

# AFGHANISTAN 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Afghanistan is an Islamic republic with a directly elected president, a bicameral legislative branch, and a judicial branch; however, armed insurgents control portions of the country. The country held presidential elections in September 2019 after technical issues and security requirements compelled the Independent Election Commission to reschedule the election multiple times. The commission announced preliminary election results on December 22, 2019, indicating that President Ashraf Ghani had won, although runner-up and then chief executive Abdullah Abdullah disputed the results, including after final results were announced February 18. Both President Ghani and Abdullah declared victory and held competing swearing-in ceremonies on March 9. Political leaders mediated the resulting impasse, ultimately resulting in a compromise, announced on May 17, in which President Ghani retained the presidency, Abdullah was appointed to lead the High Council for National Reconciliation, and each of them would select one-half of the cabinet members.

Three governmental entities share responsibility for law enforcement and maintenance of order in the country: the Ministry of Interior, the Ministry of Defense, and the National Directorate of Security. The Afghan National Police, under the Ministry of Interior, has primary responsibility for internal order and for the Afghan Local Police, a community-based self-defense force with no legal ability to arrest or independently investigate crimes. In June, President Ghani announced plans to subsume the Afghan Local Police into other branches of the security forces provided individuals can present a record free of allegations of corruption and human rights abuses. As of year's end, the implementation of these plans was underway. The Major Crimes Task Force, also under the Ministry of Interior, investigates major crimes including government corruption, human trafficking, and criminal organizations. The Afghan National Army, under the Ministry of Defense, is responsible for external security, but its primary activity is fighting the insurgency internally. The National Directorate of Security functions as an intelligence agency and has responsibility for investigating criminal cases concerning national security. Some areas of the country were outside of government control, and antigovernment forces, including the Taliban, instituted their own justice and security systems. Civilian authorities generally maintained control over the security forces, although security forces occasionally acted independently. Members of the security forces committed numerous abuses.

Although armed conflict continued in the country, on September 12, representatives of the Islamic Republic of Afghanistan and the Taliban commenced Afghan peace negotiations. Before and during negotiations, armed insurgent groups conducted major attacks on government forces, public places, and civilians, killing and injuring thousands. There were also targeted attacks on women leading up to the start of the negotiations, including an assassination attempt on Fawzia Koofi, one of four women on the Islamic Republic of Afghanistan's negotiating team, and two incidents during the Loya Jirga (grand council) in August in which parliamentarian Belqis Roshan was assaulted and violent threats were made against delegate Asila Wardak. Since November 7, unknown actors killed eight journalists and activists in targeted killings, three of whom were killed between December 21 and 24. Many of the attacks were unclaimed; the Taliban denied involvement.

Significant human rights issues included: killings by insurgents; extrajudicial killings by security forces; forced disappearances by antigovernment personnel; reports of torture and cases of cruel, inhuman, or degrading punishment by security forces and antigovernment entities; arbitrary detention by government security forces and insurgents; serious abuse in internal conflict, including killing of civilians, enforced disappearances and abductions, torture and physical abuses, and other conflict-related abuses; serious acts of corruption; lack of investigation of and accountability for cases of violence against women, including those accused of so-called moral crimes; recruitment and use of child soldiers and sexual abuse of children, including by security force members and educational personnel; trafficking in persons; violence targeting members of ethnic minority groups; violence by security forces and other actors against lesbian, gay, bisexual, transgender, and intersex persons; existence and use of laws criminalizing consensual same-sex sexual conduct; and the existence of the worst forms of child labor.

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

Antigovernment elements continued to attack religious leaders who spoke out against the Taliban. During the year many progovernment Islamic scholars were killed in attacks for which no group claimed responsibility. Nonstate armed groups, primarily the Taliban and Islamic State in Khorasan Province, accounted for most child recruitment and used children younger than age 12 during the year. Insurgent groups, including the Taliban, increasingly used children as suicide

bombers. Antigovernment elements threatened, robbed, kidnapped, and attacked government workers, foreigners, medical and nongovernmental organization workers, and other civilians. The UN Assistance Mission in Afghanistan reported 5,939 civilian casualties in the first nine months of the year, with approximately 59 percent of these casualties attributed to antigovernment actors. The Taliban did not claim responsibility for civilian casualties. The Taliban referred to their attacks as “martyrdom operations.”

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

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

There were reports that the government or its agents committed arbitrary or unlawful killings. The Attorney General’s Office maintains a military investigation and prosecution office for cases involving entities of the Ministry of Interior. The Ministry of Defense maintains its own investigation authority as well as prosecution at the primary and appellate level; at the final level, cases are forwarded to the Supreme Court.

In January security forces in Kandahar Province reportedly killed a young girl and later her father, who approached the local army base apparently to condemn the killing. Security forces did not offer an explanation for the killings. Security forces fired upon and wounded at least one of the community members who protested the killings. Authorities committed to investigate the killings, but there was no update available as of October. The Australian Broadcasting Corporation (ABC) reported in March that Australian Special Air Service Regiment (SAS) members killed several locals either after they had surrendered or while they were in SAS detention in 2012. Witnesses alleged that in one such incident, SAS members shot and killed an imam and his son following evening prayers. In July the ABC additionally reported SAS members killed unarmed civilians in Kandahar Province in 2012.

During the year unknown actors carried out a number of targeted killings of civilians, including religious leaders, journalists, and civil society advocates (see section 1.g.).

### **b. Disappearance**

There were no reports of disappearances committed by security forces.

The UN Assistance Mission in Afghanistan (UNAMA) noted an increase in abductions of civilians carried out by the Taliban in the first six months of the year, compared with the same period in the previous year, and a fivefold increase over the same period of the previous year of casualties resulting from abduction. UNAMA reported seven adult men were abducted from their village in Herat Province on March 6 and subsequently killed by the Taliban.

### **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.

Nongovernmental organizations (NGOs) reported security forces continued to use excessive force, including torturing and beating civilians. Despite legislation prohibiting these acts, independent monitors continued to report credible cases of torture in detention centers. According to local media, lawyers representing detainees in detention centers alleged in July that torture remained commonplace and that detainees were regularly questioned using torture methods.

There were numerous reports of torture and cruel, inhuman, and degrading punishment by the Taliban, ISIS-K, and other antigovernment groups. UNAMA reported that punishments carried out by the Taliban included beatings, amputations, and executions. The Taliban held detainees in poor conditions and subjected them to forced labor, according to UNAMA.

On January 30, a video was posted showing a woman being stoned to death. The president's spokesman attributed the attack to the Taliban; the Taliban denied involvement.

Impunity was a significant problem in all branches of the security forces. Despite the testimony of numerous witnesses and advocates that service members were among the most prevalent perpetrators of *bacha bazi* (the sexual and commercial exploitation of boys, especially by men in positions of power), the government had never prosecuted a security officer for these acts, although eight officers were arrested during the year in connection with *bacha bazi* incidents.

In July, as a part of a political agreement between President Ghani and Abdullah, the government promoted Abdul Rashid Dostum to the rank of marshal, the country's highest military rank. Dostum had been accused of gross violations of human rights, including the abduction and rape of a political opponent, but the government did not carry out an investigation.

### **Prison and Detention Center Conditions**

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

Physical Conditions: Overcrowding in prisons continued to be a serious, widespread problem. On April 21, the general director of prisons stated the country's prisons suffered from widespread abuses, including corruption, lack of attention to detainees' sentences, sexual abuse of underage prisoners, and lack of access to medical care. Prisoners in a number of prisons occasionally conducted hunger strikes or sewed their mouths shut to protest their detention conditions.

In October inspectors reportedly identified a contaminated drinking water supply at Pul-e Charki Prison. The water was reportedly contaminated by an overflow of sewage at a nearby water treatment plant that was not adequately addressed due to low standards of safety and maintenance.

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

According to NGOs and media reports, authorities held children younger than age 15 in prison with their mothers, due in part to a lack of capacity of separate

children's support centers. These reports documented insufficient educational and medical facilities for these minors.

