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EVALUATION

Assistance for the Development of Afghan Legal Access and Transparency

Midterm Performance Evaluation

JUNE 2020

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ASSISTANCE FOR THE DEVELOPMENT OF AFGHAN LEGAL ACCESS AND TRANSPARENCY

Midterm Performance Evaluation

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Afghanistan Monitoring, Evaluation, and Learning Activity (AMELA)

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ABSTRACT

The Assistance for the Development of Afghan Legal Access and Transparency (ADALAT) activity undertakes to improve Afghan citizens' access to justice by strengthening the professional and administrative capacities of the Supreme Court and the Ministry of Justice (Moj), forging linkages between formal and traditional justice sectors, and enhancing citizen demand for justice.

This midterm performance evaluation assessed the extent to which ADALAT met its output targets, achieved its outcomes, and contributed to its purpose. It also examined ADALAT's contribution to relevant intermediate results in the United States Agency for International Development's (USAID's) results framework, i.e., improving the effectiveness of government institutions and reducing vulnerabilities to corruption. Finally, it assessed the activity's relevance to beneficiaries and the likely sustainability of outcomes.

The evaluation relied primarily on key informant and group interviews with 171 stakeholders comprised of representatives of the formal and traditional justice sectors and civil society organizations (CSOs) selected from a purposive sample of districts in which ADALAT operated.

The evaluation concluded that ADALAT contributed to key elements of Afghanistan's justice sector reform agenda. Its support contributed to professionalizing court staff and improving administrative systems and capacity within the Supreme Court and Moj. ADALAT's work with the Moj's Huquq Department and traditional justice sector actors contributed to strengthening linkages between the formal and informal sectors and helped align the practices of traditional justice sector actors with Afghan law. ADALAT-supported outreach and advocacy activities enhanced citizens' knowledge of their rights and of how to access legal services to protect those rights.

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ACRONYMS

ACAS	Afghanistan Court Administration System
ADALAT	Assistance for the Development of Afghan Legal Access and Transparency
AHRC	Afghan Human Rights Commission
AIBA	Afghanistan Independent Bars Association
AMELP	Activity Monitoring, Evaluation, and Learning Plan
BL	Baseline
CDC	Community Development Council
CSO	Civil Society Organization
DO	Development Objective
HICD	Human and Institutional Capacity Development
IR	Intermediate Result
JSSP	Justice Sector Support Program
LAD	Legal Aid Department
LOP	Life of Project
Moj	Ministry of Justice
SC	Supreme Court
TDR	Traditional Dispute Resolution
U.S.	United States
USAID	United States Agency for International Development
USG	United States Government

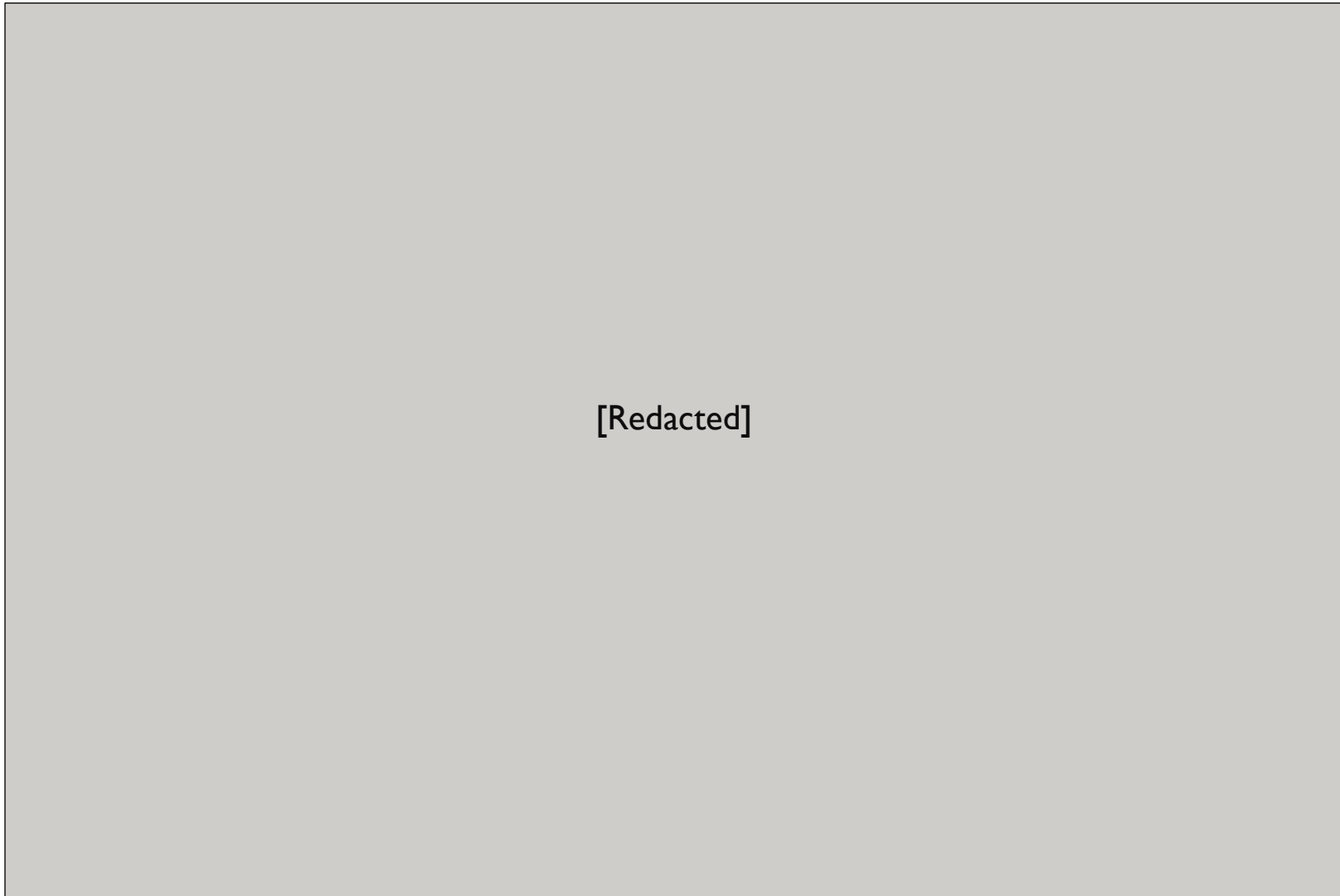
PROJECT SUMMARY

Table 1: Project Summary

Title/Field	Project/Activity Information
Activity name	Assistance for the Development of Afghan Legal Access and Transparency
Contract/agreement numbers	AID-OAA-I-13-00034 & AID-306-TO-16-00007
Start date	April 2016
Completion date	April 2021
Location	Nationwide
Implementing partner(s)	Checchi and Company Consulting, Inc.
Linkage to USAID/Afghanistan's Country Development Cooperation Strategy	DO 3: Government accountability to citizens increased IR 3.1: Citizen participation in decision-making processes increased IR 3.2: Improved effectiveness of government institutions IR 3.3: Reduced vulnerabilities to corruption
Budget	██████████

The map in Figure 1 illustrates the geographic distribution and overlap of ADALAT activities.

Figure 1: Map of ADALAT Activities



EXECUTIVE SUMMARY

EVALUATION PURPOSE AND QUESTIONS

This midterm performance evaluation assessed the progress of the Assistance for the Development of Afghan Legal Access and Transparency (ADALAT) activity through December 1, 2019, with the aim of developing practical recommendations for the United States Agency for International Development (USAID) and the implementing partner (Checchi and Company Consulting, Inc.) to improve performance during the remaining life of the activity. It also drew out lessons learned for improving implementation of rule-of-law activities more generally and designing similar future activities. The evaluation answered five questions, which the statement of work in Annex I elaborates.

1. To what extent have the ADALAT interventions achieved their intended outcomes and results? What, if any, unintended consequences (positive or negative) did ADALAT produce or happened affecting citizens' access to justice in Afghanistan?
2. How and to what extent do ADALAT interventions contribute to increased citizen access to justice services based on the Afghan law? What interventions work? Why? What interventions did not work? Why?
3. How and to what extent do ADALAT interventions contribute to improving judicial performance and reducing vulnerabilities to corruption?
4. How useful and relevant are ADALAT interventions in addressing the primary needs of its target beneficiaries (women and men)?
5. How and to what extent are the following ADALAT results sustainable: Continuity and quality of capacity building of judicial and non-judicial staff, system building and legal awareness, and other related areas?

PROJECT BACKGROUND

As late as 2010, Afghanistan's justice sector suffered under substantial limitations: "Many courts [were] inoperable and those that [did] function [were] understaffed. Insecurity, lack of proper training and low salaries [had] driven many judges and prosecutors from their jobs. Those who remain[ed] [were] highly susceptible to corruption."¹ Consequently, few Afghans could access justice institutions or services. The deficiencies of the formal justice sector contribute to the widespread use of traditional dispute resolution (TDR) mechanisms such as community-level jirgas and shuras. The Afghan Constitution, however, does not recognize a role for TDR and, despite their prevalence, TDR processes and decisions often violate Afghan law and basic human rights, especially those of women.²

The USAID-funded ADALAT activity directly or indirectly addresses several of the identified weaknesses in the formal justice system and, by working to build relationships between formal and traditional justice actors, acknowledges the importance of TDR in Afghan society. ADALAT seeks to improve citizen access to justice by improving the supply of justice services and enhancing demand for those services. Specifically, ADALAT aims to increase the effectiveness

¹ International Crisis Group. *Reforming Afghanistan's Broken Judiciary*. Asia Report no 195 (International Crisis Group, November 2010), <https://d2071andvip0wj.cloudfront.net/195-reforming-afghanistan-s-broken-judiciary.pdf>.

² Sinha, Sylvana, *Traditional Dispute Resolution and Afghanistan's Women* (Washington, D.C.: United States Institute of Peace, 2011), <https://www.usip.org/publications/2011/12/traditional-dispute-resolution-and-afghanistans-women>.

of the formal justice sector, strengthen linkages between the formal and traditional justice sectors, and increase citizen demand for legal services.

ADALAT's approach is based on the hypotheses, “If ADALAT increases the effectiveness of the formal justice sector, strengthens the linkages between the formal and traditional justice sectors, and increases the demand for quality legal services, **then** Afghans will have better access to quality justice services based on Afghan law.”³

ADALAT contributes to USAID/Afghanistan's development objective (DO) 3: Government accountability to citizens increased. It contributes to three of the Mission's intermediate results (IRs): IR 3.1 Citizen participation in decision-making processes increased, IR 3.2 Improved effectiveness of government institutions, and IR 3.3 Reduced vulnerabilities to corruption.

EVALUATION METHODS AND LIMITATIONS

The evaluation employed a mixed methods approach that relied on ADALAT's Activity Monitoring, Evaluation, and Learning Plan (AMELP) and quarterly and annual reports to ascertain the activity's inputs and outputs; key informant and group interviews to assess outcomes and ADALAT's contribution; and secondary research, data, and analysis to provide context and to triangulate conclusions that emerged from analysis of the primary data. Annex 7 contains a bibliography of the documents the evaluation team reviewed.

The evaluation team conducted 171 interviews (80 key informant interviews and 91 group interviews) in six purposively selected provinces. It interviewed 10 types of stakeholders to gather perspectives on the full range of ADALAT interventions (see Annexes 4 and 6 for details). The evaluation team also distributed a survey to all individuals it interviewed to collect quantitative data on perspectives of ADALAT's effectiveness and outcomes. The survey generated 378 responses. Annex 5 contains the data collection instruments.

The evaluation faced a number of limitations that affected the quality and interpretation of the analysis and results. The most important of these included:

- Compromised data fidelity—The team's necessary reliance on external (to the evaluation team) interviewers, many interview subjects' objection to being recorded (which limited the evaluation team's ability to produce verbatim transcripts), and translation severely compromised the quality and fidelity of the qualitative data.⁴ Consequently, the qualitative data is often very thin, especially that linking outputs to higher-level outcomes.
- The analytical approach described in the assignment work plan called for examining the association between the intensity of outputs (as determined from ADALAT intervention data) and outcomes (determined from interviews) to assess the effectiveness of different “packages” and scales of interventions. However, neither the quantitative nor the qualitative data were sufficiently detailed to support the intended analysis. Consequently, the evaluation could assess the effectiveness of individual interventions in achieving their

³ ADALAT (Assistance for the Development of Afghan Legal Access and Transparency), Activity Monitoring, Evaluation, and Learning Plan (AMELP) ([Redacted]: USAID, 2019).

⁴ Handwritten notes taken during an interview are summaries of key points and somewhat subjective to the extent that they reflect, in part, what the note taker views as important. Furthermore, translation is never perfect. Both of these issues contribute to the loss of nuance in the collected data.

intended outcomes but was unable to determine the relationship between the “intensity” of ADALAT’s interventions in a district and outcomes in that district.

- The evaluation’s data collection plan did not specify collecting data from ordinary citizens. It thus relies on scant secondary data for evidence of citizens’ perspectives on outcomes. This limited the evaluation team’s ability to objectively assess ADALAT’s effectiveness in increasing access to justice.

SUMMARY OF KEY FINDINGS AND CONCLUSIONS

This section summarizes findings and conclusions from the evaluation questions on: (1) ADALAT’s effectiveness in achieving the outputs and outcomes specified in its results framework, (2) ADALAT’s contribution to its purpose of increasing citizens’ access to justice, (3) ADALAT’s contribution to improving judicial performance and reducing vulnerability to corruption, (4) the relevance of ADALAT interventions to the needs of target beneficiaries, and (5) the likelihood that ADALAT results are sustainable.

ADALAT EFFECTIVENESS

ADALAT’s reported progress against its performance indicators is mixed. Although it is well ahead of targets for interventions aimed at strengthening the administrative capacities of the Supreme Court and the Ministry of Justice’s (MoJ) Legal Aid Department (LAD), it has trained only 80 percent of its target number of judicial and non-judicial staff of the Supreme Court and 88 percent of the targeted percentage of Huquq professionals. Although ADALAT is somewhat behind achieving its training targets, the interviews suggested that the training contributed to improving judicial performance and, by extension, measurable improvements in the performance of the justice sector.⁵ ADALAT’s contribution to improving case management in the courts and the Huquq Department emerged as the most frequently mentioned improvement in justice sector performance (mentioned in 12 interviews with court clerks and Huquq staff).

ADALAT’s work through local civil society organizations (CSOs) contributed to improving TDR actors’ adherence to Afghan law, thus addressing one of the primary reservations formal justice system actors raised about formally engaging with TDR mechanisms. Together with interventions aimed at bringing Huquq Department staff together with TDR actors, ADALAT’s work with TDR actors plausibly contributed to strengthening coordination between some elements of the formal and traditional justice sectors. Although it came up in only one interview with Huquq staff, the evidence that some Huquq departments are advising TDR actors on the law and human rights bodes well for the prospect of sustainable outcomes.

Despite the apparent value of the training, the interviews exposed issues that raise questions about ADALAT’s overall training strategy, which ADALAT staff explained was largely dictated by the Supreme Court. These interviews suggest that training was not as intensive or comprehensive as participants desired (six interviews) and was not always relevant to trainees’ needs (five interviews), although ADALAT staff explained that the Supreme Court determined the scope and length of trainings. Respondents explained that ADALAT trained only a fraction of relevant individuals in a district, and not in all applicable topics, and introduced the full package of interventions in only a few districts. These concerns raise questions about the

⁵ Relevant elements of the reform agenda include requiring all prosecutors and judges to pass entry and refresher exams.

efficacy of ADALAT’s strategy, endorsed by USAID, of spreading interventions thinly across many districts and suggest that a more concentrated implementation approach may have been more appropriate. But this is a strategic choice for ADALAT and USAID.

ADALAT’s outreach and advocacy programming supported experienced CSOs to substantially expand their awareness and advocacy programming. In addition to improving citizens’ awareness of the law and their rights—an outcome confirmed in 39 interviews and attributed to ADALAT in 23 of these interviews—the campaigns provided actionable information about how to access the courts to defend rights. Although the interviews did not produce much detailed evidence of the impact of ADALAT’s advocacy interventions, five interviews suggested that these interventions complemented awareness programming by expanding the pool of local activists with knowledge of the law, human rights, and the justice system. To the extent that trained advocacy groups monitored the courts by attending hearings, which two reported they did, they also contributed to greater public oversight of formal justice mechanisms.

Although the evaluation’s qualitative data is biased (i.e., much of it is from outreach grant recipients), it provides reasonably sound evidence that ADALAT interventions contributed to an overall improvement in citizens’ awareness of their rights and of how to access the formal justice system to secure those rights. A broader base of qualitative evidence relates the increased demand for formal justice, evidenced by both primary and secondary data, to improved citizen awareness. To the extent that ADALAT improved the performance of the formal justice system, it may also have contributed to increased trust in the courts, thus further contributing to increased demand.

ACCESS TO JUSTICE

The evaluation’s primary and secondary data provide compelling evidence that Afghan citizens’ use of the courts has increased in recent years: Respondents in 45 interviews noted that more citizens are referring their cases to the courts and The Asia Foundation’s Survey of the Afghan People shows a 24 percent increase in the number of people referring cases to the courts between 2015 and 2018 (the last year for which data are available). Many factors influence access to justice, and many (e.g., the security environment and perceptions of corruption or influence) lie outside of ADALAT’s manageable interest. Nevertheless, it is plausible to conclude that ADALAT’s interventions to improve citizens’ awareness of their rights (a barrier to accessing justice mentioned in 22 interviews), enhance the administrative efficiency of the courts (a barrier mentioned in nine interviews), improve TDR mechanisms’ adherence to Afghan law, and establish legal clinics contributed to the rising trend in use of the courts.

JUDICIAL PERFORMANCE AND CORRUPTION

Although ADALAT interventions did not directly address reducing corruption, some may have contributed to an overall decline in corruption in the courts. The qualitative evidence suggests that improving citizens’ awareness of their rights through awareness campaigns (22 interviews) and better access to legal advice through legal aid (six interviews) may have helped individuals resist demands for bribes. Respondents in five interviews also suggested that ADALAT-supported advocacy efforts may have improved advocacy organizations’ oversight of the courts and contributed to reducing corruption.

RELEVANCE OF ADALAT'S INTERVENTIONS

ADALAT interventions contributed to advancing several elements of Afghanistan's justice sector reform agenda (i.e., professionalizing court staff and improving administrative systems) and are thus relevant to the government's needs. Interventions also addressed key barriers to citizens' access to justice. Interventions to raise citizens' awareness of their rights and improve the efficiency of the courts addressed three important barriers to accessing justice—citizens' awareness of their rights and how to access the courts, the time required to resolve a dispute in the courts, and cost. Improving TDR actors' adherence to Afghan law may also have increased access to justice for the many Afghans who rely, voluntarily or otherwise, on TDR mechanisms.

SUSTAINABILITY OF ADALAT RESULTS

ADALAT contributed to improving individual and institutional capacities and systems that are potentially sustainable. However, prospects for sustainability will depend on the security situation not worsening and on government's commitment to reforms. The systems ADALAT supported, such as the case management system, are the most likely to be sustained as they require little additional attention or resources, at least in the short term. Sustaining the increased capacity of judicial staff, however, will require the Supreme Court's commitment to supporting a robust training program capable of providing initial and refresher training on a variety of topics to a critical mass of judges at the provincial and district levels.

KEY RECOMMENDATIONS

- Nine judges specifically noted that they lacked access to resources (e.g., law libraries and other materials) to conduct research or advance their learning. ADALAT should consider orienting judges on how to access and use the online law library at the Afghanistan Center at [REDACTED].
- Senior Supreme Court officials did not seem particularly well-informed about ADALAT. ADALAT needs to develop a strong relationship with senior Supreme Court officials to promote its work and successes and improve prospects for sustainable results.
- The evaluation team found it difficult to assess the effectiveness of ADALAT's support for legal clinics, in part because there was no comprehensive database that recorded the activities of legal clinics. ADALAT should require the legal clinics it supports to report their activities to the legal aid database developed by the Afghanistan Legal Aid and Advocates Network to make it easier to assess the effectiveness of this intervention.
- The evidence suggests that ADALAT's approach of spreading its interventions thinly over many districts may compromise results by not fully addressing all elements of its development hypothesis in many districts. While the availability of strong local partnering organizations clearly curtailed ADALAT's ability to work with civil society in many districts USAID and ADALAT should review the mutual decision to spread ADALAT interventions widely, but thinly, across all provinces. In districts where ADALAT can identify local organizations that have the capacity to be effective partners ADALAT should explore a more intensive approach to programming using multiple local partners to optimize results.

EVALUATION PURPOSE AND QUESTIONS

EVALUATION PURPOSE

This midterm performance evaluation assessed ADALAT's progress to date with the aim of developing practical recommendations for USAID and the implementing partner (Checchi and Company Consulting, Inc.) to improve performance during the remaining life of the activity. It also drew out lessons learned for improving implementation of rule-of-law activities more generally and designing similar future activities. The audience for the evaluation is the USAID/Afghanistan Mission, including the Office of Democracy and Governance and the Office of Program and Project Development, and the implementing partner.

The evaluation assessed ADALAT's effectiveness through the lens of both the ADALAT results framework and the activity's contribution to relevant intermediate results of USAID Afghanistan's Country Development Cooperation Strategy (i.e., improving Afghan citizens' access to justice services, improving Afghan judicial performance, and reducing vulnerabilities to corruption). It covers the period from April 15, 2016 (the start of the ADALAT activity) through December 1, 2019.

EVALUATION QUESTIONS

The evaluation answers five questions, which the statement of work in Annex I elaborates.

1. To what extent have the ADALAT interventions achieved their intended outcomes and results? What, if any, unintended consequences (positive or negative) did ADALAT produce or happened affecting citizens' access to justice in Afghanistan?
2. How and to what extent do ADALAT interventions contribute to increased citizen access to justice services based on the Afghan law? What interventions work? Why? What interventions did not work? Why?
3. How and to what extent do ADALAT interventions contribute to improving judicial performance and reducing vulnerabilities to corruption?
4. How useful and relevant are ADALAT interventions in addressing the primary needs of its target beneficiaries (women and men)?
5. How and to what extent are the following ADALAT results sustainable: continuity and quality of capacity building of judicial and non-judicial staff, system building and legal awareness, and other related areas?

PROJECT BACKGROUND

Decades of conflict, repeated regime changes, and poor governance severely degraded the Afghan justice system. Although international donors have poured substantial resources into developing the rule of law since the fall of the [REDACTED] in 2001, headway has been slow.⁶ For example, a 2007 study found that more than a third of judges had not completed any tertiary education, 44 percent graduated from a Sharia faculty, and only 12 percent graduated from a law faculty. Most lacked competency in essential professional skills of legal research, analysis,

⁶ Swenson, Geoffrey, "Why U.S. Efforts to Promote the Rule of Law in Afghanistan Failed," *International Security* 42, no. 1 (2017), https://www.mitpressjournals.org/doi/full/10.1162/ISEC_a_00285.

reasoning, and writing opinions, and many had little education in statutory law.⁷ In 2010, the International Crisis Group concluded:

“Afghanistan’s justice system is in a catastrophic state of disrepair. Despite repeated pledges over the last nine years, the majority of Afghans still have little or no access to judicial institutions. Lack of justice has destabilized the country and judicial institutions have withered to near non-existence. Many courts are inoperable and those that do function are understaffed. Insecurity, lack of proper training and low salaries have driven many judges and prosecutors from their jobs. Those who remain are highly susceptible to corruption ... The public, consequently, has no confidence in the formal justice sector amid an atmosphere of impunity.”⁸

The deficiencies of the formal justice sector contribute to the widespread use of TDR mechanisms such as community-level jirgas and shuras. A 2011 study estimated that TDR mechanisms resolve at least 80 percent of disputes in Afghanistan,⁹ a finding corroborated by data collected by The Asia Foundation in 2019. The preference for TDR mechanisms is more pronounced in rural than in urban areas.¹⁰ The Afghan Constitution, however, does not recognize a formal role for TDR mechanisms and, despite their prevalence, TDR processes and decisions often violate Afghan law and basic human rights, especially those of women.¹¹

The new government elected in 2014, however, appears to take judicial reform more seriously than the previous administration, and evidence suggests that donor efforts to improve the justice sector are beginning to bear fruit.¹² For example, the International Development Law Organization concludes that its training of justice sector actors positively influenced participants’ work practices and the performance of the institutions in which they work.¹³ Secondary data from the World Justice Project, The Asia Foundation, and Transparency International all show marginal improvements in aspects of Afghanistan’s justice system. The World Justice Project’s Rule of Law Index¹⁴ shows improvements in most aspects of civil justice and corruption between 2014 and 2019; The Asia Foundation’s Survey of the Afghan People¹⁵ found slight improvements in citizens’ trust and confidence in state courts; and Afghanistan’s score on Transparency International’s Corruption Perception Index improved 45 percent, from 11 (on a scale from zero to 100) in 2015 to 16 in 2019.¹⁶

The USAID-funded ADALAT activity is built on the foundation of substantial U.S. support for the rule of law since 2001. It directly or indirectly addresses several of the identified

⁷ Armytage, Livingstone, “Justice in Afghanistan: Rebuilding Judicial Competence After the Generation of War,” *Heidelberg Journal of International Law* 67, no. 1 (2007), https://www.zaoerv.de/67_2007/67_2007_1_b_185_210.pdf.

