



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra



Empowered lives.
Resilient nations.

Final Report

Impact Evaluation of the Afghanistan Access to Justice Programme and Functional Review of the Afghanistan Independent Bar Association and the Legal Aid Department of the Ministry of Justice

Date submitted: May 2019

Impact Evaluation and Functional Review Team

Olivera Puric (Team Leader)

Joanna Brooks (International Expert)

Khalid Massoudi (Data Collector)

Contents

1. Introduction

- 1.1 Background
- 1.2 Context
- 1.3 Objectives and scope of the Impact Evaluation

2. Methodology for the Impact Evaluation

- 2.1 Description of strategy and approach
- 2.2 Key evaluation questions and rating scale
- 2.3 Anticipated Challenges and Limitations of the Impact Evaluation

3. Impact Evaluation Analysis

- 3.1 Output 1 – Legal aid and legal awareness
- 3.2 Output 2 – justice sector coordination and ending violence against women
- 3.3 Output 3 – Legislative and policy framework
- 3.4 Output 4 – Project management/implementation

4. Lessons Learned

5. Recommendations

6. Partnerships

7. Geographical Focus

8. Evaluation Matrix

ANNEXES – QUESTIONNAIRES

Questionnaire for Beneficiaries

List of Persons Met

Abbreviations

(A)A2J	(Afghanistan) Access to Justice
AGO	Attorney General's Office
AIBA	Afghanistan Independent Bar Association
AIHRC	Afghanistan Independent Human Rights Commission
EVAW	Elimination of Violence against Women
HRD	Human Rights Directorate
HRSU	Human Rights Support Unit
ICA	Institutional and Context Analysis
LAD	Legal Aid Department
LAGF	Legal Aid Grant Facility
LOA	Letter of Agreement
LOTFA	Law and Order Trust Fund Afghanistan
MTR	Mid-Term Review
MoFA	Ministry of Foreign Affairs
MoJ	Ministry of Justice
MoWA	Ministry of Women's Affairs
M&E	Monitoring and evaluation
MoU	Memorandum of Understanding
PLAU	Public Legal Awareness Unit
RRF	Results and Resources Framework
2VP	Office of the Second Vice-President
SC	Supreme Court
SDC	Swiss Agency for Development and Cooperation
UN	United Nations
UNDP	United Nations Development Programme
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women

Executive Summary

The Evaluation Team finds that in a nutshell since the Mid-Term Review (MTR) the project shows significant and substantive improvements across all areas.

It has proactively implemented all the major recommendations and advanced its impact. In particular, the project has strengthened existing partnerships while also fostering new ones, raising its partnership profile and positioning itself as a strategic policy stakeholder. The mainstreaming of the gender component was recognised as a significant improvement in overcoming the fragmented nature of the project, resulting in a more coherent project approach and clear project mandate. The evaluation team finds that the enhanced and systemic monitoring and evaluation mechanisms established by the project have resulted in a stronger evidence base for current and future programming. The revised project management structure has enabled a better performing project team, which is fit for purpose with an adequate set of skills and knowledge resulting in the advancement of the project implementation.

The evaluation team recommends that in the future programming phase the project is designed as a “platform project,” where UNDP is gathering strategic partners around the same goal without being at the centre of the project design. The complexity of partnerships requires both individual tailor-made approaches towards certain project components, but also a strategic overview of the entire intervention. It is recommended that the next phase of the project is developed in line with the human rights based approach to programming, which has proven to be instrumental in strengthening the capacities of duty bearers while at the same time empowering rights holders. The project should consider experimenting with different forms of legal aid provision, which should include NGOs so they can simultaneously reach a higher number of beneficiaries while at the same time providing an evidence base for the future development of the free legal aid system in Afghanistan. The project should also immerse itself deeply in local communities, identify local solutions and bridge bottom up solutions with policy design.

Regarding strengthening the partner orientated focus, the project should consider establishing a specific access to justice Policy Dialogue Platform, bringing together all relevant stakeholders with the purpose of discussing and identifying the most pressing issues, setting priorities and agreeing on solutions to advance access to justice in Afghanistan. It is crucial that the project continues to advance its monitoring and evaluation mechanisms, including with the UNDP Monitoring and Evaluation Unit, through conducting tailored baseline surveys in the provinces where the project will be implemented. It should be ensured that the data collected is of sufficient quality that it is reliable and usable. With regards to ownership and sustainability in the next project it is strongly recommended that these issues are looked at more thoroughly. The commitment of the partners including their financial commitments, is necessary to achieve greater sustainability of the project results and full national ownership of the project.

In addition to an overview of the Afghan justice system, the objectives and the methodology utilised, the Impact Evaluation Report presents an analysis per output (4 outputs following the structure of the project document), as well as lessons learned, recommendations, partnerships and geographical focus. This report should be read in conjunction with the Functional Review report, which was undertaken simultaneously to and as a part of the overall impact evaluation exercise. The main objective of the Functional Review was to consider whether the Afghan Independent Bar Association and the Legal Aid Department of the Ministry of Justice are sufficiently capacitated to be able to provide quality legal aid services to the people of Afghanistan, addressing in particular the selection and allocation of cases and transparency and accountability issues.

As part of this process, two surveys were conducted, the first a beneficiaries survey on their experiences of receiving free legal aid through the project, and the second a survey of the Afghan Independent Bar Association and the Legal Aid Department of the Ministry of Justice. The results of these surveys have been reflected in the respective reports. While it was anticipated that the results of the Rapid Citizen’s Expectations Survey would be completed prior to finalisation of this report, this has not proven to be the case, so the data from this survey is not reflected.

The overall assessment against the OECD/DAC evaluation criteria is presented in the analysis of the outputs. A summary is also provided below. Overall the project has received a total of 42/60 points (an increase of 6 points since the Mid-Term Review), scoring most highly on relevance and efficiency and least highly on effectiveness. The overall ratings are provided below:

Relevance	10/12	Successful
Effectiveness	8/12	Partially successful
Efficiency	10/12	Successful
Impact	7/12	Partially successful
Sustainability	7/12	Partially successful

Acknowledgements

The Impact Evaluation Team would like to thank all staff of SDC, the UNDP Country Office, Programme and Project staff in Kabul for their assistance during the Impact Evaluation and in preparing this report. The constructive comments received from the project team have helped to shape the final recommendations in the report.

In addition, the Impact Evaluation Team would like to thank all persons interviewed during the evaluation in Kabul, including representatives from national government, implementing agencies, and donor agencies for their openness and willingness to share information with us. A special thanks goes to representatives from the Ministry of Justice’s Legal Aid Department and the Afghanistan Independent Bar Association for their willingness to participate in the functional reviews, which were undertaken as part of the impact evaluation exercise.

1. Introduction

The justice system in Afghanistan is weak in terms of institutional, material and human capacity and riddled by corruption and mismanagement. According to Transparency International's Global Corruption Barometer, the formal justice sector in Afghanistan is the most severely affected by corruption. In 2018, Afghanistan scored 16/100, where 0 is the most corrupt and 100 is the most clean, and came 172/180 countries.¹ As a direct consequence, overall access to justice remains very much restricted for Afghan citizens, in particular for vulnerable and marginalized groups, including women. The Government's efforts to re-establish a stable state, and help its citizens feel that the state can deliver justice through the neutral application of the law, are challenged by poorly functioning representative governance structures centred largely in the urban areas, weak law enforcement mechanisms, insecurity and weak government service delivery mechanisms. Contributing to this is a history of weak governance and low governmental capacity, a protracted conflict and the significant role of narcotics production in the life of the country. These in turn contribute to corruption, limited governmental control and presence outside the major urban centres and district administrative capitals, and a general lack of public trust in public personnel, institutions, and social accountability mechanisms. These weaknesses are exacerbated by a limited presence of women in public life, and in the civil service in particular. Continuing insecurity and limited access to substantial parts of the country, and the explicit targeting of government civilian officials, especially the judiciary, by armed groups, hinder progress. Rule of law in Afghanistan is a particularly challenging area that requires great attention, considering the protracted conflict, flawed policy and regulatory framework, low capacity of justice actors, widespread corruption and continued reliance on international aid.

The long-lasting Afghan conflict has resulted in the extensive destruction of the state justice sector institutions. While international support to the Afghan justice sector has yielded some success in rebuilding some of the state justice sector institutions such as the Ministry of Justice (MoJ), the Attorney General's Office (AGO) and the Supreme Court (SC), the system as a whole remains weak and is still not able to deliver quality justice services.

The lack of accessible, affordable and impartial judicial institutions contributes to public mistrust of the formal justice system and reliance on informal justice systems. While these informal institutions are usually more accessible in terms of geographical and operational reach, the un-clarity about their mandates as well as their legal status creates complications and legal uncertainty. In addition, the customary practices they are based on often violate human rights standards, in particular those of women. Nevertheless, the informal institutions are preferred by the large majority of the Afghan population; a reality that is not reflected in most development programming in the justice sector, as most development projects predominantly focus on the formal justice institutions.

Last but not least, legal awareness of rights whether under state justice institutions or customary is low among the Afghan population and as such it is difficult to claim rights and hold justice providers into account. Justice sector reform in general and access to justice in particular are priorities of the Afghan Government, as reflected in the Afghan Constitution and key national development strategies, in particular the National Justice and Judicial Reform Plan from January 2017, and the Ministry of Justice's (MoJ) Implementation Plan for the National Justice and Judicial Reform Programme 2017-2021.

1.1 Background

The Afghanistan Access to Justice (AA2J) project was launched in April 2016 as a successor project to the Justice and Human Rights in Afghanistan (JHRA) project. AA2J is a 3-year project, implemented from 1

¹ Transparency International, Corruption Perception Index 2018, available at <https://www.transparency.org/cpi2018>

April 2016 to 30 June 2019, with a budget of USD 18 million (USD 4 million from the Swiss Agency for Development and Cooperation (SDC), USD 4 million from UNDP core funds, and USD 10 million funding gap).

The main objective of the AA2J project is to increase and make access to justice more sustainable for the Afghan people, in particular for vulnerable and marginalized groups. To achieve this, AA2J targets the needs and institutions that are vital for the continuation and strengthening of basic access to justice, through the following four project outputs:

Output 1- Legal aid and legal awareness: Afghans, in particular women, children and pre-trial detainees, are increasingly aware of their rights and receive legal aid.

Output 2 - Justice sector capacity and strategic coordination with focus on Elimination of Violence against Women (EVAW): Targeted justice institutions increase capacity and coordination among themselves and with other sectors to promote increased Access to Justice, in particular in relation to EVAW Law violations.

Output 3 - Legal Protection: The MOJ strengthens its legislative drafting and human rights capacities. Output three strengthens the Government's ability to increase the quality and human rights compliance of policies and legislation, thus increasing legal protection.

Output 4. Project Management: The Project is implemented in accordance with the project document and in a timely, efficient, accountable and effective manner.

Following the MTR, the output 2 was mainstreamed in outputs 1 and 3 and this is described further below, in Chapter 3.

1.2 Context

The Afghanistan Access to Justice Project has supported populations increased access to justice in particular for vulnerable and marginalized groups. The project includes all government justice institutions and is managed and executed by them. Interventions are organized around following thematic areas: (1) Afghans, in particular women, children, prisoners and pre-trial detainees, are increasingly aware of their rights and receive legal aid; (2) Increased capacity and coordination among targeted justice institutions in relation to Elimination of Violence against Women (EVAW); (3) The Ministry of Justice strengthens its legislative drafting and human rights capacities; (4) The Project is implemented in accordance with the project document and in a timely, efficient, accountable and effective manner.

The Mid-term evaluation of the project confirmed its relevance and alignment with national priorities including the constitution, the National Justice and Judicial Reform Plan and Afghanistan National Peace and Development Framework (2017-2021). The mid-term review found project's outputs being partially effective with some outputs being more successful than the others given geographical coverage, security and other constraints. For example, the MTR could not identify evidence on results achieved in relation to the implemented activities or quality data to support impact analysis with regards to the "Legislative drafting and human rights capacities {of the Ministry of Justice}" at the time of the mid-term review.

At the same time, another of the findings states that access to justice has been increased through the public consultations at the provincial level, which is a contribution to the demand side of programming and showcases that the project has a basic understanding that "access to justice" requires not only

strong institutions but also public awareness, and needs to work on both the supply and demand side of programming.

1.3 Objectives and Scope of the Impact Evaluation

The objectives of the evaluation as detailed in the ToR are two-fold:

- (i) Impact evaluation of the entire “Afghanistan Access to Justice” project

The over arching objective of the Impact Evaluation and the two Functional Reviews is to learn from the present {completing} AA2J project and inject the knowledge gained into the new Access to Justice Project(s).

