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AFGHANISTAN ACCESS TO JUSTICE (AA2J)

2016 PROJECT ANNUAL REPORT



UNITED NATIONS DEVELOPMENT PROGRAMME

DONORS



Switzerland



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PROJECT INFORMATION

Project ID:	00094291
Duration:	April 2016 – March 2019
Contributing to NPP:	1. Legal reform and legislative effectiveness, 2. Enhancing efficiency of the Justice sector, 3. Increasing meaningful access to justice, 4. Building institutional capacity to strengthen justice delivery
CPD Outcome:	Outcome 2: Trust in and access to fair, effective, and accountable Rule of Law (ROL) services is increased in accordance with applicable international human rights standards and the government's legal obligations
UNDP Strategic Plan Outcome:	Outcome 3: Countries have strengthened institutions to progressively deliver universal access to basic services (SP Output 3.4: Functions, financing and capacity of rule of law institutions enabled, including to improve access to justice and redress)
Annual Budget 2016:	2,265,843.07 USD
Implementing Partner:	UNDP
Responsible Parties:	Ministry of Justice, Afghanistan Independent Bar Association
Project Manager:	Dragan Popovic

COVER PAGE PHOTO: Students from Nangarhar Law Clinic attending a trial session, September 2016

ACRONYMS

AA2J	Afghanistan Access to Justice
AIBA	Afghanistan Independent Bar Association
CLRWG	Criminal Law Reforms Working Group
CSOs	Civil Society Organizations
DOJ	Department of Justice
EVAW	Elimination of Violence against Women
FRU	Family Response Unit
GIROA	Government of the Islamic Republic of Afghanistan
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
HACT	Harmonized Approach to Cash Transfers
HRSU	Human Rights Support Unit
<i>Huquq</i>	Legal Affairs Department
IDLO	International Development Law Organisation
JHRA	Justice and Human Rights Afghanistan
JSI	Justice Sector Institutions
JSSP	Justice Sector Support Program
LAD	Legal Aid Department
LAGF	Legal Aid Grant Facility
LOA	Letter of Agreement
MCA	Micro-Capacity Assessment
M&E	Monitoring and Evaluation
MOIA	Ministry of Interior Affairs
MOHE	Ministry of Higher Education
MOJ	Ministry of Justice
MOU	Memorandum of Understanding
MOWA	Ministry of Women Affairs
NLTC	National Legal Training Centre
NTA	National Technical Assistance
PLAU	Public Legal Awareness Unit
ROL	Rule of Law
ROLIS	Rule of Law Indicators Study
SDC	Swiss Development Cooperation
SOP	Standard Operating Procedure
<i>Taqnin</i>	MOJ Institute for Legislative Drafting and Legal Research
<i>Taskheel</i>	Afghanistan Civil Service
TOR	Terms of Reference
TWG	Technical Working Group
UNAMA	United Nations Assistance Mission to Afghanistan
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund

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I. EXECUTIVE SUMMARY

The Afghanistan Access to Justice (AA2J) project was designed during the last months of 2015 and the first quarter of 2016 as the successor project to the Justice and Human Rights in Afghanistan (JHRA) project. During a consultative process with national counterparts and donor partners, it was decided that the focus of AA2J would be to increase access to justice for vulnerable groups, with women, children, detainees and prisoners as specific target groups. The AA2J project has three substantive output areas, namely; Legal aid and legal awareness; Justice sector coordination with a focus on Elimination of Violence Against Women (EVAW); Capacity development on human rights and legislative drafting for the Ministry of Justice (MOJ) and Justice Sector Reform.

The project became operational on 1 April 2016. The first months were mainly a project inception period that included recruitment of staff, development of the implementation plans and establishment of the project's governance structure. Actual implementation started in August 2016, after receiving the first donor contribution.

Under Output 1 on legal aid and legal awareness, the Project had the following key achievements in 2016: reinitiating of the Legal Aid Grant Facility (LAGF), through which 716 beneficiaries received legal aid in the form of representation in courts, out of whom 100 (14%) were female. The LAGF Procedure was revised to get more results for female beneficiaries and indigent people who live in districts without access to other legal aid providers. Also, data collection and M&E systems for LAGF were improved with the introduction of a new database. UNDP built partnerships with 6 law clinics and other stakeholders who interact with universities on law clinics, such as the Asia Foundation. A total of 174 (9 female) students, 22 (all male) from Helmand University and 152 (9 female) from Nangarhar University respectively received training in practical skills at the law clinics supported by AA2J. Legal awareness activities commenced during the last month of the year, and included the printing and distribution of 240 billboards with legal awareness messages. These messages included messages on illegality of human trafficking, women's right to property, women's right to education and the denunciation of gender based violence. Furthermore, 3,982 (300 female) people were reached through the legal awareness activities in Helmand coordinated by the law clinic.

The key achievement under Output 2 (Justice sector coordination with a focus on EVAW) was the establishment of the EVAW court in Kabul and the drafting of Standard Operational Procedures (SOPs) for the EVAW units of the Attorney General's Office (AGO), AIBA and Family Response Units (FRU) of the Ministry of Interior Affairs (MOIA). The SOPs for the FRUs were finalised and trainings were conducted in Kabul and Herat in December. The Supreme Court reported that the EVAW Court has handled 107 cases at primary level and 51 at appeal level, a total of 158 cases since its establishment. The project conducted a needs assessment for the EVAW Court, findings of which guided the development of an action plan that was approved by the Supreme Court. Despite intensive efforts to reach a joint understanding of the way forward for the National Legal Training Centre (NLTC) in Herat, the Project Board concluded in December that the different stakeholders do not share the same view on the NLTC and that therefore this activity result would be suspended in 2017.

With regards to Output 3 (Capacity development on human rights and legislative drafting for the MOJ and Justice Sector Reform), the main achievement was the finalization of the new draft of the Penal Code. Following completion of the draft, it was approved by the Cabinet and is now awaiting Presidential approval, prior to submission to the Parliament.

Furthermore, the project initiated consultations for the Family Law and provided technical inputs in the form of a comparative study on human rights and family laws in other Islamic countries. The Human Rights Support Unit (HRSU) published a comprehensive overview of the status of implementation of human rights recommendations. The sustainability of the HRSU remains problematic, due to the heavy dependence on staff hired through the National Technical Assistance (NTA) modality. Insufficient progress was made regarding the downscaling on the number of NTAs. Nevertheless, the HRSU continued to be an essential element of the Government's human rights capacity, which resulted in better human rights compliance of newly drafted laws.

Finally, the AA2J Project provided technical support to the Office of the Second Vice President to prepare the Justice Sector Reform Plan. This plan was completed and adopted by the Cabinet on 28 December 2016.

II. RESULTS

A. OUTPUT 1: LEGAL AID AND LEGAL AWARENESS

The objective of this output is to improve access to justice to the indigent members of the population by improving service delivery by the state institutions related to legal aid and awareness. The target groups for the activities on legal aid and legal awareness are indigent women, children, prisoners and detainees. In addition, the project seeks to strengthen the capacity of law clinics to deliver legal advisory services and provide law and sharia students with practical experience in the area of legal aid.

ACTIVITY RESULT 1.1: Legal aid services provided through the Legal Aid Grant Facility (LAGF) are more accessible, affordable, sustainable and credible

During the first months of the project implementation, UNDP held extensive consultations with the MOJ and the Afghanistan Independent Bar Association (AIBA), to identify scenarios for future work for the LAGF. The LAGF had been established by AA2J's predecessor project Justice and Human Rights in Afghanistan (JHRA), but no new cases had been taken up during the last quarter of JHRA's implementation, due to uncertainty about the continuation of funding for LAGF, as incomplete cases could not be paid for by JHRA. The points of concern were addressed with the signature of a new Memorandum of Understanding (MOU) between AIBA, the MOJ and UNDP, that sets the overall framework of cooperation for the entire project duration. In addition to the MOU, a Letter of Agreement (LOA) between AIBA and UNDP was signed in July 2016 as the financial basis for the LAGF activities. These documents sharpened the definition of the LAGF target groups and a strengthened data collection mechanism was developed to improve the Monitoring and Evaluation (M&E) function of the LAGF.

The LOA also implemented the recommendations from the Micro-Capacity Assessment (MCA) that had been undertaken prior to the start of the AA2J project in the framework of the United Nation's Harmonized Approach to Cash Transfers (HACT). To this end, the LOA defined in detail the process of financial reconciliation, which included financial and programmatic spot checks by UNDP. This was also in line with previous audit recommendations about the management of funds by AIBA. As a result, a new financial oversight mechanism was introduced that reduced financial risks.

In a joint effort between the AA2J project team and AIBA's Project Manager and M&E Officer, the database to monitor progress in all cases was revised. This resulted in the inclusion of more parameters and a harmonization of data entries to facilitate better evaluation of the impact of the LAGF. The improved database helps to get a more thorough understanding of all LAGF cases, which also is reflected in the following sections that analyse progress of the LAGF.

