

**QUARTERLY PROJECT REPORT
FIRST QUARTER, 2009**

**United Nations Development Programme Afghanistan
Access to Justice at the District Level (AJDL)
[01-01-2009 – 31-03-2009]**



Training of religious leaders in Nangarhar Province

Project ID: AFG/00047012
Duration: 1 November 2005 – 25 June 2009
Strategic Plan Component: Focus Area 2: Democratic Governance
Total Budget: Euro 6,000,000 (USD 7,200,000)
Implementing Partners/Responsible parties: UNDP and NGOs

AJDL Donor



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I. Implementation progress

During the first quarter of 2009, the Project focused on the completion of the training and awareness raising activities in Takhar, Badakhshan, and Nangarhar and monitoring of the rehabilitation activities of the justice facilities in districts in the provinces of Baghlan, Kunduz and Jawzjan. The Project has also undertaken analysis of the reports submitted by the Project implementing partner (IP) NGOs, as well as of the Project M&E missions as a part of developing lessons learned for future activities. The training materials and manuals developed by Project IP NGOs are in the process of the translation and revision to strengthen them by incorporating best practices from human rights promotion programming in other countries, particularly those with Islamic legal systems. The details of each Project Output are presented below.

5. Project ID:00047012: Infrastructure Rehabilitation in Districts in Provinces (Justice facilities at provincial and district levels are rehabilitated and functioning)

As reported previously, 10 justice facilities were identified for rehabilitation and 36 facilities identified for assistance through furnishing and equipment. In relation to the rehabilitation works, there have been some delays due to the winter weather -- approximately 50% of all work is now completed. Works to be undertaken to the Aqcha District justice facilities required some modifications due to structural issues not previously identified. It is expected that all infrastructure works will be completed within the next reporting period. The independent monitoring consultancy company continues to monitor all works to ensure they are completed according to the contracts and with the correct quality standards.

Over the next few months, an assessment mission will be undertaken to identify further works for rehabilitation as agreed by the Project Board in 2008. The furnishing and equipment procurement processes will also commence. There have been some delays in the progress of this output due to professional engineering staff turnover.

6. Project ID: Capacity Development- Legal Awareness Raising in Districts in Provinces. (Capacity of state justice officials at provincial and district levels improved; Legal awareness and capacity of community leaders increased; increased justice awareness and skills of religious leaders; public awareness of legal rights increased; quality of legal rights awareness education in schools improved; and constitutional guarantees to the assistance of defense counsel in criminal cases is recognized by target group)

Capacity of state justice officials at provincial and district levels improved.

The project IP NGO, *Afghanistan Human Rights Organization* (AHRO) finalised its activities in the areas of Family and Personal Status Law, Protection of Women and Children in Criminal Law, and the Constitutional Right to Defence Counsel by 10th of January 2009 in the provinces of Badakhshan, Nangarhar and Takhar. The data for those activities were presented in the Project annual report 2008 in the combined table. During this reporting period, the Project has reviewed and analysed the final reports and materials submitted by AHRO on the activities conducted in 2008-2009. As a part of the review activities, the translation of the training materials developed by AHRO was undertaken to incorporate the new developments and progressive approaches in human rights empowerment in the context of conservative societies. The main issue under the consideration is the part on the freedom of movement for women to be incorporated in the material on Protection of Women and Children in Criminal Law to address the issue of criminalizing it under the definition of "elopement". The Project has sent enquiries to the UNDP global networks on the issue of freedom of movement and Sharia and is in the process of reviewing the experiences from other countries.

Legal awareness and capacity of community leaders increased.

The field activities in the area of Land Law were finalised by AHRO in 2008 and the trainings in Family and Personal Status Law were completed by 10th January 2009 in the provinces of Badakhshan, Nangarhar and Takhar. The data for those activities were presented in the Project annual report 2008 in the combined table. As the activity was conducted by using the same materials and reported as a part of the same reports by AHRO as for Output 2, the ongoing Project activities for this Output are similar to those described in Output 2. There were 12 appreciation letters received by AHRO and shared with the Project from the justice institutions in four provinces (Badakhshan, Jawzjan, Nangarhar and Takhar) recognising the positive benefits of the conducted activities relating to Output 2 and 3. For example the letter from the Nangarhar Police Headquarters mentions, "Thanks to AHRO, as well as UNDP/AJDL for conducting such useful projects which are the most needed for our country and requests for the continuation of such programs...". Similar letters were received from Takhar Police Headquarters, Takhar Court of Appeal and Nangarhar Court of Appeal.

