

IDLO Evaluation Brief

FINAL EVALUATION - "SUPPORTING ACCESS TO JUSTICE IN AFGHANISTAN (SAJA)"

October 2017

1. Introduction and Background

This Evaluation Brief presents the summary of the final independent evaluation of "Supporting Access to Justice in Afghanistan" (SAJA, September 2014 - October 2017), a program implemented by the International Development Law Organization (IDLO) in Afghanistan with funding from the U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL). The overall project budget was USD 17,115,444.

SAJA had the following key expected results:

1. Improve the quality of legal aid services offered to the poor and disempowered (Program Component I)
2. Increase the effectiveness of the Elimination of Violence Against Women (EVAW) units in the Attorney General's Office (AGO) in prosecuting violence against women cases (Program Component II)
3. Improve the capacity of Women's Protection Centers (WPCs) to implement better services to address the needs of beneficiaries (Program Component III)
4. Increase awareness of women's rights, legal rights and access to justice for target beneficiaries (Program Component IV)

The evaluation was conducted over five months, between February and July 2017.

2. Evaluation Purpose and Methodology

The main purpose of this evaluation was to: (i) assess the extent to which the expected results were achieved; and (ii) identify lessons learned with a view to guide similar interventions in the future. The evaluation also presents the results achieved by SAJA since the completion of the Mid-Term Evaluation (MTE), carried out in December 2016¹.

The evaluation was conducted using a "theory-based" approach, where the reconstruction of the Theory of

Change (ToC) of the program allowed for presenting the overarching rationale behind the intervention. This led to the establishment of the causal link among activities, outputs, outcomes, and impacts. Evaluation questions and indicators linked to the ToC were formulated to gauge the program's Relevance, Efficiency and Effectiveness, as well as the Impact and Sustainability prospects, based on the OECD/DAC approach.

Data for this evaluation was collected through: i) desk study of relevant documents; ii) field mission to Afghanistan with structured/semi-structured interviews and focus group discussions. The data was triangulated to ensure its validity.

3. Findings

Legal Aid – Program Component I

A significant proportion of activities under the legal aid component was devoted to the establishment of the Afghanistan Legal Aid and Advocates Network (ALAAN)². The successful set-up of ALAAN led to network members working together, getting to know each other better and referring cases to each other from time to time, something that never happened before. Network members, including the Ministry of Justice's Legal Aid Department (MOJ-LAD), referred to ALAAN's advocacy role as 'the most appreciated activity'. Through AALAN's advocacy activities, justice professionals could speak out in support of ALAAN, raising, in turn, the profile of the network. Despite the gains accrued through the network's advocacy work, ALAAN members still faced challenges in interacting effectively with the Supreme Court (SC), the Attorney General's Office (AGO) and with traditional authorities at the provincial level.

To enhance the substantial quality of legal aid services offered by ALAAN members, the legal aid component delivered 18 training sessions to member organizations, with 297 individuals in attendance as of 28 February 2017. In total, 94% of trainees reported applying their newly acquired knowledge and skills.

¹ The Evaluation Brief of the MTE is available on IDLO website at <http://www.idlo.int/what-we-do/initiatives/evaluation-project-supporting-access-justice-saja-afghanistan>

² A number of guiding documents have been created, such as a mission statement, a list of objectives for the network, a policy document, all of which bode well for the network's sustainability and were created through a consultative process with all network members.

During the evaluation, some concerns were raised about a reportedly unclear ‘division of labor’ between ALAAN and the Afghanistan Independent Bar Association (AIBA). However, the evaluation revealed that there was no significant conflict in this sense. The legal aid component successfully carved out an unambiguous role and vision for the ALAAN network as a professional association for legal aid defense lawyers, which is not in contradiction with AIBA’s work. Rather, the main challenge at present seems to be related to helping members and relevant institutions to fully understand ALAAN’s mandate and to ensure its sustainability, without prejudicing its independence.

Elimination of Violence Against Women (EVAW) – Program Component II

Support from the SAJA Gender Justice Advisors (GJAs) came in the form of training, mentoring and the development of tools supporting the work of EVAW prosecutors. In terms of training, by March 2017, 124 separate training courses had been conducted, with 2,490 participants in attendance. The EVAW team exceeded many of its training targets and managed to address delays and security complications very efficiently. While mentoring has been useful in terms of developing and improving training courses, the ability to ensure the application of acquired skills to day-to-day work appears to have been limited.

In terms of tools, a standardized electronic database and a new case filing system were introduced. As a result, prosecutors felt much better equipped to handle EVAW cases and some provinces now house very efficient and competent EVAW units. Future programming will need to ensure that gains are effectively transferred to other provinces (including training of trainers) and that the database is utilized consistently and regularly by staff.