Access to food, potable water, sanitation, heating, ventilation, lighting, and medical care in prisons varied throughout the country and was generally inadequate. The GDPDC's nationwide program to feed prisoners faced a severely limited budget, and many prisoners relied on family members to provide food supplements and other necessary items.

From March 11 to September 16, a total of 7,237 prisoners and detainees were released from 32 facilities across the country in an effort to protect these individuals from COVID-19 and slow the spread of the virus. At year's end it was unknown how many were returned to custody. The majority were given reduced sentences or qualified for bail and did not have to return to prison.

As part of an exchange establishing conditions for peace talks between the government and the Taliban, the government released nearly 5,000 Taliban prisoners between March and September. The Taliban released 1,000 government prisoners between March and July as part of its commitments in the agreement.

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

Independent Monitoring: The Afghan Independent Human Rights Commission (AIHRC), UNAMA, and the International Committee of the Red Cross monitored the NDS, Ministry of Interior, Ministry of Justice, and Ministry of Defense detention facilities. NATO Resolute Support Mission monitored NDS, Afghan National Police (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 documenting physical evidence of abuse, such as bruises, scars, and other injuries.

Improvements: The Office of Prisons Administration dedicated human rights departments at each facility to monitor and address problems.

#### **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 without regard to substantive procedural legal protections. Local law enforcement officials reportedly detained persons illegally on charges that have no basis in applicable criminal law. In some cases authorities improperly held women in prisons because they deemed it unsafe for the women to return home or because women's shelters were not available to provide protection in the provinces or districts at issue (see section 6, Women). The law provides a defendant the right to object to his or her pretrial detention and receive a court hearing on the matter, but authorities generally did not observe this requirement.

There were reports throughout the year of impunity and lack of accountability by security forces. According to observers, Afghan Local Police (ALP) and ANP personnel were largely unaware of their responsibilities and defendants' rights under the law, since many were illiterate and lacked training. 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, Major Crimes Task Force, 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, including persons being detained without judicial authorization. Authorities often did not inform detainees of the charges against them.

Justice-sector actors and the public lacked widespread understanding and knowledge of the penal code, which took effect in 2018 to modernize and consolidate criminal laws.

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. After taking custody of a suspect, the attorney general may issue a detention warrant for up to seven days for a misdemeanor and 15 days for a felony. With court approval, the investigating prosecutor may detain a suspect while continuing the investigation, with the length of continued detention depending on the severity of the offense. The investigating prosecutor may detain a suspect for a maximum of 20 days for a misdemeanor and 60 days for a felony. The prosecutor must file an indictment or release the suspect within those deadlines; there may be no further extension of the investigatory period if the defendant is already in detention. After a case is referred to the court, the court may issue detention orders not to exceed a total of 120 days for all court proceedings (primary, appeal, and Supreme Court stages). Compliance with these time limits was difficult to ascertain in the provincial courts. In addition there were multiple reports that judges often detained prisoners after their sentences were completed because bribes for release were not paid. Incommunicado imprisonment remained a problem, and prompt access to a lawyer was rare. Prisoners generally were able to receive family visits.

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

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

Some children in the criminal justice system were victims rather than perpetrators of crime. In the absence of sufficient shelters for boys, authorities detained abused boys and placed them in juvenile rehabilitation centers because they could not return to their families and shelter elsewhere was unavailable. In addition some

victims of bacha bazi were charged with “moral crimes” and treated as equally responsible perpetrators as the adult.

There were reports of children being abused while in custody, to include girls who were raped and became pregnant. Following the capture of ISIS-K fighters and family members in 2019, children of ISIS-K fighters (including girls married to ISIS-K fighters) were sometimes detained in special centers. The government registered some of these children in school, but most were not registered and did not receive adequate care. In addition child soldiers pressed into service with ISIS-K, the Taliban, or other groups were imprisoned without regard to their age. There was no established program for their reintegration into society. According to advocates, following their interception by government forces, all child soldiers from militia groups are initially placed into an NDS detention facility and are sometimes transferred to juvenile rehabilitation centers and later to a shelter run by the Ministry of Labor and Social Affairs. An estimated 125 children were held at the detention facility during the year, 30 were held at the shelter, and there was no reliable estimate of how many children were at the juvenile centers. Child soldiers affiliated with ISIS-K remained in the NDS detention facility.

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

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

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

the EVAW law--obliges police to arrest persons who abuse women. Implementation and awareness of the EVAW law was limited, however.

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

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

#### **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. World Justice Project's annual report, released in July, found that in 2019 59 percent of those surveyed considered judges or magistrates to be corrupt; corruption was considered by those surveyed to be the most severe problem facing criminal courts.

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 in the judiciary, and often criminals paid bribes to obtain their release or a sentence reduction (see section 4).

There was a widespread shortage of judges, primarily in insecure areas, leading to the adjudication of many cases through informal, traditional mediation. A shortage of women judges, particularly outside of Kabul, limited access to justice for women. Many women are unable to use the formal justice system because cultural norms preclude their engagement with male officials. During the year only 254 of 2,010 judges were women, a slight decrease from 2019. The formal justice system is stronger in urban centers, closer to the central government, and weaker in rural areas. In rural areas, police operated unchecked with almost unlimited authority. Courts and police continued to operate at less than full strength nationwide. The judicial system continued to lack the capacity to absorb and implement the large volume of new and amended legislation. A lack of qualified judicial personnel hindered the courts. Some municipal and provincial authorities, including judges, had minimal training and often based their judgments on their personal understanding of sharia without appropriate reference to statutory law, tribal codes of honor, or local custom. The number of judges who graduated from law school continued to increase. Access to legal codes and statutes increased, but their limited availability continued to hinder some judges and prosecutors.

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

In areas it controlled, the Taliban enforced a parallel judicial system based on a strict interpretation of sharia. Punishments included execution and mutilation. According to UNAMA, in June, Taliban courts convicted two men in Faryab Province of different crimes. In both cases the men were brought before a crowd, and a Taliban member pronounced their death sentences; the men were immediately executed by public hanging.

## **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. The law requires judges to provide five days' notice prior to a hearing, but judges did not always follow this requirement, and many citizens complained that legal proceedings often dragged on for years.

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

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

The criminal procedure code establishes time limits for the completion of each stage of a criminal case, from investigation through final appeal, when the accused is in custody. The code also permits temporary release of the accused on bail, but this was rarely applied. 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 Province regularly elected to utilize the extended time periods. If the judiciary does not meet the deadlines, the law requires the accused be released from custody. Often courts did not meet these deadlines, but detainees nevertheless remained in custody.

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

In areas controlled by the Taliban, according to Human Rights Watch, the Taliban established courts that rely on religious scholars to adjudicate cases or at times referred cases to traditional dispute resolution mechanisms. Taliban courts include district-level courts, provincial-level courts, and a *tamiz*, or appeals, court located in a neighboring country.

According to Human Rights Watch, the Taliban justice system is focused on punishment, and convictions often resulted from forced confessions in which the accused is abused or tortured. At times the Taliban imposed corporal punishment for serious offenses, or *hudud* crimes, under an interpretation of sharia.

### **Political Prisoners and Detainees**

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

During the year the Taliban detained government officials, individuals alleged to be spying for the government, and individuals alleged to have associations with the government. For political cases, according to NGOs, there were no official courts; cases were instead tried by Taliban military commanders.

### **Civil Judicial Procedures and Remedies**

Corruption and limited capacity restricted citizen access to justice for constitutional and human rights abuses. Citizens may submit complaints of human rights abuses to the AIHRC, which reviews and submits credible complaints to the Attorney General's Office for further investigation and prosecution. Some female citizens reported that when they approached government institutions with a request for service, government officials, in turn, demanded sexual favors as *quid pro quo*.

