



Independent Joint Anti-Corruption Monitoring and Evaluation Committee

Vulnerability to Corruption Assessment of Teacher Recruitment in the Ministry of Education

Kabul

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ACRONYMS

AIHRC	Afghanistan Independent Human Rights Commission
AGO	Attorney General's Office
CSO	Civil Society Organization
MEC	Independent Joint Anti-corruption Monitoring and Evaluation Committee
MOE	Ministry of Education
MOF	Ministry of Finance
MOI	Ministry of Interior
MOWA	Ministry of Women's Affairs
MP	Member of Parliament
PED	Provincial Education Directorate
TRC	Teacher Recruitment Commission
VCA	Vulnerability to Corruption Assessment

1. Summary

This Vulnerability to Corruption Assessment (VCA) focuses on the teacher recruitment process of the Ministry of Education (MOE). It examines a range of legal, regulatory, institutional, and process issues to identify corruption vulnerabilities and possible solutions for addressing them. The VCA not only reveals numerous corruption vulnerabilities, but possible evidence of corruption as well. Among the vulnerabilities identified were lack of oversight, poorly defined procedures, and a process that is easily subjected to fraud and manipulation.

2. INTRODUCTION

The education sector in Afghanistan has been a major priority for the Afghan people and the donor community since the fall of the Taliban in 2001. Significant resources have been devoted to improving educational outcomes in Afghanistan, including teacher training. Currently there are 207,322 teachers (of which 31.8% are female; 68.2 of them are males; 9.7% have less than a 12th grade education, 46.1% have less than a 14th grade education, 33.% of them have a 14th grade education, 11.% have a bachelor's degree, 0.2% have a master's degree, and three have PhDs) in 16,584 schools, teaching 9,063,636 students (of which 38.6% are female).¹ Unfortunately the resources devoted to improving teaching quality are currently undermined by a recruitment system that is highly vulnerable to corruption. Everything from needs assessments, to competitive examinations, to the selection process, is vulnerable to corruption.

VCAs are typically conducted to identify corruption vulnerabilities in a given process, not to investigate corruption. It is worth noting, however, that the VCA Team was presented with evidence of alleged corruption several times throughout the process. Given that the VCA took place over a relatively short period of time (less than two months) in several provinces and that evidence was provided quite freely, it would be hard to argue that these cases are the exception to the norm. In fact, the cases of corruption that were presented to the VCA Team were so openly egregious that they immediately called into question the MOE's oversight and accountability mechanisms, as well as its commitment to education. At minimum, the VCA Team's findings appear to support the Afghan public's perception that the MOE is the third most corrupt institution in Afghanistan after the justice and security ministries.²

Given both the vulnerabilities and corruption incidents identified during the course of this VCA, it is clear that the education of current and future generations of Afghan students is being significantly undermined by bribery and nepotism. Furthermore, the diversion of educational resources for private gain has significant human rights implications.

3. VCA Methodology

The data for this VCA has been collected through focus group discussions, consultation meetings and interviews with a wide range of stakeholders in Kabul and the provinces of Herat, Nangarhar, Balkh, Badakhshan and Laghman. These stakeholders include:

- The MOE and its provincial education directorates (PEDs)

¹ The figures have been officially shared with MEC by the MOE.

² *National Corruption Survey 2014*, Integrity Watch Afghanistan

- The Afghanistan Independent Human Rights Commission (AIHRC) (national and provincial offices)
- Provincial Councils
- School Principals
- Ministry of Women’s Affairs (MOWA) and its provincial directorates
- Interviews with teachers and teacher candidates
- Interviews with students and their parents

4. Legal and Policy Framework

4.1. *Education Law*

According to Article 45 of the Education Law: “Any individual can be employed as a teacher who, in addition to possessing the requisite qualifications³ outlined in the Civil Service Law, successfully passes the national teaching skill examination.” This effectively means that teacher candidates must pass the 14th grade. People who were already teachers when the law was passed must attain 14th grade education qualifications within four years of the law’s passage or they will lose their positions.⁴ In practice, the VCA Team found that these requirements are easily circumvented through bribery or personal relations with MOE staff in Kabul or in the provinces.

