



UNITED NATIONS
Office on Drugs and Crime

TERMINAL EVALUATION REPORT

Project Number:
AFG/R42

Project Title:
Criminal Law & Criminal Justice Capacity Building

Thematic area:
Criminal Justice

Country:
Afghanistan

Report of the independent evaluation team

UNITED NATIONS OFFICE ON DRUGS AND CRIME

Vienna – April 2007

TABLE OF CONTENTS

LIST OF ACRONYMS	p.3
EXECUTIVE SUMMARY	p.4
MAIN REPORT	p.10
I. INTRODUCTION	p.10
1.1 Background and Context	p.10
1.2 Purpose and Objective of the Evaluation	p.12
1.3 Executing Modality	p.13
1.4 Scope of the Evaluation	p.13
1.5 Evaluation Methodology	p.14
2. MAJOR FINDINGS	p.14
2.1. Overall performance assessment	p.14
2.2 Attainment of Objectives	p.19
2.3 Achievement of Project Results	p.20
2.4 Implementation	p.24
2.5 Institutional and Management Arrangements	p.24
3. OUTCOMES, IMPACTS AND SUSTAINABILITY	p.25
3.1 Outcomes	p.25
3.2 Impacts	p.26
3.3 Sustainability	p.27
4. LESSONS LEARNT AND GOOD PRACTICES	p.28
4.1 Lessons	p.28
4.2 Good Practices	p.30
4.3 Constraints	p.31
5. RECOMMENDATIONS	p.31
5.1 Issues resolved during the evaluation	p.31
5.2 Actions/Decisions recommended	p.32
6. OVERALL CONCLUSIONS	p.33
Annex 1: Terms of Reference (ToR)	p.35
Annex 2: List of Persons met in Kabul and Places visited	p.42
Annex 3: Table of Objectives, Outputs and Activities	p.44

LIST OF ACRONYMS

JSC	Justice Support Centres
NGO	Non-governmental organization
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

Evaluation Team:

Bernhard Wydra
Penitentiary System Expert

Martin Lau
Criminal Justice Expert

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 reinstatement, 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.

EXECUTIVE SUMMARY

Summary table of findings, supporting evidence and recommendations

Findings: identified problems/issues	Supporting evidence/examples	Recommendations
1. Complexity and Number of Objectives	Uneven implementation: not all Objectives have been achieved	Reduce number of Objectives
2. Translations	Delays caused by time needed to translate into and from Dari	Establish a dedicated translation unit at the UNODC Country Office
3. Pilot Projects	Five Justice Support Centres are being built at the same time	Use of small Pilot Projects to test the viability of concept, design and operation
4. Improved coordination of actors in the justice sector	Leading role in the new mechanisms for the coordination of justice reform	This approach should be continued
5. Revision of criminal laws	Several criminal laws have been revised or newly adopted	This activity should be continued
6. Training of clerical staff of justice institutions	Clerks and administrative staff of all three justice institutions have been trained in management and admin skills	A continuation of this activity should, at a future stage, adopt a train the trainers' approach

a) Summary Description of the Evaluated Project Including Project Objectives

Following the collapse of the Taliban regime at the end of 2001 the UNODC developed a Priority Action Strategy for Afghanistan. The three priorities identified were, firstly, the enhancement of the operational capacity of the Ministry of Justice, secondly, juveniles in prisons and thirdly, the training of Afghan judges and officials working in the justice sector on international judicial standards and rules of integrity. These three priorities resulted in the formulation of three separate, but interrelated, projects, with AFG/R42 being concerned with Criminal Law and Criminal Justice Capacity Building. The original project document AFG/R42 is dated 1 July 2003.

The main aims of AFG/R42 as identified in the project document are (a) the strengthening of the operational capacity of the Ministry of Justice, (b) the establishment of multipurpose Centres of Justice in selected provinces, (c) the development of an information and web-based communication system for the Ministry of Justice and the selected provincial Centres of Justice, (d) the revision of national criminal law and procedure, (e) the strengthening of the operational capacity of the Judiciary in Kabul, (f) developing a legal aid programme and services including a pilot office comprised of legal professionals in Kabul. Project AFG/R42 was revised twice in the light of changing conditions in Afghanistan, but its aims and main components have remained largely intact. These six goals were informed by a conviction that a functioning criminal justice

system forms a vital part of peace building in Afghanistan and that security can only be established if criminals are brought to justice and sentences are imposed and executed in full compliance with internationally recognised standards and norms.

The six aims of AFG/R42 were structured along the lines of six Immediate Objectives. The project document of AFG/R42 described in some detail the types of activities and inputs to be undertaken for the achievement of each of these Immediate Objectives. Given the high number of Objectives, the planned activities were substantial and covered a wide range. There was a hardware component, which envisaged the provision of essential office equipment and computers to Afghan authorities, as well as the construction of Justice Support Centres. In addition, there were 'software' measures aimed at capacity building. These included numerous training activities, study tours, and technical assistance. Furthermore, the UNODC planned to provide know-how and expertise in order to assist with tasks which could not be undertaken by the Afghan counterparts themselves. This applied especially to the revision of criminal laws.

b) Major Findings

The majority of Immediate Objectives of AFG/R42 have been achieved. There is no doubt in the minds of the Evaluator that AFG/R42 has made a measurably positive impact on the administration of criminal justice in Afghanistan. It has targeted areas of the legal system which are of critical importance to a functioning system of criminal law, namely the courts, the prosecution services and the Ministry of Justice. Within these institutions, AFG/R42 has addressed needs which are often overlooked. The provision of office equipment does not grab headlines, but is essential to a functioning office. Training in management and clerical skills, IT and English, is equally fundamental to an authority's ability to carry out its assigned duties. This part of AFG/R42 has had a positive impact on the way the legal system operates. The same can be said of the improvements carried out to enhance the research capacity of the MoJ, and its ability to disseminate information. The reach of this project into the provinces, through training activities and the Justice Support Centres is likely to have a positive impact on the whole legal system.

Three Immediate Objectives await completion. The goal to develop legal aid programmes and services in Afghanistan remains work in progress. The UNODC has participated in the drafting of a law for the establishment of an independent bar association. Once this law has come into force, the UNODC plans to assist the MoJ with the setting up of a data-base containing information on legal aid providers. Once the Bar Association itself has come into existence, the UNODC plans to provide various types of technical support in order to create a functioning legal aid office. The second outstanding Immediate Objective concerns the data management system for the Supreme Court. The development of an information and web-based communication system for the MoJ, as originally envisaged in the project document, had to be terminated since a similar project was already being implemented by another international organisation. In order to avoid duplication, the UNODC has decided to shift its focus from the MoJ to the Supreme Court. The UNODC plans to develop a database system for the collection of crime statistics, which will improve the operational capacity of the Directorate of Screening and Studies at the Supreme Court. A study of the existing systems of data collection was undertaken last year. The third Immediate Objective awaiting completion is the construction of five Justice Support Centres. Considerable progress has been made in this regard, and the UNODC expects to complete all construction work in the course of 2007.

The revision of criminal laws and procedure is an ongoing process, involving a number of international actors and Afghan authorities. The UNODC has taken a leading role in this

process, and there have been some notable achievements in producing new laws and in revising existing legislation. Such is the magnitude and complexity of the task, that it is unlikely to be completed within the lifetime of AFG/R42. However, there is now in place an organisational structure which will facilitate the provision of technical assistance to the Afghan government by international organisations.

Two Immediate Objectives have been completed. The operational capacity of the MoJ has been enhanced, through training activities, the refurbishment of the library and substantial assistance to its Legislative department. The same applies to the enhancement of the operational capacity of the judiciary, the subject of Immediate Objective 5.

c) Lessons Learned and Good Practices

Lessons Learnt

The first lesson learnt from AFG/R42 relates to the number of Objectives to be achieved. The project is in its aim holistic, meaning that it unites under its umbrella a number of smaller projects, all designed to advance towards the ultimate goal, namely Criminal Law and Criminal Justice Capacity Building. Whilst this translates into a large number of outputs, potentially generating very real impacts, it also results in high workloads, and ultimately uneven implementation. Some parts of AFG/R42 remain work in progress, or have not been advanced sufficiently to make a measurable impact on the administration of criminal justice.

The complexity of AFG/R42 is compounded by the fact that in relation to some of the Immediate Objectives other international organisations have also been active. The risk of overlap has been largely avoided by the UNODC, since parts of the project were shifted to other beneficiaries as soon as it became apparent that other organisations were pursuing similar goals. For instance, with regard to the setting up of a database at the MoJ, UNODC found that the organisation US-AID -Checchi was also active in a similar project. UNODC therefore decided to shift its focus from the MoJ to the SC, where it is now in the process of setting up a database to collect and manage essential data on the functioning of the judicial system. Similar situations of potential overlaps have also occurred in the parts of AFG/R42 concerned with the revision of criminal law and procedure, as well as the provision of legal aid. The UNODC has shown much flexibility in its responses to these changes, and has been able to shift some activities to other Afghan institutions. However, this flexibility has come at a price, namely uneven implementation. An important lesson to be learnt from this project is thus to reduce the number of planned Objectives and Outputs, and to focus on them.

The second lesson learnt is the desirability of interim-assessments in the course of the implementation of the project. Project AFG/R42 was revised twice but these revisions, as evidenced in the revised project documents, did not change its general design and framework. However, in actual practice there were major de facto revisions. These affected not so much the Immediate Objectives themselves, but the activities and outputs undertaken to achieve them. For example, the number of Afghan counterparts increased, international consultants were not required as much as originally anticipated and other organisations covered areas originally meant to be undertaken by UNODC.

The implementation of AFG/R42 is documented in a series of reports, annual and quarterly, in accordance with the internal rules established by the UNODC Headquarters, but these reports are quite brief and outline the activities undertaken only in a summary fashion. It is difficult to draw from them an accurate picture of the difficulties encountered, the priorities set, and the

strategic decisions made. I think that one reason for this lies in the large number of activities planned under AFG/R42 – it is difficult to keep track of everything happening. The shortcomings of the present UNODC system of reporting became painfully apparent in the course of this evaluation: in a number of instances, basic information concerning the state of particular Immediate Objectives had to be specifically requested from the UNODC, since it was not readily obtainable from the documentation contained in these reports.

A project like AFG/R42 would have benefited from more substantial reports, perhaps in the form of interim assessments or internal interim evaluations. These could also involve the Afghan counterparts: whilst every Afghan official interviewed by the Evaluators was most positive about the work of the UNODC, there is no record of this praise in the existing reports. A formal inclusion of the feedback on activities received from the Afghan beneficiaries would be a useful component of an interim assessment. An interim assessment should also mention the work of others in the same area, in order to enable the UNODC to document both, the strategic decisions made in the course of the lifetime of the project, and the adjustments made in the course of the project's implementation. I realise that a full-scale evaluation is a costly exercise, but I think that a smaller, internally conducted version could be a workable alternative. These interim assessments should also provide comments on the utilisation of the budget. Budgetary information is contained in UNODC accounts, which give a precise breakdown of allocation and expenditures according to budget lines. However, it would be useful if these accounts were accompanied with some form of written commentary, in order to understand how revisions of the project affected the utilisation of the budget. This would be helpful information, both to donors and to the UNODC, for the planning of future projects.

