

**United Nations Development Programme  
Afghanistan**

**Justice and Human Rights in Afghanistan (JHRA)  
3<sup>rd</sup> Quarter Project Progress Report 2011**



*Daykundi Governor Qurban Ali Oruzgani addresses the second Provincial Public Legal Awareness and Legal Aid Workshop in Nili, Daykundi, 13 September 2011.*

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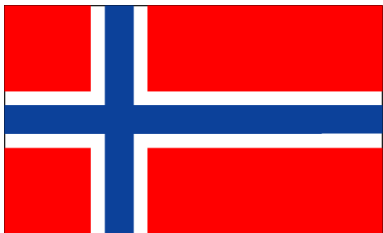
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## List of Acronyms

ACT	Accountability and Transparency Project
AGO	Attorney General's Office
AIHRC	Afghan Independent Human Rights Commission
ANDS	Afghan National Development Strategy
APRP	Afghanistan Peace and Reintegration Programme
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)
ICESCR	International Convention on Economic, Social and Cultural Rights
JHRA	Justice and Human Rights in Afghanistan (Project)
LOTFA	Law and Order Trust Fund for Afghanistan
MDG	Millennium Development Goal
MDG-F	MDG Achievement Fund
MDTF	Multi Donor Trust Fund
MoE	Ministry of Education
MoI	Ministry of the Interior
MoJ	Ministry of Justice
MoPH	Ministry of Public Health
MoTCA	Ministry of Transport and Civil Aviation
MoWA	Ministry of Women's Affairs
MRRD	Ministry of Rural Rehabilitation and Development
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)
PMC	Programme Management Committee
PTJ	Peace through Justice (Joint Programme)
RCO	Resident Coordinator's Office
RoL	Rule of Law
SCT	Supreme Court
TWC	Technical Working Committee
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
UPR	Universal Periodic Review

## Executive Summary

The Justice and Human Rights in Afghanistan (JHRA) project works for the rule of law and promotion of human rights throughout Afghanistan. There is a growing consensus that rule of law is the key to peace and stability in the country. It is also fundamental to all human development. The problems with justice and human rights are some of the most serious challenges confronted in Afghanistan, and the JHRA addresses those problems.

The project is designed to support the Afghanistan National Justice Programme (ANJP), as set out in the Afghanistan National Development Strategy (ANDS). The JHRA was developed in close cooperation with its three main institutional partners: the Ministry of Justice (MoJ), the Attorney General's Office (AGO), and the Supreme Court (SC). The JHRA works in support of the UNDP Country Programme Action Plan (CPAP) programmatic area "Strengthening Democratic Governance", and has been developed with three main outputs to guide engagement:

- Output 1:** Capacity of national justice institutions to effectively deliver justice and uphold human rights is strengthened.
- Output 2:** Capacity of the Government of Afghanistan (GoA) to fulfil its international human rights obligations in a coordinated manner is strengthened.
- Output 3:** Capacity of district level justice sectors to effectively deliver justice and uphold human rights is strengthened.

In the third quarter of 2011, the Justice and Human Rights in Afghanistan (JHRA) project continued to develop the capacities of the justice sector at both the national and sub-national levels. In addition to human rights compliance and policy support to central ministries, the JHRA implemented strategies to connect central policy makers to their sub-national counterparts through provincial workshops on public legal awareness and legal aid in Bamiyan and Daikundi (the latter funded through the MDG-F). The planning process for the workshops broadened the scope of shareholders to include provincial CSO coalitions providing legal services, religious leaders and local governmental officials outside of the sector. Lastly, the JHRA improved its own expert capacities by welcoming two international Justice and Human Rights Specialists to its District Level Component.

The following key results were achieved in the reporting period:

- Key Result 1: The MoJ Translation Unit now has two translators, enhancing the communications and comparative law capacities of the ministry from national Afghanistan languages (Dari and Pashto) to the English and Arabic languages, respectively.
- Key Result 2: The HRSU's analysis of draft Family Law with the provisions of the Civil Code from the human rights perspectives is available and forwarded to the MoJ Legislative Department.
- Key Result 3: The HRSU provided recommendations for the MoJ and MRRD's Gender Policies, and finalized the MoJ's Gender Policy at the request of the minister.
- Key Result 4: HRSU identified 41 laws, sub-laws and strategic documents to be reviewed and revised to ensure their compliance with the International Convention on Economic, Social and Cultural Rights.
- Key Results 5: HRSU released its Gender Capacity Assessment Report and presented its findings to the Gender Task Force and Joint Donor Coordination meetings

- Key Result 6: JHRA continued to support the GoA's national dialogue on access to justice, coordinating national-level legal awareness strategies to the provincial governments, contributing to a public legal awareness manual and linking Afghan justice priorities to international counterparts.
- Key Result 7: JHRA supported the Ministry of Justice to host the first two sub-national workshops to publicize the government's access to justice programme as laid out in the National Public Legal Awareness Strategy and a National Legal Aid Policy and engage all sectors – justice institutions, donors and civil society. Successful events in Bamiyan (July) and Daykundi (September) together gathered 155 participants, including 40 women.
- Key Result 8: For judicial infrastructure, the DLC completed five facilities, handing over one to local justice officials. Two more progress toward completion and six Invitations to Bids (ITBs) for new projects have been submitted for tendering.

