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Afghanistan
Justice and Human Rights in Afghanistan (JHRA)
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Project Period 26 June 2009-30 June 2012**

Photo: girls in a Feizabad school in a role play on children's rights

UNDP Justice and Human Rights in Afghanistan Project

Independent / External Mid-term Evaluation Report

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II. List of Acronyms

AC	Afghanistan Compact
AGO	Attorney General's Office
AIHRC	Afghanistan Independent Human Rights Commission
ANDS	Afghanistan National Development Strategy
ANJP	Afghanistan National Justice Programme
CBO	Community-based Organizations
CEDAW	The Convention on Elimination of all forms of Discrimination against Women
CPAP	UNDP Country Programme Action Plan
CSOs	Civil Society Organizations
DLC	District Level Component
HRBA	Human Rights Based Approach
HRSU	Human Rights Support Unit
IP	Implementing Partners
JHRA	Justice and Human Rights in Afghanistan
MOJ	Ministry of Justice
MOWA	Ministry of Women's Affairs
MRRD	Ministry of Rural Rehabilitation and Development
MOFA	Ministry of Foreign Affairs
NLAS	National Legal Awareness Strategy
PLAU	Public Legal Awareness Unit
SC	Supreme Court
UNDP/ ACT	UNDP/Accountability and Transparency Project

III. Executive Summary

- 1.1 An independent mid-term evaluation was provided for by the Justice and Human Rights project (AFG/00071252). The evaluation mission took place from 2-26 July. The stated objective of the evaluation was to evaluate the project's approach, achievements, and failures. A second objective of the mission was to record lessons over the course of the project and to provide recommendations as to how to improve and strengthen the project's future undertakings.
- 1.2 JHRA began in June 2009. It aims at improving access to justice at the central and district levels in Afghanistan. In doing so, it uses a human rights based approach that simultaneously strengthens citizen's capacity to claim their rights and enhances the capacity of justice system actors to deliver justice in compliance with the rule of law and human rights standards. Its central level component assists the three national justice institutions, the Ministry of Justice (MOJ), the Supreme Court (SC) and the Attorney General's Office (AGO) in capacity-building, while its district level component combines rehabilitation of district-level justice infrastructure, training of district justice officials and community level legal awareness activities.
- 1.3 The evaluation methodology included a review of secondary materials (reports, studies of the justice sector in Afghanistan), UNDP documents and reports. The team adopted a qualitative methodology because of a dearth of quantitative data. Interviews and meetings between the evaluation team and the main stakeholders and beneficiaries provided the primary sources for the evaluation. A full schedule of meetings and interviews completed by the team is annexed to this report. The mission also undertook a field visit to Badakshan.
- 1.4 The evaluation team's work and report were organized according to the requirements of the Terms of Reference.
- 1.5 A matrix summarizing in table format the intended the main findings and recommendations is provided in the Executive Summary. Detailed recommendations for the remainder of the project, including an analysis of progress to date, are set out in Part V of the Report (Project Output Status).
- 1.6 Since the inception of JHRA in July 2009, Afghanistan has faced a deteriorating security environment and chronic instability which have placed limitations on international assistance delivery generally. For UNDP, these limiting factors have included reduced access to project sites at the district level, and also created serious constraints at the central level in terms of locating key project activities and staff in the partner ministries. Compounding this situation, and (paradoxically) possibly generating new opportunities is the transition begun in July 2011 and due to be completed by 2014.
- 1.7 Considering the history of the project's start up, brought to a grinding halt after the attack on the Bakhtar guesthouse and subsequent hiring freeze order by the UN Secretary General, a

continuing deteriorating security environment, and the large number of assistance providers in the justice sector (some with far greater material resources than JHRA), JHRA's performance in 2010-2011 shows a remarkable overall growth compared to 2009-2010.

- 1.8 Transition will involve a serious move transfer of responsibility for development and governance to national authorities. These factors, coupled with UNDP policy to move towards capacity building for national execution, and the need to improve the project's performance at the district level in particular (recorded 17% delivery rate in the last quarter), indicate that due consideration has to be given for JHRA to be moved to a national implementation modality.
- 1.9 UNDP's track record at the district level positions it well, both in initiating new projects and as a partner in supporting other donors active in the justice and human rights sector (WB, USAID) In particular, infrastructure development and capacity building projects planned by other major players could benefit from the UNDP experience in improving the supply of effective state justice services and raising demand through quality Public Legal Awareness and Human Rights Education activities and capacity building of the judiciary.
- 1.10 The evaluation team notes that not all deficits in justice delivery identified in the course of the evaluation can be addressed by the Justice and Human Rights Project. Underlying factors affecting the delivery of any justice project, such as weak capacity, will require long time horizons to be resolved. Furthermore, the deteriorating operational environment for all donor assisted programs and the uncertainties generated by transition could also negatively impact on the achievements of the project thus far. Careful risk management of the remaining activities of the project should help mitigate some of these evolving factors.

Key Findings and Recommendations Table

COMPONENTS	FINDINGS	RECOMMENDATIONS ESSENTIAL (E) DESIRABLE (D)
OVERALL ASSESSMENT	Alignment with National Benchmarks ➤ well aligned with ANDS, AF, NPP5	✓ On track
	Country Program Action Plan ➤ well aligned and contributing	✓ On track
	Profile of UNDP in Justice Sector ➤ High level of visibility of UNDP at central and sub-national levels	✓ Continue building on lessons learned (D)
	Post 2012 Position in the Sector ➤ Good potential	✓ Stay on track (D)
	Sub-national Focus ➤ Significant potential for attracting additional donor support (Central and DLC)	✓ Stay on track (E)
	Positive performance shift from 2009-2010 ➤ JHRA's performance during 2010-2011 shows a remarkable improvement from the previous year.	✓ Stay on track (D)
	Island Perception of UNDP ➤ Limited ownership by national counterparts, however efforts to increase ownership of counterparts, esp. MOJ, have improved.	✓ JHRA needs to be more responsive to HRSU/MOJ needs and vision(D) ✓ Place more JHRA staff at MOJ(D)
	Location Issues ➤ Physical distance, HRSU isolated from JHRA and MoJ due to security risks and lack of space	✓ Field staff to MOJ from JHRA and HRSU even on half-time basis(E) ✓ Request MOJ for MOSS compliance/request MOJ to address space

COMPONENTS	FINDINGS	RECOMMENDATIONS ESSENTIAL (E) DESIRABLE (D)
	International/National Staff balance <ul style="list-style-type: none"> ➤ Heavy reliance on international staff in senior technical and management positions. However, efforts to recruit a national project manager and national regional coordinators are noted. 	issue(D) ✓ Redress balance of staff in favor of more national staff at senior technical and managerial levels, esp. in the project management structure. (E)
	DLC/HRSU Link <ul style="list-style-type: none"> ✓ Engagement of HRSU to support DLC to assure quality of interventions and secure overall ownership to improve performance of DLC 	✓ Create cooperative opportunities around concrete DLC activities where HRSU can provide advisory and technical support and for capacity building of CSO partners (D)
	Donor Relationship Issues <ul style="list-style-type: none"> ✓ Issues related to reporting, PLA content, future cooperation 	✓ Meet and identify areas of concern and take appropriate measures to address these(D) ✓ Proactive donor relationship management on project related topics(D)
	JHRA Impact <ul style="list-style-type: none"> ➤ Overall impact high at Central level through HRSU and MOJ. Engagement of SC and AGO low. ➤ DLC impact seems low with 17% delivery rate in last quarter ➤ Scattered impact of project PLA and Capacity building activities ➤ Insufficient emphasis on capacity of rehabilitated 	✓ Increase overall coherence and outcome orientation of JHRA(D) ✓ Increase emphasis on integrated approaches to PLA and HR Education, Capacity building of Justice Institutions(E)

COMPONENTS	FINDINGS	RECOMMENDATIONS ESSENTIAL (E) DESIRABLE (D)
	courts to deliver justice	
	Gender Balance/Cultural/Social Sensitivity <ul style="list-style-type: none"> ➤ Gender balance, cultural and social sensitivity JHRA in need of enhancement 	<ul style="list-style-type: none"> ✓ Increase the number of female national staff (technical and managerial) (E) ✓ Increase the number of Afghan staff in the project(E) ✓ Quality assurance of CSOs and participation in activity design (E)
	Ownership of JHRA <ul style="list-style-type: none"> ➤ Ownership of Justice Institutions of JHRA is low due to a lack of proactive engagement on the part of the Justice Institutions (tend to be reactive rather proactive) 	<ul style="list-style-type: none"> ✓ Move to a more participatory management style of JHRA with government increase in proactive engagement in JHRA decisions. (D) ✓ Move to National Implementation(D)
COMPONENT I: CENTRAL LEVEL	Translation Unit <ul style="list-style-type: none"> ➤ SC court experience shows one-off activities are not sustainable ➤ SC translation unit now closed due to lack of funds 	<ul style="list-style-type: none"> ✓ Reconsider MOJ plan to establish translation unit(D) ✓ Enhance existing translation capacity within HRSU
	PLAU Unit <ul style="list-style-type: none"> ➤ Achievements were significant in influencing policy 	<ul style="list-style-type: none"> ✓ Continue to engage actively with PLAU to increase ownership and technical capacity of government (D)
	Capacity building of AGO and SC <ul style="list-style-type: none"> ➤ Activities were ad hoc and not sustained over time ➤ JHRA did not contribute significantly to capacity building for planning and management 	<ul style="list-style-type: none"> ✓ Address this in a future project as a post-2012 priority (D)
	Establishment of HRSU	Continue capacity building

COMPONENTS	FINDINGS	RECOMMENDATIONS ESSENTIAL (E) DESIRABLE (D)
	<ul style="list-style-type: none"> ➤ Established and operational ➤ Wide range of activities including legal and technical reviews, UPR monitoring, high quality comparative studies (CRC), ➤ Knowledge products are models of good practice for others ➤ Approach combining critical analysis with soft diplomacy and constructive advocacy for change is proving very effective 	(technical and managerial) of HRSU (D)
	Visibility and Profile of HRSU <ul style="list-style-type: none"> ➤ Visibility and attractiveness to donors and government are high ➤ Corporate materials, reports, knowledge products have contributed to this ➤ Sustained political commitment by MOJ 	<ul style="list-style-type: none"> ✓ Continue building on relationships and image of HRSU through the same (D) ✓ Develop a Communication Plan for HRSU(D)
	Management Style <ul style="list-style-type: none"> ➤ Team based and participatory decision-making and management style has been effective ➤ Highly qualified staff generally, but quality varies from unit to unit 	<ul style="list-style-type: none"> ✓ Continue professional development of staff(D) ✓ Recruitment of additional qualified staff (E) ✓ Mobilize additional human resources to support expansion and deepening of HRSU activities (E)

