AMNESTY INTERNATIONAL
PUBLIC STATEMENT

AI Index: ASA 11/0676/2019
07 July 2019

Afghanistan: The Government Must Immediately Appoint the Commissioners of the AIHRC


The AIHRC plays a crucial role in holding government and other actors responsible in relation to human rights violations in Afghanistan. Ensuring its continuity and independence therefore is critical, and the AIHRC’s mandate must be renewed in light of efforts to achieve peace and reconciliation in Afghanistan. Since its establishment, the AIHRC’s has played a vital role in promotion and protection of human rights in Afghanistan. Notably, it has been continually monitoring and reporting on human rights violations in Afghanistan such as violence against women, children, and detainees. Now, out of nine commissioners, the AIHRC operates with few commissioners whose terms in office expired a year ago, June 2018.

The Presidential Order 905 of 9 July 2018 laid out a two-stage procedure for the appointment of commissioners. The first stage provided the opportunity for civil society organizations in Afghanistan to submit a shortlist of nominees to the AIHRC. In accordance with the second stage, the selection committee submitted a final list of 27 candidates to the Office of the President.

Despite implementation of the Presidential Order 905, the President issued Order 2727 of 20 February 2019, which called for a new list of candidates to be prepared. The procedures for nominations in the new order were unclear, and the transparency of the appointment process was at risk of being undermined by this second Presidential Order. Amnesty International raised its concerns with the government immediately then – a letter to the President of Afghanistan.

Now, both lists prepared based on the orders 905 and 2727 are with the Presidential Palace, Office of the President. The procedures in relation to the order 2727 remained
unclear. Amnesty is further concerned that any further delays in appointing the commissioners will have a detrimental impact on the AIHRC’s ability to fulfil its mandate, and further reiterates that the appointment process must be in line with the Paris Principles.

Amnesty International urges that the AIHRC must remain independent and have competent and well-qualified commissioners to be able to carry out its functions properly. The Principles relating to the Status of National Institutions (The Paris Principles), adopted by the UN General Assembly in 1993, make clear that this independence must be guaranteed by adequate funding that ensures it is not subject to government control, and that it has “a stable mandate” for its members, “without which there can be no real independence”.

Amnesty International strongly calls on the Government of Afghanistan to also implement the 2014 recommendations of the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights’ Subcommittee on Accreditation when it comes to the selection and appointment of the AIHRC chairperson and eight commissioners. These recommendations include the establishment of a plural subcommittee that is selected in consideration of “diversity in terms of ethnicity, language, gender and origin of living”. The selection committee must provide a list of 27 “suitably qualified candidates”, of which at least half are women.

The procedure with regards to the selection and appointment of candidates should involve “a clear, transparent and participatory selection process that promotes a merit-based selection, and therefore, public confidence in the senior leadership of a national human rights institution.” In selecting the nine commissioners, the Government of Afghanistan is also called upon to include at least four women.

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