

DEFENCELESS DEFENDERS

AFGHANISTAN'S HUMAN RIGHTS COMMUNITY UNDER ATTACK

AMNESTY INTERNATIONAL

Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

© Amnesty International 2019
Except where otherwise noted, content in this document is licensed under a Creative Commons (attribution, non-commercial, no derivatives, international 4.0) licence.
https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode
For more information please visit the permissions page on our website: www.amnesty.org
Where material is attributed to a copyright owner other than Amnesty International this material is not subject to the Creative Commons licence.
First published in 2019
by Amnesty International Ltd
Peter Benenson House, 1 Easton Street
London WC1X 0DW, UK

Index: ASA 11/0844/2019
Original language: English

amnesty.org

Cover photo: *© Colin Foo*

AMNESTY INTERNATIONAL

CONTENTS

METHODOLOGY 3

ACKNOWLEDGEMENTS 4

1. EXECUTIVE SUMMARY 5

2. FRAMEWORK FOR THE PROTECTION OF HRDS IN AFGHANISTAN 7

4. SHRINKING SPACE FOR HRDS IN AFGHANISTAN 12

5. CASES OF ATTACKS AGAINST HRDS 14

6. PROTECTION FOR HRDS IN AFGHANSITAN 18

7. NON-GOVERNMENTAL PROTECTION MECHANISM FOR HRDS IN AFGHANISTAN 21

8. CONCLUSION 24

CONTACT US

info@amnesty.org

+44 (0)20 7413 5500

JOIN THE CONVERSATION

www.facebook.com/AmnestyGlobal

@Amnesty

METHODOLOGY

This report is based on interviews, secondary information and analysis of the existing European Union plus (EU + Canada, Norway, Switzerland and the United States) local strategy for the protection of human rights defenders, the Afghanistan Independent Human Rights Commission's "Action Plan", and relevant documents for protection of human rights defenders (HRDs) in Afghanistan. Afghanistan's obligations under international human rights law were reviewed. Furthermore, Afghanistan's domestic responsibility regarding the protection of HRDs was reviewed. Likewise, several other relevant documents, reports and agreements on protection of human rights in Afghanistan were assessed. Subsequently, 14 interviews, mostly face to face and via the internet with HRDs, the Afghanistan Independent Human Rights Commission (AIHRC), members of the Human Rights Defenders Committee (HRD Committee), and the office of the Second Vice President, Mohammad Sarwar Danish, were conducted. Of these, five of the interview participants were women. Only the former Chair of the HRD Committee responded in writing to the questions in March 2019. Additionally, the European Union (EU) Delegation to Afghanistan was contacted via email to obtain updates on its project for protection of HRDs in Afghanistan. All the face-to-face interviews were conducted in Kabul during the months of April and May 2019. The interviews were conducted with the objective of verifying some of the cases where HRDs had received threats and the nature of the intimidation and attacks they faced over the past years. The interviews further aimed to understand the functionality and effectiveness of existing protection mechanisms for HRDs in Afghanistan. The interviewees were both female and male, and included members of the different ethnic groups of Afghanistan – largely Tajik, Pashtun, Hazara and Aimaq. Except Khalil Parsa, all other names are anonymized for security reasons.

ACKNOWLEDGEMENTS

Amnesty International expresses its deep appreciation to those who agreed to speak with us and share their experience, opinions and ideas. The report would not have been possible without their agreement to do so. All names in the report are anonymized except Khalil Parsa.

"*" indicates that the names are anonymized due to security reasons

1. EXECUTIVE SUMMARY

Afghanistan has endured conflict for the past four decades. The latest phase of the conflict began in late 2001 and continues to this day. In 2018, the UN Assistance Mission in Afghanistan (UNAMA) documented nearly 11,000 civilian casualties. This included the highest number of civilians killed on record.[1] As UNAMA's report noted, civilian casualties have been rising steadily over the past five years.[2] Further, according to President Mohammad Ashraf Ghani, between 2014 and 2019 Afghanistan has lost more than 45,000 of its security personnel in the conflict.[3] Currently, insurgent groups control parts of the country.[4] According to the Special Inspector General for Afghanistan Reconstruction (SIGAR) report, armed groups control or have influence over 50 districts in Afghanistan.[5] The report further indicates that about 138 districts of the country are being contested between the insurgent and Afghan Government. The remaining 219 districts are under the government's control or influence.

The results of the parliamentary elections, held in October 2018, were only announced seven months later[6] , in April 2019.[7] A delayed presidential election is scheduled for late 2019.[8] Additionally, efforts to negotiate a peace agreement with the Taliban[9] do not appear to address human rights, justice and accountability issues. In this regard, the USA Envoy for Afghanistan Peace and Reconciliation has said discussions on human rights and women's rights will be limited to the "intra-Afghan dialogue" that will take place later.[10] Similarly, the Taliban, despite engaging with the USA to negotiate an end to the conflict in Afghanistan, has not shown any significant change in their hostile attitudes towards women's rights and human rights, particularly the right to freedom of expression.[11] The alarming security situation is also preventing NGOs and activists from undertaking their activities freely.[12] In 2018, the International NGO Safety Organization[13] documented more than 240 incidents related to attacks on non-government organizations (NGOs) in Afghanistan.

---

[1] UNAMA & UN OHCHR, Afghanistan: Protection of Civilian in Armed Conflicts – Annual Report 2018, p. 1. https://unama.unmissions.org/sites/default/files/afghanistan_protection_of_civilians_annual_report_2018_final_24_feb_2019_1.pdf
[2] UNAMA & UN OHCHR, Afghanistan: Protection of Civilian in Armed Conflicts – Annual Report 2018, p. 1. (Also see, the methodology section)
[3] "Afghanistan's Ghani says 45,000 security personnel killed since 2014", BBC News, 25 January 2019, www.bbc.co.uk/news/world-asia-47005558
[4] UNAMA, "Kunduz airstrike kills 13 civilian, mostly children – UN initial findings", https://unama.unmissions.org/kunduz-airstrike-kills-13-civilians-mostly-children-%E2%80%93-un-initial-findings
[5] Special Inspector General for Afghanistan Reconstruction, Quarterly Report to the United States Congress, 30 Jan 2019, P. 69.
[6] "Ghani inaugurated new Afghan parliament", VOA, 26 April 2019, www.voanews.com/a/ghani-inaugurates-new-afghan-parliament/4892576.html
[7] Joint Press Release of the Election Commission on the Validating the Votes of the People in the October 20, 2018 Election, Baztab, https://baztab.news/article/800388
[8] 2019 Elections Timeline, IEC, www.iec.org.af/en/timeline
[9] Zaman Sultani, "The peace process should not be at the cost of human rights", TOLOnews, 19 January 2019, www.tolonews.com/opinion/peace-process-should-not-be-cost-human-rights
[10] Zaman Sultani, "Women's rights must be protected by action, not rhetoric", TOLOnews, 8 March 2019, www.tolonews.com/opinion/women%E2%80%99s-rights-must-be-protected-action-not-rhetoric
[11] Complete transcript of speech delivered by delegation of Islamic Emirate in Moscow Conference, 5 February 2019, https://alemarahenglish.com/?p=41268
[12] General Assembly and Security Country, Report of the Secretary-General, The situation in Afghanistan and its implications for international peace and security, UN Doc. A/73/777-S/2019/193, p. 5.
[13] Afghanistan, https://www.ngosafety.org/country/afghanistan

This briefing documents the situation of human rights defenders (HRDs) and members of civil society organizations (CSOs) in Afghanistan in this context. Amnesty International conducted research on incidents of attacks, intimidations, and threats against HRDs in Afghanistan. The briefing reviewed existing protection mechanisms and their ability to provide protection to HRDs. Amnesty conducted extensive desk research and 14 interviews including five women HRDs.

