



USAID
FROM THE AMERICAN PEOPLE

MONTHLY REPORT, April 2013

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

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



District network meeting, Shahjoy district (Zabul province), 18 April 2013

21 May 2013

This publication was produced for review by the United States Agency for International Development. It was prepared by Checchi and Consulting Company, Inc.



MONTHLY REPORT, April 2013

Rule of Law Stabilization Program – Informal Component

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

Submitted 21 May 2013 by:

Michael Sinclair

Chief of Party

USAID/Afghanistan Rule of Law Stabilization Program – Informal Component

4th District, Ansari Square

2nd Street, House No. 149

Kabul

msinclair@chechiconsulting.com

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.



USAID
FROM THE AMERICAN PEOPLE

CONTENTS

PROGRAM OVERVIEW	1
EXECUTIVE SUMMARY	1
PROGRAM ACTIVITY HIGHLIGHTS	3
Network meetings.....	4
Workshops.....	4
Discussion sessions.....	5
Coordination meetings	7
Program implementation – east region (Nangarhar, Laghman, Kunar, and Logar provinces and Jalalabad municipality).....	8
Meetings.....	9
Challenges.....	9
Program implementation – south region (Kandahar, Uruzgan, and Zabul provinces and Kandahar municipality).....	9
Meetings.....	10
Challenges.....	10
Program implementation – North region	10
RESEARCH	11
OUTREACH	11
Program implementation.....	11
Meetings.....	11
Looking ahead.....	11
MONITORING AND EVALUATION	11
Event monitoring.....	11
Performance data collection.....	12
Outreach monitoring.....	14
LOOKING AHEAD	14
APPENDIX A: USAID/AFGHANISTAN RESULTS FRAMEWORK FOR RLS- I	15
APPENDIX B: ACTIVITIES APRIL	16
APPENDIX C: MONTHLY PROGRESS REPORT AGAINST TARGETS	17
APPENDIX D: PLANNED ACTIVITIES – NEXT MONTH	18
GLOSSARY	19



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. RLS-I advances women’s rights by empowering women to bring their disputes before informal and formal justice systems, and by working to eradicate customary practices such as *baad* (the 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), child marriages, and the refusal to grant women’s inheritance rights. Accordingly, RLS-I works to (1) increase knowledge of Afghan law among informal justice providers; (2) foster linkages between informal and formal justice sector actors and institutions; and (3) support dialogue and cooperation for the resolution of long-standing disputes.

EXECUTIVE SUMMARY

Program activities during April 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:

Network meetings introduce RLS-I objectives to village elders who resolve local disputes and provides opportunities to share dispute resolution experiences and coordinate on resolving long-standing disputes. Network meetings contribute to the achievement of USAID/Afghanistan’s Democracy and Governance Assistance Objective (AO) I (Improved Performance and Accountability of Governance), Intermediate Result (IR) 1.1 (Increased Public Confidence in the Rule of Law System), Sub-IR 1.1.4 (Strengthened TDR in Disputed Areas), and primarily to the achievement of RLS-I Program Objectives 1 and 3.¹

Learning workshops deliver critical knowledge on specific aspects of Afghan law with a core curriculum consisting of Constitutional law, criminal law, family law, inheritance law, property law, and property deeds law. Learning workshops contribute to the achievement AO I, IR 1.1, Sub-IR 1.1.4, and to the achievement of RLS-I Program Objectives 1, 2, and 3.

Discussion sessions provide a forum for formal-informal justice sector working groups 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. Discussion sessions contribute to the achievement AO I, IR 1.1, Sub-IR 1.1.4, and to the achievement of RLS-I Program Objectives 1, 2, and 3.

Coordination meetings provide the opportunity for the formal-informal justice sector working group members to build trust and establish common understandings of jurisdiction and other coordination issues between the formal and informal justice sectors. State-TDR coordination meetings contribute to the achievement of AO I, IR 1.1, Sub-IR 1.1.4, and to the achievement of RLS-I Program Objective 2.

RLS-I Phase 3 programming in April also included 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 May.

¹ See Appendix A. All activity types contribute to the achievement of each Program Objective to some degree.

RLS-I district graduation criteria require completion of a five- to six-month core program consisting of six core curriculum legal education workshop topics (35-40 hours of training) with a minimum of 75 participants attending all six course; four discussion sessions on pressing issues²; three state-TDR protocol coordination meetings; three *spinsary* group meetings; and two network meetings. In total, these amount to approximately 15 days of activities. The core program is followed by an additional five- to six-month maintenance period with an average of 15 need-based



Discussion session to establish *spinsary* group, Panjwayi district (Kandahar province), 1 April 2013

activities³ to fill attendance and knowledge gaps remaining after completion of core programming. RLS-I's district intervention culminates with a handover network meeting. Prominent elders and district and provincial officials may also attend RLS-I provincial and regional network meetings.

In April, RLS-I held a total of 79 events (of which ten were two-day workshops) in eight districts throughout four provinces in the east and seven districts across three provinces in the south⁴ for some 4,418 participants (40% female).

