCHR in December 2010 details extensively the different harmful traditional practices affecting women and girls in Afghanistan: [UNAMA/OHCHR, Harmful Traditional](#)

[Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan, 09/12/2010](#)

➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)

[...] 55. The Committee commends the State party for the adoption of the Law on Elimination of Violence against Women (EVAW Law) in 2009 as a major step forward in the elimination of harmful practices. The Committee is however seriously concerned that harmful practices such as child marriage, giving away girls as dispute resolution, forced isolation in the home, exchange marriage and "honour" killings are pervasive and cause suffering, humiliation and marginalization for millions of Afghan women and girls. In this context, the Committee notes with particular concern:

- (a) The absence of effective measures to prevent and eliminate early and forced marriages;
- (b) That the EVAW Law does not criminalize honour killings, and that the Penal Code (art. 398) exempts perpetrators of honour killings from punishment for murder, and sanctions them with a prison sentence of less than two years;
- (c) The implication of traditional dispute mechanisms in the perpetuation of harmful practices, and the impunity that perpetrators of those practices often enjoy as a result of inaction and complicity of local and State authorities, religious leaders and elders.

➤ [Human Rights Watch, Stop Women Being Given as Compensation, 08/03/2011](#)

The Afghan government should hold accountable those who seek to impose brutal customary punishments such as *baad*, where women and girls are given as compensation for crimes, Human Rights Watch said today. In order to eradicate such abusive practices, the government should strengthen implementation of the Elimination of Violence Against Women law, sending clear signals that such practices will no longer be tolerated by the state.

"There's a law against giving Afghan women away to pay for the crimes of their families but it still happens," said Aruna Kashyap, women's rights researcher at Human Rights Watch. "The government should punish those who treat women like family property."

Baad is one of the most abusive customary practices in Afghanistan, where girls or women are given to an aggrieved family to "compensate" for a crime, a punishment usually decided by a local *jirga* (council). *Jirga* members interviewed by Human Rights Watch presented *baad* as a more "restorative" form of justice than revenge killings or confiscation of property. One Herat-based *jirga* member said, "Instead of killing the brother [in revenge] it was much better to give this girl as *baad*. She was also killed in a way but if they killed the brother then the enmity between the two tribes would continue for centuries."

Similarly, another Kapisa-based *jirga* member said, "If they didn't give her away [as *baad*], the man [from the other family] would take away the house. And the 13 people who lived in that house would come on the streets. In every family one has to make a sacrifice."

The extent of the practice of *baad* throughout Afghanistan has not been documented. Human Rights Watch conducted preliminary research between December 2009 and June 2010, in order to document a number of cases in Kabul and surrounding provinces. According to women's rights activists interviewed by Human Rights Watch, cases of *baad* regularly occur, involving babies, girls, adolescents, and adult women.

Baad is a criminal offence under article 517 of the 1976 Afghan Penal Code, but the article only applies to widows and women above age 18, and the sentence for perpetrators of *baad* cannot exceed two years. Despite having been partially criminalized for more than 30 years, many women and *jirga* members interviewed by Human Rights Watch were not aware of the law or the prohibition of the practice.

The penal code provisions against *baad* were supplemented by the Elimination of Violence Against Women law, passed by President Hamid Karzai through a presidential decree in 2009, while the Afghan parliament was in recess. The 2009 law criminalizes *baad*, increasing potential sentences for *baad* up to 10 years, extending its application to girls under age 18, and widening the scope of those who could be considered complicit in the crime.

But several barriers to the enforcement of the law exist, most importantly the lack of political will to implement it, even though article 79 of the constitution categorically states that a presidential decree has the force of law, until or unless it is rejected by parliament, which has not occurred. Human Rights Watch has been told that some senior government officials, judges, and police do not consider the 2009 law as being in force, and police routinely refuse to register complaints under the law. The authorities need to take urgent measures to spread awareness about the law and train all law enforcement officials about its provisions.

"The Afghan authorities should ensure that communities, religious leaders, prosecutors, judges, and the police, know that *baad* is illegal," said Kashyap.

➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights, 19/01/2011](#)

[...] 21. Violence against women and girls, including sexual violence and harmful traditional practices such as *ba'ad* (use of girls in marriage to settle disputes), so-called "honour" killings, early and forced marriages and rape continue to be persistent and widespread in Afghanistan. The misplaced stigma of sexual violence falling on the victim rather than the perpetrator and the lack of access to effective justice or remedies for victims have ensured that sexual violence and harmful traditional practices remain largely unaddressed either by the law enforcement institutions of Afghanistan or by Afghan society. The 2009 OHCHR/UNAMA report *Silence is Violence: End the Abuse of Women in Afghanistan*, and the December 2010 report *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan* confirmed these findings and provided recommendations for action. The latter report noted that harmful traditional practices serve to harm, degrade and marginalize women and girls and are often reinforced by certain interpretations of religious precepts. These practices are inconsistent with national laws, in particular the Law on Elimination of Violence against Women which criminalizes many harmful traditional practices, as well as sharia law and international law.

22. Based on country-wide research and case analysis, the report on harmful traditional practices documents particular customary practices that violate the rights of women and girls throughout Afghanistan and makes recommendations that would strengthen implementation of the Law on Elimination of Violence against Women as the Government's main tool to end harmful practices. The report found that although there had been some improvement in the State's response to harmful practices and crimes of violence against women, the police and the judiciary often fail to impartially enforce the law and are unwilling or unable to implement laws that protect women's rights.

Trafficking of children

➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)

[...] 72. The Committee expresses concern that children are trafficked by criminal groups mainly within the country and into neighbouring countries for forced prostitution, begging and labour in brick kilns, carpet-making factories, the drug smuggling industry and domestic service. The Committee is also deeply concerned that some families knowingly sell their children into forced prostitution, including for *bacha baazi*. The Committee notes with concern that little has been done to implement the provisions of the 2008 Law on Counter Abduction and Human Trafficking and the 2004 National Plan of Action on Combating Child Trafficking, and that human trafficking convictions remain rare while victims of trafficking are punished for acts they may have committed as a direct result of being trafficked, and jailed pending resolution of their legal cases, despite their recognized victim status.

➤ [US Department of State, Trafficking in Persons Interim Assessment 2011: Afghanistan, 05/04/2011](#)

The Government of Afghanistan has made progress since the release of the June 2010 Report. Afghanistan suffers from severe resource constraints and capacity issues.

[...] The government also investigated and convicted the head of the Ministry of Interior's anti-trafficking in persons unit for complicity in trafficking-related crimes. Some officials continue to conflate the crimes of kidnapping, human trafficking, and smuggling. The government did not report progress in prosecuting and convicting sex trafficking crimes. The Afghan government has not yet reported progress in ensuring that victims of trafficking are not punished for unlawful acts committed as a direct result of being trafficked, such as prostitution or adultery. The government also did not report collaboration with NGOs to ensure that all children, including boys, victimized by sex and labor trafficking received protective services, though 42 shelter officials in Herat and Kabul were trained by the International Organization for Migration in methods of assisting trafficking victims. The government did not undertake new initiatives to prevent trafficking, such as public awareness campaigns to warn at-risk populations of the dangers of trafficking.

➤ [United Nations High Commissioner for Refugees \(UNHCR\), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2010](#)

[...] According to reports, Afghan men, women and children are trafficked internally and internationally for forced labour and sexual exploitation. Afghan men are trafficked to Iran, Pakistan, Greece, the Gulf States, and possibly Southeast Asian countries, for forced labour and debt bondage in the agriculture and construction sectors. Children are reportedly trafficked internally for sexual exploitation, domestic servitude and forced labour, including forced begging (through organized professional begging rings), and to a lesser extent trans-nationally for the purposes of forced prostitution and forced labour in the drug smuggling/trafficking trade in Pakistan and Iran. Although efforts are being made by the authorities to investigate and prosecute trafficking incidents, no convictions for trafficking-related offences

have been reported. Furthermore, there are serious concerns that some victims of trafficking are punished for acts they may have committed as a result of being trafficked. NGOs – the main providers of victim protective services – may also face threats and harassment at the hands of the local community, particularly when assisting victims of perceived "honour" crimes, such as rape.

In light of the foregoing, UNHCR considers that victims of trafficking and persons at risk of being trafficked or re-trafficked, particularly women and children, may be at risk on account of their membership of a particular social group, depending on the individual circumstances of the case.

➤ [Watchlist on Children and Armed Conflict, Report to the Committee on the Rights of the Child in advance of the examination of Afghanistan's initial report in January 2011, August 2010](#)

[...] The armed conflict has also created a security vacuum that allows armed groups or criminal gangs operating along the border areas to exploit children for illegal activities. For example, criminal elements have reportedly used 1,000 to 1,600 children between the ages of eight and 17 in the Afghan border town of Torkham in Nangarhar province to carry flour illegally across the border into Pakistan, according to aid agencies and provincial authorities. Other children living in these border areas were reportedly involved in smuggling arms, according to the same article. As many UN agencies and NGOs operate independently from their counterparts in Pakistan and Iran, information on trafficking and violations involving children used for transnational illegal activities is scarce.

In 2004, the government, in coordination with AIHRC, UN agencies and civil society actors, developed a National Plan of Action on Combating Child Trafficking that lays out actions to be taken to stop child trafficking, including awareness-raising campaigns, technical capacity-building of police and security forces, monitoring of borders, and drafting of legislation on human trafficking. In practice, these mechanisms have not proven to be effective, according to AIHRC. For example, Afghanistan's new anti-trafficking legislation, which was enacted in July 2008, has not led to any prosecutions. Some of the reported cases clearly implicated the border police who accept bribes on the border and allow crossings without investigating the nature of the movement, according to UNODC. Afghan government officials further complained that Pakistani authorities do not always cooperate on joint investigation on trafficking cases, according to the U.S. Department of State's Trafficking in Persons Report 2009. The U.S. Department of State further reports that government efforts to prevent trafficking or assist victims have been insufficient to date. As most trafficking services are for girls only, most boy victims of human trafficking are placed in government-run orphanages or juvenile justice centers, according to the report.

In addition to trafficking, smuggling of migrants, particularly male unaccompanied minors, is highly prevalent from Afghanistan into the Gulf region, Europe, Asia, the Americas, Canada and Australia, according to UNODC. Some families pay for the journey of their children working in these countries to supplement their household incomes. This puts these children at risk of being held captive by smugglers for extra monies, and of violence and exploitation while travelling.

➤ [US Department of State, Trafficking in Persons Report 2010: Afghanistan, 14/06/2010](#)

AFGHANISTAN (Tier 2 Watch List)

Afghanistan is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Trafficking within Afghanistan is more prevalent than transnational trafficking, and the majority of victims are children. Afghan boys and girls are trafficked within the country for forced prostitution and forced labor in brick kilns, carpet-making factories, and domestic service. Forced begging is a growing problem in Afghanistan; Mafia groups organize professional begging rings. Afghan boys are subjected to forced prostitution and forced labor in the drug smuggling industry in Pakistan and Iran. Afghan women and girls are subjected to forced prostitution, forced marriages—including through forced marriages in which husbands force their wives into prostitution—and involuntary domestic servitude in Pakistan and Iran, and possibly India. NGOs report that over the past year, increasing numbers of boys were trafficked internally. Some families knowingly sell their children for forced prostitution, including for *bacha baazi*—where wealthy men use harems of young boys for social and sexual entertainment. Other families send their children with brokers to gain employment. Many of these children end up in forced labor, particularly in Pakistani carpet factories. NGOs indicate that families sometimes make cost-benefit analyses regarding how much debt they can incur based on their tradable family members.

Afghan men are subjected to forced labor and debt bondage in the agriculture and construction sectors in Iran, Pakistan, Greece, the Gulf States, and possibly Southeast Asian countries. Under the pretense of high-paying employment opportunities, traffickers lure foreign workers to Afghanistan, and lure Afghan villagers to Afghan cities or India or Pakistan, then sometimes subject them to forced labor or forced prostitution at the destination. At the end of 2009 and beginning of 2010, an increasing number of male migrants from Sri Lanka, Nepal, and India who migrated willingly to Afghanistan were then subjected to forced labor.

THIS DOCUMENT SHOULD BE USED AS A TOOL FOR IDENTIFYING RELEVANT COUNTRY OF ORIGIN INFORMATION. IT SHOULD NOT BE SUBMITTED AS EVIDENCE TO THE UK BORDER AGENCY, THE TRIBUNAL OR OTHER DECISION MAKERS IN ASYLUM APPLICATIONS OR APPEALS.

Women and girls from Iran, Tajikistan, and possibly Uganda and China are forced into prostitution in Afghanistan. Some international security contractors may have been involved in the sex trafficking of these women. Brothels and prostitution rings are sometimes run by foreigners, sometimes with links to larger criminal networks. Tajik women are also believed to be trafficked through Afghanistan to other countries for prostitution. Trafficked Iranian women transit Afghanistan *en route* to Pakistan.

The United Nations reported that children were associated with the Afghan National Police (ANP) during the year. The government is taking measures to improve the age verification systems of the ANP. Children from ages 12 to 16 years are used as suicide bombers by the Taliban. Some children have been tricked or forced to become suicide bombers. Others are heavily indoctrinated or are not aware that they are carrying explosives that are then set off remotely without their knowledge. Some child soldiers used by insurgent groups were sexually exploited. Boys are sometimes promised enrollment in Islamic schools in Pakistan and Iran, but instead are trafficked to camps for paramilitary training by extremist groups.

The Government of Afghanistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, such as the continued referral of identified trafficking victims to care facilities, the government did not show evidence of increasing efforts over the previous year. Specifically, the Afghan government did not prosecute or convict trafficking offenders under its 2008 law, and punished victims of sex trafficking with imprisonment for adultery or prostitution. Afghanistan is therefore placed on Tier 2 Watch List.

