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REGIONS ISSUES

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# Afghanistan

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## TREND ARROW:

Afghanistan received a downward trend arrow due to the deteriorating security environment linked to the drawdown of NATO troops, which resulted in an increase in violence against aid workers and women in public office.

## OVERVIEW:

Events in Afghanistan during 2013 were shaped in large part by the ongoing drawdown of North Atlantic Treaty Organization (NATO) forces and preparations for the April 2014 presidential election.

In June, NATO-led coalition forces transferred full responsibility for the country's security to the Afghan military and police, which continued to be plagued by illiteracy, corruption, involvement in drug trafficking, and high rates of desertion. Afghan forces also suffered an increase in combat deaths, suggesting the need for considerably more training and support before they could handle combat operations on their own. In November, President Hamid Karzai's refusal to sign the final draft of the new U.S.-Afghan Bilateral Security Agreement (BSA), which had received the approval of a national assembly of Afghan elders that was convened for that purpose, caused additional uncertainty, as international donors were awaiting the pact's conclusion before committing to financial pledges beyond 2014. The U.S. government declared in mid-December that it was not willing to make any further changes to the BSA, which had been negotiated in good faith. The potential loss of the U.S. troop presence was already having a negative effect on the Afghan economy, which relied heavily on foreign aid.

In preparation for the 2014 presidential and provincial elections, the Independent Election Commission (IEC) approved 11 candidates to run for president. Among the nominees was a brother of the current president as well as former warlords accused of perpetrating serious human rights abuses. Though voter registration resulted in the addition of over 3 million new voters by mid-November when its third phase came to an end, the process was reportedly tainted by irregularities, with registration cards allegedly being sold or handed to

## 2014 SCORES

STATUS

# Not Free

FREEDOM RATING  
(1 = BEST, 7 = WORST)

# 6.0

CIVIL LIBERTIES  
(1 = BEST, 7 = WORST)

# 6

POLITICAL RIGHTS  
(1 = BEST, 7 = WORST)

# 6

individuals without verifying identity documents. More than 20 million registration cards have been issued in the country since the first post-Taliban elections, despite the estimated number of voters being only 12 million.

The year featured a threefold increase in deadly attacks against aid workers, making Afghanistan the most dangerous place for relief work in the world. Female public officials and employees were also targeted with abductions and killings. Concerns about a regressive trend on women's rights were exacerbated by a Ministry of Justice proposal to reinstate public stoning as a punishment for convicted adulterers in a draft penal code.

## **POLITICAL RIGHTS AND CIVIL LIBERTIES:**

### **Political Rights: 11 / 40 [Key]**

#### **A. Electoral Process: 3 / 12**

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 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 for 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.

Karzai, the incumbent, initially emerged as the outright winner of the 2009 presidential election 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.

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 IEC agreeing to replace only nine of the seated lawmakers. Afghanistan's district council elections, which were scheduled to take place in 2010, were canceled.

In September 2013, Karzai appointed the five members of the Independent Election Complaints Commission for the upcoming April 2014 presidential and provincial elections, prompting opposition members to accuse him of installing cronies on the panel. Meanwhile, of the 27 presidential candidates who filed their nominations with the IEC by a deadline in early October, 11 were deemed qualified to run. An additional 2,360 individuals submitted their nominations for provincial elections. Soon after all nominations were submitted, Human Rights

Watch demanded that Karzai repeal recent laws that constrained the IEC from disqualifying candidates who have violated human rights.

Due to overall security concerns, registration centers for the 2014 elections had opened in only 387 of 399 districts as of August 2013. Over a third of the approximately three million new voters registered by mid-November were women. Meanwhile, the Free and Fair Election Foundation of Afghanistan reported thousands of instances in which voter cards were issued to individuals without valid identification documents. There were also allegations that voter cards were on sale for \$5, bought by campaign managers aiming to boost their candidates' performance.

NATO generals expressed confidence that Afghan security forces would be able to provide security for roughly 95 percent of the polling centers during the 2014 elections. However, there was a shortage of policewomen to be posted at women's polling centers, with only 2,000 available out of the 13,000 deemed necessary.

#### **B. Political Pluralism and Participation: 6 / 16**

Violence and insecurity continue to restrict political activity nationwide, particularly outside urban areas, with regular attacks against government officials at all levels. Afghanistan uses the single non-transferable vote (SNTV) electoral system, under which most candidates for elected office run as independents and participate in fluid alliances. Parties lack a formal role within the legislature, weakening their ability to contribute to stable political, policymaking, and legislative processes.

