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Afghanistan (2006)

Polity:

No polity available

Political Rights:

5

Civil Liberties:

5*

Status:

Partly Free

Population:

29,900,000

GNI/Capita:

\$700

Life Expectancy:

42

Religious Groups:

Sunni Muslim (80 percent), Shia Muslim (19 percent), other (1 percent)

Ethnic Groups:

: Pashtun (42 percent), Tajik (27 percent), Hazara (9 percent), Uzbek (9 percent), other (13 percent)

Capital:

Kabul

Additional Info:

[Freedom in the World 2005](#)

[Freedom of the Press 2005](#)

[Nations in Transit 2004](#)

[Countries at the Crossroads 2005](#)

Ratings Change

Afghanistan's civil liberties rating improved from 6 to 5 due to improvements in the robustness of civil society and a modest consolidation in the rule of law.

Overview

Afghanistan made further progress toward establishing the framework for an inclusive democratic state during 2005, when elections for the new lower house of parliament and the provincial councils were held on September 18. Despite some violence during the campaign period and instances of localized irregularities and intimidation on polling day, the vote was deemed to have reflected the will of the people. Limited progress has been made on various issues, including attempts by the central government to extend its authority over the provinces, the process of demobilizing armed groups, and the strengthening of judicial and law enforcement services. Nevertheless, an environment of pervasive insecurity and violence throughout much of the country continues to hamper the work of local and international humanitarian organizations in rebuilding Afghanistan's shattered infrastructure and institutions. In addition, numerous human rights abuses, including attacks on aid workers, political and social activists, journalists, and schools, as well as systematic violations of women's rights, were reported during the year.

Located at the crossroads of the Middle East, Central Asia, and the Indian subcontinent, Afghanistan has for centuries been caught in the middle of great power and regional rivalries. After besting Russia in a contest for influence in

Afghanistan, Britain recognized the country as an independent monarchy in 1921. King Zahir Shah ruled from 1933 until he was deposed in a 1973 coup. Afghanistan entered a period of continuous civil conflict in 1978, when a Communist coup set out to transform this highly traditional society. The Soviet Union invaded in 1979, but faced fierce resistance from U.S.-backed mujahideen (guerrilla fighters) until its troops finally withdrew in 1989.

The mujahideen factions overthrew the Communist government in 1992 and then battled each other for control of Kabul, killing more than 25,000 civilians in the capital by 1995. The Taliban militia, consisting largely of students in conservative Islamic religious schools, entered the fray and seized control of Kabul in 1996. Defeating or buying off mujahideen commanders, the Taliban

soon controlled most of the country except for parts of northern and central Afghanistan, which remained in the hands of the Tajik-dominated Northern Alliance coalition.

In response to the terrorist attacks of September 11, 2001, the United States launched a military campaign in October 2001 aimed at toppling the Taliban regime and eliminating Saudi militant Osama bin Laden's terrorist network, al-Qaeda. Simultaneously, Northern Alliance forces engaged the Taliban from the areas under their control. The Taliban crumbled quickly, losing Kabul to Northern Alliance forces in November and surrendering the southern city of Kandahar, the movement's spiritual headquarters, in December.

As a result of the December 2001 Bonn agreement, an interim administration headed by Hamid Karzai, a Pashtun tribal leader, took office. The UN-brokered deal sought to balance demands for power by victorious Tajik, Uzbek, and Hazara military commanders with the reality that many Pashtuns, who are Afghanistan's largest ethnic group, would not trust a government headed by ethnic minorities. In June 2002, the United Nations administered an emergency loya jirga (gathering of representatives), presided over by the formerly exiled King Zahir Shah, which appointed a Transitional Administration (TA) to rule Afghanistan for a further two years. Karzai won the votes of more than 80 percent of the delegates to become president and head of the TA. The Tajik-dominated Northern Alliance filled more than half the cabinet positions, including the key positions of ministers of defense and the interior, while the remainder were given to Pashtuns and representatives of other ethnic groups.

Seeking to curb the power of regional strongmen, Karzai signed a decree in December 2002 banning political leaders from taking part in military activity; he has also undertaken several reshuffles of provincial governors and other key officials in the past three years. In a significant victory, the central government managed to oust regional strongman Ismael Khan from his position as governor of Herat in September 2004, and the ethnic Uzbek leader General Abdul Rashid Dostum was coopted into the cabinet in March. The TA initiated a voluntary program of disarmament, demobilization, and reintegration (DDR) in October 2003, and when the first phase of the program ended in July, an estimated 60,000 men had been disarmed. However, there are still an estimated 130,000 armed men in Afghanistan.

