

GOVERNANCE CONTENTS

Key Events	109
Reconciliation and Reintegration	109
National and Sub-national Governance	113
Judicial Reform and Rule of Law	123
Anticorruption	126
Human Rights	132

GOVERNANCE

As of March 31, 2013, the United States had provided nearly \$23 billion to support governance and economic development in Afghanistan. Most of this funding, more than \$15 billion, was appropriated to the Economic Support Fund (ESF), administered by the State Department and the United States Agency for International Development (USAID).²¹³

KEY EVENTS

Afghan authorities, political parties, and civil society remained intensely focused this reporting period on the security and political transitions that will culminate in 2014 with the end of the International Security Assistance Force (ISAF) mission and Afghanistan's presidential elections. The United Nations (UN) Secretary-General warned that Afghan political leaders need to make some vital decisions in the near future. Most immediately, President Hamid Karzai must appoint a new chair of the Independent Election Commission, the body charged with managing the elections. Parliament must also pass election-related legislation in time for operational planning and preparations.²¹⁴ The Afghan government made only limited progress in three other critical areas—establishing a peace process with the Taliban, institutionalizing the rule of law, and curbing widespread corruption.

RECONCILIATION AND REINTEGRATION

This quarter, the Afghan government increasingly sought to define and shape a potential reconciliation process under the auspices of the High Peace Council, according to the UN Secretary-General. In February, the governments of Afghanistan and Pakistan announced plans to open a negotiation office in Doha, Qatar, and committed themselves to do everything possible to achieve a peaceful settlement with the Taliban. The United States has previously expressed support for this negotiation office and stressed the need for Afghanistan to lead the reconciliation process. On February 14, Pakistan announced it had released 26 Afghan members of the Taliban detained in Pakistan as a confidence-building measure.²¹⁵ President Karzai met in Doha with the Qatari emir, Sheik Hamad bin Khalifa al-Thani, on March 31 for discussions about opening the office, but no developments

were announced after the meeting.²¹⁶ A few days later, Afghanistan accused Pakistan of placing unacceptable conditions on peace efforts. The breakdown in ties between the two neighbors threatened to hinder attempts to bring the Taliban to the negotiating table.²¹⁷

Afghanistan Peace and Reintegration

Program: the Afghan government's main program for promoting and managing insurgent reintegration. It provides a way for Taliban members and other anti-government elements to renounce violence and become productive members of Afghan society. The program attempts to give development opportunities to individuals who peacefully re-enter society. A Joint Secretariat, an inter-agency body with representation from the International Security Assistance Force, administers the program.

Source: UNDP, "UNDP Support to Afghan Peace and Reintegration Program," 5/2011, accessed 7/17/2012.

High Peace Council

This quarter, the High Peace Council continued its efforts to build internal and international support that would set the conditions necessary for reconciliation. To build trust with the Taliban, the Council worked with the Afghan government and the UN Security Council to remove senior Taliban members from UN Sanctions List 2082, according to the State Department. These members were selected because they expressed their willingness to join the reconciliation process.²¹⁸

The High Peace Council and the **Afghanistan Peace and Reintegration Program's** (APRP) Joint Secretariat worked with Afghan civil society to establish a national consensus on the peace process. In January, the Council and Secretariat met with civil society representatives to discuss a roadmap for peace and a joint mechanism for future partnership. The Council and Secretariat also continued to discuss the issues of safe passage for insurgent members to negotiation locations, provincial assessments, senior-level reintegration, and other trust-building measures.²¹⁹

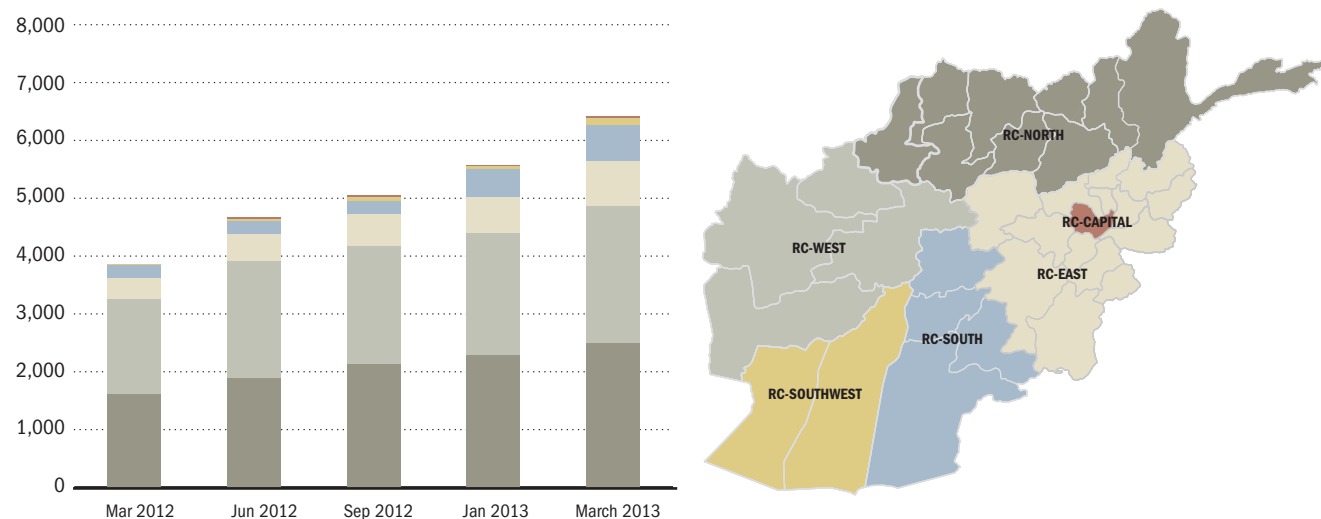
Afghanistan Peace and Reintegration Program

Reintegration efforts nearly came to a complete stop for the first two months of the quarter because of the inability of the APRP's Joint Secretariat to reconcile financial accounts. The United Nations Development Programme (UNDP), which manages most of the APRP's operational funds, requires the Joint Secretariat to be able to account for 80% of funds before it releases donor money. The Joint Secretariat regularly struggles with this 80% requirement. The Provincial Joint Secretariat Teams (PJST) have to reconcile their accounts every quarter and report to the secretariat. This has been an ongoing problem but training is easing it. In addition, the UNDP delayed its approval of the APRP work plan, which also had to be done before funds could be disbursed. As a result, employees' salaries were not paid. The issue was resolved at the end of the quarter. The UNDP approved the work plan, the APRP's technical committee approved the program's fiscal year (FY)1392 budget, and the High Peace Council and Joint Secretariat reconciled more than 80% of the disbursed funds. This allowed reintegration funds to again flow to the field.²²⁰

This quarter, only 208 reintegrees joined the APRP, a sharp decline from the previous 12-month average of 597 per quarter. As of March 29, there were 6,409 reintegrees enrolled in the APRP, most of them from the north and west, as shown in Figure 3.33. Many of the reintegrees who entered the program this quarter were former detainees who were released from the Detention

FIGURE 3.33

REINTEGRES BY REGIONAL COMMAND, MARCH 2012–MARCH 2013



Source: SIGAR Quarterly Report, 1/30/2013, p. 97; State, responses to SIGAR data call, 4/2/2013, 1/2/2013, 10/2/2012, 7/5/2012, and 3/30/2012.

Facility in Parwan (DFIP). About 900 additional insurgents were in various stages of negotiations to enter the program at the end of the quarter.²²¹

In spite of ongoing challenges, the Joint Secretariat conducted demobilization and reintegration missions to 14 provinces—Takhar, Kunar, Laghman, Nangarhar, Wardak, Ghazni, Daikundi, Uruzgan, Saripul, Jawzjan, Kunduz, Lagar, Paktika, and Helmand—during the reporting period. The Joint Secretariat estimates that it biometrically enrolled 208 individuals and the PJSTs distributed 164 transition-assistance packages for reintegrees around the country.²²²

National Dispute Resolution Strategy

The APRP has not yet implemented a National Dispute Resolution Strategy to deal with the grievances of potential reintegrees. Although the Joint Secretariat approved the Strategy in June 2012, it is not clear whether the Joint Secretariat, the Independent Grievance Resolution Commission, or another Afghan body has the mandate to lead grievance-resolution efforts with insurgents. A UNDP evaluation found that reintegration efforts are not significantly utilizing conflict-analysis and opportunity-mapping tools.²²³

Capacity Development for Reintegration

The capacity, competency, and activity levels of PJSTs continue to vary throughout the country. The APRP's Joint Secretariat created PJSTs to help manage implementation of the APRP and its recovery programs at the

provincial level.²²⁴ As a result of the financial shutdown of the APRP this quarter, activities in the provinces ground to a halt for the first two months of the quarter, leading to little improvement in those PJSTs that continue to struggle. In provinces where the governor supports the APRP and there is cohesiveness among Provincial Peace Councils (PPC), PJSTs, and provincial security personnel, the APRP functions fairly well and reintegration levels are fairly high, according to State. These conditions prevail mostly in the north and west. The PJSTs that have been unsuccessful in promoting and managing reintegration efforts often suffer from poor security in their operating area, an unwillingness of local Taliban fighters to reconcile, and inadequate support from provincial governors and the councils.²²⁵

Coordination between the APRP and the Afghan government and security forces is improving, according to State. However, the level of coordination depends on the personalities involved and varies from province to province. When key provincial authorities support reintegration, the APRP is more successful at vetting potential reintegrees and conducting other activities.

