

Independent Reporting Mechanism (IRM): Afghanistan Design Report 2017–2019

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Executive Summary: Afghanistan

Afghanistan's first action plan reflects domestic priority areas with ambitious commitments relating to civic participation, open contracting, and infrastructure, despite development in a fragile security environment. A balanced multi-stakeholder forum discussed and proposed commitments for inclusion in the action plan, with two commitments added after the action plan's original submission at the request of civil society organizations. Future action plans could strengthen the involvement of a more diverse set of civil society organizations in the development process.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Afghanistan joined OGP in 2016. This report evaluates the design of Afghanistan's first action plan.

General overview of action plan

Afghanistan's first OGP action plan reflected several national priority areas. Development of the action plan took place in the midst of an unstable security environment. The plan includes commitments relating to anti-corruption, transparency, women's rights, and public service delivery. Two commitments were later added to the original action plan at the request of civil society organizations, on open contracting and public participation in monitoring infrastructure projects.

OGP Afghanistan (OGP-A), located within the Office of the President, is responsible for implementation and coordination of OGP activities in the country. A presidential decree established the Multi-stakeholder Forum (MSF), with an even balance of government and civil society representatives, as well as one representative from academia and one from the private sector. Disagreements among MSF members challenged the action plan development initially, but relations improved throughout the process.

Civil society and government developed the action plan together in seven different thematic working groups, suggesting and putting forward commitments. A joint technical working group, composed of government and civil society representatives, then refined the proposed

Table 1. At a glance

Participating since: 2017
Action plan under review: 2017-2019
Report type: Design
Number of commitments: 13

Action plan development

Is there a Multi-stakeholder forum: Yes
Level of public influence: Involve
Acted contrary to OGP process: No

Action plan design

Commitments relevant to OGP values: 13 (100%)
Transformative commitments: 3 (23%)
Potentially starred: 3 (23%)

Action plan implementation

Starred commitments: N/A
Completed commitments: N/A
Commitments with Major DIOG*: N/A
Commitments with Outstanding DIOG*: N/A

*DIOG: Did it Open Government



commitments after the consultation process. There was no written reasoned response provided on the inclusion and/or exclusion of commitments in the final action plan.

Despite some of the challenges in its development, Afghanistan’s first action plan succeeds in committing to several ambitious reforms in the country. The final version has three transformative commitments—the two aforementioned commitments proposed by civil society, as well as a commitment to increase civic participation in auditing government finances.

Table 2. Commitments to watch

| Commitment description | Moving forward | Status at the end of implementation cycle. |
|--|---|--|
| <p>I. Revising and Implementing the Mechanism of Public Partnership in Inspection Process</p> <p>Revise and implement the Citizens’ Participation Mechanism in the inspection process of auditing government finances.</p> | <p>A future commitment could include an accountability mechanism where the public could compel the government to respond to feedback received.</p> | <p><i>Note: this will be assessed at the end of action plan cycle.</i></p> |
| <p>I2. Implementing Open Contracting</p> <p>Make related information publicly accessible throughout procurement process.</p> | <p>The government could produce a detailed report for stakeholders on the development and progress of the open contracting standard and determine whether it should be carried forward to the next action plan.</p> | <p><i>Note: this will be assessed at the end of action plan cycle.</i></p> |
| <p>I3. Developing a Public Participatory and Supervision Mechanism for the Planning and Implementation of Road Network Projects</p> <p>Develop a Community Engagement Framework that involves provincial and local representatives in road construction projects.</p> | <p>A future commitment could increase the participation of civil society organizations in identifying mechanisms to raise public awareness of government infrastructure projects.</p> | <p><i>Note: this will be assessed at the end of action plan cycle.</i></p> |

Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Five KEY IRM Recommendations

| |
|--|
| Work on key coordination areas of the OGP process before the development of next action plan |
| Expand efforts to open information on the OGP process and engagement opportunities beyond Kabul |
| Strengthen representation in the MSF among CSOs and work toward a gender balance |
| Advance a national strategy and action plan to fight domestic violence against women across the country and increase participation of women in public life |
| Use OGP to systematize and scale on-going reform initiatives, such as anti-corruption |

ABOUT THE AUTHOR

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The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

Afghanistan joined OGP in 2016. This report covers the development and design of Afghanistan's first action plan for 2018-2019.

The Independent Reporting Mechanism of OGP has partnered with Huma Saeed (Independent Researcher) who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

II. Open Government Context in Afghanistan

The challenging security situation and the prevalence of an overall fragile political system create obstacles for implementation of much needed reforms in Afghanistan. The country's OGP action plan reflects priority policy areas, such as infrastructure, education, anti-corruption efforts, and women's rights.

A country in ongoing war and turmoil for four decades, Afghanistan has been going through major social, political and economic transitions following the fall of the Taliban regime in 2001.¹ The latest transition period began in 2014 ensuing the partial withdrawal of international combat forces and a contested presidential election resulting in the establishment of the National Unity Government (NUG). The NUG assumed power with a number of promises to implement reforms, particularly in combating corruption.² Despite such promises, and some efforts to achieve them, major challenges persist. They include security and insurgent attacks, often resulting in a high number of civilian casualties, lack of provision of public services,³ endemic corruption and lack of accountability. As a result, while in 2013, 58.2% of Afghans believed that the country was moving in the right direction, by 2017 the percentage came down drastically to 32.8%, although the latter represented a marginal improvement in comparison to the 2016 data.⁴

Deteriorating security conditions and political uncertainties makes it difficult for the Afghan government and development actors to implement sustainable socio-economic projects and to deliver public services.⁵ Despite billions of dollars poured in the country since 2001,⁶ and notable progress made in various sectors, there continues to be a significant lack of access to employment, nutrition, markets, schools, shelter and health facilities, particularly in rural communities.⁷ According to the Afghanistan Living Conditions Survey (ALCS), the national poverty rate jumped from 34 percent in 2007 to 38 percent in 2011-12, and then to 55 percent in 2016-17.⁸ Such problems are further exacerbated with the return of millions of Afghans from the neighboring Pakistan and Iran and the displacement of the Internally Displaced Persons (IDPs) across the country, seeing a rise in population from 21 million in 2001 to more than 35 million in 2018.^{9,10}

Anti-corruption and accountability measures

Corruption cuts across various layers of the Afghan society with serious implications on state building, governance and development.¹¹ Perceptions of government accountability vary across regions, with the Southwest regions having the most positive perception and the Capital regions having the least positive perception.¹² To fight this scourge, since 2014, the NUG has started a series of reforms and initiatives that include the adoption of the Government's Anti-Corruption Strategy on 28 September 2017, which aims to combat corruption in five priority areas.¹³ Moreover, a revised, scrutinized and comprehensive Penal Code entered into force on 14 February 2018, which codifies corruption offences in line with the United Nation's Convention against Corruption (UNCAC).¹⁴ Other recent activities include the establishment of the Independent Monitoring and Evaluation Committee (MEC) and a Special Secretariat for Anti-Corruption and the High Council for Rule of Law and Anti-Corruption, all by presidential decrees.¹⁵ As a result of these efforts, Afghanistan has made gradual progress in its fight against corruption. According to Transparency International's Corruption Perception Index, Afghanistan scored 15/100 in 2016-17 compared to 8/100 in 2012. Nonetheless, the country is still ranked 4th from the bottom (out of 177 countries in the list)¹⁶ in comparisons to 3rd in 2012.¹⁷ According to a latest report by Integrity Watch Afghanistan, in 2018, 4.5 million Afghans had to bribe authorities in order to be able to proceed with their demands.¹⁸ The report ranks Afghan judicial and educational institutions as the most corrupt in the country.¹⁹

The government has undertaken a series of reforms related to government accountability and the rule of law. In 2016, it established the Citizens' Charter Afghanistan Project (CCAP) throughout Afghanistan. The CCAP attempts to improve social service delivery and infrastructure by engaging local communities and taking their priorities into consideration.²⁰ In 2016, a five year National Justice Sector and Judicial Reform Plan (JSRP) was adopted to administer reforms in the Supreme Court, the Attorney General's Office and other judicial sectors.²¹ Despite such important initiatives,

considering the pervasiveness of a culture of impunity, major challenges continue to exist in relation to accountability measures, of which widespread land grabbing by the powerful across the country is but one example.²²

Civic participation and women's rights

Afghanistan has over 400 registered civil society organizations. These include numerous NGOs that have formed since 2001.²³ Most CSOs have been active in the area of human rights, women's rights, justice, peace and democracy, governance and research. In its May 2018 report,²⁴ UNAMA commended the NUG for allowing civil society representatives to participate in high-level government meetings, such as those of the High Council. The report further notes that civil society organizations have been playing an increased role in policymaking. As an example, UNAMA notes, civil society's expertise on anti-corruption strategies were an important contribution to the development of the Anti-Corruption Strategy as well as in the National Procurement Commission and in the Civil Service Reform.²⁵ Their role, however, remains rather limited mostly to the Capital city, Kabul, and a few other major cities.²⁶

Women in Afghanistan face serious constraints to exercise personal freedoms and play role in public life. Domestic violence against women is pervasive, with the Ministry of Public Health estimating that 51 percent of women experience domestic violence in their lifetime.²⁷ However, according to the women's rights activists, only a small percentage of incidents are reported. Forced marriage and marriage before the legal age of 16 remains a problem. Women's political participation is constrained by threats and harassment and social restrictions on appearing in public. The proportion of women registered as voters declined from 41 percent in 2010 to 34 percent in 2018. In 2018, over 400 women competed for the 68 parliamentary seats allocated to female representatives. Female public officials face continuing threats as illustrated by the case of Sima Joyenda, one of Afghanistan's only two female governors, who was removed from her post in the western Ghor province in December 2015 after receiving death threats.²⁸

In the past few years, Afghan women organizations and activists have played a significant role in advocating for women's rights, while relying on the support of President Ghani and the First Lady, who have been strong proponents of women's rights and their advocacy network.²⁹ One example of women's advocacy's achievement was the maintenance of the Elimination of Violence Against Women Law (EVAW law) as a standalone act without incorporating it in the revised penal code. Many women's civil society organizations and activists considered the EVAW law passed in 2009 as an unequivocal achievement of their struggle against patriarchy and male violence and thus wanted to keep it as a standalone legislation.³⁰ Women's advocacy has yet again gained momentum as they are seeking space for women's participation during peace negotiations and assurance that the gains of the past 18 years will not be lost if the Taliban join the future government.³¹ Furthermore, although the gains of the past 18 years are substantial in relation to women's rights, the situation of women continue to remain grave in provinces and more isolated areas.³²

Despite such gains and efforts in relation to civic participation, Afghanistan's security situation adversely affects many aspects of civic participation and civic space such as freedom of association and assembly that *de jure* enjoy a strong legal framework in the country.³³ CIVICUS note a drawback in the activities of the Afghan civil society organizations due to persistent attacks and threats.³⁴ CIVICUS Monitor considers Afghanistan as "one of the most dangerous environments for civil society to operate in due to constant threats from armed extremists."³⁵ Freedom House reports 2017 as a particularly deadly year for Afghan journalists where 21 persons were killed mainly in targeted terrorist attacks.³⁶ According to Freedom House's latest *Freedom in the World* report, "[p]olitical rights and civil liberties are curtailed in practice by violence, corruption, and flawed electoral processes".³⁷ This was well demonstrated during the Parliamentary elections that took place on 20 October 2018. UNAMA verified 435 civilian casualties (56 deaths and 379 injured) on 20 October and subsequent days when elections took place in other provinces where the process was delayed due to security concerns. This level of civilian harm, according to UNAMA, is particularly high in comparison to previous elections cycles in the country.³⁸

Transparency and access to information

Afghanistan's most important development in this area has been the ratification of the law on Access to Information on 23 December 2014, following Article 50 of the Afghan Constitution and Article 19 of the International Covenant on Civil and Political Rights. The main aim of the law is to enhance citizens' access to information in government and public offices. It is partly due to the passage and ratification of this law that Afghanistan has recently replaced Mexico at the very top of the Right To Information rating (RTI).³⁹ The implementation of the law has remained limited. In January 2016, President Ghani issued a media decree urging public officials to respond to information requests in a timely manner, however, later that year the Commission on Access to Information reported that the government was failing to share information with journalists.⁴⁰

Amongst other legislation, Afghanistan has ratified and published the law on Registration and Dissemination of Assets of Public Officials in 2017. Apart from governing the registration and record of assets, the law aims to identify those who misuse their official position for personal gain and to prevent corruption. Article 4 concerns the establishment of the implementing agency, which is the Directorate on Public Officials' Assets' Registration and Verification (the Directorate) located within the Administrative Office of the President (AOP). The law obliges all public officials, especially those in higher ranks such as ministers, deputy ministers, and Parliament Members, to register their properties and those of their close relatives (e.g. father, mother, wife/husband and children) each fiscal year.⁴¹ This information is made available to the public through the website of the Administration Office of the President.⁴²

¹ BBC News (2 April 2014). Afghanistan before and after the Taliban. Retrieved on January 23, 2019, from <https://www.bbc.com/news/world-asia-26747712>

² UNAMA. (May 2018). Afghanistan's Fight Against Corruption: From Strategies to Implementation. Retrieved on 7 November 2018, from https://unama.unmissions.org/sites/default/files/afghanistans_fight_against_corruption_from_strategies_to_implementation-14_may_2018.pdf

³ The World Bank. (July 2018). Afghanistan: Trends in Poverty and Inequality 2007-2017. Retrieved on 7 November 2018, from <http://documents.worldbank.org/curated/en/438751533873930948/pdf/129360-REVISED-Afghanistan-Welfare-trends-2007-17-upload-v2.pdf>

⁴ The Asia Foundation. (2017). Afghanistan in 2017: A Survey of the Afghan People. Retrieved on 7 November 2018, from https://asiafoundation.org/wp-content/uploads/2017/11/2017_AfghanSurvey_report.pdf

⁵ ECHO, Humanitarian Implementation Plan (HIP) Afghanistan, Pakistan, Iran and Central Asia (Version 2 -16/03/2018). Retrieved on 23 January, 2019, from <https://reliefweb.int/report/world/humanitarian-implementation-plan-hip-afghanistan-pakistan-iran-and-central-asia-version>

⁶ Poole, L. (January 2011). Afghanistan: Tracking major resource flows (2002-2010). Retrieved on 23 January, 2019, from <http://devinit.org/wp-content/uploads/2011/02/gha-Afghanistan-2011-major-resource-flows.pdf>

⁷ The World Bank (31 December 2018). The World Bank in Afghanistan: Overview. Retrieved on 23 January, 2019, from <http://www.worldbank.org/en/country/afghanistan/overview>

⁸ ALCS (2016-2017). Poverty Rate. Retrieved on 23 January, 2019, from https://cso-of-afghanistan.shinyapps.io/ALCS_Dashboard/

⁹ The World Bank (31 December 2018). The World Bank in Afghanistan: Overview. Retrieved on 23 January, 2019, from <http://www.worldbank.org/en/country/afghanistan/overview>

¹⁰ Data: Afghanistan, World Bank, <https://data.worldbank.org/country/afghanistan?view=chart>

¹¹ Torabi, Y. (July 2012). The growing challenge of corruption in Afghanistan (Occasional paper, No. 15, The Asia Foundation). Retrieved on 23 January, 2019, from <https://asiafoundation.org/resources/pdfs/FNLcorruptionchapterOccasionalPaperJuly30.pdf>

¹² World Justice Project, The Rule of Law in Afghanistan, Key Findings from the 2018 Extended General Population Poll https://worldjusticeproject.org/sites/default/files/documents/WJP_Afghanistan_Report_Reduced%20%281%29.pdf

¹³ IRoA, Ministry of Finance. (2018). Afghanistan National Strategy for Combating Corruption. Retrieved on March 25, 2019, from <https://mof.gov.af/sites/default/files/2019-02/MoF%20Anti-Corruption%20Plan%20Final%202018-1.pdf>

¹⁴ IRoA, Ministry of Justice (2017). Afghanistan Penal code. Retrieved on 25 March, 2019, from <https://mof.gov.af/sites/default/files/2019-02/MoF%20Anti-Corruption%20Plan%20Final%202018-1.pdf>

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- ¹⁵ UNAMA. (May 2018). Afghanistan's Fight Against Corruption: From Strategies to Implementation. Retrieved on November 7, 2018, from https://unama.unmissions.org/sites/default/files/afghanistans_fight_against_corruption_from_strategies_to_implementation-14_may_2018.pdf
- ¹⁶ Transparency International. (21 February 2018). Corruption Perception Index 2017. Retrieved on November 7, 2018 from https://www.transparency.org/news/feature/corruption_perceptions_index_2017
- ¹⁷ Transparency International. (2012). Corruption Perception Index 2012. Retrieved on March 25, 2019 from <https://www.transparency.org/cpi2012/results>
- ¹⁸ Daily 8 AM (9 December 2018). Integrity Watch Afghanistan: 4.5 million people have bribed government officials in one year. Retrieved on December 13, 2018 from https://8am.af/transparency-watch-4-5-million-people-have-been-bribed-this-year-by-government-officials/?fbclid=IwAR3ERO_wO9hpnCw3QWtNli6cyI34PNqM-GfOyp2IPOHVkkTDNEpzqzdjGO8
- ¹⁹ Ibid.
- ²⁰ The World Bank (10 July 2018). Citizens' Charter Afghanistan Project. Retrieved on 23 January, 2019, from <http://projects.worldbank.org/P160567?lang=en>
- ²¹ UNAMA. (May 2018). Afghanistan's Fight Against Corruption: From Strategies to Implementation. Retrieved November 7, 2018, from https://unama.unmissions.org/sites/default/files/afghanistans_fight_against_corruption_from_strategies_to_implementation-14_may_2018.pdf
- ²² Rostami, A. (16 January 2018). Investigative report discloses the names of major land grabbers. Retrieved on 10 December, 2016 from https://8am.af/i8am/index.php?option=com_content&view=article&id=29458:1391-10-27-01-57-16&catid=1:title&Itemid=553
- ²³ Throughout this report, when a reference is made to CSOs it also necessarily includes NGOs.
- ²⁴ UNAMA. (May 2018). Afghanistan's Fight Against Corruption: From Strategies to Implementation. Retrieved November 7, 2018, from https://unama.unmissions.org/sites/default/files/afghanistans_fight_against_corruption_from_strategies_to_implementation-14_may_2018.pdf
- ²⁵ Ibid.
- ²⁶ Personal interview, Director, Afghanistan Democracy and Development Organization. 25 October 2018, Kabul.
- ²⁷ Freedom House, Freedom in the World 2019, Afghanistan <https://freedomhouse.org/report/freedom-world/2019/afghanistan>
- ²⁸ Human Rights Watch, <https://www.hrw.org/world-report/2017/country-chapters/afghanistan>
- ²⁹ Saeed, H. (July 2018). New Penal Code and EVAW Law: To Incorporate or Not to Incorporate? Retrieved November 8, 2018, from <http://appro.org.af/publication/new-penal-code-and-evaw-law-to-incorporate-or-not-to-incorporate/>
- ³⁰ Ibid.
- ³¹ The Guardian (26 February 2019). Afghan women's voices must be heard in US-Taliban peace talks. Retrieved February 28, 2019, from <https://www.theguardian.com/world/2019/feb/26/afghan-womens-voices-must-be-heard-in-us-taliban-peace-talks>
- ³² AIHRC. (2018). Report on the Cases of Abandoned Women. Retrieved on 25 March, 2019, from <https://www.aihrc.org.af/media/files/Reports/Research/Dari/zanan-b-sarnawisht.pdf>
- ³³ IRoA. (2004). The Constitution of Afghanistan. Retrieved January 19, 2019, from <https://www.mfa.gov.af/constitution/chapter-four-government.html>
- ³⁴ CIVICUS Monitor. (2016). Afghanistan-Overview. Monitor-Tracking Civic Space. Retrieved November 7, 2018, from <https://monitor.civicus.org/newsfeed/2016/04/14/overview/>
- ³⁵ CIVICUS Monitor. (30 January 2018). Afghanistan: CIVICUS stands in solidarity with Save the Children. Retrieved November 7, 2018, from <https://www.civicus.org/index.php/media-resources/media-releases/3060-afghanistan-civicus-stands-in-solidarity-with-save-the-children>
- ³⁶ Freedom House. (2018). Retrieved November 7, 2018, from <https://freedomhouse.org/report/freedom-world/2018/afghanistan>
- ³⁷ Freedom House. (2018). Retrieved November 7, 2018, from <https://freedomhouse.org/report/freedom-world/2018/afghanistan>
- ³⁸ UNAMA. (6 November 2018). Afghanistan: Protection of Civilians in Armed Conflict. Special Report: 2018 Elections Violence Report. Retrieved November 7, 2018, from https://unama.unmissions.org/sites/default/files/special_report_on_2018_elections_violence_november_2018.
- ³⁹ Center for Law and Democracy. (28 September 2018). Afghanistan Jumps to Top Position on RTI Rating. Retrieved November 7, 2018, from <https://www.law-democracy.org/live/afghanistan-jumps-to-top-position-on-rti-rating/>
- ⁴⁰ Human Rights Watch, World Report 2017, Afghanistan <https://www.hrw.org/world-report/2017/country-chapters/afghanistan#d91ede>
- ⁴¹ IRoA, Ministry of Justice. (2017). Law on Registration and Dissemination of Assets of Public Officials. Retrieved November 22, 2018, from <http://law.acku.edu.af/fa/download/file/fa/22871/75026>
- ⁴² AOP (n.d). Publication of Assets for the Year 2018. Retrieved November 22, 2018, from http://www.aop.gov.af/?page_id=2720

III. Leadership and Multi-stakeholder Process

The OGP secretariat sits in the Office of the President (OP). The country formed a multi-stakeholder forum comprised of government and civil society representatives. Although civil society helped select commitments for inclusion in the plan, a reasoned response of the plan's cocreation process was not publicly available.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for the OGP in Afghanistan.

