TERMINAL EVALUATION REPORT

Project Number:
AFG/R40

Project Title:
Reform of the Juvenile Justice System

Thematic area:
Juvenile Justice

Country:
Afghanistan

Report of the independent evaluation team

UNITED NATIONS OFFICE ON DRUGS AND CRIME
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# Table of Contents

**Table of Contents**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIST OF ACRONYMS AND ABBREVIATIONS</td>
<td>3</td>
</tr>
<tr>
<td>GENERAL REMARKS ON THE SITUATION IN THE JUSTICE SECTOR IN AFGHANISTAN</td>
<td>4</td>
</tr>
<tr>
<td>EXECUTIVE SUMMARY</td>
<td>5</td>
</tr>
<tr>
<td>DETAILED EVALUATION</td>
<td>10</td>
</tr>
<tr>
<td>1. Introduction</td>
<td>10</td>
</tr>
<tr>
<td>1.1 Background and Context</td>
<td>10</td>
</tr>
<tr>
<td>1.2 Purpose and Objective of the evaluation</td>
<td>11</td>
</tr>
<tr>
<td>1.3 Executing Modality</td>
<td>11</td>
</tr>
<tr>
<td>1.4 Scope of the Evaluation</td>
<td>12</td>
</tr>
<tr>
<td>1.5 Methodology</td>
<td>12</td>
</tr>
<tr>
<td>2. Major Findings</td>
<td>13</td>
</tr>
<tr>
<td>2.1 Overall performance Assessment</td>
<td>13</td>
</tr>
<tr>
<td>2.2 Attainment of Objectives</td>
<td>14</td>
</tr>
<tr>
<td>2.3 Achievement of Project results</td>
<td>16</td>
</tr>
<tr>
<td>2.4 Implementation</td>
<td>18</td>
</tr>
<tr>
<td>2.5 Institutional and Management Arrangements</td>
<td>19</td>
</tr>
<tr>
<td>3. Outcomes, Impacts and Sustainability</td>
<td>19</td>
</tr>
<tr>
<td>3.1 Outcomes</td>
<td>19</td>
</tr>
<tr>
<td>3.2 Impact</td>
<td>20</td>
</tr>
<tr>
<td>3.3 Sustainability</td>
<td>21</td>
</tr>
<tr>
<td>4. Lessons Learned and Good Practices</td>
<td>22</td>
</tr>
<tr>
<td>4.1 Lessons Learned</td>
<td>22</td>
</tr>
<tr>
<td>4.2 Good Practices</td>
<td>22</td>
</tr>
<tr>
<td>4.3 Constraints</td>
<td>23</td>
</tr>
<tr>
<td>5. Recommendations</td>
<td>24</td>
</tr>
<tr>
<td>5.1 Issues Resolved during the evaluation</td>
<td>24</td>
</tr>
<tr>
<td>5.2 Actions/Decisions recommended</td>
<td>24</td>
</tr>
<tr>
<td>6. Overall conclusions</td>
<td>25</td>
</tr>
<tr>
<td>ANNEX 1 - Terms of Reference</td>
<td>26</td>
</tr>
<tr>
<td>ANNEX 2 - List of Persons met in Kabul and Places visited</td>
<td>33</td>
</tr>
<tr>
<td>ANNEX 3 - Table of Objectives, Outputs and Activities</td>
<td>35</td>
</tr>
</tbody>
</table>
LIST OF ACRONYMS AND ABBREVIATIONS

CRC  United Nations Convention on the Rights of the Child
JJAD  Juvenile Justice Administration Department
JRC  Juvenile Rehabilitation Centre
UNDP  United Nations Development Program
UNICEF  United Nations Children’s Fund
UNODC  United Nations Office on Drugs and Crime
UNOPS  United Nations Office for Project Services

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Disclaimer

Independent Project Evaluations are scheduled and managed by the project managers and conducted by external independent evaluators. The role of the Independent Evaluation Unit (IEU) in relation to independent project evaluations is one of quality assurance and support throughout the evaluation process, but IEU does not directly participate in or undertake independent project evaluations. It is, however, the responsibility of IEU to respond to the commitment of the United Nations Evaluation Group (UNEG) in professionalizing the evaluation function and promoting a culture of evaluation within UNODC for the purposes of accountability and continuous learning and improvement.

Due to the disbandment of the Independent Evaluation Unit (IEU) and the shortage of resources following its reinstitution, the IEU has been limited in its capacity to perform these functions for independent project evaluations to the degree anticipated. As a result, some independent evaluation reports posted may not be in full compliance with all IEU or UNEG guidelines. However, in order to support a transparent and learning environment, all evaluations received during this period have been posted and as an on-going process, IEU has begun re-implementing quality assurance processes and instituting guidelines for independent project evaluations as of January 2011.
**GENERAL REMARKS ON THE SITUATION IN THE JUSTICE SECTOR IN AFGHANISTAN**

Afghanistan’s legal apparatus has been largely obliterated over the past twenty years of conflict and civil war. The situation of the administration of justice in the country after the collapse of the Taliban regime can be described as one near paralysis. There was no complete set of the country’s own laws and codes; law libraries were destroyed. Only a limited number of qualified legal and judicial personnel were available, training facilities with curricula for this sector did not exist. There was no communication with the regions. Basic physical resources such as adequate premises and equipment for government departments, courts of justice and prisons were missing, even in the area of Kabul. The administration of criminal justice was additionally hampered by a lack of coordination between criminal police, prosecutors, judicial authorities and prison management.

In the meantime many activities have been undertaken to change the situation and to rebuild a functioning criminal justice system. Many positive results have been achieved; the described problematic situation has been eased to some extent, but by far not yet resolved. Problems with corruption and the expanding conflict with Taliban fighters increasing the dangers and risks for foreign persons cause additional difficulties for constructive work in Afghanistan.

Such difficulties have to be considered when reviewing the activities of UNODC in the country.
## EXECUTIVE SUMMARY

### 1. Summary table of findings, supporting evidence and recommendations

<table>
<thead>
<tr>
<th>Findings: Identified problems/issues</th>
<th>Supportive evidence/examples</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Good contact between the staff of UNODC in Kabul and the Afghan officials which resulted in constructive cooperation.</td>
<td>Many meetings between the partners which prepared the achievement of planned results; new developments and needs of the Afghan partners could be recognized. The project could be adjusted to the changed situation.</td>
<td>Consider a positive and respectful contact to the partners as a basis of constructive co-operation. Invest therefore time and energy in such a contact as it was done by the staff of UNODC in Kabul.</td>
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<tr>
<td>2. Institutional capacity strengthened by supporting the establishment of the JJAD and by training the relevant staff.</td>
<td>The established JJAD is working and functioning, the trained staff is improving.</td>
<td>Take the experiences of the staff of UNODC in Kabul as a good example for the implantation of Juvenile Justice Administration Offices in the provinces.</td>
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<tr>
<td>3. Training system established for staff working with juveniles in contact and in conflict with the law.</td>
<td>Training curricula have been elaborated. Local trainers have been trained to deliver training in the local language.</td>
<td>Continue training activities on the principle of train the trainers of the Afghan language and culture; this will result in an ownership of the mediated contents in a “life long learning”.</td>
</tr>
<tr>
<td>4. Co-operation with other institutions realized</td>
<td>Technical assistance provided to Kabul University in order to develop interdisciplinary curricula for a specialization course in social work as an example</td>
<td>Include other resources in organizing effective concepts for the development of a functioning juvenile justice system</td>
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<tr>
<td>5. Premises for the Youth Court in Kabul established</td>
<td>The building for the Youth Court was restored and equipped with furniture, PC etc.</td>
<td>Support the project beneficiaries not only with skills but also with needed buildings and equipment (i.e. institution building as opposed to simple capacity building).</td>
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<tr>
<td>6. Several agencies of the UN are working in the field of juvenile justice. Co-ordination between them is necessary.</td>
<td>Beside UNODC and UNOPS in particular UNICEF, UNDP etc. were active</td>
<td>UNODC should take a leading role in the co-ordination of juvenile justice issues as done in the project.</td>
</tr>
</tbody>
</table>
2. Concise summary

a) Summary description of the project evaluated

In order to rebuild a functioning juvenile justice system, destroyed almost completely in more than 25 years of war, the Afghan Government requested the United Nations Office on Drugs and Crime (UNODC) for technical assistance in its efforts. The request led to project AFG/R40 “Reform of the Juvenile Justice System”, which in its original version of April 2003 started in March 2004; it was to last for 24 months and have a budget of 1.026.000 US$. Its objectives were

1. the strengthening of the Juvenile Justice Administration by establishing the Juvenile Justice Administration Department (JJAD) within the Ministry of Justice;
2. the setting up of new premises for the Youth Court of Kabul;
3. the improvement of the quality of service delivery and of capacity building of the personnel dealing with children in conflict with the law, children at risk and victims;
4. the establishment of a residential institution for juvenile offenders aged 15-18 and the reform of the correction administration for children in conflict with the law.

