



United Nations Development Programme
Afghanistan
Strengthening the Justice System of Afghanistan (SJSA)
Second Quarter Project Progress Report 2009



Participants of MoJ/PLA unit at a three-day workshop on Human Rights.

Project ID: 0047952

Duration: 26 June 2009 – 30 June 2012 (36 Months)

Strategic Plan Component: Focus Area 2: Democratic Governance

CPAP Component: Access to Justice and Human Rights

ANDS Component: Governance, Rule of Law and Human Rights

Total Budget: US \$ 5,265,647

Responsible Agency: UNDP

SJSA Donors



Canada



Netherlands



Norway



Denmark



United Kingdom



Switzerland



UNDP

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Executive Summary

The second quarter of 2009 marked by the pre-starting phase of Human Right Support Unit (HRSU) which included development of ToRs, continuous consultation and coordination with national counterparts and finalization of training materials for the public outreach workshops and supporting of three justice institutions in various fields, especially in regard to coordinating project activities.

Public Legal Awareness Unit (PLAU) of the project in coordination with the Huquq Department of Ministry of Justice (MoJ) developed seven main topics with a number of subtopics for different learning events. In this regard, PLAU worked closely with the Department on developing training and media material like brochures and posters. This was a capacity building exercise for the Department to build its capacity on how to prepare materials for workshops.

Seven topics were chosen in a joint workshop which was organized by the PLAU in consultation with the representative of the Huquq Department, Ministry of Women Affairs (MoWA) and Afghanistan Independent Human Rights Commission (AIHRC). The topics are as follows:

- Women Rights
- Violation from Women Rights
- Child Rights
- Violation from Child rights
- Procedure for Resolving Land Disputes
- Rights of Returnees and Displaced People
- Introduction to the judicial institution in Afghanistan

In the second quarter more focus was made on HRSU pre-starting phase and PLA activities with MoJ besides continuous support of project to the Supreme Court in translation services and capacity building of the department of finance and administration. It is worth mentioning that the continuous support of the project to the Attorney General's Office is ongoing. The project has been requested to support the AGO's Human Recourse Department in computerizing the personnel's record. The project has drafted ToRs for two positions of database developers and has submitted for final approval to the AGO. It is worth mentioning that it is the last quarterly report for the SJSA project.

Context

The objective of this project is to help the justice institutions: Supreme Court, Ministry of Justice and Attorney General Office, measurably improve their proficiency and integrity in delivering justice services with reasonable predictability and efficiency to the people. It includes several components designed to establish new units within these institutions. These units represent developmental priorities of the Government of Afghanistan (GoA). Though seemingly unconnected, the components will produce the foundations upon which more complex reforms and programming can be implemented. As such they will have a multiplier effect on justice sector reform, and contribute to support other justice sector reform programs. In short, this project

builds the necessary capacity and knowledge based upon which more complex reforms can be launched. The four components of the project are:

- Establishing Program Management Offices in each institution to affect “Change Management” in terms of reform programming, planning and implementation;
- Creating judicial services commission and associated arrangements to improve integrity, accountability and credibility of the judicial office;
- Creating sustainable capacity for translations and publications into Dari and Pashto to help raise translation standards; and
- Expanding public legal awareness, and government capacity to protect, preserve and fulfil rights and provide legal aid (particularly for women and children in civil matters.)

Together, these components provide a systematic approach to enhancing government capacity in key areas. Creating new units is the central activity that the Project will invest bulks of its technical support. As institutional capacity develops and the units are incorporated into existing structures, support will be reduced accordingly until these units are fully integrated into the institutions’ mandate, planning and budgeting. All these activities are aligned with ANDS pillar 2: governance, rule of law and human rights, UNDAF pillar 1: governance, rule of law and human rights and CPAP pillar 3: access to justice and human rights improved through capacity of justice institutions and rights awareness campaigns for local communities and vulnerable groups (women and the disabled). The project continues to support the judicial institutions through three National Institutional Development Analysts and a team of national staff for PLA component.

Implementation Progress

During the second quarter of 2009, the project focussed on support to the Ministry of Justice through the increase in tempo of activities with the PLAU and resource mobilisation for the HRSU. In addition, the SJSA Project National Institutional Development Analysts for the Ministry of Justice, Supreme Court and the Attorney General Office have continued to provide support and have assisted in the process of development of the new potential engagements by UNDP within the sector. Reporting and quality assurance mechanisms were enhanced with the resumption of Project Board Meetings.

