

AFGHANISTAN 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Afghanistan is an Islamic republic with a directly elected president, a bicameral legislative branch, and a judicial branch; however, armed insurgents control some portions of the country. On September 28, Afghanistan held presidential elections after technical issues and security requirements compelled the Independent Election Commission (IEC) to reschedule the election multiple times. To accommodate the postponements, the Supreme Court extended President Ghani's tenure. The IEC delayed the announcement of preliminary election results, originally scheduled for October 19, until December 22, due to technical challenges in vote tabulations; final results scheduled for November 7 had yet to be released by year's end.

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

Armed insurgent groups conducted major attacks on civilians and targeted killings of persons affiliated with the government.

Significant human rights issues included: unlawful killings by insurgents; extrajudicial killings by security forces; forced disappearances by security forces and antigovernment personnel; reports of torture by security forces and antigovernment entities; arbitrary detention by government security forces and

insurgents; government corruption; lack of accountability and investigation in cases of violence against women, including those accused of so-called moral crimes; recruitment and use of child soldiers and sexual abuse of children, including by security force members and educational personnel; trafficking in persons; violence by security forces against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and criminalization of consensual same-sex sexual conduct.

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

Antigovernment elements continued to attack religious leaders who spoke against the Taliban. During the year many progovernment Islamic scholars were killed in attacks for which no group claimed responsibility. The Taliban and ISIS-Khorasan Province (ISIS-K) used child soldiers as suicide bombers and to carry weapons. Other antigovernment elements threatened, robbed, kidnapped, and attacked government workers, foreigners, medical and nongovernmental organization (NGO) workers, and other civilians. The UN Assistance Mission in Afghanistan (UNAMA) reported 8,239 civilian casualties in the first nine months of the year, with 62 percent of these casualties attributed to antigovernment actors. Taliban propaganda did not acknowledge responsibility for civilian casualties, separating numbers into “invaders” and “hirelings.” The group also referred to its attacks that indiscriminately killed civilians as “martyrdom operations.”

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

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

There were several reports that the government or its agents committed arbitrary or unlawful killings. From January 1 to September 30, UNAMA reported 2,560 civilian deaths, a decrease from 2,870 during the same period in 2018. The total number of civilian casualties remained approximately the same (8,240 compared with 8,239). The number of civilian deaths attributed to progovernment forces increased from 717 to 1,149, a 36 percent increase from the corresponding period in 2018.

According to the quarterly report released by UNAMA in October, verified civilian casualties from July to September increased by 42 percent in comparison with the same period in 2018. In July, moreover, UNAMA documented the highest number of civilian casualties ever recorded in a single month since the United Nations began its systematic documentation of civilian casualties in the country in 2009.

There were numerous reports of politically motivated killings or injuries by the Taliban, ISIS-K, and other insurgent groups. UNAMA reported 5,117 civilian casualties from antigovernment element attacks that deliberately targeted civilians. These groups caused 62 percent of total civilian casualties, with 46 percent attributed to the Taliban, 12 percent to ISIS-K, and 3 percent to unidentified antigovernment elements. On August 7, the Taliban claimed responsibility for a suicide car bomb that targeted a Kabul police station, killing 14 and wounding 145. Human rights defenders were disproportionately targeted. On September 5, the body of Abdul Samad Amiri, acting chief of the Ghor provincial office of the Afghanistan Independent Human Rights Commission (AIHRC), was found alongside a highway. The AIHRC stated Taliban insurgents shot Amiri. On August 17, militants, later identified as ISIS-K, bombed a wedding in Kabul, killing 91 and injuring 143, according to UNAMA.

b. Disappearance

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

UNAMA, in its biannual *Report on the Treatment of Conflict-Related Detainees in Afghanistan*, reported 34 incidents of enforced disappearances in Kandahar, with some cases publicly alleging ANP complicity.

Two professors, working for the American University of Afghanistan and kidnapped by the Taliban in 2016 in Kabul, were released in November.

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

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

NGOs reported security forces continued to use excessive force, including torturing and beating civilians. Despite legislation prohibiting these acts, independent monitors continue to report credible cases of torture in detention centers.

UNAMA's 2019 *Report on the Treatment of Conflict-Related Detainees* stated that in 28 of 34 provinces an average of nearly one in three prisoners provided credible and reliable accounts of ill treatment. The report linked one ANP facility in Kandahar to a 77 percent torture rate, well above the 31 percent ANP average. The Kandahar findings included allegations of suffocation, electric shocks, pulling of genitals, and suspension from ceilings. The UNAMA report shows a decrease in the prevalence of torture reported by those interviewed in the custody of the NDS in Kandahar, down from 60 percent in 2018 to 7.4 percent. Herat showed a similar improvement, but NDS facilities in Kabul, Khost, and Samangan remained areas of concern.

There were numerous reports of torture and cruel, inhuman, and degrading punishment by the Taliban, ISIS-K, and other antigovernment groups. On May 26, UNAMA reported that it interviewed 13 detainees from a group of 53 rescued from a Taliban detention facility in Uruzgan Province. The Taliban kept detainees in poor conditions and subjected them to forced labor. The interviewees stated the Taliban killed some of its captives and shackled them permanently while in captivity.

Prison and Detention Center Conditions

Prison conditions were harsh due to overcrowding, unsanitary conditions, and limited access to medical services. The General Directorate of Prisons and Detention Centers (GDPDC), part of the Ministry of Interior, has responsibility for all civilian-run prisons (for both men and women) and civilian detention centers, including the large national prison complex at Pul-e-Charkhi. The Ministry of Justice's Juvenile Rehabilitation Directorate is responsible for all juvenile rehabilitation centers. The NDS operates short-term detention facilities at the provincial and district levels, usually co-located with its headquarters facilities. The Ministry of Defense runs the Afghan National Detention Facilities at Parwan. There were credible reports of private prisons run by members of the Afghan National Defense and Security Forces (ANDSF) and used for abuse of detainees. The Taliban also maintain illegal detention facilities throughout the country. The ANDSF discovered and liberated several Taliban detention facilities during the

year and reported that prisoners included children and adults accused of moral crimes or association with the government.

Physical Conditions: Overcrowding in prisons continued to be a serious, widespread problem. Based on standards recommended by the International Committee of the Red Cross (ICRC), 28 of 34 provincial prisons for men were severely overcrowded. In September the country's largest prison, Pul-e Charkhi, held 13,453 prisoners, detainees, and children of incarcerated mothers, 58 percent more than it was designed to hold.

According to media reports, in May a conflict between police force members and a number of prisoners at the Pul-e-Charkhi prison left four prisoners dead and 33 others, including 20 police officers, wounded.

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

According to NGOs and media reports, authorities held children younger than age 15 in prison with their mothers, due in part to a lack of capacity of separate children's support centers. These reports documented insufficient educational and medical facilities for these minors.

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

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

Independent Monitoring: The AIHRC, UNAMA, and the ICRC monitored the NDS, Ministry of Interior, Ministry of Justice, and Ministry of Defense detention

facilities. NATO Mission Resolute Support monitored the NDS, ANP, and Defense Ministry facilities. Security constraints and obstruction by authorities occasionally prevented visits to some places of detention. UNAMA and the AIHRC reported difficulty accessing NDS places of detention when they arrived unannounced. The AIHRC reported NDS officials usually required the AIHRC to submit a formal letter requesting access at least one to two days in advance of a visit. NDS officials continued to prohibit AIHRC and UNAMA monitors from bringing cameras, mobile phones, recording devices, or computers into NDS facilities, thereby preventing AIHRC monitors from properly documenting physical evidence of abuse, such as bruises, scars, and other injuries. The NDS assigned a colonel to monitor human rights conditions in its facilities.

d. Arbitrary Arrest or Detention

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

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

Arrest Procedures and Treatment of Detainees

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

Understanding and knowledge of the penal code that took effect in February 2018 to modernize and consolidate criminal laws, among justice sector actors and the public was not widespread.

