

AFGHANISTAN 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Afghanistan is an Islamic republic with a directly elected president, a bicameral legislative branch, and a judicial branch. Based on the electoral calendar specified in the constitution, parliamentary elections were to have taken place in 2015; however, these elections were not held by year's end.

Civilian authorities generally maintained control over the security forces, although security forces occasionally acted independently.

The most significant human rights issues included extrajudicial killings by security forces; disappearances, torture; arbitrary arrest; detention, including of women accused of so-called moral crimes; and sexual abuse of children by security force members. Additional problems included violence against journalists, criminalization of defamation; pervasive government corruption; and lack of accountability and investigation in cases of violence against women. Discrimination against persons with disabilities and ethnic minorities and discrimination based on race, religion, gender, and sexual orientation persisted with little accountability.

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.

There were major attacks on civilians by armed insurgent groups and targeted assassinations by armed insurgent groups of persons affiliated with the government. The Taliban and other insurgents continued to kill security force personnel and civilians using indiscriminate tactics such as improvised explosive devices (IEDs), suicide attacks, and rocket attacks, and to commit disappearances and torture. The UN Assistance Mission in Afghanistan (UNAMA) attributed 67 percent of civilian casualties (1,141 deaths and 3,574 injured) to nonstate actors. The Taliban used children as suicide bombers, soldiers, and weapons carriers. Other antigovernment elements threatened, robbed, kidnapped, and attacked government workers, foreigners, medical and nongovernmental organization (NGO) workers, and other civilians.

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

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

There were several reports that the government or its agents committed arbitrary or unlawful killings. From January 1 to June 30, UNAMA reported an overall increase in civilian deaths over the same period for 2016, from 1,637 to 1,662. The number of civilians killed by progovernment forces, however, decreased from 396 to 327. The number of civilian casualties decreased from 5,267 to 5,243.

According to UNAMA, in January Afghan National Police (ANP) in Nesh district, Kandahar Province, beat three young men to death because police believed they were supporters of antigovernment forces. There were numerous allegations of deaths resulting from torture, particularly in 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 or injuries by the Taliban, ISIS-Khorasan Province (ISIS-K), and other insurgent groups. UNAMA reported 1,141 civilian deaths due to antigovernment and terrorist forces in the first six months of the year. These groups caused 67 percent of total civilian casualties, a 12 percent increase from 2016. On May 31, antigovernment forces injured more than 500 civilians and killed an additional 150 in a vehicle-borne IED attack against civilians during rush hour on a busy street in Kabul.

b. Disappearance

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

UNAMA, in its April 24 Report on the Treatment of Conflict-Related Detainees, reported multiple allegations of disappearances by the ANP in Kandahar.

On February 8, an armed group abducted two International Committee of the Red Cross (ICRC) aid workers in Qush Tepah district, Jowzjan Province, during which six other ICRC staff were killed. In September the two aid workers were released.

In March an Australian aid worker, kidnapped in Kabul in November 2016, was released after five months in captivity. Two professors, working for the American University of Afghanistan and kidnapped by the Taliban in August 2016, were still in captivity.

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

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

NGOs reported security forces continued to use excessive force, including torturing and beating civilians. On April 22, the government approved a new Anti-Torture Law, which expands the previous prohibition on torture contained in the original penal code. The new law, however, applies only to torture committed in the context of the criminal justice system and does not clearly extend to torture committed by military or other security forces.

UNAMA, in its April 24 Report on the Treatment of Conflict-Related Detainees, cited multiple reports of torture and other abuse committed by security forces, most frequently after the initial arrest, during interrogation, and with the purpose of eliciting confessions. The UNAMA report noted a high concentration of torture and abuse by police in Kandahar Province. Of the 469 National Directorate for Security (NDS), ANP, and Afghan National Defense and Security Forces (ANDSF) detainees interviewed, 39 percent reported torture or other abuse. Types of abuse included severe beatings, electric shocks, prolonged suspension by the arms, suffocation, wrenching of testicles, burns by cigarette lighters, sleep deprivation, sexual assault, and threats of execution.

In November 2016, First Vice President General Abdul Rashid Dostum allegedly kidnapped Uzbek tribal elder and political rival Ahmad Ishchi. Before detaining Ishchi, Dostum let his bodyguards brutally beat him. After several days in detention, Ishchi alleged he was beaten, tortured, and raped by Dostum and his men. On August 14, Balkh Governor Atta Mohammed Noor allegedly attempted to arrest his political rival Asif Mohmand. The ensuing shootout resulted in three deaths and 13 persons injured. There were reports that Atta and his sons then detained and beat Mohmand and bit off a piece of his ear. The Attorney General's Office opened investigations into both of the cases. As of September 16, there was no progress on either case, and both Dostum and Atta remained free. Dostum was no longer in the country, and he had not been allowed to exercise his duties as first vice president pending resolution of the legal charges against him.

There were numerous reports of torture and cruel, inhuman, and degrading punishment by the Taliban and other antigovernment groups. In March the Taliban in northern Badakhshan Province stoned a woman to death for suspected “zina” (extramarital sex). There were other reports of the Taliban cutting off the hands and feet of suspected criminals.