COMPONENTS	FINDINGS	RECOMMENDATIONS ESSENTIAL (E) DESIRABLE (D)
	Work Planning <ul style="list-style-type: none"> ➤ Professional but ambitious work plans for limited resources and current administrative/financial bottle necks at the project, government and country office level ➤ HRSU TORS are broad and reflect a long term vision, but current time frame for support is short. 	<ul style="list-style-type: none"> ✓ Rationalize work plans(D) ✓ Plan for extension of support to HRSU to enable full implementation of TOR and vision/mission (E) ✓ Plan adequate time to achieve these(D)
	Demand vs Capacity <ul style="list-style-type: none"> ➤ Demand by Ministries and Donors is growing ➤ 2 MOUS a month planned with associated activities 	<ul style="list-style-type: none"> ✓ Manage process of inter-ministerial engagement carefully(D) ✓ Balance strategic objectives of expansion with current responsibilities and a resource mobilization strategy(D) ✓ Emphasis to be placed on HRSU's strategic priorities and demand managed accordingly (E)
	Organizational Development of HRSU <ul style="list-style-type: none"> ➤ Young organization ➤ Systems and procedures need to be established and developed 	<ul style="list-style-type: none"> ✓ High priority need to review financial/admin/information systems(E) ✓ Produce policy and procedures manuals to standardize operations (E)
	Strategic Institutional Analysis <ul style="list-style-type: none"> ➤ Support role to Ministries and sub-national level needs to be reviewed and a plan developed to enable this effectively ➤ Potential Interface with 	<ul style="list-style-type: none"> ✓ Undertake a strategic institutional analysis and produce a plan (D) ✓ Provide technical support to HRSU to carry this out (D)

COMPONENTS	FINDINGS	RECOMMENDATIONS ESSENTIAL (E) DESIRABLE (D)
	IDLG needs to be assessed	
	Human Rights Coordination <ul style="list-style-type: none"> ➤ HR coordination is low ➤ One size fits all approach seems to be dominant 	<ul style="list-style-type: none"> ✓ Promote needs assessments, contextualized and systematically approached (D)
	Critical Sustainability Issues <ul style="list-style-type: none"> ➤ Staff retention and operational budgets are at risk ➤ Limited skill transfer to MOJ currently taking place with respect to creating a capacity with MOJ's HR base in the eventuality of large staff exodus at the end of the project (succession planning for project funded positions). ➤ Compatibility of HRSU organizational structures and work processes with MOJ not yet fully assessed ➤ Future support to HRSU uncertain 	<ul style="list-style-type: none"> ✓ Begin skill and knowledge transfer to key MOJ staff from UNDP funded HRSHU staff (E) ✓ Review work process and structural compatibility (E) ✓ Secure extension of donor support to HRSU soonest for second phase to keep staff (E)
	AIHRC/HRSU Relationship <ul style="list-style-type: none"> ➤ Nominally good, but remains confused on issues of overlap and duplication of activities despite efforts on both sides to strengthen relationship. HRSU appears committed to a synergetic relationship with AIHRC. ➤ Donor strategic priorities for support to both organizations needs to be clarified further 	<ul style="list-style-type: none"> ✓ Review and clarify roles and responsibilities and agree through an MOU to respective areas(D) ✓ Donors to clarify their own priorities and support(D)
	Political/Power Risks <ul style="list-style-type: none"> ➤ High level of reliance on political support of MOJ leaders 	<ul style="list-style-type: none"> ✓ Look for measures to mitigate political/power risks(D) ✓ Institutional

COMPONENTS	FINDINGS	RECOMMENDATIONS ESSENTIAL (E) DESIRABLE (D)
	<ul style="list-style-type: none"> ➤ Availability of funds and interest from donors may be a source of this support in addition to the commitment of the leadership 	<ul style="list-style-type: none"> development of HRSU and integration into MOJ(D) ✓ Positioning of HRSU as a central resource for other ministries and departments(D)
COMPONENT II: DISTRICT LEVEL	Infrastructure <ul style="list-style-type: none"> ➤ UNDP comparative advantage in infrastructure building decreasing due to presence of other larger players (WB, EU through ARTF, USG) 	<ul style="list-style-type: none"> ✓ Develop partnership with UNOPS in infrastructure building to leverage UNDP resources more effectively(D)
	Rehabilitation <ul style="list-style-type: none"> ➤ Design does not always allow privacy and space for women as observed in the recently rehabilitated courthouse in Kishim ➤ Absence of legal aid/female staff in court houses ➤ Courts are understaffed and skills levels and qualifications of staff unclear 	<ul style="list-style-type: none"> ✓ Ensure space for women (waiting hall, toilets) (E) ✓ Request MOJ to field female legal staff (E) ✓ Secure legal aid provision in rehabilitated courts (E) ✓ Assess capacity to deliver justice services, including staffing, integrally to engineering reviews. (D)
	Capacity building of Judiciary <ul style="list-style-type: none"> ➤ Demand is high at district level due to absence of many providers ➤ Training of judiciary institutions and religious councils has been positively received and increased their understanding of respective roles and responsibilities ➤ Training manuals were not updated since 2009 	<ul style="list-style-type: none"> ✓ Training needs assessment should be mandatory in all training activities, using professional training methodologies and manual design(E) ✓ Post training evaluation to be carried out (E) ✓ Separate needs assessment to be done for religious leaders as their roles are different from judiciary members(E) ✓ Updating and Quality

COMPONENTS	FINDINGS	RECOMMENDATIONS ESSENTIAL (E) DESIRABLE (D)
		<p>Assurance and relevance of training materials in terms of content, language and human rights advocacy (E)</p> <p>✓ Coherence with other materials developed by the larger CSOs (D)</p>
	<p>PLA and Media Campaigns</p> <ul style="list-style-type: none"> ✓ Generally useful in increasing demand of the community ✓ Topics covered were relevant (Women's rights, Children's rights, Land Law, Family Law) ✓ No needs assessment and pre-testing apparently taking place 	<ul style="list-style-type: none"> ➤ Content of PLA and Media campaigns have to be developed based on needs assessments and pre-testing ➤ More human rights advocacy and identification of access to protection of human rights to be included in the PLA materials(E) ➤ Impact monitoring needed
	<p>Gender and Conflict related issues</p> <ul style="list-style-type: none"> ➤ Female participation in PLA and Media campaigns low partially due to design issues in earlier activities, but reportedly addressed now ➤ Badakshan open air theatre, low participation of women ➤ Interviews with beneficiaries of HRC/CRC education in schools with 9-13 year olds raised concerns regarding lack of social mobilization and awareness raising in their community ➤ Potential conflict generation issues due to content of manuals and 	<ul style="list-style-type: none"> ✓ Increase space for women in PLA and Media Campaigns through simple measures like separate entrances and curtained off areas(E) ✓ Access and space for women recommended as an operating principle in all activities ✓ Avoid one-off interventions without consideration of long term social (conflict) impact and sustainability(E) ✓ Undertake conflict analysis of PLA, Media Campaign and TOT activities and use “do no

COMPONENTS	FINDINGS	RECOMMENDATIONS ESSENTIAL (E) DESIRABLE (D)
	absence of integrated community development/social mobilization approach	<p>harm” principle to guide them(E)</p> <ul style="list-style-type: none"> ✓ Increase social connector and peace-building content of the same(E) ✓ Use community development/social mobilization approaches in designing activities (E) ✓ Use conflict-sensitive programming tools for all activities ie. CDA
	RFP Implementation Cycles <ul style="list-style-type: none"> ➤ Inadequate time for CSOs to implement, monitor and evaluate activities 	<ul style="list-style-type: none"> ✓ Review RFP to enable sufficient engagement of CSOs in design, implementation, monitoring and evaluation of activities ✓ Increase sustained involvement of JHRA staff in implementation, monitoring, and evaluation of activities (D)
	Community Development and Social Mobilization <ul style="list-style-type: none"> ➤ Absence of community development and Social mobilization framework to underpin DLC activities 	<ul style="list-style-type: none"> ✓ Re-engineer activities and RFPs (D)
	CSO Capacity Building <ul style="list-style-type: none"> ➤ Capacity of CSOs and IPs is low 	<ul style="list-style-type: none"> ✓ Address this issue in new provinces ✓ Carry out capacity assessment early and strengthen/support weak areas through technical advice and proactive supervision of activities ✓ Consider engagement of major CSOs in

COMPONENTS	FINDINGS	RECOMMENDATIONS ESSENTIAL (E) DESIRABLE (D)
		monitoring and networking at the sub-national level (D)
PROJECT MANAGEMENT AND PARTNERSHIPS	Moving to National Implementation <ul style="list-style-type: none"> ➤ Transition will involve a concerted move towards transfer of responsibility for governance and development to national authorities ➤ UNDP policy directed towards National Implementation ➤ Project's performance and national ownership issues are linked 	<ul style="list-style-type: none"> ✓ Functional and Substantive review of HRSU/MOJ capacity, identifying areas of support for them to become effective and efficient IPs(D) ✓ Transfer of skills, knowledge and systems over one year(D) ✓ Monitoring and evaluation plan to support this transfer in a timely manner(D)
	Afghanization of the Project Team <ul style="list-style-type: none"> ➤ Inadequate presence of Afghan technical and managerial staff in JHRA project management team, and excessive dependence on international staff on key substantive, programmatic and managerial tasks ➤ At the same time, need to preserve stability gains of last three quarters and institutional memory 	<ul style="list-style-type: none"> ✓ Identify and recruit highly qualified Afghans ✓ Twin them with incumbent international staff ✓ Coaching and mentoring plan for succession of 6-9 months ✓ Monitoring and evaluation of plan to transfer skills, knowledge and authority (D)
	Refocusing of International Advisor Posts <ul style="list-style-type: none"> ➤ In support of Afghanization, Int'l posts to be re-directed to support national implementing partners in advisory capacity 	<ul style="list-style-type: none"> ✓ Revise Terms of Reference and Org Chart of JHRA to reflect changes (D)
	Engaging HRSU in supporting DLC	<ul style="list-style-type: none"> ✓ Establish concrete activity based link