The findings indicate that HRDs face constant attacks, acts of intimidation and harassment, and threats of violence from both state and non-state actors, including armed groups such as the Taliban and the so-called "Islamic State" for engaging in their work to promote accountability, human rights and justice in the country. The intimidation, harassment, threats and violence they face is not limited to any one geographic area but is in evidence across the country. It's a situation that has become even more precarious of late given the enduring political uncertainty and high levels of violence that afflict the country. A key issue that emerged from this study was that often the HRDs themselves were asked to procure weapons to protect themselves, indicating lapses in the ability of the government to provide this protection. The lack of investigation of threats and attacks against HRDs by the Afghan government was also apparent. Those HRDs that did complain to the government were at times accused of fabricating the complaint.

The Afghan government despite its international obligations and domestic responsibilities, has not only failed to properly investigate threats and attacks against HRDs, but it has also failed to provide adequate protection to the HRDs. The report details how the government, instead of investigating cases of attacks or threats against HRDs and providing them adequate protection, abdicated its responsibilities and even told HRDs to protect themselves – suggesting they buy weapons for their security.

Key Recommendations

Amnesty International calls on the Government of the Islamic Republic of Afghanistan, with the support of the international community, to immediately establish an adequate protection mechanism for HRDs. The mechanism should be able to provide necessary support and ensure that all cases of attacks and threats against HRDs are thoroughly investigated and prosecuted. There should also be an effective information sharing system on threats against HRDs.

The President should issue a presidential decree to roll out the AIHRC's Action Plan for HRDs, and specifically instruct the government agencies with specific responsibility under the Action Plan to co-operate across the country to ensure effective protection of HRDs.

The local strategy led by the EU plus group (the European Union, Canada, Switzerland and Norway), the "EU+ Local Strategy for Human Rights Defenders", must be reviewed to assess its implementation and update it in consultation with civil society organizations, HRDs, the media, and the AIHRC.

Taliban must explicitly recognize the legitimacy of HRDs and CSOs. The Taliban must also stop attacking and threatening HRDs or hindering their activities wherever the Taliban has influence.

2. FRAMEWORK FOR THE PROTECTION OF HRDS IN AFGHANISTAN

2.1. International framework

In 1948, Afghanistan voted for the Universal Declaration of Human Rights (UDHR).[14] Under the UDHR individuals' human rights are protected, and they have a right to be free from torture and other ill-treatment.[15] Furthermore, Afghanistan is a state party to several human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention against Torture.[16] These treaties require the Government of Afghanistan to respect, protect, promote and fulfil human rights, including the rights to freedom of expression, freedom of movement, freedom from discrimination, and freedom from torture and other ill-treatment. Likewise, Afghanistan as a state party is responsible for ensuring that HRDs are not marginalized and stigmatized. Moreover, activists must be free from arbitrary arrest and detention. They must also be protected from judicial harassment, criminalization and attacks.[17]

In 2017, Afghanistan voluntarily pledged at the UN Human Rights Council to protect HRDs against threats and attacks across the country. In this regard, the Government of Afghanistan vowed to establish an information-sharing mechanism for HRDs in the country.[18] Moreover, Afghanistan is required to ensure the protection of HRDs under the Declaration on Human Rights Defenders.[19] During the Universal Periodic Review in 2019, it was repeatedly recommended that the Government of Afghanistan take measures to protect HRDs in the country.[20]

---

[14] http://unbisnet.un.org:8080/ipac20/ipac.jsp?&profile=voting&uri=full=3100023~%21909326~%210&ri=1&aspect=power&menu=search&source=~%21horizon

[15] Universal Declaration of Human Rights, https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf

[16] UN OHCHR, Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), Optional Protocol of the Convention against Torture (CAT-OP), International Covenant on Civil and Political Rights (ICCPR), International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), International Covenant on Economic, Social and Cultural Rights (ICESCR), https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN

[17] OSCE/ODIHR, Guidelines on the Protection of Human Rights Defenders, p. 3-8. www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders?download=true

[18] The Permanent Mission of Afghanistan to the United Nations addressed to the Secretariat & General Assembly, Note verbale dated 5 September 2017 from, UN Doc. A/72/377 (2017), https://undocs.org/en/A/72/377

[19] Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, UN Doc. A/RES/53/144 (1999).

[20] UN Human Rights Council, Universal Periodic Review – Afghanistan, (A/HRC/41/5), 24 June-12 July 2019, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/097/86/PDF/G1909786.pdf?OpenElement

2.2. Bilateral agreements

Afghanistan has committed to protect HRDs and safeguard their activities under bilateral agreements. These commitments are mainly reflected under the Afghanistan-EU Human Rights Dialogue that had taken place annually.[21] The commitments included the Government of the Islamic Republic of Afghanistan agreeing to undertake concrete steps to enforce respect for the rights to freedom of expression and freedom of media.[22] Specifically, the Afghan government agreed to create an adequate information-sharing centre on threats and attacks against journalists and HRDs. Currently there is a national support system for journalists under the purview of the Second Vice President.[23] The government further pledged to instruct the National Security and Defence Forces (ANSFs) with regard to respecting freedom of expression and protecting HRDs.[24] The government also committed to inviting the UN Special Rapporteur on the situation of human rights defenders for an official visit to the country.

2.3. National legal framework

The rights to freedom of expression and freedom from discrimination are guaranteed by the Afghanistan Constitution.[25] Articles 34 and 35 of the Constitution guarantee the rights to freedom of expression and association in Afghanistan, and Article 36 guarantees the right to peaceful assembly. Moreover, the right to a private life such as communication privacy and freedom of movement is safeguarded by Articles 37, 38 and 39 of the Constitution.[26] Yet, there are several laws which obligate the government to ensure the free enjoyment of human rights in the country. However, the implementation of these laws has continued to be difficult and challenging.

In October 2018,[27] Afghanistan adopted a law on the prohibition of torture. This law was first issued as a presidential decree in 2017.[28] Under the law, state officials are prohibited from utilizing torture in all stages of prosecution processes and under all circumstances.[29] The law further obligates relevant agencies to implement necessary measures to prevent the torture of accused persons and prisoners. The law further provides for the prosecution of suspected perpetrators of torture.[30] Relevant institutions are also obligated to develop regulations and terms of reference on prevention of torture.[31] In accordance with the law, Afghanistan had established an Anti-Torture Commission with the mandate to conduct unannounced visits to detention centres and conduct investigative missions across the country.[32] There are also specific measures to assess cases of torture,[33] and the victims are entitled to reparations.[34] The Anti-Torture Commission is headed by the Chair of the Afghanistan Independent Human Rights Commission (AIHRC). Despite the enactment of the anti-torture law and Afghanistan's

