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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. This report replaces the report issued by DFAT on 26 March 2014.

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, including the Afghan Government, human rights organisations, civil society activists, refugee advocacy groups, UN agencies, and representatives of the international community. It takes into account relevant and credible open source reports, such as the UN Assistance Mission in Afghanistan (UNAMA) reports, the US State Department Afghanistan Country Report on Human Rights Practices in 2012 and 2013, reports from the Office of the UN High Commissioner for Refugees (UNHCR), credible news reports, and reports from international non-government 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 For further information on specific groups in Afghanistan, see the 26 March 2014 DFAT Thematic Report on Hazaras in Afghanistan and Pakistan, and the 18 September 2015 DFAT Thematic Report on Conditions in Kabul, or subsequent updates.

2. Background Information

Recent History

2.1 In 1978, the communist People's Democratic Party of Afghanistan (PDPA) seized power in Afghanistan in the 'Saur Revolution', ousting President Daoud Khan (who had removed the last king in 1973). Opponents of the PDPA, which collectively came to be known as the *mujahedeen*, subsequently launched an uprising in eastern Afghanistan. Soviet troops entered Afghanistan in 1979 to support the PDPA. Following the collapse of the Soviet-backed Najibullah Government in 1992, the mujahedeen seized Kabul, declaring the 'Islamic State of Afghanistan'. However, fuelled by infighting, a renewed civil war ensued.

2.2 The Taliban entered the conflict in 1994. By 1996 it had seized Kabul and declared the 'Islamic Emirate of Afghanistan'. In the ensuing years, the Taliban consolidated its power, imposed an extreme interpretation of Islam, including severe limitations on women and girls, and committed systematic human rights abuses against civilians (primarily non-Pashtuns). The Taliban provided a safe haven for international terrorist groups such as al-Qaida.

2.3 Following al-Qaida's 2001 attacks on targets in the US, international forces led by the US launched Operation Enduring Freedom which removed the Taliban from power. In December 2001, Hamid Karzai was appointed as leader of the 'Afghan Interim Authority' supported by the UN Security Council-mandated International Security Assistance Force (ISAF) to assist in securing the country. A constitution was ratified in January 2004 and Karzai was elected President of the Islamic Republic of Afghanistan in the country's first Presidential elections later that year. Karzai was re-elected in 2009, although the election was widely criticised, including by the UN, for widespread irregularities. Karzai's second term (and last, as presidents are limited to two terms in office under the Afghan Constitution) ended in September 2014. He was succeeded by Ashraf Ghani, who was elected to office and led Afghanistan's first 'National Unity' Government after a long negotiation process with his rival candidate Abdullah Abdullah, who assumed the newly established role of Chief Executive Officer.

2.4 Since 2001, a number of different anti-government insurgent and terrorist groups, particularly the Taliban, have waged a guerrilla campaign against international coalition and Afghan forces. ISAF assumed security responsibility for the entire country in 2006. However, under a transition strategy beginning in 2011, Afghan National Defence and Security Forces (ANDSF) gradually took over full responsibility for security in the country, and most foreign troops withdrew by the end of 2014. Around 10,800 US troops (along with a further 2,000 troops from other coalition countries) remain in Afghanistan in an advisory and training capacity under the NATO-led Resolute Support mission. The number of international troops is expected to remain relatively stable during 2015, with a gradual drawdown of forces expected in 2016.

2.5 Insurgent forces are contesting the Afghan Government's control in many areas. No part of the country can be considered totally free from conflict-related violence, which escalated markedly over the course of 2014 and 2015 (see 'Security Situation' below). As a result, economic development, health care and education services are affected in many parts of the country.

Demography

2.6 The UN Department of Economic and Social Affairs estimates Afghanistan's population to be around 32 million people. Millions of Afghans have left the country as a result of conflict and to seek better economic opportunities abroad. UNHCR estimates that there are around 2.7 million Afghan refugees registered in Iran and Pakistan alone. The number of displaced people moving in and out of Afghanistan has ebbed and flowed in recent years. Many people have returned to Afghanistan since the Taliban were removed from power in 2001 (see 'Treatment of Returnees', below). However, the number of returning

Afghans fell over the course of 2014 as the impacts of the conflict on civilians worsened. This trend then reversed in 2015, as the number of returnees (particularly those from Pakistan) increased sharply as a result of conflict in Pakistan's tribal areas and increased pressure from Pakistani authorities. According to the International Organization for Migration (IOM), more than 70,000 undocumented Afghans (some of whom were born in Pakistan and have never been to Afghanistan) returned from Pakistan, either voluntarily or involuntarily, in the first four months of 2015 alone. Many of these returnees have spent more than 20 years outside of Afghanistan, and may face difficulties in reintegrating and finding employment. The bulk of returnees have settled in Nangarhar, Kunar, Laghman, Kunduz and Kabul provinces.

2.7 In addition, more than 150,000 undocumented Afghans returned from Iran over the same period, although this is more consistent with normal migration flows for economic purposes. There is no available information on how many undocumented Afghans cross the border the other way into Iran or Pakistan.

2.8 Ethnicity, language, religion and tribal affiliation are important markers of identity in Afghanistan. No reliable census data is available on Afghanistan's ethnic groups, languages and religions and numbers can vary significantly depending on the source—the last census was conducted in 1979. While estimates of the population share of different ethnic groups differ, the US CIA World Factbook estimates that Pashtuns are the largest ethnic group (42 per cent), followed by Tajiks (27 per cent), Hazaras (9 per cent) and Uzbeks (9 per cent). Aimaks (4 per cent), Turkmen (3 per cent) and Baloch (2 per cent) are other significant ethnic groups in Afghanistan.

2.9 Dari and Pashto are both recognised as official languages. Dari is spoken by an estimated 50 per cent of the population, Pashto by 35 per cent, Turkic languages (including Uzbek and Turkmen) by 11 per cent and 30 other languages by 4 per cent of the population. Dari is used as the lingua franca.

2.10 Afghanistan has experienced rapid urbanisation since 2001, particularly as major urban areas such as Kabul, Herat, Mazar-e-Sharif and Kandahar have expanded. Conflict and natural disasters are important factors in pushing many families and individuals to relocate to urban areas. However, as in other developing countries, a lack of economic opportunity in rural areas is also an important factor in the ongoing process of rural–urban migration.

Economic Overview

2.11 Afghanistan remains an extremely poor country, despite strong economic growth for much of the last decade. In 2014, growth was again affected by the ongoing conflict as well as political uncertainty around the elections and declining aid flows. The economy grew by around two per cent in 2014, down from 3.7 per cent in 2013 and an average rate of around 9 per cent from 2003-12. Economic growth over the last decade has been driven largely by international funding flows, particularly official development assistance (ODA). The reduction of these flows in recent years as donors draw down their engagement in Afghanistan is a key factor behind the recent decline in economic growth.

2.12 The OECD classifies Afghanistan as a least developed country. According to the UN Human Development Index, Afghanistan is the least developed country in Asia—ranked 169th out of 187 countries in 2013. Aside from ODA flows, agriculture is a significant part of the economy, accounting for around a quarter of GDP and up to 80 per cent of total employment. Agricultural growth has been strong following the end of a four-year drought in 2012, but the 2015 season is expected to be poor following lower snowfalls over the preceding winter (Afghanistan's water supply is largely dependent on snow melt). While Afghanistan has significant natural resources, these remain underdeveloped due to conflict, poor infrastructure and an inability to access global markets due to the country's remote, landlocked and mountainous location. The poor regulatory environment and political uncertainty also deter international companies from investing to extract these resources.

2.13 Conflict, economic slowdown, corruption, weak revenue compliance and enforcement, and a progressive drawdown of international engagement are undercutting government finances. Domestic revenues fell from 11.6 per cent of GDP in 2011 to 8.4 per cent in 2014. This resulted in a financing shortfall of more than USD500 million in 2014, which the government managed by drawing down on cash reserves, accumulating arrears and receiving significant additional donor assistance. The outlook for the financing gap in 2015 is similar, but the government is starting from a weaker cash position, so the challenge of closing the gap will likely be greater. The government remains heavily dependent on the international community, particularly the US, for funding, including for the security forces.

2.14 Rates of corruption in Afghanistan are among the highest in the world. Afghans routinely pay bribes to access government services. Transparency International ranked Afghanistan 172nd out of 175 countries in

its 2014 Corruption Perception Index, higher only than Sudan, Somalia and the Democratic People's Republic of Korea. A 2012 report by the UN Office on Drugs and Crime (UNODC) estimated that bribery was equivalent to around 20 per cent of GDP. The National Unity Government has given anti-corruption issues a high-profile. President Ghani reopened one of Afghanistan's most high-profile corruption cases, involving the Kabul Bank, in his first week in office. This has resulted in the Appellate Court handing down increased sentences for those responsible for the USD900 million fraud, and freezing the assets of other senior officials who were not officially implicated in earlier proceedings, including the brothers of former president Hamid Karzai and the late former vice president Mohammed Fahim. However, very little of the money has been recovered, and there has been little action since the initial court results. President Ghani has also dismissed corrupt officials and withdrawn high profile appointments, including the appointment of the Governor of Kandahar's daughter to the Permanent Mission of Afghanistan at the UN in New York. Nonetheless, corruption in Afghanistan remains endemic, and the perceived lack of real action on corruption is causing growing dissatisfaction with the National Unity Government. According to a poll conducted by TOLO News and ATR Consulting in May 2015, 43.5 per cent of Afghans were 'not satisfied at all' with President Ghani's performance, compared to an 84 per cent approval rating immediately following his inauguration. The same poll found that 70 per cent of Afghans had high levels of mistrust in the government.

