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The Challenges of Contract Lecturers at Public Universities in Afghanistan

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Abstract

Public universities in Afghanistan have faced various ups and downs during the past century. Escaping and leaving university professors in mass form due to the existence of war has been one of the big challenges for universities in Afghanistan. In order to solve this challenge public universities and higher education institutions in Afghanistan hire contract lecturers, which after this process contract lecturers are facing with many big challenges during the teaching as a contract lecturer in public universities and higher education institutions. By Understanding the importance of the subject, this paper seeks to answer this question; What are the most important challenges of contract lecturers in Afghanistan's public universities? The hypothetical answer is that it can be seen that in the recruitment of contract lecturers, no minimum points have been considered for the recruitment of contract lecturers. The procedure is the same as that of a simple worker, and the hiring of contract lecturers is associated with challenges such as discrimination, lack of material and spiritual privileges, lack of job security, lack of social security and etc. The research method of this article is also done with descriptive analytical method and in collecting the information of this article, an effort has been made to use both field and library methods in order to present the important issues for the audience of this article.

Keywords: Challenges, Contract Lecturers, Public University, Human Rights

1. Introduction

Higher Educational institutions and universities in Afghanistan do not have history of more than a century. Higher Educational institutions and universities in Afghanistan have faced various ups and downs during this period. Along with Higher educational institutions in Afghanistan, administrative institutions can also be seen in Afghanistan which has a history of about a century and the first cabinet in Afghanistan was created during the time of Shah Amanullah Khan, the first king of Afghanistan who gained the independence of Afghanistan. Educational institutions have always been under the administration of the government since the independence of Afghanistan from 1919 to 2024. Although the method of recruiting employees and professors in educational institutions and universities in Afghanistan has been different for nearly a century, but after 2001 it can be seen that Recruitment of employees and professors in Afghan universities, especially public universities is done with a different procedure compared to public administration, and the recruitment of academic staff members in Afghan universities is of a certain independence compared to other public administration employees. Afghanistan, which has experienced great challenges and crises during nearly a century of its contemporary history, the effect of it has

been seen in many cases, especially in the situations of wars and instability, that the scientific institutions and universities of Afghanistan are resistant to difficult conditions. Security has been faced with a shortage of employees and professors, or in unfavorable conditions, professors and employees of universities and educational institutions, especially public universities and educational institutions, decide to leave Afghanistan, in which case there is a big gap in the structure of educational institutions. and universities are created, but in order to fill this gap, Afghanistan educational institutions and public universities start hiring contract lecturers, and in many cases, it can be seen that these lecturers are hired with different degrees from bachelors to doctorate. By no means are the standards of working conditions of Afghanistan's labor law and human rights conditions, especially in the material and moral rights sector equal.

By understanding this great challenge in the structure of educational institutions and public universities of Afghanistan, in this paper we seek to find the big challenges of contract lecturers in educational institutions and public universities of Afghanistan with a human rights approach, and for this purpose, in this article, we are looking for an answer to this question; What are the most important challenges facing contract lecturers in educational institutions and public universities in Afghanistan? By understanding the importance of the issue, we can give such a hypothetical answer to this question. Since it can be seen that the recruitment of professors and employees in educational institutions and public universities of Afghanistan takes place with different conditions and processes compared to other employees of public administrations of Afghanistan, and in many cases it has been seen that for professors and permanent employees of educational institutions and The government of Afghanistan has considered good material and spiritual and special points, but it can be seen that when these educational institutions and public universities of Afghanistan are looking to hire contract lecturers, they have not considered any minimum points for hiring contract teachers. It can be seen that contract lecturers are treated like a simple workers and even lower than an ordinary and uneducated workers in educational institutions and universities of Afghanistan, and they do not have the minimum material and spiritual privileges, especially the salary that is in a The hour for contract lecturers is set at about half a dollar per hour, and a lecturers can have a maximum of three hours of lessons in one day, meaning that a contract lecturers will earn a salary equal to one and a half dollars in one day. It can be seen that contract lecturers are facing the challenges of employment, discrimination, lack of material and moral privileges, and lack of future guarantee in educational institutions and public universities of Afghanistan.

In the discussion of the background of the research, it should be mentioned that no research has been done on this issue, and in the discussion of the research method, this article has been conducted with the analytical research method, and in collecting the information of this article, an effort has been made to use the method A combination of library and field by referring to the national laws of Afghanistan, national and international documents, reports and works of the authors, and also interviews with a few number of contract lecturers in public universities, I will present the important issues for the audience of this article.

2. The Concept of Human Rights

Because our research is based on human rights, we wanted to start the research with the definition of human rights, which can greatly help the audience to understand the concept of human rights. In today's era, human rights are defined as a set of rights that everyone should benefit from in an equal way with others due to their inherent dignity and inseparable. It means that human beings are entitled to these rights regardless of their gender, race, nationality, ethnicity, skin color, religion, social class, economic status, livelihood and the like. There is no superiority. For example, everyone has the right to education and has the right to receive equal education at all educational levels, whether he is poor or rich, male or female, Muslim or Hindu, everyone has the right to participate in the political life of society and from Anywhere in the country, regardless of gender, race, income level, and livelihood, he has the right to participate in elections or to become a candidate for the government seat. Or in a more general sense, it considers human rights as a set of privileges with the theme and concept of human dignity, which a person is entitled to regardless of any religious, racial, sexual, linguistic and similar affiliations, and even the level of individual ability and competence, regardless of the circumstances. The social variable has it and is related to human dignity and respect and character. Although human rights are not contractual in nature, but to emphasize and to ensure their implementation, the governments have explicitly committed to observe them for human beings.

