

# IDLO Evaluation Brief

## EVALUATION OF THE IDLO-IMPLEMENTED PROJECT “AFGHAN JUSTICE INSTITUTIONS STRENGTHENING”

November 2018

### 1. Introduction and Background

Since the fall of the Taliban in 2001, the international community, together with the Government of the Islamic Republic of Afghanistan (GIROA), has deployed significant funds and technical assistance to rebuild the country's justice sector. Yet, despite significant efforts, rule of law and access to justice remain limited. At this transitional juncture in Afghanistan's history, justice institutions still suffer from a lack of authority and capacity across a range of basic competencies while the Afghan population has little trust in the formal justice sector and relies on traditional law, rooted in the tribal system. Nevertheless, as Afghanistan continues to develop and modernize, state law is expected to take on an increasingly important role, a responsibility for which the country must be prepared.

Within this context, the Dutch Government-funded and IDLO-implemented project “*Afghan Justice Institutions Strengthening*” (AJIS) endeavored to enhance the human resource (HR) capacities of Afghan justice institutions in delivering civil and commercial justice, with a specific focus on women's rights and the overall goal of improving confidence in the formal justice system and enhancing its quality. The project comprised four components: (1) administration of justice capacity, (2) quality of judicial education, (3) public awareness of the legal system and (4) quality of legislation<sup>1</sup>.

The beneficiary Afghan institutions were the Ministry of Justice (MoJ), the Ministry of Women's Affairs (MoWA), the Supreme Court (SC), and the Afghanistan Independent Bar Association (AIBA). The initiative was complementary to a previous IDLO project “*Supporting the National Justice Sector Strategy of Afghanistan: Fostering Effectiveness in the Rule of Law*” (NJSS), also funded by the Dutch Government. While the AJIS project was originally planned to be completed in 29 months (i.e. by the end of December 2017), with a budget of 3 million euro, it received a no-cost extension (NCE) at the end of January 2018 to be completed at the end of March 2018. The NCE was necessary largely due to delays in the completion of the component 4 activities.

This Evaluation Brief presents a summary of the independent evaluation of the project.

### 2. Evaluation Purpose and Methodology

The purpose of the evaluation was to: (i) assess the changes triggered by the project activities, (ii) analyze the outputs/outcomes achieved and progress towards long-term impact, and (iii) draw lessons learned and recommendations for future programming. The evaluation was conducted using a ‘theory-based’ approach, where the reconstruction of the project's Theory of Change (ToC) enabled causal links to be drawn among activities, outputs, expected outcomes and impact. The reconstructed ToC served as the key reference point to formulate a set of seven Evaluation Questions (EQs) and their corresponding “Objectively Verifiable Indicators” (OVI), generated to assess achieved results. The formulation of EQs was guided by the five OECD/DAC-based evaluation criteria (relevance, efficiency, effectiveness, impact and sustainability prospects) and a sixth IDLO-specific evaluation criterion (IDLO value added).

Information for this evaluation study was collected through: (i) a desk study of program documents and monitoring data, (ii) a ten-day visit to Afghanistan during which six focus group discussions and 25 interviews were conducted with beneficiary institutions, justice sector professionals participating in the training activities and other relevant stakeholders, and (iii) additional skype/telephone interviews with IDLO officials.

### 3. Findings

#### Project's relevance and design

The evaluation considered the project as relevant, based on the GIROA's expressed priority to improve the capacity of justice sector institutions (JSI) for an efficient application of civil and commercial law. The project outcomes were also seen as coherent with IDLO's and the Dutch Government's strategic objectives of promoting rule of law, good governance, legal empowerment,

<sup>1</sup> This Component was added later.

training of legal professionals and strengthening of judicial institutions. Activities implemented to reach the project goal responded to the needs of the justice sector professionals (JSP), target groups and end beneficiaries (as articulated in the baseline analysis conducted prior to the implementation). AJIS was accurately designed to focus on the civil and commercial aspects of law, which revealed a comprehensive approach to capacity building, as the main focus of other IDLO programs in Afghanistan has been on criminal law.

The evaluation noted that, from the project cycle management (PCM) perspective, the project design lacked a detailed risk assessment strategy which prevented the project from addressing some financial and security-related challenges. The project design also lacked a sound logical framework with realistic OVs, limiting regular assessments of results.