[...] Protection

The Government of Afghanistan made minimal progress in protecting victims of trafficking. Afghanistan did not have a formal procedure to identify victims of trafficking. The MOI identified 360 victims of sex trafficking— including 44 women, 211 men, 13 girls, and 70 boys. The MOI released 338 of these victims to return home, but did not provide data on whether it ensured their safe return and reintegration. The remaining 22 victims were unaccounted for. The government continued to run two referral centers in Parwan and Jalalabad. Under a formalized referral agreement established in late 2007, Afghan police continued to refer women victimized by violence to the Ministry of Women's Affairs (MOWA), UNIFEM, IOM, and NGOs. The government lacked resources to provide victims with protective services directly; NGOs operated the country's shelters and provided the vast majority of victim assistance, but some faced hardships due to threats from the local community, particularly when assisting in cases that involved perceived "honor" crimes, such as rape. One NGO-run shelter in Kabul is specifically for trafficking victims. Some NGOs running care facilities for trafficking victims reported generally adequate coordination with government officials. The Ministry of Labor and Social Affairs, Martyrs and Disabled (MOLSAMD) provided some job training to street children and children in care facilities, and MOWA provided free legal services to victims of violence; it is unclear how many people served were victims of trafficking. There are no facilities in Afghanistan to provide shelter or specific protective services to male trafficking victims, although an NGO-run shelter for boy victims will open in 2010. During the reporting period, some trafficked boys were placed in government-run orphanages and a facility for juvenile criminals while their cases were being investigated, while adult men are kept in detention centers during investigation. Living conditions in government-run orphanages are extremely poor and some corrupt officials may have sexually abused children and forced them into prostitution. The anti-trafficking law permits foreign victims to remain in Afghanistan for at least six months; there were no reports of foreign victims making use of this provision of immigration relief.

Serious concerns remain regarding government officials who punish victims of trafficking for acts they may have committed as a direct result of being trafficked. In some cases, trafficking victims were jailed pending resolution of their legal cases, despite their recognized victim status. Female trafficking victims continued to be arrested and imprisoned or otherwise punished for prostitution and fleeing forced marriages for trafficking purposes. In some cases, women who fled their homes to escape these types of forced marriages reported being raped by police or treated by police as criminals simply for not being chaperoned. Victimized women who could not find place in a shelter often ended up in prison; some women chose to go to prison for protection from male family members. There is no evidence that the government encouraged victims to assist in investigations of their traffickers during the reporting period. Attempts to seek redress are impeded in part because an Afghan victim would be in grave danger for simply identifying his or her assailant.

[...] A Guide to the Tiers

[...] Tier 2 Watch List

Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

- a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or,

c) the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.

Girls access to education

➤ [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)

[...] Due to insecurity, inadequate facilities, poor quality of education, severe shortages of female teachers, early and forced marriages, the perceived need for girls to work at home, and cultural pressures, the status of girls and women in education remained a matter of concern. According to UNICEF more than two million girls were enrolled in grades one through 12. Most of the five million children who were estimated not to attend school were girls. According to the MOE, they were deprived education for economic reasons, security problems (especially in the southern provinces), cultural issues (especially girls), and the lack of schools within a short distance of their homes. In December 2009 HRW reported that the number of girls in school dropped 50 percent between sixth and seventh grades. In February a researcher for HRW reported that only 4 percent of secondary school-age girls reached grade 10. Since 2001 most girls enrolled in schools were the first generation in their family to receive formal education. The AIHRC worked with influential local figures to combat these harmful traditions.

Violence impeded access to education in increasing sections of the country from 2008 through year's end. The Taliban and other extremists, as well as criminal gangs, threatened or attacked schools, especially girls' schools, school officials, teachers, and students. As in previous years, where schools remained open, parents were often afraid to send their children, particularly girls. The MOE reported that five million children were deprived of access to education. The AIHRC reported that half of schools did not have adequate, safe, and appropriate space for learning.

According to HRW the Taliban and other insurgent groups continued to target schools (particularly those for girls over 10 years old), teachers, and students. The MOE reported that between March and October, 20 schools were attacked using explosives or arson, and insurgent attacks killed 126 students. For example, on April 2, the Taliban set fire to the girls' school in Gereshk, Helmand's commercial capital; reports indicated that three days earlier locals had been warned to vacate the school because it would be destroyed; this was the second attack on the school in two months. On April 3, Ariana TV and the Pajhwok News Agency reported that unidentified gunmen burned a girls' school in Faryab Province. On April 4, Tolo TV reported that unidentified men burned a girls' school in Sayedabad District, Maydan Wardak Province; the governor stated that armed opponents of the government were responsible, but the Taliban denied any involvement. According to the Director of Education in Herat Province, in May female teachers and students in Guzara, Shindand, Koshke Rabat Sangi, and Kohna Districts were threatened to not attend schools. On May 28, the Taliban destroyed one school and threatened two others in the Lakan area of Khost; the attackers demanded that certain detainees be released before they would allow the schools to reopen. The Taliban also attacked the Zaku Khel School, a large project under construction by CARE International; 80 percent of the building, which was not yet operational, was destroyed. The attackers also left night letters at two other schools in Khost, warning students not to attend and turned students away on May 29. On July 14, during an interview with BBC Radio Dari/Pashtu Services, Taliban spokesman Zabiullah Mujahed said that the Taliban did not oppose women's education as long as they gained that education "in a secured environment" and under Sharia. He also denied that the Taliban burned down schools or harmed women. The UNAMA mid-year report stated that as a result of threats by antigovernment forces, schools were destroyed or closed, denying educational opportunities for thousands of children, particularly in the southern, southeastern, northern, and central regions. According to the AIHRC, the government was not able to bring most of the perpetrators of violence against women and children to justice, and the persistent culture of impunity exacerbated the situation.

NGOs and aid agencies reported that insecurity, conservative attitudes, and poverty denied education to millions of school-age children, mainly in the southern and southeastern provinces.

In some parts of the country, especially rural areas, girls' schools were closed due to societal bias or security issues. In some provinces, such as Kandahar and Helmand, girls' schools were open in the provincial capitals but not in outlying districts. According to the United Nations Country Task Force Monitoring and Reporting on Grave Child Rights Violations, there had been 13 attacks on girls' schools since April. In some areas individuals opened schools inside their homes or recruited local mullahs as teachers.

➤ [Institute for War and Peace Reporting, Mystery School Poisonings in Afghanistan, 10/09/2010](#)

Mystery still surrounds the identity of those behind a spate of schoolgirl poisonings in Afghanistan, with parents increasingly frightened of sending their daughters to school in the face of what seem to be gas attacks.

In the most recent case, 48 students and teachers at the Zabiullah Esmati High School in Kabul suffered poisoning on August 28, three days after dozens of students were affected by a similar attack in the same area.

[...] The last two years have seen similar incidents in the Parwan, Sar-e Pol, Balkh, Kandahar, Kunduz, Ghazni and Kapisa provinces. There have been no fatalities, but girls have reported dizziness, nausea and fainting.

No one has come forward to claim responsibility in any of those cases.

[...] Public health officials said that in similar cases in Kunduz and Kabul provinces, investigators had found traces of organophosphates in blood samples.

[...] Organophosphates are commonly found in herbicides and pesticides and symptoms of exposure to them could include dizziness, nausea and respiratory problems.

The Taleban have denied responsibility for the poisoning incidents. A spokesman for the movement, Zabihullah Mujaheed, told IWPR in a telephone interview that such attacks were expressly forbidden.

➤ [Watchlist on Children and Armed Conflict, Report to the Committee on the Rights of the Child in advance of the examination of Afghanistan's initial report in January 2011, August 2010](#)

[...] Girls face significantly higher risks of being attacked than boys. While only 19 percent of all schools in the country are designated girls' schools, attacks against girls' schools account for 40 percent of all attacks. For example, in May 2009, an armed group reportedly poisoned 90 girls between the ages of 8 and 12 years old using gas in Mahmud Raqi, the capital of Kapisa province, leading to severe nausea and in at least five cases, short-term comas. In another case, in November 2008, Taliban militants reportedly threw acid into the faces of more than a dozen girls and several of their teachers en route to school in Kandahar, leaving some severely disfigured, according to the 2008 Secretary-General's annual report on children and armed conflict (A/63/785/S/2008/158 and Corr. 1 para 14). The militants were reportedly paid 100,000 Pakistani rupees for each girl they burned. To date, the perpetrators of the crime have not been convicted.

Forced marriage

➤ [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)

[...] The legal age for marriage was 16 years old for girls and 18 years old for boys. International and local observers estimated that approximately 60 percent of girls were married younger than the age of 16. Under the ERAW those who arrange forced or underage marriages may be sentenced to imprisonment of not less than two years; but there has been very limited, if any, implementation of this law. The Law on Marriage states that marriage of a minor may be conducted by a guardian. By law the marriage contract requires verification that the bride is 16 years of age; however, less than 10 percent of the population had birth certificates. Since the marriage registration process was officially legalized in 2008, the AIHRC has been promoting marriage registration as an important tool for preventing forced and underage marriages. The Herat regional office of the AIHRC conducted a campaign on the use and advantages of marriage registration in the western region.

The custom of bride money may have motivated families facing poverty, indebtedness, and economic crisis to pledge daughters as young as six or seven years old, with the understanding that the actual marriage would be delayed until the child reached puberty. However, reports indicated that this delay was rarely observed and that young girls were sexually violated not only by the groom but also by older men in the family, particularly if the groom was also a child.

➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)

[...] 55. The Committee commends the State party for the adoption of the Law on Elimination of Violence against Women (ERAW Law) in 2009 as a major step forward in the elimination of harmful practices. The Committee is however seriously concerned that harmful practices such as child marriage, giving away girls as dispute resolution, forced isolation in the home, exchange marriage and "honour" killings are pervasive and cause suffering, humiliation and marginalization for millions of Afghan women and girls. In this context, the Committee notes with particular concern:

(a) The absence of effective measures to prevent and eliminate early and forced marriages;

➤ [Institute for War and Peace Reporting, Afghan Runaways Flee Forced Marriages, 26/11/2010](#)

[...] Qazi Sayed Mohammad Samay, who heads the northern branch of Afghanistan's Human Rights Commission, says the number of girls running away from home has risen in recent years.

Samia, 16, from the Shulgard district of Balkh province, is among those seeking the commission's help. She wants it to intervene and help break her engagement to a man 22 years older than her. Her family concluded the arrangement when she was only six, and is now insisting the marriage go ahead.

"I don't want to marry someone who's many times my age, so I have come to this [human rights commission] office to get the engagement terminated," she said.

Fawzia Nawabi, head of the women's department at the national Human Rights Commission, said that on a recent tour of women's prisons, she met 15 girls imprisoned for running away from home in Balkh province, 22 in Jowzjan, eight in Sar-i Pol province and four in Samangan.

"All of them said they had been married off against their will," she said. "Some of them had run away because they were beaten for no reason, and others because they had been given away as 'baad'."

Child labour

➤ [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)

[...] The constitution prohibits forced or compulsory labor; however, there were reports that such practices occurred. Anecdotal reports suggested that women and girls were given away as household laborers to other families to settle disputes and debts. Anecdotal evidence suggested that forced child labor occurred, but there were no statistics available to indicate how pervasive the problem was.

[...] Child labor remained a pervasive problem. According to UNICEF estimates, at least 30 percent of primary school-age children undertook some form of work, and there were more than one million child laborers younger than the age of 14. Many child laborers worked as domestic servants, street vendors, peddlers, or shopkeepers. They also worked in several other sectors, including carpet weaving, brick making, and poppy harvesting. Children were also heavily employed in agriculture, mining (especially family-owned gem mines), and organized begging rings. Some sectors of child labor exposed children to land mines. According to the AIHRC, 85 percent of child laborers were boys. Girls performed domestic work in their homes. Many families stated that they needed the income their children provided, but many reportedly also believed that work was useful for children. The MOLSA and the Aschiana Foundation reported approximately 60,000 child laborers in Kabul alone, the majority of whom migrated to the city from other provinces. Children faced numerous health and safety risks at work, and some of them sustained serious injuries such as broken bones.

Carpet weaving was especially dangerous for children, particularly in urban settings, as the enclosed spaces where they lived and worked exposed them to upper respiratory diseases, eyestrain, and spinal and muscular damage. Children were considered suitable to learn carpet weaving at age five, and many children began working in this sector at an early age; families typically worked together weaving carpets, earning 1,500 afghanis (\$30) per month for their efforts, well below the minimum wage.

Sectors in which there were allegations of children subject to forced labor, including its worst forms, included agriculture, brick kilns, carpet-making factories, domestic service, and organized begging.

The government made some progress in implementing its 2004 National Strategy for Children at Risk, including the passage of several laws, but it lacked a specific policy on child labor. The MOLSA's labor inspection function was weak, and the absence of implementing regulations for the labor law's child labor provisions mean that there were no rules to enforce. Generally poor institutional capacity, not unique to the MOLSA, was a serious impediment to effective enforcement of the labor law.

There was a general lack of data on child labor and the worst forms of child labor, which hindered policy and program development. In addition fewer than 10 percent of children in the country had formal birth registrations, further limiting authorities' already weak capacity to enforce laws on the minimum age of employment and military recruitment.

➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)

[...] 66. While welcoming the ratification of ILO Conventions No. 138 (Minimum age) and No. 182 (Worst forms of child labour), and the provision in the Labour Law setting the minimum age for employment at 18 years, the Committee expresses concerns that half of the children in the State party are economically active, most of them subject to the worst forms of child labour. The Committee also notes that not enough efforts have been made to prevent forced labour in the informal and private sectors, where most of the children are engaged. The Committee notes with particular concern that a large proportion of child workers start working between the ages of 5 and 11 years, and work all day; also, more than one third of child workers do not attend school and are illiterate due to the need to work, the high cost of school-related expenses, and their parents' decision not to enrol them in school.

➤ [Institute for War and Peace Reporting, Plight of Afghan Child Workers, 21/10/2010](#)

Sweating heavily, his clothes blackened with dirt and grease, Khowajaha Muzamil struggles to raise a hammer above his head with his thin arms.

