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August 27, 2015

Pauline Hayes
Deputy Director, Western Asia and Stabilization Division
Department for International Development
United Kingdom

Dear Mrs. Hayes,

We write to you ahead of the Senior Officials Meeting (SOM) in September in Kabul to urge the UK government to strengthen its support for the protection and promotion of human rights in Afghanistan through continued emphasis on the deliverables of the Tokyo Mutual Accountability Framework (TMAF).

We are concerned that the withdrawal of most international forces at the end of 2014 has created a real risk that international partners will reduce their commitment to Afghanistan on the basis that the core security mission has been accomplished. We ask that you and other international donors not adopt this approach, but rather recognize that safeguarding human rights is crucial for a more stable, inclusive, and prosperous Afghanistan.

We understand that donor countries are currently working with the National Unity Government of Afghanistan to develop the SOM agenda. There are indications that the Realizing Self-Reliance paper, presented by President Ashraf Ghani at the December 2014 London Conference, will be the centerpiece of the agenda. If this is the case, we are concerned that measurable commitments to human rights included in the TMAF are at risk. Rather than moving away from the TMAF, donors and the Afghan government should be looking to build on the TMAF by updating it and looking for areas of agreement on new tough but realistic – and, importantly, measurable – commitments to add, including on human rights.

The July 2012 Tokyo Conference on Afghanistan marked the first time that the Afghan government and the international community reached an agreement about specific and measurable targets the Afghan government was expected to meet in return for a commitment by donors to provide

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ongoing financial and technical support. The Senior Officials Meeting held in Kabul in July 2013 was the first time the Afghan government and its international supporters sat face to face to update each other on progress in TMAF deliverables.

In contrast, the Realizing Self-Reliance paper, while reaffirming Afghanistan's human rights commitments, including its obligation to implement the Elimination of Violence Against Women (EVAW) Law, lacks specific goals and measurable benchmarks for progress on human rights. Instead, the paper focuses primarily on fiscal reforms to curb corruption and ensure sustainability, and on economic development. These are important concerns, of course, but depart from the TMAF structure of benchmarked government goals in a way that largely frees the Afghan government from delivering on previously agreed upon commitments to human rights. The Realizing Self-Reliance paper is also a return to the model that proved ineffective in pre-Tokyo Conference efforts at setting goals, such as the 2010 London Conference, where the lack of specific measurable benchmarks made it impossible to monitor progress concretely.

Defending the gains of the last decade requires continued support to, and pressure on, the National Unity Government. Afghanistan is at a critical juncture, and it is more important than ever to ensure that protecting civilians and strengthening human rights remain priorities for the government in the continuing conflict and in the negotiations for any eventual agreement to end hostilities. The representation of women in all peace efforts represents one such commitment.

We include specific recommendations for the UK and other international donors to commit to at the SOM in Kabul. These recommendations relate to three main areas: security force accountability, women's rights, and the Afghanistan Independent Human Rights Commission.

Accountability of State Security Forces

We were encouraged by President Ghani's decision this year to launch a National Action Plan to end torture, and his commitment to ensure that members of the security forces responsible for torture would be prosecuted. However, the Realizing Self-Reliance paper makes no mention of the Action Plan on torture, and mentions only reforms to police training.

The United Nations Assistance Mission in Afghanistan (UNAMA) has published regular reports that show that, despite modest progress toward the end of 2014, torture and enforced disappearances by the security forces remain widespread. In recent interviews with Human Rights Watch, human rights advocates in Kabul have indicated that torture

appears to be on the increase since early 2015. According to UNAMA, only one member of the Afghan security forces has ever been prosecuted for the torture or ill-treatment of detainees. Human Rights Watch recognizes that Afghanistan's security forces are under great pressure from the Taliban and other insurgent groups. However, abuses by the security forces violate Afghanistan's international legal obligations, bring great harm to the general population, and fuel the insurgency by alienating local communities. To curtail impunity, we urge you to press President Ghani to commit to:

- Implementing the provisions of the National Action Plan to end torture by initiating investigations and prosecutions based on the UNAMA findings;
- Ratifying the Optional Protocol to the Convention Against Torture;
- Ensuring that Afghan security force personnel implicated in serious human rights violations, including those having command responsibility over abusive forces, are credibly and impartially investigated and disciplined or prosecuted as appropriate; and
- Creating effective accountability mechanisms empowered to conduct investigations into allegations of torture and other ill-treatment of detainees and prisoners, with the recognition that future international support will be linked to demonstrated improvements in security force accountability.