⁸ International Crisis Group, *Reforming Afghanistan’s Broken Judiciary* Asia Report no 195 (International Crisis Group, November 2010), <https://d2071andvip0wj.cloudfront.net/195-reforming-afghanistan-s-broken-judiciary.pdf>.

⁹ Sinha, Sylvana, *Traditional Dispute Resolution and Afghanistan’s Women* (Washington, D.C.: United States Institute of Peace, 2011) <https://www.usip.org/publications/2011/12/traditional-dispute-resolution-and-afghanistans-women>

¹⁰ The Asia Foundation, *Afghanistan in 2019: A Survey of the Afghan People* ([Redacted]: The Asia Foundation, 2019), <http://asiafoundation.org/where-we-work/afghanistan/survey>.

¹¹ Sinha, Sylvana, *Traditional Dispute Resolution and Afghanistan’s Women* (Washington, D.C.: United States Institute of Peace, 2011), <https://www.usip.org/publications/2011/12/traditional-dispute-resolution-and-afghanistans-women>.

¹² Foley, Conor, “Rebuilding the Justice Sector of Afghanistan,” *Journal of International Peacekeeping* 21 (2017) 246-270, https://www.researchgate.net/publication/332471843_Rebuilding_the_Justice_Sector_of_Afghanistan_Keywords_Afghanistan_justice_sector_reform_post-conflict_reconstruction_international_interventions.

¹³ Foley, Conor and Orsolya Székely, *Final Evaluation of the Afghanistan Justice Training Transition Program* (International Development Law Organization, March 2016).

¹⁴ The World Justice Project, Rule of Law Index, <https://worldjusticeproject.org/our-work/research-and-data/special-reports/rule-law-afghanistan>.

¹⁵ The Asia Foundation, Data from the Survey of the Afghan People, <https://asiafoundation.org/where-we-work/afghanistan/survey/data/>.

¹⁶ Transparency International, Corruption Perception Index, <https://www.transparency.org/cpi2019>.

weaknesses in the formal justice system and, by working to build relationships between formal and traditional justice actors, acknowledges the importance of TDR in Afghan society. ADALAT seeks to improve citizen access to justice by improving the supply of justice services and enhancing demand for those services. Specifically, ADALAT seeks to increase the effectiveness of the formal justice sector, strengthen linkages between the formal and traditional justice sectors, and increase citizen demand for legal services.

To increase the effectiveness of the formal justice sector, ADALAT works with the Supreme Court to enhance the professional capacity of judicial and non-judicial court personnel and improve administrative and management systems. It trains judges in commercial law, commercial procedures law, civil law, civil procedures law, family law, property disputes, criminal law, and criminal procedures law. It trains non-judicial staff in the use of the paper-based Afghanistan Court Administration System (ACAS), public financial management, information technology,¹⁷ and human resources.¹⁸ ADALAT assistance to the Supreme Court also includes: facilitating legal review committees and working groups; embedding advisors and consultants to strengthen systems and capacities in information technology, professional codes of conduct, performance appraisal of clerks, report and proposal writing, monitoring and evaluation systems assessment and training (for staff of the Planning and Policy Directorate, human resources, and finance and administration); providing assistance with budgets; and completing an evaluation of the Judicial Stage curriculum.

ADALAT also supported strengthening the MoJ's LAD and State Cases Directorate. It helped MoJ reform the Legal Aid Regulation, trained LAD leadership on administrative practices, and contributed to developing national consensus on advancing legal aid. ADALAT is just beginning its work with the State Cases Directorate and anticipates building the professional capacities of staff and improving the administrative capabilities of the Directorate.¹⁹

To contribute to **strengthening linkages between the formal and traditional justice sectors**, ADALAT works with both the MoJ's Huquq Department and TDR actors. The Huquq Department has offices in each province and district in Afghanistan with a mandate to receive family, commercial debt, and property/land disputes. It registers these cases and settles them internally or refers them to tribal leaders, community elders, jirgas, or the courts, as appropriate. The courts take responsibility for all criminal cases.

ADALAT's Human and Institutional Capacity Development (HICD) assessment of the Huquq Department concluded that it lacked sufficient qualified staff, especially at the district level, to handle its caseload. Many staff joined the department prior to the requirement that legal advocates graduate from Sharia or law faculty programs, and therefore lacked an adequate educational background. Furthermore, the HICD assessment found that most offices did not have female staff to handle cases for women. It also concluded that the Huquq Department lacked the administrative capacity to provide services efficiently or consistently.

¹⁷ Technology-related training consisted of advanced SonicWall network firewall training, advanced network security +, secretariat database training, Judicial Education Department databases, transportation database, and advanced database development.

¹⁸ Human resources-related training consisted of non-judicial performance appraisal and code of conduct, change management, employee relations, merit-based recruitment and job description development, effective communication and report writing, planning and performance appraisal, and job analysis and development of job description.

¹⁹ ADALAT (Assistance for the Development of Afghan Legal Access and Transparency), *Annual Work Plan: April 2019 – March 2020* ([Redacted]: USAID, 2019).

ADALAT interventions focus on training Huquq professionals in legal issues and practices and administrative staff in use of the Huquq case management system. ADALAT also facilitates formal engagement between Huquq staff and TDR actors to help form trusted relationships that can both improve the performance of TDR mechanisms and ease the burden on the Huquq Department. It complements this intervention by working through local CSOs to engage directly with TDR actors—including spinary groups (women’s groups to handle family disputes)—to better align their processes and practices with Afghan law and to improve mediation skills.

To increase citizen demand for legal services, ADALAT supports public awareness campaigns implemented by CSOs to raise citizens’ awareness of their rights and how to protect those rights, in either the formal or traditional justice sectors. ADALAT also supports the advocacy efforts of CSOs to train individuals in legal issues with the expectation that trained advocates will contribute to raising citizen awareness, council citizens in protecting their rights, and monitor the work of informal and formal justice mechanisms. ADALAT also supports establishing legal clinics in private universities to provide practical experience to law students and improve citizen access to free legal advice and representation.

ADALAT implemented at least some interventions in each of Afghanistan’s 34 provinces (Figure 1). ADALAT staff explained that accessibility (i.e., availability of an airport or secure access by road) was one factor that influenced where it implemented interventions. Another important factor influencing where ADALAT worked was whether capable local CSO partners were present in a district. It worked with the Moj’s LAD only in [REDACTED] and implemented the full package of other interventions (i.e., Huquq and Supreme Court) in selected districts of 16 provinces ([REDACTED]). Nevertheless, due to inappropriately recorded data in the early years of the activity, ADALAT’s intervention tracking data was not sufficiently detailed to determine the scale of interventions in each province.

DEVELOPMENT HYPOTHESIS

ADALAT contributes to USAID/Afghanistan’s DO 3: Government accountability to citizens increased. It contributes to three of the Mission’s IRs: IR 3.1 Citizen participation in decision-making processes increased, IR 3.2 Improved effectiveness of government institutions, and IR 3.3 Reduced vulnerability to corruption.

ADALAT’s AMELP describes the development hypothesis as follows: “**If** ADALAT increases the effectiveness of the formal justice sector, strengthens the linkages between the formal and traditional justice sectors, and increases the demand for quality legal services, **then** Afghans will have better access to quality justice services based on Afghan law. All three results are necessary to achieve the ADALAT purpose; increased demand without improvement in the justice system may frustrate the public, while improvements in the formal sector or informal sector are likely to need public support to be sufficient.”

EVALUATION METHODS AND LIMITATIONS

DATA COLLECTION AND ANALYSIS

The evaluation employed a mixed methods approach that relied on ADALAT's AMELP and quarterly and annual reports to ascertain the program's inputs and outputs; key informant and group interviews to assess outcomes and ADALAT's contribution; and secondary research, data, and analyses to provide context and to triangulate conclusions that emerged from analysis of the primary data. Annex 7 contains a bibliography of the documents the evaluation team reviewed.

The evaluation team conducted 171 interviews (80 key informant interviews and 91 group interviews) in six provinces (i.e., [REDACTED]) purposively selected to represent the range of ADALAT interventions. It interviewed 10 types of respondents to gather stakeholders' perspectives on the full range of ADALAT interventions (see Annex 6 for details). Stakeholder groups included judges, heads of dewans, and associate justices; the chief justice; court clerks; primary court heads and appeals courts; mullahs, local elders, and spinsary groups; legal aid lawyers; legal aid clinics; representatives of the MoJ, including the Huquq Department; implementation partners, grantees, and CSOs; and the Afghan Human Rights Commission (AHRC). The evaluation team also distributed a survey to all individuals it interviewed to collect quantitative data on perspectives of ADALAT effectiveness and outcomes. The survey generated 378 responses.

The evaluation team developed interview and discussion guides tailored to each stakeholder group's role in the justice system or ADALAT (see Annex 5).

Evaluators used MAXQDA—computer software for managing and analyzing qualitative data—to identify the frequency with which interview subjects mentioned themes that were relevant to answering the research questions and to explore patterns in these themes. The interviews were only loosely structured, i.e., questions were general in nature and, in many cases, interviewers did not press for a responsive answer. The frequencies with which interview subjects mention a particular theme are thus not indicative of the number of respondents for which the theme was relevant. For example, just because a judge did not mention attending an ADALAT training does not mean that the judge did not attend the training.

The evaluation selected a purposive sample of provinces and districts in which to conduct interviews. The sample prioritized districts with some variation in both the intensity (i.e., number of individuals trained) of training programs and in the variety of interventions. The evaluation's analytical approach to determining the relative effectiveness of individual ADALAT interventions relied on examining the relationship between outcomes (determined from the interviews) and [REDACTED] combinations of interventions. The sample of provinces and districts thus represented a range of implementation "intensities" as determined by the number of unique interventions and their scale. Annex 4 provides additional detail about the criteria used for selecting the sample of districts.

See Annex 6 for details on the number of interviews and their distribution across the sample of provinces. Annex 5 contains the data collection instruments.

LIMITATIONS

The evaluation faced a number of limitations that affected the quality and interpretation of the analysis and results. The most important of these included:

- The expatriate evaluator and local subject matter experts were not able to travel outside of ██████████ to collect data. Furthermore, the evaluator did not speak local languages. The necessity of hiring short-term local assistance to conduct interviews outside of ██████████, take summary notes, and translate the notes into English substantially compromised the fidelity of the data. Ideally, the evaluation team should debrief interviewers when necessary and engage local subject matter specialists and local evaluation team members to interpret the interview notes. However, it was not practical for the evaluation team to engage in this level of debriefing in the time available. Consequently, the qualitative data is often thin, especially that linking outputs to higher-level outcomes.
- The analytical approach described in the assignment work plan called for examining the association between the intensity of outputs (i.e., the number and scale of unique interventions as determined from ADALAT intervention data) and outcomes (determined from interviews). However, the data available on outputs lacked the geographic specificity necessary to determine implementation intensity at the district level. Furthermore, the qualitative data did not provide sufficient information to compare outcomes across sampled districts. Consequently, while the analysis could assess the effectiveness of individual interventions, it could not determine which combinations of inputs were most effective in achieving overall outcomes.
- The evaluation's data collection plan did not specify collecting data from ordinary citizens. The evaluation thus had to rely on scant secondary data for evidence of citizens' perspectives on outcomes. This limited the evaluation team's ability to assess ADALAT's effectiveness in increasing access to justice from a more objective perspective than that of ADALAT stakeholders. This limitation also prevented the evaluation team from assessing ADALAT's contribution to increasing the reach of the formal justice sector under evaluation question 1.

FINDINGS AND CONCLUSIONS

The evaluation employs a contribution analysis approach to answer the questions. For each question, it first presents contextual data—largely from secondary sources—on overall trends in the outcomes of interest. It then presents evidence from the primary data on ADALAT's achievement on interventions designed to influence the outcomes. Finally, the conclusions section for each question draws plausible inferences about ADALAT's likely contribution to the outcomes.

ADALAT EFFECTIVENESS

Question: To what extent have the ADALAT interventions achieved their intended outcomes and results? What, if any, unintended consequences (positive or negative) did ADALAT produce or happen affecting citizens' access to justice in Afghanistan?

The analysis for this question follows the ADALAT results framework. It first documents the extent to which ADALAT achieved its outputs as defined in its AMELP.²⁰ It then examines the effectiveness of ADALAT's activities in contributing to its three sub-purposes. Subsequent questions link ADALAT outcomes at the sub-purpose level to the higher-level outcomes of the ADALAT purpose and the USAID results framework.

ADALAT OUTPUTS

Based on the reported values of its AMELP indicators, ADALAT's performance has been mixed. In general, it exceeded most targets for outputs related to improving administrative systems, including the number of non-judicial staff trained (partly on using the case management system), number of courts using improved case management systems, and number of legal aid offices using improved information collection systems.

Notably, given the prominence of training in the ADALAT activity, it fell behind targets on all seven of its training-related indicators: number of judicial personnel trained with U.S. Government (USG) assistance; number of judges trained with USG assistance; number of court staff trained with USG assistance, disaggregated by skill set; number of trainings provided for judges and court staff; percentage of Huquq professional staff who have received training; number of state and non-state justice actors trained (this does not include judicial and non-judicial court personnel); and number of people trained on legal issues. On average, it met 57 percent of its combined target on these indicators. ADALAT staff attributed the activity's failure to achieve training targets to 1) insecurity that caused some training events to be cancelled or restricted trainees' or trainers' travel to training venues, 2) the Supreme Court's last-minute demand that ADALAT support a law review which delayed all interventions with the Supreme Court by several months, and 3) the Moj's firing of 415 of 785 Huquq professionals²¹ who did not hold graduate degrees, and their slow replacement, which made it difficult for ADALAT to plan the intensive four-week foundation trainings for Huquq professionals.

It achieved 114 percent of its target for the number of CSOs it supported to engage in advocacy but met only 39 percent of its targets related to the activities of the CSOs: number of advocacy committees established, number of people trained on legal issues, and number of people reached through legal promotional materials. It fell behind targets for CSO grants related to TDR and advocacy. ADALAT staff explained that it was difficult to find capable CSOs to which to award grants and thus awarded fewer grants than it would have liked. Consequently, ADALAT was able to award only 11 of 20 planned clinical legal education grants in its last cycle, found only 10 viable CSOs for the 15 TDR grants it planned to award, and had to cancel some CSO grants because they did not adhere to the conditions of the grant contract. To meet targets for grant outcomes with fewer grants, ADALAT modified some grant agreements. It allowed five of the 11 clinical legal education grantees to operate community legal clinics in both the first and second semesters (they usually devoted the first semester solely to classroom work) and extended grant periods and geographic coverage for some TDR grants. ADALAT staff told evaluators that they expect these modifications to help them reach

²⁰ ADALAT (Assistance for the Development of Afghan Legal Access and Transparency), *Activity Monitoring, Evaluation, and Learning Plan (AMELP)* ([Redacted]: USAID, 2019).

²¹ Communication from the ADALAT chief of party.

targets related to the outputs of TDR and clinical legal education grants by the end of the project.²²

ADALAT staff cited these as the primary reasons the activity failed to achieve targets. The table in Annex 3 provides additional detail for individual indicators.

Table 2 summarizes ADALAT’s progress on intermediate results indicators included in the activity’s results framework (see Annex 3 for values for each indicator). The table suggests that ADALAT did well, relative to targets, with activities directly related to the Supreme Court. ADALAT reported no results for intermediate result 2.2 because it intended that an intervention related to the one indicator for this result would start in 2018, but the intervention has not yet begun. It reported no results for the one indicator of intermediate result 2.3 because progress is contingent on the government’s passing the Conciliation Law, which has not yet occurred.

Table 2: Progress on ADALAT Outputs (2016–2019)

Intermediate Result	Number of Indicators	Distribution of Percentage of 2019 Target Achieved		
		Minimum	Maximum	Mean
1.1 Increased Supreme Court capacity to provide professional training to judges and judicial personnel	5	65%	131%	89%
1.2 Strengthened Supreme Court capacity to manage internal operations, court administration, and to ensure professional conduct among judges and judicial staff	1	131%	131%	131%
1.3 Strengthen the capacity of the Moj’s LAD	5	57%	272%	164%
2.1 Increased Moj capacity to train Huquq professional staff	2	70%	88%	79%
2.2 Increased administration and outreach capacity of the Huquq Department at the central, provincial, and district levels	1	0%	0%	0%
2.3 Increased Huquq interactions with traditional justice actors	1	0%	0%	0%
2.4 Improved traditional justice decisions through training and consultative interventions	4	39%	129%	74%
3.1 Enhanced citizens’ legal rights education and advocacy	5	12%	74%	40%
3.2 Clinical Legal Education programs implemented at private universities	4	20%	64%	52%

The following sections of the report present qualitative data that help explain the outcomes associated with ADALAT’s achievements.

²² Communication from the ADALAT chief of party.

SUB-PURPOSE I: INCREASED FORMAL JUSTICE SECTOR EFFECTIVENESS AND REACH

Afghanistan’s judicial reform agenda reflects the government’s priorities for improving the performance of the formal justice sector.²³ It emphasizes:

- Establishing a transparent and impartial legal system that is built around the rigorous application of the constitution and international conventions on human rights;
- Enhancing the professional capacity of law enforcement personnel at all levels;
- Increasing the number of women in justice and law enforcement agencies;
- Improving coordination between justice and law enforcement agencies;
- Enhancing efficiency and responsiveness by restructuring judicial institutions and implementing an electronic case management system; and
- Taking serious steps to protect human rights and tackle violence against women.

Respondents to the evaluation team’s interviews cited several of these issues as the primary challenges to the effectiveness of the formal justice sector, thus validating the relevance of the reform agenda. Table 3 summarizes the most common challenges interview respondents cited. Many (16) respondents, especially judges, noted that powerful people (i.e., warlords) attempted to influence legal decisions by threatening judges and their families. Secondary data and the evaluation team’s interviews document the inadequate professional qualifications of many judicial and non-judicial court personnel. With respect to coordination and cooperation between the [Redacted] justice sector actors, the following quote from a representative of the justice department illustrates the challenges respondents cited.

“Since legal and judicial systems depend on attorneys and police, high-level coordination is a must. Legal and judicial system employees must have a good understanding of enforcement techniques. Police are not cooperative in enforcement of decisions and are careless in coordination; for instance, police sometimes wipe out crime scene evidence due to unprofessionalism.”

Table 3: Challenges to Justice Sector Effectiveness

Challenge	Number of Interviews
Insecurity	17
Influence of powerful people	16
Limited capacity of court staff	10 ^a
Poor coordination between justice institutions	10
Inadequate infrastructure/equipment	8

^a When asked about recent changes in the justice sector, interview respondents most frequently cited improvements in the qualification of court staff, thus providing additional evidence that this is a serious limitation.

Court personnel, particularly those in [REDACTED] rural areas, reported that they lacked the buildings, computers, internet connections, and access to information necessary to perform their jobs effectively. A provincial director of the MoJ described the situation as follows:

“The first problem [challenge] is with infrastructure. We currently do not have places for offices, especially for law departments at the provincial and district levels. There may be one

²³ Afghanistan National Peace and Development Framework: 2017-2021, <https://www.refworld.org/pdfid/5b28f4294.pdf>.

or two districts in [Redacted] province and one in [Redacted] province that have buildings for offices, but 98 percent of Afghanistan’s districts do not have buildings for law departments.”

In [Redacted] areas, unreliable electricity and a lack of computers and internet connectivity also limited access to the online case management system developed by the Justice Sector Support Program (JSSP) funded by the U.S. Department of State. Nine respondents also specifically mentioned that they would benefit from access to a law library for learning and research.

IMPROVEMENTS IN FORMAL JUSTICE SECTOR EFFECTIVENESS

Although the World Justice Project’s broad-based Rule of Law Index ranks Afghanistan at 123 of 126 countries, individual factor scores, although still quite low, show meaningful improvement in several indicators of the justice sector’s performance during ADALAT’s period of performance from 2016 to 2019, especially in most aspects of civil justice (Table 4). Of most relevance to this evaluation, these data show improvement in all measures associated with corruption and civil justice, with the most substantial improvements in corruption of the judiciary, access to justice, and enforcement in civil justice. These data reflect improvements in accessibility and affordability of civil justice, corruption, administrative efficiency, and the fairness and impartiality of the courts.

Table 4: Changes in Justice Sector Performance (2014–2019)

Index Factors	2014	2015	2016	2017/18	2019	% Change (2016–2019)
Absence of corruption	0.24	0.23	0.23	0.27	0.28	21.7%
No corruption in judiciary	0.11	0.08	0.07	0.18	0.16	128.6%
Civil justice	0.27	0.32	0.34	0.38	0.38	11.8%
Civil justice: accessibility	0.28	0.37	0.40	0.46	0.47	17.5%
Civil justice: no corruption	0.12	0.10	0.06	0.14	0.15	150.0%
Civil justice: no unreasonable delay	0.48	0.42	0.39	0.45	0.40	2.6%
Civil justice: effective enforcement	0.26	0.47	0.56	0.58	0.59	5.4%
Criminal justice	0.28	0.24	0.28	0.28	0.28	0.0%
Criminal justice: no corruption	0.25	0.22	0.23	0.25	0.24	4.3%
Criminal justice: timely adjudication	0.37	0.35	0.37	0.36	0.38	2.7%

Source: The World Justice Project. Rule of Law Index. <https://worldjusticeproject.org/our-work/research-and-data/special-reports/rule-law-afghanistan>.

Note: Cell values represent scores on an index measured on a scale of zero to one, with zero being the worst and one being the best.

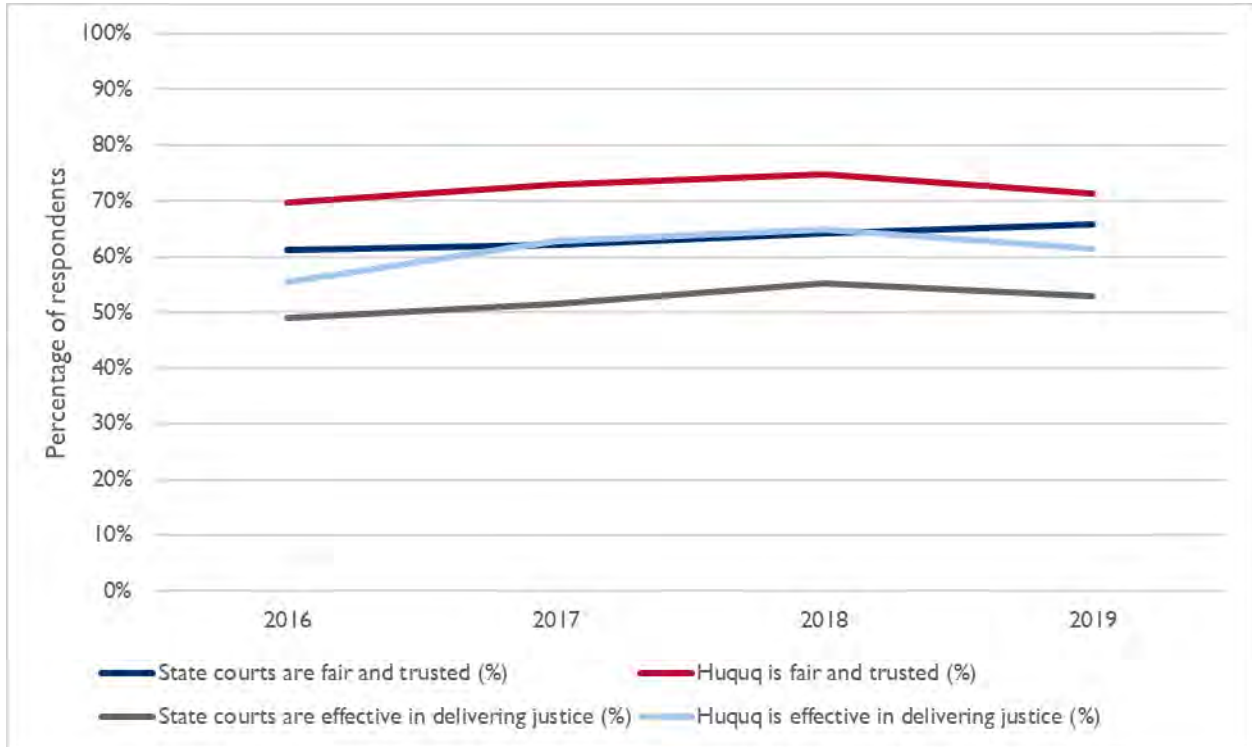
Data from The Asia Foundation’s annual Survey of the Afghan People corroborate the World Justice Project findings, showing marginal improvement in public trust and confidence in state courts and the Huquq Department since 2016 (Figure 2).

