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RULE OF LAW STABILIZATION PROGRAM - INFORMAL COMPONENT

MONTHLY REPORT

OCTOBER 2010

Contract Number: DFD-I-00-04-00170-00

Task Order Number: 4

October 2010

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

Key Activities

The contract between Checchi and Company Consulting, Inc. (Checchi) and USAID/DCHA/DG for the Rule of Law Stabilization Program – Informal Component (RLS-I) was signed on March 19, 2010 and its implementation began on April 6, 2010. RLS-I supports the Afghanistan Rule of Law: Informal program with assistance in areas of 1) Informal Justice Support in Pilot Districts, 2) Mapping, i.e. research, the community based dispute resolution (CBDR) and the State Justice System, 3) Legal Defense, 4) Public Outreach and Education, and 5) National Policy Development. This report includes RLS-I accomplishments during October 2010.

More than 100 elders met in Kabul in a regional meeting hosted by the RLS-I. Elders from Kandahar, Helmand, Uruzgan and Zabul discussed their respective roles and issues focusing on ways to strengthen CBDR. Following RLS-I September activities, field teams hosted 10 elder’s discussion groups with state justice sector actors, as well as two land law and two inheritance law workshops in Nangarhar and Kandahar provinces. Meetings between elders and state officials in Nangarhar produced an agreed-upon procedure for registering village disputes with the formal justice sector. Altogether, meetings drew nearly 400 elders from Kandahar and Nangarhar, including 149 women. The table below summarizes RLS-I elders’ meetings in October 2010:



Elders from Helmand, Uruzgan, Zabul and Kandahar provinces participated in regional elders network meeting to discuss CBDR.

Meeting	Meeting Location	Male	Female	Total Participants
Southern Regional Elder’s Network Meeting	Kabul	82	18	100
Arghandab Land Law Workshop	Arghandab	53	0	53
Arghandab Land Law Workshop	Kandahar City	0	30	30
Arghandab Women Elder’s Follow-up Meeting with state justice actors	Arghandab (village-level)	0	40	40
Arghandab Village-level Meeting Strengthening Links Between State Actors and CBDR.	Arghandab (village-level)	39	0	39
Total Attendance (Southern Region)		174	88	262
Inheritance Law Workshop for	Jalalabad	0	27	27

Behsud and Surkh Rod Elders. (women)	City			
Inheritance law workshop for CBDR Behsood and Surkhrod district elders. (men)	Jalalabad City	25	0	25
Elders and State Justice Actors Discussion Group. (Behsud)	Jalalabad City	25	2	27
Elders and State Justice Actors Discussion Group. (Surkh Rod)	Jalalabad City	25	2	27
Discussion Group for Women Elders	Behsud (village-level)	0	15	15
Discussion Group for Women Elders	Surkh Rod (village-level)	0	15	15
Total Attendance Nangarhar Meetings		75	61	136
Grand Total (South and East)		249	149	398

RLS-I finalized and submitted assessments and action plans for the pilot districts in Behsud and Surkh Rod (Nangarhar) and Arghandab (Kandahar). The USAID ROL advisor in the south provided additional feedback and comments that were ultimately incorporated into the action plan. USAID ROL staff will meet with RLS-I to review the Nangarhar assessment and action plan in early November.

Three Community Cultural Centers providing public outreach services and materials opened in Kandahar serving Kandahar City, along with Arghandab and Dand districts. Attendance at the opening ceremony in Arghandab included the district governor, the head of the district *shura*, dozens of elders and USAID/DoS representatives. In Nangarhar, staff equipped Jalalabad City, Behsud and Surkh Rod community centers – openings for these centers are scheduled for early November. All six centers have volunteers trained by RLS-I.

“My life has had many difficulties. I can feel what youth go through and this is why I am working to develop their skills for their future.” - Wafa Rahimi, a volunteer for the new Surkh Rod community center.

