

AFGHANISTAN 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Afghanistan is an Islamic republic with a strong, directly elected presidency, a bicameral legislative branch, and a judicial branch. Presidential and provincial elections held in 2014 were marred by allegations of fraud that led to an audit of all ballot boxes. Protracted political negotiations between the presidential candidates led to the creation of a national unity government headed by President Ashraf Ghani, with runner-up Abdullah Abdullah assuming the newly created post of chief executive officer. Constitutionally mandated parliamentary elections did not take place during the year. The most recent parliamentary elections took place in 2010 and were marred by high levels of fraud and violence, according to domestic observers, the Organization for Security and Cooperation in Europe, and other international election-monitoring organizations. Civilian authorities generally maintained control over the security forces, although there were occasions when security forces acted independently.

The most significant human rights problems were widespread violence, including indiscriminate attacks on civilians by armed insurgent groups; armed insurgent groups' killings of persons affiliated with the government; torture and abuse of detainees by government forces; widespread disregard for the rule of law and little accountability for those who committed human rights abuses; and targeted violence of and endemic societal discrimination against women and girls.

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

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

The Taliban and other insurgents continued to kill civilians and security force personnel using indiscriminate tactics such as improvised explosive devices (IEDs), car bombs, suicide attacks, rocket attacks, and armed attacks. The UN Assistance Mission in Afghanistan (UNAMA) attributed 94 percent of all civilian casualties to targeted killings by insurgents. The Taliban used children as suicide bombers. Other antigovernment elements threatened, robbed, and attacked villagers, foreigners, civil servants, and medical and nongovernmental organization (NGO) workers. Authorities did not investigate or prosecute most of these abuses. Taliban forces briefly occupied the provincial capital of Kunduz and seized several district centers in September. According to human rights organizations, for several days Taliban forces engaged in targeted searches for civil society activists and government officials, execution of civilians, looting and destruction of NGO and media facilities, and denial to residents of food, water, electricity, and other essential services.

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

a. Arbitrary or Unlawful Deprivation of Life

There were credible reports the government or its agents committed arbitrary or unlawful killings. In July local media reported that in Siahgard District of Parwan Province, a commander of the Afghan Local Police (ALP), a government-sponsored self-defense force, beat to death a civilian suspected of involvement in a recent bomb attack.

A video posted to social media in August appeared to show several uniformed Afghan National Army (ANA) soldiers executing a man they suspected of being a Taliban suicide bomber.

NGOs, UNAMA, and the media continued charge progovernment forces with extrajudicial killings. According to UNAMA, targeted and deliberate killings by ALP increased during the first half of the year, with eight deaths confirmed during the period. UNAMA also received credible reports of the killing of two detainees under age 18 by ALP members in Arghandab District of Kandahar Province. Although the government investigated and prosecuted some cases of extrajudicial killing, an overall lack of accountability for security force abuses remained a problem.

There were numerous reports of politically motivated killings, overwhelmingly by the Taliban and other insurgent groups. According to UNAMA civilian casualties rose by 1 percent through June, compared with the same period in 2014, primarily due to an increased number of casualties from suicide and complex attacks, as well as targeted killings. In this same period, 13 percent more children and 23 percent more women were casualties. The total number of civilian casualties through June was 4,921, consisting of 1,592 civilian deaths and 3,329 injuries. UNAMA attributed 16 percent of the civilian casualties to progovernment forces, primarily caused by ground engagements with antigovernment elements, and 70 percent to antigovernment elements. In its midyear report, UNAMA reported a 57 percent increase in civilian casualties resulting from targeted killings making this the leading cause of civilian deaths during the first half of the year. Of civilian casualties resulting from targeted killings through June, 94 percent (657) were attributed to antigovernment elements. Victims included tribal elders, civilian government officials, mullahs, and civilian justice officials.

On May 13, three Taliban operatives opened fire on foreigners and Afghans at the Park Palace guesthouse in Kabul. The attackers killed 14 persons before the Afghan National Defense and Security Forces (ANDSF) shot and killed them.

In September Taliban forces attacked and occupied the provincial capital of Kunduz and surrounding areas. Human rights organizations reported that for several days Taliban forces conducted targeted searches for civil society activists, especially women's rights activists and government officials, and executed civilians. They looted and destroyed NGO offices and media outlets, and deprived residents of food, water, electricity and other essential services.

There were reports of summary justice by the Taliban and other antigovernment elements, including extrajudicial executions. In August a video appeared online depicting fighters from the Islamic State of Khorasan Province (known locally as Daesh) executing 10 men believed to be from Nangarhar Province by forcing them to kneel on explosives.

b. Disappearance

There continued to be reports of disappearances attributed to security forces, and insurgent groups were reportedly also responsible for disappearances and abductions (see section 1.g.).

In November unidentified gunmen abducted at least 14 Hazara men from buses traveling in Zabul Province. As of December the location of the hostages was unknown.

UNAMA received credible reports of the disappearance of at least 26 individuals taken into Afghan National Police (ANP) custody in Kandahar Province in 2013 and 2014. Their status remained unknown.

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

Although the constitution prohibits such practices, there were reports government officials, security forces, detention center authorities, and police committed abuses. NGOs reported security forces continued to use excessive force, including torturing and beating civilians.

UNAMA reported the ANDSF, including the ALP, and progovernment armed groups committed acts of excessive force, including torture. In Sar-e Pul Province in April, 10 ALP members beat eight civilians, including two boys, as punishment because livestock from the victims' village had damaged crops in the ALP members' village.

In July local media reported that a provincial council member in Maidan Wardak Province alleged an ALP commander was torturing citizens in a private jail in Jalrez District. The commander reportedly imprisoned a local farmer named Habibullah, who was ordered beaten and tortured with a hot steel rod.

UNAMA reported that 35 percent of the 790 detainees it interviewed during the period from February 2013 through December 2014 reported torture or mistreatment by government authorities, a decrease of 14 percent from UNAMA's previous survey. UNAMA found "sufficiently credible and reliable accounts" of torture in detention facilities operated by the National Directorate of Security (NDS), ANP, and ALP. In Kandahar Province UNAMA documented 19 cases of torture by the ANP, which generally included the use of electric shocks, stressed positions, and beatings, with eight of those cases occurring in Zharay District.

The government created a committee to address allegations of torture mentioned in UNAMA's 2013 report on mistreatment of conflict-related detainees, and the committee conducted visits and interviews. The committee, however, did not make its findings public. The government did not hold the perpetrators

accountable for torture by conducting credible investigations or prosecuting possible perpetrators in connection with these allegations.

According to some reports, security officials and persons connected to the ANP raped children with impunity. NGOs reported incidents of sexual abuse and exploitation of children by the ANDSF; however, cultural taboos against reporting such crimes made it difficult to determine the extent of the problem. In May the UN secretary-general's *Annual Report on Children in Armed Conflict* documented 40 instances of sexual violence against children and attributed the vast majority to the ANP and ALP. In December 2014 the United Nations reported two members of the ALP abducted and raped a 15-year-old girl in Kapisa Province.

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

There were numerous reports of torture and other abuses by the Taliban and other insurgent groups. For example, in September in Sar-e Pul Province, the Taliban stoned to death a man and woman accused of committing adultery.

Prison and Detention Center Conditions

There were reports of harsh and sometimes life-threatening conditions and abuse in official detention centers. The General Directorate of Prisons and Detention Centers (GDPDC), part of the Ministry of Interior, has responsibility for all civilian-run prisons (for both men and women) and civilian detention centers, including the large national prison at Pul-e Charkhi. The Ministry of Justice's Juvenile Rehabilitation Directorate (JRD) is responsible for all juvenile rehabilitation centers. The ANP, which is under the Ministry of Interior, and the NDS also operates short-term detention facilities at the provincial and district levels, usually collocated with their headquarters facilities. The Ministry of Defense runs the Afghan National Detention Facilities at Parwan and Pul-e Charkhi.

There were reports of private prisons run by members of the ANDSF and used for abuse and torture of detainees. International human rights organizations alleged

police, including specifically Kandahar Provincial Chief of Police Abdul Raziq, set up “secret” or undeclared detention facilities specifically to avoid international monitors.

Physical Conditions: The media and other sources continued to report common inadequacies in food and water and poor sanitation facilities in prisons. Some observers, however, found food and water to be sufficient throughout the GDPDC prisons. The GDPDC’s nationwide program to feed prisoners faced a severely limited budget. Many prisoners’ families provided food supplements and other necessary items.

Authorities generally lacked the facilities to separate pretrial and convicted inmates, or to separate juveniles according to the seriousness of the charges against them, with the exception of some juvenile facilities that separately housed juveniles imprisoned for national security reasons.

Overcrowding in prisons continued to be a serious, widespread problem; 28 of 34 provincial prisons for men were severely overcrowded based on standards recommended by the International Committee of the Red Cross. As of July men’s facilities operated at approximately 190 percent of capacity across the country. The Kapisa provincial prison for men was the most overcrowded, housing 285 inmates, almost 10 times the 29 prisoners for which it was designed. The country’s largest prison, Pul-e Charkhi, was designed to hold 4,978 prisoners but as of July held 8,154.

Prisoners in two prisons went on hunger strikes in March. In Parwan Province 20 female inmates launched a hunger strike on March 26, to protest perceived unfairness in the application of presidential pardon decrees. The strike ended two days later when local officials met with the protesters and convinced them to call it off.