Gender balance and fair geographical coverage were ensured in the process of identifying the key beneficiaries/target groups for project activities. However, despite the strongly emphasized gender aspect in the design and high-level targets set with a special emphasis on women, AJIS was rather gender-neutral (i.e. there was nearly balanced participation in project activities from men and women) and most of the staff employed in JSI were male. Themes of women's rights and gender issues were also not strongly emphasised within the curricula of training activities.

#### Allocation of human and financial resources

Most of the planned activities were implemented without delay in six provinces including Kabul, benefitting legal professionals from 30 out of 34 provinces, with adequate quality, useful outputs and sufficiently utilizing the allocated budget. However, activities under component 4 were not implemented until the end of the original project duration due to late submission of the budget realignment request and could therefore only be completed within the no-cost extension period.

The evaluation found that targets set for the training-related components 1 and 2 were over-achieved: while the original target was to train a total of 700 JSP, the total number of JSP reached as of January 2018 was 1,802. This deviation from the original project design negatively affected the quality of the trainings as the classrooms were overcrowded.

Project implementation also experienced difficulties regarding communication and collaboration with the donor. This was, inter alia, related to capacity issues related to project's human resources.

#### Coordination of training sessions and curricula

IDLO strengthened its capacity building efforts thanks to its coexisting programs in Afghanistan which have complemented each other reasonably well. On some occasions, however, coordination could have been improved, for example in the case of insufficient interaction with the IDLO *Justice Training Transition Program (JTTP)*.

Regarding the training conducted, both JSI and the interviewed target groups expressed their satisfaction with the quality and usefulness of the training materials. IDLO's training approach introduced new and innovative learning methods such as coaching and peer learning that added value to the training. Nevertheless, the evaluation also highlighted a lack of sufficient focus on gender justice.

#### Public awareness and quality of legislation

Despite the limited scope of the awareness-raising activities, the financial support provided by AJIS for AIBA publications proved useful in contributing to increased public knowledge of the formal justice system. For instance, the AIBA was satisfied with the communication strategy delivered by an external IDLO consultant in terms of quality, objectivity and utility. However, in terms of broader knowledge-sharing initiatives, such as a full-scale implementation of the communication strategy, the evaluation noted that this would require further efforts and financial support from donors.

Regarding support to improving the quality of legislation, AJIS aimed at contributing to the Afghan legal framework by training the MoJ staff involved in legislative drafting. However, as the budget realignment had not been approved by mid-January 2018, these activities took place in March 2018, after the evaluation was finalized so the usefulness of these training sessions could not be assessed.

#### Improving skills of JSP at MoWA and the SC

Legal training, training of trainers (ToT), coaching, peer learning, the Judicial Stage Program and Master of Laws (LLM) support provided to the MoWA's and the SC's JSP increased their ability to handle daily tasks related to the administration of civil and commercial law cases with more ease and confidence.

For the training, this became evident in the “pre-post” knowledge test scores<sup>2</sup>, and was also confirmed by the evaluation interviews. For other approaches, such as the LLM and Judicial Stage Program support to the SC staff, AJIS made a valuable contribution especially for participants who had financial difficulties. (e.g. by covering some school fees). As the completion of the Judicial Stage Program is compulsory in order to become a judge, this strengthened prospects for employment and professional development of relevant JSP. Moreover, AJIS helped the SC to further improve the capacities of ten full-time trainers who were previously recruited and supported by the JTTP.

Training for the Department of Women’s Affairs (DoWA)<sup>3</sup> staff was particularly important in terms of dealing with violence against women and women’s rights cases in the disadvantaged regions. JSP shared positive feedback on the usefulness of the training methodology and materials, in terms of contributing to the standardization of applying laws throughout Afghanistan across many sub-sectors. In turn, this is expected to enhance the effectiveness of the judicial system. However, the evaluation noted that the fragile security situation, geographical differences in terms of development and high staff turnover rates at the JSI posed risks both for the application and the retention of the improved HR capacity.

#### Increase in the judicial education capacity of the MoJ and AIBA.

The MoJ and AIBA have internalized the knowledge and know-how stemming from AJIS training and materials by institutionalizing their own in-house training programs. ToT participants confirmed an increase in the quality of the training they delivered after having received AJIS support.