The general objectives of the **Impact Evaluation** are:

- (i) To measure the impact of the project’s activities and results;
- (ii) To understand UNDP’s management and implementation approach;
- (iii) To understand effectiveness, constraints and opportunities with regards to improving citizen’s access to justice system; and
- (iv) To inform UNDP, its national and international partners as well as donors about any areas of improvements and lessons learnt.

The mid-term review results have been taken into account while designing the present impact evaluations’ framework. This assignment will be conducted through a consultative process with UNDP, MOJ, Mol, project donors and beneficiaries.

The results of the Impact Evaluation and Functional Reviews will be officially published and be available for UNDP’s national and international partners as well as donors.

2. Impact Evaluation Methodology

2.1. Description of the strategy and approach

The Impact Evaluation was guided by the basic methodology as set out in the ToR and the global objective “*to increase and make access to justice more sustainable for the Afghan people, in particular for vulnerable and marginalized groups.*” Informed by the UNEG, the World Bank’s Impact Evaluation in Practice, OECD/DAC Quality Standards for Development Evaluation, ALNAP-Standards, and the standards of the Swiss Evaluation Society SEVAL, and keeping in mind the Paris Declaration on Aid Effectiveness, as required by the ToR, the evaluation assessed the relevance, efficiency, effectiveness, impact and sustainability of the Afghanistan Access to Justice Project (AA2J), and conducted two functional reviews of AIBA and the LAD MoJ. It is noted that the greatest focus of the evaluation was on impact.

The impact evaluation was multi-faceted and the methodological approach used **mixed (qualitative and quantitative) methods**, as the best vehicle for meeting the evaluation needs. The evaluation team ensured to the greatest extent that the impact evaluation was conducted through a participatory and consultative process, which included all relevant national stakeholders, the international community and the AA2J project beneficiaries – please see Annex II for a full list of interviews conducted. The methodological approach was been synthesized into an **Evaluation Matrix** (please see Chapter 8), which guided the evaluation team and provided an analytical framework for conducting the evaluation. The evaluation matrix sets out the relevant evaluation criteria, key questions and sub-questions, data sources, data collection methods/tools, indicators, and methods for data analysis.

In order to fully assess the impact of the AA2J project, the evaluation team adopted a **counterfactual approach**, by looking at what would have happened if the project beneficiaries had not received project assistance. This is usually achieved by comparing a control group with the recipient group, however, because a control group was not identified at the outset of the project, it is impossible to create an identical control group retroactively. To mitigate this, the evaluation team will attempt to interview as many individuals with similar characteristics as the project beneficiaries in order to draw as reliably sound conclusions as possible.

The impact evaluation's main objectives are:

- To inform UNDP, its national and international partners as well as donors about project's achievement, failures and impacts;
- To understand major factors which influenced achievement or non-achievement of project's sustainability;
- To help national partners and UNDP identify any systematic gaps and issues that could be addressed in the future programming of strategies, policies and legislation;
- To review and report on beneficiaries' experiences and level of satisfaction with services provided within the scope of the project.

More specifically, the impact evaluation provides an independent perspective about the:

- Project's impacts in providing additional access to justice services to disadvantaged groups as specified in the Project Work Plans and evaluate beneficiary's satisfaction with these services;
- Timeliness and effectiveness of achievement of planned outcomes and outputs as specified in the Project Document and Revised Document (as of mid 2018) meeting expectations from partners and donors;
- Assess efficiency and effectiveness of stakeholders' involvement and related coordination mechanism;
- The Evaluation will also review the project's management and implementation approach

2.2 Key Evaluation Questions and Ranking Scale

The ToR specified a number of specific evaluation criteria and key evaluation questions as detailed below. These have also been incorporated and reflected in the evaluation matrix.

Impact

- To which extent project's beneficiaries (men and women) had had a better access to formal justice resolution services provided through the project?
- To which extent had women, children, prisoners and pre-trial detainees, been increasingly aware of their rights following project's interventions in this regard?
- Has improved awareness and knowledge led to their ability to claim and obtain justice services through formal mechanisms?

Relevance

- To which extent did the project contribute to the national priorities? To which extent were the activities and outputs of the project consistent with the overall goals and the attainment of its objectives?
- Have capacities of project partners to draft laws, protect human rights, as well as justice services to the population increased as a result of project's interventions?

Efficiency

- Have project's resources been allocated and spent adequately to fulfil its objectives?
- Were the objectives of the project achieved on time?
- Was the project implemented in the most efficient way compared to alternatives?

Effectiveness

- What factors have contributed to achieving/not achieving the intended results?
- To which extent was the project effective in implementing its interventions vis-à-vis the scope and scale of its results?

Sustainability

- Have the project and its partners undertaken necessary steps towards ensuring sustainability of systems and practices built while implementing project?
- What were the major factors, which influenced achievement or non-achievement of sustainability of the project?

The impact evaluation covers the Project's duration from April 2016 till end of December 2018. Full details of the methodology are provided in the Inception Report from February 2019.

As per the ToR, the evaluation used a rating scale to rank each evaluation criteria – relevance, efficiency, effectiveness, impact and sustainability. The evaluation team evaluated the project against a 4-fold rating scale as described below:

- Highly Satisfactory (4)
- Satisfactory (3)
- Moderately satisfactory (2)
- Unsatisfactory (1)

Scoring of Project Performance:

Rating

4 Highly satisfactory (Always/almost always)

3 Satisfactory (Mostly, with some exceptions)

2 Moderately satisfactory (Sometimes, with many exceptions)

1 Unsatisfactory (Never or occasionally with clear weaknesses)

Performance description

Performance is clearly very strong in relation to the evaluation question/criterion. Weaknesses are not significant and have been managed effectively.

Performance is reasonably strong on most aspects of the evaluation question/criterion. No significant gaps or weaknesses, or less significant gaps or weaknesses have mostly been managed effectively.

Performance is inconsistent in relation to the question/criterion. There are some serious weaknesses. Meets minimum expectations/requirements as far as can be determined.

Performance is unacceptably weak in relation to the evaluation question/criterion. Does not meet minimum expectations/requirements.

2.3 Challenges and Limitations of the Impact Evaluation

There are several potential challenges and limitations confronting the evaluation. The greatest of these was with regards to implementation of the questionnaire for the project beneficiaries. The questionnaire targeted 100 beneficiaries – 50% women and 50% men. Challenges faced during the survey included:

1. Almost 72 per cent of the beneficiaries do not have a contact number, and it was required to select the targeted interviewees through the remaining 28 per cent of the beneficiaries (28 people) who have provided phone numbers.
2. Most of phone numbers of the above 28 per cent, are off or do not answer.
3. Some interviewees are in prison and cannot be interviewed.
4. Most of the interviewees whom reached, do not respond to the survey questions properly, because of lack of knowledge or understanding.
5. The survey questions were too complicated for the beneficiary to understand and answer them properly.
6. The beneficiaries/interviewees do not have sufficient analytical skills to have a precise position in answering the questions,
7. Most of the phone numbers, especially the female phone numbers are not the actual beneficiaries' phone numbers, they are their relatives' phone numbers, and if the interview is done, the real position of the beneficiary, it is mostly her/his relative's opinion.

In addition, the Rapid Citizen's Expectations Survey will be implemented by a locally recruited NGO and the evaluation team will be reliant on them obtaining and inputting the data. To date, the Rapid Citizen's Expectations Survey has not been conducted. Second, are limitations of available data and information within the project. In order to assess the impact of the project, the evaluation team will require data, information and statistics from the AA2J project and implementing partners, as well as qualitative data from the project's beneficiaries and the general public. The evaluation team will endeavour to collect information while in the field and from the documents made available by UNDP and SDC, as well as conduct as many interviews/questionnaires as possible. However, it should be noted that only the Annual Report for 2018 was available to the evaluation team as not first quarterly report has yet been prepared by the project. A third limitation was the availability of stakeholders/beneficiaries and their willingness to meet/speak with the evaluation team. The evaluation team did their best to schedule meetings and reschedule if necessary, and the data collector was sensitive in conducting the questionnaires, however some beneficiaries were not prepared to speak with the data collector. The evaluation team relied on UNDP to facilitate the process of reaching stakeholders and beneficiaries to the greatest degree by sending out official letters of introduction and requests for meetings as far in advance as possible. A final limitation is that the available project data is only disaggregated according to gender, and there is no breakdown on other vulnerable groups, such as children and pre-trial detainees. In addition, there were too few responses from children or pre-trial detainees in the beneficiaries' questionnaire, to come up with any statistically relevant findings. Therefore the impact evaluation, was not able to assess the impact of the project on these groups, but only for women and men.

3. Impact Evaluation Analysis

The following section presents an analysis of the AA2J project by output. Because the results from April 2016 – March 2018 were thoroughly analysed and rated during the MTR, the focus of the analysis is on the results achieved from the period April 2018 – April 2019, although reference is made to previous results and the rankings provided take into account the *entire* project implementation period. Further, the MTR overall ranking has been included as a point of reference, to indicate the substantial project improvements across outputs 1 and 3, during the period July 2018 – April 2019. In line with the recommendations arising from the MTR as of July 2018 the project was substantially revised,

through Substantive Revision No.1, which re-focused the project from 3 outputs to 2. The original output 2 was no longer serviced as a standalone output, but the gender-related components in the second output were mainstreamed into the other two outputs as of July 2018. As such this analysis covers the results achieved under the second output from April 2016 – June 2018. The Evaluation Team notes that since the MTR, there have been improvements across all level, activity, management, partnerships etc. and the recommendations provided encourage this positive trend.

3.1 OUTPUT 1 LEGAL AID AND LEGAL AWARENESS

This output focuses on strengthening the legal aid services delivered by the state and non-state institutions mainly to prisoners, women, and detainees.

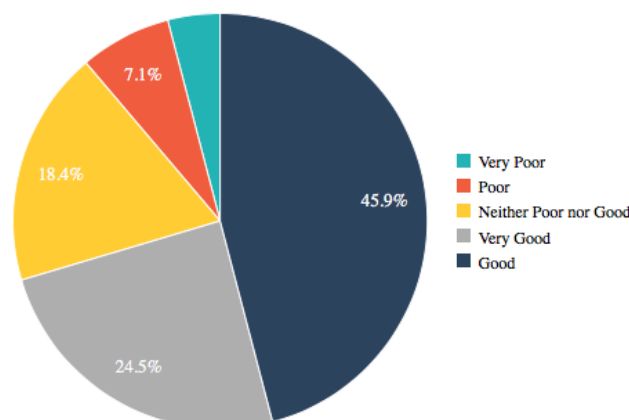
Legal Aid: The Legal Aid Grant Facility (LAGF) was established by the AA2J predecessor project Justice and Human Rights Afghanistan (JHRA). At the start of the AA2J project based on lessons learned from the JHRA, a new Memorandum of Understanding (MoU) was signed between UNDP, the Legal Aid Department (LAD) of the Ministry of Justice (MoJ) and the Afghan Independent Bar Association (AIBA) that sets the overall framework for cooperation for the project duration. In addition to the MoU a Letter of Agreement (LoA) between AIBA and UNDP was signed in July 2016 as the financial basis for LAGF activities.

The majority of the findings relating to the provision of legal aid for the impact evaluation are also relevant for the functional review and are presented in the separate Functional Review Report as part of the functional review exercise. A summary is provided below.

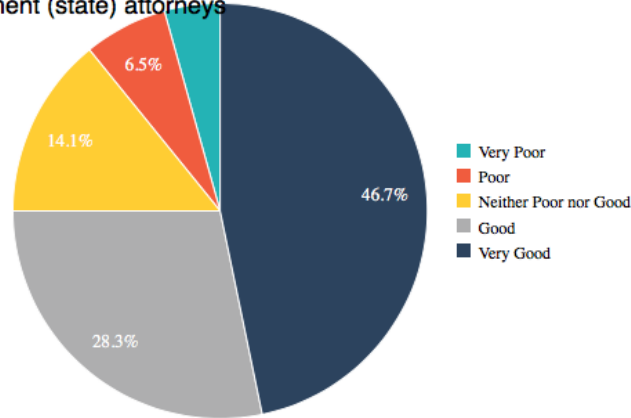
Since the project revision following the MTR, in the period from July 2018 – March 2019 a total of 1308 beneficiaries were provided with legal aid services, which included 299 female beneficiaries and 1009 male beneficiaries. 181 cases were family related, 530 were felony cases and 597 were misdemeanour cases. Although the total number of services provided has consistently exceeded the target (in 2018 the target was 2000 beneficiaries and the total number of services provided was 2332), it has consistently fallen short of reaching its targets in terms of service provision to female beneficiaries (target 50% - achieved approx..30%) and district beneficiaries (target 50% - achieved approx. 30%). A good illustration of this trend is Helmand province, which registered the highest number of total beneficiaries (461 in 2018) provided legal aid for only 7% female beneficiaries. This implies the need for concentrated efforts in terms of case allocation and referral from all parties involved.