Prison and Detention Center Conditions

Prison conditions were difficult due to overcrowding, unsanitary conditions, and limited access to medical services. The General Directorate of Prisons and Detention Centers (GDPDC), part of the Ministry of Interior, has responsibility for all civilian-run prisons (for both men and women) and civilian detention centers, including the large national prison complex at Pul-e Charkhi. The Ministry of Justice’s Juvenile Rehabilitation Directorate is responsible for all juvenile rehabilitation centers. The NDS operates short-term detention facilities at the provincial and district levels, usually collocated with their headquarters facilities. The Ministry of Defense runs the Afghan National Detention Facilities at Parwan. There were reports of private prisons run by members of the ANDSF and used for abuse of detainees.

Physical Conditions: Media and other sources continued to report inadequacies in food and water and poor sanitation facilities in prisons. Some observers, however, found food and water to be sufficient at GDPDC prisons. Nevertheless, the GDPDC’s nationwide program to feed prisoners faced a severely limited budget, and many prisoners relied on family members to provide food supplements and other necessary items.

Authorities generally lacked the facilities to separate pretrial and convicted inmates or to separate juveniles according to the seriousness of the charges against them. There were reports the Parwan detention facility held 145 children for security-related offenses separate from the general population. Local prisons and detention centers did not always have separate facilities for female prisoners.

Overcrowding in prisons continued to be a serious, widespread problem. Based on standards recommended by the ICRC, 28 of 34 provincial prisons for men were severely overcrowded. The country’s largest prison, Pul-e Charkhi, held 11,527 prisoners, detainees, and children of incarcerated mothers as of June, which was more than double the number it was designed to hold. UNAMA found no reports of torture within the Ministry of Interior prison system. In April, 500 prisoners at

Pul-e Charkhi carried out a multiday hunger strike to protest the administration of their court cases and insufficient food and medical care at the prison.

Access to food, potable water, sanitation, heating, ventilation, lighting, and medical care in prisons varied throughout the country and was generally inadequate. In November the local NGO Integrity Watch Afghanistan reported that Wardak Prison had no guaranteed source of clean drinking water and that prisoners in Pol-e Charkhi, Baghlan, and Wardak had limited access to food, with prisoners' families also providing food to make up the gap.

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

There were reports of abuse and mistreatment by prison officials. On August 20, Takhar prison guards and police allegedly used clubs to beat 15 female inmates during a protest where approximately 60 women protested their continued imprisonment, despite promises of amnesty made by the government. The Attorney General's Office investigated the allegations and recommended criminal charges against three guards for the alleged beating.

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

d. Arbitrary Arrest or Detention

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

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

Role of the Police and Security Apparatus

Three ministries have responsibility for law enforcement and maintenance of order in the country: the Ministry of Interior, the Ministry of Defense, and the NDS. The ANP, under the Interior Ministry, has primary responsibility for internal order and for the Afghan Local Police (ALP), a community-based self-defense force. The Afghan National Army, under the Ministry of Defense, is responsible for external security, but its primary activity is fighting the insurgency internally. The NDS functions as an intelligence agency and has responsibility for investigating criminal cases concerning national security. The investigative branch of the NDS operated a facility in Kabul, where it held national security prisoners awaiting trial until their cases went to prosecution. Some areas were outside of government control, and antigovernment forces, including the Taliban, oversaw their own justice and security systems.

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, ANP, and ALP officials for torture and abuse was weak, not transparent, and rarely enforced. Independent judicial or external oversight of the NDS, ANP, and ALP in the investigation and prosecution of crimes or misconduct, including torture and abuse, was limited or nonexistent.

Arrest Procedures and Treatment of Detainees

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

The law provides for access to legal counsel and the use of warrants, and it limits how long authorities may hold detainees without charge. Police have the right to detain a suspect for 72 hours to complete a preliminary investigation. If police decide to pursue a case, they transfer the file to the Attorney General's Office. 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 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; there can be no further extension of the investigatory period if the defendant is already in detention. Prosecutors often ignored these limits. Incommunicado imprisonment remained a problem, and prompt access to a lawyer was rare. Prisoners generally were able to receive family visits.

The criminal procedure code provides for release on bail. Authorities at times 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 other cases authorities did not rearrest 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 occurred.

According to the juvenile code, the arrest of a child "should be a matter of last resort and should last for the shortest possible period." Reports indicated children in juvenile rehabilitation centers across the country lacked access to adequate food, health care, and education. Detained children frequently did not receive the presumption of innocence, the right to know the charges against them, access to defense lawyers, and protection from self-incrimination. The law provides for the creation of special juvenile police, prosecution offices, and courts. Due to limited resources, special juvenile courts functioned in only six provinces (Kabul, Herat, Balkh, Kandahar, Nangarhar, and Kunduz). Elsewhere, children's cases went to ordinary courts. The law mandates authorities handle children's cases confidentially.

Some children in the criminal justice system were victims rather than perpetrators of crime. In the absence of sufficient shelters for boys, authorities detained abused

boys and placed them in juvenile rehabilitation centers because they could not return to their families and shelter elsewhere was unavailable.

Police and legal officials often charged women with intent to commit zina 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. The constitution provides that in cases not explicitly covered by the provisions of the constitution or other laws, courts may, in accordance with Hanafi jurisprudence (a school of Islamic law) and within the limits set by the constitution, rule in a manner that best attains justice in the case. Although observers stated this provision was widely understood to apply only to civil cases, many judges and prosecutors applied this provision to criminal matters. Observers reported officials used this article to charge women and men with “immorality” or “running away from home,” neither of which is a crime. Police often detained women for zina at the request of family members.

