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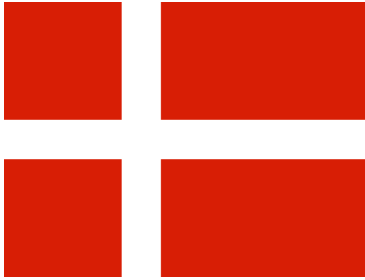
JUSTICE AND HUMAN RIGHTS IN AFGHANISTAN (JHRA Phase II)

2015 ANNUAL PROJECT PROGRESS REPORT



UNITED NATIONS DEVELOPMENT PROGRAMME

DONORS



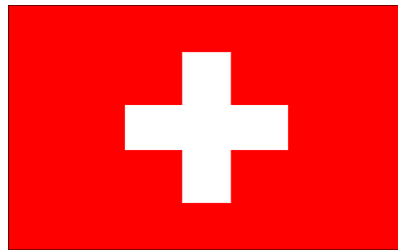
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PROJECT INFORMATION

Project ID: 00068012

Duration: January 2013 – March 2016

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 2015: USD 5,120,417

Implementing Partner: UNDP

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

Chief Technical Advisor: Dawn Del Rio

Head of Rule of Law Unit: Dawn Del Rio

ACRONYMS

AIBA	Afghanistan Independent Bar Association	ICPWD	International Convention on People with Disabilities
AIHRC	Afghanistan Independent Human Rights Commission	IDLG	Independent Directorate of Local Governance
ASGP	Afghanistan Sub-national Governance Project	LAB	Legal Aid Board
AWP	Annual Work Plan	LAGF	Legal Aid Grant Facility
CID	Central Investigation Department	LEP	Legal Empowerment of the Poor
CPC	Criminal Procedure Code	LOTFA	Law and Order Trust Fund of Afghanistan
CPD	Central Prison Department	M&E	Monitoring and Evaluation
CBDR	Community-based dispute resolution	MOFA	Ministry of Foreign Affairs
CDC	Community Development Council	MOIA	Ministry of Interior
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	MOJ	Ministry of Justice
CLRWG	Criminal Law Reforms Working Group (CLRWG)	MOU	Memorandum of Understanding
CRC	Convention on the Rights of the Child	MOWA	Ministry of Women's Affairs
CSO	Civil society organization	NAPWA	National Action Plan for Women in Afghanistan
DHRWIA	Directorate of Human Rights and Women's International Affairs	NDS	National Directorate of Security
DOWA	Department of Women's Affairs	NHRC	National Human Rights Institute
DOJ	Department of Justice	NLTC	National Legal Training Center
EVAW	Elimination of Violence against Women	NPP	National Priority Programme
FGDs	Focus Group Discussions	NTA	National Technical Assistance
FRU	Family Response Unit	PLAU	Public Legal Awareness Unit
GDMA	General Directorate of Municipal Affairs	PPD	MOJ Planning and Policy Department
GIROA	Government of the Islamic Republic of Afghanistan	ROLIS	Rule of Law Indicators Study
HRSU	Human Rights Support Unit	<i>Shura</i>	Community gathering
<i>Huquq</i>	MOJ Legal Affairs Department	SOP	Standard Operating Procedure
IARCSC	Independent Administrative Reform and Civil Service Commission	<i>Taqnin</i>	MOJ Institute for Legislative Drafting and Legal Research
ICESCR	International Covenant on Economic, Social and Cultural Rights	TCC	Technical Coordination Committee
		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

The Justice and Human Rights for Afghanistan (JHRA) project Phase II was initiated in 2013, following up on the work of Phase I that operated between 2009 and 2012. The Project Steering Committee (PSC) has approved the extension of JHRA Phase II until 31 March 2016. The JHRA has worked with the government and national institutions to increase the overall capacity of the justice sector and human rights institutions to deliver services the Afghan people, and increase the overall trust of Afghan men and women in the justice sector.

UNDP has accelerated its efforts to design a successor project for JHRA, the Afghanistan Access to Justice Project (AA2J). Based on the conclusions of series of meetings with the national counterparts of the PSC, the recommendations from the Mid-Term Evaluation (MTE), UNDP's Strategic Plan, inputs from bilateral meetings with national counterparts and the final report of the human rights scoping mission by UNDP staff from Headquarters and the Regional Bureau for Asia-Pacific, UNDP has prepared a Concept Note and facilitated a series of consultations on the draft Results and Resources Framework (RRF) of the planned AA2J project, which is expected to start as of 1 April 2016.

During the reporting period (1 January – 31 December 2015), the JHRA project has achieved the large majority of its targets under Phase II of the project period. The results are summarized below per output.

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)

The focus of activities under this output was centered on increasing the capacity of the Government of the Islamic Republic of Afghanistan (GIROA) 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.¹ The project achieved to provide the MOJ with mechanisms to coordinate the development of policy and legislative documents with the Permanent Legislative Committee and improved coordination between the Policy and Planning Department (PPD) of the MOJ, *Taqnin* (including the Translation Board) and the Human Rights Support Unit (HRSU).

The following summarizes progress on results in the main output areas: the Rule of Law Indicators Study (ROLIS) final report was presented at a high-level justice sector conference and accepted by the government for use as the baseline to inform justice sector reform; follow-up work to ROLIS included preparation of a National Action Plan on judicial reform built around the findings of the report; a summary of institutional strengths and weaknesses of the institutions covered in the ROLIS was prepared for senior leadership of justice sector institutions in Afghanistan; recommendations on Conciliation of Civil Dispute Resolution Law (previously referred to as Jirga Shura law) were developed and will be considered for the finalization of the law; the draft Law on obtaining rights has been submitted to the Council of Ministers by the MOJ technical committee for review and

¹ Therefore, the project aligned its work with National Priority Programme (NPP) 5 on law and justice for all, particularly component 1 on "improving the legislative process" and NPP 6 on Human Rights and Civic Responsibilities.

endorsement; the Criminal Law Reforms Working Group completed the drafting of 24 chapters and 200 articles of Penal Code and finalized reviewing the general provision section (8 chapters) and crimes section (6 chapters) of the penal code; the draft of the Civil Service Law was finalized and presented to the Council of Ministers for approval; the Human Rights Indicators matrix was finalized and will support the future tracking of recommendations from human rights bodies; human rights focal points of critical government ministries were trained and given skills on human rights and workshops were convened for various ministries and government departments; and the commemoration of the International Human Rights Day contributed to raising public awareness and reached an audience of over 150 000 people through the media coverage and Facebook.

Mechanisms for providing quality access to justice services to vulnerable groups are established and functional (Output 2)

JHRA's work has enhanced the Afghan public's access to quality justice services through the improvement and provision of legal representation, increasing the number and capacity of trained justice operators at the sub-national level and improving service delivery on the elimination of violence against women (EVAW).² JHRA worked closely with the service providers of the Afghan justice institutions: courts, prosecutors' offices, EVAW Units of the Attorney General's office, *Huquq* Departments, Family Response Units (FRUs) of the Afghan National Police, Afghanistan Independent Bar Association (AIBA) chapters, and National Legal Training Centre (NLTCs).

The following summarizes progress on results in the main output areas: the Legal Aid Grant Facility (LAGF) was expanded and is now fully functional in eight provinces exceeding the targeted number of beneficiaries (a total of 2,223 beneficiaries was reached in 2015); a mid-Term Evaluation was carried out and recommendations are being implemented; two Law Clinics have been supported and are operational; trainings were held across 4 provinces on preparation of indictments, settlements, EVAW Court design, the criminal procedure code (CPC), professional Code of conduct; a blueprint for the pilot EVAW Court was submitted to the High Council of the Supreme Court for approval; logistical preparations for the NLTC Chapter in Herat are in place and work is ongoing to operationalize the NLTC chapter in 2016.

Public participation processes and knowledge base for improving access to justice and human rights compliance successfully established (Output 3)

The key purpose of JHRA's work for this output was to continue building outreach to citizens using channels such as workshops, literature and media to inform the public about their legal rights and build mechanisms for their protection. During 2015, the project has focused 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.³ The project has engaged primarily with the MOJ Public Legal Awareness Unit (PLAU), CSOs, media and think tanks.

² JHRA's work under this output supported NPP 5 component 3 on "increasing meaningful access to justice" and component 4 on "building institutional capacity to strengthen justice delivery".

³ JHRA's work under this output supports Components 1 and 3 of NPP 5 that focus on "improving the legislative process" and "increasing meaningful access to justice".

The following summarizes progress on results in the main output areas: amendments to five critical laws affecting the legal position of street vendors were officially presented to the concerned Ministries and MOJ Taqneen; the draft national pre-policy paper was received by Kabul Municipality and the Independent Directorate of Local Governance (IDLG) and is being used to outline a national procedure on street vendors; street vendor associations were identified in Kabul, Herat, Mazar and Jalalabad in order to enable them to constitutionalize their right to form an association and to advocate their right to work and earn a living; technical coordination committees (TCCs) were established in Kabul, Herat, Mazar and Jalalabad, enabling street vendors to engage in a dialog with the Government for their rights and to allow a platform for dispute resolutions; the UNDP JHRA assessment report on “boundaries within which informal justice actors can be used for civil cases” led to the development of draft law on “conciliation on civil disputes”; implementation of district coordination mechanisms between informal and formal Justice actors led to the empowerment of Department of Justice (DOJ) district Huquq officers aiming to strengthen its relations with the local informal groups; a draft law was developed with special emphasis on addressing prolonged civil rights issues of women in rural Afghanistan; the MOJ received support to draft a Communication Strategy Plan and its action plan; the project prepared the installation of 240 billboards in 5 provinces with legal messages, including women’s rights; airing of three legal messages in eight provinces through different radio stations; conducting a workshop with participation of related CSOs on Outreach Campaigns with a focus on EAW in Herat; and providing technical assistance to MOJ in order to conduct donor meetings.

Monitoring and evaluation capacity in place (Output 4)

The project has been embedded with the concept of M&E and has sought to compile lessons learned from previous years, establish best practices, increase internal and external accountability of resources used and results obtained and make informed decisions on the future of the project. The M&E framework of JHRA Phase II remained weak, partially due to challenges with data collection, analysis and transparency in Afghanistan. Therefore, the project has invested considerably in the development of data collection processes through the ROLIS, capacity assessments and other surveys in order to have a much stronger M&E framework in the planned Afghanistan Access to Justice successor project.

Issues and risks

Project implementation during the period was met with some issues and risks. The main issues to have emerged are:

- **Uncertain financial sustainability:** the financial and sustainability issue continued to influence the project while the demand for expansion of LAGF to other regions continued to grow.
- **Leadership in justice institutions:** the appointment of the new Chief Justice in the third quarter has brought about continued cooperation and support to JHRA supported initiatives, and maintained the momentum for the establishment of the pilot EAW Court. The reforms process for the justice sector is expected to gain momentum and traction with the planned appointment of the Attorney General.

- **Policy decisions on legal aid:** critical policy decisions regarding the future of the Justice Service Delivery Project (JSDP – World Bank) have been delayed, which has had an impact on the implementation of activities, especially affecting the Legal Aid Department and its involvement in the LAGF. The MOJ 100 day workplan, however, reflects the LAGF implementation as a key project creating a positive expectation that the Legal aid roadmap and review of the policy and regulatory framework for legal aid might start off in early 2016.
- **JHRA successor, the Afghanistan Access to Justice (AA2J) project:** UNDP accelerated its efforts to design a successor project for JHRA.
- **Closure UNDP Helmand Office:** following the closure of UNDP’s regional office in Helmand and the resignation of the Regional Coordinator, JHRA has had no physical presence to directly monitor the activities of the LAGF in Helmand.

The following risks have been identified having the highest impact on the implementation during 2015:

- **Security:** affecting the extent to which JHRA can deliver programming, particularly in more remote areas of the country. Through its regional coordinators, JHRA has increased the coordination and oversight in the regions, which also ensures that the project is able to maintain direct contacts with counterparts in the regions.
- **Government of the Islamic Republic of Afghanistan (GIROA) support for all components of the project:** the extent to which GIROA supports the development efforts of UNDP varied depending on the focus area where stakeholders are involved.
- **Coordination with international partners:** JHRA has been able to regularly engage to seek synergies and cooperation with justice projects of other organizations.
- **Resignation of Staff:** due to the end of the project period, there have been a few staff resignations during the last quarter.

