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MONTHLY REPORT, January 2013

Rule of Law Stabilization Program – Informal Component (RLS-I)

Contract Number: AID-306-C-12-00013



State-TDR coordination meeting, Tarnak Wa Jaldak district (Zabul province), 7 January 2013

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Contract Number: AID-306-C-12-00013

Submitted 15 February 2013 by:

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PROGRAM OVERVIEW

The purpose of the Rule of Law Stabilization Program – Informal Component (RLS-I) is to enhance the rule of law in Afghanistan, specifically focusing on the development of a transparent, accountable and gender sensitive informal justice system. RLS-I strengthens traditional dispute resolution, promotes stability within communities, and assists in closing gaps that insurgents may otherwise exploit to acquire local legitimacy and political power. Accordingly RLS-I works to (1) increase knowledge of Afghan statutory law and *Shari'ah* among informal justice providers; (2) foster linkages between informal and formal justice sector actors and institutions; and (3) support facilitation and dialogue for the resolution of long-standing disputes.

EXECUTIVE SUMMARY

Program activities during January consisted of intensive RLS-I Phase 3 programming with a full set of core program activities in the first tranche of new Phase 3 districts, and maintenance activities to address any gaps in graduation criteria and targets aimed at advancing the remaining RLS-I Phase 1 and Phase 2 districts toward graduation during February, March and April.

In January, RLS-I held a total of 119 events (of which 22 were two-day workshops) in the east and south regions for some 5,387 participants (47% female). Learning workshops were the most frequent RLS-I events in December (41 events in the east and 36 events in the south), followed by discussion sessions (16 events in the east and 18 events in the south). RLS-I is in the process of attracting a suitable Afghan partner to implement the RLS-I program in the north region and will not implement any activities in that region until it has engaged that partner.

Core programming in the first tranche of new Phase 3 districts began in November 2012 with introductory district network meetings to introduce RLS-I objectives to male and female participants and to help generate the discussion group topics to address rule of law issues facing the district. In December, core programming expanded to incorporate principal learning workshops, selected discussion sessions, and state-TDR coordination meetings aimed at strengthening ties between the formal and informal justice sectors. In January the program was further expanded to the full set of RLS-I core activities of learning workshops (Constitutional law, criminal law, family law, inheritance law, property law, and property deeds law), discussion sessions (addressing the influence of power brokers, alternatives to *baad*, anti-corruption, dispute prevention, establishment of *spinsary* groups, ethics and best practice in TDR, long-standing disputes, promoting *spinsary* group sustainability, and women's participation and access to justice), state-TDR coordination meetings and network meetings.

PROGRAM EVENT STATISTICS

Table I: Event Summary

All activities								
Activity type	Activity title	East			South			Overall Total
		M	F	Total	M	F	Total	
Network meeting	Provincial network meeting	1	-	1	-	-	-	1
Network meeting	Regional network meeting	-	-	-	1	-	1	1
Workshop	Constitutional law	4	8	12	10	6	16	28
Workshop	Criminal law	7	6	13	4	6	10	23
Workshop	Family law	-	1	1	1	2	3	4 ¹
Workshop	Inheritance law	6	5	11	2	5	7	18 ²
Workshop	Property law	2	-	2	-	-	-	2
Workshop	Property deeds law	2	-	2	-	-	-	2
Discussion session	Addressing the influence of powerbrokers	2	-	2	-	-	-	2
Discussion session	Alternatives to <i>baad</i>	-	-	-	1	2	3	3
Discussion session	Anti-corruption	-	-	-	1	-	1	1
Discussion session	Dispute prevention	-	4	4	-	5	5	9
Discussion session	Establishment of <i>spinsary</i> groups	-	2	2	-	1	1	3
Discussion session	Ethics and best practice in TDR	6	-	6	-	-	-	6
Discussion session	Longstanding disputes	-	-	-	1	-	1	1
Discussion session	Promoting <i>spinsary</i> group sustainability	-	-	-	-	2	2	2
Discussion session	Women's participation and access to justice	1	1	2	3	2	5	7
State – TDR coordination meeting	Strengthening ties between formal and informal justice sectors	1	-	1	5	-	5	6
TOTAL		32	27	59	29	31	60	119

¹ All family law workshops were two-day events

² All inheritance law workshops were two-day events

REVIEW OF RLS-I PROGRAMMING

Network meetings

Network meetings serve as the kick-off event for RLS-I core program activities in a district. The network meeting introduces RLS-I objectives to a cohort of 80-120 village elders per district (as determined by an application of RLS-I's program participant selection criteria, which emphasize equitable geographic, ethnic, and tribal representation and elders' stature as TDR practitioners), provides opportunities for sharing experiences in dispute resolution, identifies and explores long-standing disputes in the district, and helps generate the discussion group topics to address rule of law issues facing the district. A follow-up district network meeting is held once the participant cohort has passed through the RLS-I core curriculum of learning workshops, issue-based discussion groups, and state-TDR coordination meetings to provide an opportunity to reflect on what program participants have learned and accomplished, and what the next steps could be.

Provincial and regional network meetings also take place, to give program participants the opportunity to network, learn, and share experiences across the province or region. This is considered crucial to facilitate dialogue for the resolution of long-standing disputes, as well to contribute to knowledge and improvement of shared practice in informal dispute resolution. Provincial and regional network meetings generate volunteer rosters of respected elders available as needed for collaboration to help resolve specific long-standing disputes.

Network meetings				
Province	District	Male	Female	Total
Nangarhar	All districts ³	1	-	1
Helmand, Kandahar, Uruzgan, Zabul	All districts ⁴	1	-	1
TOTAL		2	-	2

Learning workshops

RLS-I learning workshops are one- or two-day events conducted by university professors and other legal professionals to deliver critical messages on specific aspects of Afghan statutory law and *Shari'ah*. The core curriculum consists of Constitutional law (optional in some districts due to extensive prior programming), criminal law, family law, inheritance law, property law, and the law of property deeds. Due to popular demand, inheritance law workshops in areas where participants attended prior RLS-I workshops were expanded beginning in September 2012, with separate inheritance law II workshops continuing from the initial sessions.

³ This was a provincial network meeting

⁴ This was a regional network meeting.

Constitutional law workshops focus on the importance of Constitutional provisions, stages of adopting legislation, and definitions of Constitutional law, equal protection (i.e., equitable treatment in the courts, equity in civil rights and civil responsibilities), citizens' rights and responsibilities (i.e., rights of freedom of speech, to vote freely, and the presumption of innocence), as well as the role and responsibilities of government and the relations between Afghan statutory law and *Shari'ah*.

Learning workshop – Constitutional law				
Province	District(s)	Male	Female	Total
Kunar	Nurgal	1	1	2
Kunar	Chawkay	1	1	2
Laghman	Mihtarlam	-	1	1
Laghman	Qarghayi	1	1	2
Nangarhar	Bati Kot	-	1	1
Nangarhar	Jalalabad	-	1	1
Nangarhar	Khas Kunar	1	1	2
Nangarhar	Rodat	-	1	1
Kandahar	Daman	2	-	2
Kandahar	Kandahar municipality, <i>nahiya 9</i>	1	1	2
Kandahar	Zhari	2	2	4
Uruzgan	Chora	2	1	3
Uruzgan	Shahidi Hassas	2	1	3
Zabul	Shahjoy	-	1	1
Zabul	Tarnak Wa Jaldak	1	-	1
TOTAL		14	14	28

Criminal law covers the topics of court jurisdiction, types of crimes under the Criminal Code, procedures for referral of crimes to the formal justice sector, and the state's criminal adjudication process.

Learning workshop – criminal law				
Province	District(s)	Male	Female	Total
Kunar	Chawkay	2	2	4
Logar	Mohammad Agha	2	2	4
Nangarhar	Acheen	2	2	4
Nangarhar	Khas Kunar	1	-	1
Kandahar	Panjwayi	2	2	4
Uruzgan	Chora	-	1	1



Learning workshop – criminal law				
Province	District(s)	Male	Female	Total
Uruzgan	Dihrawud	-	1	1
Zabul	Qalat	1	1	2
Zabul	Shahjoy	1	1	2
TOTAL		11	12	23

Family law addresses common disputes arising out of marriage and covers the specific topics of marriage engagement rights, dowry and bride price, marriage expenses, the respective rights and responsibilities of husband and wife, guardianship, alimony, divorce, and illicit relationships. Due to the extensive material to be covered and to allow more inactive learning, the family law workshop has been extended to a two-day workshop for Phase 3.

Learning workshop – family law ⁵				
Province	District(s)	Male	Female	Total
Nangarhar	Khas Kunar	-	1	1
Kandahar	Zhari	-	1	1
Uruzgan	Multi-district	1	-	1
Uruzgan	Tirin Kot	-	1	1
TOTAL		1	3	4

Inheritance law covers the allocation of a decedent's estate under Afghan statutory law and *Shari'ah*, women's inheritance rights, and common disputes arising out of inheritance cases. Inheritance is the most complex subject in the RLS-I core curriculum, with program participants routinely requesting additional time and instruction on the rules governing the division of property among the heirs. For this reason, separate inheritance law II workshops continuing from the initial sessions were being offered beginning in September 2012, and Phase 3 has shifted to two-day inheritance workshops.

Learning workshop – inheritance law ⁶				
Province	District(s)	Male	Female	Total
Kunar	Chawkay	2	2	4
Logar	Mohammad Agha	2	1	3
Nangarhar	Acheen	2	2	4
Kandahar	Daman	-	1	1
Kandahar	Panjwayi	1	1	2
Kandahar	Spin Boldak	-	1	1

⁵ This is a two-day workshop.

⁶ This is a two-day workshop.



Learning workshop – inheritance law				
Province	District(s)	Male	Female	Total
Uruzgan	Shahidi Hassas	-	1	1
Zabul	Shahjoy	1	-	1
Zabul	Tarnak Wa Jaldak	-	1	1
TOTAL		8	10	18

Property law and property deeds law workshops cover the definitions and types of property, leasehold and freehold rights, preemption and right of first refusal, seizure and access rights, types and validity of deeds, and common disputes arising from property and deeds issues.

Learning workshop – property law				
Province	District(s)	Male	Female	Total
Nangarhar	Kama	1	-	1
Nangarhar	Khas Kunar	1	-	1
TOTAL		2	-	2

Learning workshop – property deeds law				
Province	District(s)	Male	Female	Total
Nangarhar	Multi-district	1	-	1
Nangarhar	Rodat	1	-	1
TOTAL		2	-	2

Discussion sessions

RLS-I discussion sessions provide a forum for formal-informal justice sector working groups (approximately 30-35 elders and five officials involved in justice and dispute resolution) to meet on an ongoing basis to discuss pressing issues facing the formal and informal justice sectors as identified during network meetings and learning workshops. Participation by formal justice sector actors⁷ also serves to foster linkages and dialogue between the formal and informal justice sectors. Discussion session topics are flexible in that they are defined by program participants and needs identified in RLS-I district assessments. A common set of topics developed during RLS-I Phase I (6 April 2010 – 31 August 2011), however, includes alternatives to *baad*, creation of *spinsary* groups, dispute prevention among children and neighbors, corruption within both the formal and informal justice sectors, the influence of local power-brokers on informal and formal justice, how to collaborate to help resolve long-standing disputes, and women’s participation in *jirgee*.