In August 2016, the LAGF started taking up new cases. At the end of December 2016, a total of 716 (100 female) beneficiaries had received legal aid in the provinces Badghis, Balkh, Bamyán, Daikundi, Ghor Helmand, Herat and Nangarhar. The project therewith surpassed its annual target from the LOA of 514 cases with 202 additional cases (28%), as AIBA managed to bring down the average cost of one case, and thus more cases could be handled with the same financial resources. Figure 1 below shows the number of LAGF beneficiaries per province in 2016.

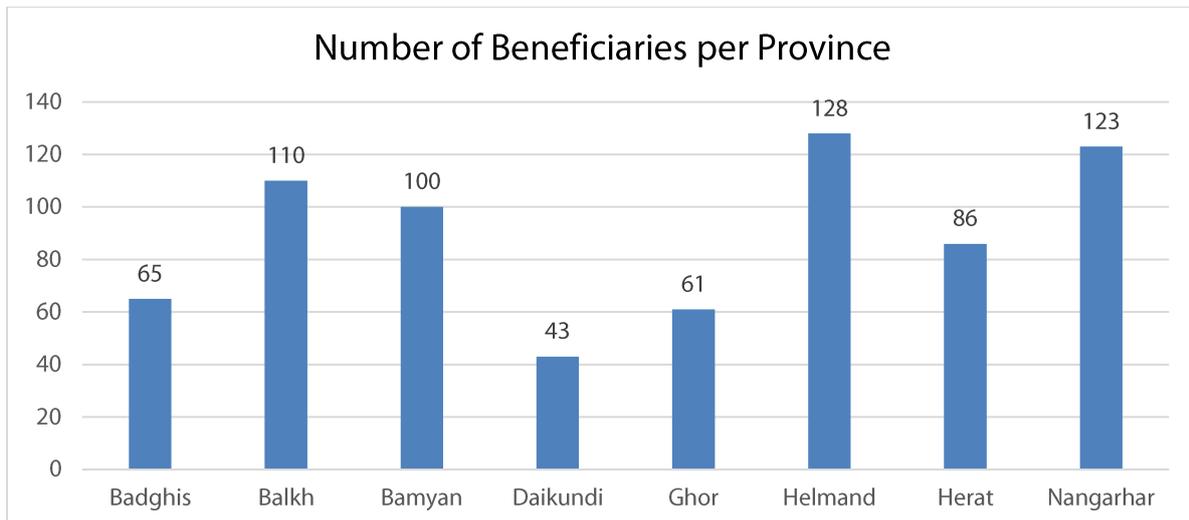


Figure 1: Number of LAGF beneficiaries per Province from April to December 2016

The project aims to increase the number of beneficiaries in districts where the MOJ's Legal Aid Department (LAD) does not provide any legal aid services, and coordinate the scope of LAGF activities at district level with the MOJ LAD, to ensure the best possible match between demand and supply, and increase access to justice in those areas where no state services are available. During the reporting period, out of the 716 beneficiaries, 191 (27%) were from districts and 525 (73%) were from the provincial capitals. Figure 2 below shows the division between districts and the provincial capitals per province.

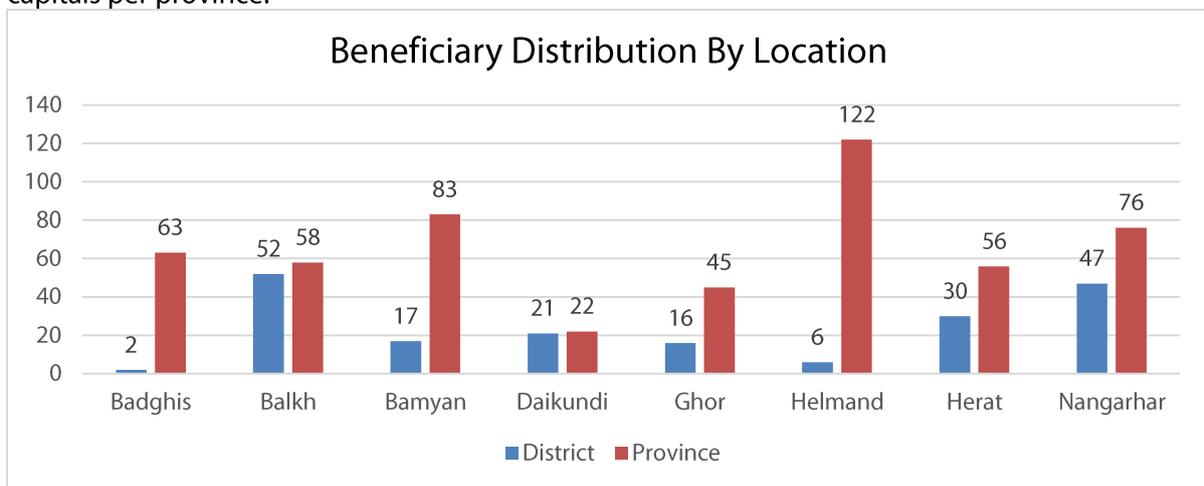


Figure 2: LAGF beneficiaries by province and location from April to December 2016

The security situation in some of the provinces prevented the LAGF from accessing potential beneficiaries in remote areas. This is particularly the case in Helmand, nevertheless, as the LAD has virtually no lawyers in Helmand, even in the provincial capital Lashkar Gah there is a very high demand for legal aid, which is addressed through the LAGF. In relatively stable provinces, the proportion of beneficiaries from districts was significantly higher. For instance, in Balkh, 47% of the beneficiaries were from the districts and 49% in Daikundi.

As women face significantly more difficulties to access the justice institutions, the AA2J project intends to increase the number of females using the services of the LAGF. Therefore, the LAGF covers both civil and criminal cases for women, while men are only eligible to receive support from LAGF in criminal cases. Figure 3 below shows the gender breakdown of LAGF beneficiaries over 2016. While the project managed to attend female beneficiaries in all the eight provinces, the graph below indicates that the number of female beneficiaries remains low. Although it will not be possible to

record a 50% ratio of female to male beneficiaries, due to the crime trends in the country in which most offenders are male, the LAGF still aims to increase the share of female beneficiaries up to at least 30%. The implementation of legal awareness activities, and better coordination with Women Assistance Centres, shelters and the Departments of Women Affairs (DOWA) is expected to increase the number of female beneficiaries.

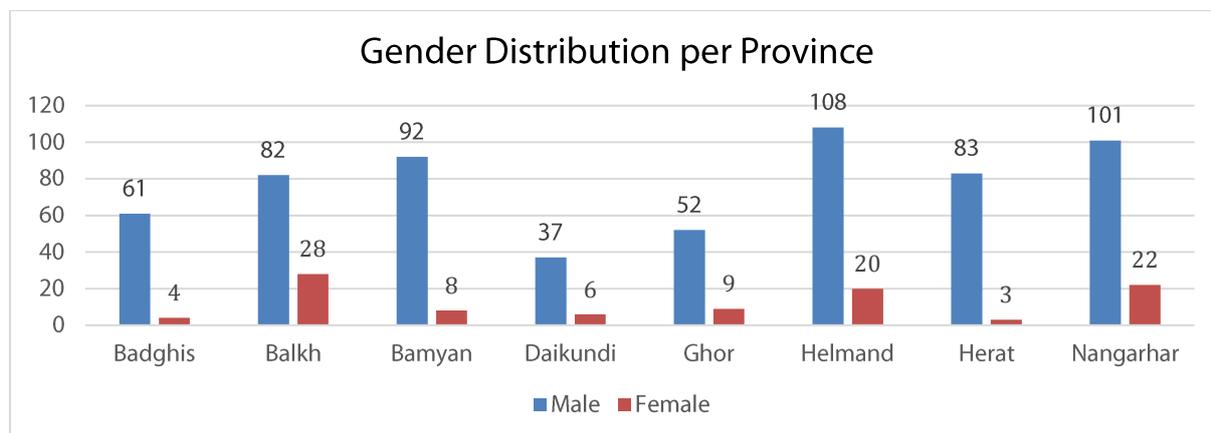


Figure3: Gender breakdown of LAGF Beneficiaries from April to December 2016

With the introduction of the new database, LAGF started to track how the cases were being referred to LAGF, for coordination purposes and improving the referral pathways. Nine different institutions (the Courts, DOWA, Huquq (Legal Affairs Department of the MOJ), Juvenile Centres, MOJ-LAD, Prosecution Offices, Police, Prisons and Women Assistance Centres) referred cases to the LAGF in 2016. This shows that the coordination function of the LAGF Committees is functioning and that other institutions are aware of the existence of the LAGF. In addition to the mentioned institutions, some beneficiaries approached the LAGF on their own initiative through the regional AIBA offices. These self-referrals constituted 26% of the total cases handled, which indicates the LAGF's outreach capacity, which in its turn can also contribute to increased legal awareness. Figure 4 shows the referral sources of cases handled by the LAGF in 2016.

