



Legislative Newsletter

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NEWS

MPs Support Blocking “Immoral” Internet Sites

The decision by the Ministry of Communications and Information Technology (MoCIT) to block pornographic websites in Afghanistan was hailed as positive by the Wolesi Jirga (WJ) Members of Parliament (MPs) on 3 November.

While the Islamic religion prohibits pornography, there is no law that explicitly addresses pornography in Afghanistan. However, Article 3 of the Afghan Constitution states that, “No law shall contravene the tenants and provisions of the holy religion of Islam in Afghanistan”.

Speaking in the WJ plenary, Toryalai Hussam, Deputy Minister of Communication and Information Technology announced that a joint committee comprising Ministry of Information and Culture and the MoCIT was formed to monitor the enforcement of the ban. The MPs welcomed the development but said more still needs to be done. “It’s a good start but not enough; there are still some sites that need to be blocked,” said Shikh Ahmad Jebrailee (Herat).

In recent months, the Afghan security forces have raided some internet cafes that failed to comply with the regulation on pornography. According to Mr. Hussam, those found to be in violation of the regulations were heavily fined and/or closed. The WJ members were satisfied with the penalty imposed on the internet cafés violating the regulations.

Enforcing the pornography ban has been a mammoth task for the Ministry of Communication and Information Technology (MoCIT) as most of the internet service providers are privately owned. “We want you to spare no effort in blocking these immoral sites. Sustain the ban regardless of what it takes,” Nader Khan Katawazai (Paktika) said in support of the MoCIT efforts.

“Even in the most liberal of countries, there are limits, so this ban is quite normal,” Kabul MP Abdul Kabir Ranjbar told the Afghanistan Parliamentary Assistance Project. He added, “As long as it is not about freedom of speech, we are for the banning of all pornographic sites, which spread immorality in society.”

MJ Forms a Committee to Investigate the MoHE

On 31 October, Senators from the Meshrano Jirga (MJ) invited the Acting Minister of Higher Education, Mohammad Sarwar Danesh, to the general plenary to address issues raised by the Committee of Complaints and Petitions. Zulmai Zabuli, the chairman of the committee, had reported to the Upper House on 24 October that the committee had received several complaints about the Ministry of Higher Education (MoHE).

One of the complaints concerned the alleged corruption in the awarding of educational scholarships offered by foreign countries. “People who passed the entry exam were dropped from the list and other people were picked,” claimed Mr. Zabuli. In response to the allegation, the MoHE officials said that the selection was done by the Embassies of the respective countries and not by MoHE officials. Contrary to the MoHE officials explanation, Mr. Zabuli said that when he contacted the Embassies of the respective countries, they denied “cherry picking” the students and insisted the the selection was indeed done by MoHE officials. Mr. Zabuli told the Senators he had evidence to support his assertion and would present the evidence to the Upper House.

Also, some Senators claimed that foreign scholarships have become a form of business for senior officials in the MoHE. “Every scholarship has a price tag,” claimed Mr. Haqmal. “Most provinces are deprived of those opportunities.”

Unconvinced by Mr. Danesh’s explanations, the Senators decided to hold an extraordinary session on 1 November to further discuss the matter. They also decided to form a seven-person fact finding committee to investigate the MoHE and present their findings to the president.

However, before the committee even started its work, the MJ decided to propose some changes in the MoHE to President Karzai, including removing the acting minister and his deputies. Supporting this action, Fazil Hadi Muslimyar, the Deputy Speaker of the MJ, stated that Mr. Sarwar had not received a vote of confidence from the Wolesi Jirga (WJ) when the president submitted his name for confirmation. “The Minister has failed to convince MPs and his answers were not satisfactory to Senators either,” declared Mr. Muslimyar.

Following the Minister’s appearance before the Senate, a local TV station, Emroz TV organized a roundtable for MoHE officials and MJ representatives to openly discuss allegations leveled against the MoHE officials. Senators Dr. Zabuli, Haqwayoun and Raji were selected to represent the MJ. However, the MoHE officials failed to turn up for the debate on November 7. A hastily arranged MJ Emergency Advisory Meeting on November 8 resolved to refer the matter to the next Committee of Chairs meeting.

