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Office on Drugs and Crime

MID-TERM EVALUATION REPORT

Project Number:

AFG/R87

Project Title:

Prison System Reform in Afghanistan
Extension to the Provinces

Thematic Area:

Criminal Justice Reform

Country:

Afghanistan

Report of the Independent Evaluation Team

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List of Acronyms

AGO	Attorney General's Office
AIHRC	Afghan Independent Human Rights Commission
AWEC	Afghan Women Education Centre
CJTF	Counter Narcotics Criminal Justice Task Force
CPD	Central Prison Department, Ministry of Justice
CSSP	Correction System Support Programme
ISISC	International Institute of Higher Studies in Criminal Science
MCN	Ministry of Counter-Narcotics
MDG	Millennium Development Goals
MoJ	Ministry of Justice
Moi	Ministry of Interior
NGO	Non-governmental Organization
PSC	Project Support Cost (Overhead)
PRR	Priority Reform and Restructuring
SC	Supreme Court
SMR	Standard Minimum Rules for the Treatment of Prisoners
UNAMA	United Nations Assistance Mission in Afghanistan
UNDP	United Nations Development Program
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
UNOPS	United Nations Office for Project Services

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EXECUTIVE SUMMARY

1. SUMMARY TABLE

FINDINGS: IDENTIFIED PROBLEMS/ISSUES	SUPPORTING EVIDENCE/EXAMPLES	RECOMMENDATIONS
1. Persistent Conceptual Re-Designs	<p>Numerous conceptual and physical design changes resulted in considerable delay and additional cost.</p> <p>This has been particularly apparent in the Mazar prison construction.</p>	<p>Afghan authorities must be aware of their co-responsibility in ensuring timely and cost-effective implementation, particularly with respect to land allocation and the like.</p> <p>Greater emphasis should be placed on ensuring that institutional commitments are kept and failure to do so is followed by adequate sanctions.</p>
2. Overlap and insufficient cooperation between different UNODC projects.	<p>Project documents refer to similar outputs, especially with regard to training.</p>	<p>Creation of dedicated coordination level above project managers. The former would concentrate on substantive legal advice, negotiations with stakeholders, and internal and external coordination. Project managers would focus on practical daily implementation.</p>
3. Insufficient Beneficiary Cooperation	<p>Land tenure continues to be disputed between MoI and MoJ. Allocation for agreed projects very time-consuming.</p> <p>CPD obstructionism in Mazar led to significant delays.</p>	<p>The failure of the different parts of the Afghan state to cooperate with each other is a well-known problem and not easily amenable to simple recommendations.</p> <p>Where the problem is based on insufficient skills/capabilities (records, transportation, etc.) external technical and material assistance might help.</p> <p>Where the problem lies in organisational competition (transfer from MoI to MoJ, land allocation), sheer petty-mindedness (release after time served, innocent detainees), rent seeking, or reluctance to take administrative responsibility (prisoner transfer, connection to power grid) the solution are much harder to identify.</p>
4. Inflation and Security affect Budget and Timeframe	<p>Early cost estimates proved unrealistic in the face of considerably rising cost as a result of the building boom which drove prices in the construction industry, plus added expenses necessitated by dramatically worsening security situation.</p>	<p>Envisaged budgets should contain clauses permitting greater flexibility. Project revision should reflect realistic amendments. Better and more proactive communication with donors explaining reasons for delay and cost overruns. Annual Reports need to be more realistic as to prospected benchmarks.</p>
5. Inherent Difficulty Matching Design to Structural Constraints	<p>Heating and electricity remain unresolved issues. Dilemma of aligning international minimum standards with fiscal, cultural, and managerial limitations of a severely</p>	<p>While the reasoning is sound, the result is unsatisfactory. Perhaps some research into the possibilities of income generation for the prisons could alleviate some of the budgetary constraints</p>

FINDINGS: IDENTIFIED PROBLEMS/ISSUES	SUPPORTING EVIDENCE/EXAMPLES	RECOMMENDATIONS
	<p>impoverished state.</p> <p>UNOPS justification for its choice of electrical heating appears logical. Likewise its insistence that in the provinces any type of heating is unrealistic.</p>	<p>presently preventing the supply of adequate supplies.</p> <p>Greater reliance on renewable energy sources (solar panels, wind generators) which have no or low running costs could alleviate some of the pressure.</p>
<p>6. Uncommon Personal Dedication</p>	<p>Virtually all local collocutors expressed very strong satisfaction concerning their dealings with UNODC staff. The level of physical access and traction concerning the advice given was palpable.</p>	<p>Personal dedication cannot be externally mandated, but the careful selection and long service duration of the country office staff are clearly strong contributing factors.</p> <p>While the removal/non-extension of the Int. Project Coordinator for reasons of non-performance is perhaps laudable in this respect, UNODC should ensure that appropriate staffing levels are consistently maintained and post are quickly re-filled.</p>

2. SUMMARY DESCRIPTION OF THE PROJECT INCLUDING PROJECT OBJECTIVES

Historically a weak state to begin with, decades of conflict have inflicted considerable further damage to Afghanistan's institutional and administrative system. The country's justice and correction system suffers from an extremely low level of functionality and its prison system is in desperate need of physical repair, as well as institutional and human capacity building. The current project builds upon previous work by UNODC, in particular within the framework of AFG/R41 on whose underlying methodology the present AFG/R87 project builds upon. With a total budget of US\$ 10,000,500 and a duration of three years, it aims to further upgrade the penitentiary system of the country and extend penitentiary reform to selected provinces.

Given the far-reaching structural shortcomings of the existing penitentiary system and following holistic approach previously employed by UNODC, AFG/R87 addresses simultaneously infrastructural, normative and operational priorities in a mutually reinforcing manner. The project's ultimate goal is supporting the process of peace building in Afghanistan by ensuring a functioning penitentiary system which promotes the rehabilitation of prisoners.

The envisaged activities include:

- a. the revision of rules and regulations on penitentiary matters and the expansion of the authority and policy of the Central Prison Department to the provinces;
- b. the rehabilitation of selected prison facilities as well as the establishment of rehabilitative programmes;
- c. the enhancement of the operational capacities and professionalism of penitentiary staff working in selected correctional facilities and improvement of coordination within the criminal justice system;
- d. training programmes for correction officers and for social workers, as well as vocational and education programmes for detainees in selected correctional facilities, including alternatives for imprisonment programmes;
- e. the development of programmes addressing the needs of detained women, especially those with children, as well as drug users.

3. MAJOR FINDINGS OF THE EVALUATION

Due attention is drawn hereby to the character of the present exercise as merely a mid-term evaluation. This implies that our review of the project's activities, outputs and outcomes describes the progress achieved so far and can only offer reasoned expectations about likely future performance. The project's full impact can only be assessed at its conclusion. As will become apparent in the following report, our overall impression of the project's implementation is positive. Regarding the different areas of activity the following summary conclusions can be given.

a) Statutory Revision:

With regard to the revision of the statutory framework for the prison service, UNODC enjoys a degree of access to and prestige among local beneficiaries that is exemplary. The amount of trust and professional respect enjoyed by UNODC staff resulted in a remarkable degree of access to Afghan officials not only at the formal political level, but, importantly, at the functional professional level where we witnessed a remarkable appreciation for UNODC's legal expertise. Afghan acceptance of such advice is not at all common and is generally the result of personal trust built upon respectful, non-patronising, and collaborative interaction by international staff. The result has been a relatively high degree of local 'ownership' particularly concerning legislative review etc.

UNODC staff in Afghanistan, both national and international, enjoy an enviable reputation for personal dedication, intimate familiarity with local conditions and access to local decision-makers. The reasons for this welcome state of affairs lie partly in the high competence of local project coordinators, the availability of exceptionally good translators, and the above average length of in-country service of international staff. The latter are also to be commended for their open working relationships with other organisations working in the sector, both from within the UN family and without. The advice given by UNODC in collaboration with other agencies on the revision of the Law on Prisons and Detention Centres of 2005 has been well-taken and the law is currently in final stages of parliamentary approval. The same applies to the additional regulations based on the law.

b) Staff Training:

During the years 2006 and 2007, a number of different training has been organized for the staff, including employees of the CPD but also social workers and prison officers. These trainings appear to have been successful and participants interviewed by us described them as satisfactory and meeting their needs. We have been provided with detailed reviews by ISISC of their trainings provided for the penitentiary police which applied a commendable verification procedure via questionnaires. With the caveat that these trainings had been long concluded prior to our arrival, we conclude based on these written sources and our interviews that they were done successfully.

The choice of ISISC as the main implementing partner for trainings appears to have been sound and the organisation has worked to the satisfaction of both the beneficiary and external observers. With regard to their methodology a stronger reliance on native language trainers (rather than foreign trainers using translators) might have been preferable, but their training-the-trainers (ToT) approach corresponds to general practice and despite its shortcomings presents a workable alternative.

c) Rehabilitation of Selected Prisons:

In this area the project has not achieved satisfactory results. Both beneficiaries and donors have criticised persistent delays and unimpressive progress on planned construction in Mazar and Gardez, as well as high costs and alleged very high project support costs (PSC). In both cities existing facilities were deemed to be beyond repair and designs for newly constructed facilities were developed. In Gardez the existing perimeter mud wall was rehabilitated and new communal holding facilities, a kitchen and visitor area constructed within the enclosure, and office/warden space in the immediate vicinity.

