

IDLO Evaluation Brief

Mid-Term Evaluation of the project “Supporting Access to Justice in Afghanistan (SAJA)”

December 2016

1. Introduction and Background

This Evaluation Brief presents the summary of the Mid-Term evaluation (MTE) of the project “Supporting Access to Justice in Afghanistan” (SAJA) financed by the U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL) and implemented by the International Development Law Organization (IDLO) from September 2014 to December 2017, with a budget of USD 15,115,444.

SAJA’s project’s design is based on the results of a previous IDLO project in Afghanistan focused on support to “National Justice Sector Strategy” (NJSS). The SAJA project is comprised of four components aiming at : i) improving the quality of legal aid services offered to the poor and disempowered; ii) increasing the effectiveness of the specialized prosecution units within the Attorney General’s Office (AGO) in prosecuting Violence Against Women (VAW) cases; iii) improving the capacity of Women Protection Centers (WPC) to implement better services to address beneficiaries’ needs; and iv) increasing the awareness of women’s rights, legal rights and access to justice of target beneficiaries.

2. Evaluation Purpose and Methodology

The main purpose of the evaluation, carried out by independent experts, was to: (i) assess the extent to which the expected project’s results were achieved; and (ii) identify lessons learned with a view to inform the remaining period of project implementation as well as to guide similar interventions in the future.

The evaluation was conducted using a “theory-based” approach, where the reconstruction of the project’s theory of change led to the establishment of the causal link between activities, outputs, outcomes, and impacts. The expected and unexpected results were assessed based on the findings related to evaluation questions and indicators formulated to assess the project’s relevance, efficiency and effectiveness, as well as the impact and sustainability prospects of the project.

Data for the evaluation was collected through: (i) desk study of a wide array of relevant documents and (ii) field

mission to Afghanistan with 25 (semi-)structured interviews and 10 focus group discussions with project beneficiaries and partner organizations.

3. Findings

Alignment with relevant strategies and responsiveness to the needs of beneficiaries

Evaluation findings show that the project design is relevant to the provisions of the Afghan Constitution and strategic objectives of the Afghanistan government. It contributes to the strategic framework documents in multiple ways, by enhancing the capacity of Afghan justice institutions to effectively address VAW and governance challenges, within the EAW units in particular, by assisting the AGO to develop a transparent and accurate case management system, by providing legal capacity building to justice sector stakeholders as well as improving measures to strengthen protection of women, in particular victims of GBV¹ and strengthening legal aid coordination mechanisms.

From the perspective of the needs of beneficiaries, the SAJA project is perceived as relevant, in particular by those who implement the EAW² Law (the MOJ³, AGO, EAW units); those who ensure provision of legal aid to the indigent people of Afghanistan (MOJ-LAD⁴, AIBA⁵, and legal aid providers associated in ALAAN⁶); those who implement measures to protect victims of GBV (MOWA/DOWA⁷, Huquqs, WPCs), and those who advance national strategies related to public legal awareness (MOJ-PLAU⁸). The evaluation confirms the relevance of the project to GBV victims’ needs, albeit only on the basis of a limited number of interviews with respondents to whom the evaluation team could speak directly.

From the IDLO strategic perspective, the project builds upon IDLO’s comparative advantage as an organization with deep experience supporting rule of law in the peacebuilding sector in countries emerging from conflict and striving towards democracy. The SAJA program is aligned with IDLO 2013-2016 Strategic Plan in a cross-cutting manner addressing the key goals of (i) increasing trust and confidence in the justice sector and (ii) advancing human rights and access to justice.