Election Results Stir Controversy in Wolesi Jirga

The Independent Election Commission has previously said it will not consider the political consequences of the results of the 2010 parliamentary election, but election results for Ghazni province have not only raised tensions in the National Assembly but emerged as a national political issue.

On 25 October, in a joint press conference with Tajik president Imam Ali Rahman, President Hamid Karzai, in an apparent reference to Ghazni province, expressed his concerns over what he called “a lack of representation” of large segments of people in certain provinces. Preliminary results in Ghazni province indicate that all the eleven parliamentary seats in Ghazni were won by candidates of Hazara origin, up from three members of the same tribe in the last parliament. The result implies that other ethnic groups in the province notably the Pashtun and Tajik will not be represented in the next parliament.

Abdul Jabar Shalgarai (Ghazni) claimed that the president is trying to persuade the Independent Election Commission (IEC) and Electoral Complaints Commission (ECC) to compromise and include

the names of some Pashtun candidates in the final list, to promote “national unity.” “The interference by the president into the work of the IEC is in contradiction with law. We want the officials involved in corruption prosecuted. We don’t want some Pashtun MPs selected and included [by the president]. If those Hazara MPs have won their seats through legitimate votes, so be it,” argued Mr. Shalgarai. He left the house in protest after completing his statement.

Another MP, Abdul Kabir Ranjbar (Kabul), raised the issue of election fraud and said that he would be taking action against it. “We are going to stage a protest in Kabul from tomorrow [November 3] against these fake elections,” announced Mr. Ranjbar.

Meanwhile, Mr. Ranjbar and seven other incumbent MPs have been staging protests in Kabul centre on alternate days starting on 3rd November. The MPs were joined by some candidates who were ‘unsuccessful’ in the 18 September elections. The protestors have vowed to continue with the protest until their demands are met.

Committee News:

Meshrano Jirga:

Transport, Communications and Municipalities Committee: On 3 November, the Meshrano Jirga Transport, Communications and Municipalities Committee summoned Ghulam Hazrat, the head of the state-run public transport operator Milli Bus. After Mr. Hazrat’s presentation which addressed negotiations with donors regarding the repair of the donated buses and the need for increased salaries for drivers, the Chairperson of the committee, Rafiullah Gul Afghan, queried Milli Bus’ financial management. He said that revenues should be sufficient for the satisfactory operation of the company and alleged that corruption was rampant. Mr. Gul Afghan then demanded that Milli Bus provide annual financial reports and details of all the company’s assets within one week.

Women’s Affairs Committee: At its meeting on 3 November, the Meshrano Jirga Women’s Affairs Committee discussed a letter received from a 15-year-old girl stating that she had been kidnapped, raped and robbed in Ghazni Province. In order to investigate the incident, the committee invited the girl’s parents to appear before them on 6 November.

During the meeting, the girl’s father said that she had been kidnapped from their home in Ghazni Province while she was alone. He named the alleged culprit, who he said was assisted in the kidnapping by two other men. The victim was taken to a women’s shelter after being held captive for four days.

The committee chairperson, Sediqa Balkhi, contacted the Ministry of Women’s Affairs (MoWA) which is responsible for women shelters, to further investigate the case. Ms. Balkhi concluded that there needs to be a meeting between the MoWA and the girl’s parents to find a mutually acceptable solution.

Legislation

There is no legislative activity to report at this time.

Upcoming Events:

Wolesi Jirga

- Kabul Mayor was invited to the 10 November plenary session.

Meshrano Jirga

- The Committee of Women's Affairs and the Committee of Foreign Relations will present their reports to the 9 November plenary session.

Acronyms:

ECC	Electoral Complaints Commission
IEC	Independent Election Commission
MJ	Meshrano Jirga
MoCIT	Ministry of Communication and Information Technology
MoHE	Ministry of Higher Education
MoWA	Ministry of Women's Affairs
NA	National Assembly
WJ	Wolesi Jirga