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

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

Arbitrary Arrest: Arbitrary arrest and detention remained a problem in most provinces. Observers reported some prosecutors and police detained individuals without charge for actions that were not crimes under the law, in part because the judicial system was inadequate to process detainees in a timely fashion. Observers continued to report those detained for moral crimes were 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 the provisions of the criminal procedure code because of a lack of resources, limited numbers of defense attorneys, unskilled legal practitioners, and corruption. The

law provides that, if there is no completed investigation or filed indictment within the code's 10-, 27-, or 75-day deadlines, the defendant must be released. Many detainees, however, were held beyond those periods, despite the lack of an indictment.

Amnesty: In September 2016 the government concluded a peace accord with the Hezb-e Islami Gulbuddin (HIG) group, which granted its leader, Gulbuddin Hekmatyar, amnesty for past war crimes and human rights abuses. In May, Gulbuddin Hekmatyar returned to Kabul for the first time in 20 years. The deal also included the release of HIG political detainees.

e. Denial of Fair Public Trial

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

Judicial officials, prosecutors, and defense attorneys were often intimidated or corrupt. Bribery and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency impaired judicial impartiality. Most courts administered justice unevenly, employing a mixture of codified law, sharia, and local custom. Traditional justice mechanisms remained the main recourse for many, especially in rural areas. Corruption was common within the judiciary, and often criminals paid bribes to obtain their release or a reduction in sentence (see section 4).

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

In March, TOLO News reported that an attorney working on the Farkhunda case called on President Ghani to review the murder case, citing failure to investigate

the case properly. In March 2016 President Ghani established an investigatory committee to look into Farkhunda's case after the Supreme Court's decision to reduce the sentences of the perpetrators. As of year's end, there were no results from that committee.

There was a widespread shortage of judges, primarily in insecure areas. During the year the judiciary attempted to send new female judges to insecure provinces without adequate provisions for security. The new female judges protested, and as of September 16, the judiciary relented and agreed to send the female judges to other, more secure provinces.

In major cities courts continued to decide criminal cases as mandated by law. Authorities frequently resolved civil cases 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 a strict interpretation of sharia. Punishments included execution and mutilation. On March 13, the Taliban cut off a 15-year-old's hand and foot in the western province of Herat for the alleged theft of a motorcycle.

Trial Procedures

The constitution provides the right to a fair and public trial, but the judiciary rarely enforced this provision. The administration and implementation of justice varied in different areas of the country. The government formally uses an inquisitorial legal system. By law all citizens are entitled to a presumption of innocence, and those accused have the right to be present at trial and to appeal, although the judiciary did not always respect these rights. Some provinces held public trials, but this was not the norm.

Three-judge panels decide criminal trials, and there is no right to a jury trial under the constitution. Prosecutors rarely informed defendants promptly or in detail of the charges brought against them. Indigent defendants have the right to consult with an advocate or counsel at public expense when resources allow. The judiciary applied this right inconsistently, in large part due to a severe shortage of defense

lawyers. Citizens were often unaware of their constitutional rights. Defendants and attorneys are entitled to examine physical evidence and documents related to a case before trial, although observers noted court documents often were not available for review before cases went to trial, despite defense lawyers' requests.

Criminal defense attorneys reported justice system officials slowly demonstrated 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.

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

Corruption and limited capacity restricted citizen access to justice for constitutional and human rights violations. Citizens submit complaints of human rights violations to the AIHRC, which reviews and submits credible complaints to the Attorney General's Office for further investigation and prosecution.

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

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

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

Residents of Baghlan Province reported the Taliban commandeered civilian homes without permission to use as bases to plan and stage attacks against government forces.

g. Abuses in Internal Conflict

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

Killings: During the first half of the year, UNAMA counted 1,662 civilian deaths due to conflict, an increase of 2 percent from the first half of 2016. UNAMA noted an increase of women and child deaths due to more indiscriminate IED attacks by antigovernment forces in urban centers, including the country's capital of Kabul. UNAMA attributed 67 percent of civilian casualties to antigovernment forces, including the Taliban and ISIS, and 18 percent to progovernment forces. The AIHRC, in its annual report of civilian casualties, reported 2,823 civilians killed from March 2016 to March 2017. On August 5, ISIS-K and the Taliban attacked a Shia village in Sayyad district of Sar-e-Pul Province and killed more than 40 civilians. UNAMA noted the majority of civilian casualties resulted from deliberate attacks by antigovernment forces against civilians.

UNAMA documented an increase in attacks by antigovernment forces against religious leaders from only two incidents in 2016 to 11 in the first six months of 2017. On August 1, ISIS-K bombed a Shia mosque in Herat, killing 29 civilians, and on August 25, suicide attackers stormed a Shia mosque in Kabul during Friday Prayer, killing at least 20 individuals and injuring dozens.

The increase in complex suicide attacks was evidenced by repeated attacks in Kabul. On January 10, a Taliban suicide attack in Kabul killed more than 30 individuals and injured some 70 others, as twin blasts hit a crowded area of the city during the afternoon rush hour. On May 31, a truck bomb exploded, killing 150 and injuring 500 outside the German embassy in Kabul. While no group claimed responsibility, protesters took to the streets on June 2, accusing government officials of cooperating with terrorists. Police shot and killed five protesters, including Salem Izidiyar, the eldest son of Deputy Speaker of the Senate Alam Izidiyar. At Izidiyar's funeral three suicide bombers struck on foot, killing at least a dozen persons.

