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CSDP/PSDC 423
POLGEN 80
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DEVGEN 159
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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)/Council
Subject: Draft Council conclusions on Afghanistan

1. The Asia/Oceania Working Party reached agreement on 11 July 2016 on the draft Council conclusions on Afghanistan setting out at annex the second annual review of the EU Strategy for Afghanistan 2014-2016 and its related implementation plan.
2. At its meeting of 12 July 2016, the Political and Security Committee confirmed the agreement reached in the Asia/Oceania Working Group.
3. Coreper is accordingly requested to approve these draft Council conclusions and submit them to the Council for adoption.

Draft Council conclusions on Afghanistan

1. The Council endorses the second annual implementation report of the "European Union Afghanistan Strategy: 2014-16" (cf. annex). Three years of improved EU coordination have shown results on which EU and Member States' engagement in Afghanistan will continue to build. The progress achieved has been visible in many areas, but it has been uneven and remains fragile. The ongoing fragility warrants a realistic approach for the longer-term, and sustained assistance of the international community, based on the principles of mutual accountability.
2. The Council concludes that, in the coming years, the EU and MS' overarching strategic goal should remain the development of Afghan institutions to safeguard progress to date and to further progress in the development of a more effective and ultimately sustainable Afghan state. The key objectives of the current Strategy should be renewed, namely to promote security; reinforce democracy; encourage economic and human development ; strengthen the rule of law, including the fight against corruption, and the protection and promotion of human rights in particular the rights of women, including in the context of the peace process and continue the fight against the narcotic and drug industry. The Strategy should take into account the regional dimension and maintain the flexibility to respond appropriately to potential changes in Afghanistan. Furthermore, as migration has become a priority for the EU in its overall relations with Afghanistan, the EU's actions should help address the root causes of Afghan irregular migration.

3. Based on this guidance, the Council would welcome a follow-up to the current "European Union Afghanistan Strategy: 2014-16". The new strategy for the period 2017-20 should respond to the envisaged Afghan National Peace and Development Framework as well as the related Afghan National Priority Programmes – to be endorsed at the Brussels Conference on Afghanistan (BCA). The strategy should encompass a comprehensive approach and the mutual commitments identified in the Self-Reliance Mutual Accountability Framework and the Cooperation Agreement on Partnership and Development. It should focus on concrete results and include an implementation plan that specifies deliverable outcomes and a clear, coordinated division of labour amongst the EU and Member States, in a multi-donor framework. It should explore possibilities of moving towards a Joint Programming scheme amongst interested European contributors. The Council would welcome having the new strategy ready for endorsement by the first quarter of 2017.
4. The EU urges the Afghan Government to cooperate on the return and readmission of its nationals, in full respect of their human rights and in accordance with international obligations and commitments. This is the central and essential element of the Joint Way Forward, which addresses the growing pressure of irregular migration in parallel to Member States' initiatives and agreements aimed at achieving further cooperation on readmission. The EU would support this through reintegration assistance, to help create a conducive environment that can offer Afghan citizens opportunities within the country.
5. The EU welcomes the commitments made in support of sufficient and increasingly sustainable Afghan National Defense and Security Forces as endorsed by Afghanistan and contributing countries of the Resolute Support Mission at the NATO Warsaw Summit on 8/9 July 2016.

6. Recalling the Council conclusions of 12 May 2016, the Brussels Conference on Afghanistan, scheduled for 4/5 October and co-hosted by the EU and the Afghan Government, is expected to focus on
- substantial progress in Afghan state and institution building through implementation of the reform agenda of the National Unity Government and concrete new commitments for the coming years defined in an updated Self-Reliance through Mutual Accountability Framework;
 - international support in view of sustained funding at or near the current levels until 2020, and increasing aid effectiveness in response to the new Afghan National Peace and Development Framework and our lasting security partnership;
 - regional support for a political process towards peace and reinforced cross-border economic cooperation.
7. The EU underlines that security and sustainable development represent interconnected challenges in a state-building process which needs to be underpinned by genuine political support within the region. A secure, stable, and prosperous Afghanistan is vital to the peace and stability of the region as a whole. The EU urges all regional stakeholders to cooperate actively in order to promote a genuine and results-oriented negotiation process aimed at creating a lasting settlement between the parties to the conflict that will provide the foundation for peace, security and prosperity both in Afghanistan and the wider region.

