Independent Midterm Evaluation of Strengthening Rule of Law Programme

Final Report

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Acronyms and Abbreviations

ADR	Alternative Dispute Resolution
APEX	APEX Consulting Pakistan
BCPR	Bureau for Crisis Prevention and Recovery
CPC	Civil Procedure Code
CPF	Community Policing Forum
CPFs	Community Policing Forums
CRPC	Criminal Procedure Code
DLEC	District Legal Empowerment Committee
DPO	District Police Officer
DSP	Deputy Superintendent of Police
DTCE	Devolution Trust for Community Empowerment
EU	European Union
HC	High Court
IDS	Integrated Development Strategy
INP	Insaf Network Pakistan
KP	Khyber Pakhtunkhwa
KPJA	Khyber Pakhtunkhwa Judicial Academy
LJCP	Law and Justice Commission of Pakistan
MCGA	Micro-Capital Grant Agreement
MIT	Monitoring Inspection Team
MoU	Memorandum of Understanding
NJP	National Judicial Policy
PATA	Provincially Administered Tribal Areas
PBC	Pakistan Bar Council
PCNA	Post Crisis Needs Assessment
PHC	Peshawar High Court
PO	Police Order 2002
PRB	Program Review Board
SDC	Swiss Development Corporation
SDPF	Strategic Development Partnership Framework
SP	Superintendent of Police
SRLP	Strengthening Rule of Law Program
UNDP	United Nations Development Programme

Executive Summary

SRLP was initiated in 2011 as a six-year rule of law reform program covering major justice sector entities including judiciary, police, bars and police/prosecution. This evaluation represents second stage project assessment, a Mid-Term Review of SRLP, designed to inform the decision-making for the remainder of the project life. It has an overall objective of assessing the progress made in the four project outputs in terms of efficiency, effectiveness, relevance, impact and sustainability. Additionally SRLP's design and implementation strategies, technical strategies and administrative issues have also been addressed under this report. A mixed approach comprising literature review, stakeholder consultation through one on one interviews and data analysis has been employed for this report. For this purpose, consultations with implementing partners in Malakand and Peshawar covering judiciary, police bars, executive, and civil society partners have also been undertaken.

The design and rationale of rule of law program were and remain relevant. The program approach was well-grounded in the broader political economy context and strategic setting pertaining to the law and justice sector. The formulation of rule of law interventions essentially aimed at addressing the challenges as well as opportunities arising from decades of successful and failed reforms efforts.

The program was consistent with UNDP's country program, partners' strategies and the government's development goals. The program opted to address both demand and supply side of justice equation and innovatively conceived and designed to have a broad impact on the ways people access justice and the rule of law institutions delivering timely and efficient services.

This report has reviewed in detail four project output areas for making an informed assessment about the project's early impact. In case of output 1 pertaining to free legal aid and legal awareness, substantial progress has been noted, achieving a ranking of "4" on a scale of 1-5. Free legal aid clinics and desks have been established; legal awareness sessions held; pro bono legal aid services' provision mechanisms have been put in action; and extensive interaction with lawyers including women has been made for achieving the targets of this output. Most importantly a comprehensive dialogue with national and provincial bar bodies has been initiated and sustained for strengthening demand mobilization for justice sector reforms in Khyber Pakhtunkhwa (KP). Little progress has been made in the project output 2 - promotion of Alternative Dispute Resolution (ADR) and informal justice systems. It can be attributed to the delayed progress on setting up of a fully functional local governance system in the province. The output 3 is perhaps the most well performing area of the program. Measures of improving justice sector service delivery have been implemented across a wide range of themes including provision of capacity building for judicial officers, institutional strengthening of KP Judicial Academy (KPJA), supporting the registrar office in Peshawar High Court (PHC) for streamlining supervisory role in the areas of focus for SRLP besides provision of refurbishment and infrastructure improvement services. In view of the visible impact under this output, a ranking of "4" has been assigned. The last output about police and prosecution has also shown marked performance despite major challenges. Capacity building opportunities have been provided to police and prosecution while infrastructure development and refurbishment needs have also been met for both at the district level. In case of police, commendable work has also been completed on promoting notion of community policing. Initial progress on strengthening forensic science facilities at the provincial and district levels has also been completed.

The program management arrangements have been found to be satisfactory though issues persist in terms of putting in place a timely and efficient procurement system for bids. DIM modality has been found to be appropriate for implementing a multi-stakeholder initiative working in an environment of security challenges. The program oversight mechanism through Program Review Board (PRB) and resource mobilization by UNDP through donor coordination has proved to be effective and result-oriented. Some weaknesses can be pointed out in relation to maintaining the institutional memory and functioning of knowledge management system. It appeared there was no systematic compilation of knowledge and information to support performance indicators in the

program framework thereby making it difficult to determine whether the results were achieved as per SRLP Program Results and Resources Framework with the baseline drawn from "Assessing Rule of Law, Peace and Security in Malakand". This is not to question the logic model of SRLP but to address gaps in the results chain and particularly strengthening M&E function at both country office and program levels. Results and indicators should be so logically linked that it's practical to assess impact of SRLP interventions at the outcome level during the remainder of the program. Similarly, a robust approach to distil data is required with respect to analyzing trends shaping up in the KP justice sector. A very limited number of surveys or assessments have been undertaken by the program. SRLP should perhaps look beyond generalizable data captured through instruments such as KAP studies that could more directly inform program strategy. A dedicated benchmarking framework is recommended to capture planned results measurably at the output level along with a comprehensive impact assessment regime designed around strategic areas of focus under SRLP interventions.

Notable successes achieved during program implementation have opened new avenues for expanding rule of law reform agenda to additional areas across KP. Effective program implementation and notable successes of SRLP have been instrumental in renewing the focus and interest in rule of law reforms among all stakeholders including the provincial government. Justice sector institutions are more than willing to sustain the reform dialogue through proactive participation and support. Rich experience of SRLP implementation has also reposed confidence among international development communities for further supporting rule of law reforms which can truly contribute to lasting stability and security in KP.

A "web-based activity monitoring and reporting system" was established by SRLM in 2013 to ensure transparent and accountable use of program resources for achieving results under the four project outputs. Impressive in its design and approach, the system could not last long due to multiple operating constraints. Besides facing challenges of institutional ownership, the system suffered capacity hiccups such as irregular data punching by partners, absence of dedicated staff to operate the system and disrupted flow of information for sustaining operation of the system. Any plans to revive this functionality should be contingent upon adequate assessment of its utility, viability and sustainability arrangements. In order for SRLP to contribute to delay reduction objectives of National Judicial Policy, MIT mechanism of HC needs to be looked into to further professionalize approaches and systems for accurate and accountable preparation, organization and publication of judicial statistics.

1. Introduction

SRLP was initiated in 2011 as a six-year rule of law program covering major justice sector actors including judiciary, police, bars, and police/prosecution. Given the peculiar situational context at the start of the project in Malakand and likely institutional transformations expected during the project life, a robust evaluation roadmap was identified for SRLP. To begin with, an initial Strategy Review Report was to be developed as an internal review mechanism to ascertain early challenges. The initial review was conducted by UNDP's Bureau for Crisis Prevention and Recovery (BCPR) during 2013. It was to be followed by a mid-term evaluation, meant to ascertain any early impact of the project across various output areas. Lastly, a final review report will be developed at the end of the project with a view to assess the achievements made during project life and for compiling lessons learned for future roll-out. The evaluation in hand is the second stage assessment – a Mid-Term Review of SRLP. This evaluation will inform the decision-making for the remainder life of the project.

Expected audience of the present evaluation report includes UNDP CO, international development partners (Royal Dutch Embassy, Swiss Development Corporation (SDC), and European Union (EU)), provincial government departments in KP (P&D department, Home and Tribal Affairs Department, police, prosecution and provincial judiciary). In addition to these formal members of justice sector, demand side actors (bars, NGOs, CSOs, academic institutions etc.) are expected to critically look into this report for informed discourse on justice sector issues and rule of law themes at the provincial level. The evaluation report will also enable UNDP to have an idea of early impact and gathering evidence for course correction/scope alteration and roll-out.

2. Contextual Background

2.1. Literature Review

During 2010 a concerted effort was undertaken by the KP government and international development community to understand and contextualize the security and militancy crisis in the province through Post Crisis Needs Assessment (PCNA). During the process of finalizing PCNA, an effort was made to understand the multiple drivers of the crisis which had engulfed major parts of the province, leading to instability. Security and geostrategic drivers were identified as one of the four core drivers which had resulted in overall crisis in the province.[1] PCNA further highlighted exact manifestation of these security drivers in the form of insufficient rule of law, inability of state institutions to address insecurity, lack of access to justice, and human rights violation. The approval of PCNA provided the much needed endorsement of this overarching crisis context, which could guide future policy and operational interventions in KP designed to holistically address the security and militancy challenges.

While the themes of PCNA broadly covered whole KP, these were seen as specifically relevant to Malakand region. Comprising of several ex-princely states (now re-designated as districts of Swat, Shangla, Buner, Dir Upper, Dir Lower, Chitral and Malakand), Malakand region was among the worst-hit areas of the province in terms of militancy and instability. Most of Malakand districts faced the brunt of Talibanization, resulting in massive disruption, calamities and displacement of major chunks of population. While implications of militant takeover in Swat were far-reaching for governance regime in the province, a renewed focus on missing links and gaps in governance paradigm was clearly spelled out. On the one hand, enormity and severity of the human tragedy was fully felt and understood in Malakand region. On the other hand, the crisis was instrumental in inculcating a widespread realization about the failure of state institutions and weakening rule of law which had directly contributed to the crisis.

Weakening rule of law regime in Malakand region needs to be understood in terms of peculiar legal context of Malakand which is starkly different from other areas of the province. Districts in Malakand region continued to be managed through Provincially Administered Tribal Areas (PATA) regulations till last decade implying massive deviations from legalistic regime prevalent in other parts of the country. Although PATA regulations were abolished after notice by superior judiciary several years ago, institutional anomalies and distortions (best evidenced in rule of law regime) continued to linger for one or other reasons for a long time. Vested interests ensured the full application of laws of land in Malakand was delayed on one or other pretext until the last decade. As a result, parallel systems of rule of law were in existence in most parts of Malakand when militancy and Talibanization took roots in the area around 2007-8. Gaps and distortions in rule of law regime provided fertile grounds to elements of instability and militancy in Malakand until these were rooted out after major military operation in 2009. *This distorted rule of law context of Malakand region was comprehensively articulated in PCNA report.*

Realization brought home by PCNA about linkages between weakening rule of law institutions and instability and militancy in Malakand were further refined through subsequent policy instruments such as Malakand Comprehensive Stabilization and Socio-Economic Strategy , Government of (then) NWFP, (August 2009). Later the strategy not only endorsed the findings of PCNA regarding governance deficit and failed rule of law regime in Malakand but highlighted the importance of addressing these institutional challenges as the only solution for bringing back stability and prosperity in Malakand region. It was highlighted that in order to harness the true potential of Malakand region, rule of law regime will need to be overhauled *so that confidence of the common people is restored in state institutions.* Setting right the citizen-state relationship through reviving rule of law and security institutions locally and provincially can be cited as the principal theme which received wider ownership from all stakeholders.

[1] Post Crisis Needs Assessment; page 39, Government of Khyber Pakhtunkhawa, 2010

The rationale of Strengthening Rule of Law in Malakand (SRLM) (later subsumed in SRLP) owed its origin to the above policy context and theoretical underpinnings. Following successful completion of military operation in Swat and ousting of militants from the Malakand region, a pressing need was felt for a concerted and holistic effort to address the rule of law and insecurity challenges. Both PCNA and the Malakand stabilization strategy had clearly spelled out the drivers of the crisis along with identifying policy-level strategies to address these critical challenges on short as well as long term basis. The SRLM in 2011-12 should be seen as a bold initiative by UNDP and its development partners as well as the provincial government as the region was still reeling from adverse impact of Swat crisis. SRLM was conceived a five-year (2011-12 to 2013-17) rule of law support intervention which could result in establishing and nurturing an effective, responsive, accessible and fair justice system in Malakand region. SRLM was also seen as contributing towards the government's efforts for securing peace and bringing back stability in highly disturbed Malakand region through institution-building and capacity enhancement support for rule of law and security institutions. SRLM's theory of change was predicated upon complex interplay between the notions of public trust and institutional capacity in the peculiar context of Malakand region. Transitional phase of rule of law and security institutions in terms of their capacity gaps was taken as providing an opportunity and entry point for introducing lasting reforms. Similarly it was also realized that direct and attributive relationship between public trust and enhanced capacity of state institutions to provide security can be the lasting answer to the menacing crisis witnessed in Malakand region.

SRLM was designed with full realization of the deficits and gaps in the justice sector which were providing fertile grounds for proliferation of militancy and instability in Malakand. More specifically, the program stipulations were designed to address the manifest challenges of rule of law regime in Malakand region, including weak capacity of formal court system, under-trained and under-resourced policing and prosecution services, virtual absence of legal aid and legal literacy mechanisms, all operating in a distorted and non-harmonized legal framework. SRLM was accordingly informed by a programmatic strategy entailing elements of **comprehensiveness, coordination** and **continuance.** Within this broader strategic framework, the program sought to achieve the following outputs

- Access to justice, legal aid and representation mechanism for men, women and vulnerable groups in Malakand improved
- Informal justice mechanisms provide fair and effective services, in accordance with the Pakistan Constitution and human rights standards
- Capacity of district courts to provide effective and timely justice services to the people in Malakand developed and strengthened
- Police provide effective security and protection to the Malakand people, citizen's trust and confidence is enhanced, criminal investigation and prosecution are improved and civilian oversight mechanisms are in place

SRLM was designed with a total budgetary outlay of US$15,010,099, including 25% counterpart funding from the provincial government and contribution from other donor partners (EU, SDC, and Royal Netherland Embassy). Implementing partners of the program included provincial and district judiciary, police, prosecution, bar associations/council and NGOs/CSOs.

2.2. Logic and Rationale of Evaluation and Its usage

SRLP implementation has covered a lot of distance since its inception in 2012. A palpable transformation in the thrust and drift of the project can be identified which is apparently as much a function of natural progression as it is of extraneous factors. During this time period, parallel initiatives on rule of law such as Legal Empowerment Project and Adl-o-Insaf project were also implemented by UNDP in the areas covered by SRLP. Alongside these interventions, the provincial government also undertook several steps for ameliorating rule of law gaps across the province including the project areas. Under these circumstances, it is pertinent to put SRLP to a mid-term evaluation so that implications and early impact of above-mentioned interventions could be

assessed. Implementation of project interventions in Malakand needs to be seen as contributing to overall agenda of the provincial government for ushering in an era of peace, stability and prosperity.

