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FREEDOM IN THE WORLD

Afghanistan

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OVERVIEW:

U.S. troops continued to depart from Afghanistan in 2012, and detention facilities were handed over in line with the ongoing transition of control over security from coalition forces to the Afghan government. Though a decline in civilian casualties in the first half of the year reversed a five-year trend, it was coupled with a series of attacks on foreign troops by members of the Afghan army and police, raising doubts about the government's capacity to maintain order after the final withdrawal of foreign combat forces in 2014. Such doubts were also fueled by uncertainty over the 2014 electoral process and an anticipated decline in foreign aid.

After decades of intermittent attempts to assert control and ward off Russian influence in the country, Britain recognized Afghanistan as a fully independent monarchy in 1921. Muhammad Zahir Shah ruled from 1933 until he was deposed in a 1973 coup and a republic was declared. Afghanistan entered a period of continuous civil conflict in 1978, when a Marxist faction staged a coup and set out to transform the country's highly traditional society. The Soviet Union invaded to support its allies in 1979, but was defeated by U.S.-backed guerrillas and forced to withdraw in 1989.

The mujahideen guerrilla factions finally overthrew the Marxist government in 1992 and then battled one another for control of Kabul, killing more than 25,000 civilians in the capital by 1995. The Islamist Taliban movement entered the fray, seizing Kabul in 1996 and quickly establishing control over most of the country, the rest of which remained in the hands of other factions. In response to the terrorist attacks of September 11, 2001, the United States launched a military campaign to topple the Taliban regime and eliminate Saudi militant Osama bin Laden's terrorist network, Al-Qaeda.

As a result of the December 2001 Bonn Agreement, an interim administration took office to replace the ousted Taliban. In June 2002, the United Nations oversaw an emergency *loya jirga* (gathering of representatives) that appointed a Transitional Administration (TA) to rule Afghanistan for another two years. Interim leader Hamid Karzai won the votes of more than 80 percent of the delegates to become president and head of the TA.

In 2004, Karzai won a presidential election under the country's new constitution, taking 55 percent of the vote and forming a cabinet that was a mix of technocrats and regional powerbrokers. Relatively peaceful elections for a National Assembly and 34 provincial councils were held in September 2005. However, a large number of warlords and others involved in organized crime and human rights abuses were elected.

The new parliament made little progress over the next several years on addressing political and economic reforms or passing key legislation. While some analysts had expressed concern that the legislative branch would be

2013 SCORES

STATUS

Not Free

FREEDOM RATING

6.0

CIVIL LIBERTIES

6

POLITICAL RIGHTS

6

largely subservient to the executive, it was often at odds with the president, making it difficult for him to advance the government's agenda.

The UN-mandated International Security Assistance Force (ISAF), which had been managed by NATO since August 2003, completed the expansion of its security and reconstruction mission from Kabul to the rest of the country in 2006. Despite tens of thousands of additional U.S. and allied troops, and the ongoing development of the Afghan army, Afghanistan largely remained under the sway of local military commanders, tribal leaders, warlords, drug traffickers, and petty bandits. Meanwhile, the resurgent Taliban increased their attacks on the government and international forces, and steadily extended their influence over vast swaths of territory, particularly in the southern provinces of Kandahar and Helmand, but also in previously quiet areas of the north and west.

The constitution called for the 2009 presidential election to be held by April, but it was delayed until August and conducted amid reports of fraud, low turnout, and insecurity. Karzai initially emerged as the outright winner with more than 50 percent of the vote, but the confirmation of large-scale fraud significantly reduced his total, necessitating a November runoff against his main opponent, former foreign minister Abdullah Abdullah. However, Abdullah withdrew before the vote, arguing that the flaws in the electoral system had not been adequately addressed, and Karzai was declared the winner.

Lingering doubts about the Karzai administration's legitimacy, combined with the continued deterioration in security, posed a major challenge to the central and provincial governments as they struggled to control areas under their jurisdiction, deliver basic services, and engage in vital reconstruction efforts.

The country's institutional integrity was dealt another blow when the September 2010 parliamentary elections also proved to be deeply flawed, with low voter turnout and widespread fraud. Karzai did not inaugurate the new parliament until January 2011, ruling by decree in the interim, and it was not until August 2011 that disagreements over 62 candidates for the 249-seat lower house were resolved, with the Independent Election Commission (IEC) agreeing to replace only nine of the seated lawmakers. In October 2012, the IEC announced that the next presidential and provincial elections would be held in April 2014, dispelling fears that Karzai would try to delay the voting in an effort to retain power beyond his constitutionally sanctioned two terms.

Also during 2012, there was a decline in violence against civilians, with the United Nations reporting 1,145 civilians killed and 1,954 injured between January 1 and June 30, a 15 percent decrease compared with the same period in 2011 and a reversal of a five-year trend of increasing civilian deaths; some 80 percent of these casualties were attributed to insurgents. However, local discontent with ISAF rose during the year after a video released in January showed U.S. troops urinating on dead Taliban fighters, U.S. personnel inadvertently burned copies of the Koran at the Bagram detention facility in February, and an American soldier allegedly went on a rampage and killed 17 civilians near a base in Kandahar Province. In a sign of friction between ISAF and Afghan personnel, members of the Afghan army and police attacked foreign troops with increasing frequency, killing some 60 people. These so-called insider or green-on-blue attacks raised serious concerns about the competence of Afghan forces to maintain order and defend the government after the departure of international combat troops. This concern was further reinforced in a December report by the U.S. Department of Defense stating that only 1 out of 23 Afghan National Army brigades can operate effectively without NATO assistance.

