

In the Name of God, the Most Merciful, the Most Kind



December 04, 2017

“Not to Leave Anyone Behind”

Yesterday, December 03, is celebrated around the world as International Day of Disabled Persons, under the theme: Transformation towards sustainable and resilient society for all. The theme emphasizes the pledge not to leave anyone behind. It also highlights the concept that persons with disabilities, as both beneficiaries and agents of change, can fast track the process towards inclusive and sustainable development and promote resilient society for all, including in the context of disaster risk reduction and humanitarian action, and urban development.

The International Day of Disabled Persons was first proclaimed in 1992, by the United Nations General Assembly, under the resolution 47/3. The basic purpose of the day is to promote the rights and well-being of persons with disabilities in all spheres of society and development, and to increase awareness of the situation of persons with disabilities in every aspect of political, social, economic and cultural life.

It is essential for every society to ensure that all its residents get their due rights. And these rights must be guaranteed without any sort of discrimination as all the members of the society stand equal as far as justice and fair play are concerned. It has to take care that the rights of the special people – the people suffering from different sorts of disabilities – must also be ascertained through proper policies and actions by the relevant authorities.

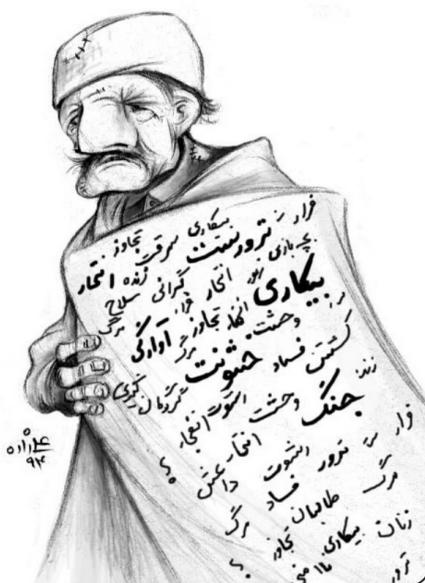
The underdeveloped and the developing countries, in particular, need to give proper attention to the disabled as such countries face many other problems to tackle with; therefore, they are not capable of giving time and attention to them. Moreover, in such countries, the opportunities and proper arrangements are not there that can help the disabled to fight with the harsh challenges of life and be the part of normal lives. Afghanistan is one of the similar types of countries where the opportunities are limited for the disabled.

Some NGOs and government initiatives, on certain occasions, have made some efforts in this regard. They have provided fund and support to uplift their standard of living. Such efforts, if followed and monitored with determination, consistency and honest intentions will definitely support the disabled to live normal life and become productive citizens of the society. In addition, positive attitude of the society can assist the disabled in developing optimistic approach towards life and bring prosperity and development not only to themselves but to the country, as well.

Nevertheless, it must not be forgotten that the negative attitude of the people towards the disabled may discourage them to a large extent. Unluckily, it can be observed in our country that both the government and the people do not treat them properly. Although Afghanistan has signed the United Nations Convention on the Rights of Persons with Disabilities, concrete steps are not taken yet in that regard. According to the convention, people with disabilities must be given all the opportunities of having proper treatment and the feasibility to live their daily lives normally. Unfortunately, the government of Afghanistan has been suffering on both the fronts. The medical facilities for the disabled are in no way sufficient. Hospitals and care centers for them are not enough, while the existing ones suffer seriously from the lack of modern equipment. The methods of treatment are obsolete. The compensations or improvements that can be made in their lives are not realized appropriately and they go unchecked. Furthermore, the endeavors of government to support them in their daily lives need to be invigorated and they should be supported voluminously.

However, it should be noted that the financial compensation alone is not enough to support their families. More important than the compensation is the job opportunities and vocational training. That will support the disabled people in standing on their own and live a life of self-esteem and reverence. They cannot keep on depending on the favor of the government indefinitely – if the government feels sympathy they should get their share, if not they will stay underprivileged. It would be a better option to make them stand on their own and equal to their fellow citizens. Indefinite dependence on the kindness of the government or fellow citizens can in fact cripple them. They will get used to it and shun hard work; some of them may even opt begging. It is not peculiar to find the disabled people begging on the roads, taking advantage of the sympathy of the passersby.