International Legal Foundation – Afghanistan (ILF-A): ILF-A defense attorneys represented new clients in 700 cases throughout Afghanistan.

Defense attorneys took on 41 new cases in Kandahar and 94 new cases in Jalalabad in September and October, the latest period data is available from ILF-A. Cases included assault, theft, kidnapping, smuggling, terrorism and vehicular manslaughter.

RLS-I MAJOR ACCOMPLISHMENTS

1. Pilot Project

Kandahar

Regional Elder’s Network Meeting: RLS-I launched the southern regional elder’s network meeting with more than 100 village elders traveling to Kabul from Kandahar, Helmand, Zabul and Uruzgan provinces. During the three-day meeting, elders discussed strengthening traditional dispute resolution and fighting corruption in their districts. Women’s issues, land and water disputes were also topics of discussion groups. A representative from the Ministry of Justice encouraged elders to continue working with the state justice sector to strengthen their links with state institutions. Elders pledged to maintain their new network, and to promote regional solutions to regional and district-level issues. Interest among elders attending this meeting was so strong, in one instance an elder walked for seven hours to circumvent dangerous roads before he could hire a car to take him to Kabul. Elders in general risked association with a foreign organization merely by attending the meeting. The regional elder’s meeting agenda items will continue discussion in Dand and Arghandab, as field teams there continue district and village-level meetings.

“I am very happy that I achieved my goal to participate in the elder’s meeting, even if I had to walk, in order to bring peace and stabilization to my province.” - Khodai Nazar, an elder from Uruzgan province.

Land law workshops: Men and women participated in two land law workshops in Arghandab and Kandahar City; both were attended by the district governor and the field representatives from USAID. These workshops drew 30 women and 53 men, with instruction focused on inheritance rights, as well as regulations concerning leasing land and types of formal and informal deeds. During this workshop, elders discussed different types of land disputes, women’s right to inheritance and how elders could resolve disputes concerning in-



Influential women participating in land law workshop in Kandahar city.

heritance in their villages. Elders asked RLS-I staff to host additional workshops on inheritance, in particular concerning land deeds. The workshops were conducted by International Legal Foundation – Afghanistan (ILF-A) attorneys.

Elders and State Justice Actors: RLS-I field staff launched two meetings of elders and state justice actors. The discussion groups drew 39 men and 40 women, focusing on how to implement elder’s recommendations from previous network meetings. During these meetings participants discussed the role of state actors vis-à-vis CBR, as well as creating ways state actors and CBR can work together to resolve disputes in their communities. Participants concluded by suggesting government should begin working closely with tribal *Shuras* to help build elders’ capacity and provide training to facilitate close coordination with state actors dealing with civil and criminal disputes in their district. During this meeting, the Arghandab participants



Women elders meeting discussing their role in CBR in Arghandab district.

underscored the importance of building strong relationships between elders and government, suggesting regular coordination meetings with the government regarding dispute resolution, security and the overall district development process. The women’s group also discussed how regular meetings government officials, particularly with district government, would build solid links between women, dispute resolution and the district justice sector.

Dand Field Team: Research began mid-month due to delays with provincial and district governor office approvals for RLS-I staff to proceed with work in the district.

Community Cultural Centers: Three community cultural centers opened their doors to the public. The Arghandab, Dand, and Kandahar City centers will provide public outreach activities and services for the community, with volunteers trained by RLS-I staff. RLS-I staff first discussed and cleared each site location with district governors and other government officials prior to the three centers’ openings. Each center is fully furnished with a computer and other digital equipment so that volunteers can disseminate public outreach materials and conduct basic classes in language and computer literacy.

Nangarhar:

Elders’ inheritance law workshops: RLS-I staff hosted two inheritance law workshops for Behsud and Surkh Rod district elders. Twenty five men and 27 women participated in separate workshops in Jalalabad City. The workshops

focused on building elders' knowledge of inheritance law in order to assist them with resolving village disputes. Many women remarked that this course was their first opportunity to learn about inheritance law and women's rights, as well as how and where to take their inheritance disputes for resolution. The instructor, a Nangarhar University *Shari'a* Law faculty professor, discussed elements of inheritance law, conditions of inheritance, women's rights, and division of land between relatives.

