

FREEDOM IN THE WORLD 2020

Afghanistan

NOT FREE

27

/100

<u>Political Rights</u>	13 /40
<u>Civil Liberties</u>	14 /60

LAST YEAR'S SCORE & STATUS
27/100 ● **Not Free**

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)



Overview

Afghanistan's constitution provides for a unitary state, headed by a directly elected president, with significant checks from the parliament and a wide range of rights guaranteed to citizens. However, an insurgency waged by Islamist militants has undermined the writ of the state in much of the rural hinterland, severely restricting the franchise. Political rights and civil liberties are curtailed in practice by violence, corruption, patronage, and flawed electoral processes.

Key Developments in 2019

- Conflict between Afghan government forces and US forces, and the Taliban rebel movement continued. The Islamic State (IS) militant group also continued to recruit fighters, hold territory, and undertake suicide attacks. In October, UN monitors said they had recorded 8,239 civilian casualties (2,563 deaths and 5,676 injuries) during the first nine months of the year, attributable to Afghan and allied US forces as well as insurgent groups.
- A new parliament was seated in April, months after polling had taken place in October 2018. However, the body's legitimacy was damaged by allegations that financial corruption and political influence shaped the results of many races.
- Widespread insecurity and disaffection with political elites contributed to a historically low turnout of 1.8 million in September's presidential election. Preliminary results, announced by the Independent Election Commission (IEC) in December, gave incumbent President Ashraf Ghani just over 50 percent. While implementation of biometric voter verification technology was credited with helping prevent fraud, the vote count and complaints-adjudication process once again proved protracted, and were both ongoing at year's end.
- The US government conducted nine rounds of negotiations with the Taliban in Doha, Qatar, from January to August. However, a draft agreement was abandoned in September after objections by US President Donald Trump to

continued Taliban terror attacks. In November, it was announced that talks would resume.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

1 / 4

Afghanistan's president is directly elected for up to two five-year terms and has the power to appoint ministers, subject to parliamentary approval.

In 2014, then US secretary of state John Kerry brokered a National Unity Government (NUG) after the 2014 presidential election was disputed between the two leading candidates, former finance minister Ashraf Ghani and former foreign minister Abdullah Abdullah. Under the terms of the NUG, Ghani became president, and Abdullah was installed as chief executive, a new post resembling that of a prime minister, which was not supported by the constitution. Ghani's term expired in May 2019, but he remained in office by order of the Supreme Court, pending the outcome of 2019 presidential election; the poll was delayed a number of times during the year.

A first round presidential poll was eventually held in September, with Ghani and Abdullah again emerging as the leading candidates. However, the count, audit, and complaints adjudication process once again proved protracted. Preliminary results, announced by the IEC in December, gave the incumbent President Ghani just over 50 percent. But at year's end, complaints adjudication was still under way, and it could not be determined whether a second round would be mandated.

International observers and electoral experts generally concluded that any mandate drawn from the September 2019 poll would be flawed. The primary objection related to the low turnout of approximately 1.8 million—a historic low for a presidential election, and less than half the number of people who voted in the most recent parliamentary election, in 2018. While biometric voter verification technology was successfully implemented ahead of the polls, other aspects of the integrity of the electoral management was questioned. There were also a number of attacks targeting voters on election day, though no large-scale violence took place.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

1 / 4

In the directly elected lower house of the National Assembly, the 249-seat Wolesi Jirga (House of the People), members stand for five-year terms. In the 102-seat Meshrano Jirga (House of Elders), the upper house, the provincial councils elect two-thirds of members for three- or four-year terms, and the president appoints the remaining third for five-year terms. The constitution envisages the election of district councils, which would also send members to the Meshrano Jirga, though these have not been established. Ten Wolesi Jirga seats are reserved for the nomadic Kuchi community, including at least three women, and 65 of the chamber's general seats are reserved for women.

Parliamentary elections originally scheduled for 2014 were postponed amid security concerns, and the president extended the legislature's mandate with an apparently unconstitutional decree until elections were finally held in October 2018. Despite security threats from the Taliban, which threatened to punish people for voting, and poor organization by the IEC, more than four million people voted (approximately half of registered voters). Some poll workers were absent on election day due to fears of violence, and difficulties with the untested biometric identification system contributed to delays in opening polling stations, and long lines. Many people reportedly waited hours to vote, and some left before casting their ballots.

