

AFGHANISTAN 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Afghanistan is an Islamic republic with a strong, directly elected presidency, a bicameral legislative branch, and a judicial branch. Presidential and provincial elections occurred on April 5, with a second presidential runoff-round held on June 14. Reports of fraud marred the elections and led to an audit of all ballot boxes. Protracted political negotiations between the presidential candidates resulted in the creation of a national unity government. On September 21, the independent election commission named Ashraf Ghani the president-elect and Abdullah Abdullah the runner-up in the runoff election. In accordance with a political agreement signed by both candidates, Abdullah took the newly created post of chief executive officer, and Ghani and Abdullah formed a national unity government. Parliamentary elections were last held in 2010 and were marred by high levels of fraud and violence according to national observers, the Office of Security and Cooperation in Europe, and other international election-monitoring organizations. Authorities generally maintained control over the security forces, although there were instances in which security forces acted independently.

The most significant human rights problems were widespread violence, predominantly indiscriminate attacks on civilians, and armed insurgent groups' killings of persons affiliated with the government; torture and abuse of detainees; and targeted violence of and endemic societal discrimination against women and girls.

Other human rights problems included extrajudicial killings by security forces; ineffective government investigations of abuses and torture by local security forces; poor prison conditions; arbitrary arrest and detention, including of women accused of so-called moral crimes; prolonged pretrial detention; judicial corruption and ineffectiveness; violations of privacy rights; restrictions on freedom of speech and press; restrictions on freedom of religion; limits on freedom of movement; pervasive governmental corruption; underage and forced marriages; abuse of children, including sexual abuse; trafficking in persons; discrimination against persons with disabilities; discrimination and abuses against ethnic minorities; societal discrimination based on race, religion, gender, sexual orientation, and HIV/AIDS status; abuse of worker rights, including forced labor and child labor; and sex and labor trafficking.

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

The Taliban and other insurgents continued to kill civilians and security force personnel using indiscriminate tactics such as improvised explosive devices (IEDs), car bombs, suicide attacks, rocket attacks, and armed attacks. The Taliban used children as suicide bombers. Antigovernment elements also threatened, robbed, and attacked villagers, foreigners, civil servants, and medical and nongovernmental organization (NGO) workers. Authorities did not investigate or prosecute most of these abuses.

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

a. Arbitrary or Unlawful Deprivation of Life

There were credible reports the government or its agents committed arbitrary or unlawful killings. For example, the UN Assistance Mission in Afghanistan (UNAMA) reported in January a group of Afghan Local Police (ALP) members beat a shopkeeper to death in Ghazni Province because they suspected him of selling food to the Taliban. The ALP is a government-sponsored and vetted community-based self-defense force operating in various parts of the country.

NGOs, UNAMA, and the media continued to allege Kandahar provincial chief of police Abdul Raziq facilitated extrajudicial killings. In August, Raziq told the media he had ordered his forces to execute militants on the spot, rather than take them prisoner. While Raziq later retracted his comments, Kunduz Provincial Chief of Police Mustafa Moseni and Baghlan Provincial Chief of Police Aminullah Amarkhel, among others, echoed his statements. There were reports of extrajudicial killings reportedly committed in subdistricts 2, 6, and 8 in Kandahar City. There were also reports of extrajudicial killings by the ALP and the Afghan National Police (ANP) in the Arghandab District of Kandahar Province. Impunity for security force abuses remained a problem.

There were numerous reports of politically motivated killings, overwhelmingly by the Taliban and other insurgent groups. According to UNAMA, civilian casualties rose by 20 percent through November, compared with the same period in 2013. There were 33 percent more child casualties and 14 percent more female casualties through November, compared with the same period in 2013. The total number of civilian casualties through November was 9,617, consisting of 3,188 civilian

deaths and 6,429 injuries. UNAMA attributed 12 percent of civilian casualties through November to progovernment forces, mostly as a result of ground engagements between progovernment forces and antigovernment elements, and 75 percent of all civilian casualties to antigovernment elements. In its midyear report, UNAMA reported a 10 percent decrease in civilian casualties resulting from targeted killings, 428 compared with 474 for the same period in 2013. Ninety-five percent (405) of civilian casualties resulting from targeted killings through July – 247 deaths and 158 injured – were attributed to antigovernment elements. These included killings of tribal elders, civilian government officials, mullahs, and civilian justice officials.

On January 17, a Taliban suicide bomber and two gunmen attacked a popular Lebanese restaurant in Kabul, killing 21 persons.

On March 20, four Taliban operatives opened fire on foreign and Afghan guests dining at the Kabul Serena Hotel for Persian New Year. The attackers killed nine persons, including two children, before the Afghan National Security Forces (ANSF) shot and killed them. The victims of this execution-style killing included an American, two Canadians, and a French journalist, his wife, and two children.

On July 15, a suicide attack on a crowded market killed 89 persons and injured at least 40 others in the Orgun District of Paktika Province; no group claimed responsibility for the attack.

On November 23, a suicide bomber at a volleyball match in Paktika Province killed 45 civilians and injured 50 others; no group claimed credit for the attack.

On December 11, the Taliban claimed responsibility for a suicide attack that killed a German and a French national and injured 20 Afghans at a cultural show at the Esteqlal High School in Kabul.

In May the Taliban announced a spring offensive targeting foreign forces and civilians in the government and judiciary. The Taliban launched rocket attacks against the Kabul airport in July; attacked the provincial Ministry of Justice office in Jalalabad, killing five civilians and two police officers on May 12; and assaulted police checkpoints in Ghazni, killing two civilians and one police officer on the same day.

There were reports of summary justice by the Taliban and other antigovernment elements, including cases resulting in extrajudicial executions. In June, Taliban

members cut off the index fingers of 11 citizens as punishment for voting in the presidential elections.

b. Disappearance

There continued to be reports of disappearances attributed to security forces, particularly in Kandahar Province. There were reports of forced disappearances associated with the ANP in subdistrict 8 of Kandahar City and linked to the ANP in Arghandab District.

There were reports insurgent groups were responsible for disappearances and abductions (see section 1.g.). For example, on March 30 insurgents kidnapped a Provincial Council candidate and nine of his companions in Sar-e-Pul Province. Police later discovered the victims' bodies in the Baghawi area of the province.

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

Although the constitution prohibits such practices, there were widespread reports 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.

UNAMA reported the ANSF, including the ALP, and progovernment armed groups committed acts of excessive force, including torture. For example, in April in Faryab Province a group of 200 men from a progovernment armed group, allegedly accompanied by 20 to 25 ANP members in ANP vehicles, captured, tortured, and killed a highway patrol officer and hung his body from an ANP armored vehicle. The men then fired at houses as they drove through local villages.

In May the *New York Times* reported the death of 23-year-old plumber Hazrat Ali, whom ANP members allegedly tortured and killed while he was in custody in Kandahar. Police in Kandahar did not permit the father of Hazrat Ali to see his son. A few days later, Ali's father tried to visit his son again and learned his son was dead. Ali's father reported his son's body showed signs of torture, including signs he was beaten by a cable rod.

In 2013 UNAMA reported it found "sufficiently reliable and credible" incidents of torture at 10 national directorate of security (NDS) facilities, as well as at 15 ANP

facilities. For example, UNAMA reported systematic torture at the NDS detention facility in Kandahar Province and NDS department 124 (counterterrorism) in Kabul. A government delegation assigned to investigate the claims made by UNAMA in its January 2013 report also found officials tortured detainees at NDS department 124, including with electric shocks, beatings, and threats of sexual violence. During its monitoring visits, the International Security Assistance Force (ISAF) also continued to find instances of torture and abuse of detainees held at NDS department 124. UNAMA also found instances of torture or other mistreatment of detainees held in Afghan National Army (ANA) and ALP custody prior to transfer to the NDS or ANP. Similarly, the government found 48 percent of detainees interviewed for its investigation claimed to have been tortured.

The government created a committee to address allegations of torture emanating from UNAMA's January 2013 report on mistreatment of conflict-related detainees, and the committee conducted visits and interviews. The committee, however, did not make its findings public. The government did not hold the perpetrators accountable for torture or conduct credible investigations and prosecutions in relation to these allegations.

There were some reports security officials and persons connected to the ANP raped children with impunity. NGOs reported incidents of sexual abuse and exploitation of children by the ANSF; however, cultural taboos against reporting such crimes made it difficult to determine the extent of the problem.

UNAMA's child protection unit verified two of five reported cases of sexual violence against children by the security forces during the first six months of the year. These cases included the rape of a seven-year-old girl in Maidan Wardak Province by a member of the ALP in April, and in May the sexual abuse of a 15-year-old boy in Kunduz Province by progovernment militia members.

There were reports of abuses of power by "arbakai" (untrained local militia) commanders and their followers. According to UNAMA, many communities used the terms ALP and arbakai interchangeably, making it difficult to confirm reports of abuses by either group. There were credible accounts of killing, rape, assault, the forcible levy of informal taxes, and the traditional practice of "baad" (the transfer of a girl or woman to another family to settle a debt or grievance) attributed to the ALP.

There were numerous reports of torture and other abuses by the Taliban and other insurgent groups. For example, in November in Ghazni Province, the Taliban

kidnapped an Afghan who had recently been deported from Australia. The Taliban reportedly beat him for several days, accusing him of becoming an infidel because of his travel to “infidel countries,” before he could escape.

Prison and Detention Center Conditions

There were reports of harsh and sometimes life-threatening conditions and abuse in official detention centers. Different organizations oversaw prisons, juvenile rehabilitation centers, and detention facilities. 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 at Pul-e-Charkhi. The Ministry of Justice’s juvenile rehabilitation directorate (JRD) is responsible for all juvenile rehabilitation centers. The ANP, which is under the Ministry of Interior, and the NDS also run short-term detention facilities at the provincial and district levels, usually colocated with their headquarters facilities. The Ministry of Defense runs the Afghan National Detention Facilities at Parwan and Pul-e-Charkhi.

There were reports of private prisons run by members of the ANSF and used for abuse and torture of detainees. The *Harper’s Magazine* article, “Kandahar’s Mystery Executions,” recounted four police commanders ran private jails in subdistrict 8 and Spin Boldak and Maruf districts in Kandahar. International human rights organizations alleged police in Kandahar set up undeclared detention facilities specifically to avoid international monitors. There continued to be allegations Kandahar provincial chief of police Abdul Raziq ran “secret” or undeclared detention facilities, set up specifically to avoid international monitors.

Physical Conditions: The media and other sources continued to report inadequate food and water, and poor sanitation facilities were common in the prisons. Some observers, however, found food and water were sufficient throughout the GDPDC prisons. The GDPDC had a nationwide program to feed prisoners but was on an extremely limited budget. Many prisoners’ families provided food supplements and other necessary items.

There were 34 provincial prisons under GDPDC control, 187 active Ministry of Interior detention facilities, and 33 juvenile rehabilitation centers. The total number of active detention facilities reportedly fluctuated from month to month. Overall, the Ministry of Interior lacked sufficient detention facilities. No official information was available on the number of NDS prisoners or NDS-operated facilities.

Authorities generally did not have the infrastructure capacity to separate pretrial and post-trial inmates. In July the GDPDC reported it had in custody 8,147 male pretrial detainees, 17,654 male prisoners, 150 female pretrial detainees, and 568 female prisoners. In most instances limited infrastructure hindered housing prisoners by classification, but the GDPDC did so where it was feasible.

Authorities did not imprison women with men. Authorities generally did not have the infrastructure capacity to separate juveniles based on the nature of the charges against them, with the exception of some juvenile facilities that separately housed juveniles imprisoned for national security reasons.

