



UNITED NATIONS
Office on Drugs and Crime

**THEMATIC EVALUATION OF
THE TECHNICAL ASSISTANCE PROVIDED TO
AFGHANISTAN BY THE UNITED NATIONS
OFFICE ON DRUGS AND CRIME**

**Volume 4
Rule of Law Programme**

Independent Evaluation Unit

UNITED NATIONS OFFICE ON DRUGS AND CRIME
Vienna

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Independent Evaluation Unit
May 2008



United Nations
New York, 2008

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Executive summary

After the overthrow of the Taliban regime in 2001, the rule of law in Afghanistan was conspicuous by its absence. By 2007, progress in developing the justice sector had been limited at best, after years of piecemeal assistance from the international community. Landmark achievements in 2004 and 2005 included democratic elections for the president and Government and adoption of a new Constitution, which continues to form the keystone legislative reference point. Despite such progress, in 2007 many fundamental problems remained. A steep rise in the prison population could be interpreted as indicating a greater application of the rule of law; yet widespread abuse of human rights opened that interpretation to question. The Afghan National Police, lawyers, judges and prison staff lacked numbers and training. “Justice” remained largely informal, dealt with by tribal elders. The penal system had grossly inadequate facilities with security and other problems, in particular in the provinces. Corruption was a serious problem in Government ministries and justice institutions and security threats and civilian deaths were increasing. At the time of the evaluation, therefore, despite some key achievements the rule of law was yet to flourish in Afghanistan.

Overall findings

The United Nations Office on Drugs and Crime (UNODC) has been a pioneer in reform of the justice sector in Afghanistan, undertaking work at a time when many other organisations were unwilling to do so. UNODC projects were relevant to the needs of the country, but insufficient to meet them, and should be viewed in the context of a broader set of activities coordinated by the Italian Justice Project Office and the United Nations Assistance Mission in Afghanistan (UNAMA).

UNODC was the main executing agency for all the projects covered by the present evaluation report,¹ working with executing organisations, the most significant of which was the United Nations Office for Project Services (UNOPS), which was responsible for engineering and construction. However, in key instances, work with UNOPS did not proceed smoothly because of uncertainty regarding division of responsibilities.

UNODC performed significant activities outside its area of expertise; a lack of expertise and poor communication at the Afghanistan Country Office and inadequate technical backstopping from UNODC headquarters led to a series of problems, which could have been avoided through the use of external expertise and measures to ensure quality control. Technical backstopping appeared to have been the most professional in relation to the preparation and drafting of legislation, as it was based on wide experience at headquarters. Despite reservations expressed by

¹ This thematic evaluation covers six projects over the period from 2001 to August 2007: Reform of the juvenile justice system in Afghanistan (project number AFG/R40), Reform of the penitentiary system in Afghanistan (project number AFG/R41), Criminal law and criminal justice capacity-building in Afghanistan (project number AFG/R42), Prison system reform in Afghanistan: extension to the provinces (project number AFG/R87), Fast-track capacity-building for a functioning counter-narcotics criminal justice system (project number AFG/U10) and Developing post-release opportunities for women and girl prisoners (project number AFG/S47).

the Country Office, this backstopping extended to the provision, in the field, of assistance and training relating to legislation.

Management of activities related to the justice sector at the Country Office, perceived by several donors and international partners as competitive and non-consultative, significantly influenced programme performance and relations with the international community.

UNODC's work and its impact on development of national capacity was limited, as, in key areas, national staff were not incorporated into project activities. This was most evident in relation to legislative drafting, where staff of the Legislative Drafting and Review Department (Taqnin) of the Ministry of Justice had been consulted but not trained, and in construction and refurbishment work relating to prisons and detention centres, where the absence of national designers, engineers, architects and project managers was apparent.

Specific findings

New legislation

In the area of legislation, UNODC provided assistance in the development of key laws and regulations and this represents an achievement for the Office. Key legislative activities included development of the criminal procedure code, prison law, the juvenile code and counter-terrorism law. UNODC also had an input in other legislative areas.

Training

A wide range of training sessions, including train-the-trainer sessions, had been completed. Training in Kabul and the provinces had covered language, computing and management skills, at different levels of the criminal justice administration. Police, lawyers and judges had been trained, as had prison staff, with specialist training provided for staff intended for the High Security Unit for drug offenders. The bulk of the training was at an elementary level, with human rights issues a particular focus, and can be characterized as stopgap. It provided essential, but insufficient, training to the bulk of recipients, allowing the criminal justice system to get under way in the hope and expectation that further training would be provided.

Significant capacity development activities had been carried out at the Ministry of Justice, including the provision of training and equipment and furnishing and staffing of a publications unit. The Juvenile Justice Administration had been trained and equipped and the Juvenile Court in Kabul had been furnished and equipped. With continued monitoring and input, juvenile justice may be an area in which UNODC makes a lasting positive impact.

A Counter-Narcotics Criminal Justice Task Force had been trained, equipped and provided with facilities. The Task Force was intended as a corruption-free, specialist facility for the prosecution of serious cases involving trafficking in drugs.

Infrastructure development

The lack of any criminal justice infrastructure outside Kabul was a critical problem. Multi-purpose Justice Support Centres for the provinces were designed to provide facilities located at a single site for the three key justice institutions: the Ministry of Justice, the Supreme Court and the Office of the Attorney General. Two provincial multi-purpose Justice Support Centres were close to completion, with three constructions still ongoing. Problems encountered during design and implementation stages appeared to have been overcome. It may have been useful to undertake a pilot project to build one Justice Support Centre to learn lessons before embarking on the others.

Since extensive renovation by UNODC in 2004, conditions at the Male Detention Centre in Kabul had deteriorated. Renovated to hold 250 inmates, it was packed with over 600 by mid-2007. The repaired drainage system had overflowed into the main inmate courtyard with intolerable consequences, suggesting a major flaw in its design.

The construction of the Female and Juvenile Detention Centres in Kabul (located at a single site to save costs) was significantly behind schedule. UNODC management reported that the juvenile facility was ready to be handed over to the Afghan authorities. However, the foundations for the joint administrative block were being excavated, the female detention centre was under construction, fittings were required in the juvenile facility and staff had not been identified or trained.

Pol-e-Charkhi prison

The Pol-e-Charkhi prison at Kabul, while considerably damaged during the civil war, remains Afghanistan's main prison. Refurbishment of Block 1 of the Prison had been completed as one of UNODC's earlier efforts. However, security concerns meant it was not possible to enter the Block during the evaluation field visit.

Post-release opportunities for women and girls

An innovative pilot project to provide post-release opportunities for women and girl prisoners was under way in the female block at Pol-e-Charkhi prison. It was running to schedule and half way through by the time of the evaluation. It was a promising project and, while relatively minor in the present thematic context, it had significant potential. Its research phase had resulted in an excellent UNODC report on the status of female prisoners. Training of inmates was being conducted in literacy skills and tailoring.

High Security Unit

A High Security Unit at the Pol-e-Charkhi prison was intended to receive serious drug offenders from the Counter-Narcotics Criminal Justice Task Force. Refurbishment of the cell block and construction of new hearings, visitors and kitchen buildings, proceeded quickly until late 2006. However, the Unit remained unopened by mid-2007 because it had no source of power. Such power and heating problems reflected poor project design and planning. This was exacerbated by weak management communication such that, by the time of the evaluation, a critical concern expressed by donors was that UNODC was implementing stopgap measures

in order to shift responsibility to the Afghan authorities without resolving the problems, while knowing that an imminent breach of the Standard Minimum Rules for the Treatment of Prisoners² would occur.

Other serious problems also remained in relation to establishing the High Security Unit: prison experts had expressed a series of security concerns; trained high-security staff had been reallocated elsewhere; and there was fear among UNODC management that the Unit would, as with Block 4 in the neighbouring Pol-e-Charkhi prison, be used for terrorist suspects shipped from Guantanamo Bay by the United States army, in contravention of international norms and UNODC project goals. Overall, failure to complete the work on the High Security Unit, with no adequate plans to overcome the problems encountered, represented a significant missed opportunity and resulted in a loss of reputation for UNODC.

Provincial prison construction

The two UNODC major projects for construction of provincial prisons, in Gardez and Mazar-i-Sharif, had stalled with the work incomplete. Construction of a medium security prison in Mazar-i-Sharif had ceased after construction of only the perimeter wall. Construction of a medium security prison in Gardez had proceeded further and was close to completion, but had halted and was awaiting further funding at the time of the evaluation. The direct cause of the stalled projects was lack of funds, which was the result of limitations in project planning and overly ambitious and overly costly prison designs. The UNODC practice of allowing projects to begin implementation when only 50 per cent of funds had been secured was also questionable in this context. When dealing with such construction projects, starting projects based on partial funding can be disastrous, as demonstrated here, since projects cannot be completed.

Outcomes and impact

New legislation

Measures of outcomes and impact were difficult to obtain or develop. There was general agreement that the new legislation was a marked improvement and that, while much remained to be done, significant steps to put in place internationally acceptable standards had been made. It is not unreasonable to infer that a positive impact would be expected from improved legislation and that this would be most effective when other aspects of administration of justice were similarly improved.

Training

There were few indicators available of the impact of training. In an internal evaluation by the International Institute of Higher Studies in Criminal Sciences (an associated training organization), generally positive feedback had been received from trainees, but it was not possible to extrapolate from this to other training

² Standard Minimum Rules for the Treatment of Prisoners, adopted 30 August 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, available at http://www.unhchr.ch/html/menu3/b/h_comp34.htm.

activities. Senior criminal justice staff suggested that some training had replicated existing knowledge and had inappropriately grouped together trainees with diverse levels of experience and knowledge. It was widely suspected that record-keeping difficulties had meant that some trainees had improperly attended multiple sessions because of the associated benefits. In addition, some trained prison staff were not working in the jobs for which they had been trained. Overall, therefore, while the impact of training was likely to be positive in many instances, this was not always the case and the existing impact remained largely unmeasured.

Juvenile justice administration and court system

The development of the Juvenile Justice Administration and Juvenile Court system is an area in which work by UNODC may lead to a lasting beneficial impact. Previously there had been no juvenile courts, while juvenile detainees had, to a large extent, been integrated with adults. The system will be further enhanced once the Juvenile Detention Centre has been completed.

Counter-Narcotics Criminal Justice Task Force

The Counter-Narcotics Criminal Justice Task Force became operational in 2005. After a rapid increase in caseload to over 90 drug offence cases per month by early 2006, the caseload had plummeted to around 25 per month. Despite ongoing mentoring of the Task Force by the international community, it had made no impact in terms of successful prosecutions of high-level drug traffickers. Prosecutions that had taken place had been of the minor players in the trade in illicit drugs. This meant that, even if the High Security Unit at Pol-e-Charkhi prison had been completed, there were no inmates for it to receive. A probable explanation was the lack of capacity of police investigators to collect and maintain evidence in the provinces, but corruption within the Task Force could not be excluded.

Infrastructure development

Refurbishment of the Male Detention Centre in Kabul by UNODC had been completed in 2004. A design flaw, however, had resulted in the drainage system overflowing into the main inmate courtyard. By 2007, there were also concerns regarding significant overcrowding.

A significant proportion of UNODC rule of law sector work had no impact because work was stalled or incomplete. This included the High Security Unit at Pol-e-Charkhi prison, construction of the juvenile and female detention centres in Kabul, and prison constructions at Gardez and Mazar-i-Sharif.

At the time of the evaluation the multi-purpose Justice Support Centres were not operational and so had had no impact. However, a positive impact was anticipated when they became operational.

Sustainability

A lack of development of national capacity in key areas of technical expertise meant that national institutions would not be able to continue autonomously processes begun as part of UNODC projects.

A lack of power, and consequently heating, was a recurrent problem in UNODC construction and refurbishment work in prisons and detention centres.

Staff, equipment and furniture had frequently been reallocated by the Ministry of Justice after handover from UNODC. UNODC staff were frustrated and sometimes resigned to these events, despite the fact it meant that any intended impact would not be achieved. There were concerns that the Kabul Female and Juvenile Detention Centres would be used as a male adult prison or administrative offices upon completion and that the High Security Unit at Pol-e-Charkhi prison would be used to house inmates transferred from Guantanamo Bay. Specially trained high-security prison staff were also no longer available to staff the Unit.

Overall, significant components of UNODC's work in the justice sector were unsustainable. This was because of a lack of quality control and failure to strengthen mechanisms to ensure outputs were used for intended purposes after handover to national authorities.

Lessons learned and best practices

The following lessons and best practices can be drawn from the evaluation:

(a) Future projects should have mechanisms embedded within the project to ensure that outputs are used for intended purposes;

(b) The development of national capacity, in particular in key areas of technical expertise, needs to be a far more explicit component of the work of UNODC;

(c) Problems such as delays resulting from issues related to land rights and financial constraints due to inflation should be anticipated and mitigated by contingency plans;

(d) Collaboration and regular and transparent communication with the national and international community should be undertaken from the outset and throughout the life of the projects;

(e) Projects experienced budgetary problems for three key reasons: (i) partial funding under UNODC's 50 per cent rule, which allows project implementation to commence when half the funding has been secured; (ii) significant differences between anticipated and actual costs; and (iii) significant costs that were unanticipated and not covered by contingency planning.

Recommendations

The following recommendations are made for future UNODC activities:

(a) UNODC needs to recognize that the process of project implementation is a product in itself and to incorporate the development of national technical expertise into its projects. This means far more than employing local subcontractors or the occasional consultation with national counterparts;

(b) Project management needed to be less competitive with national and international partners and more consultative;

(c) Representatives of donors in Afghanistan need to be regularly informed of project progress, problems and finances. However, donors also need to recognize the limitations of providing only partial funding for UNODC projects and the overall low level of funding that has been provided to the justice sector in Afghanistan;

(d) Further consideration should be given to additional measures, including conditionality, to ensure project outputs are used for intended purposes;

(e) UNODC should build impact measures into its projects (in particular sample surveys of trainees), to facilitate future evaluation. If impact cannot be measured then effectiveness and efficiency cannot be determined;

(f) Many documents from 2007 could provide a platform for a needs assessment for the rule of law sector. From this, UNODC should identify future work in collaboration with national and international organizations;

(g) UNODC should, among other projects, consider exploiting its comparative advantage in the area of criminal justice research and data. A project to develop a national criminal justice statistical centre for Afghanistan might be appropriate;

(h) In light of substantial problems to date, UNODC should reconsider its role in the building and refurbishment of prisons and detention centres. Any future projects must clarify the power source from the outset.

Conclusions

UNODC has been a pioneer in the rule of law sector in Afghanistan, and has identified projects relevant to the needs of the country, if insufficient to meet them. Key outputs were evident in relation to legislative drafting, juvenile justice administration and courts, aspects of training, the development of the administration of the Ministry of Justice, some renovation work and the ongoing work to provide post-release opportunities for female inmates. In many areas, however, there were few available measures of impact.

In other key areas, significant problems were encountered arising from limitations in project design and management and lack of quality control, expertise and technical backstopping. Major components of the work of UNODC in the rule of law sector had not achieved their key outputs and objectives and therefore had not achieved any positive impact. For the future, the fast-changing situation in Afghanistan means that UNODC needs to adapt to exploit its comparative advantage better.

Postscript

The fieldwork for this evaluation was completed on the 24th of August 2007, and hence activities that have been undertaken after that date are not reflected in this report.

The evaluation team however acknowledges that, following the evaluation, a number of initiatives took place.

I. Introduction to rule of law projects

A. Background and context

1. Afghanistan had already suffered decades of civil war when the Taliban seized power in the mid-1990s. When the Taliban were ousted in December 2001, one of the key problems facing the country was the long absence of the rule of law.³ The physical infrastructure for law and justice had been destroyed or damaged or was in a state of disrepair. After years of abuse of human rights, many laws were inappropriate, unclear or outdated and “justice” was often informal. The criminal justice system was effectively non-existent and there was a dearth of personnel with relevant education, skills or experience.

2. The Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, signed at Bonn, Germany, on 5 December 2001, affirmed the commitment of the international community to help Afghanistan and instituted a power-sharing Interim Government led by Hamid Karzai.⁴ The Constitution of Afghanistan of 1964 and existing laws and regulations were to be applied until new ones could be developed.⁵ Judicial power was vested in a Supreme Court. In March 2002, the United Nations Assistance Mission in Afghanistan (UNAMA) was established to support the Afghan authorities. Key States of the international community were assigned as partners of the Government in various sectors. Among them, the United States of America was assigned to the security sector, the United Kingdom of Great Britain and Northern Ireland was assigned to provide support in the fight against illicit drugs and Italy was assigned as the key partner for the justice sector. In January 2003, the Justice Sector Consultative Group was established and led by the Ministry of Justice. This was the structure that informed the development of UNODC’s programme of work in the rule of law sector, with UNODC’s first task being key elements of prison reform under project number AFG/R41.

3. In 2004, the Constitution was ratified⁶ and Hamid Karzai was democratically elected as President. Parliamentary elections followed in September 2005 and the National Assembly convened in December of the same year. These activities marked the conclusion of the political process that started in Bonn, Germany. The Afghanistan Compact⁷ followed, which reaffirmed international commitment,

³ M. Cherif Bassiouni, Daniel Rothenberg, Zaid Al-Farisi and Hatem Fouad, “An assessment of justice sector and rule of law reform in Afghanistan and the need for a comprehensive plan”, paper before the Institutional Strategies Panel at the Conference on the Rule of Law in Afghanistan, Rome, 2-3 July 2007, available at <http://www.rolafghanistan.esteri.it/NR/rdonlyres/F16F08B8-5C24-48C6-B0F0-8D65B4003521/0/Assessmentjusticesectorandruleoflawreform.pdf>.

⁴ The text of the Bonn Agreement is available at http://www.unama-afg.org/docs/_nonUN%20Docs/_Internation-Conferences&Forums/Bonn-Talks/bonn.htm#I.

⁵ The text of the 1964 Constitution is available at the website of the Ministry of Justice of Afghanistan at <http://www.moj.gov.af/pdf/constitution1964.pdf>.

⁶ The text of the 2004 Constitution is available at the website of the Ministry of Justice of Afghanistan at <http://www.moj.gov.af/pdf/constitution2004.pdf>.

⁷ Afghanistan Compact, launched at the London Conference on Afghanistan held on 31 January and 1 February 2006 (S/2006/90, annex), available at http://www.unama-afg.org/news/_londonConf/_docs/06jan30-AfghanistanCompact-Final.pdf.

supported the Afghanistan National Development Strategy,⁸ and set benchmarks to be achieved by December 2010.⁹

4. By the time of the present evaluation, the law and justice sector had made progress towards reform. Many judges and prosecutors had received some training, a police force of basically trained officers was operational and some universities were teaching both constitutional and sharia law. However, in 2007, more opium poppy was cultivated than ever before¹⁰ and the insurgency was believed to have claimed more than 1,400 civilian lives.¹¹ Renovated major roads were increasingly unsafe because of insurgents and allegations of lawless police officers demanding “taxes”. Corruption was allegedly commonplace at all levels of all State institutions. Violence against women and the widespread subjugation of women’s rights remained key social issues. At the time of the evaluation, Afghanistan remained, or was close to being, the lowest ranked country in the world on each of six composite measures used by the World Bank: rule of law; control of corruption; Government effectiveness; regulatory quality; political stability; and voice and accountability.¹²

1. Defining and measuring “rule of law”

5. Defining “rule of law” is not straightforward.¹³ A useful, if informal in the present context, way of defining rule of law is that it has five characteristics:

- (a) Laws apply equally to all within the territorial boundaries, without discrimination;
- (b) Internationally recognized human rights standards are adhered to;
- (c) Laws are clear and consistent;
- (d) Laws are public knowledge;
- (e) State institutions are reasonable, fair, efficient and effective.

