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RULE OF LAW STABILIZATION PROGRAM INFORMAL COMPONENT (RLS-I)

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LIST OF ACRONYMS

ADR	Alternative Disputes Resolution
CCC	Community Cultural Center
CRC	Conflict Resolution Commission
FGD	Focus Group Discussions
ILF-A	International Legal Foundation – Afghanistan
KPRT	Kandahar Provincial Reconstruction Team
NGO	Non-Governmental Organization
ROL	Rule of Law

AFGHAN TERMS

<i>Machalgha</i>	A bond in the form of money taken from two disputing parties to ensure they accept the decisions of a <i>jirga</i> .
<i>Baad</i>	A traditional form of dispute resolution whereby a girl from a guilty party's family must marry into a victim's family.
<i>Spinsary</i>	Group of respected female "elders"
<i>Huquq</i>	Legal Rights Department
<i>Jirga</i>	Meeting which is organized to resolve disputes and usually consist of ad-hoc members
<i>Jirgamara</i>	A female member of a <i>jirga</i> gathering
<i>Jirgee</i>	Plural form of <i>jirga</i>

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 enhances the development of Rule of Law in Afghanistan through 1) researching formal and informal justice trends in 8 pilot districts; 2) strengthening informal justice in those pilot districts based on research findings; 3) enhancing linkages between alternative dispute resolution (ADR) and the state justice system; 4) improving access to legal defense; 5) educating communities about ROL through public outreach; and 5) national policy development.

1. HIGHLIGHTS

129,000 Awareness Publications Distributed in Nangarhar

The RLS-I Public Outreach Unit distributed 49,000 copies of its *Criminal Law Awareness* pamphlet to 60 villages throughout Nangarhar Province via 120 CCC volunteers. Another 80,000 comic books *Encouraging Women to Take Disputes to Jirga* were distributed throughout the province as well. Distribution to other districts will continue throughout the coming weeks

The RLS-I Public Outreach Unit continued editorial development of the comic book *Disputes Between Children and Parents on Forced Marriage*. Animation work continues on the comic book *Alternatives to Baad* which is scheduled for completion in June.

ADR & State Actors Discuss Pros and Cons of Traditional Dispute Resolution

An ADR and State Actors Discussion Group on *Machalgha* and *Baad* was conducted for 21 participants of Qarghaee District in Laghman Province. The general aim was to discuss the continued use of the traditional dispute resolution mechanisms of *Machalgha* and *Baad*, and to find alternatives to both practices. Alternatives such as fines, and the use of guarantors were introduced and discussed with enthusiasm. Advantages and disadvantages of *Machalgha* & *Baad* were discussed with the participants agreeing that in both cases the disadvantages outweighed the benefits. Discussions were useful as most of the participants were influential tribal Elders.

“In Islam there can be no forced marriage, and if a woman or a girl is given in Baad, it is totally unlawful and it should not be practiced. This practice still happens because of low literacy rates in our society, and that we have no information regarding Islamic law and a lack of understanding of women’s rights. In Islamic law, if a girl marries a boy, her consent is a must. If a girl is given in a Baad, it is illegal and against Islamic Law”

Provincial Council Member, Laghman Province, May 2011

Legal Seminars Highlight Importance of Formal Justice System

A range of Criminal Law Seminars were conducted for 179 male and female participants including tribal elders and justice mediators in Kandahar Province during the reporting period. During the seminars, Afghan Criminal and Penalty Law were explained to the participants with emphasis placed on criminal disputes and linkages between the informal and formal justice systems. Participants analyzed real life criminal disputes as part of the learning agenda which provided a practical opportunity to use their new skills. Participants appreciated RLS-I’s input and expressed interest in access to more criminal law seminars due to the field’s complex nature.

Fourth RLS-I Networking Event Strengthens Nangarhar Elders' Relations

Separate networking events that attracted 130 women and 153 men from Nangarhar Province were conducted as briefing sessions on future RLS-I activities scheduled to take place in Nangarhar. Participants in both events were influential people with direct stakes in Nangarhar's ADR community. The events were used as forum to strengthen and extend network relations to ensure better cooperation in dispute resolution involving more than one tribe or region. All the participants showed a strong commitment to supporting RLS-I programs.

