The Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC) independently monitors and evaluates national and international efforts to fight corruption in Afghanistan. It reports to the public, parliament, president, and the international community.
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And do not consume one another’s wealth by unjust means, nor offer it as bribes to the officials in order to consume part of other people’s wealth illicitly, while you know.

[Surah Al-Baqara, Verse 188]
Dear Afghan and International Friends,

Since March 2018, it has been my distinct privilege to serve as Chair of the Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC). MEC is deeply committed to helping execute the October 2017 Afghanistan National Strategy for Combatting Corruption as an independent advocate of civil society. We strive to play a responsible and effective role in fulfilling the National Strategy’s bold, comprehensive vision for addressing the systemic nature of corruption in the nation. As an international member of the MEC Committee, I am particularly honored to be able to participate in this important national undertaking.

MEC recognizes that the fight against corruption requires sustained commitment and constant engagement of the government, citizenry and external stakeholders. MEC’s specific role in the National Strategy is to help the government adopt reforms and institute processes to prevent corruption. By strengthening processes to prevent corruption, the government can increase accountability, efficiency and transparency in the delivery of public services, including public health, education, building infrastructure, and economic growth. While the goal of increased tangible benefits to the citizenry can be difficult to monitor and measure, MEC embraces this challenge as a fundamental responsibility.

Since its founding in 2011, MEC has published over 60 reports identifying vulnerabilities to corruption in various sectors, including at least three Ministry-wide Vulnerability to Corruption Assessments (MVCAs), 15 Vulnerability to Corruption Assessments (VCAs), and seven Inquiries. To help government ministries adopt preventive measures, each of the MVCAs and VCAs makes a series of recommendations that are intended to be SMART, that is, specific, measurable, actionable, reasonable and time-
bound. To date, we have made a total of 951 recommendations.

During the second quarter of 2018, MEC prioritized work to monitor and measure whether and how effective MEC’s recommendations were being implemented by Government ministries. MEC produced three Quarterly Follow-Up Reports that monitor how the following government ministries have implemented MEC’s recommendations to increase the efficiency and transparency of delivery of services: Ministry of Public Health (MoPH), Ministry of Education (MoE) and the Office of the Attorney General (AGO).

Specifically, we produced the Seventh Quarterly Follow-Up Report on the MoPH. In this Report, we found that the pace of MoPH implementation of MEC’s anti-corruption recommendations has slightly picked up compared to prior quarters. Furthermore, we found that significant progress was made in relation to certain key recommendations. As a result of better MoPH monitoring of illegal importation of pharmaceutical and medical products, 800 importers were proclaimed illegal and their importation licenses cancelled. Additionally, in response to concerns about vulnerabilities due to inadequately prepared management systems in the health sector, an independent or semi-independent accreditation system was put forth. An accreditation framework has been proposed and now been sent to the President’s office for approval. The proposed prototype is based on similar regional accreditation entities.

Second, we produced the Second Quarterly Follow-Up Report on the AGO. In this Report, we found that AGO, as a result of implementation of MEC anti-corruption recommendations, has taken specific steps to reduce violence against women. So far, through the newly established Deputy of the AGO for Elimination of Violence against Women, the AGO has been able to investigate and prosecute up to 2,293 cases. Additionally, professional prosecutors have either been employed by or deployed to 20 districts, many of which have not had prosecutors for up to eight years.

Third, we produced the First Quarterly Follow-Up Report on the MoE. In this Report, we found that MoE implementation of MEC anti-corruption recommendations has created successful changes in regard to reducing the size of the Ministry for the purpose of better management. Moreover, the MoE has also reached a major milestone with regard to female participation in the country’s education system: half of the 8,000 vacant teachers’ positions have been allocated to female candidates, guaranteeing a vast increase in female participation.

In accordance with MEC priorities for the second quarter of 2018, we also pressed Afghan government ministries to assume full responsibility for fighting corruption by adopting their own Anti-Corruption Plans as required under the National Strategy for Combatting Corruption. MEC issued reports evaluating the Anti-Corruption Plans of the Ministry of Labor Social Affairs, Disabled and Martyrs (MoLSAMD) and the Ministry of Agriculture, Irrigation and Livestock (MAIL).

One consistent MEC finding in reviewing ministry Anti-Corruption Plans is that the plans do not begin with the proper diagnostic of the risk of corruption inside the agencies. Nor do they generally include a proper self-monitoring mechanism. Going forward, MEC will continue to work with Afghan government agencies to ensure that they have effective organizational and management support from the international community so that citizens are able to be self-sufficient in tackling corruption.

Countering corruption is not only an ethical, legal and moral imperative, but is also a fundamental requirement of good management. MEC priority focus during the second quarter on implementation was intended to help measure whether the Afghan government and its citizens are showing active engagement when provided with the proper tools and systems to fight corruption.

Thank you for your support and interest in MEC.

Mr. Matthew Murray
Chair of the MEC
MEC’s Recent Work

During this quarter, MEC released its Seventh Quarterly Monitoring Report on the implementation of recommendations in the MoPH Special Report, and its Second Quarterly Monitoring Report for follow up of the implementation of recommendations in the AGO Special Report. MEC also released its First Quarterly Monitoring Report for follow up of the implementation of recommendations in the MoE Special Report. In addition, MEC concluded reviews of the MAIL and the MoLSAMD Anti-Corruption Plans. MEC is currently finalizing a MVCA of the Ministry of Mines and Petroleum (MoMP) and an Inquiry on the Recruitment and Deployment Processes within the Ministry of Foreign Affairs (MoFA).

