



Australian Government

Department of Foreign Affairs and Trade



DFAT Thematic Report

Conditions in Kabul

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1. Purpose and Scope

1.1 This Thematic 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 Kabul. It takes into account relevant and credible open source reports, including those by the US State Department, the UK Foreign and Commonwealth Office, UN agencies, credible news outlets and reputable human rights organisations such as Amnesty International and Human Rights Watch. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 Information on the situation in Afghanistan more broadly can be found in the 18 September 2015 DFAT Country Information Report on Afghanistan.

2. Background Information

2.1 Kabul is bisected into east and west by a range of hills running from Afshar and Sorkh Kotal in the north; by the Asmayee and Shir Darwaza mountains in the east; by Qorugh Mountain in the south; and in the west by Childukhtaran Mountain and its surrounding slopes. The Kabul River runs west to east through the city.

2.2 Information on the population of Kabul is unreliable, including information on the city's ethnic composition. However, there are credible reports that the current population of the city and surrounding area is more than four million, around 13 per cent of the estimated population of Afghanistan. Kabul's population grew very rapidly following the fall of the Taliban in 2001, and has continued to grow strongly over the past decade, averaging around ten per cent growth per year over the period.

2.3 The city's rapid growth has put pressure on its infrastructure, including roads, water, sanitation and electricity supply. Some 'formal' areas of Kabul city were laid out under a master plan developed in 1978. These areas are generally closer to the city's centre, mostly in the east and north, and tend to have better access to infrastructure.

2.4 Approximately 64 per cent of dwellings in the city are considered 'informal', in areas which are not part of the master plan. The bulk of these have been developed and settled with the permission of landowners, although there are a number of 'illegal' areas that have been settled without permission, including on public land and hillsides. Informal areas consist of 'irregular' housing (about 48 per cent of the total) and hillside housing (16 per cent). The quality of housing and infrastructure in informal areas varies greatly and includes many areas of basic housing with unreliable access to infrastructure. In addition, it is estimated that around 23 per cent of the land in Kabul consists of vacant residential plots, a relatively high amount compared to global norms; proper land management and development processes could make formal housing available for an additional 1.5 million people.

2.5 Living conditions in Kabul's illegal settlements are difficult. This is due in part to insecurity of land tenure which can prevent residents from building more permanent shelters. There is often no provision of sanitation and other basic services to these communities, in some cases in a deliberate attempt by authorities to create an incentive for people to return to their areas of origin in other provinces. Government authorities and private owners sometimes threaten to evict individuals illegally occupying land in and around Kabul.

Recent History

2.6 Following the collapse of the Soviet-backed Najibullah Government in 1992, the mujahedeen seized Kabul and declared the 'Islamic State of Afghanistan'. During the ensuing civil war, much of Kabul was destroyed. The Taliban takeover of Kabul in 1996 led to a period of neglect and under-investment in urban infrastructure. Following al-Qaida's 2001 attacks on targets in the United States, international forces led by the US launched Operation Enduring Freedom removed the Taliban from power and re-took Kabul in November 2001.

2.7 Since then, Kabul has grown rapidly from a population of around 500,000 to an estimated current population of over four million. This growth is due in part to the return of refugees from other countries—particularly Pakistan and Iran—and the arrival of Internally Displaced Persons (IDPs) from other parts of Afghanistan due to conflict, natural disasters and socio-economic conditions. Relatively good economic opportunities (compared to the rest of Afghanistan) and greater levels of security are also important factors in Kabul's growth. However, despite having better conditions than the rest of the country, Kabul remains one of the poorest cities in the world and regularly experiences serious security incidents.

Economic Overview

2.8 While wages and public services in Kabul tend to be somewhat higher than in other parts of Afghanistan, large parts of the city remain extremely poor. Kabul's economy is based on trade and other service industries, although there is some agriculture in the areas around Kabul city. In addition, a small number of larger private businesses have set up facilities in and around Kabul, including in food processing, textile production and light manufacturing, although the industrial sector remains limited.

2.9 Since 2001, economic growth in Kabul has been driven by unprecedented inflows of international assistance as well as the substantial presence of international forces and international organisations with offices in the city. However, just as the high levels of investment from the international community after 2001 disproportionately benefitted Kabul, the drawdown of the international presence and associated reduction in aid and other financial flows are having a major impact in Kabul. Industries that have a heavy reliance on the international community—including the service and construction industries, key drivers of Afghanistan's growth over the last decade—have experienced a sharp decline in growth rates.