COMPONENTS	FINDINGS	RECOMMENDATIONS ESSENTIAL (E) DESIRABLE (D)
	<ul style="list-style-type: none"> ➤ HRSU an knowledge and technical resource as component of JHRA ➤ Excessive reliance on CSO capacities to guide project activities during implementation ➤ CSO partner capacity low 	<p>between DLC and HRSU components of JHRA, including selection of CSO partners; quality assurance of training and PLA materials, monitoring and evaluating CSO's performance and impact(D)</p> <ul style="list-style-type: none"> ✓ Skills transfer and technical support to CSOs (D)
	<p>Enabling the CSO partners</p> <ul style="list-style-type: none"> ➤ Output 5 calls for strengthening of CSO partners through training, mentoring and TA 	<ul style="list-style-type: none"> ✓ Implement output 5 by identifying a core group of CSO partners for the future(D) ✓ Capacity assessment and capacity building plans for CSOs(D) ✓ MOUs to reflect a longer term vision with selected CSO partners.(D)
	<p>Monitoring and Evaluation</p> <ul style="list-style-type: none"> ➤ Impact monitoring of JHRA activities absent at this time 	<ul style="list-style-type: none"> ✓ Establish systems and recruit staff to undertake M&E for JHRA(D) ✓ Tools to include indicators for conflict sensitivity and peace building potential of project activities; gender balance and participation of women and risk analysis. (D) ✓ Implement participatory approaches, conflict sensitivity and human rights based approaches. (D)
	<p>Procurement</p> <ul style="list-style-type: none"> ➤ Procurement cycles are 	<ul style="list-style-type: none"> ✓ Review procurement systems at JHRA and in

COMPONENTS	FINDINGS	RECOMMENDATIONS ESSENTIAL (E) DESIRABLE (D)
	<p>very long</p> <ul style="list-style-type: none"> ➤ Delivery rate seems to be closely linked with procurement delays ➤ Recruitment procedures are slow and several positions are yet to be filled 	<p>UNDP CO (E)</p> <ul style="list-style-type: none"> ✓ Review UNDP/JHRA recruitment procedures and HR practices to find and address bottlenecks (E)
	<p>LOA Modality</p> <ul style="list-style-type: none"> ➤ LOA modality offers excellent start towards national implementation. ➤ Space exists within LOAs to increase ownership and control of project resources by national partners. 	<ul style="list-style-type: none"> ✓ Expand options for national control ✓ Provide Atlas level 1 authority to USD 5,000 to component manager of HRSU and greater decision-making authority to HRSU manager(E)
	<p>Budget Implications of proposed changes</p> <ul style="list-style-type: none"> ➤ HR costs may rise in the short term ➤ Output 5 budget lines may offset some changes and support increased role of HRSU and capacity building of CSOs. 	<ul style="list-style-type: none"> ✓ Review budget and project document to find resources to support proposed changes(D)
	<p>Risk Management of JHRA</p> <ul style="list-style-type: none"> ➤ Move to NI will generate new risks ➤ Risk management of JHRA to be expanded during the process of national implementation 	<ul style="list-style-type: none"> ✓ Risk analysis and risk mitigation/management of the security, financial, reputational, implementation delays, conflict potential, overall governance risks (financial audits, transparency/accountability) ✓ Establish basic risk monitoring system(E)
	<p>Monitoring of Recommendations</p> <ul style="list-style-type: none"> ➤ Evaluation recommendations will need to be agreed and implemented relatively 	<ul style="list-style-type: none"> ✓ Establish a committee of the project partners ✓ Develop a tracking system for monitoring changes(E)

COMPONENTS	FINDINGS	RECOMMENDATIONS ESSENTIAL (E) DESIRABLE (D)
		communities in an integrated way, with social mobilization and community development principles as basis
FUTURE PROJECTS	Shift in Project Approach	<ul style="list-style-type: none"> ✓ Targeted approach aiming at specific outcomes as opposed to grand schemes linking various parts of the justice and governance framework ✓ Carefully assess any linkages and focus on integration around concrete activities
	Institutional Development and Capacity-building	<ul style="list-style-type: none"> ✓ Continued support to HRSU/MOJ in expanding inter-ministerial roles and functions and sub-national presence/capacity for HR activities ✓ Continued support to capacity building of Justice institutions at sub-national level (MOJ, SC,AGO)
	Legal Empowerment of the Poor for Women and Youth	<ul style="list-style-type: none"> ✓ Test pilots in some provinces for eventual expansion.
	Cooperation with other Donors	<ul style="list-style-type: none"> ✓ Assess potential UNDP support to USAID's Rule of Law Field Force project (via IDLG as a possible modality)

IV. Introduction

- 2.0 From 2-25 July 2011, an independent mid-term evaluation of the UNDP project AFG/0071252 was undertaken with the objective of evaluating the project's approach, achievement, and failures. The objective of this exercise was to assess the performance of the project to date, to record lessons learned and to provide recommendations as to how to improve and strengthen the project's future undertakings.
- 2.1 The mission team was composed of one international and one national consultant, who were assisted in their tasks by the Democratic Governance Unit (DGU) and the JHRA staff in making the mission arrangements and providing logistical support.
- 2.3 The consultants were asked to review the implementation of the various project components and outputs/outcomes outlined in the project document with a view to identify the level of achievement and analyze causal factors where the set benchmarks were not achieved.
- 2.4 Particularly important were issues related to the sustainability of the project components; cross-cutting aspects such as gender, conflict sensitivity and human rights based approach. The evaluation team was also required to identify good practices and lessons learned, future capacity building needs and improvement of national participation to increase national ownership. Project implementation modalities and their implications for national ownership were also assessed.
- 2.5 The working methods of the team included evaluation design at the outset, briefing of UNDP, the project's partners/donors on the evaluation design; debriefing at the end of the evaluation, draft report and final report.
- 2.6 The methodology used by the team consisted of a review of existing documentation with regard to human rights and justice, including project documents, periodic report, AIHRC reports, the Afghanistan National Development Strategy, the Afghanistan Compact, the National Priority Program 5 and other relevant documents. The team adopted a qualitative methodology because of a dearth of quantitative data. Interviews and meetings between the evaluation team and the main stakeholders and beneficiaries (in Kabul and Badakshan) provided the primary sources for the evaluation.
- 2.7 The overall objective of this mid-term evaluation within the short period of time was to recommend some immediate solutions and recommendations for the remaining period of the project and pave the way beyond project completion (2012). Therefore, it does not cover project results in the form of impact, outcome and changes, which normally requires more

time and in-depth information collection. There might be some areas within the project that have not been covered in this evaluation and may need a review in due course. However, in view of the timeline and available resources, the evaluation covered most of the priority areas and issues, which needed to be reviewed, revised and implemented.

V. Project Outputs Status

3.0 Output 1: Capacity of National Justice Institutions to effectively deliver justice and uphold human rights is strengthened

Activity 1: Effective operation of the Supreme Court translation unit

- 3.1 This activity was intended to support the ongoing operation of the translation and publication unit in the Supreme Court of Afghanistan (SC). This unit translated foreign documents into the languages of the Court, and officially translated Afghan legal documents into foreign languages so Afghan justice institutions could more easily comply with minimum international standards.
- 3.2 The SC translation unit was established and operational, however when project funding ended, SC was not able to continue to support it. The lesson learned from this activity is that careful planning of the transition to national ownership by the Ministry has to be undertaken early and steps taken to mitigate the possibility of failure to institutionalize. MOJ translation unit, for example, which is planned in the coming months, needs to be designed for an early takeover. In the future, JHRA should avoid these types of activities as they may not be sustainable with short-term inputs. HRSU is a potential institutional home for a translation unit since they are already performing this task.

Activity 2: Technical advice to improve capacity of the Supreme Court to manage assets and finances

- 3.3 This activity supports the development and implementation of asset management and financial management policies and procedures in the Supreme Court through technical advice.
- 3.4 There is documented concern over the SC ability to integrate the unit within the state budget cycle, the key sustainability obligation upon which the program's funding was conditioned. The eventual lack of sustainability of the translation unit attests to the constraints in achieving this type of activity without careful planning and sustained financial support.

Activity 3: *Legal Awareness Outreach through the Ministry of Justice Public Legal Awareness Unit (PLAU)*

- 3.5 This activity supports the Ministry of Justice to design and manage legal awareness outreach projects in Afghanistan, conducted through mass media at the national level and through targeted district and village level awareness raising activities.
- 3.6 The PLAU began in July 2008 and completed its activities at the end of September 2010. The PLAU played an instrumental role in the formation of the MoJ's National Legal Awareness Strategy, which will be rolled- out in 2011.
- 3.7 This activity was successfully completed under JHRA at the national level and has been extended to the district level under DLC.

Activity 4: *Effective operation of the Ministry of Justice translation unit*

- 3.8 This activity supports the ongoing operation of the translation and publication unit in the Ministry of Justice. Similarly to the SC translation unite, this unit is intended to translate foreign documents into the official languages of the Government of Afghanistan, and officially translates Afghan laws, policies and directions into foreign languages, so Afghan justice institutions can more easily comply with minimum international standards.
- 3.9 Lack of staff that meets the dual requirements of the MOJ for lawyers trained in Shari'a and/or state law who also have good translation skills has caused delay in the establishment of this unit. Although MOJ has, in the establishment of HRSU, shown its commitment to planning sustainable activities, the lesson learned from the SC experience is cause for caution. MOJ could consider transferring the translation unit funds to HRSU to strengthen its current capacity for translation services. Alternatively, a sustainability plan needs to be developed to ensure that MOJ is able to carry the unit after the project is completed. At the time of writing, the search for qualified staff was still underway.

Activity 5: *Technical advice to strengthen planning capacity of the Office of the Attorney General*

- 3.10 According to the project document, technical advice and mentoring was to be provided to assist the Office of the Attorney General in developing strategic plans and managing strategic and operational planning processes.
- 3.11 The project conducted a successful Prosecutors' Association's Workshop and helped to establish a human resource database. From the records, the team found that there is a need to identify new activities to increase the engagement of AGO and help strengthen

their capacity in a more systematic way than one-off activities like the ones implemented thus far. However, given the limited time available to the project's closure, this activity could be considered on a larger scale for the next phase of JHRA.

- 3.12 The team's assessment of this activity is that the capacity-building of AGO and the SC were carried out in an ad hoc manner and not sustained over time. Because of this, JHRA has not contributed significantly to capacity building for planning and management at the national level, as originally intended. This needs to be addressed in future projects as resources and time are not limited to undertake this activity in any substantial manner.
- 3.13 A lesson learned from the capacity-building activities of JHRA with AGO and the SC is that if resources are limited, it would be useful to link up with other public sector reform programs and their associated capacity building activities to try to leverage limited resources for greater impact and value for money.

Activity 6: Initiatives to promote anti-corruption, and strengthened capacity to implement the UNCAC, in conjunction with the Accountability and Transparency Project of UNDP

- 3.14 This activity will be a partnership between JHRA and the UNDP ACT project to support the Ministry of Justice in strengthening its internal complaint and investigation mechanisms and strengthening the Ministry's role in the overall fight against corruption in Afghanistan.
- 3.15 HRSU staff was trained in anti-corruption and its relationship with human rights. However, activities to strengthen the internal complaint and investigation mechanisms within the Ministry of Justice remain to be implemented.
- 3.16 MOJ should consider an MOU with the High Oversight Committee on Corruption in order to strengthen the role of MOJ in the fight against corruption in Afghanistan. A meeting with the UNDP ACT project to discuss potential areas of cooperation towards achieving the objectives of this activity is recommended at the earliest opportunity as little time remains in JHRA to complete this activity.

