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# **Justice and Human Rights in Afghanistan**

**FOURTH QUARTER PROJECT PROGRESS REPORT 2012**

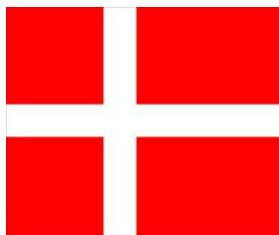
## PROJECT INFORMATION

<b>Award ID:</b>	00068012
<b>Duration:</b>	Jul 2012 – Dec 2012
<b>Strategic Plan Component:</b>	Democratic Governance
<b>CPAP Component:</b>	Access to Justice, Human Rights
<b>ANDS Component:</b>	Governance, Rule of Law and Human Rights
<b>Total Budget:</b>	USD 1,747,520
<b>Responsible Agency:</b>	United Nations Development Programme

## DONORS



Canada



Denmark



Switzerland



The Netherlands



Italy



Norway



UNDP

## ACRONYMS

AGO	Attorney General's Office
AIBA	Afghanistan Independent Bar Association
AIHRC	Afghan Independent Human Rights Commission
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
ESCR	Economic, Social and Cultural Rights
GoA	Government of Afghanistan
HRSU	Human Rights Support Unit (of MoJ)
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Convention on Economic, Social and Cultural Rights
JHRA	Justice and Human Rights in Afghanistan Project
LAB	Legal Aid Board
LPAC	Local Project Appraisal Committee
MoFA	Ministry of Foreign Affairs
Mol	Ministry of Interior
MoJ	Ministry of Justice
MoU	Memorandum of Understanding
MoWA	Ministry of Women's Affairs
NDS	National Directorate of Security
NLTC	National Legal Training Center
NPP	National Priority Program
OHCHR	Office of the High Commissioner for Human Rights
PIP	Project Initiation Plan
PLA	Public Legal Awareness
PLAU	Public Legal Awareness Unit (of MoJ)
RfP	Request for Proposals
UNAMA	United Nations Assistance Mission in Afghanistan
UNCAT	United Nations Convention against Torture
UNDP	United Nations Development Programme
UPR	Universal Periodic Review

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## I. EXECUTIVE SUMMARY

In Quarter (Q) 4 2012, the Project Document for Justice and Human Rights in Afghanistan (JHRA) Phase II was approved by Local Project Appraisal Committee (LPAC) on 20 November 2012, and signed by the Minister of Justice and United Nations Development Programme (UNDP) Country Director on 9 December 2012.

Other project activities also continued to deliver results throughout Q4, as per the Project Initiation Plan (PIP). The Human Rights Support Unit (HRSU) continued to review national laws for compliance with international conventions to which Afghanistan is party. In Q4 2012, the Unit began a compliance review for the International Convention on Civil and Political Rights (ICCPR). The Unit provided trainings in human rights, relevant conventions, and State obligations to the Ministry of Women's Affairs (MoWA), Ministry of Defense, Attorney General's Office (AGO) and National Directorate of Security (NDS), as well as drafted specific obligations for implementing the regulation on human rights.

The Translation Board, the incarnation of the Ministry of Justice (MoJ) Translation Unit within the *Taqnin* Department mandated by Presidential Decree in June 2012, has repositioned the Unit as a fundamental contributor to the legislative drafting process. In October, the Translation Board and the *Taqnin* hosted a workshop to introduce a new database that will compile all legislation translated to Dari and/or Pashto to become the main resource of legal reference materials and best practices for the Government of Afghanistan (GoA).

The JHRA Project has already initiated activities that will underpin programming in the second phase of the Project. To ensure that the Project is able to start immediately with the information, resources and expertise required, terms of reference for services and expert consultants were drafted in Q4. For its support to the MoJ Public Legal Awareness Unit (PLAU), the JHRA Project drafted and announced Requests for Proposals (RfP) for the provision of a Perception Survey of the Justice Sector through a Media Monitoring of justice and legal issues. The contracted firm will work together with the MoJ PLAU to ensure the Unit's officials understand how to develop, carry out, and analyze information generated by these services. Further, terms of reference for an international expert in legal empowerment and economic, social and cultural rights was announced in Q4. Recruitment of all key staff is projected by Q1 2013 for immediate commencement of JHRA Phase II Project.

The risks envisaged for full activation of JHRA Phase II is dependent upon timely recruitment of qualified staff and leveraging funds to undertake the activities. Therefore the primary tasks for Q1 of 2013 will be to address both these concerns.

## II. RESULTS

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

The Project Document for JHRA Phase II, which will run from January 2013 – December 2015, was approved through the LPAC meeting on 20 November 2012. The document was signed by the Hon. Minister of Justice, Saranpoh Habibullah Ghalib, and UNDP Afghanistan Country Director Alvaro Rodriguez on 9 December. The Project Document constitutes the official basis on which the JHRA Project can fund and execute planned programming, recruit staff, and procure services.