Increased justice awareness and skills of religious leaders.

The Project IP NGO, The Educational and Training Centre for Poor Woman and Girls of Afghanistan (ECW) completed their presentation of two-day workshops in Badakhshan, Nangarhar and Takhar by mid-January 2009. The table below presents the combined data for this phase in these three provinces (for the period end of 2008-beginning 2009).

Province	District	No. Training Beneficiaries	No. of Activities in Mosques	No. of Mosque Activity Beneficiaries
Takhar	8	200	3	900
Badakhshan	8	200	1	200
Nangarhar	8	200	6	1610
Total	24	600	10	2710

Specifically in 2009, the workshops were conducted in Beticott (31 December, 2009- 1 January, 2009), Ghani Khalil, (4-5 January, 2009), Mohmandara (7-8 January), Kama (11-12 January, 2009) and Ghoshta (14-15 January, 2009) districts of Nangarhar province. As an impact of the activities, ECW reported that religious leaders noted that they learned how to deal with harmful traditions at the community level and work on their reduction/elimination. ECW also reported the request by some training beneficiaries to increase the number of workshop days to three or four days. The officials in the districts considered the workshops useful and provided feedback such as this from a letter of appreciation by an official of the Administrative and Financial Department of Khanaqa District in Jawzjan province, "The district officials really thank and appreciate the organization for conducting a two day workshop Islamic Rights for Access to Justice for the religious leaders of this district to raise their awareness. This workshop was really useful and had a positive impact, therefore, the district officials thank the organization for undertaking such a useful and positive program."

ECW pamphlet on Islamic Rights to Access to Justice

حق نفقه

معنی و فلسفه نفقه

نفقه در لغت به معنی اتفاق یا صرف کردن است اما در اصطلاح عبارت است از هزینه هایی چون غذا، لباس، مسکن، فرش، اثاث البیت و تداوی که متناسب به توان مالی زوج جهت تأمین معیشت و رفع مایحتاج زوج و دیگر افراد تحت تکفل پرداخته می شود.

نفقه حق زن است که پرداخت آن بر شوهر واجب می باشد. دلیل وجود آن، آیه ای است که در مورد زنهاى طلاق شده نازل گردیده است:

"اَسْكُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مَنْ وُجِدَكُمْ وَاَنْ تُضَارُوهُنَّ تُضَارِبْنَ اَنْفُسَهُنَّ وَاِنَّ اَوْلَاتِكُمْ فَانْفِقُوا عَلَيْهِنَّ حَتَّى يَضَعْنَ حَمْلَهُنَّ" (سوره بقره، آیه ۶)

طلاق (تعریف طلاق)

همچنان انحلال ازدواج عبارت است از انقطاع از میان رفتن رابطه زناشویی که علل مختلف می تواند داشته باشد. ماده ۱۳۱ قانون مدنی کشورما در این باره تصریح نموده که: (عقد ازدواج فسخ، طلاق، خلع و تفریق منحل می گردد).

انحلال ازدواج عبارت است از انقطاع و از میان رفتن رابطه زناشویی که علل مختلف می تواند داشته باشد. ماده ۱۳۱ قانون مدنی کشور در این رابطه میگوید "عقد ازدواج با فسخ، طلاق، خلع و تفریق منحل میگردد".

ماده ۱۳۵ قانون مدنی افغانستان طلاق را چنین تعریف نموده است: "طلاق عبارت از انحلال رابطه زوجیت در حال و آینده بین زوج و زوجه، به الفاظی که وقوع طلاق صراحتاً از آن افاده شده بتواند، میباشد."

