

JUSTICE & HUMAN RIGHTS IN AFGHANISTAN PROJECT

FINAL REPORT



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PROJECT INFORMATION

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ANDS Component:	Pillar 2: Governance, Rule of Law and Human Rights
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ACRONYMS

AGO	Attorney General's Office
AIBA	Afghanistan Independent Bar Association
AIHRC	Afghan Independent Human Rights Commission
AJDL	Access to Justice at the District Level
ANDS	Afghanistan National Development Strategy
AWN	Afghanistan Women's Network
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPAP	Country Programme Action Plan
CPD	Central Prisons Department
CSO	Civil Society Organization
DLC	District Level Component
GoA	Government of Afghanistan
HRSU	Human Rights Support Unit (of MoJ)
ICESCR	International Convention on Economic, Social and Cultural Rights
ILF	International Legal Foundation
JHRA	Justice and Human Rights in Afghanistan (Project)
LAOA	Legal Aid Organization of Afghanistan
LOTFA	Law and Order Trust Fund for Afghanistan
MoE	Ministry of Education
MoHRA	Ministry of Hajj and Religious Affairs
Mol	Ministry of the Interior
MoJ	Ministry of Justice
MoJTU	Ministry of Justice Translation Unit
MoPH	Ministry of Public Health
MoWA	Ministry of Women's Affairs
MRRD	Ministry of Rural Rehabilitation and Development
NJP	National Justice Programme
PLA	Public Legal Awareness
PLAU	Public Legal Awareness Unit (of MoJ)
RJSA	Rebuilding of the Justice Sector of Afghanistan
RoL	Rule of Law
SCt	Supreme Court
SCtTU	Supreme Court Translation Unit
SJSA	Strengthening the Justice System of Afghanistan
TAF	The Asia Foundation
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review

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I. EXECUTIVE SUMMARY

The Justice and Human Rights in Afghanistan (JHRA) project was launched in June 2009 as a **continuation of UNDP's ongoing work in the justice sector, which started after the Bonn Conference** in 2001. The three-year JHRA project was developed in coordination and consultation with all three national justice institutions – **the Ministry of Justice (MoJ), Attorney General's Office (AGO), and Supreme Court (SCt)**, and aimed to strengthen key areas in the delivery of justice services and access to justice in six target provinces: Faryab, Jawzjan, Badakhshan, Bamyan, Nangarhar and Kunar.

The JHRA project focused on increasing the capacity of justice providers to deliver justice services at both the national and district level, **as well as improving the State's ability to promote and protect human rights**. The Project plan was developed with five main outputs; however, this was contracted to three to channel sufficient resources to prioritized activities and increase the opportunities for success. The three main JHRA outputs are:

- Output 1: The capacity of national justice institutions to effectively deliver justice and uphold human rights is strengthened.
- Output 2: Capacity of the Government of Afghanistan (GoA) to fulfill its international human rights obligations in a coordinated manner is strengthened.
- Output 3: Capacity of district level justice sectors to effectively deliver justice and uphold human rights is strengthened.

Output 1 aims to develop systemic and institutional mechanisms to support better functioning justice institutions at the national level. The JHRA project worked with MoJ officials to establish a translation unit (TU) in the Ministry. The initial mandate of the MoJ Translation Unit (MoJTU) was to facilitate communication between the MoJ and the international community in Afghanistan, but the success of the Unit has led to strong support from the Minister, who has expanded this mandate to one of more substance. At the close of the Project, the MoJTU is planned to be moved under the Legislative Drafting Department (*Taqnin*), and provide substantive translations of international resources on law and Shariah, as well as develop a resource library of laws to inform future legislation in Afghanistan. The MoJ also plans to formally integrate the MoJTU into its organizational structure (*Tashkeel*) in the second half of 2012.

The JHRA Project also continued work from a previous project to establish a translation unit in the SCt. The Supreme Court Translation Unit (SCtTU) was operational and handed over in 2010. However, the SCtTU was not formally integrated into the SCt organizational structure, and operations stopped shortly after the Unit was handed over.

The Human Rights Support Unit (HRSU) was the main result of Output 2, and one of the most successful initiatives carried out under the JHRA Project. The HRSU was a priority in the Afghanistan National Development Strategy (ANDS) to provide a representative within the **Executive to translate Afghanistan's human rights commitments** into national law. The HRSU was established in the MoJ in 2010, and has reviewed existing national laws and policies for compliance with the International Convention on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC). The Unit has also been asked on behalf of the MoJ to

work with United Nations Children's Fund (UNICEF) to develop Afghanistan's first Child Act, which will become the main piece of legislation protecting child rights in Afghanistan. The relationship between HRSU and the MoJ Legislative Drafting Department has strengthened throughout 2011 and 2012, and the Unit is now involved in reviewing new laws in line with the Department's legislative calendar.

To increase the overall ability of the national government to promote and protect human rights, the HRSU has also worked with key ministries to establish human rights focal points and units, to ensure that human rights commitments to which Afghanistan is party are reflected in legislation, policies and government programming into the future.

These initiatives have made great headway in the GoA's understanding of human rights, and how they can be applied in complement to the Shariah basis on which its Constitution is established. At the end of the project, the HRSU brought in a Monitoring and Evaluation (M&E) Specialist to track the implementation of **Afghanistan's human rights commitments. This will identify any gaps,** inform more targeted trainings for government officials, and ultimately increase the protection of human rights for the Afghan public.

Output 3 provides activities at the district level to increase the frontline delivery of justice services **and increase the public's knowledge of and access to justice.** The District Level Component (DLC) focused on three main areas of programming to strengthen justice at the lowest level of State services. Through implementing partners and in coordination with GoA counterparts, the DLC delivered trainings to justice officials on the Afghan Constitution, Civil Code, Criminal Procedure Code (draft), Elimination of Violence against Women Law, Shi'ite Personal Status Law, and laws pertaining to land ownership and family issues. Recognizing that many disputes do not make it to primary (district-level) courts, and are mediated in the community by village leaders, the DLC also conducted trainings to community elders and religious leaders on laws concerning the most forthcoming conflicts at the community level: Land Law, laws concerning family relations and constructs, protection of women and children within the law and Shariah, and right to defense counsel. By targeting both formal and informal justice providers, the DLC increased the overall understanding of community mediators and justice officials of their responsibilities, and their ability to understand the rights of the Afghan public seeking their counsel.

Providing fair and equitable justice services is only effective if the Afghan public understands their rights and how to access the justice services provided to them by the State. In rural areas of Afghanistan, the majority of the public is under-educated, in many cases illiterate, and has limited access to information, even from the capital. Outreach needs to be direct and simple to have an effect. The DLC worked with Afghan civil society organizations (CSOs) to conduct community theatres in villages on forced marriage, followed by video screenings and focus group discussions with community and **religious leaders on broader women's rights.** These events had a positive impact on the understanding of communities of the rights of women and obligation of their communities to protect them.

A mass media campaign was employed to disseminate information on the justice system more broadly. These campaigns included radio talk shows, public service announcements, radio dramas and songs, and were relayed through radio stations to reach more remote areas that were otherwise inaccessible due to weakened security. The mass media campaign presented topics outlining the roles of judges and courts, prosecutors, defense attorneys and the police; human rights and Islamic rights; and women and child rights.

To promote a true “bottom up” approach, the DLC also facilitated Trainings of Teachers to educate primary and secondary school children on human rights and the right to education. These trainings taught teachers about human rights and provided them with curricula and educational materials to use in the classroom. This programming was found to be extremely successful, reaching 46,000 students across the six DLC target provinces.

Finally, the DLC complemented its programmatic activities with the construction of new and rehabilitation of damaged justice facilities in areas prioritized by the GoA. In total, the Project constructed 19 primary courts, judicial residences, joint MoJ Legal Affairs (*Huquq*)/AGO offices and detention centers in 15 districts. Feedback from the justice institutions has been excellent – justice **infrastructure represents a tangible example of the State’s presence at the district level, which** contributes to overall public trust that the GoA is working for them, and provides the needed protection for justice officials to carry out their responsibilities safely. The districts in which justice facilities were constructed or rehabilitated saw a rise in cases brought to the courts and presence of justice officials in their appointed districts, which has increased access to justice for the Afghan public.

II. CONTEXT

UNDP has supported justice reform in Afghanistan since the Bonn Conference in 2001. The JHRA project started in 2009, and is the continuation of three previous UNDP projects focused on justice reform, including the Rebuilding the Justice Sector of Afghanistan (RJSA) Project in 2003, and the Strengthening the Justice System of Afghanistan (SJSA) and Access to Justice at the District Level (AJDL), which both started in 2006.

The JHRA project has three main outputs:

- Output 1: The capacity of national justice institutions to effectively deliver justice and uphold human rights is strengthened.
- Output 2: Capacity of the GoA to fulfill its international human rights obligations in a coordinated manner is strengthened.
- Output 3: Capacity of district level justice sectors to effectively deliver justice and uphold human rights is strengthened.

The design of the JHRA project was the product of extensive consultations with the three justice institutions – MoJ, AGO, and the SCt– as well as other relevant actors working to support the justice sector in Afghanistan. The JHRA project was also designed to be fully in line with **Afghanistan's National Justice Programme (NJP), which constitutes the justice section of the Afghan National Development Strategy (ANDS)**. Reflecting the priorities of the GoA, as articulated in the NJP, the JHRA project prioritized support at the district level, including infrastructure support. **UNDP's experience in Afghanistan has shown that the needs of the justice sector are enormous, and that attention is frequently focused on flagship initiatives at the national level.** However, the interactions of most citizens with the formal justice system take place not at the central level but at the lowest levels in the districts. This approach was of vital importance to **UNDP's government partners, as the presence of the formal justice sector at the district level is weak in many parts of the country, and the ability of the GoA to effectively ensure rule of law at the district level is a crucial component of peace-building in Afghanistan.**

III. PERFORMANCE REVIEW

The Project Outcome, as stated in the Country Programme Results and Resource Framework, (CPD Outcome 2) is: Effectiveness of the justice system is improved and access to justice is increased. The indicators for the achievement of the Outcome were built on a baseline of 52 percent in The Asia Foundation's (TAF) 2008 Public Perception Survey of the ability of the courts to effectively deliver justice. The target was to reach 55 percent. In the 2011 version of the same survey, public **perception of the courts' ability to deliver justice** had reached 58 percent.