While the report did not include an assessment of the impact of legal aid on the life of the beneficiaries, in terms of the level of satisfaction of the beneficiaries with the quality of the services provided both by AIBA and LAD, the 100 beneficiaries consulted reported the following:

13d. AIBA attorneys

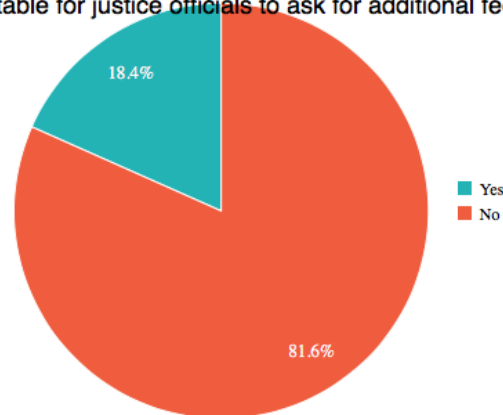


13c. Legal aid department (state) attorneys



With regards to the acceptability of bribes within the justice system, the beneficiaries responded as follows:

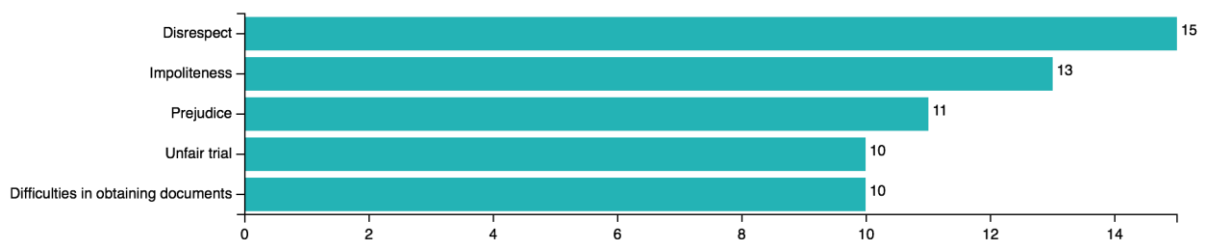
22b. Do you think it is acceptable for justice officials to ask for additional fees (bribes) for good service?



However, caution needs to be made regarding the level of understanding of what constitutes additional fees or bribes and the beneficiaries' willingness to respond accurately to the question.

When it comes to the most frequently faced problems in the beneficiaries' interactions with the justice system, the results show:

20. What problems have you faced in your interaction with the justice system:



There are a lack of procedures and mechanisms in place to enable the establishment of a centralized system of free legal aid provision. This includes the lack of a standardized reporting system, a standardized complaint mechanism and transparency in systematised case selection and allocation. While the newly established ALAAN database has gone some way in addressing some transparency

issues, such as duplication of cases and falsely recorded cases, the issues raised previously indicate continued issues with transparency and accountability.

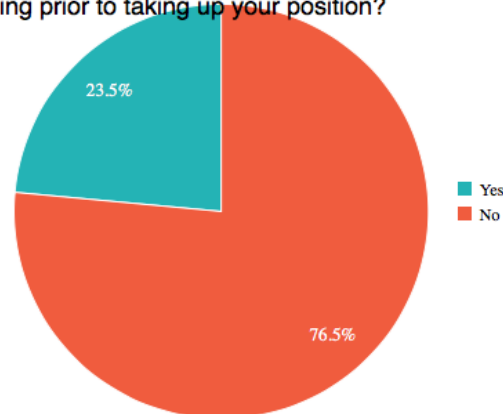
Since the MTR, the evaluation team finds that there has been an improvement in coordination and communication at the central level, in large part due to the persistent efforts of the Legal Aid and Awareness Lead within the AA2J project. However, there is still weak coordination and collaboration among stakeholders involved in LAGF at the provincial and district levels in some provinces such as Balkh, Bamyan and Herat, in particular with the justice sector institutions. This weak coordination is assessed as being due to a lack of trust between AIBA, LAD, and NGOs that are de facto providing legal aid services in the most complex situations in far reached provinces with very little resources and who not willing to give up.

At present there are no quality assurance mechanisms in place to ensure the quality of the legal aid services being provided. This is closely related to the weak monitoring and evaluation system in place that functions erratically. For example, from a beneficiary point of view, there are no standard client satisfaction questionnaires, no formal complaint mechanisms and no recourse if the beneficiary is unsatisfied with the services provided. In addition, the M&E framework is limited. In addition, there is no well-developed performance evaluation system for defence lawyers to ensure the quality of services provided to the beneficiaries. The evaluation of the performance of lawyers largely relies on the supervisor’s value judgement. Monitoring of services is also particularly weak.

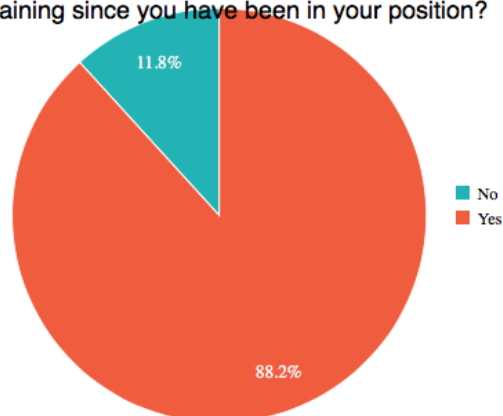
There is a lack of capacity in terms of both experience and understanding in respect of the provision of free legal aid services. There is no standardized system of training in place and lawyers do not receive any pre-appointment training before being accepted in either LAGF or LAD in terms of providing free legal aid. The only training that is provided is reactive, once an issue has been identified in the service provision. The situation is even more complex at the provincial and district level because the majority of training is provided centrally in Kabul.

The evaluation did not look assess the level of experience or qualifications of lawyers providing free legal aid, however it did look at the level of pre and post training provided to lawyers – the results are as follows:

12. Did you receive any training prior to taking up your position?



13. Have you received any training since you have been in your position?



The project is currently being implemented in 8 provinces throughout Afghanistan. However, in some of these provinces other donors and organisations are also active in the provision of free legal aid services. This has caused some duplication of efforts and underutilization of resources.

In general the level of knowledge of the justice system overall among the people of Afghanistan is very low. Their knowledge of their right to legal aid, the providers of legal aid and the processes required in obtaining legal aid, is even lower. Despite the efforts invested through raising legal awareness activities, in particular by LAD through its Public Legal Awareness Department, awareness remains low.

Representatives of LAGF and lawyers who were interviewed as part of the Functional Review assessment reported that there are frequent delays in payments, largely due to UNDP's procedures. This should be rectified so that payments are made swiftly, without any break in the provision of services, to ensure that the beneficiaries receive quality legal aid in a timely and professional manner.

General Recommendation: The Evaluation Team recommends that the Project continue to support LAGF, with a view towards the establishment of a centralised, state governed, fully funded, and fully operating legal aid system, with clearly defined roles.

Law Clinics: The AA2J project has also supported the establishment and functioning of Law Clinics at 5 universities in Afghanistan. The purpose of the Law Clinics is three-fold: (i) For students to receive training in practical skills including legal drafting, case management and understanding of court procedure, through court visits and moot courts; (ii) to conduct legal awareness campaigns on the right to legal aid and the availability of legal aid services for the target groups, in particular in the provinces; and (iii) is to provide legal aid to indigents under the supervision of an experienced licensed defence lawyers. Based on project documents, principally the Internal Monitoring Mission Report, and consultations with stakeholders, the Evaluation Team finds that the clinical legal education concept and practices through the Law Clinics initiative has proven to be effective, with potentially far reaching results in terms of creating a cadre of newly qualified, socially responsible lawyers. The project has piloted the concept in partnership with academic law schools in Balkh, Bamyan, Helmand, Herat and Nangahar provinces by enrolling a total of 724 law students (289 female). In 2018, the students provided legal aid services for 963 (462 female) vulnerable and marginalised groups through the pilot initiative both at the community level and in campus law clinics. The services included provision of legal advice and assistance, representation and referral to LAGF, and legal awareness raising. The students have referred about 39% of cases to LAGF. Students of the law clinics engaged in community legal awareness raising campaigns and reached 4129 (1991 female) community members in 2018.

Although the evaluation did not conduct a mapping of which other actors are also supporting clinical legal education, it did find that there are some overlaps with other donors active in the field. For

example, the law clinic in Balkh University has been receiving technical support from GIZ, and UNICEF also supports the one in Herat heavily, with a focus on “Juvenile Justice”. The Asia Foundation has also been supporting law clinics both in Herat and Balkh Universities.

According to GIZ Northern Region Office in Balkh, the organization has been supporting the Law and Sharia faculties of Balkh University with the activities related to moot courts (regional and local), facilitated internships certified by the Civil Service Commission, and hired defence lawyers for the students to practice using real cases. Likewise, The Asia Foundation supported two class of 30 students of the Balkh University to practice family law using a real family case over four months of period. In addition, it organized one class on legal writing skills for the same students.

In Herat University Law Clinic, UNICEF supported interventions are very specific to juvenile justice. Students of the law clinic were trained on Child Protection Law and provided legal aid services for children’s case. In the same way, The Asia Foundation provided trainings and supported family cases in Herat Law Clinic.

Therefore, the AA2J project added value and impact in promoting clinical legal education in these two Universities seems meagre. As such, the AA2J project should relocate its efforts of promoting clinical legal education to other universities where there is a serious need. The evaluation team did not have opportunity to meet with the Ministry of Higher Education in this regard.

General Recommendation: In the next phase, the Project should continue to provide systemic support to targeted Law Clinics, while ensuring that there is no overlap of assistance with other donors, and with a particular focus on provision of legal aid services and legal awareness at the district level for the most vulnerable and marginalised groups.

The Evaluation Team had opportunity to meet with the Public Legal Awareness Unit with the MoJ LAD. The legal awareness unit is responsible for drafting, publishing and conducting legal aid campaigns throughout the country, including TV and radio broadcasts. The project has had a positive impact through publishing legal aid related materials and broadcasting a radio clip 9100 times over 6 months. In addition, the project supported the developed of a 5-year Legal Awareness Strategy for the Unit.

General Recommendation: In the next phase, UNDP should consider continuing the support to the PLAU, including support for the implementation of the 5-year strategy. The support should be focused on three major elements - conducting impact studies on the legal awareness campaigns, reaching out further at the district level and targeting different types of beneficiaries to include all marginalised groups, and designing tailor-made campaigns, materials and means of communication on the basis of the results of the surveys.

Impact

The Evaluation Team finds that the project has had a large impact in providing better access to formal justice resolution services for the project’s beneficiaries (men and women), as evidenced by the project exceeding its targets. The project definitely had an impact on raising awareness among women and men, but the data from the beneficiaries’ survey was not statistically relevant to assess the impact on children, prisoners and pre-trial detainees. The Evaluation Team has been unable to assess whether the project has had any impact in improving awareness and knowledge among the people, which has led to their ability to claim and obtain justice services through formal mechanisms. This is because there is no baseline data or subsequent data obtained regarding this impact hypothesis.