Women's and Girls' Rights

The Realizing Self-Reliance paper does note the government's commitment to ending discrimination and violence against women, and to supporting women in the police force. However, it fails to provide specific, measurable targets.

President Ghani and Chief Executive Abdullah Abdullah have signaled their support for reforms enumerated in the Afghan Women's Six-Point Petition. These include enforcement of the EAW Law; support for women's shelters; increased recruitment and retention of women in the security forces; increased appointments of women in judicial and legal posts and the civil service; and implementation of a plan to include women in peace-building in accordance with UN Security Council Resolution 1325. To make sure these reforms take place, we urge you to press President Ghani to commit to:

- Issuing a decree directing all police and prosecutors to fully and vigorously enforce the EAW Law, and to speak out publicly about the importance of access to shelter for all women and girls fleeing violence;
- Supporting the establishment of specialized EAW prosecution units within the Attorney General's Office in all provinces, and monitoring the work of these units

- through annual reports on the number of cases reported, investigated, and prosecuted, as well as information on cases resolved outside the courts;
- Ensuring sufficient support to establish at least one women’s shelter in each province, and creating public awareness programs to ensure that all women and girls know how to access shelter;
 - Increasing the number of women at all levels of Afghanistan’s judicial and law enforcement institutions, including the Supreme Court, and ensuring adequate protection for women in these positions from security threats; and
 - Adopting an implementation plan for Afghanistan’s 1325 National Action Plan that outlines detailed steps including a requirement that women be full participants in all peace negotiations.

There is also an urgent need to end all prosecution of women and girls for “moral crimes,” including “running away,” and *zina* (sex outside of marriage). President Ghani should be pressed to commit to:

- Prohibiting all prosecutions for “moral crimes” and ending the use of “virginity examinations”; and
- Establishing strict guidelines permitting the use of vaginal examinations solely for evidence collection in rape cases, with clear protocols for informed consent and support to the woman or girl being examined.

Your government can also do more to ensure that crimes against women are investigated by urging the Afghan administration to increase female participation in the Afghanistan National Police. We urge that your government:

- Tailor assistance to police to enforce the EAW Law through: earmarking funding for the recruitment and retention of female police officers; funding construction of safe toilets and changing rooms for female police officers; urging careful management of the role and career progression of female police officers; monitoring the functioning of police Family Response Units; and linking overall funding to benchmarks including the number and rank of female police.

We also urge you to monitor the Afghan government’s compliance with the recommendations made by the UN Committee on the Elimination of Discrimination against Women.

Afghanistan Independent Human Rights Commission

The Afghanistan Independent Human Rights Commission (AIHRC) has played a vital role in

advocating for human rights for more than a decade. However, weak appointments have reduced its effectiveness and damaged its reputation.

The Realizing Self-Reliance paper notes the importance of the AIHRC retaining its “A” accreditation with the International Coordinating Committee for National Human Rights Institutions. The AIHRC has risked losing that status because of the way unqualified commissioners were appointed. Given the longstanding support to the commission from the donor community, we urge the UK government and other international partners to:

- Press President Ghani to review commissioner appointments to ensure that commissioners are actively contributing to the achievement of the AIHRC’s mandate, and to dismiss those who have failed to do so, as permitted by article 14 of the Law on the Structure, Duties and Mandate of the AIHRC; and
- Ensure that the AIHRC has the resources necessary to perform its functions.

We also urge you as donors to meet regularly with the AIHRC to signal both continuing support for its work and international interest in its role as the most important institutional advocate for human rights in Afghanistan.

Thank you for your consideration of these issues. We would welcome the opportunity to discuss them with you or your staff in advance of the Senior Officials Meeting in Kabul.

Sincerely,



Brad Adams
Executive Director
Asia Division