Existing law provides for access to legal counsel and the use of warrants, and it limits how long authorities may hold detainees without charge. Police have the right to detain a suspect for 72 hours to complete a preliminary investigation. If police decide to pursue a case, they transfer the file to the Attorney General's Office (AGO). After taking custody of a suspect, the AGO may issue a detention warrant for up to seven days for a misdemeanor and 15 days for a felony. With court approval, the investigating prosecutor may detain a suspect while continuing the investigation, with the length of continued detention depending on the severity of the offense. The investigating prosecutor may detain a suspect for a maximum of 20 days for a misdemeanor and 60 days for a felony. The prosecutor must file an indictment or release the suspect within those deadlines; there may be no further extension of the investigatory period if the defendant is already in detention. After a case is referred to the court, the court may issue detention orders not to exceed a total of 120 days for all court proceedings (primary, appeal, and Supreme Court stages). Compliance with these time limits was difficult to ascertain in the provincial courts. In addition, there were multiple reports that judges often detained prisoners after their sentences were completed because bribes for release were not paid. Incommunicado imprisonment remained a problem, and prompt access to a lawyer was rare. Prisoners generally were able to receive family visits.

The criminal procedure code provides for release on bail. Authorities at times remanded "flight risk" defendants pending a prosecutorial appeal despite the defendants' acquittal by the trial court. In other cases authorities did not re-arrest defendants released pending appeal, even after the appellate court convicted them in absentia.

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

According to the juvenile code, the arrest of a child "should be a matter of last resort and should last for the shortest possible period." Reports indicated children in juvenile rehabilitation centers across the country lacked access to adequate food, health care, and education. Detained children frequently did not receive the presumption of innocence, the right to know the charges against them, access to

defense lawyers, and protection from self-incrimination. The law provides for the creation of special juvenile police, prosecution offices, and courts. Due to limited resources, special juvenile courts functioned in only six provinces (Kabul, Herat, Balkh, Kandahar, Nangarhar, and Kunduz). Elsewhere children's cases went to ordinary courts. The law mandates authorities handle children's cases confidentially.

Some children in the criminal justice system were victims rather than perpetrators of crime. In the absence of sufficient shelters for boys, authorities detained abused boys and placed them in juvenile rehabilitation centers because they could not return to their families and shelter elsewhere was unavailable. In addition victims of *bacha bazi*--the social and sexual exploitation of boys--were charged with "moral crimes" and treated as equally responsible perpetrators as the adult.

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

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

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

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

Pretrial Detention: The law provides a defendant the right to object to his or her pretrial detention and receive a court hearing on the matter. Nevertheless, lengthy pretrial detention remained a problem. Many detainees did not benefit from the provisions of the criminal procedure code because of a lack of resources, limited numbers of defense attorneys, unskilled legal practitioners, and corruption. The law provides that, if there is no completed investigation or filed indictment within the code's 10-, 27-, or 75-day deadlines, judges must release defendants. Judges, however, held many detainees beyond those periods, despite the lack of an indictment.

Amnesty: Around the Eid-ul-Fitr Islamic holiday and leading up to the intra-Afghan peace talks in June, the government began releasing more than 800 Taliban prisoners. President Ghani stated government officials vetted the prisoners and that measures were taken to prevent them from threatening security.

e. Denial of Fair Public Trial

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

Judicial officials, prosecutors, and defense attorneys were often intimidated or corrupt. In May, UNAMA reported that, in 2018, the enforcement of the Code of Conduct for judges resulted in the dismissal of six judges and their referral to the AGO for prosecution; deduction of salary for 43 judges; written warnings to 36 judges, and written advices to 120 judges. In addition the Supreme Court's judicial monitoring department arrested 55 persons, including one judge, five administrative support staff, and five defense lawyers for corruption in the same period.

Bribery and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency impaired judicial impartiality. Most courts administered justice unevenly, employing a mixture of codified law, sharia, and local custom. Traditional justice mechanisms remained

the main recourse for many, especially in rural areas. Corruption was common within the judiciary, and often criminals paid bribes to obtain their release or a sentence reduction (see section 4).

There was a widespread shortage of judges, primarily in insecure areas, leading to the adjudication of many cases through informal, traditional mediation. A shortage of women judges, particularly outside of Kabul, limited access to justice for women. Many women are unable to use the formal justice system because cultural norms preclude their engagement with male officials. During the year only 257 of 2,029, or 13 percent, of judges were women, a slight increase from 2018. The formal justice system is stronger in urban centers, closer to the central government, and weaker in rural areas. In rural areas lacking physical space for judges or prosecutors to operate and adequate security protection, police operated unchecked with almost unlimited authority. Courts and police continued to operate at less than full strength nationwide. The judicial system continued to lack the capacity to absorb and implement the large volume of new and amended legislation. A lack of qualified judicial personnel hindered the courts. Some municipal and provincial authorities, including judges, had minimal training and often based their judgments on their personal understanding of sharia without appropriate reference to statutory law, tribal codes of honor, or local custom. The number of judges who graduated from law school continued to increase. Access to legal codes and statutes increased, but their limited availability continued to hinder some judges and prosecutors.

In major cities courts continued to decide criminal cases. Authorities frequently resolved civil cases using the informal system, the government mediation mechanism through the Ministry of Justice *Huquq* (civil rights) office, or, in some cases, through negotiations between the parties facilitated by judicial personnel or private lawyers. Because the formal legal system often does not exist in rural areas, local elders and *shuras* (consultative gatherings, usually of men selected by the community) are the primary means of settling both criminal matters and civil disputes. They also imposed punishments without regard to the formal legal system. UNAMA and NGOs reported several cases where perpetrators of violence against women crimes that included domestic abuse reoffended after their claims were resolved by mediation.

In areas controlled by the Taliban, the group enforced a parallel judicial system based on a strict interpretation of sharia. Punishments included execution and mutilation. According to media reporting, in May a Taliban court in Shahrak District, Ghor Province, shot and killed a boy and girl for allegedly having an

extramarital affair. In March media reported the Taliban killed a pregnant woman and her unborn child in Sancharak District, Sar-e-Pol Province, for allegedly calling the Taliban's war against the government "illegitimate." The Taliban dragged her from her home, took her to a Talib commander who issued her death sentence, and shot her immediately.

Trial Procedures

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

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

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

The criminal procedure code establishes time limits for the completion of each stage of a criminal case, from investigation through final appeal, when the accused is in custody. The code also permits temporary release of the accused on bail, but this was rarely honored. An addendum to the code provides for extended custodial limits in cases involving crimes committed against the internal and external security of the country. Courts at the Justice Center in Parwan regularly elected to

utilize the extended time periods. If the judiciary does not meet the deadlines, the law requires the accused be released from custody. Often courts did not meet these deadlines, but detainees nevertheless remained in custody.

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

Political Prisoners and Detainees

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

Civil Judicial Procedures and Remedies

Corruption and limited capacity restricted citizen access to justice for constitutional and human rights abuses. Citizens submit complaints of human rights abuses to the AIHRC, which reviews and submits credible complaints to the AGO for further investigation and prosecution. Some female citizens report that when they approach government institutions with a request for service, government officials, in turn, demand sexual favors as a quid pro quo.

