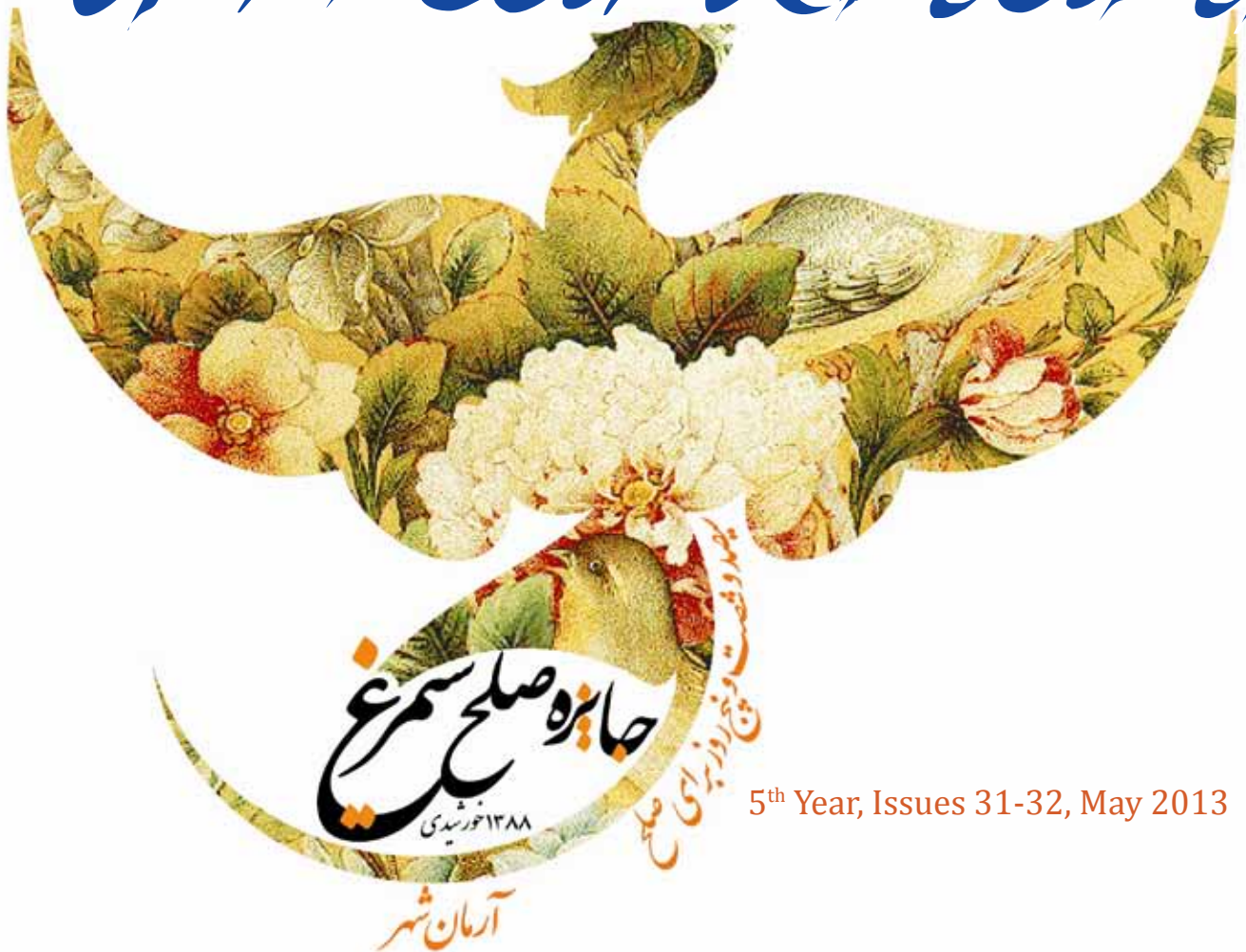


A Periodical on human rights and civil society

Armanshahr



5th Year, Issues 31-32, May 2013



Armanshahr Foundation

Armanshahr Foundation is an independent, not for profit citizens organisation based in Kabul and is not affiliated with any economic, political, religious, ethnic groups or governments. The Foundation's mission is to create proper forums to ensure citizens social demand for democracy, human rights, justice and rule of law and to create through cultural manifestations and publications a broad constituency of well-informed citizens'. Armanshahr Foundation also actively promotes reflection and debate inside Afghanistan, trans-regionally and internationally with the goal of ensuring solidarity, progress and safeguarding peace.



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Commemorating International Book and Children's Book Days



The 112th Goftegu (Year VII) public debate of Armanshahr was held with the title of “Commemorating International Book and Children’s Book Days” at the Esteghlal High School’s hall, in cooperation with the French Institute Afghanistan, PEN Afghanistan, and Zaryab Publishing House on 18 April 2013. The first part of the programme was a book fair for publishers where Armanshahr Publications, Ghalam, Saeed and Zaryab displayed their books. Subsequently, Fahrenheit 451, directed by François Truffaut (the famous French director and a pioneer of the new wave of the French cinema) was screened.

In the second part, Ms Khaleda Forough, poet and producer of a literary programme for Tolou TV, spoke about the importance of writing books for children, Mr Kaveh Jobran, poet and writer on the topic of “why we do not read books? and Mr Manuchehr Faradiss, writer and director of Zaryab publishing house, discussed the challenges facing printing and publishing in Afghanistan.

The moderator Mr Rooholamin Amini opened the meeting with the following words: “Given the present-day conditions in Afghanistan, it is logical to have few participants in discussions about books.

We can realise this from the number of this meeting’s participants. The film which was screened today was about dictatorship; an environment where the fire-fighters’ duty has changed; they no longer fight fire, but alight fire and burn books. If that catastrophe were to happen in Afghanistan, where we have experienced it in our history, there would remain no books, because defenders and readers of books are very few in this country.

“I express my condolences to Afghanistan for the emptiness of the hall where books are commemorated. There may not be a more painful event in a society. When a city is destroyed, it can be reconstructed; streets can be repaired, but the departure of culture from a land is very hard to redress. We are living in a country, which has had great people such as the Mowlana, Attar, Ferdowsi, Rudaki, Sanai, Hafiz and Khayyam and has more than 1000 years history of thought, philosophy, poetry and civility. Nevertheless, today we are mourning the book not celebrating it.”

Ms Khaleda Forough was the first speaker, who concentrated on the importance of writing for children: “I read somewhere that ‘all children are poets’, but what can keep them as poets? In other countries, they give

knowledge to children by different ways of reading, they even inform children of meter in poetry, they sing them rhyme and melody of poetry and read them stories to awaken their interest in reading and they gradually begin writing and composing. In our country, children are in critical conditions. They do not have bread to survive let alone time to read.

“Who should give the feeling to children to read and write for them in their own language? Who would encourage them to get to know life? The answer is: nobody! In other countries, the governments encourage them. In our country, neither the government nor the families have any idea for the upbringing of children; many families do not know these things or if they do, they do not take them seriously. Children are used to begging. Some of them have lost their families and are forced to beg for money. There are families that force their children to beg. There are very few happy children here. Nevertheless, they must be befriended with poetry books, songs and stories. If that friendship is established in the most critical period of life between the child and books, it will never go away.”

She emphasised the need to familiarise children with books: “Children get to know books through translations of stories, mostly by Iranian writers. What has been done in our land is not adequate. We cannot force anybody to compose poems, songs and stories if they do not have the natural tendency towards it. Books written for children must bring knowledge of their surroundings to them, because they have a world free of lies. Those books must contain moral messages. However, under the present conditions, people are likely to do this, because our writers offer sacrifices regardless of what they write.”

The second speaker, Mr Kaveh Jobran, discussed the problem of failure to read: “Not reading is a worldwide crisis. There are other reasons in modern societies, including digitalisation and excessive hedonism worldwide, which have pushed away the new generations from books and towards sports, sex and alcohol. That crisis is totally different in pre-modern countries. We have to deal with different issues to find the root of the crisis in these countries.

“In our country, failure to read is not just a cultural problem; it has historical roots, which can be examined in three spheres: politics, religion and society.”

He expounded his idea about the political sphere: “In the past 100 years, the governments were opposed to books and promoted denial of knowledge among the people. Kings were always afraid of promoting knowledge and books among the people. They prevented the free flow of information so that knowledge would not cause the fall of governments and monarchies. We should remember the historic statement of Commander Nasrollah, brother of Emir Habibullah who warned the king, ‘knowledge gives birth to constitutionalism and constitutionalism is the opposite of the king’s rule.’ It is no coincidence that Emir Habibullah Kalkani totally omitted the discipline of knowledge. It was also the case after the [1978] coup d’état, with the difference that there was not a total ban. Books were categorised: books that favoured the ruling ideology were promoted and the readers and writers of books that did not favour the ideology, were burnt. There were many people who likely were buried in the Pul-e Charkhi torture chambers by reading ideological books. That trend continued under the mujahedin, when the victorious Jihadists burnt books in the Writers Association and laughed. There is no question about the Taleban era, because the regime was fully hostile to knowledge. That has been also the case in the past 10 years.”

He went on: “The second sphere is religion. Religious misunderstandings have led to stands against books. Our mullahs categorise books as blasphemous and Islamic and excommunicate the former. One of the publishers published two books a few months ago. One of them (Obscurity, by Taqi Bakhtiari) was burnt and thrown at the writer’s door. The second book (Let me breathe, by Aziz Ruyesh) incited one of our Jihadist leaders and the same happened to him. These incidents indicate hostility to books that harm books and people involved with books.”

