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**FOURTEENTH QUARTERLY  
PERFORMANCE MONITORING REPORT**

**For the Period January 1 to March 31, 2008**

**Submitted on May 3, 2008, by**

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## INTRODUCTION

The contract between Checchi and Company Consulting, Inc. (Checchi) and USAID/DCHA/DG for the Afghanistan Rule of Law Project (ARoLP) was signed on September 28, 2004, and its implementation began on October 1, 2004. ARoLP supports the Afghan Justice Sector Institutions with assistance in areas of: 1) strengthening court systems and the education of legal personnel; 2) law reform and legislative drafting; 3) access to justice/informal sector; 4) support for commercial court reform; and 5) human rights and women's rights under Islam.

### Major Highlights of the Quarter

- Organized the first-ever national conference on developing a core curriculum for law and Sharia faculties in all Afghan universities. The National Curriculum Conference resulted in an eleven-course curriculum that will be required learning for all law and Sharia graduates interested in a legal profession.
- First INLTC training provided by ARoLP trained and funded library staff, the training was in legal research and is being given to judges as part of the ACAS roll out.
- The Afghanistan Court Administration System (ACAS) rolled out and implemented in 94 courts in 10 provinces since November 2007.
- Developed one-day course for judges on women's rights to be taught in all future judicial training programs, beginning with ACAS training.
- The Ministry of Justice (MoJ) adopted a new ARoLP-advocated procedure to develop policy papers before beginning drafting on laws or amendments.
- Launched the first full-text searchable database of Afghan laws, with 920 Official Gazette issues available for the first time at [www.moj-research.gov.af](http://www.moj-research.gov.af).
- Drafted terms of reference and organization charts for all non-judicial personnel at Supreme Court departments and Kabul provincial courts as part of a larger Priority Restructuring Reform (PRR) process to streamline the courts' staffing procedures.
- Initiated discussions with justice sector development organizations to develop the framework for a potential integrated justice sector information-sharing system.
- Completed levels one, two and three of ARoLP's legal English textbooks, as well as a self-study legal English CD-ROM.
- ARoLP authored four focused training courses for judges, which will be vetted through the Supreme Court and published by ARoLP for use in future judicial training programs.
- Published the judicial decisions taken by the Supreme Court during the Conference of Chief Judges in November 2007.
- Sponsored a conference with 34 provincial directors of the MoJ's Hoqooq Department to discuss a new national policy on the enforcement of civil case judgments as outlined in the existing Law on Obtaining Rights.
- Two International Legal Foundation legal aid offices opened in Paktya and Baghdis with ARoLP's assistance.
- Completed on-the-ground research for a national assessment of women's legal empowerment and access to justice in Afghanistan.
- Published a new 1387 calendar, a brochure and quarterly newsletter with messages on women's rights under Islam for national distribution.

## Programmatic Trends and Constraints

Afghanistan is on the edge of realizing results from the Rome Conference on the Rule of Law held almost a year ago. The National Justice Sector Strategy (NJSS), a product of the Rome Conference, is nearing completion and the World Bank has completed work on its proposal to implement portions of the strategy. ARoLP has been working closely with the World Bank on their proposal and expect to be engaged during the next quarter in assisting the Bank and our government counterpart organizations, the Supreme Court in particular, in setting the proposal in motion. The World Bank proposal, funded out of pledges from a number of donors made in Rome, will fill important infrastructure gaps and will build on the work ARoLP has begun in the development of libraries and legal education, among other things.

For years there have been discussions as to how to improve legal education in Afghanistan. Most of the focus of these discussions has been on integrating the law and Sharia faculties so that law graduates would have an appropriate understanding of both disciplines to function in Afghanistan's legal system, which is heavily influenced by Sharia law. For years, both faculties have resisted integration and attempts at even modest revisions of the curriculum in both faculties have foundered. ARoLP finally has made a major breakthrough on this front by bringing together the deans of all the law and Sharia faculties at five provincial universities to discuss and adopt a common core curriculum that all students will have to follow, regardless of which faculty they attend, if they want to pursue a legal career. ARoLP is working hard with Afghan universities and other donors to follow up on this breakthrough with comprehensive syllabi for each of the agreed-to core courses.

The ACAS, developed by ARoLP, continues its roll out across the country, largely on schedule despite the huge logistics problems caused by poor security in many areas and the lack of reliable transport. National-level activities such as this present an entirely different set of challenges that are almost impossible to overcome. While the Provincial Reconstruction Teams (PRT) and ISAF forces frequently offer assistance in this and other nationwide activities, problems with communication and timing make it difficult to benefit from these offers. Despite this, ACAS is going forward and will be expanded to include programs that compliment ISAF's Focused District Development (FDD) initiative to train police and prosecutors throughout the country.

In a related development, the ARoLP women's rights program has developed a group of trainers who are able to deliver a women's rights training module in all of the other training courses we offer. The most recent Foundation Training Program, designed for judges who did not take part in the Supreme Court's one-year pre-appointment training program, the Stage, included this module for the first time. ARoLP will include this training module in all future training, including the FDD program mentioned above.

While important strides were being made during the last quarter, ARoLP received news that it must cut spending in the last half of the year by almost 50 percent from what had been planned. With that news, many deliverables had to be abandoned. The legal education component of ARoLP is the most affected by these cuts, and will not be able to provide as many syllabi for the core curriculum as planned, particularly disappointing after the success of developing a core curriculum. ARoLP is not be able to provide the Supreme Court with a computer system to take advantage of the information being fed to it by ACAS from provincial courts, nor will ARoLP be able to deliver Foundation Training to every judge who had not participated in the Stage, though fortunately only 40 to 80 judges will be affected.

The women’s rights component, too, has been impacted, having to shut down its subcontract to reproduce ARoLP’s national-level activities at the local level four months early.

Finally, security even in Kabul remains a constraint as threats against the international community increased over the last quarter. The threats were carried out in dramatic form on January 14, 2008, with an attack against the Serena Hotel in downtown Kabul. Several colleagues from other USAID projects were caught in the attack on the hotel and one was killed. Threats against hotels continue and it is often difficult to hold meetings or trainings for large groups because these hotels are the only venues available. More recently, there have been disturbances over the rising price of bread in Kabul and the worldwide food shortage may have a huge impact on Afghanistan, which relies on other countries for much of its cereal needs. Both hunger and terrorism will have an impact on all development activities this summer. It remains to be seen how significant that impact will be.

## COMPONENT 1.A SUPPORT FOR COURT ADMINISTRATION

### AR 5: New National Court Administration System Implemented

Description	Baseline As of September 30, 2006	Cumulative Total From October 1, 2007	FY 2008 Target
<b>Indicator 1:</b> Adoption of ACAS by Supreme Court	NO	YES	N/A
<b>Indicator 2:</b> Number of courts using ACAS	0	94	392*

### Progress Toward Activity Results

**Indicator 1:** The Afghanistan Court Administration System (ACAS) was adopted by the Supreme Court on September 25, 2007.

**Indicator 2:** ARoLP continued to work closely with the Supreme Court on rolling out the new ACAS system nationally and, by the end of the quarter, 224 judges and 425 court administrative staff in 94 courts from 10 provinces had received training in the new case-management system.

As ACAS implementation and training expanded to courts outside Kabul and surrounding areas, ARoLP developed new rollout strategy and schedule. One of the most significant changes was the establishment of mentor courts at the Kabul zonal court facilities. These mentor courts have been using ACAS for several months and were used to train judges and court administrators whom ARoLP brought to Kabul for ACAS training. More about this new training strategy is detailed below.

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\* The last quarterly report from the FY2007 fourth quarter listed a total of 449 active courts. However, as ARoLP continues to update the Supreme Court’s personnel database, the number of active courts where the Supreme Court has appointed official staff is actually 392.

## Description of Activities

### **New ACAS Rollout Strategy Developed and in Place**

As ARoLP continues to roll out the new ACAS system to Afghanistan's 392 courts, it has made revisions to its implementation trainings. One of the biggest changes made during the quarter was the use of mentor courts in Kabul, who are already implementing the case-management system, as trainers for provincial judges and court administrators brought to Kabul for ACAS training.

ACAS trainees from 94 courts in 10 provinces received two days of ARoLP-provided classroom training, followed by one to three days of hands-on training with the mentor courts, converting actual cases in a real court environment. The new strategy not only allows new ACAS trainees to see how cases are filed, using party index cards and creating case-file jackets, but the training sessions also lighten the Kabul zonal courts' administrative load as trainees help convert real pending cases to ACAS.