One problem that interviewees identified relates to Article 44 of the Education Law, which allows retired teachers, who receive pensions, to continue working for another 10 years if they have the capacity and there is a demonstrated need for their services. Based on the VCA Team’s findings it would be hard to argue that there is a “need,” given that there are many more qualified teachers than open slots. According to interviewees, there are thousands of 14th grade and college graduates who are jobless.

For example, in Herat, Faizabad, Jalalabad and Mazar-e-Sharif in 2014, out of 9,000 eligible candidates who passed the exams for teacher recruitment, only 1,800 candidates could be recruited as teachers and the rest, despite having adequate scores, were left unemployed. In addition, there are more than 5,000 teachers and MOE employees who are working past their retirement period. This effectively reduces the supply of open slots, which creates corruption incentives.

5. INSTITUTIONAL ISSUES

Aside from the MOE, other institutions including the AIHRC, the Independent Administrative Reform and Civil Service Commission, Provincial Council members, MOWA, civil society organizations (CSOs) and provincial governor offices are involved to varying degrees in the teacher recruitment process. As a general observation, the VCA Team identified several vulnerabilities that significantly undermine oversight and accountability.

5.1. *Teacher Recruitment Commissions*

At the provincial level, representatives from the aforementioned entities combine to form Teacher Recruitment Commissions (TRCs). The TRCs largely have a monitoring function, while technical functions

³ Refers to article 7 of the Civil Service Law.

⁴ Refers to Part 2 of Article 4 of Chapter 5 of the Education Law

remain with the ministerial and provincial line directorates of MOE. While TRCs could play a significant oversight role in the teacher recruitment process, respondents noted they are largely symbolic and do little to promote transparency. Some interviewees noted that the TRCs are also vulnerable to corruption and members can be bribed to add a layer of legitimacy to any of their functions, such as monitoring the examination process. As noted by interviewees, there is no clear mechanism for commission performance and employees' responsibilities and this has led to misunderstandings for provincial-level staff.

5.2. Organizational Hierarchy and Management Issues

The VCA Team learned that the MOE's organizational structure functions on a highly superficial level. At minimum, it appears that policies and procedures that could promote greater integrity in the teacher recruitment process are frequently ignored in favor of personal relationships. The effect is that Ministry level directives are easily and at times openly disregarded at the provincial level.

While senior MOE officials were often cited as playing a role in corruption, it was also noted that their influence is not always absolute. In Herat province, for example, interviewees alleged that the Director of the Provincial Education Directorate (PED) effectively blocked candidates who had been appointed to positions there. They were prevented from assuming their positions even though they had the formal approval of the Minister.

Interviewees stated that many MOE employees, including teachers, administrative officers, and finance officers, are recruited based on personal or political relationships. Members of Parliament (MPs) were cited as frequently influencing appointments. The VCA Team was told that external influence in hiring has resulted in the recruitment of highly unqualified individuals and, in some cases, departments are comprised almost entirely of a single ethnic group.

5.2.1. Impunity and Lack of Oversight

The VCA Team discovered that although corruption in the teacher recruitment process is well known and often easily identified, very little action is ever taken by the MOE or Attorney General's Office (AGO).

According to the provincial governor's office in Badakhshan, a team was assigned to audit the PED. The audit uncovered flagrant misuse of the education budget, as well as evidence of corruption in the teacher recruitment process. The Governor's Office sent the audit findings to the AGO, but there has been no reported progress on the case.

Respondents in Herat Province stated that there is systemic corruption taking place in the Herat PED and that its Director is at the center of it. They allege that the Director has recruited members of the Surkhpushan football team as teachers to ostensibly serve in some of Herat's insecure areas. However, the members of the football team have not gone to the areas where they have been assigned to teach. They continue to receive salaries, a portion of which is given back to the Director. Interviewees noted that a criminal case has been referred to the AGO, but has not been processed due to illegal interference. The VCA Team was provided with evidence that substantiates these claims.

