



**ANNUAL PROJECT REPORT 2007**

**United Nations Development Programme**

**Afghanistan**

**Access to Justice at the District Level (AJDL)**

**1-11-2005 – 31-12-2008**



Judges, prosecutors and lawyers, participating in a mock-trial simulation exercise – Herat Province August 2007

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## Executive summary

UNDP's Access to Justice at the District Level project aims to increase the human rights awareness of communities in Afghanistan, and to strengthen the government's capacity to protect human rights at the district level. There are many justice projects in Afghanistan, but most are focused on either strengthening the central government's capacity to administer justice, or on providing legal aid support to cases. This project aims to complement those initiatives, by increasing demand for justice services by communities at the district level, and simultaneously raising legal awareness among justice sector actors at the district level.

2007 marked a change in approach in the AJDL project, as a decision was made by the Steering Committee to implement the project through NGOs. Four NGOs were selected to conduct pilot activities in Balkh and Herat provinces, training justice officials on legal issues for vulnerable and disadvantaged people, training community leaders and religious leaders on human rights awareness, developing a human rights programme for school teachers and students, and conducting media and village public awareness activities. The project has experienced very positive results from working in Balkh and Herat, and the lessons learned through working in these first two provinces will be incorporated into the work in additional provinces in 2008.

## I. Context

The Government of Afghanistan has made justice a priority as part of its National Development Strategy. The Government has emphasized that, without a functioning justice sector, most development initiatives are at risk. Efforts to improve security, counter-narcotics, anti-corruption, anti-poverty initiatives and private sector development are undermined by a weak justice system. Recently, the government and justice institutions with support from the International Community started working on a National Justice Sector Strategy and National Justice Programme. In the strategy, the government highlights its responsibility to provide improved access to justice for all in Afghanistan as a priority.

The Government of Afghanistan and its international partners have launched many justice interventions - primarily on the supply side. Early interventions in areas of law reform, physical rehabilitation and training account for 90% or more of all sector reform expenditures. The current justice sector development budget contains very few demand side initiatives. Through the UNDP *Rebuilding the Justice Sector of Afghanistan* Project, the focus was on the revival of the national justice institutions. The follow-on UNDP Justice Programme, *Strengthening the Justice Sector of Afghanistan*, has primarily focused on institutional development with some access to justice programming.

The current top down (supply side) approaches to law reform, institutional development, human capacity development, and infrastructure rehabilitation are all essential. However, most of these interventions will not produce notably improved justice in districts and communities for many years. To complement these top down (supply side) approaches, a Human Rights Based Approach focusing on duty bearers and claim holders in the justice system is necessary. Implementing a bottom up (demand driven) approach will help diminish the domination of ordinary people by Afghanistan's powerful. It also addresses the culture of impunity in Afghanistan by making people more aware of their rights, and making local officials more aware of their responsibilities.

Pluralism is the reality in Afghan legal culture. People seeking justice often turn to what may be an imperfect traditional dispute settlement mechanism, due to suspicion, remoteness or barriers to entry of the formal legal system. It is important to provide training to gatekeepers in communities (such as community leaders, religious leaders, teachers etc) to help them to understand their rights

under the formal justice system, as a way of reducing some of these barriers. At the same time, this raised awareness of opinion shapers can influence the way that informal justice systems operate.

The focus on this project is on the district level and vulnerable groups. The Project will not address policy including on issues relating to traditional dispute settlement mechanisms, legal aid and others which are expected to be addressed by the Government and national justice institutions through the National Justice Sector Strategy. By working primarily with local NGOs, it does however support practical measures adaptable to the situation at the district level to enhance access to justice for the poor, women, children, disabled, refugees, and other vulnerable groups.

## II. Performance review

### *Progress review*

#### 1. Overall progress towards the CPAP outcome and output(s)

The Project has contributed to CPAP Outcome 3 ('Access to justice and human rights improved through capacity building of justice institutions and rights awareness campaigns for local communities and vulnerable groups') and Output 3 ('Human rights and access to justice improved with a focus on vulnerable groups; increased compliance of justice institutions with legal framework'). This has taken place by partnering with NGOs to conduct awareness raising initiatives targeting both local justice providers and communities. These activities are primarily awareness raising, which complements the activities by other projects and organisations to develop policy (eg legal aid policy) and provide institution building support to the central justice institutions.

#### 2. Capacity development

The project ensured that the capacity building efforts are sustainable and meet the needs of the justice officials. This has resulted in effective implementation of the capacity building of the justice officials as well.

#### 3. Impact on direct and indirect beneficiaries.

During 2007, the AJDL project targeted districts in two provinces – Balkh and Herat. Targeted groups were local justice providers (judges, prosecutors, defence lawyers, prison officials), religious leaders, community leaders, women's representatives and teachers. Activities in these provinces will be concluded in 2008, and additional provinces will be selected as the locations for future work based on the lessons learned. It is currently too early to assess the impact of this project. However, during 2008 an independent external review of the project will be conducted which will provide further information on this.

### *Implementation strategy review*

#### 1. Participatory/consultative processes

The AJDL project consulted extensively with stakeholders during 2007, including central and local government representatives, donors, international organisations and local NGOs and community groups. A number of assessments were conducted in 2006 and early 2007, which informed a change in the project strategy. This change was reviewed and agreed by the Project Steering Committee in mid-2007.

Extensive consultations have also taken place during implementation of project activities, with central and local government representatives, donors, project partners and other local organisations. For example, the awareness raising activities of the project were designed so that people would receive information and referral to other relevant service providers (such as legal aid providers) so that the project was coordinated with and complemented existing services.

Due to the size and large number of organisations represented on the project steering committee, it appears that during 2007 decisions were mostly made through separate consultation meetings with various groups (meetings with the Government, meetings with donors, meetings with UN agencies and NGOs). During 2008, we anticipate that in addition to the project steering committee, a smaller executive group will be formed (a 'project board') to help in simplifying decision making and consultation, and to allow this to take place more regularly.

## 2. Quality of partnerships

In general, the partnerships have been of a very high quality. AJDL has worked very closely with implementing partners, through conducting an initial orientation workshop and through regular monitoring of partner activities, and providing feedback on reports. Based on lessons learned, for the new provinces in 2008 AJDL will coordinate a regular (monthly or bi-monthly) meeting of partners, to ensure that activities remain coordinated across partners.