The Afghan security ministries have greatly improved the vetting process, according to State. Provincial security ministries' representatives carefully scrutinize each potential reintegree and use input from the provincial government and the community into which the insurgent seeks to reintegrate. When the local vetting process is completed, the vetting forms are sent to Kabul, where the national security ministries conduct additional vetting.²²⁶

This quarter the UNDP distributed the results of an evaluation of the APRP. The evaluation identified several areas for improvement in provincial operations. The Joint Secretariat and UNDP have formed a working group to implement the recommendations. The Joint Secretariat also undertook an assessment of the PJSTs and the PPCs, with the assistance of UNDP, to identify poorly performing provincial programs and inform efforts to improve them. The Joint Secretariat inaugurated new PPCs and PJSTs in Bamyan and Parwan to enhance regional and provincial reintegration. The Joint Secretariat also brought in 75 additional community leaders and village elders into the Peace Advocates Program, increasing the total to 158. Peace Advocates lobby in their communities for peace, conduct outreach, and support peace efforts.²²⁷

U.S. Central Command (CENTCOM) recently approved creation of a new PJST capacity-building program, supported through the Defense Department's Afghanistan Reintegration Program fund. U.S. officials told SIGAR they expect a contract to be awarded in June.²²⁸

Reintegration Program Funding

The Joint Secretariat executes the APRP's budget with UNDP oversight. The most recent finalized funding numbers showed that of the \$173.5 million the APRP has received from 12 donor countries, \$71.6 million was

expended by December 2012, a 41.2% cumulative expenditure rate. This was slightly less than its execution rate of 48.5% in Afghan FY 1391. The United States had contributed only \$50 million of the \$173 million.²²⁹

Community Recovery Programs

The APRP has encouraged individuals who might not otherwise lay down arms to rejoin their communities by providing essential economic and social support to reintegrees and their communities, according to State. APRP community-recovery projects like demining, agriculture, small grants, and vocational and literacy projects are used to entice potential reintegrees to enter the program and communities to support the program. At the end of the quarter, the Joint Secretariat reported that over 70% of reintegrees and more than 1,785,000 people in communities with reintegrees had benefited from these community recovery projects since the APRP began.²³⁰



After handing in their weapons, former Afghan insurgents join in prayer at a reintegration ceremony at the governor's compound in Ghor Province. (ISAF photo)

NATIONAL AND SUB-NATIONAL GOVERNANCE

On February 12, the Joint Coordination and Monitoring Board, a high-level decision-making body co-hosted by the Afghan Ministry of Finance (MOF) and the United Nations Assistance Mission to Afghanistan (UNAMA), endorsed an additional four National Priority Programs: efficient and effective governance; water and natural resources; national comprehensive agricultural production and market development; and national energy supply. At the 2010 Kabul Conference, Afghanistan pledged to the international community that it would develop, finalize, and implement 22 National Priority Programs intended to enhance development and governance capabilities. As of March 30, 2013, two programs still awaited endorsement: Anticorruption, and Law and Justice for All.²³¹

Karzai Decree Implementation

The Afghan government has dedicated significant resources to tracking implementation of President Karzai's Decree 45 on fighting corruption since it was issued on July 26, 2012, according to the State Department. The President's Office of Administrative Affairs (OAA) reports that 91–100% of the decree's 164 articles were completed within the first three months. To accomplish the decree's mandates, some ministries completed pending tasks and improved communication and linkages with other ministries and with the OAA. In the first four months after the decree was issued, representatives from the central government traveled to provincial and district centers to hear constituents' concerns and reported them to the cabinet.

Afghanistan's Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC) issued a report in March challenging the OAA's statistics. The MEC wrote that many of the articles are procedural, often requiring the implementing institution to submit a plan or make a

report without actually requiring implementation of the proposed initiative. It said the OAA itself has indicated it is not able to verify all the reports it receives from ministries. The security situation does not permit its assessment teams to visit all provinces to conduct evaluations.²³²



Workers from the Afghan Independent Election Commission collect old election materials for destruction as a precautionary step in preparing for the 2014 presidential and provincial-council elections. (UNDP photo)

Elections

Despite impending elections, the Parliament made no changes to electoral law this quarter. Two draft laws are currently before the body, one submitted by the executive branch's Council of Ministers, the other by the Cooperation Council, a loose association of opposition and other political leaders. These two proposals must be reconciled to clarify the procedures for resolving electoral complaints and attaining parliamentary seats. If electoral-law changes are passed, they would also have to be aligned with the Independent Elections Commission's (IEC) revised structure law being discussed by the Parliament.²³³

Independent Elections Commission

This quarter, the Afghan government continued attempts to develop a more robust electoral system. On January 23, the IEC announced that the paper-based voter registration process for the April 2014 Presidential and Provincial Council elections would start by April 2013. The IEC plans to distribute 2.5 million–3.5 million new-voter registration cards, which it says will increase turnout while stemming voter fraud. The new cards will be issued to potential voters who have reached the age of 18 since the 2011 elections, those who failed to register in the past, those who lost their old registrations cards or changed their electoral constituencies, those who have repatriated to Afghanistan from abroad, and those whose cards were seriously damaged.²³⁴

The IEC estimated the total cost of the registration program for the new cards at \$15 million–\$20 million. The commission claims that it already has the required funds and technical capacity to carry out the registration process.²³⁵

The Free and Fair Election Foundation of Afghanistan said the IEC's plan will work so long as election officials and staff are properly trained to spot fake identity cards and to stop individuals from voting more than once.²³⁶ Voters are allowed to use their old registration cards, and in an appearance on a Kabul television show, the head of the IEC said that his organization would be unable to identify counterfeit cards as the IEC has no database record of the old cards.²³⁷

The new paper cards will be issued only in areas where new electronic biometric identification cards called "e-tazkera" have not been rolled out, according to the IEC. The process, procedures, and technical aspects of establishing the e-tazkera system have faced difficulties in previous quarters. As a result, on January 31, President Karzai issued a decree mandating that the Ministry of Interior (MOI), along with the Independent Directorate

of Local Governance (IDLG), and the Central Statistics Organization (CSO), begin to distribute the electronic ID cards by March 21, 2013.

In February 2013, the MOI began hiring staff to establish 401 registration teams throughout the country to start collecting the necessary personal information from citizens to create the electronic ID cards. On March 23, the MOI launched its e-tazkera enrollment effort in Kabul province. The IEC subsequently announced that it would delay voter registration to May 26 to better align activities with the e-tazkera implementation and improve security features on the cards. According to the UN, the e-tazkera project aims to distribute 14 million identification cards by March 2014.²³⁸

At the end of the quarter, the IEC was preparing a comprehensive operational plan that would focus on voting procedures, public relations, and education about voting, fraud mitigation procedures, and security for polling stations.²³⁹

Election Security

This quarter, the IEC provided a list of all polling stations to the ANSF and recommended that the ANSF complete a security assessment by late summer 2013, according to State.²⁴⁰ DOD observed that the planning process between the IEC, MOI, Ministry of Defense (MOD), and international entities has been slow. ISAF is supporting the MOI and MOD in their election security planning and will provide security assistance during the elections. This ISAF support will consist mainly of logistics, intelligence, and route clearance. ISAF will also provide emergency security assistance to the ANSF if required. DOD predicted that despite continued drops in U.S. troop levels, U.S. forces could provide adequate security support in the 2014 elections, even in the event of unrest.²⁴¹

