

AFGHANISTAN (1)

U.S. Department of State

Afghanistan Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January
30, 1998

126

AFGHANISTAN *

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The American Embassy in Kabul has been closed for security reasons since January 1989. Information on the human rights situation is therefore limited.

Afghanistan—in 1997 continued to experience civil war and political instability. There was no central government. The Pashtun-dominated ultra-conservative Islamic movement known as the Taliban controlled over two-thirds of the country, including Kabul, the capital and largest city. General Abdul Rashid Dostam, an ethnic Uzbek, controlled several north-central provinces, having driven out his rival Uzbek commander, General Abdul Malik. The Hezb-i-Wahdat faction led by Ustед Karim Khalili, composed of the Shi'a Hazara ethnic minority, controlled Bamiyan and parts of eight surrounding provinces in the mountainous center of the country, which is known as the Hazarajat. Former President Burhanuddin Rabbani and his military commander, Ahmed Shah Masood, both Tajiks, controlled only three northeastern provinces. Masood's forces, however, continue to threaten Taliban-held Kabul and remain within rocket range of the city. At year's end, there was a rough military stalemate following the failure of the Taliban to take Mazar-i-Sharif, the last major city remaining outside of their control, on two separate occasions. The Taliban, however, remained the country's primary military force.

Years of conflict have left hundreds of thousands of Afghans as internally displaced persons, and more than 2.4 million live outside the country as refugees. Although the continued fighting has discouraged many refugees from returning to their country, 84,400 returned in 1997.

The U.N. Special Mission to Afghanistan, headed by Norbert Holl, was unable to secure a ceasefire among the factions, despite intense effort. Holl announced plans to resign at the end of the year and a replacement has not yet been named. In August the U.N. Secretary General appointed Algerian diplomat Lakhdar Brahimi as his Special Envoy for Afghanistan. Brahimi has engaged in extensive discussions with the Afghan parties and other interested nations. In October he convoked a group of representatives from the six nations bordering Afghanistan plus the United States and Russia to look at ways in which to end the conflict. His efforts continue.

There is no constitution, rule of law, or independent judiciary. Former President Rabbani claimed to be the head of the Government and controlled most of the country's embassies abroad and retained Afghanistan's

U.N. seat after the U.N. General Assembly deferred a decision on Afghanistan's credentials. In October the Taliban changed the name of the country to the Islamic Emirate of Afghanistan, with Mullah Omar, who had previously assumed the religious title of Emir of the Faithful, as head of state. There is a six-member ruling council in Kabul but ultimate authority for Taliban rule rested in the Taliban's inner Shura (Council), located in the southern city of Kandahar, and in Mullah Omar. In Taliban areas, strict and oppressive order is imposed and stiff punishments for crimes prevail. Several provincial administrations maintained limited functions but civil institutions were mostly nonexistent. There was some administration in the areas under the control of Dostam or Hezb-i-Wahdat, but law and order is enforced, largely arbitrarily, by local commanders. The ethnic Tajik-majority areas of the northeast were controlled by Masood's commanders and his political organization.

Agriculture, including high levels of opium poppy cultivation, was the mainstay of the economy. Afghanistan remained the second largest opium producer in the world. Lack of resources and the war have impeded reconstruction of irrigation systems, repair of market roads, and replanting of orchards in some areas. The presence of an estimated 10 million land mines has restricted areas for cultivation and slowed the return of refugees who are needed to rebuild the economy. The laying of new mine fields, reportedly mostly by the Northern Alliance, exacerbated an already difficult situation. Trade was mainly in fruits, minerals, and gems, as well as goods smuggled to Pakistan. There are also rival currencies, both very inflated. Formal economic activity remained minimal and was inhibited by recurrent fighting and roads blocked by local commanders. These blockages were removed in territory taken by the Taliban. Reconstruction was continuing in Herat, Kandahar, and Ghazni, areas which are under firm Taliban control. Reconstruction in some northern areas, including Balkh province, was largely reversed by fighting during the summer and fall. The northern areas all suffered from brigandage.

The overall human rights situation is poor. Serious human rights violations continued to occur and citizens were precluded from changing their government peacefully. Political killings, torture, rape, arbitrary detention, looting, abductions and kidnappings for ransom were committed by armed units, local commanders, and rogue individuals. Prison conditions were poor. Various factions infringed on citizens' privacy rights. Summary justice was common. The Taliban's Islamic courts and religious police, the Department to Propagate Virtue and Eliminate Vice, enforced their extreme interpretation of Islamic punishments, such as public executions for adultery or murder and amputations of one hand and one foot for theft. For other infractions, Taliban militiamen often decided right or wrong and meted out punishments such as beatings on the spot. Civil war conditions and the unfettered actions of competing factions effectively limited the freedoms of speech, press, assembly, association, religion, and movement.