*Eighteen judges and court administrators from Kandahar, Zabul and Helmand provinces received five days of training in the Afghanistan Court Administration System (ACAS) in Kabul.*

For provinces further away from the capital, ARoLP has begun working with provincial appeals courts and urban courts in Herat, Balkh, Nangarhar, Kunduz and Bamyan provinces to create a similar network of mentor courts in these provinces. For the judges and court administrators, this means they only have to travel to their provincial capitals for ACAS training, rather than trekking to Kabul. For ARoLP, the provincial-based mentor court system will also cut transportation costs in the face of project-wide budget cuts.

### **Judges Receive Additional Trainings at ACAS Sessions**

For judges participating in ACAS training sessions, ARoLP has begun complementing the basic ACAS training sessions with three additional one-day seminars on the Regulation of Judicial Conduct, women's rights and legal research techniques.

After completing two days of ACAS training, judges were introduced to the Regulation of Judicial Conduct, an ethical benchmark adopted by the Supreme Court in September 2007. The training included an introduction to the regulation, judges' obligations under the regulation and repercussions for judges who do not follow the ethical standards set out in the regulation.

Judges then participated in a day-long ARoLP training session on women's rights that included discussions on human rights, marriage rights, and women's role in the legal system, among other issues. For many of the judges, this was their first formal training on women's rights.

On their last day of training, the ARoLP-trained library staff from the Independent National Legal Training Center led a hands-on legal research workshop using 10 laptops loaded with ARoLP-produced electronic copies of the Official Gazette, which contain all of Afghanistan's laws passed since 1964. During the workshop judges were showed how to look up laws in both hard-copy and electronic copies of the Official Gazette and the second edition of the Judicial Reference Set, ARoLP's select collection of laws published for judges. Those judges who hadn't received one already were given their own hard copy of the Judicial Reference Set and all participants received an Official Gazette DVD.

With recent budget cuts, adding these day-long trainings to regular ACAS training sessions ensures that as many judges as possible receive training on these important issues before the end of the fiscal year in September.

### **Assistance to Supreme Court on Priority Restructuring Reform**

As part of an overall process to reform and improve the Supreme Court's organizational and management practices, ARoLP helped the Supreme Court to develop terms of reference, and organizational charts for its 17 departments. These charts and other organizational documents ARoLP worked on with the court will provide data on the Supreme Court's current organizational structure and help it to reorganize its staffing procedures and implement a new pay and grade structure, according to the Priority Restructuring Reform (PRR) procedures mandated by the Civil Service Reform Commission (IARCSC).



*The Supreme Court-appointed Priority Restructuring Reform committee, shown here, is working on a new pay and grade system for its non-judicial employees to streamline the court's processes and to make its employees eligible for increased, donor-subsidized salaries.*

Though the PRR process may be difficult, the Supreme Court will be rewarded for its hard work when its improved staffing structure is implemented later this year. After completing the PRR process, a trust fund of World Bank-managed donor money will be used to subsidize salaries of the court system's non-judicial personnel.

## Future Supreme Court IT Team Completes Computer Training

Eleven Supreme Court staff members graduated from a seven-month information technology program, sponsored by ARoLP, on March 26, 2008. The program, held five days a week, included courses in database creation and maintenance, office automation, networking and introduced students to the ins and outs of hardware and software. Students were admitted to the program after passing an ARoLP-administered entrance exam and receiving Supreme Court approval. To graduate from their courses, all 11 students passed a final exam and completed a final database project.



*Dr. Kamawi (left), the Supreme Court's general director of judicial administration, and Justice Babrakzai (right) thanked ARoLP for supporting program and said the IT courses are integral to plans to modernize Afghanistan's court system.*

## Groundwork Laid for Integrated Justice Sector Information-Sharing System

ARoLP began working with other justice-sector donors and government counterparts on a framework for sharing information among the various criminal and community organizations tasked with providing justice-sector services (e.g., police, prosecutors, courts, corrections,.). An integrated justice sector information-sharing system would ensure that each component of the formal justice system would have the information they need to conduct their work in the most open, fair and just ways available.

### Key Events for Next Quarter

- Complete ACAS training—as well as the installation of ACAS equipment—for 14 to 15 more provinces.
- Follow-up visits to courts actively using ACAS.
- Complete the first phase of the PRR, establishing an official pay and grade system for all non-judicial court personnel.
- Conduct study tours for court administrators to the United States and Ireland.
- Help establish a Program Oversight Committee, as mandated by the National Justice Program. The committee would oversee and expedite the purchase of \$2 million in new court vehicles; spending \$400,000 on repairing or buying court furnishings; and \$1.3 million in repairing or building new court facilities.
- Print identification cards for judges and staff.
- Continue updating the Supreme Court website.

## Summary of Component Training and Workshops

Date	Title	Agencies Involved	Number of Participants
October to February	Diploma in IT training course	Supreme Court staff	11
January to February	ACAS orientation and training	Judges and staff from all Kabul courts	246
February to March	ACAS orientation and training	Judges and staff from courts in the following provinces: Wardak Panjshir Kapisa Logar	186
March to April	ACAS orientation and training	Judges and staff from courts in the following provinces: Helmand Zabul Uruzgan Kandahar	39
December to January	ACAS orientation and training	Non-judicial staff, Supreme Court	140

## COMPONENT 1.B&C LEGAL EDUCATION

### AR 5: Formal Legal Education Strengthened

Description	Baseline As of September 30, 2006	Cumulative Total From October 1, 2007	FY 2008 Target
1. Number of syllabi developed and being taught	0	1	4 (total)
2. Competency test mechanism in place	No	No	Yes
3. Number of articles in Law Journal	11	40	40

### Progress Toward Activity Results

**Indicator 1:** In January, ARoLP, in partnership with the Ministry of Higher Education, organized the first-ever National Curriculum Conference for all law and Sharia faculties at Afghan Universities. The conference culminated in an agreed-upon eleven-course core curriculum that will become required learning for all law and Sharia graduates interested in a legal career. More details on the conference and the new curriculum are available below.

To develop syllabi and course materials for each of the 11 courses, ARoLP organized national and provincial course committees comprised of senior law and Sharia professors, each tasked with drafting syllabi and circulating them among the five provincial universities working with ARoLP—Al Biruni University in Kapisa, Balkh University, Herat University, Kabul University and Nangarhar University—for their approval.

However, due to a severe budget cut, it is unlikely that ARoLP will reach its FY2008 target of developing eight syllabi. To date, three syllabi and teaching materials -- Introduction to Law, Constitutional Law and Commercial Law courses -- have been developed and await approval. ARoLP has also assigned committees to the development of syllabi and teaching materials to the General Criminal Law and Family Law courses.

For the rest however, ARoLP's original FY2008 target depended on the help of provincial legal advisers who would work with the law and Sharia faculties at Herat and Balkh universities to develop syllabi and teaching materials. Two native-speaking English language advisers also assigned to these two universities were slated to develop a legal English terminology course for credit. ARoLP will not be hiring the two provincial legal advisers and, instead of two provincial legal English advisers, will be hiring eight Afghan nationals to teach English language courses at all five provincial universities.

Thinking longer-term, ARoLP had organized two study tours for law and Sharia professors to help them network with like-minded experts outside Afghanistan and introduce them to new teaching methodologies so that, once ARoLP's assistance ends, the professors could develop their own syllabi and teaching materials.

The first study tour ARoLP organized was for six Sharia professors to travel to Egypt's Al-Azhar and Cairo Universities in April. A second study tour for six law and Sharia professors was also scheduled for May. The May trip was planned to coincide with the sixth annual conference of the Asian Law Institute Consortium of Law Schools in Asia in Singapore, and then the participants were to visit universities in Malaysia and Indonesia for discussions on curriculum, facilities, teaching methods and faculty management. Finally, ARoLP had planned to establish an intensive, nine-week program in the United States to teach Afghan professors teaching methodologies, focusing especially on interactive learning and on the American legal system and legal methods.

These study tours would have not only introduced Afghan professors of law and Sharia to new ways of teaching their subject material, but would have also enabled them to impart to their students a deeper understanding of the meaning of the rule of law. Regrettably, all the abovementioned study tours were cancelled due to budget cuts.