The Taliban followed through on threats to carry out attacks across the country, which, according to the United Nations, killed 56 people and injured 379. The technical challenges and insecurity forced the IEC to add a second day of voting in some regions. In December 2018, the Electoral Complaints Commission (ECC) ruled that all votes cast in Kabul Province were invalid due to widespread fraud, but reversed the decision under international pressure. The election results were only finalized in May 2019, months after the vote. Nevertheless, the winning candidates were eventually sworn in and the new parliament was able to function during the remainder of 2019.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

1/4

Elections are administered by the IEC, and disputes are adjudicated by the ECC. Following the highly contested vote count and audit process that accompanied the 2018 parliamentary elections, both election management bodies were disbanded in February 2019, and several members of the bodies were prosecuted, found guilty of corruption in September, and jailed. Members of the new IEC and ECC were nominated by political parties and civil society organizations, voted on by the presidential candidates, and sworn in in March. The bodies also included international experts inducted as nonvoting members. Nevertheless, candidates continued to question the independence and competence of IEC and ECC members and their secretariats during the 2019 presidential election.

Parliamentary and provincial council elections are conducted using a Single Non-Transferable Vote (SNTV) system, in multimember constituencies, which tends to award most seats to candidates with a low vote share. Political parties have been unsuccessful in their attempts to replace SNTV with a proportional system. The most significant recent innovations in electoral laws and framework have been the introduction of a voter roll and biometric voter verification in 2018 and 2019. Together, these have gone some way to limit the mass fraudulent voting that

marred earlier elections. But, recent electoral complaints have also reflected concerns that the election management bodies may have colluded in circumventing the new safeguards.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

2/4

Most candidates for elected office run as independents and participate in fluid alliances linked to local and regional patronage networks. Political parties have been free to seek registration since 2005, though they are typically centered on particular ethnic groups or personalities rather than coherent policy platforms.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

2/4

Multiple opposition leaders and parties seek power through elections. However, the question of whether these elections provide a realistic route to power for a democratic opposition remains unsettled.

The Afghan constitution centralises power in the presidency. The president controls administrative and security-sector appointments throughout the country and exercises significant discretion in financial-resource allocation. This gives the incumbent multiple electoral advantages, both in the pre-poll manoeuvres to make

and break alliances, and in influencing the conduct of polls and the count. During the run-up to the September 2019 presidential election, international and other observers raised concerns about the large number of administrative appointments and appointments to the election secretariat, and the suspected large-scale diversion of state resources into campaign funds.

B3. Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The insurgency waged by the Taliban movement, which has publicly opposed the 2019 presidential election and other elections, is the main constraint on Afghans' political choices. The inability of the electoral administration to operate in Taliban-controlled areas and the fear of Taliban violence or retaliation were among the factors that depressed voter turnout in 2019.

The civil administration and moneyed elites also exert undue influence over the electoral apparatus, and these concerns were reflected in the justice system, when members of the electoral commissions were tried and convicted of fraud in 2019. The expectation of fraud and sense that actual votes would not count likely contributed to low turnout in areas where there was little Taliban threat to polling.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

2/4

The constitution recognizes multiple ethnic and linguistic minorities and provides more guarantees of equal status to minorities than historically have been available in Afghanistan. Since 2001, the traditionally marginalized Shiite Muslim minority, which includes most ethnic Hazaras, has enjoyed increased levels of political representation and participation in national institutions. Nevertheless, participation

is curtailed for all segments of the population by insecurity, flawed elections, and the dominance of powerful patronage networks. Members of minority groups have limited practical opportunities to organize independently, outside the networks of established leaders.

Women’s political participation has been constrained by threats, harassment, and social restrictions on traveling alone and appearing in public. The proportion of women registered as voters declined from 41 percent in 2010 to 34 percent in 2018. In 2018, over 400 women competed for the 68 parliamentary seats allocated to female representatives. All candidates running in the 2019 presidential poll were men.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

1/4

The ability of the president and their cabinet, acting in concert with the legislature, to set and implement state policies is limited by a number of factors. The government remains heavily dependent on military and economic support from the United States and its allies, and it is unable to enforce its laws and decisions in parts of the country controlled by the Taliban and other insurgents. Parliament exercises weak oversight over the executive, is often disregarded by the government, and very rarely adopts legislation on its own initiative.

