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Human Rights and Democracy Report - Afghanistan

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2014 was a significant year, marked by the first constitutional peaceful transfer of power in Afghanistan's history. The elections began with the first round of voting on 5 April, and culminated on 29 September with the inauguration of President Ashraf Ghani; the formation of the National Unity Government (NUG); and the creation of a new Chief Executive role taken up by Ghani's electoral opponent, Dr Abdullah Abdullah.

President Ghani and the NUG have asserted their commitment to tackling human rights violations, and supporting women's rights. The London Conference on Afghanistan, held 3-4 December, provided a platform for the NUG to set out their vision. Human rights were featured in the conference's communiqué and the NUG's reform paper entitled "Realizing Self Reliance: Commitments to Reform and Renewed Partnerships", which highlighted a renewed commitment to strengthen measures to protect women against violence through the implementation of the Elimination of Violence against Women (EVAW) law; the development of a comprehensive database reporting cases in coordination with human rights and justice institutions; the development of a National Economic Empowerment Plan for women; and a commitment to promote human rights in the justice and security sectors by professionalising the court system and justice processes. The challenge in 2015 will be the implementation of these ambitious reforms.

There is an increased will from the Afghan government to tackle human rights injustices in Afghanistan, though the impact of decades of conflict and the challenges around building effective capacity and security remain. These will continue to be exacerbated by deep divisions in society and strongly held conservative values that slow up progress on women's rights, minority rights, religious freedom, and freedom of expression. Building Afghan capacity within government and civil society, and addressing the institutional challenges will require long-term sustained commitment from the UK and the international community.

The Afghanistan Universal Periodic Review (UPR) at the UN Human Rights Council (HRC) took place in January 2014. The Afghan government acted on both recommendations made by the UK: to repeal article 398 of the Penal Code, which gave perpetrators of so-called honour killings legal concessions; and for the Afghan Independent Human Rights Commission (AIHRC) to be given the independence and legal authority to hold perpetrators of detainee mistreatment to account.

Elections

On 5 April, 6.6 million Afghans, including 2.4 million women, went to the polls to elect a new president, as well as their provincial council representatives, in the first of two rounds of voting. Holding elections in the difficult circumstances faced by Afghanistan is a significant achievement that should not be underestimated.

The presidential election took place over two rounds with the two leading candidates, Dr Abdullah Abdullah and Dr Ashraf Ghani, contesting the second round on 14 June.

The Independent Election Commission (IEC) announced the preliminary results on 7 July, indicating that Ghani was on course to win. However, citing large-scale fraud and insufficient action from the IEC, Dr Abdullah challenged the preliminary results, which led to an impasse between the two candidates and an agreement for an unprecedented 100% audit of the votes. The UK supported this process, and provided observers as part of the EU Election Assessment Team. The audit ran from 17 July to 14 September. On 21 September a decision was reached to form a government of national unity with Ghani announced as the winner, and Abdullah taking on the newly created role as Chief Executive. A constitutional, peaceful transfer of power from President Karzai to President Ghani was a historic accomplishment for the country.

The NUG, under their political agreement on 21 September, committed to setting up a special electoral commission, with the objective of implementing reform in advance of parliamentary elections. This was reiterated at the London Conference and the UK remains committed to supporting electoral reform.

The UK was one of the leading donors to the UN Development Programme's (UNDP) ELECT II programme, having committed £20 million to help Afghan authorities prepare for the 2014-15 electoral cycle, building the capacity of the electoral management bodies (IEC, Independent Election Complaints Commission and Media Commission) and support technical preparations. We also contributed funds to the Free and Fair Elections Foundation of Afghanistan (FEFA), the leading domestic observation non-governmental organisation (NGO), which provided civic education, including on the rights of female voters. In addition, the UK funded an early warning system on security obstacles to female voters with the Research Institute for Women, Peace and Security.

