

PROJECT SUMMARY

United Nations
Development Programme

Afghanistan



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Justice and Human Rights For All

Background

Following decades of unrest and civil war, Afghanistan is in the process of rebuilding an effective national judicial system. While the Afghan constitution enshrines fair trial principles, the majority of the population still has little or no access to judicial institutions.

Many courts are understaffed. Judges and prosecutors lack proper training. There is interference by warlords and politicians, which sustains a culture of impunity. Many citizens see the formal justice institutions as serving the interests of the powerful at the expenses of the weak. Due to illiteracy and poverty, women and the most vulnerable are often denied an equal and fair access to justice.

More than 80 percent of disputes are settled by Afghanistan's traditional justice bodies, such as *jirgas* and *shuras*. This happens at times in violation of human rights, in particular the rights of women. An example of this is the practice of *baad* by which a woman from the offender's family is married to the victim's close relative to settle a dispute.

Response

Establishing a transparent and accountable judicial administration is crucial for the achievement of stability in the country.



UNDP's Justice and Human Rights in Afghanistan (JHRA) project focuses on bolstering the credibility of the State justice system, while recognizing that Afghanistan's traditional justice system plays a major role in resolving conflicts though, at times, in violation of international human rights obligations. The JHRA Project supports the overall strategy of the Government to increase the Afghan public's trust in State justice institutions.

Justice and Human Rights in Afghanistan (JHRA)

Duration Phase II: 01- 2013 / 12- 2015

Implementing Partners: Ministry of Justice, Supreme Court, Attorney General's Office, Afghanistan Independent Human Rights Commission and the Afghanistan Independent Bar Association.

Implementation Modality: Direct Implementation

Other key Partners: Ministry of Interior, Ministry of Foreign Affairs, EUPOL and UNAMA.

Donors: Italy, Netherlands, Norway and the Swiss Development Corporation

Total budget for Phase II (in US\$):	34,402,039
UNDP Afghanistan:	2,500,500
Donor contribution:	5,207,479
Unfunded budget:	26,694,060

Budget executed during Phase I - 06-2009 / 06-2012:
14,337,689 US\$

Aligned to National Priority Programmes 5: Access to Justice for All and 6: Human Rights and Civic Responsibilities

JHRA seeks to provide the necessary foundation for the reestablishment of State legitimacy between the Afghan State and its people.

JHRA works in three main areas:

- **Establishing high-level coordination mechanisms for developing policy and legislation in State justice institutions.** Activities include providing capacity development and technical expertise to the Legislative Drafting Department, Policy and Planning Department, Translation Board and Human Rights Support Unit (HRSU) of the Ministry of Justice. A national-level platform will be provided across justice institutions to facilitate greater coordination.

UNDP is the UN's Global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. We are on the ground in 166 countries, working with them on their own solutions to global and national development challenges. As they develop local capacity, they draw on the people of UNDP and our wide range of partners.

- **Mechanisms for providing quality access to justice services to vulnerable groups are established and functional.** Activities include establishing an independent Legal Aid Grant Facility (LAGF) and its supporting mechanisms in order to provide free legal aid to disadvantaged citizens, consolidating communication and coordination between State and non-State justice providers at provincial and district levels, and enhancing the professional capacity of State justice providers.
- **Public participation processes and knowledge base for improving access to justice and human rights compliance established.** Activities include facilitating national discussions and policy dialogues on socio-economic rights and community dispute resolution mechanisms, increasing advocacy and monitoring capacity of civil society organizations, media, think-tanks and the Afghanistan Independent Human Rights Commission (AIHRC) as well as strengthening public awareness on human rights and the role of the judicial system through the Ministry of Justice's Legal Awareness Unit and media institutions.



Abdul Wasay Antazar, a district official from Rodad in Nangarhar Province, attending a workshop about women's rights. "This training is essential for people like us who work in government. We have increased our understanding about women's rights and violence against women which will be useful when we have to deal with cases related to women."

Photo: UNDP Afghanistan/Farzana Wahidy

Achievements

- JHRA supported the drafting of National Priority Programme on Law and Justice for All (NPP5). The draft was endorsed in June 2013 by both government and international stakeholders at the Senior Officials' Meeting in Tokyo.
- JHRA supported the AIHRC to outline a two-year action plan that informs the Commission on how it should conduct its activities through 2013-2014. This action plan identifies relevant needs and gaps of different units and departments within the commission. This document serves as the basis for the formulation of the Commission's next strategic plan.
- A memorandum of Understanding was signed between the Ministry of Justice, the Afghanistan Independent Bar Association (AIBA) and UNDP to establish and implement a legal aid grant facility.
- JHRA has conducted a capacity assessment of the Elimination of Violence against Women units, which are attached to Chief Prosecutor's Office, to identify existing gaps and priority areas of engagement for JHRA's work on elimination of violence against women at provincial level.
- JHRA initiated a project with the Kabul Municipal Corporation to activate an inter-ministerial committee which coordinates closely with street vendors' associations to identify legal frameworks for the legal protection of street vendors in Kabul. A Technical Coordination Committee on the same issue was established in Herat under the chairmanship of the Mayor.
- JHRA supported a Public Perception Survey in the provinces of Kabul, Herat, Nangarhar and Balkh to assess citizens' knowledge on the roles and mandates of State justice institutions, and evaluate their level of confidence and trust in the State justice system.

To contribute to this initiative, please contact Mr Khalil Rahman , Project Manager, mobile +93 (0)795 999442 or send an email to khalil.rahman@undp.org

To find out more about the work of UNDP in Afghanistan, please visit our website at www.af.undp.org

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