

AFGHANISTAN

EXECUTIVE SUMMARY

Afghanistan is an Islamic republic with a strong, directly elected presidency, a bicameral legislative branch, and a judicial branch. Widespread fraud and irregularities marred the September 2010 parliamentary elections, with observers concerned that the transparency of the electoral process would be undermined by President Hamid Karzai's 2010 appointment of a special tribunal, not envisioned in the constitution, to adjudicate the disputed election results. In 2009 citizens voted in their second presidential election. The constitutionally mandated Independent Elections Commission (IEC) declared Karzai president for a second term, after his challenger withdrew from a run-off election. Allegations of fraud also marred those elections. Civilian authorities generally maintained control over the security forces, although there were instances in which security forces acted independently.

The most significant human rights problems were: a) the continued dispute over President Karzai's appointed tribunal, which was not settled until August, when the president recognized that the sole authority to adjudicate election results lay with the IEC; b) widespread violence, including armed insurgent groups' killings of persons affiliated with the government and indiscriminate attacks on civilians, and credible reports of torture and abuse of detainees by security forces; c) pervasive corruption; and d) endemic violence and societal discrimination against women and girls, despite considerable improvements in women's health and maternal mortality.

Other human rights problems included extrajudicial killings by security forces-- for example, the Afghan National Police (ANP) in Kandahar was implicated in several cases of torture and extrajudicial killings; poor prison conditions; ineffective government investigations of abuses and torture by local security forces; arbitrary arrest and detention; prolonged pretrial detention; judicial corruption and ineffectiveness; violations of privacy rights; restrictions on freedom of speech and of the press; some limits on freedom of assembly; restrictions on freedom of religion; limits on freedom of movement; abuse of children, including sexual abuse; discrimination and abuses against ethnic minorities; trafficking in persons; societal discrimination based on race, religion, gender, and sexual orientation; abuse of worker rights; compulsory and bonded labor; and child labor, including forced child labor.

Widespread official impunity for those who committed human rights abuses was a serious problem. The government was either unwilling or unable to prosecute abuses by officials consistently and effectively.

The Taliban and other insurgents continued to kill record numbers of civilians, using improvised explosive devices, car bombs, and suicide attacks. The Taliban increasingly used children as suicide bombers. Antigovernment elements also threatened, robbed, and attacked villagers, foreigners, civil servants, and medical and nongovernmental organization (NGO) workers.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were credible reports that the government or its agents committed arbitrary or unlawful killings. Police beatings resulted in at least one death in custody in Kabul in March, and the United Nations Assistance Mission in Afghanistan (UNAMA) documented one death from torture in ANP and National Directorate of Security (NDS) custody in Kandahar in April (see section 1.c.). Media sources reported that police in Kandahar in the 3rd Afghan Border Police (ABP) Zone headquartered in Spin Boldak were involved in extrajudicial killings and torture.

There were numerous reports that the Taliban and other insurgent groups committed politically motivated killings. UNAMA reported 495 targeted killings of civilians by antigovernment elements (AGEs) during the year, a slight increase over 2010 (see also section 1.g.).

The Taliban committed a string of high-profile, targeted killings of regional police commanders, provincial police chiefs, and other officials. For example, the Taliban claimed responsibility for the June beheading of the chair of the Provincial Council of Bamyan and for the suicide bomber who killed Kandahar city Mayor Ghulam Haider Hamidi in July.

The Taliban and other insurgents also killed numerous civilians. For example, a February 19 attack on a Jalalabad bank left 40 dead, both in the attack and through the use of bombs (see section 1.g.). Taliban and insurgent attacks escalated in both number and complexity during the year. The Taliban claimed responsibility for a highly coordinated and prolonged June 28 attack on the Intercontinental Hotel in Kabul, in which at least seven persons were killed, and for the August 19 attack on the British Council compound in Kabul where 12 more people died.

Improvised explosive devices employed by insurgents were the single largest cause of civilian deaths.

In September a suicide bomber assassinated former President and chairman of the High Peace Council (HPC) Burhanuddin Rabbani in his home. The Afghan government accused the Taliban and Pakistan's Inter-Services Intelligence (ISI) of complicity, though both the Taliban and the Government of Pakistan denied any involvement. Afghan and Pakistani authorities continued to investigate at year's end.

There were some reports of summary justice by the Taliban resulting in extrajudicial executions.

b. Disappearance

There were reports that insurgent groups and criminals were responsible for disappearances and abductions in connection with the ongoing insurgency (see section 1.g.). For example, in August eight security officials who were kidnapped were found dead in Wardak province.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices; however, there were widespread reports that government officials, security forces, detention center authorities, and police committed abuses. Nongovernmental organizations (NGOs) reported that security forces continued to use excessive force, including torturing and beating civilians. For example, in March police severely beat an 18-year-old who died while in police custody in Kabul's District 11. He had been charged with stealing cell phones and about 200,000 afghani (\$4,400) from his employer.

In October UNAMA reported systematic torture of detainees at five NDS and ANP detention centers and found credible instances of torture and mistreatment at several other facilities, although UNAMA found no evidence that the torture was either institutionalized or a government policy. Extensive media reports linked ANP in Kandahar to reports of torture. One such case involved the arrest of two young boys working at a restaurant who allegedly brought food to insurgent fighters hiding outside the city. The ANP forces reportedly handcuffed the two

boys, hung them from the ceiling, and beat them with a black metal baton and a cable.

The Ministry of Women's Affairs (MOWA) and NGOs reported that police raped female detainees. There were reports that security officials and those connected to the ANP raped children with impunity (see section 6, Children). NGOs reported incidents of sexual abuse and exploitation of children by the Afghan National Security Forces (ANSF), although cultural taboos against reporting such crimes made it difficult to determine the extent of the problem. In May media officials reported that the ANSF detained and sexually abused three underage male suicide bombers who had crossed the border from Pakistan before turning them over to a juvenile detention center.

There were multiple and credible reports of abuses of power by "arbakai" (untrained local militia) commanders and their followers. These included accounts of murder, rape, assault, the forcible levy of informal taxes, and the transfer of a girl or woman to another family to settle a debt or grievance ("baadh"), after which the victim often was raped or beaten. In June a group of arbakai reportedly beat the headmaster of a girl's school in Kunduz. Observers claimed the violence stemmed from an inter-village rivalry over access to government funds and the headmaster's complaint that area farmers were being forced to pay tribute to a neighboring village's arbakai.

In September Human Rights Watch (HRW) issued a report linking the Afghan Local Police (ALP) and armed militia to extensive human rights abuses. For example, in June the ALP allegedly detained two boys overnight and beat them, and also hammered nails into one boy's feet while he was in custody. International training and mentoring of ALP has sought to reduce abuse of authority such as in Helmand, for instance by revising initial ALP training procedures to promote practical application of human rights principles.

There were reports of torture and other abuses by the Taliban and other insurgent groups.

Prison and Detention Center Conditions

Prison conditions remained poor. Most prisons and detention centers, particularly Ministry of the Interior (MOI) detention centers, were decrepit, severely overcrowded, unsanitary, and fell well short of international standards. The Afghanistan Independent Human Rights Commission (AIHRC) and other

observers continued to report that inadequate food and water, poor sanitation facilities, insufficient blankets, and infectious diseases were common in the country's prisons. However, some observers have found the food and water to be sufficient throughout the Central Prison Directorate (CPD). The CPD has a nationwide program to feed prisoners, but on an extremely limited budget. Many prisoners' families supplement food and other necessary living items.

There were reports of abuse of persons in detention. In October UNAMA reported that widespread mistreatment and torture of detainees occurred in NDS and ANP detention facilities. Security forces used suspension; beatings, especially with rubber hoses, electric cables, or wires and wooden sticks, most frequently on the soles of the feet; electric shock; twisting of detainees' genitals; stress positions; removal of toenails; and threats of sexual abuse. UNAMA found evidence of systemic torture at five NDS detention facilities in Herat, Kandahar, Khost, and Laghman, and the national facility of the NDS Counter-Terrorism Department 124 (formerly Department 90) in Kabul. UNAMA documented one death in ANP and NDS custody from torture in Kandahar in April. NGOs reported cases of prison officials raping female inmates.

NDS and the MOI cooperated with coalition forces and the international community to address concerns, improve training, and review facilities. The government granted the International Security Assistance Forces access to the facilities named in the UNAMA report for the purposes of monitoring the treatment of detainees and undertook to train detention officials in human rights standards. The NDS in December created a new Human Rights Cell charged with investigating claims of detainee mistreatment. The NDS also welcomed international and NGO input on allegations of detainee abuse in order to effectively investigate such claims. The effectiveness of such NDS efforts could not be determined by year's end. Government officials in Khost invited UNAMA to provide human rights training at prison facilities and welcomed international prison monitoring visits.

There were 34 provincial prisons under MOJ/CPD control and 187 active MOI detention facilities, including 30 juvenile rehabilitation centers. The total number of active detention facilities reportedly fluctuated from month to month. Overall, the MOI lacked sufficient detention facilities. No official information was available on the number of prisoners the NDS held, or the number of facilities the NDS operated.

Authorities generally did not have the infrastructure capacity to separate pretrial and posttrial inmates. As of December the CPD reported 5,271 male pretrial detainees, 16,244 male prisoners, 121 female pretrial detainees, and 500 female prisoners. In most instances limited infrastructure hindered housing prisoners by their classification, but where it was feasible the CPD separated them. Women were not imprisoned with men. Authorities generally did not have the infrastructure capacity to house juveniles according to the nature of the charges against them.

Under the law children younger than seven may live in prison with their mothers who have been convicted of a crime. However, this practice was reduced significantly under the direction of the CPD and in conjunction with the opening of some children's support centers.