2.15 While illegal in Afghanistan, opium poppy cultivation is common and is a major source of revenue for some farmers, insurgent groups and certain business interests and crime groups. Fighting to control the key transport routes to facilitate the opium trade also contributes to road insecurity. In 2014, poppy cultivation in Afghanistan was estimated at 224,000 hectares, up by seven per cent on the previous year. Nearly 90 per cent of this cultivation takes place in nine provinces in the southern and western regions of the country, led by Helmand Province. Eradication efforts declined by around 63 per cent in 2014, largely as a result of the deteriorating security situation.

Health

2.16 The Afghan health system has improved significantly since 2001, but from a very poor starting point, and a number of key indicators remain below average for low income countries. The under-five mortality rate per 1,000 live births fell from 133 in 2001 to 97 in 2013—this remains one of the highest rates in the world. The maternal mortality ratio per 100,000 live births fell from 1,600 in 2002 to around 400 in 2013, compared with a global ratio of 210 (Australia's maternal mortality ratio is 6). 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. By 2013, life expectancy at birth had risen to 60 years for men and 62 for women, up from 54 years and 56 years, respectively, in 2001. Access to healthcare services has improved markedly, with around 85 per cent of the population having access to basic health services in 2014, up from only around 10 per cent in 2001. However, the ongoing conflict periodically threatens accessibility of services, with medical staff sometimes threatened and kidnapped, and medical supplies unable to reach remote communities due to the security situation. While basic healthcare services are provided for free, medicines can be expensive and/or out of date, excluding the poor from treatment for common illnesses.

Education

2.17 Public basic education is free and available to most Afghans, but the quality of education, availability of qualified teachers, and rates of attendance vary across the country. Significant additional resources have been invested in basic education since 2002. School enrolments have jumped from around one million in 2001 (when female education was prohibited by the Taliban) to approximately 10 million in 2014 (41 per cent of which were girls). This is beginning to flow through to greater numbers of students graduating from secondary school, although opportunities to advance to tertiary education are limited. The technical and vocational education and training (TVET) sector is underdeveloped and hampered by bureaucratic inefficiencies. Corruption is prevalent across the education sector.

2.18 In some cases the poor internal security situation prevents teachers and students from attending school. The vast majority of security incidents affecting access to education were attributed to the insurgency. For example, UNAMA noted several attacks on schools used as polling places during the 2014 elections in its 2014 Annual Report. These attacks impeded access to education through either physical damage to infrastructure or the effect of dissuading students from attending school for a period in response to security incidents. There are also reports of attacks on individuals, particularly girls, to prevent them from attending school (see 'Women – Violence' below).

Employment

2.19 Paid employment in Afghanistan is heavily male-dominated, with male labour force participation at about 80 per cent compared to only 19 per cent for women. 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.

2.20 Low wages, driven by low productivity and high transport and security costs, have traditionally encouraged both permanent and temporary migration to neighbouring countries, particularly Pakistan and Iran. Outward migration to these countries slowed somewhat after 2001, reflecting improved domestic economic conditions from the rapid inflow of international funding to Afghanistan. The extent of outward migration flows to Iran and Pakistan in recent years is unclear, with no reliable data available (see ‘Demography’ above). However, DFAT assesses that the low level of development and poor economic opportunities in Afghanistan act as a strong ‘push factor’ for both internal relocation within and emigration from Afghanistan.

Political System

2.21 The 2004 Constitution sets out the division of powers in Afghanistan’s political system. The Afghan National Assembly is bicameral, consisting of the *wolesi jirga* (‘House of People’) and the *meshrano jirga* (‘House of Elders’). The *wolesi jirga* has 250 seats, with members (68 of whom must be women—at least two women from each province) directly elected for five-year terms through a system of semi-proportional representation in a largely free, general, secret and direct ballot. 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. Under the Constitution the National Assembly has a range of powers, including the ratification, modification or abrogation of laws, and the approval of state budgets. The *wolesi jirga* 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.

2.22 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. As a result of the 2014 presidential elections and subsequent negotiations between the two main rival candidates, Ashraf Ghani and Abdullah Abdullah, the new structure of the executive includes the position of Chief Executive Officer and two Deputy Chief Executive Officers, in addition to the President and two Vice-Presidents. The Chief Executive Officer is an extra-constitutional position, established under the provisions of the Constitution that allow the President to delegate some responsibilities to other government officials. According to the National Unity Government’s power-sharing arrangement, President Ghani leads the Cabinet while Chief Executive Officer Abdullah oversees a council designed to implement government policies. However, the specific responsibilities of each of these positions remain ill-defined, and are a potential source of political uncertainty and instability. For example, the second round of nominees for the Cabinet was not submitted to parliament for agreement until late March 2015, around six months after President Ghani was officially inaugurated as President. At the time of publication (September 2015), several key government positions remain unfilled, including a number of provincial governors and the Minister for Defence.

2.23 Parliamentary elections were due to be held in 2015, but have been delayed as the government has committed to undertaking electoral reform prior to the elections being held. The Presidential Decree establishing the Electoral Reform Commission (ERC) was signed on 2 March 2015, giving the ERC a mandate to provide recommendations across a range of electoral issues. The process of developing and implementing these recommendations, along with the requirement that elections are announced six months prior to being held, means that parliamentary elections are unlikely to take place prior to 2016.

2.24 The Constitution divides Afghanistan into 34 provinces, each governed by an elected council overseen by a governor who is appointed by the President. Provinces are further divided into a number of districts.

2.25 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. A Constitutional Grand Council can only be convened by the government on issues of independence, national sovereignty and territorial integrity. The agreement establishing the National Unity Government calls for a *loya jirga* to be held within two years to consider whether Afghanistan needs to re-establish the position of Prime Minister within

the Constitution (the position of Chief Executive Officer has been described as similar to that of a Prime Minister, but without the explicit recognition in the Constitution). Consultative or traditional *loya jirga* are sometimes held on matters of national importance.

2.26 The effectiveness of the government in implementing its policies and decisions is reduced by high levels of corruption, poor institutional capacity and the ongoing security situation. The unclear division of power between the President and the Chief Executive Officer has the potential to exacerbate these issues. Government capacity to function effectively varies across the country.

Human Rights Framework

2.27 The Afghan Constitution enshrines many fundamental human rights, including the right to life (Article 23), liberty (Article 24) and freedom from arbitrary arrest or detention (Article 27). 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.

2.28 The Afghan Independent Human Rights Commission (AIHRC), established in 2002, is currently accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) with an 'A' rating (meaning it is compliant with the Paris Principles).

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, often conflict with internationally recognised human rights principles.

2.30 The January 2015 report of the UN High Commissioner for Human Rights on the human rights situation in Afghanistan highlighted priority areas of concern such as protection of civilians in armed conflict, including children; elimination of violence against women; prevention of torture and arbitrary detention; and the human rights aspects of peace and reconciliation processes. UNAMA has also documented widespread violence against women, torture and ill-treatment of conflict-related detainees held by the ANDSF, and killing of civilians during conflict.

Security Situation

2.31 According to the UNAMA Annual Report on the Protection of Civilians in Armed Conflict, the conflict in Afghanistan resulted in 10,548 civilian casualties (3,699 deaths and 6,849 injured) in 2014, a 25 per cent increase in civilian deaths and a 21 per cent increase in civilian injuries compared to 2013. The number of civilian casualties is the highest recorded since the UN began tracking civilian casualties in 2009. According to the UN, anti-government elements were responsible for 72 per cent of civilian casualties in 2014, with 12 per cent attributed to the ANDSF, two per cent to international military forces, and 14 per cent to a mixture of incidents where casualties could not be attributed to a particular party to the conflict (this includes unattributed incidents caused by explosive remnants of war, and cross-border shelling from Pakistan into Afghanistan). In its 2015 mid-year update, UNAMA recorded a further one per cent increase in civilian casualties in the first six months of 2015 compared to the same period in 2014. Soon after the release of this update, on 7 August 2015, a series of attacks in Kabul resulted in an estimated 355 civilian casualties (deaths and injuries), which is the largest number of civilian casualties in a single day since data collection started in 2009.

2.32 The significant rise in casualties in 2014 reflects an increase in the frequency and intensity of ground engagements across Afghanistan. Casualties from ground engagements increased by 52 per cent in 2014, coinciding with the withdrawal of international military forces and combat air support. Casualties are expected to continue to rise in 2015. UNAMA reportedly documented 2,937 civilian casualties (974 deaths and 1,963 injured) in the first four months of 2015, a 16 per cent increase on the same period in 2014.

2.33 Insurgent forces contest many areas of the country and no part of the country can be considered free from conflict-related violence. The situation remains fluid. While the government retains control of much of the country, particularly in the provincial and district centres, some areas are openly contested, with varying levels of control exerted by the government and by insurgents. The security situation across the country deteriorated significantly over the last 12-18 months, as anti-government groups intensified their efforts and the international military contingent gradually withdrew. The security situation is better in areas where government forces maintain strong control, such as major urban areas like Kabul, but attacks remain

a common occurrence even in these areas (see also the 18 September 2015 DFAT Thematic Report on Conditions in Kabul).