In October 2014 President Ghani visited Pul-e Charkhi prison to meet with prisoners and review prison conditions, after which he spoke in favor of prison reform and an accelerated judicial process for prisoners awaiting sentencing. In January the President’s Office announced that 1,658 prisoners awaiting trial had their cases sent to the courts, and rulings had been made on 622 of them. Another 1,374 prisoners, including 26 women, were released. As of September prison industries offered more jobs and vocational training to enhance employment opportunities after release.

Inmate deaths were infrequent and largely due to natural causes. Inmates killed two GDPDC officers and one ANP officer during a disturbance at Jawzjan prison in March. In June one inmate survived a stab wound to the chest during a fight among prisoners at Pul-e Charkhi prison, two detainees and one officer were killed in a transport accident at Herat prison, and three prison staff members were injured with homemade knives during a disturbance at Kunar prison. Five inmates sustained minor injuries during a disturbance at Baghlan prison in July.

By law children younger than age seven may live with their mothers in prison. This practice, however, became less prevalent after the GDPDC increasingly utilized children's support center programs. Reports indicated children placed in the support centers received a better level of education and health services than in prisons.

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.

Provisions for alternatives to incarceration were rarely utilized. Regular presidential pardons on holidays were the only means to release inmates from prison prior to the end of their sentences. President Ghani issued five pardon decrees between January and September, resulting in the release of 4,709 male and 302 female prisoners.

Independent Monitoring: The Afghanistan Independent Human Rights Commission (AIHRC), UNAMA, and the NATO Resolute Support Mission generally had access to detention facilities of the NDS and the Ministries of Interior, Justice, and Defense. Security constraints and obstruction by authorities occasionally prevented visits to some places of detention. UNAMA and the AIHRC reported difficulty accessing NDS places of detention unannounced. While the Resolute Support Mission did not experience the same level of difficulty, authorities denied unannounced access on several occasions at NDS and ANP facilities. 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. In February and May, members of parliament visited GDPDC prison facilities to conduct

monitoring and oversight of prison conditions, with a focus on conditions for women. The JRD also produced an annual report in March on juvenile justice problems, drafted by the JRD's monitoring and evaluation office.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention, but both remained serious problems. Authorities detained many citizens without respecting essential procedural protections.

According to NGOs, law enforcement officers continued to detain citizens arbitrarily without clear legal authority or due process. Local law enforcement officials reportedly detained persons illegally on charges not provided for in the penal code. In 2012 the Attorney General's Office ordered a halt to the prosecution of women for "running away," which is not a crime under the law. Reports indicated that prosecutors instead charged women who had left home with "attempted zina" (extramarital sexual relations) for being outside the home in the presence of nonrelated men, which is also not a crime under the law. In some cases authorities wrongfully imprisoned women because they deemed it unsafe for the women to return home and there were no women's shelters available (see section 6, Women).

In August 2014 UNAMA received credible allegations of mass arbitrary detentions and extrajudicial executions of suspected Taliban members in Zharay District in Kandahar Province. ANA soldiers reportedly beat and shot dead 10 men travelling from Shah Wali Kot District to Zharay to visit a local mullah. One of the victims survived and alerted a local resident who reprimanded the soldiers for their conduct, only to be beaten and briefly detained himself. The soldiers allegedly then killed the one survivor.

Role of the Police and Security Apparatus

Three ministries have responsibility for providing security in the country, the Ministry of Interior, the Ministry of Defense, and the NDS. The ANP, under the Ministry of Interior, has primary responsibility for internal order. The MOI also has responsibility for the ALP, a community-based self-defense force. The ANA, 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 also has responsibility for investigating criminal cases concerning national security. The investigative branch of the NDS operated a facility in

Kabul, where it held national security prisoners awaiting trial until their cases were transferred to prosecutors. In some areas insurgents, rather than the ANP or ANA, maintained control.

There were reports of impunity and lack of accountability by security forces throughout the year. According to observers, ALP and ANP personnel were largely unaware of their responsibilities and defendants' rights under the law. Accountability of NDS and ANP officials for torture and abuse was weak, not transparent, and rarely enforced. Independent judicial or external oversight of the NDS and ANP in the investigation and prosecution of crimes or misconduct, including torture and abuse, was limited. There were no known prosecutions as following a 2013 government investigation into allegations of abuse and torture by ANDSF members.

There were some prosecutions. In October ANDSF personnel accused of sexual assault during a clearing operation were tried and convicted, and each was sentenced to six years in prison. In December 2014 the 203rd Corps Primary Court convicted four ANA soldiers of murdering and robbing three individuals in Ghazni Province and sentenced them to death.

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

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

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.

The law, including new procedures introduced by a June 2014 revision of the criminal procedure code, 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. With court approval the investigating prosecutor may continue to 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 up to a maximum of 10 additional days for a petty crime, 27 days for a misdemeanor, and 75 days for a felony. The prosecutor must file an indictment or release the suspect within those deadlines, and no further extensions of the investigatory period are permitted if the defendant is in detention. Prosecutors often ignored these limits.

Incommunicado imprisonment remained a problem, and prompt access to a lawyer was rare. Prisoners generally were allowed access to their families, but there were exceptions, and access was frequently delayed.

There was no bond system, although a rudimentary personal recognizance system existed in some areas where international observers monitored cases. Authorities at times continued to detain defendants who had been acquitted by the courts on the grounds that defendants who were released pending the prosecution's appeal often disappeared. In many cases authorities did not re-arrest defendants they released pending the outcome of an 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 was actually committed.

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. Like adult detainees, detained children were frequently denied basic rights and many aspects of due process, including the presumption of innocence, the right to be informed of charges, access to defense lawyers, and the right not to be forced to confess. The law provides for the creation of 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 fall under the ordinary courts. The law mandates that authorities handle children's cases confidentially and, as with all criminal cases, may involve three stages: primary, appeals, and the final stage at the Supreme Court.

Some children in the criminal justice system were victims rather than perpetrators of crime. In some instances authorities perceived victims as in need of punishment because they brought shame on the family by reporting an abuse. In others

authorities imprisoned abused children because they could not be returned to their families and shelter elsewhere was unavailable. There were also allegations that authorities allegedly treated children related to a perpetrator as proxies and imprisoned them.

Police and legal officials often charged women with intent to commit zina (extramarital sexual relations) to justify their arrest and incarceration for social offenses, such as running away from home, rejecting a spouse chosen by her family, fleeing domestic violence or rape, or eloping. Article 130 of 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 sharia or 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 Article 130 to criminal matters. Observers reported legal officials used this article to charge women and men with “immorality” or “running away from home.” Police often detained women for zina at the request of family members.

Authorities imprisoned some women for reporting crimes perpetrated against them and 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 in a detention center) for women who had experienced domestic violence, if no shelters were available to protect them from further abuse. The Law on the Elimination of Violence Against Women (EVAW) obliges police to arrest persons who abuse women. Implementation and awareness of the EVAW law was limited, however.

Arbitrary Arrest: Arbitrary arrest and detention remained a problem in most provinces. Observers reported some prosecutors and police detained individuals without charge for actions that were not crimes under the law, in part because the judicial system was inadequate to process detainees in a timely fashion. UNAMA reported police detained individuals for moral crimes, breach of contract, family disputes, and to extract confessions. Observers reported those detained for moral crimes were almost exclusively women.

Pretrial Detention: The law provides a defendant the right to object to his or her pretrial detention and receive a court hearing on the matter. Nevertheless, lengthy pretrial detention remained a problem.

Many detainees did not benefit from any or all of the provisions of the criminal procedure code, largely due to a lack of resources, limited numbers of defense attorneys, unskilled legal practitioners, and corruption. The law provides that, if the investigation cannot be completed, or an indictment is not filed, within the code's 10-, 27-, or 75-day deadlines, the defendant must be released. Many detainees, however, were held beyond those periods, despite the lack of an indictment.

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

In October 2014 President Ghani visited Pul-e Charkhi prison to meet with prisoners and review prison conditions, after which he spoke in favor of prison reform and an accelerated judicial process for prisoners awaiting sentencing. As of September prison industries offered more jobs and vocational training to enhance employment opportunities after release.

e. Denial of Fair Public Trial

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

Bribery, corruption, and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency continued to impair judicial impartiality. Most courts administered justice unevenly, employing a mixture of codified law, sharia, and local custom. Traditional justice mechanisms remained the main recourse for many, especially in rural areas. There was varying adherence to codified law, with courts often disregarding applicable statutory law in favor of sharia or local custom. Corruption was common within the judiciary, and criminals paid bribes to obtain their release or a reduction in sentence (see section 4).

The formal justice system was relatively strong in urban centers, where the central government was strongest, and weaker in rural areas, where approximately 76 percent of the population lived. Courts and police forces continued to operate at less than full capacity nationwide. The judicial system continued to lack the capacity to absorb and implement the large volume of new and amended legislation. A lack of qualified judicial personnel hindered the courts. Some municipal and provincial authorities, including judges, had minimal training and often based their judgments on their personal understanding of sharia without appropriate reference to statutory law, tribal codes of honor, or local custom. The number of judges who were graduates of law school, many from universities with sharia faculties, continued to increase. Access to legal codes and statutes increased, but their limited availability continued to hinder some judges and prosecutors.

International human rights groups, the AIHRC, and domestic activists expressed concern about due process violations in the trial of a group of men accused of attacking and killing Farkhunda Malikzada on March 19, in Kabul. Most of the 49 defendants lacked legal representation during the four-day original trial, and four received death sentences. As of October an appeals court had reduced the death sentences to prison terms, and the Supreme Court was evaluating the case.