Lessons learned

Key lessons emerging from the reporting period include recognition of government leadership and commitment as being crucial to steering the programme interventions as experienced by the project during project implementation in 2015. A snapshot of the main lessons learned include:

- **Monitoring and coordination** JHRA undertook 15 missions in 2015 to coordinate, promote and monitor project activities by the staff.
- **Strengthened coordinating with similar projects,** agencies and institutions in order to maximize the impact of its activities in order to encourage deeper entrenchment of priorities.
- **Facilitating consultations and creating dialogue:** JHRA has held regular formal and informal consultations with government, donors, international agencies, and civil society partners in order to ensure that programming remains relevant and is delivered and/or supported in a way that best contributes to the work undertaken by the government.

- **Regular staff and UNDP operations unit meetings** to overcome implementation challenges.

Finances

The budget for the reporting period of JHRA Phase II (January – December 2015) is USD 5,120,417. The financial execution reported for this period is USD 4,786,712.98. Therefore, the delivery rate for JHRA II during the reporting period stands at 91 per cent. Further details on financial expenses and delivery rates are provided in the annexes.

II. BACKGROUND

The JHRA project Phase II was initiated in 2013, following up on the work of Phase I that operated between 2009 and 2012. JHRA works with the government and national institutions to increase the overall capacity of the justice sector and human rights institutions to service the Afghan people, and increase the overall trust of Afghan men and women in the justice sector. JHRA has the following four outputs:

1. High-level coordination mechanisms for developing policy and legislation in accordance with international and national standards are established and functional in State justice institutions.
2. Mechanisms for providing quality access to justice services to vulnerable groups are established and functional.
3. Public participation processes and knowledge base for improving access to justice and human rights compliance established.
4. Project Support Unit: Internal oversight, monitoring and evaluation capacity in place.

Towards the end of the year, UNDP accelerated its efforts to design a successor project for JHRA. Based on the conclusions of a meeting in June with the national counterparts of the Project Steering Committee, the recommendations from the Mid-Term Evaluation, UNDP's Strategic Plan, inputs from bilateral meetings with national counterparts and the final report of the human rights scoping mission by UNDP staff from Headquarters and the Regional Bureau for Asia-Pacific who visited Afghanistan in June, UNDP prepared a Concept Note setting out the scope of the successor project for JHRA.

The project is in its last stage of implementation and will formally come to an end on 31 March 2016. While most of the targets set for 2015 have been achieved, the remaining deliverables are on track to be finalized during the first quarter of 2016. Currently, UNDP's Rule of Law and Human Security Programme Unit is working on the design of a successor project, AA2J, which should also enhance links between UNDP's work on justice and human rights and other relevant project in the broader Rule of Law portfolio. This process of identifying strategic areas for future engagement and consultation with key stakeholders is supported by the JHRA project.

III. RESULTS

A. 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

In 2015, JHRA Phase II exceeded its goal in attempts to increase Afghan justice institutions' capacity to monitor progress and performance of justice sector delivery in Afghanistan; in addition, the project succeeded to support the MOJ to increase its capacity to effectively reform law through the Taqin by supporting the human rights compliance review efforts of legislative documents on the 1393 and 1394 Taqin Legislative Calendar; finally, the project continued to strengthen Afghan human rights institutions' capacity to track, monitor and report on the implementation of human rights commitments by supporting the finalization of the review of 16 out of 18 identified laws for human rights compliance by HRSU.

By the end of the reporting period, JHRA has accomplished the following critical implementation steps towards supporting high level coordination mechanism in the state justice institutions:

- During 2015, the project carried out, jointly with other UN agencies and national institutions, a baseline study of rule of law indicators (ROLIS) that was shared with and welcomed by GIROA and relevant justice sector institutions on 11 August 2015. The government accepted and adopted the report for use in Justice Sector reform. The final report launching ceremony was attended by all five rule of law and justice institutions (namely SC, AGO, MOJ, AIBA and CPD), including second Vice President Office and first Deputy of the Executive director's office, and considered the report as a key achievement for the government in the justice sector.

The project has envisioned a follow-up work that includes preparation of a National Action Plan on judicial reform built around a set of recommendations and findings in the report. A brief summary of institutional strengths and weaknesses of the institutions covered in the ROLIS was prepared for senior leadership of justice sector institutions in Afghanistan. In addition, with the ultimate aim of urging wide national ownership and to forming a high level committee to prepare recommendations and an action plan to use the baseline of ROLIS to shape justice sector reform activities in 2016, the project has conducted separate follow-up meetings with Deputy Minister of MOIA, Mr. Aziz, Deputy Minister of MOJ, Mr. Hashemi, the General Administrative Director of Judiciary, General Nisar and the second Vice president's chief of staff.

- Supported by the Translation Board to ensure the development of legal translations to MOJ and other government institutions, the project succeeded in its attempts to increase the MOJ's capacity to effectively reform laws through the Taqin.

In the course of 2015 the project facilitated and supported *inter alia* the formulation of recommendations on Conciliation of Civil Dispute Resolution Law (previously referred to as Jirga Shura law) that will be considered for the finalization of the law. In addition, the draft Law on obtaining rights was submitted to the Council of Ministers by the MOJ technical committee for review and endorsement. Similarly, the Criminal Law Reforms Working Group finalized the

drafting of 24 chapters and 200 articles of Penal Code and its review on the general provision section (8 chapters) and crimes section (6 chapters) of the Penal Code. Lastly, MOJ jointly with other governmental institutions formulated its 100 Day Plan in August as a result of a two day consultation workshop on Civil Service Law and Taqin, support by JHRA and with 90 participants from different ministries and government entities so as to allow the draft Civil Service Law to be finalized and presented to the Council of Ministers for approval.

- The project achieved to strengthen Afghan human rights institutions' capacity to track, monitor and report on the implementation of human rights commitments with the finalization of the Human Rights Indicators matrix that serves to support tracking of recommendations from UN human rights bodies. The matrix was finalized and appraised by the government in the inter-governmental workshop attended by over 70 government ministerial representatives on 4 November and serves now as a tool for the HRSU to promote and track follow up to recommendations from UN human rights bodies.
- In addition to its facilitating role, the project coordinated the HRSU efforts of skills training on human rights in 11 workshops that were targeted for human rights focal points in selected line ministries and government departments.
- The commemoration of the International Human Rights Day in December 2015 contributed to raising public awareness as a television interview was held with one of the project focal persons and reaching an audience of over 150 000 people through media coverage and Facebook.

The Human Rights Day event was picked up by three Afghan national TV channels on their both Dari and Pashto newscasts as well as Tolonews website in English, Dari and Pashto.⁴ UNDP reached more than 150,000 views on Facebook with posts regarding human rights and 16 Days of Activism.

JHRA's policy, legislation and human rights coordinator, Mr. Zubair Qani spoke live on the Mehwar broadcast on Tolonews show on 9 December 2015 about UNDP's support to the MOJ and how the Legal Aid Grant Facility represented women, children and the poor in the courts of law and has helped resolve their cases.

⁴ Links to these news outlets featuring the story are found on the UNDP Afghanistan website as follows: <http://www.af.undp.org/content/afghanistan/en/home/presscenter/IntheNews/UNDPSpeaksOutOverHumanRightsViolations.html>; <http://www.af.undp.org/content/afghanistan/en/home/presscenter/IntheNews/HRD2015.html> and on the UNDP Afghanistan Facebook account: <https://www.facebook.com/UNDPinAfghanistan/posts/1265703423456589>, (last visited on 25 January 2016).

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

The results at the end of 2015 show significant progress in all three priority areas, namely the LAGF increasing access to justice through free legal representation, women's access to justice for gender based violence cases and the professional capacity of state justice providers. In 2015 JHRA Phase II was instrumental in increasing access to justice through free legal representation, particularly for detainees, women and children by expanding the geographic footprint of the Legal Aid Grant Facility (LAGF) to eight provinces and reaching out to 2,223 beneficiaries, exceeding the annual target; in addition, the project made an impact on women's access to justice on issues of gender based violence by assisting the GIROA to implement the ERAW law and to design a model for a pilot ERAW court, which will be rolled out under the successor project once the GIROA formally approves the proposal. Finally, the work to establish a National Legal Training Center (NLTC) in Herat has generated a platform to enhance the professional capacity of state justice providers, including respect for due process and violence against women.

At the end of the reporting period, JHRA has accomplished the following critical implementation steps towards supporting mechanisms for providing quality access to justice services:

- As for legal aid the year 2015 highlights the JHRA's sustained efforts initiated by the Memorandum of Understanding (MOU) between MOJ, AIBA and UNDP that established the LAGF already in August 2013. Having started taking on cases in July 2014, the geographic expansion of LAGF to eight targeted provinces exceeded its target set for 2015 in reaching out to 2,223 beneficiaries in 2015 (target of 1,000) and monitored 266 cases (target of 250).
- In addition to providing free legal services through licensed AIBA lawyers, LAGF carried out trainings for legal aid providers including those employed by the MOJ and non-governmental organizations (NGO).
- Through the project initiatives to support and operationalize two law clinics in Helmand and Nangarhar (as opposed to target of four while discussions are underway for the establishment of a law clinic in Balkh), students in these areas are engaging to provide legal information and assistance under supervision and guidance of licensed LAGF lawyers. In doing so, LAGF has been instrumental in increasing the number of licensed lawyers in areas where AIBA has opened a branch supported by the LAGF.

For example, in 2015 the number of licensed lawyers in Helmand increased from 1 to 40. While the project was not able to reach its target to support four law clinics, it engaged to gather lessons learned: with no common understanding of the concept of law clinics it aimed to learn more to find support for a more agreeable concept and nationwide consensus, which can be taken further by the successor project.

- With respect to violence against women, the project achieved its target for 2015 by continuing its long-term efforts to increase women's access to justice on issues of gender based violence by assisting the ERAW units of the AGO and by stepping up its efforts to establishing an ERAW Court for expeditious settlement of VAW cases envisaged in the ERAW law.

Case Study 1: Legal Aid Grant Facility

Though she was pregnant at the time, Fahima (not her real name), was forced by her husband to crawl on all fours with the family's dogs. It was just one of the ways she was abused during her one year marriage. He also beat her with sticks, yelled obscenities at her and poured boiling water on her hands.

"It was such a bad life. You can't imagine. I couldn't see a good future for me or my child," Fahima said quietly, sitting in the corner of a room at the Afghanistan Independent Bar Association (AIBA) in Herat.

Fahima was assigned a free defence lawyer through LAGF. Despite receiving personal threats from Fahima's husband, the lawyer processed the case, and eventually she was able to obtain a divorce. She says she is grateful for the assistance that she received from the lawyer.

Until the LAGF started accepting cases in mid-2014, there was limited legal assistance available in Herat through lawyers working for NGOs and the government's Legal Aid Department. The opening of LAGF has helped increase access to legal assistance in the province.

"The LAGF is a step in the right direction to provide increased access to legal services to the poor, marginalised and women in Afghanistan," said Zabihullah Karimullah, access to justice coordinator for JHRA.



20-year-old Fahima along with her LAGF lawyer. **Credit:** UNDP, January 2015.

In doing so, the project continued its efforts to build from the initial capacity assessment of the EAW Units that dates back to 2013 by making recommendations for improved coordination and collaboration between the agencies involved in the implementation of the EAW law. The long-term aim and rationale of establishing an EAW Court in Afghanistan to complement the Family Response Units (FRU) and EAW Units by expediting processes and procedures is planned to continue in 2016;

furthermore, with the progress made in 2015, the project plans to expedite its advocacy work for the speedy establishment of the EAW Court before the Supreme Court and the President's Office.

- During 2015, the project has continued to enhance the professional capacity of state justice providers by conducting targeted trainings in four provinces (Herat, Balkh, Nangarhar and Helmand) involving JSI staff on a broad range of topics relating to the administration of justice and due process.

With good practices from the NLTC in Kabul, and with the aim of operationalizing an additional NLTC chapter in Herat that continues to offer in-service trainings and *stage positions* in a systematic and

sustainable manner, the project succeeded in establishing the curriculum, furniture, computer lab, space and logistics. In the first quarter of 2016 further efforts are needed to resolving the remaining legal status of the Herat NLTC.



A recent graduate of Herat University attends the signing of the framework for the establishment of the NLTC in Herat. The NLTC will provide training for graduates like her to take exams to become a qualified lawyer.