USAID Election Support

USAID leads the U.S. effort in helping the Afghans build the capacity necessary to conduct successful elections. USAID has provided \$179 million in assistance for Afghan elections preparation from 2009 to 2013. It will extend the budget and programs to cover the 2014 presidential and provincial council elections, and the 2015 parliamentary election. The assistance includes expert advice and mentoring to the IEC on essential elements of its operations plan. Using USAID funding, the International Foundation for Electoral Systems completed a fraud-mitigation assessment this quarter that will help the IEC and UNDP in their anti-fraud efforts. The National Democratic Institute continued work with political parties and coalitions, including specific training on recruiting and mobilizing members.²⁴²

In addition, USAID-supported Democracy International conducted four preliminary sessions with civil society organizations and parliamentarians to identify concerns with the electoral law and to provide recommendations

to the Parliament on improving the law. Further, USAID's Elections and Political Process team started a country-wide outreach effort to engage election stakeholders. The team has so far traveled to Mazar-e-Sharif, Jalalabad, Kandahar, Paktika, Paktiya, and Helmand.²⁴³

National Assembly

Parliament was in recess January 20 to March 2, 2013. Parliament began the new session with internal administrative elections and will focus on the election laws and mining laws in the next quarter, according to State.²⁴⁴

Afghanistan's National Assembly has demonstrated a slow but growing capacity and political maturity, State said. In the July 2012–January 2013 session, the Parliament approved a final budget and questioned ministers over their failure to properly execute their budgets. The legislative branch remains weak in comparison to the executive, but members of Parliament appear to be trying to strengthen their hand. However, staffing struggles, corruption, and low levels of education and experience continue to plague the body.²⁴⁵

The State Department called the Parliament's oversight of the national budget, where it has repeatedly and successfully reoriented the executive's spending priorities, the best example of its growing abilities. Parliament lacks the "power of the purse": the Afghan Constitution permits it only to accept or reject the executive branch's budget proposals. Yet Parliament has used what authority it has to force the executive to compromise on spending plans. Parliament has also demanded more oversight of ongoing projects, and now routinely summons officials from the MOF for both budget preparation and performance updates.²⁴⁶

Civil Service Capacity

This quarter, the United Nations and the World Bank committed to align compensation of government staff paid through their funds with a government scale for national technical assistance. International donors have been criticized for establishing a "second civil service" where Afghans who work directly for the government or as contractors receive salary support from donors at pay rates of up to 11 times the highest rate for civil servants. These pay rates are unsustainable without continued high levels of donor financing. Aligning salaries to a scale the Afghan government can better afford will affect between 6,000 and 7,000 staff over the coming two to three years.²⁴⁷

USAID said it has helped the Civil Service Commission fill vacancies, despite the challenges of insecurity and a shortage of educated and experienced candidates. USAID supported commission job fairs in seven provinces that succeeded in recruiting 1,096 civil servants (64 women, 1,032 men). The commission is also advertising positions in insecure provinces in neighboring areas to increase the pool of qualified applicants. Under President Karzai's anticorruption measure, Presidential Decree 45, the majority of new civil servants will be recruited through a nationwide

exam to be held in Kabul and the provinces.²⁴⁸ The hiring process for civil servants through merit-based hiring practices began with deputy provincial and district governors. The general exam for civil servants is to be given in mid-2013.²⁴⁹

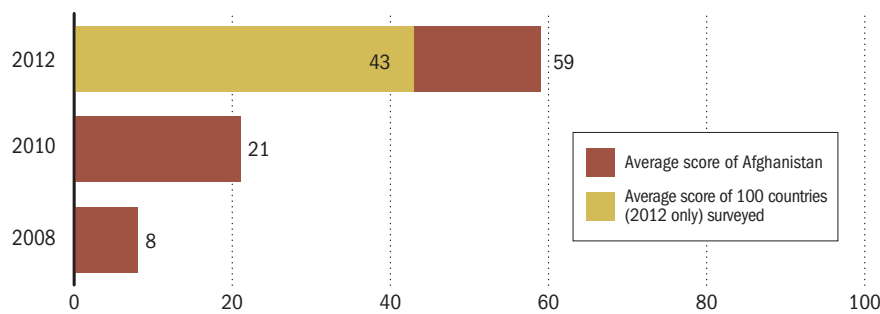
National Budgeting

This quarter, the International Budget Partnership, a group that aims to ensure government budgets are responsive to the needs of the poor, released results of its latest Open Budget Survey. The Partnership’s survey found that Afghanistan made substantial improvements to the transparency, comprehensiveness, usefulness, and timeliness of its main budget documents. As seen in Figure 3.34, Afghanistan has improved from a score of eight out of 100 in 2008, to 59 out of 100 in 2012. Of the 100 nations surveyed, the average score was 43. The report noted that Afghanistan’s government provides the public with limited amounts of information on the national government’s budget and financial activities during the course of the budget year. This makes it challenging for citizens to hold the government accountable for its management of public money, according to the International Budget Partnership.²⁵⁰ The report recommended that the Afghan government take steps to enhance its budgeting, including:²⁵¹

- Improve the legislature’s budget oversight powers and responsibilities.
- Increase the comprehensiveness of year-end reports by providing audited actual expenditures, and extensive explanations for the differences between estimates/forecasts and actual outcomes of macroeconomic variables, non-financial data, performance indicators, and funds intended for programs targeting the poor.
- Expand the public’s ability to understand, engage, and be a part of the decision-making process in budgeting matters.

FIGURE 3.34

SURVEY ASSESSMENT OF AFGHAN BUDGET PROCESS QUALITY, 2008–2012 (Score on a scale of 100)



Note: Scores calculated using survey questions to determine budget transparency, comprehensiveness, usefulness, and timeliness. Source: International Budget Partnership, “Open Budget Survey,” 1/23/2013.

Local Governance

On January 8, the Independent Directorate of Local Governance (IDLG) appointed 60 district governors and 17 deputy provincial governors through a merit-based recruiting process. This process is intended to prevent corrupt practices from affecting the appointment process. More than half of the 364 district governors and 32 of 34 deputy provincial governors have undergone merit-based selection. The latest round of appointments included the country's first female district governor, Sayara Shakeeb Sadat, in Faizabad district, Jawzjan Province.²⁵²

Southern Afghanistan Governmental Control

Improved security in the south has helped the Afghan government hold most urban centers, but the government continues to compete with insurgent groups for control of the population in more rural areas. State said local administrators require improved performance from Kabul ministries to sustain and expand their influence. The local administrators are technically capable, but increasingly unreliable support from IDLG, combined with irregular funding, undermines their work.²⁵³

Helmand Province

The Helmand Provincial Reconstruction Teams (PRT) and District Support Teams (DST) continued their strong partnership with the province's new governor, Muhammad Naeem Baluch, a National Directorate for Security (NDS) Major General. The PRTs and DSTs support the new governor's shift in focus to northern Helmand, with particular emphasis on the Kajaki project and counternarcotics. These efforts reinforce U.S. strategic objectives for southern Afghanistan, as northern Helmand is not as advanced in terms of security, governance, or development as the Central Helmand River Valley.²⁵⁴

In central and southern Helmand, local officials effectively govern, aided by on-budget funding from the British government. The district centers of Now Zad, Kajaki, Musa Qala, Baghran, and Washir remain under government control, but the government and the ANSF are struggling to expand beyond these islands of governance. The provincial governor, council members, and line ministry officials are able to travel by road to Garmsir, Nawa, Marjah, Nad-e-Ali, Lashkar Gah, and Nahr-e-Saraj; and increasingly to Musa Qala and Sangin. Officials have occasionally driven in ANSF convoys to Kajaki, Khan-e Shin, and Now Zad, but more often travel with helicopter support from ISAF.²⁵⁵

Kandahar Province

State continues to see evidence that the Afghan government is improving its capacity to govern throughout Kandahar, especially as it achieves security gains in key districts. However, Taliban shadow-government entities have

de facto control of many undergoverned spaces such as Ghorak, Shorabak, Myneshin, and Khakrez districts.²⁵⁶

Improving security has increased government officials' ability to travel. The provincial governor moves freely in most districts. On March 24, 2013, a host of provincial officials celebrated Nowruz/Farmers Day in Khakrez, one of the more isolated districts in the province. In previous years, they had been forced to celebrate at a secure location in Kandahar. But a significant number of district officials still reside in Kandahar City, instead of their assigned districts, due to perceived security risks.²⁵⁷

Eastern Afghanistan Governmental Control

The eastern provinces of Paktiya, Paktika, and Khowst continue to suffer from insecurity and insufficient support from the central government. In addition, local government actors are often unable to provide adequate service delivery or to build relationships with their constituents. There is limited governance in remote districts in these provinces, particularly along the eastern and southern borders with Pakistan. Some areas are too insecure for Afghan officials to reside there and others have not had officials appointed.²⁵⁸