The law provides prisoners with the right to leave prison for up to 20 days for visits; however, this right was not respected in most prisons.

There was an informal grievance procedure within the CPD. The MOJ, the attorney general, and some governors monitored or assessed prison conditions, although investigations and monitoring did not fully meet international standards. The MOI, MOJ, MOD, and NDS permitted the AIHRC, UNAMA, the International Committee for the Red Cross (ICRC), and other human rights organizations to visit their detention facilities. Security constraints and obstruction by some authorities occasionally prevented visits to some places of detention. The United Nations and other human rights organizations did not have access to NDS Department 124 for monitoring of prison conditions. There was no formal prisoner complaint system in place. Although varying by prison, commanders designated certain inmates to report back to them on security and internal situations.

In government detention facilities, observers reported that prisoners were permitted religious observance.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention; however, both remained serious problems. Many citizens were detained without enjoying essential procedural protections.

According to NGOs, authorities continued to arbitrarily detain citizens without clear legal authority and due process. Local law enforcement officials reportedly

illegally detained persons on charges not provided for in the penal code and used their official status to resolve petty disputes.

Role of the Police and Security Apparatus

Three ministries have responsibility both in law and in practice for providing security in the country. The ANP, under the MOI, has primary responsibility for internal order but increasingly was engaged in fighting the insurgency. The Afghan National Army (ANA), under the Ministry of Defense, is responsible for external security. The NDS has responsibility for investigating cases of national security and also functions as an intelligence agency. The investigative branch of the NDS has a facility in Kabul where it holds prisoners on a pretrial basis until their cases are handed over to prosecutors. In some areas insurgents maintained considerable power as a result of the government's failure to assert control.

Official impunity and lack of accountability were pervasive, as were abuses of power by unofficial, traditional militias. Unofficial militias reportedly beat, robbed, and killed rural dwellers with impunity. Observers believed that ALP and ANP personnel were largely unaware of their responsibilities and defendants' rights under the law. According to UNAMA, accountability of NDS and ANP officials for torture and abuse was weak, not transparent, and rarely enforced. There was limited independent, judicial, or external oversight of the NDS and ANP as institutions, and of crimes or misconduct committed by NDS and ANP officials, including torture and abuse.

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 police training programs. These programs emphasized law enforcement, the constitution, values and ethics, professional development, the prevention of domestic violence, and fundamental standards of human rights, in addition to core policing skills and internal investigation mechanisms to curb security force corruption and abuses.

Nevertheless, human rights problems persisted; observers criticized the inadequate preparation and lack of insensitivity of local security forces. Human rights institutions expressed deep concerns about the limited oversight that existed for security institutions, especially the ALP.

NGOs and human rights activists noted that societal violence, especially against women, was widespread; in many cases the police did not prevent or respond to the violence. In April a 12-year-old girl in Takhar Province allegedly was gang-raped. According to some accounts, several of the perpetrators were wearing police (ANP) uniforms. Although the AIHRC and other civil society representatives undertook a high-profile investigative visit to Takhar, authorities made no arrests.

Arrest Procedures and Treatment While in Detention

Arbitrary Arrest: Arbitrary arrest and detention remained problems.

Pretrial Detention: The law provides for access to legal counsel and the use of warrants, and limits how long detainees may be held without charge. The ICRC, the AIHRC, and other observers reported that arbitrary and prolonged detention frequently occurred throughout the country. Authorities often did not inform detainees of the charges against them. Police have the right to detain a suspect for 72 hours to complete a preliminary investigation. If they decide to pursue a case, the file is transferred to the Attorney General's Office (AGO), which must interrogate the suspect within 48 hours. The investigating prosecutor can continue to detain a suspect without formal charges for 15 days from the time of arrest while continuing the investigation. With court approval the investigating prosecutor may detain a suspect for an additional 15 days. The prosecutor must file an indictment or release the suspect within 30 days of arrest. Investigation may continue even if an indictment cannot be completed within the 30 days.

In practice many detainees did not benefit from any or all of these provisions, largely due to a lack of resources. The law provides that upon request by defense counsel, the court shall release a detainee held over the 30-day period when an indictment is not filed. However, many detainees were held beyond 30 days, despite the lack of an indictment. Observers reported that prosecutors and police detained individuals on average for nine months without charging them, sometimes for actions that were not crimes under the law, in part because the judicial system was inadequate to process detainees in a timely fashion.

On August 25, President Karzai called on the Minister of Justice, the Attorney General, the head of the NDS, and the head of the Supreme Court to process cases more expeditiously and not to detain persons without cause. He also called for the release of prisoners whose terms had been completed but who were still in jail due to a lack of financial or other guarantees.

The seven government entities involved in the criminal justice sector--the MOJ, AGO, Supreme Court, MOI, NDS, MOD, and High Office of Oversight--continued to implement a standard case management system.

Arbitrary arrests were reported in most provinces. Incommunicado detention remained a problem and prompt access to a lawyer was rare. While detainees were allowed access to their families, there were many cases in which such access was not prompt. Some detainees were subjected to torture and other mistreatment, including being whipped, exposed to extreme cold, and deprived of food. UNAMA reported that police also detained individuals for moral crimes, breaches of contracts, family disputes, and to extract confessions. Observers reported that those detained for moral crimes were almost exclusively women.

There was little consistency in the length of time detainees were held before trial or arraignment. Postsentence detention also was reportedly common.

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 age 15. The juvenile code presumes that 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." An estimated 850 children in juvenile rehabilitation centers across the country lacked access to adequate food, health care, and education. 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 law provides for the creation of juvenile police, prosecution offices, and courts. Due to limited resources, the special juvenile courts functioned only in six areas (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 seldom were imprisoned, as cases seldom were 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.

Increasingly, the insurgency used children in suicide bombing attempts. In August President Karzai pardoned 20 children who had been arrested by the NDS while trying to carry out suicide bombings, stating that they had been deceived and oppressed by the country's enemies.

“Zina,” the term for adultery and/or fornication, is a criminal act under the penal code. In practice police and legal officials often charged women with intent to commit zina to justify their arrest and incarceration for social offenses such as running away from home, defying family choice of a spouse, fleeing domestic violence or rape, or eloping. Police often detained women for zina at the request of family members.

Authorities imprisoned some women for reporting crimes perpetrated against them and some as proxies serving as substitutes for their husbands or male relatives convicted of crimes. During the year, the AIHRC received reports of men being arrested in place of a male relative when a suspect could not be located, on the assumption that the suspect would turn himself in to free the family member.

Authorities placed some women in protective custody to prevent violent retaliation by family members. Authorities also placed women who were victims of domestic violence in protective custody (including in a detention center), if there was no shelter facility available, to protect them from further abuse. Under the 2009 decree on the Elimination of Violence Against Women Act (EVAW), the police have the obligation to arrest those who abuse women. However, implementation and awareness of the EVAW law was very limited.

Authorities frequently did not rearrest defendants even after an appellate court convicted them in absentia. There was no bond system, although a rudimentary personal recognizance system was utilized in some areas where international observers monitored cases; authorities justified posttrial detention because defendants released pending appeal often disappeared.

Prosecutors did not exercise discretion in making decisions on charges. International mentors observed that prosecutors filed indictments in cases transferred to them by the police, even where there was a reasonable belief that no crime actually was committed.

Amnesty: The Afghanistan Peace and Reintegration Program (APRP) provided political amnesty to insurgents who met program eligibility criteria, including

breaking ties with al-Qaida, renouncing violence, agreeing to abide by the constitution including its protections for women and minority groups, and formally enrolling in the program. Political amnesty is not defined. However, the program document states that the APRP “is not a framework for pardoning all crimes and providing blanket amnesty.” The APRP has not yet defined what offenses are eligible for amnesty. Reintegration candidates are informed prior to enrollment that entry into the program does not amount to blanket immunity from prosecution.

There were instances in which local government officials, unaware of or knowingly ignoring APRP policy, promised amnesty to insurgents who had agreed to stop fighting but had not formally entered the APRP, such as in the case of a Taliban commander, Maulavi Isfandar, who oversaw the execution of Bibi Sanubar, a pregnant widow accused of adultery, in Badghis Province. These informally reintegrated persons were neither vetted by their community members for inclusion in the program nor informed about the APRP’s position on amnesty. The government estimated that an additional 2,978 insurgents formally reintegrated during the year.

Fourteen persons met the government’s conditions for reconciliation (renunciation of violence, no links to international terrorist organizations, and respect for the constitution, including the rights of women and minorities) and were removed from the UN Sanctions List during 2010. An additional 15 persons met the conditions for reconciliation and were removed from the UN Sanctions List in 2011.

The AIHRC and human rights activists continued to express concern that war criminals and human rights abusers remain in positions of power within the government.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but in practice the judiciary was underfunded, understaffed, ineffective, and subject to political influence and pervasive corruption. Bribery, corruption, and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency threatened judicial impartiality. Most courts administered justice unevenly, according to a mixture of codified law, Sharia (Islamic law), and local custom.

The formal justice system was relatively strong in the urban centers, where the central government was strongest, and weaker in the rural areas, where approximately 80 percent of the population lived. Nationwide, fully functioning courts, police forces, and prisons were rare. The judicial system lacked the capacity to handle the large volume of new and amended legislation. A lack of qualified judicial personnel hindered the courts. Municipal and provincial authorities, including judges, had minimal training and often based their judgments on their personal understanding of Sharia, tribal codes of honor, or local custom. The majority of judges graduated from madrassahs or had Sharia training. Very few judges were graduates of a law school. Lack of access to legal codes and statutes hindered judges and prosecutors.