The third lesson to be learnt from AFG/R42 is the importance of translations from and to English and Dari. The working language of the UNODC in Afghanistan is English. Only the national project coordinator speaks Dari. Thus, communication with the Afghan counterparts relies heavily on interpreters and translations. Given the small number of Afghan officials who speak or read English, it is important for the UNODC to translate to and from Dari as much as possible. At the moment, not all relevant documents are being translated into Dari, thus making it difficult for the Afghan counterparts of this project to provide feedback and comments. It would be useful for the UNODC to establish a fulltime translation unit in its country office, and it would be equally useful to have a Dari UNODC country website. The enhancement of the translation capacity of the UNODC will become even more pressing with the spreading of UNODC programmes to the provinces, where even fewer people have command over English.

The last lesson to be learnt from AFG/R42 is the usefulness of Pilot Projects. This project contemplated pilot projects in the areas of legal aid and the Justice Support Centres. In the view of the Evaluator, the use of pilot projects is highly desirable in Afghanistan, because they allow for the potential impact and effects of the measures to be assessed at an early stage of their implementation. In turn, this allows for lessons to be learnt and to be applied in the course of the project's implementation. This is of particular importance for projects which represent entirely new areas and approaches. For instance, there have never been Justice Support Centres in Afghanistan – it is a new, potentially innovative idea, which as of necessity has not been tested. It would have been useful to establish a Justice Support Centre early in the life of AFG/R42 and to 'test' it for a period of time, before constructing Justice Support Centres in other provincial capitals. As it stands, five will have been constructed before any feedback on their design and usage has been obtained.

Good Practices

There are several aspects of AFG/R42 which can be called good practices, and which could be adopted by UNODC in other projects. Firstly, this project involved in some areas a 'hardware – software' approach, meaning that the objective of capacity building was combined with the provision of equipment and infrastructure. There is no doubt in the minds of the Evaluator that this approach contributed to a large extent to the overall successes of AFG/R42. Training of judicial staff in office management makes little sense if they have no properly equipped offices. Equally, training IT skills makes no sense without the provision of computers. Within AFG/R42 the UNODC supported both the regeneration of the physical infrastructure of the criminal justice institutions and the capacity of its personnel to operate and use it. This must be considered a good practice and can be recommended for capacity building projects in the justice sector in other post-conflict societies.

Secondly, AFG/R42 envisaged for all training activities a train the trainers approach. It is therefore mentioned here as an example of good practice in project design, since such an approach allows for capacity building in a sustainable manner. In the event, in its actual implementation the majority of training activities under AFG/R42 were sub-contracted by the UNODC to other organisations (AGEF, UNDP, AIMS, AITM), and the originally intended train the trainers approach abandoned. It is mentioned here as an example of good practice in project design, but must also be regarded as a lesson learnt: whilst fundamentally desirable, the training of trainers is difficult to implement in a country like Afghanistan, where civil servants start from a very low level of skills and expertise. In such a situation, a consistent adherence of a train the trainers approach would cause delays.

Thirdly, in 2006 working groups were created which allowed international agencies and their Afghan counterparts to coordinate assistance activities according to subject areas. The system of working groups must be considered a good practice and can be recommended as an organisational tool which would be useful in other countries as well. The UNODC Kabul has been extremely active in this regard and has taken a leading role in these working groups. The existing reports prepared for AFG/R42 do not reflect fully this particular achievement. However, the experiences gained by the UNODC Kabul in establishing these coordination mechanisms should be of value to the activities of the UNODC in other post-conflict societies.

Fourthly, AFG/R42 dared to target parts of the legal system, which are often overlooked, but which are essential to its effective functioning and efficiency, namely the administration and internal management of justice institutions. Whilst many organisations are active in areas such as human rights education, there are not many willing to tackle more basic, but essential, problems and needs. The inclusion of mid-level management and clerical services in the project of capacity was an innovative part of this project and must be considered a good practice.

Lastly, the Study Tours organised by the UNODC proved to be a real success with all the participants which we were able to interview, stating that they had greatly benefited from them. Study tours are at times criticised as mini excursions without any little real benefit or impact. This proved to be otherwise with the tours organised by the UNODC. Exposure of justice personnel to the conditions and practices as they obtain in other legal systems has proven to be an important element of capacity building and the initiation of reform.

d) Recommendations and Conclusions

Many, but not all Objectives of AFG/R42 have been achieved. This must be regarded as an overall success, given that this was a complex and demanding project, implemented in a country which had been utterly destroyed and ravaged by many years of war and strife.

The overall aim of AFG/R42 was the capacity building in the fields of criminal law and criminal justice. It was accompanied by two additional areas of UNODC input, namely the rehabilitation of the penitentiary system and juvenile justice reform. The holistic approach taken by this project meant that a number of measures were planned to achieve this goal. These measures were based on a needs assessment which had identified various areas which were in urgent need of assistance. These included a lack of premises for justice personnel in the provinces, a lack of communication with the MoJ and between justice institutions, outdated criminal laws which fell short of international standards, inefficient management structures within the MoJ, lack of management skills of justice sector personnel and the absence of a system of free legal aid.

The expected end-of-project situation anticipated major improvements in all these areas and this expectation has been met in most of them. The physical and human resources of the MoJ have been significantly enhanced. There is now office equipment, a number of staff have been trained on basic management issues as well as on international standards and rules of integrity. A Justice Support Centre is operational and four are nearing completion. Their staff have been trained. The revision of criminal law and procedure is a huge task, but even here progress has been made. The judiciary's physical and human resources have been strengthened. The legal aid programme itself has not come on stream but progress has been made in the drafting of a law for the establishment of an independent bar association.

Given the above, the overall conclusions of the Evaluators are positive: AFG/R42 has without a doubt made a major contribution towards the rebuilding of Afghanistan's criminal law system. Some of the Objectives were achieved better than others. The sometimes uneven implementation of the project was due to a combination of factors. There were a number of constraints which impacted AFG/R42's implementation. Among them were security issues, the presence of other organisations working in the same field and the ability of Afghan institutions to absorb assistance.

Another factor was the complexity of some of the issues to be addressed by the project. The revision of a whole system of criminal laws is a major undertaking as is the setting up of a legal aid programme. The complexity of the issues to be addressed was matched by the complexities inherent in AFG/R42 itself. With the benefit of hindsight, it could be argued that the range of activities required in the implementation of the project was potentially too wide and would have justified several distinct programmes.

Project AFG/R42 produced many examples of 'good practices', of which among them were a combination of hardware and software measures, the use of study tours, the targeting of administrative staff, and a train the trainers philosophy. It also laid the infrastructural foundations for a number of important functions which have to be carried out within the legal system. Among these are the setting up of a law library in the MoJ and the Justice Support Centres. The lessons learnt from the project are equally useful and include the desirability of interim assessments, the use of pilot projects and the importance of coordination especially amongst UN agencies.

MAIN REPORT

I. INTRODUCTION

1.1 Background and Context

The UNODC's Criminal Justice Reform Programme is rooted in the long-established work of the UNODCCP on drug control and crime prevention in Afghanistan. Shortly after the collapse the Taliban regime at the end of 2001, the UNODCCO formulated a Strategy for Drug Control and Crime Prevention in Afghanistan. This was followed by a mission of Mr Jean-Paul Laborde, Chief of the Convention and Legal Affairs Section of the CACP/ODCCP, to Afghanistan. The Needs Assessment Mission formulated a CACP Priority Action Strategy stating that the first immediate action of the CACP should be directed to the strengthening of the operational capacity of the Ministry of Justice. Juveniles in prisons was identified as the second immediate action, followed by action against organized crime activities. Second Priority Action was identified as on-going support for the Ministry of Justice to improve its capacity to develop criminal laws, the rehabilitation of the prison system, and support for the establishment of an anti-corruption strategy. Third Priority Action was to consist of the training of Afghan officials working in the justice sector on international judicial standards and rules for judicial integrity, and technical assistance projects for the training of judges and prosecutors.

The Mission Report on Crime Prevention Strategy for Afghanistan was followed by a Needs Assessment Mission fielded to Afghanistan in August 2002. Its findings formed the basis for the formulation of inter alia project AFG/R42, the UNODC's project on Criminal Law and Criminal Justice Capacity Building in Afghanistan, dated 1 July 2003.

The main aims of AFG/R42 are the (a) strengthening of the operational capacity of the Ministry of Justice, (b) the establishment of multipurpose Centres of Justice in selected provinces, (c) the development of an information and web-based communication system for the Ministry of Justice and the selected provincial Centres of Justice, (d) revision of national criminal law and procedure, (e) strengthening the operational capacity of the Judiciary in Kabul, (f) developing a legal aid programme and services including a pilot office comprised of legal professionals in Kabul. Project AFG/R42 was revised twice in the light of changing conditions in Afghanistan, but its main components have remained largely intact. These goals were informed by the conviction that a functioning criminal justice system forms a vital part of peace building in Afghanistan and that security can only be insured if offenders are brought to justice and sentences are imposed and executed in full compliance with internationally recognised standards and norms.

The overall project design and its objectives are based on an overview of the situation in the Afghan justice sector in 2003. The context of AFG/R42 was marked by a near collapse of the formal justice sector after more than twenty years of civil war. Even the most basic resources, such as a complete set of Afghan laws, were missing. The effects of the prolonged period of civil strife severely affected human resources, with only a very limited number of qualified legal and judicial personnel available. The civil war also left in its wake a highly dilapidated infrastructure and diminished physical resources. Project AFG/R42 identifies an urgent need for the establishment of essential physical infrastructure, provision of equipment, training, and provision of know-how and financial resources to reconstruct the criminal justice system.

The strategy adopted by AFG/R42 to achieve these objectives thus combined a number of measures both in respect of capacity building and the rehabilitation and provision of physical

infrastructure and resources. In total this project identifies 6 Immediate Objectives. The first Immediate Objective relates to the Ministry of Justice. The overall aim was capacity building, more specifically the enhancement of the operational capacity of the Ministry of Justice.

The second Immediate Objective intends to improve the delivery of criminal justice outside Kabul. The project envisages the creation of multipurpose Centres of Justice, which are to accommodate provincial offices of justice, police, prosecutors, judges and lawyers, to be established initially in the capitals of selected provinces. In a second step, senior specialised staff of the Centres of Justice are to be trained on basic management needs as well as on international standards and rules of integrity. The training activities are based on a train the trainers approach and mentoring.

The third Immediate Objective aims to establish an information (data base) and web-based communications system for the Ministry of Justice, as well as for selected pilot provincial Centres of Justice. This objective includes as outputs the installation of the necessary equipment (computer hardware as well as software) as well as training to familiarise end-users with the new information and web-based communication system. As will be explained in more detail further below, the beneficiary of this Immediate Objective is now the Supreme Court, since another organisation is already addressing these issues in the MoJ.