⁷ As used by RLS-I, the term “formal justice sector actors” includes District Governors and Chiefs of Police, who are frequently involved in mediating disputes, as well as district *huqooq* staff, prosecutors, judges, and any other local GIRoA officials involved in mediating or adjudicating local disputes, referring them to TDR, or recording or registering TDR decisions.

The discussion session on *addressing the influence of power brokers* on justice provision explores the challenge of power discrepancies between disputants and between disputants and outside parties in formal and informal justice. During these sessions, formal and informal justice sector actors discuss ways to limit this influence in order to promote fair justice outcomes.

Discussion session – addressing the influence of power brokers				
Province	District(s)	Male	Female	Total
Kunar	Chawkay	1	-	1
Laghman	Qarghayi	1	-	1
TOTAL		2	-	2

In discussion groups on *alternatives to baad*, participants discuss the negative consequences of the use of *baad* and develop alternatives – such as the exchange of property – that can serve the same compensatory function in reconciling disputants.

Discussion session – alternatives to baad				
Province	District(s)	Male	Female	Total
Kandahar	Panjwayi	-	1	1
Kandahar	Zhari	1	1	2
TOTAL		1	2	3

The *discussion session on anti-corruption* provides an opportunity for the informal and formal justice sector actors to identify and address the undermining influence of corruption on both sectors. Participants pledge to abstain from corruption and often agree on measures to prevent the practice such as mutual monitoring and accountability.

Discussion session – anti-corruption				
Province	District(s)	Male	Female	Total
Kandahar	Zhari	1	-	1
TOTAL		1	-	1

The discussion sessions on *dispute prevention among children and neighbors* are an outgrowth of the *spinsary* groups, whose members report that many village-level disputes arise out of the simple squabbling of children at play in the street that can quickly escalate into violence between neighbors and families. Through personal experience and the sharing of experiences with one another, *spinsary* group members have learned to intervene immediately on such occasions to attempt to defuse whatever situation has arisen from any mishap suffered by children. This discussion session helps to spread this learning and support network to other villages and *spinsary* groups in a given district.



Discussion session – dispute prevention				
Province	District(s)	Male	Female	Total
Kunar	Chawkay	-	2	2
Nangarhar	Acheen	-	1	1
Nangarhar	Dara-I-Nur	-	1	1
Kandahar	Zhari	-	1	1
Uruzgan	Chora	-	1	1
Uruzgan	Shahidi Hassas	-	1	1
Uruzgan	Tirin Kot	-	1	1
Zabul	Qalat	-	1	1
TOTAL		-	9	9

The *spinsary group formation and sustainability* discussion session follows a two-step sequence in which an interested group of women from the district network meeting later meets to discuss disputes particularly affecting women and women's access to justice. By the end of a second such group meeting, participants may elect to form *spinsary* groups in their villages. These women commit to support each other in addressing local disputes, typically involving families, children and neighbors.

Discussion session – spinsary group formation and sustainability				
Province	District(s)	Male	Female	Total
Logar	Mohammad Agha	-	1	1
Logar	Puli Alam	-	1	1
Kandahar	Panjwayi	-	1	1
Uruzgan	Chora	-	1	1
Uruzgan	Dihrawud	-	1	1
TOTAL		-	5	5

The *ethics and best practice in TDR* discussion session aims to promote a collective affirmation by TDR practitioners of the qualities of a good *jirgamar* (TDR practitioner) and best procedural practice in TDR. Participants are then encouraged to commit to live by those standards and implement best practice in disputes they resolve. For example, during the ethics component RLS-I facilitators query participants on issues such as integrity and fairness. Best practice discussion questions center on procedural issues such as freedom in selection of representation, neutrality of venue, and compliance with Afghan statutory law and *Shari'ah*.



Discussion session – ethics and best practice in TDR				
Province	District(s)	Male	Female	Total
Kunar	Chawkay	1	-	1
Nangarhar	Acheen	1	-	1
Nangarhar	Bati Kot	1	-	1
Nangarhar	Khas Kunar	1	-	1
Nangarhar	Rodat	1	-	1
Nangarhar	Shinwar	1	-	1
TOTAL		6	-	6

As a supplement to network meetings on long-standing disputes, the discussion session on *long-standing disputes* allows formal and informal justice sector actors to identify specific, disputes that have persisted over time, had a particularly destabilizing effect on communities in the district, or both. RLS-I plays no role in attempting to resolve such disputes, but facilitates the discussion group as a venue for discussions by, and networking of, actors related to such disputes. RLS-I does not sponsor any *jirgee* formed to negotiate a resolution to longstanding specific disputes.

Discussion session – longstanding disputes				
Province	District(s)	Male	Female	Total
Uruzgan	Chora	1	-	1
TOTAL		1	-	1

The discussion session on *women’s access to justice and their role as justice actors* allows formal and informal justice sector practitioners to consider ways to increase women's access to formal and informal justice. Given cultural restrictions on women's interaction with unrelated men in most RLS-I districts, the debate is generally nascent, but one common outcome is agreement on RLS-I support for *spinsary* groups. These groups focus on resolving women's and children's disputes and often advocate for women in the *jirga* system.

Discussion session – women’s access to justice and their role as justice actors				
Province	District(s)	Male	Female	Total
Kunar	Khas Kunar	1	-	1
Logar	Puli Alam	-	1	1
Uruzgan	Chora	1	1	2
Uruzgan	Shahidi Hassas	2	1	3
TOTAL		4	3	7

Coordination meetings

The formal-informal justice sector working group holds *coordination meetings* in a (minimum) two-step sequence in which the first meeting builds familiarity and establishes common understandings of jurisdiction and other coordination issues between the formal and informal justice sectors. The second and any subsequent meetings establish specific coordination procedures and mechanisms including authority and decision letters⁸, dispute referrals, and registration of *jirga* decisions with formal justice sector institutions.

State – TDR coordination meetings				
Province	District(s)	Male	Female	Total
Logar	Mohammad Agha	1	-	1
Kandahar	Panjwayi	1	-	1
Uruzgan	Chora	1	-	1
Uruzgan	Dihrawud	1	-	1
Uruzgan	Tirin Kot	1	-	1
Zabul	Tarnak Wa Jaldak	1	-	1
TOTAL		6	-	6

Program implementation – east region (Nangarhar, Laghman, Kunar, and Logar provinces and Jalalabad municipality)

During the month of January RLS-I continued its intensive implementation of core programs in the east with a full set of core program workshops, discussion sessions and coordination meetings in the new Phase 3 districts – Acheen (Nangarhar province), Chawkay (Kunar province), and Mohammad Agha (Logar province) – as well as maintenance activities in the 11 remaining Phase 1 and 2 districts of Nangarhar, Laghman, Kunar, and Logar provinces.

Maintenance activities were targeted at progressing Phase 1 and 2 districts toward graduation within the next months by filling attendance gaps remaining after completion of core programming and promoting ongoing state-TDR cooperation by facilitating periodic discussion sessions and coordination meetings.

This month RLS-I emphasized advancing the three Phase 1 districts – Qarghayi (Laghman province), and Khas Kunar and Rodat (both in Nangarhar province) – toward graduation by the end of February. This incorporated offering compensation workshops and addressing

⁸ Authority letters are forms signed by disputants who grant authority to *jirgamaran* to resolve their dispute (including disputes referred to TDR by formal justice sector actors) and who pledge to abide by the resulting decision. Decision letters are forms used by *jirgamaran* to make a written record of their decision in a particular dispute and that may be registered with formal justice sector authorities. Both forms are intended to reduce the likelihood that the disputants will seek to reopen the dispute and, in the case of a registered decision letter, to increase the likelihood that formal justice sector authorities will assist in enforcing at TDR decision if necessary. Authority letters and decision letters are forms developed by RLS-I, in collaboration with participating elders, and bound in books distributed to elders by RLS-I.

any gaps in graduation criteria and targets identified in monitoring and evaluation efforts. For example, 65 participants in Khas Kunar district (Nangarhar province) and Qarghayi district (Laghman province) who missed criminal law workshops in previous training intervals were provided another opportunity to attend. All of the invited elders participated, helping satisfy the attendance targets for graduation of both districts.

In addition, RLS-I female staff members held follow-up meetings with members of the women's *spinsary* groups, who reported a general reduction in the level of disputes in their areas which they attributed to a greater legal awareness among TDR practitioners due to RLS-I training. The *spinsary* groups also reported productive collaboration with village elders, particularly when disputes are beyond the women's ability to resolve.

During January, RLS-I staff members followed up with elders who had volunteered, during the east regional network meeting at the end of Phase 2, to help resolve long-standing disputes regarding the specific steps they had established in that regional network meeting. These included attending a *jirga* on a complicated 40-year-old dispute in Chawkay district (Kunar province). RLS-I participants, armed with new legal awareness from RLS-I workshops, assisted in resolving the dispute to the satisfaction of both disputant families.

During January, RLS-I implemented 59 program activities in the east region, including 41 workshops on core subjects (Constitutional law, criminal law, family law, inheritance law, property law and property deeds law), 16 discussion sessions, one state-TDR coordination meeting, and one provincial network meeting. Overall, 2,890 participants (47% women) attended these activities, which covered Nurgal and Chawkay districts (both in Kunar province), Mihtarlam and Qarghayi districts (both in Laghman province), Mohammad Agha and Puli Alam districts (both in Logar province), and Acheen, Bati Kot, Dara-I-Nur, Kama, Khas Kunar, Rodat and Shinwar districts and Jalalabad municipality (all in Nangarhar province). The legal training workshops were led by professors from the *Shari'ah* faculty of Nangarhar University.



Workshop on criminal law, Chawkay district (Kunar province), 9 January 2013

The 41 legal training workshops enhanced the legal knowledge of influential women and elders from local communities on subjects related to criminal law, family law, property law, property deeds law, and Constitutional law. The 13 criminal law workshops were attended by 371 *jirgamaran*, elders and formal justice sector actors and 357 women from Chawkay district (Kunar province), Mohammad Agha district (Logar province), and Acheen and Khas Kunar districts (both in Nangarhar province). The participants learned about jurisdiction of the formal justice sector, types of crimes, including felonies, misdemeanors, and obscenity, rights of the criminal suspect and the accused, procedures of traffic court; and the referral of traffic cases between formal and informal justice sector actors. The participants were also given

information on the role of defense lawyers and how community elders can establish contact with these formal justice sector actors in order to help them resolve criminal cases, further strengthening the relations between the formal and informal justice systems.

