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2009 Human Rights Report: Afghanistan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
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Afghanistan is an Islamic republic; population estimates range from 24 to 33 million. In August citizens voted in their second presidential and first-ever contested election; after his challenger withdrew from a run-off election, the Independent Electoral Commission (IEC) declared Hamid Karzai president for a second term. Citizens who participated in the election faced threats of insurgent violence; at least 31 persons were killed on August 20, election day, including 11 IEC members. The elections were marked by serious allegations of widespread fraud; a Taliban offensive to disrupt the elections through public threats, fear-mongering, and violence; low turnout; and insufficient conditions for participation by women.

The country's human rights record remained poor. Human rights problems included extrajudicial killings, torture, poor prison conditions, official impunity, prolonged pretrial detention, restrictions on freedom of the press, restrictions on freedom of religion, violence and societal discrimination against women, restrictions on religious conversions, abuses against minorities, sexual abuse of children, trafficking in persons, abuse of worker rights, the use of child soldiers in armed conflict, and child labor.

The security situation in the country deteriorated significantly during the year because of increased insurgent attacks, with civilians continuing to bear the brunt of the violence. Armed conflict spread to almost one-third of the country, including previously unaffected areas in the north and northeast. The marked deterioration in security posed a major challenge for the central government, hindering its ability to govern effectively, extend its influence, and deliver services, especially in rural areas. The security environment also had an extremely negative effect on the ability of humanitarian organizations to operate freely in many parts of the country, particularly in providing life-saving care. Insurgents deliberately targeted government employees and aid workers. Efforts to contain the insurgency by military and nonmilitary means continued. Reports of human rights violations were actively exploited and sometimes manufactured by the Taliban and other insurgent groups for propaganda purposes.

According to the Ministry of Interior (MOI), 1,448 Afghan military personnel and 1,954 government employees, primarily police, died as a result of the insurgency, including deaths by suicide attacks, roadside bombs, small-arms attacks, and targeted assassinations.

Civilian casualties increased sharply due to insurgent actions. According to the UN Assistance Mission to Afghanistan's (UNAMA) Annual Report on the Protection of Civilians in Armed Conflict, the year was the deadliest for civilians since 2001, with 2,412 civilian casualties, compared with 2,118 in 2008, an increase of 14 percent. Taliban and antigovernment elements were responsible for 67 percent of civilian casualties, killing 1,630 civilians, compared with 1,160 in 2008, an increase of 41 percent since 2008. The MOI reported 2,590 civilians killed and 3,646 injured during the year. Taliban and antigovernment elements continued to threaten, rob, attack, and kill villagers, foreigners, and nongovernmental organization (NGO) workers. As in 2008, suicide and improvised explosive device (IED) attacks killed more Afghan civilians than any other tactic.

Progovernment forces also bore responsibility for civilian casualties. Airstrikes, whether seeking high-value targets or providing close air support on battles located in areas with high concentrations of civilians, remained responsible for the largest percentage of civilian deaths by progovernment forces; during the year UNAMA recorded 65 incidents of International Security Assistance Force (ISAF) airstrikes in which reportedly more than 359 civilians were killed, down 28 percent from 552 killed in 2008.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings. In addition, insurgents killed civilians during conflict, and insurgent groups increased politically targeted killings during the year (see section 1.g.).

Taliban and insurgent attacks escalated in both number and complexity during the year. According to the June report of the UN Secretary General, in the first half of the year, security incidents in Kandahar city and the airport district of Damam increased by 80 percent compared with 2008. On February 17, a suicide bombing in Kandahar killed 80 men and boys and injured 90 individuals. On August 25, in Kandahar, a truck bomb killed at least 65 and injured more than 100 persons, mostly civilians; although Taliban spokesmen denied involvement, it was widely believed the Taliban were responsible for the attack, which may have targeted a foreign business.

Kabul became a key terrorist target during the year. On August 15, five days before the presidential elections, a suicide car bomb exploded outside the main gate of NATO headquarters and the Ministry of Transportation, killing seven and wounding 91 persons; Taliban spokesman Zabihullah Mojaheid claimed the Taliban was responsible for the blast. On September 6, two rockets landed in Kabul, killing four civilians, including one woman and two children, and wounding three others. On September 17, Taliban killed 20 persons with a suicide car bomb at a major intersection. On October 8, Taliban killed 17 individuals in a bomb attack on the Indian Embassy. On October 28, insurgents killed 11 persons, including five UN staffers, and injured at least nine others, in an attack on a Kabul UN guesthouse. On November 16, Taliban fired rockets into a bazaar northeast of Kabul, killing 16 and wounding 37. Insurgents staged a total of 36 suicide and IED attacks and fired 19 rockets in Kabul during the year.

Violence occurred in many parts of the country, escalating in the last quarter of the year. On August 31, according to Ariana Television, an IED in Kunduz province killed two children and injured four others. On September 1, in Jowzjan province, a bomb killed one child. On September 2, in Laghman province, a suicide bomb exploded outside a mosque, killing 23, including National Directorate of Security (NDS) Deputy Director Abdullah Laghmani, and wounding 54 others, including women and children. On the same day, Taliban insurgents hanged a man in Baghlan province on suspicion of spying for foreign forces and the government. On September 7, an explosion in Uruzgan province killed four and injured 20 persons, including four Afghan National Police (ANP) officers. On September 29, a crowded intercity bus traveling from Herat to Kandahar struck a roadside bomb in Maiwand, Kandahar, killing 30 and injuring 39; no group claimed responsibility for the attack. On November 16, Taliban raided a police station in the Arghandab district near Kandahar, killing eight officers and wounding three.

On November 27, gunmen attacked and killed Makhdom Abdullah, the provincial head of Afghanistan's Red Crescent Society in Takhar, as he was walking home. President Karzai ordered an investigation into the attack.

There were other insurgent attacks that targeted civilians or injured or killed them during attacks on coalition or Afghan security and/or government targets.

On December 27, Taliban attacked the town of Langar, Badghis province, burning the girls' school and looting the health clinic. Three police officers were killed in the attack.

On September 15, construction workers discovered a mass grave in Kunduz province containing the remains of at least 26 bodies believed to date from the Soviet-backed government era. According to UNAMA's local human rights officer, provincial authorities marked the sites but did not conduct an investigation.

In July a foreign government began an investigation of a mass grave site in Jowzjan province that allegedly contained remains of 2,000 Taliban fighters killed in conflict in 2001. In December 2008 Physicians for Human Rights (PHR) reported that most of the evidence from the Jowzjan site had been removed.

According to PHR, there were 84 known mass grave sites in the country. There were no new developments regarding the April and June 2008 discoveries of mass graves.

There were no updates regarding the August and September 2008 insurgent killings (see section 1.g.).

There were no developments regarding the investigation of a May 2007 killing of 10 persons by police in Jowzjan province or in the October 2007 case of 15 prisoners executed at Pol-e-Charkhi prison under executive order amid allegations of lack of due process.

b. Disappearance

There were reports of insurgent groups and criminals perpetrating disappearances and abductions during the year in connection with the ongoing insurgency (see section 1.g.).

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

The constitution prohibits such practices; however, there were reports of abuses by government officials, local prison authorities, police chiefs, and tribal leaders. NGOs reported that security forces continued to use excessive force, including beating and torturing civilians.

Human rights organizations reported local authorities tortured and abused detainees. Torture and abuse methods included, but were not limited to, beating by stick, scorching bar, or iron bar; flogging by cable; battering by rod; electric shock; deprivation of sleep, water, and food; abusive language; sexual humiliation; and rape. An April Afghanistan Independent Human Rights Commission (AIHRC) report stated that torture was commonplace among the majority of law enforcement institutions, especially the police, and that officials used torture when a victim refused to confess to elicit bribes or because of personal enmity. Observers report that some police failed to understand the laws regarding torture.

In May the local media widely reported that local officials in the Chora district in Uruzgan arbitrarily arrested and reportedly tortured five individuals. Officials released the individuals after three days of detention in exchange for money and weapons.

The Ministry of Women's Affairs (MOWA) and NGOs reported that police frequently raped female detainees and prisoners. For example, on September 15, Radio Arman reported that authorities had arrested three police officers in Dai Kundi province for the rape of a 13-year-old girl. An Afghan National Army (ANA) soldier was sentenced to 15 years' imprisonment for the September 2008 rape of an 11-year-old girl in Jowzjan province; UNAMA confirmed that the soldier

remained in custody at year's end.

There were reports of torture and other abuses by Taliban and other insurgent groups. Media reports and firsthand accounts accused Taliban of employing torture in interrogations of persons they accused of supporting coalition forces and the central government. The Taliban contacted newspapers and television stations in such cases to claim responsibility.

According to the AIHRC, many of the children in detention centers and orphanages were exposed to physical abuse. According to the International Committee of the Red Cross (ICRC), cases of authorities threatening and mistreating juvenile detainees occurred throughout the year.

Prison and Detention Center Conditions

Prison conditions remained poor; however, the government took some steps to improve conditions within the Ministry of Justice (MOJ) prisons and detention centers. Most prisons and detention centers, particularly MOI detention centers, were decrepit, severely overcrowded, and unsanitary and fell well short of international standards. The AIHRC, ICRC, and other observers continued to report that inadequate food and water, poor sanitation facilities, insufficient blankets, and infectious diseases were common conditions in the country's prisons. Infirmarys, where they existed, were under-equipped. Prisoners with contagious diseases and prisoners with mental illness rarely were separated from other prisoners. However, UNAMA observed significant operational improvements in conjunction with international support to train and mentor prison staff in the provinces. International observers noted that the MOJ and Central Prison Directorate (CPD) leadership were actively striving to improve staff working conditions and prisoner living conditions with the goal of meeting the UN minimum standards for prisoners and detainees.

The government reported 34 provincial prisons and 203 district detention centers. The government also reported 30 juvenile rehabilitation centers. No official information was available on the number of prisoners the NDS held or the number of facilities the NDS ran. The CPD reported 109 female detainees and 356 female prisoners in 23 detention centers and provincial prisons.

Children younger than six whose mothers had been convicted of a crime often lived in prison with their mothers, particularly if they had no other relatives. This practice was dramatically reduced under the direction of the CPD and in conjunction with the opening of the Children's Center Home in Kabul, operated by local NGO Women for Afghan Women. Women were not imprisoned with men. Authorities generally did not separate prisoners awaiting trial from the rest of the inmate population. Juveniles awaiting trial in rehabilitation centers were not usually separated from those convicted, nor were they separated in terms of age, nature of the charge against them, or other criteria.

The ANP sometimes lacked sufficient detention facilities. For example, in Lashkar Gah, Helmand province, ANP authorities detained 16 boys and two girls in a prison at a rented property of cave-type structures that lacked adequate ventilation, running water, or sanitation. They were reportedly adequately fed, and the boys received some education.

On August 18, on the 90th anniversary of the country's independence, President Karzai released 700 prisoners, including 23 women, and reduced the sentences of 239 prisoners. Their violations ranged from drug and alcohol abuse to adultery, rape, theft, robbery, fraud, forgery, manslaughter, and murder; sentences ranged from six months' to 10 years' imprisonment.