Nevertheless, the ToT participants who later engaged as trainers are more numerous in the AIBA than in the MoJ. While each institution may face challenges for the retention of their trainers, AIBA’s prospects in this regard were considered higher. The AIBA has concrete plans to retain the 28 members that received ToT in their AIBA defense lawyers stage program or other trainings, while the MoJ does not have concrete strategies for the retention of trainers.

Overall, the benefits of capacity building were more evident at the individual level, while long-term benefits at an institutional level remained at risk due to limited financial resources, especially in the case of the MoJ.

#### Changes in the quality of and confidence in the formal justice system.

It is still too early to assess the impact of the judicial capacity building provided in terms of successfully administered commercial and civil law cases. Therefore, the broad improvements which are expected in the investment climate and increased confidence in the formal justice, as a result of the support provided, were not clearly palpable at the time of the evaluation. It needs to be stressed, however, that achievements in these fields also depend on economic and political conditions that were beyond the project’s span of control. AJIS’s scope was simply too restricted to create a broad effect. To maintain continuous progress, further collaboration needs to be established between the GIROA and the key justice institutions, especially the AIBA as the main body leading legal awareness efforts.

#### HR capabilities and retention of knowledge

AJIS contributed to enhancing the HR capabilities of the JSI. However, it is not guaranteed that these improvements will last, as financial difficulties within JSI hamper the continuation of high quality trainings for existing and newly recruited JSP. This is a considerable obstacle as despite the existing will to retain knowledge there are high staff turnover rates at the JSI. To maintain and expand the acquired HR capabilities JSI remain dependent on external donor support.

## 4. Conclusions

### Relevance

The project was relevant in terms of its design and at the time of the evaluation, fully in line with the strategies of GIROA as well as those of the Dutch Government and IDLO. The project responded clearly and in a timely manner to the needs of the justice system, particularly in the areas of civil and commercial law. However, the design lacked a structured risk assessment strategy and set the outcome areas/targets very ambitiously (e.g. in relation to gender) particularly in light of the highly challenging socio-political situation in Afghanistan. The project’s financial scope was also limited *vis-a-vis* the expected results.

The project lacked a sound logical framework along with OVs formulated under all four ‘outcome’ levels, which would have facilitated regular internal monitoring of the project as well as the external evaluation. Programmatic synergies have been created, to varying degrees, with parallel IDLO programs in Afghanistan (SAJA and JTTP) as

<sup>2</sup> On average the participants increased their knowledge by 38%.

<sup>3</sup> Under the Ministry of Women’s Affairs (MoWA).

well as the NJSS, a previous Dutch Government-IDLO intervention, to cover all three areas of the justice system (criminal, civil and commercial).

### Efficiency

Overall, the training approach was well adapted to the needs of the beneficiaries. However, problems arose during implementation, especially due to the sharp increase in the number of training participants. The evaluation also revealed that in some cases the training topics chosen deviated from the original project design or were repetitive. This jeopardized the efficiency and hindered effective communication with the donor.

Although the evaluation noted efficient progress reporting by the AJIS team to IDLO headquarters, it did not include a qualitative analysis of achievements and challenges related to outcomes. Rather it remained at a quantitative level and limited scope of data collection, partly due to the lack of a sound logical framework.

In terms of communication/coordination, IDLO's management capacities in the field to secure active involvement of the donor were limited, which led to delays in the disbursement of funds and negatively affected operations.

### Effectiveness

AJIS has provided the MoJ, the MoWA, the SC and the AIBA with support and resources through training JSP in line with the GIROA's expressed priority to improve the capacity of JSI for the correct application of civil and commercial law.

However, in terms of building judicial capacity, most benefits were created for AIBA and the SC, while the MoJ has not had the necessary financial means to reap the benefits. This caused some of the achievements at the MoJ to be rather short-lived. Regarding support to the MoWA (DoWA) there have been improvements in handling cases. Nevertheless, it is crucial for DoWA staff to keep improving their skills especially in remote/disadvantaged regions as they are the first points of reference for women regarding civil/family issues.

Despite the specific focus of the project design on gender, the implementation of AJIS remained rather gender-neutral. The evaluation suggests that the creation of further synergies between the three IDLO programs in Afghanistan, some of them with a strong gender focus, would have helped AJIS to create a wider impact in terms of women's rights and a contribution to gender justice.

