



United Nations Development Programme
Afghanistan

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

Second Quarter Project Progress Report – 2009

Project ID: 00060050
Duration: 1 July 2008 – 30 June 2009
Strategic Plan Component: Justice and Human Rights
CPAP Component: Access to Justice and Human Rights
ANDS Component: Governance , Rule of Law and Human Rights
Total Budget: US\$ 3,181,790.80
Responsible Agency: UNAMA/UNDP

PJCM DONORS



Canada



Germany



Italy



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Executive Summary

The Provincial Justice Coordination Mechanism (PJCM) continued to help improve the delivery of justice assistance in the provinces, consistent with the National Justice Sector Strategy and the National Justice Programme. In this quarter, the PJCM was able to facilitate establishment of seven new general justice coordination mechanisms as well as various thematic groups in different provinces, covering such subjects as legal aid, traditional justice, juvenile justice, access to justice, and police/justice cooperation. Existing meetings continued during the period. Territorially, the PJCM was able to expand its programming to new provinces, including Badakhshan, Bamyán and Uruzgan.

This was in part facilitated by the arrival of several new judicial affairs officers and PJCM staff. As a result communication between Kabul-based UNAMA Rule of Law Unit and the provincial justice coordinators in the regions greatly improved and some useful field visits took place. The reporting has been streamlined, and several avenues of communication have opened up between UNAMA, the donors and justice sector officials of Afghanistan.

Context

The Provincial Justice Coordination Mechanism (PJCM) was set up as the 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 to ensure the coordinated delivery of justice assistance in the provinces, consistent with the National Justice Sector Strategy and the National Justice Program. 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 justice 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, and 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.

Implementation Progress

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

As indicated in previous reports, following the establishment of the PJCM in July 2008, the PJCM teams began strengthening existing provincial co-ordination mechanisms or, more often, initiating them. These took different forms in different provinces, depending on the situation, and included both general justice co-ordination meetings and some thematic meetings, on topics such as legal aid, or some involved some specific partners, such as international project implementers. By the end of the last reporting period, at least the general coordination meetings were taking place in most of the provinces to which PJCM had access. 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, seven new general justice coordination meetings were initiated: in Badakhshan, Kapisa, Kunar, Laghman, Nangahar, Parwan, and Uruzgan. Justice officials expressed their appreciation for the creation of these new forums, as they open up communication links between institutions that should be in regular contact. For example, in Parwan province, the Head of the Civil Division of Provincial Court indicated that since the justice coordination meeting was initiated case handling in the court has improved considerably.

As the team in Bamyan was only deployed during the reporting period, no formal coordination mechanisms were established, but several introductory and exploratory meetings were held with the courts, prosecution service, and prison officials, as well as the Provincial Governors, in both Bamyan and Dai Kundi provinces.

Establishment of thematic meetings

In addition to the general coordination meetings, the PJCM teams have continued to establish new working groups focussing on specific topics.

Several working groups on legal aid and access to justice were created during the period, including in Balkh, Kunar, Kunduz, Laghman and Nangahar. For the most part, these groups aimed to share concerns and strategies, improve the coordination between defence lawyers and prison officials and among the NGO legal aid providers, ensure that legal providers have access to their clients, and encourage all lawyers to take a more pro-active role in criminal and civil proceedings.

Twenty-five defence lawyers participated in the meeting in Kunduz, while twelve legal aid organisations joined the meeting in Balkh. Some of these groups met more than once during the reporting period, and most or all are expected to continue to meet regularly.

These meetings were generally reported to have considerably improving information sharing among international actors and local institutions on this topic as well as improved coordination between legal aid organisation and the courts. For example, since April 2009, the Kunduz Provincial Court benefited from the presence of legal aid providers which, according to institutional sources, facilitated the processing of around 300 pending cases.

