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HUMAN RIGHTS AND CONFLICT RESOLUTION MANUAL

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About the Authors:

This manual is developed by HRRAC Research and Advocacy Team.

Purpose and Scope of the Manual:

The manual is primarily aimed to help HRRAC program staff, HRRAC projects beneficiaries and wider community as well as the Civil Society Organizations (CSOs) working in the field of human rights and peace building in Kabul. It is also useful for staff of the Ministry of Interior Affairs (Mol), Ministry of Refugees and Repatriation (MoRR), Ministry of Justice (MoJ) and Ministry of Martyrs, Disabled. The manual is for a layman purpose and the readers don't have to be all human rights experts. They must, however, be informed about basic human rights and the significance and status of human rights for Afghanistan. Based on the manual, HRRAC will develop trainings for 30 communities including government and CSOs officials to disseminate information on conflict management and human rights at community level.

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List of Abbreviations

ACBAR	Agency Coordinating Body for Afghan Relief
ACTD	Agency for Technical Cooperation and Development
ADA	Afghanistan Development Association
AIDS	Acquired Immune Deficiency Syndrome
AIHRC	Afghanistan Independent Human Rights Commission
ANU	Australian National University
AREU	Afghanistan Research and Evaluation Unit
AWEMO	Afghanistan Women Empowerment Mission Organization
AWSE	Afghan Women Service and Education
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
ICED	International Convention for the Protection of All Persons from Enforced Disappearance
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPI	Counter Part International
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
FGM	Female Genitals Mutilation
HIV	Human Immune Virus
HRRAC	Human Rights Research & Advocacy Consortium
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IOM	International Organization of Migration
MoJ	Ministry of Justice
Mol	Ministry of Interior Affairs
MoWMD	Ministry of Work, Martyrs and Disabled
MoRR	Ministry of Refugees and Repatriation
UNHCR	United Nation High Commission for Refugees
MCI	Mercy Corps International

UDHR Universal Declaration of Human Rights

UN United Nations

UNCTOC UN Convention against Transnational Organized Crime

USAID United States Agency for International Development

HRRAC Introduction:

Human Rights Research and Advocacy Consortium (HRRAC) is a Consortium of 14 national non-governmental and international organizations established in 2003, as women empowerment program funded by its consortium members. In 2006, HRRAC was registered with the ministry of Economy as Non-Governmental Organization having Registration No. 947 dated 02.08.2006.

The consortium members include the most experienced and respected agencies working in Afghanistan today in the field of development, humanitarian relief and coordination, education, rural rehabilitation and development, capacity building, women empowerment and human rights. HRRAC members include Agency for Technical Cooperation and Development (ACTD), Afghanistan Research and Evaluation Unit (AREU), Afghan Women Service and Education (AWSE), Care International, Swedish Committee for Afghanistan (SCA), Mercy Corps International (MCI), Afghanistan Development Association (ADA), Oxfam GB, Afghanistan Civil Society Forum Organization, Afghanistan Women Empowerment Mission Organization (AWEMO), Rights and Democracy, Afghanistan Independent Human Rights Commission (AIHRC), Save the Children, ACBAR, Action Aid, and Arman-e-Shahr.

HRRAC's mandate is to "advance the fundamental rights and freedom for all people of Afghanistan". HRRAC fulfills its mandate by conducting researches that shed light over the obstacles that prevent women and youth from advancing in communities. Based on its findings, HRRAC build the capacity needs of youth and women prevented from participation in public and private sectors. HRRAC is the only Afghan-run organization of its kind, and its widely cited reports have informed advocacy and policy makers at domestic and international level on issues ranging from social protection to women in economy, women participation in businesses, workers' rights, gender mainstreaming in extractive industry, women leadership, youth education and employment and advocacy to assert women in rural areas to take active role in the economy of Afghanistan. HRRAC's vision incorporate the fact that empowering women, girls, and youth would need a holistic approach which includes advocacy at national level for skill building and jobs placement through specific trainings and capacity building workshops.

HRRAC works with the government institutions, civil society organizations, and private sector companies. The aim is to strengthen these institutions by:

- ❖ Conducting researches to identify key challenges that prevent women and youth from taking key positions in these institutions
- ❖ Develop best practices and trainings delivery to meet the challenges youth and women face.
- ❖ Preparing fresh graduates and assists them in placement and jobs retention.

Providing support through advisory programs and practical work assistance to all interested parties to develop research, policy and implementation materials.

Aim:

To influence policy changes that will promote human rights and peace in Afghanistan through ongoing action research and advocacy.

Method:

The Consortium captures the voices of ordinary Afghans through field research. This research forms the foundation of the advocacy campaigns, which seek to ensure that policymakers, hearing the concerns and hopes of Afghans, will work harder to protect their basic human rights.

Themes:

The Consortium focuses its efforts on six key human rights concerns:

Women's and Children's Human Rights, Workers' Rights, Security Sector Reform, Education, Justice and Public Participation.

The staff of the organization has identified the following issues as the major problems affecting the country and Afghan society:

- Injustice in the society
- Violation of human rights
- Insecurity
- No access to developmental and economical resources
- Not involving the people in decision making, and public life
- Low education level

The organization has decided to be engaged in provision of services in the following thematic areas in the coming years in order to contribute in the realization of the organization's vision for the society:

- Education and capacity building
- Research
- Advocacy
- Awareness

HRRAC's work is guided by the values and principles of:

- Impartiality & Independence
- Professionalism
- Evidence orientation
- Gender Equity
- Participatory decision making
- Diversity/ no discrimination
- Transparency and accountability

HRRAC's Work:

Based on the capacity of the organization and the need in the external environment, HRRAC work in the country through the following strategies:

- **Research** – We highlight injustice, raise the voices of ordinary people –especially those in rural communities – and promote equitable, participatory development throughout Afghanistan.
- **Advocacy** – We ensure that the concerns of Afghans are heard by policy makers and work to influence changes in the policies for the benefit of improved human rights' protection.
- **Awareness Raising** – We conduct civic education programs on human rights and promote discussion in the media on causes, consequences and alternatives to violence and human rights violations.

1- WHAT ARE HUMAN RIGHTS?

1.1 Fundamental Concepts:

A- Universal Set of Values Based on Law:

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

In other words, “Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life. They can never be taken away, although they can sometimes be restricted – for example if a person breaks the law, or in the interests of national security.

These basic rights are based on values like dignity, fairness, equality, respect and independence. But human rights are not just abstract concepts – they are defined and protected by law. In Afghanistan, our human rights are protected by the Constitution and by several other laws and penal codes.

Human rights are relevant to all of us, not just those who face repression or mistreatment. They protect us in many areas of day-to-day life: here are just some of the main rights and freedoms they support:

- Your right to a private and family life as well as expressing your opinions, and
- Your right not to be mistreated or wrongly punished by the state.

The idea that human beings should have a set of basic rights and freedoms has deep roots in Afghan society, in our religion and our civilization. They are part of our history. However, the atrocities of imposed wars, and civil wars made the protection of basic human rights a priority for civil society organizations like HRRAC and for the government and people of Afghanistan.