Mid-term evaluation of SRLP is also warranted on account of several policy-level developments in KP which are of direct relevance to good governance agenda. The provincial government has undertaken a rigorous exercise of finalizing "Strategic Development Partnership Framework (SDPF) which provides a holistic development roadmap for the province in short to medium term. Several of the critical themes of this framework talk about good governance, improved rule of law and stability. Following finalization of SDPF, the provincial government has also designed an Integrated Development Strategy (IDS) which is an operational manifestation of the SDPF themes. IDS is meant to provide a resource mobilization instrument to provincial government for sharpening the focus of its developmental investments towards priority sectors. Alike SDPF, IDS also identifies "strengthened rule of law" as a cross-cutting theme within the overall good governance and "change" agenda of the provincial government.

Rationale of a mid-term evaluation of SRLP is driven by these policy-level developments of recent occurrence in KP. While mid-term evaluation of any project is essential for early assessment of results and clarification of future course of action, the present exercise has some uniqueness, peculiar to SRLP. SRLP was designed to target sectors which have a cross-sectoral relevance for nearly all governance sectors. Strengthened rule of law regime is not only conducive to stability and security but it is also crucial to foster confidence in actors working in other sectors for achieving common goals of good governance and prosperity. It is therefore vital that validation of design principles and assumptions of SRLP be made in the light of past performance as well as emerging developments. Such an effort can be critical in fully understanding the prevailing context of rule of law regime in KP along with facilitating prioritization efforts for future life of this project. Mid-term evaluation can provide empirical basis for helping diverse stakeholders to form an informed opinion about challenges and opportunities within the rule of law sector in KP with a futuristic outlook.

3. Evaluation Scope and Objectives

3.1. Scope

The scope of mid-term evaluation covers the period starting with the project inception around late 2011 (when an initial phase was launched covering staffing and resource mobilization) to the present. An early assessment of the project covering initial phase and year one has already been conducted by BCPR in 2013. Although the project covers all seven districts of Malakand division, this evaluation will be limited to four districts –Swat, Buner, Dir Lower and Dir Upper. In terms of scope, it needs to be understood that several of project's interventions were of the nature which transcend the laid down scope of present evaluation. To that extent, the evaluation will also cover provincial interventions and actors with direct and indirect bearing on some or all districts falling in the scope of the evaluation. Target groups for the evaluation include national/provincial authorities, UN personnel, strategic partners, relevant national and international organizations, donors and local citizens. The findings will facilitate above stakeholders in making more informed decisions about strengthening rule of law institutions and improving access to justice for common citizens. The report will be covering four outputs of SRLP to validate their contribution towards achieving overall project objectives.

3.2. Objectives

The evaluation has overall objective of assessing the progress made in four project outputs in terms of efficiency, effectiveness, relevance, impact and sustainability. The evaluation will also assess SRLP's design and implementation strategies, technical strategies and administrative issues. These assessments with enable all stakeholders, especially UNDP, government and development partners, to make more informed decisions for better achieving project outputs and objectives. It will also help in improving potential of SRLP for achieving original and revised goals and targets in the remaining project life span. Similarly, the evaluation will provide actionable options for promoting rights-based governance and gender mainstreaming within the peculiar context of KP. An effort will also be made to document the lessons learnt since the launch of the project in October 2011, which could form the basis of future recommendations, contributing to elements of relevance and sustainability. Last but not the least, it will help SRLP and UNDP as well as other stakeholders to better support the rule of law institutions and processes through sustainable capacity development which would lead to improved access of justice services for the citizens of KP.

3.3. Evaluation Questions

Terms of Reference for the present study provided a list of indicative questions, contextualized to cover different aspects of SRLP. Proposed questions covered five themes –efficiency, effectiveness, relevance, impact and sustainability. Relevance has been understood both in terms of covering logic of project stipulations and evidence of implementation arrangements to respond to emerging and futuristic scenarios. Under the theme of efficiency performance of project management structures and process as well as areas of resource allocation and utilization have been reviewed. Effectiveness has been gauged by critically looking at oversight, management and responsiveness features of the project alongside judging performance of the project pertaining to coordination, constituency-building and partnership forging. Under impact early contribution towards overarching project objectives and any changes, directly or indirectly resulting from project interventions have been dilated upon. Finally, the report clearly addresses the questions of long term viability and sustainability of project interventions especially in the areas of capacity building and institutional strengthening.

The report is based upon a detailed set of questions, meant to generate necessary answers and findings to meet the information needs of the users of this evaluation. To begin with, a total of fourteen (14) probing questions were provided in ToRs, which were further refined and contextualized for eliciting relevant information from different stakeholders during the course of

field work. In order to facilitate information gathering around major project outputs and across diverse implementing agencies, more detailed questions were developed as part of evaluation instruments. After seeking approval, these instruments were employed during field work, covering both one on one interviews (KIIs) as well as focus group discussions (FGDs). These questions were designed to cover and provide answers for the following areas of inquiry:

- Relationship of SRLP with overall justice, human rights and good governance policies at the provincial, district and national levels
- Perception and experiences of communities, users and target groups of project interventions in terms of benefit and efficiency enhancements in justice service delivery
- Managerial efficiencies of project especially in terms of resource mobilization and utilization
- Contribution of project interventions to capacity building and institutional strengthening amongst implementing partners at the provincial and district level
- Level of success of the project in terms of balancing supply side solutions (solutions which purely represent institutional or governmental response to problems) with appropriate demand mobilization (strategies which are based on wider stakeholder feedback and ownership even beyond government institutions)for improved rule of law regime in KP
- Successes or otherwise in terms of forging partnerships and promoting synergies with local as well as international development partners
- Level of effective contribution of project interventions to overall strategic level goals of UNDP in Pakistan for promotion of rights-based governance and rule of law
- Sustainability, ownership and continuity of reform evidenced through institutionalization both at the policy as well as operational level

Answers to these questions were collected individually and later transcribed for generating trends and streams of information around evaluation themes and objectives. An effort was made to elicit qualitative and quantitative data to feed into these questions so that a balanced and evidence-based opinion is made.

4. Evaluation Approach and Methodology

The evaluation exercise was initiated with an initial meeting with UNDP participated by members of UNDP's Governance section and CO Representatives. Similar meeting was also held with UNDP Peshawar office team during field work. Purpose of these initial meetings was to elicit UNDP's expectations from the mid-term evaluation and agreement on methodology. Based on initial meetings in UNDP Islamabad office and detailed review of ToRs, an inception report was developed and shared with UNDP which was subsequently finalized on the basis of comments received. Similarly, instruments developed for this evaluation were also shared with UNDP for feedback and approval.

Given the complex nature of the project, the mid-term evaluation has followed a mixed approach so that both demand and supply questions are appropriately answered, implying thereby that government / institutional response and user feedback to be given equal weightage. Firstly, the evaluation team has interviewed thirty two (32) key informants from across the spectrum of the entire project (list attached). The objective of these semi-structured interviews was to glean firsthand information around major evaluation questions alongside providing implementing partners opportunity of sharing their views on the project candidly. Interviews have covered government counterparts, non-government partners, international development agencies' representatives collaborating with the project and UNDP CO. Secondly, FGDs with a wide array of stakeholders have been held in four of the seven project districts. These FGDs involving both male and female respondents have provided a joint forum for threadbare discussions on major project themes and evaluation questions. A total of (ten) 10 participants have attended each of the FGDs (List of FGDs and participants attached in Annex IV). KIIs and FGDs were run parallel in Peshawar as well as in various districts in Malakand. The proceedings of KIIs and FGDs have been properly transcribed for securing evidence of these deliberations (Transcriptions attached in Annex IV). Both these firsthand interactions have been superimposed by rigorous literature review covering all key project documents, relevant reports, progress reports, M&E data and policy documents shared by the government and development partners.

4.1. Data Sources

Literature review covered the following relevant documents which were provided by UNDP.

- SRLP document;
- Annual and quarterly reports;
- UNDP Country Programme Document;
- Malakand Comprehensive Stabilization and Socio-economic Strategy 2009;
- Post Crises Needs Assessment 2010;
- Strategic Development Partnership Framework (SDPF) reports;
- Integrated Development Strategy 2014-2018;
- The Khyber Pakhtunkhwa Annual Development Programme 2014-2015;
- The Khyber Pakhtunkhwa Strategic Development Partnership Framework 2013;
- The Output based Budget and Medium Term Target 2014-2017;
- National Judicial Policy;

4.2. Data Collection Procedures and Instruments

In order to collect field data, a comprehensive plan was drawn and got approved from UNDP. Both for KIIs and FGDs, an instrument was developed by project team and checked in-house for assessing effectiveness. Both these instruments were later utilized in field (Peshawar, Malakand and Islamabad) for interviews and discussions. Data on financial progress and project periodic reporting was collected both from UNDP Islamabad and UNDP project office in Peshawar. Some of the data about individual agencies (e.g. KPJA) was collected from the implementing agencies. For

seeking information on PRB deliberations etc., foreign aid section of KP Planning and Development Department was approached by the project team.

4.3. Performance Standards

The evaluation team has applied a performance assessment standard which has been earlier used for SRLP project assessments (APR 2014). For the present evaluation progress against each of the output has been graded on a scale of 1-5, corresponding to excellent, high, satisfactory, poor and inadequate. Excellent ranking corresponds to overachievement of output alongside contribution to outcome; High implies overachievement of target with quality; Satisfactory refers to likely achievement of the output targets though not completely; Poor means partial or limited achievement of targets with poor quality; while Inadequate points to a situation where achievement of an output target is simply not possible due to various factors. Assigning this performance grading by the evaluation team has been done in a participatory manner to ensure highest degree on objectiveness.

4.4. Stakeholder Engagement & Ethical Considerations

During course of field work, every effort was made to ensure independence and objectivity of the whole process. During KIIs and FGDs, participants and stakeholders were briefed beforehand about the nature of this evaluation. It was clearly communicated that the evaluation team neither represented UNDP nor government but comprised independent experts who were approaching stakeholders for an objective and empirical assessment of project progress and achievements. Issues of confidentiality and attribution were clearly explained to the participants of KIIs and FGDs during the course of evaluation.

4.5. Limitations of the Methodology

It will be pertinent to refer to some limitations which had to be managed during the course of this evaluation. To begin with, challenge of dealing with a very widespread range of stakeholders (provincial, district, local, government, citizens etc.) for the conduct of this evaluation necessitated certain readjustments in evaluation design. It was important to provide maximum coverage for evaluation exercise while keeping in mind local ground situations and some other constraints. Accordingly an agreement was reached with UNDP to cover four districts (Swat, Buner, Dir Lower and Dir Upper) for the purpose of field work. Another constraint met during field work related to transfer of some key government functionaries who had been associated with some of the project outputs for longer duration of time. Examples of focal person from provincial police (left for a long term training) and previous Director General of KPJA (transferred) can be cited. However, the evaluation team has made every effort to ensure that these limitations in no way impact the validity and richness of the report contents.

5. Findings of Evaluation against Evaluation Criteria

Output 1 Access to justice, legal aid and representation mechanism for men, women and other vulnerable groups (Returnees & children) in Malakand improved:

Description of Output level results achieved

Since 2012, SRLP has invested considerably in extending legal aid services to the deserving litigants in an equitable fashion. Project achieved this by ensuring court representation and legal advice through establishment of legal aid desks in judicial complexes as well supporting legal aid clinics in law colleges.

In 2012, SRLP organized a national legal aid workshop attended by bar councils and bar associations.[2] The participants thoroughly assessed and reviewed Pakistan Bar Council Free Legal Aid Rules. In order to engage the district level justice stakeholders, dialogues were conducted on issues and finding solutions to streamline the legal aid services. These dialogues were presided by the district judiciary with representation of police, prosecution, NGOs, and bar association.

District Legal Empowerment Committee is a State-based legal aid provision mechanism. Keeping in view operational constraints affecting these committees, a provincial level workshop was organized on the recommendation of Peshawar High Court. Draft recommendations were shared with Law and Justice Commission of Pakistan for amending the rules.

A range of legal awareness campaigns with targeted support to pauper councils also featured prominently in the project strategy. In this regard, partnerships were formalized with Bar Associations and local NGOs to make measurable advances in legal aid agenda.

Other interventions included holding mobile legal aid clinics and legal awareness sessions in communities. In 2013, a Legal Clinic SOPs Workshop was held in Swat. The objective was to develop standards for the legal aid clinics conducted at the grassroots level.[3]

To assess the situation on the ground whether the existing legal aid system and services are sufficiently addressing women's issues in the region, a research study was designed in partnership with the University of Malakand. The title of the study was "Are Legal Aid Systems Sufficiently and effectively addressing Women's issues in Malakand Division?" The study focused on the existing legal aid system and investigated whether this system provides sufficient legal aid to women litigants in their litigation. Lawyers are an important stakeholder in promoting legal aid and access to justice. SRLP, on regular basis, organized orientation sessions for the lawyers in order to share project progress and for motivating them to provide pro-bono legal aid services to needy people.

To ensure sustainability of the legal aid work, a mapping exercise was conducted at the regional level to strengthen the existing legal aid providers and mechanisms. In order to motivate and encourage female legal practitioners to assist the indigents, the project extended financial assistance to the law graduates and law students in Malakand region.

To encourage women, 15 women legal practitioners were added in mainstream legal practice in 2014 through the provision of internships in 7 districts of Malakand.[4] Around 14 scholarships were also offered to female law students.

SRLP also undertook policy interventions aimed at reviewing and bringing together the existing scattered legal aid initiatives particularly with regard to the role of official entities. Project has

[2] APR 2012
[3] APR 2013
[4] APR 2014

already signed an MOU with Pakistan Bar Association in 2015 regarding improvisation of free legal aid Rules.[5]

Summary of key findings from the field:

Field data covering both interviews with service providers as well as FDGs revealed some relevant observations under the legal aid component. First, review of models being followed by both DADA and HUJRA underline different approaches to determining who is a deserving litigant and what process needs to be followed in assisting the legal aid recipient. There is need for a standardization of criterion for providing free legal assistance to deserving litigants, particularly ensuring consistency between State-based workable models if any and what is delivering best in citizen sector. Secondly, adequate facilities like transporting litigants living in far flung rural mountainous areas was also cited as a constraint by a lawyer from Lower Dir during FGD. Moreover, it was also observed by DADO representative that the impact would have been far more lasting had there been no gaps in contracting local partners engaged through MCGA modality. Feedback from community suggested that legal awareness campaigning would have been more effective if it was appropriately informed by local cultural realities. This was emphasized by all FGD participants from Lower Dir. Review of documents also showed that there was lack of coherent linkages established between on-ground work on legal literacy initiatives and the work by the provincial law department or the Law and Justice Commission of Pakistan. An NGO activist present at Lower Dir FGD said that referral side of legal aid work remained another weak area since State-based mechanism to provide legal aid remained under engaged. According to Bar representatives, approval of honorarium by respective deputy commissioners for free legal aid services has been found to be time consuming, negating the purpose of providing timely free service. The Bar Presidents from Lower Dir and Buner particularly highlighted this legislative gap in Bar Council Act pertaining to legal aid. Both these areas largely undercut the performance of legal aid mechanisms which would have otherwise reduced workload on judiciary.