Clearly exhausted, the 13-year-old still has many hours to go before he could rest. Although he attends school in the morning, he comes to work in a mechanic's workshop after lunch every day and stays there until late at night.

"My family is in a lot of difficulties and my father has forced me to do this work," he said, adding that he earns between 20 to 30 US dollars a month.

While he would prefer to be out playing like other children, Khowajaha said he believed the skills he was learning would at least mean he had a better chance of getting a good job when he was older.

Experts disagree, warning that a generation of children deprived of education will be doomed to a downward spiral of poverty, with far-reaching economic and social consequences.

In Afghanistan, a signatory to the United Nations Convention on the Rights of the Child, it is illegal for minors to undertake hard physical labour that could harm their health. Children under the age of 11 are banned from working at all, and until the age of 18 they should not be employed more than 35 hours a week.

But these rules are often ignored. According to the United Nations children's fund UNICEF, one in three school-age children in Afghanistan has to work to help support families.

➤ [Watchlist on Children and Armed Conflict, Report to the Committee on the Rights of the Child in advance of the examination of Afghanistan's initial report in January 2011, August 2010](#)

[...] Armed conflict has exacerbated the socio-economic hardship of many Afghan families due to displacement, the death of one or both breadwinners or the loss of livelihood. While children have traditionally contributed to household income, child protection organizations have noted an increase in children who are begging on the street or are active in the informal sector in recent years. As of November 2009, an estimated 38 percent of Afghan children were forced into hard labor in violation of international and national law, according to AIHRC. In some provinces this number is substantially higher. For example, in the western Ghor province, 80 percent of the children between 7 and 16 years of age are forced into labor, according to a survey conducted by AIHRC. Children's working hours often exceed 45 hours per week; children often must engage in activities that are harmful to their health such as inhaling dusty air or carrying heavy sacks. These activities also render them susceptible to economic exploitation, sexual abuse or, in some cases, landmine injuries. Boys are usually involved in work outside the house while girls are more involved in domestic labor or married off at an early age. Another impact of child labor is that working children are less likely to attend school whereas regular school attendance can effectively protect children from full-time work (see above: Education).

➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on Economic, Social and Cultural Rights: Afghanistan, 07/06/2010](#)

[...] 29. The Committee notes with concern that child labour is a serious problem in the State party and that many children are vulnerable to all the worst forms of child labour, including forced or bonded child labour and commercial sexual exploitation (art. 10).

➤ [Afghanistan UNCRC Civil Society Coalition, NGO Alternative Report on the Implementation of the Convention on the Rights of the Child Afghanistan: Every Single Right for Every Single Child, October 2009](#)

[...] 127. The reasons children drop out from school in Afghanistan vary between gender groups; the majority of girls drop out from school because they get married whereas most boys drop out to access work to earn an income for their families. 10% of girls interviewed stated that marriage is the main reason for their drop out. Work is the main reason for boys (36% of boys compared to 7.6% of girls).⁷⁸

[...] 190. The Constitution prohibits children from forced labour. The Labor Law defines the age for work as 18, with exception for the purpose of vocational training and internship from the age of 15-18. No provision is in place to monitor self-employment and/or private employers.

191. Studies suggest that the total number of working children in Afghanistan is far higher than previously reported although no consolidated statistics are available, especially in rural areas. reports that 31% of children in Afghanistan are working (28% boys and 34% girls).¹²⁴ The study on child labour conducted by AIHRC, reports that nearly 50% of children are involved in work (20% of children are engaged in shop keeping; 13% of children are street vendors and 12.5% of children are employed in various workshops).¹²⁵ Although not included in this study, it is expected that a considerable number of children are also involved in worst forms of labour in domestic settings.

192. As in other countries, child labour in Afghanistan is directly linked with livelihood and poverty. Children are preferred for unskilled work in small-scale industries because the wages given to children are much lower than adult wages.

193. Working children are exposed to considerable risks. For example, street vendors and children working in the carpet-weaving industry risk lung disease, sexual abuse, and extreme weather conditions. Extreme exploitation of working children in Afghanistan is increasing.

194. The use of children for begging and trafficking of drugs are among the issues of major concern. For example, 14 Afghan children were jailed in Iran charged with drug trafficking in 2008. AIHRC, with support from UNICEF, has established a border monitoring program on the two major borders with Iran to monitor such cases closely.

195. Since there is no overall comprehensive national strategy to address the problem of child labor, it is feared that other worse forms of child labor are rising.

196. A lack of political will, and absence of mainstreaming rehabilitative programmes, deprives working children with adequate opportunities for their development.

197. Civil society believes that addressing the problem of child labor is not possible in a vacuum; the implementation of wider social security programs is needed to support poor families. In a consultation session with 25 working children in Bulkh province, children have asked the government to provide their fathers with secure jobs so that they can have the opportunity to stop working and return to school.¹²⁶

Life in orphanages

- [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)
[...] According to the AIHRC, Terre des Homme, and the UN Children's Fund (UNICEF), many of the children in detention centers and orphanages suffered physical abuse. There were credible reports of cases in which authorities threatened and mistreated juvenile detainees.
[...] Living conditions for children in orphanages were poor. The MOLSA oversaw 84 residential orphanages, designed to provide vocational training to children from destitute families. Of these 18 were private orphanages and 10 were official centers (but operated by NGOs by agreement with the ministry). NGOs reported that 60 to 80 percent of four- to 18-year-old children in the orphanages were not orphans but rather children whose families could not provide food, shelter, or schooling. Children in orphanages reported mental, physical, and sexual abuse; were sometimes trafficked; and did not always have access to running water, winter heating, indoor plumbing, health services, recreational facilities, or education.
- [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)
[...] 41. [...] The Committee is further concerned that children who have lost their father are often considered as orphans and may be separated from their mother, especially if she does not accept to marry a male member of her deceased husband's family.
[...] 43. The Committee expresses serious concern about the continuous increase in the institutionalization of children in the State party, especially children from poor families. The Committee notes with concern that other alternative care options, such as foster care, remain underdeveloped which leads to excessive institutionalization of children. The Committee is also concerned that most alternative care facilities are unregistered and are not adequately regulated and monitored.
- [Watchlist on Children and Armed Conflict, Report to the Committee on the Rights of the Child in advance of the examination of Afghanistan's initial report in January 2011, August 2010](#)
[...] In particular, finding durable solutions for children at risk, including unaccompanied and orphaned children, remains a challenge, according to UNHCR. While the Government of Afghanistan's 2006 National Strategy for Children at Risk focused on developing community and family based support for vulnerable children and reducing the emphasis on institutional care, the orphanages run by the government and the Afghan Red Crescent Society provide mostly temporary shelter and do not always admit boys of 15 years and older. Child protection agencies have also warned of the poor living conditions in some orphanages. For example, a survey conducted by AIHRC with 43 children in Alahuddin Orphanage in Kabul found most children to be dissatisfied with the facilities, citing poor food quality, lack of sanitation facilities and physical and verbal violence.
- [Afghanistan UNCRC Civil Society Coalition, NGO Alternative Report on the Implementation of the Convention on the Rights of the Child Afghanistan: Every Single Right for Every Single Child, October 2009](#)
[...] 73. The exact number of children living in orphanages is not known due to complications with the orphanage registration system. However, thirty years of ongoing war have left numerous children without parental care, any of whom have lost at least one of their parents during the war.

74. Poverty forces families to separate their children and send them to orphanages; as a result a high number of children living in orphanages have both or at least one parent alive. Research reveals that at least 83% of children living in orphanages do not have a father or mother; while only 14% of children interviewed in AIHRC's research stated that both of their parents had died.³⁰ If households living in poverty were supported by the government these children would likely have the opportunity to live with their families.

75. Although there have been positive developments in the living situation of children in orphanages, there remain many challenges. During consultation with 43 children from Alahaa-w-deen orphanage, it was found that most children were dissatisfied with the facilities.³¹ The major complaints were poor food quality, lack of sanitation facilities, and physical and verbal violence against them:

- ☐ At least 22% had no access to personal washing facilities;
- ☐ 60 % did not have their own toothbrush, toothpaste, and soap;
- ☐ At least 36% were not able to wash themselves for more than a month;
- ☐ Over 48% had no access to heating in the winter.

Organizations working in the area of child rights session confirmed that the quality of living in the orphanages is very poor.³² There is no mechanism in place for monitoring private orphanages.

Situation and treatment of street children

- [US Department of State, 2010 Country Reports on Human Rights Practices: Afghanistan, 08/04/2011](#)
[...] NGOs estimated that there were 37,000 street children in urban areas. Street children had little or no access to government services, although several NGOs provided access to basic needs, such as shelter and food.
- [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)
[...] 68. The Committee is concerned that there are significant numbers of children working in the streets in the State party, and that these children are at great risk of physical, emotional and sexual exploitation and abuse. The Committee expresses particular concern that children in street situations are often used as sex workers and introduced to intravenous drug use by criminal groups. The Committee is also concerned that children in street situations under the age of criminal responsibility have been arrested and detained by the Afghan National Police.
- [Reuters, War, corruption swell number of Afghan street kids, 06/09/2010](#)
At a centre for disadvantaged children in Kabul, shy young girls step up to recite their duties as fasting Muslims for the visiting U.S. ambassador.
Teachers look on with pride at young Afghans who were once left at the mercy of the street.
Yet the disturbing reality in this war-torn nation -- where Western powers battle Islamist forces to maintain a friendly government in power -- is that at least 600,000 street children have no safety net to catch them.
The problem, experts say, is getting worse because of the deepening war and the scourge of corruption, despite the inflow of more than \$35 billion from foreign donors since the Taliban were removed from power in 2001.
The dangers for children are many, they say: from drugs to the insurgency, from criminal gangs to sexual abuse.
"Poverty is getting worse in Afghanistan and children are forced to find work," said Shafiq Zaher, a social worker with Aschiana, the group receiving U.S. aid for its work.
Zaher regularly trawls Kabul streets and parks where street children hang out and approaches them to see if they would be interested in an education.
"We take the children and show them what we do here and if they agree we go to the family and talk to them," she said.

Some 7,000 in the main cities of Afghanistan are attending Aschiana schools, where food and stationery costs are taken care of and some families are assigned sponsors.
Most have a home to go to, even if it is the shell of a building struck in the country's unending wars, Zaher says, but their guardians are often disabled and cannot work.
- [Consortium for Street Children, NGO Shadow Report for the United Nations Committee on the Rights of the Child, August/September 2010](#)
[...] War Child reports that 70% of the Afghan population live in poverty and that 60% of families rely on children for the household income¹ at times to support the parents' drug addiction². Although some children are orphans, most of them spend their day on the street but return home in the evening³. Having been given the role of breadwinners of the family, children become beggars, street vendors, foragers for waste and often recur to petty crime. It is estimated that street children earn on average \$2 a day⁴. There are no accurate socio-economic and demographic data in Afghanistan

and in particular there are no records on the number of street children in Afghanistan, although the estimates show that the number of children in the streets has increased dramatically in recent years⁵. Herat, for example, has 5,000 to 10,000 street children. Estimates in Kandahar range from 7,000 street working children⁸ to 32,000 street children⁹. In Kabul the estimates on street children raised from 37,500 in 2003¹⁰ to 50,000 in 2007¹¹ and then sharply increased in 2008 to 70,000¹². Aschiana Foundation estimates the number of street children in Afghanistan is 600,000¹³. The State Party reports that "(c)hildren working on the streets are predominantly boys between the ages of 11 to 14 years"¹⁴.

[...] There have also been reports that street children are being "looked after" in juvenile rehabilitation centers, in the absence of appropriate institutions to accommodate them¹⁹. This is a concern as street children become criminalized as a consequence of the lack of social care institutions that will be able to address their needs²⁰.

[...] Health infra-structures were also destroyed over the last decades. Street children are particularly vulnerable as they are exposed to risks such as the weather, exploitation and poor nutrition. UNICEF has reported that experts on HIV have raised concerns about the rising of HIV cases in Afghanistan, especially among street children²¹. The use of drugs by street children, in particular intravenous drugs increases the risks of spreading of HIV cases. The Afghanistan Independent Human Rights Commission (AIHR) reports that 2,000 street children in Herat are addicted to drugs²². There have also been reports that 10% of the over 1 million drug addicts in Afghanistan are children, mainly street children²³. Street children are also often forced into making a living on sex work. Not having attended formal education, this group of children is unaware of safe sex practices and become very vulnerable to sexually transmitted infections. Street education on sexual health should therefore be prioritised by the State Party.