People across Afghanistan are determined that those atrocities must never happen again. The Afghans during drafting the constitution played a leading role in ensuring our human rights are protected by law at home as well as abroad. Today these rights help protect our private and family life, and allow us to enjoy free press and participation in public life without gender, race or groups affiliation. They give us the right to form partnership with and love whomever we want to. We have the right to demonstrate peacefully and the right to free speech. In fact, we have the right to education, the right to a fair trial, the right to vote in free and fair election, the protection of law and the right to freedom of thought, religion and ultimately the right to life. These rights should be the fabric of our society and define our way of life in Afghanistan. They guarantee our freedom and allow us to progress through our lives in fairness and dignity.

So much of what we do in our daily life depends on our human rights and we don't always realize it. When we are ill and or get older, we all have the right to get great care. These rights protect us and our families, friends and fellow citizens all through our lives. Human rights belong to all of us without discrimination, whoever we are from birth until death.

Internationally, human rights were made a priority soon after the Second World War and during the formation period of the United Nations. A 50 member states convened to contribute to the Universal Declaration of Human Rights, which was adopted in 1948. This was the first attempt to set out at a global level the fundamental rights and freedoms shared by all human beings. Countries like Afghanistan must align its Human Rights framework with that of the UNHR and other UN Charters in order to increase harmony in the world.

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of

Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

Rights and Obligations: Respect, Protect, Fulfill

With rights come responsibilities. Human rights, like all other rights, are based on a relation between two parties. The two parties are the claimant of a right and the entity that has an obligation to ensure that the claim is met. It is important to identify the beneficiaries of a right and the corresponding obligations of the entity that would meet that claim. There may have been moral responsibilities. Moral responsibilities, however, are not enough when it comes to human rights. Human rights standards must be guaranteed by law, which is something only states can do. This is the essence of human rights: not to establish humane ethics, but to put obligations on states for certain minimum norms of conduct vis-a-vis vulnerable persons-and all persons.

Human rights define certain **minimum standards and rules of procedure** to which those in power should or must adhere in their treatment of people. This primarily concerns state authorities such as governments, police or armed forces, but increasingly also those wielding non-governmental power, such as international organizations, business enterprises and/or the private sector in general as well as religious communities or individuals that exert power over other people. On the one hand, human rights set limits to the power exercised by government and non- governmental entities and on the other they oblige these within their purview to lay the foundation for enabling people to actually exercise and enjoy their rights through affirmative measures.

Human Dignity and Human Rights:

People's lives are affected in many different ways by moral and legal rights and duties, but only few rights are so fundamental that they have been embodied as human rights in national constitutions and international law treaties. Central concerns are human life and **dignity**. Human dignity is violated, for example, when people are tortured, enslaved, bought and sold like property, unlawfully imprisoned, murdered, degraded or discriminated against or otherwise treated in a way that degrades them to the status of mere objects of power wielded by others. Human dignity is also breached if people are forced to live in absolute poverty, that is, without a minimum of food, clothes and shelter and without effective access to education, work, medical care, justice and social security.

From this core of **existential human rights** stem various rights to freedom and equality, political rights, economic rights, social and cultural rights, collective rights, procedural rights and specific rights for disadvantaged and vulnerable groups.

Civil Rights and Liberties: Right to privacy, freedom of movement, opinion, conscience, religious worship, of association and assembly right to life, personal integrity.

Rights of Equality: Equality before and under the law, protection against discrimination on grounds of sex, age, race, skin color, religion, ethnic and social origin or genetic features, political opinion, disability or sexual orientation.

Political Rights: Right to vote, equal access to authorities, freedom of political parties, right of petition.

Economic Rights: Right to property, freedom to conduct business, freedom of establishment, freedom to provide services or trade-union freedom, right to work, right to free choice of employment and to just and favorable conditions of work.

Social and cultural rights: Right to an adequate standard of living, food, water, housing, clothing, health, education, social security.

Collective Rights: Right of self-determination of peoples, right to development and a healthy environment.

Procedural Rights: Right of equal access to justice and a fair trial, particularly in criminal proceedings.

Specific Rights for Disadvantaged Groups: Children, the elderly, persons with disabilities, foreigners, refugees, minorities, indigenous peoples and other disadvantaged groups

Common to all these rights is that they are **subjective legal rights** enabling people to conduct their lives in conformity with the principles of liberty, equality and human dignity. The recognition of subjective rights in the community, with specific duties and responsibilities on the part of others as a corollary, transforms people from mere passive objects of a legal or social order to active protagonists, from subjects to citizens. It is in this process of emancipation, of **empowerment** that the real revolutionary force of human rights lies, distinguishing them from other systems of values, such as religions in particular, because the subjective right to life or property represents a completely different conception of human beings as active citizens than does the mere prohibition of murder or theft.

Why Compliance with International Bodies, Covenants, and Declarations?

Major Human Rights Treaties: Universal Standards

The three most important tasks and aims of the **United Nations** are peace and international security, development and human rights. In his reformation report of 2005, the former UN Secretary General Kofi Annan clearly pinpointed the interdependence of these three goals. There can be no security (freedom from fear and violence) without development and no development (freedom from want and poverty) without security. Both goals can, however, only be achieved through the universal implementation of all human rights.

The Charter of the United Nations does not define human rights in detail. This was done initially in a legally non-binding form in the **Universal Declaration of Human Rights (UDHR)** of 1948. As a second and third step, the adoption of a universal human rights convention was planned with an efficient oversight mechanism, such as an international court of human rights to guarantee the protection and implementation of human rights in practice.

List of Main International Instruments/Conventions:

1. International Charter of Human Rights:

- Universal Declaration of Human Rights (UDHR), 1948
- International Covenant on Civil and Political Rights (CCPR), 1966
- International Covenant on Economic, Social and Cultural Rights (CESCR), 1966

2. Major UN Conventions:

- International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1965
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984
- Convention on the Rights of the Child (CRC), 1989
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW), 1990
- International Convention for the Protection of All Persons from Enforced Disappearance (CED), 1990
- UN Convention against Transnational Organized Crime (UNTOC), 2000
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children - Palermo Protocol, 2000
- Convention on the Rights of Persons with Disabilities, CRPD, 2006

Human Rights of Specific Groups

Human Rights of Children: Children are not just ‘adults in waiting’; they face specific challenges (emotional, social, economic dependencies) here and now and/or have specific needs and corresponding rights. A balance must be struck between protecting the interests of children and helping to foster their independence. Almost half of all Afghan children suffer irreversible harm from malnutrition and more than 9 million live in poverty, are exploited as low-wage labor or are abused and often barred from decision-making processes. Around 4 million Afghan children still have no access to schools because of poverty, unavailability of schools, security problems, and restrictions due to tradition and religion. Almost all the nations of the world have long been committed to implementing children’s rights under international law, there is still a large backlog in applying these standards, despite all professions of concern for children. After all, the attainment of ANDS was bleak and could not improve the lives of children. Marriages at early ages are also a severe violation of child rights in Afghan society.

