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Human Rights Education and Professional Ethics in Afghanistan: Educational Implications of the Right to Silence

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Abstract

The right to silence raises an educational question as well as a legal one: how can professional preparation enable public officials to respect a person's agency when institutional authority creates pressure to obtain answers? This article develops an educational interpretation of a master's thesis examining the right to silence in Afghan criminal law and international instruments. Its purpose is to connect the thesis's recommendations on professional training and public legal awareness with questions of educational purpose, curriculum design, ethical judgement and institutional learning. The article uses a bounded documentary and conceptual approach. The supplied thesis constitutes the principal contextual source; international human rights instruments, educational guidance and selected scholarship on educational purpose, curriculum alignment, adult learning and assessment provide supplementary perspectives. The analysis separates the thesis's reported concerns from the educational proposals developed here. No interviews, classroom observations, training interventions or measurements of professional conduct were undertaken for this article. The central argument is that knowledge of a procedural safeguard is insufficient unless learners can interpret situations, explain rights in accessible language and act responsibly when authority, uncertainty and organisational expectations conflict. The discussion therefore treats dignity, agency and reasoned professional judgement as educational aims. It proposes a curriculum organised around legal understanding, communication, reflective case analysis and supervised application, accompanied by community education that avoids disclosing sensitive personal experiences. A framework for assessment distinguishes accurate recall from demonstrated judgement and treats institutional support as a condition for applying learning. The article contributes a contextually grounded educational proposal rather than evidence of an effective intervention. Its limitations include reliance on a single contextual thesis, the absence of independent verification of that thesis's claims about practice and the lack of evidence on the proposed curriculum's feasibility. Future research should examine learners' needs, pilot locally adapted materials and assess the relationship between training and institutional practice. The conclusion is that education can support respect for

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procedural rights when its purposes, teaching methods, assessment and organisational environment are coherent; education alone cannot establish that legal safeguards are observed.

Keywords: human rights education; philosophy of education; professional ethics; legal literacy; curriculum design; right to silence; Afghanistan

Introduction

A person may know the wording of a rule without being prepared to act on it. This distinction matters wherever professional authority affects another person's freedom to make choices. In legal education, the right to silence provides a particularly demanding example. It invites learners to consider what an official should understand, what an accused person should be able to understand, and how an institution should respond when a person chooses not to answer. These are questions about educational purposes and professional judgement, alongside questions about criminal procedure.

This article develops an educational argument from Afghani's master's thesis, Right to Silence of the Accused in Afghan Criminal Law and International Instruments. The thesis is a legal study submitted at Kateb University. Its contextual concerns include the relationship between formal safeguards, legal awareness and institutional practice. Afghani (2026, pp. 90–92) recommends training for police, prosecutors and judicial personnel, alongside greater public understanding of legal rights. These recommendations provide a substantive starting point for an educational article. They do not, by themselves, demonstrate how a curriculum should be organised or whether a particular teaching approach will be effective.

The educational problem is therefore defined narrowly. If the ability to respect a right involves both understanding and conduct, how should professional preparation connect the two? A curriculum that rewards accurate recitation alone may leave unanswered how learners interpret ambiguous situations, communicate with people who have different levels of literacy, or respond to a superior who expects rapid results. Conversely, exercises in communication without an accurate account of

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the underlying safeguard may produce confidence without sound judgement. The task is to connect knowledge, reasons and responsible action.

The normative starting point is explicit. Article 14(3)(g) of the International Covenant on Civil and Political Rights identifies the guarantee, "Not to be compelled to testify against himself or to confess guilt" (United Nations, 1966, Article 14[3][g]). This short provision is used here as an educational object of study, rather than as a comprehensive account of current Afghan law. The article does not establish which domestic provisions presently operate or give advice about an individual case. Any programme built from the proposal would require a separate review of applicable law by appropriately qualified specialists.

The educational significance of the safeguard lies in the relationship between authority and agency. An official's power to ask questions does not settle the moral or professional justification for compelling an answer. Teaching should make that distinction intelligible. Learners need opportunities to explain why a person remains worthy of respectful treatment when their decision frustrates an official's immediate purpose. They also need to distinguish evidence from assumptions about a person's motives. The proposed learning objectives consequently extend beyond memorising a warning or reproducing a list of prohibited acts.