Despite such concerns, ISAF continued with its scheduled troop withdrawals during the year, leaving the United States with roughly 68,000 military personnel in the country as of September. The United States also reached an agreement in March on the transfer of detention facilities to the Afghan government. The overwhelming majority of detainees, numbering in the thousands, were handed over to Afghan authorities by September. However, disagreements between the two sides over newly captured detainees prompted Karzai to order the takeover of Bagram detention facility in November, an order which was only partially implemented.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Afghanistan is not an electoral democracy. The overall results of the 2004 presidential election and delayed 2005 parliamentary elections were broadly accepted by Afghans and the international community, despite allegations of intimidation by militias and insurgent groups, partisanship within the electoral administration, and other irregularities. However, the 2009 presidential and 2010 parliamentary elections were critically undermined by fraud and other problems, and state institutions have failed to provide effective governance or transparency. Afghanistan's district council elections, which were scheduled to take place in 2010, were canceled.

The directly elected president serves five-year terms and has the power to appoint ministers, subject to parliamentary approval. 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, two-thirds of members are indirectly elected by the provincial councils for three- or four-year terms, and one-third are appointed by the president for five-year terms. Ten of the Wolesi Jirga seats are reserved from the nomadic Kuchi community, including at least three women, and another 65 seats are reserved for women. Provisions for women's representation have also been implemented for the Meshrano Jirga and provincial councils.

Violence, insecurity, and repression continue to restrict political activity nationwide, particularly outside urban areas. Critics have warned that vague language in the 2003 Political Parties Law could be exploited to deny registration to parties on flimsy grounds. In addition, analysts viewed the adoption of the single-nontransferable-vote system ahead of the 2005 legislative elections as a disadvantage for new political parties. Parties lack a formal role within the legislature, which further weakens their ability to contribute to stable political, policymaking, and legislative processes. There have been regular violent and often deadly attacks against government officials at all levels, including assassination attempts aimed at the president. In the first half of 2012 there were more than 155 attacks aimed at government officials, an increase of more than 50 percent over the same period in 2011.

Corruption, nepotism, and cronyism are rampant at all levels of government, and woefully inadequate salaries encourage corrupt behavior by public employees. The international community, concerned that government corruption is crippling the counterinsurgency campaign, has pressed the administration of President Hamid Karzai to make the issue its top priority. To that end, the government released a detailed 33-chapter anticorruption decree in July 2012 which includes provisions against political nepotism, cronyism, and land grabs. To signal the decree's implementation, Karzai dismissed five governors and made changes to leading positions in almost a third of the country's 34 provinces in late September. Also during the year, defendants went on trial for their alleged roles in a massive fraud scandal at Kabul Bank that emerged in 2010 and undermined confidence in Afghan financial institutions. Afghanistan was ranked 174 of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Afghan media continue to grow and diversify, but they face major challenges including physical attacks and intimidation. Though a 2007 media law was intended to clarify press freedoms and limit government interference, a growing number of journalists have been arrested, threatened, or harassed by politicians, security services, and others in positions of power as a result of their coverage. Media diversity and freedom are markedly higher in Kabul than elsewhere in the country, but some local warlords display a limited tolerance for independent media in their areas. Dozens of private radio stations and several private television channels currently operate, conveying a range of viewpoints to much of the population and often carrying criticism of the government. Some independent outlets and publications have been denounced by conservative clerics for content that "opposes Islam and national values," or fined by the authorities for similar reasons. Rapidly expanding use of the internet and mobile telephones has broadened the flow of news and other information, particularly for urban residents, but Taliban attacks on

mobile-phone infrastructure has worked against this trend. In February 2012 a radio reporter was murdered in Paktika Province; the circumstances of his death were unclear.

Religious freedom has improved since the fall of the Taliban government in late 2001, but is still hampered by violence and harassment aimed at religious minorities and reformist Muslims. The constitution establishes Islam as the official religion. Blasphemy and apostasy by Muslims are considered capital crimes. While faiths other than Islam are permitted, non-Muslim proselytizing is strongly discouraged. A 2007 court ruling found the minority Baha'i faith to be a form of blasphemy, jeopardizing the legal status of that community. Hindus, Sikhs, and Shiite Muslims—particularly those from the Hazara ethnic group—have also faced official obstacles and discrimination by the Sunni Muslim majority. Militant groups have targeted mosques and clerics as part of the larger civil conflict. An October 2012 attack at a mosque in Maimana Province killed over 45 worshippers.