A change in the conditions for the project - delay in the procurement of land for the youth residential institution and steep increase of costs - made revision necessary; the attentiveness of the staff of the UNODC in Kabul for the changing conditions and their constant professional work with the stakeholders made the revision possible. This revision was agreed at Tripartite Meeting of December 10, 2005 extended the project to 40 months and enlarged the budget to 2.292.100 US$ (project revision approved in April 2006). The objective

4. was changed to “Establishment of a closed Juvenile Rehabilitation Centre in Kabul for children offenders aged 12-18” and a new objective was added:
5. “Improvement of services provided by Juvenile Justice Administration Department (JJAD), Juvenile Court and Juvenile Prosecutor Office”.

The project AFG/R40 has to be seen in the context of the project AFG/R41 “Reform of the prison system” and AFG/R42 “Criminal Law and Criminal Justice Capacity Building” which all aim at the reform of the criminal justice system in Afghanistan.

b) Major findings of the evaluation

The findings in this report show if and how the immediate objectives of the project have either been achieved or not. The findings further show how achieved objectives have contributed to the attainment of the overall goal of the project. The report also describes to which extent and how the planned results are achieved within the foreseen time frame and within the given budget. The results are discussed in the order of the immediate objectives of the project documents.

- Strengthening of the Juvenile Justice Administration of the Ministry of Justice

The establishment of the JJAD as a focal point for matters pertaining to children in conflict with law, to perform as a consultation and research unit and to support the efforts of the legislative and institutional reform related to juvenile justice has been successfully achieved. The function of JJAD as coordinator and monitor of the activities assigned to issues of childhood and
adolescence is being developed. The JJAD is working well; it contributes effectively to the juvenile justice system.

- Setting up new premises for the Youth Court in Kabul

The planned result of this objective has been successfully achieved: the Youth Court in Kabul was provided with suitable premises which have adequate furniture and new equipment. Youth Court sessions can be prepared and held. This result contributes significantly to a functioning juvenile justice system.

- Strengthening the quality of service delivery and capacity building of personnel dealing with children in conflict with the law, children at risk and victims

Training curricula for the training of relevant personnel of the juvenile justice were elaborated and training according to these curricula successfully conducted. A study tour to another country was undertaken. These were highly important steps on the way to a strengthened quality of service delivery. The trained personnel were enabled to promote the children’s best interests and welfare in a professional way. The training itself has a remarkable impact: local trainers first were trained in the needed subjects and enabled to pass on their knowledge and skills in the native language of the trainees, thus facilitating a better understanding of the training contents and an easier access to the new ideas. This strategy of training increases the sustainability of the results.

- Establishment of a closed Juvenile Rehabilitation Centre in Kabul for Children Offenders aged 15-18

After the difficulties in providing the needed land for this rehabilitation centre – which were skillfully mastered by the staff of the UNODC in Kabul together with their Afghan partners - the building now is under construction and will be completed in 2007. It will provide an adequate facility for a constructive treatment of juvenile offenders where programs can be enforced which support the offenders to live a law-abiding life after their release. The rehabilitation of serious offenders in such an institution significantly will contribute to an improvement of the care for juveniles in conflict with the law.

- Improvement of services provided by Juvenile Justice Administration Department (JJAD), Juvenile Court and Juvenile Prosecutor Office

The main acting agencies in the juvenile justice system are getting support for an improved delivery of their services: the JJAD is upgrading the current activities and developing a database of the juveniles in their best interest and welfare, Juvenile Prosecutors as well as Juvenile Judges in Kabul are being trained in juvenile affairs management and provided with basic equipment. These provisions let expect a general improvement in the juvenile justice system; the single agencies are also better prepared for synergetic co-operation.

c) Lessons learned and good practices

Lessons learned:

- The staff of UNODC in Kabul created good and solid co-operation with the Afghan authorities. It was based on respect for the Afghans’ cultural background and their own approach to the problems to be solved. This kind of co-operation allowed the Afghan partners
to consider the obtained results as “theirs”, they could “own” them as achievements of their own. Such an approach contributes to a high degree to the sustainability of the results of the projects.

- The way of structuring and enforcing trainings similarly shows the respect for the pride and the specific needs of the Afghan partners: the training of local trainers which was organized by the staff of the UNODC in Kabul aimed at qualifying a group of competent Afghans who could deliver their acquired knowledge and skills to the trainees in their own language thus facilitating a better understanding of the presented subjects and an easier access to new ideas.

- A study tour to a foreign country opened new insights into relevant practices of the visited country to the participants and gave them new ideas of how to deal with related problems of their own. As the experiences of the study tour were shared in a conference with colleagues who could not participate in it the resulting insights were replicated and benefited a considerable number of target persons.

- For some of the objectives of the project too many results were planned – like the original immediate objective 4 – which within the given time frame and with the given budget could not be achieved; a revision was necessary. This can be seen as a sign for an overload of planned results. The changes in the conditions leading to the revision of the project - in particular the delay in providing the land for the rehabilitation centre and the rapid increase of the costs - have to be taken into account, however.

- Beside UNODC several other UN organisations such as UNOPS, UNDP, UNICEF etc. were active within the project. The staff of UNODC finally succeeded in managing the coordination well. It is important to draw attention to the task of coordination in such a project; UNODC should take a leading role in the coordination.

Good practices:

- The enforcement of “hard ware and soft ware” approach in the project can be suggested as an apt way of co-operation for other projects of the UNODC. It is important to present information, concepts and training (“soft ware”), but under certain circumstances this is not sufficient, as, for example, when for the lack of means ideas cannot be realized; then visible objects (“hard ware”) have to be provided. This approach, for example, has been successfully realized with the provision of refurbished and functionally equipped premises for the Youth Court and the training for its staff.

- Changes in objectives according to necessities in changed circumstances indicate high professionalism. The changes of objectives in the revised project brought about with the steady and highly professional support of the UNODC staff in Kabul demonstrate a clear understanding of the realities.

- The above mentioned approach of “train the trainers” has another aspect that can serve as a suggestion for other UNODC projects: By repetitiously delivering the training the trained trainers become increasingly more and more competent and so in the end can also fulfill other assigned tasks increasingly better.
d) Recommendations, conclusion and including implications to UNODC

Several recommendations can be drawn from the project; here we present the following:

- Make use of the successful strategies adopted by the UNODC staff in Kabul, and of the lessons learnt, for new projects in the reform of juvenile justice.
- Develop projects to continue the work for the sensitive group of juveniles in Afghanistan, in particular in the areas of preventing imprisonment, by different kinds of alternative measures.
- Continue the cooperation with other UN agencies, mainly with UNICEF, and with NGOs and take a leading role in this cooperation.

Concluding the evaluation the evaluators summarize:

Within project AFG-R40, most of the objectives were successfully achieved by the active and professional support of UNODC staff in Kabul. This means effective and efficient assistance to the Afghan government in its efforts to reform its juvenile justice system in accordance with United Nation standards and norms in juvenile issues, in particular with the CRC.

- The ways of achieving the objectives and attaining the planned results involved the Afghan partners actively in the process of the development thus successfully inviting them to call the results their own. This substantially contributes to the sustainability of the results.
- The readiness of the Afghan authorities to co-operate reliably with the staff of UNODC in Kabul was a major reason for the successful results.
- The monitoring effectively applied in the planning and in the enforcement of the project activities contributed significantly to the attainment of the successful results.
- The establishment of the JJAD, which is well functioning, the setting up of furnished and equipped premises for the Youth Court, the training of relevant staff, which has improved the delivery of services in the juvenile justice, the set-up of a closed rehabilitation center for juvenile offenders aged 15-18, which is near completion, and the on-going improvement of service delivery of all important parts of the juvenile justice system show that the project has successfully contributed to a substantial development of the Afghan juvenile justice system and has so improved the Afghan Criminal Justice system.
1. INTRODUCTION

1.1 Background and context

Since the fall of the Taliban regime in 2001 after more than 25 years of armed conflict, Afghanistan has been facing basic deficiencies in its legal system, in particular in its juvenile justice system in the context of the criminal justice system: a significant number of trained and qualified personnel were lacking, the physical infrastructure of the courts and rehabilitation centres or prisons for juveniles were in very poor conditions. The re-establishment of the criminal justice system with a functioning juvenile justice system became an essential prerequisite for peace and stability in Afghanistan. It was identified among the main priority areas of intervention for the UNODC Country Office.

At the conference in Rome on Reconstruction of the Justice System in Afghanistan (19 to 20 December 2002) the project R40 “Reform of the Juvenile Justice System” was presented – together with two other projects, namely R41 “Reform of the Penitentiary System” and R42 “Criminal Law and Criminal Capacity Building” – in the frame of the Criminal Justice Reform Programme; this programme was intended to promote the fundamental principles of the rule of law in Afghanistan based on the major needs, shortcomings and challenges that the country faced. The project R40 “Reform of the Juvenile Justice” aims at strengthening the legislative and institutional capacities of the country’s justice sector in responding effectively and humanely to the needs of children in conflict with the law.