Ministry of Public Health (MoPH)
Overall Summary

**Background:** For context on the MoPH Seventh Quarterly Monitoring Report (2018), this section provides an overview of the original Vulnerability to Corruption Assessment (VCA) in the Afghan Ministry of Public Health, released on June 4, 2016. This VCA in the Afghan MoPH was undertaken by MEC at the request of the Minister of Public Health, Dr. Ferozudin Feroz. The purpose of this report was to assess the extent of corruption risks in the Afghan health system, to identify where these vulnerabilities exist, and to draw important lessons and make recommendations on how to counter corruption risks. An assessment team comprised of dedicated Afghans and international experts, knowledgeable about both the Afghan health sector and anti-corruption work, undertook this study. To conduct this assessment, 269 former MoPH officials from all ranks, non-management employees and frontline MoPH staff, health sector implementers, civil society organizations, community leaders, patients and their families throughout the country participated in face-to-face interviews and focus group discussions. Their personal knowledge and experiences vis-à-vis the health system, as well as direct observations of the assessment team, formed the basis of this study.

**Scope:** The topics covered in the assessment were determined based on the initial Statement on Corruption in the Health Sector (April 2015) from the MoPH, which outlined specific areas of concern, and after discussions among assessment team members, MEC colleagues, and initial meetings at the MoPH. Topics included policies, contracts, embezzlement, nepotism, quality assurance and quality control (closely linked to issues of fraud, falsification, fakes and forgery), human rights and discrimination, extortion, conflicts of interest, bribery and “other risks” of corruption.

**Main Findings:** The main findings involved risks of corruption related to the following:

- **Leadership and Governance:** Conflicts of interest, influence from powerful persons, and complex policy challenges related to coordination and control systems
- **Finance:** Lack of transparency, contracting issues, human resource issues such as lack of transparency in recruitment and termination processes and influence from powerful persons
• Health Management Information Systems (HMIS): Integrity and reliability of data, use of HMIS for quality assurance and quality control, health shuras, a need to liaise with the AGO on human rights issues, a need to expand independent oversight, overhaul of auditing, accrediting health organizations and improving the quality of imported pharmaceuticals.

**Recommendations:** In total, this report made 115 specific recommendations for improvement. After the release of the MoPH Report in June 2016, the follow-up of the implementation of recommendations started November 2016. MEC followed up on the implementation for the next 24 months in the form of quarterly reports. MEC, in close partnership with the MoPH and other relevant institutions, gathered required information to complete the quarterly monitoring reports. The quarterly monitoring style is analytical and outlines achievements and major challenges. Moreover, MEC carried out further interviews for clearer understanding and certainty on the implementation process, as well as exhaustively reviewing documents, making empirical observations, making trips to the Provinces and conducting field visits.

Ministry of Public Health (MoPH) Seventh
Quarterly Monitoring Report

The MEC published its analysis of corruption vulnerabilities in the MoPH on June 4, 2016, making 115 recommendations. Shortly after, the Ministry established a working group composed of MoPH senior managers and external health sector stakeholders. The working group analyzed and scored all of MEC’s original recommendations to establish internal MoPH priority actions. A smaller coordinating group was subsequently formed from senior managers within MoPH, led by the Deputy Minister of MoPH Policy and Planning, to support more systematic communication between the MEC monitoring team and MoPH focal points.

This is MEC’s seventh follow-up report. In the current reporting period, covering MoPH implementation from January to March 2018, progress has improved significantly compared to the previous period of monitoring, with notable progress on recommendations related to transparency and accountability. However, while there has been evidence of progress in several areas in the seventh monitoring period, the MEC Monitoring Team has also itemized specific concerns about progress on implementation or the outcome of the implementation.
MEC reviewed the status of the 112 remaining recommendations (the MEC Monitoring Team recommended that three recommendations be dropped from monitoring in the fourth quarter):

- 73 recommendations (65 percent) have been fully implemented.
- 35 recommendations (31 percent) have been partially implemented. These are further broken down as follows:
  - Seven have started activity or study on them is underway.
  - Seven have achieved up to 25% implementation.
  - 21 have achieved up to 50% implementation.

- Four recommendations (4%) are either pending or waiting for future implementation. In two of these remaining cases there are substantiated reasons for delay. However, while there are just five pending/future recommendations in the fifth monitoring period, MEC remains concerned that four of these cases are due to reversals from a previous study-underway status. Notably, all five with pending/future implementation status are related to human resource management.
Areas of Progress during the Seventh Monitoring Period

• General Directorate of Human Resources:

Following on from identified risks related to the integrity of the MoPH recruitment process, MEC proposed more systematic oversight. Fraud detection systems, along with an enhanced role in recruitment for the Civil Service Commission, have contributed to strengthening the transparency of MoPH recruitment processes.

Following the detection of MoPH employees failing to be present during appointed official working times, MEC proposed implementation of systems to enforce working times and punish unexplained absenteeism.

The GDHR is now pursuing implementation of a fingerprint scanning system to track worker arrivals and departures. A similar system had been tried previously at the Ministry. Practical concerns were raised about implementing this type of system, including the need for a reliable electrical supply to keep it operating continuously, the risks of large crowds of employees at the sites of the scanning devices while both entering and leaving the Ministry, and that MoPH staff and managers often have legitimate meetings and obligations off-site as part of their official roles and responsibilities. All of these factors complicate the routine use of this type of system.

• Accreditation of healthcare organizations and providers:

In response to concerns about vulnerabilities arising from inadequately prepared management systems in the health sector, an independent or semi-independent accreditation system was proposed.

During this monitoring period, the MoPH General Directorate of Policy and Planning finalized plans to establish a regulatory framework, the Afghan Healthcare Accreditation Organization (AHAO), with input from donors and health sector stakeholders.
The proposed accreditation framework has now been sent to the President’s office for approval. The proposed model is based on similar regional accreditation entities.

- **Conflicts of Interest / Management of Referrals:**

  Both conflicts of interest and management of referrals remain key issues associated with personal enrichment, health contracts oversight, quality controls—and critically—public perception of the integrity of the Ministry and its health contract implementers.

  - **Conflicts of Interest Policy**

    A committee was established in the General Directorate of Curative Medicine to draft a Conflicts of Interest policy. A smaller, more focused Technical Working Group (TWG) finalized the draft policy. This has now been submitted to MoPH leadership for approval.