As to the third sphere, he explained: “The third sphere is the society. Our educational institutions, under the influence of politics

and religion, have promoted the habit of denial of knowledge and books among the people. It has such a deep root in history that the people have become a hard deterrent against books and book reading. Avoiding books has become one of our universal characters. That is the reason why having books at home was a crime in the past. Parents were afraid when they saw their sons reading books and would try to prevent them. They believed that reading books would deprive the home of security. Those who read books today are in danger, but those who do not read enjoy every kind of security.”

Mr Jobran concluded: “Our history is the history of opposition to books and knowledge and that is a universal character of ours. Much time and great power is needed to change it.”

Mr Manuchehr Faradiss, who addressed the challenges of printing and publishing, said: “the situation of publishing books has been improving in the last 10 years. In the past 10 years, a large number of books have been published in our country, which is worthy of attention in our history of printing and publishing. Even though there are no concrete figures, from the viewpoint of quantity under the present cultural disorder, the number of titles is considerable. It is difficult to distinguish between booksellers and publishers. Many of the publishers are booksellers, but most of them are not professionals. Most publishers do not have adequate knowledge of publishing, printing and the fine aspects of the issue. For most of them, editing, layout and design, format and even the imprint are not important. They are mostly intermediaries between the writer and the printing press. Problems of editing, cover design and other issues are not important for them. We have a publisher who has published about 70 titles, but he cannot write and read. That is why publishing is a commercial commodity for them before being a cultural commodity. Nevertheless, one may refer to a few publishers who started work in the past four years, who are professionals and complied with the principles of publishing and printing.”

Referring to lack of proper place for bookshops, Mr Faradiss pointed out: “You

will be sad if you go to the book market in Kabul. None of the government departments have felt responsible to allocate a proper place to bookshops. They do not show any interest if there is no money involved. Word processing is another problem and that has deteriorated the condition of editing. We do not have editors who can earn a living. Those who edit are not on top of their task. There are few books that do not have grammatical problems.”

He added: “Readership is one more problem. Most lecturers of leading universities do not read books; students are not interested either. Books and book reading is usual for teachers and pupils in schools. The usual print-run of the books is 1000 copies, but even that number does not sell in a year. We are said to have a population of 30 million people, but the best-selling book in the past decade sold 3000 copies. In the absence of readership, publishers have to raise the book price in order to return a part of the investment by selling 300 copies.”

Mr Faradiss expressed hopes as well: “Despite the problems, the situation of publishing has improved. Several new publishers have started working. Books have better binding and size today in comparison with 10 years ago. We have three relatively standard bookshops today. A large number of fictions have been published and some of them have been well received. Young professors are interested in books and can raise interest in the next generation. Fortunately, there is no censorship before publishing and that assists the publishers. Some of the Iranian writers are now interested in publishing their books in Afghanistan. That is a good accomplishment. I hope the next government will show more interest in culture and have cultural officials, unlike the people who are now physically present in the ministries, make excuses about lack of budget and fail to expend half of their budget by the end of the year.”

At the end, the speakers answered questions from the audience.

Representative of the media, including TV 1, Khorshid TV, Aryana TV, BBC Persian TV, Maywand TV, Radio Salam Vatandar, Radio Amo and Annis Radio were present at the meeting.

Goftegu 105

Why is poetry a social issue?

In commemoration of 21 March, World Poetry Day, and the ancient Nowruz, the 105th Goftegu (Year VII) public debate of Armanshahr was held in Kabul with the title of “Why is poetry a social issue?” at the Ibn Sina University’s hall, in cooperation with Ibn Sina University and PEN Afghanistan on 30 March 2013. The meeting was addressed by Professor **Ali Amiri** (Ibn Sina University and author of *Sleep of Reason*), **Mohammad Yassin Negah** (poet, writer and director of *Porsesh* weekly) and **Aman Pooyamak** (poet and writer, winner of Simorgh Peace Award) and a number of poets recited their poems. More than 150 men and women, students and academics participated at the meeting, which was covered by the various media.

The moderator, Rooholamin Amini, opened then meeting with the following words: “Our culture is inundated with poetry and not just poetry, but poetry anthologies. The most important reference points are poems in philosophy, social critique and political critique.”

Then, Professor Ali Amiri said: “It is open

to question if poetry is a social issue. This question has taken the social nature of poetry for granted, but that is not a decided matter. The question is what is poetry and why is it poetry? If we answer that question, we can clarify poetry’s relationship with other social phenomena such as philosophy and mysticism. This is a hypothesis that has not been proved.

“By an old definition, poetry is imaginary. That is why Plato banished poets from his utopia. It has been accepted in logic that poetry is rooted in imagination and not in reality; poets deal with imagination and not with reality.

“As far as the tradition of the Persian language is concerned, ideas such as human rights, civil and political rights, protest and the like do not exist in our history. They entered the arena of social issues after the onset of constitutionalism.”

Commenting on Mr Amiri’s presentation, Mr Amini said: “Given the status of poetry in our culture, we always think of the past when the talk of poetry. Nevertheless, the modern literature is also part of the Persian





literature and we have Shamlou, Akhavan, Forough, Vasif Bakhtari and others. Some of these people used poetry as a means of political struggle, e.g. Ahmad Shamlou. Furthermore, poetry of Hafiz is full of critiques of Sufis, inquisitors and mullahs who had social and even political power, and therefore critiquing them was a social action.”

Mohammad Yassin Negah, the second speaker, argued: “There is no text outside the society. It is the tendency of the Creator that categorises literary texts to social and non-social types. Sartre is of the opinion that there is a bilateral relationship between literature and the society. Literature is the shelter of the oppressed, and the poor. The writer has the freedom to have political or social commitment.

“I believe that the Persian poetry has been based on commitment from the beginning. Unfortunately, nowadays I’m not optimistic. Most writers, who approached the issues with scepticism, were either shunned from the society, their books were taken off the shelves or they faced other restrictions. That means we cannot be sceptics. It is a crime

to think here. However, when you deprive a writer of thinking, they will have nothing left and they’d better report for a medium. We need a critical realistic literature to criticise the contradictions in the society, to stand up against inequalities.”

Mr Aman Pooyamak argued that social poetry must go through the social and intellectual channels. Discussing the weakness of our S, he said: “In Afghanistan, we have not yet been able to identify the doctrines that underlined the poetry of such poets as Saadi and Hafiz. On the other hand, more has been written about them in the West. The present-day Western can be easily found in our own literature, which is full of human advice. We can deduct social contracts from them and suggest them to the West.”

In conclusion, a number of poets who had come to the meeting from different parts of the country, recited their poems, including Khaleda Forough, Kaveh Jobran, Sohrab Sirat, Wahid Warasta, Asar-al-Haq Hakimi, Farhard Azimi Fada and Mohammad Aref Kanfuda.



Simorgh: Two years of critique meetings; 3rd round of peace prize

The 113th Goftegu (Year VII) public debate of Armanshahr concentrated on the presentation of the call for participation of musicians in the 3rd Simorgh peace prize competition. The meeting was held at Ibn Sina Hall in Herat on Tuesday 7 May 2013, where a sizeable number of poets, cultural activists and musicians took part.

Rooholamin Amini, deputy director of Armanshahr Foundation, read out the call for the third round of Simorgh peace prize. The musicians (songwriters, composers and singers) were called to send in the works to the secretariat of the Simorgh peace prize by 7 June 2013. The works shall qualify for the competition if they endeavour to combat war, militarism, discrimination, torture and despotism and to promote peace and affection.

For more information see "Call to musicians" at Page 10

Amini subsequently congratulated the second anniversary of the weekly Simorgh critique meetings to participants. The critique meetings were initiated by Armanshahr Foundation in spring 2011 and brought together young poets and writers every Monday. At the meetings, poets and writers present their works, and discuss cultural and social issues. Some of the meetings begin with short films, which the participants discuss afterwards.

The public meeting continued with a text that Khaled Ghaderi, a member of Simorgh critique meetings, read out in which he reported on Simorgh critique meetings:

«The Simorgh critique meetings took shape within a small circle two years ago and later brought together other people involved in poetry and literature. The meeting has evidently had ups and downs. One of the problems was the lower participation of women. Although occasionally half of the participants were women, they never had a sustained participation. On the other hand, the persistence of the meetings and the changes in the works of the participants indicate their points of strength. The works of a number of the young people who took to literature and poetry have grown in quality and strength and they have got engaged in critique and dialogue. The occasional accuracy of their views is cause for joy.»

Ramin Arabnejad (poet) also read a text in which he reported on the history of the literary critique meetings: «The meetings functioned as classes for all of us. We taught and learned from each other. Differences of opinion persuaded us to engage in discussions.»

Poems were recited in the second part of the meeting, beginning with Elias Alawi's «I pray to God for the grapes to ripen», a winner of the first round of Simorgh peace prize, which Farideh Rahmani (Parsi) recited: I pray to God for the grapes to ripen/for the world to get drunk/for the streets to stumble/for the presidents and the paupers to rub shoulders.

Watch the recitation of this poem, available at Armanshahr's Youtube Channel: <https://www.youtube.com/watch?v=PHvwJc1RtiQ>

Other poets also read out their works and one of the writers read out his minimal stories.

