

# Justice and Human Rights in Afghanistan



*Empowered lives.  
Resilient nations.*

## THIRD QUARTER PROJECT PROGRESS REPORT 2012

**United Nations Development Programme**

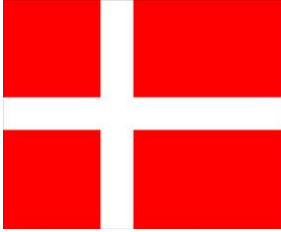
## PROJECT INFORMATION

<b>Award ID:</b>	00057613
<b>Duration:</b>	Jul 2012 – Dec 2012
<b>Strategic Plan Component:</b>	Democratic Governance
<b>CPAP Component:</b>	Access to Justice, Human Rights
<b>ANDS Component:</b>	Governance, Rule of Law and Human Rights
<b>Total Budget:</b>	USD 1,747,520
<b>Responsible Agency:</b>	United Nations Development Programme

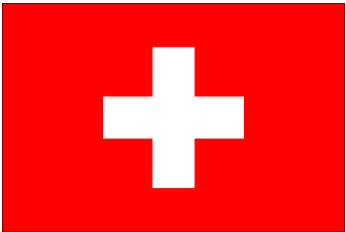
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## ACRONYMS

AGO	Attorney General's Office
AIBA	Afghanistan Independent Bar Association
AIHRC	Afghan Independent Human Rights Commission
APRC	Asia Pacific Regional Center
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPD	Central Prisons Department
CRC	Convention on the Rights of the Child
ESCR	Economic, Social and Cultural Rights
GEP	Gender Equality Project
GoA	Government of Afghanistan
HRSU	Human Rights Support Unit (of MoJ)
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
JHRA	Justice and Human Rights in Afghanistan Project
LAB	Legal Aid Board
LAD	Ministry of Justice Legal Aid Department
LPAC	Local Project Appraisal Committee
MoE	Ministry of Education
MoFA	Ministry of Foreign Affairs
MoI	Ministry of the Interior
MoJ	Ministry of Justice
MoLSAMD	Ministry of Labour and Social Affairs, Martyrs and the Disabled
MoWA	Ministry of Women's Affairs
NDS	National Department of Security
OSDA	Organization for Social Development in Afghanistan
PIP	Project Initiation Period
PLA	Public Legal Awareness
PLAU	Public Legal Awareness Unit (of MoJ)
RfP	Request for Proposals
RoL	Rule of Law
UNAMA	United Nations Assistance Mission in Afghanistan
UNCAT	United Nations Convention against Torture
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund
UNSCR	United Nations Security Council Resolution
UPR	Universal Periodic Review

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## I. EXECUTIVE SUMMARY

In Q3 2012, the Justice and Human Rights in Afghanistan (JHRA) Project had three main areas of focus: 1) finalizing the strategy and Project Document for JHRA Phase II; 2) completing any pending activities from JHRA Phase I programming; and 3) initiating activities for JHRA Phase II programming.

The JHRA Project submitted a draft Project Document to the United Nations Development Programme (UNDP) Afghanistan senior management team for an initial assessment (Pre-Local Project Appraisal Committee (LPAC)) and feedback on the programmatic strategy and technical aspects before final submission for approval. This draft is the result of six months consultation with internal UNDP country, regional and global offices; donors, international agencies, national civil society organizations (CSOs); and close collaboration with the Project's main Government of Afghanistan (GoA) counterpart, the Ministry of Justice (MoJ). Several points were raised considering the breakdown and presentation of the budget, allocation of human resources and formatting of the Results and Resources Framework (RRF) (log frame), which the team incorporated into the final draft.

The Human Rights Support Unit (HRSU) provided implementation guidelines and recommendations to line ministries on national action plans currently being developed for United Nations Security Council Resolution (UNSCR) 1325, Universal Periodic Review (UPR), Convention on the Rights of the Child (CRC) and the International Convention on Economic, Social and Cultural Rights (ICESCR) and held trainings for National Department of Security (NDS) and Attorney General's Office (AGO) officials.

The MoJ Translation Unit recruited an additional translator through the MoJ Human Resource Unit; and English and Arabic teachers to improve the quality of legal translations generated by the Unit. A draft Procedural Code for the Unit is being drafted by the *Taqnin* Department to establish the Translation Unit under the *Taqnin* Department and establish the mandate, reporting lines, and organizational structure of the Unit within the Ministry.

The JHRA and Enhancing Legal and Electoral Capacity for Tomorrow (ELECT II) Projects of UNDP contracted an international expert to assist the MoJ in reviewing the Electoral Law in a legislative review workshop held in September 2012, hosted by the Minister of Justice.

Few activities remained from JHRA Phase I following the Project's official closure on 30 June 2012. Two district-level construction projects, one detention centre in Baharak District, Badakhshan Province, and one primary court in Chapahar District, Nangarhar Province, remained ongoing into Q3 2012. The Baharak facility was completed in August and handed over to the Chief of Staff of the Central Prison Department (CPD) in September 2012. The Chapahar site has encountered challenges with both security in the district and land ownership at the site, and the JHRA team continued discussions with senior officials at the Supreme Court to resolve these issues and handover construction to the Government. The final Public Legal Awareness (PLA) activities were completed in August 2012, with final community theatre and video screenings for community leaders on forced marriage and women's rights held in Nangarhar and Bamyān Provinces.

JHRA has commenced key activities for the second phase of the Project, schedule to start on 1 January 2013. These are detailed in Annex H of this report.

## II. RESULTS

### A. OUTPUT 1: Comprehensive 36-month Project Document to support justice and human rights programming for MoJ and justice sector institutions developed and approved.

Phase I of the JHRA Project officially closed on 30 June 2012. On 1 July 2012, the JHRA Project entered a bridging phase, or Project Initiation Plan (PIP) phase, which provided the project with the legal basis through which it could continue to receive and expend funds, continue or finalize activities from the first phase of the project, and put into motion administrative and programmatic priorities for JHRA Phase II. The PIP period will run until 31 December 2012, or until the Project Document for JHRA Phase II is approved by UNDP Afghanistan Country Office.