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

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

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

Media and the government reported that the Taliban routinely used civilian homes as shelters, bases of operation and shields. There were also reports that the Taliban and ISIS-K used schools for military purposes.

g. Abuses in Internal Conflict

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

Killings: UNAMA counted 2,563 civilian deaths due to conflict during the first nine months of the year, compared with 2,870 during the same period in 2018. UNAMA documented 1,779 civilian casualties resulting from suicide improvised explosive device (IED) attacks perpetrated by antigovernment forces (300 deaths and 1,479 injured). UNAMA attributed 62 percent of civilian casualties in the first nine months of the year to antigovernment forces, including the Taliban and ISIS, and 28 percent to progovernment forces. UNAMA documented 885 civilian casualties from airstrikes in the first nine months of the year, a 28 percent increase over the same period in 2018.

In October the AIHRC reported 1,611 civilians lost their lives and 4,876 suffered injuries in between April and September. The AIHRC attributed 11 percent of civilian casualties to progovernment forces. Differences in statistics between UNAMA and AIHRC reporting are likely due to reporting methodology, including varying reporting periods.

On March 25, the Afghan National Army conducted a nighttime search operation for a local Taliban commander in Surobi District, Kabul Province, according to UNAMA. Airstrikes caused five civilian deaths (three women, one man, and a boy) as well as four more injured. On May 23, in Farah Province a progovernment airstrike killed two male NGO employees, destroyed an NGO compound, and damaged a project vehicle.

UNAMA documented a 42 percent increase in civilian casualties from July to September in comparison with the same period in 2018. In July, moreover, UNAMA documented the highest number of civilian casualties ever recorded in a single month since the United Nations began its systematic documentation of civilian casualties in the country in 2009. The increase was mostly attributable to a sharp rise in civilian casualties caused by antigovernment elements. Observers attributed the summer's increase in violence to numerous high-profile suicide attacks such as a July 28 attack on the Green Trend offices in Kabul where 21 civilians were killed and 50 others injured, the August 7 Taliban car bomb at a

Kabul police station that killed at least 14 and wounded more than 140, and the August 17 ISIS-K bombing of a wedding in Kabul that killed 91 and injured 143.

During the year antigovernment forces carried out a number of deadly attacks against religious leaders, particularly those who spoke out against the Taliban. On June 28 in Samangan Province, the Taliban detonated a remote-controlled IED inside a mosque during Friday prayers, wounding 14 civilians. According to sources, the Taliban were targeting the mullah, who had praised the Afghan national security forces in previous services. Also many progovernment Islamic scholars were killed in attacks during the year for which no group claimed responsibility. For instance, on May 24, a bomb exploded inside Kabul's al-Taqva Mosque, killing Mawlawi Samiullah Raihan, a prominent progovernment religious leader who frequently appeared on television. Two days later, also in Kabul, unknown gunmen shot and killed Mawlawi Shabir Ahmad Hashem Kamawal, a well-known religious scholar who had, in a number of speeches, called on antigovernment forces to stop waging war. On June 24, in the Nangarhar community of Qalatak, unknown gunmen shot and killed Mawlawi Safiullah Hanafi, the imam of Qalatak's central mosque, a teacher at an Islamic school, and a progovernment figure.

Antigovernment elements continued to attack civilian targets, including NGOs offices and facilities. On May 8, for instance, the Taliban carried out a complex attack using a vehicle-borne IED, small arms fire, and mortars against Counterpart International, a NGO, resulting in eight civilian deaths and 27 injuries. While no Counterpart International staff were killed, three staff members of the neighboring CARE International NGO were among the dead. The Taliban claimed responsibility for the attack, asserting that the organization "promoted intermixing between men and women" and "groomed Kabul administration security and other personnel in implementing pro-Western objectives." On December 4, militants killed six individuals, including Japanese doctor Tetsu Nakamura who shortly before his death had been granted honorary Afghan citizenship for his humanitarian efforts. Afghan police suggested Nakamura was targeted for his aid work. Afghans expressed mass dismay and condemnation for the attack on social media. No group claimed responsibility.

Antigovernment elements also continued to target government officials and entities, as well as political candidates and election-related activities, throughout the country. On July 29, vice presidential candidate Amrullah Saleh's Kabul office was targeted by a suicide bombing and gun battle, where at least 20 civilians were killed and 50 were injured. In Ghazni Province, where voter registration took

place for the presidential elections, UNAMA recorded five election-related incidents, all attributed to Taliban. On June 19, in Ghazni City, an IED detonated in the yard of a school that was being used as a voter registration center, injuring three ANP officers who were serving as guards. The Taliban threatened to increase election-related violence ahead of the September 28 elections.

Abductions: The UN secretary-general's *2018 Children and Armed Conflict Report*, released in May, cites 19 verified incidents of child abduction affecting 41 boys and two girls. Thirty-two child abductions were attributed to the Taliban, six to ISIS-K, one to a progovernment militia, and four to unknown perpetrators. Media reports stated that kidnapping was more frequent during the year and targeted persons of all income levels. On March 10, a girl was abducted in Kabul for a \$300,000 ransom and was killed when the ransom was not paid. Businesswomen claimed they faced a constant threat of seeing their children abducted and held for ransom.

Physical Abuse, Punishment, and Torture: An April report by UNAMA documented a reduction in the number of cases of conflict-related torture since 2016 but noted a continuing concern at the high number of detainees who reported torture and ill-treatment. The report cites nearly one-third of conflict-related detainees interviewed provided credible and reliable reports of having been subject to torture or ill-treatment. Police custody in Kandahar continued to carry the highest levels of torture, with a rate of 77 percent, down from 91 percent in 2017, including allegations of suffocation, electric shocks, pulling of genitals and suspension from ceilings. NDS treatment of conflict-related detainees in Kabul, Khost, and Samangan Provinces, as well as in the NDS counterterrorism department, remained of concern.

Antigovernment groups regularly targeted civilians, including using indiscriminate IEDs to kill and maim them. Land mines, unexploded ordnance, and explosive remnants of war (ERW) continued to cause deaths and injuries. UNAMA reported 446 civilian casualties caused by unlawful pressure-plate IEDs by antigovernment elements, mostly attributed to the Taliban, during the first nine months of the year. On June 11, a car traveling in Dand District, Kandahar, hit a roadside pressure-plate IED planted by the Taliban, resulting in the deaths of two adult civilians and four children. The state minister for disaster management and humanitarian affairs reported that approximately 120 civilians were killed or wounded by unexploded ordnance per month, and 660 square miles still needed to be cleared. Media regularly reported cases of children killed and injured after finding unexploded ordnance.

In the first six months of the year, civilian casualties from ERW accounted for 7 percent of all civilian casualties and caused 264 civilian casualties with 80 deaths and 184 injured. Children comprise 84 percent of civilian casualties from ERWs. In one incident on April 14, near a high school in Laghman Province, an ERW killed seven boys and maimed eight others when they began to play with it.

Child Soldiers: There were reports the ANDSF, primarily the ANP and ALP, and progovernment militias, recruited children. The AIHRC reported that government security forces in Kandahar Province used child recruits. UNAMA verified the recruitment and use of 26 boys between ages 12 and 17 by security forces during the first six months of the year. Three boys were recruited and used by progovernment armed groups and security forces to act as bodyguards, to carry weapons, to patrol, for sexual purposes, or for all four purposes.