Credit: **UNDP**, January 2015.

C. OUTPUT 3: Public participation processes and knowledge base for improving access to justice and human rights compliance

JHRA Phase II achieved to empower male and female street vendors through concrete suggestions and advocacy for policy change that exceeded its set targets for 2015. Similarly, the project helped to consolidate communication and coordination between State and non-State justice providers through recommendations and advocacy for policy change and to strengthen the public's awareness on human rights and the role of the justice system through the MOJ Legal Awareness Unit and media institutions.

The project accomplished the following key achievements in 2015 in attempts to improve Afghan legal empowerment, public participation processes and knowledge base:

- From the outset of no national policy or legislation recognizing street vendors' rights, the project strived to submit quality legal inputs on relevant draft laws to the line ministries aiming to identify a legal status for street vendors. By end of the reporting period amendments have been proposed to five laws (exceeding the target of two), officially presented to the concerned Ministries and the MOJ Taqin.

In addition, a national pre-policy paper was received by Kabul Municipality and IDLG on 20 August 2015 and continues to being used to outline a national procedure.

- Identification of street vendor associations in Kabul, Herat, Mazar and Jalalabad was prepared in order to enable street vendors to constitutionalize their right to have an association and to enable them advocate for their right to work and earn a living.
- Technical coordination committees (TCC) were fully established and remain functional in Kabul, Herat, Mazar and Jalalabad, thereby enabling street vendors to engage in a dialog with local authorities to defend their rights and serving as a platform for dispute resolutions.
- The UNDP assessment report on "Boundaries within which informal justice actors can be used for civil cases" has led to the development of a draft law on "Conciliation on Civil Disputes".
- Successful implementation of district coordination mechanisms between informal and formal justice actors has led to the empowerment of DOJ district Huquq officers aiming to strengthen its relations with the local informal groups and at the same time, enhanced women participation, provided on-the-job training for informal groups on civil laws and saved a number of civil cases from misjudgment. The established district level mechanism serves as a concrete example to advocate for the draft law on "Conciliation on Civil Disputes".
- The draft law on "Conciliation on Civil Disputes" was developed with special emphasis on addressing prolonged civil rights issues of women in rural Afghanistan. If endorsed, the law has the potential to directly contribute to civil cases of millions of deprived women in rural Afghanistan.

- JHRA assisted the MOJ PLAU in developing a communication strategy plan and its action plan, especially focusing on human rights messages.
- JHRA has prepared the installation of 240 billboards in five provinces (Kabul, Balkh, Nangarhar, Herat and Helmand) containing public legal awareness messages on women’s rights and legal aid.
- Airing of three legal messages in eight provinces through different radio stations on women’s right to inheritance, girls’ right to education and legal aid in close cooperation with the Gender Equality Project of UNDP.
- Conducting a workshop with participation of related Civil Society Organizations (CSO) on Outreach Campaigns with a focus on EVAW in Herat.



Mohammad Anwar, father of five, sells shoes at Leci-e-Mariam Market in Kabul. Upon joining a local street vendors association, he enjoys his rights as a vendor and police don't bother with his daily business. Mohammad earns between 300 to 500 Afghanis a day.

Credit: UNDP, March 2015.

Case Study 2: Radio Series on Street Vendors

The first of a series of radio programs on street vendor rights was broadcast across the country on 4 March 2015. JHRA coordinated with Radio Bayan to facilitate the broadcast of the show, which focused on the right to association.

Three vendors and the head of the Department of Social Unions and Political Parties of the Ministry of Justice appeared on the show for an hour-long discussion on the advantages of associating and the rules for doing so in an attempt to increase awareness about street vendors' rights.

"When people come together and have cohesion they can communicate with the government properly about their problems," said Mohammad Nasir Hafizi, head of the department.

Shafi Ahmad, a street vendor in Kabul who appeared on the show, said he believes registering an association with other vendors in his area will bring many benefits.

"Because all the street vendors are working separately, everyone is his own boss. But by obtaining a license from the MOJ we can become a cohesive group and appoint a representative to share our

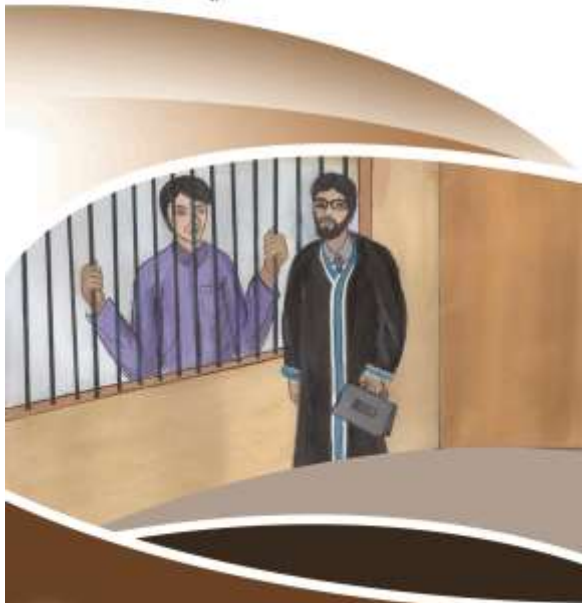


Mohammad Nasir Hafizi (left) head of the MOJ associations department with street vendors at Radio Bayan. **Credit:** UNDP, March 2015.



مساعدين حقوقي وزارت عدليه از
حقوق افراد بي بضاعت در پيشگاه
محاكم طور را يگان دفاع مي نمايند.

دعديې وزارت حقوقي مساعدين په
محاكمو کې د بيوزلوکسانوله حقوقوڅخه په
وزياتوگه دفاع کوي.



آمریت آگاهي عامه حقوقي رياست عمومي مساعديتاي
حقوقي وزارت عدليه جمهوري اسلامي افغانستان

Legal aid providers of MOJ defending rights of indigent individuals with free of cost in the court.

Credit: UNDP, 2015.



شخصيکه زن را بمنظور يا بهانه ازدواج بفروش
رساند يا خريداري و يا در آنها وساطت نمايد
حسب احوال به حس طویل که از (۱۰) سال
بيشتر نباشد محکوم ميگردد.
(ماده ۲۴ قانون منع خشونت)

هغه شخص چې ښځه د واده په منظور يا بهانه
وېلوري يا بې وېرې يا په هغو کې وساطت وکړي، له
احوالوسره سم په اوږده حبس چې له لسوکلونوڅخه
زيات نه وي، محکومېږي.
(د ښځې پر عليه د تاوتريخوالي د منع قانون ۲۴ ماده)



آمریت آگاهي عامه حقوقي رياست عمومي مساعديتاي
حقوقي وزارت عدليه جمهوري اسلامي افغانستان

Any person who takes or gives money or other valuables (toyanah) or who facilitates such an exchange of a woman as if for marriage will be punished with up to 10 years in prison. (Article 24 of EVAW Law).

Credit: UNDP, 2015.

Case Study 3: Street Vendors in Kabul – a Seller’s Market

Every day in Kabul, around 700,000 street vendors rise with the sun and rush into the city to earn a living. Managing this huge influx of people is a major challenge for Kabul municipality and the police. They don’t want blocked roads and traffic chaos, but the vendors also need to earn a living.

UNDP, the government, the police and the city authorities all got together to find a solution. First, we drew up a clear policy defining street vendors and establishing their rights. We also formed associations of street vendors who could work to protect those rights.

One of those vendors is father of five, Mohammad Anwer. During 20 years of selling sandals at Kabul’s Leci Maryam Market – one of the largest in the country – Mohammad has seen many ups and downs.

He used to be harassed by the police, so Mohammad and the other vendors had to work like thieves, selling when they could and hiding whenever the police came.

“Police destroyed our carts,” Mohammad recalls. “Those were hard times, when we couldn’t work for weeks on end.”

But once Mohammad joined the street vendors association, he was protected and the police no longer bothered him. Now he can earn up to 500 Afghanis a day.

“For the last year and a half, we have been happy. Now we have a dedicated place to work,” he says.



The video on street vendors in Kabul is available at UNDP Afghanistan website:
<http://www.af.undp.org/content/afghanistan/en/home/ourwork/crisispreventionandrecovery/successstories/SellerMarket/> Credit: UNDP, December 2015.

D. OUTPUT 4: Monitoring and evaluation capacity in place

In 2015 the JHRA Phase II exceeded its annual targets in project implementation and strengthened its strategic direction. JHRA management was able to implement between 70-80% of the recommendations from the MTR, leading to a more coherent project with activities that are mutually reinforcing and contribute to a more results oriented and evidence based approach.

In addition, progress was made towards achieving robust monitoring, evaluation and reporting processes: by streamlining the management of the project in the first quarter JHRA was able to implement positive changes in decision making, procurement and M&E. Regular meetings with UNDP senior management were conducted as a platform for constructive and open discussions about the strategic direction of JHRA and the design of its successor project, Afghanistan Access to Justice. Fruitful consultative meetings with national stakeholders and donors on the successor project were held after approval of the Concept Note by senior management. The Results and Resources Framework (RRF) for the new AA2J project was drafted and discussed with all stakeholders including donors and government counterparts.

Key achievements in 2015 include:

- Regular staff meetings were held with a participatory management style;
- PSC and TCC meetings for oversight were held and approvals for AWP and extension of JHRA were received on time;
- Expected annual delivery rate of more than 80%;
- All Quarterly Reports produced;
- MTR done and recommendations informing management decisions have been incorporated into the management of JHRA, and will continue to institutional structure of the successor project;
- NTA functional review was undertaken, recommendations received and discussed with the MOJ. MOJ is discussing with Ministry of Finance for a sustainable solution.

Below is a snapshot of where JHRA Phase II, Output 1 is in relation to its annual targets at the end of 2015.

Table 1: Progress for Output 1 in 2015

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	Actual	Comments
1.2 % of legislative documents identified by the MOJ for HRSU/UNDP support are reviewed for human rights compliance	1.2 70 % reviewed (7 out of 10 laws identified) and working groups established on Penal Code, Child Act, Jirga/Shura Law, and Law on Obtaining Rights	1.2 50 % reviewed of (18 identified)	HRSU reviewed 23 legal documents, being 14 laws, 2 Regulations and 7 conventions including UNCAT Optional Protocol I and II. These were analyzed from the human rights perspective and developed indicators to track implementation of conventions and recommendations. HRSU published two handouts (one on rights of accused persons and another on comparative study of international human rights and Islamic Law).	Target almost achieved because 16 out of 18 laws have been reviewed. The two remaining laws are under review.
1.3 Activation of formal coordination mechanism to follow up on recommendations from international human rights bodies.	1.3 Formal coordination mechanism exists but not functional: Human Rights Support Regulation was passed 4 Aug by the Council of Ministers thereby formalizing and establishing an inter-ministerial task force to follow up on recommendations from international HR bodies.	1.3 Formal coordination mechanism activated and convened for 3 decision making meetings (evidence for instance by inter-ministerial agreements on follow up actions to recommendations from international human rights bodies)	HRSU produced a matrix for follow up of implementation of recommendations. Comments were received from stakeholders (UN Agencies, CSOs, relevant government institutions). This was done through two high level stakeholder meetings one conducted on 4 November 2015 attended by 75 participants from Government and another meeting convened at MOJ attended by 14 institutions. As an additional result, a data base for recommendations is under development and will ensure the tracking of recommendations is continuous.	Achieved
1.4.1 % of legislative documents on the 1393 and 1394 Taqin Legislative Calendar reviewed for human rights compliance by HRSU.	No	No	See 1.2 above	See 1.2 above

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	Actual	Comments
<p>1.4.2 Activation of formal coordination mechanism between HRSU,MOFA, AIHRC and CSO'S to follow up on recommendations from international human rights bodies</p>			<p>MOFA and HRSU continuously exchange information through formal communications on progress of implementation of recommendations and also to get information of state reports.</p> <p>3 Task Force meetings (with representation of AIHRC, CSOs and Government) were convened and provided policy support for the implementation of a survey on prison detention conditions in Pole Charkhi Prison, in the development of the UNCAT as well as other reports of HRSU. In addition regular channels of information through letters and reports maintain coordination.</p>	<p>Achieved</p>

Below is a snapshot of where JHRA Phase II, Output 2 is in relation to its annual targets at the end of 2015.

