

Amnesty International

Public statement

Index: ASA 11/1231/2015
18 March 2015

UNAMA mandate extension a clear reminder to prioritise human rights in Afghanistan

The Afghan people have lived through decades of insecurity, conflict and human rights abuses. With a new government in place and the transition of security responsibilities to Afghan authorities completed, it is time for renewed commitments by all stakeholders to make the human rights of all Afghans a lived reality.

Adopting [resolution 2210 \(2015\)](#) on 16 March 2015, the United Nations Security Council renewed for a further year the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA), which continues to provide important assistance to the authorities in areas of paramount importance for human rights, good governance and institution-building. UNAMA has a key role in engaging with a broad range of civil society organisations, including women human rights defenders, in all parts of the country. UNAMA should also continue supporting the capacity and independence of the Afghan Independent Human Rights Commission (AIHRC). This engagement with key institutions and with the broader population is essential to make progress on Afghanistan's path to an inclusive, peaceful future.

Resolution 2210 (2015) in several places reiterates the importance of recognising Afghan sovereignty, leadership and ownership. Additionally, paragraph 48 has been added to the resolution requesting that the Secretary-General initiate a process to conduct within six months "a full examination of the role, structure and activities of all United Nations entities in Afghanistan, in full consultation and engagement with the Government of Afghanistan and key stakeholders, including the donor community, in light of the completion of transition and the beginning of the Transformation Decade and in accordance with the principles of Afghan national sovereignty, national leadership and national ownership". In reviewing the role of the UN system, it is important that all involved in this process recognise the importance of continued prioritisation of human rights, the application of the international human rights legal framework and the role of the United Nations in supporting countries, including Afghanistan, to meet their human rights obligations.

The challenges at present are considerable in Afghanistan, and Amnesty International wishes to make the following recommendations to Afghanistan and the international community with regard to implementation of resolution 2210 (2015) adopted by the Security Council.

Protection of civilians and lack of accountability

There is growing insecurity throughout the country in view of the end the mandate of the International Security Assistance Force (ISAF) and continued violence perpetrated by armed groups, some of which now claim a connection to the so-called Islamic State, or ISIS. In 2014, civilian casualties were at an all-time high, according to UNAMA. The Taliban and other armed insurgent groups were responsible for more than 72% of civilian casualties, with 14% attributed to pro-government forces. A further 10% of casualties occurred during ground engagement between pro-Afghan government and Taliban insurgents and could not

be attributed to any group.¹ The Taliban and other armed insurgent groups frequently attacked targets within easy reach, causing large numbers of civilian casualties. Casualties of women and children both increased by 21% from 2013, highest since 2009. The NGO Safety Organization in Afghanistan recorded 153 attacks on aid workers between January and August 2014, resulting in 34 people killed and 33 injured. The government attributed the majority of these attacks to gunmen belonging to insurgent groups, including the Taliban. Attacks against journalists are also perpetrated by pro-government forces.

There were significant failures of accountability for civilians killed or otherwise harmed, including a lack of prompt, thorough and effective investigations. This has left many victims and their families without access to justice and reparation.² The lack of accountability for civilian casualties caused by international forces continues to be unaddressed. This must be tackled urgently.

The need to minimise civilian casualties and to ensure accountability for any incidents holds true also for the future, both with regard to operations carried out by the Afghan National Defence and Security Forces (ANDSF) and those conducted by international forces in the framework of the Resolute Support Mission (RSM) and other bilateral security arrangements. While the role of RSM is to “advise, train and assist” the ANSF, some international forces are still participating in operations. The USA has for example committed its troops to remain engaged in combat until the end of 2015.

In implementing resolution 2210 (2015), Afghanistan, and those participating in operations, must:

- Protect civilians against violent attacks by Taliban and other armed groups, including by bolstering the security response, while fully respecting human rights;
- Minimise to the greatest extent possible any civilian casualties caused by pro-government forces, which include international military forces, as well as private security contractors and pro-government militias; including by fully observing all relevant provisions of international humanitarian law and international human rights law in operations against the Taliban and other armed groups;
- Ensure that all allegations of serious human rights violations by national and international military operations, including those committed during night raids, are fully investigated and, if there is sufficient admissible evidence, prosecute persons suspected of crimes before ordinary civilian courts in fair trials without recourse to death penalty;
- Ensure that the protection of civilians and respect for international human rights and humanitarian law, including accountability for all human rights violations and abuses, remain a priority in any possible future peace talks with the Taliban.

¹ <http://www.unama.unmissions.org/Portals/UNAMA/human%20Rights/2015/2014-Annual-Report-on-Protection-of-Civilians-Final.pdf>

² Please see further details in Amnesty International's report. *Left in the dark: Failures of accountability for civilian casualties caused by international military operations in Afghanistan*, 11 August 2014, Index number: ASA 11/006/2014, <https://www.amnesty.org/en/documents/ASA11/006/2014/en/>

The situation of women and girls

Women and girls continue to face human rights abuses in public and private spheres. There has been an increase in reported crimes against women and girls,³ but it is not clear whether this was due to an increase in violence or in awareness and access to complaint mechanisms for women. At the same time, under-reporting remains a problem, and the actual number of cases of violence against women is likely to be much higher.