There were widespread shortages of judges, primarily in insecure areas. The Supreme Court reported that there were an estimated 1,651 judges at the primary, appellate, and supreme court levels, including 143 female judges at year's end.

In major cities, courts primarily decided criminal cases, as mandated by law. Civil cases often were resolved in the informal system. Because the formal legal system was often not present in rural areas, local elders and shuras (consultative gatherings, usually of men selected by the community) were the primary means of settling both criminal matters and civil disputes; they also levied unsanctioned punishments. Some estimates suggested that 80 percent of all disputes were resolved by shuras. Sometimes the shuras did not respect the constitutional rights of--and sometimes violated the rights of--women and minorities.

In areas not under government control, the Taliban enforced a parallel judicial system based on strict interpretation of Sharia.

Trial Procedures

Trial procedures rarely met internationally accepted standards. The administration and implementation of justice varied in different areas of the country. By law all citizens are entitled to a presumption of innocence and defendants have the right to be present at trial and to appeal; however, these rights were not always applied. Trials were rarely public. Judges decided all criminal trials, since there is no right to a jury trial under the constitution. A defendant also has the right to consult with an advocate or counsel at public expense when resources allow. This right was applied inconsistently, in part due to a severe shortage of defense counsel. Defendants frequently were not allowed to confront or question witnesses. Citizens often were unaware of their constitutional rights. Defendants and

attorneys were entitled to examine the physical evidence and the documents related to their case before trial; however, observers noted that in practice court documents often were not available for review before cases went to trial, despite defense lawyers' requests. When the accused is held in custody, the primary court must hear the trial within two months. The appellate court has two months to review the case of an incarcerated person. Either side may appeal; an accused defendant who is found innocent usually remains detained in the legal system until the case moves through all three levels of the judiciary: primary, appeals, and the Supreme Court. The decision of the primary court becomes final if an appeal is not filed within 20 days. Any second appeal must be filed within 30 days, after which the case moves to the Supreme Court, which must decide the case of the defendant within five months. If the appellate deadlines are not met, the law requires that the accused be released from custody. In many cases courts did not meet these deadlines.

In cases lacking a clearly defined legal statute, or cases in which judges, prosecutors, or elders were unaware of the law, judges and informal shuras enforced customary law; this practice often resulted in outcomes that discriminated against women. This included the practice (baadh) of ordering the defendant to provide compensation in the form of a young girl to be married to a man whose family the defendant had wronged.

Political Prisoners and Detainees

There were no reports that the government held political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens had limited access to justice for constitutional and human rights violations, and interpretations of religious doctrine often took precedence over human rights or constitutional rights. The state judiciary did not play a significant or effective role in adjudicating civil matters due to corruption and lack of capacity.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits arbitrary interference in matters of privacy; however, the government did not respect these prohibitions in practice, and there were no legal protections for victims.

Government officials forcibly entered homes and businesses of civilians without judicial authorization.

Authorities imprisoned men and women as substitutes for male relatives who were suspects or convicted criminals in order to induce those persons at large to surrender themselves (see section 1.d.).

The law provides for wiretapping in certain cases, which include tracking money laundering and narcotics trafficking.

The government's willingness to recognize the right to marry varied according to nationality, gender, and religion. Although more than 99 percent of the population was Muslim, the AIHRC reported that on several occasions, marriages between Sunnis and Shias were annulled as "haram," or against Islam. In Bamyan Province, the family of an ethnically Sayed female prohibited her from marrying a Hazara man, compelling her to flee to a shelter in fear for her life in May. She and her case were moved to a shelter in Kabul at year's end, despite sustained pressure from the AIHRC, the governor of Bamyan, civil society, and the international community on the family and local government to allow the couple to marry.

Insurgents frequently ordered the country's four mobile telephone operators to shut down operations in the Southwest, South, and East for hours or days at a time. In response the government ordered operators to maintain continuous services; insurgents responded by routinely destroying mobile telephone towers.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Continuing internal conflict resulted in civilian deaths, abductions, prisoner abuse, property damage, and the displacement of residents. The security situation remained a problem during the year due to insurgent attacks. According to a 2011 report by UNAMA, civilians continued to bear the brunt of intensified armed conflict as civilian deaths increased by 8 percent during the year compared with 2010.

The large number of attacks by AGEs limited the capability of the central government to protect human rights in many districts, especially in the South. The growth in civilian casualties was due primarily to the armed opposition's indiscriminate use of land mine-like pressure plate improvised explosive devices (IEDs).

Killings

Government and progovernment forces were responsible for civilian casualties. The UNAMA 2011 Annual Report on the Protection of Citizens in Armed Conflict stated that progovernment forces (PGFs) were responsible for 14 percent of total civilian deaths, a decrease of 4 percent compared with 2010.

Airstrikes remained responsible for the largest percentage of civilian deaths caused by PGFs. The UNAMA report stated that civilian deaths caused by aerial attacks increased 9 percent compared with 2010.

UNAMA noted that AGEs remained responsible for the largest proportion of civilian casualties, which rose 14 percent compared with 2010. Of the 2,332 conflict-related deaths in the first half of the year, 77 percent were attributable to AGEs. Responsibility for the remainder could not be determined.

During the year, antigovernment elements continued to attack progovernment religious leaders. In March authorities arrested a man and detained four accomplices in connection with the February 12 murder of a prominent mullah. A Taliban sympathizer detonated a bomb in his turban at the July 14 mosque funeral of Ahmed Wali Karzai, the president's half-brother, killing a Muslim cleric and four mourners.

In August insurgents in the northeastern province of Kunar stoned, hanged, and shot two ANA soldiers returning from leave.

The Taliban and antigovernment elements continued to engage in indiscriminate use of force, attacking and killing villagers, foreigners, and NGO workers. The Taliban and other insurgents killed numerous civilians, both in attacks and with car bombs and suicide bombs. IED attacks killed more civilians than any other tactic during the year, causing 967 deaths. Suicide attacks and IEDs together accounted for 32 percent of all civilian deaths during the year.

Insurgents targeted national and government officials, foreigners, and local NGO employees. There were accounts of insurgent violence against the civilian population. According to the United Nations Country Task Force Monitoring and Reporting on Grave Child Rights Violations, there were 13 attacks on girls' schools since April.

A February suicide attack in northern Kunduz Province killed at least 26 persons and wounded more than 30 others inside a population registration office where people had come to receive their national identity cards. Armed persons entered a local branch of Kabul Bank in Nangarhar Province on February 19. In the ensuing firefight and suicide bombing, for which the Taliban claimed responsibility, 18 persons were killed and 70 others were wounded.

June saw an all-time high in the number of security incidents in a single month, according to UNAMA, and the highest-ever number of IED attacks recorded in a one-month period. On June 9, Taliban-linked insurgents killed nine persons in an attack on a wedding party at the Nangarhar compound of a district governor. Two civilians were killed and two wounded in a suicide attack on the governor's compound in Parwan on June 21. Another suicide attack on the Kapisa governor's office killed eight persons and wounded four in mid-June.

Abductions

The MOI's Anti-Crime Police reported over 100 abductions through year's end, as the Taliban targeted construction and mining projects, teachers, and citizens perceived to be cooperating with the international community (see section 1.b.). The actual number of cases may have been much higher.

Physical Abuse, Punishment, and Torture

Land mines and unexploded ordnance continued to cause deaths and injuries, restricted areas available for farming, and impeded the return of refugees. The Mine Action Coordination Center for Afghanistan (MACCA) reported at year's end that land mines and unexploded ordnance killed or injured an average of 31 persons each month. In addition to these casualties from traditional antitank and antipersonnel mines, there were 18,692 civilian casualties from IEDs during the year, with the overwhelming majority of those resulting from pressure-plate devices (according to the Afghan National Counter-IED Strategy 2012). At year's end, land mines and unexploded ordnance imperiled 1,930 communities, which represent less than 2 percent of total communities. The majority of remaining mine hazard areas include a relatively low number of arbitrarily-placed mines dispersed over a large area, but nonetheless still deny full use of the land to communities. The MOE and Afghan NGOs conducted educational programs and mine awareness campaigns throughout the country.

Child Soldiers

Officially the government, with international assistance, vetted all recruits into the armed forces and police, rejecting applicants under the age of 18. However, there were reports that children were recruited and used for military purposes by the ANSF, the ANP, and progovernment militias, and sometimes were sexually abused.

Anecdotal evidence suggested that insurgent recruitment of underage soldiers continued to rise. There were also 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. The media, NGOs, and UN agencies reported that the Taliban tricked children, promised them money, or forced them to become suicide bombers. President Karzai ordered the release of 20 such incarcerated children on August 25.

Also see the Department of State's annual *Trafficking in Persons Report* at <http://www.state.gov/g/tip/>.

Other Conflict-related Abuses

The security environment had a negative effect on the ability of humanitarian organizations to operate freely in many parts of the country. Insurgents deliberately targeted government employees and aid workers.

Gunmen stormed a UN compound in Mazar-e-Sharif on April 1, killing three UN staff and four Nepalese guards.

Suspected Taliban members fired on NGO vehicles and attacked NGO offices, guest houses, and hotels frequented by NGO employees. Violence and instability hampered development, relief, and reconstruction efforts. NGOs reported that insurgents, powerful local individuals, and militia leaders demanded bribes to allow groups to bring relief supplies into the country and distribute them.

In an attack that some observers thought may have missed its mark, 25 persons, including children, pregnant women, medical workers, and an entire family of seven, were killed on June 25 in Logar Province, when a truck bomb exploded at the entrance to a maternity hospital, destroying the facility, which drew patients from isolated villages for prenatal and obstetrics care. No insurgent group claimed responsibility for the attack, which may have been intended for the district governor's office and police station next door.