In April, the number of women's dispute resolution groups established and the number of long-standing disputes identified were both above target. Performance for all other progress indicators was on target.⁵

Highlights in the east region included handover activities for 535 elders and 541 women in the seven Phase 2 districts - Dara-I-Nur and Jalalabad municipality, *nahiyas* 1 and 4 (all in Nangarhar province), Mihtarlam (Laghman province), Nurgal (Kunar province), and Puli Alam (Logar province) – while highlights in the south region included handover activities for 216 elders and 103 women in the three remaining Phase 1 and Phase 2 districts – Spin Boldak and Kandahar municipality (both in Kandahar province), and Shahjoy (Zabul province) – effectively concluding RLS-I's direct assistance in those districts.

RLS-I is in the process of attracting a suitable Afghan partner to implement the RLS-I program in the north region and will implement activities in that region only when it has engaged that partner.

Core programming in the first tranche of Phase 3 districts began in November 2012 and will conclude in May 2013. Preparation for core programming in the second tranche of Phase 3 districts will begin in May 2013, with program activities starting in June.

² Discussion session topics are determined through district assessments and by participants in each district during network meetings and learning workshops and include addressing the influence of powerbrokers; alternatives to *baad*; anti-corruption; dispute prevention; ethics and best practice in TDR; long-standing disputes; and women's access to justice and their role as justice actors.

³ Learning workshops, discussion sessions, or coordination meetings.

⁴ See Appendix B.

⁵ See Appendix C.

PROGRAM ACTIVITY HIGHLIGHTS

Program activity highlights are gleaned from activity reports, participant feedback, and project monitoring and evaluation of RLS-I activities.

Progress on women's rights

"I am a housewife and I have been married many years. At my wedding my husband showed me a piece of land as my maher. I never actually received that piece of land, though to be honest I never asked my husband for it. But after participating in a USAID family law workshop I learned that the maher is a Shari'ah-given right of a woman over her husband, so I told my husband I wanted my maher. Thus he, with immense happiness, transferred that piece of land to me. Now I am fully sure and confident that I can help other women to access justice because I had the courage to ensure I received my right."

Aziza Gul Agha, a tailor from Bar Qala village – District network meeting, Mihtarlam district (Laghman province), 9 April 2013

Resolving and preventing long-standing disputes

"My husband's cousins, who live in the first house on the main road into the village, blocked the road and refused to let vehicles pass through. My husband, his brothers, and other villagers tried to convince these men to stop the blockage because it is the main road and many people in the village have vehicles, but they resisted. Eventually, a fight broke out between my husband and his brothers, and my husband's cousins and both parties were seriously hurt. I tried to break them up, but failed, and even broke my finger. The dispute was referred to the District Governor, who referred it to a local jirga, but the jirgamaran failed to come to an agreement themselves. So I, along with my spinsary group, went to my husband's cousins' house and told their wives: 'If we let our men continue this dispute we may face very dreadful results. We may even lose our beloved family members.' Luckily, and because our advice was based on USAID legal workshop information, they agreed with us. They promised me they would make their men reopen the road and reconcile with my husband. The following day we, the spinsary group, talked with their men. We advised them and told them about the negative and dreadful outcomes of such disputes. Fortunately they valued our advice and opened the road and from that day no dispute has occurred between them and my husband."

Shah Gul Said Mohammad, a member of a spinsary group from Kuz Nurgal village – Promoting spinsary group sustainability, Jalalabad municipality (Nangarhar province), 7 April 2013

Strengthening ties between formal and informal justice sectors

"The coordination meetings have created good relations between tribal elders and state actors. There was a relation before, but it was not this strong. Now, we can talk to prosecutors and judges face to face; we did not have this courage before. We have the courage to talk to all state actors and to take our villagers' rights and our own rights from them because of these sessions and workshops."

Haji Abdul Rahim Khan, a Khan from Sperwan village – Coordination meeting, Spin Boldak district (Kandahar province), 11 April 2013

REVIEW OF RLS-I PROGRAMMING

Network meetings

Introductory district 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 in each district. Participants are selected by applying RLS-I program participant selection criteria, which emphasize equitable geographic, ethnic, and tribal representation and elders' stature as TDR practitioners. Network meetings provide opportunities for sharing experiences in dispute resolution, for identifying and exploring long-standing disputes in the district, and help generate the discussion group topics to address rule of law issues facing the district. A follow-up or capstone district network meeting is held once the participant cohort has passed through the RLS-I core curriculum of learning workshops, issue-based discussion sessions, and state-TDR coordination meetings. Capstone district network meetings provide an opportunity for program participants to reflect on what they have learned and accomplished, and on what the next steps could be. Participants in the capstone district network meetings are invited to sign pledges developed by those groups. The pledges include commitments to continue adhering to lessons learned during RLS-I legal education workshops and to implement the outcomes of discussion sessions and coordination meetings such as using alternatives to baad, cooperating with state actors while respecting jurisdiction, collaborating on longstanding disputes, rejecting the influence of powerbrokers, supporting women in accessing justice, etc. A final handover district network meeting is held at the completion of maintenance programming to allow participants to chart a path forward, independent of RLS-I support.

Provincial and regional network meetings provide a forum for structured dialogue among influential elders, officials, and other community leaders on pressing challenges such as corruption, and long-standing disputes. Provincial and regional network meetings generate volunteer rosters of respected elders available as needed to address, for example, specific reports of corruption, and to help resolve specific long-standing disputes identified and prioritized during the meeting.