Both Taliban and anti-Taliban forces were responsible for the indiscriminate bombardment of civilian areas. Taliban forces fired rockets and shelled Mazar-i-Sharif, reportedly causing hundreds of casualties. Dostam's forces bombed Kabul in January, and Masood's forces continue to bombard Kabul, though probably with less effect.

Violence against women remained a problem, although the imposition of Taliban control in rural areas resulted in reduced incidents of rape, kidnapping, and forced marriage. There was widespread discrimination against women and girls, and the condition of women and girls in Herat and Kabul, poor to begin with, worsened significantly after the Taliban captured these cities in 1995 and 1996. The Taliban imposed strict dress codes and prohibited women from working outside the home except in limited circumstances in the health care field. Girls generally were prohibited from attending school in Kabul and other urban areas, however, the Taliban continued to permit a few girls' schools to operate in Kandahar. However, the imposition of Taliban control in rural areas resulted in reduced incidents of rape, kidnapping, and forced marriage. Worker rights were not defined.

RESPECT FOR HUMAN RIGHTS

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

a.

Political and Other Extrajudicial Killing

There were a number of politically motivated killings by several parties. The world press reported the discovery in November of mass graves near Shibarghan in northern Afghanistan, which contained an alleged 2000 corpses, reportedly of Taliban forces captured near Mazar-i-Sharif in May and executed by Northern Alliance forces. The U.N. and the International Committee of the Red Cross (ICRC) were continuing an investigation at year's end.

Intrafactional fighting between forces loyal to Malik and those loyal to Dostam reportedly resulted in some deaths before Dostam's forces expelled Malik from the country. Dostam and Malik have an ongoing dispute and Malik suspects Dostam of complicity in the death of his brother, Rasul Pahlawan, in June 1996. Some of Masood's commanders reportedly tortured persons to death (see Section 1.c.).

In other areas, combatants sought to kill rival commanders and their

sympathizers. The perpetrators of these killings and their motives

were difficult to identify, as political motives are often entwined

with family and tribal feuds, battles over the drug trade, and personal

vendettas

The Taliban used swift summary trials and implemented strict punishments according to Islamic law; the Taliban ordered public executions and death by stoning (see Sections 1.c. and 1.e.). In October Taliban militia displayed the corpses of four former Taliban fighters at two Kabul intersections hanging from beams about 10 feet off the ground. They had been executed for accepting bribes from the opposition and money was stuffed in their mouths and nostrils and draped around their necks. One corpse reportedly was visibly bruised and bloodied. This was reminiscent of the September 1996 public execution of former Afghan leader Najibullah and his brother by Taliban forces when they occupied Kabul.

b.

Disappearance

Abductions, kidnappings, or hostage-taking for ransom or political reasons occurred in non-Taliban areas, but specific information was lacking. The strict security enforced by the Taliban in areas under their control has resulted in a decrease in such crimes.

There were unconfirmed reports of girls and young women being kidnapped by local commanders. Some of the women were then reportedly forced to marry their kidnapers. Others simply remained missing. To avoid this danger, some families reportedly sent their daughters to Pakistan or to Iran. Some families also sent girls abroad for education in order to evade the Taliban's prohibitions on females attending school in most urban areas (see Section 5).

Groups in Russia listed nearly 300 Soviet soldiers formerly serving in Afghanistan as missing in action or prisoners of war (POW's). Most were thought to be dead or to have voluntarily assimilated into Afghan society, though some are alleged to be held against their will. A number of persons from the former Soviet Union missing from the period of the Soviet occupation are presumed dead.

c.
atment or

Torture and Other Cruel, Inhuman, or Degrading Tre-

Punishment

All Afghan factions are believed to have used torture against opponents and POW's, though specific information is generally lacking. Torture does not appear to be a routine practice in all cases. Some of Masood's commanders in the north reportedly used torture routinely to extract information from and break the will of prisoners and political opponents; some of the victims were said to have been tortured to death.

The Taliban ruled strictly in areas they controlled, establishing ad hoc and rudimentary judicial systems. Taliban courts imposed their extreme interpretation of Islamic laws and punishments following swift summary trials. Murderers were subjected to public executions (see Section 1.a.) and thieves had a limb or two (one hand, one foot) severed. Adulterers were stoned to death.