## 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 subsequent 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

**Output 1:** The capacity of national justice institutions to effectively deliver justice and uphold human rights is strengthened.

*Indicators:*

**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 improved.
- 1.3: One senior translator (team leader) post and five translator (English, Dari, Pashtu and Arabic) posts to be recruited. .

In Q3 2011, the JHRA team worked with a selection panel consisting of representatives from the Legal (*Huquq*) Department and the Academy of Science and Law faculty of Kabul University to test and interview potential candidates for the remaining translator positions (Dari, Pashto and English). Of the four shortlisted candidates, only two were issued offers of employment, as the overall test scores did not fulfill the minimum criteria for the translator positions. One of the two candidates has accepted the offer and the other declined. Recruitment proceeds for the remaining posts.

Issue has been raised by the JHRA team to the MoJ, as the minister has requested legal and translation backgrounds for all translators employed through the MoJ Translation Unit; however, the MoJ is unable to match this heightened criteria with an increase in the wages offered. As a result, the application process has not been as successful as anticipated in attracting qualified translators. Discussions with MoJ representatives concerning possible ways forward will be continued to resolve the hiring issues that have arisen.

Activity Result	Brief Description of results/achievement	% of progress rate/delivery
<b>1.1</b> Equipment and furniture for the establishment of translation unit of the MoJ purchased.	<ul style="list-style-type: none"> <li>• IT equipment has been purchased, delivered and is utilized by the two hired translators.</li> <li>• An RFQ for office equipment has been issued.</li> <li>• MoJ has provided office space at its main building for the unit.</li> </ul>	12%
<b>1.2</b> Translation capacity (verbal translation and written quantitative and qualitative translation capacity in Dari, Pashto, Arabic and English is improved.	<ul style="list-style-type: none"> <li>• Progress on this target is reliant upon the hiring of targeted translators and will commence once a team is in place.</li> </ul>	
<b>1.3</b> One senior translator (team	<ul style="list-style-type: none"> <li>• In addition to the team leader, the MoJ Translation Unit now has two translators,</li> </ul>	

<p>leader) post and five translators (English, Dari, Pashtu and Arabic) posts. One (senior translator) will be an SC holder others will be through LOA.</p>	<p>enhancing the communications and comparative law capacities of the ministry from national Afghanistan languages (Dari and Pashto) to the English and Arabic languages, respectively.</p>	
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**Output 2:** Capacity of the GoA to fulfil its international human rights obligations in a coordinated manner is strengthened.

*Indicators:*

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

**Activity Result 2.2:** Policies and plans 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).

National Policy

In Q3 2011, HRSU prepared a comparative analysis of the draft Family Law to ensure its compliance with Chapter I of the Civil Code, at the request of the Minister of Justice. The findings indicate that 41 articles in the draft Family Law are not included in the Civil Code, and 39 articles in the Civil Code require amendment to harmonize the two laws. HRSU held a consultative meeting with MoWA, the ministry responsible for proposing the draft Family Law in 2010, to discuss these amendments. HRSU also met with Rights and Democracy and the UNAMA Human Rights Unit for technical assistance in drafting the Family Law and the new amendments to the Law on Elimination of Violence against Women.

UN Human Rights Treaty Obligations

HRSU categorized the recommendations from the UPR and concluding observations of the UN Committees on the Rights of the Child and Economic, Social and Cultural Rights based on thematic issues for the responsible government institutions. HRSU will present the document to key ministries in October.

The unit initiated an analysis of domestic laws to evaluate their compliance with the International Convention on Economic, Social and Cultural Rights (ICESCR). HRSU identified 41 laws, sub-laws and strategic documents to be reviewed in light of the ICESCR, including the Laws on Social Organization, Countering Abduction and Human Trafficking, Business, Afghanistan Human Rights Commission, Criminal Court Procedures Minerals, and Media, as well as regulations on Protection and Strengthening of Breastfeeding, Juvenile Correction and Rehabilitation Centers, Juvenile Code, and the Penal Code.

The Minister of Justice tasked HRSU and UNICEF with the development of a comprehensive Child Act, which supports one of the UN Committee on the Rights of the Child's recommendations. The act will supersede all legislation that is not in line with the convention and provide children with appropriate means of redress.

#### Inter-Ministry Cooperation

The Ministry of Public Health (MoPH) requested HRSU's assistance in developing its human rights strategic plan. HRSU has compiled a package of the UPR recommendations and concluding observations of the UN Committees on CRC and ESCR pertaining to the right to health, and will present this information to the MoPH.

In response to a request from the Ministry of Education (MoE), HRSU will second a Human Rights Adviser to the Academic Council, the body responsible for mainstreaming human rights in the ministry. HRSU and the MoE developed the terms of reference for the Human Rights Consultant position.

#### Gender

On August 2, HRSU presented the findings of its Gender Capacity Assessment report to the Joint Task Force and Joint Donor Coordination meetings. The final report was launched on 13 September 2011 and distributed to MoWA, line ministries, government institutions and donors. The English and Dari versions will be posted on the HRSU website, which is currently under the development. HRSU has also finalized and submitted the Gender Policy to the Department of Policy and Planning in the MoJ.

