



"HUMAN RIGHTS IN AFGHANISTAN: UNVEILING THE CRISIS AND FOCUSING ON THE HAZARA GENOCIDE WITH SPECIAL EMPHASIS ON THE 1948 CONVENTION ON COMBATING GENOCIDE"

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ABSTRACT

This research paper critically examines the ongoing human rights crisis in Afghanistan, with a particular emphasis on the Hazara genocide, and explores the relevance and applicability of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide in addressing these atrocities. Afghanistan, a nation marred by decades of conflict and instability, has witnessed a multitude of human rights abuses, but none as relentless and pervasive as the systematic persecution and violence inflicted upon the Hazara ethnic minority.

The paper begins by providing a historical context to the Hazara people's plight, tracing their persecution to centuries-old ethnic, religious, and political divisions within the region. It then delves into contemporary accounts of discrimination, mass killings, and displacement that have intensified since the U.S. withdrawal in 2021, painting a bleak picture of their current situation.

Subsequently, the paper analyses the 1948 Convention on Genocide and its potential to address the Hazara genocide within the framework of international law. It scrutinizes the Convention's definition of genocide, the obligations of signatory states, and the role of international bodies, such as the International Criminal Court (ICC), in holding perpetrators accountable. Furthermore, the research explores the challenges and limitations of applying the Convention to the Afghan context, including issues related to jurisdiction, sovereignty, and the role of non-state actors.

This paper argues for increased international attention and action to address the ongoing human rights crisis in Afghanistan, particularly the Hazara genocide, by leveraging existing legal frameworks such as the 1948 Convention on Genocide. It underscores the urgency of providing protection and justice to the Hazara people while highlighting the broader implications of inaction in the face of such atrocities for the international community's commitment to upholding human rights and preventing genocide.

Keywords: Human Rights, Afghanistan, Hazara Genocide, Ethnic Minorities, Conflict, Accountability

Introduction

In the wake of a turbulent and ever-evolving global landscape, the discourse on human rights continues to be of paramount importance. Afghanistan, a nation that has grappled with protracted conflict, political instability, and shifting power dynamics for

decades, stands as a stark embodiment of the urgent need to address the protection and preservation of human rights. This research paper embarks on an exploration of the human rights crisis in Afghanistan, with a special focus on the Hazara genocide, while delving into the applicability and efficacy of the 1948



Convention on the Prevention and Punishment of the Crime of Genocide as a tool for justice and accountability in this fraught context.

Afghanistan's tumultuous history, marked by foreign invasions, civil wars, and a prolonged military intervention by the United States and its allies, has left a nation scarred and a populace traumatized. Amidst this turmoil, the Hazara people, an ethnic and religious minority, have borne the brunt of relentless persecution and violence. Their plight, characterized by systemic discrimination, targeted killings, and mass displacement, has deep historical roots, yet it has only intensified in recent years, particularly following the U.S. withdrawal in 2021. As the international community watches the unfolding tragedy, it becomes incumbent upon us to unravel the layers of this crisis and assess how international legal mechanisms, such as the 1948 Convention on Genocide, can be employed to address it.

The Hazara genocide serves as a stark reminder that the principles enshrined in international human rights instruments are not universally guaranteed. The 1948 Convention, a seminal document in the realm of human rights law, defines genocide as "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group." It obliges signatory states to prevent and punish acts of genocide and provides a basis for international intervention when these obligations are flouted. However, in the context of Afghanistan, applying the Convention to bring an end to the Hazara genocide poses numerous challenges and raises complex questions about jurisdiction, sovereignty, and the role of non-state actors.

This research paper is dedicated to shedding light on the multifaceted crisis of human rights in Afghanistan, emphasizing the Hazara genocide as a focal point of concern. It will navigate through historical antecedents, contemporary accounts of persecution, and the international legal framework underpinning efforts to combat genocide. By doing so, it aims to stimulate a broader conversation about the

global community's moral and legal responsibilities in the face of such atrocities and to advocate for tangible actions that can bring justice and relief to the Hazara people while preserving the sanctity of human rights in Afghanistan and beyond.

Historical Context

The human rights crisis in Afghanistan finds its origins in a complex and turbulent history characterized by a mosaic of ethnic, religious, and political divisions. These divisions have played a pivotal role in shaping the nation's trajectory, often with dire consequences for minority communities like the Hazaras.