Evaluation Criteria	Evaluation Assessment	Ranking
---------------------	-----------------------	---------

Relevance	The Evaluation Team finds that this output is very relevant. It is aligned with national priorities including the constitution, the National Justice and Judicial Reform Plan and the Afghanistan National Peace and Development Framework 2017-2021. Further the output is aligned with SDCs Country Cooperation Strategy for the period of project implementation, UNDAF and the UNDP CPD as well as SDG 16, 5 and 10. It is also relevant in relation to the needs and priorities of the target beneficiaries.	4
Effectiveness	The Evaluation Team finds that the overall effectiveness of the implemented output activities is reasonably strong, despite the lack of fully standardised procedures and mechanisms to support the system. While the project exceeded its targets in terms of overall provision of legal aid services, it failed to meet its targets of female beneficiaries and district level cases.	3
Efficiency	The Evaluation Team finds that there have been considerable improvements in efficiency largely through increased coordination and communication at the central levels, although there is still room for improvement at the provincial and district levels. In terms of delivery, there has also been a vast improvement since the MTR where the delivery rate was 63%, while in 2018 the delivery rate rose to 93%. Given the importance of the interventions under this output, the evaluation team finds that the resources were allocated appropriately. The team finds that opting for implementation as planned was the best option in the given context. Although the implementation of this output faced delays during the first half of the project implementation following the MTR the project team were able to put it back on track.	3
Impact	Based on the survey conducted as part of the impact evaluation and data obtained through the project, including the internal monitoring mission, the Evaluation Team finds that this output has contributed to a good extent to increased and more sustainable access to justice for the target populations.	3
Sustainability	The Evaluation Team finds that reasonable steps have been made towards the sustainability aspects of this output, for example the absorption of the law clinics by the MoHE. Further steps need to be taken to ensure the sustainability of legal aid services, in view of the new project phase, but the Team finds that the draft Legal Aid Regulation is a step in the right direction.	3
Overall	This output has been successful.	16/20
Overall MTR rating	This output is on the right track with potential for further successes and scaling up.	14/20

Legend:

- 1 – Unsuccessful
- 2 – Partially successful
- 3 – Successful
- 4 – Very successful

3.2 OUTPUT 2 JUSTICE SECTOR COORDINATION AND ELIMINATION OF VIOLENCE AGAINST WOMEN

From April 2016 – June 2018 the project implemented activities related to strengthening the capacity and coordination among justice sector institutions to eliminate violence against women and protect women and girls' rights. Following the MTR and in accordance with its recommendation to re-focus

the project outputs, the project was substantively restructured and output 2 was no longer included as a standalone output. The gender-related components under this output were subsequently mainstreamed into the other two components, in large part under output 3, as of July 2018. This is documented in the Substantive Revision No. 1 – Revision of Project Outputs, Activities and Structure, 1 June 2018.

The MTR report captures well the results that were achieved under this output from April 2016 – April 2018. During May – June 2018 limited activities were conducted. Those that were include 4 rounds of training to defence lawyers of AIBA in Balkh, Herat, Kabul, and Nangahar with a total of 119 (55 female) beneficiaries. According to the pre and post training assessment the participants’ knowledge and understanding increased on average by 21%. The training was expected to:

- a) improve the efficiency of defence lawyers in handling EAW cases
- b) Upgrade the role of the defence lawyer from mere justice actors to defenders of victims of violence
- c) Improving defence statement
- d) Familiarisation of defence lawyers with EAW sector wide manual and SoP

Further, the project provided training on issues of gender and EAW for 77 students (50 female) on the Law Clinics in Balkh, Bamyan and Helmand provinces. Similarly, the project delivered 2 rounds of training on gender issues and the EAW for the prosecutors of the VAW cases in Kabul province for 40 prosecutors (20 female).

In addition, the public awareness programme on EAW and women’s rights was broadcast in 17 provinces through 21 radio stations.

There is no general recommendation for this output since it has been mainstreamed into the other 2 outputs.

MTR Criteria	MTR Assessment	Ranking
Relevance	The evaluation Team finds that although this output was relevant in terms of its alignment with national strategies and priorities, SDC and UN strategies and SDGs 5 and 10, in practice the project partners did not find it so relevant, to the point that the MTR team recommended the re-focusing of activities away from EAW. The impact evaluation team concurs with this finding.	2
Effectiveness	The evaluation team finds that this output had limited effectiveness. Factors contributing to the under achievement are mainly related to the lack of political will and partner buy-in and ownership, which hindered the implementation of activities.	2
Efficiency	The Evaluation team found that huge improvements had been made in terms of delivery, which had been declining and stood at 52% at the time of the MTR but by the end of 2018 had reached 100%, as detailed in the AA2J Annual Project Report for 2018. In addition to the fact that delivery was on target the resources were allocated adequately through mainstreaming this gender component with outputs 1 and 3. The evaluation team found that the project exercised its ability to fast track delivery, once a clear programmatic mandate was in place.	4

Impact	The Evaluation Team has seen no impact analysis for this output, however based on the interviews conducted and the project progress reports and other documents, the Evaluation Team finds that there has been limited impact of this output to date.	1
Sustainability	At this stage there is no evidence of the sustainability of this output.	1
Overall	The evaluation team finds that since the mainstreaming of gender components into the other two outputs, the results and impact have increased as described above and below under 3.1 and 3.3 respectively.	10/20
Overall MTR Rating	This output should be mainstreamed throughout all project components. The project approach to gender justice should be broader and avoid focusing solely on EVAW.	9/20

Legend:

- 1 – Unsuccessful
- 2 – Partially successful
- 3 – Successful
- 4 – Very successful

3.3 OUTPUT 3 NATIONAL JUSTICE INSTITUTIONS’ CAPACITIES ARE STRENGTHENED THROUGH A SPECIFIC FOCUS ON REGULATORY AND POLICY FRAMEWORK TO ENSURE AN ACCOUNTABLE, TRANSPARENT, INCLUSIVE AND GENDER RESPONSIVE SERVICE DELIVERY

Under this output the project is supporting the capacity development of the MoJ to fulfil its mandate in legislative drafting, human rights and justice sector reform. The Project is supporting both the Taqin (legislative drafting unit) and the Human Rights Support Unit (HRSU) under this output. The evaluation did not assess the impact of the HRD on the quality of legislation in terms of human rights protection and/or gender equality.

As previously recognised in the MTR the project has supported the MoJ in conducting participatory consultations at the provincial level (Informal and Reconciliation Law, Whistleblower’s Protection Law, Insurance Law). This is one of the biggest achievements of the project in strengthening access to justice for the people of Afghanistan in a participatory and inclusive manner.

General Recommendation: The evaluation team finds that community consultations are a good practice that should be continued throughout the next project phase with added mechanisms that will ensure complete monitoring, oversight and inclusion of the feedback provided.

Training on the legislative drafting manual, endorsed by MoJ in March 2018 was provided for 60 (4 female) legislative drafters, including the taqin staff and the legal advisors from other governmental institutions. As reported the pre and post training assessment indicated an improvement in the knowledge of the participants on modern legislative drafting techniques, by 34%.

The evaluation team finds that the project has registered a remarkable result in upgrading the Human Rights Support Unit (HRSU) to a full-fledged Directorate level in the MoJ organisational structure. This was one of the recommendations included in the MTR. As such, the project has ensured the sustainability of the Directorate. The HRD has three departments, the first is dedicated to reviewing legislation inline with international human rights standards; the second is on training other institutions on international human rights standards; and the third is on reporting and implementing recommendations arising from the UN Human Rights Treaty Bodies and Commissions. As learned

during the evaluation, UNDP is supporting only the training unit, while the reporting and implementing unit is severely understaffed with only three staff and over 500 recommendations to address.

General Recommendation: In the next project phase, UNDP should consider supporting the reporting and implementation unit.

In supporting the 2VP office in implementing the National Justice and Judicial Reform Plan, the project has supported consolidation of a functional coordination mechanism within the justice institutions with a view to ensure national consensus around the Reform plan and its implementation, as well as strengthening the capacity of the 2VP to strategically address the issues within the reform plan. One of the key lines of support to the 2VP from the project was the development of a standardised reporting template for all justice sector institutions. This template has now been introduced and the institutions have received training on how to fulfil their reporting obligations. While it is too early to assess the results and impact of this initiative (the first reporting period is January – June 2019), in discussion with the 2VP and other justice sector institutions, it was felt that this will be a valuable instrument in terms of coordinating the implementation of the reform strategy as this is the first time that the institutions have had to report in a unified format.

General Recommendation: In the next project phase, UNDP should continue to develop the capacities of the justice sector institutions, including the 2VP in terms of implementing the National Reform Plan and in meeting their reporting obligations.

Gender Curricula

Further, the evaluators observed a positive development in relationship with the Ministry of Women’s Affairs (MoWA) where the project was asked to provide support in the development of standard curricula on gender. By April 2019, the Technical Committee, comprised of the AA2J project, 2VP and gender and training unit in MoWA, completed the desk review and drafted an outline of the comprehensive curricula and finalised the first two chapters. In addition, the project supported the establishment of gender units within the SC, MoWA and AGO, which all have their own tailor-made gender curricula.

General Recommendation: In the next project phase, it is recommended that the final 3 chapters of the broad gender curricula is developed with a view to supporting its implementation.

Eval. Criteria	Evaluation Assessment	Ranking
Relevance	The Evaluation Team finds that this output is very relevant. It is aligned with national priorities including the constitution, the National Justice and Judicial Reform Plan and the Afghanistan National Peace and Development Framework 2017-2021. Further the output is aligned with SDCs current and future Country Cooperation Strategy, UNDAF and the UNDP CPD as well as SDG 16, 10 and 5.	4
Effectiveness	The Evaluation Team assess that the implemented output activities towards the expected results (public consultations, training, HRD, 2VP and gender) are successful. The Evaluation Team finds that the coordination and communication with project partners has been partially successful, which has resulted in well functioning partnerships across the MoJ departments and other justice institutions, which are key for strengthening A2J in Afghanistan.	3

Efficiency	Since the gender aspects from output 2 have been merged into output 3, the evaluation team finds that this output has been implemented more efficiently, as evidenced by the increased delivery rate from 60% to 80%. The merging of the outputs allowed a more purposeful utilisation of resources and at the same time compensated for the initially slow implementation and low delivery rate.	3
Impact	The Evaluation Team finds that access to justice has been increased through the public consultations at the provincial level, which is a contribution to the demand side of programming and showcases that the project has a basic understanding that A2J requires not only strong institutions but also public awareness. Insufficient data is available to truly assess impact, however the Evaluation Team finds that the gender curricula have the potential for high impact.	3
Sustainability	The Evaluation Team finds that solid steps towards sustainability have been taken. (HRD integrated into the organisational structure of the MoJ and all 17 staff on government salaries, establishment of gender units, national consultants developing gender curricula).	3
Overall	While there are positive steps related to the implementation of the MTR recommendations in terms of building the capacities of the MoJ (upgrading of the HRSU to HRD) as well as structured cooperation with the 2VP the output still lacks full government buy-in and ownership.	16/20
Overall MTR Rating	This output has had some successes and is on track for future implementation.	13/20

Legend:

- 1 – Unsuccessful
- 2 – Partially successful
- 3 – Successful
- 4 – Very successful

3.4 OUTPUT 4 PROJECT MANAGEMENT/IMPLEMENTATION

The MTR made substantive recommendations in terms of revising the project management structure. These have largely been addressed, which has resulted in improvements across all levels of project implementation – activities, results and partnerships. In particular, adjustments were made to ensure that the project team has the required technical knowledge and substantive experience required to fulfil their duties and responsibilities. Project staff are now better aligned with project needs and not only have sufficient capacity and technical knowledge for their functions but also have the responsibilities and authorities necessary for achieving results and impact in an integrated manner.

While improvements have also been made in terms of project-programme relations, which are now more suited towards ensuring that the project renders enough support and quality assistance and is able to provide timely solutions, the evaluation team finds that project-programme-senior management relations should be further advanced. The evaluation team reiterates its previous recommendation contained in the MTR for the recruitment of a *dedicated senior technical advisor on rule of law/access to justice to provide senior policy guidance, support strategic planning, monitoring and quality assurance for the next phase of the project*. The partners have also expressed their desire for this type of a function so that they can communicate more easily with senior management.

General Recommendation: In the next phase of the project a senior chief technical advisor position should be created to complement the current existing project structure and to provide a bridge between project-programme-senior management.

Ranking for this output is not applicable.

4. Lessons Learned

4.1 Partnerships – Trust building – tailor made to partners needs

One of the key lessons learned from the project implementation is the importance of creating and nurturing partnerships based on trust that respond and are tailor-made to the partners' needs and demands. Partnerships with unclear expectations and blurred communication channels are hindering project implementation and policy dialogue. For example, during the Mid-Term Evaluation it was observed that the partnership between the project and the Supreme Court was not at an adequate level given the role and importance of the Supreme Court in implementing any justice related initiative. However, the project team invested significant efforts in (re)establishing the relationship with the Supreme Court based on open dialogue, which resulted in the signing of a new Memorandum of Understanding, corresponding to the Supreme Court's needs and based on the project objectives. Similarly, the partnership with the Office of the Second Vice-President is key, given that institutions' mandate and its role in the justice sector reform. Improved partnerships and a raised partnerships profile results in higher requests for assistance, as evidenced during the last 9-months of project implementation.

4.2 Grassroots and policy level –outreach to the public

Adopting a human rights based approach has proven to be instrumental in accelerating access to justice for the people and communities of Afghanistan. The approach of working both top-down and bottom-up, whereby assistance is reaching both individual beneficiaries, as rights holders, but at the same time engaging in substantive policy dialogue with justice institutions as duty bearers. This has positioned the project as central in terms of providing access to justice in Afghanistan. This is one of the key achievements, which has had the greatest impact and that was highlighted by multiple partners during the evaluation. For the first time ever the project was able to conduct public consultations throughout Afghanistan, in Nangarhar, Bamyan, Herat, Mazar and Kabul, which have resulted in obtaining inputs from all people throughout the country, which are reflected in national legislation.