HRSU and the Gender Directorate of the Ministry of Transport and Civil Aviation (MoTCA) agreed to cooperate on awareness raising activities for the ministry staff on the human rights, gender equality and international human rights treaties applicable in Afghanistan. HRSU provided comments on the MoJ and MRRD's Gender Policies at the request of the respective ministries. The MoJ welcomed the comments and requested the HRSU's further assistance in finalizing its Gender Policy. HRSU has submitted the finalized draft to the Head of Policy and Planning Department.

#### Capacity Development

HRSU conducted a series of trainings on human rights and UN human rights treaties ratified by Afghanistan for the staff of the MoJ Departments of Administration and Finance (July 4-6), Policy and Planning, and Office of the Minister. Sixty-four participants, including 16 female and 38 male staff, attended the courses. HRSU has since conducted two rounds of follow-up meetings with MoJ officials to assess the effectiveness of the trainings.

On 20-21 July, two HRSU staff (female and male) attended a workshop on Involvement of Women with Disabilities in the Implementation of Projects held by the Handicap International. The UNDP Gender Equality Project conducted a half-day training session on gender for HRSU staff. The participants learned how to develop gender concepts and integrate gender perspectives into organizations and institutions. The UNDP Gender Equality Project will provide its next training about gender audits and gender responsive budgeting in November

HRSU and the Prison Service at the UK Embassy agreed to incorporate a subject on human rights into the curricula of Unit 10 prison officers, recruited to secure insurgents and high profile narcotics convicts imprisoned at the Poli Charkhi Detention Center. HRSU developed a needs assessment tool for Unit 10, which will be pre-tested in October.

Activity Result	Brief Description of results/achievement	% of progress rate/delivery
<p><b>2.1</b> 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.)</p>	<ul style="list-style-type: none"> <li>• One new staff hired by the MoJ has commenced work with HRSU.</li> <li>• Presented HRSU's progress to the Canadian Embassy and discussed opportunities for cooperation in 2012.</li> <li>• HRSU held two trainings for 37 MoJ Department of Policy and Planning and Office of the Minister staff (31 M, 6 F) on human rights and international human rights treaties to which Afghanistan is party.</li> <li>• At the request of the minister of justice, HRSU reviewed the draft Family Law to identify provisions not covered under the Civil Code, and prepared a draft report on its findings.</li> <li>• HRSU shared a gender assessment with Gender Task Force members and met with the Gender Coordination Group to discuss the promotion of women's representation in the civil service.</li> <li>• HRSU initiated a review of national laws for conformity with the International Convention of Economic, Social and Cultural Rights (ICESCR), identifying 41 laws, regulations, strategies and special reports requiring harmonization.</li> </ul>	
<p><b>2.1.2</b> 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"> <li>• UNDP Gender Equality Project conducted a half-day gender training for HRSU staff.</li> <li>• HRSU trained 26 (16 M, 10 F) MoJ Department of Administrative Affairs &amp; Finance.</li> <li>• HRSU trained 37 (16 M, 2 F) Department of Policy and Planning and Office of the Minister staff.</li> <li>• Two HRSU staff attended Handicap International's "Identification of the Best Solutions for Involvement of Disabled Women in Designing and Implementation of the Projects" workshop.</li> <li>• Conducted second round of follow-up meetings with the MoJ to assess training effectiveness.</li> </ul>	
<p><b>2.2</b> 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"> <li>• HRSU developed a draft action plan for the UPR based on the Human Rights Council's recommendations for Afghanistan.</li> <li>• HRSU reviewed the MoJ and MRRD's gender policies. Based on HRSU's comments, the MoJ has requested the unit to finalize its gender policy.</li> <li>• HRSU is drafting a Child Act in collaboration with UNICEF.</li> <li>• Reviewed ICESCR compliance of laws/regulations on:</li> </ul>	73%

	<ul style="list-style-type: none"> <li>○ Social Organization</li> <li>○ Countering Abduction and Human Trafficking</li> <li>○ Business</li> <li>○ Afghanistan Human Rights Commission</li> <li>○ Minerals</li> <li>○ Media</li> <li>○ Protection and Strengthening of Breastfeeding</li> <li>○ Juvenile Code</li> <li>○ Juvenile Correction and Rehabilitation Centers</li> <li>○ Criminal Court Procedures</li> <li>○ Penal Code</li> <li>● Finalized Gender Policy for the MoJ Policy and Planning Dept.</li> <li>● Presented Gender Capacity Assessment Report findings at the Joint Task Force and Joint Donors Coordination meetings; the Report was launched on 13 September 2011 and distributed to MoWA, line ministries, government institutions and donors.</li> <li>● Categorized UPR recommendations and UN Committees on the Rights of the Child and Economic, Social and Cultural Rights concluding observations based on thematic issues for responsible ministries.</li> </ul>	
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**Output 3:** Capacity of the district level justice sectors to effectively deliver justice and uphold human rights is strengthened.

*Indicators:*

**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 in 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, Bamiyan and Nangarhar) 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 conducted, including 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 CSOs, implementing partners, government counterparts and community representatives.