OGP Afghanistan (OGP-A hereafter) established its secretariat within the Office of the President in June 2017 and which is now located within the Office of the Chief of the President. The secretariat is composed of seven full-time employees. They include the head of the secretariat, who is the national coordinator of the OGP-A, three specialists in the area of financial transparency, open legislation and information transparency who monitor the overall implementation of the Action Plan's commitments, a cameraman, and the OGP government Point of Contact, who is the Deputy Head of Monitoring, Evaluation and Audit within the Office of the President and provides the overall oversight of the OGP-A secretariat. The OGP-A secretariat does not enjoy a separate budget for its activities, but all its employees are hired and paid according to the recruitment procedures and norms observed in the Office of the President.¹

The OGP-A secretariat is responsible for the overall implementation and assurance of OGP activities in Afghanistan. These include: coordination and facilitation of meetings between government representatives and CSOs that often take place in one of the OGP-A working groups; coordination of intergovernmental meetings on OGP-A related issues; communication with various CSO's and stakeholders; translation of key OGP documents and guidelines into Dari and Pashto; and providing OGP-related updates to the president and cabinet.²

A Presidential decree (No.171), dated 2 October 2017, constituted the legal basis for the establishment of the Multi-stakeholder Forum (MSF), which was officially inaugurated by the President on the following day in the presence of cabinet members, both houses of the Parliament, foreign ambassadors to Kabul, and special representative of the United Nation in Afghanistan.³ According to article 79 of the Afghanistan Constitution, a legislative decree, after endorsement of the President, shall acquire the force of law. A Presidential Decree is legally binding, but does not require the endorsement of the Parliament.

Considering that the OGP-A secretariat is located within the Office of the President, it enjoys significant political support from the establishment. Moreover, President Ashraf Ghani, personally, is a strong proponent of the OGP-A, and, as such, the secretariat is able to carry out its activities with no major political obstacles as ministries are invested and responsive to the president's priorities.⁴ The secretariat's location in the President's office gives the OGP-A access to all line ministries and other public institutions.⁵ In general, the secretariat considers its role as "facilitation, coordination and technical and political oversight."⁶ Civil society stakeholders, on the other hand, have expressed concern about the location of the OGP-A secretariat precisely because it is located within the most powerful organ of government. One civil society representative stated that the current OGP-A secretariat is, inevitably, driven more by its political ambitions than being aspirational and ambitious as called for in an OGP project.⁷ He pointed out that many commitments were developed based on the realpolitik of the country and the feasibility criteria, including budget, than truly considering their transformative potential. They also raised a concern as to the mandate of the secretariat being inside the Office of the President as well as the physical location in the Presidential Palace, which makes access to CSOs extremely difficult due to tight security control.⁸

Integrity Watch Afghanistan was invited to the OGP Asia Pacific Conference in Indonesia in May 2014. In December 2014, in the London Conference on Afghanistan,⁹ IWA proposed that Afghanistan join OGP. There was no action taken towards the proposition for two years until it

resurfaced again in the International Contact Group (ICG) conference on Afghanistan in Istanbul in February 2016.¹⁰ During this conference, the IWA representative discussed the OGP initiative and Afghanistan’s membership in detail with Yama Yari, then the Director General of the National Procurement Authority. From the outset, Yama Yari expressed his support and enthusiasm for the initiative, which he discussed in person with President Ghani, who was in turn supportive and gave his consent for Afghanistan’s intent to join. In December 2016, at the OGP Summit in Paris, where both the IWA representative and Yama Yari attended, Afghanistan officially submitted its Letter of Intent to join OGP. Throughout this process, i.e., between 2014 and 2016, Afghanistan had to work towards the promulgation of its Information Law, which was a prerequisite to joining.¹¹ Following the official membership on 8 December 2016, a series of consultative meetings and workshops organized separately by CSOs, between government and CSOs and among government officials, led to the simultaneous development of the first National Action Plan and establishment of the MSF in 2017. The National Action Plan was approved by the Cabinet on 15 November 2017. The instrument legitimizing the OGP-A process was the Presidential Decree 171, which is considered legally binding, and unlike legislative Presidential Decrees, does not require ratification in the Parliament within 30 day of issuance.

3.2 Multi-stakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP’s Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. Afghanistan **did not** act contrary to OGP process.

Please see Annex I for an overview of Afghanistan’s performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Table [3.1]: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP. This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborate.”

| Level of public influence | | During development of action plan |
|---------------------------|---|-----------------------------------|
| Empower | The government handed decision-making power to members of the public. | |
| Collaborate | There was iterative dialogue AND the public helped set the agenda. | |
| Involve | The government gave feedback on how public inputs were considered. | ✓ |
| Consult | The public could give inputs. | |
| Inform | The government provided the public with information on the action plan. | |
| No Consultation | No consultation | |

Multi-stakeholder forum

Presidential Decree (No.171) of 2 October 2017 officially established the Multi-Stakeholder Forum (MSF) and appointed 17 members from governmental agencies (mainly at a deputy ministerial level), one representative from academic institutions and one from the private sector.¹² It stated that the

CSO Selection Committee¹³ should choose 15 members from different CSOs. In the absence of a document with internal rules and procedures the aforementioned decree remains the guiding document. Article Two of the decree outlines duties and responsibilities including: a) draft of the action plan; b) implementation of the action plan; and c) oversight and evaluation of the action plan's implementation. Article Three concerns the MSF's mandate, stating: a) the MSF must establish its internal rules and procedures according to the OGP principles and the country's constitution and other laws; b) the MSF can establish other working groups as it deems necessary; and c) the MSF can invite representatives from ministries, directorates and independent commissions to its meetings. Article Four establishes the timeline for the MSF, maintaining that the MSF should be in place for the duration of the action plan. Article Five establishes the accountability of the OGP-A, asserting that the MSF is ultimately accountable to the President.¹⁴ The Decree also established seven OGP-A working groups on the following topics: rule of law; governance and financial management; agricultural/rural development and environment; private sector development; infrastructure; human resource development and; peace, security and re-integration. The Decree authorizes the MSF to select working groups members or invite other experts during its meetings, as it deems necessary. Government representatives of the working groups are often directors of policy and planning in their respective ministries or other public entities. It is thus these directors who engage in decision-making and who oversee the action plan process, whereas deputy ministers at the MSF members play advisory and assurance roles.

In March 2017, a civil society working group, comprised of main CSOs such as Agency Coordinating Body for Afghan Relief & Development (ACBAR), Afghan Women's Network (AWN), Integrity Watch Afghanistan (IWA), Afghanistan Public Policy Research Organization (APPRO), was established to consult and follow up on the OGP developments in Afghanistan. This led to a series of consultative meetings with other CSOs as well as government POC. By July 2017, CSO discussions led to the formation of a Selection Committee of seven members in order to determine the selection method and conditions for CSO representatives in the MSF. The Committee prepared the Call for Applications form, as well as a scoring mechanism. During consultations, one criterion that CSOs had internally agreed upon was that organizations participating in the selection committee could not apply as MSF members in order to maintain partiality and independence during the selection process. The call for application entailed a number of sections that applicants needed to fill in as well as writing an essay of 1,000 words.¹⁵ The OGP Afghanistan Secretariat publicized the Application form for membership in OGP Afghanistan via National Radio and Television of Afghanistan, websites and newspapers. The CSOs selection committee representatives reviewed the applications by convening several sessions and selecting eligible CSOs membership to the OGP Afghanistan Forum.¹⁶

The MSF CSOs played an advisory and influential role in the action plan development process. The level of public involvement in the development of the action plan is coded as "involve," which reflects CSOs setting the consultation agenda on occasions and participating in the joint decision making on action plan contents through the MSF; additionally, some commitments proposed by civil society were included in the action plan (see below on the inclusion of Commitment 8, 12 and 13). It is also important to mention that prior to the issuance of Decree 171, a number of consultative workshops and meetings were held between interested individuals in the government as well as CSO's, in particular Integrity Watch Afghanistan (IWA), Afghanistan Public Policy and Research Organization, Afghan Women Network and Organization for Policy and Development Studies. As an example, during April-June 2017, eleven consultative meetings were held either at the Office of the President or at IWA or another CSO's office.¹⁷

The overall composition of the MSF and working groups reflects Afghanistan's priority areas for the OGP action plan, i.e. combating corruption, improving women's access to justice and providing public services. The MSF meet always in Kabul in-person, often at the Office of the President. The MSF has met four times since its official inauguration, though not on a regular basis.¹⁸ The overwhelming majority of MSF members are men; nevertheless, the MSF has tried to incorporate women's views and concerns in the commitments, involving other stakeholders outside the MSF.¹⁹ As an example, commitment No.8 on Protecting Women in Situations of Conflict and Emergency was introduced and insisted upon by a women's organization, which is not an MSF member.²⁰ This

illustrates how other stakeholders had a chance to inform and influence decision-making during the process of the action plan development. To the knowledge of the IRM Researcher, however, this was an exception rather than the rule of external groups proposing commitments.

All OGP-A meetings, workshops and other events have been video recorded. Photos and meeting minutes, as well as other documents, are notionally available to the public in person and archived at the OGP-A secretariat. The OGP-A website has been launched as of August 2019 and serves as the country's OGP repository for evidence relating to the action plan.²¹

Participation and engagement throughout action plan development

The government-civil society engagement process during the development of the action plan was initially challenging, but has more recently developed in a positive direction. Initially the process was characterized by mutual disagreement, where CSOs considered the government as corrupt and ineffective, or otherwise with a hidden agenda, and the government assumed that CSOs would criticize the government without meaningfully and constructively participating in the OGP process.²² One CSO representative went as far as stating that sometimes they perceive the government has as much fear of CSOs as the Taliban.²³ In general, the IRM Researcher categorizes three roughly equal groups within CSOs in relation to the OGP-A: a) those who are very critical of the role of the government and the overall action plan development, b) those who are fully supportive and believe that everything proceeds in a desirable fashion, and c) those who are critical but are optimistic overall. Nevertheless, even the most critical members of the CSOs acknowledged the marginal improvements in the relationship between government and CSOs.²⁴ The IRM Researcher noted that interaction and cooperation developed smoothly between CSOs and public officials who come from a professional civil society or UN background.²⁵

While video records show that government and CSOs discussed and approved the structure of the MSF, no formal document with the “rules of the game” was laid out between the government and CSOs, aside from the mentioned Decree at the time of the interviews. Perhaps, in part due to the lack of this document, the government-CSO tension reached its climax when the government partners also selected MSF deputy-chair (agreed to be from CSOs) without any consultation with CSOs of the MSF. A number of civil society participants in interviews with the IRM Researcher highlighted this issue, stating that it led to fierce objections by CSOs. The government eventually admitted its error and offered to recuperate.²⁶

Prior to the establishment of the MSF, scarce knowledge and awareness existed among CSOs about the OGP, with the exception of IWA and possibly a few other organizations who were informally engaged in discussions with public officials. The first “formal” awareness workshop on OGP took place on 12 April 2017, where 49 different organizations participated.²⁷ During the workshop, participants were divided into four working groups where they discussed and suggested ideas for potential commitments.²⁸ On another occasion, the Afghan Women Network introduced OGP, its mission, and its role to a group of CSO's during one of its monthly meetings on 3 May 2017. Both of these initiatives took place well before the establishment of the MSF. Nevertheless, members of several CSOs whom the IRM Researcher interviewed highlighted knowledge deficiency on the OGP process and mission among CSOs.²⁹ One CSO participant stated that OGP-A started all actions at once, such as working group activities, CSO' selection, the MSF's establishment, and the development of the action plan.³⁰ Moreover, he pointed out that prior to this experience there was no study to establish a baseline to examine the relationship between government and CSOs.³¹ Some projects and initiatives before the official establishment of OGP-A, such as the EAW law, indicate that CSOs had in fact already been engaged in advocacy work and shaping policy with the government, particularly since the NUG came to power.³²

Another issue highlighted during interviews relates to the selection of CSOs as MSF members who lacked experience either because some were newly formed or had never worked before in the areas relevant to the OGP values. Both government and several CSOs interviewed by the IRM Researcher voiced this concern that these organizations were not sufficiently knowledgeable about the relevant issues and thus would not be impactful in their role as part of the MSF.³³ One interview

participant who was part of the CSOs selection committee expressed astonishment as to the limited number of applications they received following the publication of the call for applications. Moreover, he was surprised that either the bigger and more experienced CSOs did not apply altogether, or they applied but allocated little time and effort to fill in the application or provide necessary documents, thus receiving low scores, which resulted in the rejection of their application.³⁴

CSOs and government partners developed the action plan together in seven working groups. Participants in each working group suggested, discussed and decided on commitments. A technical working group, composed of both CSOs and government, further refined the commitments. Afterwards, the MSF members had a chance to discuss and vote for each commitment, which was the last stage for their confirmation, followed by the Cabinet approval.³⁵ Although CSOs that are skeptical of the OGP process also suggested a number of commitments, including two addenda, the overall sentiment expressed in interviews with the IRM Researcher convey that the government mainly decided on the commitments based on feasibility and practicality criteria rather than the transformative nature of commitments.³⁶ Despite this perception, however, the action plan contained three transformative commitments and six moderately transformative commitments. Outside the specific commitments, the OGP-A secretariat sets the overall agenda of the OGP-A activities, such as the MSF assembly or the OGP Week Celebration. One interviewed CSO representative noted this as a point of tension in the co-creation process with CSOs.³⁷

Co-creation and participation recommendations throughout development

Afghanistan showed evidence of achievement and strong performance in areas of MSF mandate and MSF composition. In order to improve performance, the IRM Researcher suggests that moving forward, the following actions be taken:

- Make the reasoned response of the cocreation process publicly available to inform the public of how their inputs were considered. Additionally, providing a public reasoned response would work toward managing residual tension between government and civil society representatives.
- With the launch of the MSF and OGP-A website, it could begin to publish quarterly updates in Dari and Pashto
- CSOs from the MSF could organize more awareness-raising sessions about OGP-A among themselves, as well as meetings that include CSOs beyond those who are represented in the MSF to increase their relevant knowledge about OGP processes and topic areas. The MSF could hold press conferences to better inform the general public about its mandate, composition and mission, as well as how the public could be involved.

¹ Personal interview, OGP-A secretariat coordinator, 17 October 2018, Kabul.

² Ibid.

³ Ghani, M.A. (2 October 2017). Presidential Decree of the President of the Islamic Republic of Afghanistan on the Establishment of the OGP Forum. (Copy made available to the IRM Researcher).

⁴ Personal interview, OGP-A secretariat coordinator, 17 October 2018, Kabul.

⁵ Personal interview, Deputy Chief of Staff- Policy, Monitoring and Investigation and Head of OGP-A, 17 October 2018, Kabul.

⁶ Personal interview, OGP-A secretariat coordinator, 17 October 2018, Kabul.

⁷ Personal interview, Head of Advocacy and Communication, Integrity Watch Afghanistan. 29 October 2018, Kabul.

⁸ Personal interview, Research manager, Afghanistan Public Policy and Research Organization, 25 October 2018, Kabul.

⁹ London Conference on Afghanistan (December 4, 2014). <https://www.gov.uk/government/topical-events/london-conference-on-afghanistan-2014>

¹⁰ International Contact Group (February 5, 2016). <http://recca.af/?p=1912>

¹¹ Personal interview, Director, Integrity Watch Afghanistan, 30 May 2019, Ottawa.

¹² Ghani, M.A. (2 October 2017). Presidential Decree of the President of the Islamic Republic of Afghanistan on the Establishment of the OGP Forum. (Copy made available to the IRM Researcher).

¹³ In preparation for the establishment of the MSF, CSO's decided to establish a Selection Committee, which was composed of seven members who represented various CSO's as well as academic institutions. The Committee was responsible for drafting and sharing the call for application as well as the final selection of the 15 members CSO's of the MSF. As a condition, it was established from the onset that a Selection Committee member could not become member of the MSF (Personal interview, Research manager, Afghanistan Public Policy and Research Organization, 25 October 2018, Kabul).