To alleviate some of these issues, provincial governments are increasingly becoming more capable in promoting development and in coordinating with security services to connect provincial governments with their rural populations, according to State. When the ANSF achieves victories over insurgents in eastern Afghanistan, they then try to coordinate meetings between residents and the local government.²⁵⁹

In Paktika, several districts along the eastern and southern borders with Pakistan and other remote areas have limited governmental influence. The remote Naka District has no district governor, and other district governors live outside their districts in Sharana, Paktika's capital. The Afghan government does not effectively administer governance in either Sharana or Orgun, and has limited influence in areas like Sarobi, Mota Khan, Jani Khel, and Sar Howza.²⁶⁰

PRTs and DSTs in these provinces have recently focused on facilitating communication and coordination among Afghan civilian and military leaders as well as launching public outreach campaigns. These public efforts emphasize the progress made in rebuilding Afghanistan since 2001 as well as the government's readiness for the transition period. In March, the provincial governor of Khowst assembled a town hall meeting for the provincial council, the provincial peace council, directors of government line departments, women's rights advocates, tribal elders, and the U.S. Senior Civilian Representative for Regional Command East. This quarter, the PRT in Paktika focused on mentoring, coaching, and consulting with the provincial government to help it prepare its first budget requests for the 2014 Afghan national budget. The budget request was submitted on time, which will help the province receive funds from the central government after ministries decide on allocation levels.²⁶¹

U.S. Stability Programs

USAID’s Stability in Key Areas Program

USAID’s Stability in Key Areas (SIKA) program aims to foster popular confidence in the Afghan government by building government capacity to function effectively at the district level, deliver expected public services, and address the people’s problems. The program has four regional components: SIKA West, East, North, and South.

As of this quarter, USAID had obligated some \$81.6 million for the program, of which \$46.8 million had been disbursed. The total anticipated budget for SIKA is \$203.2 million. The project helps provincial and district entities address sources of instability and take measures to mitigate them. For example, SIKA West held a meeting in February of 30 District Stabilization Committee members and others. The participants identified poverty and a lack of job opportunities as local sources of instability. Among other proposals to improve stability, they suggested that the government rehabilitate the irrigation system and conduct literacy courses for men and women, as shown in Table 3.8.²⁶² SIGAR is currently reviewing the SIKA program.

TABLE 3.8

SIKA-WEST DSC MEETING IDENTIFICATION OF PROVINCIAL INSTABILITY		
Sources and Instability	Root Causes	Mitigating Activities
<ul style="list-style-type: none"> Poverty and lack of job opportunities 	<ul style="list-style-type: none"> Lack of government support to agriculture sector Lack of market for agricultural production Lack of proper education system Foreign destabilizing influences 	<ul style="list-style-type: none"> Provide job opportunities through development projects Rehabilitation of irrigation system Conducting literacy courses for men and women Find market for agriculture products Afghan government to improve and train border police

Source: USAID, Stability in Key Areas (SIKA)-West Monthly Report, 2013.

Village Stability Operations

The U.S.-led, ISAF-and Afghan-supported Village Stability Operations (VSO) and Afghan Local Police (ALP) programs are complementary elements of the Special Operations Joint Task Force-Afghanistan’s counterinsurgency strategy. VSO and ALP work together by using the ALP to mobilize the local population to provide their own security so that the VSO can then assist the Afghan government in expanding its reach and efficacy in those areas.

According to DOD, the Afghan government is more active, responsive, and connected to the population in districts with a VSO presence than those without it. These districts with VSO have filled 90% of their critical

government positions, a rate much higher than the typical district in Afghanistan. Community Development Councils, designed to increase the connection between the government and population, have had increased attendance and participation in VSO districts.²⁶³

Most provincial and district governments support the ALP and often request expansions in the program so they can better provide essential services and goods. President Karzai was initially wary of VSO and the ALP, but has recently issued directives to the MOD and MOI to conduct the programs in Badakshan and Nuristan provinces, especially within the Warduz and Kamdesh districts. DOD noted that these areas would be the first to have VSO and the ALP completely initiated and conducted without ISAF support at the tactical level.²⁶⁴

U.S. Capacity-Building Programs for Public Administration

Developing Afghanistan's human resources is a key goal of the U.S. reconstruction effort. The United States is implementing a number of programs to build Afghan governing capacity at the national, provincial, and local levels. This sub-section reviews some of those efforts.

Initiative to Promote Afghan Civil Society

USAID's Initiative to Promote Afghan Civil Society (I-PACS) encourages development of a politically active civil society in Afghanistan. Through the program, USAID provides technical assistance, capacity-building, and grants to civil society organizations nationwide. In FY 2013, I-PACS increased its support of such grants to \$11.6 million, of which \$6.5 million has been awarded. USAID is working through I-PACS to address the lack of basic awareness of democratic principles and their role in a democratic framework. Similarly, USAID is working to build citizens' understanding of and trust in the Afghan government.²⁶⁵

USAID Performance Based Governance Fund

The Performance-Based Governance Fund provides provincial governors with operational budgets to enhance their relationships with citizens and improve their overall management capacity. Each provincial governor's office receives an average annual fund of between \$200,000 and \$370,000. Higher performing governors receive more funds while lower performing governors receive less.²⁶⁶ The program also embeds a locally hired advisor in each office to provide advice and oversight. Teams of staff evaluate the offices quarterly. When the Fund began in 2009, the offices did not prepare and submit budgets to the central government. Now all of them engage in bottom-up planning and budgeting processes and have learned to manage and expend funds according to basic accounting methods, according to USAID.²⁶⁷

USAID's RAMP-UP and Kabul City Initiative

USAID's Regional Afghan Municipalities Program for Urban Populations (RAMP-UP) and the Kabul City Initiative (KCI) programs help municipal governments in Kabul and other urban centers increase the capacity of municipal officials, improve the delivery of municipal services, support economic growth initiatives, and raise revenues.²⁶⁸ As of March 31, 2013, USAID had obligated more than \$210.1 million for RAMP-UP and \$41.4 million for KCI. USAID noted some accomplishments of the closely related programs:²⁶⁹

- KCI completed its third annual public opinion survey and opened three parks and a service center in Kabul.
- RAMP-UP helped transfer ownership of a solid-waste management system to the Kandahar Municipality, launched a performance-based budgeting system in 10 eastern municipalities, aided in a 40% increase of revenue generation for nine northern municipalities, and formed municipal advisory boards in four western municipalities.

Municipal governments are now independently operating many initiatives that were started by RAMP-UP and KCI, such as solid-waste collection, public outreach programs, donor coordination, and park maintenance, according to USAID. More municipal activities will be fully turned over to the municipal government as the programs near completion. To be more accountable to their citizens, several municipalities, such as Kabul, Kandahar, and Lashkar Gah, have recently opened citizen service centers, which act as "one-stop shops" for citizens to gather municipal information, request services, and pay fees and taxes. Similar centers will soon open in other municipalities.²⁷⁰

USAID noted that one of RAMP UP's main challenges is working with the Afghan government bureaucracy, where political and ethnic dynamics are extremely complicated. Afghan officials often serve many different authorities who often contradict one another. In addition, some Afghan officials are less supportive of programs after the drastic funding cuts that occurred almost two years ago. However, other mayors and their staff still back these projects.²⁷¹

Afghanistan's top-down governance structure hampers local government's budgeting autonomy. The MOF still approves the yearly budgets for all municipalities, giving the Ministry a great deal of power in budget decision making. However, USAID noted that the municipalities now have the power to raise their own revenues and use those funds to provide services without having to turn these funds over to the MOF. The MOF and governors do have the authority to sign off on municipal budgets.²⁷²

Media Development

USAID's Afghanistan Media Development and Empowerment Project (AMDEP) strives to build the capacity of local independent media

through technical support, equipment upgrades, hands-on training, and business development. As of March 31, 2013, USAID had obligated \$31.8 million for AMDEP.²⁷³

Nai, an Afghan sub-contractor for the project, has united existing Afghan journalism unions under one umbrella association: the Afghan Federation of Journalists. According to USAID, this synthesis has allowed for improved information sharing between the unions as well as a more organized dialogue with government representatives. Nai also helped develop a code of conduct for Afghan journalists. The Ministry of Information and Culture (MOIC) and the Afghan Federation of Journalists will present the code at regional consultations to garner feedback.²⁷⁴