Overcrowding in prisons continued to be a serious, widespread problem. According to a report issued during the year, 28 of 34 provincial prisons for men were severely overcrowded when compared to the recommended standards of the International Committee of the Red Cross (ICRC). The Kapisa Provincial Prison for male inmates had the highest percentage of overcrowding, at 831 percent of the recommended maximum capacity. Eight of 25 prisons for women exceeded capacity, according to the report, and the Kunduz Provincial Prison for female inmates had the highest overcrowding rate at 392 percent.

As of September 20, Balkh Provincial Prison reported it housed 117 prisoners outdoors year-round due to lack of space within the facility, exposing prisoners to extreme weather conditions. Prisoners in seven prisons went on hunger strikes to protest poor conditions. On September 29, 306 prisoners at the Herat Provincial Prison went on a hunger strike, which several hundred other prisoners joined on October 5. The strikers accused the prosecutor's office of serial corruption and unacceptable delays in processing presidential pardons. Poor prison conditions and extreme overcrowding at Herat Prison, while not the central concern, almost certainly provided an extra impetus for the inmates' actions.

On October 6, one week after his inauguration, President Ghani called inmate representatives at the prison and requested they immediately end the hunger strike. In return he promised to appoint a commission to investigate the prisoners' concerns. On October 7, after visits by the provincial governor, provincial council chairman, chief of the appeals court, and the acting chief prosecutor, prisoners abandoned their week-long hunger strike. In response to the prisoners' demands, President Ghani agreed to send a delegation to Herat to review the prisoners' cases, investigate prison conditions, and make recommendations. President Ghani visited the prison at Pul-e-Charkhi in October to meet with prisoners and review prison

conditions, after which he spoke out in favor of prison reforms and accelerating the judicial process for prisoners awaiting sentencing.

Inmate deaths were infrequent and largely due to natural causes. Several prisoners died during the year due to insurgent attacks, attempted escapes, or suicide. One prisoner died at Baghlan Prison during a large-scale disturbance in June when an unknown officer fired on a large group of prisoners approaching the prison gates.

By law children younger than age seven may live with their mothers in prison. This practice, however, became less prevalent after the GDPDC increasingly utilized children's support center programs. Reports indicated children placed in the support centers thrived in this new environment, and even after being released, some mothers requested their children remain in the centers due to improved education and health services.

Administration: The seven government entities involved in the criminal justice sector – the ministries of justice, interior, and defense; the attorney general's office, the Supreme Court, the NDS, and the high office of oversight – continued to implement a standard case management system with computerized records for prisoners from the time of arrest through release, resulting in fewer errors from poor recordkeeping.

There was an informal grievance procedure within the GDPDC. The Ministry of Justice, the attorney general, and some governors monitored or assessed prison conditions, but investigations and monitoring revealed prisons did not fully meet international standards, including violating ICRC space standards due to overcrowding. A GDPDC directive outlined a formal prisoner complaint procedure implemented in May 2013.

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. At inmates of GDPDC and JRD correctional facilities were able to receive visitors on a regular basis.

Provisions for alternatives to incarceration were rarely utilized. Regular presidential pardons on holidays were the only means to release inmates from prison prior to the end of their sentences.

In government detention facilities, observers reported authorities permitted prisoners religious observance.

Independent Monitoring: The Afghan Independent Human Rights Commission (AIHRC), UNAMA, the ICRC, and ISAF generally had access to detention facilities of the NDS and the ministries of interior, justice, and defense. 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 unannounced. While ISAF did not experience the same level of difficulty, authorities denied unannounced access on several occasions at both NDS and ANP facilities. The AIHRC reported before visiting detention facilities, NDS officials usually required the AIHRC to submit a formal letter requesting access at least one to two days in advance. NDS officials continued to prohibit AIHRC and UNAMA monitors from bringing cameras 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. In February and May, members of parliament visited GDPDC prison facilities to conduct monitoring and oversight of prison conditions, with a focus on female inmate conditions. The JRD also produced an annual report in March on juvenile justice problems, drafted by the JRD's monitoring and evaluation office.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or 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 and due process. Local law enforcement officials reportedly detained persons illegally on charges not provided for in the penal code. The attorney general's office ordered a halt to arrests and convictions for "running away," which is not a crime under the law. Reports indicated, however, prosecutors instead charged women who had left home with "attempted adultery" for being outside the home in the perceived presence of nonrelated men. In some cases authorities imprisoned women who had left home because it was unsafe for them to return home and there was no shelter available elsewhere (see section 6).

Role of the Police and Security Apparatus

Three ministries have responsibility for providing security in the country. The ANP, under the Ministry of Interior, has primary responsibility for internal order. The ANA, under the Ministry of Defense, is responsible for external security but was primarily responsible for fighting the insurgency internally. The ALP is a government-sponsored and vetted community-based self-defense force. The NDS functions as an intelligence agency and also 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 on a pretrial basis until their cases were transferred to prosecutors. In some areas insurgents, rather than the ANP or ANA, maintained control.

There were reports of official impunity and lack of accountability throughout the year. Observers stated ALP and ANP personnel were largely unaware of their responsibilities and defendants' rights under the law. Accountability of NDS and ANP officials for torture and abuse was weak, not transparent, and rarely enforced. Despite a 2013 government investigation into allegations of abuse and torture by ANSF members, there were no prosecutions for abuses. There was limited independent judicial or external oversight of the NDS and ANP in the investigation and prosecution of crimes or misconduct committed by NDS and ANP officials, including torture and abuse. A November 2013 *Rolling Stone* article reported on video footage showing men in ANSF uniforms whipping a detainee. The article noted that torture and abuse remained endemic in prisons.

Police corruption remained a serious problem (see section 4).

NGOs and human rights activists noted societal violence, especially against women, was widespread (see section 6). In many cases police did not prevent or respond to the violence and in some cases arrested women who reported crimes committed against them, such as rape.

Arrest Procedures and Treatment of Detainees

UNAMA, the ICRC, 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 criminal procedure code came into effect on June 5 and changed many of the time frames and procedures associated with pretrial detention. The law provides for access to legal counsel and the use of warrants, and it limits how long detainees may be held 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, the file is transferred to the attorney general's office. The investigating prosecutor can continue to detain a suspect for an additional period while continuing the investigation; the length of continued detention depends on the level of the offense. With court approval the investigating prosecutor may detain a suspect for up to a maximum of 10 additional 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 time frames, and no further extensions of the investigatory period are permitted if the defendant is in detention. Prosecutors often ignored these limits on pretrial detention.

Incommunicado imprisonment remained a problem, and prompt access to a lawyer was rare. Prisoners generally were allowed access to their families, but there were cases in which such access was not permitted. There were also many cases in which access to detainees was not prompt.

There was no bond system, although a rudimentary personal recognizance system existed in some areas where international observers monitored cases. Authorities justified posttrial detention of defendants acquitted at trial on the grounds defendants released pending appeal by the prosecution often disappeared. In many cases authorities did not re-arrest defendants released pending the outcome of an appeal, even after the appellate court convicted them in absentia.

International mentors observed prosecutors filed indictments in cases transferred to them by police; even where there was a reasonable belief no crime was actually committed.

As of June, according to the Ministry of Justice, authorities detained 176 children on national security-related charges in juvenile rehabilitation centers. The juvenile code states 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. Similar to adult detainees, detained children frequently were denied basic rights and many aspects of due process, including the presumption of innocence, the right to be informed of charges, access to defense lawyers, and the right not to be forced to confess. The law provides for the creation of juvenile police, prosecution offices, and courts. Due to limited resources, special juvenile courts functioned in only six areas (Kabul, Herat, Balkh, Kandahar, Nangarhar, and Kunduz). In provinces where special courts do not exist, children's cases fall under the ordinary courts. The law also mandates children's cases be addressed in

private and, like all criminal cases, may involve three stages: primary, appeals, and the final stage at the Supreme Court.

Some of the children in the criminal justice system were victims rather than perpetrators of crime. Some victims were perceived as in need of punishment because they brought shame on the family by reporting an abuse. In some cases authorities imprisoned abused children because they could not return to their families and shelter elsewhere was unavailable. Authorities allegedly imprisoned some children related to a perpetrator as a family proxy for the actual perpetrator.

Police and legal officials often charged women with intent to commit zina (extramarital sexual relations) to justify their arrest and incarceration for social offenses, such as running away from home, defying family choice of a spouse, fleeing domestic violence or rape, or eloping. Article 130 of the constitution provides courts with the discretion to use sharia (Islamic law) through the Hanafi School of Islamic Jurisprudence to dispense justice in cases not covered by the constitution, penal code, or other laws. Observers reported legal officials used this article to charge women and men with “immorality” or “running away from home.” Police often detained women for zina at the request of family members.

Authorities imprisoned some women for reporting crimes perpetrated against them and some as proxies for their husbands or male relatives convicted of crimes, on the assumption the suspect would turn himself in to free the family member.

Authorities placed some women in protective custody to prevent violent retaliation by family members. Authorities also placed women who were victims of domestic violence in protective custody (including in a detention center) if there were no shelter facilities available to protect them from further abuse. The law on the elimination of violence against women (EVAW) obliges police to arrest persons who abuse women. Implementation and awareness of the EVAW law was limited, however.

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. UNAMA reported police detained individuals for moral crimes, breach of contract, family disputes, and to extract confessions. Observers reported those detained for moral crimes were almost exclusively 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 any or all of the provisions of the new criminal procedure code, largely due to a lack of resources, limited numbers of defense attorneys, unskilled legal practitioners, and corruption. The law provides that if the investigation cannot be completed, or an indictment is not filed, within the code's 10-, 27-, or 75-day periods, the defendant must be released from detention. Many detainees, however, were held beyond those periods, despite the lack of an indictment.

Amnesty: The Afghanistan Peace and Reintegration Program (APRP) is a mechanism for bringing combatants off the battlefield and does not provide amnesty for criminal activity unrelated to the insurgency. The program document states the APRP "is not a framework for pardoning all crimes and providing blanket amnesty," and reintegration candidates are informed prior to enrollment that entry into the program does not amount to blanket immunity from prosecution.

e. Denial of Fair Public Trial

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

The Supreme Court's chief justice resigned in October, and an associate justice resigned in May, after serving as "acting justices" beyond the expiration of their constitutionally mandated term limits. Bribery, corruption, and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency continued to impair judicial impartiality. Most courts administered justice unevenly, according to a mixture of codified law, sharia, and local custom. Traditional justice mechanisms remained the main recourse for many, especially in rural areas. There was varying adherence to codified law, with courts often disregarding applicable statutory law in favor of sharia or local custom. The Supreme Court consisted primarily of religious scholars who had limited knowledge of civil jurisprudence. Corruption was common within the judiciary, and criminals paid bribes to obtain their release or a reduction in sentence (see section 4).

The formal justice system was relatively strong in urban centers, where the central government was strongest, and weaker in rural areas, where approximately 76 percent of the population lived. Courts and police forces continued to operate at less than full capacity 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 were graduates of law school, many from universities with sharia faculties, continued to increase. Access to legal codes and statutes increased, but their limited availability continued to hinder some judges and prosecutors.

International human rights groups and the AIHRC expressed concerns about due process violations in the trial of a group of men accused of attacking a convoy and gang-raping four women on August 23 in the Paghman District of Kabul Province. After being convicted and losing their appeals, five of the men were hanged on October 8, despite appeals from the UN High Commissioner on Human Rights and from international human rights organizations requesting that President Ghani stay the executions.