Ethnic and Sectarian Tensions: Afghanistan's diverse ethnic landscape has long been a source of both strength and contention. Pashtuns, Tajiks, Uzbeks, and Hazaras, among others, coexist within its borders. The Pashtuns, historically dominant, have often held positions of power and influence. This ethnic hierarchy, combined with sectarian differences, has fueled deep-seated tensions. (Smith, 2005)

The Hazaras: The Hazaras, predominantly of Mongol descent and practicing Shia Islam, have faced persecution and marginalization for centuries. This discrimination dates back to the late 19th century when Abdul Rahman Khan, an ethnic Pashtun ruler, targeted Hazaras through brutal campaigns, resulting in significant loss of life and displacement. (Saikal, 2004)

Soviet Invasion: The Soviet invasion of Afghanistan in 1979 further exacerbated these divisions. Ethnic groups aligned with communist ideals received Soviet support, deepening ethnic divides. The Hazaras, with historical ties to Iran, often faced suspicion due to their Shia faith. (Rubin, 2002)

Civil War and Taliban Rule: The subsequent civil war, which raged through the 1990s, saw ethnic and sectarian tensions escalate. The rise of the Taliban in the mid-1990s introduced a draconian form of Sunni Islamism, intensifying the persecution of Hazaras, whose religious and



cultural practices starkly contrasted with the Taliban's vision. (Rashid, 2001)

U.S. Intervention and Post-9/11 Era: The U.S. invasion of Afghanistan in 2001 aimed to dismantle the Taliban regime and establish democracy. While this intervention initially offered hope for improved human rights, it was followed by a complex nation-building effort that struggled to address the deeply entrenched ethnic and sectarian tensions. (Peters, 2010)

Post-U.S. Withdrawal: The withdrawal of U.S. and NATO forces in 2021 marked a turning point, with the Taliban swiftly regaining control. The return of the Taliban to power has reignited fears of intensified persecution against minority groups like the Hazaras, who remember their previous rule with horror. (Ghani, 2021)

Afghanistan's historical context is marred by a cycle of ethnic and sectarian strife, foreign interventions, and shifting power dynamics. These historical antecedents have set the stage for the contemporary human rights crisis, with the Hazaras continuing to endure persecution and violence in the face of these deeply rooted tensions.

Contemporary Manifestations

In recent years, Afghanistan has remained ensnared in a relentless web of human rights abuses, with the Hazara minority bearing the brunt of a deepening crisis. This section scrutinizes the current state of human rights in Afghanistan, spotlighting the Hazara Genocide as a harrowing example of the escalating ethnic and sectarian violence that has resulted in displacement, discrimination, and violence against this vulnerable minority community.

Escalating Ethnic and Sectarian Violence: Since the U.S. withdrawal in 2021, Afghanistan has witnessed a disturbing escalation of ethnic and sectarian violence. The Hazaras, with their distinct ethnic and religious identity, have become prime targets. Ethnic and sectarian militias have intensified their operations, resulting in a surge of violent incidents,

including bombings, targeted killings, and abductions. These acts of violence have shattered the Hazara community's sense of security and contributed to a climate of fear. (Human Rights Watch, 2022)

Displacement and Forced Migration: The Hazara Genocide has forced a significant number of Hazaras to flee their homes in search of safety. Many have become internally displaced persons (IDPs) within Afghanistan, living in squalid conditions with limited access to basic services. Others have sought refuge in neighboring countries, straining already overwhelmed refugee camps and resources. The displacement of Hazara communities has exacerbated their vulnerability and perpetuated a cycle of suffering. (Amnesty International, 2023)

Systemic Discrimination: Discrimination against Hazaras permeates various aspects of Afghan society. They face systemic barriers in education, employment, and political representation. This discrimination extends to access to healthcare and other essential services, leaving Hazara communities disproportionately disadvantaged and marginalized. (United Nations, 2022)

Case Studies and Statistics: Case studies and statistical data underscore the gravity of the Hazara Genocide. Documented incidents reveal a disturbing pattern of targeted violence against Hazaras. For instance, in the Dasht-e Barchi neighborhood of Kabul, a predominantly Hazara area, multiple attacks on educational institutions and places of worship have resulted in numerous casualties, primarily among Hazara students and worshippers. Statistical analysis shows a significant increase in Hazara casualties compared to other ethnic groups, providing clear evidence of their disproportionate victimization. (Amnesty International, 2023)

The contemporary manifestations of the human rights crisis in Afghanistan, with a specific focus on the Hazara Genocide, paint a grim picture of the deteriorating situation. The escalation of



ethnic and sectarian violence, forced displacement, systemic discrimination, and the mounting evidence of targeted attacks emphasize the urgent need for international intervention and accountability to halt the atrocities committed against the Hazara minority.

The 1948 Convention on Combating Genocide

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide, often regarded as a cornerstone of international human rights law, offers a framework for understanding and addressing acts of genocide. This section delves into the Convention's historical context, its legal framework, and its potential relevance in addressing the Hazara Genocide in Afghanistan. It underscores the critical role of the international community in preventing and responding to genocide.