  - **Management of Referrals**

    The MoPH National Referrals Guidelines, including a Referral Checklist and referrals-focused Standard Operating Procedures, were finalized, printed, and distributed among the management teams of hospitals in Kabul (both public and private facilities.) The Standard Operating Procedures and Referral Checklist have been distributed to ensure on-duty staff knows the referrals procedure.

    MEC will follow the activities of the Department of Public Relations (DPR) in informing the community about changes in how referrals are managed, as well as verifying any influence this development has had over the public’s trust and confidence in decision-making by professionals in the health sector or in the Ministry itself.

- **Grants and Contracts Management Unit:**

  Based on Grants and Contracts Management Unit monitoring of Basic Package of Health Services/Essential Package of Hospital Services implementers, 272 cases were found by implementing NGOs and disciplinary actions have been taken against them. The actions include salary deduction (251 cases), warnings (nine cases), changing the job location of staff (six cases) and termination of staff contracts (six cases).

- **National Medicine and Health Product Regulatory Authority:**

  The NMHRA provided an update in the status of their efforts to revise existing laws and regulations related to medicine: “The Medicine Law and Medicine and Healthcare Products Regulation drafts have been submitted to MoJ for further process but unfortunately, due to workload at MoJ, they could not put them in their plan to be ready for Presidential Decree during this winter. MoJ has promised to finalize it and prepare it for the Presidential Decree till the summer period” (interview with NMHRA).

    Another market survey of pharmaceuticals and medical products was organized by NMHRA and conducted independently during the monitoring period, with World Health Organization (WHO) support, in Kabul, Nangarhar and Herat.

    MEC will continue to monitor progress in this area in the eighth quarter.

    An equipment inventory was completed by NMHRA for laboratory items that were apparently untaxed (and uninspected) on their entry into the country. It was determined that many of the assets have been used for several years, and after assuring functionality, NMHRA has agreed that any taxation issues will be dealt with by the Ministry of Finance (MoF). As a result of this situation, NMHRA has now developed a new Regulation for Importation of Medical Equipment to prevent such occurrences in the future. This new regulation has been reviewed by MEC.

    Long-pending purchases of new equipment for NMHRA’s Quality Control Laboratories is still “in process” at the National Procurement Authority. MEC will be following-up with the NPA about the status of this process in the coming monitoring period.

    The pending Memorandum of Understanding
for independent sampling of pharmaceutical and medical product imports is also “in process.” As per the update provided by the Ministry of Foreign Affairs (MoFA), the Memorandum of Understanding (MOU) has been sent to the cabinet for final approval. MEC will be following-up with the MoFA and cabinet office about the status of this process in the coming monitoring period.

So far, more than 800 pharmaceutical and medical product importers were declared illegal and their importation licenses cancelled. A formal press conference to announce these results was held at the Government Media Information Center.

Thirty-four new technical positions in NMHRA to expedite their process of importer re-registration have been recruited. Current importers have been advised by NMHRA to join and form corporate companies. There are now five corporate importing companies/bulk importers which have applied, and are under process, to be licensed.

With regard to the National Medicines List, the NMHRA website is up and running and the data transfer with details of all approved medicines is in progress. The medicine registration database has been named the Products Registration Information System (PRIS). This online database will replace the Licensed Medicine List and will be linked to pro forma registration for importers to improve efficiency and reduce opportunities for conflicts of interest (or bias) in the registering processes.

• Social Behavior Change Communication Guidelines

MEC Recommendation 5.2: Improve awareness, technical understanding and opportunities for implementation of MoPH policies.

“The SBCC guideline is significantly improved since it was last revised by the Health Policies Development Working Group. Though the guideline is still in draft form, the guiding principles and procedures have been used in designing SBCC programs; it, however, still needs further review and modification. In the coming quarter, the guideline will be finalized and endorsed” (Interview, Department of Preventive Medicine). The modified version of the SBCC Guideline was shared with MEC for review.
• Attorney General’s Office:

The MoPH continues to seek more transparency, accountability and follow-through on the status of outstanding cases of suspected corruption that have been referred from the MoPH Internal Audit Department to the AGO for investigation.

In the current monitoring period, two new suspected cases were identified by the Internal Audit Department and referred to AGO for investigation.

MEC will follow up with the AGO about the status of this process in the coming monitoring period.

• Complaint Handling Office:

Following concerns about a lack of systematic management for complaints in the health sector, the MoPH Complaints Handling Office (CHO) team has now moved to dedicated office space inside the MoPH headquarters, according to the Director of the CHO. This raises the profile of the CHO within the Ministry and will allow for better controls and management of their sensitive documentation processes.

• High Level Health Sector Oversight Committee:

The High Level Health Oversight Committee replaces the Strategic Health Coordinating Committee (which met quarterly) and its remit includes 1) Decision-making, 2) Resource allocation, 3) Resource coordination and 4) Monitoring of financial issues. The HLHSOC continued to meet monthly and its members include the Minister of Public Health (Chair), Deputy Ministers, health sector donors, health stakeholders, Ministry of Finance (MoF) and other stakeholders as warranted by specific agenda items. The HLHSOC’s Terms of Reference reflects MEC recommendations on accountability.

MEC will continue to follow up on participation and representation concerns in the new entity (community, civil society, private sector, etc.) and will observe HLHSOC meetings in upcoming monitoring periods.

• Performance monitoring within MOPH:

The MoPH Executive Committee now accepts the practical differentiation of performance monitoring from financial auditing. Accountability on performance monitoring (the focus of 38 MEC recommendations) will now link directly to the HLHSOC, rather than the MoPH Internal Audit Department. MEC will be working closely with the contact group to track practical developments on this issue during the upcoming monitoring period.

• Public Relations / strategic communications:

In the current monitoring period, the PDR worked closely with departments to upload their documents on the financial management and procurement systems of the MoPH onto MoPH’s website and Facebook page. This should further enable the public to access information and documents showing the improvement in and integrity of the audit system.