[21] European Union, Afghanistan-EU Human Rights Dialogue, (Press release, Kabul, 1 July 2016), https://eeas.europa.eu/sites/eeas/files/20150601_-_en.pdf
[22] European Union, Afghanistan-EU Human Rights Dialogue, (Agreed Table of Deliverables and Indicators), Kabul, 1 June 2016https://eeas.europa.eu/sites/eeas/files/2016060111_en.pdf
[23] Articles 2, 5, 6, 7, Islamic Republic of Afghanistan, Office of the National Security Council, Department of Strategic Relations, Procedure for Security and Protection of Journalists and Media, 1395 (2016/2017). Unofficial Translation.
[24] European Union, Afghanistan-EU Human Rights Dialogue, (Agreed Table of Deliverables and Indicators)
[25] Ministry of Justice of Afghanistan, Article 22, Afghanistan Constitution, 2004, http://moj.gov.af/fa/page/legal-frameworks/168329941684
[26] Afghanistan Constitution, 2004.
[27] Ministry of Justice of Afghanistan, Articles 6 and 7, Law on Prohibition of Torture, Official Gazzete (1321), 31 October 2018, http://moj.gov.af/Content/files/OfficialGazette/01301/OG_01321.pdf
[28] Ministry of Justice of Afghanistan, Law on Prohibition of Torture, Official Gazzete (1256), http://moj.gov.af/Content/files/OfficialGazette/01201/OG_01256.pdf
[29] Law on Prohibition of Torture, (1321).
[30] Article 8, Law on Prohibition of Torture, (1321).
[31] Article 10, Law on Prohibition of Torture, (1321).
[32] Articles 11, 12, 13, 14, Law on Prohibition of Torture, (1321).
[33] Article 15, 16, Law on Prohibition of Torture, (1321).
[34] Article 17, 18, 19, 20, 21, Law on Prohibition of Torture, (1321).

accession to the Optional Protocol on the Convention against Torture,[35] the torture of conflict-related detainees by the security agencies remains prevalent.[36]

The Law on the Elimination of Violence against Woman[37] (EVAW Law), passed in 2009, has criminalized violence against women. The law has further provided access to compensation for the victims. Furthermore, a High Commission is to be established to monitor the law's implementation across the country.[38] The law was reinforced by a presidential decree in 2018[39] that amended the new penal code. However, the process to create separate prosecution units and courts to handle cases of violence against women across the country is slow.[40]

Afghanistan has also enacted a relatively progressive law on the right to information.[41] However, its implementation is being challenged by agencies of the Afghan government, and access to information remains limited for HRDs and the media.[42] Government officials (i.e. the Ministry of Interior) have limited access to information[43] through discretionary decision-making.[44] Nonetheless, the government acknowledges that potential challenges to implement the law on access to information exist, and as a media adviser to the Second Vice President puts it, "the law [access to information] itself is very good, but we accept that it has not been implemented across Afghanistan."[45] He further believes that there is no mechanism in place to ensure a full implementation of the law by the government.

---

[35] UN OHCHR, Ratification Status for Afghanistan, Office of the High Commissioner, (UN Human Rights), https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN

[36] UNAMA & UN OHCHR, Treatment of conflict-related detainees in Afghanistan: Preventing torture and ill-treatment under the Anti-Torture Law, Kabul-Afghanistan, April 2019, p. 12, https://unama.unmissions.org/sites/default/files/afghanistan_-_report_on_the_treatment_of_conflict-related_detainees_-_17_april_2019.pdf

[37] Ministry of Justice, Law on the Elimination of Violence against Woman, Official Gazette, Issue No. 989, 1 August 2009, http://moj.gov.af/Content/files/OfficialGazette/0901/OG_0989.pdf

[38] Amnesty International, Their lives on the line: Women human rights defenders under attack in Afghanistan (Index: ASA 11/1279/2015), p. 22.

[39] UN OHCHR & the Secretary-General, The situation of human rights in Afghanistan and technical assistance achievements in the field of human rights, Annual Report, 25 February-22 March 2019, UN Doc. A/HRC/40/45, p. 9.

[40] UN OHCHR & the Secretary-General, The situation of human rights in Afghanistan and technical assistance achievements in the field of human rights.

[41] "Afghanistan jumps to top position RTI Rating", Centre for Law and Democracy, 28 September 2018, www.law-democracy.org/live/afghanistan-jumps-to-top-position-on-rti-rating/

[42] 2018 Annual Report, Afghanistan Journalists Safety Committee, p. 9, http://ajsc.af/wp-content/uploads/2019/01/2018%20annual%20report.pdf

[43] Ministry of Interior of Afghanistan, Order to Avoid leaking Sensitive Information, https://moi.gov.af/dr/%D8%A8%D9%87-%D9%85%D9%86%D8%B8%D9%88%D8%B1-%D8%AC%D9%84%D9%88%DA%AF%DB%8C%D8%B1%DB%8C-%D8%A7%D8%B2-%D9%BE%DB%8C%D8%A7%D9%85%D8%AF-%D9%87%D8%A7%DB%8C-%D9%86%D8%A7%D8%B4%DB%8C-%D8%A7%D8%B2-%D8%AF%D8%B1%D8%B2-%D9%85%D8%B9%D9%84%D9%88%D9%85%D8%A7%D8%AA-%D8%AD%D8%B3%D8%A7%D8%B3%D8%8C-%D8%AD%D9%81%D8%B8-%D9%85%D8%AD%D8%B1%D9%85%DB%8C%D8%AA-%D8%A7%D8%B3%D8%B1%D8%A7%D8%B1-%D9%88%D8%B8%DB%8C%D9%81%D9%88%DB%8C-%D8%AF%D8%B1-%D8%AA%D9%85%D8%A7%D9%85-%D8%B3%D8%B7%D9%88%D8%AD-%D8%A7%D8%AF%D8%A7%D8%B1%DB%8C?fbclid=IwAR3hMEHYW0Q2wwZgVsuva2H-3PwUwBIo7aiY2QVMewpD6HTAwbJCDTw4Jlk

[44] "Activities of the Ministry of Interior personnel have been limited on social media," BBC Persian, 27 December 2018, www.bbc.com/persian/afghanistan-46694796

[45] Interview with media adviser to the Second Vice President, His office, Kabul, 5 May 2019.

3. SITUATION OF HRDS IN AFGHANISTAN

HRDs in Afghanistan are constantly faced with threats, intimidation, harassment, and violence. They are targeted for what they do to promote human rights and ensure accountability. Their activities and initiatives are smeared as representing attempts to subvert religious and cultural traditions. In addition, as some actors – both governmental officials and non-state actors – consider that civil society activities threats to their interests and endangering their position in public or in the government. A senior member of the AIHRC summarized the threats against HRDs as follows:

> "You face many challenges when you work for human rights. It is because you are defending human rights in a context which is different to most other countries in the world. It is seen as standing against family norms, social norms, power brokers, government, and wrong perceptions of religion. You are standing against influential people in situation where there is no rule of law."[46]

Acts of intimidation and threats against HRDs exist in different forms. For example, in 2017 "Shah Wali"*, after helping a woman HRD escape violence from Maidan Wardak province, received warning messages and phone calls:

> "I received a message saying, 'Congratulations, we are enemies now!'. The next time, [he] said, 'You are misguiding our women', and 'You have taken our women!' … Sometimes, [he] was saying, 'What you're doing is wrong.'"[47]

HRDs are at risk across the country. Often the level of the threat depends on their visibility: how publicly they express concerns about human rights violations and expose practices leading to human rights violations, or how often they appear in the media. It is perceived that activists working in the capital are more exposed to threats given their level of public prominence, while the threats at the provincial level are carried out immediately in the context of poor security and general lawlessness. Furthermore, activists who are working at the provincial levels – particularly women HRDs – are considered much more vulnerable to threats, as expressed by "Abbas"*: "Women's vulnerabilities at the provincial level

[46] Interview with the AIHRC, AIRHC Office, Kabul, 25 April 2019.
[47] Interview with "Shah Wali," name anonymized, his office, Kabul, 27 April 2019.

are much more than in Kabul." [48] Nonetheless, the AIHRC describe the threats against HRDs across the country as follows:

> "On the other hand, at the provincial level there is less exposure and probably fewer threats, but when it [threat] occurs, it is very serious. There, the threats can be carried out immediately."[49]

The threats that women HRDs face are not limited to the general security situation in the country. In fact, under the current circumstances, women also face challenges to their work from members of their family and numerous other external elements. When women approached lower level government officials for protection, they were advised to abandon their activities, as was the case for "Jamilah":*

> "The police are saying that you are a woman, and you do not need to be this active… I have been told several times that you are a woman, and you do not need to do this work. The best way is to stay at home. This has been told to me by police officers as high as the head of a police district."[50]

Threats, intimidation and harassment of women HRDs are further explained by "Ishaqzia",* a known HRD, as follows:

> "Firstly, they [women] face general threats. Then, they are facing challenges at home: for instance, her husband, brother or others would be threatening [them to stop working outside]. Women are more under threat than men."[51]

[48] Interview with "Abbas," name anonymized, his office, Kabul, 27 April 2019.
[49] Interview with the AIHRC, AIHRC office, Kabul, 25 April 2019
[50] Interview with "Jamilah," name anonymized, her office, Kabul, 4 May 2019.
[51] Interview with "Ishaqzia," name anonymized, his office, Kabul, 2 May 2019.

