

# Monitoring Report of Wolesi Jirga

September, 2012



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Authored by: FEFA



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موسسه انتخابات آزاد و عادلانه افغانستان  
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### FEFA's Monitoring and Its Purpose:

Monitoring of the work of the Parliament for the purpose of informing citizens and promoting cooperation between the parliament and civil society is an effort that FEFA believes contributes to the development of the political system of Afghanistan and strengthens the highest representative institution of the country, the Parliament.



FIGURE 1 FEFA'S EMPLOYEES

To this end, FEFA has started a program to observe the work of the Wolesi Jirga and provide reporting and analysis that would help this institution to expand and advance its work. Collecting information on the work of the Parliament and disseminating it to the people and electorate of Afghanistan will promote this institution and has the potential to build closer links between the elected and the electorate.

FEFA will remain impartial and neutral throughout its work, in particular in its observation and reporting, and will adopt a code of conduct for its observers and analysts, as well as with full preparation to successfully implement this initiative in conjunction with Wolesi Jirga.



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## **I. Activities of Wolesi Jirga**

### **I.1. Plenary Sessions**

Plenary sessions are the general meetings where all the representatives of the people in Wolesi Jirga discuss issues and approve laws to improve the life of citizens and build the legal framework of Afghanistan. FEFA has monitored these sessions and the table below will present the number of meetings held and the level of participation of MPs in the plenary sessions.

<b>Plenary sessions</b>	<b>Number of sessions</b>	<b>Participation average</b>
Ordinary	8	41.7%
Questioning	1	43.4%
Vote of Confident	1	97%
Extra Ordinary	1	54.2%
<b>Total</b>	<b>11</b>	

### **Women Prticipation in the Plenary Sessions**

<b>Plenary Sessions</b>	<b>Number of Sessions</b>	<b>Participants averages</b>
Ordinary	8	49.4 %
Questioning	1	43 %
Vote of Confident	1	57 %
Extra Ordinary	1	91 %
<b>Total</b>	<b>11</b>	



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## II- Issues discussed at Plenary Sessions

### Wolsi Jirga approved the law on Composition, Duties and Mandate of the Independent Election Commission

Lack of law that specifies duties and competences of the Independent Election Commission, was a serious challenge for holding free and fair elections. Especially now that the country is in security transition process and will hold Presidential Elections on 2014, the country

To hold fair and free elections, it is necessary to have a specific law drafted to help along the way. Considering this issue, the civil society organizations especially FEFA drafted proposals to reform the law on IEC's composition, duties and mandate and sent it to the Judicial and justice committee of Wolsi Jirga for further consideration. After the 18 committees of Wolsi Jirga discussed the proposals on the amendment of the law on IEC's composition, duties and mandate, the committees presented the draft law to the plenary session held on September, 24, 2012 chaired by Abdul Rauf Ibrahim speaker of house for approval. At the beginning of the session Mohammad Mohaqeq head of the Judicial and Justice committee of Wolsi Jirga introduced the mentioned draft law to the session. The MPs debated on the draft with the presence of two representatives of the United Nations as temporary members of the Electoral Complaints Commission. Kamal Naser Osoli a representative of Khost province said, "The presence of two representatives of the United Nation as temp members of the Electoral Complaints Commission is against the Afghan constitution and national sovereignty. But most of the MPs agreed with the presence of two representatives of the United Nations at the Electoral Complaints Commission. The mentioned law is comprised of 5 chapters and 36 articles and was put in a vote and the MPs approved it by majority of votes pro and 5 votes against.

It is worth mentioning that 80% of FEFA's suggestions were accepted in this draft law and if the president approves it, the law will still ensure the independency and impartiality of the commission.



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## **Two Vital Ministers and Chair of the National Security Department achieved vote of Confidence from Wolsi Jirga**

continuation of Pakistan's missile attacks on border parts of Afghanistan and lack of Afghan government's reactions in respond to these attacks made the MPs to react and disqualify the the ministers of Defense and Interior Affairs. After disqualification of the mentioned ministers the government introduced new faces to Wolsi Jirga for obtaining vote of confidence for the positions of defense minister, interior minister, borders and tribal minister and chair of the National security Department .

therefore Wolsi Jirga in its session held on september/15/2012 chaired by Abdul Rauf ibrahimi speaker of the house and participation of 241 out 249 MPs heard the the working plans of the mentioned candidate ministers.

At the begining of the session the cadidate ministers and candidate of the Nation Security departmetn presented their future working plans to the house. Besmullah Mohammadi the candidate minster for Ministry of national Defense said, " if I obtain vote of confidnce from Wolsi Jirga I will try to mobilize and strengthening the national army, ensuring the national sovereignty, building twons for the military personal of ministry of defense, increasing training and education level at ministry of defense and securing the borders of the country.

Subsequently, Mojtaba Patang the candidate minister for ministry of Interior Affairs presented his working planes and said, " mobilizing police forces for mainting security after withdrawal of foreign forces in 2014 is main plan. he added, " if I obtain vote of confidence from Wolsi Jirga I will try my best to obsorb women in police, prevent from serial killings of influential and national figures of Afghanistan, implemint law and struggling against tribal prejudices in ministry of Interior Affairs. Subsequently, Azizullah Din Mohammad, the candidate minister for ministry of borders and tribes explained his working planes and said, " ministry of borders and tribes has effective role in maintining peace and uniteding the tribes of Afghanistan. He added, " in order to united the tribes and maintin peace in the country, I have specific plans and programs and if I obtain vote of confidence I will implement them." Then Asadullah Khalid the candidate for position of National Security Department said, " if I get vote of confidence and become chair of the National Security Department , I bring metrocratic and increase the national participation in this department and start serious struggle against enemies of Afghanistan."