The MOI and the MOJ permitted the AIHRC, the United Nations Children's Fund (UNICEF), and the ICRC to visit all prisons the MOI and the MOJ operated. In November the ICRC was permitted access to a Taliban prison for the first time since 2001; they visited three members of the Afghan National Security Forces (ANSF) detained in Badghis province. Security constraints occasionally prevented ICRC delegates from visiting some places of detention. NGOs reported powerful local leaders and insurgents, including Taliban, continued to operate private prisons. In some cases tribal leaders may have held persons accused of crimes in private detention. The ICRC and the AIHRC did not have access to prisoners and hostages detained by insurgents.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention; however, both remained serious problems. According to a January UN report, many citizens were detained without enjoying essential procedural protections.

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 ANA, under the Ministry of Defense (MOD), is responsible for external security. The NDS had responsibility for investigating cases of national security and also functioned as an intelligence agency. In some areas certain individuals, some of whom reportedly were linked to the insurgency, maintained considerable power as a result of the government's failure to assert control. NATO remained in control of ISAF, which worked closely with the national security forces.

Official impunity was pervasive. Many observers believed ANP personnel were largely unaware of their responsibilities and defendants' rights under the law. Credible sources, including detainees, reported local police in many parts of the country extorted a "tax" at checkpoints and inflicted violence (including sexual violence against boys) at police checkpoints. Police also reportedly extorted bribes from civilians in exchange for release from prison or to avoid arrest. Police abuses generally have declined following international police training efforts. Observers alleged that the high acquittal rate in courts reflected the lack of training of judges, poor investigations, lack of evidence, and possible bribes to legal officials. Lack of formal education and low literacy rates among the ANSF and the judiciary hampered the consistent

delivery of justice.

International support for recruiting and training new ANP personnel continued, with the goal of professionalizing the police force, including the ongoing implementation of the CPD staff prison reform and restructuring program. The international community worked with the government to develop awareness and training programs as well as internal investigation mechanisms to curb security force corruption and abuses. Training programs for police emphasize law enforcement, the constitution, police values and ethics, professional development, the prevention of domestic violence, and fundamental standards of human rights, in addition to core policing skills. The MOI reported that during the year, every new police officer received training in human rights. In every province two officers were responsible for human rights reporting. In Kabul 50 officers were responsible for human rights reporting, including internal police matters. Nevertheless, human rights problems persisted.

In October the government implemented a criminal case management system to ensure that suspects were appropriately charged, that evidence was appropriately passed from police investigators to prosecutors to courts, and that prisoners were not held past the duration of their sentence.

The Helmand Huquq (Human Rights) Department of the MOJ expressed willingness to train community leaders and justice providers with information about the constitution and its provisions against discrimination (including violence), but Helmand Huquq officials were unable to travel throughout the country due to the poor security situation.

NGOs and human rights activists noted that societal violence, especially against women, was widespread; in many cases the ANP did not prevent or respond to the violence.

Arrest Procedures and Treatment While in Detention

Arbitrary arrest and detention remained problems.

The law provides for access to legal counsel and the use of warrants, and it limits how long detainees may be held without charge. Authorities often did not inform detainees of charges against them. Police have the right to detain a suspect as long as 72 hours to complete a preliminary investigation. If they decide to pursue a case, the file is transferred to the Prosecutor's Office, 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. The media and human rights organizations reported arbitrary arrest in most provinces. 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. UNAMA reported that police detained individuals for "moral crimes," breaches of contractual obligation, family disputes, and to extract a confession. There was little consistency in the length of time detainees were held before trial or arraignment. Postsentence detention also was reportedly common. According to a UNAMA report, in cases in which a prison sentence and a fine were handed down, impoverished prisoners sometimes remained in prison after their sentence had been completed. The AIHRC in Paktya province reported that it petitioned monthly for the release of approximately 50 to 60 persons detained because of lack of follow-up on their cases.

According to the MOJ, 20 to 30 children were detained on national security-related charges in juvenile rehabilitation centers during the year; all were male, eight younger than 15. Observers reported 11 more children detained in Baghlan, Herat, Helmand, and Kunduz not reflected in the MOJ data. The juvenile code presumes children should not be held to the same standard as adults.

Detained children were typically denied their basic rights and many aspects of due process, including presumption of innocence, the right to be informed of charges, access to defense lawyers, and the right not to be forced to confess. Some of the children in the criminal justice system were victims rather than perpetrators of crime; particularly in cases of sexual exploitation, perpetrators were seldom imprisoned as cases were seldom prosecuted, and some victims were perceived as shameful and in need of punishment, having brought shame on their family by reporting the abuse. Some children were allegedly imprisoned as a family proxy for the actual perpetrator, presumably a breadwinner.

"Zina," a criminal act under the penal code, defined as heterosexual penetration between persons not married to one another, technically means adultery or fornication. In practice police and legal officials often invoked zina to justify the arrest and incarceration of women for social offenses such as running away from home, defying family wishes on the choice of a spouse, fleeing domestic violence or rape, or eloping. Police often detained women for zina at the request of family members. UNAMA reported cases of zina in nearly every province. 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. Authorities placed some women in protective custody to prevent violent retaliation by family members.

Authorities frequently did not rearrest defendants even after an appellate court convicted them in absentia. There was no bond system; authorities justified posttrial detentions because defendants released pending appeal often disappeared.

There were 963 practicing prosecutors; many of them lacked any formal legal training. More than 850 defense lawyers, 80 of whom were women, were registered and licensed in the country's independent bar association. The MOJ had 50 legal aid providers in 13 provinces. According to the MOJ, 14,857 persons were detained in correctional facilities nationwide, of whom 10,593 had been tried and convicted; the remaining 4,264 were awaiting trial.

The Criminal Law Reform Working Group, which included local legal experts and international rule of law advisors, completed its revision of the criminal procedure code and submitted it to the Taqin, the legislative drafting department of the MOJ, for further consideration. At year's end the Taqin had not taken steps to respond to the Criminal Law Reform Working Group's recommendations.

The criminal procedure code sets limits on pretrial detention, but authorities did not respect such limits, and lengthy pretrial detention remained a problem, in part because the overburdened system could not process detainees in a timely fashion. The UN High Commissioner for Refugees (UNHCR), ICRC, AIHRC, and other observers reported that arbitrary and prolonged detentions frequently occurred throughout the country.

Amnesty

According to Radio Free Europe, in September President Karzai pardoned Sayed Perwiz Kambakhsh, a 24-year-old former journalism student serving a 20-year sentence for blasphemy for downloading and distributing material from the Internet that the courts deemed anti-Islamic. At year's end he was living outside the country in an undisclosed location. International media and human rights groups had widely criticized this conviction as a violation of freedom of speech and freedom of religion.

The Law on National Reconciliation and Amnesty, which was published in December 2008, grants amnesty to persons engaged in conflict during the past 25 years.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but in practice the judiciary was often underfunded, understaffed, 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. The Counter Narcotics Tribunal in Kabul, whose member salaries the international community supplemented and who worked within a secure compound, was an exception, and international organizations reported no evidence of corruption or political influence involving its officials. Other courts administered justice unevenly, according to a mixture of codified law, Shari'a (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 72 percent of the population lives. 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 Shari'a, tribal codes of honor, or local custom. Lack of access to legal codes and statutes hindered judges and prosecutors.

The Supreme Court has overall responsibility for the national court system. The president appoints Supreme Court members with the approval of the lower body of the House of Representatives (Wolesi Jirga). Judges for the primary and appellate courts are appointed by recommendation of the Supreme Court and approval of the president. There were widespread shortages of judges; the Supreme Court reported there were 77 judges, including seven women. A national security court tried terrorists and other cases, although details on its procedures were limited.

In areas not under government control, the Taliban enforced a parallel judicial system. The Taliban issued punishments including cutting off fingers, beheadings, beatings, and hangings. On May 9, Taliban leader Mullah Omar issued "The Islamic Emirate of Afghanistan's Rules for Mujahideen," which stated that beheadings were an explicit violation of the rules, possibly a response to ISAF's commitment to reducing civilian casualties. Nevertheless, on December 6, Radio Salam Watandar reported that the bodies of two police officers were found beheaded in Lashkar Gah, Helmand province. According to the report, Taliban had abducted the police officers in November in Helmand province. The code also called for a reduction in the number of suicide attacks; however, the Taliban more than doubled the number of IED attacks during the year.

Courts primarily decided criminal cases in major cities, as mandated by law, although civil cases often were resolved in the informal system. Because of the unreliable formal legal system, 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 80 percent of all cases went through shuras, which did not adhere to the constitutional rights of citizens and often violated the rights of women and minorities.

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. In practice the courts typically convicted defendants after sessions that lasted only a few minutes. Defendants have the right to be present at trial and to appeal; however, these rights were not always applied. Trials were usually public. All criminal trials are decided by judges, as 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 inconsistently applied, 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.

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; the accused defendant who is found innocent may remain detained in the legal system until the case moves through all three levels of the judiciary: first court, 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.

Under Shari'a relatives of victims can pursue a case against a suspected offender. A judge can offer restitution or, in the case of murder, execution, which the relatives can carry out only if a member of the family consents. Under Shari'a, if the family of the victim forgives the perpetrator, the judge must issue a pardon.

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 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. There were reports that a number of tribal leaders, sometimes affiliated with the government, held prisoners and detainees. There were no reliable estimates of the numbers involved.

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 judiciary did not play a significant role in civil matters due to corruption and lack of capacity. Land disputes remained the most common civil dispute and were most often resolved through the informal justice system.

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. UNAMA reported that community members alleged theft of possessions during home searches the military conducted. UNAMA also reported that searches by members of the military or security officials involved conduct toward women that contravened local customs and angered local communities.

The law provides for wiretapping in certain cases, but there was no reported government abuse; wiretapping was permitted to track money laundering and narcotics trafficking.

The government's willingness to recognize the right to marry varied according to nationality, gender, and religion. The family court could register a marriage between a Jewish or Christian woman and a Muslim man, but the court required the couple to accept a Muslim ceremony. A non-Muslim woman had to convert to Islam before marrying a Muslim man. The court could not register a marriage between a Muslim woman and a non-Muslim man. These situations rarely occurred, however, as more than 99 percent of the population was Muslim. The courts registered marriages between non-Muslims, however.

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

Ongoing internal conflict caused civilian deaths, abductions, prisoner abuse, property damage, and the displacement of residents.

Killings

The security situation in the country deteriorated significantly during the year, and civilian casualties rose accordingly. Increases in coalition operations and insurgent attacks caused civilian casualties to rise. Persistent Taliban and antigovernment activity, interfactional fighting between regional warlords, and criminal activity resulted in hundreds of unlawful killings and civilian casualties.

UNAMA reported that Taliban and antigovernment forces killed 1,630 civilians, progovernment forces killed 596 civilians, and unknown actors killed 186 civilians, for a total of 2,412 civilian casualties, an increase of 14 percent over the 2,118 civilian deaths recorded in 2008. Taliban and antigovernment elements remained responsible for 67 percent of civilian casualties.

Insurgent suicide attacks increased significantly, with 281 suicide attacks during the year, compared with 138 suicide attacks in 2008. UNAMA recorded 773 IED attacks during the year, which insurgents used extensively and increasingly; suicide and IED attacks combined caused 1,054 civilian deaths, or 44 percent of the total civilian casualties. The Taliban and other insurgent groups were responsible for nearly three times as many casualties as progovernment forces.

Insurgents targeted national and government officials, foreigners, and local NGO employees.