Historical Context: The 1948 Convention emerged in the aftermath of the Holocaust and the atrocities committed during World War II. Its architects sought to ensure that such heinous acts of mass violence and extermination would never be repeated. The Convention was adopted by the United Nations General Assembly on December 9, 1948, and came into force in 1951. It represents a collective commitment to preventing and punishing the crime of genocide on a global scale. (United Nations, 1948)

Legal Framework: The Convention defines genocide as acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group. Such acts encompass killing members of the group, causing serious bodily or mental harm, deliberately inflicting conditions leading to the group's physical destruction, imposing measures to prevent births, and forcibly transferring children from one group to another. The Convention obliges state parties to prevent and punish acts of genocide and provides avenues for international intervention, including referral to

the International Criminal Court (ICC). (United Nations, 1948)

Relevance in Addressing the Hazara Genocide:

The Hazara Genocide in Afghanistan presents a compelling case for the application of the 1948 Convention. The deliberate targeting of Hazara individuals on the basis of their ethnic and religious identity aligns with the Convention's definition of genocide. The Convention imposes a legal duty on Afghanistan as a state party to take immediate and effective measures to prevent and punish the perpetrators of these crimes. Additionally, the Convention empowers the international community to act when a state fails to fulfill its obligations, which is particularly relevant in a situation where state actors may be complicit in or perpetrating acts of genocide. (Darcy, 2003)

Responsibility of the International Community:

The international community, under the auspices of the Convention, bears a shared responsibility to prevent and respond to genocide. This includes diplomatic efforts to pressure the Afghan government and relevant non-state actors to halt genocidal actions, as well as support for the prosecution of those responsible for these crimes through international mechanisms such as the ICC. Failing to address the Hazara Genocide not only violates the principles enshrined in the Convention but also undermines the collective commitment to human rights and the prevention of mass atrocities.

The 1948 Convention on Combating Genocide represents a crucial legal framework for addressing the Hazara Genocide in Afghanistan. Its historical context, legal provisions, and the responsibility it places on state parties and the international community underscore its potential as a tool for justice and accountability in the face of ongoing atrocities.

International Response

The international community's response, or at times its lack thereof, to the ongoing human rights crisis in Afghanistan, particularly the



Hazara Genocide, plays a pivotal role in shaping the course of events and determining the prospects for justice and relief. This section critically reviews the international community's efforts to address the crisis, including measures taken to hold perpetrators accountable and provide humanitarian assistance to victims.

Accountability Mechanisms: Despite the clear evidence of genocide and atrocities against the Hazara minority, the international community's response in terms of accountability mechanisms has been limited. The International Criminal Court (ICC) presents a potential avenue for holding perpetrators accountable for these crimes. However, the ICC's jurisdiction in Afghanistan is complex, given the country's non-ratification of the Rome Statute and the political challenges posed by pursuing cases against powerful actors within Afghanistan. (Human Rights Watch, 2022)

Diplomatic Pressure: Diplomatic efforts by the international community have focused on urging the Afghan government and the Taliban to respect human rights and cease genocidal actions. International actors have condemned the violence and discrimination against the Hazaras, but meaningful change has been elusive. The fractured political landscape in Afghanistan and the influence of regional powers further complicate diplomatic efforts. (Amnesty International, 2023)

Humanitarian Assistance: Humanitarian assistance has been a crucial aspect of the international response, particularly in addressing the displacement and suffering of Hazara communities. Various international organizations, NGOs, and neighboring countries have provided aid to those affected by the crisis. However, the sheer scale of displacement and the precarious security situation in many areas of Afghanistan have made the delivery of humanitarian assistance challenging. (United Nations, 2022)

Refugee Crisis: The Hazara Genocide has contributed to a refugee crisis, with Hazara individuals fleeing the violence and persecution

in Afghanistan seeking refuge in neighboring countries. The international community has a role to play in providing support to host countries and ensuring the rights and protection of Afghan refugees. (Amnesty International, 2023)

Civil Society and Advocacy: Civil society organizations, human rights activists, and advocacy groups have played a crucial role in raising awareness about the Hazara Genocide and pressuring governments and international bodies to take action. Their efforts have been instrumental in keeping the crisis in the global spotlight and demanding accountability for the perpetrators. (Human Rights Watch, 2022)

While there have been efforts to address the Hazara Genocide and the broader human rights crisis in Afghanistan, significant challenges remain. The complex political landscape, security concerns, and the deeply entrenched ethnic and sectarian divisions in Afghanistan have hindered effective international intervention. Nonetheless, the international community's responsibility to prevent and respond to genocide, as enshrined in the 1948 Convention, underscores the need for sustained efforts to bring justice, relief, and lasting peace to the Hazara minority and all those affected by the crisis.

Implications and Recommendations:

The Hazara Genocide in Afghanistan holds profound implications for the principles of human rights and international law. It serves as a stark reminder of the challenges in upholding these principles in the face of entrenched ethnic and sectarian divisions and the failure of state institutions. This section examines the broader implications and offers recommendations for addressing the crisis and preventing further atrocities.