Workshops

RLS-I legal education workshops are one- or two-day events conducted by university professors and other legal professionals to deliver critical messages on specific aspects of Afghan law and *Shari'ah*. The core curriculum consists of Constitutional law, criminal law, family law, inheritance law, property law, and the law of property deeds. Due to popular demand and the complexity of the topics, the inheritance law and family law workshops have been expanded to two-day events for Phase 3.

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 law and *Shari'ah*.

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.

“I am sure that every participant has learned something new. For example, I am a mullah and I have been present at the marriage of many couples and every time the marriage contract stated the boy was giving the house furniture and equipment as maher to his wife. I didn’t know that house contents cannot be counted as maher. Because maher is a woman’s right upon marriage and she can chose after receiving the maher whether to buy anything for herself or to save her maher. Thus I have learned lots of new and important topics through the USAID family law workshop, which I might have studied at Islamic school, but I didn’t remember them. I along with other elders and jirgamaran realized that women’s participation is an important part of our society and we must provide them with access to justice as USAID taught us.”

Mawlawi Bakhtawar Shah, a religious scholar from Amroi village – District network meeting, Chawkay district (Kunar province), 27 April 2013

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

Inheritance law covers the allocation of a decedent’s estate under Afghan law, 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 heirs. For this reason, RLS-I has shifted to two-day inheritance law workshops during Phase 3 and sometime offers separate inheritance law II workshops

continuing from the initial sessions, on an as-needed basis.

Property law and property deeds law workshops cover the definitions and types of real 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 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.

“Before we were thinking that asking for inheritance is shameful for women but now we know that it is our right which is given by Allah and there is no matter of shame in claiming our rights.”

Rahila Abdul Rashool, a spinsary group member from Kolmani village – District network meeting, Chawkay district (Kunar province), 17 April 2013

Participation by formal justice sector actors 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, 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



“Just a few days ago there was a murder. The victim’s family wanted the murderer’s family to give them two girls in compensation, because the murderer’s family did not have the corresponding amount of money to give as blood money to the victim’s family. But the murderer’s family head rejected this proposal, and told him ‘Even if I had as many daughters as I have cows, I would not give a daughter in baad for compensation. But I am ready to give other things; I can give land, orchards and money, but I will never give my daughters in baad.’ It seems that the public opinions have changed now from the past, and this is the result of public awareness programs such as this USAID program.”

Chairman of the District Council –
Coordination meeting, Zhari district (Kandahar province), 9 April 2013

disputants.

The discussion session on *anti-corruption* provides an opportunity for 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.

The *spinsary group formation and sustainability* meetings 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 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

formal justice, how to collaborate to help resolve long-standing disputes, and women’s participation in justice and dispute resolution processes.

The discussion session on *addressing the influence of powerbrokers* 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.

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 a compensatory function in reconciling

“My aunt, a widow, decided to take her share [of her father’s inheritance] from her brothers but did not know the process. I learned about women’s [inheritance] rights and shares in USAID workshops and shared this information with her. She took her claim before a jirga, which asked her brothers to give my aunt her rights. She received her share and she thanked me for information I gave her.”

Zarghoona Shah Mahmood, a teacher from Bagh Sultan village – Discussion session on women’s access to justice and their role as justice actors, Mohammad Agha district (Logar province), 2 April 2013



“Humaira’s husband always asked her to cook him food when he came home at night. But Humaira would tell him they she had nothing at home to cook. Her husband beat her every day. One day, Humaira took me to her house and showed me everything, and said her husband does not bring anything home, but he asks her to cook food for him. What should she do? When I saw the situation, I waited for her husband to come home. I told him ‘You should bring supplies and groceries, then Humaira will cook food for you and your children, and if she does not cook, then she is guilty. But now you are guilty, because you do not bring anything home and you expect your wife to cook you food. [...] Women are also human beings; they need love and nice treatment. [...] A wife has rights according to Islamic law. The wife must respect her husband and the husband must treat his wife with honor and respect.’ Humaira’s husband was happy with what I said and thanked me. He went to the bazaar and brought home supplies for a week; then Humaira thanked me.”

Bibi Jan Abdul Rahman, a *spinsary* group member and midwife – District network meeting, Kandahar municipality *nahiya* 9 (Kandahar province), 14 April 2013

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.

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. During the ethics component, for example, 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 law.

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, elders and state actors aimed at taking independent action on long-standing disputes. RLS-I does not sponsor any *jirgas* formed to negotiate a resolution to specific long-standing disputes.

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.

Coordination meetings

The formal-informal justice sector working group holds *coordination meetings* in a (minimum) two-step sequence. 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 letters⁶, dispute referrals, and registration of *jirga* decisions with formal justice sector institutions.

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

During April, the RLS-I teams in the east successfully completed graduation of the remaining Phase 2 districts of Dara-I-Nur, Jalalabad municipality *nahiyas* 1 and 4 (both in Nangarhar province), Mihtarlam (Laghman province), Nurgal (Kunar province) and Puli Alam (Logar province) with handover district network meetings for 535 male and 541 female elders. The team also completed program activities for the Phase 3, Tranche 1 districts of Acheen (Nangarhar province), Chawkay (Kunar province), and Mohammad Agha (Logar province) with capstone district network meetings for 311 male and 339 female elders. Nearly all – a total of 735 male and 696 female participants – signed pledges described above, under the heading “Network meetings” in the section entitled “Review of RLS-I programming”. In addition, 36 male elders and 20 influential women volunteered to receive RLS-I training-of-trainers to become community legal awareness mentors, discussed and prioritized one long-standing dispute with members of the regional volunteers dedicated to the issue⁷, and volunteered to take action on specific disputes.