Output 2: Capacity of the Government of Afghanistan to fulfill international obligations in a coordinated manner is strengthened

Activity 1: HRSU established, functioning and Sustainable

Achievements

- 4.1 A letter of Agreement – LOA was signed with MOJ to hand over a series of HRSU activities to MoJ. The decree to enact it is in the process of being signed by the President. HRSU has been active in implanting its mandate.
- 4.2 HRSU has been successfully established and is operational, with a wide range of activities having been implemented including legal and technical reviews, UPR monitoring, high quality comparative studies. HRSU's knowledge products were found by the team to be models of good practice as their approach combines critical analysis with soft diplomacy and constructive advocacy for change, an approach necessary in a sector fraught with tension in Afghanistan. All HRSU documents are available in both Dari and Pashto.
- 4.3 HRSU's organizational structure is in place and a core staff has been recruited. Workplans, strategic plans, staffing plans, terms of reference and job descriptions, and an organizational chart have already been drafted which demonstrate solid organizational competencies for such a young organization. Furthermore, the visibility and attractiveness of HRSU to donors and government are high. Their corporate materials, reports and research products have greatly contributed to this visibility, as has the sustained political commitments of MOJ to the Unit and its advocacy at the level of the Council of Ministers.
- 4.4 The MOJ has integrated HRSU in its Tashkeel of 1390. The unit report directly to Minister, budget for 6 staff member of HRSU and admin costs covered by MOJ and the lease agreement for HRSU office space signed by MOJ.
- 4.5 HRSU's achievements in a short period of time are numerous and include: analysis of the family law drafted by MOWA; the review of 19 laws in relation to CEDAW with specific gaps identified in the legislation for rectification; an assessment of the Ministries' capacity to mainstream gender policies, strategies and decision-making based on gender/human resources positions and authority, intra/inter and external ministerial cooperation, training and capacity building (report to be released soon). It also conducted numerous training workshops, as listed below.
- 4.6 The HRSU analyzed a draft law on Funeral Ceremonies and shared it with the Taqin Department of Civil Law. Similarly, it undertook an analysis with the Taqin Working Group to review the draft law on Marriage Expenses, which resulted in considerable improvements in the text.
- 4.7 A comparative study of Afghanistan's compliance with CRC is finalized and same study with CEDAW was initiated and soon to be completed. The study on UNCRC reflects the solid technical ability of the HRSU staff. In addition, HRSU has developed an action plan for the implementation of the UPR/CRC recommendations. HRSU also hosted a round table discussion with the Taqin (Legislative Department) to initiate the collaborative

process for joint actions to implement the recommendations from the Universal Periodic Review (UPR) in Afghanistan.

- 4.8 HRSU and the UNDP Gender Equality project have agreed to jointly assist MOWA in integrating gender perspectives in their policy papers, strategies and laws.
- 4.9 A total of 124 MOJ staff was trained by HRSU on human rights treaties, of which 21 were female participants.
- 4.10 HRSU has drafted an MOU with MRRD to work with their gender advisors and social workers to increase their capacity to mainstream human rights and gender perspectives in their programs. HRSU has signed MOUs with MOWA and MOE to provide technical assistance in capacity building and integration of human rights including gender in their institutions.
- 4.11 HRSU reviewed the gender policy of the Civil Service Commission and has made recommendations for improvements.
- 4.12 HRSU has provided training on international human rights standards for the staff of the ILF- International Legal Foundation.
- 4.13 UNAMA and HRSU have organized a two-day workshop on the follow-up to the UPR (Universal Periodic Review) recommendations which gathered staff of MOFA's Women's International Affairs and Human Rights Department, HRSU and AIHRC.
- 4.14 The HRSU also translated the Concluding Observations of the UN Committee on Economic and Social Rights (UNCESCR) on the implementation of the ICESCR (2010) and the UN Committee on CRC on the implementation of CRC from English to Dari.
- 4.15 The unit's staff had one day training on Legislative drafting in Afghanistan. An international expert from the UNODC led the training, concentrating on legislative process in the country, the regulation governing the operations and activities of the MOJ.
- 4.16 The HRSU conducted a workshop on Monitoring & Evaluation tools and approaches at the HRSU Conference Hall. The HRSU staff along with representatives from UNAMA, AIHRC and CSHRN participated in the event.
- 4.17 HRSU reviewed 30 laws for the Taqin department of MOJ, and prepared an analysis of the draft regulation on women protection centers.
- 4.18 HRSU hosted training on right to food for staff of ministry of agriculture, irrigation and livestock and UNAMA with a trainer assigned by FAO.

Challenges

- 4.19 HRSU's work plan, while commendably reflects an ambitious and dynamic vision, needs to be aligned more closely to their current capacity and resources. Additional technical and managerial staff will be required in order for HRSU to achieve its goals and objectives for this year.
- 4.20 HRSU has undertaken some capacity development activities, including the preparation of action plans, capacity building plans, work plans and budgets, staff training, and progress reports. It will need to accelerate its organizational development activities, including the design and implementation of management information systems, policies and procedures manuals, communication plans, human resource development plan, financial management systems.
- 4.21 The review of the staffing of HRSU, (CVs and job descriptions and personal interviews) demonstrates a variance in the qualifications and competencies of the technical staff of HRSU from unit to unit. This uneven skill base has resulted in some units carrying the workload of other units.
- 4.22 There is also a variance between the number of activities, the available time to implement them and some of the administrative bottlenecks encountered by the HRSU. These include lags in processing budgets and procurement, a feature of direct implemented projects on the one hand, but also a feature of HRSU's need to institutionalize policies and procedures within the unit in a standardized manner. In doing so, care must be taken to ensure the compatibility of MOJ's administrative procedures with those of UNDP to reduce delays in processing.
- 4.23 The institutional arrangements which currently guide HRSU (as a unit of MOJ) may need to be reviewed to enhance its inter-ministerial role and function, and to enable it to cooperate with IDLG to roll out HR activities to the sub-national level. This review needs to be prioritized as a matter of urgency to enable HRSU's expansion to occur effectively.
- 4.24 HRSU has signed MOUs with Ministry of Education, Ministry of Women's Affairs, and is in the process of signing MOUs with Ministry of Labor, Social Affairs, Martyrs and Disabled and Ministry of Foreign Affairs. Their current plan is to sign two MOUs per month to provide technical support to the Ministries in reviewing their laws, in training. This is excellent, however HRSU staff will need to carefully review their training plans to avoid duplication of existing materials produced by AIHRC and CSOs. As opposed to general training materials, HRSU should be designed according the specific needs of the ministries and take into account the rights holder's claims against the services of each of

these duty bearers. The evaluation recognizes that HRSU has identified this need and plans to act on it in the coming year.

- 4.25 At this juncture, the current capacity and resources of HRSU may be too limited to service so many ministries though the roll-out to all of the ministries is part of HRSU's mandate. HRSU, therefore, runs the risk of spreading its resources too thin and should to choose judiciously those activities they will act on first.
- 4.26 AIHRC and HRSU cooperation and coordination has been improving progressively. Both organizations have potential areas of supporting each other's activities. It was noted that the Ministry of Justice is strongly against any duplication of the mandate of AIHRC by HRSU. Noteworthy is that AIHRC was actively involved in the creation of HRSU from the Kabul conference onwards in view of its potential role as an arm of AIHRC within government. Hence, AIHRC is a main stakeholder in the success of HRSU. However, two conflicting issues remain to be resolved. First, according to AIHRC, HRSU's character as a unit of MOJ does not require a presidential decree for its creation as this may give it an independent legal character. Second, there appears to be a disagreement on the monitoring function of HRSU, which according to AIHRC is its mandate and not that of HRSU. Some concerns were expressed by AIHRC regarding duplication of activities. The evaluation team also felt that competition for financial resources may be at the root of some of the tensions between the two organizations. The evaluation team notes that the tasks, targets and activities of both AIHRC and HRSU are jointly agreed and highlighted in the NPP6 on Human Rights and Civic Responsibilities. However, the team also observed tensions in its interviews and recommends that, though it is not UNDP's responsibility, strategies for managing this relationship be identified and implemented as part of conflict prevention and mitigation.
- 4.27 Another round of consultations to define the respective roles and responsibilities of the two bodies and their cooperation needs to be advocated with an aim to develop an MOU. Importantly, these consultations should seek to clarify these issues of overlap of mandates and duplication of activities and to build bridges of cooperation in specific areas. Donors funding both the organizations in particular need to clarify their own strategic objectives in the human right sector to HRSU and AIHRC.
- 4.28 The operational budget of HRSU is currently high, and includes rent, equipment maintenance, supplies, fuel, and the recruitment of international advisors to provide technical and managerial backstopping. MOJ has indicated that these costs are above their budget capacity and the operations of HRSU may need to be stepped down in preparation for July 2012.

- 4.29 HRSU is presently under a direct implementation modality. In view of this, 2012 as a completion date for JHRA's HRSU activities may be premature. A second phase of HRSU to strengthen itself as a sustainable institution and to enable its outreach to the ministries and to the subnational level should be given serious consideration. HRSU in close collaboration with IDLG could be instrumental in also enhancing human rights at the district level in line with the post-transition vision of the international community on the crucial importance of strengthening sub-national governance.
- 4.30 Staff retention under the MOJ salary structure, even after undergoing PRR is problematic as HRSU staff is well qualified for other well-paying employment. Some staff has (confidentially) indicated to the evaluators that they are unlikely to remain after the project is completed due these financial imperatives.
- 4.31 The management style of HRSU is a team orientation and participatory decision-making. This is a motivating factor for HRSU staff. Also, the majority are able to get other jobs, but choose to stay because they feel they are contributing pro-actively to improving gaps in policy, strategy, laws concerning HR. However, financial incentives also need to be present. A good working environment, thus, may prove insufficient for staff retention.
- 4.32 A functional and substantive capacity assessment to enable its smooth transfer to MOJ needs to be planned early. Part of the institutional review needs to focus on the interface of HRSU positions/structures/work processes with the MOJ ones to enhance their complementarity and the growth of HRSU to "fit" should it remain permanently as a unit of MOJ.
- 4.33 In interviews, HRSU technical staff made a special point about the "language" of human rights, meaning the understanding of HR in the local context, from different social and political perspectives. This is especially important because of the high illiteracy rate in the country. The understanding of human rights in Islam is low, let alone human rights in international sense. Emphasis was placed on the importance of social and cultural context of Afghanistan, and on not importing human rights concepts without adapting them to Afghan context. This highlights the relevance of Afghan advisors in assuring the cultural and social sensitivity of HR education and programs. Interviews also highlighted the need to staff JHRA with international staff who are experienced and knowledgeable about the country, its culture, its legal framework.
- 4.34 HRSU's policy research role to support decision-making can be expanded further should its technical and financial resources grow.
- 4.35 Procurement and administrative procedures for HRSU's operations and activities are lengthy and ineffective. Delays in procurement and approval of activity budgets impact of the delivery of their activities. HRSU has no authority over expenditures and only has

access to USD 100 in petty cash. All other requests are processed through lengthy UNDP procedures. This places serious constraints on their ability to implement their work plans. Considering these constraints, the number of activities carried out by HRSU staff is truly prodigious and show a high level of “internal” coherence and efficiency.