There was a widespread shortage of judges, primarily in insecure areas. The Taliban targeted judges and other justice officials, and UNAMA documented 11 separate attacks against legal professionals and courthouses that caused 114 civilian casualties during the first four months of the year.

In major cities courts continued to decide criminal cases as mandated by law. Civil cases continued to be frequently resolved using the informal system or, in some cases, through negotiations between the parties facilitated by judicial personnel or private lawyers. Because the formal legal system often was not present in rural areas, local elders and shuras (consultative gatherings, usually of men selected by the community) were the primary means of settling both criminal matters and civil disputes. They also imposed punishments without regard to the formal legal system.

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

controlled village in Ghor Province ordered a 19-year-old woman, Rokhshana, to be stoned to death for allegedly committing zina.

Trial Procedures

The constitution provides the right to a fair trial, but the judiciary rarely enforced this provision. The administration and implementation of justice varied in different areas of the country. The government formally uses an inquisitorial legal system. By law all citizens are entitled to a presumption of innocence, and those accused have the right to be present at trial and to appeal, although these rights were not always respected. In some provinces public trials were held, but this was not the norm. In May the trial of those suspected of killing Farkhunda Malikzada was televised nationally, due to widespread local and international interest in the case. Panels of three judges decide criminal trials; there is no right to a jury trial under the constitution. Prosecutors rarely informed defendants promptly and in detail of the charges brought against them. An indigent defendant has the right to consult with an advocate or counsel at public expense when resources allow. This right was applied inconsistently, in large part due to a severe shortage of defense lawyers. Citizens often were unaware of their constitutional rights. Defendants and attorneys were entitled to examine physical evidence and documents related to a case before trial, although observers noted court documents often were not available for review before cases went to trial, despite defense lawyers' requests.

Criminal defense attorneys reported justice system officials were slowly demonstrating increased respect and tolerance for the role of defense lawyers in criminal trials, but at times defendants' attorneys experienced abuse and threats from prosecutors and other law enforcement officials.

When the accused is kept in custody, the primary court must render a verdict within 30 days of the prosecutor filing the case with the court. The appellate court has 30 days to review such a case, and the Supreme Court has 60 days to issue its decision. Either side may appeal; if appealed, a decision is not final until review by higher courts is complete. An accused defendant who is acquitted by the primary court usually remains in detention until the appeals process is concluded, although a higher court can confirm the acquittal and order the defendant's release. The decision of the primary court becomes final if an appeal is not filed within 20 days. Any application to review the decision of the appellate court must be filed with the Supreme Court within 30 days. If the appellate deadlines are not met, the law requires the accused be released from custody. In many cases courts did not meet these deadlines, 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

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

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

The law prohibits arbitrary interference in matters of privacy, but authorities did not always respect its provisions. The 2014 criminal procedure code contains additional safeguards for the privacy of the home, prohibiting night arrests and strengthening requirements for body searches. The government did not always respect these prohibitions.

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

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

Authorities imprisoned relatives, male and female, of criminal suspects and escaped convicts in order to induce the persons being sought to surrender (see section 1.d.).

Insurgents continued to intimidate cell phone operators to shut down operations. Reports of destruction of mobile telephone towers, bribing of guards, and

disconnecting of networks at night were particularly common in the southwestern, southern, and eastern provinces.

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

Continuing internal conflict resulted in civilian deaths, abductions, prisoner abuse, property damage, displacement of residents, and other abuses. The security situation remained a problem due to insurgent attacks. Civilians, particularly women and children, continued to bear the brunt of intensified armed conflict, according to UNAMA. Conflict-related civilian deaths decreased 6 percent between January and June compared with the same period in 2014, while the number of civilians injured rose 4 percent. Antigovernment elements caused the vast majority of civilian deaths.

Killings: For the first six months of the year, UNAMA documented 4,921 civilian casualties (1,592 civilian deaths and 3,329 injuries), a 1 percent increase compared with the first six months of 2014. UNAMA reported an increase in the percentage of civilian casualties attributed to progovernment forces during the period of 16 percent, up from 9 percent during the first six months of 2014, while it attributed 70 percent of all civilian casualties to antigovernment elements.

According to UNAMA ground engagements and crossfire incidents involving the parties to the conflict remained the largest cause of civilian casualties (dead and wounded), while targeted killings increased by 57 percent and became the largest cause of civilian deaths. UNAMA reported that the number of casualties among children and women, which in the first six months of the year increased by 13 and 23 percent respectively over the same period in 2014, was the highest in any recent comparable period. Antigovernment elements continued to use suicide and complex attacks to target civilians and government officials, and UNAMA documented a 78 percent increase in related civilian casualties compared with the same period in 2014.

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

killed three police officers and wounded eight others in an attack in Achin District of Nangarhar Province.

The Taliban and antigovernment elements continued to engage in indiscriminate use of force, attacking and killing villagers, foreigners, and NGO workers in armed attacks and with car bombs and suicide bombs. Through the first six months of the year, UNAMA documented 1,108 civilian casualties (385 civilian deaths and 723 injuries) as a result of IEDs, a 21 percent decrease over the same period in 2014.

Abductions: The Ministry of Interior reported 113 abduction cases during 2014 and 151 abduction cases from January to September. The Taliban targeted government workers and citizens perceived to be cooperating with the international community (see section 1.b.). On February 24, insurgents kidnapped 31 Hazara men from a bus in Zabul Province. The abductors released 19 of the hostages in May and eight in November; four others remained missing as of November. In June a Dutch NGO worker was abducted and released 81 days later; no group claimed responsibility.

Physical Abuse, Punishment, and Torture: UNAMA reported on March 15, that ANA forces shot and killed a polio worker in Ghazni Province. On May 3, in Kandahar Province, an ALP member shot and injured a 15-year-old boy whom he accused of acting as a spy.

Antigovernment elements continued to target civilians. On January 12, the Taliban claimed responsibility for killing a religious leader and member of the Ulema council in Helmand Province. UNAMA reported that on June 28, antigovernment elements abducted and later killed the 17-year-old son of an ANP officer in Farah Province.

Land mines and unexploded ordnance continued to cause deaths and injuries, restrict areas available for farming, and impede the return of refugees. The Mine Action Coordination Center for Afghanistan reported the number of deaths and injuries from land mines and unexploded ordnance was lower than in previous years. During the 12 months ending in March, there were 370 reported casualties from explosive remnants of war and 30 casualties due to land mines. In addition to these casualties from traditional antitank and antipersonnel mines, there continued to be thousands of civilian casualties from IEDs. According to the Mine Action Coordination Center, land mines and unexploded ordnance imperiled 1,609 communities across 253 districts, covering approximately 200 square miles. The majority of remaining mine hazards involved a relatively small number of

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

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

UNAMA also documented the recruitment of children by the Taliban and other antigovernment elements, although figures were unreliable and difficult to obtain. There were credible reports the Taliban used children during its attack on Kunduz city in September. In some cases the Taliban and other antigovernment elements used children as suicide bombers and human shields and in other cases to assist with their work, such as placing IEDs, particularly in southern provinces. The media, NGOs, and UN agencies reported the Taliban tricked children, promised them money, used false religious pretexts, or forced them to become suicide bombers. During the year the United Nations reported its country task force recorded 55 cases of child recruitment by armed opposition groups, five cases by the ANDSF, and two cases by a progovernment militia in Kunduz Province.

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

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

Suspected Taliban members attacked NGO offices, vehicles, guesthouses, restaurants, and hotels frequented by NGO employees. Violence and instability hampered development, relief, and reconstruction efforts. NGOs reported insurgents, powerful local individuals, and militia leaders demanded bribes to allow groups to bring relief supplies into the country and distribute them. In June unidentified attackers abducted and later released several members of a mine removal team from HALO Trust, a mine clearance agency, in Logar Province. In September the UN World Food Program temporarily suspended operations in Badakhshan Province after unidentified attackers stopped five UN vehicles and burned them.

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

In the south and east, the Taliban and other antigovernment elements frequently forced local residents to provide food and shelter for their fighters. The Taliban also continued to attack schools, radio stations, and government offices.

In May the Taliban claimed responsibility for a car bomb that exploded near the Ministry of Justice building, killing five civilians. Taliban spokesman Zabihullah Mujahid stated the attacks were in retaliation for justice officials mistreating Taliban prisoners.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech and Expression: While the law provides for freedom of speech, which was widely exercised, there were reports authorities at times used pressure, regulations, and threats to silence critics. Freedom of speech was also considerably more constrained at the provincial level, where local power brokers, such as former mujahedin-era military leaders, exerted significant influence and authority that they often used to intimidate or threaten their critics, both private citizens and journalists.

Press and Media Freedoms: While the media reported independently throughout the year, often openly criticizing the government, full press freedoms were lacking. At times authorities used pressure, regulations, and threats to silence critics. Politicians, security officials, and others in positions of power arrested, threatened, or harassed journalists as a result of their coverage. Freedom of speech and an independent media were even more constrained at the provincial level, where many media outlets had links to specific personalities or political parties, to include former mujahedin military leaders who owned many of the broadcasting stations and print media and influenced their content. In October the Taliban threatened journalists associated with two privately owned Afghan TV outlets, ToloNews TV, and 1TV. The Taliban's military commission designated both outlets as "military objectives" due to their perceived disrespectful coverage and claims that they broadcast propaganda, ridiculed religion, and injected the minds of youth with immorality. The Taliban was reportedly angered by ToloNews and 1TV's coverage of the Battle of Kunduz and considered the two outlets' offices, reporters, and dispatched teams to be valid targets.