The Taliban continued to distribute threatening messages in attempts to curtail government and development activities. Insurgents used civilians, including children as young as age three, as human shields, either by forcing them into the line of fire or by basing operations in civilian settings.

In the South and East, Taliban and other antigovernment elements frequently forced local residents to provide food and shelter to their fighters. The Taliban also continued to attack schools, radio stations, and government offices.

An organized attack October 31 on the UN High Commissioner for Refugees (UNHCR) offices in Kandahar that involved suicide bombers and gunmen resulted in the deaths of three UNHCR employees and the wounding of two other staff members.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution provides for freedom of speech and of the press; however, the government restricted these rights.

Freedom of Speech: Authorities used pressure, regulations, and threats to silence critics. Freedom of speech was even more constrained at the provincial level, where warlords owned many of the broadcasting stations and print media.

Freedom of Press: Some independent journalists and writers published magazines and newsletters, although circulation largely was confined to Kabul. Newspapers tended to reflect more openly on domestic developments in comparison to broadcasters. Satirical programming was widespread; every private television station had at least one comedy-satire program that openly criticized government officials.

Despite the obstacles they faced, media sources and observers asserted that the country's independent media continued to expand and became increasingly sophisticated. Independent media were active and reflected differing political views. An NGO offered safe houses for threatened journalists. Many Afghan journalists stated they had more freedom than their regional neighbors. Numerous

international and local organizations provided regular training and mentoring for journalists; some programs ended with job offers for talented participants.

Violence and Harassment: Threats, violence, and intimidation were used regularly to silence opposition journalists, particularly those who spoke out about impunity, war crimes, government officials, and powerful local figures.

An Afghan media development and vocational education agency reported that incidents of violence against journalists increased overall during the year; through December there were 80 incidents, compared with 60 in 2010.

A December Media Watch report entitled “Afghan Media in 2011” indicated there was a 38 percent rise in violence against media workers in 2011 compared with 2010. The report records three media worker deaths, six injuries, two detentions, 33 assaults, 15 cases of verbal abuse, and 21 incidents of threats for a total of 80 cases. Media Watch reports that State authorities were responsible for the majority of incidents, with government officials responsible for 49 incidents.

Journalists were vulnerable to physical harm and reported numerous instances of pressure from multiple sources to influence reporting, including national and provincial governments. Violence against journalists continued, and a combination of government repression, armed groups, and manipulation by foreign groups and individuals prevented the media from operating freely.

Journalists operated in a dangerous environment; even if not targeted, some were victims of indiscriminate attacks. For example, on July 28 in Uruzgan, Ahmad Omid Khpalwak, a 25-year-old reporter with the BBC Pashto-Dari radio service and Pajhwok Afghan News, was filing his morning report in a building and was killed by a spray of more than 20 bullets. Farhad Taqaddosi, a cameraman for Iran’s Press TV, died of injuries he sustained in the Taliban’s September 13 attack on prominent international buildings. Jafar Wafa, a reporter for the Laghman-based Radio Kalagosh, was killed in a roadside bomb attack in Laghman province on December 12.

Censorship or Content Restrictions: Some media observers contended that individuals either could not criticize the government or practiced self-censorship due to fear of reprisal. Journalists self-censored reporting on corruption or legal violations due to fear of violent retribution by provincial police officials and powerful families. Journalists stated that the government not only failed to protect them, but that officials sometimes actively worked against them through other

media sources, through intimidation, or by pressuring others to withdraw advertising revenue.

Publishing Restrictions: The Ministry of Information and Culture (MOIC) has the authority to regulate the press and media; however, the Ministry of Hajj and Religious Affairs, and the country's council of religious scholars (the "Ulama"), both also attempted to regulate or constrict the media. Although complaints and alleged violations of media regulations are to flow through the Media Complaints Commission into the MOIC, the Ministry of Hajj and Religious Affairs reported in May that it would establish a Vice and Virtue Department to control "un-Islamic" and "immoral" media programs. The Ulama criticized a newspaper that reported on the radicalization of young women in religious madrassahs, stating "the newspaper should be put under pressure" for its criticism of Islam.

Parliamentarians voiced concern about the foreign cultural invasion of the country and stated that the MOIC should do more to stop the proliferation of immoral television programs. Members of the Ulama lobbied the president's office to cease broadcasting what it considered immoral television programs, such as the soap opera "Forbidden Love," which was broadcast on private Tolo TV. Tolo TV eventually took the program off the air to avoid having to close down the television station.

Following what the Ulama and the MOIC saw as a trend in negative programming, both threatened to revoke the activity licenses of any media groups that failed to comply with the law. The law prohibits dissemination of material contrary to the principles of Islam or other religions and sects; works considered defamatory, insulting, offensive, or libelous; materials contrary to the constitution and penal code; disclosure of the identity and pictures of victims of violence and rape in a manner that damages their social dignity; and works and material that harm the psychological security and moral well-being of individuals, especially children and adolescents. The mass media policy had not been implemented by year's end.

The law contains provisions establishing a media oversight structure, headed by a High Media Council (HMC). The HMC had two representatives of the media selected by the MOIC who were not generally accepted by the wider journalism community. The provisions in the Mass Media Law allowing journalists open access to information also have not been implemented.

Although censorship of book publishing was relatively limited, prominent journalist and author, Razaq Mamoon, who wrote a book critical of Iran, was the victim of an acid attack by unidentified men.

The number of female journalists remained low and female reporters found it difficult to practice their profession, although some women oversaw radio stations across the country and some radio stations were devoted to women's issues. Kabul University's Jawida Ahmadi, a lecturer and deputy dean of the journalism faculty, launched the Saboot News Agency which offers capacity building courses in journalism, leadership, and management for female journalists, and also produces news reports about various parts of the country in Dari, Pashto, and English. However, a number of factors reduce the motivation of women to be part of the media industry, including poor security, low capacity, lack of access to the training that was a prerequisite of the modern media industry, and a lack of safe working conditions. Salam Watandar held a female broadcasters gathering in December with 12 women from Balkh, Kunduz, Baghlan, Jalalabad, Kandahar, and Herat provinces. They highlighted the need for qualified female journalists and proposed specialized programming with material provided by six radio stations led by women.

Nongovernmental Impact: Factional authorities reportedly controlled media in some parts of the country. In addition, according to many media sources, private Iranian, Pakistani, and Gulf state citizens actively influenced the media, shaping it through both ownership and threats. There were allegations that Iran intimidated reporters in the western provinces to increase antigovernment reporting and decrease anti-Iranian articles.

Journalists faced threats not only from state actors, but also from the Taliban and other insurgents. Some reporters stated that they no longer criticized the insurgency in their reporting because they feared the return of the Taliban.

Violence and intimidation of journalists, reporters, and media outlets at the hands of insurgent forces and the Taliban remained a concern and continued to restrict journalists' operating space. In June the Taliban torched three mobile telephone towers in central Logar province after warning mobile telephone companies to cut their services between 6:00 pm and 6:00 am. The Taliban also destroyed two mobile telephone towers in Helmand province.

The Taliban manipulated the media, especially print journalism, both directly and indirectly, by threatening to harm some journalists physically and by directly

feeding news to others. Journalists reported receiving threats if they published stories favorable to the government.

The Committee to Protect Journalists (CPJ) reported that local and foreign reporting teams continued to face a risk of kidnapping.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail messages.

The CPJ reported that government regulators were not fully able to enforce their rules. Government requests for Internet bans were made to private Internet service providers; filtering equipment was not reported as widely used. The Taliban also used the Internet and sites like Twitter to spread its messages, despite purported government controls. Lack of public infrastructure limited public access to the Internet.

Academic Freedom and Cultural Events

The government restricted academic freedom by restricting curriculum it deemed un-Islamic. Academic research and curriculum were subject to prior approval of “concerned ministries and institutions,” such as the Ministry of Hajj and Religious Affairs. The government funded rehabilitation and preservation of several historical sites and monuments, including both Islamic and Buddhist-period sites. Through foreign government and World Bank funds some emergency recovery and preservation efforts were underway at an extensive Buddhist site near Kabul. The recovery of that cultural heritage was occurring in advance of the copper mining (tendered to a Chinese firm) that was expected to eventually destroy the archaeological remains collocated with the world’s second largest copper deposit. Music has made a strong return since the departure of the Taliban.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights.

Freedom of Assembly

A lack of physical security, as well as interference from local authorities and security forces, inhibited freedom of assembly in some areas of the country.

There were numerous generally peaceful protests during the year related to a variety of causes, including the parliamentary impasse and the special tribunal, the rights of persons with physical disabilities, and concerns over public land use. Citizens also frequently protested against civilian casualties allegedly caused by progovernment forces. In August citizens in Zabul province took to the streets to protest night raids and at least three protesters were killed by police. The Zabul police chief claimed that the police opened fire due to insurgents present in the crowd who killed an officer.

Freedom of Association

The 2009 law on political parties obliges parties to register with the MOJ and requires them to pursue objectives consistent with Islam. The law raised the hurdles for registration of parties; for example, parties are required to have at least 10,000 members registered. Antigovernment violence affected the ability of provincial council candidates and political parties to conduct activities in many areas of the country.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <http://www.state.gov/j/drl/irf/rpt/>.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government sometimes limited citizens' movement for security reasons.

The government cooperated with the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, and other persons of concern but was limited by lack of infrastructure and capacity.

In-Country Movement: Taxi, truck, and bus drivers reported that security forces operated illegal checkpoints and extorted money and goods from travelers.