AJDL and our partners have worked very closely with local institutions, including the Judiciary, Ministry of Justice, Attorney General, Ministry of Interior, Ministry of Education, Afghanistan Independent Human Rights Commission; and we have appreciate the close working relationship which has developed.

## 3. National ownership

The project is based on priorities identified and agreed by the Government of Afghanistan, and activities and the project implementation plan have been shared with government counterparts at both central and local levels so their views could be incorporated. The project also promotes coordination between different justice institutions at the local level by conducting joint training sessions for judges, prosecutors, defence lawyers etc. This approach has been strongly endorsed by the local justice sector officials, as a way of developing a common understanding of their respective roles within the justice system and joint responsibility to protect human rights.

## 4. Sustainability

To date, the project activities have largely been based on awareness raising. It is difficult to sustain awareness raising activities in a meaningful way once activities are concluded. However, AJDL has focused on piloting training and public awareness resources so these can be standardised and used in the future, by either a follow-up phase to the AJDL project or by other organisations. By working primarily with local NGOs and local trainers, AJDL is promoting the development of local capacity, and the skills developed by the NGOs and trainers are also a sustainable outcome. During 2008, AJDL aims to strengthen the emphasis on sustainability.

# *Management effectiveness review*

## **1. Quality of monitoring**

Monitoring and evaluation has taken place both by NGOs and by AJDL. AJDL required NGOs to develop a monitoring and evaluation system for their projects, and for some NGOs these systems have functioned very effectively. AJDL has also recruited a monitoring and evaluation officer, to conduct monitoring of activities on behalf of AJDL.

During the reporting period, three missions were conducted to undertake the monitoring of ongoing project by the implementing partners. However, as we discovered, the monitoring role has sometimes required significant support and intervention (ie 'hands-on' monitoring of activities), rather than purely independent monitoring. For example, the Monitoring and Evaluation officer demonstrated participatory techniques to trainers, and clarified Islamic and human rights principles for NGO staff during his assessment visits. These interventions were necessary to ensure that the NGO partners in the provinces accurately understood the strategy and philosophy of the AJDL project.

We hope that as resources are developed and our partner NGOs become more familiar with the project, it will be easier to conduct monitoring and evaluation activities. However, it is now very clear that with the scope of the activities and the geographical area to increase in 2008, it is important to build a strong monitoring and evaluation team. The project plans to hire more staff for this purpose in the coming months.

During 2008, UNDP will arrange for an independent external review of the AJDL project, to provide a critical assessment of the AJDL project strategy and implementation. UNDP will also facilitate a lessons learned meeting with representatives of each of the NGOs involved in the first provinces, and work with each NGO selected for new provinces to ensure that a strong monitoring and evaluation strategy is in place.

## 2. Timely delivery of outputs

Following the signature of the project agreement with the EC, deteriorating security conditions in 2006 required an amendment to the project strategy and implementation modality. UNDP conducted further assessments and consulted with the Government of Afghanistan, donors and other stakeholders, which resulted in a project document signed between UNDP and the Government of Afghanistan. Since that time, the project has experienced difficulties in attracting and retaining experienced staff, particularly for the role of project manager. This is due in part to the security situation, which reduces the pool of international candidates who are interested in working in Afghanistan.

During 2007, UNDP commenced activities in sixteen districts of Balkh and Herat provinces. These activities were implemented by four NGO partners and a construction company. Details of the activities are discussed under Section III – Project Results Summary.

While most of the training and awareness activities were completed during 2007 in Balkh and Herat provinces, the on-set of winter led to delays in finalizing the quick impact rehabilitation projects, and the school break meant that it was not possible for teachers who had been trained in human rights awareness to convey this information to their students. Further efforts will be required in 2008 to implement activities in the remaining districts during the life of the project.

## 3. Resources allocation

Activity	BUDGET [2007]	EXPENDITURES	BALANCE	DELIVERY (%)
Programme Management	865,544.20	406,604.42	458,939.78	46.97%
Rehabilitation	136,833.53	136,872.22	-38.69	100.02%
Training/Awareness	2,018,354.93	803,307.64	1,215,047.29	39.80%
UNDP GMS 5% (based on donor agreements)	158,985.92	70,883.38	88,102.54	44.58%
<b>Total</b>	<b>3,179,718.58</b>	<b>1,417,667.66</b>	<b>1,762,050.93</b>	<b>44.58%</b>

#### 4. Cost-effective use of inputs

AJDL has sought to minimise costs and promote sustainability by working with NGOs (predominantly local NGOs). However, this approach reduces UNDP's control over the implementation of activities, and increases project risks. As the number of project locations increases through 2008, the resources to support monitoring and evaluation by UNDP will also need to be increased. Additionally, almost all project staff are nationals, and the project operates with only two international staff (the Project Manager and the Human Rights Coordinator), which further reduces UNDP costs.

### III. Project results summary

#### 1) Activities and process:

In addition to the narrative text below, please see Annex 1 for quantitative details of training and awareness activities.

#### **Output 1-Justice facilities at provincial and district levels rehabilitated and functioning**

**Activity 1.1 - Rehabilitate and refurbish integrated justice centers at the district level.**

**Activity 1.2 – Secure and equip official integrated justice centers in each targeted district.**

**Activity 1.3 – Secure and rehabilitate detention centers especially for women, minors and the disabled in cooperation with provincial level sector reform.**

**Activity 1.4 - Secure shelters for women and children needing psychological support or sociological support, particularly targeting former women detainees and prisoners.**

**Activity 1.5 – Secure, rehabilitate residences for justice officials.**

Across Afghanistan, and particularly at the district level, there are limited infrastructure and facilities for the formal justice sector institutions. Under the AJDL project, we prioritised quick-impact projects to rehabilitate existing facilities. Other rehabilitation programmes are also underway with different actors (such as the programmes of the institutions and the Provincial Reconstruction Teams (PRTs)). However, it will be many years before these programmes can cover all of the provinces and districts. AJDL's quick-impact rehabilitation programme provides some interim support to the formal justice sector institutions at the district level, so they can operate from functional facilities for several years while larger-scale programmes are being implemented. This approach shows the justice sector representatives in the districts that their needs have not been overlooked, and provide an incentive for these representatives to also participate in the training and awareness components of the AJDL project.