[...] Children led to the street often enter into conflict with the law. "The lack of a proper welfare and criminal justice system (social workers, properly trained police, little understanding of the law amongst lawyers, judges, reliance on tribal laws and codes of conduct etc) means that children are often treated the same as adults when they come into conflict with the justice system. This means that they often end up in adult jails."²⁶ This has been acknowledged as a challenge by the State of Afghanistan in its Initial Report²⁷. Addressing this matter should therefore take priority, as essential to safeguard the children "Upon release, a strong social stigma results in many of these children being rejected by their families, leaving them with no carer. As a result children often re-offend and pass through the detention centre on a regular basis."²⁸ The social problem of street children is therefore very often criminalized. UNICEF reports that "(t)he detention of children often serves as a punitive measure rather than a measure of last resort in Afghanistan despite its harmful consequences for children"²⁹. Children are therefore imprisoned but the underlying social root cause of street children is not addressed. War Child reports that children "remain on the periphery of development programming", leaving street children particularly vulnerable to many risks and forms of exploitation³⁰ including "exposure to drugs, violence, sexual abuse, arrest, trafficking and being exploited by armed groups"³¹. UNICEF reports concerns about street children being recruited into armed forces and rebel groups³². The Coalition to Stop the Use of Child Soldiers reports that an alarming number of children have been recruited by the Afghan Security Forces to fulfill the increasing demand for soldiers and soldiers, whilst opposition forces recruit children as fighters, guard camps and suicide bombers³³. With no adult exercising parental responsibility, street children are of an increased vulnerability to forced recruitment and of becoming involved in armed conflict. The US Department of State reports Afghanistan as a concern for child trafficking, both internally and trans-nationally for forced labour and forced prostitution³⁴. The same document also reports that children are often trafficked to enter into organized begging rings, to which many of the current street children in the country will be part of. With no main carer exercising their parental responsibilities, street children are at great risk of trafficking and exploitation by organized crime. The protection of street children is often left to or even demanded³⁵ from NGOs working locally. Services provided by these organisations range from education, safeguarding and meeting the basic needs of the children, such as food and clothing. However, resources are scarce and often the needs of this group of children remain unmet. IRIN reports that this is an ongoing concern and that in 2007, for example, Aid NGOs had called for more funds³⁶. NGOs and State remain unprepared to respond to street children needs in particular in situations of crisis, such as the cold winter of 2008³⁷. Afghanistan reports that some steps have been given to protect street children, as the creation of the Commission on Banning Beggary with the aim of banning the exploitation of street children in street begging by diverting the children to appropriate social care institutions³⁸. However, considering the lack of social resources, concerns remain that children will be accommodated in juvenile rehabilitation centres, which will further criminalise street children. Associated to a recognized lack of defense lawyers for children and absence of the child legal guardian during the court sessions³⁹, as well as the lack of knowledge, by justice officials of the relevant legislation and the lack of juvenile primary courts⁴⁰ street children live in a situation of increased vulnerability within the judiciary. The lack of clear estimates of the number of street children leaves the children even more vulnerable as they are virtually invisible to the system. This is aggravated by the non recognition by the State Party of the reality of street children that considers only the existence of street working children and denies the existence of street children⁴¹. Invisible to the system and unrecognized by the State, the support for this children is at risk as allocation of funds for the implementation of appropriate programmes for this vulnerable group will not be made available.

Children & indiscriminate violence

➤ [Save the Children, Devastating Impact: Explosive weapons and children, March 2011](#)

[...] The use of explosive weapons in populated areas has a devastating impact on children. As well as killing and injuring them, bombs and the increasing use of improvised explosive devices (IEDs) are denying children access to healthcare and education, and ruining their futures. Children left with disabilities are less able to earn a living and contribute economically to their communities and countries. They are also more vulnerable to exploitation and abuse.

[...] The six countries where children were most threatened by the use of explosive weapons in 2009 were:

Afghanistan: Explosive weapons play a predominant role in the ongoing conflict between various insurgent groups and international and government forces, and this role is further explored below. In 2010, the use of explosive weapons, particularly IEDs, has continued to cause the loss of children's lives.

[...] In Afghanistan, Pakistan, Somalia and Yemen the ongoing use of explosive weapons still constitutes a significant threat to children.

[...] However, because the use and impact of explosive weapons is not systematically recorded, it is impossible to calculate exactly how many children are killed or injured by them. There is very little age-disaggregated information about civilian deaths, but where there is – for example, in Gaza, Iraq and Afghanistan – evidence suggests that children make up a substantial proportion of civilian casualties.

[...] This indicates that, in the Iraq war at least, air attacks killed a far greater proportion of children among the total numbers of civilians killed than any other type of weapon. This trend seems to have been reflected in Afghanistan in 2009, where, according to the UN, 38% of children who died as a result of armed conflict were killed in airstrikes, whereas airstrikes were the cause of only 15% of total civilian deaths.²³ Although aerial attacks saw the highest *proportion* of child deaths within the civilian casualties that they caused, IEDs accounted for the highest *numbers* of children killed in Iraq. The use of IEDs, including those targeted at civilians, is increasing, especially in Afghanistan and Pakistan, as is the explosive power of these devices.²⁴ In 2009, 67% of all civilian deaths recorded by the UN Assistance Mission in Afghanistan were attributed to anti-government elements and 25% to pro-government forces. During that year, the proportion of civilian deaths attributable to pro-government forces, as well as the total number of civilian casualties, fell as a result of a NATO directive to minimise civilian deaths.²⁵ This trend continued in the first half of 2010, with a fall to 12% of civilian casualties being attributed to pro-government forces.²⁶ As a result of the 1997 Mine Ban Treaty, and the work of 'mine action' organisations, the risk to children from anti-personnel mines has decreased.²⁷ However, in 2008 there were still 5,197 new casualties from mines, explosive remnants of war and victim-activated IEDs in 75 countries. Where the age was known, children accounted for 41% of civilian casualties.²⁸ In Afghanistan, children make up almost 50% of all casualties from unexploded ordnance.²⁹

[...] Trauma at a critical time in their psychological development can cause children to drop out of education and can lead to mental illness, substance abuse and social problems.³⁹

[...] Explosive weapons destroy hospitals, health centres and schools, and make them too dangerous and difficult for children to get to.

[...] In Afghanistan, between 1 January and 30 June 2009, at least 60 students and teachers were killed and 204 wounded in security incidents.⁴² During the first four months of 2010, 106 attacks on schools in Afghanistan were recorded and in the first half of 2010 around 400,000 children were left out of school because of ongoing conflict, threats and attacks.⁴³ Schools that have been attacked either deliberately or unintentionally can remain closed for years. Recent reports show that attacks using explosive weapons are increasing, especially in Afghanistan and Pakistan.⁴⁴ As well as having a long-term impact on individual children's lives, the use of explosive weapons stalls, and often reverses, a country or community's economic development.

➤ [United Nations Assistance Mission in Afghanistan \(UNAMA\) / Afghanistan Independent Human Rights Commission \(AIHRC\), Afghanistan: Annual Report on Protection of Civilians in Armed Conflict 2010, 09/03/2011](#)

[...] The conflict continued to have a devastating impact on women and children. More women and children were killed and injured than in 2009. Women casualties increased by six per cent and child casualties increased by 21 per cent from 2009.

Not only did women and children casualties' increase in 2010, the spread and intensity of the conflict meant that more women and children had even less access to essential services such as health care and education.

In 2010, 40 per cent of female deaths and 44 per cent of child deaths were caused by IED explosions and suicide attacks. These figures represent a 31 per cent increase in female deaths and a 66 per cent increase in child deaths from 2009. Eight children were executed by Anti-Government Elements.

Out of the total civilian deaths linked to Pro-Government Forces, 37 per cent of female deaths and 29 per cent of child deaths were caused by aerial attacks. These figures represent a 62 per cent and 72 per cent decrease respectively from

2009. Eight females and nine children were killed as a result of search and seizure/night raids across the country. More children were killed in the southern region and more women were killed in the southeast than any other region as a result of such operations.

[...] In 2010, women and children were extremely adversely affected by the conflict. Lack of freedom of movement, access to essential basic services such as health and education and attacks resulting in death and injury have all severely negatively impacted on their lives. As the conflict spread and deepened, vulnerable persons, particularly those in rural areas, suffered the most. Insecurity, continuing violence and the pervasive atmosphere of intimidation and fear has caused large numbers of displacement to urban centers. According to UNCHR, 102,658 individuals were displaced due to the conflict in 2010. Those civilians, particularly women and children who stay in conflict affected areas have seen their quality of life significantly deteriorate.

IEDs, suicide attacks and mortar and rockets by AGEs caused the most women and children casualties during the year. Ninety-four women and 163 children were killed by IEDs and suicide attacks, a 31 per cent increase in deaths of women and 66 per cent increase in deaths of children compared to 2009. The killing and injury of women and children mainly resulted from roadside IEDs, suicide attacks occurring in busy market places and targeted attacks against provincial government officials or other Pro-Government officials that occurred in public places where women and children congregated.

Women casualties were also mainly as a result of IED explosions, with the majority occurring when traveling by minibus. In four incidents alone, five women or more were killed, including eight women killed on 30 December when their bus travelling to Sangin district hit a roadside IED in Nahri-Sarraj district in Helmand province. Large numbers of child casualties also mainly occurred as a result of IED explosions. In one incident alone, nine children were killed and ten were injured when a series of IED explosions occurred in Kandahar city on 5 October. The first explosion reportedly targeted an ANP vehicle, but the vehicle had already passed. In response to the first explosion another ANP vehicle arrived at the scene, where a second IED was detonated. However, between the two explosions, a large number of boys from a nearby language school had congregated. A third explosion then took place. It is believed that all three IEDs were remotely detonated.

➤ [United Nations, Report of the Secretary-General on children and armed conflict in Afghanistan, 03/02/2011](#)

[...] 3. The reporting period was marked by increased military activity and a continued deterioration in security, which heightened children's vulnerability to conflict-related violations. The year 2010 was the most volatile year in security terms since the fall of the Taliban in 2001. According to the United Nations, the number of security incidents was 40 per cent higher in January 2010 compared to January 2009, and 93 per cent higher in June 2010 compared to 2009. This was due in part to the continued attacks by the Taliban-led insurgency, their expansion into previously stable areas, such as northern and western Afghanistan, as well as increased counter-insurgency operations by Afghan National Security Forces and international military forces. Incursions of foreign fighters and the deteriorating security situation along the border area with Pakistan also contributed to increased insecurity.

4. Civilians, including children, continued to be victims of the conflict. [...] In 2010, women and children made up a greater proportion of those killed and injured than in 2009, with child casualties increased by 55 per cent from the same period in 2009.

[...] 5. The Taliban and other armed groups such as the Haqqani network and Hezb-i-Islami, increasingly resorted to asymmetric tactics, and "complex attacks", including the use of combined improvised explosive devices and suicide attacks, as well as rocket and mortar attacks, which continued to rise in number and intensity. Incidents were focused primarily in the south, south-east, east and central regions.

[...] In the first half of 2010, there was a 155 per cent increase in child deaths through improvised explosive devices and suicide attacks attributable to armed opposition groups as compared to the same period in 2009.

[...] 30. During the reporting period, 1,795 children were injured or killed because of conflict-related violence although the figures are assumed to be underreported as access to conflict-affected areas remained difficult. Children continued to be casualties of suicide attacks, improvised explosive devices and rocket attacks by armed groups, including the Taliban. Children have also been victims of air strikes and night searches by pro-government forces. In addition, 568 children were injured or killed as a result of landmines and other explosive remnants of war during the reporting period.

31. A greater proportion of civilian deaths and injuries, including children is attributable to anti-government elements. In many cases, children were killed or injured when armed opposition groups, including the Taliban, targeted provincial civilian infrastructure such as district administrative centres or checkpoints situated near residential areas. Suicide attacks by armed groups have also resulted in the death and injury of children. For example, in August 2009, a person wearing a suicide vest detonated in Kandahar city reportedly killed 10 children and injured 7. However, it should be

noted that the revised May 2010 Taliban Code of Conduct for Taliban fighters includes various guidelines on limiting the impact of the conflict on the civilian population, including limiting the use of suicide attacks.

32. Of grave concern is the killing of children by armed opposition groups, including the Taliban, on the suspicion that they were spies, or for being allegedly associated with or supporting international military forces. At least nine cases were reported of children executed on suspicion of spying for the international military forces, including the public hanging by the Taliban of a seven-year-old boy reported in Helmand province in June 2010. In February 2009, two young school students were executed by armed opposition groups, while a third child was critically injured in Wardak province. They were suspected of spying for the international military forces because they had been seen speaking in English with international soldiers patrolling the area. In December 2009, a 16-year-old rickshaw driver in Laghman province was killed on suspicion of providing reports to the international military forces about the location of improvised explosive devices on the way to an international military base. Children have also been killed when armed opposition groups have targeted parents because of their association with the Government. In December 2009, a 16-year-old boy was killed alongside his father, a mullah, in Kunar province.

33. Children were also killed and injured as a result of air strikes and ground attacks by pro-government forces, particularly as a result of imprecise targeting or on the basis of misinformation. A total of 131 children were reportedly killed in 2009 as a result of air strikes, accounting for a large percentage of the child casualties by pro-government forces. The majority of them were recorded in the south, although major incidents occurred in other parts of the country. In February 2009, as a result of inaccurate information and lack of coordination between international military forces and Afghan National Security Forces during an air strike on Guzara district, Herat province, two bombs impacted on a Kuchi-nomad camp, killing 11 children. This was later confirmed by an ISAF investigation. On 4 May 2009, an air strike on a residential compound in the Bala Baluk district of Farah province claimed the lives of 64 women and children. On 3 September 2009, as a result of the hijacking of two fuel tankers by the Taliban in Kunduz province, an air strike was conducted, resulting in some 74 civilian deaths, including at least 41 children.

34. Efforts have been undertaken by the Government and the international military forces to minimize civilian casualties. A new ISAF command structure since September 2008, along with a counter-insurgency strategy that places more emphasis on protecting the civilian population, as well as guidelines and tactical directives to lessen the impact of the conflict on civilians, have contributed to a decrease in the number of civilian deaths attributable to the Government and international military forces. The tactical directives were further modified in July 2009 to provide guidance on the use of aerial attacks against residential compounds.

35. Despite such efforts, on 31 January 2010, in Uruzgan province, a five-month-old baby boy was killed during a raid by United States Special Forces. On 12 February 2010, a night raid conducted by international military forces and Afghan forces on a residential house in Gardez city, Paktya province, led to the death of five family members and injury to another four civilians, including a 15-year-old boy. In February and March 2010, at least 21 children were killed and four injured as a result of air strikes and mortar fire during a joint military operation in Marjah district, Helmand province. On 14 February 2010, 12 civilians, including 2 children, were killed by two international military forces rockets launched in Marjah town. According to an ISAF press statement, the rocket impacted approximately 300 metres off its intended target. Following this incident, international military forces suspended the use of the artillery rocket system, pending a review of the incident. On the same day, 12 members of one family, including children and women, were killed by an international military forces mortar round, which landed on their residence in Marjah city, Helmand province.