4. SHRINKING SPACE FOR HRDS IN AFGHANISTAN

The public space for civil society and human rights defenders has shrunk since the current government came to power in 2014. There is also a perception that the government exercises influence over international funding to CSOs, particularly since on-budget international assistance to the government has increased.[52] Likewise, activists said that the government restricted space for protests and demonstrations in Afghanistan. Key examples they referred to were the 2017 attacks on protestors in Zanbaq Square, where protestors were shot apparently by security forces, and the attack on protestors in the Dehmazang Area, for which the armed group calling itself "Islamic State", also known as "Daesh", took responsibility. In 2017, the government further attempted[53] to restrict the right to peaceful assembly and to crackdown on protests and demonstrations by amending the relevant law. "Mohmand"*, one of the HRDs who organized the protests, recalls:

> "As one of the key [protest][54] organizers, the Presidential Office contacted and threatened me indirectly and verbally, saying that we must remove the tents. They told me that insurgents might attack us in the tents."[55]

Mohmand expressed a similar opinion in relation to shrinking space and suppression of protests and demonstrations in Afghanistan. On one occasion, four protestors died, and 15 others were wounded, due to excessive use of force by security forces.[56] Mohmand,* however, shared his opinion as follows:

> "They [government] attacked our protests. We had more than 300 causalities. The examples are the Enlightenment Movement[57] protest where nearly 300 [people] were the casualties – that Daesh took the responsibility [for] – and the protest in Zanbaq[58] Square where it also resulted in some casualties."[59]

---

[52] Self-Reliance through Mutual Accountability Framework, Brussels Conference on Afghanistan, 4-5 October 2016, p. 2, 3, point 17. www.consilium.europa.eu/media/23645/agreed-smaf-smart-deliverables-final.pdf

[53] Further details: "Draft law on protest, assemblies, and strikes", Mandgar, 11 July 2017, https://mandegardaily.com/reports/%D8%B7%D8%B1%D8%AD-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D8%AC%D8%AA%D9%85%D8%A7%D8%B9%D8%A7%D8%AA%D8%8C-%D8%A7%D8%B9%D8%AA%D8%B5%D8%A7%D8%A8%D8%A7%D8%AA-%D9%88-%D8%AA%D8%B8%D8%A7%D9%87%D8%B1%D8%A7/

[54] Further details, BBCPersion, www.bbc.com/persian/afghanistan/2015/04/150406_k03_afghan_tent_for_abducted_passangers

[55] Interview with "Mohmand", name anonymized, 27 April 2019.

[56] Mujib Mashal and Jawad Sukhanyar, "Protest at Kabul bomb site turns deadly", The New York Times, 2 June 2017. www.nytimes.com/2017/06/02/world/asia/kabul-afghanistan-protest-bombing.html

[57] Further details: "Kabul explosion: IS 'claims attack on Hazara protest'", BBC, 23 July 2016, www.bbc.co.uk/news/world-asia-36874570

[58] Further details: "Five killed and 10 wounded in a clash between protestors and police in Kabul", BBC Persian, 2 June 2017, www.bbc.com/persian/afghanistan-40130597

[59] Interview with "Mohmand", name anonymized, his office, Kabul, 27 April 2019.

HRDs believe that their ability to advocate or expose serious human rights violations has been limited because they are unable to hold press conferences, protests and demonstrations due to threats of attacks. "Shahzad"* explained his views as follows:

> "When it comes to serious human rights violations, press conferences or protests were the main avenue for our advocacy as human rights defenders. As you see, the people of Afghanistan made a huge sacrifice in protests, which includes the incident of Dehmazang."[60]

Another example of restrictions on the right to freedom of expression was when an organization prepared a "shadow report" to submit to the UN Committee against Torture in 2017. The organization was forced to remove the names of the government officials mentioned in the report. This happened after the organization had shared the report with a limited number of CSOs for comments and endorsement. Soon after they shared the report, they were contacted through an unknown telephone number and instructed to remove the name of the governmental officials from the report.

> "I believe it was 4pm that the report was sent to the CSOs… around 10pm, someone called "Eliyas"* [his colleague, whose name is anonymized] that you in your report named key and important figures. People named [in the report] were… [names are omitted to prevent any possible security repercussions to the civil society organization.] and a few others. They had threatened that, 'You must remove their names because they are the ones who are standing against the Taliban. If they are not here you will not be here, too...' We were forced to removed them [their names]:"[61]

HRDs expressed their lack of trust in the government in interviews with Amnesty International. They said that they avoid sharing cases of threats, intimidations, harassments and attacks against them with the government. They felt that sharing such information with the government can put them in a rather vulnerable situation. Ishaqzia's* comments, below, have been echoed by several other activists:

> "I should say that there is no trust that we would pass some of the issues to the government. There is no trust. We understood that we would not be protected. Therefore, it was needed that we would retreat a bit."[62]

Threats, acts of intimidation and harassment, and violence against HRDs remain unprosecuted in Afghanistan. According to the AIHRC, "As of today, the government unfortunately has not arrested anyone… We have not been informed of any progress [in the investigation]."[63] This was in relation to the 2015 case where two staff were killed and two wounded by a roadside bomb[64] in the eastern province of Nanagarhar. At the time, in 2015, the AIHRC accused the Taliban of responsibility for the attack.[65]

[60] Interview with "Shahzad," name anonymized, his office, Kabul, 29 April 2019.
[61] Interview with "Shah Wali," his office, Kabul, 27 April 2019
[62] Interview with "Ishaqzai," his office, Kabul, 2 May 2019
[63] Interview with the AIHRC, AIHRC Office, Kabul, 25 April 2019
[64] Further details: "Bomb kills two guards for Afghan human rights group", Gandhara/Radio Free Europe, 26 October 2015, https://gandhara.rferl.org/a/afghanistan-aihrc-attack/27327941.html
[65] "Bomb kills two guards for Afghan human rights group", Gandhara/Radio Free Europe.

5. CASES OF ATTACKS AGAINST HRDS

5.1 Khalil Parsa

Khalil Parsa[66] is a known civil society activist and human rights defender in Afghanistan. Since 2001, he has been working on human rights, women's rights, anti-corruption issues, democracy and youth development in Afghanistan. The prime focus of his work is in Herat province. Through his organization, Supporting Organization for Afghanistan Civil Society (SOACS), he has been leading capacity-building and advocacy programmes. He has also been actively involved in demonstrations and assemblies against the Iranian government's treatment of Afghan refugees. Additionally, he raised concerns about increased levels of radicalization in Afghanistan.

In September 2016, [67] he was shot seven times while driving home. His health improved after six months of treatment, and he explained the attack as follows:

> "I took my car and came out of the office. It was around 6.30pm. As soon as I turned from the square, which is nearby a stadium, I was shot. I saw there were two bike riders who were on my left side. I noticed them when they shot me, in fact. I still remember part of the scene. They had fired seven bullets. Six bullets hit my body from side and one bullet from the other side. After a while, a witness told me that there were two bikes and four people."