We also committed £4.5 million through The Asia Foundation to support women's participation in the Provincial Council elections and next year's parliamentary elections. Almost 300 of the 308 women candidates received training, and a total of 97 women were elected from 458 seats (21%). 18 of those women were elected to the council without using the quota (i.e. through popular vote) and a woman Provincial Councillor from Daikundi, elected as a member of the Meshrano Jirga (upper house), attributed her success, in part, to this training.

We are providing a further £7.5 million to help to strengthen political institutions and processes from the start of financial year 2014-15, including providing training to women Provincial Councillors once they have been elected, in areas including negotiation and leadership, as well as constituency outreach.

Freedom of Expression and Assembly

The principles of free speech and free media are enshrined in the Afghan constitution under Article 34 and under the Mass Media Law legislation. However, journalists continue to face violence and restrictions. The NUG has taken early action in this area: in December, President Ghani signed the Access to Information Law, which allows Afghan citizens the right of access to information from the government and non-government institutions, and aims to ensure transparency and accountability in their conduct.

We raised our concerns for Afghan journalists during Afghanistan's UPR and our Embassy in Kabul continues to work closely with media contacts. We funded the Afghan Journalist Safety Committee, and will continue to stress the importance of upholding freedom of the press and media.

Human Rights Defenders

Afghanistan continues to be a hazardous operating environment for human rights defenders (HRDs), who face difficult and dangerous challenges in many parts of the country where legal protection and constitutional privileges have limited effect. We recognise in particular the courageous and dedicated efforts of those across Afghanistan who are working to defend the rights and fundamental freedoms of others, and to build a successful Afghan state. We raised our concerns regarding the safety of HRDs at Afghanistan's UPR in January, and again in June. We will continue to encourage the NUG to ensure the protection of those working to defend the rights of others.

We played a significant part in the EU's recent decision to increase support to HRDs, including plans to refresh their 2010 HRDs Strategy, and ensured that the protection of HRDs was included in the EU+ (i.e. EU plus member states) 2014-2016 Country Strategy for Afghanistan, published on 23 June. The Foreign & Commonwealth Office (FCO) also lobbied the EU to encourage governments to make specific commitments to protect HRDs, which resulted in a specific commitment on support to HRDs in the 2014 EU+ Local Strategy for HRDs in Afghanistan. We will continue to work with the EU and other member states to coordinate efforts, ensuring that this political commitment is put in to practice, and following up on our allocated responsibilities as part of the implementation. We will continue to support HRDs by: supporting and contributing to a range of protection measures; communicating and networking effectively; working closely with the UN and EU; and building capacity through the Afghan government and civil society, including the AIHRC. Further detail on our work and commitment to support HRDs can be found in the Human Rights Defenders Afghanistan Case Study in Chapter I.

We again provided £500,000 in 2014 to the AIHRC to support its work to promote and protect human rights, including supporting women's rights and HRDs. Our Embassy maintains a regular dialogue with the AIHRC and other leading human rights and civil society organisations, offering support, sharing views and building understanding.

We also sponsored an event for Human Rights Week, focusing on HRDs and protection measures. At the event our Ambassador urged the Afghan government to do more to protect HRDs.

Access to Justice and the Rule of Law

2014 saw a number of positive developments in the areas of rule of law and justice reform, despite the attention of Afghan institutions being diverted from reform efforts towards election security in advance of the first round of the Presidential elections in April and the second round in June. This comes against the backdrop of a fragile security situation, and significant challenges, notably increasing accountability in government institutions, ending discrimination of women and religious minorities in the justice system, and tackling the prevalence of corruption. Specific progress can be seen in reform of the justice sector, the promotion of Afghan National Police (ANP) female personnel, and institutional reform of the Ministry of Interior (MoI). In the justice sector, a key milestone was reached by the government with the ratification of the new Afghan Criminal Procedure Code (CPC) and improvements of its content. We are also providing training to counter-terrorism prosecutors and judges in the operation of the new CPC. We will continue to support the Afghan government in ensuring the full implementation of the law.