The issue of whether the government was free to determine policies was brought into focus by the latest peace process. As the Taliban refused to negotiate with the Afghan government, while foreign troops remain in Afghanistan, the US special envoy went ahead with US-Taliban negotiations. The approach broke with a previous doctrine of promoting “Afghan-owned and Afghan-led” talks. It left the US

envoy as the key figure shaping the approach to the peace process, which was the most important political issue in Afghanistan.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1/4

There have been periodic arrests, prosecutions, and dismissals of civilian and military officials accused of corruption, and an Anti-Corruption Justice Centre (ACJC) was established in 2016, bringing together specialized police, prosecutors, and courts to focus on high-level malfeasance. Nevertheless, corruption remains an endemic problem, law enforcement agencies and the judiciary are themselves compromised by graft and political pressure, and the most powerful officials and politicians effectively enjoy impunity. An October 2018 report from the US Special Inspector General for Afghanistan Reconstruction (SIGAR) confirmed that the ACJC was failing to prosecute senior officials accused of corruption. Afghan commentators report that many senior positions in government can only be obtained through corrupt payments to figures in the relevant ministry and presidential office.

Allegations of top-level corruption increased after the 2019 presidential poll, with members of the government including Ghani were accused of misappropriating funds to pay for election campaigns.

A May 2019 study by the UN Assistance Mission in Afghanistan (UNAMA) concluded that the proliferation of bodies sharing anticorruption responsibilities and a history of ad hoc initiatives have impeded progress in tackling corruption. During 2019, there was a series of corruption accusations made against officials of the office of the president, including of corrupt allocation of contracts and official jobs, and demands of sexual favors in exchange for jobs.

C3 0-4 pts

Does the government operate with openness and transparency?	1/4
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Government operations are largely opaque, and corruption is endemic in the management of public-sector contracting.

In recent years, the National Procurement Commission, established in 2014 and chaired by the president to guide the National Procurement Authority (NPA), has taken the lead in reforming procurement procedures and attempting to maintain transparency throughout the government. The NPA has centralized supervision of state contracts and claimed to have saved hundreds of millions of dollars in 4,780 approved contracts through the end of 2018.

The ownership of mining companies that receive government contracts often goes undisclosed, effectively allowing individuals and entities legally prohibited from winning contracts, such as members of parliament, to participate.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts	
Are there free and independent media?	2/4

Afghanistan has a vibrant media sector, with multiple outlets in print, radio, and television that collectively carry a wide range of views and are generally uncensored. Media providers include independent and commercial firms, as well as a state broadcaster and outlets tied to specific political interests.

However, journalists face the threat of harassment and attack by the Islamic State (IS) militant group, the Taliban, and government-related figures attempting to influence how they are covered in the news. Restrictions on freedom of expression have been justified in the name of avoiding incitement to or support of terrorism. The Afghan authorities ban the live television coverage of terrorist incidents, which can restrict on-the-ground television reporting. In November 2019, the prominent pro-Taliban commentator Waheed Mozhda was killed in an apparently targeted shooting, which was unsolved at year's end.

A rapid expansion in the availability of mobile phones, the internet, and social media has granted many Afghans greater access to diverse views and information. The NUG publicly supported media freedom and cooperated with initiatives to counter security threats to the media. Nevertheless, high-level officials, including Ghani, frequently question the validity of stories critical of the government and attempt to discredit journalists, undermining trust and confidence in the media.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

1/4

While religious freedom has improved since 2001, it is still hampered by violence and discrimination aimed at religious minorities and reformist Muslims. The constitution establishes Islam as the official religion and guarantees freedom of worship to other religions. Blasphemy and apostasy by Muslims are considered capital crimes, and non-Muslim proselytizing is strongly discouraged in practice. Conservative social attitudes, intolerance, and the inability or unwillingness of law enforcement officials to defend individual freedoms mean that those perceived as violating religious and social norms are highly vulnerable to abuse.

Terrorist attacks against places of worship continued during 2019. In May, an attack on the Al-Taqwa mosque in Kabul killed two people including a prominent cleric known for his criticism of terrorist violence. In October, at least 69 people were

killed in a suicide bomb attack against a mosque in eastern Nangarhar Province. IS was suspected of carrying out this attack as punishment for the community's opposition to the group.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

1/4

Academic freedom is largely tolerated in government-controlled areas, where public schools and universities enjoy full autonomy from the government (though there are serious shortages of qualified instructors and up-to-date teaching materials).