#### Judicial Infrastructure

In Q3 2011, the DLC established a Procurement Task Force to expedite internal procurement processes. DLC combined three proposals into a single ITB upon request by CO Procurement and reverted for posting. A complete overview of infrastructure completed to date and in progress is included in Annex III.

#### Status of Ongoing Projects

##### **DLC**

##### *Jawzjan Province*

1. Rehabilitation of Aqcha detention center (rehabilitation), 100% completed (under final inspection)
2. Construction of Khwaja-Do-Koh joint prosecutor's and *Huquq* building, 90% progress

##### *Faryab Province*

1. Construction of Andkhoy joint prosecutor's and *Huquq* building, 100% completed (under final inspection)
2. Construction of Shirin Tagab joint prosecutor's and *Huquq* building, 100% completed, ready for handover

##### *Badakhshan Province*

1. Construction of Baharak detention center, 20% progress
2. Rehabilitation of Jirum primary court, 100% completed, (under final inspection)
3. Rehabilitation of Kishem primary court, handed over

#### Public Legal Awareness

##### **DLC**

Throughout the quarter, the DLC continued its cooperation with the MoJ to support policy development and sub-national implementation on public legal awareness. On policy, it continued to support the MoJ-led National Public Legal Awareness Working Group. An operational manual on PLA is under development as part of the NPLA Action Plan, with stakeholders contributing sections related to beneficiaries (with affirmative strategies for women, vulnerable groups and district-level implementation), the respective competencies of institutions, data collection and M&E methodologies, and coordination mechanisms between both the central and sub-national government functions and the MoJ to civil society. The manual will be supplemented with outreach materials, including a summary brochure, stickers and billboards.

Building on the National Conference on Public Legal Awareness and Legal Aid held with the MoJ in May, DLC worked with a multi-sector panel to develop a strategic roll-out to the provincial level. On July 19 and September 13 2011, JHRA Regional Coordination Office and Departments of Justice held National Public Legal Awareness and Legal Aid Workshops for provincial-level justice providers and supporting civil society representatives in Bamiyan and Daykundi provinces respectively.

In Bamiyan, the workshop was led by the head of the Provincial Legal Aid Association and Bar Association, and attended by 65 (53 male, 12 female) leaders in Bamiyan's justice sector, including the heads of the Provincial Prosecutor's Office, *shura-e-ulema*, and



*Women from the Provincial Council, AWN, and Provincial Police work on a justice needs assessment for Bamiyan Province.*

provincial detention center, and representatives from the Provincial Council, Directory of Justice and women's rights NGOs. Bamiyan TV attended the event, and featured both the presentation from the head of the Provincial Prosecutor's Office and an interview with JHRA's regional coordinator on the goals of the National PLA Strategy and the goals of justice officials in the province to implement the strategy in Bamiyan.

During the workshop, JHRA's regional coordinator and justice and human rights specialist led a workshop in which participants were asked to identify the justice needs, challenges, and opportunities experienced in the province, and brainstorm existing resources available to address those needs directly. The results of these sessions indicated that there is a considerable dearth in the overall knowledge of the laws and legal system in the Central Highlands region, and significant emphasis was placed on the need for qualified, professional women, as paralegals, legal support or lawyers, and practical gender strategies for increasing women's representation and reach in the provision of justice. Security was also raised as an impediment to access to justice for those in more remote areas.

A second MoJ workshop, funded by the MDG-F, was implemented by the JHRA in Daikundi on 13 September. The event was hosted by the Provincial Governor and attracted 120 participants, with the same range of government/CSO actors. Given the paucity of reliable baseline data on the capacities of justice sector officials and civil society at the sub-national level, the JHRA has initiated focal group and perception audit surveys as part of the planning processes for future provincial workshops. In alliance with active and evolving RoL coalitions (including CSO legal service providers), such tools will assist JHRA to better measure the impact of legal and public awareness programming beyond discreet trainings or one-day policy events.

The RFPs for the next round of public legal awareness activities in the selected districts of the three provinces of Bamiyan, Nangarhar, and Kunar were announced, and the proposals from NGOs received.

The JHRA also initiated coordination with other UNDP projects included in the Rule of Law (RoL) cluster: Law and Order Trust Fund for Afghanistan (LOTFA), Accountability and Transparency (ACT) Project, Afghanistan Peace and Reintegration Programme (APRP), JHRA and Gender. An initial coordination meeting was held at the Ministry of the Interior (MoI) to discuss opportunities for coordination between the JHRA and LOTFA projects, specifically the opportunity for JHRA to assist LOTFA in developing and delivering human rights trainings to new community police recruits.

All five UNDP RoL projects presented an overview of their respective programming, and key areas of inter-project coordination, to a delegation from the American Embassy headed by the RoL Ambassador. The presentation focused on the distinct, holistic approach UNDP could bring to RoL strategies, both because of its reach throughout the spectrum of Afghan law and justice providers, as well as its unique geographic reach from the national to the district level.

### Regional Coordination Center - Bamiyan

The JHRA Regional Coordinator in Bamiyan chaired the monthly Legal Working Group (LWG) meeting in the provincial capital at the beginning of August. The LWG is made up of representatives from the DoJ, Provincial Prosecutors' Office, Provincial Courts, as well as the Bar Association, Legal Aid Association, and several CSOs working in legal awareness, legal aid and legal rights. During the August meeting, the LWG discussed the monitoring mission sent by the working group to investigate criminal cases that have not been processed in Yakawlang District.