At the national level, the JHRA project provided support to the justice institutions to establish units within their organizational structures that contributed to the overall strengthening of the capacity of national justice officials in carrying out their work. The JHRA project worked with both the SCT and the MoJ to set up translation units within these institutions, to facilitate both correspondence with international counterparts, and generate libraries of international resources on law, legislation, Shariah, justice and the judiciary. Unfortunately, the results were mixed.

The MoJTU was a substantial achievement and has gained strong support in the Ministry. The current Unit Head worked with MoJ officials beginning in 2010 to develop Unit staffing criteria and recruitment plans. During this process, the Minister requested that all translators hired under the Unit possess both legal and language skills. This additional requirement has resulted in a higher quality of output from the MoJTU, though overall capacity will need to continue to be developed to achieve internationally certifiable translation standards. The MoJTU is now firmly linked to, and supervised by, the Legislative Drafting Department, viewed by the Minister of Justice (interview) as the core of the Ministry.¹

Unfortunately, the SCTU was not as successful. It was unable to fully integrate into the SCT after it was taken over by the SCT and the staff positions of the SCTU were not included in the SCT organizational structure. As a result, the SCTU has been rendered defunct, and is no longer operational within the SCT. Hence, no results were achieved.

The HRSU was another successful initiative of the JHRA project. The HRSU was established within **the MoJ to ensure the GoA's** conformity with human rights standards as set out in the international conventions, the Cairo Declaration and other relevant international agreements. The HRSU has engaged several ministries that are most influential in upholding and promoting human rights (**Ministry of Women's Affairs [MoWA], Ministry of Education [MoE], Ministry of Interior [MoI]**), and has established solid, high-level support for carrying out its mandate with key partners at the national level. It has reviewed national laws against the ICESCR and the CEDAW, and submitted recommendations to the Legislative Drafting Department in the MoJ for revisions. Together, through proactive education to legislative drafters across line ministries, and retroactive review and revision of existing laws, the HRSU has exceeded expectations in its role to bring the GoA into compliance with international human rights agreements to which it is party and Islamic values, which uphold the same rights.

Through the DLC, JHRA contributed towards increasing the actual capacity of justice officials at the sub-national level in delivering justice. Trainings for justice officials focused on the practical implications and application of the Land Law, laws focused on family constructs and rights (including the **Shi'ite Personal Status Law in Shi'ite areas**), the protection of women and children, and access to defense counsel. Trainings for community and religious leaders focused more on

¹Phillip Rawkins and Arif Mohammad. *Independent End-Of-Term Evaluation (Draft)*. July 26, 2012.

the general meaning of the laws with respect to community harmony, and aimed to assist leaders in proactively (through Friday prayers) and retroactively (in the community-level resolution of disputes) apply the principles of Afghan law and understand their roots in Islamic values. The training courses met the needs of participants for information on the law and on the rights of citizens under the law, and on how to act upon and apply the provisions of relevant laws. Feedback from participants, even one to two years later, is that the learnings are still being applied, particularly in **the protection of women's rights**. An additional benefit of the training for justice officials was bringing together those from different disciplines involved in criminal justice for joint training and shared problem-solving.

The JHRA project also increased awareness of communities and religious leaders on laws and rights through PLA activities. The PLA activities focused on two areas of outreach: public engagement at the village level and mass media campaigns. The public outreach activities at the village level included community theatres on the protection of women and forced marriage, and video screenings concluding in focus group discussions **were conducted on women's rights within Islam and domestic violence**. Mass media campaigns were developed in coordination with the MoJ **PLAU, and focused on basic rights, women's rights in Islam, child rights and protection, as well as** clarifying the roles and responsibilities of rule of law actors and the justice system. Both of these areas of engagement received positive feedback from the direct audiences and have led to a better-informed public, who are more able to understand their rights within the justice system.

All of the substantive programming was underpinned by the construction of facilities— primary (district-level) courts, judicial residences, joint MoJ Legal Affairs/AGO offices, and detention centers – where they had previously not existed or had been damaged or destroyed in the conflict. Construction and rehabilitation activities were and remain a significant priority for the GoA. The DLC has constructed or rehabilitated 19 facilities at 15 district-level sites in the six target provinces.² Though a host of challenges were encountered (detailed in the narrative below) concerning procurement, inter-government relations, inter-agency commitments, and security, the JHRA project was able to complete its programme for construction and rehabilitation.

The increased presence of justice facilities has had a positive impact on the provision of justice at the district level: in all districts where the JHRA project has constructed facilities, justice officials have reported an increase in the number of cases they have received and processed. In less secure districts, such as Sirkano and Sawky in Kunar Province, the judicial residences have provided the necessary safety for judges, who have now moved into the facilities with their families, providing direct justice services, rather than working remotely with the occasional commute into the district. According to the AGO, MoJ, and the SCT, the facilities fulfill essential needs and are much appreciated.³

² Some sites have more than one facility.

³ Phillip Rawkins and Arif Mohammad. *Independent End-Of-Term Evaluation (Draft)*. July 26, 2012.

IV. IMPLEMENTATION REVIEW

A. Quality of Partnerships

The JHRA project supports all three justice institutions (MoJ, AGO, SCt) plan and deliver its national programming. The project document was developed in collaboration with institutional stakeholders, who continue to review, approve and sign the annual work plan and are involved in all programming decisions.

At its inception, the JHRA project focused on developing strong ties with the MoJ and SCt, as JHRA had prioritized the establishment of Units within those institutions, as activities with the AGO were reaching completion. Over the first two years of the JHRA project, the main focus of the programme staff related to the establishment of the HRSU and TUs was to ensure solid working relationships were developed and that the GoA was an equal partner in the formation and planning of the Units. The HRSU assigned one staff to liaise directly **with the Minister's Office** to ensure lines of communication were clear and open. This has proven to be a successful approach, and the initiatives undertaken with the MoJ have been fully supported and adopted by the institution.

For DLC programming, the JHRA project has worked with national-level counterparts to ensure that all programming carried out by the JHRA **project's implementing partners is reflective of the GoA's priorities. DLC engineers work closely with the SCt Engineering Unit** to assess ongoing and completed construction projects in the field. The SCt provided the JHRA project with its list of construction priorities for the district-level, and SCt engineers supported the JHRA **project's** engineers in securing land and conducting on-site assessments when necessary.

The JHRA project has also developed a good working relationship with government officials at the sub-national level. The DLC has necessitated frequent interactions with justice actors (State and non-State) at the sub-national level, and the development of strong relations with key officials at the provincial level has proven crucial to facilitating programming down to the district and community levels. Given security constraints, the JHRA project staff were often limited in their movements beyond provincial and district capitals, and relied on the relationships built with provincial level officials for information and insights to monitor the success of work in progress.

Since the JHRA project is executed under the Direct Implementation Modality (DIM), it was responsible for procurement of qualified partners to deliver its programming across Afghanistan. The JHRA project worked with a selection of Afghan organizations and firms specialized in the areas of programmatic focus. Saba Media Organization and Feroogh Media Group executed the contracts for mass media, and Organization for Social Development in Afghanistan carried out community theatre activities in villages. These organizations were extremely professional in the delivery of activities, working in close coordination with JHRA and MoJ staff to ensure messaging was consistent with GoA priorities and the media/public outreach approach promoted the most interaction and interest from the Afghan public.

Educational and Training Center for Poor Women and Girls of Afghanistan, Social Development and Legal Rights and Humanitarian Assistance Muka were responsible for trainings to community and religious leaders, justice officials and teachers (respectively). Both organizations worked closely with JHRA staff to develop excellent curricula and received encouraging feedback from participants about the approachability and knowledge of their trainers.

One partner, Centre for Afghan Civil Society Support failed to deliver on its commitments through a parallel project⁴ carried out by JHRA, and the new contract to carry out public outreach activities was therefore cut in the second round of procurement.

Implementation arrangements are conflict-sensitive. The JHRA project looks to implementing partners to have local knowledge as to what programming can be delivered without undue risk, whether UN branding will help or hinder the delivery of messages and activities, and when and where they can execute the planned programming. All of our partners have shown good judgment when representing UNDP and the GoA through JHRA project activities.

B. National Ownership

The JHRA project was conducted under a Direct Implementation Modality in its entirety, and therefore did not directly involve government partners in the contracting or implementation of activities. That being said, the GoA, in particular the MoJ, was consulted and engaged in the preparation of activities carried out by implementing partners, development on policy and programmatic strategy, and enrichment of its formal working structures.

The severe change in the security situation in Afghanistan in October 2009 due to the attack on the UN guesthouse and subsequent evacuation of internationals for three months affected relationships with the justice institutions in 2009-2010 because of the simple lack of JHRA staff in the country. However, when programming recommenced, this resulted in an increase of ownership which significantly increased in 2011 and 12, with an increased investment on the part of the JHRA project to coordinate more closely with its GoA partners. The JHRA project staff worked through the HRSU, the Translation Unit, and directly with MoJ, AGO, and SCt staff to develop current programming, as well as a forward looking strategy for 2012-2015.

Due to the strengthened relationship between the Project and the three justice institutions, the upcoming phase of the JHRA project will be implemented through a National Implementation Modality.

C. Sustainability

Overall, the JHRA Project has been successful in developing a number of sustainable initiatives that will be taken forward by the GoA, most notably the HRSU and the MoJTU. The establishment of the HRSU, and its integration into the MoJ organizational structure, represents a long-term contribution to the ministerial capacity to uphold and protect human rights. Furthermore, the official mandate of the Unit to review and revise national laws to ensure their compliance with international human rights commitments made by Afghanistan, will transfer international standards into official policy, which will dictate State and public actions in the future.

Likewise, the MoJTU has been adopted into the MoJ physically, with promising commitments to formalize it within the MoJ organizational structure. Through the development of a resource library to provide international reference materials to lawmakers in the MoJ, and legal precedents for both human rights and Islamic Law from other countries, the TU has the potential to have an ongoing positive influence on the substance and nature of Afghan laws in the long-term.

⁴The Peace through Justice Joint Programme, funded by the Millennium Development Goals Fund, was delivered in part by JHRA staff.

The sustainability of these two Units indicates the importance of thorough engagement of the national institutions before concrete steps are taken to realize the visible or tangible results of the activity. In the case of the SCtTU, although the JHRA project worked with focal points within the SCt and SCtsenior officials were engaged to formalize the SCtTU in their institution, the SCtTU ultimately proved unsustainable because the final approval to include the Unit staff in the SCt organizational structure, and secure the budget necessary to maintain them, was not secured.