➤ [United Nations High Commissioner for Refugees \(UNHCR\), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2010](#)

[...] Notwithstanding sustained efforts to clear mines and UXOs in the last decade and a steady decrease in the number of Afghan victims, mines and explosive remnants cause, on average, 42 casualties per month, a large majority of who are children

➤ [Watchlist on Children and Armed Conflict, Report to the Committee on the Rights of the Child in advance of the examination of Afghanistan's initial report in January 2011, August 2010](#)

[...] Children bear the brunt of the ongoing armed conflict in Afghanistan. In 2009, at least 346 children were killed in aerial strikes and search-and-raid operations by international special forces as well as by assassinations and suicide bombings by anti-government elements. In addition, landmines, explosive remnants of war and other explosives have killed or severely injured hundreds of children, particularly boys who play outside, tend animals, or collect food, water or wood. Armed groups have also damaged and destroyed schools, targeting students (especially girls), teachers and others who are seen as supportive of Afghanistan's education system.

[...] The number of civilians killed and injured since 2006 as a result of the armed conflict has risen at an unprecedented rate. Nearly 6,000 civilians were injured or killed due to conflict-related violence in 2009, and of this number 2,412 were

killed, according to UNAMA's annual report, Protection of Civilians in Armed Conflict in Afghanistan, 2009. This marks a 14 percent increase in civilian deaths as compared to the same time period the previous year. Most of the incidents were recorded in the south, southeast and eastern regions where aid organizations have limited access and hostilities have escalated. In 2009, 346 children were reportedly killed due to conflict-related violence, including 131 through air strikes and 22 in night raids by Special Forces, and 128 were killed through assassinations, suicide bombings and other attacks by armed opposition groups, according to UNAMA. This number does not include incidences where children were killed by landmines and explosive remnants of war (ERW), and might only be a fraction of the actual cases as human rights monitors have limited access to conflict zones due to insecurity. The Afghan Independent Human Rights Commission (AIHRC) reported 520 children killed by warring parties between March 2009 and March 2010, which also includes mine-related victims. The Afghanistan Rights Monitor (ARM), a local human rights group, reported at least 1,050 children killed by suicide attacks, air strikes, improvised explosive devices (IEDs), ERWs and in cross-fire between warring parties in 2009.

While the Taliban's Code of Conduct instructs "every member of the Mujahideen [to] do their best to avoid civilian deaths, civilian injuries and damage to civilian property," armed opposition groups have at times directed their violence at civilians to intimidate them and undermine the government, staging suicide bombings in highly populated areas, detonating IEDs on busy civilian roads, and attacking schools and hospitals (see below: Education and Health). Children have also been targeted by these armed groups and executed on allegations of spying for government or international military forces, according to UN sources. There are also reports of armed groups deliberately using children as human shields.

Most of the civilian deaths attributed to pro-government forces were as a result of airstrikes and, to a lesser extent, night raids often involving excessive use of force. For example, in May 2009, the U.S. claimed that it responded to calls by Afghan Armed Forces for protection against insurgent attack by using aerial bombardments, which killed at least 65 children and 21 women in a village in the Bala Bulok district of Farah Province, southwestern Afghanistan, according to AIHRC. Independent human rights organizations have struggled to verify such claims due to the lack of transparency in investigations conducted by international military forces. In many of these cases, the use of unreliable sources or faulty intelligence have contributed to increased civilian casualties.

One of the most problematic aspects for child protection actors is that contrary to the Convention on the Rights of the Child's definition, ISAF's Civilian Casualties Tracking Cell defines a child as a person under the age of 15. This makes it extremely difficult to accurately assess the impact of military attacks on children and may lead to underestimates of the number of children associated with armed groups.

Children have also been caught in the cross-fire as fighting between the Afghan forces and international military forces against armed opposition groups continues. Similarly, landmines, ERW and other explosives placed by armed forces and other groups have killed hundreds of children and inflicted permanent injuries on others throughout the conflict (see below: Landmines and ERW).

[...] Traumatic events experienced or witnessed during the conflict continue to haunt many children, making it difficult for them to readjust to normal life. A recent survey found that 22 percent of 1,011 children between the ages of 11 and 16 years attending government-operated schools in Kabul, Bamiyan and Mazar-i-Sharif exhibited signs of psychiatric disorder; girls were two-and-a-half times more likely to have disorders than boys.

However, there is limited psycho-social trauma support provided in the country, according to Handicap International. Standard health responses for victims of violence – even rape victims – focus on physical care with little attention paid to the patient's mental well-being. The profession of counseling does not even exist in public health services. Some child protection initiatives engage conflict-affected children in activities to promote creativity and play as an alternative to more traditional psycho-social interventions, including skateboarding and staging a children's circus. While such programs may benefit a few, more systematic interventions are needed for children to help them deal with their war experiences.

[...] Landmines and Explosive Remnants of War

Afghanistan is considered to be one of the countries most contaminated by landmines and explosive remnants of war (ERW) worldwide with an estimated 630 sq km of mine-affected land as of December 2009, according to the UN-supported Mine Action Coordination Centre of Afghanistan (MACCA). An estimated 2,130 communities are affected by landmine/ERW contamination with most incidents concentrated in the conflict-affected provinces of the south, including Kandahar and Helmand. Most of the landmines originate from armed conflicts in the 1980s and 1990s but armed groups have continued to use mines throughout the current conflict. However, in contrast to previous conflicts, individual mines now tend to be laid randomly rather than in "mine belts" and often built into IEDs, which are detonated remotely and intended to destroy a specific military or civilian target, according to MACCA.

More than 70,000 people have been killed or disabled due to landmines and ERW in Afghanistan since the beginning of the conflict. In addition, thousands more were injured or disabled. Landmine experts estimate that 95 percent of

landmine injuries result in disabilities. Other civilians were displaced from their homes and livelihoods or cut off from schools and hospitals due to landmine contamination.

The majority of the mine incidents, an estimated 61 percent, involve children, with boys being disproportionately affected. Of the 734 recorded instances of children injured or killed by ERWs in 2008 and 2009, 626 were males and 105 females, according to MACCA's national database. This can be explained by culturally-based gender differences, including the greater restrictions placed on girls' mobility and the different set of responsibilities assigned to boys in Afghan society. The data reveals that most children died while playing outside, tending animals, collecting food, water or wood or travelling. Most of the mine incidents affected children between the ages of eight and 17 years old.

Assistance to survivors of landmine/ERW incidents in Afghanistan largely consists of low- quality services concentrated mainly in urban areas. Whether children hit by a landmine receive life-saving assistance almost entirely depends on the location of the incident. Transport may take up to three days, according to Handicap International. Proximity to specialized medical facilities is also critical, as children with disabilities require frequent adjustments of their prosthetics and other medical devices. However, the majority of mine victims interviewed by Handicap International in its 2009 survey stated that services were never or almost never adapted to their age, a significant number considering that most of them had incurred injuries during childhood.

➤ [United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of the Special Representative for Children & Armed Conflict to Afghanistan, 23/04/2010](#)

[...] The issue of civilian casualties, particularly child casualties, continues to be of great concern. With the deterioration of the security situation since the Special Representative's last visit, children have increasingly been victim of suicide attacks by Taliban and other anti-government elements (AGE) which targeted national and international security forces, government structures and associated individuals. Children have also suffered due to the lack of respect for the principle of distinction of civilians and combatants among AGE forces when they militarily engage national and international forces.

Children have also continued to be victim of air strikes and other ANSF and ISAF operations. The Special Representative noted that the UN had confirmed that 131 children were killed as a result of air strikes and 22 in night raid operations by ISAF and ANSF in 2009. However, it is encouraging to note that positive steps have been taken to reduce the impact of the conflict on civilians, including children. Indeed, in her conversation on the matter with the Minister of Defense, General Wardak, the Special Representative was informed that the on-going operations in Marjah, in Helmand Province, were slow due to the intense amount of care being taken to avoid civilian casualties. ISAF Commander, General McChrystal, also outlined his efforts to undertake all measures to avoid civilian casualties. ISAF has also initiated a Civilian Casualty Tracking Cell, which works closely with UNAMA and the humanitarian community to track civilian casualties.

The killing of civilians, including children, in Uruzgan province during the Special Representative's visit reminded her that the only sure way to reduce civilian casualties was to stop the fighting. She repeated the call of the Security Council Working Group on children and armed conflict for ISAF and the ANSF to continuously review tactics and procedures and after-action reviews in cases where civilian casualties have occurred.

Children in displacement

➤ [Internal Displacement Monitoring Centre \(Norwegian Refugee Council\), Afghanistan: Need to minimise new displacement and increase protection for recently displaced in remote areas, 11/04/2011](#)

[...] Protection concerns

Violence and coercion

[...] The risk of forced recruitment increases during displacement for children deprived of protective community or family structures. The Special Representative of the UN Secretary-General for Children and Armed Conflict highlighted this risk during her 2010 visit to Afghanistan. Some children, most of them boys, were specifically recruited to be sexually exploited, a phenomenon known as *baccha baazi*, or to be used as suicide bombers (SRSG-CAC, 2010, pp.5, 9). Research after military operations in Helmand Province in early 2010 showed that insurgent groups had increased their recruitment efforts, particularly among IDPs in Lashkar Gah camp (ICOS, May 2010).

[...] IDPs including children who fled from areas controlled by the insurgency have also been suspected by pro-government forces of loyalty to opposition groups. Since 2001, an unknown number of internally displaced children have been arrested by Afghan or international military forces. Some of these children were ill-treated during their detention (SRSG-CAC 2010, p.7). [...]

➤ [U.S Department of State, 2010 Human Rights Report: Afghanistan, 08/04/2011](#)

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[...] Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

[...] *Children*

[...] Children were displaced due to the conflict. The MOLSA estimated that a large number of IDPs were children. [...]

➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Concluding observations of the Committee on the Rights of the Child: Afghanistan, 08/04/2011](#)

[...] IV. Main areas of concern and recommendations

[...] Internally displaced/refugee children

62. The Committee commends the State party for its efforts to provide assistance to returnee and internally displaced children, especially those who were internally displaced between June 2009 and July 2010 in the Helmand and Badghis provinces. However, the Committee expresses concern that there is currently no clear policy to monitor the situation of internally displaced children and their families and respond to their needs. and that refugee, returnee and internally displaced children, especially Pashtun and Jogi children continue to face harsh living conditions and problems accessing birth registration, identity documents and education. [...]

➤ [United Nations Assistance Mission in Afghanistan \(UNAMA\) / Afghanistan Independent Human Rights Commission \(AIHRC\), Afghanistan: Annual Report on Protection of Civilians in Armed Conflict 2010, 09/03/2011](#)

[...] 6. Attacks on Women and Children

In 2010, women and children were extremely adversely affected by the conflict. Lack of freedom of movement, access to essential basic services such as health and education and attacks resulting in death and injury have all severely negatively impacted on their lives. As the conflict spread and deepened, vulnerable persons, particularly those in rural areas, suffered the most. Insecurity, continuing violence and the pervasive atmosphere of intimidation and fear has caused large numbers of displacement to urban centers. According to UNCHR, 102,658 individuals were displaced due to the conflict in 2010. [31] Those civilians, particularly women and children who stay in conflict affected areas have seen their quality of life significantly deteriorate. [...]

➤ [Refugees International \(USA\), Afghanistan: In a Time of Conflict, 01/12/2010](#)

[...] PERSISTING AND GROWING HUMANITARIAN NEEDS

Afghans are subjected to frequent cycles of natural and manmade disasters, which threaten lives and access to basic services and livelihoods. Over 400,000 people are severely affected by frequent natural disasters each year. At least half a million people in the south have lost access to health services and 100,000 children cannot even be vaccinated due to insecurity. Six million people have returned from exile since 2002, but untold millions are still on the move in search of means to survive.

Conflict is displacing more people now than in the past eight years. Over 120,000 were displaced in the past year, a 50 percent increase in the total IDP population, estimated at 320,000. UNHCR readily admits that the figures are likely higher, but is unable to adequately monitor all areas because of the rising insecurity. Furthermore, displacement is highly politicized, particularly when people flee due to ISAF's presence or are encouraged to return home to support a message of a successful stabilization operation, as in Marjah. One aid worker said, "When governments want IDPs to exist, we throw money into the Afghan government coffers, but when they don't, we call them 'informal settlements' because they're not entitled to assistance."

Monitoring IDP movements and protection concerns of returnees are a massive challenge. UNHCR now recognizes that its returnee assistance, at under \$100 per person, barely covers transportation costs and that the government's Land Allocation Scheme for returnees has largely failed due to limited water, markets or jobs. Additional UNHCR aid is limited to the most vulnerable families, with disabled, widowed or elderly members. Emergency winterization packages provide meager supplies, including an empty gas canister and one pair of socks for extremely vulnerable adults. IDPs, whether failed returnees, or displaced by conflict or natural disaster often have little choice but to join the ranks of the urban poor, where they drop off UNHCR's caseload.

Refugees International visited IDP families living around the brick kilns on the outskirts of Mazar e-Sharif facing eviction as operations were shutting down for the winter and water pumps were being turned off. UNHCR had registered this group, but many had already been forced to leave and their whereabouts are unknown. While displaced Afghans tend to return home soon after fighting ends, trends in the north indicate that people may be displaced for longer as the primarily non-Pashtun ethnic groups fear a Taliban resurgence. Near Mazar e-Sharif, displaced families indicated they would not return after the Taliban gained footholds and began to forcibly recruit young men, confiscate property and threaten locals. "My wheat fields are ready to harvest, but I'm not going back," said one farmer. Another IDP said, "We can't go back. The Taliban are suspicious of us and will accuse us of spying for the government."

UNHCR must improve its response to the rapidly growing number of conflict-induced IDPs. The Protection Cluster, coordinated by UNHCR, has made positive steps to profile the needs of the displaced, but far more needs to be done to strengthen response and protection mechanisms. In Kandahar, UNHCR has only one implementing partner, aside from the government's Department of Refugees and Returnees, widely known to be corrupt. A practical solution is to build capacity of NGO partners who are locally accepted in areas out of UNHCR's reach. These organizations can improve the registration process and increase outreach to vulnerable groups. In addition, UNHCR should raise awareness among at-risk communities regarding the registration process, as many rely on host families for advice on receiving assistance.