The 12 Constitutional law workshops were attended by 210 *jirgamaran*, elders and formal justice sector actors and 408 women from Chawkay and Nurgal districts (both in Kunar province), Mihtarlam and Qarghayi districts (both in Laghman province), and Bati Kot, Khas Kunar and Rodat districts and Jalalabad municipality (all in Nangarhar province). The participants learned about the importance of Constitutional provisions, stages of adopting legislation, and definitions of Constitutional law, equal protection (i.e., equitable treatment in the courts, equity in civil rights and civil responsibilities), citizens' rights and responsibilities (i.e., rights of freedom of speech, to vote freely, and the presumption of innocence), as well as the role and responsibilities of government and the relations between Afghan statutory law and *Shari'ah*.

The 11 two-day inheritance law workshops were attended by 317 elders and 297 women from the districts of Chawkay (Kunar province), Mohammad Agha (Logar province), and Acheen (Nangarhar province). The participants were given information on inheritance rules under Afghan statutory law and *Shari'ah*, such as division and sharing of property, the respective inheritance rights of women and men, and the sources of and possible solutions to common inheritance disputes.

The two property law workshops were attended by 72 elders from Kama and Khas Kunar districts (both in Nangarhar province). The two property deeds law workshops were attended by 69 elders from Mihtarlam district (Laghman province), and Dara-I-Nur and Rodat districts (both in Nangarhar province). The participants learned about types of property, leasehold and freehold rights, preemption and right of first refusal, seizure and access rights, types and validity of deeds, and common disputes arising from property and deeds issues.



Discussion session on ethics and best practice in TDR, Shinwar district (Nangarhar province), 20 January 2013

The one two-day family law workshop was attended by 50 women from Khas Kunar district (Nangarhar province). The participants were instructed in marriage and engagement rights such as *maher* (dowry) versus *walwar* (bride price), rights to marriage expenses, the respective responsibilities of wives and husbands, guardianship, alimony, divorce, forbidden relationships, and common family-related disputes.

The 16 discussion sessions provided forums to discuss pressing issues facing the formal and informal justice sectors and were attended by 330 elders and 256 women from the districts

of Chawkay and Nurgal (both in Kunar province), Mohammad Agha and Puli Alam (both in Logar province), Qarghayi (Laghman province), and Acheen, Bati Kot, Dara-I-Nur, Khas Kunar, Rodat and Shinwar and Jalalabad municipality (all in Nangarhar province). Discussion session topics were flexible and were defined by program participants and needs identified in RLS-I district assessments. The participants explored how to preempt or resolve disputes among children and neighbors; women's roles in defusing minor disputes; ethics and best practice in TDR; the influence of local power-brokers on informal and formal justice; ethics and best practice in TDR; and women's participation in *jirgee*.



Discussion session on dispute prevention, Acheen district (Nangarhar province), 2 January 2013

The state-TDR coordination meeting was attended by 40 *jirgamaran*, elders and formal justice sector actors from Mohammad Agha district (Logar province). This coordination meeting was aimed at improving communication, strengthening ties, and establishing a systematic mechanism through which the collaboration between formal and informal justice sector actors can be enhanced.

The inaugural issue-based provincial network meeting on anti-corruption was attended by 113 *jirgamaran*, religious leaders, elders and formal justice sector actors from all districts of Nangarhar province. The purpose of the meeting was to encourage formal and informal justice sector actors to stand up against corruption. Participants exchanged views about existing corruption in both the formal and informal justice sectors, approaches to overcoming those challenges, and how to improve the decisions of TDR and state justice actors. Participants agreed to continue collaborating with each other in addressing corruption, and established a volunteer anti-corruption state-TDR working group for mutual support and accountability in addressing corruption.

RLS-I female staff members conducted a data collection exercise with *spinsary* group members on their activities and perceptions of dispute resolution. The women reported a reduction in the number of disputes, which they attributed to RLS-I's legal awareness training. They also reported collaborating with male elders when certain disputes prove beyond their ability to resolve.

Meetings

RLS-I staff in Jalalabad met with the Dean of the *Shari'ah* Faculty of Nangarhar University to better coordinate the employment of university professors for RLS-I workshops.

The RLS-I team in Logar province met with representatives of the USAID/Afghanistan Stability in Key Areas (SIKA) – East project to coordinate activity dates, as RLS-I and SIKA - East share some participants.

Challenges

Security during January remained a challenge to free movement, especially in the districts of Chawkay (Kunar province), Qarghayi (Laghman province), and Acheen, Bati Kot and Shinwar (all in Nangarhar province). Bati Kot and Shinwar districts were the scene of heavy fighting between national security forces and insurgents. As a result, people of Mihtarlam district (Laghman province) were not willing to allow RLS-I female staff members to conduct training in their homes. Chawkay district (Kunar province) also saw volatile clashes between GIRoA forces and insurgents.



State-TDR coordination meeting, Mohammad Agha district (Logar province), 6 January 2013

RLS-I staff members continue to be pressured by elders and officials to add additional program participants, with a demonstration and road blockage at one point in Acheen district (Nangarhar province). Notably, male elders in Puli Alam district (Logar province) requested that RLS-I extend its legal awareness training to women in villages in the district.

Looking ahead

In February, RLS-I will hold handover coordination meetings of the state-TDR working group and handover district network meetings in the districts of Qarghayi (Laghman province), and Khas Kunar and Rodat (both in Nangarhar province) leading to graduation by the end of February. Responding to feedback from the RLS-I monitoring and evaluation team, RLS-I will emphasize identifying challenges to proactive formal-informal justice sector collaboration in dispute resolution, reaffirming agreements on collaboration, and developing next steps to be pursued following the end of RLS-I programming in the handover coordination meeting agendas. These agenda points may include, for example, criteria and procedures for referring disputes between the formal and informal sectors and recording and registering TDR decisions. Members of the state-TDR working group will present the outcomes of their work, including a participant pledge incorporating these agreements, to the entire district group in the handover district network meeting, allowing all participants the opportunity to discuss and sign the pledge. Similarly, members of the regional volunteer group dedicated to resolving long-standing disputes will discuss the group's work and offer assistance to the entire district group. Also during February, RLS-I will progress the first tranche of Phase 3 districts toward completion of their core programs and the remaining Phase 1 and 2 districts toward graduation in March and April.

Program implementation – south region (Kandahar, Uruzgan, and Zabul provinces and Kandahar municipality)

During January, RLS-I continued its intensive implementation of core programs in the south with a full set of core program workshops, discussion sessions and coordination meetings in the new Phase 3 districts Chora (second cohort) and Shahidi Hassass (both in Uruzgan province), and Panjwayi and Zhari (both in Kandahar province), as well as maintenance activities in the remaining nine Phase 1 and 2 districts in Kandahar, Uruzgan and Zabul provinces.

Maintenance activities were targeted at progressing Phase 1 and 2 districts toward graduation within the next months by filling attendance gaps remaining after completion of core programming and promoting ongoing state-TDR cooperation by facilitating periodic discussion sessions and coordination meetings. Several workshops took place that included participants from more than one district. For example, 58 participants from Chora (first cohort), Dihrawud and Tirin Kot districts (all in Uruzgan province) who missed family law workshops in previous training cycles were provided another opportunity to attend. All of the invited elders participated, helping satisfy the attendance targets for graduation of those districts in March.

This month RLS-I emphasized advancing the three Phase 1 districts of Daman (Kandahar province), and Qalat and Tarnak Wa Jaldak (both in Zabul province) toward graduation by mid-February. This incorporated offering compensation workshops and addressing any gaps in graduation criteria and targets identified in monitoring and evaluation efforts. RLS-I plans to close its Zabul provincial office by the end of February. Additional events required to meet the graduation criteria for Shah Joy district (Zabul province) will thereafter be managed from the RLS-I provincial office in Kandahar.

In addition, the RLS-I women's team held follow-up meetings with members of the women's *spinsary* groups.

RLS-I facilitated a regional network meeting in the south for one female member of the Helmand Provincial Council and approximately 74 formal and informal male justice sector actors from Helmand, Kandahar, Uruzgan, and Zabul provinces, including participants from RLS-I program districts and other districts. The participants included those who had volunteered to help resolve long-standing disputes during the regional network meeting for the south at the end of Phase 2 as well as other participants. Participants updated the list of long-standing, destabilizing disputes; identified



Regional network meeting, Kandahar City
(Kandahar province), 22-23 January 2013

the disputes that have the highest priority to be resolved; assigned the resolution of particular disputes to particular groups of volunteers; discussed when, where, and how volunteers would help resolve them; and agreed to provide logistical support to the effort to resolve them. Participants reported having successfully resolved at least three long-standing disputes (two over land issues and one criminal dispute over



Workshop on inheritance law, Daman district (Kandahar province), 2-3 January 2013

the kidnapping of a girl that was likely to escalate into a long-standing dispute) since the first regional network meeting for the south in June 2012. Participants identified a number of new disputes that have recently emerged in their respective provinces and districts and pledged to resolve them within the next two to three months. Participants further highlighted the important role *ulema* play in resolving such disputes.

During January, RLS-I implemented 60 program activities in the south region, including 36 workshops on core subjects (Constitutional law, criminal law, family law and inheritance law), 18 discussion sessions, five state-TDR coordination meetings, and one regional network meeting. Overall, 2,497 participants (46% women) attended these events, which covered Daman, Panjwayi, Spin Boldak and Zhari districts and *nahiya* 9 of Kandahar municipality (all in Kandahar province), Tirin Kot, Dihrawud, Shahidi Hassas and Chora districts (all in Uruzgan province), and Shahjoy, Qalat and Tarnak Wa Jaldak districts (all in Zabul province). The legal training workshops in Kandahar and Zabul provinces are led by professors from the *Shari'ah* faculty of Kandahar University; those in Uruzgan are led by professors from the *Shari'ah* faculties of both Kandahar and Nangarhar universities.

The 36 legal training workshops enhanced the legal knowledge of *jirgamaran*, elders and formal justice sector actors and influential women from local communities on subjects related to criminal law and family law. The 16 Constitutional law workshops were attended by 521 *jirgamaran*, elders and formal justice sector actors and 261 women from Daman and Zhari districts and *nahiya* 9 of Kandahar municipality (all in Kandahar province), Chora and Shahidi Hassas districts (both in Uruzgan province), and Shahjoy and Tarnak Wa Jaldak districts (both in Zabul province). The participants learned about the importance of Constitutional provisions, stages of adopting legislation, and definitions of Constitutional law, equal protection (i.e., equitable treatment in the courts, equity in civil rights and civil responsibilities), citizens' rights and responsibilities (i.e., rights of freedom of speech, to vote freely, and the presumption of innocence), as well as the role and responsibilities of government and the relations between Afghan statutory law and *Shari'ah*.