Prison conditions are poor. Prisoners held by some factions are not given food, as normally this is the responsibility of prisoners' relatives who are allowed to visit to provide them with food once or twice a week. Those who have no relatives have to petition the local council or rely on other inmates. Prisoners live in collective cells.

There are credible reports that torture occurred occasionally in prisons under the control of both the Taliban and the Northern Alliance. Local authorities maintain prisons in territories under their control and established torture cells in some of them. The Taliban operate prisons in Kandahar, Herat, Kabul, and Jalalabad. There are also prisons in the north in Mazar-i-Sharif and Faizabad, Badakhshan province. According to Amnesty International (AI), there were unconfirmed reports that some Taliban prisoners held by Masood have been forced to labor in life-threatening conditions, such as digging trenches in mined areas.

During 1997 the U.N. Special Rapporteur for Human Rights in Afghanistan visited prisoners in Taliban-run jails in Kandahar and Kabul. He also visited prisoners in the north in the National Islamic Movement of Afghanistan (NIMA)-controlled area. Taliban authorities allowed the ICRC to visit detainees in areas under their control, but such visits were curtailed by the NIMA faction controlled by General Malik of the Northern Alliance. However, by the end of 1997, with Malik's departure from Afghanistan, all major Northern Alliance factions allowed the ICRC access to their prisoners. The ICRC assisted the factions in improving sanitary conditions in the prisons, providing medicine and medical supplies and distributing winter clothing. The ICRC reportedly has information on about 5,700 prisoners held by the warring factions and performed about 8,000 prisoners visits during 1997, sometimes seeing the same prisoners more than once.

d.

Arbitrary Arrest, Detention, or Exile

With the absence of formal legal and law enforcement institutions, justice was not administered according to formal legal codes. There are credible reports of both Taliban and Northern Alliance militia extorting bribes from civilians in return for their release from prison or freedom from arrest. Judicial and police procedures varied from locality to locality. Little is known about the procedures for taking persons into custody and bringing them to justice. In both Taliban and non-Taliban areas, the practices varied depending on the locality, the local commanders, and other authorities. Some areas have more of a judicial structure than others.

There are reliable reports of individuals detained by both the Northern Alliance and the Taliban because of their ethnic origins and suspected sympathy with opponents. In August Taliban police in Kabul raided a minority neighborhood and reportedly arrested over 100 men, claiming that they were loyal to Masood. Taliban officials denied that the men were arrested because of their ethnic status, but several observers reported that mass arrests of Uzbeks, Hazara, and Tajiks on suspicion of fifth column activities increased in frequency during this period.

There also have been reported instances of the forcible expulsion of individuals on ethnic grounds. The Taliban reportedly expelled the inhabitants of the town of Charikar in January, forced villagers from the Shomali valley in June, and reportedly ordered the removal of 1,500 Hazara villagers near Ghazni in December. Some observers expressed fear about persecution of northern Pashtun in retaliation for northern Pashtun commanders allying themselves with the Taliban.

Political detainees probably are held by all factions, but no firm numbers are available. The Taliban claimed to have freed over 3,000 prisoners during the past 3 years. In November the ICRC reported that 600 former Rabbani/Masood soldiers were held by the Taliban. Masood reportedly holds several hundred Taliban soldiers as POW's as well as a number of Pakistanis. There were many prisoner releases during November and December; Dostam freed over 600 Taliban prisoners, and there were limited exchanges occurring between Masood, Khalili, and the Taliban.

e.

Denial of Fair Public Trial

With no functioning nationwide judicial system, many municipal and provincial authorities relied on some form of Shari'a (Islamic) law and traditional tribal codes of justice.

Little is known about the administration of justice in the areas controlled by Dostam and Rabbani/Masood in the northern provinces. The administration and implementation of justice varied from area to area and depended on the whims of local commanders or other authorities, who summarily execute, torture, and mete out punishments without reference to any other authority.

The Taliban have Islamic courts in areas under their control to judge criminal cases and resolve disputes. These courts meted out punishments including execution and amputation. These courts reportedly heard cases in sessions that lasted only a few minutes. The courts reportedly dealt with all complaints, relying on Islamic law and punishments as well as traditional tribal customs (see Section 1.c.). In cases involving murder and rape, convicted prisoners generally were ordered executed by relatives of the victim (see Section 1.a.), who could instead choose to accept other restitution. Decisions of the courts were reportedly final.