Antigovernment elements continued to attack religious leaders who they concluded spoke against the insurgency or the Taliban. On September 9, Taliban gunmen on motorcycles in the Kohestan district of Kapisa Province killed Mawlawi Gul Mohammad Hanifyar, head of the Kapisa Ulema Council. The Kapisa police chief reported the arrest of five suspects in the case. According to UNAMA's statistics, this was the 12th targeted assassination of a religious leader by the Taliban or other antigovernment forces during the year, more than double the number in 2016.

Antigovernment elements also continued to target government officials and entities throughout the country. On January 10, an explosion killed 12 individuals, including Kandahar's deputy governor, Abdul Ali Shamsi, and Afghan diplomat, Yama Quraishi, at a guesthouse on Kandahar governor Humayun Azizi's compound. Injured in the attack were 14 individuals, including United Arab Emirates' ambassador to Afghanistan, Mohammed Abdullah al-Kaabi, who later died from his injuries.

Abductions: UNAMA documented 131 cases of conflict-related abductions and 467 abducted civilians in the first six months of the year, a decrease from more than 1,100 abducted civilians in the same period in 2016. On or around August 31, the Taliban abducted three government employees in western Herat Province, where reports noted an increase in abductions for ransom. The bodies of the three were found 20 days later.

Physical Abuse, Punishment, and Torture: According to some reports, in February a group of Uzbek elders from Takhar Province alleged abuses of the local population by local commander and former parliamentarian Piram Qul. They claimed that in addition to having killed popular Takhar Provincial Council member Ainuddin Rustaqi in April 2016, Piram Qul's men killed four local police officers during the year and continued to torture detainees and jail residents in

extrajudicial prisons. They complained that Piram Qul received government support for his leadership of a “people’s uprising group”--a progovernment militia.

Antigovernment elements continued to punish civilians. In February, Taliban members killed four civilians at a wedding party in the Sar Hakwza district of Paktika Province, accusing them of cooperating with government officials.

Antigovernment groups regularly targeted civilian noncombatants and used indiscriminate IEDs to kill and maim civilians. Land mines, unexploded ordnance, and explosive remnants of war (ERW) continued to cause deaths and injuries. The ANP reported that unexploded ordnance (UXO) killed 140 individuals per month. Media regularly reported cases of children killed and injured after finding UXO. The Ministry of Education and NGOs continued to conduct educational programs and mine awareness campaigns throughout the country. The UN High Commissioner for Refugees and the International Organization for Migration provided mine risk education for refugee and undocumented returnees.

Between January 1 and June 30, child casualties from ERW increased by 12 percent compared with the same period in 2016, accounting for 81 percent of all civilian casualties caused by ERW in 2017. ERW caused 296 child casualties (81 deaths and 215 injured), making it the second-leading cause of child casualties in the first half of the year. In the same period, UNAMA documented 192 incidents of ERW detonation resulting in 365 civilian casualties (93 deaths and 272 injured), a 17 percent increase compared with the first half of 2015.

Child Soldiers: There were reports the ANDSF, particularly the ANP and ALP, and progovernment militias recruited children. The AIHRC reported that government security forces in Kandahar Province used child recruits. UNAMA documented the recruitment and use of 14 boys by security forces from January to June. The government continued to work towards the expansion of Child Protection Units to all 34 provinces. As of August there were 21 active units.

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 child enlistment. Recruits underwent an identity check, including an affidavit from at least two community elders that the recruit was at least 18 years old and eligible to join the ANDSF. The Ministries of Interior and Defense also issued directives meant to prevent the recruitment and sexual abuse of children by the ANDSF.

Media reported in some cases ANDSF units used children as personal servants, support staff, or for sexual purposes.

According to AIHRC, the Taliban in Kandahar used children for front-line fighting and setting IEDs. The Ministry of Interior reported arresting 166 children for involvement in attacks against the government, with the largest contingent (28) recruited by ISIS-K in Nangarhar Province. UNAMA also documented the recruitment of 15 boys by antigovernment elements (11 by ISIS-K, three by the Taliban, and one by an unidentified armed group). In some cases the Taliban and other antigovernment elements used children as suicide bombers, human shields, and IED emplacements, particularly in southern provinces. Media, NGOs, and UN agencies reported the Taliban tricked children, promised them money, used false religious pretexts, or forced them to become suicide bombers.

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

Other Conflict-related Abuse: The security environment continued to have a negative effect on the ability of humanitarian organizations to operate freely in many parts of the country. Insurgents deliberately targeted government employees and aid workers. 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. Antigovernment elements increased their targeting of hospitals and aid workers compared with 2016. According to media reports, since the start of the year, 15 aid workers were killed and as many injured. During the first six months of 2017, UNAMA documented 32 incidents targeting health-care facilities and health-care workers, resulting in 58 civilian casualties (27 deaths and 31 injured) compared with 67 incidents during the same period in 2016 that caused 11 civilian casualties (five deaths and six injured). On March 8, ISIS-K attacked a military hospital in Kabul, killing 26 patients and hospital staff.

