



**Australian Government**  
**Department of Foreign Affairs and Trade**



# **DFAT COUNTRY INFORMATION REPORT AFGHANISTAN**

18 September 2017

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## ACRONYMS

ABP	Afghan Border Police
ACJC	Anti-Corruption and Justice Centre
AIHRC	Afghan Independent Human Rights Commission
ALP	Afghan Local Police
ANA	Afghan National Army
ANDSF	Afghan National Defence and Security Forces
ANDSF	Afghan National Defence and Security Forces
ANP	Afghan National Police
CEO	Chief Executive Officer
CPD	Central Prison Directorate
CSO	Civil Society Organisation
DCEO	Deputy Chief Executive Officer
EVAW	Elimination of Violence Against Women (the EVAW law)
IDP	Internally Displaced Person
IOM	International Organisation for Migration
ISKP	Islamic State in Khorasan Province
MOD	Ministry of Defence
MOI	Ministry of Interior
NATO	North Atlantic Treaty Organisation
NGO	Non-Government Organisation
NUG	National Unity Government
PRD	Population Registration Department (within the Ministry of Interior)
SIGAR	Special Inspector General for Afghanistan Reconstruction
UNAMA	United Nations Assistance Mission in Afghanistan
UNOCHA	United Nations Organisation for the Coordination of Humanitarian Assistance

## GLOSSARY

<i>bacha bazi</i>	'dancing boys' who are forced to dance for adult male audiences in female attire and are often sexually abused
<i>hudud</i>	offences specifically referenced in the Koran
<i>loya jirga</i>	a Constitutional Grand Council, made up of members of the National Assembly and the provincial and district council chairs
<i>meshrano jirga</i>	the Afghan National Assembly's 102-seat Upper House ('House of Elders')
<i>mujahedeen</i>	members of a number of guerrilla groups that opposed invading Soviet forces and the Soviet-backed Afghan government between 1979 and 1992.
<i>sharia</i>	Islamic law
<i>taskira</i>	a certificate that is the most common form of identification in Afghanistan
<i>wolesi jirga</i>	the Afghan National Assembly's 250-seat Lower House ('House of the People')



# 1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgment and assessment at time of writing and is distinct from Australian government policy with respect to Afghanistan.

1.2 The report provides a general, rather than an exhaustive, country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the Migration Act 1958 states that:

Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in Afghanistan. It takes into account relevant and credible open source reports, including those produced by the US State Department, UK Home Office, World Bank, Chatham House, Transparency International, Amnesty International, Human Rights Watch, Freedom House, Reporters Without Borders, the Committee to Protect Journalists; UN agencies; and credible news sources. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT Country Information Report on Afghanistan and the DFAT Thematic Report on Conditions in Kabul (both published on 18 September 2015), and the DFAT Thematic Report on Security Conditions in Afghanistan: 1 January – 31 August 2016 (published on 5 September 2016). DFAT has also produced a separate Thematic Report on Hazaras in Afghanistan, published on 18 September 2017, which is referred to throughout this report.

## 2. BACKGROUND INFORMATION

### RECENT HISTORY

2.1 Afghanistan won independence from notional British control through the 1920 Treaty of Rawalpindi. The country existed as a monarchy until 1973, when a non-violent coup deposed Afghanistan's last king and established a republic. A 1978 counter-coup brought communist forces to power, supported by Soviet troops who entered Afghanistan in 1979 and remained until 1989. Opponents of the communist government, collectively known as the *mujahedeen*, fought a guerrilla campaign against it with American backing. The end of Soviet support contributed to the collapse of the communist government in 1992. However, infighting between the various *mujahedeen* factions led to a renewed civil war.

2.2 The Taliban, a hard-line politico-religious movement, emerged as the strongest faction, taking control of Kabul in 1996 and declaring an 'Islamic Emirate of Afghanistan'. The Taliban imposed an extreme interpretation of Islam in Afghanistan, including severe limitations on the freedoms of women and girls, and committed systematic human rights abuses against civilians (primarily non-Pashtuns). The Taliban also provided a safe haven for international terrorist organisations, most notably the al-Qaeda movement led by Osama bin-Laden, which conducted the September 11 2001 terrorist attacks in the United States. In response, a US-led international coalition (of which Australia was a member) joined with anti-Taliban Afghan elements to remove the Taliban from power. Hamid Karzai became leader of the 'Afghan Interim Authority' in December 2001, supported by United Nations-mandated international security forces.

2.3 A new constitution, ratified in January 2004, created the Islamic Republic of Afghanistan. Karzai won the country's first Presidential election later that year and won a second (and constitutionally mandated final) term in 2009, although the latter election was widely criticised for widespread irregularities. Another disputed election in 2014 resulted in rival candidates Ashraf Ghani and Abdullah Abdullah agreeing to share power in a 'National Unity' Government (NUG). Ghani succeeded Karzai as President of Afghanistan, with Abdullah assuming the newly established role of Chief Executive Officer.

2.4 Under a transition strategy beginning in 2011, Afghan National Defence and Security Forces (ANDSF) have gradually taken over full responsibility for security in the country. Although most foreign troops had withdrawn from Afghanistan by the end of 2014, as of July 2017 around 6,400 US troops and a further 5,000 troops from other coalition countries remained in Afghanistan in an advisory and training capacity under a North Atlantic Treaty Organisation (NATO)-led support mission. Approximately 2,000 US troops are deployed separately under a complementary mission, Operation Freedom's Sentinel.

2.5 Although progress has been made towards building a stable central government, the Taliban and other anti-government insurgent and terrorist groups continue to contest the Afghan government's control in many areas. No part of the country can be considered entirely free from conflict-related violence, with resulting negative effects on economic development, health care and education services.

## DEMOGRAPHY

2.6 According to the CIA World Factbook, Afghanistan's population was 33.3 million as of July 2017, with an annual growth rate of 2.34 per cent. Afghanistan's 2004 constitution recognises 14 ethnic groups: Pashtun, Tajik, Hazara, Uzbek, Baloch, Turkmen, Nuristani, Pamiri, Arab, Gujar, Brahui, Qizilbash, Aimaq, and Pashai. It is generally accepted that Pashtuns are the country's largest ethnic group at approximately 40 per cent, with Tajiks (approximately 25 per cent), Hazaras and Uzbeks (both approximately 10 per cent) the other major national ethnicities.

2.7 Dari (Afghan Persian) and Pashto are both recognised as official languages. Approximately half the population speaks Dari, which is generally used as the lingua franca. Approximately 35 per cent of Afghans speak Pashto; around ten per cent speak Turkic languages (primarily Uzbek and Turkmen); and the remainder of the population speak one or more of up to 30 other languages.

2.8 Afghanistan is still a predominantly rural society, with only an estimated quarter of its population living in cities. However, the country has experienced rapid urbanisation in recent years, triggered by conflict and natural disasters, large-scale returns from abroad and a lack of economic opportunity in rural areas. This has placed considerable pressure on the infrastructure of major cities (see also [Conditions for Returnees](#)). Kabul is Afghanistan's capital and largest city. The population of the city and its surrounding region has grown rapidly from a population of around 500,000 in 2001 to a UN-estimated population of around 5 million people in 2016, of whom 60 per cent were in Kabul city. Other major urban centres include Kandahar in the south, Herat in the west, Mazar-e-Sharif in the north, Jalalabad in the east, and Kunduz in the northeast.

2.9 Afghanistan has a significant number of internally displaced persons (IDPs), the result of both continuing conflict and natural disasters. The International Organisation for Migration (IOM) reported in January 2017 that conflict had displaced over 623,000 people in 2016, with an additional 450,000 expected to become internally displaced in 2017. Populations can and have been displaced from virtually all parts of Afghanistan, and areas of displacement have changed over time due to military operations.

## ECONOMIC OVERVIEW

2.10 Afghanistan ranked 171st out of 187 countries in the most recent UN Human Development Index (2015), and is the least developed country in Asia. Afghanistan has significant natural resources but these remain underdeveloped due to continuing conflict, poor infrastructure and governance, and an inability to access global markets due to the country's remote, landlocked and mountainous location. A poor regulatory environment and political uncertainty have also deterred international companies from investing to extract resources. The biggest sector of Afghanistan's economy is services, which account for almost half of its GDP. Agriculture accounts for around a quarter of GDP, with manufacturing and mining (13 per cent) and construction (12 per cent) the other major sectors.

2.11 While illegal in Afghanistan, opium poppy cultivation is common and is a major source of revenue for insurgent and criminal groups. The UN Office on Drugs and Crime reported in October 2016 that, despite continuing eradication efforts, opium poppy cultivation rose 10 per cent in 2016, and was particularly prevalent in the south, north and east of the country.

2.12 Inflows of international funds from official development assistance (ODA) and from the large foreign military presence drove economic growth over the last decade. The reduction of these flows as donors drew down their engagement in Afghanistan has been a key contributing factor behind a decline in economic growth in recent years.

## Corruption

2.13 Corruption is an endemic problem in Afghanistan. Transparency International ranked Afghanistan 169th out of 176 countries in its 2016 Corruption Perception Index, making it one of the world's most corrupt countries. In a comprehensive assessment published in February 2016, Transparency International found most Afghans felt that: they had a dysfunctional justice system in which corruption largely went unpunished and those with power enjoyed impunity; public sector recruitment was based on connections rather than merit; the paying of bribes to public officials for the provision of basic services was routine and expected; and there was a chronic lack of integrity among many elected officials.

2.14 Counter-corruption efforts in Afghanistan are gaining momentum, but from a very low base. In June 2016, President Ghani established an Anti-Corruption and Justice Centre (ACJC) by Presidential Decree. The ACJC conducts credible prosecutions of high-level corruption crimes, and includes a specialised policing unit, a prosecution unit, and anti-corruption primary and appeal courts. As of August 2017, the ACJC primary and appellate courts have heard 21 cases in public trials, including one that resulted in the sentencing of a senior official from the Ministry of Interior Affairs in February 2016 to 12 years' imprisonment for embezzlement.