It should be noted that teachers failing to show up to work or existing in name only (“ghost teachers”) has been a problem in Afghanistan for years. For example, while many schools in the Shendand district of Herat remained unused, teachers were continuing to receive their salaries.

According to the laws and regulations, teachers are required to fill in attendance sheets, but this requirement is often not followed. In most of the provinces, including Kabul, attendance sheets are not being used or are frequently forged. This is a particular problem in schools located in insecure or remote areas. The salaries usually go to a group of officials from various government directorates, including Education and Finance, who are colluding to steal money from accounts allotted for teacher salaries.

Interviewees in Balkh, Herat, Badakhshan, Nangarhar and Laghman provinces stated that it would not require a sophisticated investigation to discover these fraudulent activities and that many officials who collude in the process openly flaunt the money they have stolen through purchases of expensive homes or cars that are disproportionate to their government salaries. Despite the obvious illegalities, no action has been taken.

While applicants for fixed-term or permanent teaching positions must go through the competitive examination process, there are thousands of other teachers who are employed for nine months of the educational year and are compensated based on lecture hours. There is no transparent mechanism for hiring this latter category of teachers and they are not obliged to possess the same educational qualifications or pass the competitive exam. Due to this lack of transparency, the allocation of these positions is highly vulnerable to corruption and is often influenced through collusion between principals, district and provincial education directors, as well as staff at provincial finance offices (Mustafiats). Respondents stated their belief that this hiring mechanism is particularly vulnerable to producing “ghost teachers,” as it is not subjected to the same recruitment procedures or safeguards.

5.3. Special Appointments

Special appointments give discretion to PEDs to place teachers outside of the competitive process if urgent need can be demonstrated. This type of appointment makes little sense given that appointments require Ministry-level approval and candidates who have already passed the competitive examination could be used to fill these positions.

Interviewees noted that the special appointment process is easily exploited by PED directors and other officials. For example, in Badakhshan province the VCA Team was told that the PED appointed eight teachers at the urging of an MP. The appointment of Surkhpushan football team members in Herat was accomplished through this process as well.

5.4. Complaint Commissions

The MOE’s Teacher’s Complaint Commission violates the Civil Service Law. The Civil Service Commission has established a complaints board which is supposed to apply to all government employees, including teachers. The Teacher’s Complaint Commission undermines this process. The VCA Team identified significant conflict of interest issues, including the fact that the PED directors are permitted to review all complaints before they are allowed to proceed to the Teacher’s Complaint Commission.

6. COMPETITIVE PROCESS VULNERABILITES

6.1. Competitive Appointments

The competitive appointment process is designed to select teachers based on their educational background and examination performance. It consists of numerous steps outlined in the table below:

No.	Steps	Responsible Party
1	Subject-based needs assessment	School/Director of Education
2	Report identified needs to Planning Department	School/Director of Education
3	Compile all needed positions	Planning Department
4	Officially report the needed positions to Central Planning Directorate	PED
5	Compile all needed positions in the country and submit funding request through the national budget	Directorate of Plans of MOE
6	Allocate budget based on income	Ministry of Finance (MOF)
7	Approve the national budget and the addition of teacher positions.	Parliament
8	Announce the competitive assignment of positions at the provincial level	MOE/PED
9	Fill applications for the positions	Applicants
10	Short list and inform the applicants to attend the exam	PED
11	Hold the provincial exam	MOE/PED
12	Forward all the answer sheets to the MOE	PEDs
13	Check and score the answer sheets	Teacher's Appointment Commission
14	Share the scoring list with PEDs	MOE
15	Announce successful applicants	PEDs
16	Process the documents as required by law	Applicants/Relevant Authorities
17	Prepare the newly appointed teachers list	PEDs
18	Propose the list to MOE or provincial governor for approval	PEDs
19	Add teachers names to the National Database of Teachers for salary disbursement	MOE
20	Introduce teachers to schools and the Mustafiat through an official letter for employment and salary payments	PEDs

The competitive teacher recruitment process can best be described as having three phases: 1) The assessment phase; 2) The examination phase; 3) The selection/appointment phase.

