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Office on Drugs and Crime

TERMINAL EVALUATION REPORT

Project Number:
AFG/R41

Project Title:
Reform of the Penitentiary System

Thematic area:
Criminal Justice Reform

Country:
Afghanistan

Report of the independent evaluation team

UNITED NATIONS OFFICE ON DRUGS AND CRIME

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LIST OF ACRONYMS AND ABBREVIATIONS

CPD	Central Prison Administration in the Ministry of Justice
NGO	Non-governmental organization
SMR	Standard Minimum Rules for the Treatment of Prisoners
UNAMA	United Nations Assistance Mission in Afghanistan
UNDP	United Nations Development Program UNIFEM United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
UNOPS	United Nations Office for Project Services

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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 has been described as one of near paralysis. There was no complete set of national laws and codes; law libraries have been destroyed. The number of qualified legal and judicial personnel was limited and 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 and prisons were missing, even in the area of Kabul. Additionally, the administration of criminal justice was hampered by a lack of coordination between criminal police, prosecutors, judicial authorities and prison management.

In the meantime many activities were undertaken to change the situation and to build a functioning criminal justice system. Many positive results have been successfully achieved; the described problematic situation has been eased to some extent, but remains by far unresolved. Problems with corruption and the expanding conflict with Taliban fighters have increased the dangers and risks for foreign persons and cause additional difficulties for constructive work in Afghanistan.

Such difficulties must be considered when reviewing the activities of UNODC in the country.

EXECUTIVE SUMMARY

1. Summary table of findings, supporting evidence and recommendations

Findings: Identified problems/issues	Supportive evidence/examples	Recommendations
1. Constructive co-operation between the staff of UNODC in Kabul and Afghan authorities on the basis of respect for their competencies and ideas	Achievement of the majority of objectives. Facilitated adjustment to changing conditions.	Consider a constructive cooperation with respect for the competencies of the partners as the basis for the achievement of objectives. Invest therefore time and energy in such cooperation as it was done by the staff of UNODC in Kabul.
2. Support in revising national legislative on the execution of court sentences and the treatment of detainees in accordance with international standards.	Law on Prisons and Detention Centers issued in May 2005	Support the Afghan Government in the implantation of the law in practical work as started with the workshop on Law on Prisons and Detention Centers
3. Infrastructure of the Prison Administration strengthened.	Central Prison Department (CPD) established; training for its administrative staff provided.	Continue to strengthen the competency of the CPD by improving its communication possibilities throughout the country and improve presence at provincial level.
4. Training for prison staff provided.	Training curricula have been elaborated. Local trainers have been trained to deliver training in the local native language.	Continue to provide training for penitentiary staff by local trained trainers. Get actively involved in the activities of the Training Centre for Penitentiary Staff.
5. Premises of a prison and the detention centre for male and female prisoners in Kabul restored.	A wing of the Pol-e-Charki prison and the facilities in the detention centers for male and female prisoners in Kabul were reconstructed according to international standards.	Continue to support the project beneficiaries also with material amendments.
6. Premises and equipment were provided together with trainings enabling staff to work functionally.	The CPD for example got apt premises with aptly equipped rooms and its staff were trained in office management.	Continue this "hard ware and soft ware" approach which is an effective way of building and realizing good cooperation and achieving institution building.
7. Several agencies of the UN are working in the field of the penitentiary system. Co-ordination between them is necessary.	Beside UNODC and UNOPS in particular UNAMA, UNIFEM, UNDP etc. were active.	UNODC should take a leading role in the co-ordination as done in the project.
8. The project lists a high number of planned results with many detailed activities and inputs.	For example in the immediate objective 5 there are 4 planned results with several activities described which all are cost and time intensive.	Bring planned results in balance with the time and budget available.
9. A growing number of detainees and prisoners make work in detention centers and prisons increasingly difficult.	Already overcrowded detention centers and prisons.	Plan a project that aims at reducing arrests as first reaction to a criminal offence and at developing alternatives to imprisonment.

2. Concise summary

a) Summary description of the project evaluated

After the collapse of the Taliban regime the Afghan Government requested the United Nations Office on Drugs and Crime (UNODC) for technical assistance in its efforts to reform its criminal justice system; a functioning criminal justice system in which the penitentiary system plays a decisive role was seen as a vital part of peace building in Afghanistan. UNODC presented three separate, but interrelated projects of which AFG/R41 concerned “Reform of the Penitentiary System” while R40 targets “Reform of the Juvenile Justice System” and R42 “Criminal Law and Criminal Justice Capacity Building”.

The project AFG/R41 “Reform of the Penitentiary System” in its original version of April 2003 started in June 2003; it was to last for 24 months and have a budget of 1.979.000 US\$. Its main aims were (a) revising national legislation concerning rules and regulations of prisons; (b) establishing the Prison Administration of the Ministry of Justice as 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 in Kabul; (e) setting up a special detention centre for women, with due attention to the needs of women with small children.

A change in the conditions of the project - delay in the procurement of land for the new female institution and steep increase of costs - necessitated a revision made possible with professional interventions of the staff of the UNODC in Kabul. The revision was agreed on in the Tripartite Meeting of 10 December 2005 and extended the project to 48 months and enlarged the budget to 3.592.800 US\$ (project revision approved in March 2006). The original aims have been adhered to in general.

The main aims of AFG/R41 are structured along the line of five Immediate Objectives. Activities and inputs described in detail indicate how these Immediate Objectives with its Outputs, i.e. the planned results, can be achieved.

b) Major findings of the evaluation

The findings in the report show if and how the Immediate Objectives 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.