The DLC was conducted through DIM, which means that the JHRA project was responsible for developing and overseeing the activities it was supporting. Though this was done in consultation with the justice and law enforcement institutions that would benefit from the activities (trainings, PLA campaigns and infrastructure), the GoA was not involved in all logistical aspects directly, and therefore systemic sustainability was not built. The sustainability of DLC activities provided through the JHRA project largely focused on increasing the practical skills and knowledge of justice providers to provide better services to the public.

V. RESULTS

A. OUTPUT 1: The capacity of national justice institutions to effectively deliver justice and uphold human rights is strengthened.

In the initial Project Document, the JHRA project planned to continue programming initiated under the SJSA project, which ended in June 2009. SJSA had embedded two technical experts in the SCt to assist the institution with asset management and financial management, as well as one technical expert for institutional development. These technical experts continued work initiated under the SJSA Project, and handed over a capacity building plan for SCt staff on financial management and an asset management database to senior SCtofficials. Unfortunately, due to a lack of funding, this activity was stopped under the JHRA mandate. A completed database of existing assets was submitted to the SCt, and the institution, seeing value in the database, engaged USAID and World Bank to continue and refine the asset management tool.

Also under SJSA, UNDP provided technical legal and capacity development support to the AGO. In the JHRA Project Document, this support was realigned to direct capacity development assistance to the AGO Planning and Policy Unit. However, due to budgetary restrictions on the entire JHRA project, and a subsequent re-assessment of activity priorities for the JHRA project by UNDP, this area of engagement was cancelled.

The work to develop the SCtTUbegan in 2008, under the SJSA project. The TU was to provide a resource base of national laws of relevance to the SCt, as well as facilitate correspondence and communication between SCt officials and the international community working both within and outside of Afghanistan. The SCtTU was established and functional in 2010, with a small number of staff providing translation and interpretation services to SCt officials. However, when the Unit was handed over by UNDP to the SCt, it was not fully integrated into the SCtorganizational structure, and therefore the staff positions could not be maintained. Ultimately, the Unit was rendered un-operational, and has not been revived as of time of writing.

The JHRA project made great preliminary efforts to both gage the actual need for a TU within the MoJ, and support a growing feeling of ownership once the decision was taken to go forward with the TU. The Minister of Justice saw great potential for the TU within the MoJ, and was involved in the planning and recruitment processes. In order to increase the potential of the TU, the Minister requested that any selected candidates possess both translation and legal skills, which initially made the recruitment process much more difficult, as the same (albeit supersized) wages would be offered. As a result, two calls for applications were held in Q2 and Q3 2011, ultimately producing a team of five translators fluent in Dari, Pashto, English and Arabic. TheMoJ Translation Unit was established and fully functional within the MoJ (though not yet formally integrated into the MoJorganizational structure) in October 2011, and has since already expanded its focus beyond the translation of correspondence, internal documents, and laws for reference, to resource documents on legal strategies and legal theories within the Islamic context.

The Minister of Justice has extended his whole-hearted support for the TU. The Minister has told the JHRA project and UNDP Country Office (CO) that the TU is an integral part of the Ministry. The translations generated by this TU have facilitated interaction with the donor communityand provided the international and Afghan stakeholders witha better understanding of the programming taking place under rule of law priorities across Afghanistan. Most importantly, the TU has provided resources for long-term growth of the Ministry staff and national laws through

translation of international best practices and lessons learned from which the MoJ can develop **more targeted and effective programming**. Improving the MoJ's access to a broader scope of information on how the legal system works and Shariah is applied in other countries will produce better legislation, which recognizes international standards on human rights and provides more equitable justice for the Afghan people. At the end of the JHRA project, talks were underway between JHRA staff and the MoJ to establish the Translation Unit under the Legislative Drafting Department⁵, which would formalize its position as a direct contributor to the drafting and review of national laws. This will strengthen the TU's position in the MoJ, and bring it formally into the organizational structure of the Ministry.

In sum, the JHRA project's work with national-level justice institutions has produced varied results. Due to partial funding of the original project plan, the Project prioritized activities that would have the biggest impact on the overall ability of the GoA to improve its delivery of justice. The MoJTU is a good example of a small, sustainable initiative that will have far-reaching influence over the quality of laws and legislative processes adopted by the GoA in future and improve the effectiveness of justice systems.

B. OUTPUT2: Capacity of the GoA to fulfill its international human rights obligations in a coordinated manner is strengthened.

The HRSU was first put forward as a priority of the GoA, MoJ and international partners in the ANDS. The HRSU was envisaged to act as an extension of the existing human rights monitoring and protection mechanisms – the Afghanistan Independent Human Rights Commission (AIHRC) and a host of civil society organizations – to work directly with the executive branch of government in the development and revision of laws compliant with international human rights standards.

The HRSU was officially integrated into the MoJ organizational structure in September 2011. As part of the organizational structure, the HRSU is politically positioned to work directly with all ministries within the parameters of its mandate to streamline the human rights standards outlined in international conventions and treaties to which Afghanistan is party in all national laws, policies, and legal products. This is the first formal mechanism within the GoA to oversee the application of human rights instruments and act as a coordination function between government ministries and institutions.

⁵This decision was formalized on 26 July 2012, and will be applied in the second phase of the JHRA project.

The HRSU has three main objectives as the unit responsible for **the GoA's adherence to and protection of human rights**: 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.

The HRSU has largely focused on the review and revision of national laws for compliance with international human rights standards set forth in international documents already ratified by the GoA. The HRSU started this effort with comparative reviews of national laws against the CRC, ICESCR, and the CEDAW.⁶ These three international conventions were the first for review at the request of the Minister of Justice, as the development of economic stability and improvement of the socio-economic standing of women and children were viewed as being of utmost priority within the context of the promotion of growth in Afghanistan.

Due to the HRSU's **success in interacting with other government agencies** as the focal point for the promotion of human rights on behalf of the MoJ, the HRSU was appointed by Senior Advisor to the Minister of Justice Dr. Qasem Hashimzai to represent the government in the development of a Child Act. Afghanistan submitted its initial report on the implementation of the CRC in 2009, which produced 40 concluding observations from the Committee for the Rights of the Child, including the enactment of a comprehensive child act that would supersede all legislation not in conformity with the CRC. The HRSU is working in collaboration with the United Nations Children's Fund (UNICEF) to draft the Act, based on recommendations by the Committee.

To further promote concrete responses to international **feedback on Afghanistan's adherence to and compliance with international human rights standards**, the HRSU provided **recommendations to augment the GoA's action plans for the Universal Periodic Review (UPR); CRC; and Economic, Social and Cultural Rights (ESCR)**, and how each document could be practically applied by GoA ministries. This initiative has succeeded in both heightening the priority of human rights in key ministries at the national level, and in developing clear plans

⁶A complete list of the laws reviewed against these conventions can be found in Annex 4.

Protecting Child Rights in Afghanistan

Human Rights Support Unit and UNICEF work with Afghan Government on Child Act

September 2011 – Children are one of the most vulnerable groups in Afghanistan. Affected by the conflict, they have limited access to education, security, sufficient food and clean water. Within the justice system, children are afforded limited additional protection, and the existing formal alternatives to detention or pro-active approaches to dealing with delinquency are not routinely implemented.

The Government of Afghanistan is party to key international treaties that protect the rights of children and adults alike. However, the realization of rights through the enactment of national laws is slow, often stalling in the drafting stages. Despite the fact that Afghanistan ratified the Convention on the Rights of the Child (CRC) in 1994, it has yet to be formalized through national legislature. The lack of **protective mechanisms for children's rights**, coupled with traditional customs, political instability and lack of security throughout the country, has continued to undermine attention to, and action on, the effective implementation of the rights of the child.

To support the Afghan government in meeting its international obligations, **UNDP's Justice and Human Rights in Afghanistan (JHRA)** project established the Human Rights Support Unit (HRSU) in 2010. Staffed by Afghan nationals, HRSU receives financial and technical support from UNDP and works within the Ministry of Justice to ensure existing national laws **and policies comply with the country's international commitments**.

The Ministry of Justice, through HRSU, held a conference in coordination with UNICEF in May 2011 to examine concrete steps forward for increasing the protection of children across the country. High-level officials of key ministries and non-state actors gathered to discuss the Concluding Observations of the United Nations Committee on the Rights of the Child for Afghanistan, an independent group of **diverse experts on children's**

of action for realizing the **GoA's commitment** to uphold human rights in all its programming and policy.

The HRSU also worked to expand the GoA's **capacity** to proactively respond to human rights priorities by engaging key ministries in human rights education, including both training and advisory activities. The Unit has established strategic working partnerships with ministries whose scope of work is most affected by, and can affect, the extension of and adherence to human rights in Afghanistan. Primary partners include the MoWA, MoCriminal Investigation Department and Family Response Units, the National Directorate of Security (NDS), Ministry of Foreign Affairs (MoFA), Ministry of Education (MoE), AGO and the MoJ. By providing regular trainings for key staff from these ministries, the HRSU equipped government officials with the necessary knowledge to produce legal documents that comply with international human rights standards before they reach the review and revision stage. This will allow for more compliance, and ultimately allow the HRSU to shift its focus away from retroactive revisions to proactive promotion of international human rights standards in GoA policies and programming.⁷

In the first two years since its establishment, the HRSU has developed both as an institution and within its function as a Unit under the MoJ. The HRSU has been effective in building the necessary relationships and understanding of human rights mechanisms to key State actors, and secured the required support for increasing the scope of its initiatives. To further improve the **HRSU's work in strengthening GoA's capacity** to fulfill its international human rights obligations, an external consultant has been hired to develop and roll out a monitoring and evaluation instrument to monitor the implementation of international human rights conventions and treaties as supported by the national government. This monitoring will be integral in supporting the GoA with concrete information on the execution of laws and protection of human rights at the sub-national level and will be an important component of phase II.

At the closure of the JHRA project, the HRSU had 21 full-time staff working within the MoJ, including one senior human rights officer (one male), seven human rights officers (five male, two female), three human rights training officers (two male, one female), two human rights reporting and coordination officers (one male and one female), and one unit head (one male). Eight

⁷A complete list of the trainings provided by the HRSU and GOA ministries that received training can be found in Annex 4.

rights and international law that provides **a neutral review of governments' progress** in implementing child rights and offers practical recommendations for how to improve child protection mechanisms in domestic legislation. The conference attendees expressed their full support to **take action on the Committee's recommendations**, including **drafting legislation on children's rights**.

At the conference, HRSU presented its review of domestic laws in light of the CRC. **"The Ministry's expertise in this area lies with HRSU,"** Deputy Minister Dr. Qasem Hashemzai said in his address at the conference. **"All government partners need to work with HRSU to follow-up on the recommendations made by UN human rights bodies and report on their achievements."**



Figure 1 Children, particularly those in remote villages like these Badakhshan elementary students, need the state to protect their rights.