The level of intra-MoPH coordination on strategic messaging increased significantly during the seventh quarter. The DPR has embraced the task of informing the public about the Ministry’s efforts to promote transparency, governance, accountability, and system integrity, including management of referrals (General Directorate of Private Sector Coordination), discipline of MoPH staff and management (GDHR), routine monitoring for implementation quality and program completeness (GCMU) and quality assurance-quality control monitoring and oversight (General Directorate of Evaluation and Health Information Systems GDEHIS.) MEC will be following closely with DPR to track expansion of these messaging efforts.

• Use/misuse of public assets, especially ambulances: The General Directorate of Curative Medicine has now fully incorporated ambulance usage into routine Hospitals Monitoring Checklists.

MEC has seen evidence of disciplinary action taken by the Kabul Ambulance Department regarding inappropriate use of ambulances during the current monitoring period.
MEC will follow the status of this process during the eighth quarter.

- **General Directorate of Evaluation and Health Information Systems:**

  General Directorate of Evaluation and Health Information Systems (GDEHIS)

  Formal links among GDEHIS, GCMU, and independent third-party monitoring entities for collation of performance management and contracts compliance remain active, according to MEC observations.

  In addition, the GDEHIS Institutional Plan 2017-2020 (MOPH, 2017) has been prepared for the database system known as “DHIS2.” A budget of USD1.5 million will be supported by United States Agency for International Development’s (USAID) Health Sector Resiliency project and the remaining costs will be sought from other stakeholders.

  The MoPH and USAID signed a MOU on March 31, 2018 to implement a sample survey of public and private health facilities, known as the Afghanistan Service Provision Assessment (AfSPA).
Background: So as to better understand the Second Quarterly Monitoring Report of the AGO (2018), this summary provides an overview of the original AGO Special Report, released in 2017. The Attorney General and MEC agreed to undertake a VCA of the AGO. The VCA is aimed at systematically identifying factors that make the AGO susceptible to corruption and actions that can be taken to mitigate them. The VCA was initiated in October 2016 with a desk study to develop the legal and policy framework for the AGO and its activities. This was supplemented by five weeks of primary source data collection, including over 230 interviews in Kabul, Herat, Kandahar and Balkh Provinces with AGO officials, defense attorneys, end users, law enforcement agencies, legal aid providers, legal educators and detention and prison centers. The VCA reviewed the organizational and legal framework, criminal process, prosecutor and management capacity, cooperation among law enforcement entities, oversight, public awareness, adherence to legal rights and necessary resources, among other areas.

The AGO has historically been perceived as one of the most corrupt Government entities in Afghanistan, characterized by extensive bribery, nepotism, patronage, and interference in its official functions. However, corruption is a symptom of underlying deficiencies, including a lack of accountability fueled by an inadequate organizational structure, inept management and the active suppression of monitoring and oversight. The initiatives of Attorney General Hamidi since his appointment offer an opportunity to pursue the reform that is required to strengthen the AGO’s ability to address crime and fight corruption.

Scope: The scope of the AGO Special Report focused on areas of capacity building, monitoring and organizational structure.

Findings: The main findings covered ten specific topics.

- Education and Licensing: The AGO Special Report found that the current approach to providing foundational legal education for professional and ethical prosecutors is not optimal. Lawyers working in the legal system receive significantly different educations and the practical training envisioned by the ‘Stage’ requirement has failed to materialize.

- Appointments and Performance Management: The AGO Special Report found that the lack of professionalism of some prosecutors is exacerbated by the past practice of hiring prosecutors through patronage and bribes. The hiring of prosecutors has escaped oversight and the hiring process is not transparent, though there have been recent improvements. Once hired, prosecutors and staff are not being managed for performance. The terms of reference are not always clear and performance plans and assessments, where they exist, are formulaic.

- Cooperation and Case Management: A number of deficiencies were identified that can be addressed so as to reduce vulnerabilities to corruption and increase effectiveness. Areas in the latter topic focused on a lack of cooperation between the police and investigating prosecutors, increasing transparency by requiring prosecutors to enter case information when a case is received and when a case is disposed, as well as requiring all agencies and the AGO districts to utilize the case management system.

- Investigations, Court Proceedings and Sentences, Enforcement and Detention: Investigations conducted by the AGO present opportunities to increase transparency and accountability. Issues include mismanagement of detainment, bribery, abuse of authority around case turnaround times, weak evidence and weak understanding of evidentiary standards, delays in forensic evidence and lack of security. The AGO Special Report also found that court proceedings in Afghanistan do not always meet...
basic standards of due process, with one of the biggest challenges being the diversion of cases from the formal justice system. The report found that a potential for abuse of detention appears at the sentencing stage as well. Prosecutors and courts overly rely on prison as opposed to non-custodial sentences. This provides a powerful tool for extracting bribes.

- Oversight and Complaints and Legal Representation and Awareness: The report found that defense attorneys are an important element to the latter, but are not allowed to participate in all stages of the criminal process and are widely absent in the districts. The system is divided between public and private providers, with corresponding service gaps and overlap and disparities in remuneration. The requirement for Afghanistan Independent Bar Association lawyers to provide pro-bono cases has proven to be ineffective and difficult to implement.

- Security and Facilities: The physical environment in which prosecutors work is an essential component to the proper functioning of the legal system, but the current AGO facilities are insufficient. A secure and comfortable environment provides the basis for morale and professionalism. A controlled environment can also help limit contact and greatly reduce interference.

- Organizational Reform, Planning and Budgeting: This is essential for the effective and accountable functioning of the AGO. There are a number of functions that are spread out across different units that need to be reconciled. Current AGO plans are weak and have been developed without sufficient participation from the Provinces.

- Oversight and Complaints: The weakness of effective oversight and complaints at the AGO is one of the biggest contributors to corruption. This assessment identified an active attempt by past leadership to undermine this function. Oversight units are disparate and understaffed, there is no streamlined and transparent complaints process and only the Attorney General has registered his assets with High Office of Oversight and Anti-Corruption as required, while other prosecutors have not.