Before the attack, Parsa received threatening messages. On one occasion, two individuals linked to Hizb-ut-Tahrir, a hardline religious political group,[68] visited his office and gave him a book that argued that those "working for democracies are infidels." He had reported the incident to the provincial office of National Directorate of Security (NDS). The NDS, in their reply, said he would report the matter if the assailants reappeared.

Parsa had also been requested verbally through his friend and through text messages by the Iranian General Consulate in Herat province to halt his campaigning against Iran's forced return of Afghan refugees.

> "Our activities were against the hostile and anti-refugee policies of Iran. The Iranian consulate was another source of threat to me. The consulate sent messages directly, and indirectly, though friends, telling me that I must stop working on this front."

---

[66] Phone Interview with Khalil Parsa, 28 May 2019.
[67] "Khalil Parsa a Herat civil society activist was wounded", BBC Persian, www.bbc.com/persian/afghanistan/2016/09/160924_zs_khalil_parsa
[68] "Borhan Osman, Afghan Youth for Democracy? Not all of them", Afghanistan Analyst Network, 2 April 2014, www.afghanistan-analysts.org/afghan-youth-for-democracy-not-all-of-them/

At the district level, the Taliban also threatened his office, warning the organization to halt its activities. Local traders similarly asked him to stop his anti-corruption-related activities in the province. Also, Parsa had publicly and constantly criticized state officials, including Kamran Alizai, Head of Herat Provincial Council, after Alizai forcibly released an accused person from the provincial prosecutor's office in 2016.[69] Parsa explained the incident as follows:

> "In daylight, he [Alizai] with his 20 soldiers had entered the prosecutor's office. And then, he took out an accused person by force. (The incident occurred in August 2016, in Herat province). We were the only ones who protested it [Alizai's intervention]. I held media interviews and protests. Afterwards, he [Alizai] sent a community elder [to tell me] that I should stop working on this case. His words were soft but threatening. Yet, I did not stop my campaign."

Parsa is currently abroad on a fellowship programme. But the attack against him remains uninvestigated. According to Parsa, the government "recently" informed him that since he is abroad, it will not be investigated.

> "The [provincial] National Directorate of Security was in contact with me and my colleagues for a while, and they were saying that they are following up the attack against me… But, recently, they told us that since you not coming back [to Afghanistan], the [investigation on] case will be closed. Most probably, they have closed the file."

5.2 "Mohammad"*

Mohammad,[70] who is over 24 years old, joined a CSO in 2008. He primarily worked as a volunteer. Now he has his own organization that focuses on peace, elections and public awareness. To pursue his work, he has travelled to different parts of the country. He had already received threats via his social media account before he was attacked by unknown gunmen. The incident occurred when he was walking home in October 2018. Although a bullet damaged his liver, he survived the attack. He was hospitalized due to the attack. He explained the attack, below:

> "At 8pm I got out of a car and started moving towards home. The lane was usually crowded as there were some [people] coming from sport, and students were coming from university. But that night in the lane there was no one. As soon as I got in the lane, another person also appeared in the lane. I tried to lengthen my distance from him, but he was coming close by. I took out my phone and called home, urgently. My aim was this that the person would [leave]. Then, I heard him loading bullets. He turned so fast in front of me. I gave him my phone. He did not take it. As he did not take the phone, I screamed, and he shot me. The house's lights were turned on in that area, and people came out from different directions. He was frightened, so he shot one bullet that hit my liver. I contacted [my] family. My family arrived, and then they took me to hospital."

Although several months have passed, the government has not identified those suspected of being responsible for the attack. He believes the security agencies, particularly the police, neglected to properly investigate the attack from the beginning:

> "CCTV[71] footage existed, and they could have reviewed it… after two weeks, they went to review the security cameras. Then, they [police] were told that these cameras are recording for one week and erasing them the next week. They told the security [police] that if they have a recovery system, they can bring them to recover the [earlier] videos. Everything was clearly recorded in the security cameras. But, they did not investigate my case."

---

[69] Head of Provincial Council in the Position of Defending Corruption, Etilaatroz, 20 August 2016, www.etilaatroz.com/40738/%D8%B1%DB%8C%DB%8C%D8%B3-%D8%B4%D9%88%D8%B1%D8%A7%DB%8C-%D9%88%D9%84%D8%A7%DB%8C%D8%AA%DB%8C-%D8%AF%D8%B1-%D9%85%D9%82%D8%A7%D9%85-%D8%AF%D9%81%D8%A7%D8%B9-%D8%A7%D8%B2-%D9%81%D8%B3%D8%A7%D8%AF/

[70] Interview with "Mohammad," name anonymized, his office, Kabul, 04 May 2019.

[71] The CCTV belonged to a private university building in the area.

Additionally, the government did not provide Mohammad with any sort of protection for his office, home, or himself. The police merely offered to patrol the area twice a day. He was also told by the police that he could buy a weapon and pay its tax to the government, and then the police would be happy to register it. But he believes that having a weapon firstly contradicts his civil work, and secondly, he does not have the means to pay for it. He has been warned by the government that a second attack could also happen. He summarizes the government's response to his appeals for protection as follows:

> "We cannot send you to a safe place. We can only send patrols towards your office twice a day. That is all… you can buy a weapon, pay money [tax] to register it. We will register it, then it [weapon] would belong you."

He has now relocated to a safer place in Kabul. For his relocation, he has received minimal support from international organizations. However, no tangible progress has been made to investigate the attack on Mohammad. He remains fearful that he and his family could be attacked again.

5.3 "Hasiba"*

Hasiba,[72] who is 30 years old, is a well-known female defence lawyer in Afghanistan. For more than a decade she has been working as a lawyer and pursuing justice for women who have been victims of domestic violence or who were accused of crimes. The defendants in her cases included members of parliament and government officials. Soon after her graduation, she started working with a non-government organization (NGO) to provide legal aid to women in her country's justice and judicial system. Then she established her own legal firm and joined the Afghanistan Bar Association. She has worked on high-profiles cases of attacks and violence against women. She further acted as defence attorney for women who were seeking divorce. Due to her work, she has been threatened with acid attacks. Once her car was attacked and stolen, and she explained her situation below:

> "We were told that it [the case she was working on] belonged to a member of the parliament. They were telling me to leave the case. Otherwise, we will hit [you] by car, or we will end your life on any other way."

On another incident, she received the following messages on her mobile:

> "It was saying if you defend her case, you will also become popular in media… we will spray acid on your face, and you will become popular in media. After that, the case you are defending will be forgotten as your own case will become popular... give up the case."

She further told Amnesty International that to seek protection she registered complaints with the police and the National Directorate of Security. Apart from registering her case, the security agencies took no effective measures to investigate her complaints. The government also failed to investigate when armed people attacked her car where her brother was beaten, and her documents and vehicle were taken away. On different occasions, the security agencies accused her of 'fabricating' the threats against her. She said the police had told her, "… that there are women who wants to go abroad and fabricate such cases." She lived under constant fear of attack while the security agencies only advised her that wherever she goes she should inform them as she explained below:

> "Psychologically, I was badly affected. Whenever I was getting out of the door, I felt as if there is a man with a bowl full of acid, or there is someone right behind the door. I had similar feeling on the streets."

To avoid further attacks, she closed her legal firm for several months. She shared her case with the National Security Adviser at that time, yet the status of her complaint to the security agencies remains

[72] Interview with "Hasiba," name anonymized, her office, Kabul, 24 April 2019.

unclear. Nearly a year later, the HRD Committee supported her with a short relocation scheme. She said:

> "The government has not responded to the complaint as of today. The government gave me the most pain. They told me that there are women who are coming and fabricating cases for themselves."

