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Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Afghanistan

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The UK continues to offer practical and political support to the Afghan government to help it honour its national and international human rights obligations and commitments. The country has seen decades of conflict. It is not surprising that significant challenges and obstacles remain. Improving respect for human rights is a long-term project. Overall, there were both positive and negative developments in the human rights sphere in Afghanistan in 2012. Civil society led the debate about reform of the electoral process in a manner that has not occurred prior to previous Afghan elections. Civil society organisations also informed discussions between the international community and government of Afghanistan at the Tokyo Development Conference, and there continues to be space for open debate in the Afghan media. The UK has provided training for the security forces on human rights, but significant challenges remain in this area. It is also deeply worrying that those who commit violence against women are rarely brought to justice, and human rights defenders continue to face significant risks. We are committed to improving the rights of women, ensuring there is space for civil society organisations to operate without restrictions, and developing strong institutions ahead of the 2014 elections.

With some success, in 2012 we built on the human rights commitments made by the Afghan government and the international community at the Bonn Conference in December 2011. The Tokyo Mutual Accountability Framework (TMAF), agreed at the Tokyo Development Conference on 8 July, reaffirmed the Afghan government's commitment to strengthen governance, including respect for human rights, the rule of law and the Afghan constitution. We welcomed the importance the May Chicago NATO Summit attached to a democratic Afghan society, based on the rule of law and good governance, where the human rights and fundamental freedoms of all its citizens are respected. The summit endorsed a Strategic Progress Report on mainstreaming UN Security Council Resolution (UNSCR) 1325 on women, peace and security into NATO-led operations and missions. The first Afghanistan-UK Joint Commission meeting in October, to review implementation of the Afghanistan-UK Enduring Strategic Partnership Document signed in January, was co-chaired by Afghanistan's Deputy Foreign Minister Jawed Ludin and FCO Senior Minister of State Baroness Warsi. At this meeting, ministers reaffirmed both countries' commitment to the protection of human rights, especially women's rights. The UK contributed

£500,000 to the Afghan Independent Human Rights Commission (AIHRC) to support its work on human rights, including the protection of human rights defenders.

In 2013, we will continue to support the Afghan government in implementing its TMAF commitments. The UK is due to co-chair the first review of the TMAF during 2014. Human rights, in particular women's rights, will be an important part of this review. We will continue our support to the AIHRC, and will encourage all Afghans to let it function without undue interference. In addition we will work to ensure that human rights considerations and the protection of women's rights are embedded in the transition process up to and during 2014. We will work for improved implementation of the Afghan Elimination of Violence Against Women (EVAW) law. In addition, Afghanistan will undergo its second UN Universal Periodic Review at the Human Rights Council in 2013, having had its first in 2009.

Elections

The UK is committed to supporting the Afghan government in developing strong, open and accountable democratic institutions, including parliament. We welcome the Afghan government's commitment to electoral reform in support of holding credible, inclusive and transparent elections in 2014 in line with the constitution, as demonstrated both in the TMAF and in President Karzai's anti-corruption decree in July. The openness and extent of debate on electoral reform in the Afghan parliament amongst political parties and wider civil society has been encouraging, but there is still some way to go. Debate around the reforms continues; draft legislation has proven contentious and its passage through the legislature is likely to be challenging.

We welcomed the Afghan Independent Election Commission's (IEC) announcement that the presidential and provincial council elections would take place on 5 April 2014. The IEC has reaffirmed its commitment to an electoral process where all Afghans, including women and minorities, are able to participate fully. We will continue to press the IEC and Afghan government to deliver on their commitments over the coming year. The UK is the largest bilateral donor to a United Nations Development Programme led multi-donor programme supporting the delivery of the elections. Our assistance is supporting the work of the IEC's Gender Unit; improving voter education, including amongst women and other marginalised groups; and increasing the number and quality of IEC female staff. We look forward to implementation plans being finalised in early 2013.

We continued to provide funding to the Free and Fair Election Foundation of Afghanistan (FEFA), as well as working with a range of other organisations to ensure the full participation of all Afghans, in particular women, in future elections. Our funding also supports the development and participation of parties in the political process.

Freedom of expression and assembly

The principles of free speech and free media are enshrined in the Afghan constitution and legislation. However, journalists continued to face intimidation and restrictions.