Human rights seek to provide a legal guarantee for human existence by maintaining all aspects of his dignity and freedom and to create a recognized social framework for it (Noori, 2018, p. 36). Realizing the importance of human rights, Afghanistan had accepted its guarantee in the 2004 constitution and considered itself bound to comply with all international human rights documents that had been attached to it.

3. Recruitment of permanent professors in public Universities and Higher Educational Institutions in Afghanistan

Before 2001, Afghanistan's educational institutions and universities had suffered great damage due to civil wars, but after 2001 and with the establishment of a new political system with the support of the international community, significant gains were made, including the reactivation of 38 public universities and institutions of higher education (Ministry of Higher Education of Afghanistan, 2024, p. 1) and 140 private universities and institutions of higher education (Ministry of Higher Education of Afghanistan, 2024, p. 1) that were started by national and international investors and by obtaining a license from the Ministry of Higher Education and the Ministry of Economy of Afghanistan, during the operation of these institutions from 2001 to 2021 Nearly millions of students graduated from these institutions, and besides that, thousands of others were able to be recruited as professors in these universities and educational institutions, and the Ministry of Higher Education in order to be able to open the doors of public and private universities and educational institutions for Let the researchers and professors approve the general conditions for employment in public and private institutions under the title of the bill for the recruitment of academic staff members. This is how he described higher education.

The Ministry of Higher Education recruits academic staff members or new professors based on academic rank and academic documents, and those who are recruited to universities and institutions of higher education must complete these conditions.

3.1. Post of Candidate for Lecturer

- Having at least a bachelor's degree
- Being less than 30 years' old
- Having at least 75 percent of average grades
- Not having more than one back in academic subjects
- Obtaining at least 60 marks in the international language exam
- Obtaining at least 60 marks in the specialized exam
- Successful completion of the scientific conference
- Not having duties in other government departments
- Having perfect health
- Not being convicted of a crime (Article 4 of the Islamic Republic of Afghanistan's Scientific Staff Recruitment Bill 2017)

3.2. The Conditions of the post of Teaching Assistant

- Having a bachelor's degree
- Being less than 35 years' old
- Having at least 70 percent of average bachelor's grades and 80 percent of average master's grades.
- Similarity of at least 60% between the themes of the bachelor and master courses
- Obtaining at least 65 marks in the international language exam
- Obtaining at least 65 marks in the specialized exam
- Successful completion of the scientific conference
- Not having duties in other government departments
- Having perfect health
- Not being convicted of a crime (Article 5 of the Islamic Republic of Afghanistan's Scientific Staff Recruitment Bill 2017)

3.3. Post Senior Teaching Assistant

- Having a doctorate
- Being less than 45 years' old
- Similarity of at least 60% between the themes of the bachelor and master courses
- Obtaining at least 70 marks in the international language exam
- Obtaining at least 70 marks in the specialized exam
- Successful completion of the scientific conference
- Not having duties in other government departments
- Having perfect health
- Not being convicted of a crime (Article 6 of the Islamic Republic of Afghanistan's Scientific Staff Recruitment Bill 2017) (Ministry of Higher Education of Afghanistan, 2023).

It is necessary to remember that the legislator has considered special regulations and privileges for professors of universities and public higher education institutions compared to other employees of government departments. According to the fifth article on the salary and privileges of academic staff members of higher education institutions, the salary for the academic staff members of the first step of the fourth appendix of the law of civil service employees has been changed. (Salary and Privileges Regulations for Academic Staff Members of Higher Education Institutions, approved in 2019) The Civil Service Employees Law of Afghanistan in its first appendix provides a salary of 9900 Afghani for the first step of the fourth batch (Civil Service Employees Law of the Islamic Republic of Afghanistan 2008 ,951 Official Gazette).

In addition to the salary and benefits law for academic staff members of higher education institutions, in addition to the salary mentioned in its fifth article, in its seventh article, it also provides monthly benefits for university professors under the title of benefits. In its seventh article, this law provides 30,000 Afghanis for teaching assistant, 35,000 Afghanis for senior teaching assistant, 45,000 Afghanis for associate professor, 55,000 Afghanis for professor, and 65,000 Afghanis for professor who are the last rank of professor in universities and public higher education institutions in Afghanistan. In addition to these privileges, the legislator has provided other privileges for university professors such as pension, health services, social services, etc. in the law.

4. Recruitment of Employees in Afghanistan Government Offices

Recruitment is the process by which a person enters the public administration structure with voluntary consent and agreement. According to the Civil Service Employees Law of Afghanistan approved in 2008 the Labor Law of Afghanistan approved in 2006 and the Law of Government Officials approved in 1977 for public administration officials, a number of conditions and procedures have been established for the officers of the public administration, according to which Afghan citizens can enter the structure of the administration after passing this process. In the following, I will briefly mention some of these conditions.