Table 2: Progress for Output 2 in 2015

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	Actual	Comments
<p>2.1: Number of cases supported through LAGF disaggregated by criminal, civil, detention and women cases</p> <p>2.2: Number of cases monitored</p> <p>2.3: Number of legal clinics supported under the LAGF</p>	<p>2.1.1: 522 cases supported through LAGF</p> <p>2.1.2: 0 cases monitored</p> <p>2.1.3: 2 legal clinics</p>	<p>2.1.1: 1,000 cases supported.</p> <p>2.1.2: 250 cases monitored.</p> <p>2.1.3: 4 total legal clinics supported.</p>	<ul style="list-style-type: none"> • Total of 2223 cases (Criminal and civil cases) distributed to AIBA defense lawyers for representation. • 319 cases of Women were followed up since January 2015 up to date. • 1904 cases of male were followed up since January 2015 up to date. • 159 EAW cases were followed up. • 1732 cases were finalized. • 455 defense lawyers were registered with LAGF. • 187 female defense lawyers were registered with LAGF. • 293 cases were followed up as pro bono cases. • The LAGF was expanded to 4 provinces, is now operational in the following 8 provinces: Badghis, Balkh, Bamyan, Daikundi, Ghor, Helmand, Herat, Nangarhar. • 266 cases monitored. • A total of 237(151 Male/86 Female) defense lawyers and legal aid providers were trained on CPC, Family Rights and Inheritance Right trainings. • The mid_term evaluation workshop has been conducted. The LAGF received some recommendations from Professor David Mac Mason (International Legal Aid Expert) in result of this mid-term elevations, the LAGF procedure has adopted. • Two law clinics activated and supported in Nangarhar and Helmand provinces; 75 students underwent training on various topics and deployed to provide free legal advice to women, children and indigent men through the LAGF. 	<p>2.1.1 This indicator has surpassed the target of 1000 case</p> <p>2.1.2 The target was to hire a Monitoring Agent, to review cases and monitor the implementation of the LAGF. A solid M&E framework, including an external Monitoring Agent will be included in the LAGF under the successor project.</p> <p>2.2.3 Supported 2 Law Clinics in order to gather lessons learnt to help in supporting the other 2 clinics. Further roll out of law clinics was delayed as the concept of law clinics caused some confusion to key stakeholders, which required further advocacy work. Currently, discussions are ongoing for the establishment of a Law clinic in Balkh</p>
<p>2.4: Existence of national plan on special EAW court</p>	<p>2.2: No special EAW court in place</p>	<p>2.2: National plan on EAW court established</p>	<p>2.2.1. The proposal on EAW Court Establishment was submitted to EAW High Commission of MOWA through Legal Consultancy Unit within MOWA. The commission</p>	<p>2.2 Target is fully achieved as the National plan is in place and</p>

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	Actual	Comments
			<p>passed the proposal and submitted it to Supreme Court for approval. The Supreme Court is supposed to submit this to Presidential Office to approve it.</p> <p>The approval is underway.</p> <p>JHRA has conducted a series of consultative workshops on EAW Court proposal for prosecutors, CSOs and defense lawyers in Herat and Kabul. Total No of participants was: 24, (22 female 2 male) in Herat and 108, (57 female and 51 male) in Kabul.</p> <p>2.2.2. EAW SOP on coordination between FRU/CID-MOI and EAW Units was finalized and is about to be signed by AGO and FRU/CID-MOI.</p> <p>The SOP has been reviewed by 2VP as well which can support the signatory session by AGO and FRU/CID-MOI.</p> <p>JHRA-II conducted workshops on SOP in Herat and Balkh for police and prosecutors. Total number of participants was: 19 prosecutors, (2 F, 17 M), 8 police, (1 F, 7 M) in Herat. 22 prosecutors, (6 F, 16 M), 16 police, (2 F, 14 M) in Balkh.</p> <p>2.2.3. JHRA-II also conducted consultative workshops on settlement Negotiation and indictment for some participants except CSOs.</p>	<p>discussions on the establishment of the EAW court is ongoing. However, there is still more advocacy work required in order to establish the EAW Court as the Supreme Court needs to place it in its strategic plan, and formal approval by the Government is still pending. More engagement with the EAW Commission and the MOWA is required to promote the establishment of the pilot Court.</p>
2.5: Number of NLTC chapters operational	2.3: 1 NLTC chapter operational in Kabul	2.3: 1 additional NLTC chapter established	<ul style="list-style-type: none"> • Curriculum developed. • Several meetings with people in ministry of Higher Education, Ministry of Justice, Herat Governor as well as Justice institutions of Herat Province • Several visits of Kabul NLTC • Drafting of MoU • Conducted a workshop on NLTC establishing with Herat Justice Providers • Developed curriculum and charter • Equipped of NLTC 	<ul style="list-style-type: none"> • NLTC was supposed to have been introduced as independence institution, however, its legal status remained unclear throughout 2015, which has delayed the operationalization. Also, the result of the Micro-Capacity Assessment impeded cash transfers to the NLTC. • Some ad hoc short term trainings have been given at the NLTC

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	Actual	Comments
			<ul style="list-style-type: none"> • JHRA team conducted a Micro Capacity Assessment in Herat University and its different Departments oversight assurance on activities of Herat University • Conducted 4 Training workshops on Elimination of Violence against Women and Codes of Conducts for prosecutor, defense lawyers, and legal help providers of Herat and Badghis and Ghor provinces. 65 participants 	<p>facilities, but there were some problems with payment modalities for trainers. During the extension in the first quarter of 2016, JHRA will continue its efforts to prepare for full operationalization of the NLTC in Herat under the successor project.</p>

Below is a snapshot of where JHRA Phase II, Output 3 is in relation to its annual targets at the end of 2015.

Table 3: Progress for Output 3 in 2015

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	Actual	Comments
3.1 Number of draft laws with legal inputs submitted to the line ministries and aiming to identify a legal status for street vendors	3.1 No national policy or legislation recognizing street vendors' rights	3.1 At least two laws with specific legal provisions on rights of street vendors drafted by MOJ based on JHRA's technical inputs.	<p>Following a process of extensive consultations with the Ministries of Labor, Interior, Health, Commerce, Kabul Municipality and the Independent Directorate of Local Governance, comprehensive amendments were made to 5 key laws (Municipal, Consumer protection, Food Security, Traffic and Labor Laws) which directly affect the legal position of street vendors. . TheThe proposed amendments were submitted to each of the Ministries and Taqneen/legislative department of MOJ. All 5 Ministries were members and advocates of the TCC (technical coordination committee) on legal empowerment of street vendors, in which these laws were discussed.</p> <p>Out of the 5 laws, the food law and the consumer protection law were prioritized in the 100 days work plan of the MOJ. Additionally, in August 2015, a draft national policy paper drafted on granting legal recognition to "street vending" in Afghanistan. The paper was presented on 20th August 2015, at a national conference on street vendors in Kabul hosted by IDLG and Kabul Municipality. The relevant Afghan Ministries utilized the policy paper as a guiding tool in drafting a national procedure at the inter-ministerial working group aimed at management of street vendors in Afghanistan.</p>	<p>The actual target was 2 laws. However, legal comments were provided to the 5 laws (Municipal, Consumer protection, Food Security, Traffic and Labor Laws).</p> <p>In addition to the target, a draft National Policy paper was prepared and submitted to the lead counterparts namely IDLG/GDMA and Kabul Municipality.</p>
3.2 Number of Technical Coordination Committees established and functional in selected provinces	3.2 4 Technical Coordination Committees fully established (in Kabul, Balkh, Herat and Nangarhar)	3.2 4 Technical Coordination Committees established and fully functioning and serve as a platform for street vendors to discuss with the local authorities.	<p>During the course of 2015, 16 TCC meetings were convened in Kabul, Jalalabad, Mazar, Herat. The committee meetings were utilized as a common platform for technical consultation that generated the following key developments :</p> <ol style="list-style-type: none"> 1. Facilitated dialogue between street vendors and the Government 2. Discuss and consulted amendments to the 5 mentioned laws 	<p>As per the annual targets for 2015, the 16 TCCs in Kabul and provinces and the radio shows provided the grounds for street vendors to raise their related discussions. This created a platform to discuss laws, national</p>

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	Actual	Comments
		TCCs have been conducted in the selected provinces on monthly basis.	<p>3. Dispute resolutions for street vendor issues with Police and Municipality.</p> <p>Vendor group mapping and numerical data mapping were conducted in provinces and Kabul in order to identify existing street vendors associations, their social economic conditions, and approximate number of street vendors operating in Kabul, Herat, Mazar and Jalalabad.</p> <p>3 radio shows were conducted with participation of street vendor representatives and related government authorities to reflect on legal status of street vendors and promote associations.</p>	<p>policies, mappings and related issues to street vendors.</p> <p>In terms of specific details of TCC meetings during 2015, Kabul city conducted 5 TCCs, Herat city conducted 4 TCCs, Mazar city conducted 4 TCCs, and Jalalabad city conducted 3 TCCs.</p> <p>Conducting TCCs in Jalalabad were postponed a number of times due to security measures.</p>
3.3 Existence of a national policy or legislation on State / non-State cooperation in the justice sector	3.3 No national policy or legislation on state / non-state cooperation in the justice sector	3.3 One draft law has recommendations on coordination with state and non-state justice providers on civil cases	JHRA provided technical and legal inputs to the MOJ consultative meetings in May on development of the draft law on "Conciliation on civil disputes". The draft law was then submitted to the Taqneen department for further review and consultations. Additional consultative meeting with participation of CSOs were supported by JHRA in joint cooperation with UNWOMEN/ In September, another consultative meeting was convened All the inputs from this consultative process were incorporated into the draft law for submission to Taqneen department of MOJ as final draft of the law with a focus on civil aspects.	<p>The work plan for 2015 was met as per the annual targets set in the AWP.</p> <p>During all the consultation meetings UNDP emphasized that the focus of the law should be on civil cases rather than criminal cases. Throughout the process, this position was coordinated with UNAMA.</p>
3.4 Number of districts that have state - non-state justice coordination mechanism.	3.4 Limited mechanisms in place to link State and non-State justice.	3.4: Mechanisms for coordination of cases between State and non-State justice providers at district levels established in 4 provinces.	During the course of 2015, a total of 17 district level meetings between informal and formal Justice actors were conducted in provinces of Herat, Jalalabad and Mazar – and districts, namely, Injil, Karukh, Guzara, Deh Dadi, Balkh, Narshaye, Behsud and Surkhrod. The meetings were convened with an initial baseline study in quarter 2 and 3 of the year, on the status of civil cases referrals between the Huquq, informal groups and the formal Justice authorities. The mentioned districts were identified by the DOJs where limited mechanisms in place to link informal	All meetings were conducted as per the annual targets set in the AWP. The province of Helmand was removed from the project implementation list due to security constraints. However, 1 workshop was conducted in Helmand in July 2015, that trained the district Huquq officers and

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	Actual	Comments
			<p>and formal Justice actors existed. The meetings contributed to the development of the following :</p> <ul style="list-style-type: none"> • Referral forums for the 1st time established between informal and formal actors, especially district Huquq officers, on civil cases. • On job training for informal justice actors on civil cases who were wrongly judged; thereby resulted to the “recall” or re assessment of cases ordered by formal Justice Authorities. The initiative assisted the informal groups to identify their mistakes and obtaining a better understanding of the civil procedure code. • Reporting of the informal groups to the district Huquq officer and the head of DOJ. The reporting mechanism also extended from provinces to Kabul. • Special attention was given to women cases in districts of Herat and Mazar with participation from women groups. • The successful implementation of these meetings has led to the empowerment of DOJ district Huquq officers and strengthened its relations with the local informal groups. At the same time, the process enhanced women participation, on job training for informal groups on civil laws. • The established district level mechanisms has also been used to advocate for the draft law on “conciliation on civil disputes”. 	informal justice actors on civil laws and dispute resolutions.
3.5 Action Plan of MOJ communication strategy operationalized	3.5 No action plan.	3.5 Action Plan operationalized in 5 provinces	<p>A communication strategy plan and an action plan have been drafted in close consultation with MOJ. A donor meeting was organized where the Action Plan was shared to raise awareness on the MoJ’s implementation plans on public messaging on legal rights and coordinate the implementation areas.</p> <p>In order to operationalize the action plan a second round of donor meeting was organized through technical assistance of UNDP in July. It was agreed that a technical meeting would be convened through MOJ leadership in the coming month.</p>	<p>The radio campaign and the installation of billboards faced delays due to difficulties in the procurement process and the low capacity of Legal Aid Directorate of the MOJ for timely inputs for the procurement and installation of the billboards.</p> <p>Due to lack of capacity/low capacity of Legal Aid Directorate, MOJ still could not arrange the</p>

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	Actual	Comments
			<p>In line with MOJ communication strategy, JHRA conducted a workshop on Outreach campaign with specific focus on EVAW with participation of DOJ and related CSOs in Herat in the month of June.</p> <p>As per MOJ communication strategy JHRA in close consultation with Legal Aid Directorate of MOJ conducted a radio campaign for four months from September to December on women's right to inheritance, girls' right to education and legal aid in provinces of Kabul, Nangarhar, Balkh, Herat, Bamyan, Badghis and Ghore.</p> <p>JHRA also facilitated the installation of 240 mini-billboards at MoJ facilities and other identified government institutions in Kabul, Balkh, Nangarhar, Herat and Helmand. The billboards contain public legal awareness messages mainly on women rights, and legal aid.</p>	<p>follow-up technical donor meeting for detailed discussions on required financial and technical support for the operationalization of the action plan.</p>

Below is a snapshot of where JHRA Phase II, Output 4 is in relation to its annual targets at the end of 2015.