Total Participants in RLS-I May Events & Project Cumulative				
Events Summary	No of Events	Male	Female	Total
May Network meetings	3	226	130	356
May Learning workshops	18	473	218	691
May Discussion Groups	15	238	187	425
May Total	36	937	535	1472
Cumulative Total To Date	219	5591	3436	9027

**Women comprised roughly 36% of attendance at workshops and events.*

2. KEY ACTIVITIES

RLS-I facilitated 36 different events/workshops during the month of May for 1,472 Elders and state actors both male (937) and female (535) in both RC South and RC East.

Meeting	Category	Meeting Location	Male	Female	Total
Project introduction Meeting to elder	Network Meeting	Spinghar Hotel, Jalalabad	0	130	130
Inheritance Law	Learning Workshop	Spinghar Hotel, Jalalabad	47	0	47
Criminal Law	Learning Workshop	Spinghar Hotel Jalalabad	47	0	47
Project introduction Meeting to elder	Network meeting	Spinghar Hotel Jalalabad	153	0	153
ADR and State Actors Discussion Group on <i>Machalgha & Baad</i> for Qarghaee	Discussion Session	Spinghar Hotel Jalalabad	21	0	21
Discussion session on increasing women access to justice and participation in ADR	Discussion Session	Qalatak/ Charbagh Laghman	0	20	20
Discussion session to establish <i>Spin-sary</i> Group	Discussion Session	Qalatak Charbagh, Laghman	0	26	26

Criminal Law	Learning Workshop	Spinghar Hotel, Jalalabd City	46	0	46
ADR and State actor discussion session	Discussion Session	Spinghar Hotel, Jalalabad	21	3	24
Criminal Law	Learning Workshop	Spinghar Hotel, Jalalabad	0	40	40
Property deeds	Learning Workshop	Spinghar hotel, Jalalabad City	48	0	48
Inheritance law	Learning Workshop	Jalalabad City	0	40	40
Discussion Session on Neighbor Dispute prevention	Discussion Session	Jalalabad City	0	40	40
Property law	Learning Workshop	Jalalabad city	49	0	49
First discussion session between ADR/State actors-Rodat	Discussion Session	Jalalabad City	26	0	26
Inheritance Law	Learning Workshop	Jalalabad City	48	0	48
Family Law	Learning Workshop	Jalalabad City	0	40	40
Discussion Session on Strengthen relations between formal and informal System & importance and quality of decision forms	Discussion Session	Jalalabad City	24	0	24
RC East, Subtotal: 18 Workshops/Event			530	339	869
Coordination meeting between ADR/ State actors	Discussion Session	Arghandab District Center Kandahar	39	0	39
Discussion session on alternatives to <i>Baad</i> as a method for dispute resolution	Discussion Session	Daman District Center Kandahar	30	0	30
Family Law	Learning Workshop	Spin Boldak District Center, Kandahar	30	0	30
Follow up discussion session on alternatives to <i>Baad</i> as a method of dispute Resolution	Discussion Session	Dand District Center Kandahar	0	30	30
Afghan land Law	Learning Workshop	Daman District Center	30	0	30
Family Law	Learning Workshop	Daman-Mohmand Village	0	30	30

Afghan Criminal Law	Learning Workshop	Spin Boldak District Center	30	0	30
Family Law	Learning Workshop	Spin Boldak District Center	30	0	30
Afghan Criminal Law	Learning Workshop	Daman District Center	40	0	40
Inheritance Law	Learning Workshop	Daman-Ghazi Kariz Village	0	36	36
Marriage and Divorce	Learning Workshop	Kandahar city	28	0	28
Afghan Criminal Law	Learning Workshop	Spin Boldak-Newi Kalay	0	32	32
Conflict Resolution Commission meeting	Discussion Session	Kandahar city	17	9	26
Discussion session between ADR and state actors	Discussion Session	Arghandab District Center	30	0	30
Meeting to discuss the idea of developing volunteer women committee for small family dispute resolution	Discussion Session	Kandahar city	0	30	30
<i>Discussion session on establishing Spinsary group</i>	Discussion Session	Kandahar city	0	29	29
Discussion session on alternative to baad as a method for dispute resolution	Discussion Session	Dand	30	0	30
<i>Project Introduction to Elders</i>	<i>Network Meeting</i>	Kandahar city	73	0	73
RC East Subtotal: 18 Workshops/Events			407	196	603
May Total: 36 Workshops/events			937	535	1,472

