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Country Report on Human Rights Practices 2018 - Afghanistan

EXECUTIVE SUMMARY

Afghanistan is an Islamic republic with a directly elected president, a bicameral legislative branch, and a judicial branch. Parliamentary elections for the lower house of parliament were constitutionally mandated for 2015, but for a number of reasons, were not held until October 2018. Elections were held on October 20 and 21 in all provinces except in Ghazni where they were delayed due to an earlier political dispute and in Kandahar where they were delayed following the October 18 assassination of provincial Chief of Police Abdul Raziq. Elections took place in Kandahar on October 27, but elections in Ghazni were not scheduled by year's end. Although there was high voter turnout, the election was marred by violence, technical issues, and irregularities, including voter intimidation, vote rigging, and interference by electoral commission staff and police. In some cases, polling stations were forced to close due to pressure from local leaders.

Civilian authorities generally maintained control over the security forces, although security forces occasionally acted independently.

Human rights issues included extrajudicial killings by security forces; forced disappearances; torture; arbitrary arrest; arbitrary detention; criminalization of defamation; government corruption; lack of accountability and investigation in cases of violence against women, including those accused of so-called moral crimes; sexual abuse of children by security force members; violence by security forces against members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community; and violence against journalists.

Widespread disregard for the rule of law and official impunity for those responsible for human rights abuses were serious problems. The government did not consistently or effectively prosecute abuses by officials, including security forces.

There were major attacks on civilians by armed insurgent groups and targeted assassinations by armed insurgent groups of persons affiliated with the government. The Taliban and other insurgents continued to kill security force personnel and civilians using indiscriminate tactics such as improvised explosive devices (IEDs), suicide attacks, and rocket attacks, and to commit disappearances and torture. The UN Assistance Mission in Afghanistan (UNAMA) attributed 65 percent of civilian casualties during the first nine months of the year (1,743 deaths and 3,500 injured) to antigovernment actors.

The Taliban and ISIS-Khorasan Province (ISIS-K) used children as suicide bombers, soldiers, and weapons carriers. Other antigovernment elements threatened, robbed, kidnapped, and attacked government workers, foreigners, medical and nongovernmental organization (NGO) workers, and other civilians.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed arbitrary or unlawful killings. From January 1 to September 30, UNAMA reported an overall increase in civilian deaths over the same period for 2017, from 2,666 to 2,798. The number of civilian deaths attributed to progovernment forces increased from 560 to 761. The total number of civilian casualties decreased from 8,084 to 8,050.

According to the annual report UNAMA released in February, Afghan Local Police (ALP) in Zurmat District, Paktiya Province, killed a civilian and injured two others during an attempted home invasion and robbery in September 2017. Although the government investigated and prosecuted some cases of extrajudicial killing, an overall lack of accountability for security force abuses remained a problem, particularly with the ALP.

There were numerous reports of politically motivated killings or injuries by the Taliban, ISIS-K, and other insurgent groups. UNAMA reported 1,743 civilian deaths due to antigovernment and terrorist forces in the first nine months of the year. These groups caused 65 percent of total civilian casualties, compared with 64 percent in 2017. On August 15, ISIS-K killed 48 individuals and injured 67 in a bombing that targeted students in a Kabul classroom.

b. Disappearance

There were reports of disappearances committed by security forces and antigovernment forces alike.

UNAMA, in its biannual *Report on the Treatment of Conflict-Related Detainees*, reported multiple allegations of disappearances by the ANP in Kandahar.

Two professors, working for the American University of Afghanistan and kidnapped by the Taliban in 2016 in Kabul, remained in captivity.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such practices, there were numerous reports that government officials, security forces, detention center authorities, and police committed abuses.

NGOs reported security forces continued to use excessive force, including torturing and beating civilians. On April 17, the government approved the UN Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, building on the prior year’s progress in passing the Antitorture Law. Independent monitors, however, continued to report credible cases of torture in detention centers.

UNAMA, in its April 2017 *Report on the Treatment of Conflict-Related Detainees*, stated that of the 469 National Directorate for Security (NDS), ANP, and Afghan National Defense and Security Forces (ANDSF) detainees interviewed, 39 percent reported torture or other abuse. Types of abuse included severe beatings, electric shocks, prolonged suspension by the arms, suffocation, wrenching of testicles, burns by cigarette lighters, sleep deprivation, sexual assault, and threats of execution.

The Afghanistan Independent Human Rights Commission (AIHRC) stated in its June report on the use of torture in detention centers that of the 621 detainees they interviewed, 79 persons, or 12 percent, reported being tortured, for the purpose of both eliciting confessions as well as punishment. The AIHRC reported that of these 79 cases, the ANP perpetrated 62 cases, with the balance by the NDS and ANDSF.

In November 2016, first vice president General Abdul Rashid Dostum allegedly kidnapped Uzbek tribal elder and political rival Ahmad Ishchi. Before detaining Ishchi, Dostum let his bodyguards brutally beat him. After several days in detention, Ishchi alleged he was beaten, tortured, and raped by Dostum and his men. Dostum returned in July and resumed his duties as first vice president after more than a year in Turkey. As of August there was no progress on the case brought by Ishchi.

There were numerous reports of torture and cruel, inhuman, and degrading punishment by the Taliban, ISIS-K, and other antigovernment groups. The AIHRC and other organizations reported summary convictions by Taliban courts that resulted in executions by stoning or beheading. According to media reports, Taliban in Kohistan District, Sar-e Pul Province, stoned a man to death in February on suspicion of zina (extramarital sex). There were other reports of ISIS-K atrocities, including the beheading of a 12-year-old child in Darzab District, Jowzjan Province, in April, the beheading of three medical workers in Chaparhar District, Nangarhar Province, in April, and stoning of a man in Nangarhar in February.

Prison and Detention Center Conditions

Prison conditions were difficult due to overcrowding, unsanitary conditions, and limited access to medical services. The General Directorate of Prisons and Detention Centers (GDPDC), part of the Ministry of Interior, has responsibility for all civilian-run prisons (for both men and women) and civilian detention centers, including the large national prison

complex at Pul-e Charkhi. The Ministry of Justice’s Juvenile Rehabilitation Directorate is responsible for all juvenile rehabilitation centers. The NDS operates short-term detention facilities at the provincial and district levels, usually collocated with their headquarters facilities. The Ministry of Defense runs the Afghan National Detention Facilities at Parwan. There were credible reports of private prisons run by members of the ANDSF and used for abuse of detainees. The Taliban also maintain illegal detention facilities throughout the country. The ANDSF discovered and liberated several Taliban detention facilities during the year and reported that prisoners included children and Afghans accused of moral crimes or association with the government.

Physical Conditions: Overcrowding in prisons continued to be a serious, widespread problem. Based on standards recommended by the International Committee of the Red Cross (ICRC), 28 of 34 provincial prisons for men were severely overcrowded. The country’s largest prison, Pul-e Charkhi, held 13,118 prisoners, detainees, and children of incarcerated mothers as of October, 55 percent more than it was designed to hold. In August more than 500 prisoners at Pul-e Charkhi participated in a one-week hunger strike to protest prison conditions, particularly for elderly and ill inmates, and the administration of their cases.

Authorities generally lacked the facilities to separate pretrial and convicted inmates or to separate juveniles according to the seriousness of the charges against them. Local prisons and detention centers did not always have separate facilities for female prisoners.

According to NGOs and media reports, children younger than age 15 were imprisoned with their mothers, due in part to a lack of capacity among Children’s Support Centers. These reports documented insufficient educational and medical facilities for these minors.

Access to food, potable water, sanitation, heating, ventilation, lighting, and medical care in prisons varied throughout the country and was generally inadequate. The GDPDC’s nationwide program to feed prisoners faced a severely limited budget, and many prisoners relied on family members to provide food supplements and other necessary items. In November 2017 the local NGO Integrity Watch Afghanistan reported that Wardak Prison had no guaranteed source of clean drinking water and that prisoners in Pul-e Charkhi, Baghlan, and Wardak had limited access to food, with prisoners’ families also providing food to make up the gap.

Administration: The law provides prisoners with the right to leave prison for up to 20 days for family visits. Most prisons did not implement this provision, and the law is unclear in its application to different classes of prisoners.

Independent Monitoring: The AIHRC, UNAMA, and the ICRC monitored the NDS, Ministry of Interior, Ministry of Justice, and Ministry of Defense detention facilities. NATO Mission Resolute Support monitored the NDS, ANP, and Defense Ministry facilities. Security constraints and obstruction by authorities occasionally prevented visits to some places of detention. UNAMA and the AIHRC reported difficulty accessing NDS places of detention when they arrived unannounced. The AIHRC reported NDS

officials usually required the AIHRC to submit a formal letter requesting access at least one to two days in advance of a visit. NDS officials continued to prohibit AIHRC and UNAMA monitors from bringing cameras, mobile phones, recording devices, or computers into NDS facilities, thereby preventing AIHRC monitors from properly documenting physical evidence of abuse, such as bruises, scars, and other injuries. The NDS assigned a colonel to monitor human rights conditions in its facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but both remained serious problems. Authorities detained many citizens without respecting essential procedural protections. According to NGOs, law enforcement officers continued to detain citizens arbitrarily without clear legal authority or due process. Local law enforcement officials reportedly detained persons illegally on charges not provided under local criminal law. In some cases authorities improperly imprisoned women because they deemed it unsafe for the women to return home or because women’s shelters were not available to provide protection in the provinces or districts at issue (see section 6, Women). The law provides a defendant the right to object to his or her pretrial detention and receive a court hearing on the matter, but authorities generally did not observe this requirement.