The ANP took steps that included training staff on age-assessment procedures, launching an awareness campaign on underage recruitment, investigating alleged cases of underage recruitment, and establishing centers in some provincial recruitment centers to document cases of attempted child enlistment. The government expanded child protection units (CPUs) to all 34 provinces; however, some NGOs reported these units were not sufficiently equipped, staffed, or trained to provide adequate oversight. Additionally, the challenging security environment in most rural areas prevented oversight at the district level, and CPUs do not oversee ALP recruitment. Recruits underwent an identity check, including an affidavit from at least two community elders that the recruit was at least 18 years old and eligible to join the ANDSF. The Ministries of Interior and Defense also issued directives meant to prevent the recruitment and sexual abuse of children by the ANDSF. Media reported that in some cases ANDSF units used children as personal servants, support staff, or for sexual purposes. Afghan security forces, primarily the ANP and ALP, reportedly recruited boys specifically for use in bacha bazi in every province of the country. In some instances Afghan National Army (ANA) officials reportedly used promises of food and money to entice boys into bacha bazi.

According to UNAMA, the Taliban and ISIS-K continued to use children for front-line fighting and setting IEDs. While the law protects trafficking victims from prosecution for crimes committed as a result of being subjected to trafficking, it was unclear if the government would treat child former combatants as trafficking victims or penalize them as combatants.

UNAMA verified or documented credible allegations of the recruitment of twenty-three 12- to 17-year-old boys by antigovernment elements in the first six months of the year. In some cases the Taliban and other antigovernment elements used children as suicide bombers, human shields, and to emplace IEDs, particularly in southern provinces. Media, NGOs, and UN agencies reported the Taliban tricked children, promised them money, used false religious pretexts, or forced them to become suicide bombers. See also the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Other Conflict-related Abuse: The security environment continued to have a negative effect on the ability of humanitarian organizations to operate freely in many parts of the country. Violence and instability hampered development, relief, and reconstruction efforts. Insurgents deliberately targeted government employees and aid workers. NGOs reported insurgents, powerful local individuals, and militia leaders demanded bribes to allow groups to bring relief supplies into the country and distribute them. Antigovernment elements continued their targeting of hospitals and aid workers. In the first six months of the year, UNAMA documented 38 incidents affecting health-care facilities and personnel, the majority of which were carried out in the first quarter, particularly in the eastern, southern, and northern regions. UNAMA attributed 25 incidents to the Taliban, four to other antigovernment elements, and seven to Afghan national security forces. On April 20, the Taliban forced the closure of 13 clinics in Nuristan Province. The clinics remained closed until May 24, when they were reopened through community elder mediation. On May 12, the Taliban forced the closure of another 11 clinics in four districts of Baghlan Province. They reopened in the same week. In July the Taliban forced 42 Swedish-run health clinics in Wardak Province to close.

On May 5, in Zabul Province, ANP officers injured two hospital staff members for not opening the gate to the hospital quickly enough when they were trying to gain access. One man was shot and the other beaten by the ANP. The ANP used small-arms fire inside the facility and arrested one of the patients on suspicion of being a Taliban member. Following mediation by elders, he was released the following day. On April 11, the Taliban banned activities of the World Health Organization and the ICRC throughout the country, which effectively brought all polio vaccination campaigns to a halt. Although the organizations' activities were later able to resume, no campaigns were carried out in the second quarter of the year. Routine immunization services at health facilities were not interrupted, and more than one million children were vaccinated against polio via other means (such as vaccination by permanent transit teams around inaccessible areas and vaccination of travelers leaving the country).

The Taliban also attacked schools, radio stations, and government offices. During the year the Taliban continued to threaten and shut down hundreds of schools, often in an attempt to extort revenue from Ministry of Education payrolls, according to media reports. In the first six months of the year, UNAMA documented 25 incidents affecting education, mostly in western, eastern, northeastern, and central regions. Sixteen incidents were attributed to the Taliban, including six incidents of Taliban attacks on girls' schools in Farah Province between January and April. On April 14, Taliban entered a Farah Province high school and detonated explosives, causing extensive damage and hampering education for approximately 1,000 students. It was the second time in 12 months that the school was attacked by Taliban. Two incidents affecting education were attributed to ISIS-K and three to ANDSF.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Freedom of Expression: The law provides for freedom of speech, and the country has a free press. There were reports authorities at times used pressure, regulations, and threats to silence critics. Criticism of the central government was regular and generally free from restrictions, but criticism of provincial governments was more constrained, where local officials and power brokers exerted significant influence and authority to intimidate or threaten their critics, both private citizens and journalists. Discussion of a political nature is also more dangerous for those living in contested or Taliban-controlled areas. Government security agencies increased their ability to monitor the internet, including social media platforms. This monitoring did not have a perceptible impact on social media use.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. Implementation of the Access to Information Law remained inconsistent and media reported consistent failure by the government to meet the requirements of the law. Government officials often restricted media access to government information or simply ignored requests. UNAMA, Human Rights Watch, and Reporters without Borders (*Reporters Sans Frontieres*, RSF) reported the government did not fully implement the Access to

Information Law and that therefore journalists often did not receive access to information they seek.

Journalists faced the threat of harassment and attack by ISIS-K, the Taliban, and government-related figures attempting to influence how they are covered in the news. The Committee to Protect Journalists reported that 13 journalists were killed in connection to their work in 2018, including nine journalists killed in an ISIS-K suicide bombing. Local NGO Nai Supporting Open Media in Afghanistan released findings that violence against journalists declined by 50 percent in the first six months of the year compared with the first six months of 2018. In February, two journalists, Shafiq Arya and Rahimullah Rahmani, were shot and killed by unknown assailants at local radio station Radio Hamsada in Takhar Province.

A rapid expansion in the availability of mobile phones, the internet, and social media provided many citizens greater access to diverse views and information. The government publicly supported media freedom and cooperated with initiatives to counter security threats to media.

Journalists reported facing threats of violence from the internal conflict. Politicians, security officials, and others in positions of power at times threatened or harassed journalists because of their coverage. According to RSF, female journalists were especially vulnerable.

Freedom of speech and an independent media were more constrained at the provincial level than in the capital, Kabul. Political and ethnic groups, including those led by former mujahedin leaders, financed many provincial media outlets and used their financial support to control the content. Provincial media is also more susceptible to antigovernment attacks. According to news reports, a Samaa radio station was forced to shut down its operations for the third time since 2015 because of threats from a local Taliban commander.

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

Violence and Harassment: Government officials and private citizens used threats of violence to intimidate independent and opposition journalists, particularly those

who spoke out against impunity, crimes, and corruption by powerful local figures. On May 2, Presidential Protective Service guards at the palace physically assaulted a broadcast journalist from 1TV television. In June an NDS employee beat the Ariana News reporter and cameraperson who was covering the controversial closing of an Afghan-Turk school in Kabul.

The Afghan Journalist Safety Committee (AJSC) reported three journalists killed in the first six months of the year. It recorded 45 cases of violence against journalists, which included killing, beating, inflicting injury and humiliation, intimidation, and detention of journalists--a 50 percent decrease from the first six months of 2018. Government-affiliated individuals or security forces were responsible for 18 instances of violence, half as many as in 2018 when 36 cases were attributed to them. Instances of violence attributed to the Taliban and ISIS-K also declined sharply from 2018--from 37 cases to seven cases. The organization insisted the reduction was not due to better protection from the government but rather due to a lower number of suicide attacks by antigovernment forces, as well as media companies' adaptation to the reality of violence by not sending journalists for live coverage of suicide attacks and other self-imposed safety measures.

The Taliban continued to attack media organizations and warned media would be targeted unless they stopped broadcasting what it called "anti-Taliban statements." In June the Taliban commission threatened media to stop transmitting "anti-Taliban advertisements" within one week or "reporters and staff members will not remain safe."