(Photo Credit: UNDP)

At the request of the Ministry of Justice, HRSU is currently working with UNICEF to develop the National Child Act, which will supersede all existing legislation, and provide comprehensive legal protection in accordance with the provisions of the CRC. The Child Act will also outline systems and procedures to increase the protection children have within the justice system. **"It's important that we make sure this legislation reflects what is needed on the part of the children, and what is possible within Afghanistan,"** said Head of HRSU Hassan Ali Faiz. **"Once it is ready, HRSU will work with the central government to ensure all justice providers at the provincial and district levels understand the practical implications of this law. They are the people in direct contact with the majority of Afghans, and it is at this level that we can truly make a change in the lives of children."**

of these staff are included in the MoJ organizational structure, and therefore financially supported directly by the government.

C. OUTPUT3: Capacity of the district level justice sectors to effectively deliver justice and uphold human rights is strengthened.

The district level is the lowest level of formal government and the first point of contact for Afghan citizens with the formal justice system. Judges, lawyers and prosecutors working in the districts have often had very little training, limited supervision, work in poor or non-existent facilities, and lack basic equipment and transport necessary to enable them to work effectively. Community confidence in the formal justice system is undermined by perceptions of lack of professionalism by justice personnel and the conditions under which they work. In some places, the formal justice system simply does not exist – there is no courthouse and there are no judges – and the traditional justice system is the only justice system.

At the inception of the JHRA project, many initiatives took a ‘top-down’ approach by supporting the development of justice sector policy and strengthening the capacity of senior officials and central institutions. The DLC was developed to complement these initiatives, and address the gap in interaction with the district level, and between the national, provincial and district levels of justice institutions. JHRA’s ‘bottom up’ approach aimed to support local justice sector officials through basic institution building, including the provision of training, infrastructure works, and essential equipment. This support would strengthen formal justice structures in Afghanistan’s districts and allow the central government’s to assert its presence and control and maintain peace, stability and rule of law in these areas.

A great priority of the GoA was the development of justice infrastructure at the district level. In many districts, courts and offices for justice officials do not exist, either due to lack of GoA funds or because they have been damaged or destroyed during the decades of conflict. Erecting tangible facilities such as primary courts and MoJ Legal Affairs/AGO offices not only provides justice officials with a secure facility to carry out their State responsibilities, but also acts as a visible symbol of growth in Afghanistan, with the ultimate goal of increasing the public’s trust that the State is there to serve them. The DLC worked closely with all three national justice institutions, with particular coordination with the SCt Engineering Unit, to prioritize areas in which justice facilities were most needed. In total, the JHRA project constructed or rehabilitated 15 justice facilities in the target provinces, including primary courts, joint MoJ Legal Affairs/AGO offices, detention centers and judicial residences.



Figure 2: Kishem District Judge and JHRA staff at the handover ceremony for a primary court in Kishem, Badakhshan.
(Photo Credit: UNDP)

UNDP took on these infrastructure projects to complement the programmatic activities carried out at the district level. There was, and remains, a dire need for justice infrastructure at the district level; most districts lack any formal facilities through which to deliver justice services. All of the justice facilities that have been handed over to the government are currently in use.⁸ While

baseline data on case management is not sufficiently reliable to make comparative statements with confidence, a recent example of the construction of a primary court can provide insight into the positive impact the provision of

proper justice infrastructure can have in a district. Prior to the construction of a primary court in Kama, Nangarhar, the district received approximately three to five cases per month, which were **tried in public or at the judge's house. In the first month after handing over the building to the Nangarhar SCt officials, the primary court received 15 cases, and expects this number to continue to grow. Furthermore, judges' residences, in particular, have increased the availability of justice services in more remote districts, as previously security threats had prevented judges from living in unprotected housing in the district under their jurisdiction. This meant judges would either commute to their "duty station", or would remain absent for long periods of time, leaving the district unregulated.**

"We are extremely happy to have the new court facility in Kama District. I visited the courthouse the other day and it was very busy with people: our staff, the public and those coming for trials. We plan on having our first public trial there next week. Hopefully we can build courts in all the districts in Nangarhar."

- Faizalhadi, Provincial Chief Justice, Nangarhar



Figure 3: Primary Court in Kama, Nangarhar.
(Photo Credit: UNDP)

Organizing infrastructure projects does not come without its own challenges: A lack of proper legal guidelines increases the complexity of delivery, and the sheer remoteness of the construction sites creates challenges for both construction companies and UNDP monitoring partners and staff. However, the JHRA **project's** involvement in the resolution of these challenges has proven extremely beneficial for the JHRA project in the long-term. Strong

relationships have been made with representatives from the MoJ, AGO, SCt and the Central Prisons Department (CPD) from the national level down to

the district level, with whom JHRA engineers and management have had to work closely. This regular interaction has also clarified the flow of responsibility, and how it is interpreted at governance levels with little oversight or guidance (predominantly at the district level). This heightened understanding of the inner-workings of the political system has enriched JHRA's programmatic planning moving forward, and informed programmatic imperatives for the following phase of the JHRA Project.

⁸A complete list of infrastructure projects conducted under the DLC is included in Annex 4.

"The show was great! It was funny and realistic. I did not know that girls had to agree to get married according to Shariah, and that they cannot be forced to marry for personal or money reasons. I will remember this with my daughters later."

-Villager, Panjab, Bamiyan

In addition, the JHRA project focused on increasing both the demand for legal and human rights by the public through the dissemination of information, and the supply of quality justice services by training district-level justice officials. This was achieved through three main areas of engagement: public legal awareness campaigns and outreach activities, and trainings to justice

officials on Afghan laws and their application.

Increasing the Afghan **public's understanding of the** justice is essential to building overall trust in the justice sector, as well as slowly affecting a positive shift in their understanding of human rights within the context of Islamic law and values. The DLC carried out several complementary public legal awareness activities to reach communities through multiple channels, thereby strengthening the overall potential impact of the messages. Rural Afghans are largely illiterate and have minimal schooling. Their access and exposure to more global forms of information is limited, and their general points of reference for guidance and information are leaders within their own communities – often not extending more than 10-20 km from their homes. DLC public legal awareness activities therefore sought to harness the influence of community leaders, and educate them on the basic rights protected under the Afghan Constitution and laws, emphasizing the fundamental adherence to Islamic values and Shariah law.



Figure 4: Training on Protection of Women and Children for community leaders in Nangarhar.
(Photo Credit: UNDP)

Community elders and religious leaders are the primary influencers and decision makers concerning disputes within their communities, more commonly referred to as traditional justice. The DLC engaged these leaders – *Maliks*, *shura* members, *mullahs*, and *Imams* – in trainings on laws of most relevance at the community level: land law, laws concerning family interactions and rights, as well as protection of women and children in criminal law and access to defense council. These topics were chosen for two reasons: 1) small-scale disputes within the community or those associated with pride and/or values often never reach the formal system, and therefore a proper understanding of the Islamic and Afghan laws governing these areas among community-level decision makers is key and 2) often times community elders and religious leaders are asked to adjudicate on matters of more severe or criminal nature. Increasing their understanding of and connection to the formal actors with official jurisdiction over such matters is key in increasing the number of cases referred through to the formal justice sector.

The JHRA project also worked with the MoJPLAU and non-state implementing partners to develop public outreach activities (mass media campaigns, community theaters, video screenings) for remote regions to **increase Afghan's knowledge of their** constitutional, human and legal rights, and contextualize these within the Islamic values that underpin Afghan culture and social relations.

Because the majority of rural Afghans are illiterate, and have limited access to education beyond the primary level, community theatres performed directly in villages have proven to be the most effective media through which to deliver somewhat complex concepts of rights that occasionally challenge social norms. Community theatre productions on forced marriage were held in public

Abdul Ghafoor had denied his daughters the right to go to school. But when he heard the sermon by Mullah Imam Abdul Shukoor, he changed his mind. Now he is willing to send his daughters to school, and has enrolled them for next year.

"I had no idea about the benefits of literacy and education until I heard Mullah Sahib's sermon. Now I am aware of my obligation to my children and feel much more responsible for taking the right decisions on behalf of them."

- Abdul Ghafoor, KhawjaDuku, Jawzjan

spaces (some for mixed but segregated audiences, some held **separately for women's and men's** audiences) in district capitals in 42 districts across the six target provinces. The performance scripts provided entertaining and realistic story lines to rural audiences on the rights of women in the family, which is most frequently misinterpreted in Afghan communities and has the most disastrous results for women and girls.

The community theater performances were accompanied by visual materials branding the same messages. Posters, banners and hats were distributed in each of the villages where performances were held, and video screenings of short films that promote **women's rights were held with** community leaders, and followed by focus group discussions on their thoughts concerning the key points raised in the videos, and the way in which they are reflected in their communities. The discussions supported the messaging of the community theatres, to equip community influencers within the district with additional information on these issues and carry on the overall messaging beyond the actual event.

In order to reach all levels of the public audience, and encourage a long-term shift in the Afghan **public's understanding of their legal and basic human rights**, the DLC also initiated an outreach campaign through trainings to teachers, which was used to educate over 46,000 primary and secondary school students. Local

civil society organizations were contracted as implementing partners to conduct trainings of teachers on human rights, child rights and right to education to 466 teachers in the target provinces. The teachers were provided with curricula and materials to use and distribute to their students. Children were then taught on an on-going basis about

"After the training we had on marriage and inheritance, I had a case in my village where a young couple had run away to have a 'love marriage'. This was not approved by either family. The girl's family wanted compensation, and demanded one of the daughters of the boy's family be given to them in payment for the daughter they lost. Because of what we learned in the training, I knew this was not ok in Islam. I talked with both families and told them girls could not be traded as money. In the end, both families agreed to the normal payment of a dowry."

-Malik, Jalalabad, Nangarhar

their rights and obligations within their families and communities, as well as their right to reach their full potential through schooling. Activities were interactive, and engaged children in real situations from their environment to increase their understanding of human rights as reflected in Afghan law, which is based on the principles of Islamic values, and how they pertain to them. Though it is a bit soon to measure a long-term impact of this programming, initial feedback from **the schoolchildren who have attended these lessons is positive. A true "bottom-up" approach to** human rights messaging has been achieved, in which children have brought the essence of the curricula home with them and discussed the lessons with their parents, friends, and neighbours.