Print media continued to publish independent magazines, newsletters, and newspapers. A wide range of editorials and dailies openly criticized the government. There were concerns, however, that media independence and safety remained at high risk in light of increased attacks. Due to high levels of illiteracy, television and radio were the preferred information source for most citizens. Radio remained more widespread due to its relative accessibility, with 75.7 percent radio penetration, compared with 61.6 percent for television. Internet use continued to grow, and 9.6 percent of Afghans said they used the internet for news and information.

The Ministry of Information and Culture has authority to regulate the press and media but by year's end had not created the Mass Media Commission required by law to exercise that authority. During the year the ministry dissolved the Media Violations Investigation Commission, whose evaluations of complaints against journalists were criticized as biased and not based on the law. Human Rights Watch reported the ministry routinely ignored officials who threatened, intimidated, or even physically attacked members of the press. While the ministry has legal responsibility for regulating the media, the council of religious scholars (the Ulema Council) had considerable influence over media affairs.

In December 2014 the president signed the Access to Information law providing journalists and citizens with increased access to information from the government (see section 4). Journalists and media professionals criticized Article 15 of the

law, given its broad prohibition on content deemed to endanger “independence, sovereignty, territorial integrity, national security, and national interest” Observers considered this broad-brush approach as limiting media’s access to information and preventing reporting critical of the government.

Violence and Harassment: Authorities used threats, violence, and intimidation to silence opposition journalists, particularly those who spoke out about impunity, war crimes, government officials, and powerful local figures. Incidents of violence against journalists spiked in 2014 with 125 cases recorded. The Afghan Journalists’ Safety Committee reported 39 cases of violence and verbal harassment in the first six months of the year, of which 28 they attributed to government officials. According to the International Federation of Journalists, two journalists were killed as of October. On March 29, Ahmad Wali Sarhadi, a Zabul journalist, reported several provincial police officers beat him on orders of Zabul Provincial Chief of Police Ghulam Sakhi Rogh-Lewani soon after he published an article critical of police mistreatment of a local merchant.

The satirical *Kabul Taxi Facebook* page was briefly shut down by Facebook in late August for unknown reasons. It was unclear whether the government requested that Facebook block the page. A post from *Kabul Taxi* shared commentary and publicly available information about the national security advisor’s staff. In response the Office of the National Security Council released a statement warning against revealing confidential information that threatened national security. In August the NDS summoned at least six local journalists for questioning on suspicion they were responsible for the page.

Prevailing security conditions created a dangerous environment for journalists, even when they were not specific targets. Media organizations and journalists operating in remote areas were more vulnerable to violence and intimidation because of the increased level of insecurity and pronounced fear from insurgents, warlords, and organized criminals. They also reported local governmental authorities were less cooperative in facilitating access to information.

Nai, an NGO supporting media freedom, reported a decrease in incidents of violence and threats against journalists to 95 compared with 125 in 2014. Nai reported four journalists were killed during the year, down from eight killings reported for 2014. The Afghan Journalist Safety Committee stated government officials committed more than 70 percent of acts of aggression against journalists through the first half of the year. For example, on May 20, a Kabul police officer

reportedly beat 1TV cameraman Kaliwal Niazi and broke his camera while he was filming the scene of a bombing at the Ministry of Justice.

In January unidentified attackers shot and killed Aqel Mohammad Waqar, a local journalist investigating corruption in Nangarhar Province. As of year's end police had not arrested any suspects, and there were no claims of responsibility for Waqar's killing.

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

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

Censorship or Content Restrictions: The government reportedly sought to restrict reporting on topics deemed contrary to the government's messaging. In March Zabul journalist Ahmad Wali Sarhadi said he was beaten by police on orders of Provincial Chief of Police Ghulam Sakhi Rogh-Lewani for reporting police abuse of a local shopkeeper. In May a member of parliament from Baghlan Province, Ashuqullah Wafa, reportedly threatened the manager of Tanweer TV after the station reported Wafa was involved in the transfer of a popular chief of police.

Some 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. For example, a journalist in Khost Province reported threats by members of parliament and a warning from the Provincial Council not to report on local corruption and protests. Because of such pressures, media outlets sometimes preferred to quote from foreign media reports on sensitive topics and in some cases fed stories to foreign journalists.

Libel Laws/National Security: The penal code and the mass media law prescribe jail sentences and fines for defamation. Authorities sometime used defamation as a pretext to suppress criticism of government officials. Journalists complained government officials frequently invoked the national interest exception in the Access to Information law to avoid disclosing certain information.

Nongovernmental Impact: Journalists continued to face threats from the Taliban and other insurgents. Some reporters acknowledged they avoided criticizing the insurgency and some neighboring countries in their reporting because they feared Taliban retribution. In June, 14 journalists and civil society leaders had their photographs displayed and were threatened on a Facebook page maintained by the Taliban. In October insurgents threatened to kill anyone working for two of the country's leading television channels and posted videos that scrolled through archive pictures of approximately 30 network staff members with death-threat voice-overs.

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

Internet Freedom

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

In August the NDS reportedly sought to shut down a Facebook page called *Kabul Taxi* and determine the identity of those maintaining it but apparently lacked the capability to do so.

Media outlets and activists routinely used social media to discuss political developments, and Facebook was widely used in urban areas. The Taliban used the internet and social media (e.g., Twitter) to spread its messages. Although internet coverage was high, usage remained relatively low due to high prices, inadequate local content, and illiteracy.

Academic Freedom and Cultural Events

There were no reports that the government imposed restrictions on academic freedom or cultural events during the year.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The government generally respected citizens' right to demonstrate peacefully. There were numerous public gatherings or protests related to a variety of causes, including civilian casualties, lack of government services, and violence against women. In March protesters demonstrated throughout the country urging the government to recover 31 Hazara hostages. Thousands of Kabul residents attended several protests during the year to condemn the March 19 murder of Farkhunda Malikzada and demand justice for female victims of violence. In November protests broke out in cities across the country after militants suspected to be linked to the Islamic State beheaded seven Hazaras, including two women and a nine-year-old girl, in Zabul Province. The demonstrations were an expression of public discontent at the government's inability to deal with the threat of militants and cast a spotlight on the grievances and unease of the Hazaras, who feared further attacks.

Freedom of Association

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

In 2012 the Council of Ministers approved a regulation requiring political parties to open offices in at least 20 provinces within one year of registration. The regulation provides for removal of parties failing to do so from the Ministry of Justice's official list. During the year the ministry conducted a nationwide review of provincial political party offices. It found 20 political parties not in compliance with the regulation and had deregistered 10 of them by September.

c. Freedom of Religion

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

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

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

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

In-country Movement: Taxi, truck, and bus drivers reported security forces operated illegal checkpoints and extorted money and goods from travelers.

The greatest barrier to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, land mines, and IEDs made travel extremely dangerous, especially at night.

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

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

Emigration and Repatriation: Through September a total of 53,881 documented refugees voluntarily repatriated with UNHCR assistance. The average number of returns per day reflected a nearly fourfold increase over the same period in 2014. The government's capacity to integrate returned refugees remained low. The number of refugees returning from Pakistan increased dramatically during in the first half of the year following the December 2014 attack on the Peshawar Army Public School, which led to increased Pakistani pressure on Afghans to return. Former refugees constituted 20 percent of the total population, yet the government lacked the capacity to integrate large numbers of new arrivals due to continuing insecurity, limited employment opportunities, poor development, and budgetary constraints.

UNHCR, in conjunction with the governments of Afghanistan, Iran, and Pakistan, continued a strategy developed in 2012 aimed at preserving refugee status for those

remaining in neighboring countries while assisting with the reintegration of returnees through targeted assistance, including educational, health, and employment assistance. Returnees ostensibly had equal access to health, education, and other services, although some community sites designated for returning refugees had limited means of transportation or lacked roads leading to larger, more established villages and urban centers, making access to such services and economic opportunities difficult.

Internally Displaced Persons

Internal population movements increased, mainly triggered by increasing armed conflict, notably in the Northeast. Natural disasters and variations in employment availability also increased population movement. As the conflict intensified, internal displacement surged, increasing by approximately 50 per cent compared with 18 months earlier. The number of IDPs reached 948,000 by midyear. An estimated 1.4 million IDPs returned to their areas of origin during the first half of the year, 200,000 fewer than the corresponding period in 2014. More than half of all IDPs resided in the five provinces of Herat, Helmand, Nangarhar, Faryab, and Kandahar, according to UNHCR.

Limited humanitarian access caused delays in identifying, assessing, and providing timely assistance to IDPs, and led to estimates of the total number of IDPs that were significantly larger than official figures. IDPs continued to lack access to basic protection, including personal and physical security and shelter. Many IDPs, especially in households with a female head, faced difficulty obtaining basic services because they did not have identity documents. 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. IDPs who had access to local social services sometimes had less access than their non-IDP neighbors due to distance and other factors. The government adopted a national IDP policy that, if implemented, would protect IDP rights and provide durable settlement solutions.