Insurgents targeted and killed government officials during the year. The MOI reported 964 police were killed and 1,787 were injured as a result of insurgent attacks. On August 27, in Kunduz, an IED killed Qari Jan Gir, the head of the Justice Department of Kunduz, and on August 30, in six separate incidents in four provinces, insurgents killed 11 police officers and at least six civilians. Targeted killings included an attack on May 4 that killed the mayor of Mehterlam city in Laghman as well as six civilians; and on June 21, a series of attacks on government buildings in Jalalabad and Gardez that killed nine persons. On December 15, a remotely detonated roadside IED killed Koshk District police chief Colonel Abdul Karim and three other police near the district headquarters. Karim was the second Koshk district police chief and the fourth district police chief in Herat province to be killed during the year. The Taliban claimed responsibility. The ANP arrested seven persons in connection with the case.

On July 19, in the period before the election, gunmen killed Jan Mohammad, a candidate for provincial council in Kunduz, while he was campaigning. This was the first time a provincial council candidate had been assassinated in Kunduz Province.

According to the International Crisis Group, at least 31 persons were killed on election day. Security officials reported that 11 civilians and 20 police and soldiers were killed in election-related violence.

During the year antigovernment elements continued to attack progovernment religious leaders. According to the MOI, the Taliban killed at least 71 clerics and committed at least 17 acts of violence inside mosques and other religious facilities. Tolo TV reported that on September 9, insurgents killed a mullah in a mosque in Ghazni province after he spoke out against insurgent forces.

According to UNICEF, from January to June, there were 470 confirmed targeted attacks on education (schools, teachers, staff, and pupils), resulting in 30 deaths and 186 injuries to schoolchildren, teachers, and other school employees. According to data from the Ministry of Education (MOE) referenced by Human Rights Watch, from April to August, insurgents attacked 102 schools using explosives or arson and killed 105 students and teachers. There were no updates on the May or June 2008 killings of teachers (see section 6).

ISAF airstrikes remained responsible for the largest percentage of civilian deaths by progovernment forces; during the year UNAMA recorded 65 airstrikes in which reportedly more than 359 civilians were killed, a 28 percent decrease from 2008. The decline in civilian casualties reflected ISAF's changed tactics as part of a major commitment to minimize civilian casualties in the armed conflict. Nevertheless, during the year there were several high-profile incidents. On May 4, in Bala Baluk, Farah province, a coalition airstrike targeting the Taliban reportedly killed more than 60 women and children; following its investigations into the event, the U.S. military acknowledged that it had failed to comply with guidelines for protecting civilians. On September 4, a coalition airstrike targeting insurgents who had hijacked two fuel trucks south of Kunduz killed more than 30 civilians and injured nine who were offloading fuel from the trucks. On December 26, a coalition attack allegedly killed 10 civilians in Nanreng district in Kunar province; credible reports indicated that the civilians were armed and possibly underage. No further information was available at year's end.

Abductions

The MOI reported 368 abductions during the year, at least one of which resulted in the death of a hostage. The Afghanistan NGO Safety Office (ANSO) reported insurgents and others kidnapped 20 aid workers during the year, a decline from 38 in 2008; all abductees were local staff. ANSO reported that most abductions were temporary and most abductees were released unharmed, usually due to the efforts of community elders. One person was reportedly killed while resisting an abduction attempt. Observers alleged that noninsurgency-related kidnapping was a form of dispute resolution.

Security officials arrested six suspects in the 2008 kidnapping of Humayun Shah Asifi, a relative of the late King Zahir Shah; the investigation continued at year's end.

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 United Nations Mine Action Center for Afghanistan (UNMACA) reported that land mines and unexploded ordnance killed or injured an average of 40 persons each month, a significant decline from 57 per month in 2008.

Numerous groups including UNMACA and Halo Trust organized and trained mine detection and clearance teams that operated throughout the country. UN agencies and NGOs conducted educational programs and mine awareness campaigns for more than 1.5 million persons, primarily women and children, in various parts of the country. At year's end land mines and unexploded ordnance imperiled approximately 2,000 communities.

Child Soldiers

The legal recruitment age for members of the armed forces is 18. There continued to be unconfirmed reports that children younger than 18 falsified identification records to join the national security forces and the ANP. There were no reports of forced child conscription by the government into the national security forces.

The government, with international assistance, vetted all recruits into the armed forces and police, rejecting applicants under the age of 18.

Anecdotal evidence suggests that insurgent recruitment of underage soldiers was on the rise. There were numerous

credible reports that the Taliban and other insurgent forces recruited children younger than 18, in some cases as suicide bombers and in other cases to assist with their work. For example, in Uruzgan the Taliban reportedly used children to dig hiding places for IEDs. There were many reports of insurgents using minor teenage boys as combatants in Paktya province. In July in Helmand province, authorities apprehended a child before he allegedly would have been equipped to become a suicide bomber. NDS officials held several children in the juvenile detention facility in Helmand on insurgency-related charges. Although most of the children were 15 or 16 years old, reports from Ghazni province indicated that insurgents recruited children as young as 12, particularly if they already owned motorbikes and weapons. NGOs and UN agencies reported that the Taliban tricked, promised money to children, or forced them to become suicide bombers.

Sexual abuse of boys by members of the ANP and the ANA was widely alleged but unconfirmed.

Other Conflict-related Abuses

The December report of the UN Secretary-General stated that attacks against the aid community slightly increased during the year, becoming a nearly daily occurrence in the last quarter. On October 29, in an attack on a Kabul UN guesthouse, the Taliban killed 11 persons, including five UN staffers. The Taliban, tribal leaders, and other insurgents abducted security forces, civilians, and journalists.

As in 2008, suspected Taliban members fired on NGO vehicles and attacked NGO offices. Violence and instability hampered development, relief, and reconstruction efforts. In a study of 25 provinces, ANSO reported 114 security incidents involving NGOs and aid workers between January 1 and September 30. 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. The difficulties in moving relief goods overland due to insurgent threats limited assistance efforts. Tribal leaders and low-level members of insurgent groups reportedly extorted bribes at illegal border and other checkpoints. Due to the increasing violence, the UN considered many parts of the country inaccessible.

As in recent years, the Taliban distributed threatening messages in attempts to curtail government and development activities. Ten jurists from Laghman province reported that judges and prosecutors routinely faced death threats and other forms of intimidation in their jobs. In addition to threats against persons working for the government or NGOs, the Taliban distributed "night letters" (death threats) and text messages warning citizens not to vote in the August 20 elections, including messages to an entire village in Uruzgan.

Insurgents regularly used civilians as "human shields," either by forcing them into the line of fire or by basing operations in civilian settings. UNAMA documented how insurgent forces deliberately deployed their forces in populated villages, with the intent of embarrassing international coalition forces and the government and increasing civilian casualties from airstrikes.

In the south and east, the 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.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, journalists increasingly were vulnerable to physical harm and reported numerous instances of pressure from multiple sources to influence reporting, including national and provincial governments, warlords, the drug mafia, foreign governments and individuals, and Taliban insurgents. Some media observers contended that individuals could not criticize the government publicly without fear of reprisal.

On June 14, the government detained two Al Jazeera journalists--a producer for the station's Arabic service and a senior producer at the English language channel--after Al Jazeera broadcast a report on Taliban strength in Kunduz province. Authorities released the journalists without charge after holding them for three days at NDS headquarters in Kabul.

On August 19, the Ministry of Foreign Affairs and the MOD issued decrees barring journalists from reporting on election day violence and ordering them to stay away from the scenes of terrorist attacks. Most journalists ignored the ban, but NDS agents beat and briefly detained 15 journalists who ignored the directive. According to the Committee to Protect Journalists, security forces obstructed, assaulted, and detained Afghan and foreign journalists in Kabul and elsewhere on election day.

At year's end member of parliament (MP) Malalai Joya remained suspended from parliament for her 2007 criticism of her fellow MPs during a televised interview. Other members of parliament expressed criticism of government policies without incident.

Independent media were active and reflected differing political views. Although some independent journalists and writers published magazines and newsletters, circulation largely was confined to Kabul, and many publications exercised a degree of self-censorship. The freedom of speech law covered foreign media; however, they were restricted from commenting negatively on Islam and from publishing materials considered a threat to the president.

Violence against journalists increased during the year. According to independent media and observers, a combination of government repression, armed groups, and manipulation by foreign groups and individuals prevented the media from operating freely. Journalists were subject to pressure from government officials, foreign governments, and the Taliban and other insurgents, who harassed, intimidated, and threatened to commit violence against them.

Governmental officials intimidated journalists in an effort to influence their reporting. Media sources reported instances of provincial officials attempting to regulate the media based on their personal interests. Local officials asked the director of Uruzgan Radio and Television to obtain content approval before broadcasting television and radio programs.

Media sources reported that police detained journalists without cause. According to Media Watch, there were 85 reported cases of violence against journalists, including three killings, nine kidnappings, 35 cases of arrest, 12 cases of intimidation, 22 cases of beating, and four cases of injury. The Media Watch annual report noted government involvement in 57 of the 85 cases of violence against journalists.

According to many media sources, private Iranians, Pakistanis, and Gulf state citizens actively influenced Afghan media, shaping the media through both ownership and threats. According to media sources, Iranian sources funded approximately five radio stations and three television stations. Media sources indicated that the Iranian consulate in Herat threatened and rewarded journalists. Some reporters stated that Iranian embassy staff in Kabul called them to prevent the publication of articles criticizing Iran. There were also rumors that Iran paid secret salaries to a number of Afghan journalists in Kabul as well as in the western provinces, and allegations that Iran intimidated reporters in the western provinces to increase antigovernment reporting and decrease anti-Iranian articles. Media sources and analysts contended that many of the other private television stations and newspapers were bankrolled by, and produced content loyal to, various political factions, leaders, and warlords.

On October 5, police reportedly assaulted Wahkt News Agency (WNA) cameraman and photographer Mohammad Naeem while he was documenting the killing of a businessman and two security personnel by unidentified gunmen wearing military uniforms. The police confiscated Naeem's camera, beat him, and held him in detention for almost an hour. Police officers released Naeem and returned the camera to him after Afghan Independent Journalists' Association and WNA representatives intervened.

On October 20, multiple media sources reported that the MOI arrested editors Nazari Paryani of *Mandagar Daily* and Hashmatullah Raadfar of *Nukhost Daily* for publishing allegedly imbalanced information about the MOI after the newspapers had reprinted an article from the Internet. The editors were released after three hours through the mediation of Nai Media Watch and IEC Media Commission Chairman Sidiqullah Tawhidi. The Ministry of Information and Culture (MoIC) described MOI's actions as illegal. The case was referred to the government commission on media oversight.

Muhammed Naseer Fayeze, news anchor and host of the political program *Haqeeqat* ("Truth"), arrested in July 2008 by NDS agents, returned to work on January 2 for Ariana Television.

The 2008 media law, published in July, is intended to protect freedom of thought and expression and legally protect journalists as they carry out their work; however, it contains content restrictions. Article 45 restricts works and materials contrary to the principles of Islam or other religions and sects; works that publicize religions other than Islam; works and materials considered defamatory, insulting, offensive, or libelous or that may cause damage to a person's personality or credibility; works and materials that are 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 wellbeing of individuals, especially children and adolescents. Nai Media and the Afghan National Journalists Union reported that the MoIC failed to implement the law by year's end.