In May, the Ministry of Information and Culture (MoIC) published a new draft media law. Civil society and human rights organisations expressed concern about the lack of public consultation in the drafting process, and the possible impact of some provisions on freedom of expression and association. For example, increased government representation on media commissions risked compromising the independence of the media in Afghanistan. In response, the MoIC agreed to improve consultation with these organisations during the drafting process. We will continue to work with international partners and Afghan organisations to monitor developments in this area.

Access to justice and the rule of law

We have worked extensively with the Afghan government to improve the justice system. Our focus has been on enhancing the ability to prosecute those responsible for serious crime. Projects included capacity-building in the Criminal Justice Task Force, which investigates and prosecutes serious narcotics offences, and mentoring support to the Afghan Attorney General's office.

NATO basic training of all new Afghan National Police (ANP) recruits includes human rights awareness. We support the EU Policing Mission's work to strengthen the capacity of the Inspector General's Office to prevent, investigate and prosecute wrongdoing within the Ministry of Interior and the ANP.

In Helmand Province, we supported efforts to strengthen governance and improve access to justice. We provided mentoring and case-tracking support to judges, prosecutors and Huquq representatives (Ministry of Justice officials who act as intermediaries between the formal and informal justice systems). We provided training for legal professionals on criminal procedure, judicial ethics and fair trials, and funded lawyers to give legal aid to defendants in criminal cases.

We supported the Afghan government's efforts in 2012 to tackle corruption through technical assistance on law enforcement and asset recovery. We will use the TMAF process to continue to press for more effective action on corruption, which remains endemic.

Death penalty

We were deeply concerned that in November 2012, following President Karzai's approval, 14 individuals convicted of serious crimes were executed, especially given that since 2007 there had only been one reported execution in Afghanistan – in 2011. With our EU partners, we called for the Afghan authorities to reintroduce the moratorium on executions as a first step towards abolition of capital punishment, and we have made clear to the Afghan government the UK's opposition to the death penalty in all circumstances.

Prison and detention issues

We continue to encourage the Afghan government to carry out internal reforms to bring Afghanistan into full compliance with international standards on human rights. The international community and NGOs such as the AIHRC take a close interest in the treatment of detainees, and offer recommendations for improvements.

The UK takes allegations of the mistreatment of detainees seriously. In April, we suspended transfers of UK-captured detainees to the National Directorate of Security (NDS) in Lashkar Gah while a number of allegations of mistreatment there and at Helmand Provincial Prison (where those transferred would serve any prison sentence they received) were analysed, and further training and support provided. The UK Monitoring Team has continued to visit those UK-captured detainees transferred to Afghan custody before April to monitor their well-being. With the individual's consent, allegations of abuse and mistreatment are taken up with senior Afghan authorities and reported to the International Committee of the Red Cross and the AIHRC.

The UK implemented training and mentoring programmes, provided essential technical equipment to mitigate the risk of mistreatment, and encouraged further human rights reform and compliance with international standards within the NDS in 2012. Examples include training in how to manage a detention centre, human rights-compliant control and restraint training and a human rights course for detention officers in Kabul. We supported training by the UK's National Policing Improvement Agency for NDS investigators in interview skills and in using evidence. Training and professional development of NDS investigators to reduce reliance on confessions as a means of securing prosecutions began in April and will continue into 2013.

We will continue to support the Afghan authorities in tackling mistreatment and to establish processes that reduce the risk of abuse of detainees. We support legal and institutional reform and

will continue to invest in training, including on human rights, for those involved in the Afghan criminal justice system.

Women's rights

Men and women have equal rights under the Afghan constitution. Progress has been made on women's rights, including greater access to basic services such as health and education. There is a growing network of women's rights advocacy groups, and women's participation in public and political life has increased. More needs to be done by the Afghan government, however, to uphold its commitments to women's rights and to implement its international and national human rights obligations, including the National Action Plan for Women in Afghanistan, the National Priority Programme on human rights and social education, and human rights legislation such as the EVAW law. We will continue to support them in these efforts.

Afghan women are increasingly taking the lead in efforts to improve their position. In February, over 150 Afghan women and the Helmand Provincial Governor attended a women's shura (meeting) in Helmand – organised by the UK-led Provisional Reconstruction Team – to discuss women's and children's rights, including security, education, employment and the development of skills. However, women in Afghanistan generally still face huge challenges. In March, for example, the Ulema Council of Afghanistan, the senior official religious body, issued a statement on women's rights in Afghanistan. The statement condemned violence against women but also set out a strict code of conduct for women, reflecting the council's conservative Islamic views.