Protection of Refugees

Access to Asylum: Laws do not provide for granting asylum or refugee status, and the government has not established a system for providing protection to refugees. The government worked closely with the international community to protect and respond to the needs of Pakistani refugees who crossed into Khost and Paktika Provinces following Pakistani military June 2014 operations against insurgents. As of September, 35,781 Pakistani families remained in the country--24,245 in Khost Province and 11,536 in Paktika Province--representing a total of 221,432 individuals.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: According to the IEC, more than 6.8 million voters cast votes in the first round of the April 2014 presidential election. Although security incidents occurred throughout the country, they apparently had only a modest impact on turnout, and there were no mass-casualty events. Of eight presidential candidates who competed in the first round, former foreign minister Abdullah Abdullah and former finance minister Ashraf Ghani Ahmadzai received the most votes, 45 percent and 31.6 percent, respectively. Neither achieved the majority necessary to avoid a runoff, however, and the runoff election between the two occurred in June 2014. There was an audit and vote recount for the runoff election in response to allegations of fraud. According to media reporting of leaked IEC data, the audit invalidated more than 850,000 fraudulent ballots of an estimated eight million. In September 2014 the IEC named Ghani the new president, after which Ghani created the position of chief executive officer for Abdullah by presidential decree,

in accordance with the an agreement between the candidates to create national unity government.

Although mandated by the constitution, parliamentary elections did not take place during the year. As a result members of the Wolesi Jirga (lower house of parliament) remained in office past the June expiration of their five-year terms. The scheduling of new parliamentary elections was delayed pending the implementation of the recommendations of a Special Electoral Reform Commission created under the terms of the 2014 national unity government agreement.

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

In the June 2014 runoff election the IEC estimated a turnout of nearly eight million voters, including 38 percent women. Although there were again reports of ballot shortages, the IEC more effectively dispatched contingency ballots where needed. The ANDSF was largely successful in providing security to most areas, and there was better coordination between the ANDSF and IEC staff than in the first round of voting. While insurgent attacks caused slightly more casualties than during the first round, there were a third fewer significant security incidents.

Allegations of fraud led to a dispute over the accuracy of the preliminary results announced by the IEC following the June 2014 runoff. Those results showed Ghani leading with 56.4 percent compared with Abdullah's 43.5 percent. Following a protracted standoff, the two candidates agreed to a 100 percent audit of the ballot boxes and committed to forming a national unity government with the runner-up being chief executive officer in the government. The IEC completed the election audit in September and named Ghani the winner in September 2014.

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

Parties were not always able to conduct activities throughout the country; in some regions antigovernment violence reduced security. As of October 68 political parties were registered with the Ministry of Justice. A Ministry of Justice review during the year determined that 20 political parties were not in compliance with the regulation and, as of September 10, had deregistered 10 of these parties. According to the ministry a deregistered party could meet and continue "informal" political activities, but candidates for political office could not run for office under the party's name.

Provincial party members continued to assert the ministry's monitoring process was inconsistent, with some parties reporting regular interactions with ministry officials and others having none at all. Political parties played a greater role in the 2014 presidential elections than in previous elections, and the organization, networks, and manpower of the parties that supported Abdullah and Ghani contributed to their success as presidential candidates.

Participation of Women and Minorities: The constitution specifies a minimum number of seats for women and minorities in the two houses of parliament. Women should occupy at least 25 percent of the 249 seats in the lower house. In 2010, voters elected 69 women, or 27 percent of the total. The constitution provides for at least 68 female members in the 249-member lower house. The constitution empowers the president to appoint one-third of the members of the upper house, and one-half of these must be women. Two seats are set aside in the lower house for members of the Kuchi minority, and the president's appointees to the upper house should include two Kuchis and two members with physical disabilities. One seat in the upper house is reserved for the appointment of a Sikh or Hindu representative. In 2013 then president Karzai issued a presidential decree reserving a seat in the lower house for a Sikh or Hindu in the 2015 parliamentary elections. The lower house rejected the decree in December 2013, the upper house approved it. It was sent to a joint committee for final resolution.

Traditional societal practices continued to limit women's participation in politics and activities outside the home and community, including the need to have a male escort or permission to work. These factors likely continued to influence the central government's male-dominated composition. The July 2013 electoral law reduced women's quotas on provincial councils from 25 percent to 20 percent and eliminated women's quotas entirely for district and village councils. Neither district nor village councils had been formed by year's end.

As did their male counterparts, women active in public life continued to face threats and violence and were the targets of attacks by the Taliban and other insurgent groups. In February a bomb killed Angiza Shinwari, a female provincial council member in Nangarhar Province. Most female parliamentarians reportedly experienced some kind of threat or intimidation, and many believed the state could not or would not protect them.

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. The government did not implement the law effectively, and there were reports officials frequently engaged in corrupt practices with impunity. Some low-profile corruption cases were reportedly tried successfully at the provincial level. The government made several commitments to combat corruption, including a decree in 2012 by then president Karzai. In 2013 the Attorney General's Office created a monitoring department, as required by the decree, and it began accepting referred cases. No progress on the cases has been reported.

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

Reports indicated corruption was endemic throughout society, and flows of money from the military, international donors, and the drug trade continued to exacerbate the problem. Reports indicated many citizens believed the government had not been effective in combating corruption. Corruption and uneven governance continued to play a significant role in allowing the Taliban to exert influence and control some areas in the southern, eastern, and some northern provinces, particularly in remote areas.

According to prisoners and local NGOs, corruption was widespread across the justice system, particularly in connection with the prosecution of criminal cases and arranging release from prison. There were also reports that officials were bribed were paid to reduce prison sentences, halt an investigation, or dismiss charges outright. The practice of filing criminal complaints in regard to civil matters was commonly used to settle business disputes or extort money from wealthy international investors.

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

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

In October 2014 President Ghani issued a decree ordering that the appellate court decide pending appeals by former Kabul Bank officials Sherkhan Farnood and Khalilullah Ferozi’s embezzling cases, that police arrest those who were convicted in the case but had not been incarcerated, and that the Supreme Court review the case and determine whether the scope of the case should be expanded. The decree also outlined steps to pursue the return of fraudulently acquired funds sent abroad. The decree resulted in the indictment of 17 individuals, and in November 2014 the appellate court tripled Farnood and Ferozi’s sentences to 15 years in prison. The Attorney General’s Office subsequently froze the assets of 10 companies and eight

individuals involved in the bank's collapse. In June President Ghani announced a one-week deadline for debtors to resolve unsettled debts or have their cases referred to the Attorney General's Office for prosecution. In July the Attorney General's Office announced a travel ban and asset freezes affecting 150 outstanding debtors. As of September the government stated that approximately \$440 million of assets had been recovered.

In November, Ferozi was reportedly allowed to leave prison on a temporary basis and signed a contract with the government to invest in and develop the "Smart City" housing project in Kabul, despite his criminal conviction and incarceration. Observers stated such a transaction between the government and a convicted criminal was against the law. The deal was quickly annulled, and Ferozi was returned to prison.

There were widespread reports of corrupt begavuir in the Ministry of Education and Ministry of Urban Development. In June the Attorney General's Office announced investigations into three officials of the Ministry of Urban Development on suspicion of receiving bribes in exchange for development projects or housing assignments. In July President Ghani appointed a panel to investigate allegations of corruption in the Ministry of Education, including by officials accused of embezzling funds allocated to nonexistent schools.

There were reports the Attorney General's Office was unwilling or unable to pursue some corrupt officials and that high-level officials who were arrested on corruption-related charges and subsequently released due to political pressure. In addition there was anecdotal evidence that corrupt officials made accusations of corruption to undermine the reputations of their opponents or deflect attention from their own misdeeds. There were reports the Ministry of Finance sometimes compelled civil society organizations to pay fraudulent tax bills directly to corrupt officials.

Provincial police benefited financially from corruption at police checkpoints and from the narcotics industry. ANP officers reportedly paid higher-level Ministry of Interior officials for their positions and promotions. The justice system rarely pursued corruption cases, especially if they involved police, although authorities arrested and detained a provincial chief of police on drug-trafficking charges. The Ministry of Interior continued to be affected by widespread corruption, poor performance, and abuse of power by officers. Media reported in April that of nearly 2,000 complaints of misconduct to the Ministry of Interior's Inspector

General's office, only nine were referred for legal action due to corruption within the ministry.

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

Credible sources reported local police in many areas extorted "taxes" at police checkpoints and behaved violently toward those who reluctant to pay. Truck drivers complained they had to bribe security forces, insurgents, and bandits to allow their trucks to pass.

Police reportedly demanded bribes from civilians to gain release from prison or avoid arrest. Citizens bribed corrections and detention officials to obtain release of prisoners who had not been discharged at the end of their sentences.

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

Financial Disclosure: The High Office of Oversight is responsible for collecting information from senior government officials on all sources and levels of personal income. The office verifies and publishes online and in mass media the personal asset declarations of the most senior officials (those covered under Article 154 of the constitution) when they assume office and when they leave. While collection and publication occurred, there was only limited progress on the verification of such declarations by independent domestic and international experts. The absence of legal penalties for omissions or misrepresentations tended to undermine a key tool for identifying wrongdoing.

In June the Ministry of Interior announced an 18-month extension of the Law and Order Trust Fund for Afghanistan, a project that administers salary payments for the ANP in a more transparent and accountable process.

Public Access to Information: The constitution provides citizens the right to access government information, except when access might violate the rights of others. Access to information from official sources continued to be limited due to a lack of clarity regarding citizens' rights and a lack of transparency among government institutions. In December 2014 President Ghani signed the Access to

Information Law, which provides an official mechanism to request previously unavailable information from the government. NGOs and human rights organizations said the law had not been fully implemented, and some government officials reportedly failed to disclose information of public interest in an adequate manner. Observers noted concern about some provisions of the law authorities can use to withhold information for national security reasons. Integrity Watch Afghanistan indicated that the lack of clear definitions for terms such as national security and national interest could seriously affect and limit access to information.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. While government officials were somewhat cooperative and responsive to their views, there were cases in which government officials intimidated human rights groups. Human rights activists continued to express concern that war criminals and human rights abusers remained in positions of power within the government.