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- ¹⁴ Ghani, M.A. (2 October 2017). Presidential Decree of the President of the Islamic Republic of Afghanistan on the Establishment of the OGP Forum. (Copy made available to the IRM Researcher).
- ¹⁵ Personal interview, Research manager, Afghanistan Public Policy and Research Organization, 25 October 2018, Kabul
- ¹⁶ Afghanistan OGP Action Plan (2017-2019).
- ¹⁷ Minutes and other documents of these meetings were made available to the IRM Researcher by CSO's.
- ¹⁸ The IRM Researcher obtained this information from the minutes of the last MSF assembly, which was held at the Office of the President on 11 November 2018.
- ¹⁹ Personal interview, Director, Afghan Women Press Office, 30 October 2018, Kabul.
- ²⁰ Ibid.
- ²¹ Open Government Partnership Afghanistan website, www.ogpa.gov.af.
- ²² This was a general sentiment that came across interviews with a number of CSO's as well as government officials.
- ²³ Personal interview, MAJMA Representative in Western Afghanistan, 21 October 2018, Herat.
- ²⁴ Personal interview, Head of Advocacy and Communication, Integrity Watch Afghanistan. 29 October 2018, Kabul.
- ²⁵ The current administration has hired many individuals who previously worked with a CSO or the UN and other international organizations.
- ²⁶ Personal interview, Director, Afghanistan Democracy and Development Organization. 25 October 2018, Kabul; Personal interview, Coordinator, Afghan Youth Civic Network. 28 October 2018, Kabul. Personal interview, Head of Advocacy and Communication, Integrity Watch Afghanistan. 29 October 2018, Kabul; Personal interview, Research manager, Afghanistan Public Policy and Research Organization, 25 October 2018, Kabul.
- ²⁷ Integrity Watch Afghanistan. (12 April 2017). Civil Society Consultation Workshop on Open Government Partnership (OGP) in Afghanistan. Retrieved November 9, 2018, from <http://www.nac-pp.net/wp-content/uploads/2017/05/1st-CS-OGP-Consultation-Workshop-in-Afghanistan.pdf>
- ²⁸ Ibid.
- ²⁹ Personal interview, Research manager, Afghanistan Public Policy and Research Organization, 25 October 2018, Kabul; Personal interview, Advocacy Director, Afghan Women Network, 28 October 2018, Kabul, Personal interview, Director, Afghanistan Democracy and Development Organization. 25 October 2018, Kabul.
- ³⁰ Personal interview, Executive Director, Afghanistan Public Policy Research Organization, 25 October 2018, Kabul.
- ³¹ Ibid.
- ³² For a detailed example of this, please see Saeed, H. (July 2018). New Penal Code and EVAW Law: To Incorporate or Not to Incorporate? Retrieved November 8, 2018, from <http://appro.org.af/publication/new-penal-code-and-evaw-law-to-incorporate-or-not-to-incorporate/>
- ³³ Personal interview, Director, Afghanistan Democracy and Development Organization. 25 October 2018, Kabul; Personal interview, Head of Advocacy and Communication, Integrity Watch Afghanistan. 29 October 2018, Kabul; Personal interview, Research Manager, Afghanistan Public Policy and Research Organization, 25 October 2018, Kabul; Personal interview, Expert, the Directorate on Public Officials Assets Registration and Verification, 22 October 2018, Kabul.
- ³⁴ Personal interview, Research Manager, Afghanistan Public Policy Research Organization, 25 October 2018, Kabul.
- ³⁵ Personal interview, Coordinator, OGP-A Secretariat, 17 October 2018, Kabul.
- ³⁶ Personal interview, Coordinator, Afghan Youth Civic Network. 28 October 2018, Kabul. Personal interview, Head of Advocacy and Communication, Integrity Watch Afghanistan. 29 October 2018, Kabul.
- ³⁷ Personal interview, Coordinator, Afghan Youth Civic Network. 28 October 2018, Kabul.

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's/entity's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries. The indicators and method used in the IRM research can be found in the IRM Procedures Manual. A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
 - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - **Public Accountability:** Will the government create or improve public facing opportunities to hold officials answerable for their actions?
 - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM Researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.').
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26 percent of judicial corruption complaints are not processed currently.")?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")?

Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

General Overview of the Commitments¹

The action plan’s commitments are largely related to Afghanistan’s national policy priorities, such as peace and development, as well as benchmarks established by members of the international donor community, such as the World Bank. The action plan’s central focus is on curbing corruption and improving the integrity of public administration as well as improving the quality of public services and gender equality.

¹ After the action plan’s original submission, two commitments were added on 31 August 2018 at the request of civil society organizations. These commitments, “Implementing Open Contracting” and “Developing a Public Participatory and Supervision Mechanism for the Planning and Implementation of Road Network Projects,” as well as their development, will be detailed and assessed in the forthcoming IRM Implementation Report 2017–2019.

I. Revising and Implementing the Mechanism of Public Partnership in Inspection Process

Language of the commitment as it appears in the action plan:

“High Inspection Office has previously developed a mechanism for public partnership in the inspection process without the involvement of media and Civil Society Organizations (CSOs). However, as demanded by CSOs in the consultative meetings of Open Governance Partnership-Afghanistan, the office committed to revising, finalizing and implementing the mentioned mechanism in partnership with CSOs.

This mechanism has not been implemented as civil society organizations and media were not involved in its formulation. Revision of the mechanism with the participation of civil society organizations and media will enrich the mechanism and facilitates its implementation. It is expected that implementation of this mechanism ensure public oversight over inspection process, enhancing transparency and accountability in public service delivery to minimize chances of corruption.”

Milestone activities and verifiable deliverables

- Holding three joint meetings with CSOs and media in order to revise, scrutinize and approve the mechanism of public partnership in the inspection process.
- One final publication reflecting civil society and media perspectives, suggestions, recommendations and final decisions on the scrutinized inspection process accessible.
- Essential administrative structures established by High Inspection Office (HIO). 3 training sessions conducted on the implementation of the mechanism by HIO for their employees who will be upholding the structures established.
- Holding two awareness-raising seminars on issues related to the CSOs and media participation in the inspection processes. Make a compilation of the awareness-raising seminars in one video available online
- Formulating an Authorities Inspection Plan based on a risk assessment practice both of which are conducted with the participation of CSOs and media according to public partnership mechanism
- Conduct 7 inspections based on the Authorities Inspection Plan

Start Date: January 2018

End Date: August 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text from the Afghanistan National Action Plan, see::

<https://www.opengovpartnership.org/commitment/01-mechanism-of-public-partnership-inspection-process>

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|---|-------------|---------|-------------|---|-------------------------|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| I. Overall | | ✓ | ✓ | ✓ | | | | | ✓ | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | | |

Context and Objectives

This commitment aims to revise and implement the Citizens' Participation Mechanism¹ in the inspection process of auditing government finances. It aims for this process to be conducted together with CSOs and media to ensure transparency and accountability of public finances.

The Supreme Audit Office (SAO)² is the highest authority in the country that controls and audits the finances of the central and state governments in relation to their resources and expenditures. The Law on the Supreme Audit Office (2013) establishes responsibilities of the SAO as the principal guarantor of financial transparency of state agencies as well as control and oversight of such resources.³ In 2016, the SAO developed a framework for public participation of auditing government finances, but did not involve CSOs and the media in developing that process.⁴

The commitment is relevant for OGP value of civic participation as it opens up opportunities for CSOs and the media to take part in formulating the Authorities Inspection Plan and participating in audits of public finances. The Authorities Inspection Plan covers seven audit performances that government officials together with CSOs and media will perform.⁵ In addition, through its website, SAO intends to give the public the opportunity to express views and concerns on public audits. The commitment aims to raise public awareness on the inspection process and a compilation of the awareness raising seminars will become available online in a video to reach wider population with the information on how to participate in the public oversight of the inspection process and is thus relevant to the OGP value of access to information.

This is the first time SAO has committed to involve civil society and media in the auditing process, which is a commendable development. Afghanistan provides few opportunities for the public to engage in budget or auditing process, scoring 15 out of 100, where scoring about 60 is considered to provide adequate opportunities for the public to participate.⁶ Additionally, according to the World Bank's Global Indicators of Regulatory Governance, Afghan ministries and agencies do not solicit comments on proposed regulations from the general public.⁷ While some details of various elements (mandate and composition of the proposed administrative structure within SAO) could be clearer, if fully implemented, this commitment could change the practice of conducting audits in a more participatory and accountable way. Given the low baselines for public participation and government engaging civil society in policy making in Afghanistan, this commitment could have a transformative potential impact as it aims to engage CSOs in performing audits with an expansive scope of applicable public sectors that could include the Parliament, the Ministries, the President's Office, the public construction section and so on.⁸

Next steps

This commitment represents an important undertaking for making the audit processes participatory and more accountable. The IRM researcher recommends continuing this commitment in the next action plan and to consider the following elements for strengthening it:

- A future commitment could more clearly articulate what happens beyond the public's involvement in the audit inspection process. An accountability mechanism and penalties for noncompliance could be stipulated where the public could compel the government to respond with a change in practice to complaints or recommendations received.
- As per CSOs' suggestion, a complementary action to take outside the framework of OGP could be to develop a policy and mechanism for social audit. Social audit refers to the auditing process, lead by CSOs and the public, of government's public plans and performances, which have direct implication on citizens' lives.⁹

¹ High Inspection Office (2018). Citizens' Participation Mechanism in the Inspection Process. Accessed on October 8, 2018, from <http://sao.gov.af/Content/files/ميكانيزم%20مشاركت%20عامه%20در%20روند%20تفتيش.pdf>

² Although at the time of the drafting of the action plan this commitment fell under the leadership of the High Office of Oversight and Anti-Corruption (HOOAC), since February 2018, HOOAC has merged with the Attorney General's Office (AGO). This commitment therefore currently falls under the mandate of the Supreme Audit Office (SAO).

³ High Inspection Office. (2013). Law of the High Inspection Office (in Dari and Pashto). Accessed on October 8, 2018, from <http://sao.gov.af/Content/files/Pocket%20Book.pdf>

⁴ Personal interview, Director of Policy and Planning, Supreme Audit Office, 27 October 2018, Kabul.

⁵ Information on the Authorities Inspection Plan was communicated to the IRM researcher via e-mail, dated 28 January 2019, by the government official who is in charge of implementing this commitment.

⁶ Open Budget Survey 2017, <https://www.internationalbudget.org/open-budget-survey/results-by-country/country-info/?country=af#participation>

⁷ [Rulemaking.worldbank.org/en/data/explorecountries/Afghanistan#](http://rulemaking.worldbank.org/en/data/explorecountries/Afghanistan#)

⁸ Personal interview, Director of Policy and Planning, Supreme Audit Office, 27 October 2018, Kabul.

⁹ Annex B. (n.d.). Analysis and critique of the commitments prepared by the Secretariat. (This document was made available to the IRM researcher by Integrity Watch Afghanistan).

2. Amendment of the Law on Processing, Publishing and Enforcing Legislative Documents

Language of the commitment as it appears in the action plan:

“LPPELD is a law which includes the step-by-step articulations of how a bill should be drafted, processed and turned in to law in Afghanistan. This means that all legislations should be developed and processed based on LPPELD. Unfortunately however, the LPPELD does not include a layer based on which the bills should be consulted with CSOs on behalf of the citizens. Given the notion that what affects public lives should be consulted with public is undermined in the legislation development processes in Afghanistan. This existence can lead to development and passage of laws which can negatively impact public lives and well-being, including social inclusion and rule of law.

To remedy this shortcoming, the ministry of justice has been mandated in the Open Government Partnership meetings to amend LPPELD with a purpose to allow CSOs in the scrutiny of all bills. It is expected by amendment of LPPELD CSOs will gain a platform to participate in the scrutiny of all bills in Afghanistan thereby ensuring that the voices of public are represented in the legislative process, ultimately strengthening the rule of law.

Milestone activities and verifiable deliverables

- MoJ drafts the amendments to LPPELD.
- MoJ holds two consultative meetings with related governmental agencies and CSOs on the draft amendments
- Executive Committee of MoJ’s Legislation Department finalizes the amendments and reflections that were gathered from the CSOs.
- Present the finalized draft of the amendment, having incorporated all feedback from related governmental agencies and civil society, to the legislative committee for its feedback before sending to the Cabinet for approval. This meeting will be attended by CSOs as well.
- Present the final amendments to the Cabinet for approval.
- Approval of the amendments by the National Assembly.
- Endorsing, publishing and enforcing the LPPELD.”

Start Date: January 2018

End Date: August 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text from the Afghanistan National Action Plan see:

<https://www.opengovpartnership.org/commitment/01-mechanism-of-public-partnership-inspection-process>

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|-------------|---------|-------------|-----------|-------------------------|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| | | | | | | | | | | | | | | | | | | | |

| | | | | | | | | |
|------------|--|---|---|--|--|---|---|---|
| 2. Overall | | ✓ | ✓ | | | ✓ | Assessed at the end of action plan cycle. | Assessed at the end of action plan cycle. |
|------------|--|---|---|--|--|---|---|---|

Context and Objectives

This commitment intends to amend the law on Processing, Publishing and Enforcing Legislative Documents (LPPELD) in order to legally and institutionally incorporate the views of CSOs and citizens in the law-making process, which has not thus far been in place.

The LPPELD concerns the entire law-making process in Afghanistan. It entails six steps: a) preparation of the first draft by the concerned directorates and authorities; b) examination and scrutiny of the draft by the Scientific-Legal Research and Legislative Institute at the Ministry of Justice (Moj) and other concerned experts and authorities as the Institute deems necessary; c) affirmation and endorsement by the Legislative Committee at the Administrative Office of the President (AOP) and the Cabinet; d) ratification in the Parliament; e) Acquiring the President's signature; and) publication in Moj's official Gazette.¹ A 1943 regulation had for the first time established the procedure for drafting legislative documents, which was revised and turned into LPPED in February 2017.² It was not mandatory to have CSOs involved in the process, though they could be involved in advocacy and thus could influence the decision-making as demonstrated in the case of the Elimination of Violence Against Women Law and its eventual non-incorporation in the country's recently revised and published Penal Code.³

The commitment's milestones and activities are precise enough to be verifiable and many of them have already been achieved (see forthcoming Implementation Report for further discussion). The commitment is relevant to the OGP value of civic participation because of the envisaged role of CSOs and the public in consulting on amendment to the LPPELD that would allow CSOs to review all proposed legislation.

The IRM researcher considers this commitment to have a moderate potential impact as it aims to give CSOs and the public a chance to be involved in the law-making process which, prior to this law, CSOs could effectively only participate in the law-making process through their advocacy and consolidated efforts. This was demonstrated by many women's organizations and activists in the case of the non-incorporation of the EVAW law into the revised Penal Code in 2017. Nevertheless, there was no legal framework in place for public consultation. As the World Bank's Global Indicators of Regulatory Governance indicates, Afghan ministries and agencies do not solicit comments on proposed regulations from the general public.⁴ The opportunity to provide input on a legal amendment that would effect permanent participation in the policy-making process is a big step forward to meaningful participation in designing legislation from the outset. Amendment(s) to the law through this commitment makes CSOs' participation in the process of law making binding, and will, for the first time, create opportunities where, *de jure*, government officials and CSOs would have a chance to work in a shared platform in securitizing the bills. However, the quality and competence of CSOs' participation remains critical in assessing the potential impact of this commitment. A representative from a human rights organization stated that in most meetings on legislative processes, CSOs role is that of an observer.⁵ She acknowledged, however, that they could play a more significant role based on this commitment if they really intended to participate. In her view, as a woman, women in Afghanistan suffer from specific issues and their role in the law making process is particularly significant.⁶ In other words, the interview participant considered this commitment particularly empowering towards women's participation in the law drafting process, ensuring that their voices will be heard not only through their advocacy and activism, as before, but also through a legal framework.

Next steps

For the subsequent action plan, the IRM Researcher suggests that the government proactively take steps to improve public and CSO awareness of the revised LPPELD process (once passed into law) and more precisely define how the government will solicit and incorporate feedback from the public and CSOs. More specifically, the government, through Moj as the implementing agency, could invest more resources in:

- Establishing specific mechanisms whereby they can introduce the revised CSO and public participation process under LPPELD and convey the importance of the amendments specified under this commitment to the public.
- To raise awareness about the new legislation, the government could plan a campaign through radio and TV programs.
- The MoJ and the Parliament could establish a portal on their websites whereby the public could have the opportunity to leave comments and feedback on specific legislative drafts.
- Ensuring inclusive participation and active engagement with the wider public through awareness raising and options to participate for those in provinces outside the capital or without internet connections.

The IRM Researcher further suggests that CSOs take proactive measures to enhance the impact of the commitment, specifically by:

- Civil society groups could coordinate to form core groups on specific policy areas and make sure to actively participate in legislative drafting on these issue areas.
- Civil society could also help disseminate information about the new legislation and contribute to the public awareness-raising campaigns with specific projects and events.
- Civil society could utilize “legislative theater methodology” as a means to engage the public on issues that concern their day-to-day lives. This methodology has been effectively used in countries such as Brazil, Canada and France to engage citizen in the legislative process through art. In Afghanistan, precedent for this type of work exists, such as work by the Afghanistan Human Rights and Democracy Organization (AHRDO), and could be expanded to introduce and implement participatory theater and legislative theater.⁷

¹ Ministry of Justice. (2018). The draft law on processing legislative documents. Retrieved on November 10, 2018, from <http://moj.gov.af/Content/files/Law%20on%20processing%20manner%20of%20publication.pdf>

² Personal interview, Director of Law Making, Ministry of Justice, 24 October 2018, Kabul.

³ Saeed, H. (July 2018). New Penal Code and EAW Law: To Incorporate or Not to Incorporate? Afghanistan Public Policy Research Organization. Retrieved on November 10, 2018, from <http://appro.org.af/publication/new-penal-code-and-evaw-law-to-incorporate-or-not-to-incorporate/>

⁴ [Rulemaking.worldbank.org/en/data/explorecountries/Afghanistan#](http://rulemaking.worldbank.org/en/data/explorecountries/Afghanistan#)

⁵ Personal interview, Director of Training Human Rights Association for Women, 29 October 2018, Kabul.

⁶ Ibid.

⁷ For more insight on this methodology and its transformative impact, please see: <http://ahrdo.org/our-history/>; Saeed, H. (2015). Empowering Unheard Voices through ‘Theatre of the Oppressed’: Reflections on the Legislative Theatre Project for Women in Afghanistan—Notes from the Field. *Journal of Human Rights Practice*, Volume 7, Issue 2, Pages 299–326. Retrieved on November 10, 2018, from <https://academic.oup.com/jhrp/article/7/2/299/2188804>; AHRDO. (February 2012). *Afghan Women after the Taliban: Will History Repeat Itself?* Retrieved on November 10, 2018, from <https://drive.google.com/file/d/0BzQOIgSxbFZbYm5sY19ER29IemM/view>

3. Establishing Special Courts to address Violence against Women

Language of the commitment as it appears in the action plan:

“Given the socio-cultural context of Afghanistan, women would feel comfortable if their VaW cases are addressed through especial VaW courts in presence of female judges. Currently, VaW cases are addressed through Criminal Department (Dewan-e Jaza) in 19 provinces of Afghanistan and in the remaining 15 provinces, VaW cases are addressed by VaW special courts. This situation can undermine inclusive access to justice within the country.

In order to address this challenge, Supreme Court of Islamic Republic of Afghanistan committed, during the consultative meetings of Open Government Partnership-Afghanistan Forum, to establish 12 more VaW special courts in 12 provinces of the country in collaboration with CSOs. Established special courts to address VaW crimes are expected to increase women’s access to justice in the mentioned provinces, address and reduce VaW crimes.

Milestone activities and verifiable deliverables

- Supreme court designs the organizational structure of special courts for VaW crimes in the 12 provinces based on the law.
- The courts will hold 13 awareness raising sessions (one session in the center and 1 session in each of the 12 provinces) with representatives of AIBA, women rights networks, women rights advocacy organizations, MoWA and AIHRC with a purpose to communicate the mandate of the courts. These organizations will then be encouraged to provide awareness to citizens with the intention of achieving the following: increase the women’s knowledge of the existence of the special courts and their mandate and procedures and how women can file their cases to these courts.
- Establishing special courts for addressing VaW crimes in 12 provinces”

Start Date: January 2018

End Date: August 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text from the Afghanistan National Action Plan see:

<https://www.opengovpartnership.org/commitment/03-courts-address-violence-against-women>

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 3. Overall | | ✓ | ✓ | ✓ | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

The objective of this commitment is to establish Violence Against Women Special Courts in 12 provinces. Prior to the commitment, only 15 provinces, out of 34, have had such courts.

