

# Human Rights Promotion: The Afghanistan Independent Human Rights Commission

Abdul Karim Azizi and Yeseul Christeena Song

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**T**HE RECENT HISTORY of Afghanistan explains the need for human rights in the country:<sup>1</sup>

Over the last thirty years, Afghanistan's citizens have experienced atrocious human rights violations during the rule of three regimes including the Democratic Republic of Afghanistan (1978-1992), the Islamic State of Afghanistan (1992-1996) and the Islamic Emirate of Afghanistan (1996-end of 2001). During this period, nearly all categories of human rights violations occurred including forced disappearance, arbitrary detentions, extrajudicial killing, summary execution, torture, mass killing through indiscriminate bombardment of residential areas, forced displacement, looting and destruction of public utilities and personal belongings. These violations were committed by ... police, army personnel, [and] intelligence agent[s] of the government as well as irresponsible commanders and fighters, Taliban and Soviets.

The current insecurity experienced by the Afghans, the weak rule of law, the failure of the government to implement laws to protect human rights, its failure to provide basic social services, poverty intensified by war, and the "low and inadequate level of public awareness about human rights [that] has prevented citizens from realizing and accessing their rights"<sup>2</sup> are daunting tasks to be addressed by any human rights institution in Afghanistan.

The Afghanistan Independent Human Rights Commission (AIHRC) was established in 2002 as a result of a United Nations-mediated agreement that ended years of civil war in the country.<sup>3</sup> The agreement explicitly provides for the establishment of an independent national human rights institution that would monitor the human rights situation, investigate human rights violations, and develop domestic human rights institutions. While the AIHRC was initially established by virtue of a presidential decree in 2002, its existence became a constitutional mandate under the 2004 Constitution of

Afghanistan (Article 56). A 2005 law defines the mandate, structure and duties of AIHRC.<sup>4</sup>

### **AIHRC Structure and Programs**

AIHRC has its headquarters in Kabul, and eight regional and six provincial offices. The regional offices are located in Bamyan, Gardez, Herat, Jalalabad, Kabul, Kandahar, Kunduz and Mazar-e-Sharif Provinces. The six provincial offices are located in Badakhshan, Daikundi, Ghor, Helmand, Maimana and Urozgan Provinces. At present, the AIHRC employs six hundred forty six staff members. Each regional office covers one or more provinces, based on need, while each provincial office covers only one province.

Since its establishment in 2002, the AIHRC has “undertaken to foster and support a culture of respect for human rights within government institutions and among the public through various training and awareness-raising activities.”<sup>5</sup> As the current strategic plan explains,

In implementing its mandate and work, the aihrc cooperates closely with Government, civil society, Ulama, media and international partners. The aihrc regularly provides support and technical expertise and advice to various Government ministries on human rights related matters and has held human rights awareness workshops and trainings for staff of the National Army, the National Police and teacher training institutes, universities and other public and private higher education institutes. The aihrc also regularly issues recommendations to the Government related to the human rights situation.

Since its establishment, the AIHRC has maintained close cooperation with civil society organizations (CSOs) in the areas of human rights awareness and advocacy. The AIHRC has undertaken various joint projects with CSOs and also supported the training and capacity developments of a number of CSOs.

Under the 2010-2013 Strategic Plans, the AIHRC envisions “[A] just, democratic, and developed society where human rights are observed, respected, and protected.” It has the mission of:

- Encouraging and empowering the government, individuals, and civil societies to promote, protect, and respect human rights.

- Leading the Afghan human rights movement and advocating for change at the local, national, regional, and international level[s] in the improvement of human rights protection and promotion.
- Monitoring the Government's compliance with national and international human rights obligations in order to assess national laws and policies and provide recommendations.
- Defending and protecting the rights of victims of human rights abuses; and,
- Ensuring the AIHRC's effectiveness and impact.

It upholds the following values:

- Human dignity
- Justice
- Equality and non-discrimination
- Freedom
- Commitment
- Transparency
- Consultation and participation
- Mutual respect and understanding.

Based on the vision, mission, and values of AIHRC, it adopted the following five strategic objectives:

- *Leadership:* Enhancing the AIHRC's reputation as the authority on human rights protection and promotion; allowing the government, civil societies, and other key national and international stakeholders to be able to increasingly rely on the AIHRC's expertise, information and findings; to be visible and proactive in drawing national and international attention to human rights issues in Afghanistan; increasing public awareness about the role, importance and impact of the AIHRC; and, enriching national and international human rights programs in Afghanistan through the AIHRC's participation, advice, and recommendations.
- *Education:* Enhancing public awareness on human rights; institutionalizing human rights education within schools, universities, teacher training institutes, judicial and legislative training centers, religious centers, and police/national security training institutions;

increasing the quality and quantity of media and research institutes focusing on human rights issues; decreasing violence in the home, work place, and public spheres, particularly against women and children; and, increasing the amount of people who consult and trust human rights institutions and organizations.