Shi'a Islamic legal norms reportedly are imposed in the Hazarajat in central Afghanistan. According to the October report of the U.N. Special Rapporteur for Human Rights in Afghanistan (see Section 4), the Shi'a Unity Party (Hezb-i-Wahdat) in Bamiyan province has established a Judicial Committee. The Committee has a prosecutor's office composed of three branches for political, military, and social offenders. There were also courts of the first and the final instance.

All factions probably hold political prisoners, but no firm estimates of numbers are available.

f.

Arbitrary Interference With Privacy, Family, Home, or

Correspondence

Interfactional fighting often resulted in the homes and businesses of civilians being invaded and looted by the opposing forces—whether victor or loser. Armed gunmen reportedly acted with impunity given the absence of any legal protection from the law or a responsive police force. There were confirmed reports of massive looting by Northern Alliance forces of private, U.N. and NGO property during the fighting in the area of Mazar-i-Sharif in September and October. It also was unclear what authority controlled the actions of Taliban militiamen who patrolled the streets of cities and towns. A number of incidents were reported in which Taliban soldiers or persons masquerading as Taliban entered private homes without prior notification or informed consent in Kabul, Herat, Kandahar, and elsewhere. In Kabul the soldiers allegedly were searching homes for evidence of cooperation with the former authorities or for violations of Taliban religious-based decrees, including depictions of living things (photographs, stuffed toys, etc.) Individuals were beaten

on the streets by Taliban militia for what were deemed infractions of Taliban rules concerning dress, hair length, and facial hair, as well as for restriction on women being in the company of men. The Taliban required women to wear strict Islamic garb in public (see Section 5).

It was reported that some prisoners of the Taliban, including young sons of families that had opposed Taliban social restrictions, had been forcibly drafted and sent to the front. There were also unconfirmed reports in July and August of youths being rounded up and sent into combat.

g. Use of Excessive Force and Violations of Humanitarian Law

In Internal Conflicts

On September 11 and 13 Masood's forces fired rockets in heavy attacks on Kabul and struck civilian-inhabited areas. Several noncombatants were killed, including a 10-year-old girl, and many more were wounded. Dostam's planes dropped several cluster bombs on Kabul on January 5, killing and injuring several persons. Taliban bombardment of Mazar-i-Sherif during the fighting there also caused civilian casualties, as did the Taliban attack upon Hayratan, on the Amu Darya River. During this attack, some Taliban rockets overshot their target and fell on a suburb of the Uzbek city of Termez, across the border, killing two civilians and wounding others. The Taliban also bombed Bamiyan airport on December 31, an attack that led the United Nations to suspend its food airlift to the Hazarajat.

The U.N. Special Rapporteur is investigating reports of a September 14 massacre of Hazara villagers near Mazar-i-Sharif in which about 70 civilians were killed. Eyewitnesses reported numerous atrocities by Taliban forces. The Taliban denied these charges and claimed that civilian deaths, if any, resulted from combat. The Special Rapporteur also is investigating the massacre of Taliban POWs and others by Northern Alliance forces after the May fighting near Mazar-i-Sharif.

There were reports in November that the Taliban-imposed blockade on the Hazarajat region ruled by Hezb-i-Wahdat had pushed the population (of about 1 million) to the "verge of starvation," according to U.N. sources. The U.N. had hoped to supply the region from the north, but U.N. food stocks in Mazar-i-Sharif had been looted during the fighting in September and October and convoys from the north also had been blocked or were in danger of being looted by individual Northern Alliance commanders. The passes were expected to be closed during the winter, further aggravating the situation. Many families reportedly were leaving the area following the Taliban's refusal to lift the blockade, further adding to the problem of internal displacement. The Taliban have said that they would provide for the needs of persons in Herat or Kandahar.

Many hundreds of thousands of Afghans remain internally displaced persons following years of fighting. More than 2.4 million others have sought refuge abroad.