Evidence from the evaluation team’s interviews also point to improvements in justice sector effectiveness on several fronts. For example:

“Surveys show that corruption is widespread in the judiciary and many are known to do corruption. But now, corruption has been reduced and the status of courts has improved as compared to several years ago. For example, the proceedings in the courts have been

accelerated. In 2015, the Supreme Court did not allow observations by other agencies, but now there are many agencies that observe the processes.” – Key informant interview with representative of Afghan Justice Organization, [Redacted]

Figure 2: Public Trust and Confidence in Formal Justice Institutions



Source: The Asia Foundation, Data from the Survey of the Afghan People, <https://asiafoundation.org/where-we-work/afghanistan/survey/data/>.

Note: Values indicate the percentage of respondents who strongly agreed or agreed with the statement.

“Recent appointments have really changed the dynamics of the legal and judicial system in [Redacted] province and improved the overall situation. While police are still not cooperative, legal and judicial agencies’ work rate has increased compared to a few years ago. Bribery has decreased significantly but is yet to be eliminated completely. Furthermore, employees’ treatment of clients has also improved which indicates they feel more responsibility.” – Key informant interview with CSO representative

Interviews with the judges, court clerks, court heads, and Huquq specialists asked specifically about changes in the justice system. Respondents most frequently mentioned efforts to professionalize court staff (e.g., by increasing salaries and hiring based on merit) (19 interviews), introduction of a case management system (16 interviews), and an emphasis on rooting out corruption (16 interviews). Few respondents, however, specifically related changes in the justice system to improved performance, and fewer still gave specific examples.

Of the 45 interviews that mentioned improvements in the effectiveness of the justice sector, 26 provided general statements, e.g., “The recent reforms have put the judicial system on the right track.” Of transcripts that gave specific examples, 15 cited improved administrative efficiency (most often associated with the case management system); 10 reported that the courts resolved cases more quickly (also attributable largely to improved case management); seven

alluded to improved coordination between justice sector actors; and six mentioned improved performance of judges.

ADALAT'S CONTRIBUTION TO IMPROVING THE EFFECTIVENESS OF THE FORMAL JUSTICE SECTOR

ADALAT's results framework implies that its primary interventions designed to improve the effectiveness of the justice system were (1) training programs to enhance the practical skills and knowledge of judges, court personnel, and lawyers and (2) technical assistance to strengthen the Supreme Court's capacity to manage internal operations and court administration, and to ensure professional conduct and improve the capacity of the MoJ's LAD and State Cases Directorate.²⁴ This section presents findings for each of these interventions separately.

Judicial Training

ADALAT's quarterly and annual performance reports document having engaged 1,027 judges (80 of them women)²⁵ in seminars and workshops on commercial law, commercial procedures law, civil law, civil procedures law, family law, property disputes, criminal law, and criminal procedures law. The workshops sought to improve judges' knowledge of statutory law and procedures, thereby improving their performance and, by extension, the effectiveness of the formal justice system.

Most (12 of 14) of the judges and court officials the evaluation team interviewed who had direct knowledge of the training said it imparted knowledge and skills that judges used in their jobs. None, however, specifically described their personal experience with using new knowledge or skills to improve their professional performance. Four judges and senior court personnel indicated that workshops that explained and clarified laws and rules should improve judges' implementation of the law.

Participants in two interviews with judges noted the value of the ADALAT workshops in preparing less experienced judges and the utility of the reference materials prepared from the workshops.

“When a judge enters the system, he is not so professional; he has academic knowledge and learns practical knowledge throughout his career, for example, by attending the ADALAT seminars and judicial training.” – Group interview with judges in [Redacted] province

“Young judges and female judges have benefited from the seminars, and this book [manual ADALAT prepared to document the proceedings of working group it convened] will be beneficial in the decision-making of judges because this is a good book for young judges and for us as well.” – Group interview with judges in [Redacted]

A MoJ provincial director from [Redacted] province, however, provided perhaps the most compelling illustration of improved judicial performance.

“We can clearly see the impact [of improved knowledge and skills] in the appeals process. For example, when we make a comparison, we see that five or six years ago, over 15

²⁴ ADALAT (Assistance for the Development of Afghan Legal Access and Transparency), *Activity Monitoring, Evaluation, and Learning Plan (AMELP)* ([Redacted]: USAID, 2019).

²⁵ See Annex 3 for a complete listing of the performance data presented in ADALAT's AMELP. ADALAT staff believe, but cannot confirm with certainty, that the data reported in the AMELP reflect the number of unique individuals that attended at least one training event and do not count individuals who attended multiple events more than once.

percent of the cases were defective and even rejected, but they are increasingly accepted now.”

Two interview subjects implied very generally that the workshops may also have provided a forum for judges to learn from each other’s experience—sometimes even after the workshop—thus strengthening coordination and consistency within the courts. One judge, for example, explained, “Sharing judicial experiences was very useful because it helped us reach the same decision.” A senior representative of the Supreme Court, describing the regional judicial conference in [Redacted],²⁶ for which ADALAT provided financial and logistics support, reported:

“I have to say that the judicial procedure and some of the administrative problems that existed from the lack of coordination between the courts were somehow resolved by holding this seminar. This seminar has led to a nearly identical procedure in guiding judges and informing them of the judicial process.”

Although they said they found the workshops useful and relevant, participants in 16 interviews—all with court personnel and judges—offered suggestions for improving the training program. They specifically mentioned the need for training on more topics (six interviews); longer workshops (four interviews); more frequent workshops (two interviews); and financial support for additional training opportunities, e.g., scholarships and study tours (two interviews).

Judges do not typically specialize in specific areas of the law. Therefore, they need a wide range of knowledge to be effective. Judges the evaluation team interviewed specifically mentioned that they needed training in the “criminal, legal, commercial, and administrative sectors”; drugs and human trafficking; corruption; ordinary crimes; and terrorist offenses, domestic violence, and civil law.

Participants in five of the interviews mentioned that the workshops were too short for the topics they covered and suggested tailoring the workshops to the complexity of the topic. For example, a provincial court judge believed that adequately covering the principles of civil law required more than a three-day workshop.

Participants in six interviews expressed the view that ADALAT did not allocate its training resources appropriately. They argued that some provinces had more courts, and less support from other donors, and thus required more training support from ADALAT. For example:

“[The number of] workshops and seminars is extremely inadequate for [Redacted] province. In other words, we require to have more workshops and seminars given that we have operational courts in all 27 districts of [Redacted]. In the provinces of [Redacted], [Redacted], [Redacted], and [Redacted], there are more seminars and workshops to raise the capacity of the administrative staff of the courts conducted by foreign organizations, but in [Redacted] we don’t see as many.” – Key informant interview with appeals court judge

Non-Judicial Training and Case Management

ADALAT’s quarterly and annual performance reports document having trained 1,428 non-judicial court staff (1,314 men and 114 women) in performance appraisal, code of conduct, human resource management, database development, finance and budget, the paper-based case

²⁶ ADALAT provided financial and logistics support to arrange a regional judicial conference in [Redacted] that brought judges together to discuss the state of the judiciary, Supreme Court advisory opinions, and recent developments in statutory and decisional law, among other topics. ADALAT also supported producing a booklet of conclusions from the conference which the Supreme Court distributed to the provinces.

management system, and the online ACAS, a case flow management system.²⁷ Twenty-two of the evaluation team’s interviews (mostly group interviews with court clerks and administrators) reported improvements in court administrative performance. They most frequently noted improvements in efficiency related to better case management systems (12 interviews) and improved administrative processes such as financial and human resource management, planning, and writing precise legal documents (four interviews).

The strongest evidence of ADALAT’s contribution to improving the effectiveness of the justice system relates to its support for improving case management. Respondents spoke of both the online system developed by JSSP and a complementary paper-based system developed by ADALAT. The ADALAT system is intended to facilitate case management by court staff until the JSSP system becomes fully operational and in areas where unreliable internet connections and electricity limit access to the JSSP system.

Interview respondents explained that prior to the ADALAT case management system, courts registered all cases in one book. Clerks related that it required a great deal of effort and time to extract information about one case from the single book. ADALAT’s paper-based case management system created separate books for each case, thus allowing individual court clerks to easily track, and report on, the progress of a case and to be more responsive to clients’ queries about case status.

“It [ADALAT’s case record book] has been very effective because it has enhanced the effectiveness of the system by 80 percent. There used to be a [single] book for filing cases, and we needed an assigned employee working for one to two days to find the details of a specific case, but work has now been expedited.” – Group interview with court clerks in [Redacted] province

“The case record book (which is given to us by the ADALAT project) is another useful tool that made it easier for people to access their documents/case files.” – Group interview with appeals court clerks in [Redacted] province

ADALAT trained non-judicial court staff in a variety of administrative topics which they found useful, including how to use case management systems.

“ADALAT held some useful educational seminars in Bamiyan regarding preparing files, evaluation of employees, and recording cases. Seminars such as this taught us many valuable lessons on how to run the administrative branch of the judicial system, and with the employment of 30 [additional] administrative staff through the Administrative Reform Commission, things will be even better.” – Group interview with appeals court clerks in [Redacted] province

Respondents explained that the JSSP and ADALAT systems together made it much easier to collect information about a case, track case progress, and respond to requests for information, all of which contributed to the courts being more efficient (e.g., processing and resolving cases more quickly) and responsive.

Although most respondents knowledgeable of the non-judicial training found it effective and useful, they also offered suggestions for improving the training experience. These were similar

²⁷ As with the judicial training, ADALAT staff believe, but cannot confirm with certainty, that the data on training non-judicial court staff reflect the number of unique individuals that attended at least one training event and do not count individuals who attended multiple events more than once.

to the suggestions for improving judicial training, most frequently suggesting that seminars and workshops should be longer, more comprehensive, and emphasize practical skills over academic knowledge (eight interviews). Respondents in six interviews thought training would be more relevant if ADALAT coordinated more with the government to assess needs.

“Since the situation is changing, the program needs to be tailored to the needs of the departments and be updated as well because the needs assessment three years ago will not work this year. We want the plans and programs to be tailored based on needs. For example, new employees need to attend some basic training programs to learn about bills as well as the applicable laws.” – Key informant interview with the MoJ human resources department

Four interviews also raised the concern that training opportunities were not fairly distributed: Some court staff had attended multiple seminars while others had participated in none. ADALAT staff explained that the Supreme Court determines who attends trainings and prioritizes more active judges over those who have little activity in their courts. Furthermore, ADALAT is not completed and future training may rectify some of the inequality in current training coverage.

Technical Assistance to the Supreme Court

ADALAT embedded advisors in the Supreme Court’s budget and finance, human resources, and information technology departments to improve administrative systems. Although interview respondents acknowledged the value of ADALAT’s support, particularly in creating databases for human resources, documents, and audits, none of them gave specific examples of how the support affected administrative performance. Two representatives of the Supreme Court noted the value of ADALAT’s support for reviewing and updating laws and reported that ADALAT’s support arranging regional judicial conferences improved coordination within the court system.

“They [ADALAT] have also done one more effective thing which is establishing the review committee of the retired people. Their overall task is to review laws, bills, and regulations. As directed, we asked 34 provinces for their comments and provided the committee with laws and bills, and the result of this will be very beneficial. The committee will bring its work to us for final review after it is done and if it is appropriate, we will refer it to the Supreme Court.”

However, they did not speak specifically about how it contributed to improving the effectiveness of the justice system.

Strengthening the MoJ’s Legal Aid Department and State Cases Directorate

To strengthen legal aid within Afghanistan, ADALAT reviewed the Legal Aid Regulation and proposed legal and regulatory reforms for managing legal aid. One objective of the reform is to consolidate responsibility for managing and regulating legal aid with the LAD. ADALAT interventions also addressed building the capacity of LAD to effectively play this central role by training LAD leadership on budgeting, financial management, and procurement and by training LAD lawyers on substantive law.

Only two interview respondents spoke specifically about the value of ADALAT’s support to LAD. The director of state lawsuits in ██████ noted the value of a foreign expert provided by ADALAT who “worked on the filing system,” a task LAD did not have the time or resources

to pursue. A provincial legal aid sub-director explained that ADALAT helped LAD recruit interns from among law clinic students which improved access to legal aid by augmenting the limited LAD staff.

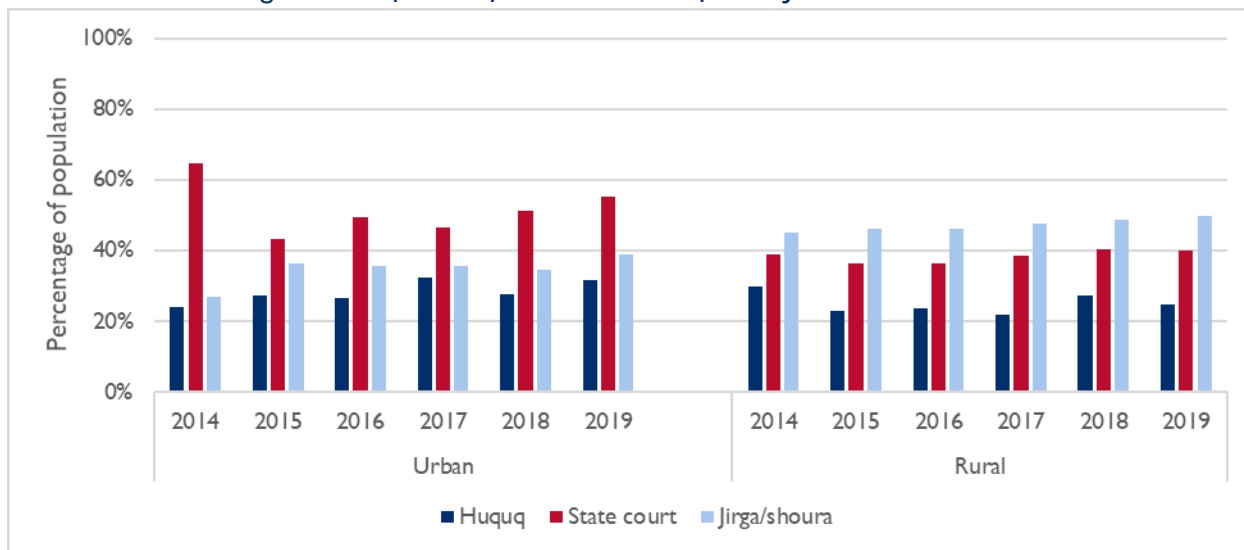
Speaking of the training ADALAT provided to LAD, the provincial sub-director said that the trainers had no practical experience. He suggested that engaging MoJ trainers from within the province would have been more appropriate and cost-effective.

ADALAT had not started substantive work with the State Cases Directorate at the time of the evaluation. The director of state cases in ██████ noted, “Unfortunately, nothing has been done regarding state lawsuits, even after the ██████. During these years, no attention has been given by foreign institutions to the Directorate of State Cases.” According to its work plan, however, and informed by an HICD assessment, ADALAT intends to help organize and improve the capacity of the directorate, which currently lacks sufficient resources, including lawyers and support staff, and a strategy or work plan.

SUB-PURPOSE 2: STRENGTHEN FORMAL-TRADITIONAL JUSTICE SECTOR LINKAGES

Afghans have two options for resolving disputes: (1) the formal state system of Huquq and the courts and (2) TDR mechanisms comprised of community-level jirgas, shuras, and community development councils (CDCs).²⁸ The ██████ also operates “courts” in areas under its control. Data from The Asia Foundation’s annual Survey of the Afghan People finds that most people who cannot resolve a dispute among themselves refer to formal justice mechanisms (the courts or Huquq). The preference for formal mechanisms is much less pronounced in rural than in urban areas, however (Figure 3).

Figure 3: Preference for Formal and Informal Justice Mechanisms



Source: The Asia Foundation. Data from the Survey of the Afghan People. <https://asiafoundation.org/where-we-work/afghanistan/survey/data/>.

²⁸ Shuras and jirgas (the Pashtun equivalent of a shura) are traditional dispute resolution mechanisms. In the context of Afghanistan, they refer to a congregation of varying levels of permanence and/or institutionalization that often consists of religious figures or other respected individuals in the community gathered with the aim of consulting on an issue, making a collective decision, or helping resolve a dispute. CDCs are committees established to oversee development activities in a community, which may include monitoring the activity and resolving issues with the activity. Although they have no formal role in resolving other types of disputes, many respondents seemed to refer to them in this context.

The evaluation team’s interviews corroborate these findings. Respondents explained that the formal justice sector has little physical presence in rural areas and that traditional values, including a preference for solving some types of disputes locally with known community members in familiar forums, were more prevalent in rural areas.

When asked about the factors that influenced decisions about where to seek justice, respondents most often cited the speed of a decision as the factor that most distinguished courts from TDR mechanisms—with TDR mechanisms being much faster (Table 5). Many also referred to a perception that the courts were corrupt, either in demanding bribes or being influenced by powerful people. Respondents also referred to the different nature of the decisions, noting that TDR decisions are not formal—or often not legally registered—and can be reversed in the courts, while courts’ decisions are recorded and durable. Accessibility issues referred to formal courts being physically distant and difficult or costly to reach from [REDACTED] areas. When the [REDACTED] was present in an area, it could also mean that referring a case to the courts could be physically dangerous.

Table 5: Factors Affecting Preferences Among Justice Mechanisms

Factors Affecting Choice	Number of Interviews
Speed of decision	28
Perception of corruption in courts	19
Nature of decision	11
Accessibility	11
Awareness of formal justice systems	9
Traditional beliefs	9

The Afghan Constitution does not recognize a formal role for TDR mechanisms. The chief justice, however, acknowledged that the situation is changing, and informal justice mechanisms have a valuable role to play:

“Unofficial justice has been in progress since last year, and it has been excellent at resolving disputes, especially in legal matters. In the criminal section, they have no right to interfere. We proposed a draft to legalize reconciliation and arbitration issues that have yet to be resolved, which will solve the problem [of giving informal justice mechanisms a legal role]. Of course, according to the law, the court itself tries to compromise family disputes through unofficial solutions, and it has been a common practice for many years to submit family and legal cases to arbitration. Of course, as I said before, it is up to the council to approve it [the decisions of informal justice mechanisms].”

Regardless of whether TDR mechanisms are officially recognized, their prevalence makes them difficult to ignore, especially given the limited capacity and reach of the formal justice system. In fact, the story that emerges from the evaluation team’s interviews suggests that some degree of complementarity exists between formal and informal justice institutions. Of 66 interviews that discussed the relationship between the formal and informal justice sectors, 54 mentioned some degree of complementarity, while only four said there was no relationship at all.

Most often, this complementarity manifested in jirgas or shuras—or dissatisfied disputants—referring cases they could not resolve through TDR mechanisms to the courts. The following quote from a community leader in ██████████ province illustrates this process.

“In our area, traditional dispute resolution is a common practice. First, the affected person brings his issue or case to the tribal leader, and then the tribal leader presents the case to the shura or jirga, and the members of the jirga work together as a team to find a realistic solution based on traditional rules and regulations. Most of the decisions are made based on mutual consent, but if there is any objection from either party, then the case is referred to the government justice department.”

A somewhat less common example of complementarity is the practice of jirgas, shuras, or disputants recording TDR decisions with the courts to make them officially binding. One representative of the courts, however, told the evaluation team that he would not record such decisions, and another said he would do so only if he could confirm that it adhered to the law. Less common still, some representatives of the Huquq Department and the courts reported referring some civil and family cases to TDR bodies when they believed the cases could best be resolved within the family or community.

Respondents in eight interviews referred to more formal linkages between the two justice sectors. These included Huquq engaging TDR practitioners in workshops and seminars to improve their knowledge of Afghan law (six interviews), directly consulting with TDR actors on some cases (one interview), and leveraging the close ties between TDR mechanisms and communities to raise public awareness of the formal justice system (one interview). However, it was sometimes difficult to determine whether respondents referred to collaborating with jirgas and shuras or to CDCs, which are state-sanctioned bodies empowered to coordinate and oversee community development initiatives.

A representative of the MoJ in ██████████ recounted, “We have a number of programs, and our staff work with jirgas and councils in the districts. There, it is necessary not only for our staff but also for members of jirgas and councils to be informed. Our effort is that our officers keep the jirga active to resolve disputes in accordance with applicable laws.” A representative of the primary court in ██████████ province explained, “We have a very productive relationship with TDR, and it is our mandate to strengthen our cooperation and linkages with them as well as with the religious leaders.” Similarly, a Huquq representative described the value of collaborating with jirgas and shuras, saying, “We usually send an informed person to raise their [jirgas’ and shuras’] awareness about laws. Shuras and jirgas solve lots of cases and make our job easier. We are satisfied with their work.”

Despite these examples of collaboration, participants in 22 interviews with formal justice sector actors, and with others, voiced concerns about the quality of justice meted out by TDR mechanisms. Respondents most often mentioned concerns that TDR mechanisms did not adhere to the law (10 interviews), were vulnerable to influence and corruption (10 interviews) and violated women’s rights (eight interviews).

Respondents in four interviews said it was important to define a role for TDR mechanisms in the justice system, but only if that role was formally recognized and TDR practices adhered to the law. The following quotes illustrate these concerns.

“It is too early for this system [formally integrating TDR into the formal justice system] because it requires that the shuras should be trained according to the law of the district shuras. Shura members should be high school graduates, and the terms of reconciliation, mediation, and arbitration should be explained to them. So, I believe it is too early for shuras to work on the mentioned issues.” – Key informant interview with a provincial sub-director of legal aid

“Shuras should be in an official framework and their members should be aware of [statutory] law and Fiqh [Islamic law]. If the shuras had been established [in this way], I am sure that about 80 percent of the disputes would be solved by the shuras as I witnessed during my trip to our neighbor country, Iran, where [shuras] were very effective.” – Key informant interview with an MoJ provincial director

ADALAT’S CONTRIBUTION TO STRENGTHENING LINKAGES

ADALAT interventions under this sub-purpose emphasized improving the professional and administrative capacity of the Huquq Department so it could play a more effective role as a formal counterpart to TDR actors, guiding them on mediation practices and Afghan law. ADALAT also provided grants to 12 CSOs²⁹ to work with TDR actors to improve their mediation skills and knowledge of Afghan law and its alignment with Sharia. The overall strategy is to strengthen the professional and administrative capacity of the Huquq Department, align TDR practices to Afghan law, and build formal linkages between Huquq and TDR actors to increase citizens’ access to justice consistent with Afghan law.

ADALAT reports having trained Huquq Department professional staff in family law, inheritance law, commercial law, property law, contracts, debts, mediation, civil procedures law, law on obtaining rights, and (for administrative staff) the Huquq case management system.

The training effectively improved Huquq professionals’ knowledge of the law and legal issues and improved case management within Huquq, which improved administrative efficiency. Specifically, respondents in five interviews (four with MoJ officials and Huquq staff) reported that ADALAT training improved the knowledge and skills of Huquq staff. Similarly, five MoJ officials and Huquq staff reported improvements in Huquq administrative capacity, and all five attributed the improvement to training on the Huquq case management system. Participants in interviews with Huquq staff attributed improved coordination and linkages between formal and traditional justice sector actors to ADALAT interventions.

“As a result of ADALAT interventions, including training, workshops, public awareness programs, radio programs, and others, the public’s trust in justice and the Huquq Department has increased. Also, the coordination and linkage between justice, Huquq, court, shuras, and TDR has improved and strengthened.” – Group interview with Huquq heads

“It [TDR practice] is based on custom, tradition, and habits, but we usually send an informed person to raise their awareness about laws. Shuras and jirgas solve lots of cases and make our job easier. We are satisfied with their work.” – Key informant interview with provincial Huquq sub-director

²⁹ ADALAT provided grants to 12 CSOs to work with TDR mechanisms by the April 2019 cutoff for the evaluation. It has now supported 22 CSOs.