Media sources claimed that the independent media prospered despite the efforts of the MoIC to actively undermine an open and free media environment. The MoIC and some provincial governors exercised control over news content to varying degrees during the year. According to media sources, the MoIC maintained cumbersome licensing procedures. Before the election the MoIC complained that several new print outlets were operating without licenses. Factional authorities controlled media in some parts of the country. The Institute for War and Peace Reporting (IWPR) noted tight controls, especially in the provinces of Balkh, Jowzjan, Faryab, Sar-i Pul, Kandahar, Herat, and Nangarhar. According to journalists, many reporters exercised self-censorship by not asking substantive questions of government officials and by ignoring certain investigative stories. Powerful figures largely avoided media scrutiny. Members of the media reported they did not interview Taliban commanders or leaders due to government pressure; police in Helmand province jailed journalists for speaking to the Taliban. Some media observers considered it more difficult for journalists to operate in the areas of the country the government controlled than in Taliban-controlled areas.

On August 26, in Kandahar city, police severely beat a local journalist of Radio Azadi, the in-country service of Radio Free Europe/Radio Liberty, and took his notebooks and sound recorder when he visited the site of a bombing.

On July 30, in Herat, police officers and plainclothes NDS personnel reportedly attacked four journalists as they attempted to cover a public demonstration against the police killing of a fruit seller. The International Federation of Journalists reported that MOI officials investigated the attack.

On December 3, gunmen from the Islamic Revolution Movement party (Hezb-e Harakat Inqelab-e Eslami) held Sepehr TV journalist Nasir Ahmad and cameraman Sefatollah for four hours in Kabul. The gunmen beat, insulted, and humiliated the men and destroyed camera equipment. Tolo TV reported that the assailants were possibly security guards working for a former government official.

On August 18, the government issued a statement requiring all news agencies to refrain from covering incidents of "terrorist activities or movements" between 6 a.m. and 8 p.m. on election day. Informed observers believed the order was intended to minimize public knowledge of polling place violence. NDS officials enforced the ban. The government also required journalists covering the election to sign a code of conduct specifying that the journalists could not publish "scandalous advertisements and disgrace reports about [a] candidate's personality or behavior that could affect the election results." According to news reports, on August 20, police briefly detained at least three foreign journalists and at

least 12 local journalists. According to the Committee to Protect Journalists, on August 20, authorities detained and interrogated a Japanese television correspondent for several hours, and also detained Dutch photojournalist Ruben Terlo and Rohulla Samadi, an interpreter with independent Afghan media organization Killid Media, for 30 minutes, after they covered a gun battle between the Taliban and police. Multiple accounts reported police beating journalists, threatening them with guns and confiscating equipment, but no serious injuries were reported. Almost all the reported incidents occurred at the scene of attacks by insurgent groups.

At least two journalists were killed during the year. On March 10, in Kandahar, two persons shot and killed Jawed (Jojo) Ahmad, a reporter working for Canadian television. Authorities had held Ahmad in military custody for 11 months at Bagram Theater Internment Facility, allegedly for having contacts with the Taliban; he was released in September 2008.

On September 9, journalist Sultan Ahmad Munadi died in a firefight between NATO soldiers and militants during the rescue of Munadi and *New York Times* reporter Stephen Farrell, whom the Taliban had abducted in the vicinity of a coalition airstrike in Kunduz. There were no updates regarding the 2008 killing of a Norwegian journalist or the killings of Abdul Samad Rohani, Ajmal Naqshbandi, Shakiba Sanga Amaj, or Zakia Zaki.

The Taliban abducted at least six journalists during the year. Nai Media reported that on July 10, the Taliban abducted Ariana Television Chief Ehsanullah Arianzai in Wardak province and held him for two days. On July 12, the Taliban kidnapped a journalist for Al-Jazeera English news in Kunar province before releasing him after several hours. On November 6, the Taliban kidnapped Norwegian freelance journalist Paal Røfsdal and an Afghan colleague (who was not named in local or international reports about the incident) in Kunar province; they were released November 12.

On June 19, *New York Times* reporter David Rohde and his translator, Tahir Ludin, escaped their Taliban captors after seven months in captivity.

On August 11, in Kandahar, an IED seriously injured Associated Press photographer Emilio Morenatti and videographer Andi Jatmiko, who were traveling in a military vehicle.

The Taliban manipulated the media, especially print journalism, both directly and indirectly, by threatening to physically harm some journalists and by directly feeding news to others. Some sources asserted that the media underreported reconstruction efforts, for example, as a result of Taliban pressure to shape local opinion. Journalists reported receiving threats of harm if they did not publish stories released on Taliban Web sites, if they published anti-Taliban stories, or if they published stories favorable to the government.

The Taliban increased efforts to influence and control radio, which reaches more persons in remote areas than other media. In Kunduz two radio stations reported threats from the Taliban. One of the stations shut down as a result of Taliban pressure. Taliban spokesman Zabiullah Mojahed rejected Taliban responsibility.

Despite these obstacles, media sources and observers asserted that the country's independent media continued to expand and became increasingly sophisticated. Numerous international and local organizations provided regular training and mentoring for journalists.

The IWPR stated that broadcast media operated somewhat more freely than print media and that commercially viable stations received less government control than others. Nai Media stated that FM radio stations broadcast in many remote regions throughout the year.

Television broadcasts appeared to avoid some of the restrictions imposed on print journalism. Satirical programming was widespread; every private television station had at least one comedy-satire program that openly criticized government officials.

Prior to the August 20 elections, radio and television stations ran unprecedented candidate debates, forums, and interviews, widening the content and quality of information available to the public. Several stations ran live coverage on election day. Reporters Without Borders, Internews, and other news groups noted that equal time protections were not in place and many candidates could not afford to pay for messages, so unequal access to airtime for the more than 40 presidential candidates hindered impartiality. The Media Commission of the IEC did not find significant problems with candidate access to the media, although it stated that state media aired biased reports in favor of the incumbent president.

On September 8, *Sokhan-e-Jadid*, a conservative weekly newspaper, threatened the lives of Hasht-e-Sob employees based on their reporting of the elections. The same day, Tolo TV reported that IEC Media Commission Chairman Tawhidi warned several media outlets that they would be subject to legal action for slander of an Afghan national.

According to the United Nations Development Fund for Women (UNIFEM), print media did not adequately cover female candidates. Tolo TV showed a presidential debate focused on women's issues. Shahala Atta, one of two women running for president, participated in the debate.

The number of female journalists remained low. According to the IWPR, only 15 of the 54 recent female journalism graduates from Herat University worked in media. Mazar, Herat, Kunduz, and Faryab provinces each had women's radio stations. With International Organization for Migration (IOM) funding, Radio Television Afghanistan upgraded its AM radio facilities in Badghis, opening a media production center for female journalists. Women ran two private radio stations in Kunduz city, but the deteriorating security situation hindered their reporting.

Free Muse reported that on March 24, the MoI arrested Fahim Kohdamani, manager of Emrooz TV, for broadcasting music programs allegedly "against Islam values and Afghan culture." Observers considered the arrest politically motivated

because of the selective application of such rulings.

Internet Freedom

There were no government restrictions on access to the Internet or 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. Tolo TV reported that the MoI ordered four election-related Web sites to close, claiming they were "undermining the personality of presidential candidates" they favored or opposed.

Sayed Perwiz Kambakhsh's case involved government sanction against distributing information downloaded from the Internet; however, media observers believed his case was unlikely to function as a deterrent for seeking culturally or politically taboo information. Internet access was unavailable to most citizens; computer literacy and ownership rates were estimated at less than 10 percent of the population.

Academic Freedom and Cultural Events

The government restricted academic freedom by forbidding course content it deemed un-Islamic. Article 10 of the 2008 Mass Media Law states that academic research "shall be subject to prior approval of concerned ministries and institutions." Educators at public universities stated that they censored themselves when discussing questions of ethnicity; it was not clear whether the self-censorship was from fear of official or university sanctions or from societal pressure.

The MoI tried to ban Indian and Western television shows and films. The IWPR stated that a former attorney general raided Tolo TV offices and detained journalists and administrators to intimidate broadcasters to stop broadcasting soap operas. Station owners spoke to members of parliament and reached an agreement that allowed the showing of shows censored for local sensibilities.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association; however, security conditions and, in some cases, local officials restricted this right in practice.

Freedom of Assembly

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

Pajhwok news agency reported on January 1 that police severely injured a demonstrator at an impromptu demonstration at a madrasa in Kunduz city. The demonstrator was hospitalized. On April 15, in Kabul, more than 300 women, most of them students, held a protest against the Shia Personal Status Law (SPSL). Five times as many counterprotesters retaliated, some throwing stones at the protesters. On August 31, a spontaneous protest occurred in Kandahar city, when 40 burqa-clad women marched to the site of the August 25 bombing in a public display of mourning for the dozens killed and injured. On September 10, journalists, civil society, and human rights organizations in Kabul demonstrated to condemn the killing of journalist Sultan Ahmad Monadi in Kunduz province and demanded a full investigation. On September 12, civil society organizations and tribal councils gathered in Khost to protest provincial administration incompetence. On September 23, 1,000 individuals gathered at the Babur Gardens in Kabul to mark the International Day of Peace. On September 27, more than 5,000 supporters of presidential candidate Abdullah Abdullah gathered in Kabul to "stand against fraud." Also in September, nearly 60 citizens of Chora district in Uruzgan province protested in front of the provincial reconstruction team headquarters without incident. On October 25, women's rights representatives from 10 provinces gathered in Kabul to express concern over increasing insecurity and rising violence, and on November 30, religious scholars in Kunar spoke out against violence against women, saying women should be respected as equals to men.

Mass protests took place across the country after insurgents spread rumors that Western troops burned a Koran during a house search in Wardak province on October 15; the rumors, reportedly spread by the Taliban, took nearly a week to gain public attention. On October 23, students at Khost University gathered to protest the alleged desecration of the Koran, burning a U.S. flag and a picture of President Obama. On October 25, hundreds of secondary school students in Pul-i-Alam, Logar province, peacefully protested the desecrations. On October 25, hundreds of students turned out in two separate demonstrations in Kabul, one in front of the parliament building and another at Kabul University. An estimated 1,000 demonstrators burned an effigy of U.S. President Obama and hurled stones at police; police responded by firing into the air to disperse the crowd. Later, hundreds of students gathered at Kabul University to protest; at least three persons were injured, including two parliament security guards, and several students were arrested on charges of attacking the police and throwing rocks in public places. On October 27, in Kabul, Afghan police opened fire and turned a water cannon on approximately 300 persons who marched on the parliament to protest the alleged incident; at least 12 were injured. Also on October 27, 800 to 1,000 students staged a peaceful demonstration in Balkh province; students chanted anti-U.S., anti-British, and anti-Israel slogans.

On December 8, approximately 50 supporters of defeated provincial council incumbent Ohliya Amoor, including Amoor himself, staged an unruly protest in front of the provincial IEC office in Panjshir, throwing stones and breaking windows. The ANP made no arrests.

On December 8, numerous media outlets reported that hundreds of angry residents of Mehtarlam, the capital city of Laghman province, staged a protest against what they claimed was the killing of 15 civilians, including women and children, by U.S. forces in Laghman province that day. ANA soldiers fired into the air as the demonstrators neared the

entrance to the governor's house; eyewitnesses alleged the rounds killed a man and seriously injured a child. On December 9, 2,000 students of Nangahar University staged a protest condemning the deaths of civilians during the raid in Laghman province. On the same day, more than 400 university students in Jalalabad protested, blocking a main highway. On December 26, hundreds of Nangarhar University students and faculty members blocked main roads in Jalalabad city, Nangarhar province, to protest the alleged deaths of 10 civilians as a result of the coalition military operation in Nanreng district in Kunar province. The protesters demanded the intervention of government officials to stop escalated attacks against civilians and chanted slogans against the coalition forces.