Role of the Police and Security Apparatus

Three ministries have responsibility for law enforcement and maintenance of order in the country: the Ministry of Interior, the Ministry of Defense, and the NDS. The ANP, under the Ministry of Interior, has primary responsibility for internal order and for the Afghan Local Police (ALP), a community-based self-defense force. The Major Crimes Task Force (MCTF), also under the Ministry of Interior, investigates major crimes including government corruption, human trafficking, and criminal organizations. The Afghan National Army, under the Ministry of Defense, is responsible for external security, but its primary activity is fighting the insurgency internally. The NDS functions as an intelligence agency and has responsibility for investigating criminal cases concerning national security. The investigative branch of the NDS operated a facility in Kabul, where it held national security prisoners awaiting trial until their cases went to prosecution. Some areas were outside of government control, and antigovernment forces, including the Taliban, oversaw their own justice and security systems.

There were reports of impunity and lack of accountability by security forces throughout the year. According to observers, ALP and ANP personnel were largely unaware of their responsibilities and defendants’ rights under the law. Accountability of the NDS, ANP, and ALP officials for torture and abuse was weak, not transparent, and rarely enforced. Independent judicial or external oversight of the NDS, MCTF, ANP, and ALP in the investigation and prosecution of crimes or misconduct, including torture and abuse, was limited or nonexistent.

Arrest Procedures and Treatment of Detainees

UNAMA, the AIHRC, and other observers reported arbitrary and prolonged detention frequently occurred throughout the country. Authorities often did not inform detainees of the charges against them.

The new Penal Code, which took effect in February, modernizes and consolidates criminal laws incorporating new provisions, including the introduction of alternatives to incarceration for adults. Understanding and knowledge of the new code among justice-sector actors and the public was not widespread, but a UNAMA “Survey and Preliminary Findings on Implementation of the 2017 Penal Code (RPC) in Afghanistan”, conducted between April and July, found that courts generally were applying the new Penal Code and were aware of when it should be applied.

Existing law provides for access to legal counsel and the use of warrants, and it limits how long authorities may hold detainees without charge. Police have the right to detain a suspect for 72 hours to complete a preliminary investigation. If police decide to pursue a case, they transfer the file to the Attorney General’s Office. After taking custody of a suspect, the Attorney General’s Office can issue a detention warrant for up to seven days for a misdemeanor and 15 days for a felony. With court approval, the investigating prosecutor may continue to detain a suspect while continuing the investigation, with the length of continued detention depending on the severity of the offense. The investigating prosecutor may detain a suspect for a maximum of 10 days for a petty crime, 27 days for a misdemeanor, and 75 days for a felony. The prosecutor must file an indictment or release the suspect within those deadlines; there can be no further extension of the investigatory period if the defendant is already in detention. Prosecutors often ignored these limits. In addition there were multiple reports that judges often detained prisoners after sentences were completed because a bribe for release had not been paid. Incommunicado imprisonment remained a problem, and prompt access to a lawyer was rare. Prisoners generally were able to receive family visits.

The criminal procedure code, although rarely used, provides for release on bail. Authorities at times remanded “flight risk” defendants pending a prosecutorial appeal despite the defendants’ acquittal by the trial court. In other cases authorities did not rearrest defendants released pending appeal, even after the appellate court convicted them in absentia.

According to international monitors, prosecutors filed indictments in cases transferred to them by police, even where there was a reasonable belief no crime occurred.

According to the juvenile code, the arrest of a child “should be a matter of last resort and should last for the shortest possible period.” Reports indicated children in juvenile rehabilitation centers across the country lacked access to adequate food, health care, and education. Detained children frequently did not receive the presumption of innocence, the right to know the charges against them, access to defense lawyers, and protection from self-incrimination. The law provides for the creation of special juvenile police, prosecution offices, and courts. Due to limited resources, special juvenile courts

functioned in only six provinces (Kabul, Herat, Balkh, Kandahar, Nangarhar, and Kunduz). Elsewhere, children’s cases went to ordinary courts. The law mandates authorities handle children’s cases confidentially.

Some children in the criminal justice system were victims rather than perpetrators of crime. In the absence of sufficient shelters for boys, authorities detained abused boys and placed them in juvenile rehabilitation centers because they could not return to their families and shelter elsewhere was unavailable.

Police and legal officials often charged women with intent to commit zina (sex outside marriage) to justify their arrest and incarceration for social offenses, such as running away from their husband or family, rejecting a spouse chosen by their families, and fleeing domestic violence or rape, or eloping to escape an arranged marriage. The constitution provides that in cases not explicitly covered by the provisions of the constitution or other laws, courts may, in accordance with Hanafi jurisprudence (a school of Islamic law) and within the limits set by the constitution, rule in a manner that best attains justice in the case. Although observers stated this provision was widely understood to apply only to civil cases, many judges and prosecutors applied this provision to criminal matters. Observers reported officials used this article to charge women and men with “immorality” or “running away from home”, neither of which is a crime. Police often detained women for zina at the request of family members.

Authorities imprisoned some women for reporting crimes perpetrated against them and detained some as proxies for a husband or male relative convicted of a crime on the assumption the suspect would turn himself in to free the family member.

Authorities placed some women in protective custody to prevent violence by family members. They also employed protective custody (including placement in a detention center) for women who had experienced domestic violence, if no shelters were available to protect them from further abuse. The 2009 Elimination of Violence Against Women (EVAW) presidential decree--commonly referred to as the EVAW law--obliges police to arrest persons who abuse women. Implementation and awareness of the EVAW law was limited, however. In March, President Ghani issued a decree amending the new Penal Code to reinforce EVAW as a stand-alone law.

Arbitrary Arrest: Arbitrary arrest and detention remained a problem in most provinces. Observers reported some prosecutors and police detained individuals without charge for actions that were not crimes under the law, in part because the judicial system was inadequate to process detainees in a timely fashion. Observers continued to report those detained for moral crimes were primarily women.

Pretrial Detention: The law provides a defendant the right to object to his or her pretrial detention and receive a court hearing on the matter. Nevertheless, lengthy pretrial detention remained a problem. Many detainees did not benefit from the provisions of the criminal procedure code because of a lack of resources, limited numbers of defense attorneys, unskilled legal practitioners, and corruption. The law provides that, if there is

no completed investigation or filed indictment within the code’s 10-, 27-, or 75-day deadlines, judges must release defendants. Judges, however, held many detainees beyond those periods, despite the lack of an indictment.

Amnesty: In January the government released 75 Hezb-e Islami Gulbuddin (HIG) political detainees as follow-up to a September 2016 peace accord with the HIG that included amnesty for past war crimes for HIG members including its leader, Gulbuddin Hekmatyar.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judiciary continued to be underfunded, understaffed, inadequately trained, largely ineffective, and subject to threats, bias, political influence, and pervasive corruption.

Judicial officials, prosecutors, and defense attorneys were often intimidated or corrupt. In May, UNAMA reported that the Anticorruption Justice Center, established in 2016 to combat corruption, has thus far indicted 142 cases, including charges of misuse of authority, embezzlement, bribery, forgery of documents, and money laundering. Bribery and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency impaired judicial impartiality. Most courts administered justice unevenly, employing a mixture of codified law, sharia, and local custom. Traditional justice mechanisms remained the main recourse for many, especially in rural areas. Corruption was common within the judiciary, and criminals often paid bribes to obtain their release or a sentence reduction (see section 4).

There was a widespread shortage of judges, primarily in insecure areas, leading to the adjudication of many cases through informal, traditional mediation. A shortage of women judges, particularly outside of Kabul, limited access to justice for women. Many women cannot and do not use the formal justice system because cultural norms preclude their engagement with male officials. Only 234 of 2162, or 12 percent, of judges are women. The formal justice system was stronger in urban centers, closer to the central government, and weaker in rural areas. Courts and police forces continued to operate at less than full strength nationwide. The judicial system continued to lack the capacity to absorb and implement the large volume of new and amended legislation. A lack of qualified judicial personnel hindered the courts. Some municipal and provincial authorities, including judges, had minimal training and often based their judgments on their personal understanding of sharia without appropriate reference to statutory law, tribal codes of honor, or local custom. The number of judges who graduated from law school continued to increase. Access to legal codes and statutes increased, but their limited availability continued to hinder some judges and prosecutors. UNAMA found during an April to July survey that judges did not have sufficient copies of the new Penal Code.

During the year an investigatory committee, formed by President Ghani in 2016, closed its inquiry into the Farkhunda case, which involved the 2015 death of a woman killed by a mob. The committee report described deficiencies in responses by the police, prosecutors, and the courts. The investigation was closed during the year without further action.