During April, RLS-I implemented 33 program activities in the east region. Overall, 2,373 participants (43% women) attended these activities, which covered Chawkay and Nurgal districts (both in Kunar province), Mihtarlam district (Laghman province), Mohammad Agha and Puli Alam districts (both in Logar province), and Acheen and Dara-I-Nur districts and Jalalabad municipality (all in Nangarhar province).⁸ The legal training workshops were led by professors from the *Shari’ah* faculty of Nangarhar University

The women's team in the east visited *spinsary* groups in graduated districts to encourage them to continue resolving disputes and advocating women's rights. RLS-I also began the vetting process for elders and women who volunteered to become community mentors by administering entry tests, developed in collaboration with members of the law and *Shari’ah* faculties of Kabul, Nangarhar and Kandahar universities who have had extensive experience as trainers in RLS-I workshops, have participated in RLS-I training-of-trainers themselves, and who have helped develop the RLS-I legal awareness training materials and teaching methods. The east teams, with assistance from staff members of the RLS-I head office in Kabul, also began preparations to implement the RLS-I program in Phase 3, Tranche 2 districts by reviewing participant selection criteria and refining the attendance policy to promote participant initiative.

⁶ Authority letters (*waak leek*) are forms signed by disputants who grant authority (*waak*) 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, participating elders, and formal justice actors, and are bound in books distributed to elders by RLS-I.

⁷ The regional volunteers are prominent elders from throughout the south and east regions who have volunteered to collaborate in assisting their local peers in resolving long-standing disputes. The initial groups of approximately 60 formed during the first set of regional network meetings dedicated to the challenge.

⁸ See Appendix B.

Meetings

Toward the end of the month, RLS-I staff in the east also began liaising with district officials in the Phase 3, Tranche 2 districts of Goshta (Nangarhar province) and Ali Shang (Laghman province) to obtain permission to operate in the districts and to gather lists of potential participants for further vetting.

Challenges

Security remains an ongoing concern in many districts, although threats to women participants during the last reporting period seem to have subsided.

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

During April, the RLS-I team in the south successfully completed graduation of the remaining Phase 1 and 2 districts of Spin Boldak and Kandahar municipality (both in Kandahar province) and Shahjoy (Zabul province) with handover district network meetings for 216 male and 103 female elders. All RLS-I districts in Zabul province have now graduated from the RLS-I program. The team also completed program activities for the Phase 3, Tranche 1 districts of Panjwayi and Zhari (both in Kandahar province) with capstone district network meetings for 157 male and 248 female elders. Nearly all – a total of 364 male and 344 female participants – signed the pledges described above, under the heading “Network meetings” in the section entitled “Review of RLS-I programming”. In addition, 18 male elders and 13 influential women volunteered to receive RLS-I training-of-trainers to become community legal awareness mentors, discussed and prioritized six longstanding disputes with members of the regional volunteers dedicated to the issue, and volunteered to take action on specific disputes.



District network meeting, Zhari district (Kandahar province), 17 April 2013



Provincial network meeting, Kandahar province, 15 April 2013

During April, RLS-I implemented 46 program activities in the south region. Overall, 2,045 participants (38% women) attended these events, which covered Panjwayi, Spin Boldak and Zhari districts and *nahiya* (sub-district) 9 of Kandahar municipality (all in Kandahar province), Shahidi Hassas and Chora districts (both in Uruzgan province), and Shahjoy district (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.

RLS-I conducted an issue-oriented provincial network meeting in Kandahar municipality that brought together some 95 tribal elders and formal justice sector actors from every district of Kandahar province, including non-program districts, and three influential women representatives from the Department of Women's Affairs and the Kandahar Women's Association. Participants focused on the internal and external dynamics of corruption in the justice system and discussed potential solutions. Elders in subsequent district level network meetings in the districts of Panjwayi, Zhari and Spin Boldak (all in Kandahar province) followed up locally and called for actionable steps on the issue. RLS-I will capitalize on this enthusiasm by assisting the formal and informal justice sector actors in Kandahar province to develop specific approaches to combating corruption in future issue-oriented provincial network meetings.

Meetings

RLS-I staff in the south also began liaising with district officials in the Phase 3, Tranche 2 districts of Maywand, Takhta Pul, and Kandahar municipality *nahiya* 5 (all in Kandahar province) to obtain permission to operate in the districts and to gather lists of potential participants for further vetting.

In Uruzgan province, the RLS-I Provincial Manager met with the Head of the Provincial Council at a periodic meeting in which other NGOs and development agencies also took part. During this meeting, the RLS-I Provincial Manager presented an RLS-I program update. Subsequently, the Head of Provincial Council requested every NGO, in particular RLS-I, to further extend their program to other regions such as Chenarto and Sarab, and Khas Uruzgan district.

Challenges

RLS-I program implementation and movement in Kandahar, Uruzgan and Zabul provinces has been hindered by ongoing security concerns for both RLS-I staff and program participants.

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.