Also, the Bar representatives from Swat, Upper and Lower Dir, admitted that legislative gaps exist including lack of clarity on matters such as defining who is a deserving litigant for legal aid. The Bar Presidents from these three districts also shared that amount fixed as honorarium is not sufficient and procedure for payment needs to be reviewed as requests for payments get stuck at DC office causing delays. These gaps need to be revised in order to make the legal framework governing legal aid provisions effective, they added. Bar representatives from Swat also observed that new entrants to the legal profession require on job trainings. These views along with literature review reveal that multi-stakeholder engagement was not attempted to streamline legal aid facilities for poor litigants. District Legal Empowerment Committee (DLEC) mechanism has been pointed out as a missing link by D&SJ Swat in SRLP. SRLP may engage authorities at HC and LJCP levels to activate DLECs by urgently formulating SOPs.

Evaluation Findings for Output *1 against five evaluation criteria:*

- ***Relevance:*** *Interventions under this output have been found to be relevant for the overarching policy framework governing free legal aid and legal empowerment in Pakistan. Findings point that interventions under this output have been trying to realize some of the objectives of Bar Council and Practitioners Act, 1973 such as establishment of Free Legal Aid Committees. Similarly, findings also point to the fact that interventions under this output were also relevant to the broader rule of law reform vision of UNDP in Pakistan.*
- ***Efficiency:*** *Findings under this output were found to be fulfilling the efficiency criteria in terms of utilization of earmarked and allocated resources. During 2013, utilization to the tune of $791360 was registered against allocation of $844360 while both stood at $1173799 and $1216066 during 2014. Similarly, efficiency objectives in terms of meeting work plan deadlines were also fulfilled in majority of activities except for in provision of free legal aid where delays in payments to the pro bono lawyers sometimes frustrated the programmatic schedule.*

[5] APR 2015

- ***Impact:*** *Working with University of Malakand has been of crucial impact under this output as it has enabled University to incorporate legal areas in its academic activities in a bigger way. These areas include clinical legal education and boosting knowledge base of female students in legal subjects. Capacity building interventions implemented through University of Malakand have also ensured in-house expertise development within the University which is a clear evidence of project's impact under this output.*
- ***Effectiveness:*** *Findings under this output reveal that except for District Legal Empowerment Committees, desired results as per work plan were achieved. Robust levels of collaboration and partnership forging were seen under this output in terms of working with other partners such as DADO, DTCE, SRSP etc.*
- ***Sustainability*** *Interventions under this output have contributed to sustainability of reforms in several ways. MoUS and LOAs signed with partners such as DADO, SRSP and University of Malakand are an evidence of the future sustainability of reform measures under this output. Collaboration with local partners can also be seen as a wise strategy to implant project reform vision through local ownership. Last but not least, project's success in terms of eliciting cooperation and collaboration with Pakistan Bar Council clearly manifests that sustainability of reforms under this intervention in areas such as free legal aid, legal awareness and bar reforms are likely to have a long term ownership from critical institutions*

Overall Output Status (mark the output on the scale of 1 to 5): 4

Output 2: Informal justice mechanisms provide fair and effective services, in accordance with the Pakistan Constitution and human rights standards:

Description of Output level results achieved:
Very little could be achieved under this output during 2013 and 2014 due to absence of local governments. However, several measures have been taken in 2015 including internal capacity assessment of KP local government school, LOA with KPJA for promoting court–annexed ADR, development of ToRs for capacity building of conciliators, paralegals and development of training modules for this purpose. In the earlier phase of the project, some infrastructure and hardware support was also provided to local government officials in Malakand region.

Summary of key findings from the field:

There is a notable trend indicating people increasingly preferring to opt for formal justice system but tendency to get disputes resolved through informal justice mechanism is equally entrenched. This has clearly been communicated during FGDs across four districts. All participants of Lower Dir FGD unanimously said more and more people are taking cases of serious nature to courts instead of traditional Jirgas. They shared that trend of relying on Jirga has come down from 80-90 % to 50 % which is equivalent to those opting for formal justice systems. On the other hand, an NGO activist present at FGD Lower Dir said there is considerable lack of awareness on distinct but separate roles of court-annexed ADR and traditional dispute settlement forums, adding that informal ADR should follow constitutional standards

Evaluation Findings for Output 2 against five evaluation criteria:

- ***Relevance:*** *Although little could be achieved under this output for much of the initial life of the project, the rationale of this output has become increasingly relevant due to recent holding of local bodies' elections in KP. With coming in power of elected local bodies and existence of enabling legal framework for community-led ADR, relevance of this output stands revalidated for future*
- ***Efficiency:*** *Very little could be done under this output owing to non-existence of elected local governments for the reporting period hence output findings in terms of efficiency benchmark cannot be substantiated*
- ***Effectiveness:*** *Little has been done to achieve laid down results under this output due to extraneous reasons. Similarly, lack of implementation of planned activities due to absence of*

local governance system also failed to lead to capacity building of partner organizations under this output

- ***Impact:*** *Same as Effectiveness except for the fact that capacity assessment of KP Local Government School has been completed which is likely to lead to some lasting impact provided resources are provided in future work plan for this purpose.*

Sustainability: *Belated effort to ensure sustainability has been accomplished under this output as LOA has been signed with KPJA for capacity building of judicial officers and practitioners in the area of court-annexed ADR. At present there is little evidence to suggest whether this LOA would also cover ADR linked with Local Government system through Musalihati Jirga*

Overall Output Status (mark the output on the scale of 1 to 5: 2

Output 3: Improved capacity of courts to provide effective and timely justice services to the people of Malakand:

Description of Output level results achieved:

During 2014 and 2015, a mix of trainings as well as institutional strengthening activities has been undertaken under this output. Thirteen trainings were conducted in KPJA which led to enhancement of legal knowledge among 321 judges and court staff from all over KP. Another 202 judges were trained in professional skills of direct relevance to the judicial work. While these activities during 2014 were primarily designed for capacity building of judicial officers and court functionaries, 2015 saw [6]maturing of this support in terms of institutional strengthening and sustainability[7]. During 2015, project entered in LOA with KPJA for putting in place a proper training evaluation system which could enable PHC as well as KPJA to elicit empirical evidence of enhanced capacity of judicial officers through trainings received at the academy. Liaison with MIT section of PHC has been duly incorporated in this design and tracking of training impact will be carried through actual case disposal and quality of work by judicial officers who underwent training under the aegis of the project. This will enable PHC to empirically work out reduction in case pendency especially with reference to the judicial officers who might have undergone training in delay reduction at KPJA. The LOA signed with KPJA also provides for further expanding the scope of legal research studies which are of direct relevance to performance of judicial officers at the district level.

In addition to supporting KPJA, activities focusing PHC and subordinate judiciary have also been initiated under this output recently. The Planning and Development Cell within the registrar's office of PHC is being strengthened for keeping track of performance of judicial officers, benefitting from the project's interventions as well as from other support mechanisms. Progress on proposed introduction of court automation system across the province has also been made and initial discussions have been completed with PHC for agreement on way forward for this purpose. In addition to these institutionalization efforts focusing KPJA and PHC, augmentation of facilities' work continued under the project. Four court rooms have been refurbished as improvements and missing facilities have also been provided in female bar rooms, citizen information centers and litigant sheds recently.

Summary of key findings from the field:

Data gathered from the field reflects mixed picture in terms of enhanced performance towards delivery of services in justice sector. Trainings on a wide range of subjects have been acknowledged as useful for improving the workflow process but persistent delays remain an area of concern. Additional Session Judge on Special Duty said that the trend might have to do with inadequate strength of judges particularly towards the civil side of equation. Judges interviewed

[6] ROL Progress – January July 2015
[7] APR ROI 2014

in Upper Dir described lack of staff capacity as key reason for growing pendency rate. Case backlog burden is reported to be major hurdle in managing cases efficiently, according to a senior civil judge from Upper Dir. A total of 150,994 cases are pending at the district level, according to PHC Statistics for 2015. Lack of exposure to international best practices has also been cited by Additional Session Judge Buner as another concern while suggesting that there should be incentives for judicial officers such as scholarships which are routinely available to officers working in other branches of government. It was also shared at the meetings with district judges from Upper Dir that lower courts are following performance standards set by PHC which are being regularly monitored and reported. However, this trend should be linked to an organized capacity development regime for judiciary. Interviews with district court officers such as D&SJ Mingora also revealed the need for making the training regime more inclusive and participatory through input from judicial officers posted in specific districts where perhaps more targeted, customized and focused training is required. The President Bar from Buner said the trend of frivolous litigation has also been termed as one of the major causes of backlog and training of lawyers' perhaps can help reverse the trend to an extent. One of the issues repeatedly raised by all FGDs' participants related to the issue of land disputes. The participants were unanimous in their thinking that the program has made no deliberate attempt through policy dialogues to settle the issue of revenue settlement in a few of Malakand districts which, according to them, remains the most important reason for large number of civil cases. This was particularly highlighted by NGO activists from Lower Dir.

Evaluation Findings for Output 3 against five evaluation criteria:

- ***Relevance:*** *Project interventions under this output have fulfilled the benchmark of relevance in multiple manners. Interventions under this output were found to be directly relevant to stipulations of National Judicial Policy in terms of recommended measures for reducing court pendency and backlogs. Findings also establish relevance to the directions issued by Peshawar High Court to judicial officers for minimizing court delays through well designed delay reductions strategies. Similarly, contents of training modules delivered at KPJA were also relevant to identified areas where judicial officers in KP needed capacity enhancement support*
- ***Efficiency:*** *Findings under this output were found to be clearly fulfilling efficiency criteria. Timelines in terms of implementation of work plan activities were largely adhered to. Utilization earmarked resources has been up to mark during 2013 and 2014; however, level of resource utilization for first six months of 2015 has been somewhat lagging as only $53708 could be utilized against an earmarked allocation of $447208*
- ***Effectiveness:*** *Results under this output were achieved in an appreciable manner during project life and there were hardly any lagging areas. PHC and KPJA have been fully involved with project interventions under this output, fostering highest level of ownership.*
- ***Impact:*** *Lasting impact can be evidenced under this output especially in case of KPJA. KPJA has internalized several of reforms implemented through this project such as boosting of research capabilities and streamlining financial management systems. Similarly, academy is now well poised to pursue a training follow up regime to clearly establish benefit of capacity building interventions in terms of lasting impact on performance of trainee judicial officers.*
- ***Sustainability:*** *Findings in this output clearly point out that project has achieved notable success in terms of ensuring sustainability of programmatic reforms. KPJA has already agreed to LOA for institutionalizing impact assessment of training programs through proper follow up with trainees under auspices of PHC. Similarly, judiciary as well as provincial government have also expressed their willingness to expand scope of rule of law reforms unfurled under SRLP to additional districts in KP for sustaining reform momentum in critical areas of improved court performance within subordinate judiciary*

Overall Output Status (mark the output on the scale of 1 to 5): 4

Output 4: The police provide effective security and protection to the Malakand people, citizen's trust and confidence is enhanced, criminal investigation and prosecution are improved and civilian oversight mechanisms are in place

Description of Output level results achieved:

Police: Police capacity building work started in earlier phases through development of Regional Training Centre at Swat which was taken forward under the project. Roll-out of trainings in supervisory skills and investigative capabilities were undertaken. During 2[8]015, assessment of twenty nine (29) police stations were completed with the objective of gauging actual needs covering the areas of minor infrastructure support to strengthen community policing through community policing desks. These assessments were also geared to elicit needs for improved investigation, promoting gender responsive policing, administration and management at the level of police stations. On institutional strengthening side, deliberations have been completed with provincial Public Safety and Complaints Commission for undertaking its mandated responsibilities (as per Police Order 2002) in the development of policing plans, capacity building road map and localized policing strategies. Another important step reported by project management team pertained to assistance provided to police in some of the project districts for the development of policing plans. These policing plans a pre-requisite of Police Order 2002 are to be approved by respective district councils under the law. Earlier work completed in collaboration with DTCE on community policing was taken forward. Apart from policing-related interventions, deliberations have also been completed for establishing women shelter house in Malakand to ameliorate problems of women involved in policing-related matters. Strategic Analysis Wing within the KP Home Department has also been supported through refurbishment and IT support provision. Similarly Forensic Science Laboratory (FSL) established in Swat has received continued support and institutional capacity building. Training has been provided to seventeen (17) forensic scientists at Punjab Forensic Science Institution (Lahore) who have been deputed with FSL, Peshawar, prior to their relocation in FSL, Swat. During an interview, Administrator Police Training Centre Swat requested for continuous infrastructural support to further modernize the facility. Highlighting peculiar policing needs of Upper and Southern Malakand, he further suggested adopting programmatic approach that can best address needs of these two distinct regions within Malakand division. He said that trainings should focus on ASI and above while adding that the centre needs equipment related to crime scene.

Summary of key findings from the field:

Based on meetings with the police officials, it was observed that the program lacks visibility and awareness among district police. DPO Buner was clueless as to what progress SRLP made in relation to activities designed for police. He however thought that part of the reason might be frequent and unpredictable postings of officers from districts other than Malakand. According to DPO Buner, SP Investigation Upper Dir, and DSP Mingora, there has been partial implementation of Police Order 2002. This was described as a challenge in terms of strengthening public safety commissions and functional specialization. This gap may become severe with the arrival of local governments from a perspective of ensuring democratic accountability of police. Some of the police officials particularly from Upper Dir shared that approaches to train police are not tailored towards demonstrated capacity building interventions as the focus has been more on traditional ways of imparting skills and knowledge. SP Investigation Upper Dir suggested that appropriate legislation needs to be enacted to setting standards for better management of crime scene and evidence collection, etc.

Prosecution: In the earlier phase, the project supported prosecution services through provision of trainings and capacity building to around fifty (50) prosecutors working at the district level. Additionally, the project also provided infrastructure and refurbishment support to seven offices of District Prosecutors in Malakand region through provision of law books and IT support. These

[8] ROI Progress Jan-July 2015

initial interventions were taken forward during 2015 as a targeted need assessment was completed to understand actual capacity building requirements of prosecution department at various levels. Similarly institutionalization of capacity building regime within prosecution department has also been ensured through entering in a LOA with the University of Malakand.

