



**ASIA PACIFIC FORUM**  
ADVANCING HUMAN RIGHTS IN OUR REGION

APF Member 'Bare Facts'

**Afghanistan**

Updated February 2014

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## Introductory Comments

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The Asia Pacific Forum of National Human Rights Institutions ('**APF**'), established in 1996, is the leading regional member-based human rights organisation in the Asia Pacific.

This member's profile focussing on Afghanistan's NHRI is part of a series of profiles which provide information about the core features and functions of each of the APF's member institutions.

Afghanistan became an Associate member of the APF in February 2004 and a Full Member in August 2005. Afghanistan became a member of the International Coordinating Committee of National Human Rights Institutions in 2007.

The information contained in this profile reflects the NHRI's response to a Members' Profile Questionnaire sent to all APF member institutions in 2012.

## Foundation

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The Afghanistan Independent Human Rights Commission (AIHRC) was established by the Law on the Structure, Duties and Mandate on the AIHRC (AIHRC Act No 3471, 2005) and commenced operations following a Decree of the President of the Interim Administration of Afghanistan in 2002.

The AIHRC has a national jurisdiction.

## Composition

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The AIHRC has 8 governing members.

The current members are drawn from professional backgrounds in NGO's, the legal and health professions, academia, parliament and government.

## Application, Selection and Appointment process

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Article 7 of the AIHRC Act No 3471 establishes the appointment process for members of the AIHRC.

The AIHRC is not required to publicly advertise vacancies. In practice, key stakeholder groups and CSOs are also consulted when nominating candidates. There is no written procedure for appointing Commissioners. The ICC SCA Statement of Compliance (2008) set outs guidelines for the independent selection committee when appointing candidates, but this is not a process formalised in law.

Candidates must be aged 25 or over and citizens of Afghanistan. In addition, they must be of good reputation, independent and hold popular trust. They must not be a member of any political party during their term in office and must have relevant academic qualifications and practical experience.

## Financial autonomy

10% of the AIHRC's current annual budget of US\$ 9 million comes from the Government. The founding law requires the Government to provide funding and does not specifically allow or restrict its ability to raise funds from other sources.

## Personnel

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The total number of staff in the AIHRC is 582.

The SCA Statement of Compliance states that principles of pluralism such as gender, religious, ethnic and linguistic diversity are considered in recruitment.

Of the commissioners, 66% are men and 33% are women.

Out of the total number of staff, the percentage of men and women at each level is:

1. Senior Staff: 16.6% men and 13.4% women
2. Junior Staff: 60% men and 10% women

## Working methods

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The members of the governing board meet weekly.

The AIHRC has several dedicated specialist thematic units. It does not as of yet have advisory bodies but under Article 10 the Commission may establish a Board of Professional Advisors not exceeding 10 persons to support the Commission.

The AIHRC has 14 regional and provincial offices in addition to the head office in Kabul.

## Mandate

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The AIHRC has a legal mandate to:

1. Make recommendations to the government, Parliament and other competent bodies on matters concerning:
  - a. Proposed legislative or administrative provisions,
  - b. Suggested amendments to existing legislation.

- c. The adoption or amendment of administrative measures.
2. Report without restriction:
  - a. On the national human rights situation, on specific matters or through thematic reports,
  - b. Its opinions and recommendations.
3. Promote and advocate for the:
  - a. Harmonization of national laws and practices with Afghanistan's international obligations
  - b. Implementation of recommendations of international human rights mechanisms
  - c. Ratification of international human rights instruments
4. Engage with the International human rights system by:
  - a. Contributing to the State's periodic treaty body reports
  - b. Expressing opinion on the State's reports to the UN treaty bodies
  - c. Cooperating with the UN and its agencies, regional institutions and the NHRIs of other countries
5. Conduct public education and awareness raising by:
  - a. Assisting with human rights teaching and researching
  - b. Carrying out public awareness activities

The AIHRC's mandate is restricted to national citizens and international human rights instruments to which Afghanistan is a party.

## Powers

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### Complaint handling and investigation

The AIHRC has the following powers to investigate complaints:

1. To receive and investigate complaints;
2. To conduct investigations on its own initiative;
3. To compel information from any person necessary for assessing situations falling within the AIHRC's competence;

4. To obtain any information and any document necessary for assessing situations falling within the AIHRC's competence;
5. To visit and enter places of detention;
6. To make recommendations to the competent authorities;
7. To protect the confidentiality of witness testimonies in its possession;
8. To recommend compensation but not provide or seek compensation through a court or specialist tribunal;
9. To intervene or assist in court proceedings related to human rights; and
10. To provide other remedies to victims of discrimination and/or human rights violations.

The AIHRC also has the following powers to handle individual complaints:

1. To seek an amicable settlement through conciliation or mediation;
2. Inform complainants of their rights, of available remedies and promote access to these;
3. Transmit complaints to any other competent authority; and
4. Ensure that communications to and from the NHRI remain confidential.

## OPCAT

The AIHRC is not a formally designated National Preventative Mechanism under the OPCAT.

## Relationship with State and Civil Society

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The AIHRC can directly report to Parliament. Government bodies are formally required to respond to the AIHRC's resolutions, reports or recommendations.

The AIHRC Act No 3471 provides the AIHRC with the capacity to establish formal relationships with civil society. The AIHRC has developed formal relationships with civil society, resulting in engagement with CSOs on thematic issues.

## Accreditation

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The AIHRC was last reviewed by the ICC in November 2008 and has an ICC A accreditation status.