Then, Armanshahr Foundation presented letters of appreciation to members of the Simorgh critique meetings and finally, the Abi (Blue) pop music group of Herat took the stage and performed the song titled Human, with lyrics of the late Fereydoon Moshiri, for the first time:

Humans shall take shelter in the jungle again/
they shall take to the mountains/hide in the caves.

Watch the video clip of this performance Armanshahr's Youtube Channel here: <https://www.youtube.com/watch?v=La21BEwOz4A>

Throughout the meeting, the moderator recited poems from Iranian and Afghan poets.

BBC Persian Service published an illustrated report from the meeting on 8 May 2013, available at:

http://www.bbc.co.uk/persian/arts/2013/05/130508_I93_pics_simorq_prize.shtml





Call to musicians for submission of works to the 3rd Simorgh Peace Prize

22nd April 2013

The 3rd Simorgh Festival shall concentrate on the works of musicians and innovative young people who have not had much chance of presenting their creativity.

Simorgh Peace Prize was established as an initiative of Armanshahr Foundation in 2009. The 1st Simorgh Festival concentrated on the works of poets and writers in this cultural geographical domain and the 2nd Festival to independent publishers in Afghanistan. Besides, Tajikistan's Ministry of Culture and Tajikistan National library were awarded the Simorgh statue for establishing a safe haven for books and reading.

We demand 365 days of peace, not a day less, but a day more!

To mark the World Peace Day, having gone through war, losses and injustice, having gone through storms and miseries, we wish to remember that the fabulous Simorgh, whose feather is a cure for every pain and a herald of freedom and justice, has not nested behind Mount Qaf. We are the 30 Wise Birds and we shall be the creator and

guard of enduring peace and the saviour if we are diligent and believe in ourselves.

"Simorgh" is a call to bring the message of peace through music to the ears of listeners, who have not heard but the roaring of rifle and sound of bullets for many years, and are eager to hear a sound that would not harrow the soul. Militarism, torture and ill-treatment as well as all other forms of violence and destructive intervention have not left any corner of our geography untouched in this century. There have always been booted people who had nothing on their minds but the captivity of human beings.

This Festival is a present of hope to peace activists worldwide to help this people regain their dignity; it is a tune for the ones who have not heard anything but war drums for a long time.

Simorgh is a vast home for artists, whose Orphic voice and touching sounds have occasionally, in parallel to all hatred and violence, transferred the people of this widespread geography to their ideal and beautiful world, away from the ugly reality of their surroundings.



We ask all the artists involved in the music industry to join us to build this home!

Works submitted to the Festival Secretariat should endeavour to counter war, militarism, discrimination, torture and despotism, and to promote peace and love. It is to be understood that we are not seeking to shout slogans in this Festival. We wish to bind people to each other by means of arts and to take steps to reject violence. In this Festival, judgement shall not be based on registration and professional backgrounds. The jury shall select songwriters, composers and singers and award them the Festival's azure statue.

How to take part in Simorgh Peace Prize Festival

Participating artists may send their works to the Festival Secretariat in the following two forms **up to 22 May 2013**.

1. Residents of Afghanistan may send their works as audio or visual files on DVDs to any one of the following two addresses:
 - Armanshahr Foundation Office, 195 Sarak Panjom, Kuche Ghasabi, Baharestan, Kabul
 - Armanshahr Foundation Office,

Jaddeh Posht-e Ghomandani
Amnieh, ruberuye Talar Haydari

2. residents of Afghanistan and other countries may send the links to their works in audio or visual forms to the following:

jayezeh.simorgh@openasia.org

Works submitted to the Festival Secretariat must be accompanied with the following details in full. Otherwise, they shall not be considered in the Festival.

Armanshahr Foundation/OPEN ASIA is a non-governmental, non-profit and independent organisation of active citizens, which is not affiliated to any economic, political, religious, and ethnic group or any government. It strives to create the proper channels to fulfil social demands for democracy, human rights, justice and rule of law as well as take cultural initiatives, and publish books to facilitate the collective consciousness of the citizens. It endeavours to achieve solidarity, progress and peace through exchange of ideas and dialogue in the region.

Contact us: jayezeh.simorgh@openasia.org
Telephone: 0093787195212;
0093700427244; 0033662153297

Armanshahr: <http://openasia.org/item/category/simorgh-peace-prize>

Fill in the following questionnaire and send it to us with your work

Name:

Surname:

Name and surname in English:

Date and place of birth:

Nationality:

Sex:

Occupation:

Telephone:

Address:

E-mail:

Website/blog:

Youtube URL:

Brief history of artistic activity:



Afghanistan Must Bolster Its Capacity to Identify the Missing - PHR

04/24/2013



A new report by Physicians for Human Rights (PHR) released at a conference in Kabul today on *Truth Seeking and the Role of Forensic Science* outlines steps that Afghanistan can take if it is to make progress in addressing the right to truth of victims of more than three decades of violent conflict by identifying missing and disappeared persons.

“Since 1978, Afghans have continuously lived through protracted cycles of violence that included massive human rights violations and war crimes with virtual impunity for many of the perpetrators,” said Stefan Schmitt, who directs PHR’s International Forensic Program and was the report’s lead author. “Healing such deep wounds is a complex and lengthy process. For the country to achieve peace, one essential element must be a concerted attempt to learn what happened to more than a million people still unaccounted for, many of whom are believed to be buried in mass graves.”

Since 2009, PHR has helped Afghans develop the local capacity to document and secure mass graves, while preventing the destruction of evidence; introduced forensic concepts of such work to government and civil society; and reported on steps needed to begin

developing scientific and technical capabilities to identify the missing. One outcome has been the creation of the Afghan Forensic Science Organization (AFSO), which helped to organize today’s conference in Kabul.

PHR’s latest report, [*Securing Afghanistan’s Past: Human Identification Needs Assessment and Gap Analysis*](#), documents the challenges faced by any effort in identifying the country’s missing and highlights important steps for going forward despite all these challenges. Among the report’s recommendations:

- The Afghan government must draft, enact, and implement legislation addressing the rights of the missing and disappeared, as well as their families, while criminalizing enforced disappearances. Such legislation must include an acknowledgement that families have a right to know the truth about the fate of their missing relatives.
- The Afghan government has yet to establish the scope or acknowledge the reality of the missing persons issue in the country in any meaningful way. The publication of the highly anticipated Afghanistan Independent Human Rights Commission (AIHRC) Conflict Mapping Report would be a critical first step towards achieving this. This report yet has



such as judges, prosecutors, attorneys, scientists, and medical professionals.

“With the anticipated withdrawal of much of the international community’s support from Afghanistan in 2014, the country will continue to face many serious challenges.” Schmitt said. “What is needed from both the government of Afghanistan and the international community is a serious commitment to a vision for a better future — and that includes addressing the wrongs of the past.”

to be published. The AIHRC should convene a working group to define a comprehensive strategy for release of the Conflict Mapping Report, identifying key conditions that must be met to ensure its release.

- The Afghan government needs to enforce existing legislation for the protection of mass grave sites, which must be preserved as crime scenes and protected from destruction until all relevant forensic evidence can be collected.
- Afghan scientists and scholars have been isolated from modern education and the academic world throughout Afghanistan’s decades of conflict. International donors and the government of Afghanistan need to identify and prioritize funding for the increased and sustained development of Afghanistan’s higher education system, particularly for those who must play a role in its forensic future,

Physicians for Human Rights (PHR) is an independent organization that uses medicine and science to stop mass atrocities and severe human rights violations against individuals. We are supported by the expertise and passion of health professionals and concerned citizens alike.

Since 1986, PHR has conducted investigations in more than 40 countries around the world, including Afghanistan, Congo, Rwanda, Sudan, the United States, the former Yugoslavia, and Zimbabwe.

<http://physiciansforhumanrights.org/press/press-releases/afghanistan-must-bolster-its-capacity-to-identify-the-missing.html>

Pictures from the Conference on “Truth Seeking and the Role of Forensic Science”, Kabul, 23-24 April 2013



Interview

Role of strong laws with executive guarantee in culture building

In this interview, Mahshid Rasti has discussed her findings in Afghanistan and in particular in relation to Afghan women and she believes that she can reflect the social pains through photography.

Are your findings about women in Afghanistan, houses and people's living different from what you had read in Sweden? What are the differences?

I must say that before coming to Afghanistan, I thought the situation was better than what I see now. When I heard of the Ministry of Women's Affairs, anti-violence laws, safehouses for women etc, I thought there are big changes underway; and the women's conditions are fast improving. However, the reality is that most laws are on paper, there is no guarantee for their enforcement and women are in much more difficult conditions than I had imagined.

Laws on paper, the existence of Ministry of Women's Affairs etc are not bad, but the Afghanistan society is not accustomed to women's social presence and women who impose their presence on the society, suffer hardships. There are many women who wish to persuade the society to believe in women, but that is not an easy task at all.

When a woman works outside the home, does that not mean that her husband is content? Do you mean that women are active in the labour market, but the society and the family have not accepted them?

I have seen many women who work outside the home with the full content of the man, because additional income is important in Afghanistan today. The work however has not made them economically self-sufficient. They hand over their income to their husbands to have calm and be safe from threats and harassment.