Through its local CSO partners, ADALAT reports having supported 282 discussion sessions and coordination meetings between state and non-state (i.e., TDR) justice actors and training 341 non-state justice actors in mediation skills and Afghan law. Participants in seven interviews (two with MoJ officials and Huquq professionals, one with legal aid lawyers, two with CSOs that worked with TDR actors, and two with community TDR actors) reported that ADALAT-supported training and materials improved the practices of jirgas and shuras by making them aware of the law, including women’s rights, and improving their mediation skills. For example:

“The ADALAT project has had more impacts on the jirga, and through the project, tribal leaders have learned a lot of things. They [ADALAT] gave us information about family rights, constitution, property, punishment code, and inheritance and we use everything we learned practically in resolving the issues.” – Group interview with local elders in [Redacted] province

“Jirgas or traditional conflict resolution committees have changed positively compared to several years ago. For example, women or girls are not married in baad [the practice of a criminal’s family giving a woman or girl to the victim’s family as a servant or a bride] through jirga currently, and the women and girls are given their rights, whereas in the past, the women and girls were married in baad. Moreover, currently, religious leaders are members of jirga as well.” – Group interview with religious members of a shura in [Redacted] province

“Many positive changes have occurred in the traditional dispute resolution system. More people were included in the structure of shuras, such as religious leaders, and now the shuras understand the law and the rights of people, which means more experienced people are engaged in the shura than before. Moreover, manuals, handbooks, leaflets, and other promotional material [from ADALAT] have been distributed to the shura, which have contributed to the knowledge of shura members.” – Group interviews with community leaders in [Redacted] province

ADALAT’s midterm stocktaking report also noted that ADALAT’s work with local TDR bodies may have positively influenced the attitudes of militant groups toward the intentions of donor-supported efforts to improve justice systems.

“Furthermore, the materials appear to have counter-insurgency value in helping to persuade insurgent groups (al Qaeda and/or Islamic State) that an international donor-supported effort aligns with Islamic norms and even Sharia jurisprudence.”³⁰

The chief justice even related that the [Redacted] sometimes sought opinions from the state courts.

“It has even occurred to me that during the [Redacted]’s rule in some areas, the [Redacted] sought opinions and documents from the state courts to rule on the [Redacted] judge’s opinion and reasons.”

ADALAT also supported creating spinsary groups, local women’s groups convened to address family issues. A member of a spinsary group in [Redacted] province explained:

“We have a shura for women in our area so that we solve their problems by ourselves. If anyone has a problem, she goes to the shura, and the shura shares her problem with the jirga. It means that the women first share their problems with older women, and they share their problems with the women’s shura. The women’s shura resolves problems and cases

³⁰ Johnson, Thomas and Bradley Austin, Mid-term Stocktaking Assessment of the USAID/Afghanistan ADALAT Program: Final Report, ([Redacted]: USAID, 2018).

based on shura rules. Currently, a majority of the cases related to women are resolved through a women's shura or spinsky group in our area. Therefore, the women's shura has been useful so far and has largely helped the people in our village.”

SUB-PURPOSE 3: INCREASED CITIZEN DEMAND FOR QUALITY LEGAL SERVICES

The Asia Foundation's annual Survey of the Afghan People finds that the percentage of Afghan citizens who referred disputes to the courts increased by 13 percent between 2015 and 2019, while referrals to the Huquq Department and TDR mechanisms increased by eight percent each. Weighted by population estimates, these figures imply a 24 percent increase in the number of people referring cases to the courts between 2015 and 2018 (the last year for which population estimates exist), a 27 percent increase in referrals to the Huquq Department, and a 14 percent increase in the number of people referring cases to TDR mechanisms.

The evaluation team's interviews corroborate these findings. Except in a few instances where the influence of the [REDACTED] restricted access to the courts, none of the respondents said that fewer people were referring cases to the courts. Of the 45 interviews in which respondents specifically said that more people were referring cases to the courts, 22 attributed greater use of the courts to citizens' increased awareness of their rights and of the courts, and 20 credited improved court performance (e.g., reduced corruption and faster case resolution) and the consequent increase in citizens' trust in the courts.

ADALAT'S CONTRIBUTION TO INCREASING DEMAND FOR LEGAL SERVICES

ADALAT provided grants to 17 experienced CSOs to implement public awareness campaigns, largely through mass media. It also awarded 17 grants to CSOs to support advocacy activities. All CSO public awareness grant recipients the evaluation team interviewed reported that the grants helped them develop or expand effective awareness campaigns that increased citizens' knowledge of their rights and of how to secure their rights in the courts. More generally, respondents in 39 interviews representing most respondent types³¹ mentioned that citizens were more aware of their rights than in the past, and respondents in 23 interviews—16 of them with outreach grant recipients—attributed the improvement to ADALAT interventions. ADALAT reports having trained 5,224 people on legal issues and reached 8,000 with legal promotional materials.

ADALAT's grants to establish legal clinics in private universities sought primarily to improve access to legal aid services. However, respondents in four of the eight interviews with legal clinics reported that by providing free legal advice, they also contributed to improving citizens' awareness of their rights. From the interviews, it appeared that many of the ADALAT-supported clinics had been established relatively recently and had not yet started offering services. ADALAT staff explained that supported legal clinics focused only on instruction in the first semester after a grant award and did not begin providing services until the second semester. At the time of the evaluation, six of the 11 grant recipients were in the first semester. Clinics that specifically reported providing services did not offer much detailed information about the scale or nature of their activities. ADALAT reported establishing 11 legal clinics and that the students in these clinics provided legal assistance in 1,531 cases. The

³¹ All types of respondents except the chief justice, representatives of the Supreme Court, and judges said awareness had improved. Not surprisingly, 20 of the 39 positive responses were from interviews with outreach grant recipients.

evaluation team's interviews with legal clinics suggested that a large majority of these cases were clinic cases (i.e., providing legal advice), while very few were court cases.

Clinic participants (students and university staff) touted the clinics' role in providing practical experience to students. In theory, the clinics should improve access to justice for the indigent (who often include members of vulnerable groups). There is little objective data, however, about the capacity of the clinics or of the services they are providing. However, ADALAT staff believe that the clinics are enormously successful in increasing access to justice, noting that clinic cases became court cases and that one such case went to the Supreme Court which found in favor of the legal clinic client.

CONCLUSIONS

ADALAT's interventions addressed several elements of Afghanistan's justice sector reform agenda, which reflects the government's identified needs for improving the effectiveness of the justice sector. Although ADALAT is somewhat behind achieving its judicial and Huquq training targets, the outcomes of the training plausibly contributed to improving judicial performance and, by extension, measurable improvements in the performance of the justice sector.³² Its most visible contribution, however, stems from its role in improving case management in the courts and the Huquq Department.

ADALAT's efforts to strengthen TDR bodies to more closely align their practices with Afghan law complemented the improved knowledge and skills of Huquq professionals. Together, these interventions plausibly contributed to strengthening, and perhaps formalizing, coordination between some elements of the formal and traditional justice sectors. Although it is thin, the evidence that some Huquq departments are actively advising TDR bodies on the law and human rights is a good sign that bodes well for the prospect of sustainable outcomes.

Despite the apparent value of the training programs, the interviews exposed enough issues with implementation to raise questions about the efficacy of ADALAT's overall strategy. The interviews, and ADALAT's own performance data, suggest that the activity deliberately opted to sacrifice depth of implementation for breadth. In practice, this meant training a fraction of relevant individuals in a province, but not in all applicable topics, and not introducing the entire package of interventions in any single location. Some respondents clearly believed that more detailed and comprehensive training would have been better. Although this is a strategic choice for ADALAT and USAID, it seems inconsistent with the development hypothesis not to implement the entire package of interventions in each location.

ADALAT's outreach and advocacy programming allowed CSOs to substantially expand their awareness programming. In addition to improving citizens' awareness of the law and their rights, the programs provided actionable information about how to access the courts to defend rights. Although the interviews did not produce much detailed evidence of the impact of ADALAT's advocacy interventions, these probably complemented awareness programming by expanding the pool of local activists with knowledge of the law, human rights, and the justice system. To the extent that trained advocacy groups monitored the courts by attending hearings, which two reported they did, they also contributed to greater public oversight of formal justice mechanisms.

³² Relevant elements of the reform agenda include requiring all prosecutors and judges to pass entry and refresher exams.

Although the evaluation’s qualitative data is biased (i.e., much of it is from outreach grant recipients), it provides reasonably sound evidence that ADALAT interventions contributed to an overall improvement in citizens’ awareness of their rights and of how to access the formal justice system to secure those rights. A broader base of qualitative evidence relates the increased demand for formal justice evidenced by both primary and secondary data to improved citizen awareness. To the extent that ADALAT improved the performance of the formal justice system (see section Sub-Purpose 1: Increased Formal Justice Sector Effectiveness and Reach), it may also have contributed to increased trust in the courts, thus further contributing to increased demand.

The evidence does not support quantifying the extent to which ADALAT interventions improved the effectiveness of the justice system, nor does it indicate which interventions were more or less effective. To the extent that they effectively addressed selected elements of the judicial reform strategy, however, they contributed to advancing the justice sector reform agenda.

ACCESS TO JUSTICE

Question: How and to what extent do ADALAT interventions contribute to increased citizen access to justice services based on the Afghan law? What interventions work? Why? What interventions did not work? Why?

Afghan citizens’ access to (quality) justice is determined by a complex interaction among many factors that reflect their physical access to formal and informal justice institutions as well as their perceptions of, and preferences among, justice mechanisms. Working with TDR actors to reign in some of their human rights abuses and align their practices and decisions with Afghan law, for instance, may improve access to effective justice, especially in rural areas where people rely more on TDR mechanisms.

The evaluation team’s interviews provided a great deal of information about the barriers to accessing formal justice mechanisms. Respondents in 40 interviews cited insecurity; limited knowledge of rights and how to access the courts; perceived corruption in the courts; the difficulty, and associated cost, of accessing the courts (especially for residents in [Redacted] areas); the lengthy process of obtaining a judgment in court; and traditional beliefs against dealing with some issues, particularly those associated with women, publicly in the courts (Table 6).

Table 6: Barriers to Accessing Justice

Barriers	Number of Interviews
Insecurity	25
Knowledge/awareness	22
Corruption	12
Cost	12
Physical accessibility	10
Length of process	9
Traditional beliefs	9
Powerful interests	7

Although many of these factors primarily affect access to formal justice mechanisms, respondents also voiced concerns about the quality of more accessible TDR mechanisms (see section Sub-Purpose 2: Strengthen Formal-Traditional Justice Sector Linkage). While the evaluation team’s interviews provide some evidence that TDR mechanisms are improving in this regard, it was not possible for the evaluation team to quantify the extent of the improvement.

Respondents explained that access to justice depended on their awareness of their rights, physical access to justice institutions (formal and informal), hurdles to accessing formal systems (corruption/bribes, cost, lack of knowledge of process), and whether they could expect justice from the accessible justice institutions. Distance, cost, social norms, security, and the presence of the ██████ affected their physical access to the institutions of justice, while their perceptions of the “quality” or acceptability of the justice they could expect depended on myriad factors including traditional beliefs, awareness of their rights, and preferences for the nature of a decision.

“Courts cannot earn both parties’ satisfaction because one would be the winner and the other would be the loser (even the Prophet made such decisions). But in an optimistic view, people’s trust in courts has increased since even the loser of a certain case recognizes the professionalism and neutrality of courts, so they are convinced. City dwellers trust courts more than distant district residents because disparagement by local warlords, elders, and village leaders leaves a stain on the face of courts and curtails citizens’ access to the judicial system.” – Group interview with judges

ADALAT’S CONTRIBUTIONS TO IMPROVING ACCESS TO JUSTICE

As explained in the answer to question I, ADALAT interventions address many of the issues interview respondents cited as barriers to accessing justice. Specifically:

- ADALAT’s outreach and advocacy grants effectively improved citizens’ awareness of their rights under Afghan law and how to access the courts.
- ADALAT’s paper-based case management system and training of non-judicial court staff and Moj’s Huquq staff in maintaining the system substantially enhanced the efficiency of the courts and their responsiveness to clients.
- Although evidence of the services that nascent ADALAT-supported legal clinics currently provide is thin, the clinics have the potential to improve access to legal advice and legal services to the indigent, who often include women, children, and other vulnerable populations.
- Although there is little direct evidence to support it, ADALAT’s training of judicial staff may have improved the quality of formal justice system decisions and citizens’ trust in the courts.
- To the extent that ADALAT’s work with TDR actors improved their adherence to the law and to human rights, it improved the quality of more accessible local justice mechanisms.

One of the respondents in an interview with staff of one of ADALAT’s local partners stated, “The non-existence of female personnel in courts is one of the biggest challenges [for women accessing courts].” To the extent that ADALAT’s training of 80 female judges and 65 female non-judicial court staff enhanced their skills and visibility in courts, it may have contributed to helping women feel more comfortable accessing formal justice institutions.

CONCLUSIONS

The evaluation's primary and secondary data provide compelling evidence that Afghan citizens' use of the courts has increased in recent years. Clearly, many factors influence access to justice, and many (e.g., the security environment and perceptions of corruption or influence) lie outside of ADALAT's manageable interest. Nevertheless, it is plausible to conclude that ADALAT's interventions to improve citizens' awareness of their rights, enhance the administrative efficiency of the courts, improve the "quality" of TDR mechanisms, and establish legal clinics contributed to the rising trend in access to justice. However, it is not possible with the available data to reliably establish the magnitude of ADALAT's contribution.

JUDICIAL PERFORMANCE AND CORRUPTION

Question: How and to what extent do ADALAT interventions contribute to improving judicial performance and reducing vulnerabilities to corruption?

Question 1 concludes that ADALAT's judicial training program contributed to improving the effectiveness of the formal justice sector, largely by improving the knowledge and skills of judicial and non-judicial staff. Although respondents knowledgeable of the judicial training programs reported that those programs effectively enhanced judges' knowledge and skills, there was insufficient evidence to definitively describe how training translated into improved performance. The finding—presented in the section Sub-Purpose 1: Increased Formal Justice Sector Effectiveness and Reach—that fewer decisions are overturned on appeal now than in the past is the most convincing, if weak, evidence that ADALAT's training program improved judicial performance. Secondary data from the World Justice Project's Rule of Law Index showing slight improvements in factors related to civil justice also suggest that judicial performance improved between 2014 and 2019 (Table 4).

In response to a direct question, respondents in 69 of 124 interviews stated that corruption in the courts declined substantially during the three years preceding the interview.³³ In fact, many said corruption was entirely eliminated. Respondents attributed the decline to higher judicial salaries (22 interviews); increased oversight and monitoring of the courts (by both the government and local advocacy organizations) (21 interviews); increased public awareness of rights (20 interviews); and an emphasis on hiring qualified judges and court staff based on merit rather than connections (12 interviews). These interviews indicated that ADALAT contributed to increasing public awareness and, through its advocacy interventions, may have contributed to greater oversight (although the interviews provide little direct evidence of this).

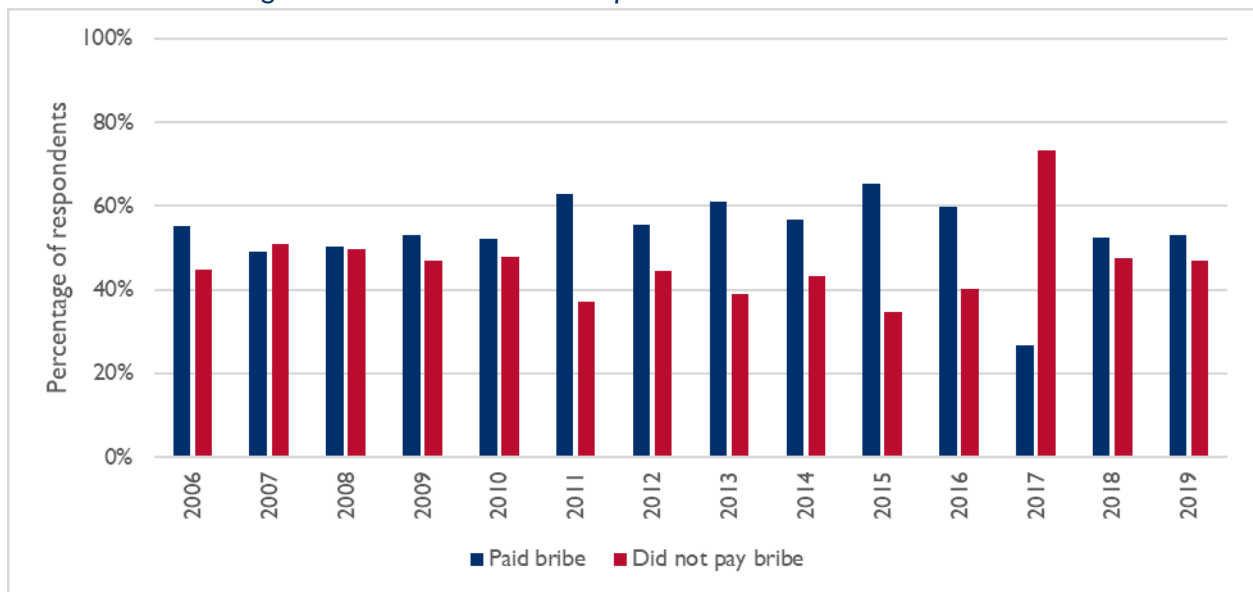
The Asia Foundation's annual Survey of the Afghan People seems to tell a somewhat different story. The data show a great deal of variation over time in citizens' experience with paying bribes to courts. Although the percentage of respondents who reported paying a bribe when accessing the courts generally trended downward from 2015 to 2019, more respondents reported paying bribes than not (Figure 4).

There are two plausible explanations for this apparent discrepancy. First, the evaluation did not collect data from a representative sample of ordinary citizens, and stakeholders' views of the courts may have deviated substantially from the experience of court users. Second, financial

³³ This does not imply that 55 respondents (124 minus 69) believed corruption had increased, as most of the remaining interviews did not respond to the question.

corruption at the level of the courts is only one form of corruption, and individuals referring a case to the courts may have experienced demands for bribes at other stages of the process rather than in the courts themselves. The following quote from a representative of the MoJ illustrates this problem.

Figure 4: Trends in Citizens' Experience with Bribes in the Courts



Source: The Asia Foundation. Data from the Survey of the Afghan People. <https://asiafoundation.org/where-we-work/afghanistan/survey/data/>.

“There is more administrative corruption in the Ministry of Justice than financial corruption. This means that the delay in performing and requesting the process itself is an administrative corruption. There is also financial corruption, but less, and it is mostly seen in the procurement and Directorate of State Lawsuits.”

CONCLUSIONS

Although ADALAT activities did not directly address reducing corruption, some of its interventions may have contributed to an overall decline in corruption in the courts. The qualitative evidence suggests that improving citizens' awareness of their rights through awareness campaigns and better access to legal advice may have helped them resist demands for bribes. The case management system also increased the transparency of the courts and may have contributed to reducing opportunities for corruption. ADALAT-supported advocacy efforts may also have improved oversight of the courts and contributed to reducing corruption.

RELEVANCE OF ADALAT INTERVENTIONS

Question: How useful and relevant are ADALAT interventions in addressing the primary needs of its target beneficiaries (women and men)?

Afghanistan's justice sector reform agenda emphasizes “build[ing] a fair and just judicial and law enforcement system. One that can deliver justice based on rules and regulations, which are in line with international instruments. The enforcement system will ensure that all Afghans are equal before the law without discrimination.” It envisages pursuing this objective by:

- Ensuring access to justice for all Afghan men and women;
- Establishing a transparent and impartial legal system that is built around the rigorous application of the constitution and international conventions on human rights;
- Enhancing the professional capacity of law enforcement personnel at all levels;
- Increasing the number of women in justice and law enforcement agencies;
- Improving coordination between justice and law enforcement agencies;
- Transferring land management issues from the Supreme Court to the Afghanistan Land Authority for professional adjudication;
- Enhancing efficiency and responsiveness by restructuring judicial institutions and implementing an electronic case management system; and
- Taking serious steps to protect human rights and tackle violence against women.³⁴

Some of these reforms were underway when ADALAT began. For example, many respondents referred to substantial advances in the professionalization of the courts (see findings in the section Sub-Purpose I: Increased Formal Justice Sector Effectiveness and Reach) due to increased salaries for judicial staff and aggressive recruiting that swelled the ranks of well-qualified young men and women in the courts. ADALAT interventions supported the reform by contributing to building the capacity of judicial and non-judicial staff, improving case management, and improving administrative processes.

Although the evidence is thin, and may reflect specific shortcomings in communication between ADALAT and Supreme Court leadership, the following quote from the chief justice raises concerns about the relevance of ADALAT interventions to the needs of the Supreme Court.

“Our action plan had been designed and developed based on an evaluation and need assessment and it is very useful. We call on all entities to first see our action plan and act afterwards. In fact, ADALAT has not told us what they are doing and has not paid attention to our action plan. They did what they wanted to do, and we did not stop them. We are not completely satisfied with this process. If they act in accordance with our action plan, we will surely be satisfied.”

Because the evaluation did not collect data directly from target beneficiaries (women and men), the analysis must rely on stakeholders’ perceptions, which are probably not representative of citizens’ needs. That said, inferring citizens’ needs from the interview data suggests that improving knowledge of rights and how to access courts, the performance of the courts in terms of speed and corruption, and access to legal aid may be relevant to improving target beneficiaries’ access to the formal justice system. To the extent that ADALAT interventions effectively addressed these issues, they were probably relevant to the needs of target beneficiaries.

The interviews also suggest that TDR mechanisms may be corrupt and subject to influence, make decisions that are not consistent with the law, and violate basic rights, especially those of women. To the extent that this evidence represents the common perceptions of citizens, ADALAT’s interventions to improve the performance of TDR mechanisms were relevant to the needs of target beneficiaries.

³⁴ Afghanistan National Peace and Development Framework: 2017-2021, <https://www.refworld.org/pdfid/5b28f4294.pdf>.

CONCLUSIONS

ADALAT interventions contributed to advancing several elements of Afghanistan's justice sector reform agenda and were thus relevant to the government's needs. In the absence of direct knowledge of citizens' needs with respect to accessing justice, the analysis can only infer the relevance of interventions from the evidence of barriers to accessing justice provided by activity stakeholders. Nevertheless, these data provide plausible evidence that improving citizens' awareness of the law and how to access the formal justice system, improving the administrative efficiency of the courts, and improving TDR mechanisms' compliance with Afghan law addressed some of the most important barriers to citizens' access to justice.

SUSTAINABILITY

Question: How and to what extent are the following ADALAT results sustainable: continuity and quality of capacity building of judicial and non-judicial staff, system building and legal awareness, and other related areas?

The evaluation team's interviews provided little evidence of the sustainability of ADALAT outcomes. Instead, respondents (especially those representing ADALAT grantees) most often referred to the likelihood that they could financially sustain ADALAT-supported activities after ADALAT ended.

The few respondents who spoke about the sustainability of capacity building of judicial and non-judicial staff believed that the knowledge and skills trainees acquired in ADALAT workshops and seminars were durable. However, judges in particular noted that laws and their interpretation change, and that regular updating and refresher training are necessary to keep knowledge current and relevant. As an appeals court head explained:

"The judicial profession is very broad-based; it needs capacity building and requires scientific and professional discussions. Therefore these [ADALAT] trainings and workshops should continue. Judges should gather and discuss, and the rules that are annually approved and serviced by judges should be interpreted and ratified by experienced scholars, which requires the workshops to be conducted, and these workshops need to be funded."

A representative of the MoJ noted that the Ministry's trainers are prepared to carry on the training programs implemented by ADALAT.

"Our trainers are currently funded by the Ministry and directly involved in the preparation of training materials and in the implementation of training programs so that the foundation laid by ADALAT and other organizations can be sustained."

However, interviews with judges suggest that the Supreme Court was not providing sufficient training prior to ADALAT, and the interviews with MoJ and Supreme Court representatives provide no evidence that the Court has increased its training capacity, i.e., the number of trainers or the training budget. Therefore, it is unlikely that the Supreme Court currently has the capacity to continue the intensity of training (e.g., the number and geographic distribution of workshops) necessary to sustain, or expand, ADALAT judicial capacity-building outcomes without ADALAT support.

Only five of the interviews with court clerks, the primary recipients of non-judicial training, provided meaningful information about the sustainability of outcomes associated with the

knowledge and skills they acquired. Respondents in four of the five interviews implied that they could continue applying the new knowledge and skills in perpetuity, explaining that it would continue to be relevant. One, however, specifically noted that additional training would be required for new staff and that refresher training may be necessary as the JSSP case management system becomes fully operational.

The thin findings on the sustainability of other ADALAT outcomes do not support specific conclusions. The data do, however, reveal two overarching conditions for the sustainability of all ADALAT outcomes: security and the stability and commitment of the government. The following quotes from a variety of informants illustrate the importance of security and government commitment.