- 4.36 Equipment and services below USD 2,500 should be managed by HRSU Finance and Administration staff. Atlas level 1 authority should be given to the component manager to execute (up to USD 5,000) to help speed up the process of delivery.
- 4.37. HRSU job descriptions and TORs are based on a long term plan, while the resource base is secured only to 2012.
- 4.38 The current level of political support and visibility of HRSU is very high. However, reliance on such support carries risks in case of changes at the Ministerial level. The presidential decree may provide some security to mitigate this risk, as will the integration of HRSU into MOJ and its positioning as a focal point for mainstreaming human rights across the ministries.
- 4.39 The physical location of HRSU has implications for the level of daily interaction and communication at all levels between HRSU and MOJ staff. It also accentuates the “project” character of HRSU, highlighting salary and benefits differences.
- 4.40 HRSU challenges, in addition to above, include continued donor support uncertainty; job security anxiety on the part of the staff and their resulting search for other employment in the coming months.
- 4.41 Professional development opportunities are limited for HRSU staff due to their workloads.
- 4.42 As opposed to general training materials, HRSU should be designed according the specific needs of the ministries and take into account the rights holder’s claims against the services of each of these duty bearers. The evaluation recognized that HRSU has identified this need and plans to act on it in the coming year.

Activity 2: Policies and plan developed and implemented, including through pilot initiatives, to increase compliance by ministries with Afghan Compact Human Rights Benchmark

- 4.43 This activity remains to be implemented during the course of 2011-2012 This activity will provide technical assistance and support to the HRSU in relation to policy development, legislative review and assessment of compliance with framework documents including the Afghan Compact and Constitution. Following a mapping

process, a National Action Plan will be developed by the Government, with support from the AIHRC and international stakeholders, including technical support for the drafting process provided through this project. A Rights and Duties Training Manual will be implemented in targeted ministries, supported by awareness raising activities within partner ministries.

Activity 3: *Progress toward achievement of Afghan Compact Human Rights Benchmark tracked through effective monitoring and results shared with public through advocacy and communications initiatives.*

4.44 This activity remains to be implemented during the course of 2011-2012 Indicators will be developed and a baseline survey conducted to monitor progress on the implementation of the Compact Benchmark. A research institute will be engaged to conduct a perception survey within selected ministries and their stakeholders. An advocacy and communications strategy will be developed, supported by a UNV. Advocacy and communication activities will be implemented through mass media and support for Accountability Week events.

Output 3 Capacity of district level justice actors to effectively deliver justice and uphold human rights is strengthened

Activity 1: *Rehabilitation / construction and provision of equipment to District Courts, district detention facilities, primary courts and judge's residences at the district level.*

Achievements

5.1 Ten justice facilities were completed and handed over to counterparts in 2009.

5.2 Seven justice facilities were completed in 2010 and handed over to Justice Institutions in Balkh and Baghlan provinces. They included a detention center including water bore well, a primary court building, four rehabilitated justice residential houses and 5 water bore wells.

5.3 Nine new projects were initiated in Faryab, Jawzjan and Badakhshan in 2010 and completed in 2011.

Challenges

- 5.4 UNDP comparative advantage in infrastructure building is decreasing as other players (WB, EU through ARTF and USG) are active and plan a major initiative in support of transition (Rule of Law Field Force and WB Phase II)
- 5.5 The mission to Badakshan raised concerns regarding design issues related to creating space for women to access state justice services, for example, toilets and waiting halls designated for women, the availability of female staff to assist women and legal aid directed specifically for women. This is especially important given the cultural and social norms of the communities in which the rehabilitation projects have taken place thus far, and will become more of an issue as DLC plans similar projects in Pashtoon dominated provinces with stricter social norms.
- 5.6 The mission found the Court house in Kishem was understaffed and may need further capacity building support and basic administrative systems. From the visit to this site, it appears that the focus of DLC has been primarily on the provision of rehabilitated infrastructure. A functional review of the staffing and organizational systems requirements would help improve the delivery of justice services to the communities using these rehabilitated facilities.

Activity 2: Training of justice sector personnel on legal and constitutional rights, with a particular focus on rights of women, children and vulnerable groups

Achievements

- 5.7 DLC has conducted a number of training workshops as planned in the project in a range of subjects covering family and personal status law, land law, criminal law and the protection of women and children and access to defense counsel”. 84 judges, 250 religious leaders, 92 community leaders, 39 Huquq Officers, 18 police officers underwent training. Samples of the training participants were interviewed by the evaluators in Feizabad. All participants agreed that they acquired some new knowledge. Furthermore, those interviewed agreed that the greatest benefit they perceived from the training was an opportunity to establish collaborative relationships with their counterparts in the different parts of the judiciary and to understand their respective roles and responsibilities better.
- 5.8 DLC, in collaboration with HAM, a local NGO, has trained 465 teachers and 46,500 primary and secondary school students in human rights education.
- 5.9 The demand for capacity building of the judiciary remains high at the district level due to the absence of the required number of service providers. The mission was informed that GTZ has begun similar activities and that Concern was planning a countrywide human

rights awareness campaign. Both these organizations would benefit from reviewing the experiences of UNDP in this domain.

- 5.10 The JHRA regional office in Bamyan is now established and a committee formed to plan the upcoming regional workshops. During the evaluation period, the first meeting of the JHRA partners took place, and from accounts, was well attended and successful in achieving its objectives.

Challenges

- 5.11 The evaluation team interviewed 25 girls aged between 9 and 13 in a school in Feizabad's rural community. The girls were found to be very knowledgeable about the CRC and very articulate. Furthermore, the team was impressed by the vision of these girls in terms of their interest in completing their secondary education, in post-secondary education, in the wide number of professions they may wish to pursue later. Asked about their parents' attitude towards their plans, and those of the community elders and the imam of their mosque, a very positive picture was presented to the evaluators. No post-training evaluation reports are available to verify the real impact of the training delivered to 46,500 children. The evaluation team was surprised by the overwhelmingly positive responses as no awareness raising/sensitization activities had been carried out in that particular community among community leaders. When questioned about early marriage, some of the girls indicated that if their families pressured them to get married before they had completed their education. One girl stated categorically that she would resist and contact the Afghanistan Independent Human Rights Commission.
- 5.12 From extensive discussions and interviewing of the girls and their teachers, the team and the representative from the Ministry of Justice were concerned about the impact on young children in communities where interventions appear to be made on a short-term basis and targeting teachers and children rather than the entire community and the main opinion leaders in the same community, this without sustained follow-up.
- 5.13 Upon further investigation, it appears that the training of community leaders and elders and the public legal awareness activities/human rights education are being delivered to different communities, hence not creating a critical mass of sensitized community members in the same location to support these children's new vision of themselves and their rights. Moreover, given the short time period of these interventions, it is not clear what will happen to these children living in a conservative environment when the time comes to assert their rights as young adults a few years onward. The potential for conflict generation in a fragile, war-torn country has to be fully factored into activities aimed at creating social change.
- 5.14 Request for Proposals and project implementation cycles were felt by the NGO partners to be too short to allow quality delivery. A proper project cycle in each case ought to

include a needs assessment and activity design; implementation of training/awareness raising and post-activity evaluation of impact. The CSOs interviewed have indicated they do not have the resources or capacity to carry-out pre and post impact evaluation. This is an area where capacity building has to be focused under output 5 of JHRA (see below).

- 5.15 The team found that the DLC activities and RFP processes are not designed to maximize community development and social mobilization. Because they are being implemented without coherence between various activities, their impact is also scattered.
- 5.16 Training needs to be undertaken on basis of training needs assessment and professional training methodologies, including curriculum and manual design, and evaluation. Separate needs assessments and training needs to be conducted for the religious leaders and community elders.
- 5.17 Training materials currently being used by JHRA, in particular DLC need to be reviewed and updated to be coherent with others developed by large CSOs (not updated since 2009). An assessment of some of the manuals shows that they were not designed with training principles and are rather a collated set of suras and hadiths of unknown origins, with no obvious training objectives, outcomes, evaluation methodology underpinning them. These manuals have to be revised taking into account existing ones being used by the larger CSOs but also with a higher content of human rights advocacy and resources on the protection mechanisms available in the country.
- 5.18 An increase of senior Afghan human rights specialists with strong community development backgrounds within JHRA would help ensure a more integrated, gender and culturally sensitive approach to DLC activities. Importantly, the conflict mitigation and peace building, the harnessing the social connectors and reducing conflict risk, have to be factored in through social mobilization and community development in the areas in which DLC is planning its future activities.

Output 4 Capacity of community stakeholders to promote and claim human rights is strengthened

Activity 1: Village public awareness activities to promote legal and constitutional rights

Achievements

- 6.1 DLC, in cooperation with FMG, a Kabul based organization, conducted open theater presentations in 7 districts in Badakhshan and 7 in Jawzjan over 13000 attending.

- 6.2 PLA and Media Campaigns have been conducted and generally useful in increasing demand of the community. Topics covered were relevant (Women's rights, children's rights, land law, family law).

Challenges

- 6.3 The content of PLA and Media Campaigns need to be developed based on needs assessment. For mass media type of activities, it is essential that the messages are pre-tested on focus-groups and adjusted accordingly.
- 6.4 The team found, through a review of the materials, that more human rights content and mechanisms to access protection of human rights need to be added.
- 6.5 The evaluation team has found that women's participation in the public legal awareness activities has been low. For example, in Badakshan, 1,500 men participated in the open air theatre even, while only 70 women were present. The evaluation team suggests that this is partially due to the design of activities. For example, designated space and an entrance for women to the park were not provided. Simple solutions such as a curtain drawn across the park, creating private space for women, and reserving an entrance for women are cost-effective and would increase the number of female participants. The evaluation team was informed that these measures are being implemented in the later activities of JHRA. As mentioned elsewhere, creating space and access for women should be an operating principle in all JHRA activities.

Activity 2: Develop and implement mass media campaigns on legal and constitutional rights, through radio with supporting print media

Achievements

- 6.7 26 drama and 28 human rights programs were broadcast through radio Nawa in Kabul and in three local stations in various provinces by JHRA.
- 6.8 16 billboards on women and children rights, IDPs, etc were used in over 10 provinces 8 TV and 8 Radio spots in Dari and Pashto were produced.
- 6.9 2 Legal Dramas, 2 presentations and 3 songs on *Radio Nawa* through its partner Saba Media Organization (SMO) from Kabul and local radios.
- 6.10 40000 brochures and 40000 posters were developed and printed on 8 topics including child and women rights, legal aid, property disputes.