Increased levels of insecurity created a dangerous environment for journalists, even when they were not the specific targets of violence. During the year several journalists reported attacks by unknown gunmen connected, they claimed, to their coverage of powerful individuals. They also reported local governmental authorities were less cooperative in facilitating access to information.

In 2016 the Office of the National Security Council approved a new set of guidelines to address cases of violence against journalists, but these guidelines were not fully implemented. The initiative created a joint national committee in Kabul and separate committees in provincial capitals, a coordination center to investigate and identify perpetrators of violence against journalists, and a support committee run by the NDS to identify threats against journalists. Press freedom organizations reported that, although the committee met and referred cases to the AGO, it did not increase protection for journalists.

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

Censorship or Content Restrictions: Media observers claimed journalists reporting on administrative corruption, land embezzlement, and local officials' involvement in narcotics trafficking engaged in self-censorship due to fear of violent retribution by provincial police officials and powerful families. Journalists and NGOs reported that, although the amended 2018 Access to Information Law provided an excellent regulatory framework, enforcement remained inconsistent and that noncompliant officials rarely were held accountable. A survey by an NGO supporting media freedom showed more than one-half of journalists were dissatisfied with the level of access to government information and found that one-third of government offices did not have dedicated offices for providing information to the public. Most requests for information from journalists who lack influential connections inside the government or international media credentials are disregarded and government officials often refuse to release information, claiming it is classified.

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

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

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

Women in some areas of the country say their freedom of expression in choice of attire was limited by conservative social mores and sometimes enforced by Taliban in insurgent-controlled areas as well as religious leaders.

Internet Freedom

The government did not restrict or disrupt access to the internet, and there were no credible reports the government monitored private online communications without appropriate legal authority.

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

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

Academic Freedom and Cultural Events

Academic freedom is largely tolerated in government-controlled areas. In addition to public schooling, there has been growth in private education, with new universities enjoying full autonomy from the government. Government security forces and the Taliban have both taken over schools to use as military posts. The expansion of Taliban control in rural areas left an increasing number of public schools outside government control. The Taliban operated an education commission in parallel to the official Ministry of Education. Although their practices varied among areas, some schools under Taliban control reportedly allowed teachers to continue teaching but banned certain subjects and replaced them with Islamic studies. In February the NDS arrested Kabul University lecturer Mawlai Mubashir Muslimyar on charges of encouraging approximately 16 students to carry out terrorist attacks.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights; however, the government limited these freedoms in some instances.

Freedom of Peaceful Assembly

The government generally respected citizens' right to demonstrate peacefully. Numerous public gatherings and protests took place during the year; however,

police sometimes fired live ammunition when attempting to break up demonstrations. Protests were also vulnerable to attacks by ISIS-K and the Taliban. In January the Wolesi Jirga, or lower house of parliament, voted to reject a presidential decree that would have given police broad authority to prevent demonstrations.

Freedom of Association

The constitution provides for the right to freedom of association, and the government generally respected it. The 2009 law on political parties requires political parties to register with the Ministry of Justice and to pursue objectives consistent with Islam. The law prohibits employees and officials of security and judicial institutions, specifically the Supreme Court, AGO, Ministry of Interior, Ministry of Defense, and NDS, from political party membership while government employees. Noncompliant employees are subject to dismissal.

c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights.

In-country Movement: The government generally did not restrict the right to freedom of movement within the borders of the country. Social custom limited women's freedom of movement without male consent or a male chaperone. The greatest barrier to movement in some parts of the country remained the lack of security. Taxi, truck, and bus drivers reported security forces and insurgents sometimes operated illegal checkpoints and extorted money and goods from travelers. The Taliban regularly blocked highways completely or imposed illegal taxes on those who attempted to travel. In August the Taliban captured Dasht-e-Archi District, Kunduz Province and Pul-i-Khumri District, Baghlan Province, blocking roads leading to the Kabul highway for more than two weeks.

e. Internally Displaced Persons

Internal population movements increased during the year because of armed conflict and an historic drought. The UN Office for the Coordination of Humanitarian Affairs, reported more than 380,289 individuals fled their homes due to conflict from January 1 to November 6. The displacements caused by conflict surpassed by approximately 85,000 the number of those displaced by natural disaster during the year. Most internally displaced persons (IDPs) left insecure rural areas and small towns to seek relatively greater safety and government services in larger towns and cities in the same province. All 34 provinces hosted IDP populations.

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

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, and other persons of concern. The government's ability to assist vulnerable persons, including returnees from Pakistan and Iran, remained limited, and it continued to rely on the international community for assistance.

Access to Asylum: The government had yet to adopt a draft national refugee law or asylum framework. Nonetheless, UNHCR registers, and mitigates protection risks of approximately 500 refugees in urban areas throughout the country. The country also hosts some 76,000 Pakistani refugees who fled Pakistan in 2014;

UNHCR registered some 41,000 refugees in Khost Province and verified more than 35,000 refugees in Paktika Province.

Durable Solutions: The government did not officially accept refugees for resettlement, offer naturalization to refugees residing on its territory, or assist in their voluntary return to their homes. The IOM reported undocumented returns from Iran and Pakistan totaled 504,977 from January 1 to December 29, with 485,096 from Iran and 19,881 from Pakistan. Registered refugee returns from Pakistan slowed to historically low levels during the year, with just 2,000 returns as of June 22. In addition to these numbers, there were 23,789 undocumented Afghan returnees from Turkey.

g. Stateless Persons

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

Section 3. Freedom to Participate in the Political Process

The law provides citizens the opportunity to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The right to vote may be stripped for certain criminal offenses. For instance, in September the Electoral Complaints Commission (ECC) reportedly fined Border and Tribes minister Gul Agh Shirzai and removed his right to vote for improper campaign activities. Violence from the Taliban and other antigovernment groups and widespread allegations of fraud and corruption interfered with, but did not derail, the presidential election.

Elections and Political Participation

Recent Elections: The presidential election was originally scheduled for April but was postponed until September 28. Official turnout figures were not released by year's end, but according to media reports, low voter turnout resulted from security threats, less robust campaigning by candidates, voter apathy, the decoupling of the presidential and provincial elections that traditionally helped drive local mobilization networks, and cultural sensitivities regarding mandatory photographs for women voters, among other factors. According to the United Nations, the Taliban carried out a deliberate campaign of violence and intimidation, including on polling centers located in schools and health facilities during the presidential

election. It found these attacks targeting the electoral process caused 458 civilian casualties (85 killed and 373 injured) from the start of the top-up registration on June 8 through September 30, two days after the presidential election. These figures include 100 incidents on September 28, the day of the election, resulting in 277 civilian casualties (28 killed and 249 injured). According to the United Nations, civilian casualty levels were higher on September 28 than on polling day for the first round and second rounds of the 2014 presidential election. On December 22 (after its October 19 deadline), IEC officials released preliminary results, indicating that President Ghani secured re-election with 50.64 percent of the vote. Final results had yet to be released by year's end. Although election experts noted technical improvements in the electoral procedures, there were concerns regarding the electoral bodies' ability to ensure transparency during the results tabulation process. The ECC investigation into approximately 16,500 electoral complaints continued at year's end.

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

In large areas of the country, political parties could not operate due to insurgencies and instability.

