

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	323
Land:	Afghanistan
Kilde:	Freedom House.
Titel:	Freedom in the World 2009 – Afghanistan.
Udgivet:	16. juli 2009
Optaget på baggrundsmaterialet:	20. august 2009

Title	Freedom in the World 2009 - Afghanistan
Publisher	Freedom House
Country	Afghanistan
Publication Date	16 July 2009
Cite as	Freedom House, <i>Freedom in the World 2009 - Afghanistan</i> , 16 July 2009, available at: http://www.unhcr.org/refworld/docid/4a6452d71c.html [accessed 14 September 2009]

Freedom in the World 2009 - Afghanistan

Capital: Kabul

Population: 32,700,000

Political Rights Score: 5

Civil Liberties Score: 6

Status: Not Free

Status Change Explanation

Afghanistan's civil liberties rating declined from 5 to 6 and its status declined from Partly Free to Not Free due to rising insecurity and increasing corruption and inefficiency in government institutions.

Overview

With the 2009 national elections looming, Afghanistan's government in 2008 faced a critical security situation coupled with a growing crisis of legitimacy. Reform and development efforts continued to fall prey to insecurity, corruption, and inefficiency. Human rights abuses – at the hands of the government, international forces, and local strongmen – remained widespread. Ongoing insurgent and other violence increased during the year, affecting the capital and further hampering local and international organizations as they worked to rebuild Afghanistan's shattered infrastructure and institutions.

After decades of intermittent attempts to assert control and ward off Russian influence in the country, Britain recognized Afghanistan as a fully independent monarchy in 1921. Muhammad Zahir Shah ruled from 1933 until he was deposed in a 1973 coup. Afghanistan entered a period of continuous civil conflict in 1978, when a Marxist faction staged a coup and set out to transform the country's highly traditional society. The Soviet Union invaded to support its allies in 1979, but was defeated by U.S.-backed guerrillas and forced to withdraw in 1989.

The mujahideen guerrilla factions overthrew the Marxist government in 1992 and then battled one another for control of Kabul, killing more than 25,000 civilians in the capital by 1995. The Islamist Taliban movement entered the fray, seizing control of Kabul in 1996 and quickly establishing control over most of the country, the rest of which remained in the hands of other factions. In response to the terrorist attacks of September 11, 2001, the United States launched a military campaign to topple the Taliban regime and eliminate Saudi militant Osama bin Laden's terrorist network, Al-

Qaeda.

As a result of the December 2001 Bonn Agreement, an interim administration took office to replace the ousted Taliban. In June 2002, the United Nations oversaw an emergency *loya jirga* (gathering of representatives) that appointed a Transitional Administration (TA) to rule Afghanistan for a further two years. Interim leader Hamid Karzai won the votes of more than 80 percent of the delegates to become president and head of the TA. Apart from addressing the country's many development challenges, the TA's primary concern was to assert central government authority while curbing the power of regional strongmen.

A new constitution was ratified in January 2004. It described Afghanistan as an Islamic republic and called for a presidential system and a bicameral National Assembly. Another milestone was the 2004 presidential election, the first in more than 30 years. Karzai, the incumbent, won 55 percent of the vote, and in December he formed a cabinet that was a mix of technocrats and regional power brokers. Relatively peaceful elections were held in September 2005 for the new National Assembly and 34 provincial councils. However, a large number of warlords and others involved in organized crime and human rights abuses were elected.

The new parliament convened in December 2005, and since then it has made little progress on addressing political and economic reforms or passing key legislation. While some analysts had expressed concern that the legislative branch would be weak and largely subservient to the executive, it has often been at odds with the president, making it difficult for him to advance the government's agenda. A new political alliance, the United National Front of Afghanistan (UNFA), formed in February 2007 with the goal of switching to a parliamentary system and empowering a strong prime minister.