4.1. General Conditions

A person who wants to enter as an employee in the government offices of Afghanistan must complete the following conditions under the heading of general conditions in order to enter the government offices of Afghanistan:

A person who wants to enter Afghan government offices must meet the following conditions:

1. Have the citizenship of Afghanistan.

- The person's age should not be less than 18 years and not more than 64 years.
- Have a health certification from the competent authorities of the Ministry of Public Health.
- Have a baccalaureate degree or higher from an official educational institution inside or outside of Afghanistan.
- He has not been convicted of a crime by the definitive and final judgment of the competent court.

2. A person who is employed as a contract employee in civil service departments who has the qualifications listed in the components (1, 2, 3 and 5) of the previous paragraph.

3. A person appointed to a position who is a direct superior of his first-degree relatives cannot. First-degree relatives are father, mother, children, husband, wife, brother and sister.

In addition to these cases, the administrative structure of Afghanistan has also established some special conditions for entering the Afghan government administrative institutions, which have been discussed under the title of special conditions of employment in the administrative law of Afghanistan. Afghan jurists have defined special conditions for the recruitment of competent and highly educated people for government positions at different levels, the most important conditions of which can be listed as follows:

4.1.1. Minimum Specific Conditions

In this condition, three groups of minimum conditions, which are minimum education, minimum experience, and minimum management and planning ability, have been proposed. Based on this, the minimum education required to hold civil service management positions, post-baccalaureate to bachelor's degree, the minimum required experience of one to four years of work experience and the minimum management and planning ability, the ability to implement and plan policies have been stated (Mohammadi, 2020, p. 371_375). Therefore, a person who wants to be a seat holder in the service structure of the Afghan Public Administration must meet these minimum requirements. Of course, these minimum conditions for employment in the positions of public service institutions in Afghanistan are different based on the positions of the Afghan civil service, for example, a person who wants to enter the position of the first position must have at least a bachelor's degree and four years of work experience, and have the ability to lead and plan, or a person who wants to enter the second level of Afghanistan's civil service must have at least a bachelor's degree, have at least three years of work experience, and have the ability to lead and manage, and in the third level, at least Post-baccalaureate and have two years of work experience and policy implementation, and like this, the conditions are different in the final positions. The violation or the challenge that has been taken regarding the recruitment of Afghan civil service employees is the same as the recruitment of people who have a doctorate or master's degree. It is usually seen that no special value has been placed on appointing people with long scientific documents in the discussion of employment in Afghanistan's public service institutions, which can be considered a great damage to the administrative structure of Afghanistan, and besides that, it is a defect in the general legal principle, that is justice.

4.1.2. The Most Specific Conditions

Following the criticisms of how to hire people with low academic ranks in the recruitment process in the public administration in Afghanistan, it has been seen that the legislators in Afghanistan sought to solve this challenge in the recruitment process in the institutions of the public administration in Afghanistan. For this purpose, the priorities for people who had a long scientific document, I will mention two examples of these priorities.

A: A person who has a master's degree must have at least two years of work experience to be employed in the second position, and at least three years of work experience to be employed in the first position.

B: A person who has a doctorate degree must have at least one year of work experience to perform duties in the second position, and at least two years of work experience to perform duties in the first position. (Mohammadi, 2020, p. 378)

In the discussion above, although it can be seen that the legislator sought to find a solution for talents who have a long academic degree, but it can be seen that this solution is also controversial and challenging because a person who wants to obtain his master's and doctorate because the scientific capacities in the universities and educational institutions of Afghanistan were low, due to the internal conflicts of half a century in Afghanistan, a person is forced to travel outside Afghanistan to obtain these documents and to obtain a master's degree It takes at least three years of time and thousands of dollars of funds for a person to obtain it after passing great challenges, and for a person who wants to obtain a doctorate, it takes at least five years of time and thousands of dollars of capital. Another challenge is to spend money outside of Afghanistan to get his doctorate. In addition, it can be seen that the legislator in Afghanistan has made a miscalculation, because in the 21st century, he has never defined five years of academic education and spending thousands of dollars as equal to two years of experience, or three years of academic education and scientific experience. He has equivalent to one year of work experience in Afghanistan's internal administrations. This issue, besides the fact that it can bring great challenges to Afghanistan's administrations and harm Afghanistan's large internal capacities, it can also be defined against the moral, legal and general principles of law.

The recruitment process of employees in Afghanistan's government offices, based on the current recruitment laws and system of Afghanistan, which was designed after 2001, all civil service positions or all administrative positions are divided into eight categories, and all these eight positions are given to candidates based on the system of open competition. Based on this, the officers are evaluated according to their conditions, capacity, and qualities, and if they succeed in the exams for the respective positions and complete the necessary conditions, they will be hired (Mohammadi, 2020, p. 380). And the legislator has provided material and spiritual privileges for the persons who enter the government offices of Afghanistan as officials, which material privileges are salary, components and appendices, the highest salary for public service officers for the first batch is 32,500 Afghani and the lowest salary For the sixth batch, an amount of 6,500 Afghanis has been provided, in addition to the salary paid under the title of overtime and incentive salary, Afghan administrative employees are also expected to receive money for having a high school diploma, working in difficult environmental conditions, and receiving money for working on Multiple devices, night work, travel expenses and food expenses, providing a vehicle, providing health services, national assistance in special conditions, etc. are among the material privileges that he has provided for the employees of the Afghan administrative services. In addition to these material privileges, the legislator has also provided moral privileges for civil service officers, which include raising the ranks of the employees, awarding letters of appreciation and commendation by the authorities to the officer, and various types of leave are among the moral privileges for government officers. In the administrative system of Afghanistan, it has been foreseen by the legislator.