The JHRA Phase II Project Document is the result of nine months of planning and discussion with related GoA counterparts, donors, international non-government organizations (INGOs) and civil society organizations (CSOs) to ensure programming complied with National Priority Program (NPP) 5 (Law and Justice for all) and NPP 6 (National Priority Program for Human Rights and Civic Responsibilities), and complements other programming taking place in the same geographic areas. JHRA Phase II will initiate activities at the national and sub-national level. Sub-national activities will aim to strengthen the capacity of justice officials in the regional centers (Herat, Mazar-i-Sharif, Jalalabad), and proceed to support the expansion of activities organically through justice officials to the provinces under their regional jurisdiction.

Table 1: Q4 Progress on Output 1 Annual Targets

Baseline	2012 Annual Targets	Q4 Planned	Q4 Actual
JHRA Phase I Completed	Signed documents for JHRA Phase II	Terms of references of partnerships within project components finalized.	• Letter of Agreement with the MoJ developed.
		Legal context of JHRA phase two finalized.	• JHRA Phase II Project Document finalized, approved and signed by the MoJ and UNDP Afghanistan.
		NIM mechanism established.	• Overall DIM mechanism applied as a result of a capacity assessment of the MoJ and in discussion with the senior leadership of MoJ.
		Terms of reference for new staff advertised.	Terms of References for 9 key national and international staff developed and advertised; One position re-advertised for procurement officer and one Finance Assistant recruited.

### 1. FINANCIALS

During Q4, a total of USD 433,096 was spent for this output. For more details, please refer to Annex 2.

## 2. RISKS

### ▪ **Recruitment of qualified staff delayed**

The lengthy recruitment processes of UNDP can negatively impact the project implementation. To mitigate this risk, JHRA has conducted an intensive recruitment process throughout Q4, working closely with UNDP Human Resources Unit and UNDP Headquarters in New York to ensure timely recruitment of necessary staff. However, the position of Procurement Officer was re-advertised due to lack of suitable candidates for the post.

### ▪ **Sufficient funding for JHRA Phase II**

The JHRA Project Document was approved and signed late in the PIP period, which has delayed some donor commitments for the new phase of programming. JHRA has ensured that all programming is in line with both the donor priorities for the Rule of Law sector in NPP 5 and NPP 6, and increased government ownership in the current phase to strengthen longer-term sustainability. In Q1 2013, JHRA will readdress funding opportunities with donors to secure the necessary funding commitments.

## 3. ISSUES

There are no reported issues for this quarter.

## 4. FUTURE PLANS

Commencement of JHRA Phase II and continued recruitment of key staff and consultants for the project



## **B. Output 2: Support to MoJ with programmatic inputs on HRSU and Translation Unit.**

### **Human Rights Support Unit**

As a part of the continued effort to implement Component 1 of NPP 6, the HRSU undertook several activities in Q4.

As part of the United Nations Security Resolution (UNSR) 1325<sup>1</sup> technical working group, chaired by the Ministry of Foreign Affairs (MoFA), HRSU has played a major role of reviewing national laws against the contents of the resolution, in order to draw up a comprehensive National Action Plan. In Q4 2012, this National Action Plan was submitted to the Afghan Senate (*Meshrano Jirga*) for recommendations on the legal framework to ensure and monitor its application.

The HRSU commenced its review of national laws against the ICCPR in collaboration with the UN Office of the High Commissioner for Human Rights (OHCHR). A total of 50 national laws have been identified for review, which the Unit will conduct in coordination with the MoJ *Taqnin* and international partners. The Unit has been requested by the MoJ to prepare a review of the protection of minority rights in Afghanistan against the provisions put forward in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Unit has drafted a report which includes compiled information from the internal review and inputs from national organizations working for the protection of minority rights, and was submitted to the MoFA for further action.

The M&E Toolkit on right to education was completed to track the implementation of human rights commitments in Afghanistan and is now ready for implementation. The HRSU conducted a workshop with the Ministry of Education, Ministry of Interior (MoI), MoWA, MoFA, Ministry of Labor and Social Affairs (MoLSMD) and key CSOs to educate them as partners and identify a multi-ministerial/agency role in the collection of data which will focus on right to education. This effort will contribute towards a larger database, which aims to collect data on the implementation of all human rights conventions ratified by Afghanistan to inform the report on the application of the Universal Periodic Review (UPR).

### **Translation Unit**

The Translation Board was officially established in Q4 2012. The Board provides coordination and oversight for both the flow and quality of translated contracts, documents and international treaties, by positioning the former Translation Unit within the *Taqnin* Department. With this new arrangement, translation staff works directly with the legislative drafters within the *Taqnin* to ensure that external resources and legislative best practices are accessible during the formulation and review of new laws. Capacity building activities, such as language and legal courses, are offered to all *Taqnin* staff, bolstering the capabilities of all officials charged with developing constitutionally compliant legislation.