- Revision of the national legislation concerning Rules and Regulations of Prisons

A “Law on Prisons and Detention Centers” has been issued in 2005. UNODC has contributed to this law in a very active way. The proposals of the UNODC staff in Kabul participating in the working group preparing it were of prominent importance. Regulations on the law have already been drafted; they need finalization.

- **Establishing the Prison Administration of the Ministry of Justice as Focal Point for All Matters Pertaining to Penitentiaries, Including a National Policy for Detained Women**

The main Output of this objective has been successfully achieved: A Central Prison Department (CPD) has been established; apt rooms with new equipment and restored furniture in an suitable building were provided. The staff of the CPD was trained and instructed on how to run the office effectively. The CPD is functioning. The national policy for detained women has not yet been elaborated. There are understandable reasons for this result: the majority of the female detainees and prisoners cannot be considered as guilty in an international sense and therefore not be subject to interventions within the penitentiary system. A new solution is needed.

- **Rehabilitating Prison Capacity in Kabul**

The reconstruction of block 1 in the Pol-e-Charki prison has been successfully completed. Standard Minimum rules for the Treatment of Prisoners and the basic principles of treatment of prisoners were respected in the reconstruction. The prison staff was trained in prison management, Human Rights and ethic rules. The training was provided with the professional assistance of the staff of UNODC in Kabul. The approach by training national trainers who delivered the training in the language of the participants deserves special mentioning: it facilitates a better understanding both of the contents and the implied ideas because of the language and the cultural closeness to the trainees. Basic programs for the treatment of prisoners have been set up.

- **Improving Conditions in the Detention Centers in Kabul**

Repair works in the detention centers of Kabul were successful in bringing about an improvement of the conditions for the male as well as for the female prisoners. The basic living conditions in terms of hygiene (water supply, sanitation) and comfort (heating, electricity) were implemented; an agreement between the CPD and the Emergency Health Centre in Kabul provides the necessary medical care.

- **Setting up a Special Detention Centre for women**

The construction of the special detention centre for female prisoners and detained women with their small children is in progress. Due to difficulties in the procurement of land for the detention centre and a steep increase of the costs, this aim could not yet be achieved; the detention centre will be completed by the end of 2007.

c) Lessons learned and good practices

Lessons learned:

- The staff of UNODC in Kabul created a good and solid co-operation with the Afghan authorities based on respect for their cultural background and their own approach to the problems to solve. This kind of co-operation allowed the Afghan partners to consider the obtained results as “theirs”- they could consider them achievements of their own. Such an approach highly contributes to the sustainability of the project results.

- Structuring trainings by at first training local trainers - as it was organized by the staff of the UNODC in Kabul - has at least two advantages: qualified Afghan trainers can deliver the knowledge and skills they have gained to the trainees in their own language thus easing a better understanding of the presented subjects; beyond that such trainers facilitate an easier access to new ideas because they are closer to the trainees in their cultural background.
- Two study tours to foreign countries enlarged the participants' perspective: they could see how prisons are run in the visited country and get new ideas to deal with the related problems of their own. The experiences of the study tours were shared in a conference with colleagues who could not participate; thus the results were replicated and made useful for a considerable number of target persons.
- The Immediate Objectives of the project have numerous planned results with many activities and inputs; they could not be achieved in the given time frame and with the given budget. A revision was necessary. This meant project overload. Even a reference to the difficulties in providing the land for the detention centre (a delay of around two years, steep increase of costs) does not eliminate doubts about the overload.
- UNODC was working closely together with UNOPS as an associate agency within the project. But several other UN organisations such as UNDP, UNAMA, UNIFEM etc. were also active. All these agencies had to be coordinated in order to avoid conflicts and overlapping activities – and to bring about synergetic results. The staff of UNODC finally managed the coordination well. It is important to draw attention to the task of coordination in such projects; UNODC should take a leading role in the coordination

Good practices:

- The way of implementing the project, the “hard ware and soft ware approach” can be suggested for other projects of the UNODC. It is important to present information, concepts and training (“soft ware”), but under certain circumstances it is not sufficient, for example when there are no means for the realization of ideas; 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 in the Pol-e-Charki prison and the training of its staff.
- Qualifying national trainers for the training of penitentiary staff shows another aspect which can serve as a suggestion for other projects of UNODC: the trained national trainers become increasingly competent by repetitiously delivering the training (“docendo discimus”); if they are part-time trainers who beyond training fulfill tasks in an office or elsewhere, they will fulfill also these tasks also increasingly better as they know more and are more skilled.

d) Recommendations, conclusion and including implications to UNODC

There are several recommendations which can be drawn from the project:

- For new projects in the reform of the penitentiary system make use of the successful strategies that the staff of UNODC in Kabul has adopted and of the lessons learned . This

particularly concerns the way of cooperating with the national authorities, the “hard ware and soft ware“ approach and the training of national trainers.

- Continue the successful strengthening of the CPD and support it in the improvement of communication with the provinces.
- Continue the cooperation with other UN agencies and with NGOs and take a leading role in the coordination of their contributions.

As a conclusion of the evaluation the evaluators summarize:

- Most of the objectives of the project were successfully achieved by the professional support of the staff of UNODC. This means an effective and efficient assistance of the Afghan government in its efforts to reform its penitentiary system in accordance with United Nation standards and norms, in particular with the SMR.
- The active involvement of the Afghan partners in the process of the development successfully directed them into making the results their own. This contributes substantially to the sustainability of the results.
- The willingness of the Afghan authorities to co-operate reliably with the UNODC staff in Kabul is a main reason for the successful results.
- The monitoring effectively applied in the planning and the enforcement of the project activities contributed significantly to the attainment of the results considered successful by the evaluators.

