

Afghanistan

Country:

Afghanistan

Year:

2016

Freedom Status:

Not Free

Political Rights:

6

Civil Liberties:

6

Aggregate Score:

24

Freedom Rating:

6.0

Overview:

Afghanistan experienced high levels of violence and political gridlock in 2015, and the country was second only to Syria as a source of refugees contributing to a migration crisis in Europe during the year.

The National Unity Government (NUG), formed after a disputed presidential election in 2014, survived its first year in office, though its leaders had difficulty filling key positions due to internal disagreements and resistance from the parliament. Legislative elections scheduled for 2015 had to be postponed, leading to an indefinite extension of the existing parliament's term.

A poll by the Asia Foundation found that the share of Afghans who believe their country is moving in the right direction fell from 55 percent in 2014 to 37 percent in 2015. The overall sense of insecurity intensified, with some 10 percent of the country's administrative districts in the hands of the Taliban rebel movement and a further 10 percent contested between government and insurgent forces. The Taliban sometimes exerted influence even in areas where the government was nominally in control.

Political Rights and Civil Liberties:

Political Rights: 10 / 40 (-1) [Key]

A. Electoral Process: 1 / 12 (-1)

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. 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.

In the 2014 presidential election, the two first-round winners—former foreign minister Abdullah Abdullah, who received 45 percent of the vote, and former finance minister Ashraf Ghani, who took 32 percent—faced off in a final round held on June 14, with a high reported turnout. After the Independent Election Commission (IEC) 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. The United States brokered an agreement calling for an internationally supervised audit and the formation of a national unity government. Ghani became president, and Abdullah became chief executive, a new post resembling that of a prime minister. The final vote tallies for the two candidates were not officially announced.

The April 2014 provincial council elections were also drawn out due to complaints over irregularities and a large quantity of fraudulent votes. It was not until late October that the election commission announced the winners of the 458 council seats.

The most recent parliamentary elections, held in September 2010, were deeply flawed. Then president Hamid Karzai did not inaugurate the new parliament until January 2011, ruling by decree in the interim. The parliament's term expired in 2015, with the NUG and current lawmakers unable to agree on reforms that would pave the way for elections. In June, Ghani issued a decree extending the parliament's term until new elections could be scheduled. Given the flawed 2014 vote, both sides of the NUG agreed that reforms were necessary, including the replacement of the incumbent IEC. An electoral reform commission established by the president proposed a variety of changes to the electoral laws and voting system during the year, such as the introduction of party-list proportional representation for a third of the Wolesi Jirga seats, but none of the amendments were approved by the parliament. The IEC commissioners could not be replaced without legislative changes. Even if elections were to proceed, the poor security situation raised questions about the possible disenfranchisement of voters in Taliban-held areas.

B. Political Pluralism and Participation: 6 / 16

Afghanistan's electoral system uses the single nontransferable vote, with most candidates for elected office running as independents and participating in fluid alliances linked to local and regional patronage networks. Political parties lack a formal role within the legislature, weakening their ability to contribute to stable policymaking and legislative processes. Despite their limited relevance in Afghanistan's government, parties have been free to seek registration since 2005, and over 70 are in existence.

The Taliban have consistently opposed the holding of elections. Although their calls to boycott the 2014 election were widely ignored, the presence of various armed groups and local strongmen, including those enlisted by the government as anti-Taliban militias, poses a major obstacle to free public participation in the political process, especially outside major urban centers. Government officials and politicians at all levels are regularly targeted for assassination.

The United States maintained about 9,800 military personnel in Afghanistan in 2015. In October, U.S. president Barack Obama extended the U.S. training and counterterrorism mission in the country, announcing that troop levels would remain unchanged until late 2016 or early 2017, when they would drop to about 5,500. The United States covers the bulk of the operating costs of the Afghan security forces. Although the NUG was formed on the basis of an agreement brokered by a

U.S. envoy, both the United States and the Kabul government insist that the latter enjoys full sovereignty and control over political decisions.

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, have enjoyed increased levels of political representation and participation in national institutions. Nevertheless, participation is curtailed for all segments of the population by lack of security, flawed elections, and the dominance of local patronage networks.

C. Functioning of Government: 2 / 12

The NUG failed to complete the process of forming a cabinet and appointing provincial governors during its first year in office. Although most positions were eventually filled, the parliament rejected the president's nomination for defense minister. Rampant corruption has weakened the security forces, and the deteriorating security situation—with sustained Taliban offensives and increased government reliance on local militias—has in turn contributed to impunity for corrupt practices. For example, while civil society groups urged the government to amend the mining law to promote transparency in 2015, a growing proportion of mining areas were controlled in practice by local strongmen or the Taliban.

According to the Asia Foundation's national survey, 90 percent of Afghans encounter corruption in their daily lives, mainly citing bribes to police and government officials. Some high-profile figures have been prosecuted, but with little deterrent effect. Former Kabul Bank chief executive Khalil Ferozi, who had been sentenced in 2014 to 15 years in prison for massive fraud that caused the bank's 2010 collapse, was reportedly allowed to leave prison during the day to continue his business activities, and in November 2015 he signed an agreement to participate in an investment project with the government worth about \$900 million. After a public outcry, the agreement was quickly canceled.