8. The EU welcomes and encourages coordinated efforts to support the Afghan Government in promoting a meaningful, Afghan-led and Afghan-owned peace process, which is the only viable path towards a sustainable resolution of the conflict. The EU welcomes the initiatives to create a conducive environment for such a process. Ending armed conflict in Afghanistan is urgent and in the interest of all who seek development and stability. The EU recalls the principles that constitute an integral component of stability in the region and beyond:

- (i) The sovereignty, unity, territorial integrity and independence of the Islamic Republic of Afghanistan;
- (ii) the inclusive character of Afghan-led and Afghan-owned peace talks, representing all citizens of Afghanistan and their legitimate interests, including adequate representation of women;
- (iii) the renunciation of violence and of ties to international terrorism; and
- (iv) the respect for the Afghan Constitution, including its human rights provisions, notably the rights of women and children.

The outcome of such a process should be respected and supported by all regional actors and the broader international community.

9. The EU urges Afghan authorities to ensure the necessary electoral reforms, notably in establishing a calendar for parliamentary elections. Inclusive and transparent elections, which reflect the genuine will of the Afghan people should lead to greater political stability, and strengthen sustainable democracy. To this end, rebuilding trust and confidence in the electoral reform process is of utmost importance.

10. The Council welcomes the holding of the 2nd local Afghanistan-EU Human Rights Dialogue in Kabul on 1 June 2016, which underlined the Afghan government's continued commitment to improve the human rights situation, notably in view of implementing the National Action Plan on the UN Security Council Resolution 1325. A number of concrete commitments have been made, including as regards the implementation of the Elimination of Violence Against Women law, which could become part of the revised annex to the Self-Reliance through Mutual Accountability Framework.
11. The Council remains concerned by the humanitarian situation and recalls the importance of respecting international humanitarian law.
12. The EU remains committed to support Afghan efforts in strengthening civilian policing beyond the envisaged completion of the police mission EUPOL AFGHANISTAN in 2016.
13. The Council expresses its intention to move towards signature of the Cooperation Agreement on Partnership and Development in time for the Brussels Conference on Afghanistan.

EU Strategy for Afghanistan 2014-2016**Introduction**

Since the last review of the EU Strategy for Afghanistan on 20 July 2015¹ the EU and its MS have continued to closely coordinate their activities to ensure the EU's presence and active involvement in all areas related to achieving the Strategy's objectives. Progress has been uneven due to a deteriorating security situation and political uncertainties that have defined the first eighteen months of the Afghan Transformation Decade (2015-2024).

Afghanistan's partnership with the international community was re-affirmed at the 5 September 2015 Senior Officials' Meeting (SOM) in Kabul and the adoption of the "Self-Reliance through Mutual Accountability Framework" (SMAF). The SMAF intends to guide government and donors in support of the government's reform agenda towards greater effectiveness of development assistance.

Currently, Afghanistan prepares for the NATO Warsaw Summit in July 2016, aimed at securing continued international support for the security sector and sustainment of the Afghan National Defence and Security Forces (ANDSF), and for the Brussels Conference on Afghanistan (BCA) on 4-5 October 2016. At the BCA, Afghanistan's international partners are expected to renew their financial commitments 'at near or current levels' in support of Afghanistan's ongoing state-building efforts. Based on the principles of mutual commitments, these contributions will allow for an additional four years of sustained support to stabilize Afghanistan and move the country closer to peace.

¹ Council Conclusions ref. 11053/15

Context

Eighteen months into the Transformation Decade, Afghanistan's National Unity Government (NUG) has demonstrated perseverance despite significant security, economic and political challenges. State fragility has continued to be exacerbated by corruption, an illicit economy, and ongoing armed conflict. At the same time, implementing the government's reform agenda has occurred slowly, and delays in key appointments have damaged government legitimacy. According to an Asia Foundation survey,² the optimism felt by the Afghan public during the first round of the 2014 presidential elections has declined significantly, with public confidence in the government at the “lowest point in a decade”. Amidst this general discontent, multiple political oppositions have emerged that seek to challenge the government through various means.

Afghanistan has experienced economic slowdown. According to the World Bank, Afghanistan's growth has declined from an average rate of 9.4% in 2003-12 to 1.3% in 2014 and to 1.5% in 2015. According to Afghanistan's Central Statistics Organisation unemployment increased from 25% (2014) to 40% (2015), leaving over 1.8 million eligible workers unemployed.