The ten criminal law workshops were attended by 196 elders and 245 women from Panjwayi district (Kandahar province), Chora and Dihrawud districts (both in Uruzgan province), and Qalat and Shajoy districts (both in Zabul province). The participants learned about jurisdiction of the formal justice sector, types of crimes, including felonies,



misdemeanors, and obscenity, rights of criminal suspects and the accused, procedures of traffic court; and the referral of traffic cases between formal and informal justice sector actors. The participants were also given information on the role of defense lawyers and how community elders can establish contact with these formal justice sector actors in order to help them resolve criminal cases, further strengthening the relations between the formal and informal justice systems.

The seven two-day inheritance law workshops were attended by 100 elders and 196 women from the districts of Daman, Panjwayi and Spin Boldak (all in Kandahar province), Shahidi Hassas (Uruzgan province), and Shahjoy and Tarnak Wa Jaldak (all in Zabul province). The participants were given information on inheritance rules under Afghan law and *Shari'ah*, such as division and sharing of property, the respective inheritance rights of women and men, and the sources of and possible solutions to common inheritance disputes.

The three two-day family law workshops were attended by 58 elders and 92 women from Zhari district (Kandahar province), and Chora, Tirin Kot and Dihrawud districts (all in Uruzgan province). The participants were instructed in marriage and engagement rights such as *maher* (dowry) versus *walwar* (bride price), rights to marriage expenses, the respective responsibilities of wives and husbands, guardianship, alimony, divorce, forbidden relationships, and common family-related disputes.

The 18 discussion sessions provided forums to discuss pressing issues facing the formal and informal justice sectors and were attended by 217 elders and 362 women from the districts of Panjwayi and Zhari (both in Kandahar province), Chora, Dihrawud, Shahidi Hassas and Tirin Kot (all in Uruzgan province), and Qalat (Zabul province). Discussion session topics were flexible and were defined by program participants and needs identified in RLS-I district assessments. The participants explored how to preempt or resolve disputes among children and neighbors; anti-corruption; long-standing disputes; the influence of power brokers; alternatives to *baad*; women's roles in defusing minor disputes; and the formation of *spinsary* groups and women's participation in *jirgee*.

The five state-TDR coordination meetings were attended by 176 formal and informal justice sector actors from the districts of Daman and Zhari (both in Kandahar province), and Chora and Shahidi Hassas (both in Uruzgan province). All coordination meetings were aimed at improving communication, strengthening ties, and establishing a systematic mechanism through which the collaboration between formal and informal justice actors can be enhanced. Participants discussed the challenges of enforcing decisions of the participants' respective justice sectors and deliberated about how each sector could lend its cooperation and support to the other to ensure decisions from each sector are implemented.

The regional network meeting on long-standing disputes for members of the volunteer elders group dedicated to the issue was attended by 73 *jirgamaran*, elders and formal justice sector actors from Kandahar, Helmand, Uruzgan and Zabul provinces. RLS-I invited legal scholars to join the volunteer groups to facilitate access to legal expertise should it be needed in resolving specific long-standing disputes. Group members updated one another on the status of disputes identified in the Phase 2 south regional network meeting, discussed



Spin Boldak *jirga* hall after the deadly suicide attack of 6 January 2013

progress and challenges in resolving the disputes, approaches to overcoming those challenges, and specific next steps in moving forward prioritized disputes. Participants agreed to continue collaborating with each other in addressing disputes, including arranging their own logistical support.

Meetings

In late January the RLS-I team leader for Spin Boldak district (Kandahar province) met with the District

Governor and local elders to discuss the current status of the elders' refusal, following a deadly attack on a district *shura* meeting on 6 January, to participate in NGO- and GIRoA-sponsored activities, including RLS-I events, unless and until the government provides adequate security for those meetings.

Challenges

RLS-I program implementation in Kandahar, Uruzgan and Zabul provinces has been hindered by ongoing security concerns and other factors. The double suicide attack on a district *shura* meeting in Spin Boldak district (Kandahar province) on 6 January killed, among others, two RLS-I program participants and injured at least six more. The event was not an RLS-I activity, but the incident has significantly impacted the participation of elders in RLS-I activities, particularly in Panjwayi, Spin Boldak and Zhari districts (all in Kandahar province) as well as in Spin Boldak district itself. As mentioned above, as a result of the attack all *shura*

members and tribal elders of Spin Boldak district (Kandahar province) boycotted working with state actors and aid workers and refused to participate in NGO- and GIRoA-sponsored activities, including RLS-I events, unless and until the government provides adequate security for those meetings. In a meeting with RLS-I staff, elders reported that the Kandahar provincial Chief of Police had agreed



Spin Boldak *Jirga* hall after the deadly suicide attack of 6 January 2013

to deploy additional security forces to the district center and provide security for such meetings, and that the elders are satisfied with those arrangements.

The attack also destroyed the district center *jirga* hall, previously refurbished by RLS-I, that was the only suitable venue for such events in the district. The elders have asked RLS-I to refurbish another *jirga* hall in the district center that was constructed by NSP but that lacks

furniture and requires painting and some repairs (it was also damaged during the 6 January attack). The District Governor is preparing a list of the required furniture and repair work and volunteered to try to find another organization that would share in the cost of the work. RLS-I is in the process of preparing a budget for the required repairs and will implement them as quickly as possible so the elders can continue their district-wide biweekly *shura* gatherings and RLS-I can resume its activities in Spin Boldak district. The new venue is scheduled to be refurbished in February.

In Zabul province, a local resident was killed by the Taliban on 20 January, allegedly for spying for the government. In another incident, a joint operation by ISAF and ANP destroyed a Taliban IED manufacturing facility in Tarnak Wa Jaldak district (Zabul province), creating tension in the region.

In Uruzgan province, security also presented a challenge during January. Several RLS-I participants voiced concerns about travel from their district centers to the provincial center for meetings and workshops in response to killings in the districts where RLS-I conducts programming.

In addition, only five tribal elders (of the 12 tribal elders and government officials invited) from Chora, Shahidi Hassas, Khas Uruzgan and Dihrawud districts (all in Uruzgan province) travelled to Kandahar to participate in the south regional network meeting, as the security situation on the road between Tirin Kot (Uruzgan province) and Kandahar municipality (Kandahar province) was deemed too insecure by the other invitees.

Cultural restrictions on women's movement present an ongoing challenge in the south, especially in Uruzgan and Zabul provinces, and continue to limit their participation in program activities.

Looking ahead

In February, RLS-I will hold handover coordination meetings of the state-TDR working group and handover district network meetings in the districts of Daman (Kandahar province), Qalat and Tarnak Wa Jaldak (both in Zabul province) to complete programming activities required for those districts to graduate. RLS-I aims to close its Zabul office by the end of February. Additional events required for Shah Joy district to meet the graduation criteria will thereafter be managed from the RLS-I office in Kandahar.



Workshop on Constitutional law, Shahjoy district (Zabul province), 23 January 2013

Responding to feedback from the RLS-I monitoring and evaluation team, the south team will



emphasize identifying challenges to proactive state-TDR collaboration in dispute resolution, reaffirming agreements on collaboration, and developing next steps to be pursued independent of intensive RLS-I support in the handover coordination meeting agendas. These agenda points may include, for example, criteria and procedures for referring, recording and registering disputes between the formal and informal sectors. Members of the state-TDR group will present the outcomes of their work, including a participant pledge, to the entire district group in the handover district network meeting, allowing all participants the opportunity to discuss and sign the pledge. Similarly, members of the regional volunteer group dedicated to resolving longstanding disputes will discuss the group's work and offer assistance to the entire district group. Also during February, RLS-I will progress Phase 3 districts toward completion of their core programs and the remaining Phase 1 and 2 districts toward full graduation in March and April.

During February the RLS-I male staff in the south will commence proactively following up with members of the south regional volunteers for longstanding disputes on the specific steps they established in the last regional network meeting.

Program implementation – North region

On 9 January, the deadline for submitting responses to the RFQ for “Strengthening Traditional Dispute Resolution in the Afghanistan/RC North” passed and nine interested organizations had submitted documents to RLS-I. As part of the evaluation process, RLS-I scored the submitted materials containing information about the organization’s profile and past projects, and reviewed financial documentation. RLS-I also requested letters of reference from contacts provided by the submitting organizations, which were received at the end of January 2013.

Looking ahead

In February, RLS-I will invite the shortlisted organizations, based on the documents received in response to the RFQ, to submit full technical and cost proposals to RLS-I for the final selection of an Afghan implementing partner in the north.

PROGRAM ACTIVITY HIGHLIGHTS

Program activity highlights – East region (Nangarhar, Laghman, Kunar, and Logar provinces and Jalalabad municipality)

The inaugural issue-based provincial network meeting for influential elders and key district and provincial officials, Provincial Council members, and religious leaders from throughout Nangarhar province proved to be a success. The meeting focused on the challenge of corruption in the formal and informal justice sectors with the objective of fostering mutual accountability on the issue. After spirited discussions, participants formed a provincial group of volunteers to cooperate on the issue. RLS-I will follow up with these actors on the next steps.

Workshop on Constitutional law, Qarghayi district (Laghman province), 3 January 2013

A teacher, Qarghayi district:

I am a teacher and I am always in touch with the students. It will be my pleasure to explain to my students what I learned today. ... I will also give the handout to my students so they can make copies for themselves, so they can learn from it and explain it to others.

A local housewife, Qarghayi district:

I appreciate that RLS-I invites such professional trainers who really have a great capacity to explain all the topics. RLS-I activities have become famous in the community [here] because the workshops are not just symbolic; they really make a great effort for the people.

Workshop on criminal law, Chawkay district (Kunar province), 10 January 2013

A local housewife, Chawkay district:

From today's workshop I learned that crime is an individual act and police cannot arrest an accused person's relatives for a crime they did not commit. Before I believed that a person would be directly sent to jail, but now I learned that the police can only keep him for 72 hours and that the court has to sentence him and send him to jail only if he is proven guilty.



Laima Mohammad Zafar, a school teacher from Shalotai village:

Workshop on criminal law, Chawkay district (Kunar province), 9 January 2013

After attending these workshops I am now able to guide anyone in the community if they have any problems with the police; how they can deal with them and what to do. When I go to school I will share these handouts with students and will brief them about these notes so that if in future they have any difficulty they will already know the ways how to help themselves.

Workshop on property law, Qarghayi district (Laghman province) and Khas Kunar district (Nangarhar province), 12 January 2013

Nasir Jalali Bao Jan, a *malik* from Dehander village:

The information will help mediators to take proper decision in their jirgee. Until now we did not know about the rights of neighbors, preemption or property [laws]. I am sure that learning these matters will bring positive changes in our decisions, behavior and legitimacy.

Workshop on criminal law, Acheen district (Nangarhar province), 13 January 2013

A local housewife, Acheen district:



Provincial network meeting for all districts of Nangarhar province, Jalalabad district (Nangarhar province), 9 January 2013

Today I learned very important things that I never thought about before. The first thing that I learned, and now feel proud that I have such significant information, is the importance of a defense lawyer. Second, I learned that a woman can be a defense lawyer. This is something totally new for me, and for almost all the women of Acheen district. Because we all believed that a woman is to work at home and breed children; however, today I learned that a woman is equal

to a man and she can do all the work that a man can do.

