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Strengthening the rule of law and protection of human rights, including women's rights, is key to any development plan for Afghanistan

Open Letter to participants in the International Donors Conference on Afghanistan in Tokyo, 8 July 2012

On 8th July 2012 the leaders and foreign ministers of more than 70 countries and international organizations including the United Nations are coming together in Tokyo to consolidate plans for Afghanistan through pledging of funding and institutional support beyond 2014. This includes a commitment between Afghanistan and its international partners to create a follow up mechanism in which the mutual commitments made at the conference will be reviewed by both Afghanistan and the international community. The Tokyo Conference is expected to provide robust assistance by the concerned nations for Afghanistan beyond 2014.

Amnesty International urges world leaders to reaffirm that the rights of women, the rule of law, and other human rights issues are crucial to any development plan for Afghanistan when they meet in Tokyo next month.

Amnesty International urges all the participating nations, intergovernmental and international organizations at the conference to ensure that while pledging funding to the country there is adequate support and clear benchmarks for strengthening human rights including women's rights and the rule of law in Afghanistan.

This Open Letter highlights priority human rights issues which are key for sustainable development, and a secure and peaceful Afghanistan beyond 2014. Amnesty International urges the Afghan government and its international partners to improve human rights in the country by taking concrete action in the following key areas.

1. Improve accountability of Afghan and international security forces

By 2014, international forces will complete the transition of security responsibility to the Afghan National Security Forces (ANSF), and beyond 2014 NATO's role will change from combat to training, advice and assistance to the ANSF. Amnesty International is concerned that security responsibility is being transferred to Afghan government forces without sufficient steps to ensure adequate resources, mechanisms, or political will within the ANSF and other Afghan agencies to protect civilians during the conduct of military operations and investigate allegations of human rights violations, including torture.

Amnesty International urges the Afghan government to:

- Invest in adequate training on international humanitarian and human rights law, including guidance on women's human rights, for the protection of civilians and civilian objects and the respect and fulfilment of human rights more generally, both during war and peace time.

- Oversee the creation of a mechanism to monitor and investigate civilian casualties and injuries, or destruction of civilian objects, attributed to the ANSF, and to ensure timely and effective remedies when such acts do occur. The ANSF should have in place detailed procedures for recording casualties, receiving claims, conducting investigations and ensuring full reparation, which includes restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Independent oversight of the mechanism should also be established.
- Ensure that all the senior members of the ANSF including the National Security Directorate (NDS) are fully vetted for their human rights record and their engagement in any human rights violating activity which constitutes a crime, whether under national or international law.
- Ensure that Afghan Local Police, also known as auxiliary police and arbakis, are fully and adequately trained, equipped and disciplined to comply with their obligations under international human rights law and humanitarian law.

International actors should support these efforts.

Also in June 2010 the North Atlantic Council adopted non-binding guidelines on civilian compensation for all troop-contributing nations in Afghanistan. Amnesty International welcomed the guidelines and calls on all ISAF/NATO contributing nations to ensure that:

- The Commander of ISAF (COMISAF) fully implements the guidelines on civilian compensation by issuing a tactical directive describing the importance of fully addressing civilian harm when it occurs, and providing detailed procedures for recording casualties, receiving claims, conducting investigations and offering amends in the form of compensation, apologies and other responses that reflect recognition of the inherent dignity of every person affected by the conflict.
- All ISAF/ NATO contributing nations fully investigate all allegations of civilian casualties and harm resulting from international military operations and deliver effective remedies, including compensation before withdrawal troops in 2014 to avoid leaving a legacy of unresolved claims.

2. Support a mid- and long-term mechanism for internally displaced people

The number of displaced persons within Afghanistan has reached a record half-million. Conflict-induced displacement increased rapidly in the first half of 2011. The UN High Commissioner for Refugees (UNHCR) estimated that by the end of 2013 there will be 700,000 internally displaced persons in Afghanistan.¹

Many displaced persons must subsist in urban slums.² The majority experience multiple human rights problems, including forced evictions and deprivation of the rights to adequate housing, food, water, health and education, which could further erode the country's hard-won advances and lead to greater instability in the otherwise relatively stable urban areas.

The Afghan government and its international donor partners should plan to allocate adequate resources and expertise to solve the issues of displacement in the mid and long term.