Insurgent groups

2.34 Anti-government groups, including the Taliban, the Haqqani Network, Hezb-e-Islami, the Islamic Movement of Uzbekistan (IMU), the Islamic Jihad Union, Lashkari Tayyiba, al-Qaida, Jaysh Muhammed and various other militia and armed groups, remain engaged in a violent armed conflict against the government and its international partners. In addition to these anti-government insurgent groups, there are several other local non-state militia operating within Afghanistan that exist to protect particular interests. These militia, often associated with local powerbrokers or 'warlords', are not necessarily hostile to the government. In recent months there have been a small number of credible reports that the group known as Daesh (or Islamic State in Iraq and the Levant, ISIL) is expanding limited influence in some parts of Afghanistan. These reports suggest that some former Taliban insurgents are now identifying as Daesh supporters, although numbers of active Daesh militants remain low. IMU leader Usman Ghazi recently openly declared loyalty to Daesh. According to UNAMA, incidents attributable to groups affiliated with Daesh in the first half of 2015 resulted in ten civilian casualties, predominantly in the east of the country. These incidents included beheadings of people accused of assisting the Taliban as well as casualties from ground engagements with rival anti-government groups. DFAT assesses that Daesh currently has limited capacity and influence in Afghanistan, and that civilians in Afghanistan face a low risk of violence from groups affiliated with Daesh compared to the risk of violence generally in the country.

2.35 Insurgents regularly conduct high-profile attacks in many parts of Afghanistan, including Kabul. Common targets for insurgent attacks are government institutions, political figures, the ANDSF, Mission Resolute Support (the NATO-led mission that succeeded the ISAF mission on 1 January 2015), other security forces, foreign missions and international organisations, although 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. In 2014, UNAMA documented 7,545 civilian casualties (including 2,643 deaths) from attacks carried out by anti-government elements, an 18 per cent increase on the previous year and 72 per cent of the total civilian casualties related to the conflict (see paragraph 2.31 above). Although attacks are often directed at specific targets, the methods of attack can be indiscriminate and often result in civilian casualties. For example, UNAMA reported that on 23 November 2014, a suicide bomber detonated in the middle of a large crowd at a volleyball game in Paktika Province. In addition to the ten Afghan Local Police (ALP) commanders killed, there were 138 civilian casualties from this attack, including 53 deaths. In May 2015, there were several suicide bomb attacks on employees of the Ministry of Justice traveling to and from work, including a car bomb attack in the carpark of the Ministry targeted at public servants leaving work and two attacks on buses taking employees to and from work. At least 11 people were killed in these attacks, with dozens more wounded. In August 2015, a series of attacks in Kabul 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.

2.36 In addition to these attacks, kidnappings are common in Afghanistan. Kidnappings are often carried out by insurgent groups for the purpose of extracting money through ransom demands, although historical tribal issues can also be a driving factor. The motivations for kidnappings are often unclear. For example, in February 2015, a group of 31 people—almost all Hazaras—were kidnapped while travelling on two buses through Zabul Province on their way from Iran to Kabul. In early May 2015, nineteen of the hostages were released in what was reported to be a prisoner swap arrangement in exchange for individuals associated with Uzbek insurgents. However, the motivation for the kidnappings remains unclear; some believe that the victims were targeted because of their Hazara ethnicity; some believe they were chosen because they appeared wealthier than other passengers; some think the motivation was to get leverage to gain access to weapons; and others believe the incident was conducted by Daesh (a claim that has been widely dismissed).

2.37 In early August 2015, the Taliban announced the death of its leader, Mullah Mohammed Omar. While he is reported to have died around two years earlier, his death had not previously been officially acknowledged by the Taliban. Mullah Omar's deputy and former Taliban Minister for Aviation, Mullah Akhtar Mohammad Mansour, was named as the new leader. The impact on the security situation of Mullah Omar's death and a change of Taliban leadership remains unclear.

3. Refugee Convention Claims

Race/Nationality/Ethnicity

3.1 Article 22 of Afghanistan's Constitution, introduced in 2004, forbids all forms of discrimination and distinction between the citizens of Afghanistan.

3.2 In practice, ethnic, tribal and family affiliations are important factors in almost every aspect of life in Afghanistan. For the majority of Afghans, including those in major cities such as Kabul but especially in rural areas, kinship is central to identity and acceptance in the community, including for finding shelter and employment. As such, Afghans tend to live in areas where their ethnic group constitutes the local majority. Outside major urban areas, most Afghans live in ethnic-based communities with their own traditions and customs. Even in major cities, Afghans tend to live alongside members of their own ethnic group.

3.3 Geographic distribution of ethnic groups is not uniform, but Pashtuns generally dominate the southern and eastern provinces; Hazaras predominately reside in the central provinces (as well as a large population of Hazaras living in Kabul); and Tajiks, Uzbeks and Turkmen mostly live in the northern provinces.

3.4 Ethnic-based violence was widespread during the civil war of the 1990s and under Taliban rule. For example, thousands of fighters and civilians were killed in fighting over Mazar-e-Sharif in 1997-98, during which at least 2,000 Hazaras were killed by the Taliban in reprisal for earlier killings of Taliban fighters. Tensions reduced significantly after 2001 and, while incidents still occur, there has been no large-scale ethnic violence since then. However, ethnic tensions exist throughout the country at a local level and result in sporadic violence. For example, each year there are seasonal clashes over land rights and access to natural resources between nomadic Pashtun Kuchi tribes and Hazaras. Intra-ethnic group violence also occurs occasionally, particularly between different Pashtun tribal groups.

3.5 DFAT assesses that, in the current environment, all ethnic groups are subject to a high risk of violence from anti-government elements, but no particular group is systematically targeted solely on the basis of ethnicity. Although ethnicity or religion may sometimes be a contributing factor, especially in kidnappings of civilians travelling by road, insurgent groups typically target people associated with the government and the international community, or people who appear wealthier than other Afghans.

3.6 DFAT has no evidence of any official policy of discrimination pursued by the government on the basis of ethnicity. No ethnic groups are excluded from elections or political representation under the Constitution, 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.

3.7 Political parties are often ethnically based, and 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 extremely unlikely to succeed. There is evidence that political parties representing different ethnic groups are able to work together to defend their common interests, for example by preventing proposed changes to electoral laws that could threaten some parties' registration. Following the contested 2014 election and despite significant differences, President Ghani and CEO Abdullah were able to form the National Unity Government under a power sharing agreement (Ghani is Pashtun, and had a Uzbek running mate; Abdullah is half-Pashtun half-Tajik, and was widely associated with ethnic Tajiks and some Hazara factions). While this relationship remains fragile, the fact that the power sharing agreement was made is itself an important indicator of the tendency for other interests to override ethnic divides at high levels.

3.8 However, prejudice at the community level (i.e. societal discrimination) is widespread. As noted above, ethnicity and tribal affiliations are an important factor in Afghan daily life. Societal discrimination is most commonly manifested in forms of nepotism within ethnic and religious communities. For example, ethnic, tribal or family connections will often be more important than merit in employment decisions for both government and private sector positions. Access to these connections is crucial in a weak, and deteriorating,

economic environment to secure or maintain opportunities for personal livelihood. DFAT assesses that positive societal discrimination in favour of family, tribal or ethnic group members is common, which may have negative consequences for members of other groups, particularly disadvantaged minorities.

3.9 Ethnicity is an important factor in many political and policy issues, including for appointments to government positions and access to higher education. For example, to counter a perceived Hazara domination of higher education, the government proposed in July 2013 to replace the merit-based system for university entrance with an ethnically-based quota system. However, legislation to implement the change was not passed by parliament prior to the 2014 presidential elections or the formation of the National Unity Government, and the policy appears unlikely to proceed in the near future.

Hazaras

3.10 Hazaras are a visibly distinct ethnic group in Afghanistan. Although demographic data is notoriously unreliable, the most generally accepted figure for the proportion of Hazaras in the Afghan population is approximately nine per cent. Hazaras are nearly exclusively Shia Muslims, mostly of the Twelver Sect (*athna asharia*), with a very small Sunni minority. Hazaras living in rural areas speak Hazaragi, a dialect of the Persian (Farsi) language.

3.11 The traditional Hazara area in Afghanistan (known as the 'Hazarajat') lies in the central highlands and includes the provinces of Bamiyan and Daykundi, as well as parts of the provinces of Ghor, Uruzgan, Wardak and Ghazni.

3.12 Under the Taliban regime, Hazaras faced systemic official and societal discrimination and violence. According to an August 2013 report by the UN High Commissioner for Refugees, minorities in Afghanistan, including Hazaras, have made significant gains, albeit from a very low base, since the Taliban were removed from power in 2001. This assessment is consistent with information presented to DFAT during consultations in the preparation of this report. Afghanistan's Hazara population has made strong gains in terms of politics and education over this period. For example, Hazara candidates won all the lower house seats in Ghazni, despite being a minority of the province's population. In addition, Afghanistan's Second Vice President, Sarwar Danish, is an ethnic Hazara from Daykundi Province who was elected on the same ticket as President Ghani. Vice President Danish replaced former Vice President Karim Khalili, another ethnic Hazara from Wardak Province. It is important to note, however, that often-quoted figures showing high levels of Hazara electoral success may be misleading, as these figures often include all Shias, rather than just Hazaras. For example, the Minister for Commerce, Trade and Industries, Humayoun Rasa, is ethnically a Bayat (Turkic Shia), and the Minister for Telecommunications, Abdul Razaq Wahidi, is ethnically Tajik but religiously Shia—both are considered Hazara by the government.

3.13 While conditions for Hazaras have improved greatly since 2001, they still face some societal discrimination, partly as a result of earlier practices of official discrimination. For example, until 2001 there were few Hazaras employed in senior government positions. Due to the important role that ethnic, tribal and familial connections play in day-to-day life for all Afghans, Hazaras are still underrepresented in senior levels of government—Vice President Danish is the only Hazara in Cabinet. The historical enmity between Afghanistan's Pashtun and Hazara communities contributes to the Hazara community's perceptions of ongoing discrimination and targeting for violence.