The Afghan countryside remains plagued by an estimated 10 million land mines sown during and since the Soviet occupation. Some 400,000 Afghans have been killed or wounded by the mines. Some 80 percent of the land mine casualties are civilian and 40 to 50 percent are women and children. With funding from international donors, the United Nations has organized and trained mine detection and clearance teams, which operated throughout the country. Nevertheless, the mines are expected to pose a threat for years to come and the 4,000 mine clearers suffer an accident rate of one per week. There were reliable reports of minelaying activities, largely by the Northern Alliance. U.N. agencies and nongovernmental organizations (NGO's) have instituted a number of mine awareness campaigns and educational programs for women and children in various parts of the country, but many were curtailed as a result of Taliban restrictions on women and girls.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are no laws effectively providing for freedom of speech and the press. Senior officials of various warring factions allegedly attempted to intimidate reporters and influence their reporting. The few newspapers, all of which were published only sporadically, were for the most part affiliated with different factions. The various factions maintain their own communications facilities. The Taliban took over the pro-Rabbani radio service in Kabul and renamed it the Voice of Shariat. The Taliban banned television on religious grounds.

All factions have attempted to pressure foreign journalists reporting on the Afghan conflict. The Taliban initially cooperated with the international press who arrived in Kabul but later imposed restrictions upon them. On September 29, journalists accompanying European Union Commissioner Emma Bonino, and the Commissioner herself, were detained for 3 hours in Kabul after they entered a hospital for women and began filming in violation of the Taliban rule against photographing living things. The television crews agreed to turn over their cassettes to the Taliban authorities. A Taliban official later expressed apologies for the arrest.

The Taliban reportedly require most journalists to stay at the Intercontinental Hotel in Kabul (allegedly for security and economic reasons). Journalists also reported that the Taliban attempted to control who could act as drivers and interpreters for journalists.

Music, movies, and television continue to be prohibited by the Taliban.

Television functioned sporadically in Mazar-i-Sharif.

The Taliban severely restrict academic freedom, particularly education for girls (see Section 5).

b. Freedom of Peaceful Assembly and Association

Civil war, tenuous security, and likely opposition from local authorities seriously inhibited freedom of assembly and association.

It is unknown whether laws exist governing the formation of associations. Many Afghan NGO's remain operating in the country (see Section 4).

c. Freedom of Religion

Afghanistan's official name, according to both the Taliban (Islamic Emirate of Afghanistan) and the Northern Alliance (the Islamic State of Afghanistan), reflects the country's adherence to Islam as the state religion. Some 85 percent of the population is Sunni Muslim, and Shi'a Muslims constitute most of the remainder. The Hazara ethnic group is Shi'a; Shi'as are among the most economically disadvantaged persons in the country. The Shi'a minority want a national government to give them equal rights as citizens.

The Taliban sought to impose their extreme interpretation of Islamic observance in areas that they control. The Taliban regularly check passersby to see that men's beards and apparel meet Taliban requirements and to ensure that women are dressed in strict Islamic garb (see Section 5). According to regulations, a man who has shaved or cut his beard may be imprisoned until his beard grows back. Beards must protrude farther than would a fist clamped at the base of the chin. Several civil service employees were reportedly fired for cutting their beards. There also are credible reports that Taliban gave forced haircuts to males in Kabul.

The small number of non-Muslim residents in Afghanistan may practice their faith, but may not proselytize. Almost all of the country's small Hindu and Sikh population, which once numbered about 50,000, has emigrated or taken refuge abroad. Some Taliban leaders claimed tolerance of religious minorities, although there reportedly have been restrictions imposed upon Shi'a in Taliban-controlled territory, though not on a

uniform basis. The Taliban have declared that all Muslims must abide by the Taliban's interpretation of Islamic law. There is also a report that a Christian church in Kabul was taken over by Taliban authorities and turned into a mosque.

d. **Freedom of Movement Within the Country, Foreign Travel,
Emigration, and Repatriation**

Although in principle citizens have the right to travel freely both inside and outside the country, their ability to travel within the country was hampered by warfare, brigandage, millions of land mines, a road network in a state of disrepair, and limited domestic air service, complicated by factional threats to air traffic. Despite these obstacles, many people continued to travel relatively freely, with buses plying routes in most parts of the country. Security conditions have improved along roads in Taliban-controlled areas. However, due to intermittent fighting in various areas, international aid agencies often found that their ability to travel, work, and distribute assistance was hampered. International travel continued to be difficult as both parties threatened to shoot down any planes that overflew areas of the country that they controlled, without their permission.

Commercial trade was impeded in certain non-Taliban areas, as local commanders continued to demonstrate their control over the roads by demanding road tolls and sometimes closing roads. Roads leading to Bamian province from Pul-i-Khumri reportedly contain dozens of checkpoints controlled by local commanders, with travelers sometimes subject to extortion.