The PJC team in the Northeastern Region convened a meeting on juvenile justice in Kunduz and then organised a workshop on the topic, held in April and funded by UNICEF. The 60 participants included members of the Prosecutor's Office, police and social workers from Baghlan and Kunduz provinces. As a result of some of the thematic meetings conducted in that region, coordination among police, the prosecution service and the courts in respect of criminal cases has enabled case investigation to progress better.

The PJCM team in the Balkh assisted the Department of Women Affairs (DoWA) in establishing a network of NGOs implementing legal projects for women. A traditional justice working group was created by the PJCM in Nangahar, which now meets quarterly, bringing together stakeholders to share concerns and strategies.

The PJCM teams also participated in thematic meetings touching on the rule of law that were convened by other organisations, such as ACBAR CivMiL, the Civil Service Commission, Provincial District Councils, UNHCR, UNICEF, ISAF, the Elections Task Force and The Liaison Office.

Continuation of regular meetings

The various general justice coordination meetings referred to in previous reports continued during the reporting period. In all, eighteen such meetings took place between 1 April and 30 June - six in the Central Region (Kabul, Kapisa, Logar, Panshjer, Parwan and Wardak), three in Northeastern Region (one in Kunduz and two in Takhar), three in the Southeastern Region (Paktia), three in the Southern region (Kandahar, Nimroz and Uruzgan) and three in the Eastern Region (Kunar, Laghman and Nangahar).

In addition to these meetings, PJCM teams attended more than 250 thematic and other rule of law related meetings in various provinces.

Liaison between provincial and central level

Following staffing changes referred to in the last quarterly report in the Rule of Law Unit in the UNAMA, this period also saw the addition of two Judicial Affairs Officers and one Corrections Advisor, which enabled that Unit to continue improving the link between the provincial and central levels. Those officers have all been assigned to deal primarily with PJCM and provincial issues.

In June 2009, the Corrections Adviser and one Judicial Affairs Officer conducted a four day fact-finding mission in Herat and Kunduz provinces. A total of 22 meetings with MoJ and Mol

representatives, prison directors, NGOs and various international organisations and agencies were carried out, as well as visits to prisons and juvenile detention centres. This increased attention to corrections issues has encouraged all PJCM teams to pay greater attention to corrections issues in their regular work and reporting.

The PJCM teams met in Kabul in June 2009, to coordinate on matters of administration, management, project coordination, future planning and thematic issues. The Deputy Minister of Justice participated in part of the meeting and led a discussion on PJCM activities and regional issues.

While continuing to compile and distribute the PJCM weekly reports to interested partners, the Rule of Law Unit instituted some changes in the reporting format from the provincial teams to facilitate identification of issues from the field that need central level intervention and to ensure that they are followed up. This is a first step to aligning PJCM reporting with the priorities and activities of the National Justice Programme, which will continue in the next period.

Capacity development of justice institutions in respect of coordination

Justice institutions continue to progressively take the lead on coordination activities. For instance, justice coordination meetings in Kabul, Kunar, Kapisa, Nangahar, Panjsher, and Parwan are led by the Chief of the Provincial Court and facilitated by PJCM. In Kunduz and Takhar, the Chief Judges are taking the lead on justice coordination meetings. In Laghman, there is a justice sector meeting sponsored by the Governor's office as well as an additional meeting chaired by the Chief Judge, which was promoted by the PJCM and which has taken place twice in the reporting period. In Paktia, the Saranwal Coordination Meeting is in the process of being turned over to local justice officials.

Criminal justice assessment

The criminal justice assessment, begun by PJCM in 2008 and referred to in the last quarterly report, was largely completed during this reporting period, subject only to minor editing and proof reading, and sent for translation. It is expected that the translation will be completed during the next reporting period.

Implementation of recommendations from Arbitrary Detention and LSOP reports

The Arbitrary Detention Report was released by the UNAMA Human Rights Unit (HRU) in March 2009, and the PJCM teams were asked to work with that Unit to raise awareness of the issues and to implement its recommendations in their regions. The situation in the regions is not uniform in respect of the actions taken to do so.

