



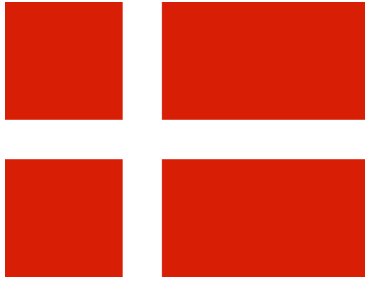
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# JUSTICE AND HUMAN RIGHTS IN AFGHANISTAN PROJECT 2014 ANNUAL PROGRESS REPORT

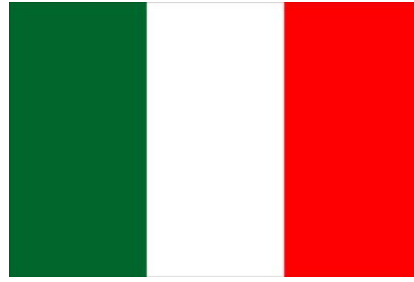


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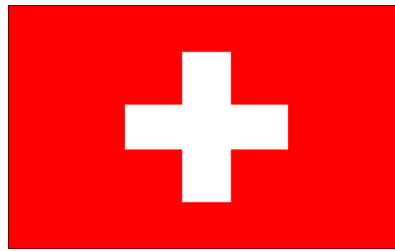
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## PROJECT INFORMATION

**Project ID:** 00068012

**Duration:** January 2013 – December 2015

**Strategic Plan Component:** Rule of Law

**CPAP Component:** Access to Justice, Human Rights

**ANDS Component:** Governance, Rule of Law, Human Rights

**Total Project Budget:** USD 34,402,039

**Annual Budget 2014:** USD 6,466,530

**Implementing Partner:** Ministry of Justice, Supreme Court, Attorney General's Office, Afghanistan Independent Human Rights Commission, Afghanistan Independent Bar Association, UNDP Afghanistan

**Responsible Agency:** UNDP

**Chief Technical Advisor:** Dr. Doel Mukerjee

**Head of Rule of Law Unit:** Dawn Del Rio

**COVER PAGE:** Representatives of JHRA orient the chief of Parwan Central Prison on the Rule of Law Indicator study. **Credit:** UNDP, November 2014.

## ACRONYMS

|                    |  |
|--------------------|--|
| AIBA               | Afghanistan Independent Bar Association                                    |
| AIHRC              | Afghanistan Independent Human Rights Commission                            |
| ASGP               | Afghanistan Sub-national Governance Project                                |
| AWP                | Annual Work Plan   |
| CID                | Central Investigation Department   |
| CPC                | Criminal Procedure Code  |
| CPD                | Central Prison Department  |
| CBDR               | Community-based dispute resolution   |
| CEDAW              | Convention on the Elimination of All Forms of Discrimination against Women |
| CLRWG              | Criminal Law Reforms Working Group (CLRWG)                                 |
| CRC                | Convention on the Rights of the Child                                      |
| CSO                | Civil society organization   |
| DDA                | District Development Assembly  |
| DOWA               | Department of Women's Affairs  |
| DOJ                | Department of Justice  |
| EUPOL              | European Police Mission in Afghanistan                                     |
| EVAW               | Elimination of Violence against Women                                      |
| FGDs               | Focus Group Discussions  |
| FRU                | Family Response Unit   |
| GDMA               | General Directorate of Municipal Affairs                                   |
| GIRoA              | Government of the Islamic Republic of Afghanistan                          |
| HRSU               | Human Rights Support Unit  |
| <i>Huquq</i>       | MOJ Legal Affairs Department   |
| IARCSC             | Independent Administrative Reform and Civil Service Commission             |
| ICESCR             | International Covenant on Economic, Social and Cultural Rights             |
| ICPWD              | International Convention on People with Disabilities                       |
| LAB                | Legal Aid Board  |
| LAGF               | Legal Aid Grant Facility   |
| LEP                | Legal Empowerment of the Poor  |
| LOTFA              | Law and Order Trust Fund of Afghanistan                                    |
| M&E                | Monitoring and Evaluation  |
| MOFA               | Ministry of Foreign Affairs  |
| MOI                | Ministry of Interior   |
| MOJ                | Ministry of Justice  |
| MOLSAMD            | Ministry of Labour, Social Affairs, Martyrs and Disabled                   |
| MOU                | Memorandum of Understanding  |
| MOWA               | Ministry of Women's Affairs  |
| NAPWA              | National Action Plan for Women in Afghanistan                              |
| NDS                | National Directorate of Security   |
| NHRC               | National Human Rights Institute  |
| NLTC               | National Legal Training Center   |
| NPP                | National Priority Programme  |
| NTA                | National Technical Assistance  |
| PLAU               | Public Legal Awareness Unit  |
| PPD                | MOJ Planning and Policy Department   |
| ROLIS              | Rule of Law Indicators Study   |
| <i>Shura</i>       | Community gathering  |
| <i>Ulema shura</i> | Religious gathering  |
| SOP                | Standard Operating Procedure   |
| <i>Taqnin</i>      | MOJ Institute for Legislative Drafting and Legal Research                  |
| TCC                | Technical Coordination Committee   |
| TDR                | Traditional Dispute Resolution   |
| TOR                | Terms of Reference   |
| UNAMA              | United Nations Assistance Mission to Afghanistan                           |
| UNCAT              | United Nations Convention against Torture                                  |
| UNDP               | United Nations Development Programme                                       |
| UNODC              | United Nations Office on Drugs and Crime                                   |
| UPR                | Universal Periodic Review  |

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## I. EXECUTIVE SUMMARY

United Nations Development Programme (UNDP) Justice and Human Rights in Afghanistan Project (JHRA) Phase II aims to increase the public's trust in Afghan justice institutions to create the necessary foundation for the re-establishment of State legitimacy. JHRA Phase II was initiated in 2013.

In 2014, JHRA continued to contribute to outputs on (i) establishing functional high-level coordination mechanisms for developing policy and legislation in accordance with international and national standards with the Ministry of Justice (MOJ); (ii) establishing functional mechanisms to provide quality justice services to vulnerable groups through Afghan counterparts; and, (iii) establishing public participation processes and knowledge bases for improving access to justice and human rights compliance through government institutions, Afghanistan Independent Human Rights Commission (AIHRC) and civil society organizations (CSOs).

### **Output 1:**

In an important step forward for the Human Rights Support Unit (HRSU) of the MOJ, the Human Rights Support Regulation was passed 4 Aug by the Council of Ministers thereby formalizing the mandate of the unit and establishing an inter-ministerial task force that will take decisions for the government on human rights issues. This will allow HRSU to support the government to ensure legislative compliance with Afghanistan's international human rights commitments, monitor implementation of international conventions and provide human rights training to government officials.

Work on the Rule of Law Indicator Study (ROLIS), which is to provide a baseline for the justice sector in Afghanistan, also made significant strides. A set of 130 indicators was approved by the national working group. This cleared the way for qualitative data collection to begin at the provincial level, and focus group discussions (FGDs) and interviews were undertaken at the end of the year. Work on the study is expected to be completed in early 2015.

### **Output 2:**

The Legal Aid Grant Facility (LAGF) began operating in 2014, and its progress has constituted one of the project's key achievements. A total of 522 cases were undertaken by lawyers in four provinces, exceeding the annual target of 400 instances of legal advice provided to clients. The LAGF has had many successes in individual cases, and as of the end of the reporting period, 229 criminal and family cases had been resolved. JHRA has maintained a strong focus on gender through the LAGF, and 96 of the clients served were female.

Significant progress was also made this year in the area of Elimination of Violence against Women (EVAW). Training sessions and workshops were held with police and prosecutors in Kabul, Mazar and Herat with a view to bringing relevant justice actors together and developing their capacity to handle EVAW cases. Standard operating procedures for coordination between Family Response Units (FRUs) of the police and prosecutors were developed as a result. This year advocacy efforts towards the establishment of a specialized EVAW court also began. As a result, the proposal was taken up by a sub-committee of the

EVAW Commission for review. Meetings of the committee were delayed due to the appointment of a new government, however it is hoped that in 2015 work on the proposal will go ahead.

### **Output 3:**

A JHRA funded consultant completed and submitted a report on alternative dispute resolution mechanisms incorporating research from approximately 700 respondents across the country. Based on this research, preliminary recommendations to the formal justice system for the establishment of a legal and policy framework to enhance synergies between the two justice systems were completed and submitted to national and international counterparts.

The final draft of the Communication Strategy for the MOJ, developed in coordination by the Public Legal Awareness Unit (PLAU), was adopted by the ministry and launched in November. The Communication Strategy and subsequent Action Plan lay out a plan of how to increase access to justice by informing the public about the roles and responsibilities of justice institutions as well as their own rights and responsibilities.

Through the TCC process, a policy paper on the rights of street vendors was developed and adopted by the national TCC in Kabul. A country-wide workshop bringing together mayors from over 10 provinces to develop a national policy on street vendors is planned for early 2015.

During the earlier part of the year, a JHRA-funded consultant provided technical and advisory support to the Afghanistan Independent Human Rights Commission (AIHRC) management for the development of its 2014-2018 Strategic Plan. In Q3, the strategic plan was finalized and AIHRC staff in the regions were informed on the main goals of the institution and a timeline of activities for the next four years.

### **Output 4:**

The AWP 2014 was approved by the Project Steering Committee (PSC) and was revised once in late 2014 to ensure that the disbursement was in alignment with on the ground realities. In late 2014, detailed programmatic and management evaluations of JHRA Phase II were undertaken. Both evaluations were completed and a comprehensive set of management responses to the recommendations were agreed upon for implementation in the Annual Work Plan (AWP) for 2015. Recommendations will also be taken into account when designing the next justice and human rights project. To ensure funds were disbursed based on the UNDP policies, two audits were also undertaken this year for expenditures in 2013. The audits provided unqualified results.



## II. RESULTS:

### OUTPUT 1: High level coordination mechanism for developing policy and legislation in accordance with international and national standards are established and functional in State justice institutions

Output 1 focuses on increasing the capacity of the Government of Afghanistan to produce informed and compliant high-level policy documents and legislation by strengthening key departments of the MOJ, including their coordination with line ministries and institutions. This output is aligned with NPP (National Priority Programme) 5: Law and Justice for All, particularly Component 1 on “Improving the Legislative Process”, and NPP 6: Human Rights and Civic Responsibilities. It is expected that at the end of the project period, strategic coordination will be improved between the PPD, *Taqnin* (including Translation Board) and HRSU resulting into legislative development that is increasingly translated, human rights compliant and in-line with strategic planning and policy priorities.

Output 1 contributes to the project’s overall goal of increasing trust in justice institutions through supporting human rights compliance in policy making and legislative development.

#### 1.1. Increase capacity of the Legislation Committee to enable sector-wide coordination and strengthen policy making.

*Indicator 1.1: Mechanism established for activating Legislation Committee meetings.*

As explained in the mid-term evaluation, limited progress has been made under this activity result for to a variety of reasons. These included political reasons as well as lack of staff capacity in JHRA.

#### 1.2. Strengthen MOJ policy-making capacity through the PPD.

*Indicator 1.2: Two strategic documents developed for MOJ and justice sector institutions.*

The two annual targets for this activity result are: 1) “MOJ Strategic Plan finalized” and 2) “1393 ROLIS conducted”. The first target has already been achieved. The second target is progressing slightly behind schedule, with field roll out of the study occurring in Q4 and completion expected in early 2015. This activity result has therefore been partially met. With support from JHRA, the Policy and Planning Department (PPD) of the MOJ established a number of crucial strategic planning tools and mechanisms. The PPD was instrumental in the drafting of the MOJ’s strategic plan for 2014-2018. PPD staff sat on the committee drafting the plan and assisted in its formulation. Staff also assisted in the drafting of an action plan to operationalize the strategy. After the draft was finished, the PPD developed indicators to track the progress of the



Figure 1: Representatives of JHRA orient the chief of Parwan Central Prison on the Rule of Law Indicator study. Credit: UNDP. November 2014.

activities included in the strategy. Finally, upon adoption of the plan by the MOJ leadership, the PPD conducted a workshop for the MOJ central and provincial directorates and donors to orient them to the document.