The significant contribution of UNODC to the Law on Prisons and Detention Centers, which laid the legal basis for a fair treatment of prisoners and detainees according to the norms and standards of the United Nations; the establishment of the CPD and the training of its relevant staff, which resulted in it functioning and brought an essential infrastructural result; the restoration of the premises of the Pol-e-Charki prison and the training of its staff, which facilitated a treatment of prisoners according to the SMR and other norms of the United Nations; the improvement of the conditions in the detention centers both for male and female prisoners, which facilitate an improved living standard for the person concerned - all these results have successfully contributed to a substantial and positive development of the Afghan penitentiary system. They have brought benefits to the penitentiary system as well as to prisoners and detainees.

DETAILED EVALUATION

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 criminal justice system, in particular in its penitentiary system. The re-establishment of the criminal justice system with a functioning penitentiary system became an essential pre-requisite 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 AFG/R41 “Reform of the Penitentiary System” was presented – together with two other projects, namely R40 “Reform of the Juvenile Justice 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 AFG/R41 “Reform of the Penitentiary System” aims at strengthening the legislative and institutional capacities of the country’s justice sector in responding effectively to the critical situation in the corrections sector.

The project – in its original version of April 2003 - started in June 2003. It was to last for 24 months and have a budget of 1.979.000 US\$. Its main aims were (a) revising national legislation concerning rules and regulations of prisons; (b) establishing the Prison Administration of the Ministry of Justice as 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 center in Kabul; (e) setting up a special detention center for women, with due attention to the needs of women with small children.

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.

As there were difficulties in providing the land for the planned specific detention centre for women the project could not be completed within the foreseen time frame and with its given budget: it took about two years before the needed 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 brought changes both in duration and budget after a Tripartite Review Meeting of 10 December 2005. The duration of the project changed to 48 months and the new budget to 3.592.800 US\$. The original aims were adhered to in general.

The main aims of AFG/R41 are described in five “immediate objectives”. Numerous listed activities and inputs indicate in detail, how the Immediate Objectives with their Outputs (i.e. the planned results) can be achieved.

The overall concept of the project including the Revision Document is clear and in general consistent. It describes the urgent needs of the Afghan Criminal Justice system, in particular the Penitentiary System, and the steps to take to respond to these needs. The Immediate Objectives and the planned results are essential responses to the needs in Afghanistan; they cover many areas of the penitentiary sector.

The fact that the Afghan government has asked for such a project deserves special mentioning as it is the mandate for the project. There is also a precise justification in the concept of the project for UNODC involvement.

The strategy is consistent with the design. The reference in the concept to “a number of rapid, high impact strategies”, – 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.

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 what has been achieved 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 should find out what was helpful and worth to be carried on; they might eventually find alternatives or new ways of implementing perspectives.

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

1.3 Executing Modality

The project undertaken by UNODC 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 and ideas of the supported country and for the interests of the stakeholders.

The cooperation between different agencies, such as the Ministry of Interior, Social Affairs, Women’s Affairs, Health, associations and NGOs, involved in the implementation of the project activities was realised by the Ministry of Justice. The coordination between the different

agencies of the UN such as UNAMA, UNDP was not expressively regulated. 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 the concept and its design, its implementation, its results, outputs and outcomes, the lessons learned and the corresponding recommendations.

The evaluation analyses whether and how the project contributed to a priority area for UNODC. problems and discusses the corresponding strategy chosen to address them..

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

The evaluation determines whether the planned results of AFG/R41 have been achieved, and if not fully, whether there has been some progress towards their achievement. Taking into account these factors, the overall impact of the project will be assessed. The likely sustainability of results and benefits and the contribution of the project to human and institutional capacity building are also examined.

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

1.5 Methodology

The evaluation is carried out by an independent team of external 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, UNIFEM, UNOPS, Afghan Women Educational Centre NGO and other relevant stakeholders and interviews with key staff;
- Field assessment missions to Tahia Maskan
- Meetings and interviews with other relevant persons

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

2. MAJOR FINDINGS

2.1 Overall Performance Assessment

The Immediate Objectives of the project AFG/R41 cover a wide range of measures of high importance for the development of a functioning penitentiary system. It seems adequate to include in the project concrete provisions for prison buildings as well as activities such as establishing the Central Prison Department in the Ministry of Justice or the training of the penitentiary staff. This “hard ware and soft ware approach” eased the access to the project activities. To offer good concepts is not sufficient in circumstances where the buildings needed for the realization of these concepts are not functional.

The main Immediate Objectives as referred to in the project documents have targeted important issues for the development of an Afghan Criminal Justice system. The assessed situation in Afghanistan with no functioning criminal justice system needed assistance by the international community in the way planned in the project. It was necessary to target the penitentiary system. The penitentiary sector situation is critical: it is characterized by a lack of trained professional staff and of suitable prisons and detention centres. The chosen way to realise the assistance together with the Afghan Justice Administration where itsin which representatives take over the responsibility for the initiated development is assessed very positively by the evaluators. They do not propose a less cost intensive alternative approach.

The design of the project covers relevant aims for the development of a functioning penitentiary system. Such a system needs at least a legal basis, a central organization for penitentiary affairs, apt facilities for prisoners and detainees, and trained penitentiary personnel.

All these aspects are envisaged in the project and described as aims in a way that their attainment will contribute essentially to a functioning penitentiary system.

Regarding the achievements as they are analysed by this evaluation, the project was effective and efficient in meeting the basic needs of the penitentiary system: the Law on Prisons and Detention Centres was issued with professional support from the UNODC and the Central Prison Department (CPD) has been established and it has been provided with furniture and equipment. Furthermore, its staff has been trained and enabled to work adequately. The prison capacity in Kabul has been rehabilitated by the restoration of block 1 in the Pol-e-Charki prison and by training of prison staff. The conditions in the detention centres in Kabul were improved, both for the male and the female prisoners by refurbishing the facilities. A Memorandum of Understanding between the Ministry of Justice and the Emergency hospital for the treatment of sick prisoners was signed. Finally, a special detention centre for women with children is under construction.