Program implementation – North region

During the month of April, RLS-I submitted the document portfolios for the two preferred bidders to implement the RLS-I program in the RC North to the USAID/Afghanistan Kabul Vetting Support Unit and received eligibility notices for both PTRO and TLO. Both preferred bidders submitted final technical and cost proposals in response to RLS-I's updated and more detailed scope of work and comments on their most recent prior cost proposals. RLS-I submitted evaluations of the potential program implementation districts in RC North to USAID.

After review of the preferred bidders' final cost and technical proposals, Checchi and Company Consulting, Inc. decided (subject to USAID approval) to engage PTRO to implement the RLS-I program in two districts in RC North and to engage TLO to implement the RLS-I program in one district in RC North and to submit adjusted final budgets reflecting that decision.



RESEARCH

During April, RLS-I submitted the regional TDR assessment for the south to USAID. USAID disseminated the document on the USAID Rule of Law Afghanistan list serve to share information about the informal Rule of Law landscape in RC South with others involved in the Rule of Law sector. In addition, RLS-I submitted to USAID a memo prepared by the RLS-I Traditional Justice Advisor in charge of research on the practice of *baad*, its basis in customary law, the prohibitions against the practice under Afghan law and *Shari'ah*, RLS-I activities aimed at reducing the practice, and the results of those activities to date.

OUTREACH

Program implementation

In April, RLS-I completed its second Phase 3 outreach campaign in 100 villages in five targeted districts of Kandahar, Nangarhar and Baghlan provinces in coordination with some 105 volunteers of the Community Cultural Centers (CCCs) there. The campaign included distribution of 60,000 illustrated booklets on encouraging women bring their disputes to *jirgas* and of 5,200 wall calendars for the Afghan year 1392 (beginning 20 March 2013) with legal awareness messages. RLS-I also completed the procurement process and purchase of office equipment as part of its outreach capacity building support for staff members of the *Huqooq* Department of the Ministry of Justice in Kabul and is awaiting USAID approval of the proposed documentation required to transfer ownership, custody, and control of that equipment to the Ministry of Justice before delivering it.

Meetings

The RLS-I Outreach Advisor met with a representative of the Ministry of Justice *Huqooq* Department in Kabul to discuss scheduled RLS-I outreach capacity building support for staff members of *huqooq* district offices and provision of office equipment.

Looking ahead

In May, RLS-I plans to receive 60,000 printed illustrated books on alternatives to *baad* for its third Phase 3 outreach campaign in Kandahar, Nangarhar and Baghlan provinces. RLS-I will provide legal research training to seven core members of the outreach section of the Ministry of Justice *Huqooq* Department.

MONITORING AND EVALUATION

Event monitoring

During the reporting period, RLS-I monitoring & evaluation field staff conducted their regular monitoring of program activities in addition to collecting performance data. RLS-I monitors found a few instances of substitute program participants, and program staff took appropriate action to correct the participant data or deny entry of the substitute participants to the event. Enumerators from RLS-I's evaluation research partner, Strategic Social, monitored an additional 16 RLS-I program activities in Uruzgan and Kandahar provinces. Both RLS-I and Strategic Social monitors found the training content delivery to be effective.

Performance data collection

Spinsary group creation and dispute mediation

RLS-I facilitated the formation of three *spinsary* groups during April. Two groups were formed in Panjwayi district and one group in Zhari district (both in Kandahar province). RLS-I documented a total of 39 *spinsary* decisions after monitoring *spinsary* groups in Nangarhar, Kunar, Laghman, and Kandahar provinces. Of the *spinsary* decisions documented, four were classified as macro-level disputes affecting an entire village, six were classified as mezzo-level disputes that went beyond neighbors or related families, and remaining 29 were classified as micro-level disputes within a family, between related families, or between unrelated families.

Some of the *spinsary* decisions were indicative of achievement of RLS-I objectives to strengthen women's roles in traditional dispute resolution. For example, in Nurgal district (Kunar province), two government workers blocked a main road in their home village for their exclusive use. This led to arguments between villagers and the civil servants, leading to physical clashes and injuries. The village residents referred the case to district officials, but the district officials requested that the village solve this dispute on its own. After a number of village *jirgas* convened without result, *spinsary* members intervened with the primary disputants and convinced the government workers to re-open the road for public use.

In Bihsud district (Nangarhar province), a woman was being subjected to continual abuse at the hands of her husband. The sons eventually referred their father to the district court, but the father initiated a countersuit in an attempt to confuse the issue. The district court requested that the family arrive at a resolution and inform the court of the decision. With the help of RLS-I-supported *spinsary* group members, a proper divorce was arranged in which the wife received her allotted share from her husband. She is now living at peace with her family and sons, while her ex-husband is living with his brothers.

In Kandahar municipality (Kandahar province), a man intended to gain income from the marriage of his two daughters in order to marry a second wife. The man's daughters did not wish to enter into the matches arranged by their father and sought the intercession of the RLS-I *spinsary* group. As told by a *spinsary* group member:

I went to their home and asked [the father] why would you ruin your two daughters' lives? I have heard during [RLS-I] workshops that if a girl is not satisfied with the choice of groom, in this case her marriage is not correct. We are Muslims and we should accept our religion; it is not fair that you make your life happy but ruin your daughters' lives.

The father accepted that he should not marry his daughters against their will, and desisted from making the unwanted matches.