There also have been reported instances of the forcible expulsion of individuals on ethnic grounds. The Taliban reportedly expelled the inhabitants of the town of Charikâr in January, forced villagers from the Shomali valley in June, and reportedly ordered the removal of 1,500 Hazara villagers near Ghazni in December. Some observers expressed fear about persecution of northern Pashtun in retaliation for northern Pashtun commanders allying themselves with the Taliban.

Afghans continued to form one of the world's largest refugee populations. According to the UNHCR, about 2.4 million Afghans remained outside the country in 1996 as registered refugees. Women and children constituted some 75 percent of the refugee population. There are 1.4 million registered Afghan refugees in Iran, 1 million in Pakistan, and 28,000 are in Russia. Approximately 19,000 reside in parts of the former Soviet Union other than Russia, and Pakistan has claimed an additional 500,000 unregistered Afghan refugees in its territory. Over 3.8 million Afghan refugees have been repatriated since 1988, with over 1.5 million returning to Afghanistan in the peak year of 1992. A total of 84,400 returned in 1997

According to the UNHCR, the last remaining 18,800 refugees from Tajikistan were repatriated to Tajikistan during the year with the cooperation of the Northern Alliance and the Government of Uzbekistan, which allowed the refugees to transit that country on their way home. Many refugees were at a camp near Mazar-i-Sharif and were faced with food and water shortages after the evacuation of U.N. staff during the fighting in the region in September and October. Some refugees were wounded during the ongoing conflict in the region.

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

There was no functioning central government in the country. The continuing struggle for political power among the major armed groups prevented citizens from changing their government or form of government peacefully and democratically. Most political changes came about through shifting military fortunes. No faction held elections or respected the right to change government democratically.

The Northern Alliance, headed by nominal President Rabbani, holds power with de facto Defense Minister Masood as Rabbani's primary military backer. Rabbani received nominal support from General Malik (until he was driven out of Afghanistan), from General Dostam, and the Shi'a/Hazara Hezb-i-Wahdat. Rabbani and Masood control the northeastern, largely Tajik, portion of the country, including the strategic Panjshir valley north of Kabul. Dostam and Malik share nominal control of five to six north central provinces, while the Shi'a/Hazara Hezb-i-Wahdat, led by Khalili, controls the Hazarajat to the west of Kabul.

Although there are governors and local councils in the north, most power there is concentrated in the hands of Dostam, Malik, Khalili, and their key commanders. Masood retains control in the northeastern ethnic Tajik-majority provinces through his commanders and political organization. The Taliban controlled the remaining two-thirds of the country, including Kabul. However, discontent with Taliban strictures and violence was strong in large, non-Pashtun cities such as Herat and Kabul. The key Taliban governing body is the Inner Shura (council) based in Kandahar, which is headed by Mullah Omar, although there is a government of a sort, with its ministries based in Kabul.

During the last half of the year a group of independent Afghans attempted to begin an intra-Afghan process of dialogue aimed at bringing peace to Afghanistan through the convening of a loya jirga (grand council) representing all Afghans. The group held preliminary meetings in Frankfurt and in Istanbul and received support for its initiative from the Northern Alliance, however, the Taliban did not participate. In November former King Zahir Shah declared from his residence in exile in Rome that he was prepared to return to Afghanistan and discuss the formation of an interim government to end the conflict. The Taliban reaction was ambivalent, both to the idea of a possible role for the former King and to the dialogue process.

The United Nations and the international community continued their efforts to help Afghans reach a political settlement.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are many local NGO's. Some are based in neighboring countries, mostly Pakistan, with branches inside Afghanistan; others are based in Afghan cities. The focus of their activities is primarily humanitarian assistance, rehabilitation, health, education, and agriculture.

There was harassment of NGO's both factions. NGO facilities in Mazar-i-Sharif were looted by Northern Alliance forces in September and October, and fighters were observed driving around the city in stolen NGO-owned vehicles. There are also numerous examples of Taliban harassment of NGO personnel. In November in Jalalabad two male Afghan United Nations Children's Fund (UNICEF) employees were detained and one was given 10 lashes before a crowd. UNICEF termed this incident "an unacceptable affront to the most fundamental principles of humanitarianism." The Taliban detained two French NGO employees

for over a month after they attended a party at which Afghan women were present. Male Afghan NGO employees who attended the event received prison sentences. On September 3, the Taliban expelled three U.N. foreign staff members after they protested Taliban demands that visiting female U.N. officials sit behind a screen during a meeting with Taliban officials. In November the Taliban also began pressing NGO's and international organizations to hire Taliban and report on their level of funding from donors. In November, Taliban authorities detained the director of a Pakistan-based Afghan NGO and demanded that the NGO surrender its construction equipment and move its operations to parts of Afghanistan under Taliban control.

