



In cooperation with



Kingdom of the Netherlands



Implemented by



## “Bridging the Gap between Formal and Informal Justice”

Cooperation between the Kingdom of the Netherlands (Ministry for Foreign Trade and Development Cooperation) and the Federal Republic of Germany (German Federal Ministry for Economic Cooperation and Development)

implemented by Deutsche Gesellschaft für Internationale Zusammenarbeit – Project Promotion of the Rule of Law)

Between the Federal Ministry for Economic Corporation and Development of the Federal Republic of Germany and Ministry for Foreign Trade and Development Corporation of the Kingdom of the Netherlands a cooperation agreement, Rule of Law (RoL) III Programme, was signed 20th of June 2018 for a contribution of DGIS of 12.000.000 Euro for three years. The Asia Foundation (TAF) acts as cooperation partner for one part of the programme, especially for the improvement of the informal justice providers.

The project includes two complementary components. Component 1 focusses on the interaction between formal and informal justice providers with the outcome of a better cooperation between formal and informal justice system.<sup>1</sup> Component 2 focusses on activities implemented for stakeholders from the formal and informal justice sectors with the outcome of an improvement of the justice delivery, while strengthening their capacities. GIZ focusses mainly on the actors of the formal justice system and TAF on informal justice providers. Activities include building the capacity of (men and women) of jirga members and strengthening the capacities of formal legal aid providers (Legal Clinics and Gender Focal Points).

In detail there are the following outcomes and indicators:

### **Component 1:**

Improving the Interplay between formal and informal justice systems:

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<sup>1</sup> Since the indicator of a revised Law on Conciliation on Civil Disputes and its bylaws will not be implemented so far, there is a change of activities currently under approval process of DGIS;

Output:

Mechanisms for referrals and coordination between formal and informal justice providers are developed and tested.

Indicator:

- Regular forums for the discussion of methods and cooperation between formal and informal justice providers have been established at least in 2 districts in each of the supported provinces (Badakhshan, Takhar, Kunduz, Baghlan, Samangan, Balkh, Jawezjan and Sarepul)

Achievement: <sup>2</sup>

The indicators could be partly fulfilled as regular forms for the discussion of methods and coordination between formal and informal justice providers have been established at least in 2 districts of the supported provinces, s.a.

Bi-annual coordination meetings between justice actors on provincial level were conducted as well as joint trainings on local level. A uniform mechanism for the referral of cases between different justice systems could not be piloted, as the law on Conciliation is not in place: An advisory board for jirga/shura in coordination with Directorate of Women Affairs, (DoWA), Directorate of Justice, (DoJ) and Afghanistan Independent Bar Association (AIBA) could not be established, 10 workshops did not take place.<sup>3</sup>

Output:

The public is aware of the rights in different justice systems and the ongoing reforms

Indicator:

- 84 information campaigns (e.g. radio programs, distribution of information brochures, theatre plays, etc.) on peacebuilding/reconciliation, women's rights have been conducted by partner organizations (e.g. Ministry of Justice, Civil Society Organizations)

Achievement:

The indicator is fulfilled as far as the Law on Conciliation is not concerned. In the above-mentioned supported provinces, 25 theatre programs have been implemented in 2018 and 2019 with more planned programs foreseen. About 17077 participants

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<sup>2</sup> The achievements reflect the status of implementation until 31<sup>st</sup> July 2019. The next update will be provided during January 2020

<sup>3</sup>New activities under approval process

(12532) were registered. Manual and trainings on legal documents are in the process of implementation as well as radio programs and distribution of information brochures.

Output:

Increased coordination between formal and informal justice providers

Indicator:

- 12 joint coordination forums held in 6 provinces
- Six 3-day exchange visits conducted (3-day exchange visit per province)
- 72 internal jirga and shuras (male and female) meetings conducted

Achievement:

The indicator could not be fulfilled in the first year, nevertheless in the second and third year of implementation it is planned that in exchange with the above mentioned activities the advocacy focus from law on conciliation to increasing women's participation in informal justice mechanisms will be done, addressing how jirga can be made more user friendly for women – both to participate in as decision makers or to bring their cases themselves/representing themselves if they so choose or to be present when a male represents them – and linking women jirga and shura with formal justice institutions such a lawyers, Huquq, courts, etc.

Output:

Communication strategies and action plans developed

Indicator:

6 communication strategies and action plans developed, specific to communication needs of each province

Achievement:

The indicator could not be fulfilled in the first year as mentioned above. Also, here is planned that the activity is kept changing the advocacy focus as described above. There are 18 advocacy workshops in the overall workplan. 12 remaining workshops will be conducted in year three of the project, 6 will be done in year 2.