6. Measuring the extent and quality of the rule of law is tricky and can include measures of either impact or process. Measures of impact can include the crime rate

⁸ Afghanistan National Development Strategy (S/2006/105, annex), available at www.ands.gov.af.

⁹ Developments since the launching of the Afghanistan Compact have been informed by the Afghanistan Rule of Law Coordination Meeting, Dubai, 4-5 December 2006 (see the summary of conclusions of the Meeting, available at http://www.rolafghanistan.esteri.it/NR/rdonlyres/319E9E4A-A7D1-4719-AD75-F1EC7ADE85A3/0/SOCDubaiMeeting_Final_DUBAIGIUSTIZIA.pdf), and the Conference on the Rule of Law in Afghanistan, Rome, 2-3 July 2007 (see <http://www.rolafghanistan.esteri.it/ConferenceRol>).

¹⁰ United Nations Office on Drugs and Crime, *Afghanistan: Opium Survey 2007* (October 2007).

¹¹ Office for the Coordination of Humanitarian Affairs, “Afghanistan: children increasingly affected by conflict”, 27 November 2007, available at <http://www.irinnews.org/Report.aspx?ReportId=75530>.

¹² World Bank web-based tool, “Governance matters 2007: World Wide Governance Indicators, 1996-2006”, available at http://info.worldbank.org/governance/wgi2007/sc_country.asp. The only country occasionally ranking lower than Afghanistan was Somalia.

¹³ See, for example, T. Carothers, “The rule of law revival”, *Foreign Affairs*, vol. 77, No. 2, p. 95; and Rachel Kleinfeld Belton, “Competing definitions of the rule of law: implications for practitioners”, Carnegie Paper No. 55 (Washington, D.C., Carnegie Endowment for International Peace, 2005).

or public perceptions of, and consent to, the rule of law.¹⁴ Measures of progress and process include the extent and quality of the legislative foundation and the capacity and quality of the criminal justice system.

2. Legislation

7. In 2001, there were 2,400 separate, overlapping and conflicting laws in Afghanistan.¹⁵ In the post-conflict situations of Kosovo and Timor-Leste, the United Nations took the lead in determining which existing laws were to be continued,¹⁶ while the Bonn Agreement made this the responsibility of the Interim Government in Afghanistan. Between 9 March 2002 and 6 March 2007, 119 items of civil, commercial, criminal code, criminal procedure code and amendments were enacted.¹⁷

8. The legislative keystone in Afghanistan is the 2004 Constitution.¹⁸ Its preamble commits the people of Afghanistan to “form a civil society void of oppression, atrocity, discrimination as well as violence, based on rule of law, social justice, protecting integrity and human rights, and attaining peoples’ freedoms and fundamental rights”. Respect for international human rights is enshrined in articles 6 and 7 of the Constitution, which binds Afghanistan to the Charter of the United Nations and the Universal Declaration of Human Rights. Articles 22 to 59 provide rights to due process and trial and prohibit torture. All State officials, including the President, are bound by pledges and articles 102 and 133 of the Constitution provide for prosecution of members of the National Assembly and judiciary if they are accused of a crime. Similar provisions were introduced in 2005 to bind State employees in the Law on Organization and Jurisdiction of the Courts of the Islamic Republic of Afghanistan, the Police Law and the Law on Prisons and Detention Centres.

9. The relationship between constitutional law and sharia (Islamic) law is crucial in terms of the rule of law. Article 3 of the Constitution pronounces Islam to be the State religion and affirms that no law can violate Islamic principles.¹⁹ Consequently,

¹⁴ Dankwart A. Rustow, “Transitions to democracy: toward a dynamic model”, *Comparative Politics*, vol. 2, No. 3 (April 1970), p. 337; Charles T. Call, “Democratisation, war and state-building: constructing the rule of law in El Salvador”, *Journal of Latin American Studies*, vol. 35, No. 4 (2003), p. 827; and Nasreen Ghufuran, “Afghanistan in 2006: the complications of post-conflict transition”, *Asian Survey*, vol. 47, No. 1 (January/February 2007), p. 87.

¹⁵ Vivienne O’Connor, “Traversing the rocky road of law reform in conflict and post conflict States: model codes for post conflict criminal justice as a tool of assistance”, *Criminal Law Forum*, vol. 16, No. 3 (October 2005), p. 231.

¹⁶ Hansjörg Strohmeyer, “Collapse and reconstruction of a judicial system: the United Nations missions in Kosovo and East Timor”, *The American Journal of International Law*, vol. 95, No. 1 (January 2001), p. 463.

¹⁷ See the website of the Ministry of Justice of Afghanistan, available at <http://www.moj.gov.af/recentlegislation.html>, accessed August 2007. Of these 119 items, many are decrees of the President and Transitional Government and close to 24 items relate to registration of commercial documents and trademarks.

¹⁸ Available at the website of the Ministry of Justice, <http://www.moj.gov.af/pdf/constitution2004.pdf>.

¹⁹ Sharia law is not, however, explicitly mentioned in the Constitution of Afghanistan.

there is a debate among legal scholars as to whether constitutional or Islamic sharia law is primary.²⁰

3. Judiciary

10. The 2004 Interim Criminal Procedure Code, which governed criminal procedure, was being re-drafted in 2007.²¹ In 2007, the Supreme Court identified key barriers to the development of the judiciary,²² including the need for reform of the court infrastructure, in particular record-keeping and case management, for reform of the physical infrastructure (unfit buildings, especially of provincial courts) and for reform of judicial education.²³

11. With many judges lacking an adequate education, it has been suggested that judicial decisions continued often to be based on personal opinion rather than legal codes.²⁴ The majority of Afghan citizens perceived the judiciary as uneducated, unprofessional and lacking in any consistency of judgement.²⁵ Consequently, by 2007, between 80 and 90 per cent of Afghans still used the informal justice and dispute resolution system.²⁶ This may reflect ignorance of legal developments, but it also reflects the fact that Jirgas and Shuras (councils of local elders interpreting oral law) were perceived as efficient, quick, incorrupt and appropriate to local culture.²⁷

12. As at 2007, the majority of Afghans were unaware of their rights and duties or how to access the formal justice system.²⁸ A report prepared by UNODC in 2007 found that, although legal representation had improved since 2002, some inmates at Kabul's Pol-e-Charkhi prison had signed confessions at police stations without representation and with little knowledge of their rights. Lawyers were rarely present

²⁰ The issue may be resolved by reference to the constitutions of other Islamic States, including Lebanon (article 7), Morocco (article 5) and Pakistan (article 25), and the Cairo Declaration on Human Rights in Islam of the Organization of the Islamic Conference. In these frameworks, principles of basic human rights are upheld while reaffirming that faith is the foundation of law.

²¹ United Nations Office on Drugs and Crime, *Afghanistan: Female Prisoners and their Social Reintegration* (March 2007).

²² "Strategy of the Supreme Court with focus on prioritizations", background document prepared for the Conference on the Rule of Law in Afghanistan, Rome, 2-3 July 2007, available at http://www.rolafghanistan.esteri.it/ConferenceRol/Menu/Ambasciata/Gli_uffici/.

²³ Reportedly, 44 per cent of judges had graduated university with a degree in sharia law, 12 per cent with a degree in law and 8 per cent with a non-legal degree, while 16 per cent had graduated from non-university programmes and 21 per cent had a high school education (Bassiouni and others, op. cit.).

²⁴ United Nations Office on Drugs and Crime, *Afghanistan: Female Prisoners...*

²⁵ Seema Patel and Steven Ross, *Breaking Point: Measuring Progress in Afghanistan* (Washington, D.C., Centre for Strategic and International Studies, 2007), available at http://www.csis.org/component/option,com_csis_pubs/task,view/id,3740/.

²⁶ Bassiouni, C. and others, op. cit.

²⁷ The Jirga is a council of elders interpreting oral customary laws passed down through generations as part of the tribe's traditions and cultures. The Jirga is generally perceived as a Pashtun institution, with a Shura the equivalent in Hazara, Tajik and Uzbek areas (see Ali Wardak, "Jirga: a traditional mechanism for conflict resolution in Afghanistan" (Institute for Afghan Studies, 2006), available at <http://www.institute-for-afghan-studies.org/AFGHAN%20CONFLICT/LOYA%20JIRGA/Jirgabyardak.pdf>).

²⁸ Bassiouni and others, op. cit.

during interrogations and trials and the 250 legal aid lawyers in Afghanistan were overworked.²⁹

4. Penal system

13. Prior to the overthrow of the Taliban, prisons had been used largely for detaining opponents captured during fighting.³⁰ From 3,600 prisoners in 2003, the prison population increased dramatically to 7,802 in 2005 and nearly 11,000 inmates in 2007.³¹ The rapidly increasing prison population could be interpreted as a quantitative outcome indicator suggesting that the rule of law was returning to Afghanistan.

14. A major lesson from Kosovo is that a functioning prison system needs to be a priority.³² The penal infrastructure of Afghanistan is addressed in the 2005 Law on Prisons and Detention Centres and the 2005 Juvenile Code.

15. Some reforms have been achieved, in particular the transfer of power from the Ministry of the Interior to the Ministry of Justice, creating a buffer between investigators and detainees. The Afghanistan Independent Human Rights Commission and the International Committee of the Red Cross conducted monthly visits to all prisons.³³ In this context, the UNODC objectives of constructing separate facilities for women and juveniles and for detainees requiring high security, were progressive and appropriate.³⁴

16. Afghanistan's main prison is in the town of Pol-e-Charkhi just outside Kabul. It is many times larger than any other prison in Afghanistan and allegedly the largest prison in South-West Asia. Built in the 1970s to hold 10,000-11,000 inmates, it gained infamy as the site of mass killings during the Soviet era,³⁵ and more recently experienced significant security problems resulting from corruption and a lack of effective prison staff.³⁶ In 2006, seven Taliban prisoners escaped by walking out with visitors and there were serious riots resulting in the death of five inmates.³⁷ In 2007, the parts of the prison that were in use continued to be overcrowded and often unsanitary. There were killings of soldiers outside the main gates³⁸ and the prison received increased media and terrorist attention when it became publicly known that one block was being renovated by the United States armed forces to house terror

²⁹ United Nations Office on Drugs and Crime, *Afghanistan: Female Prisoners...*

³⁰ United Nations Office on Drugs and Crime and United Nations Office for Project Services, "Prison reconstruction and rehabilitation findings and recommendations: experience gained by UNOPS and UNODC, June 2003-June 2007" (August 2007).

³¹ A survey by Coalition Forces in January 2006 found that there were only 6,000 inmates (cited in UNAMA, "Afghanistan justice sector overview", March 2007, p. 21), but that survey did not include inmates of 300 smaller district detention facilities or pretrial detainees.

³² Strohmeyer, op. cit.

³³ United Nations Office on Drugs and Crime, *Afghanistan: Female Prisoners...*

³⁴ Leo Dobbs, "A pilot for prison reform", *Afghan Update*, Issue No. 12 (United Nations Mission in Afghanistan, Summer 2006).

³⁵ "Kabul's prison of death", *BBC News*, 27 February 2007, available at http://news.bbc.co.uk/2/hi/south_asia/4756480.stm.

³⁶ Dobbs, op. cit. (pp. 2-3).

³⁷ "Afghanistan prison riot is over" *BBC News*, 1 March 2006, available at http://news.bbc.co.uk/2/hi/south_asia/4762976.stm.

³⁸ "US Troops killed at Kabul prison", *BBC News*, 07 May 2007, available at http://news.bbc.co.uk/2/hi/south_asia/6631311.stm.

suspects from Guantanamo Bay.³⁹ Work to renovate other parts of Pol-e-Charkhi prison was a component of UNODC's activities assessed in the present report.

17. In 2007, the capacity of the prisons and detention centres in Afghanistan was far too small for the number of prisoners. With 7 of 34 provincial prisons destroyed and 42 per cent of inmates housed in rented homes, the Ministry of Justice determined that, in the following five years, 22 prisons needed to be built, 10 needed to be renovated and 1 needed to be expanded.⁴⁰ Annex I to the present report lists the prisons in Afghanistan by province and provides details concerning inmate populations, including numbers of drug offenders. The statistics showed a wide variation in terms of shortfall or excess capacity by province. In most areas there were no separate facilities for women and juveniles and in many areas women continued to be forced into slave labour for the families of village elders, while children were detained with adults where they were exposed to physical and sexual exploitation.⁴¹

18. According to a paper prepared for the Prison Working Group at the Rome Conference on the Rule of Law in Afghanistan, in 2007 Afghanistan had around half of the prison staff it needed and the available staff were undertrained. The Group reported that the Central Prisons Department, with its 2007 allocated budget and an annual shortfall of \$9.2 million, "cannot provide food, bedding, clothing, medicine, health assistance" or other basic provisions for inmates and an estimated \$111 million would be needed to bring the Department into line with international standards.⁴²

5. Police

19. The Afghan National Police was instituted under article 134 of the Constitution and is bound by the 2005 Police Law and the 2005 Juvenile Code. By 2007, there were close to 50,000 officers,⁴³ who were provided with non-military uniforms, basic equipment and training in human rights.⁴⁴ However, the Police were often perceived as inefficient and corrupt.⁴⁵ As street riots in 2006 showed, there were significant policing difficulties even in Kabul.⁴⁶ Boundaries

³⁹ "US plans Afghan jail for terror suspects", *Financial Times*, 5 January 2006.

⁴⁰ Bassiouni and others, op. cit. See also *The Provincial Prisons of Afghanistan: Technical Assessment and Recommendations regarding the State of the Premises and of the Water and Sanitation Infrastructure* (International Committee of the Red Cross, March 2007).

⁴¹ United States of America Department of State, "Afghanistan: country reports on human rights practices" (2007).

⁴² "Rome Conference Afghan prison update", paper prepared for the Prison Working Group at the Conference on the Rule of Law in Afghanistan, Rome, 2-3 July 2007, available at <http://www.rolafghanistan.esteri.it/NR/rdonlyres/ACBF0BEA-4B07-4DD4-8295-3E52FB57CC5B/0/Paperonprisons.pdf>.

⁴³ Patel and Ross, op. cit.

⁴⁴ Tonita Murray, "Police-building in Afghanistan: a case study of civil security reform", *International Peacekeeping*, vol. 14, No. 1 (February 2007), p. 108.

⁴⁵ Mark Shaw, "Drug trafficking and the development of organized crime in post-Taliban Afghanistan", in *Afghanistan: Drug Industry and Counter-Narcotics Policy*, William A. Byrd and Doris Buddenberg, eds. (World Bank and United Nations Office on Drugs and Crime, 2006), chap. 7.

⁴⁶ Barnett R. Rubin, "Saving Afghanistan", *Foreign Affairs*, vol. 86, No. 1 (January/February 2007).

between the police and the military were blurred. Farmers growing opium poppy, for example, were civilians, but since the opium trade is linked to the insurgency it was often dealt with by the military.⁴⁷

20. Corruption within the police is believed to be a significant problem.⁴⁸ A security van was robbed of \$360,000 by individuals driving a car with police licence plates.⁴⁹ There have been reports of officers robbing travellers on major roads.⁵⁰ In 2006, the Afghan National Police were accused of numerous human rights violations, including torture, illegal detention and arbitrary arrest. However, strategic reform was under way at the time of the evaluation, including the placing of two officers trained by the Afghanistan Independent Human Rights Council to monitor violations of human rights in each province.⁵¹

21. The Afghan National Police lack resources and civilian support in areas such as record-keeping, maintaining networks of informants and availability of forensic scientists. Many provincial offices are virtually non-existent or hugely inadequate. For example, there is a lack of vehicles for officers to visit crime scenes, while rules on evidence handling have yet to be formed.⁵² This had reduced the impact of the Counter-Narcotics Criminal Justice Task Force, an account of which forms part of the evaluation below.

6. Corruption

22. The 2004 Law on the Campaign against Bribery and Administrative Corruption defines official corruption and created the Office for the Campaign against Bribery and Official Corruption. Parliamentary committees have also been established. In 2006, President Karzai introduced a transparency mechanism for all high-level State appointments, which resulted in the removal of 70 senior level officers linked to human rights abuses and corruption.⁵³

23. Bribery occurs between civil servants and ministries⁵⁴ and the Afghan Police and politicians have been known to protect criminal enterprises.⁵⁵ Low judicial wages have been suggested as being a cause of corruption,⁵⁶ but higher salaries would not be effective unless administrative mechanisms to counter corruption were strengthened.⁵⁷ A report by UNAMA in 2007 concluded that “rampant corruption,

⁴⁷ Murray, loc. cit., a position supported by Patel and Ross, op. cit.

⁴⁸ Barnett R. Rubin, *Afghanistan's Uncertain Transition from Turmoil to Uncertainty*, Council Special Reports, Issue No. 12 (Council on Foreign Relations, April 2006) and Patel and Ross, op. cit.

⁴⁹ Rubin, op. cit.

⁵⁰ Ghufuran, op. cit.

⁵¹ United States of America Department of State, op. cit.

⁵² Bassiouni and others, op. cit.

⁵³ Ibid.

⁵⁴ Shaw, op. cit.

⁵⁵ Ghufuran, op. cit.

⁵⁶ Bassiouni and others, op. cit.

⁵⁷ Stefan Voigt, “Economic growth, certainty in the law and judicial independence”, in Transparency International’s *Global Corruption Report 2007: Corruption in Judicial Systems* (Cambridge University Press, July 2007); see also Mark Sedra, “Security sector reform in Afghanistan: the slide towards expediency”, *International Peacekeeping*, vol. 13, No. 1 (March 2006), p. 94.

the ominous influence of warlords and local commanders and the failure to ensure a secure environment for courts, judicial personnel, victims and witnesses also contributes to the low level of public trust and confidence in these institutions.”⁵⁸

24. High-level corruption is a continuing problem in Afghanistan because it is the senior members of police forces and officials who interact with high-level criminals.⁵⁹ By 2006, not one high-level criminal or corrupt member of a State institution had been charged by a formal court in Afghanistan,⁶⁰ although the Counter-Narcotics Criminal Justice Task Force, designed to prosecute significant major drug traffickers (and discussed further elsewhere in the present report), may provide a model to help overcome this problem.⁶¹

25. Progress, therefore, is mixed and corruption remains prevalent in Afghan institutions. In 2007, a new Attorney General was proving to be a reformist and strongly against corruption, while the National Assembly had blocked the appointment of a Chief Justice who was widely held to be corrupt.⁶² While it is anticipated that training to develop effective legal personnel will take many years,⁶³ at the time of the evaluation the United States Agency for International Development (USAID) was beginning to implement a national programme to build and refurbish court buildings and provide judicial training, on a scale not previously undertaken.

B. Purpose and scope of the evaluation

26. The purpose of the present evaluation was to assess the work of UNODC in the rule of law sector in Afghanistan.⁶⁴ UNODC’s rule of law sector encompasses law and criminal justice and hence a diverse set of activities ranging from legislative drafting, to training of police and officials and to building and refurbishing prisons and detention centres, as described in the present report.