There were widespread shortages of judges, primarily in insecure areas. On May 8, the Taliban announced its intention to target judges and other justice-sector officials. UNAMA documented an increased number of attacks against judges, including in Herat, Kunduz, and Daykundi provinces. The Supreme Court reported, as of October 2013, there were an estimated 1,825 judges at the primary, appellate, and Supreme Court levels, including 180 female judges.

In major cities courts continued to decide criminal cases as mandated by law. Civil cases continued to be frequently resolved in the informal system or, in some cases, pursuant to negotiations facilitated by formal justice system actors 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, and also imposing unsanctioned punishments. Some estimates suggested shuras or jirgas (regional or national-level consultative gatherings) resolved 80 percent of all disputes.

In some areas the Taliban enforced a parallel judicial system based on strict interpretation of sharia. Punishments could include execution or mutilation. For example, in August in Helmand Province the Taliban accused five civilians of spying and publicly executed them.

Trial Procedures

The constitution provides the right to a fair 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 these rights were not always applied. In some provinces public trials were held, but this was not the norm. Panels of three judges decide criminal trials; there is no right to a jury trial under the constitution. Prosecutors rarely informed defendants promptly and in detail of the charges brought against them. An indigent defendant has the right to consult with an advocate or counsel at public expense when resources allow. This right was applied inconsistently, in large part due to a severe shortage of defense counsel. Citizens often were unaware of their constitutional rights. Defendants and attorneys were 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 justice system officials were slowly demonstrating increased respect for and tolerance of the role of defense lawyers in criminal trials. Criminal defense attorneys, however, sometimes were subjected to abusive and threats by prosecutors and other law enforcement officials.

When the accused is held in custody, the primary court must render a verdict within 30 days of the prosecutor filing the case with the court. The appellate court has 30 days to review the case of an incarcerated person. If the defendant is in custody, the Supreme Court has 60 days to issue its decision. Either side may appeal; if appealed, a decision is not final until reviewed by all three levels of the judiciary. An accused defendant who is acquitted usually remains in detention until the appeals process is concluded, although a higher court can confirm the acquittal and order the defendant's release. The decision of the primary court becomes final if an appeal is not filed within 20 days. Any application to review the decision of the appellate court must be filed with the Supreme Court within 30 days. If the appellate deadlines are not met, the law requires the accused be

released from custody. In many cases courts did not meet these deadlines, and detainees remained in custody.

In cases lacking a clearly defined legal statute, or cases in which judges, prosecutors, or elders were unaware of the 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

Citizens had limited access to justice for constitutional and human rights violations. The state judiciary did not play a significant or effective role in adjudicating civil matters due to corruption and lack of capacity, although the judiciary frequently adjudicated family law matters.

f. Arbitrary 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 new criminal procedure code contains additional safeguards for the privacy of the home, prohibiting night arrests and strengthening requirements for body searches. The government did not always respect these prohibitions.

Government officials continued forcibly to enter homes and businesses of civilians without legal authorization, although, according to UNAMA, there was a reduction in such instances.

There were reports government officials monitored private communications, including telephone calls and other digital communications, without legal authority or judicial warrant.

Authorities imprisoned men and women as substitutes for male relatives who were suspects or convicted criminals in order to induce those persons at large to surrender themselves (see section 1.d.).

Insurgents continued to intimidate cell phone operators to shut down operations. Reports of destruction of mobile telephone towers, bribing of guards, and disconnecting of networks at night were particularly common in the southwestern, southern, and eastern provinces.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

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. Civilians continued to bear the brunt of intensified armed conflict, particularly women and children, according to UNAMA. Civilian deaths between January and June rose 17 percent compared with the same period in 2013, while the number of injured civilians rose 28 percent. Antigovernment elements caused the vast majority of civilian deaths.

Killings: For the first six months of the year, UNAMA documented 4,853 civilian casualties (1,564 civilian deaths and 3,289 injuries), a 24 percent overall increase in civilian casualties compared with the first six months of 2013. UNAMA reported the percentage of civilian casualties attributed to progovernment forces remained steady at 9 percent, while it attributed 74 percent of all civilian casualties to antigovernment elements.

UNAMA reported ground engagements among parties to the armed conflict and crossfire incidents surpassed IEDs as the largest cause of civilian deaths. Ground engagements resulted in double the number of child casualties and in the deaths of two-thirds more women in the first half of the year, compared with the same period in 2013. UNAMA documented a 7 percent increase in civilian casualties from IEDs compared with the same period in 2013, resulting in the highest number of deaths and injuries from IEDs since 2009. Antigovernment elements continued to use suicide attacks to target civilians and government officials.

Antigovernment elements continued to attack religious leaders who they concluded spoke against the insurgency or the Taliban. Antigovernment elements also continued to target government officials. The majority of Taliban attacks targeted security forces, in particular ANP and ALP forces, particularly in volatile areas. UNAMA reported antigovernment elements sometimes used civilian residences to launch attacks against progovernment forces, which prompted return fire and resulted in additional civilian casualties.

The Taliban and antigovernment elements continued to engage in indiscriminate use of force, attacking and killing villagers, foreigners, and NGO workers in armed attacks and with car bombs and suicide bombs. Through the first six months of the year, UNAMA documented 1,463 civilian casualties (463 civilian deaths and 1,000 injuries) as a result of IEDs, a 7 percent increase over the same period in 2013.

Abductions: The Ministry of Interior's anticrime police reported 155 abductions during 2013; it cited 36 abduction cases in the first four months of 2014, but due to incomplete reporting, the actual number of cases may have been much higher. The Taliban targeted government workers and citizens perceived to be cooperating with the international community (see section 1.b.). Five members of the ICRC were abducted in August and released six days later; no group claimed responsibility.

Physical Abuse, Punishment, and Torture: UNAMA reported on January 4, an ANA convoy shot and killed a civilian woman and girl in Helmand Province, after the convoy was attacked. On January 12, members of the ALP detained a 19-year-old man in Kapisa Province because he was the brother of a Taliban commander; the man's body was found two days later.

Antigovernment elements continued to target civilians. UNAMA reported on January 23, the Taliban shot a 17-year-old boy in Balkh Province, reportedly the nephew of a local commander, then doused him with fuel and set him on fire. On May 1, a vehicle-borne IED exploded at a security checkpoint leading to Panshjr Province, killing 15 individuals including seven civilians; the Taliban claimed responsibility. On June 6, two suicide bombers attacked a presidential candidate's convoy, killing 13 civilians. In May the *New York Times* reported antigovernment elements shot two imams in Uruzgan Province, allegedly after refusing to preach pro-Taliban sermons.

Land mines and unexploded ordnance continued to cause deaths and injuries, restrict areas available for farming, and impede the return of refugees. The Mine Action Coordination Center for Afghanistan reported the number of deaths and injuries from land mines and unexploded ordnance was lower than in previous years. During the first five months of the year, there were 142 reported casualties from explosive remnants of war and 15 casualties due to land mines, for a total of 157 reported casualties, or approximately 26 people killed or injured each month. In addition to these casualties from traditional antitank and antipersonnel mines, there continued to be thousands of civilian casualties from IEDs. According to the Mine Action Center, land mines and unexploded ordnance imperiled 1,642 communities across 257 districts, covering approximately 200 square miles. The

majority of remaining mine hazard areas included a relatively low number of arbitrarily placed mines dispersed over a large area, which nonetheless denied full use of the land to communities. As of July demining efforts were 80 percent complete. The Ministry of Education and NGOs continued to conduct educational programs and mine awareness campaigns throughout the country.

Child Soldiers: The government, with international assistance, officially vetted all recruits into the armed forces and police, rejecting applicants less than age 18. There were reports the ANSF and progovernment militias recruited and used children for military purposes. Under a government action plan, the ANP took steps that included training 150 new 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 enlistment by children. All recruits undergo an identity check, including a requirement that at least two community elders vouch that a recruit is 18 years old and is eligible to join the ANSF. The Ministry of Interior and Ministry of Defense also issued directives meant to prevent the recruitment and sexual abuse of children by the ANSF. The media reported in some cases ANSF units used children as personal servants or support staff, particularly for sexual purposes.

UNAMA also documented the recruitment of children by the Taliban and other antigovernment elements, although figures were unreliable and difficult to obtain. In some cases the Taliban and other antigovernment elements used children as suicide bombers and human shields and in other cases to assist with their work, such as placing IEDs, particularly in southern provinces. The media, NGOs, and UN agencies reported the Taliban tricked children, promised them money, used false religious pretexts, or forced them to become suicide bombers.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Other Conflict-related Abuses: The security environment continued to have a negative effect on the ability of humanitarian organizations to operate freely in many parts of the country. Insurgents deliberately targeted government employees and aid workers.

Suspected Taliban members fired on NGO vehicles and attacked NGO offices and guesthouses, restaurants, and hotels frequented by NGO employees. Violence and instability hampered development, relief, and reconstruction efforts. NGOs

reported insurgents, powerful local individuals, and militia leaders demanded bribes to allow groups to bring relief supplies into the country and distribute them. In July gunmen killed six members of a mine removal team from HALO Trust, a mine clearance agency, who were on their way to the Khosan District in Herat Province. On December 13, the Taliban killed 11 and injured six members of a Sterling Demining Afghanistan mine removal team in the Nad Ali District of Helmand Province.

On March 20, the Taliban attacked the Kabul Serena Hotel, a hotel popular with foreigners. The attack resulted in the killing of nine civilians, including a prominent journalist and his family, and three foreign nationals, including one who was in the country to work as an election observer. On April 24, a guard shot and killed three foreign doctors and injured two other people at the Cure International Hospital in Kabul. A car bomb placed by unknown attackers killed at least 89 people on July 15, when it detonated in a crowded market in the Orgun District of Paktika Province.

The Taliban continued to distribute threatening messages in attempts to curtail government and development activities. Insurgents used civilians, including children, as human shields, either by forcing them into the line of fire or by basing operations in civilian settings.

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.

In May, three Taliban attackers stormed a provincial Ministry of Justice office in Jalalabad, killing five civilians and injuring seven others. In a statement claiming responsibility, Taliban spokesman Zabihullah Mujahid stated the attack responded to justice ministry rulings unfavorable to the Taliban.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, but the government restricted these rights to varying degrees.

Freedom of Speech: While the law provided for freedom of speech, authorities used pressure, regulations, and threats to silence critics. Freedom of speech was

even more constrained at the provincial level, where local power brokers such as former mujahedeen-era military leaders exerted significant influence and authority, which they often used to intimidate or threaten their critics, both private citizens and journalists.

Press Freedoms: While the media reported independently throughout the year, often openly criticizing the government, full press freedoms were lacking. At times authorities used pressure, regulations, and threats to silence critics. Politicians, security officials, and others in positions of power arrested, threatened, or harassed journalists as a result of their coverage. Freedom of speech and an independent media were even more constrained at the provincial level, where many media outlets had links to specific personalities or political parties. These included local power brokers such as former mujahedeen-era military leaders, who owned many of the broadcasting stations and print media and influenced their content.

Print media continued to publish independent magazines, newsletters, and newspapers. A wide range of editorials and dailies openly criticized the government. Due to high levels of illiteracy, however, most citizens preferred television or radio more than print media. The Ministry of Information and Culture reported there were 350 television and radio stations. Radio remained more widespread due to its relative accessibility, with 77.4 percent radio penetration, compared to 58.4 percent for television.