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

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

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

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

### **g. Abuses in Internal Conflict**

Continuing internal conflict resulted in civilian deaths, abductions, prisoner abuse, property damage, displacement of residents, and other abuses. The security situation remained a problem largely due to insurgent and terrorist attacks. According to UNAMA, actions by nonstate armed groups, primarily the Taliban and ISIS-K, accounted for the majority of civilian deaths.

After the signing of the U.S.-Taliban Agreement and the issuance of the U.S.-Afghanistan Joint Declaration on February 29, attacks against U.S. and coalition forces largely stopped, but violence against Afghan security forces and civilians continued, even after the start of intra-Afghan negotiations on September 12.

Killings: UNAMA counted 2,117 civilian deaths due to conflict during the first nine months of the year, compared with 2,683 during the same period in 2019. During this period, UNAMA documented 1,274 civilian casualties resulting from nonsuicide improvised explosive device (IED) attacks perpetrated by antigovernment forces (456 deaths and 818 injured). UNAMA attributed 59 percent of civilian casualties in the first nine months of the year to antigovernment forces, including the Taliban and ISIS-K, 27 percent to progovernment forces, and 14 percent to cross fire and other sources. UNAMA documented a 46 percent decrease in the total number of civilian casualties due to all airstrikes in the first nine months of the year, compared with the same period in 2019, but documented a 70 percent increase in civilian casualties (349) and a 50 percent increase in civilians killed (156) from airstrikes by the Afghan Air Force in the first nine months of the year, compared with the same period in 2019.

The AIHRC stated that an airstrike in Takhar Province by Afghan forces on October 21 killed 12 children and wounded 18 others at a religious school and mosque. The mosque's imam was among the wounded. The attack reportedly targeted Taliban fighters. First Vice President Amrullah Saleh initially rejected

reports of civilian casualties, stating the attack had targeted a Taliban installation, but the Ministry of Defense declared it had assigned an investigation team to assess allegations of civilian casualties.

During the year antigovernment forces carried out a number of deadly attacks against religious leaders, particularly those who spoke out against the Taliban. Many progovernment Islamic scholars were killed in attacks during the year for which no group claimed responsibility. In June, three imams and a number of worshippers were killed in separate attacks on two mosques in Kabul, and seven students were killed by a bomb at a seminary in Takhar Province.

Antigovernment elements continued to attack civilian targets. On April 21 in Nangarhar Province, the Taliban detonated an IED inside a private pharmacy, wounding eight civilians, including a doctor from the local hospital. The owners reportedly had refused to provide the Taliban an extortion payment.

Antigovernment elements continued targeting hospitals and aid workers. In the first six months of the year, UNAMA documented 36 incidents affecting health-care facilities and personnel. UNAMA attributed the majority of these incidents to the Taliban.

On May 12, three gunmen attacked a maternity clinic in a Hazara Shia neighborhood in Kabul run by Doctors Without Borders (MSF), killing 24 mothers, newborns, and a health-care worker. No group claimed responsibility. In June the MSF announced it would close the clinic.

On May 19, the Afghan Air Force conducted an airstrike in Kunduz Province outside a hospital, killing and wounding Taliban who were seeking medical care, as well as killing at least two civilians at the hospital.

On November 22, gunmen detonated explosives and fired upon students, staff, and others, killing 35 and wounding at least 50, at Kabul University. During the attack students and faculty were taken hostage, according to press reports. The attack was later claimed by ISIS-K.

Antigovernment elements also continued to target government officials and entities, as well as political candidates and election-related activities, throughout the country. Media reported five staff members of the Attorney General's Office, including two who reportedly had served as prosecutors, were ambushed and killed in their vehicle in Kabul on June 22. No one claimed responsibility, and a Taliban

spokesperson denied any involvement, adding that the peace process had many enemies and that the Taliban, too, would “investigate.” On October 3, a car bomb targeting a government administrative building in Nangarhar Province killed at least 15, including at least four children. Most of the casualties were civilians; no group claimed responsibility. On December 15, Kabul deputy governor Mahbubullah Muhibbi was killed in a bomb blast in Kabul. On December 21, at least 10 persons were killed and 52 wounded in an attack on the convoy of lower house of parliament member Khan Mohammad Wardak. No group claimed responsibility for either attack.

Abductions: In January a three-year-old boy was kidnapped for ransom in Kabul. Businesswomen reported they faced a constant threat of having their children abducted and held for ransom. The UN secretary-general’s *2019 Children and Armed Conflict Report*, released in June, cited 14 verified incidents of child abduction, all of which were of boys as young as 11. Of the abductions, 12 were attributed to the Taliban and one each to the ANP and a progovernment militia.

Seven reported abductions of currency exchangers in Herat during the year prompted the currency exchangers there to strike in October to protest.

Antigovernment groups regularly targeted civilians, including using IEDs to kill and maim them. Land mines, unexploded ordnance, and explosive remnants of war (ERW) continued to cause deaths and injuries. UNAMA reported 584 civilian casualties caused by unlawful pressure-plate IEDs by antigovernment elements, mostly attributed to the Taliban, during the first nine months of the year, a 44 percent increase compared with the same period in 2019. The state minister for disaster management and humanitarian affairs reported that approximately 125 civilians were killed or wounded by unexploded ordnance per month, and more than 730 square miles still needed to be cleared, which included both previously identified ERW areas as well as newly contaminated ranges. Media regularly reported cases of children killed and injured after finding unexploded ordnance.

UNAMA reported civilian casualties from ERW in the first nine months of the year accounted for 5 percent of all civilian casualties and caused 298 civilian casualties, with 86 deaths and 212 injured. Children comprised more than 80 percent of civilian casualties from ERW.

Child Soldiers: Under the penal code, recruitment of children in military units carries a penalty of six months to one year in prison. UNAMA reported the ANDSF and progovernment militias recruited and used 11 children during the first

nine months of the year, all for combat purposes. Media reported that local progovernment commanders recruited children younger than age 16. NGOs reported security forces used child soldiers in sexual slavery roles. The country remained on the Child Soldiers Prevention Act List in the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>. The Taliban and other antigovernment groups regularly recruited and trained children to conduct attacks.

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

According to UNAMA, the Taliban and ISIS-K continued to recruit and use children for front-line fighting and setting IEDs. While the law protects trafficking victims from prosecution for crimes committed as a result of being subjected to trafficking, there were reports the government treated child former combatants as criminals as opposed to victims of trafficking. Most were incarcerated alongside adult offenders without adequate protections from abuse by other inmates or prison staff.

UNAMA verified the recruitment of 144 boys by the Taliban in the first nine months of the year. In some cases the Taliban and other antigovernment elements used children as suicide bombers, human shields, and to emplace IEDs, particularly in southern provinces. Media, NGOs, and UN agencies reported the Taliban tricked children, promised them money, used false religious pretexts, or forced them to become suicide bombers. UNAMA reported the Taliban deployed three boys in February to conduct a suicide attack against an ALP commander in

Baghlan Province. One of the children accidentally detonated his IED before reaching the ceremony, killing all three children. See also the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Other Conflict-related Abuse: The security environment continued to make it difficult for humanitarian organizations to operate freely in many parts of the country. Violence and instability hampered development, relief, and reconstruction efforts. Insurgents targeted government employees and aid workers. NGOs reported insurgents, powerful local individuals, and militia leaders demanded bribes to allow groups to bring relief supplies into their areas and distribute them.

In contrast with previous years, polio vaccination campaigns were not disrupted by the conflict (the Taliban had previously restricted house-to-house vaccination programs). Routine immunization services at health facilities and other immunization campaigns, however, were interrupted by the COVID-19 pandemic, and only half of the provinces received vaccination coverage. According to the Ministry of Public Health, there were 46 new reported cases of polio during the year.