Afghanistan's overall security situation is worrisome. While the Afghan National Defence and Security Forces (ANDSF) proved their resilience in their first year of what was long foreseen as a difficult transition, 2016 is also expected to be a difficult fighting season.

The humanitarian situation has deteriorated as a result of intensified conflict-induced displacements. In 2015, Afghanistan experienced the highest number of civilian casualties (11,002, a 4% rise over 2014) as a result of increased fighting in densely populated areas and with suicide and other attacks in major cities. Perhaps most worrisome, UNAMA documented a 37% increase in women casualties and a 14% increase in child casualties.

² Asia Foundation, “Survey of the Afghan People” 2015.

A deteriorating security situation and the worsened economic scenario contributed to a dramatic increase of Afghan nationals travelling to Europe seeking asylum: last year, Afghan nationals represented the second largest group of migrants arriving in Europe. In response to the migration crisis, in particular the challenge of returning illegal migrants to Afghanistan, an EU-Afghanistan High Level Dialogue (HLD) on migration was initiated with a view to assessing developments at the side-lines of the BCA in October 2016.

The Afghan government made important efforts concerning peace and reconciliation. The Quadrilateral Coordination Group (QCG), comprised of government delegations from Afghanistan, Pakistan, China and the US, during a series of initial meetings in early 2016 renewed hopes for the commencement of peace talks. However, this process came to a halt when the Taliban reiterated their unwillingness to enter in direct talks with the Afghan authorities and after Kabul suffered a devastating Taliban attack in April 2016. The QCG process has been valuable as a mechanism to establish a dialogue between the Governments of Afghanistan and Pakistan. Finally, some progress seems to have been made in peace negotiations between the government and Hizb-i-Islami Gulbuddin (HIG).

To support Afghan stabilization and continued development, the EU and Afghanistan agreed to co-host the next comprehensive Ministerial Conference on Afghanistan in Brussels on 4-5 October 2016. The "*Brussels Conference on Afghanistan: Partnership for Prosperity and Peace*" aims to renew international support and the development partnership until 2020. It has three objectives: to convey a message of strong political support for Afghanistan's reform and state-building process; to commit development assistance up to 2020; and to create political momentum for reinforced regional cooperation, reaching out to all of Afghanistan's neighbours. The conference will also be an opportunity to assess the progress of Afghan authorities with regards to the reform agenda they committed to in London (and then at the SOM in Kabul) and the SMAF framework including commitments from both the international community and the Afghan authorities. The BCA parallels the security-related efforts pursued in the NATO framework at Warsaw in July 2016 and forms the main focal point for EU activities in 2016. Together the two conferences aim to, inter alia, tackle the broader link between development and security.

Anti-corruption has emerged as a key area of engagement for the EU and its MS in their interactions with the Afghan government ahead of the BCA and beyond. For the second year running the EU has organized an anti-corruption conference which has received wide media coverage and ensured that this item remains on the agenda of the Afghan government as well as the wider donor community. At the recent conference on 5 May President Ghani has announced a number of actions that the EU and the wider international community will follow up on.

It is proposed to update the current EU strategy 2014-16 in light of the outcome of the BCA, building on the mutual commitments agreed at Brussels and on the basis of a finalized Afghan National Peace and Development Framework (ANDF) as well as the identification of future priorities for reform. An updated EU Strategy for Afghanistan would cover the period from 2017 onward.

Objectives

(a) Promoting peace, security and regional stability

Objective: Promoting peace, security and regional stability, by advocating for an inclusive peace process; mitigating threats from drugs, trafficking and organised crime; tackling illegal migration; and supporting the development of a professional and accountable civilian police service

Renewed efforts to make peace in Afghanistan began in early 2016 through the QCG process, although this came to a halt after a devastating Taliban attack in Kabul in April 2016. The February 2016 announcement of the High Peace Council's new leaders and members- to include Jihadi leaders, religious scholars, political figures, tribal elders and influential women – is to enable the development of a national consensus on the peace process. Finally, 2015 witnessed significant advancements in regional economic cooperation that in the long term should contribute to stabilisation.

