

Collaborating for Transformation

The Civil Society of Afghanistan Position Paper

For the Brussels Conference on Afghanistan

4-5 October 2016



Introduction

Afghan civil society is grateful to both the National Unity Government of Afghanistan (NUG) for the progress it has made so far and to the international community (IC) for its generous support during the last 15 years. The Brussels Conference on Afghanistan (BCA) provides an important opportunity for the declaration of further adherence to mutual cooperation and support for development in Afghanistan, in which members of Afghan civil society are committed to play their part.

The commitments set out in the Tokyo Mutual Accountability Framework and the Self-Reliance through Mutual Accountability Framework (SMAF) were confirmed at the London Conference on Afghanistan, the Senior Officials Meeting and the Joint Coordination & Monitoring Board. Meeting these commitments requires political will, international assistance and the collaboration of civil society. The initial steps taken by the NUG and the IC to that end, though commendable, have been insufficient.

In July and August 2016, Afghan civil society networks organised a series of country-wide consultations and focus-group discussions to elicit the views of Afghan citizens and Civil Society Organisations (CSOs) about their priorities for the next phase of the transformation decade, and their recommendations for the BCAⁱ. The findings and recommendations, which have been endorsed by the Afghan Civil Society Working Committee on the BCA and the civil society delegates in the BCAⁱⁱ, are as follows (the order does not represent the importance):

ⁱ A survey of 416 civil society actors including NGOs, social organisations and grassroots organisations in 34 provinces of Afghanistan was conducted in July – August; 8 regional focus-group discussions were held in the eight regional centres in August; and a national civil society conference was held in Kabul on 6-7 September 2016.

Peace, Reconciliation and Security

The current violence causing alarming numbers of civilian casualties is rooted in the last four decades of conflict within the country and the broader region. It has become clear that failure to address injustices from these years has had a direct impact on peace and stability in the present context. Only through a comprehensive peace process will it be possible to address the current conflict.

After a decade of growing insecurity, the peace process in Afghanistan is at a crucial juncture. The political outreach of the High Peace Council has produced few tangible results in the past, with few successes at a local level¹. However the recent peace deal negotiated between Hezb-e Islami and the NUG, in which it is specified that the Afghan constitution will be respected and protected by the reconciled groups, is cautiously welcomed and will hopefully pave the way for reconciliation with other Armed Opposition Groups (AOGs) such as the Taliban, or related factions, in future.

One thing is clear: in order to forge a lasting peace in Afghanistan it is necessary to address past injustices and implement transitional justice whilst taking into account the realities and complexities of the Afghan conflict. It remains a concern that victims of war have not been involved in the peace deal brokered with Hizb-e Islami.

Political inclusion of AOGs within the Afghan government can only be productive if the NUG is able to fulfill its core functions. Studies have shown that the inability of the NUG to deliver basic services has a negative impact on state legitimacy and can thus become a driver of conflict. The NUG allocates nearly half (44%) of the core national budget for security costs², whereas spending some of that on good governance for the benefit of the vulnerable populations could provide more security in the long term.

ⁱⁱ The Afghan Civil Society Working Committee on the BCA and the civil society delegates in the BCA includes (in alphabetical order): ACBAR, ACSFo, AICS, ANCB, AWEC, AWN, BARAN, CCD, CACC, CSHRN, CSJWG, DQG, EPD, IWA, SDO, SWABAC, TEFA, TLO/Salah Consortium, and WCLRF. Support organisations included AIHRC, BAAG and UNAMA.



Recommendations

1. Initiate and sustain inclusive peace processes at local, regional, national and international levels, which include victims of war, CSOs, women, and youth, and enforces the Afghan National Action Plan for Women, Peace and Security;
2. Design and implement a national dialogue leading to a comprehensive and responsive framework for peace;
3. Undertake the disarmament and demobilisation of illegal armed groups and establish a monitoring mechanism for implementation; prioritise the removal of personal influence over Afghan National Security Forces by individuals and/or factions; and
4. Create and provide alternative opportunities to prevent youths from joining the armed opposition or violent extremist groups; include peace education in school and university curricula to promote a culture of peace among the youth of Afghanistan.

Good Governance and Anti-Corruption

We appreciate the priority the NUG has given to fighting corruption, improving transparency, and bolstering accountability in the Afghan National Peace & Development Framework (ANPDF), the BCA benchmarks, and the inauguration of Anti-

Corruption Justice Centre for High-ranking Officials. However, given the enormous damage corruption is causing to stability, to economic malaise, and government legitimacy, we believe much more will need to be done if Afghanistan is going to turn the corner.