CBDR and state justice actor discussion group: Surkh Rod and Behsud district elders convened two separate meetings with the head of Hoqooq office and district governors in Jalalabad City to discuss procedures for registering CBDR decisions with formal justice sector. The participants discussed type of crimes and disputes, and the importance of registering disputes with state actors in the district. During the meeting, participants agreed to facilitate the dispute registration process with state actors in the district; participants agreed that criminal disputes should be referred to the state actors in the district. Participants also designed a *Waak Khat* (authorized letter using by CBDR for dispute resolution) that would assist elders to properly organize their work and decisions in CBDR. This designed letter facilitates disputant parties to prevent their influence by elder's decision in CBDR.

"We are very happy to participate in meetings in which we are asked for our recommendations," said a woman from Surkh Rod district attended the discussion group "I am not sure that whether these decisions will be practiced or not, but at least we are asked to provide suggestions and that is a beginning."

Village-level women's discussion group: In addition to the elder's and state actors discussion groups, RLS-I field staff hosted two village-level women discussion groups in Surkh Rod and Behsud districts. These meetings provided women a forum to discuss their access to justice and strengthen their roles in the dispute resolution process. Women discussed issues they face and discussed how women's groups can build relationships with male elders in their villages. The women agreed to create a group of *Spinsary* (group of women elders) to focus on women's disputes in their villages.



A village-level discussion to form a group of women elders (*Spinsary*) in their community.

Shiekh Misry Community Shura Center furnished. RLS-I field staff attending Shiekh Misry *Shura* meetings observed the *shura's* gathering space was just an empty room with no carpets or furnishings. With support of RLS-I staff, these offices were painted, and furnished with basic office supplies including a carpet and cabinets, and files to help store and organize documents and *jirga* decisions. The

deputy of the *shura* thanking RLS-I staff, remarking that no other program had previously supported them.

2. Mapping CBDR and State Justice (i.e. expansion districts):

Expansion districts were approved for Nangarhar - Khuz Kunar and Laghman – Qarghayi. In the south, the approved expansion districts are Spin Boldak and Daman, both in Kandahar Province. Field teams have been recruited with research scheduled to begin in December.

3. Legal Defense:

ILF-A defense attorneys took on nearly 700 new cases nation-wide during September and October. Defense attorneys represented defendants charged with assault, murder, drug smuggling, vehicular homicide, theft and kidnapping. Of these cases, defense attorneys represented clients in 94 new cases in Nangarhar and 41 new cases in Kandahar during the month of September. In September and October, the breakdown for types of cases and their location are illustrated by this table:

Type of Case	No. of Defense Attorneys	Location	Total Number of Cases
Assault	9	Nangarhar	24
Smuggling			7
Theft			20
Terrorism			7
Murder			12
Kidnapping			5
Other type of cases			19
Total cases in Nangarhar during September and Oct.			94
Terrorism	5	Kandahar	8
Drug smuggling			4
Theft			1
Kidnapping			3
Murder			5
Other type of cases			20
Total cases in Kandahar during September and Oct.			41
Total cases in other provinces.	61	Other provinces	565
Total Cases in September and October represented by defense attorney.	75		700

The fourth ILF-A legal clinic in Nangarhar was successfully concluded with a mock trial. Over 400 participants attended this mock trial, as head and members of courts, attorney, faculty deans (Law and *Sharia*) and other participants.

Currently, ILF-A has engaged 75 defense attorneys country-wide, including 17 women. Efforts are underway to recruit more women law and Sharia graduates into clinical programs.