The ratio of women who have achieved economic self-sufficiency through work



Mahshid Rasti, photographer and social activist, was guest of Armanshahr Foundation for a while

and social participation is very small. I have spoken to many women who shamefully admitted that they were giving their whole income to their husbands to allow them to work.

Do you think women are victims of war? What indications did you see in Afghanistan to confirm that?

Numerous and successive wars during the past several decades have left bad impact on women's conditions. That does not mean that the conditions were better before the wars. There were efforts in the cities under the Afghan kings and the Red Army for the progress, education and social participation of women. However those efforts were not much and they were limited to big cities. War, however has marginalised women and prevented the social cultural progress. During the civil war that led to Taliban's victory, women were prohibited from social presence and pushed to their homes.

There had been efforts to establish underground schools and limited education by several philanthropist organisations, but women are still deprived of education in some regions and those efforts did not bring

much benefit to them.

In the past 10 years, women entered schools and universities, but much more than 10 years is needed to abolish the impact of three decades of war. On the other hand, a society with strongly religious views and a misogynist approach to women does not deem women's presence to be proper.

The Taliban government in Afghanistan helped enhance that approach, which has found a specific status in the country. Many Afghan migrant women have returned to Afghanistan to reconstruct the country, but the misogynist attitudes they tolerate every day and the high price they pay for their activities encourage them to leave their homeland again.

What do you think is the relationship of photography to human rights, as a photographer whose specific field work is women? What impact can it have?

In my opinion, photography always plays a special role to document human suffering. I believe, it is certainly true that a picture is worth one thousand words. Before talking about its relationship with human rights, we can talk about the relationship of the photographer with human rights. A large number of photographers have sacrificed their lives to document the social suffering. Many others have chosen a simpler way to live, just like many writers who worked for the powerful.

Impact of pictures can be seen in examples that were made eternal; pictures that documented crimes and faces, e.g. the general who shot at the Viet Cong man's head, or the beautiful eyes of the Afghan girl. You may not have heard the names of the photographers, but that's not the issue. The important thing is the picture taken from the blood gushing out of the Viet Cong man's head.

How relevant are the human rights actions and decisions taken in Sweden to the reality in Afghanistan?

One of the major actions taken in Sweden Afghanistan is the «Swedish Committee for Afghanistan», which has been operating in Afghanistan for more than 30 years and has been active in schools for boys and girls, training centres, nursing, midwifery, clinics and other civil society projects during the

Soviet occupation, civil wars as well as under the Taliban.

When I visited the centre, I noticed that there were more than 6000 employees with only 15 foreign ones. Nevertheless, according to the Swedish government, more than 60% of the aid is spent on financial corruption in Afghanistan. Thus, it is not possible to talk of human rights in this way. Many NGOs operating in Afghanistan complain of the lack of precise supervision over the financial aid given to Afghanistan especially by Europe.

How do you view the role of culture building? Does the government play a stronger role in culture building or the civil society?

In my opinion, both can have roles. When a law was passed in Sweden in 1970s to ban corporal punishment of children, many people and school officials wondered how they could bring up children without beating them. There were protests. The law was enforced and gradually developed into culture. Today, beating children is regarded as a shameful act. Therefore, the role of the law and the government is quite significant in culture building.

Let's compare that example with the law supporting polygamy in Iran. There was polygamy in Iran before the Islamic Republic, but there were conditions attached to it and the family laws protected the family better than the present. Men who had several wives did not talk proudly of it. However, polygamy is more common than before nowadays, and the polygamist men speak of their decision and action without shame.

Although the civil society plays a very effective role in culture building, strong laws with executive guarantee will bring us to the conclusion much more quickly.

The Taliban government in Afghanistan helped enhance that approach, which has found a specific status in the country. Many Afghan migrant women have returned to Afghanistan to reconstruct the country, but the misogynist attitudes they tolerate every day and the high price they pay for their activities encourage them to leave their homeland again.

Hans Christian Andersen,

The Emperor's New Clothes and 44 other stories,

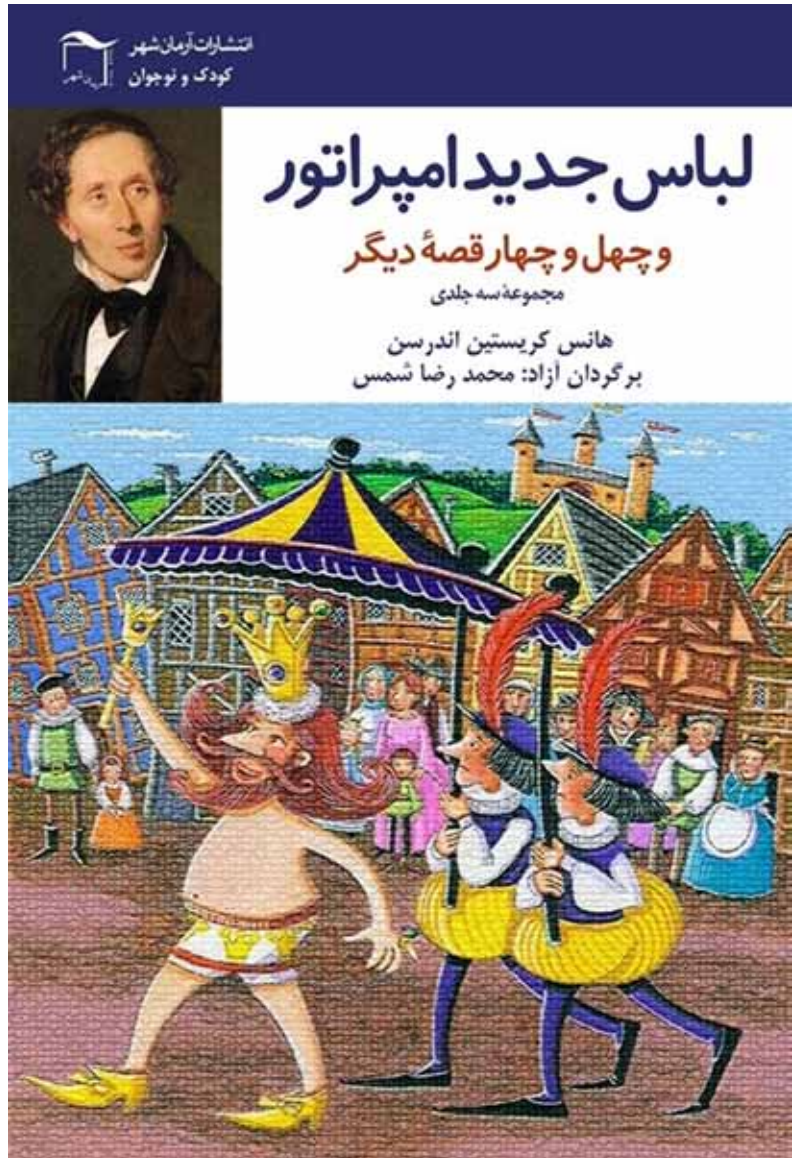
Armanshahr has published a collection of Hans Christian Andersen's stories for the first time in Afghanistan.

Dedicated to all children who were deprived of the opportunity to be children!

Armanshahr Publications has published several books for children in its "Children & Young People's series" in recent years. Among them were The Little Prince (Antoine de Saint-Exupéry), translated by the great poet Ahmad Shamlou, and the Universal Declaration of Human Rights for Children and Adolescents. Now, a translation of "The Emperor's New Clothes and 44 other stories", a collection of stories by Hans Christian Andersen, has been published in 470 pages to commemorate the World Book Day and the International Children's Book Day.

Hans Christian Andersen was born in Odense/Denmark on 2 April 1805 and died on 4 August 1875. His birthday is now the International Children's Book Day.

The Emperor's New Clothes and 44 other stories is a present from Armanshahr Foundation to all children of war and children of labour, children who have been deprived of the opportunity to be children.



<http://openasia.org/item/3181>

Other items in Dari version:

- Statement of 17 organisations and media outlets in condemnation of assassination attempt on a journalist in Herat (<http://openasia.org/item/3768>)
- Statement of the Transitional Justice Coordination Group calls on the government and international community: To avoid recurrence of catastrophe, enforce Transitional Justice through documentation and truth-seeking on war crimes and crimes against humanity! (<http://openasia.org/item/3988>)
- Introduction to the Persian-language Encyclopaedia for Young People (http://www.cbc.ir/en/About_02.aspx)
- Book and book reading in Afghanistan (<http://openasia.org/item/3478>)
- A commentary on Oriana Fallaci's "The Useless Sex"
- Children who do not have music in Afghanistan (http://www.bbc.co.uk/persian/arts/2013/04/130411_k04_afgmusic_children_music_zainab.shtml)
- Introduction to Armanshahr's books for children: Little Prince (Antoine de Saint-Exupery) (<http://openasia.org/item/2124>) and The Emperor's New clothes & 44 other stories (Hans Christian Anderson) (<http://openasia.org/item/3181>)
- Excerpt of a short story for children