## Health

2.15 The Afghan health system has improved significantly since 2001, but from a very low base. Whereas only around 10 per cent of Afghans had access to basic health services in 2001, this proportion rose to around 85 per cent of the population in 2015. World Bank data from household surveys show significant declines in maternal and child mortality between 2003 and 2015. Afghanistan continues to have one of the world's highest maternal mortality rates, and recent surveys suggest that rates may be considerably higher than previously thought. Rising populations of displaced people and continuing conflict pose significant challenges to the delivery of health services. The number of functioning health facilities quadrupled between 2002 and 2012, and the proportion of facilities with female staff increased considerably.

2.16 Despite improvements in some areas, decades of war and conflict have had a severe impact on the health sector. Afghanistan continues to have one of the highest rates of child malnutrition in the world, with around 55 per cent of children under five suffering from chronic malnutrition. The World Health Organization estimated life expectancy at birth in 2016 as 59 years for men and 62 years for women, below the South Asian regional average of 68 (for both sexes). While basic healthcare services are free, medicines can be expensive and/or out of date, excluding the poor from treatment for common illnesses. The Afghan healthcare sector remains heavily dependent on foreign funding.

2.17 Continuing armed conflict frequently inhibits access to health services in conflict-affected areas. Medical supplies are often unable to reach remote communities due to the security situation. Anti-government elements often threaten, beat, abduct or kill health care workers, specifically targeting polio vaccinators, whom they accuse of being part of a US conspiracy to weaken the Muslim population. Armed forces from both sides of the conflict occupy and utilise medical facilities for military purposes. In 2016, UNAMA documented 119 conflict-related incidents targeting or affecting healthcare providers and facilities, in which 10 civilians died, 13 were injured and 42 abducted, similar to figures documented in 2015. The majority of incidents involved threats, intimidation, harassment and abduction.

## Education

2.18 The Afghan education system has improved significantly since 2001, but from a very low base. School enrolments increased from around one million in 2001 (when the Taliban prohibited female



education) to approximately 10 million in 2015 (of whom 41 per cent were girls). The government has established over 13,000 schools, bringing the total number of schools in Afghanistan to 14,600. Basic public education is free and available to most Afghans, but the quality of education, availability of qualified teachers, and rates of attendance vary considerably across the country. Significant additional resources invested in basic education since 2001 has resulted in a large increase in the number of students graduating from secondary school. However, opportunities to advance to tertiary education are limited, and the technical and vocational education and training sector is underdeveloped and hampered by bureaucratic inefficiencies. Corruption is prevalent across the education sector. Fraud allegations, such as “ghost” students, teachers and schools occur from time to time.

2.19 The continuing armed conflict frequently threatens the accessibility of education services in conflict-affected areas, due to physical damage to infrastructure, and threats to students’ safety. Approximately 3.5 million school-aged children (mostly girls) still do not attend school due to lack of security, distance from school, lack of female teachers and cultural barriers. Armed forces from all sides of the conflict have on occasion occupied school facilities for military purposes, preventing students from accessing them.

2.20 In 2016, UNAMA documented 94 conflict-related incidents targeting and/or affecting education and education-related personnel, in which 24 people died and 67 were injured. These figures represented a 20 per cent decrease compared to 2015. The majority of incidents involved threats, intimidation and harassment.

Anti-government elements continue to oppose girls’ education, and to threaten and intimidate girls seeking to attend school and their teachers. Among the incidents documented by UNAMA in 2016 were the abduction of the headmaster of a girls’ school, the fatal shooting of a teacher at a girls’ school, and a number of incidents of intentional damage to girls’ schools.

## Employment

2.21 Paid employment in Afghanistan is heavily male-dominated. The World Bank last measured the labour force participation in 2014, putting the male labour force participation (aged 15 and above) at 79 per cent compared to only 15.9 per cent for women of the same age. Most paid workers—more than 80 per cent—work in vulnerable employment, characterised by insecure work arrangements, volatile earnings and low productivity. Agriculture, wholesale and retail trade, manufacturing and construction are the main sectors of employment. Unemployment and underemployment are high, with youth unemployment a particular concern.

2.22 The Afghan economy struggles to absorb the high numbers of people entering the workforce each year – estimated at up to 400,000 annually – in addition to the high numbers of Afghans returning from neighbouring countries (see [‘Conditions for Returnees’](#)). DFAT assesses that the low level of development and poor economic opportunities in Afghanistan act as a strong ‘push factor’ for both internal relocation and emigration from Afghanistan.

## POLITICAL SYSTEM

2.23 The 2004 Constitution established Afghanistan as an Islamic Republic, and set out the division of political powers. The Constitution grants the president wide powers over legislative and military affairs, but restricts time in office to a maximum of two five-year terms. Prior to the 2014 presidential elections, the executive consisted of a President and two Vice-Presidents, elected by direct vote for five-year terms, and eligible for a maximum of two terms in office. The post-election negotiations that resulted in the establishment of the NUG, added the positions of Chief Executive Officer (CEO) and two Deputy Chief

Executive Officers (DCEO) to the executive. According to the terms of the NUG's power-sharing arrangement, the President leads the Cabinet while the CEO oversees a council designed to implement government policies. However, the specific responsibilities of each of these positions are ill defined, and are a source of political uncertainty and instability. It remains unclear whether the positions of CEO and DCEO will continue to exist beyond the next presidential elections, scheduled for 2019.

2.24 Afghanistan has 34 provinces, each governed by a presidentially appointed governor, who oversees an elected council. Each province is divided into districts, which have their own elected councils.

2.25 The Afghan National Assembly is bicameral, consisting of the *wolesi jirga* ('House of People') and the *meshrano jirga* ('House of Elders'). The National Assembly has a range of powers, including the ratification, modification or abrogation of laws, and the approval of state budgets. It also has the power to approve or reject some appointments made by the President, such as Ministers, the head of the Central Bank and the Justice of the Supreme Court. The *wolesi jirga* has 250 seats, with members directly elected for five-year terms through a system of semi-proportional representation in a largely free, general, secret and direct ballot. Sixty-eight of the members must be women, including at least two from each province. The *meshrano jirga* has 102 seats, with two-thirds of members elected from provincial councils for four-year terms, and one-third nominated by the President for five-year terms. Half of the members appointed by the President must be women. A continuing process of electoral reform has repeatedly delayed parliamentary elections, due in 2015. Parliamentary elections are scheduled in July 2018, alongside district council elections.

2.26 The Constitution can be amended by a constitutional *loya jirga* (Grand Council), made up of members of the National Assembly and the provincial and district council chairs. The government can only convene a constitutional *loya jirga* on issues of independence, national sovereignty and territorial integrity. The 2014 agreement that established the NUG called for a *loya jirga* within two years to amend the Constitution to establish formally the CEO position, which is similar to that of a Prime Minister, but is not explicitly recognised in the Constitution. However, due to the delay in holding parliamentary elections (required as a precursor to holding the *loya jirga*), the *loya jirga* had not been held as of August 2017.

2.27 High levels of corruption, poor institutional capacity and the continuing security situation reduce the government's effectiveness in implementing policies and decisions. The unclear division of power between the President and the CEO has the potential to exacerbate these issues. The government's capacity to function varies across the country.

## HUMAN RIGHTS FRAMEWORK

2.28 Afghanistan's Constitution enshrines many fundamental human rights, including the right to life, liberty, and freedom from arbitrary arrest or detention. Afghanistan has ratified a number of international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Convention on Torture. A number of parliamentary committees in both the *wolesi jirga* and *meshrano jirga* also deal with human rights issues.

2.29 Decades of conflict, a lack of the rule of law, a culture of impunity, and corruption have had a severe impact on the government's ability to implement human rights guarantees. Parallel legal systems, including Taliban courts, which implement traditional interpretations of *sharia* (Islamic law), along with traditional tribal dispute resolution mechanisms, have often conflicted with internationally recognised human rights principles.

## National Human Rights Institution

2.30 The Afghan Independent Human Rights Commission (AIHRC) was established in 2002. The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) has accredited the AIHRC, which has held a 'fully effective' status ranking since October 2007. The AIHRC regularly publishes reports on human rights issues in Afghanistan. It relies almost exclusively on international donor funds.

## SECURITY SITUATION

2.31 The security situation in Afghanistan is complex, highly fluid, and varies considerably by location, including between rural and urban areas. A number of anti-government elements, most notably the Taliban, remain engaged in a violent armed insurgency against the government and its international partners. Allegiances between groups can change quickly. Arrangements of convenience exist, even between groups generally considered adversarial. Insurgent forces contest many areas of the country, and no part of Afghanistan can be considered free from conflict-related violence. In its most recent quarterly report to the US Congress in July 2017, the Special Inspector General for Afghanistan Reconstruction (SIGAR) reported that insurgent forces controlled, influenced or contested around 40 per cent of Afghanistan's districts.

2.32 Anti-government elements have regularly conducted attacks across Afghanistan, including a significant and increasing number of high-profile attacks in Kabul. The most common targets for insurgent attacks are government institutions, political figures, the ANDSF and other Afghan and international security forces, demonstrations, foreign diplomatic missions and international organisations. Mosques, schools, hospitals and other civilian targets are also vulnerable. Attacks can include small arms fire, indirect (rocket) fire, suicide bombings, car bombs, improvised explosive devices (IEDs) and complex attacks involving a combination of these methods.

2.33 Attacks are generally directed at specific targets, but the methods of attack can be indiscriminate and often result in civilian casualties. According to the Asia Foundation's 2016 Survey of the Afghan People, 69.8 per cent of Afghans were afraid for their personal safety. More detail on significant recent attacks against specific and identifiable groups is contained in other sections of this report, and in the DFAT Thematic Report on Hazaras in Afghanistan of 18 September 2017.