To strengthen the accountability of the government and its ability to effectively investigate and prosecute cases of threats, intimidation and attacks on HRDs and activists, she suggested that there must be a law developed that would specifically criminalize attacks, threats and intimidation against HRDs:

> "… at the government level there must be a mechanism. It could be legalized. We do not expect financial support from the government. The government, at least, should follow up and arrest the perpetrators of such acts. It is good if it is criminalized, and there comes a supportive law."

6. PROTECTION FOR HRDS IN AFGHANSITAN

Civil society activities have been sharply curtailed, not least because of the lack of effective measures by the authorities to investigate and prosecute cases of threats, acts of intimidation and violent attacks against HRDs and other activists. Also, there is no government mechanism to support HRDs when they are threatened or attacked. Instead of investigating these cases, the government at one point suggested that activists buy weapons to protect themselves.[73] The government even accused HRDs of fabricating the threats to leave the country.[74] Women HRDs have had similar experiences when they approached the government for protection. The statement from earlier in the report summarizes how the government often reacted in response to attacks or threats against HRDs:

> "But, they [the security institutions] did not investigate well. All CCTV footage existed, and they could have reviewed them… after two weeks, they went to review the security cameras. Then, they [police] were told that these cameras are recording for one week and erasing them the next week. They told the security [police] that if they have a recovery system, they can bring them to recover the [earlier] videos. Everything was clearly recorded in the security cameras. But, they did not investigate my case."[75]

HRDs live in constant fear as cases of threats, intimidation and attacks were not investigated nor prosecuted. This situation was exacerbated by the government's failure to provide protection to members of CSOs who have been threatened with death. The constant state of fear has negatively impacted the CSOs' ability to criticize the actions of the government and other actors involved in human rights violations. Severe negative consequences of threats, intimidation and attacks against HRDs have been repeatedly raised in interviews. Shahzad* summarized the consequences on his work after he had received a threat from the Taliban on his Facebook messenger that read, "You, the servant of Jew and infidels, we have informed our Mujahideen to send you to the hell." Despite reporting the threats to the government, he did not receive any protection, nor was his case investigated.

> "I decreased my interviews with media. I did not attend live discussions at all. I only give interviews when they [media] were [visiting me] at home or in the office. I also decreased our advocacy programmes. I changed my car and office [location]. I understood that there is no protection mechanism internally."[76].

There is an urgent need to devise and improve protection mechanisms for HRDs in Afghanistan. The protection system should be able to provide immediate assistance to those whose lives are under threat across the country. Further, in a timely manner, the government must take steps to thoroughly and effectively investigate and prosecute cases of threats, intimidation and attacks against HRDs. Similarly,

[73] Interview with "Shahzad," his office, Kabul, 29 April 2019.
[74] Interview with "Hasiba," her office, Kabul, 24 April 2019.
[75] Interview with "Mohammad," his office, Kabul, 04 May 2019.
[76] Interview with "Shahzad," his office, Kabul, 29 April 2019.

HRDs and activists must be updated on cases of threats against them. Some of the interviewees, however, suggested that there must be legal protection for activists, and government must be bound by the law to follow up cases of threats, intimidations and attacks. One of the interviewees, Hasiba,* stated as follows:

> "The government must have protection mechanisms. It should be legalized. We do not expect financial support from the government. But, the government should prosecute and follow up [cases of attack and threats on HRDs]. The perpetrators must be arrested. It would good if the government criminalizes [attacks and threats on human rights activists]."

In 2015, several activists, after warning of increased radicalization in the society by some religious institutions, were threatened with death. Allegedly, the threat was sent by the Taliban. The activists had publicly criticized the murder of a girl by a mullah in her apartment gym. After the threat was received, they held meetings with senior government officials including the Government Chief Executive and Head of the National Directorate of Security. However, the HRDs were asked to purchase weapons for their protection.

> "There is no protection mechanism as I said. In 2015, when we went to the government to tell them that we were under threat, they told us to go and take weapons or find a bodyguard for yourselves."[77]

Members of CSOs have also approached the AIHRC, the UN Assistance Mission in Afghanistan (UNAMA), the European Union (EU) Delegation to Afghanistan for protection. These organizations have mostly been involved in communicating the cases of threats, intimidation and attacks against HRDs and activists with key government officials and agencies. The AIHRC has helped in getting rapid relocation visas within the regional countries. Yet, despite their involvement, the cases of threats against HRDs remained uninvestigated. President Ghani in 2016 pledged to protect HRDs in Afghanistan.[78] Some of the HRDs interviewed acknowledged that they received financial support from the EU (through the HRD Committee) and Amnesty International for temporary relocation. Most importantly, the government – particularly the National Directorate of Security – did not provide written responses to complaints that had been registered for investigation. Shah Wali,* whose case was raised with the government, explained the situation as below:

> "In most cases when the AIHRC through Sima Samar[79] had raised [cases of threats they] were not followed up… the NDS (National Directorate of Security) told [her] that the CSOs have competition amongst themselves. Or in other cases, the NDS told Sima Samar that it is a fabricated case. Cases that Sima Samar had raised with Masoom Stanekzai[80] (also) remained uninvestigated."[81]

Members of the international community present in Kabul also hold a clear responsibility to encourage and support the government to establish an adequate protection mechanism for HRDs in Afghanistan in accordance to their commitments. They, in fact, committed to work for protection of HRDs in Afghanistan, too.[82] They can put pressure on the government to take the necessary steps to ensure that the threats, intimidation and attacks against HRDs are investigated – no matter who the perpetrators are. Not least, the protection and promotion of human rights was one of the key aims of the international community in Afghanistan. Political pressures were echoed by interviewees as it is summarized by Ishaqzai:*

---

[77] Interview with "Ahmad", name anonymized, his office, Kabul, 23 April 2019.
[78] "Afghanistan: Amnesty International unveils mural in Kabul to honour human rights defenders", (News story, 25 September 2018), www.amnesty.org/en/latest/news/2018/09/afghanistan-amnesty-international-unveils-mural-in-kabul-to-honour-human-rights-defenders/
[79] Chair of the AIHRC.
[80] Director of the National Directorate of Security, Mohammad Masoom Stanekzai.
[81] Interview with "Shah Wali," his office, Kabul, 27 April 2019.
[82] European Union, EU+ Local Strategy for Human Rights Defenders in Afghanistan 2014 – Revised 2016, https://eeas.europa.eu/sites/eeas/files/170115_final_eu_local_strategy_for_hrds_in_afghanistan.pdf

"International stakeholders must work to protect human rights defenders. They can pressurize the government to enact new legislations. This [law] could be very effective for protection of human rights defenders."