Institution	Number of beneficiaries referred	Percentage
Court	151	21%
Huquq	4	1%
Juvenile center	6	1%
LAGF Supervisors	44	6%
MOJ-LAD	12	2%
MOWA	2	0%
Police	30	4%
Prison	77	11%
Prosecution	194	27%
Self-Referral	182	25%
Women Center	14	2%
Total	716	100%

Figure. 4: Referrals to LAGF Beneficiaries from April to December 2016

Efforts were made to strengthen the capacity of AIBA in various dimensions. As follow up to the MCA that had been undertaken prior to the start of the project to identify AIBA's strengths and weaknesses regarding financial management, AA2J conducted a financial and reporting training for LAGF staff in July 2016. The workshop covered financial and narrative reporting. These trainings aimed to increase AIBA's accountability and ability to meet the conditions of UNDP's Programme and Operations Policies and Procedures (POPP) for financial management.



Figure 5: Training on case management for defence lawyers in Bamyan

In Bamyan province, a five-day training was organized on case management and case processing, with participation of 18 male defence lawyers and legal aid providers (19 - 23 November). The training focused on the civil procedure code and case management tools. Per the pre- and post-training assessments, the training improved the skills and knowledge of the defence lawyers in case management.

ACTIVITY RESULT 1.2:

Targeted ILAB-accredited university law clinics are capacitated to promote and provide legal aid services to indigent people



Figure 6: Helmand law clinic students receive training in drafting statements

In 2016, support to the law clinics was provided for a total of 174 (9 female) students. 22 (all male) from Helmand University and 152 (9 female) from Nangarhar University received training at the law clinics, in practical skills of drafting, case management and understanding of court procedure through court visits and moot courts. The law clinic in Helmand also organized an inter-

university debate, with participants from Arakozia, Wadi-Helmand and Bost Universities. The law clinic in Helmand has also been instrumental in providing free legal advice. In 2016, a total of 763 (out of which 172 female) beneficiaries were attended by students from the law clinics to explain the legal system, their basic rights and how the formal justice institutions function.

As part of law clinic activities, the law clinic students conducted legal awareness campaigns reaching



Figure 7: Helmand law clinic student raising legal awareness at Helmand university

3,982 (300 female and 3,682 male) people in different areas in Helmand. These activities included visits to schools, universities and shuras. The main message was on the right to legal aid and the availability of legal aid services.

One of the lessons learned from previous experience with law clinics is a need for more clarity on the role of law

clinics at national level. AA2J partnered with the Asia Foundation and provided substantive inputs to a law clinic conference on 13-14 August 2016. The conference covered issues related to standardization of operations at law clinics. The workshop was attended by officials from the Ministry of Higher Education (MOHE), MOJ, and law clinics' staff, Deans of law and sharia faculties and staff of development agencies. UNDP made a presentation on the UNDP/AIBA law clinic model. The workshop deliberations reached consensus that law clinics should be made a compulsory component of law and sharia education and recognized within the academic curriculum. The workshop also agreed that there was a need to develop a standard framework for all law clinics across the country.

ACTIVITY RESULT 1.3: The public, in particular women, children, prisoners and pre-trial detainees in targeted provinces are better informed of their legal rights, including the right to legal aid

Legal awareness activities started during the final quarter of the year. Following intensive consultations with the MOJ's Public Legal Awareness Unit (PLAU), messages were agreed upon, which were then printed on posters and billboards. At the end of the year, the project had printed and distributed 240 billboards and posters with legal aid messages across five provinces of Kabul, Nangarhar, Herat, Balkh and Helmand. In addition to the billboards, banners were installed at the premises of the justice institutions with legal awareness messages on various topics including the rights of women to property and to education, the right to legal representation, the illegality of human trafficking and a specific message denouncing violence against women. Some of the messages make reference to Islam to emphasize that these practices are not supported by Islam.

A total of 285 (including 71 female) personnel of justice institutions received capacity building trainings on early access to legal aid and the role of justice institutions in this process. These trainings were organized between October and December in Balkh, Herat, Kabul and Nangarhar. The participants were from the MOJ-LAD, Supreme Court, AGO, AIBA, Police and Civil Society Organizations (CSOs) working on legal aid. The workshops enhanced the knowledge and skills of the staff of justice sector institutions about the importance of early access to legal aid, the international and local legal framework governing the provision of legal aid provision and the role of justice sector institutions, including coordination. 54% of surveyed participants in the trainings reported that it had increased their understanding of the importance of early access to legal aid by a high to a very high extent and that they could directly use the acquired knowledge in their daily work. Future workshops will include a session on how to bring the topics of the training into practice.

EXPENSES FOR THE PERIOD APRIL-DECEMBER 2016

During the year, the total expenditure under this output was USD 573,819.95. For more detailed information, see the Financial Reports in the Annexes at the end of this report.

Table 1: Progress for Output 1-Legal aid and legal awareness

Indicator	Baseline (As per the AWP)	Annual Targets (As per AWP)	2016 Actual	Comments
1.1.1: Percentage of surveyed women, children, prisoners and pre-trial detainees claiming awareness of their rights in target areas (Balkh, Herat, Nangarhar)	15%	10% increase from baseline	N/A	Only the baseline survey was conducted in 2016 due to absence of M&E focal point in the Project.
1.1.2: Number of people who receive legal aid through the Legal Aid Grant Facility disaggregated for detainees, prisoners, women and children victims in civil cases	2248 (over 3 years period)	514 (30% female beneficiaries)	716 (100 female beneficiaries)	The Project surpassed its annual target by 37%.
1.1.3: Percentage of cases resolved in courts (primary and appeal court) instead of through mediation	59%	80%	90%	The remaining 10% of the LAGF cases were resolved either by prosecution, Huqooq or police.
1.1.4: Percentage of cases referred to LAGF by LAD	0%	80%	2%	While referral took place from 10 institutions, referral from MOJ-LAD remains low.
1.1.5: Percentage of LAGF beneficiaries from districts	16%	50%	27%	There was an increase from 16% to 27% though it did not reach the annual target of 50%.
1.2.1: Degree to which students of targeted ILAB-accredited university law clinics are able to implement primary legal aid services	1- Very Low	4-High	3-moderate	After the training the students were in position to provide legal advice and conducted legal awareness to the public, the awareness was conducted in a professional way though there is need for improvement in explaining legal concepts.
1.2: Number of people receiving legal aid services from law clinics	6785	9000	legal advise 763 (172 female); awareness 3982 (300 female)	The provision of legal aid and awareness was conducted in Helmand by the law clinic students. Engaging with law clinics in other provinces to provide legal aid will commence in the first quarter of 2017.
1.3.1: Estimated number of persons reached through awareness activities	8165	5000	7000	240 legal awareness messages were distributed to 5 provinces and it is estimated more than 7000 people have read the messages.
1.3.2: Level of awareness among selected justice sector institutions of identified legal rights and legal aid provision	Low	High	Moderate	The justice institution have a good understanding of legal aid and its importance but there is need to strengthen the coordination and clarify the role of each institution.

B. OUTPUT 2: JUSTICE SECTOR COORDINATION AND ELIMINATION OF VIOLENCE AGAINST WOMEN (EVAW)

The objective of Output 2 of the AA2J project is to increase the capacity of and coordination among targeted justice institutions in relation to EVAW. Work under this Output includes the harmonization of working methods of the relevant institutions in the gender justice chain, capacity development for the pilot EVAW Court in Kabul and increased emphasis on gender issues in the Stage training of the NLTC.

During the first six months of the project, intense consultations were held with all relevant stakeholders, to build new informal partnerships. Given the high number of actors that work on EVAW, it was essential to identify concrete elements of the overall EVAW objectives that were not yet sufficiently covered, at the same time designing joint activities that could have a multiplier effect, and increase coordination. The pilot EVAW Court is the central institution for this Output, while coordination with the other relevant institutions is included as it is essential that the interests of victims are attended effectively throughout the justice chain.

Activity Result 2.1: EVAW justice institutions' procedures and systems streamlined for recording violence against women (VAW) cases and capturing progress through various agencies

In an attempt to improve the functioning of the Justice Sector Institutions (JSIs) working in the gender justice chain, AA2J has developed Standard Operating Procedures (SOPs) for these institutions, which should also lead to better coordination through the harmonization of their working methods. The SOPs for the Family Response Units (FRU) of the MOIA that were developed jointly with the United Nations Population Fund (UNFPA) were finalised and approved. Two trainings in Kabul and Herat were conducted for the FRU staff. A total of 80 participants attended the workshops. Of these, 30 (37,5%) were women. The workshops covered topics related to the legal and policy framework for handling EVAW and GBV cases and identified options for better cooperation. The roles and responsibilities of the various justice providers were taught during the workshops. Similarly, the review of SOPs for AIBA and the EVAW units of the AGO were at their final stages as at the end of December 2016.

