

*In the Name of Allah, the most gracious, the most merciful*

## **Political Parties Law**

### **Chapter one General Provisions**

#### **Article 1**

This law is adopted pursuant to article 32 of the 1964 Constitution on the establishment, functions, rights, obligations and dissolution of political parties in Afghanistan.

#### **Article 2**

In this law, "political party" means an organized society consisting of individuals which undertakes activities for attaining its political objectives, locally and/or nationwide, based on the provisions of this law and its own constitution;

#### **Article 3**

The political system of the State of Afghanistan is based on the principles of democracy and pluralism of political parties.

### **Chapter two Establishment and registration of political parties**

#### **Article 4**

Afghan citizens of voting age can freely establish a political party, irrespective of their ethnicity, race, language, tribe, sex, religion, education, occupation, lineage, assets and place of residence.

#### **Article 5**

Political parties can function freely on the basis of the provisions of this law, and have equal rights and obligations before the law.

## **Article 6**

Political parties shall not:

- (1) pursue objectives that are opposed to the principles of the holy religion Islam;
- (2) use force, or threaten with, or propagate, the use of force;
- (3) incite to ethnic racial, religious or sectional violence;
- (4) create a real danger to the rights and freedom of individuals or intentionally disrupt public order and security
- (5) have military organizations or affiliations with armed forces
- (6) receive funds from foreign sources.

## **Article 7**

The headquarters and any regional offices of a political party shall be located in Afghanistan. The government shall ensure the security and safety of the political party's offices.

## **Article 8**

- (1) All political parties shall be registered with the Ministry of Justice.
- (2) The procedure for registering shall be regulated by separate regulation.

## **Article 9**

The Ministry of Justice shall refuse the registration of political parties which:

- (a) do not fulfill the requirement of Article 6
- (b) have fewer than 700 members at the time of registration
- (c) wish to register under the name of a political party that has already been registered.

## **Article 10**

If the Ministry of Justice rejects an application of a political party, the applicant shall have the right to appeal to the relevant court

## **Article 11**

A political party may officially start its activities after being registered by the Ministry of Justice.

## **Article 12**

A registered political party shall enjoy the following rights:

- (a) Independent political activity;

- (d) Permanent or temporary political alliance or coalition with other political parties;
- (e) Open and free expression of opinions, both in writing and verbally, on political, social, economical and cultural issues, and peaceful assembly;
- (f) Establishing an independent publication organ;
- (g) Access to the media at the expense of the political party;
- (h) Introducing candidates at all elections;
- (i) Other rights in accordance with the aims and duties of a political party as indicated in its constitution.

### **Article 13**

- (1) Afghan citizens who have completed the age of 18 and have the right to vote can acquire membership of a political party.
- (2) A person shall not be member of more than one political party at a time.
- (3) Judges, prosecutors, leading cadres of the armed forces, officers, non-commissioned officers, other military personnel, police officers, and personnel of national security, shall not be members of a political party during their tenure of office.

## **Chapter three Financial matters**

### **Article 14**

The funds and expenses of political parties shall be public and transparent.

### **Article 15**

- (1) Political parties may receive income from the following sources:
  - (a) Membership contributions
  - (b) Donations by legal persons up to two million Afghani per year
  - (c) Income from a party's movable and immovable property
  - (d) Subsidies by the government in connection with elections
  - (e) Other contributions by members
- (2) Political parties shall register all its income and deposit it in a bank account.

### **Article 16**

- (1) The leadership of the political party shall bear financial responsibility during its tenure.
- (2) In order to carry out its financial affairs, the leadership of the political party shall appoint one or more authorized representatives and introduce their signatures to the relevant bank.

(3) The movable and immovable property of political parties shall be registered in the office of the party and in the Ministry of Finance through legalized documents.

## **Chapter four**

### **Dissolution of a political party**

#### **Article 17**

The dissolution of a political party shall not be ordered unless:

- (1) the party uses force, or threatens with the use of force or uses force to overthrow the legal order of the country, or the party has a military organization or affiliations with armed forces,
- (2) the measures mentioned in sub-item 1 of this Article are not effective,
- (3) the party acts against the articles of the Constitution or this law.

#### **Article 18**

The Supreme Court shall, upon the request of the Minister of Justice, dissolve a political party according to the articles of this law.

#### **Article 19**

The Supreme Court shall consider a request for dissolution of the political party as a priority matter and in the shortest possible time. The hearings of the Supreme Court shall be open to the public.

#### **Article 20**

The leader or the authorized representative of the political party shall have the right to request the Council of the Supreme Court to replace the presiding officer or one or more of the judges. If the Council of the Supreme Court considers the request justified, it shall appoint another presiding officer or judge from the members of the Supreme Court.

#### **Article 21**

The leader or authorized representative of the political party shall have the right to be heard and to participate in the hearings of the Supreme Court.

#### **Article 22**

The Supreme Court shall fully state its reasons when ordering the dissolution of a political party. The order by the court for the dissolution of the political party shall be definite and final, and shall be published by mass media.

## **Chapter five**

### **Final provisions**

#### **Article 23**

All political parties and political organizations shall register in accordance with the provisions of this law. Political parties shall not enjoy the rights in this law unless they are registered.

#### **Article 24**

Financial and commercial governmental organs, and the responsible officials heading those organs, shall not use their position to favour or to disadvantage any political party.

#### **Article 25**

This law shall be in effect from the date it is published in the Official Gazette. This law shall abolish the political parties' law published in the Official Gazette No. (733), dated 29/10/1369.

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