¹ Gender-based violence

² Elimination of Violence against Women

³ Ministry of Justice

⁴ Ministry of Justice – Legal Aid Department

⁵ Afghanistan Independent Bar Association

⁶ Afghan Legal Aid and Advocates Network (the umbrella organization for all defense attorneys)

⁷ Ministry of Women’s Affairs-Department of Women’s Affairs

⁸ Ministry of Justice Public Legal Awareness Unit

Improved coordination and knowledge of legal aid services offered to the poor and disempowered through Association of Legal Aid and Advocates Network (ALAAN)

Enhanced coordination, along with an increased knowledge of legal aid service providers, has been achieved and forms the basis for a potential increase in the quality of legal aid services offered by ALAAN to the poor and disempowered. With the SAJA support, ALAAN members developed four sets of standard legal pleadings that are used by defense attorneys in member organizations, as well as confidentiality guidelines to govern the attorney-client relationship. ALAAN members confirmed that the main advantage of the network is that member organizations work together to address both systemic and legal challenges connected to defending poor and disempowered people.

At the end of 2015, the ALAAN network had ten members, including the major actor in legal aid provision in Afghanistan, the MOJ-LAD and the AIBA. However, the current network size cannot meet the demand for legal aid services across the country. Data from MOJ-LAD on legal aid services show that due to lack of legal aid providers, in 35% of the provinces of Afghanistan, legal aid services are secured solely by MOJ-LAD. ALAAN members have acknowledged and accepted ownership of ALAAN as a platform / network of legal aid providers, which is a good start to further develop the role of ALAAN in the system of legal aid provision.

Strengthened capacity of Elimination of Violence Against Women (EVAW) unit prosecutors to prosecute VAW cases

The capacity of EVAW unit prosecutors to proactively manage VAW cases has been enhanced thanks to an improved data handling system introduced by the SAJA as well as increased knowledge regarding EVAW-related subjects. By the end of 2015 the SAJA had trained 13% of all prosecutors in function in Afghanistan.⁹

Interviewed EVAW unit prosecutors unanimously appreciated the coordination and mentoring events organized by IDLO, which enabled them to share requirements and ideas/experience with various actors dealing with VAW. Most importantly – as in case of so called SAJA targeted coordination meetings – it enabled them to identify common challenges they face in implementation of EVAW law and to devise solutions through dedicated brainstorming and problem solving sessions. SAJA's capacity building and coordination efforts were highly appreciated by all EVAW units' staff.

Although the expertise of prosecutors has been improved, the possibility to reach out and share their skills remains limited, due to the fact that the AGO has only recently commenced the establishment of the so-called Professional Development Institute. Further development of the capacity of EVAW unit's prosecutors within the AGO

remains questionable since structures required to apply the gained knowledge and sustain improved processes are not in place or are to date very limited. In this regard, some trainees reported difficulties to effectively transfer the new knowledge to their workplaces.

Enhanced capacity of WPCs, Afghan Shelter Network (ASN) and other relevant stakeholders to implement better services

According to MOWA, there are currently 27 shelters operational in 20 provinces of Afghanistan. All of them are 100% financed by donors. The project strengthened the capacity of WPCs to effectively implement the WPC Guidelines, focusing on the areas of confidentiality, security, forensic medicine, and public and media relations. The evaluators developed a specific check-list on challenges in the implementation of WPC Guidelines. The most demanding area came out as "ensuring security and safety" which, inter alia, underlines limitations of some trainees to fully utilize their newly acquired knowledge at their workplaces.

The collaboration between individual WPCs and their governmental counterparts, which was not always without difficulties, has been reinforced thanks to ASN coordination efforts as well as capacity building and training provided by SAJA. A number of achievements were reported; e.g. the return of ID cards to WPC clients; the mutual support of WPCs to resolve individual cases in front of MOWA or other governmental institutions; and the involvement of ASN in introducing systemic solutions in the Women's Protection Services system. However, productive engagement of WPCs to define and implement a common development strategy of ASN is yet to be achieved.

Enhanced awareness of target beneficiaries on women's rights, legal rights and access to justice

The PLA¹⁰ activities implemented by SAJA have contributed to an increased beneficiaries' awareness on women's rights and access to justice. A major achievement in this area was the development and broadcast of a radio series "Your Rights, Your Life", which introduced listeners all over Afghanistan to the causes of GBV, the legal framework, and the services available to victims and/or women at risk of GBV. The feedback received through a dedicated hotline and the Facebook page confirms that the program was very well received and contributed to raising legal awareness among newly identified target audiences such as hospital employees, community leaders, teachers and mullahs.