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. From June to August, armed groups forced dozens of health facilities to close temporarily in Laghman Province, north of Kabul, and in the western provinces of Farah and Badghis in an attempt to coerce nongovernmental organizations to improve service delivery for their combatants.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Freedom of Expression: The law provides for freedom of speech, and the country has a free press. There were reports authorities at times used pressure, regulations, and threats to silence critics. Criticism of the central government was regular and generally free from restrictions, but criticism of provincial government was more constrained, where local officials and power brokers exerted significant influence and authority to intimidate or threaten their critics, both private citizens and journalists.

Press and Media Freedom: Independent media were active and expressed a wide variety of views. Media were sometimes limited in their access to government information and often faced threats and violence from the internal conflict. Politicians, security officials, and others in positions of power at times threatened or harassed journalists because of their coverage. During a speech on April 30 to mark his return to the country, Gulbuddin Hekmatyar inspired protests when he publicly called the media “wicked” and told followers to censor the media.

Freedom of speech and an independent media were more constrained at the provincial level. Specific political and ethnic groups, including those led by former mujahedin leaders, owned many provincial media outlets and controlled the content. Some provinces had limited media presence.

Print media continued to publish independent magazines, newsletters, and newspapers. A wide range of editorials and dailies openly criticized the government. Still, there were concerns that violence and insecurity threatened media independence and safety. Due to high levels of illiteracy, most citizens preferred television and radio to print media. A greater percentage of the population, including those in distant provinces, had access to radio.

According to news reports, President Ghani issued a presidential decree on August 29 exempting media companies, except for television channels, from paying fines for past-due income taxes. The decree partially answered criticisms levied by press freedom groups the week prior that increased taxes and fines would hurt many independent media outlets.

Violence and Harassment: Government officials used threats, violence, and intimidation to attempt to silence opposition journalists, particularly those who spoke out about impunity, war crimes, corruption, and powerful local figures. According to Reporters Without Borders, the governor of Baghlan called a journalist and two other employees of privately owned Arezo TV into his office on May 25 to make them delete news footage. The Afghan Journalist Safety Committee (AJSC) reported 10 journalists killed in the first six months of the year. For the same period, the AJSC recorded 73 cases of violence against journalists, which included killing, beating, inflicting injury and humiliation, intimidation, and detention of journalists--a 35 percent increase from the first six months of 2016. Government-affiliated individuals or security forces committed most of the violence against journalists and were responsible for 34 instances of violence, leaving 39 instances attributable to the Taliban, ISIS-K, local warlords, and individuals. According to AJSC, the Eastern zone and Kabul zone, which include provinces north of Kabul, had the most cases of violence against journalists. The Southeastern zone had the least number of cases of violence against journalists.

On May 17, ISIS-K attacked the Afghanistan National Radio and Television compound in Jalalabad and killed seven persons. The May 31 bombing, widely attributed to the antigovernment Haqqani group, killed 31 employees of the Roshan television and news media telecommunications company and caused millions of dollars of damage to the company's headquarters. The same attack killed at least one camera operator of Tolo News and one BBC driver, injured nine employees of other media outlets, and caused extensive damage to 1TV's headquarters.

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 increased levels of insecurity and threats from insurgents, warlords, and organized criminals. They also reported local governmental authorities were less cooperative in facilitating access to information.

In August 2016 the Office of the National Security Council approved a new set of guidelines to address cases of violence against journalists. The initiative created a joint national committee in Kabul and separate committees in provincial capitals, a coordination center to investigate and identify perpetrators of violence against journalists, and a support committee run by the NDS to identify threats against journalists. Press freedom organizations reported that, although the committee met

and referred cases to the Attorney General's Office, it did not increase protection for journalists.

In March a media advocacy group reported that many female journalists worked under pseudonyms to avoid recognition, harassment, and retaliation. According to the group, there were no female journalists in the provinces of Kunduz, Nuristan, or Panjsher because of insecurity.

Censorship or Content Restrictions: 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. An NGO supporting media freedom surveyed journalists in 13 provinces and found 90 percent lacked access to government information. A Kabul Press Club survey showed more than half of journalists were dissatisfied with the level of access to government information.

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

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

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

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. According to the International Telecommunication Union, 10.6 percent of the population had internet access, mostly in urban areas, in 2016.

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

On November 4, the government announced a temporary ban on two popular encrypted messaging applications--WhatsApp and Telegram--from November 1 to 20. On November 6, the government rescinded the ban.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The government generally respected citizens' right to demonstrate peacefully. Numerous public gatherings and protests took place during the year. Between June 2 and 12, hundreds of protesters, many from opposition political parties, installed tents and occupied major thoroughfares surrounding government buildings and foreign embassies in Kabul's international zone to protest the government's failure to stop the May 31 bombing. There were clashes between armed protesters and police.

Freedom of Association

The constitution provides for the right to freedom of association, and the government generally respected it. The 2009 law on political parties obliges political parties to register with the Ministry of Justice and to pursue objectives consistent with Islam. 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. On September 14, President Ghani signed a decree prohibiting employees and officials of security and judicial institutions, specifically the Supreme Court, Attorney General's Office, Ministry of Interior, Ministry of Defense, and National Directorate of Security, from political party membership while government employees. Noncompliant employees could be fired.

c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees, the International Organization for Migration, and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, and other persons of concern. The government's ability to assist vulnerable persons, including returnees from Pakistan and Iran, remained limited, and it continued to rely on the international community for assistance.