During the field visit construction progressed at a rapid rate and we were assured that it would be finalised within two to three weeks, prior to the onset of severe cold. The communal cells were of adequate security and hygiene standard, with water supply being gravity fed supplied from a well dug on the prison grounds. There was consciously no provision made for heating, as diesel would prove too costly and too easily diverted and electricity not being available. We refer also to the discussion of this issue in our report on AFG/U10. The kitchen utilised the revised design developed by UNOPS in Kabul which appears to be very well suited to local conditions. Once the facility is handed over, current inmates will be transferred from the existing mud brick facility which will be destroyed. A dedicated female section has been planned but not constructed so far. We do not share the vocal criticism by the CPD of the failure to enclose the wardens' office inside the perimeter wall, and consider the alleged security risk to be inconsiderable. At any rate we consider it to be clearly feasible for the Afghan authorities to create such a relatively limited structure should they deem it necessary; such an engagement would in itself be welcome as a sign of self-help and active ownership, and likely raise the degree of appreciation for the magnitude of the international support provided so far.

In contrast, the envisaged construction in Mazar has so far not progressed beyond the creation of the outer wall on the newly assigned plot. There have been considerable disagreements with the beneficiary about land allocation, location and design of the perimeter wall. Due to cost overruns in other areas of the project, UNODC could at present not proceed beyond the surrounding wall, but is working to generate additional donor funds. Much of the delay has been due to persistent disagreements between CPD and UNODC leading to lengthy fact-finding and renegotiations.

The excavation of the foundation, stone masonry and concrete beam was completed by mid January 2007. At this time the CPD stopped the ongoing construction, demanding that the entire area of the allocated plot should be surrounded by the boundary wall, not just the significantly smaller area required for the actual detention centre. These amendments were not acceptable to UNODC and UNOPS. UNODC requested the CPD engineering team to produce adequate information to justify these demands, but the CPD was unable to offer a factual basis for their requested amendments. The Governor of Mazar subsequently assigned a technical delegation that was composed of representatives of the Mazar Urban Development Office and representatives of the Governor's Office. The delegation issued a report that confirmed the accuracy of the specification as identified by UNODC and UNOPS Technical and Engineering Department.

Following a three month delay, and agreement was finally reached at the end of April 2007 between the MoJ and UNODC to restart the construction of the boundary wall. Based on this agreed work plan, the perimeter wall has now been completed, and further construction is awaiting the availability of new donor commitments.

d) Treatment of drug-addicted Prisoners:

Within the main Pol-e Charki prison complex a separate ward is being renovated to house drug-addicted inmates undergoing treatment. The facility is still undergoing rehabilitation work and the tender has been finalized for the electrical and water system which includes toilets and showers. Completion will be dependant on the current security situation at the prison. At this moment no definite remarks can be made about the likely quality, comprehensiveness, or adequateness of treatment available at the centre.

e) Development of Database:

We have not been able to ascertain the exact degree of progress regarding the development of such a database. There appears to be some overlap/confusion with the activities inter alia of CSSP in similar areas. As a result of simultaneous projects on a Prisoner Data Base CPD was faced with having to make a choice and as a result have chose the CPD developed Data Base. Having said that due to problems with gaining ownership of the system from the programmer the project is in stasis and CPD are again reviewing their options between the UNODC Data Base and the one developed in-house.

f) Expansion of CPD Authority and Reach to Provinces:

The CPD continues to lack adequate managerial and policy-making capacity to deal effectively with its responsibilities in the capital. Its transfer from the MoI to the MoJ has been anything but smooth and significant internal organisational resistance to this transfer of responsibility and associated administrative reform measures have so far prevented effective capacity building. The draft proposal of April 2006 and associated PRR processes have been fruitful. Therefore the CPD has to date not been able to extend its reach effectively into the provinces, and this project component cannot be considered a success. The lack of strong leadership within the department and the departure of its former head on corruption charges have not helped the situation and it must be stated clearly that the Afghan government needs to show greater commitment to the reform agenda if this project goal is to be achieved.

4. Lessons Learned

Just as in most other international assistance efforts the most important lesson points to the importance of better communication, coordination and cooperation between all

stakeholders instead of endemic inter-agency competition. A second lesson concerns the importance of practical managerial capacity. At present the relatively few project coordinators must serve double duty with regard to project management and coordination, as well as providing substantial legal advice. Here a stronger differentiation and sufficient emphasis on the personnel requirements of practical project management would be desirable. Task managers should be involved only in the overall coordination and supervision of the implementation of the different activities, rather than invest in the contents (i.e. participation in writing drafts for regulations, policies, etc.).

The Evaluators recommend the presence of an overall manager cum project leader, who operates above all parties and is involved as such with policy rather than practical matters. Moreover they recommend that besides this official there will be specialists available for the different sub areas who function alongside the national project leaders. A greater functional differentiation would not only alleviate some of the current staff shortages, but also align organisational structure more clearly with personal responsibilities and thus presumably have a beneficial effect for inter-agency cooperation.

A third lesson concerns the development of training materials for the training of the staff. Currently many different organisations have expended considerable time and effort in producing valuable materials, but have thereby often duplicated their efforts, for instance by developing and implementing distinct courses for male and female penitentiary staff. Greater coordination and common utilisation of already existing resources would not only be more effective and cost-effective, but likely reduce inter-agency friction over respective competencies.

Fourthly, the planning and design of the rehabilitation of existing prisons and the construction of new prisons continues to be crucial. It is necessary to ensure that commitments and task divisions are fully understood and adhered to by all stakeholders. The independent review of agreements and contracts concluded between UNODC/UNOPS with the beneficiary, in particular MoJ/CPD might be a useful tool to ensure greater compliance, minimize risks of future disputes and delays caused by misunderstandings and erroneous policies. We note with approval that such an approach was indeed taken in August 2006 to confirm that all cost estimates for infrastructure work were correct.

5. Best Practices

As the project is only half-completed, it is not possible to provide a full overview of best practices. The decision to assess the necessity of drug units in the prisons, the draft proposal of April 2006 for the organization and operation of the CPD, and the establishment of the Prison Reform Sub Working Groups deserve special mention as good examples of effective operational implementation and inter-agency cooperation.

The Evaluators have been informed that in August 2006 the draft contracts between the stakeholders (Ministry of Justice, CPD UNODC and UNOPS) have been submitted to an independent expert for review which confirmed that all cost estimates

for infrastructure work were correct. We have identified above such an approach as a desirable managerial tool and commend UNODC for this practice.

It is very positive that at the moment of the evaluation the plans for the new prisons on recruitment and training of the staff are already available. It is hoped that the existing, very adequate training materials and policies will be fully utilised. Particularly the handbook for training prison wardens is of high quality and relevance. UNODC should develop jointly with local authorities an integrated training policy and curriculum, preferably of modular design that could easily be adapted to specific needs in addition to generic skills.

6. Recommendations, Conclusions and Implications for UNODC

Although, at this stage, it is not possible to draw exhaustive conclusions about project AFG/R87, some partial remarks can be made. The overall perception of the project is positive and permits reasoned optimism about its ultimate outcome, which will of course be affected by a number of factors beyond its control.

The completed review of legislation and regulations is positive, but we have doubts about their implementation in the provinces. Similar doubts apply to the training of penitentiary staff: the necessary staff for newly completed prisons is to be recruited and trained within the framework of the ongoing PRR process. Given mixed experiences with this process in the past, one can be sceptical whether adequate staff will be available in a timely manner, both at Pol-e Charki, Gardez, Mazar, and beyond.

Major problems have been detected with regard to the development of an adequate database system for the prison service. There appear to be too many different organisations involved, insufficiently sharing necessary information among themselves and hampered by miscommunication and confusion about respective responsibilities. Redress could perhaps be found in the creation of a small joint working group of Afghan and international experts, tasked with providing strategic and implementation plans for all training activities for penitentiary staff, including the creation of a suitable database of trained staff. The training centre of Pol-e-Charki could play an important role in this process with the Director General of Prisons of Afghanistan eventually assuming overall responsibility. The first initiative should be taken by UNODC and the working group should make use of all available training materials till now.

The relationship between UNODC and UNOPS needs to be clarified and its nature better communicated to donors and beneficiaries alike. Reference is made to the detailed discussion in our report on AFG/U10.

Negotiations need to be finalised between UNODC, other agencies and the CPD over its eventual organisational structure within the framework of PRR and related instruments.