Internews, an international NGO that also implements AMDEP, provides the Ministry of Communications and Information Technology (MCIT) and the MOIC technical support and advice in spectrum management so that Afghan media can transition to more technologically advanced broadcasting. This support has fostered enhanced communication between the MCIT and MOIC that has allowed for collaboration in the drafting of an information and communication technology law, spectrum management and transition, the drafting of a national cyber security strategy, and the Afghan government's push to transition to digital television.²⁷⁵

Internews and Nai partner to advocate for fair media regulation. This advocacy included public relations activities, lobbying, and the development of practical media resources, such as legal training and materials, a newsletter, a database on violence against journalists, and a media directory.²⁷⁶ Nai has also assumed a seat on the Ministry of Justice (MOJ) committee tasked with reviewing all laws, including the media law, the access to information law, and the media contract law. USAID said this partnership helped establish a working group consisting of civil society and media leaders to review and make recommendations on the access to information law.²⁷⁷

JUDICIAL REFORM AND RULE OF LAW

Afghanistan continues to struggle with establishing a competent and sustainable justice system. Widespread corruption in Afghanistan's judicial system has led more than 50% of Afghans to use traditional courts and courts governed by the Taliban, according to the Afghan NGO Afghan Integrity Watch. Insecurity and a lack of courts also forces Afghans to seek community councils and traditional methods to obtain justice.²⁷⁸ One of the two remaining National Priority Programs the Joint Coordination and Monitoring Board has not finalized is "Law and Justice for All."²⁷⁹

Criminal Procedure Code

This quarter, the Afghan government again failed to pass an updated Criminal Procedure Code. The government pledged at the Kabul

Conference in 2010 to enact a new Code by the beginning of 2011. In June 2012 the MOJ presented a revised draft to Parliament. The U.S. and Afghan justice sector professionals, as well as many in the international community, criticized the draft, saying it was not a basis for a successful rule of law system. At the end of this quarter, a committee of Parliament was reconsidering the draft. According to the State Department, the United States was working with the committee on revisions and adjustments to the Code.²⁸⁰

U.S. Justice Sector Training

This quarter, the International Development Law Organization (IDLO) took over the Justice Sector Support Program's (JSSP) training component from the American contracting company PAE. This new, U.S.-funded and IDLO-operated program will be called the Justice Training Transition Program (JTTP). The program change occurred because the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) decided that the continued security transition process would mean that successful and sustainable judicial training would be best carried out through the Afghan justice ministries as opposed to an externally-run service.

State said Afghanistan is a member of the IDLO, a public international organization. IDLO specializes in rule of law work. Therefore, State decided that IDLO would be in a better position than an American contractor to get the institutional support needed from the Afghan government to conduct more Afghan-led judicial training. The JTTP will focus on building a continuing legal education program for prosecutors, defense attorneys, judges, and criminal investigators that Afghan justice ministries will be able to run on their own by the end of 2014. The 30-month contract is for \$47.7 million.²⁸¹

Most JSSP activities continue with the program concentrating its efforts on providing capacity building and technical assistance to the Afghan justice ministries, building the capacity of the Afghan government to track criminal cases, promoting case-management system integration, and assisting with legislative reform.²⁸²

Counternarcotics Justice Center

Investigators and prosecutors at the Counternarcotics Justice Center (CNJC) in Kabul are operating at a relatively high level of competency, according to State. Cases prosecuted at the CNJC fall under the Afghan Counternarcotics Law. The justice professionals who work at the CNJC routinely evaluate evidentiary sufficiency, strategize over case composition, and build effective criminal cases. The most recent available statistics show that from April 2011 to March 2012, the conviction rate at the CNJC's Primary Court was 97%. Over that time period, 44 Afghan government officials were convicted of drug-related crimes.

SIGAR AUDIT

SIGAR is conducting an audit of the JSSP. SIGAR also plans to review DOD's Rule of Law Field Force-Afghanistan and USAID's Rule of Law Stabilization Program, both of which also seek to train justice personnel. The planned audit is described on page 35 of Section 2 in this report.

State noted that the CNJC court process is less affected by corruption and is more efficient, fair, and transparent than other parts of the judicial sector. For example, in February, the CNJC's Primary Court convicted Haji Lal Jan, a U.S.-designated drug kingpin who was arrested by Afghan authorities, and two of his associates for drug trafficking. All three were given 20 years in prison. Although Lal Jan has close tribal and family ties to the political elite, he was still arrested and convicted.²⁸³

INL has spent \$31 million to support construction, operations, and maintenance of the CNJC's facility in Kabul. INL transferred an additional \$18.8 million to the U.S. Department of Justice (DOJ) for programs that support mentoring, training, and advisory services, much of which goes to the Afghan Criminal Justice Task Force's police, prosecutors, and judges who work at the CNJC.²⁸⁴ State said CNJC sustainability is directly related to the Afghan government's ability to put the Center on-budget; it is currently in the external budget. INL is coordinating with its interagency and international partners to design a process to accomplish this change. To ensure a successful transition to the MOI, INL, DOJ, and the British Embassy are working to reduce operating costs by taking such steps as bringing the facility onto the local power grid. In addition, to make the CNJC operations more sustainable, justice professionals from the Supreme Court, Attorney General's Office (AGO), and MOI are overseeing the professional development of the police, prosecutors, and judges at the CNJC.²⁸⁵

Detention Center Transfer

A series of intense, high-level negotiations, including a meeting between Presidents Obama and Karzai during President Karzai's January 2013 visit to the United States, culminated in an agreement for the transfer of the U.S. Detention Facility in Parwan to Afghan government control. On March 25, 2013, the United States and Afghanistan signed a memorandum of understanding transitioning all detainee operations involving Afghan nationals to Afghanistan. A transfer ceremony was held that day. The Afghan authorities renamed the facility the Afghan National Detention Facility at Parwan.

Following the transfer, all Afghan detainees are under Afghan custody and control. Afghan-U.S. consultations on the disposition of detainees have gone smoothly, according to DOD. Afghan Review Boards, which will be Afghan-only, will now make disposition recommendations. The Afghans have committed to holding those detainees designated by the United States as enduring security threats. There are also serious concerns about the Afghan government's treatment of detainees, as discussed in the Human Rights portion of this section.²⁸⁶ The United States will provide funding and use Security Force Assistance Teams to continue to provide training, advising, and assistance to the Afghan National Army Detentions Operations Command. As of the end of the quarter, the United States had provided over

\$250 million dollars to build facilities in Parwan and Pol-e-Charkhi. The United States has pledged an additional \$39 million to support the Parwan detention facility.²⁸⁷

ANTICORRUPTION

This quarter, the United Nations Office on Drugs and Crime (UNODC) and Afghanistan's High Office of Oversight and Anticorruption (HOO) released a survey that further underscored the seriousness and pervasiveness of corruption within the Afghan government and the broader economy. In 2012, half of Afghan citizens surveyed reported that they paid a bribe while requesting a public service. The total cost of bribes reportedly paid to public officials amounted to \$3.9 billion. If accurate, this figure well exceeds the Afghan government's domestic revenues of \$2.4 billion. This represents a 40% increase in real terms from the UNODC's 2009 survey. In 2009, Afghans who paid bribes said they paid an average of 4.7 bribes annually. In 2012, those who paid bribes reported paying an average 5.6 bribes for the year. Since 2009, the average cost of a bribe has risen 29%, from \$158 to \$214. In education, the percentage of those reporting paying a bribe to a teacher jumped from 16% in 2009 to 51% in 2012.²⁸⁸

Afghan Attorney General's Office

Insufficient political will and a lack of dedicated resources continue to severely limit the ability of the Anticorruption Unit (ACU) in the Attorney General's Office (AGO) to investigate and prosecute high-level officials or well-connected individuals. This quarter the MEC reported that the AGO has not prioritized the initiatives that the MEC has identified in its recommendations, thereby allowing corruption to continue unabated.²⁸⁹ Last quarter, the head of the ACU was fired after prosecutors from his unit furnished him alcohol and videotaped him speaking ill of the Attorney General. The DOJ has reported positive interactions with the unit's new leader. However, State said it was still too early to conclude if the change in leadership will lead to more anticorruption prosecutions. INL and DOJ both intend to continue to educate and train prosecutors at the ACU, but the State Department noted that the fundamental lack of prosecutorial independence and corruption in the management of cases will continue to be a problem in the ACU, and the AGO generally, for the foreseeable future.²⁹⁰

