

## UNAMA

Afghans have been reporting in surveys that corruption is a daily problem and the pervasiveness of corruption in Afghanistan and the measures to counter it are documented in UNAMA's annual Anti-Corruption Reports.<sup>1</sup> Corruption has a concrete impact on all citizens of Afghanistan, who are required to pay bribes in nearly every aspect of daily life, and who suffer from inequities in economic and employment opportunities as a result of widespread nepotism and patronage. More fundamentally, the perception of endemic corruption—based, unfortunately, on real experiences<sup>2</sup> has undermined public confidence in Government institutions, which has in turn hindered the pursuit of wider objectives, such as domestic political stability, electoral processes, and a credible peace process with the armed opposition.

As certain emblematic instances have shown, corruption in Afghanistan is massive (the nearly one billion dollars stolen in the Kabul Bank case), inhumane (the treatment of wounded soldiers in the Military Hospital case), and brazen. The degree of corruption, and the apparent lack of concern by those committing it that there will be any consequences—legal, financial, or even in terms of social opprobrium—to their often despicable actions, has surprised even those with the most realistic perspectives on the challenges of post-conflict state-building. Fighting corruption is also a condition for creating an appropriate investment climate.

Corruption “undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism, and other threats to humanity to flourish,” as former UN Secretary-General Kofi Annan wrote in his Forward to the United Nations Convention Against Corruption.<sup>3</sup> In Afghanistan corruption is so deeply entrenched that it prevents concepts such as the rule of law, human rights, and an organized and regulated economy from becoming meaningful.

Against this background, Afghanistan's National Strategy for Combating Corruption,<sup>4</sup> which was adopted on 28 September 2017 and revised January 2019, is anchored on six pillars, namely: 1) political leadership and institutions; (2) ending corruption in the security sector; (3) replacing patronage with merit; (4) prosecuting the corrupt; (5) tracking money flows, and (6) Improving Economic Institutions. While there is no evidence of a deliberate use of a human rights approach in its drafting, the Strategy contains a detailed diagnosis of the key drivers of corruption and has sought to integrate international treaties and conventions that bind the country as well as international best practices. Pillar 1 of the Strategy focuses on establishment of anti-corruption institutions, including an anti-corruption court, and approval of anti-corruption legislation including a review of the criminal laws (Penal Code, Criminal Procedure Code, Whistleblower Law, Access to Information Law). Pillar 2 on reforming the security sector, Pillar 3 on implementing meritocracy in recruitment and Pillar 4 on prosecuting the corrupt before an independent tribunal recognize the role corruption plays in prolonging the conflict, the impact of

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<sup>1</sup> UNAMA, *Afghanistan's Fight against Corruption, Reports 2017, 2018, 2019*, at: <https://unama.unmissions.org/corruption>.

<sup>2</sup> The Asia Foundation, “Afghanistan in 2015: A Survey of the Afghan People,” 2015.

<sup>3</sup> ANNAN, Kofi, Foreword, United Nations Convention Against Corruption, 2003.

<sup>4</sup> Available at: <https://www.sacs.gov.af/en/about/resources>.

corruption on judicial institutions and the Civil Service and seek to address them by incorporating international standards. Pillars 5 and 6 which look at proceeds of crime and improving the economy respond to another set of human rights obligations. Challenges remain in implementation, more so in an environment of with nascent institutions and continued conflict.

In addition to the Anti-Corruption Strategy a dedicated internationally funded and partially internationally staffed anti-corruption institution, the Independent Monitoring and Evaluation Committee (MEC)<sup>5</sup>, has analyzed corruption vulnerabilities in various sectors and through its recommendations contributed to enabling Afghans to access civil and economic rights. The body examined corruption risks in sectors such as health, internal affairs, education and elections. Its recommendations to tackle identified risks are systematically monitored in follow-up reports and improve the citizens access to rights.

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<sup>5</sup> See: <http://www.mec.af/>.