The AJDL project carried out quick-impact rehabilitation works of eleven structures in six districts-six detention centers, three primary courts, one prosecutor's office and one *huquq* department. For the province of Balkh, the rehabilitation activities were carried out on six structures in four districts-one joint primary court prosecutor office, one judicial residential house and four detention centers. The rehabilitation works of the above mentioned structures have almost been completed. It is expected that during the first quarter of the 2008, these structures will be handed over to the afghan justice institutions. During the technical survey and needs assessment, AJDL did not find women shelters, detention centers for minors and disabled to rehabilitate.

Prior to the rehabilitation works started, an AJDL rehabilitation needs assessment field missions were conducted from 28 July to 8 August 2007 in Balkh Province and from 19 August to 27 August 2007 in Herat province. The missions aimed to solicit the recommendations of justice officials (Ministry of Justice, the Attorney General, the Supreme Court and the Ministry of Women Affairs

ministry) at both the provincial and district levels. It is worth noting that all government officials at the central, provincial and the district level had shown their appreciation for UNDP/AJDL rehabilitation work and offered their support in the implementation of the proposed work.

An assessment of rehabilitation needs, technical survey and bills of quantity were prepared for 11 districts of Balkh Province and 6 districts at Herat province. The assessment mission noticed that most districts in Balkh and Herat had no offices for the Judges and at some districts the Judges were sharing limited space at the offices of the Agricultural Department. None of the district judicial offices had any shelves or filing cabinets. In Balkh province most of the district level prosecutors and judges were working from the provincial capital and conducting one or two visits per week to their districts as required. Detention centers at both Balkh and Herat were in a dire state. Only one district at each of Balkh and Herat provinces had a women's detention center, namely the districts of Zinda jan in Herat province and Khulam in Balkh province (typically, women were transferred to a central detention facility in the provincial capital). Unfortunately, both facilities were beyond economic rehabilitation and need to be demolished and re-constructed, which is unfortunately beyond the financial means and mandate of the UNDP AJDL project. AJDL did not find women's shelters, detention centers for minors or disabled to rehabilitate.

Based on the findings of the rehabilitation assessment mission and the identification of possible rehabilitation projects, the AJDL project prepared a request for quotation (RFQ) and prepared Bills of Quantity for processing and advertising. Contracts were signed in October 2007 for the quick-impact rehabilitation of the facilities. These rehabilitations will take place in late 2008 through to early 2008. When the rehabilitations are complete, UNDP will also provide basic office furniture such as desks, chairs and filing cabinets.

<b>Balkh Province under Rehabilitation Justice Structure</b>		
	Structure	District
1	Detention Center	Nahri Shahi
2	Judicial Residential House	Daw lat Abad
3	Detention Center	Chimtal
4	Primary court & prosecutor	Kaldar
5	Detention Center	Kaldar
6	Detention Center	Khulam

<b>Herat Province under Rehabilitation Justice Structure</b>		
	Structure	District
1	Detention Center	Anjil
2	Primary court	
3	Detention Center	Guzra
4	Primary court	Karukh
5	Prosecutor	
6	Right (Huquq)	
7	Detention Center	
8	Primary court	Ghurian
9	Detention Center	
10	Detention Center	Zinda jan
11	Detention Center	Kohsan

### **Output 2-Capacity of state justice officials at provincial and district levels improved.**

In May 2007, UNDP signed a Project Cooperation Agreement with the *International Institute of Higher Studies in Criminal Sciences (ISISC)*. The agreement was initially for the duration of 6 months, and was later extended for another three months. The main activities under the agreement are:

- to conduct training on the protection of women and children in criminal law, family and

- the personal status law, and land law training for the representatives of the justice delivery system and community leaders in Balkh and Herat.
- to conduct public awareness activities on legal rights at the village level in districts of Balkh and Herat,
- to develop two publications to be used by Judges, Prosecutors and Lawyers (a guide to the Afghan legal system, and a review of Supreme Court decisions).

AJDL staff conducted the orientation for ISISC staff on AJDL requirements. A special orientation was organized for ISISC trainers on the module of protection of women and children in criminal law. AJDL staff indicated the methodology of linking the international human rights standards, with the statutory laws of Afghanistan, Sharia and everyday life of the community to ensure that the rights based approach is incorporated in the training materials and during the training sessions.

### **Activity 2.1 - Training course focusing on the protection of women and children in criminal law (one week training course)**

ISISC team has conducted a one week training course on the protection of women and children in criminal law in a joint session for the state justice officials and community leaders in Balkh and Herat. Among the topics covered have been international human rights, rights of women and children in the Afghan criminal justice system, protection of women and children in Islam and violence against women under Afghan laws and international conventions. ISISC reports that the total number of immediate beneficiaries of the training course in both provinces is 66 (23 women), this includes for 21 judges, 10 prosecutors, 3 lawyers, 14 police officials, 10 religious leaders and 8 community leaders. The activity has been implemented within the timeframe of the AJDL action plan and within the budget of the UNDP and NGO (ISISC) Cooperation Agreement.

### **Activity 2.2 – Training course focusing on family law and personal status (two weeks)**

A two week training course on family law and personal status has been conducted by ISISC trainers (30 July- 9 Aug 2007) in the provinces of Balkh and Herat for the justice officials. The topics of the course were legal and religious basis of marriage, the legal and religious effects of marriage (the opinion of Islamic jurists on *mahr* (dowry), right, legality and amount of *mahr*, the right to sexual relations, the right to housing, the right to *Nafaqah* (financial support or maintenance) and the right to inheritance), divorce (*talaq* and *tafreeq*), forced marriages and domestic violence. The trainees participated in the mock trial on a case involving issues related to *mahr* and *talaq*, during which they were divided into judges, plaintiff lawyers, defense lawyers and witnesses. ISISC reports that the total number of immediate beneficiaries of the training course in both provinces is 65 (31 women), this includes for example 26 judges, 5 prosecutors, 6 lawyers, 5 representatives for the Afghan Independent Human Rights Commission, 23 participants from the Department of Women's Affairs and 5 university professors. The activity has been implemented within the timeframe of AJDL action plan and within the budget of the UNDP and NGO (ISISC) Cooperation Agreement.

