Afghanistan Independent Human Rights Commission

Statement on:

The Role of NHRIs in the Conflict and Post Conflict Situation, Session 2 of Day 3 (23 March), The ICC 29th Annual Meeting

Distinguish Delegates and Honorable Guests,

It is a great privilege for giving the Afghanistan Independent Human Rights Commission this opportunity to present its statement about the negative impact of conflict on peoples’ rights and the role of NHRIs in conflict and post conflict situation.

To protect human rights, NHRIs as impartial national institutions, have great responsibilities to push the conflicting parties for realizing the provisions of the International Human Rights Laws and International Humanitarian Laws. In the conflict situation, NHRIs have to address cases of torture and other cruel inhuman treatment or punishment, forced disappearance, forcibly displacement, protection of civilians and provision or facilitating of humanitarian assistance, realizing human rights and UN Guiding Principles in IDP centers and providing indiscriminate access to justice for all.

Conflict while destabilize and worsens the security situation within a country, it disadvantages people from enjoying of their human rights. Failure in rule of law provides ground for violation of International Human Rights Law and International Humanitarian Laws.

As of our experience, NHRIs in the post-conflict situation have to push the states to address the cases of gross human rights violation and war crimes happened during the conflict situation. And for the purpose of transitional justice, NHRIs have to investigate and document them and conduct nation-wide consultation with human rights and civil society activists, political actors, local and tribal leaders and key government authorities and also conduct advocacy campaign. Therefore, all NHRIs working in the post-conflict situation have to carefully plan to advocate for transitional justice and use the experience of other NHRIs in this respect.

NHRIs in the past-conflict situation should cooperate with the governments for improving legislation through adopting new amendments to the existing laws or adopt new laws for being in compliance with the International Human Rights and International Humanitarian laws, and incorporate the Rome Statutes into domestic criminal laws.

Realizing the universality of human rights and international obligation of all states toward human rights, NHRIs will urge all states to adopt all necessary measures and taking practical steps to cope with the present crises of migrants in an appropriate way.