Main Contents and Standards: UN Convention on the Rights of the Child 1989 together with all the supplementary optional protocols on children in armed conflicts, child trafficking and sexual exploitation (a child is any person under 18 years of age)

- Four basic principles: principle of child welfare (special priority attached to the specific interests of children in all measures affecting them), right of the child to participation (adequate inclusion of children in determining their specific interests/in decisions), right of the child to survival/development, prohibition of discrimination against children
- Many specific standards on children’s rights: protection rights (against violence, economic/sexual exploitation, child trafficking), rights to services (access to education, health, leisure facilities), right to participation (including freedom of opinion) and specific protection rights for child refugees, for example, or prohibition of child soldiers, full integration of children with disabilities, protection against forced separation from parents, standards for an independent juvenile judiciary
- Other standards, under the ILO conventions against child labour, the Rio Congress III against Sexual Exploitation of Children.

The Constitution of Afghanistan has two Articles that make specific reference to the rights of children; Article 49 prohibits the forced labor of children, and Article 59 states: “The State shall adopt necessary measures to attain the physical and spiritual health of the family, especially of the child and mother, upbringing of children, as well as the elimination of related traditions contrary to the principles of the sacred religion of Islam.”

There is no single consolidated Children's Act in Afghan law; rather, laws pertinent to children are found throughout domestic legislation. For example, juvenile justice matters are covered under the Criminal and Penal Codes, while matters relating to the definition and capacity of children fall within the Civil Code. Other relevant laws include, but are by no means limited to:

1. The Juvenile Code (2005)
2. The Law of Juvenile Rehabilitation Centres (2009)
3. The Law on Counter Abduction and Human Trafficking (2008)
4. The Education Law (2008)
5. The Law on Investigation of Children's Violations
6. The Law of Labour (2007) - regarding exploitation of children and hazardous employment
7. The Citizenship Law- regarding the conditions for gaining Afghan nationality at birth

Human Rights of Women

The UN Convention on the Elimination of All Forms of Discrimination against Women of 1979 marked a milestone in the international protection of human rights. For the first time, a legally binding international document was drafted, calling for government measures at many different levels (legislation, policy, awareness, education, etc.) and in diverse areas of discrimination against women (from access to education to political participation, governments were explicitly empowered to take special measures as part of pro-active gender equality policy in favor of women. The practical measures of the UN Committee on the Elimination of Discrimination against Women supplemented these rights by specifying standards for protecting women against violence, for instance.

Reference document: UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979)

- Standards to enable/empower women and protect them against discrimination: equal access to work for the same pay, education, health care, political participation, including women in rural regions
- Equal legal status (family law, law of inheritance, property)
- Sexual and reproductive health and rights
- Protection from violence, exploitation, trafficking in women
- Special measures to expedite the actual equality of men and women (affirmative action)
- Elimination of traditional gender roles and stereotypes in the public and private sector, including enterprises
- Elimination of traditional discriminatory practices and customs
- Specific promotion of gender equality for girls

Afghanistan signed the convention on 14th August 1980, and acceded to the convention on 4th April 2003. Though government has presented its first report on it but the progress is not drastic when it comes to women emancipation in rural areas.

Elimination of Violence Against Women Law:

Elimination of Violence Against Women: The bill was decreed into law through an executive order by former president Hamid Karzai in July 2009, when the parliament was in recess. However, the bill is not approved by the parliament. The Wolesi Jirga has adopted a stance of ignorance about the law. Not approving the Elimination of Violence against Women (EVAW) Law by the parliament could be blamed for the increasing crimes against the gender. The law criminalizes child marriage, selling and buying women to settle disputes, assault and more than a dozen other acts of violence and abuse against women.

Under EVAW law, all provinces are mandated to have a commission on elimination of violence against women (CoEVAW). These commissions are to coordinate, plan and measure the implementation of the law. They have been established in 32 out of 34 provinces of Afghanistan and terms of reference have been developed. Although they need to be further strengthened, their establishment in itself is a great achievement.

Human Rights of Persons with Disabilities:

Adopted in 2006 by the UN General Assembly and therefore one of the most recent international human rights treaties, the new Convention on the Rights of Persons with Disabilities focuses on the barriers and disadvantages for this group of people, numbering approx. 600 million worldwide. A binding list of rights was drawn up for the first time that invokes existing laws but integrates these into the life setting of persons with disabilities. Disability is understood here as a longer-

term physical/mental/sensory impairment that in combination with other barriers hampers the equal, social participation of those affected.

It is premised on respect for the dignity and self-determination of persons with disabilities as rights holders, their protection against discrimination and the obligation of government to take active promotional measures. As an innovation in comparison with earlier human rights treaties, the convention also calls for setting up coordinating focal points in governments as well as an independent national monitoring mechanism.

Main Contents and Standards

Reference documents: UN Convention on the Rights of Persons with Disabilities (2006) together with a supplementary optional protocol (with legal protection instruments)

The convention provides for several guiding principles of relevance for the interpretation of all more specific rights:

- Respect for the inherent dignity and individual autonomy of persons with disabilities
- Non-discrimination
- Full and effective participation and inclusion in society (from participation in cultural life to political participation)
- Respect for difference of persons with disabilities
- Equality of opportunity
- Guaranteed accessibility (for example, mobility, access to information)
- Equality between men and women
- Respect for the rights of children with disabilities
- Also more specific civil, political, economic, social and cultural rights of persons with disabilities
- Setting up national coordination and monitoring capacities for the implementation and verification of compliance with these rights

Afghanistan is home to disabled because of war and miseries. Afghanistan has law for the Rights and Privileges of Persons with Disability

But government has no clear statistics and no special package of support or education quota is provided to them. They suffer from inappropriate living conditions. According to AIHRC reports, some of them have disability cards, which would not allow them to access to basic services. To ensure their right to education and health, all public buildings should be accessible for them. City transportation and air transportation should be accessible for all, especially for persons with disability. Similarly, they cannot find jobs and employment. Even priority at receiving services is not given to them and they should wait in the queue.

Rights of Minorities and Indigenous Peoples

The preparatory work lasted more than 20 years before the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples in 2007. Together with the UN Permanent Forum on Indigenous Issues appointed in 2000, the declaration provides a framework for dealing with the concerns of 370 million members of indigenous peoples worldwide at international level. The Decade of Indigenous Peoples from 2005 to 2015 aims at protection against discrimination and co-determination in issues to do with indigenous culture, land rights, etc., promotional programmes for indigenous ethnic groups and monitoring the implementation of standards.

Main Contents and Standards

Reference documents: UN Declaration on the Rights of Indigenous Peoples (2007), ILO Convention No. 169 on Indigenous and Tribal Peoples (1989)

- Self-determination and co-determination of indigenous peoples in matters affecting them
- Safeguarding the survival of indigenous peoples
- Recognition of the independence and difference of indigenous peoples, independent institutions, school system, etc. as well as protection from forced assimilation
- Land rights and compensation claims, respect for historical sites
- Cultural rights to education, language promotion
- Protection against displacement
- Recognition of rights as individuals and as a group

Afghan constitution gives rights to every inhabitant, however, Afghanistan is natural rich country and the government must respect the rights of indigenous people when it comes exploring minerals.