2.34 According to international and domestic observers, the general security situation in Afghanistan has deteriorated in recent years. According to UNAMA, 2016 saw the highest total civilian casualties recorded since it began the systematic documentation of civilian casualties in 2009. UNAMA documented 3,498 deaths and 7,920 people injured in 2016, representing a three per cent increase compared to 2015. In 2016, UNAMA documented record numbers of civilian casualties from ground engagements, suicide and complex attacks and explosive remnants of war, as well as the highest number of civilian casualties caused by aerial operations since 2009. UNAMA's Mid-Year Report for 2017 showed continuing high civilian casualty numbers – 1,662 dead and 3,581 injured. Key trends in the first half of 2017 were an overall decrease in civilian casualties from ground engagements, increases in casualties from improvised explosive device (IED) tactics, and a high number of casualties in Kabul from suicide and complex attacks.

2.35 In the second half of 2016 and first half of 2017, UNAMA documented a sharp increase in civilian casualties in Kabul and Herat caused by attacks claimed by a local organisation, Islamic State in the Khorasan Province (ISKP). The majority of attacks claimed by ISKP in this period targeted the Shi'a Muslim religious minority, as outlined in 'Shi'a' in the DFAT Thematic Report on Hazaras in Afghanistan of 18 September 2017. ISKP also claimed responsibility for several attacks against military targets in Kabul, although responsibility

for these attacks remains disputed. Prior to July 2016, all civilian casualties attributed to ISKP had occurred in Nangahar province.

2.36 Considerable ethnic and intra-ethnic tensions exist throughout the country, separate from the continuing armed conflict. Competition over land rights and access to scant resources can on occasion adopt ethnic overtones and escalate into community-level violence.

## Road safety

2.37 Afghanistan's road network is generally poor, particularly in the mountainous central highlands. Snowfall makes travel in winter more difficult, and can prevent travel on roads at higher altitudes for extended periods. Unsafe driving practices, such as speeding, exacerbate these problems, and traffic accidents account for the majority of fatalities on Afghan roads.

2.38 Insecurity compounds the poor condition of Afghanistan's limited road network, particularly on roads that pass through areas contested by insurgents. The Taliban, other anti-government groups and criminal elements target the national highway and secondary roads, and unofficial checkpoints manned by armed insurgents are common. Officers operating official checkpoints—drawn from the Afghan National Army (ANA) or Afghan National Police (ANP) with the aim of improving the security on the roads—can be inadequately trained and poorly paid. Corruption at these checkpoints is common.

2.39 Criminals and insurgents on roads tend to target people who appear wealthy or are associated with the government or the international community, in attacks that can include kidnapping for ransom (see following section). People from all ethnic groups are vulnerable to these attacks. It can be difficult to ascertain the motivation for attacks, and to separate criminal attacks from insurgent activity.

## Kidnapping/ Abductions

2.40 UNAMA documented 360 incidents of abduction of citizens in 2016 (although the report did not break down how many of these incidents occurred on Afghan roads). The 360 incidents involved the abduction of 1,900 civilians and resulted in 86 deaths and 49 injured. The UNAMA figures represent a decrease in the number of recorded incidents of abduction and related civilian casualties compared to 2015, when UNAMA documented 417 cases of abduction, in which 145 people died and 27 were injured. However, the number of civilians abducted in 2016 increased by 11 per cent from the 1,713 abducted in 2015.

2.41 UNAMA attributed almost all of the 2016 incidents to anti-government elements, who generally abducted civilians based on suspicions that they had connections to, or worked for, the government or security forces. However, UNAMA reported that there were also cases of anti-government elements abducting civilians for financial gain, with release predicated on payment of a substantial ransom. While most abductees were released unharmed following payment of ransoms or negotiations with local elders, anti-government elements often killed those abductees identified as off-duty members of the Afghan national security forces or their family members, civilian government staff, or people perceived to be government spies. Anti-government elements injured abducted civilians by beating or torturing them, or by shooting them during the initial abduction.

2.42 UNAMA documented five situations of mass abduction in 2016 in which anti-government elements abducted large groups of 45-200 civilians, with a view to identifying members of the Afghan national security forces. For example, in February anti-government elements stopped two private vehicles in Faryab province and abducted 110 male passengers, subsequently releasing 104 who provided civilian identity cards. The



abductors released the remaining six detainees after conducting investigations into their identities and determining no connection to Afghan national security forces.

2.43 In its Mid-Year Report for 2017, UNAMA documented 131 cases of abduction by anti-government elements, involving 467 civilians. The abductions resulted in 34 deaths and eight people injured, and represented a further decrease in the number of conflict-related abductions from the previous year.

2.44 DFAT notes that the UNAMA reports cover only abduction incidents perpetrated by parties to the conflict. They exclude incidents perpetrated by criminals, and by tribal and other groups that do not have a connection to the conflict. It can be difficult to ascertain the motivation for attacks, and to separate criminal attacks from insurgent activity connected to the conflict.

2.45 DFAT concurs with the assessment of UNAMA and other international sources that the primary motivations for these abductions include taking hostages for ransom or prisoner exchange, or to target those with connections to the government or international community. Ethnicity is rarely the primary motivating factor in these incidents, but can play a role once an abduction is in process.

2.46 The DFAT Thematic Report on Hazaras in Afghanistan of 18 September 2017 provides additional detail on the effect of kidnapping/abductions on the Hazara community.

## 3. REFUGEE CONVENTION CLAIMS

### RACE/NATIONALITY

3.1 Article 22 of the Constitution forbids all forms of discrimination and distinction between the citizens of Afghanistan. In practice, however, ethnic, tribal and family affiliations are important factors in almost every aspect of life in Afghanistan. Ethnic kinship is central to identity and acceptance in the community, and plays a crucial role in enabling Afghans to obtain shelter, employment and security. Afghans therefore tend to live in areas where their ethnic group constitutes the local majority. While the geographic distribution of ethnic groups is not uniform, Pashtuns mostly live in the southern and eastern provinces; Hazaras in the central provinces; and Tajiks, Uzbeks and Turkmen in the northern provinces. Members of all ethnicities reside in Kabul, but tend to live within their own communities.

3.2 The Constitution does not exclude any ethnic group from elections or political representation, and there are no laws preventing ethnic minorities from participating in political life. Ethnic minorities have their own media outlets, political parties and politically active representatives. The ethnic composition of candidates' leadership tickets is important for gaining the support of ethnic powerbrokers from many different groups, without which a candidacy would be likely to fail. There is evidence that political parties representing different ethnic groups are able to work together to defend their common interests.

3.3 Despite the constitutional prohibition, societal discrimination is widespread at the community level in Afghanistan. This discrimination manifests most commonly in the form of nepotism in favour of family, tribal or ethnic group members. For example, those making hiring decisions for both private sector and government positions may place more importance on ethnic, tribal or family connections than on merit. This societal discrimination may have negative consequences for members of other ethnic groups, particularly disadvantaged minorities.

3.4 Ethnic-based violence was particularly widespread during the civil war of the 1990s and under Taliban rule. Tensions reduced significantly after 2001 and there has been no large-scale ethnic violence since then. However, ethnic tensions continue to exist throughout the country at a local level and can result in sporadic low-level violence over issues such as land rights and/or access to natural resources. Intra-ethnic group violence also occurs occasionally, particularly between different Pashtun tribal groups.

3.5 DFAT assesses that members of ethnic groups who are in the minority in the geographic area in which they reside face a medium risk of societal discrimination based on ethnicity. This discrimination may include the denial of access to employment or housing, but is unlikely in most cases to include targeted violence on the grounds of ethnicity alone.

### RELIGION

3.6 Virtually all (approximately 99 per cent) Afghans identify as Muslim. Around 85 per cent of the Muslim community is Sunni, and around 14 per cent Shi'a. The remaining one per cent of the population consists of residual communities of other faiths, including Christians, Sikhs, Hindus and Baha'i. The

populations of these non-Muslim communities have shrunk considerably in recent decades, with most leaving Afghanistan. Those who remain face considerable societal discrimination, which may include violence, in addition to the economic and security challenges experienced by other Afghans.

3.7 The Constitution identifies Islam as the country's official religion. It stipulates that 'no law can be contrary to the beliefs and provisions of the sacred religion of Islam', and that the 'provisions of adherence to the fundamentals of the sacred religion of Islam and the regime of the Islamic Republic cannot be amended'. It requires that presidential and vice-presidential candidates be Muslim, and that all government ministers and members of parliament swear an oath of allegiance and obedience to the principles of Islam. The Constitution also declares that believers of other religions should be free within the law to exercise and perform their religious rites. However, non-Muslims have reported that they are generally unable to practise such rites openly, particularly traditional cremations for Hindus and Sikhs.

3.8 The Ministry of Hajj and Religious Affairs has primary responsibility for managing religious affairs. The law does not require the licensing and registration of religious groups, although the government has registered some mullahs (Muslim religious leaders). The Ulema Council is a group of influential Islamic figures whose senior members advise the President on Islamic moral, ethical and legal issues.

3.9 Anti-government elements have frequently targeted religious leaders and facilities (both Sunni and Shi'a) for violence and harassment. These attacks have generally targeted religious leaders perceived as being supporters of the government or the international community, rather than due to any religious motivation. UNAMA reported that civilian casualties resulting from attacks deliberately targeting mullahs and places of worship increased almost six-fold in 2016 compared to 2015, involving 87 deaths and 291 injured compared with 42 deaths and 14 injured the previous year. The increase in casualties was mainly due to the deliberate sectarian attacks targeting Shi'a. However, it also included an IED attack at a Sunni mosque in Nangahar province in June 2016, which killed the imam (reportedly the primary target of the attack) and two civilians, and injured 78 others. It is unclear whether the killers targeted the imam for his perceived association with the government or the international community, or because of his religious identity.

3.10 UNAMA's Mid-Year Report for 2017 noted there had been an increase in attacks by anti-government elements targeting influential religious scholars, which may indicate an emerging trend. UNAMA reported eleven such attacks in the first half of 2017, compared with two in the same period in 2016.