Women Require More Knowledge of Their Rights

UNDP trains teachers and students on **women's rights in Islam**

July 2011 – **The Taliban's rule of Afghanistan from 1996-2001**, though short lived, imposed harsh social limitations on the freedom and human rights of women that have continued to be applied in many rural areas across Afghanistan. Often confined to their homes, the restricted mobility of women could worsen as its impact crosses generations. UNESCO estimates that fewer than 15 percent of women are literate, and very few finish primary school.

UNDP's Justice and Human Rights in Afghanistan (JHRA) project is providing public legal awareness and human rights **"training of trainers" (ToTs)** to teachers and community leaders in nine provinces to help reverse the possible long-term impact of the exclusion of girls from formal education.

Working with local NGO Humanitarian Assistance Muska (HAM), JHRA has organized over 50 ToTs for teachers on ethics, values and justice in Islam; human rights and children rights in the Afghan Constitution; and gender and justice in school. Through this network of trained teachers, JHRA has reached 43,000 students, almost exclusively girls, with this rights-based curriculum.



Figure 5: Schoolgirls in Faizabad, Badakhshan present a role play depicting girls' right to education.

(Photo Credit: UNDP)

"We like this class because it shows us that all children have rights, and helps us talk to our parents about going to school," says Hamida, a grade 3 student from Faizabad, in Badakhshan Province, who travels from another village to attend the rights course. **"My parents are very supportive. Both me and my younger**

The focus of the messaging is complementary to the subjects conveyed through community leader trainings and public legal awareness activities, rounding out a comprehensive approach to affecting a shift in public opinion at the community level.

Increasing bottom-up interaction with the justice system involves more than mere public awareness of the justice system. It requires both basic availability of the justice services they have a right to access, and a fundamental public trust in the ability of that system to provide them with fair and equitable justice. To support this aspect of district-level access to justice, the DLC worked with implementing partners and the MoJ, SCT and the AGO at the national level to provide trainings on laws and their practical application in the provision of justice services, particularly at the district level. The shortage of qualified justice providers throughout Afghanistan (less than 30 percent of judges, prosecutors and legal officers have post-secondary education in law or Shariah) prompted requests from the national-level justice institutions for trainings on key laws affecting community relations. The DLC provided trainings to justice officials at the district and provincial levels to increase their ability to execute fair judgments based on the law as established in the Afghan Constitution, as well as specific laws of frequent reference or priority, such as the Civil Code, Criminal Procedure Code (draft), Elimination of Violence against Women **Law**, **Shi'ite Personal Status Law**, and laws pertaining to land ownership and family issues.

Taken as a whole – more empowered justice officials, better informed public, and the availability of justice facilities – DLC activities have contributed to increasing the number of cases brought to State institutions. On average, the number of cases received by judges in DLC target areas doubled over the course of the project, most markedly in areas where facilities were constructed or rehabilitated. This has laid the foundations for further growth.

In addition, the modest successes of the JHRA Project, which was comparatively small in scope within the larger justice sector work being carried out in Afghanistan, have positioned UNDP as a stronger partner with the government. While many gaps still exist in the justice sector at the close of the JHRA Project, UNDP is working closer with the GoA, and has been able, over the last six months of the JHRA Project, to develop programmatic strategies with the justice institutions, that will build the internal organizational, systemic and strategic capacities more thoroughly, while continuing to deliver the practical outputs through the institutions themselves.

sister go to school, and I want to go to university and become a teacher. We have talked to our neighbours too, through our parents, and now more families in our village are sending their daughters to school too!”

The JHRA project also conducts regular trainings through local NGO Educational and Training Center for Poor Women and Girls of Afghanistan (ECW) to inform community leaders about the same issues. These leaders – such as religious leaders and village elders – can then pass these ideas on to their communities. This ensures that social changes and growth happen uniformly, with all members of the community accessing the same information about human rights in Islam and their practical application in Afghanistan.

“Islam teaches that everyone has an obligation to realize their full potential,” said Halim, member of the village *shura*, or elders’ council, for Badakhshan. “So how can we stop girls from going to school? We talk to people about the true Islamic values to build a strong community.”



Figure 6 Participants discussing how to localize and convey training curricula at a Training of Teachers in Faizabad, Badakhshan.
(Photo Credit: UNDP)

D. OUTPUT4: Capacity of community stakeholders to promote and claim human rights is strengthened.

This output did not become a core focus of the JHRA Project due to a lack of funding to support the initial projected budget. The initial required budget put forward in the Project Document was USD36,958,430; however the JHRA Project was only able to secure USD12,200,951 for the three-year duration of the JHRA project. As a result, both staffing and programming were tightened, resulting in the contraction or cancellation of planned activities. Output four was subsumed, in part, into DLC activities. Trainings for community leaders took on a broader scope to ensure mediation and conflict resolution skills were included in justice training activities, but otherwise all capacity building activities for community stakeholders were limited to the direct outreach provided through output three.

E. OUTPUT5: Capacity of Afghan CSOs to advocate and promote human rights is strengthened.

As was the case with output four, output five was not executed as planned in the Project Document. However, DLC staff worked with implementing partners to increase their capacity in advocating and promoting human rights, and their ties with government and international actors. Separate, one-off activities were held, such as a one-day “Access to Justice for the Poor in Afghanistan” training in September 2010, and a one-day training on monitoring tools by an external consultant in October 2010, but the direct engagement of CSOs in capacity development activities was otherwise cut from programming. Also due to lack of funding, the small grants fund was never established.

VI. CHALLENGES

▪ Security

Lack of security in many of the provinces and districts in which the JHRA Project carried out programming impeded project implementation throughout the project. Security issues in the majority of districts in which the JHRA Project was working restricted the ability of JHRA staff to travel to the areas in which programming was being carried out. This had a particular impact on the **project's ability to monitor activities** through direct observation, and in some cases forced the project to postpone or cancel activities as a result of particular incidents. Mitigation strategies included:

- Relationships with provincial- and regional-level government partners were strengthened to increase feedback and data on the impact of JHRA field activities.

- Assessments of the project activities were undertaken through external firms/organizations, as well as through partner UN organizations with a permanent operational presence in the target districts.

- Better coordination with a wide group of stakeholders on the ground.

▪ Partner Capacity

Partner capacity was a challenge for delivering effective programming. Some national implementing partners were unable to secure the required expertise to properly conduct programme activities. Also, capacity within government partners varied, and the distinction between those who required trainings and those who could provide substantive input was occasionally blurred. Mitigating strategies included:

- Additional training and support given to increase the quality of programming in cases where the capacity of national implementing partners was insufficient to carry out programming to the standards required by UNDP.

- Terminating contracts and not extending future contracts for similar activities in cases where a JHRA implementing partner was assessed as underperforming.

▪ Staff Turnover

High staff turnover existed through the life of the project both for international and national staff which led to gaps in implementation. Further change in leadership in the project has also impacted the overall project focus and delivery. Mitigating strategies included:

- Additional staff incentives, such as professional development opportunities, have been employed to increase motivation of staff, particularly international staff.

▪ Integration with GoA Systems

Both UNDP and the GoA are large bureaucratic institutions with their own administrative processes and regulations. Balancing these two bureaucracies and understanding when to use GoA regulations for contracts and supervision has created lengthy challenges and multiple contract modalities have impacted the integration of staff within the Unit. Mitigating strategies included:

- Working with MoJ officials once contractual issues were identified to rectify staff contracts and ensure compliance with GoA regulations.
- **Inter-/Intra-Institutional Communication**

Communication gaps between departments within partner institutions has occasionally resulted in internal miscommunication and competing interests/priorities. Mitigating strategies included:

- Establishing a programme working group, involving focal points from all three justice institutions, to ensure agreement from all agencies on strategies and activities. These weekly working group meetings have proven fruitful, and will be continued in the next phase of the project with extended participation with MoWA, Ministry of Hajj and Religious Affairs, AIHRC, etc...
- Securing office space in the MoJ, which has facilitated communications with MoJ officials concerning day-to-day issues that arise in programming.
- **Limited Cooperation between Programme Partners**

Cooperation between civil society actors and relevant GoA officials remains limited. This has **created challenges in collaboration between implementing partners and the JHRA Project's** government counterparts, which can lead to inconsistencies in the justice messaging conveyed through trainings and public legal awareness materials. Mitigating strategies included:

- Working with implementing partners to bridge the gap with GoA officials, facilitating meetings and convening review sessions of project materials to be used in outreach activities.
- **Social Acceptance of Women's Rights**

In many areas of Afghanistan, women are not afforded equal social status or rights as men. This is a main focus of much of the rights programming conducted by international and national **development agencies. When issues arise to support women's rights that are not reflected in Islam** (equality of men and women as included in the CEDAW), this has led to challenges in fully incorporating **international human rights obligations in national laws. In areas where women's rights are flagrantly violated, through *ba'ad*, forced marriages or torture, activities to address women's rights have raised concerns that they could create larger social conflicts** if not all actors in the community are in agreement with changes to social norms. Mitigating strategies included:

- Strengthening the coordination with HRSU, **MoWA and champions of women's rights within the Executive** to continue to lobby for long-term change.
- Ensuring that all stakeholder groups targeted through JHRA activities received consistent **information about women's rights. This ensured that the majority of social groups in a community, including influential leaders, understood the same principles of women's rights upheld in Shariah.**

VII. LESSONS LEARNT

The following lessons learnt have been compiled from insights recorded by JHRA staff throughout the duration of the JHRA project through quarterly and annual reports.

- Improved Monitoring and Oversight Required for Better-Informed Programming

Due to the slow start to the project, both in funding and staffing, many of the essential baseline surveys were not conducted when the JHRA Project was initiated, which has made it difficult to track performance and understand the impact of JHRA activities within the broader context of support to the rule of law sector. In the next phase of programming, clear indicators will be set through the UNDP Rule of Law Indicators Survey, done in conjunction with UNAMA and the NATO Rule of Law Field Service Mission. The survey will establish factual baselines, targets and indicators, and involve national project counterparts early to inform project design, implementation. Interim and end-term surveys will be continued throughout the JHRA Project II to assess progress and performance.

- Capacity Assessments of Partners Required to Inform Technical Support

Conducting capacity assessments of institutions prior to undertaking work with or within them is of utmost importance – especially in the MoJ, AGO and SCT, which the JHRA project will directly work with in phase II. Many national and international actors are working with the national justice institutions to support their work or build their capacity through the establishment of proper mechanisms, systems and staffing. Without a thorough knowledge of the current capacity of these state institutions at the beginning of programming, the JHRA project risks duplicating or contradicting existing efforts, and could provide assistance to a symptom rather than a cause of bottlenecks or gaps, which would have a weakened effect on sustainability and impact.