Violence against women (VaW) constitutes one of the most serious human rights challenges in Afghanistan. It is practiced in many forms, the most prevalent of which are physical, verbal, sexual, psychosocial and economic.¹ According to Afghanistan Independent Human Rights Commission, in 2017-2018, 4,340 cases of VaW were registered across the country, which shows a twofold increase in reporting cases of VaW in comparison to the year before.² The report further notes that VaW in Afghanistan is a “social phenomenon with deep root in the culture and tradition of society.”³ Considering this reality for women in Afghanistan, many donor countries have conditioned their financial support to Afghanistan on the development of projects to combat VaW, and have since the fall of the Taliban in 2001 continuously asked the Afghan government to seriously address women’s issues.⁴ As part of the government’s efforts to do so, the government promulgated a law on the Elimination of Violence Against Women (EVAW law) by a Presidential decree in 2009.⁵ However, the Afghan Parliament never ratified the law due to presence of many conservative members who considered some elements of the law “un-Islamic” and out of line with Afghan norms.⁶ Due to pressure from various women’s rights CSOs and the international community, the government acted outside of parliament to begin implementing several provisions of the law. As part of these efforts, Afghanistan established special courts in 15 provinces, which have better security conditions and infrastructure, to address violence against women (VaW). In the remaining 19 provinces, violence against women is addressed through the Criminal Department (Dewan-e Jaza), which limits women’s access to justice due to prevalence of corruption, abuse of power, lack of professionalism, and cultural and family pressure.⁷

This commitment stipulates that the Supreme Court will design and establish 12 additional special courts in 12 provinces (with women judges) to address VaW crimes, with CSOs spearheading related awareness-raising campaigns. Both the government official and CSO representative, interviewed for this commitment, stated that more women are willing to bring their cases to the special courts instead of referring them to the Dewan-e Jaza, a division within the criminal justice department.⁸ The CSO representative, however, noted that such access has clearly augmented in Kabul and a few other major cities, but in most provinces women still prefer to resolve their cases through traditional systems rather than referring to courts. This is mainly due to the cultural *Nang* and *Ghairat* issues, which can correspond to traditional customs around oneself and one’s family’s honor. She highlighted the challenge that many women are unaware of the existence of such courts and their mandates, thus emphasizing the important role of public awareness-raising campaigns, which is one of the central activities of the commitment.⁹ The government representative acknowledged the vital role that CSOs, especially women’s groups, have played and need to continue to play in this initiative.

The commitment has relevance to civic participation because CSOs are involved in awareness raising campaigns. The commitment can be considered relevant for access to information by broadening women’s access to information on the court system and the overall women’s rights agenda.

The commitment as written is specific enough to verify its completion. However, stakeholders interviewed by the IRM Researcher raised a number of challenges and concerns that could affect its implementation. First and foremost is weak security in certain provinces, which stakeholders have argued makes the establishment of the VaW courts very slow, if not outright impossible. Given that one of the objectives of the special courts is to hire women judges, stakeholders pointed out that woman judges should be trained in Kabul and dispatched to the provinces. However, due to security challenges in the provinces, especially for women, many women may decide to opt out upon completion of their training and remain in Kabul instead. The CSO representative also highlighted the challenges that women judges will face in an extremely patriarchal and conservative society that has not traditionally viewed it as appropriate to have women serving as judges.¹⁰

The IRM Researcher considers the potential impact of this commitment to be moderate if implemented as designed. Currently, there are 15 VaW courts in place (out of 34 provinces), which

covers less than 50% of provinces. The additional 12 VaW courts will bring this number to a total of 27 provinces, which covers roughly 80% of the provinces.

In a latest report, the Afghan Supreme Court announced that in three years, 7246 cases of VaW have been examined, which they consider to be an achievement linked to the establishment of the special VaW courts.¹¹ Nevertheless, according to a BBC report, people in one third of districts (142 out of 400 districts) in Afghanistan do not have access to any court, let alone VaW courts.¹² This means, in the best case scenario only women in the main cities will have access to the VaW courts. Coverage and accessibility therefore constitute another important challenge for this commitment to have more potential impact.

Next steps

Given the prevalence of violence against women in Afghanistan, The IRM Researcher suggests that this commitment should be implemented fully and its continuation be ensured by prioritizing it for inclusion again in the next action plan. The stakeholders interviewed by the IRM Researcher suggested a series of actions and recommendations for the implementation of this commitment. These include:

- A future action plan could aim to significantly increase coverage and accessibility of VaW courts. Where possible, prioritize inclusion of districts that do not have access to any court.
- Donor countries or entities could consider the specific needs on the ground, considering the existing realities (including cultural practices) as opposed to realizing their objectives independent of the local context. The government representative highlighted this challenge with the donor community, particularly in relation to the importance of building women-only residences for female judges.¹³ In his view, the donor community did not see this as a priority, whereas in the government representative's view (and those of the CSO representatives as well), this is a pre-condition for the VaW courts to function successfully.¹⁴
- The Afghan government, donor communities and CSOs could proactively take steps to enhance connectivity in order to expedite communications with VaW courts in provinces. As it is, sometimes it may take up to two months for a simple communication between Kabul courts and those in the provinces.¹⁵ This system can facilitate and expedite communication between VaW courts and the Supreme Court in Kabul and VaW courts in other provinces who may be in need of consultation and guidance, particularly at the initial stages of their establishment.

¹ AIHRC (2017-2018). Summary of the Report on Violence Against Women: The causes, context, and situation of violence against women in Afghanistan. Retrieved on 23 January, 2019 from <https://www.aihrc.org.af/media/files/Research%20Reports/Summerry%20report-VAW-2017.pdf>

² Ibid.

³ Ibid, p. 4.

⁴ At the 2016 Brussels' donor conference on Afghanistan, women's empowerment played an important role for the donor community to continue their support. For more information, see: https://www.euopanu.nl/id/vk81pvtcwbu3/nieuws/brussels_conference_on_afghanistan?ctx=vgaxlcr0dzr&s0e=vhdubxdwg1ZW

⁵ Islamic Republic of Afghanistan, Ministry of Justice. (2009). Elimination of Violence Against Women. Retrieved on 19 November 18, from: http://moj.gov.af/content/files/OfficialGazette/0901/OG_0989.pdf

⁶ Roehrs, Christine and Kouvo, Sari (16 May 2013). On a Knife's Edge: The looming parliamentary debate about the Elimination of Violence against Women Law. Afghanistan Analyst Network. Retrieved on 19 November 18, from: <http://www.afghanistan-analysts.org/on-a-knifes-edge-the-looming-parliamentary-debate-about-the-elimination-of-violence-against-women-law/>

⁷ UNAMA (April 2015). Justice through the Eyes of Afghan Women: Cases of Violence against Women Addressed through Mediation and Court Adjudication. Retrieved on January 23, 2019, from https://unama.unmissions.org/sites/default/files/unama_ohchr_justice_through_eyes_of_afghan_women_-15_april_2015.pdf

⁸ Personal interview, Director of Policy and Planning, Supreme Court, 23 October 2018, Kabul.

⁹ Personal interview, Head of Advocacy, Afghan Women Network, 28 October 2018, Kabul.

¹¹ Daily 8AM (6 March 2019). Supreme Court: More than 7000 cases of VaW have been examined. Retrieved March 6, 2019, from https://8am.af/supreme-court-more-than-7000-cases-of-violence-against-women-have-been-raised/?fbclid=IwARlitGMYKMzPURvD-ixSwEfO9clsFbjD9OB8mqllK80zvBU5WeUdgzoR_H4

¹² Hussaini, A. (23 February 2019). BBC investigation: Courts do not exist in one third of Afghan districts. Retrieved February 26, 2019, from <http://www.bbc.com/persian/afghanistan-47089204>

¹³ Personal interview, Director of Policy and Planning, Supreme Court, 23 October 2018, Kabul.

¹⁴ Such residential have never been built before, which the government official considers as one of the reasons for the slow pace of the VaW courts function. (Communicated via e-mail to the IRM researcher by the director of policy and planning at the Supreme Court, 25 January 2019).

¹⁵ The UN E-Government knowledgebase ranks Afghanistan 177 out of 193 on the E-Governance Index and 145 out of 193 on the E-Participation index. Please see: UN E-Government Knowledgebase. (2018). Retrieved November 8, 2018, from <https://publicadministration.un.org/egovkb/en-us/Data/Country-Information/id/1-Afghanistan>

4. Developing Public-Police Partnership Councils

Language of the commitment as it appears in the action plan:

“In the present situation of the country, there is growing gap and mistrust between police and the public. People have limited collaboration with police in provision of security, public order and law enforcement, owing to lack of structures that can facilitate public-police partnership and police accountability.

In order to address this challenge, Mol has established and operationalized 23 public-police partnership councils in 23 provinces of the country, which has increased public engagement in provision of security and public order, thereby decreasing gap between police and the public.

Based on the lessons learned and as requested by CSO’s during consultative meetings of Open Government Partnership-Afghanistan, Mol decided to expand public-police partnership councils to remaining 11 provinces of the country and operationalize them in these provinces. The functions of these councils in the 11 provinces will be expanded to ensure that the police forces are held accountable by the councils.

Milestone activities and verifiable deliverables

- Establishing general directorates of community-based police (police mardumi) in 11 provinces of Afghanistan (Laghman, Nimroz, Ghor, Nuristan, Badghis, Kunar, Uruzgan, Baghlan, Ghazni, Logar and Paktika)
- Organizing 11 awareness conferences in 11 mentioned provinces, and holding councils’ elections based on the existing electoral procedure
- Holding 11 training programs on behalf of community-based police for the elected members of the councils in the 11 target provinces
- Formulating and organizing monthly sessions for public-police partnership councils on their functions.
- Publicize the minutes of councils monthly sessions via Mol website.”

Start Date: January 2018

End Date: August 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text from the Afghanistan National Action Plan see:

<https://www.opengovpartnership.org/commitment/04-public-police-partnership-councils>

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 4. Overall | | ✓ | ✓ | ✓ | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

Afghanistan has never had a strong and effective civilian police force.¹ Various donors have been involved in the Afghan Police force training, in particular Germany and the United States. Since 2007 the European Union established the EU Police Mission in Afghanistan (EUPOL).² As part of the EUPOL's mission, community policing began in Afghanistan in 2009 with the launch of a cost-free 119 helpline through which the public can notify the police if they observe suspicious activities or otherwise in moments of emergency need.³ Following this initiative, the Ministry of Interior (Mol) established and operationalized 23 public-police partnership councils in 23 provinces, with the aim to engage the public in the provision of security and public order and increase trust between police and the public. The councils are composed of community representatives (sometimes they can also be members of local CSO's) at the district and provincial level as well as the local police.⁴

The objective of this commitment is to expand the Public-Police Partnership Councils to the remaining 11 provinces, where at both provincial and district levels the public are invited to information sessions about the Councils, and elect representatives to those Councils. The suggested 11 councils will be established following the same procedures as the ones before them, and will be joined by several follow-on activities (i.e. training sessions, monthly meetings, and publication of official Council meeting minutes). However, this initiative, introduced initially by the donor communities, continues to remain relatively new in the country.⁵

This commitment corresponds to the OGP value of civic participation because the public is invited to directly partner with the police in an effort to increase trust between them and to enhance public security. The public will have a chance to voice their concerns, collaborate with the police and be consulted. The commitment is also relevant to the OGP value of access to information because it aims to publish the Councils' meetings' minutes on the Mol website.

The activities specified under this commitment are all concrete and verifiable, despite some limitations. For example, the commitment is vague as to who comprises the targeted population for the awareness raising conferences and whether the government will organize these conferences alone or in collaboration with local CSOs.

The potential impact of this commitment—which would expand the number of provinces with public-police partnerships by roughly one-third is minor. In Afghanistan there is little collaboration between citizens and the police in provision of security, public order and law enforcement, owing to lack of structures that can facilitate public-police partnership and police accountability.⁶ The government representative interviewed by the IRM Researcher expressed that despite numerous challenges, on many occasions the public have been helpful in notifying the police about suspicious activities.⁷ It thus may lead to better collaboration between the public and the police. However, there is no evidence beyond anecdotal validation to establish a direct correlation between the two.

Next steps

The IRM Researcher suggests that this commitment be carried on to the next action plan. To this end, the IRM Researcher recommends the following:

- Civil society partner organizations could undertake a research project to demonstrate the impact of the already established public-police partnership councils, and to identify its challenges and ways forward. The next OGP action plan could benefit from the findings of such research by incorporating lessons learned.
- Afghanistan has a police law in four chapters and 34 articles, published in 2005. This law does not mention the concept of community police or specify a role for CSOs.⁸ The next action plan could consider an amendment to the law based on new practices. Doing so will legally cement the community policing practices described under the current commitment.
- Mol has already an advisory board where it includes a number of CSO representatives, media and a human rights commissioner.⁹ They could take more concrete steps to also include and link up with local CSOs in provinces who are engaged in the public-police partnership councils. As an example, representatives from provinces can be invited to some

of the OGP-A meetings related to this commitment where they will have an opportunity to express their concerns and views first hand with the OGP-A.

- Relatedly, there is need for more training and awareness among public officials and civil society on the notion and practice of community policing, as it is still considered a novelty, especially in the new territories where they will be established.¹⁰ IRM Researcher suggests that training sessions be organized by experts for public officials and CSOs, combined with exposure trips to observe good practices in other countries.

¹ Wilder, A. (2007). Cops or Robbers? The Struggle to Reform the Afghan National Police (Issues Paper Series). AREU, Kabul. Retrieved November 21, 2018, from <https://areu.org.af/wp-content/uploads/2007/01/717E-Cops-or-Robbers-IP-print.pdf>

² Suroush, Q. (2018). Assessing EUPOL Impact on Afghan Police Reform (2007-2016) (EUNPACK Working Paper). AREU, Kabul. Retrieved November 21, 2018, from <https://areu.org.af/wp-content/uploads/2018/05/1807E-Assessing-EUPOL-Impact-on-Afghan-Police-Reform-2007-2016.pdf>

³ Personal interview, Director of Policy and Planning, Ministry of Interior, 26 November 2018, Kabul.

⁴ Personal interview, Director of Policy and Planning, Ministry of Interior, 26 November 2018, Kabul.

⁵ Ibid.

⁶ National Action Plan, Open Government Partnership Afghanistan (OGPA), 2018-2019. Accessed on January 22, 2019, from https://www.opengovpartnership.org/sites/default/files/Afghanistan_Action-Plan_2017-2019_EN_UPDATED.pdf

⁷ Personal interview, Director of Policy and Planning, Ministry of Interior, 26 November 2018, Kabul.

⁸ IRoA Ministry of Justice. (2005). The Police Law. http://moi.gov.af/Content/files/PoliceLawOG_0862.pdf

⁹ IRoA, Ministry of Interior. (n.d). Names and Resumes of the Mol's Advisory Board Members. Retrieved November 21, 2018 from <http://moi.gov.af/fa/page/5718/9138>

¹⁰ Personal interview, Director of Policy and Planning, Ministry of Interior, 26 November 2018, Kabul.

5. Registering, Publishing and Reviewing Assets of 100 High-ranking Government Officials

Language of the commitment as it appears in the action plan:

“Based on article 154 of Afghanistan’s Constitution and article 12 of the Law on Overseeing Implementation of Anti-Administrative Corruption Strategy, the HOOAC is obliged to register and publish assets of high- ranking officials. However, a number of officials have not completed their asset declaration forms for registration and publishing.

Incomplete registration process and lack of timely declaration and publication of officials’ assets undermines performance of the government, adversely affects access to information and paves the grounds for administrative corruption.

During a consultative meeting with Open Government Partnership- Afghanistan Forum, HOOAC is committed to registering, publishing and reviewing assets of 100 high-ranking officials who have never registered their assets, who have not followed the annual requirements of updating their registered assets, who have not provided adequate information regarding their assets, and those who lack cooperation in the follow up assessment of their registered assets.

Milestone activities and verifiable deliverables

- Prepare a list of high-ranking officials whose assets are subject to registration and publication
- Prioritize registration of 100 officials’ assets together with CSO’s and publicize the list of 100 high-ranking officials via HOOAC website and media.
- Sending the assets forms to 100 high-ranking officials for completion and collection
- Publishing the registered assets of each of the 100 high-ranking officials as completed by HOOAC who will disseminate it on their website.
- Establishing a mechanism for CSO’s’ monitoring of the asset reviewing process jointly designed by HOOAC and CSO’s. This mechanism will ensure the CSO’s engagement in the asset reviewing process.
- Completing the reviewing of 100 officials’ assets with monitoring of CSO’s based on above established mechanism. A summary of the completed review within the scope of laws will be prepared, published and disseminated jointly by HOOAC and CSO’s.
- Holding 5 public awareness raising campaigns which include but is not limited to CSO’s, media, academic institutions and youth organizations on how to access HOOAC findings.”

Start Date: January 2018

End Date: August 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text from the Afghanistan National Action Plan see:

<https://www.opengovpartnership.org/commitment/05-registering-assets-of-government-officials>

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|---|-------------|---------|-------------|---|-------------------------|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 5. Overall | | ✓ | ✓ | ✓ | | | | ✓ | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | | |

Context and Objectives

The aim of this commitment is to register, review and publish assets of 100 high-ranking government officials who have not previously registered their assets according to the annual asset declaration requirement.

Despite the existence of the law on asset registration, a number of high-ranking government officials have still not declared their assets.¹ As highlighted in the OGP-A Action Plan, this can adversely affect citizens’ access to information and pave the grounds for administrative corruption. The High Office of Oversight and Anti-Corruption (HOOAC) has been engaged in the last decade in efforts to raise public awareness of and register public officials’ assets. Nevertheless, the process proceeded slowly due to the lack of political will.² Over the past nine years, the HOOAC registered 9,000 cases of individual asset declarations by high-ranking officials.³ By contrast, during an initial six-month period under the National Unity Government after enactment of the law, the HOOAC registered 14,000 cases of individuals subject to declare assets, owing to the strong support by President Ghani as well as pressure by the donor community, such as the World Bank.⁴ Since early 2018, the HOOAC has ceased to exist as an independent public body and has instead been merged with the Attorney General’s Office (AGO). As such, the asset registration mandate has fallen under a new directorate of Public Officials’ Assets’ Registration and Verification since February 2018. This change has not been reflected in the action plan.

Afghanistan ratified and published the law on Registration and Dissemination of Assets of Public Officials in 3 chapters and 16 Articles in 2017. Apart from governing the registration and record of assets, the law aims to identify those who misuse their official position for personal gain and to prevent corruption. Article 4 concerns the establishment of the implementing agency, which is the Directorate on Public Officials’ Assets’ Registration and Verification (the Directorate) located within the Administrative Office of the President (AOP). The law obliges all public officials, especially those in higher ranks such as ministers, deputy ministers, and Parliament Members, to register their properties and those of their close relatives (e.g. father, mother, wife/husband and children) each fiscal year.⁵

This commitment is relevant to the OGP value of access to information because the public will have the opportunity to access information on high-ranking government officials’ registered assets. The commitment is also relevant for civic participation because it purports to give CSO’s the opportunity to monitor the Directorate’s activities in the process of reviewing assets. Although both public officials and CSOs interviewed for this report raised this aspect as one of the tension points. While CSOs flagged out their willingness to be more involved throughout the process,⁶ the government official stated that due to confidentiality and sensitivity of the issue, they cannot share information with CSOs and the public until the verification cycle is complete.⁷

The commitment is largely verifiable, although the milestone discussing the mechanism of collaboration between the government and CSOs is not clear. Considering that the participation of

CSOs in this process is a crucial component, further clarity is needed on the role of CSOs for a successful completion of this commitment.