The fourth Immediate Objective aims to revise national criminal law and procedures. The first main output concerns the review of the legislative provisions concerning criminal law and procedure and their adaptation to United Nations Standards and Norms in Crime Prevention and Criminal Justice. The second output intends to publicise the new legal provisions by elaborating information documents for the key stakeholders in the crime prevention and criminal justice field.

The fifth Immediate Objective is aimed at an enhancement of the operational capacity of the judiciary in Kabul. The first component involves the refurbishment of the offices of courts and the provision of essential equipment, whilst the second component consists of the training of senior judges and prosecutors on basic management needs, as well as on international standards and rules of integrity.

The sixth and final Immediate Objective relates to access to justice through the development of a legal aid programme and services. This Objective is marked up as a priority area in the rebuilding of the criminal justice system because poverty would otherwise prevent the vast majority of Afghans from having access to justice. The establishment of a legal aid programme and services is to be followed-up by the establishment of an independent and professional national Bar Association. As will be explained further below, the order of these two activities has now been reversed.

Each of the six Immediate Objectives is accompanied by a precise list of planned outputs, activities and inputs to be provided by the UNODC and the Afghan institutional counterpart. The latter is for most Objectives the Ministry of Justice. Each set of activities is carefully broken up in components, which follow a logical and clear division of responsibilities and activities. The project strategy and design are coherent and logical.

However, as will be seen in more detail later in this Evaluation, the very precisely defined outputs, inputs and activities stand in stark contrast with the realities as they presented themselves on the ground in Afghanistan in 2003. These realities were marked by rapid changes of personnel within the Afghan institutions, a great number of international organisations and nations active in the reform of the justice sector, and an incomplete understanding and

knowledge of the Afghan legal system itself. The project document acknowledges these risks, highlighting especially that the success of the projects depends on the support of the Ministry of Justice and its ability to develop or apply supportive policies.

Project AFG/R42 approaches the rebuilding of Afghanistan's criminal justice system in a holistic manner by combining a number of distinct but interrelated measures or Objectives. Whilst this is a sensible approach, it is also a difficult one since it requires the UNODC to implement at least six 'sub-projects', each requiring significant managerial and organisational input. As will be seen further below, the actual attainment of the six Immediate Objectives has been uneven and in many respects the envisaged sequence of activities and inputs had to be abandoned or at least revised. For example, all six Immediate Objectives stipulated the appointment of international consultants for fixed periods of time. In the event, it seems that no international consultant was ever hired for the project. The combination of a high number of Objectives entails the danger that the project becomes unwieldy and that some Objectives receive more attention than others.

The initial timeframe for the attainment of the outputs envisaged under the six Immediate Objectives was 24 months, later extended to 48 months (cf. Project Revision Document (II)). In December 2006, this project was extended until the end of 2007. The formulation of the overall project strategy is coherent and logically structured, giving a precise statement of the intended outputs and activities. The strategy elaborates not only the activities of the UNODC, but also those required from the relevant Afghan stakeholders and counterparts.

The project document includes a detailed budget, a precise statement of the required specific inputs by UNODC for the implementation of the project activities, as well as risk assessment pertaining to the project. In the course of its implementation, this project was revised twice, once at the end of 2005 (cf. Project Revision Document I), and again at the end of 2006 (cf. Project Revision Document II). These revisions did not change the overall project strategy but shifted the focus of activities from Kabul to the provinces. The overall duration of AFG/R42 was extended from 24 to 48 months, but the total allocated budget was not increased. Following an extension of the project to the end of 2007, there is now a budgetary shortfall of about 350,000 USD.

1.2 Purpose and Objective of the Evaluation

The "Criminal Law and Criminal Justice Capacity Building" project is part of a package of initially three projects which were the foundation of the UNODC's Criminal Justice Reform Programme ["CJRP"] in Afghanistan. All three projects share common objectives, namely to address the most urgent needs, shortcomings and challenges that Afghanistan was facing in the aftermath of 25 years of civil war to reform the legal and criminal justice sectors, including prison and correctional facilities. The CJRP constitutes the initial package of technical assistance offered to the Government of Afghanistan in order to assist in the re-establishment of the justice and penitentiary systems, which had been identified as a main priority area of intervention for the UNODC. All three projects are close to completion with most of the activities finalised: the outstanding outputs relate mainly to the wider goal of institution building and the delivery of infrastructure. Despite these outstanding outputs, the final evaluation has been requested to take place at this point in time because the staff, which has been instrumental in the design and in the implementation of the CJRP, is about to leave Afghanistan to take up new duties. In order for the evaluation to take into account their views, insights and experiences, it has to take place even before the formal completion of the three projects.

This evaluation addresses the general objectives of an independent UNODC evaluation, namely to examine the mandate, strategies, objectives, relevance, effectiveness, results, impact, sustainability and added value of AFG/R42. In particular, this evaluation examines the progress achieved against the above-stated objectives, but also in relation to the wider impact of the project on the justice reform process in the country, taking into account the conditions under which implementation has occurred.

1.3 Executing Modality

Project AFG/R42 has been executed by UNODC in partnership with UNOPS as an associated agency in the project. In respect to the infrastructure component of this project, namely the construction of Justice Support Centres in several provincial capitals, the Afghanistan UNOPS Office provided financial and administrative services in accordance with an UNOPS-UNODC agreement, which also applies to the infrastructure components of the other two projects of the CJRP.

UNODC created the position of a Justice Programme Manager who assumed responsibility for the execution of the CJRP. The Justice Programme Manager has been assisted by a National Project Coordinator in the supervision and guidance of the project implementing partners.

At the initial stage of the project, a justice programme manager was recruited to monitor the implementation of the three projects of the CJRP. The reassignment of the project coordinator to the UNODC Vienna in September 2004 meant that the UNODC Country Office Afghanistan had to rely on its in-house staff to ensure follow-up and to fulfil the necessary monitoring requirements. The large number of activities and inputs undertaken in the period between September 2004 and the beginning of 2006 testifies to the fact that the Kabul office was able to cope with this change in staffing levels. A Project Expert was recruited in February 2006 based in the Kabul UNODC Country Office, to provide substantive assistance in project execution as envisaged in the project document. However, the Project Revision Document (II), dated November 2006, highlighted the requirement of additional human resources in order to increase the UNODC's criminal justice project portfolio in Afghanistan.

The Afghan partner institutions involved in AFG/R42 were initially confined to the Ministry of Justice but now include the Supreme Court and the Attorney General's Office. The enlargement of the beneficiaries of this project reflects the changing realities in Afghanistan and the UNODC's positive reaction to them. All three institutions have to work effectively if there is to be any improvement in the administration of criminal justice. The inclusion of the other two permanent justice institutions was correctly seen as important to the UNODC. Extending this project has meant that these institutions, whose relations towards each other are at times tense, have found points of contact and even collaboration.

1.4 Scope of the Evaluation

This evaluation of AFG/R42 focuses on the project's concept and design, the implementation, results, outputs and outcomes. In respect of project concept and design, this evaluation analyses whether and how the project has contributed to a priority area for UNODC. The evaluation reviews the problems identified by the project and the corresponding strategies chosen by the UNODC to address these. In particular, the evaluation assesses the relevance and the attainability of the objectives and planned outputs, activities and inputs, as compared to other cost-effective alternatives. At a more fundamental level, the evaluation analyses the clarity, logic and coherence of AFG/R42. In respect of objectives, outputs, impact and sustainability, the

evaluation seeks to determine whether results have been achieved or, alternatively, whether there has been progress towards their achievement. In this regard, the likely sustainability of results and benefits, as well as this project's contribution to human and institutional capacity building, will be addressed. Furthermore, the evaluation will assess how effectively and efficiently programme planning and implementation have been carried out. In this regard, the evaluation assesses the extent to which the organisational structure, managerial support and coordination mechanism used by UNODC was appropriate for the support and implementation of AFG/R42. Finally, the evaluation will identify the lessons learned from the concept, design, and implementation of the project.

1.5 Evaluation Methodology

The evaluation methodology, as specified in the Terms of Reference, consisted of three components, namely a document review, visits to and interviews of relevant stakeholders and key staff, and field assessment missions. Planned field assessment missions to Mazar-e-Sharif and Gardez were cancelled due to adverse weather conditions and security concerns and all visits were therefore confined to Kabul.

2. MAJOR FINDINGS

2.1. Overall Performance Assessment (Appropriateness, Relevance, Effectiveness, Efficiency)

Project AFG/R42 is an ambitious and multi-faceted project which combines a number of activities all aimed at improving the quality of the administration of criminal justice in Afghanistan. Its appropriateness has to be assessed in conjunction with the two other, related criminal justice projects, namely "Reform of the Juvenile Justice System in Afghanistan – AF G/R40" and "Reform of the Penitentiary System – AF G/R41". Given the dilapidation of the infrastructure of legal institutions and the general lack of capacity of its personnel, AFG/R42 was based on three approaches: firstly, institution building, including enhancement of operational capacity and physical infrastructure, secondly, policy advice and support of legal reform, and thirdly, capacity building measures in order to strengthen human resources. In addition, this project also included outreach and access to justice components.

In order to achieve clarity in project design and implementation, this project was structured into six distinct but interrelated overall Immediate Objectives. Each of these Immediate Objectives lists with precision the planned and intended outputs and the activities and resources required to achieve them. As will be seen further below, some of the planned activities had to be revised or changed due to changing conditions in Afghanistan, especially in the justice sector. These changes include the involvement of a number of international organisations in this area of development assistance as well as changes in the legal system and its institutions itself. As will be seen further below in more detail, the UNODC reacted to these changes in a constructive manner: in a number of instances the decision was made to depart from the very precisely defined inputs and activities so as to reach the ultimate goal, namely the achievement of a particular Immediate Objective.

The six Immediate Objectives target different components of the administration of criminal justice in Afghanistan, but all six share a common aim, namely the development of the criminal law capacity of the justice institutions involved in criminal justice. The division of the project into

six components reflects the immediate needs and requirements of Afghanistan in attaining this aim and appropriately reflects the realities on the ground.

The first component of AFG/R42 selects the Ministry of Justice as a key actor in designing criminal justice strategies and in re-establishing the rule of law in Afghanistan. The original project document identifies a number of problems in the Ministry of Justice, which prevent the Ministry from fulfilling this role in the legal system of the country. These relate to the organisation, structures and basic equipment of the Ministry which all three suffer from deficiencies and defects.

Immediate Objective 1 thus is located in the Ministry of Justice. Its goal is “Enhancement of the Operational Capacity of the MoJ” and the intended output 1.1 is that “A restructured and reorganized Ministry has senior specialised staff and administrative staff, trained on basic management needs as well as on international standards and rules of integrity (training the trainers concept)”. The activities scheduled to achieve this objective included assessments, training programmes including a study tour, and mentoring. The project document carefully delineates the responsibilities of both the UNODC and MoJ in these activities and specifies the necessary inputs from both entities. In the course of the project’s implementation, the description of the planned output has been further refined, now providing “A restructured and reorganised legislative department has senior specialised trained staff, equipment, and books for the professional members of the legislative department to complete the research, essay, and articles of the institute.”

