THE ROLE OF THE HIGH COMMISSIONER IN PROTECTING AND PROMOTING HUMAN RIGHTS IN AFGHANISTAN AND SUDAN

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INTRODUCTION

Since the establishment of the post of UN High Commissioner for Human Rights by the UN General Assembly in 1993, advocates have sought to encourage those holding the post to increase the UN’s effectiveness in combatting human rights violations and preventing the commission of violations in the future, and to symbolize the commitment of the UN to the goal of human rights protection.

The people who have served as High Commissioner over the course of the past 20 years have pursued different approaches to human rights protection and the promotion of the universality of human rights in a global context. My experiences have led me to believe that while the High Commissioners have not developed entirely consistent strategies for ensuring the protection and promotion of human rights; importantly, they have constantly emphasized principles such as the universality of rights and have rejected calls from some to compromise these principles for the sake of realizing short-term political gains in various parts of the world.

This commitment to principle is particularly important for individuals holding the post of High Commissioner, as their role is to seek to promote and protect universal human rights worldwide despite the many differences between countries. While human rights challenges in countries such as Afghanistan and Sudan might be different from one another, the people of both counties deserve to live with full rights and dignity, and it is important that the High Commissioners not be misled by those who seek to use calls for respect for culture and religion as an excuse to deny the universality of human rights. That being said, it is also important for High Commissioners to find useful and practical approaches for the promotion and protection of human rights in very different contexts. In some cases, diplomacy might be most appropriate; in other cases,

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outspokenness might be needed. Again, the focus of the High Commissioner should be on ensuring impact on the human rights situation on the ground.

The following article explores how the High Commissioners for Human Rights have addressed these challenges with regard to the particular cases of Afghanistan and Sudan, and are based on my personal experience with the work of the High Commissioners and the Office of the High Commissioner for Human Rights (OHCHR) in those countries.

AFGHANISTAN

Background

Afghanistan has been at war since 1978, the climax of the Cold War. Since that time, several different regimes have come to power in Afghanistan. While many of these regimes had extremely poor human rights records, the Taliban regime nevertheless stood out as a result of its commission of gross violations of human rights, and particularly of women’s rights. It is not an exaggeration to say that during the period of Taliban rule, from 1994 to 2001, all of Afghanistan was rendered a prison for Afghan women, who were deprived of basic human rights such as access to education, health, and the ability to work outside of the home.2 Afghan men were also subjected to a restrictive code of conduct. Indeed, life in Afghanistan during that period was popularly coined ‘a peaceful graveyard.’

During this period, the United Nations was not unaware of human rights violations being perpetrated in the country. The Commission on Human Rights created a mandate for a Special Rapporteur on Afghanistan tasked with reporting on the situation there from 1984 to 2003.3 Unfortunately, the effectiveness of the special rapporteurs was

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