In Kabul, Kunduz, and Mazar, the PJCM and HRU teams have established working groups or workshops. In Bamyan, Gardez, Herat, Jalalabad and Kandahar the process has not started, but both units are preparing the ground for further coordinated actions.

In Kapisa, Panshjer and Parwan, the Human Rights Unit conducted a workshop for police, prosecutors and judges, following which the PJCM team started coordination meetings among those institutions and engaged in discussions on cases and implementation of recommendations.

The PJCM team in Kunduz prepared a systematic plan to follow the recommendations of the report and obtained funding from GTZ for implementation. In collaboration with HRU, the PJCM team will organise four provincial conferences in which the principal justice and law enforcement actors will participate.

In the Northern Region, the PJCM and HRU teams plan to distribute the report through one day workshops for the justice institutions. Again, GTZ will financially support the workshop in Balkh, which is likely to take place in July. In Faryab, the PJCM team is in contact with ACTED and NRC in respect of funding. For the other northern provinces, funding is still to be found.

The LSOP report was not completed during the reporting period.

Other assessments

Some of the PJCM teams have started additional thematic assessments during the reporting period. For example, the PJCM team in Herat made a preliminary assessment of juvenile justice in that province, as well as more general assessment of the justice system in Ghor and Badghis after lengthy initial visits to those provinces. Data gathering for those assessments is continuing, to enable to more comprehensive justice mapping for all the provinces in that region. This partly coincides with a JSSP and CSSP effort to assist the Herat Prison to develop a prisoner case file tracking system. Statistical results and analysis are expected in the next reporting period.

In addition to the various meetings referred to above, PJCM teams have continued to organise separate meetings of donors and implementing partners at a general level or to discuss particular topics or funding issues.

For example, in Paktia the PJCM team has been holding monthly donor coordination meetings since December 2008. Participants include rule of law actors from the US military (mostly PRT personnel) and the few international NGO's active in the region. Positive outcomes are mostly related to information-sharing and trouble-shooting issues that arise in implementation of projects.

The PJCM team in the North Eastern Region facilitated an academic exchange agreement between the Law and Political Science Faculty of Tehran University, Law and Political Science Faculty of Balkh University and Kunduz Higher Education Centre to promote cooperation in legal education between these faculties.

The PJCM team in the Northern Region has facilitated meetings with international organizations involved in legal training and mentoring of police.

PJCM advocacy of the Huquuq in the Eastern Region has led to the use of CERP funds to provide training in this area. The PJCM team has also introduced NGOs and other UN agencies to serve as instructors for JSSP training.

In the South Eastern Region, the PJCM team has been assisting International Legal Foundation Afghanistan secure funding to keep its office open in Gardez, as well as trying to attract other legal aid NGOs to the region through possible financial assistance from the Gardez PRT.

In the Western Region, the PJCM team engaged with UNICEF in relation to assistance of a school legal rights awareness program that the Faculties of Law and Shari'a conduct and are hoping to expand. In addition, the team has engaged JSSP in discussions to provide legal workshops to members of the customary law sectors in the region. It is hoped that through PJCM facilitation, donor assistance will be forthcoming for these projects and more importantly will be better directed than presently.

In Bamyan, PJCM has also made good contacts with the New Zealand PRT with a view to obtaining funding for rule of law projects. In addition, relationships have been established with US AID representatives, EUPOL officers, and the Norwegian Refugee Council (NRC).

Challenges

Risks

Security

The security situation in large parts of the country has continued to make access to sites and monitoring of insecure areas difficult. For example, in the South Eastern region, the security situation did not allow the PJCM team access to provinces other than Paktya, and in the Eastern Region, the team continued to be unable to travel to Nooristan. However, the biggest problem during the period was the inability of the incoming PJCM Coordinator for the Southern region to take up his post in Kandahar. As a result of the changing security environment, for a period, no new staff were being deployed there. By the end of the reporting period, however, it appeared that deployment would soon be possible.