**Indicator 2:** The Advocates' law that was signed by President Karzai in November 2007 came into force on March 17, 2008. Pursuant to the law, the MoJ now has three months to establish an Independent Afghanistan Bar Association (IABA). The IABA, once established, will be tasked with developing a national standard of competence for all those wishing to become licensed advocates.

To pave the way for creating this competency exam, or national bar exam, ARoLP has been working with the International Bar Association (IBA), which is advising the MoJ on the IABA's establishment. ARoLP will draw on its experience preparing two entrance

examinations for the Supreme Court’s Stage Judicial Training Program to assist the MOJ and IBA.

**Indicator 3:** With ARoLP’s assistance, the fourth issue of the Kabul University Law Journal was published in January. It included 10 scholarly articles penned by members of law faculties from across the country. The journal’s editor in chief, Professor Nasrullah Stanikzai of Kabul University, expects another 15 articles in each of the next two issues of the journal, which should be published by the end of September 2008.

## Description of Activities

### **New Core Curriculum Adopted at National Conference**

At the January 5 to 8, 2008, National Conference on a Core Curriculum—jointly organized by ARoLP and the Ministry of Higher Education—nearly 100 educators, scholars and jurists from across the country chose 11 courses that will become required learning for all law and Shari students in Afghanistan who want to enter the legal profession. The 11 agreed-upon courses include: Introduction to Law, Constitutional Law, Human Rights, Principals of *Fiqh* (Islamic jurisprudence), Criminal Law, Criminal Procedure, Civil Law/Civil Code, Civil Procedure, Commercial Law, Commercial Procedure, and Professional Responsibility and Ethics for Lawyers.



*At the National Conference on a Core Curriculum, participants agreed on 11 courses that will be required learning for all graduating Afghan law and Sharia students.*

At the end of the conference, the core curriculum was presented to the Ministry of Higher Education for review. ARoLP and the law and Sharia faculty working committees at Al Biruni, Balkh, Herat, Kabul and Nangarhar Universities have since begun working on syllabi and teaching materials for each of the eleven courses.

### **Winter Academic Legal English Program**

Following on the success of its inaugural summer Academic Legal English (ALE) Program, ARoLP implemented a second winter ALE, which took place from January 6 through March 13, 2008, in Kabul. English placement and diagnostic TOEFL exams were given to over 400 candidates from Al Biruni, Balkh, Herat and Kabul Universities to select 150 professors and students for the program.



*On March 13, 150 professors and students of law and Sharia from all over Afghanistan graduated from a 10-week intensive legal English program organized by ARoLP.*

Participants spent 10 weeks improving their vocabulary, grammar and academic reading and writing skills with native English-speaking teachers. The ALE Program also included lectures on company law, international financial law and law and development, delivered by U.S. law professors. The graduation ceremony was presided over by Minister of Higher Education Mohammad Hazam Datfar, who distributed certificates of completion to participants.

Two of the highest-performing students were selected for scholarships at the University of Washington. Mohammad Bashir Mobasher and Hashmat Khalil Nadirpor, both recent graduates of Kabul University's Faculty of Law and Political Science, will spend six months in Seattle studying English and law. If they do well, they will be invited to enroll in the university's LL.M program.

### **Provincial Legal Education Adviser Completes Tenure in Kabul**

ARoLP's provincial legal adviser, Mark M. Hough, arrived in Kabul in January to begin three months of work with Afghan law and Sharia professors. After advising participants at the National Curriculum Conference in January, Mr. Hough worked with professors attending the ARoLP ALE program in Kabul who were assigned to develop Introduction to Law and Constitutional Law syllabi and teaching materials, and with law and Sharia professors at Nangarhar University to develop their academic research and writing skills. Mr. Hough also assisted ARoLP in drafting new multiple choice questions on constitutional law for the Supreme Court's entrance exam to the Stage Judicial Training Program.

### **Key Events for the Next Quarter**

- Finalize syllabi and teaching materials for core curriculum courses on Introduction to Law, Afghan Constitutional Law, Commercial Law, General Criminal Law, and Family Law.
- Provide academic legal English courses for up to 721 professors and students at Kabul, Herat, Balkh and Al Biruni Universities.
- Organize and teach a legal English course for approximately 210 judicial candidates participating in the 2008 Stage Judicial Training Program.
- Continue legal English classes for 50 members of the MoJ.

## Summary of Component Trainings and Workshops

Date	Title	Agencies Involved	Number of Participants
January 6, 2008	Workshops organized to seek consensus on a common core curriculum for Law and Sharia faculties and to train participants on creating objective-based Syllabi	Professors of Law and Sharia of Kabul, Balkh, Herat, Nangarhar, Al Biruni, Khost and Takhar Universities	70
January 7, 2008	Workshop on Application of Credit-hour System in Afghan Universities	Professors of Law and Sharia of Kabul, Balkh, Herat, Nangarhar, Al Biruni, Khost and Takhar Universities	70
Nov. 2007 - Sept. 2008	Legal English Course	Ministry of Justice	50
January to March 2008	Winter Academic Legal English Program	Professors and Students of Law and Sharia of Kabul, Balkh, Herat and Al Biruni Universities	150
October 2007 to September 2008	ESL Course	Herat and Balkh Universities	50
October 2007 – April 2008	ESL Course	Nangarhar University	30
October 2007 – April 2008	Legal English Course	Islamic Council of Scholars	40

## COMPONENT 1.D SUPPORT FOR JUDICIAL TRAINING

### AR 3: Opportunities to Improve Judicial Professionalism and Improve Skills

Description	Baseline As of September 30, 2006	Cumulative Total From October 1, 2007	FY 2008 Target
1. Code of judicial conduct adopted	No	N/A	N/A
2. Number of judicial training hours offered	404*	409 <sup>†</sup>	144

\* Previous quarterly reports gave the September 2006 baseline as “0,” which did not include the baseline 404 judicial training hours that were already developed and being taught when ARoLP began tracking this indicator in FY2007.

<sup>†</sup> According to ARoLP’s FY2008 first-quarter report, 257 training hours were offered, an increase of 18 hours over the end of FY2007. Those 18 hours represented legal English courses taught at the Stage Judicial Training Program, but since Indicator 2 tracks the number of hours “offered”, the first-quarter total should have been 117 to account for all of the hours of classroom training developed for ARoLP’s legal English program. Therefore, the correct number of total number of judicial training hours offered in the first quarter should have been 356.

## Progress Toward Activity Results

**Indicator 1:** To fight endemic judicial corruption, the Chief Justice of the Supreme Court supported the adoption by the court of a modern code of judicial conduct. The Chief Justice appointed a Judicial Conduct and Ethics Working Group, supported by ARoLP, to draft a code for adoption by the court and on June 19, 2007, the Supreme Court adopted the Regulation of Judicial Conduct for the Judges of the Islamic Republic of Afghanistan. The Regulation, prepared by the working group, is a modern code of conduct containing universally recognized ethical standards to govern the conduct of judges.

Last quarter, ARoLP completed work on a focused training course to put Afghan judges on notice of the Regulation's standards and to train them on their meaning and importance as the first step toward its implementation. Since the adoption of the regulation, 531 of Afghanistan's 1280 sitting judges have received training on the regulation; 437 of those judges have been trained using ARoLP's focused training course materials. Meanwhile, ARoLP continues to work with the Supreme Court's Judicial Conduct and Ethics Working Group to develop a modern procedural mechanism for the enforcement of the regulation.

**Indicator 2:** ARoLP's goal is to increase the number of hours of judicial training course offerings, over the offerings developed in FY2007, by 144 hours, primarily through the development of focused training courses on various subjects. The goal is to develop course materials for use by ARoLP and other programs, as well as by the Supreme Court, as part of a sustainable continuing judicial education program.

During the second quarter, ARoLP prepared four focused training courses on the work of the judge and decision writing (11 course hours), legal research (six course hours), constitutional law (12 hours), and commercial law (24 hours). Some of these materials are already being used in the Foundation Training Programs, and after they are fully reviewed by the Supreme Court, they will be published and made available for use in future judicial training programs. Preparations for new focused training courses in commercial procedure, penal law and criminal procedure are underway. ARoLP plans to integrate focused training courses in constitutional law, penal law, and criminal procedure into a criminal justice program for judges designed to complement the U.S. Bureau of International Narcotics and Law Enforcement Affairs' (INL) training programs for prosecutors and Combined Security Transition Command-Afghanistan (CSTC-A)'s Focused District Development (FDD) trainings. If time and resources permit, ARoLP hopes to also prepare courses on the first two volumes of the civil code (family law and general obligations) and civil procedure.