Within the UNODC country office, the Evaluators recommend the appointment of an “independent” project leader with requisite legal expertise and able to coordinate the

contributions of individual projects, and able to effectively negotiate with outside agencies and beneficiary institutions. It would be desirable if such a person would be able to benefit from a bird's eye view of the larger picture and have a strongly developed talent for improvising, who together with the local project leaders, should be responsible for guiding the future continuation of AFG/U10, AFG/S47 and AFG/R87. Among the first tasks of such a general managerial level would be making an inventory of the overlapping or common issues/topics. This applies, in the first place, to the training of the staff, the implementation of legislation and regulations and the organisational aspects of the new and rehabilitated prisons.

Before starting the drug unit it is necessary to have a good selection plan of the potential addicts who can be placed in this unit. It will be sensible to start with a step by step policy. This gives the possibility to develop the right criteria followed by the right treatment and last but not least to decide which specialists are needed for such a rehabilitation unit.

1. INTRODUCTION

1.1 BACKGROUND INFORMATION

In our discussions with local officials and other stakeholders two remarks exemplify the typical problems encountered by the project. One referred to the inability of local institutions to implement revised regulatory frameworks to the endemic skill shortage: “Afghanistan has been at war for more than 30 years: you can imagine that we have to train our State bodies first before we can implement all these new laws in a proper way.” The other remark refers to the equally endemic coordination problem: “There is a strong lack of coordination between all the international organizations on the one hand, and a strong lack of coordination between all the international organizations and the different Ministries of Afghanistan on the other hand.”

These two summarize well the current state of Afghanistan's justice and penitentiary system, pointing to the enormous challenge faced by anyone, whether an individual or an agency, embarking upon institution-building projects in Afghanistan. These highlight the complexity of the field characterized by a large number of stakeholders who do not always share the same priorities, agendas, and strategic outlook, thus inevitably leading to sub-optimal outcomes.

Much like most other state institutions and infrastructure, the decades of conflict have left Afghanistan's prison system in desperate need of repair. While some actions have been undertaken by UNODC with regard to premises located in Kabul, the situation of the penitentiary institutions in the provinces is dramatic and requires major intervention. An overview commissioned by UNODC and conducted by the consulting firm Altai of the country's prisons paints a bleak picture. Many, if not most, prison facilities outside Kabul have been severely damaged and lack basic infrastructures such as electricity and running water. Generally speaking, detention centres and prisons are overcrowded and an effective control of the time of release for the prisoners serving a sentence is not possible. An official number of prisons and detention centres is not available. In December 2007 there were approximately 10,000 detainees across the country, 400 of which are women. All prisoners, including women and minors, are currently detained under appalling conditions and are frequently subjected to human rights abuses by correction officers and penitentiary staff. The problem of the limited numbers of qualified prison staff is further exacerbated by the lack of training facilities. The administration of criminal justice is furthermore hampered by the absence of communication with the regions. Thus, the lack of prison infrastructure goes hand in hand with insufficient human resources.

UNODC's operational work on penitentiary reform is based on various resolutions of the General Assembly and the Economic and Social Council, in which UNODC has been invited to provide assistance in the form of advisory services, needs assessments, capacity-building, training or other assistance to States, upon request, in order to enable them to improve prison conditions, reduce prison overcrowding, and increase reliance on alternatives to imprisonment. UNODC has developed Project AFG/R87 in fulfillment of this mandate to support Afghan authorities. Technical assistance for this reform is being provided in line with international

recommendations and documents concerning treatment of offenders included in the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice.

The project under evaluation was developed at the request of the Minister of Justice, and is part of the overall UNODC Criminal Justice Reform Program in Afghanistan. Project AFG/R87 builds on UNODC's achievements in the reform of Afghanistan's penitentiary system under previous project AFG/R41. With the project currently under implementation, UNODC aims to further upgrade the penitentiary system of the country and extend penitentiary reform to selected provinces. With a total budget of US\$ 10.000.500,00 and a duration of three years, the project aims at enhancing the process of peace building in Afghanistan by ensuring a functioning penitentiary system which promotes the social reintegration of prisoners. The envisaged activities include:

- a. the revision of rules and regulations on penitentiary matters and the expansion of the authority and policy-making of the Central Prison Department to the provinces;
- b. the rehabilitation of selected prison facilities as well as the establishment of rehabilitative programs;
- c. the enhancement of the operational capacities and professionalism of penitentiary staff working in selected correctional facilities and improvement of coordination within the criminal justice system;
- d. training programs for correction officers and for social workers, as well as vocational and education programs for detainees in the selected correctional facilities including alternatives to imprisonment programs; and
- e. the development of programs addressing the needs of detained women, especially those with children, as well as drug users. Project execution started in June 2005.

This mid-term evaluation was foreseen to examine the progresses achieved to date in the light of these objectives. As the conditions under which the project is currently being implemented are rather volatile, Project AFG/R87 was revised in June 2007 to accommodate the altered context since its conception. The substantive revision affected mainly the timeframe, which was extended from the original 36 to 48 months, necessitated by a number of different factors. Among these the uncertainty concerning the identification of the governmental counterpart and unexpected changes in the institutional interlocutors are particularly important as they affected the natural flow of activities and the decision-making process. The organization of the Central Prison Department within in the Ministry of Justice remains, for instance, a critical concern, mainly due to the lack of suitably skilled staff which negatively affected project implementation.

Paradigmatic of the overall problem with administrative reform in Afghanistan, the transfer of responsibility for the prison service from the MoI to the MoJ has proved to an intensely controversial issue and remains to be actively resisted by the MoI as well as the staff of the prison service. Nominally the Central Prison Department has

been transferred to the MoJ, but it remains physically separate and the evaluation team was unable to ascertain the extent to which the Minister of Justice is actually in control and who assumes final responsibility for decisions taken in or for the prison service. At the very least we have observed significant obstructionism on the part of the MoJ with regard to the transfer of land titles relating to existing or planned prisons.

The prison service has so far not received significant support, partly as a result of such confused responsibilities, partly due to the inherent difficulty of working in the corrections field, and partly due to the decrepit conditions of the entire state infrastructure where prisoner's needs have a very low priority among many competing needs. Thus most prisoners continue to be housed in inhumane, deplorable conditions and the prison population long ago exceeded the system's ability to provide accommodation or basic services that are required by Afghan law and international standards. The situation also affects the security aspect of prisons, as such conditions enhance the risk of escape.

It is thus evident that the Minister of Justice will not be able to meet the Afghanistan National Development Strategy (ANDS) goals of having basic, fully functioning provincial prisons, juvenile rehabilitation centres and detention centres throughout the country within the five-year timeframe specified in the Afghanistan Compact unless international assistance is considerably increased. Currently, the issue of penitentiary reform is dealt with by the Prison Reform Working Group, chaired by the MoJ, gathering the main actors active in the field, namely UNAMA, UNODC, USA, UK, Italy and other UN and international agencies. Established in 2006, with a view to adopt a strategic approach to the issue of prison reconstruction and reform in the country, the Working Group has now been formalized under the Afghan Compact/ANDS Consultative Working Group on Rule of Law. Consistent with the Afghanistan Compact and the ANDS, the overall objective of the reform being carried out by the working group is to have functioning prisons, including separate facilities for women and juvenile offenders, in each of the 34 provinces. Activities of the Sub Working Group have been and continue to be carried out within four pillars:

- a. Reconstruction and Rehabilitation of Prisons;
- b. Training;
- c. Administrative Reforms;
- d. Women and children.

1.2 PURPOSE OF THE EVALUATION

The overall purpose of this mid-term evaluation is to determine what the project has achieved and if it is attaining its objectives successfully and efficiently, taking into account the often difficult conditions on the ground in Afghanistan. In this regard, the extent to which the needs of the beneficiaries are being met as well as what has been achieved in terms of impact and sustainability should also be assessed.

The evaluation will seek to draw lessons and best practices from the project implementation which will be used to improve or modify the remaining project

execution as well as future planning, design and management. Furthermore, the evaluation seeks to measure the project's achievements, outcomes and impacts, both positive and negative.

1.3 EXECUTING MODALITY

The project undertaken by UNODC was conceived upon the request of the Afghan Minister of Justice. The planned activities were originally drafted in line with the outcome of the needs assessment mission fielded to Afghanistan in 2002 and the discussions with the relevant stakeholders. The total project is based on an incremental philosophy, which underlines the importance of periodic reviews, evaluations, and possibly revision of the sub projects.

Other fundamental conditions for success are good communication, coordination and cooperation between all relevant partners such as the different Ministries (justice, social affairs, education, finance, health), international organizations (the different agencies of the UN such as UNAMA, UNODC, UNDP and UNOPS) and NGO's (national and international).

Until a few months ago an international project coordinator was available to monitor the overall implementation of all projects. The reassignment of this project coordinator to the UNODC Headquarters meant that the Country Office had to rely on its in-house staff to ensure follow-up and fulfil the necessary monitoring requirements. A national project expert was also recruited, based in the Country Office, to provide substantive assistance regarding execution, as envisaged in the project documents. We will comment below in further detail on these managerial questions.

A very positive decision was the appointment of three distinct local project coordinators for each of the sub-projects AFG/U10, AFG/S47 and AFG/R87. These three national coordinators serve as a crucial liaison between the international agency and the Afghan government.