4.3 Change Management Capacity development – project staff

Another lesson learned is the importance of having a project team that is fit for purpose, with the correct level of technical knowledge and skills. This was one of the recommendations arising from the MTR. In the last year of project implementation, this recommendation has been addressed, resulting in positive changes. This has shown that increased capacities of the project team, combined with increased responsibilities and authority results in more efficient and impactful project implementation.

4.4 Managing Expectations

It is crucial to timely manage the expectations of partners so that the activities are realistic and implementable. If partners do not have an adequate understanding of UNDP's business processes, budget constraints, security challenges and procurement processes, expectations can be raised that cannot be met. This responsibility does not just fall to the national project staff but should also be clearly articulated by programme and senior management representatives to the national partners. If the partners are not timely introduced to these processes it may cause significant obstacles during

the implementation of project activities and can even backfire in terms of building partnerships. For example, in the signing of the MoU with the 2VP, it was not clearly articulated that UNDP's MoU template is standardized and cannot be altered, while at the same time the 2VP was invited to provide comments on the content and format, which were could not be accepted. This has led to disengagement among some actors within the Office of the 2VP.

4.5 Flexibility

Flexibility in project implementation has a significant value in terms of effectiveness, efficiency and impact. In being able to demonstrate both proactivity and responsiveness, the project has been able to adapt to the complex context and shifting priorities in the justice sector. For example, the re-focusing of the project from 3 outputs to 2, has resulted in more comprehensive results, including the establishment of gender units in 3 ministries and the establishment of the crucial relationship with the Supreme Court.

4.6 M&E /Evidence-based programming

A robust project M&E framework is crucial in ensuring adequate project design but also meaningful implementation producing tangible results and a high level of impact. One of the key findings of the MTR was that the AA2J project did not have an evidence-based design and its M&E framework was inadequate to accurately track project implementation and results. Prior to, and as a result of the recommendations in the MTR the project has developed a more comprehensive M&E framework, which has better captured the project results and impact. The project has made good inroads into collecting, managing and ensuring the quality of the data that is gathered. This has included conducting an Independent Internal Monitoring Mission, which has captured project results and impact at the very grassroots level, which ensures accountability towards all project partners.

4.7 Ownership and Sustainability

Without national partner's buy-in to the project activities there will not be sustainable results. When the project responds to the partners' needs, this creates the level of ownership that is required to produce sustainable results. The project continuously addressed the issue of sustainability through constant dialogue, even though they are preparing the next phase. For example, the assistance provided to the Law Clinics will now be assumed by the Ministry of Higher Education; the MoJ HR Unit now has its own trainings that they are able to independently conduct; the Supreme Court, MoWA and AGO have their own Gender Units with tailor-made curricula and ToTs; and gender curricula is now developed by national institutions rather than through project assistance.

4.8 Relationship between project-programme-senior management

Project implementation has proven the importance of the synergies between the three layers of project – programme – senior management. When communication channels are not fully open and there is no mutual, reinforcing support, this leads to obstacles in project implementation. Impactful implementation is not possible without the full engagement of all three levels, each of whom is responsible for their unique role in ensuring project success.

5. Recommendations

5.1 Enhanced partnerships through platform programming

It is recommended that the next phase of the AA2J project is designed in an innovative manner as a "platform project " where UNDP is gathering strategic partners around the same goal, without being at the centre of the project design. This project design is particularly applicable in complex thematic areas, such as justice, which has multiple stakeholders and multiple development challenges. This offers on the one hand the possibility for donors to access and cover more partners within the same framework and on the other hand facilitates horizontal cooperation among national partners.

However the complexity of partnerships requires both individual tailor-made approaches towards certain project components but also a strategic overview of the entire intervention. There is a risk that although the projects are within the same framework they operate as silos.

5.2 Top-down protection and bottom-up empowerment

It is recommended that the next phase of the project is developed in line with the human rights based approach to programming. This has proven to be instrumental in strengthening the capacities of duty bearers while at the same time empowering rights holders. The project should consider experimenting different forms of legal aid provision, which should include provision by NGOs, so they could simultaneously reach a high number of beneficiaries while at the same providing an evidence based for the future development of the free legal aid system in Afghanistan. At present, there are both national and international NGOs providing legal aid services in Afghanistan. Many national NGOs are funded by international donors, for example, Media, which is funded by Germany, ILF funded by INL/USAID etc. Kanoon Gushtoonky is a local NGO that runs on support through projects and local funds etc. The project will need to do a thorough mapping and develop comprehensive criteria to identify which NGOs to partner and experiment with. This experimenting is expected to generate quality data in a shorter period of time that can identify efficiency patterns to be considered in establishing a state run system of free legal aid. The project should immerse itself deeply in local communities, identify local solutions and bridge bottom-up solutions with policy design.

5.3 Change Management

A change management approach is recommended that is able to swiftly and effectively address any shortcomings in the project management and staffing structure. It is recommended that the project staff is empowered with appropriate levels of responsibility combined with decision-making authority to ensure effective project implementation. The project team needs to be fit for purpose with a suitable balance of technical knowledge and project management skills. If the project team is of sufficient capacity and quality, it is equally able to support the capacity building of the national partners and the institutional, organizational and individual level. The project represents UNDP on the frontline and should be sufficiently capacitated to fulfil that role.

5.4 Partner-orientated focus

While the project has already taken steps towards developing a more partner-orientated focus, in the next phase the project should move this a step beyond. This should include building a higher degree of trust, adequately communicating and managing expectations and limitations, seizing opportunities and creating solutions. In addition to the already existing coordination mechanisms in the project, through the Project Board, and the Technical Working Group on Rule of Law, establishing a specific Access to Justice Policy Dialogue Platform should be considered.

UNDP's institutional knowledge on access to justice should be used as a catalyst to lead the process of establishing a Policy Dialogue Platform. It is recommended that the Policy Dialogue Platform will be facilitated by UNDP and will be comprised of three components, a Policy Dialogue Group, a Donor Coordination Council and a Collaboration of relevant CSOs and NGOs. The proposed structure and content of the Policy Dialogue Platform is a best-case scenario. If this is not achievable then a scaled-down version could be defined.

As an optimum response, the Policy Dialogue Group will be formed of key government and access to justice sector institutions with the purpose of discussing and identifying the most pressing issues, setting priorities and agreeing on solutions to advance access to justice in Afghanistan. The Policy Dialogue Group will provide space for informed decision making processes and participation towards the achievements of national objectives and priorities related to judicial and legal reforms led by the Government and will ensure greater impact of their initiatives. The Policy Dialogue Group shall discuss

and agree on a coherent set of interrelated policies, strategies, laws and required resources to advance access to justice in Afghanistan.

A regular and active exchange with partners, with transparent communication of both positive and negative experiences will lead to sustainable partnership relations.

5.5 Adaptive programming

The project should look at processes that facilitate or obstruct change and come to grips with the institutional dynamics and the politics underlying them. The project should consider performance based financing as well, in particular with regards to the provision of free legal aid services and reporting obligations, especially if these are not met. If the project is to use adaptive programming, it will need robust monitoring and evaluation (see below under 5.6). A move to Adaptive Programming following a performance-based concept, will allow for the shifting of priorities and resources where results are not being achieved. This will require strong and measurable system based indicators and routine monitoring to make adjustments to programming on a regular basis. The next phase of the project should be looking more at incubating and seeding, including with regards to the provision of free legal aid and development of a state funded and managed system of legal aid provision. This means the project is investing resources in multiple, concurrent small level pilots that may be based on successful approaches from within Afghanistan or from external sources with similar contexts, and then to see which are able to be adapted to work in this country and in this political system.²

5.6 Implementation of Monitoring and Evaluation Recommendations

The data coming from M&E sources should be timely addressed in adjusting the project implementation direction to enhance project results and impact. This should be considered systematically as a tool throughout the project cycle. While the M&E team of the LOTFA is planning to conduct a comprehensive justice survey throughout Afghanistan, this will only provide the overall justice picture in the country. It is also necessary to conduct a baseline survey in the specific provinces within which the project will be implemented to collect accurate data that can feed into the development of indicators and targets. The evaluation of the project should influence the design of the baseline survey and not the other way round so that it can, from the outset, shape indicators and targets. All project partners should have an M&E system at the lower and central level, with UNDP project staff backstopping them to ensure standards and quality.

There are four recommended steps in establishing suitable M&E:

- Step 1 – Set up an M&E system for each project partner
- Step 2 – Develop an M&E framework for each partner
- Step 3 – Develop an M&E plan for each partner – both annually and for the length of the project
- Step 4 - The project M&E team supports all M&E teams within the partners

This is preceded and succeeded by a baseline and endline survey respectively. This missing element in the current phase is quality assurance of the data and significant resources should be allocated in the next phase to ensure that the data collected is reliable and usable. At the moment, the LOTFA M&E [Team's](#) database is too advanced for the data that exists and the tool is too advanced and difficult to fit the data in. Investing in quality assurance of the gathered data will help to address this.

5.7 Ownership and Sustainability

It is of paramount importance that a participatory approach is taken during the development of the next phase of the project, including consultations with all relevant partners, sharing the draft project

² See, for example, UNDP Accelerator Labs: <https://acceleratorlabs.undp.org/#why>

document and actively seeking their validation of the planned lines of support. This will secure buy-in and ownership from the start. The commitment of partners including their financial commitments is necessary to achieve greater sustainability of the project results and full national ownership of the project. In the next project phase it is strongly recommended that the issue of sustainability is looked at more thoroughly. This includes the absorption of any technical advisors provided through the project into the tashkeel of the respective institution, which should be advocated for at the earliest stage. This will require discussion with both the respective institution and the Ministry of Finance to secure appropriate state funding.

5.8 Upstreaming engagement

While improvements were made as recommended in the MTR and the evaluators observed a consolidation of the relationship between project and programme, this has not been fully extended to the senior management level. It is recommended that in the next phase senior management play a more active role in elevating the project profile, significance and impact. A greater involvement of senior management will also respond to the requests of the partners to communicate at a higher level. Senior management should also play a greater role in positioning UNDP more as policy partners at the policy dialogue level, rather than simply as providers of logistical support.

6. Partnerships

The partnerships section has been updated since the MTR to reflect the strengthened partnership relations, which have been developed in the period from April 2018 – April 2019.

Ministry of Justice (MoJ)

The Ministry of Justice of Afghanistan (MoJ) is the main implementing partner of the Afghanistan Access to Justice Project. The project has established relationships with 3 MoJ departments, the LAD, the taqin and the HRD. The partnership with the MoJ remains strong and the Ministry has played a coordination role in convening and co-chairing various meetings, project events and other related forums. Overall, the Evaluation Team assesses that the relationship between the AA2J project and the MoJ remains strong and reliable, with both parties cooperating to achieve the project goals. The evaluation team encourages UNDP and the project to invest appropriate resources (human, financial, time) in maintaining the strong relationship with the MoJ.

Attorney General Office (AGO)

Through execution of an MOU between the AA2J and AGO, the projects supports the AGO and mainly its Department for Elimination of Violence Against Women, in terms of capacity building of attorneys and administrative staff and providing legal awareness campaigns in the EVAW and gender related subjects. Since the MTR, the AGO reports that it is very satisfied with the level of communication and coordination with UNDP at both the central and local levels and that there are no issues of concern. The updated MoU which was signed subsequent to the project revision meets the needs of the AGO's office, however most support has been provided at the central level and in the next phase of the project the AGO would like additional support in conducting activities at the provincial and district levels.

Afghanistan Independent Bar Association (AIBA):

The Afghanistan Independent Bar Association (AIBA) is a key partner of the AA2J project. The legal aid grant facility (LAGF), which is implemented by AIBA under output 1, has beneficiaries in 8 key provinces of Afghanistan. LAGF has major outcomes which supports the government in fulfilment of the gap in legal aid services to the people of Afghanistan, which the government is not capable to provide through LAD. The mutual cooperation and collaboration between UNDP and AIBA in implementation of the LAGF in the targeted areas raised demand in the neighbouring cities for

expansion of the project in these areas. The Evaluation Team assesses that the partnership between the project and AIBA is strong and fruitful, however continued efforts should be made in strengthening the relationship (coordination and communication) between AIBA/LAGF and LAD, in particular at the provincial and district levels, which has a negative impact on implementation due to low capacities, weak political will and competition for resources.