Two questions guide the discussion. First, what educational implications can reasonably be developed from the thesis's emphasis on dignity, awareness and professional preparation? Second, how might these implications inform curriculum, teaching and assessment without claiming evidence that has not been collected? The article's contribution is a proposed framework connecting a particular legal safeguard with educational design. It remains open to criticism, contextual adaptation and empirical testing. It is not a report of an implemented training programme or a comprehensive review of the literature on legal education.

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Educational and Philosophical Framework

Dignity and agency as educational purposes

Dignity provides a reason to examine how learning environments prepare people to exercise authority. Afghani (2026, pp. 40–44) connects the right to silence with human dignity and the independence of the accused. The educational inference developed here is that professional competence should include the capacity to recognise limits on one's own authority. Such a capacity cannot be inferred merely from possession of a qualification or familiarity with technical vocabulary. It must be made visible through explanation and judgement.

Agency, in this context, means that a person's decisions should be understood as decisions that require a reasoned professional response. It does not mean that every decision has identical legal consequences or that an official should abandon lawful responsibilities. An educational programme should instead enable learners to identify the relevant safeguard, distinguish the roles of different actors and explain why coercive shortcuts are incompatible with its purpose. This is a proposed standard of learning, not a finding about the existing preparation of any professional group.

The philosophical issue concerns what counts as a well-educated professional. If education is reduced to efficient task completion, respect for limits may appear to obstruct success. If professional education includes justified conduct, however, the means used to achieve an institutional objective become part of the assessment of competence. Learners should be able to explain why an action is appropriate and what would make a seemingly convenient alternative unacceptable. The right to silence offers a focused case for developing this form of reasoning.

Biesta (2009) argues that educational purpose requires explicit discussion rather than being settled by the measurement of outcomes. He distinguishes qualification, socialisation and subjectification. This distinction helps frame the present article's question: professional preparation must be examined in terms of what learners can do, how they enter institutional practices and how they

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exercise judgement. These are interpretive connections developed here, rather than a claim that Biesta evaluated rights training in Afghanistan.

Learning about rights and learning through rights

The United Nations (2011, Article 2) distinguishes education about human rights, education through human rights and education for human rights. This distinction informs the structure of the present proposal. It links understanding of standards with respectful teaching relationships and the capacity to exercise and uphold rights. The Declaration also identifies the training of public officials as a relevant responsibility (Article 7). These provisions establish an educational orientation; they do not prescribe the particular classroom activities proposed below.

A corresponding design principle is that teaching practices should be defensible in relation to the values they seek to cultivate. A class on non-coercion should not require learners to reveal personal encounters with detention or public authorities. Nor should disagreement with an instructor be treated as a personal failing. Participants can be expected to support their reasoning with evidence while retaining the ability to question a proposed interpretation. In this way the educational setting can model a disciplined use of authority without turning the class into a simulation of an actual investigation.

Tibbitts (2002) explores three models of human rights education, distinguishing work centred on awareness, professional accountability and transformation. Her account helps clarify why a public information activity and a professional training course require different objectives and teaching strategies. Applied to the present proposal, this distinction supports designing separate learning tasks for community audiences and officials rather than assuming that the same material serves both groups equally well.

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Knowledge and action in curriculum design

UNESCO (2015) organises its guidance on global citizenship education around cognitive, socio-emotional and behavioural domains. In the present article, that distinction is used as a planning aid, not as a validated model for legal training in Afghanistan. It suggests asking whether a curriculum addresses understanding, dispositions towards others and demonstrable conduct. A learner may perform strongly in one of these areas while needing further support in another. Assessment should therefore avoid treating a single written test as a complete measure of readiness.

The Office of the United Nations High Commissioner for Human Rights (OHCHR, 2019) presents human rights training as a cycle that includes planning, design, delivery and follow-up. This article adopts that general orientation. The specific tasks, assessment criteria and institutional arrangements proposed here are the article's own conceptual development. They should be evaluated in their intended settings before being presented as established practice.

Biggs (1996) develops constructive alignment by relating intended learning outcomes to teaching activities and assessment. His account provides a rationale for checking whether the proposed course actually elicits the performances it values. If the objective includes explaining a safeguard to an unfamiliar audience, a recall test alone would be insufficient. The communication task and its assessment criteria should address that stated objective.

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Methodology

Design and source selection

The article uses a bounded documentary and conceptual analysis. The contextual document is the supplied Persian-language master's thesis attributed to Sayed Abdullah Afghani at Kateb University. Afghani (2026, p. 4) describes the thesis's method as descriptive-analytical and identifies books, articles and relevant internet sources as its materials. Its discussion of dignity, implementation concerns and educational recommendations was examined for implications for professional learning. The current article does not retrospectively recast that thesis as an empirical study of teaching or as evidence from interviews.