## Blasphemy and Apostasy

3.11 Article 1 of the 1976 Penal Code states that those committing crimes of '*hudud*' (offences specifically referenced in the Koran) should be punished in accordance with the provisions of Islamic religious law. The Penal Code does not specifically define or describe *hudud* crimes, but apostasy and blasphemy are generally included in this category, as is conversion from Islam. Mandatory sentences for *hudud* crimes have tended to be extremely harsh — up to and including the death penalty. However, the standard of proof in such cases is demanding. For most crimes, witnesses must corroborate claims before guilt can be established. Factors determining the veracity of witnesses include gender (disadvantaging women), community standing, the content of the statement, and the number of witnesses present.

3.12 Prosecutions and convictions for apostasy or blasphemy have been relatively uncommon since 2001. According to the US State Department, there were no prosecutions for apostasy or blasphemy in 2015. However, a newspaper editor/owner was reportedly arrested in October 2014 for blasphemy following publication of an editorial critical of Islam, while at least two reported prosecutions for blasphemy occurred in 2013.

3.13 Those accused of blasphemy or apostasy are particularly vulnerable to societal discrimination, which may take the form of extreme violence. In one notorious case in March 2015, a large group of people in central Kabul beat a woman to death, set her body on fire, and dumped it on a riverbank after a mullah had (falsely) accused her of burning a copy of the Koran. Several perpetrators, including serving police officers who failed to prevent the killing, were subsequently convicted and given sentences ranging from death by hanging (later commuted) to one year in prison. Some senior religious figures defended the actions of the attackers in ‘protecting their faith’ prior to discovering that the murdered woman had been falsely accused.

**Shi’a** (see DFAT Thematic Report on Hazaras in Afghanistan of 18 September 2017)

## POLITICAL OPINION (ACTUAL OR IMPUTED)

3.14 The Constitution guarantees citizens the right to elect and to stand for election (Article 33), and to form associations, including political parties (Article 35). Political parties cannot have military aims and organisations, affiliation with foreign political parties, or an organisation based on tribalism, parochialism, language or religious sectarianism (Article 35). The Political Parties Law (2009) and its associated regulations governs the operation of political parties. The law requires parties to have at least 10,000 members in order to be formally registered. Since April 2012, a regulation has required political parties to open offices in at least 20 provinces within one year of registration. DFAT is not aware of any instances of parties being deregistered because of this regulation.

3.15 There is no historical precedent of a legal, formalised role for political parties within the political system in Afghanistan. Before 2001, opposition movements and parties – whether communist left or religious right – were forced underground or into exile. Since 2001, however, former Islamist military factions, communist organisations, ethno-nationalist groups, and civil society organisations have transformed themselves into political parties. These parties represent a diverse cross-section of the political landscape and have evolved as institutions in recent years. None of these parties, however, organises around political beliefs or mobilises voters in the way that parties in mature democracies do. While the exact number is unclear, there are at least 55 officially registered political parties in Afghanistan. Despite the prohibition on political parties having military aims and organisation, many parties reportedly continue to maintain links with militias.

3.16 Elections in Afghanistan are associated with significant security and corruption issues. Plausible allegations of fraud, corruption and intimidation from candidates themselves and their supporters marred both the 2014 presidential elections and its run-off election. However, DFAT assesses that the Afghan political system is generally representative of the will of the people. Citizens are able to participate in political processes without discrimination through joining political parties and engaging in political processes. Low-profile members of political parties are unlikely to face official or societal discrimination based solely on their membership of that party. However, individuals perceived to support or have an association with the government face a risk of violence from anti-government elements (see ‘People associated with the government or international community’).

3.17 Article 36 of the Constitution guarantees the right to gather and hold unarmed demonstrations for attaining legitimate and peaceful purposes. Since 2001, most political demonstrations have been peaceful, and DFAT is not aware of systemic efforts by authorities to suppress political demonstrations. However, insurgent groups have occasionally targeted political demonstrations for attack. In July 2016, two suicide bombers attacked a peaceful demonstration protesting a decision relating to a cross-country power line project; killing at least 85 civilians and injuring around 400 (see also ‘Shi’a’ and ‘Political Opinion’ in the DFAT



Thematic Report on Hazaras in Afghanistan of 18 September 2017). While the motivation for this attack was religious rather than political, it nevertheless had the effect of ending large-scale political demonstrations by all Afghans in the short term. As of August 2017, large-scale political demonstrations had not resumed in Afghanistan.

3.18 DFAT assesses that the threat of violence from insurgent groups, which authorities have a limited capacity to prevent (see '[State Protection](#)'), has severely reduced the ability of Afghans of all ethnicities to conduct peaceful political demonstrations against the government.

## GROUPS OF INTEREST

### People associated with the government or international community

3.19 Insurgent and terrorist groups, particularly the Taliban, have openly targeted Afghans of all ethnicities working for, supporting or associated with the government and/or the international community. This includes, but is not limited to, government employees, judges and prosecutors, judicial workers, police, and Afghan and international security force personnel. Such people are often subject to intimidation, threats, abduction and targeted killings. These attacks occur throughout Afghanistan, but are particularly prevalent in Kabul.

3.20 According to UNAMA, in 2016 the Taliban claimed responsibility for 143 attacks against security or military forces and a further 82 attacks against civilians or civilian locations, all of which resulted in civilian casualties. UNAMA's definition of civilians and civilian locations includes government administrators, judges, prosecutors and judicial staff, humanitarian de-miners, and tribal elders, amongst others. The 225 attacks claimed by the Taliban killed 358 people and injured 1,106, and included the abduction of 260 civilians. The number of attacks claimed by the Taliban represented a 36 per cent decrease compared to the previous year, but the number of civilian casualties occurring during the attacks was comparable to the previous year. Most civilian casualties resulting from attacks claimed by the Taliban resulted from suicide and complex attacks carried out in civilian-populated areas. UNAMA's Mid-Year Report for 2017 reported that the Taliban had claimed responsibility for 54 attacks against security or military forces and a further 41 attacks against civilians or civilian locations. All of the attacks resulted in civilian casualties.

3.21 Many of the significant attacks carried out by the Taliban and other insurgent groups against government and/or international community targets in 2016 and the first half of 2017 occurred in Kabul. Attacks in 2016 included:

- a suicide bombing outside a police station on 1 February that killed at least 20 and injured 29;
- a suicide bombing near the Defence Ministry on 27 February that killed at least 12 and injured 50;
- a truck bomb attack on an intelligence training compound near key government ministries that killed 64 and injured 347;
- a suicide attack on a provincial appeals court on 25 May that killed 11 and injured ten;
- the assassination of a member of parliament on 5 June by a bomb attack that also injured 11;
- a suicide attack on a minibus that killed 14 Nepalese security guards employed at the Canadian Embassy (also claimed by ISKP);
- a suicide attack against police cadets on 30 June that killed at least 30 and injured 50; and

- twin suicide bombings on 5 September near the Defence Ministry that killed at least 41 and injured 103

This trend has continued into 2017, with attacks including:

- twin suicide bombings near the National Parliament on 10 January that killed at least 36 and injured 76;
- a separate bombing on 10 January in Kandahar that killed at least 11 (including the deputy governor of Kandahar, the United Arab Emirates Ambassador and five Emirati humanitarian workers) and injured at least 14;
- a suicide bombing at the Supreme Court in Kabul on 7 February that killed at least 20 and injured 41;
- a complex attack on a co-located police and military compound in Kabul on 1 March that killed at least 19 and injured 62;
- a complex attack on a military hospital in Kabul on 8 March that killed up to 150 and injured at least 60;
- a massive suicide blast in Kabul's diplomatic quarter on 31 May that killed at least 150 and injured at least 461. Subsequent protests resulted in the deaths of up to eight civilians, while further bombings at funeral processions of the 31 May incident also claimed more than a dozen lives;
- a suicide car bombing targeting a bus carrying government workers in Kabul on 24 July killed at least 35 and injured more than 40; and
- a suicide bombing and gun attack on the Iraqi Embassy in Kabul on 31 July killed two Afghani local employees and injured three police.

The above list is indicative rather than comprehensive. While the Taliban (and other insurgent groups, including ISKP) claimed responsibility for most of the attacks listed, several attacks (including the 10 January Kandahar bombing and the 31 May suicide bombing in Kabul) were unclaimed as of August 2017.

3.22 In most cases, people working with the government or the international community take substantial measures to mitigate the risks they face. This includes concealing their employment from their families, not travelling with documentation that would identify them as employees of international organisations, and deleting contact information from phones. Some international organisations reportedly instruct their staff not to carry identification that may incriminate them in this manner.

3.23 DFAT assesses that people working for, supporting or associated with the government and/or the international community (or perceived to be doing so) face a high risk of violence perpetrated by anti-government elements, particularly the Taliban. While ethnicity and religion are unlikely to be primary motivations for attacks on government workers, in some cases these issues may be contributing factors. Given the methods of attack used are highly indiscriminate in nature, this risk applies whether or not the person is the specific target of the attack or is a lower level employee of the organisation in question.

## Civil Society Organisations (CSOs)/ Non-Government Organisations (NGOs)

3.24 Afghanistan has a vibrant civil society sector committed to advocating for the rights of citizens. There are two main types of civil society organisations (CSOs): associations, governed by the Law on Associations (2013), and non-government organisations (NGOs), governed by the Law on NGOs (2005). Whereas only Afghans can found associations, foreigners can found NGOs. Both must be non-profit and non-political. As of August 2015, 5,789 associations (including social organisations, foundations, and unions) were registered

with the Ministry of Justice, and 2,060 NGOs were registered with the Ministry of Economy. There were also numerous informal and unregistered CSOs. CSOs have generally depended on international sources for funding. The decrease in foreign funding into Afghanistan in recent years has led to a decrease in CSO activities in some sectors.