1.4 SCOPE OF THE EVALUATION

The evaluation focuses mainly on the project's concept, design, implementation, results, outputs and outcomes. It should be borne in mind that this being a mid-term evaluation, many of the achievements envisaged in the project document could not yet come to fruition. In our evaluation we looked carefully at the clarity, logic and coherence of the project design, problems we could identify, the chosen strategy to deal with upcoming problems, and the relative progress of the different components so far.

As far as the objectives, outcomes, impact and sustainability are concerned, we had to rely on the strategy suggested and extrapolate from the ongoing implementation progress to likely future performance. In this context it was very relevant to listen to the beneficiaries' perception of the project's objectives and assess the commitment

of local institutions towards their attainment. In order to assess its likely sustainability we have paid particular attention to the project's contribution towards capacity building among beneficiary institutions.

Finally, we have looked at the implementation process, i.e. the overall quality of project management. Particular attention was given to the organisational and supervisory structure of the project, and the adequacy of managerial support, coordination mechanisms, and staff numbers and qualification. Last but not least the overall implementation.

1.5 METHODOLOGY

The evaluation, as specified in the Terms of reference, was carried out by an independent team of three international experts, unrelated to UNODC. The work of the Evaluators was based on: document review, including the Project Document (original and revised), annual and semi annual progress and monitoring reports. UNODC also made available to the team additional material, such as drafts of modules for trainings, financial reports, designs and plans of the new prisons. A number of interviews with relevant stakeholders, whose list is annexed to this Report, also formed part of the evaluation methodology. In addition the Evaluators were briefed by the National Project Coordinator for AFG/R87 and other UNODC staff. Interviews were not based on specific questionnaires but were structured. This information was supplemented by site visits, covering the correction institutes directly relevant to the project (Pol-e Charki and Gardez), and extending to the dedicated female and juvenile penitentiaries built in Kabul under previous projects AFG/R41 and R40.

2. MAJOR FINDINGS

2.1 OVERALL PERFORMANCE ASSESSMENT

Due to efficient preparation and continuous support from UNODC headquarters and field office, the evaluation team was able to start its work in an effective and timely manner. The agenda had been designed sensibly and logistics had been taken care of to the fullest. The work of the team was also facilitated by the fact that all relevant counterparts agreed to meet with it. Availability, though, does not equal smoothness: on more than one occasion, especially during meetings with diplomatic representatives of donor countries, the Evaluators were startled by the apparent tension. Meetings with Afghan authorities were likewise sometimes difficult to handle, as there were communication obstacles that went beyond the language barrier. The first meeting with a national authority, that the evaluation team attended without being accompanied by UNODC's National Project Coordinator, also showed some of the difficulties that can hinder smooth relationship with counterparts.

Interviews with the representatives of the international community were enlightening as they hinted at the underlying miscommunication which is often responsible for lack of coordination and synergy. The latter is also, somehow, affected by a number of external factors such as logistics, security, different interpretations or perceptions about tasks and definitions. During the mission it also became evident that differences of opinion about respective mandates and approaches existed between a number of stakeholders involved. Both UNODC Headquarters and Country Office seem aware of the country-specific issues that might affect satisfactory implementation of technical assistance, possibly leading to delays and necessitating substantive amendments. This applies equally to AFG/R87 and the two other projects (AFG/U10 and AFG/S47) being implemented under the umbrella of the Criminal Justice Reform Program, as well as their predecessors, the final parts of which are in some cases (i.e. AFG/R41) still under completion.

In the light of the above, the Evaluators have reached a very positive impression about the results that AFG/R87 has been achieving to date, as well as the impact that it has so far been able to produce.

2.2 ATTAINMENT OF OBJECTIVES

For reasons of clarity, it seems helpful to assess the attainment of each immediate objective individually, prior to proceeding to the assessment of the project as a whole.

Taking into consideration that this evaluation is a mid-term evaluation, no final conclusions can yet be drawn, especially with regard to outcomes and sustainability. Progress is thus examined by standards set out in the revised project document taking into account the relative time passed in relation to the overall timeframe outlined therein.

- **Objective 1:** *Application of the national legislation, rules and regulations in the corrections field at provincial and district level and implementation of the central prison department's new operational and managerial structure and policy across the country.*

These objective covers two distinct issue areas, the development of good legislation on the one hand, and the operationalisation of the Central Prison Department on the other. These two elements have been examined separately by the Evaluators.

With regard to the first element, the *Law on Detention Centres* has been promulgated. We note that the support given by UNODC to this process already been examined in the evaluation report for AFG/R41. The drafting process for this law, issued in 2005, benefited from considerable support by UNODC, which ensured, among other things, its compliance with human rights principle addressing gender issues. The report highlights, however, that remaining legislation “still needs to be revised, in particular the Penal and Criminal Procedure Code.” Such a revision will take some time and is beyond the scope of the present project. Lastly, the Report examines the status of the *Regulations on the Law on Prisons and Detention Centre*, which have been finalized.

Based on the information gathered during the various meetings, the situation appears to the evaluation team to have remained virtually unchanged. The draft revised legislation is still awaiting the approval by Parliament and so does the *Regulations on the Law and Detention Centres*. It is to be hoped that the approval process will shortly be concluded.

Having examined these laws and draft regulations, we are not convinced that all necessary amendments have been included and all flaws removed. While the legal expertise of working group members is beyond reproach and UNODC staff members in particular have been lauded for their thorough understanding of the legal intricacies involved, the inclusion of expert advice with operational penitentiary experience would have likely improved the relevancy and practicability of the legislation. One result has been that key concepts that should have been dealt with at statutory level are now only covered in the regulations. The inclusion of penitentiary experts with solid operational experience would in our opinion improve the quality of the output of the working group.

As far as the establishment of the Central Prison Department is concerned, the evaluation team observes that its operational capacity remains at an embryonic stage. It deals with only a limited number of issues, and is unable to engage in longer-range strategic planning but is primarily concerned with day to day management. Reference is made, again, to the evaluation report for AFG/R41, where Objective 2 read: “The Prison Administration Department is established as a focal point for all matters pertaining to penitentiaries, including the elaboration of a national policy for detained women.”

Contrary to this envisaged standard, however, the CPD still lacks an adequate organizational structure, despite being its ongoing logistical and managerial operations. The situation has an overall negative impact on policy making,

implementation of laws and regulations at local and national level and, last but not least, recruitment and training of staff. The situation requires immediate attention in order to avoid further deterioration, especially in the provinces, where the situation with regard to prison and prisoners is even more critical than in Kabul.

Another aspect of the legislation that came to the attention of the evaluation team was the fact that there are different policy-making processes concerning males, females or juveniles. It is the opinion of the evaluation team the CPD should establish an integrated procedure, under which the specific features of each group are taken into account. Despite these shortcomings, the draft proposal for the *Law on Detention* dated May 2005 can be regarded as a solid foundation upon which to establish a well-functioning CPD.

The evaluation team was unable to ascertain the extent of the implementation of the Code of Conduct for Prison Officers. Such codes are particularly important at the operational level, yet they tend to be neglected in favour of more prominent, higher-level legislation. It is suggested that UNODC should pay particular attention to this aspect of the project in the future. Including the initiative into the project was a commendable move, and we recommend to now ensure now that it does not remain a dead letter but is actively implemented at national and provincial level in the context of comprehensive training on integrity and professional conduct.

➤ **Objective 2:** *Rehabilitation of selected prison facilities throughout Afghanistan.*

The output expected under this objective is the refurbishment and rehabilitation of selected provincial prisons of medium size. The objective was subject to revision in June 2007, after which it read: “Rehabilitation/new construction of selected prison facilities, including security sections for detaining convicted serious drugs offenders, as well as the establishment of rehabilitative programs”. Preliminarily, it is opportune to point out that, similarly to objective 1, the revised objective is twofold. On the one hand it focuses on the so-called “hardware” (provision of adequate prison facilities); on the other, it aims at creating rehabilitative programs for prisoners.

Both aspects of objective 2 have suffered from the lack of coordination and cooperation that has been highlighted in the previous pages. As a result of such circumstances, for instance, the construction of two provincial prisons (Gardez and Mazar) has not been completed yet. Mazar prison, in particular, is at a very early stage of construction, as the work carried out so far only concerns the outer wall.

The development of rehabilitative programs has been hampered by the fact that CPD likewise continues to be a “work in progress”, and therefore is has not been able to concentrate on programs that require large human resources, expertise and time. The situation is somewhat better regarding female inmates, as the report for project AFG/S47 highlights. These results will be even more tangible once female prisoners will be transferred to the new facilities constructed under project AFG/R41.

In light of the above, it would be advisable for UNODC to conduct a thorough assessment of its ongoing activities, clearly and accurately identifying the obstacles

that have hindered project implementation. This would allow the identification of new priorities at the operational level. Such an endeavour should be aligned with the ongoing PRR process in order to channel limited resources earmarked for administrative reform and organisational restructuring to those parts within the CPD that currently pose particularly burdensome obstacles to visible improvement in the prison service. UNODC should bring its expertise to bear in this regard in the appropriate fora dealing with PRR.