The project – in its original version of April 2003 - was designed to achieve the following immediate objectives: (a) the strengthening of the Juvenile Justice Administration of the Ministry of Justice; (b) the setting up of new premises for the Youth Court of Kabul; (c) the strengthening of the quality of service delivery and capacity building of personnel dealing with children in conflict with the law, children at risk and victims; and (d) the establishment of a youth residential institution for offenders aged 15-18 and a reform of the correction administration for children in conflict with the law. This original project started in March 2004 with a total budget of (rounded) US$ 1,026,000 and was to last for 24 months; the Executing Agency was the United Nations Office on Drugs and Crime (UNODC) with the Associate Executing Agency United Nations Office for Program Services (UNOPS) in Kabul.

Difficulties in providing the land for the planned residential institution for juvenile offenders and a rapid and enormous increase of costs prevented the completion of the project within the foreseen timeframe and with its given budget: it took about two years until the required land was provided. In the meantime the costs for the construction have risen from 900,000 US$ to 2,950,000 US$. With professional steadiness, the staff of UNODC in Kabul brought about a revision of the original project.

This revision after the Tripartite Review Meeting of 10 December 2005 brought changes both in duration and budget; the new duration is 40 months and the new budget US$ 2,292,100. The revised project changed the fourth immediate objective (d) which now reads “Establishment of a closed Juvenile Rehabilitation Centre in Kabul for children aged 15-18”; a fifth immediate immediate

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1 This is the total amount estimated for building in the same compound the Juvenile Rehabilitation Center (output of AFG/R40 project) and the Women Detention and Prison facility ((output of AFG/R41 project).
The overall project concept including the Revision Document is clear and in general consistent. It describes the urgent needs of the Afghan Juvenile Justice in a situation that was near paralysis and the steps to be taken to respond to these needs. In detail it lists the objectives, the planned results and the corresponding activities to be performed by the UNODC as well as by the Ministry of Justice.

The design of the concept follows the needs described for Afghanistan. It gives a clear picture of the context in which this concept must be seen; the fact that the Afghan government has asked for such a project deserves special mentioning as it is the mandate for the project. The design gives also a precise justification of the project. It describes in understandable terms the risks related to the project and the obligations of the Afghan government, directs the view to a follow-up of the project and makes a clarifying reference to the legal context of the project.

The strategy is consistent with the design. The reference to “a number of rapid, high impact strategies” in the concept – in particular to the necessity of a sound understanding of, and respect for, the related former Afghan formal and informal legal systems - shows a general positive access to the situation in the country with its specific requirements. The project revision document describes clearly the achievements so far and changes two immediate objectives.

The altogether clear and logically structured concept consistent in itself foresees also an evaluation by independent evaluators.

1.2 Purpose and Objective of the Evaluation

The purpose of the present evaluation is – beyond the enforcement of the foreseen task of evaluation in the concept – to determine what the project has achieved and if the project has attained its objectives successfully and efficiently, taking into account the often very difficult conditions in Afghanistan. The extent to which the needs of the beneficiaries are being met and the achievements in terms of impact and sustainability will also be assessed. More broadly, the evaluation assesses the extent to which the strategy for strengthening a justice system in a post conflict environment was planned and implemented in an effective manner. Taking the stance of an ex-post observer who is not involved in the planning and the single steps of the sometimes difficult realization, the evaluators ought to find out what was helpful and worth to be continued; they might eventually find out alternative or new ways of implementing activities for the foreseen objectives or for new perspectives.

The objective of the evaluation is to examine the mandate, strategies, objectives, relevance, effectiveness, results, impact, sustainability and added value of UNODC staff’s actions.

1.3 Executing Modality

The project was elaborated upon request of the Afghan Minister of Justice. The planned activities were drafted in line with the outcome of the needs assessment mission fielded to Afghanistan in 2002 and the discussions with the relevant key stakeholders.
This way of proceeding is considered as adequate and efficient as it shows respect for the needs of, and the ideas generated in, the supported country and for the interests of the stakeholders.

The coordination of the cooperation between the different agencies involved in the implementation of the activities of the project, such as the Ministry of Social Affairs, Women's Affairs, associations and NGOs was originally left to the JJAD. In the revised version the overall project execution responsibility remains with UNODC. It was a particular success for the staff of UNODC in Kabul to manage this coordination. The special cooperation of UNODC with UNOPS was successful and without problems.

1.4 Scope of the Evaluation

This evaluation covers the project concept in its original and in its changed version. It examines this concept and its design, its implementation and its results, outputs and outcomes.

The evaluation analyses whether and how the project contributed to a priority area of UNODC. Problems and the corresponding strategy chosen in order to address these will be discussed. The relevance and attainability of the objectives and planned results as compared to other cost-effective alternatives will be mentioned.

The evaluation assesses how effectively/efficiently project planning and implementation have been carried out. Problems and constraints encountered during the implementation and the quality and timeliness of inputs and the efficiency and effectiveness of activities carried out are analysed.

The evaluation determines whether the planned results have been achieved, and if not fully, whether there has been some progress made towards their achievement. Taking these factors, into account the overall impact of the project will be assessed. The likely sustainability of results and benefits and also the contribution the project makes to human and institutional capacity building is examined.

Lessons learned from the concept, its design and its implementation, and recommendations that contain proposals to follow-up projects with the same issues are described; this includes ideas for improvements. Key elements and assumptions for the development of similar initiatives in other regions will be identified.

1.5 Methodology

The evaluation is carried by an independent external team of experts.

The data for the evaluation were drawn from

- document review including the project documents (original and revised version), progress and monitoring reports etc.,
- visits to the Ministry of Justice, Juvenile Justice Department, Central Prison Department, Supreme Court, Attorney General Office, United Nations Assistance Mission in Afghanistan (UNAMA)-Rule of Law Unit, UNAMA-Human Rights Unit, UNICEF, UNIFEM, UNOPS, Afghan Women Educational Centre NGO and other relevant stakeholders and interviews with key staff;
- field assessment missions to Tahia Maskan (concerning juvenile rehabilitation centres);
- meetings and interviews with other relevant persons

A questionnaire as a source for information was not used. The evaluators wanted to structure the information interviews and meetings as personal encounters facilitating a broad range of information and give more opportunity for in-depth questions.

2. MAJOR FINDINGS

2.1 Overall Performance Assessment

The project in its objectives selects aspects which are appropriate for the development of a functioning juvenile justice system. To include in the project concrete provisions for buildings and furniture for the juvenile justice administration as well as activities like establishing the Juvenile Justice Administration Department in the Ministry of Justice and the training of staff concerned with juvenile matters seem to be adequate steps within this project. This “hard and software approach” eased the access to the project’s activities. For offering good concepts is not sufficient in circumstances where the premises and equipment needed for the realization of these concepts are missing or not functional.

The project in its main objectives as referred to in the project documents has targeted important issues for the development of an Afghan Criminal Justice system. This becomes also apparent when looking to the other linked projects R41 (Reform of the Penitentiary System) and R42 (Criminal Law and Criminal Justice Capacity Building) mentioned above. Afghanistan with no functioning criminal justice system needed assistance by the international community in the way planned by the project. To target the juvenile justice system was a necessary perspective: The situation of juveniles in conflict with the law was critical; it was characterized by a lack of trained professional caretakers, of a necessary infrastructure and of suitable institutions for detained juveniles. The chosen way to realise the assistance by the International Community together with the Afghan Justice Administration in which representatives of this administration take over the responsibility for the initiated development is assessed very positively by the evaluators.

The design of the project takes account of relevant aspects of a functioning juvenile justice system. This at least needs a central organization taking care of the juvenile justice affairs. The planned tasks and competence of this central organization (JJAD) as a focal point for all matters pertaining to children in conflict with the law is an adequate means for the start of a functioning juvenile justice system. The setting-up of new premises for the Youth Court in Kabul enabling this Court to hold sessions, the quality of service delivery and capacity building of personnel dealing with children in conflict with the law, at risk as well as victims, and the establishment of apt facilities for the detention and rehabilitation of those children are other essential goals which are described in the design of the project. These are considered essential contributions to a functioning juvenile justice system by the evaluators.

Regarding the achievements reported in the Progress Reports and in the various documents referring to them as well as in the interviews with representatives of the UNODC and the Afghan government the project was effective and efficient in meeting basic needs of the juvenile justice system in Afghanistan: a Central Juvenile Justice Administration Department (JJAD) has been established, the Juvenile Court has got a place with furniture and equipment in which youth court sessions can be prepared and held, training for the staff of the Central
Juvenile Justice Administration Department was provided; a workshop on children’s rights was organised; a study tour was realised. All these are proof of effective and efficient work.

Yet there are still great difficulties in the country that – in spite of the above-mentioned achievements – prevent the juvenile justice system from truly functioning: In the lock-ups and detention centres accused juveniles are kept together with adult prisoners and stay longer than allowed by the law, as we could hear from the Chief Prosecutor for Juvenile Affairs and from some persons concerned about this. This is particularly true in female prisons and detention centres. Generally it can be stated that the whole criminal justice system is working only partially. Solutions for the mentioned problems are far from a realization.

But the achievements by the project R/40 constitute important first steps for an improvement of the Afghan juvenile justice system.

2.2 Attainment of the Objectives

The objectives of the project as described in the project documents were attained to a large extent; some were attained only partially. For a summary table of objectives, outputs, and activities, see the annex 3.