## Description of Activities

### **Judges Put on Notice of Regulation of Judicial Conduct**

After the Supreme Court adopted the Regulation of Judicial Conduct for the Judges of the Islamic Republic of Afghanistan, the Court needed to find a way to put Afghanistan's judges on notice of the ethical standards prescribed in the Regulation. To assist with this effort, ARoLP prepared a focused training course for judges on the Regulation, consisting of a syllabus, course outline and written materials, including lecture notes, hypothetical scenarios for discussion, and background sources. The materials have since been published in the Dari

and Pashto and are now available to the court and other organizations in hard-copy format and online at AfghanistanTranslation.com and on the Supreme Court's website.

Since the Regulation was adopted, 531 of Afghanistan's 1,280 sitting judges been trained in the meaning and importance of the Regulation's ethical standards. That training has been delivered in the judicial training programs and conferences supported by ARoLP, including most recently the 19th Foundation Training Program in Kunduz, the Commercial Law Training Program in Jalalabad, and the ACAS rollout training in Kabul. Of the 531 judges trained, 437 have been trained using ARoLP's focused training course. The goal is to train all sitting judges on the Regulation of Judicial Conduct by the end of September 2008.

### **Enforcement Measures for Regulation of Judicial Conduct Drafted**

ARoLP, at the Supreme Court's request, has drafted a modern enforcement mechanism for the Regulation of Judicial Conduct. Based on an analysis of international best practices for enforcing codes of judicial conduct and Afghanistan's own—outdated—regulation governing the disciplining of judges, the new, transparent enforcement measure includes a citizen complaint procedure and due process protections for judges accused of ethical violations. The draft measure is currently with the Supreme Court's Regulation of Judicial Conduct working group, which is revising the draft to bring it into conformity with Afghan drafting protocols before it can be approved by the Supreme Council.

Unfortunately, because of ARoLP budget cuts plans to bring a consultant to Kabul to work with the court for three months on new administrative protocols and a framework for implementing the new enforcement regulations have been cancelled.

### **Preparations Underway for Supreme Court's 2008 Stage Training**

The Supreme Court, with financial and technical assistance from ARoLP, administered the entrance examination for the 2008 Stage Judicial Training Program on February 22, 2008, at Kabul University. This year, 1,151 would-be judicial candidates sat for the exam, up from 629 last year. Three hundred and fifteen candidates were law graduates, 341 were graduates of religious schools, or madrassas, 598 graduated from faculties of Sharia and five were Faculty of Education graduates.



*In February, 1,151 would-be judicial candidates sat for the 2008 Stage entrance exam in Kabul.*

ARoLP, after analyzing last year's exam results, worked with the Supreme Court to design new questions on the subjects that were weakest on last year's exam, constitutional law and

commercial law. In conjunction with its implementation partners, IDLO/Italy, the Max Planck Institute for Comparative Public Law and International Law (MPIL), and the French International Institute for Comparative Studies (IIPEC), ARoLP also prepared a proposed Stage curriculum for consideration by the Supreme Court.

With ARoLP's assistance, the examinations were graded, and based upon the scores, the Supreme Court has selected 182 judicial candidates, including 15 women, for the 2008 Judicial Stage. By educational background, 82 candidates are graduates of law faculties, 94 are graduates of Sharia faculties, and six are graduates of madrassas. An additional candidate who left the program last year has been added. Five candidates from Bamyan, Daykundi, Nuristan and Uruzgan—for a total of 20 additional candidates—will be added to the 2008 class for geographical balance.

This year, the Stage will be held at the Polytechnic Building on the Polytechnic Campus of Kabul University. Discussions among ARoLP, IDLO/Italy and the Supreme Court on a memorandum of understanding outlining each organization's responsibilities in carrying out the Stage training continued during the quarter, and planning proceeded regarding the development of a curriculum and faculty selection. The Stage will begin in the next quarter.

## **75 Judges Graduate from Foundation Training Courses**

During the quarter, ARoLP completed two additional rounds of Foundation Training Programs, intensive, month-long trainings for sitting judges who have not participated in the Supreme Court's year-long Stage Judicial Training Program. In February, 31 judges from Kabul, Panjshir, Khost, Kapisa, Ghazni, Logar, Nangarhar, Laghman, Samangan, Paktika, Parwan, Wardak and Nimruz provinces graduated from ARoLP's 18th Foundation Training in Kabul and received certificates of completion. A similar ceremony was held in March at the UNODC Justice Support Center in Kunduz for the 44 graduates—including one woman—who completed ARoLP's 19th Foundation Training. That training drew judges from Badakshan, Baghlan, Takhar, and Kunduz provinces. In both programs, in addition to training in core subjects, including penal law, criminal procedure, commercial law, commercial procedure, civil law, civil procedure, and constitutional law, the judges were trained on the Regulation of Judicial Conduct using the focused training course materials prepared by ARoLP. They also received their own copy of the second edition of the Judicial Reference Set.



*Forty-four judges graduated from ARoLP's 19th Foundation Training Program, a month-long basic-skills course for sitting judges who never took the Supreme Court's Stage Judicial Training Program.*

Four additional Foundation Training programs are tentatively planned for FY2008, two in Kabul and two in the provinces, to ensure that all the remaining eligible judges are trained before the end of September 2008. However, due to budget cuts and to accommodate the proposed Criminal Justice Program for judges, described in more detail below, it may be necessary to reduce the number of future Foundation Training programs.

### **New Criminal Justice Training Program for Judges Drafted**

To complement INL's criminal justice program for prosecutors, implemented by JSSP, ARoLP developed a one-week Criminal Justice Program for judges. The curriculum includes courses on constitutional law, general principles of penal law, private penal law (elements of crimes), special criminal laws (anti money laundering, anti bribery and corruption, counter narcotics, and crimes against internal and external security), criminal procedure, police law, principles of fair trial, Regulation of Judicial Conduct, and work of the judge and legal research. Syllabi and training materials development are underway.

### **Decisions of Conference of Chief Judges Published**

The Supreme Court-approved decisions made by the more than 200 senior judges—including 34 provincial chief judges—during the November 2007 Conference of Chief Judges were presented to the Supreme Court in print format on March 12, 2008. The decisions answer legal and administrative questions submitted to the Supreme Court from judges all over Afghanistan over the course of a year. With ARoLP's assistance, the decisions will be distributed to all judges throughout the country to guide them in their day-to-day work. Copies will also be made available to other organizations and to libraries.



*This collection of decisions from the November 2007 Conference of Chief Judges is meant to provide judges guidance in their day-to-day work.*

### **2007 Stage Legal English Language Completed**

At the beginning of the 2007 Judicial Stage, ARoLP introduced a legal English language program to be held for two hours on Saturdays for the Stage's judicial candidates. The final classes were offered on December 8th, and certificates of completion were distributed on January 29. Over the course of 24 Saturdays, the judicial candidates, who were divided into three language skill levels, received instruction in English from nine ARoLP instructors in small classes, using language-instruction texts prepared by ARoLP. The classes were very

well received by the students, and ARoLP plans to offer the program again during the 2008 Judicial Stage.

### Key Events for Next Quarter

- Consideration and approval by the Supreme Court working group of a modern mechanism for enforcing the Regulation of Judicial Conduct.
- Completion of the 20th Foundation Training Program in Kabul and the 21st Foundation Training Program (location still to be determined).
- Begin the 2008 Judicial Stage.
- Co-sponsor, with IDLO/Italy, an eight-day Training of Trainers (ToT) Program for 20 judges.
- Completion of focused training courses on commercial procedure, criminal law, and criminal procedure.
- Publication and distribution to judges of two bench books, one on the Regulation of Judicial Conduct, constitutional law, work of the judge, and legal research; and another on commercial law and commercial procedure.
- Organization of an advanced ToT program for high-performing judges who graduated from previous ARoLP-organized ToT trainings.