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.

Three Wolesi Jirga (low parliamentary house) committees deal with human rights: the Gender, Civil Society, and Human Rights Committee; the Counternarcotics, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga (the upper house of parliament), the Committee for Gender and Civil Society addresses human rights concerns.

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

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

Women

Domestic and international gender experts considered the country very dangerous for women.

Rape and Domestic Violence: The EVAW law, which was put into effect by presidential decree in 2009, criminalizes violence against women, including rape, battery, or beating; forced marriage; humiliation; intimidation; and deprivation of inheritance; however, its implementation remained limited. The law provides for a sentence of 16 to 20 years in prison for rape. If the act results in the death of the victim, the law provides for the death sentence for the perpetrator. The law provides for imprisonment of up to seven years for the “violation of chastity of a woman...that does not result in adultery (such as sexual touching).” Under the law rape does not include spousal rape. The law was not widely understood, and some in the public and the religious communities deemed the law un-Islamic. Many authorities lacked the political will to implement the law and failed to enforce it fully and successfully.

During the year the AIHRC released a report noting 92 cases of honor killings from March 2014 to March 2015, down 13 percent from the same period a year earlier. According to a separate AIHRC report, *National Inquiry on Rape and Honor Killing*, almost 50 percent of honor killings were committed because of suspected zina (extramarital sexual relations). The same report found 67 percent of perpetrators of rape and honor killing were arrested, and 60 percent were tried and ultimately punished.

In 2013 a female parliamentarian sought parliamentary approval of EVAW, to reinforce of women’s rights. This was not technically necessary, since the presidential decree that brought it into force had the same legal power as a law passed through parliament. The parliamentary introduction inadvertently prompted the conservative male majority to argue against the law by saying the protections for women were un-Islamic. The speaker prevented the law from being repealed or weakened by promptly ending debate and forwarding the legislation to a parliamentary committee, where it remained as of October. The AIHRC, justice implementers, and civil society continued to try to increase awareness of the law, despite the controversy. Some supporters of women’s rights believed revisions and improvements to the EVAW law were needed, while others focused primarily on implementation and enforcement. A 2010 presidential decree requires the criminal provisions of the EVAW law to be incorporated in the country’s forthcoming consolidated penal code, which remained under development. Several women’s rights groups advocated throughout the year to keep the EVAW law

separate from the penal code due to concern that conservative elements might seek to weaken the law during the parliamentary process.

The Attorney General's Office established the first specialized EVAW prosecution unit in Kabul in 2010 and continued to expand the number of EVAW units until, as of September, EVAW units were operational in 20 provinces. In other provinces the Attorney General's Office assigned prosecutors to handle cases of violence against women on at least a part-time basis. In March the Attorney General's Office held its first national meeting of EVAW prosecutors to facilitate communication between different provincial EVAW units and identify common issues. An April UNAMA report documenting the individual experiences of 110 women seeking justice through the judicial system observed that although their effectiveness varied widely, the units were a contributing factor towards encouraging women who experienced violence to pursue their cases. Similarly, a 2013 UN report found provinces with dedicated EVAW units tried and convicted more cases than those without an EVAW unit.

From March 2013 to March 2014, the government reported 5,406 registered cases of violence against women, with 3,715 registered under the EVAW law. A significant number of complaints brought under the EVAW law were resolved through family mediation. In its April survey on justice for women, UNAMA noted 65 percent of sample cases of violence against women were resolved through mediation. Following a visit in November 2014, the UN special rapporteur on violence against women stated that women perceived the formal justice system as inaccessible and corrupt, especially on issues related to women's rights, and therefore they frequently opted for mediation. Of the cases evaluated by UNAMA, more than half were registered by provincial Departments of Women's Affairs and police. The remainder were registered by NGOs, human rights organizations, and prosecutors' offices.

Prosecutors and judges in some remote provinces were unaware of the EVAW law, and others were subject to community pressure to release defendants due to familial loyalties, threat of harm, or bribes. Reports indicated men accused of rape often claimed the victim agreed to consensual sex, leading to zina charges against the victim, or made false claims of marriage to the victim. For example, in February a court in Kabul suspended proceedings against a man accused of repeatedly raping his daughter over a 12-year period and contemplated charges against the victim after the man accused her of having extramarital relationships with other men. The man was later convicted and sentenced to death, the most

severe sentence ever handed down under the EVAW law, when DNA evidence proved he had fathered his daughter's two children.

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

According to the Asia Foundation's *Annual Survey of the Afghan People*, 23.4 percent of women surveyed knew of an organization, institution, or authority in their area where women could go to have their problems resolved. Forced virginity testing remains legal, and police, prosecutors, and judges frequently ordered virginity tests in cases where women or girls were accused of "moral crimes" such as zina. Women who sought assistance in case of rape often became subjects of virginity tests and in some instances had their cases converted into adultery cases. Interpretations of sharia also impeded successful prosecution of rape cases.

In February media reported a group of armed kidnappers in Takhar Province held a 14-year-old married girl captive and gang-raped her before killing her. Local police arrested two suspects in connection with the crime. Also in Takhar Province in March, media reported a 13-year-old girl told authorities she was eight months' pregnant following an alleged rape by a local mullah, who threatened to kill the girl's family if she reported the crime. In March media reports indicated the mullah was arrested and confessed to raping the girl.

The penal code criminalizes assault, and courts convicted domestic abusers under this provision. According to NGO reports, hundreds of thousands of women continued to suffer abuse at the hands of their husbands, fathers, brothers, in-laws, armed individuals, parallel legal systems, and institutions of state, such as the police and justice systems. The AIHRC's 2013 national inquiry on rape and honor killing noted murders, assaults, and sexual violence against women commonly involved family members as suspects.

Police response to domestic violence was limited, in part due to low reporting, sympathy toward perpetrators, and limited protection for victims. Some police and judicial officials were unaware or unconvinced that rape was a serious criminal offense, and investigating rape cases was generally not a priority. Even in instances in which justice officials took rape seriously, some cases reportedly did

not proceed due to bribery, family or tribal pressure, or other interference during the process. The AIHRC's 2013 report on rape and honor killing asserted only 64 percent of cases referred to the justice sector were prosecuted or adjudicated correctly. The AIHRC and NGOs contended that due to societal acceptance of the practice, most cases were unreported and never reached prosecutors.

According to the AIHRC, more than 4,250 cases of violence against women were reported during the first nine months of the Afghan calendar year ending March 2015. The AIHRC noted that the majority of reports concerned physical violence and expressed concern over an apparent rise in cases of sexual violence including rape. The Ministry of Women's Affairs also reported that incidents of violence against women were increasing. During the first six months of the year, 815 incidents of violence against women were reported, compared with 764 incidents during the same period in the previous year. Accurate statistics on the extent of violence against women were difficult to obtain.

Most women did not seek legal assistance for domestic or sexual abuse because they did not know their rights or because they feared prosecution or return to their family or the perpetrator. Women sometimes practiced self-immolation, and the Ministry of Women's Affairs reported there continued to be cases of suicide as a result of domestic violence. The Ministry of Public Health reported more than 9,000 suicide attempts, more than half of which were by self-immolation, between March 2014 and June 2015; the majority of victims were women. Women increasingly turned to NGO-run shelters for assistance, and according to UNAMA's April report on women's access to justice, they particularly valued the physical protection afforded by shelters, which often represented the only safe refuge for women. According to NGOs that ran women's shelters countrywide, police continued to make up the most significant source of referrals, likely reflecting improved ANP training and awareness. Space at the 28 formal shelters across the country was sometimes insufficient, and shelters remained concentrated in the western, northern, and central regions of the country. Women who could not be reunited with their families or were unmarried were compelled to remain in shelters indefinitely, because "unaccompanied" women were not commonly accepted in society. The difficulty of finding durable solutions for women compelled to stay in shelters was compounded by societal attitudes toward shelters, the belief that "running away from home" was a serious violation of social mores, and the continued victimization of women who were raped but perceived by society as adulterers.

Women in need of shelter but who could not find it often ended up in prison, either due to a lack of shelter alternatives, for their own protection, or based on local interpretation of “running away” as a moral crime. Adultery, fornication, and kidnapping are crimes under the law. Women often were convicted of those crimes in situations of abuse, rape, or forced marriage, or on the basis of invalid evidence, including flawed virginity tests. Running away is not a crime under the law, but women and girls continued to be detained for running away from home or “attempted zina.” As of July 31, approximately 51 percent of female prisoners were incarcerated for moral crimes, according to GDPDC records, a decrease from 58 percent in 2014 and 80.5 percent in 2013.

The Ministry of Women’s Affairs, as well as nongovernmental entities, sometimes arranged marriages for women who could not return to their families.

Police units charged with addressing violence against women, children, and families, included female officers. Although trained to help victims of domestic violence, the officers were hindered by instructions to wait for victims to take the initiative and reach out to them. Women serving in civilian and ANP positions in the Ministry of Interior offered mediation and resources to prevent future domestic violence.

In June the government launched its National Action Plan to implement UN Security Council Resolution 1325 on Women, Peace, and Security.

Other Harmful Traditional Practices: The EVAW law criminalizes forced, underage, and “bad” marriages (the practice of settling disputes in which the culprit’s family trades a girl to the victim’s family to settle a dispute), and interference with a woman’s right to choose her spouse. According to the United Nations and Human Rights Watch, an estimated 70 percent of marriages were forced. Despite laws banning the practice, many brides continued to be younger than the legal marriage age of 16 (or 15 with a guardian’s and a court’s approval). A 2014 AIHRC survey found more than 7 percent of respondents reported their daughters were married before the age of 16. Very few marriages were registered, leaving forced marriages outside legal control. There were reports women who sought assistance under the EVAW law in cases of forced marriage or rape became subjects of virginity tests.

