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Afghanistan

Justice and Human Rights in Afghanistan (JHRA)
2nd Quarter Project Progress Report 2011



*Afghanistan Minister of Justice H.E. Habibullah Ghalib addresses the Public Legal Awareness / Legal Aid National Conference,
31 May 2011*

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Strategic Plan Component: Focus Area 2: Democratic Governance

CPAP Component: Outcome 3: Access to Justice and Human Rights

ANDS Component: Pillar 2: Governance, Rule of Law and Human Rights

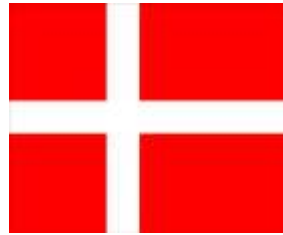
Total Budget: USD 36,958,430

Responsible agency: UNDP

JHRA DONORS



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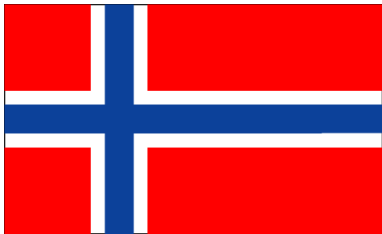
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List of Acronyms

| | |
|--------|---|
| AGO | Attorney General's Office |
| AIHRC | Afghan Independent Human Rights Commission |
| ANDS | Afghan National Development Strategy |
| ARTF | Afghan Reconstruction Trust Fund |
| AWP | Annual Work Plan |
| CPAP | Country Programme Action Plan |
| CSO | Civil Society Organization |
| EC | European Community |
| HRSU | Human Rights Support Unit (of MoJ) |
| JHRA | Justice and Human Rights in Afghanistan (Project) |
| MDG | Millennium Development Goal |
| MDG-F | MDG Achievement Fund |
| MDTF | Multi Donor Trust Fund |
| MoJ | Ministry of Justice |
| NGO | Non-Governmental Organization |
| NJP | National Justice Programme |
| NJSS | National Justice Sector Strategy |
| PJCM | Provincial Justice Coordination Mechanism |
| PLAU | Public Legal Awareness Unit (of MoJ) |
| PTJ | Peace through Justice (Joint Programme) |
| SCT | Supreme Court |
| UNAMA | United Nations Assistance Mission to Afghanistan |
| UNCT | United Nations Country Team |
| UNDAF | United Nations Development Assistance Framework |
| UNDP | United Nations Development Programme |
| UNICEF | United Nations Children's Fund |
| UNIFEM | United National Development Fund for Women |
| UNODC | United Nations Office on Drugs and Crime |

Executive Summary

The Justice and Human Rights in Afghanistan (JHRA) Project helped the Government of Afghanistan to initiate a national dialogue on access to justice in this reporting period. The Project continued to deliver results in improved Government capacity to protect human rights, rebuilt judicial infrastructure and enhanced public understanding of the law and legal institutions.

The Ministry of Justice Translation Unit is conducting recruitment of translators; one round of tests and interviews has been conducted. The procurement process for office equipment has been completed, and the equipment ordered.

The Human Rights Support Unit (HRSU) was further integrated into the Ministry of Justice, with its incorporation into the Tashkeel; the Ministry has taken over the lease on the Unit's premises. The Unit held a conference, with UNICEF and the Government, which resulted in Ministries committing to specific actions to implement the Convention on the Rights of the Child. The HRSU conducted eight workshops for officials of the Ministry of Justice, including prison staff, on human rights subjects.

The HRSU collaborated with the Taqin in the Ministry on the Government's Legislative Work Plan, reviewing planned legislation for human rights implications. The HRSU participated in the Taqin's Working Group to review and amend the Law on Wedding Expenses. The Unit analyzed 19 laws in the light of the Convention on Elimination of all forms of Discrimination against Women (CEDAW). It reviewed the offences punishable by death in the light of the recommendations of the Universal Periodic Review.

From its position with the Ministry of Justice, the HRSU extended its advisory and support services to other ministries, including the Ministry of Education and the Ministry of Women's Affairs. The HRSU has begun an assessment of Ministries' capacity to mainstream gender in policies and decision-making. The Unit submitted its 200-day report under NPP6, Human Rights and Civic Responsibilities.

The UNDP played a pivotal role in access to justice strategy nationally. The Minister of Justice has recently promulgated a National Public Legal Awareness Strategy and a National Legal Aid Policy. On 31 May, the Minister hosted a conference, sponsored by UNDP, to publicize the Government's access to justice programme and engage all sectors – justice institutions, donors and civil society – in the implementation of public legal education and legal aid across Afghanistan.

The District Level Component (DLC) delivered both targeted legal courses for individual capacity development in the formal and informal justice systems and public legal awareness programming. In this quarter, 967 participants (of whom 154 women) attended trainings for judges, prosecutors, religious leaders and community leaders.

In infrastructure reconstruction, an engineering firm is now carrying out regular inspections and filing periodic reports to DLC on all construction sites. Two buildings were finished in March, seven others are in progress.

Key results for the Year:

- Result 1: Ministry of Justice translation unit operational and its professional capacity enhanced.
- Result 2: Human Rights Support Unit (HRSU) in MoJ institutionalized and functioning
- Result 3: Capacity of district level justice actors to deliver justice is strengthened (infrastructure improved and Justice sector officials in three provinces have suitable facilities and equipment to work effectively delivering justice)
- Result 4: Capacity of community stakeholders to promote and claim human rights is strengthened

I. Context

UNDP has supported justice reform in Afghanistan since the Bonn Conference in 2001. In 2003, UNDP launched the Rebuilding the Justice Sector of Afghanistan (RJSA) project to support capacity strengthening in Afghan justice institutions at the central level. Building on the accomplishments of the Rebuilding of the Justice Sector of Afghanistan (RJSA) project, UNDP worked with the Government of Afghanistan (GoA) to develop a follow-on project titled Strengthening the Justice System of Afghanistan (SJSA), which started in January 2006. Also in 2006, UNDP launched a separate Justice and Human Rights in Afghanistan project entitled Access to Justice at the District Level (AJDL). Following this continuous support to Afghanistan's justice sector, in June 2009 UNDP Afghanistan entered a new phase with the Justice and Human Rights in Afghanistan (JHRA) project. The JHRA draws on the lessons learnt from the SJSA and AJDL projects, replaces both projects, continues many activities piloted by these projects, and adds new activities identified as priorities by GoA partners.