In Q3 2012, the JHRA team continued to refine the Project Document for final submission and approval. In July 2012, an expert mission from UNDP Bureau of Crisis Prevention and Recovery (BCPR) in New York came to Afghanistan to work with the Rule of Law Unit on a sector-wide strategy, which included significant programmatic inputs for JHRA, Law and Order Trust Fund of Afghanistan (LOTFA) project, Afghanistan Integrity Initiative (All) project and the Gender Equality Project (GEP). The team also specifically made additional recommendations to the JHRA Phase II Project document.

The JHRA team conducted final consultations with international agencies (listed in Annex 4) to ensure programming was complementary to other initiatives being carried out in Afghanistan, and to secure working partnerships for activities of mutual expertise or interest for the coming phase of programming. A draft version of the JHRA Phase II Project Document was submitted to UNDP Country Office, and a pre-LPAC was conducted on 11 September 2012, to receive feedback from UNDP Heads of Units and Senior Management. Inputs for the refinement of budgeting, human resources, and log frame alignment were provided and are being addressed by the JHRA team.

Further, a capacity assessment of the technical departments within the MoJ, with a particular focus on the finance, human resource and procurement departments, was conducted in Q3 to assess the project management and implementation mechanism for the upcoming phase of the JHRA project. Final approval of the JHRA Phase II Project Document is expected in November 2012.

Table 1: Q3 Progress on Output 1 Annual Targets

Baseline	2012 Annual Targets	Q3 Planned	Q3 Actual
JHRA Phase I Completed	Signed documents for JHRA Phase II	Project Document for JHRA Phase II completed	Project Document for JHRA Phase II completed and submitted to UNDP Country Office for feedback. LPAC planned for Q4 2012.

## 1. FINANCIALS

During Q3, a total of USD 169,575 was spent for this output. For more details, please refer at Annex 1 and Annex 2.

## 2. RISKS

There are no risks for this quarter.

## 3. ISSUES

### ▪ Finalization and Approval

Due to the re-clustering of UNDP over the past six months, and the development of an overarching rule of law strategy, that will ultimately make UNDP Afghanistan's programming in this sector more cohesive, this process has taken longer than initially anticipated.

In order to mitigate this, the JHRA team has undergone numerous discussions with all stakeholders involved in the approval process and incorporated strategic feedback into the final Project Document. All administrative and strategic points have been taken into account, and the final approval of the Project Document is expected in November 2012. Further, JHRA has already initiated activities to support programming for the upcoming phase of the project, which are described in more detail later in this report.

## 4. FUTURE PLANS

The JHRA Phase II Project Document will be presented for official approval to UNDP Senior Management, Justice Institution officials and donors in November 2012 at an LPAC Meeting. JHRA Phase II will begin as planned on 1 January 2013.

## B. OUTPUT 2: Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.

### Human Rights Support Unit

HRSU continued to pursue its three main objectives as mandated by Presidential Decree: 1) to scrutinize existing laws against international standards and to make recommendations on proposed amendments; 2) to provide input in the drafting of new laws ; and, 3) to lead the effort on behalf of the GoA to ensure that the work of other ministries and agencies is in conformity with human rights standards, as set out in the international conventions, the Cairo Declaration and other relevant international agreements that the GoA is a party to.

Under its decreed mandate, the HRSU is working within the MoJ to provide recommendations for the human rights obligations of state institutions in the Regulation on Human Rights. The HRSU has developed a draft of the human rights obligations for the Ministry of Rural Rehabilitation and Development, Ministry of Counter Narcotics, Ministry of Borders and Tribes, Ministry of Parliamentary Affairs, Ministry of Education, Ministry of Finance, Office of Audit and Control Administration, Afghanistan Red Cross Society, High



Office of Oversight and Anti-corruption, Parliament, and the Independent Directorate of Local Governance. These recommendations have been incorporated into the regulation, and the Regulation on Human Rights has been submitted to the *Taqnin* for comments.

One of the mandates of the HRSU is to assist in the monitoring of state compliance of human rights treaties and obligations. Currently Afghanistan is required to send the treaty obligations report on the United Nations Convention against Torture(UNCAT), International Convention on Civil and Political Rights(ICCPR) and International Convention on Economic, Social and Political Rights (ICESCR). The MoFA is mandated to prepare these state reports. MoFA recently approached the HRSU to provide assistance in preparation of these reports. Therefore, after detailed consultations with donors and MoJ officials, it was decided that a M&E toolkit would be required to track and monitor how Afghanistan has progressed in each of the areas for UNCAT, ICCPR, ICESCR. An international consultant was brought on board to develop a pilot toolkit and indicators to monitor the implementation of international conventions ratified by the GoA. During the course of this work a peer review was undertaken with the Ministry of Education (MoE), MoFA, MoJ, Ministry of Labour and Social Affairs, Martyrs and the Disabled (MoLSAMD), Ministry of Women's Affairs (MoWA), United Nations Assistance Mission in Afghanistan (UNAMA), Afghanistan Independent Human Rights Commission (AIHRC), United Nations International Children's Emergency Fund (UNICEF), MoJ (*Taqnin*) to review the technical relevance of three human-rights related monitoring tools contained within the human rights monitoring toolkit for right to education. It is expected that eventually, this toolkit will be tested in 'real-time' for its relevance and effectiveness in compiling 'right to education' monitoring data/information from different state bodies. Based on the findings from this 'testing period', the human rights monitoring toolkit will be adapted and scaled-up to monitor other rights and treaties.

The following processes for development of this toolkit have been completed in Q3:

- Feedback from the HRSU team on the step-by-step rules for the three tools have been completed;
- Written database guidance has been given in full to the HRSU team, and feedback has been provided for the finalization of database;
- The human rights monitoring toolkit is expected to be completed by November 2012 and will be presented at a stakeholder workshop.