The greatest restriction to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, land mines, and IEDs made travel extremely dangerous, especially at night.

Armed insurgents also operated illegal checkpoints and extorted money and goods. The Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the southeast.

Social custom limited women's freedom of movement without male consent or a male chaperone.

Internally Displaced Persons (IDPs)

The country continued to experience high levels of internal population movements, triggered by military operations, natural disasters, and irregular labor conditions. Large numbers of refugees returned but were unable to reside safely in their previous homes because of poor service infrastructure in rural areas, and the volatile security situation in some parts of the country.

At year's end, an estimated 447,547 persons were displaced, according to the UNHCR. Of these, 116,741 persons were displaced prior to December 31, 2002 (referred to as IDPs in protracted displacement). Between January and December, 185,631 persons were displaced due to conflict. The main areas in which displacement originated were Badghis, Farah, Ghor, and Herat in the West and Faryab in the North. The displaced populations largely remained in their regions of origin. The key provinces that received IDPs, in order of the numbers displaced, were Herat, Kandahar, Nangarhar, and Helmand.

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, access to land and rights for returnees and IDPs were hampered by a weak judiciary. Some IDPs in protracted displacement established self-sufficient settlements in the Herat, Kandahar, Helmand, and Jalalabad areas.

Unverified populations, including IDPs and refugees who returned, were also known to reside alongside urban slum dwellers in unauthorized informal

settlements in the larger urban areas of Kabul, Jalalabad, Mazar-e-Sharif, and Herat. These settlements were prone to serious deficiencies in several areas, including health, education, security of tenure, and absence of registration of child births and identity cards.

Restricted access due to poor security limited the UNHCR's efforts to assess the numbers of displaced persons and made it difficult to provide assistance.

According to the Internal Displacement Monitoring Centre, while the government created a National IDP Task Force, it lacks a comprehensive IDP policy and has opposed local integration or resettlement as a durable solution for IDPs unable to return home.

Protection of Refugees

Access to Asylum: Laws do not provide for granting asylum or refugee status, and the government has not established a system for providing protection to refugees. In accordance with an agreement among Afghanistan, Pakistan, and the UNHCR, repatriation must be voluntary.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular group, or political opinion.

The government's capacity to absorb returned refugees remained low. Economic difficulties and security concerns discouraged numerous refugees from returning to the country; half as many returned 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 safe houses until their families guaranteed their safety. The UNHCR referred 24 women to safe houses as of September.

Throughout the year, 67,943 refugees were repatriated voluntarily with UNHCR assistance, mainly from Pakistan and Iran, a decrease of 40 percent from 2010. Approximately 2.8 million Afghan refugees lived in Pakistan and Iran during the year.

Iran continued to deport undocumented economic migrants back to Afghanistan. During the year Iran deported 211,023 undocumented Afghans, a 26 percent

decrease compared with 2010 (when 286,662 Afghans were expelled from Iran), through the border points at Islam Qala, Herat province, and Zaranj, Nimroz province.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice in the September 2010 parliamentary elections based on universal suffrage. The elections were marred by serious, widespread fraud and corruption. The parliamentary elections were disputed for nearly a year after President Karzai established a special elections tribunal to investigate the election results. On August 10, President Karzai issued a decree acknowledging that the IEC was the sole authority to resolve the parliamentary impasse.

Elections and Political Participation

Recent Elections: The September 2010 parliamentary elections were held amid significant security and logistical challenges. The elections themselves generally followed the constitutional process, although widespread fraud and corruption, particularly at the subnational level, hampered the election. International observers and civil society groups documented instances of ballot stuffing, ghost polling stations, and some interference by staff of electoral bodies; fraud was especially notable in areas with high levels of insecurity, limited observer and candidate agent coverage, and insufficient female electoral staff. While security preparations improved relative to the 2009 presidential election, security was still inadequate in many locations, and numerous irregularities occurred, including pervasive intimidation of voters, polling staff, and candidates, especially women.

Due to newly implemented antifraud procedures, the IEC proactively threw out 1.3 million of the estimated total 5.6 million votes cast, based on evidence of fraud or other procedural irregularities. The IEC cited evidence of fraud at more than 2,500 polling stations and invalidated approximately 23 percent of the ballots cast. The Electoral Complaints Commission (ECC) disqualified more than 300 polling stations and invalidated the votes for 24 preliminarily elected candidates due to evidence of fraud or noncompliance with IEC rules and regulations. Limited transparency on the part of both commissions during the tally and adjudication processes fueled the perception that political bias might have affected the

invalidation process. The IEC certified the official election results on December 1, 2010.

In response to protests about the election results in December 2010, President Karzai appointed a special tribunal to investigate and recommend changes to the election results. The IEC, parliamentarians, and NGOs challenged the legality and constitutionality of the special tribunal, calling repeatedly for its dissolution. The parliamentarians viewed the special tribunal as an attempt by the executive to weaken parliament and interfere with its composition. Despite the special tribunal's ongoing review, parliament was inaugurated on January 26. The special tribunal remained in place and the political impasse over the disputed races and the disposition of seats continued until June, virtually halting legislative action. In June the special tribunal recommended replacing 62 sitting members of parliament (MPs). On August 10, the president issued a decree that returned the review of the disputed cases from the special tribunal to the IEC for a final decision. On August 21, the IEC, which legally assumed the powers of the ECC, overturned nine of the ECC's disqualifications, and issued certificates to nine new MPs. After an internal boycott and heavy resistance to the IEC's decision, parliament had its first quorum after months in October and began voting on long-pending legislation.

In 2009 citizens voted in their second contested presidential election. The IEC declared Karzai president for a second term, after his challenger, Dr. Abdullah Abdullah, withdrew from a run-off election. The elections were similarly marred by serious allegations of widespread fraud.

Political Parties: Negative associations with warlords and the communists have led many citizens to view political parties with suspicion. The 2009 Party Law replaced the initial law of 2003, which granted parties the right to exist as formal institutions for the first time in the country's history. The new law required parties to have membership papers of 10,000 members (from a minimum of 22 provinces). The law was passed in September 2009 and allowed very little time for parties to complete the registration process in advance of the 2010 parliamentary elections. The National Democratic Institute (NDI) reported that a number of parties complained about the process, citing fraud in the Ministry of Justice, which is responsible for registration of political parties, and the unequal treatment of parties by the registration department. As of November 2010, the MOJ had accredited 33 political parties under the law. By April 38 parties were registered, according to NDI. However, only five parties were accredited in time for the September 2010 elections, and very few parliamentary candidates were shown to be affiliated with a party during the campaign. Political parties were not always able to conduct

activities throughout the country, particularly in regions where antigovernment violence affected overall security. A total of 21 political parties had representation in the lower house.

Participation of Women and Minorities: The Pashtun ethnic group had more seats than any other ethnic group in both houses but did not have more than 50 percent of the seats. The Pashtuns lost seats in the September 2010 lower house elections. There was no evidence that there were societal groups that were specifically excluded. Traditional societal practices that limit women's participation in politics and activities outside the home community likely influenced the central government's composition.

For the Wolesi Jirga, the lower house of the national Assembly, 396 of the 2,510 candidates for the election were women, representing a significant increase in female candidate participation compared with the 2005 parliamentary elections. There were sufficient members to fill the two seats reserved for women in each province (68 of 249 total seats).

Women active in public life continued to face disproportionate levels of threats and violence and were the targets of attacks by the Taliban and other insurgent groups. Most female MPs reportedly experienced some kind of threat or intimidation; many believed that the state could not or would not protect them.

There were reports that the female members of the High Peace Council established in September 2010 were marginalized by their male counterparts and that they were not permitted to take part in initial contacts with representatives from the Taliban or other insurgent groups.

There were no laws preventing minorities from participating in political life; however, different ethnic groups complained that they did not have equal access to local government jobs in provinces where they were in the minority.

The constitution provides for seats for women and minorities in both houses of parliament. The constitution provides for at least 68 female delegates in the lower house of the national assembly, while 10 seats are provided for the Kuchi ethnic minority. According to the constitution, the president should appoint one-third of the members, including two members with physical disabilities and two Kuchis. Fifty percent of the president's appointees to the upper house must be women.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The minimal progress made in initiating and prosecuting high-level corruption cases was largely due to international assistance in creating special anticorruption law enforcement investigatory, prosecutorial, and judicial entities.

Corruption was endemic throughout society, and flows of money from the military, international donors, and the drug trade exacerbated the problem. The International Crisis Group released a study in July that concluded that corruption and poor governance had enabled the Taliban to extend its reach deeply into the east central part of the country (the five provinces surrounding Kabul).

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 reports of money paid to reduce prison sentences, halt an investigation, or have charges dismissed outright.

New information emerged about the scale of malfeasance at Kabul Bank, which had been the country's largest private financial institution prior to its collapse in a huge bank fraud scandal that began unfolding in August 2010. Reportedly, nearly 50 billion afghanis (\$1 billion) were misappropriated and a vast number of bribes amounting to several millions of dollars were paid to politicians and ministers. Nearly all of the illicit funds were received by politically well-connected shareholders of the bank. By year's end, only 10 percent or \$66 million in bank assets had been recovered and no formal criminal charges had been brought against anyone who took money from the bank. Instead the government sought to place significant blame for Kabul Bank's collapse on foreign entities, regulators, and low-level functionaries and employees of Kabul Bank and the Central Bank, including persons from the Afghan Financial Intelligence Unit (FinTRACA). In June the central bank governor left his post and fled the country, citing death threats, as well as criticism and heavy political pressure from the AGO, along with political interference in his efforts to recover funds.