Summary of key findings from the field:

The District Public Prosecutors from Buner, Mingora, Lower and Upper Dir highlighted that the key challenge was constructing a full fledge independent department for prosecutorial services at the provincial level. They all said the training focused more on case preparation and case presentation rather than orienting prosecution staff on how to have a quality oversight of police evidence, accounting rules, service rules and drafting etc. They also pointed out the fact that Prosecution directorate doesn't have its own independent cadres and functional relationship with police need to be qualitatively improved and strengthened.

Evaluation Findings for Output 4against five evaluation criteria:

- ***Relevance:*** *Findings under this output can be termed as partly satisfying the relevance criteria for this project. While the trainings provided to police and prosecution functionaries have been geared towards addressing some of the identified capacity gaps, little evidence is available to show that targeted efforts were made to support relevant of objectives of Police Order 2002 or Prosecution Laws in KP.*
- ***Efficiency:*** *Interventions under this output were efficiently implemented as timelines were followed in delivery of outputs. Trainings were completed both in case of police as well as prosecution as per work plan stipulations. Utilization of earmarked resources during first two years of project life was found to be satisfactory as an amount of $651794 and $ 1399813 respectively was utilized against allocations of $794802 and 1674919 in 2013 and 2014*
- ***Effectiveness:*** *There is substantial evidence to show that benchmarks of effectiveness have been achieved both in terms of contents of interventions as well as process of implementation. Agreed results were achieved in terms of implementation of capacity building plans through Regional Police Training Centre, Swat as well as completion of trainings of prosecutors. Similarly, agreed provision of missing facilities for selected police stations of district prosecutor offices in Malakand was also ensured*
- ***Impact:*** *Police is fully geared to go along with reforms both at the highest policy level as well as at operational level. Willingness to operationalize Provincial Public Safety and Complaints Commission is an evidence to ensure lasting impact from critical provisions of Police Order 2002. Similarly, willingness of provincial government to strengthen forensic laboratory facilities would also have a lasting impact in terms of improving performance of investigation and prosecution through availability of more reliable evidence for achieving improved rates of conviction. Last but not the least, willingness of local communities for accepting notion of community policing (shown during FGDs) can also be seen as evidence of lasting impact of the project interventions in terms of reducing gap between police functionaries and local communities*
- ***Sustainability:*** *Project strategy to pursue parallel course of action in terms of reform institutionalization has been found to be successful. On the one hand, regional police training centre, Swat is fully poised to take forward police capacity building regime on long term basis. Alongside this, working with partners such as DTCE in the areas of community policing has also ensured that capacity of critical local partners to permanently own and champion reforms under this output has also been substantially enhanced*

Overall Output Status (mark the output on the scale of 1 to 5): 4

6. Data Analysis

SRLP has already completed three years of implementation and detailed interaction has been made across the whole spectrum of stakeholders. As expected, implementation of project activities in a challenging, fluid and complex interplay of stakeholder institutions was only expected to lead to strong opinions. This section will accordingly analyze the data and information collected through field work and stakeholder interaction. In order to provide a clear context to the analysis, this section would look into data generated during field work from the lens of stakeholder groups. Since primary stakeholder groups of SRLP (judiciary, police and bar) also correspond to respective outputs, the discussion will also be extended to analyze data with regard to each of the project outputs.

6.1. Judiciary

Interaction with judiciary has been made in SRLP at three distinct levels - PHC, KPJA and district judiciary in Malakand. Stakeholder feedback indicates that interventions implemented through KPJA have received maximum buy-in and ownership. A pattern of sequential and well thought-out reform implementation through SRLP clearly comes out of the discussions and information analysis pertaining to Judicial Academy. Starting with needs assessment and design of training modules and moving towards facility development and actual delivery of capacity building initiatives, leadership of KPJA (Director General and Director KPJA) appears to be meticulously applying support of SRLP for long term institutionalization of reformed training regime in justice sector. Data analysis of the trainees from KPJA clearly establishes that an effort was made to extend opportunities of capacity building for judicial officers across whole of the province and not just judicial officers from Malakand. KPJA also appears to be fully poised in terms of modernizing the whole training regime through recourse to latest notions and technologies for buttressing its traditional pedagogical style of delivery. Review of proposals from KPJA, shared by DG KPJA, for inclusion in future plan is also reflective of the institution's desire to boost its capacity on long term basis (request for provision of financial management expertise).

PHC has a multi-layered interaction with SRLP as a critical stakeholder. Review of minutes and feedback from the P&D department, KP (Assistant Chief, Foreign Aid Section), indicates that PHC has been actively participating in the PRB meetings which are reflective of proactive reform ownership. As member of PRB, the high court is required to articulate and present the demands of justice sector for support through project interventions. In addition to representing priorities of KPJA and district judiciary, PHC has also been active in utilizing project support for strengthening certain components of the registrar office, especially in the areas of improved IT support and performance management regime. PHC has also been trying to balance the project focus of Malakand with the overall province-level requirements of subordinate judiciary in the areas of institutional strengthening and capacity building for improved performance. On the whole, discussions with Additional Registrar/Focal Person for SRLM from PHC pointed to satisfaction with the support provided by SRLP and showed willingness in taking SRLP reform agenda forward by expanding it to whole of the province.

Feedback from district judiciary during the field work can be termed as mixed at best essentially due to perceived Malakand focus of the project. Judicial officers working in challenging circumstances of Malakand rightfully expect preferential support from SRLP both in terms of capacity building and infrastructure and facilities. It needs to be remembered that judicial officers in Malakand are working in a peculiarly complex legal system where three parallel legalistic dispensations are running side by side. As a result, performance of justice sector in Malakand needs to be contextualized within this peculiar scenario. Feedback from judicial officers rightly pointed that content of capacity building initiatives at Federal Judicial Academy (FJA) should be informed by local peculiarities of justice sector in Malakand.

6.2. Police

Data and interaction with DIG/SRLM Focal Person CPO Peshawar points to a positive and significant improvement in police image in public perception in Malakand which can be partially attributed to SRLP interventions. At the outset of the project, policing in Malakand was facing a wide range of internal and external challenges, having a direct bearing on its performance. It was for this reason that a holistic approach appears to have been pursued by police leadership in eliciting SRLP support during project life. The Central Police Office in Peshawar has been fully engaged with UNDP project team as well as other institutional forums such as PRB. The project support has been designed to address both supply and demand side of policing reform agenda. On supply side, infrastructure development facilities' provision at the level of police stations in Malakand has helped nurture better working environment for field formations. Similarly core police function of investigation has been supported through capacity building efforts at police training facilities. However, little evidence is available to suggest that institutional capacity building of training facilities in police has received the same level of support as is the case with KPJA.

Stakeholder feedback (especially CEO DTCE) and data analysis of FGDs also reveal that demand side measures on bridging gap between citizens and police have been meticulously followed through SRLP support. Notion of community policing has been piloted and implemented with a decent level of success and effectiveness in parts of Malakand region. Establishment of Community Policing Forums (CPFs) has been a step in right direction promoting closer societal relationships between the state and citizenry. Bringing together police and local communities has also served the purpose of nurturing an environment of overall security and peace in the region. CPFs have also helped in providing a forum for redress of grievance to common citizens who otherwise feel hesitant to approach state institutions for relief and justice.

Analysis of information has revealed several gaps which could not be fully covered through project support. These include large scale strengthening of forensic service, facilities for evidence collection and crime scene prevention, IT and online data sharing facilities, and dedicated training academy for capacity building of field formations in core competency areas. Some work appears to have been done but perhaps the delivery mechanism of project support has not been smooth and even during the implementation phase.

6.3. Bar

Focus on bar bodies under SRLP was incorporated for addressing the critical dimension of "demand mobilization" in justice sector. It was based on realization that by limiting focus on supply side of justice sector, objectives of improved rule of law regime would remain elusive. For this purpose, the project has been implementing targeted interventions in the areas of enhancing and promoting legal awareness, free legal aid, ADR and a focus on gender and marginalized groups. Feedback and data analysis reveal that focus on pro-bono legal services has helped restore confidence of common citizens on formal justice sector in Malakand. By conducting legal aid clinics and establishing legal aid desks, an effort has been made to bring back common citizens (especially the less advantaged) to the formal justice system for restoration of rights and entitlements. Collaboration with academic institutions for encouraging women to join legal profession has also bore initial success which is critical in the peculiar social context of Malakand. An LOA was signed with the University of Malakand and one of the key objectives was to encourage women to join legal profession. Chairman Law Department, UOM confirmed in an interview with evaluation team that under the program 14 scholarships have been awarded to female students during 2013 and 2014. More scholarships are in the pipeline for the year 2015. Bolstering and scaling up these measures can potentially but eventually engender justice service delivery mechanisms. Fully operationalizing Legal Empowerment Committees (LECs) has also been tried with some initial success though greater awareness is still needed to fully benefit from these arrangements including preparing a statutory basis for much needed operational procedures for DLEC members to run the mechanisms efficiently and effectively. A number of issues have also

been pointed out which appear to have hampered the efficacy of free legal aid interventions. Delays in payment to pro-bono lawyers have been pointed out as a major hurdle. These delays correlate with gaps in case management functions of the formal court system. Lawyers engaged under legal aid cases get often frustrated with ensuing long delays thereby posing difficulties in smooth operations of legal aid mechanism. Ensuring access of disadvantaged litigants to free legal aid services is another major challenge which needs to be addressed. It has also been pointed out that the legal provisions on free legal aid also need to be reviewed to fully cater to peculiarities of local justice sector context in Malakand. Procedure related to disbursement of fees to legal aid lawyers involves release of funds by the district administration. It was specifically highlighted during KIIs with Bar that not only funds allocated for legal aid are insufficient but also the system of paying to lawyers needs to be reviewed for timely and efficient payments to lawyers.

Little progress on promoting ADR could be made on account of several reasons. Delay in fully operationalizing local governance framework in Malakand was the major reason of weaker performance on promoting ADR. Another issue has been unequal understanding of the ADR notion by formal justice sector at the local level which is reflected both at the level of judicial officers and legal fraternity. Another challenge appears to originate from the notion of tribal (Jirga) system justice which appears to be confused with ADR related to proper legal framework. Ensuring that efforts to promote ADR do not end up in actually strengthening regressive tribal justice system appears to have been a major challenge in Malakand region.

Constraints in overall standards of legal education have been another area which is of direct relevance for performance of justice sector. While SRLP has been actively pursuing objectives of capacity building of judicial officers through working with KPJA, a similar focus on continuing legal education for common lawyers has been missing. Improved service delivery from justice sector and delay reduction would be achieved if an equal emphasis for building capacity of lawyers is put in place. Interaction with bar members has shown little evidence of appetite for a future strategy to address this critical concern. Similarly SRLP efforts for promoting judicial ethics through tailor-made trainings and orientation at KPJA have not been matched by similar efforts at nurturing professional ethics in new entrants in lawyers' fraternity.

6.4. Prosecution

Strengthening of prosecution services has been addressed through SRLP by adopting a two-pronged strategy. Interaction with DG Prosecution, Government of KP, revealed several interesting findings in this regard. At the district level, missing facilities and hardware support has been provided to enhance service delivery potential of prosecution services. Provincial Prosecution Department has been articulating requirements of district nodes which have been partially addressed through SRLP resources. Similarly measures for capacity building of field level prosecution functionaries have also been implemented for better results. Proposed measures for upgrading forensic facilities through modern laboratory arrangements are also expected to improve the quality and outputs of prosecution services locally. One of the missing areas in terms of prosecutorial independence can however be pointed out pertaining to an unnecessarily close liaison between police and prosecution at the local level. Prosecution services should actually be critically monitoring police investigation for quality assurance of prosecution and improved conviction rate. It appears that emphasis has been missing on sensitizing prosecution functionaries regarding their actual responsibilities to act as watchdog over quality of police investigation.

6.5. Local Communities

Output 1 pertaining to free legal aid and legal empowerment promotion was of direct relevance for local communities. As a matter of fact, the whole rationale of the project was predicated upon building the confidence of common citizens in Malakand in the state edifice mandated to provide justice services and security. FGDs clearly point that appetite for improved legal awareness, demand for legal rights and desire for seeking justice through state edifice has been palpably enhanced in the project areas. In all male FGDs, participants affirmed their increased level of

awareness about legal rights and in this regard mentioned the positive role of SRLP. Evidence of demand mobilization for improved justice sector performance has come out in a big way during discussions with local communities Women from Lower Dir and Buner confirmed in FGDs that police are performing better, saying situation has improved a lot since military operation in terms of accessing justice either formally or informally. People have also shared their frustration on limited scope and coverage of essential services such as free legal aid and opportunities for enhancing legal awareness about rights and entitlements. During FGDs in Buner, Lower Dir and Upper Dir, the norms, traditions and limited interaction with formal justice systems were pointed out key constraints about women's legal empowerment. In terms of output pertaining to performance of judiciary, more targeted and visible efforts have been desired to restoring confidence of local communities in an optimally performing justice sector. Improved numbers in terms of capacity building of judicial or police officers achieved under this project would only restore confidence of communities, if palpable improvements in delay reduction in courts of crime detection in police are made visible in short term. Local communities have also shown willingness to further collaborate for promoting notions of community policing as conduits for forging closer community-policing relations. In summary, demand mobilization objectives of the project have led to enhanced community sensitization and demand for improved justice and security services in Malakand region but the promise appears to have been only partly fulfilled and would need to be vigorously pursued in future by all relevant institutions.

6.6. Financial Management

Following table provides consolidated information on efficiency in utilization of budgetary resources. In order to have a clearer understanding, data on financial performance has been arranged by each output of the project. On the whole, utilization of resources under SRLP can be termed satisfactory but gaps can still be pointed out. Notable amount of resources was left unspent during 2013 and 2014 under some of the outputs. Unspent resources from certain outputs could have been diverted to other outputs showing better utilization and performance. Necessary tweaking of annual work plan through the forum of PRB could have been used for this purpose. Information on the counterpart funds (to be provided by the provincial government) for the project period has not been made available but interaction with foreign aid section in KP Planning and Development Department has revealed certain reservations on less than desired pace of mobilization of donor resources.

Table 1: Financial Management of SRLP

Outputs	2013		2014		2015	
	Dollar Fund		Dollar Fund		Dollar Fund	
	Allocation	Utilization	Allocation	Utilization	Allocation	Utilization
Output 1	844360	791,360	1,216,066	1,173,799	890,809	366,512
Output 2	453636	334,131	169,267	74,267	681,320	49,270
Output 3	368100	261,093	898,118	931,317	447,208	53,708
Output 4	794,820	651,794	1,674,919	1,399,813	3,487,586	567,004
PMU	851,204	662,373	968,817	958,806	2,223,985	1,044,112
Total	3,312,120	2,700,751	4,927,187	4,538,002	7,730,908	2,080,606

The project management arrangements have been a mix of implementation through LOAs, MCGAs and standard UNDP bidding mechanism. Some of the implementing partners pointed out that working through MCGA should have been minimized and replaced with a predictable and proper bidding mechanism. On the whole, implementing partners (DADO, HUJRA, DTCE, INP, and SRSP) expressed their satisfaction with DIM modality of project execution.