معلومات در مورد ولیمه

ولیمه یعنی مصرف عروسی که از طرف فامیل (زوج) به فامیل زوجه برای محفل عروسی داده میشود تا که مردم را جمع و برای شان غذا تهیه نماید مثلیکه فعلا در رستوران ها محافل گرفته میشود. و اگر مراد از طویانه ولیمه باشد پس حکم اش به شرح ذیل بیان میشود.

- ۱- حکم ولیمه
- ۲- مقدار ولیمه
- ۳- وقت ولیمه

ولیمه از رسول مقبول (ص) قولاً و فعلاً ثابت است زیرا که در وقت عروسی پیامبر (ص) برای مردم غذا داده اند.

حقوق مالی و غیر مالی زوج

زنان زمانیکه ازدواج می کنند یک سلسله امتیازات را بدست میآورند. حقوق زنان در برابر شوهران را میتوانیم به دو کتگوری تقسیم نمایم یکی حقوق مالی زوج که شامل مهر، نفقه میگردد و دوم حقوق غیر مالی زوج که شامل حسن معاشرت، ملاقات با والدین و غیره میباشد.

حق مهر زوج

مهری که در اسلام وضع شده بر خلاف تصور عرفی آن نشانه ارج و احترامی است که باید مرد برای زن قابل باشد و مظهر نهد شوهر برای تأمین زندگی زن می باشد و در حقیقت هدیه ای است که اسلام دادن آن را به زنان تضمین کرده است. قرآن مجید با طراقت بی نظیری در این زمینه می فرماید:

"وَأُولَا النِّسَاءِ صَدَقَاتُهُنَّ نَحْفَةً فَبَيْنَ يَدَيْنَ لَكُمْ عَنْ شَيْءٍ مِمَّا تَصَدَّقُوا فَكُلُوا مِنْهُنَّ مَرِيئًا" (سوره النساء آیه ۴)

و مهریه زنان را به عنوان هدیه ای الهی با میل و رغبت (و بدون خشم و منت گذاری) به خودشان بدهید و اگر چیزی از آن را با میل و رضایت خود به شما ببخشند، آن را حلال و گوارا بخورید.

حقوق اسلامی برای دسترسی به عدالت

خواستگاری و ازدواج

خداوند ج در قرآن کریم می فرماید: **"یا ایها النّاس اتقوا ربکم الذی خلقکم من نفس واحد وخلق منها زوجها"** (همه شما را از یک پدر آفریدیم و جفت آن پدر را از جنس خود او قرار دادیم). در جای دیگر می فرماید **"وَمِنْ آیاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا"** (خداوند از جنس خود شما برای شما همسر آفرید)

همچنین، قرآن کریم در کنار هر مرد بزرگ از یک زن بزرگ یاد میکند. مثلاً در کنار حضرت ابراهیم (ع) از همسر وی و در کنار حضرت موسی (ع) از مادر و خواهر آن بزرگوار و در کنار حضرت عیسی (ع) از حضرت مریم، مادر وی.

ازدواج پیوند دو جنس مخالف جزو راهها و روشها و سنتهای خداوندی در آفرینش و ایجاد تسهلهاست، بطور کلی ندای انسان ها و حیوانات و گیاهان را در بر میگیرد و بر همه آنها جاری است. (فقه السنه - جلد سوم - صفحه ۱۹۳ - ازدواج کردن)

در یکی از آیات قرآن خداوند ج می فرماید: **"أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا"** (سوره روم آیه ۲۱) یعنی (یکی از نشانه های قدرت خداوند ج" این است که از جنس خودتان همسرانی برای شما آفرید تا در کنار آنها آرامش بیابید).

Public awareness of legal rights increased.