Right to Health:

The right of every person to the highest attainable standard of physical and mental health is an important social right and an essential element of basic services, also at the interface with humanitarian aid in emergencies (armed conflicts, natural disasters). Thus, human right cannot enforce a state of health, but a key demand is non-discriminatory access to quality health care and other services. As with the right to education, the UN Committee on Economic, Social and Cultural Rights has also developed standards for this – AAAQ:

- Availability of health facilities and services Accessibility, including a ban on discrimination, physical access, financial affordability, access to information.
- Acceptability of services to the target group; compliance with medical-ethical codes of conduct.
- Quality of medical care, including adequate training for physicians
- Non-discriminatory access and sufficient availability of health services, including preventive health care
- Affordability of health services, access to health insurance
- Quality of health care, hygiene standards
- Standards for drugs approval
- Accessibility and availability of specific services for women
- Accessibility and availability of specific services for children and in particular youth
- Reproductive health, family planning, sexual information, HIV/AIDS prevention
- Prevention of drug abuse
- Elimination of traditional harmful practices
- Right of the child to regular inspection of a medical facility to which it has been admitted

In Afghanistan, health services are not widespread due various reasons, security, lack of resources and capacity. Afghans go outside country for every major treatment. Moreover, vaccination of polio is taking place countrywide but advocacy to vaccinate every child is weak. Similarly, Afghans are facing challenges in receiving quality medicine and vaccines. HBS/HCV are deadly in Afghanistan because its treatment is costly. Government can import its treatment from the United States with subsidize packages from the World Bank.

Right to Free and Fair Elections

Like freedoms of opinion and the press, assembly and association, the human right to free and fair elections is at the core of political human rights aimed at fostering democracy and good governance. Practical experience has also shown the inextricable and reciprocal link between human rights and democratization on the one hand and additional human rights responsibility for poverty reduction, girls' school enrolment or health care development on the other. Human rights afford legitimacy and support for elections and strengthening parliamentary systems and oversight mechanisms (both government and non-governmental/at civic level) against abuse of power and corruption through development cooperation are key elements for guaranteeing rule of law and responsibility. Particularly in post-conflict situations, instituting democracy through national elections is of particular importance to gain legitimate, responsible partners for the implementation of reform program in the education and public health sectors.

Main contents and standards

Reference documents: International Covenant on Civil and Political Rights 1966 (Article 25) and General Comment 25 of the Human Rights Committee

- Right to general, equal, regular, free elections by secret ballot
- Related state obligations to guarantee the adequate organisation and conduct of elections in order to ensure compliance with all the above principles (from infrastructure such as election booths, sealed ballot boxes to independent election monitoring and verifiable results to promotion of civic education)
- Guaranteeing related political liberties, such as freedom of speech, ban on censorship/protection of freedom of the press, right to demonstrate/freedom of assembly, right to found political parties/freedom of association
- Prohibition of discrimination/protection against restricted access to the right to vote, such as for women, people in remote areas, marginalised groups, persons with disabilities, youth (depending on voting age/opportunities for political participation)

Afghanistan is experiencing democracy and has gone through several elections. To make the election process further free and fair, the government must introduce electron IDs to Afghans to vote electronically in elections.

Right to Equal Access to Justice and a Fair Trial:

The duty to implement this right applies at two levels:

1. To the individual person as a party to proceedings before a public court,
2. To the necessary framework for due process.

The first group of standards includes precautions such as rights to information and representation or appeal to a higher court; the second group includes measures to ensure the independence of the judiciary, adequate training of judges or the establishment of a separate juvenile judiciary. Finally, in connection with this are fundamental requirements on access to justice/legal remedies, rule of law, anti-corruption and good governance. Worldwide, more than four billion human beings have no access to justice and the rule of law. In many countries including Afghanistan, the justice sector belongs to the most corrupt sectors of the society. Most prisons are overcrowded and lack minimum facilities for dignified existence.

Main contents and standards

Reference documents: International Covenant on Civil and Political Rights 1966 (Articles 9, 10, 14, 15) and General Comments 8 on Article 9, 21 on Article 10 and 13 on Article 14 of the Covenant, European Human Rights Convention 1950 (Articles 6, 7)

- Equality before or under the law
- Right to a fair hearing
- Independence of the courts
- Effective defence through legal representation
- In criminal proceedings, presumption of innocence, right to information, 'level playing field' between public prosecutor and accused, speedy proceedings, opportunity to examine witnesses, exclusion of the public if necessary, privilege against self-incrimination, prohibition of double jeopardy, principle of non-retroactivity, review by a higher court
- Compensation and reparation
- Legal aid for people with low income
- Compliance with victim protection standards
- Standards in juvenile law administration
- Observance of the right to personal liberty/protection against arbitrary arrest
- Rights of detainees to dignity and human treatment
- Observance of the prohibition of discrimination/general access to justice

Right to Access to Information:

The Unity Government of Afghanistan signed an Access to Information Law for Afghanistan recently. It was indeed a great achievement by the war-torn country. By getting the law signed, Afghanistan turns to be 101st country to have an Access to information Law. The law approved by Afghan lawmakers consists of 6 chapters and 32 articles. For the first time in Afghan history, citizens and journalists get access to information through state institutions. Next step is the difficult task of realizing the law in practice. People will gain access to state and public budgets, and official spokespeople will be inclined to share information with journalists and citizens. The law conveys the values of the Universal Declaration of Human Rights and it respects the civil, political, economic, social and cultural rights. It is the biggest achievement towards transparency and accountability in Afghanistan.

Basic Human Rights:

Human rights are rights that belong to each person on the basis of his or her inherent dignity as a human being. These rights belong to all people solely by virtue of their being human, irrespective of nationality, race, colour, social status, gender, age, political beliefs, wealth, or any other differentiating characteristic. They are based on the idea that all human beings have an 'inherent dignity' that affords human beings certain fundamental rights and freedoms that apply at all times in all situations and contexts and that relate to principles of equality, security, liberty and integrity. Some basic human rights and fundamental freedoms are:

- The right to life, liberty, and security of person
- The right not to be subjected to slavery; to torture, cruel, inhuman or degrading treatment

- The right not to be subjected to arbitrary arrests, detention, or exile
- The right to be recognised as a person before the law; presumed innocent until proven guilty
- The right to freedom of movement
- The right to own property; to work; to free choice of employment; to just conditions of work
- The right to freedom of opinion and expression; and of thought, conscience, and religion
- The right to freedom of peaceful assembly and association
- The right to take part in the government of one’s country; to equal access to public service
- The right to an adequate standard of living (including food, shelter, water, medical care)
- The right to education: to freely participate in the cultural life of the community
- The right to marry and to found a family.

When you consider such basic human rights in relation to basic human needs, you find that all rights relate directly to certain needs. For example, ‘the right to freely participate in the cultural life of the community’ relate to needs of identity, recognition, participation, respect, community. ‘The right to an adequate standard of living’ relates to needs of food, water, shelter, etc.; while ‘the right to life’ covers all needs. Thus, human rights are not hollow legal principles – in fact, they relate to the basic necessities that all human beings have.