An important thing that should be remembered is that the salary and privileges of political officials or people who work in government political positions are different compared to the public service structures of Afghanistan, that is why a special law has been considered to determine the material and moral privileges of political positions. It is the highest salary in the political positions of the president with a factor of 15 and the lowest salary is also received by the members of the municipal assembly (Ruhani, 2021).

5. Recruitment of Contract Lecturers in Public Universities and Higher Educational Institutions of Afghanistan

As in the introduction, we have briefly provided information about the recruitment of contract lecturers, but due to the importance of the issue of how to recruit contract lecturers in universities and government institutions of higher education in Afghanistan, I will also raise this issue. Since Afghanistan has not experienced political stability at least in the last half-century and during this half-century Afghanistan has experienced bloody wars and Afghanistan is one of the few countries where governments always face failure in this country and the last case The failure of the republican system was on August 15, 2021, since the speed of events in Afghanistan is high, these events and negative transformations cause negative developments to affect various aspects of the lives of Afghan citizens, for this reason, universities and institutions of higher education in Afghanistan It has been one of the most influential structures in Afghanistan, which has suffered the most changes and injuries during this period, along with education, and among the negative effects of these developments is the flight and abandonment of professors and employees of universities and institutions of higher education in Afghanistan. The challenge can be seen that in order to fill this gap, the legislator has tried to solve this challenge, for this purpose, he has proposed a regulation under the title of the regulation of the employment of contract lecturers in the higher education structure of Afghanistan.

The legislator states that colleges and universities, if necessary, can recruit contract lecturers to recruit permanent professors again. The lawmaker states that contract positions should be announced first, and then contract lecturers should be shortlisted and recruited to universities by taking an exam and signing a contract. The important factors that attract contract lecturers according to the provisions of the legislator are the monetary privileges that the legislator has considered for contract lecturers in the law. According to the regulation of recruitment of contract lecturers, contract lecturers must be paid 65 Afghanis per hour that contract lecturers teach in the university, which is about half a dollar. Since in the education system of Afghanistan, a student usually studies for three hours in a day, according to this system, a lecturer cannot teach more than three hours in a day, and this means that a contract lecturer can teach daily one and half dollar. If we multiply these one and a half dollars by 30 days, it will be about 45 dollars a month, and this is in the conditions that contract lecturers with bachelor's, master's and doctorate

degrees are engaged in teaching in Afghanistan universities and educational institutions. and this problem goes further when a contract lecturer has to teach three hours every day to earn these 45 dollars in a month, and if he teaches less than three hours a day, the salary is much lower than 45 dollars in They will get the moon.

In addition to the challenges that we have mentioned, another challenge can be presented According to the law of higher education in Afghanistan, students must complete two academic semesters in one year, and students must spend one semester usually in four months or sixteen weeks. According to the contract lecturers' employment regulations, the contract lecturers' salary must be paid at the end of the semester. If we want to calculate the salary of a contract lecturer who has taught every day for a full semester, it will be around 180 dollars during a semester or four months and due to bureaucratic reasons And the centralization of Afghanistan's administrative system, after the termination of the contracts that the lecturers made with the faculties, the relevant faculties must go through the procedures and submit them to the university, and the contracts must be submitted to the ministries of higher education after referring them to the scientific and financial branches. It will be sent to the capital of Afghanistan, Kabul and after a few months, it will be sent to the relevant universities, and the universities, especially the scientific and financial departments of the universities, will collect the lecturer's teaching reports from the relevant faculties and send them to the approval department. Also, after checking the reports, they sends it to the bank that receiving this 180 dollars during one semester is a big challenge for contract lecturers, and if we calculate this annually with all these challenges, a contract lecturers during two semesters and with teaching He earns about 360 dollars during a year, while in other government offices and even permanent professors in universities and higher education institutions, they have extraordinary material and spiritual benefits, while contract lecturers only earn They have a salary of around 360 dollars, and that too if the majority of these contract lecturers who are hired have bachelor's, master's and doctorate degrees and do not enjoy any other material or spiritual benefits during teaching, and in many cases with challenges such as discrimination, Not having a job guarantee, they face mental challenges, which in fact is considered the biggest challenge of contract lecturers in the education system of Afghanistan, which represents the institutional deficit in Afghanistan.

Number	Salary Amount	To USD
1	Salary Amount per hour	0.5
2	Salary Amount per day	1.5
3	Salary Amount per month	45
4	Salary Amount per semester	180
5	Salary Amount per year	360

In addition to the things mentioned above, based on the interviews and discussions we had with about fifteen contract lecturers and administrative employees involved with contract lecturers regarding the recruitment and challenges of contract lecturers at least in five different provinces of Afghanistan, how to recruit and the challenges of contract lecturers We asked them by asking the questions that we prepared in advance, which can be summarized as follows.