Challenges

- 6.11 Due to an absence of post-campaign impact evaluation, it is not clear how Activity 2 has affected the perception of human rights on the part of their audiences on the one hand, and on the other hand, increasing their ability to claim their rights or their access to justice services generally.
- 6.12 As above, such media campaigns have to be developed with specific objectives in mind, in particular ensuring that their audiences understand the mechanisms available for the protection of their rights and their access to justice where their rights are being violated.

Activity 3: *Human rights training and dispute resolution training for community representatives and opinion shapers (including women's representatives, community leaders, religious leaders, traditional leaders)*

This activity remains to be implemented.

Output 5 Capacity building of Afghan Civil Society organizations to advocate and promote human rights is strengthened

Activity 1: *Build human rights advocacy capacity of Afghan Civil Society Organizations through training, mentoring and technical assistance*

This activity remains to be implemented

Activity 2: *Small grants programme to fund advocacy campaigns developed and proposed by Afghan civil society organizations*

This activity remains to be implemented

Note: UNDP CSO partners are crucial in reaching communities and their capacity building to enable them to be effective and efficient partners needs to be a priority, especially in regard to future roll-outs of DLC type activities. This output needs to be prioritized for 2011, capacity assessment undertaken of selected national and sub-national CSOs to ascertain their needs. Memoranda of cooperation reflecting a longer term vision may provide a more effective sustainable modality than the current short term RFPs.

VI. Progress Towards CPAP, Ands, Afghanistan Compact

- 7.1 JHRA has contributed to the UNDP Country Programme Action Plan (CPAP) Outcome 2: *“Effectiveness of the justice system is improved and access to justice is increased”*.

This has been achieved through its central level activities, including support to MOJ's Human Rights Support Unit, and its District Level Component activities covering rehabilitation of court buildings, public legal awareness, training of justice officials and religious leaders, and through its training of teachers and children. In doing so, it has also contributed to the National Justice Program Goal 1 of the Afghanistan National Development Strategy: Improved Institutional Capacity to deliver sustainable justice services.

- 7.2 JHRA's objectives and activities are also well aligned with the Afghanistan Compact's Pillar 2: Governance, Rule of Law and Human Rights, in particular towards measures aimed at building the capacity of judicial institutions and personnel; promoting human rights and legal awareness; and rehabilitating judicial infrastructure. The Afghanistan Compact Human Rights Benchmark, in particular, states that by the end of 2010, *"The government's capacity to comply with and report on its human rights treaty obligations will be strengthened; Government security and law enforcement agencies will adopt corrective measures including codes of conduct and procedures aimed at preventing arbitrary arrest and detention, torture, extortion and illegal expropriation of property with a view to the elimination of these practices; the exercise of freedom of expression, including freedom of media, will be strengthened; human rights awareness will be included in education curricula and promoted among legislators, judicial personnel and other Government agencies, communities and the public; human rights monitoring will be carried out by the Government and independently by the Afghan independent Human Rights Commission (AIHRC) . To coordinate and implement the Government's responsibilities under this strategy, a Human Rights Support Unit (HRSU) will be established in the Ministry of Justice".* The establishment and successful operationalization of HRSU under JHRA represents a major achievement towards the AC human rights benchmark.
- 7.3 It is important, therefore, that in spite of the limited remaining period to the project's closure, JHRA continue to build on this achievement through Activities 2 and 3 under Output 1: Policies and plan developed and implemented, including through pilot initiatives, to increase compliance by ministries with Afghan Compact Human Rights Benchmark; and Progress toward achievement of Afghan Compact Human Rights Benchmark tracked through effective monitoring and results shared with public through advocacy and communications initiatives.

VII. Underlying factors affecting outcomes of the justice project

- 7.4 Since the inception of JHRA in July 2009, Afghanistan has faced a deteriorating security environment and chronic instability which have placed limitations on international assistance delivery generally. The project suffered from a delayed start-up and was not operational for the first two quarters due to the attack on the Bakthar guesthouse. The

attack resulted in the evacuation of international staff, and the freeze on recruitment by the Secretary General. For UNDP, these limiting factors have included reduced access to project sites at the district level, and also created serious constraints at the central level in terms of locating key project activities and staff in the partner ministries. Afghanistan's transition to responsibility for its own security, governance and development, put into motion this year and which is planned to be completed by 2014 may create new opportunities for investment in the justice sector. However, the transition appears to be generating a sense of uncertainty and apprehension among the Afghan people. During the period of the mission, an attack killed the President's brother and his closest advisor, further raising issues of confidence in the government.

- 7.5 Another consideration is the existence of many other assistance providers working in the justice sector. A recent review counted 37 international assistance providers, many with far greater material resources than JHRA. The current need is to map that assistance in detail, and for UNDP to play a special role in promoting complementarity and, to the extent possible, synergy within and beyond the UN family. Similarly, a coordinating mechanism which could bring donors and government partners in a strategic forum to plan international assistance in the justice sector is presently absent. UNDP could also take the lead in helping to establish such a forum to help fill this gap.

Legal Pluralism and the Need for Harmonization

- 7.6 The justice sector of Afghanistan is crucial to the stability and security of the country on the one hand, and on the other hand, due to serious lacunae in the capacity of justice institutions to deliver justice and limitations to access to justice by the Afghan people, the sector is one of the most challenging for donor assistance to be both effective and sustainable. Recently, the pluralistic character of the Afghan legal framework, and the central role of traditional justice (with its own internal controversies) have polarized the policy debate between government, CSOs and the international community. This debate was sharpened further around the Jirga Law and eventually resulted in its rejection by the Council of Ministers. Arguments from various stakeholders about the "formal" and "informal" justice systems have served to make access to justice more challenging due to a lack of authoritative policy direction on the issue of harmonization. In the interim, the Government appears to be more than ever committed to support the role of state justice institutions as agreed in the ANDS and the Afghanistan Compact, at least in the foreseeable future. This was also confirmed to the evaluation team by the Justice Institutions with respect to UNDP/JHRA's priorities areas of focus, and the notable absence of traditional justice in the latest National Priority Program 6. Afghanistan's transition to responsibility for its own security, governance and development, put into

motion this year, will result in re-aligning international aid to a greater focus on sub-national level and in particular to the rule of law, justice and security sectors, creating both opportunities and greater challenges on the best way to achieve lasting results. Donor coordination in this sector has been strong in recent years and should help ensure that all assistance is provided in a concerted and harmonized way, though greater engagement of government interlocutors in the coordination and harmonization efforts must continue to be mobilized more actively.

VIII. Management and Implementation Issues

- 8.1 Mobility and security continue to impose serious constraints on the effective implementation of JHRA. At the same time, transition will involve a serious move transfer of responsibility for development and governance to national authorities. These factors, coupled with UNDP policy to move towards capacity building for national execution, and the need to improve the project's performance at the district level in particular, indicate that due consideration has to be given for JHRA to be moved to a national implementation modality at the earliest possible time.

UNDP and Partnership Strategy

- 8.2 There appears to be an "island perception" of UNDP by its implementing partners. MOJ, AGO and SC perceptions of JHRA are less of this being their own project, and more of that of an external UNDP project, distant physically and in terms of direct management and involvement. Though JHRA has been working much more closely with MOJ in the last year in encouraging the Ministry to exercise leadership in the justice sector, MOJ's satisfaction with JHRA was reported to be low. This may partly due to the physical distance between the JHRA project office and the justice institutions, which results in a lack of daily and active interaction between the project and national counterparts. Rather than MOJ's leadership in the sector overall, it is the evaluation team's considered assessment that control over resources and activities may be a significant reason for the current situation. Direct implementation, with much of the authority over resources invested in the project management staff rather than the government may also exacerbate this perception. The absence of Afghans in senior management and technical positions within JHRA's project management team may also be a contributing factor.
- 8.3 UNDP's track record at the district level positions it well, both in initiating new projects and as a partner in supporting other donors active in the justice and human rights sector (WB, USAID) In particular, infrastructure development and capacity building projects planned by other major players could benefit from the UNDP experience in improving the supply of effective state justice services and raising demand through quality Public Legal Awareness and Human Rights Education activities and capacity building of the judiciary.

IX. Analysis and Key Recommendations

OVERALL ASSESSMENT

- **Island Perception of UNDP:** The perception of the Justice Institutions appears to be one of limited ownership of the project, generally, though the relationship with MOJ has shown significant improvement in this regard. JHRA needs to become more responsive to all three Institutions' vision and needs, while their ownership of the project needs to be increased substantially. Locating some JHRA staff in MOJ to increase active cooperation will also help. Participatory project management and the devolution of control over resources, along with a gradual Afghanization process will help build strong cooperative bridges with the justice institutions.
- **Addressing geographic distance and location issues:** HRSU's geographic location ten kilometers away from MOJ further isolates it from its mother institution. While security risks to UNDP staff from a location with MOJ and lack of space have been the rationale for locating HRSU outside of MOJ, this situation needs to be redressed and HRSU integrated into MOJ at the earliest opportunity.
- **International Staff/National Staff balance:** The balance between international and national senior staff/experts in JHRA needs to be redressed in favor of more nationals to enhance effectiveness of the project. While the team notes the presence of a large contingent of national staff within HRSU, this is particularly important at the project management level.
- **Strengthening DLC/HRSU Link:** Links between the HRSU and the DLC components need strengthening to assure quality of DLC interventions and secure the overall ownership of the project by the government.
- **Smoothing UNDP/JHRA/Donor Relationship:** Relationship issues (related to project performance, reporting, and substantive content) between UNDP/JHRA and its major donors need to be clarified and addressed to increase donor confidence in JHRA for remainder of the project and for future support.
- **Improving JHRA Impact:** The overall impact of JHRA at this time seems high at the central level through HRSU primarily and MOJ. The engagement of AGO and SC are still low. At district level, impact seems low, with an overall delivery rate of 17% in the last quarter and "scattered" impact in the public legal awareness activities. There is a need to increase the overall coherence and outcome orientation of JHRA, by reducing emphasis on construction and increasing emphasis on the delivery of

justice services together with greater awareness and access to justice. To assist in achieving this, the team recommends bringing the resources of HRSU to bear on the overall direction of JHRA as strong national resource available to JHRA first hand.

