

**AFGHANISTAN INDEPENDENT HUMAN RIGHTS COMMISSION
TERMS OF REFERENCE**

SCOPE OF WORK

Afghanistan Independent Human Rights Commission (AIHRC) requests proposals from organisations and companies with survey and research experience in Afghanistan and/or internationally to carry out a survey on perceptions of transitional justice, and of post-conflict needs related to transitional justice, in Afghanistan. The survey will produce a credible evidence base which could, in the future, be used by an independent committee or AIHRC for the design of a national transitional justice program. The survey asks questions such as perceptions of justice, post-conflict needs, and local methods of conflict resolution and reconciliation. Taking cost limitations into account, proposals must include detailed plans for methodology, including sampling and quality assurance.

Key Deliverables

***Note some of these deliverables have over-lapping timeframes. Specific due dates will be determined later.**

Deliverable	Timeframe
Methodology (direction, scope, sampling); Quality Assurance (monitoring and evaluation plan)	10 days.
Questions (with AIHRC)	5 days.
Training manual	7 days.
Enumerator training	3 days.
Pilot	7 days.
Pilot evaluation and reporting	4 days.
Survey implementation preparation	14 days.
Survey	20 days.
Results and Analysis	15 days.
Report (preliminary draft)	10 days.
Report (final)	10 days.
Results dissemination	30 days.

BACKGROUND

AIHRC

AIHRC is a national human rights institution (NHRI) under the Paris Principles. Established in Article 58 of Afghanistan's constitution, with its precise structure, duties and mandate detailed in AIHRC Law (Law 3471), AIHRC's mission is to protect and promote the human rights of all Afghans regardless of ethnicity, region or political affiliation. An independent NHRI, AIHRC receives funding from international donors, philanthropic foundations, and the

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Government of the Islamic Republic of Afghanistan (GoIRA). In 2019, the Global Alliance of National Human Rights Institutions (GANHRI) sub-committee on accreditation (SCA) re-accredited AIHRC with 'A' status. 'A' status is awarded to NHRIs fully compliant with the Paris Principles; specifically, AIHRC was found to have fulfilled the criteria of: 'a broad mandate, based on universal human rights norms and standards; autonomy from government; independence guaranteed by statute or constitution; pluralism; adequate resources; and adequate powers of investigation'.

In 2019, nine new Commissioners were appointed, including a new Chairperson. The Commissioners have breadth and depth of human rights experience across AIHRC's principal thematic areas: human rights education, ombudsman, research, women's rights, children's rights, persons with disabilities, special investigations and monitoring and investigation. AIHRC is an NHRI protecting and promoting human rights in the context of one of the world's deadliest conflicts; annually, Afghanistan has over 10,000 civilian casualties. In addition, it is the deadliest conflict in the world for children.

Transitional Justice

Historically, transitional justice has stalled because of its close association with criminal accountability and fears it would undermine the post-Bonn Agreement political settlement. This argument has been powerful – key conflict mapping reports by OCHR and AIHRC remain unpublished due to fears that exposing past violations would compromise Afghanistan's political stability. This view is summarized by the words of the former UN special envoy Lakhdar Brahimi who said, in response to Afghans asking about accountability, ['we cannot sacrifice peace for justice'](#). Further, the dual dynamics of violent conflict and state building bolstered the argument that political stability was fragile and could not be further compromised.

OBJECTIVE

The survey will capture perceptions of transitional justice, and of post-conflict needs related to transitional justice. Ideally, this will be a perception survey carried out in every province or region, with a sample that will give an overview of the country so that it is inclusive of different ethnic groups, regions, and conflict dynamics. Data collection ought to be disaggregated according to different groups such as either region, gender ethnicity, persons with disabilities, widows, veterans and youth. But proposals ought to suggest the extent of disaggregation that can be realistically offered given cost and time constraints. The survey must be a credible piece of research since this will be part of an evidence base that, in the future, could be used to inform the design of a national transitional justice program. The objective of the survey is to capture perceptions relevant to the design of a national transitional justice program. The survey ought to include, but is not limited to, the following concerns:

- How the term 'transitional justice' is perceived? How are alternative terms received? Which is most popular, easily understood?
- Participants' views of accountability, truth-seeking, reconciliation and reparations; critically, how the past ought to be addressed in order to move forward;

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- Participants' desire and/or need for accountability through criminal and non-criminal means, reconciliation, reparations and truth;
- Participants' experiences and perceptions of victimhood and violence, including types of violence such as blood feuds and cyclical dynamics of violence;
- Local methods of conflict resolution, reconciliation used by participants;
- Participants' tangible post-conflict needs such as housing, healthcare, education.

METHODOLOGICAL APPROACH & PROFESSIONAL REQUIREMENTS

Methodology

Methodology ought to be rigorous, with credible quality assurance mechanisms and processes. Given access and budget limitations, biases are expected – proposals ought to be transparent about these. Quantitative-based and qualitative-based proposals, or a combination, are welcome.

Afghanistan Experience

Organisations and companies submitting proposals must have prior experience of carrying out surveys that meet rigorous scientific standards in Afghanistan and/or internationally. Proposals that sub-contract data collection will not be considered. Joint ventures are permitted.

AIHRC

AIHRC will work closely with the selected company/organisation feeding in to the process for developing questions, and planning for implementation and results dissemination.

DURATION

The expected duration of this project is one year.

BIDDING PROCESS

Expressions of interest to be submitted by 10 June 2020.

POINT OF CONTACT

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