27. The evaluation sought to identify factors that had led to the success or failure of a particular activity, specifying the results achieved and any lessons that could be learned. This included determining whether or not the goals and projects being undertaken by UNODC were appropriate and whether the projects were efficiently implemented and the goals met. It also included an assessment of the impact and sustainability of UNODC’s work. The overarching purpose was, therefore, to assess the extent to which UNODC’s efforts had reached the original objectives and had contributed to the development of the physical infrastructure and human capital necessary to promote the rule of law in Afghanistan. The terms of reference for the

⁵⁸ United Nations Assistance Mission in Afghanistan, “Afghanistan justice sector overview” (March 2007).

⁵⁹ Shaw, *op. cit.*

⁶⁰ Sedra, *loc. cit.*

⁶¹ Pamela Constable, “A wake-up call in Afghanistan”, *Journal of Democracy*, vol. 18, No. 2 (April 2007), p. 84 and Julian Borger, “27kg of opium in a kitchen: just another day in the Afghan war on drugs”, *The Guardian*, 21 March 2007.

⁶² Constable, *loc. cit.* and Patel and Ross, *op. cit.*

⁶³ Rubin, *op. cit.*

⁶⁴ A useful summary of UNODC projects at the time of the evaluation is given in *Afghanistan: crime prevention and criminal justice programme 2007-2009* (United Nations Office on Drugs and Crime, June 2007).

evaluation are attached at annex II.⁶⁵ A list of the visits and interviews conducted in the course of the evaluation is attached at annex I.

28. The evaluation covers the period from the time when UNODC projects had begun to be developed in 2001, through to March 2007. Six UNODC projects constitute the UNODC rule of law portfolio for the present evaluation: Reform of the juvenile justice system in Afghanistan (project number AFG/R40), Reform of the penitentiary system in Afghanistan (project number AFG/R41), Criminal law and criminal justice capacity-building in Afghanistan (project number AFG/R42), Prison system reform in Afghanistan: extension to the provinces (project number AFG/R87), Fast-track capacity-building for a functioning counter-narcotics criminal justice system (project number AFG/U10), and Development of post-release opportunities for women and girl prisoners (project number AFG/S47). More details for each project are given in annex IV.

29. The present study was prepared after the issuance of three UNODC terminal project evaluations in the rule of law sector.⁶⁶ The work covered by the terminal evaluations included the areas of legislation, juvenile justice, prison reform and criminal justice capacity-building (project numbers AFG/R40, AFG/R41 and AFG/R42). The final evaluations are discussed extensively in the present report, with additional material incorporated where possible, in particular in relation to the extension of prison reform to the provinces (project number AFG/R87). The present study adds to that work and locates it in a thematic context. The major project that had not previously been evaluated sought to develop a Counter-Narcotics Criminal Justice Task Force, which constituted a dedicated police, prosecution and judiciary unit together with establishment of a high-security prison facility (project number AFG/U10).

C. Evaluation methodology

30. The evaluation methodology involved a review of existing documents, such as project documents, progress reports and previous evaluation reports, and relevant literature. Primary data was collected through interviews with key individuals and from observations made during site visits.

31. The evaluation uses qualitative and quantitative evidence within and across projects and issues in the rule of law sector. The main qualitative indicators were drawn from interviews with key national and international UNODC staff, key staff from donor countries funding relevant UNODC projects, criminal justice staff working in Afghanistan and individuals at key Government and non-governmental organizations, together with onsite observation. Photographic evidence from the UNODC Afghanistan Country Office was used as supporting evidence where appropriate.

⁶⁵ The evaluation of the rule of law sector is one of the thematic evaluations conducted under the overall evaluation of UNODC technical cooperation to Afghanistan.

⁶⁶ See the terminal evaluation reports on project number AFG/R40 (Reform of the juvenile justice system in Afghanistan), project number AFG/R41 (Reform of the penitentiary system in Afghanistan) and project number AFG/R42 (Criminal law and criminal justice capacity-building in Afghanistan). Evaluation reports are available on the UNODC Intranet.

32. Quantitative indicators were often fragmentary and existed primarily in relation to indicators of inputs, process and outputs (e.g. input costs, output indicators of numbers trained, amount of furniture and extent of construction). Impact indicators were irrelevant where work was stalled or incomplete. For the area of legislation, the main measures were those of process and output, since impact was, at the time of the evaluation, difficult to assess in terms of improved justice and quality of life.

33. Fieldwork in Afghanistan was conducted for a 30-day period in late July and August 2007, preceded by a week of preparation at UNODC headquarters in Vienna. The independent evaluator worked alongside other independent evaluators responsible for evaluating different sectors of UNODC's work in Afghanistan. During the fieldwork, the independent evaluators were accompanied and assisted by a team from the Independent Evaluation Unit of UNODC, which provided logistical support and expert advice throughout the evaluation.

34. In Afghanistan, security was an important consideration at the time of the evaluation. Movement of United Nations personnel in Afghanistan was conducted only in official United Nations vehicles handled by trained drivers. The security situation had an impact on the evaluation because it did not allow for free movement.

D. Executing modality and management arrangements

35. UNODC was the executing agency for all projects in the rule of law sector considered in the present evaluation.

36. UNOPS was listed in project documents as the associated executing organization for the five large projects that had elements of engineering and construction (project numbers AFG/R40, AFG/R41, AFG/R42, AFG/R87 and AFG/U10). The International Institute of Higher Studies in Criminal Science was an associated executing organization providing training expertise for project number AFG/R42 and a co-implementing partner for project numbers AFG/U10 and AFG/R87. UNODC also coordinated its activities with the United Nations Children's Fund (UNICEF) on juvenile justice and the United Nations Development Fund for Women (UNIFEM) on project number AFG/S47. The United Nations Development Programme (UNDP) provided administrative and financial services to UNODC for all the projects.

37. With UNOPS providing specialist engineering and construction expertise, ambiguity sometimes arose over the responsibility for key aspects of project design and implementation. Neither UNODC nor UNOPS took responsibility for key problems, each seeking to blame the other. Specific examples are discussed later in the present report.

1. National counterparts

38. The national counterpart for all the projects being evaluated was the Ministry of Justice, with the Counter-Narcotics Directorate acting as the counterpart in relation to the Counter-Narcotics Criminal Justice Task Force and the High Security

Unit at Pol-e-Charkhi prison. The specific department within the Ministry of Justice varied with the need, so that, for example, the Legislative Drafting and Review Department was the partner for legislative drafting work.

39. The aims of involving national counterparts are threefold: (a) to glean local knowledge and expertise where available; (b) to promote national capacity development and institution-building;⁶⁷ and (c) to develop thereby a process that will ultimately allow national counterparts to assume ownership and responsibility for and to carry on the work. However, UNODC projects often did not explicitly specify objectives relating to capacity development, an issue returned to later in the present report.

40. Other international organizations were involved in project implementation at different stages. For example, at the time of the evaluation, the legislative drafting process had evolved to include more input from other international entities, reflecting a shift towards better collaboration with the international community during 2007.

41. The selection of national and international subcontractors is an important element in development work. If project funds are channelled primarily to international subcontractors, this can lead to disenchantment among national actors. UNODC recruited national subcontractors in Afghanistan for key parts of its construction work, where possible. In the context of Afghanistan and problems of pervasive corruption, the integrity of UNODC's procurement processes was spoken of highly in the international community.

2. Donor funding

42. The Government of Italy, through the Italian Justice Project Office, was the source of funding for much of UNODC's work related to the rule of law in Afghanistan, including the major work for the construction of the Kabul Female and Juvenile Detention Centres and the two provincial prisons. Belgium, Canada and the United Kingdom funded project number AFG/U10 for establishing the Counter-Narcotics Criminal Justice Task Force and High Security Unit at Pol-e-Charkhi prison. Austria funded UNODC project number AFG/S47 for developing post-release opportunities for women and girl prisoners.

43. Relations with donors formed a critical component of the UNODC projects. Donor representatives in Afghanistan typically expected to receive programme and financial information and to attend regular local meetings to assess progress in project implementation. In this regard, the UNODC Country Office informed the evaluator that, in addition to putting all information on ProFi (the UNODC electronic financial management system, which is accessible by donors at any time), it regularly shares information and reports both in Kabul and Vienna and also in donor capitals. This includes regular mandatory reporting and responses to ad hoc

⁶⁷ The use of the terms "capacity development" and "institution-building" in this context is consistent with the definitions of the United Nations Population Fund: "Capacity development: the learning, adaptation and internalisation of effective processes that lead to improved performance, self-reliance and autonomous action; and institution building: the enabling of public and private structures to carry out their functions in a systematic and sustained manner" in "Thematic evaluation of execution modalities", *Evaluation Findings*, Issue No. 8 (United Nations Population Fund, January 1998).

requests. Several donors in Kabul and representatives from international organizations, however, raised some concerns and it was clear that problems had arisen when UNODC had not fully met these expectations. That this occurred primarily when substantive problems had arisen tended to exacerbate the problem. These and other concerns of major project donors are also discussed further below.

II. Analysis and findings

A. Overall performance assessment

Finding 1

UNODC was a pioneer in the rule of law sector in the post-Taliban period.

44. Working alongside the Government of Afghanistan and the Italian Justice Project Office, UNODC was one of the first organizations to develop projects in the rule of law sector in Afghanistan in the period after the end of the Taliban regime. UNODC's first project began in 2003, following a planning period. It could be said that UNODC ventured where many other organizations feared to tread.⁶⁸

45. The evidence for the statement that UNODC was a pioneer is the fact that many other organizations, but particularly some of the major entities, became involved in the rule of law sector only comparatively recently. By 2007, the World Bank was in the preliminary stages of preparing to carry out significant work in the rule of law sector.⁶⁹ The Corrections System Support Program of the United States Department of State was established in 2006 and, during 2007, was making preparations for its main activities relating to prison infrastructure.⁷⁰

46. UNODC carried out work in the rule of law sector where there was a significant need, as outlined above. A defining characteristic of pioneers is that they are not afraid to make mistakes and a key aspect of the contribution made by UNODC to the rule of law sector in Afghanistan may be providing lessons for other organizations. By encountering and defining the many obstacles in project design and implementation in the context of Afghanistan, UNODC has contributed useful lessons for the nature of both its own work and that of other organizations.

⁶⁸ Together with the Italian Justice Project Office and UNAMA, UNDP was also an early participant in the rule of law sector (see the overview of the justice sector by UNAMA (op. cit.).

⁶⁹ A World Bank mission to Afghanistan in mid-2007 provided a preliminary needs assessment for the rule of law sector which, as of August 2007, was to be followed by an in-depth assessment later in the year. At the time of the evaluation, the United States Corrections System Support Program was still getting under way, that is it was preparing extensive architectural and engineering manuals relating to the construction and refurbishment of prison facilities and planning 15 temporary prison buildings in provincial areas. USAID was developing extensive programmes to provide education and training for lawyers and the judiciary and for further provincial court refurbishment.

⁷⁰ United States Department of State, "State Department fact sheet on U.S. support of Afghan judicial system", available at <http://usinfo.state.gov/sa/Archive/2006/Jan/31-187971.html>.

Finding 2

UNODC projects were relevant to, if insufficient to meet, the needs of Afghanistan in the rule of law sector, but anti-corruption efforts were missing.

47. A UNODC mission and needs assessment in 2002 identified tiered priorities. The first priority action was to strengthen the Ministry of Justice and juvenile justice. The second priority action was to develop legislative drafting capacity, engage in prison reform and establish an anti-corruption strategy. The third priority action was to train justice sector officials.

48. The projects developed by UNODC in collaboration with the Italian Justice Project Office and the interim authorities of Afghanistan were relevant to the needs of the rule of law sector. They could be characterized as a range of stopgap measures (some immediate refurbishment and basic training) combined with capacity-building for the medium term (further refurbishment and construction, training and legislative drafting).

49. However, while UNODC projects were relevant to the needs of Afghanistan, they were not intended to be sufficient to meet the overall requirements, which were far more extensive and required far greater financial commitment from the international community.

50. Conspicuous by its absence from the UNODC justice sector portfolio in 2007 was significant progress in developing a strategy to counter corruption. The first anti-corruption project by UNODC was due to begin implementation in late 2007. However, it was suggested that the timing of that initiative had been delayed at least in part because of a need to wait until an official who was alleged to be corrupt was no longer the head of the national agency responsible for countering corruption.⁷¹

51. Within UNODC senior management there was some disagreement over whether the refurbishment and construction of key prisons and detention centres were appropriate tasks for the Office. The disagreement stemmed from two issues. The first was the practical issue of whether UNODC had the appropriate skills to undertake that type of work. The second was the more philosophical issue of whether it was appropriate for UNODC to undertake activities relating to the punishment of offenders.⁷²

52. Incarceration is often considered to be socially unacceptable by the families of female inmates. Upon release, female inmates are often shunned and outcast, or worse, by their families. In this context, UNODC had developed an appropriate pilot project (project number AFG/S47) to explore the potential for the development of post-release opportunities for women and girl prisoners.

⁷¹ “Afghan official a convicted trafficker”, Matthew Pennington for The Associated Press, 8 March 2007, available at <http://www.rawa.org/temp/runews/2007/03/08/afghan-official-a-convicted-trafficker.phtml>; “Afghan anti-corruption chief was drug seller”, Devika Bhat and The Associated Press, 9 March 2007, available from The Times online at <http://www.timesonline.co.uk/tol/news/world/asia/article1492648.ece>; and “How anti-corruption chief once sold heroin in Las Vegas”, Declan Walsh for *The Guardian*, 28 August 2007, available at <http://www.guardian.co.uk/afghanistan/story/0,,2157248,00.html>.

⁷² There are similar discussions and disagreements within UNODC over whether alternative development projects should include eradication and other law enforcement activities alongside development efforts.

Finding 3

UNODC undertook significant activities outside its area of expertise.

53. In Afghanistan, UNODC found itself faced with challenges related to having to provide “hardware” instead of the normal “software”.⁷³ This unusual context may partly explain why UNODC undertook activities significantly outside its usual remit. There appeared to be little or no expertise within UNODC related to construction and refurbishment of prison and detention facilities prior to the Office committing itself to this work.

54. While UNOPS was the associated executing organization for construction work, overall responsibility for project execution was explicitly retained by UNODC. The lack of the requisite expertise at UNODC headquarters and the Afghanistan Country Office was the root cause of many of the significant issues that arose as the projects progressed, such as substandard construction work.

Finding 4

There were variations in the extent and quality of technical backstopping.

55. The extent and quality of technical backstopping from UNODC headquarters varied significantly in different components of the rule of law sector.

56. The technical backstopping provided for legislative drafting was extensive and effective. The Legal Advisory Section at UNODC headquarters served as a repository of specialist knowledge and expertise, having been involved in similar activities in other countries. The headquarters team, led by experienced staff, provided substantial input in various areas, was involved in the drafting of specific areas of legislation and made a series of visits to Kabul for specific pieces of work and to provide training. Although a view was expressed at the Country Office that backstopping had been less than adequate, no specific evidence was forwarded and this technical backstopping appeared both to be appropriate and to significantly underpin UNODC’s legislative efforts.

57. In relation to the building of most of the prison and detention facilities, major delays and problems were encountered because of inadequate preparation, poor project design and lack of independent quality assurance. Lack of relevant specific expertise (e.g. in the area of physical infrastructure development) at the Country Office also caused problems that could have been avoided. For example, it was widely known that power (electricity) is a scarce resource in Afghanistan. Power sources should have been identified before construction and refurbishment projects began. Lack of power proved to be a major barrier to success, as the same problem was repeated.

Finding 5

Some delays and major problems may have been unavoidable.

58. Some delays in projects could arguably not have been anticipated. These included the extensive delay caused by a dispute over land rights for the Female and

⁷³ “Hardware” is used here to refer to equipment and facilities, while “software” refers to technical assistance and advice and training.

Juvenile Detention Centres in Kabul. Even in this case, however, informed technical backstopping and advice might have led to better contingency planning, because land rights are known to be an issue in post-conflict situations.

Finding 6

Shared responsibility and retaining quality control with UNODC rather than fully relying on the executing organization may produce better results.

59. UNODC employed UNOPS as its main subcontractor to undertake major construction. However, in particular when projects ran into difficulties (the specifics of which are discussed further below), neither UNODC nor UNOPS took responsibility. Both organizations blamed the other for problems that had arisen, in particular the failure to identify reliable and sustainable power sources for the High Security Unit at Pol-e-Charkhi prison and other provincial prison construction efforts. However, UNODC project documents are clear that overall responsibility for project execution and management lay with UNODC.

Finding 7

UNODC Afghanistan Country Office management significantly influenced programme performance and relations with the international community.

60. The evaluation found that the programme performance in Afghanistan was greatly influenced by the Country Office management structure. The way in which the Rule of Law Programme was managed soured relations between UNODC and key professional staff in many other organizations and donors who were collaborators or partners and also within UNODC. This greatly undermined collaboration with partners and hindered the creation of synergies.

61. Other organizations, partners, collaborators and donors viewed management of the Rule of Law Programme by UNODC as being excessively aggressive and hence not conducive to building partnerships. This seems to have been detrimental to UNODC's reputation. These views were expressed by both embassy staff and staff of other international organizations, including the embassies of Canada and the United Kingdom, UNAMA and the Corrections System Support Program of the United States Department of States. During the evaluation, it was also apparent that the UNODC approach persisted, as demonstrated by remarks made by some staff members that did not always reflect the proper level of respect for UNODC partners. There had also been considerable conflict within the Afghanistan Country Office. The result was a detrimental effect upon UNODC projects and marginalization of UNODC within the international community.

Finding 8

The nature of national capacity development was not fully understood by UNODC.

62. A report prepared in 2007 by UNODC and UNOPS on the programme of prison building and refurbishment argues that those projects developed national capacity. The report states that capacity-development took place through the employment of national subcontractors, to "build capacity in Afghanistan among national staff and national construction companies is a high priority, building technical knowledge and skills in prison design and construction. Only national

contractors and local materials are being used. Only if not available are some materials procured internationally.”⁷⁴

63. The employment of local subcontractors is a quite different issue to that of development of national capacity. “National capacity” in this context refers to the involvement of national counterparts in the technically expert aspects of design and implementation (engineers, architects, project managers), as a means of learning from the process. While the employment of local subcontractors is desirable because it ensures project funds stay in the national economy, subcontractors were procured for construction tasks on the basis that they already had the necessary skills. The UNODC and UNOPS report, written in 2007 immediately prior to the present evaluation, demonstrates that the misunderstanding of the nature of capacity-building that pervaded UNODC rule of law projects had not been remedied.

Finding 9

Communication is crucial to strengthening partnership with development partners (including donors).

64. In relation to the construction of the High Security Unit at Pol-e-Charkhi prison, donors expressed significant concerns regarding UNODC’s financial accountability. A formal request by the Embassy of Belgium to UNODC for financial details had, at the time of the evaluation, not received a response after six months.

B. Legislative drafting

Finding 10

UNODC legislative work assisted the development of key laws and regulations and represents an achievement by UNODC.

65. UNODC had been appointed as the lead agency in two of the seven inter-agency subcommittees in the rule of law sector, including co-chairing, with the Justice Sector Support Program of the United States Department of State, the Law Reform Technical Working Group’s Criminal Law Committee. These appointments can be interpreted as indirect indicators of esteem.

66. The role of UNODC was typically to be involved in the early stages of preparation and drafting of legislation. Depending on the nature of the legislation and the number of interested parties, the legislative process could result in many versions of redrafted and changed texts.

