



QUARTERLY PROJECT REPORT [FIRST QUARTER, 2009]

**United Nations Development Programme
Afghanistan**

**Support to Provincial Justice Coordination
Mechanism
PJCM**

1 January 2009 – 31 March 2009

Project ID: 00060050
Duration: 1 July 2008 – 30 June 2009
Strategic Plan Component: Justice and Human Rights
Total Budget: \$3,181,790
Unfunded:
Implementing Partners/Responsible parties: UNAMA

PJCM Donors



Canada



Germany



Italy



United States

I. Implementation progress

Output: Effective Co-ordination of Justice Sector Assistance

As indicated in previous reports, following the establishment of the PJCM in July 2008, the PJCM teams began strengthening the co-ordination mechanisms that already existed within each province, or, more often, initiating them. These mechanisms took different forms in different areas depending on the local institutional environment, but by the end of 2008, co-ordination mechanisms were in place in most provinces to which PJCM had access. For the most part, these included regular meetings of the key national justice sector institutions, as well as technical meetings on specific topics (such as legal aid) and separate meetings of donors and implementing partners. PJCM continued to lead, manage and support these mechanisms in this quarter as well as establishing new coordination meetings.

Establishment of new general coordination meetings

During the reporting period, five new coordination meetings were initiated.

In Laghman Province (Eastern Region) a new justice coordination meeting was initiated. During the inaugural meeting, judges and prosecutors discussed growing concern over illegal and prolonged detention periods. The Provincial Court asked the prosecutor's office to be more diligent in forwarding complete case files, among other things.

In Kandahar Province, the PJCT established new district-level justice coordination meetings in Darman and Arghandab districts. During a January meeting, police, prosecutors and judges in attendance discussed ways to speed up case processing times.

The first of two justice coordination meetings in Baghdis Province (Eastern Region) were held during the reporting period. A U.S. Department of State representative attributed progress on her effort to distribute legal materials throughout the province to the PJCM meetings held in Baghdis this year.

Establishment of new donor/implementer coordination meetings

In Paktya Province (Southeastern Region), the PJCT helped to initiate new donor coordination meetings. Two such meetings were conducted in the Southeastern Region, at which proposals for a justice center and a women's shelter were tabled, among other initiatives. The Southeast Region Provincial Justice Coordination Team (PJCT) reported a significant increase in the willingness of the Paktya Province PRT to commit to rule of law projects as a result of PJCT coordination efforts.

Continuation of regular meetings

Justice coordination meetings continued to take place in all regions with the exception of the Central-Highlands and the Northern Region, where PJCM offices had not been established, and the Southeast Region because of security concerns. In all, 22 such meetings took place between 1 January and 31 March – seven in the Central Region, five in the Eastern Region, three in the Northeast, four in the Southern Region and two in the Western Region.

Apart from justice coordination meetings, PJCM teams held 62 meetings with Afghan government officials, thirteen meetings with international agencies, six meetings with national NGOs, four meetings with foreign embassy officials, and three meetings with ISAF Regional Command officers. PJCM teams also participated in three donor coordination meetings, two legal aid working

group meetings, and two protection working group meetings. PJC teams met with officials of regional PRTs to discuss specific project proposals, among other things, on four occasions.

Among government agencies, the PJCM teams held 22 meetings with the Ministry of Justice on a variety of topics. Focused discussions were held with Ministry officials on juvenile justice matters and on corrections issues on four occasions each. The PJCTs held twelve meetings with Supreme Court officials on topics ranging from corruption to informal justice. Three meetings were held with the Ministry of the Interior, and two meetings with the Ministry of Women's Affairs during the reporting period. The PJCT assisted with capacity building of national justice actors by coordinating and participating in seven trainings and seminars.

Ongoing justice coordination meetings are having significant results. In Takhar Province (Northeast Region) the PJCM team reported that a Juvenile Rehabilitation Centre manager and members of his staff were replaced after concerns were raised by various national participants during Justice Coordination Meetings. In the Southern Region, the PJCM team noted how coordination between the police and prosecutors offices in Kandahar led to the release of three unlawfully detained prisoners. Increased interest in engaging the informal justice sector was reflected in seven focused meetings on the topic with officials from the Ministry of Women's Affairs, The Liason Office, and the Supreme Court.