The parliament exercises a form of oversight by summoning ministers for questioning on their performance and retaining the power to dismiss them through no-confidence votes. However, this oversight process lacks transparency, regularity, and discipline, due in part to the absence of a functioning party system. Afghanistan was ranked 166 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

Civil Liberties: 14 / 60 (+1)

D. Freedom of Expression and Belief: 6 / 16 (+1)

Afghanistan hosts 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.

Journalists faced reduced levels of violence in 2015 compared with the previous year. Several government attempts to suppress content, including media coverage of the Taliban and the satirical Facebook page "Kabul Taxi," were largely unsuccessful. In October, the Taliban threatened two media houses, accusing them of publishing false reports. Rapidly expanding use of the internet and mobile telephones has broadened the flow of information and facilitated popular call-in programs on

radio and television, but Taliban attacks on mobile-phone infrastructure periodically hinder communications.

While religious freedom has improved since 2001, it is still hampered by violence and discrimination aimed at religious minorities and reformist Muslims. The constitution established Islam as the official religion and guaranteed freedom of worship to other religions. Blasphemy and apostasy by Muslims are considered capital crimes, and non-Muslim proselytizing is strongly discouraged. Militant groups have targeted mosques and clerics as part of the larger civil conflict. Hindus, Sikhs, and Shiite Muslims, particularly those from the Hazara ethnic group, face official obstacles and discrimination by the Sunni Muslim majority. Moreover, 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. In a widely publicized case in March 2015, 27-year-old Farkhunda Malikzada was beaten to death outside a Kabul shrine after being falsely accused of desecrating the Koran. It later emerged that she had denounced the selling of amulets at the shrine as un-Islamic, allegedly leading the custodian to incite a mob to attack her. After a flawed trial and appeals, four of the assailants were sentenced to prison terms ranging from 10 to 20 years, and 10 police officers were disciplined for failing to stop the attack.

Academic freedom is largely tolerated in government-controlled areas. In addition to public schooling, there has been a growth in private education, with new universities enjoying full autonomy from the government. The expansion of Taliban control in rural areas has left an increasing number of public schools outside of government control. The Taliban impose harsh rules on schools in their territory, though the restrictions vary by region.

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.

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. Protests in Kabul during 2015 included demonstrations calling for harsher sentences against Malikzada's killers and a march to demand security for Hazaras after a series of abductions and murders.

Afghan civil society continues to play an important role, particularly in urban areas, where thousands of cultural, welfare, and sports associations operate with little interference from the authorities. Approximately 274 international nongovernmental organizations (NGOs) remained active in Afghanistan in 2015, in addition to nearly 1,800 local NGOs. However, threats and violence by the Taliban and other actors have curbed the activities of many NGOs and hampered recruitment of foreign aid workers.

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. 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 also conduct summary executions.

Prosecutions and trials suffer from a number of weaknesses, including lack of proper representation, excess reliance on uncorroborated witness testimony, lack of reliable forensics 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. The torture of detainees by Afghan police, military, and intelligence services reportedly remains common. Government-aligned strongmen and powerful figures within the security forces operate illegal detention centers.

The number of civilian casualties in the civil conflict continued to rise in 2015. The United Nations reported totals of 3,545 dead and 7,457 wounded for the year, surpassing the record set in 2014. While most of the casualties were attributed to the Taliban, about 17 percent occurred at the hands of government and progovernment forces. The Taliban conducted a campaign of high-profile suicide bombings and complex attacks against civilian targets, such as restaurants and hotels, or targets where civilian casualties could be anticipated, such as military convoys moving through populated urban areas. The Taliban also launched a major offensive in Kunduz in October, briefly occupying the provincial capital, and another in the southern province of Helmand in December. Kidnappings are common in Afghanistan; a number of abductions during 2015 targeted Hazara civilians traveling on major roads, with the victims either killed or held for ransom.

Despite some legal protections, religious and ethnic minorities remain subject to harassment and discrimination, including in employment and education. As non-Muslims, Hindus and Sikhs are especially vulnerable, and many have emigrated. There is no legal protection for LGBT (lesbian, gay, bisexual and transgender) 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: 2 / 16

The government does not restrict the right of travel within the country or abroad, though insecurity and other obstacles hamper freedom of movement in practice. Some 1.2 million people were internally displaced in Afghanistan by the end of 2015, including more than 384,000 who were displaced by fighting during the year, according to the Office of the UN High Commissioner for Refugees (UNHCR). Many Afghans also fled abroad in 2015, making up a large percentage of those contributing to Europe's refugee crisis.

Citizens are formally free to own property, buy and sell land, and establish businesses. There has also been a trend away from government monopolies. Economic freedoms, however, are constrained by patronage, corruption, and the dominant economic role of a narrow, politically connected elite. Over the past decade 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. A combination of harassment, extortion, and arbitrary taxation make for a highly unfavorable business climate.

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. On some issues, customary practices withhold even rights that are guaranteed to women by Sharia. 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.

Women in urban areas typically enjoy greater access to education and formal employment, and are better able to participate in national politics. 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 council seats, securing 97 of them. Female electoral participation has been limited by threats, harassment, and social restrictions on traveling alone and appearing in public.

Most victims of human trafficking in Afghanistan are children trafficked internally to work in various industries, become domestic servants, settle debts, or be subjected to commercial sexual exploitation. Victims of trafficking are frequently prosecuted for moral crimes.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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