Table 4: Progress for Output 4 in 2015

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	Actual	Comments
<p>4.1.1: Approved project budget in Atlas</p> <p>4.1.2 End-term evaluation reports</p> <p>4.1.3: # of project steering committee meetings convened during the year</p> <p>4.1.4 # of MTE recommendations implemented related to project management</p> <p>4.1.5 Strengthened PSC and TCC ToRs/Rules of Procedure in JHRA successor</p>	<p>4.1.1: 2015 project budget not yet approved in Atlas</p> <p>4.1.2: Mid evaluation conducted</p> <p>4.1.3: Two PSC meetings held in 2014</p> <p>4.1.4 10 MTE recommendations for project management</p> <p>4.1.5 Existing ToRs/no RoPs</p>	<p>4.1.1: Project Plans (AWP, HR, Procurement, M&E) and budgets are prepared, reviewed and revised on a timely basis.</p> <p>4.1.2: End-term evaluation conducted</p> <p>4.1.3: 2 Steering committee meetings held on schedule</p> <p>4.1.4 70 percent of MTE recommendations implemented related to project management</p> <p>4.1.5 Revised PSC and TCC ToRs and new RoPs developed in JHRA project successor by quarter 4.</p>	<ul style="list-style-type: none"> • Project Plans and budgets were prepared in a timely manner, but revisions took longer to be effected due to late release of funds under some CSAs as well as the high staff turnover experienced during the last 2 quarters of the year. • 2 Steering committee meetings were held as scheduled, one in Q1 to receive and approve 2015 AWP and another in Q4 to received and approve request for JHRA extension and Q1 2016 Work plan • Weekly staff meeting have been instituted encouraging a more inclusive and open management style • Many of the MTE recommendations have been implemented especially those relating to management as well as the reorganizing of project outputs into a more logical manner creating a chain of results as opposed to seemingly stand-alone activities. The remaining MTE recommendations are fully being taken on board in the design of the successor project. 	<p>End term evaluation remains to be done</p> <p>The new governance arrangement, including the TOR for Technical Working Groups and and PSC (renamed Project Board) will be part of the successor project</p>
<p>4.2.1: The percentage of AWP, HR, Procurement and M&E plan implementation</p> <p>4.2.2: Quality and timeliness of project progress reports</p> <p>4.2.3 # of AWP approved by Project Board in advance of changes</p> <p>4.2.4 Updated PMD indicators & implementation</p>	<p>4.2.1: 2015 AWP, HR, Procurement and M&E plans not yet implemented</p> <p>4.2.2: Project progress reports delivered in a timely and quality fashion</p> <p>4.2.3 Some revisions to AWP without prior approval of Project Board</p>	<p>4.2.1 80 % implementation rate</p> <p>4.2.2: 100 % of project progress reports produced and disseminated on Schedule</p> <p>4.2.3 100 percent revisions to AWP, results and budgets approved by Project Board</p> <p>4.2.4 Bi-monthly meetings held with UNDP CO SM / RoL unit where implementation plans are reviewed and progress</p>	<ul style="list-style-type: none"> • 80% delivery rate is likely to be achieved this year • All progress reports are produced and disseminated • Initial AWP was approved by the Project Board in good time • Bi Monthly UNDP CO SM / RoL unit meetings have been institutionalized • As indicated outputs 1,2 and 3, the delivery rate has increased significantly across all the components and activity result areas • Regional Coordinators participated in 2 staff meetings in Kabul and were part of the planning process giving regional specific inputs into the planning , monitoring and implementation process • NTA review process was completed during the course of the year. NTAs. A report was produced by a consultant, 	<ul style="list-style-type: none"> • This indicator is on target • Due to the resignation of the Communications and Reporting officer, the Q3 report was delayed. • Revisions to the AWP budget took longer than expected due to staff turnover and delayed receipts of funds for some CSAs • The Minister of Justice has stated that NTA staffing modality is being reviewed by the government and that the Ministry is negotiating with

Indicator	Baseline (As per the AWP)	Annual Targets (As per the AWP)	Actual	Comments
<p>plans maintained and shared with UNDP CO SM / RoL unit.</p> <p>4.2.5 Strengthened baselines and indicators for 2015 AWP</p> <p>4.2.6 Improved quarterly reporting format</p> <p>4.2.7 Strengthened ToRs/work planning, and integration of regional coordinators</p> <p>4.2.8 # of NTA positions aligned with 2015 AWP</p>	<p>4.2.4 No implementation planning</p> <p>4.2.5 2014 AWP</p> <p>4.2.6 2014 reporting formats</p> <p>4.2.7 2014 ToRs, # [3] of meetings</p> <p>4.2.8 2014 NTA alignment</p>	<p>assessed against PMDs on quarterly basis.</p> <p>4.2.5 Increase in quantitative indicators across AWP 2015 (Q1)</p> <p>4.2.6 Revised Quarterly reporting format perceived as improved by JHRA donors (2nd quarter 2015)</p> <p>4.2.7 3 meetings per year with regional coordinators, integration into implementation plans reviewed quarterly</p> <p>4.2.8 80 percent alignment (post June)</p>	<p>presented and discussed with the MoJ. It is expected that the findings and recommendations of the review will guide MOJ to reduce the number of NTAs and to adopt a more sustainable staffing modality for HRSU and Translation Board under the successor project.</p>	<p>the Ministry of Finance to explore a possible sustainable solution of turning NTAs into Tashkeel complemented through the CBR modality.</p>

IV. GENDER SPECIFIC RESULTS

JHRA Phase II is making investments to strengthen its efforts to mainstream gender within its work and into all its activities. In particular, the project has strived as much as possible to have equal participation of male and female across the board. In addition, deliberate steps have been taken to address specific and unique concerns that affect women's access to justice through the following:

- In keeping with its duty to support the duty bearers with human rights capacity skills, a gender training was delivered to female staff through a gender technical specialist trainer supported by JHRA for three months.
 - ✓ 18 MOJ female staff members were certified and received training on gender skills and knowledge. This skills are expected to support them in their various work spaces but also mainstreaming of gender in their work.
- A six months computer training was delivered to MOJ staff through a Computer Teacher.
 - ✓ 25 female MOJ staff members benefited from this activity.
- A continuous English language course was delivered to MOJ supported by JHRA since May 2014.
 - ✓ 10 of legislative department staff including female staff benefited from this activity.
- he LAGF targets accused women and those with family disputes:
 - ✓ Of the 2,223 cases handled since July 2014, 319 are women;
 - ✓ Of the 455 defense lawyers registered with the LAGF, 187 are female;
 - ✓ Of the 237 defense lawyers that have been trained under the LAGF, 86 are female;
 - ✓ Of all the cases handled under the LAGF, 159 are Violence Against Women (VAW) Cases
- Support to the implementation of EVAW law has targeted support to women victims of violence in order to access justice through the formal justice system. Under these activities, JHRA has worked together with the FRUs/CID, EVAW Units and the AIBA defense lawyers to develop SOPs and training packages. Although the project aims for an equal participation of both male and females, female staff of JSIs have been particularly targeted:
 - ✓ Of the 232 trained 123 are female;
 - ✓ Of the 30 students participating in the Law Clinic in Nangarhar 9 are female.
- Support to the recruitment and placement of 2 interns to support the EVAW Unit in Helmand, this was intended to address the cultural sensitivities where women victims of VAW cannot freely open up to male prosecutors which adversely affects the strength of prosecution cases in the court.
- Gender equality and mainstreaming was also incorporated with respect to JHRA's engagement with street vendors. A mapping of women vendors was completed for Kabul.
- The project awarded special attention to women cases in districts of Herat and Mazar with participation from women groups during community based dispute resolution (CBDR). It is particularly noteworthy that the successful implementation of CBDR meetings have led to the empowerment of DOJ district Huquq officers and strengthened its relations with the local informal groups. At the same time, the process has enhanced women participation and on job training for informal groups on civil laws.
- Activities particularly to improve women's rights. JHRA conducted, together with UNDP's Gender Equality Project and in close consultation with the Legal Aid Directorate of MOJ and in accordance with the MOJ communication strategy, a radio campaign of four months from September to December 2015 on:
 - ✓ Women's right to inheritance;

- ✓ Girls' right to education and
 - ✓ Legal aid in provinces of Kabul, Nangarhar, Balkh, Herat, Bamyān, Badghis and Ghor.
- Facilitation of the installation of 240 billboards at MOJ facilities and other identified government institutions in Kabul, Balkh, Nangarhar, Herat and Helmand. The billboards contain public legal awareness messages mainly on women rights, and legal aid.

V. PARTNERSHIPS

Partnerships are key for the JHRA project, as many activities require the full support of MOJ and synergy with other partners' activities in order to succeed.

- **MOJ**

MOU for the LAGF was extended by the UNDP and MOJ partnership to allow more cases to be taken on by LAGF and to continue the activities of the LAGF including workshops and training sessions. LAGF was also extended and launched in Bamyān, Ghor, Badghis and Daikundi. The letter of agreement that makes commitments for technical and financial support by UNDP to MOJ departments such as the *Taqnin*, PPD and HRSU remained in force.

The project also engaged with the Hugug Department of MOJ for district level coordination meetings between informal and formal Justice is aimed at developing the capacity of Huquq officers to better engage with informal Justice groups in order to enhance the flow of civil case referrals between informal groups to the Huquq officers.

- **AIBA**

UNDP strengthened its partnership with AIBA in 2015 by extending the tripartite MOU between MOJ, AIBA and UNDP to take up more cases in 2015. The LAGF was launched in Bamyān, Ghor, Badghis and Daikundi working jointly with the UNDP GEP project to increase the number of cases on violence against women.

- **Municipal Governments**

Work continued with the municipal governments of Kabul, Herat, Mazar-e-Sharif and Jalalabad. Due to security reasons the planned TCC activation in Kunduz could not be accomplished. TCC meetings were conducted on the legal empowerment of street vendors, which incorporated municipal officials in each of these cities. The TCC structure was revamped with a technical sub-committee and a grievance redressal committee that was formed.

TCC meetings on legal empowerment of street vendors are discussions forums where street vendor representatives, relevant Government departments and Human rights entities sit to consult on issues relating to street vendors in cities. The issues ranged from policy discussions, review of proposed amendments to the laws relevant to street vendors, discussions on surveys and mappings conducted on street vendors, formation of street vendor associations, street vendors management in city, cooperation with traffic police and on addressing the complaints of street vendors.

In Kabul, a technical sub-committee and a grievance redressal committee was formed and took place on three occasions in 2015. The forum allows street vendors to openly share complaints and issues related to bribery and harassment by the police.

- **UN**

The project continued its work with several UN agencies and projects of the UN to build synergies. JHRA worked with the GEP to develop a joint plan to take up violence against women cases through the Women Assistance Centres (WAC) that will be supported by the LAGF lawyers. Previously the WACs did not have access to qualified lawyers to provide legal aid to the victims of violence. Further the GEP and JHRA have also developed a concept note to expand the legal awareness through radio programmes across 8 provinces with common messages on legal aid, education for the girl child and property rights for women.