6.2. ASSESSMENT PHASE

6.2.1. Initial Needs Assessment

Teacher recruitment needs are identified by assessments conducted by the PED directors, in cooperation with principals and district education directors. The VCA Team was told that most assessments don't actually address legitimate school needs and are frequently conducted in a manner conducive to hiring teachers based on personal relations. Interviewees stated that there are many cases where legitimate needs are identified, such as mathematics or science teachers, but the assessment is then changed to reveal a need for other teachers, particularly those with personal connections to provincial education officials.

The lack of transparency in the process, as well as the lack of clear procedures and criteria for conducting needs assessments constitutes a significant corruption vulnerability. It was also noted that the assessment process often suffers from a lack of technical capacity, as well as communication and coordination issues, which makes the process more vulnerable to fraudulent assessment reports. Schools located in remote areas were cited as being particularly vulnerable to fraudulent assessments. The assessments are often of such dubious quality that it is not uncommon to see fully staffed schools with very few students. For example, members of the Badakhshan Provincial Council noted that a school with 11 teachers and support staff only graduates a few students a year.

In the end, many assessment reports received by the Provincial Planning Directorate in Kabul are often of poor quality and based on fraudulent data.

6.2.2. Compilation of Assessment Findings by Provincial Educational Departments

Interviewees noted that poor technical capacity and organizational deficiencies within PEDs are easily exploited by corrupt actors who are free to influence the number of slots required in a given school, often on political, personal or ethnic grounds. This often leads to the number of required teaching slots being overestimated. Given that the MOF does not accept all funding requests for teaching slots, submitting false and exaggerated estimates increases the likelihood that actual teacher requirements will go unfunded.

6.2.3. Official Reporting of Required Positions to the Central Planning Directorate

The list of priority positions is compiled at the provincial level and then sent to the Central Planning Directorate in Kabul. While the Central Planning Directorate could partially address corruption at the provincial level with a verification mechanism, no such mechanism exists and there doesn't appear to be any desire on the part of the MOE to establish one. According to interviewees, lists of candidates are frequently brought in outside of the MOE's procedures. MPs in particular were cited as frequently circumventing the process to ensure that their candidates or areas are prioritized for placement.

6.2.4. Compiling All Needed Positions in the Country and Proposing them in the National Budget

Some employees of PEDs and members of provincial councils believe that only a portion of the total requested positions make it to the priority list at the MOE. Interviewees noted that there doesn't seem to be any policy or guidance on how positions get allocated around the country or how the budget is determined. Positions are just as likely to be allocated by ethnic, regional, or political biases as they are on the number of students and schools or the student population density.

6.2.5. Approval of the Budget by the Ministry of Finance

The MOF never approves funds for all teaching requirements identified at the provincial level. The MOF claims that it has insufficient funds to fulfill all teaching needs. Interviewees noted that while the budget requests are cut, the MOF later approves more teaching positions, but only funds contract positions that are not subjected to the competitive process. Those contract positions, mentioned earlier, are the most vulnerable to corruption and the most likely to be used as political currency.

Interviewees stated that MPs often trade their votes on the MOE budget for a certain allotment of teacher positions that they can give to their constituencies or use to pay off other political favors. Provincial officials who spoke to the VCA Team even suggested that nearly 50% of the positions are “given” to MPs in this way. They suggested that another 20-25% is allocated to PED directors with the remaining allocated through the “legitimate” process to demonstrate a modicum of transparency in the process. It should be noted that the VCA Team was unable to verify these figures.

6.3. EXAMINATION PHASE

6.3.1. Announcement of the Competitive Process and Application Process

Interviewees at the district and village level noted that the process of announcing competitive examinations could be improved and stated that corrupt officials often manipulate announcements in order to control and influence the applicant pool.

Interviewees noted a lack of transparency in the process of distributing exam applications, including unclear publicly available information on the application process, which often compels prospective applicants to bribe officials simply to obtain an application form. In addition, shortlists for exams are easily manipulated, allowing unqualified applicants to take the exam. Due to a lack of confidence in the integrity of the exam process, most applicants know they must submit bribes to sit for the exam.