In addition, the PPD completed a capacity assessment of the central directorate of the MOJ. The report was adopted by the acting minister and as a result, committees were established to address the challenges identified

Thirdly, PPD staff assisted JHRA in preparations for the ROLIS. Work on the study, which is to provide a baseline for the justice sector in Afghanistan, moved forward significantly in 2014. After several months of consultations with the national working group to ensure national ownership, a final set of 130 indicators was approved on 14 Oct, clearing the way for work on the study to begin. Following the endorsement, representatives of JHRA met with justice sector institutions at the provincial level to orient them to the study's background and objectives.

Significant progress was made in the actual conduct of the survey towards the end of 2014. Data collection from the Supreme Court and the Central Prison Department (CPD) for the administrative portion of the survey was completed. The document review assessment, which checked documents including the Afghan Constitution, national laws, and policy papers for compliance with Afghanistan's international human rights conventions, was also conducted. Finally, in December, the company contracted to complete the qualitative section of the study began FGDs and interviews in the provinces. Work on the study is expected to be completed in Q1 2015.

### **1.3. Increase the MOJ's capacity to effectively reform law through the Taqnin (including the Translation Board).**

*Indicator 1.3: 20% of documents listed on the legislative calendar supported with translated resources & international best practises.*



Figure 2: Government officials discuss the Law on Obtaining Rights at a conference in Herat. Credit: UNDP, September 2014

The annual target for this activity result is “two laws drafted/reviewed and translated by the *Taqnin* reflecting international best practices”. JHRA provided technical support including international best practices for two laws on the legislative calendar: the Law on Obtaining Rights and the Traffic Law. Despite the support provided by JHRA, work on these two laws has not been completed and will be carried forward to 2015.

During Q3, a three-day consultative conference was held on the draft Law on Obtaining Rights. The conference offered an opportunity for various justice sector stakeholders to provide input into the formulation of the law. The previous version of the law dated back to the Taliban regime, and people with issues arising out of civil contracts often

pursued incorrect avenues for resolution, such as going to the police, which resulted in human rights violations. The updates to the law will ensure that all civil cases come to the *Huquq*.



### Case Study 1: The Human Rights Support Unit

The Ministry of Justice and Government of Afghanistan Human Rights Taskforce, supported by JHRA, launched the Regulation on Support of Human Rights in Government Administrations on 30 Nov.

The passage of the regulation gives the unit, which was first established in 2010, the formal mandate within the government to support government officials in their role in applying human rights commitments in their work.

“This regulation provides an important legal basis and clarity to the role of this unit and for coordination on improving human rights by the government,” said Deputy Justice Minister Sayed Mohammed Hashemi.

HRSU was established to promote and protect the international conventions and treaties ratified by Afghanistan throughout the government. The unit reviews national laws to ensure compliance with international human rights commitments, tracks the implementation of UN human rights treaties and follows-up on the recommendations of human rights commitments, and provides education on human rights to government officials.

Since 2012, HRSU has provided training to 1,721 key officials including members the National Directorate of Security and the police. This year, the unit also reviewed over 200 national laws, regulations and strategies and provided recommendations to the Ministry of Justice’s legislative drafting department thereby helping to ensure human rights compliance in these pieces of legislation.

Also this year, the Translation Board translated portions of the Indian and Kuwaiti traffic laws into Dari. Best practices from these countries are been used to draft the Afghan Traffic Law.

Meanwhile, JHRA supported capacity building activities for MOJ employees in the form of English classes for *Taqnin* employees of both genders and computer classes for female MOJ employees from all directorates.

JHRA further supported translation through the continued provision of national technical advisors to the MOJ Translation Unit. This year the Translation Unit completed work on translations from Dari to English of ten laws on the legislative calendar. Translations of several laws from around the world were also completed from English and Arabic into Dari, allowing the *Taqnin* to access best practices from around the world.



Figure 3: MOJ employees at an English class supported by JHRA. Credit: UNDP, October 2014



Figure 4: Government officials at the launch of the Regulation on Support of Human Rights in Government Administrations. Credit: UNDP, November 2014.

#### 1.4 Strengthen the MOJ's capacity to produce human rights compliant Government policies and laws through HRSU.

*Indicator 1.4: 25% of laws and regulations received or drafted by the Taqin are reviewed for human rights compliance.*

The annual target for this activity result is “25% of laws drafted by the Taqin are reviewed by HRSU.” Of the 34 laws on the legislative calendar for 1393, the Taqin finalized four, all of which were reviewed by HRSU for compliance with international human rights commitments. In this respect, HRSU has increased its capacity significantly in 2014. In addition to the four draft laws mentioned above, HRSU also reviewed existing laws against the conventions and provided analysis for the Convention on Female Genital Mutilation and other ad hoc amendments. Therefore the annual target of 25% has been surpassed.

On 4 Aug, the Regulation on Human Rights in Government Administration was passed by the Council of Ministers. This regulation gives legal basis and clout to HRSU, facilitating its work with high-level officials in line ministries. Through this regulation, work between the HRSU and the Executive Committee of the Taqin has become regularized, allowing HRSU to provide input directly into the legislative drafting and review processes. In addition, the regulation officially established the inter-ministerial taskforce. The taskforce is chaired by the acting minister of justice and consists of high-level (deputy minister appointments) government representatives from 11 ministries central to the application and adherence to human rights, as well as the Attorney General's Office, AIHRC and civil society. This inter-ministerial taskforce is responsible for making decisions on human rights related matters.

The HRSU has finalized the updated Recommendation Action Plan, which includes prioritised recommendations from the Universal Periodic Reviews (UPR) from 2009 and 2013, the Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Recommendation Action Plan will be officially endorsed by the government at the first official Inter-Ministerial Taskforce meeting, to be held in Jan 2015.



Figure 5: Staff of the Human Rights Support Unit of the Ministry of Justice. Credit: UNDP, 2014.

HRSU increased its coordination with the Ministry of Foreign Affairs (MOFA) Directorate of Human Rights and Women's International Affairs in 2014. Members of HRSU have worked closely with the directorate on their State reporting priorities, including providing a complete legislative review for the UN Convention against Torture (UNCAT), technical inputs on the legislative compliance and national action plan for the for the UN Security Council Resolution 1325 on Women, Peace and Security, as well as technical analysis for the UPR adoption meeting in Geneva in June. This support was augmented by financial and technical support from JHRA directly to the Directorate of Human Rights and Women's International Affairs for both the UNCAT State Report and the adoption process for the UPR 2013, which led to the acceptance by the Government of Afghanistan of several

important UPR recommendations. Most importantly, the Government of Afghanistan accepted recommendations to host the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment and Punishment and the Special Rapporteur on Violence against Women, Its Causes and Consequences (who visited Afghanistan in November), and ratify protocols on human trafficking, and torture and ill-treatment of detainees.

HRSU continued its long-term training for provincial staff through the NDS Academy participants on international standards concerning torture, rights of suspects and the accused, and specific rights of women and children. The unit's close coordination with the Gender and Human Rights Unit in NDS led to the issuing of an internal instruction prohibiting the recruitment of children by NDS. HRSU has conducted assessments, both physical and capacity, of detention centers and prisons within the Greater Kabul Area together with officials from MOI and the Central Prison Directorate (CPD) in order to develop a tailored training program with internal and external experts for key MOI staff. This training will support the implementation of key recommendations on torture and detainees received by the state through the 2009 UPR.

Coordination with AIHRC and civil society organizations was also tightened in 2014. AIHRC is a featured member of the inter-ministerial taskforce, and provided integral inputs to the regulation during the frequent consultation sessions prior to its submission to the Council of Ministers. HRSU signed a memorandum of understanding with the Civil Society and Human Rights Network (CSHRN) to work closely together on the development of training curricula and delivery of trainings to government, in order to synchronize training messages and priorities throughout government institutions. This partnership has also been expanded to receive input from civil society on draft legislation for compliance with human rights from the perspective of rights bearers.

## **EXPENSES FOR THE YEAR**

During 2014, a total of USD 1,577,825 was spent for this output. For more details, please see Annex 2.

**Table 1: 2014 Progress for Output 1**

| 2014 Baseline   | 2014 Annual Targets  | Q3 2014 Planned  | Q3 2014 Actual  | Comments |
|---|--|--|---|----------|
| 1.1 Legislation Committee meetings are not producing clear directives for legislative review. | 1.1 Five directions of legislative review provided by the Legislation Committee in a formal legislative review tool. | Support Legislation Committee Secretariat in the planning, organization, coordination and facilitation of meetings by the Legislation Committee  | This activity was put on hold due to lack of political interest, resources and staff capacity in JHRA Phase II. It currently receives renewed interest from the office of the first vice-president of Afghanistan and support in this area will be further discussed in the context of the design of the JHRA successor project.                |          |
|   |  | Support Legislation Committee in the preparation, coordination and distribution of relevant information and analysis for policy discussions.   | This activity was put on hold due to lack of political interest, resources and staff capacity in JHRA Phase II. It currently receives renewed interest from the office of the first vice-president of Afghanistan and support in this area will be further discussed in the context of the design of the JHRA successor project.                |          |
| 1.2 MOJ Strategic Plan not yet finalized.   | 1.2.1 MOJ Strategic Plan finalized.<br>1.2.2 1393 ROLIS conducted.   | Assess the capacity of MOJ systems, procedures and individual staff competency to analyse justice issues and provide policy recommendations.   | PPD completed the Capacity Building for Reform Programme Proposal, a capacity assessment of the central directorate and capacity assessments for five MOJ departments   |          |
|   |  | Support MOJ PPD in the initiation and facilitation of an annual baseline/RoL Indicators study conducted to inform policy and planning.   | PPD and other JSI's oriented to ROLIS. Questionnaires developed for FGDs and interviews. Initiation of FGDs and interviews.   |          |
|   |  | Train implementing partners in the UNDP global RoL Indicators Assessment tool.   | Workshops and coordinating meetings held with justice sector institutions to train partners on ROLIS.   |          |
|   |  | Facilitate commitment to provide data and collaborate on the annual baseline/ROLIS from key Government institutions- SC, AGO, Ministry of the Interior (Mol), MOJ, MOWA, Ministry of Labour, Social Affairs, Martyrs and the Disabled (MOLSAMD)- and international partners. | The document review assessment sheet on ROLIS was completed.<br>A set of 130 indicators was endorsed by national working group.<br>A meeting with 17 UN results group members was held on indicators; representatives provided feedback according to their institutional priorities.<br>The administrative data collection sheet was completed. |          |



| 2014 Baseline  | 2014 Annual Targets  | Q3 2014 Planned  | Q3 2014 Actual   | Comments |
|--|--|--|--|----------|
|  |  |  | Experiential learning tour to Turkey for nine representatives of justice sector institutions conducted.  |          |
| 1.3 The MOJ <i>Taqnin</i> has an annual legislative calendar for 1392. Two documents from the legislative calendar have been translated by the Translation Board and reviewed based on international best practises. | 1.3 Two laws drafted/reviewed and translated by the <i>Taqnin</i> reflecting international best practices. | Support the <i>Taqnin</i> and the TU in the establishment and implementation of an annual legislative and translation calendar to plan law-making.                                   | Legislative calendar and translation calendar completed.   |          |
|  |  | Support the <i>Taqnin</i> on global legislative best practices during law making process.  | Three-week training session held on legislative drafting was held for <i>Taqnin</i> staff.<br>English classes for MOJ staff and computer classes for MOJ women officials held.<br>A three-day consultative workshop held to review the Law on Obtaining Rights for representatives from JSIs was held. TOR for engaging an international expert on family law was developed.   |          |
|  |  | Establish business process to ensure laws entering <i>Taqnin</i> are reviewed by HRSU on human rights compliance when relevant to human rights.                                      | This was formalized through the HRSU regulation passed on 4 Aug.   |          |
| 1.4 HRSU reviewed 10% of documents in the legislative calendar in 1392.  | 1.4 25% of laws drafted by the <i>Taqnin</i> are reviewed by HRSU.   | Increase coordination between HRSU and the <i>Taqnin</i> through engagement on the Executive Committee and trainings to ministerial legal focal points.                              | Of the 34 laws on the legislative calendar for 1393, the <i>Taqnin</i> finalized four, all of which were reviewed by HRSU for compliance with international human rights commitments.  |          |
|  |  | Support <i>Taqnin</i> and HRSU in the organization of trainings in law-making and law-making processes for Government officials and legislators as relevant to legislative calendar. | In Q2, JHRA worked with the HRSU Legal and Strategic Studies Division to develop a standardized format for reviewing legislation against UN human rights treaties. The Unit is working with <i>Taqnin</i> to encourage complementary adoption.<br>HRSU has started developing a manual on legislative drafting and review for parliament. The unit is holding consultations with MPs involved in the legislative drafting process. |          |

| 2014 Baseline | 2014 Annual Targets | Q3 2014 Planned  | Q3 2014 Actual  | Comments |
|---------------|---------------------|--|---|----------|
|               |                     | Facilitate the adoption of the Regulation on HRSU and sensitisation of Ministries.   | The Government of Afghanistan Regulation on Human Rights Support was approved by the Council of Ministers on 4 Aug and launched on 30 Nov.  |          |
|               |                     | Support the HRSU in provision of technical support to Ministry of Foreign Affairs (MoFA) to develop and submit State Reports on the United Nations Convention Against Torture (UNCAT) /ICCPR and UN Res. 1325. | <p>HRSU provided a complete legislative review for the UN Convention against Torture (UNCAT). HRSU provided technical inputs on the legislative and national action plan for the for the UN Security Council Resolution 1325 on Women, Peace and Security, as well as technical analysis for the UPR adoption meeting in Geneva in June.</p> <p>Support was provided directly from JHRA to the Directorate of Human Rights and Women’s International Affairs for both the UNCAT State Report and the adoption process for the UPR 2013.</p> <p>Government agreed to host Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment and Punishment and Special Rapporteur on Violence Against Women, Its Causes and Consequences</p> |          |
|               |                     | Human rights trainings held through key focal points, with particular focus on Mol, AGO, National Directorate of Security (NDS).   | <p>HRSU facilitated several training workshops throughout the year for NDS staff.</p> <p>Training was also facilitated for MOE, MOWA, MOI officials and staff from both houses of parliament.</p> <p>HRSU reviewed the impact of various training sessions and developed recommendations for long-term follow up.</p>   |          |