After hearing the candidates programs and plans Wolsi Jirga put a voting ballot for each candidates. And as result of the voting Asadullah khalid the candidate for the National Security Department obtained (143) votes pros (78) votes against( 11) votes blonk (9) votes void. Mojtaba





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Patang the candidate for ministry of Interior Affairs obtained (129) votes pro (92) votes against (11) votes blank (9) votes void. Besmullah Mohammadi the candidate minister for ministry of National Defense obtained (124) votes pro (98) votes against (11) votes blank (8) votes void and all mentioned candidates succeeded to gain vote of confidence from Wolsi Jirga but Azizullah Din Mohammad the candidate minister for ministry of borders and tribes obtained (117) votes pro (108) votes against (8) votes blank (8) votes void and could not succeed to get vote of confidence from Wolsi jirga.

FEFA appreciates Wolsi Jirga for its vote of confidence to qualified and experienced persons and believes it can create more coordination between government and Wolsi jirga.

### **Wolsi Jirga approved the Bilateral Agreement between Afghanistan and Germany and two other International Documents**

Signature of the long term international strategic treaties with members of the international community is a big achievement for government of Afghanistan. Especially in 2014 that Afghanistan passes the security transition period. Therefore Wolsi Jirga approved three International documents, in the session Wolsi Jirga held on September, 29, 2012 chaired by Abdul Rauf Ibrahimy according to the agenda asked the Committee on International Affairs to present information on three above mentioned documents.

After that Mohammad Noor Akbary the Deputy of Committee on International Affairs and Mohammad Dawood Kalakani presented information on above mentioned documents after each other. At first Mohammad Noor Akbary thanked the other committees of Wolsi Jirga for approving the above mentioned documents on time then Mohammad Dawood Kalakani presented detailed information on the above mentioned documents and said, "The International anti-corruption academy is established on 2011, 03, 08 by signature of 53 countries and located in Luxembourg, Kalkani added, this academy aims to decrease corruption in all over the World." He said, "this agreement has 21 articles and was codified on 2011, 03, 28."

Subsequently, Kalakani presented information on long-term cooperative treaty between Afghanistan and Australia, he said, "the long-term cooperative agreement between Afghanistan and Australia has 10 chapters and 35 articles." Kalakani added, this agreement assures the bilateral cooperation between governments of both countries Afghanistan and Australia in political affairs, security, development, commerce and investment and cultural affairs."



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Also he introduced the bilateral agreement between Afghanistan and Germany which is codified in 9 chapters and 29 articles and assures cooperation between Afghanistan and Germany in political affairs, security, reconstruction, cultural, economy and civil aviation.

Subsequently, these agreements were put in a vote and the MPs approved them by following votes pro:

1. The agreement on International anti-corruption academy was approved by 120 votes pro and 6 votes against.
2. The long term cooperation agreement between Afghanistan and Australia was approved by 116 votes pro and 10 votes against.
3. The bilateral agreement between Afghanistan and German was approved by 113 votes pro and 13 votes against.

### **Wolsi Jirga approved the law on Hoarding Ban and the Census law**

Discussing and approving laws is among Wolsi Jirga's main competencies according to the Afghan constitution. The MPs can amend and reform the laws based on social needs and requirements. Wolsi Jirga held a session on September, 22, 2012 chaired by Abdul Rauf Ibrahimi with attendance of 130 out of 249 MPs to debate on two draft laws (the hoarding ban law and the statistics law). It is worth mentioning that based on MPS request, the composition, duties and mandate of the Independent Election Commission was added to the agenda. At the beginning of the session the hoarding ban law was presented by Ramazan Jumazada, the reporter of the National Economic Committee to Wolsi Jirga. After the introduction of the draft law, it was put in a vote and the MPs approved it by major votes pro. Afterwards, the MPs agreed on approving the statistics law as well.

The MPs discussed the IEC's composition, duties and mandate; however there was a controversial issue in the composition of the Electoral Complaints Commission that needed reconsideration. Some MPs agreed on including 5 Afghan members and 2 UN representatives therefore, the MPs postponed the debate to their next session due to the lack of quorum.





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## Wolsi Jirga questioned chair of the Local governance

According to the constitution and rules of internal procedures of Wolsi Jirga the MPs can summon government officials for inquiry to evaluate their performances. Considering this competency, Wolsi Jirga held a session on September, 5, 2012 chaired by Nematullah Ghafary where 108 out of 249 MPs attended and summoned Abdul Khaliq Farahee the chair of Local Governance to present reports on their performance.

Chair of the Local governance Abdul Khaliq Farahee while presenting his report said, “The Local governance office has hired 17 deputy governors and 1790 civil services employees since its establishment. We hired these people based on their qualifications for the positions.”