3.25 CSOs, particularly NGOs, are subject to considerable administrative controls, including the requirement to provide semi-annual reports to the relevant Ministry. In 2015, 250 NGOs, including 11 foreign NGOs, were deregistered for failing to provide such reports. Since the establishment of the NUG in October 2014, coordination between CSOs and the government has improved. The NUG has committed to ensuring a meaningful role for CSOs in strengthening governance, rule of law and key political processes.

3.26 The continuing armed conflict frequently hampers the ability of CSOs and NGOs to conduct their operations in many parts of the country. CSO and NGO activists across the country have been vulnerable to intimidation, threats, abductions and targeted killings by anti-government elements, particularly the Taliban. In July 2016, UNAMA noted that a climate of fear had affected the ability of CSOs and NGOs to advocate for human rights.

3.27 While all CSOs and NGOs involved in education and health-related activities (including humanitarian de-miners – see 'People associated with the government or international community') are vulnerable to targeting, female CSO/NGO workers and those involved in advocating women's rights face a particular risk. UNAMA documented 54 incidents of targeted and deliberate killings against women civilian casualties carried out by anti-government elements in 2016, a 25 per cent increase compared to 2015. The 2016 incidents included the murder of a female NGO worker (and schoolteacher) actively engaged in aid and election projects in Badakhshan province on 15 October; and the murder of a woman in her home in Farah province on 12 November, after anti-government elements had accused her of campaigning against violent extremism.

3.28 During the Taliban occupation of the city of Kunduz in late 2015, occupation forces systematically targeted CSO advocates and services, particularly those involved in women's rights, with looting and violence. Lists of names had reportedly been prepared prior to the occupation, indicating a high level of sophistication in planning. The AIHRC reported that its Kunduz office was ransacked and many of its records taken. Most of the incidents occurred in proximity to areas under Taliban control and influence.

3.29 DFAT assesses that CSOs and NGOs face a low risk of official interference, despite some occasional administrative over-regulation. However, CSOs and NGOs face a high risk of violence from anti-government elements, including intimidation, threats, abductions and targeted killings. DFAT assesses that female CSO/NGO workers and those involved in advocating women's rights face a particular risk.

## Media

3.30 Article 34 of the Constitution states that freedom of expression 'shall be inviolable', and guarantees citizens the right to print and publish on subjects without prior submission to state authorities. The Mass Media Law (2009) codifies press freedoms and limits government interference, but requires media outlets to register with the Ministry of Information and Culture. The law also prohibits the publication of materials considered to be in contradiction with Islam. Afghanistan has an Access to Media Law (2014), but its implementation remains limited.

3.31 Afghanistan's media sector has expanded significantly since the overthrow of the Taliban regime, which banned all independent media, outlawed television, and permitted only one government-run radio station (which broadcast only religious programs and news). Freedom House reported in 2016 that Afghanistan was home to 83 local and national television channels, 161 radio stations, 325 print outlets, and

12 news agencies. The quality of journalism is highly variable, and there have been reports of poorly paid reporters publishing false reports in return for payment. The government owns some media outlets, but most are in private hands. While radio is still the main source of news for most Afghans, particularly in rural areas, television has made significant inroads. Newspaper readership is low, due to the comparatively low literacy rate, distribution difficulties, and the rise of new broadcast options. Internet penetration has gradually increased due to the wider use of smartphones and the expansion of mobile internet service, but remains largely the preserve of the young urban elite.

3.32 Media outlets routinely cover stories that are critical of the government, including reporting on human rights abuses and serious crimes against women and children. However, on occasion authorities have reportedly threatened journalists and forced the closure of media outlets for reporting on official corruption and other sensitive topics. Female journalists in particular encounter regular harassment and threats, which have caused some to leave the profession. In August 2016, President Ghani's security detail beat nine journalists during a visit to Bamiyan city. In response, the National Security Council approved the Procedure for Immunity and Security of Journalists and the Press, aimed at protecting journalists from violence.

3.33 In January 2016, President Ghani issued a presidential decree affirming Afghanistan's commitment to freedom of expression of the media, and ordering the police and security services to improve their behaviour towards journalists and to respect the Mass Media Law, including through providing access to journalists in a timely manner. The government established a commission in March to investigate cases of murder and violence against journalists and media workers since 2001. The commission subsequently referred more than 400 cases to relevant authorities for further investigation.

3.34 Journalists attempting to cover the continuing conflict face an acute risk of violence from both anti-government elements and state actors. Reporters Without Borders directly connected the killing of three Afghan journalists and seven media assistants in 2016, and of one journalist and seven media assistants in 2017, with their journalistic work. These figures do not include a January suicide attack against a minibus transporting staff of the Tolo media organisation that killed eight civilians and injured up to 30 others. The Taliban claimed responsibility for this attack. According to UNAMA, journalists operating in areas affected by armed conflict (particularly Farah, Kunduz and Uruzgan provinces), reported practising self-censorship as a measure of self-protection against direct or perceived threats or intimidation. In 2016, the Taliban issued at least 11 statements threatening media.

3.35 DFAT assesses that journalists who report on official corruption and other sensitive topics face a moderate risk of official discrimination in the form of threats, verbal harassment and other attempts to interfere with their work, which may include physical violence. Female journalists are particularly likely to receive harassment and threats. DFAT assesses that journalists attempting to cover the continuing conflict face a high risk of violence from both anti-government elements, particularly the Taliban, and state actors. This risk may include threats, intimidation, and targeted killings. Such journalists are unlikely to be able to operate freely.

## Women

3.36 The Constitution provides a number of guarantees in relation to women's rights, including equality before the law, the right to an education, and the right to work. There are also constitutional provisions for ensuring women's political representation, including through presidential appointment (see '[Political System](#)'). In June 2015, the government launched a National Action Plan to implement UN Security Council Resolution 1325 on Women, Peace and Security, although implementation was not complete as of August 2017. Despite various laws providing for the participation of women in public and social life, discrimination against women remains systemic and pervasive and flows through to the administration of the entire public



sector. For example, only 2,500 out of 150,000 police are women. For cultural and customary reasons, male family relatives generally accompany female police officers when they undertake their training.

3.37 Women accounted for approximately 40 per cent of registered voters and 16 per cent of candidates in the 2010 parliamentary elections, and 69 female candidates were elected, representing more than a quarter of the parliament. There are currently four female ministers (and one acting minister), and seven female deputy ministers. There is one female provincial governor (Daykundi Province) and four female Afghan Ambassadors serving overseas. A number of women occupy positions in both the Presidential and CEO's offices. The government has made conscious efforts to increase female representation in the police and armed services, although cultural customs and discrimination have hampered recruitment and retention efforts.

3.38 Women's rights have improved significantly since the end of the Taliban regime, which comprehensively and unequivocally excluded women from public life. However, women's place in society remains deeply contentious. Parliament rejected the first female nominee to the Supreme Court in July 2015 following objections from conservative groups, including female MPs. Societal, cultural and religious barriers continue to limit considerably the extent to which women are able to participate fully in Afghan society, as does socio-economic status and geographic location. Women in conservative rural areas are highly unlikely to be able to access education or employment opportunities.

3.39 Since the fall of the Taliban, Afghanistan has seen a slow emergence of women's rights advocates, including high-profile female civil society representatives. Women's services and protection shelters have gradually spread across the country. However, these are sometimes viewed with suspicion within the conservative culture of rural Afghanistan. The Taliban in particular have long been averse to this trend and have directly targeted women's rights advocates and female CSO/NGO workers (see '[Civil Society Organisations \(CSOs\)/ Non-Government Organisations \(NGOs\)](#)').

3.40 Anti-government elements have also targeted women active in public life and women employed in non-traditional sectors such as policing and security, limiting their ability to participate in these areas for fear of reprisal. For example, in December 2016, anti-government elements killed five female employees of a private security company in Kandahar city. While the precise circumstances remain unclear, UNAMA reported that the women appeared to be targeted simply because they worked outside their homes.

## Family Laws

3.41 The Afghan Family Law (1976) governs matters relating to family (including marriage, divorce and inheritance) for Sunni Muslims. This law provides some important protections to women in child custody, inheritance and divorce rights. However, it also allows women to marry at the age of 16, in contravention of the Convention of the Rights of the Child (to which Afghanistan is a signatory), which specifies 18 as the minimum marriage age for both sexes. Women's rights organisations have criticised the law for containing inadequate provisions for the requirement of consent to marriage, and providing unequal rights to divorce and inheritance between men and women. As noted in 'Shi'a' in the DFAT Thematic Report on Hazaras in Afghanistan of 18 September 2017, a separate Shi'a Personal Status Law (2009) governs family law for the Shi'a community. Women's rights organisations have criticised this law for derogating some constitutional rights for women, instead leaving religious authorities to determine questions around inheritance, marriage and other personal freedoms.

## Violence Against Women

3.42 Violence against women, particularly domestic violence, is endemic in Afghanistan. A 2010 survey by UN Women found that nearly 90 per cent of Afghan women had experienced physical, sexual or psychological violence in their lifetime, with 62 per cent experiencing multiple forms. DFAT assesses that the findings of this report remain valid. Violence may take the form of kicking, slapping, and beating with weapons such as wire, sticks, and gun butts. Acid attacks occur frequently, with many attributed to armed groups opposed to girls' education and others committed by rejected suitors. Most violent attacks go unreported. Women who seek help to escape sexual or physical violence often face indifference or criminal sanctions for committing 'moral crimes' such as adultery or running away from home (see also '[Detention and Prison](#)'). Women who walk outside unaccompanied by a man often experience abuse or harassment, including physical groping, and are likely to be blamed for the assault.

3.43 So-called 'honour killings' occur frequently in Afghanistan. The AIHRC conducted a National Inquiry on Rape and Honour Killing from 2011-13, and reported in June 2013 that it had recorded 243 cases of honour killing and 163 cases of sexual assault within the two-year study period. A much larger number of cases went unreported and included cases reported as suicide and self-immolation. Under the Penal Code, a man convicted of honour killing after finding his wife committing adultery cannot receive a sentence of more than two years' imprisonment.