This will be pointed out in the following assessment which follows the description order in the project documents:

Immediate objective 1: Strengthening of the Juvenile Justice Administration of the Ministry of Justice

This objective has been attained.

The establishment of a Juvenile Justice Administration Department (JJAD) in the Ministry of Justice was a decisive step in the attainment of the immediate objective 1. This JJAD serves as a focal point for matters pertaining to children in conflict with the law, to perform as a consultation and research unit, and to support the efforts of the legislative and institutional reform related to juvenile justice.

The completed establishment of the JJAD with the described tasks and competencies lays the ground for an infrastructure in the juvenile justice system that is a necessary prerequisite for the development of this system.

Immediate objective 2: Setting up of new premises for the Youth Court in Kabul

This objective has been attained.

Suitable premises with adequate furniture and new equipment have been set up for the Juvenile Court.

The attainment of this objective is highly important: The needed rooms with the required equipment are the pre-requisites for an efficient work of the Youth Court in Kabul; now youth court sessions can be prepared and held in an adequate environment.
Immediate objective 3: Strengthening of the quality of service delivery and capacity building of personnel dealing with children and juveniles in conflict with the law, children at risk and victims

This objective can be regarded as attained.

The personnel of the Juvenile Justice Administration Department have been trained according to a training curriculum developed together with the AGEF training institute, an Association of Experts in the fields of Migration and Development. During a three-month training period three civil servants were prepared to perform their tasks. Data collection procedures, computer skills, office management and English language were the main subjects of the training.

A training of trainers with reference to the new Afghan Juvenile Code and to children’s rights as well as to international legal standards followed. This training was enforced in cooperation with UNICEF for 250 participants from Kabul and some selected provinces. The coordination of different agencies in the enforcement of the training program is a remarkable achievement of UNODC.

In some selected provinces training was initiated by UNODC for altogether 196 participants. Training subjects were Juvenile Code and Juvenile Justice.

A seminar on children’s rights for high level Afghan legal experts was organised as a special training activity in cooperation with UNICEF.

A study tour to Lebanon must also be mentioned here, because it has given an impression of how a juvenile justice system is working in a different country. Such impressions may evoke new ideas for coping with related problems in one’s own country.

All these activities are considered as important contributions to a functioning juvenile justice system.

The issue of victims included in the immediate objective 3 has not yet been dealt with. The evaluators propose to make the issue part of a new project.

Immediate objective 4: Establishment of a closed Juvenile Rehabilitation Centre in Kabul for children offenders aged 15-18 (revised)

This objective has not yet been attained.

A delay in the original objective 4 because of difficulties in providing appropriate land by the Afghan Government led to the mentioned revision of Project AFG-R40. The new objective 4 will be realised in June 2007.

One of the evaluators saw the building in Tahia Maskan in its state of construction at that time; it gave him a positive impression.

The Rehabilitation Centre will provide adequate facilities for a constructive treatment of children offenders.

Immediate objective 5 (provided by the revised Project): “Improvement of services provided by the Juvenile Justice Administration Department (JJAD), Juvenile Court and Juvenile Prosecutor Office”
This objective has not yet been attained.

Several steps, however, have already been taken to create the capacity of the Juvenile Justice Administration Department for the regular monitoring of the conditions of children and juveniles according to the Juvenile Code and children’s rights norms and standards. Such steps are essential for an improvement of the services of the JJAD as foreseen.

UNODC has started to develop a data collection and administration system that will support the activities of JJAD.

A Rapid Assessment conducted by UNODC to find out how the Juvenile Code is applied by the Juvenile Police, the Juvenile Court and the Juvenile Prosecutor’s Office provides information that may efficiently be used in the qualification of these agencies.

2.3 Achievement of Project Results

The main results planned in the project have been achieved to a large extent. They will be described in following the detailed elaboration of the outputs in the project documents:

Immediate Objective 1

The immediate objective 1 describes two planned results:

- Under Output 1.1 the project document lists some tasks and competencies that the Juvenile Justice Administration Department was to adopt.
  
  The result has been achieved as planned.

  The training provided for the Juvenile Justice Administration Department made the staff there competent for the realisation of such tasks. The JJAD can now function effectively as a focal point for matters pertaining to juvenile justice issues.

- Under Output 1.2 of the project document there are planned coordination and monitoring tasks of the Juvenile Justice Administration Department and the development of specific programs.
  
  The planned result has not yet been achieved but is in a progressed stage.

  The capacity building for the monitoring tasks is an essential prerequisite for the realisation of the planned result. The programs of protection, education and reintegration in compliance with international principles of children’s rights are being prepared together with UNICEF. The standardisation of best practices has not yet started, however.

  Taking over the monitoring tasks and the coordination in the programs for protection, education and reintegration of children and juveniles including best practices will contribute to a strengthening of the Juvenile Justice Administration Department because it will make the competence that has been gained visible.
Immediate Objective 2

The planned result for the immediate objective 2 has been fully achieved.

The procurement of adequate premises with furniture and equipment and the training in relevant subjects enables the Youth Court and its staff to prepare and hold youth court sessions.

This is an essential achievement for the juvenile justice because it opens the way to show how juvenile courts can be effective in practice.

Immediate Objective 3

The immediate objective 3 describes two planned results:

- **Output 3.1** of the project document foresees the establishing of training programs for the personnel in charge of children. Such programmes have been developed and even successfully enforced with a significant number of personnel.

  Trainings strengthen the quality of service delivery in the juvenile justice. They have an impact on the trained persons; these can do qualified work because they have acquired the needed knowledge and skills. In addition, one can expect the trained persons to pass their competence on to their colleagues.

  Until now trainings have only been enforced in Kabul; they will be realised also in the provinces, where some of them have already started.

- **Output 3.2** describes the second planned result as “establishing the new function of social worker specially trained in juvenile issues and assigning it as a pilot essay to the youth residential institution in Kabul”. The planned result has not yet been achieved but is in progress.

  There are no social workers in Afghanistan who could be assigned to the foreseen pilot experiment. But UNODC is providing technical assistance to Kabul University in identifying interdisciplinary curricula for a specialisation course in social work with the perspective of trained social workers carrying out a pilot experiment in the juvenile justice system. This technical assistance has two remarkable aspects: first it aims at achieving the planned result as described in Output 3.2 and second it shows a good example of active co-operation of UNODC with other agencies.

Immediate Objective 4

- **The immediate objective 4 describes in Output 4.1 (revised) “A Closed Juvenile Rehabilitation Centre for serious offenders aged 15-18” when “established and functioning” according to the planned result.**

  The planned result not yet has been achieved but is ongoing.

  A delay in the procurement of land by the Afghan government made the realisation of Output 4.1 of the original project document in the given time frame and with the given budget impossible. A revision of the original objective 4 was necessary.
The original planned results as described in Output 4.2 and 4.3 in the original project document were given up.

The construction of the Closed Juvenile Rehabilitation Centre according to international standards has already begun; it will be finished in June 2007.

The basic equipment and furniture will be provided after the building is completed. The training of basic managerial staff and social workers of the completed rehabilitation centre will make it functional.

Immediate Objective 5

The immediate objective 5 has three planned results:

- Output 5.1 as the first planned result reads “The JJAD is supported to keep and upgrade the activities of the newly established JJAD and develop a database record of the juveniles to promote children’s best interest and welfare.”

  This planned result is ongoing.

  The JJAD is supported by UNODC. There were several meetings organised by UNODC with different national and international organisations in order to facilitate such a support. One visible result were two vehicles that the JJAD received for Rehabilitation Centres in two provinces. First steps to promote the planned development of a database have been undertaken. An elaboration of a functioning data collection and administration system has still to be realised.

- Output 5.2 and Output 5.3 concerning the delivery of training and basic equipment to the Juvenile Prosecutors of Kabul respectively to the Juvenile Judges of Kabul have not yet been achieved. Shortage in the budget has prevented realisation.

  A functioning network between Juvenile Judges, Juvenile Prosecutors and the Juvenile Justice Administration Department is the hoped for final result of qualifying these institutions. This would be a positive sign of an increasing powerful Juvenile Justice System in Afghanistan.

2.4 Implementation

The implementation of the Project was based on good relationship and contact with the Afghan authorities. Such relationship provides the needed trust for meaningful cooperation. Many personal encounters were necessary in order to create such relationship. It was coupled with respect for the existing Afghan competencies and ideas. The Afghan authorities were invited to participate actively in the development of concepts and contribute to them from their point of view. Thus they could consider the achieved results as “theirs” taking responsibility for, and ownership of, them.

The “hard ware and soft ware” approach has been confirmed as realistic and effective: realistic because premises, furniture and equipment (“hard ware”) are necessary for the required material conditions of functional work. This creates an environment conducive to develop the ability of dealing with capacity building measures (“soft ware”); effective because the Afghan JJAD accepted it and has made use of it.
In order to facilitate the implementation in several areas some complementary activities of UNODC staff in Afghanistan were necessary which should be acknowledged here. As examples may be mentioned the cooperation with UNICEF in favour of the Juvenile Court staff and Juvenile Prosecutors, or the activities together with UNICEF and Emergency Medical Doctors which led to medical care for children detained in Kabul. The staff of UNODC in Kabul also managed to include the JJAD in stage 2 of the Priority Reform and Restructuring (PRR) through programming and consultations with the Ministry of Finance.