I also learned that the police cannot search our homes without a warrant. From now on if police come to search our homes first we will ask them for the legal warrant; if they do not have a legal warrant we will not let them enter our homes.

Discussion session on ethics and best practice in TDR, Khas Kunar district (Nangarhar province), 15 January 2013

Abdul Monam, District Judge:

I was working as a judge in Chamkani district of Paktya province recently. Seventy unresolved disputes had been left in the district. I referred the disputes to the elders for resolution. Some elders took machalgha for dispute resolution; this method did not give positive results. I asked the ulema to participate in dispute resolution sessions with elders of the region. Consequently, 23 of the disputes were resolved without getting machalgha.

Elders from Khas Kunar district regarding their commitments to their communities:

There is a positive change in people's understanding regarding their own and others' rights. In Sargal village of our district (Khas Kunar) the elders and ulema participated in a jirga with no expenses. People do not use baad in dispute resolution now; they prefer alternatives like money, land etc. ... In Rodat district some jirgaman wanted to give a girl in baad in a murder case. The girl rejected their decision and said she did not want to be punished for her brother's crime. The elders accepted the girl's wishes and her position and their decision [not to use baad] was enforced. In another dispute resolution process in Gambiri area of Qarghayi district (Laghman province) diat [blood money] was given to the heirs of a murder victim instead of considering baad.



Workshop on inheritance law, Acheen district (Nangarhar province), 9 January 2013

The relationships between formal justice actors and the TDR have also improved recently due to activities of RLS-I.

Workshop on property deeds law, Rodat district (Nangarhar province), 15 January 2013

A local elder from Rodat district responding to a question about how he would apply an aspect of the workshop in his community:

We will persuade the villagers to use marriage certificates.

Discussion session on addressing the influence of power brokers, Qarghayi district (Laghman province), 16 January 2013

Dr. Hakeem Malik Mohammad Amin:

Many elders know warlords and depicted them as violators in this session; warlords are people who impose their ideas in the jirgee system on jirgaman. ... These sessions have many benefits such as unifying elders to unite against warlords across villages in the district. Elders discussed ways to stand up to warlords. In addition, conducting these kinds of discussion sessions removes corruption from TDR and state justice systems.

Discussion session on ethics and best practice in TDR, Bati Kot district (Nangarhar province), 19 January 2013

Haji Aziz Rahman Zar Mohammad, a *malik* from Shash Khail village:

It is a fact that many innocent women have been given in baad in past jirgee in Bati Kot district ... But after RLS-I conducted several discussion sessions, this negative phenomenon in murder related cases changed quite positively as elders found alternatives to practicing baad, and elders committed in the previous discussion sessions to give either property or blood money to the victim's family members.

The ties between TDR and state justice actors became stronger after TDR and state actors committed to strengthening these linkages. Elders tried to prevent having lunch or dinner in the houses of disputants as it is not fair for jirga members to harm the transparency of jirgee decisions. A few days ago, there was a dispute in which Kochi people [nomads] were involved. They (Kochi people) pressured jirga members to have a lunch with them, but the jirga members rejected the invitation. Then the Kochi people offered money for the jirgamaran to have lunch in a hotel, but the jirgamaran rejected the invitation to the hotel too.



Workshop on inheritance law, Chawkay district (Kunar province), 26-27 January 2013

Mawlawi Abdul Wakeel Gul Mohammad, a religious scholar from Haji Kali village agreed:

The practice of baad in murder related case has turned around entirely and alternatives for baad are practiced such as property, blood money or marriage expenses for a member of the victim's family. [This new practice is] based on the commitments made in previous discussion sessions. ... So these positive moral and ethical changes are a result of the commitment elders make [in RLS-I activities].

Mamoor Mirza, Bati Kot District Governor:

Six or seven month ago, I joined Bati Kot district as governor. I have worked as governor in many other districts in Nangarhar province and I can honestly say that Bati Kot district is the most fortunate one, for the government officials in Bati Kot district are not corrupt, but they are the honest people, and elders have good interaction with government officials on security issues. Since I have been participating in these sessions I have seen many positive changes in the jirgee



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mechanisms too. I proud of my honest staff and challenge any one of you to step forward if you have complaints about my staff taking bribes in the period of my governorship here.

Discussion session on ethics and best practice in TDR, Shinwar district (Nangarhar province), 20 January 2013

Mawlawi Jarullah Maroof Shah Khan, an Islamic scholar from Bachay village:

We recently resolved a dispute where we could use what we learned from the seminars we attended. The dispute was between five brothers, four sisters, and the mother. We utilized the knowledge from the inheritance law seminars and resolved the dispute.



Workshop on criminal law, Chawkay district (Kunar province), 10 January 2013

Malik Chakan Chaman Khan, from Vealla village:

We recently resolved a dispute of two girls who were given in badal [exchange marriage], and one of the girls was married to a mentally challenged boy. We called a jirga and resolved the dispute between the two families. They agreed to the termination of the agreement they made and the girls are now free should they wish to choose another person for marriage. We learned these rights while we attended a family law workshop.

Discussion session on dispute prevention, Chawkay district (Kunar province), 21 January 2013

Rahila Abdul Majid, a member of the DDA shura, from Shalotai village:

I was always back-biting other women and was usually trying to create problems one way or another, but after attending your workshops I learned that back-biting is a sin and for a Muslim it is a shame to back-bite another Muslim. In today's program I also learned how to treat our neighbors and how to avoid disputes with neighbors.

Shahida Hazrat Hussain, a female elder from Shalotai village:

Your programs are really useful and we learned lots of new and important things; especially the dispute prevention discussion session about children has really affected my life. Now I do not take the side of my children when they fight the neighbors' children. For example, last week one of my sons fought our neighbor's

boy. When I heard my son calling names and using bad language at the neighbor boy I went outside and brought him inside the house. The neighbor boy hit our gate with many stones and the gate got dents in many parts of it. At night when my husband came home and saw the gate he got really angry and wanted to go to the neighbors' house and talk with them about the gate, but I told him that it was the fault of our son because he fought with that boy.

Discussion session on women's access to justice and their role as justice actors, Puli Alam district (Logar province), 15 January 2013

A male elder from Puli Alam district about women's access to formal and informal justice systems:

Most people (men and women) cannot reliably get access to justice from the state sector because of corruption. But it is very easy to get legal cases resolved through the informal process. For example, there was a case of inheritance of a woman that she could not get solved through the state courts for a long time. But the case was resolved by the elders and mullayan in two or three days when it was referred to us and the woman received her right.

Another participant adds:

We learned a lot from the RLS-I workshops. This program helped us solve many women's cases (family, property, inheritance, etc.) in our villages. For example, a widow's case in Ghazni province was referred to us (Logar province elders). The woman's relatives wanted to marry her by force, while she did not want it. When the case was referred to us, we (the elders) resolve the case through a jirga in favor of the woman. We told her relatives that it is against Islam and Afghan law to marry her without her consent. We gave authority to the women to marry (with her consent) whenever she wishes. Being honest, this was the outcome and effect of the RLS-I workshops.

Male elders from the Ahmadzai tribe comments on women's role in informal justice:

Women have a positive and worthy role in the informal justice sector, especially in family disputes. Elders cannot directly talk to women in such cases. First, women (spinsary groups) try to solve family cases. If it does not work, they refer the case to elders to be resolved. So we can say that role of women as resolvers, mediators, or referrers to elders is very valued and important in dispute resolution. ... Most of the Ahmadzai tribe's women play very positive roles. Sometimes women accompany their men, especially in offering nanawati (pardons and apologies) to parties to a dispute, and this kind of apology is seldom refused by the other party, even in murder cases. So it is a very valued and worthy role that women play in conflict resolution, one that men cannot perform.

Discussion session on the establishment of spinarsy groups, Mohammad Agha district (Logar province), 13 January 2013

A female elder, Mohammad Agha district:

Women had never been seen near or around the district building, but, by the grace of god, more than ten women come here now, and they learn something and then share it with others.

Workshop on inheritance law, Mohammad Agha district (Logar province), 02-03 January 2013

A female elder, Mohammad Agha district:

The matters we learn about in these workshops bring about a positive change in our minds. For instance, if we are faced with a situation in which our husbands or brothers do not want to give us our legacy, we can talk to them according to Islamic Shari'ah and ask them to give us our rights. We will tell them that Allah (J) and the prophet Mohammad (PBUH) have given us this right and you have to give us our rights and you have to accept it.



Workshop on Constitutional law, Qarghayi district (Laghman province), 15 January 2013

Discussion session on addressing the influence of power brokers, Chawkay district (Kunar province), 21 January 2013

Abdul Baqi:

The warlords are not warlords by themselves ... Our youngsters are with them, keeping and supporting them. If our youngsters are not with them they cannot do anything [by themselves]. We have made these warlords and we can finish them as well.

Program activity highlights – South region (Kandahar, Uruzgan and Zabul provinces and Kandahar municipality)

Discussion session on alternatives to baad, Panjwayi district (Kandahar province), 16 January 2013

Gul Jana, a female elder from Khanjakak village:

My brother in-law, Janan, ran a bread bakery in partnership with someone two months ago. They fought over the money distribution and Janan shot his partner Abdullah and killed him. The tribal elders decided that Janan should give a daughter to Abdullah's family. My husband came and told me that we will give your three-month-old daughter to Abdullah's family in baad, because she is sick and she will never grow up. This way the dispute will be resolved.

I told my husband, my father in-law, and my brother in-law that the one who has committed the crime must be punished, not this little girl; her life would be full of pain until she dies. The family of Abdullah will treat her as a killer and they will always give her that look. I will not put my daughter "in the fire" because of my brother in-law's mistake. I will not let you take her. Why do you not give them a garden, land or money? My husband and father in-law and others accepted my idea. Our family members told the tribal elders that we will not give our girl in baad; we have a grape garden and we will give them that garden. The tribal elders changed their decision and they gave that garden instead of my daughter and the dispute was resolved. This was the lesson I learned in your family law workshop where the lecturer taught us that giving of women in baad is not a fair or acceptable deed in Islam."

Hosan Bibi Abdul Jabar, a housewife from Mayubeen Kali village

I understood that a woman should not be given in baad; money, land or a garden should be given instead, because giving a woman in baad is not the end of the disputes, it expands the disputes. The victim's family takes revenge on that girl who has been given in baad to them and they do not treat her well. ... If such an incident takes place [in my village] and they decide to give a girl in baad, I will stop them with the help of other elder women of the village and we will not let them destroy a girl's life.

Workshop on Constitutional law, Zhari district (Kandahar province), 21 January 2013

Bala Nasta Sakhi Dad, a house wife from Najaran village:

RLS-I workshops have an effect on our village women. We will take part in the upcoming voting!