3. Detailed Activity Report

Nangarhar & Laghman (RC East)

Discussion Group Discuss Pros and Cons of *Machalgha* and *Baad*

An ADR and state actors discussion group on *Machalgha* and *Baad* was conducted for 21 participants of Qarghaee District, Laghman Province. The general aim was to discuss the continued use of the traditional dispute resolution mechanisms of *Machalgha* and *Baad*, and to find alternatives to both practices. For *Machalgha*, alternatives such as fines, and the use of guarantors were introduced and discussed with enthusiasm. The participants agreed that the disadvantages of using these two dispute resolution mechanisms outweighed the benefits. Discussions were useful as most of the participants were influential tribal elders.

Essential to the success of these sessions was the participant's understanding of the rights of women in the context of Islam and the Afghan constitution. As an outcome of these sessions, elders committed to finding alternatives to *baad* in ADR cases. They also commented that these discussion sessions were a good opportunity for increasing knowledge and understanding of women's rights in local communities, and many committed to raising awareness in their villages about the negative impact of *baad*.

Discussion Groups Strengthen Linkages between State Justice System and ADR

Discussions were conducted between 47 professional ADR and state actors comprising members of the Huqoq, judges, and criminal prosecutors in Kuz Kunar and Rodat Districts in Jalalabad, Nangarhar Province. The main aim behind the discussions in Rodat District was to strengthen the existing linkages between the state justice system and ADR. Discussions covered the design of standard forms that would catalogue ADR decisions. In Kuz Kunar District, discussions were focused on finding suitable way to resolve long-standing disputes.

Family Law Workshop Explains Women's Rights within the Family

A workshop on Family Law was conducted with 40 women from Kama, Rodat & Kuz Kunar Districts, Nangarhar Province. The workshop covered various types of family disputes, individual rights within the family, marriage and guardianship, *Maher* (an amount of money given to a bride), family court procedures, violence against women and ideas for resolving family disputes. The women brought to the workshop practical questions and specific problems that they face regularly in their communities.

“On a daily bases, the majority of disputes in our village are related to family law. The RLS-I professor provided us with a very informative lecture and we want the same workshop to be conducted with men in our village. Husbands can be very unfair in legal matters such as divorce because they are not aware of their legal obligations. I will deliver what I leaned today in this workshop to others in my community.”

Female Workshop Attendee, Nangarhar Province, May 2011



Certificate Distribution in Family Law Workshop, Jalalabad, Nangarhar, May 2011

Women's Discussion Group Promotes Greater Role for Women in Disputes

A discussion session was conducted with 40 women from Kama, Rodat, and Kuz Kunar Districts, Nangarhar Province, that focused on dispute prevention with neighbors. The discussion session was quite helpful as it targeted *Spinsary* groups and encouraged them to play a more important role in disputes, particularly dispute among neighbors.

Jirgamaran and Elders Discuss Stronger Formal – Informal Justice Relationship

A discussion session was conducted with 24 *Jirgamaran* and community Eeders of Kama District, Nangarhar Province, in order to strengthen the relationship between the formal and informal justice system, and the importance of ADR Decision Forms and Authority Letters designed collaboratively by elders, Huqoq, and state actors. The session presented a good opportunity to discuss the current status of both justice systems and how to improve their relationship to one another by pointing out existing gaps.

Criminal Law Workshops Focus on the Rights of the Accused

Criminal Law Workshops were conducted with 93 men and 40 woman elders from Surkh Rod, Kuz Kunar, and Behsood Districts, Nangarhar Province. The target groups were *Jirgamaran*, and community elders as well as *Spinsary* group members. Workshops focused on the rights of the accused and on the importance of defense lawyers.