The supplementary sources were selected purposively for distinct functions. The International Covenant supplies a clearly identified international safeguard. The Declaration on Human Rights Education and Training supplies an explicit educational framework. UNESCO's guidance supports differentiation between learning domains, and OHCHR's training manual supplies the general training-cycle orientation. Ten additional international publications broaden the discussion of educational purpose, human rights education, curriculum alignment, adult learning and feedback. These publications are used for their stated conceptual or instructional contributions; their inclusion does not establish the effectiveness of the proposed programme in Afghanistan. This remains a purpose-specific source set. No exhaustive database search, systematic screening procedure or assessment of all relevant studies was undertaken. The article should consequently be read as a conceptual contribution rather than a systematic review.

Analytical procedure

The analysis proceeded by distinguishing three types of statement. The first consists of propositions and recommendations reported in the thesis. The second consists of principles stated in the selected international sources. The third consists of educational implications and proposed design choices

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developed in this article. Keeping these categories separate prevents a recommendation in the source thesis from being represented as a measured educational outcome.

The thesis's treatment of dignity was connected to educational aims concerning agency and justified authority. Its recommendation for professional training was translated into questions about learning outcomes, teaching activities and assessment. Its recommendation for public awareness was examined in relation to language, accessibility and the relationship between community learning and specialist advice. Finally, the resulting proposal was considered against a practical question: what evidence would be required before claiming that the approach works? The framework below is the product of this interpretive process, not a set of observed results.

Boundaries and research integrity

No human participants were recruited for this article, and no new personal data were collected. References to shortcomings in practice remain attributed to the thesis unless independently supported; they are not presented as verified descriptions of every institution or professional. The article also avoids asserting the present legal status of particular Afghan enactments. This boundary is necessary because a historical or doctrinal discussion cannot by itself establish contemporary implementation.

The thesis is cited using the 2026 date printed on its English title page. Page references use its printed pagination. Only verified source wording is enclosed in quotation marks; the remaining cited passages are paraphrases. The article acknowledges its origin in the thesis so that its educational argument is distinguishable from the earlier legal study.

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Analysis and Discussion

From awareness to professional judgement

Afghani (2026, p. 92) recommends regular training, identifying an educational need at the level of a proposal. A useful next step is to specify what a learner should be able to do after that training. The framework developed here identifies four related capacities: explaining the safeguard accurately, communicating it accessibly, identifying problematic conduct in a scenario and justifying an appropriate response. These capacities make the educational objective more assessable than an undifferentiated commitment to raising awareness.

Consider an explicitly hypothetical teaching case. An interviewer encounters an individual who does not answer a question. A colleague treats that refusal as sufficient reason to intensify pressure. Learners could identify what information is missing, distinguish a factual observation from an assumption about guilt, and explain an appropriate next step under the applicable rules supplied for the exercise. The case is a proposed classroom resource. It is not an allegation concerning a named institution, an account from the thesis or a finding about current practice.

A second hypothetical case concerns explanation. A participant can repeat a formal statement of a safeguard but cannot make its meaning clear to a person unfamiliar with legal language. The teaching task is to rewrite the explanation, check that it preserves the relevant meaning and identify where specialist interpretation would be necessary. This exercise tests whether knowledge can become communication without rewarding misleading simplification. It also allows feedback on comprehension without requiring actual accused persons to participate in training.

The Office of the United Nations High Commissioner for Human Rights and UNESCO (2012) place professional training within a wider programme of human rights education that includes higher education, civil servants and law enforcement personnel. Their plan links educational action with policies and institutional implementation. This provides a comparative rationale for treating

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workplace support as part of the proposal, without assuming that the international plan has been implemented in the institutions discussed here.

A curriculum organised around educational purposes

The first component would establish conceptual understanding. Learners would distinguish an accusation from an established finding, a request for information from compulsion, and an official responsibility from an unrestricted entitlement to obtain cooperation. Accurate legal content would need prior specialist review. The educational contribution is to connect those distinctions with reasons and examples, rather than to assume that a definition alone secures understanding.

The second component would address ethical reasoning. Learners could compare alternative responses to the same scenario and explain which respects the relevant safeguard. Assessment would consider the quality of the explanation, attention to the person affected and recognition of uncertainty. Agreement with the instructor's preferred wording would not be enough. A strong answer would show why the proposed action is justified and what further information is needed.