Overall strategic guidance and direction setting under SRLP has been achieved through forum of PRB which has been regularly meeting ever since inception of the project. One of the PRB successes has been its ability to bring together on one table all stakeholders from justice sector including judiciary, police and executive. Facilitation provided by KP Planning and Development

Department has also been instrumental in ensuring continuous progress and follow up of PRB deliberations. SRLP has also been able to mobilize donor resources from different sources (Royal Netherland Embassy, SDC, and EU) which reflect confidence of international development partners to let UNDP lead this critical rule of law reform intervention in KP.

7. Summary of Evaluation Questions & Response Based Upon Data Analysis & Findings

Based upon the[9] above progress and analysis provided in the last section, following is a tabular expression of the progress and assessment as per laid down evaluation criteria and questions for this output

Relevance	Has UNDP been able to design SRLP interventions within the context of justice and human rights strategies of Pakistan?	Interventions under various outputs have been designed within broader and general context of justice and human rights regime. Backward and forward linkages can be identified with National Judicial Policy (in case of outputs related to judiciary), Police Order 2002 (in case of policing and prosecutorial reforms) and Bar Council & Practitioners Act 1973 and Pakistan Bar Council (in case of free legal aid and legal awareness). Contextualizing the project outputs with overarching policy milieu is an evidence of project's success
	Do the partners, target groups and beneficiaries consider that the interventions contributed/will contribute to human rights, rule of law and justice priorities?	The fact that police, prosecution, judiciary, bar associations, Pakistan Bar Council, University of Malakand and Insaaf Network Pakistan have willingly agreed to collaborate with the project interventions is an evidence of relevance of project stipulations in terms of broader human rights and rule of law priorities at the national level. The program is well aligned with KP Strategic Development Partnership Framework and strategies formulated for whole of the province as well as separately for Malakand division too.
	Have the interventions responded to the needs and priorities identified by governments and UN partners?	Generally, yes. The government has shown its willingness to expand the themes of rule of law reforms in KP from Malakand to additional areas of the province. As more donors (e.g. EU) have agreed to contribute to such initiatives, it can be argued that project interventions have been responsive to rule of law related priorities of government as well as donors. Linkages laid out in the SRLP Results and Resource Framework are clearly established with strategic priority areas identified under OP-II (One UN) as well as UNDP Country Program Document and Action Plan.
Efficiency	Have the resources (funds, human resources, time, etc.) of SRLP interventions been efficiently used to achieve this output?	Against a donor allocation of US$15970215 against four project outputs for the period 2013 – 2015, an overall utilization of US$9319359 has been made till June 2015 which is less than optimal.
	Have the project interventions been implemented within intended deadlines and cost estimates?	Generally project interventions have followed the timelines, deadlines and cost estimates; however in certain cases, such as FSL delays have occurred on account of genuine hardships in finding a capable local service provider
Effectiveness	Have the project's expected results been achieved / will be achieved and what are the supporting or impeding factors?	Generally, yes. In case of three outputs (related to judiciary, police/prosecution, bars), expected results have been largely achieved. However, in case of ADR and informal justice system output, little progress has so far been made. However, in view of establishment of local governance system in KP in 2015, progress towards achieving this output can also be made without much difficulty. Superior courts and executive have undertaken limited initiatives to operationalize Public Defender system including other Stat-led mechanisms such as District Legal Empowerment Committees and District Criminal Justice Coordination Committees. Yet to formulate Rules of Business and SOPs in many an instances.
	Have the project interventions contributed to the capacity building of rule	Yes; this has been the marked success of the project. For output related to judiciary, institutional capacity of KPJA has been boosted on long-term basis both in terms of processes and contents of the

[9] Project Annual Progress Reports 2013, 2014 and Quarterly Report 2015

	of law institutions as well as other national partners such as bar associations, CSOs, etc?	service delivery. Similarly, the project has helped Regional Police Training Center in Swat to boost its capacity. For this output, capacity of Bar Associations has been enhanced which is evidenced by MoUs signed with local Bars as well as Pakistan Bar Council.
	To what extent were SRLP interventions coordinated with other partners interventions? What has been the nature and added value of these partnerships	The project partnered with local/national partners in Malakand such as Hujra, DADO, DTCE and SRSP for delivery of several outputs through effective collaboration and coordination. On the one hand, these partnerships have helped UNDP in achieving project results efficiently and expeditiously while more importantly these collaborations have contributed to overall capacity of these partner organizations for contributing to rule of law reform agenda in Malakand. The program has been successful in institutionalizing legal aid and paralegal mechanisms.
Impact	On capacity development, what has happened with the knowledge gained and the skills developed for the targeted institutions?	KPJA is well poised to take forward capacity building agenda in support of district judiciary both in terms of quality of training contents and processes and systems which have been institutionalized through project support. To a lesser extent, this has also been achieved in case of Regional Police Training Center in Swat. Additionally, the University of Malakand has also benefited on long term basis from its collaboration with UNDP for strengthening academic capacity in rule of law related academic themes.
	Is there clear evidences of results and recognition of UNDP support	KPJA fully and categorically appreciates and recognizes support provided by UNDP through this project. It has led to long term dividends for KPJA in terms of catering to capacity building needs of justice sector in KP. Courts, police and prosecution are better resourced in terms of infrastructure including enhanced visibility of citizen information desks and facilities for litigants at the police stations and courts. District police and judicial officers confirmed in their interviews the positive impact SRLP has made in improving the performance of rule of law institutions.
Sustainability	To what extent are the capacity building activities under the project producing lasting results?	Judicial officers trained under project support are presently performing their duties throughout the province which implies that benefits of newly learned skills would accrue to larger public throughout the province. Similarly police and prosecution trainings provided to field level officials would ensure better performance from these functionaries who are highly likely to stay in Malakand region for longer durations. Notable presence of social capital exists in the form of paralegal network and improved reliance on community policing approach. Establishment of forensic facility, refurbishing of police training institutes and adoption of modules and regimes including enhanced facilities for citizens indicate strengthened physical and institutional capacity delivering services on sustainable basis.
	What steps have been taken to ensure sustainability of results? How did the development of partnerships at the national and provincial level contribute to sustainability of the results?	MoUs have been signed with Pakistan Bar Council, District Bar Association and leading local universities (University of Malakand); Similarly collaboration with local NGOs/CSOs including DADO and HUJRA in Malakand has provided strategic opportunities for sustaining the reform agenda by forging mutually beneficial partnerships. The project may address localized operational vacuum through formulation and implementation of SRLP District Strategy for the purpose of ensuring enhanced visibility and direct impact.
	What improvement can be incorporated into the project's strategies to effectively build local counterparts' capacity for addressing justice and human right issues in Khyber Pakhtunkhwa?	Local partners and organizations need to be associated with project outputs related to free legal aid, legal awareness and ADR in a robust manner through easing the procedural bottlenecks. This would ensure capacity building of local actors for rigorous pursuit of rule of law reforms and human rights agenda in KP

	How, and to what extent did the SRLP design, implementation strategy/ partnership, and governance foster national ownership and capacity development?	SRLP originally sought to pursue rule of law reform agenda within localized context of Malakand. However, due to success of its several interventions, many of the project's components were soon taken over at the provincial level by government and partners for roll out. Of late, national level institutions such as Pakistan Bar Council have indicated willingness to collaborate in some of the reform interventions. Similarly, important donor partners (e.g. EU) have also expressed their willingness for contributing to resource mobilization for expansion of rule of law interventions across more districts of KP. Evidence of this enhanced appetite for rule of law reform agenda can also be taken as validation of SRLP design and implementation strategies, leading to greater ownership at the provincial and national levels.
Overall Project Outputs Status ---------- 4		

8. Conclusion:

SRLP was initiated by UNDP as an innovative intervention for reviving citizen confidence and trust in crumbling rule of law institutional edifice in Malakand region during 2011. It also needs to be remembered that national level experience of implementation rule of law reform initiatives (ADB's Access to Justice Program) was far from satisfactory. Given this historical context and the prevailing security situation in Malakand in years leading to 2011, smooth implementation of SRLP/SRLM was never going to be an easier task. However, empirical evidence provided in preceding sections clearly suggests that the project has not only achieved most of its targets and objectives but has also been successful in generating a workable roll out and expansion strategy. At the strategic level, bringing together diverse stakeholders of rule of law sector (executive, judiciary, bars, litigants, CSOs, etc.) around one table for pursuit of an agreed agenda in highly challenging milieu and increasingly fluid context needs to be fully acknowledged. Except for one output pertaining to promotion of ADR and informal justice system, the project has been able to achieve its targets in all other output areas (related to judiciary, police, prosecution and bars/legal fraternity) efficiently and effectively. Another important success of the project has been its ability to support institutionalization and sustainability of the reform agenda, unfurled through project interventions. Long term outlook in supporting institutions such as KPJA and Regional Police Training Centre, Swat, is an evidence of this approach adopted by the project. Similarly, balancing the focus of supply side solutions for justice sector (facilities' provision, infrastructure development, resource augmentation, etc.) has been combined with demand mobilization for justice services (promoting legal awareness, inculcating citizen-police liaison through community policing, free legal aid, etc). Last but not the least, the project can also be given the credit for bringing back themes of rule of law, rights-based governance and amelioration of citizen vulnerabilities back at the center stage of public policy discourse in KP.

The project management arrangements can also be termed as generally effective and satisfactory. Delivering myriad project targets and outputs in a challenging and constrained security context has been a marked achievement. The project's ability to mobilize donor resources for financing interventions has been up to the mark, although some lacunae in matching counterpart funding by the provincial government can also be discerned. Some gaps can also be identified in capacities of project management to fully utilize the earmarked resources under various output heads. That could be due to genuine limitations confronted in identifying a reliable and capable partner or contractor to deliver on some of the complex project interventions. Organized attempts to ensure collation, usage and maintaining the institutional memory has also been lacking in the program. Knowledge management functions needs to be strengthened. Leadership for steering the project has been ably provided by PRB which has facilitated meaningful stocktaking and direction-setting throughout the course of implementation. UNDP has also provided evidence of its ability to put in place a smooth, well informed and mutually responsive mechanism of donor coordination both in terms of resource mobilization and information sharing.

SRLP has contributed meaningfully to reform momentum through its appreciable visibility and performance but there is an urgent need to create policy linkages at a more strategic level. National Judicial (Policy Making) Committee has largely remained dormant in driving the reform process. Engagement with the Law and Justice Commission of Pakistan that provides secretarial services to the committee was also missing in the program strategy. Last but not the least, some positive trends related to crime rate, relative return to normalcy and peace including people increasingly opting for formal justice system and improvement in police and judicial performance are quite discernible in KP. In particular, the public image of rule of law institutions has improved, a fact repeatedly affirmed during interviews with police, prosecution and judicial officials. Community feedback has also confirmed to these positive trends. However at times evaluation team could not find sufficient empirical evidence that could establish or help attribute the role performed by SRLP in this regard. It may be mentioned that SRLM has been successful in reviving interest in rule of reform discourse at the provincial level since provincial government has already agreed to rollout of project reforms to additional districts in KP. Similarly, some of the international partners have also expressed their willingness for investing additional resources in rule of law in

KP. Both these factors underscore the strategic positioning of SRLM in terms of driving the future direction and implementation of rule of law reforms in KP.

In terms of conclusion another important factor pertaining to absence of local governance institutions during first three years of the project implementation. Three of the project outputs (legal awareness and free legal aid/non formal justice mainstreaming and policing reforms) were of the nature that presence of elected local governments could have gone a long way to improve the effectiveness and impact of project reforms. Promotion of alternative dispute resolution mechanisms would have been greatly supported by presence of Musalihati Anjuman institutions, according to the KP Local Government Act 2013. Similarly, provision of free legal aid and promotion of legal awareness interventions would also have benefitted from the presence of elected local bodies at the district level. Last but not the least, police reform interventions such as community policing and development of policing plans would also have been more successful in the presence of local government institutions. A positive development of recent origin is formulation of elected local governments in KP which is expected to lead to more effective and efficient progress on achieving goals and objectives of SRLM in coming years.

It may also be pointed out that various interventions under SRLM were implemented in Malakand region which has a peculiar legal and policy context. Until recently, executive magistracy existed in Malakand region alongside formal justice system which was an aberration from the rest of the province. Similarly Malakand has been unique in terms of having *Nizam-e-Adl* Regulation, which is yet another manifestation of peculiar legal context of the region. Although superior courts have already taken cognizance of these anomalies and necessary directions have also been issued, reference to these peculiarities is critical to fully appreciate the context within which SRLM interventions (especially in justice and police sectors) were being implemented.

Women's access to justice in Malakand continues to remain challenged due to traditional and institutional factors. FGDs conducted in four districts show mixed trends. A few women from Lower Dir admitted improvements in police performance while interacting with them but at the same time appreciated improved facilities for courts and cooperative behavior of officials. Women of Upper Dir pointed to legal aid desks which in their opinion have facilitated women seeking redress. Mentioning as to what needs to be done to assist women litigants, the Bar President of Buner called for construction of special room for women litigants in the local judicial complex. Women of Buner during FGDs highlighted the need for increasing the number of female lawyers and police officers in the formal justice system as this, in their view, would increase the likelihood of women approaching women officials since they cannot approach male officials.

At another level, the community feedback (drawn from FGDs) has underscored prevalence of some peculiar social narratives such as people increasingly preferring formal justice system. All male participants of Lower Dir FGD said an equal number of people are now opting for Jirga and formal courts respectively. This trend was reinforced by participants of all the remaining FGDs. Similarly majority of the participants in all FGDs said public is now more aware about their rights making them less susceptible to alternative narrative of social justice.

Project initially implemented a database which compiled data from implementing partners providing services at the community level. Unfortunately, the database fell into disuse as the project started feeding data into centrally operated MIS at Country Office and also other means were put in place such as field monitoring visits, quality checks by finance and SMU, , perception and impact surveys and studies, success stories, etc. Further, the Project is rigorously tracking all the indicators set in AWP and progress is shared in APRs.

In order to ascertain perception of the community about rule of law institutions and their knowledge and practices, the Project had undertaken two studies this year -- a Knowledge, Attitude and Perception (KAP) Survey in Malakand division and Citizen's Perception and Satisfaction Survey in southern districts of KP. The studies have been completed and their findings will be shared with stakeholders soon. Moreover, these studies will help the Project to further improve and customize its interventions and strategies.