There were reports that the AGO was unwilling or unable to pursue corrupt officials and that high-level officials who were arrested on corruption-related charges were released subsequent to pressure from President Karzai or his agents. In addition there was anecdotal evidence that accusations of corruption on the part

of others were used by corrupt officials to damage their opponents' reputations or to deflect attention from their own misdeeds.

On March 28, former minister of transportation (2006-2008) Enayatullah Qasimi was detained in Kabul and questioned on charges of misusing public funds involving Ariana Airlines, which allegedly cost the government more than 433 million afghanis (\$9 million). He was released two days later. It was unclear whether this was a genuine attempt by the government to crack down on high-level corruption.

In April Deputy Attorney General Rahmatulla Nazari spoke publicly about the challenges inherent in arresting high-ranking officials. After testifying in parliament, Nazari said that although at least 20 corruption cases on his docket involved senior government officials, it was impossible to arrest them because many were warlords with armed militias.

Provincial police benefited financially from corruption at police checkpoints and from the narcotics industry. It was generally assumed that ANP officers pay higher-ups or officials in the MOI for their positions and to secure promotions. Corruption cases were rarely if ever pursued by the justice system, especially if they involved police. In Nimroz province, which borders Iran and Pakistan, the media reported that the governor of Delaram District was arrested and accused of drug trafficking. According to the Afghan Criminal Justice Task Force (CJTF), he and his two sons, both ANP officers, used police vehicles in the conduct of their illegal activities. No formal charges were filed by year's end.

In addition to the impunity enjoyed by many officials, 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 in 2010; however, the pay for prosecutors remained very low. The process of grade reform for prosecutors had not occurred by year's end. In mid-December, however, the council of ministers approved a substantial increase in pay for prosecutors.

Credible sources reported that local police in many parts of the country extorted a "tax" and inflicted violence at police checkpoints. Truck drivers along the Kabul-Kandahar-Herat highway told Afghan television that they had to pay bribes to both the ANP and bandits to allow their trucks to pass.

Police also reportedly extorted bribes from civilians in exchange for release from prison or to avoid arrest. Lack of formal education and low literacy rates among the ANSF and the judiciary hampered the consistent delivery of justice.

The government made efforts to combat corruption in the security apparatus. Before the September 2010 elections, the MOI trained and deployed provincial inspectors general (IGs) who remained on duty after the elections. Merit-based promotion boards continued, with at least three candidates competing for each job; the process of instituting pay reform and electronic funds transfer for police salaries also continued. The MOI continued to obtain training for its IG office.

Leadership of the High Office of Oversight (HOO), established to oversee and to develop the Afghan government's ability to mitigate corruption in line with commitments made at the London and Kabul conferences, changed in January, and most of its programs slowed during the transition. The registration and publication of asset declarations by senior government officials appeared to move forward under heavy international pressure, but it remained to be seen whether the HOO would undertake the required substantive verification of those assets, a key tool to identify possible wrongdoing. Overall, the HOO was ineffective in carrying out its anticorruption mandate.

The government continued to make electronic direct deposits of police and military salaries and expanded a pilot project to pay police via mobile telephone in areas without banks, making pay a more transparent and accountable process and theoretically less subject to corruption. In April 10 soldiers at a base in Mazar-e-Sharif were found guilty of diverting the salaries of deserters into their own accounts, stealing a total of approximately one million afghanis (\$22,000). The three ringleaders were sentenced to two to three years' imprisonment and fines equal to twice the amounts they stole. However, the culpable financial officer served only three months in jail and as of year's end, was confined to base at half salary.

Observers alleged that governors with reported involvement in the drug trade or past records of human rights violations received executive appointments and served with relative impunity. Persons from Logar province demonstrated in Kabul in April, asking for the removal of the Logar governor for corruption and seizure of government land. The governor denied the allegations.

The constitution provides citizens the right to access government information, except when access might violate the rights of others; however, access to

information from official sources continued to be limited. Lack of government capacity, particularly at the local level, continued to restrict access to information. Civil society and media representatives sought passage of a law on freedom of access to information, and worked with government officials to draft such laws. Journalists and other stakeholders made recommendations to the ministerial working group with the goal of reconciling a unified draft law.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

The lack of security and instability in parts of the country severely reduced NGO activities. Insurgent groups and the Taliban directly targeted NGOs during the year (see section 1.g.).

Government Human Rights Bodies: The constitutionally mandated AIHRC continued to address human rights problems and generally operated without government funding. In December President Karzai decided not to renew the terms of three commissioners whose terms expired on December 16. The decision was widely regarded as a government effort to exercise greater control over independent institutions. Tolo News linked the decision to the expected publication of the AIHRC's long-anticipated conflict mapping report covering serious crimes and abuses committed by armed factions from 1978 to 2001.

President Karzai signed the Action Plan for Peace, Justice, and Reconciliation in 2006. While the government has taken some action in support of "transitional" justice as defined in that plan, including the June 28 release of a national strategy for general reform of the justice sector, the focus of its reconciliation efforts has changed over time and has yet to be implemented in practice.

Three parliamentary committees deal with human rights in the Wolesi Jirga: the Gender, Civil Society, and Human Rights Committee; the Counternarcotics, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga, the upper house of parliament, the Committee for Gender and Civil Society addresses human rights concerns.

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

The constitution prohibits discrimination between citizens and provides for the equal rights of men and women; however, local customs and practices that discriminated against women prevailed in much of the country. The constitution does not explicitly address equal rights based on race, disability, language, or social status. There were reports of discrimination based on race, ethnicity, religion, and gender.

Women

Although the situation of women marginally improved during the year, international gender experts considered Afghanistan a very dangerous country for women. Gains in women's rights and advances in terms of socio-economic indicators remained tenuous at best. Pursuant to the constitution, the 2009 Shia Personal Status Law governs family and marital issues for the 20 percent of the population who are Shia. Although the law officially recognizes the Shia minority, the law adversely affects gender equality and was controversial both domestically and internationally due to its failure to promote gender equality. Articles in the law of particular concern include those on minimum age of marriage, polygyny, right of inheritance, right of self-determination, freedom of movement, sexual obligations, and guardianship.

Rape and Domestic Violence: The EVAW law, which also came into force in 2009, criminalizes violence against women, including rape, battery, or beating; humiliation; intimidation; and the refusal of food. The law specifically punishes rape with life imprisonment, and if the act results in the death of the victim, the law provides for the death sentence for the perpetrator. The law punishes the "violation of chastity of a woman...that does not result in adultery (such as touching)" with imprisonment of up to seven years. Under the law rape does not include spousal rape. However, there was limited political will to implement the law, and it was neither widely understood nor successfully enforced. There were reports that women who sought assistance under the EVAW in a case of rape were subjected to virginity tests. Sharia also impeded successful prosecution of rape cases.

During the year authorities prosecuted 38 cases under the EVAW law. More than 500 cases were referred to the Violence Against Women (VAW) unit in Kabul during the year, indicating increased awareness of women's rights; the Kabul

VAW unit obtained 26 convictions. Women came from 21 provinces to report cases to the Kabul VAW unit, including from as far away as Nimroz and Zabul. The newly opened Herat VAW unit initiated 59 cases during the year. The Balkh VAW unit, which opened in June, sent 21 cases out of 66 referrals to the primary court for prosecution. Government entities, including the Ministry of Women's Affairs and law enforcement officials, referred 16 percent of all cases.

Prosecutors in some remote provinces were unaware of the EVAW, and others were subject to community pressure to release defendants due to familial loyalties, threat of harm, or bribes. Men accused of rape often claimed the victim agreed to consensual sex, leading to an adultery charge against the victim. The MOI's Anti-Crime Police reported 57 cases of rape between March 2011 and February 2012 and another 63 cases of violence against women; the actual number of cases was probably much higher. The MOI reported 77 arrests in connection with those rape cases. Statistics on convictions were unavailable by year's end. Rapes were difficult to document due to social stigma. Male victims seldom came forward. Peer sexual abuse was allegedly common. Female victims faced stringent societal reprisal, from being deemed unfit for marriage to being imprisoned.

On December 1, Gulnaz, a 20-year-old rape victim, was pardoned following international outcry and lobbying by human rights groups after serving two and a half years of a 12-year sentence for the crime of "adultery by force." Judicial authorities initially gave her the option to marry her attacker or stay in jail for her full 12-year sentence. Following the intervention of President Karzai, the conditions were dropped, and she and her eight-month-old baby were released on December 13.

The penal code criminalizes assault, and courts entered judgments against domestic abusers under this provision. According to NGO reports, hundreds of thousands of women continued to suffer abuse at the hands of their husbands, fathers, brothers, armed individuals, parallel legal systems, and institutions of state such as police and justice systems. A UN women's commission report released in January found that 87 percent of women were victims of domestic violence. Killing, assault, and sexual violence against women commonly involved family members as suspects.

Police response to domestic violence was limited, in part due to low reporting, sympathetic attitudes towards perpetrators, and limited protection for victims. There were reports of government officials' complicity in violations of the EVAW law. For example in rape cases in Baghlan, the victims were imprisoned and the perpetrators were freed. The ANP in Burkah district allegedly raped a girl and

assaulted her parents in Bat Tob village on November 26. Some police and judicial officials were not aware or convinced that rape was a serious criminal offense and investigating a rape case was rarely a priority. Authorities infrequently prosecuted abusers, and if cases came to court, the accused often were exonerated or punished lightly. NGOs confirmed that domestic violence occurred in many homes but went largely unreported due to societal acceptance of the practice.