There were incidents of harassment of Afghan and foreign NGO female employees, including an assault upon a foreigner in Herat, and reported refusals to meet with female visitors.

The Afghan League of Human Rights operated both in Afghanistan and Pakistan; it produces an annual report. The Cooperation Center for Afghanistan (CCA) is an Afghan NGO that operated in both Pakistan and Afghanistan. The CCA maintains an office in Peshawar, where it produces a monthly newsletter on the Afghan human rights situation. It also monitors and documents the human rights situation from several offices in both Taliban-controlled and Northern Alliance-controlled cities. However, the civil war and lack of security continued to make it difficult for human rights organizations to adequately monitor the situation inside the country.

The U.N. Special Advisor on Gender Issues, Assistant Secretary General Angela King, visited Afghanistan in November to review U.N. policy toward women and aid in Afghanistan.

The U.N. Special Rapporteur for Human Rights in Afghanistan, Dr. Choong-hyun Paik, visited both Taliban and Northern Alliance-controlled portions of the country during 1997. His mandate was extended again by the UN Human Rights Commission. In his 1997 report, the Rapporteur declared that Afghan citizens continue to be deprived of basic rights and freedoms.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

There are no constitutional provisions that prohibit discrimination based on race, sex, religion, disability, language, or social status. It is not known whether specific laws prohibit discrimination; local custom and practices generally prevail. Discrimination against women is prevalent throughout the country and its severity varies from area to area, depending on the local leadership's attitude towards work and education for women and on local attitudes. Historically, the minority Shi'a faced discrimination from the majority Sunni population. There has been greater acceptance of the disabled as the number of people maimed by land mines increased and the presence of the disabled became more prevalent.

Women

As lawlessness and interfactional fighting continued in some areas, violence against women occurred frequently, including beatings, rapes, forced marriages, disappearances, kidnappings, and killings. Such incidents generally went unreported and most information was anecdotal. It was difficult to document rapes, in particular, given the social stigma that surrounds the problem. Although the stability instituted by the Taliban in most of the country initially acted to reduce violence against women, there were reports during the year of Taliban stealing others' wives for an evening.

Under the Communist regime of the 1980's, a growing number of women, particularly in urban areas, worked outside the home in nontraditional roles. This trend was reversed when the Communists were ousted in 1992, and an Islamic government was installed. In 1997 the trend towards excluding women from public service intensified, although some women retained employment as artisans, weavers, doctors, and nurses in some areas. In northern Afghanistan and pre-Taliban controlled Kabul, women were allowed to work and girls to attend school.

The harsh treatment of women under Taliban rule has received strong criticism throughout the world. When the Taliban took Kabul in September 1996, they immediately issued pronouncements forbidding women to work, including female doctors and nurses in hospitals and required that houses with female occupants have their windows painted over. In a few cases, the Taliban relented and allowed women to work in health care occupations under restricted circumstances. Taliban gender restrictions continued to interfere with the delivery of humanitarian assistance to women and girls. In a July letter addressed to the U.N., the Taliban asked that assistance be provided to women through their close male relatives rather than directly. Male relatives also must obtain the permission of the Department for the Propagation of Virtue and the Suppression of Vice for female home-based employment.

In January the Taliban announced a policy of segregating men and women in hospitals. This regulation largely was ignored for 6 months, but in July hospital directors were directed to cease services to women and discharge female staff. Services for women were to be provided by a single hospital still partially under construction—a drastic reduction in the access to, and quality of, care for women. This order was being implemented in September but was modified on September 20 to allow for emergency care for women at all hospitals. On November 6, however, the Taliban reversed their decision, and the Kabul Caretaker Council repealing the decree. The Council provided for nonemergency treatment for women at eight Kabul hospitals and restated that women could be seen at any Kabul hospital in an emergency. In October an NGO reported that a female burn victim had died after Taliban authorities would not allow her to be treated by a male doctor. Health care for both men and women was further hampered by the ban on images of humans issued over Radio Shari'a on October 6, which caused the destruction of public education posters and hampered the provision of health information in a society with massive illiteracy.