State observed that the ACU did manage the prosecutions of the 21 individuals charged in the Kabul Bank case. On March 5, the Special Tribunal for the Bank case convicted both the Bank's founder and its former chief executive for a breach of trust. The men were sentenced to five years in prison and ordered to return a combined \$808 million. The Tribunal failed to issue guilty verdicts for the more serious crimes of money laundering, embezzlement, and forgery, which would have

carried sentences up to 20 years and provided a basis for orders to confiscate their assets. On March 16, the AGO appealed the initial verdict because it failed to properly account for evidence that may have led to the two Bank executives being convicted of the more serious crimes. It was unclear which appellate court will take up the appeal, but a verdict must be reached by May 15, 2013. The United States supports the appeal, although it recognizes that the appeals process could result in the existing sentences being overturned. The Kabul Bank case was the only one prosecuted this quarter involving key political leaders, high-level government officials, or well-connected business leaders.²⁹¹

Although Justice Department tracking of prosecutions of lower-level officials involved in corruption cases is limited and anecdotal, some local cases held promise. In Kunar, the Tsowkay district chief of police was convicted of soliciting bribes and sentenced to two and a half years in prison. The entire case—detection, investigation, and prosecution—was conducted by Afghan authorities who used relatively sophisticated investigative techniques to gain a conviction. Additional public-corruption trials were also held in Laghman, Mazar-e-Sharif, Pakitka, and other provinces this quarter. Restricted access to the provinces has limited DOJ's knowledge of these local corruption cases, but the fact they are occurring and are Afghan-led was seen as a demonstration of growing Afghan capacity.²⁹²

Special Cases Committee Cases

This quarter, there were no formal charges of high-level officials connected to the Dawood National Military Hospital case, the first case identified for investigation and prosecution by the Special Cases Committee in January 2012. Progress in this investigation continues to be very slow, according to DOD. Investigations into the senior management of the Hospital, namely Major General Zia Yaftali, continue but there is significant doubt whether anyone will ever face trial on the full range of charges. The MOD independently pursued the only prosecutions in this case. They involved low-level officials convicted of relatively minor charges of negligent and abuse of authority involving expired pharmaceuticals valued at \$120.²⁹³

Major Crimes Task Force

The Federal Bureau of Investigation (FBI) ended its mission with the Major Crimes Task Force (MCTF) in February 2013. The FBI determined that it met its capacity-building objectives. With adequate political and fiscal support, the Force has the ability to be an effective anticorruption unit. However, the AGO continues to lack the political will necessary to prosecute the corruption cases the MCTF develops. The new head of the AGO's ACU has yet to demonstrate increased willingness or ability to prosecute corruption cases. State said MCTF's future is uncertain as it remains legally and politically vulnerable.²⁹⁴

The Special Cases Committee (SCC) was formed in December 2011 as a joint Afghan and international mechanism for supporting the efforts of the AGO in significant public corruption cases after the AGO failed to adequately prosecute many previous cases. The SCC is not meant to investigate or prosecute cases but instead is designed to identify and recommend to the ACU the significant cases that warrant special attention and then track the progress in those cases. The role of international advisors, including U.S. personnel, on the SCC is to help the AGO select cases for special attention and devote resources to investigating and prosecuting them if there is supporting evidence. In addition, the international advisors help the AGO design its investigations and prosecution strategies. The international participation also helps the AGO acquire information and evidence in possession of the international community that can advance cases of interest.

Source: State, responses to SIGAR data call, 3/26/2013 and 7/5/2012.

In 2012, the House Committee on Oversight and Government Reform's Subcommittee on National Security, Homeland Defense, and Foreign Operations held a hearing on what happened and what went wrong at the Dawood National Military Hospital in Kabul. In 2011, the media had reported on the deplorable conditions for patients at the Dawood National Military Hospital in Kabul. Widespread corruption led to the siphoning off of U.S. funds as well as theft of medical supplies intended to support hospital operations. In addition, patients often did not receive care because they or their families could not produce bribes for hospital staff. Officials in the MOD and ANA, including the ANA's Surgeon General, Major General Zia Yaftali, were implicated in the scandal. Some U.S. military officials were also criticized for not doing more to investigate and prevent the scandal.

Source: "Dawood National Military Hospital Afghanistan: What Happened and What Went Wrong?" Hearing Before the Subcommittee on National Security, Homeland Defense, and Foreign Operations, Committee on Oversight and Government Reform, House of Representatives, 112th Congress, second session, July 24, 2012, pp. 2-4.

Assistance to Afghanistan's

Anticorruption Authority (4A): This USAID project supports strategic, technical, and administrative capacity development at the Afghan government's anticorruption agency, the High Office of Oversight and Anticorruption (HOO), ministries delivering key services to the Afghan public, and outreach to civil-society organizations engaged in the fight against public corruption.

Source: USAID, "Assistance to Afghanistan Anti-Corruption Authority," 12/2012, accessed 4/23/2013.

Monitoring and Evaluation Committee

The MEC issued three reports this quarter. The first concerned the implementation of President Karzai's governance and corruption decree issued last year, Presidential Decree 45. It found that the Afghan government had mixed results in implementing 38 articles of the decree that would enhance efforts to fight corruption. Of the 38 articles, eight have been implemented, 23 have been partially implemented and seven have not been implemented. For example, the MEC found that Afghans were still being held in detention with no clear fate, a manifestation of gaps in the timely investigation and prosecution of cases. It also found that the decree's policy on cash smuggling through Afghan airports had not been implemented effectively.²⁹⁵ The second report contained the commission's fifth set of recommendations and benchmarks for combating corruption. Among the recommendations, the MEC proposed that all government institutions dealing with infrastructure projects should establish a corruption-reporting mechanism, such as a "call center." It also recommended that the United Nations High Commissioner for Refugees conduct and publish the results of a forensic audit to address allegations regarding the double payment of salaries and renting facilities from high officials of the Afghan government.²⁹⁶ The third report surveyed the mixed results of the MEC's recommendations. It found that the justice sector and the HOO have not had the same success tackling corruption as other areas of government.²⁹⁷

High Office of Oversight and Anticorruption

The HOO made little progress this quarter toward its goal of fighting corruption, according to State. State said that the DOJ engages with the HOO on a very limited basis.²⁹⁸ However, USAID said its anticorruption program was helping to develop HOO capacity in the areas of asset registration and ministerial assessments.²⁹⁹

USAID's Assistance to Afghanistan's Anticorruption Authority

This quarter, USAID reported that its **Assistance to Afghanistan's Anticorruption Authority (4A Project)** continued to improve the capacity of the HOO in several areas of operation:³⁰⁰

- **On-line Asset Registration:** Afghan law requires asset declarations by public servants, but efforts to establish accurate and widespread asset registration have floundered in recent years. In order to make the asset registration process easier, the 4A Project developed an on-line system this quarter that is expected to become functional by mid-April 2013.
- **Vulnerability to Corruption Assessments:** The 4A Project trained the entire staff of the HOO's Corruption Prevention Directorate on conducting Vulnerability to Corruption Assessments in the ministries. The Directorate also reached agreements to conduct the assessments

on selected business processes with the Ministry of Public Health and the Ministry of Mines and Minerals. This quarter, assessments on issues related to hospitals and medicines were conducted for the Ministry of Public Health, but no assessment work was done on the Ministry of Mines and Minerals.

- **Recruitment and Selection Policy:** In January, the 4A Project eliminated some loopholes in the HOO's recruitment and selection policy.

In addition to its work with the HOO, the 4A supports several other anticorruption efforts. This quarter, the project worked with the Ariana Television Network to air 10 segments of 30-minute anticorruption programs that recorded citizens' views on the lack of provision and quality of public services, followed by invitations to officials in the implicated ministries to explain the lapses in basic services. The project also worked with a female parliamentary anticorruption caucus to build their legislative capacity in areas like oversight, budgeting, and conflict of interest.³⁰¹

Corruption in Afghan Security Forces

The MOD has made moderate progress in countering corruption within its forces, DOD said. However, the Office of the National Security Council still provides no direction or engagement to the MOD's Transparency and Accountability Office on how to operate the MOD's Transparency and Accountability Working Group. The Minister of Defense and the Transparency and Accountability Office unilaterally decided to begin holding Working Group sessions to push for anticorruption reforms within the MOD. Of particular note has been the fact that the MOD has held three senior-level anticorruption meetings this quarter, chaired by either the Minister or the First Deputy Minister.³⁰²

The MOI also has made progress in its anticorruption efforts, albeit more slowly than the MOD. Again, the Minister has been quite vocal in support of these efforts, and especially of his Inspector General. The MOI's Inspector General has in turn demonstrated determination and force of character, which has helped to instill some anticorruption improvements within the MOI, according to DOD.³⁰³

CJIATF-Shafafiyat

Combined Joint Interagency Task Force (CJIATF)-Shafafiyat, an ISAF-interagency group created in 2010 to coordinate anticorruption efforts, has narrowed its objectives to focus on promoting transparency and accountability in the ANSF. CJIATF-Shafafiyat is working to identify and transition selected anticorruption initiatives before the end of 2014. This transition effort involves working closely with the NATO Afghanistan Transformation Task Force and other international partners to identify who will take ownership of future task execution on completion of the current mission.