In line with the newly endorsed National Police Strategy (2014-18) and National Police Plan (2014-15), the Afghan government and the international community work to promote human rights, including women's rights. During 2014, the Afghan senior leadership publicly recognised the need to address these issues: for example, introducing a number of policies to aid the recruitment and improved working conditions of female police officers, though implementation on the ground remains slow. The signing of the "Strategy for the Management of the Affairs of ANP Female Personnel" in early 2014 is a significant step forward, and its implementation is supported by the EU Police Mission (EUPOL) and the UN Mission in Afghanistan (UNAMA).

Though societal acceptance of women in the police may be increasing, cultural resistance to female authority continues to be prevalent in some parts of the country. In October, just over 2,100 women were serving in the ANP, significantly fewer than the Afghan government's target of 5,000.

In the first months of the new Afghan government, President Ghani committed to addressing corruption as a priority. Through EUPOL, anti-corruption is included in mentoring plans and training curricula, and is an integral part of "train the trainer" courses. Progress on cooperation and coordination between representatives of the Attorney General's Office, Inspector General's Office, and the High Office of Oversight and Anti-Corruption in fighting corruption within the scope of their mandate, has been varied in different provinces. President Ghani committed to addressing the US\$1 billion Kabul Bank fraud case, and ordered an investigation. Following this investigation, the key perpetrators received ten-year sentences; however, asset recovery remains a challenge.

Death Penalty

Afghanistan retains the death penalty and the UK strongly opposes its use in all circumstances. We called for the abolition of the death penalty at Afghanistan's UPR last year. Most recently, President Ghani has committed to review 400 outstanding death penalty cases. We welcome this review and will continue strongly to condemn any future use of the death penalty.

Torture and Cruel, Inhuman or Degrading Treatment

The UK takes all allegations of torture very seriously, including mistreatment of detainees. We will not transfer detainees to the Afghan authorities where we judge there is a real risk of serious mistreatment or torture. We no longer conduct detention operations in Afghanistan, except in immediate Force Protection Conditions. Until June, we transferred UK-captured detainees to the US-mentored Afghan National Detention Facility at Parwan, where the standards of treatment are high. The detention facility is operated and controlled by the Afghans, with the US providing logistical and mentoring support. The UK transferred its last detainee to the Afghan authorities in June.

The Rule of Law Team at the Embassy in Kabul includes staff seconded from HM Prison Service and the Metropolitan Police, and formerly the Provincial Reconstruction Team (PRT) (now closed) in Helmand. The team worked closely with the National Directorate of Security and others, both in Kabul and Helmand. The UK provided training for the Afghan authorities throughout the criminal justice system, including investigation, detention, prosecution and judge-related activity, including on human rights. Through the Embassy and the PRT in Lashkar Gah, we provided mentoring support to the senior leadership of Afghan authorities involved in detention and investigation activity. We will continue to support the NUG's efforts to tackle mistreatment and abuse, and implement processes that reduce the likelihood of detainee abuse.

Conflict and Protection of Civilians

UNAMA reported 1,564 civilian deaths in the first six months of 2014, an increase from 1,319 during the same period in 2013. Insurgents were responsible for 77% of the killings. Members of the International Security Assistance Force (ISAF) took stringent measures to ensure the protection of civilians. Following the conclusion of ISAF, the Resolute Support Mission will continue to work with the Afghan government to ensure the most effective measures possible are in place to protect civilians.

Freedom of Religion or Belief

Article 2 of the Afghan constitution allows citizens the right to follow their own religion. However, religious minorities face violence and discrimination. We raised our concerns with the Afghan government during Afghanistan's UPR last year.

We carried out a variety of activities within Afghanistan to promote freedom of religion or belief, including supporting human rights awareness training. We also engaged with religious leaders and scholars, both at a central and provincial level, and have attended peace Shuras to discuss the role of religious leaders in promoting peace and tolerance at a local level.

We will continue to support the implementation of international human rights obligations, to support individuals who face persecution on the basis of religious belief, and to condemn instances of violence and discrimination against individuals and groups on the basis of their religion.

