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Freedom in the World 2011 - Afghanistan

Capital: Kabul

Population: 28,396,000

Political Rights Score: 6 *

Civil Liberties Score: 6 *

Status: Not Free

Trend Arrow ↓

Afghanistan received a downward trend arrow due to fraudulent parliamentary elections in September 2010.

Overview

The September 2010 parliamentary elections, which were characterized by widespread fraud, did little to repair the credibility of Afghan political institutions following the flawed 2009 presidential poll. U.S.-led military forces attempted to implement their new strategy to stabilize the country, but its effects on the resilient Taliban insurgency remained uncertain. Meanwhile, Afghan civilians suffered high casualty rates during the year, while government corruption, restrictions on press freedom, and violence against women remained serious problems.

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 and a republic was declared. 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 finally 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 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 another 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.

In 2004, Karzai won a presidential election under the country's new constitution, taking 55 percent of the vote and forming a cabinet that was a mix of technocrats and regional powerbrokers. Relatively peaceful elections for a National Assembly and 34 provincial councils were held in September 2005. However, a large number of warlords and others involved in organized crime and human rights abuses were elected.

The new parliament made little progress over the next several years on addressing political and economic reforms or passing key legislation. While some analysts had expressed concern that the legislative branch would be largely subservient to the executive, it was often at odds with the president, making it difficult for him to advance the government's agenda.

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. Despite tens of thousands of additional U.S. and allied troops, and the ongoing 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 resurgent Taliban increased their attacks on the government and international forces, and steadily extended their influence over vast swaths of territory, particularly in the southern provinces of Kandahar and Helmand, but also in previously quiet areas of the north and west.

The constitution called for the 2009 presidential election to be held by April, with incumbent president Hamid Karzai's term due to expire in May, but delays in passing the electoral law and slow international coordination resulted in the election being postponed until August. Fraud and manipulation during the voter registration process, low voter turnout, a compromised electoral management body, and insecurity in most of the country undermined the balloting. Karzai initially emerged as the outright winner with more than 50 percent of the vote, but the confirmation of large-scale fraud significantly reduced his total, necessitating a November runoff against his main opponent, former foreign minister Abdullah Abdullah. However, Abdullah withdrew before the vote could be held, arguing that the flaws in the electoral system had not been adequately addressed, and Karzai was declared the winner.

Lingering doubts about the Karzai administration's legitimacy, combined with the continued deterioration in security, posed a major challenge to the central and provincial governments as they struggled to control areas under their jurisdiction, deliver basic services, and engage in vital reconstruction efforts.

The country's institutional integrity was dealt another blow when the September 2010 parliamentary elections proved to be deeply flawed. Voter turnout remained low, largely because of intimidation and violence by insurgents, who killed over 30 people on election day; women were particular targets of threats and violence. At least 1,000 electoral workers were accused of perpetrating fraud, and the electoral commission declared that it had discovered misplaced ballots from over 500 polling stations. In December, President Karzai established a Special Election Court (SEC) to adjudicate fraud complaints. Most candidates ran as independents, as few political parties were accredited in time for the election. Fewer members of the Pashtun ethnic group – the dominant ethnic group in Afghanistan – were elected in 2010 than in 2005.

Also in 2010, the United States and its NATO allies struggled to implement effective counterinsurgency practices and accelerate the training of Afghan soldiers and police. The Afghan Army surpassed growth targets and training showed some improvement, and Kabul and its environs were moderately secure in the hands of the Afghan Army and police at year's end. Although allied forces sought to protect the civilian population and

limit destructive tactics such as air strikes, civilian casualties mounted swiftly as the fighting escalated. Following allegations of U.S. Army soldiers randomly firing at Afghan citizens, Staff Sergeant Robert Stevens pleaded guilty to aggravated assault, among other charges, and was sentenced in December to nine months in confinement and a reduction in rank.

The Karzai government's efforts to win over Taliban fighters and negotiate with elements of the Taliban leadership yielded few tangible results during the year. One supposed Taliban envoy was revealed in November to have been an imposter, and another Taliban leader, Mullah Omar, ruled out the possibility of peace talks with the Afghan government. Approximately 900 Taliban operatives were killed in allied military operations in 2010.

Political Rights and Civil Liberties

Afghanistan is not an electoral democracy. The overall results of the 2004 presidential election and delayed 2005 parliamentary elections were broadly accepted by Afghans and the international community, despite allegations of intimidation by militias and insurgent groups, partisanship within the electoral administration, and other irregularities. However, the 2009 presidential and 2010 parliamentary elections were critically undermined by fraud and other problems, and state institutions have failed to provide effective governance or transparency. Afghanistan's district council elections, which were scheduled to take place in 2010, were canceled.

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. In the 102-seat Meshrano Jirga (House of Elders), the upper house, 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 implemented for the Meshrano Jirga and provincial councils.

Violence, insecurity, and repression continue to restrict political activity nationwide, particularly outside urban areas. Critics have warned that vague language in the 2003 Political Parties Law 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 have been regular violent attacks against government officials at all levels, including assassination attempts aimed at the president.