Output 1: Capacity Development - Ministry of Justice - Public Legal Awareness Unit (Increase in number and diversity of persons receiving effective legal services from the Ministry of Justice) and Establishment of Human Rights Support Unit (establishment of a Human Rights Support Unit in Ministry of Justice)

During the past quarter, the project National Institutional Development Analyst continued to closely coordinate with the MoJ in relation to the establishment of the HRSU in the Ministry, providing ToRs, preparing of materials for public legal awareness- based workshop which covered eight key areas: introduction to legal institutions, women’s rights, violation of women’s rights, women’s social problems, child rights, violation against child rights, procedures for resolving land disputes, returnees and displaced rights.

Upon UNDP’s request DFAIT agreed to a no-cost extension for the PLAU team activities until end of 2009. During this quarter, the focus of the work with MoJ was entirely on developing training and media materials with full cooperation of the Huquq Department of the MoJ, and also delivering a capacity building workshop for the Department staff.

The training materials of these topics has been developed by the PLAU with a close coordination and cooperation with the MoJ as a practice of capacity building for the staff of concerned staff of the Ministry to build their capacity on how to develop training materials and how to deliver to the general public.

In meantime the PLAU worked very closely with the MoJ Huquq Department to develop brochures and posters out of these training materials. There are already five brochures developed, inter alia, one brochure is designed for police. The brochures are under a review process and will be approved by the Huquq Department. They are follows:

- Women's Financial rights
- Procedure for resolving Land disputes
- Child Rights
- Familiarity with Police
- Violation of Women Rights

Since one of the main purposes of the PLAU is to build the capacity of the MoJ's Huquq Department, the PLAU organized several meetings with the Board of the Huquq Department and the Afghanistan Independent Human Rights Commission. The meetings were aimed at organizing a workshop for the staff of the Huquq Department and develop training materials, methodology to deliver these materials to the general public. Furthermore, this workshop would be a capacity development for the Huquq staff on how to monitor workshops, evaluate and manage staff in relation to work plans.

As a result of these meetings the project, PLAU finally decided to introduce these materials in two phases. In the first phase a workshop was organized in which the concerned Huquq staff was introduced to the half of these materials while the second phase would be to educate the public on the material.

If the project PLAU finds this process successful then in next stage they are going to organize another workshop for the Huquq staff to train them on remaining materials, and will invite the concerned Huquq staff from all over the country to Kabul to participate in the workshop.

The challenge that the project PLAU team faced was lack of female staff in the MoJ's Huquq Department. In order to overcome this challenge and to reach the vulnerable group (women and other marginalized minorities) all over the country, the project team had several meetings with the Department and the AIHRC to recruit women staff. Also they have coordinated with other governmental and non-governmental institutions, especially with the concerned department at MOWA and AIHRC to help them in legal awareness missions all over the country, and to invite female staff – who is currently working with the MoWA offices in provinces – to the workshop. It is intended to organize the event for all concerned staff of the Huquq Department to build their capacity and deliver legal awareness workshops in the provinces to women gatherings.

Output 2: Capacity Development - Supreme Court - Translation and Publication Unit. (Increase in the number and diversity of persons receiving effective legal services from the Supreme Court).

During the past quarter, the Project National Institutional Development Analyst continued to work closely with the Supreme Court. A part of this support was the capacity development in the area of administration. In particular, much work was done on transport, asset management, producing a

complete inventory, and establishment of a database. This work was undertaken in close coordination with the Head of Finance and Administration and with training provided to transport department staff.

The Project National Institutional Development Analyst completed the database for asset management which was developed for both transportation and other departments of the Supreme Court. The database has been installed and used for improved administration of vehicles and other electronic equipment.

Two selected staff of the transport management was trained and the database needed to be updated on daily basis to reflect the changes made in Supreme Court assets.

Project staff recruited for the Supreme Court Translation and Publication Unit (SC TPU) has continued to provide high-level translation services to the Supreme Court. Recruitment of both suitable international and national staff has presented challenges to the implementation of this activity. Upon UNDP's request DFAIT agreed to a no-cost extension for the Project SC TPU activities until 31st December 2009. As a result of this in the next quarter the Project Manager will work closely with the Supreme Court to determine the best strategy and work plan to obtain the maximum capacity development opportunity from this activity over the next months and in acknowledgement of the Supreme Courts request for longer-term support in this area.

Output 8: Capacity Development - Attorney General's Office

During the past quarter the Project National Institutional Development Analyst continued to closely coordinate with the Office of the Attorney General (AGO) by attending technical working group meetings. During the last sessions the group completed revising the Interim Criminal Procedure Code and submitted for final review and approval to the MoJ Legislative Department. The group had some comments regarding the Extradition Law as well.