The HRSU continued with its work to support the response to and implementation of international treaties and conventions pertaining to human rights that have been ratified by the GoA. In its role on the UN Security Council Resolution 1325 Technical Committee, HRSU participated in developing the national action plan on the resolution. The Unit reviewed national legislation to determine the compliance of national laws with Resolution 1325, and worked with MoJ officials to prepare recommendations for the MoFA for use in the National Action Plan. The HRSU also furthered its work on the Action Plan for the UPR, CRC and the convention on Economic, Social and Cultural Rights through the development of a set of explanatory guidelines for the action plan.

HRSU's work in both areas was supported by a seminar on state obligations and an introduction to the action plans developed to support the implementation of human rights by the State. The seminar was prepared in coordination with the *Huquq* and *Taqnin*

Departments of the MoJ, and attended by senior officials from line ministries that will be instrumental in applying the human rights-related action plans. The attendees were supportive of the initiative, and requested that a formal committee be established for oversight of the application of the action plans, and that approval from the Presidential Office be secured to ensure full political commitment of their implementation.

### **Translation Unit**

UNDP continued its support to the MoJ Translation Unit throughout the PIP and Phase II periods of programming. In Q3, all activities undertaken by the Translation Unit have centred around the establishment of a Translation Board, which will provide coordination and oversight for both the flow and quality of translated contracts, documents and international treaties. A Presidential Decree was issued on 21 June 2012 on governance and anti-corruption, which directed the MOJ to activate the legal translation board for contracts, treaties, and other international documents. This will support entrenching the Translation Unit within the MoJ structure, and build momentum for bolstering the capacity of the Translation Unit through the formation of a Translation Board.

In this quarter, the *Taqnin* worked on a draft Procedure Code for the Translation Unit to clarify the Unit's mandate, reporting lines, and organizational positioning within the MoJ. At time of writing, this Procedure Code will become the legal basis by which the Translation Unit is officially merged within the *Taqnin*. The Translation Unit staff currently report on activities to the Head of the *Taqnin* on a regular basis, and the attendance registers already lie in this Department. Entrenching the Translation Unit within the *tashkeel* of the *Taqnin* Department will ensure direct support to the legislative drafting and review processes, and afford the *Taqnin* Department greater access to legal and legislative references and resources to improve the overall quality of policy and legislation.

During this quarter, many initiatives were undertaken to secure the development of both the Translation Unit's and the *Taqnin's* capacities. Two linguistic experts have been recruited to provide ongoing English and Arabic language trainings to staff from both departments. The Arabic expert has also included Islamic jurisprudence as one of the subjects in the Arabic language classes. A third expert has been recruited to work with the *Taqnin* and Translation Unit on legal terminology to improve the quality of translations and legislative drafting.

Since January 2012, there has been a progressive increase in the MoJ's ownership of and vision for the Translation Unit. In this quarter, the MoJ recruited one additional translator/interpreter to expand the Translation Unit staff through the Ministry's human resource procedures. UNDP was invited to be an observer during the recruitment process and will provide financial support for the position.

The JHRA, through the Translation Unit and *Taqnin*, and ELECT II Projects worked in coordination to facilitate a workshop on the Draft Electoral Law on 18 and 22 September 2012. The workshop was hosted by the MoJ, chaired by the Minister, and invited national officials and representatives of civil society to provide recommendations on the draft, to be incorporated by the MoJ *Taqnin* into a final draft for presentation at the Council of Minister's meeting held on 27 September. Both projects supported the recruitment of an international specialist in Electoral Law to assist in providing comparative analysis based on global best practices to structure the draft legislation and provide analysis for substantive discussions that were undertaken at the workshop. The logistics for the workshop was provided by the JHRA project which ultimately resulted in the revision of

the draft law. The MoJ Translation Unit worked with the Minister and the international consultant to translate references to international laws and precedents put forward by the international consultant and attendees during the workshop, for immediate review by *Taqnin* officials.

The consultation process has further encouraged the MoJ to work on other legislations based on the legislative calendar of 1391 using similar mechanisms to bolster the legislative drafting process.

Agreement has been reached within the MoJ for the establishment of a multi-linguistic database of laws. This database will represent a collection of all international laws translated as reference materials, as well as Afghan laws translated into English, to provide a centralized resource for the government and international institutions working in justice and legislative sectors. The Translation Unit is organizing a workshop for major agencies and institutions working in this field, to collect existing documents. These documents will be reviewed for their accuracy in translation and consistency with the Afghan Constitution (for international reference materials), and included in the database.

Table 2: Q3 Progress on Output 2 Annual Targets

Baseline	Annual Targets	Q3 Planned	Q3 Actual
Limited knowledge of state officials on the human rights and their obligations to respect, promote and protect human rights	M&E pilot toolkit on right to education developed and implemented.	M&E toolkit on right to education developed.	M&E toolkit on right to education developed and preliminary sessions were held with government officials, including HRSU, MoJ, MoFA, MoLSAMD, AIHRC, CSHRN, UN Women, UNAMA and HRC held.

## 1. FINANCIALS

During Q3, a total of USD 185,479 was spent for this output. For more details, please look at Annex 1 and Annex 2.

## 2. RISKS

There are no risks for this quarter.

## 3. ISSUES

### ▪ Formalization of the Unit

The Translation Unit is still not formally integrated into the MoJ *Tashkeel*. In order for the MoJ to be able to assume institutional responsibility and oversight of the Translation Unit, and ultimately direct support of the staff in the Unit, the Translation Unit must be officially integrated into the MoJ *Tashkeel*. Though the Minister has announced his plan to merge the Translation Unit under the *Taqnin*, political priorities are subject to change, as is the financial capacity of the Ministry. As such, the Translation Unit and UNDP must focus on supporting the formal integration of the Translation Unit into the MoJ *Tashkeel* in 1391. In

order to mitigate this issue, JHRA has increased engagement of the Minister of Justice and the Head of the *Taqnin* to move this process forward, and increased its work in support of the *Taqnin* in Q3 2012.