Armanshahr/OPEN ASIA Publications

1. One Thousand and one Poems for Afghanistan (anthology of writings and poems trilingual edition), 2003
2. Caravan of Poetry for Peace and Democracy in Afghanistan (An anthology of poems); 2003
3. Caravan of Light (for young readership); 2003
4. Poems for Peace (Tajik edition in Cyrillic), 2003
5. In praise of Ahmad Shamlou, Living Conscience of International Poetry, 2006, Goftegu series
6. Who is a citizen? What are their obligations and rights vis-à-vis the government and the society? 2006, Goftegu series
7. Role of Citizens in Seeking Truth and Justice, 2006, Goftegu series
8. Social Justice in Islam, Systems of Governance and other Schools of Thought, 2007, Goftegu series
9. Challenges of Freedom of Expression, Media and Press in Afghanistan, 2007, Goftegu series
10. Democracy and Social Justice in Multi-ethnic Countries, 2007, Goftegu series
11. In Search of Civil Society, International Experiences and Local Realities, 2007, Goftegu series
12. Cultural Incursion and Impact of a Quarter of Century of Immigration on Cultural and Political issues, 2007, Goftegu series
13. Against Oblivion, Experience of Truth and Justice Commissions, Monireh Baradaran, 2007 Let's break the silence series
14. Do Afghanistan Universities have the Capacity to Produce Elites? 2007, Goftegu series
15. Two Interpretations of Globalization, 2007, Goftegu series
16. We are All feminists (Perhaps we don't know it), 2007, Goftegu series
17. Women's Movement: A National Movement or an Artificial Process? 2007, Goftegu series
18. Women Celebrate Peace (An anthology

of national/international poems by women for Afghanistan), compiled by Guissou Jahangiri, 2009; Let's break the silence series

19. Tradition and Modernism, Confrontation or Correlation? 2009, Goftegu series

20. Sayyed Jamaledin and New Religious Thinking; 2009, Goftegu series

21. What has gone astray in Afghanistan's Higher Education System? Causes and Solutions; 2009, Goftegu series

22. The 50% Campaign: Afghanistan Women's Demands from the Future President, 2009; Let's break the silence series

23. Violations of Human Rights and US Policy, Editors Guissou Jahangiri and Khalil Rostamkhani, 2009 (Politis asia 1-2)

24. Simorgh (An Anthology of Poems for Peace); 2009; Let's break the silence series

25. Youth and the Provincial Council; What is the Provincial Council doing? What do People Want? 2009, Goftegu series

26. A Practical Guide for Victims to the International Criminal Court, Reporters without Borders, 2009; Let's break the silence series

27. National Dialogue with Women: Justice Rendered or One Step Back? 2009, Goftegu series

28. It is an Abandoned Time Here, Rooholamin Amini; 2010; Let's break the silence series

29. NATO, Exceptions to Democracy and Decline of Empires, Editors Guissou Jahangiri and Khalil Rostamkhani, 2010, (Politis asia 3)

30. Voice of Victims for Justice, Transitional Justice Coordination Group, 2010; Let's break the silence series

31. From Structure of Parliament to a Critical Evaluation of First Parliament in Afghanistan; 2010, Goftegu series

32. Animal Farm, George Orwell, 2010, Simorgh series

33. Discrimination and Political Participation of Women: Role of Education, Editors Guissou Jahangiri and Shourangiz Dadashi, 2010 (Politis asia 4-5)

34. Simorgh's Feather (Selected poems of Simorgh Peace Prize); 2010, Let's break the silence series

35. Market Economy in Afghanistan, 2010, Goftegu series

36. From Book to Freedom of Expression, 2010, Goftegu series

37. An evaluation of a decade of international presence in Afghanistan, (Dari version) 2010, Goftegu series

38. An evaluation of a decade of international presence in Afghanistan, (English version) 2010, Goftegu series

39. Afghanistan: In Search of Truth and Justice, Editors Guissou Jahangiri and Delphine Carlens, 2010, Let's break the silence series

40. To the 21st Cigarette, Rooholamin Amini, 2010, Simorgh series

41. Universal Jurisdiction, mechanisms to prosecute human rights violators, Editor Khalil Rostamkhani, 2010, (Politis asia 6-7)

42. The Afghanistan Women's 50% Campaign Pamphlet, Winter 2010; Let's break the silence series

43. Simorgh, the Thirty Wise Birds (an English anthology of poems and photographs for peace in Afghanistan), Guissou Jahangiri, Rooholamin Amini, Photographs by Mohammad Asef Rahmani, 2010, Simorgh series

44. Violations of Human Rights and US Policy, Editors Guissou Jahangiri and Khalil Rostamkhani, 2nd Edition, 2011, (Politis asia 1-2)

45. NATO, Exceptions to Democracy and Decline of Empires, Editors Guissou Jahangiri and Khalil Rostamkhani, 2nd Edition, 2011, (Politis-asia 3)

46. Against Oblivion, Experience of Truth and Justice Commissions, Monireh Baradaran, 2nd Edition, 2011, Let's break the silence series

47. Young people, a World Between Fear and Doubt, 2011, Goftegu series

48. Revisiting our Collective Memory, 2011, Goftegu series

49. Nothing Can be Said in Fifty Years (collection of poems), Homeira Nekhat

Dastgirzada, 2011, Simorgh series

50. Discrimination and Political Participation of Women: Role of Education, Editors Guissou Jahangiri and Shourangiz Dadashi, 2nd Edition, 2011 (Politis asia 4-5)

51. The Past Enlightens the Future (a collection of interviews with victims and political personalities), 2011, Let's break the silence series

52. A Review of War Ruins (an eye-witness account of war, Herat 1989), Rasoul Pouyan, 2011, Let's break the silence series

53. Justice for Women in War and Peace (international contributions), 2011, Let's break the silence series

54. Truth Seeking and the Role of Forensic Science, Physicians for Human Rights, 2011

55. From illiteracy to war, from war to illiteracy, Summer 2011, Goftegu series

56. Writers without readers, readers without books, 2011, Goftegu series

57. "Simorgh Stories", Selected Stories of Simorgh Peace Prize, 2011, Simorgh series

58. Re-visiting 60 years of contemporary history in Afghanistan, 2011, Goftegu series

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60. Zeer o Bam, a Study of Traditional Music from Badakhshan, Herat and Badgeis, Wahid Qassemi, 2011, Goftegu series

61. Federalism and democracy, Editors Seyyed Jawad Darwaziyan and Guissou Jahangiri, 2011, (Politis asia 10-11)

62. Universal Declaration of Human Rights for Children and Adolescents, 2011, Children & Young People series

63. Political system and social justice, 2012, Goftegu series

64. The Little Prince, Antoine de Saint-Exupéry, 2012, Children & Young People's series

65. A review of conditions of women in Afghanistan and Tajikistan, 2012, Goftegu series

66. Ringing passed the rain; a review of contemporary poetry of Tajikistan, Mujib Mehrdad and Behrooz Zabihullah, 2012,

Simorgh series

67. 1984, George Orwell, 2012; Simorgh series

68. Flames of Love, Calligraphy of Master Najibullah Anwari; gilded by Mehdi Banaei, 2012, Simorgh series

69. Universal Declaration of Human Rights for Children and Adolescents, 2011, 2nd Edition, 2012, Children & Young People's series

70. Fahrenheit 451, Ray Douglas Bradbury, translated by Ali Shi'a Ali, 2012, Simorgh series

71. For recording in history (narratives of victims of one decade), Editor Jawad Darwaziyan, 2012, Let's break the silence series

72. Prison, prisoners and human rights, Editors Guissou Jahangiri and Khalil Rostamkhani, with collaboration of Jawad Darwaziyan, 2012, (Politis asia 12-13) plus an English-language edition

73. Human Rights at a Crossroads: The need for a rights-centred approach to peace and reconciliation in Afghanistan, a joint report of the International Federation for Human Rights and Armanshahr Foundation; in original English and Persian translation, 2012

74. Representations of the Intellectual, Edward Said, Persian translation by Hamid Azedanloo, 2013, Let's break the silence series

75. War and the City, Editor Shourangiz Dadashi in collaboration with Dr. Hassan Javaheri, 2013, (Politis asia 14-15)

76. There is a sad child in my dreams, poetry anthology, Rooholamin Amini, 2013, Simorgh series

77. The end of the three invulnerable, articles, Ranavard Zaryab, 2013

78. The Emperor's New Clothes and 44 other stories, Hans Christian Andersen, 2013, Children & Young People's series

79. Armanshahr (a human rights and civil society periodical), 32 issues, (Year V)

Human Rights in Afghanistan: a call for greater commitment by the Afghan government and the UN system

<http://www.fidh.org/The-Afghan-government-and-the-13068>

22 March 2013

Contents:

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The deteriorating human rights situation in Afghanistan over recent years has been highlighted in successive reports by the Office of the United Nations High Commissioner for Human Rights (OHCHR) as well as Afghan and international civil society organizations. There are clear signs that the Afghan government has so far been unable to effectively establish the rule of law, secure democratic institutions, ensure the separation of powers, and eradicate corruption in Afghanistan.¹ Despite progress in enshrining human rights including women's rights in legislation, human rights abuses remain prevalent. These include the killing of a large number of civilians, increasing gender-based violence, violence against children, torture in prisons, arbitrary detention as well as persistent impunity and discrimination in the justice system. Nevertheless, the Human Rights Council has until now failed to take appropriate action and Council members have not upheld their commitments under the Bonn Agreement, renewed in December 2011², to support human rights in Afghanistan. The Human Rights Council must substantially report on its mandate and its human rights activities and consequently strengthen its involvement in Afghanistan, especially in light of the on-going NATO/ISAF withdrawal. While FIDH and Armanshahr Foundation/OPEN ASIA welcomed the opportunity and the objectives of the international Tokyo Conference for

Afghanistan in July 2012, during which ways for the international community and the Government of Afghanistan to secure financial, development and security assistance were discussed, the commitments taken at that occasion must be acted upon.