Violation of Basic Human Rights in Afghanistan:

In Afghanistan, we are evident of violation of human rights daily in various, in part, even systematic ways, but a growing number of national and international courts and other oversight bodies **monitor compliance** with human rights. Apart from compliance with national and international frames and procedures, its deem necessary that individuals understand the true value of each other and tolerate and understand positions.

There are many other forms of violation of human rights in our society. But here we highlight violations that are either ignored at personal level or intentionally followed as punishing people, individual etc. Following are the most commonly occurs at community level in Afghanistan.

#	Social Crimes in Afghan Society	Family	Bazaar	Workplace	General
1	Harassment at work, bazaar		√	√	√
2	Staring at someone		√	√	√
3	Domestic Violence	√	√		√
4	Distorting names	√	√	√	√
5	Entering a home or someone room without permission/knocking	√		√	
6	Seeing someone without prior appointment		√	√	√
7	Polluting environment without necessity		√		√
8	Making noise in residential areas				√

9	Blocking roads, squares, streets for hours for VIPs/ministers/etc		√		√
10	Trafficking/Ransom				√
11	Corruption			√	
12	Deception	√	√	√	√
13	Double standard: in family among sons and daughters, among relatives and far relatives, us and them,	√			√
14	Racism	√	√	√	√
15	Waste of time and resources of others	√	√	√	√
16	Fighting over inheritance and resources	√	√		√
17	Cheating		√	√	√
18	Lying	√	√	√	√
19	Interference in personal issues	√	√	√	√
20	Crime and persecution	√	√	√	√
21	Arrest without informing government		√	√	√
22	No respect for expression of views	√	√	√	√
23	Forced labor	√	√	√	√
24	Not paying wages on time		√	√	√
25	Underage marriages	√			
26	Physical violence	√	√	√	√
27	Verbal violence	√	√	√	√
28	Child labor	√	√	√	√
29	Waste in front of homes and lack of waste management	√	√		√
30	Holding parties in residential areas - Wedding or other ceremonies which make noise	√	√		√
31	Badal (Exchange of girls in marriages)	√			

32	Horning on road		√		√
33	No respect for pedestrians while driving		√		√
34	No follow up of traffic principles		√		√
35	Discrimination on the basis of gender in a family	√			
36	Hard labor of women in rural areas	√			
37	Lack of class rooms/bathrooms in school				√
38	Lack of participation of relevant family members in decisions	√			
39	Traffic police noise in public areas.		√		√
40	Delaying official procedures			√	
41	Using private cellphone during office work			√	
42	Considering others less important or intelligent	√	√	√	√
43	Discrimination on the basis of groups, affiliation etc.		√	√	√
44	Child separation from mother for education or work purposes	√			
45	Corporal punishment	√	√		√
46	Call to unknown numbers				√
47	Using the car lights very Dazzle		√		√

All these issues lead to conflict, which ultimately violate human rights in a society. It can be argued that there is an inverse relation between conflict and human rights.

Human Rights α 1/Conflict

2- WHAT IS CONFLICT?

Conflict is a reality of social life and exists at all levels of society. Actually conflicts are as old as the world itself. We learn from history about individuals being in conflict with each other because of various reasons. The trend has not changed even today. Individuals, villages, tribes, political parties, nations and other types of groups engage in conflicts. Practically each of us has in one way or the other been involved in conflicts either at family level, workplace, and many other places.

Generally, a conflict exists when there is an interaction between two or more individuals, groups or organizations where at least one side sees their thinking, ideas, perceptions, feelings or will contradicting with that of the other side and feels that they cannot get what they want because of the other side.

The existence of a conflict shows that something in a relationship—or the whole relationship – between involved parties cannot continue as it was. It is an opportunity for adjustment and for constructive change. A relationship without conflict stagnates; a society without conflict does not make progress.

In everyday life, however, we tend to experience conflict as something painful, which we would rather avoid, neglect or forget about. Sometimes, for these reasons, we accuse others of “disturbing the peace” when they try to protect their interests and needs. In other cases we use conflicts to confront others with our ideas, our own interests or use our power to impose these ideas on them. Rarely are conflicts perceived or used as an opportunity to reach a higher degree of satisfaction in relationships.

The conflict referred above was an opportunity for the two parties to enhance their relationship.

We certainly learn the mechanism of dealing with conflicts more or less constructively in our lifetime. Conflict transformation is a more systematic approach, one that makes use of our experience and wisdom. Knowledge about the nature of conflict is used to develop systems, instruments and skills that can help us gain a better understanding of conflicts and deal with them more satisfactorily.

Usually conflicts are centered on an issue, a problem, a question or a theme.

i. Natural

The assumption here is that conflicts are dynamic and are not inherently negative or positive. Conflicts are an inevitable part of life—they are a part of our daily experiences. There is potential for conflicts within and around us. Therefore life and conflicts are inseparable.

ii. Being about differences

Simply put, conflicts have to do with differences whether at individual, interpersonal, intragroup, inter-group or at broader levels. These differences can be in terms of values, interests, goals, wishes etc. However, it should be noted that conflicts arise when the concerned parties, either both of them or at least one of them, feel that their interests, goals, values, wishes, wants or feelings cannot be met because of the other side that has opposing views on the same. Having differences is something that is ‘given’; it is how we express such differences and what we do that can lead to positive or negative experiences for us and those around us.

iii. Danger and opportunity

As the energy in a fire can build or destroy, the energy in conflicts can either be constructive or destructive. Conflicts can both be dangerous and beneficial depending on how the people involved choose to deal with them. If we look at conflicts from a positive point of view, they can be a source of positive change, which would have otherwise not come. However, conflicts can be and have been a source of misery and suffering, in other instances.

iv. Moving up and down an escalator

Conflicts can also be likened to moving up and down an escalator in a multi-story building. The escalating or 'going up' factors are what contribute towards turning a conflict into something negative or destructive like a fire which is made to clear some unwanted bush but runs out of control and ends up destroying things. The de-escalating or going down factors are the factors that help us to channel the conflict energy into something positive and constructive.

v. Something we all know about

We come from different backgrounds, political parties bearing different economics and political interests and values. It is a given fact that we have experienced and dealt with conflicts in our parties in different ways.

We may have negative, positive or neutral associations with the term 'conflict' but what is clear is that we have all in one way or the other encountered and resolved conflicts in our political parties and we will continue to do so. Therefore, it would be helpful if each one of us would start to have a positive look at conflicts. The way we view conflicts determines how we deal with them, either from a negative point of view which often lead to destruction, or from a positive point of view which enables us to get something good and beneficial from a conflict.

vi. Something that is culturally bound

Conflicts and conflict resolution are culturally bound. There isn't one right way to handle conflict and we cannot assume that all people and societies think and deal with conflicts in the same way. There are, however, a number of fundamental approaches and responses which are universally useful and we will deal with some of them later.

vii. A challenge

From the points above, it is apparent that conflict and conflict resolution are a challenge that we all need to deal with in our daily lives be it in our families, church and indeed political parties.

Let us always remain prepared to face this challenge whenever we encounter it.

