

Afghanistan - Human Rights Scorecard ¹

Afghanistan officially the Islamic Republic of Afghanistan, is a landlocked country located within South Asia and Central Asia. It has a population of approximately 32 million. A US-led coalition overthrew the Islamist Taliban government in 2001, but the Taliban remains an insurgent threat. Despite the fact that Afghan troops, supported by Western military assistance, have led many offensives against the Taliban, they have failed to fully defeat them. Afghanistan remains one of the poorest countries in the world due to a lack of foreign investment, government corruption, and the ongoing Taliban insurgency.²

Official language: Pashto, Dari

Ethnic groups: 42% Pashtun, 27% Tajik, 9% Hazara, 9% Uzbek, 4% Aimak, 3% Turkmen, 2% Baloch, 4% other

Government: Unitary presidential Islamic republic

- President: Ashraf Ghani
- Chief Executive Officer: Abdullah Abdullah

Death penalty: Retentionist

Population: 32.6 million

Life expectancy: 50.87 years

Under-5 mortality: 115.08 per 1000

Adult literacy: 38.2 percent



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Largely disrespected³

There are several credible reports of government agents carrying out arbitrary or unlawful killings, and lack of accountability for security forces remains a problem. The Taliban and other insurgent groups regularly carry out politically motivated killings.

Freedom from disappearance



Largely disrespected⁴

There continue to be reports of disappearances at the hands of both government factions, particularly the Afghan National Police, and insurgent groups.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely disrespected⁵

The constitution prohibits torture and other manners of inhuman punishment, but security forces, government officials, detention centre employees, and police regularly commit abuses. Security forces continue to use excessive force, such as beating and torturing civilians.

Freedom from arbitrary arrest or detention



Largely disrespected⁶

Arbitrary arrest and detention is a serious problem in Afghanistan. The police force often does not respect the essential procedural protections of citizens.

Freedom from denial of fair public trial



Largely disrespected⁷

The law provides for an independent judiciary, but the justice system is underfunded, understaffed, ineffective, and subject to threats and other types of outside pressure. The judiciary rarely enforces the right to a fair public trial.

Freedom from arbitrary interference with privacy, family, home or correspondence



Largely disrespected⁸

The government does not always respect provisions prohibiting arbitrary interference in matters of privacy. There are reports of the government entering into homes and businesses without legal authorization and monitoring private communications.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)⁹



Score: 37.75, Rank: 120 / 180 – Highly controlled, limited or intimidated¹⁰

The constitution provides good legal protection for freedom of the press, but the government has difficulty protecting journalists and the media from the threat of insurgent groups and other aspects of Afghanistan's chronic instability.

Freedom from academic censorship



Respected¹¹

There are no reports of the government imposing academic restrictions.

Freedom of peaceful assembly and association



Respected¹²

The government generally respects the right of citizens to demonstrate peacefully. Afghans often use this right to protest civilian casualties, violence against women, and lack of government services.

Freedom of religion



Largely disrespected¹³

The constitution establishes Islam as the state religion. Although followers of other religions are constitutionally allowed to practice their faith, the government limits freedom of religion, particularly for religious minorities.

Protection of refugees and stateless persons



Partially respected¹⁴

The law does not provide for granting of asylum or refugee status, nor is there an established system of protection of refugees. However, Afghanistan works closely with the international community to protect and respond to the needs of Pakistani refugees.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{15 16}



6 / 7 – Not free¹⁷

The constitution guarantees equal application of civil rights, but these are hampered by certain government restrictions on freedom of expression, intimidation by the Taliban, and the lack of rule of law caused by a corrupt judiciary.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)¹⁸



6 / 7 – Not free¹⁹

Although the constitution provides for free and fair political elections, they are often marred by voter fraud, corruption, and intimidation by the Taliban and other armed elements.

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²⁰



Score: 11%, Rank: 166 / 168 – Extremely corrupt²¹

The government does not efficiently implement laws imposing criminal penalties for corruption by officials, and reports state that corruption is endemic through all parts of society, particularly the judiciary, financial institutions, and the government.

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Partially respected²²

A large number of domestic and international human rights groups operate without government restriction, and the government is somewhat cooperative and responsive to their views. However, there are instances of the government intimidating human rights groups.

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (World Economic Forum Gender Gap Index)²³



Not listed – Very unequal rights²⁴

The country is generally considered very dangerous for women. Violence and discrimination against women have recently been criminalized, but implementation of the law remains limited, and violations usually go unreported due to social stigma.

Rights of Children (KidsRights Index Overall Score)²⁵



Score: 0%, Rank: 162-165 / 165 – Extremely vulnerable²⁶

Children in Afghanistan often lack access to education, are subjected to rising levels of child abuse and pervasive sexual abuse, and are frequently forced into early marriages. The Taliban and other extremist organizations are known to attack schoolchildren, particularly girls.