This constitutes proof of effective and efficient work.

2.2 Attainment of the Objectives

The objectives in the project document were attained to a large extent; some were attained partially. This will be pointed out in the following assessment by following the description order of the Immediate Objectives in the project documents. For a summary table of objectives, outputs, and activities, see the annex 3.

Immediate Objective 1 reads: “National legislation concerning rules and regulations of prisons revised.”

This objective has ultimately been attained.

The “Law on Prisons and Detention Centers” has been issued in 2005. UNODC has contributed to the law by participating in the working group preparing it and by presenting a qualified proposal. Human rights issues as well as those for women were included in the law; examples for the inclusion are Articles 3 to 5 and Article 9 of the said law.

Other legislative provisions which are listed in Output 1 of the Immediate Objective 1 still need to be revised, in particular the Penal Code and the Criminal Procedure Code. This revision will need some time. The lack of a revised Penal Code and a revised Criminal Procedure Code influences the penitentiary system negatively. But the penal system can be seen functioning in a narrower sense of apart from these laws: focusing on the life in prison the Law on Prisons and Detention Centers is the essential legal basis. Therefore, objective 1 is considered attained. Regulations on the Law on Prisons and Detention Centers havenot yet been delivered but have been drafted.

Immediate Objective 2 reads: “The Prison Administration Department established as focal point for all matters pertaining to penitentiaries, including the elaboration of a national policy for detained women.”

This objective has been partially attained.

The establishment of the Central Prison Administration Department has been realized; apt rooms in an apt building were provided. New equipment was procured and old furniture restored. It is worth mentioning here that the restoration work on the furniture was done by prisoners of the Pol-e-Charki prison – also on furniture for some administrative departments in the provinces. This is a good example of getting prisoners to work effectively. The other dimension of establishing the Central Prison Department was realized by supporting the responsible staff, in particular in advising the necessary planning and carrying out training in the using of computers and in English.

The establishment of the Central Prison Administration Department was a decisive step in the development of a functioning prison system. It facilitates preparatory measures for coordination of the work pertaining to penitentiary institutions.

The national policy for detained women was not elaborated. There are understandable reasons for this result. One of these reasons is that a high percentage of the detained women cannot be considered as guilty in the international understanding of the term. They are the victims of personal circumstances of their own and of the broader socio-legal context relating to women in Afghanistan rather than criminal offenders. Conflicts between families, interventions by relatives in the relations between husband and wife, forced marriages and divorces, violence and family pressure are some of the main reasons for behavior that hasled to their imprisonment. In such a situation it is difficult to elaborate a policy for detained women only within the penitentiary system. It needs a broader approach like the one now envisaged by project AFG/S47.

Immediate Objective 3: “Prison capacity in Kabul rehabilitated”

This objective can be regarded as attained.

The reconstruction of a prison facility in Pol-e-Charki, block 1 has been completed. This provided the opportunity to realize requirements of the SMR and the basic principles for the treatment of prisoners. A visit to this reconstructed facility gave a concrete impression of the attainment of this important objective.

The rehabilitation of the prison capacity in addition to its aspect of making it functional by training the prison personnel has been attained to a remarkable degree. Trainings of prison personnel were provided with the support of the UNODC; among the training topics figured human rights and basic prison management.

Immediate Objective 4 reads: “The situation of the Kabul Detention Centre improved.”

This objective has been attained.

The repair works in the Kabul Detention Centre together with those initiated by the administration led to significant improvement of the conditions. A visit of the facility showed that the conditions of the buildings – in contrast to their state at the beginning of the project, as photos show – have been amended and the living conditions ameliorated. Adequate living conditions for detainees belong to the basic requirement of a functioning penitentiary system.

Immediate Objective 5 reads: “A specific detention center for women with due attention to the needs of women with small children”.

This objective has not yet been attained but is in progress.

Difficulties in the procurement of land for the new detention center/prison for women and a steep cost increase for the construction led to a delay in realizing the objective.

The detention center will be completed in October 2007.

Auxiliary steps taken to ameliorate the situation of detained women: The facilities in the Kabul Detention Center were transformed for women in such a way that the living conditions for them and their small children have become at least bearable. The evaluators could visit the facility and get an impression of the amendments.

2.3 Achievement of Project Results

The main results as planned in the project have been achieved to a considerable extent. This will be described by following the Outputs of the Immediate Objectives in the project documents:

The planned results for the objective 1 of the project have been achieved or are ongoing.

Under Output 1.1 the project document lists some laws to be reviewed and adapted to international standards with special considerations for human rights and for the situation of women. The Law on Prisons and Detention Centers has been promulgated. This is highly important for the development of a functioning penitentiary system in Afghanistan because it provides the legal basis for life in prisons. Other legislative provisions already mentioned are

in the process of elaboration. The UNODC is contributing to the elaboration of the lacking laws.

The number of planned results in this difficult area as described in output 1.1 and output 1.2 of the Immediate Objective 1 seems to be set too high for the given time. As these issues are very closely linked, planning as done in the project appears to be adequate, however.

The planned results for the Immediate Objective 2 have been achieved partially and some are in progress.