To sharpen the link between outcomes, outputs, indicators, targets and baselines at project and programme level the Project has begun to work more closely with the CO M&E specialist within SMU. Project has also joined the monthly M&E meetings at the CO to better communicate its achievements and to identify areas which should be improved. Further, in order to build the M&E capacity of the team members, the Project has allocated resources to undertake capacity building initiatives.

Project is also undertaking initiatives in collaboration with other development sector's partners to develop synergies and learn from mutual experiences. To this end, the Project M&E section has joined hands with other partners to provide support to Government of KP in terms of strengthening its M&E system. In addition, the Project is also providing expertise to Aitebaar Project for assessment of Model Police Stations in KP.

9. Recommendations:

9.1. KP Judicial Academy:

- KPJA to put in place a system of tracking case disposal output of judicial officers through MIT cell of PHC for empirical evidence of training outcomes. This can be done by instituting impact assessment regime at the academy.
- A time-bound program may be put in place in medium term (2-3 years) to train a cadre of master trainers who could go in districts and provide tailor-made capacity building solutions in local conditions.
- KPJA to be facilitated for accreditation and certification for provision of quality legal education and training programs for judges and lawyers.

9.2. Peshawar High Court:

- Office of MIT (Member Inspection Team) to be strengthened for assessing the post – training performance of judicial officers in case disposal and case-flow management, starting with new induction trainings for civil judges and additional sessions judges.
- PHC to put in place a dedicated, robust and organized delay reduction mechanism.
- PHC may be supported to devise a roll-out plan for promoting court-annexed ADR alongside local government-based ADR as per Output – 2 of SRLP; Such a delay reduction plan will cover a time period of 3-5 years for providing empirical evidence of effectiveness of project interventions
- PHC may be facilitated in devising a "Witness Protection Program" for applicability at the level of district judiciary, especially in militancy-prone areas.

9.3. Police

- Provincial Home Department /police may be supported for developing time-bound road map for notifying and strengthening critical institutional framework as per Police Order 2002 (District Public Safety & Police Complaint Commission, District Citizen Police Liaison Committee) – this will provide institutionalized solution for sustaining community policing and police accountability efforts as per Output – 4 of SRLP.
- In addition to providing hands on trainings for enhancing investigation capacities, police may be supported for updating and developing a proper "Investigation Manual" for province-wide usage and applicability
- With the coming in power of elected local governments, District Police Authorities may be encouraged to prepare "District Policing Plans" in consultation with elected representatives. It may be pointed out that some progress has been made by project in developing policing plans in some districts of Malakand. However, with coming in powers of district governments, these policing plans would need approval of the district council before these are put in operation.
- Police Training College, Hangu, and Swat Regional Police Training Centre may be facilitated in linking with National Police Academy for improving contents and instruments for delivering police trainings.
- A time-bound action plan may be approved and put in operation for capacity building of prosecution cadres at the district level and for meeting essential hardware needs of district prosecution offices for improved service delivery

9.4. Prosecution

- Program resources should be allocated to establish a fully functional, well-resourced and independent provincial prosecution service by delinking it from Home Department.
- SRLP may support monitoring regime within Directorate General of Prosecution at the provincial level; such an initiative will enable relating conviction rate and quality of prosecution for proper institutionalization of prosecutorial reforms.

9.5. Home

- SRLP to enter in an understanding with Home Department for devising and implementing a time-bound plan for Strengthening Correctional Services at the district level which would cover the following areas;
  - Strengthened Probation Services for rehabilitation of ex-militants
  - Streamlining Juvenile Justice services for delinquent and young accused
  - Prison reforms especially for streamlining provision of legal and rehabilitative services for female and juvenile offenders

9.6. Local Governance Institutions

- With coming in power of elected local governments, SRLP needs to devise a crash program and short term road map for immediate progress on hitherto lagging Output-2 so that informal justice systems could be put in place for alleviating burden from formal court systems. This will enable the program to now capitalize on the social capital generated by varied UNDP interventions.
- SRLP may facilitate an urgent dialogue between district police authorities and elected heads of district governments for strengthening District Public Safety and Complaints Commissions and devising District (Annual) Policing Plans.
- District governments (through Community Development Department) may be encouraged by SRLP to partner in interventions on legal awareness and empowerment as well as free legal aid.

9.7. Bars

- Carry forward on-going dialogue with Pakistan Bar Council for agreeing on appropriate amendments in Bar Councils and Legal Practitioners Act for facilitating and streamlining provision of pro bono and free legal aid services.
- SRLP should more actively strengthen the public defender system.
- Dialogue with Provincial Bar Councils and District Bar Associations in project districts for operationalizing Bar Legal Aid Committees including linkages with the Legal Empowerment Committees (to provide an institutionalized solution to legal awareness and vulnerability mitigation interventions).
- Developing a program with Provincial Bar Council for "Continuous Legal Education" for practicing lawyers, especially in the legal themes of direct relevance for SRLP (such as ADR, laws of inheritance for women, code of conduct and judicial ethics, etc.)

9.8. Program Management

- SRLP may pilot a "District Strategy" approach with a coherent coordination mechanism involving key district level stakeholders in order to create more visible impact at the local level. Major focus of the strategy should include improving citizens' trust in the Rule of Law institutions at the grass roots level.
- SRLP project management team may be enriched through provision of enhanced and specialized "domain expertise" in areas such as policing, legal empowerment, capacity building strategies, ADR within the context of local governance legislation, etc.
- Putting in place an effective procurement forecasting system to ensure a predictable procurement roadmap (including bidding and LOAs) with clear timelines, once work plans have been approved; this is critical for ensuring optimal utilization and timely delivery of output targets.
- Results chain laid out in the Results and Resources Framework needs to be built more logically. Linkages between outcome, outputs, indicators, baseline and targets require to be sharpened. There are no output level indicators and the ones provided are at the activity level but not clearly spelled out or measureable. UNDP should invest training its staff on RBM.
- More informed and mutually supportive mechanism for mobilizing and utilizing counterpart funding from provincial government through closer liaison with provincial P&D department.
- Development of well-functioning knowledge management capacity equipped to work more on knowledge products and concise policy briefs, based on implementation experience of SRLP in a challenging setting.
- In order to benefit from UN comparative advantage in Pakistan, SRLP should participate more proactively in One UN fora in relation to the implementation of relevant strategic priority areas identified under OP-II.
- Capitalizing on the strengths of SRLP, the program should offer more opportunities for cross fertilization within the broader context of rule of law (in areas such as democratic legitimacy, law making etc.) A Parliamentary Caucus on Rule of Law in Senate has recently been formed which can be coopted by project for synergizing mutual pursuit of rule of law reform.

ANNEXURES

Annex I:
Terms of References of Midterm Evaluation of Strengthening Rule of Law Programme

Terms of References of Midterm Evaluation of Strengthening Rule of Law Programme

Background

In 2012, UNDP began implementation of a rule of law program in the post-crisis area of Malakand Division, Khyber Pakhtunkhwa. Based out of Peshawar, the Strengthening the Rule of Law Programme (SRLP) is currently in the process of expanding its activities to include three additional districts in Khyber Pakhtunkhwa as well maintaining program activity in all 7 districts of Malakand Division.

SRLP is unique for having a 25% cost-sharing agreement with the Khyber Pakhtunkhwa Provincial Government for its entire budget, indicative of strong government commitment and partnership. SRLP is funded by the Swiss Development Cooperation (SDC), Kingdom of Netherlands (EKON), the European Union (EU) as well as UNDP. Under the joint EU-UNDP Rule of Law Program, the EU is providing specific funding for policing as well as ADR.

SRLP is oriented around four main and reinforcing goals: (i) enhancing access to justice and legal aid; (ii) building the capacity of courts for greater service delivery; (iii) supporting 'informal' justice mechanisms to provide just and speedy services (e.g. ADR); and (iv) strengthening police and prosecution capacity.

SRLP is aligned with and guided by existing government commitments and policies relating to undertaking rule of law work in Khyber Pakhtunkhwa, including the Malakand Comprehensive Stabilization and Socio-Economic Strategy 2009, Post Crisis Needs Assessment 2010, Integrated Development Strategy 2014-2018, the Khyber Pakhtunkhwa Annual Development Programme 2014-2015, the Khyber Pakhtunkhwa Strategic Development Programme Framework 2013 and the Output Based Budget and Medium Term Targets 2014-2017.

Evaluation Purpose

According to the Monitoring and Evaluation Plan developed at the inception of the project, SRLP is to be evaluated in three stages. The first stage, a Strategy Review Report was an internal review process assessing the progress of the project and addressing challenges, which was conducted by the UNDP- Bureau for Crisis Prevention and Recovery's Rule of Law Team. This mid-term review is the second stage, and will be followed by a third stage, the Final Review Report, which will be undertaken at the end of the project and assess the achievement of the project and compile lessons learned from the project.

This evaluation will be an opportunity to highlight the progress of the project and the initial impact of the intervention. The findings and the conclusions of this evaluation will inform the project as to any revisions that should be undertaken to improve future interventions. Lessons learned and best practices highlighted in the evaluation will also be valuable for future UND interventions in the region and thematic area.

Evaluation Scope and Objectives

The scope of this evaluation covers the interventions carried out from the inception of SRLP in October 2011 to the present. The geographic area for the evaluation will include four districts (Swat, Lower Dir, Upper Dir and Malakand) of Malakand division in which SRLP interventions have been undertaken. Target groups for the evaluation include national authorities, UN personnel, strategic partners, relevant national and international organizations, donors and individuals.

The objective of the evaluation is to assess the progress of SRLP thus far in terms of efficiency, effectiveness, relevance, impact and sustainability. The evaluation will also assess SRLP's design and implementation strategies, technical strategies and administrative issues. The evaluation will provide recommendations to improve the potential of SRLP to achieve the expected outputs and objectives within the project timeframe. The evaluation will also provide critical information to shape and inform future programming. The evaluation must also address how the interventions sought to strengthen the application of the rights-based approach and mainstream gender.

The evaluation will document the lessons learnt since its launch in October 2011, and make recommendations for the remainder of the programme to ensure continued relevance and sustainability. In so doing, it should help the SRLP and UNDP, along with all other stakeholders, to better support the rule of law entities through sustainable capacity development, and to support improved access to justice for the citizens of Khyber Pakhtunkhwa.

Specifically, the evaluation will assess the following aspects of SRLP:

1. **Relevance:**
   a) Evaluate the logic and unity of the process, as well as the relevance of the chain of results of each project's component, for supporting the justice and human rights sectors, and providing subsequent capacity building programmes to improve justice and human rights.
   b) Assess needs for SRLP to possibly align its scope of interventions in line with emerging priorities, taking into consideration the key national initiatives, and international assistance.
   c) The extent to which the SRLP implementation strategy has been responsive to the emerging needs of the rule of law institutions.
   d) The extent to which a gender perspective has been taken into consideration.
2. **Efficiency:**
   Evaluate the efficiency of the project implementation and whether the project has allocated resources in the most economical manner to achieve its stated results.
3. **Effectiveness:**
   a) Whether the current oversight and management structures are effective;
   b) Flexibility, creativity and responsiveness demonstrated by SRLP to respond to emerging needs and priorities of the justice sector;
   c) Quality, timeliness and adequacy of project reporting and monitoring;
   d) Identify factors that limited project effectiveness and suggest remedial measures. Assess the SRLP partnership with government departments and CSOs to provide coordinated support to rule of law institutions and how this could be made more effective;
   e) Partnerships with international partners and national NGOs and CSOs;
   f) Quality of coordination with other bilateral/multilaterals supporting the rule of law sector;
   g) Adequacy of funds for programme implementation up to 2017 and opportunities for resource mobilization interventions.
4. **Impact:**

a) Evaluate the impact of the project on its wider environment and its contribution towards the wider objectives outlined in the project document;
b) Assess what changes in development (at the level of individuals, institutions, communities or societies) - intended and unintended, positive and negative – have been brought about by the project.

5. **Sustainability:**
   a) Sustainability of the activities for capacity development of the rule of law actors;
   b) Assess how the capacity development methodologies used by SRLP are adequate and effective; and suggest how the sector specialists performing line functions can progressively play a more effective advisory role;
   c) Extent to which the institutional support and technical assistance provided to rule of law intuitions under the SRLP are sustainable;
   d) Whether the level and nature of Democratic Governance Unit and UNDP-Country Office engagement in the implementation of the SRLP contributes to sustainability and ownership;
   e) The human resources plans for the rule of law institutions and their likely link with an exit strategy for the SRLP.

Evaluation questions

The Evaluation Consultant should consider the following questions, within the framework of the evaluation criterion, when conducting the Mid-Term Evaluation. This list of questions is representative and not exhaustive and will be further detailed and agreed upon as part of the evaluation inception report.

1 Relevance:

1. Has UNDP been able to design SRLP interventions within the context of justice and human rights strategies of Pakistan?
2. Do the partners, target groups and beneficiaries consider that the interventions contributed/will contribute to human rights, rule of law and justice priorities.
3. Have the interventions responded to the needs and priorities identified by governments and UN partners?

2. Efficiency:

1. Have the resources (funds, human resources, time, etc.) of SRLP interventions been efficiently used to achieve the relevant outputs?
2. Have the project interventions been implemented within intended deadlines and cost estimates?

3. Effectiveness:

1. Have the project's expected results been achieved / will be achieved and what are the supporting or impeding factors?
2. Have the project interventions contributed to the capacity building of rule of law institutions as well as other national partners such as bar associations, CSOs, etc?
3. To what extent were SRLP interventions coordinated with other partners interventions? What has been the nature and added value of these partnerships?

4. Impact:

1. On capacity development, what has happened with the knowledge gained and the skills developed for the targeted institutions?
2. Is there clear evidences of results and recognition of UNDP support?

5. Sustainability:

1. To what extent are the capacity building activities under each component producing lasting results?

2. What steps have been taken to ensure sustainability of results? How did the development of partnerships at the national and provincial level contribute to sustainability of the results?
3. What improvement can be incorporated into the project's strategies to effectively build local counterparts' capacity for addressing justice and human right issues in Khyber Pakhtunkhwa?
4. How, and to what extent did the SRLP design, implementation strategy/ partnership, and governance foster national ownership and capacity development?