The Ministry of Information and Culture has authority to regulate the press and media but by year's end had not created the Mass Media Commission required by the law to exercise that authority. While the ministry is legally responsible for regulating the media, the council of religious scholars (the Ulema Council) had considerable influence over media affairs. The Media Commission of the Independent Election Commission (IEC), formed in November 2013 to regulate print and broadcast media coverage of presidential and provincial council candidates, was active during the campaign periods for the first and second rounds of the presidential elections. The Media Commission enforced bans on coverage of "unscientific polls" and biased reporting and enforced electoral laws that required blackout periods during which news outlets could not report on campaign activities beginning 24 hours before each round of elections, among other limitations. The media criticized some of the regulations as heavy-handed, particularly the requirement that media outlets report how much revenue they received from candidates' advertising. The Media Commission fined several

media outlets during the first and second rounds, largely for biased coverage. Observers largely cited the role of the media in the elections as positive.

Violence and Harassment: Authorities used threats, violence, and intimidation to silence opposition journalists, particularly those who spoke out about impunity, war crimes, government officials, and powerful local figures. The Afghan Journalists' Safety Committee reported 68 cases of violence and verbal harassment in the first six months of the year. In June authorities arrested the foreign-based editor in chief of *Benawa.com*, a Pashto-language news website, upon arrival in Kandahar, allegedly because of the website's unfavorable coverage of the governor of Kandahar. The editor was released after allegedly apologizing to the governor, although the editor later denied making any apology. In August authorities banned *New York Times* correspondent Matthew Rosenberg from leaving Afghanistan, then expelled him from the country, after he refused to name his sources for an article published on powerful government officials threatening to seize power. In October, President Ghani reversed the ban on Rosenberg re-entering the country.

In October the government launched an investigation after news outlet *Afghanistan Express* published an opinion piece deemed blasphemous. Chief Executive Officer Abdullah chaired a Council of Ministers meeting at which he instructed the Ministry of Interior and Ministry of Information and Culture to take immediate action and arrest *Afghanistan Express* staff. Reports indicated authorities detained 15 persons tied to the publication but later released them and dropped the investigation into the article.

Prevailing security conditions created a dangerous environment for journalists, even when they were not targeted specifically. Nai, an NGO supporting media freedom, reported an increase in incidents of violence and threats against journalists. During the first quarter of the year, Nai reported four journalists were killed, more than were killed in all of 2013. Nai and the Afghan Journalist Safety Committee stated government officials committed more than 60 percent of acts of aggression against journalists. For example, on April 4, a police commander shot and killed Associated Press photographer Anja Niedringhaus and injured journalist Kathy Gannon in their vehicle in eastern Afghanistan. Journalists complained the government did not follow up on cases of violence and killings of journalists and this contributed to further escalation of violence against them.

In January police found the burned and mutilated body of Noor Ahmad Noori, a *New York Times* reporter, behind a car sales lot in Helmand. No one claimed responsibility for the killing; Noori's brother reported the reporter had received

death threats due to his work. In March an unknown assailant shot and killed Nils Horner, a Swedish journalist, in Kabul. On September 16, an unknown assailant stabbed to death female journalist Palwasha Tokhi, who worked for Radio Bayan in northern Balkh Province.

An independent journalist safety organization continued to operate a safe house for journalists facing threats. It reported law enforcement officials generally cooperated in providing assistance to journalists with credible fear, although limited investigative capacity meant many cases remained unresolved. The Afghan Independent Bar Association established a media law committee to provide legal support, expertise, and services to media organizations.

Women constituted approximately 30 percent of media workers. Female reporters found it difficult to practice their profession, although some women oversaw radio stations across the country, and some radio stations emphasized almost exclusively women's concerns. Factors such as poor security, lack of access to training, and unsafe working conditions continued to limit the participation of women in the media. The Afghan Journalists Safety Committee also reported media managers subjected female reporters to sexual abuse.

Censorship or Content Restrictions: The government reportedly sought to restrict reporting on topics deemed contrary to the government's messaging. In January a journalist for Radio Television Afghanistan claimed he was threatened by the provincial head of the Ministry of Education in Zabul Province and beaten by the man's relatives for publishing a report on corruption within the ministry's provincial directorate in Zabul. In September 2013 the governor of Parwan Province, Abdul Basir Salangi, and several of his bodyguards reportedly attacked reporter Nasratullah Iqbal, who criticized a history book written by the governor on his Facebook page.

Some media observers claimed journalists self-censored reporting on administrative corruption, land embezzlement, and local officials' involvement in narcotics trafficking due to fear of violent retribution by provincial police officials and powerful families. For example, a journalist in Helmand Province reported being chased down by a man who tried to take his camera away while he was filming a project on land embezzlement. The journalist claimed authorities in Helmand encouraged him not to pursue the case because of the attacker's connections within the government. Because of such pressures, media outlets often preferred to quote from foreign media reports on sensitive topics and in some cases fed stories to foreign journalists.

Libel Laws/National Security: The penal code and the mass media law prescribe jail sentences and fines for defamation. Authorities sometime used defamation as a pretext to suppress criticism of government officials. In April the Appellate Attorney's Office in Baghlan allegedly summoned the chair of the Baghlan Journalists Union and the head of Tanweer TV to respond to complaints made by the NDS for public comments about NDS officials beating journalists. The Ministry of Information and Culture did not first review the NDS claims of defamation, as required by law.

Nongovernmental Impact: Journalists continued to face threats from the Taliban and other insurgents. Reporters acknowledged they avoided criticizing the insurgency and some neighboring countries in their reporting because they feared Taliban retribution. Violence and intimidation of journalists by insurgent forces and the Taliban remained concerns and continued to restrict journalists' operating space.

The Taliban manipulated the media, especially print journalists, both directly and indirectly, by threatening to harm some journalists physically and by directly feeding news to others. Journalists reported receiving threats if they published stories favorable to the government.

The Committee to Protect Journalists reported local and foreign reporters continued to risk kidnapping.

Internet Freedom

There were credible reports the government restricted access to the internet. In 2012 the Ministry of Telecommunications announced its intent to filter pornographic content and gambling websites but continued to lack the capacity to enforce the directive.

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 (e.g., Twitter) to spread its messages. Although internet coverage was high, usage remained relatively low due to high prices, inadequate local content, and illiteracy.

In late June the NDS spokesman told a newspaper the NDS was prepared to arrest individuals who spread rumors that led to unrest. The Ministry of Communication

and Information Technology reported it had explored options to block specific pages that inflamed ethnic tensions and instigated violence. In July the National Security Council considered and rejected a proposal to block temporarily Facebook throughout the country.

Academic Freedom and Cultural Events

The government imposed restrictions on curricula and research it deemed un-Islamic, requiring prior approval of “concerned ministries and institutions,” such as the Ministry of Hajj and Religious Affairs. Conservative lawmakers criticized what they believed to be “vulgar and un-Islamic” television programs, such as the *Voice of Afghanistan*, and demanded unsuccessfully that the Ministry of Information and Culture ban “anti-Islamic broadcasts.” Female singers and actresses faced regular death threats.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The government generally respected citizens’ right to demonstrate peacefully. There were numerous public gatherings or protests related to a variety of causes, including the presidential and provincial council elections, civilian casualties, and violence against women. More than 300 large campaign rallies took place throughout the country. In June and July, hundreds of persons protested in Kabul over allegations of election fraud. Later in July hundreds of citizens marched in Kabul to protest the killing by the Taliban of 14 ethnic Hazaras in Ghor Province.

Freedom of Association

The right to freedom of association is provided in the constitution, and the government generally respected it. The 2009 law on political parties obliges parties to register with the Ministry of Justice and to pursue objectives consistent with Islam. The law requires at least 10,000 registered members for a party to register with the Ministry of Justice.

In 2012, the Council of Ministers approved a regulation that requires political parties to open offices in at least 20 provinces within one year of registration. The regulation provides that parties that fail to comply will be removed from the Ministry of Justice’s official list. During the year the Ministry of Justice conducted a nationwide review of provincial political party offices. The Ministry

of Justice found various political parties not in compliance with the regulation but did not deregister any political party by year's end.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government sometimes limited citizens' movement for security reasons.

The government continued to cooperate with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, and other persons of concern. Government assistance to vulnerable persons, including returnees from Pakistan and Iran, remained low, with a continued reliance on the international community.

In-country Movement: Taxi, truck, and bus drivers reported security forces 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. In many areas insurgent violence, banditry, land mines, and IEDs made travel extremely dangerous, especially at night.

Armed insurgents operated illegal checkpoints and extorted money and goods. The Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the southeast.

Social custom limited women's freedom of movement without male consent or a male chaperone.

Internally Displaced Persons (IDPs)

Internal population movements increased, mainly triggered by military operations, as well as by natural disasters and the availability of employment. According to the UNHCR, at the end of July there were an estimated 701,900 IDPs due to conflict in the country. Through July authorities recorded 60,300 new conflict-induced displaced persons. Armed conflict and hostilities, general concerns about security, threats and intimidation, and military operations were cited as the major specific causes of displacement. More than half of all IDPs resided in the four provinces of Herat, Helmand, Nangarhar, and Kandahar, according to the Internal Displacement Monitoring Center.

Limited humanitarian access caused delays in identification, assessment, and timely assistance to IDPs, leading to estimated numbers of IDPs significantly larger than official figures. IDPs 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. IDPs in urban areas reportedly faced discrimination, had inadequate 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. There were limited opportunities to earn a livelihood during displacement, which led to secondary displacement, making tracking of vulnerable persons difficult. IDPs usually had access to local social services but sometimes had less access to services than their non-IDP neighbors due to distance and other factors. The government adopted a national IDP policy that, if implemented, would protect IDP rights and provide durable settlement solutions.

Protection of Refugees

Access to Asylum: Laws do not provide for granting asylum or refugee status, and the government has not established a system for providing protection to refugees. In accordance with international protocols and an agreement between Afghanistan, Pakistan, and the UNHCR, repatriation to Afghanistan must be voluntary. There were no confirmed cases of refoulement; however, there were reports authorities handed over Uighurs in Afghan custody to Chinese authorities. The government worked closely with the international community to protect and respond to the needs of more than 100,000 persons displaced into Khost and Paktika provinces by the Pakistani military's operation against insurgents in Pakistan's Federally Administered Tribal Areas.

The government continued to provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The government's capacity to absorb returned refugees remained low. The number of refugees returning decreased during the year due to uncertainty about security in the posttransition period and due to Pakistan's extension of proof of residency cards for Afghan refugees through December 2015.

During the first half of the year, 9,323 refugees voluntarily repatriated with UNHCR assistance. The average number of returns per day reflected a 64 percent decrease from the same period in 2013.

Access to Basic Services: Reintegration of returnees remained difficult. The UNHCR, in conjunction with the governments of Afghanistan, Iran, and Pakistan, continued a strategy developed in 2012 aimed at preserving refugee status for those remaining in neighboring countries while assisting with the reintegration of returnees through targeted assistance, including educational, health, and employment assistance. Returnees ostensibly had equal access to health, education, and other services, although some community sites designated for returning refugees had limited means of transportation or lacked roads leading to larger, more established villages and urban centers, which made access to such services and economic opportunities difficult.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the ability to change their government through free and fair elections, and citizens exercised this right in the 2014 presidential and provincial elections and the 2010 parliamentary elections, each based on universal suffrage. The Taliban attempted to use violence to intimidate voters from going to polling places during both rounds of the 2014 presidential elections. Allegations of serious widespread fraud and corruption also marred the elections. As a result of one of the candidates' accusations of massive fraud, the IEC, with significant support from the United Nations and international observers, conducted an audit from July to September of all ballot boxes from the June presidential runoff elections. The two presidential candidates' camps signed a political agreement in September establishing a government of national unity, including the creation of the position of a chief executive officer.