The IRM researcher considers the potential impact of this commitment to be moderate as it would result in the public declaration of assets held by many high-ranking officials who had before continuously resisted to do so.⁸ Although asset registration of 100 individuals may seem a small number, considering the criteria established by the commitment it could actually set an important precedent for transparency. The lack of a compliance and/or verification mechanism should the declaration forms not be submitted limits the potential impact of the commitment from being transformative; the commitment does not address the reasons for which asset registration is not followed as prescribed by the law.

In addition, with the formation of the new Directorate and under the current commitment, asset registration of public officials has gained serious traction. It is important to note, that although the potential of the commitment is moderate, the impact of its results will depend on the ability of the government to enforce verification or successfully address any refusal from the 100 selected high-ranking officials to submit their asset declaration form.

Next steps

The IRM Researcher suggests the continuation of commitment to the next action plan. Depending on how the commitment is implemented, the next action plan could extend to register assets of a larger number of public officials and incorporate further elements:

- The next action plan could more clearly define the procedure for engaging the CSOs in the process of verification of asset declarations. This exercise requires confidentiality on the government side that is in charge of collecting information on individuals' assets. A procedure is therefore warranted whereby the government can specify the degree to which CSOs can have access to such information, at what phase they can intervene, under what exact conditions, and so on. The lack of clarity on the CSOs' role, on the one hand, and government's inability to share sensitive information related to this commitment, on the other, was raised as a point of tension by both stakeholders interviewed by the IRM researcher.⁹
- Specific security measures could be considered for the individuals who engage in this exercise, both for government officials and civil society representatives. According to the government official who was interviewed by the IRM researcher, threats exist for those implementing this commitment, but there are no security measures to safeguard them.¹⁰ At the very least, they should be given an emergency functional contact number.
- The next action plan could envisage a clear public accountability mechanism whereby action can be taken to sanction or address cases of failure to submit asset declarations. In addition to creating an accessible channel or platform where citizens could more effectively monitor the asset declaration process. As an example, the AOP could establish a portal where citizens can interact directly with Directorate officials to report cases of potentially suspicious asset possessions.

¹ National Action Plan, Open Government Partnership Afghanistan (OGPA), 2018-2019. Accessed on January 22, 2019, from https://www.opengovpartnership.org/sites/default/files/Afghanistan_Action-Plan_2017-2019_EN_UPDATED.pdf

² Personal interview, Expert, the Directorate on Public Officials Assets Registration and Verification, 22 October 2018, Kabul.

³ Ibid.

⁴ Ibid.

⁵ IGoA, Ministry of Justice. (2017). Law on Registration and Dissemination of Assets of Public Officials. Retrieved November 22, 2018, from <http://law.acku.edu.af/fa/download/file/fa/22871/75026>

⁶ Skype (follow up) interview, Director, Afghanistan Democracy and Development Organization, 4 November 2018, Kabul and Italy; Skype (follow up) interview, Director of Advocacy and Communication, Integrity Watch Afghanistan, 13 December 2018, Kabul and Italy.

⁷ Personal interview, Expert, the Directorate on Public Officials Assets Registration and Verification, 22 October 2018, Kabul.

⁸ Ibid.

⁹ Personal interview, Expert, the Directorate on Public Officials Assets Registration and Verification, 22 October 2018, Kabul; Skype (follow up) interview, Director, Afghanistan Democracy and Development Organization, 4 November 2018, Kabul and Italy; Skype (follow up) interview, Director of Advocacy and Communication, Integrity Watch Afghanistan, 13 December 2018, Kabul and Italy.

¹⁰ Personal interview, Expert, the Directorate on Public Officials Assets Registration and Verification, 22 October 2018, Kabul.

6. Developing and Implementing a Scheme for Establishing Health Service Accreditation Entity in Afghanistan

Language of the commitment as it appears in the action plan:

“Recent reports show that there is limited access to tertiary health services, while citizens complain about deterioration in service delivery standards and inappropriate attitude of health staff. This situation has declined level of trust between health service providers and their beneficiaries, which, in turn, increases the number of persons who travel to neighboring countries for treatment.

Given the abovementioned challenges, Ministry of Public Health of Islamic Republic of Afghanistan committed, during consultative meetings of OGP, to develop the health centers accreditation scheme in partnership with relevant CSO’s. MoPH will establish Health Service Accreditation Entity based on this scheme. It is expected that development of this scheme and consequent establishment of the accreditation entity lead to increased access to tertiary health services in Afghanistan. This will, in turn, increase public trust with health service providers and decrease number of individuals who ought to travel to neighboring countries for treatment.

Milestone activities and verifiable deliverables

- Draft Health Service Accreditation Scheme which should include the criteria for evaluation of health service providers, fundamental health service standards and civil society monitoring mechanism of the scheme. The Health Service Accreditation Scheme will be made accessible to the public via ministry of public health website.
- Organize two consultative sessions with relevant civil society organizations to finalize Health Service Accreditation Scheme.
- Present the scheme for approval to the cabinet.
- Establish Health Service Accreditation Entity in Afghanistan. This entity will be mandated to evaluate the health service providers based on established criteria and rank them in terms of their quality of services and professionalism as well as make the ranking list available to the public.
- Register and accredit 20 health centers in the country based on the Health Service Accreditation Scheme.
- Deliver 20 training courses to the staff of registered centers with Health Service Accreditation Entity.
- The Health Service Accreditation Entity will publish and disseminate 10000 pamphlets on the fundamental health service standards to the public.
- Initiate a survey to assess beneficiaries level of satisfaction with services of health providers and publish the ranking list of the health centers.”

Start Date: January 2018

End Date: August 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text from the Afghanistan National Action Plan see:

<https://www.opengovpartnership.org/commitment/06-scheme-establishing-health-service-accreditation-entity>

| | | | | | |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|
| Commitment Overview | Verifiability | OGP Value Relevance (as written) | Potential Impact | Completion | Did It Open Government? |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|

| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
|------------|--------------------------------------|----------------------------------|-----------------------|---------------------|-----------------------|---|------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| 6. Overall | | ✓ | ✓ | ✓ | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

In collaboration with the non-governmental organizations that work in the health sector, the Ministry of Public Health (MoPH) plans to develop and implement a Scheme for Establishing Health Service Accreditation Entity in Afghanistan (the Entity), which has never before existed.

One of the main challenges in the health sector is the low level of trust citizens have on tertiary health service providers. Often mistaken diagnoses and wrong prescriptions have led citizens to not rely on these service providers.¹ As a result, many citizens opt to seek medical treatment in neighboring countries, particularly in India, which has turned into a hub for Afghan patients.² Like other public services in Afghanistan, MoPH started to rebuild the public health system in 2002. With support from international donors and NGOs, health services and indicators have substantially improved over the years, particularly in the area of maternal mortality and child health. As an example, in 2002, there were only 400 midwives in comparison to the 8000 that exist today. Likewise, there are 3,150 health service facilities in comparison to 300 in 2002.³ Nevertheless, the quality of health care in Afghanistan continues to lag behind other countries in the region.⁴ In 2015, MoPH published a five-year National Health Policy (2015-2020) taking into consideration the inauguration of the NUG and ongoing conflict in the country.⁵

The Entity will be developed as an independent and professional body, which will be certified by a reputable international organization in order to provide additional legitimacy to its functions in Afghanistan. The Entity will be composed of 12 individuals, half of which will represent non-governmental entities active in health sector.⁶ It will develop a set of qualitative and quantitative criteria based on which they can assess and accredit health facilities (after providing them with 3-6 months of training on international best practices.)⁷ The civil society representative considers this commitment an important step in improving and validating health services and standardizing medical practices, if implemented as planned.⁸

The ranking information will be made available to the public via the website of the MoPH, websites of other NGOs involved in the process as well as through media, supplemented with related dissemination activities and surveys. As such, this commitment is relevant to the OGP value of access to information. The commitment is relevant also to civic participation because of the role of CSOs and NGOs who are active in health care in developing the standard.

The milestones and activities of this commitment are overall specific enough to verify its completion. The main missing information, however, is a lack of clarity about the coverage. For example, the commitment does not specify if the 20 selected providers that would benefit from training and satisfaction surveys courses would be limited to those in the city of Kabul. The commitment also does not specify how the government will choose and target beneficiaries and the indicators that will be used by the survey to determine user satisfaction, and therefore ranking. The IRM Researcher considers the potential impact of this commitment to be minor in that it is a positive step towards improving quality of services delivered by health providers. However, it falls short to address other challenges that impact quality of health service providers. For example, the commitment does not fully address issues of quality and training of medical staff beyond the accreditation process. In addition, a civil society representative interviewed by the IRM researcher raised concern about the

prevailing level of corruption in Afghanistan, as a serious impediment to this commitment. He expressed the risk of counterfeit documents or bribery from the side of health services (particularly the private sector) in order to gain accreditation by the Entity. He went as far as stating his apprehension that the Entity itself may become yet another center of corruption, particularly in the health sector where corruption has always been a serious issue.⁹ In his view, the only solution ensuring Entity's transparency rests in the involvement of CSOs in the Entity's leaderships as well as throughout the process of its operations of evaluating health service providers.¹⁰ The next action plan could have a provision where it states clearly the legal consequences for acts of corruption concerning this commitment. The government official interviewed by the IRM Researcher also stated the illegal role some powerful people may play in establishing non-standardized health facilities. A legal provision may serve as a deterrent step to acts of this nature.¹¹

Next steps

In the next action plan, the IRM Researcher suggests the government and CSO's should undertake the following actions:

- The government could aim to include a public accountability component. For example, the government could establish a mechanism within the Entity through which citizens can express their dissatisfaction about health service providers who have been accredited by the Entity or more generally with legal consequences for failure to comply.
- To address the underlying trust deficit between the public and health service providers, trainings could be held for the latter on the accreditation criteria and the requirements for meeting them to ensure provision of quality care.
- To further increase transparency, the Entity could oblige health service providers to make health care information about themselves and their services (i.e. registered documentations showing their eligibility to practice, staff qualifications, product information and so on) publicly available via their websites or other means.
- CSOs' involvement could benefit from going beyond those that are professional NGOs or institutions in the health sector. The commitment could benefit by involving at least one CSO with experience in the area of corruption and another with experience in the area of public outreach. CSO involvement should be in the Entity leadership and across its operations.
- The next action plan would benefit from more clearly specifying the commitment's scope in terms of targeted areas and population, and the specific measures used to determine satisfaction levels by the public.
- Finally, the commitment would benefit from requiring the Entity to publish an annual report listing all its findings, including a baseline health service provider satisfaction survey, the accredited health services, their rankings, the result of public surveys, and all other relevant information.

¹ Personal interview, Director of Policy and Planning, Ministry of Public Health, 23 October 2018, Kabul.

² Ibid.

³ Rahimzai, M., et al. (2014). Engaging frontline health providers in improving the quality of health care using facility-based improvement collaboratives in Afghanistan: case study. *Journal of Conflict and Health*, 8(1), 8-21. Retrieved October 7, 2018, from <https://conflictandhealth.biomedcentral.com/articles/10.1186/1752-1505-8-21>

⁴ Ibid.

⁵ IRoA, Ministry of Public Health. (2015). National Health Policy (2015-2020). Retrieved October 7, 2018, from <http://moph.gov.af/Content/files/National%20health%20policy%202015-2020.pdf>

⁶ Personal interview, Director of Policy and Planning, Ministry of Public Health, 23 October 2018, Kabul.

⁷ Ibid

⁸ Skype (follow up) interview, Director, Afghanistan Democracy and Development Organization, 14 March 2019, Kabul and Italy

⁹ Skype (follow up) interview, Director, Afghanistan Democracy and Development Organization, 14 March 2019, Kabul and Italy

¹⁰ Ibid.

¹¹ Personal interview, Director of Policy and Planning, Ministry of Public Health, 23 October 2018, Kabul.

7. Developing Urban Improvement and Rehabilitation National Policy

Language of the commitment as it appears in the action plan:

“Lack of public service delivery in informal and unplanned urban areas has led to increased vulnerability of citizens; their denial to basic rights; heightened urban poverty; lack of infrastructure; lapse in social status; formation of social identity crisis; and increased environmental risks, and incurred staggering expenditures on the government, urban administration and broader society.

In order to address the abovementioned challenges, Ministry of Urban Development and Housing (MUDH) decided to develop and approve national urban improvement and rehabilitation policy in consultation with social and civic organizations.

It is expected that development of this policy will provide grounds for recognizing unplanned areas by the government in collaboration with the public. Under this policy, measures will be taken to prevent the growth of unplanned areas, given the factors that are contributing to this growth. This will restore basic rights of citizens and reduce their vulnerability. In addition, development of this policy will pave the grounds for investment and job generation for residents of informal, unplanned areas.

Milestone activities and verifiable deliverables

- MUDH prepares the draft Urban Improvement and Rehabilitation National Policy
- MUDH holds a consultative meeting with the social and civic organizations to attain their inputs on the draft urban improvement and rehabilitation national policy.
- MUDH holds two inter-ministerial consultative meetings to attain their inputs on the draft urban improvement and rehabilitation national policy.
- MUDH incorporates the comments and recommendations obtained from the consultations with the public sector and the social and civic organizations in developing final version of the policy and submit it to High Council for Urban Development for the approval.
- MUDH drafts an action plan for the implementation of the policy
- MUDH holds 2 consultative meetings with public sector departments and social and civic organizations on the draft action plan.
- MUDH incorporates the comments and recommendations obtained from the consultations with the public sector and the social and civic organizations in preparing the final version of the action plan.”

Start Date: January 2018

End Date: August 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text from the Afghanistan National Action Plan see:

<https://www.opengovpartnership.org/commitment/07-urban-improvement-national-policy>

| Commitment Overview | Verifiability | OGP Value Relevance (as written) | Potential Impact | Completion | Did It Open Government? |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|

| | | | | | | | | | | | | | | | | | | | |
|------------|--------------------------------------|----------------------------------|-----------------------|---------------------|-----------------------|---|------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 7. Overall | | ✓ | ✓ | | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

The aim of this commitment is to develop a National Urban and Rehabilitation Policy with the objective to provide and improve public services to citizens in informal and unplanned urban settlements.

Lack of public service delivery in informal and unplanned urban areas has denied citizens of their basic rights, has increased the social status gap and has further entrenched ethnic, religious and other differences in an already divisive society.¹

Following the fall of the Taliban regime, a number of critical developments occurred in relation to land and urban development in major cities in Afghanistan, particularly Kabul, posing significant challenge for future urban planning efforts. First and foremost, between 2002 and 2013 close to five million Afghans repatriated to their country, mainly from Pakistan and Iran, assuming that war was over and they could settle back in their homeland.² However, following decades of war and continuous challenges, the government of Afghanistan was not fully prepared to provide its citizens with adequate access to land and property given the size of the returning population. As an example, the city of Kabul was built for 1.5 million people. Its current population, however, is estimated at six million.³ Secondly, under the Karzai administration, land grabbing by the powerful warlords and some government officials became a scourge, with illegal construction sites and *shahraks* (little cities) emerging throughout the country.⁴ Thirdly, due to continuous fighting and insurgents' attacks in other provinces, particularly in the Southern region, many Afghans had to migrate to major urban areas as Internally Displaced Persons (IDPs).⁵ All three of the above developments occurred simultaneously, substantially straining the government's ability to respond to citizens' housing needs. Under such circumstances, many residents felt compelled to provide shelter for themselves. As a result, 70% of urban centers in Afghanistan constitute informal settlements,⁶ which refer to the "areas where people grabbed government and public land and sold it to others or build their houses without seeking official permission."⁷ Although the government had already taken some steps through an upgrading program, findings suggest that while prior interventions had led to some physical improvement in the settlements, they could not integrate other key factors such as social, economic and environmental issues.⁸

The Afghan government does not have the capacity to demolish informal settlements, some of which bearing as many as one million inhabitants, and build anew according to the city plan.⁹ Following the development of the National Housing Policy,¹⁰ the Ministry of Urban Development and Housing (MoUDH) committed to formulate the National Urban Upgrading Policy, in consultation with CSO's and citizens, which will be followed by an action plan for the policy's implementation. The aim of this policy is to provide public services such as paved roads, wall restoration, and water supply in informal settlements. Furthermore, the project aims to connect such settlements with public safety and security services (e.g. firemen, police, ambulances, and security forces) as well as access to potable water.¹¹

Broadly, the commitment aims to engage with social and civic organizations in the process of developing and finalizing the draft Urban Improvement and Rehabilitation National Policy. As such, this commitment is relevant for the OGP value of civic participation.

The commitment's proposed activities and milestones are specific enough to verify its completion. The IRM researcher nevertheless considers this commitment as having minor potential impact, as it will only develop a policy and a plan for its implementation. As such, during this OGP-A action plan the commitment has no actual policy implementation component to resolve the current problems faced by residents in informal settlements.

Next steps

The IRM Researcher recommends that this commitment be continued to the next action plan cycle, but with a detailed implementation component, with clear targets and timelines. Specifically:

- Both the government and relevant CSO's could develop an online platform where citizens could monitor implementation of the action plan for the Urban Improvement and Rehabilitation Policy and express their views and concerns on issues related to urban development. This could also serve as one means of informing site selection where the government could subsequently intervene.
- The next action plan could envisage a B-plan for those sites where they may face resistance by land grabbers. They could consider public outreach programs to convey the legal consequences of land-grabbing (as envisaged in the upgraded Afghanistan's Penal Code) and define mechanisms of collaboration with a government body that builds an inventory of land grabbing.
- The next action plan could describe more precisely means and criteria of selecting CSOs for this action.

¹ National Action Plan, Open Government Partnership Afghanistan (OGPA), 2018-2019. Accessed on January 22, 2019, from https://www.opengovpartnership.org/sites/default/files/Afghanistan_Action-Plan_2017-2019_EN_UPDATED.pdf

² UNHCR Afghanistan. (2014, August). VolRep and border monitoring monthly update. United Nations High Commissioner for Refugees. Kabul. Retrieved November 26, 2018 from <https://www.refworld.org/docid/52aaccea4.html>

³ Nazire, H., Kita, M., Okyere, S. A., & Matsubara, S. (2016). Effects of Informal Settlement Upgrading in Kabul City, Afghanistan: A Case Study of Afshar Area. *Current Urban Studies*, Volume 4, Pages 476- 494. Retrieved January 25 January, 2019 from https://file.scirp.org/pdf/CUS_2016122814165116.pdf

⁴ Rostami, A. (2013a, January). Investigative report discloses the names of major land grabbers. *Daily 8am*. Retrieved November 26, 18 from https://8am.af/8am/index.php?option=com_content&view=article&%20id=29458:1391-10-27-01-57-16&catid=1:title&Itemid=553

⁵ BBC Persian. (2015, October). Kunduz fighting displaced 12,000 households. *BBC Farsi*. Retrieved November 26, 2018 from http://www.bbc.com/persian/afghanistan/2015/10/151009_k05_kuduz_operation_to_help_civilian

⁶ Personal interview, Director of Policy and Planning, Ministry of Urban Development and Housing, 24 October 2018, Kabul.

⁷ Nazire, H., Kita, M., Okyere, S. A., & Matsubara, S. (2016). Effects of Informal Settlement Upgrading in Kabul City, Afghanistan: A Case Study of Afshar Area. *Current Urban Studies*, Volume 4, Pages 476- 494. Retrieved January 25 January, 2019 from https://file.scirp.org/pdf/CUS_2016122814165116.pdf

⁸ *ibid*.

⁹ Personal interview, Director of Policy and Planning, Ministry of Urban Development and Housing, 24 October 2018, Kabul.

¹⁰ IRoA, Ministry of Urban Development and Housing and UNHABITAT. (November 2018). *Afghanistan National Housing Policy* (copy made acquired by the IRM Researcher).