On December 27, approximately 300 tribal elders and Khogyani tribesmen demonstrated in front of the Nangarhar governor's palace to protest the recently released Provincial Council results. The demonstrators objected to the exclusion of several Khogyani provincial council (PC) candidates who had been included in the initial PC election results but omitted from the final list of PC members distributed by the IEC. The demonstrators also announced plans to coordinate with the Shinwari and Mohmand tribes of Nangarhar to organize several large protests over the next few days in Jalalabad, possibly blocking the main entrances to the city.

On December 31, in the wake of television and press reports detailing the arrest of four suspects in the September 2 assassination of NDS Deputy Director Abdullah Laghmani, more than 100 protesters gathered in Mehtarlam to demand justice. Although the demonstration was by all accounts peaceful, the protesters reportedly called for the immediate deaths of the four suspects. Locals speculated that the demonstration was organized by the Laghmani family. After congregating in central Mehtarlam, the protesters moved south to continue their activities at the intersection of the provincial highway with National Highway 7, which connects Kabul with Jalalabad.

There were no updates on the March 2008 protests or the May 2008 civilian killings.

Freedom of Association

The law on political parties obliges parties to register with the MOJ and requires them to pursue objectives consistent with Islam. Political parties based on ethnicity, language, Islamic school of thought, and religion were not allowed. Anti-government violence affected the ability of provincial council candidates and political parties to conduct activities in many areas of the country.

c. Freedom of Religion

The constitution proclaims Islam is the "religion of the state" but allows non-Muslim citizens the freedom to perform their rituals within the limits determined by laws for public decency and peace. This right was not respected in practice. The constitution also declares that no law can be "contrary to the beliefs and provisions of Islam." The penal code permits the courts to defer to Shari'a in cases involving matters that the penal code or constitution do not explicitly address, such as apostasy. The SPSL, which was amended in the summer to remove the most controversial phrases, went into effect for Shias in July. The Sunni Hanafi-based civil code governs the family courts for Sunnis and those the SPSL does not cover; this civil code also applies to non-Muslims.

Licensing and registering religious groups is not required; the government assumes all native-born citizens to be Muslim. In practice non-Muslims faced harassment and social oppression and opted to practice their faith discreetly. According to Islamic law, conversion from Islam is punishable by death.

There was no progress in the case of journalists Ahmed Ghaus Zalmi and Mullah Qari Mushtaq, sentenced to 20 years in prison in 2008 for publishing a Dari translation of the Koran that allegedly contained errors and without the legally required Arabic version alongside for comparison.

Societal pressure forced Christians to remain underground, not openly practicing their religion or revealing their identity. During the year there were sporadic reports of harassment and threats against Christians. There was one known Christian church in the country. Citizens wishing to practice Christianity did so in private locations. However, a Christian television program called "Afghan Television" broadcast weekly by satellite into the country, and several Christian radio stations were on the air.

Public school curricula continued to include Islamic content, in accordance with article 45 of the constitution. Non-Muslims were not required to study Islam, and there were no restrictions on parental religious teaching. The Ministry of Education opened special primary schools for Hindu and Sikh children in Ghazni, Jalalabad, and Helmand.

Laws forbid proselytizing as contrary to the beliefs of Islam, and authorities could punish blasphemy and apostasy with death under Shari'a. Foreigners caught proselytizing were arrested and sometimes deported.

During the year antigovernment elements continued to attack progovernment religious leaders for supporting the government or for stating that activities conducted by terrorist organizations were against the tenets of Islam. There were no updates regarding the March 2008 attacks against clerics in Nimroz province.

Societal Abuses and Discrimination

Social discrimination against Shia Hazaras continued along class, race, and religious lines. Ethnic Hazaras reported occasionally being asked to pay additional bribes at border crossings where Pashtuns were allowed to pass freely.

Sikhs and Hindus were allowed to practice their faith publicly, although they reportedly continued to face discrimination, including intimidation; unequal access to government jobs; and verbal and physical abuse in public places. Kabul

government officials bulldozed sections of the Sikh neighborhood in Kart-e-Parwan to build new roads, damaging numerous homes. The government stated it would pay restitution to homeowners, but by year's end it had not done so. The new road in front of the gurdwara (the Sikh house of worship) threatened the building's structural integrity. In November the government bulldozed the gurdwara's boundary wall to build a sidewalk and promised to pay restitution for the damage, but it had not done so by year's end.

Non-Muslims faced discrimination in schools. The AIHRC continued to receive reports that students belonging to the Sikh and Hindu faiths were prevented from enrolling in some schools, and others stopped attending due to harassment from both teachers and students. Hindus and Sikhs had recourse to dispute resolution mechanisms such as the Special Land and Property Court, but in practice the community felt unprotected. Sikhs and Hindus reported being harassed by neighbors in their communities and schools.

There were no reports of anti-Semitic acts. There was only one known Jewish resident in the country, caretaker of the one remaining synagogue in Kabul.

For a more detailed discussion, see *the 2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

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, social custom limited many women's freedom of movement without male consent or chaperone, and the government limited citizens' movement due to security interests. 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. The government cooperated with the UNHCR, the IOM, and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, and other persons of concern.

Taxi, truck, and bus drivers reported that security forces and armed insurgents operated illegal checkpoints and extorted money and goods. The number of such checkpoints increased at night, especially in the border provinces. Residents reported having to pay bribes to ANP and border police officials at checkpoints and the Khyber Pass border crossing between Jalalabad and Pakistan. The Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the southeast.

The law prohibits forced exile, and the government generally did not use it in practice.

According to the AIHRC and the UNHCR, women deported from Iran were referred to a safe house until their families guaranteed their safety. The UNHCR referred 17 Afghan women to safe houses from March to November.

Internally Displaced Persons (IDPs)

Afghanistan continued to experience high levels of internal population movements, triggered by irregular labor conditions, large numbers of returnees, poor service infrastructure in rural areas, military operations, and the volatile security situation in some parts of the country. During the year severe flooding in several provinces rendered families homeless. Authorities estimated there were more than 275,000 IDPs in the country at year's end, two-thirds of whom depended on assistance, including food. More than half of the IDPs were in the south. Many were among the more than one million IDPs who left their places of origin because of drought in 1995, insecurity and drought in 2002, and human rights violations and ethnic-based conflict linked to land and property matters between 2003 and 2004. These individuals resided in camp-like circumstances, primarily in the south, but officially organized and spontaneous settlements have sprung up on the outskirts of major cities, including Kabul, Herat, and Jalalabad.

Authorities estimated approximately 62,000 individuals were newly displaced within the country during the year, including some 45,000 individuals due to insecurity and violence linked to armed conflict in their region of origin; approximately 6,600 persons newly affected by drought; and approximately 9,900 affected by tribal, ethnic, or land disputes. Local governments provided housing assistance and, in some cases, food aid to conflict-affected IDPs through provincial emergency commissions consisting of the Ministry of Rural Rehabilitation and Development, Afghan Red Crescent Society, UNHCR, IOM, UNAMA, and UNICEF. UNAMA reported restricted access due to insecurity limited efforts to assess the numbers of displaced persons and made it difficult to provide assistance.

On April 17, two earthquakes struck Nangarhar province, killing 22, injuring 59, and leaving 650 families homeless. Local authorities, the Afghan National Disaster Management Authority, the Ministry of Public Health, and the UN provided emergency assistance.

Returnees and other migrants faced high health risks, including HIV infection and drug addiction. HIV incidence in the camps increased fivefold in five years. The spread of HIV in part reflected increasing rates of injectable drug use, particularly among 15- to 25-year-old individuals, the largest age cohort in the country; they were also the largest group of drug users and the largest cohort among returnees who had not returned to their places of origin.

Protection of Refugees

The country is a party to the 1951 Convention on the Status of Refugees and its 1967 Protocol. Laws do not provide for granting asylum or refugee status, and the government has not established a system for providing protection to refugees.

In October approximately 500 Pakistani families fled to Kunar province as military activity increased in Pakistani-Afghan

border areas. Local residents gave shelter to most of the refugees. The government did not provide free services to refugees. Refugees had access to primary education and other public services if they could afford to pay for them.

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 country continued to focus on providing services for returning refugees, but the government's capacity to absorb returnees, often in conflict settings, remained low. The continuing insurgency and related security concerns, as well as economic difficulties, discouraged numerous refugees from returning to the country. Many refugees needed humanitarian assistance upon arrival. Common types of extreme vulnerability, as defined by the UNHCR, included minors unaccompanied by adult family members, drug addiction, mental illness, and severe physical illness.

In accordance with the Tripartite Agreement among the government, the Pakistan government, and the UNHCR, repatriation must be voluntary. During the year 48,320 documented refugees voluntarily repatriated from Pakistan with UNHCR assistance, a significant decrease from the 274,200 refugees repatriated in 2008.

In August the UNHCR suspended repatriation of local citizens from Pakistan due to insecurity in the country and in the processing areas in Pakistan. Pakistan abandoned its unilateral December 31 deadline to repatriate all refugees, and the Pakistan government's commitment to permit registered Afghan refugees to remain in Pakistan through 2012 was not formalized by year's end. In Pakistan three of the four refugee camps scheduled for closure during the year remained open. There were an estimated 1.7 million registered refugees in Pakistan, an estimated 180,000 unregistered individuals eligible for refugee status, and an estimated 230,000 individuals who may have been eligible for refugee status but who had not come forward to register.

The situation of the country's refugees in Iran--mostly non-Pashtuns--contrasted markedly with life for refugees in Pakistan. Fewer than 2.5 percent of local citizens settled in refugee camps in Iran; the majority resided in urban areas. During the year 5,801 documented refugees voluntarily returned from Iran with assistance from the UNHCR, compared with 3,656 in 2008. The UNHCR estimated that approximately 900,000 documented refugees, 43 percent of whom were Hazara, remained in Iran. The World Refugee Survey reported more than one million unregistered Afghans lived in Iran.

Iran continued to deport undocumented economic migrants. Iranian migration was mostly temporary and cyclical, with more than 400,000 adult male individuals staying on average for 3.5 years without their families. According to the UN, remittances from Iran exceeded 25 billion Afghanis (\$500 million) annually. From October 15 to November 22, Iran deported 17,894 undocumented Afghans through the border points at Islam Qala, Herat province, and Zaranj, Nimroz province. Single males accounted for more than 96 percent of the deportations; many cycled back repeatedly. During the year Iran deported 292,229 persons, compared with 356,027 in 2008. The average number of Afghans deported daily during the year was 896, compared with a daily average of 1,089 in 2008.

The IOM worked to renew a Memorandum of Understanding with the Government of Iran to offer advance notification of mass deportations in order to avoid overwhelming destination cities such as Herat. It was reportedly less expensive to be smuggled across the border than to pay for a temporary working visa--approximately 25,000 Afghanis (\$500) versus 40,000 Afghanis (\$800). Despite shared religious beliefs for Shia followers, Afghans were reportedly subject to ethnic discrimination and were shunted into low-skill manual labor. There were also reports that the Mahdi Army, an Iraqi Shiite insurgency force, paid high recruitment fees to young men.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in the August presidential and provincial council elections.

