

# CIVIL SOCIETY POSITION PAPER ON THE OCCASION OF THE SENIOR OFFICIALS MEETING

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## CIVIL SOCIETY POSITION PAPER

### PEACE AND SECURITY

The Afghan constitution obliges the state to ensure the safety and security of its citizens. We understand that there is an ongoing conflict which is a major impediment for National Unity Government (NUG), Civil Society Organizations (CSOs) and the whole country to fulfill their mandates. The leadership at the security sector is not capable of handling their responsibilities. One of the main reasons for a failure of leadership is corruption in appointment and promotions of the police at the top level backed by capture of institutions by corrupt political elite.[1] This is one of the major challenges that has resulted in increased insecurity, corruption and weak motivation within security forces. Divide leadership and weak relations of the security sector institutions with the public are other major impediments within the security sector to maintain the security and safety of the citizens. Civil society organizations research on police shows rampant petty corruption in traffic police including Kabul, passport and Tazkara offices, and extortions on the highways.[2] One field research shows that two third of 377 police check posts on the highways force truck drivers to pay a bribe.[3] Such violations of social contract between citizens and the state has weakened the citizens' trust in police services. Increased cases of abduction, theft, attack on individuals, presence of men with weapons in Kabul and major cities are deeply troubling and requires comprehensive security sector reform. CSOs, working on police integrity and transparency, call for a comprehensive reform within the police across the country.

**Afghan civil society calls on the government to come up with a thorough plan and timeline and conduct consultation with people on how the National Unity Government(NUG) and the new leadership of the Ministry of Interior Affairs, Ministry of Defense and National Security Department would reform the security sector to improve security of the Afghan citizens.**

To put security in a broader context, a deeply concerning aspect of human security in Afghanistan is unemployment. The employment rate has reached a troubling 40 percent.[4] A recent study shows that due to rapid increase in youth population Afghanistan war index has reached 6.0 points while it is 0.65 in Germany and only 1.0 in the US.[5] A vicious circle of increase in the insurgency, unemployment, poverty, migration and brain drain has been a major of cause of perpetual devastation. The Afghan civil society calls upon the government to break this vicious circle via facilitating job creation in the private sector and filling the vacant government positions.

The Afghan civil society believes stability and prosperity would not be possible with continuation of war. Millions of Afghans have been directly affected by the ongoing conflict and thousands have lost their dear ones.

**The Afghan civil society believes that the ultimate solution to the current crisis lies in transformative peace negotiations. The Afghan government should give priority to the Constitutions and the achievements of the last fifteen years in the peace process. Women participation is especially important in any such dialogues and negotiations.**

### WOMEN RIGHTS AND RULE OF LAW

The Afghan women have come a long way to overcome violence, discrimination and opposition to their right to education, participation in various spheres of life as well as their meaningful inclusion in the last decade. The achievements of women and their presence in the parliament and ministerial positions have created hope and role models for the

next generation of Afghan girls. The achievements of Afghan women are mostly visible within the urban centers, but it is still critical how long these achievements would last due to low level of political will, shrinking of support towards women's rights agenda and continued nature of quick impact programs.

The Afghan government has not yet fully created an enabling environment for women to work through introduction of special women schemes such as transportation, children care, harassment free work space and capacity building. Afghan universities are especially not responding to the needs of the women students. The Afghan judiciary seems to specially lag behind. Recently five dozens of women judges were forced to travel to insecure districts or lose their jobs according to a senior woman judge. This shows why women's presence is important in the Supreme Court High Council. The decreased number of women teachers is another concern based on unpublished records of the Ministry of Education. Such instances, although intermittent, show that women's achievements are reversible. There is a massive concern over changes in the positions that were held by women as cabinet ministers and provincial governors. Today we unfortunately have 3 women ministers and no female governor. This is a matter of concern where we feel the Afghan government is not following its commitments they had made in various platforms such as Brussels Conference. While the President announced that Citizen Charter implementation will be done by 50% participation of Afghan women.[6] However, many months after the women empowerment conference in Brussels, there is no clarity in terms of role of women in citizens' charter.

In spite of the recent reforms in the justice sector, the state of rule of law has not improved. Corruption and capacity constraints have resulted into discrimination and favor, torture and abuse against the citizens in the courts and prisons. In spite of a few high level prosecutions, the culture of impunity continues to be the "norm". Access to information has remained difficult from the judiciary. The Supreme Court does not have a spokesperson and has refused to respond to access to information requests by civil society and media. The case management system is not accessible to citizens and watchdog organizations have continued to face challenges to tracking cases.