The continuation and/or revision of the present relationship with UNOPS remains a controversial topic. UNODC will have to rethink the cost-effectiveness of its past and possible future dealings with that organisation and communicate its findings and reasoning clearly to donors and beneficiaries alike.

As far as the focus on “serious drug offenders” is concerned, the Evaluators believe that a thorough discussion about the meaning of the expression should be initiated. This applies likewise to project AFG/U10. The gist of the term refers to the heightened risk of escape posed by offenders of a certain ruthlessness, to be countered by making adequate provisions in the physical conditions of incarceration. We refer here to our report on AFG/U10 where we have discussed the issue at length, in particular the need to visibly target not only relatively small-scale couriers but also more senior drug offenders.

With regard to the completed high-security penitentiary at Pol-e Charki, the standard appears adequate. It is intended for a relatively small number of inmates, housed in two-person cells, with extra-strengthened doors and windows, relatively low internal mobility and secure visiting areas. In contrast, the facility at Gardez (and presumably in Mazar) is based on a communal dormitory system with a relatively high degree of internal freedom of movement for prisoners. Such movement is necessitated not least through the inclusion of dedicated facilities for work, training. It should also be noted that dedicated facilities for females and juveniles are envisaged. Overall, the security standard envisaged appears adequate for the type of prisoner likely to be placed there.

- **Objective 3:** *Enhancement of the operational capacities and professionalism of penitentiary staff working in selected correctional facilities and improvement of coordination within criminal justice system.*

If a hierarchy among objectives had to be established, the Evaluators believe that the first place should be accorded to the capacity building of the correction staff. Unfortunately, the project does not pay enough attention to the preconditions necessary for such capacity to develop, namely adequate recruitment, pay, and training mechanisms. Especially with regard to the latter, it became apparent that a number of different actors (British Embassy, ISISC, Central Training Centre of Pol-e Charki) have been actively involved in designing and implementing training for correction staff. These efforts, however, have been carried out unsystematically and did not seem to be part of an agreed coherent strategy. There is likewise no system in place to furnish information about the various training activities, in particular keeping track of the correction officers having been trained and their qualifications obtained.

It is suggested that UNODC should use its membership in the appropriate coordination fora, in particular the PRR working group to press for the establishment of regular training coordination meetings among the relevant counterparts in order to:

- a. make an overview of all training modules designed/available to date;
- b. make a concrete study of the contents of those modules and develop a consolidated curriculum targeting all uniformed staff for all types of prisons;
- c. develop, in addition, special modules for the civilian staff (i.e. social workers);
- d. develop a special management curriculum for future members of the management teams of the prisons;
- e. develop an adequate recruitment policy for all new (uniformed) staff).

The training should not be gender-differentiated but gender-oriented. The Central Training Centre should be invested with the responsibility for the implementation of such modules, with the support of UNODC.

- **Objective 4:** *Establishment of training programmes for correction officers and social workers as well as development of vocational and educational programmes for prisoners, including alternatives to imprisonment programmes.*

In spite of the fact that the prisons of Mazar and Gardez have not yet been completed, we noticed that UNODC has already developed concrete plans for recruiting and training their envisaged staff. Maximum use should be made of the existing training materials, in particular those produced by the British colleagues, by ISISC, and UNODC for male and female prison wardens. The continued use of the training-the-trainers is recommended to increase future sustainability and scalability.

- **Objective 5:** *Development of programmes addressing the need of detained women, especially those with children, and drug users.*

We have concluded that the existing plans for the dedicated female and juvenile penitentiaries to be completed in Kabul are adequate and can serve as blueprints for similar undertakings in the provinces. Perhaps some modifications based on the local circumstances and to enable better focus on qualification/reintegration might be needed. The qualification/training programme for female inmates at Pol-e Charki appears to be a very well structured programme and should serve as a model for similar undertakings in the provinces. It would be advisable to start in the near future the necessary preparatory steps, such as the identification of suitable partner NGOs to initiate similar activities in the newly constructed provincial prisons.

Once these preparatory steps mentioned above under objectives 4 and 5 have been put in place, we are confident that the project will be in a good position to successfully implement its outstanding goals.

2.3 ACHIEVEMENT OF PROJECT RESULTS AND IMPLEMENTATION

As this evaluation is a mid-term exercise, it is not possible for the evaluation team to examine project results and implementation in greater depth than it has done while examining the objectives. As indicated, however, we are optimistic with regard to the project's future prospects and expect full implementation of its objectives.

2.4 OUTCOMES, IMPACT AND SUSTAINABILITY

It is difficult to make at this point definite statements about the medium- to long-term impact of the project. A crucial role will be played by the continued evolution of the CPD as the main counterpart. As we have pointed out, it has so far lagged behind expectations and has not shown the level of organisational development and individual professional commitment necessary to ensure a sustainable impact. The extent to which the CPD and other Afghan institutions absorb and benefit from technical assistance is, however, only partially amendable to project design and execution. Much depends on external factors, as well as Afghan civil servants rising to the challenge and assuming commensurate responsibility for their own affairs.

2.5 LESSONS LEARNED AND GOOD PRACTICES

As the evaluation of project AFG/R87 is a mid term exercise, it is clear that it is premature to draw definite conclusions concerning lessons learned and best practices. Some points, however, deserve immediate consideration.

The first comment that can be made concerns the many links between AGS/R87 and the other two projects the team was tasked to evaluate, AFG/S47 and AFG/U10. While the three projects have for administrative and budgetary purposes to be kept distinct, their related subject matter and the overlapping beneficiaries would make a more integrated approach appear useful.

The training of penitentiary staff presents the greatest scope for synergies between these and related projects. Furthermore, the evaluation also revealed large areas for improving the coordination with other international training providers in this field. Given its good reputation, long experience, and professional standing, it would be desirable if UNODC could assume a greater role in the coordination of the other national and international actors active in criminal justice reform. A single joint training tool should be developed, replacing the variety of training instruments implemented by various agencies, currently targeting correction staff. In addition to tools specifically designed for uniformed staff, training strategies targeting 'civilian' staff, i.e. managers, social workers, should be developed.

Lastly, the Evaluators would like to underline that the definition of project objectives has proven to be critical, as too often fundamental ones are not included. Among the ones left out are: the issue of adequate recruitment mechanisms; managerial skills;

development of adequate daily programs and activities for inmates compliant with the rehabilitative function of sentencing and serving post-release reintegration.

Additional lessons learned and recommendation can be found in the chapters covering specific project objectives.

3. OVERALL CONCLUSIONS

Given the difficult institutional and political context in which it is situated, it is not surprising that the implementation of the present project remains challenging and at times controversial. Its dependence on the cooperation and collaboration between a number of local institutions that are not accustomed to work with each other has made the ultimate attainment of its goals uncertain. In line with AFG/S47 and AFG/U10, AFG/R87 aims at the establishment of an acceptable prison system in Afghanistan. Given the enormity of this task, it is evident that the progress will be slow and the final attainment of this goal will likely have to await the passing of a generation or two.

Other factors will also influence the outcome of this process, namely political, social and economical developments, together with the influence that the international community will be able to exert on national and regional counterparts. During our interviews with senior national officials it transpired that the government treats with scepticism and reproach the prevailing practice of channelling assistance funds through implementing organisations. The government has made it repeatedly and in a number of fora clear that it considers its administration capable of assuming direct responsibility for disbursing these funds. While the confidence of the Afghan administration is admirable, we have not been convinced that it is always matched by actual capacity and professionalism. For the time being we would counsel against increasing the level of direct budgetary assistance and channelling earmarked donors funds through the government budget. While this might look in principle like an obvious move to strengthen local institutions and lay the foundation for sustainability, in practice it would make project implementation even more hostage to the slow, unpredictable, and arcane workings of beneficiary institutions.

Given the lack of proper human resources and with no mechanism in place to sanction the misuse of money by the national

authorities, from embezzlement to diversion to different projects, it is evident that the current practice of disbursing through international implementing organisations is the only logical choice to sustain Afghanistan's institution building and reconciliation process. Effective results, however, will only be obtained if the national actors are fully involved in the process, and not mere subject of plans completely developed by others.

Last but not least the Evaluators would like to thank UNODC headquarters and country office for their professional preparation of and support during the mission.