### Summary of Component Training and Workshops

Date	Title	Agencies Involved	Number of Participants
January and February	18 <sup>th</sup> Foundation	Judicial Staff	31
February and March	19 <sup>th</sup> Foundation	Judicial Staff	44
February and March	Commercial Law Training Program	Judicial Staff, Ministry of Justice Staff	31 judges; 17 Hoqooq

## COMPONENT 1.E SUPPORT FOR COMMERCIAL COURT REFORM

### AR 6: Foundation for Effective Resolution of Commercial Disputes in Place

Description	Baseline As of September 30, 2006	Cumulative Total From October 1, 2007	FY 2008 Target
1. National policy on enforcement developed	No	No	Yes
2. Supreme Court clarifies jurisdiction of commercial courts	No	No	Yes
3. Number of judicial training hours offered to commercial court judges	0	197	0

## Progress Toward Activity Results

**Indicator 1:** ARoLP made significant progress working with the MoJ and its Hoqooq Department on drafting a new enforcement of civil judgments law. In March, ARoLP hosted a three-day roundtable with 34 provincial directors of the Hoqooq—whose 374 offices in 34 provinces field Afghans’ civil disputes and enforce court decisions—to discuss shortcomings in the current enforcement law, the Law on Acquisition of Rights. More on this roundtable and its outcomes are detailed below. As a result of the roundtable and follow-up conversations with the MoJ, the Minister decided to amend its legislative agenda to provide its staff more time to draft a law significantly amending the Law on Acquisition of Rights.

In April, ARoLP will facilitate a second three-day policy roundtable to develop a national policy to reform the current mechanisms for enforcing civil and commercial court judgments. A national policy should be completed and adopted by stakeholders by the end of September 2008. A final draft of the law is due to be submitted to the Taqin, the MoJ’s legislative-drafting body, in early 2009.

**Indicator 2:** ARoLP continued to have difficulties convincing the Supreme Court of the importance of clarifying the jurisdiction of commercial courts. Notwithstanding the fact that ARoLP provided the Supreme Court with information and counseling on subject-matter jurisdiction at several meetings with the Chief Justice and other justices, the court failed to include ARoLP-suggested amendments to the Law on the Organization and Jurisdiction of the Courts, including an amendment that would clarify the subject-matter jurisdiction of Afghanistan’s commercial courts.

Resources for additional activities related to this indicator are no longer available due to the project’s recent budget cuts. ARoLP still plans to engage the Afghanistan Supreme Court and others on this issue until the project’s completion at the end of September 2008.

**Indicator 3:** No new judicial training hours were offered to commercial court judges during the quarter and no new training programs will be developed for the remainder of the program as a result of budget cuts. Since the indicator tracks the number of hours of training developed the target for 2008 is zero. However, ARoLP continued to offer the commercial law training developed in FY2007 to judges with the completion of a Commercial Law Training Program in Jalalabad, described in further detail below.

Unfortunately, plans for future Commercial Law Training Programs, including another training program planned for Balkh province this spring, were cancelled due to lack of funds.

## Description of Activities

### **Commercial Law Training Program Completed in Jalalabad**

Seventeen members of the Hoqooq and 31 commercial and civil court judges graduated from ARoLP’s third Commercial Law Training Program on March 19, 2008. The program, held in Jalalabad, focused on Afghan commercial law, as well as judicial ethics and legal research and included a seminar on international commercial law by ARoLP’s provincial legal education adviser and international commercial lawyer, Mark Hough. The training also included lectures on ACAS and the Regulation of Judicial Conduct.



*Thirty-one judges and 17 Hoqooq members graduated from ARoLP's Commercial Law Training Program in Jalalabad.*

## **Ministry of Justice Follows New Legislative-Drafting Procedures**

Until recently, laws or amendments drafted by the MoJ were drafted in a vacuum, without consultation with other government or organizational stakeholders. But, after working with ARoLP studying international legislative-drafting best practices, the MoJ agreed to adopt procedures that make it mandatory for MoJ staff to develop a national policy that would inform decisions prior to drafting amendments to existing laws or new laws. The procedures also make it necessary for MoJ staff to consult with other government and organizational stakeholders and to form a consensus on their national policies before legislative changes are initiated. The Ministry is currently following these new procedures with changes it plans to make to the Law on Acquisition of Rights and the Law on Government Cases.

## **Work Continues on Hoqooq Policy and Procedures Manual**

ARoLP continued to work with the Hoqooq on standardizing its operating procedures in a new policy and procedures manual. Over a series of meetings with ARoLP, Hoqooq senior staff have agreed on the manual's content, which will include operating instructions and forms, contact information for personnel, terms of reference, annual plans, applicable laws, and other information that will assist the Hoqooq staff in conducting their activities, particularly in the area of civil disputes and enforcement of judgments. The manual is expected to be completed before the end of September 2008 and ARoLP continues to draft proposed forms and instructions for review by the Hoqooq and the MoJ. Once completed, a copy will be distributed to each of the Hoqooq's 374 offices.

## **Key Events for Next Quarter**

- Host a second policy roundtable on the Law on Acquisition of Rights
- Complete the initial drafts of a national policy on the enforcement of civil and commercial judgments and a policy that would modernize the Law on Government Cases.
- Continue work on a Hoqooq policy and procedures manual.

## **Summary of Component Training and Workshops**

Date	Title	Agencies Involved	Number of Participants
February and March	Commercial Law Training Program	Judicial Staff, Ministry of Justice Staff	31 judges; 17 Hoqooq

## COMPONENT 2: LAW REFORM AND LEGISLATIVE DRAFTING

### AR 8: Legislative Process Improved

Description	Baseline As of September 30, 2006	Cumulative Total From October 1, 2007	FY 2008 Target
1. Number of draft laws sent to the Office of Administrative Affairs by Taqin	N/A	23	45
2. Number of agencies with members trained in legislative drafting	1	6	0
3. Number of entities distributing Afghan laws, regulations, legal information	1	11	10

### Progress Toward Activity Results

**Indicator 1:** ARoLP continued to assist the MoJ in improving its legislative process by working with the Taqin to meet the benchmarks set out in the MoJ's 1386 legislative agenda. At a meeting of the Law Reform Technical Working Group in March, of which ARoLP is a member, the Taqin reported that, during ARoLP's second quarter, it had prepared 18 legislative documents and presented them to the Council of Ministers, via the Office of Administrative Affairs (OAA), including a number of the 35 extra legislative documents submitted to the Taqin that were not included on the 1386 agenda. As of the end of year 1386, the Taqin reported all 41 legislative documents on its agenda had been prepared and sent to the OAA. The Taqin also reported that its 1387 legislative agenda, which was planned with ARoLP's assistance, includes 36 legislative documents.

During the quarter, ARoLP also drafted a model comprehensive drafting code and submitted it to the director of the Taqin, who indicated that it would help inform future revisions to its legislative-drafting procedures.

**Indicator 2:** Because of the interest shown in providing legislative drafting training to the Taqin and others by the U.S. Department of State and the Canadian government, ARoLP will not be pursuing any in-country legislative drafting training in FY2008. This decision is reflected in ARoLP's approved FY2008 Work Plan.

Instead, as outlined in ARoLP's Work Plan, the project will send six legislative drafters from the Taqin to an advanced legislative-drafting training program in the United States. Over the course of the quarter, ARoLP worked with the Taqin to choose a program for the legislative drafters, at the International Law Institute, which begins in June 2008, and agreed on six participants, including two women. ARoLP also agreed to provide interpretation services and will organize meetings for the Taqin members with U.S. congressional committee members and other governmental officials involved in the U.S. legislative process.

**Indicator 3:** ARoLP's distribution of 3,100 copies of the second edition of the Judicial Reference is complete, except for courts in Helmand, for which ARoLP has requested distribution assistance from the military.

ARoLP continued distributing print and electronic copies of Afghanistan's laws to judges, via ARoLP trainings, and to other donors and the military upon request. One hundred Judicial Reference Sets were distributed at ARoLP Foundation Training Programs; 15 sets were sent to the UN Office on Drugs and Crime; 10 were sent to the Supreme Court's publications office; two were sent to Khost University; 45 were distributed throughout various MoJ offices; five were sent to the president's anti-corruption office; 25 were sent to the International Legal Foundation; 10 to the Ministry of Women's Affairs; 55 to the Hoqooq; five to the Ministry of Commerce; 10 to the Kapisa province's prosecutors' office; and five more were sent to Kabul primary courts.

ARoLP also distributed 170 Official Gazette DVDs with all of Afghanistan's laws passed since 1964 at the ARoLP winter Academic Legal English program and another 30 DVDs were sent to Kabul University's Faculty of Law and Political Science. Additional hard and soft copies of ARoLP-produced Judicial Reference Sets and Official Gazettes were distributed to the Independent National Legal Training Center's (INLTC) law library, the U.S. Navy Policy Legal Affairs offices, and the University of Washington.