I. The human rights situation in Afghanistan: Causes for Concern and Recommendations for the Afghan government and the international community

1. Attacks on civilians

Between 1 January and 30 November 2012, UNAMA/OHCHR documented 7,066 civilian casualties (2,610 killed and 4,456 injured) and a higher number of civilian casualties each month from June to November 2012, culminating in a 28% increase in casualties in the third quarter of 2012.³ While civilian casualties have partly resulted from operations involving Afghan forces and international troops – 7% of the total compared to 15% in the same period in 2011 – 82% of all civilian casualties in 2012 were attributed to Anti-Government Elements (AGEs). AGEs continued to target civilians and indiscriminately launch attacks on civilian locations, increasing the use of improvised explosive devices (IEDs) and suicide attacks, in clear violation of international humanitarian law.

Throughout last year, IEDs and suicide attacks together accounted for 51% of all Afghan civilian deaths and injuries, as exemplified by an incident during Eid al-Adha prayers on 26 October 2012, when a 15-year-old suicide attacker killed 40 civilians and injured 59 others at a mosque in Maymana, Faryab

province.

While the Government of Afghanistan has appointed in 2012 a special advisor to the President on the protection of civilians and established a Civilian Casualty Tracking Team as part of the Presidential Information Coordination Centre, further efforts must be undertaken to ensure improved protection of civilians. The training and mentoring of the Afghan National Security Forces (ANSF) has continued over last year, however, an increase in the number of civilian casualties in areas where the Afghan army and police force operate independently, clearly demonstrates their continued lack of professionalism and misconduct and also shows the uncertainty of the transitioning process from international troops to ANSF, expected to be complete by the end of 2014. In addition, the international community has not clearly defined its post-2014 commitment to supporting and training the ANSF and enhancing real mechanisms for vetting and accountability. The only clear proposal put forward by the United States and NATO was the reduction, by the end of 2014, of ANSF troop numbers from 352,000 to 220,000, cutting their cost by about a third (from US\$6 billion to \$4.1 billion per years). This appears in full contradiction with the above-mentioned objectives.

In addition, local residents have regularly raised concerns with UNAMA that human rights abusers are being recruited into the Afghan Local Police. There is also strong evidence that the Taliban are increasingly infiltrating Afghan security forces, resulting in multiplying attacks on international troops and within the Afghan national police and army. On 2 March 2013, the Taliban claimed the kidnapping in the province of Badakhshan of at least 17 Afghan soldiers who were then executed.

Recommendations:

The government of Afghanistan should:

1. Review mechanisms and resources to effectively protect communities from attacks by AGEs' and the increased use of IEDs to target civilians;
2. Institutionalize vetting and accountability mechanisms in the operations of local and national security forces;
3. Propose and implement a comprehensive

plan to enhance literacy levels and socio-economic conditions of soldiers and police officers, which are at the root of their lack of ability to professionalize.

2. Justice and impunity

Afghan and international stakeholders have failed to coordinate their efforts to reconstruct and improve the effectiveness of the justice sector in Afghanistan, to the point that it is now incapable of addressing increasing impunity in the country. Democracy and peace-building efforts cannot proceed in this context.

Several factors inhibit the fair and transparent administration of justice. One of the most serious issues is the incoherence between the letter of the law and practiced legal norms, characterized by the coexistence of secular statutory law, Islamic Sharia and customary tribal law. The informal justice system overlaps with the formal one, which has continuously lacked resources and is marred by corruption. Moreover, the lack of separation of powers has long prevented the enforcement of checks and balances in the justice system.

This situation of legal ambiguity and haziness has reinforced the systematic impunity that prevails in the country.⁴ Armed groups such as Taliban have re-invested in the practice of customary law and parallel justice as a means of reinforcing their power in communities, notably because of absence of state instruments throughout the country. Many of the judges lack qualifications and commitment towards national laws and international standards. They often reproduce practices and laws established under Taliban rule. The unwritten nature of Afghan customary law makes it vulnerable to arbitrary application and abuse; women are excluded from the traditional justice process and their rights are denied. The Taliban have erected their own justice system in the areas they control, even skewing the tribal jirga and shuras towards a harder-line interpretation of Sharia law. The international community has more recently adopted an ambiguous position on the issue using the argument of "cultural relativism," at the risk of abandoning fundamental human rights standards and their obligations vis-a-vis international human rights law.

The 2005 Action Plan for Peace, Reconciliation and Justice remains unimplemented. In 2007,

the adoption of the National Reconciliation, General Amnesty and National Stability Law granted amnesty to those accused of past human rights violations.⁵ The only exception to this amnesty applies to individual cases brought forth by victims of the crimes. However, no procedure for investigation has been established, effectively placing responsibility for ensuring accountability for past violations onto the victims themselves. In the absence of any individual complaint, the Afghan authorities are prohibited from prosecuting war criminals on their own. The progressive abandon of all transitional justice processes has been a significant failure jeopardizing peace building, reconciliation and justice in Afghanistan.

The priority given by the international community to an inclusive peace and reconciliation process, beginning with a sustained political dialogue with the Taliban, has contributed to increasing the fragility of the justice system. Most notably, from November 2012 to January 2013, the Government of Pakistan, based on the 'Peace Process Roadmap to 2015'⁶, has freed 26 Afghan Taliban prisoners, including significant figures, to push the reconciliation process forward. The Transitional Justice Coordination Group (TJCG), composed of 27 local and international institutions, expressed in January 2013 its concerns that this may further deepen the culture of impunity and pose serious threats to sustainable peace in the country.⁷

In addition, in December 2012 the United Nations Security Council adopted resolution 2082⁸, refining resolution 1988 from June 2011 that created a new committee dealing exclusively with sanctions relating to the Taliban. The new resolution strongly urges Member States to "consult with the Government of Afghanistan on requests for the listing and de-listing of those targeted for the latter measures in order to ensure coordination with Afghan reconciliation efforts." While the de-listing criteria remain opaque, Taliban representatives have repeatedly asserted that they would not recognize the Afghan Constitution nor negotiate with the Afghan government.

The Office of the Prosecutor (OTP) of the International Criminal Court (ICC) has received dozens of communications under Article 15 of the Rome Statute and has therefore opened

a preliminary examination of the situation in Afghanistan, which became public in 2007. Since then, it has sought and analyzed information from multiple sources and published its preliminary examination on 13 December 2011. While the OTP also explained that "as part of the positive complementarity policy, the OTP has taken steps to encourage key actors to consider and promote accountability mechanisms within areas of their own purview," its report lacks any further detailed information. It is crucial that the role of the ICC in Afghanistan be strengthened in order to contribute to deterring any further crimes from being perpetrated and going unpunished. Affirmation of the OTP's mission and a public declaration on national proceedings are needed in order to reassert the ICC's jurisdiction and take action in Afghanistan. Therefore, the assertion of ICC jurisdiction over the most serious crimes committed since 1 May 2003 would be both timely and useful. The ICC Prosecutor would thereby respond to victims' desperate need for justice and thus contribute to breaking the vicious circle of impunity.

Recommendations:

The government of Afghanistan should:

1. Effectively and independently investigate human rights violations taking place in Afghanistan, and ensure victims' access to justice and reparation for these violations.
2. Set up transitional justice mechanisms, in collaboration with the Afghan Independent Human Rights Commission (AIHRC), Afghan civil society, human rights organizations and victims' groups, in compliance with the 2005 Action Plan for Peace and Reconciliation.
3. Repeal, through the Parliament, of the Public Amnesty and National Stability Laws.
4. Set up effective, transparent and efficient vetting procedures for nominations at the Afghan Local Police, in public posts and for any elections. The vetting commissions should be independent, establish public criteria for vetting, provide vetted persons access to all information used for the vetting, and the practical means to challenge their vetting before an independent court.

The Office of the Prosecutor of the ICC should:

5. Issue regular and detailed reports on the status of its preliminary analysis of the

Afghan situation and publicly communicate its activities that aim to implement positive complementarity.

6. Because national justice mechanisms have demonstrated their inability or unwillingness to genuinely investigate and prosecute the main perpetrators of international crimes, the Office of the Prosecutor should open an investigation into crimes under ICC jurisdiction committed in Afghanistan since 2003, and respond to victims' needs for redress.

3. Women's rights

In the post-Taliban era, progress has undoubtedly been achieved in the field of women's rights. This includes the establishment of a Ministry of Women's Affairs (which nevertheless lacks executive power), the participation of women in governance institutions, and the accession to the Convention on the Elimination of Discrimination against Women. Lately, the Government of Afghanistan has taken other steps towards the promotion and protection of women's rights, by establishing several provincial-level offices, staffed by the Attorney General's Office, to attempt to enforce the Law on Elimination of Violence against Women.