In December 2003, a 502-member constitutional loya jirga met to debate a draft constitution, which had been widely circulated throughout the country earlier in the year. Because of disagreements among the delegates, proceedings stretched on for three weeks before the amended draft was ratified in January 2004. It describes Afghanistan as an Islamic republic in which no law should contravene the beliefs and practices of Islam, and provides for a presidential system of government and a National Assembly composed of two houses. Equal rights for women and men are guaranteed, as is the right to practice minority religions, although human rights advocates expressed concern that inadequate mechanisms have been put in place to guarantee the provision of these and other rights.

For the past two years, the primary focus has been on preparing for Afghanistan's first elections since 1969, a process overseen by the Joint Electoral Management Body (JEMB). While a decision was taken to postpone legislative elections until 2005 because of logistical complications and security concerns, in October 2004, more than 75 percent of registered Afghans voted in a presidential poll contested by 17 candidates, including one woman. Karzai, the incumbent, won 55 percent of the vote, while main challengers Yunus Qanooni, Haji Mohammed Mohaqeq, and Dostum won 16, 11, and 10 percent, respectively. Initially, a group of opposition candidates contested the result, but the group agreed to respect the findings of a panel established to investigate these complaints. On November 3, the panel concluded that the shortcomings with the electoral process would not have affected the overall result, thereby confirming Karzai's victory. In December 2004, Karzai formed a cabinet that was a balanced mix of regional power brokers and technocrats.

In September 2005, relatively peaceful elections were held for the lower house of the National Assembly and the 34 provincial councils. In total, more than 5,000 candidates (over 10 percent of whom were women) stood for the elections. Slightly more than half of all registered voters took part, a lower level of turnout than that for the presidential election, which perhaps reflects an increasing level of disillusionment with the political process. The voting process itself was marred by what the JEMB termed "serious localized fraud," although the overall results were broadly accepted both by Afghans and by the international community. Disappointingly, a large number of warlords and others involved in organized crime as well as human rights violations were elected; according to the Afghan Independent Human Rights Commission (AIHRC), 80 percent of victorious candidates have links to militia groups.

Despite staging a heightened number of attacks in the months leading up to both elections (around 600 people were killed in Taliban-related attacks from January to August), the Taliban were unable to significantly disrupt the electoral process. In addition to targeting coalition troops and foreign nongovernmental organizations (NGOs), Taliban supporters have increasingly staged attacks on local police forces, pro-government clerics, and ordinary Afghan citizens, with a growing reliance on using suicide bombers. In October, however, their murder of cleric Mohammad Khan led to anti-Taliban public protests involving several thousand people.

The UN-mandated International Security Assistance Force (ISAF), over which NATO assumed command in August 2003, is responsible for providing security in Kabul, and in August 2005, NATO announced its intention to expand its presence outside the capital. However, much of the country, particularly the south and east, remains unstable and lawless; in these areas, military commanders, tribal leaders, rogue warlords, and petty bandits hold sway and are reluctant to submit to the leadership of the central administration. Nearly 1,600 civilians, law enforcement personnel, officials, and foreign aid workers were killed and injured during 2005 by an increasing number of bombings, rocket attacks, and other sporadic violence by suspected Taliban sympathizers, as well as by recurrent fighting between various factional militias, criminal gangs, drug smugglers, and bandits, in Afghanistan's bloodiest year since the

fall of the Taliban in 2001.

Political Rights and Civil Liberties

Citizens of Afghanistan cannot change their government democratically. The political rights and civil liberties of most Afghans improved in 2005, although significant problems remain. The new constitution, adopted in January 2004, and the May 2005 electoral law provide for a directly elected president who has the power to appoint ministers (subject to parliamentary approval) and a bicameral National Assembly composed of a directly elected, 249-seat Wolesi Jirga (House of the People), whose members stand for five-year terms, and an indirectly elected, 102-seat Meshrano Jirga (House of Elders). At least 68 of the 249 Wolesi Jirga seats (slightly more than a quarter) are reserved for women, while 10 are reserved for the nomadic Kuchi community. Provisions for women's representation have also been made for the Meshrano Jirga and provincial councils, and Afghanistan's first female governor was appointed in March.