Government security forces and the Taliban have both taken over schools to use as military posts. The expansion of Taliban control in rural areas has left an increasing number of public schools outside of government control. The Taliban operate an education commission in parallel to the official Ministry of Education. Although their practices vary between areas, some schools under Taliban control reportedly allow teachers to continue teaching, but ban certain subjects and replace them with Islamic studies.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

2/4

Although private discussion in government-held areas is largely free and unrestrained, discussion of a political nature is more dangerous for Afghans living in contested or Taliban-controlled areas. Government security agencies have increased their ability to monitor the internet, including social media platforms. However, this monitoring has not yet had a perceptible impact on social media use.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

2/4

The constitution guarantees the right to peaceful assembly, subject to some restrictions, but this right is upheld erratically from region to region. The police sometimes fire live ammunition when attempting to break up demonstrations. Protests are also vulnerable to attacks by IS and the Taliban. In September 2019, 26 people attending an election rally address by President Ghani in Parwan Province were killed in a suicide bombing. Public demonstrations have tapered off in recent years, due in large part to the history of attacks against them, particularly by IS.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

1/4

The constitution guarantees the right to form nongovernmental organizations (NGOs), and both the legal framework and the national authorities are relatively supportive of civil society groups. NGOs play an important role in the country, particularly in urban areas, where thousands of cultural, welfare, and sports associations operate with little interference from authorities.

However, NGOs are sometimes hampered by official corruption and bureaucratic reporting requirements, and the threat of violence by armed groups is a major obstacle to their activities. In May 2019, a complex attack claimed by the Taliban targeted the compound of the US-based group Counterpart International in Kabul,

and killed at least five people. In November, an American working with the United Nations in Afghanistan was killed in Kabul during a grenade attack on the UN-marked vehicle he was traveling in. In December, a vehicle of the aid group Peace Japan Medical Services was ambushed in Nangarhar, resulting in the death of the head of the group and five Afghan colleagues.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

1/4

Despite broad constitutional protections for workers, labor rights are not well defined in law, and no effective enforcement or dispute-resolution mechanisms are currently in place. Unions are largely absent from the informal and agricultural sectors, which account for most Afghan workers.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

1/4

The judicial system operates haphazardly, and justice in many places is administered on the basis of a mixture of legal codes by inadequately trained judges. Corruption in the judiciary is extensive, with judges and lawyers often subject to threats and bribes from local leaders or armed groups. Informal justice systems, employing variants of both customary law and Sharia (Islamic law), are widely used to arbitrate disputes, especially in rural areas. The Taliban have installed their own judiciary in areas they control, but many Taliban commanders impose arbitrary punishments without reference to this system.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	0/4
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Prosecutions and trials suffer from a number of weaknesses, including lack of proper representation, excessive reliance on uncorroborated witness testimony, lack of reliable forensic evidence, arbitrary decision-making, and failure to publish court decisions. The police force is heavily militarized and primarily focused on its role as a first line of defense against insurgents in administrative centers. There are high levels of corruption and complicity in organized crime among police, particularly near key smuggling routes. There is an entrenched culture of impunity for the country's political and military power brokers.

F3 0-4 pts	
Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	0/4

The US government conducted nine rounds of negotiations with the Taliban in Doha, Qatar, from January to August 2019. US special envoy Zalmay Khalilzad attempted to secure Taliban cooperation on counter-terrorism, a ceasefire, and Taliban participation in political talks with the Afghan government, in return for a US troop-withdrawal timetable. However, a draft agreement was abandoned in September after objections by the US President Donald Trump to continued Taliban terror attacks. In November, it was announced that talks would resume, with an effort to persuade the Taliban to accept a phased process of violence reduction, as the peace process unfolds.

As talks were taking place, the movement's military launched its annual spring offensive and continued violent attacks throughout the year. They mainly attacked Afghan government targets, as well as civilians they deemed to be associated with the government, only rarely attacking international military forces.

While the Taliban were able to consolidate their hold on most rural areas, the government and United States increasingly relied on aerial bombardment and raids into areas held by the Taliban. Several minor administrative headquarters (*uluswalis*) changed hands, often taken by the Taliban and later retaken by government. Ultimately, the Taliban were unable to take and hold any of the country's 34 provinces.

IS continued to recruit fighters and to hold pockets of territory in 2019. The group undertook suicide attacks against Shia targets, such as the suicide bombing of a wedding in Kabul in August 2019, which left more than 90 people dead and more than 140 injured. However, the number of such attacks by IS fell relative to the previous year. There was sustained fighting between IS and the Taliban in eastern Afghanistan, where the Taliban tried to retake areas they had lost to the group.