3.14 All Afghans are vulnerable to violent attacks associated with insurgent and/or terrorist groups. DFAT has no evidence to suggest that Hazaras are systematically targeted in these attacks on the basis of their ethnicity alone. DFAT assesses that, with the exception of kidnappings, Hazaras are not currently at any greater risk of violence than other ethnic groups in Afghanistan.

3.15 While no ethnic group is immune from kidnappings, DFAT assesses that Hazaras travelling by road between Kabul and the Hazarajat face a risk which is greater than other ethnic groups. It is unclear whether this is due to ethnic targeting or is 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. It should be noted, however, that kidnappings of Hazaras are relatively rare in a country-wide context. According to the UNAMA 2015 mid-year report on protection of civilians in Afghanistan, of the 196 abduction incidents country-wide in the first six months of 2015, only 10 incidents involved Hazaras. All but one of the kidnappings of Hazaras occurred in areas of mixed Hazara and non-Hazara communities. A total of 97 Hazaras were reported as being abducted, 67 of whom have been confirmed as being subsequently released. (See also the 26 March 2014 DFAT Thematic Report on Hazaras in Afghanistan and Pakistan, or subsequent updates).

Religion

3.16 As with ethnic groups, we lack reliable data about the size of religious groups in Afghanistan, but it is generally accepted that approximately 99 per cent of the population identify as Muslim—around 80 per cent Sunni and 19 per cent Shia. Other groups, including Christians, Sikhs, Hindus and Baha'is, make up the remaining one per cent of the population. According to the US State Department, there is one known Jewish citizen.

3.17 Articles 2 and 3 of Afghanistan's Constitution establish Islam as the official religion, but also require that believers of other religions should be 'free within the bounds of law in the exercise and performance of their religious rites'. Article 3 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'. Article 62 requires that presidential and vice-presidential candidates be Muslim; while this requirement does not extend to government ministers or members of parliament, these roles require swearing an oath of allegiance and obedience to the principles of Islam. The Constitution also allows for Shia law to be applied in cases where all parties are Shia. There is no separate law applying to non-Muslims, although the General Directorate of Fatwas and Accounts under the Supreme Court ruled in 2007 that the Baha'i faith was distinct from Islam and a form of blasphemy.

3.18 The Ministry of Hajj and Religious Affairs (MOHRA) has primary responsibility for managing religious affairs. Licencing and registration of religious groups is not required, although the government has registered some mullahs (religious leaders). In addition, the Ulema Council is a group of influential Islamic figures whose senior members meet with the president and advise him on Islamic moral, ethical and legal problems. DFAT assesses that official discrimination on the basis of religion is low in Afghanistan, primarily because the vast majority of the population is Muslim. Official discrimination between Sunni and Shia Muslims on the basis of their religion is also low.

3.19 Mosques, clerics and religious leaders (both Sunni and Shia) have been targeted for violence and harassment by anti-government elements. According to the UNAMA 2014 Annual Report, there were 25 attacks on religious figures and places of worship in 2014, resulting in 61 civilian casualties, including 19 deaths. This was a 110 per cent increase in casualties compared with 2013. For example, on 27 August 2014 there were three separate incidents involving mullahs being attacked and killed by anti-government elements, across three different provinces. These attacks were reportedly motivated by the pro-government and/or anti-government stance of each of the mullahs targeted, rather than religious affiliation. In March 2015, gunmen attacked a Sufi mosque in Kabul, killing 11 worshippers. The motivation for this attack is unclear, and no group has claimed responsibility. The UNHCR Eligibility Guidelines of August 2013 noted that anti-government elements are reported to target religious and tribal leaders who are perceived as supporters of the government or the international community, or for their interpretations of Islam. It also noted that 'imams have reportedly been targeted for performing funeral ceremonies for members of the ANDSF, and for individuals who have been killed by the Taliban'.

Blasphemy and Apostasy

3.20 While the Constitution protects freedom of expression and the *Penal Code 1976* makes no specific mention of insults or profanity against deities, religions, or religious symbols or books, courts tend to rely on Islamic law to address these issues. In this context, blasphemy can be considered a capital crime. Similarly, while there are no laws explicitly prohibiting religious conversion, adults who convert from Islam may face the death sentence. Public displays of non-Muslim faith are rare, and there are very few trials for blasphemy or apostasy. According to the US State Department, two reported prosecutions for blasphemy occurred in 2013, with at least one defendant convicted and sentenced to 10 years in prison. In October 2014, a newspaper editor/owner was reportedly arrested on charges of blasphemy following publication of an editorial critical of Islam. In 2009 a journalist was convicted of blasphemy and sentenced to death for an article asking why Islam does not give women equal rights. He was subsequently released after being pardoned by then-President Hamid Karzai. DFAT is not aware of the state carrying out the death penalty for crimes of blasphemy or apostasy since the Constitution was ratified in 2004.

3.21 In March 2015, a woman named Farkhunda was beaten to death, and her body set on fire and dumped on a river bank, by a large group of people in central Kabul after she was (falsely) accused by a mullah of burning a copy of the Koran. The incident was filmed and uploaded to the internet, and members of the police force could be seen in the video watching the attack take place. The attack provoked widespread protests in Kabul. Forty-nine men were subsequently arrested and, following a two-day trial, four were sentenced to death by hanging (later commuted to 20 years' imprisonment), while eight others received 16-year jail terms. Eighteen other people were acquitted. The remaining 19 people—all police

officers accused of participating in the violence or dereliction of duty—were tried in May. Eight officers were acquitted, and the other 11 were sentenced to one year in prison—the minimum sentence required by law—and released on bail three weeks later, on 9 June 2015. Human rights groups, while condemning the attack, have also raised concerns over the lack of due process during the trial. Reports from members of the international community who attended the mass trial of the 30 civilians suggest that only three or four defence lawyers were present, and that the trial did not meet international fair trial standards. Prior to discovering that Farkhunda had been falsely accused, some senior religious figures had defended the actions of the attackers in ‘protecting their faith’.

Non-Muslims

3.22 There are no religious facilities in Afghanistan that are available to Afghan Christians. There are some publicly accessible religious facilities for Hindus and Sikhs, including in Kabul, but many non-Muslims do not openly practice their religion because of the risk of discrimination or violence. According to the US State Department, members of the Hindu and Sikh communities have complained about restrictions on their ability to cremate the remains of the deceased in accordance with their customs—this reportedly involves mainly societal restrictions such as harassment, but also indirect official restrictions around land allocation and use. The government provides free electricity to mosques, but not for other religions’ places of worship. DFAT is not aware of any person being detained by the government for practising a minority faith. However, prominent public figures, including members of parliament and provincial governors, are known to call for the punishment of converts from Islam.

3.23 Although there is some official discrimination on the basis of religion, DFAT assesses that the main impediment to religious freedom in Afghanistan in practice is societal discrimination against non-Muslim religious minorities. Christians, Sikhs and Hindus may suffer discrimination by members of the Muslim majority in the form of unequal access to government or private-sector jobs and harassment in their schools. Violence against non-Muslims is rare, although this is primarily due to the small numbers of non-Muslim religious practitioners in Afghanistan and the low profile these practitioners maintain to avoid discrimination and violence. DFAT has no current evidence of violence specifically targeted at non-Muslims in Afghanistan.

Shias

3.24 Afghanistan’s Constitution and laws recognise some separate legal rights for Shias. Article 131 of the Constitution provides that Afghanistan’s courts shall apply Shia jurisprudence in certain civil cases where all parties are Shia. In 2009, parliament passed a Shia Personal Status Law, which recognised different practices on issues such as marriage, divorce and inheritance among the Shia community.

3.25 With their formal legal position and interests largely respected, DFAT assesses that any discrimination that Shias in Afghanistan experience is more likely to be societal in nature, primarily as a result of the important role played by ethnic, tribal and familial networks in Afghan society and the dominance in many areas of the Sunni majority. As is the case in other aspects of Afghan society, such discrimination is generally more accurately described as a positive preference for members of one’s own family, tribal or ethnic group, rather than negative discrimination against others.

3.26 All groups in Afghanistan are vulnerable to attacks by insurgent and/or terrorist organisations, regardless of their religious beliefs. DFAT is not aware of any credible evidence that everyday Shia Muslims are systematically targeted on the basis of their religious affiliation. As noted above, religious leaders in the community are at risk of being specifically targeted for violent attacks, but DFAT assesses that this targeting is primarily a result of perceptions around support for the government and/or the preaching of anti-insurgent messages rather than religious affiliation. DFAT assesses that Sunni-Shia sectarian violence is infrequent, although occasional violence does occur. For example, in December 2011 a bombing attributed to Pakistan-based Lashkar-e Jhangvi of the Shia Abu Fazl mosque in Kabul reportedly killed 70 people. In many cases of violence against minority Shia groups it is not possible to differentiate between religion, ethnicity (Shias in Afghanistan are predominantly ethnic Hazaras), and opportunism as the motivation for the attacks.

Political Opinion (Actual or Imputed)

3.27 Afghanistan’s Constitution provides for citizens’ rights to ‘elect and be elected’ (Article 33) and to form associations, including political parties, in accordance with the law (Article 35). The *Political Parties Law 2009* and associated regulations manage the operation of political parties in Afghanistan. The 2009 law requires parties to have at least 10,000 members to be registered. In April 2012, a regulation was

introduced requiring political parties to open offices in at least 20 provinces within one year of registration. DFAT is not aware of any parties being removed from the Ministry of Justice's registration list because of this regulation, even though a 2012 review found several parties did not comply.