- *Empowerment:* Improving the effectiveness of the AIHRC's management of its programs and resources; strengthening the AIHRC's expertise and professionalism through relevant developmental and training programs; increasing the diversity of the AIHRC's gender, ethnic identity, religious, and language demography; increasing the AIHRC's capacity to resolve and follow-up on reported human rights cases/violations; increasing the civil society and the government's capacity to protect, monitor, and promote human rights; and, increasing the ability of AIHRC and civil society organizations to influence the government on human rights matters through advice and recommendations.
- *Advocacy:* Advocating for more laws, policies, and regulations to protect human rights; advocating for the ratification and harmonization of existing laws with international human rights treaties; strengthening and increasing participation in national, regional, and international forums and networks in support of addressing human rights priorities; implementing the Action Plan on Peace, Reconciliation, and Justice; and, proactively preventing the implementation of policies and measures that violate human rights.
- *Monitoring and Investigation:* Allowing the Afghan people greater access to their fundamental human rights, in particular civil, political, socio-economic, and cultural rights; increasing public awareness and information on the government's compliance with national and international human rights obligations; improving the treatment of prisoners, detainees, and suspects in prisons, detention centers, child correction centers, police custody centers, and detention centers run by international security forces; increasing public awareness and sensitization about the level and degree of corruption and its adverse and direct effects on the realization of human rights; increasing access to justice, particularly by vulnerable persons, including women, children, and persons with dis-

abilities; and, decreasing the amount of civilian casualties in armed conflicts.<sup>6</sup>

The AIHRC has the following activities:

- Publishing human rights-related articles on an exclusive page in a daily newspaper. It has published, for example, the following articles “From Hope to Fear: An Afghan Perspective on the Operation of Pro-Government Forces in Afghanistan” (Dari, Pashto and English), “The Human Rights Situation in 2008” (Dari and Pashto), “Insurgent Abuses against Afghan Civilians,” “Right to Education for Children,” a research report on the situation of persons with disabilities in their families (Dari), “Insurgent Abuses against Afghan Civilian” (Dari and Pashto), “Convention on the Rights of Persons with Disabilities” (Balochi, Uzbaki and Pashae);
- Press interviews and public statements;
- Attending international training programs and conferences; and,
- Undertaking national advocacy activities, including the printing of posters and brochures, including “Law Enforcement Officials and Human Rights” (10,000 copies), “Nekah Nama” [marriage certificate] (Dari and Pashto, 40,000 copies), and cards on the “Rights of Children” (Dari and Pashto, 30,000 copies) distributed throughout Afghanistan.

## **Human Rights Education**

In 2009, the Human Rights Education Unit of AIHRC promoted positive human rights-related changes in the curriculums of universities, and police and military academies. The Human Rights Education Unit focused on holding workshops and meetings, and publishing a vast array of materials in order to incorporate human rights into the curriculums. The materials included pamphlets and brochures. And since the main sources of information dissemination in Afghanistan were radio and television, the Human Rights Education Unit broadcast two-hour radio programs every week, and showed a series of short films on television. The workshops and meetings aimed at incorporating human rights education into the curriculums and training activities for members of the police, military forces, non-govern-

mental organizations (NGOs), CSOs, as well as judges and lawyers. The workshops and meetings focused on studying ways of performing the respective jobs of these groups while keeping in mind human rights standards, and attempting to decrease human rights violations by all groups. The Human Rights Education Unit also built small libraries inside universities, and police and military academies to make human rights materials available to students, and members of the police and the military.

Human rights education has been incorporated into the training curriculums of some military and police academies, and many universities now offer human rights courses. However, there is still much to be done. The Human Rights Education Unit aims to make human rights education incorporated in all police and military academies and other education facilities.<sup>7</sup>

During training workshops and awareness-raising meetings, the AIHRC used different types of materials based on their needs, such as the Universal Declaration of Human Rights, as a main resource for training. The International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and other important international human rights treaties are also included.

The training workshops and awareness-raising meetings cover a number of main topics such as human rights violations (forced and under-age marriage); human rights and Islam; violence against women and children; women's rights in Islam, and the Convention on the Elimination of All Forms of Discrimination against Women; transitional justice, conflict resolution, peace, reconciliation and tolerance; elections and right of women to vote; nationwide advocacy campaigns; violence against children in the family, schools and society and its impact on children and child labor; and, the rights of persons with disabilities.