## **OUTPUT 2: Mechanisms for providing quality access to justice services to vulnerable groups are established and functional**

Output 2 aims to enhance the Afghan public's access to quality justice services by improving quality and availability of legal representation, strengthening coordination between State and non-State justice providers, and increasing the number and capacity of trained justice officials at the sub-national level. This output supports NPP 5 component 3 ("Increasing meaningful access to justice") and component 4 ("Building institutional capacity to strengthen justice delivery"), and includes working with the service providers of the justice institutions – courts, prosecutors' offices, EVAW Units, *Huquq* Departments, FRUs, AIBA chapters, and National Legal Training Centers (NLTCs).

Overall this component is mandated to provide services to vulnerable people. The most effective and powerful way to increase trust in State institutions is to increase their service delivery to the population. In 2014, the LAGF began increasing access to justice by providing legal aid services in four provinces. Through coordination between State and non-State actors, Component 2 aimed to increase referrals from the informal to the formal justice system to ensure that cases are resolved according to the law. By providing training for legal professionals, the component also helped to build the capacity of justice sector actors to apply the law in a fair and just manner.

### **2.1. Establish independent Legal Aid Grant Facility and supporting mechanisms.**

*Indicator 2.1: Number of cases supported through the Legal Aid Grant Facility disaggregated by criminal, civil, detention and women's cases.*

The annual target for this activity result is "400 cases and instances of legal advice provided through the Legal Aid Grant Facility." To date, 522 cases (96 Female, 426 Male) have been distributed to defense lawyers in four provinces: Herat, Balkh, Nangarhar and Helmand. As of the end of the year, 265 lawyers, including 73 female, were registered with the facility. This activity has therefore exceeded its target.



Figure 6: Anita, 20, was assisted by the Legal Aid Grant Facility to get a divorce from her abusive husband.  
**Credit:** UNDP, September 2014.

After several months of preparations, Q3 saw lawyers registered with the LAGF take up the facility's first cases. A total of 522 cases were undertaken by registered lawyers, going above and beyond the yearly target of providing legal advice in 400 cases. As of the end of the reporting period, 229 criminal and family cases had been resolved. The LAGF is currently operating in four provinces: Herat, Helmand, Balkh and Nangarhar. Of the total number

of cases distributed, 96 involved female clients and 427 involved male clients. Forty-nine cases of gender based violence were distributed. To ensure LAGF services are able to reach those who require assistance a public awareness campaign was undertaken by the AIBA.

By providing legal aid to women, children and indigent men in a country where there is limited legal assistance available, it is expected that the LAGF will contribute greatly to increasing access to justice for Afghanistan's most vulnerable. The MOJ's long, medium and short-term plans for the London Conference identified the LAGF as one of the main mechanisms for reaching out to provide access to justice for citizens. The government's position paper for the conference also emphasized the importance of legal aid services.

Q3 also saw the establishment of the sixth regional sub-office of the AIBA in Helmand province. The establishment of the office operationalized the region's LAGF, allowing cases to be channeled to the lawyers registered with the facility. Within the reporting period, the Helmand sub-office assigned 137 criminal and family cases to defense lawyers. Many of the lawyers registered with the LAGF in Helmand work for other NGOs providing legal assistance. However, they have augmented their case load from other organisations with cases supported by the LAGF, therefore boosting the total amount of legal aid in the province. The opening of the AIBA office will also allow students who are graduating from the law faculties of the three private universities to take their bar association examinations at Lashkar Gah and receive the necessary licensing. It is expected that the ability to take the bar examinations at the provincial headquarters will also motivate more women law students to complete their legal education and receive a professional degree.

Within the reporting period, 213 lawyers from the four provinces of the LAGF as well as Ghor and Badghris were trained through the AIBA. The training provided lawyers with knowledge about the Criminal Procedure Code (CPC), the Code of Conduct, ethics, the Civil Procedure Code and defense lawyer skills, allowing them to function more effectively in their work.

#### Case Study 2: Legal Aid Grant Facility

It's been a year and eight months since Anita's husband started beating her. The 20-year-old woman, who lives in Herat, has bruises all over her back from the blows, she says.

"My husband said, 'Now you are mine; I can do what I want,'" she says. "I lived with my mother-in-law and my father-in-law in one house. At the end of the day my mother in law would say, 'Look, this girl didn't do anything all day. She was just sleeping.' After that my husband would punish me."

Through the LAGF, Anita has been provided with legal representation she would not have otherwise been able to afford. She is one of the 96 women who the facility has provided with legal assistance this year.

"I appreciate the LAGF committee because they are providing me with support," says Anita. "I don't want money from my husband; I just want to get a divorce."

During this period, JHRA also supported four rounds of training for 180 students through the AIBA offices in Herat and Helmand. The purpose of this training was to prepare students to serve in an EAW legal clinic that will afford them the opportunity to gain practical skills while at the same time assisting the public by providing advice on EAW related cases. Law students are expected to start providing free legal assistance in their communities in early 2015 under the umbrella of LAGF.

### Case Study 3: Training for Law Students

Abdullah Atal is a law student at Arkozerya University in Helmand province. Though he is in his third year, he had never studied such key details of practicing law as how to process a criminal or civil case. That is, until he attended a training session sponsored by JHRA.

Atal is one of 180 students who attended workshops organized as part of a partnership between JHRA, AIBA and the MOJ.

The workshops, hosted in Helmand and Herat, included theoretical and practical training on topics including the Family Law, the Elimination of Violence against Women law, and the Criminal Procedure Code. One hundred thirty-five male students and 45 female students completed the training.

The sessions aimed to provide the students with practical tools to take on cases of women and indigent men under the supervision of AIBA licensed lawyers. Ultimately, this practical experience will mean newly graduated and licensed lawyers no longer have to learn the skills to advocate for their clients on the job.

Students who have completed the sessions will put their new skills to work when legal clinics in Herat and Helmand are opened to provide free advice to women, children and poor men.

“I hope to use these practical exercises in my career,” said Atal. I will use my experience to offer advice to vulnerable people.”



Figure 7: A female law student graduates from a training session sponsored by UNDP/JHRA in Helmand province. Credit: UNDP, November 2014.

## 2.2. Consolidate communication and coordination between State and non-State justice providers at provincial and district levels.

*Indicator 2.2: District-level mechanisms held that include State and traditional justice providers.*

The annual target for this activity result is “mechanisms for coordination between State and non-State justice providers established in 10 districts.” Five districts in Helmand and five in Herat were slated for targeting. Given political sensitivities around engaging with non-State justice institutions, rather than establishing formal mechanisms, JHRA conducted mapping, research, consultations and workshops to reinvigorate the debate on state and non-state justice coordination. This, along with the JHRA’s facilitation of the study “Civil Dispute Resolution in Afghanistan, Implications for the Draft Law on Dispute Resolution Shuras and Jirgas, and the Draft Policy on the Relations between the Formal Justice System and Dispute Resolution Councils,” contributed to renewed political attention on the topic (see also Component 3). As a result, the GIROA included “the Shura and Jirga law” on the legislative

calendar for 1393. While the renewed political attention and acceptance is an important achievement, the actual target of establishing mechanisms has not been met.

JHRA activities included, a mapping of existing coordination platforms and data collection on the referral of cases from the informal to the formal justice system. Coordination meetings bringing together State and non-State actors from a number of districts were also held. Despite the security situation, representatives of the project were able to reach most of the targeted districts.

JHRA conducted data collection on the levels of coordination between State and non-State justice providers for the five districts of Nangarhar province and the five districts of Herat province to identify a baseline for the number of cases currently being transferred from the informal to the formal justice system. This data will provide a baseline for the current level of coordination between the two systems and for JHRA's interventions in the sector.

Subsequently, coordination meetings were held in Helmand, Herat, and Nangarhar provinces to inform non-State actors about the jurisdictions of State actors and build bridges between the two groups with the aim of increasing referrals from the informal to the formal sector. These meetings had been planned for the districts, but due to security concerns representatives from the districts were instead invited to attend gatherings in the provincial capitals. Representatives of 15 districts attended the meetings in Herat, exceeding the prescribed target of five districts. In Helmand, representatives of three of the five targeted districts attended. In Nangarhar, representatives of only one district attended.

### **2.3. Enhance the professional capacity of State Justice service providers (including respect for due process).**

*Indicator 2.3: No. of National Legal Training Center (NLTC) chapters.*

The annual targets for this activity result are 1) "One report on existing curricula for judges, prosecutors and *Huquq* officials is mapped"; and 2) "One MoU on NLTC signed and one NLTC in Herat established". The report was written, and in Q3, the national consultant drafted the Memorandum of Understanding (MOU) and tailored NLTC curriculum and held consultations on these documents. While the ground work for the establishment of the center has been laid, it has not yet been established. This activity result is therefore mostly met.



Figure 8: Female participants at an Elimination of Violence against Women seminar in Herat. Credit: UNDP, October 2014

The lead consultant for the establishment of the Herat chapter of the NLTC prepared a draft charter for the NLTC, a MOU and an outline of the curriculum to be used for training. The NLTC is expected to be initiated in January 2015.

With the aim of raising the capacity of State justice providers on EAW, a joint workshop was held in November in Herat with JHRA and the Law and Order Trust Fund of Afghanistan (LOTFA) for the FRUs and Central Investigation Departments (CID) of police.

Further training sessions were conducted by an international EAW consultant in Kabul, Mazar



and Herat. Among the topics covered in the two-day seminars were the development of SOPs between police and prosecutors. It is hoped that by developing guidelines for interaction between the two sectors of the justice system, coordination between the two groups will be increased and the rate of successful prosecutions improved. Since settlements in EAW cases are often biased in favor of men, training also covered the development of agreements that promote the well-being of women. Prosecutors were also taught how to draft robust indictments.

Joint training sessions with the United Nations Office on Drugs and Crime (UNODC) were also undertaken across the country for prosecutors, police, *Huquq* officials and judges. The training sessions were designed to enhance the capacity of State justice officials to carry out their responsibilities in a professional and efficient way.

In 2014, preliminary discussions on a proposed EAW court also moved ahead. Currently, cases of violence against women are often a low priority for the courts and are not decided upon in a timely manner. The proposed specialized court would help speed up the decision making process and address the sensitive concerns specific to cases of violence against women. The proposal for the court was presented to the deputy minister of MOWA, and a committee made up of JHRA, the legal advisor of ministry and the head of the legal department of ministry was established. Meetings of the committee were delayed due to the appointment of a new government, however it is hoped that in 2015 work on the proposal will go ahead. After finalization, the concept for the court will be submitted to the Supreme Court. The idea for the establishment of the court has generated interest from both donors and national stakeholders.

#### **EXPENSES FOR THE YEAR**

During 2014, a total of USD 1,390,710 was spent for this output. For more details, please see Annex 2.