**State TDR coordination meeting,
Tirin Kot district (Uruzgan
province), 13 January 2013**

Haji Ahmad Shah Khan Wahidullah:

I am an old person and I never in my life learned about such topics as I did in RLS-I activities. I have learned how to write deeds. Now I am ready to write deeds for any person every day. I was unable to write deeds before taking part in RLS-I activities.



Workshop on inheritance law, Daman district (Kandahar province), 2-3 January 2013

Workshop on Constitutional law, Chora district (Uruzgan province), 6 January 2013

A male elder, Chora district:

Learning these lessons affects our lives; we now practice these lessons while resolving disputes. Up to now we held to the concept that the Constitution is a prohibited law and no one should comply with it, but the trainer taught us today that the Afghan constitution is composed in the light of Shari'ah teachings.

Workshop on Constitutional law, Tarnak Wa Jaldak district (Zabul province), 6 January 2013

Ghul Khan Sheikh Mohammad, a tribal elder from Kotal village:

Now I understand what a constitution is and why it is important for a country. I know now that this Constitution is not brought from the USA but created in Afghanistan by our own people and our own representatives and we should respect it.

Workshop on inheritance law, Panjwayi district (Kandahar province), 5-6 January 2013

Abdul Raheem Khan, a resident of Sperwan village:

Yesterday, after I came home, I shared the inheritance law notes with the mullah of the village, Mawlawi Abdul Bari. He looked at the notes and said: "Give me the notes. I will teach people after every Friday prayer so that all the people will learn inheritance law,"

Other participants added:

In our regions, inheritance is only divided between brothers, which is in accordance with our local culture. Other members of the family are not given any share in inheritance, nor can they ask for it. It is considered a big shame to ask. Women, for instance, are not given any share in inheritance. People violate women's rights. However, we have learned inheritance should be divided between all members of a family. Allah has specified everyone's share of inheritance in the Holy Qur'an. If Allah is willing, we will share this knowledge with other villagers too.

State-TDR coordination meeting, Tarnak Wa Jaldak district (Zabul province), 7 January 2013

Sardar Mohammad, the District Chief of Police:

I am very familiar with the culture of dispute resolution in our society and I really respect this culture of jirgee. You all know that in the current situation we face a lot of problems inside the government. First of all, we do not have enough staff for the judicial system to work in our court offices and solve disputes. Second, security threats mean we often cannot go to villages that are further away from the district centers and hence cannot perform the duties of the court there. Last, our judicial systems have a lot of internal issues; many of our prosecutors and judges are involved in corruption. ... Our prisons are not equipped to deal with criminals in a constructive way. In the rest of the world prison is a place where criminals are able to improve themselves; if they are uneducated the government provides courses; if they are addicted to drugs they receive support to get clean in prison; and if they are killers they could receive therapy and perhaps come to understand that killing is wrong. But in our country when we send an ordinary criminal to prison they make links with the Taliban inside and they start using drugs. And when such a person leaves prison he is more dangerous to our society than he was before. To prevent such disasters we need the assistance and cooperation of you elders. You should solve disputes in your own villages if possible; if disputants come to me or to the District Governor we will send them back to you



Workshop on Constitutional law, Zhari district (Kandahar province), 15 January 2013

and you should give time to their dispute resolution. ... If you register your decisions with the government, that will be highly appreciated. Once again I want to tell you that I am willing to cooperate fully with elders and any time you [elders]



need me or my assistance for dispute resolution please do not hesitate to contact me.

Discussion session on alternatives to baad, Zhari district (Kandahar province), 7 January 2013

Qazi Abdul Aziz, a tribal elder and previous jihadi commander:

All Islamic scholars agree that this custom [giving women in baad] is totally in contradiction with Islam because a girl or woman would never consent to marry with an enemy of her family. Nor would a boy or man consent to marry with a girl who is the daughter of his enemy and related to the murderer of his father or brother. It will logically result in the man believing he must be cruel to this girl or woman who will be his wife. And this is my second point: we studied in the family law workshop that nikah [religious Islamic marriage ceremony in which a marriage contract is agreed upon] is forbidden or not legitimate when someone will be cruel to his wife [and the marriage will result in unhappiness].

We know that consent is one of the most important conditions of every contract or convention, so both sides should fully agree before they get married.

Discussion session on dispute prevention, Zhari district (Kandahar province), 27 January 2013

Rajana Akhtar Mohammad, a housewife from Najaran village:

Because I am uneducated myself and do not have much knowledge I did not understand that getting an education is very important. I made my sons work outside the house and motivated them to just work and bring income into the household, but I did not understand that making them work like this would ruin their lives. Now in our village, some of the children are going to school and when my son sees them he gets really disappointed and asks me: "Mother, why don't you send me to school to get an education? All the other children in our village are going; they can read any type of writing that is written on the shops, but I cannot." No mother can be happy seeing her children's disappointment and unhappiness. Things just went the way they did because I was uneducated myself and did not know any better. But today, from this activity, I understood that having an education is necessary for every person, and that children have the right to get an education. Tomorrow I will take my son to be enrolled in school.

Workshop on criminal law, Panjwayi district (Kandahar province), 13 January 2013

Bibi Ayesha Abdul Ghani, a housewife from Salihan Kali village:

My husband is a mullah. He explains the educational material that you give us to my daughters, sisters-in-law, and all of us who don't participate in the workshops. We learn more because the lecturer explains it within one day, but my husband explains these notes within one month. He explains these notes to all other members of our family.



Workshop on family law, Zhari district (Kandahar province), 14-15 January 2013

RESEARCH

During January the drafting of the three regional TDR assessments for the north, south, and east continued. All remaining district assessment interviews were submitted and translated by RLS-I's translation department.

OUTREACH

Program implementation

In January, RLS-I received the printed outreach materials for its upcoming Phase 3 outreach campaigns, including 60,000 illustrated booklets on "alternatives to *baad*" and 30,000 pamphlets aimed at increasing legal awareness among the public in six selected districts with topics such as "rights of the accused upon arrest", "rights of prisoners", "difference between being a suspect, an accused, and being convicted of a crime", "final court decisions", and "women's rights to be treated fairly by judicial offices".

RLS-I distributed 40,000 illustrated booklets and 20,000 pamphlets to community cultural centres (CCCs) in Baghlan and Nangarhar provinces, and 50 CCC volunteers distributed them in 60 villages of Dara-I-Nur and Shinwar districts (both in Nangarhar province), and Dahana-I-Ghuri (Baghlan province). The Martyred Foundation of the Baghlan CCC coordinated distribution in Baghlan province.

Meetings

The RLS-I Outreach Specialist met with the campaign coordinator of Dahana-I-Ghuri district (Baghlan province) to discuss the recent campaign and four future campaigns to be carried out there.

Looking ahead

RLS-I's first Phase 3 outreach campaign will continue in early February in the south region, including the distribution of 20,000 illustrated booklets and 10,000 pamphlets in Zhari and Panjwayi districts (both in Kandahar province). Forty CCC volunteers and two CCC coordinators will be involved in the distribution of outreach materials in the south.

The RLS-I outreach component will continue development of 6,000 wall calendars for the Afghan year 1392 (beginning 20 March 2013) and printing 60,000 additional illustrated booklets. The RLS-I Outreach Specialist will travel to Nangarhar and Kandahar provinces to meet with CCC volunteers and discuss past and future outreach campaigns.

In the north and east, RLS-I will work with volunteers from local CCCs and other community-based organizations to conduct the outreach evaluations. RLS-I plans to engage a local partner to conduct the outreach evaluation in the south.

MONITORING AND EVALUATION

Event monitoring

In January, RLS-I M&E field staff monitored approximately 15 events for quality of implementation and adherence to workshop agendas. The overall finding was that program implementation was of good quality. In a few cases, the monitoring revealed some gaps in coverage of agenda points. As an example, the following table presents the results of an M&E Officer's observation of a criminal law workshop in Uruzgan province:

Key theme/learning point	Fully covered			Comments
	↓	Partially covered		
		↓	Hardly or not at all covered	
			↓	
Definition and types of crime	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Penalty for felony long imprisonment or execution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Penalty for misdemeanor conviction is from 3 months to 5 years imprisonment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Penalty for an obscenity conviction is from 24 hours to 3 months imprisonment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Difference between state's right and victim's right	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Detection, investigation, trial and punishment of criminal disputes is duty of state	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



According to Afghan law, the government courts are the only recognized body for handling criminal cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Elders' role in reconciling disputants in criminal cases (people's rights)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Didn't covered this section
Elders can't apply punishment to an offender as a part of meeting <i>huq-ul abd</i> It is a domain right of the government	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Didn't covered this section
If someone is being held in police custody, community elders can negotiate his or her release pending resolution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If a person is tried in the government courts and convicted of a crime, under Afghan law community elders can't negotiate his or her release from the sentence	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Didn't covered this section
Police can't detain/arrest an accused person's relatives; crime is an individual act	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Didn't covered this section
Rights of suspect, accused, and convict:				
Right to know reason for detention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Right to innocence until proven guilty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
The judge must assume that the accused person is innocent, and the prosecutor must prove that he is guilty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Right to protection from torture	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Police can't physically harm a suspected person even if it helps their investigation of a crime*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Right to remain silent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Under Afghan law, coerced confessions are not accepted before the court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Right to a defense lawyer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Trainer doesn't have more information about it
If you are accused of a crime before a court of law, you are entitled to a defense lawyer even if you cannot afford to hire one.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Trainer doesn't have more information about it
Right to a translator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Right to access his/her case file	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Right to be present during interrogation and trial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Right to appeal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



Right to investigation and trial within legal timelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Police can detain a person without a charge until 72 hours only	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Right to visitation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	wasn't covered completely
If the police imprison someone, he or she has the right to receive visitors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Rights of men, women, and children in detention centers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Introduction, importance, and qualifications of a defense lawyer				
Role of defense lawyer				
Pre-trial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
During trial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Post-trial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Relations between defense lawyer and client	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	wasn't covered completely
In the process of safeguarding the accused's rights, the defense lawyer should not claims falsehoods before the court.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	wasn't covered completely
Sources of defense lawyers free of charge				
Legal Aid Department of MoJ	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	wasn't covered completely
Defense Lawyers Association	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	wasn't covered completely
ILF-A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	wasn't covered completely
Da Qanoon Ghoshtoonky (DQG)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	wasn't covered completely
Private defense lawyer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	wasn't covered completely

Performance data collection

Progress of elders through core curriculum

Elders are showing good progress through the RLS-I curriculum as of January. In accordance with Phase 3 activity schedules, to date RLS-I has offered three learning workshops in the south region and four learning workshops the east region. The following table indicates the number of elders who have each attended all offerings in selected new Phase 3 districts:

South		East	
District	Number of elders attending all three offered workshops	District	Number of elders attending all four offered workshops
Panjwayi	109	Chawkay	78
Zhari	58	Mohammad Agha	63
Shahidi Hassas	117	Acheen	69

RLS-I considers the progress of the elder cohorts for each district to be on track. In accordance with the RLS-I Phase 3 Performance Monitoring Plan (PMP), at least 60 elders should complete the core program by May, with an additional 20 or more elders completing the program during the maintenance programming phase. Zhari district (Kandahar province) may be slightly behind schedule for the core program, but will be able to make up activities during the maintenance phase.