Women accounted for about 16 percent of the candidates in the 2010 parliamentary elections, where 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. While there are no women candidates in the upcoming 2014 presidential election, 273 women are running for provincial seats.

On the whole, female electoral participation has been limited by threats, harassment, and social restrictions on traveling alone and appearing in public. There have also been attacks against women parliamentarians. In one notable incident in August 2013, a militant attack in Ghazni Province injured Rooh Gul, a female member of the upper house from Farah Province, and killed her daughter and a security guard. Also that week, Taliban insurgents kidnapped Fariba Ahmadi Kakar, a lower house member who was traveling in Ghazni with her children. She was freed the following month after the government agreed to release Taliban prisoners.

#### **C. Functioning of Government: 2 / 12**

In November 2013, the Afghan government convened a four-day assembly of thousands of Afghan elders to approve a new BSA with the United States, intended to determine the scope and terms of the U.S. military presence in Afghanistan after 2014. The United States and its allies planned to end direct combat operations that year but are considering continuing smaller training and

counterterrorism missions through 2024. Though the draft agreement was backed by the elders, Karzai rejected their recommendation, suggesting that the matter be deferred to his successor after the April 2014 election. The United States made it clear that this would not be possible, threatening to resort to a “zero option” whereby it would leave no forces in Afghanistan. This impasse, which remained unresolved at year’s end, jeopardized billions of dollars in aid money, with international donors awaiting an agreement before deciding on their post-2014 financial commitments to Afghanistan.

Corruption, nepotism, and cronyism remain rampant at all levels of government, and woefully inadequate salaries encourage corrupt behavior by public employees. Afghanistan was ranked 175 of 177 countries and territories surveyed in Transparency International’s 2013 Corruption Perceptions Index. Findings released in July by the 2013 Global Corruption Barometer found that roughly half of the Afghans surveyed reported paying a bribe in the past year. In terms of institutions, Afghans see the judiciary and civil service as the most corrupt, with religious bodies and the media as least corrupt.

The international community, concerned that government corruption is crippling all efforts toward security and development, has pressed the Karzai administration to make the issue its top priority. There were 21 convictions in March 2013 linked to the massive Kabul Bank fraud scandal that emerged in 2010 and undermined confidence in Afghan financial institutions. Among those convicted were the bank’s founder and its former chief executive, who received five-year prison sentences and were ordered to pay hundreds of millions of dollars in restitution. The sentences were considerably more lenient than those sought by prosecutors, and they did not come with confiscation orders, leaving it unclear whether or how the money could be recovered. In a July meeting to assess progress on the benchmarks set by the previous year’s Tokyo donor conference, at which Afghanistan had pledged to tackle corruption, it was determined that only 3 of the 17 benchmarks had been achieved, raising concerns about the disbursement of roughly \$4 billion pledged in aid.

## **Civil Liberties: 15 / 60 (-1)**

### **D. Freedom of Expression and Belief: 6 / 16**

Afghan media continue to expand and diversify, but they face major challenges including physical attacks and intimidation. Despite a 2007 media law 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. Afghanistan remains a dangerous place for journalists, with 24 confirmed killed since 1992, according to the Committee to Protect Journalists, though none were reported killed in 2013.

Media diversity and freedom are markedly higher in Kabul than elsewhere in the country, but some local leaders and 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 and often carrying criticism of the government. Some independent outlets and publications have been denounced or fined for content that “opposes Islam and national values,” and in April 2013 Karzai supported a request by conservative clerics to ban television programs that are considered “counter to social morality.” Rapidly expanding use of the internet and mobile telephones has broadened the flow of information, particularly for urban residents, but Taliban attacks on mobile-phone infrastructure has worked against this trend.

Religious freedom has improved since the fall of the Taliban government in late 2001, but it 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. Hindus, Sikhs, and Shiite Muslims—particularly those from the Hazara ethnic group—face official obstacles and discrimination by the Sunni Muslim majority. Militant groups have targeted mosques and clerics as part of the larger civil conflict. In September 2013, agents of Afghanistan’s National Directorate of Security (NDS) killed two gunmen who had shot and injured at least three worshippers at a Shiite mosque in Kabul.

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. An assailant in Faryab Province in May 2013 reportedly used a toxic agent to sicken 75 middle-school girls. More than 74 schoolgirls had taken ill the previous month in Takhar Province, and a similar chemical attack was suspected. In mid-November, the police defused a bomb near a girls’ high school in Ghazni Province. The quality of school instruction and resources remains poor. Higher education is subject to bribery and prohibitively expensive for most Afghans.