Annex I: List of Persons Interviewed

Mr Sayed Afzal, UNODC National Project Coordinator (AFG/R87)
Mr Zaid Hadir Nasrat Al-Farisi, Resident Representative, ISISC
Ms Hangama Anwari, Human Rights Commissioner, IAHRC
Ms Meryem Aslan, UNIFEM Representative
Ms Elizabeth Bayer, UNODC Deputy Representative
Ms Anou Borrey, Gender and Justice Specialist, UNIFEM
HE Sarwar Danish, Minister of Justice
Mr Bob Gibson, Director, Correction System Support Program (CSSP)
Ms Helle Kristin Gulseth, Defence Attorney Mentor CJTF, Norwegian Legal Mission
Mr Sayed Yousef Haleem, DG of Legislative Department, Ministry of Justice
Mr Radifullah Hamid, National Project Coordinator (AFG/U10)
Mr Michael E. Hartmann, Senior Rule of Law Officer, UNAMA
HE Mohammad Q. Hashimzai, Deputy Minister of Justice
Mr Abdul-Basit Hotak, National Program Officer, ISISC.
Mr Abdul-Salam Issmat, DG Central Prison Department (CPD), Ministry of Justice
Mr Jehanzeb Khan, UNODC Project Coordinator, Demand Reduction Unit
Mr John Moarse, Programme Manager, UNOPS
Mr Bill Murray, Prison Advisor, British Embassy
Ms Massouda Nawabi, Project Coordinator, Legal Aid Fund, Medica Mondiale
Ms Shukria Noori, National Project Coordinator (AFG/S47)
Mr Terje Nyboe, Prosecutor Mentor CJTF, Norwegian Legal Mission
Ms Suzana Paklar, Country Representative, Medica Mondiale
Mr Matteo Pasquali, UNODC International Justice Programme Coordinator
Ms Sara Rezoagli, 1st Secretary, Italian Embassy
Mr Michael R. Runnels, Deputy Director, CSSP
Mr Christopher Serjak, Programme Manager, UNOPS
Ms Whitney A. Sims, Programme Monitoring and Development Officer, UNOPS
Ms Soraya Sobhrang, Human Rights Commissioner, IAHRC
Mr Ian Turner, Senior Prison Advisor, British Embassy
Mr Jean-Louis Van Belle, Head of Mission, Belgian Embassy

Annex II: Terms of Reference for Final Evaluation (ToR)

1. BACKGROUND INFORMATION

Following over 23 years of armed conflict, the Afghanistan's prison system is desperately in need of repair. Apart from the prison system reform in Kabul, which is a main object of the UNODC initial project (AFG/R41) in the penal reform area, the situation in the rest of the corrections' sector currently requires attention¹. Many prison facilities outside Kabul have been severely damaged and lack basic infrastructures such as electricity and running water. The detention centres and prisons are severely overcrowded and an effective control of the time of release for the prisoners serving a sentence is not possible. An official number of prisons and detention centre is not available. There were approximately 6,000 detainees across the country, 300 of which are women (December 2006). All prisoners, including women and minors, are currently detained under appalling conditions and are frequently subjected to violation of human rights by correction officers and penitentiary staff. The problem of the limited numbers of qualified prison staff is further exacerbated by the lack of training facilities. The administration of criminal justice is furthermore hampered by the absence of communication with, and flow of information to the regions. The lack of prison infrastructure goes hand in hand with insufficient human resources.

UNODC's operational work on penitentiary reform is based on various resolutions of the General Assembly and the Economic and Social Council², in which UNODC has been invited to provide assistance in the form of advisory services, needs assessments, capacity-building, training or other assistance to States, upon request, in order to enable them to improve prison conditions, reduce prison overcrowding and increase reliance on alternatives to imprisonment. UNODC has developed Project AFG/R87 to support the national authorities. Technical assistance for this reform is being provided in line with international recommendations and documents concerning treatment of offenders included in the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice³. UNODC assistance has been requested by the Minister of Justice of Afghanistan. The current project was developed consequently, and is part of the overall UNODC Criminal Justice Reform Program in Afghanistan.

Project AFG/R87 builds on UNODC's current work on reforming Afghanistan's penitentiary system (AFG/R41). Under this project, UNODC aims to further upgrade

¹ Afghanistan, "Crumbling prison system desperately in need of repair", AI Index: ASA 11/017/2003, Amnesty International July 2003

² Plans of Action for the implementation of the Vienna Declaration on Crime and Justice, annexed to General Assembly Resolution 56/261 of 31 January 2002; ECOSOC Resolution 2002/15 of 24 July 2002 on United Nations Standards and Norms in Crime Prevention and Criminal Justice; ECOSOC Resolution 1999/27 of 28 July 1999 on penal reform.

³ Such as: Standard Minimum Rules for the Treatment of Prisoners (Annex to Economic and Social Council resolution 663 (XXIV)), Procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 1984/47), Basic Principles for the Treatment of Prisoners (General Assembly resolution 45/111), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly Resolution 43/173).

the penitentiary system of the country and extend penitentiary reform to selected provinces. With a total budget of US\$ 10,000,500 and a duration of three years, the main aim of the project is to enhance the process of peace building in Afghanistan by ensuring a functioning penitentiary system which promotes rehabilitation of prisoners. The envisaged activities include: (i) the revision of rules and regulations on penitentiary matters and the expansion of the authority and policy of the Central Prison Department to the provinces; (ii) the rehabilitation of selected prison facilities as well as the establishment of rehabilitative programs; (iii) the enhancement of the operational capacities and professionalism of penitentiary staff working in selected correctional facilities and improvement of coordination within the criminal justice system; (iv) training program for correction officers and for social workers, as well as vocational and education programs for detainees in the selected correctional facilities including alternatives to imprisonment programs; and (v) the development of programs addressing the needs of detained women, especially those with children, as well as drug users. Project execution started in June 2005.

This mid-term evaluation should examine the progress achieved so far in light of these objectives but also taking into account the conditions under which implementation has occurred.

2. PURPOSE OF THE EVALUATION

The overall purpose of this mid-term evaluation is to determine what the project has achieved and if it is attaining its objectives successfully and efficiently, taking into account the often difficult conditions on the ground in Afghanistan. In this regard, the extent to which the needs of the beneficiaries are being met as well as what has been achieved in terms of impact and sustainability should also be assessed.

The evaluation will seek to draw lessons and good practices from the project implementation which will be used to improve or modify the remaining project execution as well as future planning, design and management. Furthermore, the evaluation must seek to measure the project's achievements, outcomes and impacts, both positive and negative.

The main stakeholders of this project are: (i) the Ministry of Justice, Central Prison Department, the Ministry of Women's Affairs and the Ministry of Social Affairs, (ii) staff in the prison system (correction officers and social workers) and (iii) other actors working with detainees and prisoners, especially people working in civil society and NGOs; and (iii) international organizations such as UNOPS (associated agency in execution), United Nations Assistance Mission in Afghanistan (UNAMA)-Rule of Law Unit, UNAMA-Human Rights Unit, UNICEF, UNDP, UNIFEM; (iv) national and international NGOs, such as Emergency INGO, Afghan Women Educational Centre NGO, International Institute of Higher Studies in Criminal Sciences (ISISC); and (v) donors and other partners.

3. EVALUATION SCOPE

The evaluation shall focus mainly on the project's concept, design, implementation, results, outputs and outcomes. The evaluation should appraise:

(a) Project concept and design:

The evaluation should analyze whether and how the project contributed or is contributing to a priority area or comparative advantage for UNODC. It should review the problems identified by the project and the corresponding strategy chosen in order to address these. The evaluation should also encompass an assessment of the relevance and attainability of the objectives and of planned outputs, activities and inputs, as compared to other cost-effective alternatives. An analysis of the clarity, logic and coherence of the project should also be conducted. Some of the questions that this evaluation should address are:

- Are the objectives of the project aligned with the current policy priorities and action plans of Government of Afghanistan, Compact, ANDS, UNODC mandates and United Nations Development Assistance Framework (UNDAF) for the Islamic Republic of Afghanistan?
- Is the design of the project technically sound? Are the project objectives clear, realistic and coherent in terms of collectively contributing to the achievements of the Strategic Program Framework and Afghanistan Development Strategy, and other strategic instruments?
- Are response activities and implementation strategy appropriate for meeting stated objectives, with a focus on assessing project elements directly related to capacity building, coordination and sub-contract performance?
- How well do the project objectives reflect the specific nature of the problem and needs of Afghanistan government?

(b) Objectives, outputs, impact and sustainability:

The evaluation should seek to determine whether results have been achieved, and if not fully, whether there has been some progress made towards their achievement. Taking into account these factors, the overall impact of the project should be assessed. This should also encompass the likely sustainability of results and benefits as well as the project's contribution to human and institutional capacity building. The beneficiaries' perception towards the achievements should be taken into consideration, as appropriation is an important factor in determining sustainability. Another fundamental aspect in result sustainability is beneficiary capacity building (have the beneficiaries gained the necessary tools and skills?). Furthermore, financial sustainability should also be assessed (for instance, once the project is terminated, will the benefits be self-sustainable?). Some of the questions that this evaluation should address are:

- To what extent the project contributed to the achievement of Afghanistan Compact and or Strategic Program Framework and Afghanistan Development

Strategy? What are the reasons for the achievements and non-achievement of objectives?

- To what extent key skills of criminal justice practitioners and law enforcement have been enhanced?
- Have improvement of leadership skills been enhanced at institutional and individual levels in order to drive coordination and more effective actions?
- Is there any improvement in programming and acting in terms of addressing, country problem related to drug related offenders and producing results over the period of time?
- How were project internal UNODC factors affecting effectiveness, including human resources logistic support, and the predictability and regularity of resources and flexibility of the budget (UNODC constrains)?
- How are project external factors like limits on access to interventions sites, human resource constraints etc. impacted on effectiveness (security situation)?