In major cities courts continued to decide criminal cases as mandated by law. Authorities frequently resolved civil cases using the informal system, the government mediation mechanism through the Ministry of Justice Huquq office, or, in some cases, through negotiations between the parties facilitated by judicial personnel or private lawyers. Because the formal legal system often was not present in rural areas, local elders and shuras (consultative gatherings, usually of men selected by the community) were the primary means of settling both criminal matters and civil disputes. They also imposed punishments without regard to the formal legal system. UNAMA and NGOs reported several cases where perpetrators of violence against women crimes that included domestic abuse reoffended after their claims were resolved by mediation. For example, UNAMA cited a case where a Taliban court’s mediation sent a victim of spousal abuse back to her home, only for her husband to cut off her nose afterwards.

In some areas the Taliban enforced a parallel judicial system based on a strict interpretation of sharia. Punishments included execution and mutilation. According to media reporting, in February a Taliban court in Obe District, Herat Province, cut off a man’s hand and leg as a sentence for robbery.

Trial Procedures

The constitution provides the right to a fair and public trial, but the judiciary rarely enforced this provision. The administration and implementation of justice varied in different areas of the country. The government formally uses an inquisitorial legal system. By law all citizens are entitled to a presumption of innocence, and those accused have the right to be present at trial and to appeal, although the judiciary did not always respect these rights. Some provinces held public trials, but this was not the norm. The law requires judges to provide five days’ notice prior to a hearing, but this requirement was not always followed.

Three-judge panels decide criminal trials, and there is no right to a jury trial under the constitution. Prosecutors rarely informed defendants promptly or in detail of the charges brought against them. Indigent defendants have the right to consult with an advocate or counsel at public expense when resources allow. The judiciary applied this right inconsistently, in large part due to a severe shortage of defense lawyers. Citizens were often unaware of their constitutional rights. Defendants and attorneys are entitled to examine physical evidence and documents related to a case before trial, although observers noted court documents often were not available for review before cases went to trial, despite defense lawyers’ requests.

Criminal defense attorneys reported the judiciary’s increased respect and tolerance for the role of defense lawyers in criminal trials, but defendants’ attorneys continued to experience abuse and threats from prosecutors and other law enforcement officials.

The criminal procedure code establishes time limits for the completion of each stage of a criminal case, from investigation through final appeal, when the accused is in custody. The code also permits temporary release of the accused on bail, but this was rarely honored. An addendum to the code provides for extended custodial limits in cases involving crimes committed against the internal and external security of the country. Courts at the Justice Center in Parwan regularly elected to utilize the extended time periods. If the judiciary does not meet the deadlines, the law requires the accused be released from custody. Often courts did not meet these deadlines, but detainees nevertheless remained in custody.

In cases where no clearly defined legal statute applied, or where judges, prosecutors, or elders were unaware of the statutory law, judges and informal shuras enforced customary law. This practice often resulted in outcomes that discriminated against women.

Political Prisoners and Detainees

There were no reports the government held political prisoners or detainees.

Civil Judicial Procedures and Remedies

Corruption and limited capacity restricted citizen access to justice for constitutional and human rights violations. Citizens submit complaints of human rights violations to the AIHRC, which reviews and submits credible complaints to the Attorney General’s Office for further investigation and prosecution.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits arbitrary interference in matters of privacy, but authorities did not always respect its provisions. The criminal procedure code contains additional safeguards for the privacy of the home, prohibiting night arrests, requiring the presence of a female officer during residential searches, and strengthening requirements for body searches. The government did not always respect these prohibitions.

Government officials continued to enter homes and businesses of civilians forcibly and without legal authorization. There were reports that government officials monitored private communications, including telephone calls and other digital communications, without legal authority or judicial warrant.

Media and the government reported that the Taliban routinely used civilian homes as shelters and bases of operation, including in their attacks on Farah in May and Ghazni in August. There were also reports that the Taliban and ISIS-K used schools for military purposes.

g. Abuses in Internal Conflict

Continuing internal conflict resulted in civilian deaths, abductions, prisoner abuse, property damage, displacement of residents, and other abuses. The security situation remained a problem due to insurgent attacks. Terrorist groups caused the vast majority of civilian deaths.

Killings: During the first nine months of the year, UNAMA counted 2,798 civilian deaths due to conflict, an increase of 5 percent from the same period in 2017. UNAMA noted an increase in indiscriminate suicide attacks by antigovernment forces, particularly in Nangarhar Province, where civilian casualties more than doubled compared with the same period in 2017. UNAMA attributed 65 percent of civilian casualties to antigovernment forces, including the Taliban and ISIS, and 22 percent to progovernment forces. UNAMA documented 649 civilian casualties from airstrikes in the first nine months of the year, a 39 percent increase over the same period in 2017. The AIHRC, in its annual report of civilian casualties, reported 3,239 civilians killed from March 2017 to March 2018, a 15 percent increase over the prior year. The AIHRC attributed 65 percent of civilian casualties to antigovernment forces.

On April 2, Afghan Air Force helicopters struck a madrassa in Dasht-e Archi District, Kunduz Province, in an operation targeting Taliban forces. The strike caused at least 107 casualties, according to UNAMA, including 81 children.

UNAMA documented an increase in attacks by antigovernment forces against religious leaders, recording 27 targeted killings in 2016 and 2017, most of which were attributed to the Taliban. On August 3, ISIS-K targeted a Shia mosque in Gardez, Paktia Province, in a suicide bombing that killed 39 civilians during Friday prayers.

Antigovernment elements also continued to attack religious leaders who spoke against the Taliban. On March 7, a suicide bombing killed Mullah Abdul Zahir Haqani, the Ministry of Hajj and Religious Affairs director for Nangarhar Province. On June 4, ISIS-K targeted a gathering of religious scholars in Kabul with a suicide bombing, killing 14 after the scholars issued a religious declaration condemning suicide attacks, and a bomb attack on another religious gathering killed at least 55 persons on November 20.

During the year antigovernment groups continued to perpetrate complex suicide attacks targeting civilians. On September 11, a suicide attack targeting a protest in Nangarhar Province killed approximately 68 and wounded 165. On January 27, the Taliban killed more than 100 individuals in Kabul with a vehicle-borne IED hidden in an ambulance. On January 20, the Taliban attacked the Inter-Continental Hotel in Kabul, killing 42, including 17 foreign nationals.

Antigovernment elements also continued to target government officials and entities, as well as political candidates, throughout the country. On July 31, attackers assaulted the offices of the Ministry of Refugees and Repatriation in Jalalabad, Nangarhar Province, killing at least 15. On April 12, the governor of Khawaja Omari District, Ghazni Province, was killed when the Taliban attacked the district headquarters, leaving more than 12 dead.

Abductions: UNAMA documented 255 cases of conflict-related abductions involving 1,005 abducted civilians in 2017, of which 215 cases were attributed to the Taliban. In June the Taliban abducted 44 construction workers in Kandahar Province, eventually releasing them in August after mediation by local elders.

Physical Abuse, Punishment, and Torture: An April 2017 report by UNAMA documented the highest levels of torture of conflict-related detainees in police custody since 2010. According to the report, the Kandahar police tortured 91 percent of detainees by forcibly pumping water into their stomachs, crushing their testicles with clamps, suffocating them to the point of losing consciousness, or applying electric current to their genitals. In July Afghan security forces arrested Nizamuddin Qaisari, a local militia commander and district police chief. A widely released video showed the arresting forces beating Qaisari's restrained security detail, leading to several days of protests.

Antigovernment elements continued to punish civilians. In August 2017 Taliban and ISIS-K members killed approximately 36 individuals, including civilians, at Mirza Olang village, Sayyad District, Sar-e Pul Province, accusing them of supporting the government. Shortly after voting in the October parliamentary elections, Taliban combatants kidnapped an individual and cut off the finger he had dipped in ink following voting, a common practice after voting to prevent duplicate voting.

Antigovernment groups regularly targeted civilians, including using indiscriminate IEDs to kill and maim them. Land mines, unexploded ordnance, and explosive remnants of war (ERW) continued to cause deaths and injuries. The ANP reported that unexploded ordnance (UXO) killed 140 individuals per month. Media regularly reported cases of children killed and injured after finding UXO. The Ministry of Education and NGOs continued to conduct educational programs and mine awareness campaigns throughout the country. The UN High Commissioner for Refugees and the International Organization for Migration provided mine-risk education for refugees and undocumented returnees.

In 2017 civilian casualties from ERW decreased by 12 percent compared with 2016. Child casualties accounted for 81 percent of all civilian casualties caused by ERW in 2017. ERW caused 518 child casualties (142 deaths and 376 injured). Overall in 2017, UNAMA documented 639 civilian casualties (164 deaths and 475 injuries) from ERW.

Child Soldiers: There were reports the ANDSF, particularly the ANP and ALP, and progovernment militias recruited children. The AIHRC reported that government security forces in Kandahar Province used child recruits. UNAMA verified or documented credible allegations of the recruitment and use of six boys by security forces during the first six months of the year. The government expanded child protection units to all 34 provinces; however, some NGOs reported these units were not sufficiently equipped, staffed, or trained to provide adequate oversight.