### **Activity 2.3 - Training course focusing on land law (one week)**

ISISC trainers have conducted one week training course for the justice sector actors in both provinces of Balkh and Herat. The training course covered the topics on rights of ownership, rights arising from the ownership in *Sharia* and Afghan laws, land law of Afghanistan, land dispute resolution under Afghan law and customary law. A mock trial on *shuf'a* (the right to purchase a neighbor's land) and transfer of ownership was conducted with the training participants during which they were divided into judges, plaintiff lawyers, defense lawyers and witnesses. ISISC reports that the total number of immediate beneficiaries of the training course in both provinces is 51 (8 women), which includes 20 judges, 10 lawyers, 5 representatives from the Ministry of Justice Legal Department, 10 participants from the Department of State Affairs and 6 from the Department of Agriculture. The activity has been implemented within the timeframe of AJDL action plan and within the budget of the UNDP and NGO (ISISC) Cooperation Agreement.

## **Output 3 Legal awareness and capacity of community leaders increased.**

ISISC has conducted coordination meetings at the central Kabul and provincial levels (in Balkh and Herat) with the Afghan judicial and other governmental institutions, United Nations agencies, civil society organisations, councils of *ulama*, media organisations and others to solicit support and share the information about the planned training course.

### **Activity 3.1 - Training course focusing on land law (one week)**

The ISISC team conducted a training course on land law for the community and religious leaders in Balkh and Herat. The training course topics and mock trial format is the same as in the activity 2.3. ISISC reports that the total number of immediate beneficiaries of the training course in both provinces is 51 (8 women), which includes 20 community leaders, 13 religious leaders, 5 from the Department of Women's Affairs and 13 farmers. The activity has been implemented within the timeframe of AJDL action plan and within the budget of the UNDP and NGO (ISISC) Cooperation Agreement.

### **Activity 3.2 – Training course focusing on family law and personal status (two weeks)**

A two week training course on family law and personal status has been conducted by ISISC trainers in the provinces of Balkh and Herat for the community and religious leaders. The training course topics and mock trial format were the same as in the activity 2.2. ISISC reports that the total number of immediate beneficiaries of the training course in both provinces is 44 (1 women), which includes 21 community leaders and 23 religious leaders. The activity has been implemented within the timeframe of AJDL action plan and within the budget of the UNDP and NGO (ISISC) Cooperation Agreement.

**The positive impact of deliverables of outputs 2 and 3:** As an indication of the positive impact of the trainings, the ISISC trainers reported a conversation they had with a judge attending the training course in Herat on the protection of women and children who was dealing with a case of two girls that were accused of moral crimes under questionable circumstances. In following the training, and the trainers' advice, the judge correctly applied the law as a result of which the two girls were released from prison and given suspended sentences.

## **Output 4- Increased justice awareness and skills of religious leaders.**

### **Activity 4.1 - Seminars and consultations involving religious leaders tailored and addressing issues relating to women, children and disadvantaged groups**

The Afghanistan Human Rights Organization (AHRO) signed a Project Cooperation Agreement with UNDP AJDL starting on the 26th of September 2007 and until the 23rd of January 2008 (120 calendar days) to conduct in both Balkh and Herat provinces a series of seminars and workshops with religious leaders in order to improve their understanding, recognition, respect and support to the rights of women, children and other disadvantaged groups. Training activities commenced in 2007 and will be completed in early 2008, in accordance with the project workplan.

## **Output 5 - Public awareness of legal rights increased.**

### **Activity 5.1 – Targeted media campaign at district level through a comprehensive radio programs comprising spots, dramas, songs, opinion surveys and etc.**

The Saba Media Organization (SMO) signed a Project Cooperation Agreement with UNDP AJDL starting on the 30th September 2007 and until 27th of January 2008 (120 days) in order to conduct public awareness campaigns in both Balkh and Herat provinces to raise public awareness regarding human rights and the administration of justice within the Afghanistan Islamic context.

AJDL staff also shared information regarding AJDL activities on the UNDP global networks (democratic governance net, humanrights-talk net and gender net) and inquired about UNDP's experience in designing visual public awareness materials for the illiterate population and in ways to encourage the participation of women in public awareness events in conservative rural communities. Awareness raising activities commenced in 2007 and will be completed in early 2008, in accordance with the project workplan.

SMO developed a number of resources, and partnered with local broadcasters to increase coverage in remote areas within the provinces. SMO also broadcast the radio programmes nationally (which was not part of their contract, but occurred incidentally since they used their main station to broadcast messages and this transmitter has national coverage).

1. 24 presentations and introductory programs on topics such as:
  - Introduction of Formal Justice system in Afghanistan
  - Introduction to informal Justice systems in Afghanistan
  - Good points and constraints in Formal Justice systems
  - Good points, Problems, limitations and constraints in Informal Justice systems
  - Collaboration between the two legal systems
  - Rule of Law
  - Customary Law and Dispute Resolution
  - Decision making authority: The informal justice system
  - Encouraging women in order to use justice institutions
  - Right awareness
2. 12 debates and panel discussions (on the topics above)
3. 12 dramas on human rights themes
4. 24 interviews with local justice officials and community leaders
5. 5 songs on human rights themes
6. 12 open line programs for listeners to call in with questions
7. 30 messages

SMO used community boxes in prominent places to receive feedback from their listeners. Based on our review with SMO, it appears that the songs and dramas have been particularly well received, but people thought the panel discussions were not as interesting. This feedback will be taken into account in designing the next phase of the radio broadcasts, by increasing the proportion of music and dramas, shortening panel discussions and focusing more on opportunities for audience interaction such as call in programmes.

Also, SMO will develop an introductory theme (music and words) to 'brand' all activities, and the number of different messages will be reduced, so they can be broadcast repeatedly to reinforce awareness. The radio awareness activities will be reinforced with written articles in print media, and through posters and publicity conducted by AJDL's other implementing partners (through the village public awareness and teacher training activities, for example).

**Activity 5.2 – Public seminars and workshops on topics such as: constitutional rights; international conventions standards; Islam and human rights. Village public awareness project (mobile theatre, video shows, poster exhibitions, etc).**

ISISC conducted the following activities in districts of Balkh and Herat provinces:

- Community theatre – production of a 40 minute play, with human rights and gender issues
- Seminar for law school and sharia law students and distribution of legal texts
- Essay competition for law school and sharia law students on human rights
- Essay competition for secondary students and drawing competition for primary students on human rights themes

- Seminar for Department of Women’s Affairs staff on protection of women and children, forced marriage, employment of women and basic presentation skills
- Seminars for jirgas, tribal councils and women’s groups on rights and duties of Afghan citizens, Afghan laws (including personal status law), Afghan traditions and customs, women’s right to work, marriage and forced marriage, and access to justice
- Production and distribution of five posters on (i) the defense of rights, (ii) the right to education, (iii) women’s right to choose her husband in marriage, (iv) women’s right to work and (v) prisons and torture

Activities were conducted in the following locations:

Balkh province: Mazar-e-Sharif, Dawlat Abad, Shoulgar, Khulm, Dehday, Balkh, Nahershah, Marmel, Kaldar and Hayratan districts.