The operational plan had to be modified during the implementation. Flexibility of the UNODC’s staff was necessary in order to achieve the main planned results.

Monitoring was enforced throughout the whole project and summarized in different reports. A final report will follow. Backstopping was provided through many contacts with the headquarters in Vienna and by visits from there.

2.5 Institutional and Management Arrangements

Generally, the institutional and management arrangements were appropriate. They were supportive for the implementation and the delivery of the project as they provided clear structure and as they referred to the special situation in Afghanistan.

The coordination arrangements with the Afghan partners were remarkable; the staff of UNODC in Kabul created good cooperation with respect and professional steadiness. The coordination arrangements with other stakeholders were initially poor, also the collaboration – as oral reports show; it improved in the course of project implementation. The coordination with other UN agencies is now functional, which – because of less overlapping activities - has opened up shorter and cheaper ways of coming to synergetic results.

Due to the good relationship with representatives of the Juvenile Justice Administration Department, of the Youth Court and of the Juvenile Prosecutors the realisation of important developmental steps became feasible.

The backstopping from UNODC headquarters was experienced as supportive; the same applies to the backstopping from the field office.

3. OUTCOMES, IMPACTS AND SUSTAINIBILITY

3.1 Outcomes

The high number of successful results defines the project outcomes as relevant in many dimensions; they have made a significant difference to the juvenile justice system in Afghanistan. The main outcomes can be summarized as follows:

The establishment and functioning of the JJAD as a focal institution for matters pertaining to children in conflict with the law made an important difference to the situation before. There was no competent central agency in the juvenile justice system that would have taken care of those matters. This achievement provides the juvenile justice with an infrastructure that by its competence facilitates the development of the juvenile justice administration as a whole.
The provision of newly furbished and functionally equipped premises for the Youth Court in Kabul has enabled the court to prepare and hold sessions. Juvenile justice in Afghanistan can thus perform one of its essential functions.

The trainings initiated to strengthen the quality of service delivery and to facilitate the capacity building for personnel dealing with children in conflict with the law made the trained persons capable of fulfilling their tasks in various dimensions and motivated them to do their work as the results of their work begin to show.

The way of planning and carrying out the trainings deserves a special mentioning here: choosing local people to be trained as trainers will have a stronger effect on the trainees because they are closer to them professionally, speak the same language using a similar language register, and belong to the same culture. Such kind of training is apt to influence people more intensively and to produce significant learning effects.

Extending the Kabul achievements to the provinces might be the next step.

The establishment of a functioning closed rehabilitation centre for juvenile offenders aged 15-18 now in progress will make a decisive difference to the present situation: the institution set up according to principles of human rights, in particular of children's rights, will be the first one in Afghanistan. The existence of the facility has already made a significant difference. When the planned functions will be fully realised it will certainly exert a positive influence on the whole of the system of juvenile justice in the country as it will demonstrate that juvenile offenders can be prepared for law-abiding life instead of only being punished.

3.2 Impact

A number of outcomes that have brought about the differences described above had positive impacts on the development of the juvenile justice system and/or in the criminal justice system in Afghanistan, which can be summarized as follows:

The establishment of a functioning Juvenile Justice Administration Department with its trained staff competent for the enforcement of important tasks in the juvenile justice system - like for example the coordination of issues pertaining to children in conflict with the law, and consultation with regard to legislative and institutional reforms – is already now a decisive step forward. The new infrastructure facilitates organisational changes in the whole of the juvenile justice system which can be elaborated step by step and which need time as a process which had started. This sets the sign of a pilot experience that can be taken as a source for other developmental steps at provincial level, for example. The steps that have led to the establishment of the JJAD can be made in establishing subordinate centres in the provinces: an administration unit can be organised and the related staff can be trained and qualified to fulfil the necessary tasks. The qualification includes basic knowledge and skills such as organising an office and using a computer.

The fact that the Youth Court in Kabul was provided with suitable space in which youth court sessions can be prepared and held will have a long-term effect: Youth Court sessions are a sign of a functioning juvenile justice system; they transport the abstract ideas of the criminal justice system into concrete reality. They make the concrete aspect of juvenile justice visible, juveniles and other people can become aware that there is a legal reality that can require response.
The described training has brought about a considerable change in the Afghan juvenile justice. Sufficiently informed and prepared for their work the staff have delivered good results. For example, in their various positions they prepared a youth court session with attention to the details required to procure or to lead the sessions with full respect to the rights of the juvenile. Even if it still takes some time before this understanding will effect the training to a satisfying degree, it is the initial step in the right direction that has brought about a significant change.

Generally speaking all the mentioned achievements will have a positive impact on the development of the Afghan juvenile justice system in the long term perspective.

3.3 Sustainability

It can in general be stated that the project has produced lasting benefits for the Afghan juvenile justice system.

The establishment of the JJAD with its new competencies will be of lasting benefit for the Afghan juvenile justice system. Structural steps in organising the establishment of a central agency usually have a lasting quality, in particular when it is linked to gradually widened empowerment. The JJAD is set up in a way that the enlargement of power can take place by realising the tasks described in Objective 1. The fact that JJAD is already functioning shows that it has been appropriated and has become accepted as part of the Afghan juvenile justice administration. If the whole of the administrative system in the country does not collapse, the above mentioned benefit will sustain.

Providing the Youth Court in Kabul with suitable space for the preparation and the enforcement of youth court sessions created a lasting benefit for the juvenile justice system in Afghanistan. As an organisational achievement it shares similar effects as the establishment of the JJAD. As a practical achievement it offers a space for effective work safeguarding the persons concerned against abolishment of the institution: effectively working agencies usually last.

The trainings described in their outcomes and impact let expect a long lasting institutional benefit for the juvenile justice system in Afghanistan. The described way of enforcing the training by trained local trainers who by their profession are close to the trainees provides high probability for a lasting effect: when the trained trainers have made what they present their own, the trainees are more likely to accept the presented topics and rules and make them their own as well.

The establishment of a closed rehabilitation centre in Kabul for children aged 15-18 will be of lasting benefit for the juvenile justice system not only because of a building that will last; it is more the mere fact that for the first time there is such an institution in Afghanistan, and the lasting challenge of the idea of caring for juvenile offenders by means of this institution.

The improvement of services provided by JJAD, Juvenile Court and Juvenile Prosecutor Office will enrich the juvenile justice system in a lasting way. It can be expected that the main actors in the juvenile justice system will set up a good network which will support a lasting structure by their good cooperation.
4. LESSONS LEARNED AND GOOD PRACTICES

4.1 Lessons learned

The evaluation lists the following lessons learned:

The first important lesson learned deals with the relationship between UNODC and the national authorities in Afghanistan. UNODC staff in Kabul delivered their technical assistance by cooperating solidly with the Afghan authorities, based on respect for the Afghan cultural background and the Afghan approach to the problems that needed solving. This kind of cooperation in which the project team acted as a service provider to the national authorities allowed the Afghan partners to consider the obtained results as “theirs”, enabling them to “own” them as their achievements. Such an approach contributes highly to the sustainability of the project results.

The way of structuring and enforcing trainings demonstrates respect for the pride and the specific needs of the Afghan partners: The training of local trainers which was organized by the UNODC staff in Kabul was intended to qualify a group of competent Afghans who could deliver the knowledge and skills they had gained to the trainees in their own language. This procedure facilitates a better understanding of the presented subjects and an easier access to new ideas. This is mainly because of the language proximity, but also because of similarity in cultural backgrounds.

A study tour to a foreign country opened the participants new insights into practices of the visited country and gave them new ideas of how to deal with counterpart problems of their own. As the experiences of the study tour were shared in a conference with colleagues who could not participate, the results were replicated and made available to a considerable number of target persons.

Some of the project objectives have numerous planned results – like the original immediate objective 4 – which, in the given time frame and with the given budget, could not be achieved. A revision was therefore necessary. This can be seen as an indication of an overload from the planned results. The changes in the conditions leading to the revision of the project - in particular the delay in providing the land for the rehabilitation center and the rapid increase of the costs - need, of course, to be respected, but there is still the question of limitation in the planned results.

Within the project several other organisations of the UN besides UNODC were active (UNOPS, UNDP, UNICEF etc). UNODC staff finally managed the coordination well. However, it took a lot of time and energy to realise it. It is important to draw attention to the task of coordination in such a project. In this regard, UNODC should take a leading role.

4.2 Good practices

Following are some examples of good practices in this project:

UNODC staff in Kabul had to decide on the strategies of how to achieve the planned results in the project. The implementation of the “hard ware and soft ware approach” is a strategy which can be described as an apt way of co-operation for other UNODC projects. This method, in short, means that it is important to present information, concepts and training (“soft ware”). However, under certain circumstances this is not sufficient. For example, when there are no
means for realizing the ideas, visible objects ("hard ware") have to be provided. This approach has been successfully realized with the establishment of the premises for the Youth Court and the training of its staff.