The Taliban also attacked schools, radio stations, and government offices. On February 3, the Taliban burned a girls' school in Takhar Province. In July the Taliban burned a school in the same province after using it as cover to attack ANDSF. On August 20, the Taliban prevented approximately 200 female university applicants in Badakshan Province from taking their university entrance exams by threatening them with fines. Some of these women were ultimately taken to another location in the province to take the exam.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

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

Freedom of Speech: The law provides for freedom of speech, and the country has a free press. There were reports authorities at times used pressure, regulations, and threats to silence critics. Criticism of the central government was regular and generally free from restrictions, but criticism of provincial governments was more

constrained, where local officials and power brokers exerted significant influence and authority to intimidate or threaten their critics, both private citizens and journalists. Discussion of a political nature was more dangerous for those living in contested or Taliban-controlled areas. Government security agencies increased their ability to monitor the internet, including social media platforms, although the monitoring did not have a perceptible impact on social media use.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. Implementation of the Access to Information Law, which provides for public access to government information, remained inconsistent, and media reported consistent failure by the government to meet the requirements of the law. Government officials often restricted media access to government information or simply ignored requests. UNAMA, Human Rights Watch, and Reporters without Borders (RSF) reported the government did not fully implement the law, and therefore journalists often did not receive access to information they sought. Furthermore, journalists stated government sources shared information with only a few media outlets. Human Rights Watch criticized the arrest of a government employee who was alleged by First Vice President Amrullah Saleh to have spread false information about the October 21 attack on a school and mosque in Takhar that resulted in civilian deaths.

Journalists faced the threat of harassment and attack by ISIS-K, the Taliban, and government-linked figures attempting to influence how they were covered in the news. The Afghanistan Journalists' Council said that during the year journalists' social media accounts were hacked and journalists were threatened by the Office of the National Security Council.

On May 30, a journalist and a driver from Khurshid TV were killed when their vehicle, carrying 15 employees of the station, was hit by a roadside bomb in Kabul. Four other employees of the station were wounded. ISIS-K claimed responsibility for the attack.

On November 12, an explosive in Lashkargah city killed Radio Azadi reporter Ilias Dae, as well as his brother. Journalist Malala Maiwand was killed by gunmen on December 10 in Jalalabad, and journalist Rahmatullah Nekzad was killed in Ghazni on December 21. No group claimed responsibility for the attacks. Journalists reported facing threats of violence from the internal conflict. Politicians, security officials, business owners, and others in positions of power at times threatened or harassed journalists because of their coverage. According to RSF, female journalists were especially vulnerable.

Vida Saghari, a female journalist, faced a series of online harassments, including hate speech and death threats, following her criticism of a cleric's Ramadan rallies in defiance of COVID-19 restrictions, according to RSF.

Freedom of speech and an independent media were more constrained at the provincial level than in the capital, Kabul. Political and ethnic groups, including those led by former mujahedin leaders, financed many provincial media outlets and used their financial support to control the content. Provincial media was also more susceptible to antigovernment attacks.

Print and online media continued to publish independent magazines, newsletters, newspapers, and websites. A wide range of editorials and daily newspapers openly criticized the government. Nevertheless, there were concerns that violence and instability threatened journalists' safety. A greater percentage of the population, including those in rural areas, had easier access to radio than other forms of media. According to The Asia Foundation, rural inhabitants primarily received news and information from family and friends, followed by television and radio.

Violence and Harassment: Government officials and private citizens used threats and violence to intimidate independent and opposition journalists, particularly those who spoke out against impunity, crimes, and corruption by powerful local figures. According to RSF, NDS officials arrested Radio Bayan journalist Mahboboalah Hakimi on July 1. Two days after Hakimi's arrest, the NDS released a video of Hakimi confessing to posting a video critical of the president, an action he had previously denied, and apologizing to the president. Following Hakimi's release, he alleged the NDS tortured him and forced him to record his confession.

RSF also reported that authorities had harassed Pajhwok Afghan News agency, including through NDS interrogations of its director, following its June 22 reporting that ventilators intended to respond to the COVID-19 outbreak had been stolen and illegally sold to a neighboring country.

At least six journalists were killed during the year, and another died under suspicious circumstances. According to the Afghanistan Journalists' Council, as of September, three journalists were kidnapped, 12 were injured, and more than 30 were beaten or otherwise threatened.

The Taliban continued to threaten journalists, and civil society alleged the Taliban continued to attack media organizations. The Taliban warned media would be targeted unless they stopped broadcasting what it called “anti-Taliban statements.”

Increased levels of insecurity created a dangerous environment for journalists, even when they were not the specific targets of violence. A radio reporter was killed in police crossfire during a demonstration in Ghor Province on May 9. During the year several journalists reported attacks by unknown gunmen connected, they claimed, to their coverage of powerful individuals.

The law provides guidelines to address cases of violence against journalists, but these guidelines were not fully implemented. The guidelines created a joint national committee in Kabul, chaired by Second Vice President Sarwar Danesh 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 the committee met regularly during the year, referred cases to the Attorney General’s Office, and pushed for the resolution of cases, but it did not increase protection for journalists. A journalist advocacy organization reported that due to these pressures and the fact that many journalists were not paid for months at a time, many outlets closed during the year.

Media advocacy groups reported that many female journalists worked under pseudonyms in both print and social media to avoid recognition, harassment, and retaliation. According to the Center for the Protection of Afghan Women Journalists, there were no female journalists in five of the country’s 34 provinces: Kunar, Logar, Nuristan, Paktika, and Uruzgan.

Censorship or Content Restrictions: Media observers claimed journalists reporting on administrative corruption, land embezzlement, and local officials’ involvement in narcotics trafficking engaged in self-censorship due to fear of violent retribution by provincial police officials and powerful families. Ajmal Ahmady, Afghanistan Bank governor and economic advisor to the president, blocked journalists on his Twitter feed, reportedly for being publicly critical of him. Journalists and NGOs reported that, although the amended 2018 Access to Information Law provided an excellent regulatory framework, enforcement remained inconsistent and that noncompliant officials rarely were held accountable. Most requests for information from journalists who lacked influential connections inside the government or international media credentials were disregarded, and government officials often refused to release information, claiming it was classified. Many

journalists asserted that First Vice President Amrullah Saleh's statement that he would hold those who shared "disinformation" on the victims of the October 21 incident in Takhar criminally responsible was a restriction on freedom of speech.

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

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

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

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

### **Internet Freedom**

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

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

There were many reports during the year of Taliban attempts to restrict access to information, often by destroying or shutting down telecommunications antennae and other equipment. In June, Human Rights Watch reported that in many Taliban-controlled areas, Taliban authorities limited usage of or otherwise banned smartphones, which generally restricted access to information.

## **Academic Freedom and Cultural Events**

Academic freedom is largely exercised in government-controlled areas. In addition to public schooling, there was growth in private education, with new universities enjoying full autonomy from the government. Both government security forces and the Taliban took over schools to use as military posts.

The expansion of Taliban control in rural areas left an increasing number of public schools outside government control. The Taliban operated an education commission in parallel to the official Ministry of Education. Although their practices varied among areas, some schools under Taliban control reportedly allowed teachers to continue teaching but banned certain subjects and replaced them with Islamic studies; others provided only religious education. The Taliban continued to limit education for girls, especially for those past puberty. A Taliban commander told Human Rights Watch in Helmand Province, “Women’s education is to be banned [while] our country is occupied.”

## **b. Freedoms of Peaceful Assembly and Association**

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

### **Freedom of Peaceful Assembly**

The government generally respected citizens’ right to demonstrate peacefully. Numerous public gatherings and protests took place during the year; however, police sometimes fired live ammunition when attempting to break up demonstrations. Protests and rallies were also vulnerable to attacks by ISIS-K and the Taliban. Islamic State actors fired upon a political rally in Kabul on March 6, killing 32 and wounding at least 58, according to government estimates. Islamic State actors claimed to have detonated explosions during presidential inauguration ceremonies in Kabul on March 9, although no casualties were reported.

### **Freedom of Association**

The constitution provides for the right to freedom of association, and the government generally respected it. The law on political parties requires political parties to register with the Ministry of Justice and to pursue objectives consistent with Islam. The law prohibits employees and officials of security and judicial

institutions, specifically the Supreme Court, Attorney General's Office, Ministry of Interior, Ministry of Defense, and NDS, from political party membership. Noncompliant employees are subject to dismissal.