#### 4. FUTURE PLANS

The MoJ Translation Unit will focus on growing the scope of its work, by producing translations to support the substantive needs of the Ministry staff, and in particular the *Taqnin*, in the development and review of national laws, policies and regulations. In Q4, the Translation Unit aims to activate the Translation Board, which will serve as the primary oversight mechanism for the Unit's work and interaction with other Government institutions.

The MoJ Translation Unit will host a conference in the beginning of Q4 to bring together national and international actors working in legislative reform to compile existing translated laws of both Afghanistan and examples from abroad.

### C. Output 3: Resource Mobilization & Monitoring (Knowledge Management)

The JHRA Project plans to increase engagement with the MoJ Public Legal Awareness Unit (PLAU) in Phase II of the Project. This will involve coordination with government, civil society and donor agencies working in the field of or supporting public legal awareness activities. The development of a strategic communications strategy for the PLAU requires in-depth information about the public legal awareness landscape (who is doing what where), audience perceptions and influencers, and media coverage of the justice sector and legal rights. To prepare for these activities in 2013, the JHRA team has prepared two Requests for Proposals (RfPs) to procure expert firms or organizations capable of conducting a Perception Survey on the justice sector and ongoing monitoring of local and national Afghan media. These RfPs have been developed and submitted to UNDP Procurement for posting.

Table 3: Q3 Progress on Output 3 Annual Targets

Baseline	Annual Targets	Q3 Planned	Q3 Actual
No baseline for these activities.	Activation of Component 3 for JHRA Phase II.	2 terms of reference advertise for mapping media on justice and human rights issues.	Terms of Reference and Request for Proposals developed for a Perception Survey and Media Monitoring of the Justice Sector.

#### 1. FINANCIALS

During Q3, a total of USD 71,336 was spent for this output. For more details, please look at Annex 2.

#### 2. RISKS

There are no reported risks for this quarter.

### **3. ISSUES**

There are no reported issues for this quarter.

### **4. FUTURE PLANS**

The Requests for Proposals will be announced online and a qualified partner will be selected for initiation of these activities in 2013 under the JHRA Phase II Project.

### III. ANNEXES

#### Annex I: Provisional Financial Report for the period 01 July - 30 September 2012

Donor	REVENUE					EXPENSES AND COMMITMENTS				BALANCE	Remarks
	Commitment (a)	Total Received (b)	Total Receivable c=(a-b)	Carry Over (d)	Total Resources e = (b+d)	Cumulative Expenses as of June 2012 (f)	Total Expenses (Jul - Sep 2012) (g)	Commitments (h)	Total Expenses & Commitments i = (f+g+h)	Balance j=(e-i)	
ITALY			-	2,000,000	2,000,000		224,534		224,534	1,775,466	
UNDP	88,400	88,400	-		88,400		58,398		58,398	30,002	
SDC			-	69,991	69,991		19,780		19,780	50,211	
NETHERLANDS			-	249,223	249,223		99,672		99,672	149,551	
NORWAY			-	13,372	13,372		13,372		13,372	0	
DFAIT			-	21,377	21,377		10,636		10,636	10,741	
<b>Grand Total</b>	<b>88,400</b>	<b>88,400</b>	<b>-</b>	<b>2,353,963</b>	<b>2,442,363</b>	<b>-</b>	<b>426,392</b>	<b>-</b>	<b>426,392</b>	<b>2,015,971</b>	

**Note:**

- i) Cumulative expenses as of June 2012 is actual (column f)
- ii) Expenses reported for the accounting period of July to September 2012 is provisional.
- iii) Income receivable in currency other than USD is approximated to USD based on UN- Operational Rate of exchange applied.

## ANNEX 2: EXPENSES BY OUTPUT

Project Output	AWP Budget 2012	Total Expenses Jul-Sep 2012	Delivery Rate	Remarks
Output One: Comprehensive 42 month Project Document to support justice and human rights programming for MoJ and justice sector institutions.	293,850	158,482	54%	
General Management Service (GMS) Fee (7%)	20,570	11,094	54%	
<b>Sub-total Output 00083456</b>	<b>314,420</b>	<b>169,575</b>	<b>54%</b>	
Output Two: Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	324,821	175,103	54%	
General Management Service (GMS) Fee (7%)	19,937	10,377	52%	
<b>Sub-total Output 00083458</b>	<b>344,758</b>	<b>185,480</b>	<b>54%</b>	
Output Three: Resource Mobilization & Monitoring (Knowledge Management)	212,400	68,734	32%	
General Management Service (GMS) Fee (7%)	11,480	2,603	23%	
<b>Sub-total Output 00083464</b>	<b>223,880</b>	<b>71,337</b>	<b>32%</b>	
<b>Grand Total</b>	<b>883,058</b>	<b>426,392</b>	<b>48%</b>	

### ANNEX 3: EXPENSES BY DONOR

Donor Name	Project Output	2012 Budget (PIP AWP)	Total Expenditure (Jul-Sep 2012)	Delivery Rates
ITALY	Output 1 (00083456) Comprehensive 42 month Project Document to support justice and human rights programming for MoJ and justice sector institutions.	226,300	126,222	56%
	Output 2 (00083458) Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	71,671	46,431	21%
	Output 3 (00083464) Resource Mobilization & Monitoring (Knowledge Management)	164,000	37,192	16%
	General Management Service (GMS) Fee (7%)	32,338	14,689	6%
<b>Sub-Total</b>		<b>494,309</b>	<b>224,534</b>	<b>45%</b>
UNDP	Output 2 (00083458) Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	40,000	26,857	67%
	Output 3 (00083464) Resource Mobilization & Monitoring (Knowledge Management)	48,400	31,541	65%
<b>Sub-Total</b>		<b>88,400</b>	<b>58,398</b>	<b>66%</b>
SDC	Output 2 (00083458) Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	80,000	18,486	23%
	General Management Service (GMS) Fee (7%)	5,600	1,294	2%
<b>Sub-Total</b>		<b>85,600</b>	<b>19,780</b>	<b>23%</b>
NETHERLANDS	Output 1 (00083456) Comprehensive 42 month Project Document to support justice and human rights programming for MoJ and justice sector institutions.	67,550	32,259	48%
	Output 2 (00083458) Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	110,150	60,892	90%
	General Management Service (GMS) Fee (7%)	12,439	6,521	10%
<b>Sub-Total</b>		<b>190,139</b>	<b>99,672</b>	<b>52%</b>