Supreme Court of Afghanistan (SC)

The evaluation team was highly encouraged to learn that since the MTR, the AA2J project has signed an MoU with the Supreme Court, which is being successfully implemented. The Supreme Court reported that they are satisfied with the level of communication and coordination with UNDP. It is of paramount importance that the Supreme Court is continuously included as a partner in the future project implementation phase, since justice sector reform, must by definition, include the Supreme Court as a key partner.

Office of the Second Vice President (2VP)

The project has built and trusted and reliable relationship with the 2VP, through the provision of technical advice regarding the development of the National Justice and Judicial Reform Plan, its implementation and reporting mechanisms. Having responsibility for justice reform in Afghanistan, the 2VP is a key partner, with considerable power. However, when developing the new MoU with the 2VP, mis-communication led to a mis-understanding with potentially high negative impact. When presented with the new MoU, the 2 VP was not informed that this was a standard UNDP template that could not be adjusted. Instead they were invited to submit comments, suggestions and inputs, which they subsequently spent time and efforts in developing. When shared with UNDP, they were informed that it was not possible to address or include any of their inputs. This should have been communicated at the outset to avoid a situation whereby some actors within the 2VP have been disengaged with implementation of the project as a direct result of this situation. It is recommended that the project continuously invest efforts in further strengthening the partnership.

Ministry of Women Affairs (MoWA)

MoWA is a key ministry for advocacy and campaign of legal awareness, elimination of violence against women and justice for women and is the Chair of the EVAW High Commission. While improvements in the relationship with MoWA have been realised since the MTR, the evaluation team finds that there is still a lack of communication between UNDP/the AA2J project and MoWA. MoWA has high expectations, which should be managed through open and regular communication, and consultations with regards to the development of the new project phase. The Evaluation Team finds that there is great potential for future cooperation between MoWA and the project, which the project team should explore and cultivate.

Law Schools

The AA2J project signed Letters of Agreement (LOA) with 5 Academic Law Schools in Balkh, Bamyan, Helmand, Herat, and, Nangarhar to implement a pilot initiative on clinical legal education to build practical skills of law students and enhance their engagement with the community. The Evaluation Team finds that this initiative could be catalytic and has great potential. The Team recommends that the project continue to engage with additional Law Schools, while ensuring that there is no duplication or overlap of support with other donors.

Civil society/Private Sector/Academia

In addition to the partnerships detailed above, UNDP should put additional efforts into leveraging partnerships with civil society, the private sector and members of academia, which are a powerful force for social justice and equity, as well as in achieving sustainable development. In the current project implementation, there seems to be little cooperation with civil society and none with the

private sector. The project is engaged with academia under the pilot initiative to strengthen the clinical legal education and this should be expanded in the future. In the next phase of the project, UNDP should explore partnerships with civil society in terms of providing free legal aid services and also raising legal awareness.

7. Geographical Focus

The project has been implementing activities in 8 provinces throughout Afghanistan. It was found by the evaluation team that in 3 of the provinces, there is a duplication of tasks with other donors in terms of providing free legal aid services and clinical legal education. It is recommended that in the next phase of the project, defined criteria are developed for selection of the provinces in which the project will work, including the criteria to avoid the overlap and duplication of tasks with other donors, as well as to maximise resource potentials. The evaluation team does recognise that geographical coverage is contingent upon security clearance and the decision of senior management.

8. Evaluation Matrix

Evaluation Matrix						
Relevant Evaluation criteria •	Key Questions •	Specific Sub-Questions •	Data Sources •	Data collection Methods/Tools •	Indicators/ Success Standard •	Methods for Data Analysis •
The relevance of AA2J project's design, with a specific focus on its theory of change and how the project outputs can realistically and effectively contribute to its overall objective.	<p>*To which extent did the project contribute to the national priorities?</p> <p>*To which extent were the activities and outputs of the project consistent with the overall goals and the attainment of its objectives?</p> <p>*Have capacities of project partners to draft laws, protect human rights, as well as justice services to the population increased as a result of project's interventions?</p>	<p>* Were any donor inputs/concerns addressed at the project formulation stage?</p> <p>*How does the project align with related national strategies?</p> <p>*How does the project address the human development needs of intended beneficiaries (women, children, prisoners and pre-trial detainees)?</p> <p>*What new needs of target institutions and beneficiaries have occurred since the project inception?</p> <p>*How well are gender aspects taken into account into project design and concretely and effectively implemented?</p> <p>*How could AA2J best support national justice institutions to strengthen and increase justice service</p>	<p>National policy documents including relevant strategies and action plans, in particular NJJRP and its MoJ Implementation Plan</p> <p>UNDP/UN/SDC Strategic Documents</p> <p>UNDP/SDC Global Programme Strategic Plan</p> <p>AA2J Project Document</p> <ul style="list-style-type: none"> • AA2J Annual Reports • UNDP Afghanistan Human Development Reports • UNDP Afghanistan 	<ul style="list-style-type: none"> • Document requests • Site and field visits • Stakeholder interviews • Independent external research and reports • Focus groups • Email, phone and Skype follow-up where necessary • Interviews with stakeholders, including: <p>Ministry of Justice (MoJ) MoJ Legal Aid Department (MoJ LAD) MoJ Public Legal Awareness Unit (MoJ PLAU) MoJ Taqin MoJ Human Rights Support Unit (HRSU) Office of the Second Vice-President (2VP) MOWA MOIA</p>	N/A	<ul style="list-style-type: none"> *Meta-analysis *Triangulation *Quantitative and Qualitative Analysis of evaluation team members *Discussion of data amongst the Evaluation Team *Verification of data with Stakeholders *Fact checking by UNDP and AA2J/comment and feedback to evaluation team

		<p>delivery, especially at district level?</p> <p>*What project revisions have been made and why?</p>	<p>ROAR reports and narratives</p> <ul style="list-style-type: none"> • CPAP • UNDAF • Reports of other UN Agencies (i.e. UNAMA, UN Women; UNICEF; etc.) 	<p>Attorney General's Office (AGO)</p> <p>Supreme Court (SC)</p> <p>Legal Aid Grant Facility (LAGF)</p> <p>Afghanistan Independent Bar Association (AIBA)</p> <p>National Law Training Centre (NLTC)</p> <p>SDC representatives in Afghanistan</p> <p>UNDP senior management</p> <p>AA2J project staff</p> <p>Civil society organisations</p> <p>Un Agencies (incl. UNAMA, UN Women, UNFPA)</p> <p>International organisations</p>		
<p>Effectiveness – The overall effectiveness of the implemented project activities towards the expected results</p>	<p>*What factors have contributed to achieving/not achieving the intended results?</p> <p>*To which extent was the project effective in implementing its interventions vis-à-vis the scope and scale of its results?</p> <p>*What was intervention coverage - have the planned geographic areas and target groups</p>	<p>What is the level of expertise and acceptance of UNDP work in the justice sector: which added value does UNDP have and what are its comparative advantages in the sector?</p> <p>*Is the division of labour with other implementing partners based on each agency's comparative advantages?</p>	<p>* AA2J Project Document including logframe and RRF</p> <p>*AA2J AWP's</p> <p>*AA2J Annual and quarterly progress reports</p> <p>* AA2J Financial Reports</p> <p>*AA2J M&E Plan</p> <p>*AA2J Implementation Plans</p> <p>*AA2J Project Board Meeting Minutes</p>	<ul style="list-style-type: none"> • Document request, review and analysis • Interviews with stakeholders including: AA2J Project team, UNDP senior management, SDC and other international donors active in the justice sector in Afghanistan, AA2J 	N/A	<p>*Meta-analysis</p> <p>*Triangulation</p> <p>*Quantitative and Qualitative Analysis of evaluation team members</p> <p>*Discussion of data amongst the Evaluation Team</p> <p>*Verification of data with Stakeholders</p>

	<p>been successfully reached?</p> <p>* What were the constraining and facilitating factors and the influence of the context on the achievement of results?</p> <p>*What good practices or successful experiences or transferable examples have been identified?</p> <p>*To what extent did the Project help to increase stakeholder/citizen dialogue and/or engagement on development issues and policies?</p>	<p>*What are the direct and indirect results (at both outcomes and impact level) of the project implementation so far, and their sustainability? (Also see below under impact, and sustainability)</p> <p>*How does the project complement/overlap with other UN initiatives in particular LOFTA and UN Women projects?</p>	<p>*Strategic Plans of implementing partners</p> <p>*Other bi-lateral donor project documents, strategic documents and implemented activities in the justice sector in Afghanistan</p>	<p>implementing partners</p>		<p>*Fact checking by UNDP and AA2J/comment and feedback to evaluation team</p>
<p>Efficiency in delivering outputs</p> <p>The cost efficiency of the implemented project activities towards the expected results</p>	<p>*Has project's resources been allocated and spent adequately to fulfil its objectives?</p> <p>*Were objectives of the project achieved on time?</p> <p>*Was the project implemented in the most efficient way compared to alternatives?</p> <p>*Should the AA2J staffing structure and management arrangements be</p>	<p>*Has UNDP chosen the best implementing partners? Are there any institutions that should have been included in the AA2J project but weren't.</p> <p>*How often has the project board met? Were there any issues raised by the Donors regarding UNDP's implementation? If so, how and to what extent have these been addressed by UNDP to date?</p>	<p>* AA2J Project Document including logframe and RRF</p> <p>*AA2J AWP's</p> <p>*AA2J Annual and quarterly progress reports</p> <p>* AA2J Financial Reports</p> <p>*AA2J M&E Plan</p> <p>*AA2J Implementation Plans</p> <p>*AA2J Project Board Meeting Minutes</p>	<ul style="list-style-type: none"> • Document requests • Site and field visits • Stakeholder interviews • Independent external research and reports • Focus groups • Email, phone and Skype follow-up where necessary <p>Meetings with stakeholders including:</p> <ul style="list-style-type: none"> • UNDP and SDC 	N/A	<p>*Meta-analysis</p> <p>*Triangulation</p> <p>*Quantitative and Qualitative Analysis of evaluation team members</p> <p>*Discussion of data amongst the Evaluation Team</p> <p>*Verification of data with Stakeholders</p> <p>*Fact checking by UNDP and AA2J/comment</p>

	<p>revised and adapted in order to ensure cost-efficiency, value-for-money, and effectiveness of implementation strategies and overall delivery of results?</p> <p>*Is there good coordination and communication between partners in the project?</p> <p>*Is the project coordinating its activities sufficiently with other initiatives in the field?</p> <p>*Has the project been implemented within deadline and cost estimates so far? Have UNDP and its partners solved any implementation issues promptly?</p> <p>*Was there any unified synergy between UN/DP initiatives that contributed towards reducing costs?</p>	<p>*Is the project fully staffed and are the staffing/management arrangements efficient?</p> <p>*Have UNDP procurements been processed in a timely manner?</p> <p>*What are the UNDP budget execution rates for the project?</p> <p>*Has there been over or under expenditure within the Project to date?</p> <p>*What mechanisms does UNDP have in place to monitor implementation – are these effective?</p> <p>* Are resources concentrated on the most important initiatives?</p> <p>*To what extent have project budgets considered Gender Equality?</p>	<p>*Strategic Plans of implementing partners</p>	<ul style="list-style-type: none"> • Implementing partners – MoJ and relevant units/depts. 2VP, AGO, SC, AIBA, • Other UN Agencies and international organisations active in the justice sector 		<p>and feedback to evaluation team</p>
<p>Impact of AA2J Project</p> <p>☐ Whether the AA2J project has</p>	<p>Are Afghans, in particular women, children, prisoners and pre-trial detainees, are increasingly aware of</p>	<p>Are legal aid services provided through the LAGF more accessible, affordable, sustainable and credible?</p>	<p>* AA2J Project Document including logframe and RRF</p> <p>*AA2J AWP</p>	<ul style="list-style-type: none"> • Document requests • Site and field visits • Stakeholder interviews 	<p>% of surveyed LAGF beneficiaries with good knowledge of their rights in target areas Target: 60%</p>	<p>*Meta-analysis</p> <p>*Triangulation</p> <p>*Quantitative and Qualitative Analysis of</p>