He said, “We have sent 17 district governors to South Korea and 13 district governors to India in order to enhance their working capacity.” He added, we are planning on sending 258 district governors to India right after the strategic agreement is signed with India. We consider allocating a budget for the municipalities of Nooristan, Nanagarhar, Kandahar, Helmand, Ghazni, Panjsher and Bamyan to help them build capacity and develop their cities.”

After the end of the presentation, Mohammad Reza Khoshak a member of the committee said, “This report is very basic and the chair of the Local governance Office must first have a discussion with the governors on their performances and achievements before submitting the report to the Committee. Koshak said, “The chair of the Local governance Office is unable to perform his duties well. A while back, Herat governor was involved in a verbal dispute with Herat mayor over corruption and Mr. Farahee despite being informed of the situation did not take any action”.

In response to the MPs critiques, the chair of the Local Governance said, “I have done a lot of important works during this one year and attended a number of Wolsi Jirga’s sessions”.

It is worth mentioning that, before questioning the chair of Local Governance the MPs discussed different issues such as security, lack of transparency in contracts, and restrictions on private media.

Engineer Mohammad Iqbal kohestani expressed his concerns over the contracts which are signed between the Ministry of Industries and Mines and private companies and said, “Afghanistan’s benefits are not considered in these contracts”.

Ramazan Bashardost and Baktash Siawash complained about the restrictions enacted on private media by Wolsi Jirga.



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## Considering thirty percent women attendance at higher education institutions

Three decades of war and disorder have had a devastating impact on the political system and the social structure of the country. The war effected women the most. After collapse of the Taliban regime and the introduction of new democratic government in the country, related entities and associations should conduct programs to strengthen the role of women, help increase their education level, diminish violence against them, develop women capacity and advocate for women rights to strengthen the social structure of the country and at the same time ensure women participation in national decision making process.. Therefore, Wolsi Jirga held its plenary session on September, 1, 2012 chaired by Abdul Rauf Ibrahim the chair of Wolsi Jirga where 180 out of 249 MPs attended and approved the women capacity development program. At the beginning of the session Fawzia Kofi Head of the Committee on Women rights presented the women capacity development draft to Wolsi Jirga for approval. This draft has been submitted by the Ministry of Women Affairs to increase women capacity and pave the ground for women to study at higher education institutions. This draft consists of a preface and 12 chapters. Based on the context of this draft thirty percent of the students at higher education institutions should be women. This strategy will help women pursue their higher education and will therefore enhance their role in the country's development.

The mentioned draft was put up for vote and was approved by the MPs by receiving a majority of pro votes and 5 votes against.

It is worth mentioning that at the end of the session, Wolsi Jirga honored the Afghan athletes who participated in London 2012 Olympics and the Afghan Journalist Sami Mahdi by giving them appreciation certificates.

FEFA believes, Women's access to their rights is not adequately protected, and therefore urges the representatives at Wolsi Jirga to take serious actions in this regard.



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## **The survivors of martyrs and disabled should be able to acquire land free of charge**

The government and the people must come together and pave the ground of work and better life for survivors of martyrs and disabled to guarantee them a self-reliant life. Therefore, Wolsi Jirga held its plenary session on September, 3, 2012 chaired by Abdul Rauf Ibrahimy the speaker of the house and discussed the draft law on the economic problems of the survivors of martyrs and disabled. This draft law includes issues such as an increase in the salary of the survivors of the martyrs and disabled, providing shelter and ensuring health facilities for them. In this regard Sayed Hussain Alemi Balkhi head of the Committee said, “most of the Committees of Wolsi Jirga have approved the mentioned draft law and there is only one controversial issue in this draft that is whether the municipality will give out lands for free for the survivors of the martyrs and disabled or will it charge them with 50% of the land price.

After the debate the MPs approved the draft law and said, “The municipality should distribute the lands for free for the survivors of martyrs and disabled”.

## **Wolsi Jirga’s Special Committee Oversight Government’s Performance**

Observing government’s performance is among Wolsi Jirga’s main duties. Through this Committee, Wolsi Jirga helps government efficiently perform their duties. . According to article 34 of domestic rule of procedure, Wolsi Jirga can establish a special committee to monitor and evaluate government’s performance. As the confiscation of government-owned lands was concerned, the government was yet to take action on the issue; therefore Wolsi Jirga held its session on September, 3, 2012 chaired by Abdul Rauf Ibrahimy speaker of the house and debated on the establishment of a special committee that evaluates government’s performance on municipally affairs and government-owned land confiscation. After the debate was over, the MPS agreed on the establishment of such committee and put the suggestion in a vote. The MPs approved the establishment of the committee with majority votes pro and only 15 against

FEFA expresses its appreciation for the action taken by Wolsi Jirga on the establishment of the special committee and assures that this committee will oversight corruption within the government and will offer insightful suggestions in diminishing cases of land confiscation in the country.



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## **The Statistics Law was returned to the Joint Committee for Reconsideration**

The joint committee had finalized the statistics law and had therefore sent it to the plenary session for approval, however the plenary session rejected the draft and was sent back to the Committee for further discussion.