Activity Result	Brief Description of results/achievement	% of progress rate/delivery
<i>Activity Result 3.1</i>		
<p><b>3.1.1</b> Engineering infrastructure assessments conducted and justice sector facilities prioritized for rehabilitation in three provinces.</p>	<ul style="list-style-type: none"> <li>• completed for all three provinces</li> </ul>	
<p><b>3.1.2</b> 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).</p>	<ul style="list-style-type: none"> <li>• ITB for Chaparhar/Nangarhar primary court sent to procurement on 3 Aug.</li> <li>• ITB for rehabilitation of judicial residences in Sawki and Sirkano, Kunar Province completed and sent to procurement</li> <li>• Consolidated ITB for construction of Saighan/Bamiyan joint building, Panjab/Bamiyan primary court and Kama/Nangarhar primary court sent to pre-qualified bidders by procurement.</li> </ul> <p><b><u>Jawzjan Province</u></b></p> <ul style="list-style-type: none"> <li>• Rehabilitation of Aqcha detention center (rehabilitation), 100% completed (under final inspection)</li> <li>• Construction of Khwaja-Do-Koh joint prosecutor's and <i>Huquq</i> building, 90% progress</li> </ul> <p><b><u>Faryab Province</u></b></p> <ul style="list-style-type: none"> <li>• Construction of Andkhoy joint prosecutor's and <i>Huquq</i> building, 100% completed (under final inspection)</li> <li>• Construction of Shirin Tagab joint prosecutor's and <i>Huquq</i> building, 100% completed, ready for handover</li> </ul> <p><b><u>Badakhshan Province</u></b></p> <ul style="list-style-type: none"> <li>• Construction of Baharak detention center, 20% progress</li> <li>• Rehabilitation of Jirum primary court, 100% completed, (under final inspection)</li> <li>• Rehabilitation of Kishem primary court, handed over</li> </ul>	<p>21%</p>

	•	
<b>Activity Result 3.2</b>		
<b>3.2.1</b> Baseline study and M&E tools developed for awareness raising activities.	<ul style="list-style-type: none"> <li>• JHRA Regional Coordinator and Justice and Human Rights Specialist facilitated a workshop with local justice providers in Bamiyan to identify the justice needs, challenges and opportunities in the province to inform future JHRA public legal awareness programming.</li> </ul>	21%
<b>3.2.2</b> Village level public awareness activities, mass media awareness raising activities (radio, publications).	<ul style="list-style-type: none"> <li>• Evaluation of RFPs for DLC PLA proposals completed and awaiting budgetary allocation through revision of AWP.</li> </ul>	
<b>3.2.3</b> Human rights trainings conducted to traditional justice actors, community representatives, leaders and school teachers.	<ul style="list-style-type: none"> <li>• DLC issued an US\$800,000 RFP for trainings and communications materials on human rights and legal rights, with an underlying focus on gender. The activities will target justice officials, religious leaders, teachers, students and the general public in Nangarhar, Kunar and Bamiyan provinces.</li> <li>• Review of draft training materials, engagement of possible trainers (from or involved with government), and provision of pre-existing government training materials' training program on the Civil Code, Criminal Procedures Code, and Women's Rights.</li> <li>• Drafting of a concept note for increased district coordination between DLC and HRSU.</li> </ul>	
<b>3.2.4</b> 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"> <li>• DLC Regional Coordinator in Bamiyan chaired a provincial LWG session to determine action on pending criminal cases in Yakawalang district and legal options for government land disputes.</li> <li>• DLC Regional Coordinator in Bamiyan chaired a provincial LWG session to discuss the monitoring mission findings concerning pending criminal cases in Yakawalang District.</li> <li>• Coordination meeting with LOTFA to discuss inter-project collaboration on human rights trainings for community police.</li> </ul>	
<b>3.2.5</b> Workshops and seminars conducted to CSO, implementing partner, government counterpart and community representatives.	<ul style="list-style-type: none"> <li>• Two provincial workshops on the MoJ's National Public Legal Awareness Strategy and Legal Aid Policy were held in Bamiyan and Daykundi.</li> <li>• Communication and stakeholder outreach training session with implementing partner CACSS to support the development of a strategic mass media public legal awareness campaign.</li> </ul>	

### 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 stage 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 Sharia 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. Task Force meeting, submission of nine month report
2. Finalization of the regulation (*Muqararat*) on the HRSU with the *Taqnin*
3. Approval of the Regulation by the Cabinet of Ministers & President
4. Launch of HRSU website
5. Capacity Assessment of the National Directorate of Security
6. Capacity Assessment of the Family Response Unit of the MoI
7. Follow-up Round Table discussion with Gender Directorates of the MoWA
8. Follow-up on the implementation of the UPR and other UN human rights mechanism'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. Human rights awareness in the line ministries
12. Continuous capacity development for HRSU staff

### 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. DLC will strengthen existing mechanisms and establish new modalities for enhanced national ownership under a National Implementation Modality. Most of the JHRA staff will embed with the MoJ in the next quarter. Recruitment of a National Programme Manager and a Chief Technical Advisor are under way, as well as a senior-level justice evaluation team to lead shareholder consultations in support of a successor project document.
2. Strengthen its cooperation with the Minister of Justice to continue to implement policy workshops on PLA and Legal Aid at the sub-national level. The planned PLA/LA event in Herat will be based in more holistic needs assessments of justice shareholders and designed to improve the impact of the one-day event with sustainability mechanisms toward greater social mobilization.
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. DLC will continue to liaise with CO Procurement through its Procurement Task Force to expedite internal processes, maximizing year end delivery.