<p>to date resulted in increased and more sustainable access to justice in particular for marginalised and vulnerable groups</p>	<p>their rights and receive legal aid?</p> <p>How can the LAGF governance structure be possibly adapted in order to increase its performance and the quality of its services?</p> <p>To which extent project's beneficiaries (men and women) had had a better access to formal justice resolution services provided through the project?</p> <p>To which extent had women, children, prisoners and pre-trial detainees, been increasingly aware of their rights following project's interventions in this regard?</p> <p>Has improved awareness and knowledge led to their ability to claim and obtain justice services through formal mechanisms?</p>	<p>* What support has been provided for the capacity development of the LAGF secretariat and its central and provincial committees to fulfil mandate implementation?</p> <p>* How has the project strengthened AIBA and MOJ Legal Aid Directorate's internal M&E capacity and registration mechanism of LAGF cases?</p> <p>*Has a monitoring agent for the LAGF been recruited and how is that person managed?</p> <p>*What technical and financial support has been provided to LAGF / AIBA for legal aid grants and revision of LAGF Procedure on an on-going basis</p> <p>* To what degree is there strengthened understanding of law students and lecturers on law clinics' role in promoting access to justice and implementing legal aid services</p> <p>*What level of technical assistance and capacity building support has been provided to licensed</p>	<p>*AA2J Annual and quarterly progress reports</p> <p>*AA2J legal awareness survey</p> <p>*AA2J Monitoring Survey</p> <p>*LAGF database</p> <p>*LAGF tripartite meetings</p> <p>*<i>Output 1 Technical Working Group meetings</i></p> <p>*MOJ LAD statistics</p> <p>*Annual LAGF evaluation</p> <p>Student assessment reports, with triangulation among relevant stakeholders</p> <p>Follow up interviews</p>	<ul style="list-style-type: none"> • Independent external research and reports • Focus groups • Email, phone and Skype follow-up where necessary • Interviews with stakeholders, including: <p>Ministry of Justice (MoJ) MoJ Legal Aid Department (MoJ LAD) MoJ Public Legal Awareness Unit (MoJ PLAU) MoJ Taqin MoJ Human Rights Support Unit (HRSU) Office of the Second Vice-President (2VP) Attorney General's Office (AGO) MOWA MOIA Supreme Court (SC) Legal Aid Grant Facility (LAGF) Afghanistan Independent Bar Association (AIBA) National Law Training Centre (NLTC) SDC representatives in Afghanistan</p>	<p># of people who receive legal aid through the LAGF disaggregated for detainees, prisoners, women and children victims in civil cases</p> <p>Target: Total 4500 cases Women and children- 1350 Prisoners and detainees-3150</p> <p>% LAGF cases resolved through the courts (primary and appeal)</p> <p>Target: 80%</p> <p>% of cases referred to LAGF by LAD)</p> <p>Target: 80%</p> <p>% of LAGF beneficiaries from districts</p> <p>Target: 50%</p> <p>Degree to which students of targeted ILAB-accredited university law clinics are able to implement primary legal aid services (1-</p>	<p>evaluation team members</p> <p>*Discussion of data amongst the Evaluation Team</p> <p>*Verification of data with Stakeholders</p> <p>*Fact checking by UNDP and AA2J/comment and feedback to evaluation team</p>
--	---	--	---	--	---	---

	<p>* To what extent are targeted ILAB-accredited university law clinics are capacitated to promote and provide legal aid services to indigent people?</p> <p>*What is the contribution of AA2J project activities to capacity-building of relevant state actors and increased ownership of the Afghan state on legal aid provision in the country?</p> <p>* Are the public, in particular women, children, prisoners and pre-trial detainees in targeted provinces better informed of their legal rights, including the right to legal aid?</p>	<p>lawyers and students of law clinics to implement legal aid services?</p> <p>* How could AA2J possibly extend its intervention into strengthening the cooperation between formal and informal justice structures towards enhanced legal aid for the Afghan population?</p> <p>*To what extent has AA2J supported the MOJ Public Legal Awareness Unit (PLAU) in the identification and implementation of solutions towards working with local NGOs and/or legal aid service providers for more coherent and sustainable public legal awareness raising activities?</p> <p>*How has the project supported the MOJ to produce public legal awareness materials, targeting women, children, prisoners and pre-trial detainees in Balkh, Herat and Nangarhar?</p> <p>*How many training sessions and trainees from selected justice institutions of identified</p>	<p>Capacity assessment of PLAU</p> <p>AA2J monitoring survey</p> <p>Evaluation of workshop participants (pre and post workshops; follow up interviews)</p> <p>Reports of legal awareness activities</p>	<p>UNDP senior management AA2J project staff Civil society organisations Un Agencies (incl. UNAMA, UN Women, UNFPA) International organisations</p>	<p>5 scale: 1=very low, 2=low, 3=moderate, 4=very high, 5=high) Baseline: 1 (Very low) Target: 4 (High)</p> <p>Extent to which MOJ PLAU is able to implement measures for improvement of access and provision of legal aid (1-5 scale: 1=very low, 2=low, 3=moderate, 4=very high, 5=high) Baseline: 2= Low Target: 4=High</p> <p>Level of awareness among selected justice sector institutions of identified legal rights and legal aid provision Target: High</p> <p>Number of people receiving legal services from the Law Clinics, disaggregated by gender Target: 9000</p>	
--	---	---	---	---	--	--

		legal rights and legal aid provision has the project conducted/reached? What is the level of enhanced knowledge and implementation?			Estimated number of persons reached through legal awareness activities. Target: 50000 (25000 men and 25000 women)	
	To what extent has the project increased capacity and coordination among targeted justice institutions in relation to EAW?	<p> To what extent have EAW justice institutions' procedures and systems streamlined for recording VAW cases and capturing progress through various agencies?</p> <p>Activities:</p> <ul style="list-style-type: none"> * Have Standard Operating Procedures (SOPs) on EAW for i) MOIA, ii) AGO EAW Units, and iii) AIBA lawyers been drafted, adopted and implemented? *Have the EAW (SOPs) for ROL institutions been consolidated into a sector-wide training manual and provide technical assistance and training to staff? *What is the status of the digitalisation of the EAW Court's documentation and use IT tools for improved case management? 	<p>Administrative data from institutions in geographical areas that register EAW complaints (DOWA, MOIA, AGO, Courts, AIHRC, lawyers, NGOs)</p> <p>Administrative data from courts including EAW Court</p> <p>UNAMA EAW monitoring reports</p> <p>Output 2 Technical Workgroup meetings</p> <p>Justice sector reform plan</p> <p>Pre and post workshop questionnaires</p> <p>Annual evaluation of SOP implementation</p>	<p>AA2J Project team</p> <p>M/DOWA</p> <p>MOIA</p> <p>AGO</p> <p>SC</p> <p>EAW court(s)</p> <p>AIHRC</p> <p>AIBA</p> <p>Lawyers</p> <p>NGOs</p> <p>Beneficiaries</p> <p>UNAMA representatives</p> <p>NLTC</p>	<p>% of EAW cases registered in target geographical areas that reach a final outcome through court judgment</p> <p>Target: 70%</p> <p>% of those final outcomes that are deemed satisfactory by the complainant</p> <p>Target: 70%</p> <p>Extent to which EAW Rule of Law lessons learnt are integrated into the justice sector reform process (1-5 scale: 1=very low, 2=low, 3=moderate, 4=high, 5= Very high)</p> <p>Baseline: 2(Low)</p> <p>Target: 4(High)</p> <p>Extent to which staff of MOIA (CID/FRU), AGO EAW Units and AIBA are</p>	

		<p>* Is the pilot EAW Court in Kabul established and functional (and in other areas if the Supreme Court decides to expand the pilot)?</p> <p>*Has a training curriculum for EAW Court staff been developed?</p> <p>*To what extent has AA2J provided technical assistance and training to EAW Court and EAW Units' (AGO) staff?</p> <p>*What logistical support has been provided through the project to the EAW Court?</p> <p>*To what extent has technical assistance been provided to the Supreme Court for the establishment of a monitoring mechanism for EAW cases?</p> <p>*To what extent has technical and financial support been provided to awareness raising activities for the EAW Court?</p> <p>* Is NLTC in Herat operational and providing Stage training to law and sharia graduates, with a</p>	<p>Justice sector Case management System (CMS)</p> <p>EAW court capacity assessment</p>		<p>knowledgeable about the SOPs (Test scoring:1: Very low=0-20%; 2 (Low)=21%-40%; 3(Moderate)=41-60%, 4(High)=61%-80%, 5(Very high) =81%-100%: measuring number of staff scoring in each category)</p> <p>Target: 4 (High)</p> <p>Degree to which the case management systems is successfully implemented in targeted justice institutions (1-5 scale: 1=very low, 2=low, 3=moderate, 4=very high, 5=high)</p> <p>Target: 4(very high)</p> <p>Existence of a Special EAW Court in Kabul</p> <p>Target: yes</p> <p>Extent to which the Kabul EAW court is functional (1-5 scale: 1=not functional, 2=partially functional,</p>	
--	--	---	---	--	---	--

		<p>particular focus on EAW?</p> <p>*Has a needs assessment been undertaken, and a mandate and legal requirements developed with relevant stakeholders?</p> <p>*Is there an appropriate personnel and management team running the training centre?</p> <p>* Has the Centre been set up, including office accommodation, training facilities, IT and administrative infrastructures, training faculty, courses, testing and evaluation system?</p> <p>*To what extent has the Project provided technical and logistical support to the Centre for Stage and practitioners training in Herat?</p>			<p>3=moderately functional, 4=nearly fully functional, 5=fully functional) Baseline: 1(not functional) Target: 4(nearly fully functional)</p> <p>Extent to which the National Legal Training Centre (NLTC) in Herat is operational³ (1-5 scale: 1=not operational, 2=partially, 3=moderately, 4=nearly fully, 5=fully operational) Target: 5= fully operational</p> <p># of trainees supported by NLTC training programmes in Herat, disaggregated for Stage (graduates)</p>	
--	--	---	--	--	---	--

³ Once established, the assessment of the operational level of the NLTC in Herat will be conducted based on the following criteria:

- Management structure (members from key, relevant government institutions (Ministry of Higher Education, Ministry of Justice, Attorney General Office, Supreme Court, etc. with regular meetings taking place)
- Managerial process (planning, collaboration with other actors in the rule of law and justice sector, guidelines/standards, supervision and monitoring, and training/course management)
- Management and effectiveness of training activities, capacity building programmes, workshops, seminars to improve legal knowledge and skills in legal and judicial institutions, with a particular focus on EAW
- Human and financial resources as well as infrastructure, equipment and supplies needed according to the establishment

					and training for practitioners (trainees) Target: TBD	
	To what extent has the Ministry of Justice strengthened its legislative drafting and human rights capacities?	<p>*To what extent has the legislative drafting capacity of MOJ Taqin been strengthened?</p> <p>*Have manuals on legislative drafting for Taqin staff and line ministries been developed and implemented? * What technical and financial assistance has been provided to Taqin for legislative drafting by the AA2J project? *What technical and financial assistance has been provided to the law drafting working groups? *What technical support has been provided to enhanced coordination between formal and informal justice actors? Does the project cooperate in any way with the informal justice actors/system?</p>	<p>Reports from Taqin and CLRWG</p> <p>Annual work plans from CLRWG and Taqin</p> <p>Output 3 Technical Working Group meetings</p> <p>Bi-lateral consultations</p> <p>Reports from HRSU</p>	<ul style="list-style-type: none"> • Document requests • Site and field visits • Stakeholder interviews including with MoJ, MoJ Taqin, HRSU, CLRWG • Independent external research and reports • Focus groups Email, phone and Skype follow-up where necessary 	<p>% of fulfilment by the Taqin Department of its annual legislative work plan Target: 70%</p> <p>% fulfilment by the Criminal Law Reform Working Group of its annual work plan Target: 80%</p> <p>% fulfilment by the HRSU of its annual work plan Target: 80%</p>	<p>*Meta-analysis</p> <p>*Triangulation</p> <p>*Quantitative and Qualitative Analysis of MTR team members</p> <p>*Discussion of data amongst the Review Team</p> <p>*Verification of data with Stakeholders</p> <p>*Fact checking by UNDP and AA2J/comment and feedback to MTR Team</p>
Sustainability of the outcome	*Has the AA2J project managed to procure GoA co-financing for any of the deliverables?	* Is there an exit strategy for the Project? Does it take into account political,	* AA2J Project Document including logframe and RRF	<ul style="list-style-type: none"> • Document requests • Site and field visits • Stakeholder interviews, in 	% of Government of Afghanistan Co-financing procured by AA2J programme?	<p>*Meta-analysis</p> <p>*Triangulation</p> <p>*Quantitative and Qualitative</p>

	<p>*Has project and partners undertaken necessary steps towards ensuring sustainability of systems and practices built while implementing project?</p> <p>*Does the project provide for the establishment of capable mechanism to continue benefiting women, children, prisoners and detainees at the end of the project?</p>	<p>financial, technical and environmental factors?</p> <p>* What issues have emerged during implementation to date as a threat to sustainability?</p> <p>*What corrective measures have been adopted?</p> <p>*How has UNDP addressed the challenge of building national capacities?</p> <p>*What are the perceived capacities of the targeted justice institutions for taking the initiatives forward?</p> <p>* Were initiatives designed to have sustainable results given the identifiable risks?</p>	<p>*AA2J AWP</p> <p>*AA2J Annual and quarterly progress reports</p> <p>* AA2J Financial Reports</p> <p>*AA2J M&E Plan</p> <p>*AA2J Implementation Plans</p> <p>*AA2J Project Board Meeting Minutes</p> <p>*Strategic Plans of implementing partners</p>	<p>particular with UNDP, SDC and other bilateral donors and the national justice institutions included in the project</p> <ul style="list-style-type: none"> • Independent external research and reports • Focus groups • Email, phone and Skype follow-up where necessary 	<ul style="list-style-type: none"> • 	<p>Analysis of evaluation team members</p> <p>*Discussion of data amongst the Evaluation Team</p> <p>*Verification of data with Stakeholders</p> <p>*Fact checking by UNDP and AA2J/comment and feedback to evaluation team</p>
--	---	---	---	---	---	---

ANNEX 1 QUESTIONNAIRE

UNDP Access to Justice Survey – Afghanistan 2019 QUESTIONNAIRE FOR BENEFICIARIES

A. PROFILE

Data collector: please select the answer provided by the beneficiary:

1.	Gender	Male	Female
		1	2

- **Do you have a disability yes/no**
- **Do you like in a women headed household yes/no**

2. Education level – please circle just one (the highest attained):

- a) Incomplete primary education
- b) Completed primary education
- c) Completed middle school
- d) Completed secondary school
- e) Completed vocational training - if yes, please specify which
- f) Completed Bachelors degree
- g) Completed Masters or PhD.