Methodology

A detailed methodology which will be part of the Inception Report, should focus on methods to achieve the objectives of the evaluation. The Evaluation Consultant will conduct a desk review of existing documentation with regards to human rights and justice, including National Judicial Policy, strategic plans of rule of law sector institutions, Post-crises Needs Assessment (PCNA) and Strategic Development Partnership Framework (SDPF) reports. They are also expected to review project documents, annual and quarterly progress reports, training manuals, UNDP Country Programme Document and other relevant documents. They will also conduct extensive one-on-one interviews and focus group discussions with national authorities, UN personnel, strategic partners, relevant national and international organizations, donors and individuals, and carry out field missions (security permitting) for direct observation of project activities.

To ensure the quality of reported results, data triangulation may be included as part of the methodology.

Based upon the above assessment, the Evaluation Consultants will make recommendations for the remaining period of the SRLP.

Evaluation Deliverables

Deliverables are as follows:

1. **Inception Report:** The Consultant will submit an inception report that would reflect the evaluators understanding of the assignment, proposed approach and methodology; and schedule of tasks, activities and deliverables along with assigned responsibilities for the mission members.
2. **Evaluation Report:** The Consultant will submit (i) before the end of the evaluation mission- a *draft evaluation report* of SRLP, highlighting achievements, constraints, and lessons learnt as well as corrective measures where required and recommendations (*see below for further details on the Evaluation Report Format*); and (ii) within 2 days after receiving written comments and feedback to the draft evaluation report from UNDP and SRLP Management - the *final report* addressing the received feedback.
3. **Presentation of Executive Summary and Recommendations:** The CConsultants will present a summary of evaluation findings, conclusions and recommendations at a debriefing meeting with UNDP and development partners. This meeting will be organised by UNDP to share the preliminary recommendations and receive feedback from SRLP counterpart institutions and development partners.

Related Evaluation Activities

To achieve the objectives and produce the deliverables of the evaluation, the Consultant will be expected to undertake related activities including:

1. **Review existing documentation:** The Consultant will conduct a literature review on the rule of law / justice sector, including the National Judicial Policy, the Project Document and associated Progress Reports, PCNA, SDPF and other relevant documents including concept papers for operationalizing some of the project projects such as mobile courts. This documentation will be made available to Consultant prior to their deployment to the duty station.
2. **Prepare Inception Report:** The Consultant will present an Inception Report elaborating the evaluation methodology to the stakeholders at the beginning of the evaluation.
3. **Meetings with stakeholders**[10]
   a) The UNDP SRLP team will brief the Consultant upon arrival and provide all necessary details and clarifications on the documents made available for the desk review.
   b) The Consultant will meet with the Heads of the Democratic Governance Unit, DCD-Programmes, and Country Director, UNDP.
   c) The Consultant will meet with Chief Justice Peshawar High Court, DG Prosecutions, IG Police, Planning and Development Department, Home and Tribal Affairs Department, KPJA, PTC Hangu staff, Universities of Malakand and Hazara and other relevant rule of law sector officials – District & Session Judges, District Public Prosecutors, District Police Officers and District Bar Associations, etc.
   d) The Consultant will meet with bilateral donor representatives present in the country, including SDC, Kingdom of the Netherlands, European Union, etc.
   e) The Consultant will meet with relevant Civil Society Organisations such as DADO, LAPH, HUJRA, SRSP, DTCE, etc.
   f) Beneficiary feedback from local community, especially females to gauge their feedback on various project interventions
4. **Consultation on draft report and recommendations:** Following the submission of the draft report, undertake consultations with stakeholders to receive their feedback for incorporation into the final report.

Evaluation Consultant

1. Evaluation Consultant: A national senior consultant with extensive experience in monitoring and evaluation of large programmes in developing countries. He/She would be familiar with UNDP/UN evaluation policies and procedures, and with the programming principles of the UNDP/UN. Proven experience in the Justice sector including public administration, justice sector development and relations between state institutions is necessary. Should be familiar with the country context in Pakistan. S/he will be responsible for timely delivery of the deliverables set forth in Section II-1.3 "Evaluation Deliverables".

Evaluation Consultant shall be independent from organizations that have been involved in designing, executing or advising any aspect of SRLP. The gender composition will be particularly taken into consideration.

Experience, Qualifications and Competencies

Qualifications:

- Master's degree or equivalent in law, International Development, Public Policy, social sciences or a related area.

10 This is not an exhaustive list, but suggestive. The Evaluation Consultant will, at all stages of the evaluation, determine which other stakeholders should be consulted – if necessary and in accordance with evaluation objectives. Also, the Evaluation Consultant may use a variety of methods, including one-on-one or group interviews, questionnaires, field visits, etc.

- Minimum 10 years programme evaluation experience in human rights, rule of law and/or the justice sector.
- Familiarity with international standards, particularly in relation to post-conflict/crisis situations.
- Relevant experience and knowledge of UNDP Rules and Procedures.
- Experience in human resources and institutional capacity development, including gender equality.
- Experience and knowledge of the socio-political context of Pakistan would be an asset, in particular in relation to the rule of law sector.
- Proven capacity to effectively collect, analyse and evaluate information
- Ability to organize and synthesize information in a systematic manner
- Excellence in both written and spoken English.
- Initiative, ability to work independently sound judgment and good interpersonal skills.

Competencies:

Corporate Competencies:

- Demonstrates integrity by modeling the UN's values and ethical standards (human rights, peace, understanding between peoples and nations, tolerance, integrity, respect, results orientation (UNDP core ethics) impartiality);
- Promotes the vision, mission, and strategic goals of UNDP;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability.

Functional Competencies:

- Consistently approaches work with energy and a positive, constructive attitude;
- Demonstrates good oral and written communication skills;
- Has ability to work both independently and in a team, and ability to deliver high quality work on tight timelines.

Behavioural competencies:

- Gender-sensitive;
- Comfortable working in dynamic environments that change frequently;
- Able to perform in a high-stress and difficult security environment, with austere living quarters.

Computer Skills:

- Proficiency in Microsoft Office, Excel, Power Point, and SPSS/ STATA software

Evaluation Ethics

This Evaluation will be conducted in accordance with the principles outlined in the Ethical Guidelines for Evaluation (UNEG 2008) and the consultants need to use measures to ensure compliance with the evaluator code of conduct (e.g. measures to safeguard the rights and confidentiality of their sources, provisions to collect and report data, particularly permission (consent) is needed to interview or obtain information about children and young people.

Implementation Arrangements

UNDP- Pakistan, Democratic Governance Unit and SRLP will facilitate the work of the consultants before and during the assignment period. The Programme Officer in the UNDP- Pakistan,

Democratic Governance Unit, in close coordination with the SRLP Chief Technical Specialist, will be the focal point for this evaluation. While the evaluation should remain fully independent, the Evaluation Focal Point in the DGU will provide both substantive and logistical support to the Evaluation Consultant. The Evaluation Focal Point will ensure that the evaluation is conducted as per the evaluation plan and in line with this ToR.

This ToR shall be the basis upon which compliance with assignment requirements and overall quality of services provided by the consultants will be assessed by UNDP. UNDP Pakistan will provide the Consultant with office space, transportation from/to workplace and relevant line ministries and offices.

Consultants are expected to provide for their own laptops.

Timeframe for the Evaluation Process

Duration of the Work

The duration of work is 15 working days (5 days home-based and 10 workdays at duty station; based upon a 6 day work week).

Duty Station

The Evaluation Consultant will be based in Peshawar with possible field visits to several of the seven districts in Malakand Division where SRLP implements activities (to be agreed upon as part of the methodology in the inception report).

Annex II:
Guidelines for FGDs

Expected Participants (FGDs)

Local community members (separate FGD for male and female)

SECTION I. IDENTIFICATION			
	Date (Day/Month/Year)		
	Village/block		
	Union Council		
	Tehsil		
	District		
	Rural/Urban		
	Name of Moderator		
	Name of Facilitator/ Note Taker		
	Name of the Participant	Mobile No.	Designation if any
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

Q 1.	What is your opinion of performance of justice sector in Malakand after military operation 2010 evicted militants from this area? *Prompts: probe for overall perception of justice sector service delivery after end of militancy in Malakand region.* _____ _____ _____ _____ _____ _____ _____ _____
Q 2.	Do you see any improvement in terms of speedy resolution of cases by courts in Malakand and end of delays and pendency regarding civil and criminal cases? *Prompts:* probe for having citizen perception on Output 3 of SRLP pertaining to actual performance of justice sector _____ _____ _____ _____ _____ _____

	_____ _____
Q 3.	If you are given an option in case of a local dispute, would you prefer to go to courts, Musalihati Jirga or your community elders for resolving dispute? Please also give reasons for your preference? *Prompts: SRLP supported ADR as well as tried to improve performance of formal court system in Malakand. This question will provide a concise answer on how far these efforts have been successful.* _____ _____ _____ _____ _____ _____ _____ _____
Q 4.	Police gave a lot of sacrifices during militancy in Malakand. Do you think present day police is capable of handling challenges of militancy and extremism in future in Malakand? *Prompts: Question relates to larger issue of police perception amongst common citizens in terms of whether it can help them in situations which once existed in Malakand before military operation regarding feelings of security.* _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____
Q 5.	Have you ever heard of Legal Help desks and Free Legal Aid Clinics which have been established in Malakand by SRLP in recent years and whether you or any relative or friend of yours has ever approached these facilities? Did you find these useful for providing legal help services? *Prompts: probe to elicit public opinion about major SRLP interventions carried under Output 1 in recent years in Malakand.* _____ _____ _____ _____ _____ _____ _____

	_____
Q 6.	Do you think common women in Malakand are fully aware of their legal rights? Have increased education and legal awareness by government and SRLP efforts made any difference in this regard? *Prompts: probe for understanding possible impact of government policies and SRLP interventions in Malakand on status of women rights and the way social structure allows and discourages these rights; it was one of priority design concerns of SRLP business case.*_____
Q 7.	Have you heard of any cases (s) where free legal aid was provided to a needy person by lower courts in Malakand? *Prompts*: probe is designed to have some idea of efficacy of legal aid desks, kiosks and bar council assisted free legal aid interventions which have figured largely in SRLP interventions. _____
Q 8.	Do you think Nizam -I - Adl regulation succeeded in addressing justice sector-related concerns of common citizens of Malakand or you think the normal justice system of KP province should also be applicable to Malakand region? *Prompts: probe for both the formal and informal mechanisms.* _____
Q 9.	In your opinion, cases of property and land ownership disputes have been amply handled or not by revenue courts in Malakand or do you still prefer customary forums for resolution of these disputes in your areas? *Prompts: Property disputes and land titling issues were one of the major areas exploited by militants in Swat to justify their actions. SRLP interventions should be addressing these core problems so that confidence of common citizens is boosted in justice sector in Malakand*

	_____ _____ _____ _____ _____ _____ _____ _____
Q 10.	Please identify five most important challenges and constraints in justice sector (courts, police) which are resulting in loss of people's confidence in formal justice system in Malakand? *Probe meant to prioritize key constraints frustrating common citizens from justice sector performance in Malakand.* _____ _____ _____ _____ _____ _____ _____ _____
Q 11.	Have you ever had experience of yourself or of an acquaintance going to Musalihati Jirga for dispute resolution (through ADR)? Was that experience fruitful and was speedy and inexpensive resolution of dispute ensured? *Program has invested extensively in ADR and MA; Also wit enforcement of Local Government Act, availability of institution for ADR has been ensured so people's opinion could be vital in agreeing on a way forward on this count.* _____ _____ _____ _____ _____ _____ _____ _____
Q.12.	What are top five areas where you would prefer SRLP to focus in terms of supporting Justice Sector Service Delivery in Malakand; whether you would want program to support local courts, local police or local lawyers and in what areas and activities; please explain. *Intention is to receive community feedback for priority actions through SRLP in remaining part of the program* _____ _____ _____ _____ _____ _____ _____ _____

Annex III:
Guidelines for KIIs

Serial Number: |___|___|___|

Independent Evaluation of UNDP's Strengthening Rule of Law Program in Malakand

Template for Key Informant Interviews with Justice Providers

Judiciary, Police, Bar, Prosecution

(Qualitative)

August 2015

APEX Consulting Pakistan

Executive Business Center, Ground Floor

Saudi Pak Tower, Islamabad-Pakistan.

Tel: +92 (051) 280-0397/98 Ext: 3110

District:

Name:

Designation:

Organization:

Contact detail:

Expected Participants (KIIs) from Judiciary (High Court & District) Police (Provincial & District), Prosecution (Provincial), Bar Association (District)

Note for data Collector:
(Go over each question slowly so that the respondent understands it completely. Make sure to give the respondent time to think before answering the questions. Re-explain if required. Make sure that the probes are being asked in a systematic and sequential manner. Listen attentively and don't share your personal views on the matter.)
Date:
JUDICIARY

Q.1. In your opinion, has SRLP been responsive to needs and priorities of judiciary at the district and provincial level?

Prompts: idea is to have a frank opinion about the interventions made by SRLP since its inception under output 3

Q.2. What are the most prominent areas where you think support from SRLP has been instrumental and effective in addressing some of the service delivery constraints for justice sector at the district level?

Prompts: probe for identifying key successes and contributions made by SRLP in resolving justice sector performance constraints at the district level though programmatic interventions.

Q.3. In your opinion, was the focus of SRLP on enhancing capacity of judicial officers through trainings at KPJA in selected subjects was rightly placed or you think a more comprehensive coverage would have been more beneficial in terms of enhancing capacities of judicial officers?

Prompts: probe is designed to ascertain whether field judicial officers were comfortable with

selection of subjects and areas where capacity building efforts of KPJA were targeted.

Q.4. Do you think SRLP interventions for improving justice sector service delivery in Malakand have been appropriately informed by peculiar legal and security imperatives of Malakand region; don't you think these interventions over the year seem to have diluted the Malakand focus and have started becoming more generalized in nature?

Prompts: probe is intended to clarify the impressions that SRLP interventions have started to loose peculiar Malakand focus and are fast becoming generalized in nature which could be OK in principle but perhaps deviates from original program focus.

Q.5. Do you think SRLP interventions on mainstreaming ADR and traditional justice systems in Malakand have succeeded in forging greater ownership by formal justice sector of the notion of ADR at the provincial as well as district level?

Prompts: probe is designed to elicit response of formal justice sector about the sustainability of interventions undertaken by SRLP under Output 2 which is designed to mainstream ADR and MJ in Malakand through greater ownership and linking with formal justice sector.

Q.6.What priority areas and interventions you would recommend to SRLP to focus on for remainder of program life in terms of improving justice sector service delivery in Malakand are?

Prompts: probe for the respondent's opinion on priority areas for SRLP focus in the coming years so that resources are utilized in a more efficacious and result-oriented manner

POLICE:

Q.1.Do you think Policing in Malakand has been following the provisions and stipulations of Police Order, 2002 after disturbances of 2010?

Prompts: probe for eliciting senior police officer's perceptions on peculiar situational constraints in Malakand which are likely to hamper police performance in post crisis scenario.