Among these fifteen interviewed lecturers, 87.5 percent were men and 12.5 percent were women, of which 12.5 percent had a bachelor's degree and 87.5 percent had a master's degree, and all of these interviewees had teaching experience. In the government universities of Afghanistan, they had contracts as lecturers, and among them, the majority of lecturers, which is about 62.5 percent, were satisfied with teaching in universities, and 37.5 percent were not satisfied, further from the interviewees. We asked about their salary, and about 63% of them answered that they receive 65 Afghanis per hour, 12.5 percent answered that they receive a salary of 60 to 80 Afghani an hour, and 12.5% said that they receive a salary of 60 Afghani an hour, and 12.5% said that they receive a salary of 1000 Afghani an hour. Regarding the teaching of contract lecturers in Afghan public universities, it is worth mentioning that a contract lecturer can usually teach only three hours in a day. They were satisfied with the salary they received, and about 87.5 percent were not satisfied with the salary they were receiving. We asked these

¹ At the time when this article was being researched, one USD dollar was equivalent to more than 90 Afghanis, around 100 Afghanis, and 65 Afghanis was roughly equivalent to more than half a USD dollar.

lecturers if they have other privileges, such as social, welfare, and health privileges, in addition to the salary they receive. etc. All these lecturers answered no, they don't receive any other privileges, then we asked all these lecturers if they experienced discrimination while teaching as contract lecturers in government institutions and universities, or if they faced discrimination around 71.4 percent of them answered that they experienced discrimination and they were never treated equally like other permanent professors, especially in terms of privileges and employment. 75% of the respondents answered that they had a negative effect on the quality of the lesson and 25% said that it had a positive effect. Meanwhile, we asked all these lecturers whether the low salary they receive for teaching is a violation of domestic laws and International documents, especially human rights documents, know that 50% stated that they are a violation of Afghanistan's internal laws and international documents, and the other 50% answered no. Especially about labor rights, you know that 50% answered yes and the other 50% said no. Further, we asked all these interviewees for their opinions about the challenges of contract lecturers, and these lecturers expressed their most important suggestions as follows:

- All these lecturers stated that the salary they receive in exchange for teaching as a contract lecturer in the universities and government educational institutions of Afghanistan was not acceptable and they stated that serious attention should be paid in this area.
- All these lecturers proposed a contract that material, social and health benefits should be provided for them in the structure of the law in addition to a suitable living wage.
- All these contract lecturers complained about how to be employed as contract lecturers in universities and institutions of higher education and stated that a transparent and fair process should be established in how to hire contract lecturers in universities and institutions of higher education in Afghanistan.
- And as the last proposal, they stated that a legal structure regarding the position of contract lecturers in the structure of the Ministry of Higher Education of Afghanistan should also be proposed. (lecturers, 2024) ²

6. Defects in International Human Rights Documents:

According to Article 7 of the Constitution approved in 2004, Afghanistan is committed to the implementation of all international documents, especially the United Nations Charter and the Universal Declaration of Human Rights (Constitution of the Islamic Republic of Afghanistan 2004, Official Gazette 818) For this reason, in the following, the most important international documents that have been raised regarding the protection of workers' rights, especially in the issue of wages and discrimination, will be discussed. Since the contract lecturers in the universities and educational institutions of Afghanistan are among the most educated and literate citizens of Afghanistan, paying 45 dollars per month for teaching is a violation of human and labor rights, for this reason, according to a number of important international documents and rights Humanity will be discussed about the worker.

6.1. Universal Declaration of Human Rights 1948

The Universal Declaration of Human Rights adopted on December 10, 1948, emphasizes equality and prohibits any discrimination in its second article, states that all human beings, regardless of the group they belong to, are entitled to all the rights and privileges that are in all the provisions of this There are notices. This declaration also emphasizes in its seventh article that everyone is equal before the law and people should be protected from any discriminatory act against the law. The Universal Declaration of Human Rights has a clear emphasis on the protection of workers in its article 23. This declaration raises important discussions in this article in four paragraphs, including in the first paragraph of this article, it states that every person has the right to freely choose the job of his choice. to choose, every person has the right to have good working conditions and the right to be protected against unemployment, in the second paragraph of this article, it emphasizes on equal wages and states that every person has the right regardless of any discrimination in They should receive equal wages against the employer, in the third paragraph of this article, the emphasis is on supporting the worker's family, and in the fourth paragraph of this article, the formation of labor unions is also emphasized (Universal Declaration of Human Rights December 10, 1948). Examining the provisions of the Universal Declaration of Human Rights regarding the

² It is necessary to remember that due to the request of the interviewees we did not include their reputations, and these interviews were conducted with contract lecturers from the first month of 2024 to February 13, 2024 in five provinces of Afghanistan.

protection of labor rights, it is seen that there is a clear deficiency in the case of contract lecturers in the universities and educational institutions of Afghanistan.