In the view of the Evaluators, the Immediate Objective 1 was most appropriate for the enhancement of the operational capacity of the MoJ. The ability of the MoJ’s Legislative Department to prepare and draft criminal legislation, responsive to the needs and conditions of Afghanistan and in line with international norms and standards, must be regarded as a crucial component in the establishment of the rule of law in Afghanistan. Given the extremely low capacity of the MoJ, it was appropriate to conduct an initial assessment of the organisation of the Legislative Department, and to develop a strategy for reorganisation through the avenue of working groups. Re-organisation of institutions, which have not been subject to any reform for many years, is, as of necessity, a delicate process which can quickly cause resentment and the impression of undue interference. In the course of a meeting with Mr Halim, the Head of the Legislative Department of the MoJ, it became clear that the UNODC had succeeded in building a relationship of trust and confidence with the MoJ. Mr Halim spoke not just about past achievements, but also of his hope that his Department would continue to benefit from UNODC projects. The addition of the provisions of books and other resources for the Legislative Department to the Output 1.1 must also be seen as most appropriate since it adds significantly to the ability of the Legislative Department to draft legislation.

The second output under Immediate Objective 1 was “Offices are refurbished and well-equipped”. It goes almost without saying that this output is most sensible, relevant and appropriate. In 2002, there was virtually no office furniture in the MoJ and most windows were broken. The provision of basic equipment and furniture was thus absolutely essential. It is noteworthy and in the view of the Evaluators in line with good practice, that the UNODC did not just carry out this activity by delivering the equipment to the MoJ. Instead the UNODC aimed at enhancing the capacity of the MoJ to carry out this activity by itself and to assess and define the priorities, to develop a resource mobilisation plan and to elaborate a proposal for the refurbishment of the MoJ. The UNODC’s input was thus confined to the recruitment of a national consultant to assist the MoJ in this task, to cover the costs of the working group, to issue the

necessary contracts to undertake the works, and to cover the costs for the refurbishment of the building, including the purchase of all essential equipment.

Output 1.3 provided for “A strengthened Department of Publication at the Ministry of Justice has developed a legal awareness campaign, which informs the Afghan population of its rights and responsibilities as well as on the legal reform efforts”. Again, there is no doubt in the minds of the Evaluators that this output is highly relevant for the rebuilding of the criminal justice system. The complete collapse of the Department of Publication during the civil war meant that neither old nor new laws were accessible and that even basic legal questions on Afghan law could not be answered. Output 1.3 was further refined in the Project Revision providing that “A restructured and reorganised publication department has senior, specialised, trained staff, equipment, and books for the library and publication section. A database for the library and the website of the Ministry of Justice is developed.” This revision is both relevant and appropriate. The activities envisaged under this Output were also marked by a close cooperation between the MoJ, the Supreme Court, and the UNODC incorporating measures to enhance the capacity of the former through the setting up of working groups, training of senior staff and support for the organisation of information and awareness raising materials. The legal awareness component of this Output had to be dropped, because it became apparent that the Publication Department does not have any responsibility in disseminating such information nation wide.

The Immediate Objective 2 is described as “Multipurpose Centres of Justice, which accommodate offices of justice, police, prosecutors, judges and lawyers, established in selected pilot provinces’ capitals”. This Objective focuses on the provision of legal infrastructure in the provinces and the envisaged output thus consists of the building of these centres. The activities planned to realise this output are marked by close consultation and cooperation with the Ministry of Justice, the Supreme Court and other stakeholders. In a first step, the MoJ is tasked with conducting an assessment to define priorities, to select pilot provinces, and to select the precise location for the Centres of Justice in each city. A working group with representatives of all stakeholders as well as the UNODC is to finalise the assessment. The final activities all relate to the technical aspects of architectural planning and design, definition of the bill of quantities and technical specifications – all to be determined taking into account the needs of each professional group. The UNODC is to provide the furniture and equipment of the centres as well as to cover the costs for the building or refurbishment of the Centres, whilst the Ministry of Justice is responsible to establish or, as the case may be, restructure them. The Afghan counterpart for this Immediate Objective is now the Supreme Court. A Memorandum of Agreement between the UNODC and the Supreme Court was signed in December 2006. It sets out the respective responsibilities of the UNODC and the Supreme Court in the construction of the Justice Support Centres.

In a second step, the Project is concerned with the training of the staff of the Centres of Justice. Output 2.2 states “Senior specialised staff has been trained on basic management needs as well as on international standards and rules of integrity (training the trainers concept) and is mentored.” In a division of activities the MoJ is tasked with organising a working group attended by the experts of other Ministries and other relevant entities (such as the Judicial Commission, Supreme Court, Attorney General’s Office) and any other persons as appropriate, to determine the rules for the management of multipurpose justice centres, to develop adapted training curricula for the newly appointed staff on basic management needs as well as on international standards and rules of integrity. Finally, a mentoring system as had been envisaged for the enhancement of capacity at the MoJ, is to be adapted to the training of staff of the new Centres.

The setting up of Justice Support Centres in provincial capitals must be regarded as an innovative and potentially effective step towards the establishment of the rule of law in Afghanistan. The goal to project the results of the law reform efforts conducted in Kabul to the provinces is highly appropriate and relevant within the context of AFG/R42. The centres aim not only to provide vital resources to legal professionals working in the provinces, but also to provide a permanent link to the capital, which remains the source of much of the internationally assisted law reform efforts. The Justice Support Centres can serve as a lasting conduit for the dissemination of information, both from and to Kabul. The Centres can also provide services and assistance to a wide range of legal officials and professionals. In concentrating the assistance to one central location within a provincial capital, which can be accessed by judges, prosecutors, police and lawyers, the Centres of Justice will be cost-effective and efficient. The alternative, namely to provide the same range of services to individual courts, police stations, prosecutors' offices and lawyers would have increased costs substantially. Furthermore, the Justice Support Centres are likely to provide a place for the exchange of information, discussion and debate amongst the different justice institutions. Given that the concept of Justice Support Centres is entirely new to Afghanistan, only time will tell whether these expected benefits will materialise. At least on paper, the case for establishing Justice Support Centres is convincing. This assessment is shared by the Supreme Court of Afghanistan, whose Chief Justice is fully supportive of this initiative.

Immediate Objective 3 provides "An information (data base) and web-based communication system for the Ministry of Justice, included selected pilot provincial Centres (intranet) has been developed, providing staff with access to selected international databases". The associated Output 3.1 is specified as "The information and web-based communication system with the necessary equipment." The activities envisaged to achieve this Objective progress from the setting up of a working group, and the computerization of the MoJ and of selected Justice Support Centres. The latter will also provide internet access. These activities are conducted jointly by the MoJ, the Supreme Court, and the UNODC with the latter providing funds for the purchase of the equipment as well as technical expertise. Output 3.2 is concerned with the training of staff, specifying that "Training has been provided to familiarise end-users in the Ministry of Justice and in the selected provincial multipurpose justice centres with the information and web-based communication system. This training component is to be carried jointly by the MoJ and the UNODC."

Output 3.2 has been shifted to the Supreme Court, and has now been changed to the setting up of a Supreme Court Data Management. In particular, UNODC intends to develop the necessary databases and engines to collect post-2001 crime statistics, including "arrest, types of crime, number, and information on criminal trials, detentions, final convictions, and other related available data." This change of Output is not documented in any of the project revisions, but a Baseline Report prepared by the UNODC contains a detailed outline of this new initiative. This Baseline Report is dated January 2006, but there must be doubts about the accuracy of this date, since no mention of it appears in the Project Revision II dated November 2006. The latter still lists as Output 3.2 the information system for the MoJ. In addition, the Baseline Report refers to information, which post-dates January 2006, thus making it impossible that it was produced in that month. In any event, the new Output 3.2 fits into the overall aims of this project.

The second area of assistance envisaged by AFG/R42 lies in the area of criminal law reform. The Immediate Objective 4 is expressed as "National criminal law and procedure provisions revised." The first Output 4.1 states that "Legislative provisions concerning criminal law and procedure (the Penal Code, the Criminal Procedure Code and other relevant laws and regulations) have been reviewed and adapted to United Nations Standards and Norms in Crime

Prevention and Criminal Justice.” This review and adaptation process is to be lead by the MoJ which in a first step is to conduct an assessment and analysis of the current legislative provisions concerning crime prevention and criminal justice, including their effective application in practice, to convene a Law Reform Commission composed of the relevant Afghan authorities and others to discuss the findings of the assessment and propose relevant amendments, and finally to draft reviewed and updated rules and regulations in accordance with the findings of the Law Reform Commission. In all these activities the UNODC was to assist by providing relevant information, national and international expertise, and fund the costs of the working sessions and the drafting. The second Output 4.2 is concerned with the dissemination of information on the amended sets of criminal laws: “Information documents on the new legal provisions, pertaining to penal law and criminal procedure, have been elaborated for the key stakeholders in the crime prevention and criminal justice field.”

The third area of UNODC assistance targets the Judiciary. Immediate Objective 5 states “Operational capacity of the Judiciary in Kabul enhanced.” Output 5.1 is concerned with the rehabilitation of the physical infrastructure of the courts and provides that “Courts’ offices are refurbished/re-built and well-equipped.” Output 5.2 aims to enhance the capacity of judges and prosecutors and provides that “A restructured and reorganised Judiciary has senior judges and prosecutors in Kabul, trained on basic management needs as well as on international standards and rules of integrity (training thee trainers concept).” The MoJ’s activities under output 5.2 progress from an assessment defining the priorities, and elaborating a proposal, including a general concept for restructuring and reorganizing the Judiciary. This is to be followed by the setting up of a working group which is to include relevant Afghan authorities such as the Judicial Reform Commission, now disbanded following the adoption of the Constitution 2004, as well as national and international stakeholders. Finally, the MoJ is to develop and organise an in-house training programme and training sessions for judges and prosecutors (including those of the provincial Justice Support Centres) on basic management needs as well as international rules and standards of integrity. The UNODC is to provide assistance, funds and expertise.

The final component of AFG/R42 can be described as access to justice. Immediate Objective 6 provides “Legal aid programme and services developed.” The first Output 6.1 states that “Initiatives have been taken to increase the availability of affordable or free legal aid by the relevant judicial authority.” The activities associated with Output 6.1 include an assessment defining the priorities and to develop a resource mobilization plan, the convening of the relevant national authorities and stakeholders in order to discuss the findings and to propose measures to be taken to develop a legal aid programme and services. The next activity consists of the selection of legal professionals to be entrusted with the task of ensuring legal aid services, to be followed by the setting up of a training programme for the legal professionals to be in charge of ensuring legal aid services.

In the opinion of the Evaluators, all six Immediate Objectives are appropriate measures to further the goal of developing the criminal law capacity of the justice institutions involved in criminal justice. Given the dire state of the administration of criminal justice In Afghanistan, there is equally no doubt that AFG/R42 is relevant.