Agencies are further struggling to help Afghans recover from the numerous natural disasters that occur each year or to prioritize activities that mitigate the damage from these predictable events. Some 200,000 Afghans are displaced from their homes and have had livelihoods destroyed by seasonal disasters, such as erosion, landslides and floods. While aid agencies are largely able to meet immediate food and health needs, few are equipped to rebuild shelters and livelihoods. Floods this year left more than 60,000 people homeless and most are forced to live with relatives or neighbors for the winter. Along the Amu River in the north, 2,000 families are under threat as their homes and farmlands are steadily eroded at a rate of one meter each day during the spring.

The current aid system remains broken in meeting humanitarian needs, especially as the government is incapable or unwilling to address them. Aid groups fear the national health system is breaking down, especially in conflict areas. ICRC and Doctors without Borders report that patients are not going to local clinics but coming too late to hospitals with basic health problems like child diarrhea and respiratory illnesses. Furthermore, health contracts are reported to be awarded to the lowest bidder, leading to low-quality services and little incentive for staff to work in remote or insecure areas, where health needs are often the greatest. At minimum, donors should ensure that transferring resources to the government is met by increased management capacity. "In their focus on the exit strategy and transition to government control, donors are paving the way to state failure," said one aid official.

Aid workers say that traditional short-term humanitarian or long-term development programs are ill-fit to meet the chronic needs, and have left millions deeply entrenched in poverty and vulnerability. The European Commission's humanitarian office has had some success in persuading its development office to target flood-affected villages with long-term food security programs. UNHCR continuously advocates to government and other UN agencies to ensure aid is channeled to areas where large numbers of people have returned. In contrast, USAID's contracting mechanism, which processed nearly \$2 billion in aid this year, is too rigid and focused on stabilization to meet the evolving needs. Donors should ensure its development programs target those most in need and mitigate chronic vulnerabilities over the long term to promote recovery. [...]

➤ [Watchlist on Children and Armed Conflict, Report to the Committee on the Rights of the Child in advance of the examination of Afghanistan's initial report in January 2011, August 2010](#)

Summary

[...] Thousands of Afghan families have been forced to flee their homes due to armed conflict and economic hardships. More than half of the country's internally displaced – approximately 161,000 people – are children; an additional 1.5 million children are refugees in Pakistan and Iran.

[...] The protection of children's rights should not be limited to "safe" areas, or stop at Afghanistan's borders. In 2009, approximately 43 percent of the country was cut off from humanitarian assistance, particularly in the conflict-affected south, southeast and parts of the west. Limited access resulted in thousands of children missing out on urgently required services offered via national health and education campaigns.

[...] Deterioration of Humanitarian Access

Afghanistan represents one of the most violent environments for aid workers worldwide, according to the Humanitarian Policy Group, an independent think tank. In 2009, approximately 43 percent of the country was considered "high-risk" by the UN Department of Safety and Security (UNDSS) and was cut off from humanitarian assistance, particularly the conflict-affected south, southeast and parts of the west. As a result of limited access, national health and education campaigns miss thousands of children in need, and the campaign's effectiveness is undermined. For example, 130,000 children did not benefit from the UN-led vaccination campaign against polio in 2009 (see below: Health).

Despite large-scale internal displacement, ongoing conflict and natural disasters, most donor states have largely neglected growing humanitarian needs. The 2010 UN Humanitarian Action Plan for Afghanistan (HAP), the main mechanism for coordinating humanitarian response, requests a total of US\$870 million from international donors, a 30 percent increase in requested funding compared to the 2009 HAP. However, the desire of troop-contributing nations to reinforce development in the provinces where they are active means that aid is not necessarily channeled to the areas with the highest needs for humanitarian or development aid.

In addition to depriving children of their basic rights, the lack of access to some of the areas most affected by the conflict makes it difficult for aid organizations to define the needs of children and other vulnerable groups. For example, the

campaign of the Afghan government, with support from the United Nations Children's Fund (UNICEF), to register all newborn children by 2009 had to leave out all children living in remote or insecure areas. With only 1 percent of Afghans holding a birth certificate as of 2008, information from this registration exercise would have allowed the government to obtain accurate and comprehensive numbers of children to inform its planning for building schools and health facilities, as well as vaccination initiatives.

The military involvement in development activities has endangered Afghan civilians and aid workers as these projects often become the targets of armed opposition groups, leading to the blurring of lines between the military and humanitarian mission. The UN Office for the Coordination of Humanitarian Assistance (OCHA) re-established its presence in Afghanistan in October 2008 to advocate for more principled humanitarian action and to strengthen independent humanitarian coordination by the UN. Despite this positive development, on a structural level OCHA remains connected to UNAMA – and thereby its political mandate – as it is led by the Humanitarian Coordinator who also functions as Deputy Special Representative of the Secretary-General and Resident Coordinator.

The deterioration of aid delivery in Afghanistan is to a significant extent due to the nature of Provincial Reconstruction Teams (PRTs) and the way they have been implemented. PRTs, which usually consist of a military and a substantially smaller civilian contingent, carry out relief work but are directly managed by ISAF member states. PRTs tend to operate in some of the most insecure areas that are off limits to the UN, the Afghan government and many NGOs. However, their underlying political agenda – to gain support for the government and the international presence – undercuts humanitarian principles of neutrality and impartiality and makes it even harder for aid agencies to retain their space in other areas, according to a study by Tufts University's Feinstein Institute. Moreover, NGOs have criticized PRTs for their lack of technical expertise and the absence of a coherent nationwide strategy among the various PRTs, which are currently only accountable to their home governments. Instances where PRT-led projects have proven unsustainable tend to negatively affect how communities view and accept international aid workers.

In order to clarify the specific roles and responsibilities of civil and military actors, UN agencies, ISAF and NGOs agreed to non-binding Civil-Military Guidelines in May 2008. The Guidelines affirm that in principle, government and humanitarian actors are responsible for providing humanitarian assistance. In contrast, the role of the military is only to assist civilian actors to provide basic infrastructure and urgent reconstruction assistance in exceptional cases and as a "provider of last resort." This usually refers to cases where the protection of the person's physical security requires a military presence. In addition, the Guidelines call for the clearly visible distinction between humanitarian and other actors. However, some military actors have violated the Guidelines and international humanitarian principles by engaging in relief activities for force protection purposes. Humanitarian actors have also noted a lack of awareness of the Guidelines among PRT staff or lack of commitment among troop-contributing countries to implement them due to their voluntary nature. In addition, the impact of the Guidelines is limited as the US-led OEF has not agreed to its provisions and the Taliban and other armed opposition groups remain largely unaware of it.

In the recent presidential elections, Afghanistan's Independent Election Commission (IEC) used health facilities and school buildings as polling stations, citing the lack of alternative public buildings for this use. UNICEF, the World Health Organization (WHO), OCHA, the UN Educational, Scientific and Cultural Organization (UNESCO), NGOs and several government officials repeatedly warned of the severe risks to the security of students and patients given the Taliban's opposition to the elections. In August 2009, the month of the elections, there were 249 reported incidents against education compared to 48 reported incidents in the month of July, according to the UN-led Country Task force on the Monitoring and Reporting Mechanism (CTFMRM). In many of these cases, insurgents had attacked polling stations located in schools.

[...] Basic health and welfare

Article 24 - Health

[...] Water and Sanitation

Inadequate access to clean water and sanitation further exacerbates the health situation for children in Afghanistan. Less than one-quarter of all Afghans currently have access to safe water sources, and less than one-third of the population is able to use adequate sanitation facilities. Three out of four public schools do not have safe sanitation facilities for students and approximately 2 million students attending these schools do not have access to safe drinking water, according to UNICEF.

[...] Special protection measures

Article 22 – Refugee, asylum-seeking and IDP children

IDPs

Thousands of Afghan children and their families have been forced to flee their homes due to armed conflict and economic hardship. In addition, more and more Afghan refugees are returning from other countries only to fall again into displacement in their own country due to insecurity in their places of origin or lack of access to their previously owned land. Large and mounting numbers of the internally displaced remain "invisible" to the government and international organizations due to ongoing hostilities and serious access constraints.

As of the end of 2009, an estimated 297,000 internally displaced persons (IDPs) were living in makeshift camps, informal settlements, or being hosted by Afghan families to which they have close ties, according to the UN High Commissioner for Refugees (UNHCR), which co-chairs the National IDP Task Force together with the Afghan Ministry of Refugees and Repatriation Affairs. More than half of these IDPs – approximately 161,000 – are children, according to UNHCR estimates. Despite their large number and special needs, humanitarian agencies on the ground confirmed that there was a dearth of comprehensive, disaggregated data on their situation to inform policy and programmatic responses.

Assistance to IDPs – whether residing in camps, settlements or outside the camps, including in urban areas of major Afghan cities – remains minimal, uncoordinated and partially ad-hoc. Health workers frequently describe children suffering from preventable diseases like measles, dysentery and diarrhea as a result of the lack of vaccinations, unhygienic conditions in IDP settlements and the lack of access to safe drinking water. Many of these children are deprived of access to educational opportunities in the settlements as one-third of all sites lack education facilities and virtually none offer access to higher education. Displaced parents residing in Kabul's makeshift camps have reportedly even sold their children to criminal and trafficking circles to survive or provide for their other children.

Moreover, the state of displacement often deprives children of protective community or family structures and exposes them to a greater risk of recruitment into armed forces or groups. While more evidence is needed, available data seems to indicate a correlation between child recruitment and high levels of displacement, according to the 2008 Secretary-General report on CAC in Afghanistan (see below: Child Soldiers). In fact, the threat of child recruitment has caused some families to flee their homes, according to the same report.

In particular, finding durable solutions for children at risk, including unaccompanied and orphaned children, remains a challenge, according to UNHCR. While the Government of Afghanistan's 2006 National Strategy for Children at Risk focused on developing community and family based support for vulnerable children and reducing the emphasis on institutional care, the orphanages run by the government and the Afghan Red Crescent Society provide mostly temporary shelter and do not always admit boys of 15 years and older. Child protection agencies have also warned of the poor living conditions in some orphanages. For example, a survey conducted by AIHRC with 43 children in Alahuddin Orphanage in Kabul found most children to be dissatisfied with the facilities, citing poor food quality, lack of sanitation facilities and physical and verbal violence. [...]

➤ [United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Mission Report: Visit of the Special Representative for Children & Armed Conflict to Afghanistan, 23/04/2010](#)

[...] 3- RECRUITMENT AND USE AND ASSOCIATION OF CHILDREN WITH ARMED FORCES AND GROUPS

Reports of recruitment and use of children have been received from all regions, and particularly from the south, south-east and eastern regions, but the security environment and the lack of human resources dedicated to monitoring and verifying cases has limited reporting on these trends of abuse. Internally Displaced People (IDP) and isolated populations in conflict-affected areas in particular are at risk of child recruitment into non-state armed groups, including the Taliban, Haqqani network, Hezb-i-Islami and Jamat Sunat al-Dawa Salafia. The Taliban have been listed in the 8th report of the Secretary-General on children and armed conflict for the recruitment and use of children under the age of 18 years (A/63/785-S/2009/158).

[...] 8- DENIAL OF / IMPEDIMENTS TO HUMANITARIAN ACCESS TO CHILDREN

The aggravated security conditions prevailing in the conflict-affected areas of the south, south-east, central and eastern regions as well as in isolated areas of the north continue to hamper humanitarian aid delivery. UN Department of Safety and Security has designated 79 districts as "extreme risk" that are inaccessible to program delivery by UN agencies. Subsequently, UN agencies and NGOs have been restricting the scale and scope of their delivery assistance. The World Food Programme, for example, has not been able to fully implement its "food for education program", which benefits approximately 1.5 million children daily due to the deterioration of the security environment and the reluctance of road transport firms to risk attacks by AGE.

Furthermore, the protection of aid workers, especially national workers, has been compromised by threats, intimidation and attacks against them or community leaders in areas they serve. Health services have also been negatively impacted due to AGE attacks on health centers and workers, especially female staff. This has had a very negative effect on pre- and neo-natal care for women especially.

The Special Representative also visited the Charhai Qambar IDP camp in west Kabul where many people have fled previous and on-going violence in Helmand province. The situation of the IDPs in this camp was of concern, as not all children were able to attend schools and families had very little support and family leaders felt discriminated against when looking for work. [...]

➤ [Internal Displacement Monitoring Centre \(Norwegian Refugee Council\), Afghanistan: Armed conflict forces increasing numbers of Afghans to flee their homes, 15/04/2010](#)

[...] Displacement figures

Displacement figures

The National IDP Task Force - a multilateral response mechanism co-chaired by UNHCR and Afghanistan's Ministry of Refugees and Repatriation (MoRR) – estimates that 240,000 persons currently are internally displaced due to armed conflict and insecurity. An additional 89,000 are displaced by natural disasters (UNHCR, 31 March 2010).

Out of those displaced by armed conflict and insecurity, 79,000 were displaced before January 2003; 161,000 have been displaced since then. 36 per cent of the IDPs are children, 12 per cent under the age of five, while only one per cent is older than 60 years of age. Out of those displaced by armed conflict and insecurity, 79,000 were displaced before January 2003; 161,000 have been displaced since then. 36 per cent of the IDPs are children, 12 per cent under the age of five, while only one per cent is older than 60 years of age.

[...] Obstacles to durable solutions

[...] In 2008 mines and other explosives claimed the lives of 752 people, most of them children (IRIN, 5 April 2009; HAP, 2010).

[...] Sub-standard living conditions result in health-related complications, including respiratory diseases. This is particularly true for displaced children during the harsh winters. For example, the majority of children living in the Charahee Qambar squatter slum on the outskirts of Kabul, where IDPs are known to reside, were recently found to have pneumonia (HP, November 2009). [...]

➤ [Integrated Regional Information Networks News \(IRIN\), Afghanistan: "The most dangerous place to be born", 26/11/2009](#)

[...] The onset of winter means freezing nights, cold-related diseases and more problems for the children at an informal settlement of internally displaced people (IDPs) in the western outskirts of Kabul city.