**Table 2: 2014 Progress for Output 2**

| 2014 Baseline   | 2014 Annual Targets  | Q3 2014 Planned  | Q3 2014 Actual  | Comments |
|---|--|--|---|----------|
| <p>2.1 Legal Aid Grant Facility procedures are in place, but no cases have yet been processed through the facility.</p> | <p>2.1. 400 cases and instances of legal advice provided through the Legal Aid Grant Facility.</p> | <p>Design capacity development plan and implement together with AIBA to initiate taking up legal aid cases by the AIBA registered lawyers.</p>                   | <p>223 defense lawyers received capacity development training this year.</p>  |          |
|   |  | <p>Support the LAB to undertake meetings in the provision of policy direction on activation and use of LAGF.</p>   | <p>Two members of the Legal Aid Board (LAB) have joined the LAGF committee so communication and policy direction has been accomplished through them.</p>  |          |
|   |  | <p>Training and workshops for AIBA Lawyers in Herat, Badghis, Ghor on due process.</p>   | <p>Three training sessions were held by AIBA Herat and attended by lawyers from Herat, Badghis and Ghor.</p>  |          |
|   |  | <p>Technical assistance to AIBA Lawyers in Ghor and Badghis on due process.</p>  | <p>See above.</p>   |          |
|   |  | <p>Support AIBA in registration of cases taken up by AIBA Herat Lawyers provide (Honoraria for legal aid cases registered with Lawyers).</p>                     | <p>Herat sub-office assigned 149 criminal, family, and juvenile cases (21 F, 128 M) to defense lawyers. A total of 66 cases were finalized.</p>   |          |
|   |  | <p>Support AIBA in registration of cases taken up by AIBA Nangarhar, Balkh, Helmand Lawyers (provide Honoraria for legal aid cases registered with Lawyers).</p> | <p>Within the reporting period, Balkh sub-office distributed 111 criminal and family cases (15 F, 96 M) to AIBA defense lawyers for representation. Thirty-three cases were finalized. Nangarhar distributed 125 criminal and family cases (32 F, 93 F) to defense lawyers for representation. Forty-seven cases were finalized this year. Helmand sub-office assigned 137 criminal and family cases to defense lawyers (28 F, 109 M) for representation. Eighty-three cases were finalized in Helmand province</p> |          |
|   |  | <p>Establishment of Helmand AIBA office.</p>   | <p>AIBA Helmand sub-office was opened on 5 Aug in Helmand province.<br/><br/>The LAGF introductory meeting and establishment of the Helmand AIBA regional office took place on 20 Aug.</p>  |          |



| 2014 Baseline   | 2014 Annual Targets  | Q3 2014 Planned  | Q3 2014 Actual   | Comments |
|---|--|--|--|----------|
|   |  | Support AIBA lawyers and legal aid providers in taking up and processing cases financed by the legal aid grant facility, including cases from <i>Huquq</i> and the labor commission, DoWA, DoJ, EAW units, Health Centres, Legal Help centers, 119, Women's network, Shelters, detention centers, prison and Ministry of Labour. (Capacity Development trainings & orientation meetings for Legal Aid Lawyers to be undertaken). | Three five-day CPC workshops were held in Helmand, Balkh and Nangarhar   |          |
|   |  | Facilitate establishment or enhancement of Legal Clinic at Herat University through Legal AID Grant Facility and Trainings.  | 90 (55 M, 35F) sharia and law students received training from legal clinic at Herat University through the LAGF.                   |          |
|   |  | Facilitate establishment or enhancement of Legal Clinic at Helmand University through Legal AID Grant Facility and Trainings.  | 90 (80 M, 10F) sharia and law students received training from legal clinic at Helmand University through Legal AID Grant Facility. |          |
|   |  | Facilitate communication flow from AIBA-MOJ-LAB on issues on policy and law-making processes.  | See above. Two members of the LAB have joined the LAGF committee, facilitating communication and policy direction.                 |          |
| 2.2 No mechanisms available that link State and traditional justice systems are in place. | 2.2 Mechanisms for coordination of cases between State and non-State justice providers at district levels established in 10 districts. | Identify provincial and district level consultation platforms, such as Police-e-Mardumi, District Development Assembly (DDA), CPANS that could serve as platforms to coordinate with State and non-State Justice providers on community justice and security matters.  | Data collection occurred in five districts of Nangarhar province. Two coordination meetings were conducted in Nangarhar.           |          |
|   |  | Facilitate mechanism to ensure coordination and enhanced flow of cases from State to non-State justice institutions and increased  | Data on case flow between State and non-State justice providers was collected in all 5 districts of Nangarhar.                     |          |

| 2014 Baseline                                    | 2014 Annual Targets   | Q3 2014 Planned  | Q3 2014 Actual   | Comments |
|--|---|--|--|----------|
|  |   | information flow between the justice and security sectors in Herat.  | District-level data collection for the five districts of Herat province occurred. Collection for two districts is finished; three districts are under process.   |          |
|  |   | Undertake 10 coordination meetings and 5 trainings with State and non-State actors at district level in Helmand, Herat, and Nangarhar provinces to identify local level disputes and provide necessary referral services (trainings and workshops).    | Two coordination meetings were undertaken in Herat, which included officials from Badghis and Ghor. One coordination meeting was conducted in Helmand province. One coordination meeting was conducted in Nangarhar. |          |
| 2.3 One NLTC chapter exists in Kabul University. | 2.3.1 One report on existing curricula for judges, prosecutors and Huquq officials mapped.<br><br>2.3.2 MOU on NLTC signed and one NLTC in Herat established. | Support the establishment of NLTC chapter in Herat Law Faculty. Under take assessment of training modules and develop MoU.   | Draft charter, MOU and curriculum prepared for establishment of the NLTC; facility is expected to be established in Herat in early 2015.   |          |
|  |   | Undertake trainings for FRU and Prosecutors.   | See below section on joint training sessions for prosecutors and police with European Police Mission in Afghanistan (EUPOL).   |          |
|  |   | Undertake joint trainings for prosecutors, police and Huqooq, judges by UNODC in Herat, Ghor, Badghis.   | Three-day training workshops were conducted in four provinces.   |          |
|  |   | Undertake joint trainings for prosecutors, police by EUPOL for Herat, Ghor, Badghis.   | JHRA and LOTFA Joint training sessions conducted in November in Herat.   |          |
|  |   | Facilitate Afghan-delivered training for State and non-State justice providers on legal topics (ex. Human Rights, Fair Trial Standards, Police/Prosecutor/Judicial Corporation, Family Law, Land Law, Criminal Law and Procedure) in Helmand Province. | See above section on UNODC training in Helmand.  |          |
|  |   | Implement capacity development plan for to support the EAW units & advocacy for Herat special court.   | EAW workshops were conducted in Herat, Balkh and Kabul. A number of advocacy sessions were held to discuss a specialized EAW court, including a meeting with the EAW Commission of MOWA.                             |          |

## **OUTPUT 3: Public participation processes and knowledge base for improving access to justice and human rights compliance successfully established.**

Output 3 focuses on strengthening the ability of Afghan citizens to understand, engage with and influence the State justice system through the promotion of legal literacy, civic education, and policy development, largely through and for civil society. This output supports Components 1 and 3 of NPP 5, which focus on “improving the legislative process” and “increasing meaningful access to justice” respectively, and works primarily with the MOJ PLAU, AIHRC, CSOs, media, and think tanks. The key purpose of this component is to build outreach to citizens using channels such as workshops, literature and media to inform them about their legal rights and build mechanisms for their protection.

This year Component 3 contributed to the overall outcome of the project by facilitating the MOJ in the development of tools which will promote greater awareness among the public about their rights and increase contact between the population and government officials. This took place through the formulation of outreach products on human rights including the MOJ Communication Strategy and specific materials focused on women rights, business rights, property, and legal aid as well as numerous consultations and participatory processes. Enhanced public awareness is expected to translate into increased public trust in the justice system as a whole.

### **3.1 Facilitate national discussions and policy dialogues on socio-economic rights and community dispute resolution mechanisms.**

*Indicator 3.1.1: Number of policy documents on business and labour rights adopted by Technical Coordination Committees for municipal coordination.*

The annual target for this activity result is “policy paper adopted by Technical Coordination Committee.” This year a LEP policy paper on the rights of street vendors was developed and adopted by the national TCC in Kabul. In the future, the adoption of this policy is expected to contribute to the protection of the rights of vendors. This activity result is therefore on target.

During 2014, inter-ministerial cooperation on street vendors’ rights increased through the TCCs. Participants in the TCCs provided technical and advisory support to line ministries, Kabul Municipality and GDMA (General Directorate of Municipal Affairs), which resulted in further formulation of the policy paper. The meetings also provided an opportunity for dialogue between street vendors and local government and helped prepare for the upcoming national LEP conference in Kabul. As a result of the TCCs, street vendors have provided inputs to the draft labour law and amendments to the traffic law in order to facilitate the inclusion of actors working in the informal economy. The national workshop was delayed due to the security situation surrounding the elections, however the meeting is expected to be conducted in mid-2015.



Figure 9: Ali Yawar, 53, is a street vendor from Kabul. **Credit:** UNDP, 2013

This year, the project also provided support to the Kabul TCC to conduct a survey of street vendors. In light of the government's stated commitment to fight corruption, it is important to highlight that the survey found that vendors have an interest in channeling the illicit payments they currently make to public officials into a communal pool to start up associations that represent their interests and through which corruption can be fought. Furthermore, JHRA engaged with the Kabul Municipality to support the formulation of a brochure detailing legal guarantees and responsibilities for street vendors operating in Kabul. This product contributed to the project's efforts of raising awareness among street vendors about their rights.

This year too, JHRA has engaged in the legislative process to improve the legal conditions of street vendors. Specifically, JHRA provided legal advisory support to national counterparts, including the MOJ, the Kabul Municipality, and the Ministry of Labor, in the review of the draft Labor Law and Traffic Law.

While an exposure visit on street vendors' rights was planned for key stakeholders, the trip was delayed due to the postponement of the national LEP conference in Kabul.

*Indicator 3.1.2: Availability of research-based advocacy report.*

The annual target for this activity result is "one research-based advocacy report on alternative dispute resolution mechanisms focusing on civil cases is finalized". The drafting of the report was completed during Q4 and presented by JHRA to relevant national and international counterparts and donors to the project. This activity result is therefore mostly on target.

The international consultant retained earlier this year completed and submitted the report on alternative dispute resolution mechanisms. Research for the report involved approximately 700 respondents from the central and provincial level, including judges, prosecutors, traditional justice and civil society actors, religious leaders, and legal aid service providers. In June, JHRA formulated a summary report on this field data based on consultations with key formal and informal justice providers and stakeholders. This summary provides preliminary recommendations to the formal justice system, particularly the MOJ, on the production of a legal and policy framework to enhance synergies between the two justice systems.

JHRA's work on traditional dispute resolution (TDR) has also resulted in the inclusion of the draft Jirga Law in the 1393 Legislative Calendar. Recommendations stemming from the report on alternative dispute resolution will be used to guide the *Taqnin* and the formal justice system in the formulation of legislation or policy on coordination mechanisms for State and traditional justice institutions. The summary report has been further refined to provide the MOJ with a specific legal analysis of the 2010 draft Jirga Law, to be used in re-drafting the law. It is expected that the Dari version of the report will be submitted to the MOJ and other stakeholders for their final comments by January 2015.

### 3.2 Increase advocacy and monitoring capacity of CSOs, media, think-tanks and the AIHRC

*Indicator 3.2: AIHRC Strategic Plan 2014-2018 developed.*

The annual target for this activity result is “AIHRC Strategic Plan 2014-2018 finalized”. JHRA provided technical input and support to the AIHRC to in the formulation of its Strategic Plan 2014-2018. The final draft was endorsed by AIHRC commissioners in Q3, and its English version was printed with JHRA financial support in Q4. This activity result is therefore on target.



Figure 10: Students from Kabul University share messages in support of Human Rights Day. Credit: UNDP, December 2014

During the earlier part of the year, a JHRA-funded consultant provided technical and advisory support to the AIHRC management for the development of its 2014-2018 Strategic Plan and its Action Plan. In Q3, the strategic plan was finalized. The plan outlines the main goals of the institution and a timeline for its activities for the next four years. The JHRA consultant also provided a two-day orientation training for AIHRC regional staff in six provinces on the strategic plan and how to conduct investigations.