Rights of persons with disabilities



Largely disrespected²⁷

Although the constitution prohibits any kind of discrimination based on disabilities and provides for programs supporting people with disabilities, benefits are not delivered due to corruption, lack of security, and overall social exclusion.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Largely disrespected²⁸

Ethnic tensions often lead to conflict and fatalities. Shia Hazaras, Sikhs, and Hindus face extensive societal discrimination, which manifests itself in extortion through illegal taxation, physical abuse, forced labour, and unequal access to government jobs and education opportunities.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{29 30}

The law criminalizes same-sex relations and does not prohibit discrimination based on sexual orientation or gender identity. Members of the LGBT community continue to face discrimination, assault, rape, and arrest.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Partially respected³¹

Workers have the legal right to join and form independent unions, which operate without interference or political influence. However, workers are largely unaware of their rights, particularly in rural areas, and the law does not offer protection for workers seeking to unionize.

Freedom from forced or compulsory labour



Largely disrespected³²

Although all forms of forced labour are legally prohibited, the government does not enforce these laws effectively. Forced and bonded labour persists in poppy cultivation, domestic work, carpet weaving, organized begging, brick kiln work, and drug trafficking.

Freedom from forced labour for children, and a minimum age of employment



Largely disrespected³³

The minimum age of employment is set at 18, with exceptions stating at 14, but the government lacks a specific policy of implementing legal restrictions of child labour. Child labour remains a pervasive problem over a vast number of industries.

Right to acceptable conditions of work



Largely disrespected³⁴

The law establishes a minimum wage for permanent workers in the government sector and in the non-permanent private sector, and a legal work week of 40 hours. The government does not effectively enforce these laws.

Right to employment



8.5% - High unemployment³⁵

The unemployment rate is relatively high and projected to stay consistent over the course of the next few years,

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2015." Amnesty International. March 24, 2016. Accessed July 20, 2016.

<https://www.amnesty.org/en/documents/act50/001/2016/en/>.

³ "Country Reports on Human Rights Practices for 2015 Afghanistan." U.S Department of State. January 1, 2015. Accessed July 20, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252853>.

⁴ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁵ Ibid. U.S Department of State.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹⁰ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2016. Accessed July 20, 2016. <http://rsf.org/index2016/en-index2016.php>.

¹¹ "Country Reports on Human Rights Practices for 2015 Afghanistan." U.S Department of State. January 1, 2016. Accessed July 20, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252853>.

¹² "Afghanistan." World Report 2016: Afghanistan. January 1, 2016. Accessed July 20, 2016. <https://www.hrw.org/world-report/2016/country-chapters/afghanistan>.

¹³ "Afghanistan." International Religious Freedom Report for 2014. January 1, 2015. Accessed July 20, 2016.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238386>.

¹⁴ "Afghanistan." World Report 2016: Afghanistan. January 1, 2016. Accessed July 20, 2016. <http://www.hrw.org/world-report/2016/country-chapters/Afghanistan>.

¹⁵ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁶ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed July 20, 2016

https://www.freedomhouse.org/report/freedom-world-2016/methodology#_VldwWzHF98F

¹⁷ "Afghanistan." Freedom in the World 2016: Afghanistan. January 1, 2016. Accessed July 20, 2016. <https://freedomhouse.org/report/freedom-world/2016/Afghanistan-0#.VIIHLzGG9e8>.

¹⁸ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed July 20, 2016 https://www.freedomhouse.org/report/freedom-world-2016/methodology#_VldwWzHF98F

¹⁹ "Afghanistan." Freedom in the World 2016: Afghanistan. January 1, 2016. Accessed July 20, 2016. <https://freedomhouse.org/report/freedom-world/2016/Afghanistan-0#.VIIHLzGG9e8>.

²⁰ Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²¹ "Afghanistan." Corruption by Country. January 1, 2016. Accessed July 20, 2016. <http://www.transparency.org/country#BHR>.

²² "Country Reports on Human Rights Practices for 2015 Afghanistan." U.S Department of State. January 1, 2015. Accessed July 20, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252853>.

²³ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁴ "Country Reports on Human Rights Practices for 2015 Afghanistan." U.S Department of State. January 1, 2015. Accessed July 20, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252853>.

²⁵ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

²⁶ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed July 20, 2016. <http://www.kidsrightsindex.org/>

²⁷ "Country Reports on Human Rights Practices for 2015 Afghanistan." U.S Department of State. January 1, 2015. Accessed July 20, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252853>.

²⁸ Ibid. U.S Department of State.

²⁹ "ILGA State Sponsored Homophobia." International Lesbian Gay and Intersex Association. January 1, 2016. Accessed July 20, 2016.

http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf. See also Ibid. U.S Department of State.

³⁰ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³¹ "Country Reports on Human Rights Practices for 2015 Afghanistan." U.S Department of State. January 1, 2015. Accessed July 20, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252853>.

³² Ibid. U.S Department of State.

³³ Ibid. U.S Department of State.

³⁴ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁵ "Global Employment Trends." International Labour Organization. January 1, 2015. Accessed July 20, 2016. http://www.ilo.org/global/about-the-ilo/multimedia/maps-and-charts/WCMS_233936/lang-en/index.htm.