The effectiveness of the six Immediate Objectives to further the reform of Afghanistan’s criminal justice system cannot be assessed with any precision. There is no doubt that all of them address and target areas of the legal system which are crucial and fundamental to the re-establishment of the rule of law and to a functioning criminal justice system. In combination with the projects on juvenile justice and the penitentiary reform, the goals of AFG/R42, if attained, would certainly be an effective way of improving the administration of criminal justice in Afghanistan.

The efficiency of AFG/R42 must be evaluated before the background of the condition of the legal system and its institutions as it existed in 2003 and 2004. An outside observer might argue by way of criticism that it would be far more cost-efficient for a donor to provide funds in support of the six Immediate Objectives directly to the MoJ and other Afghan justice institutions rather than channelling it through the offices of the UNODC. The latter approach is very costly, and prevents Afghan institutions from exercising effective control over large parts of the justice reform programme. However, given the lack of capacity within the MoJ and the other permanent justice authorities, it is doubtful that the MoJ would have been able to carry the activities and attain any of the Objectives envisaged by AFG/R42 without the assistance of the UNODC. Once implemented, the MoJ and the Supreme Court should, however, have sufficient capacity to sustain many of the Objectives of AFG/R42.

2.2 Attainment of Objectives

Project AFG/R42 covers a wide range and multiple types of activities all aimed at the ultimate objective of “Criminal Law and Criminal Justice Capacity Building.” For the purposes of this evaluation, it seems sensible to assess the attainment of the individual Immediate Objectives one by one before proceeding to an overall assessment.

Immediate Objective 1

Considerable progress has been made towards the attainment of Immediate Objective 1, namely the strengthening of the operational capacity of the MoJ. The Evaluators visited the MoJ and held meetings with the Minister of Justice, with the Head of the Legislative Department and the Head of the Publication Department. They also visited the newly established library. A more detailed list of achieved project results will be contained in the next section of this report.

The MoJ has now a number of staff which have been trained in basic management needs, international standards and rules of integrity, and its offices have been refurbished and are properly equipped. The Publication Department is now fully functional with trained staff, equipment and a library which contains a basic selection of law books. The Publication Department of the MoJ also has its own website which contains content in both Dari and in English.

Immediate Objective 2

The construction of five Justice Support Centres is work in progress, but considerable progress has been made. It is anticipated that by the middle of 2007 there will be fully functional Justice Support Centres in five provincial capitals. A Memorandum of Agreement between UNODC and the Supreme Court of Afghanistan was signed in December 2006. This Agreement also provides for a number of training activities.

Immediate Objective 3

This Immediate Objective has not been achieved as yet. The MoJ was provided with a database and web-based information system by another organisation, and the UNODC decided to move its plans for a data-base system to the Supreme Court. The UNODC has prepared a Baseline Report which describes the existing system of data-collection at the Supreme Court and which sets out the basic ingredients of a new, computerised system for the management of this data. Whilst there is now in existence a comprehensive plan, it has not as yet been implemented.

Immediate Objective 4

The revision of national criminal law and procedure as one of the Immediate Objectives of AFG/R42 is work in progress. The original project document had envisaged the complete revision of these laws within the duration of the project. This Objective has not been attained under AFG/R42 but, as will be seen below, there has been some progress though not through the channels originally envisaged. The UNODC provided substantial technical assistance to major national institutions as Lead Agency of the Criminal Law Reform Technical Committee, which was established within the framework of the Afghanistan Compact and the Afghan National Development Strategy [ANDS]. In this role, UNODC contributed to adopt a prioritized legislative agenda and, among other pieces of legislation, contributed to draft and adopt an Interim Criminal Procedure Code, a Counter Narcotics Law, and a Forensic Medicine law. In addition, UNODC provided the MoJ with reference tools aimed at supporting the adoption of a sound legislative framework regarding international judicial cooperation and counter-terrorism. Thus, a number of recently passed laws have benefited from the advice and expertise of the UNODC. However, this task is far from being complete.

Immediate Objective 5

Considerable progress has been made towards the attainment of this Objective. Nine different training courses were offered to staff of all three justice institutions. The majority of these training activities were subcontracted to AGEF and did not involve a train the trainers approach. The types of training provided covered English and Computer Language Training for administrative staff (12 trainees from the MoJ and 17 from the Attorney General's Office), Management Training for Senior Managers (20 trainees), Computer and Office Management Training for administrative staff (17 trainees from Jalalabad justice sector, 18 from Kunduz, 18 from Mazar, and 18 from Gardez), Computer Training for typists who have been promoted to computer operator positions (18 trainees from the MoJ), and finally Database Training for database officers (8 trainees from the MoJ). The majority of these training courses lasted three months each.

Immediate Objective 6

This Objective has not been attained as yet. There has been a considerable amount of activity on the part of the UNODC towards the development of a legal aid programme, but this activity has so far been confined to participation in the drafting of a law for the establishment of an independent bar association. This law has not as yet been passed. A UNODC document headed "Developing legal aid programmes and services in Afghanistan", , gives a detailed account of the activities planned for the achievement of this Objective. However, at the time of this evaluation these remain to be implemented.

2.3 Achievement of Project Results

Immediate Objective 1

Three types of activities were conducted in the provision of training, essential equipment and furniture, rehabilitation of infrastructure. There were three concrete outputs envisaged under Immediate Objective 1, (cf. Project Document AFG/R42 as revised), which will be discussed separately.

Output 1.1 A restructured and reorganised Legislation Department has senior specialised staff, equipment and books for the professional members of the legislative department to complete the research, essay and articles of the institute

The Evaluators met with the Head of the Legislative Department of the MoJ, the Head of the Publication Department, and also the Minister of Justice, and also visited the MoJ itself. The MoJ has benefited from a host of measures undertaken under the guidance and assistance of the UNODC. There is now a properly organised and structured library with trained staff and computerised cataloguing system has been introduced. The content of the library is still quite basic and probably insufficient to enable the members of the Legislative Department to complete all research tasks required for the drafting of legislation. However, the basic facilities and structures are in place, providing a solid foundation for further expansion.

A number of training activities have also taken place, including courses in English language, computer skills, and office management, as well as a Study Tour. As a result, 24 typists have been retrained as computer operators, 15 mid-level managers were given training in managerial skills, 8 data-base officers were trained and 20 clerks received training in basic information technology and English. The training activities have now been extended to both the Supreme Court and the Attorney General's Office.

Output 1.2.1 Offices are re-furnished and well-equipped

This result was achieved early on in this project, with office furniture having been procured. In the course of their visit to the MoJ, the Evaluators were impressed with the progress made in this regard. The UNODC implemented this output in an innovative manner by sending the old furniture of the MoJ for repair to Pol-I-Charki Prison, where it was repaired by inmates and then sent to provincial capitals. In addition to office furniture, other equipment was also provided, such as fax machines, computers, showcases for books and MoJ publications, and shelving units.

Output 1.3 A strengthened Department of Publication at the Ministry of Justice has developed a legal awareness campaign, which informs the Afghan population on its rights and responsibilities as well as on the legal reform efforts

This Output was dropped in the revision of AFG/R42, because, the Publication Department does not have any responsibility in disseminating such information nationwide. It would have been useful, if this change in planned outputs had been explained in the revision of the project document.

Immediate Objective 2

Output 2.1 A Justice Support Centre including accommodation facilities has been established in the capitals of 5 selected pilot provinces

This output has gone through several changes. The original proposal envisaged the setting up of Multipurpose Centres of Justice. Following a field trip, which included an international consultant, the output was revised to the setting up of guesthouses for judges. Later on, this was expanded to the present Justice Support Centres, which will include a range of facilities for all branches of the administration of justice, including a library, internet and later intranet facilities, meeting rooms and a family law court. The centres are also intended to provide convenient venues for training activities in the provinces. One Justice Support Centre has already opened and the

other four are about to open, with all construction work scheduled to be completed in the first half of 2007. The Justice Support Centres were constructed in collaboration with UNOPS, but planning and design was carried out in-house by the UNODC. All five centres were built on land owned by the Supreme Court and, according to a Memorandum of Agreement signed with UNODC in December 2006, will be under the formal supervision of the Supreme Court. There have already been several training activities to train staff for the new Justice Support Centres, as described further above.

Immediate Objective 3

Output 3.1 The information system has been installed and necessary equipment provided.

As already mentioned further above, the beneficiary of the Immediate Objective is now the Supreme Court. At the time of writing, the UNODC has put forward concrete plans for the setting up of database at the Supreme Court, following an analysis of the existing, rather old-fashioned, methods of data collection employed by the Supreme Court. UNODC anticipates that the database system will be in place in the course of 2007.

Output 3.2 Training has to been provided to familiarise end-users in the Ministry of Justice and in the selected provincial Justice Support Centres with the information and web-based communication system

This output no longer appears in the revised Project Documents I and II. However, as already indicated further above, there have been a number of training activities in this area. Training activities are also planned in connection with the setting up of the data management system in the Supreme Court.

Immediate Objective 4

Output 4.1 Legislative provisions concerning criminal law and procedure (the Penal Code, the Criminal Procedure Code and other relevant laws and regulations) have been reviewed and adapted to United Nations Standards and Norms in Crime Prevention and Criminal Justice

The revision of the criminal laws and procedures is a major undertaking, requiring substantial resources, expertise and time. It is also an undertaking which touches issues of national sovereignty, lawmaking powers and the rule of law. Thus, it is unsurprising that a number of international actors are active in this field. Since early 2006, UNODC has actively participated in the national level coordination mechanism for the Rule of Law in the Justice Sector Consultative Group, established in January 2003. The purpose of this group is to provide a forum in which the government, donors, international organisations and implementing partners can discuss the strategies and policies proposed within a national programme or sector. UNODC has taken the leadership of four working groups, established within the Rule of Law Consultative Group, namely the Prison Reform Working Group, the Criminal Law Reform Technical Committee, the Anti Corruption Sub Working Group, and the Cross Cutting Thematic Group. In this role, the UNODC has effectively contributed to the enhancement of the government's engagement in the development of strategies, design of programmes, and prioritization. In addition, UNODC has contributed to the establishment of a legislative mechanism aimed at drafting and adopting laws with an adequate consultation and policy development, and debate among national and international stakeholders, particularly government institutions, legal professionals, civil society, and the private sector. The revision of these laws is a long-term project and therefore work in

progress. But as can be seen from the above, the UNODC is an important contributor to this process.

Output 4.2 Information documents on the new legal provisions, pertaining to penal law and criminal procedure, have been elaborated for the key stakeholders in the crime prevention and criminal justice field

This Output has been dropped from the revised Project Document because UNODC deemed it unnecessary to provide supporting documents related to legislation that has to be revised. However, in the course of its work in Afghanistan, the UNODC has provided a translation of its Model Law on International Judicial Cooperation to the Legislative Unit of the Ministry of Justice, as well as model laws on Mutual Assistance in Criminal Matters, Counter Terrorism, and three Drug Conventions.