Nevertheless, more than eight years after the last visit of the UN Special Rapporteur on violence against women to Afghanistan in July 2005, indicators on the ground continue to show significant discrimination against and persecution of women. Violence against women and girls continues to be persistent and widespread. It includes harmful traditional practices such as *ba'ad* (providing women in retribution for murder and other crimes), so-called "honour" killings, early and forced marriages, rape, domestic violence and prosecution of women and girls for running away from home. As of spring 2012, 400 women and girls were in prison and juvenile detention for the "moral crimes" of running away from home or sex outside marriage. In July 2012, a young girl called Najiba was executed by armed men in Parwan province, after three months of detention. Her assassination brought scores of women's rights activists onto Kabul streets. Protesters criticized the judicial authorities, local officials and the Council of Ulama for failing to fulfill their responsibilities. Najiba had been forced

to marry and tried to escape.

Although incidents of violence against women remain largely underreported, the latest UNAMA/OHCHR report noted a further increase in harmful practices and violence against them. The Afghanistan Independent Human Rights Commission (AIHRC) recorded 4,010 reported cases of violence against women from 21 March to 21 October 2012 throughout Afghanistan, compared to 2,299 cases the previous year.⁹

The widespread nature of gender-based violence is particularly worrisome in light of the discrimination against women in the Afghan justice system and the resulting impunity. In December 2012, a UNAMA report entitled *Still a Long Way to Go: Implementation of the Law on Elimination of Violence against Women in Afghanistan*¹⁰, documented both positive advances and ongoing gaps in the implementation of the law by judicial institutions. According to this report, the Afghan National Police and the prosecutor's offices continue to resort to *jirgas* and *shuras* for advice or resolution of numerous cases, including serious crimes. These parallel legal instruments often undermine the implementation of the Law on Elimination of Violence against Women and reinforce harmful practices.

In addition, incidents of violence against women have long prevented them from participating in public life, excluding them from political and decision-making processes. The frequent acts of aggression against women human rights defenders invested in the promotion of gender equality and women's rights highlight the worrisome situation women continue to face. In the last years, well-known women rights defenders have been directly threatened and obliged to leave the country. Among the many attacks reported in 2012, one of the most noticed was the target killing on 10 December 2012, of Mrs. Najia Seddiqi, acting head of the women's affairs department in Laghman province. Her predecessor, Mrs. Hanifa Safi, was killed last July by a car bomb.¹¹ Even though the promotion and protection of women's civil and political rights have been emphasized in all international conferences (in particular the July 2012 Tokyo Conference), the situation perpetuates impunity and undermines nascent gains made in the promotion of

women's role in the public sphere.

Recommendations:

The government of Afghanistan should:

1. Refrain, along with the high Peace Council, from putting women's rights on the bargaining table with the Taliban and other stakeholders in the peace process.
2. Bring to justice all perpetrators of violence against women and try them in accordance with national laws and international obligations.
3. Strengthen the "formal" justice system, notably through the effective participation of women in the judiciary (attorneys and judges at all levels of the judiciary), and their effective protection to ensure the free and independent exercise of their function.
4. Repeal or revise discriminatory laws against women, notably the Shiite Personal Law, the Law on Marriage, as well as of the discriminatory provisions of the Criminal Code and Property law.

4. Children's rights and access to education

In spite of a reported decrease in reported incidents of underage recruitment for conflict-related activities, sexual violence and denial of humanitarian access,¹² children continue to be affected by the ongoing armed conflict in Afghanistan. Reports verified by the UN Country Task Force on Monitoring and Reporting on children affected by armed conflict have documented a high number of children casualties, with more than 20 children killed and injured per week throughout the country during 2012. For instance, a 6-year old girl and a 12-year old boy were beheaded last August in two separate incidents in Taliban-controlled areas.

AGEs have continued to launch attacks targeting children and schools (especially girls' schools), directly violating international humanitarian law. Over last year, the Country Task Force received reports of 102 incidents of attacks against schools, 25 of which they were able to verify. One of these occurred in April 2012, when AGEs forcibly closed all schools in Andar and Dih Yak districts of Ghazni province. Acid attacks on girls or young women going to school have continued. Also in April 2012, 150 schoolgirls were poisoned by contaminated

drinking water in Takhar province.

Children are still used in forced labour and prevented from education even though the right to education for all Afghans – male and female – is enshrined in the 2004 Afghan Constitution. Since the collapse of the Taliban regime some achievements have been made in terms of education, including a considerable rise in primary school enrolment and the construction of thousands of school buildings. However, the school dropout rate has been on the rise,¹³ many schools lack proper facilities and qualified teachers, and Afghanistan's adult literacy rate still ranks among the lowest in the world (an estimated 11 million Afghans remain illiterate). Only 1% of the 13% of the national budget allocated to the Ministry of Education is spent on combating illiteracy. Moreover, the cultural bias towards the necessity of educating girls and women remains prevalent, resulting in school enrolment rates of only 41.8% for girls against 73.7% for boys.¹⁴

Recommendations:

The government of Afghanistan should:

1. Fully protect the right of all children, especially girls, to access education, and ensure that all schools remain open and safe.
2. Put the fight against illiteracy at the core of all education and development strategies.
3. Reinvigorate national education access for all programs, including proper training for teachers, production of education materials, and an outreach plan for remote insecure areas and dropouts.

UNICEF and other education related international bodies should:

4. Reinforce resources allocation to education in Afghanistan.

5. Arbitrary detentions, torture and death penalty

Torture and arbitrary detention have reportedly been two of the most pressing human rights issues "impeding the establishment of rule of law, transition of lead security responsibilities from international military forces to Afghan National Security Forces and arguably long-term reconciliation in Afghanistan."¹⁵ Since 2001, international forces, working in cooperation with Afghan

national forces, have been found responsible for such illegal practices. In February 2010, a group of UN human rights experts published a report documenting cases of arbitrary and secret detention of individuals in Afghanistan without trial or charges, as well as the extraordinary rendition of detainees from, to and via Afghanistan outside the domain of international or national legal procedures.¹⁶

A UNAMA/OHCHR report¹⁷ presenting findings covering the period from October 2010 to August 2011 revealed that Afghan security forces, in particular the National Directorate of Security (NDS), continue to use torture on detainees held for offenses related to the armed conflict. The victims include children under the age of 18 years. According to the report, “detainees described experiencing torture in the form of suspension (being hung by the wrists from chains or other devices attached to the wall, ceiling, iron bars or other fixtures for lengthy periods) and beatings, especially with rubber hoses, electric cables or wires or wooden sticks and most frequently on the soles of the feet. Electric shock, twisting and wrenching of detainees’ genitals, stress positions including forced standing, removal of toenails and threatened sexual abuse were among other forms of torture that detainees reported. Routine blindfolding and hooding and denial of access to medical care in some facilities were also reported.” In March 2012, AIHRC released its own report¹⁸ on the treatment of conflict-related detainees in Afghanistan. Its findings did not contradict those of UNAMA/OHCHR.

International forces have chosen not to scrutinize the practices of Afghanistan’s security forces at these detention centres in spite of the obvious risks resulting from the on-going transfer of responsibility to Afghan authorities. It was reportedly only when the public was made aware of torture in prisons that US officials began acting on ending the practice of transferring detainees to sixteen of the facilities identified as sites where torture or abuse routinely took place. Only then was a plan - supported by NATO and the United Nations - to investigate the sites, provide training and monitor the Afghan government’s practices initiated.

The same UNAMA report stated that “in almost all criminal cases in Afghanistan, including national security prosecutions, the

case against the defendant was based on a confession, which the court usually finds both persuasive and conclusive of the defendant’s guilt” and that even in cases where defence lawyers raise the issue of forced confession through torture, courts usually dismiss the application and allow the confession to be used as evidence.”

The death penalty has become another source of concern, to which both FIDH and Armanshahr Foundation/OPEN ASIA oppose, in line with the UN General Assembly latest resolution calling for a universal moratorium on death penalty (December 2012). The Afghan government executed in November 2012 six Taliban prisoners convicted of terrorist acts, including plotting suicide bombings, kidnappings and assassinations. Eight other men were executed on the previous day for criminal offenses like rape and murder. The last government executions in Afghanistan had taken place in June 2011, when two men convicted of a mass attack in Kabul were hung. Earlier on, the Karzai government had executed 15 inmates by firing squad in October 2007 and conducted a single execution in 2004.

Recommendations:

The government of Afghanistan should:

1. Invite the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit Afghanistan to assist in providing a comprehensive response to deter use of ill-treatment in detention facilities.
2. Establish an immediate moratorium of death penalty and take steps toward the abolition of death penalty as a State signatory to the International Covenant on Civil and Political Rights.

International Security Assistance Forces (ISAF) should:

3. Stop transferring individuals under any circumstances where there is a risk that they will be subjected to torture or other forms of ill-treatment.

6. Threats to an independent civil society

In the post-2001 era, Afghan society has been characterized by the expression of its diversity more than ever before. Its political, social and

cultural as well as ethno-linguistic diversity shows that Afghanistan cannot be reduced to stereotypes. Factors of change do exist in Afghanistan, as illustrated by the mushrooming of NGOs, the development of education institutions, and the emergence of media outlets in the country, both quantitatively and qualitatively. The number of cultural, human rights and media organizations has grown rapidly. In June 2005, President Karzai approved the Law on NGOs, which became effective immediately upon signature. This law created a new legal framework for NGOs in Afghanistan and replaced the Regulation for the Activities of Domestic and Foreign NGOs in Afghanistan (NGO Regulation), enacted in 2000 by the Taliban regime. All these represent positive factors of democratic change and require renewed support to help combat the challenges outlined in this paper.