67. UNODC assisted in the development of law relating to forensic medicine and in holding workshops and seminars relating to organized crime, human trafficking and fighting terrorism. It also assisted the Legislative Drafting and Review Department (Taqnin) of the Ministry of Justice through the organization of study tours to Egypt, Germany and Italy, where members of the Department were able to witness the practice and work of people serving in established institutions.

68. UNODC played a key role in the drafting of important legislation including:

⁷⁴ UNODC/UNOPS, *Prison Construction and Rehabilitation...*

(a) Criminal Procedure Code: An Interim Criminal Procedure Code, drafted with UNODC support, was promulgated by the President in March 2004;

(b) Penitentiary law: UNODC, with the support of the Italian Justice Project Office and the collaboration of the Legislative Drafting and Review Department of the Ministry of Justice, drafted the Law on Prisons and Detention Centres published on 31 May 2005. The law facilitates the implementation of international standards for prisons;

(c) Juvenile Code: UNODC worked with UNAMA, UNDP, UNICEF and UNIFEM to develop the Juvenile Code. It was approved by the Parliament and published on 23 March 2005. The legislation increased the age of juvenile responsibility from age 7 to 12, legally defined a child as anyone under 18 and introduced alternative measures to protect children in contact with the law and in need of care;

(d) Counter-terrorism law: At the time of the present evaluation, efforts were continuing to draft legislation to counter terrorism. UNODC had drafted a law in October 2004, but the document was extensively revised and a new version, based on the UNODC draft and incorporating elements of a subsequent draft, was being sent to the Ministry of Justice.

Finding 11

There were mixed views on the nature and effectiveness of UNODC's approach to collaboration.

69. Satisfaction with UNODC's consultative approach was expressed by the Legislative Drafting and Review Department of the Ministry of Justice (Taqnin). UNODC typically consulted the Department on a monthly basis while preparing legislation.

70. Monthly consultation with the Legislative Drafting and Review Department is a significantly different approach to having individuals from the Department wholly immersed in the process. The UNODC view was that the Department did not have the capacity to take responsibility for continual input or to assume ownership and responsibility for drafting. However, this justification identifies precisely why the Department should be immersed in the drafting process, in order to develop human capital and the capacity to take the lead in the longer term.

71. Key agencies of the international community expressed concerns that UNODC had not been sufficiently collaborative in some of its legislative drafting activities. Particular concerns were expressed regarding the draft penitentiary legislation which, prepared by UNODC, needed to be significantly redrafted by a team of international organizations. UNODC had taken primary responsibility on the understanding that the Afghan authorities had requested a draft as soon as possible and that preparation by UNODC, with some consultation rather than collaboration, was the shortest route to that goal.

72. UNODC's largely unilateral approach to preparation of the draft penitentiary legislation had delayed the process because the draft needed extensive revision. At the time of the evaluation, a collaborative international team was redrafting the legislation as part of an integrated programme to draft codes and regulations for prisons. The Afghan authorities were fully involved in the process, with the deputy

head of the Central Prisons Department attending every meeting and being actively involved in the process, both learning and providing input as the work progressed. It was suggested that the motive of the UNODC team had been to claim credit for the legislation. The Prison Working Group provides a useful model for a collaborative process and should therefore be fully seen as such also by UNODC.⁷⁵

73. The establishment of the International Coordination Group for Justice Reform meant that a more formal collaborative process was evolving during 2007. It was clear that more extensive collaboration with other international organizations had been embraced by UNODC in the months immediately preceding the evaluation.

C. Training

Finding 12

A range of training activities had been completed.

74. UNODC rule of law projects had produced significant training outputs. By 2007, over 3,000 participants had attended UNODC training sessions. Many of the training sessions were short compared with the volume of training usually recommended for many of the positions. Training for staff typically covered basic issues, with a particular emphasis on human rights.

75. The training should be considered, for the most part, as stopgap rather than comprehensive. The aim was to assist the justice system to get up and running as quickly as possible with at least some attention being paid to the need to address due process and issues related to human rights. As such, much of the basic training sought to provide a platform for further ongoing training, rather than provide a finished product.

76. Training for prison staff began in 2003, primarily in Kabul. Approximately 1,800 prison staff were trained on ethics and rules and given an overview of the relevant international laws and conventions. In addition, 10 administrative staff of the Central Prisons Department were trained in the English language and the use of computers and 16 senior Department staff attended study tours to Germany and Italy, with a follow-up workshop attended by 40 staff. A workshop for 100 staff, including the heads of prisons from all 34 provinces, was held to launch the Law on Prisons and Detention Centres in 2005. In 2006, similar training courses were run outside Kabul for staff from all Afghan provinces.

77. In 2004 and 2005, staff at the Ministry of Justice were trained in small groups. Management training was provided to 20 mid-level managers in 2004; 20 administrative staff and 18 upper-grade typists from the Ministry of Justice, plus 20 administrative staff of the Office of the Attorney General, received training on the use of computers and literacy; and 10 staff from the Ministry of Justice publication department received training on the use of computers and databases. From 2005, 71 staff were trained in courses in four separate provinces (in

⁷⁵ In addition, the Prison Working Group had prepared a series of organizational and staffing plans and developed pay scales that would underpin many of the working practices of the prison system in Afghanistan.

Mazar-i-Sharif, Kunduz, Gardez and Jalalabad) on office management, computer use and literacy.

78. Concerning the establishment of the Counter-Narcotics Criminal Justice Task Force, specialist training on handling of serious narcotics cases was provided to investigators, prosecutors and judges in 2005. This training was provided to 60 staff from Kabul and 53 key staff from the provinces. Intended for the High Security Unit at Pol-e-Charkhi prison, 147 staff were given specialist high security training in 2006.

79. In the area of juvenile justice, three train-the-trainer courses were conducted for 250 staff working with juveniles in a broad range of provinces. This included staff of rehabilitation centres, judges, prosecutors, defence lawyers, police, forensic doctors and social workers. A study tour for six senior juvenile justice staff was conducted to Lebanon in December 2005.

80. In 2007, training on basic education and health care for female inmates was conducted for 90 women from Kabul's Pol-e-Charkhi prison and 106 women inmates from three provincial prisons (Hirat, Kandahar and Balkh). Advanced skills training in tailoring was conducted for 20 women in Kabul.

81. In the absence of computerized records and with a lack of formal means of identification of individuals, it proved difficult to track individuals who had received training. It was widely understood that some trainees had attended multiple training sessions in order to receive the benefits that they accrued, a problem highlighted by the International Coordination Group for Justice Reform in 2007. The lack of formal record-keeping meant that there was little documentation relating to the whereabouts or contributions of those staff which had been trained, other than information gleaned indirectly that related to the overall change in capacity and functioning of the criminal justice system.

D. Juvenile justice

Finding 13

The Juvenile Justice Administration had been trained and the Kabul Juvenile Court furnished and equipped.

82. The Central Department for Juvenile Education and Rehabilitation (Daarul Tadeeb), was established in 1967.⁷⁶ By 2007, however, Kabul hosted the only Juvenile Court in Afghanistan and there were no recognized separate juvenile detention facilities, as the new facility was still under construction (project number AFG/R40). The Juvenile Primary Court had five women judges, who had been trained and provided with equipment by UNODC. As a sign of success and further development in this area, in August 2007 the previous Chief Judge of the Primary Court began her term as the first Chief Justice of the newly established Juvenile Appeals Court. UNODC had also trained staff of the Juvenile Justice Administration.

⁷⁶ Website of the Ministry of Justice of Afghanistan, available at <http://www.moj.gov.af/juvenile.html>, accessed October 2007.

E. Prosecutors and courts

Finding 14

A Counter-Narcotics Criminal Justice Task Force had been developed, trained, equipped and provided with facilities.

83. The aim of the Counter-Narcotics Criminal Justice Task Force was to ensure that serious drug offenders were successfully prosecuted. The Task Force was therefore expected to channel prosecuted offenders to the High Security Unit at Pol-e-Charkhi prison. The report for the Workshop on the Task Force at the 2007 Conference on the Rule of Law in Afghanistan noted that the Task Force was composed of Afghan police investigators from the Counter-Narcotics Police of Afghanistan, Afghan prosecutors and primary and appeal court judges from the Central Narcotics Tribunal. The 120 members of staff (as at April 2007) benefit from the support, mentoring and training of the international community. Using the Counter-Narcotics Law of Afghanistan passed in 2005, which was being revised at the time, investigators from the Counter-Narcotics Police refer cases to prosecutors, who then have 30 days to place an indictment before the Counter-Narcotics Tribunal primary court. In accordance with the Constitution of Afghanistan, defendants have access to a defence lawyer and a means of appeal.⁷⁷

84. Police and prosecutors working as part of the Task Force became operational in March 2005 and the Appeals Court became operational in December 2005 (between which prosecutions took place in ordinary courts). The Task Force focused on cases of high to medium severity, defined as those involving 2 kg or more of heroin, 10 kg or more of opium and 50 kg or more of cannabis or other chemical substances. Caseloads and impact are reviewed later in the present report.

85. Judicial staff on the Task Force were concerned about their personal security, following the abduction and murder of several non-Task-Force judges in Kabul. The security issue could have implications for the longer term sustainability of the Task Force.

Finding 15

Two multi-purpose Justice Support Centres were close to completion, with three constructions ongoing.

86. UNODC undertook to build five provincial multi-purpose Justice Support Centres. In addition to hosting training, it was envisaged that the Centres would host activities from the Ministry of Justice, the Supreme Court and the Office of the Attorney General. The Centres would provide facilities that were otherwise lacking.

87. Consultations were conducted with representatives of the national authorities and donors and a memorandum of agreement was signed in December 2006 by UNODC and the Supreme Court of Afghanistan to regulate further the use and purpose of the Justice Support Centres. Concerns were, however, expressed by the

⁷⁷ Embassy of the United Kingdom, "The Criminal Justice Task Force: lessons learned", paper prepared for the United Kingdom Workshop held at the Conference on the Rule of Law in Afghanistan, Rome, 2-3 July 2007, available at <http://www.rolafghanistan.esteri.it/NR/rdonlyres/1035039D-EBB5-421A-9790-78B8CABE7B0F/0/CJTFDiscussionPaper.pdf>.

Ministry of Justice that the multi-purpose nature of the Centres could lead to conflict of ownership between the different entities.

88. A Justice Support Centre in Gardez (Paktya province)⁷⁸ and one in Mazar-i-Sharif (Balkh province) were handed over to the Supreme Court in October 2006 and February 2007, but they were only close to completion and to becoming operational in August 2007. By mid-2007, UNODC had tentative plans to establish Justice Support Centres and Courts in 11 other provinces.⁷⁹

89. At a meeting of the International Coordination Group for Justice Reform in August 2007, UNODC offered the two facilities that were nearly complete for use as training facilities by the international community and the national authorities, as stated in the project objectives.

F. Construction and refurbishment of prisons and detention centres

90. It is crucial for the future of criminal justice in Afghanistan that conditions in prisons and detention centres protect basic human rights, meeting the Standard Minimum Rules for the Treatment of Prisoners.⁸⁰

Finding 16

Kabul Female Prison and Detention Centre and Kabul Closed Male Juvenile Detention Centre were significantly behind schedule and remained under construction.

91. Construction of the Female Detention Centre and Prison in Kabul was planned in 2003, but implementation had been delayed by approximately two years. The delay was caused by negotiations over land rights and the subsequent effect of significantly increased land prices by the time the land-right issue had been resolved.

92. Because of the increased land costs, it was decided that the Kabul Female Detention Centre and Kabul Closed Male Juvenile Detention Centre would share a common site. They were to be separated by a wall, but designed to utilize the same key facilities, including kitchens, visitor areas and some administration. This saved significantly on construction costs and represented an innovative effort to solve the unanticipated increase of costs elsewhere.

93. UNODC Afghanistan Country Office senior staff claimed that the construction was nearly finished and that the juvenile facility was close to being handed over to the Ministry of Justice. On visiting the site it was far from clear that this was the case and a great deal of work remained to be completed before a handover could be considered. A summary of construction, furnishing and staffing progress for the various buildings is shown in table 1. Significant construction work remained to be carried out in relation to the Female Detention Centre. The foundations for the administrative building were being excavated at the time of the evaluation. Staff had not been trained to operate the facilities upon completion. Furnishing for the

⁷⁸ The visit by the evaluator to Gardez was cancelled for security reasons.

⁷⁹ United Nations Office on Drugs and Crime, *Afghanistan: crime prevention and criminal justice programme 2007-2009* (2007), p. 34.

⁸⁰ Standard Minimum Rules for the Treatment of Prisoners...

facilities, even the buildings that appeared to be completed, was conspicuous by its absence. It was proposed that power would be provided by generators, which would be prohibitively expensive for the national authorities to sustain.

Table 1

Progress in key areas at the Kabul Juvenile Rehabilitation Centre and the Kabul Female Detention Centre and Prison

<i>Location</i>	<i>Construction</i>	<i>Fittings</i>	<i>Furniture</i>	<i>Staff</i>	<i>Conclusion</i>
Kitchen	Finished	Yes (kitchen ovens)	Some	No	Fine tuning remains to be done
Main juvenile cell block	Completed	Some	No	No	Construction almost complete. Needs fine tuning, furniture and staff
Main female cell block	Walls under construction	No	No	No	Construction under way, but significant work remains to be done
Administration block	Excavating foundations	No	No	No	Very start of the construction process only

Finding 17

Since its refurbishment, conditions at Kabul Male Detention Centre had deteriorated.

94. The Kabul Male Detention Centre had been refurbished by UNODC in 2003/2004. When visited by the evaluator in mid-2007, it was a hideously overcrowded and foul-smelling facility.

95. The Detention Centre was refurbished to hold 250 inmates. At the time of the visit it housed over 600. The evaluation team was obliged to step over inmates sleeping and physically crammed next to each other in the main corridors. It is arguable that overcrowding falls outside UNODC's remit once a facility is handed over to the Afghan authorities, although the issue of post-handover operations is a sustainability issue discussed below.

96. The drainage system, renovated by UNODC, had overflowed directly into the main inmate yard. This had deplorable consequences in the summer heat and was likely to be a health hazard. UNODC had written to the Afghan authorities in early 2006 to suggest that the septic tank needed cleaning. However, a septic tank overflowing into the main inmate courtyard is a significant design problem over and above the fact that it had not been drained.

Finding 18

Refurbishment of Block 1 at Kabul Pol-e-Charkhi prison had been completed.

97. During 2005, UNODC was involved in efforts to renovate Block 1, housing about 400 inmates, of Afghanistan's largest prison at Pol-e-Charkhi on the outskirts

of Kabul.⁸¹ The renovation of the block had been completed and included the cell block, kitchens and visiting areas. The evaluator visited the site but was restricted from entering by prison staff, owing to a perceived security risk in the wake of a recent hostage-taking incident in the block.

98. UNODC reported that the refurbished kitchen facilities had been “destroyed” due to overuse. Designed to be used for 300 prisoners in Block 1, the kitchen had been used to provide for over 3,000 inmates within the entire prison and had consequently fallen into disrepair as a result of the strain and lack of maintenance.

Finding 19

The failure to complete the High Security Unit at Pol-e-Charkhi prison on schedule represented a significant missed opportunity for UNODC.

99. A High Security Unit at Pol-e-Charkhi prison was envisaged as a place to incarcerate detained or convicted serious drug offenders. That is, the Unit would receive inmates resulting from the work of the Counter-Narcotics Criminal Justice Task Force. There were disagreements within UNODC over the appropriateness of creating a prison unit for high-risk drug offenders. The result was that the UNODC Country Office had delayed implementing the work, which began after significant further pressure from headquarters and donors.

100. UNODC originally obtained permission to refurbish the 400-bed Block 4 of the prison. However, Block 4 was reassigned to the United States armed forces for refurbishment to house prisoners from Guantanamo Bay,⁸² with UNODC then taking responsibility for renovating the smaller 100-bed adjoining Investigations Block.

101. UNODC’s original project planning and budget was not realistic. Project funds expired during the renovation of the 100-bed block. It was therefore fortunate that the original plan to renovate the 400-bed Block 4 had not been implemented, as funds would have run out at a far earlier stage.

102. Construction began in December 2005, a time of the year when construction usually pauses in Afghanistan because of the harsh winter. New construction work included buildings for a courtroom, kitchens and a visitor centre. Extensive refurbishment of the main cell block (the Investigations Block) was carried out. Cells were refurbished and new shower and toilet systems were installed. Significant progress was made and the bulk of the construction and refurbishment work was completed in one year, by late 2006.

103. However, by the time of the evaluation visit in August 2007, the refurbished unit had lain dormant for more than 8 months because of the absence of power and heating. The root of the power and heating problem lay in initial project planning, as it was assumed that the High Security Unit would be able to draw from the same power source as other parts of the prison.

⁸¹ A ceremony marking the start of renovations of Block 1 at Pol-e-Charkhi prison was held on 13 April 2005 (see United Nations press briefing note, available at <http://www.un.org/apps/news/infocusnews.asp?NewsID=903&sID=1>).

⁸² Jimmy Burns and Rachel Morarjee, “US plans Afghan jail for terror suspects”, *Financial Times*, 5 January 2006.

104. A possible solution to the power problem was to lay an additional power cable to the prison. The Embassy of the United Kingdom reported that it would have paid for the cable in 2006 if the project had been sufficiently organized to identify the problem, but that, reflecting also the absence of regular steering committee meetings and financial accountability on the part of UNODC, the money had been allocated elsewhere.

105. Major donors expressed significant concerns regarding UNODC project management, the financial accountability of UNODC and the representation of project progress in publicly available UNODC materials. There was also a significant internal dispute within UNODC over the specifics of project implementation. The non-consultative style of UNODC project management was a key source of conflict both within UNODC and between UNODC and donors.

106. Some implementation issues that arose were resolved at the request of prison experts from the major donor, as follows:

(a) The project plans did not include guard towers, a necessary component of a high-security prison. These were latter added and so became an unanticipated cost;

(b) The radio tower was initially located where it posed a significant security risk as it could have been used as a climbing aid in an area accessible to inmates. It was subsequently relocated.

107. Other design and implementation issues had also not been resolved, as follows:

(a) Concerns were raised by the senior prison experts from the Embassy of the United Kingdom regarding the water tank. This was located on the ground level and would therefore not have water pressure during power outages. Water tanks are normally placed on the roof to avoid this problem;

(b) There was concern regarding the sustainability of the internal closed circuit television (CCTV) security. The level of corridor dust would obscure camera vision. A technical solution in the form of a “wash” for the floors could resolve the problem but was deemed too expensive for the budget. This remained unresolved.

108. Security concerns raised by Senior Prison Advisers from the Embassy of the United Kingdom had not been resolved, as follows:

(a) The absence of outward-facing spotlights on the perimeter wall. These are necessary in the context of Afghanistan where there is risk of attack or break-in from outside in addition to the risk of breakouts;

(b) The perimeter wall, at the time of the evaluation, had significant climbing aids that could be used in an escape. These included wall partitions that could provide hand- and foot-holds, ladders to the CCTV cameras adjacent to the perimeter wall and fixed ladders running up the perimeter wall to the guard tower;⁸³

⁸³ However, senior staff at the High Security Unit did not consider a ladder, fixed in concrete and running up the perimeter wall to a guard tower, to be a security risk. They believed that inmates would not be able to get past the wire fence to the perimeter wall.

(c) Concern was expressed regarding the potential for the blockading of cell doors because the refurbishment had left an exposed step inside cells. The step could be used to rest something against to blockade the cell door from the inside.