6.3.2. Holding the Provincial Exam

Interviewees noted that there are several vulnerabilities in the exam process that allow questions to be leaked ahead of time or blank answer sheets to be exchanged for those that have been filled out with the correct answers. In addition, it is quite common for people to take exams on behalf of others. All of these cheating strategies can either be accomplished through bribery or simply through the use of personal connections.

While the answers sheets are allegedly kept in a locked box while in transit to Kabul, it is well known that this safeguard is frequently circumvented. Interviewees noted that names on exam sheets are frequently changed. The VCA Team was provided with evidence to support this claim.

It was also noted that because PED directors are involved in supervising the exam process, they are the ones who are most frequently approached to facilitate corrupt acts.

6.3.3. Checking and Scoring the Answer Sheets

A committee comprised of teachers in Kabul scores exam answer sheets. Interviewees noted that while it is theoretically possible to bribe the scoring committee, it is unlikely. The reasons for this is that while

the location of the offices is widely known, the identity of the scorers themselves typically isn't public knowledge.

6.3.4. Compiling Exam Results

According to interviewees, exam results are compiled on a list that is sent, along with the original exams, to PEDs. This was cited as one of the most significant corruption vulnerabilities as the lists are easily manipulated and little to no effort is made to verify the lists with the original exams. Furthermore, the list is not shared publicly, which effectively allows officials to tell people they have failed, when in fact they may have passed, in order to solicit bribes. It also allows provincial officials to insert names at will.

The VCA Team was provided with evidence from Badakhshan and Herat where exam marks written in a teacher's appointment papers are higher than those indicated on their exam results. It was also shown that applicants who received very high marks on their exams were not appointed and applicants with lower scores were. For example, documents revealed to the VCA Team showed that a person who earned a score of 16 on the competitive exam had his score modified to 45 and received a teaching appointment. Another example revealed that a person with a score of 80 was denied a position where in the same list a person with a score of 60 was appointed.

The VCA Team learned that internal auditors in the MOE as well as the Supreme Audit office are aware of this issue, but no action has been taken.

6.4. SELECTION PHASE

By the time successful applicants are announced by the MOE, the recruitment process has likely been corrupted in several stages, including the initial needs assessment and examination process. Interviewees stated that making announcements more public, particularly through the MOE web-site and other media would enhance transparency and reduce corruption.

6.4.1. Background Checks

Each PED sends appointee information to the relevant police headquarters, public health directorate and National Directorate of Security for background checks, including drug tests and criminal record searches. Interviewees stated that these background checks are easily subverted and that sometimes bribes or connections are not even necessary as documents are often processed without much care or scrutiny.

6.4.2. Provincial Governor Approval

A list of proposed appointees is sent from the PED director to the provincial governor's office for final approval. According to interviewees, provincial governors who wish to insert their own list of names can easily do so. It was noted that provincial governors and PED directors collaborate on adding names to the list. Evidence was provided to the VCA Team which demonstrated that a list approved by a provincial governor's office was different from the one sent by the PED.

6.4.3. National Database of Teachers

While this database is theoretically designed to minimize corruption by compiling data such as exam scores, personal information, and salaries, interviewees identified two vulnerabilities. First, the data is

entered after the entire process of appointment is completed. This effectively means that inaccurate or falsified data is entered into the system. In addition, interviewees noted that the database has few safeguards against fraudulent entries or manipulation of existing data.

6.4.4. Appointment

As mentioned earlier, it is not uncommon for provincial or district officials to deny appointments, even when the MOE has approved them. A lack of organizational integrity and oversight effectively allow local officials to extort bribes from appointees. Interviewees mentioned that bribes may have to be paid to provincial and/or district education staff, including school principals and human resource officers. Based on some interviewee statements, in Balkh, Herat and Badakhshan provinces, the teachers have to pay 3,000 Afghanis to satisfy the school principal and district education director, and as much as 10,000 Afghanis to human resource officers. Bribes can usually only be avoided through personal or political connections.