In spite of continued gender-based violence and discrimination, women groups have been formed, such as the 50% Campaign of women of Afghanistan, established in 2009 by 70 social and civil activists, supported by various organizations, including the Armanshahr Foundation, National Union of Women of Afghanistan, and the Women's Political Participation Committee.

However, like many other independent figures and institutions, the media have seen serious deterioration in their working conditions in Afghanistan, particularly since 2008. While Afghanistan progressed in Reporters Without Borders 2013 ranking (ranked 128th in the world, up 22 spots from the year before) due to the absence of journalists in detention, numerous cases of assassinations, such as the beheading of Sadim Khan Bhadrzai on 22 February 2012, physical attacks and other threats have been reported throughout 2012.

In addition, while the establishment of the Afghanistan Independent Human Rights Commission (AIHRC), enshrined in the Constitution, was originally hailed as one of the achievements of the post-2001 government, and considered to be a landmark in creating conditions for accountability for past abuses, its progress has been surreptitiously hampered by the government itself. The AIHRC is being sidelined and the government has attempted to discourage the AIHRC from documenting and investigating past war crimes and atrocities on the grounds that "a violation

of the [amnesty] law is a punishable crime." The decision of President Karzai to remove three commissioners in December 2011 has also been seen as an evidence of this trend, as these commissioners were perceived as amongst the most critical of Karzai's regime. Until today, president Karzai has failed to fill five vacant commissioner positions. Moreover, the government keeps stalling the release of the AIHRC's comprehensive report mapping war crimes and crimes against humanity committed from 1978 to 2001.

Recommendations:

The government of Afghanistan should:

1. Support Afghan civil society and the NGO community in Afghanistan, including human rights organizations, ensuring as well that development assistance fully addresses needs defined in consultation with Afghan civil society, including women's organizations, independent media, and human rights organizations.
2. Guarantee the independence and safety of the AIHRC and its commissioners, allowing them to fulfil their mandate.

II. The United Nations approach to human rights in Afghanistan: Need for a more integrated engagement

The renewal of UNAMA's mandate on 19 March 2013 for another year is a welcome sign of the commitment of the United Nations to supporting Afghanistan's peaceful transition. Nevertheless, the ongoing human rights violations, as outlined by UNAMA and OHCHR's own annual reports, are a clear indication that UNAMA's engagement in the country is insufficient to ensure peace and respect for human rights in Afghanistan.

The United Nations system as a whole, including the Human Rights Council and the OHCHR, must take action to support the work of UNAMA and ensure that the international community responds appropriately to ongoing and escalating human rights challenges facing Afghanistan.

The UN system is principally involved in the protection and promotion of human rights in Afghanistan through a human rights component within the mandate of UNAMA. Like its previous mandate, UNAMA's new

mandate underscores the mission's role in monitoring the situation of civilians, coordinating efforts to ensure their protection, promoting accountability, and assisting in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party.¹⁹

It also includes emphasis on monitoring abuses of international human rights law in Afghanistan, particularly against women and children, and on supporting inclusiveness and respect for human rights in the reconciliation process.

Since 2007, UNAMA has had human rights staff deployed throughout Afghanistan. However, the work undertaken by its human rights section as well as the OHCHR in terms of monitoring the situation, reporting, and undertaking technical assistance and capacity building, have lacked sufficient support and visibility amongst the international community. In addition, significant cuts to the UNAMA's budget over the past year are concerning. FIDH and Armanshahr Foundation/OPEN ASIA welcome calls by the UN Security Council for more resources to be allocated to UNAMA in light of the changes that are likely to take place in Afghanistan in 2014. UNAMA's role in promoting coordination and coherence among UN funds, programmes and agencies should be enhanced and the UN Human Rights Council (HRC), the main body responsible for the promotion and protection of human rights, should discuss reports by UNAMA and respond to them accordingly.

However, the level of attention the HRC has given to Afghanistan in recent years is woefully insufficient considering the gravity of the human rights situation in the country. Pursuant to the HRC decision 2/113 of 27 November 2006, the OHCHR submits a report each year in March to the HRC on the human rights situation in Afghanistan. However, despite the deteriorating human rights situation described in each annual report, the Council has never formally discussed the OHCHR's findings, and has passed only one resolution on Afghanistan in the past seven years.²⁰

The OHCHR's last report, presented in March 2013, serves as a prime example of the Council's inadequate response to the human rights violations taking place in Afghanistan:

the report outlined an increase in violent attacks against civilians, more and more children being recruited as suicide bombers and weapons smugglers, and widespread violence against women. Despite these alarming observations, the report was neither presented orally nor discussed formally at the HRC, and the HRC took no action to respond to the situation outlined in the report.

The engagement of Special Procedures in Afghanistan has also been nonexistent for years. The mandate of the last Independent Expert on human rights in Afghanistan expired in 2005, the last report on Afghanistan by a Special Rapporteur (on summary executions) was in 2008, and the last Working Group report (on the use of mercenaries) was presented in 2009. Each mandate issued thorough recommendations, which unfortunately remain far from being implemented. Since 2009, no Special Procedures have been able to visit the country, in spite of repeated requests emanating inter alia from the Special Rapporteur on Torture and from the Working Group on Arbitrary Detentions.

In light of NATO's forthcoming withdrawal from Afghanistan, the HRC must act to send a clear message to the international community to remain strongly engaged in Afghanistan. In this respect, the Council should take stock of the evolutions and challenges displayed in OHCHR/UNAMA reports and call upon the High Commissioner for Human rights to formally present her annual report on the work of the OHCHR in Afghanistan before the Human Rights Council.

Furthermore, the HRC should consider the establishment of an independent mechanism monitoring the evolution of the human rights situation and providing technical assistance to the Afghan government to strengthen the rule of law in the country.

Endnotes:

1 "Human rights at a crossroads: The need for a rights-centred approach to peace and reconciliation in Afghanistan", FIDH and Armanshahr Foundation/OPEN ASIA, May 2012 (<http://www.fidh.org/Human-rights-at-a-crossroads-The>)

2. Point 6 of the conclusion of the international Afghanistan Conference in Bonn, 5 December

2011: "Afghanistan reaffirms that the future of its political system will continue to reflect its pluralistic society and remain firmly founded on the Afghan Constitution. The Afghan people will continue to build a stable, democratic society, based on the rule of law, where the human rights and fundamental freedoms of its citizens, including the equality of men and women, are guaranteed under the Constitution. Afghanistan recommits to upholding all of its international human rights obligations. Acknowledging that on this path Afghanistan will have its own lessons to learn, the International Community fully endorses this vision and commits to supporting Afghanistan's progress in that direction."

3. Report of the United Nations High Commissioner for Human Rights on situation of human rights in Afghanistan, 28 January 2013, A/HRC/22/37

4. Ibid, p. 25

5. Ibid, p. 36.

6. The 'Peace Process Roadmap to 2015' is a peace plan drafted by the Government of Afghanistan and the High Peace Council in November 2012, envisioning that "by 2015, Taliban and other armed groups will have given up armed opposition, transformed from military entities into political parties... and participated in national elections." The first step of this process includes an end to cross-border shelling, the transfer of Taliban prisoners by Pakistan to Afghanistan or a third country, and pressure on the Taliban to sever ties with al-Qaeda. Step two (slotted for the first half of 2013) includes amongst other issues, agreement on the terms of direct peace talks. The third step slated for the second half of 2013, envisages a ceasefire.

7. <http://www.bamdad.af/english/story/2105>

8. <http://www.un.org/News/Press/docs/2012/sc10859.doc.htm>

9. Report of the United Nations High Commissioner for Human Rights on situation of human rights in Afghanistan.

10. <http://unama.unmissions.org/Default.aspx?tabid=12254&ctl=Details&mid=15756&ItemID=36086&language=en-US>

11. Statement by the Spokesperson of EU High Representative, Catherine Ashton, on the killing of the women's rights activist

Nadia Seddiqi in Afghanistan on 10 December 2012. Brussels, 11 December 2012 (http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/134232.pdf)

12. According to the Government of Afghanistan's annual progress report to the Special Representative of the Secretary-General for Children and Armed Conflict on the implementation of the action plan on the prevention of underage recruitment and sexual violence against children.

13. FIDH and Armanshahr Foundation/OPEN ASIA, "Human Rights at a crossroads: The need for a rights-centred approach to peace and reconciliation in Afghanistan", May 2012, p. 21.

14. Ibid

15. Treatment of Conflict-Related Detainees in Afghan Custody, UNAMA, October 2011

16. Joint study on global practices in relation to secret detention in the context of countering terrorism by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention (represented by its Vice Chair), and the Working Group on Enforced and Involuntary Disappearances (represented by its Chair), A/HRC/13/42.

17. Treatment of Conflict-Related Detainees in Afghan Custody, UNAMA, October 2011, (http://unama.unmissions.org/Portals/UNAMA/Documents/October10_%202011_UNAMA_Detention_Full-Report_ENG.pdf).

18. See "Torture, Transfers, and Denial of Due Process: The Treatment of Conflict-Related Detainees in Afghanistan" (2012). <http://www.aihrc.org.af/media/files/AIHRC%20OSF%20Detentions%20Report%20English%20Final%2017-3-2012.pdf>.

19. United Nations Security Council, Resolution S/RES/2096, 19 March 2013

20. "Addressing Attacks on Afghan School Children", A/HRC/14/L.7, 11 June 2010.