JHRA and LOTFA continued to work on the SOP for cooperation between police and prosecutors. Further to a few revisions that were made to the narrative document of the SOP, a flow chart has been developed to further simplify the SOP to assist the Central Investigation Department, FRU personnel and the EAW unit staff to readily follow the legal processes. The SOP and the flowchart is yet to be approved by the leaderships of the AGO and MOIA.

By concluding an LOA with UNODC, the project was able to implement training for JSI on code of conduct, EAW, principles of investigation, legal application of law / law enforcement (due process), covering Badghis, Balkh, Ghor, Helmand, Herat and Nangarhar.

JHRA has also continued its cooperation with MOWA, the EAW Commission, UNWomen, UNFPA on implementation of the EAW Law and conceptual design for the EAW Court.

- **Herat University**

The project undertook work on the establishment of a chapter of the National Legal Training Centre (NLTC) in Herat so as to have sustainable in-service training programmes for JSI staff and Stage for new lawyers in need of certification before getting licenses.

- **University of Nangarhar**

JHRA was in partnership with the University of Nangarhar to support a Law Clinic where students of Law and Sharia are working under supervision of licensed lawyers to provide legal advice to LAGF clients.

VI. ISSUES

Since the initiation of the JHRA project Phase II in 2013, the project has identified seven key issues that are specific to its implementation of activities in Afghanistan. The impact and actions undertaken to counter or mitigate the identified issues are detailed below.

- **Uncertain financial sustainability**

Several project activities continued to be adversely influenced by the lack of financial resources: the government did not assume sufficient financial ownership on key project activities; hence, the project continued to be the main responsible party to support and finance its programs and activities, which had a negative impact on the sustainability of such activities.

In 2015, the financial and sustainability issue continued to affect the project despite the fact that UNDP and the Italian Development Cooperation Office signed a new cost sharing agreement and transferred its remaining balance from the Law and Order Trust Fund in Afghanistan to support the JHRA project. The Italian contribution was directed to activities in Herat and the western region, covering crucial project activities such as legal aid, preparations of the pilot ERAW court, building up of the NLTC and state vs non-state coordination. The demand for expansion of LAGF to other regions continued while the project was not able to meet the growing demand with its current funding status and earmarking.

- **Leadership in justice institutions**

The project welcomed the new Chief Justice in the third quarter of 2015. JHRA arranged a meeting with the UNDP leadership and the management of JHRA with prospects for continued cooperation and support to JHRA supported initiatives, including the establishment of the ERAW Court. It is expected that with the new Chief Justice in place, the reforms process and the high level policy decision for the justice sector will gain new momentum, which could be further accelerated with the appointment of the Attorney General who is expected to be appointed soon.

The project has identified that there exists a lack of coordination between government institutions that are charged with the responsibility of implementing the ERAW Law at entry level (the FRUs and ERAW Units of AGO). The project has succeeded, through the facilitation of meetings and joint trainings, to have the FRU and ERAW Units to realize the added value of working closely together; moreover, the two partners have agreed on an SOP detailing the areas for close collaboration as identified in the ERAW Law.

- **Policy decisions on legal aid**

The activities under LAGF have been influenced by other projects; namely, policy decisions about the overall strategic approach from the Afghan government towards legal aid remained pending in anticipation of the development of the Legal framework under the Justice Service Delivery Project (JSDP – World Bank) that has been delayed in its implementation. As LAGF is designed around the legal aid work of the JSDP, certain strategic decisions have been delayed. As the project continued to facilitate discussions between relevant stakeholders, the MOJ's 100 Day Workplan successfully reflects the LAGF implementation as one of its key projects. The legal aid roadmap and review of the

policy and regulatory framework for legal aid was expected to start in the fourth quarter and continue to the first quarter of 2016.

The project has also identified, that there exists a lack of a common understanding of the potential added value of Law Clinics in the delivery of legal aid services to the public, especially to complement formal legal representation in courts. This has been resolved through round table discussions with university professors, ILAB , AIBA, MOJ and other stakeholders and agreed that a pilot be tested in Nangarhar, from which the project will draw lessons learned to inform a national concept on Law Clinics.

In addition, the project has identified and attempted to resolve a resistance by MOJ arising from and misunderstanding of the roles to be played by each of the three key partners (namely, MoJ, AIBA, UNDP) by organizing a series of tripartite meetings and explanations to MOJ that the LAGF is an additional modality of funding legal aid and is fully owned by MOJ as per Article 31 of the Constitution.

- **JHRA Successor Project – Afghan Access to Justice**

UNDP accelerated its efforts to design a successor project for JHRA, the AA2J. Based on the conclusions of a series of meetings since June with the national counterparts of the Project Steering Committee, the recommendations from the Mid-Term Evaluation, UNDP’s Strategic Plan, inputs from bilateral meetings with national counterparts and the final report of the human rights scoping mission by UNDP staff from Headquarters and the Regional Bureau for Asia-Pacific who visited Afghanistan in June, UNDP prepared a Concept Note setting out the scope of the successor project for JHRA. In order to increase accountability, effectiveness and efficiency, this Concept Note introduced a stricter focus, which is access to justice. In the final quarter of the year the project facilitated a series of consultations on the draft Results and Resources Framework of the planned AA2J project. By the beginning of 2016 UNDP will be able to provide its partner with a draft project document for AA2J. The project design process is in course for the new AA2J to start its implementation on 1 April 2016, provided that funding can be timely ensured.

- **NTA Staff Review**

The discussion about the National Technical Assistance (NTA) modality has continued throughout 2015, without reaching agreement on the way forward under the successor project. UNDP undertook, in cooperation with the Ministry of Justice, a functional review of the use of NTA positions in JHRA, which was the basis for further discussion with the MOJ. However, the MOJ has requested UNDP not to implement the findings of the functional review until further notice and has requested to consider a continuation of NTA staff, especially for the HRSU and the Translation Board for the successor project as well. No concrete initiatives have been taken by the Ministry of Justice to find alternatives for the use of NTA staff.

- **Change of Government**

After the elections in 2014, it took a very long period before all key positions were filled. As a result, at the initial stages of the reporting period the delays in the change of government had produced a vacuum in the decision making process in some of the key justice institutions. The fact that there was no Minister of Justice, resulted in challenges in defining and understanding strategies in government for JHRA as a government partner and produced in overall delays. The same applies to the AGO,

where still no Attorney General has been appointed. For example, the AGO had not yet committed to standard operating procedures drafted already in 2014 to guide cooperation between the EVAW Units and the FRUs of police. It is expected that once the new administration is in place pending activities can be sped up and new directions will emerge.

- **Closure UNDP Helmand Office**

Following the closure of UNDP's regional office in Helmand and the resignation of the Regional Coordinator, JHRA relied on the office of AIBA in Helmand to gather information and support to the team in Kabul. As the LAGF funds for Helmand are being channeled through AIBA, no disruption of the taking up of actual legal aid cases has taken place.

VII. RISKS

Six key risks have been identified and are specific to the JHRA project implementation activities in Afghanistan since the initiation of the Phase II in 2013. The actions undertaken to counter or mitigate the identified risks are detailed below.

- **Security**

Security has remained an issue affecting the extent to which JHRA can deliver programming, particularly in more remote areas of the country. While ongoing monitoring of the security situation is required, JHRA has mitigated many movement restrictions by using multiple contracting and engagement strategies to deliver programming. Through its National Regional Coordinators, JHRA has increased the coordination and oversight in the regions which also ensures that the project is able to maintain direct contacts with counterparts in the regions. The targeted attacks on justice operators in Jalalabad and Mazar-e-Sherif inevitably has had a significant impact on the functioning of these institutions, and adversely affects the activities of JHRA.

JHRA continued to work closely with UNDSS to monitor the security situation in Kabul and the provinces for all missions and used ANP armed escorts for road missions and additional security for large events. Workshops have been undertaken in alternate venues based on security advisories.

The security situation continued to adversely affect project delivery especially in Helmand where movement districts remained a challenge. In order to overcome this issue, JHRA was able to use the staff of the AIBA office in Helmand to continue with the implementation of key activities like the LAGF.

- **Government of the Islamic Republic of Afghanistan (GIROA) support for all components of the project**

The extent to which GIROA supports the development efforts of UNDP varies depending on the focus area where stakeholders are involved. JHRA has been working closely with government counterparts to ensure continuity of project activities, which are based on emerging government priorities. With the current emerging priorities, it is evident that JHRA's activities are closely aligned to these

priorities since several of the activities are reflected in the 100 Day Workplan and strategic plans of the government/state institutions.

The project has continued to involve GIROA counterparts in the PSC to promote ownership and ensure the project meets GIROA priorities.

- **Coordination with international partners**

Coordination with international partners is an important activity. With the available structure of the Rule of Law Board of Donors, JHRA has been able to regularly engage to seek synergies and cooperation with justice projects of other organizations. For example, the draft law on conciliation for civil disputes, which was supported by JHRA, has been discussed intensively with all stakeholders including NGOs.

- **Resignation of Staff**

Due to the end of the project period, there have been a few staff resignations during the last quarter of the year. UNDP has been considering the need for replacement of staff on a case-by-case basis, also using different modalities such as detailed assignments, while arrangements were made to ensure implementation of the project activities without any disruptions. In addition, to accommodate the extension of the project with an additional quarter until 31 March 2016, project recruitment plan has been revised based on the evolving situation and new short-term consultants are being recruited.

- **High National Technical Assistance Staff Turnover**

With the implementation of the NTA salary scale, there is a huge risk of losing qualified staff at the Translation Board and HRSU UNDP is developing plans for aligning NTA's with the Capacity Building of Results Program (World Bank). The NTA functional review was completed in the third quarter and as an outcome, the NTA will be continued until the end of the current project.

- **Sensitivity surrounding Gender Mainstreaming and Human Rights Awareness**

The project has undertaken several efforts to mitigate these issues. Workshops for female staff have been organized at the MOJ on leadership training to help ensure women's empowerment. In addition, the project has utilized a female English trainer for Taqin.

Aside low gender awareness, the officials of government agencies continue to have a limited human rights awareness. Most of the government officials lack a full understanding of human rights standards, what human rights conventions are and how to apply them for the benefit of Afghans. In addition, government officials continue to struggle with the implementation of the human rights recommendations, especially when these are considered to be inconsistent with the Islamic and cultural values, and how they are adopted and incorporated by the Afghan government institutions. This limits the ability of GIROA to provide human rights based services.

An increase in human rights advocacy, education, public literacy and awareness raising policies will ultimately help to bring changes with regard to the incorporating human rights values in the laws and government agencies policies and strategies. The planned successor project (AA2J) and the planned

Support to Human Rights Strengthening (SHRS) project will specifically address the identified critical weaknesses.

VIII. LESSONS LEARNED

- **Monitoring and coordination**

Monitoring and coordination of activities is of the utmost importance, especially when provincial level engagements are being undertaken. In 2015, 15 missions were undertaken to coordinate, promote and monitor project activities by the staff. Most of these missions are undertaken jointly with government staff and often heads of departments of the MOJ and AIBA.

- **Coordinating with similar projects**

JHRA has strengthened its coordination with other projects, agencies and institutions in order to maximize the impact of its activities. Working across projects extends the reach of JHRA programming throughout the Afghanistan government system, and encourages deeper entrenchment of priorities in the State. JHRA has worked closely with the UNDP Afghanistan Sub-national Governance Project (ASGP) on its work with municipal governments for the legal empowerment of street vendors.

JHRA continues to work closely together with LOTFA to undertake police and prosecutor trainings and to develop standard operating procedures.

In 2015, UNDP signed an MOU with UN Women to enhance the interagency coordination as regards gender. In support of integrating measures to eliminate violence against women, several of the activities of JHRA-GEP and UN Women have been analyzed through a results matrix and JHRA complements the activities from GEP and UN Women from a judicial and human rights angle.

- **Facilitating consultations and creating dialogue**

Ensuring that programming remains relevant and is delivered and/or supported in a way that best contributes to the work undertaken by the government, JHRA holds regular consultations with government, donor, international agencies, and civil society partners to discuss realized and anticipated progress. This allows the project to re-gauge its planned support and tailor engagements to the actual needs as they progress and respond to the political situation in Afghanistan. The ROLIS working group, LAGF Committee, the Technical Committee for UNCAT, the TCC for the Street Vendor's are some of the groups that have been meeting on a regular basis to undertake substantive discussions and ensure consensus building.