Overall civilian casualties remained at a level similar to 2018, with the UNAMA recording 8,239 during the first three quarters of 2019. However, the intensity of violence fluctuated. UN monitoring indicated that during the first and second quarters of the year, more civilian casualties were caused by Afghan and allied US forces than by insurgents. The quarter ending in September, which saw the temporary conclusion of the US-Taliban talks, also witnessed the highest level of civilian casualties recorded by the UN in any quarter, during a decade of monitoring. The UN attributed 62 percent of civilian casualties recorded from January to the end of September to the Taliban and other insurgent groups. Meanwhile, defeats suffered by IS were reflected in a halving of civilian casualties attributed to the group during the first three quarters of the year; 12 percent of all civilian casualties were attributed to the group. Further reports emerged of summary executions of civilians who were targeted in raids by special forces units of the National Directorate of Security (NDS), and so-called "campaign forces" supported by the US Central Intelligence Agency (CIA). For example, in August 2019, a unit of the Khost Protection Force militia summarily executed 11 civilians in Kulalgo, of Zurmat District. Protests against such raids prompted the resignation of NDS Director Mohammed Masoon Stanekzai in September.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

1 / 4

Despite some legal protections, religious and ethnic minorities remain subject to harassment and discrimination, including in employment and education. Ethnic-based patronage practices affect different groups' access to jobs depending on the local context. The population of non-Muslim minorities such as Hindus and Sikhs has shrunk to a tiny fraction of its former size due to emigration in recent decades. Women face severe disadvantages in the justice system, access to employment, and other matters, with harmful societal norms often overriding legal guarantees.

There is no legal protection for LGBT+ people, who face societal disapproval and abuse by police. Same-sex sexual activity is considered illegal under the penal code and Sharia.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

0 / 4

The constitution grants Afghans freedom of movement, residence, and travel abroad. However, these freedoms are severely circumscribed in practice by the ongoing civil conflict, which continued to cause mass displacement and render travel unsafe in much of the country in 2019. According to the Office of the UN High Commissioner for Refugees (UNHCR), half a million Afghans were displaced by conflict in 2019. Opportunities for Afghans to seek refuge abroad have been

curtailed in recent years, as the European Union (EU) has attempted to reinforce its external border and member states have increased deportations of failed asylum seekers, while Iran and Pakistan have compelled hundreds of thousands of refugees to return home.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

1 / 4

Citizens are formally free to own property, buy and sell land, and establish businesses. However, economic freedoms are constrained by patronage, corruption, and the dominant economic role of a narrow, politically connected elite. Over the past two decades the most profitable activities available to Afghans have been government and defense contracting, narcotics trafficking, and property and minerals development. Investors in all of these sectors have depended on connections to those in power, and land theft backed by the threat of force is a serious problem.

A combination of harassment, extortion, and arbitrary taxation make for a highly unfavorable business climate for any investor hoping to operate within the law. Companies are only able to operate in areas the Taliban controls by paying illegal taxes. The movement now also routinely extorts money from traders in government-controlled towns.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

0 / 4

Domestic violence against women remains pervasive. In 2017, the Ministry of Public Health estimated that 51 percent of women experience domestic violence in their lifetimes. However, women's rights activists maintain that only a small proportion of actual incidents are reported. According to a May 2018 report published by the United Nations, many cases of violence against women are dealt with by traditional mediation, rather than through the criminal justice system; this largely enables impunity for perpetrators.

Women's choices regarding marriage and divorce remain restricted by custom and discriminatory laws. The forced marriage of young girls to older men or widows to their husbands' male relations is a problem, and many girls continue to be married before the legal age of 16. The courts and the detention system have been used to enforce social control of women, for example by jailing those who defy their families' wishes regarding marriage.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

1/4

The constitution bans forced labor and gives all citizens the right to work. However, debt bondage remains a problem, as does child labor, which is particularly prevalent in the carpet industry. Most human trafficking victims in Afghanistan are children trafficked internally to work in various industries, become domestic servants, settle debts, or be subjected to sexual exploitation. Children are also vulnerable to recruitment by armed militant groups, and to a lesser extent by government security forces.



On Afghanistan

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Country Facts

Global Freedom Score

27/100 ● Not Free

Other Years

2019



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