Elections and Political Participation

Recent Elections: Despite threats from the Taliban and inclement weather, citizens from across the country voted in the presidential and provincial council elections on April 5. According to the IEC, more than 6.8 million voters cast votes in the first round of the presidential election. Although security incidents occurred throughout the country, they appeared to have only a modest impact on turnout, and there were no mass-casualty events. Of eight presidential candidates who competed in the first round, former foreign minister Abdullah Abdullah and former finance minister Ashraf Ghani Ahmadzai were the top vote getters, with 45 percent and 31.6 percent, respectively; however, neither candidate garnered more than 50 percent needed to win outright and avoid a runoff. A runoff election between Ghani and Abdullah occurred on June 14. On September 21, the IEC named Ghani the new president. According to media reporting of leaked IEC data, the audit invalidated more than 850,000 fraudulent ballots of an estimated eight million.

Government and civil society institutions praised the participation of women and estimated more female voters participated in the 2014 election than in the 2009 presidential election. While there were reports of low voter participation among women in some rural areas, anecdotal reports from various sources suggested women's participation was robust overall, and the IEC estimated women made up approximately 36 percent of voters in the April 5 first-round voting. The increase in women's participation was attributable in part to the IEC's Gender Unit, which for the first time drafted and implemented a strategy to support women's participation in the elections. Although election institutions viewed the voting day for the first round as generally well run, ballot shortages reported across the country led to disenfranchisement of some voters, even after the IEC delivered emergency contingency ballots. A combination of higher-than-anticipated voter turnout, inaccurate population estimates, and fraud contributed to ballot shortages.

In the June 14 runoff election, the IEC estimated a turnout of nearly eight million voters, including 38 percent women. Although there were again reports of ballot shortages, the IEC more effectively dispatched contingency ballots where needed. The ANSF was largely successful in securing most areas, and there was better coordination between the ANSF and IEC staff than in the first round of voting. While insurgent attacks caused slightly more casualties than during the first round, there were a third fewer significant security incidents.

After the June 14 runoff election, allegations of fraud led to a dispute over the accuracy of the preliminary results announced by the IEC on July 7, which showed Ghani in the lead with 56.4 percent to Abdullah's 43.5 percent. Following a protracted standoff, the two candidates agreed to an unprecedented 100 percent audit of the ballot boxes and committed to forming a national unity government with the runner-up being chief executive officer in the government. The IEC completed the election audit in September and named Ghani the winner on September 21.

Political Parties and Political Participation: Negative past associations with violent militia groups and the former communist regime, as well as allegations of persistent corruption and inefficiency, led many citizens to view political parties with suspicion. The 2009 Party Law granted parties the right to exist as formal institutions for the first time in the country's history. The law requires parties to have at least 10,000 members from a minimum of 22 of the country's 34 provinces.

Political parties were not always able to conduct activities throughout the country, particularly in regions where antigovernment violence affected overall security. Violence against participants in the political party system was common, even during nonelection periods. As of August 15, there were 58 political parties registered with the Ministry of Justice. 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 and provides that parties failing to comply are to be removed from the ministry's official list.

According to justice ministry officials, a deregistered party would be able to meet and continue "informal" political activities, but candidates for political office would not be able to run under the party's name. During a 2013 nationwide review of provincial political party offices, the Ministry of Justice found various political parties not in compliance with the regulation but did not publicly announce the deregistration of any party. Provincial party members continued to assert the ministry's monitoring process was inconsistent, with some parties reporting regular interactions with ministry officials and others having none at all. Political parties played a greater role in the 2014 presidential elections than in previous elections, and their organization, networks, and manpower contributed to the success of presidential candidates Abdullah and Ghani. Close to a dozen major political parties and coalitions from across the ethnic and political spectrum campaigned on behalf of the presidential candidates, and the parties' leadership played key roles in the campaigns.

Participation of Women and Minorities: The constitution provides seats for women and minorities in both houses of parliament. The constitution provides for at least 68 female members in the 249-member lower house of parliament, while 10 seats are provided for the Kuchi minority. According to the constitution, the president should appoint one-third of the 102 members of the upper house, including two members with physical disabilities and two Kuchis. Women must compose 50 percent of the president's appointees to the upper house. One seat in the upper house is reserved for the appointment of a Sikh or Hindu representative. In September 2013, then president Karzai issued a presidential decree reserving a seat in the lower house for a Sikh or Hindu in the 2015 parliamentary elections. Although the lower house voted to reject the decree in December 2013, the upper house voted to approve it. The decree was sent to a joint committee; final resolution remained pending at year's end.

The legislatively mandated quota system provides for women to constitute, at a minimum, 25 percent of the lower house of parliament. No ceiling exists on the number of female parliamentarians. In 2010 citizens elected a total of 69 women (27 percent of seats) to the lower house of parliament. Traditional societal practices continued 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 likely continued to influence the central government's male-dominated composition. The July 2013 electoral law reduced women's quotas on provincial councils from 25 percent to 20 percent and eliminated women's quotas entirely for district and village councils. Neither district nor village councils had been formed by year's end.

As did their male counterparts, women active in public life continued to face threats and violence and were the targets of attacks by the Taliban and other insurgent groups. Most female parliamentarians reportedly experienced some kind of threat or intimidation, and many believed the state could not or would not protect them. On November 16, parliamentarian Shukria Barakzai was injured in a suicide attack against her convoy.

Female members of the High Peace Council continued to face impediments to participating in major decision making related to the peace process and were excluded from council delegations on some foreign visits. As of August 15, women filled eight of the 70 seats on the council.

There were three women in cabinet-level positions (public health, social affairs, and women's affairs).

Individuals from the Pashtun ethnic group had more seats than any other ethnic group in both houses of parliament but did not have more than 50 percent of the seats. There was no evidence specific societal groups were excluded. There were no laws preventing minorities from participating in political life, although different ethnic groups complained they did not have equal access to local government jobs in provinces where they were a minority.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption. The government did not implement the law effectively, and there were reports officials frequently engaged in corrupt practices with impunity. There were some reports of low-profile corruption cases successfully tried at the provincial level. The government made several commitments to combat corruption, including former president Karzai's 2012 decree, but little progress was made toward implementation at year's end. At the beginning of 2013, the Attorney General's Office created a monitoring department, as required by the decree, and it began accepting referred cases. There was no progress on the cases reported as of year's end.

A June 2013 law organizing the judiciary weakened the Control and Monitoring Department of the Supreme Court. The department had been considered effective in dealing with corruption within the judiciary in the districts and provinces. The new law eliminated some of the department's key positions and its authority to conduct investigations, make arrests, and prosecute violators.

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. Reports indicated many citizens believed the government had not been effective in combating corruption. Credible foreign reporting indicated the equivalent of tens of millions of dollars was smuggled out of the country each year. Corruption and uneven governance continued to play a significant role in allowing the Taliban to maintain its foothold in the east-central part of the country and to exert influence in the southern, eastern, and some northern provinces, particularly in remote areas.

Prisoners and local NGOs reported corruption was widespread across the justice system, particularly in connection with the prosecution of criminal cases and

“buying” release from prison. There were also reports of money being paid to reduce prison sentences, halt an investigation, or have charges dismissed outright. The practice of criminalizing civil complaints was commonly used to settle business disputes or extort money from wealthy international investors.

During the year there were reports of “land grabbing” by both private and public actors. The most common type occurred when businesses illegally obtained property deeds from corrupt officials and sold the deeds to unsuspecting “homeowners,” who would then be caught in criminal prosecutions. Other reports indicated government officials grabbed land without compensation in order to swap the land for contracts or political favors. Occasionally, provincial governments illegally confiscated land without due process or compensation to build public facilities.

Corruption: During the year there were significant developments in the case of Kabul Bank, which had been the country’s largest private financial institution prior to its collapse in a bank fraud scandal that began to unfold in 2010. Reportedly, nearly 57 billion Afghanis (\$983 million) of misappropriated funds were disbursed to politicians, ministers, and politically well-connected shareholders of the bank.

In March 2013 the Kabul Bank Special Tribunal sentenced former chairman Sher Khan Farnood and former chief executive officer Khalilullah Ferozi to five years in prison for “breach of trust” and ordered them to make restitution. The attorney general appealed the verdict. The remaining 19 persons accused in the case, including minor bank officials and public officials, were convicted and sentenced to prison terms and fines generally considered disproportionately heavy in comparison with the sentences received by Farnood and Ferozi. The indictment of Farnood and Ferozi, which was sent to the Special Tribunal in 2012, also included the crimes of embezzlement and money laundering, both of which would allow for confiscation of the defendants’ property. The conviction on breach of trust, however, did not allow authorities to confiscate assets or impose any penalties for failure to repay the funds.

On October 1, President Ghani issued a decree ordering the appellate court to render a decision on the pending appeal in Farnood and Ferozi’s case, that police arrest those who were convicted in the case but had not been incarcerated, and that the Supreme Court review the case and determine whether the scope of the case should be expanded. The decree also outlined steps to pursue the return of ill-gotten gains the fraud’s perpetrators sent out of the country. The decree resulted in the indictment of 17 individuals, and on November 18, the tripling of Farnood and

Ferozi's sentences to 15 years in prison by the appellate court. The Attorney General's Office subsequently froze the assets of 10 companies and eight individuals involved in the bank's collapse. At year's end, however, the majority of assets in the Kabul Bank case had not been recovered.

Impunity continued in the prosecution of some high-profile corruption cases, including those involving the national Military Hospital.

There were reports the Attorney General's Office was unwilling or unable to pursue corrupt officials and that high-level officials who were arrested on corruption-related charges were released subsequent to political pressure. In addition there was anecdotal evidence accusations of corruption on the part of others were used by corrupt officials to damage their opponents' reputations or to deflect attention from their own misdeeds. There were reports the Attorney General's Office compelled international contractors to settle claims made by local subcontractors, regardless of the merits of the commercial disputes involved, and detained foreign employees of the contractors as leverage in the disputes (see section 1.d.).

Provincial police benefited financially from corruption at police checkpoints and from the narcotics industry. ANP officers reportedly paid higher-level Ministry of Interior officials for their positions and to secure promotions. The justice system rarely pursued corruption cases, especially if they involved police, although authorities arrested and detained a provincial chief of police on drug-trafficking charges. The Ministry of Interior continued to be affected by widespread corruption, poor performance, and abuse of power by officers. From January 2013 to June 2014, police were defendants in more than two thousand cases on charges of neglect of duty, bribery, theft, assault and battery, and murder.

In addition to official impunity problems, low salaries exacerbated government corruption. The international community worked with the national and provincial governance structures to address the problem of low salaries, but implementation of grade reform remained slow.

Credible sources reported local police in many areas extorted a "tax" and inflicted violence at police checkpoints for nonpayment. Truck drivers complained they had to pay bribes to security forces, insurgents, and bandits to allow their trucks to pass.

Police reportedly extorted bribes from civilians in exchange for release from prison or to avoid arrest. Citizens paid bribes to corrections and detention officials for the release of prisoners who had not been discharged at the end of their sentences.

The government made efforts to combat corruption within the security sector. Before the 2010 elections, the Ministry of Interior trained and deployed provincial inspectors general, who remained on duty after the elections. Their training continued. Merit-based promotion boards continued, with at least three candidates competing for each job; the process of instituting pay reform and electronic funds transfer for police salaries also continued.

The High Office of Oversight oversees and develops the government's ability to mitigate corruption in line with commitments made at the 2010 London and 2012 Kabul conferences, and as directed by the 2012 presidential decree on good governance. Overall, the oversight office continued to be ineffective, with reports of corruption within the office itself.

Governors with reported involvement in the drug trade or records of human rights violations reportedly continued to receive executive appointments and served with relative impunity.