Spinsary group creation and dispute mediation

In January, M&E staff documented approximately 15 *spinsary* group decisions. While many actions of *spinsary* group members remain private within the family or between neighbors, there are occasional disputes in which *spinsary* groups play larger roles in the community, either in direct mediation or making other community members aware of their legal rights. In a *spinsary* group in Nurgal district (Kunar province), for example, there were three disputes that highlighted how *spinsary* groups could take more active mediation roles in their community.

In one such dispute, a *spinsary* group member interceded in what could have developed into serious violence within a neighboring family:

[A community member's] three sons are dead and he drove away their children and wives. They were living away from their homes for 20 years until the sons of the three deceased brothers were grown. They returned to the village to gain their inheritance rights from their grandfather. [Their grandfather] warned them not to come to their former home anymore.

I heard that his grandchildren had a serious plan to create a big dispute with their grandfather. When I heard these rumors, I went to [the grandfather's] home with my team [spinsary group] and spent some time with [the grandfather] over this matter. With many great efforts I convinced him to give some portion of his property to his grandchildren. I said that his grandchildren are grown and they are young, they won't miss a single chance to kill you and this brings huge enmity among your own family. [The grandfather] was fully encouraged and motivated to invite his grandchildren. The children were given their rights through a formal valid deed.

When asked how attending RLS-I activities and leading an RLS-I *spinsary* group may have helped her with this mediation, the *spinsary* group leader said: "I have learned this in RLS-I

discussions and workshops, that woman are the best resource for dispute prevention. I guessed this [situation] could bring a big dispute into life so we, the group, acted to prevent it.”

In another dispute, *spinsary* group members prevented an uncle from denying inheritance rights to his two nieces.

There are two girls among our neighbors whose parents passed away. Both of the girls are deaf and sometimes they react abnormally. The property of their father was seized by their uncle, who said that they are out of their mind and have no rights in the property of their father. I and the other spinsary group members asked [the uncle] to give a portion to the girls. I tried my best to make him listen. I said the girls are deaf, but it doesn't mean they don't understand anything or that they don't have rights to gain the property of their father. In Shari'ah, they have full authority to fight for their rights, so before they turn into bad girls to hurt you, it is better that you yourself should give them their rights. After some days, we heard that [the uncle] made money for the girls and asked them to keep it or buy jewelry.

When asked how RLS-I may have helped her conduct this mediation, the *spinsary* group leader said: “I have learned this in the RLS-I Inheritance workshop that a daughter receives one portion while a son receives two portions from the property of their father.”

In the third example, the *spinsary* group combated the efforts of a woman's brother-in-law to convince her that women have no inheritance rights.

There is a widow in our community. The brother of her husband made her accept the wrong concept that when a woman's husband dies, the woman has no portion in the property of her husband. I went to [the widow's] home and made her aware of her rights according to Shari'ah. I told her that it is Allah who gives her rights in the Holy Qur'an and not the brother of her husband, and I encouraged her to ask for her rights. Allah has given you rights in the Holy Qur'an and Shari'ah so why should you not ask for your rights? [The widow] went to her brother-in-law's home and expressed the facts about her rights in Islam. She warned the brother of her husband that if he would not provide her with her portion then she will file a case in the district council. The next day, the man invited some elders and separated her portion from the property of her husband.

When asked how RLS-I may have helped her conduct this mediation, the *spinsary* group leader said “I have learned this in RLS-I, that when a husband dies with children his wife receives 1/8 portion and if he dies without children then the wife receives 1/4 portion. So I was able to let the woman know about her rights.”

RLS-I decision book tracking and formal-informal linkages assessment

In January, M&E field staff monitored RLS-I decision book usage in ten districts. Data is still being prepared, but overall the usage rate appears to be approximately 30% in the east but

lower in the south. Different rates of disputes coming to elders for mediation may be a factor behind these results, as elders in Zabul province reported that no new disputes had come before them to record. The registration of recorded decisions was found to be 15% in the east, and near zero in the south. RLS-I receives a consistent set of explanations behind failure to record or register, such as a disputant's wish for privacy (especially in family disputes) or to keep the dispute outside of any formal involvement. There are also reasons specific to RLS-I decision books, including the size of the book not being conducive to transport to outlying villages or decision books sometimes distributed to illiterate elders or others who did not play active roles in TDR.

M&E field staff also visited six district centers, three in Nangarhar province and three in Zabul province, to assess the state of state-TDR linkages and registration of TDR decisions. In the east, the district authorities shared information on the processing of cases during the third quarter of Islamic year 1391 (March 2012 – March 2013). The data indicates the relative extent of state presence in each district. In Acheen district (Nangarhar province), district government is reported to be very weak, with no functioning IDLG *shura* and only some land cases referred to the government. District governance is also weak in Dara-I-Nur district (Nangarhar province), but there is a functioning IDLG *shura* (despite the lack of financial support), and the district government did handle some criminal and family cases in addition to land cases during the reporting period.

Referral Resources		Dispute types and numbers					
		Property	Criminal	Family	Engagement breakup	Inheritance	Loan
Acheen district (Nangarhar province)							
IDLG shura	IDLG head						
	Appeal court						
	Community						
	Police						
	<i>Huqooq</i>						
	<i>Woliswal</i>						
Huqooq	<i>Woliswal</i>	0	0	0	0	0	0
	DDA <i>Shura</i>	3	0	0	0	0	0
	Court	13	0	0	0	0	0
Court	<i>Huqooq</i>	7	0	0	0	0	0
	Community	0	0	0	0	0	0
	Appeal court	2	0	0	0	0	0

Referral Resources	Dispute types and numbers					
	Property	Criminal	Family	Engagement breakup	Inheritance	Loan
Dara-I-Nur district (Nangarhar province)						
IDLG shura	IDLG head					
	Appeal court					
	Community	0	0	5	0	
	Police		0	0	0	
	Huqooq	4	0	0	0	
	Woliswal	0	0	0	0	
Huqooq	Woliswal		0	0	0	
	DDA Shura	5		0	0	
	Court	6		0	0	
Court	Prosecutor	0	9	0	0	
	Community	0	0	0	0	
	Huqooq	8	0	0	0	

Program research and evaluation

RLS-I is currently reviewing the evaluation baseline data set. Any data presentation remains provisional, but it is possible to describe some general data points. For example, elders reported serving in an average of 1.8 positions in society, earning income from an average of 2.1 sources, and owning an average of 5.1 items from a list of household assets. The frequency for these elder background characteristics is as follows:

Elder position in society	Number	Percent
Tribal elder	194	20.6%
Malik	159	16.9%
Village shura member	150	16.0%
Jirgamar	109	11.6%
Spingiri (village elder)	100	10.6%
Community Development Council member	80	8.5%
IDLG shura member	37	3.9%
Khan	34	3.6%
Former jihadi commander	25	2.7%
Religious leader	22	2.3%

Elder position in society	Number	Percent
Government official	15	1.6%
<i>Mullah</i>	8	.9%
<i>Mawlawi</i>	7	.7%

The sources of income are as follows:

Source of income	Number	Percent
Livestock	267	24.2%
Farm wage	264	23.9%
Crops	258	23.4%
Non-farm wage	109	9.9%
Shop-keeping	87	7.9%
Office	54	4.9%
Rental income	32	2.9%
Professional trade	20	1.8%
Remittances	11	1.0%
Handicrafts	2	.2%

And the household asset ownership of elders is as follows:

Household asset	Count	Percent
Radio	446	16.7%
Home	408	15.3%
Land	371	13.9%
Mobile phone	364	13.6%
Motorcycle	226	8.5%
Livestock	213	8.0%
Bicycle	201	7.5%
Automobile	144	5.4%
Shop	88	3.3%
TV	71	2.7%



Household asset	Count	Percent
Generator	66	2.5%
Computer	31	1.2%
Land line telephone	24	0.9%
Satellite dish	14	0.5%

In terms of evaluative measures, initial knowledge scores indicate that the questions struck the proper balance of being both accessible and rigorous, with average scores ranging from 54% to 69%, with the overall average score approximately 60%. Questions aggregated into their respective workshop titles are shown below:

Topic	Average sample size	Average score
Constitutional law	426	54%
Criminal law	364	55%
Family law	475	59%
Property/deeds law	497	69%

These scores reflect only the fixed choice responses. The manual scoring of open-ended responses is pending.

PLANNED ACTIVITIES – NEXT MONTH

RLS-I events planned for February 2013 in the east and south regions include the following:

EAST REGION			
Activity type	Activity title	Target group	District
Nangarhar province			
Coordination meeting	Strengthening ties between formal and informal justice sectors	Men	Acheen
Discussion session	Establishment of <i>spinsary</i> groups	Women	Acheen
Discussion session	Addressing the influence of power brokers	Men	Acheen
Discussion session	Dispute prevention	Women	Acheen
Workshop	Property deeds	Men	Acheen
Workshop	Property deeds	Men	Acheen
Discussion session	Dispute prevention	Women	Acheen
Discussion session	Women's participation and access to justice	Men	Acheen
Workshop	Constitutional law	Women	Bati Kot
Discussion session	Women's participation and access to justice	Men	Bati Kot
Workshop	Criminal law	Men	Bati Kot
Workshop	Constitutional law	Women	Dara-i-Nur
Discussion session	Women's participation and access to justice	Men	Dara-i-Nur
Workshop	Constitutional law	Women	Jalalabad
Workshop	Property deeds	Men	Kama
Workshop	Constitutional law	Women	Kama
Discussion session	Women's participation and access to justice	Men	Kama
Workshop	Constitutional law	Women	Kama
Coordination meeting	Strengthening ties between formal and informal justice sectors – handover	Men	Khas Kunar
Network meeting	Handover network meeting	Men	Khas Kunar
Network meeting	Handover network meeting	Women	Khas Kunar
Workshop	Constitutional law	Women	Rodat
Workshop	Property law	Men	Rodat
Coordination meeting	Strengthening ties between formal and informal justice sectors – handover	Men	Rodat
Network meeting	Handover network meeting	Men	Rodat
Network meeting	Handover network meeting	Women	Rodat
Workshop	Constitutional law	Women	Shinwar
Discussion session	Women's participation and access to justice	Men	Shinwar