In-country Movement: The government generally did not restrict the right to freedom of movement within the borders of the country. Taxi, truck, and bus drivers reported security forces and insurgents sometimes 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. Social custom limited women's freedom of movement without male consent or a male chaperone.

Internally Displaced Persons (IDPs)

Internal population movements increased in 2016 because of armed conflict. During the year internal displacement statistics reached a record high, with approximately 661,000 persons displaced. Most IDPs left insecure rural areas and small towns seeking relatively greater safety and government services in larger towns and cities in the same province. All 34 provinces hosted IDP populations.

Limited humanitarian access caused delays in identifying, assessing, and providing timely assistance to IDPs. 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. Even IDPs who had access to local social services sometimes had less access than their non-IDP neighbors, due to distance from the services or other factors.

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 from other countries.

Durable Solutions: The government did not officially accept refugees for resettlement, offer naturalization to refugees residing on their territory, or assist in their voluntary return to their homes. Approximately 50,000 registered refugees and 174,000 undocumented Afghans voluntarily returned to the country during the year. The government established a Displacement and Returnees Executive Committee and a Policy Framework and Action Plan to promote the successful integration of returnees and IDPs.

Stateless Persons

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

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the opportunity to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Citizens exercised this ability in the 2014 presidential and provincial elections and the 2010 parliamentary elections. Violence from the Taliban and other antigovernment groups and widespread allegations of fraud and corruption interfered with, but did not derail, the 2014 presidential elections. The constitution mandates parliamentary elections every five years, but the 2015 elections were delayed because of the government's inability to agree on needed electoral reforms. After repeated delays, on June 22, the Independent Election Commission (IEC) announced parliamentary and district council elections would take place on July 7, 2018. Members of parliament remained in office past the June 2015 expiration of their five-year terms by virtue of a presidential decree.

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 reportedly had only a modest impact on turnout, and there were no mass-casualty events. Of the 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. During the June 2014 runoff election, allegations of fraud led to a dispute over the accuracy of the preliminary results announced by the IEC. 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 Government of National Unity (GNU), with the runner-up assuming a newly created chief executive officer (CEO) position in the government. According to media reporting of leaked IEC data, the audit invalidated more than 850,000 fraudulent ballots of an estimated eight million. The IEC completed the election audit and named Ghani the winner in September 2014. In accordance with the GNU agreement, Ghani then created the CEO position by presidential decree and named Abdullah to the position. Ghani and Abdullah continued to serve in these positions during the year.

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

There were large geographic segments of the country where political parties could not operate due to insurgencies and instability. Political parties played a greater role in the 2014 presidential elections than in previous elections, and the organization, networks, and public support of the parties that supported Abdullah and Ghani contributed to their success as presidential candidates.

Participation of Women and Minorities: No laws limit participation of women or members of minority groups in the political process. The constitution specifies a

minimum number of seats for women and minorities in the two houses of parliament. For the Wolesi Jirga (lower house of the National Assembly), the constitution mandates that at least two women shall be elected from each province (for a total of 68). In the 2010 parliamentary elections, more women won seats than the minimum outlined in the constitution. The constitution also mandates one-half of presidential appointees must be women. It also sets aside 10 seats in the Wolesi Jirga for members of the Kuchi minority (nomads). In the Meshrano Jirga (upper house of the National Assembly), the president's appointees must include two Kuchis and two members with physical disabilities. In practice one seat in the Meshrano Jirga is reserved for the appointment of a Sikh or Hindu representative, although this is not mandated by the constitution.

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, in addition to an education and experience gap, likely contributed to the central government's male-dominated composition. The 2013 electoral law reduced quotas for women 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 established by year's end.

Women active in government and politics continued to face threats and violence and were the targets of attacks by the Taliban and other insurgent groups. No laws prevent minorities from participating in political life, although different ethnic groups complained of unequal access to local government jobs in provinces where they were in the minority. Individuals from the majority Pashtun ethnic group had more seats than any other ethnic group in both houses of parliament, but they did not have more than 50 percent of the seats. There was no evidence specific societal groups were excluded. In past elections male family members could vote on behalf of the women in their families.

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. 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.

The Construction Sector Transparency Initiative Afghanistan reported that during the last 15 years, many government infrastructure projects did not go through proper legal mechanisms, but instead were based on favoritism. The organization estimated total embezzlement in the billions of dollars.

According to prisoners and local NGOs, corruption was widespread across the justice system, particularly in connection with the prosecution of criminal cases and in arranging release from prison. There were also reports that officials received unauthorized payments in exchange for reducing prison sentences, halting an investigation, or dismissing charges outright.

National-level survey data offered a mixed picture of corruption in the justice sector. The World Justice Project's Rule of Law survey found moderate improvements in perceptions of government accountability. Nonetheless, experts polled for the report cited corrupt prosecutors as the biggest problem in criminal investigative services and corruption as the largest problem in criminal courts. Respondents to the poll increasingly believed that high-ranking government officials would be investigated for embezzlement, but they also named judges, magistrates, parliamentarians, and local government officials as most likely to be involved in corrupt practices. Respondents also reported widespread bribe taking by government officials and agencies, police, and hospitals.