3.28 While reports vary, there are at least 55 officially registered political parties in Afghanistan, many of which represent the interests of particular ethnic groups. Although the Constitution prohibits parties from having military or quasi-military organisations, many current parties were originally formed as insurgent groups to resist the Soviet invasion. Retired mujahedeen now sit in parliament alongside former members of the Soviet-backed People's Democratic Party of Afghanistan. Several parties maintain links with militias.

3.29 Elections in Afghanistan are invariably associated with significant security and corruption issues. The most recent presidential elections in 2014 and, in particular, the runoff election between Ghani and Abdullah, were marred by plausible allegations from both sides of fraud, corruption and intimidation. However, formal discrimination against, or intimidation of, members of political parties and opposition groups by the government is uncommon.

3.30 DFAT assesses that the Afghan political system is generally representative (although allegations of fraud are common), and allows people to participate in political processes without discrimination by joining political parties and engaging in political processes. Low-profile members of political parties are generally not subject to official or societal discrimination on the basis of their membership of that party. However, there is widespread violence against individuals because of their perceived support for or association with the government, or perceived opposition to anti-government elements.

3.31 Since 2001, political demonstrations have generally been peaceful and have not generated significant attempts to disrupt them in a violent or unruly manner. Moderate sized demonstrations in Kabul are not uncommon, and DFAT is not aware of systemic efforts to suppress political demonstrations.

3.32 Several political figures have been targeted for assassination by insurgent and terrorist groups—the Taliban has publicly announced its intention to target high-ranking government officials, MPs, High Peace Council members, contractors, judges, prosecutors and others associated with the government or opposed to Taliban objectives.

3.33 Government officials, of all levels, have been subject to violence. In September 2011, former President Burhanuddin Rabbani was killed by a suicide bomber in his home in Kabul, soon after his appointment as the head of the High Peace Council. In October 2013, Governor Arsala Jamal of Logar Province was killed in a bomb attack at a mosque in Logar. Abdul Qadeem Patyall, Deputy Governor of Kandahar Province, was shot and killed in November 2014 while studying at Kandahar University. In April 2015, the body of the Acting Police Chief of Uruzgan Province, Ghulab Khan, was found along with that of his driver outside the provincial capital of Tarin Kot. Khan's murder came just five weeks after the assassination of the previous Police Chief of Uruzgan, Matiullah Khan. (See 'People associated with the government or international community' below).

Groups of Interest

People associated with the government or the international community

3.34 Insurgent and terrorist groups, including the Taliban, openly target government officials and people associated with the international community. These individuals are often subject to intimidation, threats, abduction and killing. These attacks occur throughout Afghanistan, including Kabul.

3.35 The UN has reported that around 11 per cent of all civilian casualties of the conflict in 2014 were as a result of civilians being directly targeted, predominantly because of their perceived affiliation with the government or opposition to anti-government elements. Such targeted attacks resulted in 1,114 casualties, including 753 deaths, in 2014. This represents a similar level of civilian casualties from targeted killings compared with 2013 and 2012, and a large increase (more than double) from the years prior to 2012. Ninety-six per cent of these casualties in 2014 were attributed to anti-government elements, whose attacks included killings of tribal elders, civilian government officials, mullahs and civilian justice officials. These attacks occurred throughout Afghanistan. The Taliban claimed responsibility for 103 separate incidents resulting in 203 civilian casualties, more than double the number of incidents claimed by the Taliban in 2013.

3.36 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.

3.37 In many cases, individuals working with the government or the international community will take 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 instruct their staff not to carry identification.

3.38 DFAT assesses that individuals working for, supporting or associated with the government and/or the international community are at high risk of violence perpetrated by anti-government elements. While ethnicity and religion are unlikely to be primary motivations for attacks on government workers, in some cases these issues may be contributing factors.

Women

3.39 Article 22 of the Constitution provides that the 'citizens of Afghanistan, man and woman, have equal rights and duties before the law'. Article 83 of the Constitution reserves 68 of the 249 seats in the lower house of parliament for women, comprising at least two women from each of the 34 provinces. Furthermore, under Article 84 of the Constitution, the president appoints one-third of the upper house of parliament, and 50 per cent of the individuals appointed by the president must be female. Under Article 30 of the Electoral Law, at least 20 per cent of the seats of each provincial council are reserved for women, although this was reduced from 25 per cent in July 2013, at which time quotas for women in district and village councils were removed completely.

3.40 Women's rights have improved significantly since the end of the Taliban regime in 2001 and in many respects women are now legally able to participate openly in public life. In the 2010 parliamentary elections, women accounted for approximately 41 per cent of registered voters and 16 per cent of candidates. Sixty-nine female candidates were elected—one more than the constitutional requirement—representing more than a quarter of the members of parliament. In March 2015, President Ghani and CEO Abdullah announced 16 nominees for ministerial positions in the National Unity Government, including four female nominees, who were subsequently confirmed by parliament.

3.41 Despite significant improvements, women in Afghanistan continue to face official discrimination. The *Shia Personal Status Law 2009* derogated some constitutional rights for Shia women, leaving questions around inheritance, marriage and other personal freedoms to be determined by Shia religious authorities. Furthermore, despite progress in terms of the introduction of the *Law on the Elimination of Violence Against Women* (the EVAW law), the ANP and prosecutors' offices often undermine implementation of the law by referring serious crimes to traditional dispute resolution processes, which discriminate against women. For example, in some cases a family might offer a girl for marriage to resolve a dispute. This practice, known as *baad dadan*, continues despite being banned under the EVAW law.

3.42 Female victims are often prevented from attending mediation sessions, and victims of sexual and domestic violence have often themselves been charged with crimes such as adultery or 'running away from home'. According to the US State Department, using data from the Afghan government's General Directorate for Prisons and Detention Centres, around 80 per cent of female prisoners in 2013 were held for 'moral crimes', including women in situations of abuse, rape or forced marriage. Women in areas where anti-government elements have a greater level of control tend to face greater levels of discrimination in terms of access to justice, due to parallel justice systems that routinely discriminate against women. Corruption, combined with the impacts of societal discrimination (e.g. there are very few female defence lawyers), can also limit women's access to justice. Women tend to have very limited economic independence, which means they are often unable to pay fines or bribes in order to resolve disputes through the justice system.

3.43 DFAT assesses that women in Afghanistan face a moderate level of official discrimination, which is often exacerbated by very high levels of societal discrimination and a high risk of violence.

Societal discrimination

3.44 Although there have been improvements since 2001, in practice, most women in Afghanistan continue to experience significant discrimination in most aspects of daily life, which limits their ability to pursue personal, economic, social and cultural rights. Despite government efforts to increase female employment in areas such as the police force, societal discrimination hampers recruitment and retention efforts. Restrictions on women's freedom of movement act as barriers to women seeking employment and

accessing education and healthcare services, particularly outside of major urban areas. Discrimination tends to be worse in areas where the influence of the Taliban is stronger.

3.45 Arranged marriages are traditional in Afghanistan, and in many cases these marriages are forced. While reliable data are hard to obtain, it is estimated that up to 70 per cent of marriages in Afghanistan are forced. Women and girls may also be married according to the practice of *badal*, where two families exchange girls to minimise the high cost of marriage. Child marriage is also common.

3.46 There is no law specifically banning sexual harassment. Women who walk outside alone can experience abuse or harassment, including physical groping. Victims of sexual assault are often shunned by their families and perceived by society to be at fault. According to an Oxfam report, *Women and the Police*, in addition to allegations of widespread sexual abuse and rape of female officers, there is evidence that senior police officers demanded sexual favours in exchange for promotions.

Violence

3.47 In 2009, then-President Hamid Karzai introduced the EAW law, which banned early and forced marriage, as well as rape, battery, humiliation and intimidation of women. The law also made it a crime to buy and sell women for marriage or to offer girls as a means of dispute resolution. Under the law, rape is punishable by 16-20 years in prison, or the death penalty if the act results in the death of the victim. The definition of rape under the law does not include spousal rape. Despite efforts from some MPs, particularly female MPs, the EAW law has not been officially passed by parliament (although it remains in force by presidential decree). Enforcement remains uneven. Some conservative MPs have spoken out against the law, arguing that the protections for women are 'un-Islamic'.

3.48 The incidence of domestic violence and other violence against women remains high in Afghanistan. According to UNAMA, the government recorded 5,406 cases of violence against women in the year to March 2014, including 3,715 cases registered under the EAW law. This represented a 20 per cent increase in total cases from the preceding 12 months. Under-reporting remains an issue, and these data greatly underestimate the incidence of domestic violence. The majority of cases brought under the EAW law are settled through mediation processes, and in some cases women are not allowed to attend the mediation sessions.

3.49 In March 2015, the AIHRC announced that around 1,880 incidents of physical and sexual assault had been reported in person at AIHRC offices during 2014. This included 1,468 incidents of physical violence and 412 of sexual violence. In addition to these cases of physical violence, other incidents reported to the AIHRC included 99 incidents of forced engagement or marriage and 10 of buying and selling of women. Reporting rates have increased significantly in recent years, likely due to improved reporting processes rather than an increased incidence of violence. Nonetheless, reporting rates are likely to remain significantly lower than the actual rates of violence due to a mix of cultural, social and religious factors.

3.50 DFAT considers credible the AIHRC summary report of its 'National Inquiry on Rape and Honor Killing in Afghanistan' released in June 2013. Within the overall context of underreporting, 243 honour killings and 163 cases of sexual assault were reported over the two-year study period. According to the AIHRC, 21 per cent of honour killings were perpetrated by the victims' husbands, and 15 per cent by police officers. The AIHRC report noted that two-thirds of alleged perpetrators had been arrested, but only 60 per cent of those arrested had been brought to trial and punished. The report also noted that many families and tribes, as well as judicial bodies across Afghanistan, often consider the victims of sexual assault to be criminals. A number of the honour killings recorded in the report were as a result of prior sexual assault. Around 17 per cent of the sexual assaults recorded were allegedly committed by a family member.