Elections and Political Parties

During the year approximately five million citizens voted in presidential and provincial council elections, and the first competitive presidential election in the country's history. Hamid Karzai was declared the winner. Elections were held amid significant security, geographic, and logistical challenges, including a prolonged intimidation campaign waged by insurgents. Nevertheless, more polling stations opened than in previous elections, the media and the public debated political alternatives, and the election followed the constitutional process.

Incumbent President Hamid Karzai and his main challenger, Abdullah Abdullah, both claimed victory ahead of the official verdict. After completing an audit and recount process that affected more than 3,300 polling stations nationwide, the Electoral Complaints Commission (ECC) invalidated nearly one million votes from the first-round election held in August, leaving incumbent Karzai with a final tally of 48.3 percent, just short of the constitutionally mandated 50 percent. Election officials scheduled a run-off for November 7. On November 1, Abdullah withdrew from the race, demanding major changes to guard against repetition of the reported widespread fraud in the August vote. Election officials declared President Karzai the winner.

International observers and civil society groups documented widespread instances of fraud, including ballot stuffing, ghost polling stations, and interference by staff of the IEC; fraud was especially notable in areas with high levels of insecurity, and insufficient female electoral staff and female election observers. Security arrangements were inadequate in many locations, and numerous irregularities occurred, including pervasive intimidation of voters and candidates, especially women. From August 20 through October 25, the ECC received approximately 2,800 complaints of electoral irregularities, of which 850 had the potential to affect the results of the presidential election, and 650 had a potential effect on provincial

council elections. After conducting initial investigations, on September 8, the ECC ordered a nationwide audit and recount. Using a sampling method agreed upon by the ECC and the IEC, the IEC audited a sample of 300 polling stations nationwide and found that 58 to 96 percent of votes were invalid. After analyzing the complaints related to the presidential election, the ECC invalidated the results of 3,400 voting stations and found clear and convincing evidence of fraud at 1,900 other stations. According to the ECC, final numbers for voter turnout could only be estimated; approximately 1.2 million votes were invalidated from 4.5 million votes cast.

Two women ran for president and seven for vice president; 328 women ran for the 124 provincial council seats reserved for women, more than ever before. In some provinces open seats remained for women because not enough female candidates contested the election.

According to UNIFEM, of the 4.5 million newly registered voters, approximately 38 percent were female, although percentages could not be confirmed because there was no voter list. Both under- and over-registration of women were reported. Insecure access to registration stations and the lack of female staff led to underregistration. In some provinces local IEC officials ignored the physical presence requirement, issuing voter identity cards for women whose male family members registered them in absentia; 13 provinces where this practice was widespread showed higher-than-average rates of female registration. Women voted in separate polling stations from men, yet the lack of sufficient numbers of female election workers hindered women's participation. At some voting sites, women were turned away for lack of available female workers. There was evidence that men also proxy-voted on behalf of women in many cases, as occurred in 2004 and 2005.

Insurgents targeted civilians and election officials in a campaign to disrupt national elections. Insurgents killed 31 civilians, including 11 IEC officials, and injured 50, in at least 135 separate incidents of IEDs, small-arms clashes, and rocket and mortar attacks on election day. The UN reported there were as many as 300 such incidents. Night letters and direct threats were reported countrywide, including the threat to cut off fingers marked with voting ink. Some schools identified as polling places received threatening letters. Integrated Regional Information Networks (IRIN), of the UN Office for the Coordination of Humanitarian Affairs, reported that on election day, Taliban insurgents attacked at least 26 schools used as polling places. Insurgents attacked a school in Paktya province the night before the elections as well as a secondary school in the Zormat district in Paktya on election day because it was used as a polling site. Also in Paktya, insurgents fired rockets at two madrassas serving as polling centers. In addition, insurgents fired two missiles at a school being used as a polling center. There were with no casualties.

The MOJ recognized 84 accredited political parties. Political parties were not always able to conduct activities throughout the country, particularly in regions where antigovernment violence affected overall security.

Women active in public life faced disproportionate levels of threats and violence. Many female MPs and provincial council members reported death threats. Women were also the targets of attacks by the Taliban and other insurgent groups. Women who received threats often moved throughout the country to evade those harassing them. According to UNIFEM, a female candidate's Kabul office was ransacked and tarred. A female candidate in Takhar province received night letters and multiple death threats targeting her and her children; her office was also vandalized. Armed men attacked the house of a provincial election candidate in Jalalabad. According to a Human Rights Watch report, the number of women in the civil service decreased to 21.4 percent, from a high of 31 percent in 2006. Most female MPs reportedly experienced some kind of threat or intimidation; most believed that the state could not or would not protect them. Some female MPs stated that unless the security situation improved, they were unlikely to run in parliamentary elections scheduled for 2010.

On August 4, female activists launched the "5 Million Women Campaign" to support female political participation, to encourage women to run as candidates, and to urge them to vote in the 2009 and 2010 elections.

In 2005 citizens elected 249 members of the Wolesi Jirga, the lower house of the National Assembly, in an election the majority of citizens viewed as credible. The president and provincial councils selected members of the Meshrano Jirga, the upper house of the National Assembly.

As required by law, there were 68 women in the 249-seat Wolesi Jirga; 30 percent of seats are reserved for women. UNIFEM expressed concern that the quota was interpreted as a ceiling rather than a floor, limiting the number of women to 30 percent. There were 23 women in the Meshrano Jirga. One woman served in the cabinet. No women served on the Supreme Court Council. There were 203 female judges.

There were no laws preventing minorities from participating in political life; however, different ethnic groups complained they did not have equal access to local government jobs in provinces where they were in the minority. The law requires that 10 seats of the Wolesi Jirga be allocated to Kuchi nomads. Some members of parliament disagreed with this allotment, arguing that under the constitution all groups were to be treated equally.

Section 4 Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption was endemic throughout society. For example, in Helmand the ANP human rights director reported that promotion, job retention, and other rewards often were based on financial payment and nepotism. 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. Provincial police benefited financially from corruption at police checkpoints and from the narcotics industry.

A lack of political accountability and low salaries exacerbated government corruption. The international community worked with the national and provincial governance structures to address the issue of low salaries. Police mentors addressed problems of corruption among police and justice officials at provincial and district levels.

The government made efforts to combat corruption in the security apparatus. On April 18, the Attorney General's Office established an Anti-Corruption Unit. Before the August 20 elections, the MOI trained and deployed more than 100 officers as provincial Inspectors General (IGs). Although their role was initially to investigate election-related claims against the police, they remained on duty after the election as general purpose IG officers. The MOI removed 12 senior officers for alleged corruption, along with 14 others. Merit-based promotion boards became functional during the year, with at least three candidates competing for each job; the process of instituting pay reform and electronic funds transfer for police salaries continued. The MOI continued to obtain training for its IG office.

On June 21, the MOI implemented an anticorruption program based on a 17-point action plan approved in March. The program included mentoring and development, tracking and reporting mechanisms for incidents of corruption and abuse, and support for merit-based promotion and asset declaration systems.

As in 2008, the government electronically direct deposited police and military salaries, making pay a more transparent and accountable process and less subject to corruption.

Observers alleged governors with reported involvement in the drug trade or past records of human rights violations received executive appointments and served with relative impunity.

The constitution provides citizens the right to access government information, except when access might violate the rights of others. The government generally provided access in practice, but officials at the local level were less cooperative to requests for information. Lack of government capacity also severely restricted access to information.

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. Hundreds of local human rights NGOs operated independently and included groups focusing on women's rights, media freedom, and rights of persons with disabilities. Government officials were generally cooperative and responsive to organization views. The government cooperated with international governmental organizations and permitted them to visit the country.

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.

The constitutionally mandated AIHRC continued to address human rights problems and operated without government interference or funding. The AIHRC was effective in drawing attention to major human rights problems, publishing numerous reports on a range of topics.

President Karzai signed the Action Plan for Peace, Justice, and Reconciliation in 2006; however, the government did not take any affirmative action in support of transitional justice.

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 Committee for Gender and Civil Society addresses human rights concerns. During the year these committees vetted several draft laws that went before the parliament and conducted confirmation hearings on several presidential appointees.

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

On July 19, President Karzai signed the SPSSL, a civil law governing family and marital issues. The law applies only to the 20 percent of the population who are Shia. Some Shia groups hailed the law for officially recognizing the Shiite minority; however, the law was controversial both domestically and internationally for to its failure to promote gender equality. Articles in the law of particular concern include minimum age of marriage, polygamy, inheritance rights, right of self-determination, freedom of movement, sexual obligations, and guardianship.

On July 19, President Karzai signed the Elimination of Violence Against Women (EVAW) law, criminalizing violence against women, including rape, battery or beating; forced or underage marriage; "baahd" (the giving of a female relative to another family to settle a debt or dispute); humiliation; intimidation; and the refusal of food. Penalties include prison terms of less than six months to the death penalty. Victims have the right to prosecute abusers, seek shelter in a safe house, and receive medical and legal aid, but the law was seen as only a small positive step for women, as implementation was a concern.

Article 17 of the EVAW law specifically punishes rape with life imprisonment, and if the act results in death of the victim, the perpetrator shall be sentenced to death. 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. Rape does not include spousal rape. Shari'a law, as interpreted in the local context and influenced by tribal customs, although uncoded, impeded successful prosecution of rape cases. The Koran does not specifically mention a punishment for rape, but under one interpretation of Shari'a, local tribal elders or religious leaders may treat rape as a form of adultery, punishable by stoning to death or 100 lashes of the whip, although there were no reports of such cases during the year. Under some interpretations of Shari'a, a woman who brings a charge of rape sometimes must produce four witnesses to prove that the rape occurred as a result of force. Accused men often claimed the victim agreed to consensual sex, which resulted in an adultery charge against the victim. The MOI reported 30 cases of rape in the country during the year, and the AIHRC reported 44 cases between January and September; the actual number of cases was probably much higher. The MOI reported 52 arrests in connection with rape cases. Statistics on convictions were unavailable. Rapes were difficult to document due to social stigma. Male victims seldom came forward. Peer sexual abuse was allegedly common; UNAMA Herat documented two rape cases in which the victims were three and four years old and the perpetrators were 14 and 20 years old. Female victims faced stringent societal reprisal, from being deemed unfit for marriage to being imprisoned. According to NGOs, authorities frequently raped women in prison.

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 the police and justice systems. UNAMA reported a slight decline in cases of violence against women active in public life. A total of 1,708 cases were reported from January to September, compared with 2,322 for the same period in 2008; however, the number of incidents was believed to be underreported. Human Rights Watch reported that 87.2 percent of women had experienced at least one form of physical, sexual, or psychological violence or forced marriage in their lifetimes. Many elements of society tolerated and practiced violence against women. Killing and assault against women commonly involved family members as suspects. Women widely reported that they were victims of violence, especially sexual violence. Police response to domestic violence was limited, whether because of the crimes never being reported, sympathetic attitudes towards perpetrators, or limited protection for victims, even as witnesses to a serious crime.

Two NGOs that ran women's shelters in Kabul reported an increase in referrals from police; however, an increase in referrals possibly reflected improved ANP training and awareness. Authorities rarely prosecuted abusers and only occasionally investigated complaints of violent attacks, rape, killings, or suicides of women. If cases came to court, the accused were often exonerated or punished lightly. NGOs confirmed that domestic violence occurred in most homes but went largely unreported due to societal acceptance of the practice. Most domestic violence cases involved beating women and children. In some cases men burned their wives in an attempt to mimic self-immolation.