The October 2004 presidential election was judged to be relatively free and fair despite allegations of intimidation by militias and insurgent groups, multiple voter registrations, partisanship within the JEMB, and other irregularities such as ballot stuffing and the improper use of indelible ink on voting day. Legislative elections originally scheduled for 2004 were postponed until September 2005 to allow more time for the government to map out district boundaries and conduct a census, enact election laws, and improve the security situation. As with the 2004 elections, these polls were marred by allegations of localized fraud, intimidation, and other irregularities that were not deemed by the Electoral Complaints Commission to have altered the overall results. During the campaign period, seven candidates and six election workers were killed, but the polling day itself was largely peaceful. However, the safety of winners in the postelection period was threatened by a law stating that if the winning candidate died or was disqualified prior to the convening of the new parliament, his seat would be filled by the candidate with the next highest number of votes. In September, the murder of a successful parliamentary candidate in Mazar-e-Sharif sparked riots and heightened fears of ethnic tension between Tajiks and Hazaras in the province.

Restrictions on political activity remain a concern. The AIHRC noted in 2004 that levels of political freedom were higher in Kabul and the eastern provinces, but that extremist violence and widespread self-censorship were prevalent in the south and west of the country and could be a significant factor in limiting people's political choices. Some candidates for the 2005 elections faced intimidation from local power brokers as well as the security forces. The 2003 Political Parties Law prohibits the registration of political parties that are backed by armed forces or that oppose Islam or promote racial, religious, or sectarian hatred and violence. A broad opposition coalition, the National Understanding Front, was formed by Yunus Qanooni in April 2005. By May, over 60 parties had been registered. However, concern has been raised that the vague provisions of the Political Parties Law could be used by the Ministry of Justice to deny registration to parties on flimsy grounds, and there is some evidence that Islamists have successfully obstructed the registration of leftist political parties,

according to a June report by the International Crisis Group. In addition, the adoption of the single nontransferable vote system for the September legislative elections, in which voters elect individual candidates and party names or symbols do not appear on the ballot, was viewed by analysts as a disadvantage for new political parties.

The TA functioned as a central government with both executive and legislative authority. Its writ over areas outside Kabul remained limited, although regional strongmen did acknowledge its legitimacy, and the Karzai administration has been able to curb the power of several warlords by co-opting them into the central government. Three women and a broad range of ethnic groups were given positions in the cabinet, and the Pashtuns have been able to increase their representation, thus blunting the domination of the Northern Alliance over state structures, particularly the security apparatus. In the absence of a legislature, input from Afghans into decision-making processes has taken the form of participation in the indirectly elected loya jirgas, in addition to voting in the 2004 and 2005 elections.

Widespread corruption, nepotism, and cronyism are growing issues of concern, although the TA has professed a commitment to improving transparency and accountability, particularly in the disbursement of foreign aid, which makes up a significant part of the national budget. During 2005, the government took a hard line against corruption, insisting that officials provide documentation of property and other assets, and initiating screening procedures for bureaucrats. In April, two former deputy ministers were jailed for three years on embezzlement charges. Afghanistan was ranked 117 out of 159 countries surveyed in Transparency International's 2005 Corruption Perceptions Index.

Afghan media faced a number of threats in 2005. The May 2004 press law guarantees the right to freedom of expression and prohibits censorship, but does retain certain restrictions such as registration requirements and overly broad guidelines on content. Authorities have granted more than 250 licenses to independent publications, and several dozen private radio stations and a number of television stations are now broadcasting. Some, such as Tolo TV, have been criticized by conservative clerics for airing programs that "oppose Islam and national values"; in May 2005, a popular female television presenter who had worked at Tolo was murdered, possibly by family members who did not approve of her job. Media diversity and freedom are markedly higher in Kabul, and some warlords display limited tolerance for independent media in the areas under their control.

A number of journalists were threatened or harassed by government ministers, politicians, police and security services, and others in positions of power as a result of their reporting. In one of several instances, two Radio Free Europe/Radio Liberty reporters were arrested in July by intelligence services in Konar province and were detained for a week without charge. Many practice self-censorship or avoid writing about sensitive issues such as Islam, national unity, or crimes committed by specific warlords. In a high-profile case that was criticized extensively by both local and Western groups, Ali Mohaqiq Nasab, editor of the monthly women's rights magazine Haqooq-i-Zan, was ordered

arrested in October by the high court for publishing articles deemed to be "anti-Islamic." Despite the fact that the government-appointed Media Commission cleared him of blasphemy charges, he was sentenced by the high court to two years' imprisonment and also faced the threat of a court-issued fatwa that could have increased his sentence.