Implications

1. **Erosion of Human Rights:** The Hazara Genocide highlights the fragility of human rights in conflict-ridden regions. Despite international legal frameworks



and commitments, atrocities persist when political and security interests overshadow the protection of vulnerable minority populations.

2. **Failure of Accountability Mechanisms:**

The limited success in holding perpetrators accountable underscores the weaknesses in international accountability mechanisms. The challenges posed by jurisdiction, state sovereignty, and political complexities have hindered efforts to bring justice to victims.

3. **Refugee Crisis:** The displacement of Hazara communities has contributed to a broader refugee crisis, straining the resources and capacities of neighboring countries and challenging the principles of asylum and protection for those fleeing conflict.

Recommendations:

1. **Strengthen International Accountability:**

Policymakers and human rights organizations should advocate for the strengthening of international accountability mechanisms. This includes exploring avenues to enhance the jurisdiction and effectiveness of the International Criminal Court (ICC) in cases of genocide and crimes against humanity, even in situations where the state is not a party to the Rome Statute.

2. **Diplomatic Engagement:** Engage in sustained diplomatic efforts to promote peace and reconciliation in Afghanistan. The international community should encourage dialogue between conflicting parties and support initiatives aimed at addressing the root causes of ethnic and sectarian violence.

3. **Humanitarian Support:** Increase humanitarian aid to displaced Hazara communities and other affected populations. Ensure that humanitarian

assistance is delivered impartially and with respect for the principles of neutrality and humanity.

4. **Refugee Protection:** Neighboring countries hosting Afghan refugees should receive international support to provide adequate protection, shelter, and services. The international community should also explore options for resettlement and burden-sharing to alleviate the strain on host countries.

5. **Public Awareness and Advocacy:** Human rights organizations, civil society, and advocacy groups should continue to raise awareness about the Hazara Genocide and advocate for sustained international attention and action. Public pressure can be a catalyst for meaningful change.

6. **Long-Term Conflict Resolution:** Support long-term conflict resolution and peacebuilding efforts in Afghanistan that address the underlying factors contributing to ethnic and sectarian violence. This includes efforts to promote inclusive governance, intercommunal dialogue, and education on tolerance and diversity.

7. **Preventive Diplomacy:** Invest in preventive diplomacy to identify and mitigate potential conflicts and human rights abuses early. This proactive approach can help prevent the escalation of violence and protect vulnerable communities.

The Hazara Genocide in Afghanistan is a distressing testament to the challenges of upholding human rights and international law in complex and conflict-ridden contexts. It calls for a coordinated and sustained international response that prioritizes the protection of vulnerable populations, accountability for perpetrators, and the pursuit of lasting peace. By implementing these recommendations, the international community can work towards



preventing further atrocities and upholding the principles of human rights and justice.

Conclusion

The Hazara Genocide in Afghanistan represents a sobering testament to the enduring challenges of preserving human rights and preventing atrocities in the face of deeply rooted ethnic and sectarian divisions. This research paper has undertaken a comprehensive examination of the crisis, from its historical origins to its contemporary manifestations and the international community's response. Throughout this exploration, several key findings emerge:

Firstly, the historical context of Afghanistan reveals a complex web of ethnic, religious, and political divisions that have persisted for centuries, setting the stage for the Hazara minority's enduring persecution.

Secondly, the contemporary manifestations of the Hazara Genocide demonstrate an alarming escalation of violence, discrimination, and displacement targeting this vulnerable community. Case studies and statistics underscore the severity of the crisis, highlighting the urgent need for intervention.

Thirdly, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide stands as a potent legal framework with the potential to address the Hazara Genocide. The Convention's historical significance, its clear legal definitions, and the responsibility it places on state parties and the international community underscore its relevance in this context.

However, the international response to the crisis has been marked by challenges and limitations. While diplomatic efforts and humanitarian assistance have been forthcoming, accountability mechanisms have faltered, leaving the victims without justice. The displacement of Hazara communities has contributed to a broader refugee crisis, further straining the principles of protection and asylum.

In conclusion, the Hazara Genocide in Afghanistan serves as a critical test of the international community's commitment to human rights and the prevention of genocide. Immediate action is imperative to protect the rights and lives of vulnerable populations in Afghanistan. By leveraging the principles and mechanisms outlined in the 1948 Convention on Combating Genocide, the international community has the opportunity to not only address the Hazara Genocide but also reaffirm its dedication to the principles of justice, accountability, and the sanctity of human rights worldwide.

The crisis in Afghanistan reminds us that the work of upholding human rights is far from complete and underscores the ongoing need for vigilance, advocacy, and concerted international action in the pursuit of a world where atrocities like the Hazara Genocide are relegated to history.

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