6.2. International Covenant on Civil and Political Rights 1966

The Covenant of Civil and Political Rights, which is considered to be the most important document of human rights after the Universal Declaration of Human Rights, in addition to the important discussions that it states in its introduction, emphasizes in paragraph one of its second article that any kind of discrimination based on different bases is prohibited, in The first paragraph of the eighth article emphasizes that no one can be enslaved and rejects any type of slavery, and in the third paragraph of this article, it also defines hard and forced labor as a type of slavery and prohibits it. In Article 26, it emphasizes that all persons are equal before the law and should enjoy all privileges and equal protections. By examining this important international document, it can be seen that it has important protections related to human rights, and if we apply the provisions of this document to the rights of contract lecturers of universities and government educational institutions, it can be seen that the provisions of this document apply to contract lecturers in universities. and higher education institutions are violated. (International Covenant on Civil and Political Rights, December 16, 1966)

6.3. International Covenant on Economic, Social and Cultural Rights 1966

The Covenant of Economic, Social and Cultural Rights, along with the Universal Declaration of Human Rights and the Covenant of Political and Civil Rights, which is also known as the International Charter of Human Rights, is one of the most important human rights documents that have been approved regarding the protection of labor rights, and the articles make explicit statements about the protection of labor rights, including this convention, in addition to emphasizing economic rights, in its seventh article, it explicitly emphasizes labor rights in three paragraphs, this convention emphasizes wages and salaries in the first paragraph of the first paragraph of this article Equality is equal to work, and in the third paragraph of this article, it emphasizes the support and promotion of workers, and in the ninth article, it emphasizes the provision of insurance for employees (International Covenant on Economic, Social and Cultural Rights, December 16, 1966). By examining the important provisions of this important international document, it can be seen that contrary to the provisions of this document, there are major challenges in the way of contract lecturers in the universities and educational institutions of Afghanistan, and it is necessary for Afghanistan, as one of the addressees of this document, which has signed it, to take practical measures to improve the conditions of contract lecturers in universities and government educational institutions of Afghanistan.

6.4. Declaration of Islamic Human Rights (Cairo) 1990

The Islamic Universal Declaration of Human Rights, which is considered one of the most important human rights documents in Islamic countries, has special attention in the discussion of labor rights, especially the rights of workers, including this document in its first article condemns any discrimination and treats all human beings as equal and equal. introduces, in its eleventh article it condemns the existence of any kind of slavery and defines colonialism as the worst kind of slavery, and further in its thirteenth article it states that every human being has the right to work and it is among the duties of governments to improve the working conditions for Provide their citizens. (Declaration of Islamic Human Rights approved in 1990 by the Organization of Islamic Conferences, Cairo) By examining these important articles of the Islamic Universal Declaration of Human Rights, it can be seen that this document paid special attention to labor rights.

6.5. European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950

This convention, which is considered one of the important human rights documents, especially in Europe, emphasizes in its article 14 that the addressees of this document should benefit from all the rights and privileges included in this document without any discrimination (European Convention for the Protection of Human Rights and Fundamental Freedoms amended based on Rome Protocol No. 11, November 4, 1950 and entered into force in 1953). By examining the provisions of this important article of this document, it can be seen that the issue of

discrimination has not been considered in the discussion of contract lecturers of universities and educational institutions in Afghanistan.

6.6. American Convention on Human Rights 1979

This convention, as one of the important human rights documents, emphasizes in its first article that all the member states of this document provide the opportunity to benefit from the rights of this document for all citizens who are the addressees of this convention, without considering discrimination based on race, color, gender, language, religion, political belief, social, economic status or place of birth or other matters (American Convention on Human Rights adopted in 1979).

6.7. Statute of the International Labor Organization in 1944

The International Labor Organization, which is considered one of the oldest organizations of human society, has raised important issues regarding the protection of workers' rights in its constitution, for this reason, this organization states its most important goals in its strategic goals section in its constitution. In order to create a suitable environment for the employment of women and men, and also to improve social coverage, the organization also states in the annexed section of this statute under the title of declaration related to the goals and objectives of the International Labor Organization in the first article of this declaration that poverty is a serious challenge. It is considered for this organization, in the first paragraph of the second article, it states that all human beings, regardless of race, creed or gender, have the right to pursue both their material and spiritual well-being in the conditions of freedom, honor, economic security and equal opportunity. In the fourth paragraph of the third article, it states that the conference has a great and serious commitment of the International Labor Organization regarding the advancement of global programs, including policies related to wages and income, hours and other working conditions in order to ensure that all people Humans should get an equal share of the fruits of progress and all the working people and the needy should receive at least a living wage (International Labor Organization Charter May 10, 1944).

6.8. Guidelines for workers for Employment and Decent work for peace and flexibility Recommendation No. 205 of Geneva International Labor Organization

Recommendation letters, which, unlike conventions, are not mandatory and have more of a guideline and order aspect, for this reason, countries do not consider themselves bound to implement the provisions of the recommendations, but they cannot ignore these recommendations, for this reason, the provisions of this recommendation We will check as an example. This recommendation has the most important provisions in the protection of workers' rights in the field of rights, equality and non-discrimination, which states in its fifteenth article that members should provide opportunities and services for women and men without considering any kind of discrimination according to the wage convention. according to No. 100 and Recommendation No. 90 of 1951 and the Convention on the Source of Discrimination (Guidelines for workers for employment and decent work for peace and flexibility Recommendation No. 205 of the Geneva International Labor Organization).