In Panjwayi district (Kandahar province), a woman had suffered through life with a drug-addicted husband for the previous five years. She suffered domestic abuse and deprivation of livelihood and support as a result of her husband's drug-seeking behavior, and repeated threats of divorce. Attending the RLS-I activities helped her find a way to resolve her situation. The woman explained:

I didn't have children. My in-laws were also against me. Then I became a member of your workshop and learned that if a man couldn't provide support, the woman has the right to ask for divorce from her husband. I shared my decision with my family, explaining that I couldn't tolerate life with this person anymore. I want to take divorce from him and Islam is giving this right to women. My family also showed their concern in this regard and allowed this and supported me. I applied to the court and took divorce from him. Now I am spending a happy life in my father's home.

These examples continue to show the role of women in resolving disputes in their communities, as well as the beneficial effects on women's access to justice of knowledge dissemination from RLS-I workshops.

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

As Phase 1 and Phase 2 districts graduated from RLS-I assistance and Phase 3 decision books were only recently distributed, RLS-I monitoring and evaluation staff did not track TDR decision documentation or registration in April. Tracking TDR decision documentation and registration for Phase 3 districts will begin in June.

RLS-I monitoring and evaluation field staff conducted two formal-informal justice sector linkage assessments in the districts of Panjwayi (Kandahar province) and Kama (Nangarhar province). There are no judicial staff members in Panjwayi district, while in Kama district there is full staffing and a collaborative relationship between elders and the district governor, with the exception of a new district judge who is willing to work with elders but only with strong oversight of the informal justice sector of the informal justice sector. Program staff will explore ways to promote state-TDR collaboration when new officials arrive after a district has graduated from direct RLS-I assistance.

Long-standing disputes

In April, RLS-I program participants identified seven long-standing, potentially destabilizing disputes in the districts of Tirin Kot and Chora (Uruzgan province), Zhari and Panjwayi (Kandahar province), and Shah Joy (Zabul province), and Jalalabad municipality (Nangarhar province). As usual, the disputes tended to be over land, though one dispute originated over water use rights and resulted in serious injury of one party and subsequent reprisal attacks. No previously identified long-standing disputes were resolved during the reporting period. In connection with a previously identified long-standing dispute in Uruzgan, a high-ranking government official was accused of soliciting payment in land and cash in return for validating the seizure and subsequent sale of disputed land.

Elder pledges/commitments to code of conduct

In April, RLS-I conducted 14 handover district network meetings in Dara-I-Nur district, Jalalabad municipality *nahiyas* 1 and 4 (both in Nangarhar province), and the districts of Mihtarlam (Laghman province), Nurgal (Kunar province) Puli Alam (Logar province), Spin Boldak and Kandahar municipality (both in Kandahar province), and Shahjoy (Zabul province). RLS-I collected a total of 1,190 pledges described above, under the heading "Network meetings" in the section entitled "Review of RLS-I programming". These events marked the first formal attempts in these districts to document these pledges.



For April, the pledge rate (number of handover district network meeting participants who pledge as a proportion of all meeting participants) was 85%. This compares to a pledge rate of 80% for March. The initial assumed pledge rate was 83% (100 pledges per 120 participants) at the time the target was set in the Phase 3 Performance Monitoring Plan.

Outreach monitoring

As part of the second outreach campaign for Phase 3, RLS-I recruited community volunteers to distribute outreach material to the same cohort of households that participated in the baseline survey. In a few cases, households could not be identified or reached. For those households reached, the volunteers queried respondents as to the usefulness of the first wave of the campaign materials consisting of pamphlets explaining Afghan citizens' legal rights. Households reported that the material was useful and an estimated 20-30% reported consulting the material to answer a specific question in the previous three months. RLS-I will survey these households again in September in order to obtain evaluation measurements of the effect of RLS-I outreach material.