The design of the JHRA was the product of extensive consultations with the three justice institutions – the Ministry of Justice, the Attorney General's Office, and the Supreme Court – as well as other actors working to support the justice sector in Afghanistan. The JHRA is also designed to be fully in line with Afghanistan's National Justice Programme (NJP), which constitutes the justice section of the Afghan National Development Strategy (ANDS – the Afghan PRSP). Reflecting the priorities of the government, as articulated in the NJP, the JHRA prioritizes support at the district level, including infrastructure support. This approach is of vital importance to UNDP's government partners, as the presence of the formal justice sector at the district level is weak in many parts of the country, and ability by the government to effectively ensure rule of law is a crucial component of peace-building in Afghanistan. The JHRA also has a very important contribution to make in this area as very few other actors are working in the justice sector at the district level. UNDP's experience in Afghanistan has shown that the needs of the justice sector are enormous, and that attention is frequently focused on flagship initiatives at the central level. However, the interactions of most citizens with the formal justice system take place not at the central level but at the lowest levels in the districts.

II. Results and Impact

Indicators: Number of Justice and Human Rights documents, treaties, conventions etc translated.

Activity Result 1.2: Ministry of Justice translation unit operational and its professional capacity enhanced.

Targets for the Year:

- 1.1: Equipment and furniture for the establishment of translation unit of the MoJ purchased.
- 1.2: Translation capacity (verbal translation and written quantitative and qualitative translation capacity in Dari, Pashto, Arabic and English in place) improved.
- 1.3: One senior translator (team leader) post and five translator (English, Dari, Pashtu and Arabic) posts. One (senior translator) will be an SC holder others will be through LOA.

The JHRA team has made steady progress towards this output in Q2 2011. The MoJ has placed a priority on hiring qualified translators who also hold law or Shariah degrees. In the first round of applications, given the timing with the school year, none of the candidates who applied were qualified. It is assumed that with those qualifications, within the amount of time it had taken since graduation, they had already secured other work. As a result, only one Arabic translator was hired from the first round of applications. JHRA and MoJ released a second announcement for the four remaining positions at the end of June, which attracted 63 applications, though only a few met the criteria. It is hoped that of the 23 short-listed will produce qualified staff for the remaining positions, and the focus of this output will shift from recruitment to capacity development in Q3.

| Activity Result | Brief Description of results/achievement | % of progress rate/delivery |
|---|---|-----------------------------|
| 1.1 Equipment and furniture for the establishment of translation unit of the MoJ purchased. | <ul style="list-style-type: none"> • IT equipment has been purchased and will be delivered in July. • An RFQ has been prepared and is planned to be issued in early Q3. • MoJ has committed to allocating space for the unit free of charge. | |
| 1.2 Translation capacity (verbal translation and written quantitative and qualitative translation capacity) | <ul style="list-style-type: none"> • Progress on this target is reliant upon the hiring of targeted translators and will commence once a team is in place. | |

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| <p>in Dari, Pashto, Arabic and English in place) improved.</p> | | |
| <p>1.3 One senior translator (team leader) post and five translator (English, Dari, Pashtu and Arabic) posts. One (senior translator) will be an SC holder others will be through LOA.</p> | <ul style="list-style-type: none"> • JHRA drafted and posted ToR's for unit staff on the MoJ and ACBAR websites, and conducted written tests and interviews with shortlisted candidates. The panel consisted of the JHRA project manager, representatives from the MoJ Taqin Department, the Science Academy and Kabul University Faculty of Law. • Two (of a projected five) translator candidates were selected: one declined the position and one contract for an Arabic translator has been signed. • One senior translator has been hired and the SC contract was signed in June. • The translator positions have been re-announced. Sixty-three candidates have applied and are currently being shortlisted. | <p>7%</p> |

Output 2: Capacity of the GoA to fulfil its international human rights obligations in a coordinated manner is strengthened.

Indicators: Number of Policies and plan developed and implemented, including through pilot initiatives, to increase compliance by ministries with Afghan Compact Human Rights Benchmark.

Activity Result 2.1: Human Rights Support Unit (HRSU) in MoJ institutionalised and functioning.

Activity Result 2.2: Policies and plan developed and implemented, including through pilot initiatives, to increase compliance of the ministries with Afghan Compact Human Rights Benchmarks (ACHR).

Targets for this Year:

2.1.1 HRSU is fully operational and acts as an inter-governmental body (LoA is extended, HRSU included in Tashkeel, website introduced, database developed, and resource center developed.

2.1.2: Staff capacity improved in the area of Human Rights (in-house trainings, trainings abroad, exchange study visits and workshops for government staff).

HRSU has grown in both its stature and scale of influence over government policies in Q2 2011. The HRSU presented its Report on the Assessment of Domestic Laws in light of the CRC's Convention

(written in Dari) and immediate actions concerning child rights in Afghanistan to be taken by relevant ministries at the UNICEF Conference on the Implementation of CRC Concluding Observations held on May 5. Each ministry committed to concrete steps of action and the Minister of Justice requested HRSU's assistance in drafting a Child Act in line with Recommendation 8 of the UN Committee on the Rights of the Child to Afghanistan. The HRSU and the UNICEF agreed to cooperate in this regard.

The HRSU also translated the Concluding Observations of the UN Committee on Economic and Social Rights (UNCESCR) on the implementation of the ICESCR (2010) and the UN Committee on CRC on the implementation of the CRC (2011) from English into Dari. The document was distributed among line ministries with an introductory letter signed by the Deputy Minister of Justice.