Financial Disclosure: The High Office of Oversight is tasked with collecting information from senior government officials on all sources and levels of personal income. The office verifies and publishes online and in mass media the personal asset declarations of the most senior officials (those covered under article 154 of the constitution) upon assumption of and again upon permanent departure from duty. While collection and publication occurred, there was only limited progress on the verification of such declarations by domestic and international experts independent of the government. There is no legal penalty for any official who submits documentation with omissions or misrepresentations, undermining a key tool to identify possible wrongdoing.

The government continued to make electronic direct deposits of police and military salaries and expanded a pilot project to pay police via mobile phone in areas without banks, making salary payment a more transparent and accountable process and theoretically less subject to corruption.

Public Access to Information: The constitution provides citizens the right to access government information, except when access might violate the rights of others. Access to information from official sources continued to be limited due to

a lack of clarity regarding citizens' right to access and a lack of transparency among government institutions. In December, President Ghani signed the Access to Information Law, which provides an official mechanism to request previously unavailable information from the government.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. While government officials were somewhat cooperative and responsive to their views, there were cases in which government officials intimidated human rights groups. Human rights activists continued to express concern war criminals and human rights abusers remained in positions of power within the government. Powerful figures within the government continued to block the release of the AIHRC report, *Conflict Mapping in Afghanistan since 1978*. As of late October, the report was not released.

The lack of security and instability in parts of the country continued to affect NGO activities.

Government Human Rights Bodies: The constitutionally mandated AIHRC continued to address human rights problems and operated with minimal government funding, relying almost exclusively on international donor funds. The mutual accountability framework agreed upon at the July 2012 Tokyo conference included provisions for expeditious enforcement of constitutional provisions and assurances the AIHRC would be able to perform its appropriate functions. Nonetheless, then president Karzai did not reappoint the AIHRC commissioners, whose terms had expired in 2011, until June 2013. Civil society representatives asserted several of the president's appointees were not independent, which allowed Karzai to exercise greater control over independent democratic institutions, such as the AIHRC, and also questioned the new appointees' credibility and commitment to human rights.

Although former president Karzai signed the Action Plan for Peace, Justice, and Reconciliation in 2006, the action plan had yet to be implemented, despite calls from civil society for transitional justice. The government's efforts focused primarily on reconciliation and negotiations with the Taliban led by the High Peace Council.

Three committees deal with human rights in the Wolesi Jirga (the lower house of parliament): 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 upper house of parliament), the Committee for Gender and Civil Society addresses human rights concerns.

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

While the constitution prohibits discrimination among citizens and provides for the equal rights of men and women, local customs and practices that discriminated against women prevailed in much of the country. The constitution does not explicitly address equal rights based on race, disability, language, or social status. There were reports of discrimination based on race, ethnicity, and gender.

Women

Although the situation of women marginally improved during the year, domestic and international gender experts considered the country very dangerous for women.

Pursuant to the constitution, the 2009 Shia Personal Status Law governs family and marital problems for the approximately 19 percent of the population who are Shia. Although the law officially recognizes the Shia minority, the law does not adequately protect gender equality. Articles in the law of particular concern continued to be those on minimum age of marriage, polygyny, right of inheritance, right of self-determination, freedom of movement, sexual obligations, and guardianship.

Rape and Domestic Violence: The EVAW law, which was put into effect by presidential decree, criminalizes violence against women, including rape, battery, or beating; child and forced marriage; humiliation; intimidation; and deprivation of inheritance; however, its implementation was limited. The law provides for a sentence of 16 to 20 years in prison for rape. If the act results in the death of the victim, the law provides for the death sentence for the perpetrator. The law provides for imprisonment of up to seven years for the “violation of chastity of a woman...that does not result in adultery (such as sexual touching).” Under the law rape does not include spousal rape. The law was not widely understood, and some in the public and the religious communities deemed the law un-Islamic. Authorities lacked the political will to implement the law, however, and continued

to fail to enforce it fully and successfully. In 2013 the AIHRC released a report on rape and honor killing, noting the number of honor killings and sexual assaults had increased in almost every part of the country. The report stated 91 percent of the cases registered with the AIHRC during the one-year period of research were referred to the justice system. Of those cases, the AIHRC considered the legal proceedings to be “successful” 65 percent of the time. In September the New Afghanistan Women Association reported, based on statistical sampling and anecdotal reports, sexual violence against women was rising.

In May 2013 a female parliamentarian presented the EVAW law to parliament seeking additional reaffirmation of women’s rights even though this was not technically necessary, since a presidential decree has the same legal power as a law passed through parliament. This inadvertently led to the conservative male majority arguing against the law by saying the protections for women were un-Islamic. The speaker prevented the law from being overturned or amended and weakened by promptly ending debate and proposing it be reviewed by a parliamentary committee, where it remained as of October 15. The AIHRC, justice implementers, and civil society continued to make efforts to increase awareness of the law, despite the controversy. Some female leaders believed revisions and improvements to the EVAW law were needed, while others focused primarily on implementation and enforcement. In June members of the High Commission for the Elimination of Violence Against Women met with the deputy minister of justice to advocate against moving the law back to parliament for debate.

The Attorney General’s Office established the first specialized EVAW prosecution unit in Kabul in 2010. The Attorney General’s Office continued to expand the number of EVAW units, and, as of August 23, it reported having official EVAW units in 18 provinces. In other provinces the Attorney General’s Office assigned prosecutors to handle cases of violence against women on at least a part-time basis. A December 2013 UN report found provinces with dedicated EVAW units tried, registered, and convicted more cases than those without an EVAW unit.

As of August 1, a total of 1,076 complaints were registered with eight of the EVAW units for crimes under the EVAW law; numbers from the remaining units were unavailable. Provincial directorates of women’s affairs and civil society activists indicated increased awareness of women’s rights had resulted in an increase in the number of complaints reported. The vast majority of complaints brought under the EVAW law were resolved through family mediation. In its *First Report on the Implementation of the Elimination of Violence against Women (EVAW) Law in Afghanistan*, the Ministry of Women’s Affairs reported in March

41 percent of registered cases of violence against women had been resolved through mediation or processes other than legal proceedings. Government entities, such as the Ministry of Women's Affairs and law enforcement officials, referred a small number of cases, but civil society organizations referred most cases to ERAW units.

Prosecutors and judges in some remote provinces were unaware of the ERAW law, and others were subject to community pressure to release defendants due to familial loyalties, threat of harm, or bribes. Reports indicated men accused of rape often claimed the victim agreed to consensual sex, leading to adultery charges against the victim, or made false claims of marriage to the victim.

Rapes were difficult to document due to social stigma. Male victims seldom came forward due to fear of retribution or additional exploitation by authorities, but peer sexual abuse was reportedly common. Female victims faced stringent societal reprisal, from being deemed unfit for marriage to being imprisoned or a victim of extrajudicial killing.

According to a survey by the Asia Foundation, less than a quarter (21 percent) of women surveyed knew of an organization, institution, or authority in their area where women could go to have their problems resolved. Women who sought assistance in case of rape often became subjects of virginity tests and in some instances had their cases converted into adultery cases. Interpretations of sharia also impeded successful prosecution of rape cases.

In May the media reported in Kunduz Province a mullah raped a 10-year-old girl to whom he was giving religious instruction. Authorities took the girl to a women's shelter due to fear she would become the victim of an honor killing. She returned to her family two months later after her parents and others in the community gave assurances to the Attorney General's Office she would not be harmed. Authorities arrested the mullah, and in October a court sentenced him to 20 years in prison and fined him 1.5 million Afghani (\$26,000). In July the media also reported on the case of a 22-year-old woman who committed suicide after being kidnapped and raped by several armed men in Baghlan Province as well as on the case of another woman in the province whose husband burned her with boiling water before killing her.

The penal code criminalizes assault, and courts entered judgments against domestic abusers under this provision. According to NGO reports, hundreds of thousands of women continued to suffer abuse at the hands of their husbands, fathers, brothers,

armed individuals, parallel legal systems, and institutions of state, such as the police and justice systems. The AIHRC's June 2013 national inquiry on rape and honor killing noted murders, assaults, and sexual violence against women commonly involved family members as suspects.

Police response to domestic violence was limited, in part due to low reporting, sympathetic attitudes toward perpetrators, and limited protection for victims. There were reports of government officials' complicity in violations of the EVAW law. An AIHRC report stated through August there were 39 cases of violence against women committed by security forces. In February, nine border police in Takhar Province kidnapped, raped, and murdered an 18-year-old girl; authorities arrested six of the perpetrators. Some police and judicial officials were not aware or convinced rape was a serious criminal offense, and investigating rape cases was generally not a priority. Even in instances in which justice officials took rape seriously, some cases reportedly did not proceed due to bribery, family or tribal pressure, or other interference during the process. The AIHRC's June 2013 report on rape and honor killing asserted only 64 percent of cases referred to the justice sector were prosecuted or adjudicated correctly. The AIHRC and NGOs, however, confirmed most cases went unreported due to societal acceptance of the practice.

According to the AIHRC, more than 1,250 cases of violence against women were reported as of August 1. The AIHRC also expressed concern traditional and cultural violence, such as child and forced marriage, the practice of exchanging women to settle disputes (baad), forced isolation, and honor killings continued and appeared to be on the rise. Accurate statistics on the extent of violence against women were difficult to obtain.

Most women did not seek legal assistance for domestic or sexual abuse because they did not know their rights or because they feared prosecution or return to their family or the perpetrator. Women sometimes turned to shelters for assistance and sometimes practiced self-immolation, and the Ministry of Women's Affairs reported there continued to be cases of suicide as a result of domestic violence. According to NGOs that ran women's shelters countrywide, police continued to make up a significant portion of referrals, likely reflecting improved ANP training and awareness. Space at the 28 formal shelters across the country, however, was sometimes insufficient. Women who could not be reunited with their families or remarry were compelled to remain in shelters indefinitely because "unaccompanied" women were not commonly accepted in society. The difficulty of finding durable solutions for women compelled to stay in shelters was compounded by societal attitudes toward shelters, the belief that "running away

from home” was a serious violation of social mores, and the continued victimization of women who were raped but perceived by society as adulterers.

Women in need of shelter but who could not find it often ended up in prison, either due to a lack of shelter alternatives, for their own protection, or based on local interpretation of “running away” as a moral crime. Adultery, fornication, and kidnapping are crimes under the law. Women often were convicted of those crimes in situations of abuse, rape, or forced marriage, or on the basis of invalid evidence, including flawed virginity tests. Running away is not a crime under the law. As of July 31, approximately 58 percent of female prisoners were incarcerated for moral crimes, according to GDPDC records, a decrease from 80.5 percent in 2013. The decrease was likely a result of a March presidential decree releasing women convicted of moral crimes.

The Supreme Court acknowledged in a 2010 circular women have a right to be free from violence in the home and indicated that women who leave home and approach relatives or government institutions for assistance with violence have not committed a crime. At the same time, the Supreme Court maintained if a woman sought refuge with someone other than a relative or a competent government institution, the act of running away could be treated as a discretionary crime on the grounds it could result in the commission of a crime such as zina or prostitution. There were reports some justice officials conflated running away with the intent to commit adultery and proceeded with prosecution without regard to the conditions that prompted the woman to leave her home. In 2012 the Attorney General’s Office issued a circular to prosecutors stating running away was not, on its own, a crime and should not be prosecuted. In May 2013 a Human Rights Watch report stated convictions of women for running away had decreased since 2012.