Conflicts are classified as follows:

- **Intra-personal conflicts:** Conflicts within a person, psychological conflict, decision-making conflict in one person. Though these conflicts may play a part in social conflicts, they are not the subject matter of conflict transformation work but more of a concern of therapy or counseling
- **Inter-personal conflict:** Conflicts between two, and a small number of people without groups building up around one side.
- **Intra-group conflicts:** Conflicts within smaller (team, organization, family) or larger groups (religious community, within elites in a country). Here group dynamics add to the normal dynamics of inter-personal conflicts.
- **Inter-group conflicts:** Conflicts between groups, like organizations, ethnic groups, political parties
- **Inter-national, inter-state conflicts:** Conflicts between two or more countries, states.

WHAT CAUSES DISPUTES AND CONFLICT?

Part of developing an effective intervention strategy is to know the general categories of causes of conflict. Though in Afghanistan we have conflicts due to 3 main reasons such as inheritance, resources and affiliation, generally five sources of conflict are identified:

- **Data or information conflict**, which involves lack of information and misinformation, as well as differing views on what data are relevant, the interpretation of that data and how the assessment is performed.
- **Relationship conflict**, which results from strong emotions, stereotypes, miscommunication and repetitive negative behavior. It is this type of conflict, which often provides fuel for disputes and can promote destructive conflict even when the conditions to resolve the other sources of conflict can be met.
- **Value conflict**, which arises over ideological differences or differing standards on evaluation of ideas or behaviors. The actual or perceived differences in values do not necessarily lead to conflict. It is only when values are imposed on groups or groups are prevented from upholding their value systems that conflict arises.
- **Structural conflict**, which is caused by unequal or unfair distributions of power and resources. Time constraints, destructive patterns of interaction and un-conducive geographical or environmental factors contribute to structural conflict.
- **Interest conflict**, which involves actual or perceived competition over interests, such as resources, the way a dispute is to be resolved, or perceptions of trust and fairness.

An analysis of the different types of conflict the parties are dealing with helps the intervener determine strategies for effective handling of the disputes.

Manifestations of Conflict:

It is important to know that conflict is always a pointer to something deeper or hidden. There are two things that conflict points to. First, conflict can point to a **fundamental disagreement** concerning the means or objectives an organization or a group intends to pursue. Conflicts of this kind are said to be **substantive**. Second, conflicts can also point to **interpersonal difficulties** that arise over feelings of anger, mistrust, dislike, fear, resentment, etc. Conflicts of this nature are said to be emotional, they are to do with “clash of personalities”.

Note: Whenever there is conflict, it is important to find out whether the conflict is substantive or emotional. However, substantive conflicts can eventually give rise to emotional conflicts. For example, in situations of glaring economic disparities, some people might be hated not because of their personal wrong doing, but because of belonging to a class that is seen to be exploiting others. Again, emotional conflict can take wider dimension if people involved are leaders.

Sources of Conflict

There are a number of sources out of which conflicts arise. The following are common:

- Political sources: power struggles, differences in ideologies, etc.
- Religious sources: - power struggle, differences in doctrine, etc.
- Cultural conflict: when two cultural traditions compete for dominance rather than co-existence.
- Economic privileges: where some people feel marginalized at family, group, or nation-wide
- Natural resources e.g. land, water, etc.

These sources can be interlinked in many cases, e.g., political power easily makes people have control over resources and economy.

Conflict versus Violence

Conflict and Violence are not identical. Violence is very often an expression of conflict, a way of carrying out conflicts.

Violence in conflicts exists:

- As an instrument of repression by a more powerful conflict party, wishing to force their interests upon others
- As instrument for the articulation of interests by the weaker conflict parties, especially if they do not know other ways
- When conflict parties fail to find other means of carrying out conflicts
- In connection with an escalation of conflict dynamics
- As a reproach towards the other party in order to legitimize one's position

The Norwegian political scientist and peace researcher Johan Galtung in the Journal of Peace Research offered the following definition of violence:

"I see violence as avoidable insults to basic human needs, and more generally to life, lowering the real level of needs satisfaction below what is potentially possible"

This has the following implications:

- Violence affects human beings and occurs between human beings
- People affected by violence are limited in the satisfaction of their basic human needs (survival needs, well- beings needs, identity and meaning needs, freedom needs)
- Under the influence of violence, human beings experience a distance between their current and future possibilities or they are stopped from satisfying any further needs
- Violence may touch body or soul

HISTORY OF ONGOING CONFLICT IN AFGHANISTAN

Afghanistan's Conflict can be broadly differentiated in 4 distinct phases. In all these phases society and people reacted differently which affected them by not following a natural discourse of social evolution.

- 1- Communist Rule and Soviet Occupation (1979-1992)
- 2- Civil War (1992-1996)
- 3- The Taliban Era (1996-2001)
- 4- Post 9/11 Era (2001- Present)

Communist Rule and Soviet Occupation (1979-1992)

In 1979, a relatively stable government was ousted by Coup by the supporters of the PDPA (Peoples Democratic Party of Afghanistan). This followed by the invasion of the Soviet Army to support the new Communist government under Brezhnev

doctrine. Opposition against the government increased leading to an armed reprisal of the opposition. The results were devastating with a heavy toll of civilian's death and massive destruction of Afghanistan's infrastructure.

An estimated 870,000 Afghans were killed between 1978 and 1987. Over half of the country's irrigation systems were destroyed and agricultural production even on cultivatable lands fell sharply due to displacement and other factors.

The fighting left an estimated 1.2 million Afghans disabled and three million mutilated or wounded. Land mines alone killed 25,000 Afghans during the war and up to fifty people were estimated to be injured by mines each week. During the conflict, over five million – nearly a fifth of the population, fled to Pakistan or Iran and two million were displaced within the country.

Civil War (1992-1996)

After the fall of the Communist Regime, the various factions of the Mujahideen started fighting against each other in order to have greater share in the government. This period was marked by massive human rights violations, including executions, abduction, imprisonment, sexual violence and other forms of torture committed by all factions. The death toll is difficult to determine but by one estimate, 10,000 individuals were killed in 1993 alone. The struggle for control of Kabul, which included bloody street battles and random rocketing, left thousands, dead or wounded.

The number of Afghans imprisoned during this period is similarly hard to quantify but a 1995 Amnesty International report states that "thousands" of individuals were abducted and few were heard from again. The abduction of women, sexual violence and forced marriages markedly increased. Rape of women and girls appears to have been condoned by militia leaders as a weapon of war, to further terrorize civilian populations, as well as a way of "rewarding" fighters. In mujahedeen-controlled areas, girls were often forbidden from attending school and women from working outside the home. In contested areas, the threat of sexual violence or "dishonor" by the mujahedeen caused many families to keep their girls away from school and to marry them at younger ages for the sake of "protection." Many boys, as young as twelve years old, were recruited to fight under warlord-led factions – a practice that continued under the Taliban.