The HRSU received a list of 30 laws from MoJ's Taqin to be enacted and amended in the current HS year, most of which are related to the civil and economic rights of Afghans. The Minister also requested HRSU analyze the draft Family Law proposed by the MoWA to ensure its compliance with the Civil Code. The unit is collaborating with the MoWA and NGO Rights and Democracy, which had a lead role in drafting the law.

The unit joined the Taqin Working Group to review the draft law on Marriage Expenses, which resulted in considerable improvements in the text. The HRSU also analyzed a draft law on Funeral Ceremonies and shared it with the Taqin Department of Civil Law.

The HRSU analyzed 19 laws supporting the CEDAW, including the Laws on Countering Abduction and Human Trafficking, Health, Elimination of Violence against Women, Education, Breastfeeding, Civil Society Organizations, Shiite Personal Status, the Criminal Code and the Labour Code. The unit found that Articles 2, 7, 8, 21 of the Law on Countering Abduction and Human Trafficking protect women from exploitation, which is consistent with the Article 6 of the CEDAW on "suppressing all forms of trafficking in women and exploitation of prostitution of women." Articles 27 (*age of women and man to enter into marriage*), 94 (*approval of adolescent and legal capacity for marriage by guardian before the court*), 86 (*polygamous marriages*) and 92 (*Muslim women may marry only Muslim men*) of the Shiite Personnel Status Law are not compliant with Article 16 of the CEDAW, which guarantees equality between men and women.

The HRSU initiated an assessment of ministries' capacity to mainstream gender in policy, strategy and decision-making based on (1) gender/human resources (contract conditions, recruitment procedure, and job description); (2) position, authority and autonomy in the ministerial organizational structure; (3) intra-, inter- and external ministerial cooperation and information exchange; and, (4) vocational training and capacity building. Preliminary results indicate that generally, Gender Directorates face challenges in performing their tasks due to inadequate political support from senior management, lack of office and technical facilities, low capacity, and limited support from MoWA. The report will be submitted to the line ministries for the comments.

| Activity Result | Brief Description of results/achievement | % of progress rate/delivery |
|---|---|-----------------------------|
| <p>2.1 HRSU is fully operational and acts as an inter-governmental body (LoA is extended, HRSU included in Tashkeel, website introduced, database developed, resource center developed.)</p> | <ul style="list-style-type: none"> • The MoJ has integrated the HRSU in its Tashkeel 1390. The unit reports directly to the minister, with a budget for six staff and administrative costs. • The MoJ signed a lease agreement for HRSU office space. • Regulation on the HRSU drafted and submitted to the Taqin for finalization (targeted for the beginning of July). • LoA defining the respective tasks and responsibilities of the HRSU for 2011 has been signed by UNDP and MoJ and three programmatic staff (two female and one male) were recruited. | |
| <p>2.2 Staff capacity improved in the area of Human Rights (in-house trainings, trainings abroad, exchange study visits and workshops for government staff).</p> | <ul style="list-style-type: none"> • The unit conducted human rights trainings to staff of Puli Charkhi Central Prison, Departments of Huquq (Law), Reyasat-e-Qazaia-e-Dawlat (for government-disputed property), Publication & Registration of Political Parties and Social Organizations. (<i>A complete list of trainings and participants is included in Annex I</i>). • MoJ signed MoUs with the MoE (22 June) and MoWA (26 June) for HRSU to provide technical assistance in capacity building and integrating human rights, including gender, in their institutions. • HRSU developed a reporting cycle matrix for UN instruments ratified by Afghanistan, to assist MoFA in tracking reporting on human rights treaties. • HRSU has drafted an MoU with MRRD to work with MRRD's Gender Advisers and social workers to increase their capacity to mainstream human rights and gender perspectives in their programs. • HRSU reviewed the draft Gender Policy for the Civil Service at the request of Gender Department of Public Administration and Reform Commission, and made recommendations on the "law and policies," "recruitment," "payment and benefits" and "statistics on the number of women in the civil service" sections. • HRSU provided a training on international human rights standards and UN instruments to the International Legal Foundation (ILF), as defense lawyers argued that Article 16 of the CEDAW is in | <p>52%</p> |

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| | <p>conflict with Islamic values.</p> <ul style="list-style-type: none"> • HRSU completed training needs assessments for the Departments of Taqin (Legislative), Legal Aid, Directorate of Planning and Inspection, Offices of Minister, Administration, Publication, Registration of Political Parties and Social Organization. • On 24-26 May, a female HRSU staff participated in the Central Asia Workshop on Victim Assistance for Government and CSO representatives organized by Handicap International in Dushanbe. • The Unit hosted a training on 31 May-2 June on Right to Food for staff of the Ministries of Agriculture, Irrigation and Live Stock and Health (MAIL) and UNAMA, with a trainer from UNFAO. • HRSU held a workshop on 22 June on Right to Food and Nutrition Security Policies, with a presentation by UNFAO. • HRSU staff participated in a workshop on team building and conflict resolution. | |
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Output 3: Capacity of district level justice sectors to effectively deliver justice and uphold human rights is strengthened.

Indicators: Number of district level justice facilities rehabilitated and equipped, disaggregated by institution. Number of final training curricula developed and tested in pilot activities. Number of awareness raising activities conducted

Activity Result 3.1: Capacity of district level justice actors to deliver justice is strengthened (infrastructure improved and justice sector officials in three provinces have suitable facilities and equipment to work effectively delivering justice).

Activity Result 3.2: Capacity of community stakeholders to promote and claim human rights is strengthened.

Targets for this Year:

3.1.1: Engineering infrastructure assessments conducted and justice sector facilities prioritized for rehabilitation in three provinces (Kunar, Bamyan and Nanagahar) out of the six provinces selected.

3.1.2: A total of 12 justice facilities constructed and equipped with necessary supplies in three provinces - (district primary courts, district detention centers, AGO office and judges residences).

3.2.1: Baseline study and M&E tools developed for awareness raising activities.

3.2.2: Village level public awareness activities, mass media awareness raising activities (radio, publications).