In the area of counter-narcotics there were positive advancements with the inauguration of the Afghanistan National Drug Action Plan and new initiatives on drug addiction treatment and community mobilization. However, while poppy cultivation due to external factors (weather, disease etc.) decreased last year it is unclear whether this positive trend continues. Overall, poppy cultivation and trade, compounded by the broader illicit economy, continue to negatively impact international state- building efforts.

Migration remains a significant regional issue with sizeable Afghan refugee populations residing in neighbouring Iran and Pakistan. Over the course of the past year, however, large numbers of Afghan nationals have also sought asylum in Europe. This has resulted in increased engagement between the EU and its MS with the Afghan government on the question of returns in particular.

EU, including EUPOL, and bilateral MS efforts, continue to provide strategic advice to MoI leadership in pursuit of the development of a professional and accountable civilian police force. Although the EUPOL mission itself is coming to an end by late 2016, the EU will continue its support to MoI reform and civilian policing through different instruments at hand.

The EU and MS have continued **to support an inclusive Afghan-led and Afghan-owned peace and reconciliation process leading to a political settlement in which all parties eschew violence, disavow any link with terrorism, and respect human rights – and women’s enjoyment of human rights in particular.** The EU and MS continued to support the peace process and to encourage adequate and active female participation in all its aspects. Specifically, the EU and MS have advocated the inclusion of a female negotiator in any future Afghanistan-Taliban talks.

While **enhancing political and economic cooperation between Afghanistan and its neighbours and supporting mutually reinforcing cooperation initiatives with neighbouring countries and international organisations,** the EU and MS continued to support initiatives and processes such as the Heart of Asia – Istanbul process and its confidence building measures, as well as trade related technical assistance. The mandate of the EU Special Representative (EUSR) contributed to strengthening such regional engagement, which aims to generate interdependencies vital to fostering peace, economic development, and security.

The EU and MS continued their high level policy dialogue and technical support towards **strengthened Afghan and regional efforts to reduce organised crime and drug production, trafficking and demand**. The EU and MS aim to address counter-narcotics and the illicit economy through a comprehensive approach focusing support on capacity building for law enforcement and the judiciary; border management and trade facilitation; public health awareness and outcomes; and alternative livelihoods, aimed at reducing the dependency of subsistence farmers on narcotic crops. Through the UNODC Regional Program on Afghanistan and Neighbouring Countries the EU supported counter-narcotics initiatives partnership and trust building between the countries in the region.

The EU and MS continued to seek to expedite the reform process, the implementation of the National Drug Plan as well as the implementation of the agreement on the creation of inter-ministerial coordination structure in charge of comprehensive counter-narcotics efforts which should lead to the introduction of a holistic process assessing all national, multilateral and bilateral programmes on the basis of their potential impact on the production, trade and use of opium and its derivatives.

In response to an increasing numbers of Afghan nationals travelling to Europe to seek asylum from 2015 onwards, the EU has commenced negotiation on a Joint Way Forward (JWF) on irregular migration with the Afghan government. Several MS are simultaneously negotiating bilateral MoUs to facilitate voluntary or forced returns.

At the regional level the EU supports the “Solution Strategy on Afghan Refugees” (SSAR), a regional solution strategy for the reintegration of Afghan refugees based on principles of voluntary repatriation and sustainability. Actions benefit more than 15% of the total Afghan refugees in Iran and Pakistan and around 200 000 Internally Displaced Persons (IDPs) in Afghanistan. The EU financially supports the provision of public services in health, education, legal protection and legal assistance, sanitation and hygiene as well as livelihood opportunities.

The EU and MS continue to be engaged in strengthening Afghan-led efforts to increase the quality and sustainability of civilian policing as an integral part of the wider rule of law. The EU, EUPOL and MS continue – often in a leading role – in the political and technical dialogue to gradually develop the Afghan National Police (ANP) into a professional civilian police service. The EU and MS also engage in a dialogue with the government to increase Afghan leadership and ownership in Ministry of Interior (MoI) reform, anti-corruption and fiscal sustainability. There is a continued need for assistance with regards to civilian policing, particularly in light of the present focus on counter-insurgency on the part of the Afghan National Police (ANP), challenges in the areas of development of leadership, training and education as well as fostering greater government accountability, in particular anti-corruption measures.