109. Due to the long delay in making the High Security Unit operational, by mid-2007 less than half the specially trained staff remained available. This meant that the Unit would not be able to function even if other issues were resolved.

110. Concerns were also expressed regarding the lack of logistical support for prison staff. Specifically, there were no transportation arrangements in place for staff to travel to work from either Kabul or the provinces. This was not part of the UNODC project plan.

111. The most significant problems that delayed the unit becoming operational were the lack of sustainable power and heating. These issues remained unresolved at the time of the evaluation and are discussed further elsewhere in this report.

112. The fact that the facility used by the United States armed forces adjoined the High Security Unit created concerns that, after handover to the Afghan authorities, the High Security Unit would be used to house inmates from Guantanamo Bay. This would be contrary to the expectations of the United Nations and would mean that UNODC's work to establish a high-security prison for drug offenders sentenced by the Counter-Narcotics Criminal Justice Task Force would not have been sustainable.⁸⁴

113. The High Security Unit had been widely anticipated as UNODC's flagship achievement. Instead, having sat unused for eight months after much of the renovation and construction work was completed, and with no apparent short-term prospect of a resolution to the problems, it was repeatedly described as a "white elephant".⁸⁵ It represented a significant missed opportunity for UNODC, the international community and Afghanistan.

Finding 20

Construction of Mazar-i-Sharif medium security prison ceased after construction of only the perimeter wall.

114. Construction of the prison at Mazar-i-Sharif had ceased after the construction of the perimeter wall. At that stage, there was no funding for the work to continue. UNOPS estimated that an additional \$2 million was required to complete the work.

115. There would appear to be a significant glitch in UNODC project design, planning and management if a major construction project runs out of funds in its preliminary stages. It was also anticipated that, if the facility was constructed, the power source would have major problems similar to those experienced at the High Security Unit at Pol-e-Charkhi prison.

116. The assessment report prepared by UNODC and UNOPS seeks to divert attention from the project design problems and directly blames national authorities for the halting of the construction: "Once the foundation was constructed authorities

⁸⁴ Burns and Morarjee (op. cit.) note the resistance of the United Nations and the European Union to the renovation of Pol-e-Charkhi prison for the detention of Guantanamo terror suspects.

⁸⁵ The term "white elephant" is used here to indicate an expensive, failed project or, at a minimum, a project where costs significantly outweigh benefits.

halted UNOPS works on site. Claims were made that the design was inadequate and requests for reinforced concrete columns at 10-metre intervals within the stone wall. The design was modified after construction commenced to include reinforced concrete columns as requested adding additional cost to the wall and creating significant delays to the project.”

117. In the report prepared by UNODC and UNOPS, a footnote to the above statement states that the delay lasted for four months and that the additional cost was \$53,500. In the context of the \$2 million required to complete the work, it is clear that the extra cost was not the main reason for stopping the project. This is a misrepresentation and an attempt to divert attention away from the fact that UNODC’s project planning and management was the source of the problem.

118. Aside from the UNODC and UNOPS common assessment report, problems related to project funding where work was not completed as envisaged led UNOPS to express significant reservations about the capacity of UNODC to manage prison construction projects. The key problem was the difficulties related to project finances.

Finding 21

Construction of Gardez medium security prison was significantly delayed.

119. UNODC had constructed most of the prison in Gardez. The main two-story cell block was completed in April 2007. The ground plans and drawings of the kitchen, general office and visitor centre were completed in April 2007 and an implementing partner had been selected through a bidding process in May 2007.

120. However, by the time of the evaluation in August 2007 work on the Gardez prison had stopped owing to lack of funds. Several buildings were incomplete. UNOPS estimated it would need around \$350,000 to complete the work. The construction was significantly behind schedule but, if funds could be found, it could be completed in late 2007.

121. As with the stalled prison construction at Mazar-i-Sharif, the design of Gardez prison was almost certainly overly ambitious. A more modest design would have been more appropriate to the context of Afghanistan and significantly less costly. The Prison Working Group and the Central Prisons Department estimated in 2007 that to establish a provincial prison in Afghanistan should cost in the order of \$1 million.

122. A sustainable power source and heating system had still not been identified for the Gardez prison. Different options were being explored but the problem had not been resolved.⁸⁶

⁸⁶ Municipal power did not exist in Gardez. A 450 KVA generator would be needed, costing \$144,900 to set up and \$1,500-\$2,000 per week to run (using 120 litres of oil per hour). This was not included in the project budget and would be unsustainable for the authorities of Afghanistan. Solar energy was not deemed feasible and a coal-fire boiler was under consideration. The fallback option was traditional Afghan *bukhari*, or small charcoal ovens. Many *bukhari* would be required, creating considerable logistical and safety difficulties and contradicting a 2007 UNODC and UNOPS report on Afghanistan prisons, which stated that *bukhari* were “unsuitable for prisons” (UNODC/UNOPS, *Prison Construction and Rehabilitation...*, p. 8).

G. Developing post-release opportunities for female detainees

Finding 22

Significant progress had been made in developing a pilot project to improve post-release opportunities for women and girl inmates.

123. Concerning developing post-release opportunities for women and girl inmates (project number AFG/S47), a needs assessment conducted as the initial stage of the project resulted in an excellent report issued by UNODC.⁸⁷ The report is likely to prove a landmark document in future assessments of change in the status of women and girls in the criminal justice system of Afghanistan, as it identified a wide range of needs. Interviews for the report were conducted in late 2006 with 56 female inmates.

124. Educational and vocational training activities were developed in the Female Detention Unit at Pol-e-Charkhi prison. The project sought to provide basic literacy and tailoring skills, with the aim that women and girl inmates could achieve independence upon release if necessary.

125. At the time of the evaluation, language and skills training were being provided in the Female Detention Unit. A small room, seating about 10 students, was used for teaching basic literacy. Chairs for students and a board for teaching purposes had been provided. Broken windows in the room meant that it would prove unsuitable during winter months without repairs.

126. Sewing machines had been purchased and were being used to provide training in tailoring in a separate room. The implementation of the project was in its early stages, none of the recipients of training had yet been released and the project was almost due for its mid-term evaluation.

127. A nursery within the Female Detention Unit provided care for the children of the women and girls while they received the literacy and vocational training. In the context of a block where there were 95 female inmates and 68 children at the time of the evaluation in August 2007,⁸⁸ the nursery was arguably a critical facilitator of project implementation.

H. Other cross-cutting issues

Finding 22

Pressure to perform can lead to a tendency to understate project failings and overstate achievements.

128. When performance is assessed, it is natural to emphasize achievements and de-emphasize limitations. However, there is a point at which this can become less rather than more productive if it means hidden problems remain unresolved.

129. The extent of implementation problems in the rule of law area did not appear to be known among the most senior staff at the UNODC Afghanistan Country Office or at Vienna headquarters. This suggests a communication problem, that is, the

⁸⁷ United Nations Office on Drugs and Crime, *Afghanistan: Female Prisoners...*

⁸⁸ Information provided by the UNODC National Project Coordinator.

absence of a functioning management system that generates monitoring data and reports to provide information to senior UNODC officials. In particular, the stalled progress at the High Security Unit at Pol-e-Charkhi prison, while well known to donors, did not appear to be an issue for senior UNODC staff.

130. Staff from donor countries even suggested that documentation on the UNODC website regarding the training of prison staff was misleading.⁸⁹ The documentation strongly implied that the training had been completed and that the prison was functional, when neither was the case. Practical elements of training had not been completed owing to the absence of equipment and the High Security Unit had not been opened.

Finding 23

Information exists that UNODC might utilize as a needs assessment to guide aspects of its future activities in Afghanistan.

131. Various overview documents from 2007 taken together effectively constitute the basis for a needs assessment relating to the rule of law sector in Afghanistan. Of particular relevance are the documents relating to the Conference on the Rule of Law in Afghanistan, held in Rome in July 2007,⁹⁰ covering criminal justice reform,⁹¹ prisons and detention centres,⁹² justice issues specific to women and children⁹³ and issues relating to access to justice, lawyers and human rights.⁹⁴

132. On this basis, in August 2007 the International Coordination Group for Justice Reform developed a working document that listed 15 key projects, five identified by

⁸⁹ See the UNODC Afghanistan Country Office website at http://www.unodc.org/pdf/afg/training/high_security_training.pdf, accessed August 2007.

⁹⁰ Justice sector papers, presentations and reports prepared by national and international organizations for the Conference on the Rule of Law in Afghanistan, held in Rome in July 2007, are available at http://www.rolafghanistan.esteri.it/ConferenceRol/Menu/Ambasciata/Gli_uffici.

⁹¹ Bassiouni and others, op. cit. See also report of the Institutional Strategies Panel to the Conference on the Rule of Law in Afghanistan, Rome, 2-3 July 2007, available at http://www.rolafghanistan.esteri.it/NR/rdonlyres/41AD15EC-F4B0-4445-82B4-E8AD6D79D4D8/0/Final_Report_GL2.pdf; and report of the Provincial Justice Coordination Panel to the Plenary of the Conference on the Rule of Law in Afghanistan, Rome, 2-3 July 2007, available at http://www.rolafghanistan.esteri.it/NR/rdonlyres/DADEF123-F197-45E2-8E3B-154B95E16CB6/0/Final_Report_GL5.pdf.

⁹² "Rome Conference Afghan prison update", paper prepared for the Prison Working Group at the Conference on the Rule of Law in Afghanistan, Rome, 2-3 July 2007, available at <http://www.rolafghanistan.esteri.it/NR/rdonlyres/ACBF0BEA-4B07-4DD4-8295-3E52FB57CC5B/0/Paperonprisons.pdf>; see also "Rome briefing document", paper prepared by the Prison Working Group for the Conference on the Rule of Law in Afghanistan, Rome, 2-3 July 2007, available at <http://www.rolafghanistan.esteri.it/NR/rdonlyres/5D940D76-6920-4955-A00E-D6A4BD060DB2/0/Paperonprisons2.pdf>.

⁹³ "Recommendations from the TAG (Technical Advisory Group for Women and Children) to the Rome Conference, paper before the Conference on the Rule of Law in Afghanistan, Rome, 2-3 July 2007, available at <http://www.rolafghanistan.esteri.it/NR/rdonlyres/62601DB1-316A-4198-A39B-07AD57EE09ED/0/Paperonaccesstojusticeofwomenandchildren.pdf>.

⁹⁴ Discussion paper before the Panel on Access to Justice, Legal Aid and Human Rights, Conference on the Rule of Law in Afghanistan, Rome, 2-3 July 2007, available at <http://www.rolafghanistan.esteri.it/NR/rdonlyres/D2CEC152-214F-484C-9E7A-B019E36B9C5F/0/Paperonlegalaidaccesstojusticeandhumanrights.pdf>.

each of the three key justice institutions.⁹⁵ UNODC could analyse this document more deeply and select the projects for which it would have a comparative advantage, determine potential partners, prepare relevant project proposals and raise sufficient funds for full implementation.

III. Outcomes, impact and sustainability

A. Outcomes and impact

1. Legislative drafting

133. There were no available measures of the impact of legislative drafting upon the extent or quality of justice that was being delivered. However, it is not unreasonable to infer that vastly improved legislation should, other things being equal, have a beneficial impact upon justice in Afghanistan. Purely because of the fact that there had been little or no proper legislative progress for three decades, the new legislation should, if adhered to and assuming no major unanticipated side effects, lead to improvements in the quality of justice and the administration and practices of the institutions with new regulatory codes.

2. Juvenile justice

134. In addition to legislation, the juvenile justice system is the area in which the work of UNODC should have a longer-term impact. It was still relatively early days at the time of the evaluation. Around 430 juveniles were detained in Afghanistan as at July 2007, of which around 10 per cent were female.⁹⁶

135. UNODC had played a key role in developing the capacity of the juvenile justice administration, including by training staff, and in establishing the juvenile courts.

136. It is an indicator of progress that five juvenile judges were in place at the time of the evaluation. In the context of Afghanistan, the fact that the five juvenile court judges were women is a potentially important indicator of social progress.

137. The new Juvenile Appeals Court opened for business during the time of the fieldwork for the evaluation. However, as noted elsewhere, the Closed Juvenile Detention Centre had not been completed at the time of the evaluation. Concerns regarding the sustainability of the Juvenile Court are discussed below.

3. Construction and refurbishment

138. The Male Detention Centre in Kabul had been refurbished by UNODC in 2004. By the time of the present evaluation, there were significant reservations about the conditions and overcrowding at the Centre. However, it is likely that the renovations by UNODC had a significant beneficial effect compared with the

⁹⁵ The original document was entitled “ICGJR matrix for justice institutions specific short-term projects in need of immediate funding” and was distributed at the meeting of the International Coordination Group for Justice Reform in August 2007.

⁹⁶ Figures taken from the Juvenile Justice Administration.

previous conditions, although UNODC did not develop measures of the extent or quality of impact.

139. The refurbished Block 1 at Pol-e-Charkhi prison can also be inferred to have had a beneficial effect. The units were operational and functional, although a visit inside Block 1 was not permitted for security reasons.⁹⁷ There were no pre-existing measures of change in the quality of life of inmates.

140. At the time of the evaluation, however, a significant portion of the work of UNODC in the rule of law sector had had no impact, while constituting a significant proportion of efforts and project funding. The following had no impact because work was either stalled or incomplete, as discussed earlier:

- (a) The High Security Unit at Pol-e-Charkhi prison;
- (b) The Closed Juvenile Detention Centre and Female Detention Centre in Kabul;
- (c) Construction of Gardez prison;
- (d) Construction of Mazar-i-Sharif prison.

4. Training activities

141. Senior criminal justice officials in Afghanistan were of the opinion that additional prior consultation on substantive training issues would have been beneficial for the content of training programmes. It was also suggested that the streamlining of staff according to experience and existing knowledge would have helped focus the training sessions.

142. The coordination of training was hindered when equipment for practical training was not available. This meant, for example, that the training of prison staff at the High Security Unit had not been completed. It was agreed with donors that UNODC could not provide some of the needed material (riot control equipment, bats, handcuffs, weapons). The United Kingdom, in agreement with other stakeholders, had agreed to provide such items, but as the equipment had not arrived, the training was hindered.

143. There were concerns about the probable impact of short-term training sessions. Training initiated by UNODC often took several weeks. However, the training of police and prison staff normally lasts many months and that of prosecutors and judges several years. If the alternative is an absence of training, then some is hopefully better than none and it is arguable that stopgap training serves as a spearhead, preparing the way for longer-term measures.

144. The International Institute of Higher Studies in Criminal Sciences produced a report that described and assessed its training activities as the UNODC partner for criminal justice training in the provinces. The report presented basic evaluative measures based on a questionnaire to participants. The indicators were overwhelmingly positive with regard to the relevance of course objectives, course quality and organization and training staff.⁹⁸ However, training conducted by the

⁹⁷ The evaluator was able to visit the female unit at Pol-e-Charkhi prison and the High Security Unit, but entry to Block 1 was not permitted owing to security concerns.

⁹⁸ International Institute of Higher Studies in Criminal Sciences, "Penitentiary staff training in the

Institute in the provinces constituted only a small proportion of training provided under UNODC projects. Further, it is difficult to extrapolate from the training provided by one executing organization, the Institute, to the remainder of training provided under UNODC projects.

145. Some components of UNODC's training activities that related to these facilities can be assumed to have had little or no impact, since the staff were not working in the jobs for which they were trained. However, it is possible that staff reassigned within the justice system were having an impact elsewhere.

146. It can be reasonably assumed that the volume of justice being delivered in Afghanistan has increased, in terms of overall formal caseload and quality, since the overthrow of the Taliban regime. Therefore, even a relatively small amount of training could reduce abuses of human rights in a larger number of cases.

147. As no proper monitoring system had been put in place at the beginning of the project, the available relevant indicators were poor; and because of time constraints, it was not possible for the evaluator to assess learning outcomes during the mission. Overall, both the quality and the impact of most of UNODC's training of around 3,000 criminal justice staff remained unmeasured and therefore unknown. In the future, pre- and post-training surveys of staff, longer-term follow-up surveys and observational studies of practice, should be established from the project outset to provide appropriate key indicators both for monitoring and for evaluation purposes.

5. Multi-purpose Justice Support Centres

148. At the time of the evaluation, two of the five planned multi-purpose Justice Support Centres were close to becoming operational. During the time of the fieldwork for the evaluation, and as mentioned in the original project document, UNODC offered the use of the two facilities to the international community as fine-tuning took place on site. By the time of the evaluation therefore, the Centres had had no impact. However, UNODC should consider developing measures of outcomes (the level, quality and purpose of use of the facilities) and their impact (upon the extent and quality of justice delivered) for the future.

6. Counter-Narcotics Criminal Justice Task Force

149. It was possible to identify outcome measures for the development of the Counter-Narcotics Criminal Justice Task Force. Caseload numbers provide partial quantitative outcome indicators, in particular in terms of how changes in caseloads may indicate progress over time. Qualitative assessments of impact from Task Force staff and international staff (as a common effort by UNODC, the United Kingdom and the United States) involved in mentoring, plus the views of other criminal justice staff, provided a complementary indicator.

150. The volume of cases processed by the Task Force rose during the early stages of operations, in 2005. However, in particular in relation to prosecutions, the number of cases plummeted by two thirds during 2006, contrary to what might have been expected and possibly suggesting there was something dramatically wrong with the ongoing work of the Task Force (see figure I). Closer examination of the

provinces, final report prepared with the support of the UNODC Country Office, Afghanistan (Kabul, 2006).

data suggests the fall in prosecution cases was predominantly due to the virtual cessation of cases from anywhere except the centre of Kabul (see figure II). However, the steep fall in prosecutions was not necessarily mirrored in police cases or cases before the Primary and Appeals Courts (see figure III) and the increasing number of decisions taken at both stages of the prosecution process could indicate good progress (see figure IV). Further exploration and interpretation of data would be required to draw definitive conclusions, but the rapid decline in prosecution cases is the most notable indicator.