3.51 The Taliban and other insurgent groups have been known to target women, especially high-profile women leaders. UNAMA documented 556 incidents of conflict-related violence involving civilian women in 2014, resulting in 909 female casualties (298 deaths and 611 injured). This was a 21 per cent increase on 2013 levels, and represents the highest annual number of casualties since systematic record keeping began in 2009. This is broadly consistent with the overall rise in violence across Afghanistan.

3.52 Violent attacks against women are common in Afghanistan, including kicking, slapping, and beatings with weapons such as wire, sticks and gun butts. Acid attacks can also occur, although statistics on the frequency of these attacks are unreliable. For example, on 4 July 2015, two men on a motorbike reportedly threw acid into the faces of three teenage girls on their way to school in Herat city. It was reported that the men told the girls, who were aged 16-18, that it was punishment for going to school. In Kunduz province, a 20-year-old woman is reportedly in hiding due to death threats, four years after being burned by acid in an attack allegedly motivated by her rejection of a marriage proposal.

3.53 While violent attacks against women often go unreported, two recent incidents have attracted public attention, including reports of widespread outrage and condemnation. In August 2014, a group of men dressed in police uniforms stopped several cars travelling home from a wedding along a road near Kabul. The gang members reportedly tied up the men travelling in the cars, then kidnapped and gang-raped at least four women. The case only came to the attention of police after it was reported by the doctors treating the rape victims at the local hospital. Five men were subsequently arrested, charged (not with rape but with *zina*, or 'sex outside marriage'), and sentenced to death after a two-hour trial. The men were hanged in October 2014. In the second case, as noted above, in March 2015 a woman was beaten to death by a large group of men, and her body dragged behind a car before being set on fire and dumped in a river. The woman had been falsely accused of burning a copy of the Koran. This incident, which took place in central Kabul, was filmed by onlookers and the recording shared on social media. In the footage of the incident, several members of the Afghan National Police can be seen watching the attack.

Sexual Orientation and Gender Identity

3.54 Homosexual sex is illegal in Afghanistan. Under Article 427 of the *Penal Code 1976*, 'pederasty' (sexual activity between a man and a boy, as homosexuality is defined) is punishable by up to ten years jail. Under *sharia*, homosexual sex may be punished by the death penalty, but DFAT is not aware of any cases in which the death penalty has been officially enforced since 2001.

3.55 In addition to legal constraints, the freedom to publicly identify as being homosexual is highly constrained by deeply-held cultural and societal taboos. There are credible, if anecdotal, reports of men who have been accused of being gay being fired from their jobs, disowned by their families, restricted from accessing services such as healthcare, and being harassed, robbed, arrested, pressed for sexual favours or raped because of suspicions that they are homosexual. The situation for lesbian women is even more constrained, as low levels of autonomy, including financial dependence and social norms, mean it is difficult for women to have primary relationships without men. There are no groups publicly advocating for the rights of LGBTI people. Homosexual acts do occur in Afghanistan, although there are no reliable estimates of their prevalence. The incidence of homosexual activity does not indicate tacit societal support or acceptance for LGBTI people, as the practice is not widely acknowledged or discussed.

Children

3.56 Children in Afghanistan continue to suffer severe human rights abuses as a result of ongoing armed conflict. According to UNAMA, there were a total of 1,065 conflict-related incidents involving children in 2014 resulting in 2,474 child casualties (714 killed and 1,760 injured). This was the highest number of child casualties recorded since detailed monitoring began in 2009, and reflected an increase in child casualties of 40 per cent compared with 2013, which was itself an increase of 30 per cent compared with 2012.

3.57 The security situation continues to hinder education efforts, and schools remain vulnerable to attack from anti-government elements. According to the Afghan Ministry of Education, approximately 115,000 children were affected by the temporary or permanent closure of schools in 2013 due to security concerns across Afghanistan. This included 73 incidents where schools were directly targeted, which resulted in the deaths of at least 11 students. The Taliban continues to threaten schools, particularly girls' schools. For example, in May 2013 the Taliban issued a letter threatening teachers and students at a girls' school in Nangarhar Province with acid attacks if they continued to attend school.

3.58 There continue to be credible reports of children being recruited to take part directly in the conflict. The UN Country Task Force on Monitoring and Reporting of Grave Violations of Child Rights in Armed Conflict (CTFMR) recorded 41 cases of child recruitment by anti-government forces, five cases by the ANDSF and one case by a pro-government armed group in 2014. For example, according to UNAMA, on 23 August 2014 three boys were used by the Taliban to transport pressure-plate explosive devices in a wheelbarrow in Ghazni city. The devices detonated prematurely, killing two of the boys, aged 10 and six, and injuring the third child who was eight years old.

3.59 Child abuse is endemic in Afghanistan, and DFAT considers credible reports that some forms of child abuse are on the rise. Such abuse includes general neglect, physical abuse, sexual abuse, abandonment and forced labour. In June 2013, the AIHRC reported that levels of sexual abuse of children had reached an all-time high. Girls are more likely to be abused by members of their extended family, whereas boys were more often abused by men outside their families. Young boys are at risk of the practice of *bacha bazi* or 'dancing boys', where boys are sold to powerful figures (including ANP members) and businessmen. These boys, typically aged between 10 and 18 years old, are forced to dance for adult male audiences in female

clothing, and are then often sexually abused, including in some cases being gang-raped. This practice is most common among Pashtun groups and is thought to be more prevalent in conservative, rural areas, although it occurs across Afghanistan. There are reports that it is becoming more common, including in Kabul. While there are some rare reports of former dancing boys being able to use the connections they have made to become successful community members, the bulk of the victims of this practice are forced to leave once they grow older, and are often rejected by their original families, leaving them without a supporting family structure or an education.

3.60 Under the EAW law it is illegal to arrange forced or underage marriage, but enforcement of this aspect of the law—which is punishable by up to two years of imprisonment—is rare. According to the US State Department report on human rights practices in Afghanistan, an estimated 60 per cent of girls are married before they turn 16 years of age. Some girls as young as six or seven are reportedly promised in marriage, and in many cases these marriages—and associated sexual abuse by the ‘groom’ or older family members—occur prior to the girls reaching puberty.

Media

3.61 Under Article 34 of the Constitution, freedom of expression ‘shall be inviolable’, and ‘[d]irectives related to the press, radio and television as well as publications and other mass media shall be regulated by law’. The *Mass Media Law 2009* codifies press freedoms and limits government interference, but under the law media outlets are still required to register with the Ministry of Information and Culture. The law also prohibits the publication of materials considered to be contrary to the principles of Islam.

3.62 Afghanistan’s media is much freer than it was under the Taliban regime, when only one government radio station was in operation and independent media was banned. By 2014, Afghanistan had 174 radio stations across all provinces, as well as 80 television stations, and multiple newspapers and web-based media organisations. These media outlets routinely cover stories that are critical of the government, including reporting of human rights abuses and serious crimes against women and children. Despite these improved conditions, the quality of journalism in Afghanistan is highly variable, and poorly paid reporters have been known to publish false reports in return for payment. Reporters Without Borders ranks Afghanistan 128th out of 180 countries in its 2014 Press Freedom Index.

3.63 Despite greater regulatory freedom, journalists continue to face security challenges beyond those faced by ordinary members of the community. Journalists have been threatened and subjected to violent attacks to limit reporting that is critical of government officials, anti-government elements, religious figures and/or powerful local figures. According to Reporters Without Borders, areas under greater Taliban influence have much less media activity than the rest of the country. Human Rights Watch has reported that violent attacks on journalists are often not investigated, nor are the offenders punished. In addition to attacks by security forces, insurgents and other groups specifically targeting journalists, the overall security environment also presents a risk to journalists, particularly when travelling by road outside of the major urban centres.

4. Complementary Protection Claims

Arbitrary Deprivation of Life

4.1 There are credible reports of incidents of arbitrary deprivation of life by both government security officials and insurgents in the form of extra-judicial killings and enforced or involuntary disappearances. However, there is a lack of accurate data on the number and type of incidents beyond the targeted, conflict-related incidents already covered in this report (see 'Security Situation').

Extra-judicial killings

4.2 Insurgent groups regularly use targeted assassinations in their campaigns against the government, its supporters and the international community. In addition, the Taliban is known to operate a parallel justice system which imposes summary justice, including well-publicised executions. In 2014, UNAMA documented 49 incidents of anti-government elements, including the Taliban, carrying out punishments against civilians for alleged breaches of *sharia*. These punishments, including executions, beheadings, amputation of body parts, beatings and other punishments, resulted in 96 civilian casualties (81 deaths and 15 injured), which represents a more than 300 per cent increase in casualties compared with 2013. For example, in its 2014 annual report on the protection of civilians, UNAMA reported that in September 2014 a large crowd was led by the Taliban to an open area in order to witness the execution of three civilians accused of common crimes. The community had been notified of the executions by a mullah speaking through the mosque's loudspeakers. After a reading of the judgement, the three men were shot and killed, and their bodies left in the open as a warning.

4.3 There are also credible reports that members of the ANDSF have committed extrajudicial killings. These incidents all involve either targeted assassinations of people directly involved in the conflict, or criminal activity perpetrated by members of the ANDSF, rather than a systemic targeting of civilians. All incidents of civilian casualties from parallel justice system punishments recorded by UNAMA in 2014 were carried out by anti-government elements.