The EU and MS coordinate with other donors and the Afghan government, e.g. through the Oversight and Coordination Body (OCB) as well as the International Police Coordination Board, the secretariat of which recently transferred to Afghan ownership. A transition of the payroll management function of the UNDP-administered Law and Order Trust Fund (LOTFA) to the Ministry of Interior is foreseen for the end of 2016, pending the fulfilment of conditions agreed between donors and the President in November 2015. The EU and MS support the restructuring of LOTFA to provide more focused and programmatic support to MoI reform, police professionalization and civilianisation as well as increasing oversight over the payroll management. Supported by the EU and MS, EUPOL and LOTFA have developed and supported the implementation of the MoI Female Police Strategy and support Police Women Councils to increase coverage and gender mainstreaming throughout the system. LOTFA also supports the new government's reform agenda, specifically on the civilianisation of the MoI and the integration of the security sector institutions in whole-of-government reforms, including public financial management and public administration reform.

(b) Reinforcing Democracy

Objective: Reinforcing democracy: functioning democracy needs to be embedded through democratic oversight at national, provincial and district levels, inclusive and transparent elections, and capacity-building in key institutions of governance;

The electoral reform is facing significant delays. The Special Electoral Reform Commission (SERC) that was established in July 2015 presented a final report in December to address the shortcomings faced during the 2014 presidential elections. This report reflected some recommendations of the 2014 EU Election Assessment Team, such as the revision of electoral disputes resolution system, fraud mitigation measures, better coordination of domestic electoral observation, and using an electronic ID card (E-Taskeera) for voter registration. The two Legislative Decrees implementing a first set of recommendations were rejected by Parliament in January 2016. The decrees aim at reconstituting the Afghan Electoral Management Bodies (EMBs), a crucial step for restoring public confidence in the electoral process. On 23 April 2016, the structural law decree was submitted to the Parliament and rejected on 13 June 2016 by Wolesi Jirga (the Lower House of the Parliament). Ongoing political discussions and technical questions, such as an electronic ID card (E-Taskeera), may remain unsolved.

Sub-National Governance (SNG) saw a number of developments over the last months with a first draft of a revised SNG policy addressing key issues such as increased delegation of authority and necessary provincial-level funding (including the promise of a 40% budget decentralisation). The Provincial Budgeting Policy was approved by the Cabinet in October 2015. The Municipality Law and Urbanization Law were sent to Cabinet in February 2016. President Ghani has begun to hold bi-weekly meetings with Provincial Governors and a videoconference with all 34 Provincial Governors every month. The Government has initiated merit-based recruitment across the IDLG spectrum and up to Deputy Governor level. IDLG's activities are, however, hampered by lack of leadership due to vacancies at the very top level.

The EU and MS continued to support the electoral reform process based on a broadest possible political consensus among Afghan stakeholders. Pending clarity on the Parliamentary and District Councils elections calendar, the Project Initiation Plan (PIP) implemented by the UNDP provides technical advisory assistance to electoral reform and management bodies.

In support of greater accountability of the executive through improved parliamentary independent oversight, the EU and MS continued to assist the two Houses of the National Assembly to become more effective parliamentary institutions through the “Institutional and Capacity Support to the Parliament of Afghanistan” completed in October 2015.

Building the capacity of Sub-National Governance in Afghanistan is a key priority for EU and MS. **Focusing on reducing corruption and increasing accountability in order to improve service delivery and budget administration**, the EU and MS continued to actively engage in the policy dialogue with the central and sub-national government on reform efforts and contributed to strengthen the Provincial Governor Offices and Provincial Councils capacities on revenue generation at municipal level. Following the adoption of the EU Roadmap for Engagement with Civil Society in Afghanistan in 2015, the EU prioritised efforts to strengthen the oversight role of civil society in governance and accountability reforms and to monitor service delivery performance. In addition, the EU and MS assisted municipalities to undertake strategic urban planning and promote local economic development, stimulate investment and expand inclusive service delivery. Current assistance to survey and register properties contributes to improved land management, increased tenure security, reduced land grabbing, as well as to significantly expand the potential tax base for municipalities.

Capacity-building of in key institutions of governance also extends to anti-corruption and **the EU and its MS actively support government efforts** in this domain. This concern is also reflected in the revised mutual accountability framework (SMAF) agreed between the government and the international community in Kabul on 5 September 2015. Specifically, the drafting of anti-corruption plans of the five key revenue-generating ministries is one of the SMAF deliverables (#5, incentivized by DEVCO), which ensures donor attention on this important issue.