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<sup>1</sup> UNSCR 1325 addresses not only the inordinate impact of war on women, but also the pivotal role women should and do play in conflict management, conflict resolution, and sustainable peace.

In October 2012, the Translation Board hosted a conference for international and national agencies working in the field of justice and rule of law to announce the launch of a legislative database housed in the MoJ. The database will be developed into a collection of translated national and international laws to provide a centralized resource for the government and international institutions. The workshop introduced the concept of the database to those working in the sector, and requested existing documents be submitted to the Translation Board for review and inclusion in the database.

Table 2: Q4 Progress on Output 2 Annual Targets

Baseline	2012 Annual Targets	Q4 Planned	Q4 Actual
Limited knowledge of state officials on the human rights and their obligations to respect, promote and protect human rights	Scrutinize existing laws against international standards, make recommendations on proposed amendments, and provide input in the drafting of new laws.	Finalize regulation on protection and promotion of human rights in state institutions for approval by Council of Ministers.	HRSU has completed draft and has submitted it to Taqin for review.  HRSU reviewed the following laws for their compliance with international conventions and treaties: UNSR 1325 <sup>2</sup> and ICCPR <sup>3</sup>
		Undertake preliminary work on United Nations Convention against Torture (UNCAT).	<ul style="list-style-type: none"> <li>• JHRA/HRSU to provide financial support to MoFA for reporting on the implementation of UNCAT.</li> <li>• ToRs drafted for experts to provide technical assistance to UNCAT team.</li> <li>• Draft Letter of Agreement developed with Danish Institute of Human Rights to share expertise on UNCAT.</li> </ul>
	Ensure the work of other ministries and agencies is in conformity with international human rights standards.	M&E pilot toolkit on right to education developed.	<ul style="list-style-type: none"> <li>• Toolkit developed with support from an international consultant.</li> </ul>
		M&E mechanism on right to education piloted.	<ul style="list-style-type: none"> <li>• Toolkit completed, and agreement with Ministry of Education to apply and monitor right to education established.</li> <li>• ToR for database specialist developed.</li> </ul>
		Action Plan on implementation of UPR, CRC, Economic, Social and Cultural Rights (ESCR) is approved by the Government.	<ul style="list-style-type: none"> <li>• Seminar on state obligations and human rights recommendation action plan conducted with high-level government officials.</li> <li>• GoA support for the action plan and recommendations on implementation and oversight mechanisms received.</li> </ul>

<sup>2</sup> Law on Social Organizations, Juvenile Code, Regulation on MoJ Performance and Activities, National Public Legal Awareness Strategy, Law on Political Parties, NPP 5, Law on Obtaining One's Rights, Law on Rights and Privileges of MoJ Taqin Department Cadres, Law on the Elimination of Violence against Women, Civil Code, Shia Personal Status Law

<sup>3</sup> Constitution, Civil Law, Public Health Law, Criminal Code, Shia Personal Status Law, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, Education Law

	Provide technical assistance to newly established human rights units and focal points in key ministries.	Conduct capacity needs assessments.	<ul style="list-style-type: none"> <li>No capacity needs assessments were conducted with GOA institutions in Q4.</li> </ul>
		Provide in-house and external training courses.	<p><b>For GoA Officials</b></p> <p>Trainings on Human Rights, International Convention on Economic, Social and Cultural Rights (ICESCR), ICCPR, Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UDHR, Cairo Declaration on Human Rights, and government obligations to:</p> <ul style="list-style-type: none"> <li>MoWA (11M, 15F)</li> <li>Ministry of Defense (24M, 1F)</li> <li>AGO (49M, 24F)</li> <li>NDS (150 – demographics undisclosed)</li> </ul> <p><b>For HRSU Staff</b></p> <ul style="list-style-type: none"> <li>UNSR 1325 held by the Institute of Inclusive Security in MoFA</li> <li>Problem Analysis, Theory of Change, Indicator Tracking and Reporting Flowcharts</li> <li>Child Rights and the Prohibition of Child Begging held by Ministry of Labour and Social Affairs, Martyrs and the Disabled</li> </ul>
	MoJ Translation Unit operational and its professional capacity enhanced.	Recruit and retain quality staff.	<ul style="list-style-type: none"> <li>Paid salaries for MoJ TU staff.</li> </ul>
		Provide capacity development opportunities to MoJ TU staff.	<ul style="list-style-type: none"> <li>Continuation of Arabic and English legal language trainings for Translation Unit and Taqnin Department officials.</li> <li>Workshop on Translation of Legal Documents.</li> <li>Conference on Law Database</li> </ul>
		Upgrade equipment and furniture necessarily for the functioning of translation unit at MoJ.	<ul style="list-style-type: none"> <li>Procurement process ongoing.</li> </ul>

		Provide quality legal translations for the MoJ.	Draft legislations and policies translated <sup>4</sup>
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## 1. FINANCIALS

During Q4, a total of USD 613,488 was spent for this output. For more details, please look at Annex 1 and Annex 2.