Under a government action plan, the ANP took steps that included training staff on age-assessment procedures, launching an awareness campaign on underage recruitment, investigating alleged cases of underage recruitment, and establishing centers in some provincial recruitment centers to document cases of attempted child enlistment.

Recruits underwent an identity check, including an affidavit from at least two community elders that the recruit was at least 18 years old and eligible to join the ANDSF. The Ministries of Interior and Defense also issued directives meant to prevent the recruitment and sexual abuse of children by the ANDSF. Media reported that in some cases ANDSF units used children as personal servants, support staff, or for sexual purposes.

According to UNAMA, the Taliban and ISIS-K continued to use children for front-line fighting and setting IEDs. On August 1, an ISIS-K group numbering more than 200 surrendered to the government in Jowzjan Province. According to some reports, the group included several dozen children, including at least four younger than age 12, many of whom were child combatants. While the law protects trafficking victims from prosecution for crimes committed as a result of being subjected to trafficking, it was unclear if the government would treat the child ex-combatants as trafficking victims or penalize them as combatants.

UNAMA verified or documented credible allegations of the recruitment of 23 boys by antigovernment elements in the first six months of the year (17 by Tehrik-i-Taliban Pakistan, two by ISIS-K, and four by the Taliban). In some cases the Taliban and other antigovernment elements used children as suicide bombers, human shields, and IED emplacements, particularly in southern provinces. Media, NGOs, and UN agencies reported the Taliban tricked children, promised them money, used false religious pretexts, or forced them to become suicide bombers.

See also the Department of State’s annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

Other Conflict-related Abuse: The security environment continued to have a negative effect on the ability of humanitarian organizations to operate freely in many parts of the country. Violence and instability hampered development, relief, and reconstruction efforts. Insurgents deliberately targeted government employees and aid workers. NGOs reported insurgents, powerful local individuals, and militia leaders demanded bribes to allow groups to bring relief supplies into the country and distribute them. Antigovernment elements continued their targeting of hospitals and aid workers. According to media reports through August, 23 aid workers were killed, 37 injured, and 74 abducted. During 2017, UNAMA documented 75 incidents targeting health-care facilities and health-care workers, resulting in 65 civilian casualties (31 deaths and 34 injured) compared with 120 incidents during 2016 that caused 23 civilian casualties (10 deaths and 13 injured). On January 24, ISIS-K assaulted the Jalalabad office of Save the Children, killing three. In August the Taliban threatened the ICRC by rescinding guarantees for the security of its workers.

In the south and east, the Taliban and other antigovernment elements frequently forced local residents to provide food and shelter for their fighters. The Taliban also continued to attack schools, radio stations, and government offices. During the year the Taliban continued to threaten and shut down hundreds of schools, often in an attempt to extort revenue from Ministry of Education payrolls, according to media reports. In June more than 2,000 Islamic scholars, members of a group known as the Ulema

Council, convened on the campus of the Polytechnic University of Kabul. On the morning of June 4, the group of scholars issued a fatwa, or religious edict, stating that the insurgency by extremist groups had no religious basis and that suicide bombings were forbidden by Islam. Shortly thereafter, a bomber detonated an explosive device outside the tent where the council had met, killing 14 of its members and injuring at least 20. On August 15, another bomber detonated an explosive device at the Mowud Education Center (MEC) in Kabul’s Dasht-e-Barchi District. As many as 500 students in their teens and twenties were studying for university entrance exams at MEC at the time of the attack, which left 34 dead and at least 57 injured. On August 16, the Islamic State claimed responsibility for the attack. The education center is largely attended by Kabul’s minority Shiite Hazara community. Reports suggested that the attack was part of a pattern of violence against the Hazara community.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of speech, including for the press, but the government sometimes restricted this right.

Freedom of Expression: The law provides for freedom of speech, and the country has a free press. There were reports authorities at times used pressure, regulations, and threats to silence critics. Criticism of the central government was regular and generally free from restrictions, but criticism of provincial governments was more constrained, where local officials and power brokers exerted significant influence and authority to intimidate or threaten their critics, both private citizens and journalists. On April 30, a suicide bomber, wearing a media credentials badge and mixed in with reporters covering an earlier attack, killed nine reporters and photographers in Kabul. The bombing compounded a pattern of intimidation, harassment, beatings, shootings, and killings of journalists, by insurgent groups.

Press and Media Freedom: Independent media were active and expressed a wide variety of views. The Access to Information Law was amended during the year and received high ratings Transparency International. Implementation remained inconsistent and media reports consistent failure by the government to meet the requirements of the law. Government officials often restricted media access to government information or simply ignored requests. UNAMA, Human Rights Watch, and Reporters Without Borders report that the government has not fully implemented the Access to Information Law and journalists often do not receive access to information they seek. The head of Tolo News, reported that attacks, which killed journalists, had led to increased government restrictions, less access, and less support.

Journalists reported facing threats of violence from the internal conflict. Politicians, security officials, and others in positions of power at times threatened or harassed journalists because of their coverage. Human Rights Watch reported dozens of cases of violence against journalists by security forces, members of parliament, and other

officials that the government failed to prosecute. According to news reports, NDS forces forcibly prevented four journalists from 1TV and Tamadon from investigating the bombing of a mosque in Herat on March 25.

Freedom of speech and an independent media were more constrained at the provincial level than in the capital, Kabul. Political and ethnic groups, including those led by former mujahedin leaders, financed many provincial media outlets and used their financial support to control the content. Some provinces had limited media presence altogether.

Print and online media continued to publish independent magazines, newsletters, newspapers, and websites. A wide range of editorials and dailies openly criticized the government. Still, there were concerns that violence and instability threatened journalists' safety. Due to high levels of illiteracy, most citizens preferred broadcast to print or online media. A greater percentage of the population, including those in distant provinces, had access to radio.

Violence and Harassment: Government officials and private citizens used threats of violence to intimidate independent and opposition journalists, particularly those who spoke out against impunity, crimes, and corruption by powerful local figures. According to media reports, NDS forces beat several journalists covering a suicide bombing in Kabul on July 26 and intentionally destroyed their equipment in an effort to impede their reporting. Following the release of news reports detailing corruption involving a high-ranking government official, one media outlet reported threats against the journalist by the official's security guards.

The Afghan Journalist Safety Committee (AJSC) reported 11 journalists killed in the first six months of the year. During the same period, the AJSC recorded 89 cases of violence against journalists, which included killing, beating, inflicting injury and humiliation, intimidation, and detention of journalists--a 22 percent increase from the first six months of 2017. Government-affiliated individuals or security forces were responsible for 36 instances of violence, approximately the same number as in 2017 when 34 cases were attributed to them. Instances of violence attributed to the Taliban and ISIS-K rose sharply by 70 percent over the same period in 2017--from 22 cases to 37 cases.

The Taliban continued to attack media organizations, including during their military offensive on Ghazni Province in August, when they reportedly burned a local radio station.

Increased levels of insecurity created a dangerous environment for journalists, even when they were not the specific targets of violence. Media organizations and journalists operating in remote areas were more vulnerable to threats, intimidation, and violence from insurgents, warlords, and organized criminals. During the year several journalists reported attacks by unknown gunmen connected, they claimed, to their coverage of powerful individuals. They also reported local governmental authorities were less cooperative in facilitating access to information.

In August 2016 the Office of the National Security Council approved a new set of guidelines to address cases of violence against journalists, but these guidelines have not been fully implemented. The initiative created a joint national committee in Kabul and separate committees in provincial capitals, a coordination center to investigate and identify perpetrators of violence against journalists, and a support committee run by the NDS to identify threats against journalists. Press freedom organizations reported that, although the committee met and referred cases to the Attorney General's Office, it did not increase protection for journalists. In response to recent attacks on journalists, President Ghani announced the expansion of the Journalists Support Fund in October to assist family members of journalists killed in the line of duty.

Media advocacy groups reported that many female journalists worked under pseudonyms in both print and social media to avoid recognition, harassment, and retaliation. According to one group, there were no female journalists in nine provinces: Helmand, Nuristan, Uruzgan, Paktiya, Paktika, Zabul, Logar, Sar-e Pul, and Laghman.

Censorship or Content Restrictions: Media observers claimed journalists reporting on administrative corruption, land embezzlement, and local officials' involvement in narcotics trafficking engaged in self-censorship due to fear of violent retribution by provincial police officials and powerful families. Journalists and NGOs reported that although the amended 2018 Access to Information Law provided an excellent regulatory framework, enforcement remained inconsistent and that noncompliant officials were rarely held accountable. A Kabul Press Club survey showed more than half of journalists were dissatisfied with the level of access to government information. An NGO supporting media freedom surveyed government offices and found that one-third did not have dedicated offices for providing information to the public.

Libel/Slander Laws: The penal code and the mass media law prescribe jail sentences and fines for defamation. Authorities sometimes used defamation as a pretext to suppress criticism of government officials.

National Security: Journalists complained government officials frequently invoked the national interest exception in the Access to Information law to avoid disclosing information.

Nongovernmental Impact: Some reporters acknowledged they avoided criticizing the insurgency and some neighboring countries in their reporting because they feared Taliban retribution. Insurgent groups coerced media agencies in insecure areas to prevent them from broadcasting or publishing advertisements and announcements of the security forces, entertainment programming, music, and women's voices.