Death Penalty

4.4 The death penalty in Afghanistan is imposed according to the *Penal Code 1976* or *sharia* for a range of offences. Since 2008, executions have been carried out for offences including aggravated murder, murder, rape, treason, espionage, kidnapping not resulting in death, and terrorism.

4.5 There are several other offences for which there is a provision for the death penalty, but for which no executions have been carried out. For example, sex outside of marriage may be punishable by death under the law, but evidentiary requirements are stringent and DFAT is not aware of courts imposing the death penalty in any such cases.

4.6 Executions are generally carried out by hanging, or occasionally by firing squad. The Supreme Court must consider and uphold death sentences issued by lower courts. The President must approve executions before they can be carried out.

4.7 While reliable data on the exact number of executions are difficult to obtain, executions are relatively rare in Afghanistan, and are mainly applied in cases of kidnapping, murder and rape. Since 2001, hundreds of people have been sentenced to death, however many of these executions do not take place. According to news reports, President Karzai reportedly signed the warrants for just 30 people sentenced to death during his presidency. According to the UK Foreign and Commonwealth Office, President Ghani has ordered a review of nearly 400 death row cases.

Torture

4.8 Torture is prohibited under Article 29 of the Afghan Constitution. Under Articles 415 and 416 of the *Penal Code 1976*, coercion, threats and torture of people in detention are punishable by up to 10 years of imprisonment. Following reports by international bodies and government officials of torture and ill-treatment of detainees, on 16 February 2013, then-President Karzai issued Presidential Decree 129 ordering the prosecution of perpetrators of torture, the facilitation of detainees' access to lawyers and medical treatment, the release of illegally detained persons and the video recording of all interrogations.

4.9 There are widespread credible reports that government officials (including security forces) have committed torture in detention and prison facilities across Afghanistan. A February 2015 report by UNAMA on the treatment of insurgency-related detainees found credible information that 35 per cent of the 790 detainees interviewed for the report had experienced torture or ill-treatment (as defined under the International Covenant on Political and Civil Rights and the Convention Against Torture), either at the time of their arrest or during their subsequent detention, in the preceding 23 months. Although torture remains prevalent, this was an improvement on the previous reporting period, in which UNAMA found credible information that 49 per cent of the 635 detainees interviewed had experienced torture or mistreatment. However, the limitations of the survey—including a lack of access for UNAMA into a number of detention facilities—mean it is not possible to determine if these results represent an actual decrease in the incidence of torture. UNAMA found that torture generally took the form of interrogation techniques used by Afghan officials that deliberately inflicted pain and suffering on detainees to elicit a confession or information. While the survey only covered insurgency-related detainees, there is credible reporting that torture of prisoners by Afghan authorities is common.

4.10 UNAMA also found no improvement in the level of accountability for the perpetrators of torture. During the 23-month period covered by the report, there was only one case of a successful prosecution, involving two National Directorate of Security officials found guilty of torture of detainees in Uruzgan Province. The two officials were convicted and sentenced to eight months of imprisonment. The lack of prosecutions for torture-related offences is consistent with other credible reports of impunity for officials involved in the mistreatment of detainees.

4.11 DFAT assesses that the torture and mistreatment of detainees by officials in Afghanistan to obtain a confession or other information is common and widespread.

Cruel, Inhuman or Degrading Treatment or Punishment

4.12 Reports of cruel, inhuman or degrading punishment by government officials and anti-government elements persist, although aside from the incidents of torture outlined above these incidents are largely undocumented and rarely publicised. According to UNHCR, there are reports of female detainees being raped by police officers and children being sexually abused by members of the ANDSF. The prison system is significantly overcrowded, with long periods of pre-trial detention common. Pre-trial detainees are often not separated from the general prison population. In areas where the influence of anti-government elements such as the Taliban is greater, there are reports of illegitimate parallel justice systems carrying out punishments such as executions, amputations and mutilations.

4.13 Articles 414-417 of the *Penal Code 1976* prohibit 'illegal' arrests and detention. However, arbitrary arrests, a lack of access to legal representation, and prisoners held 'incommunicado' have been reported across most provinces in Afghanistan in recent times.

5. Other Considerations

State Protection

5.1 The ongoing insurgency across the country means that the government struggles to exercise effective control over many parts of the country, particularly areas outside major urban centres. As a result, the government lacks the ability to adequately address human rights issues, protect vulnerable groups and prosecute human rights violators in those areas. Despite these challenges, DFAT assesses that the government maintains effective, but not absolute, control in major urban centres, particularly Kabul. While violent attacks still occur and there are major concerns over the capacity of law enforcement and judicial systems, security in these urban centres is typically better than in rural areas.

5.2 In contested areas where the government's control is weaker, particularly in the south and east of Afghanistan and newly contested areas in the north, insurgents maintain parallel political and judicial structures. Due to their lack of formal legal standing, UNAMA considers the existence of these processes and the resulting punishments to be human rights abuses. Nonetheless, there is a perception in some parts of the community that parallel judicial systems are preferable to official ones, due to the swift and decisive action that often results as well as widespread distrust of an official system seen as corrupt, slow and ineffective. Insurgent and terrorist groups also seek to propagate fear and uncertainty among the civilian population to discourage them from cooperating with the government and international forces.

5.3 Security in Afghanistan is the responsibility of the ANDSF, made up of the Afghan National Army (ANA), the Air Force, the Afghan National Police (ANP) and the National Directorate of Security (NDS). The ANDSF is also supported by other forces such as the Afghan Local Police (ALP) and the Afghan Border Police (ABP)—which operate under the Ministry of the Interior—and other small pro-government local militia groups. The various arms of the ANDSF differ in terms of their effectiveness. The ongoing reduction in the international forces is having an impact on the ANDSF's ability to maintain government control across the country, particularly in rural areas, and casualties from the conflict have increased significantly. There are reports that the ANDSF is losing around 1,000 personnel per month to injury or death.

Military

5.4 The ANA is notionally responsible for external security, but in practice has primary responsibility for conflict operations and territorial security against the insurgency within Afghanistan, following the drawdown of ISAF. According to the UK Home Office, in August 2014 there were 178,515 members of the ANA and 6,714 members of the Air Force. Afghanistan does not have a policy of compulsory military service.

5.5 The ANA is generally regarded as broadly competent compared to other security-related institutions in Afghanistan, given the level of resourcing it has available. The ANA has been generally successful in holding its ground against insurgent forces. Its planned operations have had some success, particularly in southern and central Afghanistan, although once the ANA pull back the ANP are often quickly overrun, so that the gains can be quickly eroded.

Police

5.6 The ANP has primary responsibility for internal law and order, but in practice largely operates as a counter-insurgency force. According to the UK Home Office, in August 2014 the ANP had 153,317 members. The capacity of the ANP to maintain law and order is constrained by a number of factors, including a lack of resources and equipment, poor training and low education levels of individual members—it is estimated that up to 70 per cent of ANP members are illiterate or have very low levels of literacy. Political manipulation and poor pay levels contribute to high levels of corruption. In many cases, the ANP is not able to resist concerted attacks from insurgents.

5.7 In addition to the ANP, a number of irregular militia units were organised into the ALP in 2010 to provide protection for village communities. The ANP and the ALP are overseen by the Ministry of the Interior. In September 2014, the ALP consisted of around 28,780 personnel spread over 150 districts across 29 provinces.

5.8 Significant international donor effort has gone into building a credible and effective police force. Despite extensive work to provide human rights and other training, reports of abuse persist. UNAMA and the Office of the High Commissioner for Human Rights have expressed concerns over incidents of human rights abuses, including intimidation, extortion and sexual abuse, by members of the ANP and the ALP.

Judiciary

5.9 Article 116 of the Constitution provides for an independent judiciary, arranged in hierarchy from primary local and district courts, to appeals courts, to the Supreme Court, whose members are appointed by the President for 10-year terms. Cases that raise issues not covered by the Constitution or laws are decided according to Islamic jurisprudential practice.

5.10 The formal judicial system is hampered by underfunding, corruption and a lack of qualified and properly trained judges and lawyers, and does not operate consistently across the country. It is relatively strong in Kabul and the provincial capitals, but even in these areas the system lacks the capacity to handle the volume of new or amended legislation and the large number of cases. Attacks and threats occur frequently against judges and lawyers, undertaken by insurgents and local tribal leaders, which undermines the formal judicial system. For example, in May 2015, there were several suicide bomb attacks on employees of the Ministry of Justice traveling to and from work in Kabul, including a car bomb attack in the carpark of the Ministry targeting public servants leaving work, and two attacks on buses taking employees to and from work. At least 11 people were killed in these attacks, with dozens more wounded.

5.11 In practice, the majority of criminal and civil disputes in more remote rural districts are handled outside the formal judicial system, including through *sharia* and traditional justice mechanisms. These traditional justice mechanisms often deal with grievances and disputes by the convening of a community-based *jirga*. In some cases, disputes are settled by payment as restitution (*diyya*) or exchange (*badal*), which sometimes involves violence as a reprisal punishment.

Detention and Prison

5.12 While the formal legal frameworks for the judicial system are often sound, the implementation of these laws is weak. People accused of crimes are often denied due process and access to representation, particularly in cases that attract high levels of public scrutiny. Challenges can include limited access by prisoners to their cases and to defence lawyers, deprivation of the right to be informed of the accusations against them, lack of separation of prisoners by crime type or of pre-trial prisoners from convicted prisoners, and arbitrary arrest and detention. Lack of access to prisoners (including by defence lawyers and family members) is particularly an issue for female prisoners. The AIHRC has specifically reported on the 'widespread and deliberate violations of detainees' fundamental due process rights, including the right to counsel and family notification, which contributed to increasing the risk of torture and other abuse.'