Afghanistan is perceived to be one of the most corrupt countries in the world³. Around 90% of citizens face corruption in their day-to-day interaction with the NUG⁴. Corrupt individuals and groups have enjoyed impunity, political interference has weakened state institutions in the delivery of quality services, and a lack of integrity among NUG officials has weakened public trust in the state.⁵ Important progress has been made in the last two years but a lot more remains to be done.

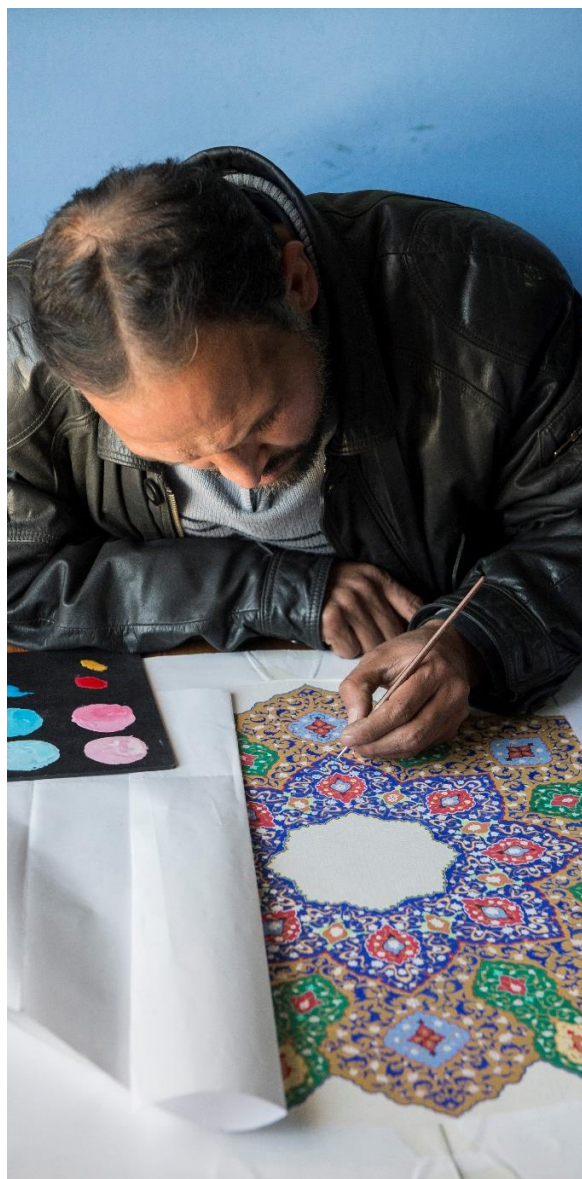
The ANDPF promises a Citizens Charter which will be a pact between the NUG and the people, and yet missing from the various BCA documents is an independent oversight role for Afghan civil society. Only the Afghan people themselves can ensure the accountability of their government, so it is essential that relevant CSOs should have a consultative role in the formulation of various Transparency, Accountability and Counter-corruption (TACC) strategies, policies, and national priority plans, as well as oversight throughout their implementation.

Concrete benchmarks, by which Afghan citizens can evaluate reform over time and international donors can frame their aid and technical assistance, are missing. A consortium of civil society groups has developed specific, measurable, achievable, relevant and time-bound (SMART) benchmarks to assess TACC efforts, which should be adopted by the NUG and international donors in the BCAⁱⁱⁱ. This is particularly important given that the NUG and donors have specifically asked that the BCA deliverables should be SMART.

Adopting certain international standards and implementing them would give confidence to the Afghan people and donors that the NUG is truly committed to reform. These standards are enshrined in international TACC institutions, such as the Open Government Partnership, the Open Contracting Principles (and its associated data standards), the Arusha Declaration of the World Customs Organization, the Addis Tax Initiative, and UN Convention against Corruption (UNCAC).

Recommendations

1. Ensure that the anti-corruption remedies recommended by CSOs are incorporated into the anti-corruption strategies and regulations of key Ministries and institutions
2. Make monitoring by citizens a key requirement in all NUG plans, for example in mining and local infrastructure projects and services, strengthened by access to



- information and laws protecting whistleblowers;
3. Involve, consult and give an oversight role to relevant Afghan CSOs in counter-corruption strategies, policies, and national priority plans; and
4. The NUG should commit itself to joining, and abiding by the principles of, key international TACC institutions and UNCAC.