Assessments of the capacity of potential partners must be a pre-condition prior to contracts being issued. These capacity assessments must include onsite visits and presentations by prospective partners. Similarly, training materials and information must be developed based on needs assessments of community groups and audiences.

- Using Locally-Based National Partners to Increase Effectiveness of District-Level Programming

Security and limited travel opportunities have affected the project's ability to carry out direct observation of activities and ongoing monitoring. Developing formal ties with government partners at the regional level, and equipping them with the tools and knowledge of how to carry out effective monitoring, has proven to be an effective means of compiling data on programmatic achievements. By engaging government partners directly in M&E, this approach has the added benefit of involving government in the analysis of results, and modification of programming to strengthen overall impact.

- Increased National Ownership Is Essential to Securing Political Support for Programming and Increasing Projected Sustainability

National ownership and strong government relations are integral for ensuring the fluid execution of activities, quality of programmatic outputs, and access to end beneficiaries. As JHRA moves forward, the team is working directly within the national justice institutions to

maintain strong communication and relations with officials from our main government counterparts.

Programming must also involve a wider scope of national and sub-national government counterparts to expand the reach of public-focused communications. While this is most relevant for public legal awareness programming, all levels of policy and programmatic work can be enriched through expanded coordination networks. Moving forward, JHRA is expanding its national counterparts from the core three justice institutions to include MoWA and the MoHRA to increase the audience base the project can reach through project communications.

- Government and Civil Society Must Work Together to Deliver More Robust Programming and Increase Public Trust in the State Justice System

Engagement of civil society actors (community elders/*shuras*, religious leaders, CSOs) in government initiatives requires the creation of opportunities for all sectors to work together to develop national policy and strategy. For example, in preparing the Public Legal Awareness and Legal Aid conferences, the collaborative process involving all shareholders in the critical analysis of the respective strategies was significant for developing comprehensive ownership for follow-on activities. Such interactions must be sustained and deepened. Productive civil-society/governmental partnerships must continue to be forged for activities to have genuine effect.

- Capacity of Civil Society Partners Must Be Supported and Developed to Ensure the Quality of Programming through JHRA and beyond the Programme Lifespan

Civil society partners vary in effectiveness and capacity. In order to ensure programming goals are achieved, significant attention needs to be paid to building the capacity of CSO partners. Think tanks and civil society need to be included throughout the life of a project to provide the JHRA project with information and insights into the on-the-ground realities, which can be funneled into government discussions and policy development.

- Coordination with UNDP and Other International RoL Projects Must Be Strengthened to Improve Delivery of RoL Programming and Capacity

UNDP RoL programming has been largely “siloeed” – projects begin and end separately, which has resulted in the development of individual programme strategies, funding, and the ultimate delivery of activities. This has been addressed by UNDP Country Office with the creation of the Rule of Law Cluster in Q1 2012, and the development of a cross-project RoL strategy, which integrates existing and future programming strategies. The JHRA Phase II strategic plan and Project Document includes both programmatic priorities and geographic similarities to capitalize on existing initiatives and networks already established through UNDP RoL and Governance projects.

The following lessons learnt were articulated in the end-term evaluation conducted by two external consultants (one international, one national)⁹:

- Proper and Realistic Strategic and Implementation Plans Must Be in Place, and Reflective of the Financial Support Available

There is a need for attention by the UNDP Country Office **“at the front end”** to ensure that project plans are adjusted to take into account the reduced budget compared with what was anticipated. Initial strategies and practical work plans need to be reworked before programming is initiated to ensure any changes to priorities is communicated and agreed to by all Project, GoA and donor stakeholders.

Similarly, the UNDP Country Office needs to ensure that its projects are equipped with an appropriate strategy and methodology for implementation, based on the key objectives and approaches set out in project plans, and to which Government partners and donors have agreed.

- All procurement processes undertaken in future will be aligned with the Government of Afghanistan procurement rules and those of UNDP

To ensure that procurement processes are undertaken effectively, under a letter of agreement with the MoJ, UNDP Country Office may undertake direct support for some budget lines.

- Infrastructure Work Is Beyond the Current Capacity of UNDP

UNDP Afghanistan lacks the professional and technical capacity to undertake infrastructure work directly. The JHRA project conducted infrastructure work at the request of the GoA, and employed two full-time engineers and external monitoring firms to support this work. However, this is insufficient support to manage the extensive challenges that have arisen in monitoring on-going construction projects, assessing those completed projects, and dealing with the myriad issues concerning land ownership, access to resources and staffing that have emerged during the JHRA project. In addition, the majority of construction sites were in extremely remote areas, which limited travel opportunities due to transport and security issues.

UNDP should avoid making further commitments in this sphere unless and until it builds a substantial capability for taking on the requisite responsibilities, including technical support from the UNDP Country Office and proper monitoring plans by external parties.

- Programme Timelines Must Be Realistic– Social and Behavioural Shifts Require Consistent Engagement over Longer Periods than the Scope of the Project

As to sustainability, the lesson of the JHRA project is that, whatever the preferred timetables of donors may be, plans for achieving both capacity development and government integration objectives must be realistic which may be longer than what donors are comfortable with.

⁹Phillip Rawkins and Arif Mohammad. *Independent End-Of-Term Evaluation (Draft)*. July 26, 2012.

VIII. ANNEXES

ANNEX 1: FINANCIAL NARRATIVE

The JHRA project was implemented from 1 July 2009 to 30 June 2012 with an approved project document and budget plan of USD 36,958,430 to work at the national and sub-national levels.

During the project implementation phase, the JHRA project received a donor commitment of USD 12,831,611, ultimately receiving USD 12,039,960. Funds were spent across four outputs. The details of expenses as of 30 June 2012 are reflected in table 1.

Donor Support:

EU: The EU committed a total of **€5,000,000 (approximately USD 7,530,000)** which was expected to be disbursed in three installments:

First Installment:	€2,484,464.80
Second Installment:	€2,136,651
Third Installment:	€378,884.20

The project received the first and second installments of USD 6,798,389 for implementation of the project activities at the sub-national level, focusing on public legal awareness, construction and rehabilitation activities across six selected provinces. The total provisional delivery rate based on funds received was 91 percent.

DFAIT: The JHRA project received the following contributions for implementation of the project activities for support to HRSU, SCT and the PLA Unit:

HRSU:	CAD 1,364,164
PLA Unit:	CAD 717,576
SCTU:	CAD 1,176,753

Apart from the total funds received reflected above, CAD 2,362,071 was transferred from the SJSA project to the JHRA project, bringing total contributions from DFAIT to CAD 2,362,071. By 30 June 2012, the total delivery rate was approximately 89 percent.

SDC: The total financial contribution from SDC was USD 791,808 for HRSU. As per funds received by 30 June 2012, the total delivery rate is approximately 99 percent. The remaining USD 60,000 in receivable funds and USD 9,991 in unutilized funds were transferred to the Project Initiation Plan (PIP) period for the second phase of JHRA.

Denmark: Total financial contribution from Denmark was USD 766,680 to support the HRSU. By 30 June 2012, the total delivery rate was 100 percent.

Netherlands: Total financial contribution from the Netherlands was USD 420,200 for establishment and support to the MoJTU. By 30 June 2012, the total delivery rate was around 38 percent; the balance of USD 249,223 was transferred to the JHRA PIP and will subsequently be transferred to JHRA Phase II.

UK: Total financial contribution from the UK was USD 287,356 for support to the HRSU. Funds were contributed for the establishment and support of HRSU, and partially for JHRA project management costs. By 30 June 2012, the total delivery rate was 98 percent.

Germany: The total contribution from Germany was USD 200,000 for support to the HRSU. These funds were intended for disbursement between August 2009 and February 2010. Due to the security situation and subsequent evacuation of UNDP international staff following the Bakhtar attack in October 2009, not all funds could be dispensed. At the end of the JHRA project, the delivery rate was 29 percent, and the unutilized funds (approximately USD 141,943) were refunded by UNDP.

Norway: The total financial commitment from Norway was USD 193,496 to support the establishment and support to the HRSU, and partially for JHRA project management costs. By 30 June 2012, the total delivery rate was 98 percent, and the unutilized funds of USD 13,372 were transferred to the JHRA PIP.

UNDP: The total core funds received for JHRA project was USD 280,000.

ANNEX 2: FINANCIAL TABLE

Donor	REVENUE					EXPENSES AND COMMITMENTS			BALANCE	Remarks
	Commitment (a)	Total Received (b)	Total Receivable c=(a-b)	Carry Over (d)	Total Resources (b-d)	Total Expenses (f)	Commitments (g)	Total Expenses & Commitments h = (f + g)	Balance i=(e-h)	
EU	7,530,000	6,798,389	731,611		6,798,389	6,180,474	486,862	6,667,336	131,053	
DFAIT	2,362,071	2,362,071	-	21,377	2,340,694	2,100,167	6,598	2,106,765	233,929	
SDC	791,808	731,768	60,040	9,991	721,777	708,006	11,894	719,900	1,877	
DENMARK	766,680	766,680	-		766,680	764,920	113	765,033	1,647	
NETHERLAND	420,200	420,200	-	249,223	170,977	158,816	2,530	161,346	9,631	
UK	287,356	287,356	-		287,356	281,056		281,056	6,300	
GERMANY	200,000	200,000	-		200,000	58,057		58,057	141,943	Balance refunded to donor
NORWAY	193,496	193,496	-	13,372	180,124	176,713	3,411	180,124	0	
UNDP	280,000	280,000	-		280,000	265,865		265,865	14,135	
Grand Total	12,831,611	12,039,960	791,651	293,963	11,745,997	10,694,075	511,408	11,205,483	540,514	

Note:

- i) Expenses reported in the final report is provisional; the actual balance will be known, once the project is financially closed.
- ii) Income received in currency other than USD is approximated to USD based on UN- Operational Rate of Exchange applied.