Figure I

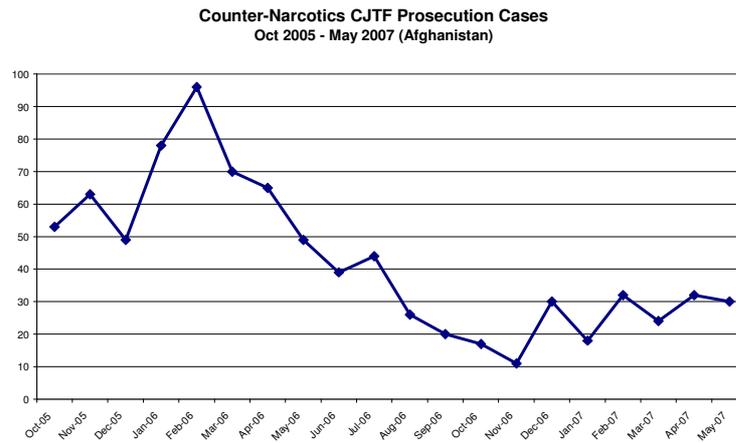


Figure II

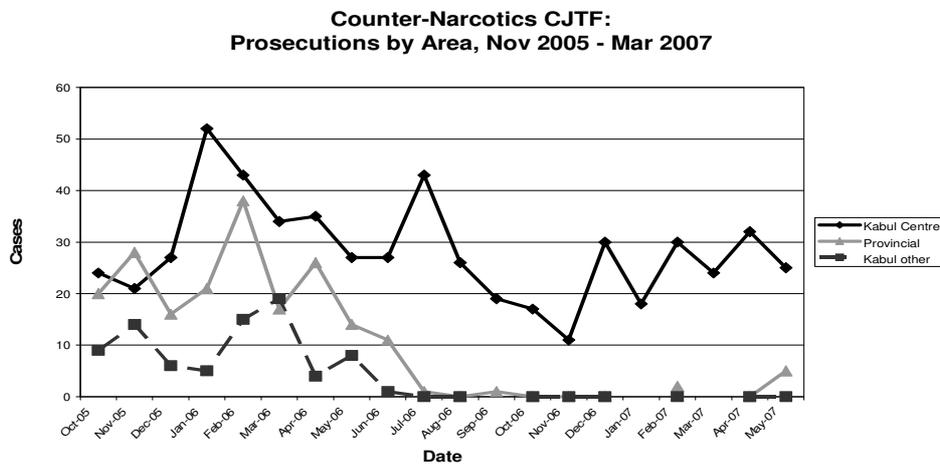


Figure III

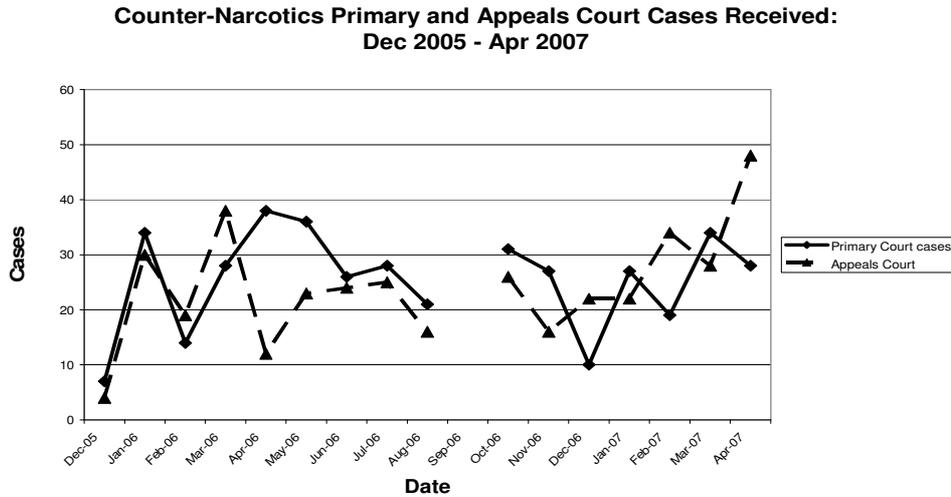
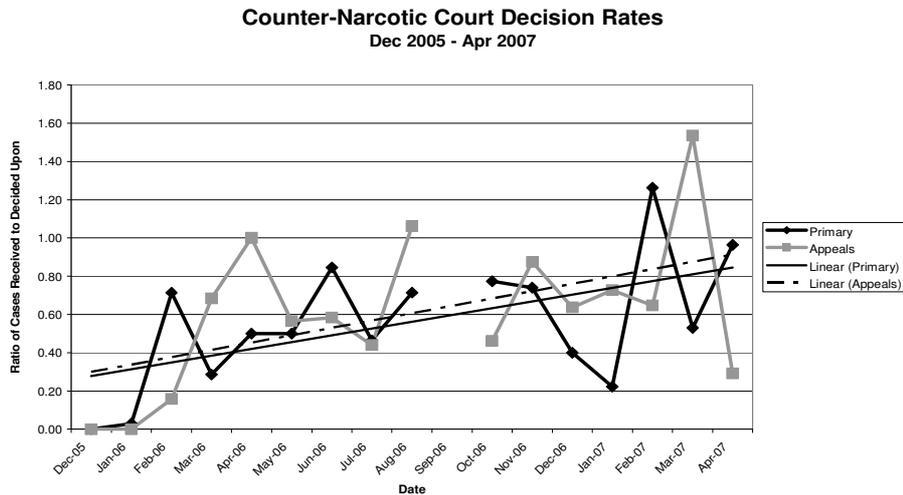


Figure IV



151. Among senior staff interviewed in key criminal justice bodies and ministries, there was a consensus that the Counter-Narcotics Criminal Justice Task Force, and the criminal justice system in general, mainly tackled the “small fish” of the narcotics industry and organized crime. These were the truck drivers and drug users rather than the major traffickers.

152. Major traffickers and senior organized crime figures were typically believed to avoid detection and arrest, or to be released shortly thereafter. A typical time-to-release of 24 to 48 hours was mentioned on more than one occasion. There was the clear suggestion of corruption in the process. By mid-2007, the Task Force had not provided any serious or high-profile offenders that would be appropriate to imprison in the High Security Unit designed for that purpose at Pol-e-Charkhi prison.

153. Senior staff of the Task Force identified the lack of adequate report preparation and evidence collection by the police, in particular the provincial police, as a stumbling block between them and a more significant impact. With few provincial cases making it as far as the courts, and those that did generally failing to meet evidentiary requirements, the overall indicators of impact and progress for the Task Force were not particularly positive. A UNODC staff member even showed the evaluator a picture of a large bag of opium being stored in the cupboard of a provincial police chief alongside paperwork and sundry items. Although it is not possible to generalize from one photograph, it is illustrative of the very basic nature of the problems that existed relating to evidence collection.

154. It was suggested that corruption could be the cause of the decline in Task Force cases. However, there was no systematic evidence that that was the case.

7. Post-release opportunities for female detainees

155. While it was clear that significant progress had been made, with a likely positive effect, it was neither possible nor appropriate to seek to develop indicators of key outputs or outcomes at this stage of the project to develop post-release opportunities for women and girl prisoners.

156. It is worth noting that it may prove difficult to develop impact indicators. This will require post-release contact with women and girls to assess their well-being and progress over a period of time. Ideally, the well-being and progress of those who have participated in the education and training would be compared to that of a matched sample of women and girls who had not participated.

B. Sustainability

1. General sustainability issues

157. A significant component of the work undertaken by UNODC, primarily in the area of infrastructure development, has appeared not to be sustainable at this stage; however, coordinated efforts by development partners and timely remedial measures could turn these physical facilities into a valuable resource for Afghanistan. The cause of the absence of sustainability took two main forms. The first was poor project planning and design together with lack of quality control, in particular in relation to power sources for penitentiary facilities. The second was a failure to ensure that facilities and equipment were used for the purposes for which they were intended. Specific elements relating to these two areas are summarized in table 2.

Table 2
Status of various project components

<i>Item</i>	<i>Details</i>
Juvenile Court facilities	3 juvenile court rooms, refurbished by UNODC, subsequently reallocated by the Supreme Court, while the Juvenile Court was relocated to unfurnished premises.
Juvenile Court equipment	UNODC-provided equipment for the Juvenile Court, which was then relocated elsewhere within the Ministry of Justice.

<i>Item</i>	<i>Details</i>
Pol-e-Charkhi prison, Block 1 kitchen	Kitchen intended to provide for 300 inmates in Block 1, used to provide for over 3,000 inmates.
Pol-e-Charkhi prison High Security Unit staff	More than half of the 147 high security prison staff trained to meet specification requirements were reassigned prior to handover, leaving insufficient trained staff for the prison to function.
Kabul Male Detention Centre	Subject to major overcrowding after handover; lack of maintenance cleaning of septic tank (although by the Afghan authorities after handover).
Kabul Juvenile Detention Centre	By August 2007, concerns had arisen among senior UNODC staff that the juvenile facility would not be used for the intended purposes after handover to the Ministry of Justice. The first was that the newly built Juvenile Detention Centre and Female Detention Centre in Kabul would be used either as a male adult facility or a general facility. The second was that the good quality of the construction meant that the Afghan authorities might be tempted to use the facilities as offices.
Kabul Female Prison/Detention Centre	By August 2007, concern had arisen among senior UNODC staff regarding lack of Government preparation to coordinate the use of facilities shared with the Juvenile Detention Centre facility.
High Security Unit, Pol-e-Charkhi prison	Handover to authorities without sustainable power and heating would lead to breach of the Standard Minimum Rules for the Treatment of Prisoners.
Gardez prison	Concern that when or if other aspects of construction are completed, there would be unsustainable power and heating.
Mazar-i-Sharif prison	Concern that when or if other aspects of construction are completed, there would be unsustainable power and heating.

158. The third broad area of concern regarding sustainability was the inadequate building of national capacity to continue the processes for further capacity-building. Once the international community withdraws from Afghanistan, national staff must have the skills and experience to continue legislative drafting, the construction and refurbishment of facilities, training and other activities. Without complete involvement of national stakeholders in the processes (Afghan engineers were not extensively trained or consulted in UNODC prison reconstruction and refurbishment, for example, and the issues with the Legislative Drafting and Review Department of the Ministry of Justice were discussed above in relation to legislative drafting), an absence of ownership, accountability and responsibility reduces both the long-term sustainability of outcomes achieved and the prospects for achieving further outcomes. As noted at the Conference on the Rule of Law in Afghanistan, “[j]ustice sector investment will only serve the needs of the Afghan people over the long term if it is managed by local stakeholders and structured in a manner that is sustainable.”⁹⁹

2. Sustainable power sources

159. Poor project planning meant there was no sustainable power source at the High Security Unit at Pol-e-Charkhi prison. This is the key reason that the Unit, near to

⁹⁹ Bassiouni and others, op. cit.

completion, had no sustainable heating and had remained unused for 8 months by August 2007. Similar power source problems were anticipated at the two provincial prisons if other construction work was completed.

160. If long-term procedures for the provision of power, heating and water are not in place and sustainable, then the standards introduced by UNODC would be below those of the Standard Minimum Rules for the Treatment of Prisoners. In particular, if there are unrealistic costs that cannot be sustained by Government authorities after refurbished or newly constructed facilities are transferred to the control of the authorities, then the work of UNODC will prove to be unsustainable.

161. The proposed generators that could be used in the short term would by all accounts prove prohibitively costly, and therefore unsustainable, upon transfer to the national authorities. This would render the heating, and therefore the prison, unusable by measures required under the Standard Minimum Rules.

162. Fan heaters had been installed to heat the High Security Unit (subject to the availability of power). The fan heaters cost \$10,000, but had a lifespan of three or four months with regular winter usage and so were clearly unsustainable. UNOPS estimated it would cost a total of \$60,000-\$70,000 to install sustainable convection heaters.

163. Concerns were expressed that UNODC might hand over the High Security Unit to the national authorities without having resolved the sustainability of power and heating. If the Unit was handed over to the authorities, it could be used even without the requisite power and heat, in breach of the Standard Minimum Rules. The UNODC Afghanistan Country Office was informed of this possibility in advance and therefore has responsibility for averting a known potential breach of the Rules by instituting sustainable power and heating.

3. Use of outputs for purposes other than those intended

164. A key thematic issue across projects was that many UNODC-provided outputs were used for purposes other than those for which they were intended. The long-term stability of the criminal justice sector means that the authorities of Afghanistan, and the Minister of Justice and Ministry of Justice in particular, must take ownership and responsibility for staff, facilities and operations. However, repeated evidence emerged, across all the projects, of staff, equipment and facilities being switched or reassigned to activities for which they were not intended, once handover had taken place.

165. As indicated by the Country Office, the project document is a binding legal document where the terms of reference for the relationship with the Government are enshrined. In addition, corrective and safeguard measures (such as meetings, communication, memorandums of understanding, inventory lists) are already the usual practice of UNODC from the early stages of project implementation. Finally, constant monitoring is the prerogative of UNODC, yet it is important to distinguish this from continued financial assistance for the correct maintenance of equipment and facilities that have been handed over. Several mechanisms therefore seem to be in place.

166. However, significant frustration was voiced among UNODC staff over the issue of facilities and equipment being reallocated after handover to the Afghan

authorities. It is clear that UNODC not only can influence the nature of longer-term use of facilities, but also that it has a responsibility to do so. Additional measures, complementing the existing ones, should therefore be taken by UNODC to ensure that outputs handed over to the Government are being properly utilized. Continued assistance could, for example, be subject to and conditional upon accountability.

4. Sustainability of the Juvenile Court system

167. There were some partial indirect indicators that the Juvenile Court system was becoming marginalized within the criminal justice system. This warrants flagging as an issue to be monitored. The Juvenile Court offices, refurbished by UNODC, had been reallocated and the Juvenile Court ordered to move to alternative facilities. All of the Juvenile Court judges were women, who expressed concern regarding the lack of status they were accorded. In the Western industrialized world, professions that have a disproportionate number of women tend to be seen as “feminized” and gradually achieve lower status than male professions. The status of women in Afghanistan makes this more likely to occur. Monitoring should be undertaken to ensure that the juvenile justice system does not become marginalized, as that would be detrimental to the long-term work and capacity of the criminal justice system as a whole.

IV. Lessons learned and best practices

168. Any future UNODC activities must have embedded within them mechanisms to ensure continuity after work is handed over to the authorities. Otherwise, experience suggests there is a possibility that the achievements will be rendered inoperative, unsustainable, or simply removed or reallocated. Such mechanisms could include memorandums of understanding at the design stage, combined with prolonged post-handover integrated monitoring and technical involvement. A gradual handover of facilities could also reduce the potential for reallocation.

169. Any future UNODC capacity-building should endeavour to build national staff capacity in the largest sense possible and to obtain full national input during the process. There is little point in the international community drafting legislation if, when the international community withdraws, there is nobody to sustain, defend, explain, promote, revise and refine that legislation or prepare related and new legislation. Completed legislation may prove unsustainable if the skills and knowledge of members of the Legislative Drafting and Review Department of the Ministry of Justice have not been adequately developed and their input insufficiently integrated during the drafting process. Where possible, such capacity-building must be institutional or provided within the institutions to ensure continuity beyond the UNODC assistance.

170. There are lessons to be learned from the two-year delay in the construction of the juvenile and female detention centres in Kabul. In Afghanistan, the extensive movement of persons caused by many years of war and the subsequent impact upon claims for land and proof of ownership, mean that significant planning and legal advice relating to land rights may often be required. Projects can require extensive background research if there is a requirement to obtain land. Necessary lead time and potentially long gestation periods for projects should constitute part of strategic

planning in an environment such as Afghanistan; this understanding should be shared by UNODC, the recipient Government and the donor countries.

171. Collaborative efforts had begun to emerge in the area of legislative drafting at the time of the evaluation. Where previously much of the legislative work had been undertaken without explicit coordination within the international community, coordination was becoming more explicit.

172. Projects experienced budgetary problems for three key reasons:

(a) The 50 per cent funding rule for UNODC projects was a significant constraint. It meant that projects could be implemented when only 50 per cent of funding was obtained. This ruling meant the Country Office was unable to complete projects if complete funding was not obtained. This is an issue that must be addressed by both UNODC and donors. Donors need to understand that intended outcomes and impacts cannot be achieved if only part of the funding is provided. Partial funding can waste limited resources;

(b) Unrealistic project budgeting meant that some work was underfunded;

(c) Limitations of project planning meant that projects lacked some substantive components (e.g. lack of in-house expertise on high security prisons, lack of knowledge of local land registration systems), or were overly ambitious in implementation so that the budget ran dry (e.g. the provincial prisons).

173. UNODC management was asked what would be done differently if they were starting again. It was reported that, in particular in relation to estimates of timing and costs for prisons, less reliance would be placed on Western estimates, with more attention paid to the Afghan perspective. Estimates based on Western expectations that materials were available and prices relatively stable would be revised to reflect the reality of conditions in Afghanistan.

V. Recommendations

Recommendation 1

UNODC needs to recognize that “the process is a product” and fully incorporate the development of national technical expertise into its institution development works.

174. UNODC’s work related to capacity development and institution-building needs to incorporate explicitly the notion that “the process is a product” in project design. Specifically, local engineers, designers, legislators and trainers need to be full partners in project planning and implementation so that they can both learn and provide input. There are three main benefits of viewing the project process as part of the end product:

(a) Local skills and experience are developed that can continue the work once the international community withdraws;

(b) There is local ownership, that is, accountability and responsibility, for key project outcomes (whether legislative code, or the design, maintenance or operations of an institution);

(c) Efforts by UNODC can be improved by, and made more culturally appropriate through, the proper infusion of local skills and knowledge. That is, teaching and learning is a two-way street.

175. UNODC, but also the international community more generally, should consider examining further ways in which the legislative drafting process can more fully involve the Legislative Drafting and Review Department (Taqnin). The short-term aim should be that the Department will be represented at each drafting meeting and play a prominent role, providing continual national input into the process. The long-term aim should be capacity-building, so that responsibility for legislative drafting is gradually transferred to the Afghan authorities.

176. UNODC projects must also clearly distinguish between the employment of local subcontractors and the development of national capacity. Generally speaking, local subcontractors are employed for less skilled tasks, where they already have the necessary skills and experience. In the context of prison construction and refurbishment, or the drafting of legislation, developing national capacity relates to the transfer of expert technical skills to national counterparts (engineers, architects, project managers, lawyers and technical specialists in other areas).

177. By 2007, the Prison Reform Working Group and Central Prisons Department were developing an Infrastructure and Engineering Office. This office, staffed by two Afghan engineers, was being prepared and trained primarily by the Correction System Support Program of the United States Department of State, to create national capacity to build prisons and detention centres. This laudable approach to capacity development differed significantly to that adopted by UNODC during the bulk of its major design and construction efforts, where national engineers were often conspicuous by their absence.¹⁰⁰ UNODC should consider the possibility of working with the Program in any future construction-related activities, as part of its capacity development efforts.

Recommendation 2

Project management needs to be less competitive with national and international partners and more consultative.

178. In project planning, close consideration should be given to the trade-off between the ideal and the practical. More modest efforts are sometimes both more financially viable and more locally appropriate. UNODC's provincial prison constructions in Afghanistan ran out of money because designs were too ambitious and expensive.

179. While UNODC and its staff should receive due credit for good work, excessive competitiveness and efforts to claim sole credit can be to the detriment of cooperation with national and international partners, leading to substantive problems and costs. Additionally, UNODC managers should avoid unduly aggressive approaches as the means of overcoming substantive issues with partner organizations. Both attitudes can significantly damage the reputation of the Office and lead to further conflicts and marginalization in the relevant sector of work.

¹⁰⁰ An Afghan engineer had been involved in the design of the multi-purpose Justice Support Centres and smaller projects, but did not provide any significant input to the more major refurbishment and construction projects.

180. Especially in difficult working conditions such as post-conflict situations, further consideration needs to be given to ensuring that any negative experiences of UNODC staff do not lead to the development of stereotypes and prejudicial views. This is not only inherently wrong, but can lead to decision-making that is to the detriment of UNODC programmatic efforts and relations with counterparts.

Recommendation 3

Donors' representatives in Afghanistan need to be regularly informed of project progress, problems and finances. However, donors also need to recognize the limitations of providing only partial funding for UNODC projects, as well as the overall lack of funding that has been provided to the justice sector in Afghanistan. UNODC should in particular review its 50 per cent rule, especially for physical infrastructure development projects.

181. Donors who fund projects need to be regularly informed of project progress and financial well-being. There was evidence that UNODC's failure to keep donors in Kabul informed of project progress and funding was a significant source of tension in the rule of law sector.

182. Donors should give consideration to the possibility of fully funding projects. Otherwise, partial funding can go to waste if intended outcomes and impacts are not attained.