Taliban Rule (1996 – 2001)

The Taliban took control of Kabul and most parts of Afghanistan in 1996. Once in power, the Taliban enforced a strict set of rules, based on an extremist interpretation of Islam and sharia law. Education for girls was all but abolished. Women were banned from work, aside from female health workers, and were not allowed to leave home without a male escort and a full-length burqa. The wars had created tens of thousands of widows, yet they were subject to the same draconian laws and many were reliant on assistance from international agencies or reduced to begging on the streets. The impact on women, particularly in urban areas, was severe: 81% of women surveyed in Kabul reported a decline in their mental condition, 42% met the conditions for post-traumatic stress disorder (PTSD) and 21% said that they "quite often" or "very often" had suicidal thoughts. While women and girls were specifically singled out for discrimination and abuse, men and boys were also subject to gender-based restrictions and violence. Men were required to have long beards and wear the traditional shalwar kameez. Thousands of men were imprisoned and tortured, and many were subject to extortion, physical abuse and sexual violence. The Ministry for the Promotion of Virtue and the Suppression of Vice employed brutal tactics, most commonly public beatings of both men and women, to enforce the law. Adulterers and other criminals were executed in Kabul's sports stadium on Fridays and men, women and children were corralled in and forced to watch. Television, radio, music, dancing and pastimes such as kite flying were banned. Non-Muslim cultural sites, including the Buddha statues in Bamiyan, were destroyed. National landmarks and museums, many of which were also looted and damaged during the civil war period, were defaced and raided.

The Current Conflict (2001 – present)

On October 7, 2001, a coalition of international forces, led by the US, declared war on the Taliban regime. Following the September 11 attacks, the US and its allies pursued military action with the primary stated goal of eliminating Afghanistan as a safe haven for international terrorists.

In the autumn and winter of 2001, international news showed footage of jubilant Afghans celebrating the fall of the Taliban. In November 2001, the UN invited major Afghan factions, excluding the Taliban, to a conference in Bonn, Germany. On December 5, 2001, the Bonn Agreement was signed, forming an interim administration headed by Hamid Karzai and authorizing an international peacekeeping force to maintain security in Kabul. Unlike most peace agreements, Bonn did not force the warring factions to lay down their arms; nor did it institute a process for establishing truth or accountability for past crimes. Rather, it marked a clear continuation of a policy of cooption of warlords and commanders. Bonn further legitimized these warlords by granting them prominent positions and power within the interim government.

State-building efforts were sparse in a country that desperately needed law, order and institutions capable of delivering basic services. As a result, the reach of the government remained largely limited to the capital. The capacity building and formalization of the Afghan security forces, including the Afghan National Army, was largely neglected until the emergence of the insurgency.

Afghanistan remains one of the poorest, least developed countries in the world. Nearly half of the population lives in poverty, more than half of all children suffer from chronic malnutrition and up to 40% are believed to be unemployed.

Enrolment of children in primary school has increased to more than six million and hundreds of midwives have been trained. But the challenges remaining even in these sectors are daunting: currently, one in five children dies before the age of five, one in eight women dies from pregnancy-related complications and two million children, two-thirds of whom are girls, do not attend primary school.

Though international aid to Afghanistan has unquestionably had a significant impact on the lives of Afghans, not only has the volume been insufficient but much of it has been delivered in ways that are ineffective or wasteful. Nearly 40% of all aid since 2001 has returned to donor countries in the form of profits or remuneration, and a large share of aid has failed to reach the poorest Afghans

In 2006, the security situation rapidly deteriorated. Roadside and other bomb attacks nearly doubled from the previous year, suicide attacks increased six-fold and there were more than a thousand civilian casualties. Security deteriorated further throughout 2009, when violence reached its highest levels since the fall of the Taliban. The Taliban and other militants extended their control throughout the south and east, and into some western, northern and central provinces. More than 250,000 Afghans, mainly in the south and east, remain internally displaced due to the current conflict. Although, millions of Afghan refugees have returned between 2002 and 2016, a couple of million registered refugees remain in Pakistan and in Iran.

While there is less direct harm caused to civilians in the current conflict than in many previous periods of conflict, civilians bear the brunt of the violence and are often targets of insurgent activity.

FUELING FACTORS OF CONFLICT IN AFGHANISTAN:

Emerging from conflict and building lasting peace requires reestablishing normal relationships that are acceptable to all parties of a conflict. Peace-building interventions should attempt to address the context and underlying factors that trigger and sustain an armed conflict. To effectively diagnose the causes of an armed conflict, experts must identify the variables that contribute to conflict, assess the specific contributions each variable makes and examine their interactions.

Variables fueling conflict in Afghanistan more than three years of study have led us to conclude that discontent, which has in turn fueled violent conflict in Afghanistan, has many root causes. To varying degrees, the following factors have played a role in creating and sustaining conflict in Afghanistan:

- Ethnic repression and political exclusion.
- Incompetent and illegitimate government leadership.
- History of foreign intervention.
- Presence of foreign troops.
- The role of the elite in sustaining discontent.
- Destroyed social and physical infrastructure.
- Manifestation of ethnic, party, and personal interests.
- Manifestation of hatred, prejudice, and violent behavior.
- Veteran and war-related status and wealth.
- Access to small arms and the illegal black market economy.
- Environmental degradation.
- Migration of internally displaced persons.

Conflict Resolution: Terms and Definitions:

Cooperative Problem Solving: is an unassisted procedure, which includes formal or informal discussions between individuals or groups. With this process parties work jointly to determine the nature of their differences and look for creative alternatives which will allow them to meet their needs, desires or concerns. Parties using cooperative problem-solving do not need to have an especially strong relationship but they must acknowledge a need to collaborate with one another to resolve their differences.

Negotiation: Refers to either competitive processes or cooperative efforts. In **positional negotiation**, parties make offers and counter-offers, which they feel, will resolve the conflict. These exchanges of offers typically start to converge on a solution, which both parties find acceptable. Success at positional negotiation is based on a party's ability to direct the other party about its positions of strength and weakness in order to gain an outcome, which is in their favor. **Interest-based** negotiation is designed for parties who have a need to create or maintain healthy relationships. In this type of process, parties discuss the issues, which face them and express the interests, values and needs that they bring to the table. Instead of focusing on competitive measures and winning the negotiation, parties collaborate by looking to create solutions, which maximize the meeting of their interests, values, and needs.

Mediation: refers to a process through which a third party provides procedural assistance to help individuals or groups in conflict to resolve their differences. Mediation processes vary throughout the world in form and underlying philosophy. In many countries, the mediator is usually an independent, impartial person who has no decision-making authority. In other societies, it may be more important that the mediator is known and trusted by the parties rather than being seen as impartial. Mediation is a voluntary process and its success is linked to the vesting of decision-making authority in the parties involved in the dispute. The mediator structures the process in a way which creates a safe environment for parties to discuss the conflict and find solutions which will meet their interests.

Facilitation is an assisted process, similar to mediation in its objectives; however, facilitated processes typically do not adhere to a tightly defined procedure. In this type of proceeding, the facilitator works with parties to increase the effectiveness of their communication and problem-solving abilities. The facilitator may be either a third party or a person within one of the groups who is able to provide procedural assistance and to refrain from entering into the substance of the discussion.

Arbitration is a form of dispute resolution where a third party makes the decision on the outcome of dispute. Typically, the parties appoint the arbitrator to render this decision. The arbitrator's decision is either binding or non-binding on the parties depending on the arrangement made prior to entering the arbitration process. Non-binding arbitration is frequently used to assist parties who are deadlocked on a certain issue. While there is no obligation for parties to accept the outcome, the weight of the arbitrator's decision may provide the impetus for parties to reconsider their settlement options.