- The Ministry of Refugees and Repatriation of Afghanistan and all its provincial departments should ensure that all returning refugees and internally displaced persons receive emergency

¹ UNHCR, 2012 UNHCR country operations profile – Afghanistan, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486eb6> , accessed 26 June 2012

² Amnesty International, *Fleeing War, Finding Misery: The plight of Afghanistan's internally displaced*, February 2012, (Index: ASA 11/001/2012) available at: <http://www.amnesty.org/en/library/info/ASA11/001/2012/en>

humanitarian aid without delay to provide for their immediate needs including housing, food, water and health care.

- The Ministry of Refugees and Repatriation should receive adequate financial and technical resources to comply with Afghanistan's obligation to provide displaced persons and returning refugees with immediate humanitarian assistance.
- International donors should ensure that their humanitarian assistance to Afghanistan includes a focus on internally displaced persons and returning refugees and should support initiatives that address the priority needs of these populations.
- In the long term, the Afghan government must develop a realistic, comprehensive national action plan to help displaced people. Working with international donors and aid agencies, the government should involve displaced persons themselves in plans for return or resettlement, and work to provide livelihood opportunities for the displaced and returnees to encourage sustainable reintegration.

3. Support women's rights in Afghanistan including political participation, particularly participation in any peace and reconciliation process

Women have the right to equality with men before the law, and the state must ensure to women, on equal terms with men, the right to take part in public affairs, participate in the formulation of public policy, hold public office and perform all public functions.

To fulfil these rights, the Afghan government should take steps to increase the meaningful role of women in the peace and reconciliation process and other aspects of political participation. The Afghan government should implement the National Action Plan for the Women of Afghanistan and the relevant provisions of the constitution in line with its obligations under the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women, as well as UN Security Council resolutions relevant to the security of women in Afghanistan and their role in conflict resolution. These includes resolution 1325 (2000) and 1960 (2010) on women, peace and security.

Afghan civil society groups, in particular women's groups, are also concerned about being sidelined in key decision making processes, as the government assumes security responsibility for the country and seeks a political settlement with Taleban elements. They have repeatedly sounded the alarm about the worsening human rights situation in some parts of Afghanistan and prospects for it to deteriorate further if key constitutional guarantees for protecting human rights including women rights are sacrificed in the political settlement process.

The 70-member High Peace Council set up to negotiate with the Taleban includes former Mujahideen and warlords allegedly responsible for multiple human rights abuses. Some are accused of massacring civilians during civil war of the 1990s, some are notorious for their persecution of women. Only nine women have been appointed to the High Peace Council, despite Afghan women's calls for gender parity and at the very least 25% of seats in line with the Afghan constitutional guarantee for women's representation in the parliament.

Today in areas under their control, as when in government, the Taleban have severely curtailed the rights of girls and women, including their freedom of movement and political participation. The Taleban have also made little effort to distinguish between civilians and military targets and have deliberately targeted civilians including through suicide bombings and roadside attacks, killing and injuring thousands of civilians including women.³ Amnesty International has received credible information that

³ UNAMA Press Release: Civilian casualties rise for fifth consecutive year in Afghan conflict, 04/02/2012, <http://unama.unmissions.org/Default.aspx?ctl=Details&tabid=1741&mid=1882&ItemID=16242>, accessed 26 June 2012

Afghan women, particularly women's human rights defenders, increasingly face threats, intimidation and attacks especially in areas undergoing security transition or under the control of the Taliban.

Amnesty International urges the Afghan government and its international partners to:

- Ensure that the Afghan constitutional guarantee of at least 25% of parliamentary seats for women is also applied to other aspects of political participation, including women's appointment to ministerial posts, the High Council of Judiciary, High Peace Council and other top decision making positions.
- Ensure that human rights including women's rights to security, political participation and justice are not traded away or compromised with the transition of security responsibility to the ANSF or through reconciliation talks with the Taliban.
- Ensure that long term and adequate financial resources as well as political support is provided to Afghanistan civil society and human rights groups including women's rights groups beyond 2014.
- Establish a joint-protection taskforce for women human rights defenders within the Afghan Ministry of Women's Affairs to monitor intimidation and attacks against them and to coordinate effective responses among all government agencies.
- Continue to increase the proportion of women playing an active role in the ANSF, in particular the Afghan National Police, ensuring their safety and dignity in their own workplace.

Yours sincerely

Catherine Baber
Asia-Pacific Director
Amnesty International