The described Output in 2.1 was achieved to the extent that the establishment of the Central Prison Administration in the Ministry of Justice as a focal point of matters pertaining to the prisons was realized. This achievement contributes essentially to objective 2: the existence of such a central body facilitates concrete steps to follow one after the other in order to make the system function progressively. Not all of the enumerated examples of concrete steps for essential tasks were achieved. The UNODC, however, is making efforts to influence the Central Prison Administration in the requested direction by personal contacts as it was demonstrated on the occasion of a meeting with the Head of the Central Prison Department.

The other results planned in detail in Output 2.2 (administrative files for each detainee and prisoner as well as a data collecting system) have not yet been achieved but are in the process of elaboration. These planned results can be considered as important for a functioning penitentiary system because they will facilitate a clear and transparent administration and supply it with the needed information.

It seems adequate to describe the planned results in objective 2 in so many concrete outputs. In the given circumstances they could not yet be implemented. This is to be considered in the assessment of the achievement of the results. For the future it might be desirable to put fewer details or at least insert the clause “as far as possible” in the description.

The planned results of objective 3 have been achieved.

A building for a prison in Kabul was successfully rehabilitated and refurbished with due attention to the Standard Minimum Rules for the Treatment of Prisoners and the basic principles for treatment of prisoners (Output 3.1).

The training of the prison and surveillance personnel (Output 3.2) has been achieved.

In order to realize the training, a training centre has been established in one wing of the Pol-e-Charki prison.

About 1900 prison staff members in the whole country, among them the staff of the prison in Pol-e-Charki, have been trained by local trainers trained as trainers in subjects like Human Rights, Standard Minimum Rules, and principles of treatment of prisoners as well as in knowledge of the Law on Prisons and Detention Centers.

The fact that so many staff members have been trained can be assessed very positively; the question of the efficiency of the training in detail has to be left to another evaluation. But here it can be said that the approach practiced by local trained trainers is good and efficient. The evaluators shortly participated in a training of the trainers provided by the UNODC; the comment from one of the UNODC trainers reinforced their impression that this approach

involves the trained trainers actively in the dissemination of relevant subject matters and supports them in making the training process as a whole their own..

The planned result of developing educational, vocational and treatment programs (Output 3.3) has been achieved in cooperation with AGEF, an international association of experts in the field of migration. Programs of this kind are important for a functioning prison system. Their enforcement requires capable and educated staff members or ; the programs would otherwise be of no real use.

The planned results of objective 4 have been achieved.

The repair works in the Kabul Detention Center have been done with due attention to the Standard Minimum Rules for the treatment of Prisoners and have improved the material living conditions in terms of Hygiene (water supply, sanitation), medical care and comfort (heating, electricity); essential equipment has been provided (Output 4.1)

In-house trainings for the staff (Output 4.2) have been realized. They are important as they enable the staff to carry out their hard work adequately.

The elaboration of educational and vocational programs and activities for detainees (Output 4.3) has been achieved. Literacy courses have been provided by a non-governmental organization and vocational trainings realized by the Central Prison Department, assisted by UNODC. These provisions are important as they give the prisoners a chance to use their time in detention usefully.

The planned results of objective 5 have not yet been achieved.

The establishment of a functioning female prison/detention center for female prisoners and detained women with their small children (Output 5.1 in its revised form) has not yet been completed, but is in progress.

It is worth mentioning that the development of educational, vocational and rehabilitative programs for female detainees (Output 5.3 of the original project description) was initiated within a workshop.

The other planned results of the Immediate Objective 5 in the original project were given up in the revision. The evaluators consider this as a realistic decision as it takes into account the overload of aims for the given time frame in the project R40.

Instead, a new project has been started (AFG/S47) in which planned results of the original project description are being realized in a broader context.

2.4 Implementation

Good relationship and contact between the staff of UNODC and the Afghan authorities characterizes the process of project implementation. Such relationship provides the needed trust for meaningful cooperation. It was coupled with respect for the national competencies and concepts. The Afghan authorities were invited to participate in the development of concepts actively and contribute from their point of view. They could therefore consider the achieved results as "theirs", thus taking responsibility and considering them as their own.

Providing apt facilities (“hard ware”) where they do not exist is necessary in order to have the required material conditions for functional work. Capacity building measures (“soft ware”) can only then begin. This “hard ware and soft ware” approach proved to be realistic and effective.

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

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

2.5 Institutional and Management Arrangements

The institutional and management arrangements were generally appropriate. They were supportive towards the implementation and the delivery of the project as they provided clear structure.

The coordination arrangements with the Afghan partners were remarkable; with respect and professional steadiness the staff of UNODC in Kabul took care of good cooperation. The coordination and collaboration arrangements with other stakeholders was initially poor – as oral reports made apparent. It improved during the course of project implementation. . After initial tensions the coordination with other UN agencies became functional, opening up shorter and affordable ways to synergetic results, because of less overlapping activities.

The backstopping from UNODC headquarters has been experienced as supportive; the same applies to the backstopping at 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 for the penitentiary system in Afghanistan. The main outcomes can be summarized as follows.

The Law on Prisons and Detention Centers issued with the active contribution of the UNODC staff in Kabul is a prominent achievement. It caused a major difference to the previous legal situation. Now the Afghan prison administration has a legal basis for its actions and the prisoners and detainees have a legal basis being entitled to claim their rights. This is a great step in the development of a functioning prison system - even if the reality is still far from satisfactory implementation of the law. This achievement made a difference for the Prison Service as an institution, but also for prisoners and detainees when the law is respected.

Another highly important achievement is the establishment of the Central Prison Department as the focal point for penitentiary matters. This achievement implies a new infrastructure in the penitentiary system as a center for the development in the required direction. It also made the relevant competencies transparent. Other institutions know which agency to address in prison

matters, prison staff knows where binding orders come from and the people concerned know where to turn with complaints and requests in prison matters. These aspects might still be the vision of a functioning central administration, but they are in any case the first step towards transparency of the institution and its competencies. This allows the project to continue in the right direction.

