



**United Nations Development Programme
Afghanistan**

**Support to Provincial Justice Coordination
Mechanism (PJCM)**

**Third Quarter Project Progress Report
July - September 2010**

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Executive Summary

The Provincial Justice Coordination Mechanism (PJCM) continued to facilitate provincial justice coordination mechanisms and strengthen communication and coordination among regional justice institutions and the international donor community. In particular, it focused on making provincial justice coordination meetings more effective by involving more actors in them, and ensuring that decisions or problems were followed up (including with central level institutions) and that the outcomes and decisions of these meetings were widely disseminated within the relevant donor community.

The PJCM also initiated discussions during the period with relevant local and regional officials, as well as key international partners, with a view to establishing district-level justice coordination meetings in three Districts of Bamyan Province (Waras, Panjab and Yakawlang), in order to expand rule of law coordination activities to more remote areas. It was expected that these meetings would commence in October and could then be used as a model for other provinces.

PJCM continued to focus in particular on legal aid and access to justice. It assisted the Afghan Independent Bar Association (AIBA) in its efforts to establish regional offices, advocated for an increased presence of defence lawyers at provincial and district levels, and continued to work with the existing working groups on legal aid and gender. Issues such as access to justice, legal education and violence against women have been a predominant focus of attention for donors and local institutions, especially in the Northern provinces, where Law Faculties and the Department of Women's Affairs have been very active in implementing their programmes.

On the administrative side, by the end of the reporting period, all PJCM staff on UNDP contracts had been transferred to UNAMA, with one exception. Completion of this process, which is expected to occur early in the next quarter, will mark the end of the PJCM as a joint UNAMA-UNDP project.

I. Context

The Provincial Justice Coordination Mechanism was set up as a result of the July 2007 Rome Conference on Justice and Rule of Law in Afghanistan, at which it was agreed that such a mechanism was necessary in order to support rule of law reform and ensure the coordinated delivery of justice assistance in the provinces, consistent with the National Justice Sector Strategy and the National Justice Programme. The PJCM was launched on 1 July 2008 and is a joint UNAMA/UNDP project.

In assisting the Government of Afghanistan (GoA) to systematically expand the rule of law beyond Kabul and to improve the delivery of justice assistance in the provinces, the PJCM aims to achieve:

- (1) effective coordination of donor assistance programmes at a central, regional and provincial level
- (2) identification of, and the mobilization of resources for future assistance to the provinces
- (3) comprehensive regional assessments of formal and informal justice systems in each PJCM area
- (4) facilitation of communication and information sharing between the GoA and the international community

(5) transfer of expertise and strengthening the capacity of government officials to manage coordination within the justice sector in the future.

The overall aims of the PJCM, in particular the objectives numbered 2 and 5 in the preceding paragraph, fit within the UNDAF Outcome 4 under the heading Governance, Rule of Law and Human Rights, namely that “more Afghans have increased access to a reformed, comprehensive and effective Justice System”. Similar considerations apply to CPAP Outcome III, namely “Access to Justice and Human Rights improved through capacity building of justice institutions ...”

The development challenges that the project is intended to address can be considered in two parts. One is to improve the ability of justice sector institutions to identify their own needs, whether in terms of human resources, training, infrastructure or linkages with other institutions and to develop appropriate solutions. The second is to facilitate the delivery of assistance in respect of those needs, for example by establishing coordination mechanisms at regional and provincial levels and by mobilizing resources for training, building projects, improving access to justice, etc.

The direct beneficiaries of the PJCM are, therefore, the provincial and district level justice institutions. The indirect beneficiaries are the people of Afghanistan. While the justice institutions are also the main stakeholders in the project, key partners include justice sector donors and the agencies implementing justice sector assistance projects around the country.

II. Status of the progress towards the achievement of output/outcome

Output 4: Policy Support – Provincial Justice Coordination Mechanism (Effective Coordination of Justice Sector assistance is ensured).

Activity 1 – Coordination of justice sector in the provinces improved

Weekly/monthly coordination meetings with justice institutions

General justice coordination meetings have continued to take place and a total of 37 were held over the reporting period: - thirteen in the Central Region, two in the Central Highlands Region, one in the Western Region, two in the Northeastern Region, three in the Northern Region, four in the Southeastern Region, five in the Southern Region and seven in the Eastern Region. PJCM continued emphasizing the necessity for these meetings to produce results and ensuring that areas of concern identified in those meetings are properly transmitted to decision-making bodies at central level.