During the year 27 domestic violence prosecutions resulted in convictions in Herat. According to the MOJ, neither Ghor, Badghis, nor Farah provinces had domestic violence prosecutors; the penal code does not differentiate between domestic violence and battery and laceration cases. Most provinces reported only one or two domestic violence prosecutions per year. Women occasionally resorted to self-immolation when they believed there was no escape from their situations. During the first nine months of the year, the AIHRC documented 86 cases of self-immolation, in contrast to 72 cases in 2008. Other organizations reported an overall increase during the past two years. The burn unit of the Herat Regional Hospital, which draws patients from Farah and Ghor as well, reported receiving eight to 10 cases of self-immolation per quarter; 95 percent of the cases were female.

There were 11 women's shelters across the country, some run by MOWA and some by NGOs. MOWA and other agencies referred women to the centers, which provided protection, accommodation, food, training, and health care to women escaping violence in the home or seeking legal support due to family feuds. MOWA reported receiving two to three new domestic violence victims a month; however, space at the specialized shelters was limited. Women in need of shelter who could not find a place in the Kabul shelters often ended up in prison.

According to a UN High Commission on Human Rights (UNHCHR) report, "unaccompanied" women were not accepted in society, so women who could not be reunified with their family had nowhere to go. The difficulty of finding durable solutions for women who ended up in a shelter was compounded by the societal attitude toward shelters, linked to the perception of "running away from home" as a serious violation of social mores. The misapprehension that safe houses were a "safe haven" for immoral women forced them to operate nearly clandestinely and in a precarious security situation. In lieu of relying on shelters, girls who sought to escape violence at home were reportedly sometimes "married" or "engaged" to older men as a means of providing them with safety; observers noted that officials across the justice sector promoted and accepted this practice.

Policewomen trained to help victims of domestic violence complained they were instructed not to reach out to victims but to wait for victims to come to police stations. This significantly hindered their work, as reporting domestic violence was not socially accepted, and many women could not travel to police stations alone. UNAMA reported police leadership often did not provide female officers with equipment or vehicles to do outside investigations. The 42 Family Response Units (29 in Kabul, seven in Mazar, four in Kunduz, two in Bamiyan, and three opening in Jalalabad) were staffed primarily by female police officers who addressed violence and crimes against women, children, and families. The 897 women serving in civilian and ANP positions in the MOI (including 94 officers and 225 patrol officers) offered mediation and resources to prevent future domestic violence.

Women continued to face pervasive human rights violations and remained largely uninformed about their rights under the law. Discrimination was particularly acute in rural areas and villages.

Denial of educational opportunities, limited employment options, and ongoing security threats continued to impede the ability of many women to improve their situation, despite the progress women in urban areas made toward access to public life, education, health care, and employment. According to UNAMA, there was an increase of violence against women working in the public sphere. On April 12, Sitara Achakzai, an outspoken human rights defender and local councilor in Kandahar, was killed; the Taliban claimed responsibility, but those close to her believe the killing may not have been related to the insurgency and instead could have been motivated by other personal or political factors. She had received threats for weeks before her death and had informed government officials of the risk she faced. By year's end no arrests had been made for her killing.

Societal discrimination against women persisted, including domestic abuse, rape, forced marriages, forced prostitution, exchange of girls to settle disputes, kidnappings, and honor killings. Despite the constitutionally protected right to travel freely, many women were forbidden to leave the home except in the company of a male relative. Such cultural prohibitions meant that many women could not work outside the home, and often could not receive access to education, health care, police protection, and other social services.

In September, in Uruzgan province, a man maimed his 16-year-old wife, cutting off her nose and ears, allegedly because she had brought shame to the family by running away after years of domestic violence; she was rescued by U.S. military forces, who found her abandoned in the mountains.

Ariana TV reported 39 cases of violence against women in Nimroz province from January to November. The Department of Women's Affairs in Baghlan province reported 74 cases of violence against women from January to November, compared to 67 cases in 2008, including six killings, three suicides, 10 runaways, 10 cases of food deprivation, eight forced marriages, seven broken engagements, and other cases of physical abuse. The head of the provincial appellate court in Baghlan province reported one case of female violence against another female. Extended family violence was reportedly widespread. On November 4, in Laghman, a mother-in-law reportedly poured gasoline on her 16-year-old daughter-in-law; the girl's clothes caught fire from the cooking stove. The U.S. military provided treatment for first-, second-, and third-degree burns from her chin to her waist and financial assistance to the family.

Although police, prosecutors, and judges discriminated against women in criminal and civil legal proceedings stemming from violence and forced marriages, increasing numbers of female attorneys successfully represented female clients in these types of cases in both formal courts.

According to Human Rights Watch and UNIFEM, more than 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; the practice cuts across social, ethnic, religious, tribal, and economic lines. According to the UNHCHR, only 5 percent of marriages were registered, leaving forced marriages outside legal control. The AIHRC recorded 28 cases from January to September of women given to another family for "baahd," to settle disputes or as a debt settlement, although a presidential decree outlaws baahd. The unreported number was likely to be much higher. IRIN reported that drug smugglers often demanded young brides when farmers failed to produce opium and lacked other means to repay their loans. In a practice known as "badal," a brother and a sister are married to another pair of siblings to avoid any payment having to be made.

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. Women also faced bigamy charges from husbands who had deserted them and then reappeared after the woman had remarried. Local officials imprisoned women in place of a family member who had committed a crime but could not be located. Some women resided in detention facilities because they had run away from home to escape domestic violence or the prospect of forced marriage. Several girls between the ages of 17 and 21 remained detained in Pol-e-Charkhi prison after fleeing abusive forced marriages.

Given the early marriage age, some women become widows in their 20s and 30s. Since widows were perceived as their in-laws' property, they could be forced to marry a brother-in-law, who may already have a wife; the late husband's family seized any property he left.

The AIHRC documented 51 honor killings throughout the year; however, the unreported number was believed to be much higher.

Prostitution existed, although it is illegal. Many observers considered "temporary marriages" a form of prostitution. Temporary marriages lasted from one day to a few months, in exchange for a dowry.

There is no law specifically prohibiting sexual harassment.

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 marriages, and lack of accurate biological knowledge limited their ability to do so. Oral contraceptives, intrauterine devices, injectables, and condoms were available commercially and through provincial hospitals. Men and women were equally diagnosed and treated for sexually transmitted infections, including HIV, when health care was available. NGOs reported that sexually transmitted diseases were widespread and typically went undiagnosed since most persons suffered from numerous untreated medical conditions.

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 Shari'a 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 the government intervened informally with local courts to encourage them to interpret laws in ways favorable to women.

MOWA and NGOs continued to promote women's rights and freedoms. According to UNIFEM, women made up 26 percent of government employees. The MOWA, the primary government agency responsible for addressing the needs of women, had provincial offices, but the organization suffered from a lack of capacity and resources. The provincial offices assisted hundreds of women by providing legal and family counseling and referring women they could not directly assist to relevant organizations.

Women and children were overwhelmingly the victims of preventable deaths due to illness. Of the 25,000 citizens who died from tuberculosis annually, 16,000 were women. Many households could afford neither the cost of health care nor transport to health-care facilities, and many women were not permitted to travel to health facilities on their own. Observers reported that 68 percent of the population had access to primary health-care centers within two hours' walking distance from their homes, an increase from 9 percent in 2002.

According to Save the Children and UNIFEM, the country had the second highest maternal mortality rate in the world. Only 14 percent of births had skilled attendants present, and only 12 percent of women received professional prenatal care. Early marriage and early pregnancy put girls at greater risk for premature labor, complications during delivery, and death in childbirth. Lack of skilled attendance during childbirth and lack of obstetric and postpartum care were key causes of maternal mortality. The number of trained midwives increased from 467 in 2002 to 2,500 during the year.

According to reports in the British medical journal *The Lancet*, both adults and children suffered from a broad spectrum of mental health problems, including depression, anxiety, and posttraumatic stress related to widespread social suffering and domestic violence as well as acts of war. Residents of Kabul were at greater risk, possibly stemming from social and economic stressors in the capital, including overcrowding, high living costs, widening inequalities, pressure on resources, and declining security.

According to Save the Children, although there was some diversity in household decision-making practices throughout the country, women generally exercised little decision making regarding marriage, timing of pregnancies, birthing practices, and child education. Informal social and familial pressure led the majority of women in rural areas to wear burqas, and most women wore head covering.

Children

Citizenship is derived by birth within the country's territory and from one's parents.

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

According to UNAMA and the AIHRC, 6,139,101 students were enrolled in primary and secondary school. 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. Although the rate of secondary school for boys was 10 times the rate for girls, boys were legally identifiable as "heads of household" as young as age 15, and many boys were forced to leave school to work.

Due to insecurity, inadequate facilities, poor quality of education, severe shortages of female teachers, early and forced marriages, the perceived need for girls to work at home, and cultural pressures, the status of girls and women in education remained a matter of concern. According to Save the Children, only 5 percent of girls attended secondary school. In many families girls stopped attending school at age 11 or 12 because parents would not permit their teenage girls to be taught by adult men. Nearly 29 percent of all educational districts lacked girls' schools. Nearly 80 percent of educational districts and several provinces lacked secondary schools for girls due to lack of female teachers; the AIHRC reported there were only 216 girls' high schools in the country, most of them situated in the provincial centers. Girls' enrollment was as low as 9 percent in some areas. Since 2001 most girls enrolled in schools were the first generation in their family to receive formal education.

Violence impeded access to education in increasing sections of the country from 2008 through year's end, as the Taliban and other extremists, as well as criminal gangs, threatened or attacked schools, especially girls' schools, as well as school officials, teachers, and students. Where schools remained open, parents were often afraid to send their children, particularly girls. The MOE reported that approximately 40 percent of children were deprived of access to education; the AIHRC reported 26 percent. The AIHRC reported that half of schools did not have adequate, safe, and appropriate space for learning. Many new schools in rural parts of Khost province were burned or destroyed; some communities hired their own security guards to protect their schools. In Kunduz province, according to the director of education, seven girls' schools closed, all in areas of high insurgent infiltration; the director stated that Taliban "policy" regarding girls' schools differed from place to place, and in some places the Taliban allowed schools to remain open. UNICEF reported from January to June there were 470 confirmed targeted attacks on education (schools, teachers, staff, and pupils), resulting in 30 deaths and 186 injuries to schoolchildren, teachers, and other school employees. The MOE reported to Human Rights Watch that unknown assailants poisoned 200 students; 196 were female. On July 9, in Logar province, a Taliban bomb near a school killed 25 persons, including 12 students.

According to a report by CARE, many schools were attacked repeatedly. Girls' schools were targeted more frequently than boys' or mixed-gender schools. Government schools were more frequently attacked than schools run by NGOs. Helmand, Kandahar, and Zabul provinces reported the highest number of closed schools. In Helmand province, for example, 180 schools, or 71 percent of the total, were inactive from March to July, but the MOE reopened 100 schools over the same

period; by December only 58 percent of schools in Helmand were closed. Only one school in Helmand was attacked during the year.

In Uruzgan province, education officials stated that state schools were open but many unofficial schools were also in operation. Individuals opened schools inside their homes and recruited local mullahs as teachers. In the Khus Uruzgan district of Uruzgan province, official schools were closed after insurgents abducted and beat the teachers. There were no updates to the November 2008 acid attacks against female students in Kandahar. 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.