- **Gender Balance/Cultural/Social Sensitivity:** There is a need to increase gender balance in the project's human resources, and enhance sensitivity to the Afghan cultural and social context at the management level (staffing) and activity level generally.
- **Conflict Sensitive Programming:** To mitigate potential conflict risks generated by the project and to harness the peace building potential existing in the communities assisted by JHRA, the evaluation team recommends that all programming of project activities is carried on the basis of conflict analysis and using the various tools developed by UNDP/BCPR in this respect (see conflict-related analysis or CDA in the references). Training JHRA staff and implementing partners in conflict sensitive programming approaches, using these tools, would enable them to identify conflict risks and peace building opportunities in a pro-active way.
- **Human Rights Based Approach:** JHRA is designed using a basic Human Rights Based Approach which recognizes that activities must help mobilize rights holders to claim their rights and build the capacity of duty bearers to discharge their duties in a manner respectful of these rights. JHRA needs to undertake ongoing monitoring and evaluation of all its activities to ensure that they are in line with the principles of the human rights based approach. As with conflict sensitive programming, induction training of new staff and implementing partners in the basic principles and tools of human rights based programming would help improve the effectiveness of JHRA.

COMPONENT I: CENTRAL LEVEL

- **Translation Units:** Lessons from 2009 with SC show that one-off activities such as the SC translation units are not sustainable unless carefully planning is done to institutionalize them. The SC translation unit was shut down due to lack of funds. The planned MOJ translation unit may suffer similarly and should be re-considered.
- **Public Legal Awareness Unit:** PLAU unit achievements were significant in influencing policy. JHRA needs to continue engaging with PLAU to support sub-national PLA activities and increase the ownership and technical capacity of government.
- **Organizational Development of HRSU:** HRSU's knowledge products constitute models of excellent practice for others working in this sector. Worth noting, as a lesson learned, is their approach which combines critical analysis of Afghanistan's performance vis a vis

its treaty obligations with a constructive advocacy approach for change (an approach based on soft diplomacy which is not divisive but aims to be persuasive). The building of HRSU's management and technical capacity should continue on an accelerated basis to establish it on a sound footing. HRSU needs to focus its efforts in the coming weeks on its own organizational development needs, including reviewing its financial, administrative and information systems. It should produce a policy and procedure manual in order to standardize its operations as a matter of priority.

- **Human Resources Base:** HRSU has some highly qualified staff and an effective team working on the basis of participatory decision making management style. However, the quality of staff varies from unit to unit, pointing to increasing the professional and technical development of HRSU staff and the need to mobilize additional human resources to support the expansion (and deepening) of their activities.
- **Work Planning:** The work plans of HRSU are very professional, but ambitious given their limited resources and current administrative/financial bottlenecks at the project level. These need to be reviewed and re-aligned with their current capacity.
- **Demand for HRSU vis Capacity:** HRSU needs to balance its strategic objectives of expansion vs. fulfilling roles and responsibilities under its current work plan. Demand for HRSU's services and expectations of donors and government are also high. This demand needs to be managed to enable HRSU to establish its foundations on a sound footing, and response to these demands must be aligned with HRSU's own strategic priorities.
- **Strategic Institutional Analysis:** Related to the demand for HRSU's services is the strategic institutional position of HRSU. HRSU ought to undertake a strategic institutional analysis of its mandate prior to expanding its operations across to other ministries and down to the district level, especially as this will have implications for its capacity and resources.
- **Human Rights Coordination:** MOJ is pursuing the coordination and technical backstopping of all Human Rights activities in the country by HRSU. All activities, whether carried out by HRSU or other partners, will have to be based on needs assessments, contextualized and systematically approached as one size fits all approaches are likely to fail in this diverse environment.

➤ **Crucial sustainability issues in need of addressing:**

- ✓ The ability of MOJ to retain staff and carry operational budgets of HRSU in the future;
- ✓ Skills transfer from UNDP funded HRSU staff to counterparts in MOJ to be accelerated in advance of potential reductions in the UNDP funded technical staff in preparation of succession planning;
- ✓ A review of compatibility between HRSU organizational structure and work process and MOJ structure and work processes;
- ✓ Extension of support to HRSU in a second phase is imperative to allow it to grow and become effective in promoting changes (as a major catalyst organization) in the Human Rights sector in Afghanistan.

➤ **HRSU and AIHRC:** HRSU and AIHRC relationship remains confused and uneasy. While nominal cooperation seems positive between the two organizations, and the HRSU commitment to promoting a synergetic relationship with AIHRC evident, major issues related to overlaps in mandate and duplication of activities remain to be resolved. Although the respective mandates and responsibilities of the two organizations are well identified in various official documents, the evaluation team noted tensions in the relationship, perhaps exacerbated by an uncertain funding environment. Donor strategic priorities for support need to be clarified further. Lack of clear donor positioning appears to be contributing to tensions between these two organizations. A new round of consultation to clarify respective terms of reference and development assistance should help improve this crucial relationship.

➤ **Political/Power risks:** HRSU, at this juncture, relies heavily on the presence of excellent supporters within MOJ and through the Minister, on the members of the Council of Ministers. This leaves the unit vulnerable to the vagaries of political changes at the highest levels. The institutional development of HRSU, its integration into MOJ, and its positioning as a central resource for other ministries and departments will help mitigate this risk.

COMPONENT II: DISTRICT LEVEL

➤ **Infrastructure:** Thus far, UNDP has been one of the few agencies assisting the JIs at district level. Infrastructure continues to be a key incentive for the justice sector and to mobilize government participation and support for other DLC programming. Infrastructure also remains a main demand from the government, as reflected in the NPP. In this phase of JHRA, DLC should maintain its role in 1) consultative prioritizing with

justice sector to choose sites for projects; 2) collaborative assessments; 3) technical design and preparation of ITBs; 4) M&E via consultancy and 5) certification of completed projects prior to handover. Others, such as the World Bank and the US Government are planning major infrastructure building projects (Rule of Law Field Force and WB Phase II). **UNDP** needs to leverage its resources through cooperation with other donor programmes and through arrangements with UNOPS.

- **Rehabilitation issues:** The mission to Badakshan to the newly rehabilitated courthouse in Kishim raised concerns design issues related to creating space for women to access state justice services. In particular, the lack of toilets, waiting halls, female staff, and legal aid aimed to create privacy and space for women. The evaluation team was informed that these issues have been addressed in new construction project and that JHRA will now negotiate to have the same facilities added to existing, rehabilitated structures.
- **Capacity-building of judiciary:** the demand for capacity building of judiciary is significant at the district level due to absence of many service providers. Training of representatives of key judiciary institutions and religious councils has been positive in increasing their understanding of roles and responsibilities and their cooperation. However, training has to be undertaken on basis of training needs assessment and professional training methodologies, including curriculum and manual design, evaluation etc. This has not been so. Separate needs assessments and training need to be conducted for the religious leaders and community elders as their roles and knowledge base are different than those of judiciary members. The training materials being used also have to be reviewed as they have not been updated since 2009. In particular, the team noted that the manuals reviewed seemed to contain “cut and paste” pieces of Shari’a law from unknown origin, and not embedded in human rights advocacy. Special care must be taken in ensuring their coherence with others developed by large CSOs.
- **PLA and Media Campaigns:** These have been conducted and generally useful in increasing demand of the community. Topics covered were relevant (Women’s rights, children’s rights, land law, family law). The content of PLA and Media Campaigns have to be developed based on needs assessment and pre-testing; the material reviewed needs more human rights content and mechanisms to access protection of human rights have to be added to make the exercise more meaningful and solution oriented.
- **Gender and Conflict Issues:** Women’s participation in the PLA and Media Campaign was found to be low in earlier activities, partially due to design of activities (i.e. At the open air theatre, private space and entrances for women were not provided. A simple device such as a curtain to divide the park might have enabled more women to attend an

important session on forced and early marriages). The team was informed that measures have been taken to provide such facilities to improve the access of women to PLA activities. Creating space for women in all project activities should be a matter of operating principle to enhance women's participation.

- The team also noted potential conflict generation issues in the TOT for teachers and children on CRC and HRC, primarily because of the content and language of the training manuals and the absence of a coherent community development and social mobilization approach. A key concern is that these “one-off” activities of raising the awareness of children without sustained efforts to raise the awareness and support of the communities in which they live may leave them vulnerable to violence as they grow older (8-13 year olds were interviewed) and start exercising their individual rights vis a vis their families and community leaders. While the team acknowledges that some remarks made by the children could have been the result of enthusiasm, a community mobilization approach in the JHRA activities will help protect the Do no harm principle on the one hand, and mitigate any potential conflict risk at the same time. Respect for Afghan cultural norms, gradual change and social mobilization in support of human rights are integral components of durable changes in behavior and justice options. The use of local partners helps to secure the presence of local knowledge and content in the JHRA activities, however, the capacity of local CSOs to monitor impact was identified as being low by the CSO representatives. Impact monitoring, and where possible, pre-testing of messages are critical elements, especially JHRA faces a range of cultural contexts in the various provinces under its assistance.
- **RFP implementation cycles:** implementation cycles have been found too short to allow for proper needs assessment and activity design, quality delivery and for post-activity evaluation of impact. The effectiveness of the current RFP cycles in relation to capacitybuilding of CSOs in particular needs to be re-assessed.
- **Community development and social mobilization:** DLC activities and RFP process are not designed to maximize community development and social mobilization. They are implemented without coherence between the various activities and are resulting in scattered impacts. An increase in JHRA of senior Afghan human rights specialists with strong community development backgrounds would help ensure a more integrated and context sensitive approach.
- **CSO Capacity Building:** UNDP CSO partners are crucial in reaching communities. Their capacity has to be developed to enable them to be effective and efficient partners, especially in regard to future provinces included in the next round of DLC activities. In particular, there should be more regular contacts between JHRA and the HQs of CSOs in

Kabul to ensure the smooth implementation of the program. JHRA should consider the engagement of major CSOs in quality monitoring and networking at the province/sub national level.

IMPROVING PROJECT MANAGEMENT AND NATIONAL OWNERSHIP

Mobility and security continue to impose serious constraints on the effective implementation of JHRA. At the same time; transition will involve a serious move transfer of responsibility for development and governance to national authorities. These factors, coupled with UNDP policy to move towards capacity building for national execution, and the need to improve the project's performance at the district level, indicate that serious consideration has to be given for JHRA to be moved to a national implementation modality to ensure the growth of national ownership. Efforts also need to be made to "nationalize" the project management and implementation processes. The steps to achieve the twin goals of national execution and "nationalization" include the following:

- **Moving to National Implementation:** a functional and substantive review of the capacity of HRSU and MOJ, identifying areas in need of development to enable HRSU and MOJ to become effective and efficient implementing partners; an implementation plan from now until the end of the project to transfer the necessary skills and organizational systems to qualify HRSU/MOJ as national implementation candidates; a monitoring and evaluation plan to support this transfer of authority and resources in a timely manner.
- **Afghanization of the Project Management Team:** recruitment of highly qualified Afghans in key decision-making posts in JHRA and in professional/technical positions to reverse the current dependence on international experts/managers. This step needs to be taken early, while giving due consideration to the need to maintain the project on track by preserving the institutional memory and stability gains of the last three quarters. An early twinning of existing management staff with potential candidates, using carefully succession planning, mentoring, and coaching will be required to this end.
- **Refocusing of International Advisor posts:** The team of international advisors should be re-directed to respond to the implementing partners' technical support and advisory needs (including refocusing the terms of reference). This team would also be tasked with coaching and transferring skills to the national counterparts for eventual transfer to national implementation.
- **Proactively engaging HRSU in the DLC component of JHRA:** HRSU, as a component of JHRA, offers DLC vast resource base of technical knowledge and understanding the local context. As mentioned earlier, the project design calls for capacity-building of CSO

partners (a need reiterated by the interviewed CSOs). The team recommends that HRSU be mobilized to support the DLC component on timely and concrete activities. For example, in the selection of CSO partners, in quality assurance of training and PLA materials, in engaging with CSO partners in implementation of activities, and in evaluating the CSOs performance and impact in a manner which is conducive to capacitating the CSO (skills transfer, coaching, technical support). HRSU has space in its HR Plan for additional resources and these should be recruited as soon as possible to jump-start this proposal for strengthening the DLC component.