The relevant provisions of national laws (such as the Constitution of the Islamic Republic of Afghanistan, the Penal Code, and the Civil Code) that specifically relate to marginalized groups are also covered during training sessions and workshops.<sup>8</sup>

The AIHRC also translated the Convention on the Rights of Persons with Disabilities into the main national languages, Dari and Pashto, and local languages such as Uzbaki, Pashae, Turkamani, and Balochi. These materials were printed and distributed to all AIHRC regional and provincial offices in Afghanistan.

## **Challenges**

Afghanistan faces complex and interconnected challenges as a nation. Internally, Afghanistan suffers from the lack of a competent government system; corruption in the governmental bodies; lack of proper strategies and policies regarding the implementation of human rights issues in the nation; lack of attention paid to the application of the ratified or acceded to United Nation's human rights treaties by the government and the media; lack of attention paid to the rights of vulnerable and marginalized peoples such as internally displaced persons, returnees, refugees, women, children, and persons with disabilities; extreme poverty, high unemployment, systematic discrimination, and lack of access to basic health care, education, and adequate housing; a weak judicial institution; lack of cooperation and coordination among the nation's institutions, NGOs, and the civil society; the fact that human rights constitute a fairly new concept for the government; lack of qualified, educated government staff who are preparing policies and action plans for the implementation of human rights instruments in the nation; misconceptions among the public about basic human rights and the general public's misconception of human rights as Western ideas and thus not applicable to Afghanistan; lack of government financial support for human rights institutions; high levels of illiteracy due to thirty years of armed conflict, adding to the difficulties in changing the attitude and behavior of the people; difficulties in producing appropriate and adequate learning and teaching materials for target groups.

In addition, the following problems should be considered for the improvement of human rights in the country: Lack of qualified human rights trainers at the national level; misuse of power by government officials, warlords, military commanders, the police, etc.; the weakness of the Action Plan for Peace, Reconciliation, and Justice which was prepared and approved by the government, but was not implemented; crimes against humanity including rape and violence against women and children; violence between different ethnic groups within the country; other countries supporting specific ethnic groups against another; and, the incompleteness of the Afghanistan Compact on Human Rights. There is also a lack of governmental commitment and support on human rights issues at the strategic and policy levels.

Internationally, Afghanistan suffers from the lack of cooperation and coordination among governmental bodies, members of the civil society, and

international organizations; the collective deportation of Afghan refugees from foreign countries without further consideration of their basic human rights.

During 2009, the AIHRC faced many challenges, causing difficulties in the implementation of activities on promoting, protecting, and monitoring human rights in the country. These challenges included security issues because of attacks made by violent insurgents and armed, anti-governmental organizations in a large portion of Afghanistan, especially the south, causing loss of civilian lives and general instability; a weak observance of the rule of law; lack of qualified and trained human rights officials at the national level; persistent culture of impunity and the abuse of power by government officials; a weak justice system that results in slow resolution of disputes; slow government reform process; lack of funding from government establishments; lack of cooperation among the governmental bodies and between international organizations, such as the United Nations, and the Government of Afghanistan; and the lack of human rights competence among government officials.

### **Critical Analysis on Human Rights Education in Afghanistan**

Islam is a religion which protects and promotes the rights of all people. Human rights issues are mentioned in many verses of the Holy Qur'an and are also stated by the Prophet Mohammad (PBUH)<sup>9</sup> in his speeches and dialogues with the people more than fourteen centuries ago. In Chapter Alhojarat, Verse 10 of the Holy Qur'an states, "The word is, no other word, all the believers are brothers between each other, then make peace among themselves." The Prophet Mohammad (PBUH) also stated, "A pious man is the brother of a believer" indicating that all men should make peace between one another regardless of their beliefs or backgrounds. Unfortunately, the AIHRC has long experienced that this is not the case.

During the many years of promoting, protecting and monitoring human rights in the country, AIHRC has dealt with many different target groups. These target groups included military personnel, officers, and military academy students; members of the civil society; police officers and trainees; judges, prosecutors, and prison wardens; the *ulama* (religious people); vulnerable persons; media staff/journalists; members of judicial/legislative bodies; school teachers and students in the country. The AIHRC aims to in-



crease the level of public human rights awareness by targeting these groups and plans to measure and assess the changes in the level of their human rights awareness.<sup>10</sup>

In addition, the AIHRC also succeeded in the different aspects of implementing its mandate, such as strengthening AIHRC as an institution, developing a Four-Year Action Plan without support from outside specialists, increase in staff to more than six hundred members, sponsoring staff training at the Kabul University, sending staff members to be trained abroad, supporting international consultants, increasing partnerships and engagements with national and international stakeholders, celebrating four human rights days (March 8– Women’s Day, June 13 - Mother’s Day, November 25 - Violence Against Women Awareness Day, and the International Day of the Child), photo exhibitions on human rights issues, television contests on the rights of the child, participation in law reform efforts with the Ministry of Justice, contributing to the decrease in the number of civilian casualties caused by members of the international forces in the country, among others.

