BACKGROUND

Most people in Afghanistan face barriers to accessing justice. For those in isolated areas, getting to court can mean travelling for hours, or even days, on difficult and insecure roads. For the poor, transport and legal costs can be too great. For women, discrimination can limit access to fair treatment through both formal and informal channels of justice.

There is only one lawyer for every 11,000 people and a need for greater capacity among legal professionals and relevant government institutions. Legislation is often contradictory or fails to comply with international best practices and Afghanistan’s international obligations. Awareness of human rights and legal procedures is low and compounded by high rates of illiteracy.

The result is that 80% of disputes are settled by traditional justice bodies, whose verdicts sometimes conflict with human rights standards. Nonetheless, it is crucial for the government to secure popular trust in the justice system if it is to gain legitimacy and lead Afghanistan toward a future free from conflict.
RESPONSE

UNDP aims to boost state capacity, raise awareness among citizens of their legal entitlements and support access to justice for the most vulnerable.

We help government ensure that legislation is compliant with international standards and norms, build Ministry of Justice capacity to draft legislation and work with an inter-ministerial task force responsible for taking decisions on human rights.

To increase access to legal representation, we have established two legal centres that train and place young lawyers, and we support a Legal Aid Grant Facility that provides free legal assistance to women, children and the poorest men on cases ranging from domestic violence and rape to inheritance disputes, divorce and child protection issues.

We have supported the establishment of a pilot court where trained justice personnel deal with cases of violence against women in line with the Elimination of Violence Against Women law, and we run public advocacy campaigns with an emphasis on women’s rights.

To combat abuses against street vendors, UNDP has assisted in amending relevant laws and producing a draft policy paper on street vendors – a key step toward a formal national policy. We have also supported associations where vendors can come together to discuss problems and raise concerns with local authorities.

ACHIEVEMENTS

✓ Completed Rule of Law Indicator Study to track progress in the justice sector.

✓ Translated documents, reviewed laws and developed indicators for international conventions.

✓ Offered legal assistance in over 2,500 cases across 8 provinces.

✓ Established two Legal Aid Clinics and registered 73 female lawyers.

✓ Supported the development of standard operating procedures for police and prosecutors.

✓ Secured endorsement of the Elimination of Violence Against Women court proposal by the EVAW Commission and the Office of the Second Vice-President. The High Council of the Supreme Court is currently finalizing the proposal for presentation to the Office of the President, which will enable the establishment of a pilot court in 2016.

✓ Commented on food, labour, traffic, municipal and consumer protection laws to improve the legal status of street vendors.

✓ Presented a draft policy paper on the legal status of street vendors at a national conference with high-level participation of line ministries. An inter-ministerial working group is now drafting a formal national policy.

✓ Supported monthly meetings between street vendors and local authorities.

✓ Contributed to drafting the Law on Conciliation of Civil Conflicts through workshops with CSOs and international organizations under the leadership of the Ministry of Justice.

✓ Broadcast radio programmes with a focus on women’s rights in 8 provinces.

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Establishment of a pilot court with trained justice personnel deal with cases of violence against women in line with the Elimination of Violence Against Women law.

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