7. Defects in Afghanistan's Internal laws

After 2001, Afghanistan achieved great legal achievements, among which the most important of these achievements can be considered the approval and creation of important domestic laws, for this reason, in this section, we discuss the most important laws related to our topic.

7.1. Constitution Afghanistan 2004

The Constitution of Afghanistan approved in 2004, which is considered to be one of the best constitutions in the history of Afghanistan's one-century laws and one of Afghanistan's achievements during the twenty years from 2001 to 2021, states in its seventh article that Afghanistan is committed to implementing the United Nations Charter. Interstate treaties, international covenants to which Afghanistan has joined, the Universal Declaration of

Human Rights. Also, in its twenty-second article, it states that any kind of discrimination between Afghan citizens, men and women, is prohibited, and in its article 48, it emphasizes that work is the right of every Afghan and providing it is one of the duties of the government (Constitution of Afghans approved in 2004). According to the provisions of this article, the Constitution of Afghanistan is committed to respect the provisions of the Universal Declaration of Human Rights and the Conventions on Political and Civil Rights, and the Convention on Economic, Social and Cultural Rights, but it can be seen that in the case of contract lecturers in universities and institutions of higher education Afghanistan has violated all provisions of these cases.

7.2. Labor Law of Afghanistan 2006

The labor law, which is considered one of the great achievements in the field of legislation in the field of worker protection, was approved by the government of the Islamic Republic of Afghanistan in 2005. This law has many important provisions with the approval of international human rights documents in the protection of workers, which are in the form of for example, we will examine some important articles of this law. This law, in its second article and its second and fourth paragraphs, defines the goals of this law as the support of the Afghan government for the equal rights of employees as well as increasing the capacity of employees. In its fourth article, it prohibits any type of forced labor and any type of forced labor that is against the will of the worker. In its eighth article, it states that employees in Afghanistan have the right to equal pay for equal work, in its ninth article, it rejects any kind of discrimination and states that any kind of discrimination in the process of hiring employees, salary and other privileges of employees inside Afghanistan It is prohibited and in the twelfth article, Afghanistan is required to comply with all international documents and covenants of the International Labor Organization, which Afghanistan has joined (Labor Law of the Islamic Republic of Afghanistan 2006. 914 Official Gazette). By examining these cases, it can be seen that the labor law of Afghanistan has stated many important issues regarding the protection of the rights of employees, while it can be seen that none of these protections are seen in the contracts of contract lecturers in the universities and government educational institutions of Afghanistan.

7.3. Civil Service Employees Law of Afghanistan 2008

The Civil Service Employees Law of Afghanistan, which has been approved to regulate government employees in Afghanistan's public offices, is one of the laws that regulates how to hire government employees and the privileges of employees in Afghanistan's public offices. There are government offices in Afghanistan, which we will deal with a few limited cases in the protection of employees' rights in this law as an example. The important thing that this law states in the fourth paragraph of the second paragraph is that the provisions of this law cannot be applied to professors, and the law mentions it in the same way and it is not clear whether the purpose of professors in the law is university professors or school teachers. The term professors are understood to include both university professors and school teachers. In addition to this, the third paragraph of this law defines contract employees and states that contract employees include professional and professional employees who are hired to provide services in the government office in accordance with the provisions of this law, in the seventh article of this law. In the employment section, the law states that the persons who want to be appointed as professors in the university must complete the special conditions specified in the law in addition to the general conditions mentioned in the law (Civil Service Employees Law of the Islamic Republic of Afghanistan, 2007, 951 Official Gazette). By examining these cases, it can be seen that this law is more related to the regulation of the staff of public administration institutions than specialized institutions such as universities and scientific institutions.

7.4. Government Officials Law of Afghanistan 1977

According to the fourth chapter of this law, the government employee can use rights such as salary with its attachments, legal holidays, promotion and pension rights. (Law on Government Officials of the Republic of Afghanistan 1977, Official Gazette 364). While it can be seen that in contrast to these privileges, none of these privileges are seen for contract lecturers of universities and government institutions of higher education in Afghanistan.

By examining some examples of important laws related to the rights of employees, it can be seen that the Afghan legal system pays special attention to the rights of employees in its legal structure, including the emphasis of the Afghan Constitution, which obliges the Afghan government to comply with all international documents, including It is known as human rights, but in the case of contract lecturers in the universities and government institutions of Afghanistan, it can be seen that the minimal attention that has been given in the legal system of Afghanistan in the protection of employees has not been paid to the contract lecturers in the universities and educational institutions of Afghanistan.