In order to facilitate AIHRC partnerships with other National Human Rights Institutes (NHRI) in the Asia-Pacific region and promote knowledge transfer on human rights education, a 10-day exposure visit for three members of the AIHRC to the Philippines took place in early November. AIHRC staff visited Manila and Cotabato, located in the Mindanao region of the Philippines, to discuss and share knowledge on reporting and investigation of human rights issues as well as communication and information management between regional, provincial, and national offices. As a result, AIHRC representatives were exposed to relevant documentation related to civil and political rights developed by the Philippines Human Rights Commission. This is expected to assist them in developing corresponding documentation in Afghanistan.

This year, JHRA also provided training to CSOs, media and the public on topics including the Access to Information law, the Media Law, the NGO Law, the Human Rights Based Approach and other human rights issues. In total, 49 CSOs, 44 radio stations and about 200 university students were reached. On 26 Oct, JHRA hosted a workshop that served to tighten coordination between CSOs and government on human rights issues. Presentations at the workshop covered topics such as the Access to Information Law, the draft NGO law, and the newly drafted legislation on civilian victims of armed conflict. With the goal of increasing the media’s capacity to report on human rights and justice issues in mind, JHRA, in cooperation with the AIHRC, the MOJ, the Ministry of Information and Culture (MoIC) and NAI Media Institute (a media support organization) organized a training program for 44 community radio stations in Q3. The training focused on enhancing the knowledge and capacity of community radio stations in order to mainstream justice and human rights issues in their programming.

Finally, on 10 Dec, in celebration of the 66<sup>th</sup> anniversary of the Universal Declaration of Human Rights (UDHR), JHRA partnered with the MOJ, MOFA, AIHRC and the Afghanistan Centre at Kabul University for a



daylong event featuring speeches on human rights achievements in Afghanistan. The celebration drew over 200 university students and increased awareness among them about human rights issues in the country.

### 3.3 Strengthen the public’s awareness of human rights and the role of the justice system through the MOJ Legal Awareness Unit and media institutions.

*Indicator 3.3: Number of products produced that inform the communication strategy for MOJ PLAU.*

The annual target for this activity result is “communication strategy for MOJ developed and implemented by PLAU”. The draft Communication Strategy and Action Plan was developed with JHRA technical support and in coordination with PLAU and a final version was endorsed by the MOJ in Q3. The Communication Strategy was launched by the MOJ in November. This activity result is therefore on target.



Figure 11: UNDP Deputy Country director (right) Yuxue Xue speaks at the launch of the Ministry of Justice communications strategy. **Credit:** UNDP, November 2014

The final draft of the Communication Strategy developed in coordination with the PLAU was launched in November. Informed by a public perception survey and a media monitoring assessment, both of which were produced with JHRA advisory assistance, the strategy aims to enhance the public’s access to justice by educating people about the roles and responsibilities of justice institutions as well as their own rights and responsibilities. It provides PLAU with guidelines on how to engage with State and non-State actors involved in the production of legal outreach materials, including line ministries, the media and CSOs.

The launch of the strategy also served as a workshop to create an action plan on implementing the document. Over 77 governmental and non-governmental organisations came together to share their ideas on how to operationalize the plan.

It is expected that the action plan will be adopted in January. The contracting companies engaged to develop the strategy are meanwhile working to train provincial DOJ staff and regional PLAU staff on how to implement the strategy. Staff in 15 provinces have thus far been trained. This action plan will assist the MOJ in reaching out to 34 provinces with legal awareness messages.

Meanwhile, JHRA has provided financial and technical support for the printing of several legal awareness knowledge products including three booklets and three brochures on the rights of the accused and suspects, citizens’ rights, and traditions that are against Islamic principles. Notebooks with legal were also printed for distribution. These outreach materials will be distributed to governmental and non-governmental organisations in 34 provinces whose work is relevant to public legal awareness.

## EXPENSES FOR THE YEAR

During 2014, a total of USD 956,668 was spent for this output. For more details, please see Annex 2.



**Table 3: 2014 Progress for Output 3**

| 2014 Baseline   | 2014 Annual Targets  | Q3 2014 Planned  | Q3 2014 Actual   | Comments |
|---|--|--|--|----------|
| 3.1.1 Technical Coordination Committee established in Kabul. No policy on street vendor rights. | 3.1.1 Policy paper adopted by Technical Coordination Committee.  | Assess boundaries within which traditional dispute resolution mechanisms can be utilized for civil matters.  | TDR research was conducted and a report incorporating feedback from over 700 respondents was produced.   |          |
|   |  | Support <i>Huquq</i> Department in translating and disseminating the assessment report   | The latest version of the report was translated into Dari and submitted to the MOJ.  |          |
| 3.1.2 No national policy or legislation on State/non-State cooperation in the justice sector.   | 3.1.2 One research based advocacy report on alternative dispute resolution mechanisms focusing on civil cases finalized. | Support MOJ in the organization of a national conference to regulate TDR mechanism   | This activity has been postponed to 2015.  |          |
|   |  | Channel experiences and lessons learned on dispute resolution mechanisms from the Helmand CBDR workshops and DCC/JSC model into national level policy discussions.   | Engagement with actors from Helmand province took place during a field mission to Kandahar and in Kabul. Organization of the Helmand Community Based Dispute Resolution (CBDR) workshop has been postponed to 2015 due to security challenges and movement constraints.        |          |
|   |  | Provide technical and advisory support to relevant stakeholders (Municipalities, representatives of line ministries, street vendors associations) in the strengthening of the national legal framework and formulation of policies to improve socio-economic conditions of street vendors. | Draft policy paper has been adopted by the national TCC in Kabul and will be addressed at the national mayors' conference in early 2015<br>Technical support provided on the Labor Bill and the Traffic Bill.<br>TCCs conducted in Kabul, Herat, Jalalabad and Mazar-i-Sharif. |          |
|   |  | Support Kabul Municipality in the organization of a National Discussion Workshop on draft National Policy for Street Vendors including stakeholders from all urban areas in Afghanistan  | The National Discussion Workshop has been postponed to Q1 of 2015 because of lengthy election process.   |          |

| 2014 Baseline | 2014 Annual Targets | Q3 2014 Planned  | Q3 2014 Actual  | Comments |
|---------------|---------------------|--|---|----------|
|               |                     | .Support <i>Taqnin</i> Department in the inclusion of street vendors related laws in the 2014 legislative calendar and engagement with relevant MPs in preparation for having a national legislation on street vendors | Technical support has been provided to the Legislative Department of the MOJ on the Labor Bill and the Traffic Bill.  |          |
|               |                     | Ensure regular assistance for the organizations of regular Technical Committees meetings for street vendors, anchored to the Municipalities of Kabul and Herat   | In November, JHRA engaged with the <i>Taqnin</i> department of MOJ and initiated reviews of five laws that relate to legal empowerment of street vendors. The laws include Labor, Municipal, Traffic, Consumer Protection and Food Law/Public Health Law. JHRA published 300 copies of a brochure on street vendor rights and responsibilities. |          |
|               |                     | Support organization of a workshop in Kabul with relevant Mayors representing at least 5 provinces with ASGP support.  | National workshop has been postponed to early 2015.   |          |
|               |                     | Support Kunduz and Helmand municipalities in the organization of their Technical Committees on street vendors  | Sustained efforts were made to expand TCCs to Kunduz Town; these efforts failed due to the deteriorating security situation in Kunduz Town. Efforts to expand the TCCs to Helmand were also frustrated due to the security situation.   |          |
|               |                     | Undertake survey for generating further statistical data on street vendors in Kabul city   | A college student-led survey was conducted in the city of Kabul to generate statistical data on street vendors.   |          |
|               |                     | Support organization of exposure visit of key national stakeholders (Municipality, MOJ, MoLSS, MPs) abroad to share best practices on policies and legal framework for informal economy actors (street vendors)        | In agreement with GDMA, this activity has been rescheduled to 2015 due to delays surrounding the election.  |          |

| 2014 Baseline   | 2014 Annual Targets                           | Q3 2014 Planned  | Q3 2014 Actual  | Comments |
|---|---|--|---|----------|
|   |   | Strengthen partnerships and consultation mechanisms between community police and street vendors groups/associations  | The process of supporting the dialogue between the police and street vendors has begun in the towns of Herat, Jalalabad and Kabul through the framework of the TCCs in those cities.  |          |
| 3.2 Capacity Assessment conducted in 2011, Action Plan finalized in 2013. No strategy in place. | 3.2 AIHRC Strategic Plan 2014-2019 finalized. | Facilitate AIHRC partnerships with other NHRIs in the Asia-Pacific region, such as Philippines, on knowledge transfer on human rights education.   | With Component 3 technical and financial support, a field mission to the Commission of Human Rights of the Philippines was undertaken by three AIHRC officials  |          |
|   |   | Provide technical and advisory support for the formulation of the AIHRC Strategic Plan.  | As a result of JHRA technical, advisory and financial support, the AIHRC produced its Strategic Plan for the period 2014-2018. JHRA advised the AIHRC in the formulation of an action plan  |          |
|   |   | Assist HRSU for production of HR training materials.   | Three handouts were produced with Component 3 support.  |          |
|   |   | Provide technical and financial support to AIHRC to engage with targeted community radio stations and broadcast relevant human rights message on right to vote   | Between 21 and 23 Sept, UNDP/JHRA in close cooperation with AIHRC, MOJ, MoIC and NAI, a media support organization, delivered a three-day training programme on human rights and justice issues. This training targeted 44 community radio stations. Staff from the PLAU also attended the training.  |          |
|   |   | Provide technical and financial assistance to AIHRC to attend UPR review   | This activity has been postponed to 2015.   |          |
|   |   | Provide technical and advisory support to AIHRC in the establishment of a Human Rights Training Centre to serve as a centre of excellence in developing human rights knowledge among justice officials and students. | JHRA advised the AIHRC on the inclusion of the Human Rights Training Centre into the Commission's Strategic Plan. Furthermore, the project has supported the formulation of the AIHRC Action Plan which contains specific activities regarding the establishment of the Human Rights Training Centre. |          |

| 2014 Baseline | 2014 Annual Targets | Q3 2014 Planned   | Q3 2014 Actual   | Comments |
|---------------|---------------------|---|--|----------|
|               |                     | Support and facilitates synergies between the AIHRC Human Rights Training Centre and other international human rights institutes/centres with the objective of sharing knowledge, materials and human resources.                        | JHRA supported a study tour for three AIHRC officials to the Philippines Human Rights Commission which contributed to sharing best practices in the areas of capacity development activities and knowledge management sharing. |          |
|               |                     | Facilitate one experiential learning tour to regional HRC to develop guidelines related to civil and political rights   | See above. This tour exposed Afghan officials on relevant documentation related to civil and political rights developed by the Philippines Human Rights Commission.  |          |
|               |                     | .Finalize mapping of CSOs engaged in human rights and legal awareness and organize workshop with relevant stakeholders to present findings  | A mapping of CSOs working on human rights and legal awareness interventions at the central and provincial levels has been finalized. The findings of this mapping have already been shared with the MOJ and the AIHRC.         |          |
|               |                     | Conduct a capacity needs assessment of targeted community radio stations in Kabul and Herat   | A mapping of community radio stations in Kabul has been conducted. Expect to target Herat in 2015.   |          |
|               |                     | Formulate and implement targeted training programmes to selected CSOs, including community radio stations, as well as line Ministries, including the Ministry of Education, on human rights awareness and social accountability issues. | Training programs were held for AIHRC officials, NGO and media participants.   |          |
|               |                     | Engage CSOs and AIHRC in assessing human rights compliance with traditional justice resolution mechanisms.  | AIHRC and relevant CSOs were engaged to finalize the field survey on TDR.  |          |
|               |                     | Support AIHRC in developing training tools and strengthening staff knowledge on business rights related issue.  | This activity has been postponed to 2015.  |          |