“Most of them [ADALAT outcomes] are sustainable, but it depends on the government; if it changes, then everything will change as well, including the judicial system. Because governments in Afghanistan have always been subject to change, everything else is subject to change by extension.” – Key informant interview with a provincial court judge

“When a committed expert is at the top of an organization, the values of these changes will be maintained. Otherwise, if a committed person is not leading an organization, these values will be ruined.” – Key informant interview with an MoJ provincial director

“It is too early to say that the ADALAT outcomes will be sustained, but I can say that if we have the same administration and no security concerns, most of the mentioned achievements will be sustained. It depends on the security and changes in the government’s top management; if it remains the same, there will be no risk to these achievements.”
– Group interview with primary court clerks

A 2017 analysis of U.S. efforts to promote the rule of law in Afghanistan reached some troubling conclusions regarding the prospects for sustainable results.³⁵ The article reviewed U.S. programming to improve the rule of law from 2004 through 2014 and concluded that it had little effect on advancing the rule of law. The author attributed the failure primarily to an uninformed strategy and implementation. For instance, the article concluded that a failure to encourage people to use the courts stemmed from a misguided belief that citizens would prefer courts to traditional dispute resolution mechanisms when they understood that the courts were corrupt and inefficient. While this evaluation produces some evidence that the courts are more efficient and less corrupt than they were in 2014, citizens’ perceptions of, and experience with, corruption have not changed much.

The article also attributed the ineffectiveness of programs focused on improving the justice system by reducing corruption to a failure to recognize that “systematic corruption was the system.” Finally, it concluded that programs that sought to improve the performance of TDR bodies often worked with community members “motivated by international assistance’s ability to enhance their influence” rather than a desire to improve justice within their communities.

Granted, the political environment has changed since the period covered by this article. The government appears to be taking corruption in the courts seriously, the MoJ seems like a committed ADALAT partner, and ADALAT stakeholders report some success in improving

³⁵ Swenson, Geoffrey, “Why U.S. Efforts to Promote the Rule of Law in Afghanistan Failed,” *International Security*, 42, no. 1 (2017), https://www.mitpressjournals.org/doi/full/10.1162/ISEC_a_00285.

TDR mechanisms. Given the lack of conclusive evidence in this evaluation, however, it would be prudent to remain vigilant to the issues raised in the article.

CONCLUSIONS

ADALAT has contributed to improving individual and institutional capacities and systems that are potentially sustainable. However, prospects for sustainability will depend on the security situation not worsening and, on the government's, (continued) commitment to reforms. The systems ADALAT supported, such as the case management system, are the most likely to be sustained as they require relatively little additional attention or resources, at least in the short term. Sustaining the increased capacity of judicial staff, however, will require the Supreme Court's commitment to supporting a robust training program capable of providing initial and refresher training on a variety of topics to a critical mass of judges at the provincial and district levels.

RECOMMENDATIONS

- **ADALAT should consider training judges on how to access and use the online law library at Afghanistan Center at [REDACTED].**

An appreciable number of interviews with judges and senior court administrators (nine interviews) cited the need for access to law libraries so they could more effectively research and analyze legal issues and advance their professional development. The Afghanistan Center at [REDACTED] University maintains an online legal reference library that could help address this expressed need of judicial personnel.

- **ADALAT needs to develop a strong relationship with senior Supreme Court officials to promote its activities and successes.**

Some analyses conclude that previous justice system programming in Afghanistan failed to produce results in part because the government and the Supreme Court were not committed. Sustaining ADALAT outcomes with the Supreme Court and the MoJ will require government support. For example, future training in new topics and refresher courses will require government commitment to bolster the cadre of trainers in the MoJ and provide the funding.

- **ADALAT should require the legal clinics it supports to report their activities to the government's database of legal aid services.**

The Asia Foundation has developed a database, maintained by the government, to which legal clinics can upload information on the services they have provided. Requiring USAID-supported legal clinics to use this database would improve the ability to monitor their activities and effectiveness within the larger national context.

- **USAID and ADALAT should revisit the decision to spread ADALAT interventions widely, but thinly, across all provinces as opposed to a more comprehensive approach in fewer locations.**

While the dispersed approach is perhaps more visible, the interviews provide some evidence, especially related to judicial and non-judicial training, that suggests that judges require much more comprehensive training to substantially improve their effectiveness. It also suggests that a larger cadre of trained judges may enhance outcomes by promoting a collaborative work culture in which judges learn from each other.

ANNEXES

ANNEX I: STATEMENT OF WORK



USAID | AFGHANISTAN
FROM THE AMERICAN PEOPLE

**OFFICE OF DEMOCRACY AND GOVERNANCE (ODG)
&
OFFICE OF PROGRAM AND PROJECT DEVELOPMENT (OPPD)**

STATEMENT OF WORK

**MID-TERM PERFORMANCE EVALUATION
OF
ASSISTANCE FOR THE DEVELOPMENT OF AFGHAN LEGAL ACCESS AND TRANSPARENCY
(ADALAT)**

I. PROGRAM INFORMATION

Program/Project Name:	Assistance for the Development of Afghan Legal Access and Transparency (ADALAT)
Contractor:	Checchi and Company Consulting, Inc.
Contract #:	AID-OAA-I-13-00034 & AID-306-TO-16-00007
Total Estimated Cost:	██████████
Life of Program/Project:	April 2016-April 2021
Active Provinces:	██████████
Mission Development Objective (DO):	DO3: Government Accountability to Citizens Increased.
Linkage to Standard Program Structure (SPS):	Program Area DR.1: Rule of Law (ROL) Program Element DR.1.1: Constitutions, Laws, and Legal Systems Program Element DR.1.3: Checks and Balances with Judicial Independence and Supremacy of Law Program Element DR.1.4: Justice Systems and Institutions
Required?	One evaluation per project

II. INTRODUCTION

USAID awarded Checchi and Company Consulting, Inc. (Checchi) Assistance for the Development of Afghan Legal Access and Transparency (ADALAT) contract to support the Afghan government in strengthening its rule of law. The project works closely with Afghan justice institutions to increase the professionalism of justice sector actors, to improve judicial administrative and management systems, and to strengthen the Ministry of Justice (MOJ) Department of the Huquq and its interaction with traditional justice on civil-related matters. It also develops the technical, organizational, and management capacity of USAID civil-society partners operating in the formal and traditional justice sectors and supports their missions to eliminate practices that violate human rights in traditional dispute resolution (TDR) within the informal justice sector and to increase citizen awareness of and demand for fair and accessible justice services.

ODG would like to conduct the mid-term performance evaluation of ADALAT to assess the progress made towards achieving its intended results, challenges/constraints preventing the project from achieving its expected results, and opportunities to improve project performance in the remaining period.

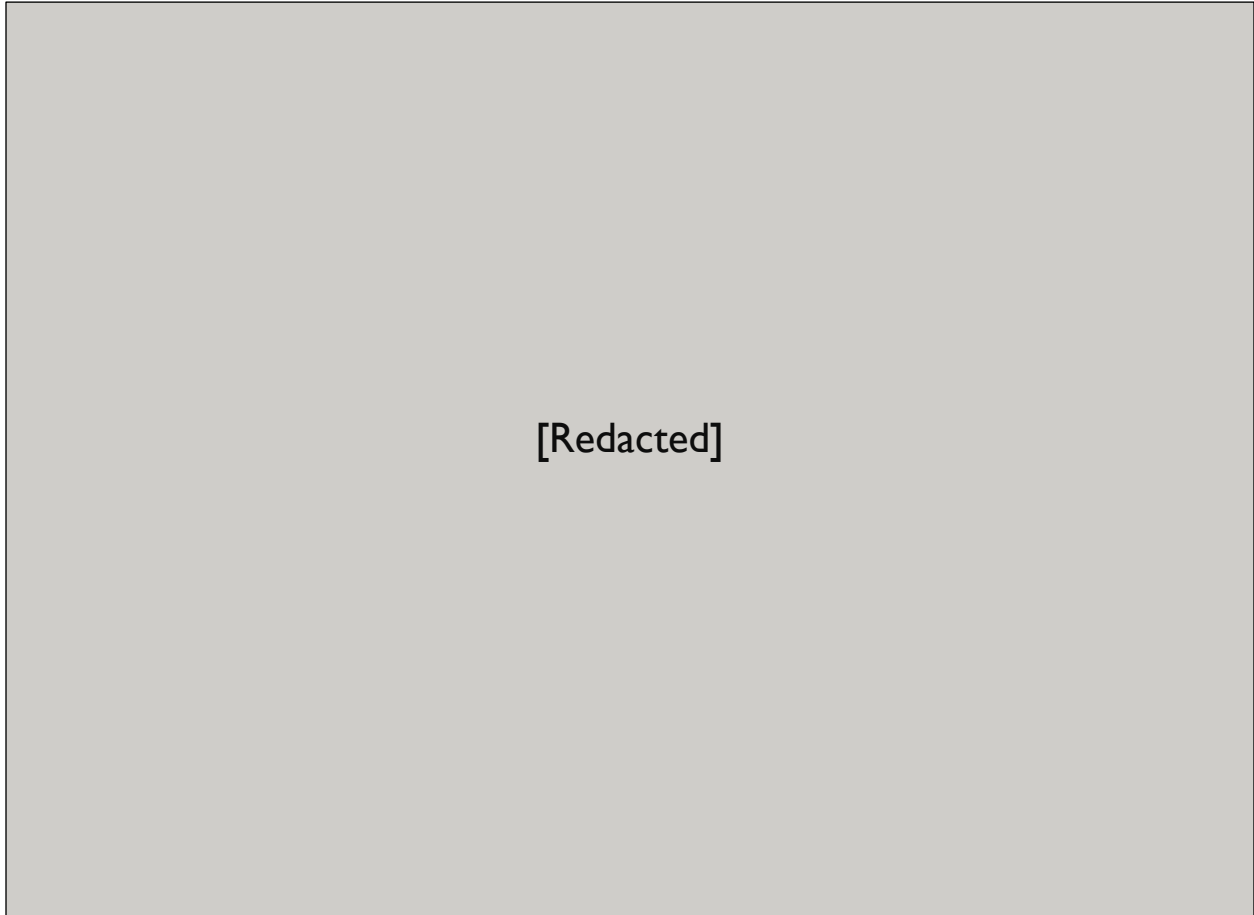
III. BACKGROUND

After more than 30 years of conflict, Afghanistan has made progress in establishing a justice system capable of providing fair and impartial services to citizens. Yet, further progress is needed. The formal sector of Afghan justice system is perceived by citizens to be slow, costly, and ineffective due to corruption and the challenging security environment. Although Afghans consider the traditional sector generally speedier and more effective in delivering justice, its decisions are often at odds with Sharia and Afghan law and may not be recognized or registered with the formal justice system.

USAID has a long history of rule-of-law programming in Afghanistan. Since 2004 it has implemented projects to strengthen court systems, to improve the education of legal personnel, to advance legal reform, to increase access to justice/informal sector, to support commercial court reform, and to promote human rights and women's rights. USAID completed the Rule of Law Stabilization Formal (RLS-F) and Rule of Law Stabilization-Informal (RLS-I) projects in 2014. RLS-F focused on strengthening university level legal education, the two-year preparatory training program for new judges called the Stage program, continuing legal education for judges, and court administration. RLS-I provided elders who participate in shuras and jirgas with training in Afghan/Sharia law, fostered linkages between the formal and the traditional justice sectors, and promoted the role of women in TDR.

Through the ADALAT Project, USAID seeks to advance the following USG rule-of-law priorities for Afghanistan: (1) Institution and capacity building, (2) combating corruption by empowering relevant Afghan Government agencies/institutions, (3) empowering civil society to enhance public engagement and awareness, (4) increasing women's access to the legal system, and (5) strengthening linkages between the formal and informal justice sectors.

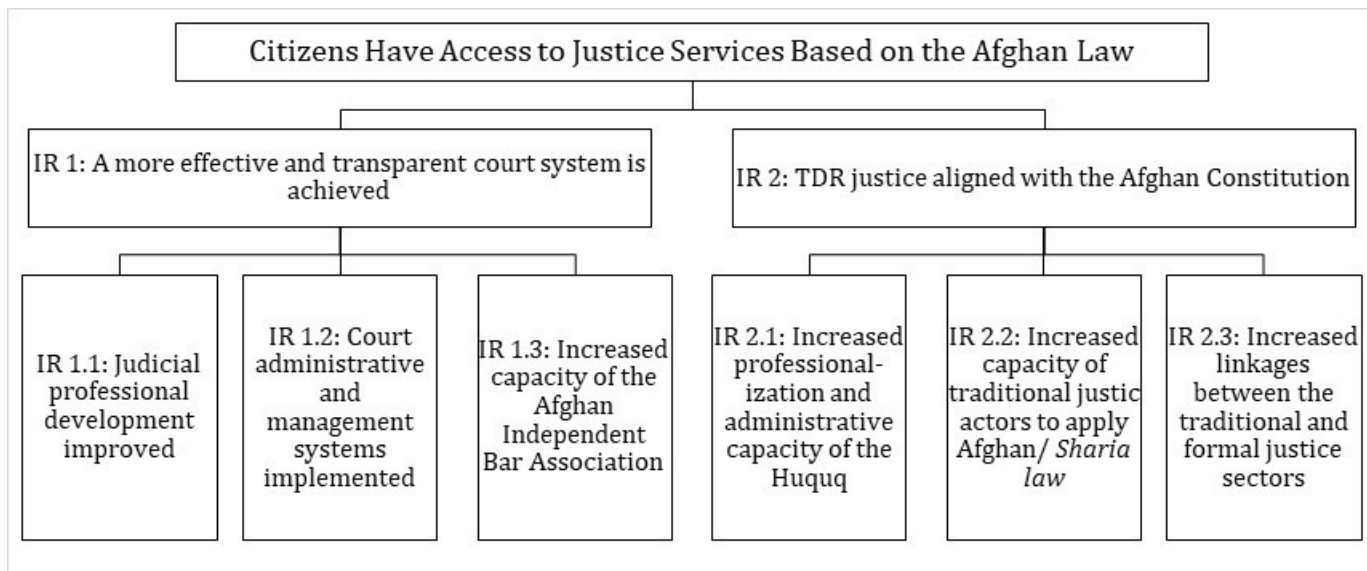
The project operates in 33 provinces. Below is ADALAT coverage map.



Theory of Change and Results Framework

The theory of change articulated below allows all partners and stakeholders to agree upon the activity's logic, and identify any critical assumption and risks underlying that logic. The ADALAT overall theory of change is followed by the theory of change for each sub-purpose. A table of critical assumptions is included.

Overall: If ADALAT increases the effectiveness of the formal justice sector, strengthens the linkages between the formal and traditional justice sectors, and increases the demand for quality legal services, then Afghans will have better access to quality justice services based on Afghan law. All three results are necessary to achieve the ADALAT purpose; increased demand without improvement in the justice system may frustrate the public, while improvements in the formal sector or informal sector are likely to need public support to be sufficient. ADALAT is a comprehensive activity, designed to change systems at the same time changing public expectations and demands. The results will lead to nation-wide improvement in access to justice for all Afghan citizens.



Sub-Purpose 1 - Increased formal justice sector effectiveness and reach: If ADALAT is able to: 1) improve the practical skills and knowledge of judges, court personnel, and lawyers; 2) improve the capacity of the Supreme Court and the Legal Aid Department (LAD) of the Ministry of Justice to manage internal operations, court administration, and ensure professional conduct among justice sector actors; and 3) increase the availability of high-quality data on services provided by court for formal sector decision-making, ADALAT will increase the effectiveness of the formal justice sector throughout the country. The success of Sub-Purpose 1 rests heavily on the commitment of Afghan government counterparts. For example, 1.2 *Strengthened Supreme Court capacity to manage internal operations, court administration, and to ensure professional conduct among judges and judicial staff*, needed the Supreme Court’s cooperation during the Stage Assessment and the Human and Institutional Capacity Development (HICD) Assessment. The leadership of the Supreme Court must also recognize the need for sustainability and commit to implementing solutions on a long-term basis.

Sub-Purpose 2 - Strengthened formal-traditional justice sector linkages: Linkages between the formal and traditional justice sectors will be strengthened if the following results are achieved: 1) performance of the Huquq Department improves at all levels, 2) there are more interactions between the Huquq Department and traditional justice actors, and 3) more traditional dispute resolution actors, including women, are trained to resolve cases and report on those resolutions according to Afghan law.

If ADALAT improves the Ministry of Justice’s (MOJ) capacity to manage the Huquq’s administrative and outreach functions and to train Huquq staff to better perform their individual and collective roles, then the performance of the Huquq Department will improve. If “The Liaison Office” (TLO) and civil society organization (CSO) grantees follow the Rule of Law Stabilization – Informal (RLS-I) project’s proven methods for training traditional justice providers, traditional justice decisions will improve and fewer human rights violations will occur. Finally, if ADALAT

promotes consultations between Huquq staff and traditional justice actors, it will sufficiently increase respect for and use of the formal justice sector.

Sub-Purpose 3 - Increased Citizen Demand for Quality Legal Services: If ADALAT grantees raise citizen awareness of their rights under Afghan law, monitor services provided by courts, and advocate for improvements to the justice system, the result will be a comprehensive increase in demand for fair, high quality justice delivery. Greater demand will reinforce improvements in the formal and traditional justice sectors, and lead to greater accountability and further justice sector strengthening.

If, through a series of grants, ADALAT can promote the use of a common core law curriculum, interactive teaching methodologies, and clinical programs in private law schools across the country, the result will be an increase in quality legal education that better prepares law school graduates to enter the job market.

IV. PROJECT GOAL AND OBJECTIVES

The main objective of ADALAT is to improve citizens' access to justice services based on Afghan law. This main purpose is supported by the three main sub-purposes below:

1. Increased effectiveness and reach of the formal justice sector,
2. Strengthened linkages between the formal and traditional justice sectors, and
3. Increased citizen demand for quality legal services.

The ADALAT Project's purpose and sub-purposes above correspond to the USAID/Afghanistan Results Framework Development Objective (DO) 3 of the recently approved Country Development Cooperation Strategy (CDCS) 2019-2023. The DO seeks to increase the Afghan government accountability to its citizen, by increasing citizen participation in decision making processes, improving effectiveness of the Afghan government, and reducing vulnerabilities to corruption. Interventions carried out under the ADALAT project also contribute to the fulfillment of the following corresponding Intermediate Results (IR) and Sub-Intermediate Results (Sub-IR):

- IR 3.1: Citizen Participation in Decision-Making Processes Increased.
 - Sub-IR 3.1.2 Political Participation of Citizens Increased.
 - Sub-IR 3.1.3: Civil Society Advocacy for Reform Strengthened.
- IR 3.2: Improved Effectiveness of Government Institutions.
 - Sub-IR 3.2.1: Government Administrations and Municipalities Better Respond to Citizens' Needs.
- IR 3.3: Reduced Vulnerabilities to Corruption.
 - Sub-IR 3.3.2: Effective Legal Enforcement of (formal and informal) Laws Increased.
 - Sub-IR 3.3.3: Independent Monitoring of Government Functions Improved.

In order to achieve the stated goal (purpose) and objectives (sub-purposes) mentioned above, the project implements a set of main activities that contribute to below outputs:

- Increase Supreme Court capacity to provide professional training to judges and judicial personnel
- Strengthen Supreme Court capacity to manage internal operations, court administration, and to ensure professional conduct among judges and judicial staff
- Strengthen Institutional capacity of the Ministry of Justice to provide quality legal services and increase citizen access to Legal Aid.
- Increase Ministry of Justice (MOJ) capacity to train to Huquq professional staff
- Increase administrative and outreach capacity of the Huquq Department at the central, provincial, and district levels
- Increase Huquq interactions with traditional justice actors
- Improve traditional justice decision making through training and consultative interventions
- Support CSOs to conduct public education activities and campaigns on citizens' legal rights.

V. PURPOSE OF THE EVALUATION

The purpose of this mid-term performance evaluation is to (1) assess ADALAT interventions and progress of the project implementation towards achieving its outcomes and results, (2) propose key actionable recommendations for USAID and the implementing partner (Checchi and Company Consulting, Inc.) to improve the performance of the project in the remaining period, and (3) provide lessons learned to USAID in improving the implementation of current rule of law and designing future similar activities. The audience of the evaluation report will be the USAID/Afghanistan Mission, including the Office of Democracy and Governance, the Office of Program and Project Development, and the implementing partner. The evaluation is to cover the period from the beginning of the ADALAT Activity on April 15, 2016 until April 14, 2019.

VI. EVALUATION QUESTIONS

The evaluation team should provide answers to the below evaluation questions:

1. To what extent has ADALAT intervention achieved its intended outcomes and results?
 - a. What, if any unintended (positive or negative) consequences did ADALAT produce/happen, affecting citizens' access to justice in Afghanistan?
2. How and to what extent do ADALAT interventions contribute to increased citizen access to justice services based on the Afghan law? What interventions work? Why? What interventions did not work? Why?
3. How and to what extent do ADALAT interventions contribute to improving judicial performance and reducing vulnerabilities to corruption?
4. How useful and relevant are ADALAT interventions in addressing the primary needs of its target beneficiaries (women, children and men)?
5. How and to what extent ADALAT's following results are sustainable:
Continuity and quality of capacity building of judicial and non-judicial staff, system building and legal awareness and other related areas

VII. EVALUATION DESIGN & METHODOLOGY

The evaluation team must address the evaluation questions presented above for this mid-term performance evaluation. USAID/Afghanistan requires that a mixed methods approach, comprising both quantitative and qualitative methods, will be used for the evaluation methodology. The contractor must address gender considerations as applicable in answering all questions. This includes examining differences in access, participation, benefits to individuals, or other type of results.

Data requirements, collection methods, and required analyses must be determined collaboratively with USAID/Afghanistan under the direction of an independent, external evaluation Team Leader. Details on final datasets, data collection methods and instruments, as well as analytical framework(s) must be provided by the evaluation team as part of evaluation work plan. Data must be disaggregated by gender, age, geographic location, and/or other aspects, where relevant.

The Contractor must conduct a document review to develop an analytical framework to guide this evaluation. Based on the desk review of ADALAT documentation, the Contractor must develop a comprehensive evaluation work plan that clearly shows how each evaluation question will be answered with a specific data collection and analysis methods.

Besides data collection in [REDACTED], the Contractor will need to travel and collect the data in [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] provinces. The Contractor is responsible for arranging all meetings and appointments needed to complete the required work with consultation of USAID, outlined in this Statement of Work.

The table below summarizes the evaluation questions, the data source, and suggested data collection method for the evaluation.

Table 1: Evaluation Methodology

Questions	Suggested Data Sources	Suggested Data Collection Methods	Data Analysis Methods
<p>1. To what extent ADALAT intervention achieved its intended outcomes and results?</p> <ul style="list-style-type: none"> • What, if any unintended consequences (positive or negative) consequences did produce/happen, affecting citizens' access to justice in Afghanistan? 	<p>Project Documents (IP reports, AMELP and PIRS), TPM reports, IP staff, key informants, COR and other stakeholders</p>	<p>Desk review, Key Informant Interview, Focus Group Discussions and Direct Observation</p>	<p>TBD by the evaluation team and detailed in the Work Plan</p>
<p>2. How and to what extent do ADALAT interventions contribute to increased citizen access to justice services based on the Afghan law? What interventions work? Why? What interventions did not work? Why?</p>	<p>Progress Reports, Documents, registers and records, COR, IP staff, key informants at the government, sub grantees, beneficiaries, and other relevant stakeholders</p>	<p>Interviews Focus Group Discussions, Programmatic Document and data base review Observation Survey (if determined to be feasible)</p>	<p>TBD by evaluation team and detailed in the Work Plan</p> <p>Disaggregated by gender Rural and urban areas Formal and informal justice services</p>
<p>3. How and to what extent do ADALAT interventions contribute to improving judicial performance and reducing vulnerabilities to corruption?</p>	<p>Progress Reports, Documents, records, COR, IP staff, key informants at the government, sub grantees, beneficiaries, and other relevant stakeholders</p>	<p>Documents review Interviews Focus Group Discussions Observation</p>	<p>TBD by evaluation team and detailed in the Work Plan</p>

Questions	Suggested Data Sources	Suggested Data Collection Methods	Data Analysis Methods
4. How ADALAT interventions are useful and relevant in addressing the primary needs of its target beneficiaries (women, children and men)?	Progress Reports, Documents, COR, IP staff, key informants at the government, sub grantees, beneficiaries, and other relevant stakeholders	Documents review Interviews Focus Group Discussions Observation Survey (if determined to be feasible)	Disaggregated by gender Rural and urban areas Formal and informal justice services
5. How and to what extent ADALAT's following results are sustainable: Continuity and quality of capacity building of judicial and non-judicial staff, system building and legal awareness and other related areas	Progress Reports, Documents, COR, IP staff, key informants at the government, sub grantees, beneficiaries, and other relevant stakeholders	Documents review Interviews Focus Group Discussions Observation	TBD by evaluation team and detailed in the Work Plan

Sampling

The Assignment Workplan submitted by the evaluation team in response to this SOW should propose a sampling framework to take into account the distribution of ADALAT's work in Afghanistan. This will require some contact with the ADALAT Team to understand the scope and distribution of the activity's work across Afghanistan.