8. Deficiency of the General Principles of Rights

8.1. The principle of fairness

The principle of fairness, which is used to resolve disputes by a judge or arbitrator, is sometimes used as a general legal principle (principle of fairness) and sometimes as a high moral principle that can override legal rules (principle of justice and fairness) (Matiei & Varki, 2018, p. 137). The principle of fairness, which means the involvement of judgment, conscience, and common sense in the issuance of judgments, has now penetrated into various national and international arenas, both judicial and arbitration, and until now, the International Court of Justice is the most important judicial authority in various contexts. He has used this principle in his opinions, and according to the opinion of jurists, this principle is considered as legal rules and based on the provisions of the subject. The consent of the parties does not differ and this principle has been recognized for almost a century. (Matiei & Varki, 2018, p. 156) And this principle is respected and used in most of the legal systems, but if the subject of contracts for contract lecturers is studied in universities and institutions of higher education in Afghanistan, it can be seen that the principle of fairness has not been paid the slightest attention in these contracts.

8.2. The principle of good faith

Although the principle of good faith has been defined and recognized in various legal systems and has provisions in many countries' laws, it can be seen that it has not been explicitly defined in the majority of countries' legal systems. For this reason, according to many experts, the concept of goodwill is a subjective and qualitative category that is difficult to define, but nevertheless, in the dictionary definition, goodwill is an additional combination of the two words goodwill and intention, which is used together with the interpretation of fair behavior. And they define it as having good intentions or lack of intention to cheat or gain privileges against conscience. (Bariklo & Khazaei, 2011, p. 55). It is difficult to see the principle of good faith that good faith is not defined in the legal system of Afghanistan. (Moheghi, 2019, p. 17) However, it can also be seen that the principle of good faith is accepted in the Afghan legal articles and points to its observance, for example in Article 698, it states that contracts that are not accompanied by the principle of good faith cannot be enforced (Stephanie, et al., 2013, p. 85). This in itself shows the approval of the principle of good faith by the legal system of Afghanistan, by examining the principle of good faith that is accepted in most international legal systems and the legal system of Afghanistan, it can be seen that in contracts with contract lecturers or university fees and institutions Higher education takes place in Afghanistan, there is no sign of the principle of good faith in these contracts, and contract lecturers have no will to express their opinion and share their opinion in the preparation of contracts, which is the defect of the principle of good faith.

9. Research Findings

The findings of this article indicate the difficult situation of contract lecturers in universities and institutions of higher education and it was seen that they face many big challenges while performing their duties and teaching in universities and institutions of higher education in Afghanistan, which include a number of these important issues.

It can be listed as follows:

- Violation of internal laws of Afghanistan; Violation of the internal laws of Afghanistan, which has been approved in its territory to protect the rights of citizens and workers, including the constitution and the labor law.

- Defects in international human rights documents; It can be seen that in the case of contract lecturers in universities and higher education institutions, most of the international documents that have been approved in the United Nations General Assembly and other international and regional organizations in support of human rights and labor rights are in the contract. There is a shortage of contract lecturers in universities and higher education institutions in Afghanistan.
- Violation of the citizenship and human rights of lecturers, which usually the activities and teaching of these lecturers are very similar to one of the definitions of hostage taking in the new era.
- Systematic discrimination; Facing systematic discrimination in universities and institutions of higher education in Afghanistan, especially in the salary sector, which in no way means that receiving 360 dollars in one working year does not represent equal salary for equal work, and this is an example of slavery in the new era.
- Violation of social security; violation of social security of contract lecturers in universities and government institutions of higher education in Afghanistan. In the majority of cases, it has been seen that contract lecturers with at least bachelor's, master's and doctorate degrees as active citizens did not have the right to social security in Afghanistan in the 21st century.
- Lack of job security: It can be seen that contract lecturers in universities and institutions of higher education in Afghanistan do not have any job security.

10. Conclusion

Afghanistan has been experiencing instability and long war for at least half a century. The long instability and devastating wars in Afghanistan caused this country to lose many of its infrastructures, millions of Afghans became victims and millions of other Afghans migrated. It is at the level of the international system that has experienced the most human rights violations in different sectors. Education institutions, along with other institutions, have been among the institutions that have experienced the most damage during half a century of instability. After 2001, with the support of the international community led by the United Nations, Afghanistan was experiencing reconstruction after many decades, and among these institutions of higher education and education were among the institutions that had the most positive changes during the two decades after They experienced from 2001 to 2021, an example of which can be pointed out that tens of millions of children are engaged in education in public and private schools and millions of students are engaged in public and private universities.

As we mentioned earlier, the civil wars caused millions of Afghans to be killed and millions of others forced to leave Afghanistan, and among them, Afghan university professors and elites were among the Afghans who left Afghanistan and went to The countries of the region and the world immigrated, and as a result of this migration, it was seen that educational institutions, including universities and state institutions of higher education, were faced with a shortage of professors and university employees, and the leadership of the Ministry of Higher Education, universities and state institutions of Afghanistan in order to fill this gap, he hires professors under the title of contract lecturers, and in the process of hiring contract lecturers, they were seen to face great challenges, including human rights violations, discrimination, lack of adequate livelihood, lack of job security, The absence of social security and other material and moral benefits that are intended for other employees including permanent professors in universities and higher education institutions of Afghanistan can be seen for this reason, which proves the hypothesis that we raised in response to the question of this article. These cases are examples of the challenges faced by contract lecturers in universities and institutions of higher education in Afghanistan, which can have destructive effects on the quality of services provided in universities and institutions of higher education in Afghanistan, along with other negative effects.

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