The SOPs cover the legal framework, roles and responsibilities, procedures for case handling and data collection and reporting for the mentioned institutions. Topics like medical examinations and (referral to) psychosocial support for victims are also included, as is case referral between these institutions. The SOPs are to form the guiding framework in the development of detailed training manuals that are to be used to train the staff of the targeted institutions.

Activity Result 2.2: The pilot EVAW Court in Kabul is established and functional (and in other areas if the Supreme Court decides to expand the pilot)

The Pilot EVAW Court has been operational in Kabul since March 2016. Cases of violence against women are being handled at primary and appeal levels of the court, while a division at Supreme Court level is also established, which so far has not handled any cases though. The Supreme Court reported that the EVAW Court had handled a total of 158 cases between primary and appeal level during the reporting period. Figures 4 and 5 below present the status of cases handled by the primary and appeal levels of the EVAW court respectively during the period April to December 2016.

Primary court					
S/N	Type of crime	Received cases	Officially rejected	Verdict issued	Remaining
1	Violence against women (multiple crimes)	17	5	10	2
2	Sexual assault	6	1	5	0
3	Injury	5	1	4	0
4	Murder	9	4	5	0
5	Throwing acids	1	0	1	0
6	Beating	36	7	29	0
7	Forced suicide	7	0	7	0
8	Plan for assault	1	0	1	0
9	Lack of guardian	1	0	1	0
10	Second marriage	2	0	2	0
11	Forced prostitution	1	1	0	0
12	Other crimes	21	0	1	20
	Total	107	19	66	22

Figure 8: Cases handled by the EAW Primary Court- April-December 2016

Appeal Court					
S/N	Type of crime	Received cases	Officially rejected	Verdict issued	Remaining
1	Murder	14	3	8	3
2	Sexual assault	6	1	4	1
3	Self-immolation	2	0	2	0
4	Forced suicide	4	0	4	0
5	Beating	13	5	6	2
6	Attempt of murder	5	0	3	2
7	Forced marriage	2	1	1	0
8	Harassment	1	0	1	0
9	Forced prostitution	1	0	1	0
10	Moral crimes	2	0	1	1
11	Plan for self - immolation	1	0	1	0
	Total	51	10	32	9

Figure 9: Cases handled by the EAW Appeal Court-April -December 2016

Findings of the needs assessment have guided the development of an action plan for 2017 which was approved by the Supreme Court. The work for 2017 will focus on giving technical and material support to the EAW court. This will also involve the creation of a space for victims and complainants in the court room that is being used for EAW cases. This is in line with the requirements for victim-friendly courts where the victim or complainant's confidentiality is considered.

Activity Result 2.3: The National Legal Training Centre (NLTC) in Herat is operational and provides Stage training to law and sharia graduates, with a particular focus on EAW

Technical meetings have been conducted with the MOHE and the NLTC in Kabul aiming to firstly clarify the legal basis for the NLTC, which should also cover the NLTC in Herat and secondly to validate that the same curriculum would be used in the existing NLTC in Kabul as well as in Herat.

A fact-finding mission to Herat was conducted in August. UNDP and the senior authorities from the MOHE had meetings with all NLTC beneficiaries namely AIBA, AGO and the Department of Justice (DOJ). While these main beneficiaries acknowledged the importance of the NLTC in Herat as a potential institution to provide stage training, they indicated that they would like to play a more significant role, requesting to be involved in all levels of decision-making regarding the operationalization of the NLTC in Herat. There was general discontent among the main stakeholders about the NLTC in general, which led to a stalemate regarding the operationalization of the NLTC in Herat.

This was indeed confirmed by the mission findings and discussions with stakeholders in Kabul. The poor involvement of key stakeholders in decision-making has raised challenges for the replication of the NLTC curriculum in Herat, as stakeholders did not agree on the content and methodology for the NLTC trainings. Due to this discontent, the key stakeholders such as AIBA and the MOJ refused to work with the NLTC. These challenges were discussed at the TWG that recommended to suspend the activity result for the NLTC in absence of a joint understanding of the role and management functions of the NLTC. This was endorsed by the Project Board meeting on 14 December 2016 and therefore, in 2017, the project will not proceed with support to the NLTC.

EXPENSES FOR THE PERIOD APRIL-DECEMBER 2016

During the year, the total expenditure under this output was USD 215,418.77. For more detailed information, see the Financial Reports in the Annexes at the end of this report.

Table 2: Progress for Output 2- Justice sector coordination and Elimination of Violence Against Women (EVAW)

Indicator	Baseline (As per AWP)	Annual Targets (As per AWP)	2016 Actual	Comments
Indicator 2.1: Percentage of EVAW cases registered in target geographical areas that reach a final outcome through court judgment	No baseline	30%	N/A	No monitoring of this indicator was done during in 2016 due to absence of M&E focal point in the project.
Indicator 2.2: Percentage of those final outcomes that are deemed satisfactory by the complainant and are in accordance with (human rights) law	50%	70%	N/A	No monitoring of this indicator was done during in 2016 due to absence of M&E focal point in the project.
Indicator 2.1.1: Extent to which staff of MOIA (CID/FRU) are knowledgeable about the SOPs Indicator 2.1.2: Extent to which staff of AGO EVAW Units are knowledgeable about the SOPs Indicator 2.1.3: Extent to which staff/lawyers of AIBA are knowledgeable about the SOPs	No baseline	Increase from baseline	No questionnaire was completed at the trainings	Two trainings were conducted, however, the workshop questionnaires were not completed adequately due to absence of M&E focal point in the project.
Indicator 2.1.4: Degree to which the development of case tracking/management systems is successfully implemented in targeted justice institutions	Very low	Very high	Very low	Discussions are ongoing with IDLO and JSSP regarding possible partnership in developing and rolling out an EVAW case management system.
Indicator 2.2.1: Existence of a Special EVAW Court in Kabul	No	Yes	Yes	Achieved in March 2016.
Indicator 2.2.2: Extent to which the Kabul EVAW court is functional	Not functional	Nearly fully functional	Partly functional	Partly achieved as the court is handling cases. No monitoring of other functionality indicators was conducted during this quarter.
Indicator 2.3.1: Extent to which the National Legal Training Centre (NLTC) in Herat is operational	Not functional	Fully operational	Not functional	This activity result was suspended (see narrative on Activity 2.3 above).
Indicator 2.3.2: Number of trainees supported by NLTC training programmes in Herat, disaggregated for Stage (graduates) and training for practitioners (trainees)	0	TBA	0	This activity result was suspended (see narrative on Activity 2.3 above).

C. OUTPUT 3: LEGISLATIVE DRAFTING AND HUMAN RIGHTS

Output 3 of the AA2J project focuses on strengthening the capacity of the MOJ for legislative drafting and human rights and justice sector reform. The key partners for this output are the Taqin and the HRSU of the MOJ, and the Office of the Second Vice President. Through its human rights based approach, this Output looks at the incorporation of human rights into the Afghan legal framework, while developing the capacity of other institutions to implement the human rights obligations within their respective institutions. By following up to the Rule of Law Indicators Study, the project also supports the broader justice sector reform initiative. The inception phase of the project was used to develop an implementation plan and establish the governance structure of the project.

Activity Result 3.1: The legislative drafting capacity of MOJ Taqin is strengthened

The support to the Taqin is largely a continuation from the support provided under the predecessor project JHRA. The main focus is to support the drafting and amending process of laws that have a significant human rights dimension, concretely the Penal Code, the Law on Conciliation of Civil Disputes and the Family Law. This includes advocacy efforts to accelerate the adoption of these laws. Furthermore, the project provides financial and technical advice to the HRSU, the Criminal Law Reform Working Group (CLRWG) as well as funding for the Translation Board of MOJ. A new element in this activity result is support to the Taqin stage course.

The Taqin set up a stage course in 2016, as a pilot initiative to train staff from the MOJ and several line-ministries on legislative drafting. In the first months of project implementation, the Project provided inputs to the development of the stage curriculum. The actual stage course was launched May 2016 and has 32 participants, out of which 13 (41%) are female. The project furnished a training room within the MOJ, in order to have adequate training facilities for the stage programme.

As regards legislative drafting, in 2016, the project targeted the Penal Code, the Law on Conciliation of Civil Disputes (Conciliation Law) and the Family Law. The revision of the Penal Code by the CLRWG had been an ongoing process, supported by the project through technical contributions to the CLRWG and funding for the CLRWG coordinator. The revision process at technical level was finalized in September 2016 and submitted to the Cabinet for approval, which remains pending.

Similarly, the drafting of the Conciliation Law had started in January 2014 and was completed in March 2016. UNDP under the JHRA project had provided technical inputs in the form of a mapping of interaction between state and non-state actors in various regions, which influenced the draft law. The draft of the Conciliation Law was reviewed by the Cabinet's legislative committee and was returned to MOJ for minor addition and final review. The MOJ reviewed and sent it back to the Cabinet in July 2016 for review and approval, which remains pending. Once it is approved by the Cabinet, it will be submitted to Parliament. The Project plan to support implementation by drafting guidelines, and raising awareness about the content of the law.

