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Afghanistan

Country:

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Year:

2015

FIW Status:

NF

PR Rating:

6

CL Rating:

6

Aggregate Score:

24

Combined Freedom Score:

6.0

Overview:

Events in Afghanistan during 2014 were shaped in large part by the tumultuous and protracted presidential election season and the announced withdrawal of North Atlantic Treaty Organization (NATO) troops. A sizable increase in violence against civilians and Afghan National Security Forces (ANSF) in the first six months of the year led to more trepidation and instability, which were exacerbated by the acrimonious eight-month presidential election period. The elections triggered fraud allegations that prompted a full international audit. Lengthy negotiations were required to broker a unity government, with former finance minister Ashraf Ghani becoming president and his rival, former foreign minister Abdullah Abdullah, becoming chief executive. Provincial elections were also marred by allegations of fraud.

Political uncertainty and the announced NATO withdrawal took a toll on the economy. In September, the Afghan currency dropped to a 13-year low due to a lack of trust in the new government. Public finances also suffered, with the government scrambling to pay the more than 500,000 Afghan civil servants. In November, the Finance Ministry received \$75 million from the U.S. Agency for International Development (USAID) toward government salaries.

In an effort to diffuse the crisis and regain international confidence in Afghanistan's stabilization effort, newly elected president Ghani quickly signed the U.S.-Afghan bilateral security agreement (BSA), which former president Hamid Karzai had long opposed. Ghani also reopened an investigation into the 2010 Kabul Bank embezzlement case, convening a special tribunal that

delivered heavy sentences to some of the high-ranking executives accused of fraud. Ghani's failure to form a new government within 45 days of his inauguration, however, highlighted the persistent political rifts between the Ghani and Abdullah factions.

The year also saw an increase in deadly attacks against journalists and a regressive trend for women's rights, which Ghani tried to alleviate through a commitment to equality and representation for women in all echelons of society.

Trend Arrow:

Afghanistan received a downward trend arrow due to increased violence against journalists and civilians amid the withdrawal of international combat troops.

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, the provincial councils elect two-thirds of members for three- or four-year terms, and the president appoints the remaining one-third for five-year terms. Ten 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.

The September 2010 parliamentary elections were 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 disagreements over 62 candidates for the Wolesi Jirga were only resolved in August 2011, with the Afghan Independent Elections Commission agreeing to replace nine of the seated lawmakers.

There were 11 candidates in the 2014 presidential elections, but by the first round of voting, on 5 April, three of the candidates had withdrawn. The two first-round winners—Abdullah, who received 45 percent of the vote, and Ghani, with 32 percent of the vote—faced off in a final round held on June 14. The turnout for the second round was high, with some incidents of violence, including the deaths of 10 Afghan soldiers and more than 20 civilians. There were also reports of the Taliban cutting off the fingers of voters in Herat province. Postelectoral violence resulted in civilian deaths as well.

When the election commission published preliminary results showing Ghani leading by more than 10 percentage points, the Abdullah camp alleged voter fraud, claimed victory, and threatened to overthrow the government. After warnings that U.S. aid would be cut off if the crisis was not resolved in a constitutional manner, U.S. secretary of state John Kerry along with then president Karzai assisted with negotiations that involved an internationally supervised audit of all votes cast and the consent of both sides to a national unity government. Abdullah's side

repeatedly said it might withdraw from the agreement but finally signed off in September. Ghani became president and Abdullah became chief executive, a new post resembling that of a prime minister. Despite the challenges, the 2014 presidential elections signified the first democratic transition of power in the history of Afghanistan.

The April provincial elections were also drawn out due to complaints over irregularities. It was not until late October that the election commission announced the winners among the 2,590 candidates for the 458 council seats. The more than four-month delay was attributed to the review of complaints over fraudulent votes, which disqualified 747,000 out of more than 6 million votes. The election commission revised its earlier results, declaring 47 former losing candidates as winners.