The draft law was presented to the plenary session on September, 12, 2012 and the speaker of the Committee on Economy presented the law before the session. Monawar Shah Bahadori speaker of the committee said, “Article 23 of this law is controversial. All other articles are approved by 18 committees of Wolsi Jirga. Then he recited the controversial article, “person who abuses the statistics card will be punished to 3000 or 10000 afghani or will be confined from 3 to 6 months.” Some MPs including Asadullah Sahadati, Abdul Hafiz Manssor , Dr. Mahadi and Abdul Ltaif Bedram said, “ this law needs reformation and we therefore suggest another joint session to discuss this draft law more accurately”. Speaker of the house send the draft back to the joint committee and asked the MPs to participate in the next joint session.

## **Interpellation of all the Ministers is Impossible**

Wolsi Jirga held session on September, 12, 2012 chaired by Abdul Rauf Ibrahim and discussed the 2009 & 2010 annual financial report. At the beginning of the session Amir Khan Yar head of the committee on National Economy presented the report and said, “After questioning the Ministers and officials who spent less than 40% of their budget, we decided we could only interpellate three organs. The rest had reasonable excuses for not spending their budget.” Some MPs criticized this action of the Committee on National Economy and said, “according to previous decision made by the house, all ministers who were unable to spend more than 40% of their budget must be interpellated.

But the above mentioned committee said, “the problem of those organs was lack of on time payment by donors therefore the organs were not able to spend their allocated budget. We ask the Ministry of Finance to not include the money in the budget that is not paid to the organs and on the other hand interpellation of all ministers is impossible”.

Sediq Ahmad Osmani another member of the committee asked the speaker of the house to put an end to this issue because interpellation of all ministers is impossible.

At the end speaker of the house decided to hold a joint session in order to further discuss the issue and asked all committees to participate in the session.



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### III- the Issues Discussed in Wolesi Jirga's Committees

#### The Committee on Judicial and Justice Affairs

#### At least two members of the Election Commission should be women

Elections are the most important principles of democracy and without elections democracy is meaningless. According to the 156th article of the Afghan constitution “the Independent elections Commission is established to hold and administer elections and referendums”. But the lack of IEC’s composition, duties and mandate law which ensures the commission’s independency and impartiality has indemnified public trust on the transparency of the elections

The Judicial and Justice Committee of Wolsi Jirga held a session on September, 17, 2012 chaired by Haji Mohammad Mohaqeq where 14 members of other committees of Wolsi Jirga attended and discussed IEC’s composition, duties and mandate law. At the beginning of the session Haji Mohammad Mohaqeq head of the committee said, “FEFA has conducted an outstanding survey on IEC’s composition, duties and mandate which is considered very useful and we can use the mentioned survey for evaluating and reforming IEC’s composition, duties and mandate law.” Subsequently Mohammad Abduh the Committee secretary addressed the IEC’s composition, duties and mandate law article by article and the participants expressed agreed on the reformation of some of the articles in the draft law. Afterwards, the Judicial and Justice Committee of Wolsi Jirga named the law The IEC and ECC’s Composition, Duties and Mandate Law.

While reforming some articles of the law, MPs changed the fourth paragraph of the 8<sup>th</sup> article from two qualified women should be suggested as members of the Independent Elections Commission to the president appoints nine members of the IEC for six years, out of which at least two members are women. .

According to the appointment procedure rules, the committee allocated 12 people for academic councils of governmental universities, 12 people for academic councils of non-governmental higher education institutions and 3 people for the related civil society entities. At the end of the session the committee decided to present the mentioned law to the plenary session for approval.



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As mentioned above, democracy without elections is futile, therefore FEFA appreciates the attempts made by the Judicial and Justice Committee of Wolsi Jirga for amending and reforming the IEC's composition, duties and mandate by adding the civil society entities' opinions and suggestions in the mentioned law.

### The Committee on Women Affairs

#### **The Independent Election Commission's sessions must be open to all members of political parties, civil society and national and international observers**

The IEC's composition, duties and mandate draft law is under debate of Wolsi Jirga's 18 Committees. Approval of this law can ensure the transparency, independency and impartiality of the Independent Elections Commission

The Committee on Women Affairs and civil society of Wolsi Jirga held session on September, 11, 2012 and discussed IEC's composition, duties and mandate draft law. It is worth mentioning that the committee had invited Shah Mahmud Mall representative of FEFA to the session in order to include civil society's suggestions in amending and reforming the mentioned law.

The committee had discussed eleven articles of the draft law in its previous sessions, and in this session the committee discussed the remaining articles. The committee added paragraph 3 and 4 in the fourteenth article which are as follows:

Paragraph three: competences allocated to the commission's deputy and secretary is mentioned in their job descriptions and is approved by the Elections Commission's members,

Paragraph four: the Commission's sessions are open for all the representatives of the political parties, civil society, national and international observers.

Also paragraph two of the fifteenth article was amended to read as follows: Head of the commission secretariat is introduced by the commission members to the president for approval, other staff members of the commission's secretariat are recruited according to the civil services law. This text was also added to the mentioned article: The secretariat performs its duties according to the procedure approved by the Independent Elections Commission.





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The debate on the remaining articles of the law was postponed and will be debated in future sessions of the committee. At the end of the session head of the committee appreciated the participation of FEFA's representative at the session.