On the request from Taqin, the project undertook a comparative analysis of Family Laws in other Islamic countries, to provide suggestions on how to combine religious practices with human rights' compliant laws. The findings, which for example explain how other Islamic countries interpret the age of marriage, conditions for divorce and polygamy, were presented during a workshop with 100 participants from different categories including MOJ officials, Members of Parliament, representatives from civil society, religious scholars and university professors. For the work on the Family Law, the project works in close cooperation with UN Women. This conference agreed that further consultations at regional level are required, before the drafting of the law can be finalized. Based on the experience in 2016, the project will continue to organize consultation

meetings, to increase public support to the draft Family Law prior to submission to the Parliament. Figure 10 below shows the status of the three laws targeted by AA2J in 2016.

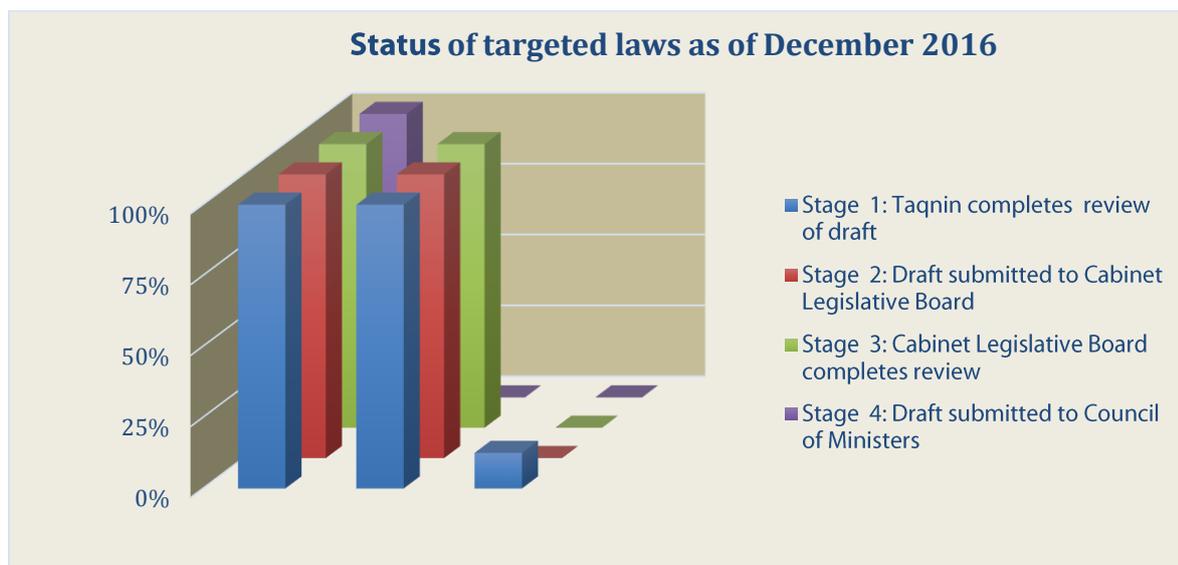


Figure 10: Progress in legislative drafting by Taqin: from left to right: Conciliation Law, Penal Code, Family Law

The translation board continued to give significant support to the Taqin department and other departments of MOJ. In 2016, the Translation Board completed the translation of:

- 16 completed laws
- 9 agreements
- 286 pages of reports and work plans
- 6 MOU's
- 409 pages of miscellaneous documents for the Taqin department and MOJ
- 1 convention
- 2 proposals
- 1 agreement
- 1 guideline document
- 2 resolutions
- 1 treaty

ACTIVITY RESULT 3.2: A sustainable and strengthened Human Rights Support Unit (HRSU) contributes to improved compliance with international human rights standards

The HRSU had been established with support from UNDP in 2010 as a unit within the MOJ. Since its establishment, HRSU has received funding and technical assistance from UNDP. The mandate of the HRSU is threefold: to provide government staff with training on human rights, to promote and monitor implementation of recommendations from the Universal Periodic Review (UPR) process and UN Treaty Bodies and to analyse compliance of Afghan laws with national and international human rights standards.

The main achievement of the HRSU in 2016 was the completion of an Analytical Report on Implementing the Action Plan of Human Rights Recommendations, that was presented to the Government at a conference in October. According to this analysis of the received information on implementation of the Human Rights Recommendations National Action Plan (RNAP), 21% of the recommendations of UN human rights monitoring mechanism had been implemented, 49% were in progress and 30% remained to be initiated.

Furthermore, the HRSU reviewed 18 draft legislative documents including 7 laws, 8 regulations, 1 article of association, 1 guideline and 1 procedure and shared its observations with the *Taqnin*. These documents include the Law on Anti-Corruption; the Juvenile Law; the Law on prohibition of production, maintaining and transferring of anti-personnel mines and the regulation on extradition of suspects and accused.

The HRSU also participated in the Penal Code review process through its representative in the CLRWG. HRSU conducted a total of 7 capacity building workshops on the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child (CRC), Convention on the Elimination of all forms Discrimination against Women (CEDAW), Convention on the Elimination of Racial Discrimination (CERD), Convention against Torture (CAT) and the Convention on the Rights of Persons with Disabilities (CRPD). The HRSU provided all these training to 170 participants from the General Directorate of Prisons and Detention Centres (GDCPC), National Department of Security (NDS), gender focal points of line ministries including Meshrano Jirga (senate).

The HRSU conducted 3 follow up missions to Ghor, Parwan and Wardak provinces in order to monitor the situation at the Juvenile Rehabilitation Centres based on international child rights convention (CRC) standards. Furthermore, the HRSU formulated objections to the addendum no. 1 of the Criminal Procedure Code which was a clear violation of basic human rights (the principle of innocence).

In addition, the HRSU drafted indicators' checklist for all the international conventions ratified by the GIROA. These indicators are to facilitate the monitoring and reporting on implementation of ratified conventions.

ACTIVITY RESULTS 3.3: Office of Second Vice President supported with technical capacity to oversee the justice sector reform process

In support of the Government's overall justice sector reform objectives, UNDP continued the arrangement from JHRA to fund two NTA positions in the Office of the Second Vice President. These NTAs coordinated the drafting process of the Justice and Judicial Reform Plan. The Plan was approved by the Cabinet on 28 December 2016, which was an important achievement. Furthermore, the Plan was included as one of the indicators of the Self-Reliance Through Mutual Accountability Framework (SMAF) and in the Afghan National Peace and Development Framework (ANPDF), as presented at the Brussels Conference in October. This underlines how this document plays a key role for the Government. This will be taken forward in 2017 with the development of Strategic Plans per institution to implement the identified reform actions. For coordination between the Office of the Second Vice President and the relevant institutions, one of the NTAs will be retained, while the other NTA position has been phased out in December 2016.

Under JHRA, a baseline study on the performance of JSIs had been undertaken, applying a United Nations' analysis mechanism that was designed jointly by UNDP and the United Nations Department of Political Affairs. This so-called Rule of Law Indicators Study (ROLIS) is an instrument to measure the effectiveness of law enforcement, judicial and correction institutions. The ROLIS report was completed in August 2015 and a Working Group was established in July 2016 to prepare an action plan for the implementation of the ROLIS recommendations. The ROLIS Working Group was established by the Minister of Justice, who issued a letter to all JSIs inviting them to appoint a member for the ROLIS Working Group. The ROLIS meetings are chaired by the Deputy Minister of Justice and attended by representatives from MOIA, AIBA, SC, AGO and Second Vice President's Office, HRSU, UNAMA and AA2J. The Working Group will develop action plans that address each recommendation specifically. The ROLIS Working Group also promotes the ROLIS recommendations as baseline data for the Justice and Judicial Reform Programme and the Strategic Plans that will be prepared in 2017. Implementation of the action plans from the ROLIS Working Group is expected to result in improvement in the performance of the justice sector institutions.

EXPENSES FOR THE PERIOD APRIL-DECEMBER 2016

During the period March-December, the total expenditure under this output was USD 472,635.50. For more detailed information, see the Financial Reports in the Annexes at the end of this report.