#### **E. Associational and Organizational Rights: 4 / 12 (-1)**

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)—numbering 287 and 1,911 respectively in 2013—as well as over 4,000 other associations is not typically constrained by the authorities in a formal sense, but these groups’ ability to operate freely and effectively is impeded by the security situation. There was a threefold increase in deadly attacks against NGO staff members in 2013, with at least 36 people killed, compared with 11 in 2012. The number kidnappings or abductions also rose dramatically. Among other incidents during the year, five Afghan aid workers with the International Rescue Committee were kidnapped and killed along with a local official in Herat Province in August. Six Afghans working for a French charity were shot and killed in Faryab Province in November, a day

after three local development workers were killed by a bomb in Uruzgan Province. 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 effective enforcement or dispute-resolution mechanisms. Child labor is reportedly common.

#### **F. Rule of Law: 2 / 16**

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. The Supreme Court, composed of religious scholars who have little knowledge of civil jurisprudence, is particularly in need of reform. Corruption in the judiciary is extensive, and judges and lawyers are often subject to threats from local leaders or armed groups. Traditional or mob justice is the main recourse for the population, especially in rural areas. In two widely publicized incidents of vigilantism during 2013, a group of local residents attacked a male doctor and female patient in Sar-i-Pul Province in June because he was treating her in a room without a chaperone, and an individual suspected of planting a bomb that killed 18 people in Ghazni Province was beaten and stoned to death in October.

Prison conditions are extremely poor, with many detainees held illegally. The NDS as well as some warlords and political leaders maintain their own prisons and do not allow access to detainees. A UN report released in January 2013 found an increase in incidents of torture in Afghan incarceration facilities.

In October 2013, UN representatives in Afghanistan stated that there was a 16 percent increase in Afghan civilian casualties in the first eight months of 2013 compared with the same period a year earlier, including a 54 percent increase in four eastern provinces. There was also an increase in the deaths of women and children. Nearly three-quarters of the civilian deaths were caused by Taliban attacks, mostly bombings. The second-largest cause was increased fighting between militants and Afghan security forces.

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 Afghanistan Independent Human Rights Commission (AIHRC) receives hundreds of complaints of rights violations each year. In addition to abuses by security forces, the reported violations have involved land theft, displacement, child trafficking, domestic violence, and forced marriage. There was an increase in kidnappings for ransom during 2013, raising concerns that the foreign troop withdrawal would empower not just the Taliban but also criminal gangs.

#### **G. Personal Autonomy and Individual Rights: 3 / 16**

Over 474,000 civilians were displaced within the country

as of mid-2013, according to the Office of the UN High Commissioner for Refugees (UNHCR). 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.

Private business activity is heavily influenced by criminal groups, particularly in connection with the vast narcotics trade. In 2013 there was a 49 percent increase in opium production, part of a three-year trend that is expected to continue after the 2014 withdrawal of coalition combat forces, whose presence is associated with a third of legal investment and employment in Afghanistan. The country is not just the world's largest opium producer, but also one of the largest per capita consumers, with over a million opiate addicts in a population of some 30 million.

Though women have formal rights to education and employment, and some are participating in public life, societal discrimination and domestic violence 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.

As reported in March 2013, more than two-thirds of the women incarcerated in Afghanistan's main women's prison, Badam Bagh, are jailed for "moral crimes," such as leaving their husbands or refusing an arranged marriage. Meanwhile, according to an unpublished UN study described in the media in September, close to 70 percent of female Afghan police officers have confronted sexual violence or harassment in the workplace. There were also deadly attacks on high-ranking women in law enforcement, with two senior policewomen murdered within a three-month period in Helmand Province.

Many observers have expressed fears that gains made in women's rights over the past 12 years could be lost after coalition forces withdraw. In May 2013, women's rights activists suggested and then retracted revisions to Afghanistan's Elimination of Violence against Women Act, after it appeared that any requests for amendment would result in the outright annulment of the law by conservative legislators. In November, the Justice Ministry proposed the reinstatement of public stoning as a punishment for convicted adulterers and flogging for sex between unmarried people in a draft revision of the country's penal code, drawing condemnation from Human Rights Watch and other groups. Under existing law, various forms of extramarital sex, including sex between adult men, can be punished with imprisonment. Women who report rapes are sometimes jailed for having extramarital sex. In December, a UN Assistance Mission in Afghanistan report criticized the government for not enforcing the 2009 Elimination of Violence against Women Law, which criminalizes child marriage, forced marriage, forced self-immolation, rape, and other acts of violence against women.

In October, the AIHRC began a campaign against the sexual exploitation of young boys and men by powerful individuals. The commission linked the illegal trade to the practice of trafficking in dancing boys (*bacha bazi*).

**Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**Full Methodology**

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