The families with economic hardships and other difficulties curse their children with disabilities and treat them as burden on the family. Many of them are forced to go for begging; in addition, it is hard to find people who readily get into any type of relation with the disabled people. In particular, the females who are with disabilities do not get proper chances of getting married. They remain neglected throughout most part of their lives and suffer from severe kind of social isolation. The government has to make sure that the people with disabilities receive all the facilities for their treatment and modern facilities are available for them free of cost, and they get feasibility that may support them in living their daily lives about normally. On the other hand, there should be marked changes in the attitude through which the fellow citizens treat the disabled people; in particular, they should be considered equal human beings.



Loya Jirga from Legal Perspective

By Hujjatullah Zia

In tribal belts, the issues are resolved by tribal council consisting of elders and influential figures, this tradition held strong sway in the past. Loya Jirga (Grand National Assembly) roots in this deep-seated custom of Afghan nation and the heads of tribes convened Jirga to decide about political issues or legitimize the past regimes.

Tribal system rules Afghan culture and tribal leaders played a key role in terms of social, cultural, and political issues in the past. They were even appointed by kings to represent a group in Jirga. So, Loya Jirga is basically a tribal code which has been changed into a legal institution.

It was the first Afghan Loya Jirga that appointed Ahmad Shah Durani as king and it was Loya Jirga that approved a written constitution for the first time during Amanullah Khan's regime. Before having legal basis, Loya Jirga had no specific members and mostly tribal leaders and influential figures attended the Jirga.

Gradually, it was inserted in Afghan constitutions and defined as the highest manifestation of the public will. Loya Jirga was tasked to approve or reform constitution and decide about political issues, national security, etc.

The current constitution, which was approved in 2004, recognizes Loya Jirga as the highest manifestation of the public will and specifies its members consisting of: members of National Assembly and presidents of the provincial as well as district assemblies. Likewise, ministers, Chief Justice and members of the Supreme Court as well as the attorney general shall participate in the Loya Jirga sessions without voting rights. The authorities of Loya Jirga is stated in article 111 as, "The Loya Jirga shall convene in the following situations: To decide on issues related to independence, national sovereignty, territorial integrity as well as supreme national interests; amend provisions of this Constitution; impeach the President in accordance with the provisions of Article 69 of the Constitution."

To view the past, Jirga was convened to resolve social and political issues and it was one of the significant political custom in tribal culture. Initially, Loya Jirga was convened by kings to confirm their regimes and sultanate and justify their acts. For instance, the first Loya Jirga was convened in 1747 to appoint Afghan King and establish Afghanistan as a state. The second was convened in 1924 to approve the first written constitution.

After the downfall of the Taliban's regime, a Loya Jirga was

convened based on Bonn agreement and established an interim government and appointed its leader. This Loya Jirga was unique in Afghanistan's history since nation's representatives were considered on the basis of population and all ethnic and political groups and factions participated in the Jirga. In the past, Loya Jirga was held by kings' order, but this Loya Jirga reflected the real will and idea of the nation for being conducted on people's will.

Considering the above issues, Loya Jirga is no more a traditional custom belonging to a certain tribal or ethnic group but it has changed into a political tradition with legal basis. Similarly, members of Loya Jirga are no more appointed by the head of state rather they are elected by people. Loya Jirga is now a legal institution with high authorities and can play more pivotal role than ever before. It is the highest manifestation of the will of people rather than reflecting the will of leaders.

Constitutionally, the president and National Assembly have the right to convene Loya Jirga for the issues which were mentioned above. That is to say, the executive and legislative powers can call for holding Loya Jirga. Nonetheless, some political figures and factions are calling for convening Loya Jirga. For instance, the former president of Afghanistan Hamid Karzai frequently called for holding Loya Jirga with the view that the National Unity Government (NUG) is not based on law or cannot meet the needs of the public.

Although the heads of the NUG agreed to convene Loya Jirga in 2016 for establishing the post of executive officer/prime minister, it did not take place. In fact, the mutual agreement which allowed the establishment of the NUG was violated and now the government says that convening Loya Jirga is not confirmed by Constitution. Believing that establishing the NUG was not supported by constitution, the government opposition groups say that convening Loya Jirga for legitimizing the NUG is necessary.

Whether or not convene Loya Jirga, it is the government to answer reasonably. To sum up, Loya Jirga has originated from traditional custom of Afghan people and has been inserted in constitution. Loya Jirga, which is introduced the highest manifestation of public will, plays a crucial role in social and political arenas.