ARoLP continues to receive requests from other organizations for soft-copy versions of ARoLP's collections of laws for their own printing purposes. During the quarter, ARoLP provided Major Steven D. Richards of the Canadian Armed Forces, a legal mentor to the Afghan National Army, soft copies of all 17 volumes of the second edition of the Judicial Reference Set to print copies for the National Military Academy of Afghanistan. Copies of the JRS sets will be distributed to the academy's law faculty and library. ARoLP also provided soft copies of the JRS to Albert S. Janin, CDR, JAGC, U.S. Navy Policy Legal Affairs, Combined Security Transition Command-Afghanistan (CSTC-A). CSTC-A plans to distribute copies of the JRS to justice organizations involved in CSTC-A's FDD trainings with help from the Ministry of Interior.

ARoLP has had to cancel plans to print a supplement to the second edition of the Judicial Reference Sets and additional copies of the complete Official Gazette—including 100 complete, hardcopy sets of Official Gazettes meant for provincial courthouses, government ministries and law school faculties—because of recent budget cuts.

## [Description of Activities](#)

### **Finishing Touches Made on INLTC Law Library**

Significant steps were made in the progress of the Independent National Legal Training Center's (INLTC) law library this quarter. Four new library staff members were on board by early January, including the library director, head of reference and two library clerks. Also in January, Yale Law Library Director Blair Kauffman joined ARoLP on a short-term consultancy to advise ARoLP on managing the new law library. During his 10 days in Kabul, Mr. Kauffman advised ARoLP on the new INLTC law library's furniture construction, staff training and procedures and policies. He also helped to train the library's new staff members in theories of legal research and advised them on the library's acquisitions, materials-cataloguing and automation systems.



*Four new members of the INLTC law library staff received training from Yale Law Library Director Blair Kauffman while on consultancy in Kabul.*

The library director has begun making regular reports to the INLTC board of directors, presenting the first of the library's policies and mission statements for the board's approval and consideration. The reference librarian began researching cataloging systems that could support both Dari and Pashto languages, as well as designing the library's first website. The library clerks started working on lists of books and journals to draw from at Kabul University law and Sharia faculties, the MoJ, the Supreme Court and other sources. They researched where purchases could be made and pricing information when available. Meanwhile, the entire staff devoted time to assisting in selection of the library furnishings, shelving and carpeting. The staff began working full time at the INLTC in late February.



*The new INLTC law library, designed, built, equipped and staffed by AROLP, will be ready to open by mid-May 2008.*

The law library features a comprehensive collection of Afghan laws in Dari and Pashto. These laws are available in print format, on DVD and CD, and via the MoJ's and Supreme Court's websites, developed with AROLP's assistance. Library furnishings include a reference desk, shelving and study tables, and four public access computers available for internet use. By the time the library opens in mid-May, the library will have acquired approximately 5,000 volumes and entered each into the library's catalogue. A second phase of acquisitions will take place through summer 2008, and include legal materials from Egypt, France, Pakistan, the European Union and the United States with funding from other donors.

While work on the INLTC law library continues, however, similar developments at the Supreme Court law library have been suspended due to a lack of ARoLP funding. ARoLP had planned to fit the library with new shelving, study tables and chairs, two new desktop computers and to update the library's print collection, all of which would have enhanced the basement library's severely neglected status.

### **INLTC Law Library Staff Offer Legal Research Training**

While preparing for the INLTC law library's opening in mid-May 2008, the library's director and head of reference have developed a training program on legal research techniques, which will become an essential component of the new library's mission. Both librarians worked with ARoLP's legal publishing and legislative specialists to develop a two- to three-hour training course that includes hands-on instruction on how to look up laws in both hard-copy and electronic copies of the Official Gazette and the second edition of the Judicial Reference Set, ARoLP's select collection of laws published for judges. The training has already been used at ARoLP's ACAS rollout trainings for judges from Kandahar, Zabul, Helmand and Uruzgan, judges received hands-on practice looking up laws on ARoLP-provided laptops using electronic copies of the Official Gazette, which contain all of Afghanistan's laws passed since 1964, as well as government ministries' websites.



*Judges from Kandahar, Helmand, Zabul and Uruzgan received hands-on legal research training led by the INLTC's library director and head of reference.*

### **Afghan Laws Are Now Full-Text Searchable Online**

For the first time, Afghan laws are available to legal researchers via a new full-text searchable online database. On February 21, 2008, ARoLP launched its new online searchable legal database, which includes all 20,000 pages of Afghanistan's Official Gazette. The 86-volume Official Gazette contains all laws passed in Afghanistan since 1964, and its 920 issues are now full-text searchable online for the first time, at [www.moj-research.gov.af](http://www.moj-research.gov.af).



*The MoJ's new online searchable legal database includes all 20,000 pages of the Official Gazette, the collection of all laws passed since 1964.*

The database was introduced during a program that included remarks and congratulations from MoJ Deputy Minister Adalatkhah and a demonstration by ARoLP staff before more than 70 guests and local media. The demonstration showed guests how they can search Afghanistan's laws in Dari and Pashto by Official Gazette number, title, word, phrase or date. Future improvements to the online database include adding an advanced search form where users can search by subject, amendment, or regime. An English version of the database search form is also in production, and new content, such as the Osol Namas and Nezamnamas—laws passed prior to the Official Gazette's first publication in 1964—will be added by summer 2008.

### Key Events for the Next Quarter

- Open the law library at the INLTC. The library's initial, limited opening in May will be followed in late June with a grand opening when the second phase of book purchasing will be complete and full reference services will be available.
- Sponsor a conference on the legislative-drafting process for the Taqin, parliamentarians and other government representatives tasked with drafting legislation.
- Assuming visas can be obtained for all six participants, organize a study tour Taqin members to attend a legislative-drafting training in the United States, together with four members of Parliament being sent by the Parliament Support Program (SUNY).
- Continue formatting Official Gazette issues and collecting, proofing and formatting new laws and amendments for the Judicial Reference Set 2<sup>nd</sup> edition supplement. Both the OG set and the supplement will be ready to print by early June, should funding be restored.
- Begin winding down the Dari-Pashto Legal Dictionary team's workload in preparation for publishing the volume in Dari and Pashto by August 2008.
- Continue distribution of 500 remaining copies of the second edition Judicial Reference Sets.

## COMPONENT 3: ACCESS TO JUSTICE/INFORMAL SECTOR

### AR 2: Appropriate Sector for Resolving Disputes

Description	Baseline As of September 30, 2006	Cumulative Total From October 1, 2007	FY 2008 Target
1. National policy on informal justice sector developed	No	No	No
2. Change in public attitudes toward the formal justice sector, based on the percentage of Asia Foundation survey respondents who said they went to state courts to resolve disputes	20.1%	46%	21.8%

### Progress Toward Activity Results

**Indicator 1:** At the MoJ's request, ARoLP drafted a national policy options paper on the informal justice sector in late FY2007. The goal is for the MoJ to develop an informal justice policy statement that defines the authority and jurisdiction of the informal justice sector as an alternative venue for dispute settlement, working alongside the formal justice system. The policy would also encompass ways in which the informal justice sector can support the formal justice system.

In November, ARoLP submitted its draft policy options paper on the state's relations with the informal justice sector to the MoJ for its review. The paper was based on substantial research and consultation with government officials and other justice-sector stakeholders and is intended to provide recommendations to the government as it moves forward in developing its own official policy on the subject. The MoJ has reviewed the policy options paper and agreed with much of its content, sharing it with Supreme Court Chief Justice Azimi. At the MoJ's request, ARoLP drafted a two-page summary of the policy options paper and submitted it to the Supreme Court for written approval.

ARoLP planned to take the policy paper, once approved by the Supreme Court, to the provinces for review by local stakeholders in the formal and informal justice sectors in Parwan, Kapisa, Panjshir and Wardak provinces. That feedback would have been incorporated into the government's final policy recommendations, which ARoLP planned to submit to the MoJ before September 30, 2008. However, due to budget cuts, ARoLP will not be able to take the draft national policy options paper to the provinces for review and the paper will not include feedback from Afghans at the provincial and district level.

**Indicator 2:** According to the 2007 Asia Foundation Survey report, 46 percent of Afghans who could not resolve a dispute on their own turned to the formal justice sector, up from 21.1 percent reported in the 2006 survey. As more and more Afghans turn to the formal justice sector for help, ARoLP continues to produce and disseminate public outreach materials to educate citizens on the roles of the formal and informal justice sectors in Afghanistan.

