

Justice & Governance in Eastern Afghanistan: Amendments to CCM Working Procedures



Amendments to the CCMs procedures by the provincial CCMs:

It is important to clarify at the beginning that informal systems are not faultless. Some of the weaknesses of informal justice systems are there in the system, but they will be improved with the legal capacity building programs. It is the position of these amendments that all informal justice systems should meet the following criteria and that any interventions or initiatives dispute resolution and getting the informal justice systems to adhere to the following human rights based principles in the target provinces (Logar, Paktia and Khost).

Khost CCM

Participation

- Be voluntary and not compel people to use them
- Be accepted by the community
- Be open to public participation in the decision-making process

Accountability

- Be open to some form of regulation and review
- Consider only *Haq-ul-abd* (victim's right) in the resolution of the criminal cases and *Haq-ul-Allah* (state's right) is the responsibility of the government of the Islamic Republic of Afghanistan to handle it.

Paktia CCM

Non-discrimination

- Be non-discriminatory on the basis of sex or any other status

Empowerment

- Communities need to be empowered to hold informal justice systems accountable

Logar CCM

Link to human rights standards

- Apply humane sanctions that are consistent with constitutional and human rights provisions. *Bad* and *badal* practices and as well as physical punishment should be prohibited as they amount to inhuman

Degrading treatment

- Not try persons for serious offences such as rape or murder
- Establish linkages between the formal and informal systems