Issues

Human Resources

Maintaining full staffing in each office was less problematic in this period than it has been in the past. The PJCM Coordinator for Bamyan arrived in June 2009 and, with the recruitment of an administrative assistant, has been able to set up an office and begin work. A national rule of law officer for that office is also under recruitment. As noted above, the Rule of Law Unit has also been able to supplement the staff allocated to dealing with PJCM issues, which has had a significant, positive impact on the ability to react to and deal with issues raised by the field.

However, lack of certainty over the continuation of PJCM funding meant that it was not possible to recruit for the PJCM Coordinator position in Kabul region.

Project funding and extension

A PJCM Board meeting was held on 15 June 2009. UNDP presented information on the financial status of the project, following which all donors present agreed to a no-cost extension to the project until 31 March 2010.

Administrative issues

While most administrative issues arising from the joint UNAMA-UNDP management of the project were resolved during the reporting period, difficulties still remained over the transfer of ownership or use of the vehicles purchased for the use of PJCM from UNDP to UNAMA.

Reporting issues

Until this period, weekly reporting from the field has tended to be activity rather than results based, focussing on different meetings rather than providing any analytical overview of particular issues or assessing progress made. In order to begin shifting towards the latter, the Rule of Law Unit prepared a new reporting template, coupled with guidelines, which were discussed at the PJCM full team meeting in June and then implemented. Although it was too early by the end of this reporting period to make an adequate assessment of this change, it appeared to be successful in assisting teams to prepare a more focussed, interesting report.

Increased staffing in the Rule of Law Unit has greatly increased the ability of the Unit to compile and distribute the weekly reports in a more timely fashion and the Unit continued to receive positive feedback on the reports, as well as requests to be on the distribution list.

Lessons Learned

The PJCM Board meeting made clear that although the PJCM has provided regular reports of activities to its donors and international partners through the weekly and quarterly reports, it has been less successful in maintaining an adequate flow of information to the central level justice institutions. In part, this has resulted from low staffing numbers in the Rule of Law Unit, as well as the nature of the weekly reports currently produced, which would be too time consuming to translate. With the change in reporting format described above for reporting from the field to the Rule of Law Unit, it is intended in the next period to replace the weekly report compilation with a shorter, monthly report, summarising main issues and key developments, following to the extent possible the priorities of the National Justice Programme. It is intended that this be translated and distributed to the national justice institutions, prior to meeting with them to discuss how concerns raised can be addressed.

Future Plans

It is hoped that, in addition to the continuation of existing activities, the next period will see additional coordination meetings being set up in provinces such as Balkh and Samangan, finalisation of the PJCM criminal justice assessment, more activities in respect of the Arbitrary Detention Report, a continued greater focus on correctional issues, the implementation of the new reporting mechanisms noted above and that will lead to further improved linkages between the Rule of Law Unit and the central level justice institutions and better follow-up on issues raised by the provincial offices at central level.

PJCM will also consider the preparation of one or more short thematic reports on topical issues and will continue with visits from the Rule of Law Unit to the provinces.

With the anticipated increase in activities of the Provincial Reconstruction Teams, and their incremental assuming of more responsibilities in the justice sector, the PJCM teams will endeavour to increase contacts with them. It has also become clear that each province is dealt with differently, depending on level of security and the responsible donors. In response to this, increased communication between PJC teams must be fostered, thus allowing for greater exchange of ideas and learning from good examples. Information must also be filtered upwards, so that, for example, high level national justice officials are aware of PJCM activities in the regions.