(c) Encouraging economic and human development

Objective: Encouraging economic and human development including creating a transparent economic framework to encourage investment, raise revenue, allocate finances, strengthen resilience and improve access to health and education, including for the most vulnerable segments of the population;

Afghanistan remains a long way from closing its human capital and infrastructure gap with other South Asian, low income, and fragile countries. In 2014 and 2015 Afghanistan recorded the lowest GDP growth rates of the past decade. According to the World Bank, poverty levels rose from 36% in 2008 to 39% in 2013/14 with the highest incidence in rural areas (80%)³. Industries and services are growing at the slowest pace since 2013. Generating employment and the provision of social services remain significant challenges.

Steering Afghanistan's economy towards growth will depend on fiscal stability. A number of newly introduced measures, in line with recommendations from the IMF Staff Monitored Programme (SMP), have resulted in a 22% year-on-year increase of domestic revenues in 2015. Aid is expected to decline as a percentage of GDP, and a financing gap should continue through 2025 that is exacerbated by considerable security expenditures.

The EU and MS have contributed to the Public Financial Management Roadmap (PFMR II) covering the period 2016-2020 and have been closely involved in policy and technical dialogue with the Ministry of Finance and other involved parties.

Since 2015 Afghanistan has engaged in the definition and implementation of a new Public Financial Management Roadmap (PFMR II) covering the period 2016-2020. PFM II has five strategic objectives, including clarity over national resources and spending priorities as well as increasing national revenues. Implementation of the Roadmap began in January 2016 and is set to contribute to a number of ambitious objectives, including a drastic improvement in the execution rate of the development part of the budget by the end of 2016.

³ World Bank, Afghanistan Development Update, April 2016, p.1

The Government has announced reforms including the promotion of regional integration and an enabling partnership for private sector development. Improving the investment climate will promote diversification and integration of Afghan businesses in regional networks.

The EU and MS engaged in regular policy dialogue on the all-important issue of medium and long-term fiscal sustainability – aiming at **stronger financial self-sustainability of the Afghan state, through increased revenue generation** – particularly with a perspective of reducing the current budget's 70% reliance upon international grants. An EU roadmap was approved to prepare a State Building Contract (SBC) for adoption in 2016 that includes domestic revenue generation indicators.

The EU and MS supported government efforts to enhance governance, improve capacities and human development with a strong focus on the regional dynamics and opportunities that can contribute to peace, security and economic development. The EU and MS **actively contributed to the revised mutual accountability framework (SMAF)** agreed between the government and the international community in September 2015.

The EU and MS support **human development including for the most vulnerable segments of the population** through support for agriculture and rural development, water and energy supply, health, education, governance and rule of law. EU and MS investments in education have contributed to higher literacy rates for women. Still, a considerable gap persists between boys and girls school enrolment and the quality of education remains of concern. In the face of enormous security and political challenges, the EU and MS support for service delivery has contributed to the sustainment of past gains, such as a significant decline of maternal and child mortality.

EU intervention relative to **improving the rural economy to generate jobs and reduce dependence on poppy** focused on consistent support to community infrastructure development, animal health, access to good quality varieties of seeds/plants, water management and food security. A more structured approach could be adopted thanks to a substantive policy dialogue with Line Ministries towards a sector programmatic approach. The bulk of the EU and MS's contributions in agriculture have focused on making the rural economy more resilient and on fostering a conducive environment for farmers to invest in agriculture.

Together with other major donors, the EU and MS have aligned support with the government's emergency Jobs Stimulus Initiative ("Jobs for Peace"), which is expected to improve short-term economic recovery and stimulate job creation until the government's economic reform programme begins to deliver results. This initiative also addresses the economic motivations leading to migration from Afghanistan.

The EU has engaged in an active policy dialogue on macro and micro-economic reforms with the Afghan Presidency, the Ministry of Finance and relevant line Ministries, including on Private Sector Development (PSD). During consultations in the framework of the IMF SMP and the upcoming Extension Credit Facility as well as the PFMR II, the EU has favoured business regulatory reforms allowing the development of Afghan national industries in key sectors, while maintaining public spending in social sectors at or near current percentage levels.