In terms of concerns, EVAW prosecutors felt that their cases were not handled well when the cases left the EVAW unit and proceeded to other departments of the AGO, where they were handled by other prosecutors perceived as having a lower level of technical capacity. EVAW prosecutors felt that this would affect the overall prosecution of EVAW cases. As for the AGO, while the office was appreciative of how much EVAW units had evolved in such a short time through SAJA support, it would like to see such support extended to other units of the AGO as well.

The evaluators could discern no direct trend in the number of cases prosecuted by the units, signaling a need for further research. The number of cases received by EVAW units in 20 provinces amounted to 374 during the first observed quarter (October-December 2015), reached the peak level of 563 in the quarter July-September 2016, but then dropped to 329 in the last observed quarter (January-April 2017). The number of cases before the Kabul EVAW unit was significantly higher than the rest. This is partly because women from smaller neighboring provinces sometimes prefer to bring their cases to the capital. In

terms of indicators for measuring success, the evaluation noted that using ‘increase in the number of cases prosecuted by the units’ as an indicator could prove controversial. Many of the key stakeholders interviewed saw an increase in the number of cases coming to the units as a failure rather than an achievement. Stakeholders mentioned that ultimate success would be a decrease in cases, rather than an increase. However, it was also recognized that an increase in cases could be attributed to women becoming more aware of their rights and being more likely to seek redress. It could also be linked to an increase in cases being referred to the EVAW units when previously they would have been handled by other prosecutors. The evaluation concluded that it is difficult to isolate the reason for an increase or decrease and thereby draw unequivocal conclusions. What is clear, however, is that if the units are handling a greater number of cases, this speaks to the capacity of the units.

Afghan Shelter Network/Women’s Protection Centers – Program Component III

The Afghan Shelter Network (ASN) has developed into a strong network efficiently supporting its individual members. It has remained an informal entity, on the request of the members, and the meetings are organized by the members themselves. It has a set of by-laws, it is in the process of developing a strategic plan, and it has facilitated the development of strategic planning for the member organizations and their Women’s Protection Centers (WPCs). It has also facilitated a referral system among members. The evaluation noted that having higher-level management representatives from member-organizations at meetings would make decision making more efficient. It also noted that having more meetings in the provinces would enhance the level of local assistance.

Training on WPC operational guidelines has led to partners feeling more prepared to implement them, which in turn is leading to better service delivery. The standard operating procedures developed through the program were judged particularly useful. However, selected partners felt that there were gaps in the guidelines and asked for modifications. Confidentiality, security and unhindered access to justice were identified as relatively weak areas of service delivery. The evaluation noted that legal training sessions improved the ability of the lawyers to discern which cases should be prosecuted and which cases can be mediated. However, concerns remained over the quality of mediation services.

The evaluation confirmed that there are currently no formal exit strategies in place for WPC clients, even though the SAJA Mid-term Evaluation recommended that urgent work be done on the reintegration of WPC clients. The evaluation sees the identification of practical solutions in terms of reintegration as a key task of the program in its next phase. At present, it was felt that most of the exit strategies employed were based on traditional approaches linking a woman’s survival to a man. While

some income-generating activities were put in place in the centers, more innovative and cooperative solutions would be required to enhance impact.

In general, the evaluation noted that a key challenge for the centers lied in finding the right balance between the need for protection in terms of life and security, and the need to ensure women's agency, without becoming over protective.

The evaluation also revealed that more managerial training, as well as training related to stress reduction, would improve the overall sustainability of the WPCs and partner organizations and enhance staff retention.

Public Legal Awareness (PLA) – Program Component IV

Because of the public legal awareness (PLA) component of the program, the Ministry of Justice's Public Legal Awareness Unit (MOJ-PLAU) carried out its first ever PLA campaign, starting a reflection on the impact of its initiatives.

ALAAN achieved its outreach targets by creating PLA materials in the form of information brochures and maps showing provinces where legal aid/lawyers are available, by creating a Facebook page and, through its members, appearing on radio programs.

WPC partners also increased their PLA activities, and so did the ASN. However, the evaluation signaled that big media campaigns, such as 'Your Rights, Your Life' did not yield very strong results in terms of increasing access to legal services. Very few (close to none) of the beneficiaries of the WPCs, EVAW units and legal aid component declared that they accessed these services because of listening to the radio program. Nevertheless, there is a great deal of evidence to suggest that ALAAN, the EVAW units, and the WPCs are better known and more appreciated by the government, as well as the general public, through the SAJA work. As a result, some officials have even spoken out publicly in favor of women's rights and the rights of defense lawyers.