2.10 As the capital of Afghanistan, Kabul also hosts a number of central government ministries and institutions which make a significant contribution to the economy of the city. However, the government's weak fiscal position and spending constraints are having a negative impact on Kabul's economy. Conflict, corruption, weak revenue compliance and enforcement, and the decreasing international presence have contributed to a fall in the government's domestic revenues from 11.6 per cent of GDP in 2011 to 8.4 per cent in 2014. The government has on occasion delayed the payment of salaries because of its funding shortfall.

2.11 The concentration of international forces, international organisations and government ministries in Kabul has meant that the cost of living is relatively high compared to the rest of the country. Rents in Kabul tend to be expensive compared to most other parts of Afghanistan. As a result, many residents of Kabul live in informal settlements. Many poorer residents are forced to borrow money to survive, entering a cycle of poverty and indebtedness.

2.12 A wide range of commercial services is available in Kabul. These include small family-owned markets, vegetable markets, butchers, clothes markets, home-ware stores, mobile phone shops and petrol stations. Kabul's role as a trading hub generally means that most types of produce available elsewhere in Afghanistan are also available in Kabul.

Employment

2.13 Because of the city's size and growth, Kabul offers a greater range of employment opportunities than many other areas of Afghanistan. Over the last decade, employment growth has been strongest in Kabul's service sector, including small businesses such as family-owned markets, and in the construction industry. Due to the significant military and government presence in Kabul, there are also employment opportunities in the armed forces and the civil service.

2.14 Although there are no reliable statistics, unemployment is widespread in Kabul and underemployment is also common. The influx of IDPs and returnees to the city has put pressure on the local labour market. The decrease in the international presence and the tight budgetary situation of the Afghan government have further reduced the availability of quality employment opportunities. Those who have foreign language and computer skills tend to be best placed to find well-paid employment in Kabul, with new arrivals from rural areas at a disadvantage due to their lack of relevant skills. Many of these new arrivals also lack a network of family contacts needed to find employment. In this situation, employment may be irregular and often insecure—many work as relatively poorly paid day labourers who seek occasional work as it becomes available. Others are required to beg or work as street-sellers. Interviewees in Kabul for the preparation of this report often cited a lack of job opportunities as a key concern, more so even than the security situation.

2.15 Although it is difficult for women to find employment in Kabul, there tend to be more opportunities in Kabul compared to other parts of Afghanistan. However, female-headed households with no additional family support are among the most economically vulnerable groups in Kabul and women continue to experience pervasive discrimination and violence in most aspects of daily life (see also the 18 September 2015 DFAT Country Report on Afghanistan).

Education

2.16 Educational facilities and access to education, particularly for girls, have improved greatly since 2001, and tend to be better in Kabul than in other areas of Afghanistan. Because of the relative quality of education options in Kabul, some families in other parts of the country send their children to Kabul for courses during the winter. However, the quality of education in Kabul remains poor by global standards, with a shortage of qualified teachers, poor quality infrastructure, funding shortages and an out-dated curriculum.

2.17 In general, public education is free and available to most families in Kabul, but it tends to be over-subscribed and of poor quality. Some children do not attend school because they are required to work instead. However, participation in education—particularly for girls—is significantly higher in Kabul than in other parts of the country. Kabul also hosts a number of higher-educational facilities, including Kabul University and the Kabul Polytechnic University.

2.18 The Hazara community operates a number of private schools in Kabul. For at least some of these schools, there are good facilities, teacher training and educational outcomes for students, demonstrated by very high university acceptance rates. Hazara schools across Afghanistan, including in Kabul, generally have a reputation for relatively good quality education and access for girls compared to other schools in the same areas.

2.19 As is the case across the country, the poor security situation can prevent teachers and students from attending school. There are credible reports of families in Kabul declining to send their children to school for periods of time in response to security incidents. For example, following an incident where a woman was beaten to death and her body set on fire by a large group of people in central Kabul in March 2015, credible sources reported to DFAT that people refrained from sending their girls to school because of a fear of violence. A bomb scare at a girls' school in Kabul in late May 2015 also reportedly led to children being kept at home.

Health care

2.20 The health care system in Afghanistan has improved greatly since 2001. Basic public health care is free, but medicines are not, which excludes the poor from treatment for common illnesses. Medical facilities in the public system, while still basic, tend to be better in Kabul than in other areas of Afghanistan, particularly remote rural areas. Better quality services are provided by private practices, but many residents cannot access these services because of their high cost.