Timely implementation and sufficient allocation of resources to facilitate achievement of project results

The project has spent, as of mid-term, ca. 40% of its budgetary allocation. Operation costs were shared with

⁹ 269 EVAW unit Prosecutors

¹⁰ Public legal awareness

other IDLO projects in Afghanistan. The budget utilized until the end of 2015 is in line with the progress of the project and the achievement of the expected outputs as per the work plan, and at the same time, reflects well the planned activities for the second half of project implementation. The envisaged contribution of ALAAN to the revision of the legal aid regulation, could not take place as the revision was delayed. Similarly, support to the EAW unit in Kunduz, could not take place as originally planned, as the hostilities in Kunduz resulted in destruction of SAJA office and equipment, and consequently, its closure. However, the project continued its support by inviting target groups to events in other provinces, and through phone and electronic communications. During the first year of its implementation, the project faced challenges in staff recruitment. However, these constraints did not affect the overall delivery of SAJA by its mid-term.

Sustaining improved quality of legal and protective services for the disempowered given the existing financial, security and socio-cultural factors

The security situation appears to be gradually deteriorating and violent attacks on rule of law staff are increasing, which makes it much more difficult to sustain the services throughout Afghanistan.

MOJ-LAD, as a member of ALAAN, reported 169 legal aid providers operational in their legal aid departments all over Afghanistan, which together with the NGOs associated in ALAAN amounted to approximately 230 individual legal aid practitioners providing an increased quality services to the population. It is beyond ALAAN's current financial and technical capacity, however, to sustainably provide service to all constituents. The main constraint faced by ALAAN in maintaining the quality of services lies in the limited capacity of ALAAN members to effectively transfer gained knowledge and skills to their respective staff and organizations.

The evaluation also pointed to two technical issues limiting the ability of the EAW units to maintain increased quality of services: Firstly, the AGO is currently undertaking some major organizational rearrangements (e.g. creation of EAW units as an independent organizational entity within the AGO), which affects the operational capacity of EAW units. Secondly, the WPCs are currently fully dependent on donor funding. MOWA's role as the main coordinator of WPCs is limited due to lack of finance and capacity. This makes WPCs and their achieved results vulnerable should the donors decide to withdraw from Afghanistan or if the security situation further deteriorates.

4. Conclusions

Relevance

An important approach for ensuring the alignment of the project design to the needs of beneficiaries was the

utilization of baseline studies reviewing the legal aid providers in the country, carried out under the NJSS project. SAJA also considered the Afghan Constitution and reflected the priorities of the Afghan government as outlined in its strategic development documents such as Realizing Self-Reliance – Commitments to Reform and Renewed Partnership; the Tokyo Mutual Accountability Framework; and the National Action Plan on UNSCR 1325 Women, Peace, and Security. The design is aligned with the INL principles for gender justice programming as articulated in the INL Guide to Gender in the Criminal Justice System and Guiding Principles of INL Justice Sector Assistance. The project aligns to IDLO Strategic Plan 2013-2016.

Efficiency

The project's management approach is responsive and flexible to the needs of the beneficiaries. The training and mentoring provisions are heavily practice-oriented, utilizing problem solving and brainstorming approaches. On the other hand, the reported ratio of participants who did not claim to have transferred knowledge and skills to their workplace, 22% of the SAJA trainings' total participant pool, deserves further attention to improve efficiency of future trainings.

The reported budget utilization of ca. 40% reflects the slightly slower kick-off of some activities and the challenges faced with finding appropriate human resources at the beginning of the project implementation. Nevertheless, the budget utilization appears reasonable relative to outputs achieved so far. The project's Performance Management Plan for Year 1 established a target value of 795 persons to be trained under various indicators related to training provisions, and by the mid-term, the project had exceeded the target value by 38%.