Immediate Objective 5

Output 5.1 Court's Offices are refurbished/re-built and well equipped

The Supreme Court and the Attorney General's Office have benefited from the provision of furniture and equipment, including computers. The rehabilitation of the physical infrastructure is being undertaken by other organisations. The construction of the Justice Support Centres must also be considered an important contribution to this Output.

Output 5.2 A restructured and reorganised Judiciary has senior judges and prosecutors in Kabul, trained on basic management needs as well as on international standards and rules of integrity (training the trainers concept)

This Output is not any longer listed in the revised Project Document. However, as listed in detail further above, the UNODC conducted a number of training activities in this regard, targeting in particular administrative staff of both courts and the Attorney General's Office, and the project result has been achieved in this regard. A summary of the training activities involving the judiciary is contained in the Memorandum of Agreement between the UNODC and the Supreme Court. It mentions inter alia that over 125 judiciary administrative staff received training in varied topics such as computer literacy, English language, office management, databases, and managerial skills. Further, a training centre of the Supreme Court was equipped and furnished, which is being used for the training of judges. Reasons for this, such as the presence of other organizations in the field has not been added as previously requested.

Immediate Objective 6

Output 6.1 Initiatives have been taken to increase the availability of affordable or free legal aid services by the relevant judicial authority

This Output has now been revised and reads "Public defenders and legal aid programme has been developed in parallel with the project concerning the Afghan Independent Bar Association with support of the MoJ". This Output is still at an early stage of implementation. UNODC is actively participating in the drafting of legislation concerning the setting-up of a bar association and is awaiting this law before implementing the other activities planned under this heading. UNODC states that it will implement legal aid programmes and services, including a pilot office comprised of legal professionals in Kabul, as soon as the National Assembly has adopted the necessary legislative framework.

General Remarks

The activities conducted by the UNODC in order to achieve the stated outputs under the six Immediate Objectives have covered a wide range. There were a number of training activities, study tours, provision of equipment, construction of justice support centres, and general advice and technical assistance on a host of issues, such as legislative drafting, office organisation, and management. Some of the outputs have not been undertaken within the originally set timeframe. However, the project has now been extended to the end of 2007, and subject to the UNODC being successful in attracting more funding, the UNODC is confident that the outstanding Immediate Objectives would be achieved within this period.

Despite an extension of the timeframe of AFG/R42, initially from 24 to 48, and now 60 months, the budget itself has not been increased substantially. Following the extension of the project to December 2007 there is now a projected funding shortfall of about 350 000 USD. Compared with AFG/R40 and AFG/R41, both of which have seen substantial cost overruns, this shortfall must be regarded as a positive result. However, budgetary discipline and careful planning are not the only reason for this achievement. It appears that within AFG/R42 funds were transferred between budget lines, thus allowing for shortfalls in one budget line to be filled by transferring funds from those budget lines, which had not been exhausted. For example, significant funds were allocated to the recruitment of international consultants, an activity planned for almost every Immediate Objective. It appears that hardly any international consultants were ever recruited, thus enabling the UNODC to utilise funds from this budget line to make up for shortfalls in other. In addition, as shown further above, several outputs have not as yet taken place, for example the setting up of a pilot legal aid office, thus freeing up funds to be utilised for the attainment of other Immediate Objectives.

2.4 Implementation

The UNODC Kabul office is well organised and managed, thus offering a stable and effective foundation for the implementation of AFG/R42. The uneven implementation of the project is largely due to factors outside the control of the UNODC.

Backstopping and overall management were good. The only area of concern relates to overall staffing levels – as it stands the International Project Coordinator is being pulled into many directions and is wearing many hats. He has to be an expert in construction work, information management and IT systems, administrative procedures, a wide range of areas of law and legal aid systems to name just a few. It is clearly not possible for one person to be an expert in so many areas. In the future, we would recommend that projects are divided into more coherent thematic parts, thus enabling the project coordinator to focus and concentrate on specific issues.

2.5 Institutional and Management Arrangements

As already mentioned, AFG/R42 must be regarded as a kind of umbrella project, which unites a number of inter-related but distinct projects, all requiring significant administrative and managerial input. Project AFG/R42 has been on the whole a success, with the majority of Immediate Objectives having been achieved. These achievements reflect well on the institutional and management arrangements of the UNODC country office, whose staff has been working in a difficult and dangerous environment with utter dedication and commitment. The

evaluators find that the institutional and management arrangements of the project, including the presence of a back-stopping officer, were appropriate and efficient. It is an open question whether more of the Objectives could have been attained with more staff on the ground. Each sub-project involves an extraordinary number of meetings, attendance of work-groups, detailed planning and organisation. It is possible that additional staff, perhaps in the form of a second national project coordinator, would have translated in more outputs having been achieved. This comment should, however, not distract from the many achievements of the UNODC in the implementation of this project.

Mention must also be made of the presence of a large number of organisations and agencies in Afghanistan which are engaged in the area of criminal law reform and capacity building. Until very recently, there was no mechanism in existence which would allow for proper coordination between these agencies. The result of this lack of coordination has been inefficiency, unhelpful competition, and in some areas a waste of resources. In addition, attempts to coordinate, in the absence of proper mechanisms and channels for this task, created additional administrative burdens for the UNODC – the implementation of AFG/R42 not only required close cooperation with the Afghan authorities, but also numerous meetings with other international actors. This situation has now improved with UNODC having taken a leading role in the newly set-up coordination bodies, as outlined further above.

3. OUTCOMES, IMPACTS AND SUSTAINABILITY

3.1 Outcomes

The outcomes of AFG/R42 will be discussed in the order in which they appear in the project document.

Immediate Objective 1 – Enhancement of MoJ’s Operational Capacity

The positive effects and outcomes of this part of AFG/R42 are readily visible to any visitor to the MoJ. The Ministry has been provided with the essential infrastructure, such as desks and chairs, required to undertake any meaningful work. It goes almost without saying that a MoJ, whose employees are able to work at desks and in a properly equipped office environment, is of fundamental importance to any functioning legal system. All the outputs achieved under this Objective will have positive effects on the legal system as whole, which in turn will assist in the establishment of the rule of law. Particular mention has to be made of the positive effects of the re-establishment of the Publication Department and the library of the MoJ. The former will enable the MoJ to issue and publicise new laws, thus filling a glaring gap in the legal system: until recently, neither new or old laws were supplied to courts or state authorities. The library will enable the MoJ, in particular the Legislative Department, to conduct research in connection with the drafting of new laws. All these measures will have positive effects on the country and its people as whole.

Immediate Objective 2 - Justice Support Centres

The construction of five Justice Support Centres is by far the most visible achievement of AFG/R42. All stakeholders in the legal system have approved and been in support of this initiative. The centres can be expected to improve the administration of criminal justice outside Kabul by providing essential resources and infrastructure, as well as services, to all branches of the legal system. The inclusion of a permanent family law court will assist women in particular,

who have at present no, or at best, very little, access to the legal system. The Justice Support Centres are not as yet fully operational, and some features, such as the construction of an intranet system, will take some time to become operational. Thus, the Evaluators can only confirm that there are sound reasons for believing that the Justice Support Centres will improve significantly the administration of justice outside Kabul. As mentioned earlier, it would have been useful to construct and operate one of the Justice Support Centres as a pilot project at an early stage of the project. This would have generated information and feedback on the concept, design etc, which could have been used for the other Centres.

Immediate Objective 3 – Information Data System

The database system at the Supreme Court will be an easily accessible and efficient mechanism for the collection of information on case management and case loads of courts, and as such can be expected to make an important contribution to the administration of justice, once established and operational.

Immediate Objective 4 – Revision of Criminal Laws

As mentioned further above, this Objective is very much work in progress, with the UNODC leading a group of agencies concerned with this task. Again, it goes almost without saying that a framework of criminal laws which reflect international standards and Afghan requirements will be of major benefit to the Afghan population. Properly drafted and enforced laws will assist in improving security, supporting the rule of law, and in protecting human rights.

Immediate Objective 5 – Enhancement of the Operational Capacity of the Judiciary

The provision of training and equipment to the Supreme Court, the Attorney General's Office, extending to personnel in the provinces as well, has enabled these institutions to carry their constitutionally and statutory assigned roles within the legal system. A functioning legal system will have major benefits to the Afghan people, giving them access to justice and protecting their guaranteed rights.

Immediate Objective 6 – Legal Aid

Several organisations have been providing free legal aid to criminal defendants. By all appearances these projects have been very successful, proving that access to counsel dramatically improved the quality of justice dispensed by the courts and reducing arbitrary detentions, miscarriages of justice and ensuring a fair trial. A nation-wide system of legal aid is therefore imperative. Project AFG/R42 has not as yet delivered in this respect, because a legal framework for the setting up of an independent bar association is still under consideration. Once up and running, a functioning system of legal aid will dramatically improve the overall quality of the criminal justice system.

3.2 Impacts

There is no doubt in the minds of the Evaluators that AFG/R42 has made a measurably positive impact on the administration of criminal justice in Afghanistan. It has targeted those areas of the legal system which are of critical importance to a functioning criminal law system, namely the courts, the prosecution services and the Ministry of Justice. Within these institutions, this project has addressed needs which are often overlooked. The provision of office equipment does not grab headlines, but is essential to a functioning office. Training in management and clerical

skills, IT and English, is equally fundamental to the ability of an authority to carry out its assigned duties. This part of the project thus has a significant impact on the way the legal system operates. The same can be said of the improvements carried out to enhance the research capacity of the MoJ. The reach of this project into the provinces, through training activities and the Justice Support Centres are likely to have a positive impact on the whole legal system.

In some areas of AFG/R42, the impacts are less dramatic. Thus, for reasons beyond the control of the UNODC, the legal aid aspect of the project has remained largely unimplemented. The impact of a functioning legal aid system would have been significant. The revision of criminal laws has only recently been subject to a properly coordinated mechanism. Until then, the work has been rather piecemeal and the impact been mixed. Thus, the Interim Criminal Procedure Code has been considered controversial amongst those having to apply it and there are demands for a new one. Last year's apostasy case illustrates that Afghanistan's substantive criminal law falls short of international standards in many areas. Project AFG/R42 set out to rectify this, but evidently this is work in progress. The impact of the Justice Support Centres has as yet not been tested – the two already completed Centres have not been in operation for very long and whilst there are high expectations, it is too early for an evaluation of their impact on the administration of criminal justice. The data management system for the Supreme Court has not come on stream as yet, and thus it is too early to make firm predictions on its impact.

3.3 Sustainability

The provision of equipment as well as the restructuring activities have led to impacts which are sustainable. Given that many outputs of AFG/R42 involve infrastructure and equipment, as well as restructuring of judicial authorities, this project has achieved a high degree of sustainable impacts. Nevertheless, Afghanistan will continue to require assistance in the area of capacity building and reform its system of criminal law. The existence of a number of working groups assisting the MoJ and other government departments with the drafting of legislation shows that the capacity of Afghanistan to produce sound laws is still insufficiently developed. Technical assistance is still required for many of tasks associated with the running of a properly organised system of criminal justice.