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

Corruption: In June 2016 the president signed a decree establishing an independent Anti-Corruption Justice Center (ACJC) with responsibility for prosecuting high-level corruption cases. Since the ACJC's inauguration in August 2016, it tried 21 single- and multi-defendant cases against 83 defendants, handing just under 47 billion Afghani (\$67 million) in fines, recoveries, and asset seizure judgements in addition to lengthy prison sentences for those convicted. The court acquitted 11 defendants, providing initial evidence that the cases that ACJC prosecutors were sound but that the new court was a forum where a vigorous defense could lead to a speedy acquittal for the accused if the evidence was weak.

Media and public observers attended the proceedings and reported the trials were procedurally fair, orderly, and professional. On March 26, the ACJC convicted four ministry of housing and urban development officials on charges of misuse of authority and embezzling more than \$12.8 million. On appeal the court upheld the 20-year prison sentences on June 20 for the two ringleaders in the scheme, and the seven-year sentences for their two accomplices, but adjusted the financial penalties imposed. Ultimately, the group was ordered to pay \$32.1 million in restitution and penalties. On August 15, the ACJC sentenced the chairman of Dawi Oil Company, Abdul Ghafar Dawi, to five years and nine months in prison and a \$21 million fine for embezzlement of \$16 million from the Kabul Bank.

According to various reports, many government positions, up to district or provincial governorships, could be suborned. 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.

There were allegations of widespread corruption, and abuse of power by officers at the Ministry of Interior. Provincial police reportedly extorted civilians at checkpoints and received kickbacks from the drug trade. Police reportedly demanded bribes from civilians to gain release from prison or avoid arrest.

Financial Disclosure: The High Office of Oversight is responsible for collecting, verifying, and publishing information from senior government officials on all sources and levels of personal income when they assume and leave office. While collection and publication occurred, some officials failed to submit the required reports, and there was only limited progress on the verification of such declarations by independent experts. The absence of legal penalties for omissions or misrepresentations tended to undermine this key tool for identifying wrongdoing.

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

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

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 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 Committee for Gender and Civil Society addresses human rights concerns.

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

Women

Rape and Domestic Violence: The EVAW law criminalizes 22 acts of violence against women, including rape, battery, or beating; forced marriage; humiliation; intimidation; and deprivation of inheritance. The law provides for a sentence of 16 to 20 years' imprisonment for rape. If the act results in the death of the victim, the law provides for a 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. Authorities did not always fully enforce the EVAW law.

Prosecutors and judges in remote provinces were frequently unaware of the EVAW law or received pressure to release defendants due to familial loyalties, threat of harm, or bribes, or because some religious leaders declared the law un-Islamic. Female victims faced stringent societal reprisal, ranging from imprisonment to extrajudicial killing. Interpretations of sharia also impeded successful prosecution of rape cases.

Forced virginity testing remained legal, and police, prosecutors, and judges continued to order virginity tests in cases of "moral crimes" such as zina. Women who sought assistance in cases of rape were often subject to virginity tests. The new penal code, signed into law by presidential decree on March 4 and scheduled to take effect in February 2018, contains language criminalizing virginity tests performed without the consent of the woman and a court order.

The penal code criminalizes assault, and courts convicted domestic abusers under this provision, as well as under the beating provision in the law. 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 justice system's response to domestic violence was limited, in part due to low reporting, sympathy toward perpetrators, and bribery, family, or tribal pressure.

Space at the 29 women's protection centers across the country was sometimes insufficient, particularly in major urban centers, and shelters remained concentrated in the western, northern, and central regions of the country. 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 being sent back to their family or the perpetrator.

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

Other Harmful Traditional Practices: The law criminalizes forced, underage, and "baad" marriages (the practice of settling disputes in which the culprit's family trades a girl to the victim's family) and interference with a woman's right to choose her spouse.

Under the penal code, if a man convicted of honor killing sees his wife or other close relation in the act of committing adultery and immediately kills or injures one or both parties to defend his honor, he cannot receive a prison sentence of more than two years. On March 7, the Taliban convicted and stoned to death a woman accused of adultery in Badakhshan Province.

Sexual Harassment: The law criminalizes harassment and persecution of women. Women who walked outside alone or who worked outside the home often experienced harassment, including groping and being followed. Women with public roles occasionally received threats directed at them or their families.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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

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

The law provides for equal work without discrimination, but there are no provisions for equal pay for equal work. The law criminalizes interference with a woman's right to work. Women faced discrimination in access to employment and terms of occupation. Overall, 22 percent of civil servants and 5 percent of security forces were female, including 3,000 female police and 1,400 female soldiers.

Children

Birth Registration: A citizen father transmits citizenship to his child. Birth in the country or to a citizen mother alone does not transfer citizenship. Adoption is not legally recognized. For more information, see data.unicef.org.

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.

Key obstacles to girls' education included poverty, early and forced marriage, insecurity, lack of family support, lack of female teachers, and a lack of nearby schools. An October 2017 Human Rights Watch report observed that the government provided fewer schools for girls than boys and that the lack of basic provisions in many schools for security, privacy, and hygiene, including boundary walls, toilets, and water, also disproportionately affected girls.

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

Child Abuse: Police reportedly beat and sexually abused children. 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.

There were reports that some members of the security forces, including members of the Afghan security forces, and progovernment groups sexually abused and exploited young girls and boys. On January 22, in Paktika Province, Afghan National Border Police reportedly sexually abused a 13-year-old boy at their check-post before shooting him. According to UNAMA, the perpetrators were serving six-year prison sentences for murder after being investigated and prosecuted by the Afghan National Police prosecution unit. There were multiple reports of "bacha bazi," a practice in which men exploit boys for social and sexual entertainment. On March 20, a Tajik police commander in Faryab Province reportedly killed the son of another police commander, an Uzbek, for hosting a bacha bazi party with Tajik boys.