According to the AIHRC, between March and November there were 3,147 cases of violence against women reported, of which 1075 were cases of physical violence, and 269 sexual abuse cases. Most women did not seek legal assistance for domestic or sexual abuse because they did not know their rights or because they feared prosecution themselves or return to their family or the perpetrator. Women sometimes turned to shelters for assistance and sometimes practiced self-immolation. Provincial authorities in Herat, one of the few provinces with a burn unit, reported 84 incidents of self-immolation during the year. The AIHRC reported 63 female suicides and 70 cases of self-immolation, some of which may have been honor killings disguised as suicides, through November.

NGOs that ran women's shelters in Kabul reported an increase in referrals from police, possibly reflecting improved ANP training and awareness. Women's access to shelters also increased due to international efforts to open three new shelters and expansion to more remote provinces. However, space at the 19 formal and informal shelters across the country was limited. Women in need of shelter who could not find a place often ended up in prison, either due to a lack of shelter alternatives, for their own protection, or based on local interpretation of "running away" as a morals crime.

Forty percent of females in shelters were girls younger than 18, most often escaping forced marriages and domestic abuse. In January, following a three-year investigation of claims that women's shelters were akin to brothels, the government announced a plan to bring all shelters under the MOWA's direction. Human rights NGOs worked with the MOWA to change the regulations and stop the proposed nationalization of shelters. The final shelter regulation approved by the Council of Ministers, but awaiting the president's approval, was modified to have the MOWA regulate all shelters, but NGOs retained their ability to run them.

Because "unaccompanied" women were not accepted in society, women who could not be reunified with their family had nowhere to go. The difficulty of finding durable solutions for women compelled to stay in shelters was compounded by societal attitudes toward shelters, linked to the belief that "running away from

home” was a serious violation of social mores. Government officials argued that control of the shelters would facilitate long-term solutions and allow for eventual reintegration of women into society. To that end, there were reports that the MOWA and other government entities helped arrange at least six marriages for women who could not return to their families.

Policewomen trained to help victims of domestic violence were hindered by instructions to wait for victims to reach out. There were 355 female response unit (FRU) investigators nationwide working out of 146 FRU offices, which were staffed primarily by female police officers who addressed violence and crimes against women, children, and families. Women serving in civilian and ANP positions in the MOI offered mediation and resources to prevent future domestic violence.

Extended family violence was reportedly widespread and difficult to prosecute. In July a prosecutor in Uruzgan province released on bail the father-in-law of Bibi Aisha, the 16-year-old girl from Uruzgan province whose husband and in-laws cut off her nose and ears in September 2009 because she had run away after years of domestic violence. The accused had served 11 months in jail without movement on the prosecution of the case. At year’s end, a request to transfer jurisdiction to Kandahar was pending, but further pursuit of the alleged perpetrators appeared unlikely.

Harmful Traditional Practices: The EVAW law criminalizes forced or underage marriage and baadh (the giving of a female relative to another family to settle a debt or dispute). An estimated 70 percent of marriages were forced, and despite laws banning the practice, a majority of brides were younger than the legal marriage age of 16 (or 15 with a guardian’s and a court’s approval). In December a 15-year-old woman in Baghlan province was rescued by police after being locked in a basement bathroom, having her finger nails pulled out, and being forced into prostitution by her 30-year-old husband and in-laws. The husband escaped arrest, but her mother-in-law and sister-in-law were in jail at year’s end. A survey of married women ages 20 to 24 found that 39 percent had been married before the age of 18. Very few marriages were registered, leaving forced marriages outside legal control. There were reports that women who sought assistance under the EVAW in a case of forced marriage or rape were subjected to virginity tests.

Of the 3,147 cases of violence against women reported between March and November by the AIHRC, 545 cases were classified as traditional and cultural

violence, or those customary practices that violated women's rights, such as child and forced marriages, the practice of exchanging women to settle disputes, forced isolation, and honor killings.

Local officials occasionally imprisoned women at the request of family members for opposing the family's choice of a marriage partner or being charged with adultery or bigamy. Local officials imprisoned women in place of a family member who had committed a crime but could not be located. Some women remained in detention facilities because they had run away from home to escape domestic violence or the prospect of forced marriage.

The AIHRC documented 27 "honor killings" through September; however, the unreported number was believed to be much higher and thought to include reported cases of suicide and self-immolation that actually covered honor killings. Under the penal code, a man convicted of honor killing after finding his wife committing adultery cannot be sentenced to more than two years' imprisonment. In November a spurned suitor and group of armed men doused three sisters with acid. The investigation was still pending and no one was arrested by year's end.

The wide range of violence against women also included trafficking and abduction.

Sexual harassment: There is no law specifically prohibiting sexual harassment. Women who walked outside alone or went to work often experienced abuse or "eve-teasing," including groping, or were followed on the streets in urban areas. Women who took on public roles that challenged gender stereotypes (such as female lawmakers, NGO leaders, and news broadcasters) received "night letters" most often sent by conservative elements, political powerbrokers, or insurgents to intimidate them and their families. NGOs reported increasing violence against women working in the public and nonprofit sectors, including killings.

Reproductive Rights: Women generally exercised little decision-making authority regarding marriage, timing of pregnancies, birthing practices, and child education.

Couples were free from government discrimination, coercion, and violence to decide the number, spacing, and timing of their children, but family and community pressures to reproduce, the high prevalence of child and early marriages, and lack of accurate biological knowledge limited their ability to do so. Women could expect to bear on average 5.1 children in their lifetimes. Oral contraceptives, intrauterine devices, injectables, and condoms were available commercially and were provided at no cost in public and private health facilities

and by community health workers. There was a 20 percent usage rate of most modern forms of contraception. Men and women were diagnosed and treated equally for sexually transmitted infections, including HIV, when health care was available.

The UN estimated maternal mortality at 372 deaths for every 100,000 live births in 2010, down from 1,400 in 2002. Although the situation improved, early marriage and pregnancy still puts girls at greater risk for premature labor, complications during delivery, and death in childbirth. Post-partum hemorrhage and obstructed labor were key causes of maternal mortality.

Discrimination: Women who reported cases of abuse or who sought legal redress for other matters reported pervasive discrimination within the judicial system. Local practices were discriminatory toward women, and in parts of the country where courts were not functional or knowledge of the law was minimal, elders relied on an interpretation of Sharia and tribal customs, which generally were discriminatory toward women. Most women reported limited access to justice in tribal shuras, where all presiding elders were men; women in some villages were not allowed any access for dispute resolution. Women's advocacy groups reported that in some cases the government intervened informally with local courts to encourage them to interpret laws in ways favorable to women. However, many cases in remote districts were still resolved according to the local police officer's or prosecutor's discretion or interpretation of the law. When legal authorities were aware of the EVAW law and its implementation, women were able to get appropriate assistance.

Police, prosecutors, and judges discriminated against women in criminal and civil legal proceedings stemming from violence and forced marriages, but there were increasing numbers of female attorneys who successfully represented female clients.

Societal discrimination against women continued. Cultural prohibitions on free travel and leaving the home unaccompanied prevented many women from working outside the home and reduced their access to education, health care, police protection, and other social services. Women faced discrimination in access to and terms of employment and occupation. Some educated urban women found substantive work, but many were relegated to menial tasks. There were approximately 1,100 female police officers in a police force of more than 130,000. The government planned to increase the total number to 2,800; however, there was little evidence of efforts to recruit additional female police officers.

The MOWA and NGOs continued to promote women's rights and freedoms. The Independent Administrative Reform & Civil Service Commission Gender Directorate worked on an action plan for increasing the percentage of women in the civil service to 30 percent (up from an estimated 26 percent) by 2013. The MOWA, the primary government agency responsible for addressing gender policy and the needs of women, had provincial offices, but the ministry and provincial line directorates suffered from a lack of capacity and resources, despite efforts of the international community to improve its capacity in line with national priority programs. The provincial offices assisted hundreds of women by providing legal and family counseling and referring women they could not directly assist to relevant organizations.

The country has achieved substantial improvements in health over the past decade, and public health statistics released in November indicated a steep drop in maternal mortality. The overall health situation of women and children remained poor, however, particularly among nomadic and rural populations and those in insecure areas. Similar to males, female life expectancy was 64 years of age. Rural women continued to suffer disproportionately from insufficient numbers of skilled health personnel, particularly female health workers.

Women and children were disproportionately the victims of preventable deaths due to communicable diseases compared to men. Although free health services were provided in public facilities, many households could not afford certain costs related to medicines or transportation to health care facilities, and many women were not permitted to travel to health facilities on their own.

Children

Birth Registration: Citizenship is transmitted by a citizen father to his child. Birth in the country or to a citizen mother alone is not sufficient.

Education: Education is mandatory up to the secondary level (six years for primary school and three years for lower secondary), and the law provides for free education up to and including the college level.

Boys made up nearly two-thirds of the school population. In most regions boys and girls attended primary classes together but were separated for intermediate and secondary-level education. The rate of secondary school for boys was 10 times the rate for girls. NGOs estimated that 2.5 million girls (only 42 per cent of all school-

age girls) were enrolled in school. Girls' enrollment dropped significantly after the primary level, and only an estimated 12 per cent of all women and girls age 15 or older were literate, according to NGOs.

The status of girls and women in education remained a matter of grave concern. Key obstacles to girls' education included poverty, early and forced marriage, insecurity, lack of family support, lack of female teachers, and the long distance to school, according to a report released in February by a consortium of NGOs based on interviews conducted in 17 provinces in 2010. Only 30 percent of teachers were female, and most of those taught in urban areas, compounding the plight of schoolgirls in conservative rural areas where men did not teach girls. Poor quality of education, the absence of schools that only served girls, harassment, and lack of community support for girls' access to education were also cited in the study. Violent attacks against schoolchildren, particularly girls, also hindered access to education.