¹¹ Personal interview, Director of Policy and Planning, Ministry of Urban Development and Housing, 24 October 2018, Kabul.

8. Developing and Approving a Protection Policy for Women under Conflict and Emergency Situations

Language of the commitment as it appears in the action plan:

“Conflict and emergency situations disproportionately affect women and there is lack of a specific mechanism the related agencies can use to address the issues women face in these situations such, but not limited to, sexual violence, internal displacement, poverty and loss of access to education and health care services, and psychological trauma. Lack of such a mechanism has adversely affected different aspects of women’s well-being. This situation may harm women more than any other social strata by restricting their access to adequate food, safety, health and mental health provisions and services.

In order to reduce vulnerability of women under conflict and emergency situations, MoWA, in collaboration with related ministries, agencies and local governance entities, CSO’s, women’s rights organizations, international partner organizations and other relevant actors will develop a protection policy for women under conflict and emergency situations. After finalization of the policy, it will be submitted for approval to Cabinet.

Milestone activities and verifiable deliverables

- MoWA will establish a committee comprised of related government agencies, women rights organizations, CSO’s and international organizations who will be responsible for drafting the protection policy for women under conflict and emergency situations.
- The committee will draft the protection policy for women under conflict and emergency situations.
- The committee will hold one consultation session in Kabul attended by related government agencies, women rights organizations, and CSO’s from the provinces. Their feedback will be incorporated into a final draft of the protection policy by the committee.
- Approval of the Protection Policy by the Cabinet.
- The committee will prepare and finalize an action plan to facilitate the implementation of the policy.”

Start Date: January 2018

End Date: August 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text from the Afghanistan National Action Plan see:

<https://www.opengovpartnership.org/commitment/08-protection-policy-women-under-conflict-and-emergency-situations>

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major |
| 8. Overall | | ✓ | | ✓ | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | |

Context and Objectives

The main objective of this commitment is to develop and approve a Protection Policy for Women under Conflict and Emergency Situations, with a focus to support to the most vulnerable such as widows, divorced women, and disabled women. This is one of the commitments that was introduced by a non OGP civil society organization called Afghan Women Press Office.¹ The director of the mentioned organization, whom the IRM researcher interviewed, had participated one of the OGP's seven working group sessions where she discussed the need to formulate a policy for women in emergency and conflict situation, linking it to the UN Security Council Resolution 1325 on Women, Peace and Security (2000).²

The situation of women in Afghanistan is considered one of the worst in the world, both in comparison to Afghan men and with women in other countries.³ Existing inequality and institutionalized discrimination is further augmented among women who experience war and/or emergency situations. The Ministry of Women's Affairs (MoWA) notes:

Women in situations of conflict and emergency are disproportionately prone to rape, migration, poverty and unemployment. They become IDPs [internally displaced persons] and lose opportunities to access education and health services. Lack of mechanisms to offer services to women under such circumstances affects various aspects of their lives – access to food, security, and health care services -- distinguishing them more than other groups in the society as a vulnerable population.⁴

Although the Afghan government adopted the National Action Plan for the Women of Afghanistan (NAPWA, 2008-2018) and developed its national Action Plan (NAP 1325) as a separate, additional measure in relation to the United Nations Security Council Resolution 1325 in June 2015,⁵ it has thus far not specifically addressed the problem of women in situations of war and other emergencies, such as earthquake and floods.

To address this lacuna, MoWA in collaboration with other related governmental bodies, CSO's and the international community, aims to adopt a protection policy for women under conflict and emergency situations (the policy), followed by an action plan for its implementation. Although NAP 1325 has laid the foundation for this policy, the policy will devise specific mechanisms based on realities on the ground.

The specific areas the policy wishes to address are provision of: a) physical safety; b) safe shelters; c) psycho-social counseling; and d) legal support. The policy contains coordination among 12 institutions that include ministries, public institutions such as AIHRC and the Afghan Red Cross, international community and CSO's. The policy stipulates each institution's role and responsibility. For example, it states that the Ministry of Interior should allocate and train women staff for this purpose, or assign the Ministry of Justice the responsibility to raise awareness of citizens' rights during situations of conflict and emergencies. The policy calls upon CSO's to monitor the implementation of the policy and collaborate in accessing vulnerable women in various parts of Afghanistan.⁶ This aspect makes the commitment relevant to the OGP value of civic participation.

MoWA has already shared the policy draft, which contains four chapters, with CSO's and other related institutions. The government representatives interviewed for this report stated that the feedback they received from CSO's contributed towards enriching the content of the policy. One such suggestion, as an example, related to protective measures not only during conflict and emergency situations but also those immediately after conflicts or emergencies.⁷ CSO representatives consider this policy as enforcement towards women's protection⁸ and specific mechanisms by which women's protection under conflict and emergency situation can be addressed.⁹

The commitment's activities and milestones are specific enough to verify its completion. To address the vulnerability of women in conflict and emergency situations, the commitment intends to create coordination among various public institutions and CSOs. The commitment also raises awareness among officials in various ministries on women's specific needs in such situations, a topic, which before was not on the government agenda. As written, this commitment has the potential to inform and change mindsets surrounding these issues, particularly among Afghan male public officials. In this regard, the role of CSOs, especially women's groups, is critical as regards to the potential impact of

the commitment, particularly considering that high government officials in Afghanistan are not well familiar with the international women's rights instruments.¹⁰ However, because the commitment as written does not directly aim to implement the policy under the current action plan, it falls short of transformative potential impact. The IRM researcher thus considers the potential impact of this commitment to be moderate.

Next steps

The IRM Researcher suggests that this commitment should be prioritized and carried over to the next action plan, however, with a focus on policy implementation. To make the commitment more ambitious and transformative, the IRM Researcher suggests the following specific actions:

- MoWA in consultation with other partners and importantly CSO's could select certain provinces and zones as its pilot project for the policy's implementation. The IRM Researcher suggests not to exceed 10 provinces. Relatedly, CSO's could develop a mechanism based on which they could carry their monitoring activity as well as awareness-raising campaigns.
- The next action plan should expand the role of CSO's beyond monitoring the policy and facilitating to access vulnerable women. Awareness-raising is an important contribution that CSO's can offer, which should be included in the action plan.
- Both government and CSO's could develop a feedback mechanism where the affected population could express their views, including their specific needs, suggestions and complaints. The government and CSOs could appoint a joint team to assess the feedback they receive from the people and try to incorporate them in developing their future actions and activities.

¹ Personal interview, Director, Afghan Women Press Office, 30 October 2018, Kabul.

² Ibid.

³ IRoA, Ministry of Women's Affairs. (2007). National Action Plan for the Women of Afghanistan (NAPWA) 2007-2017.

Retrieved November 26, 2018, from:

https://www.aidsdatahub.org/sites/default/files/documents/National_Action_Plan_for_the_Women_of_Afghanistan_2007_to_2017.pdf.

⁴ IRoA, Ministry of Women's Affairs (2018). Draft Policy on Women's Protection in Situations of War and Emergency. (handed to the IRM Researcher).

⁵ Islamic Republic of Afghanistan. (2015). Afghanistan's National Action Plan on UNSCR 1325 Women, Peace and Security. Retrieved November 26, 2018, from: [http://mfa.gov.af/Content/files/English%20NAP%206\(1\).pdf](http://mfa.gov.af/Content/files/English%20NAP%206(1).pdf)

⁶ IRoA, Ministry of Women's Affairs.(2018). Draft Policy on Women's Protection in Situations of War and Emergency. (handed to the IRM Researcher).

⁷ Personal interview, Technical Deputy and Policy and Planning expert, Ministry of Women Affairs, 22 October 2018, Kabul.

⁸ Personal interview, Head of Advocacy, Afghan Women Network, 28 October 2018, Kabul.

⁹ Personal Interview, Director, Training Human Rights Association for Women, 29 October 2018, Kabul.

¹⁰ Ibid.

9. Developing and Implementing Civil Society Oversight Plan for Transparency and Quality of Education and Higher Education

Language of the commitment as it appears in the action plan:

“Existing reports and evidence show that service delivery in education and higher education sector does not meet the people’s demand and requirements of the job market. In addition, service delivery in these sectors is poor and low-quality.

In order to address the abovementioned challenges, MoHE and MoE have decided to develop and approve a plan for civil society oversight over transparency and quality of education and higher education, in consultation with Civil Society and other relevant institutions.

The plan will enable the civil society and its stakeholders to monitor how education and higher education related services are delivered. Oversight by civil society will ensure transparency in education and higher education service delivery and improve their quality in Afghanistan.

Milestone activities and verifiable deliverables

- MoE and MoHE establish a National Oversight Committee [NOC] for the Transparency and Quality of Education and Higher Education with specific ToR. The committee will consist of representatives of MoE, MoHE, public and private education institutes, and civil society.
- The NOC will develop a holistic monitoring mechanism that will provide oversight taking the form of community monitoring and student satisfaction survey assessing the quality of teaching in education and higher education institutes.
- NOC establishes 4 subnational monitoring committees in Balk, Herat, Kandahar and Nangarhar. NOC will provide an orientation for the 4 subnational monitoring committees in Kabul.
- Community Monitoring at the level of primary education will be conducted in the capital of five provinces, including Kabul through a sub-national monitoring committee that will be developed based on the holistic monitoring mechanism created by NOC, representing its subnational arm. NOC will be conducting the community monitoring in Kabul itself.
- A student satisfaction survey at the level of higher education in 5 provinces, including Kabul will be conducted by NOC and the sub-national monitoring committees. The findings of the survey will be publicized.
- The findings of community monitoring and student satisfaction survey will be published individually and disseminated by NOC to all relevant stakeholders.”

Start Date: January 2018

End Date: August 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text from the Afghanistan National Action Plan see:

<https://www.opengovpartnership.org/commitment/09-civil-society-monitoring-plan-education-and-higher-education>

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|---|-------------|---------|-------------|---|-------------------------|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 9. Overall | | ✓ | ✓ | ✓ | | | | ✓ | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | | |

Context and Objectives

The aim of this commitment is to establish a National Oversight Committee for Transparency and Quality of Education and Higher Education (NOC) where CSO's will play an important consultative and monitoring role in order to ensure transparency and increase the quality of education and higher education in Afghanistan.

Low quality education in Afghanistan throughout the 12-year school cycle affects both students' entry to higher education institutions as well as access to job markets.¹ Some factors contributing to the low quality of education can be attributed to schools' inability to complete the syllabus and finish textbooks as well as teachers' lack of academic qualification and experience.² According to a survey conducted among students of higher education (computer science) primarily in the province of Herat, 70% of participants responded that their school education had not academically prepared them for an entry to higher education, which in turn would affect their access to job market.³

Arguably, a dramatic jump in quantity, could not translate to the same results in quality. After the fall of the Taliban regime in 2001, 2.3 million children were enrolled in schools. By 2008, the number jumped to 6.2 million, of which 36% were girls.⁴ Likewise, the higher education sector saw a dramatic demand and enrollment increase since 2002. In 2009-2011, the Afghan government had an acceptance capacity for 30,000 students whereas the actual demand was 250,000. Therefore, since 2002, Afghanistan, like its neighboring country Pakistan, became a hub for private education and higher education institutions. Currently, 130 private higher education institutions exist across Afghanistan, of which 24 constitute universities and the rest are colleges and other higher education institutions.⁵ Nevertheless, the expansion of the education sector did not coincide with an equal improvement in education quality. Afghanistan's educational system remains fragile and prone to corruption. In 2014, the Special Inspector General for Afghanistan Reconstruction (SIGAR) reported imaginary enrollments and schools, stating that as much as USD750 million of U.S. financial aid might have been wasted.⁶ The Afghan Ministry of Education (MoE) rejected SIGAR's claim, nevertheless confirming that their reports showed that 524 school buildings were left unfinished, despite the full amount of money having been paid to the construction company.⁷

In order to ensure transparency and increase the quality of education and higher education in Afghanistan, MoE and Ministry of Higher Education (MoHE)⁸ have decided to establish NOC in Kabul, with four sub-national committees in provinces with regional importance and better security and accessibility. Moreover, the commitment aims to develop and implement community monitoring mechanisms and student satisfaction survey.

This commitment is relevant to the OGP value of Civic Participation because of the central role of CSOs in the process and the monitoring committees to be developed. It is also relevant to Access to Information because it entails the component of information dissemination through the publication of the survey findings. Overall, the commitment's activities and milestones are specific enough to be verifiable though some points require more detail (e.g., specifics on the composition

and terms of reference of the National Oversight Committee, how the community monitoring would be standardized).

The IRM Researcher considers the potential impact of this commitment to be moderate, with potential to become transformative in its implementation and in the next OGP-A action plan for continuation if it develops a component with public accountability where citizens, particularly students (i.e., the community that would be monitoring education quality), can convey their complaints and concerns. With respect to the assessment of moderate potential impact, this is the first time CSOs will play an oversight role over the transparency and quality of education and higher education in Afghanistan, speaking to its importance. One CSO representative stated that until now most of the recruitments in the educational sector, such as those of teachers or school principals, have been carried out based on favoritism and nepotism; that they were embittered with corruption and, as CSO's, could no longer accept it.⁹ Through the OGP process, he stated, they could stay connected with the central government and could more easily convey their needs and demands.¹⁰ Another CSO representative remarked that through OGP-A, the participation of CSOs in monitoring educational sector attainment could become more formal.¹¹

Next steps

The IRM Researcher suggests that this commitment should be prioritized and continued in the next action plan. To that end, the IRM Researcher suggests the following:

- It is important to assess whether CSO's have the technical capacity to fulfill their oversight role. Government officials interviewed by the IRM researcher raised this concern.¹² The next action plan could include providing training sessions to CSOs and relevant communities on how to fulfill their prescribed oversight role. As one government official pointed out, CSO's seem to have some experience in the area of education, but little to no experience in higher education.¹³ Best practices from other countries could inform the training sessions.
- The development of any future oversight mechanism/s and or ToRs should be conducted together with CSO's, as opposed to seeking their feedback once mechanisms and ToRs have already been proposed.
- The information collected from community monitoring and surveys would benefit from being made available to the public via the websites of the MoE and MoHE as well as via the websites of CSO's.
- The commitment could benefit from a public accountability component. For example, MoE and MoHE could develop a functional portal on their websites where the public can directly express their concerns, complaints and suggestions. A government and CSO's team could actively respond to the public's comments.

¹ National Action Plan, Open Government Partnership Afghanistan (OGPA), 2018-2019. Accessed on January 22, 2019, from https://www.opengovpartnership.org/sites/default/files/Afghanistan_Action-Plan_2017-2019_EN_UPDATED.pdf

² Sherzad, A.R (April 2017). Education in Afghanistan: Challenges and Suggestions for Improvement. ZiiK-Report Nr. 45. Technische Universität Berlin. Retrieved January 25, 2019, from https://www.researchgate.net/publication/315810717_Education_in_Afghanistan_Challenges_and_Suggestions_for_Improvement/download

³ Ibid.

⁴ IRoA, Ministry of Education. (n.d). National Action Plan Summary. Retrieved November 27, 2018, From <http://moe.gov.af/fa/page/2010>

⁵ Personal interview, Director of Private Higher Education Union, 28 October 2018, Kabul.

⁶ SIGAR (30 April 2014). Quarterly Report to the United States Congress. Retrieved November 27, 2018 from http://psm.du.edu/media/documents/us_research_and_oversight/sigar/us_sigar_quarterly_report_2014_april.pdf

⁷ BBC Persian (15 February 2016). How advanced is Afghanistan's "imaginary schools" puzzle? Retrieved November 27, 2018, from http://www.bbc.com/persian/afghanistan/2016/02/160119_zs_afghan_education_system_problems

⁸ MoE is in charge of all education-related aspects up to twelfth grade, whereas MoHE is in charge of grades above. All private institutions at both levels should obtain permission from one of these ministries for their operation.

⁹ Personal interview, Regional representative of MAJMA, 21 October 2018, Herat.

¹⁰ Personal interview, Regional representative of MAJMA, 21 October 2018, Herat.

¹¹ Personal interview, Director of the Union for Private Universities in the Western Zone, 21 October 2018, Herat.

¹² Personal interview, Director of Policy and Planning, Ministry of Higher Education. 24 October 2018, Kabul; Personal interview, Director of Policy and Planning, Ministry of Education, 24 October 2018, Kabul.

¹³ Personal interview, Director of Policy and Planning, Ministry of Higher Education. 24 October 2018, Kabul

10. Preparing the Plan for the Establishment of a Joint Committee to Oversee the Implementation of the Anti-Corruption Strategy

Language of the commitment as it appears in the action plan:

“The government of the Islamic Republic of Afghanistan has taken initiatives for the purpose of effectively combating corruption and fulfilling its commitments through accession to the United Nations Convention against Corruption as well as enforcement of the Law on Overseeing the Implementation of Anti-Corruption Strategy.

The Islamic Republic of Afghanistan has recently prepared and approved the new Anti-Corruption Strategy. In order to effectively oversee the implementation of the Anti-Corruption Strategy in Afghanistan, it was decided in the Open Government Partnership meetings that a joint committee comprised of the public sector and CSO’s should be established.

The committee is supposed to oversee the implementation of the Anti- Corruption Strategy and provide necessary recommendations for the High Council on Rule of Law and Anti-Corruption. The committee will also track the progress of the implementation of the recommendations given to the High Council and develop a knowledge product for future enrichment of anti-corruption strategies in the country. The tracking of the progress by the committee, will in part, be based on the reports submitted by the implementing agencies on their actions and achievements on the implementation of the Anti-Corruption Strategy.

Milestone activities and verifiable deliverables

- HOOAC prepares the draft plan for the joint committee comprised of state agencies and civil society organizations to oversee the implementation of the Anti-Corruption Strategy.
- HOOAC holds three consultative meetings with CSO’s and relevant public departments to attain their inputs and incorporate it into the final draft plan for the joint committee.
- HOOAC will establish the joint committee based on the approved plan.
- The joint committee will develop an action plan for the oversight of the implementation of the Anti-Corruption Strategy.
- The joint committee will hold monthly meetings and provide necessary reports and recommendations to the High Council on Rule of Law and Anti- Corruption.
- The joint committee will produce one knowledge product that highlights the challenges, existing gaps, lessons learnt and recommendations for informing future anti-corruption strategies.”

Start Date: January 2018

End Date: August 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text from the Afghanistan National Action Plan see:

<https://www.opengovpartnership.org/commitment/10-plan-establishment-of-joint-committee-overseeing-implementation-of-anti-corruption>

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|---|-------------|---------|-------------|---|-------------------------|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 10. Overall | | ✓ | ✓ | | | | | ✓ | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | | |

Context and Objectives

This commitment aims to form a joint committee comprised of state agencies and CSO's to oversee the implementation of the National Anti-Corruption Strategy (2017-2020).