Property Law Workshop Enhances Elders' Understanding for Resolving Disputes

A workshop concerning Property Law was conducted with 49 influential *Jirgamaran*, *Spinsery* and community leaders in Kuz Kunar, Rodat, Qarghaee and Kama Districts, Nangarhar Province. Elders learned the basic principles of property law to give them a better understanding of how to resolve land disputes, deeds and lease agreements, power of attorney, waiver letters and guarantee letters to property types. In each workshop they used real life examples to work through solutions to the most common property disputes elders face in their communities such as water/river and road access, and land seizure. As all the participants were influential people, the participants could now be a great source of information regarding property law issue in their communities. All participants were committed to dissemination of the gained information to other people in their villages.

Property Deeds Workshop Teaches Leaders to Recognize Fake Land Documents

A property deeds workshop was conducted with 48 *Jirgamaran*, and community elders from Surkh Rod, Kuz Kunar, Qarghaee and Behsood Districts, Nangarhar Province. The workshop provided the participants with specific knowledge concerning types of deeds in order to recognize valid and fake documents. Problems related to deeds were discussed and solutions were discussed by the participants.

Fourth RLS-I Networking Event Strengthens Nangarhar Elders' Relations

Separate networking events that attracted 130 women and 153 men from Nangarhar Province were conducted as briefing sessions on future RLS-I activities scheduled to take place in Nangarhar. Participants in both events were influential people with direct stakes in Nangarhar's ADR community. The events were used as a forum to strengthen and extend network relations to ensure better cooperation in dispute resolution.

Decision Letter Books Distributed to Strengthen ADR

Decision Letter Books were distributed to Surkhrod and Behsood Districts, Nangarhar Province. In Behsood, 10 books were given to two *jirga* halls in order to strengthen ADR by standardizing the process of community-based decision making. Another 65 books were distributed to three villages in Surkhrod.

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Inheritance Law Workshop Encourage Women to Participate in ADR Process

Three Inheritance Law Workshops were delivered to 95 men from Kama, Rodar, Kuz Kunar and Qarghaee Districts, Nangarhar Province, and to 40 women from the same districts in Jalalabad City. The workshops were conducted by *Shari'a* law faculty professors to increase the participants' knowledge of inheritance laws, given inheritance disputes often escalate into complex inter and intra family disputes, having a destabilizing effect on local villages if left unresolved. Consequently, RLS-I field staff hosted follow-up workshops to address additional inheritance law questions and topics raised by elders (men and women) as they became more engaged in facilitating inheritance dispute resolution in their villages. Typically, elders discussed division of legacy, number of heirs, fixed shares, conditions of inheritance, husband and wife shares, as well as developing practical ways to prevent and reduce the likelihood of inheritance disputes.

Conflict Resolution Commission Resolves Arghandab Dispute

A Conflict Resolution Commission (CRC) meeting was held in Kandahar City between 17 tribal elders and nine influential women from Arghandab District, Kandahar, as well as from the provinces of Uruzgan and Helmand in order to discuss long-standing disputes. The commission resolved one dispute in Arghandab District, however, one of the conflicting parties refused to register the decision with the state justice system arguing that they would undergo punishment from the Haqullah, or state justice system.



Women participating in the Inheritance Law Workshop, Jalalabad City, May 2011

Kandahar & Zabul (RC South)

Ties between Tribal Elders and Formal Justice System Actors Strengthened

Two coordination meetings were delivered to 69 tribal elders in Arghandab District, Kandahar Province, concerning coordination between the district government, ADR, and state justice actors. The main aim behind these meetings was to strengthen ties between tribal elders and formal justice system actors. It was also a good opportunity for the participants to discuss the gaps between legal procedures i.e. referral and registration, and find solutions to those gaps. It was pointed out that all legal cases should be registered with the state as soon as they are resolved by tribal elders.

Volunteer Woman's Dispute Resolution Committee Discussed

A meeting concerning the development of a volunteer women's committee for small family dispute resolution was delivered to 30 women of Arghandab District, Kandahar Province. It was a good opportunity to lay the guidelines for the establishment of a much needed committee, according to the participants.