The evaluation did not detect any major organizational challenges in terms of the SAJA set-up. Some of the planned activities could not take place due to the external dependencies out of control of the SAJA project (e.g. security). To further strengthen the implementation framework some more dynamic organizational assessment tools (e.g. SWOT) that would enable to address operational challenges could strengthen the project management approach.

Effectiveness

The project is on its way to achieve its planned targets in a timely manner. SAJA created necessary preconditions to achieve project outcomes, mainly through capacity building and training initiatives. By the time of evaluation, the project had trained 269 Prosecutors, 202 defense lawyers/legal aid providers, 204 WPC specialists and 87 PLA professionals. In total, 922 professionals in various functional capacities received training through SAJA intervention up to date.

IDLO managed to improve coordination of legal aid providers, namely those associated under the established network of legal aid providers' ALAAN. Support to EAW units provided by SAJA proves to be critical for increased effectiveness to prosecute GBV cases in a fair and timely manner. The SAJA project reached 13% (269) of the current pool of prosecutors in Afghanistan thanks to training aimed at EAW unit prosecutors and training modules offered for more advanced participants. Capacity building and coordination efforts of SAJA are highly appreciated by all EAW units prosecutors and staff. Nevertheless, the challenges in applying the newly gained knowledge at workplaces remain.

The support provided by IDLO to institutionally establish ASN and assist WPCs in implementing WPC Guidelines, as well as build their capacities to effectively protect GBV victims, is proving to be fruitful. The ASN members are starting to recognize the benefits of organizing themselves as a platform to represent broader WPC needs and objectives to governmental institutions and donors. However, a creation of an effective reintegration strategy for GBV victims remains a challenge. IDLO also contributed to the increased awareness of the general and professional public about rule of law, legal aid, LEVAW and GBV. The activities targeting an increase in PLA are in synergy with the rest of SAJA components, increasing chances for their success.

Sustainability Prospects

A major factor determining the future sustainability of project's results, is the evidently deteriorating security situation in Afghanistan as well as deeply entrenched traditional and patriarchal values. Difficulties in recruiting trained personnel, in part linked to the security situation, is another issue. Dependence on donor support remains a problem.

With respect to ALAAN network, the most important issue remains the need to develop internal organizational policies and procedures to integrate gained knowledge into the organizational life of individual member entities. Sustainability of effectiveness and efficiency gains by EAW units is dependent on the ability of the AGO to integrate SAJA assistance results into their institutional framework. This includes reusing and mainstreaming the training material developed by the project, for AGO training purposes, and the compatibility of the software and hardware provided by SAJA with the national case management system database currently being implemented in the justice institutions.

In the case of WPCs, the main concern is the support the ASN members can provide in reintegration of WPC clients, so they can return to living in regular society. The ASN can work to create and promote common strategies for reintegration, which can be implemented by each

member. Similarly, shelter providers face serious existential issues at an organizational level should donors cease to fund them. It is also important to address financing of the services by MOWA after the project completion in 2017. Sustainability of PLA activities is dependent on the ability of MOJ PLA personnel to sustain existing campaigns, and to develop new ones addressing legal aid issues and GBV. Effective policy dialogue and capacity building support is important to a long-lasting national ownership of these activities.

Impact Prospects

The evaluation listed institutional weaknesses in the MOJ, AGO, and MOWA as considerable challenges in impact prospects.. The fact that mass poverty in Afghanistan makes the potential legal aid demand practically limitless, and far beyond the capacity of present institutions, is alarming. The fact that not all stakeholders in the justice system have internalized the attitudinal and behavioral changes necessary to combat GBV is another important factor.

Despite those issues, the capacity building and training provided by SAJA to its stakeholders, resulted in positive change in stakeholder's perceptions of government/non-government service providers and of other stakeholders responsible for provision of legal and protective services to indigent people.

Both ALAAN and the ASN have realized through the SAJA intervention the importance of strategic planning and are currently starting to work towards a common strategy agreed within their constituencies. The SAJA trainings and mentoring support for EAW units, increased the capacities of prosecutors to effectively prosecute VAW cases and created a unique working environment where sharing and structured learning from each other is considered an advantage, and not a weakness. At the same time, there remain limits to applying all newly gained knowledge at the workplace.