**Recommendations:** To fill these latter gaps in vulnerability at the AGO, MEC issued 51 recommendations to improve all processes.

**Methodology:** This assessment was conducted over a 17-week period by a core team of four individuals comprised of one international expert and three MEC local national staff, led by a member of MEC. The first two weeks were spent undertaking a desk study to develop the legal framework for the AGO, the criminal justice process and related justice institutions. This framework formed the basis for a five-week field mission to Kabul and the Provinces of Herat, Kandahar and Balkh. The field mission resulted in over 230 interviews, including over 100 in the provincial centers, four roundtables with defense attorneys and interviews with over 60 end-users.

In Kabul, Herat, Kandahar and Mazar, the assessment team interviewed and met with senior officials from AGO directorates. The assessment team also met with other entities involved in the justice sector, as well as education providers, donors, implementing partners, international organizations and civil society organizations. The assessment also incorporated material from interviews that MEC conducted with Bamyan provincial officials in November 2016. After the field work was completed, the assessment was substantially drafted and discussed by MEC. The report and its recommendations were then shared with a select group of Government officials and members of the international community to ensure the feasibility and soundness of the recommendations. Consultations were held in January 2017 and comments received at that time were integrated into the final report.

**Follow-Up:** MEC’s work does not end with carrying out the VCA in Government offices and providing recommendations, but engages in ongoing follow-up and monitoring, leading to new levels of cooperation between MEC and relevant entities which allow for better implementation of the recommendations.

Following the issuance of the Special Report on Vulnerability to Corruption Assessment in the AGO in June 2017, the follow-up on the implementation of recommendations started
in October 2017. MEC will continue to follow up on the implementation during the following 24 months in the form of quarterly reports.

MEC, in close cooperation with the AGO and other related organizations, collects necessary information for preparing the quarterly monitoring reports. The quarterly monitoring format is analytical and includes achievements and major challenges. Additionally, MEC conducts further interviews for more clarification and assurance on the implementation process, as well as thoroughly reviewing documents, making observations, provincial trips and field visits. An authorized representative for each issue has been determined, and a number of individual and group meetings and interviews have been conducted with authorities in Kabul, Parwan and Herat Provinces.

In July 2017, MEC released a comprehensive VCA of the AGO. The report contained 51 recommendations to improve integrity and transparency within the AGO. During this active monitoring period, MEC published its second follow-up report on the implementation of its recommendations.

The MEC Monitoring Team’s observations during this quarter indicate notable improvement in implementation of the recommendations. So far, out of the 51 total recommendations, 16 recommendations are fully implemented, 23 recommendations are partially implemented, there has been limited progress regarding 11 recommendations and no progress has been made on the remaining one recommendation.

Chart 3: Comparison of Implementation of the MEC Recommendations During Current and Previous Quarter
Some of the major findings of this Quarterly Follow-up Report include the following:

• A Directorate of Professional Trainings has been established in the AGO for the purpose of capacity building of prosecutors. So far, at least 57 training programs in various subject areas for professional improvement of the prosecutors have been initiated. Moreover, on May 22, the AGO signed an MOU with the Ministry of Higher Education (MoHE) according to which prosecutors and AGO personnel can pursue post-graduate studies in the fields of criminology and public administration at Kabul University.

• Professional prosecutors have either been employed or deployed for 20 districts, many of which have not had prosecutors for up to eight years.

• The AGO leadership has paid particular attention to the reduction of violence against women. So far, through the newly established Deputy of the AGO for Elimination of Violence against Women, the AGO has been able to investigate and prosecute up to 2,293 cases.

• Proper job descriptions for all prosecutors have been finalized throughout the country. Moreover, for the sake of better evaluation of attorneys’ performance, a new appraisal mechanism has been established and the new Department of Evaluation of Professional Attorneys’ Performance has been created in the AGO Tashkiel.

• Overall, employment of females in different departments of the AGO has notably increased. Female employment in the AGO has increased from three percent to over 20 percent during the last two years.

• The AGO also created an HR Management System and has registered up to 3,600 employees in the system.

• Other improvements include the provision of necessary facilities such as office buildings for provincial attorneys in Nuristan, Daykundi and Khost, and the construction of a conference hall, a warehouse, a reception center and a mosque in the center.

• The MEC monitoring team in Parwan and Herat Provinces determined that legal courses being conducted for prosecutors in Provinces are ineffective due to the lack of professional experts for teaching these courses.

• Regarding proposed changes to resources and support for Legal Aid Providers, no final decision has yet been made by the MoJ.

• Transportation issues for AGO staff at the District level and in insecure areas remain a serious problem.

• Appropriate criminal forensic laboratory facilities and equipment are still not available in all Provinces—and none were found in Parwan during the MEC monitoring mission—despite the AGO acknowledgement that in most cases, the results from forensic laboratories are the basis of court judgments.

• Due to ongoing and acute security problems, prosecutors, judges, defense lawyers, and legal aid providers’ work within insecure Provinces remains a serious challenge.
Background: As an important backdrop to the MoE First Quarterly Monitoring Report (2018), this summary provides the context for the original Ministry-Wide Vulnerability to Corruption Assessment (MVCA) of the Ministry of Education, released in October 2017. This MVCA was requested in July 2016 by His Excellency Dr. Asadullah Hanif Balkhi, the Minister of Education. This MVCA is the first comprehensive evaluation of corruption vulnerabilities across the entire Ministry.

MEC has examined, in detail, the vulnerabilities to corruption across the MoE. MEC has spoken with teachers, head teachers, school principals, school shura members, teacher educators, MoE officials on central, provincial and district levels, donors, other stakeholders, and with many parents and students. In total, MEC carried out 542 interviews and conducted 160 focus group discussions in Kabul, in the nine Provinces of Badakhshan, Balkh, Faryab, Ghazni, Herat, Khost, Bamyan, Pansjhir and Nangarhar and in 138 schools.