Changes in objectives according to necessities in modified circumstances indicate high professionalism. The modification of objectives in the revised project, which were brought about with the steady and highly professional support of UNODC staff in Kabul, demonstrate a clear sense of reality. The staff's flexibility was necessary in order to permit a rapid and adequate reaction to the volatile situation in Afghanistan. In reviewing their activities and prioritizing their goals, UNODC staff in Kabul has taken into due consideration several strategies that the international community and the relevant national institutions have developed in the last 3 years.

The described approach of “train the trainers” (as a learned lesson) has another aspect which can serve as an example to other UNODC projects. The trained trainers become more and more competent by repeatedly delivering the training; if they are part-time trainers who beyond training are employed to fulfill tasks in an office, they will fulfill these tasks increasingly better as they become more knowledgeable and more skilled.

4.3 Constraints

Constraints and problems that had an impact on the implementation of the project were found in several dimensions. The main constraints in the post-war country were:

A lack of technical capacity in identifying needs and priorities on the side of the Afghan partners. It needed a careful and permanent process - directed by the staff of UNODC in Kabul - of discussing relevant issues in order to clarify their importance for the development of the juvenile justice system and bring them into practicable order.

A lack of coordination between national agencies. It was difficult to get a result in time when national agencies other than direct Afghan partners were involved. The providing of suitable land for an institution for juvenile offenders is an example of this difficulty: it took more than two years until the land dispute was settled, which included the proposed offer an unsuitable piece of land, finding a suitable one in Tahia Maskan and reducing its size. In the meantime the costs for the planned building went up from 900.000 US$ to 2.950.000 US$.

A lack of human resources policy that made planning in personnel matters very problematic. To find apt persons for the tasks to be fulfilled became difficult; education for needed categories of staff was not provided. This was in particular true for social workers who did not exist but were urgently needed.

In the context of the lack of human resources policy the frequent changes in responsible personnel has to be mentioned. It led to a loss of gained agreements and often required a new start of discussing the planning.

A lack of capacity in finalizing financial plans. Discussing financial implications of planned activities and putting them together in a realistic financial plan meant high efforts in terms of time and energy.

A lack in the implementation of laws. It needed fundamental steps in training relevant staff how to translate for example the juvenile code into practical activities.
A main constraint was the security situation in Afghanistan. It required strict rules for movements in the country and even in Kabul, which often made it difficult to be in time for meetings.

5. RECOMMENDATIONS

5.1 Issues resolved during the evaluation

The stay in Vienna and in Kabul provided the evaluators with a number of occasions allowing them to get interesting and relevant information. No issues were resolved or decisions taken as a result of the evaluation.

5.2 Actions/decisions recommended

For further projects we make the following suggestions:

Make use of the successful strategies that UNODC staff in Kabul has adopted as well as of lessons learned for new projects in the reform of juvenile justice.

Put emphasis on maintaining a good relationship with the national authorities, implying among other things respect for their competencies and ideas. Consider such a relationship as the basis for a successful implementation of the project.

The “hard ware and soft ware” approach should be considered as a realistic and effective way of cooperation in a new project.

Training should be based on the principle of “train national trainers” to pass on the knowledge and skills they have gained to the trainees in their language thus ensuring that they understand the contents and ideas to be mediated better.

Develop projects which continue the work for the sensitive group of juveniles in Afghanistan, in particular in the areas of preventing imprisonment by different types of alternative measures. A new project might also target the juvenile victims and their protection.

Maintain a leading role in the continuing cooperation with other UN agencies, mainly with UNICEF, and with NGOs.

The project should have a realistic view towards the amount of planned results that can be realized in the given time frame. This means either a reduction of the planned results, an extension of the time frame or an increase of the budget.
6. OVERALL CONCLUSIONS

The overall conclusions that can be drawn from the project are summarized as follows:

Project AFG-R40 is an important part of the Criminal Justice Reform in Afghanistan. The reference to this framework and to the linked programs R41 (Reform of the Prison System) and R42 (Criminal Law and Criminal Justice Capacity Building) in the project document underlines the necessity of a close cooperation in the contingent areas, as done by the staff of UNODC in Kabul.

The main objectives of the project have been attained. The majority of the planned results have been achieved or are in progress; for example, the construction works for the juvenile closed rehabilitation centre which will be finished in 2007.

The main outcomes of the project are the establishment of a functional JJAD which serves as the infrastructural motor for administrative development; the provision of refurbished and technically equipped premises of the Youth Court, which facilitated the preparation and holding of Youth Court sessions, resulted in a significant element of a functioning juvenile justice system. Training activities with trained local trainers lead to the qualification of a considerable number of personnel and initiated a change in their attitude. The close rehabilitation centre for juvenile offenders aged 15-18 (which will be finished in June 2007) can be considered as a turn in the treatment of juvenile offenders in Afghanistan.

These outcomes prove that the work done within the project made a difference in Afghanistan’s institutional settings and in the lives of the persons concerned, particularly of children in conflict with the law.

There are several indicators that the achieved outcomes and their impacts on the juvenile justice system in Afghanistan will be sustainable.

The described success was facilitated by a reliable willingness of the Afghan authorities to cooperate with UNODC. It was supported by firm backstopping from Headquarters.

The evaluators express their high respect to UNODC staff in Kabul, who, with their strong commitment and their professional skills, achieved impressive results within Project AFG-R40.
Annex 1: Terms of Reference (ToR)

Final Evaluation

of the Criminal Justice Reform Programme in Afghanistan

Reform of Juvenile Justice System in Afghanistan – AFG/R40

Reform of the Penitentiary System – AFG/R41

Criminal Law and Criminal Justice Capacity Building – AFG/R42

1. BACKGROUND INFORMATION

Following several decades of armed conflict in Afghanistan, the absence of significant numbers of trained and qualified personnel, coupled with a continuous unstable and insecure environment, has severely undermined the capacity of the legal system to act in a successful, independent, and impartial manner. In addition, the physical infrastructure of the criminal justice system, most prominently courts and prisons, were in a very poor condition after years of destruction and neglect. Since the fall of the Taliban regime in 2001, the re-establishment of the justice and penitentiary systems became an essential pre-requisite for peace and stability in Afghanistan and it was identified among the main priority areas of interventions for the UNODC Country Office.

The projects under evaluation fall within the UNODC Criminal Justice Reform Programme for Afghanistan, which was presented at the Conference in Rome on Reconstruction of the Justice System in Afghanistan (19-20 December 2002), convened by Italy as lead country for the justice sector, and attended by a high level delegation of the Afghan Transitional Government - headed by President Karzai - and donor countries.

The Criminal Justice Reform Programme was intended to promote the fundamental principles of the rule of law through national, regional and interregional activities and technical cooperation activities. In developing such a Programme, particular attention was given to the near past of Afghan history, its tradition, culture, and social mores, along with other distinctive elements of a country in transition.

This programme was designed based on major needs, shortcomings and challenges that Afghanistan was facing in the aftermath of a long term conflict to reform the legal and criminal justice sectors, in combination with reforming and strengthening the penitentiary and correctional system and facilities. UNODC’s major goals were to providing support to government institutions in reforming criminal justice systems, rehabilitating or constructing judicial centres, prisons and detention facilities, assisting legal reform in the criminal justice sector and organizing training courses to form a new professional category of skilled and qualified judicial and penitentiary personnel.

The Criminal Justice reform Programme was initially composed of three projects:

Reform of Juvenile Justice System in Afghanistan (AFG/R40);

Reform of the Penitentiary System (AFG/R41);

and Criminal Law and Criminal Justice Capacity Building (AFG/R42).

The project “Reform of Juvenile Justice System in Afghanistan” (AFG/R40) was elaborated to strengthen the legislative and institutional capacities of the country’s justice sector in responding effectively and humanely to children in conflict with the law. The project had initially
a total budget of 1,029,000 US$ and a duration of 24 months. The project execution started in 2004. In March 2006, after a Tripartite Review Meeting (held in December 2005), the project was reviewed with both its duration and budget being extended; the new duration is 40 months and the new budget US$ 2,292,100. The project includes the following goals: (a) strengthening the Juvenile Justice Administration of the Ministry of Justice; (b) setting-up new premises for the Youth Court of Kabul; (c) improving the quality of service delivery and capacity building of personnel dealing with juveniles; (d) reforming the corrections’ administration for juvenile offenders and establishing a youth residential institution for offenders aged 15-18 in Kabul with a view to extending such institutions to the provinces.

The project “Reform of the Penitentiary System” (AFG/R41) was developed with the primary aim of strengthening the legislative and criminal justice institutional capacities by building infrastructural and human capacity, as well as by achieving better coordination amongst institutions. The project had initially a total budget of US$ 1,979,000 and a duration of 24 months. Project implementation began in 2003. In March 2006, after a Tripartite Review Meeting (held in December 2005), the project was reviewed to extend its duration and increase its budget; the new duration is 48 months and the new budget US$ 3,592,800. The project includes the following goals: (a) revising national legislation concerning rules and regulations of prisons; (b) strengthening the Prison Administration of the Ministry of Justice to act as a focal point for all matters pertaining to penitentiaries, including a national policy for detained women; (c) rehabilitating prison capacity in Kabul; (d) improving conditions in the detention centre of Kabul; (e) setting-up a special detention centre for women, paying special attention to the needs of women with small children.