Internet Freedom

The government did not restrict or disrupt access to the internet, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 11.4 percent of the population had internet access, mostly in urban areas, in 2017.

Media outlets and activists routinely used social media to discuss political developments, and Facebook was widely used in urban areas. The Taliban used the internet and social media to spread its messages. Internet usage remained relatively low due to high prices, a lack of local content, and illiteracy.

There were many reports during the year of Taliban attempts to restrict access to information, often by destroying or shutting down telecommunications antennae and other equipment.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The government generally respected citizens' right to demonstrate peacefully. Numerous public gatherings and protests took place during the year. The Helmand Peace March Initiative--the “peace tent” protest that launched in the provincial capital of Lashkar Gah on March 26 following a deadly car bombing--inspired antiwar demonstrations in at least 16 other provinces, which were largely peaceful.

Freedom of Association

The constitution provides for the right to freedom of association, and the government generally respected it. The 2009 law on political parties obliges political parties to register with the Ministry of Justice and to pursue objectives consistent with Islam. In 2012 the Council of Ministers approved a regulation requiring political parties to open offices in at least 20 provinces within one year of registration. In 2017 President Ghani signed a decree prohibiting employees and officials of security and judicial institutions, specifically the Supreme Court, Attorney General's Office, Ministry of Interior, Ministry of Defense, and National Directorate of Security, from political party membership while government employees. Noncompliant employees could be fired.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/ (<http://www.state.gov/religiousfreedomreport/>).

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees, the International Organization for Migration, and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, and other persons of concern. The government’s ability to assist vulnerable persons, including returnees from Pakistan and Iran, remained limited, and it continued to rely on the international community for assistance.

In-country Movement: The government generally did not restrict the right to freedom of movement within the borders of the country. Taxi, truck, and bus drivers reported security forces and insurgents sometimes operated illegal checkpoints and extorted money and goods from travelers. The greatest barrier to movement in some parts of the country was the lack of security. Social custom limited women’s freedom of movement without male consent or a male chaperone.

Internally Displaced Persons (IDPs)

Internal population movements increased during the year because of armed conflict and an historic drought. Nearly 470,000 individuals were internally displaced from January 1 to September 9. The 250,000 displacements caused by severe drought surpassed by approximately 30,000 the number of those displaced by conflict during the year. Most IDPs left insecure rural areas and small towns to seek relatively greater safety and government services in larger towns and cities in the same province. All 34 provinces hosted IDP populations.

Limited humanitarian access because of the deteriorating security situation caused delays in identifying, assessing, and providing timely assistance to IDPs, who continued to lack access to basic protection, including personal and physical security and shelter. Many IDPs, especially in households with a female head, faced difficulty obtaining basic services because they did not have identity documents. Many IDPs in urban areas reportedly faced discrimination, lacked adequate sanitation and other basic services, and lived in constant risk of eviction from illegally occupied displacement sites, according to the Internal Displacement Monitoring Center. Women in IDP camps reported high levels of domestic violence. Limited opportunities to earn a livelihood following the initial displacement often led to secondary displacement, making tracking of vulnerable persons difficult. Even IDPs who had access to local social services sometimes had less access than their non-IDP neighbors, due to distance from the services or other factors.

Protection of Refugees

Access to Asylum: The country is a signatory to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, which guarantee protection of refugees, including nonrefoulement. The Office of the UN High Commissioner for Refugees registers, and mitigates protection risks of, approximately 500 refugees in urban areas

throughout the country. Although the government has not adopted a draft national refugee law and asylum framework, it allows refugees and asylum-seekers access to education and health care.

Durable Solutions: The government did not officially accept refugees for resettlement, offer naturalization to refugees residing on its territory, or assist in their voluntary return to their homes. Registered refugee returns from Pakistan and Iran slowed to historically low levels during the year, with just 12,052 returns as of September 8, 75 percent less than the same period in 2017 when 48,055 Afghan refugees returned. The International Organization for Migration reported a significant increase in unregistered returnees during the year, with 545,708 in total as of September 8, due in large part to drought and the decline in value of the Iranian rial.

On June 16, the government announced its decision to join the Comprehensive Refugee Response Framework as a country of origin. Through its Displacement and Returnees Executive Committee, the government continued to develop policies to promote the inclusion of returnees and IDPs in national programs and to ensure dignified, voluntary repatriations and reintegration.

Stateless Persons

NGOs noted the lack of official birth registration for refugee children as a significant challenge and protection concern, due to the risk of statelessness and potential long-term disadvantage.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the opportunity to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Citizens exercised this ability in the 2014 presidential and provincial elections and the 2010 and 2018 parliamentary elections. Violence from the Taliban and other antigovernment groups and widespread allegations of fraud and corruption interfered with, but did not derail, the 2014 presidential elections and 2018 parliamentary elections. The constitution mandates parliamentary elections every five years, but the government's inability to agree on needed electoral reforms delayed the 2015 elections until 2018. Members of parliament remained in office past the June 2015 expiration of their five-year terms by virtue of a presidential decree.

Elections and Political Participation

Recent Elections: National parliamentary elections were held on October 20 and 21 in all but two provinces. Approximately four million out of 8.8 million registered voters cast ballots. Voting was postponed by one week in Kandahar due to an October 18 attack that killed provincial Chief of Police Abdul Raziq. The Independent Election Commission (IEC) had not set a date for parliamentary elections in Ghazni Province at year's end due to an earlier political dispute and protests that prevented the voter registration process

in that province. Although there was high voter turnout, the election was marred by irregularities, including fraudulent voter registration, voter intimidation, vote rigging, such as interference by IEC staff and police, and in some cases, polling stations forced to close due to pressure from local leaders. The Interior Ministry reported 44 people had been charged with “illegal interference in the election and fraud.”

The United Nations reported that groups, primarily the Taliban, used threats, intimidation, and harassment to quell voting. Fifty-six individuals were reportedly killed and 379 injured due to election-related violence, including one bombing in Kabul that killed 18. Radio Free Europe/Radio Liberty reported that attacks killed at least 10 parliamentary candidates prior to the election, but the motivation for and perpetrators of those attacks was not clear.

A number of technical issues also hindered the voting process, including errors on voter lists, missing voter lists, missing election supplies, and a shortage of poll workers. The last-minute introduction of biometric voter verification devices in the election preparation process caused confusion and contributed to delayed polling and long lines. On December 6, the Electoral Complaints Commission (ECC) invalidated the votes cast in Kabul Province due to complaints of fraud, mismanagement and other voting irregularities and called for a new vote; however, days later the ECC reversed its decision following a series of meetings with the government and the IEC and an agreement from the IEC to share more information from the recount of ballots from Kabul.

The IEC released preliminary parliamentary results for all provinces but Ghazni, Kabul, Nangarhar, Baghlan, and Paktia at year’s end.

Political Parties and Political Participation: The Political Party Law of 2003 granted parties the right to exist as formal institutions for the first time in the country’s history. Under this law any citizen 25 years or older may establish a political party. The law requires parties to have at least 10,000 members from the country’s 34 provinces to register with the Ministry of Justice, conduct official party business, and introduce candidates in elections. Only citizens who are 18 years or older and have the right to vote can join a political party. Certain members of the government, judiciary, military, and government-affiliated commissions are prohibited from political party membership during their tenure in office.

There were large areas of the country where political parties could not operate due to insurgencies and instability. Political parties played a greater role in the 2014 presidential elections than in previous elections, and the organization, networks, and public support of the parties that supported Abdullah and Ghani contributed to their success as presidential candidates.

Participation of Women and Minorities: No laws limit participation of women or members of minority groups in the political process. The constitution specifies a minimum number of seats for women and minorities in the two houses of parliament. For the Wolesi Jirga (lower house of the National Assembly), the constitution mandates that at least two women shall be elected from each province (for a total of 68). In the

2010 parliamentary elections, more women won seats than the minimum outlined in the constitution. The winners of the 2018 parliamentary election have not yet been announced. The constitution also mandates one-half of presidential appointees must be women. It also sets aside 10 seats in the Wolesi Jirga for members of the Kuchi minority (nomads). In the Meshrano Jirga (upper house of the National Assembly), the president's appointees must include two Kuchis and two members with physical disabilities. In practice, one seat in the Meshrano Jirga is reserved for the appointment of a Sikh or Hindu representative, although this is not mandated by the constitution.

Traditional societal practices continue to limit women's participation in politics and activities outside the home and community, including the need to have a male escort or permission to work. These factors, in addition to an education and experience gap, likely contributed to the central government's male-dominated composition. The 2016 electoral law mandates that 25 percent of all provincial, district, and village council seats “shall be allocated to female candidates.” Neither district nor village councils had been established by year's end.