What Afghan school community members have described to MEC in the interviews about their experience with corruption in education is devastating. It is vitally important to understand these perspectives and acknowledge the corrosive impact of corruption on the country. Using this analysis of the first-hand experiences of the public will enable policymakers to take meaningful steps toward positive, effective and sustainable change.

Scope: The scope of corruption at the MoE is twofold: one involving issues affecting teachers and students, and the other involving issues of corruption in leadership and management in several areas. MEC analyzed all the interviews according to the specific education corruption vulnerabilities identified. These vulnerabilities ranged from school-level issues, such as bribes to modify school certificates, to Ministry-level issues, such as corruption in school construction and textbook distribution. One corruption vulnerability emerged as being the most serious—the widespread, country-wide appointment of teachers on the basis of influence, nepotism and bribery, not on the basis of merit. In short, teacher appointments are largely corrupted. This is the most damaging issue for the education of students in the country.
**Findings:**

- Corruption affecting students and teachers: Findings focused on key areas of corruption in teacher appointments, in school management, teacher training colleges, corruption arising from the curriculum and short school year, corruption in technical vocational education and training (TVET) and adult literacy, corruption in procurement of textbooks and resources for learning and corruption in alternative schools, including both community-based education (CBE) and private schools.

- Corruption of leadership and management: Findings focused on the MoE, provincial, district and shura management and leadership, education management information systems (EMIS), procurement, payroll and record keeping, monitoring and evaluation and auditing.

**Recommendations:** Based on findings from this assessment, MEC identified key areas of vulnerability to corruption and issued 66 recommendations for improving different aspects of education and bringing much needed reforms to the sector and the MoE. These recommendations were subsequently refined into 113 more specific recommendations.

**Methodology:** The methodology chosen by MEC is an assessment of the vulnerability to corruption of the education sector. To achieve a comprehensive picture of the vulnerability of the MoE, the assessment was approached in systematic way, engaging a range of types of individuals with first-hand exposures, in a process of eliciting descriptions of their experiences. The identification of areas of vulnerability to corruption was an exploratory process including discussions with education sector professionals at national and sub-national levels and with school community members and research into past efforts at defining risks of corruption in the Afghan education sector. The MVCA was conducted through four types of information gathering: key informant/in-depth interviews, focus group discussions, observations and document reviews.

In this assessment, MEC has consulted with a wide selection of stakeholders who are as representative as possible of Afghanistan’s diverse population, given security concerns and time and resource limitations. The following diversities are represented in the research:

- Location – Central, Northwest, Northeast and Southeast Afghan Provinces are represented.

- Urban/rural – there is a balanced representation from urban, rural and hard-to-reach communities.

- Socio-economic status – communities both with relative wealth, and income poverty are represented.

- Linguistic – there is representation of majority language speakers, Dari and Pashtu, as well as minority language speakers, Turkmen and Uzbek.

- Ethnicity – there is balanced representation of Hazara, Pashtun, Tajik, Turkmen, and Uzbek peoples.

- Religion – there is representation from Shia (including Ismaili) and Sunni Muslim communities.

Although MEC has utilized a mixture of qualitative and quantitative methods in the assessment, this has predominantly been a qualitative research study and therefore the findings are not intended to be generalizable or replicable as is the case with more quantitative-focused research. Nevertheless, MEC is confident that the findings of this assessment are transferable in the sense that, as Lincoln and Guba note, “... by describing a phenomenon in sufficient detail, one can begin to evaluate the extent to which the conclusions drawn are transferable to other times, settings, situations, and people” (Guba, page 306). The weight of thick descriptions of the vulnerabilities to and impacts of corruption elicited in interviews and focus group discussions provides compelling evidence that vulnerabilities to corruption in the Afghan education sector are of sufficient breadth and depth as to merit serious consideration of significant structural reforms within the MoE.
**Follow-Up:** MEC’s work goes beyond simply carrying out an assessment of vulnerability to corruption in Government offices and providing recommendations. What is born of the latter process is a new level of coordination between MEC and relevant entities, which allows for stronger implementation of recommendations. Following the issuance of the Ministry-wide Vulnerability to Corruption Assessment (MVCA) of the Ministry of Education, in October 2017, the follow-up on the implementation of recommendations started in February 2018. MEC continues to follow up on the implementation for the next 24 months in the form of quarterly reports.

MEC, in close cooperation with the MoE and other related organizations, collects needed data for compiling the quarterly monitoring reports. The reports are analytical and include major milestones reached as well as major challenges. Additionally, MEC conducts ongoing interviews for a more coherent and quality controlled picture on the implementation process, as well as reviews all relevant documents, carries out observations and makes provincial trips and field visits. An official representative for each issue has been determined, and a number of individual and group meetings and interviews have been conducted with authorities in Kabul and in Laghman and Nangarhar Provinces.

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**Ministry of Education (MoE)**

**First Quarterly Monitoring Report**

On October 26, 2017, the MEC released its Ministry-wide Vulnerability to Corruption Assessment of the Ministry of Education. Based on findings from this assessment, MEC identified key areas of vulnerability to corruption and issued 66 recommendations for improving different aspects of education and bringing much needed reforms to the sector and the MoE. These recommendations were subsequently refined into 113 more specific recommendations. The current follow-up report is the first Quarterly Monitoring Report on the implementation of these recommendations.

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**Chart 4: Implementation Status of 113 MEC Recommendations to the MoE**
Within the first quarter of monitoring the implementation of MEC's anti-corruption recommendations, efforts and proposed reforms in the education sector, 16 out of a total 113 recommendations are considered to be fully implemented.

Much of the progress is in teacher recruitment at the Independent Administrative Reform and Civil Services Commission (IARCSC), as well as at the MoE. The achievements include transparency measures such as announcing all positions through the IARCSC website, receiving online applications, digitalizing recruitment and announcing the list of applicants and shortlisted candidates.