Following from an initiative begun in 2008 by the PJCM team covering the Southern Region, in March the PJCM facilitated the transportation of three judges from Kabul to Uruzgan to deal with cases relating to 57 detainees held in Uruzgan Prison for lengthy periods. By the time that the judges arrived, local courts had already dealt with eight of the cases. The three judges from Kabul, led by the head of the Supreme Court's Inspection Unit, heard 18 cases while in Uruzgan, most of which resulted in guilty verdicts and sentences of imprisonment. Thirteen detainees were police officers and were referred to the police court in Kandahar. One case involved a juvenile and it was referred to the local jirga, where it was resolved. Other cases were transferred to various courts. While concerns have been expressed over the conduct of some of the trials, this is an example of effective coordination between the PJCM team and the Rule of Law Unit and also between the PJCM and the different levels of the justice institutions in order to resolve a particular problem.

Liaison between provincial and central level

As noted in previous reports, shortage of staff in the UNAMA Rule of Law Unit in 2008 meant that links between the provincial and central level justice institutions were weak. The arrival of a new Acting Head of that Unit during the reporting period, coupled with the addition of two Judicial Affairs Officers, significantly increased the capacity of the PJCM to interact with the national justice sector institutions. Discussions were held with the Supreme Court, the Attorney-General's Office and the Ministry of Justice on how best to ensure that problems identified by and information arising from the provinces are brought to the attention of the relevant central level institution. It was agreed by all institutions that regular meetings would be useful. PJCM was also invited to participate in meetings of the Co-ordination Commission, which is a body established by the justice institutions themselves to deal with practical issues of co-ordination and which meets fortnightly.

In order to ensure that information obtained by the PJCM is available to its international partners, PJCM has paid attention over the period to improving the quality of its weekly compilation of reports from the field and ensuring a more timely distribution. The PJCM Weekly Report, which is a compilation of the reports from the provincial teams with some editorial work done by the UNAMA Rule of Law Unit to ensure readability, has received positive feedback from the PJCM donors in particular. However, the question of the most useful way of reporting and the structure of the information provided by its provincial teams is something that PJCM intends to reconsider in the next quarter.

Capacity development of justice institutions in respect of coordination

PJCM teams continued to assist the justice institutions in taking the lead on coordination activities, but no particular initiatives were undertaken during this reporting period in this regard.

Implementation of recommendations from Arbitrary Detention and LSOP reports

The Arbitrary Detention report was released by the UNAMA Human Rights Unit on 26 March 2009, at the end of this reporting period. It is expected that the PJCM will work with that Unit to assist with implementation of its recommendations in the next quarter.

The Legal System Observation Report had not been finalised by the end of the reporting period.

Output: Provincial Justice Assessments

Criminal justice assessment

Following a request from the Government of Afghanistan for information on the justice sector in the provinces, on its establishment in July 2008, PJCM began work on a wide-ranging assessment of justice sector institution, activities and support. In late 2008, work began on compiling the wealth of data gathered into a report on the landscape of the criminal justice system in the provinces, as that aspect of the justice system has been the subject of most donor-funded activities. It was intended at that time, and still is, to use the data on other aspects of the justice system as the basis of subsequent reports.

A draft criminal justice assessment was completed in January 2009 and was then distributed to national and key international partners for comment. A large number of comments were received. By the end of the reporting period, the draft assessment had been amended to take account of most of the comments, some of which were substantial, but a few pieces of promised information were still outstanding. It is anticipated that the report can be completed, translated, published and distributed in the next quarter.

Other assessments

Because of the time taken with the criminal justice assessment, work could not begin on other assessments during the reporting period. An assessment of the civil justice system is still contemplated.

An assessment of the informal justice sector is not likely to be carried out as several other international agencies have been or are now engaged in this task. A Task Force was set up in March 2009 under the Ministry of Justice to develop linkages between the formal and informal justice sectors. The UNAMA Rule of Law Unit participates in this Task Force and the PJCM teams have been asked to provide any information that comes to hand on related activities in their regions to that Unit, but not to specifically conduct research on the topic.