Q.2.In your opinion, has there been any meaningful change in people's perception about image of police in Malakand following varied interventions through SRLP in recent years?

Prompts: probe the role of SRLP interventions in terms of improving police image especially following community policing interventions.

Q.3.Are you satisfied with the quality of trainings imparted through Police College Hangu and Regional Training Centre Swat to the functionaries of Malakand police?

Prompts: Question is meant to get feedback on major training and capacity building investments for improved police performance made under SRLP in Malakand.

Q.4.Do you think performance of Malakand police has improved in terms of better investigation and improved watch and ward services through SRLP interventions?

Prompts: SRLP has made major contribution to improve investigation capacities of police personnel so it is important to understand whether it has any palpable impact on actual service delivery.

Q.5.What priority areas you would suggest for SRLP support in the coming years where quick improvements can be made in performance of police force in Malakand region?

Prompts: probe meant for getting an idea for preferred options for SRLP support in the coming

years for improving performance and image of police in Malakand.

Q.6. Do you think community policing interventions under SRLP have made any meaningful contribution to improving image of police amongst common public in Malakand and bridging gap between the two?

Prompts: probe for getting frank assessment of image building and public confidence deepening contribution of SRLP in Malakand.

Bar:

Q.1. Do you think, legal provisions in Bar Council and Practitioners Act are conducive to promoting free legal aid and awareness at the district and tehsil level and do you propose any changes in the relevant laws and rules?

Prompts: Intention is to licit opinion about policy and legalistic reforms required for institutionalizing free legal aid at grass roots level

Q.2.What are your opinions about legal aid desks and litigant facilitation points established by SRLP in Malakand region; do you think these are beneficial for ordinary litigants and especially women?

Prompts: SRLP has invested substantial resources in legal aid desks and it is crucial to know whether these can be sustained in future.

Q.3.Do you think SRLP interventions have substantially enhanced legal awareness in Malakand areas and do you think people are now reasonably confident that formal justice and legal system can address their needs and issues in a better way?

Prompts: probe is designed to validate SRLP theory of change which essentially argued that absence of a viable justice system led to proliferation of militancy and Taliban brand justice system which SRPL interventions can and should counter.

Q.4.Are you satisfied with the quality of young legal professionals coming to bar in Malakand and do you think they have requisite skills to address peculiar concerns and needs of litigants in this areas?

Prompts: SRLP has invested heavily on interventions meant to build capacity of young legal professionals in Malakand as well as the paralegal. It is important to get a feeling whether these investments are actually translating in meaningful outcomes at the level of district bar bodies.

Q.5.Do you think idea of Qazi courts, partially restored executive magistracy, Musalihati Jirga and formal legal system can co-exist side by side in Malakand and is there any contradiction in this situation which can be addressed through SRLP interventions for improving justice sector service delivery?

Prompts: probe is designed to understand the complex legal system of Malakand (a hybrid of many variants) and enable SRLP to focus its interventions for supporting a futuristic transition of existing system for improved justice sector service delivery in the coming years; apprehension is SRLP may not end up supporting conflicting facets of complex legal system in Malakand.

Q.6.What our suggestions for promoting free legal aid, pro bono legal support, ADR , legal awareness and speedy justice in Malakand region which SRLP should support on priority basis?

Prompts: probe is designed to get clarity on way forward for sharpening SRLP support focus for realizing low hanging fruits in Output 1 and 2

Prosecution:

Q.1.In your opinion, has rate of conviction improved through better prosecution regime in Malakand region through efforts of local prosecution offices?

Prompts: Probe is designed to understand the actual impact of improved prosecutorial services in Malakand if any on empirical basis

Q.2.What are your opinions about quality of support provided to prosecution units in Malakand through capacity building interventions of SRLP in recent years?

Prompts: SRLP support for capacity building of prosecution functionaries has been a constant theme in annual work plans which need to be validated in terms of its impact.

Q.3.Do you think SRLP should be investing in larger and complex areas such as forensic science facilities or should SRLP primarily focus on building capacities of on-ground prosecution and investigation cadres for achieving objectives of improved service delivery in justice sector?

Prompts: Instead of focusing on on-ground strengthening of prosecution and investigation services, SRLP has been entering the complex areas of establishing forensic labs which appears too ambitious; a frank feedback on this cunt could be helpful on clarifying future course of action for SRLP in Malakand.

Q.4.Are there any specific capacity building and institutional strengthening requirements of prosecution staff in terms of working in militancy-prone Malakand areas which you think SRLP should be supporting in coming years

Prompts: Prosecuting accused of militancy and terror crimes is an entirely different matter as compared to standard prosecution jobs in normal environments. These peculiar, Malakand-specific prosecution strengthening needs ought to be prioritized through SRLP support.

Q.5.Do you think quality of output from police investigation staff is of the nature that can be relied upon by prosecutors to ensure decent conviction rates or do you think improved prosecution would need equal improvements in quality of investigation in police?

Prompts: Ultimate benchmark for gauging prosecution performance is improvement in conviction rate for which prosecution is dependent on quality of police investigation. Objective of this question is to identify gaps in quality of police investigation which would need to be addressed for improving performance of prosecutors in Malakand.

Annex IV:
List and Evidence of KIIs and FGDs along with Transcriptions

List of FGD Participants

Sr. No	District	Village Name	FGD Participant	Profession/Designation	Gender
1.	Upper Dir	Dir Khas	Haji Jamil ur Rehman	Community Elder	Male
2.	Upper Dir	Dir Khas	Zainullah	Contractor	Male
3.	Upper Dir	Dir Khas	Ijaz Ahmad	Counselor	Male
4.	Upper Dir	Dir Khas	Ali Bahadar	Youth	Male
5.	Upper Dir	Dir Khas	Fahad Zada	Community Activist	Male
6.	Upper Dir	Dir Khas	Zeeshan Ullah	CRP Sungi Foundation	Male
7.	Upper Dir	Dir Khas	Habib Ullah	Community Activist	Male
8.	Upper Dir	Dir Khas	Nazar Muhammad	Teacher	Male
9.	Upper Dir	Dir Khas	Qiyas Gul	NGO Wari Bar	Male
10.	Upper Dir	Dir Khas	Alamgir	Member Wari Bar	Male
11.	Upper Dir	Dir Khas	Niaz Ahmed	Advocate	Male
12.	Upper Dir	Dir Khas	Irfan Ullah	Student	Male
13.	Upper Dir	Bibiyorh	Yasmeen	Community Member	Female
14.	Upper Dir	Bibiyorh	Shafqat	Community Member	Female
15.	Upper Dir	Bibiyorh	Shakeela	Community Member	Female
16.	Upper Dir	Bibiyorh	Aafia	Community Member	Female
17.	Upper Dir	Bibiyorh	Shagufta	Community Member	Female
18.	Upper Dir	Bibiyorh	Kawar	Community Member	Female
19.	Upper Dir	Bibiyorh	Shaquwat	Community Member	Female
20.	Upper Dir	Bibiyorh	Fozia	Community Member	Female
21.	Upper Dir	Bibiyorh	Abnan	Community Member	Female
22.	Upper Dir	Bibiyorh	Afsheen	Community Member	Female
23.	Upper Dir	Bibiyorh	Shehla	Community Member	Female
24.	Lower Dir	Timergira	Akbar Khan	NGO Activist	Male
25.	Lower Dir	Timergira	Ibrash Pasha	NGO Activist	Male
26.	Lower Dir	Timergira	Fawad Ahmed	Teacher	Male
27.	Lower Dir	Timergira	Shakil Arshad	General Counselor	Male
28.	Lower Dir	Timergira	Jamil Khan	Health Technician	Male
29.	Lower Dir	Timergira	Zia Ud Din	NGO employee	Male
30.	Lower Dir	Timergira	Mushtaq Ghani	Lawyer	Male
31.	Lower Dir	Timergira	Waqar Ahmed	Social Activist	Male
32.	Lower Dir	Balambat	Amnaz	Community Member	Female
33.	Lower Dir	Balambat	Nishat	Community Member	Female
34.	Lower Dir	Balambat	Safina	Community Member	Female
35.	Lower Dir	Balambat	Nasrat	Community Member	Female
36.	Lower Dir	Balambat	Ambreen	Community Member	Female
37.	Lower Dir	Balambat	Iqra	Community Member	Female
38.	Lower Dir	Balambat	Ulfat	Community Member	Female
39.	Lower Dir	Balambat	Safia	Community Member	Female
40.	Buner	Sonigram	Inam Ur Rehman	Chairman, Aman Jirga	Male
41.	Buner	Sonigram	Fazal Mahboob	Professor Govt College	Male
42.	Buner	Sonigram	Shah Wazir Khan	Librarian	Male
43.	Buner	Sonigram	Hamza Khan	Student	Male
44.	Buner	Sonigram	Badshah Mir	Member Aman Jirga	Male
45.	Buner	Sonigram	Naseem	Businessman	Male
46.	Buner	Sonigram	Anwer Ali	Goldsmith	Male

47.	Buner	Sonigram	Fariq Khan	Social Worker	Male
48.	Buner	Sonigram	Bakht Rawan	Project Beneficiary	Male
49.	Buner	Regga	Malqiyat	Community Member	Female
50.	Buner	Regga	Roheena	Community Member	Female
51.	Buner	Regga	Shakeela	Community Member	Female
52.	Buner	Regga	Bakhtajeya	Community Member	Female
53.	Buner	Regga	Bakhtsardara	Community Member	Female
54.	Buner	Regga	Sabira	Community Member	Female
55.	Buner	Regga	Ramsha Bibi	Community Member	Female
56.	Buner	Regga	Shagufta	Community Member	Female
57.	Buner	Regga	Rabihat	Community Member	Female
58.	Buner	Regga	Salkh jan	Community Member	Female
59.	Buner	Regga	Gul zari	Community Member	Female
60.	Buner	Regga	Shahida	Community Member	Female
61.	Swat	Shah Deri	Syed Anwar Shah	Unemployed	Male
62.	Swat	Shah Deri	Noor Ul Amin	Technician	Male
63.	Swat	Shah Deri	Bilal	Social Worker	Male
64.	Swat	Shah Deri	Haider Ali	Student	Male
65.	Swat	Shah Deri	M. Ishaq	Student	Male
66.	Swat	Shah Deri	Sher Aman Khan	NGO Activist	Male
67.	Swat	Shah Deri	Amjad Ali	Businessman	Male
68.	Swat	Shah Deri	Sardar	Bsuinessman	Male
69.	Swat	Shah Deri	Akbar Ali	Teacher	Male
70.	Swat	Shah Deri	Gul Rehman	Teacher	Male
71.	Swat	Shah Dheri	Jannat Bibi	Community Member	Female
72.	Swat	Shah Dheri	Zeenat	Community Member	Female
73.	Swat	Shah Dheri	Sadia	Community Member	Female
74.	Swat	Shah Dheri	Shama	Community Member	Female
75.	Swat	Shah Dheri	Shamim Akhtar	Community Member	Female
76.	Swat	Shah Dheri	Tehseen	Community Member	Female
77.	Swat	Shah Dheri	Summaya	Community Member	Female
78.	Swat	Shah Dheri	Tasleem	Community Member	Female
79.	Swat	Shah Dheri	Hurmat	Community Member	Female
80.	Swat	Shah Dheri	Hasina	Community Member	Female
81.	Swat	Shah Dheri	Begam	Community Member	Female

List of KII Participants

Sr. No	Districts	Organizations	Respondents Name and Designation
1.	Islamabad	UNDP	Marc Andre Franche (Country Director), Tracy Vienings (Deputy Country Director), Aamir Goraya (Head of Governance Unit and Faiqa Umer (Programme Officer)
2.	Islamabad	Swiss Development Corporation (SDC)	Amna Khalid (National Program Officer)
3.	Islamabad	Embassy of Netherlands	Nanna Stolze (First Secretary) Syed Saadat Ali (Senior Policy Advisor Political Affairs)
4.	Islamabad	DTCE	Azhar Bashir Malik, CEO
5.	Islamabad	Insaf Network Pakistan (INP)	Raza Ali, Project Manager
6.	Peshawar	Planning and Development Department	Dr. Amber, Chief Economist
7.	Peshawar	Home and Tribal Affairs Department	Atta Ur Rehman (Additional Secretary), Fahad Ikram Qazi (SOD) and Fahim (Planning Officer)
8.	Peshawar	Chief Justice Peshawar High Court	Justice Mazhar Alam Khan Miankhel (Chief Justice, PHC)
9.	Peshawar	Director General Prosecutions	Shafirullah Wazir (DG prosecutor)
10.	Peshawar	Inspector General Police	Dr. Masood Aslam (DIG Investigation)
11.	Peshawar	Khyber Pakhtunkhwa Judicial Academy (KPJA)	Ziauddin Khan (DG KPJA)
12.	Buner	District and Session Judges	Ijaz Rashid (Additional Session Judge)
13.	Buner	District Bar Associations	Shams Buneri (President Bar Association)
14.	Buner	CSO (HUJRA)	Saleem Ahmed (CEO) HUJRA
15.	Buner	District Police Officers	Khalid Hamadani (DPO)
16.	Buner	District Prosecutors	Idrees Khan (District Prosecutor)
17.	Swat	District and Session Judges	Tariq Suhail (D&SJ)
18.	Swat	District Bar Associations	Shamsher Ali (President Bar Association)
19.	Swat	CSO (HUJRA)	Saleem Ahmed (CEO)
20.	Swat	District Police Officers	Muzakir Shah (DSP Swat)
21.	Swat	District Prosecutors	Syed Naeem (District Prosecutor)
22.	Swat	University of Malakand	Attaullah Khan (Chairman, Department of Law)
23.	Swat	Regional Training Center Swat	Jahanzeb Khan (Inspector/Administration)
24.	Lower Dir	District and Session Judges	Rafiullah Khattak, D&SJ and Adil Akbar Khan (Senior Civil Judge)
25.	Lower Dir	District Bar Associations	Ziarat Gul (President Bar Association)
26.	Lower Dir	CSO (DADO)	Abid Ali, Ex. Director, DADO
27.	Lower Dir	District Police Officers	Qasim Ali Khan (DPO)
28.	Lower Dir	District Prosecutors	Muhammad Ibrahim Khan (District Prosecutor)
29.	Upper Dir	District and Session Judges	Rafiulah Khattak (D&SJ) and Wali M. Khan (Sr. Civil Judge)
30.	Upper Dir	District Bar Associations	Ziarat Gul (President, District Bar Association)
31.	Upper Dir	District Police Officers	Khan Akbar (SP Investigation)
32.	Upper Dir	District Prosecutor	M. Sibghatullah (District Prosecutor)