Output:

Advocacy strategy developed, and workshops conducted

Indicator:

- An advocacy strategy to increase women's involvement and participation in male jirgas, developed for all six provinces
- 6 advocacy workshops conducted in 6 provinces

Achievement:

The indicator could not be fulfilled in the first year as described above. The indicator is kept and with change of direction as described above one-day workshop per province at the provincial level after development of the advocacy strategy (but inviting district level participants), with participation of 12 to 15 influential people including district governors, community and religious leaders, Qaryadars, jirga members and active women (emphasis on women as participants to the greatest extent possible). During these meetings, the participants will discuss how to increase women access involvement in informal justice sector (jirgas) in the light of the developed advocacy strategy.

Output:

Conferences are held to discuss advocacy and coordination mechanisms between the formal and informal justice sectors

Indicator:

- A national conference held at Kabul with stakeholders

Achievement:

The indicator could not be fulfilled in the first year as mentioned above but nevertheless it will be kept too. 1-day annual conferences will be held in Kabul to best practices and lessons learned from advocacy for the increased participation/involvement of women in jirgas/shuras in project year three. The participants of conference will include forums' members from all six provinces, formal and informal justice sector actors/traditional dispute resolution mechanisms and some Kabul based actors from government side (e.g., Ministry of Border and Tribal Affairs, Ministry of Women's Affairs, Afghanistan Independent Human Rights Commission, Ministry of Justice, etc.). The conference will aim to evaluate the efforts being made because of advocacy initiatives conducted.

Output:

Legal resource libraries for the use by formal and informal justice sector is established in each targeted province

Indicator:

3 legal resource libraries and books provided

Achievement:

The indicator could not be fulfilled in the first year, but three legal libraries are planned for Samangan Baghlan and Jawzjan. Initial coordination meetings to identify suitable venues were held.

Output:

Public awareness campaigns on formal and informal justice are developed and Implemented

Indicator:

- 60 Public Service Announcements (PSAs) of 30 seconds each developed - (30 in Pashtu and 30 in Dari language)
- 384 PSAs broadcasted in year one
- 96 Live radio talk shows produced and broadcasted in year one
- A Facebook page created and maintained

Achievement:

The indicator could be partially fulfilled; the Facebook page is created, and the other activities are under process.

**Component 2**

Supporting formal and Informal justice actors

Output:

The capacities of access points to formal and informal justice systems have improved, particularly for women

Indicators:

- Gender Focal Points operate in all supported provinces, Balkh, Kunduz, Takhar, Badakhshan, Jawzjan and Baghlan
- The knowledge on women's rights and mediation techniques of at least 90 % of the trained state personnel (e.g. Huquq) has improved

Achievement:

The indicators could be fulfilled. Related to the GFP, all foreseen activities have been conducted as well as for Huquqs. GFP operate in all accessible districts and the knowledge on women's rights and mediation techniques of at least 90% of the trained personnel has improved.

Output:

Legal clinics are established at all state universities in the supported provinces Balkh, Kunduz, Takhar, Badakhshan, Jawzijan and Baghlan

Indicator:

- Good functional Legal Clinics are established

Achievement:

The indicator could be fulfilled as far as the activities for year 1 are concerned, good functional Legal Clinics are established in the above-mentioned provinces.

Output:

Moderate Islamic teaching in state registered religious schools (Madrassa) include women`s rights

Indicator:

- The knowledge on women`s rights of at least 80% of trained teachers in registered madrassas have improved.

Achievement:

The development of a manual on women`s rights in Islamic Law could be finalized. 1 Training of Trainer was conducted in Kabul. 16 Master Trainers were already trained by trainers of the Ministry of Education. In 2020 a second training will take place. All Master Trainers will continue to conduct Madrassa teachers to ensure effectiveness of the developed manual.

Output:

The capacity of informal justice sector is sufficiently built

Indicator:

- Training curricula for jirga and shura members developed
- 12 male and female masters trained
- 1200 male and female informal justice sector actors trained

Achievement:

The curricula are developed and the master trainers were trained in June/July 2019. The training of the informal justice sector is under process.

Output:

Teachers, students and traditional leaders` knowledge of conflict resolution, mediation and restorative justice topics, are enhanced

Indicator:

20.000 booklets published and distributed

Achievement:

A request for proposal to contract an expert to develop the material of the booklets was done. The indicator is under process as the design and publishing should be developed.