In addition, the NUG is working to finalize the Law on Freedom of Assembly which, in its current form, will unfortunately limit all sort of activities of civil society. We believe that any effort to limit civil society's role will not be accepted by the civil society and the Afghan public. It would be a violation of basic human rights and NUG's commitments to both international community and the people of Afghanistan.

The Afghan civil society calls upon the government to take meaningful actions to ensure women rights at schools, universities, work and at home. The international community should support long term and infrastructural programs as prioritized by the Afghan women rather than promote quick impact projects. The Afghan civil society calls upon the government to expedite the reform within the justice sector by institutionalizing transparency and accountability. Establish internal and external independent oversight mechanisms including an ombudsperson for the sector, remove the barriers that limit gatherings and protest, and strengthen legal framework for protection of women rights.

## GOVERNANCE AND ANTI-CORRUPTION

After months' delay, finally the Draft of Anti-Corruption Strategy is released. Despite obvious reluctance from the National Unity Government (NUG) to take actions on corruption seriously, this Draft Strategy includes some very good points. Many of civil society recommendations, made in the last three years, have now been taken into account such as establishing an Independent Judicial Services Commission, revising the Access to Information Law to meet international standards and strengthening Oversight Commission or Access to Information, and appointing a High Oversight Board to oversee the appointments and promotions in the security sector among others.

However, the NUG has backtracked on its most important anti-corruption commitment: the creation of an independent and strong anti-corruption commission. The strategy does not discuss the establishment of independent anti-corruption commission, a commitment that the NUG made three years ago in London Conference on Afghanistan. There is no justification why the government has decided the current institutional arrangements and why it has decided not to establish an independent and expert agency to fight corruption. The civil society organizations have expressed this concern to the President, Second Vice President and majority of officials involved in the process. However, the government does not seem willing to ensure the independence of anti-corruption agencies and fulfill its earlier commitments.

The Afghan civil society emphasizes the establishment of the independent anti-corruption commission and warns the NUG leadership that it would substantially damage the trust of the civil society and the Afghan people if it does not fulfill its earlier commitments.

## REFUGEES AND IDPs

Silently and quietly but sadly and miserably, Afghanistan is experiencing its biggest exodus since Russian occupation of the country in 1980s. As a result of government relations with its neighbors and the ongoing conflict in the country, there has been nearly two and half million refugees and around two million internally displaced people in the last three years.[7] While it is the government policy that has a role in such a tragedy, the NUG's response to address the needs of people has been depressing. The Afghan government allocated a meager USD 12.3 million to the ministries responsible to take care of three millions of Afghans in the current national budget 1396 (2017).[8] It is understandable that the international community would directly cover a good chunk of such costs through national NGOs, but allocating such small amount in its national budget shows weaknesses in the government to set its priorities.

The Afghan civil society requests the government to design its foreign policy especially with the neighbors and approach to conflict within the country in the light of refugees and IDPs as a factor and allocate proportionate on-budget funds to respond to the needs of people who have been affected by the government policies. The NUG should implement Solution Strategy adopted by UNHCR, Afghanistan and Pakistan in Geneva, 2012. While we thank the international community and multi-lateral agencies for supporting Afghan refugees and IDPs, we demand increased transparency and accountability of their assistance.

## ELECTIONS

The people of Afghanistan request the government to ensure that all reforms will bring benefits to the people and strengthen the rule of law and democratic values. We believe that any changes to the system must go through constitutional and democratic procedures. For the sake of implementing and maintaining the values of democracy, the citizens during the most difficult circumstances, have participated actively in elections. The recent claims of government interferences or creating factions within the Election Commission, and the government's misuse of its authorities to delay the approval of the executives of the Electoral Complaints Commission are concerning.[9]

The Afghan civil society calls upon the NUG and the President to remain neutral, support a united Election Commission and move swiftly on appointments of executives within the commissions.

## MINING TRANSPARENCY

The future and sustainability of the Afghan state greatly depends on the extractive sector and natural resources of the country. The previous Administration did not leave a working and clean system, capable of leading survey, procurement and oversight of the mining contracts. The NUG's performance has been even worse than the former Administration in this respect. Except for a few months, the Ministry of Mines has been led by acting ministers for the last three years.[10] Very few new contracts have been awarded and earlier contracts have not been managed and extended transparently.[11] The effects of lack of political attention to the extractives has resulted in every day increase in illegal mining that in turn feeds into the ongoing war and conflict. Afghan civil society thinks that the Afghan government's ministerial capacity is too low to enter into contracts with giant multi-national companies.