(d) Fostering the rule of law and human rights

Objective: Fostering the rule of law and respect for human rights by advocating respect for human rights (including in particular the full implementation of statutory protections for the rights of women and girls), supporting greater equality before the law of all citizens and assisting with the development of a comprehensive framework to strengthen and reform the justice sector.

The human rights situation, in particular women and children's enjoyment of human rights, remains worrisome. Cases of inhumane punishment have been recorded and there are indications of torture having taken place in detention facilities. The lack of prosecution of such human rights violations reflects a culture of impunity. War crimes committed during the last decade have not been investigated. Government continued to implement the death penalty. One execution took place in 2015, and six prisoners were executed in May 2016 in response to a large Taliban attack in Kabul on 19 April. 2015 saw an overall decrease in reported violence against journalists and, although the percentage of cases involving government forces increased, the overall number of incidents was still less than in 2014.

In response the government has committed to advance human rights and the rights of women and children in particular. The Elimination of Violence Against Women (EVAW) law remains in force though its implementation continues to lag behind, with mixed results across the country. A Law prohibiting the recruitment of children to the ANDSF has been passed and work on a Child Act is ongoing. The National Action Plan (NAP) on Women, Peace and Security (UNSCR 1325) aimed at strengthening women's participation, protection of women, prevention of violence against women, and women's access to relief and recovery services was launched on 30 June 2015. However, its implementation lags behind and the NAP still requires a budget for implementation.

The confirmation of the Attorney General in April 2016 after a delay of several months constitutes an important step towards addressing these issues. Work towards a Justice Sector Reform Plan by the end of 2016 is ongoing although progress, and the implementation of tangible reforms of the justice sector, remains slow.

Public distrust in the statutory legal system remains prevalent. The formal justice system is not accessible countrywide, and many Afghans continue to rely on informal justice mechanisms, including the Taliban imposing its own form of justice, such as stoning women to death on accusation of adultery. The Reconciliation Law on relations between informal and formal justice, remains under preparation.

The EU and MS closely coordinate efforts and continue to **advocate advancing human rights, in particular of women and children's enjoyment of human rights as well as women's empowerment** to address cases of major human rights violations, notably as regards civilian casualties, the death penalty, women's rights and children's rights, advocacy, public statements and demarches, and in particular the implementation of the EVAW Law and the NAP 1325. The first EU-Afghanistan local Human Rights Dialogue was held on 15 June 2015, with a technical level follow-up meeting on 1 December 2015. The second local Human Rights Dialogue took place on 1 June 2016.

The EU continues to follow up with the government on the implementation of the NAP 1325, including the need to finalise the implementation plan and financing mechanism. The Local Human Rights Dialogue also includes topics such as the signature and ratification of the Optional Protocol to Convention Against Torture (OPCAT) and the conclusion of a MoU between the Afghanistan Independent Human Rights Commission (AIHRC) and the Ministry of Interior on the Office of the Ombudsman.

The EU and MS have continued to **advocate for an end to the culture of impunity for serious war crimes and human rights abuses**. The EU and MS have raised the issue of transitional justice and the International Criminal Court (ICC) with the Afghan government to have the government cooperate with and extend an official invitation to the ICC. The EU and MS also held meetings with the Transitional Justice Coordination Group and continue to follow-up on specific human rights cases with the Afghan government centrally and in the provinces. The EU and MS advocated for the reservations to Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment to be removed.

In the absence of a fully-developed Justice Sector Reform Plan, the EU and MS are liaising with government counterparts to create an environment conducive to progress and reforms, as well as engaging with other donors to streamline these efforts and donor support. In the context of the phase-out of EUPOL's Rule of Law component at the end of 2015, the EUSR office has been reinforced with additional staff to build on EUPOL's achievements in the areas of justice and rule of law.

The EU and MS continue to support Afghanistan to **maintain the right to freedom of assembly and strengthen the right to freedom of expression, including by supporting journalists and human rights defenders**. The EU and MS cooperate closely with civil society and the media as well as the Journalist Safety Committee and regularly meet with journalists on security and related matters. The EU and MS have produced a local EU Strategy on Human Rights Defenders which outlines envisioned protective actions including political dialogue, awareness raising, trial monitoring, as well as internal and external relocation. The EU and MS have a close cooperation with Human Rights Defenders and have established a mechanism to ensure swift cooperation and burden sharing on the protection of Human Rights Defenders as well as an Afghan-led Human Rights Defenders Committee.