7. NON-GOVERNMENTAL PROTECTION MECHANISM FOR HRDS IN AFGHANISTAN

7.1. Afghanistan Independent Human Rights Commission (AIHRC)

Article 58 of the Afghanistan Constitution mandates the AIHRC to receive complaints of human rights violations. The Commission is further mandated to refer individuals' complaints to authorities and assist them to defend their rights. In 2016, the AIHRC developed an Action Plan to support HRDs across the country.[83] The Action Plan envisaged supporting HRDs by raising awareness, creating networking, building capacity, and compiling a comprehensive list of HRDs. It further aims to assist HRDs to relocate in cases of threats.[84] To implement the Action Plan, the Commission is mandated to envisage activities annually, through its regional and provincial offices. The roll out of the Action Plan requires a presidential decree which has not been issued yet.[85] Further, specific roles are envisaged for the government agencies to support HRDs across the country.[86]

Though the Action Plan envisioned comprehensive support for HRDs, there is little evidence of measures taken to fully operationalize the Action Plan in practice. The AIHRC, however, acknowledges it lacks enough financial resources to continually and fully implement the Action Plan.[87] So far, the Commission has conducted awareness-raising[88] and capacity-building workshops[89] for HRDs in the country. It has also compiled a comprehensive list of HRDs in Afghanistan.[90] The government's responsibility under the Action Plan remained unfulfilled. Further, even cases of attacks or threats against HRDs that had been channelled by the AIHRC to the government remain uninvestigated, as was expressed by Shah Wali* earlier. In fact, both the AIHRC's Action Plan and the Local Strategy for

[83] AIHRC, Action Plan to Support Human Rights Defenders, 19 December 2016, www.aihrc.org.af/media/files/Action.pdf
[84] AIHRC, Action Plan to Support Human Rights Defenders.
[85] Interview with the AIHRC, AIHRC Office, Kabul, 25 April 2019.
[86] www.aihrc.org.af/media/files/Action.pdf
[87] Interview with the AIHRC, AIHRC Office, Kabul, 25 April 2019.
[88] Agreement on National Human Rights Defenders Conference with Members of Civil Society and Human Rights Defenders on the (unofficial translation), AIHRC, 18 February 2018, www.aihrc.org.af/home/daily_report/6097
[89] Organize a capacity-building workshop for human rights defenders in Diakundi province, AIHRC, 10 July 2018, https://www.aihrc.org.af/home/daily_report/7515
[90] Interview with the AIHRC, AIHRC Office, Kabul, 25 April 2019.

Human Rights Defenders (EU+ Local Strategy for Human Rights Defenders) [91] – which will be explained below – have predicted similar functions such as collecting details of the HRDs; therefore, they must work in close co-ordination.[92] According to the AIHRC, there is still much room to improve co-ordination amongst existing non-state protection mechanisms, and the Commission must have leadership of HRDs protection in the country.[93]

7.2. Human Rights Defenders Committee

In 2015,[94] a Human Rights Defenders Committee (HRD Committee) was established[95] as part of a joint strategy of the EU, EU member states, and the embassies of Canada, Norway, Switzerland, and the United States – who joined later – in Afghanistan. The Committee members are human rights networks, women's networks, the AIHRC, and individuals,[96] and they work on a voluntary basis. The Committee aims to facilitate immediate and urgent support to HRDs under threat. In particular, the Committee worked to support HRDs[97] after the fall of Kunduz city[98] in 2016 as was stated by the former chair of the committee.[99] Further, according to the former Chair of the Committee, it mainly focuses on reactive activities. HRDs criticize the Committee for being ineffective in providing timely support. As Shah Wali* said, the Committee is losing its effectiveness, "primarily, the EU supported the Committee; and then, they forgot it and left it alone. Now, we have the HRD Committee that does not meet for months."[100]

Though currently there are aims to expand the Committee at some provincial levels,[101] it is also criticized for being based in Kabul with no provincial presence. Additionally, the Committee has no resources at its disposal to support HRDs immediately, so it has been mainly relying on the EU and other donors. In fact, the European Instrument for Democracy & Human Rights also supports HRDs with small individual or collective grant.[102] Not least, the Committee is yet to prove its ability and neutrality according to activists.[103] To strengthen the Committee, the EU announced a Call for Proposals to create a secretariat for the Committee in 2018. The project further aims to create a basket fund for the Committee and decentralize support for HRDs in Afghanistan.[104] Based on communication with the EU, the project is already awarded but a decision is yet to be taken on its implementation and its modality.[105]

7.3. Local strategy for HRDs in Afghanistan

To assist HRDs politically and financially in Afghanistan, the EU together with its members states and embassies of Canada, Norway, Switzerland and the Unites States created a Local Strategy. The strategy was developed in 2014 and amended in 2016.[106] It specifically includes approaches to monitor high-profile cases of HRDs, monitor key human rights issues,[107] and support the relocation HRDs inside and outside Afghanistan. It also envisages diplomatic intervention for HRDs in Afghanistan.[108] The strategy has also considered creating a database of HRDs in the country.[109]

---

[91] EU+ Local Strategy for Human Rights Defenders in Afghanistan 2014 – Revised 2016, p. 8.
[92] AIHRC, Action Plan to Support Human Rights Defenders.
[93] Interview with the AIHRC, AIHRC Office, Kabul, 25 April 2019.
[94] EU+ Local Strategy for Human Rights Defenders in Afghanistan 2014 – Revised 2016.
[95] EU+ Local Strategy for Human Rights Defenders in Afghanistan 2014 – Revised 2016.
[96] Interview with former Chair of the Human Rights Defenders Committee, responded to the questions via email, 20 March 2019
[97] Interview with former Chair of the Human Rights Defenders Committee, responded to the questions via email, 20 March 2019
[98] "Taliban storm into Afghanistan's Kunduz", Aljazeera, 3 October 2016, www.aljazeera.com/news/2016/10/taliban-launches-attack-afghanistan-kunduz-161003034257759.html
[99] Interview with former Chair of the Human Rights Defenders Committee, responded to the questions via email, 20 March 2019
[100] Interview with Shah Wali, his office, Kabul, 25 April 2019.
[101] FundersforNGOs, EU Call for Proposals: Supporting human rights defenders when they are most at risk, 16 July 2018, www2.fundsforngos.org/human-rights-and-social-justice/eu-call-for-proposals-supporting-human-rights-defenders-when-they-are-most-at-risk/
[102] (EIDHR) European Instrument for Democracy & Human Rights, https://ec.europa.eu/europeaid/how/finance/eidhr_en.htm_en
[103] Interview with Shahzad, his office, Kabul, 29 April 2009.
[104] FundersforNGOs, EU Call for Proposals: Supporting human rights defenders when they are most at risk, 16 July 2018,
[105] Communication with the EU Office in Kabul, via email, 30 May 2019.
[106] EU+ Local Strategy for Human Rights Defenders in Afghanistan 2014 – Revised 2016.
[107] EU+ Local Strategy for Human Rights Defenders in Afghanistan 2014 – Revised 2016, p.5.
[108] EU+ Local Strategy for Human Rights Defenders in Afghanistan 2014 – Revised 2016, p 6.
[109] EU+ Local Strategy for Human Rights Defenders in Afghanistan 2014 – Revised 2016, p. 8.

Implementation of the Local Strategy, in fact, will strengthen the EU's development co-operation instrument for Afghanistan[110] and the EU's country roadmap for engagement with civil society in the country.[111] The roadmap is endorsed by the EU member states in Afghanistan. Apparently, so far, a HRD Committee is established, as mentioned above, and the EU announced a project to possibly decentralize the Committee and create a secretariat. Therefore, the relevant parties should remain committed to the strategy, implement it fully, and report on progress.