## VII. Financial Information

Table 1. Total Income and Expenditures

Donor	INCOME			EXPENDITURES			BALANCE	DELIVERY
	Total Commitment (approx US\$)	Total Received (approx US\$)	Total Receivable (approx US\$)	Total Cumulative Expenditures as of Dec 2010	2011 (Cumulative Expenditure) as of 3rd Quarter	Total Expenditures	Total Received minus Total Expenditures	Cumulative Delivery Rate
SDC New	291,788	291,788	-	-	216,464	216,464	75,324	74%
SDC Old	200,000	200,000	-	187,500	12,500	200,000	-	100%
GERMANY	200,000	200,000	-	58,057	-	58,057	141,943	29%
DENMARK (old)	200,000	200,000	-	115,869	61,189	177,059	22,941	89%
DENMARK (new)	566,680	566,680	-	-	-	-	566,680	0%
NORWAY	193,496	193,496	-	101,116	40,375	141,491	52,005	73%
UK	287,356	287,356	-	66,697	102,660	169,357	117,999	59%
DFAIT	2,362,071	2,362,071	-	1,649,518	419,335	2,068,853	293,218	88%
EU	7,530,000	6,780,997	749,003	2,552,578	891,748	3,444,326	3,336,671	51%
UNDP	441,237	441,237	-	136,278	33,064	169,342	271,895	38%
Netherlands	420,200	210,100	210,100	-	27,011	27,011	183,089	13%
<b>Total</b>	<b>12,692,828</b>	<b>11,733,725</b>	<b>959,103</b>	<b>4,867,613</b>	<b>1,804,347</b>	<b>6,671,960</b>	<b>4,495,085</b>	<b>57%</b>

Note :

- i) Expenditure reported for the 2011 accounting period 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)**

<b>Project Output</b>	<b>Budget (AWP 2011)</b>	<b>2011 (Cumulative Expenditure) as of 3rd Quarter</b>	<b>Delivery Rate*</b>
Output 1: Capacity of National Justice Institutions to effectively deliver justice and uphold human rights is strengthened. (MoJ TU)	187,007	22,173	12%
GMS	13,090	1,669	13%
<b>Sub-total Output 1.</b>	<b>200,097</b>	<b>23,842</b>	<b>12%</b>
Output 2: Capacity of the Government of Afghanistan to fulfil its international human rights obligations in a coordinated manner is strengthened.	882,502	640,831	73%
GMS	62,661	45,746	73%
<b>Sub-total Output 2</b>	<b>945,163</b>	<b>686,576</b>	<b>73%</b>
Output 3: Capacity of district level justice sectors to effectively deliver justice and uphold human rights is strengthened.	2,849,099	591,133	21%
GMS	214,448	44,494	21%
<b>Sub-total Output 3</b>	<b>3,063,548</b>	<b>635,627</b>	<b>21%</b>
Output 4. Sound Project Management.	760,500	426,221	56%
GMS	57,242	32,081	56%
<b>Sub-total Output 4</b>	<b>817,742</b>	<b>458,302</b>	<b>56%</b>
<b>Grand Total</b>	<b>5,026,550</b>	<b>1,804,347</b>	<b>36%</b>

**Table 3. Expenditure by Donor (2011)**

Donor	Project Output	Budget (2011)	2011 (Cumulative Expenditure) as of 3rd Quarter	Delivery Rate*
DENMARK	Output 2: Capacity of the Government of Afghanistan to fulfil its international human rights obligations in a coordinated manner is strengthened.	77,411	56,906	74%
	Output 4. Sound Project Management.			
GMS		5,827	4,283	74%
<b>Sub Total</b>		<b>83,238</b>	<b>61,189</b>	<b>74%</b>
NORWAY	Output 2: Capacity of the Government of Afghanistan to fulfil its international human rights obligations in a coordinated manner is strengthened.	80,000	37,549	47%
GMS		6,022	2,826	47%
<b>Sub Total</b>		<b>86,022</b>	<b>40,375</b>	<b>47%</b>
UK	Output 2: Capacity of the Government of Afghanistan to fulfil its international human rights obligations in a coordinated manner is strengthened.	184,300	95,474	52%
	Output 4. Sound Project Management.			
GMS		13,872	7,186	52%
<b>Sub Total</b>		<b>198,172</b>	<b>102,660</b>	<b>52%</b>
EU	Output 3: Capacity of district level justice sectors to effectively deliver justice and uphold human rights is strengthened.	3,350,139	829,326	25%
	Output 4. Sound Project Management.			
GMS		252,161	62,422	25%
<b>Sub Total</b>		<b>3,602,300</b>	<b>891,748</b>	<b>25%</b>
DFAIT	Output 2: Capacity of the Government of Afghanistan to fulfil its international human rights obligations in a coordinated manner is strengthened.	472,000	389,982	83%