RLS-I Introduction Meeting Organized for Tribal Elders

An introduction meeting on RLS-I was organized for 73 tribal elders and influential leaders of District 9, Kandahar City. It was an opportunity to provide them with a clear picture of RLS-I activities and how they could help the community to participate.

Women's Rights and Traditional Conflict Resolution Discussed with Elders

Two separate discussion sessions on the use of traditional *baad* for conflict resolution were conducted for male and female elders from Dand and Daman Districts, Kandahar Province. Discussion sessions for the elimination of *baad* and the establishment of *Spinsary* groups were conducted with 59 women. The women were offered the opportunity to discuss women's rights under the context of Islamic law. Likewise, a discussion session was conducted with 30 men from Dand and to 30 tribal Elders from Daman District concerning alternatives to *baad* as a method of dispute resolution. Again, men got the opportunity to know more about women's rights under both Islamic law and the Afghan Constitution.

Criminal Law Workshops Conducted in Spin Boldak and Daman Districts

Two workshops were delivered to 70 tribal elders of both Spin Boldak & Daman Districts, Kandahar Province. Due to the complicated nature of criminal law, the participants requested similar workshops in order to deal more easily with criminal cases. During these workshops, Afghan penalty law was briefed on and the processes for registration of criminal disputes to the formal justice system. Likewise, a criminal law workshop was conducted to 32 women from different villages of Spin Boldak.

Family Law Workshops Heighten Understanding of Women's Rights

Three family law workshops for both men and women were delivered in Daman and Spin Boldak Districts, Kandahar Province. For 30 women in Daman District, the workshops covered various types of family disputes, individual rights within the family, marriage and guardianship, *Maher* (an amount of money given to a bride), family court procedures, violence against women and ideas for resolving family disputes. Community elders brought

practical questions and specific problems that they and local mediators face regularly in their communities. These workshops were important as a tool for strengthening knowledge of women's rights within local communities. Equally, two workshops on family law were delivered to 30 men and 30 women in Spin Boldak, Kandahar Province. Many important issues were discussed such as types of divorce, women's rights, and how to deal with family-related disputes. The workshops were welcomed by all participants and were considered as steps towards a greater justice-based community.

Several Legal Workshops Take Place in Dand District, Kandahar

A land law workshop was conducted with 30 Daman District tribal elders to discuss and analyze legal issues relating to land law enforcement. During the workshop, possible solutions to ongoing land-related disputes were discussed. A workshop on divorce and marriage was conducted with 28 Dand tribal elders. The workshop was a platform for positive discussions on women's rights in relation to marriage and divorce. An inheritance law workshop was conducted with 30 women from Daman District. The women discussed Islamic law regarding inheritance and the importance of their roles in inheritance law-related disputes.

Huqoq

The RLS-I MoJ Huqoq advisor worked closely with the MOJ Huqoq both in Kabul and in the districts where RLS-I operates to review and assess how Huqoq offices operate, the process and procedures related to referral and registration of resolved disputes, and to ensure that to gauge the relationship between the formal and informal justice systems. The advisor conducted interviews in Nangarhar Province with the Provincial Head of the Justice Directorate, the Head of Surkh Rod District Huqoq, the Head of Behsood District and Head of Rodat District Huqoq. In Kandahar the advisor conducted interviews with the Head of Provincial Huqoq, the Head of Arghandab District Huqoq and the Head of Dand District Huqoq.

The purpose behind the above mentioned interviews was to ensure that the above mentioned legal processes are coherent to all parties and where gaps in the system existed. Information concerning procedures related to the referral system between the informal and formal justice systems was also gathered.

5. PUBLIC OUTREACH

Community Cultural Centers Relocate

The RLS-I Public Outreach Unit relocated its Community Cultural Centers in Arghandab to more accessible villages in Naqibi and Maina.

Broadcast Campaign Underway Until mid-June

The Public Outreach Unit commenced its broadcast campaign through Sharq TV and Safa Radio in Nangarhar. The program focuses on the "rights of the accused upon arrest" and "the rights of prisoners" and will broadcast until June 15.