### **c. Freedom of Religion**

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

### **d. Freedom of Movement**

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

In-country Movement: The government generally did not restrict the right to freedom of movement within the borders of the country. Social custom limited women's freedom of movement without a male family member's consent or a male relative chaperone. The greatest barrier to movement in some parts of the country remained the lack of security. Taxi, truck, and bus drivers reported security forces and insurgents sometimes operated illegal checkpoints and extorted money and goods from travelers. The Taliban regularly blocked highways completely or imposed illegal taxes on those who attempted to travel. Media reported the Taliban had blocked the highway between Kandahar and Uruzgan and on August 23 had notified private transportation companies operating in the area that the companies would be responsible for civilian deaths should they choose to travel on the road.

### **e. Status and Treatment of Internally Displaced Persons**

Internal population movements continued during the year because of armed conflict and natural disasters, including avalanches, flooding, and landslides. The UN Office for the Coordination of Humanitarian Affairs reported more than 172,490 individuals fled their homes due to conflict from January to September 20. Most internally displaced persons (IDPs) left insecure rural areas and small towns to seek relatively greater safety and government services in larger towns and cities in the same province. Thirty of the country's 34 provinces hosted IDP populations.

Limited humanitarian access because of the poor security situation caused delays in identifying, assessing, and providing timely assistance to IDPs, who continued to lack access to basic protection, including personal 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 at constant risk of eviction from illegally occupied displacement sites, according to the Internal Displacement Monitoring Center. Women in IDP sites 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. Severe flooding and landslides on August 26 in Parwan Province killed 190 individuals and destroyed nearly 4,000 houses. Media reported that on August 27, the Taliban killed four civilian internally displaced survivors of the floods during clashes with the ANDSF.

Intense fighting in Helmand Province in October resulted in the displacement of thousands of families over a period of just two weeks, reported the AIHRC. The UN Office for the Coordination of Humanitarian Affairs estimated 35,000 individuals were displaced but had only been able to confirm an estimated 14,000 IDPs because deteriorating security conditions interrupted phone service and prevented access.

#### **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: 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.

The IOM reported undocumented Afghan returns from Iran and Pakistan totaled 449,213 from January 1 to August 15, with 447,206 from Iran and 2,007 from Pakistan. Registered Afghan refugee returns from Pakistan slowed to historically low levels during the year, with just 551 returns as of August 25, in part because UNHCR suspended assisted returns between March 17 and August 10 due to COVID-19 and border closures impeding travel.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Nonetheless, UNHCR registered and provided protection for approximately 170 refugees and 250 asylum seekers in urban areas throughout the country. UNHCR also provided protection for 72,000 persons of concern who fled Pakistan in 2014 and resided in the provinces of Khost and Paktika.

### **g. Stateless Persons**

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

## **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the opportunity to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The right to vote may be stripped for certain criminal offenses. Violence from the Taliban and other antigovernment groups interfered with, but did not derail, the most recent presidential election, held in 2019.

### **Elections and Political Participation**

Recent Elections: Presidential elections were held in September 2019. Voter turnout in the presidential election of September 2019 was historically low, at less than 19 percent, reportedly due to security threats, less robust campaigning by candidates, voter apathy, the decoupling of the presidential and provincial elections that traditionally helped drive local mobilization networks, among other factors. Additionally, biometric voter verification determined the validity of ballots in 2019 and reportedly accounted for at least part of the difference in turnout compared with previous elections because of the invalidation of any ballot not biometrically verified. According to the United Nations, the Taliban carried out a deliberate campaign of violence and intimidation, including on polling centers located in schools and health facilities. It found these attacks caused 458 civilian casualties (85 killed and 373 injured) from the start of the top-up registration in June 2019 through September 30, 2019. These figures included 100 incidents on the September 28 election day, resulting in 277 civilian casualties (28 killed and 249 injured). According to the United Nations, civilian casualty levels were higher on election day in 2019 than on the polling days for the first round and second rounds of the 2014 presidential election. On February 18, the Independent Election

Commission (IEC) announced that President Ghani secured re-election with 50.64 percent of the vote, while then chief executive Abdullah Abdullah, Ghani's chief opponent, received 39.52 percent of the vote. Although election experts noted technical improvements in the electoral procedures, there were concerns regarding the electoral bodies' ability to ensure transparency during the results tabulation process. Political campaigns disputed the authenticity of 300,000 votes, of a total of 1.8 million votes cast, causing delays and accusations of politicization of election monitoring bodies. Opposition candidates additionally called for the IEC to reject votes cast at polling places that faced discrepancies with biometric verification of voters. The Electoral Complaints Commission (ECC) investigated approximately 16,500 electoral complaints, ultimately rejecting more than 9,800 complaints, and conducted a recount for nearly 5,400 polling stations. The IEC conducted two audits before finalizing the results it announced in February.

Both President Ghani and Abdullah declared victory and held competing swearing in ceremonies on March 9. Afghan political actors mediated the resulting political impasse, ultimately resulting in a compromise, announced on May 17, in which President Ghani retained the presidency, Abdullah was appointed to lead the High Council for National Reconciliation, and each would select one-half of the cabinet members.

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

In large areas of the country, political parties could not operate due to insecurity.

On December 23, unknown gunmen shot and killed Yusuf Rashid, the head of the Free and Fair Elections Forum, an independent election monitoring group.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process. In the 2019 presidential election, women accounted for 34.5 percent of those registered to vote and 31.5 percent of all votes cast. Absent reliable data, civil

society, think tanks, and election monitoring organizations assessed that women's participation across the country varied according to the security conditions and social norms. There was lower female voter turnout in provinces where communities purposely limited female participation in the democratic process, where lack of security was a concern, or both. Conflict, threats, financial constraints, corruption, and conservative family members put female voters at a disadvantage. There were reports some men declared female voting a sin, and others said women should vote for male candidates. There were reports that a biometric voter identification requirement for all registering voters to have their photograph taken was seen by some as an infringement on women's modesty and, according to media sources, limited women's ability to vote.

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). The IEC finalized 2018 parliamentary election results in May 2019, and 418 female candidates contested the 250 seats in the Wolesi Jirga in the 2018 parliamentary election. In Daikundi Province a woman won a seat in open competition against male candidates, making it the only province to have more female representation than mandated by the constitution. The constitution also mandates one-half of presidential appointees must be women. It also sets aside 10 seats in the Wolesi Jirga for members of the nomadic Kuchi minority. In the Meshrano Jirga (upper house), the president's appointees must include two Kuchis and two members with physical disabilities, and half of the president's nominees must be women. One seat in the Meshrano Jirga and one in the Wolesi Jirga is reserved for the appointment or election of a Sikh or Hindu representative, although this is not mandated by the constitution. On July 6, the cabinet decreed that each of the country's 34 provinces should have one female deputy governor. By year's end, 14 female deputy governors were appointed.

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

Women active in government and politics continued to face threats and violence and were targets of attacks by the Taliban and other insurgent groups. On March

22, a gunman fired multiple shots into a vehicle carrying Zarifa Ghafari, the mayor of Maidan Shar in Wardak Province, and her fiance. Both were uninjured in the attack.

No laws prevent members of minority groups 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 largest ethnic group, the Pashtuns, 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 authorities purposely excluded specific societal groups from political participation.

#### **Section 4. Corruption and Lack of Transparency in Government**

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

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

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

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

Corruption: The Anti-Corruption Justice Center (ACJC) reported that since its inception in 2016 to mid-September, the ACJC tried 281 defendants in 76 cases before its trial chamber and 214 defendants in 68 cases before its appellate chamber. Of cases tried in the trial chamber, 199 were sentenced to imprisonment, 23 were fined, and 59 acquitted. Of cases tried in the appellate chamber, 172 were sentenced to imprisonment, 18 were fined, and 24 were acquitted. In January the ACJC appellate court resentenced several former election officials to two and one-half years in prison each, cutting their earlier prison terms by half.