- **Enabling the CSO Partners:** UNDP will continue to rely on CSO partners in implementing projects at the sub-national level to 2012 and beyond. JHRA's output five (5) specifically calls for the strengthening of local CSO capacity through training, mentoring and technical assistance. The effectiveness of CSO partners is a critical success factor for the remaining activities of JHRA and to establish a solid base of CSO partners for the future. Output 5 needs to be prioritized and capacity assessments undertaken of select national and sub-national CSO partners to ascertain their needs. To this end, Memoranda of Cooperation reflecting a longer term vision may provide a more effective/sustainable modality than the current short-term RFP process.
- **Capacity-building of Justice Institutions:** at the sub-national level in particular, JHRA needs to target its resources to capacity-building of the justice institutions by including needs assessments in the rehabilitation/reconstruction proposals to ensure that the project is working towards improving access to justice services.
- **Monitoring and Evaluation:** impact monitoring of JHRA activities needs to be strengthened, both within HRSU and at the level of the CSOs. Public legal awareness and human right education activities have to be designed with focus group pre-testing, and post-activity impact monitoring both to inform follow-on projects, but also importantly to ensure that any potential for conflict generation is mitigated. Human rights are potentially a contentious issue, introducing radical social changes and changes in social behavior. Monitoring and implementation tools will need to include indicators for conflict sensitivity and the peace-building potential of the project activities towards cultural and socially sensitive empowerment of rights holders. Gender balance and the participation of women also need to be closely monitored and projects evaluated on the basis of gender sensitivity, participation, conflict sensitivity and the human rights based approach.
- **Staffing:** Measures need to be identified to expedite the recruitment of qualified staff in the project, as lags in staffing will impact on the performance of the project to its completion. Staff recruitment has been lengthy and several positions are yet to be filled. UNDP staff recruitment processes need to be reviewed to identify bottlenecks and measures to reduce these.

- **Procurement:** The process of procurement for both the district level and the central level components of HRSU need to be reviewed to identify measures to expedite it. The delivery rate of the DLC component has been related to the procurement process to a significant degree. Unless this issue is addressed, delivery rates will continue to lag and impact on the completion of JHRA.
- **LOA Modality:** The LOA modality has offered an excellent start towards national implementation. JHRA LOAs should be reviewed with a view to increase the ownership and authority of national counterparts over project resources, especially in regard to budget execution and implementation (and auditing). The provision of Atlas level 1 authority to USD 5,000 to the component manager of HRSU and greater decision-making power to the HRSU manager would help the unit deliver its training and other activities with minimum delays.
- **Budget Implications of Proposed Changes:** In the short term, the restructuring may result in higher HR costs. These costs with respect to design changes and capacity building of CSOs/greater engagement of HRSU staff may be covered by Output 5 budget allocation. In the longer term, reduced HR costs will offset the increases incurred.
- **Enhancing Risk Management of JHRA:** Risk analysis and risk mitigation/management of the security, financial, reputational, implementation delays, conflict potential, overall governance risks (financial audits, transparency/accountability) should be undertaken as an integral part of change management within the project as the proposed changes are implemented.
- **Monitoring of the Evaluation Recommendations:** a monitoring committee consisting of members of JHRA, UNDP Country Office and MOJ/SC/AGO should be established to track the implementation and reporting on the agreed recommendations of this mid-term evaluation.

ANNEX I EVALUATION TEAM MEMBERS

Ms Fainula Rodriguez, Team leader, international

Fainula Rodriguez is a specialist in Rule of Law and Governance, working continuously in Afghanistan since 2002. A doctoral student and Senior Fellow in Governance and Development at the Center for Global Studies, University of Victoria, her research focuses on "**Islam, Law, Culture and Governance in Afghanistan's Reconstruction Experience**", with special reference to legal pluralism and institutional transplants. She is also a member of the Board of the Afghanistan Agency for Development Assistance (AADA), an Afghan NGO delivering healthcare to remote communities.

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Ms Hangama Anwari, Team member, national

Hangama Anwari is a Lawyer, women right activist who have worked in the past 12 years in the area of Human rights and in particular women rights and child rights. Hangama has been a former human right commissioner for 7 years and has established an NGO which is involved in the area of research and advocacy on the rights of women and children. She has been part of many national networks to draft legislations and policies namely EVAW law, Juvenile Justice law and family code.

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Annex III List of Persons Interviewed

JHRA mid Term Evaluation

List of Interviews

1) A. Wakil Aminy	Deputy Attorney General	AGO
2) Arezu Qani	Representative	ECW
3) Arthur Graham	Project Manager	JHRA
4) Aziza Momand	Director	HAM
5) Donor meeting	Donor Representatives	
6) Dr. Hashemzay	Deputy Minister	MoJ
7) Dr. Sima Samar	Chairperson	AIHRC
8) Habibulah Reshtaini	Education Program Officer	HRSU
9) Hasib Nabikhil	Admin Associate	HRSU
10) Hassan Ali Faiz	Head of Unit	HRSU
11) Jamila Kazimi	Education Officer	HRSU
12) Jan-Jilles van der Hoeven	Sr. Deputy Country Director	UNDP
13) Kristin Janson	First Secretary – Political	Canada Embassy
14) Luba Beardsley	Legal Vice President	WB
15) Manoj Basnyat	Country Director	UNDP
16) Masood Amer	Assistant Country Director	DGU/UNDP
17) Mirwais Tarakhil	Program Officer	HRSU
18) Mohd Usman Zhobal	Chief research and studies	Supreme Court
19) Munira Akhundzada	Sr. Human Right Officer	HRSU
20) Nazarshah	Sr. Program Officer	Danish Embassy
21) Naiem Nabizada	Finance associate	HRSU
22) Rahmat Qurishi	Program Officer	DGU/UNDP
23) Razia Sayed	Human Rights officer	HRSU
24) Sakhidat Abrar	Human Right Officer	HRSU
25) Amin Sharifi	IT officer	HRSU
26) Stephanie McPhail	Head Rule of Law	UNAMA
27) Susan E Stamper	Legal Advisor	JSSP
28) Scott Lanson	Rule of Law Advisor	USAID
29) Waheeda Abed	Human right officer	HRSU
30) Waheed Hedayat	Human Right Officer	HRSU
31) Zainullah	Representative	SMO
32) Zubair Qani	Program Staff	JHRA

1V. Mission Schedule

External Mid-term Evaluation of JHRA Project 02 - 25 July 2011

Meeting					
Friday July 01					
Activity	Purpose	Time	Venue	Members	Remarks
Arrival from Dubai	N/A	TBC		N/A	Driver to pick them up and take them to guest house
Saturday July 02					
UNDP Security Unit	Security briefing	11:00	Security office	Nazeer	
Sunday July 03					
Meeting with DGU	Review the mid-term evaluation Schedule	10-11 AM	DGU office	Masood, Kobra	
Meeting with the JHRA Team	Mid-term evaluation/plans/ briefing	11:15 - 12:15	JJ's Office	Manoj, JJ, Masood	
Meeting with the HRSU	Introduction to the project, discussions	2:00 - 3:00	JHRA compound	JHRA staff	
Monday July 04					
Meeting with HRSU donors	Donor expectations, briefing structure of the evaluation	9:00 - 11:00	UNDP Conference Room	EU, Denmark, DFAIT, Norway, Sweden, UK, Canada	

Meeting AGO	Discussing project's activities at AGO		AGO office	Amini, Project focal point	
Meeting with the MoJ	Project activities in the ministry	Afternoon	MoJ Ministry	Deputy Minister Hashimzai,	
Tuesday July 05					
Meeting with AIHRC	discuss the JHRA/HRSU relation with AIHRC	9:00 - 10:00	AIHRC	Dr.Sima Samar	
Meeting WB	Discuss the overall justice sector/infrastructure/ justice system challenges	11:00 - 12:00	WB	Luba Breadseely	
Meeting with JSSP	JSSP work in the sector of justice/involvement with MOJ/HRSU	1:00 - 2:00	UNDP CO	Susan E Stamper	
Document review	review the reports of JHRA	2:00 - 4:00	UNDP	Individual	
Wednesday July 06					
Document review	review the reports of HRSU	10:00 - 4:00	UNDP	Individual	
Thursday July 07					
Meeting SM	Overview of the mission	9:00 - 10:00	UNDP	Manoj, JJ, Masood, Rahmat	
Meeting with USAID, Scott Lanson	USAID's work in the Justice sector	11:00 - 12:00		Scott Lanson	
Meeting with UNAMA - ROL	UNAMA's role in the Justice sector	2:00 - 3:00	UNAMA	Stephanie Mcphail	

Saturday July 09					
HRSU	work shop with staff	all day	HRSU office	HRSU team	
Sunday July 10					
HRSU	Individual Interviews	9:00 - 11:00	HRSU office	HRSU team	
Attend donor meeting on Justice sector	to get overall picture of donors support to the justice system	11:30 - 2:30	Canada Embassy	Multiple donors	
attend DGU progress review meeting	overall picture/ interaction of UNDP /project team	3:00 - 4:00	UNDP	DGU/JHRA teams	
Field Mission to Badakhshan Monday 11 - Wed 13 (Fainula)					
Monday July 11					
attend weekly meeting of JHRA	to assess the activities of the project/management	9:00 - 10:00	JHRA compound	JHRA staff	
Document review	assess the training materials	10:00 - 4:00	UNDP	Individual	
Tuesday July 12					
Attend HRSU workshop	observe the training session	10:00 - 12:00	HRSU office	HRSU team	
Document review	assess the training materials	1:00 - 4:00	UNDP	Individual	
Wednesday July 13					
Document review	assess the reports and CRC report	8:00 - 12:00	UNDP	Individual	
Meeting CSOs	overall partnership Issues and Project implementation	2:00 - 4:00	JHRA compound	ECW, HAM and SMO	