Finally, the project “Criminal Law and Criminal Justice Capacity Building” (AFG/R42) was designed with the aim of developing the criminal law capacity of the justice institutions involved in criminal justice, with particular focus on the needs of the Afghan Ministry of Justice. The project had a total budget of US$ 3,137,100 and a duration of 24 months. Project implementation began in 2004. In March 2006, after a Tripartite Review Meeting (held in December 2005), the project’s budget and duration was extended; the new duration is 36 months and the new budget US$ 3,183,500. In addition, due to the constant evolvement of the situation in Afghanistan, particularly in respect of reforming the justice sector, the project’s objectives and activities were slightly modified based on lessons learned during the course of implementation. The project aims at: (a) strengthening the operational capacity of the Ministry of Justice, (b) establishing of multipurpose Centres of Justice in selected provinces; (c) developing an information and web-based communication system for the Ministry of Justice and selected provincial Centres of Justice; (d) revising of national criminal law and procedure; (e) strengthening the operational capacity of the Judiciary in Kabul; and (f) developing a legal aid programme and services, including a pilot office comprised of legal professionals in Kabul.

The evaluation should examine progress achieved both against these objectives but also in relation to the wider impact of the projects on the justice reform process in the country, taking into account the conditions under which implementation has occurred.

2. PURPOSE OF THE EVALUATION

The Criminal Justice Reform Programme in Afghanistan has evolved and continues to expand since inception in 2003. Currently, the Programme includes additional projects aimed at strengthening the technical assistance provided by UNODC in a number of other areas under its mandate (for example, countering human trafficking and corruption and developing an effective legal framework to respond to terrorism). Within the context of the broadening of UNODC’s activities in the country, the evaluation of the three projects is of some importance as they constituted the initial package of technical assistance provided to the Government of Afghanistan. All three projects are all close to completion with most of the activities finalized.
and the primary outputs having been achieved. The outstanding outputs are mainly those related to institution building and delivery of infrastructure. The final evaluation is also being conducted at this time due to the fact that the staff who have been responsible for implementation of the projects and who have served in Afghanistan for a number of years (including the International Project Coordinator) will take up new duties. It is critical for the evaluation to take account of their insights and the lessons learned while they are still in-country. The overall purpose of this evaluation is to determine what the programme has achieved and if the programme has attained its objectives successfully and efficiently, taking into account the often difficult conditions on the ground in Afghanistan. In this regard, the extent to which the needs of the beneficiaries are being met as well as what has been achieved in terms of impact and sustainability should also be assessed. More broadly, the evaluation should assess the extent to which the strategy for strengthening a justice system in a post-conflict environment was planned and implemented in a thorough and effective manner.

The main stakeholders of this project are: (i) Ministry of Justice of Afghanistan (Legislative and Publication Departments), Attorney General Office, Supreme Court, Juvenile Justice Administration Department, Central Prison Department; (ii) criminal justice practitioners and; (iii) international organizations such as UNOPS, United Nations Assistance Mission in Afghanistan (UNAMA)-Rule of Law Unit, UNAMA-Human Rights Unit, UNICEF, UNDP, UNIFEM; (iv) national and international NGOs, such as Emergency INGO, Afghan Women Educational Centre NGO, International Institute of Higher Studies in Criminal Sciences (ISISC); and (v) donors and other partners.

Critically, the evaluation will seek to draw lessons and best practices that can be used to improve future project planning, design and management. Lessons learned in this respect will be important for current and future UNODC programmes in post-conflict settings.

While the three projects did not begin simultaneously, their consistency in relation to both geographic and thematic aspects (the focus on Kabul and a few target provinces as well as the fact that they cover the general ambit of criminal justice reform) provides a common framework for the evaluation.

The evaluation will mainly focus on the projects concept and design, the implementation, results, outputs and outcomes. The evaluation should appraise:

(a) Project concept and design:

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

(b) Objectives, outputs, impact and sustainability:

The evaluation should seek to determine whether results have been achieved, and if not fully, whether there has been some progress made towards their achievement. Taking into account these factors, the overall impact of the project should be assessed. This should also encompass the likely sustainability of results and benefits as well as the project’s contribution to human and institutional capacity building.

(c) Overall implementation process:

The evaluation should assess how effectively/efficiently programme planning and implementation have been carried out. This includes assessing the extent to which organizational structure, managerial support and coordination mechanisms used by UNODC
support the projects effectively. The evaluation will analyse problems and constraints encountered during implementation as well as the quality and timeliness of inputs and the efficiency and effectiveness of activities carried out.

(d) Lessons learned from the concept, design and implementation of the project:

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

Particular focus should be given to the assessment of the effectiveness, appropriateness and relevance of the project.

3. EVALUATION METHODS

The evaluation methods will include:

(a) Document review: this will include all major documents, such as the project documents, progress and monitoring reports, terminal narrative reports, as well as assessments, manuals developed under the project etc. (desk study)

(b) Visits to Ministry of Justice (Legislative and Publication Departments), Juvenile Justice Department, Central Prison Department, Supreme Court, Attorney General Office, United Nations Assistance Mission in Afghanistan (UNAMA)-Rule of Law Unit, UNAMA-Human Rights Unit, UNICEF, UNIFEM, UNOPS, Emergency INGO, Afghan Women Educational Centre NGO, International Institute of Higher Studies in Criminal Sciences (ISISC), EC, and other relevant stakeholders and interviews with key staff;

(c) Field assessment missions to Kabul, Mazar-e-Sharif, and Gardez to visit Justice Support Centres as well as Prisons and Detention facilities.

(d) Meetings, interviews, and focus group with other relevant judicial institutions.

(f) Request selected judiciary and penitentiary staff to complete and submit a questionnaire prepared by the evaluators.

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

4. EVALUATION TEAM COMPOSITION AND REQUIREMENTS

The three projects, part of the Criminal Justice Reform Programme, are to be evaluated by two International Experts (Evaluators) who have relevant skills for the task. One evaluator should have excellent knowledge in the criminal justice and capacity building of judiciary institutions in developing, post-conflict or transitional societies. The other evaluator should possess extensive knowledge on reform of penitentiary systems, with particular focus on juvenile justice issues and construction/rehabilitation of prisons and detention facilities.
Both evaluators should hold an advanced degree in social sciences or relevant field and have proven experience on criminal justice/rule of law issues, preferably in West Asia. In addition, the evaluators should also meet the following criteria:

1) Be familiar with the project implementation in international organizations.

2) Have experience in conducting independent evaluations.

3) Have at least 10 years relevant professional experience in: a) criminal justice/rule of law and capacity building of judiciary institutions in developing countries; b) reform of penitentiary systems, with particular focus on juvenile justice issues and construction/rehabilitation of prisons and detention facilities.

4) Have obtained a post-graduate degree in a relevant area.

5) Possess excellent analytical, drafting and communication/writing skills in English

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

5. PLANNING AND IMPLEMENTATION ARRANGEMENTS

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

UNODC Country Office for Afghanistan:
- Ms. Doris Buddenberg, Representative
- Mr. Alexandre Schmidt, Deputy Representative
- Ms. Carla Ciavarella, Justice Program Coordinator
- Mr. Matteo Pasquali, Project Coordinator

UNODC Head Quarters in Vienna (Austria):
- Mr. Mark Shaw, Senior Interregional Advisor, Human Security Branch
- Ms. Ricarda Amberg, O-i-C, Criminal Justice Reform Unit
- Ms. Anna Giudice, Drug Control and Crime Prevention Officer, Criminal Justice Reform Unit
- Ms. Jo Dedeyne, Terrorism Prevention Officer, Terrorism Prevention Branch
- Mr. Jean-Luc Lemahieu, Chief, Europe, West and Central Asia Section
- Mr. Andrea Mancini, Project Coordinator, Europe, West and Central Asia Section
- Mr. Bernard Frahi, Chief, Partnership in Development Branch
- Mr. Backson Sibanda, Chief, Independent Evaluation Unit
- Ms. Catherine Volz, Chief, Treaty and Legal Affairs Branch

Following recruitment and documentation review (7 days), the Evaluators will travel to UNODC Vienna for a briefing (1 and half days) with relevant staff. Afterwards, they will undertake the field visit in Afghanistan. While in Kabul the Evaluators will received a briefing from the relevant staff of the Country Office and will carry out a desk-review of the Criminal Justice Programme.
documentations (2 days). Meetings with stakeholders, beneficiaries and partners will be organized in Kabul (5 days) as well as missions to at least three targeted provinces (6 days). At the end of the field visits, meetings, interviews, etc. the evaluators will prepare the draft report within 8 working days and submit it to the UNODC Country Office for Afghanistan and UNODC HQs for comments.

UNODC Country Office will secure office space, administrative basic support, and travel arrangements for the evaluators during their stay in Kabul.

After one/two weeks break, comments will be provided to the evaluators for integration into the report (3 days).

**Time Frame & Tentative programme for the Evaluator:**

Evaluators will be recruited for 7 weeks spread over a period of 9/10 weeks.