- 3.2.3: Human rights trainings conducted to traditional justice actors, community representatives, leaders and school teachers.
- 3.2.4: Formal justice sector rights awareness training courses conducted in provinces (e.g. right to defense counsel, family/personal status law) and post training monitoring and follow-up.
- 3.2.5: Workshops and seminars conducted to CSO, implementing partner, government counterpart and community representatives.

Following the dormant winter, judicial infrastructure works “Sprung” to life during the reporting period, with several construction works completed or nearing completion for handover to local justice officials. Given the insecurity of many remote districts, the DLC engaged the support of third parties for both preliminary assessments of potential worksites and for monitoring and evaluation on on-going projects. For assessments, DLC Engineers collaborated with justice sector engineers (primarily from the Supreme Court) to prioritize as equal a distribution as possible among all nine JHRA/ PtJ provinces. The Supreme Court also conducted several field assessments based on DLC technical specifications. The Afghan Trust Construction Company is contracted for M&E, providing regular inspections inputs and certifications of completed works.

Over the past six months, UNDP has played a leading role collaborating with the MoJ Huquq Department to develop the National Public Legal Awareness Strategy (NPLAS) Action Plan, which culminated in the Public Legal Awareness/ Legal Aid National Conference, hosted by the Afghanistan Minister of Justice and the JHRA on 31 May 2011. The conference focused on the National Legal Aid Policy as a thematic topic, the sustainability of policy initiatives from Afghanistan government resources to provides services to the most vulnerable groups and strengthening protection mechanisms for victims of domestic violence.

The conference welcomed 115 participants, including justice officials, senior representatives of the international donor community and Afghan CSOs. The UNDP Deputy Country Director, the Deputy Attorney General and the EU Special Representative addressed participants. Experts from a wide range of governmental and NGOs formed the panels, including the Ministry of the Haj and Religious Affairs, MoWA, the Ulema Shura, the Afghanistan Independent Human Rights Commission (AIHRC), the Afghanistan Independent Bar Association, the Afghanistan Women’s Network and the Legal Aid Organization of Afghanistan. The event aimed to improve the level of cooperation and dialogue between justice sector institutions and civil society at both the central and sub-national level, and to establish specific district initiatives beyond provincial capitals.

Following an assessment mission from 10-15 May, and training of its selected candidate in early June, the JHRA established first JHRA Regional Coordination Office in Bamyan on 12 June. The JHRA will cost-share for rent and joint access to a vehicle and a driver with existing UNDP projects (ASGP and APRP). The new Bamyan Regional Coordinator quickly established a Planning Committee (including regional representatives from all three justice sector institutions, the AIHRC, UNAMA and CSO members from the existing Rule of Law WG) for the first of three “PLA/LA Regional Workshops.” The event will also draw justice shareholders from Jawzjan, Ghor and Daykundi provinces. Final vetting of the recommended Jalalabad RC is in process and the Herat post will need to be filled to complete the planned expansion.

| Activity Result | Brief Description of results/achievement | % of progress rate/delivery |
|--|--|-----------------------------|
| <i>Activity Result 3.1</i> | | |
| 3.1.1 Engineering infrastructure assessments conducted and justice sector facilities prioritized for rehabilitation in three provinces. | <ul style="list-style-type: none"> • The contract for the construction of the Baharak Detention Center was awarded in Feb-2011. Construction has not yet started because of a land dispute between the MoJ and a local resident. JHRA continues to liaise with the MoJ to resolve the problem. • Projects surveys of Nangarhar and Bamyan Provinces have been completed. | |
| 3.1.2 A total of 12 justice facilities constructed and equipped with necessary supplies in three provinces - (district primary courts, district detention centers, AGO office and judges' residences). | <ul style="list-style-type: none"> • Rehabilitation of Kishem Primary Court is complete, final inspection has been done by monitoring firm, punch list issued, defects removed, building has been handed over. • Rehabilitation of Jirum Primary Court is 95% complete. Scheduled for completion in early July. • The detention center in Aqcha District and one joint prosecutor and huquq office building in Khuaja-Do-Koh district both at 90%, slated for completion in July. • Two of four facilities in Faryab province were completed in March and handed over to justice institutions. In Q2 the construction of Shirin tagab Joint Huquq and Prosecutors Office Building was completed, final inspection done by monitoring firm, punch list issued, defects removed and ready for handover. • Construction work of Andkhoy Joint Office Building progresses at 30%. • An ITB for construction of Panjab/Bamyan Primary Court has just been completed. ITB's for construction of Saighan/Bamyan Joint Office Building and the Kama/Nangahar Primary Court have been submitted and are under review by CO Procurement. | |
| <i>Activity Result 3.2</i> | | |
| 3.2.1 Baseline study and M&E tools developed for awareness raising activities. | <ul style="list-style-type: none"> • N/A | |
| 3.2.2 Village level public awareness activities, | <ul style="list-style-type: none"> • JHRA completed a feature-length documentary highlighting PLA programming in the Jawzjan, | |

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| mass media awareness raising activities (radio, publications). | Faryab and Badakhshan Provinces. The documentary featured PLA/LA National Conference footage, speeches by the Minister of Justice and the EU Special Representative, produced by Implementing Partner Feroogh Media Galaxy. | |
| 3.2.3 Human rights trainings conducted to traditional justice actors, community representatives, leaders and school teachers. | <ul style="list-style-type: none"> Two Regional Justice and Human Rights Specialists have been hired to drive these activities. | |
| 3.2.4 Formal justice sector rights awareness training courses conducted in provinces (e.g. right to defense counsel, family/personal status law) and post training monitoring and follow-up. | <ul style="list-style-type: none"> Social Development and Legal Rights (SDLR) held trainings for community representatives (including religious leaders) on Land and Family Law and the Protection of Women and Children in Criminal Proceedings, reaching 653 beneficiaries, including 101 women, in six provinces (see Capacity Development Chart 2 in Annex I). SDLR executed training programs on the same four topics in Saripul, Daikundi, Ghor, Panjshir, Laghman and Baghdis provinces. 314 beneficiaries (53 women) attended, including judicial police, judges, prosecutors and community elders. | |

III. Implementation Arrangements

All programming is agreed by the three justice institutions. The project document was developed in collaboration with the institutional stakeholders, who continue to review, approve and sign the annual work plan and are involved in all programming decisions.