There have been a number of training activities under the umbrella of AFG/R42 and, as shown above, they are all likely to have a positive impact on the legal system and its operation. The original project document stressed that the training activities were to be conducted on a 'train the trainers' basis, meaning that the UNODC would train Afghan officials, who would in turn be able to carry out the training activities within their organisation. It appears that this has not taken place. Most of the training components were sub-contracted to other providers, and it seems that these providers did not follow a train the trainers' approach. Thus, the training component of AFG/R42 is not totally sustainable.

Overall this project has generated impacts which will have lasting benefits.

4. Lessons Learnt and Good Practices

4.1 Lessons

a. Complexity

In its aim, AFG/R42 is holistic, meaning that the project unites under its umbrella a number of smaller projects, all designed to advance towards the ultimate goal, namely Criminal Law and Criminal Justice Capacity Building. Whilst this translates into a large number of outputs, thus potentially generating very real impacts, it also results in an uneven implementation and high workloads. As can be seen above, some parts of the project remain work in progress, or have not been advanced sufficiently to make a direct impact on the administration of criminal justice.

The complexity of AFG/R42 is compounded by the fact that for some of the Immediate Objectives, other organisations have also been active. This is acknowledged in the project revision. This applies with particular force to the revision of criminal law and procedure and the provision of legal aid.

In addition to the presence of a large number of agencies also engaged in areas covered by AFG/R42, there is also a larger number of Afghan counterparts than were originally anticipated in the project document. Thus, whilst the main counterpart named in AFG/R42 is the MoJ, the reality was different: the UNODC had to work closely with the Supreme Court and with the Attorney General's Office. This added considerably to the workload and also to the complexity of the project.

An important lesson to be learnt from AFG/R42 is thus to reduce the number of planned Objectives and Outputs, and to focus on them.

b. Interim Assessments

Project AFG/R42 was revised twice but these revisions did not change its general design and framework. However, as could be seen above, in actual practice there were major de facto revisions. These affected not so much the Immediate Objectives themselves, but the activities and outputs undertaken to achieve them. For example, the number of Afghan counterparts increased, international consultants were not required as much as originally anticipated, and other organisations covered areas originally meant to be undertaken by UNODC.

The implementation of AFG/R42 is documented in a series of reports, annual and quarterly, but these reports are quite brief and outline the activities undertaken only in a summary fashion. It is difficult to draw from them an accurate picture of the difficulties encountered, the priorities set, and the strategic decisions made. We think that one reason for this lies in the large number of activities under this project – it is simply difficult to keep track of everything happening, especially with the existing staffing levels.

A project like AFG/R42 would have benefited from more substantial reports, perhaps in the form of interim assessments or internal evaluations. These could also involve the Afghan counterparts: whilst every Afghan official interviewed by the Evaluators was most positive about UNODC's work, there is no record of this positive feedback in any of the reports. A formal inclusion of the feedback on activities received from the Afghan beneficiaries would be a useful component of interim assessments. The same is true for the activities of other organisations. The Evaluators are aware of the fact that many parts of AFG/R42 have also been addressed by

other international agencies, including other UN agencies. An Interim Assessment should also mention the work of others in the same area, in order to enable the UNODC to make strategic decisions in the course of the lifetime of the project.

An interim assessment/evaluation would also provide feedback information on the impact of the activities so far. The existing regular reports list the activities which have taken place, but do not evaluate them. For instance, there have been a large number of training activities but there is no indication that there has been any formalised, readily available feedback on the impact of the training. An interim assessment/evaluation could include such information, which would in turn enable the UNODC to make rational adjustments in the course of the project's implementation.

c. Translations

The working language of the UNODC in Afghanistan is English. Only the national project coordinator speaks Dari. Thus, communication with the Afghan counterparts relies heavily on interpreters and translations. Given the small number of Afghan officials who speak or read English, it is important for the UNODC to translate to and from Dari as much as possible. At the moment, not all relevant documents are being translated into Dari, thus making it difficult for the Afghan counterparts of AFG/R42 to provide feedback and comments. It would be useful for the UNODC to establish a fulltime translation unit in its country office and it would be useful to have a Dari UNODC country website. The enhancement of the translation capacity of the UNODC will become even more pressing with the spreading of UNODC programmes to the provinces, where even fewer people have command over English.

d. Coordination

AFG/R42, a complex project, is being implemented in an equally complex environment. At least three other UN agencies are engaged in projects which at times overlap with its Objectives: UNAMA, UNFEM and UNDP. Whilst these UN agencies talk to each other, they are nevertheless represented individually in Kabul, reporting to their head offices directly, and not being subject to any formal, internal, coordination and reporting system. Thus, UNODC reports to Vienna, but not to the other UN agencies. Given that all these agencies belong to the same UN family, it would be very desirable to create a unifying, organisational umbrella for them. This would allow for coordination, avoidance of overlaps and improvements in efficiency. It would also reduce the burdens imposed on the Afghan beneficiaries, who are now faced with a large number of international agencies active in their institutions. The ability of institutions like the MoJ to absorb assistance is limited.

e. Pilot Projects

Related to the issue of Interim-Assessments is the use of pilot projects. Project AFG/R42 contemplated pilot projects in the areas of legal aid and the Justice Support Centres. In the view of the Evaluators, the use of pilot projects is highly desirable in Afghanistan, because they would allow for the potential impact and effects of the measures to be assessed at an early stage of their implementation, thus allowing for lessons to be learnt and to be applied. This is of particular importance for projects which represent entirely new areas and approaches. For instance, there has never been a Justice Support Centre in Afghanistan – it is a new, potentially innovative, idea, which as of necessity has not been tested. It would have been useful to establish a Centre early in the life of AFG/R42 and to 'test' it for a period of time before constructing Justice Support Centres in other provincial capitals. As it stands, five will have been constructed before any feedback on their design, usage etc has been obtained.

f. Train the Trainers

Most of the training activities of AFG/R42 were to be based on a train the trainers basis, thus enabling the Afghan institution to replicate and sustain the training activities. This approach is more time consuming, requires more time before any benefits can be seen, and leaves the bulk of the later training activities, now conducted by the Afghan institution itself, outside the supervision of the UNODC. Despite these drawbacks a train the trainers approach is the only sensible one since it is the only one which allows Afghan institutions to free themselves from the assistance on which they currently depend. This has to be the ultimate goal of any assistance in the legal sector. Some of the training activities were sub-contracted by the UNODC and not all of them appear to have been based on a train the trainers approach. This is a reflection of the very low capacity of the staff of the justice institutions. It will take some time and training before a train the trainers' approach can be fully realised.

4.2 Good Practices

There are several aspects of AFG/R42 which can be named as good practices and which could be adopted by UNODC in other projects. Firstly, this project involved in some areas a 'hardware – software' approach, meaning that the objective of capacity building was combined with the provision of equipment and infrastructure. There is no doubt in the minds of the Evaluators that this approach contributed to a large extent to the overall successes of the project. Training of judicial staff in office management makes little sense if they have no proper offices, training IT skills makes no sense without the provision of computers. Within the project, the UNODC supported both the regeneration of the physical infrastructure of the criminal justice institutions and the capacity of its personnel to operate and use it. This must be considered a good practice and can be recommended for capacity building projects in the justice sector in other post-conflict societies.

The use of a train the trainers approach is highly desirable and can be recommended for other UNODC activities, since it allows for capacity building in a sustainable manner. As noted above, this approach could not be taken for all training activities due to the low capacity of the beneficiaries.

In 2006, working groups were created which allowed international agencies and their Afghan counterparts to coordinate assistance activities according to subject areas. The system of working groups must be considered a good practice and can be recommended as an organisational tool which would be useful in other countries as well. This should, however, not distract from the fact that in the view of the evaluators it would be useful for the UN agencies working in Afghanistan in the justice sector to improve their coordination and lines of reporting.

Thirdly, AFG/R42 dared to target parts of the legal system which are often overlooked, but which are essential to its functioning effectively and efficiently, namely the administration and internal management of justice institutions. Whilst many organisations are active in areas such as human rights education, there are not many willing to tackle more basic, but essential problems and needs. The inclusion of mid-level management and clerical services of capacity was an innovative part of this project and must be considered as a good practice.

Finally, the Study Tours organised by the UNODC proved to be a real success with all the participants which we were able to interview, stating that they had greatly benefited from them. Study tours are at times criticised as mini excursions without any little real benefit or impact. This

proved to be otherwise with the tours organised by the UNODC. Exposure of justice personnel to the conditions and practices as they are in other legal systems has proven to be an important element of capacity building and the initiation of reform.

4.3 Constraints

A major constraint in the project's implementation has been the confusing cacophony of international agencies all working in the same area, namely justice reform, without much coordination between them. A Kabul based UNODC officer summarised the situation as 'Everyone was doing everything'. Thus, the UNODC found that in some areas meant to be addressed by the project AFG/R42, other agencies were also active. This applies especially to the provision of legal aid and the reform of criminal laws. This situation has much improved now, with a mechanism for coordination now in place. The UNODC is prominently represented in this mechanism.

Another major constraint was the fast changing landscape of Afghan institutions and personnel. Ministers, Attorney Generals and Chief Justices changed in the course of the project, new institutions emerged, for instance the Parliament, and new issues became the centre of attention, as is the case with corruption. Given that the implementation of this project involves direct cooperation with Afghan institutions, these changes meant a considerable increase in the workload of the UNODC.

A third constraint was and continues to be, the deteriorating security situation in the country. The Justice Support Centre in Paktya was damaged in a recent suicide bomb attack, which killed the provincial governor. This incident illustrates the very real dangers faced by the staff of the UNODC. The final phase of AFG/R42 has shifted its focus from Kabul to the provinces and constraints caused by the lack of security will become worse rather than better.

The last major area of constraint lies in the Afghan institutions themselves. Project AFG/R42 imposed high demands on the Afghan counterparts to participate in a large number of inputs and activities and to absorb a large amount of assistance. In many instances, the Afghan counterpart starts from such a low level of capacity that it becomes difficult for projects to be implemented. This could be seen in the implementation of the Objective concerning the revision of all criminal laws and procedures, which is far from complete and which is hampered by the lack of capacity in the Legislative Department of the MoJ.

Mention must also be made of the constraints imposed by working in an environment where most people do not speak English. This constraints communication and creates extra burdens of interpretation and translations.

5. RECOMMENDATIONS

5.1 Issues Resolved During the Evaluation

There were no major issues which had to be resolved in the course of the evaluation. However, there were a number of minor issues, mostly concerned with the collection of information, which caused some delay in the completion of this report. Too much time had to be spent by the Evaluators on simple fact finding. For instance, neither the annual project reports nor the two project revision documents of AFG/R42 contain any information on the decision of the UNODC to establish a Supreme Court Data Management System in furtherance of Immediate Objective

3. The Evaluators only learnt of this revision of the project AFG/R42 after a first draft of the Evaluation Report had been completed and shared with the UNODC Kabul office. Even then, it took several requests before information on the Data Management System was made available to us. There were a number of similar instances of missing information. The fact finding aspect of this evaluation caused not only delay, but also revealed inherent deficiencies in the reporting of activities under AFG/R42.