The rehabilitation of the prison capacity in Kabul has made a difference to two dimensions. The first dimension concerns the material living conditions of the prisoners; the refurbished prison brought significant improvements to make life in prison bearable. The second dimension concerns the qualification of the staff. For the first time in Afghanistan trained staff were working in an active prison.

The improvement of the detention centres in Kabul both for male and for female detainees brought living conditions contrasting significantly.

The establishment of a functioning specific prison/detention centre for female prisoners and detained women with small children is another achievement which makes a difference in the penitentiary system in Afghanistan. It will be the first one constructed according to Human Rights principles in Afghanistan, making its existence relevant.

3.2 Impacts

A number of outcomes bringing about the above described differences had positive impacts on the development of the penitentiary system and/or the criminal justice system in Afghanistan and are summarized as follows.

The new Law on Prisons and Detention Centers has ultimately changed the legal situation concerning prisoners and detainees. There is now a solid legal basis for decisions with respect to prisoner and detainee Human Rights. There is also a clear legal frame within which prisoners can be prepared for a normal life after their release. There is still a long way to go until the rights foreseen by the law will be realized to an adequate degree, but the perspective of a development in a positive direction— also in other legal areas – leads to the expectation of clear legal decisions concerning prisoners and detainees.

The establishment of a CPD in the Ministry of Justice has brought essential benefits to the administrative sector in the Afghan penitentiary system. The infrastructure for a centralized coordination of penitentiary matters and their development in the desired direction is of high value. Of course, the CPD still needs support for a longer period of time before it will clearly and firmly use the provided competence to a satisfactory extent. But the start that has taken place after the basic training allows to expect further positive development.

The rehabilitation of the prison capacity in Kabul has two major impacts. Firstly, it shows to what extent the living conditions of prisoners under the influence of the Standard Minimum Rules for the Treatment of Prisoners and the basic principles for the treatment of prisoners can be improved and made humane (the block 1 in the Pol-e-Charki prison was reconstructed according to the mentioned rules and principles). Secondly, it highlights the importance of training the prison staff. Their training in Human Rights, principles of treatment of prisoners and prison management – as provided – was seen as an essential requirement for a functioning penitentiary system. Such trainings ultimately lead to an improvement of the situation of

prisoners as well as of staff, as it makes their work easier and even more satisfying. Beyond that it brings a bit more prestige for the under esteemed profession of prison staff.

Furthermore, the manner of providing trainings has a meaningful impact. Training local people as trainers means a stronger effect on the trainees as they speak the same language and belong to the same culture. Such training is apt to influence people more intensively and to produce significant learning effects.

The establishment of a special prison/detention centre for female prisoners/detainees with small children will have a positive impact not only for the women concerned. When the planned functions will be realised, it can be expected that it will influence the penitentiary system as a whole in a positive manner; it will emphasize the special care and treatment requirements of the special group of female prisoners/detainees with small children.

All of the mentioned achievements will have a positive impact on the development of the Afghan penitentiary system, some of them also on the criminal justice system as a whole (the new law for instance). The penitentiary system gained benefits for its administration. In the long term perspective prisoners and detainees will ultimately share in the benefits. I

3.3 Sustainability

Generally, it can be stated that the manner in which the staff of UNODC in Kabul was cooperating with the Afghan authorities made it easier for the Afghans to regard the achieved results as their own, which has increased the probability of sustainability.

The Law on Prisons and Detention Centers is one of the lasting benefits of the project. Its mere existence presents evidence for its sustainability as laws usually stay in force a long time – unless there is dramatic change in the development of the country. But the main ideas of the law have been accepted by relevant persons in Afghanistan as the evaluators could hear from high representatives of the prison service. The process of adopting this law has started – but it will take its time.

The establishment of the CPD with its competencies means a lasting benefit for the Afghan penitentiary system. Structural implantations in an organisation like the establishment of a central agency need acceptance by, and involvement of, the related persons in order to keep it sustained. The staffs of the CPD have received relevant training enabling them to fulfil their tasks. The fact that it is already functioning shows that it has been appropriated and accepted as part of the Afghan penitentiary administration. Positive comments from the Chief of the CPD reinforce this assumption.

The reconstruction of the prison and the improvement of the detention centres in Kabul are also seen as sustainable benefits. Remarks on the importance of these achievements from the side of high representatives of the CPD let the evaluators assume that the Government will take care of the buildings. As there are no formal agreements about the maintenance of this “hardware” some doubts of a long lasting effect remain.

The staff trainings let expect a long lasting institutional benefit for the penitentiary system in Afghanistan. The described way of implementing the training by trained local trainers provides a high probability of a lasting effect. This can be expected because the trained trainers have appropriated for themselves what they are present to the trainees.

4. LESSONS LEARNED AND BEST PRACTICES

4.1 Lessons learned

The evaluation lists the following lessons learned.

The staff of UNODC in Kabul delivered their technical assistance in good and solid co-operation with the Afghan authorities, based on respect for the Afghan cultural background and the Afghan approach to the problems to solve. This kind of co-operation in which the project team behaved as a service provider to the national authorities allowed the Afghan partners to consider the obtained results as “theirs”, they could make them their own achievements. Such an approach should be considered in other projects because it contributes highly to the sustainability of the project results.

The training of local trainers which was organized by the staff of the UNODC in Kabul was intended to qualify Afghan trainers who would deliver their new knowledge and skills to the trainees in their own language. This procedure facilitates a better understanding of the presented subject matter because of the similarity in language and cultural background. Beyond that it eases the access to new ideas in the penitentiary service that are often challenges for the trainees, such as the humane treatment of serious offenders.