Although the government of Afghanistan has developed a comprehensive Anti-Corruption Strategy in 2017, in comparison to the scale of problems it seeks to address, the likely impact of the strategy could be limited if not administered and monitored vigilantly, particularly given the constrained timeframe.¹ Corruption cuts across various layers of the Afghan society with serious implications on state building, governance and development.² According to Transparency International's Corruption Perception Index, Afghanistan scored 15/100 in 2016-17 compared to 8/100 in 2012. Nonetheless, the country is still ranked 4th from the bottom (out of 177 countries in the list).³ According to a latest report by Integrity Watch Afghanistan, in 2018, 4.5 million Afghans had to bribe authorities in order to be able to proceed with their demands.⁴ The report ranks Afghan judicial and educational institutions as the most corrupt in the country.⁵

The government of Afghanistan ratified and joined the UN Convention Against Corruption on 25 August 2008.⁶ The UN Convention is a legally binding universal anti-corruption instrument which compels countries, following the Convention's ratification, to adopt anti-corruption laws and take steps to ensure its implementation. The NUG took a series of measures to address corruption by ratifying a number of laws, followed by developing related enforcement mechanisms.⁷ The latest such measure was the adoption of the Government's Anti-Corruption Strategy (the Strategy) on 28 September 2017. The Strategy aims to combat corruption around five priority areas, namely political leadership in anti-corruption reforms; ending corruption in the security sector; replacing patronage with merit; prosecuting the corrupt; and tracking money flows.⁸ Furthermore, a presidential decree dated 27 November 2017 established the Special Anti-Corruption Secretariat (the Secretariat), which became operative as of January 2018 after the approval of the National Anti-Corruption Strategy by the High Council for the Rule of Law and Anti-Corruption.⁹ Although at the time of the drafting of the action plan, the HOOAC was responsible for the execution of this commitment, it has since been merged with the Attorney General's Office. Currently, the Secretariat oversees this commitment. This amendment has not been reflected in the OGP-A Action Plan.

This commitment has relevance to the OGP value of civic participation because of the role of CSOs in the joint committee to monitor the implementation of the Anti-Corruption Strategy. The commitment's activities and milestones are verifiable enough to ensure its completion. Nevertheless, it is not clear where the knowledge product will be published and how the public can access it.

The IRM Researcher considers this commitment to be of moderate potential impact, with the possibility to become transformative if compounded with a clear public accountability mechanism and more clearly articulating how the commitment would improve public access to the information regarding implementation of the Anti-Corruption Strategy under a subsequent action plan. Although CSOs have in the past participated in anti-corruption efforts jointly with government,¹⁰ it is the first

time that both entities function under an institutionalized umbrella, with a clear mission and vision. Importantly, several members of the joint committee from the government side, including the current head of the Special Secretariat, have themselves come from a strong civil society background, particularly in the area of anti-corruption.¹¹ The head of Special Secretariat considers this background to be an added value for the commitment, in that it establishes better interaction and understanding between the two entities.¹² A civil society representative also confirmed this perspective, stating the synergy in the meetings between government officials and CSO's, which consequently leads to faster and higher quality actions.¹³

Next steps

The IRM Researcher considers this commitment as a priority to be carried over to the next action plan. In terms of enhancements, the IRM researcher suggests the following issues could be addressed as technical recommendations:

- The core recommendation for the future would be to develop a public accountability mechanism to complement the implementation oversight of the Anti-Corruption Strategy and compel the government to address the committee's and/or public's recommendations and concerns.
- Clearly specify the scope and timeframe for visits to ministries and/or other sites, where a mandate for access to information for civil society may be needed.
- Clearly specify how the knowledge product would be disseminated, and what form the product itself would take. The IRM Researcher suggests that the knowledge product be made available to public on the website of all relevant stakeholders to this commitment, including websites of government bodies and CSOs.

¹ UNAMA. (May 2018). Afghanistan's Fight Against Corruption: From Strategies to Implementation. Retrieved on 7 November 2018, from https://unama.unmissions.org/sites/default/files/afghanistans_fight_against_corruption_from_strategies_to_implementation-14_may_2018.pdf

² Torabi, Y. (July 2012). The growing challenge of corruption in Afghanistan (Occasional paper, No. 15, The Asia Foundation). Retrieved on 23 January, 2019, from <https://asiafoundation.org/resources/pdfs/FNLcorruptionchapterOccasionalPaperJuly30.pdf>

³ Transparency International. (21 February 2018). Corruption Perception Index 2017. Retrieved November 7, 2018 from https://www.transparency.org/news/feature/corruption_perceptions_index_2017

⁴ Daily 8 AM (9 December 2018). Integrity Watch Afghanistan: 4.5 million people have bribed government officials in one year. Retrieved on December 13, 2018 from https://8am.af/transparency-watch-4-5-million-people-have-been-bribed-this-year-by-government-officials/?fbclid=IwAR3ERQ_wO9hpnCw3QWtNli6cyI34PNqM-GfQyp2IPOHVkkTDNEpzzqzjGQ8

⁵ Ibid.

⁶ United Nations General Assembly. (2003). UN Convention Against Corruption. Retrieved November 27, 2018, from <https://www.unodc.org/unodc/en/corruption/ratification-status.html>

⁷ UNAMA (May 2018). Afghanistan's Fight Against Corruption: From Strategies to Implementation. Retrieved November 27, 2018, from https://unama.unmissions.org/sites/default/files/afghanistans_fight_against_corruption_from_strategies_to_implementation-14_may_2018.pdf

⁸ Ibid.

⁹ IRoA, Office of Chief of Staff for the President. (4 April 2018). Special Anti-Corruption Secretariat holds first session with government representatives. Retrieved November 28, 2018, from https://ocs.gov.af/en/news_details/95

¹⁰ Personal interview, Assessment and Evaluation Manager, Special Anti-Corruption Secretariat, 18 October 2018, Kabul.

¹¹ Dr. Yama Torabi, the current Head of the Special Anti-Corruption Secretariat, previously served as the founder and director of Integrity Watch Afghanistan. For further details, please see: <https://asiafoundation.org/resources/pdfs/FNLcorruptionchapterOccasionalPaperJuly30.pdf>

¹² Personal interview, Head of Special Anti-Corruption Secretariat, Office of the President, 18 October 2018, Kabul.

¹³ Skype (follow up) interview, Director, Afghanistan Democracy and Development Organization, 4 November 2018, Kabul and Italy.

II. Evaluation of information units in 60 governmental agencies and its implementation

Language of the commitment as it appears in the action plan:

“According to the reports published by the Monitoring Commission on Access to Information, information units have been established in 60 government agencies at national level in Afghanistan. However, these units are said to be ineffective, as they offer limited access to digital forms of information due to lack of a comprehensive information database, deficient documentations system and prolonged waiting periods to attain requested information.

Therefore, ineffectiveness of the existing information units has led to continued lack of public and media access to information, undermining transparency, accountability and responsiveness in governmental agencies.

In order to address the mentioned challenges MoIC is intended to 1) assess the capacities at these units; 2) formulate a capacity development plan with a purpose to enhance the capacity of these units to deliver their mandate and 3) to implement the capacity development plan in the MoIC and Ministry of Mines and Petroleum, Independent Administrative Reform and Civil Service Commission, and Ministry of Transport as a pilot project.

Milestone activities and verifiable deliverables

- MoIC establishes the Information Units Reform Panel (IURP) consisting of CSO’s who are member of Oversight Commission on Access to Information and MoIC’s employees to develop a plan and tools to inform the methodology of the assessment that will be carried out in the information units.
- IURP carries out the assessment in 60 information units and produces the findings of the report. The findings of assessment will be publicized and made available via MoIC website.
- IURP creates a capacity development program based on the findings of the assessment. The capacity development program will be made available via MoIC website.
- The capacity development program is implemented within the targeted ministries with the technical support of IURP.
- IURP produces a lessons learned report on the implementation of the program in the targeted ministries. The report will be shared with all information units and stakeholders as well as made available via MoIC website.”

Start Date: January 2018

End Date: August 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text from the Afghanistan National Action Plan see:

<https://www.opengovpartnership.org/commitment/II-strengthen-information-mechanism-60-governmental-agencies>

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|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|
| Commitment Overview | Verifiability | OGP Value Relevance (as written) | Potential Impact | Completion | Did It Open Government? |
|---------------------|---------------|----------------------------------|------------------|------------|-------------------------|

| | | | | | | | | | | | | | | | | | | | |
|-------------|--------------------------------------|----------------------------------|-----------------------|---------------------|-----------------------|---|------|-------|----------|----------------|---|---------|-------------|-----------|---|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 11. Overall | | ✓ | ✓ | ✓ | | | | ✓ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

Context and Objectives

This commitment aims to establish the Information Units Reform Panel (IURP) consisting of CSO's and government representatives in order to a) evaluate the capacity of the 60 information units; b) design a capacity development plan; and c) implement the plan as a pilot project in four governmental entities.

Although 60 information units have been established within various governmental agencies, assessments show that they are ineffective. This restrains public and media's access to information, undermines transparency, accountability and responsiveness in governmental agencies.¹

Following Article 50 of the Afghan Constitution and Article 19 of the International Covenant on Civil and Political Rights, Afghanistan passed the Law on Access to Information on 23 December 2014. The law requires all government offices to publish information on contracts, policies, etc., provide information upon request within 10 business days, as well as a mechanism for engaging with the public. Article 16 concerns the establishment of the Monitoring Commission on Access to Information (the Commission), to be composed of 11 members from government, as well as CSOs, the private sector, and political parties. Sub-national Commissions are also intended to be established in provinces.² According to the Law and following the establishment of the Commission, the Ministry of Culture and Information (MoCI), in coordination with the Commission, established 60 information units within various government entities in Kabul province. These information units, however, have been reported to be ineffective due to lack of competence and access to technology. For example, little professional capacity exists as to how to convey information to the public, including media, or how to digitally preserve information. Moreover, much of the work in such information units are still performed on paper.³

Per the commitment text, MoCI will establish an Information Units Reform Panel (IURP), which will consist of members drawn from both government and CSO's. IURP will assess 60 information units, develop a capacity development plan based on findings of the assessment, and implement the capacity development plan in all four targeted ministries as a pilot project for this action plan. The assessment⁴ will look at whether: a) the unit/s actually exist; b) whether they have their own office; c) whether they are equipped with relevant technology such as computers and database programs; d) whether they have a person in charge who can be held accountable; e) whether they have the capacity to implement the law of access to information; and f) do they regularly provide reports.⁵ The four state agencies, which are MoI, Ministry of Mines and Petroleum, Independent Administrative Reform and Civil Service Commission, and Ministry of Transport, have been selected by the monitoring Commission based on: a) limited capacity to administer the law; and b) high demand by people to access information, including vacancy announcements.

This commitment is relevant to the OGP value of civic participation because of the active role CSOs will play in the work of the IURP. Also, it is relevant to access to information because the IURP will publish a report with findings from the assessment of 60 different information units' capacities. Additionally, the capacity development program based on the report's findings will be made available on the MoI website and publicized, as well as a lessons learned report on the implementation of the program will be made available not only to OGP stakeholders but also the public at large. The activities and milestones of the commitment are specific enough to be meaningfully verifiable.

The IRM Researcher considers this commitment of minor potential impact because, as designed, while it will assess the information units of 60 government departments, it will only enhance the capacity of information units in four targeted governmental agencies in comparison to the 60 information units, which is a minor internal improvement that does not go beyond capacity building. The commitment could have a transformative potential impact if the range of government entities subject to the capacity development plan were increased. Furthermore, in its current design, it does not include a public participation mechanism where citizens and media could file their complaints and hold the state publicly accountable. Although the Access to Information Law does provide citizens with this opportunity, measures related to accountability as a result of access to information could further be bolstered if the commitment too incorporates such a mechanism.

Next steps

The IRM Researcher suggests that the decision to carry over this commitment to the next action plan depends on the content and findings of the final report that the IURP will produce. In the interim, the IRM Researcher suggests the following:

- MSF could carefully examine the IURP findings and lesson learned report before making its decision on whether this commitment should be continued on to the next OGP Action Plan.
- Considering the Afghan government's low capacity to provide information to citizens,⁶ international consultants, with similar contexts who have been able to undertake successful measures in their own countries, can be invited to Afghanistan to train and share their experiences with Afghan officials and CSOs. The government official interviewed by the IRM researcher also raised this as an important step in the success of their work for this commitment.⁷ As an example, the IRM researcher refers the readers to a grassroots case in Southern Mexico where social and civic movements claimed their right to information as a tool to hold the state accountable.⁸ The focus here is on capacity building as the provision of information is a relatively new field in Afghanistan and leveraging the success of others through peer exchange and learning. Additionally, MoCI could invite specialists from the Afghanistan Center at Kabul University or the Afghanistan Research and Evaluation Unit to conduct trainings on digital dissemination of information. Both entities have substantial experience in archiving and making available digital information.
- MoCI could develop a section on its website on the IURP where all the relevant activities and documents related to the commitment can become centralized and more easily accessible to the public.

¹ National Action Plan, Open Government Partnership Afghanistan (OGPA), 2018-2019. Accessed on January 22, 2019, from https://www.opengovpartnership.org/sites/default/files/Afghanistan_Action-Plan_2017-2019_EN_UPDATED.pdf

² IROA, Ministry of Justice. (23 December 2014). The Law on Access to Information. Retrieved on November 28, 2018, from http://moj.gov.af/content/files/OfficialGazette/01101/OG_01156.pdf

³ Personal interview, Policy and Planning Director, Ministry of Culture and Information, 24 October 2018, Kabul.

⁴ A similar assessment has been published at the office of MoCI, but it is not clear if was carried out as part of this deliverable or not. The document is not dated. Retrieved on November 28, 2018, From

<http://moic.gov.af/Content/files/اداره%20سنتي%20اطلاع%20مسوول%20مراجم%20ارز%20يابي%20مرحله%20نهایی%20گزارش.pdf>

⁵ Personal interview, Policy and Planning Director, Ministry of Culture and Information, 24 October 2018, Kabul.

⁶ Ibid.

⁷ Ibid.

⁸ Fox, J., Garcia Jimenez, C. and Haight, L. (2009). Rural Democratization in Mexico's Deep South: Grassroots Right-to-Know Campaigns in Guerrero. *The Journal of Peasant Studies*, Volume 36, No. 2, Pages 271-298. Retrieved on 29 January, 2019, from <https://www.right2info.org/resources/publications/grassroots-r2k-mexico>

12. Implementing Open Contracting (addendum)

Language of the commitment as it appears in the action plan:

“Lack of involvement of citizens and other stakeholders in government contracts, procurement processes (procurement plan, contracting, and contract implementation), and unavailability of clear and well defined mechanism for publishing procurement information and government contract lifecycle are the main causes of lack of adequate accountability of authorities to citizens which has led to a widespread systematic and systemic corruption in procurement system that has widened the gap of mistrust between citizens and the government.

The National Procurement Authority, as a sole policy maker in the public procurement sector of the country, signed a trilateral memorandum of understanding with Integrity Watch Afghanistan (IWA) and Open Contracting Partnership (OCP) on the sidelines of the Anti-Corruption Conference held in London, England, in 2016. Based on that, NPA is committed to provide the mechanism and platform to publish public procurement information and documents activity for the interested stakeholders.

The National Procurement Authority is developing a system in accordance with the Open Contracting Data Standards (OCDS), to publish contract-related information in machine-readable format. The main objective of this commitment can be summarized in the following points:

- Accessibility to information for paving the way for citizen- centered governance
- Ability to increase public monitoring of the procurement processes
- Reduction in corruption in procurement processes and taking corrective and preventive actions
- Increase value for money by improving the service delivery for procurement processes

Milestone activities and verifiable deliverables

- Implementation of OCDS on contract stages and contract implementation
- Together with CSO's, co-development of a pilot program to engage CSO's in the monitoring of public contracting for integrity, value for money and fairness.
- Implementation of OCDS on procurement plan stage
- Implementation of OCDS on Bidding and contract award stages”

Start Date: January 2018

End Date: August 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text from the Afghanistan National Action Plan see:

https://www.opengovpartnership.org/sites/default/files/Afghanistan_Action-Plan_2017-2019_EN_UPDATED.pdf

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|---|-------------|---------|-------------|---|-------------------------|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 12. Overall | | ✓ | ✓ | ✓ | | ✓ | | | ✓ | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | | |

Context and Objectives

The main objective of this commitment is to make procurement-related information accessible to citizens across various stages of the procurement process through online portals and digital archives, while increasing public monitoring of procurement processes and contracts and reducing corruption therein.

Procurement processes play an important role in public service delivery for citizens, including in the areas of health, education, and criminal justice. In Afghanistan, survey data suggest that 19% of GDP and nearly 50% of the national budget is spent through public procurement.¹ Lack of involvement of citizens and other stakeholders in governmental contracts, however, has led to widespread corruption in the procurement system, widening the mistrust gap between citizens and the government.²

Following the establishment of the National Unity Government (NUG) in 2014, Afghanistan took a series of steps to reform its national procurement system. A series of presidential decrees in 2014 dissolved and merged some procurement-related authorities and established the National Procurement Authority (NPA) under the Administrative Office of the President as the central policymaking body for national procurement.³ The Procurement Law was subsequently ratified and published in the official Gazette on 7 October 2015.⁴ Despite the NPA signing a MoU in 2016 with Integrity Watch Afghanistan, procurement plans and contracts have historically not been open to active monitoring by citizens.⁵

The NPA is currently developing a more open procurement system in accordance with the Open Contracting Data Standards (OCDS) to publish contract-related information in machine-readable format. The NPA will implement the OCDS at various stages in the contract cycle and will test a pilot program with CSOs' engagement in monitoring public contracts. The NPA plans to engage as many as ten CSOs apart from IWA, introduce the portals to them and provide training on monitoring. By opening up information about public contracts, the goal is for CSOs and citizens to function as a pressure point in making government more accountable.⁶

This commitment corresponds to the OGP value of access to information, as well as technology and innovation for transparency, because it enables citizens to view the status of all public contracts through OCDS and the public can access openly all the public contract related information. The official interviewed by the IRM Researcher stated that NPA has dedicated a team of its employees to oversee and respond to comments they receive from citizens via internet.⁷ Additionally, the commitment is relevant to civic participation because CSOs will co-develop with government a pilot program for their engagement in direct monitoring of procurement and contracting processes.

This commitment is verifiable; however, it does not specify procedures for CSOs participation in monitoring. For example, can CSOs participate in monitoring any type of procurement contracts or are there legal barriers and limitations? If so, what are they and how can they be justified or

overcome? The commitment also lacks details on what exactly the pilot program will look like or how it will engage CSOs in co-developing the program.

If fully implemented as designed, this commitment will have a transformative potential impact, where it will provide an opportunity for CSOs and the public to monitor the government's procurement plans and procedures, considered to be one of the most corrupt sectors in the government with the involvement of the high level public officials.⁸ A CSO representative affirmed that this is one of the most important and relevant commitments to the OGP values, with direct implication on transparency, accountability and public participation.⁹ However, in his view the government officials do not pursue the commitment as seriously as they should. The IWA representative has an optimistic view of this commitment's potential impact, particularly of its establishment of co-creation practices between government and CSOs for development of the pilot monitoring program.¹⁰

Next steps

Considering that this is a rather technical commitment, stakeholders would benefit from receiving a detailed report on the status of the OCDS's development and progress. The MSF could then decide whether this commitment should be carried over to the next action plan or whether it would have already reached its intended goal within the first action plan.

If the commitment continues to the next action plan, it could:

- Define clear procedures for how CSOs can participate in the monitoring phase.
- Set metrics surrounding timeframe for expansion to all government ministries, or metrics surrounding cost savings. Correspondingly, the commitment could consider a set of information sessions to all governmental ministries.
- Consider awareness raising campaigns among citizens, particularly on how they can monitor and/or register a complaint.

¹ IRoA, National Procurement Commission (n.d.). Introduction. Retrieved on November 28, 2018, from <http://www.npa.gov.af/en/introduction>

² National Action Plan, Open Government Partnership Afghanistan (OGPA), 2018-2019. Accessed on January 22, 2019, from https://www.opengovpartnership.org/sites/default/files/Afghanistan_Action-Plan_2017-2019_EN_UPDATED.pdf

³ Ibid.

⁴ IRoA, Ministry of Justice (7 October 2015). Law on Procurement. Retrieved on November 28, 2018, from http://atra.gov.af/Content/files/Procurment%20Law15_07_1394.pdf

⁵ Personal interview, System Development Manager, National Procurement Authority, 22 October 2018, Kabul.