Time and cost-effectiveness and IDLO's comparative advantage

No major changes were made to the original workplan and the SAJA program was executed according to its targets.

Given IDLO's longstanding reputation for combining rule of law and gender justice issues, coupled with its extensive experience implementing rule of law programs in Afghanistan, the organization emerges as one of the key players carrying out justice-related programs to assist the Afghan government. SAJA's work with legal aid providers is also unmatched by any other agencies/international donors. The evaluation reveals that SAJA's support to the ASN is strategically tailored on structural issues, such as coordination, collaboration, and advocacy among WPCs and organizations running WPCs.

As per the work of the EVAW units, the evaluation unveils a certain feeling of dissatisfaction among other departments of the AGO. Specifically, other departments complained about feeling under supported vis-à-vis the EVAW units, which have emerged as the strongest department of the AGO during the SAJA program, despite being so new. As a result, the AGO has been vocal in requesting IDLO to expand its capacity building support to include other divisions of the ministry. However, the evaluation also noted that the EVAW training was opened up to related AGO departments, and that other AGO departments were receiving support from other programs.

4. Conclusions

NB: The standard OECD/DAC evaluation criterion of Relevance was not covered by this evaluation as it was addressed by the MTE.

Efficiency

No major changes were made to the original workplan and at the time of the evaluation it appeared that the foreseen budget will be spent in line with the management forecast. The program was more active in its second half, with more than half of the program activities being implemented during this time frame. This offset some of the delays experienced at the beginning of the project (for example, difficulties in hiring human resources and security challenges) and led to some components exceeding their targets in terms of number of training sessions conducted (for example, component two).

Effectiveness

The MTE recorded that by the end of 2015 SAJA had trained 922 unique individuals (1,100 according to a multiple count approach). By the time of the final evaluation, over 2,000 unique individuals had been trained (4,100 according to a multiple count approach), meaning that SAJA managed to double the number of trainees in 14 months (almost quadrupled when considering the multiple count approach).

Within Component I, the team has established a successful legal aid network through ALAAN. The network has demonstrated great impact in advocating for the rights of defense lawyers. A total of 18 unique training courses had been conducted with 297 individuals in attendance by 28 February 2017. Training not only served to improve the quality of legal aid services, but it has also potentially improved the ability of ALAAN members to attract donor funding. While there is no evidence yet to confirm that members are better able to attract donor funding as a result, members did report that they feel more confident in this regard. The evaluation found that the advocacy role of the network has been the most appreciated aspect, including by the MOJ-LAD. Comparatively, the advocacy role was more appreciated than training, and it has

emerged as the main factor ensuring members' commitment to the network.

As for Component II, EAW prosecutors reported that they feel much better equipped to handle EAW cases. The evaluation reveals that some provinces now house very efficient and competent EAW units. The challenge for future programming remains how to best transfer those gains to other provinces and how to ensure that related AGO departments fulfil their role properly so that cases are well-handled throughout. In terms of challenges, the evaluation revealed limitations in knowledge sharing within units, specifically from trained individuals to the rest of the units. While the EAW database has been a great contribution to the work of the units, ensuring that it is utilized consistently and regularly by all staff, thus enabling the production of good quality reports, remains a challenge.

Under Component III, the ASN has matured into a strong network steered by its members and addressing problems effectively. WPC partners have improved their service offering to clients. The biggest challenge for the WPCs remains finding the right balance between the need for security and protection of their clients and the need to preserve their client's agency. Confidentiality training has emerged as one of the weaker areas (although gains have been made), with WPC staff reporting lower levels of improvement vis-à-vis WPC lawyers. The successful reintegration of WPC clients remains a challenge.

There is a great deal of evidence to suggest that ALAAN, the EAW units, and the WPCs are better known and more appreciated by the government, as well as the general public, through the work of SAJA. Some officials spoke out publicly in favor of women's rights as result. This is not only attributable to the work of the PLA component, but also to the advocacy and coordination efforts of the other components. However, it should be considered whether big media campaigns are the most effective way ahead, in comparison to more targeted grassroots approaches.

Sustainability Prospects

The SAJA team has consciously factored in the sustainability of its activities through initiatives such as mentoring EAW prosecutors, keeping costs low for ALAAN meetings, handing over the steering of ASN meetings to the members, and accompanying institutions as they develop their own PLA campaigns. In terms of overall sustainability of the program, dependence on donor support remains a challenge and it is something that would ideally be addressed in another round of programming. The evaluation also noted that knowledge sharing between trained individuals and their peers was not always detected and this somewhat limited the sustainability of trainings.