Two study tours to foreign countries provided the opportunity to gain new insights in practices of the visited country and new ideas to deal with their own related problems. As the experiences of the study tours were shared in a conference with colleagues who could not participate, the results were replicated and made useful for a considerable number of target persons.

The majority of the objectives of the original project have numerous planned results that in the given time frame and with the given budget could not be achieved; a revision was therefore necessary. This is seen as the indication of an overload with planned results, activities and inputs. The changes in the conditions which led to the revision of the project - in particular the delay in providing the land for the specific detention center for female prisoners and detainees with small children and the rapid increase of the costs - must inevitably be respected as reasons for the revision. However, there is still the necessity of limiting the number and the detailed enumeration of the planned results.

The issue of cooperation between several other UN organisations active in the project can lead to tensions. The staff of UNODC managed the coordination well. It took a lot of time and energy to realise such coordination. It is important to draw attention to the task of coordination in such a project; UNODC should take a leading role in this coordination.

4.2 Good practices:

Some examples of best practices in the project are the following:

The implementation of the “hard ware and soft ware approach” can be suggested as an apt strategy of co-operation for other projects within UNODC. The approach means in short : it is important to present information, concepts and training (“soft ware”), but under certain circumstances this is not sufficient. For instance, when there are no means to realize the ideas, visible objects (“hard ware”) have to be provided. This approach has been successfully realized in setting up the premises for the CPD and in the training of its staff.

Necessary changes in the project were brought about with the steady and highly professional support of the staff of UNODC in Kabul. On the other side, the staff’s flexibility to react adequately and in a timely manner to the volatile situation in Afghanistan was needed. In reviewing their activities and prioritizing their goals, the staff of UNODC in Kabul has taken into due consideration the various strategies that the international community and the relevant national institutions developed in the last 3 years.

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

4.2 Constraints

Constraints and problems that had an impact on the implementation of the project were found in several areas. The main constraints were:

A lack of technical capacity to identify the needs and priorities of the Afghan partners. The UNODC staff in Kabul had to proceed carefully in discussing relevant issues in order to clarify their importance for the development of the penitentiary system and to bring them into practicable order.

A lack of coordination between national agencies. It was difficult to get a timely result when national agencies other than direct Afghan partners were involved. The manner of providing suitable land for a specific centre for female prisoners and detainees is a clear example of this difficulty.

The frequent changes in responsible personnel led to a loss of gained agreements and often required a new start of planning discussions.

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

A lack in the implementation of laws. It needed fundamental steps in training relevant staff in how to translate, for example, the Law on Prisons and Detention Centres into practice through the necessary activities.

The physical infrastructures of the prisons and detention centres were in very poor conditions.

The growing number of detainees and prisoners created enormous difficulties for the work in the detention centres and prisons.

A main constraint was the security situation in Afghanistan. Because of security reason in the country and even in Kabul it was often not possible to be in time for meetings.

5. RECOMMENDATIONS

5.1 Issues resolved during the evaluation

There was no situation during the evaluation in which issues were resolved or decisions taken as result of the evaluation.

5.2 Actions/decisions recommended

For further projects we make the following suggestions:

Make use of the successful strategies which the staff of UNODC in Kabul has adopted and of the lessons learned for new projects in the reform of the penitentiary system.

Continue considering a good and respectful relationship with the national authorities as the basis for a successful implementation of the project.

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

Training should be based on the approach of “train national trainers” training people to pass on the knowledge and skills they have acquired to the trainees in their native language, thus ensuring a better understanding of the mediated contents and ideas.

Develop a project which deals with the problem of overcrowding in detention centers and prisons. Such a project might also take into account alternative measures to react to criminal offenses.

Continue the cooperation with other UN agencies and with NGOs and take a leading role in this cooperation.

The project should be based on a realistic view of the amount of planned results that can be realized in the given time frame. This can mean either a reduction of the planned results or an extension of the time frame.

6. OVERALL CONCLUSIONS

The overall conclusions drawn from this project can be summarized as follows:

The main objectives of the project have been attained, the majority of the planned results have been achieved or are in progress, such as the construction works for the specific detention centre for female detainees and prisoners. This centre will be finished in October of 2007.

Major outcomes of the project are the new Law on Prisons and Detention Centres giving the penitentiary system a legal basis for; the establishment of a functional CPD to serve as a coordinating agency in the administrative development of the penitentiary service; the rehabilitation of the prison in Kabul with its visible aspect of a refurbished facility and its non-visible aspect of trained staff; training activities with trained local trainers, which has led to the qualification of a considerable number of personnel and initiated a change in their attitude; the specific detention centre for female prisoners and detainees with small children – to be completed by the end of 2007 – which will open new ways of treating women with children in prisons and detention centres. These outcomes prove that the work done within the project has made a difference in institutional settings in Afghanistan and in the lives of persons.

These outcomes had brought about ultimate changes of importance for the development of a penitentiary system and also for the whole of the criminal justice system in Afghanistan. They have significantly contributed to the overall goal of the project by strengthening the legislative and institutional capacities of the country's justice sector.

There are several evidential indicators showing that the achieved outcomes with their impacts on the juvenile justice system in Afghanistan will last.

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

The evaluators express their high recognition to the staff of UNODC in Kabul, who with their strong commitment and their professional skills did impressive work within the Project AFG/R41.

Annex 1: Terms of Reference (ToR)

TERMS OF REFERENCE FOR 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.