Women active in government and politics continued to face threats and violence and were targets of attacks by the Taliban and other insurgent groups. No laws prevent minorities from participating in political life, although different ethnic groups complained of unequal access to local government jobs in provinces where they were in the minority. Individuals from the majority Pashtun ethnic group have more seats than any other ethnic group in both houses of parliament, but they do not have more than 50 percent of the seats. There was no evidence specific societal groups have been excluded. In past elections male family members could vote on behalf of the women in their families; however, the 2016 Electoral Law prohibited this practice, and the 2018 parliamentary election was the first where proxy voting for women was illegal.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. The government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Reports indicated corruption was endemic throughout society, and flows of money from the military, international donors, and the drug trade continued to exacerbate the problem.

The Construction Sector Transparency Initiative Afghanistan reported that during the last 15 years, many government infrastructure projects did not go through proper legal mechanisms but instead were based on favoritism. The organization estimated total embezzlement in the billions of dollars.

According to prisoners and local NGOs, corruption was widespread across the justice system, particularly in connection with the prosecution of criminal cases and in arranging release from prison. For example, there were multiple reports that judges would not release prisoners who had served their sentences without payment from

family members. There were also reports that officials received unauthorized payments in exchange for reducing prison sentences, halting investigations, or dismissing charges outright.

National-level survey data offered a mixed picture of corruption in the justice sector. The World Justice Project’s 2017 *Rule of Law* survey found moderate improvements in perceptions of government accountability. Nonetheless, experts polled for the report cited corrupt prosecutors as the biggest problem in criminal investigative services and corruption as the largest problem in criminal courts. Respondents to the poll increasingly believed that high-ranking government officials would be investigated for embezzlement, but they also named judges, magistrates, parliamentarians, and local government officials as most likely to be involved in corrupt practices. Respondents also reported widespread bribe taking by government officials and agencies, police, and hospitals.

During the year there were reports of “land grabbing” by both private and public actors. Most commonly, businesses illegally obtained property deeds from corrupt officials and sold the deeds to unsuspecting prospective homeowners who were later prosecuted. Other reports indicated government officials confiscated land without compensation with the intent to exchange it for contracts or political favors. There were reports provincial governments illegally confiscated land without due process or compensation in order to build public facilities.

Corruption: In September the president sent a legislative decree to Parliament to approve a new Anticorruption Law that established an independent Anticorruption Commission to oversee efforts to prevent and mitigate corruption. The new law codifies the June 2016 presidential decree establishing an independent Anticorruption Justice Center (ACJC) with responsibility for prosecuting high-level corruption cases. During the year case progress through the ACJC appeared to stall, despite dramatic increases in the number of prosecutors assigned to the ACJC. ACJC prosecutors receive salary top offs and housing. Nearly half of all ACJC prosecutors and MCTF officers in the anticorruption unit failed polygraph examinations for corruption. In addition, as of September 20, the MCTF had a backlog of more than 120 warrants and notices to appear at the ACJC.

According to various reports, many government positions, up to district or provincial governorships, could be suborned. Governors with reported involvement in corruption, the drug trade, or records of human rights violations reportedly continued to receive executive appointments and served with relative impunity. For example, President Ghani appointed Zia ul-Haq Amarkhel, who was disqualified by the Electoral Complaints Commission for corruption, as special presidential advisor for public and political affairs. Ghani also appointed governor of Herat Mohammad Yusuf Nuristani to the Senate, although he was the target of outstanding ACJC arrest warrants. ACJC prosecutors investigated Nuristani for unlawful land transfers and misuse of authority and obtained the arrest warrants after he failed to appear on summons and ignored subpoenas. Nuristani surrendered himself to authorities in November.

There were allegations of widespread corruption, and abuse of power by officers at the Ministry of Interior. Provincial police reportedly extorted civilians at checkpoints and received kickbacks from the drug trade. Police reportedly demanded bribes from civilians to gain release from prison or avoid arrest. Nearly half of MCTF officers in the anticorruption unit failed corruption polygraph examinations. Senior Ministry of Interior officials also refused to sign off on the execution of arrest warrants. More than 120 unexecuted ACJC arrest warrants were pending as of September. In one case Ministry of Interior officers served as the protective detail of ACJC warrant target Major General Zamari Paikan, and drove him in a Ministry of Interior armored vehicle. The Ministry of Defense also provided protection to Paikan. The ACJC convicted General Paikan in absentia for corruption in December 2017 and sentenced him to 8.5 years imprisonment, but the Ministry of Interior had not arrested him.

Financial Disclosure: The Law on Declaration and Registration of Assets of State Officials and Employees was issued by legislative decree of October 2017. The law established the Administration on Registration and Assets of Government Officials and Employees (Administration) under the Administrative Office of the President. All government officials, employees, and elected officials are required to declare their assets. The Administration was responsible for collecting, verifying, and publishing information from senior government officials. The High Office of Oversight was dissolved in March 2018. Under the law all government officials and employees must submit financial disclosures on all sources and levels of personal income for themselves and their immediate family, annually and when they assume or leave office. Individuals who do not submit forms or are late in submission are subject to suspension of employment, salary, and travel bans. Travel bans were implemented for individuals who did not submit their forms.

During the year the Administration successfully registered assets of nearly 15,000 government employees, a significant increase over past years. Verification of assets continued to be slow and problematic for the Administration due to lack of organized systems in some government offices. Public outreach by the Administration allowed civil society and private citizen the opportunity to comment on individual declarations. As of September only two members of parliament had declared their assets.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Human rights activists continued to express concern that human rights abusers remained in positions of power within the government.

Government authorities undertook efforts in 2017 to amend the penal code and criminal procedure code to facilitate national investigations and prosecutions of atrocity crimes. The new Penal Code incorporates crimes against humanity provisions from the Rome Statute.

Government Human Rights Bodies: The constitutionally mandated AIHRC continued to address human rights problems, but it received minimal government funding and relied almost exclusively on international donor funds. Three Wolesi Jirga committees deal with human rights: the Gender, Civil Society, and Human Rights Committee; the Counternarcotics, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga, the Committee for Gender and Civil Society addresses human rights concerns.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The EVAW law, as amended during the year by a presidential decree, criminalizes 22 acts of violence against women, including rape; battery or beating; forced marriage; humiliation; intimidation; and deprivation of inheritance. The new Penal Code criminalizes rape of both women and men. The law provides for a minimum sentence of five to 16 years' imprisonment for rape, or up to 20 years if one or more aggravating circumstances is present. If the act results in the death of the victim, the law provides for a death sentence for the perpetrator. The new Penal Code also explicitly criminalizes statutory rape and, for the first time, prohibits the prosecution of rape victims for zina (sex outside of marriage). The law provides for imprisonment of up to seven years for aggression to the chastity or honor of a female “[that] does not lead to penetration to anus or vagina”. Under the law rape does not include spousal rape. Authorities did not always fully enforce these laws.

Prosecutors and judges in remote provinces were frequently unaware of the EVAW law or received pressure to release defendants due to familial loyalties, threat of harm, or bribes, or because some religious leaders declared the law un-Islamic. Female victims faced stringent societal reprisal, ranging from imprisonment to extrajudicial killing. In September police in Faryab Province arrested a woman who appeared in an online sex video with a self-proclaimed mullah on charges of zina. The mullah, who remains at large, was suspected of sexual exploitation and rape of several women who came to him for help. Interpretations of sharia also impeded successful prosecution of rape cases.

The new Penal Code criminalizes forced virginity testing under Article 640 except when conducted pursuant to a court order or with the consent of the individual. Awareness and enforcement of this change remained limited. In July the Ministry of Public Health issued a policy prohibiting health clinics and hospitals from performing virginity tests. There were reports police, prosecutors, and judges continued to order virginity tests in cases of “moral crimes” such as zina. Women who sought assistance in cases of rape were often subject to virginity tests.

The penal code criminalizes assault, and courts convicted domestic abusers under this provision, as well as under the “injury and disability” and beating provisions in the EAW law. According to NGO reports, millions of women continued to suffer abuse at the hands of their husbands, fathers, brothers, in-laws, armed individuals, parallel legal systems, and institutions of state, such as the police and justice systems.

Due to cultural normalization and a view of domestic violence as a family matter, domestic violence often remained unreported. The justice system’s response to domestic violence was insufficient, in part due to underreporting, preference toward mediation, sympathy toward perpetrators, corruption, and family or tribal pressure. There were EAW prosecution units in all 34 provinces, and EAW court divisions operated at the primary and appellate levels in at least 16 provinces. In August Taliban members shot and killed a woman in Jawzjan Province. According to the governor’s spokesman, the woman had fled some months earlier to a safe house in Sheberghan city due to domestic violence. She returned home after local mediation but was later shot by Taliban members.

Space at the 28 women’s protection centers across the country was sometimes insufficient, particularly in major urban centers, and shelters remained concentrated in the western, northern, and central regions of the country. Some women did not seek legal assistance for domestic or sexual abuse because they did not know their rights or because they feared prosecution or being sent back to their family or the perpetrator.

At times women in need of protection ended up in prison, either because their community lacked a protection center or because the local interpretation of “running away” as a moral crime. Adultery, fornication, and kidnapping are criminal offenses. Running away is not a crime under the law, and both the Supreme Court and the Attorney General’s Office have issued directives to this effect, but some local authorities continued to detain women and girls for running away from home or “attempted zina”. The Ministry of Women’s Affairs, as well as nongovernmental entities, sometimes arranged marriages for women who could not return to their families.