Aside from constitutional provisions regarding the role of Islam in education, academic freedom is not officially restricted, but insurgents have attacked or destroyed schools associated with the government or foreign donors, particularly girls' schools. There were 185 documented attacks on educational and health facilities in 2011. In two notable incidents in 2012 in Takhar Province, over 150 schoolgirls were hospitalized in April as a result of contaminated water, and another 120 were hospitalized in May after a toxic agent was sprayed in their classrooms. The quality of school instruction and resources remains poor. Higher education is subject to bribery and prohibitively expensive for most Afghans.

The constitution guarantees the rights to assembly and association, subject to some restrictions, but they are upheld erratically from region to region. Police and other security personnel have occasionally used excessive force when confronted with demonstrations or protests.

The work of hundreds of international and Afghan nongovernmental organizations (NGOs)—the latter numbered over 1,700 in 2012—is not formally constrained by the authorities, but their ability to operate freely and effectively is impeded by the security situation. Both foreign and Afghan NGO staff members have been targeted in kidnappings and violent attacks by criminals and insurgents. Civil society activists, particularly those who focus on human rights or accountability issues, continue to face threats and harassment. Despite broad constitutional protections for workers, labor rights are not well defined, and there are currently no enforcement or dispute-resolution mechanisms. Child labor is reportedly common.

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, and judges and lawyers are often subject to threats from local leaders or armed groups. Traditional justice is the main recourse for the population, especially in rural areas. The Supreme Court, composed of religious scholars who have little knowledge of civil jurisprudence, is particularly in need of reform. The president created an unconstitutional Special Election Court at the end of 2010 to adjudicate disputes from that year's parliamentary elections, but it was dissolved under international pressure in August 2011.

Prison conditions are extremely poor, with many detainees held illegally. The national intelligence agency as well as some warlords and political leaders maintain their own prisons and do not allow access to detainees. A March 2012 report by the Afghanistan Independent Human Rights Commission (AIHRC) documented incidents of torture and other violations of detainee rights perpetrated by the Afghan intelligence service. U.S. forces have reportedly made some improvements to their detention practices in recent years, but Afghan detainees handed over to local authorities continue to suffer abuses.

In a prevailing climate of impunity, government officials as well as warlords in some provinces sanction widespread abuses by the police, military, local militias, and intelligence forces under their command, including arbitrary arrest and detention, torture, extortion, and extrajudicial killings. The AIHRC receives hundreds of complaints of rights violations each year. In addition to the abuses

by security forces, the reported violations have involved land theft, displacement, kidnapping, child trafficking, domestic violence, and forced marriage.

The Afghan military and police continued to be plagued in 2012 by inadequate training, illiteracy, corruption, involvement in drug trafficking, and high rates of desertion. Hundreds of recruits were fired and joint patrols and training with foreign personnel were temporarily suspended in September 2012 in response to an increase in “insider” attacks that led to roughly 60 coalition deaths.

Disarmament programs have stalled, and foreign military programs to rearm informal militias as a counterinsurgency force are undermining efforts to curtail and regulate the distribution of weaponry. Ongoing programs aimed at reintegrating former insurgents have failed to ensure that they disarm.

Over 447,000 civilians were displaced within the country as of January 2012, according to the Office of the UN High Commissioner for Refugees. Humanitarian agencies and Afghan authorities are ill-equipped to deal with the displaced. Factors like the poor security situation and widespread land grabbing have prevented refugees from returning to their homes, and many congregate instead around major urban centers. In the absence of a properly functioning legal system, the state remains unable to protect property rights.

Women’s formal rights to education and employment have been restored, and in some areas women are once again participating in public life. They accounted for about 16 percent of the candidates in the 2010 parliamentary elections, and roughly 41 percent of registered voters were women; 69 female candidates were elected. There were two women among the 41 candidates for the 2009 presidential election. On the whole, female electoral participation has been limited by threats, harassment, and social restrictions on traveling alone and appearing in public. Adult female literacy remains at a strikingly low 13 percent. Legislation passed in 2009 derogated many constitutional rights for women belonging to the Shiite Muslim minority, leaving questions of inheritance, marriage, and personal freedoms to be determined by conservative Shiite religious authorities.

Societal discrimination and domestic violence against women remain pervasive, with the latter often going unreported because of social acceptance of the practice. Women’s choices regarding marriage and divorce remain circumscribed by custom and discriminatory laws, and the forced marriage of young girls to older men or widows to their husbands’ male relations is a problem, with the UN Children’s Fund (UNICEF) reporting that nearly 40 percent of Afghan girls are married before the legal age of 16. In one high-profile case in January 2012, Sarah Gul, a 14-year-old who was married off to a man by her stepbrother, was rescued after six months of detention in a basement toilet where she was abused after refusing to be forced into prostitution. In June UNICEF reported sizable improvements in terms of women and children’s access to drinking water and education as well as child mortality, though it also noted increased risk of child death due to security incidents. Human Rights Watch has expressed concerns about the potential deterioration of women’s rights after foreign troops withdraw, despite a May strategic partnership agreement between the Afghan government and the United States that underlines Afghanistan’s commitment to respect and promote women’s rights. In October, at a conference in Kabul that was seen as an encouraging sign by women’s rights activists, religious leaders openly opposed violence against women.

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