SIGAR AUDIT

SIGAR is conducting an audit of the transition as the International Security Assistance Force (ISAF) concludes its mission in 2014. This audit will determine whether U.S. government agencies have transition plans in place and whether those plans address the asset-transfer process, the Afghan government's ability to maintain those assets, and the extent to which a comprehensive inventory of all U.S.-funded projects and assets has been developed and documented. See page 32 in Section 2 of this report for more details.

The Task Force has encouraged ISAF and Afghan leaders to bring anti-corruption and organized crime issues into the security transition process through transition counter-corruption boards, according to DOD. These boards make corruption assessments of provinces and districts scheduled to undergo transition. In addition, the boards target corrupt actors in positions critical to transition. The Afghan government's political will and capacity will heavily dictate if the anticorruption efforts the Task Force is involved with produce any enduring results.³⁰⁴

Corruption in Customs Collections

Fraud and corruption in customs remain serious problems that threaten the fiscal sustainability of the Afghan government due to losses of revenue collection at the borders, customs depots, and airports. Customs revenues fell in 2012 as a result of rising corruption. However, the Afghan government took several important steps this quarter to stem corruption.³⁰⁵

The MOF undertook a large-scale restructuring of the Afghan Customs and Revenue Department. To prevent customs officials from building local corruption networks, the MOF replaced a large number of high-ranking officials and rotated most provincial customs directors. The Minister of Finance expressed confidence in the capabilities of the new senior officials. At the end of the quarter, it was too early for the State Department to know how effective this move was, but it has the potential to reduce corruption.³⁰⁶

In February this year, the MOF signed the charter of the Presidential Executive Commission (PEC) on Borders, Airports, and Customs Depots. The PEC had been in limbo for much of the past year. The PEC is a new interagency body tasked with identifying corrupt practices, recommending cross-ministerial reforms, and coordinating efforts to increase revenue while limiting opportunities for corruption. The PEC had not begun operations at the end of the quarter, but when it does it could significantly improve the transparency and accountability of the sector if run effectively, according to State.³⁰⁷

The Afghan government also continued to expand implementation of the Borders Management Model (BMM). The BMM seeks to clarify roles and responsibilities at the borders to reduce the number of extraneous government agencies involved at border crossings. The BMM operated at three border crossings at the end of the quarter, with an additional four crossings expected to utilize the BMM by July 2013. State noted that the expansion of the BMM will be an IMF benchmark for future donor assistance.³⁰⁸

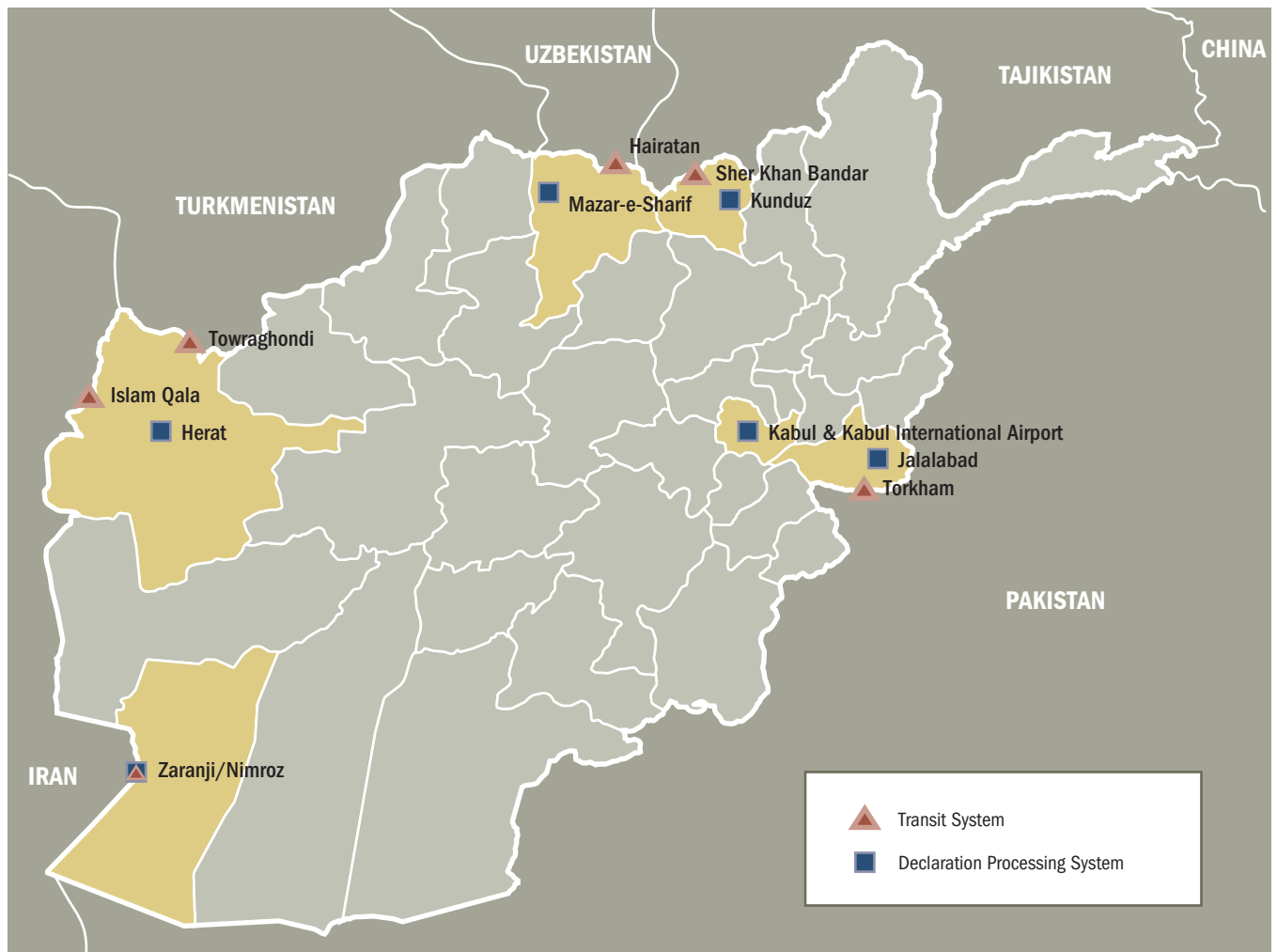
USAID worked with the Afghan government to initiate a risk-management pilot program at Kabul International Airport's customs yard. The program is expected to streamline trade by targeting high-risk shipments for inspection and to reduce corruption by automating the selection of shipments for inspection.³⁰⁹

GOVERNANCE

The Automated System for Customs Data (ASYCUDA) is now in place at all major border crossings and customs depots, according to State. The program allows customs data to be tracked and audited from a central location. The program's electronic system allows for more transparency and accountability than the previous paper-based system. However, many shipments are never entered into ASYCUDA due to operator negligence, inconsistent power supplies at remote borders, and corruption, according to the State Department.³¹⁰ Figure 3.35 shows locations where ASYCUDA is operational.

FIGURE 3.35

IMPLEMENTATION OF ASYCUDA CUSTOMS SYSTEM IN AFGHANISTAN



Source: UN, ASYCUDA Afghanistan, accessed 4/17/2013.

The U.S. government has long had serious concerns about the flow of cash out of Afghanistan. In July 2011, SIGAR reported on U.S. government efforts to strengthen oversight over the flow of U.S. funds through the Afghan economy, including the provision of bulk currency counters to better regulate cash flowing out of Kabul International Airport. A follow-up Special Report last quarter found that the cash counters were still not being used for their intended purpose.

Source: SIGAR, Quarterly Report to Congress, 1/30/2013, pp. 44–45.