Donor Name	Project Output	2012 Budget (PIP AWP)	Total Expenditure (Jul-Sep 2012)	Delivery Rates
NORWAY	Output 2 (00083458) Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	9,000	12,497	139%
	General Management Service (GMS) Fee (7%)	630	875	10%
<b>Sub-Total</b>		<b>9,630</b>	<b>13,372</b>	<b>139%</b>
DFAIT	Output 2 (00083458) Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	14,000	9,940	71%
	Output 4. Sound Project Management.	980	696	5%
<b>Sub-Total</b>		<b>14,980</b>	<b>10,636</b>	<b>71%</b>
<b>Grand Total</b>		<b>883,058</b>	<b>426,392</b>	<b>48%</b>

## A. ANNEX 4: ACTIVITIES

Output	Activity	Description of Result	Progress
<b>Project Initiation Plan</b>			
1. Comprehensive 42-month Project Document to support justice and human rights programming for MoJ and justice sector institutions developed and approved.	1.1 Operationalize of JHRA Phase 2.	<ul style="list-style-type: none"> <li>• BCPR Mission to develop the Rule of Law Strategy and assist in the finalization of the justice Pro Doc.               <ul style="list-style-type: none"> <li>○ Consultation meetings held with: MOJ; MOI; AGO; HOO; APPRO; Afghan Centre for Socio-Economic and Opinion Research Surveys (ACSOR); AHRO; LAOA; UNAMA; ILO; World Bank; EU; NATO; UK United States Institute of Peace (USIP) in Kabul; SSMI;EUPOL ROL Team and JHRA team.</li> </ul> </li> <li>• Consultations with UNDP Country Office Project staff during the ROL strategy development workshop organized by the Country Office Rule of Law Cluster.</li> <li>• Consultation with World Bank Senior Management and UNDP Senior Management in Kabul on collaboration in justice sector.</li> </ul>	Ongoing
2. Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	2.1 Scrutinize existing laws against international standards, make recommendations on proposed amendments, and provide input in the drafting of new laws.	<p>The following laws and regulations were reviewed against the UNSCR 1325:</p> <ul style="list-style-type: none"> <li>• The Afghan Constitution</li> <li>• Law on Political Parties</li> <li>• Law on Social Organizations</li> <li>• Law on Rights and Privileges of Cadres of Taqvin Department</li> <li>• Law on prisons and Detention Centers</li> <li>• Law on Publishing and Enforcement of Legislative Documents</li> <li>• Juvenile Code</li> <li>• Law of Defense Lawyers</li> <li>• Civil Code</li> <li>• Shia Personal Status Law</li> </ul>	Completed

Output	Activity	Description of Result	Progress
		<ul style="list-style-type: none"> <li>• Law on obtaining the rights</li> <li>• Law on Elimination of Violence against Women</li> <li>• Regulation on Legal Aids</li> <li>• Regulation on Organizing the activities of prisons and detention centers</li> <li>• Regulation on Organizing the activities of Juvenile Centers</li> <li>• National Public Legal Awareness Strategy</li> <li>• Law and Justice Strategy</li> </ul>	
	2.2 Ensure the work of other ministries and agencies is in conformity with international human rights standards.	<ul style="list-style-type: none"> <li>• Report on UNSCR 1325 submitted to MoFA for development of a national action plan for the resolution.</li> <li>• Developed guidelines for line ministries on the application of the national UPR, CRC and ESCR action plan.</li> </ul>	
	2.3 Provide technical assistance to newly established human rights units and focal points in key ministries.	<p>Trainings to government officials:</p> <ul style="list-style-type: none"> <li>• Three-day human rights training for 19 (10 M, 9 F) AGO staff.</li> <li>• One-day human rights training for NDS training center staff.</li> <li>• Five-day training on the history and concepts of human rights, CAT, CEDAW, UDHR, Islamic Declaration of Human Rights, state obligations and reporting cycles for 32 (M) NDS staff.</li> <li>• One-day workshop on provisions, pillars and importance of UNSCR 1325 and CEDAW for 30 (M) NDS staff.</li> <li>• One-day training on the history and concepts of human rights, with special focus on UN-CAT and right of the accused for 19 (M) NDS provincial staff.</li> <li>• Training evaluations and feedback from MoWA and NDS staff incorporated into training curriculum.</li> <li>• Improved sessions on UDHR and CEDAW included in training.</li> </ul> <p>Trainings for HRSU staff:</p> <ul style="list-style-type: none"> <li>• Comparative handout of UDHR and Cairo Declaration developed for trainings.</li> </ul>	