(c) Overall implementation process:

The evaluation should assess how effectively/efficiently project planning and implementation have been carried out. This includes assessing the extent to which organizational structure, managerial support and coordination mechanisms used by UNODC effectively support the project. Efficiency should be analyzed namely as the project's capacity to achieve the desired effects at an acceptable cost when compared to alternative approaches reaching the same effects. The role played by the field office in the development and implementation of the project or program should also be assessed. The evaluation will analyze problems and constraints encountered during implementation as well as the quality and timeliness of inputs and the efficiency and effectiveness of activities carried out. Some of the questions that this evaluation should address are:

- Were alternative less costly interventions modalities considered in designing this project? Do they exist?
- To what extent has UNOPS been efficient, effective and transparent?
- Are there less costly methods which could achieve the same outcome/impact at the beneficiary level?
- To what extent was a transparent operating environment and accountability of government established?
- To what extent have partnership been sought with other relevant actors (including UN-agencies) and synergies been created in the delivery of assistance?
- Was there effective coordination among government, UNODC and other implementing partners including donor countries?
- Is the country human resource structure appropriate and efficient? Assess quality, timeliness, effectiveness and sustainability of management arrangements, technical inputs and assistance
- Has adequate and appropriate backstopping support been provided by field and HQ staff (administrative / managerial support and coordination)? Have partner institutions fully and effectively discharged their responsibilities?
- What are the positive and negative, intended and unintended, effects of interventions on people, institutions and the physical environment?

- Do the beneficiaries and other stakeholders affected by the intervention perceive to be the effect of the interventions on themselves?
- What are the perceptions of the different stakeholders, especially government of Afghanistan, implementing partners, other UN agencies, bilateral and multilateral donors, about the overall impact of UNODC's project activities?
- Does the national government take the lead in developing and implementing frameworks and strategies for eradicating illicit drug production, trafficking and consumption of illicit drugs, monitoring and reporting on production of illicit crop and strengthening the rule of law on its territory?
- Are the UNODC supported policies and strategic issues mainstreamed into the key national development documents?
- What are the specific legal, policies and regulatory changes that were supported that incorporate issues of UNODC thematic area?
- Do the project interventions have a potential for scaling up or replication?
- To what extent have the findings and recommendations from the past project evaluations been followed up and implemented to address some of the challenges already identified.

(d) Lessons learned from the concept, design and implementation of the project, as well as good practices:

Recommendations may also be made in respect of issues relating to the implementation and management of the project as well as follow up projects dealing with the same issues. The evaluation shall assess in what ways the project design and/or delivery can be improved to enhance its effectiveness. The evaluation should identify the key elements, assumptions and risks for the development of similar initiatives in other regions.

4. EVALUATION METHODS

The evaluation team should present a detailed statement of evaluation methods or the approach used to identify information sources and collect information during an evaluation, and to analyze the data. The evaluation methods will include:

- a) Document review: this will include all major documents, such as the project documents, progress and monitoring reports, terminal narrative reports, as well as assessments, manuals developed under the project etc. (desk study)
- b) Visits to Ministry of Justice, Central Prison Department, Supreme Court, Attorney General Office, United Nations Assistance Mission in Afghanistan (UNAMA)-Rule of Law Unit, UNAMA-Human Rights Unit, UNICEF, UNIFEM, UNOPS, Emergency INGO, Afghan Women Educational Centre NGO, International Institute of Higher Studies in Criminal Sciences (ISISC), EC, and other relevant stakeholders and interviews with key staff;
- c) Field assessment missions to Kabul and Gardez or Mazar-e-Sharif to visit renovated/newly built Prisons and Detention facilities.

- d) Meetings, interviews, and focus group with other relevant judicial and penitentiary institutions.
- e) Request selected judiciary and penitentiary staff to complete and submit a questionnaire prepared by the Evaluators.

Before the field mission, the Evaluators are to prepare an evaluation methodology, including questions and questionnaires that are acceptable to UNODC. Following the completion of the fact-finding and analysis phase, a draft evaluation report will be prepared by the Evaluators and presented to UNODC within the stipulated timeframe and in accordance with UNODC standard evaluation report outline (please refer to item 6). The draft report should include, inter alia, a detailed statement of the evaluation methods used during the appraisal. Inputs from UNODC should be recorded and taken into account by the Evaluators, as relevant and appropriate.

5. EVALUATION TEAM COMPOSITION

This project evaluation takes place simultaneously with another two criminal justice projects (AFG/S47 and AFG/U10). Therefore it will be conducted by a team of international Experts (Evaluators) who have relevant and complementary skills for those tasks. In particular, the Evaluators should have excellent knowledge in the criminal justice and above all possess extensive knowledge on reform of penitentiary systems with the focus on gender issues.

The Evaluators should hold an advanced degree in law, social sciences or relevant field and have proven experience on penal reform issues, preferably in West Asia. In addition, the Evaluators should also meet the following criteria:

- 1) Be familiar with the project implementation in international organizations.
- 2) Have experience in conducting independent evaluations.
- 3) Have at least 10 years relevant professional experience in reform of penitentiary systems, with particular focus construction/rehabilitation of prisons and detention facilities.
- 4) Have obtained a post-graduate degree in a relevant area.
- 5) Possess excellent analytical, drafting and communication/writing skills in English.

The Evaluators are selected by the Independent Evaluation Unit, UNODC Vienna, in consultation with the Country office of Afghanistan. Coordination is to be sought also with the Europe, West and Central Asia Section, PDB/DO, and the Criminal Justice Reform Unit, HSB/DO, in UNODC Vienna, using the agreed criteria and drawing expertise from the roster of experts.

6. PLANNING AND IMPLEMENTATION ARRANGEMENTS

This evaluation will be a joint effort between the Evaluation Team and UNODC. As for substance, it is critical that the evaluation should be carried out independently by the Evaluators and they conduct a thorough evaluation covering all aspects of the project objectives, achievements, implementation and management. The Evaluators will have access to all relevant documents and the UNODC Country Office for Afghanistan will provide the required support for the Evaluators during the evaluation. The UNODC officials responsible for briefing of the Evaluators are:

UNODC Country Office for Afghanistan:

- Representative
- Deputy Representative
- Justice Program Coordinator
- National Project Coordinator

UNODC Head Quarters in Vienna (Austria):

- Program Manager, Europe, West and Central Asia Section
- Senior Interregional Advisor, Human Security Branch
- Chief, Criminal Justice Reform Unit
- Chief, Europe, West and Central Asia Section
- Project Coordinator, Europe, West and Central Asia Section
- Chief, Independent Evaluation Unit
- Chief, Partnership in Development Branch
- Chief, Human Security Branch

UNODC Country Office will secure office space, administrative basic support, and travel arrangements for the Evaluators during his/her stay in Kabul. UNODC will also assist with accommodation bookings, visa facilitation etc....

Time Frame & Tentative program for the Evaluators:

The Evaluators will be recruited for 3 weeks spread over a period of 5/6 weeks.

Program & Activity	Days Required	Tentative dates
Preparation and Desk-review	2	
Briefing by HQs staff	1	
Traveling to Afghanistan	1	
Briefing by Country office staff	1	
Desk-review of documentations at COAFG	1	
Meetings/interviews with Ministries, Departments, UN Agencies and relevant stakeholders.	3	
Mission to Gardez or Mazar	3	
Returning home	1	
Preparation of the draft report	5	
Break	one/two week	
Incorporating the UNODC comments in the report and preparing the final draft	3	
Total Working & Travel Days	21	

Note: Detailed itinerary and program will be prepared upon arrival and in consultation with the Evaluators.

Deliverables of the evaluation:

- 1) Evaluation plan and detailed terms of reference with methodology;
- 2) Mid-term evaluation draft report with findings;
- 3) Lessons learned and results;
- 4) Briefing meetings, focus groups, questionnaire, and presentations;
- 5) Final mid-term evaluation report.

Payment:

The Evaluators will be issued a consultancy contract and paid as per the common UN rules and procedures. The final payment will be made only after the acceptance of the final draft of the evaluation report by UNODC HQs and the Country Office for Afghanistan.