The UN-mandated International Security Assistance Force (ISAF), which had been managed by NATO since August 2003, completed the expansion of its security and reconstruction mission from Kabul to the rest of the country in 2006. In addition to the roughly 50,000 ISAF troops, a separate force of about 10,000 U.S. troops pursued a parallel counterterrorism mission. Despite the multinational troop presence and the development of the Afghan army, Afghanistan largely remained under the sway of local military commanders, tribal leaders, warlords, drug traffickers, and petty bandits. Meanwhile, the Taliban extended their influence over vast swaths of territory, particularly in the southern provinces of Kandahar and Helmand.

More than 4,000 civilians, police, soldiers, officials, and foreign aid workers were killed or injured during 2007 by an increasing number of insurgent attacks, air strikes by coalition forces, and recurrent fighting among factional militias and criminal gangs, and trends in 2008 suggested higher mortality rates due to conflict. Casualties among militants have also increased as coalition forces have aggressively engaged them throughout the southern provinces. Civilian casualties have fed resentment among Afghans and prompted repeated protests by the Afghan government. Kidnapping has also emerged as a major concern. Afghans are regularly kidnapped for ransom, while some locals and most foreigners are abducted to force prisoner exchanges or to be killed outright.

Suicide attacks are becoming more frequent, even in Kabul, which was previously regarded as a safe haven. This trend worsened in 2007 and 2008, with civilians continuing to bear the brunt of the violence. The more peaceful west and north of the country have witnessed an increase in attacks on aid workers, journalists, and others, both Afghan and foreign, in an apparent attempt to disrupt development work.

The marked deterioration in security poses a major challenge to the central and provincial governments' efforts to control areas under their jurisdiction, deliver basic services, and engage in vital reconstruction efforts. It has also had a negative effect on the ability of civil society and humanitarian organizations to operate freely. In 2008, attempts to contain the Taliban insurgency by nonmilitary means continued, partly through "reconciliation" efforts aimed at bringing former antigovernment actors into the

official fold before the 2009 presidential elections.

Political Rights and Civil Liberties

Afghanistan is not an electoral democracy. While elections have been held, significant problems remain with regard to the political framework, effective governance, and transparency. The directly elected president serves five-year terms and has the power to appoint ministers, subject to parliamentary approval. In the directly elected lower house of the National Assembly, the 249-seat Wolesi Jirga (House of the People), members stand for five-year terms, and in the 102-seat Meshrano Jirga (House of Elders), two-thirds of members are indirectly elected by the provinces while one-third are appointed by the president. At least 68 of the Wolesi Jirga seats are reserved for women, while 10 are reserved for the nomadic Kuchi community. Provisions for women's representation have also been made for the Meshrano Jirga and provincial councils.

The October 2004 presidential election was judged to be relatively free and fair despite allegations of intimidation by militias and insurgent groups, partisanship within the electoral administration, and other irregularities. Legislative elections originally scheduled for 2004 were postponed until September 2005 to allow more time for the government to map out district boundaries, conduct a census, enact election laws, and improve the security situation. These polls were also marred by what the electoral commission termed "serious localized fraud," intimidation, some violence, and other irregularities, although the overall results were broadly accepted by Afghans and the international community.

The elected central government is treated as legitimate by various regional strongmen, but its effective authority over many areas outside Kabul remains limited. Observers have expressed concern that more than half of elected members of parliament maintain ties to armed groups or are former warlords implicated in past human rights abuses. The balance of power between the executive and the legislature, as well as between the appointed provincial governors and newly elected local bodies, remains contentious and subject to negotiation. Current political conflicts between the two branches center on the timing of the 2009 presidential election, with the National Assembly insisting that it be held in May 2009 to uphold the terms of the constitution, and the president and international community expressing concerns about security and the country's ability to conduct free and fair elections by spring.