There were reports of political patronage in the government's COVID-19 response efforts, including accusations of embezzlement and theft of medical equipment by government authorities. On June 22, a media report alleged that 32 ventilators were embezzled from the Ministry of Public Health and subsequently smuggled to Pakistan for a profit. Media reported that on August 24 former minister of public health Ferozuddin Feroz and several former and current deputy ministers were referred to the Attorney General's Office for suspected misappropriation of funds designated to address the COVID-19 pandemic. Media also reported that in October the governor of Herat Province, the mayor of Herat city, three members of the provincial council, and 17 other top provincial officials were accused of embezzling approximately 20 million afghanis (\$260,000) of government funding of COVID-19 response activities. According to ACJC prosecutors, the cases against these officials were sent to the ACJC primary court, but the court sent the case back to the prosecution office to fill investigative gaps. The suspects were released on bail.

Violent attacks by insurgents against judges, prosecutors, and prison officials during the year made members of the judicial sector increasingly fearful in carrying out their duties. According to government and media reports, since 2015 more than 300 judges, prosecutors, prison personnel, and other justice workers were killed, injured, or abducted. During the year, five judges and one administrative official were killed and two judges were abducted. Justice professionals came under threat or attack for pursuing certain cases--particularly corruption or abuse-of-power cases--against politically or economically powerful individuals.

According to various reports, many government officials, including district or provincial governors, ambassadors, and deputy ministers, were suborned. Government officials with reported involvement in corruption, the drug trade, or records of human rights abuses reportedly continued to receive executive appointments and served with relative impunity. On February 6, the Ministry of

Interior announced it had arrested five police officers, including Ahmad Ahmadi, the Kabul counternarcotics chief, for involvement in drug trafficking.

On August 17, the primary court of the ACJC convicted a former official of the National Office of Norms and Standards of accepting a bribe of \$100,000 from an unidentified company. The court sentenced the former official to 16 years' imprisonment, a \$100,000 fine (the amount of the bribe), as well as an additional fine of 60,000 afghanis (\$765) for carrying a firearm without a permit.

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

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

As of July 22, the deadline for asset registration, the Registration Administration successfully registered assets of more than 18,000 government employees. Verification of assets was slow and problematic for the administration due to lack of organized systems in some government offices. Public outreach by the Registration Administration allowed civil society and private citizens the opportunity to comment on individual declarations.

## **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. On June 27, an IED killed two members of the AIHRC. Perpetrators of the bombing were not identified. Three Wolesi Jirga committees deal with human rights: the Gender, Civil Society, and Human Rights Committee; the Counternarcotic, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga, the Committee for Gender and Civil Society addresses human rights concerns.

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

### **Women**

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

Prosecutors and judges in rural areas were frequently unaware of the EVAW decree or received pressure to release defendants due to familial loyalties, threat of harm, or bribes, or because some religious leaders declared the law un-Islamic. Female victims faced stringent or violent societal reprisal, ranging from imprisonment to extrajudicial killing.

The penal code criminalizes forced gynecological exams, which act as “virginity tests,” except when conducted pursuant to a court order or with the consent of the subject. Awareness and enforcement of the restrictions on forced gynecological exams remained limited. In October the AIHRC reported that more than 90 percent of these exams were conducted without either a court order or the individual’s consent, and were conducted related to accusations including: adultery, murder, theft, and running away from home, among others. The Ministry of Public Health claimed no exam had taken place without a court order and the consent of the individual. There were reports police, prosecutors, and judges continued to order the exams in cases of “moral crimes” such as zina. Women who sought assistance in cases of rape were often subjected to the exams.

The penal code criminalizes assault, and courts convicted domestic abusers under this provision, as well as under the “injury and disability” and beating provisions in the EVAW decree. According to NGO reports, millions of women continued to suffer abuse at the hands of their husbands, fathers, brothers, in-laws, and other individuals. State institutions, including police and judicial systems, failed to adequately address such abuse. Lockdowns due to COVID-19 forced women to spend more time at home, reportedly resulting in increased incidence of domestic violence as well as additional stress on already limited victim support systems. One such incident included a man from Paktika Province who cut off his wife’s nose with a kitchen knife in May. The woman, who regularly faced physical abuse by her husband, was reportedly seeking to leave the abusive relationship when her husband attacked her.

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

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

In 2019 the International Federation of Association Football (FIFA) banned for life the Afghanistan Football Federation's former head, Keramuddin Karim, and fined him one million Swiss francs (one million dollars) after finding him guilty of sexually abusing female players. At least five female soccer players accused Karim of repeated sexual abuse, including rape, from 2013 to 2018 while he served as the federation president. The players stated that Karim threatened them with reputational and additional physical harm if they did not comply with his advances. Women who rebuffed his advances were expelled from the team, according to eight former players who experienced such treatment. Those who went public faced intimidation. The Attorney General's Office indicted Karim on multiple counts of rape in 2019, but the court sent the case back to the attorney general for further investigation before trial, and Karim was never questioned. Security forces attempted to arrest Karim on August 23 in Panjshir Province (where he was a former governor) but failed after local residents, many of whom were armed, intervened in support of Karim. At year's end Karim was still at large.

At times women in need of protection ended up in prison, either because their community lacked a protection center or because "running away" was interpreted as a moral crime. Adultery, fornication, and kidnapping are criminal offenses. Running away is not a crime under the law, and both the Supreme Court and the 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. NGOs reported instances of *baad* were still practiced, often in

rural areas. The practice of exchanging brides between families was not criminalized and remained widespread.

Honor killings continued throughout the year. In May a soldier in Badakhshan Province stabbed his 18-year-old sister to death in an apparent honor killing after she rejected her family's proposal for an arranged marriage.

Sexual Harassment: The law criminalizes all forms of harassment of women and children, including physical, verbal, psychological, and sexual. By law all government ministries are required to establish a committee to review internal harassment complaints and support appropriate resolution of these claims. Implementation and enforcement of the law remained limited and ineffective. Media reported that the number of women reporting sexual harassment increased compared with prior years, although some speculated this could be an increased willingness to report cases rather than an increase in the incidence of harassment. Women who walked outside alone or who worked outside the home often experienced harassment, including groping, catcalling, and being followed. Women with public roles occasionally received threats directed at them or their families.

Businesswomen faced myriad challenges from the traditional nature of society and its norms with regard to acceptable behavior by women. When it was necessary for a businesswoman to approach the government for some form, permit, or authorization, it was common for a male functionary to ask for sexual favors or money in exchange for the authorization. In April, Human Rights Watch reported that a government employee, in front of other colleagues, told a woman with a disability he would process her disability certificate, which provides a stipend, if she had sex with him. The employee's colleagues, according to her statement, laughed and said, "How do you want to get your disability card when you don't want to sleep with us?" She reported that other women with disabilities had faced similar experiences when requesting disability certificates.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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. Women do not have equal legal rights, compared to men, to inherit assets as a surviving spouse, and daughters do not have equal rights, compared to sons, to inherit assets from their parents.

By law women may not unilaterally divorce their husbands, but they may do so with the husband's consent to the divorce, although men may unilaterally divorce their wives. Many women petition instead for legal separation. According to the family court in Kabul, during the year women petitioned for legal separation twice as frequently as in the previous year.

Prosecutors and judges in some provinces continued to be reluctant to use the EAW decree, and judges sometimes replaced 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.

Female political figures and activists were the targets of assassinations and assassination attempts throughout the year. On December 24, unknown gunmen killed women's rights activist Freshta Kohistani, along with her brother.

Unknown gunmen attacked Fawzia Koofi, a former lawmaker and member of the government negotiating team in intra-Afghan negotiations, who sustained minor injuries.