Table 3: Progress for Output 3- Legislative drafting and human rights

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	2016 Actual	Comments
Indicator 3.1: Percentage of fulfilment by the Taqin Department of its annual legislative work plan	To be determined	70%	70%	The target was achieved.
Indicator 3.2: Percentage fulfilment by the Criminal Law Reform Working Group of its annual work plan	To Be determined	100%	100%	The target was achieved with the completion of the revision of the Penal Code.
Indicator 3.3: Percentage fulfilment by the Human Rights Support Unit (HRSU) of its annual work plan	To Be determined	50%	50%	The target was achieved.
Indicator 3.1.1: Development of legislative drafting manuals	No	yes	N/A	This activity was planned to be achieved by Q4 but due to budget constraints the recruitment of consultant is postponed to 2017.
Indicator 3.1.2: Capacity rating of Taqin in legislative drafting	To be determined by evaluation	To be determined	N/A	This has not been monitored in 2016 due to the absence of a dedicated M&E person in the project.
Indicator 3.1.3: Percentage of targeted laws finalized and submitted to Council of Ministers	33%	66%	33%	3 targeted laws (Penal Code, Conciliation Law, Family Law), only Conciliation Law was submitted to the Council of Ministers.
Indicator 3.2.1: Approval of Tashkeel for HRSU	no	yes	The MOJ has officially requested the office of the president to accept HRSU and two other sections of the MOJ directorates.	The MOJ is waiting to the approval of the president's office.
Indicator 3.2.2: Existence of annotated checklists or indicators to review laws' compliance with the core international human rights treaties signed/ratified by Afghanistan	Yes. It is drafted and approved by	yes	completed	The first draft of indicators has been Completed and it is shared with AA2 and the feedback was returned to HRSU.

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	2016 Actual	Comments
Indicator 3.2.3: Extent to which HRSU staff are able to use the checklists in reviewing existing/draft laws	To be determined at introduction of checklist	81-100%	partially completed	When AA2J commented on first draft then the HRSU will finalized it and the workshop will be organized to train the HRSU staff for its implementation in Q1 of 2017.
Indicator 3.3.1: Number of justice institutions (Judiciary power, MOJ, MOIA, AGO, and AIBA) that have successfully developed strategic plans which incorporate the use of ROLIS indicators and baseline information	0	5	This has not been conducted.	The ROLIS Working Group discussed the issue and asked the Justice Institutions to draft recommendations for their agencies. In this regard, some of the justice institutions drafted recommendations and in every meeting the working group will follow them on regular basis.
Indicator 3.3.2: Successful completion of follow-up ROLIS	no	yes	this activity partially been conducted.	Formation of a ROLIS Working Group and the committee have already conducted 7 meetings and the next meetings will be regularly conducted in every two week.

D. OUTPUT 4: PROJECT MANAGEMENT

As discussed in the sections on the substantive outputs, the project introduced a governance structure that allows for improved monitoring of project progress, enhanced national ownership and a continuous dialogue with all project stakeholders regarding issues and risks encountered in the implementation of project activities, with the aim to jointly identify mitigation measures. To this end, the TWGs were activated and have so far been successful, both in terms of participation leading to better coordination and the provision of guidance to the project activities.

In line with UNDP's desire to address one of the weaknesses of the predecessor project JHRA; namely the low M&E quality, the project recruited a dedicated Planning, Monitoring and Reporting Specialist, based on the lessons learned from JHRA about weaknesses in data collection and reporting. This way, the project improved its planning ability; and each Output elaborated a detailed implementation plan to ensure that all activities are aligned with the results and resources frame (RRF). Furthermore, the project has a detailed M&E plan, with a well-defined methodology for data collection.

The project operates in compliance with UNDP's Programme and Operations Policies and Procedures (POPP) and the SOPs for UNDP Afghanistan, ensuring an effective management style. The Annual Work Plan has been approved at the first Project Board meeting of the project, while the detailed implementation plans per Output are continuously being discussed with the relevant stakeholders through the TWG meetings.

EXPENSES FOR THE PERIOD APRIL-DECEMBER 2016

During the period March-December, the total expenditure under this output was USD 643,121.17. For more detailed information, see the Financial Reports in the Annexes at the end of this report.

Table 4: Progress for Output 4- The Project is implemented in accordance with the project document and in a timely, efficient, accountable and effective manner

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	2016 Actual	Comments
Indicator 4.1: Percentage of progress towards annual activity results	0	85%	75%	Partially achieved.
Indicator 4.2: Number of Project Board and Technical Working Group meetings led by Project Management	0	2 (Project Board) 3 (TWG)	2 (Project Board) 6 (TWG)	Partially achieved.
Indicator 4.3: Quality and timeliness of donor reporting by Project Management Team	No baseline	Quarterly reports distributed on time; positive response on reporting from donors	1 combined report for Q2-Q3 and 1 Annual Report were produced.	The delivery of the reports was delayed.

III. GENDER SPECIFIC RESULTS

The project was designed in line with UNDP's Strategic Plan and other corporate requirements for gender mainstreaming. As all UNDP projects, AA2J is aligned with a gender marker, which aims to ensure that the promotion of gender equality is sufficiently addressed. All three substantive components have a specific objective for gender mainstreaming. Regarding legal aid, the project aims to increase its services to female beneficiaries of the LAGF. The elimination of violence against women forms the key objective of output 2, while the rights of women are explicitly addressed in legislative drafting, for example through the family law.

In 2016, the following gender specific results were achieved by the project:

- The handling of cases by the EAW Court contributes to increasing access to justice for women.
- A total of 48 (13%) out of 718 of beneficiaries registered for LAGF were women.
- Women Assistance Centres and the Departments of Women Affairs referred cases to LAGF. Continued participation of these institutions would ensure that LAGF provides legal aid to GBV victims.
- The recruitment of a female case supervisor for AIBA marks a step forward by AIBA on balancing its staff and also a positive development in relation to women's access to justice. Presence of female staff in LAGF offices will improve women's confidence to approach the LAGF centres for help.

IV. PARTNERSHIPS

Ministry of Justice

As the Ministry that is directly or indirectly responsible for all the thematic areas in which AA2J is engaged, the MOJ is the key partner of the project and as such oversees of all the project activities. The AA2J signed agreements up to the end of 2016 with MOJ for outputs 1 and 3 of the project and meetings with both the Minister and Deputy Minister and technical staff of the MOJ are being held regularly. The partnership with the MOJ remained positive and the MOJ has played a coordination role in the convening and co-chairing of TWG meetings, project events and all other related forums.

AIBA

As responsible party for the implementation of the LAGF, AIBA is a key partner for the project, especially regarding output 1. A LOA was signed with AIBA that provides the legal basis for the funding of the LAGF activities, formalizing the partnership with AIBA. The partnership was found to be working well as evidenced by the surpassing of the quarterly target of LAGF beneficiaries. The AIBA and LAGF committee remain dedicated to scrutinize the LAGF activities. Capacity building on M&E is necessary for the respective AIBA staff, especially the staff in provinces, to ensure that the data collection and reporting standards match the standards defined in the LOA.

Office of the Second Vice President

The Office of the Second Vice President remained supportive of all the AA2J activities and has been attending and giving technical advice during TWGs, and the ROLIS working Group meetings. AA2J continued to give technical support to the Office of the Second Vice President through two National Technical Advisors as per the implementation plan, particularly focusing on the Justice and Judicial Reform Plan.

Other international partners

Discussions were held with the IDLO and JSSP in relation to the use of the database and case management system developed by these two organizations, in an attempt to also improve data collection for the EAW Court. As the JSSP and IDLO have been consistently working in this area, there is a need to avoid duplication of efforts, while the AA2J project in its overall support to the EAW Court

aims to multiply the impact of these databases. The project is coordinating its activities with JSSP aiming to incorporate the EVAW court in the already existing JSSP case management system that covers all justice institutions. The AA2J project collaborated with the Asia Foundation to deliver a law clinic conference in August 2016. The partnership with the Asia Foundation will be expanded to identify more areas of collaboration. It is considered desirable to deepen the relations with GIZ, which will be a priority during the next quarter.

V. ISSUES

The following issues were identified during project implementation for this reporting period:

Weak coordination between the various legal aid services providers: This has affected especially the LAGF activities as the LAD referred fewer cases to the LAGF than expected, despite its role as the custodian of legal aid issues all over Afghanistan. More coordination with LAD and other related organisations is required to ensure that LAGF really functions as a complementary system to LAD's work, targeting in particular the most vulnerable groups. Another challenge resulting from poor coordination had been the lack of information on the operations of other organisations. Therefore, the project has conducted numerous consultation meetings with other organisations in order to identify gaps, potential areas of cooperation and risks of duplication of efforts. The TWG meetings have served as a platform to address these concerns, while the bilateral partnerships will help to multiply the impact of activities wherever possible.

Weak data collection by the project: This was affecting the project as it resulted in challenges in reporting for results. As a mitigation measure, the project recruited a Planning, Monitoring and Reporting Specialist and rolled out a more elaborated system of data collection and M&E tools.

Incoherent interpretation of the concept of law clinics among stakeholders: As demonstrated at the conference on law clinics as well as the TWG meeting for Output 1, there are different interpretations of the concept of law clinics among the relevant stakeholders. This poses a threat of poorly formulated law clinic programmes by some universities. To address this issue, AA2J is planning to develop a national harmonized framework for law clinics through a participative process with the relevant universities. The AA2J also included this on the agenda of the TWG discussions, aiming to clarify the legal framework and expectations from stakeholders.