Considering the challenges, the AIHRC’s achievements are noteworthy and are recognized by stakeholders, members of the civil society, and donors, including the United Nations Assistance Mission in Afghanistan (UNAMA). Unfortunately, human rights are still not within the reach of families, villages, the society in general, schools, and higher education institutions. Human rights values are also not institutionalized among government bodies and officials.

## Conclusion

During the 2010-2013 period, the AIHRC plans to enhance public awareness about human rights. An increase in human rights education will be indicated by a greater degree in which public knowledge about human rights principles and norms increases through a decrease in anti-human rights propaganda and an increase in the number of public statements made by government officials, the Parliament, the *ulama*, etc. By the end of October 2013, the AIHRC’s field monitoring and interviews will reflect an enhanced level of human rights awareness. Also by the end of 2013, follow-up research and surveys will be conducted to assess and measure changes in the level of human rights awareness. During this time period, new technologies such as internet groups, blogs, online social networks (Facebook, etc.).

will be used to disseminate human rights information. Such programs will include the Research and Policy Unit, the Human Rights Education Unit, the Monitoring and Evaluation Unit, and the Woman's Rights Unit. Projects attempting to implement a greater realization of human rights will employ interviews, questionnaires, surveys, pamphlets, news articles, radio programs, and brochures, among others in order to not only adequately collect data, but also to disseminate human rights information.<sup>11</sup>

The upcoming years will also see the AIHRC's focus on institutionalizing human rights education in schools, universities, teacher training institutions, judicial and legislative training centers, religious centers, and police/national security training institutions. By 2013, the AIHRC hopes to see human rights education included in secondary school and university curriculums and syllabuses, in both government-run and private education facilities. The AIHRC will also work to increase the number of human rights education training hours within the National Police and National Military Academies. The AIHRC also plans to supplement the quality of human rights education by 2013 through workshops with key educators, the Ministry of Education, the Ministry of Defense, and training institution officials. Such workshops will allow the AIHRC to gauge the current situation of human rights education in targeted demographics and will allow for further recommendations. This project includes conducting interviews, surveys, and questionnaires in order to attain a wide range of data and will include several of the AIHRC's units, including the Research and Policy Unit, the Human Rights Education Unit, the Monitoring and Evaluation Unit, and the Woman's Rights Unit.<sup>12</sup>

The situation of human rights education in Afghanistan remains fragile. Too often, women and children particularly are denied access to secure education facilities or access to education in general; women and children, though they make up a considerable portion of the country's population, fall through the cracks. Much of Afghanistan's future depends on the realization of basic and fundamental human rights which should be guaranteed to all people, regardless of social standing. Though there is much to be done in terms of enhancing human rights education in Afghanistan, the AIHRC is confident that, through progressive efforts and constant hard work, the Afghans' hopes of a better nation can be realized through human rights education, among other measures.

## Endnotes

1. *Afghanistan Independent Human Rights Commission, Strategic Plan and Action Plan (2010-2013)* (Kabul: March 2010), available at [www.aihrc.org.af/2010\\_eng/](http://www.aihrc.org.af/2010_eng/)
2. Ibid.
3. *Agreement on Temporary Arrangements in Afghanistan Pending Government Institutions*, also known as the Bonn Agreement. The full text of the agreement is available at [www.afghangovernment.com/AfghanAgreementBonn.html](http://www.afghangovernment.com/AfghanAgreementBonn.html). *Decree of the Presidency of the Interim Administration of Afghanistan on the Establishment of an Afghan Independent Human Rights Commission*, 6 June 2002. The full text of the presidential decree is available at [www.aihrc.org.af/2010\\_eng/](http://www.aihrc.org.af/2010_eng/)
4. *Law on Structure, Duties and Mandate of the Afghanistan Independent Human Rights Commission* (May 2005).
5. Strategic Plan and Action Plan (2010 -2013), op. cit. p. 25.
6. Ibid., pages 12-17.
7. Interview by Yeseul Song with Shazia Rasoli and Tahmina Nooristani, Human Rights Education Team for the Afghanistan Independent Human Rights Commission (17 October 2010)
8. Strategic Plan and Action Plan (2010-2013)
9. PBUH means “peace be upon him.”
10. Strategic Plan and Action Plan, op. cit., page 25.
11. Ibid.
12. Ibid.