Since many countries have an institution for making decision about important political issues, Loya Jirga is a reasonable and necessary institution.

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The Right to Health is Universal

By Michel Sidibé and Dainius Puras

On this year's World AIDS Day, on December 1, we should remember the 35 million people who have died of AIDS-related illnesses, and the 76 million who have been infected with HIV since reporting began. And we can celebrate the fact that nearly 21 million people living with HIV now have access to life-saving treatment.

But we also must not lose sight of the fact that more than 15.8 million people are still awaiting treatment, while an estimated 11 million people do not even know they have the virus. In the time it takes to read this commentary, three more young women will have contracted HIV. These figures represent an indefensible injustice: millions of people are being denied their right to health.

The third United Nations Sustainable Development Goal (SDG3) addresses health. It aims to reduce road accidents; tackle non-communicable diseases; end AIDS, tuberculosis, malaria, and neglected tropical diseases; guarantee universal health coverage and access to sexual and reproductive health-care services; and substantially reduce deaths from environmental pollution – all by 2030.

Although countries around the world have committed to this goal, countless people still inhale dangerous levels of toxic particles, and lack access to safe water and adequate sanitation. Too many governments consistently fail to act on environmental and other regulatory issues, turn a blind eye to companies that profit from selling unhealthy and addictive products, and thus fail those whom they are supposed to protect and serve.

Health is neither a gift nor an act of charity. It is a fundamental human right, encompassing both freedoms and entitlements. Everyone is free to make decisions about their health, regardless of who they are, where they live, what they believe, or how they earn a living. And everyone is entitled to affordable, quality health services and freedom from discrimination and coercion. Enjoying the right to health means having one's physical and mental integrity respected, and having the ability to participate and contribute to one's community.

Today, we call on world leaders to confront health injustices wherever they see them, and to take action to respect, protect, and uphold the right to health for all people. The ambitious SDG agenda for 2030 has afforded all of us the opportunity to shape policies aimed at creating and empowering the "global health citizen."

Who is this citizen? She is an individual who knows her rights and can voice her concerns, challenge injustices, and hold decision-makers accountable. He is an individual who does not just ask for but demands access to doctors, treatments, or preventive care. The global health citizen is one who becomes a part of the solution.

Empowering global health citizens will require progress in at least three policy areas: polarizing participation, democratizing data, and eliminating discrimination. As to the first,

we must open up health programs and policies to meaningful public engagement. In the 1990s, the disability-rights movement coined the phrase, "Nothing about us without us." All global health citizens, and particularly health-care leaders, should adopt this mantra.

To be sure, public and private corruption remains a significant obstacle to ensuring the right to health for all people. In many countries, health care is one of the most corrupt sectors. To address this, global health citizens will need both institutional support and better tools for demanding that their right to health be respected. They should start demanding more measures to ensure good governance and transparency, improve "legal" literacy, fund civil-society organizations, and reinforce legal mechanisms for holding governments accountable.

The second policy area where progress is needed is access to data for every community. At UNAIDS, we follow the adage, "What gets measured gets done." Data analysis has proven to be one of the most potent tools in the fight against the HIV epidemic, because it enables us to raise awareness, identify people being left behind, guide investment, and coordinate action.

We in the global health field have always been good at estimating mortality and morbidity rates. But it is now time to look beyond epidemiological facts. Guaranteeing the right to health will require us also to monitor the effects of discrimination and stigmatization, as well as laws and environmental factors that threaten people's health and wellbeing. Likewise, conducting thorough assessments of the health impact of key policies and investments must become the norm, rather than the exception. The global health sector needs far more independent advocacy and accountability, which the UN and civil-society groups, in particular, are in a strong position to provide.

The third policy area – eliminating discrimination in health-care settings – must become an international priority. The central promise of the SDG agenda is to leave no one behind. Discrimination creates de facto barriers to universal health coverage, and prevents many people from accessing health services of any kind. For example, one in eight people responding to the HIV Stigma Index say they have been denied health care as a result of prejudice.

It is clear that ending AIDS will require social – not just medical – breakthroughs. Governments must redouble their efforts to protect individuals against discrimination, and create effective mechanisms for people to seek redress when private or state actors violate their right to health. We call on all health-care practitioners and institutions to resist discriminatory laws, policies, or practices.

Safeguarding the right to health provides the foundation needed to enable everyone to realize their potential and their dreams. We should demand nothing less. (Courtesy Project Syndicate)

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