Output	Activity	Description of Result	Progress
	2.4 MoJ Translation Unit operational and its professional capacity enhanced.	<ul style="list-style-type: none"> <li>• One-day workshop on result chains to the HRSU MEFSU team.</li> <li>• ToT on CEDAW and UNSCR 1325 for one HRSU Staff in Tbilisi Georgia.</li> </ul> <p>Interpretations:</p> <ul style="list-style-type: none"> <li>• Dr. Phillip Rawkins, external evaluator for JHRA, with the Heads of the Taqnin Department, Legal Aid Department, and Policy and Planning Department</li> <li>• A meeting between the MoJ Deputy Minister for Administrative Affairs and Mr. James Brew from World Bank.</li> <li>• Legislative Drafting meetings for the Electoral Law (10 days).</li> </ul> <p>Translations:</p> <ul style="list-style-type: none"> <li>• Two letters to the Supreme Court on Land Issues in Chaparhar District for DLC</li> <li>• Peace through Justice Joint Program Final Report UNDP.</li> <li>• RoL Indicators Presentation.</li> <li>• Agreement of Cooperation for Development between the Government of Afghanistan and the Ismaililmmat.</li> <li>• Document related to the Opinion of the Minister of Justice, Translated to English.</li> <li>• Overall message document.</li> <li>• UNSC Res. No. 1718.</li> <li>• Coalition for International Criminal Court (Justice for All).</li> <li>• Endorsed Regional Memorandum of Understanding Financial Intelligence Units between Islamic Republic of Afghanistan, Republic of Kazakhstan, Kyrgyzstan, Islamic Republic of Iran, Pakistan, Republic of Tajikistan, Turkmenistan and Uzbekistan.</li> <li>• Various documents prepared by the international consultant for the Electoral Law for the <i>Taqnin</i> Department.</li> <li>• Work Plan of MoJ Translation Board/Unit for the month of</li> </ul>	On track and ongoing

Output	Activity	Description of Result	Progress
		September 2012. <ul style="list-style-type: none"> <li>• Concept note for activities in Herat Province, JHRA project.</li> <li>• Capacity Assessment of the Afghanistan Independent Human Rights Commission.</li> </ul> Capacity Development: <ul style="list-style-type: none"> <li>• Inquired about professional trainings for translators at Sharia and Law Faculties of Kabul University.</li> <li>• Daily English and Arabic Language classes conducted for Taqin Legal Drafters.</li> </ul>	
3 Resource Mobilization & Monitoring (Knowledge Management).	3.1 Two terms of reference advertise for mapping on media on justice and human rights issues.	<ul style="list-style-type: none"> <li>• Two Terms of Reference and Request for Proposals developed for a Perception Survey and Media Monitoring of the Justice Sector.</li> </ul>	

## B. ANNEX 4: RISK LOG

#	Description	Date Identified	Impact & Probability	Countermeasures / Management response	Owner	Submitted by	Status
1	Competitive Professional Advantage	Q2 2011	I: 2 P: 3 (Out of 5)	<ul style="list-style-type: none"> <li>• Ongoing compilation of professional pool</li> <li>• Collaboration with Minister on professional criteria</li> <li>• Slow expansion to ensure sustainability</li> </ul>	Head of MoJ TU  JHRA CTA	Head of MoJ TU	Ongoing
2	Security	Q2 2009	I: 4 P: 4	<ul style="list-style-type: none"> <li>• Expansion of networks at the sub-national level to ensure programmatic and M&amp;E reach</li> <li>• Increase in national staff to expand geographic reach and longevity in country.</li> </ul>	JHRA CTA  Component Managers	JHRA Proj. Manager  Component Managers	Ongoing
3	Sufficient funding for JHRA Phase II	Q3 2012	I: 4 P: 2	<ul style="list-style-type: none"> <li>• Increased overall strategic coherence of JHRA Phase II Project Document with overall Rule of Law Programming</li> <li>• Increased ownership by government</li> <li>• Better coordination and communication with donors</li> </ul>	JHRA CTA JHRA Project Manager	JHRA Component Manager	Improved

### C. ANNEX 5: ISSUE LOG

ID	Date Identified	Description	Status/Priority	Status Change Date	Author
1	Q1 2012	Formalization of the MoJ Translation Unit	Ongoing	S2 2012	Head of MoJ TU
2	Q1 2012	Organic Expansion	Ongoing	Will be monitored into 2013	Head of HRSU Human Rights Specialist
3	Q3 2011	Financial Sustainability of Units entrenched in the GoA	Ongoing	1392 H	Head of HRSU Human Rights Specialist

## D. OTHER ACTIVITIES: FINALIZATION OF JHRA PHASE I ACTIVITIES

In Q3 2012, the JHRA project continued to monitor ongoing and completed infrastructure projects remaining from both the JHRA Phase I Project and the Peace through Justice Joint Programme (PTJ). Due to the expansiveness of the construction projects (monitoring was required for sites in eight provinces), and the travel time required to reach many of the remote locations, two additional engineering consultants were recruited to expedite the monitoring and handover processes.

The JHRA project had experienced particular challenges with the completion of two facilities: a detention center in Baharak District, Badakhshan Province, and a primary court in Chaparhar District, Nangarhar Province. The detention center in Baharak had initially faced land ownership issues, which had been resolved by the construction company (without consultation with UNDP or the CPD through the purchase of an alternate plot of land in the same district. This decision was only communicated to UNDP when construction was almost complete and a site evaluation was conducted by the JHRA team in May 2012. The facility was almost complete, and construction was considered sound. However, the location did not have an accessible water table, which the construction company could not reconcile in a secure and sustainable fashion. Further, during joint monitoring missions in July and August 2012, the JHRA team consulted senior CPD officials to discuss the issue and seek an acceptable solution. Ultimately, CPD assisted JHRA and the construction firm in securing water from a nearby canal to the facility, and the construction company built two additional water reservoirs to ensure the facility was able to maintain sufficient clean water supplies.

The CPD Chief of Staff accompanied the JHRA team to the site of the detention center in September 2012, to evaluate the quality and completion of the facility and formally accept ownership on behalf of CPD. The Chief of Staff stated that the best constructed facility under the institution was the detention center in Dara District, Panjshir Province, which was designed and built through UNDP's Peace through Justice Project. This prompted a request by CPD for UNDP to organize a workshop with engineers and organizations involved in infrastructure construction, to develop a standardized blueprint for district-level detention centers, and a checklist for community outreach when initiating construction projects.