| 2014 Baseline   | 2014 Annual Targets  | Q3 2014 Planned   | Q3 2014 Actual   | Comments |
|---|--|---|--|----------|
| 3.3 National Public Legal Awareness Institutional Strategy launched in 2011. No communications strategy in place. | 3.3 Communications strategy for MOJ developed and implemented by MOJ PLAU. | .Socialize to MOJ representatives assessment report of media service providers  | Assessment of media service providers undertaken to support the formulation of an informed communications strategy for the MOJ PLAU.   |          |
|   |  | Provide advisory support for the formulation of the MOJ Communication Strategy  | The PLA Communications strategy was developed and approved by MOJ. Its official launch took place in November.   |          |
|   |  | Translate and disseminate Communication Strategy report   | The Communication Strategy has been translated into Dari and Pashto.   |          |
|   |  | Initiate media campaign for public legal awareness activities. Legal issues for mobile media development identified; develop mechanisms for dissemination; production of media materials on legal issues. | Contracting companies provided provincial DOJ staff and regional PLAU staff with training on the implementation of the communication strategy. JHRA provided support to PLAU for the production and dissemination of outreach materials. |          |
|   |  | PLAU media monitoring and capacity development interventions  | Media monitoring was done by contracting companies and the results were used to develop the communication strategy.  |          |
|   |  | Facilitate partnerships between PLAU and media companies to raise public legal awareness.   | Contracting companies are currently training PLAU staff, teaching them how to engage with media and produce knowledge products.  |          |
|   |  | Provide technical and advisory support to PLAU management in the formulation of the 2014 Action Plan.   | JHRA engaged with PLAU for the formulation of its 1393 Action Plan.  |          |
|   |  | Assist in the PLAU in engaging with Religious leaders of Kabul, Nangarhar, Herat and Balkh provinces to raise legal awareness on legal issues, including inheritance, gender equality and land issues.    | This activity was not implemented because not deemed a priority for the MOJ during the course of the year.   |          |
|   |  | Technical and advisory support for institutionalization and regular meetings  | Regulation canceled because new acting interim minister did not accept it.   |          |

| 2014 Baseline | 2014 Annual Targets | Q3 2014 Planned  | Q3 2014 Actual  | Comments |
|---------------|---------------------|--|---|----------|
|               |                     | of Public Legal Awareness Coordination Committee linking line Ministries, AIHRC and targeted CSOs  | PLAU, with technical support from JHRA, will draft an alternative mechanism of coordination and present it to MOJ leadership for endorsement.   |          |
|               |                     | Support printing of relevant PLAU outreach materials   | PLAU and <i>Taqnin</i> consulted on the brochure for street vendors, which is printed in both Dari and English. Three booklets and three brochures were printed. Notebooks with legal messages were also produced.  |          |
|               |                     | Facilitate at least 3 coordination meetings among PLAU, Community Development Councils and DDAs to further awareness raising among religious leaders and communities.                  | As suggested by the MOJ, this activity has been postponed to 2015.  |          |
|               |                     | Design and implement a management training programme for key PLAU staff on planning, monitoring and evaluation possible with relevant training centres in the Asia-Pacific region      | This activity will take place during the first quarter of 2015.   |          |
|               |                     | Technical and advisory support to PLAU in developing and disseminating relevant outreach products on economic, social and cultural rights with focus on legal empowerment of citizens. | A capacity needs assessment for PLAU was being conducted to advise on the development of materials. A Legal Empowerment for the Poor brochure for Herat, focusing on dos and don'ts for street vendors, has been formulated. PLAU's outreach materials were disseminated during celebration of Human Rights Day at Kabul University. PLAU Facebook was launched for wider dissemination of outreach messages. |          |



## **OUTPUT 4: Monitoring and evaluation capacity in place**

Monitoring and evaluation is an embedded concept and an essential requirement of every project or program. In a situation where resources are increasingly limited, M&E is of paramount importance. JHRA emphasizes the importance of M&E in the second phase of the project to compile lessons learned, establish best practices, increase internal and external accountability of resources used and results obtained, and make informed decisions on the future of the project.

Nevertheless, as was noted in the mid-term evaluation, the monitoring and evaluation framework of JHRA Phase II is still weak. This has partly to do with the fact that data collection, analysis and transparency is weak in Afghanistan. JHRA Phase II has therefore invested considerably in the development of data collection processes through the ROLIS, capacity assessments and other surveys. It is expected that, as a result, any successor project will have a much stronger M&E framework.

JHRA Phase II has also invested, thorough programmatic and mid-term evaluations, to ensure lessons learned are captured and followed up on. The evaluations, based on the data gathered from monitoring, inform strategic decisions, in turn improve the relevance, effectiveness, efficiency, impact and sustainability of the JHRA project.

### **4.1. Number of Project Steering Committee meetings convened.**

In 2014, there was change in the senior leadership of the MOJ. Furthermore the majority of the year was taken up with elections. One Project Steering Committee (PSC) and one technical coordination committee meeting were held during the year.

The PSC approved the budget for 2014. At this meeting detailed discussions were undertaken on the funding gaps for the year and that certain budgetary cutbacks were made to ensure that priority areas were addressed. The general view of the PSC was that since the AWP could be revised based on availability of fresh funds. Further it was agreed by the PSC that the project should proceed with the mid-term evaluation. Another decision was made to arrange for greater coordination with all three human rights institutions to promote greater impact in the work.

The first Technical Coordination Committee was also held during Q4 to scrutinize some of the key areas of the project: the LAGF, NLTC, Street Vendor's Project and the research paper on the Jirga and Shura Law. It was agreed at this meeting that further joint discussions on the project would be essential to monitor progress.

The mid-term evaluation decided that steering committee meetings and the overall JHRA governance structure should be further strengthened and improved. Measures have been and will be taken in 2015 to ensure that this occurs.

*Indicator 4.1.a: Approved project budget in Atlas.*

The annual target for this activity is “project plans (Annual Work Plan, Human Resources, Procurement, M&E) and budgets are prepared, reviewed and revised on a timely basis.” The Annual Work Plan for 2014 was revised once in Q3 to ensure that the project delivery was fully aligned to the availability of resources.

Details of the budget and expenditures is in the annexes.

*Indicator 4.1.b: Evaluation reports.*

The annual target for this activity is “mid-term evaluation conducted.” In Q3 and Q4, one international evaluator and one national evaluator completed the mid-term project evaluation. A range of preliminary recommendations were discussed by the consultant with the project staff, UNDP Senior Management, donors, stakeholders and national counterparts in order to finalize them. The recommendations of the final mid-term evaluation report were approved by the UNDP and these will be undertaken in a time bound manner in the AWP 2015 and while designing the next phase of justice and human rights project in 2015. The management responses to the recommendations were also finalized by the last quarter of 2014 for implementation in 2015.

During Q3, UNDP senior management took a decision to undertake a management structure evaluation with the help of a UNDP expert to provide an overall assessment of the project’s management structure and the relationship between the project management, including pillar managers, and the project’s government counterparts. The evaluation provided recommendations on how to more clearly define the roles within JHRA’s management structure and how to improve the relationship between the project and its government counterparts so that it can engage government more substantially and effectively. JHRA’s Management Structure Evaluation covered the interventions carried out from the inception of the JHRA Phase II project on 1 Jan 2013 to August 2014. Target groups for the evaluation included national authorities, UN personnel, strategic partners, and individuals within these groups. Several of the recommendations made by the management review were expeditiously adopted in the last quarter of 2014 while others will be implemented in 2015.

The management review and the mid-term evaluation were undertaken concurrently to ensure a harmonized approach to the two reports.

During 2014, 34 monitoring missions were undertaken by the project staff and project management to review progress of the project. Further, on a regular basis office meetings, coordination meetings with programme unit and other operations units of UNDP were undertaken.

#### **4.2. AWP, HR, Procurement and M&E plans approved as per established CO timeline and reviewed on a quarterly basis.**

*Indicator 4.2a: The % of AWP, HR, Procurement and M&E plan implementation.*

Based on provisional financial expenditure reports in Mid-January 2015, 81% of the total AWP was delivered. The disbursement of funds were closely monitored by all project components and the project management on a weekly basis. To keep the disbursement on track, the AWP was revised in Q4 2014 to ensure that a realistic plan could be finally implemented. The HR Plan was fully implemented. The position of an operations manager was initially identified under a service contract. This was revised to an international IC position based on the recommendations of the mid-term evaluation. This recruitment will be undertaken in 2015. 60% of the procurement plan was implemented. However, certain high threshold equipment such as cars and translation equipment could not be procured within 2014 due to non-availability of the goods within the country.

Further in 2014 two audits were conducted on the 2013 expenses of JHRA II. Both audits provided satisfactory results.

*Indicator 4.2b: Quality and timeliness of project progress reports.*

Since the recruitment of JHRA's reporting and communications officer, the project has continued to produce regular quarterly reports to update donors and government on project activities and achievements.

### **EXPENSES FOR THE YEAR**

During 2014, a total of USD 1,176,404 was spent for this output. For more details, please see Annex 2.

**Table 4: 2014 Progress for Output 4**

| 2014 Baseline  | 2014 Annual Targets                                 | Q3 2014 Planned   | Q3 2014 Actual   | Comments |
|--|---|---|--|----------|
| 4.1.a 2014 project budget not yet approved in Atlas. | 4.1.a 2014 project budget not yet approved in Atlas | Undertake annual review of project progress.  | <ul style="list-style-type: none"> <li>• JHRA completed one mid-term evaluation with one international and one national evaluator.</li> <li>• AWP 2014 was approved by PSC. One revision of the AWP was undertaken in Q4 2014.</li> </ul>  |          |
| 4.1.b No project evaluations conducted.              | 4.1.b No project evaluations conducted.             | Undertake 2 review and analyse project progress through regular internal assessments, UNDP monthly team meetings, and cluster meetings. | <ul style="list-style-type: none"> <li>• International and national mid-term evaluators finalized recommendations to UNDP. These recommendations were accepted and the implementation process was initiated in December 2014. It was agreed that further recommendations would be implemented in 2015 and while designing the next phase of justice and human rights project.</li> <li>• A management review of the project was decided by UNDP senior management to streamline the management of the project so that it can effectively coordinate with the national counterparts. The implementation of the recommendations of the review were initiated in Q4.</li> </ul> |          |
| 4.1.c 2013 Project Steering Committee meeting held.  | 4.1.c 2013 Project Steering Committee meeting held. | Provide management support to the project components.   | <ul style="list-style-type: none"> <li>• AWP 2014 approval process at PSC.</li> <li>• One technical coordination committee undertaken</li> <li>• Six Monthly coordination meetings within the project undertaken.</li> <li>• Four donor meetings undertaken on progress of JHRA</li> <li>• One annual retreat organized to discuss re-design of JHRA.</li> <li>• One office meeting organized based on recommendations of mid-term evaluation and management review.</li> </ul>  |          |

| 2014 Baseline  | 2014 Annual Targets   | Q3 2014 Planned                   | Q3 2014 Actual  | Comments |
|--|---|-----------------------------------|---|----------|
| <p>4.2.a 2014 AWP, HR, Procurement and M&amp;E plans not yet implemented.</p> <p>4.2.b Project progress reports delivered in a timely and quality fashion.</p> | <p>4.2.a Compliance with UNDP rules and regulations in carrying out project activities</p> <p>4.2.b Effective and Efficient management and reporting of resources (receivables, budgets, expense, personnel and assets)</p> | <p>Project operation support.</p> | <ul style="list-style-type: none"> <li>• AWP package reviewed regularly for 2014.</li> <li>• Five one Stop Shop meetings between Operations Team of JHRA and UNDP Country Office.</li> <li>• Four meetings between project, programme unit and UNDP Senior Management undertaken.</li> <li>• Weekly coordination meetings held with all project components.</li> <li>• One NIM audit conducted on funds transferred to MOJ account.</li> <li>• One DIM audit conducted on funds that were utilized for direct implementation.</li> <li>• One spot check conducted on specific project based areas.</li> <li>• Weekly project disbursement &amp; tracking undertaken.</li> </ul> |          |

### III. GENDER-SPECIFIC RESULTS

JHRA works to ensure that gender priorities are not only included in all project programming, but that they are implemented in a way that takes into account the fundamental differences in the way women and men function within society, receive information, and are able to transfer skills through their unique networks. The project works hard with other units within UNDP and its government counterparts to address any new or exceptional needs for women as they arise. Therefore, gender considerations have been integrated throughout the project's activities.

In Q3, the recruitment process for a leadership trainer for MOJ women was initiated based on the request received from their ministry to provide leadership and negotiation skills training to the women. This training is expected to complement the computer and English classes that the women staff have undergone to build the overall professional capacity of the women employees of the MOJ.

Further during this period the MOJ requested UNDP to provide support to the Family Law drafting process through specific request to undertake an experiential learning mission to an Islamic country which has recently enacted a contemporary Family Law. Based on this JHRA has developed a data base of legal researchers in this area with the Asia Pacific Regional Centre in Bangkok and also undertaken detailed discussions with some experts in Morocco for support towards this study.

Further, in the ROLIS care has been taken to ensure that there are indicators and questions included in the FGD sessions that address the concerns of violence against women and how justice sector institutions are combating this as a priority issue.

