



Catherine Ashton

High Representative of the Union for Foreign Affairs
Vice President of the European Commission

Brussels, 30 November 2011
Our Ref: B1118

Dear Baroness Ashton,

Ensure a roadmap of genuine human rights progress in Afghanistan

The Bonn Conference on 5 December is a key moment to discuss the status of the transition and reconciliation process in Afghanistan, and to decide on important foundations for the future of Afghanistan. We welcome that the EU Foreign Affairs Council Conclusions on Afghanistan of 14 November stress the importance of tangible results in the fields of governance, respect for human rights and the rule of law. The EU must ensure that these commitments are translated into clear benchmarks marking progress to genuine protection of human rights, including women's rights. The reconciliation process must also result in justice for past human rights violations, in order to build a peaceful and sustainable Afghanistan.

Reintegration and Reconciliation

Afghan civil society groups, in particular women's groups, have legitimate fears about the prospect for human rights in Afghanistan if political control is ceded, even in part, to the Taliban. In areas under their control, the Taliban have severely curtailed the rights of girls and women, including by denying them education, employment, freedom of movement and political participation and representation. In imposing their views, the Taliban have shown little, if any, respect for the right to life or freedom from torture, and have systematically and deliberately violated the laws of war by targeting civilians, aid workers, and civilian facilities like schools (particularly girls' schools).

Since the fall of the Taliban regime in 2001, there have been some advances in respect for women's rights and gender equality, including the establishment of the Ministry for Women's Affairs, a constitution which grants women equal status to men, improved access to education and representation of women in parliament. These hard-won gains must not be traded away or compromised during any reconciliation talks with the Taliban and other insurgent groups. To safeguard against such risks, civil society, including Afghan women's groups, must have genuine and meaningful representation at the negotiation table to ensure their concerns are fully reflected in the reconciliation process.

We also fear that the reconciliation strategy risks legitimising impunity for perpetrators of human rights violations, war crimes and crimes against humanity. Afghanistan's history has shown that the repeated experience of peace without justice and human rights has contributed to further conflict and grave human rights violations over the past three decades.

On reintegration and reconciliation, we urge you to ensure that:

- The Afghan Government and insurgent groups commit to respecting Afghanistan's human rights obligations under international and domestic law

- Participation in reconciliation talks is inclusive and reflects Afghan civil society, including minorities, women and the business community. Afghan women must be meaningfully represented in the planning stages and during reconciliation talks, in line with UN Security Council Resolution 1325
- Any political agreement includes verifiable benchmarks for the parties' conformity with their human rights obligations, such as e.g. documenting trends in school attendance (particularly of girls), trends in women's access to health care, maternal mortality and infant health, ability of aid workers and civil society activists - in particular women human rights defenders - to operate in areas under the respective control of the parties
- Reconciliation talks do not result in impunity for serious violations of human rights and war crimes: anyone who has committed human rights abuses, war crimes or crimes against humanity must not be granted amnesty and must be brought to justice

Transition of security forces

We welcome that the EU - as highlighted in the Council Conclusions - will strengthen its assistance to capacity-building inter alia in the areas of civilian policing and justice. It is also reassuring that the EU commits to support, beyond 2014, Afghan efforts to strengthen policing and the rule of law. Concerted effort and support by the international community to the Afghan National Security Forces (ANSF) is needed to accompany the transfer of responsibility for security to Afghan authorities. It is crucial that necessary institutional reforms take place to guarantee respect for and protection of human rights, and to ensure that accountability and justice for human rights violations are prioritised and delivered.

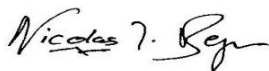
In particular, the EU and its partners must prioritise more consistent and rigorous vetting of recruits, including high-ranking personnel, promote greater awareness and understanding of international human rights and humanitarian law, and increased participation of women. These efforts should also be complemented by the development of a more effective and credible military justice system, which lives up to international standards of fairness and credibility.

In the context of transition we urge the EU to:

- Ensure the ANSF have sufficient capacity to address harm to civilians or civilian objects, and offer practical, detailed procedures for: recording casualties, receiving claims, conducting investigations and offering reparations, which include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition
- Establish an effective, adequately resourced and independent police ombudsperson. This institution must have the authority to investigate complaints against the police, including complaints of human rights violations perpetrated by the police and of police failure to investigate other human rights-related offences

We look forward to hearing about the outcome of your discussions in Bonn, and hope to see the above-mentioned elements firmly embedded in the EU's forthcoming Cooperation Agreement on Partnership and Development with Afghanistan.

Yours sincerely,



Dr Nicolas J Beger
Director