Herat province: Herat, Enjil, Ghouzara, Gulran, Zenda Jhan, Koshkreat and Karukh districts.

Please see Annex 1 for more detailed quantitative information on the public awareness activities.

#### **Output 6- Quality of legal rights awareness education in schools is improved.**

**Activity 6.1 – Training courses for elementary and secondary school teachers on justice principles, children rights, gender and civic education issues.**

**Activity 6.2 – Training and public awareness actions (lectures, stories, drama, etc) in elementary and secondary schools.**

The Coordination of Humanitarian Assistance (CHA) signed a Project Cooperation Agreement with UNDP AJDL starting on the 30th September 2007 and until 26th February 2008 (150 days) in order to conduct public awareness activities in Balkh and Herat for around 320 teachers and reaching 160 schools (80 in each province) targeting the teachers who will eventually train the students in order to raise their awareness about principles of justice, human and children rights, gender and civic education. AJDL has provided the NGO with the copy of COMPASS, the training material developed by the Council of Europe for interactive engagement of youth and AJDL obtained permission from the Council of Europe to translate and use up to ten activities (role plays, games, dramas etc) in elementary and secondary schools.

CHA conducted training of trainers to train 320 teachers during late 2007. However, as a result of the school break at the end of 2007 – early 2008, they were unable to implement the second phase where these teachers would then train the students. This activity will take place in the second quarter of 2008, once school classes have resumed.

#### **Output 7- The constitutional guarantee to the assistance of defense counsel in criminal cases, particularly for women and children is operationalised.**

**Activity 7.1 – Familiarizing the target groups with the constitutional rights to defense counsel in criminal cases (training course for the joint group of judges, prosecutors, defense lawyers and judicial police).**

**Activity 7.2 Informing target groups about NGOs, groups and projects providing the legal aid.**

**Activity 7.3 Establishing a referral mechanism to link those in needs to the service providers.**

The Afghanistan Human Rights Organization (AHRO) signed a Project Cooperation Agreement with UNDP AJDL starting on the 26th of September 2007 and until the 23rd of January 2008 (120 calendar days) to conduct in both Balk and Herat provinces, trainings for the formal justice system officials, police and defense counselors regarding the right to a defense counsel. Topics covered during the training are:

- the right to defense counsel during the criminal proceedings under international agreements and Afghan laws,
- role of the police in assisting persons in custody to have access to a defense council, powers of arrest and detention,
- role of the defense counselor in each stage of the criminal proceedings, investigation, trial, post-trial (post conviction and appeal),
- rights of the defense counselor and privileged relations between suspect/accused/convict and the defense counselor,
- the principle of the “equality of arms”, presumption of innocence, exemptions and abstention from testimony, trial in absentia, and
- rights of persons with mental disabilities and disorders in criminal proceedings (representation of people lacking the full legal capacity to represent themselves in the court).

AHRO undertook to inform the public about the legal aid service providers by developing leaflets, and to ensure that at least one case per district is referred to the legal aid providers. However, in implementation AHRO reported that the referrals to other legal aid providers were frequently not effective, as the legal aid providers had high case loads and were unable to provide assistance in many of the cases. Additional funding for legal aid services will become available in 2008, which may assist in meeting the high levels of demand.

#### **Output 8- Availability of legal texts improved.**

##### **Activity 8.1 – Compilation, publishing and distribution of Supreme Court key judgments**

The ISISC also signed a Project Cooperation Agreement with UNDP AJDL in order to develop and disseminate two publications on:

- 1) ‘Selected Decisions of the Afghan Supreme Court’ - to review approximately 12 major cases decided by the Afghan Supreme Court, as regards the facts of the cases, the points of law and legal relevance of the decisions, and
- 2) ‘The Afghan Legal System’ - to provide an overview of the Afghan legal system, and cover issues such as the structure of the system, the distinct roles of different justice sector actors, how legislation is created and implemented, the Afghan constitution and the integration of the Sharia within the Afghan legal system.

The two publications will be prepared in the Dari language and will be translated to English once complete. Approximately 1,000 copies of the two books in Dari will be printed, and 400 in English. Copies of the two books will be distributed to the Supreme Court, central Ministry of Justice officials for widespread distribution to judges, justice sector actors in provinces and districts, the University of Kabul, NGOs, donors and other stakeholders. ISISC has had several meetings with the Supreme Court to discuss the possibility of their involvement in the preparation of the two publications. ISISC sent a letter to the court requesting the Supreme Court’s official approval to cooperate on the two publications, and anticipate receiving a response imminently. Having the Supreme Court cooperate on the two publications by involving their advisors in the preparation of the material will be extremely valuable, though it will effect the timeframe necessary to complete the two publications (the Supreme Court has indicated that 6 months are required for the process). Accordingly, ISISC has requested UNDP AJDL to extend the project end date and deadline for completing the publications to accommodate the new time frame. UNDP AJDL is in principle agreeable to a no-cost extension, provided that it is tied to a detailed and realistic workplan prepared by ISISC.

#### **Output 9- Coordination and implementation capacity strengthened.**

**Activity 9.1 Coordination and information sharing with stakeholders****Activity 9.2 Orientation training, Training of trainers, planning and review workshops and technical assistance.**

AJDL project staff conducted orientation sessions for the implementing partners ISISC, CHA, AHRO, and SMO staff on AJDL objectives; human rights based approach and project requirements. A special session was conducted for trainers on advanced facilitation and participatory techniques. AJDL staff demonstrated the methodology of linking international human rights standards, with the statutory laws of Afghanistan, and Sharia, and ways to ensure that the human rights based approach is incorporated in the training materials and during the training sessions. AJDL team has also provided the partners with the CDs which contain the materials of UN Office of High Commissioner of Human Rights and Council of Europe on trainings in human rights, including for justice sector actors and law enforcement institutions, as well as on training design for the schools.

In order to inform justice authorities and other government counterparts in Balkh and Herat provinces, UNDP AJDL has provided letters of support to the Ministry of Interior, the General Office, the Ministry of Justice and High Supreme Court, Ministry of Education requesting them to cooperate and facilitate the work of UNDP AJDL IPs in their districts.