Participation of Women and Minorities: No laws limit participation of women or members of minority groups in the political process. The October 2018 parliamentary election produced approximately the same level of female voter turnout as in the 2010 parliamentary election; however, there was an increase in the participation of female candidates. Absent reliable data, civil society, think tanks, and election monitoring organizations assessed that women's participation across the country varied according to the security conditions and social norms. There was lower female voter turnout in provinces where communities purposely limited female participation in the democratic process, where lack of security was a concern, or both. Conflict, threats, financial constraints, corruption, conservative family members, and a greater number of polling centers available to male voters than women, put female voters at a disadvantage. Women reported security threats

in the provinces of Maidan, Nuristan, Paktiya, Uruzgan, Wardak, and Zabul. Men in these provinces prohibited women from signing voter registration documents, thereby denying them the right to vote. There were reports some men declared voting a sin, and those who demonstrated some degree of flexibility said women should vote for male candidates. Ahead of the September 28 presidential election, members of a women's association in the eastern province of Khost reportedly stated they would not be able to vote because they viewed as offensive a voter identification requirement to have their photos taken.

The constitution specifies a minimum number of seats for women and minorities in the two houses of parliament. For the Wolesi Jirga, the constitution mandates that at least two women shall be elected from each province (for a total of 68). The IEC finalized 2018 parliamentary election results in May, and 418 female candidates contested the 250 seats in the Wolesi Jirga in the 2018 parliamentary election. In Daikundi Province a woman won a seat in open competition against male candidates, making it the only province to have more female representation than mandated by the constitution. The constitution also mandates one-half of presidential appointees must be women. It also sets aside 10 seats in the Wolesi Jirga for members of the Kuchi minority (nomads). In the Meshrano Jirga (upper house of the National Assembly), the president's appointees must include two Kuchis and two members with physical disabilities. One seat in the Meshrano Jirga and one in the Wolesi Jirga is reserved for the appointment or election of a Sikh or Hindu representative, although this is not mandated by the constitution.

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

Women active in government and politics continued to face threats and violence and were targets of attacks by the Taliban and other insurgent groups. No laws prevent minorities from participating in political life, although different ethnic groups complained of unequal access to local government jobs in provinces where they were in the minority. Individuals from the majority Pashtun ethnic group have more seats than any other ethnic group in both houses of parliament, but they do not have more than 50 percent of the seats. There was no evidence authorities purposely excluded specific societal groups from political participation.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. The government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Reports indicated corruption was endemic throughout society, and flows of money from the military, international donors, and the drug trade continued to exacerbate the problem. Local businessmen complained government contracts were routinely steered to companies that pay a bribe or have family or other connections to a contracting official.

According to prisoners and local NGOs, corruption was widespread across the justice system, particularly in connection with the prosecution of criminal cases and in arranging release from prison. For example, as in previous years, there were multiple reports that judges would not release prisoners who had served their sentences without receiving payment from family members. There were also reports that officials received unauthorized payments in exchange for reducing prison sentences, halting investigations, or outright dismissing charges.

During the year Freedom House reported inadequately trained judges and extensive corruption in the judiciary, with judges and lawyers often subject to threats and bribes from local leaders or armed groups.

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

Corruption: UNAMA found that from the Anti-Corruption Justice Center’s (ACJC) inception in 2016 to mid-May, the ACJC tried 223 defendants in 57 cases before its trial chamber and 173 defendants in 52 cases before its appellate chamber. Of its cases against 117 accused, 36 were decided after appeal to the Supreme Court, the report stated. It also issued 127 warrants and summonses of which only 13 warrants and 39 summonses could be executed to date, with only a single defendant tried as a result. According to UNAMA, the number of defendants tried in their absence before the ACJC remained high at 20 percent. The number of cases has declined since 2017, and the rank of the accused

generally dropped, although the amounts ordered by the court in compensation, restitution, and confiscation marginally increased.

A series of violent attacks by insurgents against Afghan judges, prosecutors, and prison officials during the year made members of the judicial sector increasingly fearful in carrying out their duties. According to Afghan government and media reports, since 2015 an estimated 300 judges, prosecutors, prison personnel, and other justice workers were killed, injured, or abducted. During the year at least 29 were targeted: three judges, one court clerk, three prosecutors, and 14 prison officials were killed; three prosecutors and two prison officials were injured; and three prisons officials were taken hostage. Justice professionals came under threat or attack for pursuing certain cases--particularly corruption or abuse-of-power cases--against politically or economically powerful individuals.

According to various reports, many government positions, including district or provincial governorships, ambassadors, and deputy ministers could be suborned. Government officials with reported involvement in corruption, the drug trade, or records of human rights abuses reportedly continued to receive executive appointments and served with relative impunity. Former minister of communication and information technology, Abdul Razaaq Wahidi, was accused of corruption in the form of embezzling revenue from a mobile phone tax. Although convicted by a lower court, in July an appeals court acquitted Wahidi.

There were allegations of widespread corruption, and abuse of power by officers at the Ministry of Interior. Provincial police reportedly extorted civilians at checkpoints and received kickbacks from the drug trade. Police reportedly demanded bribes from civilians to gain release from prison or avoid arrest. Senior Ministry of Interior officials also refused to sign the execution of arrest warrants. In one case Ministry of Interior officers served as the protective detail of warrant-target Major General Zamari Paikan and drove him in a Ministry of Interior armored vehicle. The Ministry of Defense also provided protection to Paikan. The ACJC convicted General Paikan in absentia for corruption in 2017 and sentenced him to 8.5 years' imprisonment, but the Ministry of Interior had yet to arrest him by year's end.

On August 15, former Kabul Bank chief executive Khalilullah Ferozi was released to house arrest reportedly for health reasons. Presidential candidate and former NDS head Rahmatullah Nabil alleged that the release came after a \$30 million donation to President Ghani's re-election campaign. Following the bank's collapse in 2010, Ferozi was convicted in 2013 and ordered, along with bank founder

Sherkhan Farnood, to repay more than \$800 million in embezzled funds. Ferozi's release came with less than a year left in his sentence. Farnood died in prison in 2018.

Financial Disclosure: A 2017 legislative decree established the Administration on Registration and Assets of Government Officials and Employees (Registration Administration) under the administrative office of the president. All government officials, employees, and elected officials are required to declare their assets. The Registration Administration was responsible for collecting, verifying, and publishing information from high-ranking government officials. Under the law all government officials and employees must submit financial disclosures on all sources and levels of personal income for themselves and their immediate family annually and when they assume or leave office. Individuals who do not submit forms or are late in submission are subject to suspension of employment, salary, and travel bans. The AGO imposed travel bans on individuals who did not submit their forms; however, the bans were not regularly enforced, especially for high-level officials. For instance, although the website of the Administrative Office of the Palace showed several high-ranking government officials failed to register their assets, it was public knowledge they frequently travelled internationally. Employment and salary bans were not imposed.

As of April the Registration Administration successfully registered assets of nearly 17,000 government employees. Verification of assets continued to be slow and problematic for the administration due to lack of organized systems in some government offices. Public outreach by the Registration Administration allowed civil society and private citizen the opportunity to comment on individual declarations. As of April, 141 members of the lower house of parliament declared their assets and 68 members of the upper house of parliament registered their assets.

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

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

The penal code incorporates crimes against humanity provisions from the Rome Statute.

Government Human Rights Bodies: The constitutionally mandated AIHRC continued to address human rights problems, but it received minimal government funding and relied almost exclusively on international donor funds. The independence of the institution was called into question following the abrupt replacement of all nine commissioners on July 17, immediately prior to the July 28 start of the presidential campaign and after the presidential palace rejected a list of 27 candidates submitted by the AIHRC Appointment Committee nine months prior. UNAMA released a statement calling for a “truly independent national human rights institution.” Three Wolesi Jirga committees deal with human rights: the Gender, Civil Society, and Human Rights Committee; the Counternarcotic, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga, the Committee for Gender and Civil Society addresses human rights concerns.