	Output 4. Sound Project Management.			
GMS		35,527	29,353	83%
<b>Sub Total</b>		<b>507,527</b>	<b>419,335</b>	<b>83%</b>
SDC	Output 2: Capacity of the Government of Afghanistan to fulfil its international human rights obligations in a coordinated manner is strengthened.	268,250	212,936	79%
GMS		20,191	16,027	79%
<b>Sub Total</b>		<b>288,441</b>	<b>228,963</b>	<b>79%</b>
The Netherlands	Output 1: Capacity of National Justice Institutions to effectively deliver justice and uphold human rights is strengthened. (MoJ TU)	197,057	25,120	13%
	Output 4. Sound Project Management.			
GMS		13,794	1,891	14%
<b>Sub Total</b>		<b>210,851</b>	<b>27,011</b>	<b>13%</b>
UNDP	Output 2: DGU Activity.	50,000	33,064	66%
<b>Grand Total</b>		<b>5,026,550</b>	<b>1,804,347</b>	<b>36%</b>

**Table 4 - Expenditures by Inputs - Current Year**

<b>Categories</b>	<b>AWP Budget (Current Year)</b>	<b>Total Expenditure (Current Year)</b>	<b>Delivery Rate</b>
Human Resources	1,652,500	1,126,975	68%
Implementation Contracts	1,865,240	274,199	15%
Implementation Grants	-	-	0%
Capacity Development	140,000	90,788	65%
Procurement & Assets	434,252	157,693	36%
Knowledge Products & Publications	569,200	25,149	4%
Sundry/Misc	17,000	3,239	19%
Service Cost (GMS)	348,359	126,304	36%
<b>Total</b>	<b>5,026,550</b>	<b>1,804,347</b>	<b>36%</b>

## Annexes

### 1. Detailed Reporting on Results and Impact per Output

SN	Major Outputs	Expected Result Indicator	Expected Impact Indicator (expected change in situation)
1	Law revision	Compliance with ICESCR	HRSU reviewed the Laws on Social Organization, Countering Abduction and Human Trafficking, Business, Afghanistan Human Rights Commission, on Mineral, Media, the Regulation on Protection and Strengthening of Child Feeding by Breast Milk, Juvenile Code, Regulation on Juvenile Correction and Rehabilitation Centers, Criminal Court Procedure, Penal Code.
2	Follow up of the conducted workshops	Participants are having the required knowledge of Human rights.	Second round of follow-up meetings with MoJ officials to assess the effectiveness of the conducted trainings to the staff of Departments of Legal Aid, Admin and Finance and Policy and Planning
3	UN Human Rights Treaty Obligations	The required documents are in place	HRSU categorized the UPR recommendations and UN Committees on the Rights of the Child and Economic, Social and Cultural Rights concluding observations based on thematic issues for relevant government institutions. HRSU will present the document to the key ministries in September.
4	Assessment of gender capacity in the ministries	Gender mainstreaming	HRSU presented on August 2, the findings of Gender Capacity Assessment report to the Joint Task Force Meeting and Joint Donors Coordination Meeting. The MOWA and donors appreciated HRSU's initiative and requested to share the final report with them. The Report will be launched in September and posted in English and Dari in HRSU web site
5	Cooperation with other government institutions	Government institutions' capacity is developed	HRSU cooperated with Ministry of Health to develop its Human Rights Strategic Plan and with Ministry of Education in hiring a human rights advisor.
6	Cooperation from HRSU and UK Embassy	Curriculum developed	Prison curriculum will include human rights.
7	Infrastructure ITB (3 in 1)	Tendered infrastructure projects	Five justice facilities planned for two provinces.
8	DLC PLA RFP for Kunar, Nangarhar, Bamiyan	Execution of public legal awareness campaigns (community theatre, video screening, media)	The greater public in three provinces will have an increased knowledge of the law, and specifically their legal and human rights within Afghanistan.
12	Inter-project coordination: JHRA, LOTFA	Human rights trainings for community police	Increased awareness of newly recruited community police of basic human rights standards, and their role in preventing human rights violations.

13	UNDP RoL Cluster Coordination	Integrated programming and increased access to funding	Coordinated programming that capitalizes on the complete scope of UNDP work in the field of RoL, including police, prisons, judges, prosecutors, defense lawyers, and overarching focus on women.
14	Bamiyan Legal Working Group (LWG)	UNDP leadership and influence within the justice sector to ensure cases are properly handled and resolved.	Ongoing coordination between all provincial justice providers and related agencies/staff to increase the overall capacity of justice providers at the provincial and district levels to receive and process cases.