5. EXISTING PERFORMANCE INFORMATION SOURCES

USAID/Afghanistan will share the documents below with the Contractor before arrival of the evaluation team to the country. The Contractor may request additional documents from USAID/Afghanistan. Those documents include but are not limited to:

- ADALAT Contract and Contract modifications
- Annual Work Plans
- Activity Monitoring and Evaluation Plan (AMEP)
- Project Progress reports (quarterly and annual reports)
- The ADALAT Mid-Term Stocktaking Assessment Report
- Data Quality Assessment (DQA) reports
- Other internal/ad hoc assessment/verification reports

- Justice User Satisfaction Tool (JUST) Survey report
- Human and Institutional Capacity Development (HICD) assessments of AIBA, Huquq, Supreme Court and The Liaison Office
- Other Activity-related documentation (such as Grants under Contract award documents, grantees' reports, government coordination documents)

6. EVALUATION TEAM COMPOSITION

The evaluation team should comprise of Team Leader expat, Evaluation Technical Specialist expat preferably rule of law and two Research Specialists national having the experience of rule of Law and M&E related issues.

The Evaluation Team Lead will lead all the evaluation activities for ADALAT. The Technical Evaluation Specialist will oversee the technical aspects of the evaluation during the design and implementation of evaluation mainly designing the tools, data collection and analysis. Two local Research Assistants will support the evaluation activities.

At least one female should be hired to conduct the qualitative research including KIIs, FGDs and direct observations. Experience in evaluating USAID projects is desirable. The Team Lead will work in close coordination with senior management from the AMELA activity, and in particular with the AMELA Assignment Manager, who will play an important role in coordinating the evaluation.

Evaluation Team Leader (Expat)

The Evaluation Team Lead (TL) should have at least a Master's degree in Rule of Law or in a related field with at least 10 years of experience in conducting and managing project evaluations using mixed method or at least qualitative research, and project management. The TL should have extensive knowledge and experience in conducting formative evaluations related to Rule of Law programs. S/He must be an excellent evaluation report writer and show a history of proven critical thinking skills. Work experience in Afghanistan, and knowledge of development evaluation techniques would be a plus. The TL will be responsible to lead all the evaluation activities, and provide oversight; collaborate with the stakeholders, prepare the draft and final reports. The TL will also prepare a presentation of the evaluation results and present it to USAID. S/He will also prepare the draft evaluation report, incorporate comments from USAID and send the final revised evaluation report to USAID via AMELA.

The Team Leader, along with the AMELA Evaluation Team Lead, serves as the primary coordinator with USAID.

Technical Evaluation Specialist (expat)

The Technical Evaluation Specialist should have a Master's degree in Rule of Law or Business Administration or other related field , with at least five years of experience in conducting evaluations, extensive analytical experience, which equips him/her to conduct high-quality and in-depth analysis of rule of law issues in Afghanistan, in particular in capacity building programs to Afghan key actors and system management development for Afghan institutions active in the rule

of law sector. The Technical Evaluation Specialist must have strong communication and writing skills in English and s/he should be able to travel to field targeted by the evaluation, if security permits. The Technical Evaluation Specialist should have strong knowledge and experience of designing formative evaluation tools and methodology, data analysis (both qualitative and quantitative) as well as training of local staff for data collection. Regional experience and specific knowledge of Afghanistan is required.

Research Assistants two male and two female (National)

Four mid-level evaluation specialists with at least a bachelor’s degree and five years of work experience to be hired to help the team of expats for interpretation, data collection and interview, analysis and logistical support. Research Assistants must have work experience in rule of law or in other democracy and governance-related issues with comprehensive knowledge of the Afghan political and social context and have experience with qualitative data analysis software, such as MAXQDA. The team members should have a general understanding of development issues in Afghanistan. The candidates must also possess practical experience in conducting evaluations or research studies. All Research Assistants need to have strong English language skills in both written and verbal communications.

7. EVALUATION SCHEDULE

The contractor is to submit a detailed schedule along with the proposal; however, the following table presents a tentative schedule that explains the number of Level of Effort (LoE) days needed for each position to accomplish the required activities. The detailed final schedule shall be submitted by the contractor with the evaluation Work Plan.

Table 2: Minimum LOE in days by activity

Activity	LOE for Expat Team Lead	LOE for Evaluation Technical Specialist (expat)	LOE for Research Assistants (National)	Total LOE in Days
Desk review and draft Work Plan	3	2	0	5
Travel to and from Afghanistan	4	4	0	8
In-brief, USAID provide feedback on the draft work plan	1	1	4	6
Team Planning Workshop (Finalize and approve work plan, evaluation tools and design)	5	5	20	30

Activity	LOE for Expat Team Lead	LOE for Evaluation Technical Specialist (expat)	LOE for Research Assistants (National)	Total LOE in Days
Field work (data collection and interviews) including preparation (organizing travel, schedules and travel days included)	22	22	88	132
Mid brief to USAID	1	1	4	6
Preliminary data analysis and synthesis, drafting report and presentation materials	15	15	20	50
Exit brief to USAID	1	1	4	6
Finalize the evaluation report	8	5	0	13
Totals	60	56	140	256

Table 3: LOE in days by position

Position	[Redacted] prep	Travel to/from [Redacted]	In-Country	Finalization of Report	Total
Expat Team Leader	3	4	45	8	60
Evaluation Technical Specialist (Expat)	2	4	45	5	56
Research Assistants (National)	0	0	140	0	140
Totals	5	8	230	13	256

The evaluation team is required to work six days a week while in country. The suggested start date in Afghanistan is August 30, 2019. The evaluation team must notify in writing to USAID that they have a security plan in place prior to beginning the evaluation.

8. DELIVERABLES AND REPORTING REQUIREMENTS

All deliverables are internal to USAID/Afghanistan and the Contractor unless otherwise instructed by USAID/Afghanistan. The following deliverables are required for this evaluation.

- I. **In-briefing:** Within 48 hours of arrival in [Redacted], the Evaluation Team will have an in-briefing with the OPPD M&E unit and the Office of Democracy and Governance (ODG) Team for introductions and to discuss the team's understanding of the assignment, initial assumptions, evaluation questions, methodology, and work plan, and/or to adjust the SOW, if necessary.

- **Evaluation Work Plan:** At least two days before the in-brief, the contractor shall provide a detailed initial work plan to USAID. The initial work plan will include: (a) the overall evaluation design, including the proposed methodology, provisional data collection and analysis plans, and draft data collection instruments; (b) a list of the team members and their primary contact details while in-country, including the e-mail address and mobile phone number for the team leader; and (c) the team’s proposed schedule for the evaluation. USAID will have up to **2 days** to review, consolidate and provide its comments to the Evaluation Team through the Evaluation Activity Manager and the AMELA COR. Once the Evaluation Team receives the USAID comments on the initial work plan, it is expected to return with a revised work plan within **3 days**. The revised work plan shall include the list of potential interviewees and sites to be visited. USAID will then have **2 days** to review and approve the final Evaluation Work Plan.

- 2. **Mid-term Briefing and Interim Meetings:** The evaluation team is expected to hold a mid-term briefing with USAID/Afghanistan on the status of the mid-term evaluation, including potential challenges and emerging opportunities. If necessary, USAID/Afghanistan may ask the Contractor to provide weekly briefings by phone or email. Any delays or complications must be communicated to USAID as early as possible to allow for quick resolution and to minimize any disruptions to the evaluation.

- 3. **PowerPoint and Final Exit Presentation:** The evaluation team is expected to hold a final exit presentation to discuss the summary of findings and recommendations to USAID/Afghanistan. This presentation will be scheduled as agreed upon during the in-briefing. Presentation slides should not exceed 18 in total.

- **Draft Evaluation Report:** The draft evaluation report should be consistent with the guidance provided in Section XIII: “Final Report Format.” The report will address each of the issues and questions identified in the SOW and any other factors the team considers to have a bearing on the objectives of the evaluation. Any such factors can be included in the report only after consultation with USAID. The submission date for the draft evaluation report will be finalized during the approval of work plan. The date can be reviewed again during the mid-term or exit briefing and the draft submitted to OPPD’s M&E unit by MSI. Once the initial draft evaluation report is submitted, the following deadlines should be followed:
 - a. ODG will have **10 working days** in which to review and comment on the initial draft, after which point USAID/OPPD’s M&E unit will have **3 working days** to review and consolidate all USAID comments (total of **13 working days**). OPPD-MEL will submit the consolidated comments to MSI.
 - b. The evaluation team will then have **5 working days** to make appropriate edits and revisions to the draft and re-submit the revised final draft report to USAID.
 - c. ODG and the PST will have 10 working days after the submission of the second revised draft to again review and send any final comments.
 - d. Recommendations Workshop(s): A workshop (or multiple workshops) with the key stakeholders to develop, discuss, and validate the recommendations.

- **Final Evaluation Report:** The evaluation team and contractor will be asked to take no more than **3 days** to respond/incorporate the final comments from USAID. The Evaluation Team Leader will then submit the final report to the Evaluation Activity Manager for AMELA and the AMELA COR. Evaluation Final report should include all elements described in **ADS 201mah**, [USAID Evaluation Report Requirements](#) (also listed below). The evaluation report should represent a thoughtful, well-researched, and well-organized effort to objectively evaluate the strategy, project, or activity. The evaluation must adhere to the criteria outlined in **ADS 201maa**, [Criteria to Ensure the Quality of the Evaluation Report](#). All data and records (dataset, supporting documents such as code books, data dictionaries, scope and methodology used to collect and analyze the data) is the property of USAID and will, as applicable, be submitted in full in an easily readable electronic format, per the requirements outlined in [ADS 579](#); organized and documented to be submitted to the USAID Development Data Library and for use by those not fully familiar with the project or evaluation; and owned by USAID.

The evaluation report must:

1. Identify the evaluation as either an impact or performance evaluation per the definitions in ADS 201.
2. A 1-2 page evaluation fact sheet(s) highlighting target findings for decision-making. These fact sheets will respond to the question: Who needs to know what, and by when? The fact sheet(s) may be developed during report drafting, based on discussions with the evaluation team and the technical team.
3. Include an abstract of not more than 250 words briefly describing what was evaluated, evaluation questions, methods, and key findings or conclusions. The abstract should appear on its own page immediately after the evaluation report cover.
4. Include an Executive Summary 2–5 pages in length that summarizes key points (purpose and background, evaluation questions, methods, findings, and conclusions).
5. State the purpose of, audience for, and anticipated use(s) of the evaluation.
6. Describe the specific strategy, project, activity, or intervention to be evaluated including (if available) award numbers, award dates, funding levels, and implementing partners.
7. Provide brief background information. This should include country and/or sector context; specific problem or opportunity the intervention addresses; and the development hypothesis, theory of change, or simply how the intervention addresses the problem.
8. State the evaluation questions.
9. In an impact evaluation, state evaluations questions about measuring the change in specific outcomes attributable to a specific USAID intervention.
10. Describe the evaluation method(s) for data collection and analysis.

11. Describe limitations of the evaluation methodology.
12. In an impact evaluation, use specific experimental or quasi-experimental methods to answer impact evaluation questions.
13. Include evaluation findings and conclusions.
14. If recommendations are included, separate them from findings and conclusions.
15. Address all evaluation questions in the Statement of Work (SOW) or document approval by USAID for not addressing an evaluation question.
16. Include the annexes listed under the evaluation report format section.

XII. MANAGEMENT

MSI/AMELA will identify and hire the evaluation team, pending the AMELA COR's concurrence and CO approval, to assist in facilitating the work plan, and arrange meetings with key stakeholders identified prior to the initiation of the fieldwork. The evaluation team will organize other meetings as identified during the course of the evaluation, in consultation with MSI/AMELA and USAID/Afghanistan. MSI/AMELA is responsible for all logistical support required for the evaluation team, including arranging accommodation, security, office space, computers, Internet access, printing, communication, and transportation.

The evaluation team will officially report to MSI/AMELA management. MSI/AMELA is responsible for all direct coordination with USAID/Afghanistan/OPPD, through [REDACTED], the Alternate COR for AMELA. From a technical management perspective, the evaluation team will work closely with [REDACTED]. In order to maintain objectivity, OPPD's Evaluation will make all final decisions about the evaluation.

XIII. FINAL REPORT FORMAT

The length of evaluation final report should be within the range of 25-30 pages in length, excluding executive summary and annexes. It should be written in English, using Gil Sans MT 12 point font, single space spacing, and be consistent with USAID branding policy. The report should be structured as follows:

- Include enough information on the cover of the evaluation report so that a reader can immediately understand that it is an evaluation and what was evaluated. The evaluation cover must:
 - Include a title block in USAID light blue background color.
 - Include the word "Evaluation" at the top of the title block and center the report title underneath that. The title should also include the word "evaluation."
 - Include the following statement across the bottom of the cover page: "This publication was produced at the request of the United States Agency for International Development. It was prepared independently by [list authors and organizations involved in the preparation of the report]." For an internal evaluation team, use the following statement: "This publication was produced at the request of [USAID/Mission

- or OU] and prepared by an internal evaluation team comprised of [list authors and affiliation].”
- Feature one high-quality photograph representative of the project being evaluated and include a brief caption on the inside front cover describing the image with photographer credit.
 - State the month and year of report publication (e.g. when final and approved by USAID Operating Unit).

1. Title Page

2. Table of Contents

3. List of any acronyms, tables and/or figures

4. Acknowledgements or Preface (optional)

5. Evaluation abstract

6. Executive Summary (2-5 pages): This section should represent a concise and accurate statement of the most critical elements of the report.

7. Introduction

- a. Description of the project evaluated, including goal and expected results
- b. Brief statement on purpose of the evaluation, plus a list of the evaluation questions
- c. Description of the methods used in the evaluation (such as desk/document review, interviews, site visits, surveys, etc.), the rationale and location for field visits (if any), and a description of the numbers and types of respondents
- d. Limitations to the evaluation, with particular attention to the limitations associated with the evaluation methodology (selection bias, recall bias, unobservable differences between comparator groups, etc.)

8. Findings

Findings should be specific, concise, and supported by strong quantitative or qualitative evidence.

- a. Findings should be presented as analyzed facts, evidence, and data and not based on anecdotes, hearsay, or simply the compilation of people’s opinions.
- b. Describe findings, focusing on each of the evaluation questions and providing gender disaggregation where appropriate
- c. If evaluation findings assess person-level outcomes or impact, they should also be separately assessed for both males and females.
- d. Evaluation findings should be presented as analyzed facts, evidence, and data and not based on anecdotes, hearsay, or the compilation of people’s opinions

9. Conclusions

- Conclusions should be specific, concise, and supported by strong quantitative or qualitative evidence.
- Conclusions are value statements drawn from the data gathered during the evaluation process

10. Recommendations

- Recommendations should be actionable, practical and specific statements for existing programming and for the design and performance of future programming
- Each recommendation should be supported by a specific set of findings

- Include recommended future objectives and types of activities based on **lessons learned**

11. Annexes

- I. Evaluation Statement of Work: If the SOW was revised over the course of the evaluation, the evaluation report should include the updated SOW as an Annex rather than the original SOW. The Contracting Officer's Representative of the evaluation must agree upon, in writing, all modifications to the SOW, whether in technical requirements, evaluation questions, evaluation team composition, methodology, or timeline.
- II. Final Work Plan including methodology description (include any pertinent details not captured in the report)
- III. Copies of all data collection and analysis tools used, such as questionnaires, checklists, survey instruments, and discussion guides.
- IV. List of critical and key documents reviewed
- V. Schedule of Meetings and sources of information (If confidentiality is a concern, the team should discuss and agree upon an approach with USAID)
- VI. Notes from key interviews, focus group discussions and other meetings
- VII. Documentation of any changes to the SOW or evaluation process
- VIII. Statement of differences (if applicable), any "statements of difference" regarding significant unresolved differences of opinion by funders, implementers, and/or members of the evaluation team.
- IX. All sources of information—properly identified and listed.
- X. Signed disclosures of conflicts of interest from evaluation team members.
- XI. Summary information about evaluation team members, including qualifications, experience, and role on the team.
- XII. Matrix of Findings, Conclusions and Recommendations (FCR)

12. One or two page briefer of findings, recommendations and lessons learned (**optional**)

XIV. OVERALL REPORTING GUIDELINES

The evaluation report should represent a thoughtful, well-researched, and well-organized effort to objectively evaluate the validity of the project's TOC and the effectiveness of the project. Evaluation reports shall address all evaluation questions included in the SOW and be written in highly professional English, free of grammatical and typographical error, and with professional formatting. Annexes should be free of personally-identifiable information (PII), and any/all information which may compromise the privacy and protection of evaluation participants will be reviewed by USAID for potential redaction/removal.

Any modifications to the statement of work, whether in technical requirements, evaluation questions, evaluation team composition, methodology, or timeline need to be agreed upon in writing by the AMELA COR.

9. DISSEMINATION REQUIREMENTS

In accordance with ADS Chapter 201, the Contractor will make the final ADALAT mid-term performance evaluation report publicly available through the Development Experience

Clearinghouse (DEC). This publication of the report must be made within 90 days of the evaluation conclusion (approval of the final report by USAID/Afghanistan). The evaluation findings, conclusions and recommendations will be discussed with ADALAT's Implementing Partner, Government entities and other key stakeholders.

ADDENDUM OF CHANGES (DECEMBER 1, 2019)

The following addendum covers changes made to the SOW after discussion between the USAID/ Afghanistan Office of Democracy and Governance, the AMELA COR, and the AMELA team between October 28th and November 21st. The changes include the following aspects of field work.

- Change in the number of provinces to be included in the sample from 10 to 8.
 - Revisions to the provinces included removing [Redacted], [Redacted], [Redacted], and [Redacted] from the targeted provinces and including [Redacted] and [Redacted]. The provinces that remained the same were [Redacted], [Redacted], [Redacted], [Redacted], [Redacted], and [Redacted].
- LOE has been increased to support bringing in a high experienced evaluator to support in the analysis of ADALAT and the final report writing. This is reflected in Table A – Revised LOE.
- The evaluation will cover the activity from April 15, 2016 (when it started) to date.

Table A: Revised LOE

Activity	Location	Deliverable	Schedule	Team Lead (STTA)	Sector Specialist (Expat)	Report Writer (Expat)	Research Assistants (National)
Conduct desk review	[Redacted]	Catalogue of activities	Sep 30 – Oct 3	4	0	0	0
Travel to Afghanistan (1 st trip)	[Redacted]	None	Oct 23 -24	2	0	0	0
In-briefing with USAID	[Redacted]	Presentation	Oct - 27	1	0	0	0
Team Planning Workshop.	[Redacted]	AWP, data collection tools and analysis plan	Oct 28 – Nov 2	5	5	0	20
Field work (data collection and co-creation)	[Redacted]	Raw notes	Nov 3 – Dec 18	39	11	0	119
Mid Brief to USAID	[Redacted]	Debrief presentation	Dec 18	1	1	0	0
Travel out (1 st trip)	[Redacted]	None	Dec 19	2	0	0	0
Prep (Lead writer)	[Redacted]	None	Dec 16 - 9	0	0	8	0
Travel in (2 nd trip)	[Redacted]	None	Jan 6 - 7	0	0	2	0
Analysis Workshop	[Redacted]	Data analysis workings	Jan 11 - 18	3	7	7	16
Exit Brief to USAID	[Redacted]	Final presentation to USAID	19-Jan	0	1	1	0

Activity	Location	Deliverable	Schedule	Team Lead (STTA)	Sector Specialist (Expat)	Report Writer (Expat)	Research Assistants (National)
Travel out (2 nd trip)	[Redacted]	None	Jan 24 - 25	0	0	2	0
Report drafting	[Redacted]	Draft report, One-page brief	Jan 20 - 31	2	8	8	0
Finalizing the evaluation report	[Redacted]	Finalize the report	Feb 2 - Mar 18	0	0	6	0
Total LOE				59	33	34	155

ANNEX 2: ACTIVITY WORK PLAN



ASSIGNMENT WORK PLAN

MID-TERM PERFORMANCE EVALUATION OF ASSISTANCE FOR THE DEVELOPMENT OF AFGHAN LEGAL ACCESS AND TRANSPARENCY (ADALAT) AFGHANISTAN MONITORING, EVALUATION, AND LEARNING ACTIVITY (AMELA)

September 1, 2019

DISCLAIMER: This publication was produced with support by the American People and for review by the United States Agency for International Development. It was prepared by Management Systems International (MSI), A Tetra Tech Company, for the “Afghanistan Monitoring, Evaluation, and Learning Activity (AMELA),” Contract #72030619C0004. The authors’ views expressed in this report do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

**ASSIGNMENT WORK PLAN FOR
MID-TERM PERFORMANCE
EVALUATION OF THE ASSISTANCE
FOR THE DEVELOPMENT OF
AFGHAN LEGAL ACCESS AND
TRANSPARENCY (ADALAT)**

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ACRONYMS

ACSOR	Afghan Center for Socio-Economic and Opinion Research
ADALAT	Assistance for the Development of Afghan Legal Access and Transparency
AMELA	Afghanistan Monitoring, Evaluation and Learning Activity
AMELP	Activity Monitoring, Evaluation and Learning Plan
AWP	Assignment work plan
CCN	Cooperating Country National
COR	Contracting Officer's Representative
CSO	Civil society organization
LOP	Life of project
M&E	Monitoring and Evaluation
MSI	Management Systems International
OCI	Organizational Conflict of Interest
SOW	Statement of Work
STTA	Short-Term Technical Assistance
USAID	United States Agency for International Development

ASSIGNMENT

SUMMARY

Assignment Work Plan (AWP) Number	AMELA-CI-003
AWP Title	Mid-Term Performance Evaluation of Assistance for the Development of Afghan Legal Access and Transparency (ADALAT)
USAID/Afghanistan Requesting Office	Office of Democracy and Governance (ODG) and Office of Program and Project Development (OPPD)
Requesting Office Point of Contact	[Redacted]- COR
Start Date	September 30, 2019
End Date	April 6, 2020
Total AWP Cost Estimate	[Redacted]

This AWP serves as the guiding document for the midterm performance evaluation of USAID's Assistance for the Development of Afghan Legal Access and Transparency (ADALAT) contract to support the Afghan government in strengthening rule of law.

PURPOSE

The purpose of this midterm performance evaluation is to (1) assess ADALAT interventions and progress in achieving its targeted outcomes and results, (2) identify challenges and constraints preventing the project from achieving its expected results, (3) propose practical recommendations for USAID and the implementing partner (Checchi and Company Consulting, Inc.) to improve the performance of the project in the remaining period, and (4) provide lessons learned to USAID for improving the implementation of rule-of-law activities and designing similar future activities.

The evaluation is to cover the period from the beginning of ADALAT, April 18, 2016, until April 17, 2019. The audience for the evaluation report is the USAID/Afghanistan Mission, including the Office of Democracy and Governance and the Office of Program and Project Development, and the implementing partner.

This midterm evaluation will also evaluate ADALAT's contribution to improving Afghan citizens' access to justice services, improving Afghan judicial performance, and reducing vulnerability to corruption. The mission is also interested in the relevance and usefulness of ADALAT interventions for its target beneficiaries and the sustainability of the results.

BACKGROUND

After more than 30 years of conflict, Afghanistan has made progress in establishing a justice system capable of providing fair and impartial services to citizens. Yet, further progress is needed. The formal Afghan justice system is perceived by citizens to be slow, costly, and ineffective because of corruption and the challenging security environment. Although Afghans consider the traditional justice system speedier and more effective in delivering justice, its decisions are often at odds with Sharia and Afghan law and may not be recognized or registered with the formal justice system.

Since 2004 USAID has implemented projects to strengthen court systems in Afghanistan, to improve the education of legal personnel, to advance legal reform, to increase access to the justice system, to support commercial court reform, and to promote human rights and women's rights. In 2014 USAID completed two Rule of Law Stabilization projects, one for the formal system and one for the traditional system. The first focused on strengthening university-level legal education, the two-year training program for new judges (called the Stage program), continuing legal education for judges, and court administration. The second gave training to elders who participate in *shuras* and *jirgas* in Afghan law and Sharia, fostered linkages between the formal and the traditional justice systems, and promoted the role of women in traditional dispute resolution.