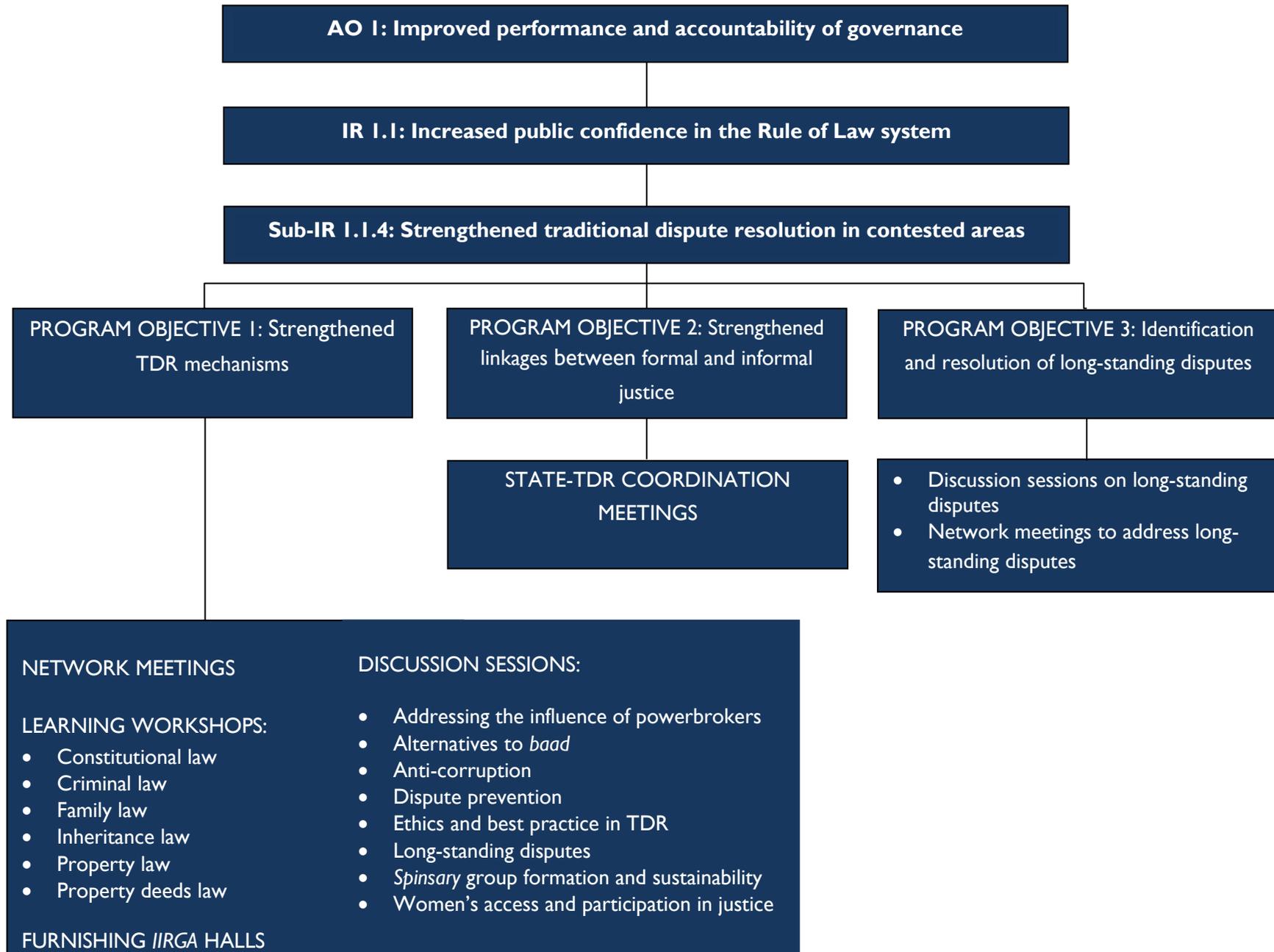
LOOKING AHEAD

During May, RLS-I field staff will select participants for the Phase 3, Tranche 2 districts, emphasizing geographical and tribal representation, stature as respected TDR practitioners, and commitment to participate. RLS-I's selection criteria aim to maximize dissemination and sustainability of the program's impact. RLS-I will provide training on research for the field teams to facilitate district assessment research in the new program districts. Field staff will conduct district assessment interviews during the second half of the month, after a further refinement of the interview guidelines to ensure complementarity with the RLS-I monitoring and evaluation baseline data. The teams will then develop district-specific core program work plans based on the district assessments. Based on Phase 3, Tranche 1 attendance, participant feedback, and an interim review of RLS-I monitoring and evaluation data to determine remaining needs in Phase 3, Tranche 1 districts, the teams will develop less intensive schedules for maintenance activities in the districts of Acheen (Nangarhar province), Chawkay (Kunar province), Mohammad Agha (Logar province), Panjwayi (Kandahar province), and Chora (second cohort) and Shahidi Hassas (both in Uruzgan province).

In May, RLS-I will also hold handover district network meetings and handover state-TDR coordination meetings in the districts of Shahidi Hassas and Chora, thereby completing programming activities in Uruzgan province.⁹

⁹ See Appendix D for planned activities in May.

APPENDIX A: USAID/AFGHANISTAN RESULTS FRAMEWORK FOR RLS- I



APPENDIX B: ACTIVITIES APRIL

		Network meeting	Constitutional law	Criminal law	Family law	Inheritance law	Property law	Property deeds	Addressing influence of powerbrokers	Alternatives to <i>baad</i>	Anti corruption	Dispute prevention	Ethics & best practice in TDR	Long-standing disputes	Spinsary group	Women's access to justice	Coordination meeting	"G" indicates district has graduated from RLS-I program			
As RLS-I operates in high risk and exceedingly vulnerable areas, GPS coordinates are not included.																					
men's events (white)		<input type="checkbox"/>																			
women's events (shaded)		<input type="checkbox"/>																			
		Learning workshops							Discussion Sessions							TOTAL					
Province	District	East region																			
Kunar	Chawkay	1	1														1	2	1		
	Nurgal	1	1									1						1	2		
Laghman	Mihtarlam	1	1															1	2		
	Qarghayi																		(G) (G)		
Logar	Mohammad Agha	1	1								1					1	1	1	4		
	Puli Alam	1	1															1	2		
Nangarhar	Acheen	1	1									1						1	2		
	Bati Kot																		(G) (G)		
	Bihsud																		(G) (G)		
	Dara-i-Nur	1	1			1	1											1	4		
	Jalalabad municipality	1	1								1					1		1	3		
	Kama																		(G) (G)		
	Kuz Kunar																		(G) (G)		
	Rodat																		(G) (G)		
	Shinwar																		(G) (G)		
Surkh Rod																		(G) (G)			
TOTAL		8	8			1	1				2	2				1	1	1	8	21	12
Province	District	South region																			
Kandahar	Arghandab																			(G) (G)	
	Daman																			(G) (G)	
	Dand																			(G) (G)	
	Kandahar municipality, nahiya 9	2	1				1												1	3	
	Panjwayi	1	1								1		1		1	2		1	4		
	Spin Boldak	1																	1	2	
	Zhari	1	1															1	3		
Uruzgan	Chora		1			1		1	3				1						6		
	Dihrawud																		(G) (G)		
	Shahidi Hassas			2	1	2	1	2	1		1	1		1	2	1	1	9			
Tirin Kot																		(G) (G)			
Zabul	Qalat																		(G) (G)		
	Shahjoy	1																1	2		
Tarnak Wa Jaldak																			(G) (G)		
TOTAL		6	4			2	1	3	2	1	1	3		2	1	3	5	1	6	29	17