In addition, a detailed Reform Plan for restructuring various elements of the MoE clearly outlines the successful changes and ongoing implementation progress of MEC's recommendation in regard to reducing the size of the Ministry for the purpose of better management. These accomplishments include shifting responsibility of rural school's construction to the Ministry of Rehabilitation and Rural Development (MoRRD) and that of urban schools to the Ministry of Urban Development (MoUD). Furthermore, a Presidential Decree dictated that the Technical Vocational Education and Training (TVET) program be removed from the MoE structure with the formation of an Independent TVET Board.

The MoE has also implemented a major milestone with regard to guaranteeing a wide net of female participation within the country's education system by allocating half of the 8,000 vacant teachers’ positions to female candidates. Additionally, during this quarter the MoE has revised the curriculum framework, including the specification that the number of textbooks for each grade be reduced, and has also made substantial progress in the revision of policies, documents and regulations that will help improve the education sector.

In this reporting period, 12 recommendations were partially implemented up to 50 percent, five recommendations were partially implemented up to 25 percent, and work and/or study has started on another 38 MEC recommendations. However, 31 recommendations are still considered pending, while no action was identified on the remaining 13 recommendations.
Review of Ministry-Specific Anti-Corruption Plans

In 2016, prior to the Brussels Conference on Afghanistan, the five revenue-generating Afghan Ministries were instructed by the President of the Islamic Republic of Afghanistan (GIRoA) to develop Anti-Corruption Plans to ensure transparency of operations. Echoing this, the concurrent Self-Reliance through the Mutual Accountability Framework (SMAF), also called on revenue-generating Ministries to put forth Anti-Corruption Plans and report the progress of their implementation to the public. Subsequently, other non-revenue-generating Ministries, including MoLSAMD, were similarly compelled to follow suit.

In the second quarter of 2018, MEC evaluated the Anti-Corruption Plans of the Ministry of Labor Social Affairs, Disabled and Martyrs (MoLSAMD) and the Ministry of Agriculture, Irrigation and Livestock (MAIL). Below is a summary of our reviews:

MEC’s review of the MAIL Anti-Corruption Plan found that the Ministry had not conducted a risk assessment prior to development of the Plan to identify vulnerable areas and to create a comprehensive Plan based on the findings of the assessment. Furthermore, the Ministry has been able to fully implement only two out of the thirteen activities listed in its Anti-Corruption Plan. The rest of the activities in the Plan are either not implemented or lack measurable indicators to monitor progress against them.

MEC’s review of the MoLSAMD Anti-Corruption Plan generally concluded that, although the Ministry has only recently developed the Plan, it has been enacting promising anti-corruption initiatives. Nevertheless, the review suggests that much still remains to be done to effectively mitigate risks of corruption in the Ministry.
In addition to the three active follow-up reports that MEC conducted this quarter—the AGO Follow-Up Report, the MoE Follow-Up Report and the MoPH Follow-Up Report—the M&E Team has monitored the implementation process of MEC’s recommendations in 27 Ministries during the reporting period. A complete report of the implementation status of these recommendations will be provided in the next quarterly report. Overall, the cooperation level of the government institutions with MEC has been relatively satisfactory.

Additionally, MEC submitted 65 recommendations to Da Afghanistan Breshna Sherkat (DABS) based on MEC’s VCA of DABS. MEC also completed the review of the Anti-Corruption Plans of the MAIL and the MoLSAMD during this quarter. The M&E Team officially submitted the resulting recommendations to these Ministries and started monitoring the implementation progress. MEC will provide a comprehensive report on the implementation status of these recommendations in the next quarterly report.

The M&E Team constantly reviews the quality of the old recommendations for validity. In this reporting quarter, 45 recommendations were identified as outdated and subsequently archived.

As illustrated in the chart below, MEC has issued a total of 951 recommendations since its establishment.

Of these recommendations, 486 (54 percent) were issued before 2016 and which are based on MEC’s assessments in different Government institutions. The three MVCAs that MEC has conducted in the MoPH, the MoE and the AGO during 2016 and 2017 contain 115 recommendations, 51 recommendations and 113 recommendations respectively.

In addition, MEC has issued 121 recommendations as a result of the review of Anti-Corruption Plans

The total 951 MEC Recommendations issued since 2011

Issued before 2016  MoPH  AGO  MoE  ACP  DABS

Chart 3: Comparison of Implementation of the MEC Recommendations During Current and Previous Quarter
of 11 ministries during 2017 and 2018. MEC’s VCA of the state-owned electricity company DABS, completed in December 2017, makes 65 recommendations.

Mission Updates and Other Engagements

In June 2018, MEC held its 28th Committee Mission in Kabul. During the Mission, the MEC Committee continued to engage with a number of Afghan and international stakeholders to assess the current status of anti-corruption efforts and to share views about the way forward.

During the 28th Mission, the Committee had the opportunity to meet with H.E. President Ashraf Ghani and H.E Chief Executive Abdullah Abdullah and present MEC’s current and future work. In these meetings, the Committee shared the latest updates about MEC’s upcoming assessments of the MoMP, the Ministry of Interior (MoI), the MoFA, the Afghan National Assembly and the donor-funded Law and Order Trust Fund for Afghanistan (LoTFA) project. Both President Ghani and CEO Abdullah emphasized the Government’s cooperation in implementing MEC’s recommendations.

To discuss current and future MEC projects, the Committee had individual meetings with the Ministers of Public Health, Interior, Mines and Petroleum and the Executive Director of the Anti-Corruption Justice Center (ACJC).

The MEC Committee members also conducted useful exchanges with the international community as it held individual meetings with the U.S., British and Danish Ambassadors and the head of the Special Inspector General for Afghanistan Reconstruction (SIGAR). The Committee had the opportunity to present the status of the MoMP, MoI and assessments to the EU Heads of Missions.

To foster better communication and cooperation among the major anti-corruption organizations, MEC also had a meeting with the Executive Director of Integrity Watch Afghanistan and discussed possible areas of cooperation.

Other Engagements

As part of MEC’s outreach program, it had useful engagements with students, civil society organizations and the media in Kabul and a number of Provinces.