The government took steps to discourage the abuse of boys and to prosecute or punish those involved. On February 22, President Ghani signed a Law to Combat Crimes of Trafficking in Persons and Smuggling of Migrants, which includes legal provisions criminalizing behaviors associated with the sexual exploitation of children. The law criminalizes the various acts associated with bacha bazi, including not only sexual exploitation of a minor, but also forced dancing, and prescribes punishments ranging from eight to 12 years.

Early and Forced Marriage: Despite a law setting the legal minimum age for marriage at 16 for girls (15 with the consent of a parent or guardian and the court) and 18 for boys, international and local observers continued to report widespread early marriage. Under the EAW law, those who arrange forced or underage marriages are subject to imprisonment for not less than two years, but

implementation of the law was limited. During the year the government launched a five-year National Action Plan to Eliminate Early and Child Marriage.

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

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

Sexual Exploitation of Children: Although pornography is a crime, child pornography is not specified in the law. Exploitation of children for sexual purposes, often associated with bacha bazi, was widespread, although some aspects of this practice are separate crimes under the penal code.

Child Soldiers: In February 2016 the Law on Prohibition of Children's Recruitment in the Military became effective. There were reports the ANDSF and progovernment militias recruited and used children in a limited number of cases, and the Taliban and other antigovernment elements recruited children for military purposes (see section 1.g.). Media reported that local progovernment commanders recruited children under 16 years of age. The Taliban and other antigovernment groups regularly recruited and trained children to conduct attacks.

Displaced Children: Returnee families and their children overwhelmed border areas, specifically Herat and Jalalabad. Although the government banned street begging in 2008, NGOs and government offices reported large numbers of children begging and living in the streets of major cities.

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

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at 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.

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 barriers such as limited access to educational opportunities, inability to access government buildings, lack of economic opportunities, and social exclusion.

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

National/Racial/Ethnic Minorities

Ethnic tensions between various groups continued to result in conflict and killings. Societal discrimination against Shia Hazaras continued along class, race, and religious lines in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse, and detention. According to NGOs, the government frequently assigned Hazara ANP officers to symbolic positions with little authority within the Ministry of Interior. NGOs also reported Hazara ANDSF officers were more likely than non-Hazara officers to be posted to insecure areas of the country. During the year there was a marked rise in violence, principally carried out by ISIS-K, against the Hazara community. In August ISIS-K attacked Shia Hazara mosques in Herat and then Kabul, killing more than 100 persons. There were six major attacks on Shia mosques or Shia communities during the first half of the year, all attributed to ISIS-K.

Sikhs and Hindus faced discrimination, reporting unequal access to government jobs and harassment in school, as well as verbal and physical abuse in public places. According to the Sikh and Hindu Council of Afghanistan, there were approximately 900 members of the Sikh and Hindu community in the country.

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 of harassment and violence by society and police. The law does not prohibit discrimination or harassment based on sexual orientation or gender identity. Homosexuality was widely seen as taboo and indecent. 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 legally register with the

government. Members of the LGBTI community reported they continued to face discrimination, assault, rape, and arrest by security forces and society at large.

HIV and AIDS Social Stigma

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

Although the law identifies the Ministry of Labor, 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. The law prohibits children under age 14 from working under any circumstances. The law also bans the employment of children in work likely to threaten their health or cause disability, including 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. 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. Child laborers worked as domestic servants, street vendors, peddlers, and shopkeepers. There was child labor in the carpet industry, brick kilns, coalmines, and poppy fields. Children were also heavily engaged in the worst forms of child labor in mining (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 of sexual abuse of children by adult workers. There were reports of recruitment of juveniles by the ANDSF during the year. Taliban forces pressed children to take part in hostile acts (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at travel.state.gov/content/childabduction/en/legal/compliance.html.

d. Discrimination with Respect to Employment and Occupation

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

Women continued to face discrimination and hardship in the workplace. Women made up only 7 percent of the workforce. According to the 2016 Asia Foundation survey, 74 percent of the population agreed that women should be allowed to work outside the home; nonetheless, only 9.4 percent of women in the survey said they were involved in any activity that involved making money. Many women faced pressure from relatives to stay at home and encountered hiring practices that favored men. Older and married women reported it was more difficult for them than for younger, single women to find jobs. Women who worked reported they encountered insults, sexual harassment, lack of transportation, and an absence of day-care facilities. Salary discrimination existed in the private sector. Female

journalists, social workers, and police officers reported they were often threatened or abused.

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

e. Acceptable Conditions of Work

The minimum wage for permanent government workers was 6,000 Afghanis (\$103) per month. 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 Organization, 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 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 preferred to hire workers informally. Most employees worked longer than 40 hours per week, were frequently underpaid, and worked in poor conditions, particularly in the informal sector. Workers were generally unaware of the full extent of their labor rights

under the law. Although comprehensive data on workplace accidents were unavailable, there were several reports of poor and dangerous working conditions. Some industries, such as brick kiln facilities, continued to use debt bondage, making it difficult for workers to remove themselves from situations that endangered their health or safety.