The HRSU works within the MoJ, which has institutional leadership for human rights in the GoA. It reports to the minister and responds to requests from the minister for advisory services. The HRSU is developing the ministry's capacity to implement human rights. As part of that ministry, it also develops the ministry's capacity to network and work horizontally to deliver human rights advisory and support services to other ministries. The HRSU supports the government, through the leadership of the MoJ, to respond to international human rights reviews and to implement international instruments and norms.

JHRA partners with government counterparts to put on conferences for government officials and NGOs to work together to develop public policy, such as the conference on the Convention on the Rights of the Child with UNICEF and the National Conference on Public Legal Awareness and Legal Aid. The project thus promotes national ownership that is multi-sectoral.

JHRA staff work with government officials at the working level; for example, DLC engineers work closely with the engineering departments of the institutions on infrastructure projects.

Implementation is carried out by local implementing partners. In the field of public legal awareness, these IPs are NGOs, chosen through the UNDP procurement process.

Implementation arrangements are conflict-sensitive. We look to the IPs to have local knowledge as to what programming can be delivered without undue risk, whether to deliver without UN branding, etc.

For infrastructure construction, monitoring and evaluation is done under contract by a consulting engineering firm.

IV. Challenges/Risks/Issues

Communications gaps exist between departments within partner institutions, and the level of cooperation between civil society and the government needs to be improved. Insecurity continues to impede project implementation, particularly in terms of field assessments, monitoring and evaluation. While following national leadership, implementation needs to take capacity and available resources into account: the MoJ Translation Unit has so far not been able to recruit enough translators who meet the ministry's stipulation for degrees in Shariah or law.

V. Lessons Learnt

National ownership of reform initiatives has to involve more than individual ministries of the central government; it should extend across government and include other sectors.

To engage civil society in government initiatives requires creating opportunities for all sectors to work together to develop national policy and strategy. For example, in preparing the National Conference on Public Legal Awareness and Legal Aid, the collaborative process bringing all shareholders together for critical analysis of the respective strategies was as significant as staging a roll-out event itself. Such interactions must be sustained and deepened. Productive civil-society/governmental partnerships must continue to be forged if the two policies are to have genuine effect.

VI. Future Plans

HRSU

1. Finalization of the regulation (*Muqararat*) on the HRSU with the Taqin
2. Approval of the Regulation by the Cabinet of Ministers & President
3. Launch of HRSU website
4. Task Force meeting, submission of a six-month report
5. Review of the draft Family Law
6. Signing of MoUs with the MRRD, AIHRC, CSHRN
7. Round table discussion with law professors on the HRSU report "Assessment of domestic laws in light with the CRC"
8. Follow up on the implementation of UPR's recommendations in the ministries
9. Development of the National Action Plan for the implementation of the UPR's recommendations
10. Release of the first draft report on assessment of domestic laws in the light of CEDAW

11. Release of the Report on assessment gender capacity of the ministries and government institutions
12. Training courses for the MoJ's staff on human rights awareness
13. Continuous capacity building to equip the HRSU staff with sufficient knowledge of their areas of work

DLC

As the Minister of Justice noted in opening the National Conference, delivery of access to justice requires a coordinated approach, across sectors, to the implementation of the strategy and the policy. The MoJ, supported by UNDP, will move forward to promote the government's plans across the country among local institutions, assistance providers and implementing organizations. This will ensure ownership that is truly national. Also, one-off events are not sufficient to properly inform both shareholders and the general public about their rights and obligations under the policies. Accordingly:

1. The MoJ will convene an early meeting of donors and implementing agencies to put in place networking and cooperative arrangements to promote the strategy and the policy.
2. With the Minister of Justice's endorsement, UNDP will move forward to execute the planned Public Legal Awareness / Legal Aid regional workshop series in the summer of 2011 to activate all sectors in the delivery of access to justice at the provincial and district levels.
3. UNDP will support the MoJ with targeted M&E of public legal awareness programming through implementing partners to assure specific compliance with MoJ policy directives.

DLC will continue all processes related to judicial infrastructure and harmonize tendering of new PLA bids based on MoJ input. The DLC's executive and strategic capacities will be greatly enhanced with the integration of two international Justice and Human Rights Specialists in July 2011.

Financial Section: JHRA

Table 1. Total Income and Expenditure

| Donor | INCOME | | | | | EXPENDITURES | | | BALANCE | Delivery | Remarks |
|----------------|------------------------------------|----------------------------------|--|---|------------------------------------|--|---|------------------------------|---|--------------------------|---------|
| | Total Commitment (approx US\$) (a) | Total Received (approx US\$) (b) | Total Receivable (approx US\$) c=(a - b) | Reallocation fund from (SJSA project) (d) | Total Income available e = (b + d) | Total Cumulative Expenditures as of Dec 2010 (f) | Cumulative Expenditure as of (2 quarter 2011) (g) | Total Expenditures h=(f + g) | Total Received minus Total Expenditures (i = e - h) | Cumulative Delivery Rate | |
| SDC New | 291,788 | 291,788 | - | | 291,788 | - | 68,229 | 68,229 | 223,559 | 23% | |
| SDC Old | 200,000 | 200,000 | - | | 200,000 | 187,500 | 12,500 | 200,000 | - | 100% | |
| Germany | - | - | - | 200,000 | 200,000 | 58,057 | - | 58,057 | 141,943 | 29% | |
| Denmark | 566,679 | 566,679 | - | 200,000 | 766,679 | 115,869 | 32,354 | 148,223 | 618,456 | 19% | |
| Norway | - | - | - | 193,496 | 193,496 | 101,116 | 27,973 | 129,089 | 64,407 | 67% | |
| United Kingdom | 287,356 | 287,356 | - | 13,913 | 301,269 | 66,697 | 37,556 | 104,253 | 197,016 | 35% | |
| DFAIT (Canada) | - | - | - | 2,362,071 | 2,362,071 | 1,649,518 | 423,415 | 2,072,933 | 289,138 | 88% | |
| European Union | 7,530,120 | 6,798,389 | 731,731 | | 6,798,389 | 2,552,578 | 619,917 | 3,172,495 | 3,625,894 | 47% | |
| Netherland | 420,200 | 210,100 | 210,100 | 23,971 | 234,071 | - | 14,695 | 14,695 | 219,376 | 6% | |
| UNDP | 441,237 | 441,237 | - | | 441,237 | 136,278 | - | 136,278 | 304,959 | 31% | |
| Total | 9,737,380 | 8,795,549 | 941,831 | 2,993,451 | 11,789,000 | 4,867,613 | 1,236,639 | 6,104,251 | 5,684,749 | 52% | |