Through the ADALAT project, USAID is advancing the following US government rule-of-law priorities for Afghanistan: (1) institution and capacity building, (2) combating corruption by empowering relevant Afghan government agencies and institutions, (3) empowering civil society to enhance public engagement and awareness, (4) increasing women's access to the legal system, and (5) strengthening linkages between the formal and informal justice systems.

ADALAT OBJECTIVES

The main objective of ADALAT is to improve citizens' access to justice services based on Afghan law. This main purpose is supported by three sub-purposes:

1. Increased effectiveness and reach of the formal justice sector,
2. Strengthened linkages between the formal and traditional justice sectors, and
3. Increased citizen demand for quality legal services.

ACTIVITY DESCRIPTION

The project works with Afghan justice institutions to increase the professionalism of justice sector actors, to improve judicial administrative and management systems, and to strengthen the Ministry of Justice Department of the Huquq and its interaction with traditional justice on civil matters. It also develops the technical, organizational, and management capacity of USAID civil-society partners operating in the formal and traditional justice sectors and supports their missions to eliminate dispute resolution practices that violate human rights in the informal justice sector and to increase citizen awareness of and demand for fair and accessible justice services.

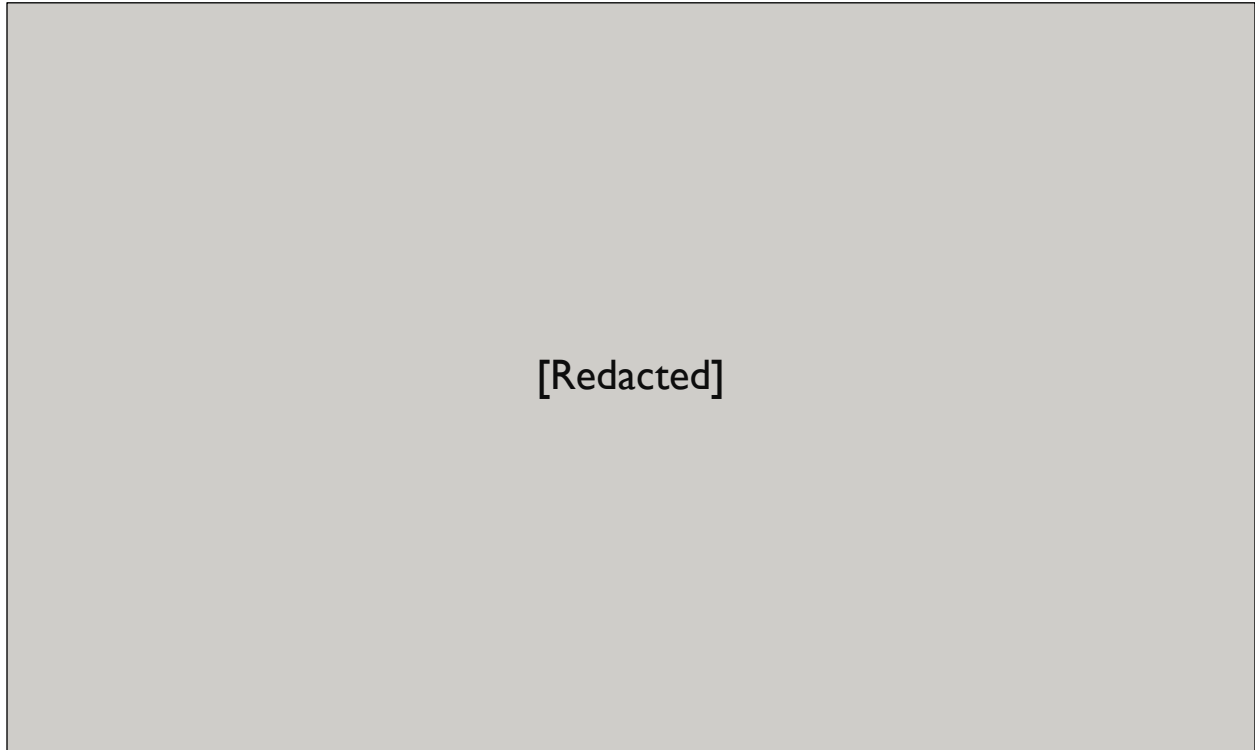
ADALAT collaborates with the Supreme Court, Ministry of Justice, civil society organizations (CSO) and the Department of Huquq to strengthen their capacity while increasing interaction between traditional and formal justice systems. The following are the main components of ADALAT:

- Increase the Supreme Court's capacity to provide professional training to judges and judicial personnel.
- Strengthen the Supreme Court's capacity to manage internal operations and court administration and ensure professional conduct among judges and judicial staff.
- Strengthen the institutional capacity of the Ministry of Justice to provide high-quality legal services and increase citizens' access to legal aid.
- Increase Ministry of Justice capacity to train Huquq professional staff.
- Increase administrative and outreach capacity of the Huquq Department at the central, provincial, and district levels.

- Increase Huquq interactions with traditional justice actors.
- Improve traditional justice decision making through training and consultative interventions.
- Support CSOs in conducting public education activities and campaigns on citizens' legal rights.

The project operates in 33 provinces. Figure 1 shows ADALAT's coverage area.

Figure 1: ADALAT Coverage Area



DEVELOPMENT HYPOTHESIS AND THEORY OF CHANGE

ADALAT's theory of change states that if the program increases the effectiveness of the formal justice system, strengthens the linkages between the formal and traditional justice systems, and increases demand for quality legal services, then Afghans will have better access to quality justice services based on Afghan law.

The theory of change allows partners and stakeholders to agree on the activity's logic and identify critical assumptions and risks underlying that logic. A critical assumption is that all three results are necessary to achieve the ADALAT purpose. Other assumptions are that increased demand without improvement in the justice system may frustrate the public, while improvement in the formal or informal system is likely to need public support to be sufficient. Additionally, ADALAT is designed to be a comprehensive activity—to change systems while changing public expectations and demands. The results will lead to nationwide improvement in access to justice for Afghan citizens.

SUBPURPOSE THEORIES OF CHANGE

The main objective of ADALAT is to improve citizens' access to justice services based on Afghan law, with three subpurposes. The subpurposes are grounded in their own theories of change, which will help the evaluation team test the underlying hypotheses of ADALAT.

Subpurpose 1: Increased formal justice system effectiveness and reach

If ADALAT can (1) improve the practical skills and knowledge of judges, court personnel, and lawyers; (2) improve the capacity of the Supreme Court and the Legal Aid Department (LAD) of the Ministry of Justice to manage internal operations and court administration and ensure professional conduct among justice sector actors; and (3) increase the availability of high-quality data on services provided by the court for decision-making in the formal system, ADALAT will increase the effectiveness of the formal justice system throughout the country. The success of Subpurpose 1 rests on the commitment of Afghan government counterparts. For example, 1.2 Strengthened Supreme Court capacity to manage internal operations, court administration and to ensure professional conduct among judges and judicial staff needed the Supreme Court's cooperation during the stage assessment and the human and institutional capacity development assessment. The leadership of the Supreme Court must also recognize the need for sustainability and commit to implementing solutions on a long-term basis.

Subpurpose 2: Strengthened formal-traditional justice system linkages

Linkages between the formal and traditional justice systems will be strengthened if the following results are achieved: (1) performance of the Huquq Department improves at all levels, (2) there are more interactions between the Huquq Department and traditional justice actors, and (3) more traditional dispute resolution actors, including women, are trained to resolve cases and report resolutions according to Afghan law.

If ADALAT improves the Ministry of Justice's capacity to manage the Huquq's administrative and outreach functions and to train Huquq staff to perform their individual and collective roles better, then the performance of the Huquq Department will improve. If the Liaison Office and CSO grantees follow the Rule of Law Stabilization–Informal project's proven methods for training traditional justice providers, traditional justice decisions will improve and fewer human rights violations will occur. Finally, if ADALAT promotes consultations between Huquq staff and traditional justice actors, it will sufficiently increase respect for and use of the formal justice sector.

Subpurpose 3: Increased Citizen Demand for Quality Legal Services

If ADALAT grantees raise citizen awareness of their rights under Afghan law, monitor services provided by courts, and advocate for improvements to the justice system, the result will be a comprehensive increase in demand for fair, high-quality justice delivery. Greater demand will reinforce improvements in the formal and traditional justice systems and lead to greater accountability and further justice sector strengthening.

If, through a series of grants, ADALAT can promote the use of a common core law curriculum, interactive teaching methodologies, and clinical programs in private law schools across the country, the result will be an increase in quality legal education that better prepares law school graduates to enter the job market.

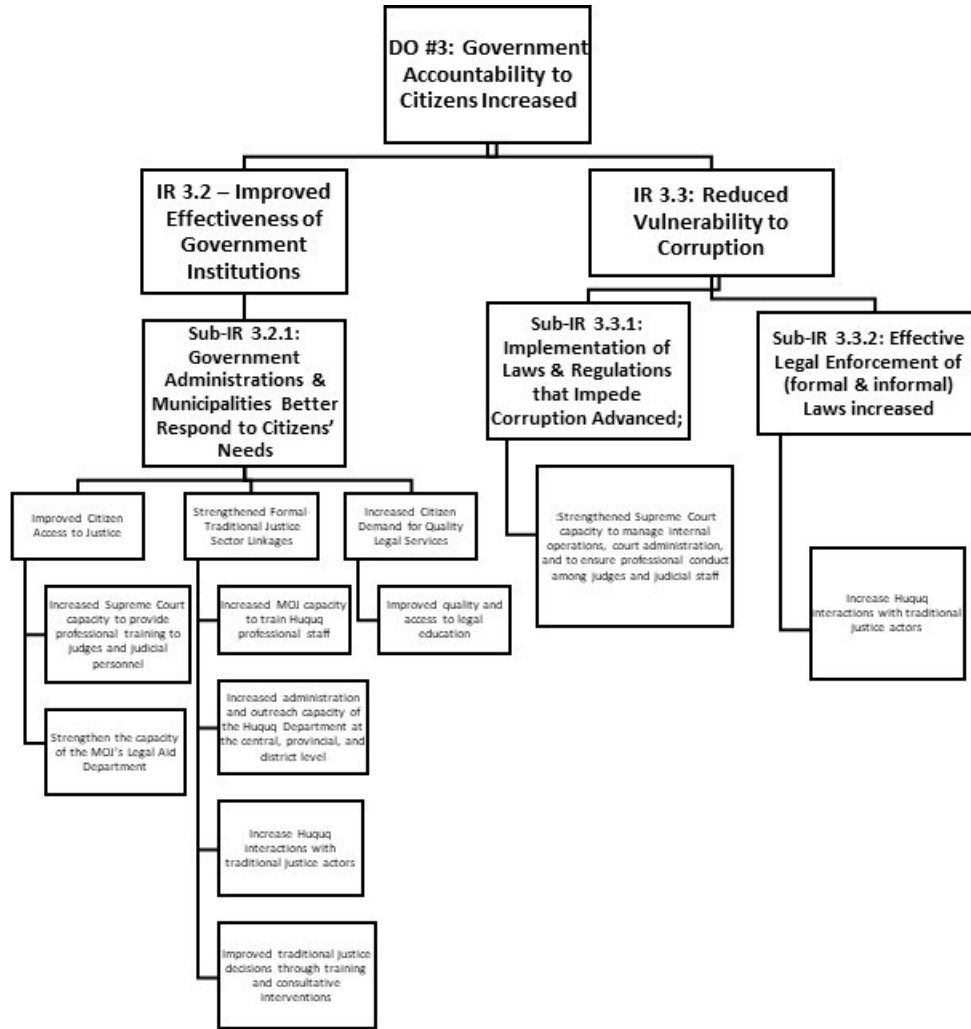
ADALAT SUPPORT FOR USAID JUSTICE GOALS IN AFGHANISTAN

The ADALAT project's purpose and subpurposes correspond to the USAID/Afghanistan Results Framework Development Objective 3 of the Country Development Cooperation Strategy 2019–2023. The development objective is to increase the Afghan government's accountability to its citizens by increasing citizen participation in decision-making processes, improving effectiveness of the Afghan government, and reducing vulnerability to corruption. Interventions carried out by ADALAT also contribute to the fulfillment of the following corresponding intermediate results (IR) and sub-intermediate results:

- IR 3.1: Citizen Participation in Decision-Making Processes Increased.
 - Sub-IR 3.1.2 Political Participation of Citizens Increased.
 - Sub-IR 3.1.3: Civil Society Advocacy for Reform Strengthened.
- IR 3.2: Improved Effectiveness of Government Institutions.
 - Sub-IR 3.2.1: Government Administrations and Municipalities Better Respond to Citizens' Needs.
- IR 3.3: Reduced Vulnerabilities to Corruption.
 - Sub-IR 3.3.2: Effective Legal Enforcement of (Formal and Informal) Laws Increased.
 - Sub-IR 3.3.3: Independent Monitoring of Government Functions Improved.

Figure 2 shows the USAID results framework for ADALAT.

Figure 2. ADALAT Results Framework



EVALUATION DESIGN AND METHODOLOGY

ASSESSMENT QUESTIONS

The following questions related to performance, relevance, and sustainability of ADALAT are to be answered by the midterm evaluation.

QUESTION 1. TO WHAT EXTENT HAS ADALAT INTERVENTION ACHIEVED ITS INTENDED OUTCOMES AND RESULTS? WHAT, IF ANY, UNINTENDED CONSEQUENCES (POSITIVE OR NEGATIVE) DID ADALAT PRODUCE OR HAPPENED AFFECTING CITIZENS' ACCESS TO JUSTICE IN AFGHANISTAN?

To answer the first part of this question, the evaluation team will evaluate the extent to which ADALAT has achieved each life-of-project target as articulated in the ADALAT AMELP. Most of this question will be answered through a desk review of programmatic data, reporting, and any result databases in existence. It will be augmented by key informant interviews (KII) with implementing partner staff, key

informants, USAID staff, and other stakeholders. The analysis will include comparison of actual activity results compared to targets.

The second half of this question will require the evaluation team to identify unintended consequences (positive or negative) of the project that affected citizens' access to justice in Afghanistan. This question will be answered largely through qualitative data collection. The unintended results will be assessed across gender to understand whether the consequences produced from ADALATs activity were different for women and men.

QUESTION 2: HOW AND TO WHAT EXTENT DO ADALAT INTERVENTIONS CONTRIBUTE TO INCREASED CITIZEN ACCESS TO JUSTICE SERVICES BASED ON THE AFGHAN LAW? WHAT INTERVENTIONS WORK? WHY? WHAT INTERVENTIONS DID NOT WORK? WHY?

Question 2 asks the evaluation team to assess the contribution ADALAT has made to access to justice services, and the relative effectiveness of ADALAT interventions. Where possible access will be measured through increased usage and confidence of ordinary Afghans in the state-sanctioned justice institutions.

Question 2 requires comparative analysis of the span of ADALAT interventions to determine which interventions performed as expected or better than expected and which interventions did not perform to expectations. The analysis will examine how the design and implementation of the [Redacted] kinds of ADALAT interventions influenced results and accomplishments. The evaluation team will examine results across categories such as location and intervention type to understand how different factors influenced results and therefore effectiveness.

The analysis will require cataloguing all ADALAT activity structured by location and intervention type, as well as key output numbers such as number of beneficiaries. For example, the analysis will look at how inputs and outputs affected citizens' access to justice (outcomes) to determine whether the intensity of implementation affected outcomes and whether results differed by location. The cross-location analysis will aim to reveal insights into how implementation approaches affected outcomes. This question will be answered through a mix of findings from questions 1 and 3, along with specific questions in the KIIs, group interviews, and the stakeholder survey. If baseline data exists, endline survey data collection will be collected.

QUESTION 3: HOW AND TO WHAT EXTENT DO ADALAT INTERVENTIONS CONTRIBUTE TO IMPROVING JUDICIAL PERFORMANCE AND REDUCING VULNERABILITIES TO CORRUPTION?

To answer this question the team will use a contribution analysis approach. This requires the evaluation team to determine whether any change has been made in the judicial performance and whether corruption has been reduced in the ADALAT sample locations. The team will then investigate the causes of any identified changes in judicial performance and corruption. The evaluation team will use KIIs and group interviews and consider external data and reporting about judicial performance and corruption to assess the nature of changes in judicial performance and corruption and the causes for change in each area under evaluation. The relevant measures of judicial performance and corruption will be outlined in the analysis plan produced during the team planning workshop.

Having established to what extent judicial performance and corruption has changed in each area under study, and the causes of change, the team will use findings from question 1 to examine how ADALAT

activity and results align with the identified changes. The linkages between the changes and ADALAT activity and results will illuminate how ADALAT contributed to improving judicial performance and reducing vulnerability to corruption.

QUESTION 4: HOW USEFUL AND RELEVANT ARE ADALAT INTERVENTIONS IN ADDRESSING THE PRIMARY NEEDS OF ITS TARGET BENEFICIARIES (WOMEN, CHILDREN AND MEN)?

The question will assess the relevance and usefulness of ADALAT in addressing the primary needs of its target beneficiaries. Through qualitative data collection, the evaluation team will assess the extent to which these efforts were successful through the prism of how beneficiaries consider ADALAT relevant to their primary needs as it related to justice, and what effect it had on their experience with the justice system. The conclusions for this question may draw on data collected for questions 1, 2, and 3, as well as specific questions in the data collection instruments.

QUESTION 5: HOW AND TO WHAT EXTENT ARE THE FOLLOWING ADALAT RESULTS SUSTAINABLE: CONTINUITY AND QUALITY OF CAPACITY BUILDING OF JUDICIAL AND NONJUDICIAL STAFF AND SYSTEM BUILDING AND LEGAL AWARENESS AND OTHER RELATED AREAS.

The evaluation team will assess the extent to which the results achieved by the intervention will continue or are likely to continue in absence of project support. The evaluation team will address this question in two ways:

- In KIs and group interviews, stakeholders will be asked to provide informed conjecture about what results have exhibited sustained outcomes and the likelihood of the outcomes being sustained. This line of enquiry will be underpinned by careful selection of key informants who can provide insights into sustainability.
- The evaluation team will ask key informants about the factors that were most important to sustained outcomes in the judicial sector and the likelihood that the factors will continue to have a similar influence on intended outcomes. The team will also examine whether there is a reform agenda in the justice sector and how ADALAT aligned with that agenda.

GENDER

In line with USAID's gender policy, this midterm evaluation will consider gender-specific effects of the ADALAT intervention. Important gender considerations for this evaluation include:

- There may be systemic gender discrimination in the justice sector
- The primary needs of men and women may be different in terms of access to justice.
- Men and women may have different attitudes, knowledge, and behaviors in terms of accessing and use of the justice sector.
- In each interview and group discussion, the review team will seek data on the consideration of gender equity in the project design process.

Table I outlines gender considerations that the evaluation team will examine in each evaluation question.

Table 1: Gender Considerations by Question

Evaluation Question	Gender Differential: Access and Participation	Gender Differential: Results and Benefits
EQ 1. To what extent did ADALAT achieve its intended outcomes and results? Were there unintended consequences (positive or negative) affecting citizens' access to justice in Afghanistan?	Differences between men and women in terms of participation, targeting, and allocation of activity resources.	<ul style="list-style-type: none"> ▪ Were outcomes and results experienced differently by men and women? ▪ Were unintended consequences on women and women evenly distributed? (It is anticipated that unintended consequences will affect women and men differently.)
Q2. How and to what extent do ADALAT interventions contribute to increased citizen access to justice services based on Afghan law? Which interventions work? Why? Which interventions do not work? Why?	<ul style="list-style-type: none"> ▪ Did men and women have equal access and participation in the ADALAT activity. ▪ Are some interventions more accessible to women and marginalized groups than others? ▪ Do some interventions have higher participation from women and marginalized groups than others? 	<ul style="list-style-type: none"> ▪ Did men and women experience the same level and quality of results and benefits from the ADALAT activity ▪ Were some interventions more effective for one gender over the other?
Q3. How and to what extent do ADALAT interventions contribute to improving judicial performance and reducing vulnerability to corruption?	<ul style="list-style-type: none"> ▪ How accessible were ADALAT interventions for female justice professionals and others from marginalized groups? ▪ Is the participation by professional women in ADALAT capacity building interventions the same as men, or proportional to their representation in the field? ▪ Are women vulnerable to corruption in different ways than men? If so, was that reflected in the ADALAT design? 	<ul style="list-style-type: none"> ▪ Do men and women have difference experiences and attitudes about judicial performance and corruption ▪ Have men and women benefitted from ADALAT interventions differently? ▪ Are there differential responses from women and men about ADALAT's effectiveness in addressing judicial performance and corruption?
Q4. How useful and relevant are ADALAT interventions in addressing the primary needs of its target beneficiaries (women, children and men)?	What are the proportions of participation among the genders?	Do the percentages of men and women rating ADALAT interventions useful and relevant in addressing their primary needs vary?
Q5. How and to what extent are ADALAT's results sustainable?	How do men and women perceive their future participation in justice sector reform programming?	How do men and women vary in their perceptions as to the sustainability of ADALAT results

METHODS OF DATA COLLECTION AND ANALYSIS

The evaluation will use a mixed-method approach, with quantitative methods used in support of qualitative data. Where possible, the evaluation design will take into account baseline data. Table 2 summarizes the plan for collecting and analyzing data for each evaluation question.

The design of the ADALAT evaluation will involve two steps: (1) this document, which provides the bulk of the design; and (2) a team planning workshop in [Redacted], which will finalize the data analysis plan, evaluation instruments, and field work protocols.

Table 2: Data Sources, Collection Methods, and Analysis Methods, by Evaluation Question

Evaluation Question	Data Sources	Data Collection Methods	Data Analysis Methods
Q1: LOP achievement and unintended consequences.	<ul style="list-style-type: none"> ▪ Project documents such as annual M&E plan, quarterly and annual reports ▪ ADALAT database or knowledge management platform ▪ Relevant stakeholders 	<ul style="list-style-type: none"> ▪ Desk review of ADALAT reporting ▪ KII with implementing partners, grantees, and beneficiaries (lawyers, judges, justice sector staff) ▪ Review of ADALAT knowledge management platform 	<ul style="list-style-type: none"> ▪ Descriptive statistics ▪ Content (frequency) analysis ▪ Document review
Q2: ADALAT contribution to increased citizen access to justice services based on the Afghan law? What interventions work and what don't?	<ul style="list-style-type: none"> ▪ Monthly, quarterly, and annual reports; other project reports ▪ Subgrantee organizations ▪ Gov't of Afghanistan officials and justice sector professionals ▪ Checchi staff ▪ Beneficiaries ▪ USAID staff 	<ul style="list-style-type: none"> ▪ KII with implementing partner staff, Justice sector professionals, stakeholders, USAID ▪ Group interviews with stakeholders ▪ Survey of subgrantees 	<ul style="list-style-type: none"> ▪ Content (frequency) analysis ▪ Descriptive statistics ▪ Document review ▪ Explanation building ▪ Comparative statistics
Q3: How and to what extent do ADALAT interventions contribute to improving judicial performance and reducing vulnerabilities to corruption?	<ul style="list-style-type: none"> ▪ ADALAT and sub-grantee reporting and data ▪ External research on Corruption and judicial performance ▪ Justice sector professionals ▪ ADALAT staff ▪ Justice sector users (beneficiaries) ▪ Stakeholders 	<ul style="list-style-type: none"> ▪ KIIs ▪ Group interviews ▪ Review of ADALAT data ▪ Survey 	<ul style="list-style-type: none"> ▪ Content (frequency) analysis ▪ Descriptive statistics ▪ Document review ▪ Explanation building
Q4: How useful and relevant are ADALAT interventions in addressing the primary needs of its target beneficiaries (women, children and men)?	<ul style="list-style-type: none"> ▪ Activity documents ▪ ADALAT staff ▪ Subgrantee staff ▪ Justice sector users (beneficiaries) ▪ Justice sector professionals ▪ Other stakeholders 	<ul style="list-style-type: none"> ▪ KIIs ▪ Group interviews ▪ Review of ADALAT data ▪ Survey 	<ul style="list-style-type: none"> ▪ Content (frequency) analysis ▪ Descriptive statistics ▪ Document review
Q5: How and to what extent are ADALAT's results sustainable?	<ul style="list-style-type: none"> ▪ ADALAT and sub-grantee reporting and data ▪ ADALAT staff ▪ Subgrantee staff ▪ Justice sector users (beneficiaries) ▪ Justice sector professionals ▪ Other stakeholders 	<ul style="list-style-type: none"> ▪ KIIs ▪ Group interviews ▪ Review of ADALAT data ▪ Survey 	<ul style="list-style-type: none"> ▪ Content (frequency) analysis ▪ Descriptive statistics ▪ Document review ▪ Explanation building

DATA SOURCES

The data source will be mainly activity beneficiaries, implementing partner staff, and other stakeholders. The method will entail the review of activity documents. During the team planning workshop, the team will confirm the respondent groups for each evaluation question and if necessary additional research questions for each evaluation question. The crafting of research questions, and which groups of people will be sought to answer these questions, will be informed by a desk review and described in the analysis plan, which will be finalized during the team planning workshop. The desk review of ADALAT will take place before the team gathers in [Redacted] and will include reviewing performance data and reporting from the ADALAT activity.

