

## Appendix II: Response from the Islamic Emirate of Afghanistan (IEA) to Human Rights Watch (English translation by Human Rights Watch)

Thank you for sharing your questions with us in preparing the report. The answers to your questions are as following:

Question: One of your question was that “we surveyed the education system in some districts of Helmand, Wardak, and Kunduz provinces and in these three provinces we found significant differences in implementing the official policy of Islamic Emirate of Afghanistan on education.” You also stated that “if community does not ask for education, then the policy (allowing education for women and girls) will not be enforced, is that correct?”

Answer: The IEA policy in regards to education is the same for the entire country and there is no difference in provinces. However, considering the security situation in some provinces, districts, and villages; there will be no opportunity in implementing the policy and therefore, sometimes a difference in enforcing policy can be observed between different areas. Last year we also stated during our meeting with you that in some areas looking at difficulties [challenges] some communities hesitate to send their children to schools. Furthermore, we encourage them and try to provide [education opportunity] for them, but if despite all this they still have no interest in [receiving education], then we cannot force people to do so, because safeguarding life has precedence over education.

Question: You’ve asked that there are differences among IEA leadership in regards to girl’s education.

Answer: There is no difference in regards to policy among IEA leadership and boys and girls are both allowed education according to Sharia and Afghan traditions.

Question: It seems that there are differences in even similar or nearby districts...

Answer: There is no difference in the policy. But, as stated earlier, considering the security situation in some areas, sometimes the opportunity [option] is not there. And this is not only for girls, in some areas the opportunity [option] is not favorable for boys either.

Question: Could you please also clarify if young women (girls) from Kunduz districts who wish to attend Kunduz university are allowed?

Answer: As stated earlier, they can if they wish to do so according to Sharia and Afghan customs; obviously, security and the area conditions need to be taken into considerations, which at the current time are not favorable.

Question: We also know that new madrassas have been established in Naw Abad, Kunduz. What curriculum is taught in these madrassas?

Answer: IEA has education commission [department] within its organization; this department reviews madrassa curriculums and in areas controlled under the Emirate curriculums approved by the Emirate are thought.

Question: Can local Taliban officials in Helmand decide on education policy that could be different than the official policy?

Answer: As stated earlier, Emirate has one policy in regards to education and one department is in charge of that. Nonetheless, in some areas delay in the implementation could depend on the area conditions; and that too is coordinated with the Emirate leadership.

Question: You've asked about Gresh; in there you were told "if there is no security, girls should not attend school."

Answer: The answer to your question was provided in other question and that is: if there is no security, and people's life, dignity, and property are not secure; then people will not feel comfortable with [attending] school; not only girls, but boys feel the same. In regards to "community will need to demand girl's education"; in this regard [the answer is]: Emirate encourages community toward education and without any means facilitates the opportunity for them; however, if communities don't feel comfortable because of security concerns than in such cases Emirate cannot make attending school obligatory on people. If education institutions coordinate with Emirate officials and follow the Emirate guidelines, then why shouldn't they be allowed [that should not be a problem.]

Question: Is there a "vice and virtue" department?

Answer: In an Islamic society "vice and virtue" is a requirement [necessity]. The "vice and virtue" office exists within the "Guidance and Invitation" commission of Islamic Emirate which is headed by respected Ulema [Islamic scholars]. This office [vice and virtue] with special guidelines encourages communities toward: goodness, growth, brotherhood, removing hatred from each other, and community works.

Question: Are these types of restrictions by authorities necessary for the entire community?

Answer: We don't understand what you mean by "restrictions". If there is a tradition in a society, rather than restriction that [tradition] becomes society's culture and way of life; and people adhere [or follow] tradition voluntarily and without compulsion. But if you mean "enforcing Sharia laws", Islamic Emirate considers that as its priorities.

Question: What is the IE policy on smart phones and televisions? We were told in some districts that they are not allowed...

Answer: There is no restrictions by IE on smart phones, televisions, and radios; nevertheless, we encourage appropriate use of them.

Question: ... Does IE accept critical reports of its government and policies?

Answer: No government allows destructive reports. Nonetheless, if critical reports are constructive, within the Sharia guidelines and Afghani tradition, then why not; [IE] will not only allow such reports, but will also try at its best to bring positive changes based on such report.

Question: You asked about Hijab [woman's covering]

Answer: Hijab is an important edict in Islam and therefore in accordance with Islamic laws IE has directed women to obey covering; no dress code has been specified for them. The incidents that you mentioned, we also investigated those [incidents]. That incident took place because of

someone's personal desires and the issue was resolved after the investigation. And minorities have their rights in Islam; in Afghanistan all their rights will be given to them in accordance with the Sharia.

Question: In regards to women going outside.

Answer: When it comes to women going outside [their houses] Islam has its own principle which is the IE policy as well. In accordance with Islamic laws [and] in light of Islamic jurisprudence, women are permitted a specific travel limitation of a short distance which [means] they [women] can go outside for some essential needs without a male companion [Mahram]. If they [women] are traveling to the travel limits, they will then need a male companion. Nonetheless, if area, surroundings, and time is dangerous, then we recommend that under these unfavorable circumstances women should not go outside the house by themselves.

Question: In regards to association with Kabul establishment...

Answer: This information is inaccurate. Based on the Sharia, one individual cannot be punished for another individual's crime even if the other individual is a close family member of this individual; and this is the IE policy as well.

Question: Are there legal procedures for those people who are associated with the government? Who presides over the proceedings? And does the accused have any legal protections?

Answer: Emirate does not try just anyone associated with the Kabul establishment. Nonetheless, those who are actively fighting against the IE will be tried and there are legal procedures [established] for these individuals. The courts are presided by professional judges and accused have necessary legal protections. Accused can present witnesses in his/her defense and defend him/herself.

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