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Afghanistan 2020

The current conflict in Afghanistan entered its twentieth year and continued to claim large numbers of civilian casualties. Attacks by the Taliban and other armed groups deliberately targeted civilians and civilian objects in violation of international humanitarian law; sites that were attacked included a maternity hospital and educational institutions. There was no accountability for these crimes as impunity persisted. Women and girls continued to face violence, harassment and intimidation. Violence against children persisted. Afghan asylum-seekers continued to be forcibly returned to Afghanistan, particularly from Iran where some had been attacked by the Iranian security forces. The Afghan Government established a Joint Commission for protection of human rights defenders and civil society activists in Afghanistan; the Commission will work under the Second Vice-President Mohammad Sarwar Danish, and the members include activists and the Afghanistan Independent Human Rights Commission.

Background

In February the Afghan Taliban signed a peace agreement with the USA ahead of a proposed withdrawal of US troops. The agreement included a pledge to release “up to 5,000” Taliban fighters held in Afghan government prisons from a list initially given to the USA, in exchange for 1,000 members of the Afghan security forces held by the armed group. The Afghan government resisted releasing 400 fighters from the list, who were alleged to be responsible for serious crimes. The proposed release of certain Taliban fighters also triggered concerns from France and Australia as it included those responsible for killing their soldiers. However, under pressure from the USA they too were released; a few who were accused of killing foreign citizens were subsequently transferred to Qatar. Eventually, more than 5,000 Taliban prisoners were released, including prisoners accused of serious crimes.

The US-Taliban peace agreement deferred the question of a political settlement in Afghanistan to direct talks between representatives of the Afghan government and various mainly political groups on one side, and representatives of the Taliban on the other. The so-called “intra-Afghan talks” began in September in Doha, Qatar. There was little representation of women on the side of the Afghan government, and no representation of women in the Taliban delegation. There was also no representation of conflict victims, despite the demands of human rights groups. By December, the negotiating teams had only agreed on an internal guiding principle for the negotiation processes.

Armed conflict

Despite the peace talks, the armed conflict continued to see civilians injured and killed throughout the year and a rise in the number of people internally displaced. According to the UN Assistance Mission in Afghanistan (UNAMA), 2,177 civilians were killed and 3,822 wounded between 1 January and 30 September. Although the figures represented a 30% reduction in civilian casualties compared with the same period in 2019, the number of civilian deaths remained almost the same.

UNAMA reported that the Taliban was responsible for 45% of the civilian casualties, and the armed group calling itself the Islamic State in Khorasan was responsible for 7% of the civilian casualties between 1 January and 30 September. Armed groups were collectively responsible for the deliberate targeting and killing of civilians, including teachers, health workers, humanitarian workers, judges, tribal and religious leaders, and state employees. The attacks included violations of international humanitarian law, including war crimes, with civilians and civilian objects deliberately targeted. In May, a maternity hospital in the Dasht-e-Barchi neighbourhood in the west of the capital, Kabul, was attacked by gunmen. They killed 24 people, including new-born babies, pregnant women and health workers. No group claimed responsibility for the attack.

Pro-government forces were responsible for more than a quarter of all deaths and injuries between 1 January and 30 September, with 602 people killed and 1,038 injured. These included 83 people killed and 30 injured by international military forces. According to UNAMA, the number of civilian

casualties attributed to the Afghan National Army had increased in comparison to the previous year, mainly from airstrikes and ground engagements. UNAMA said violence increased in the lead-up to the peace talks.

Children continued to be recruited for combat, particularly by armed groups and the Afghan security forces – pro-government militias and local police – and faced multiple abuses, including sexual abuse. Afghanistan continued to be, according to UNAMA, “one of the deadliest countries in the world for children”, with both pro-government and anti-government forces responsible for more than 700 child casualties each. In October, First Vice-President Amrullah Saleh announced ordering the arrest of an individual who reported civilian casualties in an Afghan government air strike on a school, which had killed 12 children. Later, the Takhar provincial governor’s spokesperson reported that he was removed from his position for reporting on child civilian casualties caused by the Afghan security forces.

Impunity

The peace agreement between the USA and the Taliban made no mention of human rights or of women. Under the agreement, impunity was preserved for serious crimes under international law by all parties. In September, the US administration cemented this position by imposing sanctions, including asset freezes, against the Prosecutor of the ICC, who was poised to lead an investigation into war crimes and crimes against humanity by all parties to the conflict since 2003.

Right to health

Afghanistan’s weak health care infrastructure was overwhelmed when COVID-19 swept across the country. A total of 52,011 cases and 2,237 deaths were recorded, which almost certainly did not represent the true scale of infection in the country. In most Afghan provinces there was no possibility of receiving a COVID-19 test, and samples were transported to the capital. The government’s response – implemented with the support of international donors – was sharply criticized, with allegations of corruption, and people with the greatest need of assistance being left behind. During quarantine, there were many reported cases of poor households having not been included in lists for the distribution of bread because they were not members of the community mosque, while those who were relatively better off received bread.