Impact Prospects

Since the evaluation took place towards the end of the program, the possibilities of assessing impact (i.e. long-term socio-economic change) are limited. However, the evaluators have been able to define some overarching results and trends. Under the legal aid Component 1, training improved the quality of legal aid services, which can positively affect the beneficiary-level justice seekers. To this end, the fact that ALAAN functions as a viable networking and advocacy platform can have a multiplier effect. The advocacy work resulted in individuals from justice institutions speaking out in support of ALAAN but also had the ancillary effect of raising the profile of the network and strengthen access to justice.

SAJA tangibly enhanced the technical capacity of EAW units which, again, raised prospects for better access to justice. The EAW database has been a great contribution to the work of the units and the Component II team showed great adaptability and agility in developing the most appropriate system. Ensuring the use of the database across units is the next challenge, as well as ensuring further knowledge transfer outside the EAW context.

MOWA's involvement in ASN meetings and training led to enhanced capacity for monitoring the WPCs within the ministry. The WPC guidelines, while being appreciated, show certain gaps in terms of topics addressed (e.g. confidentiality). The issue of developing reintegration strategies for (former) WPC clients remains a challenge.

PLA has been better addressed through advocacy and coordination work, rather than through traditional PLA activities of Component IV. Big media campaigns, such as 'Your Rights, Your Life' did not yield very strong results in terms of raising PLA.

5. Recommendations

General Recommendations

- Conduct regular assessments / monitoring of results at the Component level to allow for more evidence-driven strategies and more impactful programming.
- Create more ToT for all components to ensure the sustainability of training activities.
- Ensure that all SAJA created databases (including the WPC database) are aligned with the needs/expectations and existing databases of other institutions within the sector.

Component-specific Recommendations:

Component I – Legal Aid

- Make training for ALAAN members more targeted to their needs by conducting systematic needs assessments before organizing training courses. Move the focus away from training and more in the direction of organizational development of the ALAAN. Specifically, consider enabling members to take over the steering and organization of meetings.
- Conduct more training on managerial skills and fundraising for the NGO members of ALAAN, with a view to improve their ability to attract donor funding.
- Continue to place a large focus on the advocacy efforts of ALAAN to ensure the commitment of its members to the network in the absence of donor funding.
- Conduct meetings, conferences and symposia at the premises of ALAAN member organizations, to build a sense of ownership amongst the members.

Component II - EAW Units

- Promote knowledge sharing between trained prosecutors and the rest of their unit. Consider shifting the focus from training to Training of Trainers.
- Align the program with Attorney General's Office (AGO) strategies for training by supporting the Professional Training Institute through ToT and helping build its capacity.
- Include a more specific focus on training for related departments of the AGO ensuring that a greater pool of prosecutors have Gender-Based Violence training.
- Include the non-administrative staff of the EAW units in trainings related to the use of the database.
- Assist units in smaller and more remote provinces to create their own coordination meetings and place a focus on greater coordination with the Ministry of Interior/police/Family Responses Unit (FRU) in the provinces.

- Focus on improving the standard and quality of mediation services within the sector, as a large proportion of women seeking justice turn to mediation, and less serious crimes within the LEVAW are often referred by prosecutors to mediators.

Component III - WPCs

- Work with the Afghan Shelter Network (ASN) to further develop the WPC guidelines so that they cover the gaps perceived by the members.
- Continue training of partners on confidentiality and security.
- Improve the quality of mediation services provided in the centres by creating better standards in terms of who can provide mediation and how it should be conducted.
- Provide greater fundraising and management training, particularly focusing on stress reduction for WPC staff, to increase staff retention and WPCs sustainability.
- Promote the attendance of high-level ASN management at ASN meetings, to ensure better decision-making.
- Promote meetings at the provincial level.
- Expand the outreach of the ASN to include a focus on building the capacity of Ministry of Women's Affairs (MOWA) and the FRUs. Create more training for MOWA in WPC guidelines, and provide greater gender training for the FRUs.
- Support the WPCs to empower their beneficiaries, in addition to providing them with services. Add women's empowerment modules in all trainings and encourage women's autonomy in daily activities.

Component IV – PLA

- Move the focus away from big media campaigns, as their impact on raising legal awareness has proven minimal. Instead, focus on advocacy and coordination meetings to raise awareness within the sector, and on grassroots initiatives at the district level to raise awareness at the community level.
- Accompany the Ministry of Justice Public Legal Awareness Unit through another grassroots outreach campaign, such as those conducted with district leaders.