*Progress on Infrastructure*

<b>District Level Component (DLC)</b>			
<b>Province</b>	<b>District</b>	<b>Name of Infrastructure (Facility)</b>	<b>Status (Progress)</b>
<b>Badakhshan</b>	Baharak	Construction of detention center	20% completed
	Jirum	Rehabilitation of primary court office building	Handed over.
	Kishem	Rehabilitation of primary court office building	Completed, handed over.
<b>Faryab</b>	Andkhoy	Construction of joint office building for prosecutors and <i>Huquq</i> department	Completed, final inspection pending
		Rehabilitation of judicial residential house	Completed, handed over on 27 Feb 2011.
	Shirin Tagab	Construction of joint office building for prosecutors and <i>Huquq</i> department	Completed, handed over.
	Dawlat Abad	Rehabilitation of judicial residential house	Completed, handed over on 27 Feb 2011.
<b>Jawzjan</b>	Aqcha	Rehabilitation of detention center	Completed, handed-over.
	Khwaja Do Koh	Construction of joint office building for prosecutors and <i>Huquq</i> department	Ongoing, with 90% progress. Defected slab removed and new slab casted.

*Future Outcome/Needs Matrix:*

<b>Activity and Indicator</b>	<b>Description of Result or Achievement</b>	<b>% in delivery of result</b>
DLC Component Expansion (indicator: Number of staff, number of field offices)	JHRA Regional Coordination Office established in Bamiyan. Jalalabad RC pending with CO. Two P/3 Justice and Human Rights Specialists joined in early July.	Increased staff: 2 of 4. Increased field offices: 0 of 2.
Outreach/ Communications (indicator: Consistent flow of publications and outreach materials, including website updates)	Q2 Publications include: Women's Rights Education (Badakhshan), Protecting Children's Rights in Afghanistan (HRSU – Policy), and Reaching Out to Forgotten Populations (Daykundi) success stories Report	N/A (unrelated to output delivery)
Public Legal Awareness (indicator: level of public)	Development of Civil Code, Criminal Procedure Code and Law on the Elimination of Violence against Women (EVAW)	20%

awareness of access to justice and human rights)	trainings for justice providers and national mass media campaign to support training messaging.	
Judicial infrastructure construction and rehabilitation (indicator: number of justice facilities completed and handed over to GIRoA)	5 facilities completed, one handed over. 2 facilities at 20-90% completion. New projects: six submitted to for tending	Varies between initial phases to 100% completion

## 2. Policy and Knowledge Products

SN	Policy/Knowledge Products	Authors	Stakeholders Consultations	Date of Completion	Total Budget or Cost in USD
1	Gender Policy	MoJ-HRSU	Department of Policy and Planning in the MoJ	Aug 2011	
2	Gender Capacity Assessment report to the	Line ministries	Joint Task Force Meeting and Joint Donors Coordination Meeting	Aug 2011	
3	National Legal Awareness Strategy Operational Manual	MoJ-HRSU	NLAS Working Group	In progress	
4	Report on UPR recommendations and UN Committees on CRC and ESCR concluding observations pertaining to the right to health	MoH	Document review	Aug 2011	
5	ToR for MOE Human Rights Advisor	MoE	MoE HR	Aug 2011	
6	UNDP Indonesia's Guidelines on Aceh Traditional Justice	UNDO Indo UNDP ELECT (translation)	MoJ, MoWA, AIHRC	Sept 2011	
7	Success Stories: Women's Rights Education; Protecting Child Rights in Afghanistan; Reaching out to Forgotten Populations (Daykundi)	UNDP		July/Aug 2011	

### 3. Training and Capacity Development Outputs

S N	Training or Capacity Development Outputs/Event	Source of Expertise	Date and Location	Beneficiary Organizations	No. Trained	Total Cost or Budget in USD
1	Awareness of International Human Rights Conventions ratified by Afghanistan is raised in MoJ.	HRSU	4-6 July 2011	Administrative and Finance Department, MoJ	25	<b>\$1,034.043</b>
2	Awareness of International Human Rights Conventions ratified by Afghanistan is raised in MoJ.	HRSU	8-10 May 2011	Dept of Planning/ Policy and Office of the Minister, MoJ	15	<b>\$1497.50</b>
3	Awareness of International Human Rights Conventions ratified by Afghanistan raised in MoJ.	HRSU	16-17 May 2011	Departments of Planning/Policy and Office of the Minister, MoJ	22	<b>\$1497.50</b>
4	Provincial-level conferences on the MoJ's National Public Legal Awareness Strategy and Legal Aid Policy was held in Bamiyan and Daykundi.	UNDP, DoJ	19 July 2011 14 Sept 2011	Provincial Prosecutor's Office, <i>shura ulema</i> , provincial detention center, Provincial Council, DoJ and women's rights NGOs	65	<b>\$2250</b>
5	Strategic communications training for mass media implementing partners CACSS	UNDP	Ongoing	Centre for Afghan Civil Society Support (CACSS)	4	<b>N/A</b>
6	Perception Audit training for JHRA field staff	UNDP	29 Sept 2011	UNDP	5	<b>N/A</b>

#### 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	<b>No change</b>
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	<b>Recruitments pending</b>

## 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	2 international Justice and Human Rights Specialists hired  Field staffing remains limited	30/09/2011	Project Manager
2.	Other	1/04/2010	Limited participation of women in the program from government side especially public legal awareness	Ongoing		Project Manager
3.	Other	1/04/2010	Continued security considerations at the district levels with impact on implementation and monitoring	Ongoing		Project Manager