FEFA urges fair and free elections and is therefore upbeat on the approval and implementation of this law which can guarantee a transparent and fair elections in the country

## The Committee on Women Affairs

### Women home-escape is not a crime

Women home-escape is a social phenomenon escalating drastically every day in the country. . Decades of war, abject living conditions, economic downturns followed by cultural decay have destroyed the order of social system in the country and caused the outbreak of challenges that Afghan women struggled with over many years such as: forced and , under age marriage, and domestic violence which eventually impelled women escape home. However, it is an issue that has made families and Afghan women to be concerned about. Considering the importance of this issue, the committee on Women Affairs, Civil society and Human rights of Wolsi Jirga held a session on September, 16, 2012 chaired by Fawzia Kofi head of the Committee. The committee summoned Habibullah Ghalib Minister of Justice, Hussn Bano Ghazanfar Minister of Women Affairs and the Administrative Deputy Minister of Ministry of Interior Affairs to discuss the issue.

At the beginning of the session Fawzia Kofi emphasized on the fact that home-escape is not considered crime under the laws of Afghanistan and said, “ In Afghanistan about 700 to 800 women are imprisoned and 70% of them are imprisoned due to running away from home and only 30 % of them are involved in other social crimes”. She then added “if home-escape is not a crime, then why these women are imprisoned?

In respond to this question, the Administrative Deputy of the Ministry of Interior Affairs said, “We believe that home-escape is not considered crime but many cases show that the detainees who had escaped home due to forced marriages or other domestic problems, they also committed crimes along the way and that's the reason why the police have imprisoned them” He added “We have taught our police forces not to review the dossiers related to women home-, because of its recognized as a crime”. Then Asadullah Ghalib the Minister of Justice said, “Running away from home is not a crime and the Supreme Court is guided to send a letter to all the judges and law enforcement authorities to take this issue seriously and do not arrest, detain or prosecute any



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further cases of “home-escape”.” Ghalib also urged the families to avoid forcing their daughters in arranged and underage marriages. During the session, Obaidullah Barezai, head of the Committee discussed the cases on the issue and while expressing his concerns he said, “I have visited women jails and have asked the women about the reason of their imprisonment, many responded that they don’t know the reason of their imprisonment.” Confirming Barezai’s words, the Minister of Women Affairs said, “The condition is very bad in the jails. The Ministry of Women Affairs overlooks the condition of the jails and correction and rehabilitation centers twice a month and submit a report to the Ministry of Interior Affairs and Supreme Court. She added, “Unfortunately Ministry of Women Affairs does not have executive competences in this regard.”

At the end of the session the MPs decided to establish the judicial and justice of law committee to reform the home-escape law and approve the family law.

FEFA expresses its concerns over women’s living condition in the country and appreciates the efforts made by the Women Committee of Wolsi Jirga to solve these problems. FEFA will cooperate with this committee to ensure human rights in the country.

### **Unions and Associations are obliged to provide a report on their activities and fixed and non-fixed assets to the Ministry of Justice**

Considering and evaluating the problems of women is a significant task of the Committee on Women Affairs. Therefore, the Committee on Women Affairs, Civil society and Human Rights of Wolsi Jirga held a session on September, 2, 2012 chaired by Fawzia Kofi, head of the Committee where submitted cases on women’s affairs were adjudicated and discussed

One of the cases belonged to a woman who was subjected to vicious attacks by her husband. The woman said, “My husband was addicted to narcotics and heroine and was always stressed and overwhelmed and so once he attacked me with a knife and now he is imprisoned” she added “after the incident the family of my husband kept my children and so I referred to the court to punish my husband and return my children to me.”

After hearing the complaints of the women, Fawzia Kofi the head of the Committee promised to help the women in the court to grant the woman her rights and return her children

According to the agenda, the Committee evaluated the law on unions and associations. Meanwhile the representative of Ministry of Justice was present at the session and therefore, amended and adjusted the unions and associations law. The mentioned law is drafted in 5



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chapters and 27 articles to set the affairs related to establishment, way of activity, rights and dismissal of unions and associations.

During the debate on the mentioned law, Fawzia Kofi, head of the Committee asked the representative of Ministry of Justice whether the associations and unions report to the ministry of Justice about their activities or not. It is worth mentioning that the 23<sup>rd</sup> article of this law emphasizes on the issue and requires the associations and unions to report to the Ministry of Justice about their activities and assets every six months. However, the Committee agreed on changing the six months' time period to one fiscal year. Also the Committee evaluated the context of law on associations and unions thoroughly and brought a series of changes to the draft. At the end of the session, the Committee sent the draft to other committees to get their views on the outline.

## The Committee on Internal Affairs and National Security

### Armored Vehicles are Imported Illegally by Tajikistan's Consulor

The Committee on Domestic Security of Wolsi jirga held its session on september, 2,2012 chaired by Mirdad Khan Nijrabi with attendance of 14 members of the committee. The committee summoned the Deputy Minister of Defense, the Security Deputy of the Interior Affairs Ministry, the Deputy Minister of Foreign Affairs, Deputy Minister of Transportation, Deputy Minister of the Customs and Revenues, Chair of the 34 security office of the National Security Department, the Discovery Deputy of National Security Department, head of Kabul traffic department and the head of the prisons in this session to present reports on their performances. At the beginning of the session Mirdad Khan Nijrabi said, "a number of armored vehicles are imported to Afghanistan by Tajik consulate and are commuting in Konduz and other provinces." Nijrabi added, "these vehicles are rented to foreign NGOs without paying tax to Afghan government." He further stated, "Tajikistan takes advantage of this border-transaction and we have to prevent it".