Restrictions on political activity continue. Levels of political freedom are higher in urban centers, but violence, insecurity, and repression prevail nationwide. Critics have warned that the 2003 Political Parties Law's vague language could be exploited to deny registration to parties on flimsy grounds. In addition, analysts viewed the adoption of the single-nontransferable-vote system for the 2005 legislative elections as a disadvantage for new political parties. Parties lack a formal role within the legislature, which further weakens their ability to contribute to stable political, policymaking, and legislative processes. There were a number of violent incidents against members of the Afghan government, including assassination attempts on President Karzai.

Corruption, nepotism, and cronyism are rampant, and woefully inadequate salaries exacerbate corrupt behavior by public-sector workers. Apart from security, donors and other observers maintain that corruption and waste in the government are the foremost challenges to the country's sustainable development. Afghanistan was ranked 176 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Afghan media continue to grow and diversify but faced rising threats in 2008, mostly in the form of physical attacks and intimidation. Though a new media law has sought to clarify press freedoms and limit the involvement of government in the workings of the free press, a growing number of journalists have been arrested, threatened, or harassed by politicians, security services, and others in positions of power as a result of their coverage. The most high profile case of intimidation against the press has been that of Parwez Kambakhsh, a journalist with the daily newspaper Janan-e-Naw, who was

originally sentenced to death for blasphemy in January 2008, though his sentence was commuted to twenty years imprisonment in October. Media diversity and freedom are markedly higher in Kabul than elsewhere in the country, but some local warlords display limited tolerance for independent media in their areas. Dozens of private radio stations and several private television channels currently operate. Some independent outlets and publications have been criticized by conservative clerics for airing programs that "oppose Islam and national values," or fined by the authorities for similar reasons. The use of the internet and mobile telephones continues to grow rapidly and has broadened the flow of news and other information, particularly for urban Afghans.

Religious freedom has improved since the fall of the ultraconservative Taliban government in late 2001, but it is still hampered by violence and harassment aimed at religious minorities and reformist Muslims. The new constitution establishes Islam as the official religion. Blasphemy and apostasy by Muslims are considered capital crimes. While faiths other than Islam are permitted, non-Muslim proselytizing is strongly discouraged. A 2007 court ruling found the minority Baha'i faith to be a form of blasphemy, jeopardizing the legal status of that community. Hindus, Sikhs, and Shiite Muslims – particularly those from the Hazara ethnic group – have also faced official obstacles and discrimination by the Sunni Muslim majority. Militant groups have occasionally targeted mosques and clerics as part of the larger civil conflict.

Academic freedom is not officially restricted. In an effort to counter the teaching of extremist ideologies in Taliban-dominated religious schools, the government announced plans in 2007 to open state-run madrassahs. Militant attacks on schools worsened in 2006 and 2007, but the trend reversed somewhat in 2008. Meanwhile, the quality of school instruction and resources remains poor, and higher education is subject to bribery and prohibitively expensive for most Afghans.

The constitution has formally restored rights to assembly and association, subject to some restrictions, but they are upheld erratically from region to region. Police and other security personnel have occasionally used excessive force when confronted with demonstrations or protests.

The work of hundreds of international and Afghan nongovernmental organizations (NGOs) is not formally constrained by the authorities, but their ability to operate freely and effectively is impeded by the worsening security situation and increasingly confining bureaucratic rules. Both foreign and Afghan NGO staff have been targeted for kidnapping or violent attack by criminals and insurgents, and security incidents against NGOs are on the rise. Civil society activists, particularly those who focus on human rights or accountability issues, continue to face some threats and harassment. Despite broad constitutional protections for workers, labor rights are not well defined, and there are currently no enforcement or dispute-resolution mechanisms. Child labor is reportedly common.

The judicial system operates haphazardly, and justice in many places is administered on the basis of a mixture of legal codes by inadequately trained judges. Corruption in the judiciary is extensive, and judges and lawyers are often subject to threats from local leaders or armed groups. Traditional justice remains the main recourse for the population, particularly in rural areas. The Supreme Court, composed of religious scholars who have little knowledge of civil jurisprudence, is particularly in need of reform. Prison conditions are extremely poor, with many detainees held illegally, and a massive June 2008 prison break by the Taliban in Kandahar freed hundreds of inmates. Some warlords, political leaders, and the national intelligence agency maintain their own prisons and do not allow access to detainees. Human Rights First also reported on poor judicial standards and practices applied to Afghan detainees transferred from U.S. custody at Guantanamo Bay, revealing further shortcomings in the legal system.