Women's Rights

The NUG committed to ensure the protection and progression of women's rights with both President Ashraf Ghani and Chief Executive Abdullah Abdullah making public statements in support of women's rights issues, and pledging the preparation of a National Economic Empowerment Plan for women. We welcome this renewed commitment, and have made clear to the Afghan government that the historic gains made on women's rights must not be lost. In June, we funded the Afghan delegation to the Global Summit to End Sexual Violence in Conflict, and the Embassy hosted an event with the Ministry of Interior, Police, Army, ISAF, Ministry of Women's Affairs, and NGOS to look at barriers to women accessing justice.

Men and women have equal rights under the Afghan constitution. However, Afghanistan remains a deeply conservative country. Life for many Afghan women is controlled under a strictly patriarchal society resulting in restricted freedom of movement, and limited access to healthcare services, justice and the workplace. Substantial improvements to the situation for women are likely to be achieved over a long time period, and progress is likely to come in small steps.

The Department for International Development (DFID) is contributing £3 million to a joint UK and Australian programme to strengthen access to justice for women affected by violence, and build awareness of women's rights. It aims to reach at least 30,000 women in 12 provinces, and work with men on changing norms around violence. The Tawanmandi programme to strengthen Afghan civil society has supported a larger number of civil society organisations in efforts to eliminate violence against women, including supporting access to legal services and rights; provision of services to survivors of violence; and building awareness on women's rights. In 2014, we also allocated over £300,000 to address the psychological needs of victims of sexual harassment and violence in Afghanistan, and provided £500,000 to the AIHRC to ensure it can act to protect women's rights.

We also supported girls' access to quality education through our contribution to the multi-donor Afghanistan Reconstruction Trust Fund (ARTF), and the £48.4 million Girls' Education Challenge Fund (2013-17), which targets the hardest to reach and poorest girls in marginal areas. The Girls'

Education Challenge Fund will reach 180,000 girls; to date, it has enabled over 80,000 girls to enrol in community education across 16 provinces, with over 2,500 community-based and 1,300 government school teachers trained.

Women's and girls' rights featured prominently at the London Conference on 3-4 December. The NUG set out a reform agenda that included and recognised the central role of women and youth. Women's rights issues were incorporated across all of the main themes and events at the conference. This included an associated event, "Ayenda", for civil society, and a session in the main plenary to report back on the key messages that emerged from the Oslo Symposium on Women's Rights and Empowerment in Afghanistan on 23 November. FCO Minister for Human Rights, Baroness Anelay, attended and spoke at the symposium.

On 11 December, the UK published an implementation plan for the "UK National Action Plan on UNSCR 1325 Women, Peace and Security". Afghanistan is one of six priority countries for the National Action Plan. The implementation plan sets out activities we will pursue with a view to measuring progress on targets set out in the National Action Plan.

We will continue to work with the international community and the NUG to ensure that commitments are taken forward at the Senior Officials meeting in spring 2015.

Minority Rights

The Tokyo Mutual Accountability Framework includes a commitment to protect and promote the human rights of all Afghan people, including minorities, as enshrined in Article 22 of the constitution. We continue to discuss progress against commitments made at the Tokyo Conference, including on human rights, with the Afghan government.

We raised our concerns regarding minority rights with the Afghan government during Afghanistan's UPR earlier this year. President Ghani met representatives from minority groups to discuss their concerns and look at how the NUG can better support them.

Children's Rights

We welcome Afghanistan's progress in this area, and its implementation of an action plan for the UN campaign "Children, Not Soldiers". In particular, we welcome the endorsement by the Afghan Inter-Ministerial Steering Committee on children and armed conflict of the roadmap to compliance and legislation to ban the recruitment of children in the Afghan National Security Forces.

However, children continue to face significant challenges, including violence, exploitation, sexual abuse, child labour and early marriage. We raised our concerns regarding the situation for children during Afghanistan's UPR, and will continue to support the work of the AIHRC and the UN on children's rights.

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