4. Public Outreach

After months of meeting with government and community leaders, RLS-I staff opened three community cultural centers. The centers are located in Kandahar City and Arghandab and Dand districts. The centers will provide an outlet for public outreach messages, with nine volunteer staff trained by RLS-I staff to deliver and present messages to the community, and conduct basic classes in computer and English language. The centers were furnished and equipped with computers, printers, tables, file cabinets and basic outreach and legal materials for the public.



Opening ceremony of three community cultural centers in Kandahar province.

The centers will work toward strengthening citizens' access to through variety of public outreach materials including comic books, pamphlets, and multimedia DVDs. Messages have been reviewed by RLS-I staff for content appropriate to Kandahari communities, and include simple narratives on the Afghan Constitution and basic human rights.

In addition, public outreach staff developed ideas for development of the new messages, particularly those occurring most frequently in field staff interviews: murder, land disputes, inheritance and divorce. The outreach team continued work on developing storylines and new comic books on alternatives to *Baad* (the exchange of young girls to resolve disputes). The RLS-I public outreach team is developing outreach materials with the assistance of the research field teams and community members. All materials developed by RLS-I go through a "vetting" process that included focused group discussions that provide feedback and comments on proposed materials.

The public outreach team also signed agreement with a local printing company to reprint 20,000 sets of comic books, 3000 sets of pamphlets and 1200 sets of bumper stickers to be distributed to the public in Kandahar and Nangarhar provinces. The printed materials were distributed in October to the community cultural centers in Arghandab, Dand and Kandahar City in Kandahar as well as the centers in Surkh Rod, Behsud and Jalalabad City in Nangarhar.

Following TV and Radio Spots were broadcast in Kandahar and Nangarhar during October:

Public Outreach: TV and Radio Spots				
Radio/TV Spot Name	No. of times broadcast	Total Duration	Location	Message
Criminal Prosecution	15 x 3' 34"	53 Minutes	Jalalabad	Discusses prosecution from charges to trial
Rights of the Accused	15 x 4' 53"	1: 13 minutes	Jalalabad	Forced confessions and the defendant's rights
Right of the Defense	15 x 4' 30"	1:7 minutes	Jalalabad	Defendant's right to legal counsel
Total	45 times	3:13	Jalalabad	
Radio Spot Name	No. of times broadcast	Duration	Location	Message
Citizens' Rights	8 x 4	32 minutes	Kandahar	Constitutional rights of citizens
Criminal Prosecution process	8 x 3' 34"	28 minutes	Kandahar	Prosecution process and defendants
Defendants' Rights	8 x 4' 30"	36 minutes	Kandahar	Right of the defendant to defense attorney
Education Rights	8 x 4' 54"	39 minutes	Kandahar	Constitutional right to education for both men and women
Forced Labor	8 x 4' 33"	36 minutes	Kandahar	Children's rights and forced labor
Preserving Public order	8 x 4' 13"	33 minutes	Kandahar	Afghan citizens' obligations to observe law to preserve public safety and order
Government Officials' Duties	8 x 4' 10"	33 minutes	Kandahar	Discusses government officials' responsibilities to avoid misuse of authority to pursue personal, ethnic, religious or partisan agendas
Role of the National Assembly	8 x 6' 6"	48 minutes	Kandahar	Role of national assembly, the highest legislative body in the Islamic Republic of Afghanistan
Women's Rights	10 x 4'	40 minutes	Kandahar	Discusses why forcing juvenile daughters to marry in exchange for money runs contrary to Islamic teaching
Education Rights	8 x 12'	1:36 minutes	Kandahar	Describes girls' right to an education
Total	90 times	6:36		
Grand Total	135 times	9:49 Hours		

5. Support National Policy Development

The Ministry of Justice committee to review legislation regarding CBDR did not meet in September. The committee, headed by Sayed Yosuf Halim, administrative deputy minister, will re-convene in November and RLS-I will attend. The committee is reviewing the Law on Dispute Resolution, *Jirgas* and *Shuras*. After the committee's

review and comment, the proposed legislation will be sent to the MoJ's council of ministers, then on to the Afghan Parliament for approval.