The Deputy Minister of Foreign Affairs said, "based on the road traffic international law, foreign cars must pay 100 dollars each six months in tax to the government. The Ministry of Foreign affairs has provided these foreign vehicles with licenses and permits. However, controlling these licenses and permits is the duty of the Ministry of Interior Affairs before the vehicles cross the border.



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Subsequently, the Deputy Minister of Transportation said, “ the duty of the Ministry of Transportation is to transport vehicles, however, registration these vehicles is the responsibility of the Ministry of Interior Affairs, as license issuance is the duty of the Ministry of Foreign Affairs.” The head of the Traffic department said, “ some countries abuse the privilege of having road traffic license and after they cross the border they rent them to NGOs”. He added, “it is against the law”.

Then Saleh Mohammad Saleh the Deputy of the Committee on Domestic Security said, “ we must investigate the reason why these vehicles are imported.”

During the session head of the prisons presented a report on the prisoners’ situation in jails and said, “ according to article 21 of the Prisons Law, the prisoners who have passed one third of their imprisonment term must be transferred to their provinces but due to the lack of budget and standard prisons we face many challenges in doing so”.

A member of the committee, Ahmadzai told the head of Prisons, “most prisoners have completed the period of imprisonment but they are still in jail,” then Wazhma Safi and Nazifa Zaki other members of the committee who had visited the prisoners expressed their concerns on prisoners’ living situation in jails and said, “prisoners’ health situation is very poor and at the same time concerning”.

Subsequently, the head of prisons said, “after every fifteen days we check and control the prisons and the prisoners who complete their period of confinement are released right away”. He added, “due to the lack of enough budgets we cannot offer the prisoners better services”.

At the end of the session, the MPs asked the Ministry of Interior Affairs and the Ministry of foreign Affairs to present a detailed report containing statistics and data on license issuance for foreign vehicles to the committee and draft a specific policy to avoid the road traffic abuses.

FEFA believes, the performance of the Committee on Domestic Affairs and National Security is appreciated, and asks the committee to control security organs of the country for better maintenance of security in the country.



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## The Commiittee on Health,Sports, Work , Worker and Youth

### 120 Cases of Child Sexual Abuse among 1000 Cases of child abuse

Afghan children face many problems every day that threaten their physical and mental health.. Poverty, forced labor, illiteracy, domestic abuse human-trafficking is the main problems facing the Afghan children... Therefore, the Committee on health, sports, work and worker of Wolsi Jirga held session on September, 4, 2012 chaired by Dr. Naqibullah Fayeq with the attendance of 8 members. The committee had also invited the Deputy Minister of Haj and Religious Affairs, head of the National Radio&Television, Deputy Minister of Information and Culture and Deputy Minister of Work and Social Affairs to support Children's Rights and prevent child abuse and neglect. At the beginning of the session, the committee members asked the above mentioned officials to present their working plans on this issue. Subsequently, Wasel Noor Mohmand, the Deputy Minister of Work and Social Affairs said, "the Afghan children are faced with many problems including: under age marriage, domestic and sexual abuse, forced labor, human trafficking, Sodomy, and illiteracy. The Ministry of Work and Social Affairs in cooperation with UNICEF, UNDP, Ministry of Public Health, Ministry of Interior Affairs, and Deputy of Youth Affairs has established The Children Protection Unite." He added, the Children Protection Unite evaluates the cases related to children and attempts to clarify them. The Deputy Minister said, "the above mentioned unite has evaluated 1000 children cases in 2011 and among those cases 120 cases were related to child sexual abuse. He added, "Ministry of Work and Social Affairs cannot offer Children Rights Awareness messages through media outlets due to the expensive cost and the lack of budget. At the end he said, "In cooperation with the lecturers of Al-Azhar University of Egypt we will work on the law on Children Rights and send it to Wolsi Jirga for approval. During the session Mohammad Zarin Anzor chair of the National Radio & Television said, "The National TV has two programs (Ayendasazan and Children Programs) which is aired every day to support the Children Rights and Child Abuse Awareness." Then Saleh Mohammad Saljoqi member of the committee said, "according to the Children Rights Convention abusing children is illegal and the government and families must support Children Rights which most families are not aware of. It is the duty of mullahs to preach about the Children Rights and the media to portray messages on Children Rights and therefore support children."

Dayi Al-aq Abid the Deputy Ministr of Haj and Religious Affairs said, "We will ask the mullahs to address Children Rights awareness in their orations."





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At the end of the session the MPs decided:

- The TVs must escalate their Children Rights Awareness Programs
- Ministry of Information and Culture should draft a policy to encourage media outlets in broadcasting programs that support Children Rights
- Programs and projects must be implemented by the assistance of donor countries
- The National Assembly must approve laws to support children and avoid child abuse

FEFA believes children are the future leaders of the country and the government must take crucial steps towards recognizing and implementing Children Rights. FEFA appreciates the performance of the Committee on Health and Youth of Wolsi Jirga for solving considering these problems.