Weak coordination between PLAU and civil society organizations carrying out legal awareness activities: Lack of coordination poses the threat of duplication of efforts and uncoordinated messages. The PLAU lacks the capacity to effectively oversee and partner with the legal awareness raising activities from civil society. To deal with this challenge, AA2J is in the process of conducting a mapping exercise that would result in a matrix outlining the work of various stakeholders and the related geographical coverage. In doing so, AA2J will also support the PLAU to improve its coordination with CSOs, which in practice are often more effective in legal awareness raising.

Non-integration of HRSU into the Tashkeel: This has resulted in concerns about the sustainability of the HRSU, and puts at risk the funding for NTAs, which in its turn can impact heavily on the work undertaken by HRSU. The continued failure by the government to realize an integration of the HRSU into the *Tashkeel*, results in a reducing interest from the project's key donor to support HRSU through the NTA modality. Discussions continued that were aimed at facilitating integration of the HRSU into the directorate of *Tashkeel*, which ultimately remains a decision by the Government.

Initially, all staff from the HRSU was recruited through the NTA modality. Under pressure from the international community, and in line with President Ghani's instruction to reduce the number of NTAs and to bring the remaining NTAs in line with the Government's policy, AA2J has taken steps to bring down the number of NTAs in the HRSU and undertake an alignment process, which included introducing the practice of paying NTAs in the local currency, which would make the NTAs more compatible with the Capacity Building for Results (CBR) structure supported by the World Bank.

At the start of the project, the HRSU had 18 NTA positions, which has been reduced to nine at the end of 2016. However, there is agreement between the donor and UNDP that there needs to be a reliable and feasible phasing out strategy for the NTAs. This condition has been clearly explained to the MOJ and UNDP is actively promoting the adoption of a transition strategy. An essential part of this would be the inclusion of the HRSU into the Government Tashkeel (Civil Service), as this would imply that the HRSU would become compatible with the CBR modality. This would make the position of the HRSU within the MOJ structure more sustainable. However, the MOJ has not taken sufficient initiative to develop a transition strategy to phase out the remaining NTAs in 2016. The MOJ has conducted several meetings with the Independent Administrative Reform and Civil Service Commission (IARCSC) to promote the application of the CBR modality from the HRSU and translation board, and requested support from the Ministry of Finance to support the inclusion into the Taskheel. This has not been achieved in 2016 and the discussions on phasing out the NTAs will continue in the first quarter of 2017.

VI. RISKS

The following section presents a narrative of the risks that were experienced during the reporting period. The detailed project Risk Matrix is attached in Annex 5.

Security risks related to the ongoing conflict in Afghanistan: The security situation continued to negatively impact the implementation of project activities. Some meetings had to be cancelled following the occurrence of security incidents. In certain provinces, particularly in Helmand, outreach of the LAGF has been limited to urban areas as rural areas are not accessible due to the deteriorating security situation in districts under control of the Taliban. UNDP staff is not able to visit Helmand, and the project had thus to resort to email and telephone discussions with partners for the activities in Helmand. Since the start of the project, the JSIs have been permanently under an increased security threat level within the UN's security classification, which implies that explicit security clearance is required for every meeting the project holds at the premises of MOJ, SC and AGO.

The function and legal basis for the National Legal Training Centre (NLTC) is interpreted differently by several stakeholders: Divergent interpretations of the role and legal status of the NLTC has undermined the potential of the NLTC to provide effective training to staff from relevant partner institutions. The NLTC in Herat could not be operationalized as planned as stakeholders are not in agreement on the framework and methodology. As a result of the failed efforts to come a common understanding, the Project Board decided to suspend activity result 2.3.

VII. LESSONS LEARNED

The importance of continuous stakeholder analysis was the key lesson learnt by the project. The Government should have a high degree of ownership and be fully involved in all processes, in order to maximize the impact of the project activities. This was consistently underlined by Government partners through the TWG structure.

During the inception phase of the project, AA2J invested time in building partnerships in order to identify effective ways of cooperation, to avoid duplication and attempt to promote the efforts from other organizations wherever possible.

At the start of the project, the relationship with the judiciary was not intense. The first months of the project implementation were predominantly used to build confidence among the Supreme Court. Initially, the Supreme Court was reluctant to grant AA2J project staff access to the judges of the EAW Court and took a formal and institutional approach, where the engagement between the project and the judiciary would be through the Chief Justice and his direct administrative staff. From September onwards, the Supreme Court finally allowed direct interaction between project staff and the staff of the EAW Court, which in the fourth quarter resulted in the conducting of a needs assessment of the EAW court.

VIII. FUTURE PLANS

For Output 1 (Legal aid and legal awareness), the implementation of legal awareness activities will be accelerated during the next quarter, with workshops and the publication of some materials on human rights and legal aid. The project plans to contract suitable CSOs to conduct the legal awareness activities, for which preparations have started in order to set up a roster of eligible CSOs. A legal awareness survey is to be conducted to establish a baseline in terms of level of knowledge of human rights among the project's beneficiaries. The project is also to resume trainings and legal awareness activities through law clinics. In an attempt to strengthen the capacity of LAGF, the LAGF M&E framework is to be revised. A briefing will then be given to the LAGF committee after which AIBA staff will be trained. Based on the conclusions from the national conference on law clinics, the project will take the lead in the development of a harmonized law clinic framework for Afghanistan through a participatory process involving the law clinics, students and civil society during the first half of 2017.

For Output 2, the project will continue consultations with the Supreme Court with regards to modalities for monitoring the functioning of the EAW court. Discussions will also continue regarding the establishment of an NLTC in Herat or propose an exit strategy in case there is insufficient political will to centralize stage training at the NLTC. The project expects to get approval of the EAW SOPs and proceed with the training of JSI staff, where also the referral between several stakeholders will be emphasized. Discussions with IDLO and JSSP with regards to the case management system will continue, to contribute to the usage of existing systems that have been developed by JSSP and IDLO, respectively.

For Output 3 the project will give technical support to the HRSU for the development of a monitoring plan and a methodology to monitor implementation of ratified international human rights treaties. Similarly, the project plans to support MOJ to draft a guideline on how to implement the Conciliation Law with support from the project after approval of the law by the Parliament. The project will also continue to lobby for the integration of HRSU into the *Tashkeel* and to upgrade its status to a directorate and help the MOJ to define an exit strategy for the NTA modality.

With the finalization of the results log frame and the M&E plan and development of monitoring tools, AA2J will start using the various data collection and reporting tools more proactively. This will address the challenge of poor monitoring and reporting that was experienced during the project's predecessor project.

IX. ANNEXES

ANNEX 1: FINANCIAL TABLE

The Donor Interim Report for the period April – December 2016 for AA2J (00094291)

Donor-ID Description	COMMITMENT/ PAST YEARS RECORD			CURRENT YEAR					FUTURE EXPENSES		TOTAL RECEIVABLE		Available Resources M=(h - i - j-i)
	Commitment (a)	Revenue Collected 31/12/2016 (b)	Expenses 31/12/2016 (c)	Opening Balance start project D=(b - c)	Contribution Revenue (e)	Other Revenue (f)	Expenses (g)	Closing Balance H=(d+e+f - g)	Commitments (Unliquidated Obligations) (i)	Undepreciated of fixed Assets and Inventory (j)	(Future Due) K=(a-b-e)	(Past Due) (l)	
SDC	4.004.643,63	N/A	N/A	0	822.199,38	-	50,658.12	771,541.26	90,394.73	-	3.182.444,25	-	681,146.53
UNDP - Core Fund	1.761.875,67	N/A	N/A	0	1.761.875,67	-	1,854,337.27	(92,461.60)	6,556.44	565,880.07	-		(664,898.11)
UNDP – Interest Fund	400.000,00	N/A	N/A	0	250.000,00	-	-	250.000,00	-		-		250.000,00
Grand Total	6.016.519,30	-	-	0	2.834.075,05	-	1.904,995.39	929,079.66	96,951.17	565,880.07	3.182.444,25	-	266,248.42

Notes:

- i) Data contained in this report is an extract of UNDP financial records. The accounting period for the report is an open period and data from some accounting processes may not have been processed.
- ii) Financial data provided above may not be complete, and it is provisional.
- iii) Income received in currency other than USD is approximated to USD based on UN- Operational Rate of Exchange applied.