Notes:

- i) Expenditure reported for the 2011 is provisional.
- ii) Income received in currency other than USD is approximated to USD based on UN- Operational Rate of Exchange applied.

Table 2. Expenditure by Major Outputs (2011)

| Project Output | Budget (AWP 2011) | Cumulative Expenditure as of (2 quarter 2011) | Delivery Rate* | Remarks |
|--|-------------------|---|----------------|---------|
| Output 1: Capacity of National Justice Institutions to effectively deliver justice and uphold human rights is strengthened. (MoJ TU) | 187,007 | 13,670 | 7% | |
| GMS | 13,090 | 1,029 | 8% | |
| Sub-total Output 1. | 200,097 | 14,699 | 7% | |
| Output 2: Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened. | 832,502 | 429,698 | 52% | |
| GMS | 62,661 | 32,343 | 52% | |
| Sub-total Output 2 | 895,163 | 462,041 | 52% | |
| Output 3: Capacity of district level justice sectors to effectively deliver justice and uphold human rights is strengthened. | 2,849,099 | 432,229 | 15% | |
| GMS | 214,448 | 32,533 | 15% | |
| Sub-total Output 3 | 3,063,548 | 464,763 | 15% | |
| Output 4. Sound Project Management. | 760,500 | 274,478 | 36% | |
| GMS | 57,242 | 20,660 | 36% | |
| Sub-total Output 4 | 817,742 | 295,137 | 36% | |
| | | | | |

| | | | | |
|--------------------|------------------|------------------|------------|--|
| Grand Total | 4,976,550 | 1,236,639 | 25% | |
|--------------------|------------------|------------------|------------|--|

Note: *Delivery Rate = Cumulative 2011 expenditure/2011 AWP budget

Table 3. Expenditure by Donors (2011)

| Donor | Project Output | Budget (2011) | Cumulative Expenditure as of (2 quarter 2011) | Delivery Rate* |
|------------------|--|----------------|---|----------------|
| DENMARK | Output 2: Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened. | 77,411 | 30,089 | 39% |
| | Output 4. Sound Project Management. | | | |
| | GMS | 5,827 | 2,265 | 39% |
| Sub Total | | 83,238 | 32,354 | 39% |
| NORWAY | Output 2: Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened. | 80,000 | 26,015 | 33% |
| | Output 4. Sound Project Management. | | | |
| | GMS | 6,022 | 1,958 | 33% |
| Sub Total | | 86,022 | 27,973 | 33% |
| UK | Output 2: Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened. | 184,300 | 34,927 | 19% |
| | Output 4. Sound Project Management. | | | |
| | GMS | 13,872 | 2,629 | 19% |
| Sub Total | | 198,172 | 37,556 | 19% |

| | | | | |
|------------------|--|------------------|----------------|------------|
| EU | Output 3: Capacity of district level justice sectors to effectively deliver justice and uphold human rights is strengthened. | 3,350,139 | 576,523 | |
| | Output 4. Sound Project Management. | | | 17% |
| | GMS | 252,161 | 43,394 | 17% |
| Sub Total | | 3,602,300 | 619,917 | 17% |
| DFAIT | Output 2: Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened. | 472,000 | 393,776 | 83% |
| | Output 4. Sound Project Management. | | | |
| | GMS | 35,527 | 29,639 | 83% |
| Sub Total | | 507,527 | 423,415 | 83% |
| SDC | Output 2: Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened. | 268,250 | 75,078 | 28% |
| | GMS | 20,191 | 5,651 | 28% |
| Sub Total | | 288,441 | 80,729 | 28% |
| Neatherland | Output 1: Capacity of National Justice Institutions to effectively deliver justice and uphold human rights is strengthened. (MoJ TU) | 197,057 | 13,666 | |
| | Output 4. Sound Project Management. | | | 7% |
| | GMS | 13,794 | 1,029 | 7% |
| Sub Total | | 210,851 | 14,695 | 7% |
| | | | | |

| | | | | |
|--------------------|--|------------------|------------------|------------|
| Grand Total | | 4,976,550 | 1,236,639 | 25% |
|--------------------|--|------------------|------------------|------------|

*Delivery rate = 2011 cumulative expenditure/2011 AWP budget

Annexes

1. Detailed Reporting on Results and Impact per Output

Output 1

Output 2

Capacity Development / Results Matrix

| Date | Beneficiaries | Subject | Number of participants | Gender M/F |
|------------------|---|--|------------------------|------------|
| 17-19 April 2011 | Puli-Charkhi Central Prison | Human Rights and UN Convention against Torture | 25 | 15/10 |
| 01-02 May 2011 | Department of Huquq | Human Rights, and UN human rights treaties ratified by Afghanistan and Islam | 25 | 20/5 |
| 08-10 May 2011 | International Legal Foundation Afghanistan(ILF-A) | Human Rights, and UN human rights treaties ratified by Afghanistan and Islam | 15 | 11/4 |
| 16-17 May | Department of Government Affairs | Human Rights, and UN human rights treaties ratified by Afghanistan and Islam | 22 | 18/4 |
| 06-07 June 2011 | Department of Publications & Registration of Political Parties and Social Organizations | Human Rights, and UN human rights treaties ratified by Afghanistan and Islam | 25 | 19/6 |
| 12-13 June | Department of Publications & Registration of Political Parties and Social Organizations | Human Rights, and UN human rights treaties ratified by Afghanistan and Islam | 24 | 19/4 |
| 25-26 & 28 June | Department of Legal Aid | Human Rights, and UN human rights treaties ratified by Afghanistan and Islam | 25 | 19/6 |

| | | |
|-------|-----|--------|
| Total | 161 | 122/38 |
|-------|-----|--------|