## 2. RISKS

### ▪ Coordination between MoFA and HRSU

MoFA is the primary agency which undertakes preparation of state reporting. The coordination between the MoFA and MoJ are limited and this may not improve within the short-term. Therefore, a letter of agreement between MoFA and UNDP is being explored to enhance the levels of cooperation for preparation and facilitation of state reporting mechanisms.

### ▪ GoA capacity to properly implement the M&E toolkit for human rights monitoring

The M&E toolkit may not be utilized effectively due to limited capacity of the Ministries to operate and thereby possibly impacting the sustainability of the system. The HRSU has worked very closely with ministries that will become key contributors to the database tracking the implementation of human rights across the country. This should provide the geographic scope and breadth of capacity to support the success of this initiative. In addition, the focus of the database will be grown slowly, to increase the manageability of the work required.

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<sup>4</sup> Electoral Law, Human Rights Support Unit Regulation, Regulation on Migrant Workers, Regulation on the Preparation and Processes of Legislative Drafting, Agreement of Cooperation for Development between the GoA and the Ismaili Immat, Letter of Agreement between the MoJ and UNDP for the Implementation of JHRA Phase I, Endorsement of Regional Agreement by the Financial Intelligence Units of Tajikistan and Afghanistan, Capacity Assessment of AIHRC, Preparing and Arranging Report of Workshop on Translation of Legal Documents, Project Document on JHRA Phase II, Report on Review and Improvement of Justice Services, Taqin Legislative Work Plan, Land ownership issue report, Monitoring Rule of Law in Afghanistan, JHRA Phase I Final report, Review of Draft Electoral Legislations note prepared by UNDP Consultant for Taqin on Electoral Management Body, Legislative Drafting Bodies in the United States and Canada, JHRA workshop concept papers for Herat and Nangarhar, Introduction to Law Database Presentation, Procedures of the Translation Board, JHRA LPAC and Project Management Board documents, Summary of Rule of Law Indicators used in Haiti for workshop for justice sector institutions

### **3. ISSUES**

There are no reported issues for this quarter.

### **4. FUTURE PLANS**

HRSU will recruit a database specialist to create the M&E mechanism put forward in the toolkit.

As both Units have ongoing mandates within the MoJ, all mandated works will continue in 2013.

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

The Project began work with the MoJ PLAU in Q3 2012, establishing a relationship with the Head of the PLAU and the Head of the Legal Aid Department, which oversees the Unit. In Q4 2012, two RfPs developed by JHRA were approved by the PLAU. The services sought are an initial Perception Survey of the Afghan public in the target provinces to understand the most credible communication channels and delivery systems required to strengthen a successful public legal awareness campaign. The second RFP was issued to procure media monitoring services, which will track the presentation of legal rights and the justice sector in the media on ongoing basis. Both will be done in full coordination with the PLAU staff, and training sessions will augment the final outputs of both services to educate the Unit on the importance and meaning of the information collected.

A UNDP Expert on Legal Empowerment of the Poor came to Kabul from the UNDP Pacific Regional Center in Fiji in Q3 2012 to conduct a survey of the socio-economic opportunities available in Afghanistan. The findings of this survey were submitted to UNDP in Q4. The main focus of this survey was to address UNDP's strategic observations that building peace required "development results in the form of jobs, equal opportunities for all, and equity, [which] have not been commensurate with the large investment of funds and multiplicity of donor-supported programmes".<sup>5</sup>

The UNDP Expert provided a comprehensive and detailed strategy on the best entry points for JHRA in the Legal Empowerment sector, focusing on Legal Empowerment of the Poor, Enabling Environment, Enterprise and Local Economic Development, and Women's Economic Security and Local Economic Development. The activities supporting these potential entry points will be put into motion in JHRA Phase II. Recruitment of an international consultant in this field is therefore paramount, to apply the recommendations for Legal Empowerment of the Poor in a holistic and meaningful way. The ToR for this international consultant was developed and announced in Q4 2012, for commencement in early 2013.