B. Political Pluralism and Participation: 6 / 16

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

On his second day in office, President Ghani signed the U.S.-Afghan BSA, codifying the legal rules informing the presence of U.S. troops in Afghanistan post-2014. The United States will maintain 10,800 troops in the country through the beginning of 2015 for training and advising purposes, a number that will be reduced by half before a full pullout in 2016. The United States will also be allowed to maintain some bases, and its military personnel will not be subject to Afghan laws for any crimes they commit. Ghani also signed a status of forces agreement with NATO, which allows for roughly 2,000 international troops to remain in the country postwithdrawal.

C. Functioning of Government: 2 / 12

The failure to put together a cabinet in the first 45 days of Ghani's presidency underlined uncertainty in the ability of the government to function. Corruption, nepotism, and cronyism remain rampant at all levels of government, and inadequate salaries exacerbate corrupt behavior by public employees. Afghanistan was ranked 172 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

The international community, concerned that government corruption is crippling security and development efforts, has pressed the Afghan government to make reform its top priority. In October, President Ghani reopened the Kabul Bank investigation, a fraud case of more than \$850 million that emerged in 2010, as a signal to donors and investors of his intent to tackle corruption. At the end of the month, 7 of the 18 individuals accused of involvement in the scandal stood trial in a special court. In November, the former chairman and the former chief executive of Kabul Bank received five-year sentences, which were later increased to 15 years. The chief executive was also fined \$237 million and the court mandated the freezing of assets of one of former president Karzai's brothers. Soon after the sentencing, five additional arrests were made.

Civil Liberties: 13 / 60 (-2)

D. Freedom of Expression and Belief: 5 / 16 (-1)

Afghan media continue to expand and diversify, but media workers 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. Five Afghan and two international journalists lost their lives either as direct targets or as victims in suicide bombings in 2014, the highest number of deaths since the toppling of the Taliban in 2001.

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 criticism of the government. Some independent outlets and publications have been denounced or fined for content that “opposes Islam and national values.” A *New York Times* reporter was expelled from the country in late August 2014 by then president Karzai for allegedly endangering national interests through an article that cited anonymous government sources threatening a coup if there was no resolution to the electoral impasse. Both the U.S. embassy in Kabul and the United Nations criticized the decision, which President Ghani later reversed. In January 2014, Afghan television stations that ran ads in favor of the BSA were asked to take them off the air after the Afghan attorney general determined they were funded by NATO and USAID.

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 hinders communications. The elections season was replete with robust coverage via radio, television, newspapers, and the web, and the first-ever televised presidential debate was held in February.

Religious freedom has improved since the fall of the Taliban government, 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. Militant groups have targeted mosques and clerics as part of the larger civil conflict. 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. In July 2014, 15 people whose documents indicated that they were Hazara were removed from vans in Ghor Province and shot on the side of the road. Karzai set up a tribunal to investigate the incident.

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. In November, in an effort intended to secure detainee releases, the Taliban forced the closure of all schools in a district in Nangarhar affecting an estimated 20,000 children. The quality of school instruction and resources remains poor. Higher education is subject to bribery and prohibitively expensive for most Afghans.

Although Afghans are able to engage in private discussions against the government in urban

centers without fear of harassment or detention, discussions of a political nature are more dangerous in rural areas, where there is increased competition for control between the Taliban and the state.

E. Associational and Organizational Rights: 4 / 12

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 confronting demonstrations.

The work of hundreds of international and Afghan nongovernmental organizations—numbering 287 and 1,911, respectively—as well as more than 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. 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 currently no effective enforcement or dispute-resolution mechanisms are in place.

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. President Ghani mandated an array of judicial reforms, and in October roughly 200 judges and 600 court employees were dismissed on allegations of corruption.

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. Prison conditions are extremely poor, with many detainees held illegally. There were allegations in 2014 of executions of detainees ordered by a progovernment local militia in Andar province, as well as by the Afghan regional security chief from Baghlan province and by Kandahar's security chief.