## The Committee on Complaints and Petitions

### The Indian Embassy hesitates to issue visa for Afghan students

The Committee on complaints and petitions of Wolsi Jirga is established to discuss people's complaints and petitions and therefore, conducts its weekly sessions in order to evaluate the received petitions and complaints. The Committee on complaints and petitions of Wolsi Jirga held its session on Saturday, September, 9, 2012 chaired by Obaidullah Barekzai to consider the acquired complaints and petitions.

At the beginning of the session students of Badakhshan Province who attended the session presented their problems and stated "a few weeks ago a number of scholarships was offered to students in Badakhshan province from the Indian government. Upon our application for student visa the Indian Embassy hesitated to issue us visas and the embassy claimed that it is past the time of issuance."

Obaidullah Barekzai head of the Committee said, "The Committee will contact the Ministry of higher education and will give the Ministry a week to contact the Indian Embassy in Kabul, discuss the problem and encourage them to take action In case the Ministry fails to do so, the Minister will be summoned before the Committee for further inquiry





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The Committee moved on to other complaints such as the one made by the residents of Khushalkhan district about a person named Ehsanullah who according to the residents has built a building near Hazrat Mohammad mosque with the permission of the Kabul municipality and has now decided to destroy the mosque and instead dig a well for its building. After hearing the complaint, the committee members decided to summon the Municipal officials to explain circumstances under which they permitted the demolition of the mosque

The rest of the session was allocated to the complaint interpolated by the elders of Paktia province who had complained about the lack of security in some areas of the province. “Since a long period of time the traffic pass between three districts is closed due to Pakistan’s missile attacks” the tribal elders said. “The Afghan army forces left their bases 15 days before the foreign forces left theirs. If the security officials do not send forces to these troubled areas, Taliban will soon occupy the region” they added.

After hearing the complaints, head of the Committee expressed his concerns over security problems in abovementioned areas and stated that, “The Committee will contact and discuss the problem with the Ministry of Defense

### **Zabul mayor threatens a member of Wolsi Jirga**

The Complaint Committee of Wolsi jirga held session on september,29,2012 chaired by Obaidullah Barezai and reviewed the complaint made by Abdul Qader Qalatwal the representative of Zabul province in Wolsi Jirga. “ I had a trip to Zabul province to talk to people and discuss their problems. There was a considerable number of complaints about the mayor who is distributing government-owned lands to people” Qalatwal said. “ After hearing the complaints I scheduled a meeting with the mayor. At the meeting the governor deputy and representative of the national security department were present and I brought up the issue of illegal land distribution and so the mayor got anger and threaten my life by pointing his gun at me. I informed Wolsi jirga of the incident and even though a commission was sent to Zabul province, results are yet to be received. Therefore he urged the Complaint Commission to take action in this regard. Subsequently, head of the Complaint Committee expressed his concern and said “the Complaint Committee will send an official letter to the local agencies to have the mayor summoned before the Committee”...

During the session, the committee expressed its appreciation for the hard work and outstanding performance of three government officials, Azrat Mir Totakhil chair of Kandahar university,



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Asadullah Sherzad the security commander of Baghlan province, and Akbar jan Arzomand head of conquer department of Ministry of higher education.

## **IV- Overseeing the Work of the Government**

### **1IV-Parliamentary Hearing**

Parliamentary hearings are those sessions where Ministers and all government authorities report to the MPs on the policies, plans as well as the performance of their organs. The hearing sessions held by the Wolesi Jirga in this month are:

<b>Number</b>	<b>Body/Authority</b>	<b>Issues un hearing</b>	<b>Date</b>
1	Chair of Local Agencies	Presenting Information	September, 5, 2012

### **Active MPs of This Month**

<b>Number</b>	<b>Mps Name</b>	<b>Number Of Questions Asked</b>
<b>Security</b>		
1	Sher Wali Wardak	1
2	Dr. Mahmood Khan	1
3	Sadeqi Zada Nili	1
4	Zakia Sangen	1
5	Mohammad Hussan Sharifi	1
6	Naqibullah	1
7	Ghulam Hussain Naseri	1
8	Nazifa Zaki	1
9	Sediq Ahmad Osmani	1



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Number	Mps Name	Number Of Questions Asked
10	Shahesta Baz Nasery	1
11	Naim Lali	1
12	Abdul Wadood Payman	1
13	SadWazhma Safi	1
14	Dr. Mahdi	1
15	Mohammad Iqbal Safi	1
16	Saljoqi	1
17	Dr. Zaher Sahadat	1
18	Ali Akbar Qasemi	1
19	Engineer Kamal	1
20	Fatima Zaki	1
21	Fatima Aziz	1
22	Haji Mohammad Mohaqeq	1
23	Shokoria Pyeman	1
24	Shenkay Karokhil	1
25	Saleh Mohammad Saleh	1
26	Mawlawi Shahzada Shahed	1
<b>Security and Military Police</b>		
1	Dr. Masoma Khawri	1
2	Nazifa Zaki	1