"They lack access to adequate food, shelter, healthcare, safe drinking water and sanitation, education, and are vulnerable to forced labour, sexual exploitation and many other problems," Paola Retaggi, the coordinator of a Child Rights Consortium (CRC) led by Switzerland's Terre des Hommes in Kabul, told IRIN.

Many IDP children either beg or work on the streets while some fall prey to the insurgents who have been accused by the UN of using children for military purposes.

"Afghanistan today is without a doubt the most dangerous place to be born," Daniel Toole, regional director of the UN Children's Fund (UNICEF) for South Asia, was quoted in the media as saying on 19 November.

About a quarter of Afghan children die before their fifth birthday (257 per 1,000) mostly from preventable diseases such as pneumonia and diarrhoea, [according to UNICEF](#). The country also has some of the worst child malnourishment, stunting, underweight and vitamin deficiency figures in the world.

Half the country's estimated 25 million population is below 15 but millions of Afghan children are deprived of their basic rights and are vulnerable to different forms of violence, aid agencies say.

"Internally displaced children suffer the most among all other children," said Retaggi of the CRC.

More than 262,000 people are displaced in different parts of Afghanistan, according to the UN Refugee Agency (UNHCR). Conflict, natural disasters, poverty and communal tensions are among the major factors.

Little help

Between 2002 and 2005 more than one million people were internally displaced in Afghanistan, according to aid agencies. Most IDPs were accommodated in camps in Kandahar, Helmand and Herat provinces where UN agencies delivered essential aid.

The UN-backed assistance programme ended in March 2006 and the IDPs were encouraged to return home in a bid to prevent a protracted emergency.

Many IDPs resettled in their original areas mostly in the northern provinces but tens of thousands have remained in camps, saying it is still unsafe for them to move back.

The ongoing conflict and recurrent natural disasters have added to the number of displaced families in the country over the past few years.

However, the UN and government have opposed the establishment of new IDP camps, particularly for conflict-affected families, and little sustainable aid has been provided to them.

"Refugees are assisted and protected by UNHCR but no agency has a clear mandate to assist IDPs," said CRC's Retaggi, adding that IDP children were particularly deprived of protection and assistance.

"What we fail to do [for] these children now will with no doubt reflect on the future of the entire country in a couple of years," Hansjorg Kretschmer, head of the European Commission Delegation to Afghanistan, told a press conference on 22 November in Kabul. [...]

Conflict in Afghanistan and the mental and emotional impact on children

➤ [Save the Children, Devastating Impact: Explosive weapons and children, March 2011](#)

[...] Executive Summary

The use of explosive weapons in populated areas has a devastating impact on children. As well as killing and injuring them, bombs and the increasing use of improvised explosive devices (IEDs) are denying children access to healthcare and education, and ruining their futures. Children left with disabilities are less able to earn a living and contribute economically to their communities and countries. They are also more vulnerable to exploitation and abuse.

[...] I The impact of explosive weapons

The six countries where children were most threatened by the use of explosive weapons in 2009 were:

Afghanistan: Explosive weapons play a predominant role in the ongoing conflict between various insurgent groups and international and government forces, and this role is further explored below. In 2010, the use of explosive weapons, particularly IEDs, has continued to cause the loss of children's lives.

[...] Child fatalities

[...] However, because the use and impact of explosive weapons is not systematically recorded, it is impossible to calculate exactly how many children are killed or injured by them. There is very little age-disaggregated information about civilian deaths, but where there is – for example, in Gaza, Iraq and Afghanistan – evidence suggests that children make up a substantial proportion of civilian casualties.

[...] This indicates that, in the Iraq war at least, air attacks killed a far greater proportion of children among the total numbers of civilians killed than any other type of weapon. This trend seems to have been reflected in Afghanistan in 2009, where, according to the UN, 38% of children who died as a result of armed conflict were killed in airstrikes, whereas airstrikes were the cause of only 15% of total civilian deaths.²³ Although aerial attacks saw the highest *proportion* of child deaths within the civilian casualties that they caused, IEDs accounted for the highest *numbers* of children killed in Iraq. The use of IEDs, including those targeted at civilians, is increasing, especially in Afghanistan and Pakistan, as is the explosive power of these devices.²⁴ In 2009, 67% of all civilian deaths recorded by the UN Assistance Mission in Afghanistan were attributed to anti-government elements and 25% to pro-government forces. During that year, the proportion of civilian deaths attributable to pro-government forces, as well as the total number of civilian casualties, fell as a result of a NATO directive to minimise civilian deaths.²⁵ This trend continued in the first half of 2010, with a fall to 12% of civilian casualties being attributed to pro-government forces.²⁶ As a result of the 1997 Mine Ban Treaty, and the work of 'mine action' organisations, the risk to children from anti-personnel mines has decreased.²⁷ However, in 2008 there were still 5,197 new casualties from mines, explosive remnants of war and victim-activated IEDs in 75 countries. Where the age was known, children accounted for 41% of civilian casualties.²⁸ In Afghanistan, children make up almost 50% of all casualties from unexploded ordnance.²⁹

[...] Psychological damage

[...] Trauma at a critical time in their psychological development can cause children to drop out of education and can lead to mental illness, substance abuse and social problems.³⁹ Impact on education, health services and economic development Explosive weapons destroy hospitals, health centres and schools, and make them too dangerous and difficult for children to get to.

[...] In Afghanistan, between 1 January and 30 June 2009, at least 60 students and teachers were killed and 204 wounded in security incidents.⁴² During the first four months of 2010, 106 attacks on schools in Afghanistan were recorded and in the first half of 2010 around 400,000 children were left out of school because of ongoing conflict, threats and attacks.⁴³ Schools that have been attacked either deliberately or unintentionally can remain closed for years. Recent reports show that attacks using explosive weapons are increasing, especially in Afghanistan and Pakistan.⁴⁴ As well as having a long-term impact on individual children's lives, the use of explosive weapons stalls, and often reverses, a country or community's economic development. [...]

➤ [Watchlist on Children and Armed Conflict, Report to the Committee on the Rights of the Child in advance of the examination of Afghanistan's initial report in January 2011, August 2010](#)

[...] Summary

Children bear the brunt of the ongoing armed conflict in Afghanistan. In 2009, at least 346 children were killed in aerial strikes and search-and-raid operations by international special forces as well as by assassinations and suicide bombings by anti-government elements. In addition, landmines, explosive remnants of war and other explosives have killed or severely injured hundreds of children, particularly boys who play outside, tend animals, or collect food, water or wood. Armed groups have also damaged and destroyed schools, targeting students (especially girls), teachers and others who are seen as supportive of Afghanistan's education system.

[...] Basic health and welfare

Article 24 - Health

[...] Psycho-Social Disorders

Traumatic events experienced or witnessed during the conflict continue to haunt many children, making it difficult for them to readjust to normal life. A recent survey found that 22 percent of 1,011 children between the ages of 11 and 16 years attending government-operated schools in Kabul, Bamiyan and Mazar-i-Sharif exhibited signs of psychiatric disorder; girls were two-and-a-half times more likely to have disorders than boys.

However, there is limited psycho-social trauma support provided in the country, according to Handicap International. Standard health responses for victims of violence – even rape victims – focus on physical care with little attention paid to the patient's mental well-being. The profession of counseling does not even exist in public health services. Some child protection initiatives engage conflict-affected children in activities to promote creativity and play as an alternative to more traditional psycho-social interventions, including skateboarding and staging a children's circus. While such programs may benefit a few, more systematic interventions are needed for children to help them deal with their war experiences.

[...] Landmines and Explosive Remnants of War

Afghanistan is considered to be one of the countries most contaminated by landmines and explosive remnants of war (ERW) worldwide with an estimated 630 sq km of mine-affected land as of December 2009, according to the UN-supported Mine Action Coordination Centre of Afghanistan (MACCA). An estimated 2,130 communities are affected by landmine/ERW contamination with most incidents concentrated in the conflict-affected provinces of the south, including Kandahar and Helmand. Most of the landmines originate from armed conflicts in the 1980s and 1990s but armed groups have continued to use mines throughout the current conflict. However, in contrast to previous conflicts, individual mines now tend to be laid randomly rather than in "mine belts" and often built into IEDs, which are detonated remotely and intended to destroy a specific military or civilian target, according to MACCA.

More than 70,000 people have been killed or disabled due to landmines and ERW in Afghanistan since the beginning of the conflict. In addition, thousands more were injured or disabled. Landmine experts estimate that 95 percent of landmine injuries result in disabilities. Other civilians were displaced from their homes and livelihoods or cut off from schools and hospitals due to landmine contamination.

The majority of the mine incidents, an estimated 61 percent, involve children, with boys being disproportionately affected. Of the 734 recorded instances of children injured or killed by ERWs in 2008 and 2009, 626 were males and 105 females, according to MACCA's national database. This can be explained by culturally-based gender differences, including the greater restrictions placed on girls' mobility and the different set of responsibilities assigned to boys in Afghan society. The data reveals that most children died while playing outside, tending animals, collecting food, water or wood or travelling. Most of the mine incidents affected children between the ages of eight and 17 years old.

Assistance to survivors of landmine/ERW incidents in Afghanistan largely consists of low- quality services concentrated mainly in urban areas. Whether children hit by a landmine receive life-saving assistance almost entirely depends on the location of the incident. Transport may take up to three days, according to Handicap International. Proximity to specialized medical facilities is also critical, as children with disabilities require frequent adjustments of their prosthetics and other medical devices. However, the majority of mine victims interviewed by Handicap International in its 2009 survey stated that services were never or almost never adapted to their age, a significant number considering that most of them had incurred injuries during childhood. [...]

➤ [Watchlist on children, Setting the right priorities: Protecting children affected by armed conflict in Afghanistan, June 2010](#)

[...] Psycho-Social Disorders

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Blood feuds

The OGN has not included any information on the prevalence and possible risk emanating from 'blood feuds' in Afghan society. The following COI available in the public domain which documents the practice being committed against both men and women is worth noting on this issue:

- [UNHCR, Afghanistan Protection Cluster: Protection Overview on the Northern and North-Eastern Region, 11/05/2011](#)
[...] Jawand to Shakh, Qaysar - In December 2008, a group of 86 families was displaced from three villages in Jawand (20 from Teraj, 20 from Lalabay and 46 from Khoja Sorkhian) belonging to the Tajik tribes of Taymani, Shabazi and Lalabay. Reports indicate intertribal tension in the area and different armed factions linked to warlords and militia regularly clash. As tribe members, they feel under pressure from the tribe to take part in the fighting and are legitimate targets for the opposing faction. Intertribal revenge killings of tribe members of the opposing side are a common tactic so the families decided it was safer for them to flee. They are dispersed over several villages in the Shakh area and do not expect to be able to return to Jawand in the near future. [...]
- [Human Rights First, Detained and Denied in Afghanistan, May 2011](#)
[...] T.K.
T.K., a farmer from Khost province, was detained for about five months on suspicion of being a Taliban commander. He told Human Rights First: "We have hostility within my tribe, from a long time ago, when the Russians were in Afghanistan, during jihad time. My uncle was killed, and this feud continues more than 25 years later." He believed he was detained based on false statements told to U.S. forces.
[...] It is impossible to know precisely how many false tips have led to the imprisonment of innocent Afghans because such "intelligence" is classified. However, the large number of Afghans detained for long periods of time and eventually released without charge, the frequency of civilian casualties based on misinformed targeting, and the longstanding tribal conflicts and land disputes in many regions of Afghanistan suggest that U.S. actions based on false intelligence is a major problem. Indeed, one former detainee we interviewed estimated that 80 percent of the population of Khost province, where he lives, is involved in a personal or family feud that could motivate false reports to Coalition forces [...]
- [U.S. Commission on International Religious Freedom, Annual report 2011: Afghanistan, May 2010](#)
[...] Violence Targeting Christian
[...] The church in Sol had been destroyed by arson several days earlier by local Muslims after clashes between Christians and Muslims left two dead. The clashes reportedly resulted from a feud between the families of a Christian man and a Muslim woman who allegedly were having a romantic relationship
[...] Blasphemy Laws
Widespread Abus
[...] The lack of procedural safeguards empowers accusers to use the laws to abuse religious freedom, carry out vendettas, or gain an advantage over others in land or business disputes or in other matters completely unrelated to blasphemy.
- [Internal Displacement Monitoring Centre \(Norwegian Refugee Council\), AFGHANISTAN: Armed conflict forces increasing numbers of Afghans to flee their homes - A profile of the internal displacement situation, 11/04/2011](#)
[...] Kandahar
[...] PGF military operations displace tens of thousands farmers, and professionals flee Taliban threats Military operations were stepped up in 2010 following the US-led troop "surge". The international forces' stated focus was on ensuring authority in the province, and increasing governance and development (The Times, 30 March 2010), but tribal elders said that the PGF would only engage the Taliban briefly and then retreat because of the dangers posed by IEDs (National Post, 26 August 2010; The Economist, 7 October 2010). It was also unclear how the PGF would replace local governance structures severely disrupted by Taliban human rights abuses and tribal feuds
[...] North

[...] Displacements in the context of growing insurgent influence The provinces of Faryab and Ghormach District in Badghis Province (other districts are examined under 'west') have also experienced fighting in most districts. Although significant displacements were registered in 2006 – around 2,000 people fled military operations in the Pakhtun Kot district of Faryab province in July that year - most have taken place more recently. The violence is often attributed to the greater strength of the insurgency, and the armed mobilisation of Pakhtun minority communities (Noref Policy Brief, July 2010; The Christian Science Monitor, 27 July 2009), but local feuds and competition over drug trafficking also play a role.

[...] Access to Justice

[...] With regards to issues which affect the displaced population, land issues as outlined in section six, including restitution and/or compensation for lost or damaged property is extremely important. For this and other challenges faced by the displaced population such as marriages, debt, family feuds and other concurrent challenges in the intersection of the private and public spheres, local councils are important.