Violence against women and girls is particularly concerning. According to the UN, 87% of Afghan women will experience some form of violence during their lifetime. The December United Nations Assistance Mission in Afghanistan (UNAMA) report on the implementation of the EVAW law recognised the scale of the obstacles that remained but also noted some progress, particularly on the reporting of violence, which could be attributed to increased awareness of women's rights and better understanding of the law. We welcomed President Karzai's radio address to the nation in November condemning violence against women as being against the teachings of Islam and calling on religious scholars and community leaders to campaign to eliminate it.

UK ministers use every opportunity to raise women's rights during visits, as did Baroness Warsi in October and the Secretary of State for International Development, Justine Greening, in December. We will continue to push for progress on women's rights through our defence, development and diplomatic activities. These include political lobbying, projects to empower women to play a role in public life nationally and locally, practical support to women in their communities to help them improve their livelihoods and access to basic public services, and financial support for Afghan civil society organisations promoting women's rights, the AIHRC and the Ministry of Justice's Human Rights Support Unit. We actively encourage increased participation of Afghan women in the FCO Chevening Scholarship programme to develop the skills and experience to become future leaders in Afghanistan. We will support the Afghan government in the development of their UNSCR 1325 National Action Plan. Extensive new project activity is also planned for 2013 to support women's leadership at a national level.

Conflict and protection of civilians

The UNAMA report in July on civilian casualties recorded 1,145 non-combatant deaths in the first six months of 2012, a reduction from 1,510 during the same period in 2011. Insurgents were responsible for 80% of the killings. UNSCR 2069, adopted on 9 October, strongly condemned all indiscriminate targeting of civilians. UNSCR 2069 also expressed serious concern about the high number of civilian casualties in Afghanistan, in particular casualties among women and children, the majority of which are caused by Taliban, al-Qaeda and other violent extremist groups.

Members of the International Security Assistance Force (ISAF) take stringent measures to ensure the protection of civilians and to counter the threat posed by the insurgency. ISAF will continue to work with the Afghan government to put in place the most effective measures possible to protect the local population as the transition process continues and Afghan National Security Forces begin to take lead responsibility for security across the country.

Freedom of religion or belief

We work closely with our international partners to monitor religious freedom. We remind the Afghan government of its responsibility to abide by its national and international commitments and to respect the freedom of worship enshrined in Article 2 of the Afghan constitution. We have funded projects to promote religious tolerance and understanding, including a successful study visit to Egypt for 50 Afghan religious leaders, aimed at countering radicalisation and building understanding of the compatibility of Christianity and Islam.

Human rights defenders

Afghan civil society organisations have made some progress in increasing their presence, influence and strategic focus, in spite of operating in a challenging and often dangerous environment. The "Tawanmandi" project, jointly funded by the UK, Denmark, Norway, Sweden and Switzerland and launched in October 2011, has provided grants to 66 Afghan civil society organisations, including 35 women's organisations. It is active in 18 Afghanistan provinces, working to improve access to justice and human rights, support peacebuilding, conflict resolution and media freedom initiatives and tackle youth and disability issues. UK funding will remain in place until 2016. We will continue to help the AIHRC and other leading human rights organisations in 2013 to identify when human rights defenders are under undue pressure and offer appropriate support.

Minority rights

At the Tokyo Development Conference, the Afghan government pledged to ensure that the human rights of all Afghan people, including minorities, are protected and promoted, as enshrined in Article 22 of the Afghan constitution. We will continue to remind the Afghan government of the need to ensure the equal rights of all of its citizens and to uphold international human rights obligations.

Children's rights

The UK fully supports the UN's work to protect children in armed conflict. The AIHRC carries out a range of programmes which include promoting and protecting children's rights. We work to address violence against women and children through wider efforts to help reform the criminal justice system and through support for local NGOs. In addition, UK support through the Afghan Reconstruction Trust Fund enables the Afghan government to invest in children's education and provide access to basic healthcare.

In March, Afghanistan submitted its annual progress report to the Special Representative of the Secretary-General for Children and Armed Conflict on the implementation of their 2011 action plan against the recruitment and use of child soldiers. The report noted that although there has been progress in preventing child recruitment and other serious human rights violations, including a decrease in reported incidents of child abductions and sexual violence, some "non-government elements" continue to use children in armed conflict, and to target educational establishments.

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