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

Women

Rape and Domestic Violence: The EVAW presidential decree was first issued in 2009 and was reinforced by another presidential decree in 2018. Implementation and awareness of the law remain a serious challenge. The law criminalizes 22 acts of violence against women, including rape; battery or beating; forced marriage; humiliation; intimidation; and deprivation of inheritance. The penal code criminalizes rape of both women and men. The law provides for a minimum sentence of five to 16 years’ imprisonment for conviction of rape, or up to 20 years if one or more aggravating circumstances is present. If the act results in the death of the victim, the law provides for a death sentence for the perpetrator. The penal code also explicitly criminalizes statutory rape and, for the first time, prohibits the prosecution of rape victims for zina. The law provides for imprisonment of up to seven years for conviction of “aggression to the chastity or honor of a female [that] does not lead to penetration to anus or vagina.” Under the law rape does not include spousal rape. Authorities did not always fully enforce these laws, although the government was implementing limited aspects of EVAW including through EVAW prosecution units.

Prosecutors and judges in remote provinces were frequently unaware of the EVAW law or received pressure to release defendants due to familial loyalties, threat of

harm, or bribes, or because some religious leaders declared the law un-Islamic. Female victims faced stringent or violent societal reprisal, ranging from imprisonment to extrajudicial killing.

The penal code criminalizes forced virginity testing except when conducted pursuant to a court order or with the consent of the individual. Awareness and enforcement of this change remained limited. There were reports police, prosecutors, and judges continued to order virginity tests in cases of “moral crimes” such as zina. Women who sought assistance in cases of rape were often subject to virginity tests.

The penal code criminalizes assault, and courts convicted domestic abusers under this provision, as well as under the “injury and disability” and beating provisions in the EAW law. According to NGO reports, millions of women continued to suffer abuse at the hands of their husbands, fathers, brothers, in-laws, and other individuals, compounded by parallel legal systems and ineffective institutions of state, such as the police and justice systems. Women’s shelter operators in the western province of Herat reported the number of women seeking legal aid and protection in that province increased during the year.

Due to cultural normalization and a view of domestic violence as a family matter, domestic violence often remained unreported. The justice system’s response to domestic violence was insufficient, in part due to underreporting, preference toward mediation, sympathy toward perpetrators, corruption, and family or tribal pressure. There were EAW prosecution units in all 34 provinces, and EAW court divisions operated at the primary and appellate levels in at least 22 provinces.

Space at the 28 women’s protection centers across the country was sometimes insufficient, particularly in major urban centers, and shelters remained concentrated in the western, northern, and central regions of the country. Some women did not seek legal assistance for domestic or sexual abuse because they did not know their rights or because they feared prosecution or being sent back to their family or the perpetrator. Cultural stigmatization of women who spend even one night outside the home also prevented women from seeking services that may bring “shame” to herself or family.

In June the International Federation of Association Football (FIFA) banned for life the Afghanistan Football Federation’s former head Keramuddin Karim and fined him one million dollars (one million Swiss francs) after finding him guilty of sexually abusing female players. At least five female soccer players accused

Karim of repeated sexual abuse from 2013 to 2018 while he served as the federation president. The players alleged that Karim threatened them with ruin if they did not comply when he sexually assaulted them in a locked room in his office. Women who rebuffed his advances were labeled “lesbians” and expelled from the team, according to eight former players who experienced such treatment. Those who went public faced intimidation. In October and December, respectively, FIFA’s Ethics Committee found Sayed Aghazada, former general secretary of the Afghanistan Football Federation, and Mohammad Hanif Sediqi Rustam, the former assistant to Karim, guilty of abuses relating to the sexual abuse, banning them for five years and fining them \$10,000 (10,000 Swiss francs), because they determined Aghazada and Rustam were aware Karim abused multiple players but failed to prevent or report the abuse. The AGO indicted Karim on counts of rape, but the court sent the case back to the AGO for further investigation before trial. Police did not execute a June arrest warrant against Karim, a former governor.

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

Other Harmful Traditional Practices: The law criminalizes forced, underage, and *baad* marriages (the practice of settling disputes in which the culprit’s family trades a girl to the victim’s family) and interference with a woman’s right to choose her spouse. NGOs report instances of *baad* still practiced, often in remote provinces. The practice of exchanging brides between families was not been criminalized and remained widespread.

Honor killings continued throughout the year. According to media reporting, in May a Taliban court in Shahrak District, Ghor Province, shot and killed a boy and girl for allegedly having an extramarital affair.

Sexual Harassment: The Antiharassment Law criminalizes all forms of harassment of women and children, including physical, verbal, psychological, and sexual. By law all government ministries are required to establish a committee to review

internal harassment complaints and support appropriate resolution of these claims. Implementation and enforcement of the law remained limited and ineffective. The AIHRC reported more than 85 percent of women and children faced various forms of harassment. Women who walked outside alone or who worked outside the home often experienced harassment, including groping, catcalling, and being followed. Women with public roles occasionally received threats directed at them or their families. Businesswomen faced myriad challenges from the traditional nature of society and its norms and customs with regard to acceptable behavior by women. When it was necessary for a businesswoman to approach the government for some form, permit, or authorization, it was common for a male functionary to ask for sexual favors or money in exchange for the authorization.

In July media reported on allegations of sexual harassment at the highest levels of the government. Former female government employees accused senior government ministers of repeated harassment and attempted physical assault. Allegations have arisen against close aides of President Ashraf Ghani, although the government denied these accusations. In late July the government formed a special secretariat to deal with reports of sexual harassment, operating within the framework of the AIHRC. Nevertheless, senior officials continued to promote and participate in a culture of sexual harassment. According to media reporting, in August, two senior security officials fled after raping a young woman in central Bamiyan Province during Eid-ul-Fitr.

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

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

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

The law provides for equal work without discrimination, but there are no provisions for equal pay for equal work. The law criminalizes interference with a

woman's right to work. Women faced discrimination in access to employment and terms of occupation.

Children

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

Education: Education is mandatory up to the lower secondary level (six years for primary school and three years for lower secondary), and the law provides for free education up to and including the college level. UNICEF reported that 3.7 million children were not in school due to discrimination, poverty, lack of access, and continuing conflict, among other reasons, 60 percent of whom are girls. Only 16 percent of the country's schools are for girls, and many of them lack proper sanitation facilities. UNAMA also noted that armed groups tried to restrict girls' access to education. In April armed men on motorcycles set fire to two girls' schools outside Farah City in Farah Province. Both were badly damaged, and the attack ended classes indefinitely for nearly 1,700 girls. Graffiti on the nearby walls championed the "Islamic Emirate," leading to a suspicion of Taliban ties.

Key obstacles to girls' education included poverty, early and forced marriage, insecurity, a lack of family support, lack of female teachers, and a lack of nearby schools.

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

Child Abuse: The penal code criminalizes child abuse and neglect. The penalty for conviction of beating, or physically or mentally disciplining or mistreating a child, ranges from a cash fine of 10,000 Afghani (\$130) to one year in prison as long as the child does not sustain a serious injury or disability. Conviction of

endangering the life of a child carries a penalty of one to two years in prison or a cash fine of 60,000 to 120,000 Afghanis (approximately \$800 to \$1,600).