The land issue encountered in Chapahar, which terminated construction in Q2 due to a challenge to the ownership of the land certified by the Supreme Court, has reached preliminary resolution. The partially-complete primary court has been handed over to and accepted by the Supreme Court, which was unwilling to pay the price for the land as requested by the local resident (USD 100,000 for one *jirum*[2000 m<sup>2</sup>] of land). As funding for the project had ended, the Supreme Court will continue negotiations with the local resident concerning the ownership of the land, and will assume responsibility for the completion of the construction of the facility.

The majority of public legal awareness activities carried out under JHRA Phase I were completed by the end of the project on 30 June 2012. One stream of outreach activities was continued into Q3 2012: community theatres to the public and focus group discussions with community elders and religious leaders was extended until 31



August 2012 to allow the Organization for Social Development in Afghanistan (OSDA) to complete its activities. The community theatre activities took longer than initially planned because OSDA invested more preliminary time in socializing the topics of the community theatres with local leaders to ensure people felt comfortable attending and the messages would be supported fully in the longer term by influential figures in each district. The community theatres focused on forced marriages, and the rights of women within a marriage, and were supported by follow-up focus group discussions with community leaders on the general rights of women within the context of the family in Islam and Afghan law.

An end-term evaluation was conducted in July 2012 by two external evaluators: Phillip Rawkins and ArifKamawi. Key recommendations, including streamlining of internal processes, augmenting M&E systems, and focusing support within the justice institutions, have been incorporated into the JHRA Phase I Final Report and JHRA Phase II Project Document. A management response from UNDP Country Office to the evaluation, including a large number of recommendations that pertain to processes beyond the responsibility and authority of the Project, is expected in Q4 2012.

Table 4: Q3 Progress on JHRA Phase I Annual Targets

Output	Activity	Description of Result
<b>Other Activities: Finalization of JHRA Phase I Activities</b>		
4 Capacity of the district level justice sectors to effectively deliver justice and uphold human rights is strengthened.	3.1 Capacity of district level justice actors to deliver justice is strengthened (infrastructure improved and justice sector officials in three provinces have suitable facilities and equipment to work effectively delivering justice).	<ul style="list-style-type: none"> <li>• Technical evaluations are currently being conducted for the Baharak, Badakhshan primary court and Dara, Panjshir Detention Center.</li> <li>• Contract awarded for rehabilitation of judicial residences in Sawki and Sirkano, Kunar Province.</li> <li>• Contracts awarded for construction of Saighan, Bamyan joint building, Panjab, Bamyan primary court and Kama/Nangarhar primary court.</li> </ul>
	3.2 Capacity of community stakeholders to promote and claim human rights is strengthened.	<ul style="list-style-type: none"> <li>• Public legal awareness activities (community theatres) were completed in Bamyan to an additional 666 people.</li> </ul>

## **E. OTHER ACTIVITIES: INITIATION OF JHRA PHASE II PROGRAMMING**

### **1. Proposed Output 1: High-Level Coordination Mechanisms for Developing Policy and Legislation in Accordance with International and National Standards Are Established and Functional in State Justice Institutions.**

As JHRA moves into the new phase, it is important to establish a set of proper baselines for the work included in JHRA's programmatic strategy, as well as a broader set of priorities put forward by the MoJ. The current data and information available in this field is inconsistent and does not cover the entire scope of programming required by the JHRA Project. To ensure the Project is able to measure its impact in the key areas of engagement laid out in the Project Document, and to guide the MoJ with informed strategies for developing their own work, the JHRA Phase II will begin with a Rule of Law Indicators Survey. This survey is a UNDP global tool, which has been carried out in Haiti and Liberia by UN missions. UNDP Afghanistan has contacted the team leader of the Rule of Law Indicators Survey in Haiti to enlist his support in developing a localized set of data points for collection by Ministry officials in the Project's target provinces. This data will be included in the Projects Results and Resources Framework, and may impact the indicators and annual targets initially projected.

At the national level, JHRA worked with the MoJ to identify key areas of need for capacity development and opportunities to develop its institutional capacity. Following the national needs assessment and mapping of challenges held in June 2012, when the heads of all 34 provincial *Huquq* Departments gathered at the Intercontinental Hotel to review needs, challenges and opportunities, chaired by the Minister, the JHRA team has worked with the Minister's office and the *Huquq* Department to develop an action plan for the MoJ, supported by JHRA Phase II programming. This was complemented by a formal capacity assessment of all technical departments of the MoJ, including the Human Resource, Finance and Administration Departments, to determine the project management and implementation mechanism for JHRA Phase II.

The JHRA Project has assisted the MoJ in submitting a formal letter of request to the National Institution Building Project (NIBP) of UNDP, in coordination with the Afghanistan Civil Service Commission, to facilitate South-South cooperation mechanisms for skill development in legislative drafting. This JHRA-NIBP partnership will ease access to suitable regional and international partners in the future, and will provide contextually suitable mentoring systems from which the Government of Afghanistan can learn. An MOU is currently being drafted by the Translation Unit and the *Taqnin* to explore legislative drafting partnerships with Egypt. Currently, the JHRA Project is exploring possibilities to build coordination with Embassy of Egypt, UNDP Egypt and also shared several MOU/agreements on twinnings made by other Ministries in Afghanistan.

## **2. Proposed Output 2: Mechanisms for Providing Access to Quality Justice Services for Vulnerable Groups are Established and Functional.**

The JHRA project will focus on regional hubs in Phase II, looking to develop the skills of regional officials (as recognized by the Afghan Government), and slowly support the expansion of activities through these officials to other provinces and districts under their jurisdiction. The three regional hubs identified for the first half of JHRA Phase II programming are Herat, Balkh and Nangarhar. JHRA commenced activities in Herat through two workshops aimed at identifying practical needs and consolidating initiatives of the justice providers in the province. The two-day workshop on 5-6 September in Herat was opened and attended by HE Minister of Justice with the provincial heads of the DoJ, AGO, SCt, DOWA, AIBA, AIHRC, and many other representatives of government and civil society. The two-day workshop aimed to initiate discussions between key actors within the justice sector, and review the needs, challenges and resources of the justice sector in Herat, followed by a half-day workshop with decision makers in the province to establish actions points for the coming year.