ⁱⁱⁱ These recommendations can be found at <https://iwaweb.org/wp-content/uploads/2016/09/CSO-AC-Policy-Recommendations.pdf>

Human & Civil Rights

Women's inclusion

We acknowledge the progress made by the NUG in terms of women's empowerment. We especially appreciate the appointment of women to significant leadership and decision making roles, the National Action Plan on Women, Peace and Security (1325) and the Women's Economic Empowerment National Priority Programmes (NPP), the increase in the number of women in the High Peace Council and diplomatic posts, women's inclusion in the justice sector through the establishment of a special division in the office of the Attorney General and the office for prevention of discrimination and violence against women. These are all key advances.

We are however concerned about the NUG's inability to meet the benchmark of 30% of women in civil service posts (as the NUG had committed to in the Afghan National Development Strategy⁶). Likewise, we remain concerned about the increase in the number of cases of violence against women registered by the Afghan Independent Human Rights Commission (AIHRC)⁷ and the Ministry of Women's Affairs, the small number of prosecutions of perpetrators of these violent acts, the low illiteracy rate (11%) among women, the low number of women employed in the security sector, the existing discrimination against and harassment of women in workplace, education institutions and in public space, and the lack of political will to implement women related laws and policies. These are some of the major obstacles to the meaningful inclusion and participation of women in the development of Afghanistan.

We urge the NUG and IC to build on the successes achieved by women through the 'empowerment agenda in Afghanistan'. We recommend that measurable steps are taken that ensure women's meaningful participation at all levels of NPPs and in the reforms planned with the intention of creating an inclusive and self-reliant Afghanistan.

Recommendations

1. Ensure that women's appointments are merit based and are not influenced by

ethnic affiliation, political relationships or nepotism;

2. Retain the Elimination of Violence against Women (EVAW) law, a significant achievement made by women, in its current form, extend the Special EVAW Attorney Units to all provinces and establish EVAW courts;
3. Apply the Anti- Sexual Harassment regulation at work and in education institutions to ensure and enable safe environments for women; and
4. Provide the necessary budget for the Afghanistan National Action Plan for the implementation of UN Security Council Resolution 1325 and put in place the appropriate integrated ministerial plans.

Children and Youth

Children and young people are a vital component in Afghanistan's long term economic development.



According to the World Bank Afghanistan's youth bulge is the third largest in the world. An estimated 70% of population⁸ is under 25 years of age and face many difficulties. Afghanistan has a high number of working street children, 600,000 who are highly exposed to the risk of violence⁹. The lack of sufficient preventative measures and laws is one of the reasons for the high number of sexual violence cases perpetrated against children

The unemployment rate in Afghanistan is estimated to have risen to 40%, up from 25% in 2014¹⁰. This badly affects the young, especially the educated youth who are left with no means to support their and their families' lives. Evidence shows that the primary recruits to the insurgency are young people. We acknowledge the NUG plans for offering skills and employment as set out in the ANPDF. We urge that these programmes are based on the subsequent employability of the young generation of Afghans in order to reduce the likelihood of migration and exposing refugees to exploitation.

Recommendations

1. Integrate the employment of young women and men in all development policies as a priority;
2. Ensure the implementation of the Child Act and the Convention of Rights of Child;
3. Prevent the sexual exploitation of young women and men in detention centres, security forces and in other public spaces; and
4. Stop the spread of violent extremism among youth, especially in religious schools and universities by improving government and community oversight.

People with Special ability

Almost four decades of war has resulted in around 1.2 million¹¹ people having some sort of disability. The NUG has a constitutional duty to support people with a disability, however, lack of resources and political will are cited as common obstacles to meet this obligation. An estimated 90% of children with disabilities in Afghanistan do not attend

schools due to inaccessible environments. The level of literacy and employment for adults with disabilities remain alarmingly low too¹².

Recommendations

1. Implement the National Law of Rights and Benefits of People with Disabilities;
2. Implement the United Nations Convention on the Rights of Persons with Disabilities, as well as its Optional Protocol; and
3. Implement the Sustainable Development Goals with attention to people with disabilities.