AJDL staff has continued to coordinate activities and share information through coordination meetings with various UN agencies and donor organizations. During the reporting period coordination meetings were held with UNODC, UN-HABITAT, UNICEF, UNAMA (Rule of Law Department and Public Relations Department), UNICEF, UNESCO, UNDP Gender Equality Program, Italian Justice Program (Italian Embassy) and the EC.

As part of its monitoring and evaluation process, the AJDL project team conducted three different monitoring missions in order to monitor the implementation of the trainings conducted in Balkh and Herat. A comprehensive monitoring and evaluation plan is currently being developed in accordance with the submitted work plans of the newly selected implementing partners.

On the 2nd of September 2007 AJDL technical staff participated in a seminar on women prisoners in Pul-e-Charki prison, organized by UNODC with the participation of several UN agencies. Participants included H.E. Sarware Danish, Minister of MOJ, Ms. Christina Gwynne Ouzo, representative of UNODC Country Office, H.E. Bohauddin Boha, Member of the Supreme Court and Timer Shah Mohamed Stanekzai, Deputy Attorney General, discussing the undesirable situation of Puli Charkhi prisons and Afghan female prisoners in other provinces from the human rights perspective.

The AJDL has continually worked closely with UNDP's Strengthening the Justice System in Afghanistan project (SJSA), which is conveniently co-located in the same premises.

On the 3rd of September the AJDL project program team helped prepare for the UNDP CO LPAC meeting to approve the selection of new implementing partners. During the reporting period, AJDL staff participated in the UN Country Team and UNDP meetings organized on gender mainstreaming and the AJDL project ensured that gender issues were identified and highlighted through the AJDL project, particularly by training and awareness raising on human rights issues for women in Afghanistan.

## IV. Implementation challenges

### *Project risks and actions*

Field and Security Constraints: In both Balkh and Herat provinces the security situation has been fluid, which has restricted access by both UNDP and NGOs to several of the targeted districts. As a result of this, it was not possible to implement activities in some districts (eg infrastructure needs assessments) and other activities were delayed by our NGO partners. Security constraints and UN security rules also present challenges for independent monitoring of NGO activities in remote and insecure locations. In these instances, we rely on the monitoring activities conducted by the NGO and informal feedback to UNDP by justice sector officials.

Limited coordination among the justice sector actors: It is essential that activities to support justice sector activities are well coordinated. In regards to infrastructure rehabilitation, there are limited actors involved in this activity and it has been possible to coordinate closely with the PRTs and programmes of the justice institutions. However, in regards to training, there are many actors conducting training activities for the formal justice sector, and it is important to ensure that all training courses are based on needs and are appropriately coordinated. On some occasions, several courses were held at the same time by different actors with the same target trainees.

Typically, training courses by other actors are conducted in the provincial capital, which meant there were less challenges for AJDL's partners in coordinating training courses in the districts. The finalisation of the National Justice Sector Strategy and the National Justice Programme will provide a framework for future activities, and the implementation of the Provincial Justice Coordination Mechanism (PJCM) will also assist with coordination issues.

### *Project issues and actions*

#### Project delays and revisions

Following the signature of the project agreement with the EC, deteriorating security conditions in 2006 required an amendment to the project strategy and implementation modality. UNDP conducted further assessments and consulted with the Government of Afghanistan, donors and other stakeholders, which resulted in a project document signed between UNDP and the Government of Afghanistan. However, further security developments and further delays in the project required the substantial revision to the project document, budget and timelines. The scope of most activities was focused and/or reduced and the project duration was extended (at no additional cost) up to 31 December 2008. The implementation modality was also modified and NGOs were engaged to implement most of the project activities. New activities to provide training and technical assistance to implementing NGOs and improve coordination with stakeholders and counterparts were also added. The revision was completed in consultation with the donor and the steering committee members.

#### Coordination of project partners

Implementing the AJDL through NGO partners is a response to the local security context. However, it also raises project risks, as the activities are contracted to partners and are outside of the direct control of UNDP. While AJDL was very fortunate in being able to work closely with most of the NGO partners, some partners appeared reluctant to work closely with UNDP in preparing and vetting materials, and providing timetables for conducting activities so AJDL could develop a monitoring plan. Regular meetings were held with some NGO partners to promote effective communication and encourage cooperation. However, some partners are still significantly behind their project timelines and deliverables.

Working with a number of partners in the same districts on different activities also raises challenges in coordination. AJDL will meet with project implementing partners for a lessons learned review, to obtain suggestions on improving future field level coordination. The introduction of the PJMC will also assist with this issue.

As training and public awareness resources are developed, it may be possible to select one NGO to work in each province, rather than a number of NGOs (ie, announce calls for proposals to select NGOs according to geographic area rather than a call for proposal to implement a thematic activity in several provinces). This would simplify coordination issues within a province. However, because of the challenges of developing resources which are appropriate for the Afghanistan context, AJDL has to date preferred to work with NGOs which have specialist expertise in the subject matter.

#### Lack of the developed public awareness materials on human rights

In preparation for public awareness activities, our partner found that there are a very limited number of the public awareness visual materials developed in Afghanistan on the topic of human rights to be used for village level activities. AJDL liaised with AIHRC, UN agencies and other actors to collect samples of their work, and additional materials were developed by ISISC. These materials will form part of a library of resources which can be used for future public awareness campaigns.

#### Timely development of publications

ISISC based on consultations with the Supreme Court has requested a 6 months no-cost extension in order to be able to sufficiently involve the Supreme Court officials in the development of the two publications. This request has been approved for three months with further possibility of additional three months in 2008, as UNDP did not have secured donor commitments beyond February 2008 at the time the extension was granted. However, ISISC has reported ongoing difficulties in engaging the justice sector institutions on this activity and in obtaining necessary support, such as copies of relevant cases judgements.

#### Timely delivery of the activities in elementary and secondary schools

Regarding the legal rights awareness education in schools assigned to CHA, due to the delay in acquiring UNDP CO approval on the selection of the NGOs and in order to sign a partnership agreement (one month delay), the proposed CHA workplan was modified in order to accommodate for the academic year which ended in December 2007 and re-commence in March 2008. It was agreed that CHA would train the teachers until the end of November and obtained a written commitment from the directorate of education in both Balkh and Herat for the teachers to deliver 9 weeks of training to the students from March and until the first week of June 2008. This resulted in UNDP issuing a no-cost extension to the current agreement with CHA in order to cover the duration until 21st June 2008.