With the establishment and activation of the LAGF, JHRA has worked with AIBA and the MOJ Legal Aid Department to ensure that cases involving women, particularly cases of gender-based violence, are prioritized among the cases selected for subsidy through the facility. A total of 73 women lawyers are registered with under the LAGF, and 96 female clients have had their cases taken up by the LAGF lawyers.

During 2014, ERAW court-related activities were initiated with one international and national expert who prepared detailed curriculum for prosecutors on how to undertake settlements and prepare robust indictments for the women victims of violence. Also, detailed discussions were undertaken with individual judges of the High Council of Judges of the Supreme Court, the MOWA, Ministry of Hajj and Religious Affairs, UN Agencies, civil society groups and the Deputy Governors of Herat and Balkh on the concept design of the ERAW court. Further detailed discussions were also undertaken with the Women's Commission of the Meshrano Jirga on the views and feedback on the requirements while developing the ERAW Court briefing paper.

## IV. PARTNERSHIPS

- **MOJ**

Activities including workshops and training sessions continued with the MOJ based on the letter of agreement, in which technical and financial support is extended by UNDP to MOJ departments such as the *Taqnin*, PPD, HRSU, and PLAU for 2014.

- **AIBA**

JHRA strengthened its partnership with AIBA this year as the first cases were taken up by AIBA lawyers through the LAGF. JHRA also supported the AIBA in the opening of its regional sub-office in Helmand, which will operationalize the LAGF in that province. The opening of the office will also enable law students in Helmand to take their exams at the provincial level.

- **Municipal Governments**

JHRA continued its work with the municipal governments of Kabul, Herat and Mazar-e-Sharif in Q3. TCC meetings were conducted on the legal empowerment of street vendors which incorporated municipal officials in each of these cities. A national conference to develop a country-wide policy on street vendors incorporating mayors from 10 provinces is expected to be held in early 2015.

- **AIHRC**

JHRA provided financial and technical support for the development of AIHRC's strategic plan developed earlier this year. In Q3, the report was finalized. A JHRA consultant is also providing an orientation for AIHRC regional staff on the strategic plan and how to conduct investigations. This year JHRA also conducted an exposure visit for AIHRC staff to the Philippines.

- **UN**

In 2014 JHRA worked with several other agencies and projects of the UN, leveraging synergies between them in order to further its work. JHRA worked with the ASGP on the street vendors' initiative in order to coordinate meetings of the TCCs in Herat, Mazar and Kabul. With the aim of raising the capacity of state justice providers, LOTFA and JHRA held training sessions for Herat, Mazar and Kabul for prosecutors and the FRUs of police. JHRA continued its coordination with UNODC to provide training for prosecutors, defense lawyers, police officers and legal advisors on Code of Conduct and Professional Standards for prosecutors of the AGO, Investigation Principles, and Afghanistan National Police Code of Conduct. This coordination capitalized on UNODC's existing expertise and training facility in these areas and extends their influence to JHRA's direct stakeholders, increasing the uniformity of information being provided to justice officials across the rule of law sector. With the United Nation Assistance Mission to Afghanistan's (UNAMA) Rule of Law Unit, JHRA continued to implement ROLIS. JHRA is also coordinating with UN Women to ensure that their NGO partners are fully aware of the services available through the LAGF to increase the number of cases submitted involving women detainees and those seeking refuge in shelters. HRSU is coordinating with UN Women to implement the specific recommendations of CEDAW.



## V. ISSUES

- **Change of Government**

The delays in the presidential election process have produced a vacuum in the decision making process in some of the key justice institutions. This has resulted in challenges in defining and understanding strategies in government for JHRA as a government partner and resulted in overall delays. It is expected that once the new administration is appointed pending activities can be sped up and new directions for 2015 may also emerge.

- **Absence of strategic national justice sector coordination body**

Related to the above point, justice sector interventions are generally difficult to implement due to the absence of a national justice sector coordination body. Elements of the justice chain are inter-connected. Decisions on crucial policies such as legal aid, State/non-State justice coordination and justice sector responses to gender-based violence affect all justice institutions. However, currently there does not exist a national body to formulate coherent GIROA positions on such issues among institutions. A national justice steering committee has been proposed under the National Priority Plan on Justice for All but has never been established.

- **Policy decisions on legal aid**

Other projects have impacted on the JHRA supported LAGF. Policy decisions at the level of the Legal Aid Department have made slow progress in anticipation of the development of the legal framework under the Justice Service Delivery Project (JSDP), which seems to have been delayed its implementation. The LAGF was designed around the legal aid work of the JSDP, therefore certain strategic decisions have been delayed.

## VI. RISKS

- **Uncertain financial sustainability**

Financial constraints continue to pose challenges for project delivery. Earmarking of funds by donors threatens to force the project to base priorities on availability of funds rather than on strategically focus on areas which have shown programmatic success. As was pointed out in the mid-term evaluation, just 50% of the funding originally envisioned for the project has been secured, leaving JHRA unable to accomplish certain objectives envisioned at the onset of the project. Risks include non-achievement of results, departure of crucial project staff in search of more stable job opportunities and deteriorating relations with government stakeholders because, for instance, the project will not be able to extend National Technical Assistance (NTA) contracts to the end of the year. To mitigate these risks the JHRA results framework has been adjusted and risks will be clearly communicated to all project partners including through project board meetings.

- **Security**

Security is a known risk in Afghanistan and many risk mitigation measures are in place within JHRA and UNDP. Nevertheless it remains an issue affecting the extent to which JHRA can deliver programming, particularly in more remote areas of the country and heightened security threats during elections have indeed led to some delays in delivery in 2014, despite mitigation measures taken. Among JHRA's security mitigation measures are the use of multiple contracting and engagement strategies to deliver programming. Through its National Regional Coordinators, JHRA has increased the coordination and oversight the

project is able to maintain with counterparts in the regions, and NTA or external contracts provide for fewer restrictions on movement due to UNDP security advisories.

## VII. LESSONS LEARNED

- **Planning and results based management**

JHRA Phase II has suffered from a number of planning assumptions that were not been clearly spelled out at the beginning of the project. These assumptions included sufficiency of resources and an assumption that other partners would implement some crucial justice sector reforms. In reality, of the project budget of USD 34,402,039, only USD 14 million was mobilized. Also the largest justice project in Afghanistan did not implement as planned. Both affected that results that JHRA could achieve but have not led to an adjustment of the results framework. The results framework is now adjusted for the last year of JHRA Phase II implementation, which will help a little bit in communicating results but came too late in project implementation. The design of the new JHRA successor project will strongly focus on developing a realistic and achievable results framework.

- **Partnerships**

Partnering is a good way to achieve results that JHRA, with its current means and resources, cannot achieve on its own. As such JHRA has strengthened its coordination with other projects, agencies and institutions in order to maximize the impact of its activities. Examples include UNAMA, UNWOMEN, IDLO and other UNDP projects. This has proven beneficial. However, as the mid-term evaluation concluded, more strategic approaches allowing for joint planning are required to leverage these partnerships in full. This will be a point of attention in the formulation of the JHRA successor project.

- **Stronger Country Office support**

As pointed out in the mid-term evaluation, and concluded in evaluations of other UNDP ROL projects<sup>1</sup>, capacity in the UNDP Country Office to adequately support JHRA and bring issues to attention of the senior management has been inadequate. This was a painful lesson learned when issues in JHRA surfaced last year that could have been addressed with more focus and attention from Country Office senior management. As a result the Country Office rule of law unit has been increasing its staff capacity.

## VIII. FUTURE PLANS

As per the recommendations of the mid-term review and the lessons learned, JHRA has refocused its activities for the year 2015. To that end, in consultation with donors and partners it has made some adjustments to the results framework and targeted project resources to more successful JHRA components in the 2015 Annual Workplan. In 2015 JHRA will implement this workplan. Also in 2015, the UNDP Country Office and JHRA will jointly develop the new JHRA successor project in collaboration with stakeholders, building on the recommendations of the JHRA mid-term and other UNDP Country Office reviews.

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<sup>1</sup> UK Due Diligence Assessment on LOTFA of September 2014; JHRA Mid-Term Evaluation of December 2014

## IX. ANNEXES

### A. ANNEX 1: FINANCIAL TABLE

#### The Interim Donor Report for the period ended 31 Dec 2014 for (JHRA II)

##### Annex 1. Financial Table

| Donor Name         | COMMITMENT/ PAST YEARS RECORD |                                  |                         | CURRENT YEAR (2014)  |                             |                          |                   |                  |                               | FUTURE EXPENSES                            |   | TOTAL RECEIVABLE       |                |                                   |
|--------------------|-------------------------------|----------------------------------|-------------------------|----------------------|-----------------------------|--------------------------|-------------------|------------------|-------------------------------|--|---|------------------------|----------------|-----------------------------------|
|                    | Commitment (a)                | Revenue Collected 31/12/2013 (b) | Expenses 31/12/2013 (c) | IPSAS Adjustment (d) | Opening Balance E=(b - c+d) | Contribution Revenue (f) | Other Revenue (g) | Expenses (h)     | Closing Balance I=(e+f+g - h) | Commitments (Unliquidated Obligations) (j) | Undepreciated of fixed Assets and Inventory (k) | (Future Due) L={a-b-f} | (Past Due) (m) | Available Resources N={ i- j-k-m} |
| DENMARK            | 845,688                       | 759,688                          | 428,207                 |                      | 331,481                     | 86,000                   | 36                | 191,278          | 226,239                       | 32,646                                     | 5,749   | -                      | -              | 187,844                           |
| DFAIT              | 320,224                       | 122,071                          | 18,081                  |                      | 103,990                     | 198,153                  | -                 | 298,849          | 3,294                         | -  | -   | -                      | -              | 3,294                             |
| ITALY              | 2,010,871                     | 2,010,871                        | 836,726                 |                      | 1,174,145                   | -                        | 9                 | 1,000,558        | 173,596                       | 32,944                                     | 5,749   | -                      | -              | 134,902                           |
| NETHERLAND         | 249,223                       | 249,223                          | 213,798                 |                      | 35,425                      | -                        | -                 | -                | 35,425                        | -  | -   | -                      | -              | 35,425                            |
| NETHERLAND         | 2,490,000                     | 1,083,899                        | 360,995                 | 4,867                | 727,771                     | 1,014,925                | 18                | 1,433,895        | 308,819                       | 60,709                                     | 4,299   | 391,176                | -              | 243,811                           |
| NORWAY             | 13,372                        | 13,372                           | 13,371                  |                      | 1                           | -                        | -                 | -                | 1                             |  | -   | -                      | -              | 1                                 |
| SDC                | 769,991                       | 769,991                          | 577,638                 |                      | 192,353                     | -                        | -                 | 188,442          | 3,911                         | 3,870                                      | -   | -                      | -              | 41                                |
| SDC                | 3,000,000                     | 1,800,000                        | 345,305                 |                      | 1,454,695                   | 900,000                  | 6                 | 1,150,963        | 1,203,738                     | 231,599                                    |   | 300,000                |                | 972,138                           |
| UNDP               | 2,999,809                     | 2,460,278                        | 2,460,278               |                      | -                           | 539,531                  | -                 | 510,399          | 29,132                        | 39,401                                     | 50,101  | -                      | -              | (60,369)                          |
| UNDP BCPR          | 450,000                       | -                                | -                       |                      | -                           | 450,000                  | -                 | 327,223          | 122,777                       | -  | -   | -                      | -              | 122,777                           |
| <b>Grand Total</b> | <b>13,149,178</b>             | <b>9,269,392</b>                 | <b>5,254,399</b>        | <b>4,867</b>         | <b>4,019,860</b>            | <b>3,188,609</b>         | <b>70</b>         | <b>5,101,607</b> | <b>2,106,932</b>              | <b>401,169</b>                             | <b>65,898</b>                                   | <b>691,176</b>         | <b>-</b>       | <b>1,639,864</b>                  |

##### Note:

i) The figures provided in the above statement are provisional; the final figures will be known once the 2014 year closure exercise is completed.

ii) Income received in currency other than USD is approximated to USD based on UN- Operational Rate of Exchange applied.