The new government has committed to promoting and protecting women's rights in Afghanistan, and to ensure their political participation. During President Ashraf Ghani's inauguration speech, he stated that "Women and youth will have a wide participation in my government." He also tweeted on International Women's Day that "Preserving the rights of women, their empowerment/participation is our top priority."

However, the new electoral law approved by the former president, Hamid Karzai, on 20 July 2013 reduced the quota of women's seats in provincial councils from 25 percent to 20 percent, and the continued lack of women participating in the peace process continues to be a cause for concern. Only nine women have been appointed to the 70-member High Peace Council, the Afghan government's body charged with leading proposed peace and reconciliation talks with the Taliban and other armed groups. The numbers of these women is not enough to safeguard the rights of women. Attacks against female candidates running for political or other offices remains a great challenge. The genuine participation of women in all areas of political, economic, and social life of Afghanistan is key for the country's path towards inclusive and sustainable peace.

Despite much progress made in the past 13 years in the area of women's rights in Afghanistan, women human rights defenders remain at risk – not only because of their words or actions of promoting and protecting women's rights, but also because of who they are, as women in public life. Many are threatened, attacked or killed - not only by the Taliban and armed opposition groups, but also by other conservative members of the Afghan government, community members and some time by their own family members, with little to no access to protection.

In implementing resolution 2210 (2015), Afghanistan, supported by UNAMA and other international partners, should:

- Ensure that women and girls' human rights remain a key priority. The Afghan authorities must ensure that hard-won gains regarding women and girls' participation and human rights are maintained and advanced. In order to assist Afghanistan in this regard, UNAMA must continue to give strong, explicit support to senior gender expertise and advice within its mission structure;
- Support women human rights defenders, including by ensuring their freedom of expression, movement and association, as well as protection measures where needed. UNAMA should include gender-disaggregated data when reporting on the situation of human rights defenders in the UN Secretary General's reports to the Security Council and OHCHR reports to the Human Rights Council;
- Ensure women's security and ability to move freely throughout the country, including by countering the Taliban and other armed groups, in full respect for human rights and international humanitarian law;

³ In 2014, the Afghanistan Independent Human Rights Commission (AIHRC) registered 4,154 cases of violence against women in the first half of the year alone, a 25% increase on the same period in 2013. According to the Afghan Ministry of Public Health, there were 4,466 cases of self-poisoning and 2,301 cases of self-immolation by women during the year, resulting in the deaths of 166 women. Gender-based violence was reported as the primary cause of these acts of self-harm, followed by conflict-related trauma and displacement.

- Implement UN Security Council resolutions on Women, Peace and Security, including by increasing the number of women in the High Peace Council, based on merit, and ensure they are not sidelined in key decision-making processes; ensure women's involvement in all efforts to establish a lasting peace in Afghanistan, including in peace *jirgas* and any peace negotiation process;
- Develop a comprehensive strategy to implement fully the Elimination of Violence Against Women (EVAW) Law, and instruct all Afghan law enforcement agencies across the country to fully implement the EVAW law in practice;
- Nominate and appoint, based on merit, women to functions at all levels of executive, legislative and judiciary, including to the High Judicial Council, which is the highest level of judicial decision making in Afghanistan.

Internally displaced persons (IDPs) and refugees

The number of refugees and IDPs have remained staggering in Afghanistan. The UN High Commissioner for Refugees (UNHCR) estimates that Afghans continue to count, following Syria, among the highest number of refugees in the world, with neighbouring Iran and Pakistan hosting 2.7 million registered Afghan refugees in 2014.⁴ In March 2015, UNHCR documented 659,961 Afghans who were internally displaced due to armed conflict, deterioration of the security situation and natural disasters. The majority of IDPs migrate to larger cities such as Kabul, Herat and Mazar-e-Sharif, where they live in inadequate makeshift shelters, without access to adequate water, food, sanitation, health and education services. Overcrowding and poor hygiene, combined with harsh weather conditions, has led to an increase in communicable and chronic diseases, such as malaria and hepatitis.

There are concerns that displacement could increase in 2015 following the security transition, as local insurgents fight to occupy territory previously under the control of international forces.

With regard to the situation of IDPs, Amnesty International makes the following recommendations:

- Afghanistan should fully and effectively implement the National Internally Displaced People Policy, launched by the Ministry of Refugees and Repatriation on 11 February 2014. The Policy provides a legal definition for displaced people and establishes the government's primary responsibilities in providing emergency assistance, long-term support and protection. Particular attention must be paid to the specific needs of displaced women and girls;
- Afghanistan should ensure effective coordination between the government, NGOs, international agencies and donors to assist displaced persons, and ensure independent oversight of the policy's implementation, including public reporting on continuing challenges.

Members of the UN Security Council, neighbouring States, donor countries and others play a key role in advancing peace and security in Afghanistan. Amnesty International calls on the government of Afghanistan and all actors to stand up for the human rights of the Afghan people at this critical stage on the path towards building an inclusive and stable state based on respect of all human rights.

⁴ <http://www.unhcr.org/54aa91d89.html>