In June 2013 the juvenile rehabilitation centers in Kabul, Paktiya, Balkh, Nangarhar, Kunduz, and Herat admitted to facilitating virginity tests on female detainees and prisoners. The tests, conducted at hospitals by the Ministry of Public Health, involved a gynecological examination to detect the presence of the hymen. Police, prosecutors, and courts often ordered the tests, which could be used as evidence of moral crimes if authorities desired.

The Ministry of Women’s Affairs regulates all shelters operated by NGOs. Ministry and civil society shelter operators worked together to launch on August 18 the Women’s Protection Centers Guidelines, which contain best practices gathered by the five civil society organizations that make up the Afghan Shelter Network.

In May 2013 parliamentary debate over the EVAW law reignited a public debate over women's shelters, which some public figures compared to brothels. The Ministry of Women's Affairs, civil society, and the international community criticized the antishelter rhetoric. The existence of shelters continued to be culturally controversial throughout most of the country.

There were reports the Ministry of Women's Affairs, as well as nongovernmental entities, sought to arrange marriages for women who could not return to their families.

Instructions to wait for victims to reach out to them hindered female police officers trained to help victims of domestic violence. There were 283 female response unit investigators working in 33 of 34 provinces. These units were staffed by police officers, some of whom were female, who addressed violence and crimes against women, children, and families. Women serving in civilian and ANP positions in the Ministry of Interior offered mediation and resources to prevent future domestic violence.

Female Genital Mutilation/Cutting (FGM/C): FGM is not a common or culturally accepted practice in the country. The law does not specifically address FGM/C.

Other Harmful Traditional Practices: The EVAW law criminalizes forced or underage marriage and baad, as well as interference with a woman's right to choose her spouse. According to the United Nations and Human Rights Watch, an estimated 70 percent of marriages were forced. Despite laws banning the practice, many brides continued to be younger than the legal marriage age of 16 (or 15 with a guardian's and a court's approval). A survey of married women between the ages of 20 and 24 found 39 percent married before the age of 18. Very few marriages were registered, leaving forced marriages outside legal control. There were reports women who sought assistance under the EVAW law in cases of forced marriage or rape became subjects of virginity tests.

Local officials occasionally imprisoned women at the request of family members for opposing the family's choice of a marriage partner or on charges of adultery or bigamy. There were also reports local officials imprisoned women in place of a family member who had committed a crime but could not be located. Some women remained in detention facilities because they had run away from home to escape domestic violence or the prospect of forced marriage.

The AIHRC released its national inquiry on rape and honor killing in 2013 after a multiyear investigation. The commission reported between March 21, 2011, and April 21, 2013, there were 406 reported cases of honor killings and sexual assaults registered with the AIHRC. The unreported number was believed to be much higher and to include cases of suicide and self-immolation. Under the penal code, a man convicted of honor killing after finding his wife committing adultery cannot be sentenced to more than two years' imprisonment. During the year honor killings continued, although accurate statistics were difficult to obtain. In May an 18-year-old named Amina from Bamiyan Province ran away to avoid marrying a man to whom her family had forcibly betrothed her. She agreed to return home after her father and brother signed guarantees she would not be harmed. Her father and brother claimed a gang of gunmen dragged her out of her family's vehicle and shot her to death, while her brother and father were unharmed. Police blamed the jilted fiance's family, but women's activists accused Amina's family of staging her killing. A lawyer at the Afghan Women's Network estimated 150 cases of honor killing occurred annually, based on statistics collected during the past five years. Fewer than half of the cases were formally reported, and very few resulted in convictions.

There were reports of summary justice by the Taliban and other antigovernment elements resulting in extrajudicial executions. For example, a father executed his daughter in April 2013 in front of a crowd estimated at 300 persons in Badghis Province. Four religious scholars issued the execution order for alleged adultery and "running away." Later one of the scholars was arrested for ties to the Taliban, but the father and the other three scholars remained at large.

The wide range of violence against women also included trafficking and abduction.

Sexual Harassment: No law specifically prohibits sexual harassment. In July the Ministry of Interior established a directive on sexual harassment, but it was not implemented. Women who walked outside alone or went to work often experienced abuse or harassment, including groping, or were followed on the streets in urban areas. Women who took on public roles that challenged gender stereotypes (such as female lawmakers, political leaders, NGO leaders, police officers, and news broadcasters) continued to be intimidated by conservative elements and received death threats directed at them or their families. NGOs reported violence against women working in the public and nonprofit sectors, including killings, and initiated awareness-raising campaigns to mobilize groups against harassment. Female members of the ANP reported harassment by their male counterparts, and there were reports of intimidation of and discrimination

against female ANP members and their families in their communities. In 2013 an Oxfam report cited a foreign media account of allegations of widespread sexual abuse and rape of female police officers and evidence that senior police officers demanded sexual favors in exchange for promotions.

Reproductive Rights: Women generally exercised little decision-making authority regarding marriage, timing and number of pregnancies, birthing practices, and child education.

Couples were free from government discrimination, coercion, and violence to decide the number, spacing, and timing of their children, although family and community pressures to reproduce, the high prevalence of child and early marriages, and lack of accurate biological knowledge continued to limit their ability to do so. Women could expect to bear on average 5.1 children in their lifetimes. Oral contraceptives, intrauterine devices, injectable contraceptives, and condoms were available commercially and were provided at no cost in public health facilities and at subsidized rates in private health facilities and through community health workers. According to the World Health Organization, UN, and World Bank *Trends in Maternal Mortality Report: 1990-2013*, the maternal mortality rate in 2013 was 400 deaths per 100,000 live births. Although this represented a two-thirds reduction in maternal mortality since 1995, early marriage and pregnancy put girls at greater risk for premature labor, complications during delivery, and death in childbirth. Postpartum hemorrhage and obstructed labor were key causes of maternal mortality. A skilled health practitioner attended only 34 percent of births, and just 21 percent of girls and women between the ages of 15 and 49 used a modern form of contraception.

Discrimination: Women who reported cases of abuse or who sought legal redress for other matters reported discrimination within the judicial system. Some observers, including female judges, asserted that discrimination was a result of faulty implementation of law and cultural nuances, rather than the law itself. A woman's 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 judicial system. Local practices were discriminatory against women in some areas, particularly in parts of the country where courts were not functional or knowledge of the law was minimal. Judges in some remote districts acknowledged wide influence by tribal authorities in preempting cases from the formal justice system. In the informal system, elders relied on interpretations of sharia and tribal customs, which generally discriminated against women. Many women reported limited access to justice in

male-dominated tribal shuras, where proceedings focused on reconciliation with the community and family rather than the rights of the individual. Women in some villages were not allowed any access to dispute resolution mechanisms. Lack of awareness of their legal rights and illiteracy also limited women's ability to access justice. Women's advocacy groups reported in some cases the government intervened informally with local courts to encourage them to interpret laws in ways favorable to women. Many cases in remote districts, however, reportedly were resolved according to the local police officer's or prosecutor's discretion or interpretation of the law. When legal authorities were aware of the EVAW law and its implementation, women were in some cases able to get appropriate assistance. Prosecutors in some provinces, however, continued to be reluctant to use the EVAW law, despite their awareness of its existence. Moreover, in cases in which prosecutors brought charges under the EVAW law, judges would sometimes replace those charges with others based on the penal code.

Police, prosecutors, and judges discriminated against women in criminal and civil legal proceedings stemming from violence and forced marriages. Enhanced availability of legal aid, including through female attorneys, provided some relief in formal justice system proceedings.

Cultural prohibitions on free travel and leaving the home unaccompanied prevented many women from working outside the home and reduced their access to education, health care, police protection, and other social services. In June 2013 clerics in Baghlan Province issued a religious edict (fatwa) with provisions limiting the rights of women – similar to those under the Taliban – that banned women from leaving home without a male relative, including when visiting medical clinics, and sought to shut down cosmetic shops.

The law provides for equal work without discrimination, but there are no provisions for equal pay for equal work. Women faced discrimination in access to employment and terms of occupation. Some educated urban women found substantive work, but many were relegated to menial tasks. There were 2,074 female police officers as of July 31, constituting approximately 1 percent of the total police force. In January the government appointed the first female police chief to lead a district in Kabul. While the government made efforts to recruit additional female police officers, cultural customs and discrimination rendered recruitment and retention difficult. Women in high-profile positions of government service continued to be the subjects of threats and violence. On July 3, unknown assailants shot and killed Ilam Bibi, the highest-ranking female police officer in Helmand Province, on her way to work.

The Ministry of Women's Affairs and NGOs continued to promote women's rights and freedoms. The Independent Administrative Reform and Civil Service Commission Gender Directorate did not successfully implement an action plan to increase the percentage of women in the civil service to 30 percent by 2013. The directorate reported women made up 24.1 percent of government employees at the end of 2013, up from 21.1 percent in 2012. According to the AIHRC, many women in the civil service could not meet the minimum qualification of a bachelor's degree imposed by the priority reform and restructuring system. The Ministry of Women's Affairs, the primary government agency responsible for addressing gender policy and the needs of women, had offices in all provinces and established gender units in all ministries. Gender units were established at low ranks lacking major influence, and men typically dominated leadership positions. Although the ministry's provincial offices assisted hundreds of women by providing legal and family counseling and referring women, they could not directly assist relevant organizations. The ministry and provincial line directorates continued to suffer from a lack of capacity and resources. Reports continued the provincial offices returned abused women to their families.

Despite improvements in health over the past decade, the overall health situation of women and children remained poor, particularly among nomadic and rural populations and those in insecure areas. Similar to men, female life expectancy was 64 years of age. Rural women continued to suffer disproportionately from insufficient numbers of skilled health personnel, particularly female health workers.

Compared to men, women and children were disproportionately victims of preventable deaths due to communicable diseases. Although free health services were provided in public facilities, many households could not afford certain costs related to medicines or transportation to health-care facilities, and many women were not permitted to travel to health-care facilities on their own.

Children

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

Education: Education is mandatory up to the 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. Many children, however, did not attend school. According to the AIHRC, six million children worked instead of attending school.

In most regions boys and girls attended primary classes together but were separated for intermediate and secondary education. Of the country's 8.2 million school children, the Ministry of Education estimated 3.2 million, or 39 percent, were girls. Many students, however, were not enrolled full time or dropped out early. A 2012 UNESCO report estimated boys outnumbered girls by a ratio of two-to-one at the secondary level and four-to-one at the tertiary level.

The status of girls and women in education remained a matter of grave concern. Key obstacles to girls' education included poverty, early and forced marriage, insecurity, lack of family support, lack of female teachers, and the long distance to school. Former president Karzai's 2012 Decree on Governance and Corruption addressed the lack of female teachers, particularly in conservative rural areas, by charging the Ministry of Education with recruiting an additional 11,000 teachers and increasing the number of district-level teacher training support centers to provide training opportunities for female teachers. While there was some progress in recruiting additional female teachers, the Ministry of Education fell far short of that goal.

Violent attacks against schoolchildren, particularly girls, also hindered access to education. Violence impeded access to education in various sections of the country, 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. In March insurgents attacked a primary school being used as a polling station for the elections. In May the head of the security detail for the minister of education was kidnapped and killed. The Ministry of Education reported a slight decrease in attacks on education employees through August, compared with the same period the previous year.

Insecurity, conservative attitudes, and poverty denied education to millions of school-age children, mainly in the southern and southeastern provinces. A representative from the Ministry of Education estimated in May approximately 150,000 schoolchildren in insecure areas did not have access to education. There were also reports of abduction and molestation. The lack of community-based, nearby schools was another factor inhibiting school attendance.