Bribery amounts tend to be based on the location of the school, with remote areas requiring less and provincial centers requiring more. For example, bribes in central parts of Mazar-e-Sharif, Jalalabad, and Herat are often 3-5 times higher than those in the districts. One teacher in Badakhshan stated that in order to obtain his position, he had to sell his bike to pay the district education director, school principal and human resource officer. He also had to give them three months salary.

6.5. Payment of Salaries

There are two common practices for payments of salaries to teachers. Teachers who work in large cities or provincial centers usually receive their salaries through banks, which has reduced the likelihood that some of the money will be siphoned off by officials as is common in other Afghan government institutions. Interviewees noted, however, that some teachers still complain about having to pay school principals after receiving their salaries from the bank. If they refuse to pay the principals or other officials they can quickly find themselves unemployed.

For teachers who work in districts and remote villages, salaries are delivered in cash by a bursar. Not surprisingly, interviewees noted that this method is more vulnerable to corruption than using the banking system. Portions of teacher salaries are often cut under numerous pretenses, including being marked absent for a few days on the attendance sheet. There is no clear policy or regulation on this issue, which further exacerbates corruption vulnerabilities. Most of the money apparently goes to principals and other “partners.” This situation apparently exists in all provinces, but interviewees noted that it is a particular problem in Badakhshan, Balkh, Nangarhar, and Laghman provinces.

7. CONCLUSION and RECOMMENDATIONS

The educational needs of current and future generations of school children in Afghanistan are being held subservient to financial greed and nepotism. At a minimum, the MOE appears to be unable or unwilling to maintain the integrity of the teacher recruitment process.

While the corruption vulnerabilities identified in the teacher recruitment process are numerous, MEC recommends the following three courses of action:

- i. The MOE must ensure that only individuals who have passed the competitive examination are appointed. An audit must be conducted of all teachers on the MOE payroll to ensure that only qualified teachers are serving and ensure that “ghost” positions are either filled or taken off the payroll. Contract and special appointment teachers must be replaced with teachers who have passed the competitive examination. The Teacher’s Complaint Commission should be eliminated and all complaints should go through the Civil Service Commission Complaint Board. Article 44 of the Education Law must be changed to ensure that teacher retirement is in compliance with existing civil service regulations.
- ii. The MOE must take immediate steps to improve the integrity of the competitive examination process. The MOE should modernize the examination process to include unique test-taker identification numbers and computerized testing that minimizes score alteration and other types of fraud. The MOE must post exam results on its website, as well as in newspapers. The MOE database of qualified teachers should be upgraded to minimize fraud.
- iii. The MOE must come up with a plan to ensure greater integrity in the assessment process for identifying need for recruiting teachers. Assessment criteria must be clearly delineated to ensure that teachers are selected to cover all necessary subjects and to minimize selection based on personal relationships. TRCs should have an expanded and clearly delineated role in the assessment phase to ensure compliance with standards set by the MOE.

It is worth noting that the corruption vulnerabilities, as well as instances of corruption, identified during the conduct of this VCA have significant human rights implications for the Government of Afghanistan. The right to education is a fundamental human right, as outlined in Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, as well as Article 28 of the Convention on the Rights of the Child. Afghanistan is a signatory to both of these agreements and is obligated to uphold the principles articulated in them. This includes the right to adequate educational standards, including trained teachers.⁵

⁵ See Article 13 of the International Covenant on Economic, Social and Cultural Rights

8. References:

- Education Law
- Civil Servants Law
- Labor Law
- MOE Teacher Recruitment Procedure Guidelines
- Meetings with staff of the MOE and PEDs of Herat, Balkh, Nangarhar, Laghman and Badakhshan
- Meetings with the AIHRC in Kabul and provincial offices
- Provincial Councils
- School Principals
- Meetings with staff of MOWA and its provincial directorates
- Field visits to provincial EQUIP project sites
- Interviews with teachers and teacher candidates
- Interviews with students and their parents
- Focus Group Meetings
- Consultation meetings