The third component would develop communication. Proposed activities include preparing plain-language explanations, identifying ambiguous terms and reviewing how translation may alter meaning. These activities should be available in languages participants understand. A bilingual glossary would be useful only if both language and legal specialists check it. Literal equivalence is insufficient when a familiar everyday term carries a narrower technical meaning.

The fourth component would connect learning with workplace conditions. Participants would identify procedures, supervisory expectations and routes for seeking clarification that affect their ability to apply the curriculum. A course should not imply that an individual can repair institutional problems simply by demonstrating a better attitude. The proposed framework therefore treats organisational support as a separate requirement, while leaving its actual availability to investigation.

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The Council of Europe (2018) presents democratic competence through interrelated values, attitudes, skills, and knowledge and critical understanding. This model offers a comparative planning resource for distinguishing factual knowledge from interpretation and responsible participation. Its use here is selective: the article does not assume that a regional framework can be transferred unchanged to Afghan professional education. Locally appropriate outcomes and assessment tasks would still require contextual review.

Teaching methods and participation

Short explanatory teaching can establish necessary terminology, but learners also need opportunities to apply and question it. Structured case discussion would allow competing interpretations to be examined against a shared source. Small-group work could produce alternative explanations of a safeguard, followed by comparison of their accuracy and accessibility. Reflective writing could ask participants to identify an assumption they revised and give a reason for that revision. These are proposed methods, not methods whose effectiveness this article has measured.

Participation requires careful boundaries. Learners should not be pressed to recount personal trauma, name colleagues or disclose confidential cases. Instructors can use invented scenarios with sufficient detail for analysis while explaining that they are fictional. Any later use of real case material would require appropriate permissions and protection of identities. Classroom evaluation should focus on the learner's reasoning and performance in the task, rather than on willingness to expose personal experience.

Professional experience can inform discussion without granting any participant immunity from criticism. An experienced practitioner may identify a practical difficulty, while a less experienced participant may question the assumptions behind a familiar routine. The instructor's responsibility is to keep that exchange reasoned, respectful and connected to the learning objective. The classroom should neither romanticise experience nor dismiss it merely because it conflicts with an initial course design.

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Mezirow (1997) examines transformative learning in relation to critical and autonomous thinking. That emphasis supports asking adult learners to examine the assumptions behind a proposed response rather than merely reproduce an approved answer. The reflective tasks suggested here are an application of that general orientation; the article does not claim that participation in discussion necessarily transforms a learner's outlook or subsequent conduct.

Community education and accessible legal literacy

Afghani (2026, p. 92) also proposes increasing public understanding through media, civil society and legal centres. The educational implication developed here is that community provision should begin with the needs of its intended audience. Reading-intensive materials may exclude some participants; audio explanations or facilitated discussion may be more accessible in particular settings. No preference should be presented as universal without consulting potential learners.

Community materials should distinguish general information from advice about a particular case. They could explain key terms, identify the purpose of a safeguard and describe where reliable assistance may be sought. Any service details would need current verification before distribution. Materials should avoid suggesting that a brief learning session supplies everything a person needs to navigate a complex legal process. Educational accessibility includes clarity about the limits of the information provided.

Community involvement should also affect how materials are tested. A small review group could be asked to explain the message in its own words and identify confusing phrases. Participation should be voluntary, and personal legal histories should not be necessary to complete the task. Feedback would inform revision of the material; it would not establish how widely the safeguard is understood across the population. This distinction is important when modest development activities are reported as research.

UNESCO (2023) recommends coherent, context-sensitive curricula that connect learning with the concerns people encounter in their lives. It also addresses education across formal, non-formal and

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informal settings. In the present proposal, this orientation supports developing community materials with their intended users and checking their accessibility. It does not justify replacing specialist legal review with educational consultation, since clarity of presentation and accuracy of content remain separate requirements.

Assessment and institutional learning

The proposed assessment framework separates knowledge, interpretation and communication. Knowledge tasks could ask learners to identify a relevant safeguard in a short passage. Interpretation tasks could require a reasoned response to a fictional scenario. Communication tasks could ask learners to explain the principle to an audience with a stated level of familiarity. A rubric should specify what counts as accuracy, justified reasoning and appropriate recognition of limits before the tasks are used.