The PLA activities contributed to an increase in self-awareness of GBV victims (demonstrated by increasing self-referrals of GBV victims) and an increase in the number of referral points for WPC clients (demonstrated by new referral points like hospitals and community leaders).

IDLO Added Value

Interactions and synergies between the currently implemented three projects of IDLO in Afghanistan: SAJA, JTTP¹¹ and AJIS¹² constitute a high added value potential, enabling tactical and operational coordination of various inputs provided by IDLO to justice sector actors.

¹¹ Justice Training Transition Program

¹² Afghan Justice Institutions Strengthening

5. Recommendations

General recommendations

Despite the challenging security and political situation, the institutions related to rule of law, public legal awareness, provision of legal aid, and the fight against GBV should continue to be strengthened. The project should work with government institutions, especially MOJ, AGO, and MOWA to resolve institutional issues that are affecting project effectiveness, impact, and sustainability.

In general, it is recommended that the SAJA project management :

- Discuss with relevant stakeholders the issue of massive disconnect between need and supply of legal aid and consider responses such as utilizing paralegals and traditional / informal justice institutions.
- Discuss with relevant stakeholders the degree of government “buy-in” and sustainability of SAJA results.
- Perform an assessment to understand the reasons for 22% of participants not mentioning transferring new knowledge and skills into workplace, and develop recommendations to increase efficiency of trainings.

Specific recommendations

Enhance the scope and capacity of ALAAN (project component I)

The project should increase the number of ALAAN member organizations to achieve more representative coverage of legal aid providers. It should consider offering membership to selected MOJ Legal Aid Departments at provincial levels. It is recommended that the project designs and implements an information sharing platform (e.g. electronic newsletter, RSS channel, etc.) through which ALAAN members can exchange information and materials. A mid-term strategy for ALAAN should be developed, outlining its objectives, activities, indicators, and feasible first steps to implement the strategy.

To enhance synergies, SAJA management should define areas of collaboration between ALAAN, EAW units, and WPCs in the form of mini-projects to be implemented by ALAAN independently.

Continue support for improving capacity of prosecutors (project component II)

The project should continue efforts to target prosecutors for SAJA training. To increase sustainability the trainings should be designed and tailored to improve managerial and leadership skills of heads of core EAW units (including knowledge transfer through study tours as incentive). SWOT analysis approach can be useful to differentiate EAW units in terms of organizational

development and leadership. Continuous support to newly assigned prosecutors in the form of basic trainings and mentoring in parallel to specialized training should be provided. To maximize benefits and strengthen synergies, the project should also increase the number of trainers trained by the IDLO-implemented JTTP project to assist training/mentoring of prosecutors. The EAW database support would benefit from an alignment of the technical and security protocols with the national case management system database.

Enhance capacity of WPCs and clarify role of ASN (Component III)

The project should clarify ASN’s role as primarily a service organization to its members, or as an organization to represent the voice of WPCs, or both. The capacity of WPCs should be urgently enhanced to draft/propose/implement re-integration strategies for their clients. Those activities can include piloting small-scale initiatives enabling economic independence of WPC clients who wish to leave the facility after their cases have been resolved, but do not wish to return to their families. In this context SAJA should also monitor trends in the resolution of GBV cases by mediation, which would allow for a most tailored approach towards GBV victims.

Continue support to PLA (Component IV)

SAJA should continue to support the mainstreaming of media use related to PLA through the national media service provider. Re-broadcasting of the existing SAJA radio program through local radios in the provinces and districts shall be considered, due to its previous success. To further enhance impact, the project should continue supporting capacity building for the MOJ PLA unit and expand the SAJA support to the media relations department regarding the public legal awareness campaign. Within these activities SAJA should assist MOJ-PLA unit to incorporate messages towards the newly identified target groups (mullahs, business women, health clinic employees, teachers, university students) and assist to identify and target new groups and informal networks (such as midwives; MOJ-LAD call center end users) who can facilitate a broader reach to influence women.