Public awareness campaign activities were conducted through radio programs and village rights awareness raising campaigns. The Project IP NGO, Saba Media Organisation (SMO) finalized the activities for Badakhshan and Takhar by the end of January 2009. The activities of SMO in both provinces were as follows¹: 20 presentations and introductory radio programs selected from the programs produced for the activities in the previous provinces; 20 dramas (in total approximately 5 hours), 70 interviews (in total approximately 5.30 hours), 70 vox pops (in total approximately 2 hours) and 10 messages (in total approximately 5 minutes) were also produced and broadcasted; 8 roundtables/live debates organized (four by Amo local radio in Badakhshan, two by Ay-Khanom and two by Takharistan local radios in Takhar). 20 VCPs (View Collection Points) were installed in both provinces to solicit the public's opinion and 105 letters received. In one of the letters the listener writes, "I am Ahmad Fahem Rasuli. Thanks to Radio NAWA [SMO's unit which has a national coverage] for broadcasting the "Right and Access to Justice" program which is really an interesting program and I always turn on my radio to listen this interesting program." The audience coverage data is presented in the table below:

Province	No. of districts	District	Approximate Number of project Beneficiaries/ Listeners	Radio
Badakhshan	5	Fayzabad, Khas, Urgo, Yaftel and Baharak	21840	Amo local Radio
Takhar	12	Taloqan, Chal, Farkhar, Bangi, Namakab, Kelefgan, Baharak, Hazarsomoch, Khoja Ghar, Dashte qala, Rostaq, and Darqad.	44148	Ay-Khanoom and Takharistan local radios
Total	17		65988	

¹ The presented data for SMO partially repeats the data from the Project Annual Report 2008 due to the spillover of activities into 2009. The purpose of not giving the separated data only for January 2009 is to ensure the consistency of the reported data against the overall planned activities for a given Output as indicated in the Result and Resources Framework of the Project Document.

During the course of the radio camping in Badakhshan and Takhar, the selected radio awareness programs, dramas and messages were published in Saba Magazine and 8-Sobh newspaper. Pamphlets with human rights messages and the broadcast time of the project activities, as well as posters on equality in justice and protection of the property were developed, published and distributed with the Saba Magazine to the provincial and district government and justice institutions, AIHRC, educational facilities, CSO and media.

Province	Districts	Magazine	Posters/ Pamphlets	8-Sobh newspaper
Badakhshan	4	590	750/750	1000
Takhar	6	590	750/750	1000
Total	10	1180	1500/1500	2000

Publication in 8-Sobh newspaper

Quality of legal rights awareness education in schools is improved.

The Education and Employable Skills Training (BEST) Project IP conducted activities for the school teachers and pupils in the provinces of Badakhshan, Takhar and Nangarhar from the end of 2008 to January 2009 to raise awareness of legal rights and human rights standards, as well as to equip the teachers with methodological tools and skills to conduct similar activities in the future.

Province	Districts	Male Teachers	Female Teachers	Total
Takhar	5	51	37	88
Badakhshan	5	41	36	77
Nangarhar	6	65	39	104
Total		16	112	269

The activities in Nangarhar province were conducted by the trained teachers with the pupils and informal human rights educational methodologies were used (see table below). Due to the academic break and weather conditions, some activities were suspended and planned to recommence in early April and complete in mid May 2009.

Name of the District	Male Pupils	Female Pupils	Total
Behsood (Returnees)	1200	527	1727

Khewa (Koz Kunar)	1400	334	1734
Kama	1100	645	1745
Rodat (Returnees and IDPs)	1400	332	1732
Chaparhar	1550	182	1732
Sara Road (Returnees and IDPs)	1000	730	1730
Total	7650	2750	10400

During the reporting period, the Project has reviewed and analysed the final reports and materials submitted by all Project IP NGOs on the activities conducted in the schools in 2008-2009. As a part of the review of activities, the translation of the training materials is being undertaken and the role plays for the school children were adjusted. The materials for the teachers are under review and will be simplified for serving as an easier reference material.

The constitutional guarantee to the assistance of defense counsel in criminal cases, particularly for women and children is operationalized.

The training component of the Output was conducted and finalised as part of the workshop for justice officials in the Protection of Women and Children in Criminal Law (Output 2). The Project has been reviewing and analysing the legal aid cases from Badakhshan and Takhar undertaken by AHRO in the framework of the Project as a part of the lessons learnt activities.

Availability of legal texts improved.

During the course of 2008, the Project took measures in mitigating the issues which hampered the development of two planned publications, however as it was reported the last year due to the objective constraints on acquiring the Supreme Court decisions, as well as some limits in the capacity of the IP NGO, *International Institute of Higher Studies in Criminal Studies (ISISC)*, the agreement was reached to end this activity. During the reporting period this process is at the stage of being formalized.