Beyond the training component, which had visible effects in terms of improved HR capacity, the project's contributions related to awareness raising and improved

legislative capacity remained limited (often due to a restricted thematic and financial scope).

### Impact and Sustainability Prospects

The comprehensive approach adopted by IDLO to target and support criminal, civil and commercial aspects of the justice system through the JTTP, SAJA and AJIS programs running in parallel, enhanced the overall potential impact of the capacity building support. Nevertheless, systematic coordination between the three program teams remained somewhat limited. Beyond the training component, which had visible effects for improved HR capacity, the progress triggered by the project is far from sufficient in terms of awareness raising and improved legislative capacity.

The sustainability of the benefits from training activities will depend largely on the staff retention policies of the four beneficiary JSI, and their willingness to continue in-house training with the newly created capacity. The weakest retention prospects are expected in the MoJ as it still lacks a specific financial/institutional strategy for this matter due to financial uncertainty for the coming years.

### IDLO value added

IDLO utilised, to the extent possible, its longstanding experience with the Afghan JSI, substantial technical expertise in the field of civil and commercial law, efficient training information/assessment tools, pre-post training tests for training participants, efficient provincial outreach/coverage and strong relationships between IDLO and the beneficiary institutions. All these aspects added value to the project's implementation. Nevertheless, within the framework of AJIS, IDLO's broad international expertise could not be fully exploited mainly due to financial difficulties, since the national project implementation team and the JSI staff were the main actors delivering training and facilitating other activities.

## 5. Recommendations

### Recommendation 1: Continuation of support for the Afghan JSI:

- Given the financial difficulties faced by the JSI and the continuously deteriorating political and economic conditions in Afghanistan, it is essential for donors to continue supporting the JSI, in particular the MoJ in the area of legislation, and the AIBA and the MoWA in terms of developing communication tools specifically targeting awareness raising for disadvantaged and poorly-educated women residing in the remote areas of Afghanistan.

### Recommendation 2: Improve MoJ ownership to invest in HR capacity:

- Further commitment by the MoJ management is fundamental for judicial capacity building; it must adopt new staff retention strategies and find creative solutions to prevent loss of trained staff to maintain its improved HR capacity without being affected by the high staff turnover. To ensure that training services continue to be provided, the MoJ should develop a long-term plan and accompanying budget.

### Recommendation 3: Learning from the training feedback:

- IDLO should ensure that program teams strive to remain within the budgetary limitations of the intervention and follow the original plans accurately. If the organization chooses to modify the original design and targets of the program this should always be done in close coordination with the donor.
- Training sessions should be tailored for groups of participants with similar levels of education/experience to prevent repetition or lack of relevance for training topics and to increase interaction as well as prospects of assimilating knowledge and skills.
- IDLO should focus more on case studies related to women's rights within the training plans to create a wider impact on gender justice.
- It would be advisable to include study tours within the training plans with the purpose of increasing motivation levels.

### Recommendation 4: Improvement of design, communication modalities and reporting:

- It is recommended that the budget be designed by the donor (Dutch Government) in consultation with IDLO and stakeholders, using a participatory and flexible approach in order to make realistic assumptions regarding the levels of operational and HR costs, especially when the project is developed in a fragile context like Afghanistan.
- It is crucial that IDLO design future projects not only including outputs and outcomes, but also intermediary phases that can be reflected in a logical framework with corresponding OVs (generated with the participation of the beneficiary institutions), which allow for regular monitoring of project results. In addition, it is necessary to develop risk assessment strategies as part of the project design. For future projects,

IDLO should refrain from including targets that are overly ambitious in terms of the scale of assistance. In line with this, IDLO must design realistic project budgets considering the necessary human resources and other costs required by the operational contexts in order to maintain the quality of its management capacity and inputs.

- It is necessary to safeguard an effective reporting system between IDLO and the donor with regular reports that would include analysis of progress towards intended outcomes and allow challenges and problems to be addressed in a timely manner via corrective actions and budgetary adjustments if/when necessary.
- IDLO should adopt systematic coordination mechanisms across its project teams by conducting regular meetings to keep track of achievements, share experiences and enable synergies/collaboration at the country level. Moreover, it is necessary to conduct regular monitoring and assessment of results at the component level to allow for more evidence-driven strategies and impact-driven programming.