



**Independent Joint Anti-Corruption
Monitoring & Evaluation Committee**

BACKGROUND

Illegal hiring of prosecutors and lack of comprehensive training contributes to impunity and risks of corruption

The AGO currently hires prosecutors contrary to Afghan legal requirements

- Prosecutors are included in the definition of civil servants of the *Civil Service Law*, which sets out procedures for the hiring of all civil servants.
- The AGO, however, has never conformed to these legal requirements in hiring prosecutors and the procedures established by the Civil Service Commission to implement the law.
- Merit based and competitive appointments, which are in conformity with the legal requirements, will ensure transparency and fairness, and enhance the capacity of the AGO and avoid nepotism.

The level of professional qualification raises concerns for the capacity of prosecutors

- Some professional staff at the AGO do not have adequate education to perform legal functions.
- The amended *Law on the Structure of the Attorney General's Office* requires new prosecutors to be hired with the minimum qualification of a bachelor's degree in law or Islamic jurisprudence, but not both. Nor are currently under-educated required to meet new requirements.
- There is no continuing legal education requirement for prosecutors to keep their legal knowledge current with developments in the law.

Most prosecutors do not have detailed terms of reference setting out the duties related to their employment

- Employment contracts for prosecutors do not meet professional standards and often only include the name and profession of the employee and employer without detailed terms of reference, duties, or code of conduct.
- The AGO should ensure that all prosecutors have detailed and comprehensive terms of reference to allow for clear expectations and performance management.

Prosecutors' salaries need to be raised and made consistent to reduce the incentive for corruption

- Salaries at the AGO are relatively low for professional employment. Additionally, there are inconsistencies with the salary levels of prosecutors who are at the same level.



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- Low salaries create incentives for corruption and unclear guidelines for consistent pay can fuel nepotism.

To address these important issues, MEC is issuing the following recommendations:

- The AGO should bring the hiring and appointment of prosecutors within the AGO into conformity with the requirements of the *Civil Service Law* and Civil Service Commission procedures.
- Additional mandatory training for prosecutors should be introduced to ensure a comprehensive knowledge of all aspects of law.
- The AGO should ensure that all prosecutors have clear and comprehensive terms of reference.
- Measures should be taken to ensure that prosecutors' salaries are appropriate for their profession and consistent pay for prosecutors.

MEC was established to independently monitor national and international efforts to fight corruption in Afghanistan

- MEC develops anti-corruption recommendations and benchmarks, which are monitored to ensure that they are effectively implemented.
- MEC monitors and evaluates national and international anti-corruption efforts.
- MEC is comprised of three national and three international senior anti-corruption experts.
- MEC reports to the public, Parliament, the President and the international community every six months.

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Photos of the Committee available for download: www.flickr.com/photos/mec123/**