Child Abuse: NGOs reported increased numbers of child abuse victims during the year, and the problem remained endemic throughout the country. Such abuse included general neglect, physical abuse, sexual abuse, abandonment, and confined forced labor to pay off family debts. There were reports police beat and sexually abused children, including a case, verified by UNAMA, of an ALP member raping a girl in the Jazrez District of Maidan Wardak Province. NGOs reported a predominantly punitive and retributive approach to juvenile justice throughout the country. Although it was against the law, corporal punishment in schools, rehabilitation centers, and other public institutions remained common.

Sexual abuse of children remained pervasive. NGOs noted girls were abused by extended family members, while boys were more frequently abused by men outside their families. There were reports religious figures sexually abused both boys and girls. NGOs noted families often were complicit, allowing local strongmen to abuse their children in exchange for status or money. While the Ministry of Interior tracked cases of rape, most NGOs and observers estimated the official numbers significantly underreported the phenomenon. Many child sexual abusers were not arrested, and there were reports security officials and those connected to the ANP raped children with impunity. The practice continued of “bacha baazi” (dancing boys), which involved powerful or wealthy local figures and businessmen sexually abusing young boys trained to dance in female clothes. Reports indicated the practice had increased since 2001. Media reports alleged local authorities, including police, were involved in the practice, but the government took few steps to discourage the abuse of boys or to prosecute or punish those involved. In August the AIHRC released its national inquiry on bacha baazi. The report asserted bacha baazi was a form of trafficking already criminalized and called on the government to enforce the law actively. It attributed the root causes of the practice to lack of rule of law, corruption, gaps in the law, poverty, insecurity, and the existence of armed insurgent groups. The report noted the serious psychological and physical harm victims faced and called on the government to provide protective services to victims.

Early and Forced Marriage: Despite a law setting the legal minimum age for marriage at 16 for girls and 18 for boys, international and local observers continued to report widespread early marriage. The media reported a 2014 survey by the Ministry of Public Health that sampled 24,032 households in all 34 provinces showed 53 percent of all women ages 25-49 married by age 18 and 21 percent by age 15. During the EAW law debate, conservative politicians publicly stated it was un-Islamic to ban the marriage of girls younger than 16. Under the EAW law, those who arrange forced or underage marriages may be

sentenced to imprisonment for not less than two years, but implementation of the law remained limited. The Law on Marriage states marriage of a minor may be conducted with a guardian's consent.

By law a marriage contract requires verification the bride is 16 years of age, but only a small fraction of the population had birth certificates. Following custom, some poor families pledged their daughters to marry in exchange for "bride money," although the practice was illegal. According to local NGOs, some girls as young as six or seven were promised in marriage, with the understanding the actual marriage would be delayed until the child reached puberty. Reports indicated, however, this delay was rarely observed and young girls were sexually violated by the groom or by older men in the family, particularly if the groom was also a child. Media reports also noted the "opium bride" phenomenon, in which farming families married off their daughters to settle debts to opium traffickers. The media reported on the case of a seven-year-old girl in a refugee camp near Kabul whose father attempted to sell her to a 19-year-old moneylender to clear his debts. An anonymous donor subsequently paid the father's debt to release the girl from the marriage.

Female Genital Mutilation/Cutting (FGM/C): There were no known reports of FGM/C among girls less than age 18. The practice is not prevalent or considered culturally acceptable in the country.

Other Harmful Traditional Practices: Girls less than age 18 continued to be at risk for honor killings for perceived sexual relations outside of marriage, "running away," not accepting a forced marriage, or being a victim of sexual assault. In July the media reported family members of a 10-year-old rape victim openly spoke about killing her.

Sexual Exploitation of Children: Although pornography is a crime, child pornography is not specifically prohibited by law. Exploiting a child for sexual purposes, as with bacha baazi, was widespread but not specified as a crime under the law.

Child Soldiers: There were reports the ANSF and progovernment militias recruited children for military purposes and the Taliban and other antigovernment elements also recruited children (see section 1.g.). The Law on Prohibition of Children's Recruitment in the Military was approved in November by the Lower House.

Displaced Children: The Ministry of Labor, Social Affairs, Martyrs, and Disabled (MoLSAMD) and the AIHRC continued to estimate the number of street children in the country at six million, but the National Census Directorate had not conducted a recent survey. Street children had little or no access to government services, although several NGOs provided access to basic needs, such as shelter and food.

Institutionalized Children: Living conditions for children in orphanages were poor. The MoLSAMD oversaw 84 Child Protection Action Network centers and 78 residential orphanages, which were designed to provide vocational training to children from destitute families. Of these, 30 were privately funded orphanages and 48 were government-funded centers operated by NGOs by agreement with the ministry. NGOs reported up to 80 percent of children between ages four and 18 years in the orphanages were not orphans but were children whose families could not provide food, shelter, or schooling. Children in orphanages reported mental, physical, and sexual abuse; sometimes were trafficked and did not always have access to running water, winter heating, indoor plumbing, health services, recreational facilities, or education.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

One Jew remained in the country at year's end. 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/.

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. The MoLSAMD continued to implement a five-year national action plan through a memorandum of understanding with the Ministry of Information and Culture and the Ministry of Education to implement public awareness programs on the rights of persons with disabilities through the national media and to provide scholarships for students with disabilities.

Updated and comprehensive data on persons with disabilities continued to be lacking. Handicap International carried out a National Disability Survey in 2005, which remained the most up-to-date source of information. The survey estimated there were between 800,000 and 900,000 persons with disabilities in the country and 20 percent of all households had at least one such person. The MoLSAMD and NGOs, however, estimated in 2013 there were two million persons with disabilities in the country, 61 percent of whom were women or children. Approximately 128,000 persons with disabilities were registered with the ministry and received financial support from the government during the year.

Insecurity 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 those with disabilities, prohibiting many from benefitting from education, health care, and other services.

Persons with disabilities faced challenges, such as limited access to educational opportunities, an inability to access government buildings, a lack of economic opportunities, and social exclusion. NGOs reported persons with disabilities faced difficulties accessing the majority of public buildings, including government ministries, health clinics, and hospitals. Society and even their own families mistreated persons with disabilities, since there was a common perception persons had disabilities because they or their parents had “offended God.”

In the Meshrano Jirga, authorities reserved two of the presidentially appointed seats for persons with disabilities.

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 ANSF officers were more likely than non-Hazara officers to be posted to insecure areas of the country.

On July 25, insurgents stopped two minibuses in Ghor Province and ordered the passengers to disembark. They separated 14 Hazaras (including three women and one child) from the other passengers, bound their hands, and shot and killed them by the side of the road.

Sikhs and Hindus continued to face discrimination, reporting unequal access to government jobs and harassment in school, as well as verbal and physical abuse in public places.

Widespread discrimination by their peers forced many Sikh children to withdraw from government-operated primary schools. The government opened two schools dedicated to Sikh children, one in Kabul and one in Jalalabad.

There were few reports of targeted discrimination against Ismailis (a minority Shia Muslim group).

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 that harassment, violence, and detentions by police continued. NGOs reported police arrested, detained, robbed, and raped gay men. The law does not prohibit discrimination or harassment on the basis of sexual orientation or gender identity.

Homosexuality was widely seen as taboo and indecent. Members of the lesbian, gay, bisexual, and transgender (LGBT) community did not have access to health services and could be fired from their jobs because of their sexual orientation. Organizations devoted to protecting the freedom of LGBT persons remained underground because they could not be legally registered. Members of the LGBT community reported they continued to face discrimination, assault, rape, and arrest.

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. 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. 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 MoLSAMD Labor High Council as the highest decision-making body on labor-related problems, the lack of required implementing regulation 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 labor law implementation 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 without interference or political influence. Freedom of association and the right to bargain collectively were generally 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 prohibits all forms of forced or compulsory labor. The law prescribes penalties, including a “maximum term” of imprisonment for forced labor (between eight and 15 years). Article 515 of the penal code also could be interpreted to

criminalize a “foreign party’s” coercive labor practices through fraud or deceit with a penalty of five to 15 years’ imprisonment.

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.

Forced labor occurred. Men, women, and children were forced into poppy cultivation, domestic work, carpet weaving, brick kiln work, organized begging, and drug trafficking. NGO reports documented the practice of bonded labor, whereby customs allow families to force men, women, and children to work as a means to pay off debt or to settle grievances. The debt can continue from generation to generation, with children forced to work to pay off their parents’ debt (see section 7.c.). Labor violations against migrant workers were common, especially the widespread practice of bonded labor in brick kiln facilities.

Also see the Department of State’s *Trafficking in Persons Report* at 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 18 but permits 14-year-olds to work as apprentices, allows children who are 15 and older to do “light work,” and permits children 16 and 17 to work up to 35 hours per week. Children less than age 14 are prohibited from working under any circumstances. The law prohibits the employment of children in work likely to threaten their health or cause disability. In February the labor ministry released a list of “hazardous occupations” forbidden for children. The list includes mining, begging, 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.

The government lacked a specific policy on implementing the law’s provisions on child labor. Generally poor institutional capacity was a serious impediment to effective enforcement of the labor law, including inadequate resources, inspections, remediation, and penalties for violations, and the government made minimal efforts to prevent child labor or remove children from exploitative labor conditions. In addition reports estimated fewer than 10 percent of children had formal birth registrations, further limiting authorities’ already weak capacity to enforce laws on the minimum age of employment.

Child labor remained a pervasive problem, with indications the problem could become more widespread as families become more reliant on income produced by children as development aid drops and profit margins become lower. According to labor ministry estimates, 1.9 million children ages six to 17 years worked, 1.2 million children in the formal sector and 700,000 in the informal sector. The ministry estimated three million children were “at risk,” since they did not attend school and often faced exploitation.

Child laborers worked as domestic servants, street vendors, peddlers, and shopkeepers, as well as in carpet weaving, brick making, the coal industry, and poppy harvesting. Children were also heavily engaged in the worst forms of child labor in agriculture, mining (especially family-owned gem mines), commercial sexual exploitation (see section 6, Children), transnational drug smuggling, and organized begging rings. Some sectors of child labor exposed children to land mines. Children faced numerous health and safety risks at work, and there were reports children were exposed to sexual abuse by adult workers.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The constitution prohibits discrimination and notes that citizens “man and woman” have equal rights and duties before the law. There are no specific provisions addressing discrimination regarding race, disability, language, sexual orientation, and/or gender identity, HIV-positive status or other communicable diseases, or social status. 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 hardships in the workplace. Many women faced difficulty working due to pressure from relatives to stay home and discrimination in 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 work reported they faced difficulties such as 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.

e. Acceptable Conditions of Work

The minimum wage for government workers was 5,000 Afghanis (\$85) per month for nonpermanent workers and 6,000 Afghanis (\$103) for permanent workers. For permanent private sector workers there is no minimum wage, while for nonpermanent private sector workers the minimum wage was 5,500 Afghanis (\$95) per month. According to the Central Statistics Office, 36 percent of the population earned wages below the poverty line of 1,150 Afghanis (\$20) 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 youths, pregnant women, nursing mothers, 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 injuries suffered in the line of work, overtime pay, health insurance for the employee and immediate family members, and other incidental allowances. The law prohibits compulsory work and stipulates overtime work be subject to the agreement of the employee. The law prohibits women and minors (ages 15 to 18) from engaging in physically challenging work or work that is harmful to health and from working at night. The law also requires employers to provide day care and nurseries for children.

The government did not effectively enforce these laws. The labor ministry had only 20 inspectors for 34 provinces, and the inspectors had no legal authority to enter premises or impose sanctions 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 to hire workers informally. Most employees worked longer than 40 hours per week, were 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 that endangered their health or safety.