The international community, concerned that government corruption is crippling the counterinsurgency campaign, has called on the Karzai administration to make the issue its top priority. However, a number of high-profile incidents in 2010 illustrated a lack of political will to address the problem. Karzai intervened to thwart a graft case against a top aide in July, and subsequently sought to curb the independence of foreign-funded anticorruption bodies. In September, a public scandal involving the collapse of one of Afghanistan's largest banks revealed how government officials, their family members, and well-connected businessmen colluded to enrich themselves at the expense of ordinary depositors and citizens. And in October, the president admitted that his administration routinely received large amounts of cash from the Iranian and other foreign governments. The Afghan government's failings with respect to transparency and accountability are often exacerbated by disjointed international involvement. Corruption, nepotism, and cronyism are rampant at all levels, and woefully inadequate salaries encourage corrupt behavior by public employees. In what appeared to be a demonstration that it was taking action against corruption, the Afghan government in November 2010 banned 150 nongovernmental organizations (NGOs), mostly local groups, for defying financial reporting procedures. Afghanistan was ranked 176 out of 178 countries surveyed in Transparency International's 2010 Corruption Perceptions Index.

Afghan media continue to grow and diversify, but face major challenges including physical attacks and intimidation. Though a 2007 media law was intended to clarify press freedoms and limit government interference, a growing number of journalists have been arrested, threatened, or harassed by politicians, security services, and others in positions of power as a result of their coverage. The most prominent case of state intimidation has been that of Parwez Kambakhsh, a journalist with the daily newspaper *Janan-e-Naw* who was sentenced to death for blasphemy in January 2008 before being pardoned in 2009. 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 residents.

Religious freedom has improved since the fall of the Taliban government in late 2001, but it is still hampered by violence and harassment aimed at religious minorities and reformist Muslims. The constitution establishes Islam as the official religion. Blasphemy and apostasy by Muslims are considered capital crimes. While faiths other than Islam are permitted, non-Muslim proselytizing is strongly discouraged, and there are restrictions on religious conversion from Islam. 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 targeted mosques and clerics as part of the larger civil conflict.

Aside from constitutional provisions regarding the role of Islam in education, academic freedom is not officially restricted, but insurgents have attacked or destroyed schools associated with the government or foreign donors, particularly girls' schools. The quality of school instruction and resources remains poor, and higher education is subject to bribery and prohibitively expensive for most Afghans.

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

The work of hundreds of international and Afghan 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 restrictive bureaucratic rules. Both foreign and Afghan NGO staff members have been targeted in a growing number of kidnappings and violent attacks by criminals and insurgents. 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. The national intelligence agency as well as some warlords and political leaders maintain their own prisons and do not allow access to detainees.

In a prevailing climate of impunity, government ministers as well as warlords in some provinces sanction widespread abuses by the police, military, local defense militias, and intelligence forces under their command, including arbitrary arrest and detention,

torture, extortion, and extrajudicial killings. The Afghan Independent Human Rights Commission (AIHRC) 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.

A facet of the new counterinsurgency doctrine adopted by international forces involves reforming detention policies at facilities like the U.S.-controlled Bagram air base. 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 in U.S. custody. Other reports in 2010 suggested the continuing use of a detainee screening facility at Bagram that, despite other reforms at the prison, remains opaque, and there are consistent reports of detainee mistreatment. Human Rights First has found that Afghan detainees who are handed over by the U.S. government continue to suffer abuses at the hands of Afghan officials. U.S.-led forces have also bred popular resentment through the growing use of nighttime raids on households that are aimed at killing or capturing suspected Taliban commanders.

The Afghan security forces continued to grow in 2010, but the army and especially the police have been 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.

Voluntary disarmament programs carried out beginning in 2003 succeeded in demobilizing over 60,000 militiamen and collected a considerable amount of weaponry. However, the disarmament process never moved to the enforcement stage as planned, and foreign military programs to rearm informal militias as a counterinsurgency force are actively undermining efforts to curtail and regulate the use of illegal arms. Afghan law demands that illegal armed groups be excluded from elections, but Afghan institutions lack the will and capacity to enforce this ban meaningfully, as was manifest during the 2010 parliamentary elections. Ongoing programs aimed at reintegrating former insurgents have failed to ensure that they disarm.

As of December 2010, approximately 351,907 civilians were displaced within the country, according to the Office of the UN High Commissioner for Refugees. 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. They accounted for about 16 percent of the candidates in the 2010 parliamentary elections, and roughly 41 percent of registered voters were women; 69 female parliamentarians were elected. There were two women among the 41 candidates for the 2009 presidential election, but on the whole female participation was limited by threats, harassment, and social restrictions on traveling alone and appearing in public. Another major setback to women's rights came with the passage in 2009 of legislation that derogated many constitutional rights for women belonging to the Shiite Muslim minority, leaving questions of inheritance, marriage, and personal freedoms to be determined by conservative Shiite religious authorities. Social discrimination and domestic violence remain pervasive, with domestic violence often going unreported because of social acceptance of the practice. According to the Afghanistan Independent Human Rights Commission, there were 111 documented cases during the first nine months of 2010 of women engaging in self-immolation, a practice some women resort to when they believe there is no other means of escaping their situation. 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, and in 2009 UNICEF ranked Afghanistan as the world's worst country in which to be born.

** Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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