Similarly, Zarifa Ghafari, the mayor of Maidan Shahr (capital city of Wardak Province), survived two separate assassination attempts. On March 22, unknown gunmen fired on her car; she did not sustain injuries. On October 3, unknown gunmen ambushed her car, but she again escaped unharmed. On November 12, assailants shot and killed Ghafari's father, an army colonel. The Taliban acknowledged responsibility for the attack. Ghafari claimed the Taliban killed her father to discourage her from serving as mayor.

On August 25, unknown gunmen shot at the car carrying actress and women's rights campaigner Saba Sahar. Sahar and her companions were injured in the attack.

On November 8, Abdul Sami Yousufi, a prosecutor specializing in EVAW cases, was killed by a group of unidentified gunmen on motorcycles of Herat city. The Herat Attorney General's Office opened an investigation following the killing.

On November 10, media outlets reported that unidentified assailants attacked and blinded Khatera, a female police officer, for securing a position on the police force. According to media reports, the attackers were tipped off by Khatera's father. Khatera blamed the Taliban for the attack, although they denied responsibility.

## **Children**

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

**Education:** Education is mandatory up to the lower secondary level (six years in primary school and three years in lower secondary), and the law provides for free education up to and including the college level. UNICEF reported that approximately 3.7 million children, 60 percent of whom are girls, were not in school due to discrimination, poverty, lack of access, continuing conflict, and restrictions on girls' access to education in Taliban-controlled areas, among other reasons. Only 16 percent of the country's schools were for girls, and many of them lacked proper sanitation facilities. Key obstacles to girls' education included poverty, early and forced marriage, insecurity, a lack of family support, lack of female teachers, and a lack of nearby schools.

Violent attacks on schoolchildren, particularly girls, 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. In February, Taliban militants set fire to a girls' school in Takhar Province, burning all equipment, books, and documents.

There were press reports of sexual abuse perpetrated by teachers and school officials, particularly against boys. The government claimed families rarely pressed charges due to shame and doubt that the judicial system would respond. There were reports that both insurgent groups and government forces used school buildings for military purposes. School buildings were damaged and students were injured in Taliban attacks on nearby government facilities.

Child Abuse: The penal code criminalizes child abuse and neglect. The penalty for beating, or physically or mentally disciplining or mistreating a child, ranges from a fine of 10,000 afghanis (\$130) to one year in prison if the child does not sustain a serious injury or disability. Conviction of endangering the life of a child carries a penalty of one to two years in prison or a fine of 60,000 to 120,000 afghanis (\$800 to \$1,600).

Police reportedly beat and sexually abused children. Children who sought police assistance for abuse also reported being further harassed and abused by law enforcement officials, particularly in bacha bazi cases, which deterred victims from reporting their claims.

On September 21, police officers in Kandahar Province beat and raped a 13-year-old boy who died of his injuries. The Attorney General's Office reported seven suspects were in custody at year's end and that it filed indictments against them at a Kabul district court in November for assault, rape, and murder.

NGOs reported a predominantly punitive and retributive approach to juvenile justice throughout the country. Although it is against the law, corporal punishment in schools, rehabilitation centers, and other public institutions remained common.

In 2019 human rights defenders exposed the sexual abuse of at least 165 schoolboys from three high schools in Logar Province, alleging that teachers, principals, vice principals, fellow students, and at least one local law enforcement official participated in the abuse. The release of videos of some the rapes and exposure of the scandal led to at least five honor killings of the victims. Two human rights defenders were subsequently placed in NDS detention after exposing the allegations, forced to apologize for their reporting, and continued to face threats after their release, prompting them to flee the country. The Attorney General's Office investigation into the scandal resulted in the identification of 20 perpetrators, 10 of whom had been arrested by year's end. Nine of the perpetrators were convicted of child sexual assault by the Logar Primary Court, which handed down sentences ranging between five and 22 years' imprisonment. Another four men were indicted by the Attorney General's Office in early September of raping a male student. One of the suspects, a high school headmaster, was the first government employee to face charges of child sexual assault related to the Logar bacha bazi case.

There were reports some members of the military and progovernment groups sexually abused and exploited young girls and boys. UNAMA reported children

continued to be subjected to sexual violence by parties to the conflict at an “alarming rate.” According to media and NGO reports, many of these cases went unreported or were referred to traditional mediation, which often allowed perpetrators to reoffend.

The government took steps to discourage the abuse of boys and to prosecute or punish those involved. The penal code criminalizes bacha bazi as a separate crime and builds on a 2017 trafficking-in-persons law (TIP law) that includes provisions criminalizing behaviors associated with the sexual exploitation of children. The penal code details the punishment for authorities of security forces involved in bacha bazi with an average punishment of up to 15 years’ imprisonment. Although no police officer had ever been prosecuted for bacha bazi, eight officers were arrested during the year in connection with bacha bazi incidents and charged with “moral crimes,” sodomy, or other crimes.

The Ministry of Interior operated CPUs throughout the country to prevent the recruitment of children into the ANP, although the CPUs played a limited oversight role in recruiting. Nevertheless, recruitment of children continued, including into the ANP, the ALP, progovernment forces, and Taliban. Additionally, the government did not have sufficient resources to reintegrate children into their families once they had been identified by the CPUs.

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

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

Sexual Exploitation of Children: The law criminalizes sexual exploitation of children. In addition to outlawing the practice of bacha bazi, the penal code provides that, “[i]f an adult male has intercourse with a person younger than the legal age, his act shall be considered rape and the victim’s consent is invalid.” In the case of an adult female having intercourse with a person younger than the legal age, the law considers the child’s consent invalid and the woman may be

prosecuted for adultery. The EVAW decree prescribes a penalty of 10 to 15 years' imprisonment for forcing an underage girl into prostitution. Taking possession of a child for sexual exploitation or production of pornographic films or images constitutes trafficking in persons under the TIP law regardless of whether other elements of the crime are present.

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

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

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

## **Anti-Semitism**

There were no reports of anti-Semitic acts. Reportedly only one Afghan Jew remained in the country.

## Trafficking in Persons

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

## Persons with Disabilities

The constitution prohibits any kind of discrimination against citizens and requires the state to assist persons with disabilities and to protect their rights, including the rights to health care and financial protection. The constitution also requires the state to adopt measures to reintegrate and provide for the active participation in society of persons with disabilities. The law provides for equal rights to, and the active participation of, such persons in society. Observers reported that both the constitutional provisions and disabilities rights law were mostly ignored and unenforced.

Persons with disabilities faced barriers such as limited access to educational opportunities, inability to access government buildings, difficulty in acquiring government identification required for many government services and voting, lack of economic opportunities, and social exclusion due to stigma.

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

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

Human Rights Watch released a report in April in which a woman with a disability reported that Herat city offered no disability support services, including technical support for wheelchair damage. She told interviewers she was stranded indoors, unable to access recreational activities.

## Members of National/Racial/Ethnic Minority Groups

Ethnic tensions continued to result in conflict and killings. Societal discrimination against Shia Hazaras continued 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 police officers to symbolic positions with little authority within the Ministry of Interior. NGOs also reported Hazara ANDSF officers were more likely than non-Hazara officers to be posted to insecure areas of the country. During the year ISIS-K continued attacks against Shia, predominately Hazara, communities. On March 6, gunmen attacked a ceremony in Kabul attended primarily by Shia Hazaras, killing 32. On October 24, a suicide bomber killed 40 persons and wounded 72 others at an educational center in a Hazara neighborhood of Kabul. ISIS-K claimed responsibility. Many of the victims were between the ages of 15 and 26.