3.44 The continuing conflict has a particular impact on women and girls, who are not only killed and injured in high numbers but suffer restricted access to education and healthcare and freedom of movement. UNAMA documented 1,218 female casualties (341 deaths and 877 injured) in 2016. These figures were commensurate with the 2015 statistics, but represented almost a 400 per cent increase in the number of total female casualties over a six-year period beginning in 2009. Women face additional difficulties when displaced by conflict, or when widowhood makes them the primary breadwinner in their families.

3.45 In 2009 then-President, Karzai issued a presidential decree that introduced the Ending Violence Against Women (EVAW) law. The EVAW law criminalised forced, underage and 'bad' marriages (the practice of settling disputes in which the culprit's family trades a girl to the victim's family to settle a dispute), made rape punishable by prison sentences of 16-20 years or by death should the rape result in the death of the victim, and banned the humiliation and intimidation of women. Enforcement of the EVAW law remains uneven – according to the UN and Human Rights Watch, an estimated 70 per cent of marriages in 2015 were forced, and many brides continued to be younger than the legal marriage age of 16. There are reports that women who have sought assistance under the EVAW law in cases of forced marriage or rape have been forced to undergo virginity tests.

3.46 Women in areas where anti-government elements have a greater level of control tend to face greater difficulties in terms of access to justice, due to parallel justice systems that routinely discriminate against women. For example, DFAT is aware of cases whereby a tribal court may respond to an incident of domestic violence by ordering a mediation session, which excludes the female victim.

3.47 DFAT assesses that majority of Afghan women, regardless of ethnicity or socio-economic status, face a high risk of official discrimination and a high risk of societal discrimination. Long-standing traditional values and gender roles continue to restrict significantly the participation of women in the community and workforce, in both the public and private sectors. DFAT assesses that Afghan women face a high risk of gender-based violence, including sexual assault and domestic violence, while Afghan girls face a high risk of being forced into early or involuntary marriage. Afghan women working outside the home, in non-traditional areas such as policing or security, or in areas advocating women's rights, face a high risk of violence, including targeted killings. Afghan women are particularly vulnerable to the effects of the continuing armed conflict, and face an elevated risk of conflict-related death or injury.

## Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Individuals

3.48 Homosexual sex is illegal in Afghanistan. Article 427 of the Penal Code defines homosexual sex as 'pederasty' (sexual activity between a man and a boy), and provides for the use of the death penalty in accordance with *sharia*. DFAT understands that there have been no instances of the death penalty been carried out on this issue since the overthrow of the Taliban regime. However, there have been frequent credible reports that individuals perceived to be homosexual (almost exclusively males) have continuing difficulties with the police, including harassment and/or arrest (usually on spurious charges).

3.49 In addition to legal constraints, strict social and cultural taboos severely constrain an individual's freedom to identify publicly as homosexual. There are credible reports of individuals being dismissed from their jobs, disowned by their families, restricted from accessing health services, being robbed, pressed for sexual favours, or raped because of suspicions that they are homosexual. No organisations publicly advocate improved rights for lesbian, gay, bisexual, transgender or intersex (LGBTI) people. Although lesbian women are not subject to prosecution under Article 427, the low levels of autonomy for women, including financial, mean it is difficult for women to have primary relationships without men. There is little specific information available about the situation faced by either transgender or intersex Afghans.

3.50 DFAT assesses that LGBTI individuals face a high risk of official discrimination, including by entrapment, arrest, harassment and mistreatment by police. DFAT assesses that such individuals face a high risk of societal discrimination, which may include violence. Continuing traditional views about sexuality and gender considerably restrict their ability to live openly, and to participate in the community and workforce.

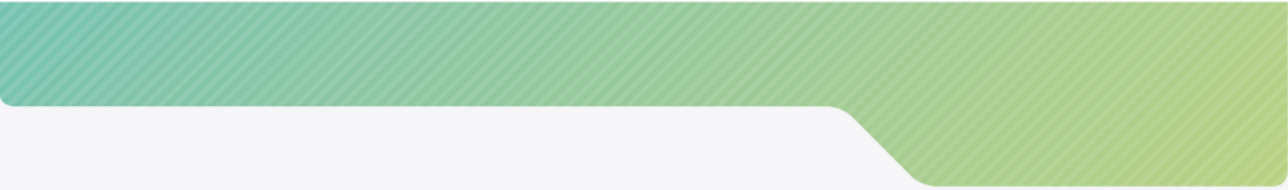
## Children (see also '[Education](#)')

3.51 Children continue to suffer severe human rights abuses because of the continuing armed conflict. According to UNAMA, child casualties have risen year-on-year since 2013. In 2016, UNAMA documented 3,512 child casualties (923 deaths and 2,589 injured), a 24 per cent increase on 2015. Ground engagements accounted for more than half of these casualties. The number of child casualties resulting from the detonation of explosive remnants of war increased by 65 per cent in 2016.

3.52 There have been consistent reports of both the Afghan security forces and anti-government elements recruiting children as active parties to the continuing armed conflict. The UN Country Task Force on Monitoring and Reporting reported in August 2016 that it had recorded 15 incidents of recruitment and use of children by parties to the conflict involving 34 children. Of these, the Taliban recruited and used 26 children, other anti-government elements recruited four, and the Afghan Local Police (ALP) recruited and used four. Anti-government elements recruited and trained at least three boys as suicide bombers, including a (reportedly mentally ill) nine-year-old who was killed when his suicide vest detonated prematurely in Kandahar province in March. Given the high likelihood of under-reporting, the actual scale of child recruitment by parties to the conflict is likely to be much higher.

3.53 Child abuse is an endemic problem throughout Afghanistan, and may include general neglect, physical abuse, sexual abuse, abandonment, and confined forced labour to pay off family debts. Sexual abuse of children is pervasive – NGOs have reported that extended family members often abuse girls, while men outside their families more frequently abuse boys. There have been credible reports of religious figures sexually abusing children of both sexes, and of security officials and those connected to the Afghan National Police (ANP) raping children with impunity.

3.54 The practice of *bacha bazi* (dancing boys) involves young boys being forced to dance in female attire for audiences of adult males, after which sexual abuse (including gang rape) often occurs. Many of the boys are reportedly either kidnapped or sold by their impoverished families. Although it occurs nationwide, the



practice is reportedly most prevalent in conservative rural areas, particularly among Pashtun groups in the south and southeast and Tajik groups in the north. *Bacha bazi* is not widely seen as homosexual behaviour, but rather as a cultural practice. Although outlawed under the Taliban, there are consistent reports that the practice has seen as a resurgence, including in political circles and among senior members of the police and Afghan security forces. DFAT understands that there have been some moves towards introducing a law to specifically outlaw the practice, but it is unclear how far this process has progressed.

3.55 DFAT assesses that children in Afghanistan face a high risk of violence and sexual abuse. Afghan children are particularly vulnerable to the effects of the continuing armed conflict, and face a high risk of being killed or injured.



## 4. COMPLEMENTARY PROTECTION CLAIMS

### ARBITRARY DEPRIVATION OF LIFE

#### Extra-Judicial Killings

4.1 Extra-judicial killings take place frequently in Afghanistan in the form of targeted killings carried out by both state actors and anti-government elements. In 2016, UNAMA documented an increase in the killing of civilians by regular Afghan security forces (excluding the ALP and pro-government armed groups) outside the context of ground engagements or other formal operations. UNAMA documented 37 incidents in which 35 civilians died and eight were injured compared to 20 incidents in 2015 in which 21 civilians died and seven were injured. Most incidents involved scenarios in which Afghan national security forces shot and killed or injured civilians believing them to be anti-government elements. However, UNAMA also documented incidents of extrajudicial killings and killings by Afghan national security forces abusing their positions of power.

4.2 Of the 37 documented incidents involving government security forces in 2016, UNAMA reported that: 17 incidents involved Afghan national security forces killing civilians after mistaking them for anti-government fighters; seven incidents involved extra-judicial killings in retaliation for earlier attacks; eight incidents arose from Afghan national security forces abusing their position in a way that caused civilian death; four incidents resulted in civilian deaths in unclear circumstances; and one civilian was accidentally killed.

4.3 Based on information received from provincial authorities on these 37 incidents, nine resulted in the arrest, detention and subsequent investigation and/or prosecution of the accused, six of which are at various stages of the legal process as of August 2017. Two cases resulted in conviction and sentencing of the accused. Of the remaining cases, mediation resolved two incidents and four incidents underwent apparent investigation with no ultimate finding of wrongdoing. Eleven cases resulted in no subsequent investigation of the incident. Authorities reported that no investigation resulted in relation to at least two incidents because the families of the victims did not file a petition.

4.4 In its Mid-Year Report for 2017, UNAMA reported a further 21 incidents of killings of civilians by Afghan national security forces outside of the context of ground engagements, search operations, or escalation of force incidents, resulting in 18 deaths and 11 injured. In 11 cases, Afghan national security forces killed and injured civilians after mistaking them for anti-government elements; while ten cases involved retaliation for further attack or other undisclosed reasons.

4.5 UNAMA has noted that, while in some instances authorities conduct their own investigations following the killings, in others authorities have concluded that the victims were anti-government elements without further investigation, or have requested families to submit formal, written complaints to initiate investigations – a difficult burden given the low literacy rates among large segments of the population.

4.6 As noted in ‘[People associated with the government or international community](#)’, anti-government elements regularly use targeted killings in their campaign against the government, its supporters and the international community. DFAT assesses that extrajudicial killings carried out by anti-government elements are rarely fully investigated or prosecuted.

## Enforced or Involuntary Disappearances

4.7 Afghanistan has not signed the International Convention for the Protection of all Persons from Enforced Disappearance (2010). There are countless people missing because of the continuing armed conflict and decades of civil war, and there continue to be reports of disappearances attributed to Afghan security forces. DFAT is not able to provide additional information in this regard. As noted in ‘[Kidnapping/ Abductions](#)’, anti-government elements have also reportedly been responsible for disappearances and abductions.