5.2 Actions/Decisions Recommended

The recommendations are focused on two aspects of AFG/R42, namely complexity and range. In addition, we have some more general recommendations.

Project AFG/R42 was meant to achieve far-reaching reforms of the whole criminal justice system and the activities and outputs intended to be carried out were indeed complex. They involved the creation of more than 10 working groups, a National Law Reform Commission, the fielding of more than 10 international consultants, a large number of training course to be developed by the Afghan institutions on a train the trainer basis and so on. It is of little surprise that many of these activities have not taken place as originally planned.

If AFG/R42 were to be designed again, we would recommend a more realistic approach, with the number of Objectives reduced, and the planned inputs and activities more realistically specified. Many of the Objectives are sizeable projects in themselves, for instance the revision of laws, the creation of a legal aid system, the building of Justice Support Centres, and would have deserved dedicated staff for their implementation. One national and one international project coordinator are in the view of the Evaluators insufficient to carry out all these tasks.

Given its range and complexity, this project would also have benefited from more thorough interim assessments which would have given the UNODC an opportunity to document lessons learnt, changes made etc. As it is, each of the periodic reports states that there are no major problems with the implementation of AFG/R42. In actual practice, several outputs were dropped, or substantially revised, whilst others had not made much progress. The overall paucity of the existing reporting system also had a negative impact on the preparation of this evaluation. Collating and verifying information necessitated a lengthy exchange of e-mails, and much time was spent on fact finding rather than the evaluation of the project itself. Related to this, we also recommend that the periodic reports include explanation and comments on the way the budget is being utilised, especially by highlighting departures from the original budgetary allocations.

The Evaluators recommend that more use could be made of pilot projects. This applies especially to the Justice Support Centres. It would have been useful to build and then test one of these centres early on in the project, thus enabling the UNODC to effect changes and improvements in the others.

With respect to the coordination of the activities of international agencies, considerable headway has been made following the establishment of the I-ANDS and the Afghan Compact Consultative and Working Groups Structure. However, it may be possible to make further improvements in this respect by bringing the family of UN organisations working in Afghanistan under one UN umbrella. This would allow UN agencies to coordinate and report their activities to and with each other. We realise that this would be a major departure from the current organisational model of the UN, but we think it worthwhile to mention it as part of these

recommendations, albeit it that it is not a matter which could be addressed by the UNODC alone.

Lastly, we recommend that the UNODC considers the establishment of a dedicated translation unit in its country office.

6. OVERALL CONCLUSIONS

Many, but not all Objectives of AFG/R42 have been achieved. This must be regarded as a major success, given that AFG/R42 was a complex and demanding project, implemented in a country which had been utterly destroyed and ravaged by many years of war and strife.

The overall aim of the project was the capacity building in the fields of criminal law and criminal justice. It was accompanied by two areas of UNODC input, namely the rehabilitation of the penitentiary system and juvenile justice reform. The holistic approach taken by AFG/R42 meant that a number of measures were planned to achieve this goal. These measures were based on a needs assessment which had identified various areas which were in urgent need of assistance. These included a lack of premises for justice personnel in the provinces, a lack of communication with the MoJ and between justice institutions, outdated criminal laws which fell short of international standards, inefficient management structures within the MoJ, lack of management skills of justice sector personnel and the absence of a system of free legal aid.

The expected end-of-project situation anticipated major improvements in all these areas and this expectation has been met measurably. The physical and human resources of the MoJ have been significantly enhanced. There is now office equipment, a number of staff have been trained on basic management issues as well as on international standards and rules of integrity. Justice Support Centres are operational in one province and are nearing completion in four others. Their staff has been trained. The revision of criminal law and procedure is a huge task but even here progress has been made. The judiciary's physical and human resources have been strengthened. The legal aid programme itself has not come on stream but progress has been made in the drafting of a law for the establishment of an independent bar association.

Given the above, the overall conclusions of the Evaluators are positive: AFG/R42 has without doubt made a major contribution towards the rebuilding of Afghanistan's criminal law system.

Some of the Objectives were achieved better than others. The at times uneven implementation of AFG/R42 were due to a combination of factors. There were firstly a number of constraints which impacted on the implementation of AFG/R42, amongst them security issues, the presence of other organisations working in the same field, and the ability of Afghan institutions to absorb assistance.

Another factor was the complexity of some of the issues to be addressed by AFG/R42. The revision of a whole system of criminal laws is a major undertaking as is the setting up of a legal aid programme. The complexity of the issues to be addressed was matched by the complexities inherent in AFG/R42 itself. With the benefit of hindsight, it could be argued that the range of activities required in the implementation of AFG/R42 was potentially too wide and would have justified several distinct programmes.

Project AFG/R42 produced many examples of 'good practices'. Among them are a combination of hardware and software measures, the use of study tours, the targeting of administrative staff,

and a train the trainers philosophy. It also laid the infrastructural foundations for a number of important functions which have to be carried out within the legal system. Among these are the setting up of a law library in the MoJ, and the Justice Support Centres. The lessons learnt from the project are equally useful and include the desirability of interim assessments, the use of pilot projects and the importance of coordination especially amongst UN agencies.

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 evolution 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 (ISIS), 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 Dedeayne, 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 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. 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. Operational Capacity of the Ministry of Justice with focus on Legislation and Publication Departments enhanced.	1.1 A restructured and reorganized Legislation department has senior specialized trained staff, equipment, and books for the professional members of the legislative department to complete the research, essay, and articles of the institute.	-Support and process quotations for the department's equipment -Support the department in the selection of legislative books, in incomplete research, essays, and articles, in the selection of professional staff for training -Announce the recruitment of an international consultant to help the legislation and publication departments
	1.2 Offices are refurbished and well-equipped	-Assist and provide advisory services for the refurbishing of the Ministry of Justice; -Support the organization of the working group; -Assist in the elaboration of the bill of quantities and technical specifications, in accordance with international standards; -Identify a national or international construction firm/ company to undertake the works in accordance with international standards in the related field; -Provide the essential equipment, tools and supplies (e.g. computer equipments, shelves, desks, photocopy machines).
	1.3A restructured and reorganized publication department has senior specialized trained staff, equipment, and books for the library and publication section. A database for library and web-site of the Ministry of Justice is developed	-Discuss the study tour objectives with embassies of a neighbouring country -Discuss training courses for the librarians and professional personnel of the department with a training institute -Support the collection of quotations and the provision of essential equipment and stationary to the department
2. Justice Support Centres (JSCs) in selected provinces that accommodate provincial officers of the established justice sector	2.1 A Justice Support Centre, including accommodation facilities established in the capital of 4 selected pilot provinces	-Participate in meetings and provide expertise for the finalization of the JSCs assessment -Provide a bill of quantities, technical specifications, architectural planning, and design -Identify a national or international construction firm/company to undertake the works in accordance with international standards -Provide the Centres with equipment and furniture
	2.2 Senior specialized staff has been trained on basic management needs as well as on international standards and rules of integrity (training the trainers concept) and is mentored.	Participate in the working group and provide expertise to determine rules for the management of the multipurpose justice centres; -Assist and advise in the development of adapted training curricula for the newly appointed staff and in the organization of the training course (activity done in conjunction with activity 1.1.1.) on basic management needs (including mechanisms for selection and screening of personnel as well as mechanisms sanctioning misconduct) as well as on international standards and rules of integrity (including anti-corruption training to ensure transparency and accountability with regard to international aid flowing into the country); -Participate and provide expertise to adapt the mentoring system to the multipurpose justice centres situation
3. An information system for the MoJ and for selected pilot provincial Centres has been developed, providing the MoJ with access to selected international databases	3.1 The information system has been installed and necessary equipment provided.	-Support and provide expertise on the information system (to be set-up -Recruit an international consultant to set-up the computerization programme and the information system at the Ministry of Justice and the provincial justice centres -Provide computers to the department and set-up the information system -Purchase the equipment (computer hardware as well as software) for the selected provincial Justice Support Centres
	3.2 Training has been provided to familiarize end-users in the Ministry of Justice and in the selected provincial multipurpose justice centres with the information and web-based communication system	-Provide advice and expertise for the elaboration of the training contents; -Support the organization of the training courses at the capital and provincial levels and provide required expertise
4. National criminal law and procedure provisions revised	4.1 Legislative provisions concerning criminal law and procedure (the Penal Code, the Criminal Procedure Code and other relevant laws and regulations) have been reviewed and adapted to United Nations Standards and Norms on Crime Prevention and Criminal Justice	-Facilitate provision of materials and documents on international standards in the field of crime prevention and criminal justice -Provide relevant expertise on United Nations standards and norms in crime prevention and criminal justice -Facilitate the working sessions and the drafting exercise (translation of documents, printing, interpretation, audio-visual aids) -Facilitate legislative research, essays, and articles carried out by the legislative department -Cover the costs of the training courses in selected provinces on either the revised or the new laws
	4.2 Information documents on the new legal provisions, pertaining to penal law and criminal procedure, have been elaborated for the key stakeholders in the crime prevention and criminal justice field	-Provide advice and expertise for the elaboration of the information documents on the new legal provisions on penal law and criminal procedure; -Communicate relevant documentation on existing similar information documents elaborated in other countries; -Participate in the dissemination of the information documents on the new legal provisions
5. Operational capacity of the judiciary enhanced in Kabul and in selected provinces	5.1 Judiciary Offices in the provinces are trained, refurbished, and well-equipped	-Complete the training courses for the support staff (clerks and officers) of the judiciary sector in selected provinces -Assess essential equipment and furniture in selected provinces and collect quotations -Support the establishment of the training courses on the newly developed or revised laws in the selected provinces
	5.2 A restructured and reorganized Judiciary has senior judges and prosecutors Kabul, trained on basic management needs as well as on international standards and rules of integrity (training the trainers concept)	-Participate in the working group/provide expertise in terms of policy advice, organizational set-up and operational support; -Train senior judges and prosecutors through the organization of a study tour to analyse the functioning of the Judiciary in other relevant countries -Organize a working session on the return of the senior judges and prosecutors to share the experience and expertise acquired with relevant professionals; -Provide relevant expertise for the elaboration of the training programme and support the organization of the in-house training session for judges and prosecutors on basic management needs as well as international rules and standards of integrity.
6. Legal aid programme and services developed	6.1 Public defenders and legal aid programme has been developed in parallel the project concerning the Afghan independent Bar Association with the support of the MOJ.	-Provide expertise and advice to develop, under the authority of the MoJ, the legal aid programme needed for setting-up a pilot office in Kabul -Assist in the selection of the legal professionals, in the organization of the information campaign, in the development of the training programme for the legal professionals in charge of ensuring legal aid services and support the organization of the training session