Output 3

Progress on Construction of Court Buildings

| Province | District | Type of Structure (Facility) | Status | Expected Completion |
|------------|---------------|--|--|---------------------|
| Badakhshan | Kishem | Rehabilitation of primary court building | Completed, ready for handover | |
| | Jirum | Rehabilitation of primary court building | On-going, 95% progress | Mid July-2011 |
| | Baharak | Construction of Detention center | Contract awarded in Feb-2011, not started, land dispute between MoJ and a local resident | |
| Jawzjan | Aqcha | Rehabilitation of Aqcha detention center | On-going, 90% progress | End Jul-2011 |
| | Khwaja Do Koh | Construction of joint office building | On-going, 90% progress, defect on the roof slab, to be removed and re-casted | End Jul-2011 |
| Faryab | Shirin Tagab | Construction of joint office building | Completed, ready for handover | |
| | Andkhoy | Construction of joint office building | On-going, 30% progress | Mid August-2011 |

Capacity Development Chart 1: Legal rights education for judicial officials on Family Law, Land Law, the Protection of Women and Children in Criminal Law and Access to Defence Counsel

| No. | Province | No. of Participants | | | Total | Remarks |
|-----|----------|---------------------|---------------------------------|---------------------------------|-------|---------------|
| | | Judges | Prosecutors | J. Police | | |
| 1 | Laghman | 4 | 15 | 31 total 4 Female 27 Male | 50 | |
| 2 | Panjshir | 3 | 21 | 26 | 50 | |
| 3 | Saripul | 4 | 22 total 2 Female 20 Male | 26 total 3 female 23 Male | 52 | |
| 4 | Daykundi | 5 | 22 total 2 female 20 male | 28 total 3 female 25 Male | 55 | |
| 5 | Badghis | 6 | 21 | 25 total 3 female | 52 | 5 female from |

| | | | | | | |
|--------------------|------|----|-----------|--|-----|--------------------------|
| | | | | 22 male | | MoWA |
| 6 | Ghor | 5 | 23 | 27 total 3 female 24 male | 55 | 2 female from MoWA |
| Grand total | | 27 | 124 | 163 | 314 | |

Capacity Development Chart 2: Community representative PLA program on Family Law, Land Law, the Protection of Women and Children in Criminal Law and Access to Defence Counsel

| No. | Province | No. of Participants | Male | Female | Remarks |
|-------|----------|---------------------|------|--------|---------|
| 1 | Laghman | 95 | 79 | 16 | |
| 2 | Panjshir | 133 | 123 | 10 | |
| 3 | Saripul | 110 | 90 | 20 | |
| 4 | Daykundi | 89 | 74 | 15 | |
| 5 | Badghis | 107 | 88 | 19 | |
| 6 | Ghor | 119 | 98 | 21 | |
| Total | | 653 | 552 | 101 | |

Future Outcome/Needs Matrix:

| Activity and Indicator | Description of Result or Achievement | % in delivery of result |
|---|--|---|
| DLC Component Expansion (indicator: Number of staff, number of field offices) | JHRA Regional Coordination Office established in Bamyan. Jalalabad RC pending with CO. Two P/3 Justice and Human Rights Specialists to join in early July. | Number of staff to be increased by four – with the addition of two local and two international experts. Number of field offices to increase from 0-2. |
| Outreach/ Communications (indicator: Consistent flow of publications and outreach materials, including website updates) | Q2 Publications include: feature length documentary on PLA programming; PLA/LA National Conference Success story and Conference Report | n/a (unrelated to output delivery) |
| Public Legal Awareness (trainings and multi- | Trainings targeted 314 beneficiaries (53 women) including judicial police, judges, prosecutors | 100% |

| | | |
|---|---|---|
| <p>media outreach) (indicator: level of public awareness of access to justice and human rights)</p> | <p>and community elders in the topics of Land and Family Law and the Protection of Women and Children in Criminal Proceedings. Separate training targeted Community Representatives (including religious leaders) in the same four topics, reaching 653 beneficiaries, including 101 women, in six provinces.</p> | |
| <p>Judicial infrastructure construction and rehabilitation (indicator: number of justice facilities completed and handed-over to GIRoA)</p> | <p>2 facilities completed, ready for handover 3 facilities progress past 85% completion New projects: assessments in 5 provinces and 8 ITB's prepared for tendering</p> | <p>Varies between initial phases to 100% completion</p> |

Gender Rating of the Output: 2

2. Policy and Knowledge Products

| SN. | Policy/Knowledge Products | Authors | Stakeholders Consultations | Date of Completion | Total Budget or Cost in USD |
|-----|--|---|---|--------------------|-----------------------------|
| 1 | Reviewed and provided comments and suggestions on the final report of national laws comparative sturdy report in light of CRC. | MoJ-HRSU | Legal technical review and strategic studies sub unit of HRSU | April 2011 | |
| 2 | Discussed and provided comments on ongoing comparative study report of Shia Status Personal law in light of CEDAW. | MoJ-HRSU | Legal technical review and strategic studies sub unit of HRSU | On going | |
| 3 | Reviewed and provided comments/suggestions in written on Gender policy of Administration Civil Service Reform Commission. | Afghan Independent Civil Service reform Commission (AIRCSC) | AIRCSC | May-2011 | |
| 4 | Reviewed and provided comments on HRSU Education unit training materials for the purpose standardizing training materials. | MoJ-HRSU | Education unit of HRSU | June- 2011 | |
| 5 | Discussed and provided comments on ongoing comparative study report of national laws in light of CEDAW. | MoJ-HRSU | Legal technical review and strategic studies sub unit of HRSU | On going | |
| 6 | Started initial draft of training manual on INT Human rights treaties and Human Rights for building capacity of line ministries in terms of implementation of INT Human rights treaties. | MoJ-HRSU | Ministries and Government institutions | On going | |