3. Age – please circle just one

- a) 15-18 b) 18-24 c) 25-29 d) 30-39 e) 40-49
- f) 50-59 g) 60-69 h) 70+

4. Type of case – please circle just one (*Data collector: if respondent has been involved in more than one type of case, please complete a separate questionnaire for each case*)

	What types of case have you been involved in? Please select by marking '1' in the corresponding boxes	Yes
	a) Civil	
	b) Criminal	
	c) Administrative	

Please indicate whether it is on-going or concluded

On-going Concluded

B. PROVISION OF FREE LEGAL AID AND ASSISTANCE IN YOUR CASE

5. Prior to your case were you aware of the right to free legal aid and assistance – yes/no

If yes:

a) How did you become aware of this right:

- a) Through print media
- b) Through television
- c) A relative/friend/neighbour informed me
- d) Through an NGO/civil society organisation – if so please specify which one
- e) Through the university law clinic – please specify which one
- f) Through a lawyer
- g) Through the judge
- h) Other – please specify

If no:

b) At which point in the proceedings did you become aware of this right?

Please explain:

6. From whom did you receive legal aid and assistance from during the course of your case?

- a) Afghan Independent Bar Association
- b) Legal Aid Department of the Ministry of Justice
- c) Both
- d) Don't know
- e) I didn't receive legal aid or assistance

If e, please go to question 9

Was your lawyer appointed to you?

Yes/no

Were you able to select which lawyer you wanted to represent you?

Yes/no

7. Did your lawyer inform you about each step of the proceeding?

Yes/no

a) Did you feel that your lawyer provided you with sufficient information?

Yes/no

8. Was your lawyer present with you during all hearings?

Yes/no

C. EFFICIENCY OF THE JUSTICE SYSTEM

9.	How many times were you required to be present in court in order to resolve your case?	0-1	2-3	4-5	6+
		1	2	3	4

10.	How long did your case take to resolve?	0-6 months	7-12 months	13-24 months	25+ months
		1	2	3	4

11.	Do you believe Afghanistan's justice system is quick?	Yes	No	Don't know
		1	2	0

D. QUALITY OF SERVICES

13.	Based on your experience, please evaluate the quality of the services provided by different operators in the justice system	Very poor	Poor	Neither poor nor good	Good	Very good
	a) Judges	1	2	3	4	5
	b) Prosecutors	1	2	3	4	5
	b) Legal aid department (state) attorneys	1	2	3	4	5
	c) AIBA attorneys	1	2	3	4	5
	d) Courts clerks	1	2	3	4	5
	e) Court staff	1	2	3	4	5

E. ACCESSIBILITY

14.	Do you consider Afghanistan's justice system to be affordable for all?	Never	Seldom	Sometimes	Usually	Always
		1	2	3	4	5

15.	In your experience, what is the level of availability of information on laws and regulations?	Very difficult to obtain	Difficult to obtain	Obtainable	Easy to obtain	Very easy to obtain
		1	2	3	4	5

Data collectors – for the following questions, please mark ‘Yes’ answers by writing/marking ‘1’ in the corresponding box; please mark ‘No’ answers by writing ‘2’ in the corresponding box; please mark ‘Don’t know’ answers by writing ‘0’ in the corresponding box

16.	In your opinion, did any of the following characteristics negatively impact on your ability to access the justice system?	Yes	No	Don't know
	a) Age	1	2	0
	b) Economic Status	1	2	0
	c) Education level	1	2	0
	d) Gender	1	2	0
	e) Disability	1	2	0
	f) Ethnicity	1	2	0

17.	How would you rate the physical accessibility of the courts in your country?	Very difficult 1	Difficult 2	Neither 3	Easy 4	Very Easy 5
-----	--	---------------------	----------------	--------------	-----------	----------------

Data collectors: If 4 or 5, please go to question 18

If 1, 2 or 3

17a.	Which factors impaired your ability to access the courts – please select all those that apply	Yes	No	Don't know
	a) Geographical distance of court	1	2	0
	a) Position of court building	1	2	0
	b) Layout within the court	1	2	0
	c) Access to information	1	2	0
	d) Associated costs	1	2	0

18.	Were you able to access the following sources of information in a language that you could understand?	Yes 1	No 2	Don't know 0
	a) Laws and regulations	1	2	0
	b) Signs in court	1	2	0
	c) Instructions and forms in civil proceedings	1	2	0

	d) Information and indictments in criminal proceedings			
	e) Judgements	1	2	0

F. FAIRNESS

Do you agree or disagree with the following statements (1- agree, 2- neither agree nor disagree, 3 - disagree, 0-Don't know)

19.	In your experience do the Court(s) treat the following categories of people equally?	Agree	Neither agree nor disagree	Disagree	Don't know
	a) Men and women	1	2	3	0
	b) Rich(er) and poor(er)	1	2	3	0
	c) Persons with disabilities and persons without disabilities	1	2	3	0
	d) Minorities and the majority population	1	2	3	0

20.	Did you face any problems in your interaction with the justice system – please select all those that apply by marking 1	Yes
	a) Disrespect	
	b) Impoliteness	
	c) Prejudice	
	d) Unfair trial	
	e) Difficulties in obtaining documents	
	f) Other –please specify	

21.	In your country overall, please assess the effectiveness of each institution or group in ensuring access to justice in your country	Effective	Neither effective nor ineffective	Ineffective	Don't know
	a) Courts	1	2	3	0
	b) Lawyers	1	2	3	0
	c) Prosecutors	1	2	3	0
	d) NGOs	1	2	3	0

G. CORRUPTION

22.	Based on your experience, were you ever asked to pay bribes or unofficial payments to any of the following – please select all those that apply	Yes	No	Frequen-c	Amount
	a) Judges	1	2		
	b) Prosecutors	1	2		
	b) Legal aid department (state) attorneys	1	2		
	c) AIBA attorneys	1	2		
	d) Courts clerks	1	2		
	e) Court staff	1	2		

22a) Do you think it is acceptable for justice officials to ask for additional fees (bribes) for good service?

Yes/no

SPECIFIC QUESTIONS FOR FEMALE RESPONDENTS

23a.	In your experience, is it harder for a woman to access courts?	Never	Seldom	Sometimes	Usually	Always
		1	2	3	4	5

23b.	In your experience, is it harder for a woman to access a lawyer/obtain legal advice?	Never	Seldom	Sometimes	Usually	Always
		1	2	3	4	5

23c.	In your experience, do women get less respect from judges, lawyers and court staff?	Never	Seldom	Sometimes	Usually	Always
		1	2	3	4	5

Thank-you for your participation!

Annex II
List of Interviews Conducted

No.	Name	Designation	Entity
1	Mr. Abdul Hameed Arefi	Legal Specialist	2nd VP Office
2	Ms. Nadia Noori	Gender Advisor	2nd VP Office
3	Ms. Zarafshan	Gender Manager	Gender Department of Attorney General Office
4	Mr. Ahmad Massih Hami	Director	International Laws Department of Ministry of Justice
5	Mr. Naief	Director	Human Rights Department of Ministry of Justice
6	Mr. Dawlatzai	Officer	Human Rights Department of Ministry of Justice
7	Mr. Ahmad Shahid Aria	Manager	Legal Aid Office of Legal Aid Department of Ministry of Justice
8	Mr. Abdul Rahman Azimi	Manager	Legal Awareness Office of Legal Aid Department of Ministry of Justice
9	Mr. Hamid Baha Ayar	Director	Department of Capacity building and Performance Appraisal of Supreme Court
10	Ms. Freshta Quraishi	Director	Planning & Policy Directorate of Ministry of Women Affairs
11	Mr. Nooragha Shoaib	Project Manager	LAGF, Afghanistan Independent Bar Association
12	Mr. Sami Khan	Finance Officer	LAGF, Afghanistan Independent Bar Association
13	Mr. Ahmad Shah Jahid	M&E Officer	LAGF, Afghanistan Independent Bar Association
14	Mr. Lais Mutawakil	Database assistant	LAGF, Afghanistan Independent Bar Association
15	Ms. Marie-Therese Karlen	Deputy Director of Cooperation	Swiss Agency for Development and Cooperation
16	Mr. Rohullah Esmati	Programme Manager	Swiss Agency for Development and Cooperation
17	Mr. Najaf Rejai	Legal Aid Coordinator	AA2J, UNDP
18	Mr. Mesfin Ketena	M&E Specialist	AA2J, UNDP
19	Ms. Suparva Narasimhaiah	Traditional Justice Advisor	AA2J, UNDP
20	Mr. Kunal Dhar	Chief	Rule of Law and Human Security Unit, UNDP
21	Ms. Liya Perepada	Research and Evaluations Expert	Rule of Law and Human Security Unit, UNDP
22	Mr. Helge Rieper		
23	Mr. Khair Mohammad Jalali	Coordinator in Ghor	LAGF, Afghanistan Independent Bar Association
24	Anonymous	Legal Aid Attorneys	Legal Aid Department of Ministry of Justice
25	Mr. Abdul Hakim Akrampoor	Supervisor in Herat	LAGF, Afghanistan Independent Bar Association

26	Ahmad Ebrahim Rashed	Office Manager in Bamyan	LAGF, Afghanistan Independent Bar Association
27	Ms. Banafsha Sultani	M&E Deputy Manager in Herat	LAGF, Afghanistan Independent Bar Association
28	Mr. Elyas Feizy	Admin and Finance Deputy in Herat	LAGF, Afghanistan Independent Bar Association
29	Mr. Isaaq Ali Shafiqi	Coordinator in Daikundi	LAGF, Afghanistan Independent Bar Association
30	Mr. Ezatullah Sekandari	Coordinator in Helmand	LAGF, Afghanistan Independent Bar Association
31	Mr. Abdul Munib Safi	Supervisor in Nangarhar	LAGF, Afghanistan Independent Bar Association
32	Mir Ahmad Ahmadi	Supervisor in Badghis	LAGF, Afghanistan Independent Bar Association
33	Ms. Najla habibi	Project Supervisor	LAGF, Afghanistan Independent Bar Association
34	Anonymous	Legal Aid Attorney	LAGF, Afghanistan Independent Bar Association
35	Anonymous	Legal Aid Attorney	LAGF, Afghanistan Independent Bar Association
36	Anonymous	Legal Aid Attorney	LAGF, Afghanistan Independent Bar Association
37	Anonymous	Legal Aid Attorney	LAGF, Afghanistan Independent Bar Association
38	Anonymous	Legal Aid Attorney	LAGF, Afghanistan Independent Bar Association
39	Anonymous	Legal Aid Attorney	LAGF, Afghanistan Independent Bar Association
40	Anonymous	Legal Aid Attorney	LAGF, Afghanistan Independent Bar Association
41	Anonymous	Legal Aid Attorney	LAGF, Afghanistan Independent Bar Association
42	Anonymous	Legal Aid Attorney	LAGF, Afghanistan Independent Bar Association
43	Anonymous	Legal Aid Attorney	LAGF, Afghanistan Independent Bar Association