In recognition of its coordination efforts, the PJCM team in the Northeastern Region was praised by justice officials in a ceremony held on 10 August and hosted by the Kunduz Chief Judge, who expressed his and his colleagues’ appreciation for the coordination role that the PJCM team is playing in the region and delivered a letter of thanks from the Supreme Court. Also building on the activities of that PJCM team, and in particular its initiative to hold regional conferences of justice officials, the Supreme Court has issued a decision on the procedure of holding such consultative meetings of Provincial and Primary Courts in each judicial zone on a quarterly basis.

The PJCM teams also organized or attended 160 thematic and other rule of law related meetings (22 in the Central Region, 18 in the Central Highlands Region, 15 in the Western Region, 24 in the

Northeastern Region, 26 in the Northern Region, 25 in the Eastern Region, 10 in the Southern Region and 20 in the Southeastern Region).

During this period, PJCM team conducted two Legal Aid Working Group meetings on 14 July and 28 September in Balkh province. At the last meeting, it was decided to create a database, to be run by the Legal Aid Unit of the Justice Department, in which all legal aid NGOs would provide detailed information on a monthly basis regarding their accredited defence lawyers, and the number of cases registered and processed. Also in Balkh, a Law Enforcement and Criminal Justice Working Group was organized on 5 August, which focused primarily on counter-narcotics issues. A specific suggestion from participants was the establishment of laboratories for drug testing in the provinces to speed up investigations.

The PJCM facilitated two Governance, Human Rights and Rule of Law Technical Working Group meetings in Nangahar, on 19 July and 25 August respectively, one in Paktia province and two in Kunduz in close cooperation with the UNAMA Governance Unit (on 10 and 18 August). These meetings are a forum for the local authorities and development partners to discuss priority projects, particularly in respect of justice infrastructure, and were generally reported to have improved donor coordination.

On 15 July, the PJCM participated in the UNAMA-UNHCR Special Task Force coordination meeting on land disputes, which focused on execution of Court verdicts in the Districts of Takhar. A concrete result of that meeting was the formation of a commission to follow-up on Court's decisions. The expertise of PJCM on land disputes is regarded as an added value to this task force.

Capacity development of justice institutions to take control of coordination

Following the recommendation of the Supreme Court in November 2009, most Provincial Courts are now organised and chair the justice coordination meetings, although PJCM teams continue playing a supporting role in coordination of meetings, in particular with regard to sharing outcomes and decisions with donor communities and ensuring the implementation of action points.

In Parwan, where difficulties have been encountered in the past in establishing regular coordination meetings, the new Chief Judge is actively leading meetings and initiatives on justice matters, which constitutes a significant development for effectively coordinating donor initiatives in that province. Similarly in Dai Kundi, provincial justice meetings have been reactivated after a lapse of a few months and the Provincial Court is playing a prominent role in justice sector coordination.

The Department of Women Affairs (DoWA) is now taking a greater leading role in organising women's rights initiatives in Kunduz, where gender-based violence issues were extensively discussed at the second Women Justice Working Group Meeting that took place in September.

Linkages between provincial and central justice institutions

PJCM Monthly Reports continue to be prepared and distributed to the international community and justice institutions.

The UNAMA Rule of Law Unit has continued to raise issues reported by the PJCM teams to central level coordination bodies over the period. Some are noted under Activity 2 below. In particular,

during this period, issues raised by the PJCM in respect of the corrections sector have been dealt with through the Prison Working Group, which is chaired by Deputy Minister of Justice and meets fortnightly to discuss and resolve policy and practical issues facing that sector. Some of the cases brought to the Prison Working Group during this reporting period included the lack of proper classification of inmates in Zabul prison, lack of proper space for female juvenile inmates at the Balkh Juvenile Rehabilitation Centre, insufficient legal representation for young offenders in the Juvenile Rehabilitation Centre in Gardez, the release of prisoners in Kandahar prison and lack of furniture and equipment in the new Dai Kundi prison building.

Activity 2 - Justice Assessment Reports Completed

Assessments and Implementation of recommendations

In Eastern, Central and Southern Regions, the PJCM teams regularly visit detention facilities and work closely with the UNAMA Human Rights Unit to monitor the implementation of the recommendations in its report on Arbitrary Detention. The PJCM team in Kandahar continues paying particular attention to these issues, having established committees of the relevant justice institutions in Kandahar and Uruzgan, which observe the overall situation and consider ways of dealing with specific cases. During the period, these committees met three times. The committee in Kandahar reported that 20 cases have been reviewed in that province and releases ordered.