Other Harmful Traditional Practices: The law criminalizes forced, underage, and baad marriages (the practice of settling disputes in which the culprit’s family trades a girl to the victim’s family) and interference with a woman’s right to choose her spouse. NGOs report instances of baad still practiced, often in more remote provinces. The practice of exchanging brides between families has not been criminalized and remained widespread. In July a man killed a nine-year-old who had been sold to him as a bride for 972,000 Afghanis (\$13,500) by her family.

Honor killings continued throughout the year. In April a man stabbed his sister to death in an apparent honor killing in Andkhoy District, Faryab Province, after bringing a knife into a building where she was under protection. In a May report on Mediation of Criminal Offenses of Violence against Women, UNAMA reported documenting 280 instances of murder and honor killing between January 2016 and December 2017 with only 18 percent of these resulting in conviction and imprisonment. The report found

that despite the EAW law, government institutions often pressured victims to resolve their cases through mediation for serious offenses, which the EAW law prohibits, resulting in impunity for perpetrators.

Sexual Harassment: The 2017 Antiharassment Law went into effect in January and criminalizes all forms of harassment of women and children, including physical, verbal, psychological, and sexual. Under this law all government ministries are required to establish a committee to review internal harassment complaints and support appropriate resolution of these claims. Implementation and enforcement of the law remained limited and ineffective. The AIHRC reported that more than 85 percent of women and children faced various forms of harassment. Women who walked outside alone or who worked outside the home often experienced harassment, including groping, catcalling, and being followed. Women with public roles occasionally received threats directed at them or their families.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women who reported cases of abuse or who sought legal redress for other matters reported they experienced discrimination within the judicial system. Some observers, including female judges, asserted that discrimination was a result of faulty implementation of law. Limited access to money and other resources to pay fines (or bribes) and the social requirement for women to have a male guardian affected women’s access to and participation in the justice system.

Prosecutors and judges in some provinces continued to be reluctant to use the EAW law, and judges would sometimes replace those charges with others based on the penal code.

The law provides for equal work without discrimination, but there are no provisions for equal pay for equal work. The law criminalizes interference with a woman’s right to work. Women faced discrimination in access to employment and terms of occupation. Overall, 22 percent of civil servants and 5 percent of security forces were women, including 3,000 female police and 1,400 female soldiers.

Children

Birth Registration: A citizen father transmits citizenship to his child. Birth in the country or to a citizen mother alone does not transfer citizenship. Adoption is not legally recognized.

Education: Education is mandatory up to the lower secondary level (six years for primary school and three years for lower secondary), and the law provides for free education up to and including the college level. UNICEF reported that 3.7 million children were not in school due to discrimination, poverty, lack of access, and continuing conflict, among other reasons. UNAMA also noted that armed groups tried to restrict girls’ access to education. In February threats forced the closure of girls’

schools in several villages in Farah Province, temporarily denying education to more than 3,500 girls. When the schools reopened 10 days later, the vast majority of the girls were initially afraid to return.

Key obstacles to girls’ education included poverty, early and forced marriage, insecurity, a lack of family support, lack of female teachers, and a lack of nearby schools. An October 2017 Human Rights Watch report observed that the government provided fewer schools for girls than boys and that the lack of basic provisions in many schools for security, privacy, and hygiene, including boundary walls, toilets, and water, also disproportionately affected girls.

Violent attacks on schoolchildren, particularly girls, also hindered access to education, particularly in areas controlled by the Taliban. The Taliban and other extremists threatened and attacked school officials, teachers, and students, particularly girls, and burned both boys’ and girls’ schools. There were press reports of sexual abuse perpetrated by teachers and school officials, particularly against boys. The government claimed families rarely pressed charges due to shame and doubt that the judicial system would respond. There were reports that both insurgent groups and government forces used school buildings for military purposes.

Child Abuse: The revised Penal Code criminalizes child abuse and neglect. The penalty for beating, or physically or mentally disciplining or mistreating a child, ranges from a cash fine of 10,000 Afghanis (approximately \$130) to one-year in prison as long as the child does not sustain a serious injury or disability. Endangering the life of a child carries a penalty of one to two years in prison or a cash fine of 60,000 to 120,000 Afghanis (approximately \$800 to \$1,600).

Police reportedly beat and sexually abused children. Children who sought police assistance for abuse also reported being further harassed and abused by law enforcement officials, particularly in bacha bazi (sexual entertainment) cases, deterring victims from reporting their claims. NGOs reported a predominantly punitive and retributive approach to juvenile justice throughout the country. Although it is against the law, corporal punishment in schools, rehabilitation centers, and other public institutions remained common.

There were reports some members of the security forces and progovernment groups sexually abused and exploited young girls and boys. During the first six months of the year, UNAMA documented credible reports of five cases of sexual abuse involving six boys, attributed to the Afghan National Police, and Afghan Local Police. In June 2017 in Daikundi Province, an ANDSF commander sexually abused a teenager, who later committed suicide. There were multiple reports of bacha bazi, a practice in which men exploit boys for social and sexual entertainment. According to media and NGO reports, many of these cases went unreported or were referred to traditional mediation, which often allowed perpetrators to reoffend.

The government took steps to discourage the abuse of boys and to prosecute or punish those involved. The new Penal Code criminalizes bacha bazi as a separate crime, and builds on the 2017 Law to Combat Crimes of Trafficking in Persons and Smuggling in

Migrants (TIP Law), which includes provisions criminalizing behaviors associated with the sexual exploitation of children. Despite the inclusion of bacha bazi in the Penal Code, as of August there were no convictions under the law.

Early and Forced Marriage: Despite a law setting the legal minimum age for marriage at 16 for girls (15 with the consent of a parent or guardian or the court) and 18 for boys, international and local observers continued to report widespread early and forced marriages throughout the country. Under the EVAW law, those who enter into or arrange forced or underage marriages are subject to imprisonment for not less than two years, but implementation of the law was limited. According to a July report, *Child Marriage in Afghanistan*, by UNICEF and the Ministry of Labor, Social Affairs, Martyrs and Disabled, 34 percent of women and 7 percent of men ages 20 to 24 had been married before the age of 18. In 2017 the government launched a five-year *National Action Plan to Eliminate Early and Child Marriage*.

By law a marriage contract requires verification that the bride is 16 years of age (or 15 with the permission of her parents or a court), but only a small fraction of the population had birth certificates.

There were reports from Badakhshan Province that Taliban militants bought young women to sell into forced marriage. The UN Development Program Legal Aid Grant Facility reported women increasingly petitioned for divorce.

Sexual Exploitation of Children: The law criminalizes sexual exploitation of children. In addition to outlawing the practice of bacha bazi, the new Penal Code provides that, “[i]f an adult male has intercourse with a person under the legal age, his act shall be considered rape and the victim’s consent is invalid.” The Penal Code also treats nonstatutory rape of a child as an aggravated form of the offense, punishable by up to 20 years in prison. The EVAW Law prescribes a penalty of 10 to 15 years’ imprisonment for forcing an underage girl into prostitution. Taking possession of a child for sexual exploitation or production of pornographic films or images constitutes trafficking in persons under the 2017 TIP Law regardless of whether other elements of the crime are present.

Child Soldiers: In February 2016 the Law on Prohibition of Children’s Recruitment in the Military became effective. Under the revised Penal Code, recruitment of children in military units carries a penalty of six months to one year in prison. There were reports the ANDSF and progovernment militias recruited and used children in a limited number of cases, and the Taliban and other antigovernment elements recruited children for military purposes (see section 1.g.). Media reported that local progovernment commanders recruited children younger than age 16. The Taliban and other antigovernment groups regularly recruited and trained children to conduct attacks.

Displaced Children: During the year NGOs and government offices reported high numbers of returnee and drought-displaced families and their children in border areas, specifically Herat and Jalalabad. Although the government banned street begging in 2008, NGOs and government offices reported large numbers of children begging and living in the streets of major cities.

Institutionalized Children: Living conditions for children in orphanages were poor. NGOs reported up to 80 percent of children between ages four and 18 years in the orphanages were not orphans but came from families that could not provide food, shelter, or schooling. Children in orphanages reported mental, physical, and sexual abuse and occasionally were victims of trafficking. They did not have regular access to running water, heating in winter, indoor plumbing, health services, recreational facilities, or education. Security forces kept child detainees in juvenile detention centers run by the Ministry of Justice, except for a group of children arrested for national security violations who stayed at the detention facility in Parwan. NGOs reported these children were kept separate from the general population but still were at risk of radicalization.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html> (<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>) .

Anti-Semitism

There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>) .

Persons with Disabilities

The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons with disabilities and to protect their rights, including the rights to health care and financial protection. The constitution also requires the state to adopt measures to reintegrate and provide for the active participation in society of persons with disabilities. The Law on the Rights and Benefits of Disabled Persons provides for equal rights to, and the active participation of, such persons in society. Observers reported that both the constitution and disabilities rights law are mostly ignored and unenforced.

Persons with disabilities faced barriers such as limited access to educational opportunities, inability to access government buildings, lack of economic opportunities, and social exclusion due to stigma.