Basic Needs and Humanitarian Issues

In the past decade, significant progress has been made in Afghanistan in the provision of services to the population. We acknowledge the promising work of the Citizens Charter NPP that uses Community Development Councils to design and oversee the delivery of basic services. We also welcome the partnership between civil society and the NUG in implementing this programme. The increase in school enrolment, the increased access to public health facilities and safe drinking water cannot be denied, but neither can the critical needs of the population.

Overall, 8.1 million people in Afghanistan are in need of humanitarian assistance¹³, distributed over a conflict-ravaged territory prone to natural disasters. Afghanistan still has one of the highest rates of under-five mortality and maternal mortality in the world. Women are risking their lives during delivery and thousands of children are dying every year.

When children reach school age, access to school is compromised. Today, about 3.5 million of 14 million children do not attend school¹⁴, while another 1 million children are enrolled but considered permanently absent¹⁵. The majority of these are girls, children in remote and insecure areas, children with disabilities and learning difficulties, and Kuchi nomad children. By the end of 2016, over one million people are expected to be "on the move": this includes the newly displaced and newly returning Afghans, many of whom will require humanitarian assistance. Sustainable

development solutions are needed for protracted internal displacement and for returnees, who have been forced to live in camps and informal settlements for years.

While the migration of Afghans to Europe has refocused the IC's attention on Afghanistan, the vast majority of displaced and vulnerable Afghans remain in Afghanistan and in the sub-region. Afghans need to have hope as citizens in their own country, or many may try to find their future further afield.

Afghan civil society remains concerned about the double standard of some European countries in dealing with the cases of Afghan asylum-seekers. Branded as 'economic migrants' they are deprived of humanitarian protection. This approach turns a blind eye to alarming levels of civilian casualties caused by the protracted conflict in Afghanistan.

Addressing immediate and basic needs provoked by humanitarian shocks or protracted crisis is a key factor in reducing poverty.

Recommendations

1. Focus the Health NPP on extending public health coverage to remote areas, while reinforcing the quality and inclusivity of care. The Ministry of Public Health should prioritize maternal health by strategically increasing the number of female health workers in remote areas;
2. Prioritise community-based education to increase enrolment and the retention rate

of students in the Human Capital NPP. In order to increase the number of female teachers the Ministry of Education must lower the grade 12 requirement for teachers in these schools. Proper education mapping, disaggregated by gender, ethnicity, geography, poverty and vulnerability should inform the policies which will mainstream vulnerable groups;

3. Invest considerably in literacy programmes, especially for women in rural areas and displaced youth, and in the reform of the vocational education system by updating the curriculum, improving teacher competence and creating real linkages with the labour market;
4. Implement the existing Internally Displaced People (IDP) policy, and Comprehensive Voluntary Repatriation and Re-integration Strategy. Support to IDPs and returnees should be needs-based rather than according to status, and particular attention should be given to vulnerable women, children and people with disability to the settlement and integration of IDPs and returnees across the country; and
5. Improve the nation's preparedness and resilience in dealing with disasters and climate change by means of a cross-ministerial NPP, which will integrate international commitments, national planning, and local actions.



Enabling Environment for Civil Society

Only in a conducive environment can Afghan civil society be an effective partner in the peace and development of Afghanistan. We acknowledge the NUG's signing of an agreement of cooperation with the Civil Society Joint Working Group and a number of meetings between the NUG leaders and civil society members during various national processes.

Nonetheless, evidence shows that the current environment for civil society is 'still marred by challenges', and is 'only somewhat supportive of their activities'¹⁶. The main obstacles include corruption, a lack of technical expertise among both the CSOs and the government, as well as poor interaction between the two, deficiencies in the rule of law, reduced access to funding, and international donor-driven policy priorities¹⁷. Despite the enactment of the Access to Information law, CSOs and independent media are still deprived of reliable and accurate data.

Whilst we acknowledge the increasing capacity of the Afghan civil service in policy design and implementation, we are concerned about an insufficient execution of the national budget and the impact this will have on service beneficiaries. We believe the sectoral expertise of CSOs and Non-government Organisations (NGOs) in service delivery, our flexible administrative systems, and our access to far-flung communities are valuable assets. The NUG should acknowledge and draw upon them. Likewise the NUG and IC should embrace the diversity of civil society voices rather than look for a unified voice. They should not expect to be given simple solutions for the complex issues such as those outlined in the ANPDF and NPPs. To facilitate consultations, the civil society needs to be supported both financially and technically to establish effective coordination mechanisms that allow smooth exchange of information and expertise.