Sikhs and Hindus faced discrimination, reporting unequal access to government jobs, harassment in school, and verbal and physical abuse in public places. On March 25, gunmen attacked a Sikh *gurdwara* (house of worship and community gathering place) in Kabul, killing 25 and injuring 11. ISIS-K claimed responsibility for this attack. On March 26, an IED detonated during funeral services for the victims, injuring one. On March 27, police found and defused another IED near the Kabul *gurdwara*. In the months that followed, many Sikh families departed the country, going primarily to India, due to threats against Sikhs and what they perceived to be inadequate government protection. At year's end approximately 400 members of the Sikh and Hindu community remained in the country, down from approximately 600 at the start of the year.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual conduct. Under Islamic sharia law, conviction of same-sex sexual activity is punishable by death, flogging, or imprisonment. Under the penal code, sex between men is a criminal offense punishable by up to two years' imprisonment and sex between women with up to one year of imprisonment. The law does not prohibit discrimination or harassment based on sexual orientation or gender identity.

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals reported they continued to face arrest by security forces and discrimination, assault, and rape. There were reports of harassment and violence of LGBTI individuals by society and police. Homosexuality was widely seen as taboo and indecent. LGBTI individuals did not have access to certain health-care services and could be

fired from their jobs because of their sexual orientation. Organizations devoted to protecting the freedom of LGBTI persons remained underground because they could not legally register with the government. Even registered organizations working on health programs for men who have sex with men faced harassment and threats by the Ministry of Economy's NGO Directorate and NDS officials.

Saboor Husaini, a transgender activist and artist, died in a Herat hospital after being beaten by an unidentified group of men December 25.

### **HIV and AIDS Social Stigma**

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

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The labor 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 labor 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 labor 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 labor law identifies the Ministry of Labor and Social Affairs' (Ministry of Labor) 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 the labor law remained limited because of a lack of central enforcement authority, implementing regulations that describe procedures and penalties for violations, funding, personnel, and political will.

The government allowed several unions to operate, but it interfered with the National Union of Afghanistan Workers and Employees (NUAWE), forcing its offices to remain closed after several raids in 2018. The Justice Ministry blocked NUAWE from holding a congress, reneged on its promise to unblock union bank accounts, and refused to return confiscated properties until after a union congress. Freedom of association and the right to bargain collectively were sometimes respected, but most workers were not aware of these rights. This was particularly true of workers in rural areas or the agricultural sector, who had not formed unions. In urban areas the majority of workers participated in the informal sector as day laborers in construction, where there were neither unions nor collective bargaining.

### **b. Prohibition of Forced or Compulsory Labor**

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

Government enforcement of the labor law was ineffective; resources, inspections, and remediation were inadequate; and the government made minimal efforts to prevent and eliminate forced labor. Penalties were not commensurate with analogous crimes, such as kidnapping.

The government prosecuted and convicted two perpetrators of bacha bazi for kidnapping and increased the number of child protection units at the ANP. Despite consistent reports of bacha bazi perpetrated by Afghan National Army, ANP, and Afghan Local Police officials, however, the government has never prosecuted an official for bacha bazi, although the Attorney General's Office investigated and filed indictments against seven Kandahar security officers implicated in the sexual abuse and death of a boy in September. The government denied that security forces recruited or used child soldiers. Some victims reported that authorities perpetuated abuse in exchange for pursuing their cases, and authorities continued to arrest, detain, and penalize victims.

Men, women, and children (see section 7.c.) were exploited in bonded and forced labor. Traffickers compelled entire families to work in bonded labor, predominantly in the carpet and brick making industries in the eastern part of the

country. Some women who were sold to husbands were exploited in domestic servitude by their husbands. Men were subjected to forced labor and debt bondage in agriculture and construction.

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

### **c. Prohibition of Child Labor and Minimum Age for Employment**

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

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

Child labor remained a pervasive problem. Most victims of forced labor were children. Child laborers worked as domestic servants, street vendors, peddlers, and shopkeepers. There was child labor in the carpet industry, brick kilns, coal mines, and poppy fields. Children were also heavily engaged in the worst forms of child labor in mining, including mining salt; commercial sexual exploitation including bacha bazi (see section 6, Children); transnational drug smuggling; and organized begging rings. Some forms of child labor exposed children to land mines. Children faced numerous health and safety risks at work. There were reports of recruitment of children by the ANDSF during the year (see section 1.g.). Taliban forces pressed children to take part in hostile acts (see section 6, Children).

Some children were forced by their families into labor with physical violence. Particularly in opium farming, families sold their children into forced labor,

begging, or sex trafficking to settle debts with opium traffickers. Some Afghan parents forcibly sent boys to Iran to work to pay for their dowry in an arranged marriage. Children were also subject to forced labor in orphanages run by NGOs and overseen by the government.

According to the International Labor Organization and UNICEF, millions more children were at risk of child labor due to COVID-19, because many families lost their incomes and did not have access to social support. Child labor was a key source of income for many families and the rising poverty, school closures, and decreased availability of social services increased the reliance on child labor. Many children already engaged in child labor were experiencing a worsening of conditions and working longer hours, posing significant harm to their health and safety. Aid and human rights groups reported that child labor laws were often violated, and children frequently faced harassment and abuse and earned very little or nothing for their labor.

Gender inequalities in child labor were also rising, as girls were particularly vulnerable to exploitation in agriculture and domestic work. COVID-19 also increased violent attacks on schools and teachers, which disproportionately impacted girls' access to education and vulnerability to child labor. The UN Security Council reported that nine attacks against schools occurred between April 1 and June 30. Poverty and security concerns frequently lead parents to pull girls out of school before boys.

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

#### **d. Discrimination with Respect to Employment and Occupation**

The constitution prohibits discrimination and notes that citizens, both “man and woman,” have equal rights and duties before the law. It expressly prohibits discrimination based on language. The constitution contains no specific provisions addressing discrimination based on race, religion, national origin, color, sex, ethnicity, disability, or age. The penal code prescribes a term of imprisonment of not more than two years for anyone convicted of spreading discrimination or factionalism, which is commensurate to laws related to civil rights, such as election interference. A 2018 law criminalized physical, verbal, and nonverbal harassment,

punishable with a fine, but the law remained largely ineffective due to underreporting.

Women continued to face discrimination and hardship in the workplace. Women made up only 22 percent of the workforce. Many women faced pressure from relatives to stay at home and encountered hiring practices that favored men. Older and married women reported it was more difficult for them than for younger, single women to find jobs. Women who worked reported they encountered insults, sexual harassment, lack of transportation, and an absence of day-care facilities. Gender-based violence escalated with targeted killings of high-profile women in the public sector. Salary discrimination existed in the private sector. Men earned 30 percent more on average in the same occupations as women and 3.5 times more in agriculture and forestry, where women occupied two-thirds of the workforce. Female journalists, social workers, and police officers reported they were often threatened or abused. Persons with disabilities also suffered from discrimination in hiring.

The Ministry of Labor and the Ministry of Public Health jointly adopted a regulation prescribing a list of 244 physically arduous and harmful occupations prohibited to women and children, of which 31 are identified as worst forms of child labor that are prohibited to children younger than 18. It is not permissible for women and children to engage in types of work that are physically arduous, harmful to health, or carried out in underground sites, such as in the mining sector.

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

#### **e. Acceptable Conditions of Work**

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

The labor law defines the standard workweek for both public- and private-sector employees as 40 hours: eight hours per day with one hour for lunch and noon prayers. The labor law makes no mention of day workers in the informal sector, leaving them completely unprotected. There are no occupational health and safety regulations or officially adopted standards. The law, however, provides for reduced standard workweeks for children ages 15 to 17, pregnant women, nursing mothers, and miners and workers in other occupations that present health risks.

The law provides workers with the right to receive wages, annual vacation time in addition to national holidays, compensation for on-the-job injuries, overtime pay, health insurance for the employee and immediate family members, and other incidental allowances. The law prohibits compulsory work without establishing penalties and stipulates that overtime work be subject to the agreement of the employee. The law requires employers to provide day care and nurseries for children.

The government did not effectively enforce minimum wage and overtime nor occupational health and safety laws. The number of labor inspectors was not sufficient to enforce compliance, and inspectors have no legal authority to enter premises or impose penalties for violations. Resources, inspections, and remediation were inadequate, and penalties for violations were not commensurate with those for similar crimes.

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