EAST REGION			
Activity type	Activity title	Target group	District
Kunar province			
Coordination meeting	Strengthening ties between formal and informal justice sectors	Men	Chawkay
Discussion session	Establishment of spinary groups	Women	Chawkay
Workshop	Property deeds	Men	Chawkay
Workshop	Property deeds	Men	Chawkay
Discussion session	Women's participation and access to justice	Men	Chawkay
Discussion session	Dispute prevention	Women	Chawkay
Laghman province			
Discussion session	Women's participation and access to justice	Men	Mihtarlam
Network meeting	Handover network meeting	Men	Qarghayi
Coordination meeting	Strengthening ties between formal and informal justice sectors – handover	Men	Qarghayi
Network meeting	Handover network meeting	Women	Qarghayi
Logar province			
Discussion session	Ethics and best practice in TDR	Men	Mohammad Agha
Discussion session	Dispute prevention	Women	Mohammad Agha
Workshop	Inheritance law	Women	Mohammad Agha
Workshop	Property law	Men	Mohammad Agha
Workshop	Property law	Men	Mohammad Agha
Discussion session	Alternatives to <i>baad</i>	Men	Mohammad Agha
Discussion Session	Dispute prevention	Women	Mohammad Agha
Coordination meeting	Strengthening ties between formal and informal justice sectors	Men	Puli Alam
Discussion session	Long-standing disputes	Men	Puli Alam
Workshop	Constitutional law	Women	Puli Alam
Workshop	Constitutional law	Women	Puli Alam
SOUTH REGION			
Kandahar province			
Workshop	Criminal law	Men	Daman
Discussion session	Dispute prevention	Women	Daman
Coordination meeting	Strengthening ties between formal and informal justice sectors – handover	Men	Daman
Network meeting	Handover network meeting	Women	Daman

SOUTH REGION			
Activity type	Activity title	Target group	District
Kandahar province			
Network meeting	Handover network meeting	Men	Daman
Coordination meeting	Strengthening ties between formal and informal justice sectors	Men	Kandahar municipality, <i>nahiya</i> 9
Discussion session	Promoting spinarsy sustainability	Women	Kandahar municipality, <i>nahiya</i> 9
Workshop	Property law	Men	Panjwayi
Discussion session	Dispute prevention	Women	Panjwayi
Workshop	Property law	Men	Panjwayi
Discussion session	Anti-corruption	Men	Panjwayi
Workshop	Constitutional law	Women	Panjwayi
Workshop	Constitutional law	Men	Panjwayi
Workshop	Constitutional law	Women	Panjwayi
Workshop	Constitutional law	Men	Panjwayi
Workshop	Constitutional law	Women	Spin Boldak
Workshop	Constitutional law	Men	Spin Boldak
Discussion session	Establishment of <i>spinarsy</i> groups	Women	Zhari
Coordination meeting	Strengthening ties between formal and informal justice sectors	Men	Zhari
Workshop	Criminal law	Men	Zhari
Workshop	Criminal law	Women	Zhari
Workshop	Criminal law	Women	Zhari
Workshop	Criminal law	Men	Zhari
Discussion session	Alternatives to <i>baad</i>	Women	Zhari
Discussion session	Alternatives to <i>baad</i>	Men	Zhari
Zabul province			
Coordination meeting	Strengthening ties between formal and informal justice sectors – handover	Men	Qalat
Network meeting	Handover network meeting	Women	Qalat
Network meeting	Handover network meeting	Men	Qalat
Network meeting	Handover network meeting	Women	Shahjoy
Workshop	Constitutional law	Men	Shahjoy
Workshop	Criminal law	Men	Shahjoy
Coordination meeting	Strengthening ties between formal and informal justice sectors – handover	Men	Tarnak Wa Jaldak

SOUTH REGION			
Activity type	Activity type	Activity type	Activity type
Zabul province			
Network meeting	Handover network meeting	Women	Tarnak Wa Jaldak
Network meeting	Handover network meeting	Men	Tarnak Wa Jaldak
Uruzgan province			
Coordination meeting	Strengthening ties between formal and informal justice sectors	Men	Chora
Workshop	Criminal law	Men	Chora
Workshop	Criminal law	Women	Chora
Workshop	Criminal law	Men	Chora
Workshop	Constitutional law	Women	Chora
Discussion session	Anti-corruption	Men	Chora
Coordination meeting	Strengthening ties between formal and informal justice sectors	Men	Chora
Discussion session	Alternatives to <i>baad</i>	Women	Chora
Discussion session	Promoting <i>spinsary</i> sustainability	Women	Chora
Discussion session	Ethics and best practice in TDR	Men	Chora
Discussion session	Dispute prevention	Women	Chora
Workshop	Constitutional law	Women	Dihrawud
Coordination meeting	Strengthening ties between formal and informal justice sectors	Men	Dihrawud
Discussion session	Alternatives to <i>baad</i>	Women	Dihrawud
Discussion session	Ethics and best practice in TDR	Men	Dihrawud
Workshop	Criminal law	Women	Shahidi Hassas
Workshop	Criminal law	Men	Shahidi Hassas
Workshop	Criminal law	Men	Shahidi Hassas
Discussion session	Alternatives to <i>baad</i>	Men	Shahidi Hassas
Discussion session	Promoting <i>spinsary</i> sustainability	Women	Shahidi Hassas
Coordination Meeting	Strengthening ties between formal and informal justice sectors	Men	Shahidi Hassas
Discussion session	Dispute prevention	Women	Shahidi Hassas
Coordination meeting	Strengthening ties between formal and informal justice sectors	Men	Tirin Kot
Workshop	Constitutional law	Women	Tirin Kot
Discussion session	Ethics and best practice in TDR	Men	Tirin Kot
Discussion session	Alternatives to <i>baad</i>	Women	Tirin Kot
Workshop	Property law	Men	Tirin Kot, Dihrawud

GLOSSARY

<i>alem</i> (pl. <i>ulema</i>)	religious scholar, considered to be more knowledgeable about <i>Shari'ah</i> than most <i>mullayan</i>
<i>baad</i>	customary practice of resolving a dispute by giving a girl from the offender's family in marriage to a male member of the victim's family
<i>badal</i>	Exchange marriage performed between families or tribes to alleviate tensions or relieve the financial burden of <i>walwar</i>
COR	USAID/Afghanistan Contracting Officer Representative
CSO	civil society organization (usually but not necessarily incorporated as a legal entity)
d-i-d	Difference-in-differences. An impact evaluation measurement that includes an estimate of the counterfactual scenario of what would have happened in the absence of the USAID intervention.
DDA	District Development Assembly
DST	District Support Team
GIRoA	Government of the Islamic Republic of Afghanistan
<i>hadith</i>	collection of scriptures detailing the actions, sayings, and tacit approvals or disapprovals of Islamic practices and beliefs of the Prophet Mohammad (PBUH), as documented by his companions and accompanied and verified by an authenticating record of the origin and lineage of each part of the collection, determining its authority as a source of Islamic law supplementing the Holy <i>Qur'an</i>
<i>haq-ullah</i>	a concept of <i>Shari'ah</i> that refers to the rights of society; i.e., issues that have the potential to disrupt the peace within the community and for which it is the duty of the state to issue and implement legislation (e.g., criminal law)
<i>haq-ul abd</i>	a concept of <i>Shari'ah</i> similar to the notion of civil law and that refers to the rights of the person; i.e., those rights that private individuals have vis-à-vis one another and that can be forfeited by the individual
<i>huqooq</i>	Moj representative at the district level responsible for liaising with elders and the community to resolve civil disputes
IDLG	Independent Directorate of Local Governance, a sub-ministerial GIRoA body
<i>islah</i>	(literally, "reform") a restorative dispute resolution principle comprising the promotion of peace and social cohesion through mediation and reconciliation; in the context of registration of TDR decisions by <i>Huqooq</i> district offices, the term refers to the category in the <i>Huqooq</i> offices' record-keeping system for registering TDR decisions

<i>jirga</i> (pl. <i>jirgee</i>)	<i>ad hoc</i> assembly of tribal elders convened to make specific decisions or resolve a specific dispute by consensus
<i>khan</i> (pl. <i>khanan</i>)	a member of the wealthy, land-owning class, influential in the community
<i>machalgha</i>	a deposit required from the disputants prior to the commencement of a <i>jirga</i> to ensure compliance with its decision
<i>maher</i>	<i>money or goods given by a husband to a wife upon marriage and that remains the wife's property, to ensure financial security in case of divorce or the death of the husband</i>
<i>malik</i> (pl. <i>malikan</i>)	a tribal elder, who has been chosen as the head of the village and often liaises between the community and the government; due to this position of authority he is also approached to play a role in dispute resolution.
<i>manteqa</i>	an area within a district encompassing a cluster of villages that share a common characteristic such as population of the same tribal group, location within a valley, or access to a major irrigation canal.
<i>maraka</i> (pl. <i>marakee</i>):	Currently, often used interchangeably with the term <i>jirga</i> , especially in southern Afghanistan. Originally, used to refer to a village-level conflict resolution mechanism that included members of only one tribe or sub-tribe
<i>mawlawi</i> (pl. <i>mawlawiyan</i>)	Highly qualified Sunni Muslim religious leader, usually with a more extensive religious education than a <i>mullah</i> .
<i>mudir-e-huqooq</i>	<i>Huqooq</i> office director
<i>mullah</i> (pl. <i>mullayan</i>)	local religious leader
<i>nahiya</i> (pl. <i>nawahi</i>)	municipal sub-district
NGO	private or quasi-governmental not-for-profit organization (usually formally organized as a legal entity)
Platform	combined civilian-military teams at Regional Commands and PRTs that allocate resources, implement integrated programs, and assess results
PRT	Provincial Reconstruction Team
RC	Regional Command: any of the four geographic military command areas into which Afghanistan is currently divided - north (RC/N), south (RC/S), east (RC/E), and west (RC/W). The geographic areas of RC/E, RC/S, and RC/N correspond to RLS-I regions in the east, south, and north, respectively.
RLS-F	USAID/Afghanistan Rule of Law Stabilization Program – Formal Component
RLS-I	USAID/Afghanistan Rule of Law Stabilization Program – Informal Component
<i>Shari'ah</i>	legal precepts found in the Holy <i>Qur'an</i> and the <i>Hadith</i> ; sometimes used by non-scholars (and this report) to denote Islamic law or jurisprudence, which includes scholarly

	interpretations of the Holy <i>Qur'an</i> and the <i>Hadith</i> ; <i>ijma</i> (“collective reasoning” or consensus among scholars); and <i>qiyas</i> or <i>ijtihad</i> (“individual reasoning” or deduction by analogy)
<i>shura</i> (pl. <i>shuragani</i>)	an established council of respected community members, often registered with GIRoA, representing the interests of their community to other institutions such as GIRoA bodies and that are often involved in resolving local disputes
<i>spingiri</i>	(literally, “white-beard”) respected male elder(s) involved in dispute resolution
<i>spinsary</i>	(literally, feminine form of “white-headed”) respected female elder(s) involved in dispute resolution
TDR	traditional dispute resolution
USG	Government of the United States of America
<i>walwar</i>	bride price; money or goods given by a groom or his family to the head of the bride's household
<i>woliswal</i> (pl. <i>woliswali</i>)	District Governor