7.4. Women HRDS

There are often specific threats against women HRDs in Afghanistan. According to the AIHRC, "women [human rights defenders] are the most vulnerable group against threats."[112] In addition to general threats against HRDs in the country, they face resistance to their work by their families under the current societal and security situation.[113] Their protection is broadly covered under the AIHRC's Action Plan for protection of HRDs.[114] The HRD Committee also works without any clear distinction between men and women HRDs.[115] In fact, only the Local Strategy, mentioned above, recognizes that women HRDs face specific threats.[116] This recognition must be translated into actionable approaches. However, there are individual organizations[117] that provide shelters and legal aid for women fleeing violence. The Ministry of Women's Affairs is also working to follow up cases of violence against women.[118]

[110] European Union, Development Co-operation Instrument – Multi-Annual Indicative Programme, 2014-2020, https://cdn3-eeas.fpfis.tech.ec.europa.eu/cdn/farfuture/Sfv1bHKsUu-nqGa2MU8xXnJoPqGQQGeLaOFOYaCNgWs/mtime:1470824942/sites/eeas/files/multi-annual-indicative-programme-2014-2020_en_0.pdf

[111] European Union, Afghanistan EU Country Roadmap for Engagement with Civil Society 2018- 2020, Approved by: HOMs, 26 August 2018, https://cdn4-eeas.fpfis.tech.ec.europa.eu/cdn/farfuture/KpSvw3DPg-qMdS3yedZVaCYg7ecVxZ-XP_OdMqbwic0/mtime:1535959543/sites/eeas/files/cso_roadmap_2018-2020_final.pdf

[112] Interview with the AIHRC, AIHRC Office, Kabul, 25 April 2019.

[113] Interview with Abbas, his office, Kabul, 27 April 2019

[114] AIHRC, Action Plan to Support Human Rights Defenders, AIHRC.

[115] Interview with the Former Chair of the HRD Committee, responded to the questions via email, 20 March 2019

[116] EU+ Local Strategy for Human Rights Defenders in Afghanistan 2014 – Revised 2016.

[117] Andrew E. Ekramer, "Shelters have saved countless Afghan women. So why are they afraid?, The New York Times, 17 March 2018, www.nytimes.com/2018/03/17/world/asia/afghanistan-womens-shelters.html?smid=tw-share

[118] Ministry of Women's Affairs, http://mowa.gov.af/fa/page/central-directorates/legal-affairs/main-activities

8. CONCLUSION

HRDs are threatened, intimidated and attacked by both armed groups, such the Taliban and the so-called Islamic State of Khorasan, and the government. The attacks and threats against HRDs often remain uninvestigated, and they do not receive even minimal support from the government. The Government of Afghanistan is further falling behind on fulfilling its national and international human rights obligations to HRDs in Afghanistan. Therefore, a strong protection mechanism for HRDs must be created in line with the government's international and domestic responsibilities. On the other hand, the non-governmental protection mechanisms continue to face challenges, and they have been unable to provide the necessary support to HRDs. The rollout of the Action Plan proposed by the AIHRC has been pending since 2016 as the Presidential decree mandating it has not been issued.

The international actors who committed to the Local Strategy have clearly not delivered on their commitments. They should increase their support to HRDs, ensure full implementation of the strategy and strengthen the HRD Committee. Further, they must use their political leverage to ensure that cases of threats, intimidation and attacks against HRDs and activists are investigated and those suspected to be responsible are brought to justice. Further improvements should bring in the existing non-government protection mechanisms, and they must be further gender sensitized to meet the needs of women HRDs. The space for HRDs to undertake pro-active initiatives to advocate for protection and promotion of human rights has shrunk.

RECOMMENDATIONS

In light of the above findings, Amnesty International makes the following recommendations to the Government of Afghanistan and to the international community as follows:

Government of the Islamic Republic of Afghanistan

- In consultation with HRDs and civil society organizations, establish a national protection mechanism for defenders at risk which incorporates preventative, collective and gender sensitive approaches, using protection methods agreed in consultation with affected HRDs.
- In line with its voluntary pledges, the government must establish an adequate information-sharing system on threats against HRDs in Afghanistan. It should have countrywide coverage and should also have the responsibility to ensure that cases of threats, intimidation and attacks against HRDs and activists are thoroughly and effectively investigated and prosecuted. With some necessary adjustments, the current support mechanism for media and journalists can be adopted for this purpose.
- Ensure that individuals are allowed to exercise their rights to freedom of expression, peaceful assembly and association both in law and in practice.
- Publicly condemn attacks, threats and intimidation against HRDs and refrain from using language that stigmatizes, abuses, disparages or discriminates against them.
- Monitor and address patterns of threats and attacks against HRDs that may be linked to their occupation, identity or other dangerous contexts in which they work.
- The government and parliament must specifically acknowledge threats, intimidation and attacks against HRDs, and relevant state agencies must be bound legally to promptly, thoroughly and effectively investigate and prosecute these violations of the rights of HRDs.
- The government must facilitate the visit of the UN Special Rapporteur on the situation of human rights defenders by 2019, in line with its voluntary pledges.
- The Government of Afghanistan must ensure that the law on access to information is fully and effectively implemented throughout the country.

Government of the Islamic Republic of Afghanistan and AIHRC

- The President should issue a presidential decree to roll out the AIHRC's Action Plan for HRDs, and specifically instruct the government agencies with specific responsibility under the Action Plan to co-operate across the country to ensure effective protection of HRDs.

The European Union and other members of the international community involved in the local strategy to protect HRDs

- The local strategy, "EU+ Local Strategy for Human Rights Defenders", must be reviewed to assess its implementation and update it in consultation with CSOs, HRDs, the media, and the AIHRC.
- Members of the Local Strategy should encourage the Afghan government to promptly, thoroughly and effectively investigate cases of threats, intimidation and attacks against HRDs.

They should further encourage the Afghan government to establish protection mechanisms for HRDs with an adequate information-sharing system on threats against HRDs in Afghanistan.

- The EU should report on the implementation of the Afghanistan-EU Human Rights Dialogue deliverables on protection of HRDs,[119] and prioritize protection of human rights under the current Working Group on Human Rights, Good Governance, and Migration.[120]

Concluding recommendations to all parties

- The Afghan government, USA and members of the Local Strategy should ensure that protection of HRDs and women's rights is not endangered by the ongoing discussions for peace talks with the Taliban.

- The Afghan government, AIHRC and Members of the Local Strategy should consider specific measures to ensure that women HRDs are protected
- Ensure a safe and enabling environment in which human rights defenders are effectively protected and where it is possible to defend and promote human rights without fear of punishment, reprisal or intimidation.

[119] European Union, Afghanistan-EU Human Rights Dialogue, (agreed table of deliverables and indicators).
[120] European Union External Action, European Union and Afghanistan strengthen dialogue on Human Rights, Good Governance and Migration., 06, May2018. https://eeas.europa.eu/headquarters/headquarters-homepage/44052/european-union-and-afghanistan-strengthen-dialogue-human-rights-good-governance-and-migration_en

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

DEFENCELESS DEFENDERS

According to the United Nations, there were nearly 11,000 civilian casualties in 2018 because of the ongoing conflict – including the highest number of civilian deaths in the past decade.

In this environment, the great risks that human rights defenders face in Afghanistan have been heightened. For their important work of defending the rights of others, they have come increasingly under attack – facing harassment, threats, intimidation, violence and even death.

In this challenging situation, this report was prepared to document the situation of human rights defenders (HRDs) and members of civil society organizations in Afghanistan. HRDs face constant attacks, acts of intimidation and harassment, and threats of violence from state and non-state actors. The Afghan government, despite its international obligations and domestic responsibilities, has not only failed to properly investigate threats and attacks against HRDs, but it has also failed to provide adequate protection to the HRDs. Interviews with HRDs and civil society organizations in Afghanistan revealed that they are also struggling with limited financial support to progressively sustain their offices and activities.

The report also details how the Afghan government, instead of investigating cases of attacks or threats against HRDs and providing them adequate protection, abdicated its responsibilities and told HRDs to protect themselves, suggesting they buy weapons for this purpose.

The Afghan government is failing to fulfil its obligations when it comes to the rights and protection of HRDs, and the international community, despite its many commitments to support HRDs, is now turning a blind eye to their ordeal.

CONTACT US


info@amnesty.org


+44 (0)20 7413 5500

JOIN THE CONVERSATION


www.facebook.com/AmnestyGlobal


@Amnesty