Coordination and implementation capacity strengthened.

The Project cooperated with the UNDP Gender Equality Program and provided its comments and observations on the Background Research Papers “Gender and Socio-Cultural Factors in Afghanistan: Barriers and Opportunities in Promoting Equality” and “Gender and Customary laws in Afghanistan: Barriers and Opportunities in Promoting the Equality” for the Asia-Pacific Human Development Report on Gender “Addressing Unequal Power and Voice”. As a part of the experience sharing and building the capacities of the national staff, an AJDL staff member has enrolled and is participating in the Certificate Course in Gender Studies at Kabul University organised by the UNDP Gender Equality Program.

On 1st February, the AJDL staff participated in the meeting organised by the Executive Board of Independent National Training Legal Centre (INTLC) and shared its views on the proposed training for the justice officials and possibilities to benefit from the materials developed by INTLC. In January 2009, the Project participated in the meetings with the community policing consultant of the UNDP Law and Order Trust Fund for Afghanistan (LOTFA) and the views were exchanged on the human rights implications and possible risks of too decentralised an approach to policing.

II. Project implementation challenges

Updated project risks and actions

Winter Weather Constraints: The cold and wet weather is an environmental constraint affecting certain activities, like rehabilitation, and also affects awareness raising in the schools as the schools are on academic leave during the months of January, February and March. The Project mitigates this factor with its implementing partners by adjusting the activities to the seasonal peculiarities in a given province.

Field and Security Constraints: The Project takes into account the existing objective security concerns in the field, thus affecting its logistic and transport arrangements and their possible financial implications.

Updated project issues and actions

Quality of Data in the IP reports: The analysis of the reports submitted by the Project IP NGOs has shown that analysis of the data and information provided can be difficult due to the significant variations in the presentation format. As a part of the lessons learned, the Project will develop sample tables for data collection and templates for the narrative reporting to ensure easier and more reliable data input into the reports.

Quality of the Legal Aid Case Presentation: The reports by the AHRO lawyers do not provide enough background legal information for the case analysis and mostly do not indicate the articles of law under which a suspect/accused is arrested and prosecuted. For the future activities in this area, a template for the case briefing and summary will be provided to partners to allow more valid and accurate data collection.

No-cost extension of the NGO Project Cooperation Agreements: Four Project IP NGOs (SMO, ECW, CSDC and BEST) required a no-cost extension to allow them to finalise their project activities. SMO, and ECW signed the no cost extension agreement with UNDP for their activities in January 2009, and a request has been made to CSDC and BEST to provide the updated workplan to initiate the no cost extension for them.

III. Financial status and utilization

Financial status

Table 1: Contribution overview [Jan 1, 2006 – Mar 31, 2009]

DONOR NAME	CONTRIBUTIONS		CONTRIBUTIO N BALANCE
	Committed	Received	
European Commission(EC)	7200000	7707442	-507442
TOTAL	7200000	7707442	-507442

NOTE: The minus balance shows the gain in UN exchange rate from Euro.

Financial utilization

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

Activity	BUDGET [year-2009]	EXPENDITURES	BALANCE	DELIVERY (%)
Activity05 [Rehabilitation]	1375698	2738	1372959	0.20
Activity06 [Capacity Development]	369546	633	368913	0.17
Activity07 [Project Management & Operations]	653349	201548	451801	30.85
UNDP GMS (based on donor agreements) 5%	125189.07	10785	114404	8.62
Total	2523781	215704	2308077	9%

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

DONORS	ACTIVITY	BUDGET [year 2009]	QUARETLY EXPENDITURE	BALANCE	DELIVERY RATE (%)	REMARKS
European Commission	Rehabilitation	1375698	2738	1372959	0.20	
	Capacity Development	369546	633	368913	0.17	
	Project Management & Operations	653349	201548	451801	30.85	
GMS 5 % as per agreement		125189.07	10785	114404	8.62	
Subtotal [EC]		2523781	215704	2308077	8.55	
TOTAL		2523781	215704	2308077	9%	