<table>
<thead>
<tr>
<th>Programme &amp; Activity</th>
<th>Days Required</th>
<th>Tentative dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparation and Desk-review</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Briefing by HQs staff</td>
<td>1 ½</td>
<td>30 Nov.-1 Dec.</td>
</tr>
<tr>
<td>Travelling to Afghanistan</td>
<td>1</td>
<td>2 Dec.</td>
</tr>
<tr>
<td>Briefing by Country office staff</td>
<td>1</td>
<td>3 Dec.</td>
</tr>
<tr>
<td>Desk-review of documentations at COAFG</td>
<td>1 ½</td>
<td>4-5 Dec.</td>
</tr>
<tr>
<td>Meetings/interviews with Ministries, Departments, UN Agencies and relevant stakeholders.</td>
<td>5</td>
<td>6-17 Dec.</td>
</tr>
<tr>
<td>Field visit to the provinces</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Returning home</td>
<td>1</td>
<td>17 Dec.</td>
</tr>
<tr>
<td>Preparation of the draft report</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Break</td>
<td>For one/two week</td>
<td></td>
</tr>
<tr>
<td>Incorporating the UNODC comments in the report and preparing the final draft</td>
<td>3</td>
<td>January</td>
</tr>
</tbody>
</table>

**Total Working & Travel Days**: 35

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

**Deliverables of the evaluation:**
1) Evaluation plan and detailed terms of reference with methodology;
2) Evaluation draft reports (one foe each project) with findings;
3) Lessons learned and results;
4) Briefing meetings, focus groups, questionnaire, and presentations;
5) Criminal Justice Reform Programme Final evaluation reports (three) on three projects.
**Payment:**

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

**Evaluation report** (see also Annex Standard format and guidelines for project evaluation report):
The evaluation report should follow the standard UNODC report outline that is listed below:

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

Annexes to the evaluation report should be kept to an absolute minimum. Only those annexes that save to demonstrate or clarify an issue related to a major finding should be included. Existing documents should be referenced but not necessarily annexed. Maximum number of pages for annexes should not exceed 15. The format of the reporting is attached. The Terms of Reference of the Evaluators, including methodology and questionnaires and the UNODC Format and Guidelines for the Evaluation should be annexed to the report. Also the Evaluators should fill in an evaluation assessment questionnaire (attached).
Annex 2:  List of Persons met in Kabul and Places visited

Meeting with Professor Abdul Salam Azimi, Chief of Supreme Court
Meeting with Mr. Sarwar, Danish Minister of Justice
Meeting with Mr. Wasi Noor Momand, Deputy Minister of the Ministry of Labor and Social Affairs (MOLSA)
Meeting with Anisa Rasoli, Juvenile Judge, Mr. Maug, Juvenile Prosecutor, and Abdul Raqib Hamidi, Head of Juvenile Police.
Meeting with Mr. John Mc Donald, Project Site Engineer, UNOPS
Meeting with Michael Hartmann, Head of Justice System Support Program (JSSP)
Meeting with Mr. Bob Gibson, Head of the Correction System Support Program (CSSP)
Meeting with other UN agencies: UNAMA, Rule of law and HR sections, UNIFEM
Meeting with Ms. Shinkey, Head of Afghan Women Education Center (AWEC)
Meeting with Sayed Yousaf Haleem, Head of Legislative Department of the Ministry of Justice
Meeting with Mr. Qayumi, Head of Publication Department of the Ministry of Justice
Meeting with Mr. Abdul Salam Bakhshi, Head of Central Prison Department (CPD) of the Ministry of Justice
Meeting with Angela Martinez, Representative of Medica Mondiale
Meeting with Professor Abdul Jabar Sabit, Attorney General
Meeting with ANDS Anti Corruption Working Group
A site visit to Poli-C-Charkhi Prison and to Kabul Detention Center
A site visit to Juvenile Rehabilitation Center, Kabul
Meeting with Hangama Anwari, Human Rights Commissioner Afghan Independent Human Rights Commission (AIHRC)
Meeting with Mr. Ettore Sequi, Italian Ambassador and Ms. Sara Rezoagli, 1st Secretary of the Italian Embassy, Kabul
Meeting with Ms. Orzela Ashraf, Head of Humanitarian Assistance for Women & Children in Afghanistan (HAWCA)
Pol-e-Charki Prison
Walayat Detention Center for men and women
Tahia Maskan Complex – Detention Centre/prison for female detainees/prisoners.
## ANNEX 3 – TABLE OF OBJECTIVES, OUTPUTS AND ACTIVITIES

<table>
<thead>
<tr>
<th>OBJECTIVES</th>
<th>OUTPUT</th>
<th>ACTIVITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Strengthening the Juvenile Justice Administration of the Ministry of Justice</td>
<td>1.1 The role of the JJAD strengthened to function as focal point for matters pertaining to children in conflict with the law, to perform as a consultation and research unit, and to support the efforts of the legislative and institutional reform related to juvenile justice.</td>
<td>- Assist in the elaboration of the preliminary proposal; - Provide advisory services and assistance to the working group to finalize its mandate and organization; - Assist in the selection of the administrative personnel; - Train the appointed administrative personnel; - Support the restructuring of the JJAD; - Computerizing the JJAD</td>
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<td></td>
<td>1.2 The JJAD coordinates/monitors the impact of the activities carried out by key stakeholders assigned to issues of childhood/adolescence; standardizes best practices; develops sustained protection, education and reintegration programmes</td>
<td>- Assist in elaboration of the report - Provide advice in the elaboration of the administrative procedure to collect relevant information of the activities performed; - Assist in the organization of the working group advise participants in the development of a national policy on coordination of activities; - Advise in the elaboration of the national action plan; - Assist in the elaboration and organization of the information and awareness raising campaign; - Assist in the organization of the National Forum and participate in the elaboration of the recommendations and Action Plan to extend the juvenile justice reform at the provincial level;</td>
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<tr>
<td>2. Setting-up new premises for the Youth Court of Kabul</td>
<td>The Youth Court of Kabul provided with suitable space to enable juvenile judges and staff to prepare and hold youth court sessions.</td>
<td>- Assist in the selection of the new premises for the Youth Court; - Provide support for the establishment of the Youth Court and the functional needs in terms of equipment.</td>
</tr>
<tr>
<td>3. Strengthened quality of service delivery and capacity building of personnel dealing with children in conflict with the law, children at risk and victims</td>
<td>3.1 Training programmes for the personnel in charge of children (magistrates, lawyers, judicial police officers, prison personnel, and other relevant actors) established in order to meet the required professional qualification and skills to promote the children’s best interest and welfare.</td>
<td>- Organize lectures as well as theoretical and practical training courses at the Faculty of Law and Police Academy; - Elaborate a training manual for police officers and prison personnel adapted to the local situation.</td>
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<td>3.2 The new function of social worker specially trained in juvenile issues has been established and assigned as a pilot essay to the youth residential institution of Kabul.</td>
<td>- Advise in the elaboration of the strategy to set-up the function of social worker; - Participate in the working group to set-up the training curriculum; - Support the organization and participate in the training course; - Participate in the assessment of the work performed by the new social workers.</td>
</tr>
<tr>
<td>4. Establish a youth residential institution for offenders aged 15-18 and reform the corrections’ administration for children in conflict with the law</td>
<td>4.1 A Closed Juvenile Rehabilitation Center for serious offenders aged 15-18 is established and functioning.</td>
<td>- Subcontracted building company constructs the new building based on technical design elaborated according to UN International standard conditions. - Provision of basic equipment and furniture for its administration, dormitories, and for the educational and vocational workshops. - Delivery of training of basic managerial staff and social workers assigned to rehabilitation of juveniles.</td>
</tr>
<tr>
<td></td>
<td>4.2 A standard administrative file for the minors detained and educational and vocational programmes adapted to their situation and needs that will provide the detained juveniles with the necessary conditions for their social rehabilitation while avoiding the dangers of de-socialization, has been put at disposal to the national authorities.</td>
<td>- Assist the Ministry of Justice in determining the rehabilitation programmes to be set-up and needs of the new institution; - Assist the Ministry of Justice in developing the administrative and social file for juveniles detained.</td>
</tr>
<tr>
<td>5. Improvement of services provided by the JJAD, Juvenile Court and Juvenile Prosecutor Office</td>
<td>5.1 The JJAD is supported to keep and upgrade the activities of newly established JJAD and develop a database record of Juveniles to promote children best interest and welfare</td>
<td>Provision of basic equipment and delivery of Juvenile affairs management training</td>
</tr>
<tr>
<td></td>
<td>5.2 The Juvenile Prosecutors of Kabul are trained in Juvenile affairs management and provided with basic equipment</td>
<td>Provision of basic equipment and delivery of Juvenile affairs management</td>
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<tr>
<td></td>
<td>5.3 The Juvenile judges of Kabul are trained in Juvenile affairs management and provided with essential equipment</td>
<td>Provision of basic equipment and delivery of Juvenile affairs management</td>
</tr>
</tbody>
</table>

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2 This output was added in the project revision process in April 2006.
3 This objective was added in the project revision process in April 2006.