183. UNODC's 50 per cent rule for project funding has previously been called into question.¹⁰¹ The current rule is that project implementation can begin in the field once 50 per cent of funding is obtained. If complete funding is not obtained, the proven result is significant financial waste. In Afghanistan, work on projects essential to the well-being of the country ground to a halt when funding dried up. Consideration needs to be given to how to avoid such problems and donors should be part of the solution.

Recommendation 4

Further consideration should be given to additional measures, including conditionality, to ensure project outputs are used for intended purposes.

184. UNODC should give further consideration to developing techniques to ensure that project outputs are not misused by national authorities once projects are completed and handed over. In particular, consideration should be given to the technique of conditionality, whereby future inputs are conditional upon proper use of previous outputs to maximize the possibility that intended outcomes are achieved.

Recommendation 5

UNODC should build impact measures into its projects (in particular sample surveys of trainees) to facilitate future evaluation. If impact cannot be measured then effectiveness and efficiency cannot be determined.

¹⁰¹ United Nations Office on Drugs and Crime, *Thematic Evaluation of UNODC Alternative Development Initiatives* (Independent Evaluation Unit, November 2005).

185. Consideration should be given by UNODC to ways in which the effectiveness and impact of training programmes can be empirically measured. Key measures should include change in specialist knowledge and change in practice. Pre- and post-training surveys of staff, longer-term follow-up surveys and observational studies of practice, could provide appropriate key indicators. The alternative is that significant amounts continue to be spent on training with no knowledge of whether money is well spent or whether there is a beneficial effect within the justice system. For example, establishing impact measures within the project to develop post-release opportunities for female detainees may be the definitive way to prove that this potentially useful project is worthwhile.

Recommendation 6

Many documents from 2007 provide a platform for a needs assessment for the rule of law sector. From this, UNODC should identify future work, in collaboration with national and international organizations.

186. A series of reports, particularly those relating to the Conference on the Rule of Law in Afghanistan held in Rome in 2007 and the projects identified by the International Coordination Group for Justice Reform (see above), form a platform for a needs assessment for capacity-building in the Afghan criminal justice sector. In collaboration with the international community and in the context of the Afghanistan National Development Strategy, UNODC might identify a role for itself in relation to these various needs. A potential advocacy role may also exist for UNODC in seeking project funding.

187. In view of the high risk of embarking on new projects without a proper critical estimate, UNODC should engage in detailed consultation with potential partners and dedicate a significant amount of time and resources in the planning phase, in order to design and agree on work plans, including specific responsibilities, financial arrangements, logistics and timelines.

Recommendation 7

Among other projects, UNODC should consider exploiting its comparative advantage in the area of criminal justice research and data. A project to develop a national criminal justice statistical centre for Afghanistan might be appropriate.

188. UNODC should consider developing a project to institute a national criminal justice statistical centre for Afghanistan. While Afghanistan has a Central Statistical Office and there are various items of statistical information relating to criminal justice held in different entities and institutions, there appears to be no central coordination of efforts. Such data is a major source of information for future planning and for identifying problems in the criminal justice system. This would be a long-term project where a local partnership would be required from the outset. As a proven leader in the collation of drug-related information in Afghanistan, UNODC should extend this expertise to the broader sphere of the rule of law. The collection and collation of statistical information relating to criminal justice is a key area where UNODC has a comparative advantage.

Recommendation 8

In the light of substantial problems to date, UNODC should reconsider its role in the building and refurbishment of prisons and detention centres.

189. UNODC should reconsider its role in the building and refurbishment of prisons and detention centres. There was significant disagreement within UNODC regarding whether or not such activities were appropriate for UNODC. It was also far from clear that UNODC had the expertise to undertake such activities in Afghanistan. One consequence was that the Afghanistan Country Office overtly stalled the implementation of some project work.

190. Consideration should be given to additional independent technical review by consultant experts in project design, in particular technical and engineering aspects, when UNODC does not have the relevant skills and experience in-house. As UNODC learned to its cost, there are significant risks in undertaking major works based on engineering plans and recommendations from a single outside source. Independent consultants should be used to provide quality assurance for both design and construction.

191. Any future construction or refurbishment activities by UNODC need, at the project design stage, to develop a detailed plan for a sufficient and sustainable power source. With its implications for heating systems in facilities, this was probably the single most significant, repeated and avoidable failing of UNODC's construction and refurbishment work.

VI. Conclusions

192. Years of war and neglect had left Afghanistan's criminal justice system in ruins and the country without rule of law after the fall of the Taliban regime in 2001. By 2007, there were still too few qualified national staff, too little infrastructure and too few resources. While there is some progress, it is arguably slow; this was the experience for UNODC as it seemed to be for other organizations.¹⁰² Further resources and long-term commitment are required if the international community and the Government of Afghanistan are to create a sustainable criminal justice system that will protect human rights and promote the rule of law.

193. UNODC was a pioneer in the criminal justice sector of Afghanistan, having initiated extensive work at a time when many agencies were reluctant to become involved. UNODC project objectives were developed in cooperation with the relevant authorities and, while limited in scope, were appropriate to the needs of Afghanistan. In particular, UNODC played a prominent role in the development of key aspects of legislation in Afghanistan.

194. Despite achievements in legislative drafting, there was insufficient capacity development for the process to be continued by national staff. There was limited evidence of efforts to develop national capacity in many areas of UNODC's work in this sector. Yet the development of national human capital is a critical component of

¹⁰² World Food Programme, briefing note on Afghanistan, available at http://www.wfp.org/country_brief/indexcountry.asp?country=004.

development work. It was a significant limitation of UNODC's work in the rule of law sector and the development of national capacity was often absent from explicit project objectives.

195. There was insufficient consultation of international partner organizations on some occasions. This led to frustration within the international community and somehow to marginalization of the work of UNODC. However, remedial steps were being developed to overcome this problem in 2007.

196. Under pressure from the international community and the national authorities to develop quick responses to major problems, UNODC developed some projects that were significantly outside its area of experience (such as prison building and refurbishment). Resulting limitations in project design led to a range of implementation problems. This involved and led to conflict with partners and donors. This was most evident in relation to the major construction and refurbishment projects for prison reform.

197. Significant elements of the efforts by UNODC in the rule of law sector had not achieved their objectives. However, the extent and nature of the implementation problems and limitations had not been adequately conveyed to the UNODC Country Representative or senior staff at headquarters.

198. The fast-changing situation in Afghanistan means UNODC needs to adapt to maintain a comparative advantage or risk being driven from the market by larger, better-funded organizations. Among these, the efforts of the World Bank, USAID and the Correction System Support Program of the United States Department of State, together with bilateral work between Afghanistan and other Member States, mean that the rule of law sector is changing rapidly. To exploit its comparative advantage, UNODC may wish to refocus its efforts based on the different documents currently available and forming a platform for a needs assessment for capacity-building in the Afghan criminal justice sector (with a particular emphasis on the collection and collation of criminal justice information and relevant capacity-building).

Postscript

199. In the months between the fieldwork for this evaluation and the publication of the final report, a flurry of implementation activity took place and project funding was obtained to stimulate progress in the projects described in the present report.¹⁰³ It would not be appropriate to include this activity herein, in particular since it is possible that some of it was catalysed by the evaluation process itself. However, it may suggest that an independent evaluation process can itself be a useful tool to promote project implementation.

¹⁰³ In addition, prior to publication of the present report, an article published in *The Times Online* highlighted many of the issues relating to the High Security Unit at Pol-e-Charkhi prison (Jeremy Page, "Wanted for empty prison: some convicted Afghan drug barons" *The Times Online*, 23 February 2008, available at <http://www.timesonline.co.uk/tol/news/world/asia/article3420199.ece> (accessed March 2008).

Annex I

List of persons interviewed and visits made

A. Persons interviewed

Afghanistan

Ministry of Counter-Narcotics

General Khodaidad, Minister (former Deputy Minister for Policy and Coordination)

Ministry of Women's Affairs

Mazari Safa, Deputy Minister, Technical and Policy

Judiciary

Mohamad Eshaq Aloko, Deputy Attorney General for Investigation Affairs, Attorney General's Office

Abdul Salam Azimi, Chief Justice, Supreme Court

Bashir Alimad "Barikzoy" Fazley, General Director for Special Prosecution of Counter-Narcotics, Attorney General's Office

Mohammad Sarwar Danesh, Minister of Justice

General Abdul Salam Esmat, General Director, Central Prison Department, Ministry of Justice

Mr. Haleem, Head, Legislative General Department (Taqqin), Ministry of Justice

Abdul Malik Kamawi, Administrative General of Judiciary, Supreme Court

Najibullah Rahmani, President of Counter-Narcotics Appeal Court

Anisa Rasooli, Chief Judge, Juvenile Appeals Court (former Chief Judge, Juvenile Court)

Mohammed Seddiq, General Director of Children's Rehabilitation Centres, Ministry of Justice

Timorshah Mohamad Stanekzy, Deputy Attorney General for Counter-Narcotics Affairs, Attorney General's Office

Other Government entities

Canada

Dr. Nadir Habib, Development Officer, Embassy in Kabul

Linda Libront, First Secretary (Development)

Italy

Sara Rezoagli, First Secretary, Embassy in Kabul

United Kingdom of Great Britain and Northern Ireland

Anna Aquilana, Acting Head of Rule of Law, Embassy in Kabul

David Cheesman, Head of Rule of Law Team, Embassy in Kabul

Francis Davis, Senior Prosecution Adviser, Embassy in Kabul

Bill Murray, Senior Prisons Adviser, Embassy in Kabul

Victoria Orme, Second Secretary (Criminal Justice), Embassy in Kabul

Ian Turner, Senior Prisons Adviser, Embassy in Kabul

United States of America

Robert Gibson, Director, Corrections System Support Program, Department of State

Raymund Johansen, Rule of Law Advisor, United States Agency for International Development

Ray Snowden, Architect, Corrections System Support Program, Department of State

United Nations system

United Nations Assistance Mission in Afghanistan

Rick Reiman, Corrections Adviser

United Nations Office on Drugs and Crime

Vienna

Anna Alvazzi del Frate, Research Officer, Policy Analysis and Research Branch

Sebastian Baumeister, Associate Expert, Anti-Human Trafficking Unit

Doris Buddenberg, Senior Manager, Global Initiative to Fight Human Trafficking (former Representative, UNODC Country Office in Afghanistan)

Sandeep Chawla, Chief, Policy Analysis and Research Branch

Walter Gehr, Chief, Terrorism Prevention Branch

Stuart Gilman, Chief, Anti-Corruption Unit

Timothy Lemay, Chief, Rule of Law Section

Jean-Luc Lemahieu, Chief, Europe and West/Central Asia Section

Andrea Mancini, Project Coordinator, Europe and West/Central Asia Section

Marie Mathiaud, Legal Advisory Section

Rick McDonnell, Anti-Money-Laundering Unit

Thomas Pietschmann, Research Officer, Policy Analysis and Research Branch

Saul Takahashi, Drug Control Officer, Convention Evaluation Section, International Narcotics Control Board

Brian Taylor, Chief, Anti-Trafficking Section

Uglješa Zvekić, Chief, Strategic Planning Unit

Afghanistan

Mohammad Anwar, Architect Engineer

Elisabeth Bayer, Deputy Representative (Officer-in-Charge), former Drug Control and Crime Prevention Officer, Europe and West/Central Asia Section, Vienna

Carla Ciavarella, Regional Programme Coordinator, South Eastern Europe Regional Project Office (former Head, Rule of Law Section, UNODC Country Office in Afghanistan)

Dorothea Grieger, Associate Expert, Justice Unit

Radifullah Hamid, National Project Coordinator

Sadrey Gh. Mohiuddin, National Project Coordinator, Juvenile Justice

Shukria Noori, National Project Coordinator, Justice Unit

Christina Oguz, Representative

Matteo Pasquali, International Project Expert, Criminal Law and Criminal Justice Capacity-Building

Alexandre Schmidt, Officer-in-Charge, UNODC Regional Office for the Russian Federation and Belarus (former Deputy Representative, UNODC Country Office in Afghanistan)

Sayed Afzal Sherzad, National Project Coordinator

United Nations Office for Project Services

John McDonnell, Project Manager

World Bank

Ludmilla Butenko, Operations Adviser

Susanne Holste, Senior Transport Specialist, Social and Sustainable Development Sector

Mariam J. Sherman, Country Manager for Afghanistan

Intergovernmental and non-governmental organizations

Adam Smith International

Richard Will, Team Leader, Support to Counter-Narcotics Institutions

Afghanistan Independent Human Rights Commission (AIHCR)

Prof. M. Muhsin Farid, Legal Adviser

Ahmad Shah Mirdad, Legal Analyser

Dr. Soraya Rahim Sobhrang

Others

Zavid Hadir Nasvat, International Institute of Higher Studies in Criminal Sciences, Afghanistan

B. Visits made

The following groups and people allowed the evaluator to attend meetings and to visit institutions:

- International Coordination Group for Justice Reform
- International Coordination for Legal Training
- Counter-Narcotics Criminal Justice Task Force (project coordination meeting)
- Judges of the juvenile court in Kabul
- General Director and staff at Pol-e-Charkhi prison (high security unit and women's unit)
- Staff at the detention centre for men in Kabul
- Staff at the closed juvenile detention centre for boys and the detention centre for women in Kabul

Annex II

Terms of reference

Thematic evaluation of the technical assistance provided to Afghanistan by the United Nations Office on Drugs and Crime

I. Background

1. UNODC has been actively supporting the Government of Afghanistan since the inception of the transitional Islamic State of Afghanistan in December 2001. It has been working in partnership with the Government of Afghanistan and the United Nations agencies and donors and has been expanding its secretarial role for the relevant ministries (Counter-Narcotics, Interior, Justice, Reconstruction and Rural Development, and Public Health).

2. The London Conference adopted the “Afghanistan Compact: Building on Success”,^a which outlines the priorities and goals for Afghanistan over the next five-year period (2006-2010) mutually agreed between the international community and the Government of Afghanistan. UNODC has developed a Strategic Programme Framework^b which aims at supporting the Afghanistan Compact. The Strategic Programme Framework equally fits within the National Drug Control Strategy,^c highlighting four national priorities for the three years (2006-2009). The first is to target the trafficker at the top end of the trade; the second is to strengthen and diversify legal rural livelihoods; the third is to reduce the demand for illicit drugs and improve the treatment of problem drug users; and the final objective is to develop state institutions at the central and the provincial levels vital to the delivery of the narcotics control strategy.

3. Over the years UNODC has provided technical assistance and advice to the Government of Afghanistan through support under country or global projects in five thematic areas or programmes.^d

Anti-trafficking: UNODC builds capacity of the criminal justice system, strengthening counter-narcotics law enforcement, limiting availability of chemicals used in illicit manufacturing of heroin and strengthening border control and cross-border cooperation. The total value of the ongoing and pipeline project is about \$23 million.

Global challenges: UNODC builds capacity of national and provincial governments, empowers communities for drug demand reduction and promotes alternative

^a Afghanistan Compact, launched at the London Conference on Afghanistan held on 31 January and 1 February 2006 (S/2006/90, annex), available at http://www.unama-afg.org/news/_londonConf/_docs/06jan30-AfghanistanCompact-Final.pdf.

^b United Nations Office on Drugs and Crime, Afghanistan: Strategic Programme Framework 2006-2010 (September 2006).

^c National Drug Control Strategy, an updated five-year policy for tackling the illicit drug problem (Kabul, January 2006).

^d United Nations Office on Drugs and Crime, Programme in Afghanistan (February 2007).

livelihoods for drug control. Presently, assistance is provided through supporting seven ongoing and pipeline projects for a total value of about \$16 million.

Rule of law: UNODC promotes stable and viable criminal justice systems and combats the growing threats of transnational organized crime, corruption and trafficking in human beings. Presently there are eight ongoing and pipeline projects with a total value of about \$24 million.

Terrorism prevention: The Terrorism Prevention Branch of UNODC has been mandated by the General Assembly to provide counter-terrorism technical assistance to requesting Member States. In accordance with this mandate, a Global Project was launched with the main objective being to “support Member States in achieving a functional universal legal regime against terrorism in accordance with the principles of the rule of law”. The main activities are the provision of legal advisory services, training of criminal justice officials and assistance for the strengthening of institutional structures and mechanisms in Member States.

Core programme: research and advocacy: In order to promote the development and maintenance of a global network of illicit crop monitoring systems in the context of the crop elimination objective of the twentieth special session of the General Assembly devoted to countering the world drug problem together, UNODC has been providing overall coordination and direct technical support and supervision to the annual illicit crop surveys at the country level. Since 2000, the Government of Afghanistan, with the technical support of UNODC, has carried out an annual opium survey and has also carried out a number of rapid assessments. Along with illicit crop monitoring, other research and advocacy initiatives are also major inputs to building the capacity of the Government.

II. Purpose of the evaluation

4. The purpose of the evaluation is to assess how UNODC’s development cooperation has built the capacity of the Government of Afghanistan in the main areas of UNODC interventions, namely research and analysis, law enforcement, rule of law, terrorism prevention, alternative livelihood and drug demand reduction. The evaluation will draw lessons learned and recommend improvements. At the same time, the evaluation will address the issue of what is the net value added of UNODC’s work and its strategic positioning. The evaluation will:

(a) Provide an assessment of the results achieved through UNODC’s support (project and non-project activities) and in partnership with other key development actors;

(b) Provide an analysis of how UNODC has positioned itself strategically to add value in response to national needs and changes in the UNODC thematic areas;

(c) Provide an assessment of design, coherence and focus of the country programme;

(d) Provide an analysis of to what extent activities and results are sustainable at their respective levels (communities, intermediate or higher level institutions) and connected to local, regional and national capacities or other forms of external support;

(e) Provide accountability to the UNODC management, Member States and donors;

(f) Based on the analyses of achievements and positioning above, present key findings, draw lessons and provide clear and forward-looking recommendations in order to suggest effective and realistic strategies by UNODC and partners towards intended results.

5. The present evaluation is conducted as part of the 2007 work plan of the Independent Evaluation Unit under in-depth thematic evaluations of UNODC. The Unit will work closely with the Europe and West/Central Asia Section, the Anti-Trafficking Section, the Sustainable Livelihoods Unit, the Global Challenges Section, the Rule of Law Section and the Research Analysis and Scientific Support Unit in Vienna and the Afghanistan Country Office during all phases of the exercise.

III. Scope of the evaluation

6. The evaluation will undertake a comprehensive review of the UNODC Afghanistan Country Office programme portfolio and activities from 2001 until March 2007.

7. The evaluation will measure effects and impacts of the country programme, examine UNODC's support to the Government of Afghanistan, assess programme performances and draw lessons and best practices. In addition, the evaluation will concentrate on whether and how UNODC's support played a role in developing national capacity, enhancing national ownership, advocating and fostering an enabling policy environment and fostering partnership and coordination throughout the evaluation process.

8. For the purpose of this evaluation, UNODC's activities will be grouped into the following categories:

- (a) Positioning of UNODC, policy and overall framework;
- (b) Research and analysis (illicit crop monitoring);
- (c) Law enforcement;
- (d) Rule of law, including terrorism prevention;
- (e) Alternative livelihood development;
- (f) Drug demand reduction.

9. The evaluation will answer the key questions outlined below in its final report. These questions remain generic, but are consistent with standard approaches to programme evaluation. There should be an element of flexibility, as the evaluation progresses, to adjust the evaluation's focus in response to changing circumstances.

10. The consultants selected to prepare the evaluation will be required to develop the specific evaluation questions in the areas mentioned above, based on the following generic questions.