Table 3: Q4 Progress on Output 3 Annual Targets

Baseline	2012 Annual Targets	Q4 Planned	Q4 Actual
No baseline for these activities.	Activation of Component 4 for JHRA Phase II.*	Develop 2 ToRs advertised for mapping media on justice and human rights issues.	<ul style="list-style-type: none"> <li>• ToRs for Media Monitoring of the Justice Sector and a Perception Survey of the Justice Sector advertised and bidders' conferences held.</li> </ul>
		Develop 1 ToR for consultant on economics social rights and two TOR's on International UN Volunteer	<ul style="list-style-type: none"> <li>• ToR for and International Consultant for Legal Empowerment &amp; Economic Social Cultural Rights developed and announced.</li> <li>• Two International UN Volunteers recruited for planning ,reporting and monitoring purposes for JHRA Phase II.</li> </ul>

<sup>5</sup> UNDP BCPR Strategy Formulation Mission January 2012.

\* In the final version of the JHRA Phase II Project Document, Component 4 has been changed to Output 3.

## **1. FINANCIALS**

During Q4, a total of USD 172,659 was spent for this output. For more details, please look at Annex 1 and Annex 2.

## **2. RISKS**

### **▪ Security**

Though monitoring the existing JHRA Phase I projects related to infrastructure building were initially not part of the planned activities. But nevertheless the project monitored the existing infrastructures. In doing so, the security has been an impediment for reaching out to districts and provinces. In this respect, monitoring in remote and insecure areas was undertaken with the help of UNDP partners such as NATO Rule of Law Mission, UNODC and others.

## **3. ISSUES**

There were no issues with this output in Q4.

## **4. FUTURE PLANS**

The International consultant on ESCR is expected to be recruited and on-board by first quarter of 2013. Similarly the two International UN Volunteers are expected to join the project by early February 2013.

### III. ANNEXES

#### A. ANNEX I: FINANCIAL TABLE

Donor	REVENUE					EXPENSES AND COMMITMENTS				BALANCE	Remarks
	Commitment (a)	Total Received (b)	Total Receivable c=(a-b)	Carry Over (d)	Total Resources e (b+d)	Cumulative Expenses as of December 2012 (f)	Total Expenses (Jun-Dec 2012) (g)	Commitments (h)	Total Expenses & Commitments i = (f + g+h)	Balance j=(e-i)	
ITALY		-	-	2,000,000	2,000,000	352,863		12,122	364,985	1,635,015	
UNDP	521,142.00	521,142.00	-		521,142	323,399		33,400	356,799	164,343	
SDC	700,000.00	700,000.00	-	69,991	769,991	70,739		10,605	81,344	688,647	
DENMARK	517,688.00	517,688.00	-		517,688	248,007		24,876	272,883	244,805	
NETHERLAND		-	-	249,223	249,223	192,789			192,789	56,434	
NORWAY		-	-	13,372	13,372	13,372			13,372	-	
DFAIT		-	-	21,377	21,377	18,076			18,076	3,301	
<b>Grand Total</b>	<b>1,738,830</b>	<b>1,738,830</b>	<b>-</b>	<b>2,353,963</b>	<b>4,092,793</b>	<b>1,219,244</b>	<b>-</b>	<b>81,003</b>	<b>1,300,247</b>	<b>2,792,546</b>	

Note:

i) Expenses reported for the accounting period of Jun to December 2012 is provisional.

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



## B. ANNEX II: EXPENSES BY OUTPUT

Project Output	AWP Budget	Cumulative Expenses (Jun-Dec. 2012)	Delivery Rate	Remarks
Output 00083456 Comprehensive 42 month Project Document to support justice and human rights programming for MoJ and justice sector institutions.	613,400	419,834	68%	
General Management Service (GMS) Fee (7%)	17,150	13,262	77%	
<b>Sub-total Output 00083456</b>	<b>630,550</b>	<b>433,096</b>	<b>69%</b>	
Output 00083458 Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	807,591	576,034	71%	
General Management Service (GMS) Fee (7%)	52,264	37,454	72%	
<b>Sub-total Output 00083458</b>	<b>859,855</b>	<b>613,489</b>	<b>71%</b>	
Output 00083464 Resource Mobilization & Monitoring (Knowledge Management)	275,270	164,769	60%	
General Management Service (GMS) Fee (7%)	12,845	7,891	61%	
<b>Sub-total Output 00083464</b>	<b>288,115</b>	<b>172,659</b>	<b>60%</b>	
<b>Grand Total</b>	<b>1,778,520</b>	<b>1,219,244</b>	<b>69%</b>	