FUNDAMENTAL RIGHTS OF AFGHAN CITIZENS AS PER THE CONSTITUTION OF AFGHANISTAN:

Following are the Rights given by Afghan constitution to the citizens of Afghanistan.

Article Twenty-Two:

Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. The citizens of Afghanistan, man and woman, have equal rights and duties before the law.

Article Twenty-Three:

Life is the gift of God as well as the natural right of human beings. No one shall be deprived of this except by legal provision.

Article Twenty-Four:

Liberty is the natural right of human beings. This right has no limits unless affecting others freedoms as well as the public interest, which shall be regulated by law. Liberty and human dignity are inviolable. The state shall respect and protect liberty as well as human dignity.

Article Twenty-Five:

Innocence is the original state. The accused shall be innocent until proven guilty by the order of an authoritative court.

Article Twenty-Six:

Crime is a personal act. Investigation, arrest and detention of an accused as well as penalty execution shall not incriminate another person.

Article Twenty-Seven:

No deed shall be considered a crime unless ruled by a law promulgated prior to commitment of the offense. No one shall be pursued, arrested, or detained without due process of law. No one shall be punished without the decision of an authoritative court taken in accordance with the provisions of the law, promulgated prior to commitment of the offense.

Article Twenty-Nine:

Persecution of human beings shall be forbidden. No one shall be allowed to or order torture, even for discovering the truth from another individual who is under investigation, arrest, detention or has been convicted to be punished. Punishment contrary to human dignity shall be prohibited.

Article Thirty:

A statement, confession or testimony obtained from an accused or of another individual by means of compulsion shall be invalid. Confession to a crime is a voluntary admission before an authorized court by an accused in a sound state of mind.

Article Thirty-One:

Upon arrest, or to prove truth, every individual can appoint a defense attorney. Immediately upon arrest, the accused shall have the right to be informed of the nature of the accusation, and appear before the court within the time limit specified by law. In criminal cases, the state shall appoint a defense attorney for the indigent. Confidentiality of conversations, correspondence, and communications between the accused and their attorney shall be secure from any kind of violation. The duties and powers of defense attorneys should be regulated by law.

Article Thirty-Two:

Debt shall not curtail or deprive the freedom of the individual. The method and means of recovering debt shall be regulated by law.

Article Thirty-Three:

The citizens of Afghanistan shall have the right to elect and be elected. The conditions of exercising this right shall be regulated by law.

Article Thirty-Four:

Freedom of expression shall be inviolable. Every Afghan shall have the right to express thoughts through speech, writing, illustrations as well as other means in accordance with provisions of this constitution. Every Afghan shall have the right, according to provisions of law, to print and publish on subjects without prior submission to state authorities. Directives related to the press, radio and television as well as publications and other mass media shall be regulated by law.

Article Thirty-Six:

The people of Afghanistan shall have the right to gather and hold unarmed demonstrations, in accordance with the law, for attaining legitimate and peaceful purposes.

Article Thirty-Seven:

Freedom and confidentiality of correspondence, as well as communications of individuals, whether in the form of a letter or via telephone, telegraph, as well as other means, shall be secure from intrusion. The state shall not have the right to inspect personal correspondence and communications, unless authorized by provisions of the law.

Article Thirty-Eight:

Personal residences shall be immune from trespassing. No one, including the state, shall have the right to enter a personal residence or search it without the owners permission or by order of an authoritative court, except in situations and methods delineated by law. In case of an evident crime, the responsible official shall enter or search a personal residence without prior court order. The aforementioned official, shall, after entrance or completion of search, obtain a court order within the time limit set by law.

Article Thirty-Nine:

Every Afghan shall have the right to travel and settle in any part of the country, except in areas forbidden by law. Every Afghan shall have the right to travel outside Afghanistan and return, according to the provisions of the law. The state shall protect the rights of the citizens of Afghanistan outside the country.

Article Forty:

Property shall be safe from violation. No one shall be forbidden from owning property and acquiring it, unless limited by the provisions of law. No one's property shall be confiscated without the order of the law and decision of an authoritative court. Acquisition of private property shall be legally permitted only for the sake of public interests, and in exchange for prior and just compensation. Search and disclosure of private property shall be carried out in accordance with provisions of the law.

Article Forty-Three:

Education is the right of all citizens of Afghanistan, which shall be offered up to the B.A. level in the state educational institutes free of charge by the state. To expand balanced education as well as to provide mandatory intermediate education throughout Afghanistan, the state shall design and implement effective programs and prepare the ground for teaching mother tongues in areas where they are spoken.

Article Forty-Four:

The state shall devise and implement effective programs to create and foster balanced education for women, improve education of nomads as well as eliminate illiteracy in the country.

Article Forty-Eight:

Work is the right of every Afghan. Working hours, paid holidays, employment and employee rights and related matters shall be regulated by the law. Choice of occupation and craft shall be free within the bounds of law.

Article Forty-Nine:

Forced labor shall be forbidden. Active participation in times of war, disaster, and other situations that threaten public life and comfort shall be among the national duties of every Afghan. Forced labor on children shall not be allowed.

Article Fifty:

The state shall adopt necessary measures to create a healthy administration and realize reforms in the administrative system of the country. The administration shall perform its duties with complete neutrality and in compliance with the provisions of the laws. The citizens of Afghanistan shall have the right of access to information from state departments in accordance with the provisions of the law. This right shall have no limit except when harming rights of others as well as public security. The citizens of Afghanistan shall be recruited by the state on the basis of ability, without any discrimination, according to the provisions of the law.

Article Fifty-One:

Any individual suffering damage without due cause from the administration shall deserve compensation, and shall appeal to a court for acquisition. Except in conditions stipulated by law, the state shall not, without the order of an authoritative court, claim its rights.

Article Fifty-Two:

The state shall provide free preventative healthcare and treatment of diseases as well as medical facilities to all citizens in accordance with the provisions the law. Establishment and expansion of private medical services as well as health centers shall be encouraged and protected by the state in accordance with the provisions of the law. The state shall adopt necessary measures to foster healthy physical education and development of the national as well as local sports.

Articles Fifty-Three:

The state shall adopt necessary measures to regulate medical services as well as financial aid to survivors of martyrs and missing persons, and for reintegration of the disabled and handicapped and their active participation in societies in accordance with provisions of the law. The state shall guarantee the rights of retirees, and shall render necessary aid to the elderly, women without caretaker, disabled and handicapped as well as poor orphans, in accordance with provisions of the law.

Article Fifty-Eight:

To monitor respect for human rights in Afghanistan as well as to foster and protect it, the state shall establish the Independent Human Rights Commission of Afghanistan. Every individual shall complain to this Commission about the violation of personal human rights. The Commission shall refer human rights violations of individuals to legal authorities and assist them in defense of their rights.

Article Fifty-Nine:

No individual shall be allowed to manipulate the rights and liberties enshrined in this Constitution and act against independence, territorial integrity, sovereignty as well as national unity.