11. The list of key questions follows the evaluation criteria of UNODC.

IV. Key evaluation questions

A. Relevance

Has UNODC assistance been relevant to the needs and demands of Afghanistan to fight the production, trafficking and consumption of illicit drugs, to monitor and report on production of illicit crops, to prevent terrorism and to strengthen the rule of law on its territory?

(a) Are objectives of programmes and projects aligned with the current policy priorities and action plans of the Government of Afghanistan, UNODC's mandates and the United Nations Development Assistance Framework for the Islamic Republic of Afghanistan, and other policy and development frameworks?

(b) Are designs of programmes and projects technically sound? Are the programme and project objectives clear, realistic and coherent in terms of collectively contributing to the achievements of the Strategic Programme Framework, the Afghanistan National Development Strategy and other strategic instruments?

(c) Are response activities and implementation strategies appropriate for meeting stated objectives, with a focus on assessing programme and project elements directly related to capacity-building, coordination and subcontractor performance?

(d) Are UNODC assistance activities responsive to the country's needs? How well do the programme and project objectives reflect the specific nature of the problem and needs of the Government of Afghanistan?

(e) Does the Government at the national and local levels take the lead in developing and implementing frameworks and strategies within UNODC's mandated issues?

B. Effectiveness

Is UNODC's approach and assistance effective in enabling the Government of Afghanistan to fight the illicit drug menace, to establish rule of law and to monitor and report on production of illicit crops?

(a) To what extent has the UNODC country programme contributed to the achievement of the Afghanistan Compact, the Strategic Programme Framework and the Afghanistan National Development Strategy? What are the reasons for the achievement and non-achievement of objectives?

(b) How is institutional capacity development at the national and subnational levels promoted so as to guarantee rights and provide services, including through strategy development, policy formulation and application, and data collection, analysis and utilization?

(c) To what extent have key skills (e.g. policy formulation, strategic or programme planning, management, analysis, knowledge management, etc.) and specific skills in thematic areas been enhanced?

(d) Have leadership skills been enhanced at the institutional and individual levels in order to drive integrated national (e.g. Afghanistan National Development Strategy, Strategic Programme Framework etc.) and subnational level agendas?

(e) Has there been any improvement in programming in terms of designing, addressing the country problem and producing results over the period under evaluation?

(f) Did integration (intra- and inter-thematic areas) take place while implementing different project activities?

(g) How are internal UNODC factors and constraints affecting effectiveness, including human resources, logistic support and the predictability and regularity of resources and flexibility of the budget?

(h) How are external factors (such as limited access to intervention sites, human resource constraints and the security situation etc.) having an impact on effectiveness?

(i) To what extent did policy and research support and influence the policy framework and intellectual approaches to elimination of illicit drug production and supply, and enhance Government capacity to formulate strategies and monitor drug production and supply?

(j) Is the illicit crop monitoring survey methodology technically sound and does it provide accurate and timely information to the Government and other Member States?

(k) Has UNODC developed the capacity of the Government of Afghanistan and institutions to undertake crop-monitoring surveys on their own?

C. Efficiency

How efficient has the implementation of the UNODC programme and projects been?

(a) Were alternative less costly intervention modalities considered in designing projects? Do they exist?

(b) Are there less costly methods which could achieve the same outcome or impact at the beneficiary level?

(c) To what extent has a transparent operating environment and accountability of Government been established?

(d) To what extent have partnerships been sought with other relevant actors (including United Nations agencies) and synergies been created in the delivery of assistance?

(e) Is there effective coordination among the Government, UNODC and other implementing partners?

(f) Is the country human resource structure appropriate and efficient?

(g) Assess quality, timeliness, effectiveness and sustainability of management arrangements, technical inputs and assistance;

(h) Has adequate and appropriate backstopping support been provided by field and headquarters staff (administrative and managerial support and coordination)? Have partner institutions fully and effectively discharged their responsibilities?

(i) What are the potential challenges that may prevent the operations from producing intended results?

(j) How does illicit crop monitoring assistance enable the Government of Afghanistan to develop its capacity to monitor and report on production of opium poppy?

D. Outcome and impact

What impact has UNODC assistance created in Afghanistan?

(a) What are the positive and negative, intended and unintended, effects of interventions on people, institutions and the physical environment?

(b) Do the beneficiaries and other stakeholders affected by the intervention perceive the effect of the interventions on themselves?

(c) What are the perceptions of the different stakeholders, especially the Government of Afghanistan, implementing partners, other United Nations organizations and bilateral and multilateral donors, about the overall impact of UNODC's response activities?

E. Sustainability

Are UNODC efforts in Afghanistan sustainable?

(a) Does the national Government take the lead in developing and implementing frameworks and strategies for eradicating illicit drug production, trafficking in and consumption of illicit drugs, monitoring and reporting on production of illicit crops and strengthening the rule of law on its territory?

(b) Are the UNODC supported policies and strategic issues integrated into the key national development documents?

(c) What are the specific legal, policy and regulatory changes that incorporate issues of UNODC thematic areas?

(d) Do the project interventions have a potential for scaling up or replication?

(e) To what extent have the findings and recommendations from past project evaluations been followed up and implemented to address some of the challenges already identified?

(f) How has UNODC ensured that benefits from its assistance continue after UNODC assistance stops?

(g) How was sustainability built into the programme and projects?

F. Lessons learned and best practices

Are there any lessons from UNODC involvement in Afghanistan?

- (a) Identify key lessons in the thematic areas of focus and lessons on positioning that can provide a useful basis for strengthening UNODC support to the country and for improving programme and project performances, results and effectiveness in the future;
- (b) Through in-depth thematic assessment, present good practices (highlighting features to be considered as good practice) at the country level for learning and replication;
- (c) Draw lessons from unintended results where possible.

V. Evaluation methodology

12. The evaluation will take into consideration commonly agreed international evaluation norms and standards, including “Guiding principles for evaluation at UNODC”, “Standards of evaluation in the United Nations system”, “Norms for evaluation in the United Nations system” etc.

13. These evaluation terms of reference provide an overarching framework for the Afghanistan Country Technical Assistance evaluation, covering all UNODC areas of intervention in the country.

14. The Team Leader and team members of the evaluation are expected to assess the terms of reference and develop an evaluation framework with instruments to be discussed and agreed on by UNODC’s Independent Evaluation Unit. The evaluation framework should be flexible enough to accommodate any adjustment necessary due to the volatile political and security situation of Afghanistan and produce the best possible output.

15. The suggested key methods for the conduct of the evaluation will be, but should not be limited to, the following:

- (a) A historical and contextual review of each of the thematic areas, e.g. the problem of illicit drugs in Afghanistan, as well as a review of any current special conditions in Afghanistan that require allowances to be made;

- (b) A comprehensive desk review of external and internal policy, programme and project documents (including evaluation reports) relevant to UNODC assistance to Afghanistan. This will include a review of official documents, budgets, reports, websites and publications that deal with UNODC assistance to Afghanistan;

- (c) Review the country programme and project planning, implementation and monitoring mechanisms;

- (d) An extensive round of interviews and focus group discussions with the key stakeholders (Government, donors, United Nations Assistance Mission in Afghanistan (UNAMA), United Nations organizations etc.) at both national and subnational levels and UNODC staff at headquarters and in the Afghanistan Country Office;

(e) Interviews of former representatives and former employees of UNODC (where possible) who can provide insights about some of the early challenges;

(f) Field visits to the selected project sites to gain first-hand information of the benefits received due to UNODC interventions;

(g) A survey among staff members of the UNODC Afghanistan Country Office involved in project implementation and project support.

16. The evaluation will be a participatory process that will give due importance to self-assessment by stakeholders involved in programme design and implementation. All information will, to the largest possible extent, be triangulated (use of three or more sources of information to verify and substantiate an assessment) and validated. Findings, conclusions, recommendations and lessons learned should be clearly action-oriented and feed into major decision-making for future strategy and programme development.

17. The suggested selection criteria for field visits (one or more of the following criteria) are:

(a) The maturity of the programme, project or intervention within the country programme;

(b) The wealth of experience and the chances of generating interesting lessons;

(c) Strategic interest of the programme, project or intervention;

(d) Significant UNODC contribution, both financial and human resources.

VI. Evaluation team

18. The evaluation will be carried out by a technical team of six international consultants and an Evaluation Officer of the Independent Evaluation Unit.

19. One of the consultants, who has demonstrated experience in development evaluation, the United Nations system and the specific area of alternative development, will be the Team Leader.

20. The five other consultants will be specialized in relation to specific thematic areas (one on law enforcement and prevention of drug trafficking, one on the rule of law, one on drug demand reduction and two on illicit crop monitoring).

A. Responsibilities and qualifications of the Team Leader

21. The key responsibilities of the Team Leader include:

(a) Developing the evaluation framework with detailed methods, tools and techniques;

(b) Leading the evaluation process;

(c) Assigning responsibilities to team members;

(d) Ensuring adherence to the terms of reference and writing and disseminating reports;

(e) In addition, the Team Leader is responsible for evaluation of cross-cutting issues, such as alignment of the country programme with national, United Nations Development Assistance Framework and UNODC strategies, partnerships etc.

22. The qualifications required of the Team Leader are as follows:

(a) Preferably an advanced university degree in social science or other relevant discipline, with specialized training in areas such as evaluation, social statistics, quantitative and qualitative data collection and analysis;

(b) Design and management of evaluation processes, including evaluation processes involving multiple stakeholders and post-conflict situations;

(c) Policy planning and policy analysis;

(d) Social science research in alternative development;

(e) Previous work, research and evaluation experience in Afghanistan (desirable);

(f) Knowledge of the United Nations or international development organizations (preferable);

(g) Understanding of gender considerations;

(h) Fluency in English and excellent writing skills.

B. Responsibilities and qualifications of the consultants

23. The key responsibilities of the team members are to:

(a) Support the evaluation Team Leader in developing evaluation methods and tools;

(b) Conduct evaluation of policy, strategy and interventions in their specific thematic area;

(c) Write the thematic area report and perform any other tasks given by the Team Leader.

24. The qualifications required of the team members are as follows:

(a) Preferably have an advanced university degree specific to the thematic area under evaluation or other relevant discipline. Specialized training in areas such as evaluation; quantitative and qualitative data collection and analysis would be an asset;

(b) Must have experience in planning, programme management and evaluation of projects, programmes and policy in the broader rule of law sphere, including criminal justice systems;

(c) Previous work, research and evaluation experience in Afghanistan (desirable);

- (d) Knowledge of the United Nations or international development organizations (desirable);
- (e) Understanding of gender considerations;
- (f) Fluency in English and excellent writing skills.

25. The Evaluation Officers of the Independent Evaluation Unit will work as full members of the team and will bring to the team knowledge of country programme evaluation methodology and knowledge of UNODC’s operations and its thematic areas.

VII. Management arrangements and deliverables

26. The Independent Evaluation Unit will manage the evaluation and ensure coordination and liaison with the relevant regional desk at headquarters. The Independent Evaluation Unit Task Manager, in consultation with the Chief of the Unit, will lead the process, in close consultation with the regional desk and the country management team (Representative and Evaluation Focal Person). The Chief of the Independent Evaluation Unit and the Task Manager will also ensure substantive supervision of all members of the evaluation team and determine the team composition.

27. The UNODC Country Office will play a lead role in dialogue and interaction with stakeholders on the findings and recommendations, support the evaluation team in liaison with the key partners and discussions with the team, and make available to the team all relevant material. The country office will provide support for logistics and planning.

28. The Independent Evaluation Unit will meet all costs directly related to the conduct of the evaluation. These will include costs related to participation of the evaluation consultants and the staff members of the Unit and to any stakeholder workshops during the evaluation mission.

A. Key deliverables

29. The evaluation team is expected to deliver key outputs shown in the table below.

<i>Deliverables</i>	<i>Responsibilities</i>
An inception report containing an assessment of the terms of reference and a description of the final evaluation methodology and instruments	The Team Leader will be in charge of drafting the report, with inputs from the other four team members on their specific thematic area.
Draft reports of thematic evaluations	Each of the five team members will prepare a report covering his specific thematic area.
Final reports of thematic evaluations	Each of the five team members will prepare a report covering his specific thematic area.
Draft country assistance evaluation report	The Team Leader will be in charge of drafting the report, with inputs from the other four team members on their specific thematic area.

<i>Deliverables</i>	<i>Responsibilities</i>
Final country assistance evaluation report	The Team Leader will be in charge of drafting the report, with inputs from the other four team members on their specific thematic area.

30. The evaluation team members will hold a feedback session and present the initial findings in a workshop format to the country management team after completion of the field mission in Afghanistan. The evaluation Task Manager and the Chief of the Independent Evaluation Unit will attend and participate in the presentation and feedback workshop.

31. Once the Team Leader submits the first draft evaluation report, the report will be examined by the Independent Evaluation Unit for quality and fulfilment of the terms of reference.

32. The Independent Evaluation Unit will organize a dissemination session to present the draft report at UNODC headquarters and to the Afghanistan Country Office and stakeholders for feedback, comments and any correction of potential errors or omissions.

33. The Team Leader will receive the comments of the Independent Evaluation Unit and UNODC programme staff and stakeholders and, subject to agreement with the comments made, will adjust the report accordingly and send the final report to the Independent Evaluation Unit.

B. Timetable and key milestones

<i>Dates</i>	<i>Milestones</i>
March-May 2007	<ul style="list-style-type: none"> • Circulation of the draft terms of reference to the relevant headquarters desk and Country Office for comments
May-July 2007	<ul style="list-style-type: none"> • Finalization of terms of reference • Recruitment of consultants • Briefing on Afghanistan country programme at headquarters • Assessment of terms of reference and development of evaluation methodology, with appropriate instruments
July-November 2007	<ul style="list-style-type: none"> • Independent review by the evaluation team (headquarters and country mission) • Team Leader travels to London to meet the peer reviewer
November-December 2007	<ul style="list-style-type: none"> • Submission of draft report by the evaluation team • Briefing on draft evaluation findings and recommendations
February 2008	<ul style="list-style-type: none"> • Circulation of draft report for feedback • Submission of final report

C. Payment

34. The consultants will be issued a consultancy contract and paid in accordance with United Nations rules and procedures.

35. A lump sum payment will be made in three instalments:

(a) First payment will be made upon signing the contract (travel expenses and 75 per cent of daily subsistence allowance);

(b) Second payment (50 per cent of the consultancy fee and 25 per cent of daily subsistence allowance) will be made upon receipt of the draft report by the Independent Evaluation Unit;

(c) The third and final payment (50 per cent, i.e. remaining, fee) will be made only after completion of the respective tasks and receipt of the final report and its clearance by the Independent Evaluation Unit.

Annex III

Afghanistan prison population by province

	<i>Location/ province</i>	<i>Number of inmates</i>		<i>Drug offenders</i>	<i>Current capacity</i>	<i>Used capacity (percentage)</i>	<i>Shortfall (-) or excess capacity</i>
		<i>Male</i>	<i>Female</i>				
1	Kabul Pol-e-Charkhi prison	3 038	85	380	300	33	-2 823
2	Kabul Male Detention	567	0	219	250	227	-317
3	Hirat	1 111	63	65	1 000	117	-174
4	Farah	210	0	9	280	75	70
5	Nimroz	98	0	0	80	123	-18
6	Badghis	144	0	8	90	160	-54
7	Uruzgan	182	0	2	65	280	-117
8	Ghor	102	0	0	50	204	-52
9	Kandahar	848	20	43	700	124	-168
10	Hilmand	274	2	15	260	106	-16
11	Zabul	40	0	1	50	80	10
12	Balkh	332	26	0	260	138	-98
13	Jawzjan	210	10	4	300	73	80
14	Faryab	235	17	0	200	126	-52
15	Samangan	115	2	16	80	146	-37
16	Saripul	78	2	0	60	133	-20
17	Kunduz	403	11	0	260	159	-154
18	Badakhshan	275	0	1	67	410	-208
19	Takhar	313	15	5	103	318	-225
20	Baghlan	362	11	3	185	202	-188
21	Nangarhar	389	9	23	350	114	-48
22	Kunar	37	0	2	68	54	31
23	Laghman	59	4	7	40	158	-23
24	Nuristan	0	0	0	20	0	20
25	Paktya	57	0	1	70	81	13

	<i>Location/ province</i>	<i>Number of inmates</i>		<i>Drug offenders</i>	<i>Current capacity</i>	<i>Used capacity (percentage)</i>	<i>Shortfall (-) or excess capacity</i>
		<i>Male</i>	<i>Female</i>				
26	Paktika	126	0	6	70	180	-56
27	Khost	98	0	2	50	196	-48
28	Ghazni	57	0	12	150	38	93
29	Panjsher	26	0	0	40	65	14
30	Kapisa	81	1	2	60	137	-22
31	Parwan	201	3	0	93	219	-111
32	Wardak	75	0	0	67	112	-8
33	Logar	90	0	3	60	150	-30
34	Bamyan	65	1	0	34	194	-32
35	Daykundi		51		59	86	8
	Total	10 298	333	829	5 812	182.9	183

Note: There are 34 provinces, but Kabul has two listings to distinguish the Male Detention Centre from Pol-e-Charkhi prison.

Annex IV

United Nations Office on Drugs and Crime rule of law projects

<i>Project</i>	<i>Key objectives</i>	<i>Executing modality</i>	<i>National counterpart</i>	<i>Donor(s)</i>	<i>Budget</i>	<i>Dates (as per Profi)</i>
Prison reform (AFG/R41)	Revise prison legislation; establish prison administration; rehabilitate Kabul male detention centre and parts of Kabul (Pol-e-Charkhi) prison; establish Kabul female detention centre	UNODC with UNOPS as associated agency	Ministry of Justice	Italy	Initial: \$1,979,000 Revised: \$3,592,000	June 2003-December 2007 (operationally completed)
Juvenile justice system reform (AFG/R40)	Establish Juvenile Justice Administration, Prosecutor's Office, Juvenile Court and Juvenile Detention Centre	UNODC with UNOPS as associated agency	Ministry of Justice	Austria, Canada, Italy	Initial: \$1,026,000 Revised: \$2,292,100	March 2004-December 2007 (operationally completed)
Criminal law and criminal justice reform (AFG/R42)	Develop penal and criminal procedure code; improve operations of Ministry of Justice; improve Kabul courts; establish legal aid programme; establish provincial multi-purpose Justice Centres	UNODC with UNOPS, UNDP and ISISC as associated agencies	Ministry of Justice	Italy	Initial: \$3,137,106 Revised: \$5,234,000	August 2003-December 2008
Counter-Narcotics Criminal Justice Task Force (U10)	Establish CJTF of investigators, prosecutors, judiciary and courts and a high security prison unit for drug offenders	UNODC with UNOPS as associated agency	Ministry of Counter-Narcotics (Counter-Narcotics Directorate)	Belgium, Canada, United Kingdom	Initial: \$3,446,300 Revised: \$3,764,819	March 2005-December 2007 (34 months) (substantially completed)
Extension of prison reform to the provinces (AFG/R87)	Revise prison rules and regulations; construct two provincial prisons; train prison staff; vocational training for inmates	UNODC with UNOPS as associated agency	Ministry of Justice	Italy	\$10,000,500	June 2005-June 2009
Development of post-release opportunities for women and girl inmates (AFG/S47)	Assess needs of female inmates; develop manuals and educational and vocational training; promote a community "halfway" safe house.	UNODC with UNDP as associated agency	Ministry of Justice	Austria	\$372,200	August 2006-December 2007 (operationally completed)



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