### C. ANNEX III: EXPENSES BY DONOR

Donor	Project Output	2012 Budget (PIP AWP)	Cumulative Expenses (Jun-Dec. 2012)	Balance	Delivery Rates
ITALY	Output 00083456 Comprehensive 42 month Project Document to support justice and human rights programming for MoJ and justice sector institutions.	203,400	156,335	47,065	77%
	Output 00083458 Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	71,671	60,722	10,949	30%
	Output 00083464 Resource Mobilization & Monitoring (Knowledge Management)	183,500	112,722	70,778	55%
	General Management Service (GMS) Fee (7%)	32,100	23,085	9,015	11%
<b>Sub-Total</b>		<b>490,671</b>	<b>352,863</b>	<b>137,808</b>	<b>72%</b>
UNDP	Output 00083456 Comprehensive 42 month Project Document to support justice and human rights programming for MoJ and justice sector institutions.	368,400	230,380	138,020	63%
	Output 00083458 Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	60,000	40,972	19,028	68%
	Output 00083464 Resource Mobilization & Monitoring (Knowledge Management)	91,770	52,047	39,723	57%
<b>Sub-Total</b>		<b>520,170</b>	<b>323,399</b>	<b>196,771</b>	<b>62%</b>
SDC	Output 00083458 Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	65,412	66,111	(699)	101%
	General Management Service (GMS) Fee (7%)	4,579	4,628	(49)	7%
<b>Sub-Total</b>		<b>69,991</b>	<b>70,739</b>	<b>(748)</b>	<b>101%</b>
NETHERLAND	Output 00083456 Comprehensive 42 month Project Document to support justice and human rights programming for MoJ and justice sector institutions.	41,600	33,119	8,481	80%

Donor	Project Output	2012 Budget (PIP AWP)	Cumulative Expenses (Jun-Dec. 2012)	Balance	Delivery Rates
	Output 00083458 Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	191,308	147,058	44,250	354%
	General Management Service (GMS) Fee (7%)	16,304	12,612	3,691	30%
<b>Sub-Total</b>		<b>249,212</b>	<b>192,789</b>	<b>56,423</b>	<b>77%</b>
NORWAY	Output 00083458 Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	12,497	12,497	0	100%
	General Management Service (GMS) Fee (7%)	875	875	(0)	7%
<b>Sub-Total</b>		<b>13,372</b>	<b>13,372</b>	<b>0</b>	<b>100%</b>
DENMARK	Output 00083458 Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	387,141	231,782	155,359	60%
	General Management Service (GMS) Fee (7%)	27,100	16,225	10,875	60%
<b>Sub-Total</b>		<b>414,241</b>	<b>248,007</b>	<b>166,234</b>	<b>60%</b>
DFAIT	Output 00083458 Support to MoJ with programmatic inputs on Human Rights Support Unit (HRSU) and Translation Unit.	19,500	16,893	2,607	87%
	General Management Service (GMS) Fee (7%)	1,365	1,183	182	6%
<b>Sub-Total</b>		<b>20,865</b>	<b>18,076</b>	<b>2,789</b>	<b>87%</b>
<b>Grand Total</b>		<b>1,778,520</b>	<b>1,219,244</b>	<b>559,276</b>	<b>69%</b>

## D. ANNEX IV: RISK LOG

#	Description	Date Identified	Impact & Probability	Countermeasures / Management response	Owner	Submitted by	Status
1	Recruitment of qualified staff delayed	Q4 2012	I: 4 P: 4	<ul style="list-style-type: none"> <li>Close collaboration with UNDP Human Resources Unit and Headquarters in New York</li> </ul>	CTA Project Manager	CTA	Ongoing
2	Sufficient funding for JHRA Phase II	Q3 2012	I: 4 P: 2	<ul style="list-style-type: none"> <li>Increased overall strategic coherence of JHRA Phase II Project Document with overall Rule of Law Programming</li> <li>Increased ownership by government</li> <li>Better coordination and communication with donors</li> </ul>	JHRA CTA JHRA Project Manager	JHRA Component Manager	Improved
3	GoA capacity to properly implement the M&E toolkit for human rights monitoring.	Q4 2012	I: 4 P: 3	<ul style="list-style-type: none"> <li>Increased coordination with line ministries</li> <li>Slow expansion to support manageability of the work required</li> <li>Capacity development of line ministries</li> </ul>	Head of HRSU	HRSU Component Manager	Ongoing
4	Security	Q2 2009	I: 4 P: 4	<ul style="list-style-type: none"> <li>Expansion of networks at the sub-national level to ensure programmatic and M&amp;E reach in future JHRA Phase II activities.</li> <li>Increase in national staff to expand geographic reach and longevity in country.</li> </ul>	JHRA CTA Component Managers	CTA Component Managers	Ongoing

## **E. ANNEX VI: OTHER ACTIVITIES: FINALIZATION OF JHRA PHASE I ACTIVITIES**

### **District Level Component**

The JHRA Project completed all pending activities from the first phase of the Project, which ended officially on 30 June 2012. Two final construction projects that had faced land and security challenges, which had delayed their completion, were resolved and finalized. The detention center in Baharak District, Badakhshan Province received finishing details to improve security requirements for the facility, and was handed over to the Central Prisons Department of MoI in December 2012.