Planned Commitments For Afghanistan (2016)																															
Thousand EUR																															
Action Plan Area	EC	AT	BE	BG	HR	CY	CZ	DK	EE	FI	FR	DE	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SK	SI	ES	SE	UK	Total per Action Plan Area	
Promoting Peace, Security and Regional Stability																															
Peace and Reconciliation Process										1,750		1,400										4,835		701			50		1,593	6,230	16,559
Cooperation between Afghanistan and its Neighbours												1,000					65,000			850										66,850	
Reintegration of Afghan Refugees										2,000		4,900					1,000					52			10					7,962	
Civilian Policing					447			10756	275	6,800		77,700		88	104			11	4,000		15,000								94,593	209,774	
Reducing Organised Crime and Drug Production				55							54	85																	7,978	8,172	
Addressing uncontrolled and illegal Immigration																														-	
TOTAL per EU Donor	-	-	-	55	447	-	-	10,756	275	10,550	54	85,085	-	88	104		66,000	-	11	4,850	-	19,887	-	701	-	10	50	-	1,593	108,801	309,317
Reinforcing Democracy																															
Electoral Architecture and Procedures								1342																				350	1,692		
Parliamentary Elections												500																		1,000	
Accountability of the Executive	37,000							2,013			566	12,790																372		52,741	
Sub-National Governance	15,000											53,450					1,500											4,305		74,255	
TOTAL per EU Donor	52,000	-	-	-	-	-	-	3,355	-	-	566	66,740	-	-	-	-	2,000	-	-	-	-	-	-	-	-	-	-	-	5,026	-	129,697
Encouraging Economic and Human Development																															
Human Development (education, health)							481	4,430	250	7,000	12,353	49,500		24	1,000		6,000			40		22,436			200	30		22,843		126,585	
Public Financial Management							227																							227	
Financial Self-sustainability of the Afghan state (Revenue Generation)												13,400																		13,400	
Rural Economy	30,000						222	9,933		2,500	1,352	22,000																4,276		70,283	
Multiple sectors (including ARTF)	200,000			55			823	8,725	450	6,300	8,539	70,000				13,950												28,519	232,237	569,598	
TOTAL per EU Donor	230,000	-	-	55	-	-	1,752	23,087	700	15,800	22,244	154,900	-	24	1,000	19,950	-	-	40	-	22,436	-	-	-	200	30	-	55,638	232,237	780,092	
Fostering Rule of Law Respect for Human Rights																															
Human Rights	10,000							403		400	387	1,000									3,000							2,414	6,509	24,112	
Justice System										1,000		5,400									4,165							161		10,726	
End to Impunity																														-	
Freedom of assembly and expression										100		6,000																637		6,737	
Humanitarian Assistance								19,000			845				453				1,000							30		16,270	29,546	67,144	
TOTAL per EU Donor	10,000	-	-	-	-	-	-	19,403	-	1,500	1,232	12,400	-	-	453		-	-	1,000	-	7,164	-	-	-	-	30	-	19,483	36,055	108,719	
Energy and Water												45,000																		45,000	
Total per EU Donor	€292,000	€0	€110	€447	€447	€0	€1,752	€56,601	€975	€27,850	€24,096	€364,125	€0	€112	€1,557	€87,950	€0	€11	€5,890	€0	€49,487	€0	€701	€0	€210	€110	€0	€81,740	€377,093	€1,372,816	
EC	AT	BE	BG	HR	CY	CZ	DK	EE	FI	FR	DE	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SK	SI	ES	SE	UK	Total		

1. Finland's commitments include humanitarian aid, around 10% of the total assistance.
2. Germany's overall 2016 (civilian) commitment to Afghanistan amounts to EUR 430 million, some of it outside the abovementioned categories. Its contribution to ARTF (EUR 70 million) is subject to approval of the Budget Committee of the German Bundestag. In addition, in 2016 EUR 50 million are subject to completion of concrete reform steps by the Government of Afghanistan. Furthermore, in 2016 31 Mio. Euros are subject to the presentation of a binding guidance by the Government of Afghanistan regarding customs clearance and tax exemptions applicable to all project activities.
3. UK figures follow the UK's financial years commitment (April 2016 - March 2017)