APPENDIX C: MONTHLY PROGRESS REPORT AGAINST TARGETS

SO:	Improved performance and accountability of governance							
IR I:	Increased public confidence in the Rule of Law system	April – June 2013						Life of Project
Sub-IR:	1.1.4 Strengthened traditional dispute resolution and justice in contested areas	Apr	Progress	May	Progress	Jun	Progress	Target
Goal-level indicators								
1	# of districts graduating from RLS-I	14	On track					20
2	Incidence of harmful practices (<i>baad</i> , forced marriage) reported by spinsary	-	N/A					50%
3	# of elders pledging to cease harmful TDR practices	2140	On track					3300
Program Objective 1: Strengthened TDR Systems								
1.1	# of district/regional assessments completed	1	Below target					17
1.2	# elders graduating from RLS-I core program	355	On track					1050
1.3	% elders responding change in community adjudication	-	N/A					25%
1.4	% of elders reporting successful application of any element of RLS-I training	-	N/A					15%
1.5	Change in disputant assessment (Procedural justice, subversion, equity)	-	N/A					5%
1.6	% knowledge gain in learning workshop content	-	N/A					20%
1.7	# of public advocacy campaigns on human rights supported by USG	-	On track					6
1.8	% knowledge gain among recipients of outreach material	-	N/A					10%
1.9	# Women's Dispute Resolution Groups (<i>Spinsary</i>) established	3	Above target					25
1.1	# disputes resolved by <i>Spinsary</i> Groups	45	On track					400
Program Objective 2: Strengthened linkages between Formal and Informal Sectors								
2.1	% elders using RLS-I decision book after one month	-	N/A					30%
2.2	# of dispute resolutions recorded by elders	-	N/A					-
2.3	% elders registering decisions with government	-	N/A					40%
2.4	# of resolutions registered with district institution	-	N/A					-
2.5	# of TDR decisions recorded with Huqooq	-	N/A					-
2.6	# of linkages assessments completed	2	On track					17
Program Objective 3: Develop approaches that successfully resolve long-term intractable disputes								
3.1	# of long standing and intractable disputes identified	7	Above target					40
3.2	# of long standing and intractable disputes resolved in intervention districts	0	On track					15

APPENDIX D: PLANNED ACTIVITIES – NEXT MONTH

As RLS-I operates in high risk and exceedingly vulnerable areas, GPS coordinates are not included.

men's events (white)

women's events (shaded)

		Network meeting	Constitutional law	Criminal law	Family law	Inheritance law	Property law	Property deeds	Addressing influence of powerbrokers	Alternatives to baad	Anti corruption	Dispute prevention	Ethics & best practice in TDR	Long-standing disputes	Spinsary group	Women's access to justice	Coordination meeting	"G" indicates district has graduated from RLS-I program	
		Learning workshops							Discussion Sessions							TOTAL			
Province	District	East region																	
Kunar	Chawkay																		
	Nurgal																		(G) (G)
Laghman	Mihtarlam																		(G) (G)
	Qarghayi																		(G) (G)
Logar	Mohammad Agha																		
	Puli Alam																		(G) (G)
Nangarhar	Acheen																		
	Bati Kot																		(G) (G)
	Bihsud																		(G) (G)
	Dara-i-Nur																		(G) (G)
	Jalalabad municipality																		(G) (G)
	Kama																		(G) (G)
	Kuz Kunar																		(G) (G)
	Rodat																		(G) (G)
	Shinwar																		(G) (G)
Surkh Rod																		(G) (G)	
TOTAL																			
Province	District	South region																	
Kandahar	Arghandab																		(G) (G)
	Daman																		(G) (G)
	Dand																		
	Kandahar municipality, nahiya 9																		(G) (G)
	Panjwayi																		
	Spin Boldak																		(G) (G)
	Zhari																		
Uruzgan	Chora	1			1	1											1		4
	Dihrawud																		(G) (G)
	Shahidi Hassas	1	1	2	1			2	2	1			1	1			2	11	3
	Tirin Kot																		(G) (G)
Zabul	Qalat																		(G) (G)
	Shahjoy																		(G) (G)
	Tarnak Wa Jaldak																		(G) (G)
TOTAL		2	1	2	1		1	1	2	2	1		1	1			3	15	3

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 individually
<i>huqooq</i>	Ministry of Justice 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>jirgamar</i> (pl. <i>jirgamaran</i>)	member of a <i>jirga</i>

<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