II. Project implementation challenges

Updated project risks and actions

Security concerns

Deteriorating security conditions limited coordination efforts in four regions during the period. In Herat, an increase in security incidents diminished coordination opportunities in the Western Region. The PJCM team reported that this was compounded by a significant lack of donor interest in the region. The security environment in the Eastern Region remained unstable, preventing the PJCM team from accessing Nooristan province. The Southeastern Region also reported a deteriorating security environment, preventing the team from holding justice coordination meetings during the reporting period. The Southern Region office in Kandahar was unable to start coordination meetings in Helmand and Zabul due to security problems. Likewise, the PJC team in the Northeast Region reported that worsening security conditions in Baghlan and Kunduz were diminishing opportunities for coordination.

Updated project issues and actions

Human resources

Maintaining full staffing in each office has continued to be a problem because of the resignations and the challenges of recruiting new staff.

Two international coordinators resigned at the end of 2008 – in Herat and Kabul. Their replacements did not arrive until the middle of the reporting period and, unfortunately, the officer assigned to Kabul then resigned shortly after her arrival and will leave in April 2009. UNDP and UNAMA began discussing the options for filling that vacancy.

Two PJCM offices staffed through UNAMA also took time to fill. However, as a result of intensive recruiting efforts, an international staff member came on board for the office in Mazar-e-Sharif in March. One was also hired for Bamyan and is expected to arrive in May 2009. National officers also came on board for those offices or the recruitment process was well underway by the end of the period. A national officer was also about to start work in the PJCM office in Paktya and recruitment of an administrative assistant was progressing.

Administrative issues

Previous reports have noted difficulties that have arisen in dealing with the administrative aspects of this joint UNAMA-UNDP project in the absence of a formal Memorandum of Understanding or similar document. Concerted efforts on the part of UNDP have led to the resolution of many such problems, although some remain to be dealt with in the next quarter.

Continuation of PJCM

Discussions on the future funding and management of PJCM began between UNAMA and UNDP and with the donors during this period. In particular, some expected restructuring of the management of UNDP's justice sector projects in order to comply fully with its own internal requirements would impact on the substantive management of PJCM. These issues were not able to be fully resolved during the period and discussions will continue in the next quarter.

III. Financial status and utilization

Table 1: Contribution overview [Jan 1, 2008 – March, 2009]

DONOR NAME	CONTRIBUTIONS		CONTRIBUTION BALANCE
	Committed	Received	
Government of Germany	554208	554208	-
Government of Italy	521181	521181	-
Government of United States	1561308	1561308	-
Government of Canada	545093	545093	-
TOTAL	3181791	3181791	-

Financial utilization

Table 2: Quarterly expenditure by activity [1 January – 31 March, 2009]

Activity	BUDGET [year-2009]	QUARTERLY EXPENDITURE	BALANCE	DELIVERY (%)
Activity 04[Policy Support Provincial Justice]	1671604	273787	1397817	17%
UNDP GMS (based on donor agreements) 7 %	125952	20608	105344	17%
Total	1797556	294395	1503161	17%

Table 3: Quarterly expenditure by donor [1 January, 2009 – 31 March, 2009]

DONORS	ACTIVITY	BUDGET [year,2009]	QUARTERLY EXPENDITURE	BALANCE	DELIVERY RATE (%)	REMARKS*
Government of Germany	Activity 04: [Policy Support Prov. Justice]	277043	45631	231412	17%	
GMS [7 %, as per donor agreement]		22550	3435	19115		
Subtotal [Germany]		299593	49066	250527		
Government of Italy	Activity 04: [Policy Support Prov. Justice]	277043	45631	231412	17%	
GMS [7 %, as per donor agreement]		22550	3435	19115		
Subtotal [Italy]		299593	49066	250527		
Government of United States	Activity 04: [Policy Support Prov. Justice]	831128	136894	694234	17%	
GMS [7 %, as per donor agreement]		67649	10304	57345		
Subtotal [USA]		898777	147198	751579		
Government of Canada	Activity 04: [Policy Support Prov. Justice]	277043	45631	231412	17%	
GMS [7 %, as per donor agreement]		22550	3435	19115		
Subtotal [Canada]		299593	49066	250527		
TOTAL		1797556	294395	1503161	17%	

Annexes

Annual Work Plan