Violence was on the rise in 2014 against both civilians and the ANSF across Afghanistan, particularly in the South and East. The United Nations reported 1,564 dead and 3,289 wounded in the first six months of 2014, up 24 percent compared to the same period in 2013. Civilian casualties are expected to surpass 10,000 for 2014. Three-quarters of civilian casualties are the result of Taliban attacks, with ground engagement the leading cause of death, followed by improvised explosive devices. In October, the Ministry of Defense announced a 30 percent rise in ANSF casualties as compared to 2013, with some 1,800 killed mostly due to their increased activity after the handoff from international forces. Official Afghan data reported by the *New York Times* in December 2014 show that more than 5,000 members of the ANSF lost their lives during

the year, more than in any other year.

Three vaccination workers were killed in Helmand province in March 2014, and another in Kunar province in September. In July, the Taliban accused polio vaccination teams of spying. Two aid workers from Finland were killed in the city of Herat in July, and five International Committee of the Red Cross workers involved in a program giving livestock to needy Afghans were kidnapped by a local militia in August. The latter were freed after a week through the intervention of local tribal elders.

Members of ethnic and religious minorities do not enjoy full equality under the law and are often subject to harassment and discrimination in the context of employment and education. LGBT (lesbian, gay, bisexual, and transgender) people also face widespread discrimination from the state and society. Same-sex sexual activity is illegal, and police reportedly harass gay men in particular. Gender identity can be grounds for firing an employee.

G. Personal Autonomy and Individual Rights: 2 / 16 (-1)

More than 630,000 civilians were displaced within the country as of January 2014, according to the Office of the UN High Commissioner for Refugees (UNHCR). An annual UNHCR report released in June reported 2.6 million Afghan refugees around the world, the highest number from any one country. Amid this mass exodus, Afghanistan has also witnessed the largest refugee repatriation process, with 5.7 million people returning in the past 10 years. Humanitarian agencies and local authorities are ill-equipped to handle the displaced, and factors such as the poor security situation and widespread land grabbing have prevented refugees from returning to their homes.

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. Opium production in 2014 rose 17 percent, surpassing the previous record in 2013, despite the more than \$7 billion spent to curb production. The United Nations partly attributed the increase to the elections, as candidates turned to illicit activity to raise cash for their campaigns. The protracted election period also kept the police and army occupied elsewhere.

Although women have formal rights to education and employment, and some participate in public life, 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. 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.

The Afghanistan Independent Human Rights Commission (AIHRC) receives hundreds of complaints of rights violations each year. In addition to abuses by security forces, violations have involved land theft, displacement, child trafficking, domestic violence, and forced marriage. The AIHRC reported a series of brutal deaths of women across the country in 2014, only a sample of the many more that occur. Victims were beaten to death and killed by knife, axe, or being set on fire, with perpetrators often spouses or relatives. The AIHRC also detailed instances of women's disfigurement, usually involving the severing of their noses.

In a notable case in October 2014, a mullah from Kunduz province received a 20-year sentence for raping a 10-year-old girl. This was deemed a victory for women's rights, as many rape victims are themselves convicted for committing adultery. In a separate case, five men accused of gang rape in the area of Paghman were hanged on charges of armed robbery. Representatives of the international community raised concerns about the trial, which lasted only a few hours and allegedly involved forced confessions. President Karzai asked for the death sentence for the accused before the trial was concluded and signed the execution orders as his last act as president.

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 February 2014, a criminal procedure law Karzai signed into effect was seen as compromising women's legal protections from domestic violence, as even in its amended version it prohibits certain relatives from serving as witnesses to domestic crimes and limits testimony to only those who opt to "voluntarily" come forward. In November 2014, a female parliamentarian survived a suicide bombing that had targeted her. An Oxfam report released the same month highlighted the conspicuous absence of women in the peace process with the Taliban.

Women 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. While no women candidates ran in the 2014 presidential election, 273 women ran for provincial seats, securing 97 of them. Female electoral participation has been limited by threats, harassment, and social restrictions on traveling alone and appearing in public. In his inauguration speech, President Ghani openly expressed commitment to gender equality and women's representation in government up to the highest levels, including the Supreme Court and the private sector.

Child labor is reportedly common.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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