The Taliban decreed what women could wear in public. Women were forced to don a head-to-toe garment known as the chador, which has only a mesh screen for vision. While in some conservative areas, this was the normal garment for rural women, it represented a dramatic change in practice when imposed in urban areas. According to a decree announced by the religious police in January, women found outside the home who were not properly covered would be severely punished along with their family elders. In Kabul and elsewhere women found in public who were not wearing the chador were beaten by Taliban militiamen. A few reports indicated that some women in Herat are covering their heads with large scarves that leave the face uncovered and have not faced reprisals, and many women in rural areas also have been observed without chadors but with scarves covering their heads. It is also reported that these restrictions are not enforced upon the nomad population of several hundred thousand or upon foreigners.

The appearance and movement of women in public was further curtailed, even with approved clothing. Observers reported seeing fewer and fewer women on the streets in Taliban-controlled areas.

In the north, NIMA also has increased restrictions upon women. It has requested that NGO's operating in areas under its control fire female employees, and Balkh University reportedly has segregated classes and barred females from teaching male students.

Children

Local administrative bodies and international assistance organizations undertook to look out for children's welfare to the extent possible; however, the situation of children is very poor. Infant mortality is 250 out of 1,000 births and Medecins Sans Frontiers reports that 250,000 children per year die of malnutrition. A UNICEF study also reported that the majority of Afghan children are highly traumatized and expect to die before reaching adulthood. Some 90 percent have nightmares and suffer from acute anxiety, while some 70 percent have seen acts of violence, including the killing of parents or relatives.

Taliban restrictions on the movement of women and girls in areas that they controlled hampered the ability of U.N. agencies and NGO's to implement effectively health and education programs aimed at both boys and girls. In Kabul in October, six women and children suffering from malnutrition and en route to a food

center, accompanied by two health workers, reportedly were forced to leave their vehicle and halt their journey after the Taliban stopped the driver and gave him 25 lashes for allowing one of the women to ride in the front seat.

The Taliban have eliminated most of the opportunities for girls' education that existed in areas they have taken over. Some girls reportedly are receiving an education in informal home schools, which are tolerated by the Taliban authorities in various parts of the country. It also is reported that several girls' schools remain open in Kandahar, although in Herat, which was captured by the Taliban in 1995, girls' schools have remained closed except in the refugee camps maintained by international NGO's. Prior to the Taliban take-over in 1996, more than 100,000 girls reportedly attended public school in Kabul in grades kindergarten to 12, according to a U.N. survey.

People With Disabilities

There are few measures to protect the rights of the mentally and physically disabled or to mandate accessibility for them. Victims of land mines continued to be a major focus of international humanitarian relief organizations, which devoted resources to providing prostheses, medical treatment, and rehabilitation therapy to amputees. It is believed that there was more public acceptance of people with disabilities because of the prevalence of the maimed due to land mines or other war-related injuries. There are reports that disabled women, who need a prosthesis or other aid to walk, are virtually homebound because they cannot wear the chador over the prosthesis or other aid.

Section 6 Worker Rights

a. The Right of Association

Little is known about labor laws and practices, although only an insignificant fraction of the work force has ever labored in an industrial setting. There were no reports of labor rallies or strikes. Labor rights are not defined, and in the context of the breakdown of governmental authority there is no effective central authority to enforce them. Many of Kabul's industrial workers are unemployed due to the destruction or abandonment of the city's minuscule manufacturing base. The only large employer in Kabul is the governmental structure of minimally functioning ministries.

Workers in government ministries reportedly have been fired because they have received part of their education abroad or because of contacts with the previous regimes, although certain officials in previous administrations still are employed under the Taliban. Others have reportedly been fired for violating Taliban regulations concerning beard length.

b. The Right to Organize and Bargain Collectively

Afghanistan lacks a tradition of genuine labor-management bargaining. There are no known labor courts or other mechanisms for resolving labor disputes.

c. Prohibition of Forced or Compulsory Labor

Little information is available on forced or compulsory labor, including child labor. There are credible reports that Masood forced Taliban prisoners to work on road and air strip construction projects, but did not otherwise mistreat the prisoners.

d. **Status of Child Labor Practices and Minimum Age for Employment**

There is no evidence that authorities in any part of the country enforce labor laws, if they exist, relating to the employment of children. Children from the ages of 6 to 14 often work to help support their families by herding animals in rural areas, and by collecting paper and firewood, shining shoes, begging, or collecting scrap metal among street debris in the cities. Some of these practices expose children to the danger of land mines.

e. **Acceptable Conditions of Work**

There is no available information regarding a statutory minimum wage or the enforcement of safe labor practices. Many workers are apparently allotted time off regularly for prayers and observance of religious holidays.

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