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

In November human rights defenders exposed the sexual abuse of at least 165 schoolboys from six high schools in Logar Province, alleging that teachers, headmasters, and local authorities were implicated in the abuse. Teachers would often film videos of rapes and threaten to post videos if victims spoke out. The release of videos and exposure of the scandal led to at least five honor killings of the victims. Two human rights defenders were subsequently placed in NDS detention after exposing the allegations, forced to apologize for their reporting, and continued to face threats after their release. Several officials rejected the allegations. The AGO investigation into the scandal reportedly suffered from a lack of public and political support, insufficient investigation time, and faulty investigation mechanisms, including public interviews.

There were reports some members of the military and progovernment groups sexually abused and exploited young girls and boys. During the first six months of the year, UNAMA documented credible reports of four cases of sexual violence involving five children carried out by parties to the armed conflict. Two girls were raped by antigovernment elements, and three boys were raped, used for bacha bazi, or both by the ALP and ANP. According to media and NGO reports, many of these cases went unreported or were referred to traditional mediation, which often allowed perpetrators to reoffend.

The government took steps to discourage the abuse of boys and to prosecute or punish those involved. The penal code criminalizes bacha bazi as a separate crime and builds on the 2017 Law to Combat Crimes of Trafficking in Persons and Smuggling in Migrants (TIP Law), which includes provisions criminalizing behaviors associated with the sexual exploitation of children. Article 660 of the penal code even details the punishment for authorities of security forces involved in bacha bazi with an average punishment if convicted of up to 15 years' imprisonment if convicted. UNAMA reported the convictions of two civilian

perpetrators of bacha bazi in Takhar Province. Nevertheless, no police officer has ever been prosecuted for bacha bazi.

The Ministry of Interior operates CPUs throughout the country to prevent the recruitment of children into the ANP. Nevertheless, recruitment of children continued, as CPUs did not oversee the ALP, which also recruited children. Additionally, the government did not have sufficient CPU reporting channels to identify children, prevent them from joining the security forces, and provide shelter, services, and family reintegration.

Early and Forced Marriage: Despite a law setting the legal minimum age for marriage at 16 years for girls (15 years with the consent of a parent or guardian or the court) and 18 years for boys, international and local observers continued to report widespread early and forced marriages throughout the country. By EAW law those convicted of entering into or arranging forced or underage marriages are subject to at least two years' imprisonment; however, implementation was limited.

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

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

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

Child Soldiers: In 2016 the Law on Prohibition of Children’s Recruitment in the Military became effective. Under the penal code, conviction of recruitment of children in military units carries a penalty of six months to one year in prison.

There were reports the ANDSF and progovernment militias recruited and used children, and the Taliban and other antigovernment elements recruited children for military purposes (see section 1.g.). Media reported that local progovernment commanders recruited children younger than 16 years. The Taliban and other antigovernment groups regularly recruited and trained children to conduct attacks.

Displaced Children: During the year NGOs and government offices reported high numbers of returnee and drought-displaced families and their children in border areas, specifically Herat and Jalalabad. The government utilized a policy and action plan for the reintegration of Afghan returnees and IDPs, in partnership with the United Nations; however, the government's ability to assist vulnerable persons, many of them unaccompanied minors, remained limited, and it relied on the international community for assistance. Although the government banned street begging in 2008, NGOs and government offices reported large numbers of children begging and living in the streets of major cities.

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

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

Anti-Semitism

There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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 provides for equal rights to, and the active participation of, such persons in society. Observers reported that both the constitutional provisions and disabilities rights law are mostly ignored and unenforced.

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

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

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

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

National/Racial/Ethnic Minorities

Ethnic tensions between various groups continued to result in conflict and killings. Societal discrimination against Shia Hazaras continued along class, race, and

religious lines in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse, and detention. According to NGOs, the government frequently assigned Hazara ANP officers to symbolic positions with little authority within the Ministry of Interior. NGOs also reported Hazara ANDSF officers were more likely than non-Hazara officers to be posted to insecure areas of the country. During the year ISIS-K continued escalating attacks against Shia, predominately Hazara, communities. In August, ISIS-K attacked a wedding hall of a young Hazara couple in a predominately Shia Hazara neighborhood of Kabul, killing 91 persons, including 15 children, and wounding 143 others. Although the bride and groom survived, many of their friends and family (most of them women, children, and other civilians) were among the dead and wounded. Hazaras were among the casualties, but most victims were non-Hazara Shias and Sunnis. ISIS-K cited a sectarian motive for the attack.

Sikhs and Hindus faced discrimination, reporting unequal access to government jobs and harassment in school, as well as verbal and physical abuse in public places. In early March a young Sikh shopkeeper was abducted and killed in Kabul. According to the Sikh and Hindu Council of Afghanistan, there were approximately 550 members of the Sikh and Hindu community in the country, down from 900 members in 2018. According to the council, many families continued to leave the country, going to India and elsewhere due to antigovernment threats and what they perceive to be inadequate government protection.

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

The law criminalizes consensual same-sex sexual conduct. Under Islamic sharia law, conviction of same-sex sexual activity is punishable by death, flogging, or imprisonment. Under Article 646 of the penal code, conviction of sex between men is a criminal offense punishable by up to two years' imprisonment and sex between women with up to one year of imprisonment. There were reports of harassment and violence by society and police. The law does not prohibit discrimination or harassment based on sexual orientation or gender identity. Homosexuality was widely seen as taboo and indecent. LGBTI individuals did not have access to certain health-care services and could be fired from their jobs because of their sexual orientation. Organizations devoted to protecting the freedom of LGBTI persons remained underground because they could not legally register with the government. Even registered organizations working on health programs for men who have sex with men faced harassment and threats by the Ministry of Economy's NGO Directorate and NDS officials. LGBTI individuals

reported they continued to face arrest by security forces and discrimination, assault, and rape by society at large.

HIV and AIDS Social Stigma

There were no confirmed reports of discrimination or violence against persons with HIV/AIDS, but there was reportedly serious societal stigma against persons with AIDS. While the penal code allows for the distribution of condoms, the government restricted distribution to married couples.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

The government allowed several unions to operate, but it interfered with the National Union of Afghanistan Workers and Employees. The government issued a decree in 2016 mandating the nationalization of property belonging to several trade unions. Freedom of association and the right to bargain collectively were sometimes respected, but most workers were not aware of these rights. This was particularly true of workers in rural areas or the agricultural sector, who had not formed unions. In urban areas the majority of workers participated in the informal

sector as day laborers in construction, where there were neither unions nor collective bargaining.

b. Prohibition of Forced or Compulsory Labor

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

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

Also, see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

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

Poor institutional capacity was a serious impediment to effective enforcement of the labor law. Labor inspectors do not have legal authority to inspect worksites for compliance with child labor laws or impose penalties for non-compliance. Other deficiencies included the lack of penalty assessment authorization for labor inspectors, inadequate resources, labor inspector staffing, inspections, remediation, and penalties for violations.

Child labor remained a pervasive problem. Child laborers worked as domestic servants, street vendors, peddlers, and shopkeepers. There was child labor in the carpet industry, brick kilns, coalmines, and poppy fields. Children were also heavily engaged in the worst forms of child labor in mining, including mining salt; commercial sexual exploitation including bacha bazi (see section 6, Children); transnational drug smuggling; and organized begging rings. Some forms of child labor exposed children to land mines. Children faced numerous health and safety risks at work. There were reports of recruitment of children by the ANDSF during the year. Taliban forces pressed children to take part in hostile acts (see section 6, Children).

Also, see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>, and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

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

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

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

e. Acceptable Conditions of Work

The minimum wage rates for workers in the nonpermanent private sector and for government workers were below the poverty line.

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

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

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