⁶ Ibid.

⁷ Ibid.

⁸ Skype (follow up) interview, Director, Afghanistan Democracy and Development Organization, 14 March 2019, Kabul and Italy

⁹ Ibid.

¹⁰ Skype (follow up) interview, Director of Advocacy and Communication, Integrity Watch Afghanistan, 13 December 2018, Kabul and Italy.

I3. Developing a Public Participatory and Supervision Mechanism for the Planning and Implementation of Road Network Projects (addendum)

Language of the commitment as it appears in the action plan:

“Based on the estimations conducted by the Ministry of Public Works, it indicated that the development and supply of transport infrastructure doesn’t meet public’s demand. It means that there is an imbalanced development compared to demand for transport infrastructure.

The second challenge to be addressed remains the poor quality of transport infrastructure in particular highways, urban roads, bridges and culverts. For example, roads are being built in Afghanistan, which destroy within six months or one year.

The third problem is slow development and supply process of transport infrastructure in Afghanistan. Most of the infrastructure projects are not executed within specified time period, and last longer than the contracts period.

The fourth problem is the operation & maintenance of transport infrastructure. Both government and public have neglected in this regard.

The fifth problem is lack of priority infrastructure projects identification. Since limited resources are available for development of infrastructure, so according to financial principles, the limited resources should be allocated to prioritized projects.

Sixth, political interventions in selection and implementation of road projects and lack of specific standards in this regard, plus, high cost of infrastructure development in Afghanistan are the main factor which not only slow the road development process, but retards the national development as well.

To address the aforesaid problems, MPW is greatly committed to engage provincial representative and local community in project selection and execution process. In this regard, MPW has come up with community engagement framework. Under the framework, MPW is patronizing the engagement of local communities to identify and select projects. This would facilitate MPW to strengthen a strong government/communities’ partnership via injecting the sense of ownership rights to communities having influence on identification and selection of projects.

In addition to that MoPW is also working to involve civil society particularly integrity watch of Afghanistan (IWA) to monitor MoPW activities. In this regard, MoPW has drafted MoU with integrity watch of Afghanistan in order to ensure transparency in MoPW activities. In coordination with MoPW, local communities, and volunteers, IWA will monitor all operational activities of MoPW associated with procurement process, project selection, project execution, and contract allotment to the bidders in order to ensure that all processes are being followed in a transparent manner. And MoU will get sign once finalized.

Milestone activities and verifiable deliverables

- Creating a working group to arrange a draft
- Developing draft of the framework for provincial roads connectivity program in partnership with the people
- Organizing an advisory meeting with relevant civil society
- Arrange an inter-ministerial meeting with involved entities in this regard
- Finalizing the framework
- Start of public consultation process with 10 priority provinces
- Developing budget plan”

Start Date: January 2018

End Date: August 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text from the Afghanistan National Action Plan see:

https://www.opengovpartnership.org/sites/default/files/Afghanistan_Action-Plan_2017-2019_EN_UPDATED.pdf

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---------------------|--------------------------------------|----------------------------------|----------------------------------|---------------------|-----------------------|---|------------------|-------|----------|---|-------------|---------|-------------|---|-------------------------|----------------|----------|-------|-------------|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 13. Overall | | ✓ | ✓ | ✓ | | | | | ✓ | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | | |

Context and Objectives

The aim of this commitment is to involve provincial representatives and local communities in the process of identification, prioritization, selection and execution of the road construction projects by developing a Community Engagement Framework.

Afghanistan relies heavily on road networks as its primary means of transportation. However, despite the rapid and expanding network, road infrastructure remains underdeveloped.¹ Out of a length of about 6,472 km of the national highways, only 3,720 km is paved. Out of a total of about 1,874 km of provincial roads, only about 732 km are asphalt. Importantly, considering that a majority of the population lives in smaller rural communities, district roads play a major role. However, only 21% of the district roads are paved. This can severely affect service delivery to the public, especially in certain mountainous provinces such as Noristan.²

Under the leadership of Mr. Yama Yari,³ the Minister for Public Work (MoPW) and current Minister for Transportation, Afghanistan’s infrastructure is going through a major overhaul. Following the development of a number of strategic documents, such as the Afghanistan National Peace and Development Framework (ANPDF),⁴ the MoPW has developed a five-year strategic plan (covering 2019-2023) for transport infrastructure. The plan aims to establish an integrated transport network infrastructure to facilitate the country’s economic growth and development by expanding its access to domestic, regional and international markets. Considering that Afghanistan is a landlocked country, the main target of the new strategy is road connectivity.⁵ Since 2002, the international donor community has spent over four billion dollars rebuilding and expanding Afghanistan’s road network. Nevertheless, road infrastructure remains underdeveloped. There are different reasons for this failure, but according to the new leadership of the MoPW, “lack of strategic direction and an holistic view to institutional development were the main reasons.”⁶ The holistic view to institutional development also includes, among other parameters, the engagement of local communities in the process, an issue that was emphasized emphatically by the government representative interviewed by the IRM researcher.⁷

This commitment is relevant to the OGP values of access to information and civic participation. The commitment entails providing information to the public through advisory meetings as well as publishing a report monitoring project implementation. The commitment is relevant to civic participation because of citizens’ and CSOs’ direct engagement in the framework.

The IRM Researcher considers the overall milestones and activities of this commitment to be verifiable. However, certain activities are rather vague. As an example, activity 2 states: “Developing draft of the framework for provincial roads connectivity program in partnership with the people.”

This is a broad statement, without specifying who the “people” is in this context, where and how will they be allocated, through which mechanism the consultation will take place, etc. Another activity suggests the establishment of a coordination mechanism among various official entities to seek their consultation on the integrated infrastructure projects. It is, however, not clear why there is the need for another inter-ministerial coordination mechanism when activity No. 1 also suggests the creation of an inter-ministerial joint working group. In addition, the proposed activities do not suggest any measures as to how the initiative will be delegated at the local level within various provinces.

The potential impact of this commitment could be transformative. MoPW plans to engage provincial representatives and local communities during the selection and execution of road construction projects. Moreover, at the implementation phase, MoPW will consult with communities on hiring local labor forces, thus trying to provide job opportunities as well. The commitment further envisages a monitoring role for CSOs, together with local communities, during the entire process—from procurement to project selection to implementation—to help prevent corruption. At the core of the framework lies the following: a) creating awareness among the local population about the importance of road construction, i.e., transformation in their lives due to improved connectivity; b) creating a sense of ownership among local communities about construction projects; and c) de-politicizing construction projects and instead focusing on enhancing construction work from technical and professional points of view.⁸ At the time of the interview, IWA was in the process of signing a MoU with the Ministry of Public Work on its role as per this commitment, formalizing engagement with civil society.⁹

Next steps

The IRM Researcher considers this commitment to be very ambitious, with the potential to become even more effective taking into account the enormity of the problems mentioned earlier in relation to road constructions and the potential role local communities can play in this process. The commitment has the potential to become relevant to more OGP values than civic participation that could be addressed in the next cycle. It should therefore be prioritized and carried on to the next action plan with the following suggestions for its improvement:

- Activities and milestones would benefit from more precision, as several of them are relatively vague. The MoPW would benefit from specifying in greater detail how it plans to reach out to citizens and CSOs at the community and provincial levels.
- Engage CSOs in working groups and coordination mechanisms from the onset, instead of incorporating them at the post-draft framework stage.
- For the next action plan, the IRM researcher suggests that the MoPW together with CSOs identify specific mechanism/s for raising public awareness or otherwise making information on road infrastructure and related government activities available to citizens. The representative interviewed by the IRM Researcher placed emphasis on raising public awareness of the project and the importance of road connectivity. However, this activity has not been incorporated into the current action plan.¹⁰
- To instill the element of public accountability in this initiative, the MoPW could develop a mechanism whereby the public can have the opportunity to express dissatisfaction with road construction activities, particularly at the district level, or if members of the public observe a violation of rules and regulations by, for example, a construction company or other public/private actors.

¹ IRoA, Ministry of Public Work. (May 2018). 2019-2023 Strategy: A connected Afghanistan that plays a fundamental role in regional transport through a Sustainable Road Network. Retrieved on November 30, 2018, from [http://mopw.gov.af/Content/files/MPW%20strategy%20\(2019%20-2023\).pdf](http://mopw.gov.af/Content/files/MPW%20strategy%20(2019%20-2023).pdf)

² Ibid.

³ Interview participants mentioned his name several times as an initiator and strong proponent of the OGP process in Afghanistan.

⁴ Afghanistan National Peace and Development Framework (ANPDF) is a five-year (2017-2021) strategic plan to achieve self-reliance by providing jobs and other infrastatural services to citizens. Retrieved November 30, 2018, from: http://moec.gov.af/Content/files/ANPDF_English.pdf

⁵ IRoA, Ministry of Public Work. (May 2018). 2019-2023 Strategy: A connected Afghanistan that plays a fundamental role in regional transport through a Sustainable Road Network. Retrieved on November 30, 2018, from [http://mopw.gov.af/Content/files/MPW%20strategy%20\(2019%20-2023\).pdf](http://mopw.gov.af/Content/files/MPW%20strategy%20(2019%20-2023).pdf)

⁶ Ibid, p.8.

⁷ Personal interview, Director of Policy and Planning, Ministry of Public Work, 27 October 2018, Kabul.

⁸ Ibid.

⁹ Ibid.

¹⁰ Personal interview, Director of Policy and Planning, Ministry of Public Work, 27 October 2018, Kabul.

V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and, 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Recommendations

Afghanistan has been going through important transitions that provide ample opportunities for the administration of the Open Government Partnership in various sectors. It can particularly benefit from the support and openness of President Ghani and his Cabinet, which has thus far been critical for the OPP-A operation and accomplishments. In the development of the future action plan as well as completion of the current one, it is important that the government actively engages civil society organizations to shape more transformative and ambitious commitments. Based on the stakeholders' views interviewed for this report, as well as IRM researcher's observations and findings, this section aims to inform the development of the next action plan as well as guide completion of the current one. This section covers both content as well as process-oriented recommendations.

Work on key coordination areas before the development of next action plan:

- **Rules of the game.** Both the government and CSO's could prioritize agreement on a Standard Operating Procedures (SOP) for the MSF. The SOP should clearly lay out each entity's roles, responsibilities, and respective areas of engagement and authority. This document should also clearly reflect the role of the OGP-Secretariat beyond that stated broadly in the presidential decree, i.e., whether it would be merely a consultative, a coordination or a decision-making body. This document would need to be developed jointly and signed by both parties, i.e. government partners and CSOs, or their indicative representatives thereby.
- **Strengthen CSO capacities and strategic input in OGP process.** CSO's could, among themselves, agree on a division of labor based on respective areas of experience and competence, better coordination, and prevention of redundancies. They may also decide to establish regular meetings beyond the MSF to discuss OGP-related issues amongst each other. Civil society organizations can also seek capacity building opportunities to enhance their knowledge in policy areas and ability to engage actors beyond capital city, that would be helpful to increase their coordination, leadership and support in the OGP process.
- **External partner and donor alignment.** In areas where there is donor or external support, IRM also suggests that there are opportunities for discussion and coordination. This can include periodic meetings between MSF and donors or external partners to discuss challenges and areas where support is needed.

Expand efforts to open information on OGP process and engagement opportunities beyond Kabul.

As OGP is still a new initiative in Afghanistan, knowledge of its values and processes is still very low. This includes public officials, civil society as well as citizens at large. OGP has a great possibility and advantage to link its activities, values and vision with many ongoing reform agenda in the country, particularly in relation to anti-corruption initiatives,

accountability measures and women's rights. To this end, OGP-A can launch its website and repository before the new action plan is developed. This is also important to meet the required OGP standards. While OGP-A has documented all its meetings and MSF in digital and printed format and has archived them in a repository inside the Presidential Palace,¹ none of this information is accessible online or through other public channels. This requires urgency particularly taking into consideration the difficulty of accessing the Presidential Palace, which entails not only an official invitation for entry, but also meticulous coordination for security measures.²

OGP-A could further work on developing contacts with potential government and CSO partners in the provinces. CSO representatives in Herat (regional representative of MAJMA in Herat and Director of the Union for Private Universities in the Western Zone) suggested that the OGP-A was a hopeful step in the direction of bridging the disconnection between provinces, and encouraged effort to increase involvement of provinces in the OGP process in Afghanistan.

Strengthen representation in the MSF among CSOs and work toward a gender balance

The next MSF could aim to be more intentional about selecting a more diverse or cross-sectorial CSOs with experience in open government areas. The CSO's selection committee would need to clearly state such conditions in the next call for applications. The selection committee could verify that the CSO applicant possesses sufficient competencies to meaningfully contribute to the co-creation and commitment realization process. In the same vein, the MSF and the OGP-A could aim to include more women representatives from both government and CSO's to provide a better gender balance for the next OGP cycle. Given that a number of commitments touch on women's issues, and in general considering the overall situation of women in Afghanistan, incorporating additional women into OGP activities would convey a more representative set of viewpoints and experiences, thereby increasing the likelihood of creating and implementing meaningful commitments.

Advance a national strategy and action plan to fight domestic violence against women across the country and increase participation of women in public life.

It is commendable that the current action plan entails two commitments specifically designed to address issues related to women's rights. This could further be enhanced in the next action plan by including a commitment aiming to develop a nation-wide strategy and action plan to fight domestic violence, particularly increasing scope and coverage of justice mechanisms in rural areas where women hardly have access to information and justice. The strategy and plan could above all focus on raising awareness among women, and equally important among men too.

Increasing women's participation in public life is also an area of opportunity where the open government platform can be useful. Future action plans can consider participatory mechanisms that are inclusive of women by design. Many commitments in this action plan were pre-existing initiatives from national strategies but added a civic participation component, in the future the same commitments can be more intentional about including women, women's rights organizations and feedback channels to ensure women are able to participate.

Use OGP to systematize and scale on-going reform initiatives, such as anti-corruption

As noted, Afghanistan's first action plan reflects several national priority areas, such as anti-corruption, fiscal reforms, service delivery, and citizen participation in policy processes. Out of 13 commitments however, only three have been specifically developed for the OGP action plan (i.e., Commitments 8, 12, and 13). The other commitments existed in various forms beforehand as parts of governmental national strategies with support from donor

communities. This shows that certain activities of the National Unity Government already align with the open government agenda. In combination with the aforementioned recommendations on improved OGP process and alignment with donor support, Afghanistan could also better leverage membership in OGP to systematize goals across the various national strategies and scale up existing reform initiatives.

For example, given the prevalence of corruption in Afghanistan and the way it affects citizens' daily lives, OGP membership could be leveraged for efforts to create a mechanism to register citizens' complaints and monitor through a dedicated body would take their concerns into consideration. One such mechanism that could be useful to build public accountability is the social audit. Future commitments aimed to improve public services can incorporate mechanisms through which citizens can participate in audits of these services. Social audits are led by organized groups in the community who then present audit results to government officials. Commitments that consider mechanisms such as social audits can also include actions through which government institutions follow-up on findings and are held accountable for improvements to services in response to findings and recommendations from social audits.

Table 5.1: Five Key Recommendations

| | |
|---|--|
| 1 | Work on key coordination areas of the OGP process before the development of next action plan |
| 2 | Expand efforts to open information on OGP process and engagement opportunities beyond Kabul |
| 3 | Strengthen representation in the MSF among CSOs and work toward a gender balance |
| 4 | Advance a national strategy and action plan to fight domestic violence against women across the country and increase participation of women in public life |
| 5 | Use OGP to systematize and scale on-going reform initiatives, such as anti-corruption |

5.2 Response to Previous IRM Key Recommendations

This section does not apply to the current report, as this is Afghanistan's first national action plan.

¹ The IRM researcher visited this repository during her field visit.

² The IRM researcher experienced this first hand during her field visit.

VI. Methodology and Sources

The IRM reports are written by Researchers for each OGP-participating country or entity. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Afghanistan's various ministries' websites, research organizations' website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM Researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.¹

Interviews and stakeholder input

The IRM Researcher conducted semi-structured interviews with stakeholders in Kabul from 16-31 October 2018. In total, the IRM Researcher conducted interviews with 30 individuals, of which 18 were government officials and 12 represented CSO's. The OGP-A Secretariat provided the IRM Researcher with an updated list of names and contact information of all the MSF stakeholders, i.e. government officials, CSOs and representatives from the private and public academic institutions, taking into consideration that since the development of the action plan a number of public officials were no longer serving in their positions for a variety of reasons. The IRM Researcher interviewed the OGP-A Secretariat's national coordinator to obtain the necessary background and procedural information.

With respect to government interviews, the Researcher interviewed at least one government official per commitment (in some cases two officials were present); the interviewee often served as the director of policy and planning in his/her respective ministry. The Researcher opted to interview directors of policy and planning instead of deputy ministers, who are MSF members, because the former are engaged in the day-to-day activities involved in carrying out their respective commitments.

With respect to CSO's, the IRM Researcher attempted to contact all prominent CSO's participating in the MSF, and in particular, Integrity Watch Afghanistan, who is engaged in a number of commitments. The IRM Researcher also attempted to interview all of the MSF's CSO women members, however, a number of them were not available for an interview. The Researcher thus sought to interview a few women from CSO's outside the MSF who nevertheless were aware of OGP-A commitments and had taken part in some of the MSF's sessions and, in one case, the development of a commitment. The IRM Researcher also attempted to contact several civil society representatives for follow-up meetings via Skype and sent follow-up emails to both government officials and CSO's to request certain

documents and/or clarification on certain matters. The documents, which were made available to the IRM Researcher either in person or later via e-mail, constituted an important input into the commitment evaluation process.

The IRM Researcher also attended an MSF Rule of Law (RoL) working group meeting as an observer. The meeting took place on 29 October 2018 at the Ministry of Interior. Participants included both government officials and CSO's. The meeting was held to update the working group members on the development of a number of commitments which fall under the mandate of the RoL working group.

At the time of the IRM Researcher's fieldwork, parliamentary elections took place in the country. This posed an additional security constraint and limited the possibility of conducting interviews during this time period. In general, due to security threats, particularly for women, the IRM Researcher had to take special security measures to facilitate the interviews, such as traveling with a recommended safe vehicle and driver.

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the Researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ IRM Procedures Manual, V.3 : <https://www.opengovpartnership.org/documents/irm-procedures-manual>

Annex I. Overview of Afghanistan’s performance throughout action plan development

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

| Multi-stakeholder Forum | |
|--|--------|
| 1a. Forum established: There is a forum to oversee the OGP process | Green |
| 1b. Regularity: The forum meets at least every quarter, in person or remotely | Green |
| 1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership and governance structure. | Yellow |
| 1d. Mandate public: Information on the forum’s remit, membership and governance structure is available on the OGP website/page. | Yellow |
| 2a. Multi-stakeholder: The forum includes both governmental and non-government representatives | Green |
| 2b. Parity: The forum includes an even balance of governmental and non-governmental representatives | Green |
| 2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process. | Green |
| 2d. High-level government representation: The forum includes high-level representatives with decision making authority from government | Green |
| 3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum | Green |
| 3e. Remote participation: There are opportunities for remote participation in at least some meetings and events | Red |
| 3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders | Yellow |

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

| Action Plan Development | |
|---|--------|
| 4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published. | Green |
| 4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process. | Yellow |
| 4c. Awareness-raising: The forum conducts outreach and awareness raising activities with relevant stakeholders to inform them of the OGP process. | Yellow |
| 4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity. | Green |
| 4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment. | Yellow |
| 5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g., links to databases, evidence of meetings, publications) | Green |