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Freedom in the World - Afghanistan (2010)

Capital:
Kabul

Population:
28,396,000

Political Rights Score: 6 *

Civil Liberties Score: 6 *

Status: Not Free

Ratings Change

Afghanistan's political rights rating declined from 5 to 6 due to a deeply flawed presidential election that included massive fraud, a compromised electoral management body, and low voter turnout due to intimidation.

Overview

President Hamid Karzai secured a new term in 2009 after his main challenger, Abdullah Abdullah, withdrew in protest from a runoff election scheduled for November. The runoff had been called after the discovery of massive fraud reduced Karzai's lead in the first round, which was held in August following a controversial four-month delay. The deeply flawed voting took place as insurgent and other violence continued to mount, spreading to the capital and previously calmer areas in the north, and further hampering local and international efforts 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 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 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.

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. Later that year, Karzai won the landmark presidential election—Afghanistan's first in more than three decades—with 55 percent of the vote, and in December he formed a cabinet that was a mix of technocrats and regional powerbrokers. Relatively peaceful elections for the new 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 convened in December 2005, and over the next several years it 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 was often 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 resurgent Taliban stepped up 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.

Recognizing the failures of the military campaign and the growing frustration of their own citizens, the United States and its NATO allies struggled in 2009 to implement better counterinsurgency practices and accelerate the training of Afghan soldiers and police. They also boosted their troop commitments, in part to maintain security during the year's presidential election, while the Afghan government continued with attempts to contain the Taliban insurgency by nonmilitary means, partly through "reconciliation" efforts aimed at bringing former antigovernment actors into the official fold. Nevertheless, thousands of civilians, security personnel, government officials, and foreign aid workers were killed or injured during 2009 in an increasing number of insurgent attacks, air strikes by coalition forces, and clashes among factional militias and criminal gangs. Kidnapping also remained as a major concern.

The presidential election, held in August after a four-month delay, was characterized by low turnout, massive fraud, and international paralysis. After Karzai initially emerged as the outright winner with more than 50 percent of the vote, 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 and integrity, 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. These problems also had a negative effect on the ability of civil society and humanitarian organizations to operate freely.

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. 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 made for the Meshrano Jirga and provincial councils.

The 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 problems, although the overall results were broadly accepted by Afghans and the international community.

The 2009 presidential election, however, dashed any remaining confidence in the democratic strength of the Afghan political system. The constitution called for the 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 delayed 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 produced a preliminary victory for Karzai. The outcome was challenged by his main opponent, former foreign minister Abdullah Abdullah, and the two remained locked in a dispute over the election results for over two months. Though the extent of the fraud was not fully investigated or reported, election officials concluded that enough fraud had occurred to merit a runoff between Karzai and Abdullah in November. However, before the runoff could take place, Abdullah withdrew from the race, arguing that the electoral and judicial systems remained too corrupt to ensure a fair vote. Karzai was consequently declared the winner.

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 have been a number of violent attacks against members of the Afghan government, including assassination attempts on President Karzai.

The international community, concerned that government corruption is crippling the counterinsurgency campaign, has called on the new Karzai administration to make the issue its top priority, but it remains to be seen whether antigraft efforts will bear fruit. Corruption, nepotism, and cronyism are rampant, and woefully inadequate salaries exacerbate corrupt behavior by public-sector workers. In addition, government transparency and accountability are often undermined by disjointed international involvement. Afghanistan was ranked 179 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index.

Afghan media continue to grow and diversify but faced rising threats in 2009, mostly in the form of 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 high-profile case of state intimidation of the press 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, though his sentence was commuted to 20 years in prison in October of that year, and he was ultimately 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 ultraconservative 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. 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, and

incidents were sporadic in 2009. 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 restrictive bureaucratic rules. Following the death of seven UN staff members in a brazen attack on a guesthouse in November 2009, half of the UN staff in the country were evacuated. Both foreign and Afghan NGO staff have been targeted in kidnappings and violent attacks 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. 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, 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.

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. Few of the service personnel involved have been charged or punished. Human Rights First has reported that Afghan detainees who are handed over by the U.S. government continue to suffer abuses at the

hands of Afghan officials.

The Afghan National Army continued to grow in 2009, with strong support from international donors. Existing soldiers are reportedly well trained and have participated ably in a variety of counterterrorism and counterinsurgency operations. In contrast, the National Police remains plagued by inadequate training, illiteracy, corruption, involvement in drug trafficking, and high levels of desertion, but donors continue to press for the force's expansion at the cost of quality and standards. 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 moved 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. Afghan law demands that illegal armed groups be excluded from elections, but Afghan institutions lack the will and capacity to enforce this ban meaningfully. Such groups continue to reinforce their power bases through legitimate and illegitimate means, and pose a troubling threat to stability and good governance.

More than 230,000 civilians remain displaced within the country, according to a recent report released by the Office of the United Nations 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. Women accounted for about 10 percent of the candidates in the 2005 parliamentary elections, and roughly 41 percent of registered voters were women. 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 new 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 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.

**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. Click [here](#) for a full explanation of Freedom in the World methodology.*