Religious freedom has improved since the fall of the ultraconservative Taliban government in late 2001, and the present government has attempted to pursue a policy of greater religious tolerance despite pressure from Islamist groups. The new constitution establishes Islam as the official state religion but does not prohibit the practice of other religions, according to the U.S. State Department's International Religious Freedom Report. The minority Shia population, particularly those from the Hazara ethnic group, has traditionally faced discrimination from the Sunni majority, and relations between the two groups remain somewhat strained. The small numbers of non-Muslim residents in Afghanistan are generally able to practice their faith. Although Hindus and Sikhs have had difficulty in building new houses of worship and accessing their traditional cremation grounds, they have now been allotted alternative grounds and these are in use. During the year, there were a number of attacks on mosques and clerics who were openly critical of the Taliban.

Academic freedom is not restricted. However, two students at Herat University were suspended in May as a result of their comments during a debate on Islam. In 2004, government regulations were amended so that married women could attend high school classes. Particularly in the southern provinces, schools and teachers, predominantly those in which the teachers or pupils include females, have been the target of threats and violent attacks by fundamentalist groups, leading to the closure of schools in many rural areas.

Rights to assembly and association have been formally restored, subject to some restrictions, by the new constitution, but are applied erratically in different regions. In addition, police and security forces have occasionally used excessive force when confronted with demonstrations or public protests. Following news reports that a Koran had been desecrated at the U.S.-run detention center at Guantanamo Bay, riots broke out in Jalalabad and other cities in May in which 17 people were killed, 120 were injured, and a number of buildings were burned down.

Hundreds of international and Afghan NGOs and aid agencies are able to operate freely, but their effectiveness is impeded by the poor security situation in much of the country, particularly the south and east. Both foreign and Afghan NGO staff members have been targeted for attack, particularly in provinces with an active Taliban presence, and 31 were killed during 2005, according to the Afghanistan NGO Safety Office. Little progress has been made in the investigation or prosecution of the case of five Doctors Without Borders staff who were murdered in 2004, allegedly by a local strongman. Following government criticism that some aid agencies had squandered development funds, a group of 90 NGOs signed a voluntary code of conduct in May in an effort to improve accountability and transparency. Civil society activists, particularly those who focus on human rights or accountability issues, continue

to face some threats and harassment.

Despite broad constitutional protections for workers, labor rights are not well defined, and there are currently no enforcement or resolution mechanisms. UNICEF has estimated that a quarter of Afghan children between the ages of 7 and 14 are involved in various forms of work, mainly in the domestic sector.

There is no functioning, nationwide legal system, and justice in many places is administered on the basis of a mixture of legal codes by judges with minimal training. Outside influence over the judiciary remains strong; judges and lawyers are frequently unable to act independently because of threats from local power brokers or armed groups, and bribery is widespread. In rural areas with no police or judicial institutions, unelected and often conservative tribal councils dispense justice. The Supreme Court, composed of religious scholars who have little knowledge of civil jurisprudence and headed by an 80-year-old conservative, is particularly in need of reform. In January, Karzai missed a chance to broaden the Court's makeup when he reappointed eight of the nine members; however, the one new addition became the first Shia judge appointed to the body. The administration's plans to rebuild the judiciary have proceeded slowly, although a new criminal procedure code was promulgated in early 2004, and some progress has been made with the construction of courts and correctional facilities. However, in April, the justice minister noted that more than 50 percent of Afghans still did not have access to judicial or legal services, according to IRIN, a UN humanitarian news and information service. Prison conditions remain extremely poor.

Since taking power in 2002, the new administration has faced the question of whether to bring to justice, co-opt, or simply ignore perpetrators of past abuses. Thus far, the government has remained open to the idea of pursuing transitional justice (in which mechanisms such as truth and reconciliation commissions are used to bring abuses to light, and sometimes to punish perpetrators of such abuse), and the AIHRC has undertaken a series of consultations on the issue with victims of past abuse. However, many perpetrators remain in positions of power, and a number ran successfully for the legislature in the 2005 elections despite calls for them to be disqualified.

The Bonn agreement recognized the need to create a national army and a professional police force, and progress on both fronts has been slow but steady. By September 2005, only 30,000 recruits to the Afghan National Army had been trained, out of a proposed force of 70,000; however, desertion levels improved during the year. Afghan troops have been deployed several times to prevent factional clashes, and they also helped to provide security around polling centers during the elections. Operations of the Afghan National Police force have gradually expanded, and police now man checkpoints that were previously controlled by irregular militias. In 2003, the TA initiated a voluntary DDR program targeting members of various militia forces, and by July 2005, over 60,000 militiamen had been demobilized and a considerable amount of heavy weaponry had been collected. An estimated 1,800 illegal armed groups, with as many as 100,000 members, continue to operate. However, the government launched a new initiative in June that is aimed at disbanding and

disarming these groups.