Lack of security remained a challenge for disability programs. Insecurity in remote areas, where a disproportionate number of persons with disabilities lived, precluded delivery of assistance in some cases. The majority of buildings remained inaccessible to persons with disabilities, prohibiting many from benefitting from education, health care, and other services.

In the Meshrano Jirga, authorities reserved two of the presidentially appointed seats for persons with disabilities. Per law, 3 percent of all government positions are reserved for persons with disabilities, but government officials admitted the law was not enforced.

Disability rights activists reported that corruption prevented some persons with disabilities from receiving benefits. There were reports that government officials redirected scholarship funds for persons with disabilities to friends or family through fraud and identity theft. NGOs and government officials also reported that associations of persons with disabilities attempted to intimidate ministry employees in an effort to secure benefits such as apartments.

National/Racial/Ethnic Minorities

Ethnic tensions between various groups continued to result in conflict and killings. Societal discrimination against Shia Hazaras continued along class, race, and religious lines in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse, and detention. According to NGOs, the government frequently assigned Hazara ANP officers to symbolic positions with little authority within the Ministry of Interior. NGOs also reported Hazara ANDSF officers were more likely than non-Hazara officers to be posted to insecure areas of the country. During the year ISIS-K continued escalating attacks against the Hazara community. Attacks against the Shia, predominantly Hazara, population, resulted in 705 civilian casualties, including 211 deaths between January 1 and September 30. On September 5, another ISIS-K bombing targeting a sports center killed 20. Both attacks took place in the Shia neighborhood of Dasht-e Barchi in Kabul.

Sikhs and Hindus faced discrimination, reporting unequal access to government jobs and harassment in school, as well as verbal and physical abuse in public places. On July 1, ISIS-K killed 19 people in a Jalalabad suicide bombing targeting the Sikh community. The attack killed the only Sikh candidate for the October parliamentary elections. Ultimately, the Sikh candidate's son ran in his place. According to the Sikh and Hindu Council of Afghanistan, there were approximately 900 members of the Sikh and Hindu community in the country.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual conduct, and there were reports of harassment and violence by society and police. The law does not prohibit discrimination or harassment based on sexual orientation or gender identity. Homosexuality was

widely seen as taboo and indecent. Members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community did not have access to certain health services and could be fired from their jobs because of their sexual orientation. Organizations devoted to protecting the freedom of LGBTI persons remained underground because they could not legally register with the government. Members of the LGBTI community reported they continued to face arrest by security forces and discrimination, assault, rape by society at large.

HIV and AIDS Social Stigma

There were no confirmed reports of discrimination or violence against persons with HIV/AIDS, but there was reportedly serious societal stigma against persons with AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to join and form independent unions and to conduct legal strikes and bargain collectively, and the government generally respected these rights, although it lacked enforcement tools. The law, however, provides no definition of a union or its relationship with employers and members, nor does it establish a legal method for union registration or penalties for violations. The law does not prohibit antiunion discrimination or provide for reinstatement of workers fired for union activity. Other than protecting the right to participate in a union, the law provides no other legal protection for union workers or workers seeking to unionize.

Although the law identifies the Ministry of Labor, Social Affairs, Martyrs, and Disabled's Labor High Council as the highest decision-making body on labor-related issues, the lack of implementing regulations prevented the council from performing its function. There was an inspection office within the ministry, but inspectors could only advise and make suggestions. As a result, the application of labor law remained limited because of a lack of central enforcement authority, implementing regulations that describe procedures and penalties for violations, funding, personnel, and political will.

The government allowed several unions to operate, but it interfered with the National Union of Afghanistan Workers and Employees (NUAWE). The government issued a decree in 2016 mandating the nationalization of property belonging to several Afghan trade unions. After international organizations protested the government's actions in April, police and military raided and sealed NUAWE offices in Kabul and 28 of their regional offices in apparent retaliation. Freedom of association and the right to bargain collectively were sometimes respected, but most workers were not aware of these rights. This was particularly true of workers in rural areas or the agricultural sector, who had not formed unions. In urban areas, the majority of workers participated in the informal sector as day laborers in construction, where there were neither unions nor collective bargaining.

b. Prohibition of Forced or Compulsory Labor

The law does not sufficiently criminalize forced labor and debt bondage. Men, women, and children are exploited in bonded labor, where an initial debt assumed by a worker as part of the terms of employment is exploited, ultimately entrapping other family members, sometimes for multiple generations. This type of debt bondage is common in the brick-making industry. Some families knowingly sell their children into sex trafficking, including for bacha bazi (see section 7.c.).

Government enforcement of the law was ineffective; resources, inspections, and remediation were inadequate; and the government made minimal efforts to prevent and eliminate forced labor. Penalties were insufficient to deter violations.

Also, see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/. (<http://www.state.gov/j/tip/rls/tiprpt/>)

c. Prohibition of Child Labor and Minimum Age for Employment

The labor law sets the minimum age for employment at 15 but permits 14-year-olds to work as apprentices, allows children who are age 15 and older to do light nonhazardous work, and permits children 15 through 17 to work up to 35 hours per week. The law prohibits children younger than age 14 from working under any circumstances. The law also bans the employment of children in hazardous work that is likely to threaten their health or cause disability, including mining and garbage collection; work in blast furnaces, waste-processing plants, and large slaughterhouses; work with hospital waste; drug-related work; security guard services; and work related to war.

Poor institutional capacity was a serious impediment to effective enforcement of the labor law. Deficiencies included the lack of penalty assessment authorization for labor inspectors, inadequate resources, inspections, remediation, and penalties for violations.

Child labor remained a pervasive problem. In May the AIHRC surveyed conditions for children in the workplace and found that 90 percent of employed minor respondents worked more than 35 hours every week and that more than 15 percent reported suffering sexual abuse in the workplace. Child laborers worked as domestic servants, street vendors, peddlers, and shopkeepers. There was child labor in the carpet industry, brick kilns, coalmines, and poppy fields. Children were also heavily engaged in the worst forms of child labor in mining, including mining salt, commercial sexual exploitation (see section 6, Children), transnational drug smuggling, and organized begging rings. Some forms of child labor exposed children to land mines. Children faced numerous health and safety risks at work. There were reports of recruitment of children by the ANDSF during the year. Taliban forces pressed children to take part in hostile acts (see section 6, Children).

Also, see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings (<http://www.dol.gov/ilab/reports/child-labor/findings>) .

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits discrimination and notes that citizens, both “man and woman”, have equal rights and duties before the law. It expressly prohibits discrimination based on language. The constitution contains no specific provisions addressing discrimination based on race, religion, national origin, color, sex, ethnicity, disability, or age. The penal code prescribes a term of imprisonment of not more than two years for anyone convicted of spreading discrimination or factionalism.

Women continued to face discrimination and hardship in the workplace. Women made up only 7 percent of the workforce. Many women faced pressure from relatives to stay at home and encountered hiring practices that favored men. Older and married women reported it was more difficult for them than for younger, single women to find jobs. Women who worked reported they encountered insults, sexual harassment, lack of transportation, and an absence of day-care facilities. Salary discrimination existed in the private sector. Female journalists, social workers, and police officers reported they were often threatened or abused. Persons with disabilities also suffered from discrimination in hiring.

Ethnic Hazaras, Sikhs, and Hindus faced discrimination in hiring and work assignments, in addition to broader social discrimination (see section 6, National/Racial/Ethnic Minorities).

e. Acceptable Conditions of Work

The minimum wage for permanent government workers was 6,500 Afghanis (\$90) per month. There was no minimum wage for permanent workers in the private sector, but the minimum wage for workers in the nonpermanent private sector was 5,500 Afghanis (\$76) per month. According to the Ministry of Economy, 52 percent of the population earned wages below the poverty line of 2,064 Afghanis (\$30) per month.

The law defines the standard workweek for both public- and private-sector employees as 40 hours: eight hours per day with one hour for lunch and noon prayers. The labor law makes no mention of day workers in the informal sector, leaving them completely unprotected. There are no occupational health and safety regulations or officially adopted standards. The law, however, provides for reduced standard workweeks for children ages 15 to 17, pregnant women, nursing mothers, and miners and workers in other occupations that present health risks. The law provides workers with the right to receive wages, annual vacation time in addition to national holidays, compensation for on-the-job injuries, overtime pay, health insurance for the employee and immediate family members, and other incidental allowances. The law prohibits compulsory work without establishing penalties and stipulates that overtime work be subject to the agreement of the employee. The law also requires employers to provide day care and nurseries for children.

The government did not effectively enforce these laws. Inspectors had no legal authority to enter premises or impose penalties for violations. Resources, inspections, remediation, and penalties for violations were inadequate and insufficient to deter violations.

Employers often chose not to comply with the law or preferred to hire workers informally. Most employees worked longer than 40 hours per week, were frequently underpaid, and worked in poor conditions, particularly in the informal sector. Workers were generally unaware of the full extent of their labor rights under the law. Although comprehensive data on workplace accidents were unavailable, there were several reports of poor and dangerous working conditions. Some industries, such as brick kiln facilities, continued to use debt bondage, making it difficult for workers to remove themselves from situations of forced labor that endangered their health or safety.

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