**The Afghan civil society calls upon the government not to tender large natural resources deposits to multi-national companies including the USA's until the required technical survey, procurement and tendering as well as oversight and monitoring capacities are not built within the Ministry of Mines and Petroleum.** The indicator for government readiness and competence to tender large deposits is transparent and accountable management of existing medium and large contracts for prevention of illegal extraction.

## SERVICE DELIVERY

One research conducted by civil society organizations shows that the NUG has recently made encouraging improvements in the infrastructure sector, while service delivery sector has received little political attention and witnessed almost no substantial reforms that could serve people in a better way, alleviate poverty, and reach out to the needy. Public health, education, pension, water, electricity and urban services have continued with the status quo and have not met the expectations of the people. A recent report on the public health sector has highlighted serious maintenance issues, hygiene, absence of female doctors, and lack of drinking water and toilets at certain health facilities.[12] It is the poor and needy Afghans that rely on the public sector, while the rich would take care of their families through alternative ways.[13] It should be the at most priority of the Afghan state to reach out to this segment of the society.

**The Afghan civil society calls upon the government to revitalize the energy in the service sector, introduce competent and clean leadership and increase the budget for services where necessary. In addition, attention should be paid to improving services through public engagement in decision-making and oversight of service delivery.**

## DO NOT FORGET AFGHANISTAN

The Afghan civil society has been working in an increasingly difficult situation. CSOs are delivering services such as education, health, environment, and agriculture on behalf of the government at the remotest and most insecure areas. Women and human-rights organizations have provided awareness and capacity building programs at national and local levels. Watchdog organizations have conducted research on how people think of the government and if the quality services reach the people. CSOs have advocated for fighting corruption, mining transparency, security sector accountability, justice sector integrity and have highlighted human and women rights violations. However, the support civil society receives from the government and international community has not been favorable.

While we welcome Afghan government measures to increase financial reporting and tax payment, the government efforts to invalidate the license of many civil society organizations is concerning. As not-for-profit entities, NGOs do not pay income tax but are responsible for withholding tax on salaries, rent and contracts and providing payment to the Government on a monthly basis. In the past the Ministry of Finance Medium Tax Office had been under-resourced and under-equipped to administer tax returns on time. Currently more than 200 NGOs are being prevented from working due to a "blacklist" issued by the Ministry of Finance and sent to the Ministry of Labor, Social Affairs, Martyrs and Disabled (MoLSAMD) to prevent renewal of NGO work permits and visas.

**Since NGOs have annual budgets from donors, they cannot pay penalties from previous years, so it is recommended that the request of the SMAF 24 Committee to the President and Cabinet to provide an amnesty on tax issues from 1388 – 1395.** This will also reduce current delays in clearing tax returns and the potential for corruption. We also urgently request for the elimination of the 'blacklist' prepared by Ministry of Finance so that NGO activities are no longer delayed.

We appreciate and thank the international community's continued support to civil society's efforts. However, we would also like to raise the issue that hundreds of civil society organizations have halted their activities and hundreds of others are threatened due to rapid draw-down in support from the international community. We believe that the civil society organizations are playing a critical role in the democratic setup of the country and have established themselves as a source of support to the needy and a channel of advocacy for the victims of corruption and violence. **We would like to call upon the international community to enter into a partnership pact with the civil society as the Tawanmandi support scheme has recently ended.**

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[3] [https://iwaweb.org/wp-content/uploads/2014/12/on\\_afghanistans\\_roads\\_extortion\\_and\\_abuse\\_against\\_driver.pdf](https://iwaweb.org/wp-content/uploads/2014/12/on_afghanistans_roads_extortion_and_abuse_against_driver.pdf)

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[5] <http://www.weeklystandard.com/afghanistan-russia-and-the-war-index/article/2009214>

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[11] <http://www.tolonews.com/business/salt-mine-tender-delay-costing-got-millions>

[12] [https://iwaweb.org/wp-content/uploads/2017/08/IWA\\_\\_Health-care-deivery-in-Afghanistan\\_\\_English\\_6.pdf](https://iwaweb.org/wp-content/uploads/2017/08/IWA__Health-care-deivery-in-Afghanistan__English_6.pdf)

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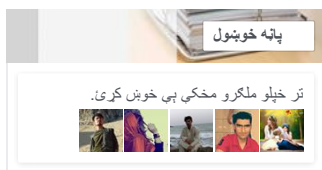
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