## B. ANNEX 2: EXPENSES BY OUTPUT

### The Interim Donor Report for the period ended 31 Dec 2014 for (JHRA II)

#### Annex 2. Expenses by Output

| Project Output ID and Description   | 2014 Budget (AWP) | Cumulative Expenses (Jan - Dec 2014) | Delivery Rate | Remarks |
|---|-------------------|--------------------------------------|---------------|---------|
| Output 1: (00085458) High-level coordination mechanisms for developing policy and legislation in accordance with international and national standards are established and functional in State justice institutions. | 2,220,654         | 1,577,825                            | 71%           |         |
| <b>Sub-total Output 1</b>   | <b>2,220,654</b>  | <b>1,577,825</b>                     | <b>71%</b>    |         |
| Output 2: (00085459) Mechanisms to provide quality justice services to vulnerable groups are established and functional (NPP 5, component 1)  | 1,679,143         | 1,390,710                            | 83%           |         |
| <b>Sub-total Output 2</b>   | <b>1,679,143</b>  | <b>1,390,710</b>                     | <b>83%</b>    |         |
| Output 3: (00085460) Public participation processes and knowledge base for improving access to justice and human rights compliance established.   | 1,300,539         | 956,668                              | 74%           |         |
| <b>Sub-total Output 3</b>   | <b>1,300,539</b>  | <b>956,668</b>                       | <b>74%</b>    |         |
| Output 4: (00085461) Project Support Unit: Internal oversight, monitoring and evaluation capacity in place.   | 1,266,194         | 1,176,404                            | 93%           |         |
| <b>Sub-total Output 4</b>   | <b>1,266,194</b>  | <b>1,176,404</b>                     | <b>93%</b>    |         |
| <b>Grand Total</b>  | <b>6,466,530</b>  | <b>5,101,607</b>                     | <b>79%</b>    |         |

## C. ANNEX 3: EXPENSES BY DONOR

### The Interim Donor Report for the period ended 31 Dec 2014 for (JHRA II)

#### Annex 3. Expenses by Donor

| Donor Name       | Project Output ID and Description   | 2014 Budget (AWP) | Cumulative Expenses (Jan- Dec-2014) | Delivery Rates |
|------------------|---|-------------------|-------------------------------------|----------------|
| DENMARK          | Output 1: (00085458) High-level coordination mechanisms for developing policy and legislation in accordance with international and national standards are established and functional in State justice institutions. | 89,511            | 64,663                              | 72%            |
|                  | Output 2: (00085459) Mechanisms to provide quality justice services to vulnerable groups are established and functional (NPP 5, component 1)  | 203,915           | 125,863                             | 62%            |
|                  | Output 3: (00085460) Public participation processes and knowledge base for improving access to justice and human rights compliance established.   | 37,450            | 752                                 | 2%             |
| <b>Sub-Total</b> |   | <b>330,876</b>    | <b>191,278</b>                      | <b>58%</b>     |
| ITALY            | Output 1: (00085458) High-level coordination mechanisms for developing policy and legislation in accordance with international and national standards are established and functional in State justice institutions. | 69,550            | 28,585                              | 41%            |
|                  | Output 2: (00085459) Mechanisms to provide quality justice services to vulnerable groups are established and functional (NPP 5, component 1)  | 1,054,596         | 938,527                             | 89%            |
|                  | Output 4: (00085461) Project Support Unit: Internal oversight, monitoring and evaluation capacity in place.   | 50,000            | 33,446                              | 67%            |
| <b>Sub-Total</b> |   | <b>1,174,146</b>  | <b>1,000,558</b>                    | <b>85%</b>     |
| NETHERLANDS      | Output 1: (00085458) High-level coordination mechanisms for developing policy and legislation in accordance with international and national standards are established and functional in State justice institutions. | 1,544,589         | 1,063,306                           | 69%            |
|                  | Output 2: (00085459) Mechanisms to provide quality justice services to vulnerable groups are established and functional (NPP 5, component 1)  | 199,632           | 122,683                             | 61%            |
|                  | Output 4: (00085461) Project Support Unit: Internal oversight, monitoring and evaluation capacity in place.   | 279,510           | 247,906                             | 89%            |
| <b>Sub-Total</b> |   | <b>2,023,731</b>  | <b>1,433,895</b>                    | <b>71%</b>     |
| UNDP BCPR        | Output 1: (00085458) High-level coordination mechanisms for developing policy and legislation in accordance with international and national standards are established and functional in State justice institutions. | 190,000           | 87,013                              | 46%            |
|                  | Output 2: (00085459) Mechanisms to provide quality justice services to vulnerable groups are established and functional (NPP 5, component 1)  | 214,000           | 200,598                             | 94%            |
|                  | Output 4: (00085461) Project Support Unit: Internal oversight, monitoring and evaluation capacity in place.   | 46,000            | 39,612                              | 86%            |
| <b>Sub-Total</b> |   | <b>450,000</b>    | <b>327,223</b>                      | <b>73%</b>     |

|                    |  |                  |                  |            |
|--------------------|--|------------------|------------------|------------|
| SDC                | Output 1: (00085458)High-level coordination mechanisms for developing policy and legislation in accordance with international and national standards are established and functional in State justice institutions. | 183,012          | 188,442          | 103%       |
|                    | Output 3: (00085460) Public participation processes and knowledge base for improving access to justice and human rights compliance established.  | 1,263,089        | 952,899          | 75%        |
|                    | Output 4: (00085461) Project Support Unit: Internal oversight, monitoring and evaluation capacity in place.  | 200,000          | 198,063          | 99%        |
| <b>Sub-Total</b>   |  | <b>1,646,101</b> | <b>1,339,404</b> | <b>81%</b> |
| DFAIT              | Output 1: (00085458)High-level coordination mechanisms for developing policy and legislation in accordance with international and national standards are established and functional in State justice institutions. | 103,992          | 103,991          | 100%       |
|                    | Output 4: (00085461) Project Support Unit: Internal oversight, monitoring and evaluation capacity in place.  | 198,153          | 194,858          | 98%        |
|                    |  | <b>302,146</b>   | <b>298,849</b>   | <b>99%</b> |
| UNDP               | Output 1: (00085458)High-level coordination mechanisms for developing policy and legislation in accordance with international and national standards are established and functional in State justice institutions. | 40,000           | 41,825           | 105%       |
|                    | Output 2: (00085459) Mechanisms to provide quality justice services to vulnerable groups are established and functional (NPP 5, component 1)   | 7,000            | 3,040            | 43%        |
|                    | Output 3: (00085460) Public participation processes and knowledge base for improving access to justice and human rights compliance established.  | -                | 3,017            | 0%         |
|                    | Output 4: (00085461) Project Support Unit: Internal oversight, monitoring and evaluation capacity in place.  | 492,531          | 462,518          | 94%        |
| <b>Sub-Total</b>   |  | <b>539,531</b>   | <b>510,399</b>   | <b>95%</b> |
| <b>Grand Total</b> |  | <b>6,466,530</b> | <b>5,101,607</b> | <b>79%</b> |

Note:

- i) The opening balance for year 2014 under SDC donor - output 00085458 was US\$ 192,353, since the donor fund was expiring by end of Nov 2014 therefore the project tried to fully spend the donor fund before the expiry date.
- ii) The over - spent balance and expense without budget under UNDP donor are due to clearance of 2013 outstanding commitments in the year 2014.



## D. ANNEX 4: RISK LOG

| # | DESCRIPTION   | DATE IDENTIFIED | TYPE                       | IMPACT & PROBABILITY   | COUNTERMEASURES/MNGT. RESPONSE  | OWNER   | SUBMITTED BY | STATUS   |
|---|---|-----------------|----------------------------|--|---|---|--------------|--|
| 1 | Lack of security  | ongoing         | Environmental<br>Political | <ul style="list-style-type: none"> <li>• Potential risk of injury or death to project staff and contractors</li> <li>• Potential impact on activities – delayed or rescheduled activities</li> <li>• Lack of security in provinces and districts in which UNDP-JHRA will carry out programming continues to impede project implementation.</li> <li>• Subsequently, in addition to implementation, the security situation has also particular impact on the project's ability to monitor activities through field assessments.</li> </ul> <p>I: 2<br/>P: 5</p> | <ul style="list-style-type: none"> <li>• Comply with UNDSS security arrangements</li> <li>• Contract security services for physical security.</li> <li>• Obtain security clearances for internal travel</li> <li>• Conduct conflict assessment as part of selection of districts</li> <li>• Contract external organizations where required</li> </ul> | National Project Manager, CTA                             | Staff        | <ul style="list-style-type: none"> <li>• JHRA worked closely with UNDSS to monitor the security situation in Kabul and the provinces for all missions.</li> <li>• JHRA used ANP armed escorts for road missions and additional security for large events.</li> <li>• Security did affect programming as Mission planning consumes large amounts of time and coordination between various agencies.</li> <li>• Workshops at the district level have been postponed due to security advisory. Data collection on State and non-State cooperation in the justice sector could not take place in Herat.</li> </ul> |
| 2 | Extent of GIRoA support for all components of the Project | ongoing         | Political                  | <ul style="list-style-type: none"> <li>• Project will require political support and coordination with several GIRoA institutions</li> </ul> <p>I: 4<br/>P: 4</p>   | GIRoA counterparts involved in the Project Steering Committee to promote ownership and ensure the project meets GIRoA priorities  | CTA, Project Manager and Rule of Law Unit Program Officer | Staff        | <ul style="list-style-type: none"> <li>• Project Steering Committee (PSC) and Technical Coordination Committee.</li> </ul>   |

| # | DESCRIPTION  | DATE IDENTIFIED                               | TYPE      | IMPACT & PROBABILITY   | COUNTERMEASURES/MNGT. RESPONSE   | OWNER   | SUBMITTED BY                      | STATUS   |
|---|--|---|-----------|--|--|---|-----------------------------------|--|
| 3 | Recruitments/<br>Risk of delays in recruitment of key project staff  | ongoing                                       | Ops       | <ul style="list-style-type: none"> <li>Delays in appointment of key staff will delay the implementation of technical activities, and limit project oversight of other activities</li> </ul> I: 3<br>P: 3 | Project recruitment plan listing planned recruitments and target dates will be followed up closely.                  | CTA,<br>Project Manager/<br>Human Resources Assistant                 | CTA/<br>Human Resources Assistant | <ul style="list-style-type: none"> <li>The Project is currently almost fully staffed. Much of this was the result of lengthy internal processes.</li> </ul>  |
| 4 | High LoA staff turnover:<br>With the implementation of the NTA salary scale, there is a huge risk of losing qualified staff at the Translation Board and HRSU. | After development of NTA salary scale started | Ops       | <ul style="list-style-type: none"> <li>Losing staff at the Translation Board and the HRSU will risk the achievements of annual targets.</li> </ul> I : 3<br>P : 3  | A robust capacity development plan would mitigate some of the staff turnover amongst the NTA salaried staff in 2015. | National Project Manager/<br>Human Resources Assistant                | HRSU/<br>Translation Board        | <ul style="list-style-type: none"> <li>Foster leadership both at HRSU, Translation Board and PPD.</li> <li>Delays in processing of NTA salaries due to technical reasons.</li> </ul>   |
| 5 | Sensitivity surrounding Gender Mainstreaming   | Q2  | Political | <ul style="list-style-type: none"> <li>Limited gender programming</li> </ul> I : 3<br>P : 4  | Project implementation is based on national priorities such as the NAPWA.  | CTA,<br>National Project Manager,<br>component managers,<br>key staff | staff                             | <ul style="list-style-type: none"> <li>Workshop for female staff at the MOJ was followed up on with the recruitment of trainers in fields where capacity development is required (English language, computer literacy). Gender mainstreaming is ensured in all activities under each component.</li> </ul> |

## E. ANNEX 5: ISSUE LOG

| # | DESCRIPTION                                    | DATE IDENTIFIED | IMPACT/PRIORITY            | COUNTERMEASURE/MNGT RESPONSE   | OWNER                               | STATUS             |
|---|--|-----------------|----------------------------|--|-------------------------------------|--------------------|
| 1 | Financial Sustainability                       | 2013            | Impact = 5<br>Priority = 5 | Increase ownership and thus efficiency   | CTA & Program Officer               | Unresolved         |
| 2 | Coordination between LAGF stakeholders         | Q 2 and Q3      | Impact = 3<br>Priority = 4 | Facilitate discussions between stakeholders.   | CTA & Access to Justice Coordinator | Resolved           |
| 3 | Change of office premises for security reasons | Q 2 and Q3      | Impact = 5<br>Priority = 5 | Swift coordination with all actors involved, Cooperate closely with UNDP country office. | National project manager,           | Resolved           |
| 4 | Security Incidences                            | September 2013  | Impact = 4<br>Priority = 3 | Cooperation with UNDSS   | All JHRA staff                      | Partially resolved |