Nangarhar Province Sees 129,000 Awareness Comic Books Distributed

The RLS-I Public Outreach Unit distributed 49,000 copies of its “Criminal Law Awareness” pamphlet to 60 villages throughout Nangarhar Province via 120 CCC volunteers. Another 80,000 comic books “Encouraging Women to Take Disputes to Jirga” were distributed. The distribution to other districts will be carried out by the Jalalabad office. Further to this, the RLS-I Public Outreach Unit continued working on the development of its 3rd comic book “Disputes Between Children and Parents on Forced Marriage”. Work continues on the animation of the 1st comic book “Alternative to Baad” which will be completed in June.



RLS-I Public Outreach Campaign in Dand, May 2011

6. IMPLEMENTING PARTNERS

International Legal Foundation (ILF-A)

The ILF-A is a non-profit organization which aims to develop a public defender system in Afghanistan. It is essential to highlight that ILF-A lawyers contracted 377 new cases during the first three weeks of May. Of these, 70 new cases were contracted in Nangarhar, and 19 in Kandahar.

Province	Lawyers	Total New Clients Contracted	appeals	Closed	Female	Juveniles
Kabul	27	111	26	57	1	0
Jalalabad	10	70	20	56	1	12
Kandahar	5	19	9	9	0	3
Helmand	3	16	10	6	0	0

Paktia	1	6	1	3	1	0
Bamyan	1	3	1	1	0	0
Mazar-e-Sharif	5	31	5	11	0	1
Kunduz	4	20	7	6	1	2
Jowzjan	3	18	3	10	0	1
Baghlan	3	27	5	17	1	3
Herat	8	51	18	25	1	9
Badghis	1	1	0	0	0	0
Ghor	1	4	2	4	0	0
Uruzgan	1	0	-0	-0	0	0
Grand Total	80	377	107	205	7	30

During the reporting period, ILF-A submitted technical and financial proposals to the Ministry of Justice (MoJ) regarding an agreement that would allow ILF-A to work under the MoJ's budget. This is regarded as a first stage towards ILF-A to become part of the Legal Aid Department of the MoJ. The second stage involves a comprehensive study of legal aid in Afghanistan and its analysis. The third stage starts in January 2012, which involves the process of integration of ILF-A's activities into the MoJ.

During the reporting period, ILF-A Kabul participated in a three-day training on International Conventions that Afghanistan has signed and ratified. The training was sponsored by the Human Rights Support Unit of the MoJ.

The Nangarhar PRT sponsored a public mock trial in Jalalabad City conducted by legal clinic students. Representatives of the US Embassy and the PRT were present.

At the monthly Child Protection Action Network (CPAN) meeting in Jalalabad, the issue of illegal incarceration of juveniles for 10 days by the police was raised. The head of social and employment affairs formed a committee to follow up on the issue to determine if it was legal or illegal.

The ILF-A Helmand office defense lawyer was empowered to sign new contracts with detainees in the Lashkar Gah NDS Detention Center.

The ILF-A established a field office in Tarin Kot, Uruzgan Province.

7. SUPPORT TO NATIONAL POLICY DEVELOPMENT

RLS-I remains in a holding pattern with regard to the national policy or law development. As developments occur, RLS-I will work closely with the MOJ and other organizations on implementation issues.

8. TRENDS AND CONSTRAINTS

Security threats are high in provinces where RLS-I operates. A well-known tribal elder – and active participant of RLS-I’s activities from Nagan village, Arghandab District - was killed on June 1 in Kandahar City by unknown armed men. The motives behind his murder are not clear and it is hard to say whether he was killed because of his participation in RLS-I activities. His death could negatively impact on RLS-I by reducing the participation of other elders.

In Shinkay District, Zabul Province, nine tribal elders were abducted by insurgents and three of them were killed. The remaining were released two weeks later. Although RLS-I does not operate in Shinkay District, this type of insurgent activity does affect the operations of RLS-I activities by decreasing the overall willingness of local people to work with the project.

The team also faced a security threat in Qarghaee District, Laghman Province. Following a the receipt of a night letter and two subsequent bombings in the district in May, the team decided not to send field staff to Qarghaee District to invite elders for a project-related activity in Jalalabad, Nangarhar Province. The security situation is generally deteriorating in the east and concerns are increasing among local staff regarding working in some remote villages of several targeted district