Internal Relocation

5.13 Article 39 of the Constitution guarantees Afghans' rights to 'travel and settle in any part of the country, except in areas forbidden by law'.

5.14 According to UNHCR, there were more than 850,000 internally displaced persons (IDPs) in Afghanistan in March 2015 as a result of the conflict, an increase of more than 230,000 over the preceding 17 months. Populations may be displaced from any part of Afghanistan, and areas of displacement change over time as a result of military operations. UNHCR estimates that more than half of Afghanistan's displaced population live in urban areas. The International Committee of the Red Cross estimated in 2009 that 76 per cent of Afghans had been displaced at least once in their lives.

5.15 Resettlement and reintegration in areas of origin can be difficult because of the ongoing security situation. As is commonly the case in developing countries, the bulk of internal movement within Afghanistan is from rural areas to urban areas. This is true for both IDPs and people moving for economic or educational reasons. Large urban areas such as Kabul are home to mixed ethnic and religious communities, and offer relatively better opportunities for employment, access to services and state protection than rural areas.

Nonetheless, Kabul remains one of the poorest and most dangerous cities in the world (see the 18 September 2015 DFAT Thematic Report on Conditions in Kabul). Goods and services, including accommodation, can be significantly more expensive in urban areas, making it difficult for some people to relocate there, particularly unaccompanied women and children. The recent slowdown in economic growth is also having an impact on the availability of employment opportunities.

5.16 Traditional extended family and tribal community structures are the main protection and coping mechanism in Afghan society. Afghans rely on these networks for their safety and economic survival, including access to accommodation and an adequate level of sustenance. For this reason, people tend to move in large groups, often with several other families. This approach increases the resilience of the members of the group, but can result in rapid growth in population for particular areas and a strain on local infrastructure and services. Large groups of internal migrants often 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.

Treatment of Returnees

5.17 Between 2002 and 2013, an estimated 5.8 million refugees—25 per cent of Afghanistan’s estimated population—returned to Afghanistan, predominantly from Pakistan and Iran. There are currently an estimated three million Afghans living in Iran, and another three million in Pakistan; not all of these people are refugees, and a large number of them are not registered and are living illegally. There are smaller populations of Afghan refugees living in a range of other countries, including India.

5.18 The number of displaced people moving in and out of Afghanistan has ebbed and flowed in recent years. Rates of returnees reportedly fell in 2014 as the conflict in Afghanistan worsened, but 2015 saw a rapid increase in returnees from Pakistan following a terrorist attack on a school in Peshawar and subsequent efforts by Pakistani authorities to return undocumented migrants to Afghanistan. According to the IOM, more than 70,000 undocumented Afghans returned from Pakistan in the first four months of 2015 alone. In addition, more than 150,000 undocumented Afghans returned from Iran over the same period, although this is more consistent with normal migration flows, including for economic purposes. There is no available information on how many undocumented Afghans cross the border the other way into Iran or Pakistan.

Conditions for Returnees

5.19 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 IDPs, 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.

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

5.21 DFAT is aware of occasional reports of returnees from western countries alleging they have been kidnapped or otherwise targeted on the basis of having spent time in a western country. While this Country Information Report does not make a judgement on the veracity of individual cases, in general DFAT assesses that returnees from western countries are not specifically targeted on the basis of their being failed asylum-seekers. As noted above, people who are identifiable as being associated with foreign (particularly western) countries may be targeted by insurgent groups such as the Taliban. Returnees from western countries, however, face a similar level of risk to other people in Afghanistan who are associated with support for the government or the international community. People in this situation often take measures to conceal their association, such as not travelling with documents or symbols that may link them to the Afghan government, the international community based in Afghanistan or western countries. DFAT assesses that returnees from western countries who maintain a low profile such as by taking steps to conceal their

association with the country from which they have returned do not face a significantly higher risk of violence or discrimination than do other people in Afghanistan with a similar ethnic and religious profile.

5.22 In 2014 there were news reports that an Afghan Hazara, Zainullah Naseri, from Jaghori District in Ghazni Province, was abducted and tortured by the Taliban following his deportation from Australia. He reportedly escaped from his captors and returned to Kabul. These reports have not been corroborated. DFAT has since been in contact with Mr Naseri, who is not currently pursuing any action regarding this matter.

Exit and Entry Procedures

5.23 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.

5.24 Because asylum seekers travelling to western countries generally leave Afghanistan for interim destinations on valid travel documents, they are unlikely to have committed immigration offences in Afghanistan. DFAT assesses that persons returning to Afghanistan (either voluntarily or involuntarily) who have departed illegally are rarely punished unless they are suspected to have committed other crimes.

Documentation

5.25 In Afghanistan, the most reliable form of documentation is the machine-readable passport. This type of passport is not yet universal but is in the process of being introduced. The e-Taskera, an electronic ID card that has a number of features to prevent document fraud, is also in the process of being developed, although it is at a very early stage. Other types of documentation, including birth, death and marriage certificates and drivers' licences, are less reliable.

Identity Cards

5.26 The Taskera certificate is the most common form of identification in Afghanistan. Taskeras are printed on plain paper and include the bearer's name, father's name, grandfather's name, place and date of birth, place of residency, type of occupation and military service status. Information included on Taskera certificates is sometimes incomplete. Other than stamped seals, Taskeras do not include any security features.

5.27 Taskera identification certificates are required for employment, admission to schools and universities, applications for passports, and permission to run a business and to rent, buy or sell property. According to the Afghan Ministry of the Interior, there has been no regular, national issue of Taskeras since 1976 because of the conflict. While different governments have continued to issue Taskeras that remain valid, people only apply for the documents when needed for other administrative purposes such as attending school or applying for a passport. The Ministry also notes that the paper-based, hand-written cards have been open to forgery and misrepresentation.

5.28 Official Taskeras are issued by the Population Registration Department of the Ministry of the Interior in provinces and districts throughout Afghanistan. Generally, the required supporting information for the issuance of a Taskera will be a copy of the father's Taskera. Record keeping is not centralised or computerised.

5.29 Electronic identification cards (e-Taskera) are being developed in Afghanistan and registration for the cards has commenced, but their introduction has been delayed. The e-Taskera cards will feature biometric information, including fingerprints, iris scans and digital images of the bearer. Management of the e-Taskera will be centrally controlled and computerised, and card issuance is expected to occur over the next few years. Progress to date has been very slow.

Passports

5.30 Old, non-machine-readable passports include standard security features that offer a higher (but not universal) adherence to standard procedures to establish identity. The biometric page contains information on the bearer's first name, surname (or father's name), occupation, photograph, date and place of birth, date of issue, and validity of up to five years. The passport does not include information about the bearer's religion.

5.31 Passports are issued by Afghanistan's National Passport Office of the Ministry of the Interior. Generally, the only supporting documentation required to obtain a passport is a copy of the applicant's Taskera.

5.32 New, machine-readable Afghan passports are less vulnerable to fraud than other identity documents. These have been issued by some passport offices in Afghanistan since 2012. These passports contain the same information as non-machine-readable passports, but their validity is often up to ten years instead of five years.

Birth certificates

5.33 Although they are not common in Afghanistan, the Ministry of Public Health has begun issuing birth certificates through hospitals. Parents of newborn children register their births with the Ministry of the Interior's population registration office and the child is issued with a Taskera after the birth is confirmed by government officials. The birth of children is not always registered in Afghanistan.

Document fraud

5.34 There are widespread concerns regarding the availability of fraudulent identity documentation in Afghanistan. Because the process for obtaining some documents, including Taskeras, is largely decentralised to the provincial level, and because the documentation itself does not contain robust security features, the system is vulnerable to fraud. Forgeries of Afghan documentation can be purchased with relative ease in many parts of Afghanistan. According to IOM, which is assisting with the introduction of machine-readable passports and, eventually, e-passports, each province has on hand around 4,000 handwritten passports which are kept for issuance by authorities, creating a high potential for fraud.

5.35 Genuine documents are sometimes issued on the basis of false information or beyond the jurisdiction of the issuing authority. For example, Afghan overseas missions do not have authority to issue death certificates for a death in their country of responsibility, but such documents are known to exist. DFAT has no information on how widespread this practice is. Other forms of documentation, including school, academic and bank records, are easily forged.

5.36 In addition, the documentation required to obtain a Taskera is minimal and unsophisticated, which means there is a risk of official issuance of genuine Taskeras based on other, fraudulent documentation. These genuine, but fraudulently obtained, Taskeras can then be used to obtain a passport.

5.37 The Identity Checking Unit (IDCU) within the Ministry of the Interior can, in many cases, verify the full range of officially-issued Afghan identity documents. For example, the Australian Embassy in Dubai (which carries out immigration responsibilities for Afghans applying to come to Australia) had a total of 506 Taskeras checked for verification by the IDCU over the three year period to August 2014. Of the Taskeras checked, 249 or 49.2 per cent were found to be non-genuine, or genuine but based on fraudulent documentation. Most of the fraudulent documents (230 out of 249) came from Afghan applicants based in Pakistan. Only 19 of the 171 documents received from Afghan-based applicants were found to be non-genuine. It is important to note that these rates of fraud may not be representative of the rates of fraud for Taskeras generally, as only documents that were suspected of possibly being fraudulent were referred for verification. Nonetheless, Afghan documentation including Taskeras, handwritten passports or other official Afghan documentation originating from Quetta in Pakistan should be independently verified due to the high incidence of fraud.