2.21 In addition to primary health care services, a number of specialist services are available, including emergency services, cardiac care and pathology laboratories. Kabul lacks some specialist treatment options for chronic, complex and life-threatening conditions. As a result, relatively wealthy patients often choose to travel abroad for specialist treatment. Most, however, cannot afford to do this and the high morbidity and mortality rates in part reflect the lack of access to specialist care.

Utilities

2.22 Access to electricity is highly variable, even in formal areas of the city. Electricity 'load shedding' is common, causing blackouts (including scheduled blackouts) that can last up to 15 hours. For many residents of Kabul's informal areas, electricity is supplied by a community generator for which a fee is charged by the operator, a relatively expensive form of supply. According to the World Bank and the United Nations High Commissioner for Refugees (UNHCR), although most established residents have access to some electricity, up to 84 per cent of IDPs lack access to any electricity.

2.23 Most informal and illegal areas do not have reliable access to municipal water supply, relying instead on wells and water deliveries. Sanitation in these areas is poor. Waste collection is better in informal areas than illegal areas. Many communities burn their waste which contributes to high levels of air pollution.

Religious facilities

2.24 There are many Sunni and Shia mosques in Kabul. There are also a number of religious facilities for Hindus and Sikhs. There are no religious facilities in Afghanistan that are available for Afghan Christians. Many non-Muslims do not openly practise their religion because of the risk of discrimination or violence.

2.25 Occasional attacks on religious facilities can occur. For example, in February 2014 there was an attack on an Ismaili (Shia) cultural centre in Kabul which killed one security guard. In March 2015, gunmen attacked a Sufi mosque in Kabul, killing 11 worshippers. The motivation for these attacks remains unclear.

2.26 While attacks such as these can occur from time to time, sectarian violence is currently not a significant feature of the ongoing security situation to the same extent it is in countries such as Syria, Iraq and Pakistan. DFAT assesses that Sunni-Shia sectarian violence is infrequent in Kabul.

Land issues

2.27 Land ownership in Kabul remains a source of tension, particularly between existing residents and new arrivals. The situation is complicated by the absence of formal land records, several changes of regime since 1978 and the distribution of land according to patronage by those in power since 2001. Poor land management over a long period of time has led to overcrowding and the existence of large informal settlements (approximately 64 per cent of dwellings in Kabul are informal), while at the same time around 23 per cent of the land area in Kabul consists of vacant plots. Some returnees to Kabul may have difficulty obtaining legal title to their land or may find their land has been illegally occupied. In at least one case, IDPs were arrested and evicted from an illegally occupied site in Kabul at the request of the land-owner. The land-owner reportedly paid compensation to those evicted.

2.28 Ethnicity may also be a factor in tension over land issues in Kabul. IDPs and recent arrivals generally travel in large multi-family groups and seek co-location with their tribal counterparts upon arrival in Kabul, causing localised overcrowding. Given limited space, expansion by one family is often at the expense of another. As a result, those on the fringes of a community often encroach on other ethnic groups.

Security Situation

2.29 Insurgents regularly conduct high-profile attacks in Kabul. DFAT assesses that the primary targets for insurgent attacks are government institutions, political figures, Afghan National Defence and Security Forces (ANDSF), personnel from the Resolute Support mission (the NATO-led mission that replaced the International Security Assistance Force or ISAF on 1 January 2015), other security services, and international organisations. Such attacks often cause significant casualties amongst civilian bystanders in addition to those being targeted. Kabul has seen a marked increase in the number of incidents in 2015 compared to the corresponding period in 2014. According to a Resolute Support mission report for January-April 2015, insurgent attacks in Kabul have increased by around 60 per cent compared with the same period in 2014.

2.30 Representative examples include the series of bombings against employees (including prosecutors and judges) of the Ministry of Justice in May 2015, which killed at least 11 people and injured dozens more; an attack on the Park Palace guesthouse in May 2015 that killed five people, including foreigners; and a car bomb attack near the Ministry of Finance in Kabul which killed eight people and wounded 37 more. Kabul International Airport has been attacked on a number of occasions, with a rocket attack in 2014 landing on the runway apron. Attacks also occur in the vicinity of the airport, including in May 2015 when a European Union vehicle was hit by a vehicle-borne improvised explosive device, killing at least three people and injuring 18 others. On 22 June 2015, the National Parliament building in Kabul was attacked by the Taliban. A suicide vehicle detonated outside the building, followed by gunfire. Twelve people were reportedly killed, including six Taliban gunmen and the suicide bomber, with at least 21 more people injured in the attack. In August 2015, a series of attacks resulted in an estimated 355 civilian casualties (deaths and injuries), the largest number of civilian casualties in a single day since data collection started in 2009.