3. Training and Capacity Building Outputs

| SN | Training or Capacity Development Outputs/Event | Date and Location | Beneficiary Organizations | Number Trained | Impact | Total Cost or Budget in USD |
|----|--|--------------------|-------------------------------------|----------------|--------------------|-----------------------------|
| 1 | Output 2. Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened. Human rights awareness is raised in MoJ | On 17 & 19 April | Pulli-Charkhi Central Jail, MoJ | 25 | Capacity developed | \$722 |
| 2 | Capacity of the Government of Afghanistan to fulfill its international human rights obligations in a coordinated manner is strengthened. Awareness regarding International Human Rights Conventions ratified by Afghanistan is raised in MoJ. | On 1 & 2 May, 2011 | General Department of Hoqouq, MoJ | 25 | Capacity developed | \$1,140 |
| 3 | Awareness regarding International Human Rights Conventions ratified by Afghanistan is raised in MoJ. | 8-10 May, 2011 | International Law foundation | 15 | Capacity developed | \$1,197 |
| 4 | Awareness regarding International Human Rights Conventions ratified by Afghanistan is raised in MoJ. | 16 & 17 May, 2011 | Department of Government Cases, MoJ | 22 | Capacity developed | \$840 |

| | | | | | | |
|----|---|---|---|----------|--------------------|----------------|
| 5 | Workshop on Right to food | 31 May,1 and 4, June,2011 | Ministries of Agriculture, Irrigation and Live Stock, Health UNAMA, UNFAO and HRSU | 30 Staff | Capacity developed | \$1,175 |
| 6 | Human Rights, and UN human rights treaties ratified by Afghanistan and Islam | June 6&7,2011 | Departments of Publication and Registration of Political Parties & Social Organizations/ MoJ. (first Group) | 26 Staff | Capacity developed | \$1,303 |
| 7 | Human Rights, and UN human rights treaties ratified by Afghanistan and Islam | 12 and 13 June, 2011 | Departments of Publication and Registration of Political Parties & Social Organizations/ MoJ. (Second Group) | 23 staff | Capacity developed | \$1,165 |
| 8 | Food and Nutrition Security Policies | 22 June, 2011 | Ministry of Agriculture, Irrigation and Live Stock, UNFAO and HRSU | 24 staff | Capacity developed | \$261 |
| 9 | Human Rights, and UN human rights treaties ratified by Afghanistan and Islam | 25, 26, & 28 June, 2011 | Department of Legal Aid/ MoJ | 23 staff | Capacity developed | \$1,864 |
| 10 | Family and Personal law, Land Law and protection of women and access to defense counsel | Laghman province on 19Feb to 3rd March 2011 | J. Police, SC, AGO and Community representatives | 145 | Capacity building | . \$ 57129. 33 |
| 11 | Family and Personal law, Land Law and protection of women and access to defense counsel | Panjshir province on 5-16 March 2011 | J. Police, SC, AGO and Community representatives | 183 | Capacity building | \$ 57129. 33 |
| 12 | Family and Personal law, | Saripul | J. Police, SC, AGO | 162 | Capacity | \$ 57129. 33 |

| | | | | | | |
|----|---|--|--|-----|-------------------|--------------|
| | Land Law and protection of women and access to defense counsel | province on 19- 25 March 2011 | and Community representatives | | building | |
| 13 | Family and Personal law, Land Law and protection of women and access to defense counsel | Daykundi province on 20 march to 19 April 2011 | J. Police, SC, AGO and Community representatives | 144 | Capacity building | \$ 57129. 33 |
| 14 | Family and Personal law, Land Law and protection of women and access to defense counsel | Badghis province on 12- 28 April 2011 | J. Police, SC, AGO and Community representatives | 159 | Capacity building | \$ 57129. 33 |
| 15 | Family and Personal law, Land Law and protection of women and access to defense counsel | Ghor province on 17 April to 3rd May 2011 | J. Police, SC, AGO and Community representatives | 174 | Capacity building | \$ 57129. 33 |

4. Risks Log

| # | Description | Date Identified | Type | Impact & Probability | Countermeasures / Mngt response | Owner | Submitted , updated by | Last Update | Status |
|---|--|-----------------|-------------|---|---|-----------------|------------------------|-------------|-----------------------------|
| 1 | Security constraints especially for activities at the district level | 01/04/2010 | Security | Potential risk of injury or death to project staff doing the infrastructure assessment and also contractors for Construction work. Potential impact on activities –d delayed or rescheduled activities. P = 2 I = 5 | Comply with UNDSS security arrangements and Assessments. Obtain security clearances For travel. | Project Manager | Project Manager | 30.06.2010 | No change |
| 2 | Difficulty in recruiting qualified staff, particularly women | 1/04/2010 | Operational | Lack of applications from qualified candidates and delays in the recruitment of key staff delaying implementation of project activities, P = 3 I = 3 | Accelerate recruitment processes and broader advertisement of vacant positions | Project Manager | Project Manager | 31.03.2011 | Recruitments pending |

5. Issue Log

| ID | Type | Date Identified | Description | Status/Priority | Status Change Date | Author |
|----|-------|-----------------|---|-----------------------------|--------------------|-----------------|
| 1. | Other | 1/04/2010 | Delays in recruitment of qualified project staff | Improved but still an issue | | Project Manager |
| 2. | Other | 1/04/2010 | Limited participation of women in the program from government side especially public legal | Ongoing | | Project Manager |
| 3. | Other | 1/04/2010 | Continued security considerations at the district levels with impact on implementation and monitoring | Ongoing | | Project Manager |