ANNEX 3: EXPENSES BY OUTPUT

Project Output	Total Expenses
Output 1: Capacity of National Justice Institutions to effectively deliver justice and uphold human rights is strengthened. (MoJ / SC TU and PLAU)	863,527
General Management Service (GMS) Fee (7%	58,782
Sub-total Output 1	922,309
Output 2: Capacity of the Government of Afghanistan to fulfill its international human rightsobligations in a coordinated manner is strengthened.	2,163,874
General Management Service (GMS) Fee (7%	152,722
Sub-total Output 2	2,316,596
Output 3: Capacity of district level justice sectors to effectively deliver justice and uphold human rightsis strengthened.	4,894,533
General Management Service (GMS) Fee (7%	347,573
Sub-total Output 3	5,242,106
Output 4. Sound Project Management.	2,068,256
General Management Service (GMS) Fee (7%	144,807
Sub-total Output 4	2,213,063
Grand Total	10,694,075

ANNEX 4: EXPENSES BY DONOR

Donor	Project Output	Total Contributions Received	Total Expenses	(Provisional) Balance	Delivery Rates
EU	Output 3: Capacity of district level justice sectors to effectively deliver justice and uphold human rights is strengthened.	6,798,389	4,824,379	617,915	71%
	Output 4. Sound Project Management.		940,076		14%
	General Management Service (GMS) Fee (7%)		416,019		6%
Sub-Total		6,798,389	6,180,474	617,915	91%
DFAIT	Output 1: Capacity of National Justice Institutions to effectively deliver justice and uphold human rights is strengthened. (MoJ / SC TU and PLAU)	2,362,071	639,942	261,904	27%
	Output 2: Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened.		797,539		34%
	Output 4. Sound Project Management.		517,739		22%
	General Management Service (GMS) Fee (7%)		144,947.97		6%
Sub-Total		2,362,071	2,100,167	261,904	89%
SDC	Output 2: Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened.	731,768	558,336.6	23,762	76%
	Output 4. Sound Project Management.		102,495		14%
	General Management Service (GMS) Fee (7%)		47,174		6%

Sub-Total		731,768	708,006	23,762	97%
DENMARK	Output 2: Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened.	766,680	501,616	1,759	65%
	Output 4. Sound Project Management.		212,733		28%
	General Management Service (GMS) Fee (7%)		50,572		7%
Sub-Total		766,680	764,921	1,759	100%
NETHERLAND	Output 1: Capacity of National Justice Institutions to effectively deliver justice and uphold human rights is strengthened. (MoJ / SC TU and PLAU)	420,200	147,431	261,383	35%
	Output 4. Sound Project Management.		996		0%
	General Management Service (GMS) Fee (7%)		10,390		2%
Sub-Total		420,200	158,817	261,383	38%
UK	Output 2: Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened.	287,356	175,629	6,300	61%
	Output 4. Sound Project Management.		86,735		30%
	General Management Service (GMS) Fee (7%)		18,692		7%
Sub-Total		287,356	281,056	6,300	98%
GERMANY	Output 4. Sound Project Management.	200,000	53,993	141,943	27%
	General Management Service (GMS) Fee (7%)		4,064		2%
Sub-Total		200,000	58,057	141,943	29%

NORWAY	Output 2: Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened.	193,496	90,850	16,783	47%
	Output 4. Sound Project Management.		73,839		38%
	General Management Service (GMS) Fee (7%)		12,024		6%
Sub-Total		193,496	176,713	16,783	91%
UNDP	Output 1: Capacity of National Justice Institutions to effectively deliver justice and uphold human rights is strengthened. (MoJ / SC TU and PLAU)	280,000	74,082	14,136	26%
	Output 2: Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened.		39,128		14%
	Output 3: Capacity of district level justice sectors to effectively deliver justice and uphold human rights is strengthened.		73,003		26%
	Output 4. Sound Project Management.		79,651		28%
Sub-Total		280,000	265,864	14,136	95%
Grand Total		12,039,960	10,694,075	1,345,885	89%

ANNEX 5: ACTIVITIES

Activity	Description of Activity	Progress
1.1 Ministry of Justice Translation Unit operational and its professional capacity enhanced.	<ul style="list-style-type: none"> IT equipment has been purchased, delivered and is utilized by the Unit. MoJ has provided office space at its main building for the Unit. A capacity development plan for the Translation Unit staff has been developed. All positions (Senior Translator, Dari, Pashto, Arabic and English Translators) have been filled. 	Completed
2.1 Human Rights Support Unit (HRSU) in MoJ institutionalized and functioning.	<ul style="list-style-type: none"> HRSU was integrated into the MoJ organizational structure in Q3 2011. HRSU website is online and linked to the official MoJ website. An M&E expert has been contracted to develop a comprehensive database for monitoring the implementation of international human rights conventions. 	Completed
2.2 Staff capacity improved in the areas of human rights.	<p><i>Internal:</i></p> <ul style="list-style-type: none"> Training on Gender by UNDP GEP. Workshop of Identification of the Best Solutions for Involvement of Disabled Women in Designing and Implementing Projects by Handicap International. Central Asia Workshop on Victim Assistance for Government and CSO Representatives by Handicap International in Dushanbe. Workshop on Team Building and Conflict Resolution. Right to Food and Food Security in the Netherlands. <p><i>External:</i></p> <ul style="list-style-type: none"> HRSU Completed training needs assessments for the MoJ Legislative Drafting Department, Legal Aid Dept, Directorate of Planning and Inspection, Offices of Minister, Administration, Publication, Registration of Political Parties and Social Organization Provided human rights trainings and international human right treaties ratified by Afghanistan to officials from: <ul style="list-style-type: none"> MoJ <ul style="list-style-type: none"> Human Resource Department (13M, 19F) Department of Juvenile Rehabilitation Center (20M, 7F) Department of Prisons and Detention Center (16 Ma, 9F) Department of Prisons and Detention (Kabul Detention Center) (25M) 	On track and ongoing

	<ul style="list-style-type: none"> ▪ Department of Prisons and Detention(Narcotics Detention) (25M) ▪ Department of Prisons and Detention(Female Detention) (18M, 7F) ▪ Department of Prisons and Detention(Puli-Charkhi Central Jail &Detention) (15M, 10F) ▪ Department of Legal Affairs(21M, 4F) ▪ Department of Government Cases (8M, 4F) ▪ Departments of Publications and Political Party Registration (36M, 10F) ▪ Legal Aid Department (16M, 7F) ▪ Departments of Administration and Finance (10M, 15F) ▪ Departments of Planning and Policy & Office of the Minister (31M, 6F) ▪ Provincial Department of Legal Affairs, Kabul Province first group (65M, 4F) ▪ Legislative Drafting Department first group (28M, 16F) ▪ Internal Audit Department (17M, 4F) ○ MOI <ul style="list-style-type: none"> ▪ National Security Department (Funded by UK) (16M) ▪ Department of Criminal Investigation (CID)-FRU Gender Unit (20M, 16F) ○ NDS <ul style="list-style-type: none"> ▪ Unit 15 Puli-Charkhi (10M) ▪ NDS Training Academy (32M) ▪ NDS Unit 40 (45M, 2F) ○ MoWA <ul style="list-style-type: none"> ▪ Directorates of the Ministry of Women's Affairs (36M, 88F) ○ AGO <ul style="list-style-type: none"> ▪ Senior AGO Staff (10M, 9F) ○ International Legal Foundation (ILF) <ul style="list-style-type: none"> ▪ –ILF Afghanistan (11M, 4F) • Provided a training with UNFAO on Right to Food and Nutrition Security Policies for Ministry of Agriculture, Irrigation and Livestock (MAIL); Ministry of Health (MoH); and UNAMA staff. 	
2.3 Action plan based on treaty bodies' recommendations introduced and approved by government, in close coordination with Legislative Drafting Department for drafting /amending laws in conformity with Afghanistan treaty obligation and provides technical support to the ministries in mainstreaming human rights and gender in their program activities.	<ul style="list-style-type: none"> • MoJ signed MoUs with the MoE and MoWA for HRSU to provide technical assistance on integrating human rights and gender in their programming. • Revised the gender policies for the MoJ, MRRD and Public Administration and Reform Commission. • Worked with MRRD gender advisers and social workers to increase their capacity to mainstream human rights and gender in their programs. • Developed a gender assessment on government gender policies. 	On track and ongoing