#### Timely completion of quick-impact rehabilitation projects

The quick-impact rehabilitation projects were not completed before winter commenced, which meant that the rehabilitation had to be delayed until the weather conditions allowed work to recommence. Additionally, monitoring visits by AJDL engineers identified defects in the work which needed to be remedied and additional variations to the scope of work which became apparent once the work commenced. We anticipate that the works will be completed and handed over to the Government of Afghanistan in the first quarter of 2008.

#### Project staffing issues

The AJDL project has faced significant staffing issues, with one Project Manager leaving the project in April 2007 due to family issues, and a second Project Manager leaving the project in December 2007, again due to family issues. This high turnover has been disruptive to the project. At the same time, it is difficult to attract experienced international staff to Afghanistan, due partly to the security situations and conditions here.

There is still need for strengthening the capacity of project to effectively monitor the project activities conducted by NGOs, especially as the number of provinces increases during 2008. This will require hiring and training more national staff. This issue will be addressed in 2008.

## **V. Lessons learned and next steps**

### **Lessons Learnt**

One of the key lessons learned from the project is how to ensure the sustainability of the project activities once they are implemented. Short-term awareness raising activities are generally more reliant on the project and difficult to sustain once the project is completed. By working with local NGOs, UNDP is building their capacity to manage projects, and also building their substantive expertise to conduct training and awareness in the topic area. Developing a library of training materials and public awareness resources will also contribute to the sustainability of the activity.

In order to operate in security difficult environment, the national NGOs have better knowledge of the area and better understanding of the context. The national NGOs are also more flexible and more open to the needs of the area and objective of the project.

A strong monitoring and evaluation team needs to be developed to ensure greater oversight and improved communication between the implementing partner and project. Ideally the monitoring and evaluation team would be based in the provinces where activities are taking place. However, there are significant logistical, financial and managerial constraints associated with basing staff in the provinces. For example, staff must work from a MOSS compliant compound, and each monitoring staff member would then require access to a vehicle with driver. This would require a significant investment which is not currently budgeted. UNDP will continue to review the most appropriate monitoring and evaluation arrangements for the project.

Stronger coordination is required in managing project activities conducted by NGOs. While coordination between AJDL and each project partner has generally been good, coordination amongst project partners has been weak. AJDL will implement a regular (bi-weekly or monthly) project partners meeting for partners in 2008.

### **Next Steps**

AJDL will conduct a lessons learned review meeting with NGO partners in 2008, and additionally conduct an independent external evaluation of the project to identify lessons learned and inform future steps.

One important issue to consider for the next phase of access to justice programming is whether it is now possible to move beyond focusing on awareness raising activities with NGO partners, and to build the capacity of local NGOs to advocate more effectively for human rights.

The project should continue to monitor the effectiveness of radio programmes as a means of outreach to remote communities. It may be that the radio programmes can be more effective if they are also promoted through the other components of the project, eg the village public awareness, training of teachers etc. Consideration should also be given to developing messages in Pashto to increase access to information in Pashtun communities. Depending on the effectiveness of this, messages (radio, brochures, posters etc) should be developed in additional local languages.

## VI. Financial status and utilization

### *Financial status*

Activity	BUDGET [2007]	EXPENDITURES	BALANCE	DELIVERY (%)
Programme Management	865,544.20	406,604.42	458,939.78	46.97%
Rehabilitation	136,833.53	136,872.22	-38.69	100.02%
Training/Awareness	2,018,354.93	803,307.64	1,215,047.29	39.80%
UNDP GMS 5% (based on donor agreements)	158,985.92	70,883.38	88,102.54	44.58%
<b>Total</b>	<b>3,179,718.58</b>	<b>1,417,667.66</b>	<b>1,762,050.93</b>	<b>44.58%</b>

DONOR NAME	CONTRIBUTIONS		CONTRIBUTION BALANCE
	Committed	Received	
EC	USD 7,200,000	USD 3,540,160	USD 3,659,840
<b>TOTAL</b>	<b>USD 7,200,000</b>	<b>USD 3,540,160</b>	<b>USD 3,659,840</b>

**Annex 1: Table of activities****Training on right to a defence lawyer – AHRO**

Province	District	Participants		
		Male	Female	Total
Balkh	Nahre Shahi	22	3	25
	Tashqurghan	21	5	26
	Hairathan	19	6	25
	Balkh	26	4	30
	Mazar-e-Sharif District 3	23	8	31
<b>Total</b>		<b>111</b>	<b>26</b>	<b>137</b>

Province	District	Participants		
		Male	Female	Total
Herat	Karokh	26	4	30
	Guzara	24	7	31
	Herat city – District 8	20	9	29
	Zinda Jan	25	8	33
	Anjeel	18	10	28
<b>Total</b>		<b>113</b>	<b>38</b>	<b>151</b>

Additional training courses have been scheduled in early January 2008 for a further six districts, but are not included in this report.

Province	District	Participants		
		Male	Female	Total
Balkh	Nahre Shahi	30	0	30
	Tashqurghan	20	0	20
	Hairathan	26	0	26
	Balkh	25	0	25
<b>Total</b>		<b>101</b>	<b>0</b>	<b>101</b>

Province	District	Participants		
		Male	Female	Total
Herat	Karokh	21	4	25
	Guzara	25	0	25
	Herat city – District 8	25	0	25
	Zinda Jan	25	0	25
<b>Total</b>		<b>96</b>	<b>4</b>	<b>100</b>

Additional training courses have been scheduled in early January 2008 for a further eight districts, but are not included in this report.

### Training on Protection of Women and Children in Criminal Law – ISISC

Two workshops were held on the Protection of Women and Children in Criminal Law, one in Balkh Province and the second in Herat Province. Each workshop ran for five days.

Province	Participants		
	Male	Female	Total
Balkh	34	6	40
Herat	29	11	40

	Balkh	Herat	Total
Judges	10	11	21
Prosecutors	5	5	10
Police	7	7	14
AIHRC	3	2	5
Department of Women's Affairs	5	4	9
Lawyers		3	3
Religious leaders	6	4	10
Community leaders	3	4	7
Ministry of Education	1		1
	<b>40</b>	<b>40</b>	<b>80</b>

### Training on Family and Personal status law – ISISC

A total of four workshops were held for Family and Personal status law, and each workshop ran for 10 working days (two weeks). Two workshops took place in each province, one for justice sector actors and the second for religious leaders and community representatives.