In a prevailing climate of impunity, government ministers as well as warlords in some provinces sanction widespread abuses by the police, military, and intelligence forces under their command, including arbitrary arrest and detention, torture, extortion, and extrajudicial killings. The Afghan Independent Human Rights Commission (AIHRC), which

was formed in 2002 and focuses on raising awareness of human rights issues as well as monitoring and investigating abuses, receives hundreds of complaints of rights violations each year. In addition to the abuses by security forces, reported violations have involved land theft, displacement, kidnapping, child trafficking, domestic violence, and forced marriage.

Human Rights Watch has documented numerous cases of abuse of Afghan detainees by U.S. forces over the past several years, and eight detainees are confirmed to have died while in U.S. custody. Few of the U.S. service personnel involved have been charged or punished. Human Rights First reports that Afghan detainees who are handed over by the U.S. government face further loss of rights and liberty at the hands of Afghan officials.

The Afghan National Army continued to grow in 2008, with strong donor support. Existing soldiers are reportedly well trained and have participated ably in a variety of counterterrorism operations. In contrast, the National Police are plagued by inadequate training, illiteracy, corruption, involvement in drug trafficking, and high levels of desertion. The intelligence service, the National Directorate of Security, lacks transparency and stands accused of serious human rights violations.

An estimated 2,000 illegal armed groups, with as many as 125,000 members, continue to operate. A voluntary disarmament, demobilization, and reintegration (DDR) program targeting irregular militia forces between 2003 and 2005, and the follow-up Disbandment of Illegal Armed Groups (DIAG) initiative, succeeded in demobilizing over 60,000 militiamen and collected a considerable amount of weaponry. However, the disarmament process never evolved to the enforcement stage as planned, and international programs supported by the United States, Britain, and Canada to rearm informal militias as a counterinsurgency force are actively undermining efforts to curtail and regulate the use of illegal arms. The question of sidelining illegal armed groups from political life remains contentious, and will be even more significant in the country's elections in 2009 and 2010 as Afghan law demands such groups be excluded from elections, but Afghan institutions lack the will and capacity to enforce this ban. Such groups continue to entrench and reinforce their power bases through legitimate and illegitimate means, and ultimately pose a permanently troubling threat to stability and good governance.

More than 150,000 civilians remain displaced within the country; some 100,000 more have been displaced in the last two years as a result of increased fighting. Humanitarian agencies and Afghan authorities are ill-equipped to deal with the displaced. Factors like the poor security situation and widespread land-grabbing have prevented refugees from returning to their homes, and many congregate instead around major urban centers. In the absence of a properly functioning legal system, the state remains unable to protect property rights.

Women's formal rights to education and employment have been restored, and in some areas women are once again participating in public life. Women accounted for about 10 percent of the candidates in the 2005 parliamentary elections, and roughly 41 percent of registered voters were women. However, female participation was limited by threats, harassment, and social restrictions on traveling alone and appearing in public. Despite women's political gains, social discrimination and violence remain pervasive, with domestic violence occurring in an estimated 95 percent of households, according to one survey. Women's choices regarding marriage and divorce remain circumscribed by custom and discriminatory laws, and the forced marriage of young girls to older men or widows to their husbands' male relations is a problem. Nearly 60 percent of Afghan girls are married before the legal age of 16, according to UNICEF. However, in March 2007 the Supreme Court approved a new formal marriage contract stipulating that the bride must be at least 16, a move welcomed by activists who hope that it will lead to fewer underage marriages. As a result of increasing lawlessness, women and children are subject to abduction, trafficking, and sexual violence.