Violence impeded access to education in increasing sections of the country. The Taliban and other extremists threatened and attacked school officials, teachers, and students, and burned both boys' and girls' schools. 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 May 24, the head of a girls' school in Logar province was shot near his home after receiving death threats from the Taliban warning him to stop teaching girls.

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. An estimated 60 percent of households in Helmand province reportedly did not send their children to school during summer 2011. Security concerns, particularly in Helmand, inhibited parents from sending their children on long walks to schools separated by distances dictated by the Ministry of Education. Abduction and molestation were both threats. The lack of community-based, close-at-hand schools was only one aspect of lower than optimum school attendance.

In some parts of the country, especially rural areas, schools were closed due to societal bias or security issues. In some areas individuals opened schools inside their homes or recruited local mullahs as teachers. The media reported hundreds of schools re-opened and attacks on schools declined in areas where local education leaders negotiated with the Taliban. A Kabul-based think tank reported at year's end that the government had struck deals over the years by which insurgents would

end attacks on state schools in exchange for a more conservative religious curriculum and discretion in hiring Taliban-approved teachers, an allegation which the MOE denied.

Child Abuse: Child abuse was endemic throughout the country and on the increase according to the AIHRC, based on cultural beliefs about child-rearing. Such abuse included general neglect, physical abuse, sexual abuse, abandonment, and confined forced labor to pay off family debts. There were reports that police beat and sexually abused detained children. During the year drought and food shortages forced many families to send their children on to the streets to beg for food and money. NGOs reported a predominantly punitive and retributive approach to juvenile justice throughout the country. Although it was against the law, corporal punishment in schools, rehabilitation centers, and other public institutions remained common.

Sexual abuse of children remained pervasive. NGOs noted that most child victims were abused by extended family members. During the year the MOI recorded an estimated 100 cases of child rape in Kabul alone. Reports from 13 other provinces totaled 470 cases of child rape. Final reports from all the provinces were not available by year's end, but the unreported numbers were believed to be much higher. On May 10, two defendants in Kunar province were sentenced to 15 years in prison for the kidnapping and rape of a 13-year-old boy. Most child sexual abusers were not arrested, however, and there were reports that security officials and those connected to the ANP raped children with impunity. Media outlets continued to report 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.

Child Marriage: The legal age for marriage was 16 years for girls and 18 years for boys. International and local observers estimated that approximately 60 percent of girls were married younger than the age of 16. Under the EAW, 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. The custom

of bride money motivated poor families 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. There were reports that young girls who were married between the ages of nine and 11 attempted self-immolation.

Sexual Exploitation of Children: Although pornography is a crime, child pornography is not specifically prohibited by law. Exploiting a child for sex purposes, as is done with bacha baazi, also is not specified as a crime under the law.

Displaced Children: The Ministry of Labor, Social Affairs, Martyrs, and Disabled's (MoLSAMD) estimated that the number of street children in Kabul dropped during the year from previous NGO estimates of 37,000 street children in urban areas, but no new survey had been undertaken by the National Census Directorate at year's end. Street children had little or no access to government services, although several NGOs provided access to basic needs, such as shelter and food. Overall, experts stated up to 40 percent of children worked to help their impoverished families.

Living conditions for children in orphanages were poor. The MoLSAMD oversaw 84 Child Protection Action Network (CPAN) centers and 70 residential orphanages, which were designed to provide vocational training to children from destitute families. Of these, 30 were privately funded orphanages and 40 were government-funded centers (but operated by NGOs by agreement with the ministry). NGOs reported that up to 80 percent of four-to 18-year-old children in the orphanages were not orphans but were 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.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

Persons with Disabilities

The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons with disabilities and to protect their rights, including the rights to health care and financial protection. The constitution also requires the state to adopt measures to reintegrate and ensure the active participation in society of persons with disabilities. The MoLSAMD drafted and the cabinet approved a five-year National Action Plan on March 16, which directs ministries to provide vocational training, establish empowerment centers, distribute food, build handicapped ramps in some government offices, conduct public awareness programs about the disabled, and take other steps to assist Afghans with disabilities.

The government and NGOs estimated that there were up to 900,000 mobility-impaired persons, of whom approximately 40,000 were limb amputees. The MoLSAMD stated that it provided financial support to 79,202 individuals with disabilities. The MoLSAMD accorded special treatment to families of those killed in war.

In the Meshrano Jirga, two of the presidentially appointed seats were reserved for persons with disabilities.

National/Racial/Ethnic Minorities

Ethnic tensions between Pashtun and non-Pashtun groups resulted in conflict and occasional killings. The NGO Minority Rights Group's Peoples under Threat index identified Afghanistan as a country where communities were most at risk of mass killing, especially because of targeting of persons based on ethnicity and religion.

Societal discrimination against Shia Hazaras continued along class, race, and religious lines in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse, and detention. Ethnic Hazaras reported occasionally being asked to pay bribes at border crossings where Pashtuns

were allowed to pass freely; in Ghazni province in April, nomads reportedly attacked and burned 27 Hazara villages. Sikhs and Hindus reportedly continued to face discrimination, including unequal access to government jobs and harassment in their schools, as well as verbal and physical abuse in public places. The UNHCR reported that Hindus, Sikhs, and Shia Muslims--particularly those from the Hazara ethnic group--faced official obstacles and discrimination by the Sunni Muslim majority.

Ismailis (a minority Shia Muslim group whose members follow the Aga Khan) generally were not targeted or seriously discriminated against, according to NGOs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law criminalizes homosexual activity, but authorities only sporadically enforced the prohibition. Organizations devoted to the protection or exercise of freedom of sexual orientation remained underground. There were reports of discrimination or violence based on sexual orientation, including police harassment of transvestites. Social taboos remained strong.

Other Societal Violence or Discrimination

There were no known instances of discrimination or violence against persons with HIV/AIDS, but there was reportedly high social stigma against persons with AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The 2007 labor law allows workers to join and form unions under the 2002 Social Organizations Law, and the government allowed several unions to operate without interference. However, the law provides no definition of a union or its relationship with employers and members. The country lacked a tradition of genuine labor-management bargaining. The law does not prohibit antiunion discrimination or provide for reinstatement of workers fired for union activity.

Although articles 145 and 146 of the labor law identify the Labor High Council established in the MoLSAMD as the highest labor tribunal and the MoLSAMD's Monitoring and Guidance Authority as the body investigating labor disputes, no implementing regulation to establish the council has been drafted.

Implementation of labor laws remained a problem due to lack of implementing regulations, funding, personnel, political will, and central enforcement authority. In practice, the government allowed several unions to operate without interference. Freedom of association and the right to collective bargaining were respected. However, workers were generally not aware of their rights.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor; however, penal sanctions involving compulsory labor exist as a punishment for persons expressing political views or ideology against the state. The law does not stipulate penalties for forced labor. Government enforcement of the law was ineffective. Afghanistan's Law Countering Abduction and Human Trafficking (2008) prescribes penalties of "maximum term" imprisonment for labor trafficking, which in practice is between eight and 15 years.

Compulsory labor was used in practice. Men, women, and children were forced into poppy cultivation, domestic work, drug trafficking, and sexual exploitation. Reports document the practice of bonded labor, whereby customs allow for families to force men, women, and children to work as a means to pay for debt or to settle grievances. The debt can continue from generation to generation, whereby children are forced to work to pay off their parents' debt. In addition forced child labor existed in sectors such as agriculture, brick kiln work, carpet weaving, domestic service, and organized begging.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The labor law sets the minimum age for employment at 18 years but permits 14-year-olds to work as apprentices, allows children 15 years and older to do "light work," and permits children ages 16 to 18 to work up to 35 hours per week. Children younger than age 13 are prohibited from work under any circumstances. The labor law prohibits the employment of children in work likely to threaten their health or cause disability; however, there was no defined list of hazardous jobs.

The government lacked a specific policy on implementing the law's provisions on child labor, and the Ministry of Labor's inspection function was weak. Generally

poor institutional capacity was a serious impediment to effective enforcement of the labor law. 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.

Child labor remained a pervasive problem in practice. 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. There were approximately 1.2 million children engaged in full- or part-time work. A 2010 study by the AIHRC found that an even larger portion of the country's 15 million children--up to 40 percent--were likely to be engaged in some sort of paid work.

Child laborers worked as domestic servants, street vendors, peddlers, and shopkeepers, as well as in 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. Children faced numerous health and safety risks at work.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm

d. Acceptable Conditions of Work

The minimum wage for government workers was 5,000 afghanis (\$108) per month. No minimum wage was set for the private sector; however, the labor law states the minimum wage of the private sector may not be less than the minimum wage of the government sector. The labor law makes no mention of informal sector day workers, leaving them completely unprotected.

The law defines the standard workweek for both public-sector and private-sector employees as 40 hours: eight hours per day with one hour for lunch and noon prayers. Reduced standard workweeks were stipulated for youth, pregnant women, nursing mothers, miners, and others in other occupations that present health risks. The law provides workers the right to receive wages, annual vacation time in addition to national holidays, compensation for injuries suffered in the line of work, overtime pay, health insurance for the employee and immediate family members, per diem for official trips, daily transportation, food allowances, night shift differentials, retirement rights, and compensation for funeral expenses in case

of death while performing official duties. There were no officially adopted occupational health and safety standards and no regulations for occupational health and safety.

Employment was at will, and the MoLSAMD did not enforce the existing legal protections for workers, including in the informal sector. Citizens generally were not aware of the full extent of their labor rights under the law. Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardizing their employment, as all employment could be terminated without cause.

Labor violations against migrant workers were common in practice.