- **Regular staff, UNDP operations unit meetings**

To overcome implementation challenges, regular operations meetings are conducted within JHRA and in coordination with the UNDP Country Office teams. Team meetings for project output areas are analyzed along with the overall project delivery on a weekly and monthly basis.

- **Capacity Development and the JHRA Successor Project**

UNDP believes that through the process of capacity development individuals, institutions and societies obtain, strengthen and maintain the capability to set and achieve their own development objectives over time. It is the 'how' of making development work more sustainable and is as such integral to its design process of the successor project for JHRA.

Drawing from lessons learned in the implementation of JHRA, UNDP plans to support capacity development particularly at the institutional level because when institutions (whether informal or formal) are able to perform better, sustain that performance over time, and manage 'shocks' to the system, they can contribute to the achievement of national human development goals with impact, benefiting individuals and societies in a sustainable manner.

The JHRA MTR 2014 pointed out that JHRA had not sufficiently based its interventions on core UNDP capacity development principles affecting impact and sustainability. As a result of this lesson learned, the UNDP CO will closely monitor adherence to the following principles when implementing AA2J interventions:

1. Capacity development must simultaneously address capacity gaps in: i) the organizational structure; ii) systems and processes; iii) human resources.
2. The knowledge on how to strengthen the organizational structure, systems and processes and human resources should not remain with international partners. National capacity within the MOJ, national training institutions, businesses, NGO's and individuals should be developed to provide continuous capacity development support into the future.
3. Project activities should only be implemented if they can achieve a "critical mass" of capacity development. This means that the ensemble of activities either achieve full capacity development for one department or focus on one function across departments/institutions. If capacity development is sporadic among departments, or among functions, there will not be an organizational or systemic impact. The impact starts to be visible when there is a chain of trained people working together on the basis of improved processes and structures, either in a department or within a certain functional group.

Based on the above analysis, the planned AA2J methodology for developing capacities is as follows:

1. Conduct capacity development assessment: This should in principle be conducted as per the official UNDP methodology which prescribes a guided self-evaluation by staff of the institution or unit being assessed resulting in rates calculated per UNDP method. The self-evaluation ensures agreement with priorities set and ownership. The assessment is usually designed around the ability of the institution/unit to execute its mandate but can also look into specifically targeted functions. The rates are required for M&E purposes and ensuring that follow up assessments can meaningfully measure progress.
2. Develop capacity development plan: Based on the assessment a capacity development plan will be developed jointly with the institution/unit. The plan has the form of a workplan with clear tasks, roles and responsibilities and is preferably integrated into the workplan of the

institution/unit. The plan will also be consulted with project donors and agreed by the senior leadership of the institution.

3. Implement capacity development plan: The activities of the capacity development plan will be integrated into the AA2J project annual workplan. UNDP will support the institution/unit with the implementation of the plan as per the division of roles and responsibilities. The Project Board monitors implementation of the AA2J project workplan and thus implementation of the capacity development plan which is now integrated.

UNDP has internal expertise or identified expert consultants from its rosters to support the capacity development process and methodology. However, as per the principles set out above, staff from the institution will always be involved. In those cases where institutional capacity is extremely low, it may be desirable to complement the staff from the institution with NTA staff or to pay for staff positions through the CBR scheme. However, a well defined exit strategy over time needs to be included in such cases. An assessment of the need for such positions should preferably be involved from the start in the execution of the capacity development assessment.

- **Geographical Targeting and Reach**

Under JHRA phase II interventions were implemented geographically as follows: The Legal Aid Grant Facility has offices in Nangarhar, Balkh, Herat, Bamyan and Helmand, and also provides services to adjacent provinces, including Bagdis and Daikundi. Consultations on the civil dispute resolution through the informal system took place in Kabul, Jalalabad, Mazar-e-Sharif, Herat and Kandahar. Trainings on ERAW related issues have been provided in Herat to Police, Prosecutors, and Defence Lawyers from Herat, Ghor, Bagdis and Farah. Preparations for a national legal training center in Herat were undertaken. Data collection and consultations for the Rule of Law Indicators Study took place in Kabul, Parwan, Nangarhar, Balkh, Herat, Helmand. Activities outside Kabul were serviced by 1 UNDP staff member in Herat, 1 in Jalalabad and 1 in Mazar.

Drawing the lessons learned from the past, the new AA2J project document will include a focused implementation strategy for geographical targeting and reach. This strategy will be developed taking into account previous work conducted under JHRA, the geographical locations currently covered by UNDP's Law and Order Trust Fund (LOTFA) and the UNDP Afghanistan overall regionalization strategy currently under development. To service provinces and rural areas, UNDP will use its own staff but will also work through GIROA officials and civil society organizations at the sub-national level provided their work can be adequately monitored.

- **Beneficiary Targeting**

The current JHRA project has benefitted all Afghans but targeted vulnerable and marginalized groups in the areas under its geographic reach. Drawing from the lessons learned during the implementation of JHRA, and in order to ensure alignment with government priorities, the new AA2J project will focus on *pre-trial detainees and indigent women and children in civil cases*.

IX. FUTURE PLAN

The PSC has approved on 8 December the extension of JHRA Phase II until 31 March 2016. The following activities are planned to take place during the first quarter of 2016 in order to ensure maximum implementation of the work plan as well as to facilitate a smooth transition to the successor project.

Output 1: High-level coordination mechanisms for developing policy and legislation in accordance with international and national standards are established and functional in State justice institutions

1. Conduct one Human Rights Regional Conference for AIHRC
2. Strategic plan for SC (Technical assistance to be provided- no financial implication/commitment made)
3. Conduct human rights trainings for Ministries
4. Conduct one refresher training on human rights for Government focal points
5. Design the Capacity Development Plan for HRSU
6. Support legislative reviews of laws based on human rights principles
7. Conduct one stakeholders dialogue on follow up of human rights recommendations⁵ (HRSU, AIHRC, MOFA, MOJ, MOWA)
8. Develop and finalize Human Rights Programme
9. Draft penal code finalized by Taqin
10. Draft Guidelines for enactment of Criminal Procedure Code
11. Finalization of Conciliation of Civil Dispute Law
12. Finalization of family law to send to Parliament

Output 2: Mechanisms to provide quality justice services to vulnerable groups are established and functional

1. Support to the LAGF through AIBA
2. Conduct Capacity Assessment of LAGF Committee against their mandate
3. Conduct Capacity Assessment for Law Clinics-Legal framework
4. Harmonization workshop on Law Clinics concept -jointly with ILAB
5. M&E Monitoring Agent-data collection, statistics, analysis, reporting and recommendations- focus at district level-end of assignment workshop
6. Conduct 1 round table advocacy discussion on EVAW Court
7. Conduct 3 joint trainings on EVAW-Indictments, Settlements, SOPs, and Coordination (FRU/CIDs, Defense lawyers, judges, new prosecutors, DOWA, WAC. etc.
8. Conduct 3 trainings on Family Law
9. Support Nangarhar Law Clinic
10. Support the NLTC in Herat to conduct trainings for JSIs

Output 3: Public participation processes and knowledge base for improving access to justice and human rights compliance established

1. 5 district level coordination meetings amongst formal and informal justice actors

2. 1 Annual Huquq officers workshop as part of input into draft conciliation Law
3. 1 national CSO workshop: jointly organized with PLAU-MOJ
4. Installation of billboards in 5 provinces
5. 1 workshop on MOJ Communication strategy

Project design of the AA2J project

UNDP Programme Unit has accelerated its efforts to finalize the design of a successor project. In the final quarter of the year, the project facilitated a series of consultations on the draft Results and Resources Framework of the planned AA2J project. In the first quarter of 2016 UNDP will be able to provide its partners with a draft project document for AA2J, together with a work plan, and bring it before the PSC for approval. The project design process is therefore in course for the new AA2J to start its implementation on 1 April 2016.

The AA2J project goal is an increased and more sustainable access to justice, in particular for vulnerable and marginalized groups. The goal is aligned with the GIROA Goal 2 (Governance – Justice Sector and Law Reform) and Goal 7 (Ensuring Citizen’s Development Rights) of the GIROA Position Paper on Realizing Self-Reliance. The project document will map out the exact AA2J contribution against the GIROA’s Self-Reliance Goals and corresponding GIROA short-term Self-Reliance priorities. In doing so, the new project will specifically benefit the Afghan population, in particular vulnerable and marginalized groups.

The new project will focus on the following key areas:

- legal aid and awareness,
- strengthening rule of law institutions with focus on the implementation of the ERAW law,
- strengthening the MOJ’s legislative drafting and human rights capacity..

UNDP’s AA2J project supports increased access to justice in particular for vulnerable groups. Using a peacebuilding lens to state building, it targets these needs, institutions and beneficiaries that are vital for the continuation and strengthening of basic access to justice services and for which UNDP has a comparative advantage (see the next section for specific justifications on the targeting). At the same time to support sustainable and comprehensive access to justice, the project will establish effective partnerships and contribute with lessons learned from the project and UNDP globally to the broader justice sector reform process.

This is important as lack of access to justice, or the inability to receive an effective remedy for grievances causes feelings of “injustices” and “insecurity” among the Afghan population. In public perception surveys Afghans list insecurity including lack of access to justice related insecurity as their largest problem.⁶ Unemployment ranks second. When singling out the biggest problem for women specifically, domestic violence and lack of rights⁷ were identified as number one problem. Extensive research has demonstrated that perceived insecurity and injustices combined with unemployment are the main triggers for vicious cycles of violence, which in its turn are the main impediment to

⁶ Asia Foundation, A Survey of the Afghan People, Kabul, 2014

⁷ The order given by the Asia Foundation was problem no. 1) lack of education (23%), 2) lack of jobs (15%), 3) domestic violence (13%), 4) lack of rights (8%), 5) forced marriage (8%). However domestic violence, lack of rights and forced marriage are all rights issues which combined rank number one.

sustainable development. Thus without basic access to justice services now and in the future, Afghanistan is highly vulnerable.

The project builds upon well-evaluated support in existing UNPD funded projects including the JHRA, LOTFA and GEP projects. However it restructures, deepens and leverages on them to allow for alignment with priorities of the Government, more focused results and increased impact. Collectively, UNDP has been supporting justice interventions in Afghanistan for over a decade allowing UNDP to strengthen successful interventions based on lessons learned. UNDP will also continue to leverage of its' global and local lessons learned through its positions of co-chair of the United Nations Results Group on Rule of Law in Afghanistan, Lead Focal Point for Rule of Law under the United Nations Harmonization Framework on GBV in Afghanistan and co-chair of the United Nations Global Focal Point on Rule of Law.