Thematic reports

From time to time, the PJCM teams conduct provincial or district assessments of the justice sector for various purposes. During this period, assessments on infrastructure, staffing and the overall functioning of the judiciary were updated for the Districts of Panjab, Waras, Yakawlang and Shibar, in Bamyan province. Also in that province, absenteeism of justice officials, primarily in the Districts, was drawn to the attention of the PJCM during its field visits. For example, on a visit to Yakawlang District, the PJCM team discovered that neither judges nor Ministry of Justice officials were at their posts. At the Rule of Law Working Group meeting in Bamyan on 1 September, at which other organizations reported the same phenomena, the PJCM and the UNAMA Human Rights Unit agreed to prepare a report on the issue for provincial authorities and the Supreme Court.

In July 2010, the PJCM released its thematic report entitled "The Huquq Department: An Analysis of its Procedures, Functions and Needs", which was the result of research conducted by the PJCM teams earlier in 2010. It was distributed to the justice institutions and to donors. The UNAMA Rule of Law Unit discussed its recommendations with Ministry of Justice on 16 August 2010, and on 31 August held a meeting with donors and agencies who provide support to the Hoquq Department, to discuss ways to strengthen support. It was agreed to work with the Ministry of Justice to create a database of projects, and this will be followed up in the next quarter.

A shortage of lawyers to meet the needs of criminal defendants is a well recognized problem across the country, which the PJCM has tried to assist with through legal aid working groups, development of directories of lawyers and so forth. There has been some progress, including the establishment of Legal Aid Units of the Ministry of Justice in several provinces over the year, as well as some legal aid NGOs expanding services to more provinces. However, positive developments, such as International Legal Foundation-Afghanistan (ILF-A) recruiting two more lawyers to provide defence services in the Central Highlands Region, are often counter-balanced by withdrawal of services elsewhere for security reasons or lack of funding. During the reporting period, the PJCM began a project to map the provision of legal aid lawyers across the country,

including information on the funding sources and periods, in an endeavour to identify the biggest needs and gaps in supply. It is hoped to complete this in the next quarter.

Finally, following on an initiative reported on in the second quarter, the PJCM has continued to observe the phenomenon of trials in absentia, and is in the process of encapsulating its findings in a short report.

Activity 3 - Improved donor/implementer coordination

The PJCM continued during the period to strengthen ties among the different donors and their implementing partners. This is partly achieved through the general justice coordination meetings and also through the specific donor/implementer coordination meetings that take place regularly in some regions.

In the week of 11 to 15 July, PJCM hosted a visiting delegation from ISAF headquarters on rule of law issues, and facilitated their meetings with some Afghan and international justice institutions, including the Department of Justice, the Prison and Police. The purpose of the visit was to assess rule of law progress and challenges in north and to see how ISAF can assist promoting rule of law in the region.

During this period, PJCM team in Kunduz has continued to work very actively with the Rule of Law Program of German Technical Cooperation (GTZ), which agreed to provide administrative support to the AIBA regional office as the result of a PJCM proposal.

In order that PJCM can more effectively assist the development of funding proposals, either by the justice institutions or at the request of donors, a two-day training on grant proposal writing was provided for all PJCM staff in August 2010. The training was then put to use by some PJCM officers to prepare proposals for projects under the UNAMA Quick Impact Project scheme.

Challenges

Risks

Security

The security situation deteriorated in a number of locations, most appreciably in Northeastern and Southeastern Regions. The PJCM teams have now been advised not to travel to certain areas under any circumstances or have had to cancel planned road missions at very short notice.

Issues

Transition to UNAMA

As at 1 July 2010, most of the national staff of the project had received offers of appointment from UNAMA and their transition from UNDP to UNAMA took place early in this reporting period. By the end of the period, all but one national staff member had joined UNAMA.

Recruitment of international staff was slower, as expected. By the end of the period, offers of appointment had been made for the five Provincial Justice Coordinator posts that could be filled at that time, although it appeared unlikely that all the selected candidates would accept the post.

UNAMA and UNDP continued to work together to plan for the other aspects of the transition, namely disposal of the remaining assets and funds.

III. Future Plans

It is expected that the PJCM as a joint UNDP/UNAMA project will close early in the next quarter and that the initiatives described above will continue under sole UNAMA leadership.