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Number	Mps Name	Number Of Questions Asked
3	Freshta Anwary	1
<b>Human Rights and Civil Society</b>		
1	Dr. Nilofar Ibrahimi	1
2	Engineer Saheb Khan	1
3	Baktash Siawash	1
4	Dr. Mirbat Khan Mangle	1
5	Sarwar Osmani	1
6	Haji Zaher Qadir	2
7	Kamal Naser Osoli	1
8	Lailoma Wali Akimi	1
9	Qazi Nazer Ahmad Anafi	1
<b>Law</b>		
1	Abdul Rauf Ibrahimi	1
2	Sadeqi Zada Nili	1
3	Kamal Naser Osoli	1
4	Qazi Nazer Ahmad	1
5	Naim Lali	1
6	Abdul Qader Qalatwal	1
7	Baktash Siawash	1
<b>Corruption</b>		
1	Basher Ahmad Ta yange	1



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Number	Mps Name	Number Of Questions Asked
2	Naim Lali	1
3	Khalilullah Shahed Zada	1
4	General Nazifa Zaki	1
5	Osmani Farahee	1
6	Sediqa Aimaq	1
7	Engineer Saheb Khan	1
8	<b>Mohammad Arif Rahmani</b>	<b>1</b>
9	Monawar Shah Bahadori	1
10	Ustad Mohammad Akbari	
11	Mohammad Mosa Jina	
12	Shenaky Karokhil	
13	Qudratullah Zaki	
14	Mohammad Akbar Stanikzai	
15	Mohammad Ali Alizada	
16	Naqibullah Fayeq	
<b>The Security law</b>		
1	Mollah Tarakhil	1
2	Abdul Arif Rahmani	1
3	Haji Mohammad Abduh	1
<b>Religion</b>		



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Number	Mps Name	Number Of Questions Asked
1	Sayed Hussain Alemi Balkhi	1
2	Naim Lali	
3	Abdul Satar Khawasi	
4	Mohammad Younis Qanoni	
5	Sadeqi Zada Nili	
6	Qazi Nazer Ahmad Anafi	
7	Abdul Latif Bedram	
8	Abdul Rauf Ibrahimij]	
<b>Economy</b>		
1	Mohmmad Iqbal Kohestani	1
2	Obaidulla Ramin	1
3	Stanikzay	1
<b>Education and Health</b>		
1	Sayed Nader Shah	1
<b>Struggling Againsr Narcotic</b>		
1	Zahra Tokhi	1
2	Safia Aimaq	1
3	Ramazan Bashardost	1
4	Fawzia Kofi	1
5	Nahed Farid	1





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Number	Mps Name	Number Of Questions Asked
6	Qalatwal	1
<b>Women Affairs</b>		
1	Zakia Sangen	1
2	Farkhonda Zahra Nadery	1
<b>Government</b>		
1	Farkhonda Zahra Nadery	1
2	Naqibullah Fayeq	1
3	Engineer Akram	1
4	Sher Wali Wardak	1
5	Dr. Maiuddin Mahdi	1
6		
7	Ali Akbar Qasemi	1
8	Abdul Latif Bedram	1
9	Orfanullah Orfan	1
10	Mohammad Ali Alizada	1
11	Shah Abdul Ahad Afzali	1
12	Hussain Fahimi	1
13	Enyatullah Babor Farahmand	1
14	Abdul Hafiz Mansoor	1
15	Mosa Khan Nasrat	1
16	Nader Shah Bahr	1



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Number	Mps Name	Number Of Questions Asked
17	Ahmad Behzad	1
18	Qazi Abdul Rahim	1
Education		
1	Alhaj Abdul Rauf	1
Finance		
1	Ramazan Juma Zada	1
Justice		
1	Dr. Zaher Sahadt	1
Infrastructures and Roads		
1	Dr. Sayed Ali Kazmi	1

### The Most Positive Development of This Month

Approving the draft law on composition, duties and mandate of the Independent Election Commission by Wolsi Jirga after several debates in 18 committees of Wolsi Jirga and including the suggestions of CSOs especially FEFA's in this draft law is the most positive development of Wolsi Jirga in this month. If Meshro Jirga approves this law and the president sign it. This law can be the most important achievement of Wolsi Jirga because this law includes legal guaranties which assures the IEC's independency and impartiality.

Wolsi Jirga also strengthened its monitoring role on government's performance in this month, interpellation of the Ministers of Interior Affairs and National Defense and their disqualification due to their inability to maintain security and to stop Pakistan's missile attacks on border parts of Afghanistan was another positive development in this month. It is worth mentioning after disqualification of the mentioned ministers Wolsi Jirga gave vote of confidence to the the following candidates : candidate minister for ministry of Interior Affairs, candidate minister for ministry of National Defense and candidate of the National Security Departmen.



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## About FEFA

- Based on its constitution FEFA organization: as a civil and impartial institution, wants a peaceful democratic society and good governing in Afghanistan, has always tried to do its part through increasing awareness level of people from democratic process, strengthening transparency in activities of democratic institutions and by supporting good governing in the country.
- FEFA was established in 2004 as a nongovernmental organization and registered in ministry of economy.
- FEFA has experience of 2004 and 2010 Afghanistan elections
- FEFA has membership of Asian network (ANFREL) and also has close and perpetual relation with ODHIR which is one part of organization of security and cooperation of European Union that works in election field.
- FEFA has experience of observation over more than 10 elections of Asian and European countries and had chance to attend in international conference on election
- FEFA in electoral correction process through suggested proposes about electoral law and lawsuit for changes in laws has close cooperation with lawmaking institutions of country- policy maker institutions and civil society

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