Assessment should make feedback possible. A learner who recognises an ethical problem but misstates a technical provision needs different guidance from a learner who knows the provision but overlooks coercive pressure in a scenario. A single total score can hide that difference. Reporting performance by dimension would help instructors revise teaching and help learners identify a concrete next step. Such reporting remains a design proposal until suitable tasks and scoring procedures have been tested.

Evidence of classroom learning should not be equated with evidence of institutional change. A later evaluation would need to examine whether participants can use their learning, what enables or obstructs that use and whether observed changes have plausible alternative explanations. Participation certificates, satisfaction ratings and improved recall each answer a limited question. None alone establishes that harmful practices have declined. Evaluation claims should remain proportionate to the evidence available.

Black and Wiliam (1998) review classroom formative assessment and examine how information about learning can inform changes to teaching and learning activities. Their analysis supports

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building opportunities for revision into the proposed course. A learner's response to a case could therefore guide subsequent explanation or practice. This use of their work concerns assessment design; it does not supply evidence that the proposed human rights programme improves institutional conduct.

Nicol and Macfarlane-Dick (2006) reinterpret formative assessment and feedback in relation to learners' capacity to regulate their own learning. They identify principles of feedback practice that give learners an active role. In the proposed course, participants could compare their explanation with explicit criteria, identify a weakness and revise it. Such a task would make the use of feedback visible rather than treating the receipt of comments as evidence of learning.

Boud and Molloy (2013) analyse feedback models that differ in the roles assigned to teachers and learners. Their discussion directs attention to how learners generate and seek information that informs further work. This perspective supports designing a sequence of explanation, feedback and revision in the proposed programme. An evaluation would still need to examine whether participants can use that process independently and whether institutional conditions support its application.

Limitations and Future Research

The main contextual limitation is reliance on one supplied thesis. The present article has not independently confirmed its references, claims about implementation or account of domestic legal arrangements. Although the supplementary discussion now engages a wider selection of international publications, it does not synthesise the full research literature on professional ethics, adult learning or legal education. Its contribution is therefore a reasoned educational proposal with a stated source base. Broader claims would require a more extensive review and further research.

Feasibility is also untested. The article does not establish available teaching time, instructor preparation, participant literacy, institutional permissions or access to materials. Future work should begin with a transparent needs assessment rather than assuming these conditions. A subsequent pilot

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could examine whether instructions are understood, scenarios are credible and assessment criteria can be applied consistently. An evaluation of effectiveness would require a separate design, appropriate ethical safeguards and justified outcome measures. Neither a sample size nor a success rate can be specified from the present evidence.

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Conclusion

The right to silence provides a focused starting point for examining the purposes of professional education. Afghani's thesis is principally a legal investigation, yet its recommendations for training and public awareness raise questions that properly belong to educational theory and philosophy. What should professional learners understand about the limits of authority? How should they explain a safeguard to someone unfamiliar with technical language? How can assessment recognise responsible judgement rather than reward the reproduction of terminology alone? This article has developed these questions into a bounded educational framework.

The central proposal is that professional preparation should connect accurate understanding with ethical interpretation, accessible communication and supported application. These connections give practical meaning to dignity and agency as educational aims. They also clarify why a course cannot be judged solely by its coverage of legal provisions. A learner may recall a principle while remaining uncertain about its application; another may communicate confidently while misrepresenting its meaning. Teaching and assessment should be designed to reveal and address these differences.

The framework also recognises that learners act within institutions. A training programme can offer reasons, opportunities for practice and feedback, but it cannot by itself ensure that workplace expectations support responsible conduct. Curriculum development should therefore consider supervisory arrangements and opportunities to seek clarification alongside classroom activities. Community education requires a related commitment to accessibility, voluntary participation and clear boundaries between general information and individual advice. Neither professional nor community learning should depend on disclosure of sensitive personal experiences.

These proposals remain open to testing. The article does not report a successful intervention, measure existing professional competence or verify the present implementation of legal safeguards in Afghanistan. Its documentary basis supports conceptual development, while its limitations identify the next research tasks: checking contextual needs, reviewing current legal content, piloting

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materials and examining evidence of learning and application. Claims about change should follow those investigations rather than precede them. The educational value of the proposal lies in making its purposes and assumptions explicit, so that researchers and practitioners can assess, revise or reject them on reasoned grounds. Within these boundaries, the article offers a defensible connection between legal scholarship and the study of education.

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Declaration of Interest Statement

The author declares that there are no conflicts of interest.

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