To raise Afghans' legal awareness, ARoLP printed and disseminated 197 audio CDs with radio spots, talk shows, dramas, and quiz shows; and 525 video CDs with television spots, dramas, quiz shows, and legal-awareness cartoons. ARoLP also distributed 61,786 comic book sets; 213,424 pamphlets; and 169,609 bumper stickers with legal-awareness messages. ARoLP's access to justice/informal sector component also worked with the women's rights under Islam component to develop radio and video materials on women's rights, which were broadcast on national, provincial and local radio and television stations.

ARoLP's radio and television programs with legal awareness and women's rights messages have also been broadcast and materials distributed by 32 ARoLP-supported community cultural centers in Panjshir, Parwan, Kapisa and Wardak provinces. Provincial reconstruction teams have also distributed ARoLP materials in Kandahar, Bamyan, Zabul, and Uruzgan provinces ARoLP's behalf.

A large percentage of Afghans, however, do not know how to use the formal justice system or trust the courts. When asked whether "state courts are fair and trusted" as part of the 2007 Asia Foundation survey, only 15 percent of survey respondents strongly agreed, while 43 percent said they "somewhat agreed" with that statement. In contrast, nearly double—or 31 percent—of survey respondents strongly agreed that "local jirgas, shuras are fair and trusted," while another 47 percent "somewhat agreed" to that statement.

Unfortunately, ARoLP has had to cancel all plans for future legal awareness and women's rights television and radio broadcasts. ARoLP will continue to produce some new public outreach materials that other donors and organizations can broadcast or publish.

## Description of Activities

### **International Legal Foundation to Open New Offices with ARoLP Assistance**

With ARoLP assistance, the International Legal Foundation (ILF), a not-for-profit legal aid organization, opened offices in Paktya and Baghlan provinces and will soon open similar legal-aid offices in Farah, Baghdis and Sar-i-pul. Under its subcontract with ILF, ARoLP will provide ILF's five new offices with financial and technical assistance until August 2008.

ILF's new offices have already met with success: Within three days of opening its doors in Paktya, ILF obtained the release of one detainee who had been held in Paktya prison without charge for over seven months. Through the cooperation of prosecutors, judges and prisons officials and ILF defense counsel, the criminal charges against the prisoner were immediately dismissed, his case was closed and he was released to go home to his wife and family.



*Bismillah Gul (pictured left) was released after being detained illegally for seven months in Paktya prison with help from his defense attorney, Ashraf Stanikzai, (right), who works for the International Legal Foundation, a not-for-profit legal aid organization.*

### **Supreme Court and Ministry of Justice Receive Public Outreach Assistance**

The public outreach teams at both the Supreme Court and MoJ received public outreach materials and training during the quarter. In January, ARoLP delivered a computer, projector, projection screen, amplifiers, cameras and generators to the MoJ during a ceremony attended by the Deputy Minister of Justice. ARoLP bought and delivered similar equipment to the Supreme Court's public outreach team, including televisions, CD and DVD players, a photocopier, microphones and other digital equipment for producing and distributing information on the Afghan court system.

At the Supreme Court, ARoLP also carried out 20 days of training in public outreach skills and in the use of their new digital equipment. For three hours a day, the Court's public outreach team learned how to shape and broadcast civic education messages and how to integrate their new computers, cameras, projectors and other equipment in their public outreach efforts. A similar training for the MoJ will begin in April.



*Supreme Court (left) and Ministry of Justice (right) received new digital equipment and training for carrying out national informational campaigns on the justice sector.*

### **Wardak Community Centers Receive Training**

To help members of the nine ARoLP-supported community cultural centers in Maidan-Wardak province, ARoLP provided the centers' staffs with a full day of digital-equipment training in January. The training was designed to teach the centers how to use the new computers, projectors, projector screens, amplifiers, cameras, generators, televisions, CD and DVD players, photocopiers and microphones ARoLP delivered to them to assist in their legal awareness public outreach activities.

## Key Events for the Next Quarter

- Open remaining three ILF offices.
- Organize dialogues between formal and informal justice actors on draft informal justice policy in Panjshir, Parwan, Kapisa and Wardak provinces.
- Complete distribution of all recently printed 64,000 comic book sets; 64,000 pamphlets; 32,000 bumper stickers; and 16,000 CDS with audio and visual materials to 32 ARoLP-supported community cultural centers.
- Reprint and distribute 100,000 comic book sets and 20,000 pocket constitutions nationally via provincial reconstruction teams and community cultural centers.
- Complete public outreach and digital equipment training at the Ministry of Justice.

## Summary of Component Training and Workshops

Date	Title	Agencies Involved	Number of Participants
March – April	Public Outreach and Digital Equipment Training	Supreme Court	11
January	Digital Equipment Training	Maidan-Wardak Information and Culture Department.	11

## COMPONENT 4. HUMAN RIGHTS AND WOMEN’S RIGHTS UNDER ISLAM

### AR 1: Knowledge of Women’s Rights in Islam Increased

Indicator	Baseline As of September 06		Cumulative Total From October 1, 2006		FY 2008 Target	
	Kabul	Provinces	Kabul	Provinces	Kabul	Provinces
1. Number of dialogue events	0	0	28	72	22	175 <sup>‡</sup>
2. Public attitudes on women’s rights changed, based on the percentage of Asia Foundation survey respondents who answered positively on questions about women’s rights	85%		83%		85%	

### Progress toward Activity Results

**Indicator 1:** ARoLP’s Women Rights under Islam component organized a public discussion in Kabul on children’s rights, in conjunction with Save the Children Sweden-Norway, which

<sup>‡</sup> In the first quarter of FY2008, ARoLP’s subcontractor, IFES reevaluated its program capabilities and increased its FY2008 target number from 65 provincial dialogue events to 175. However, due to budget cuts, described in more detail below, IFES will end its activities four months early and will not meet its FY2008 goal.

is described in more detail below. ARoLP also organized a radio roundtable on women's rights under Islam on *Good Evening Afghanistan* in Kabul that focused on the harassment of women in Kabul City. Panelists were drawn from ARoLP's women's rights consultative group and used progressive interpretations of Islam to show that the harassment of women is wrong. Days after *Good Evening Afghanistan* broadcast ARoLP's roundtable, the Afghan police began a special operation to tackle the issue of harassment of women. As a result, the Afghan police told *Good Evening Afghanistan* they have arrested 250 people.

Besides these Kabul-based activities, ARoLP held a series of seminars for high school teachers and public discussions and seminars for students and community leaders on women's rights, domestic violence and child rights from an Islamic perspective in Baghlan, Balkh, Faryab, Herat, Kunduz, Laghman, Nangarhar, Paktya, Parwan, Samangan, Sar-i-Pul and Takhar provinces.

Due to ARoLP's recent budget cuts, a large number of planned public discussions and seminars for high school teachers and graduate students of law and Sharia in the provinces have been cancelled. The IFES subcontract to give provincial reach to ARoLP's national level discussions will shut down four months early, which will have an immensely negative impact on the targets for this indicator. Two study tours have also been cancelled, as has a national conference on women's rights to be held in Kabul this summer. This will significantly hamper ARoLP's ability to reach its FY2008 targets for the women's rights under Islam component.

**Indicator 2:** Increasing knowledge of women's rights in Islam is essential to altering the customs and traditions that restrict the rights of Afghan women. According to a 2007 survey by The Asia Foundation, 83% of Afghan respondents agreed that women should have equal opportunities to men in education; that women should be allowed to work outside the home; that women and men should have equal rights, including the right to vote; and that women must vote for themselves in elections. Still, there remains a gap in Afghanistan between what people say about women's rights and how women are treated on a day-to-day basis.

To encourage broader and more moderate perspectives of gender relations in Afghanistan, ARoLP has promoted progressive interpretations of Islamic law by conducting public discussions and roundtables, detailed above, and national print and broadcast campaigns to raise awareness of women's rights under Islam. For example, ARoLP produced a 12-minute television drama highlighting Afghan customs and practices such as bride selling, child marriage and domestic violence, all of which are against Islam and denigrate women. The drama depicts the story of a young girl who is sold by her family for a large sum of money. Once she arrives in her in-laws' house, she is treated like a slave and physically abused by her husband and his family. Her story is brought to the attention of a local, respected mullah, who condemns the practice of bride-selling, child marriage and domestic violence and denounces such practices as strictly un-Islamic. The drama was broadcast nationally and provincially on *Tolo*, *Lemar*, *Ariana*, *Afghan*, and *Nooreen* television channels.