The primary court in Chapahar District, Nangarhar Province, was handed over to the Supreme Court in partially-completed condition. This site had experienced ongoing security issues, which made it difficult for the contractor to reach the site, as well as for proper monitoring of activities to be undertaken. Despite the volatile security in the district, work commenced at the site in March 2012. JHRA had received the land for the construction of the primary court from the Supreme Court, which certified the State's ownership of the property. However, in June 2012, a local resident claimed ownership of the land, and forcibly removed JHRA's contractor from the site, demanding USD 100,000 for purchase of the land. Months of discussions between JHRA and the Supreme Court ensued to search for a way to resolve the issue. Unfortunately, the price for the land was ultimately deemed too high by senior officials of the Supreme Court, and the facility was handed over to the government in its current condition for resumption of work by the Supreme Court Construction Department when and if construction on the site can be continued.

## **G. ANNEX VII: OTHER ACTIVITIES: INITIATION OF JHRA PHASE II PROGRAMMING**

### **1. 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.**

Output 1 focuses on four main areas:

- increasing the capacity of the Legislation and Justice & Judiciary Cabinet Boards to enable sector-wide coordination and strengthen policy making;
- strengthening the MOJ's policy-making capacity through the Planning and Policy Department;
- increasing the MOJ's capacity to effectively reform law through the *Taqnin* (including the Translation Board); and
- strengthening the MOJ's capacity to produce human rights compliant Government policies and laws through HRSU.

The second and third areas are addressed below, while the fourth has been addressed in Output 2 of the PIP report above.

To provide assistance to the Policy and Planning Department there is need to establish data and analysis of the existing rule of law actors at the local levels. An initial feasibility assessment for the Rule of Law Indicators Assessment was conducted by a UN Expert currently based in Haiti, who is carrying out the same assessment there. The expert was invited to Kabul jointly by the Rule of Law Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) and JHRA. The expert came to Kabul in December 2012 and met with GoA, UN, international and national partners to examine the opportunities for comprehensive data collection, potential partners, and ideal focus for implementation of the assessment in Afghanistan. The Rule of Law Indicators Assessment is planned for implementation in 2013. The assessment will provide JHRA Phase II with baseline data for many of its activities, and will establish an official baseline from which the MoJ, AGO, Supreme Court, Mol, and non-governmental agencies working in the field of rule of law, can monitor the justice and law initiatives and their impact. At this initial stage, UNAMA, UNDP and NATO Rule of Law Field Support Mission – Afghanistan have shown interest in partnering to implement this study.

To initiate JHRA's assistance to strengthening the overall capacity of the GoA to develop strategic and compliant legislation, the Project assisted the MoJ in developing and signing a Memorandum of Understanding (MoU) with the MoJ in Egypt. In November 2012, the Hon. Minister of Justice of Afghanistan traveled to Egypt to sign a bilateral MoU with the Hon. Minister of Justice of Egypt. The agreement outlines support and cooperation between the two ministries, with specific focus on capacity development and technical assistance. Through the MoU, the Egyptian Government has pledged its support to the Afghanistan justice sector by providing technical experts in Afghanistan to provide long-term assistance and coaching for legislative review and drafting in order to enhance the capacity of the entire *Taqnin* and support departments. The two laws that require immediate attention are the Family Law and revision of the Penal Code, as both require assistance from progressive Sharia Law experts. The Al Azhar University also committed to provide one scholarship to obtain a

master's degree for a nominated official from the MoJ of Afghanistan at to the Law Faculty per year. This was a gesture made by the University to improve the quality of legislative drafting at the MoJ in Afghanistan.

This modality was requested by the Minister of Justice, who has found that previous study tours in which MoJ officials travel overseas for short periods of time, often just for meetings or conferences, have not been conducive to increasing the actual capacity of the MoJ. The leadership of the Ministry is striving for longer-term, in-house trainings by international experts who understand the fundamentals of Sharia, and believes Egyptian government officials would be accepted by the staff and have credibility with the Afghan public.

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

Output 2 of the JHRA Phase II Project focuses on three main areas:

- establishing an independent Legal Aid Grant Facility
- supporting mechanisms, consolidating communication and coordination between State and non-State justice providers at provincial and district levels; and
- enhancing the professional capacity of State Justice service providers.

This will be carried out at the sub-national level in Herat, Nangarhar and Balkh. Regional coordinators for Western Region (based in Herat) and Eastern Region (based in Jalalabad) were recruited in Q4 2012.

### **Legal Aid Grant Facility**

The Legal Aid Grant Facility (LAGF) will be established through JHRA Phase II to increase the quality and availability of legal aid services throughout Afghanistan. At the national level, JHRA staff have worked with the Legal Aid Board (LAB), which comprises of representatives from academia, the MoJ Legal Aid Department, Afghanistan Independent Bar Association (AIBA) and civil society, to establish parameters for support (prioritizing women and children, geographic remoteness and political sensitivity), allocation and oversight mechanisms for the LAGF. AIBA will be the primary beneficiary, with part of the grant facility funds going to AIBA operational costs. The remainder will support direct legal aid services and capacity development for legal aid service providers (State and non-State). A Coordination Committee will be appointed to oversee the management of the LAGF, including all members of the LAB and UNDP. JHRA II will support a workshop in February 2013, hosting the LAGF partners and legal aid experts/academics, to agree upon and approve criteria for the management of the Facility.