During this quarter the Project National Institutional Development Analyst continued to closely coordinate with the AGO through facilitation in the design of potential new UNDP assistance to the AGO. As part of this process the Project met with AGO's focal point and briefed him about the new justice project, JHRA. During the meetings, AGO representative requested the project to provide assistance for AGO's Human Resource Department to make it computerized and establish a database at AGO's office. A draft ToR for the requested position has been prepared by the project and submitted to the AGO's head of HR for final approval.

Challenges

Risks

The assessed risk has been the limited capacity of the national counterpart to observe the capacity building intervention. Inadequate women participation in the program from government side especially public legal awareness program also posed a challenge. There were no female participants to be trained and carry over the skill to the local community. The situation may not result in producing the desired outputs and outcomes after project completion since a huge portion of the community would not benefit from the intervention, especially women and vulnerable groups.

Security: The critical security situation in Kabul continued to exist like the past quarter, which raised specific concerns regarding the security of the Justice Institutions themselves, as our staff regularly visit the institutions and, in some cases, work there full-time. This risk was mitigated through UN Department of Security Service of project office in the justice institutions and adoption of measures to conceal the affiliation of national staff with UN during their visits to the institutions.

Issues

Delays in the process of recruitment of international and national staff have directly and significantly impacted the overall delivery for the project. Delays have been generated both from lack of suitable applicants in some instances and more significantly on slow internal processes. The issue has been shared with the senior management to improve the situation.

Lessons Learned

Comprehensive consultation with the justice institutions regarding the new JHRA project, listen to their needs and meeting them regularly has a significant role concerning the relation between the UNDP/SJSA project and the concerned institutions, inter alia, have the learned lessons.

Future Plans

Following continuous engagement in supporting Afghanistan's justice sector since 2002, UNDP Afghanistan's justice sector support is now entering a new phase. The UNDP justice projects – Strengthening the Justice System of Afghanistan (SJSA) and Access to Justice at the District Level (AJDL) have been consolidated into a new project titled Justice and Human Rights in Afghanistan (JHRA). The JHRA Project will replace the former ones and will continue many activities piloted by these projects, while also adding several new activities identified as key priorities by government partners. A new Annual Work Plan is being development for the JHRA.

Table 1. Funding Overview

Donor	Commitment (Currency of the Agreement)	Received (Currency of the Agreement)	Received (USD)	Balance (Currency of the Agreement)
DFAIT	CAD 717,576	717,576	733,718	-
	CAD 1,176,753	1,176,753	1,203,224	-
	CAD 1,364,164	1,364,164	1,089,588	-
NETHERLAND	Euro 525,000	472,500	622,530	52,500
UNDP	USD 1,505,920	-	1,505,920	-
UK	USD 500,000	-	500,000	-
	GBP 200,000**	200,000	253,024	-
CANADA*	USD 110,666.7	-	110,666.7	-
DENMARK	USD 200,000**	-	200,000	-
NORWAY	NOK 1,350,600**	1,350,600	193,496	-
SWITZERLAND	USD 40,000**	40,000	40,000	-
Total			6,452,167	52,500

*This contribution from Canada has been carried over from phase I.

**Contributions from the UK, Denmark, Norway and Switzerland are for the Human Rights Support Unit of the project which is to be established in the third quarter of 2009.

Table 2: Expenditure Status (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				
Activity01	537,333	DFAIT	-	27,656	-	21,396.01	21,396.01	49,052.01	488,281	9%
	945	Netherland	-	945	-	-	-	945	0	100%
Activity02	861,197	DFAIT	-	60,915	-	49,740.23	49,740.23	110,655.2	750,541.8	13%
Activity03	184,242	DFAIT	-	11,490	-	91,636.95	91,636.95	103,127	81,115	56%
	115,065	Netherland	-	115,065	-51956	-	-	63,109	51,956	55%
GMS 7%	119,279	DFAIT, Netherland	-	16,409	-	12,251.75	12,251.75	28,660.75	90,618.25	24%
Total	1,702,051	-	-	232,481	-	175,024.9	175,024.9	4075,05.9	1,294,545	24%