The objective of all ARoLP's women's rights public outreach activities is to raise awareness on women's rights under Islam and to create a wider consciousness of how certain Afghan customs and traditions are both un-Islamic and discriminatory toward women. Again, project-wide budget cuts will have an impact on ARoLP's activities to move this indicator. Plans to produce and broadcast additional dramas have been altered. Now, ARoLP will only

produce dramas and will encourage other donors and organizations to broadcast them. Other outreach materials, meant to impact on public attitudes, will not be developed at all.

## Description of Activities

### **Public Discussion Indicates Attitudes on Women's Rights Changing**

In February, ARoLP held a public discussion on domestic violence and its impact on children in coordination with Save the Children-Sweden-Norway. The seminar, attended by 35 scholars, religious researchers, legal professionals and human rights/women's rights activists, included an intense discussion on the proper age for marriage led by three of ARoLP's women's rights consultative group members. At the end, only one of the 35 participants continued to argue that girls should marry as soon as they reach puberty. The other scholars concluded that child marriage is a form of discrimination against girls, who are often deprived of their basic rights to health, education, and equality when forced to marry too young. In a similar ARoLP-organized discussion last February, the majority of participants argued that girls should marry once they reach puberty. This year's discussion showed that opinions are changing and that many scholars are now advocating for the rights of women.

### **ARoLP Brings Women's Rights Into the Open for First Time in Some Provinces**

ARoLP held a series of two-day public discussions on women's rights with religious and academic experts in Balkh, Herat, Kunduz, Nangarhar, Paktya and Parwan provinces. The discussions, led by ARoLP women's rights consultative group members, stated that, under Islam and in the Quran, women and men should be treated equally. In a number of provinces, participants said the ARoLP public discussions were the first opportunities they had to discuss women's rights openly in mixed company.

However, a number of participants were resistant to this progressive interpretation of Islam. In Paktya, for example, some of the more conservative participants challenged the program as part of an anti-Islamist western agenda. In general, conservative mullahs in a number of the provinces ARoLP visited argued that the Quran says women should serve men and there is no such thing as gender equality because women were created less intelligent than men.



*Community members met in Gardez, capital of Paktya province, for a two-day public discussion on women's rights under Islam led by ARoLP women's rights consultative group members.*

While ARoLP's messages met with much skepticism in many of the provinces where women's rights public discussions were held, by the second day of these discussions, most mullahs were less opposed to women's rights messages and participated more positively in discussions.

Separate from these discussions were a series of public discussions carried out at the district level by ARoLP's subcontractor, the International Foundation for Election Systems (IFES), in Balkh, Herat, Kunduz, Nangarhar, Paktya and Parwan provinces with local opinion leaders, teachers and students.

### **New Additions to Women's Rights under Islam Public Outreach Collection**

ARoLP Women Rights under Islam program published 20,000 new calendars for the year 1387. Each page of the pocket calendar contains a message from the Quran or *Ahadith* (sayings of the Prophet) that invite all Muslims to respect and recognize women's rights.

During the quarter, ARoLP also printed 10,000 copies of a new brochure on women's rights from an Islamic perspective, with short descriptions of women's marriage rights, right to an education and the right to be treated equally. Another 10,000 copies of ARoLP's new quarterly women's rights newsletter were printed, outlining ARoLP's program and activities. The newsletter's editorial focuses on how women suffer when they have little to no access to justice, health facilities, education or a public life outside the home. It goes on to detail how many traditions and customs in Afghanistan negatively affect women.

ARoLP, through IFES, also broadcast a new public service announcement in Badakhshan, Bamyan, Herat, Kandahar, Kabul, Nangarhar and Parwan provinces highlighting the many negative consequences of child marriage.

### **Key Events for the Next Quarter**

- Facilitate five roundtables on women's rights under Islam in Kabul.
- Conduct 12 provincial-level dialogues in five provinces on women's rights under Islam.
- Facilitate a public discussion on marriage registration in coordination with Medica Mondiale.
- Facilitate seven one-day trainings for judges receiving ACAS training in three provinces.
- Produce four television and radio spots.

## Summary of Component Training and Workshops

Date	Title	Agencies Involved	Number of Participants
January 20-21	Public discourse on Women's Rights in Balkh province	ARoLP, FES/ACSF, religious scholars and other stakeholders	17
January 22	Seminar for high school teachers in Balkh province	ARoLP, IFES/ACSF, high school teachers	17
January 22-23	Public discourse on Women's Rights in Nangarhar province	ARoLP, IFES/ACSF, religious scholars and other stakeholders	20
January 24	Seminar for high school teachers in Nangarhar province	ARoLP, IFES/ACSF, high school teachers	15
January 24-26	Public discourse on Women's Rights in Kunduz province	ARoLP, IFES/ACSF, religious scholars and other stakeholders	18
February 5-6	District level seminar one women's rights in Islam in Balkh province	IFES/ACSF and local shura members	30
February 9-10	District level seminar one women's rights in Islam in Kunduz province	IFES/ACSF and local shura members	30
February 10-11	District level seminar one women's rights in Islam in Samangan province	IFES/ACSF and local shura members	30
February 10-11	Public discourse on Women's Rights in Parwan province	ARoLP, IFES/ACSF, religious scholars and other stakeholders	21
February 12	Child Rights discussion in Parwan Province	ARoLP, School & Madrasa teachers, Directorate of MoLSAD, MoRA, Ulema council	27
February 12-13	District level seminar one women's rights in Islam in Takhar province	IFES/ACSF and local shura members	30
February 25	Public Discourse on Rights of Children in Islam and the impact of Domestic Violence on children in Kabul	Department of Religious Verdicts, Center for Islamic & Cultural Studies, Supreme Court, AIHRC, Save the Children Sweden-Norway.	30
February 16-17	District level seminar one women's rights in Islam in Faryab province	IFES/ACSF and local shura members	30
February 16-17	District level seminar one women's rights in Islam in Baghlan province	IFES/ACSF and local shura members	30
February 19	Seminar for high school teachers in Herat province	ARoLP, IFES/ACSF, high school teachers	17
February 20	Child Rights discussion in Herat Province	ARoLP, School & Madrasa teachers, Directorate of MoLSAD, MoRA, Ulema	30

Date	Title	Agencies Involved	Number of Participants
		council	
February 20	Seminar for high school teachers in Sar-i-Pul province	ARoLP, IFES/ACSF, high school teachers	15
February 23-24	District level seminar one women's rights in Islam in Sar-i-Pul province	IFES/ACSF and local shura members	30
February 23-24	Public discussion on women's rights in Islam between ARoLP CG members and Kandahar local CGs.	ARoLP, IFES/ACSF, religious scholars and other stakeholders	20
February 27	Second Seminar for high school teachers in Balkh province	ARoLP, IFES/ACSF, high school teachers	15
February 28	Child Rights discussion in Balkh Province	ARoLP, School & Madrasa teachers, Directorate of MoLSAD, MoRA, Ulema council	20
23-24 February	District level seminar one women's rights in Islam in Nangarhar province	IFES/ACSF and local shura members	30
February 27-28	District level seminar one women's rights in Islam in Laghman province	IFES/ACSF and local shura members	30
March 1	Seminar for University and Madrasa students in Kunduz Province	ARoLP, IFES/ACSF, students from Takharestan madrasa and Takhar University	56
March 4	Seminar for high school teachers in Herat province	ARoLP, IFES/ACSF, high school teachers	15
March 4	Seminar for University Students in Nangarhar	Students from Shariah & Law faculties of Nangarhar university	72
March 5	Second Teachers seminar in Nangarhar	ARoLP, IFES/ACSF, high school teachers	15
March 9-10	First Public discussion in Paktya	ARoLP, IFES/ACSF, local CG members	24
March 11	Seminar for high school teachers in Paktya province	ARoLP, IFES/ACSF, high school teachers	15
March 12	Child Rights discussion in Paktya Province	ARoLP, School & Madrasa teachers, Directorate of MoLSAD, MoRA, Ulema council	30
March 15-16	Seminar for Kandahar school teachers held in Kabul	ARoLP, IFES/ACSF, high school teachers	20