Sub-nationally, JHRA held introductory workshops in Mazar, Herat and Nangarhar with state and non-state justice actors to introduce the concept of the LAGF, discuss case criteria and referral mechanisms for the LAGF. The Facility was well received, and recommendations were provided concerning oversight (AIBA and LAB – DoJ in the provinces) and capacity needs that could be addressed through the LAGF and experts in Kabul. JHRA II and MoJ representatives from Kabul discussed possibilities of channeling funds through the LAGTF to existing legal clinics and internship programmes (prioritizing women) in law and public legal awareness.

As public legal awareness activities fall under the MoJ Legal Aid Department, coordination for consolidating public legal awareness materials was addressed. Provincial representatives agreed to establish provincial coordination boards to review material, coordinate dissemination and share best practices.

### **Community Platforms**

In Herat, the Project conducted exploratory missions to assess the needs of existing community platforms in Injil, Karokh and Guzara districts. JHRA II staff met with District Governors and representatives from Community Development Committees and District Development Assemblies to introduce the activities planned through JHRA Phase II, receive feedback on available partners and methods of implementation, assess the justice services currently available to communities, and examine the role of informal justice systems.

### **Capacity Development for State Justice Officials**

JHRA II staff initiated discussions with the Law and Sharia Faculties in Herat and Nangarhar to explore the current facilities available (Legal Clinics, student numbers and demographics, justice sector outreach). In Herat, the team began discussion with the Law Faculty concerning the development of a collaborative capacity building plan for government departments working in the rule of law, human rights and justice sectors, and the eventual establishment of a National Legal Training Center (NLTC) in Herat University. Expanding the NLTC to regional hubs will extend the reach of justice sector trainings and certification to a wider range of students, and increase participation of women, who are often unable to travel and live in Kabul for extended periods of time.

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

Output 3 of the JHRA Phase II Project focuses on three main areas:

- facilitating national discussions and policy dialogues on socio-economic rights and community dispute resolution mechanisms
- increasing advocacy and monitoring capacity of CSOs, media, think-tanks and the AIHRC and;
- strengthening the public's awareness of human rights and the role of the justice system through the MoJ Legal Awareness Unit and media institutions.

The first activity is addressed in Output 3 of the PIP report above.

### **AIHRC**

AIHRC is a state-mandated independent body that monitors the application and violations of human rights across Afghanistan. AIHRC's ability to collect and organize data, and compile substantive shadow reports on the GoA's fulfillment of its human rights obligations is crucial to maintaining the integrity and credibility of the State. In Q4 2012, JHRA organized a workshop with Commissioners, Heads of Unit and Regional Representatives to review the Action Plan resulting from a Capacity Assessment facilitated by UNDP, OHCHR and Asia Pacific Forum for National Human Rights Institutions in 2011. One expert from the Asia Pacific



Regional Centre, UNDP Bangkok and one consultant reviewed the six capacity development strategies with forty targeted actions included in the assessment with AIHRC management and staff to identify immediate and medium-term priorities. The initial priorities focused on strategy, organization/structure, human resources, and policy and programmes.

A follow-up workshop will be conducted in February 2013 to finalize an actionable plan for the development of AIHRC's capacity, which will become the basis for JHRA Phase II programming. Asia Pacific forum on human rights institutions and JHRA II will facilitate the workshop.

JHRA II will intensify work with the MoJ PLAU in Phase II of the Project. In Q4 2012, JHRA II worked with officials from the Unit to establish the mechanisms outlined in Output 3 of the PIP section of this report. In addition to a perception survey and media monitoring, JHRA II supported the MoJ in holding a national conference on public legal awareness to launch the Public Legal Awareness Strategy Action Plan. This conference hosted 86 participants from 50 organizations, to discuss the role of legal awareness in rule of law programming, share best practices from the Public Legal Awareness Strategy, and establish the PLAU as the official oversight and coordination Unit for all public legal awareness activities. Mapping the activities, materials, and potential partners will be used with the perception survey and media monitoring to inform a strategic communications and outreach plan that provides the Afghan public with consistent and credible messaging and ultimately build their trust in the State justice system.

This was followed by a workshop for PLAU officials facilitated by JHRA II to revisit the Action Plan, originally developed in 2011, and re-assign timelines and supporting activities required to carry out public legal awareness activities through the PLAU at the national and provincial levels.