Local officials occasionally imprisoned women at the request of family members for opposing the family’s choice of a marriage partner or on charges of zina or bigamy. There were also reports local officials imprisoned women in place of a

family member who had committed a crime but could not be located. Some women remained in detention facilities because they had run away from home to escape domestic violence or the prospect of forced marriage.

The AIHRC released its national inquiry on rape and honor killing in 2013, after a multiyear investigation. According to the AIHRC, between March 2011 and April 2013 it recorded 406 reported cases of honor killing and sexual assault. A much larger number was believed to be unreported and to include cases of suicide and self-immolation. Under the penal code, a man convicted of honor killing after finding his wife committing adultery cannot be sentenced to more than two years' imprisonment. During the year honor killings continued, although accurate statistics were difficult to obtain. In August media reported a man in Parwan Province shot his three sisters, killing one and wounding two, reportedly for attending a wedding party without permission. In another case a woman in Takhar Province reported to the AIHRC that her daughter was killed by her daughter's father-in-law, mother-in-law, and husband. The husband reportedly fled to Iran, and the father-in-law was reportedly detained and later released, despite two petitions by the victim's mother to the Takhar Court of Appeals.

In March a crowd of dozens of men killed 27-year-old Farkhunda Malikzada outside a Kabul mosque reportedly after an amulet seller falsely accused her of burning a Quran. The mob beat her, dragged her behind a car, and set her body on fire while nearby police failed to intervene. The incident spurred large-scale public protests in Kabul by civil society and women's rights activists. A Kabul court sentenced four men to death for the murder, but the appeals court later reduced the sentences to prison terms of 10 to 20 years. A legal panel appointed by President Ghani conducted an investigation and found legal discrepancies starting from the investigation through the sentencing and appellate proceedings and recommended a retrial. Prosecutors referred the case to the Supreme Court for a review of the appellate court's decision.

There were reports of summary justice by the Taliban and other antigovernment elements that resulted in extrajudicial executions. In September the Taliban stoned to death a man and woman in Sar-e Pul Province for alleged adultery.

Sexual Harassment: The EVAW law criminalizes harassment and persecution of women but does not define these terms. In September President Ghani signed the first sexual harassment regulation, defining harassment against women and establishing and identifying mechanisms for complaint and redress. A Regulation on Prohibition of Women's Sexual Harassment entered into effect on October 3,

when it was published in the official gazette. Women who walked outside alone or went to work often experienced abuse or harassment, including groping, or were followed on the streets in urban areas. Women who took on public roles that challenged gender stereotypes (such as lawmakers, political leaders, NGO leaders, police officers, and news broadcasters) continued to be intimidated by conservative elements and received death threats directed at them or their families. NGOs reported violence, including killings, against women working in the public and nonprofit sectors and initiated awareness-raising campaigns to mobilize groups against harassment. Female members of the ANP reported harassment by their male counterparts, and there were reports that female ANP members and their families experienced intimidation and discrimination within their communities.

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

Couples were free from government discrimination, coercion, and violence to decide the number, spacing, and timing of their children, although family and community pressures to reproduce, the high prevalence of child and early marriages, and lack of accurate biological knowledge continued to limit their ability to do so. Women could expect to bear on average 5.1 children in their lifetimes. Oral contraceptives, intrauterine devices, injectable contraceptives, and condoms were available commercially and were provided at no cost in public health facilities and at subsidized rates in private health facilities and through community health workers. The UN Population Division estimated that 23 percent of women of reproductive age used a modern method of contraception. According to the World Health Organization, UN, and World Bank *Trends in Maternal Mortality Report: 1990-2013*, the maternal mortality rate in 2013 was 400 deaths per 100,000 live births. Although this represented a two-thirds reduction in maternal mortality since 1995, early marriage and pregnancy put girls at greater risk for premature labor, complications during delivery, and death in childbirth. Postpartum hemorrhage and obstructed labor were key causes of maternal mortality. Only 34 percent of births were attended by a skilled health practitioner and only 21 percent of girls and women between the ages of 15 and 49 used a modern form of contraception.

Discrimination: Women who reported cases of abuse or who sought legal redress for other matters reported they experienced discrimination within the judicial system. Some observers, including female judges, asserted that discrimination was a result of faulty implementation of law and cultural nuances, rather than the law

itself. A woman's limited access to money and other resources to pay fines (or bribes) and the social requirement for women to have a male guardian affected their access to and participation in the judicial system. Local practices were discriminatory against women in some areas, particularly in parts of the country where courts were not functional or knowledge of the law was minimal. Judges in some remote districts acknowledged wide influence by tribal authorities in preempting cases from the formal justice system. In August a man in Baghlan was arrested for allegedly beheading his wife after village elders persuaded her to withdraw her divorce case from the formal justice system and move into a room with her husband that the elders had built for them to resolve their marital issues. In the informal system, elders relied on interpretations of sharia and tribal customs, which generally discriminated against women. Many women reported limited access to justice in male-dominated tribal shuras, where proceedings focused on reconciliation with the community and family rather than the rights of the individual. Women in some villages were not allowed any access to dispute resolution mechanisms. Lack of awareness of their legal rights and illiteracy also limited women's ability to access justice. Women's advocacy groups reported in some cases that the government intervened informally with local courts to encourage them to interpret laws in ways favorable to women. Many cases in remote districts, however, reportedly were resolved according to the local police officer's or prosecutor's discretion or interpretation of the law. When legal authorities were aware of the EVAW law and its implementation, women were in some cases able to get appropriate assistance. Prosecutors in some provinces, however, continued to be reluctant to use the EVAW law, despite their awareness of its existence. Moreover, in cases in which prosecutors brought charges under the EVAW law, judges would sometimes replace those charges with others based on the penal code.

Police, prosecutors, and judges discriminated against women in criminal and civil legal proceedings stemming from violence and forced marriages. Enhanced availability of legal aid, including through female attorneys, provided some relief in formal justice system proceedings. Family guidance centers, which provide legal and counselling services in family- and gender-based violence cases, were present in 17 provinces, up from 13 in September 2014.

Cultural prohibitions limiting women's movement prevented many women from working outside the home and reduced their access to education, health care, police protection, and other social services. In 2013 clerics in Baghlan Province issued a religious edict (fatwa) with provisions limiting the rights of women--similar to those under the Taliban--that banned women from leaving home without a male

relative, including when visiting medical clinics, and sought to shut down cosmetic shops.

The law provides for equal work without discrimination, but there are no provisions for equal pay for equal work. The EVAW law criminalizes interference with a woman's right to work. Women faced discrimination in access to employment and terms of occupation (see section 7.d.). Some educated urban women found substantive work, but many were relegated to menial tasks. There were 2,834 female police officers as of September, including those in training, constituting less than 2 percent of the total police force. While the government made efforts to recruit additional female police officers, cultural customs and discrimination rendered recruitment and retention difficult. Women in high-profile positions of government service continued to be the subjects of threats and violence.

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

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

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

Children

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

Education: Education is mandatory up to the 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. Many children, however, did not attend school.

In most regions boys and girls attended primary classes together but were separated for intermediate and secondary education. Of the country's 9.1 million school children, the Ministry of Education estimated 3.5 million, or 39 percent, were girls. Many students, however, were not enrolled full time or dropped out early. According to the *Education for All 2015 National Review Report: Afghanistan*, in 2013 the gross enrollment rate for girls as a percentage of total enrollment was approximately 41 percent at the primary level, 36 percent at the lower secondary level, and 35 percent at the upper secondary level. According to the same report, the literacy rate for girls and women 15 to 24 years of age was 32 percent as of 2012.

The status of girls and women in education remained a matter of grave concern. Key obstacles to girls' education included poverty, early and forced marriage, insecurity, lack of family support, lack of female teachers, and the long distance to school. Former president Karzai's 2012 Decree on Governance and Corruption addressed the lack of female teachers, particularly in conservative rural areas, by charging the Ministry of Education with recruiting an additional 11,000 teachers and increasing the number of district-level teacher training support centers to provide training opportunities for female teachers. According to the Ministry of Education, 32 percent of teachers (63,904) were women as of 2014.

Violent attacks on schoolchildren, particularly girls, also hindered access to education. Violence impeded access to education in various sections of the

country, particularly in areas controlled by the Taliban. The Taliban and other extremists threatened and attacked school officials, teachers, and students, particularly girls, and burned both boys' and girls' schools. In May a rocket struck a school in Logar Province, killing a teacher and two students. In July a bomb detonated in front of a school in Kandahar Province, killing three children and injuring six others. In the same month an unknown motorcyclist threw acid into the eyes of three female high school students in Herat Province. No group took responsibility for the attacks.

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

Child Abuse: NGOs reported increased numbers of child abuse victims during the year, and the problem remained endemic throughout the country. Such abuse included general neglect, physical abuse, sexual abuse, abandonment, and confined forced labor to pay off family debts. Police reportedly beat and sexually abused children, including an incident, verified by UNAMA, when 10 ALP members in Sar-e Pul Province beat eight civilians, including two boys, with their rifle butts. 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.