Mid-term Evaluation report:

The evaluation report should follow the standard UNODC report outline that is listed below:

1. Evaluation summary (maximum 4 pages)
2. Introduction
3. Background (Project description)
4. Evaluation purpose and objective
5. Evaluation methodology
6. Major findings
7. Lessons learned (from both positive and negative experiences)
8. Constraints that impacted project delivery
9. Recommendations and conclusions

Annex III: Table of Objectives, Outputs and Activities

Objectives	Output	Activities
1. Application of the national legislation, rules and regulations in the corrections' field at provincial and district level and implementation of the Central Prison Department new operational and managerial structure and policy across the country.	1.1 Rules and regulations on penitentiary matters, including a code of conduct for penitentiary staff, developed and adopted.	<p>1.1.1. Conduct an assessment of existing rules and regulations, including their application in practice.</p> <p>1.1.2. Convene a meeting with the relevant Afghan authorities (e. g., inter-ministerial committee on prison reform, Judicial Commission, Min. of Justice, Interior, Women' Affairs, penitentiary staff), to discuss the findings of the assessment.</p> <p>1.1.3. Draft new rules and regulations on penitentiary matters, including a code of conduct for penitentiary staff.</p>
	1.2 Correction officers and penitentiary staff at provincial and district level are aware of the new penitentiary legislation, as well as of the new rules and regulations on penitentiary matters.	<p>1.2.1 Develop information materials on new penitentiary legislation as well as on new rules and regulations, for prison staff, magistrates, lawyers, officials of relevant Ministries, NGOs, and other concerned actors at provincial and district level, in order to ensure broader application across the country.</p> <p>1.2.2 Translate and distribute the information material across the country.</p>

Objectives	Output	Activities
	<p>1.3 In the framework of the Ministry of Justice PRR, policies developed by the CPD, including management system, curricula for staff, new policy for treatment and rehabilitation of prisoners with national policy for the rehabilitation of women, implemented at the province and district level including Prison High Council.</p>	<p>1.3.1 Set-up a UNODC-led experts' Committee to support the development of the PRR for drafting the new organization of CPD and its terms of reference.</p> <p>1.3.2 Convene a workshop with the relevant Afghan authorities (Min. of Justice, Interior, Wom. Aff., Penitentiary at the central, provincial and district level, NGOs etc.), to discuss the implementation of the plan.</p> <p>1.3.3 Widespread information campaign to sensitize all actors (Saranwali, judges, lawyers, correction officers and penitentiary staff) to on new policies.</p> <p>1.3.4 Provide training to the managers and administrative staff of penitentiary facilities, on how to implement these policies in their daily work including the Prison High Council as the prison inspectorate body.</p>
	<p>1.4 A national database on detention and prisons facilities is established and regularly updated</p>	<p>1.4.1 An assessment of prisons is conducted.</p> <p>1.4.2 Elaboration of dataset and checklist including number of detention and prison facilities, characteristics and operational capacities.</p> <p>1.4.3 Establish database in Prison High Council and input of data.</p> <p>1.4.4 Train staff on the use and updating of the program.</p>

Objectives	Output	Activities
<p>2. Rehabilitation of target prison facilities throughout Afghanistan.</p>	<p>2.1 Selected provincial prisons of medium size rehabilitated and refurbished, in line with the Standard Minimum Rules for the Treatment of Prisoners.</p>	<p>2.1.1 Select the facilities to be rehabilitated on the basis of the government Afghan Justice Public Investment Program (based on assessment in consultation with the Afghan Government it is estimated that approximately five prisons will be supported).</p> <p>2.1.2 Conduct an assessment to clarify functional and constructive characteristics, capacity standards, realization and maintenance cost analysis of buildings to be rehabilitated.</p> <p>2.1.3 Define the building rehabilitation works, bill of quantities and technical specifications, architectural planning and design (e.g. for medical centre, recreational areas, visiting rooms, workshops, garden, facilities for in-house training courses for the staff).</p> <p>2.1.4 Identify a national construction firm/company to undertake the rehabilitation works.</p> <p>2.1.5 Develop and implement a resource mobilization plan for the self-sustainability of the prisons.</p>
	<p>2.2 Appropriate accommodation for females in detention available in provinces, with special arrangements for the needs of women with children.</p>	<p>2.2.1 Select the facilities to be rehabilitated on the basis of the government Afghan Justice Public Investment Program.</p> <p>2.2.2 Conduct an assessment to clarify functional and constructive characteristics, capacity standards, realization and maintenance cost analysis of buildings to be rehabilitated.</p> <p>2.2.3 Define the building rehabilitation works, bill of quantities and technical specifications, architectural planning and design (e.g. for medical centre, recreational areas, visiting rooms, workshops, garden, facilities for in-house training courses for the staff).</p> <p>2.2.4 Identify a national construction firm/company to undertake the rehabilitation works.</p>

Objectives	Output	Activities
<p>3. Enhancement of the operational capacities and professionalism of penitentiary staff working in selected correctional facilities and improvement of coordination within criminal justice system.</p>	<p>3.1 Comprehensive training program to strengthen operational performance of the correction officers and to improve knowledge of human rights issues.</p> <p>3.2 Co-operation among penitentiary management and staff and other criminal justice stakeholders (Saranwali, police, judges, lawyers) strengthened and experience is shared in international setting.</p>	<p>3.1.1 Develop a comprehensive training program, based on lessons learned from training courses conducted in Kabul.</p> <p>3.1.2 Fine-tune training manuals developed for prison and surveillance personnel in Kabul, to the provincial and local situation.</p> <p>3.1.3 Select senior staff to attend a training course and to be in charge of ensuring the in-house training courses for correction officers.</p> <p>3.1.4 Conduct the training the trainers course and establish curricula to be run in selected prisons and/or existing training institutes.</p> <p>3.2.1 Conduct seminars for penitentiary managers and staff together with other criminal justice actors to improve co-operation.</p> <p>3.2.3 Set up a working group composed of people who participated in the study tour, which is meeting regularly to discuss ways to improve co-operation in the criminal justice system.</p> <p>3.2.4 Attend two international conferences/workshops on penitentiary reform and related matters (Afghan selected group).</p> <p>3.2.5 Draft a manual/booklet including guidelines and best practices for post-conflict countries and rehabilitation of penitentiary systems.</p>
<p>4. Establishment of training programs for correction officers and for social workers as well as development of vocational and educational programs for prisoners, including alternatives to imprisonment programs.</p>	<p>4.1 Establishment of educational and vocational facilities in selected detention centres rehabilitated.</p>	<p>4.1.1 Conduct an assessment on the feasibility of setting up premises for rehabilitative work (production) activities.</p> <p>4.1.2 Selection of facilities.</p> <p>4.1.3 Set-up a system to ensure that penitentiary rehabilitative work is offered.</p> <p>4.1.3 Refurbish the centres with the equipment needed to ensure the implementation of the rehabilitation programs.</p>

Objectives	Output	Activities
	4.2 A curriculum for social workers developed and training provided for social workers placed in selected correctional facilities rehabilitated.	4.2.1 Develop a curriculum for correction officers and social workers, in collaboration with the University of Kabul . 4.2.2 Select people to be assigned as social worker to detention and prison facilities across the country. 4.2.3 Provide appropriate training to social workers being selected and draft appropriate training tools.
	4.3 National legislation reviewed with due attention for the promotion of alternatives to imprisonment, in line with international standards and norms.	4.3.1 Conduct an assessment on the feasibility of implementing alternatives to imprisonment, in line with international standards and norms. 4.3.2 Convene a working group with the relevant Afghan authorities, representatives of the Ministries of Justice, Interior, Women' Affairs, Penitentiary, NGO's etc.), academics (Kabul University) and other persons as appropriate, to discuss the findings of the assessment and, if considered appropriate, to formulate legislative and institutional reform initiatives.
5. Development of programs addressing the needs of detained women, especially those with children, and drug users.	5.1 National strategy available, enabling coordination among all entities dealing with gender issues and encouraging the launch of new initiatives facilitating the social reintegration of women after release.	5.1.1 Make an assessment of activities undertaken under initial project (AFG/R41) and lessons learned as well as of initiatives needed and prepare a draft strategy. 5.1.2 Convene a working group with representatives of all relevant ministries (e.g. Ministry of Justice, Ministry of Women Affairs, Social Affairs, Health etc.), other UN organizations (UNAMA, UNIFEM, UNICEF, UNFPA) working with females in prisons as well as relevant NGOs, to discuss the draft strategy and plans to implement that strategy. 5.1.3 Organize regular meetings to strengthen the coordination among UN organizations, NGOs, social services etc. in order to facilitate the implementation of the strategy.

Objectives	Output	Activities
	5.2 Educational and vocational training programs and activities, adapted to the special needs of women and aimed at their social rehabilitation, established in selected penitentiary facilities.	5.2.1 Set-up rehabilitation programmes in terms of educational and vocational works, based on lessons learned from programmes developed in Kabul and in close co-operation with UNIDO. 5.2.3 Provide training to staff in charge of the rehabilitation and treatment programmes.
	5.3 Rehabilitative and educational training activities with special focus on drug users established in selected penitentiary facilities.	5.3.1 Conduct an assessment in coordination with a joint group including Ministries of Justice and Health as well as CPD and AGO on drug abuse problems among detainees. 5.3.2 Set-up rehabilitation programmes in terms of educational and vocational works, based on lessons learned from programmes developed in Kabul. 5.3.3 Develop a treatment programme, together with UNODC's demand reduction experts, for detainees with drug abuse problems. 5.3.4 Provide training to staff in charge of the rehabilitation and treatment programmes. 5.3.5 Run rehabilitation and treatment programmes in selected provinces/facilities.