2.31 The ANDSF and international forces have put in place a range of counter-measures to prevent and respond to insurgent attacks in Kabul. There are numerous checkpoints along highways leading to Kabul, at major intersections and at government and international institutions within Kabul. These provide a deterrent to insurgent attacks by increasing the risk that insurgents will be detected prior to undertaking attacks in Kabul. ANDSF are quick to respond to insurgent attacks when they occur. Nonetheless, violent attacks within the city are common.

Security for women and girls in Kabul

2.32 Violence against women is common in Kabul. Recent high-profile examples include the kidnapping and gang-rape of four women, who were on their way home from a wedding, in October 2014; and an incident in central Kabul in March 2015 where a woman, falsely accused of burning a copy of the Koran, was

beaten to death by a large group of men, her body dragged behind a car before being set on fire and dumped in Kabul River. This event was witnessed by a large number of people, including uniformed police officers.

2.33 According to the United Nations' Assistance Mission in Afghanistan (UNAMA), during 2013 there were 255 cases registered by police and 968 cases registered by prosecutors in Kabul under the *Law on the Elimination of Violence against Women* (the EVAW Law). While reporting rates have increased significantly in recent years—likely due to improved reporting processes rather than significantly increased rates of violence—the number of cases reported is likely to remain well below the rates of actual violence due to a mix of cultural, social and religious factors.

2.34 Women in Kabul tend to enjoy greater freedom of movement and better opportunities for employment, education and access to healthcare than in other parts of Afghanistan. However, most women in Kabul continue to experience discrimination in most aspects of daily life. Women who walk outside alone can experience abuse or harassment, including physical groping. Women and girls are also subject to forced and early marriage across Afghanistan, including in Kabul. Rape and sexual abuse are common; spousal rape is not considered a crime. Moreover, the victims of abuse are not well protected by the judicial system, and often face high levels of societal discrimination, including from their own families (see also the 18 September 2015 DFAT Country Information Report on Afghanistan).

3. Other Considerations

State Protection

3.1 Overall, DFAT assesses that Kabul has a higher level of government control and a greater level of security than other parts of Afghanistan. While high-profile attacks, including those that target civilians, are common in Kabul, the city has a large population compared to other areas of the country, so there are fewer civilian casualties per head of population. The relatively high level of state protection available in the city compared with, in particular, rural areas of the country, has been an important driver of large-scale urban migration to Kabul since 2001. However, while the government maintains effective control of Kabul and has a range of counter-measures in place to prevent and respond to insurgent attacks, such attacks still occur frequently. The risk faced by different individuals varies greatly. People associated with the government or the international community are at a significantly higher risk than ordinary Afghans in Kabul.

Police

3.2 The Afghan National Police (ANP) has primary responsibility for law and order in Kabul, and plays an active role in fighting insurgent groups. Policing in Kabul tends to be more effective than in most other urban and rural areas, but the ANP's capacity to maintain law and order is limited by a lack of resources, poor training, insufficient and outmoded equipment and corruption.

3.3 In many cases, individuals needing protection may be reluctant to seek protection from the police. This may be due in part to residents' lack of confidence in the police's ability to protect them, the difficulty police have in prosecuting offenders through the judicial system, and credible allegations of police corruption and inappropriate behaviour, including extrajudicial or non-legally sanctioned violence. Violent attacks by insurgents against ANP targets are common.

Judiciary

3.4 The formal judicial system is hampered by underfunding and a lack of qualified and properly trained judges and lawyers. Although the formal justice system is stronger in Kabul than in other parts of the country, the judiciary has faced credible allegations of corruption and lacks the capacity to handle a large number of cases in a way that allows for proper due process. Many crimes go unpunished, while at the same time many of those who are charged with crimes are denied access to lawyers and other basic legal rights. Application of the law is inconsistent, with courts using a mixture of codified law, *sharia* and local custom. Outside of the formal justice system, traditional justice mechanisms, including some still presided over by the Taliban, are also used to deal with grievances and disputes in Kabul.

3.5 Attacks and threats against judges and lawyers carried out by insurgents—such as the series of bombings targeting civilian employees of the Ministry of Justice in May 2015—undermine the formal judicial system.

Internal Relocation

3.6 Large urban areas in Afghanistan are home to mixed ethnic and religious communities and offer greater opportunities for employment, access to services and a greater degree of state protection than many other areas. As Afghanistan's largest urban centre, Kabul provides the most viable option for many people for internal relocation and resettlement in Afghanistan. This applies to those displaced by conflict and natural disasters, economic migrants and returnees to Afghanistan. Motivations for migration to Kabul include the greater level of security available as well as better employment opportunities.