Table 3. Expenditure Status (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				
DFAIT	537,333	Activity01	-	27,656		21,396.01	21,396.01	49,052.01	488,281	9%
Netherland	945	Activity01	-	945	-	-	-	945	0	100%
DFAIT	861,197	Activity02	-	60,915	-	49,740.23	49,740.23	110,655.2	750,541.8	13%
DFAIT	184,242	Activity03	-	11,490	-	91,636.95	91,636.95	103,127	81,115	56%
Netherland	115,065	Activity03	-	115,065	-51956	-	-	63,109	51,956	55%
GMS 7%	119,279	DFAIT, NETHERLAND Activity01-03	-	16,409	-	12,251.75	122,51.75	28,660.75	90,618.25	24%
Total	1,702,051			232,481	-	175,024.9	175,024.9	407,505.9	1,294,545	24%

Annexes

Annex I: Performance Tracking Matrix

Result/Goals	Performance Indicators	Baseline Info	Performance Benchmark and Targets	Implementation Progress in reporting quarter
<p>Output 1: Capacity Development - Ministry of Justice - Public Legal Awareness Unit (Increase in number and diversity of persons receiving effective legal services from the Ministry of Justice) and Establishment of Human Rights Support Unit (establishment of a Human Rights Support Unit in Ministry of Justice)</p>	<p><i>Indicators: Number of provinces where Public Legal Awareness campaigns developed and implemented by Ministry of Justice and the establishment of the Human Rights Taskforce, and the design of structure and strategies for the HRSU completed, recruitment undertaken and first assessment report completed.</i></p>	<p>Baseline: Ministry of Justice has limited capacity to organise and undertake public legal awareness raising activities and Low level of human rights culture in the performance of ministry and agency duties and no Human Rights Taskforce.</p>	<p>2009 Target / Deliverables: Public Legal Awareness campaign as developed by Ministry of Justice and with messages targeted at both the general public and at specific target populations (including women and, young people / children) conducted in 5 provinces; effectively functioning Human Rights Taskforce and HRSU with first assessment report completed.</p>	<p>The project has been working with the Ministry of Justice to further build its capacity in regard to public legal awareness in the capital and the provinces. Also, several brochures have been produced in consultation with the concerned department of the Ministry in respect to public legal awareness.</p>
<p>Output 2: Capacity Development - Supreme Court - Translation and Publication Unit. (Increase in the number and diversity of persons receiving effective legal services from the Supreme Court).</p>	<p>Indicators: Professional translation services being provided at the Supreme Court; development of budget plans and asset management</p>	<p>Baseline: Supreme Court has limited translation and publication capabilities; and low level of capacity in budget, financial and asset</p>	<p>2009 Target / Deliverables: Translation and Publication Unit established in the Supreme Court with equipment and trained staff; curriculum and licensing criteria developed and</p>	

<p>Output 8: Capacity Development - Attorney General's Office</p>	<p>databases.</p> <p>Indicators: Strategic planning and database management tools.</p>	<p>management.</p> <p>Baseline: Limited capacity in strategic planning, database management and administrative functions.</p>	<p>operationalised; budget plan and asset management system established.</p> <p>Targets: Improved strategic planning and foundation of database established.</p>	<p>The translation Unit has provided the Supreme Courte with professional translation of their documents. The Unit is going to be further strengthened.</p> <p>The recruitment process of two database associates for AGO is in progress and will join the AGO imminently.</p>
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Annex II: Risk Log

RISK LOG

Project Title: Strengthening Justice System of Afghanistan (SJSA)	Award ID: 00041283	Date: 20/06/2009
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#	Description	Date Identified	Type	Impact & Probability	Countermeasures / Mgt response	Owner	Submitted , updated by	Last Update	Status
1	Limited capacity of the national counterpart to observe the capacity building intervention and very less participation of women in the program from government side especially public legal awareness program	01/01/2009	Organizational	Less participation of women in the program from government side especially public legal awareness program; a huge portion of the community will not benefit from the intervention, especially women and vulnerable groups P = 2 I = 5		Project Manager	Project Manager	30/06/2009	No Change
2	Security Constraints in Kabul	01/01/2009	Security	Potential risk of injury or death to project staff and contractors. Potential impact on activities – delayed or rescheduled activities. P = 2 I = 5	Comply with UNDSS security arrangements & assessments. Obtain security clearances for internal travel. Conceal the affiliation of national staff with UN during their visits to the institutions.	Project Manager	Project Manager	30/06/2009	No Change

Annex III: Issue Log

ISSUES LOG						Date: 30/06/2009
Award ID: 00041283 (Description)			Project: Strengthening Justice System of Afghanistan (SJSA)			
ID	Type	Date Identified	Description	Status/Priority	Status Change Date	Author
	Other	01/05/2009	Delays in the process of recruitment of internationals generated both from lack of suitable applicants in some instances and more significantly on slow internal processes.	Ongoing		Project Manager