Sexual abuse of children remained pervasive. NGOs noted girls were abused by extended family members, while boys were more frequently abused by men outside their families. In September a man was arrested in Jowzjan Province for allegedly raping his 15-year-old daughter. There were reports religious figures sexually abused both boys and girls. NGOs noted families often were complicit, allowing local strongmen to abuse their children in exchange for status or money. While the Ministry of Interior tracked cases of rape, most NGOs and observers estimated the official numbers significantly underreported the phenomenon. Many perpetrators of child sexual abuse were not arrested, and there were reports security officials and those connected to the ANP raped children with impunity. The practice continued of bacha baazi (dancing boys), which involved powerful or wealthy local figures and businessmen sexually abusing young boys trained to dance in female clothes. Reports of the practice have increased since 2001. A September 20 article in the *New York Times* documented the practice of bacha

baazi by progovernment forces residing on a U.S. military base in Kunduz Province. Following the *New York Times* report, the Ministry of Interior, Ministry of Defense, and President's Office issued statements condemning the practice. The president also ordered the creation of a working committee including the AIHRC, Ministry of Interior, and Attorney General's Office to investigate and monitor cases of abuse and create a mechanism to prevent and prosecute perpetrators. The government took few other steps to discourage the abuse of boys or to prosecute or punish those involved. In August 2014 the AIHRC released its national inquiry on bacha baazi. The report asserted bacha baazi was a form of trafficking already criminalized and called on the government to enforce the law actively. It attributed the root causes of the practice to lack of rule of law, corruption, gaps in the law, poverty, insecurity, and the existence of armed insurgent groups. The report noted the serious psychological and physical harm victims faced and called on the government to provide protective services to victims.

Early and Forced Marriage: Despite a law setting the legal minimum age for marriage at 16 (15 with the consent of a parent or guardian and the court) for girls and 18 for boys, international and local observers continued to report widespread early marriage. The media reported a 2014 survey by the Ministry of Public Health that sampled 24,032 households in all 34 provinces showed 53 percent of all women ages 25-49 married by age 18 and 21 percent by age 15. According to the Central Statistics Organization of Afghanistan, 17.3 percent of girls ages 15 to 19 and 66.2 percent of girls ages 20 to 24 were married. During the ERAW law debate, conservative politicians publicly stated it was un-Islamic to ban the marriage of girls younger than 16. Under the ERAW law, those who arrange forced or underage marriages may be sentenced to imprisonment for not less than two years, but implementation of the law remained limited. The Law on Marriage states marriage of a minor may be conducted with a guardian's consent.

By law a marriage contract requires verification that the bride is 16 years of age, but only a small fraction of the population had birth certificates. Following custom, some poor families pledged their daughters to marry in exchange for "bride money," although the practice is illegal. According to local NGOs, some girls as young as six or seven were promised in marriage, with the understanding the actual marriage would be delayed until the child reached puberty. Reports indicated, however, that this delay was rarely observed and young girls were sexually violated by the groom or by older men in the family, particularly if the groom was also a child. Media reports also noted the "opium bride" phenomenon, in which farming families married off their daughters to settle debts to opium traffickers.

Other Harmful Traditional Practices: Girls under age 18 continued to be at risk for honor killings for perceived sexual relations outside of marriage, running away, not accepting a forced marriage, or being a victim of sexual assault. In July media reported family members of a 15-year-old girl in Baghlan Province shot and killed her and a 17-year-old boy after the two returned home following an elopement.

Sexual Exploitation of Children: Although pornography is a crime, child pornography is not specifically prohibited by law. Exploiting a child for sexual purposes, as with bacha baazi, was widespread but not specified as a crime under the law, although some aspects of this practice are separate crimes under the penal code.

Child Soldiers: There were reports the ANDSF and progovernment militias used children for specific purposes in a limited number of cases, and the Taliban and other antigovernment elements recruited children for military purposes (see section 1.g.). The Law on Prohibition of Children's Recruitment in the Military was approved in November 2014 by the Lower House of parliament and signed into law by President Ghani in February.

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

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

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

Anti-Semitism

One Jew remained in the country at year's end. There were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons with disabilities and to protect their rights, including the rights to health care and financial protection. The constitution also requires the state to adopt measures to reintegrate and provide for the active participation in society of persons with disabilities. The Law on the Rights and Benefits of Disabled Persons provides for equal rights to, and the active participation of, such persons in society. The Ministry of Labor, Social Affairs, Martyrs, and Disabled continued to implement a five-year national action plan through a memorandum of understanding with the Ministry of Information and Culture and the Ministry of Education to implement public awareness programs on the rights of persons with disabilities through the national media and to provide scholarships for students with disabilities.

Updated and comprehensive data on persons with disabilities continued to be lacking. According to a 2005 survey (the most recent data available), there were between 800,000 and 900,000 persons with disabilities in the country, and 20 percent of all households included at least one such person. The social affairs ministry and NGOs, however, estimated in 2013 there were two million persons with disabilities, 61 percent of whom were women or children. Approximately 128,000 persons with disabilities were registered with the ministry and received financial support from the government during the year.

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.

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.

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

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

National/Racial/Ethnic Minorities

Ethnic tensions between various groups continued to result in conflict and killings.

Societal discrimination against Shia Hazaras continued along class, race, and religious lines in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse, and detention. According to NGOs, the government frequently assigned Hazara ANP officers to symbolic positions with little authority within the Ministry of Interior. NGOs also reported Hazara ANSF officers were more likely than non-Hazara officers to be posted to insecure areas of the country.

Multiple kidnappings of Hazara were reported in several provinces, including Ghazni, Zabul, and Baghlan. The abductors reportedly shot, beheaded, ransomed, or released the kidnapping victims. In February unidentified gunmen abducted 31 Hazara men from a bus in Zabul Province. The abductors released 19 of the men in May and eight others in November. Four of the hostages remained unaccounted at year’s end.

Sikhs and Hindus continued to face discrimination, reporting unequal access to government jobs and harassment in school, as well as verbal and physical abuse in public places. President Ghani met with Hindus and Sikhs in September to celebrate Eid.

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

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

The law criminalizes consensual same-sex sexual conduct, and there were reports that harassment, violence, and detentions by police continued. NGOs reported police arrested, detained, robbed, and raped gay men. The law does not prohibit discrimination or harassment on the basis of sexual orientation or gender identity.

Homosexuality was widely seen as taboo and indecent. Members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community did not have access to certain health 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 be legally registered. Members of the LGBTI community reported they continued to face discrimination, assault, rape, and arrest.

HIV and AIDS Social Stigma

There were no confirmed reports of discrimination or violence against persons with HIV/AIDS, but there was reportedly serious societal stigma against persons with AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

right to participate in a union, the law provides no other legal protection for union workers or workers seeking to unionize.

Although the law identifies the Ministry of Labor, Social Affairs, Martyrs, and Disabled's 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 without interference or political influence. Freedom of association and the right to bargain collectively were generally respected, but most workers were not aware of these rights. This was particularly true of workers in rural areas or the agricultural sector, who had not formed unions. In urban areas the majority of workers participated in the informal sector as day laborers in construction, where there were neither unions nor collective bargaining.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The law prescribes penalties, including a "maximum term" of imprisonment for forced labor (between eight and 15 years). Article 515 of the penal code also could be interpreted to criminalize a "foreign party's" coercive labor practices through fraud or deceit, with a penalty of five to 15 years' imprisonment.

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

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

The labor law sets the minimum age for employment at 18 but permits 14-year-olds to work as apprentices, allows children who are 15 and older to do “light work,” and permits children 16 and 17 to work up to 35 hours per week. Children under age 14 are prohibited from working under any circumstances. The law prohibits the employment of children in work likely to threaten their health or cause disability. In 2014 the labor ministry released a list of “hazardous occupations” forbidden for children. The list includes mining, begging, and garbage collection; work in blast furnaces, waste-processing plants, and large slaughterhouses; work with hospital waste; drug-related work; security guard services; and work related to war.

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

Child labor remained a pervasive problem. The Ministry of Labor declined to estimate the number of working children, citing a lack of data and deficiencies in birth registrations. In its 2014 report, the AIHRC noted that more than 22 percent of persons interviewed on the subject of child labor said they had children who worked.

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

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

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits discrimination and notes that citizens, “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 on account of race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, HIV-positive status, or other communicable diseases. 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. 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 work 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.

Ethnic Hazaras, Sikhs, and Hindus were subjected to 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 for permanent government workers was 6,000 Afghanis (\$103). There was no minimum wage for permanent workers in the private sector; but the minimum wage for workers in the nonpermanent private sector was 5,500 Afghanis (\$95) per month. According to the Central Statistics Office, 36 percent of the population earned wages below the poverty line of 1,150 Afghanis (\$20) per month.

The law defines the standard workweek for both public and private sector employees as 40 hours: eight hours per day with one hour for lunch and noon prayers. The labor law makes no mention of day workers in the informal sector,

leaving them completely unprotected. There are no occupational health and safety regulations or officially adopted standards. The law, however, provides for reduced standard workweeks for youth, 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 and stipulates that overtime work be subject to the agreement of the employee. The law prohibits women and minors (ages 15 to 18) from engaging in physically challenging work, work that is harmful to health, and night work. The law also requires employers to provide day care and nurseries for children.

The government did not effectively enforce these laws. The labor ministry had only 18 inspectors for 34 provinces, and the 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 to hire workers informally. Most employees worked longer than 40 hours per week, were underpaid, and worked in poor conditions, particularly in the informal sector. Workers were generally unaware of the full extent of their labor rights under the law. Although comprehensive data on workplace accidents were unavailable, there were several reports of poor and dangerous working conditions. Some industries, such as brick kiln facilities, continued to use debt bondage, making it difficult for workers to remove themselves from situations that endangered their health or safety.