## DEATH PENALTY

4.8 The Penal Code (1976) and *sharia* permit the use of the death penalty for a range of offences. The Supreme Court must consider death sentences upheld by lower courts, and Article 129 of the Constitution states that presidential approval is required in order to carry out executions. Since 2008, executions have been carried out for offences including aggravated murder, murder, rape, treason, espionage, kidnapping not resulting in death, and terrorism. The law provides for the application of the death penalty in relation to several other offences, including sex outside of marriage, but DFAT is not aware of courts imposing the death penalty in any such cases. Hanging is the usual method of execution; firing squad has been used on occasion. DFAT understands that as of August 2017 there were approximately 600 prisoners on death row.

4.9 Despite the high numbers of prisoners on death row, executions have been relatively rare in Afghanistan since 2001. When executions have occurred, they have mainly been in relation to cases of kidnapping, murder, or rape. Following an execution in February 2015, the government announced a moratorium on the use of the death penalty. In April 2016, however, President Ghani announced he intended to reinstate executions for militants convicted of terrorist offences. Six prisoners were executed in May 2016, two of whom had reportedly taken part in a high-level assassination. In response to the 31 May 2017 suicide attack in Kabul, President Ghani issued a decree ordering the execution of 11 Haqqani Network and Taliban prisoners. DFAT is not aware of any executions in Afghanistan in 2017.

4.10 Summary executions by beheading, shooting and hanging reportedly occur frequently in areas controlled by anti-government elements, particularly the Taliban. In 2016, UNAMA documented 38 civilian deaths by summary execution, although this number is likely to be a conservative estimate given the limited access to areas controlled by anti-government elements.

## TORTURE

4.11 Article 29 of the Constitution prohibits torture. Under Articles 415 and 416 of the Penal Code (1976), coercion, threats and torture of people in detention are punishable by up to ten years’ imprisonment. In January 2015, President Ghani launched a national action plan to eliminate torture. As of August 2017, however, the government had not yet implemented the plan, nor made public any information on investigations into cases of torture.

4.12 Consistent credible reports claim that government officials, security forces, detention centre authorities, and police routinely utilise excessive force, including torture. This generally takes the form of interrogation techniques that deliberately inflict pain and suffering on detainees to extract a confession or information. A February 2015 UNAMA report on the treatment of conflict-related detainees found credible evidence that 35 per cent had experienced torture or significant mistreatment either at the time of their arrest or during their subsequent detention. This result represented an improvement on an earlier UNAMA report, which found that 49 per cent of those detained had experienced torture or significant mistreatment. Due to the limitations of the survey – including a lack of access for UNAMA into a number of detention facilities – it is not possible to state with any certainty that there has been an actual decrease in the incidence of the use of torture. A number of international observers, including the US State Department, Human Rights Watch and Amnesty International, have reported that Afghan security officials accused of torture and abuse are rarely held to account.

4.13 UNAMA also documents torture and other abuses carried out by anti-government elements, including the Taliban, to punish civilians for alleged infractions of *sharia*, perceived offences, and allegations of spying or connections with the government or security forces. These punishments, inflicted within a parallel justice structure, include the use of lashings, beatings, amputations and mutilations. DFAT is not able to provide additional information on the number or frequency of such incidents.

4.14 DFAT assesses that the use of torture and significant mistreatment of detainees by government officials to obtain confessions or other information is common and widespread. DFAT further assesses that civilians living in areas controlled by anti-government elements, particularly the Taliban, are at a high risk of torture or other abuses through parallel justice structure punishments.

## CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

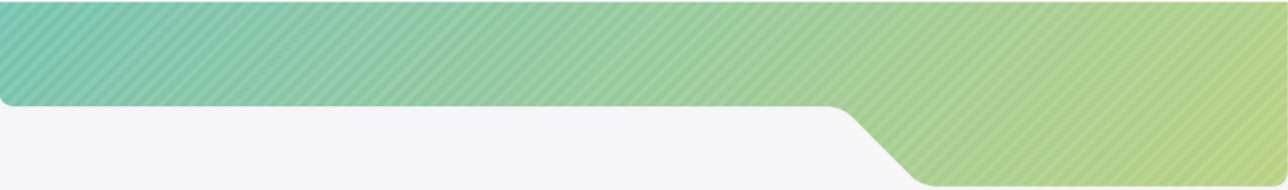
4.15 Article 29 of the Constitution prohibits punishment contrary to human dignity. However, reports of cruel, inhuman or degrading punishment by both government officials and anti-government elements persist. Aside from the incidents of torture outlined above, these incidents are largely undocumented and rarely publicised. According to UNAMA, many of the parallel justice structure punishments carried out by anti-government elements as outlined in '[Torture](#)' amount to cruel, inhuman or degrading treatment.

### Arbitrary Arrest and Detention

4.16 Articles 414-417 of the Penal Code (1976) prohibit 'illegal' arrests and detention. There are, however, recent reports of arbitrary arrests, a lack of access to legal representation, detention without clear legal authority or due process, and prisoners held 'incommunicado' across most provinces in Afghanistan. In addition, local law enforcement officials have reportedly detained persons illegally on charges not provided for in the penal code.

### Corporal Punishment

4.17 NGOs have reported a predominantly punitive and retributive approach to juvenile justice throughout the country. Although illegal, corporal punishment in schools, rehabilitation centres and other public institutions remains common. As outlined in '[Torture](#)', parallel justice structure punishments involving



the use of lashings and beatings occur frequently in areas controlled by anti-government elements. There are consistent and credible reports of government security forces using excessive force against civilians.



## 5. OTHER CONSIDERATIONS

### STATE PROTECTION

5.1 Security in Afghanistan is the responsibility of the Afghan National Defence and Security Forces (ANDSF), which comprise intelligence, military and police elements. From inception, the ANDSF has experienced shifting political and security conditions that have affected their size, structure, mission and capacity, and the various arms of the ANDSF vary in terms of their effectiveness. The ANDSF has long depended on international financial and operational assistance, and the reduction in international force deployment in Afghanistan has affected the ANDSF's ability to maintain government control nationwide. The ANDSF continues to face major challenges in key areas of capacity, such as logistics, air power, and intelligence. In addition, international observers have expressed concerns about shortfalls in the ANDSF's coordination and command and control structure.

5.2 The continuing armed conflict has significantly challenged the government's ability to exercise effective control over large parts of the country, particularly outside major urban centres. In addition, the increase in the number and impact of large-scale attacks that have taken place in Kabul since the beginning of 2016 demonstrates the limits of the government's ability to protect its citizens even where its security infrastructure is strongest.

#### Military

5.3 The military elements of the ANDSF consist of the Afghan National Army (ANA), and the Air Force, both of which answer to the Ministry of Defence (MOD). Article 55 of the Constitution states that defending the country is the responsibility of all citizens. While the Constitution allows for compulsory military service, both the ANA and Air Force remain all-volunteer organisations. The ANDSF's combined active frontline personnel is around 200,000. While the ANA is notionally responsible for external security, in practice it has had primary responsibility for conflict operations and territorial security against anti-government elements. There are credible reports that the ANA loses large numbers of personnel each month to injury, death or desertion.

5.4 While the ANA has demonstrated improved capability in some areas, it remains largely dependent on international military support (particularly air support) to hold its ground against anti-government elements. According to international observers, the ANA's key weaknesses are poor morale resulting from a high attrition rate, considerable internal corruption, and weak leadership.

#### Police

5.5 The Afghan National Police (ANP) is the primary police force of Afghanistan, and serves as a single law enforcement agency across the country. It answers to the Ministry of Interior (MOI). The ANP has approximately 150,000 active members. It includes a number of sub-agencies, most notably the Afghan

Border Police (ABP), which monitors Afghanistan's 5,529 km borders and its international airports, and the Afghan Local Police (ALP), established in 2010 as a local defence force against anti-government elements.

5.6 Significant international donor work has gone into turning the ANP into a credible, professional and effective police force, including through providing extensive training on human rights. However, credible reports of serious human rights abuses committed by ANP members have continued to occur, including allegations of intimidation, extortion, torture, and sexual abuse. The ability of the ANP to provide and maintain security and law and order is constrained by a number of factors, including lack of resources, poor training and leadership, low morale, and high levels of corruption. The majority of ANP members are either illiterate or have very low levels of literacy.

## Judiciary

5.7 Article 116 of the Constitution provides for the independence of the judiciary, which comprises a Supreme Court, Courts of Appeal, and Primary Courts. Other constitutional articles guarantee open trials, and require courts to state the reason for their verdicts. Cases that raise issues not covered by the Constitution are decided according to Islamic jurisprudence.

5.8 According to the US State Department, the judiciary is underfunded, understaffed, inadequately trained, ineffective, and vulnerable to threats, bias, political influence, and pervasive corruption. Most courts administer justice unevenly, employing a mixture of codified law, *sharia*, and local custom. Traditional justice mechanisms remain the primary recourse for many Afghans, especially in rural areas. A lack of qualified judicial personnel hinders the judiciary's ability to deal with a very high caseload, while the judicial system continues to lack the capacity to absorb and enforce a large volume of new and amended legislation.

5.9 As noted in 'People associated with the government or international community', the judiciary and those associated with it, has frequently come under attack from anti-government elements. In 2016, UNAMA documented 33 attacks against judges, prosecutors and judicial staff, in which 41 people died and 71 were injured. This represented a 40 per cent decrease in civilian casualties from 2015, when there were 37 incidents killing 46 people and injuring 142.

## Detention and Prison

5.10 The Central Prison Directorate (CPD) within the MOI has overall responsibility for the administration of Afghanistan's adult prison system. The CPD operates facilities at the district, provincial, and central levels. Each district has a place of detention for short-term lock-ups during processing or transfer. Long-term incarceration usually takes place at a provincial prison located in the capital city of each of Afghanistan's 34 provinces. The central prison of Kabul serves as a provincial prison, as a district detention centre for Kabul, and for referral from other districts for certain categories of detainees.