	<ul style="list-style-type: none"> • Reviewed the draft Family Law for compliance with the Civil Code. • Reviewed NPP1 for gender compliance. • Developed a tracking and reporting cycle matrix on UN human rights instruments for the MoFA. • Developed GoA action plans for the UPR, CRC and ESCR. • The following laws were reviewed and found compliant with ICESCR: <ul style="list-style-type: none"> ○ Law on Mass Media ○ Law on Health ○ Law on Prisons and Detention Centers ○ Penal Code ○ Law on the Preservation of Historical and Cultural Heritage ○ Law on Teacher Training Colleges, Professional Members, Rights and Benefits' of Islamic Education ○ Labor Law ○ Law on Counter Human Trafficking and Abduction ○ Law on the Elimination of Violence against Women ○ Law on Education ○ Law on Private Investment ○ Law on Social Organizations ○ Civil Code ○ Insurance Code ○ Afghan Constitution ○ Shi'ite Personal Status Law ○ Law on Commerce ○ Law on Strikes and Protests ○ Civil Service Code ○ Environmental Code ○ Juvenile Code ○ AIHRC Law ○ Mines Code ○ Law on Rights and Benefits for Disabled Persons ○ Mayors' Code ○ Juvenile and Rehabilitation Center Code 	
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	<ul style="list-style-type: none"> ○ Law on Protection Inventor Rights ○ Law on Protection of Author, Artist and Researcher Rights ○ Law on Rating and Controlling Guardians ○ Regulation on Civil Servants Code of Conduct ○ Regulation on Private Institutes of Higher Education ○ Regulation on Labor Rights and Obligations ○ Regulation on Deploying Labor Out of Country ○ Regulation on Recruiting Foreign Citizens ○ Regulation on Scholarships and Studying Abroad ○ Regulation on Art and Cultural Awards ○ Regulation on Internal and External Trade ○ Regulation on Prevention of Pollution ○ Regulation on Breast Feeding ○ Regulation on Private Education Institutes ○ Regulation on Juvenile Rehabilitation ○ Regulation on the Rights of Civil Servants ○ Regulation on the Distribution of Land for Homeless Teachers ○ Regulation on Personal Affairs of Civil Servants ○ Regulation on the Permanent Executive Commission on Guardianship ○ Regulation on Exhibition of Historical and Cultural Affairs ○ MAIL Statute ○ AIHRC Reports ○ UPR paragraph 15, general comment 5/1 of the Human Rights Council ○ ANDS ○ Ministry of Public Health Strategy ○ Nutrition and Health Policy ○ MOHE Strategy ○ MoE NESP ○ MRRD Strategy ○ MAIL Strategy ○ Law and Justice Strategy ○ Justice Sector Strategy ○ Justice for All Strategy 	
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	<ul style="list-style-type: none"> ○ AIHRC Economic, Social and Cultural Reports ○ Afghanistan UPR Reports to Human Rights Council • The following laws were reviewed and found compliant with the CEDAW: <ul style="list-style-type: none"> ○ Civil Law ○ Afghan Constitution ○ Penal Code ○ Law on Public Health ○ Labor Law ○ Law on the Elimination of Violence Against Women ○ Law on Rights and Benefits of Disabled Persons ○ Education Law ○ Citizenship Law ○ Law to Counter Human Trafficking and Abduction ○ Interim Criminal Code for Courts ○ Law on Prisons and Detention Centers ○ Law on Registration of Population ○ Law on Political Parties ○ Law on Social Organizations ○ Law on Mass Media ○ Law on Strikes and Protests ○ Regulation on Breast Feeding ○ Regulations on Managing Prisons and Detention Centers ○ Regulation of Retirement Rights of Civil Servants ○ Regulation on Scholarships and Studying Aboard ○ National Development Strategy ○ Justice for All Strategy ○ Justice Sector Strategy ○ National Judiciary Program ○ National Education Strategy ○ National Public Health Strategy ○ National Strategy on Children in Crisis ○ Islamic Republic of Afghanistan's Primary Report ○ National Action Plan for Women ○ Millennium Development Goals • The following laws were reviewed against the ICESCR and found non-compliant. Recommendations were submitted to the government for 	
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	<p>their revision and harmonization:</p> <ul style="list-style-type: none"> o Law on Rights and Benefits of Disabled Persons, Article 17 	
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).	<p>DLC has constructed/rehabilitated justice infrastructure in the following districts, based on prioritization by the SCT Engineering Unit:</p> <ul style="list-style-type: none"> • Primary courts in: <ul style="list-style-type: none"> o Jorum, Badakhshan (Completed, handed over) o Kosher, Badakhshan (Completed, handed over) o Chapahar, Nangarhar (Ongoing) o Kama, Nangarhar (Completed) o Panjab, Bamyan (Completed) • Joint MoJ Legal Affairs/AGO Offices in: <ul style="list-style-type: none"> o Saighan, Bamyan (Completed) o Khwaja Do Koh, Jawzjan (Completed, handed over) o Shirin Tagab, Faryab (Completed, handed over) o Andkhoy, Faryab (Completed, handed over) • Detention Centers in: <ul style="list-style-type: none"> o Baharak, Badakhshan (Ongoing) o Aqcha, Jawzjan (Completed, handed over) • Judges' Residences in: <ul style="list-style-type: none"> o Sirkano, Kunar (Completed) o Sawki, Kunar (Completed) o Daulatabad, Faryab (Completed, handed over) o Andkhoy, Faryab (Completed, handed over) 	On track
3.2 Capacity of community stakeholders to promote and claim human rights is strengthened	<p>The following activities have been carried out at the district level:</p> <ul style="list-style-type: none"> • Public Legal Awareness: <ul style="list-style-type: none"> o General Public: <ul style="list-style-type: none"> ▪ Community Theatre: 27,270¹⁰ ▪ Mass Media: 4,900,514¹¹ o Teachers: 466 o Schoolchildren: 46,600 • Legal Trainings to Justice Officials (Land Law, Family Law, Protection of Women and Children in Criminal Law): <ul style="list-style-type: none"> o Judges: 66 o Prosecutors: 177 	On track

¹⁰Numbers from Bamyan activities pending.

¹¹Based on total possible listenership rates of radio stations used.

	<ul style="list-style-type: none"> ○ MoJ Legal Affairs Officials: 125 ○ Judicial Police: 16 ○ Defense Attorneys: 142 ○ DoWA Officials: 48 • Legal and Human Rights trainings to Community and Religious Leaders: <ul style="list-style-type: none"> ○ Community Leaders: 2,733 ○ Religious Leaders: 1,218 	
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ANNEX 6: RISK LOG

#	Description	Type	Impact & Probability	Countermeasures / Management response	Owner	Status
1	General Insecurity in Afghanistan	Environmental/ Political	<ul style="list-style-type: none"> Potential risk of injury or death to project staff and contractors Potential impact on activities – delayed or rescheduled activities I: 2 P: 5	<ul style="list-style-type: none"> Comply with UNDSS security arrangements Contract security services for physical security. Obtain security clearances for internal travel Conduct conflict assessment as part of selection of districts Contract external organizations where required 	Project Manager	<ul style="list-style-type: none"> Security remains an issue at the close of the project. JHRA worked closely with UNDSS to monitor the security situation in Kabul and the provinces for all missions. JHRA used ANP armed escorts for road missions and additional security for large events. Security did affect programming <ul style="list-style-type: none"> The Bakhtar attack resulted in the evacuation of all internationals for three months in 2009-10, and a freeze on international recruitment. The 2011 attack on a UN compound in Mazar-i-Sharif resulted in restricted movement and recruitment for three months. The 2012 burning of the Quran in Baghram led to the postponement and ultimate cancellation of a provincial conference in Nangarhar at the request of national GoA partners.

#	Description	Type	Impact & Probability	Countermeasures / Management response	Owner	Status
2	Extent of GoA support for all components of the Project	Political	<ul style="list-style-type: none"> Project will require political support and coordination with several Go institutions I: 4 P: 4	<ul style="list-style-type: none"> GoA counterparts involved in the Project Board to promote ownership and ensure the project meets GoA priorities 	Project Manager	<ul style="list-style-type: none"> Due to limited staffing at the beginning of the project, and a contraction of programming due to funding restrictions, relations between JHRA and GoA partners waned in 2009-10. However, a concerted effort to rectify this through increased coordination and physical presence in the MoJ has improved relations between the Project and GoA significantly. Support for JHRA programming at the end of the project was strong.
3	Complexity of Project	Operational/Strategic	<ul style="list-style-type: none"> Project is complex, involving multiple donors, multiple GoA partners, CSO and commercial contractors across a broad geographic area I: 4 P: 4	<ul style="list-style-type: none"> Use Project Board to prioritise activities and approve Annual Workplan, to ensure stakeholders support. Ensure oversight of project activities, including activities in districts 	Project Manager	<ul style="list-style-type: none"> Despite the slow start in 2009 and early 2010, the JHRA project has held regular Project Board meetings with donors and GoA partners to ensure programmatic priorities are supported. Oversight has proven more difficult – the restrictions on movement in many target provinces due to security has prevented sufficient direct observation and follow-up monitoring from happening.

#	Description	Type	Impact & Probability	Countermeasures / Management response	Owner	Status
4	Risk of not attracting donor support for the whole project	Financial	<ul style="list-style-type: none"> Donors may prefer to fund particular components of the project, limiting the ability of the project to implement all components. Insufficient funds may be raised to implement the project activities in all targeted districts I:3 P:3	<ul style="list-style-type: none"> Prioritise project activities with the Project Board Phase activities in districts according to the amount of funds received 	Project Manager	<ul style="list-style-type: none"> This risk was realized. The Project Document was US\$36,958,430; however the Project was only able to secure US\$12,200,951. This resulted in a reduction of programming, particularly at the national level through Output 1, as well as most CSO outreach and a significant amount of district-level programming with the removal of Outputs 4 and 5 from planned programming. Engagement of national and civil society actors intended through these outputs were partially resolved through expanded informal engagement through Project activities that were realized.
5	Risks of delays in procurement for rehabilitation and CSO services	Operational	<ul style="list-style-type: none"> Delays in selection of firms and CSOs for project activities will result in delays in these activities I:3 P:3	<ul style="list-style-type: none"> Project to develop procurement plan, listing planned procurements and target dates 	Project Manager/Procurement Assistant	<ul style="list-style-type: none"> Procurement presented an obstacle for programming – lengthy processes resulted in delays in programming. Particularly for construction projects, UNDP CO attempted to expedite services by establishing an MoU with UNOPS, however, ultimately this was not possible. All programming was carried out, but with delays.

#	Description	Type	Impact & Probability	Countermeasures / Management response	Owner	Status
6	Risk of delays in recruitment of key project staff	Operational	<ul style="list-style-type: none"> Delays in appointment of key staff will delay the implementation of technical activities, and limit project oversight of other activities I: 3 P: 3	<ul style="list-style-type: none"> Project to develop a recruitment plan, listing planned recruitments and target dates 	Project Manager/ Human Resources Assistant	<ul style="list-style-type: none"> The Project remained understaffed for its duration. Much of this was the result of funding restrictions, recruitment freezes due to security issues, and lengthy internal processes. In 2011, two additional international Human Rights Specialists were recruited; however, at its close the project remained at one-third of its planned organogram.
7	Challenges in ensuring quality assurance	Operational	<ul style="list-style-type: none"> Difficulty in ensuring quality assurance, particularly of rehabilitation and outreach work undertaken in remote and/or insecure districts I: 5 P: 3	<ul style="list-style-type: none"> Appoint supervising engineers to monitor rehabilitation work Appoint national monitoring officer to oversee monitoring of CSO contracted activities 	Project Manager	<ul style="list-style-type: none"> For the majority of construction work, external monitoring firms were contracted to provide external assessments of construction work. In 2012, due to funding and time restrictions, two individual national consultants were recruited to finalize pending final and follow-up assessments. A national M&E Officer was employed, but due to limited human resources and his particular skills, this officer also functioned as the Project's legal expert. Oversight of CSOs became the responsibility of all Project staff. In only one case, in which a contracted CSO was unable to carry out its required activities, the contract was terminated, and an upcoming contract for similar services from the same CSO was cancelled.

#	Description	Type	Impact & Probability	Countermeasures / Management response	Owner	Status
8	Limited CSO presence and capacity in some districts	Environmental	<ul style="list-style-type: none"> Lack of local CSO partners in some areas may hinder implementation of some human rights awareness raising activities <p>I: 3 P: 3</p>	<ul style="list-style-type: none"> Advertise CSO requests for proposals broadly, to attract interest from local CSOs Incorporate a capacity development approach, to build the capacity of local CSOs to implement activities Include close monitoring and technical support by UNDP, to ensure that CSOs implement activities as contracted 	Project Manager	<ul style="list-style-type: none"> On the whole, the CSOs engaged as implementing partners had sufficient geographic coverage to execute activities well. Capacity development plans were not developed; however, adhoc capacity development sessions were held with implementing partners based on need. Conducting sufficient M&E of activities carried out by implementing partners proved problematic at the district level. JHRA was reliant on reports submitted by implementing partners, which were triangulated through confirmation of activities and attendance with provincial-level GoA partners.