Child abuse was endemic throughout the country, based on cultural beliefs about child-rearing, and included general neglect, physical abuse, sexual abuse, abandonment, and confined forced labor to pay off family debts. The Ministry of Labor, Social Affairs, Martyrs, and Disabled (MoLSA) stated that police frequently beat children. MOLSA reported that more than five million children lived in need of humanitarian assistance, and it recognized 23 categories of "Children Facing Threats," including forced marriage, trafficking, drug addiction, and neglect. During the year drought and food shortages forced many families to send their children onto the streets to beg for food and money. Police regularly beat and incarcerated children they took off the streets. 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.

The legal age for marriage was 16 for girls and 18 for boys. International and local observers estimated that approximately 60 percent of girls were married younger than 16. Under the EVAW, those who arrange forced or underage marriages may be sentenced to imprisonment of not less than two years. Article 99 of the Law on Marriage states 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 may have motivated families facing poverty, indebtedness, and economic crisis to pledge daughters as young as six or seven, 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.

Sexual abuse of children remained pervasive. NGOs noted that most child victims were abused by extended family members. A UNHCR report noted tribal leaders also abused boys. During the year the MOI recorded 17 cases of child rape; the unreported number was believed to be much higher. In January and February, the ANP arrested men in three separate cases of the rape of boys in Jowzjan province. According to the AIHRC, most child sexual abusers were not arrested. Numerous reports alleged that harems of young boys were cloistered for "bacha baazi" (boy-play) for sexual and social entertainment; although credible statistics were difficult to acquire, as the subject was a source of shame and "dancing boys" was a widespread culturally sanctioned form of male rape.

In extreme examples of child abuse, observers reported several instances of deliberately burned children in Paktya; the children sustained burns after their parents submerged them in boiling water.

The AIHRC reported the following incidents: in January in Mazar-Sharif, three men raped and killed a nine-year-old boy; the ANP later arrested the men. Also in January in Jowzjan province, three adults raped a 15-year-old boy; the ANP arrested the men. In February in Jowzjan province, police made arrests in the rape cases of a four-year-old boy and a seven-year-old boy; police arrested the adult. In August in the Dihdadi district of Balkh province, a 28-year-old man raped a seven-year-old girl; police arrested the man.

Child pornography, reportedly widespread, is not specifically prohibited by law.

Children were used in armed conflict (see section 1.g.)

Children were displaced due to the conflict. NGOs estimated as many as one-third of all refugees were children.

NGOs estimated there were 60,000 street children in urban areas. Street children had little or no access to government services, although several NGOs provided access to basic needs such as shelter and food.

Living conditions for children in orphanages were unsatisfactory. The MoLSA operated 34 residential orphanages and 22 day-care centers, designed to provide vocational training to children from destitute families. There were 18 private orphanages in the country. NGOs reported that 60 to 80 percent of 4- to 18-year-old children in the orphanages were not orphans, but 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.

Trafficking in Persons

The 2008 antitrafficking law was published on July 15. There were reports that persons were trafficked to, from, through, and within the country. The country was a source for women and children trafficked predominantly to Iran and Pakistan for forced labor and commercial sexual exploitation. Children were trafficked internally for forced labor as beggars or for debt bondage in the brick kiln and carpet industries. Women and girls were kidnapped, lured by fraudulent marriage or job proposals, or sold into marriage or commercial sexual exploitation within the country and elsewhere. Boys as well as girls were victims of trafficking. Men were trafficked to Iran and Pakistan for forced labor and debt bondage, as well as to Greece for forced labor in the agriculture or construction sectors. The country was also a destination for women and girls

from Iran, Tajikistan, and possibly China for forced prostitution. Sexual exploitation of boys, reportedly more widespread than sexual exploitation of girls, occurred in every region of the country, and internal trafficking was more widespread than cross-border trafficking. The MOI reported 75 cases of trafficking during the year.

The government took steps during the year regarding legislation, prosecution, prevention, and protection. In April the IOM and MOI signed an agreement establishing a cooperative framework to combat trafficking and assist victims of trafficking and other vulnerable migrants, expanding activities to six provinces: Nangahar, Helmand, Nimroz, Herat, Balkh, and Kunduz.

The IOM provided the MOI with countertrafficking technical support and capacity building, as well as help for victims. The IOM trained multiple law enforcement sectors, including the MOI, MOJ, ANA, ANP, border police, security agents, and the special unit for combating trafficking. The IOM assisted the MOI in developing a database on trafficking and organized crime and trained MOJ officials and judges, including members of the Supreme Court, in prosecution protocols in the six provinces.

The MOWA cooperated with NGOs that provide counseling and shelter to victims of trafficking. The IOM, in partnership with local NGOs, established the only shelter for victims of trafficking, providing reintegration assistance, including education and income-generating training.

Selling of children internally reportedly continued to occur. NGOs reported cases of false marriage, in which a girl was exchanged for a bride price to a buyer who intended to sell her. The Balkh Department of Labor and Social Affairs reported to the Child Protection Action Network that it was aware of several cases of unmarried women selling their newborns to health workers to avoid the social stigma of a giving birth outside of marriage or as a means of providing a stable future for the child. In July provincial authorities arrested one person in Tarin Kot bazaar in Uruzgan for selling a child. There were unconfirmed reports of similar cases in Kabul and in Kunduz province. There were no updates regarding the 2008 cases of child-selling.

The IOM was actively involved with the government in all aspects of countertrafficking, including protection, prevention, and prosecution. Adult victims were sometimes jailed.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons who have disabilities and to protect their rights, including 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 ICRC reported that accurate figures on the disabled population were not available, but estimated 800,000 mobility-impaired persons, of whom approximately 40,000 were limb amputees. MOLSA provided financial support to 88,000 persons with war-related disabilities. Fewer than 90 percent of persons with physical and mental disabilities had jobs. The AIHRC reported that of the nearly 200,000 school-age children with disabilities, only 22.4 percent attended school.

In the Meshrano Jirga, two seats for presidential advisors were reserved for persons with disabilities.

National/Racial/Ethnic Minorities

There were no updates regarding the June 2008 violence between Hazara and the Kuchi nomads in Wardak province; however, ethnic tensions between the groups were reported in Ghazni province, fueled by conflicts over grazing rights, especially in the high passes in Jaghato, Nawur, and Kwaja Omari.

On September 22, the Shia Turi-Sunni Bushara tribes on Paktya's Pakistan border reached a negotiated settlement, but ongoing low-level violence threatened to reignite the two-year conflict. The Bushara villages were surrounded by Turi tribal lands, and the Turi people were frequent victims of insurgent attacks.

Ethnic tensions between Pashtun and non-Pashtun groups, particularly in the Moqur and Qadis districts, resulted in conflict and occasional killings. In February members of a Pashtun group killed Hafizollah, a prominent non-Pashtun, and several of his family members. In retaliation, members of the non-Pashtun group killed several Pashtuns. In September, non-Pashtuns assassinated a Pashtun leader, Mowin Gholan, in retaliation for the killing of Hafizollah.

Claims of social discrimination against Hazaras and other Shias continued.

On September 6, Deputy Minister of Defense Akram acknowledged to the parliament that linguistic and ethnic discrimination occurred in the ANA. Observers claimed that soldiers with former Northern Alliance affiliation actively discriminated against soldiers from the southern provinces. Soldiers also reportedly discriminated along ethnic lines when harassing drivers at checkpoints.

Confiscation and illegal occupation of land by powerful individuals, in some cases tied to the insurgency, caused displacement in some situations. Discrimination continued in some areas, in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse, and detention.

Ethnic minorities continued to face oppression, including economic oppression. Dasht-i Barchi, one of Kabul's poorest neighborhoods, was home to a large Hazara population. Average earnings per day were 13 Afghanis (25 cents) per

person, although the minimum wage was 63 Afghanis (\$1.25) per day; average household size was nine to 10 persons. In Dasht-i Barchi, 60 percent of all families rented their homes and were therefore subject to landlord exploitation; 50 percent of families' income went to cover rent, and families moved frequently.

Observers noted that groups of migrant workers in Paktya province were regularly attacked and robbed just after receiving their salaries and prior to their departure from the province. Labor violations against migrant workers were also common; many companies allegedly did not pay local laborers for months at a time.

NGOs reported that although Ismailis (a minority Shia Muslim group who follow the Aga Khan) were not generally targeted or seriously discriminated against, they continued to be exposed to risks.

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

The law criminalizes homosexual activity; however, authorities only sporadically enforced the prohibition. Organizations devoted to the protection or exercise of freedom of sexual orientation remained underground. There were no reported instances of discrimination or violence based on sexual orientation, but 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. The Right of Association

The 1987 Labor Code allows workers to join and form unions. The government allowed several unions, including Central Council National Union Afghanistan Employees, the largest, and several smaller unions to operate without interference. Implementation of labor laws remained a problem due to lack of funding, personnel, political will, and central enforcement authority. Workers were not aware of their rights.

b. The Right to Organize and Bargain Collectively

The law allows workers to join independent trade unions. The country lacked a tradition of genuine labor-management bargaining. Articles 137-146 of the labor law identify the Labor Dispute Settlement Commission as the body investigating labor disputes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that such practices occurred. There were reports that women and girls were given away as household laborers to another family to settle disputes and debts. Many employers subjected child laborers to sexual exploitation and forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment

In July the 2008 labor code went into effect, setting the minimum age for employment at 18 years but permitting children 15 years and older to do "light work." Children between ages 16 and 18 may work only 35 hours per week. Children 14 years and older may work as apprentices. Children younger than 13 were prohibited from work under any circumstances, although this law was not observed in practice. There was no evidence that authorities in any part of the country enforced child labor laws.

Child labor remained a pervasive problem. According to UNICEF estimates, at least 30 percent of primary school-age children undertook some form of work and there were more than one million child laborers younger than 14. The AIHRC reported that 43 percent of child laborers were younger than 12 and 35 percent were between 12 and 15. Many child laborers worked as domestic servants, street vendors, peddlers, or shopkeepers. Children worked in the worst forms of child labor in several sectors, including carpet weaving, brick making, and poppy harvesting. Children were also heavily employed in agriculture, mining (especially family-owned gem mines), and organized begging rings. Some sectors of child labor exposed children to land mines. According to the AIHRC, 85 percent of child laborers were boys, but this figure did not include the uncounted number of girls who perform domestic work in their homes. Many families stated that they needed the income their children provided, but many reportedly also believed that work was useful for children. MOLSA and the Aschiana Foundation reported approximately 60,000 child laborers in Kabul alone, the majority of whom migrated to the city from other provinces. Children faced numerous health and safety risks at work, and some of them sustained serious injuries such as broken bones.

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

In August the Afghan Ministry of Foreign Affairs launched its first report on the Convention of the Rights of the Child. The

report recommended judicial and legal system reforms to ensure national compliance with international standards of child rights. The international community lauded the report as a milestone for children's rights in Afghanistan.

e. Acceptable Conditions of Work

In July President Karzai signed a law doubling the minimum wage to 4,000 Afghanis (\$80) for government workers. The minimum wage was 2,000 Afghanis per month (\$40) in the private sector, but in practice wages were not protected. The minimum wage did not provide a decent standard of living for a worker and family. Wages were determined by market forces, informal negotiation, or, in the case of government workers, dictated by the government. Many workers were hired as day laborers.

The law defines the standard workweek 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, and miners and 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. These standards were not effectively enforced, and citizens generally were not aware of the full extent of their labor rights under the law.

There were no occupational health and safety standards and no enforcement mechanism. Employment was at will, and MOLSA did not enforce the existing legal protections for workers. 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.

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