Government policy on internal relocation

3.7 Article 39 of Afghanistan's Constitution guarantees Afghans' rights to 'travel and settle in any part of the country, except in areas forbidden by law'. Presidential Decree 104 of 2005 stipulates that all IDPs and returnees should return to their place of origin or an adjacent province. The Ministry of Refugees and Repatriation (MORR) has allocated plots of land in these areas for resettlement. In practice, many people choose to remain in Kabul because of the greater economic opportunities available, or because they are unable to return to their areas of origin due to the security situation.

Ethnicity

3.8 Traditional extended family and tribal community structures are the main protection and coping mechanisms for people in Afghanistan, who rely on these networks for their safety and economic survival, including access to accommodation and an adequate level of subsistence. People tend to move and settle in large groups, often with several other families, for this reason. As a consequence, large groups of people can arrive in a particular area, resulting in rapid population growth and a strain on infrastructure and services.

3.9 Travelling to Kabul from other parts of Afghanistan—particularly the Hazarajat—by road can be dangerous. Kidnappings are common, driven by financial considerations (i.e. ransom demands) and tribal disputes. While all ethnic groups are vulnerable to kidnappings, DFAT assesses that Hazaras face a risk that is greater than that for other ethnic groups. It is unclear whether this is due to ethnic targeting or a result of the high numbers of Hazaras travelling on this route. Nonetheless, DFAT assesses that, if a bus with a mixture of ethnic groups on board is stopped in these areas, ethnic Hazaras (and other non-Pashtuns) are more likely to be selected for kidnapping or violence than Pashtun passengers. (See also the 18 September 2015 DFAT Country Information Report on Afghanistan and the 26 March 2014 DFAT Thematic Report on Hazaras in Afghanistan and Pakistan, or subsequent updates).

3.10 Kabul's size and diversity means that there are large communities of almost all ethnic, linguistic and religious groups in the city. Given the growth of Kabul's population since 2001, many individuals may have members of their extended family in Kabul who can assist with their relocation. Ethnic-based violence in Kabul is rare.

3.11 DFAT assesses that, notwithstanding road safety concerns and the security situation in Kabul, there are generally options available for members of most ethnic and religious minorities to relocate from other parts of Afghanistan to relative safety in Kabul. This relocation is more likely to be successful where the individual travels as part of a larger group, or has established networks that can assist with the provision of basic necessities.

Other factors affecting internal relocation

3.12 In practice, DFAT assesses that a lack of financial resources and lack of employment opportunities are the greatest constraints on successful internal relocation. This is compounded by Kabul's relatively high cost of living, particularly for housing.

3.13 Internal relocation to urban areas is generally more successful for single men of working age, provided they are able to make use of family or tribal networks. Unaccompanied women and children are least likely to be able to successfully relocate to urban areas, particularly if these networks are lacking.

Treatment of Returnees

3.14 Returnees from Pakistan are often unable to return to their home communities; in some cases the 'returnees' were born in Pakistan and have not previously lived in Afghanistan. As with internal migration, most returnees from Pakistan travel in large groups of multiple families as a social protection mechanism. They may spend long periods of time in temporary accommodation in camps with limited infrastructure and economic opportunities.

3.15 Returnees from western countries are almost exclusively returned to Kabul. While some families are returned, most tend to be single men travelling alone. While men of working age are more likely to be able to return and reintegrate successfully than unaccompanied women and children, the lack of family networks for single men can also impact on their ability to reintegrate into the Afghan community. The relatively better economic opportunities available mean returnees often choose to remain in Kabul. There are no tracking mechanisms for these returnees, so it is difficult to assess the conditions they face, particularly some time

after they return. There are plausible, but anecdotal, reports of returnees from western countries turning up in drug communities. DFAT assesses that, because of Kabul's size and diversity, returnees are unlikely to be discriminated against or subjected to violence on the basis of ethnicity or religion.

3.16 Returnees generally have lower household incomes and higher rates of unemployment than established community members. However, DFAT assesses that the situation for returnees in Kabul provided with cash or in-kind reintegration assistance tends to be more favourable than for internal migrants and other international returnees who do not receive this level of assistance. Such reintegration programs offered by the International Organization for Migration (IOM) and others can include the provision of vocational and other training, assistance to help establish businesses and cash grants. These programs are generally only available for voluntary returnees.