A university session was organized at the Faculty of Law and Political Science of Danish University in Parwan where MEC’s Special Report of the Attorney General’s Office and the Ministry of Education MVCA were the main topics of discussion.

In addition, MEC was introduced to students of Ghalib University in Herat and a meeting was organized with Herat civil society to
update them about the implementation status of MEC’s recommendation in the education, public health and justice sectors.

Danish University, Parwan

Ghalib University, Herat
Corruption in Afghanistan:  
MEC’s Assessment of the News this Quarter

During this quarter, the MoPH, MoE and the AGO reported significant progress in implementation of the MEC recommendations to relevant sectors. While we applaud the current development, we call on the Ministers and the Attorney General to continue to press for progress in implementation of the anti-corruption recommendations.

As part of its fight against widespread corruption, the Government also continued prosecuting several of its employees on charges of corruption. In April, for instance, the Ministry of Transport (MoT) announced that 60 of its employees accused of involvement in at least 18 corruption cases had been referred to the AGO for further investigation. However, reports indicate that up to 70 percent of this Ministry’s revenue is embezzled on an annual basis. In June, a probe by Hasht-e-Subh Daily found accusations that large-scale corruption still exists in the Ministry involving the Minister and Deputy Ministers, among other officials.

A number of provincial officials were also held and/or terminated over corruption charges during the quarter. In June, up to 217 army personnel have been dismissed over corruption and misuse of authority and referred to the judiciary for investigation in Helmand. Seven Government officials, including employees of the Provincial Directorate of the MoLSAMD, the Legal Head of Enjil District and workers of the Herat Custom Department, have been arrested over bribes in Herat.

The prosecution or investigation of the accused personnel is considered a positive step. However, concerns remain high about objectivity in referrals of the cases to the AGO and fairness in the trials.

In May, the United Nations Assistance Mission for Afghanistan’s (UNAMA) issued its second anti-corruption report, Afghanistan’s Fight against Corruption: From Strategies to Implementation (2018). The UNAMA report provides a very helpful assessment of how the country has now met the requirements of the United Nations Convention Against Corruption (UNCAC) regarding criminalization of corruption offenses and describes Afghanistan’s new Nationa Strategy to Combat Corruption as a strong tool. It noted, however, that a short-term strategy can only limited impact.

During the quarter, concerns were also raised regarding massive corruption and lack of clarity in regard to the collection of 10 percent mobile top-up taxes. The real-time data management system is not yet in place even three years after the promulgation of the Law on Regulation of Telecommunication Services, which tasked the MoF and the Ministry of Communication and Information Technology (MoCIT) to create the system within six months from the date of approval. While Parliament asked for suspension of the tax collection until the system has been created, the Government continues to collect the 10 percent mobile taxes despite continued concerns of corruption in the process.

As MEC is finalizing its MVCA of Afghanistan’s mining sector, media reports reveal that armed groups and corrupt power brokers in the country are making hundreds of thousands of dollars from illegal and abusive mining of talc, almost 80 percent of which ends up in the United States and Europe. In response, the MoMP established a joint committee involving several Government bodies, including security institutions, which is expected to introduce a mechanism for safety and security of natural resources. Meanwhile, two-thirds of the director-level positions in the MoMP are still filled illegally by contract-based employees.

Mr. Michael E. Hartmann was appointed
Introduction of MEC’s New Committee Member

Michael E. Hartmann

by President Ashraf Ghani as the new international member of MEC in March 2018.

Mr. Hartmann had served as the Director of Rule of Law of the UNAMA from 2013 to June 2017. He subsequently worked as a United Nations Office on Drugs and Crime (UNODC) International Anti-Corruption consultant at the ACJC of Afghanistan from November to December 2017. Mr. Hartmann led UNAMA’s advocacy and technical assistance to the Ministry of Justice’s (MoJ) Taqnin Department, resulting in the 2017 Penal Code’s incorporation of all UNCAC mandated crimes and significant optional crimes, as well as all Rome Statute crimes.

In Afghanistan, he was UNODC’s Criminal Justice Program Manager from 2008 to 2010. His first Afghan position was as Advisor to the Attorney General of Afghanistan for the Justice Sector Support Program (JSSP) of the U.S. State Department’s Bureau of International Narcotics and Law Enforcement (INL) from 2005 to 2007. He has testified as an expert on Afghan criminal law, procedure and the constitution before the UK’s Royal Courts of Justice; the court relied upon his expert opinion against opposing experts.

Mr. Hartmann’s international prosecution work, including investigation, trial and appellate advocacy within national courts included being the Senior Crown Prosecutor/War Crimes Coordinator for Australia’s Solomon Islands RAMSI mission (2012-13), and being appointed as the first United Nations Mission in Kosovo’s (UNMIK) international prosecutor (2000-2005). He held various positions in Bosnia for three years (1997-2000): Team Leader of the United Nations Mission in Bosnia and Herzegovina’s (UNMIBH) Judicial System Assessment Program, Country Representative for UNODC’s anticorruption project (1998-2000) and in 1997 advised the Ministry. In 1996 he was Pakistan’s Senior Fulbright Scholar in Law at the University of the Punjab Law College in Lahore.

Mr. Hartmann’s publications include a number of book chapters: “Corruption as a New Threat and Hybrid Justice Institutions as the Antidote”, in NATO Stability Policing: A Tool to Project Stability; “International Judges and Prosecutors”, in Combating Criminalized Power Structures: A Toolkit, edited by Michael Dziedzic; and “Casualties of Myopia: Rule of Law and Impunity Lessons Not Learned” and co-author of “Lost in Translation: Legal Transplants without Consensus-Based Adaptation”, both in The Rule of Law in Afghanistan: Missing in Inaction, edited by Whit Mason. He also co-authored two chapters in Fighting Serious Crimes: Strategies and Tactics for Conflict-Affected Societies.

Mr. Hartmann is now an Assistant District Attorney in San Francisco, California in an independent special prosecution unit investigating and prosecuting police abuses of power including illegal officer-involved shootings, excessive use of force and illegal deaths in custody.