Several U.S. agencies support Afghan efforts to modernize and reform customs processes. USAID's Trade Accession and Facilitation for Afghanistan program helps to implement many of the Afghan government's reforms. The Department of Homeland Security's (DHS) Customs and Border Protection administer the CENTCOM-funded Border Management Task Force (BMTF). The BMTF works directly with border officials at both the headquarters and border levels to train them in best practices and implementation. DHS's Homeland Security Investigations (HSI) leads U.S. Embassy Kabul efforts to prevent the bulk transfers of cash out of the country. This quarter, HSI deployed three cash-counting machines to Azizi Bank and Afghan United Bank branches in Kabul to assist bank personnel in documenting withdrawals or deposits of \$10,000 or more. All information gleaned from the transaction (serial numbers, biographical, etc.) will be reported to the Financial Transactions and Reports Analysis Center of Afghanistan (FinTRACA) for analysis.³¹¹

HUMAN RIGHTS

This quarter the U.N. Secretary-General reported mixed progress on human rights in Afghanistan. UNAMA in February released its 2012 annual report on the protection of civilians in armed conflict. The report documented 2,754 civilian deaths and 4,805 civilian injuries in 2012. That was a 4% decrease in civilian casualties as compared to 2011—the first such reduction in six years. On the other hand, the protection of women's rights activists remained a matter of grave concern as did the torture of prisoners in Afghan detention centers.³¹²

Detainees

According to UNAMA, torture continues to be a major problem in Afghan detention centers. In January 2013, UNAMA released a follow-up to its January 2012 report on the treatment of detainees. The report found that more than half of the 635 detainees it interviewed had experienced torture and ill-treatment at facilities run by the ANP, NDS, ANA, and ALP. This torture generally took the form of abusive interrogation techniques whereby Afghan interrogators deliberately inflicted severe pain and suffering on detainees to obtain a confession or information. UNAMA observed that of the 105 child detainees it interviewed, 80 children (76%) had experienced torture or ill treatment, an increase of 14% compared to UNAMA's previous report.³¹³ UNAMA also found credible and reliable evidence that 25 of the 79 detainees interviewed (31%) who had been transferred by international military forces or foreign intelligence agencies to Afghan custody experienced torture by ANP, NDS, or ANA officials. UNAMA said ISAF has rules in place, in accordance with international law, stipulating that individuals should not be transferred to facilities where there is a risk of torture and ill treatment.³¹⁴

UNAMA also received credible allegations of the disappearance of 81 individuals taken into ANP custody in Kandahar from September 2011 to October 2012. The whereabouts of these individuals was unknown as of January 2013.³¹⁵

In response to the UNAMA report, President Karzai set up a fact-finding delegation to investigate the torture allegations. In February 2013, the delegation confirmed the use of torture and ill treatment on Afghan detainees by Afghan police and national security officials. According to the delegation, almost 48% of those interviewed had said they were tortured and 66% said they had no access to defense lawyers. The delegation proposed 11 recommendations to Afghan institutions to address the issues.³¹⁶

Women's Shelters

The Afghan government's administration of women's shelters remains inconsistent. Women who need shelters often lack access to them. There are 25 women's shelters in 13 provinces. INL funds the operations for 10 of these shelters. INL-funded shelters are completely Afghan staffed and operated. In provinces without shelters, such as Kandahar and Uruzgan, NGOs attempt to transport victims of gender-based violence to the nearest province with a shelter. However, in provinces without shelters, women in need of safe shelter often go unnoticed or the local NGOs lack resources to intervene. State noted there is a need for more shelters, particularly in rural areas.³¹⁷

Police and prosecutors have increased their requests for referrals to shelters, and as a result women have become more aware of the shelters and how they can provide refuge from crisis and physical harm. Women are typically referred to the shelters through the Violence Against Women's prosecutorial units, the Ministry of Women's Affairs (MOWA), or the police.³¹⁸

The Afghan government's relationship with shelter providers was damaged in 2011 when the government announced it would nationalize all shelters and equated the existing shelters with brothels. Distrust lingers between the shelters and the MOWA, which is the Afghan body responsible for overseeing shelter operations. However, the relationship is gradually improving.³¹⁹

MOWA allows women to leave shelters only after it grants permission. This practice impedes women from leaving shelters unless they marry or return to their families. The effectiveness of provincial Departments of Women's Affairs (DOWAs), which fall under the MOWA's authority, varies significantly throughout the country. State noted that in January, a teenage girl sought refuge after being raped in the DOWA offices in Daykundi. The province lacks a shelter, so she was to stay in the offices until she could be transferred to a shelter or returned to her family. On her first night at the offices, DOWA guards allegedly raped the girl. Provincial authorities were investigating the incident at the end of the quarter. On the other hand, the Kunduz DOWA successfully defended a women's shelter from false

The UNAMA report outlined fourteen different types of torture at Afghan facilities, including: suspension (hanging from the ceiling by the wrists or from chains attached to the wall, iron bars or other fixtures so that the victim's toes barely touch the ground or he is completely suspended in the air with his body weight on his wrists for lengthy periods); prolonged and severe beating with cables, pipes, hoses or wooden sticks (including on the soles of the feet); punching and kicking the detainee; twisting of genitals; electric shock; stress positions; forced exposure to cold environments for long periods of time; and threats of execution and/or sexual violence against the detainee.

Source: UNAMA, "Treatment of Conflict-Related Detainees in Afghan Custody: One Year On," January 2013, p. 4.

accusations that it was prostituting its beneficiaries. State said security remains a major impediment to the DOWA's ability to oversee and advocate for shelters. In 2012, two DOWA directors were assassinated in Laghman in separate incidents because of their work on women's issues.³²⁰

Refugees

Pakistan has not agreed to a longer-term resolution for the approximately 1.7 million Afghan refugees living within its borders. It is unlikely that any decision will be made until a new Pakistani government is formed. However, it did not appear that Pakistan would force mass deportations in the near future, according to the State Department. In December 2012, Pakistan agreed to extend its honoring of registration cards for the refugees until June 2013. Pakistani government interlocutors informally indicated that the country would continue to uphold the principle that refugee return should be voluntary and that there will not be deportations.³²¹

Human Trafficking

Afghanistan has made some progress in implementing its anti-human-trafficking reform plan, but more work remains. In June 2012, in its Trafficking in Persons Report, the State Department identified Afghanistan as a source as well as a transit and destination country for men, women, and children subjected to forced labor and sexual trafficking. For the third straight year, the report listed Afghanistan on its Tier 2 Watch List, the second-lowest rating. The State Department noted at the time that the nation would have been given the lowest rating if it had not developed its anti-human-trafficking reform plan. Afghanistan's High Commission Against Trafficking in Persons has continued its quarterly meetings and the AGO has prosecuted some traffickers under a 2008 anti-trafficking law, although these cases are being appealed.³²²

The United States is involved in a number of programs to support training and development to prevent the conditions that permit widespread human trafficking. The Office to Monitor and Combat Trafficking in Persons funds the NGO Hagar International in its efforts to coordinate anti-trafficking related activities between Afghan civil society and the government. The Office also funds Hagar International's research in the identification of trafficking hot spots in the country and of the nature and magnitude of the problem in specific regions. State commented that this research will inform the development of a model of recovery services for trafficked Afghan boys up to 18 years old; this model will be used as the basis of a pilot project in a risk community.³²³

Media Freedom

In February, civil society and media watchdog organizations urged the government to immediately send a draft of the Access to Information Law, which allows for greater public access to governmental information, to the parliament for approval. Despite repeated civil society and media organization advocacy for progress, the draft law has been with the MOJ for legislative review since February 2012. Integrity Watch Afghanistan noted that a lack of access to governmental information by citizens had caused weak public oversight, creating a breeding ground for corruption.³²⁴

This quarter, Reporters Without Borders released its annual World Press Freedom Index. The report ranked Afghanistan 128th out of 179 countries, a 22-place improvement from the last report. The report noted that no journalists were killed in 2012 and the arrests of media workers declined. The report pointed out that the government did not tackle the issue of impunity for those accused of violence against journalists. Moreover, the withdrawal of foreign troops along with deteriorating conditions in neighboring Pakistan meant the improvements were precarious.³²⁵

Afghanistan Independent Human Rights Commission

The Afghanistan Independent Human Rights Commission (AIHRC) continues to function even though it is operating without the majority of its commissioners, according to the State Department. Of the nine commissioner seats, five remained vacant, as of March 22, 2013. In January 2011, one commissioner was killed in a suicide bombing. In December 2011, President Karzai decided not to renew the terms of three commissioners. The AIHRC also decided to dismiss one of its commissioners in September 2012 for mishandling information. Reportedly, President Karzai developed a list of nominees for the AIHRC's commissioner but they were not seen to have the proper-level of human rights qualifications. At the end of the quarter, the State Department, civil society organizations, and the AIHRC were working together to present a list of qualified candidates to President Karzai for his review.³²⁶