The existence of civic space and the continuation of effective CSO initiatives mainly depend on security and the continuation of funding. Attacks on civil society and human rights activists as well as media personnel and service providers by Armed Opposition Groups (AOGs), criminals and pro-government elements have cost many lives and has

reduced effectiveness. Regrettably, such cases are continually ignored by law enforcement agencies and we have seen no perpetrators of such violence being held accountable. Meanwhile, international financial support to CSOs has seen a sharp decline; aid budgets have been shrinking and more commitments are made to on-budget support. We are concerned that international civil society funded initiatives do not necessarily reach the grassroots CSOs and NGOs and some organizations are unable to meet the over-rigorous bureaucratic standards.

Recommendations

1. Safeguard the civic space by providing technical and financial support to independent CSOs whilst easing the onerous reporting and administrative requirements and instead enhancing the internal monitoring and evaluation mechanisms within CSOs;
2. Ensure that civil society actors are protected from interference in their legitimate work, both through the understanding and observance of International Humanitarian Law and national laws, and in the open declaration of any conflicts of interest, by political actors, government officials and armed opposition groups (AOGs).
3. Enforce the law of Access to Information and prosecute the perpetrators of violence against civil society and human rights and media activists especially female members;
4. Provide timely and reliable information and financial support so that civil society can follow up on and oversee the commitments made in the BCA and whether and how they are implemented; and
5. Ensure a systematic flow of information and expertise between the NUG and CSOs, particularly at the provincial level.

Inclusive & Sustainable Development

According to the Afghan Ministry of Finance and The World Bank, Afghanistan has been experiencing a much lower growth rate than expected in 2014. Economic forecasts predict 1.9% - 3.6% per cent growth in 2016 - 2019¹⁸. This rate of growth is incompatible with the increasing number of young people joining the labour market each year and will have negligible impact on income and living standards. The NUG should present clear long term plans and commitments that will create more jobs. This will be impossible without the facilitation of increased investment opportunities in the private sector.

A lack of sufficient infrastructure, an inadequate approach towards the extraction of natural resources and a dearth of legal support are the main challenges to sustainable economic growth. Delay in the implementation of regional trade pacts

causes transit problems, which are obstacles to mid and long term economic developments.

Recommendations

1. Establish a water management system that can help manage trans-boundary and domestic water systems. The domestic water system should manage the water resources to strengthen irrigation and to produce electricity;
2. Investment in agriculture, including in the establishment of an irrigation system that can optimise the production from the agricultural lands across all seasons of the year. Establish more cold houses where farmers can store their short-life produce; and
3. Ensure that farmers have access to modern techniques and market linked supply chains.



Acronyms

ACBAR	The Agency Co-ordinating Body for Afghan Relief and Development
ACSFo	Afghan Civil Society Forum-organisation
AICS	Afghan Institute for Civil Society
AIHRC	Afghan Independent Human Rights Commission
ANCB	Afghan NGOs Coordination Bureau
AOAD	Accessibility Organization for Afghan Disabled
AOGs	Armed Opposition Groups
AWEC	Afghan Women's Educational Centre
AWN	Afghan Women's Network
AWSDC	Afghan Women Skills Development Center
BAAG	British & Irish Agencies Afghanistan Group
BCA	Brussels Conference on Afghanistan
CCD	Community Centre for the Disabled
CSCC	Civil Society Coordination Centre
CSHRN	Civil Society and Human Rights Network
CSJWG	Civil Society Joint Working Group
CSOs	Civil Society Organisations
DQG	Da Qanoon Ghoshtonky
EPD	Equality for Peace and Democracy
EVAW	Elimination of Violence against Women
IC	International Community
IWA	Integrity Watch Afghanistan
NGOs	Non-government Organisations
NPP	National Priority Programmes
NUG	National Unity Government of Afghanistan
SDO	Sanayee Development Foundation
SMAF	Self-Reliance through Mutual Accountability Framework
SMART	Specific Measurable Achievable Relevant and Time-bound
SWABAC	South Western Afghanistan & Balochistan Association for Coordination
TACC	Transparency Accountability and Counter-corruption
TEFA	Transparent Elections Foundation of Afghanistan
TLO	The Liaison Office
UNAMA	United Nations Assistance Mission in Afghanistan
UNCAC	UN Convention against Corruption
WCLRF	Women & Children Legal Research Foundation

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Photos

Guy Smallman: Cover photo and photos on pages 2, 3, 6 and 8

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