Table 1. Funding Overview (PJCM ID 00060050)

Donor	Commitment (Currency of the Agreement)	Received (Currency of the Agreement)	Received (USD)	UNORE	Balance (Currency of the Agreement)
Government of Germany	USD 554,208	-	554,208	1.0	-
Government of ITALY	Euro 331,471.38	331,471.38	521,181.42	1.57	-
Government of United State	USD 1,561,308	-	1,561,308	1.0	-
Government of Canada	CAD 533,101.33	533,101.33	545,093.38	1.02	-
Total			3,181,790.80	-	-

Table 2. Expenditure Status (PJCM ID 00060050) (by activity)

Activity	Budget	Donor	Expenditure Status at [01 Jan-31 March 2009]		Expenditure in Reporting Quarter (01 April -30 June 2009		Quarter Expenditure	Total Expenditure	Balance	Delivery
			Commitment	Disbursement	Commitment	Disbursement				
Activity 04	277,043	Government of Germany	-	45,631	-	115,482	115,482	161,113	115,929	58%
	277,043	Government of ITALY	-	45,631	-	134,673	134,673	180,304	96,738	65%
	831,128	Government of United State	-	136,894	-	269,773	269,773	406,667	424,460	49%
	277,043	Government of Canada	-	45,631	-	145,381	145,381	191,011	86,031	69%
UNDP GMS (based on donor agreements) 7%	135,299	Germany, USA, Canada, Italy	-	20,608	-	47,984	47,984	68,592	66,706	51%
TOTAL	1,797,556	-	-	294,395	-	685,497	685,497	1,007,690	789,866	56%

Table 3. Expenditure Status (PJCM ID 00060050) (by donor)

Donor	Budget	Activity	Expenditure Status at [01 Jan-31 March 2009]		Expenditure in Reporting Quarter (01 April -30 June 2009		Quarter Expenditure	Total Expenditure	Balance	Delivery
			Commitment	Disbursement	Commitment	Disbursement				
Government of Germany	277,043	Activity 04	-	45,631	-	115,482	115,482	161,113	115,929	58%
Government of ITALY	277,043	Activity 04	-	45,631	-	134,673	134,673	180,304	96,738	65%
Government of United State	831,128	Activity 04	-	136,894	-	269,773	269,773	406,667	424,460	49%
Government of Canada	277,043	Activity 04	-	45,631	-	145,381	145,381	191,011	86,031	69%
GMS 7%	135,299	Germany, USA, Canada, Italy	-	45,631	-	115,482	115,482	68,592	66,706	51%
Total	1,797,556	-	-	45,631	-	134,673	134,673	1,007,690	789,866	56%

Annexes

Annex I: Performance Tracking Matrix

Result/Goals	Performance Indicators	Baseline Info	Performance Benchmark and Targets	Implementation Progress in reporting quarter
Output 4: Policy Support - Provincial Justice Coordination Mechanism. (Effective coordination of the Justice Sector assistance is ensured).	Number of provincial field units established and Number of justice assessment reports completed.	Baseline: Limited coordination structures at provincial level.	Six field units established and two justice assessment reports completed.	The criminal justice assessment was largely completed during this reporting period and sent for translation which is expected to be completed during the next reporting period.

Annex II: Risk Log

RISK LOG

Project Title: Provincial Justice Coordination Mechanism (PJCM)	Award ID: 00041283	Date: 20/06/2009
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#	Description	Date Identified	Type	Impact & Probability	Countermeasures / Mngt response	Owner	Submitted , updated by	Last Update	Status
1	Security Constraints	01/01/2009	Security	Potential risk of injury or death to project staff Potential impact on activities – delayed or rescheduled activities. P = 2 I = 5	Comply with UNDSS security arrangements & assessments. Obtain security clearances for internal travel.	Project Manager	Project Manager	30/06/2009	No Change

Annex III: Issue Log

ISSUES LOG						Date: 20/06/2009
Award ID: 00041283		(Description Project:) Provincial Justice Coordination Mechanism (PJCM)				
ID	Type	Date Identified	Description	Status/Priority	Status Change Date	Author
1	Organizational	01/05/2009	Uncertainty over the continuation of PJCM funding meant that it was not possible to recruit for the PJCM Coordinator position in Kabul region	ongoing	Project Manager	Other
2	Organizational	01/05/2009	Transfer of ownership or use of the vehicles purchased for the use of PJCM from UNDP to UNAMA.	ongoing	Project Manager	Other