ANNEX 2: EXPENSES BY OUTPUT

The Donor Interim Report for the period April – December 2016 for AA2J (00094291)

Project Output ID and Description	2016 Budget (AWP)	Cumulative Expenses (Apr - Dec 2016)	Delivery Rate
Output 1 (00098431): Afghans, in particular women, children, prisoners and pre-trial detainees, are increasingly aware of their rights and receive legal aid.	834,122.24	573,819.95	69%
Sub-total Output 1	834,122.24	573,819.95	69%
Output 2 (00099700): Targeted Rule of Law institutions increase capacity and coordination among themselves and with other sectors to increase access to justice in particular in relation to Elimination of Violence Against Women (EVAW).	314,514.67	215,418.77	68%
Sub-total Output 2	314,514.67	215,418.77	68%
Output 3 (00099701): The Ministry of Justice strengthens its legislative drafting and human rights capacities.	536,459.76	472,635.50	88%
Sub-total Output 3	536,459.76	472,635.50	88%
Output 4 (00099703): Project is implemented in accordance with the project document and in a timely, efficient, accountable and effective manner.	580,746.40	643,121.17	111%
Sub-total Output 4	580,746.40	643,121.17	111%
Grand Total	2,265,843.07	1,904,995.39	84%

ANNEX 3: EXPENSES BY DONOR

The Donor Interim Report for the period April – December 2016 for AA2J (00094291)

Donor	Project Output ID and Description	2016 Budget (AWP)	Cumulative Expenses (Apr - Dec 2016)	Delivery Rate
SDC	Output 1 (00098431): Afghans, in particular women, children, prisoners and pre-trial detainees, are increasingly aware of their rights and receive legal aid.	120,990.24	7,788.33	6%
	Output 2 (00099700): Targeted Rule of Law institutions increase capacity and coordination among themselves and with other sectors to increase access to justice in particular in relation to Elimination of Violence Against Women (EVAW).	21,600.00	-	0%
	Output 3 (00099701): The Ministry of Justice strengthens its legislative drafting and human rights capacities.	27,833.76	1,967.07	7%
	Output 4 (00099703): Project is implemented in accordance with the project document and in a timely, efficient, accountable and effective manner.	83,543.40	40,902.72	49%
Sub-total SDC		253,967.40	50,658.12	20%
UNDP - Core Fund	Output 1 (00098431): Afghans, in particular women, children, prisoners and pre-trial detainees, are increasingly aware of their rights and receive legal aid.	569,132.00	566,031.62	99%
	Output 2 (00099700): Targeted Rule of Law institutions increase capacity and coordination among themselves and with other sectors to increase access to justice in particular in relation to Elimination of Violence Against Women (EVAW).	216,914.67	215,418.77	99%
	Output 3 (00099701): The Ministry of Justice strengthens its legislative drafting and human rights capacities.	478,626.00	470,668.43	98%
	Output 4 (00099703): Project is implemented in accordance with the project document and in a timely, efficient, accountable and effective manner.	497,203.00	602,218.45	121%
Sub-total Core Fund		1,761,875.67	1,854,337.27	105%
UNDP - Interest	Output 1 (00098431): Afghans, in particular women, children, prisoners and pre-trial detainees, are increasingly aware of their rights and receive legal aid.	144,000.00	-	0%
	Output 2 (00099700): Targeted Rule of Law institutions increase capacity and coordination among themselves and with other sectors to increase access to justice in particular in relation to Elimination of Violence Against Women (EVAW).	76,000.00	-	0%
	Output 3 (00099701): The Ministry of Justice strengthens its legislative drafting and human rights capacities.	30,000.00	-	0%
Sub-total Interest		250,000.00	-	0%
Grand Total		2,265,843.07	1,904,995.39	84%

ANNEX 4: ISSUE LOG

#	DESCRIPTION	DATE IDENTIFIED	IMPACT/PRIORITY	COUNTERMEASURE/MNGT RESPONSE	OWNER	STATUS
1	Data collection for project reporting is still weak	April 2016	This affects the project's ability to track its achievements and effectively report on them Impact-3 Priority-4	A Project Planning, Monitoring and Evaluation Specialist joined the AA2J team in July 2016 and started developing M&E framework and data collection and reporting tools		Reducing
2	Weak coordination between the various legal aid services providers	April 2016	Lack of coordination among stakeholders poses a threat of causing confusion and duplication of efforts. Weak coordination has also affected the LAGF especially referral of cases Impact- 3 Priority- 4	In efforts to mitigate this risk, the AA2J continued to hold meetings with International Development Law Organization (IDLO), Asia Foundation to discuss coordination strategy. The project also continued to hold meetings with the LAD to ensure the LAD gets more involved in the LAGF and also takes the lead in coordination of legal aid	Component 1 and Component 2 Managers	Reducing
3	Incoherent interpretation of the concept of law clinics among stakeholders	April 2016	This can lead to ad hoc implementation of law clinics' work. Impact- 3 Priority- 4	A law clinic conference was held which focused on standardization of law clinic operations	Component 1 manager	Reducing
4	Weak coordination between PLAU and civil society organizations carrying out legal awareness raising.	April 2016	Lack of coordination poses the threat of duplication of efforts and uncoordinated messages Impact-4 Priority-4	To deal with this challenge, the AA2J is in the process of conducting a mapping exercise the result of which would be a matrix outlining the various stakeholders and their work and geographical coverage. The MOU between the ministry of Justice and UNDP further requires PLAU to take the lead in legal awareness raising and		reducing

#	DESCRIPTION	DATE IDENTIFIED	IMPACT/PRIORITY	COUNTERMEASURE/MNGT RESPONSE	OWNER	STATUS
				to collaborate with non-governmental organizations working in this area.		
5	Non-integration of HRSU into the Tashkeel	April 2016	This poses sustainability challenges as well as job insecurity among the NTAs at the HRSU Impact- 3 Priority- 4	Discussions underway aimed at facilitating integration of the HRSU into the directorate of civil service and having salaries funded by the World Bank		

ANNEX 5: RISK LOG

#	DESCRIPTION	DATE IDENTIFIED	TYPE	IMPACT & PROBABILITY	COUNTERMEASURES/MNGT. RESPONSE	OWNER	SUBMITTED/UPDATED BY	LAST UPDATE	STATUS
1	Security risks related to the ongoing conflict in Afghanistan, including worsening stability of the Unity Government	April 2016	Other: Security	A worsening security context may inhibit or delay project implementation, particularly at district level P = 3 I = 4	Project contingency planning and ensure M&E				No change
2	Insufficient political will to sufficiently prioritize human rights issues in institutional structures	April 2016	Political	Failure to incorporate the Human Rights Support Unit (HRSU) as a Directorate within the Ministry of Justice would have a negative impact on the sustainability of the work that has been done by the HRSU and could lead to less commitment from the Government to implement its human rights obligations P = 3 I = 4	An integration plan for the HRSU was developed				Reducing
3	Laws enacted or decreed by the Government sometimes violate international human rights obligations	April 2016	Political	Inconsistency between international human rights obligations and laws allows for confusion among stakeholders on definitions and actual human rights that should be defended by the Government P = 3 I = 2	Through capacity development for the Taqin (Legislative drafting department) and the HRSU, the project will promote compliance of laws with international human rights obligations				No change

4	Insufficient commitment from relevant institutions to strengthen coordination in gender justice chain	April 2016	Political	The targets related to the EVAW Court can only be met if all relevant stakeholders remain committed to improve inter-institutional coordination and cooperation. P =4 I = 3	Technical working group will support inter-institutional coordination and cooperation				No change
5	Rejection of EVAW Law by parliament	June 2016	Regulatory	This would adversely affect the operations of the EVAW courts and any work under the EVAW as there will no longer be a legal base for them P =4 I = 4	UN agencies working on this thematic area are to discuss and find a unified approach to mitigating this risk.				No change
6	Lack of coordination between and within justice sector institutions	April 2016	Political	The project priorities require commitment from all justice sector institutions to strengthen inter and internal institutional coordination. P = 3 I = 3	Technical working group will support inter-institutional coordination and cooperation and the implementation of the Justice Sector Reform plan which includes steps to improve sector coordination				Reducing
7	Changes in leadership within the partner institutions can lead to abrupt changes in priorities and policies or to stalled decision-making processes	April 2016	Organizational	Lack of appointed leadership within justice sector institutions impedes decision making required for project implementation P = 3 I = 3	Project continues to provide capacity development for existing staff at political and operational level within the partner institutions				No change
8	Lack of ownership within the Ministry of Justice to effectively	April 2016	Organizational	Without a feasible exit strategy for the NTAs, the Government risks losing qualified staff which	Support the Government to develop a transition strategy for NTAs Establishment of TWGs				Reducing

	develop alternatives for NTAs			will impede project implementation P = 2 I = 4					
9	Partner institutions have weak Monitoring and Evaluation mechanisms and the availability and reliability of statistics is insufficient	April 2016	Organizational	For various elements, project M&E depends on data collected and provided by partner institutions, which do not always have the required data available, or the reliability of data is not always accurate P = 3 I = 2	Through the Rule of Law Indicators Study (ROLIS), the predecessor project JHRA has developed a baseline which provides tools to improve M&E across the justice sector. The project will promote the use of the ROLIS to improve M&E within partner institutions Established the ROLIS working group				Reducing
10	The function and legal basis for the National Legal Training Center (NLTC) is interpreted differently by several stakeholders	April 2016	Strategic	Divergent interpretations of the role and legal status of the NLTC can undermine the potential of the NLTC to provide effective training to staff from relevant partner institutions P = 2 I = 3	The project will facilitate discussions between stakeholders to ensure consistency in the understanding of the mandate and potential of the NLTC			This activity result was suspended based on the lack of common understanding on the future of the NLTC	Deteriorated