Province	Participants		
	Male	Female	Total
Balkh	45	14	59
Herat	36	18	54
	<b>81</b>	<b>32</b>	<b>113</b>

	Balkh	Herat	Total
Judges	14	10	24
Prosecutors	2	3	5
Police	1		1
AIHRC	3	2	5
Department of Women's Affairs	11	12	23
Lawyers	2	4	6
Religious leaders	12	11	23
Community leaders	9	12	21
University professors	5		5
	<b>59</b>	<b>54</b>	<b>113</b>

### Training on Land Law – ISISC

A total of four workshops were held on Land Law, and each workshop ran for five working days (one week). Two workshops took place in each province, one for justice sector actors and the second for religious leaders and community representatives.

Province	Participants		
	Male	Female	Total
Balkh	49	11	60
Herat	43	5	48
	<b>92</b>	<b>16</b>	<b>108</b>

	Balkh	Herat	Total
Judges	11	9	20
Ministry of Justice	5		5
Department of Agriculture	6	6	12
Department of State Affairs	4	6	10
Lawyers	4	6	10
Religious leaders	6	7	13
Community leaders	13	7	20
Department of Women's Affairs	5		5
Community representatives / farmers	6	7	13
	<b>60</b>	<b>48</b>	<b>108</b>

### Human rights in schools programme – CHA

Training of master trainers and training of teachers has been completed in 2007, and training of students will be undertaken in 2008 commencing when school returns from the winter break.

	Male	Female	Total
<b>Balkh</b>			
Master trainers	4	4	8
School teachers From schools in the districts of Nahre Shahi, Dehdadi and Chintal			160
Students	Training of students will take place in early 2008 when school resumes from the winter break.		

	Male	Female	Total
<b>Herat</b>			
Master trainers	6	2	8
School teachers From schools in the districts of Anjil, Guzarah and Heart city.			160
Students	Training of students will take place in early 2008 when school resumes from the winter break.		

**Village public awareness****Balkh Province**

<b>Location</b>	<b>Action</b>	<b>Participants</b>
Mazar-e-Sharif, Dawlat Abad, Shoulgar, Khulm, Dehday, Balkh, Nahershah, Marmel, Kaldar and Hayratan.	Community theatre – 40 minute play, with human rights and gender issues	Audiences between 60 – 100 spectators
Mazar-e-Sharif	Seminar for Religious school teachers and students – 1 day workshop and distribution of Afghan Constitution, International Human Rights Conventions and books on human rights in Islam.	Over 50 religious school teachers and students
Mazar-e-Sharif, Mazar University	Seminar for law school and sharia law students and distribution of legal texts	Cancelled due to unrest at the University
Mazar-e-Sharif, Mazar University	Essay competition for law school and sharia law students on human rights	Cancelled due to unrest at the University
Mazar Province	Essay competition for secondary students and drawing competition for primary students on human rights themes	Entries judged by Dept of Education and ISISC, with 25 prizes awarded
Mazar-e-Sharif	Seminar for Dept of Women's Affairs staff on protection of women and children, forced marriage, employment of women and basic presentation skills	50 staff members from the Department of Women's Affairs in Balkh Province.
Mazar-e-Sharif, Dawlat Abad, Shoulgar, Khulm, Dehday, Balkh, Nahershah, Marmel, Kaldar and Hayratan	Seminars for jirgas, tribal councils and women's groups on rights and duties of Afghan citizens, Afghan laws (including personal status law), Afghan traditions and customs, women's right to work, marriage and forced marriage, and access to justice	Jirgas, tribal councils and women's groups. Staff from the Dept of Women's Affairs who were trained in the seminar above also assisted to deliver this training.
Mazar-e-Sharif, Dawlat Abad, Shoulgar, Khulm, Dehday, Balkh, Nahershah, Marmel, Kaldar and Hayratan	Production on five posters on (i) the defense of rights, (ii) the right to education, (iii) women's right to choose her husband in marriage, (iv) women's right to work and (v) prisons and torture	1000 copies to be distributed in the districts

<b>Location</b>	<b>Action</b>	<b>Participants</b>
Herat, Enjil, Ghouzara, Gulran, Zenda Jhan, Koshkreat and Karukh (other districts were	Community theatre – 40 minute play, with human rights and gender issues	Audiences between 60 – 100 spectators

inaccessible for security reasons)		
Herat city	Seminar for Religious school teachers and students – 1 day workshop and distribution of Afghan Constitution, International Human Rights Conventions and books on human rights in Islam.	Over 80 religious school teachers and students
Herat, Herat University	Seminar for law school and sharia law students	Over 150 students at the law school
Herat, Herat University	Essay competition for law school and sharia law students on human rights	
Herat Province	Essay competition for secondary students and drawing competition for primary students on human rights themes	Entries judged by Dept of Education and ISISC, with 16 prizes awarded to primary students and no entries made by secondary students.
Herat	Seminar for Dept of Women's Affairs staff on protection of women and children, forced marriage, employment of women and basic presentation skills	40 staff members from the Department of Women's Affairs in Herat Province.
Enjil, Ghoulzara, Gulran, Zenda Jhan, Koshkreat and Karukh	Seminars for jirgas, tribal councils and women's groups on rights and duties of Afghan citizens, Afghan laws (including personal status law), Afghan traditions and customs, women's right to work, marriage and forced marriage, and access to justice	Jirgas, tribal councils and women's groups. Staff from the Dept of Women's Affairs who were trained in the seminar above also assisted to deliver this training.
Herat, Enjil, Ghoulzara, Gulran, Zenda Jhan, Koshkreat and Karukh	Production on five posters on (i) the defense of rights, (ii) the right to education, (iii) women's right to choose her husband in marriage, (iv) women's right to work and (v) prisons and torture	1000 copies to be distributed in the districts

**Posters and Public awareness materials**

**Poster 1**

*Give women a chance to participate, shoulder to shoulder, in building society*

**Poster 2**

*Defending the rights of others is defending your own rights*

**Poster 3**

*Let your daughter choose her husband in accordance with the Shari'ah  
and Afghan law.*

**Poster 4**

*Together we open the door to education for our children*

**Poster 5**

*Make prisons a place for rehabilitation, not for torture*