Once the findings of the workshop had been reviewed in Kabul, and the Minister had provided his feedback on the national priorities and required support from the center, a half-day follow-up workshop was held with the provincial heads of the DoJ, *Huquq*, AGO, SCt and AIBA to develop an action plan which would guide JHRA's programming in Phase II and commit government and civil society support to all areas of engagement.

JHRA has commenced work on establishing a legal aid grant mechanism that will allow it to provide ongoing support to AIBA and other legal aid service providers for the provision of legal services across Afghanistan. During the development of the strategic plan and Project Document for JHRA Phase II, the decision was taken at the recommendation of the Minister that JHRA focus its support on non-State legal aid providers, as World Bank is providing support to the Legal Aid Department of the MoJ. AIBA is the autonomous institution responsible for training, certification and oversight of defense lawyers in Afghanistan, and requires financial support for basic operations in order to continue in its current role. However, due to ambiguities concerning the monitoring responsibility of legal aid services - which is assigned to both the Legal Aid Board and AIBA in the Advocates Law and Legal Aid Regulation – all parties were brought together to discuss the oversight and management arrangements for the grant facility once it was operational.

The Legal Aid Board consists of representatives from legal aid CSOs, AIBA, the MoJ Legal Aid Department, and is chaired by Prof. Gran, Dean of Kabul University Faculty of Law. In sessions facilitated by JHRA, these representatives have gathered for five meetings during Q3 to discuss the allocation of funds (between operations, capacity development and service provision) and the criteria for eligibility to receive subsidies for legal aid cases. Most importantly, at least within the Legal Aid Grant Facility mechanism, consensus was reached on the oversight responsibility for the provision of legal aid under the facility, which will rest with AIBA, and reporting lines, which will lie with the Legal Aid Board.

### **3. Proposed Output 3: Public Participation Processes and Knowledge Base for Improving Access to Justice and Human Rights Compliance Established.**

The Project Document was being developed at the same time as the six strategy papers of the UNDP. The Justice and Human Rights work falls within the ambit of rule of law and other areas such as poverty alleviation and sustainable development, legitimate politics and democracy, gender and capacity development. Further recent discussions led by fragile and conflict-affected countries in the context of the New Deal have concluded that 'legitimate politics, security, justice, livelihoods' should be the focus for international support. Keeping in line with the issues of land disputes, lack of employment, the JHRA Phase II project document would be working on legal empowerment for the poor and explore areas where interventions will be undertaken which are presently not in the national discourse, yet are important issues to needs to be brought into the national policy making process. Land and labour rights are two of those sensitive issues.

UNDP has been working on Legal Empowerment of the Poor across several countries of the Asia-Pacific Region. One UNDP staff, who is currently working as MDG and Private Sector Regional Specialist at the UNDP Pacific Centre in Suva, Fiji, came to Kabul on mission to develop strategy on Rule of Law for Economic Recovery and Sustainable Development. The UNDP Legal Empowerment of the Poor Expert held consultations with several line ministries, including the Ministry of Commerce and Industry, Director of Afghanistan Rural Enterprise Development Programme in the MRRD, Kabul Municipal Corporation, MoJ Legal Aid Department, ILO, as well as CSOs such as Action AID, Peace Dividend Trust - A Division of Building Markets International and Aga Khan Foundation. A short survey was also conducted in Kabul with vendors, police, municipal corporations, and MoJ officials to gauge the entry points for a pilot project on informal labour markets and legal frameworks. One priority area identified through this mission is the informal employment sector, which is in need of significant support, as every year almost 400,000 youth enter the labour market. The legal empowerment of the poor strategy paper resulting from this mission will be attached to the Rule of Law strategy, since unless this is addressed, access to justice and human rights will not be fully realized by the Afghan people. Without access to justice, people living in poverty are unable to claim and realize a range of human rights, or challenge crimes, abuses or violations committed against them.

In 2011, the UNDP Asia Pacific Regional Center (APRC) provided assistance to the AIHRC with the support of UNDP Afghanistan. To follow up on the findings of this assessment, in February 2012, a strategic mission provided UNDP with an overview of the areas in which JHRA Phase II could make valuable contribution to supporting the AIHRC. To commence this engagement, JHRA had the Capacity Assessment Report translated into Dari, and has invited a team from APRC to host a workshop with all regional AIHRC officers, as well as key national officers to develop an Action Plan based on the findings in Q4 2012.

In the second phase of JHRA, the approach to public legal awareness has changed dramatically from Phase I programming. The Project recognizes that the impact of individual public legal awareness campaigns is difficult to track due to the plethora of programming in this area, and that a proper behavior change communications campaign would have a greater impact on the overall understanding of the Afghan

public of their rights, both State-given and Islamic, and ultimate proclivity to access formal justice services. To support this, JHRA Phase II will engage the PLAU of the MoJ to develop a comprehensive and coordinated communications strategy for public legal awareness that will involve key State and non-State institutions to maximize scope and impact.

In Q3 2012, JHRA met with the heads of the PLAU, Legal Aid Department (to whom the PLAU reports) and the leadership of the MOJ to introduce the new approach and secure support from all three. The key leadership of the MOJ was extremely enthusiastic about the plan, and has endorsed all proposed activities to initiate the communications strategy: media mapping workshops to understand the “competitive environment”, the establishment of a coordination board to streamline messaging, a perception survey to understand the communications influencers and channels to target audience segments, and media monitoring to track current messaging about justice. The JHRA team worked with the head of the PLAU to develop the terms of reference for the media monitoring and perception survey, and has begun organizing logistics for a series of meetings and workshops in Q4 on communications strategies (theory and practical development of a plan) with PLAU officials, coordination meetings and mapping exercises.