X. ANNEXES

ANNEX 1: PROVISIONAL FINANCIAL TABLE

As of 31 December 2015

Donor Name	COMMITMENT/ PAST YEARS RECORD			CURRENT YEAR (2015)						FUTURE EXPENSES		Available Resources N=(i - j-k-m)
	Commitment (a)	Revenue Collected 31/12/2014 (b)	Expenses 31/12/2014 (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)	
DENMARK	845,688.00	845,724.00	619,485.00	-	226,239.00	-	-	208,379.27	17,859.73	6,854.72	-	11,005.01
CANADA (DFAIT)	320,224.14	320,224.14	316,929.00	-	3,295.14	-	-	(1,260.92)	4,556.06	-	-	4,556.06
ITALY	2,543,554.73	2,010,879.73	1,837,283.56	-	173,596.17	-	-	119,258.44	54,337.73	13,149.27	-	41,188.46
ITALY (LOTFA)	-	-	-	-	-	532,684.00	-	396,430.00	136,254.00	-	-	136,254.00
ITALY (CSA)	928,961.75	-	-	-	-	928,961.75	-	-	928,961.75	-	-	928,961.75
NETHERLANDS	4,739,223.00	2,348,065.33	2,008,687.95	4,866.76	344,244.14	2,391,187.00	10.28	2,379,765.53	355,675.89	37,711.90	3,812.28	314,151.71
NORWAY	13,372.00	13,372.00	13,371.00	-	1.00	-	-	-	1.00	-	-	1.00
SWITZERLAND (SDC)	3,769,991.00	3,469,997.00	2,262,348.87	-	1,207,648.13	300,000.00	-	1,104,775.11	402,873.02	23,778.22	-	379,094.80
UNDP	3,234,696.00	2,970,676.47	2,970,676.47	-	-	503,085.00	-	567,061.02	(63,976.02)	30,435.99	664,723.42	(759,135.43)
UNDP BCPR	450,000.00	327,188.39	327,188.39	-	-	13,367.00	-	12,304.53	1,062.47	-	-	1,062.47
Grand Total	16,845,710.62	12,306,127.06	10,355,970.24	4,866.76	1,955,023.58	4,669,284.75	10.28	4,786,712.98	1,837,605.63	111,930.10	668,535.70	1,057,139.83

ANNEX 2: EXPENSES BY OUTPUT

As of 31 December 2015

Project Output ID and Description	2015 Budget (AWP)	Expenses (1 January – 31 December 2015)	Delivery Rate
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.	1,682,121.00	1,557,817.84	92.6%
Sub-total Output 1	1,682,121.00	1,557,817.84	92.6%
Output 2: (00085459) Mechanisms to provide quality justice services to vulnerable groups are established and functional (NPP 5, component 1)	1,673,326.00	1,310,182.47	78.3%
Sub-total Output 2	1,673,326.00	1,310,182.47	78.3%
Output 3: (00085460) Public participation processes and knowledge base for improving access to justice and human rights compliance established.	1,199,430.00	1,189,290.64	99.2%
Sub-total Output 3	1,199,430.00	1,189,290.64	99.2%
Output 4: (00085461) Project Support Unit: Internal oversight, monitoring and evaluation capacity in place.	705,010.00	729,422.03	103.5%
Sub-total Output 4	705,010.00	729,422.03	103.5%
Grand Total	5,259,887.00	4,786,712.98	91.0%

ANNEX 3: ACTIVITY

Activity	Description of Progress	Comments
1.2 Increase justice institution capacity to monitor progress and performance of justice sector delivery (through RoLIS)	<p>JHRA worked with other UN agencies and national institutions and carried out baseline study of rule of law indicators and the final report was shared with government of Afghanistan and all the relevant justice sector institutions on 11th August 2015.</p> <p>The government accepted and adopted the report for use in Justice Sector reform. All five (SC, AGO, MOJ, AIBA, CPD) rule of law and justice institutions participated in the final report launching ceremony and they considered the report as a big achievement for the government in the justice sector.</p>	Achieved.
1.3 Increase the MOJ's capacity to effectively reform law through the Taqin, including the Translation Board	<p>Legislative drafting expertise and means for consultations on Family Law (with UNWOMEN), Jirga/Shura Law, Penal Code, Law on obtaining rights, Civil Servant Law and the Labor Law were provided through the convening of various workshops and meetings.</p> <p>The Translation Board was supported to ensure the development of legal translations to MoJ and other government institutions.</p>	
1.4 Strengthen human rights institutions' capacity to track, monitor and report on the implementation of human rights commitments.	<p>HRSU has conducted 4 training workshops on focal points in different Ministries focusing on what human rights standards are and the reporting mechanisms as well as the Action Plan on Follow up of recommendations in government departments. 11 workshops were conducted for various ministries based on the identified needs ie for NDS was focusing on rights of accused while for MOIC it focusing access to information and freedom of speech.</p>	
2.1: Legal Aid Grant Facility increases access to justice through free legal representation, particularly for detainees, women and children.	<p>This activity result has largely been achieved, the LAGF was established through an MOU between MOJ, AIBA and UNDP in August 2013 and started taking on cases in July 2014, in addition to providing free legal services through licensed AIBA lawyers, and the LAGF has carried out training for legal aid providers including those employed by the MOJ and NGOs. Two law clinics in Helmand and Nangarhar have been supported and are operational, engaging student to provide legal information and assistance under supervision and guidance of licensed LAGF Lawyers. One unintended result of the LAGF has been the increase in number of Licensed lawyers where AIBA has opened a branch supported by the LAGF. Helmand is the case in point where there was marked increase from 1 to 40 in a space of 1 year</p>	Monitoring and Evaluation has not been as strong as desired. The Monitoring Agent (MA) that was supposed to be hired during the 3 rd quarter was not hired and there is dire need to have the MA in place as part of a robust M&E framework
2.2: Increase women's access to justice on issues of gender based violence by assisting the AGO/Government to implement the ERAW law and to design pilot ERAW courts	<p>This activity is on track to achieve the broader outcome of having an effective mechanism in the implementation of the ERAW Law. A capacity assessment of the ERAW Units was done in 2013, making recommendations for greater coordination and collaboration between all agencies involved in the implementation of the ERAW</p>	More work is still required in terms of advocating for the speedy establishment of the ERAW Court before the Supreme Court and the

Activity	Description of Progress	Comments
	Law. The assessment further identified that the establishment of EVAW court would complement the FRUs and EVAW Units is expediting processes and procedure	President's Office; without the EVAW Court , VAW cases will not enjoy the expeditious settlement envisaged in the EVAW Law
2.3: Enhance the Professional Capacity of State Justice providers including respect for due process through establishment of NLTC	A number of trainings involving JSI staff took place during the past 3 years covering a range of topics relating to the administration of justice. Participation was drawn from all JSI institutions in 4 provinces (Herat, Balkh, Nangarhar and Helmand). This was supposed to be a precursor to the establishment of a National Legal Training Centre in Herat so that it can continue with the in-service trainings and <i>Stage</i> in a more systematic and sustainable manner. The curriculum, furniture, computer lab, space and other logistics for the establishment of the NLTC are in place. What remains is the resolution of the legal status of the proposed Herat NLTC. This is being addressed and a solution is expected in the coming months	The challenge has been the legal status on the NLTC Chapter vi-a-vis NLTC Kabul that claims to have exclusive rights to conduct Stage and operate NLTCs across the country. Discussions are ongoing and the issues should be resolved in the coming months
3.1: Empower male and female street vendors through recommendations and advocacy for policy change		
3.2: Consolidate communication and coordination between State and non-State justice providers through recommendations and advocacy for policy change		
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		
4.1: JHRA implementation is conducted in an accountable, effective and efficient manner	JHRA management was able to implement between 70-80% of the recommendations from the MTR, leading to a more coherent project with activities that are mutually reinforcing move towards a more client oriented approach to doing business.	It was a challenge to effect budget revisions in good time and this adversely affected JHRA delivery rate as budget exceptions were rampant for the larger part of Q3 and Q4
4.2: Strategic direction informed and refined through analysis using robust monitoring, evaluation and reporting processes	Progress was made towards achieving this activity result. Management of the project was streamlined in the first quarter and positive changes in decision making, procurement and M&E were implemented. Regular meetings with UNDP SM were conducted and a platform for frank and open discussions about strategic direction of the JHRA and the successor project were initiated. Fruitful consultative meetings on the successor project were held after approval of the Concept Note by SM. The RRF	Staff turnover was on the higher side and this adversely affected the project in terms of clarity of roles and responsibilities. CO took

Activity	Description of Progress	Comments
	for the new AA2J project was drafted and discussed with all stakeholders including donors and government counterparts.	on direct day to day management of the project and there was a blurred demarcation between oversight roles normally discharged by CO and project management roles normally discharged at project level

ANNEX 4: ISSUE LOG

#	DESCRIPTION	DATE IDENTIFIED	IMPACT/PRIORITY	COUNTERMEASURE/MNGT RESPONSE	OWNER	STATUS
1	Financial Sustainability	2013	Impact = 2 Priority = 3	Increase ownership and thus efficiency	CTA & Program Officer	Unresolved
2	Policy on legal aid	2014	Impact = 4 Priority = 4	Facilitate discussions between stakeholders.	CTA & Access to Justice Coordinator	Unresolved
3	Leadership at justice institutions	Q1 & Q2	Impact = 5 Priority = 4	Coordination with all PSC members on regular basis and existing interim leaders being consulted regularly. Cooperate closely with UNDP country office.	CTA & Program Officer	Resolved
4	Closure of UNDP Office in Helmand	2015	Impact = 4 Priority = 3	JHRA undertook the recruiting one national UNV to provide information and support to the team in Kabul	Programme Unit	Resolved
5	JHRA Successor Project	June 2015	Impact=3 Priority =4	With the conclusion of RRF consultations and the drafting of project document, the project design process is well underway	Programme Unit	Ongoing

ANNEX 5: RISK LOG

#	DESCRIPTION	DATE	TYPE	IMPACT & PROBABILITY	COUNTERMEASURES/MNGT. RESPONSE	OWNER	SUBMITTED BY	STATUS
1	Lack of security	ongoing	Environmental Political	<ul style="list-style-type: none"> • Potential risk of injury or death to project staff and contractors • Potential impact on activities – delayed or rescheduled activities • Lack of security in provinces and districts in which UNDP-JHRA will carry out programming continues to impede project implementation. • Subsequently, in addition to implementation, the security situation has also particular impact on the project's ability to monitor activities through field assessments. <p>I: 2 P: 5</p>	<p>Comply with UNDSS security arrangements</p> <p>Contract security services for physical security.</p> <p>Obtain security clearances for internal travel</p> <p>Conduct conflict assessment as part of selection of districts</p> <p>Contract external organizations where required</p>	Project Manager ai, CTA	Staff	<ul style="list-style-type: none"> • JHRA works closely with UNDSS to monitor the security situation in Kabul and the provinces for all missions. • JHRA used ANP armed escorts for road missions and additional security for large events. • Security did affect programming as Mission planning consumes large amounts of time and coordination between various agencies. • Workshops have been undertaken in alternate venues based on security advisories. Data collection on State and non-State cooperation in the justice sector has made slow progress in Nangarhar.

#	DESCRIPTION	DATE	TYPE	IMPACT & PROBABILITY	COUNTERMEASURES/MNGT. RESPONSE	OWNER	SUBMITTED BY	STATUS
2	Extent of GIRoA support for all components of the Project	ongoing	Political	<ul style="list-style-type: none"> Project will require political support and coordination with several GIRoA institutions I: 4 P: 4	GIRoA counterparts involved in the Project Steering Committee to promote ownership and ensure the project meets GIRoA priorities	CTA, Project Manager ai, and Rule of Law Unit Program Officer	Staff	<ul style="list-style-type: none"> Project Steering Committee (PSC) and Technical Coordination Committee.
3	Risk of staff resignations due to end of project period	Q2	Ops	<ul style="list-style-type: none"> Risk of staff resignations could limit project implementation I: 3 P: 3	Project recruitment plan is being revised based on the evolving situation and new short term consultants are being recruited.	CTA, Project Manager ai and Human Resources Assistant	CTA/ Human Resources Assistant	<ul style="list-style-type: none"> The Project is currently almost fully staffed.
4	High LoA staff turnover: With the implementation of the NTA salary scale, there is a huge risk of losing qualified staff at the Translation Board and HRSU.	Q1	Ops	<ul style="list-style-type: none"> Losing staff at the Translation Board and the HRSU will risk the achievements of annual targets. I: 3 P: 3	NTA functional review is planned for Q3	Project Manager ai and Rule of Law Unit Program Officer	CTA/Human Resources Assistant	<ul style="list-style-type: none"> Foster leadership both at HRSU, Translation Board and PPD. UNDP undertaking functional review jointly with the MOJ. Also UNDP is developing plans for aligning NTA's with the Capacity Building of Results Program (World Bank)
5	Sensitivity surrounding Gender Mainstreaming	ongoing	Political	<ul style="list-style-type: none"> Limited gender programming I: 3 P: 4	Project implementation is based on national priorities	CTA, Project Manager ai, component	staff	<ul style="list-style-type: none"> Workshop for female staff at the MoJ on leadership training assists in ensuring

#	DESCRIPTION	DATE	TYPE	IMPACT & PROBABILITY	COUNTERMEASURES/MNGT. RESPONSE	OWNER	SUBMITTED BY	STATUS
						managers, key staff		women's empowerment. English trainer for Taqin was a woman which ensured gender mainstreaming was ensured in all activities that were undertaken.
6	Coordination of international organizations	Q2	Programme	<ul style="list-style-type: none"> Legal issues in addressing legislative drafting process could be conflicting if coordination with all international and national partners are not undertaken I:3 P: 2	Project Implementation is undertaken through consensus building and national priorities	CTA, Rule of Law Program Officer	CTA	<ul style="list-style-type: none"> Detailed presentations at Board of Donors and CSO's being undertaken. Research and experiential learnings for senior leadership of PSC being organized.