➤ [U.S Department of State, 2010 Human Rights Report: Afghanistan, 08/04/2011](#)

[...] There were 11 formal women's shelters across the country run by NGOs, and five informal shelters or referral centers run by NGOs or MOWA. The MOWA and other agencies referred women to the formal shelters, which provided protection, accommodation, food, training, and health care to women escaping violence in the home or seeking legal support due to family feuds. [...]

➤ [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 17/12/2011](#)

[...] III. ELIGIBILITY FOR INTERNATIONAL PROTECTION

POTENTIAL RISK PROFILES

[...] 11. Blood Feuds

The well-established practice of blood feuds is rooted in traditional Afghan culture. Blood feuds are conflicts between opposing families, tribes and armed factions, and are often initiated in reaction to perceived violations to the honour of women, property rights, and land or water issues.²³³

According to the practice, individuals associated with the family or tribe of the individual seen as the wrongdoer are targeted by the victim's tribe or family members. Revenge is sought through killing, physically injuring or publicly shaming the perpetrator or individuals related by family or tribe. Blood feuds can be long-running conflicts, lasting for generations, with a cycle of retaliatory violence between parties.²³⁴

Solving a dispute through a formal justice mechanism does not normally put an end to a blood feud. Particularly among Pashtuns, blood feuds can be settled through a formal decision of a jirga – generally an all-male community-based dispute resolution mechanism.²³⁵

A peaceful compromise, such as a bad dadab marriage, may sometimes prevent a dispute from spiralling into a blood feud.²³⁶

In light of the foregoing, UNHCR considers that persons involved in, or targeted because of, a blood feud may, depending on the circumstances of the individual case, be at risk on account of membership of a particular social group.²³⁷

Claims by persons with the aforementioned profiles may, however, give rise to the need to examine possible exclusion from refugee status.

[...] ²³³ Pursuant to the norms of the Pashtunwali code, the causes of blood feuds are the violation of “zar, zan, zamin” – gold, women and land

²³⁴ See, for example, The Times, Karzai forced to investigate family blood feud after cousin is murdered, 23 December 2009, <http://www.unhcr.org/refworld/docid/4b3c8bb42.html>; and The Telegraph, Afghan blood feud ends after 30 years, 1 June 2008, <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/2061531/Afghan-blood-feud-ends-after-30-years.html>.

²³⁵ See, for example, Tribal Analysis Center, Jirga System in Tribal Life, April 2007, p.5, <http://www.tribalanalysiscenter.com/PDFTAC/Jirga%20System%20in%20Tribal%20Life.pdf>.

²³⁶ An ancient Pashtun tradition, bad (or baad) marriages is a practice in which a girl is given in marriage to an opposing family in order to resolve a dispute or as a form of compensation; see AIHRC, Report on the Situation of Economic and Social Rights in Afghanistan - IV, December 2009, <http://www.unhcr.org/refworld/docid/4b3b2df72.html>. Although in decline, bad marriages are still reportedly used in dispute resolution; see, for example, Afghanistan Research and Evaluation Unit, Community-Based Dispute Resolution Processes in Nangarhar Province, December 2009, <http://www.unhcr.org/refworld/docid/4b3870cf2.html>; and Afghanistan Research and Evaluation Unit, Community-Based Dispute Resolution Processes in Bamiyan Province, December 2009,

<http://www.unhcr.org/refworld/docid/4b38706e2.html>. For further information on harmful traditional practices, including bad marriages, please refer to Section IIIA(6) Women with Specific Profiles.

237 For further guidance see UNHCR, UNHCR Position on Claims for Refugee Status Under the 1951 Convention relating to the Status of Refugees Based on a Fear of Persecution Due to an Individual's Membership of a Family or Clan Engaged in a Blood Feud, 17 March 2006, paras. 5-6 and 16-20, <http://www.unhcr.org/refworld/docid/44201a574.html>; and UNHCR, Guidelines on International Protection No. 2: "Membership of a Particular Social Group" Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees, 7 May 2002, <http://www.unhcr.org/refworld/docid/3d36f23f4.html>. See also Refugee Appeal No. 76355, 5 November 2009, <http://www.unhcr.org/refworld/docid/4b3c8bb42.html>, where the New Zealand Refugee Status Appeals Authority held that the appellant, a Tajik who was perceived to have violated the family honour of a Pashtun family, was at risk of persecution on the ground of a particular social group.

➤ [UN Assistance Mission in Afghanistan, Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan, 09/12/2010](#)

[...]

3.2 Baad or giving away girls to settle disputes

[...] A member of a UNAMA HR focus group in Uruzgan province described baad in his community as occurring in the following way: "Girls are sometimes exchanged as compensation for a murder so as to prevent or settle a feud between families. Typically, a delegation from the murderer's family will come to the house of the victim's family. Such a delegation is known as a maraka. It is likely to bring cash, guns and sheep. If the victim's family accepts the delegation's request for reconciliation, the sheep will be slaughtered to provide a feast. The guns are likely to be accepted, but in general, money will be rejected on the grounds that no price can be put on a human life. If that happens, the delegation will propose that one or more girls from the murderer's family be given in marriage to men from the victim's family. This is baad." (Male focus group discussion conducted by UNAMA HR, April 2010)

➤ [UNICEF, Children on the move, February 2010](#)

[...] Zalmai - Pashtun, Jalabad

[...] His father was killed at the end of 2008 and his mother said that he had to move to Jalalabad city to live with his maternal uncle. He left Afghanistan two months ago. He wanted to stay in Jalalabad but some people wanted to kill him, and his uncle told him that he must go to some place that is safer. His uncle has a shop in Jalalabad and these people came and told him that they wanted to kill him to get revenge. They wanted to kill him because of a dispute between two families. His uncle said it is better that you leave this country.

[...] Khoshal Khan - Pashtun, Loghar

[...] He had to leave Afghanistan because his grandfather and mother's uncle were killed in the feud. "A third party killed the killers and they said we did it, but actually we did not do it. It is a long story. So those people were after my family."

[...] Triggers that lead to decision to become a child on the move

[...] The children who participated in the focus group in the UK were all Pashtun and said it was not possible to stay in Afghanistan because there was no safety, proper education and job prospects, forcible recruitment by Taliban and family feuds.

➤ [ACCORD, Country Report: Afghanistan, November 2007](#)

[...] Mohammad Aziz Rahjo, Afghanistan, UNHCR Considerations for specific groups relevant to the determination of refugee status

[...] 5.5. Individuals at Risk or Victims of harmful traditional practices:

[...] 5.5.1. Causes of Blood Feuds: a culture of revenge

In Afghanistan, traditionally blood feuds are long-lasting conflicts between opposing parties and tribes. Blood feuds between armed factions didn't exist before the conflict in Afghanistan - that is something new: If someone is killed from Jamiat-e-Islami by Hezb-i-Islami then Jamiat-e-Islami will seek revenge and will kill one or two or three from the other faction. Blood feuds emerge from disputes and killings over property and the violation of women's honour. In Afghanistan there is the word *namus*. *Namus* translates as "honour", but it translates as "property" as well. Based on the Afghan traditional proverb "zan, zar, zamin" (women, gold, and land), "property" or *namus* covers wife (or the honour of female family members), property, the right to water and land. If one of these elements of *namus* is violated, then for sure the question of blood feud and revenge will arise. Blood feud is a feature mainly among Pashtun ethnic origin, but also among Uzbeks and Tajiks (though not to the extent that exists among the Pashtun families and tribes). There might also be cases of blood revenge among Hazaras, for example if they find members of non-Hazara forces (like Hizb-i-Islami or Ittihad-i-Islami) who committed crimes against them during the fighting in the early 1990ies, even if these

acts already were acts of retaliation for Hazara commanders who committed crimes. So, blood feuds also can serve as a means of political revenge. Blood feuds are based on the notion of revenge, in some areas families or tribes may provide protection, but their protection will not last long. Revenge is passed on from generation to generation. Blood feuds are really widespread in Afghanistan. They can be found in southern, central and south-eastern provinces, where the traditional justice structure has been functioning since a long time and the official or formal justice system was not even before the conflict able to function properly. They are also widespread in the east and in the north-east of Afghanistan.

[...] Characteristics of Blood Feuds

- Mainly among Pashtuns
- Based on notion of Revenge
- Family/tribe may provide protection
- Passed on from generation to generation
- Widespread

[...] 5.5.2. Settlement of feuds

The only structure that deals with the settlement of blood feuds is the local shuras and jirgas. If the cause for the conflict is a violation of the right to property, including water, then the local jirga or shura will be involved. If it is an inter-tribal feud, then the shuras of the two tribes will meet and discuss possible solutions. If on the other hand the feud's cause is the violation of women's honour, the conflicting parties will try to act confidentially and not to involve the local shura or jirga, because they consider it as a public shame for the family and tribe. If the issue gets to be known to many among the village or tribe, a jirga might be called in these cases as well. A jirga will decide according to the cases they decided on in the past. A possible solution can be apologies together with blood money being paid. In addition to that, the jirga may order the perpetrator's family/tribe to give a female member to the family or tribe who lost a member. But the jirga might also decide that revenge is the only possible way. Even the killing of a woman might be the outcome – in fact, the jirga decision may be anything. Some tribes among Pashtuns are satisfied with the calling of a jirga when someone of their tribe has been killed. The jirga may then decide to give a female family member of the perpetrator's tribe to the victim's tribe. They can then sell that woman, for example. Kuchi Afghans, on the other hand, will in any case go for revenge and will not seek any other solution of the conflict or feud, they will not respect any other jirga decisions. As for the possibility of protection by the government for persons at risk of blood feud, the government's capacity is weak. In the areas where local shuras and jirgas are functioning, there is no rule of law. The government cannot do much in these cases.

[...] 13. Annex 1: Blood feuds

In the context of Afghanistan a blood feud is a long-running argument or fight, with a cycle of retaliatory violence between parties - often, through guilt by association of individuals, groups of people, especially families or tribes with the relatives of some one who has been killed or otherwise wronged or dishonoured. In such a situation the victim's family or tribe members are seeking revenge by killing, physically injuring and/or publicly shaming the perpetrator(s) or his/her family or tribe members of the act of the perpetrator(s). Feuds tend to begin in particular in reaction to alleged violations to the honour of women property rights, land and water issues. In accordance with the norms of the Pashtunwali code the causes of blood feuds/culture of revenge are the violation of "Zar, zan, zamin" - gold, women and land. Killing or injuring as a result of dispute over water and land, and unlawful relation with a woman create blood feuds and ends usually with the death of the perpetrator, his/her family or tribe member or exchange of girls in compensation of crimes committed by their family members. With decades of war and conflict the tradition of blood feud has been expanded to and is common among armed factions. This culture has also influenced Tajik, Uzbek, Hazara and other Afghans of non Pashtun ethnic origin.

People affected by blood feud:

- f The perpetrator(s) (male or female) or those perceived as to be responsible for committing the crime/act remain the main target for the revenge in a blood feud. Female family members killed or forced to marry the victim's family member in compensation for the crime. This practice is different from place to place and in some areas targeting a woman in response to a blood feud does not exist. Close relatives: brothers, cousins, including children but targeting them when they come of age.
- f Relatives or any other member(s) of the tribe that have showed support to the perpetrator(s),
- f Members of the perpetrator(s) faction and armed groups, or their supporters.
- f Some of the Pashtun tribes also look for blood feud and revenge despite the perpetrator having undergone prosecution and sentencing through a formal justice system

Geographical application:

The practice of blood feud is different from area to area and from tribe to tribe. This practice is mainly found in Pashtun tribes mostly in Paktia, Paktika, Khost, but also in Kunar, Ghazni, Maidan Wardak, Kandahar, Laghman, Zabul, Uruzgan, Helmand, Badghis, Hirat, Kapisa, Kunduz, Baghlan provinces. However, the practice of blood feud has also been adopted by Afghans of other ethnic origin and therefore other provinces of the country can also be affected. This practice can

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occur in the village, district and province of origin or habitual residence, other places in the country of origin as well as outside the country, depending on the opportunities that the victim's family or tribe enjoys.

Peaceful solution of the blood feud:

In some areas, families try to solve the issue confidentially, particularly if it concerns the violation of a woman's honour. If the issue is not solved, then the parties call for a local or tribal jirga to decide on the case. As showed by practice, members of the jirgas normally follow the norms of the Pashtunwali code and order for retaliatory violence outlined above. This is also the case with the Kuchi (nomad) Afghans. The Kuchis are known never to accept any compromise (e.g. female marriage into their tribe, financial compensation) and look only for the death of the perpetrator(s) or family/tribe members. There are some tribes such as the Shinwar tribe in the eastern provinces of Afghanistan who accept a compromise and accept the exchange of girls from the families of the perpetrator(s) in compensation for the committed crime. The practice has shown that such tribes are resorting to this solution in order to be able to sell the girls in the future.

State Protection

In such situations generally, the authorities are unable and unwilling to intervene and protect individuals from threats emanating from the family of the victims or armed groups. This is due to the lack or absence of state structures in the area, weak rule of law and also due to the fact that state or de facto officials share and accept the same cultural values of the blood feud practice. Women and men continue to be imprisoned for social or sexual offences, such as refusing to proceed with a forced marriage, escaping an abusive marriage, or involvement in extramarital relationships. Women and men continue to face prison for these "crimes." Authorities point out that sometimes such detention is necessary to protect individuals in particular women from violent acts of revenge by their family or tribe members. Forced and early marriage, honour killings as well as criminalization of acts and practices not foreseen as crimes under national law affect both men and women in Afghanistan. Women, however, continue to be disproportionately affected. Apart from the obvious violation of the woman's honour, single women are likely to be ostracized by the Afghan community or fall prey to malicious gossip which could destroy their reputation or social status and therefore, create condition for the blood feud. This exposes them to an increased risk of abuse, threats, harassment and intimidation by Afghan men, including risk of being kidnapped, sexually abused or killed. In majority of these cases the government is not in a position to protect women.

Annex 1:

Protection Section, UNHCR BO Kabul
29 August 2007

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