Internally displaced people, who were already living in precarious conditions before the pandemic, faced particular difficulties in accessing health care and basic amenities. Across the country, the number of people living in poverty remained high, at 55% of the population, and this figure was predicted to rise because of economic slowdown caused by the pandemic.

Refugees and internally displaced people

Iran, Pakistan, Turkey and EU countries continued to forcibly return migrants and asylum-seekers to Afghanistan, in violation of the principle of *non-refoulement*. These returns, which slowed for a period during the pandemic, were alarming in light of the health care situation in Afghanistan, the unabated conflict, and high levels of poverty.

The Iranian authorities forcibly returned nearly 700,000 people between 1 January and 31 October. Iranian border forces were also responsible for attacks on Afghan migrants, including cases of torture and drowning in May and an arson attack on a vehicle carrying migrants in June. The attacks were not investigated, and no action was taken against the perpetrators.

According to the International Organization for Migration, there were 4 million people internally displaced in Afghanistan in 2020, an increase from 1.2 million in 2016 and half a million in 2013. Throughout this time, internally displaced people languished on the brink of survival, in many cases living in densely populated camps and facing constant difficulties accessing clean water, health care and employment. Their situation deteriorated further as a result of the COVID-19 pandemic.

Women’s and girls’ rights

Violence against women and girls

Women and girls continued to face gender-based discrimination and violence throughout Afghanistan, especially in areas under Taliban control, where their rights were violated with impunity and violent “punishments” were meted out for perceived transgressions of the armed group’s interpretation of Islamic law.

Violence against women and girls remained chronically under-reported, with women often fearing reprisals and lacking confidence in the authorities if they came forward. According to the Afghanistan Independent Human Rights Commission (AIHRC), more than 100 cases of murder were reported during the year. Where these cases were reported, there was a persistent failure to investigate them. In some cases, victims of violence came under pressure from their communities or

state officials to withdraw their complaints, or “mediation” was used to resolve complaints beyond the protection of the law. As a result, there was widespread impunity for the perpetrators of beatings, killings, torture and other ill-treatment, and corporal punishments.

Women’s participation in government

Women’s participation in government remained limited despite some key improvements in the situation of women since 2000. Women’s participation in roles in provincial and local governments remained largely restricted, particularly in the social protection and education sectors. The few women in government faced intimidation, harassment and discrimination. They were not able to access office resources on equitable terms with male colleagues and were often denied overtime work and payment. Women were further denied adequate opportunities in decision-making roles and the attacks they faced while working in government offices were rarely investigated, with impunity persisting for the perpetrators.

Children’s rights

Children continued to face harassment and sexual violence. Despite the sexual abuse of children being well-publicized, and the abusive practice of “bacha bazi” (male children being sexually abused by older men) being criminalized in 2018, the authorities made little effort to end impunity and hold perpetrators accountable.

Children lacked adequate opportunities to pursue their right to quality education. According to UNICEF, over 2 million girls remained out of school, and according to government figures about 7,000 schools in the country had no building. Large numbers of children continued to be pressed into forced labour or begging on the streets.

Freedoms of expression, association and assembly

The conditions grew more difficult for journalists, media workers, and activists to function due to increasing insecurity and the targeted killings of activists, journalists, and moderate religious scholars. Journalists raised concerns over the lack of access to information and did not enjoy adequate protection from attacks by armed groups. The government introduced a draft mass media bill, which would have imposed further restrictions on the right to freedom of expression. It was forced to withdraw the bill in the face of widespread criticism.

Discussions were ongoing in parliament over a draft bill on public gatherings, strikes and demonstrations, which if passed would significantly restrict the right to freedom of peaceful assembly.

The cabinet rejected a third draft bill on NGOs after Amnesty International raised concerns that it placed unnecessary restrictions on registration processes and operational independence.

Human rights defenders

Attacks and targeted killings against activists, human rights defenders and journalists increased. Human rights defenders continued to come under attack, facing intimidation, violence and killings. In March, government officials in Helmand province physically assaulted human rights defenders who had alleged corruption. They needed hospital treatment for their injuries. In May, Mohammad Ibrahim Ebrat, a facilitator of the Civil Society Joint Working Group, was attacked and wounded by unknown gunmen in Zabul province. He subsequently died of his injuries. In June, two staff members of the AIHRC, Fatima Khalil and Jawad Folad, were killed in an attack on their car in Kabul.

In December, the Afghan government established the Joint Commission for protection of human rights defenders and civil society activists in Afghanistan. The Commission will work under the Second Vice-President Mohammad Sarwar Danish, and the members include activists and the AIHRC. It remained too early to assess the Commission’s effectiveness in protecting activists or ensuring attacks and threats are investigated and perpetrators are prosecuted.

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