5.11 A separate detention system administered by the MOD applies to persons detained or arrested in relation to terrorism crimes, or crimes against national or external security. The principal MOD detention facility is Bagram. The MOI likewise administers a specialised prison in Kabul for persons detained or convicted in relation to counter-narcotics and other drug crimes.

5.12 There is a female-only prison in Kabul. UNAMA reported in March 2016 that there was a confirmed prison population of 25,265, of whom 727 were female. International human rights organisations have alleged that there are a number of private prisons and detention facilities established by the ANDSF to avoid international monitors. As noted in 'Women', a large percentage of female prisoners are imprisoned for

'moral crimes', including running away from abusive relationships. DFAT is aware that there have been some efforts made to reduce the numbers of women imprisoned in these circumstances.

5.13 According to international human rights organisations, prison conditions are harsh. Overcrowding is a serious and widespread problem – the US State Department's 2016 Human Rights report found that 28 of the 34 provincial prisons were severely overcrowded based on standards recommended by the International Committee of the Red Cross. There are credible reports of inadequacies in food and water, and poor sanitation. Authorities generally lack the capacity to separate pre-trial and convicted inmates, or to separate juveniles according to the seriousness of the charges against them. Incommunicado imprisonment remains a problem, and prompt access to a lawyer is rare. While prisoners are officially allowed access to their families, this is not always the case, and family access is frequently delayed.

## INTERNAL RELOCATION

5.14 Article 39 of the Constitution guarantees citizens the right to travel and settle in any part of the country, except in areas forbidden by law. There is no legal impediment to internal movement within Afghanistan, and Afghans of all ethnicities can and do relocate internally for a variety of reasons. Presidential Decree 104/2005 stipulated that all IDPs and returnees should return to their home province. The Ministry of Returns and Rehabilitation has, however, confirmed to DFAT that there is currently no legal requirement for them to do so.

5.15 Major cities, particularly Kabul, offer greater opportunities for employment, and are home to communities from virtually all of Afghanistan's ethnic groups. Traditional extended family and tribal community structures are the main protection and coping mechanism in Afghan society. Afghans rely on these networks for safety, shelter and economic survival. Afghans relocating internally tend to move in large groups comprising a number of families. This approach increases the group's resilience, but can result in rapid population growth in particular areas with a resultant strain on infrastructure and services. Large numbers of internal migrants live in informal settlements in poor conditions, with high rates of unemployment and under-employment, limited access to water, and a lack of basic infrastructure.

5.16 The continuing armed insurgency and deteriorating security situation has limited the ability of Afghans to travel safely from one part of the country to another by road (see also '[Road safety](#)' and '[Kidnapping/ Abductions](#)'). Economic and employment opportunities vary across the country, but are likely to be limited in rural areas and areas directly affected by the continuing armed conflict. DFAT assesses that while there are generally options available for internal relocation in Afghanistan, there are considerable security and economic factors that limit the ability of Afghans of all ethnicities to relocate internally safely and successfully.

## TREATMENT OF RETURNEES

### Exit and Entry Procedures

5.17 A valid travel document (usually an Afghan passport) and appropriate entry visa for any intended destination are required for legal exit from Afghanistan for Afghan citizens, including for movement across the border with Pakistan. However, because of the length of the border and the rugged terrain, undocumented movement across the border is common.

## Conditions for Returnees

5.18 Article 39 of the Constitution guarantees citizens the right to travel outside Afghanistan and return, according to the provisions of the law. In recent decades, Afghanistan has seen large-scale population movements caused by conflict-related instability. Millions of Afghans departed the country after the 1979 Soviet invasion and again after the Taliban took control of the country, with up to one million others internally displaced. The overwhelming majority of emigrants crossed the border to Pakistan, with smaller numbers travelling to Iran and other countries. In the five years after 2002, around 5.7 million Afghans returned, many of childbearing age. This mass movement, and associated spike in the birth rate, created a large demographic shock – 70 per cent of Afghanistan’s population is under the age of 24, the third largest ‘youth bulge’ in the world. The number of displaced people moving in and out of Afghanistan has continued to ebb and flow in recent years, dependent largely on perceived security and economic conditions.

5.19 In 2016, the numbers of those returning from Pakistan rose dramatically, particularly in the second half of the year. The UN Organisation for the Coordination of Humanitarian Assistance (UNOCHA) reported that more than 600,000 documented and undocumented people returned to Afghanistan by the end of 2016—an average of 4,300 returns per day since mid-July. This trend has continued into 2017: as of 17 June, the IOM and UNHCR confirmed that 288,564 Afghans had returned to Afghanistan in 2017, including 133,805 from Pakistan (68,723 undocumented and 33,082 documented) and 154,759 undocumented Afghans from Iran. According to UNOCHA, a drastic deterioration in the protection/political space in Pakistan, including increasing incidents of detention, forced evictions, police raids and harassment, caused the spike in returns. The majority of those returning reportedly headed in the first instance to major cities such as Kabul, Jalalabad and Herat, placing a considerable strain on local resources and services. Many returnees have lived outside Afghanistan for decades, particularly those returning from Pakistan.

5.20 While Afghanistan generally accepts both voluntary and involuntary returns from western countries, in recent months the government has refused to grant landing permission for incoming flights on a number of occasions. Returnees from western countries almost exclusively return to Kabul. Most returnees have been single men rather than family groups. DFAT understands that many returnees choose to remain in Kabul for economic reasons rather than return to their home provinces. There are no tracking mechanisms for those returned to Afghanistan, and it is difficult to assess the conditions they face on return. DFAT has no information to suggest that returnees from western countries attract negative attention from state authorities for having sought and failed to gain asylum.

5.21 The European Union (EU) and Afghanistan signed an agreement in October 2016 to organise the ‘dignified, safe and orderly return to Afghanistan of Afghan nationals who do not fulfil the conditions to stay in the EU’. Germany subsequently announced that it would temporarily stop returning Afghan nationals in response to the 31 May 2017 attack in Kabul and the overall deteriorating security situation.

5.22 DFAT is aware of occasional reports alleging that returnees from western countries have been kidnapped or otherwise targeted based on their having spent time in a western country. As noted in ‘[People associated with the government or international community](#)’, people who identified as having international associations face a high risk of being targeted by anti-government elements. This may possibly include returnees from western countries. However, DFAT understands that most returnees take measures to conceal their association with the country from which they have returned, and keep a low profile on return. DFAT assesses that people in this situation do not face a significantly higher risk of violence or discrimination than other Afghans with a similar ethnic and religious profile.

## DOCUMENTATION

### National Identity Cards (*Taskira*)

5.23 The most common and important form of identification is a *taskira* certificate. In addition to being required for employment, and admission to schools and universities, to obtain approval to run a business, and to buy, rent and sell property, *taskiras* act as the primary document necessary to obtain other forms of identification. *Taskiras* are printed on plain paper, and include the names of the bearer, his/her father and grandfather; date and place of birth; place of residency; type of occupation; and military service status. Other than stamped seals, they do not include any security features, and the information on them is often incomplete. The Population Registration Department (PRD) of the MOI is responsible for issuing *taskiras*. The PRD is currently engaged in a digitisation project that will enable the centralised storage of between 18 and 20 million individual entries on *taskira* registers. DFAT understands that the PRD will soon be launching a website that will enable Afghans to obtain *taskiras* online, and to nominate a representative to collect the document on their behalf. The application will also allow Afghans offshore to register, provide biometrics and apply for *taskiras* overseas. The biometrics collection and the web-based application was scheduled to commence on 1 April 2017.

5.24 The PRD had been in the process of developing an *e-Taskira* biometric ID card containing fingerprints, iris scans and digital images of the bearer. However, DFAT understands that this project is on hold indefinitely, and that a new paper *taskira* will instead be introduced in early 2017 as an interim measure. The new paper *taskira* will include a watermark security feature, and dry seal across a photograph to reduce the risk of substitution. It will be printed rather than hand-written, and will be double-sided, with Dari on the front and an English translation on the reverse. The new *taskira* will be issued to all new registrants, and there will be a period (unspecified) whereby Afghans both in the country and outside will have an opportunity to upgrade their old *taskira* for the new version.

### Birth Certificates

5.25 Births are not always registered in Afghanistan. The high number of home births makes the process of registering births challenging. Reporting of birth dates is unreliable, and reported dates likely to be approximate. Birth certificates were not historically issued, and remain far from common. DFAT understands that the Ministry of Public Health issues birth certificates through a small number of maternity hospitals. However, parents can obtain a *taskira* for their newborn child by registering the birth with the Ministry of the Interior's population registration office.

### Passports

5.26 The MOI's Passport Directorate in Kabul is responsible for the issuance of passports, which are machine-readable. Requirements for adult passport applicants are a valid *taskira* and a number of passport photographs. The applicant's fingerprints are digitally recorded, and entered into a database. Provincial passport offices located throughout the country print and issue passports. Passports contain information on the bearer's first name, surname (or father's name), occupation, photograph, date and place of birth, date of issue, and validity. They do not contain information about the bearer's religion or ethnicity. It is unclear how many Afghans are in possession of passports.



## PREVALENCE OF FRAUD

5.27 Document fraud is a major issue in Afghanistan. Because the process for obtaining some documents is decentralised to the provincial level, and because the documentation itself generally does not contain robust security features, the system is vulnerable to fraud. Genuine documents can be issued on the basis of false information, with supporting forms of documentation such as school, academic, or banking records easily forged. This is particularly problematic in the case of *taskiras* given they are the primary document used to obtain other forms of identification. There is a risk that genuine, but fraudulently obtained, *taskiras* can be used to obtain passports. As noted in ([National Identity Cards \(Taskira\)](#)), the government is in the process of introducing a new version of the *taskira* with additional security features, which should help in mitigating the risk of fraud. However, there is likely to be a significant time lag between the introduction of the new *taskira* and its widespread implementation.