In a prevailing climate of impunity, government ministers, as well as warlords in some provinces, sanctioned widespread abuses by the police, military, and intelligence forces under their command, including arbitrary arrest and detention, torture, extortion, and extrajudicial killings. The AIHRC, which was formed in August 2002 and focuses on raising awareness of human rights issues in addition to monitoring and investigating abuses, received more than 4,000 complaints of rights violations during 2005, including torture, land-grabbing and forced migration, kidnapping and child trafficking, and forced marriage.

A 2004 Human Rights Watch report documents numerous cases of abuse of Afghan detainees by U.S. forces, and eight detainees are confirmed to have died while in U.S. custody. In August 2005, the BBC reported that two U.S. servicemen had been given prison sentences of up to three months as punishment for the deaths, a verdict that the Afghan government and human rights groups criticized as being insufficiently severe. The AIHRC has requested access to Afghans detained by coalition forces, but has not been allowed access to detention centers where some 500 Afghans are being held. In addition, some warlords, political leaders, and the national intelligence agency maintain private prisons and do not allow access to detainees, many of whom are being held without charge.

Hundreds of civilians have been killed as a result of bombings, rocket attacks, and other acts of terrorism by suspected Taliban sympathizers and other Islamist groups during localized fighting between ethnic factions, particularly in the north, or during skirmishes between Taliban supporters on one side and government forces and the U.S. military on the other. Led by the United States, a 20,100-strong contingent of international coalition forces is active in hunting the Taliban and al-Qaeda in the south and east of the country. Meanwhile, the NATO-run ISAF, which focuses on peacekeeping, has a total strength of only 8,000, mainly because of continued reluctance on the part of the international community to significantly expand these forces. Despite the establishment of over a dozen Provincial Reconstruction Teams consisting of mixed groups of U.S. and NATO military forces and development personnel in various regional centers, the security situation in much of the country continues to be extremely poor. In addition to political and terrorist violence, criminal gangs kidnap both prominent Afghans and foreigners for money, while drug traffickers and local warlords employ violence to defend their operations and influence.

More than 500,000 Afghans returned to their homes during 2005, but several million refugees remain in Pakistan and Iran, and in addition, more than 150,000 civilians continue to be displaced within the country. Humanitarian agencies and Afghan authorities have been ill equipped to deal with the scale of the repatriation, while the poor security situation compounded by widespread land-grabbing meant that many refugees were unable to return to their homes and instead congregated in and around major urban centers. In the absence of a functioning legal system, the state remains unable to effectively protect property rights.

The end of Taliban rule freed women from the extremely harsh restrictions and punishments that had kept them veiled, isolated, and, in many cases, impoverished. Women's formal rights to education and employment have been restored, and in some areas women are once again participating in public life. The new constitution contains the significant provisions of guaranteeing equal rights for women and reserving a quarter of the seats in the Wolesi Jirga and the provincial councils for women. Record numbers of women were registered to vote—an average 41 percent of all registered voters were women—and have taken part in the recent elections. In addition, more than 500 women, approximately 10 percent of the total number of candidates, registered to contest the 2005 parliamentary elections. However, a Human Rights Watch report released in August noted that women in the political sphere, particularly those standing as candidates, faced significant threats and harassment from armed factions and conservative religious leaders. Social norms restricting women's ability to travel independently and appear in public, particularly in the south, also negatively affected their ability to run for office.

Despite women's political gains, societal discrimination and violence against women remain pervasive. Women's choices regarding marriage and divorce, particularly their ability to choose a marriage partner, remain circumscribed by custom and discriminatory laws, and the forced marriage of young girls to older men or of widows to a male relation of their husband is a problem. Nearly 60 percent of Afghan girls are married before the legal age of 16, according to a report by the IRIN news service. To the extent that it functions, the justice system discriminates against women; in most cases, according to a May 2005 Amnesty International report, complaints of violence against women, including abduction, rape, forced marriage, and murder, are not adequately investigated by authorities. In May, a 29-year-old woman was accused of adultery and was stoned to death in the northern Badakhshan province. Cases of self-immolation by women seeking to escape abusive marriages, particularly in the province of Herat, were a growing concern; in 2005, the AIHRC recorded at least 100 such instances. As a result of continued lawlessness, women and children are subject to abduction, trafficking, and sexual violence. In certain areas, ruling warlords impose Taliban-style dress and behavioral restrictions on women. However, the incidence of forced chastity examinations has reportedly declined. While record numbers of children have returned to school, a number of girls' schools were subject to attacks from Islamic fundamentalists during the year, and the illiteracy rate for women remains at 86 percent. fundamentalists during the year, and the illiteracy rate for women remains at 86 percent.