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

OBJECTIVES	OUTPUT	ACTIVITIES
1. National legislation concerning rules and regulations of prisons revised	1.1 Legislative provisions concerning the execution of sentences and the treatment of detainees in conformity with the Constitution, reviewed and adapted to the international standards, with due consideration to human rights issues and particular attention to the situation of women	- Assist in the organization of the meeting to discuss the findings of the assessment; - Advise on relevant amendments to include in the current legislative provisions pertaining to rules and regulations of prisons.
	1.2 Information documents on the new legal provisions elaborated for the key stakeholders assigned to corrections' issues	- Provide relevant information and documents on the rights of prisoners and detainees; - Advise on the elaboration of the information material on the new legislative provisions adapted to the national context; - Assist in the dissemination of the information material.
2. The Prison Administration Department established as focal point for all matters pertaining to penitentiaries, including the elaboration of a national policy for detained women	2.1 An established Prison Administration Department functioning as focal point in the Ministry of Justice	- Assist/participate in the organization of the working group to finalize the Plan of Action and strategy for the establishment of the Prison Administration Department at the Ministry of Justice; - Support Plan of Action elaboration and related strategy, provide relevant advice and expertise in the mentioned field; - Provide necessary computer equipment/office furniture for establishment of the PAD; - Computerize the PAD; - Train senior staff through the organization of a study tour and organize working session and in-house training programmes
	2.2 A standard administrative file for each detainee and prisoner (men and female) and a data collection system on people detained and serving sentences has been established and put at the disposal of the Prison Administration Department of the Ministry of Justice	- Support the organization of the working group; - Provide relevant material and documents on similar standard administrative files and data collection systems used in other countries; - Provide advice for the elaboration of the standard administrative file and for the data collection system adapted to the local situation.
3. Prison capacity in Kabul rehabilitated	3.1 A building, to be selected in consultation with the Afghan Government, has been rehabilitated and refurbished, in order to rapidly set-up an operational prison facility, with due attention to the Standard Minimum Rules for the Treatment of Prisoners and the basic principles for the treatment of prisoners	- Participate in the selection process for the establishment of the prison facility, assessment process to determine the priorities for the rehabilitation and refurbishment of the selected premises; selection of the national construction firm/company to undertake the rehabilitation works; - Provide essential equipment, tools and supplies for the rehabilitation and refurbishing of the selected prison facility/ administration
	3.2 Prison and surveillance personnel have been trained in order to reach the required professional skills and to improve the knowledge of human rights issues	- Develop a training curriculum for in-service training of prison and surveillance personnel on human rights issues focusing especially on the Standard Minimum Rules for the Treatment of Prisoners, and with particular attention on management issues for the prison personnel; - Train the managers of the prison (training the trainers' system); - Organise working session to share the experience and expertise acquired with relevant professionals; - Elaborate a training manual for prison and surveillance personnel adapted to the local situation.
	3.3 Basic educational and vocational programmes as well as treatment programmes – especially for drug abusers – have been developed, in order to promote the social rehabilitation of the prisoners.	- Advise the Ministry of Justice in determining the rehabilitation programmes to be set-up, including for those abusing drugs; - Assist the Ministry in determining the necessary priority equipment needs to ensure efficient implementation of the rehabilitation programmes and its related workshops.
4. The situation of the Kabul detention centre improved	4.1 Urgent repair work done in the Kabul detention centre, in order to improve the material living conditions in terms of hygiene (water supply sanitation), medical care and comfort (heating, electricity).	- Participate in the assessment process to determine priorities for the rehabilitation and refurbishment of the detention centre; - Participate in the selection of the national construction firm/company to undertake the rehabilitation works; - Provide the essential equipment, tools and supplies for the rehabilitation and refurbishing of the detention centre (facilities for staff), and facilities to enable the organization of in-house training courses for the personnel.
	4.2 Human rights' skills and operational performance of the custodial personnel strengthened by in-house training services	- Based on the training curriculum developed under activities 4.2.1. adapt the training curriculum for the custodial personnel, focusing on human rights issues, and with particular attention on management issues for the senior staff. - Assist in the organization of first in-service training sessions.
	Educational and vocational programmes and activities, adapted to the situation of people awaiting trial have been developed	- Participate in the organization of the working group and advise on the basic educational and vocational programmes to be set-up at the detention centre; Provide the necessary equipment for the setting-up of the educational and vocational workshops
5.A specific detention centre for women has been established, with due attention to the needs of women with small children	5.1 Female prison/Detention Centre for female prisoners and detained women with their small children is established and functioning ¹	- Construction of building based on technical design elaborated according to UN International standard conditions. - Provision of essential equipment and furniture for its administration and related buildings of the Female prison/Detention centre - Delivery of training of managerial staff and social workers assigned to Female Prison/ Detention Centre.
	5.2 Personnel, that run the new detention facility, has been recruited, trained and mentored within the framework of the project	- Assist in the selection of the personnel to be appointed at the female detention centre; - Organize a study tour for the managers of the female detention centre; - Assist in the organization of a working session for the beneficiaries of the study tour to share experience and expertise acquired with other professionals and of first in-service training sessions; - Based on the training curriculum developed under activities 4.2.1. adapt the training curriculum for in-house training services for the detention centre personnel, focusing on human rights issues and management issues for the senior staff.
	5.3 Educational and vocational programmes and activities, adapted to the special needs of women in pre-trial detention and aimed at their social rehabilitation have been developed	- Participate in the organization of the working group and advise on the basic educational and vocational programmes to be set-up at the female detention centre; - Provide the necessary equipment for the setting-up of the educational and vocational workshops.
	5.4 A national strategy and policy for detained women has been elaborated in coordination with the Ministry of Women Affairs	- Support the organization of the working group and advice in elaborating the national strategy and policy; - Assist in establishing the network of associations, NGOs, social services and others.

¹ This output was modified in the project revision process in April 2006.