The USAID/Afghanistan Democracy and Governance Office team will provide to the evaluation team a wide range of reports on ADALAT. An illustrative list of documents for the evaluation team includes:

- Activity descriptions and modifications to the ADALAT task order.
- Annual work plans.
- Monthly, quarterly and annual reports of ADALAT.
- Current activity monitoring, evaluation and learning plan and other M&E documents.
- Any database of results for ADALAT activities.
- Research and policy papers developed by the activity and other rule-of-law activities.
- Other recent publications related to rule of law in Afghanistan.
- Any relevant research or data on judicial performance and corruption in the selected sample areas.

DATA COLLECTION

The evaluation will draw on a variety of data types (i.e., quantitative, qualitative, primary and secondary) collected from several sources (e.g., documents, research, beneficiaries, stakeholders, and experts), collected through a range of methods (e.g., key informant interviews, group interviews, document review, and survey).

Table 3 shows the respondent groups that the evaluation team will collect data from to answer each of the evaluation questions, and the way it will be collected from each group.

Sampling

Qualitative

This evaluation requires data collection in [Redacted] provinces. The evaluation will use purposive sampling for the qualitative data collection. To select interviewees who can speak knowledgeably about the topics under examination, the team will use project-generated enumeration lists of beneficiary and partnering organizations.

For KIs the evaluation team will identify respondents who can answer the evaluation questions with authoritativeness and insight. The team will conduct a document review to catalogue the entirety of the activity's intervention's, which will assist in selecting respondents who either have an overview of ADALAT's work or participated in the activity. During the team planning workshop, the evaluation team will work with the implementing partner, USAID, and subgrantees to confirm the interview list.

Quantitative

For the survey, the evaluation team will conduct an initial feasibility study to ascertain if the subgrantees and trainees that benefited from ADALAT are listed and if the team has the contact information that will

make a survey possible. If lists are available, then the evaluation team will determine if a census or randomized approach is most suitable. For subgrantees, a census survey using phone contact is most likely. For trainee beneficiaries, an emailed survey using Survey Monkey may be used.

Table 3: Data Collection Methods by Question and Respondent Group

Evaluation Question	Implementing Partner	USAID	Grantees (AIBA, CSOs)	Supreme Court Personnel (HR, Finance, Judges)	Judicial Trainers	AIHRC	Huquq Dep't	End Users	Community and Religious Leaders (Women and Men)	Court of Appeals and Primary Court	Beneficiary Lawyers
1. LOP achievement and unintended consequences.	KII	KII	KII, GI, S	KII, GI	GI	KII	KII	GI	GI	KII	S
2. ADALAT contribution to increased citizen access to justice services based on the Afghan law? Which interventions work and which do not work?	KII	KII	KII, GI, S	KII, GI	GI	KII	KII	GI	GI	KII	S
3. How and to what extent do ADALAT interventions contribute to improving judicial performance and reducing vulnerability to corruption?	KII	KII	KII, GI, S	KII, GI	GI	KII	KII	GI	GI	KII	S
5. How useful and relevant are ADALAT interventions in addressing the primary needs of its target beneficiaries (women, children and men)?	KII	KII	KII, GI, S	KII, GI	GI	KII	KII	GI	GI	KII	S
6. How and to what extent are ADALAT's results sustainable?	KII	KII	KII, GI, S	KII, GI	GI	KII	KII	GI	GI	KII	S

Notes: KII— Key informant interview
 S—Survey
 GI—Group interview
 IP—Implementing partner
 AIHRC—
 AIBA

Table 4: Illustrative List of Stakeholders to be Interviewed

Province	KII	Justification	GI	Justification
[Redacted]	<ul style="list-style-type: none"> Chief Justice MoJ Huquq MoJ Plan & Policy MoJ HR Directorate of Judicial Training USAID Implementing partner 		<ul style="list-style-type: none"> Judges MoJ Gender MoJ State Case Unit Clerks Partner University (lawyers) Judges in training (Satajors)? 	<ul style="list-style-type: none"> Legal aid department lawyers Advocacy beneficiaries Outreach beneficiaries Checchi ADLAT Legal Clinic beneficiaries
	RSI	Independent monitoring contract.	SC Finance, Admin, HR	ADALAT worked on budget and Tashkel.
	SC Plan & Policy	Planning and policy; worked on the Tashkeel. They are a key stakeholder. Also important for any questions on sustainability and future plans.	SC IT	ADALAT created case management IT system, provided IT training. Also want to address use of IT in SC in the future, and how ADALAT fits into this issue.
	SC Research & Study	This is the internal unit that is supposed to research on the Supreme Courts work, performance and results. Strong source of information.	CSO - TDR	[Redacted] based CSO Head Offices. ADALAT selected a number of CSOs to implement TDR grants. These include "health care and social development org' (HSDO); social capacity building development welfare organization (SCWO), etc.
	SC JED Directorate	Judicial education department. They train the judges. ADALAT worked with them a lot.	Advocacy Grantees	This is the gender directorate in MoJ. Given EQ4 this seems like an important informant.
	MoJ Legislative Drafting Dept	Afghan Independent Human Rights Commission. This is an independent Human Rights Commission. ADALAT has not worked with this organization. However, they are a key neutral 'voice' on the state of human rights and efforts to reform the Afghan Justice system. We would argue that they would provide important perspective on ADALATs efforts. Good for triangulation.	Outreach Grantees	Taking out AWJA. Interestingly this NGO - which is one of the most important stakeholders for female judges - was cited by ADALAT as an interesting case where there is potential to influence female participation and professionalization in the justice sector. It should be noted that it is important to talk to stakeholders representing female justice sector professionals to get an idea as to the challenges facing female jurists and legal professionals.
	SC DI Director	Department of Inspections. ADALAT provided significant capacity building for them. Manuals, database, SOPs, etc.	LDRWG	Land Disputes Resolution Working Group. ADALAT supported this group in year 2 and 3 with what looks like significant capacity building.

Province	KII	Justification	GI	Justification
	MoJ LAD (Legal Aid Department)	Major recipient of capacity building. They replaced AIBA as a major partner, when AIBA refused to work with them.	JLRC	Judicial Law Review Committee. ADALAT worked with the supreme court to set up this working group to implement the SC action plan. It has recently become more active, after ADALAT technical and capacity assistance. Responsible for updating and reviewing laws and regulations.
	MoJ Legislative Drafting Dept	Afghan Independent Human Rights Commission. This is an independent Human Rights Commission. ADALAT has not worked with this organization. However, they are a key neutral 'voice' on the state of human rights and efforts to reform the Afghan Justice system. We would argue that they would provide important perspective on ADALAT's efforts. Good for triangulation.	CLWG	Commercial Law Working Group. ADALAT assisted this working group in year 2. However, in year 3 assistance was ceased after the judges asked for a stipend. According to our initial review ADALAT is considering other approaches to provide assistance. We suggest we do an initial phone interview to determine whether an in-person group interview is merited.
	Afghan Justice Organization - AJO	Partnering organization		
	AIHRC	Independent source on judicial performance and the current state of the justice sector		
Total	16		19	
[Redacted] (City and [Redacted] district court)	<ul style="list-style-type: none"> • Court of Appeals head • Primary Court head • Provincial Huquq sub-Director 		<ul style="list-style-type: none"> • Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court) • [Redacted] District Court Judges • [Redacted] Court clerks • Court clerks (female) • Outreach Grantees 	<ul style="list-style-type: none"> • Advocacy Grantees • Advocacy and Outreach Beneficiaries • Partner University (lawyers) • Youth
	MoJ Provincial Director	MoJ has a provincial Directorate.	<ul style="list-style-type: none"> • [Redacted] Court clerks • [Redacted] court clerks (female) 	Out of the 3 districts covered in [Redacted], we chose [Redacted] because there has been most of the activities

Province	KII	Justification	GI	Justification
	district court judge [Redacted]	ADALAT works in three districts in [Redacted]. Of the three districts ADALAT works in, [Redacted] district has the most activities and its accessible for the data collection team.	<ul style="list-style-type: none"> Selected [Redacted] CDC / Shura / Jirga advocacy & Outreach beneficiaries ([Redacted]) TDR beneficiaries (TBD) TDR grantees Spinsary Group 	TDR group
	AIHRC Provincial Office	See above justification for AIHRC - AIHRC has provincial office in [Redacted]		
Total	6		16	
[Redacted]	<ul style="list-style-type: none"> Court of Appeals head [Redacted] Primary Court Chief judge MoJ Provincial Director Provincial Huquq sub-Director AIHRC Provincial Office 		<ul style="list-style-type: none"> Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court) City court Mazar - e - Sharif judges Court clerks Court clerks (female) Outreach Grantees 	<ul style="list-style-type: none"> Advocacy Grantees advocacy & Outreach beneficiaries Youth University (Lawyer) Selected [Redacted] CDC / Shura / Jirga
			<ul style="list-style-type: none"> TDR grantees [Redacted] beneficiaries Spinsary Group [Redacted] Judge [Redacted] clerks 	TDR group; [Redacted] has received most of the activities in addition to TDR
Total	5		15	

Province	KII	Justification	GI	Justification
[Redacted]	<ul style="list-style-type: none"> • Court of Appeals head • Primary Court head • MoJ Provincial Director • Provincial Huquq sub-Director • AIHRC Provincial Office 		<ul style="list-style-type: none"> • Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court) • Judges of primary court • Court clerks • Court clerks (Female) • Outreach Grantees 	<ul style="list-style-type: none"> • Advocacy Grantees • advocacy & outreach beneficiaries • [Redacted] • Youth
			<ul style="list-style-type: none"> • Selected CDC • Spinsary Group • TDR grantees • TDR beneficiaries (TBD) 	TDR group
Total	5		13	
[Redacted]	<ul style="list-style-type: none"> • Court of Appeals head (Jalalabad) • Primary Court head (Jalalabad) • MoJ Provincial Director • Provincial Huquq sub-Director • AIHRC Provincial Office 		<ul style="list-style-type: none"> • Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court) • Primary Court judges • Court clerks • Court clerks (female) • Partner University (lawyers) 	<ul style="list-style-type: none"> • Outreach Grantees • Advocacy Grantees • Advocacy & Outreach beneficiaries • Youth
			<ul style="list-style-type: none"> • Selected CDC • Spinsary Group • TDR grantees • TDR Beneficiaries (TBD) 	TDR group
Total	5		13	
[Redacted]	<ul style="list-style-type: none"> • Court of Appeals head • Primary Court head • MoJ Provincial Director • Provincial Huquq sub-Director • AIHRC Provincial Office 		<ul style="list-style-type: none"> • Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court) • Primary Court judges • Court clerks • Court clerks (female) 	<ul style="list-style-type: none"> • Outreach Grantees • Advocacy Grantees • Advocacy & Outreach beneficiaries • Youth

Province	KII	Justification	GI	Justification
			<ul style="list-style-type: none"> Selected CDC Spinsary Group TDR grantees TDR Beneficiaries (TBD) 	TDR group
Total	5		12	
[Redacted]	<ul style="list-style-type: none"> Court of Appeals head Primary Court head MoJ Provincial Director Provincial Huquq sub-Director AHRC Provincial Office 		<ul style="list-style-type: none"> Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court) Primary Court judges Court clerks Court clerks (female) Outreach Grantees 	<ul style="list-style-type: none"> Advocacy Grantees Advocacy & Outreach beneficiaries Youth Selected CDC Spinsary Group
Total	5		10	
[Redacted]	<ul style="list-style-type: none"> Court of Appeals head Primary Court head MoJ Provincial Director Provincial Huquq sub-Director 		<ul style="list-style-type: none"> Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court) Primary Court judges Court clerks Court clerks (female) 	<ul style="list-style-type: none"> Outreach Grantees Advocacy Grantees Advocacy & Outreach beneficiaries Youth
			<ul style="list-style-type: none"> Selected CDC Spinsary Group TDR grantees TDR Beneficiaries (TBD) 	TDR group
Total	4		12	

Breakdown of Data Collection by Province

The evaluation team will select stakeholders, beneficiaries, and experts with particular expertise, experience, or perspectives on ADALAT. Table 5 provides projected numbers of KII and group interviews for each province. The evaluation team will finalize these numbers after the desk review and confirm them in the analysis plan. The analysis plan, to be finalized during the team planning workshop, will break down the number of interviews for each respondent group and province.

Table 5: Illustrative Breakdown of KII and Group Interviews by Province

Province	KII	Group Interviews
[Redacted]	17	19
[Redacted]	6	16
[Redacted]	5	15
[Redacted]	5	10
[Redacted]	4	12
[Redacted]	5	12
[Redacted]	5	13
[Redacted]	5	13
Total	52	110

Data collection will be conducted in 8 cities. The evaluation team will lodge in the district center and will facilitate the travel of evaluation participants to the district centers for interviews or group interviews. Therefore, the team will interview people from organizations within traveling distance of one-day round-trip from the district center.

Key Informant Interviews

The team will conduct semi-structured one-on-one interviews with a variety of ADALAT stakeholders, including USAID Democracy and Governance Office staff, key actors in the Afghan justice sector from both the formal and traditional systems, and the full range of ADALAT beneficiaries. The evaluation team will also conduct KIIs with stakeholders and experts who can provide insight on project design, implementation, and results to help form conclusions about ADALATs effectiveness, sustainability, inclusivity, and relevance.

Group Interviews

The evaluation will conduct group interviews primarily to gather qualitative data (although some quantitative data as well). Interviewers will use a semi-structured instrument to explore ADALAT's achievements, its contribution to improving judicial performance and the access of the Afghan citizenry to justice, the effectiveness of specific activities, and the sustainability of outcomes. Interviews will focus on understanding if and how ADALAT activities have achieved the intended justice-related objectives, and other consequences the activity may have had. Group interviews will bring together those with similar roles; thus, government officials will not be mixed with activists, for example.

Interviewers may use questioning that seeks to count answers from group members. This quantitative data will help determine trends, while qualitative information will provide depth to the analysis and help identify the reasons behind the trends. Participants, in groups of five to eight people, will discuss themes suggested by the moderator—no more than 10 questions by any one group. Interviews will encourage free discussion.

Survey

The evaluation will include a survey of grantee organizations and participants of capacity building activities, mostly likely lawyers. During the team planning workshop, the evaluation team will determine if the survey can be designed to be statistically significant. This will depend on the availability of contact information and the total number of respondents that would constitute a complete sample.

Before the team planning workshop, the evaluation team will draw up a survey participant list. During the workshop the team will also determine if phone interviews or an online survey system will be used. The survey may also use in-person data collection during group interviews. Surveys will be brief and focused. They will be analyzed using Stata software. The questionnaire will be piloted, then revised for sense and internal logic, and to ensure that it is interpreted as intended.

Document Review

Evaluation team members will review documents provided by USAID at the beginning of the evaluation process to familiarize themselves with the activity under review. USAID will provide a list of research papers to review in addition to quarterly reports, M&E plans, and the like.

To answer evaluation question 1 and to catalogue ADALAT workstreams and sub-activities, the evaluation team will review activity reporting and any management information system or database that monitors results. The catalogue will disaggregate ADALAT activity by geographic area, activity type, inputs, and outputs (such as number of beneficiaries). Most of Question 1 analysis will take place before the team planning workshop and will be used to develop the evaluation analysis plan.

The assignment manager will be responsible for providing the catalogue of activity inputs and outputs to the team lead one week before the assignment manager's arrival in Afghanistan.

Note Taking and Translation

Interview notes will be translated by contracted translators. The costs for the translation are under contingency costs to cover the uncertainty of the volume of notes to be translated. Where possible interviews should be recorded to provide for an additional source of data review, and to augment written notes where deemed useful. For government officials it is expected that recording may not be possible in many instances.

DATA ANALYSIS

Although the evaluation will use mixed methods, it will rely predominantly on qualitative data (except for EQ 1.a), with quantitative data used to support the qualitative findings.

The bulk of the analysis will take place during an analysis workshop at the conclusion of data collection. During the analysis workshop the team will identify findings for each evaluation question and data source, and where relevant, for each respondent group (see Table 3). The methods are described below.

ANALYSIS PLAN

During the team planning workshop, the evaluation team will produce an analysis plan, which will:

- List research questions under each evaluation question and describe how they will be answered.
- Link research questions to specific questions in the data-collection instruments.
- List the dimensions that must be measured (such as judicial performance, awareness and use of justice systems, corruption, primary needs of Afghan citizens, and sustainability) and describe how they will be measured.

Document Review and Descriptive Statistics

Quantitative data from project documents and data collected by the ADALAT team stored in a database or management information system will be used to describe what ADALAT did and accomplished. The data will be disaggregated by gender, location (province), and sub-activity type. It will include findings related to inputs (resources expended) and outputs (numbers of beneficiaries and events), as well as activity results and outcome data. The assignment manager will provide a full catalogue of ADALAT activities (inputs and outputs) disaggregated by location, activity type, and gender, before the team planning workshop.

The evaluation team will use descriptive analysis to examine the quantitative data from project documents, the survey, and structured portions of key informant and group interviews, to address the evaluation questions. In general, descriptive statistics will provide trends and simple summaries by geographic cluster and type of respondent. Data visualization techniques will be used as appropriate to illustrate the results.

Content Analysis

For responses from key informant and group interviews, content analysis will be used to examine and illustrate patterns. The evaluation team will use MAXQDA software to code transcripts for thematic analysis. Content analysis identifies themes relevant to answering the evaluation questions, records the frequency with which the themes occur, and examines the content of the illustrative text to provide a better understanding of the meaning of and context in which statements were made. The analysis will also assess, and when warranted highlight, evidence that deviates from the common themes. The final report should report the frequencies with which particular themes appear.

The content analysis will be conducted by the team lead, evaluation specialist, and AMELA staff just before the analysis workshop.

Contribution Analysis

Evaluation questions 1, 2, and 3 require the evaluation team to examine how ADALAT contributed to high-level justice sector objectives for citizens' access to justice, improving judicial performance, and reducing vulnerability to corruption. To answer this question, the team may use a simple form of contribution analysis to assess first what changes have occurred in the justice sector, what caused (and contributed to) these changes; and then to what extent ADALAT activities align with the causes of these changes. The evaluation may use a variety of trusted external research data on judicial sector measures to determine what sector-wide changes have taken place.

Sustainability Analysis

Evaluation question 5 requires the team to reach conclusions about the sustainability of efforts to:

- Strengthen capacity for judicial and nonjudicial staff to improve judicial performance and access to justice
- Strengthen justice systems
- Increase legal awareness

The team will create a sustainability matrix that identifies the components that allowed targets and program outcomes to be achieved over a sustained period. The team will then ask questions about the likelihood that the conditions (factors) that supported those components will stay the same or improve. Understanding these factors will drive the research questions related to EQ5. The research will cover ownership of outcomes by stakeholders, future funding, interaction of informal and formal justice systems, addressing of key constraints, what organizational capacity was built among partner organizations, the presence of barriers to sustaining outcomes, and the supporting environment for the sustainment of outcomes, particularly government regulations, and changes to cultural norms.

Data Synthesis

Conclusions will be based on the totality of evidence. The analysis plan drafted during the team planning workshop will list all research questions under each evaluation question. Findings will be crafted for each data source and in many cases for each respondent group. This means that the findings from KIIs, group interviews, survey results, and any other external data sources (such as administrative data and other studies) should first be examined separately.

Data synthesis is the comparison of findings within and across these data groupings to reach conclusions. To answer the evaluation questions, the evaluation team will draw together data collected from all the methods, discern lines of evidence for answering the research questions.

The team will base their conclusions on the convergence of findings from different sources of data. When findings converge, the team will formulate conclusions to answer the evaluation questions based on reasonably strong evidence. When findings diverge dramatically, the team will examine the strength of the evidence associated with different lines of evidence, and absent a preponderance of credible evidence for one line, will present both as findings of the research. For instance, if the survey findings and the findings from KIIs from beneficiary organizations and implementing partners are all in agreement as to unintended consequences, then the conclusions will be easy to draft. If there is some divergence, more nuanced explanations of the differences may be necessary.

Data Management

The evaluation team will record data from semi structured key informant and group interviews in interview notes and, when appropriate, audio recordings, from which team members will prepare transcripts or summaries in English.

All interview notes, recordings, and transcripts will be stored in a secure folder to which only the assignment team and AMELA staff working on the evaluation will have access. The storage and transfer of data collected for this evaluation will meet ADS 579 requirements.

All interim data (e.g., field notes) generated for the evaluation will be deposited in a unified, cloud-based digital repository managed by MSI to which only the evaluation team and necessary AMELA staff will

have access. The data collection team should finish and upload notes within three days of completing an interview. The assignment manager will review notes within two days of their upload.

FIELD WORK PLAN

The field work will take place in 8 provinces. The evaluation is expected to start October 3, 2019. For security reasons, data collection will take place in two phases. During the first phase the whole team will collect data in [Redacted]. The team lead and technical specialist will lead data collection and hone the team's approach.

In the second phase, the expats will leave Afghanistan and provide [Redacted] guidance and oversight from their home countries, returning for the end of field data collection and data analysis. The field team will split into three teams of two people each. (Table 6 provides a day-by-day breakdown of field data collection.) Teams will comprise one male researcher and one female researcher. [Redacted] will accompany female researchers. During provincial field data collection, the field team will upload interview transcripts before leaving the city where the field work took place.

The entire team will review the transcripts on Skype on the day reserved for this, and the field team will make revisions deemed necessary by the team lead and AMELA management. The assignment manager will provide a list of interviews a week before the team lead and technical specialist arrive in country.

Table 6: Evaluation Schedule

Day	Date	Day of the Week	Location	Tasks
Day 1	30-Sep	Monday	[Redacted]	Document review
Day 2	1-Oct	Tuesday	[Redacted]	Document review
Day 3	2-Oct	Wednesday	[Redacted]	Document review
Day 4	3-Oct	Thursday	[Redacted]	Document review
Day 5	23-Oct	Wednesday	[Redacted]	Travel
Day 6	24-Oct	Thursday	[Redacted]	Travel
Day 7	25-Oct	Friday	[Redacted]	Arrive in [Redacted]
Day 8	26-Oct	Saturday	[Redacted]	In-Brief Preparation
Day 9	27-Oct	Sunday	[Redacted]	In-Brief Presentation
Day 10	28-Oct	Monday	[Redacted]	TPW
Day 11	29-Oct	Tuesday	[Redacted]	TPW
Day 12	30-Oct	Wednesday	[Redacted]	TPW
Day 13	31-Oct	Thursday	[Redacted]	TPW
Day 14	1-Nov	Friday	[Redacted]	Day off
Day 15	2-Nov	Saturday	[Redacted]	TPW
Day 16	3-Nov	Sunday	[Redacted]	Co creation / initial data collection
Day 17	4-Nov	Monday	[Redacted]	Co creation / initial data collection
Day 18	5-Nov	Tuesday	[Redacted]	Co creation / initial data collection
Day 19	6-Nov	Wednesday	[Redacted]	Co creation / initial data collection

Day	Date	Day of the Week	Location	Tasks
Day 20	7-Nov	Thursday	[Redacted]	Co creation / initial data collection
Day 21	8-Nov	Friday	[Redacted]	Day off
Day 22	9-Nov	Saturday	[Redacted]	Day off
Day 23	10-Nov	Sunday	[Redacted]	Co creation / initial data collection
Day 24	11-Nov	Monday	[Redacted]	Co creation / initial data collection
Day 25	12-Nov	Tuesday	[Redacted]	Co creation / initial data collection
Day 26	13-Nov	Wednesday	[Redacted]	Co creation / initial data collection
Day 27	14-Nov	Thursday	[Redacted]	Co creation / initial data collection
Day 28	15-Nov	Friday	[Redacted]	Day off
Day 29	16-Nov	Saturday	[Redacted]	Day off
Day 30	17-Nov	Sunday	[Redacted]	Co creation / initial data collection
Day 31	18-Nov	Monday	[Redacted]	Co creation / initial data collection
Day 32	19-Nov	Tuesday	[Redacted]	Co creation / initial data collection
Day 33	20-Nov	Wednesday	[Redacted]	Co creation / initial data collection
Day 34	21-Nov	Thursday	[Redacted]	Co creation / initial data collection
Day 35	22-Nov	Friday	[Redacted]	Day off
Day 36	23-Nov	Saturday	[Redacted]	Day off
Day 37	24-Nov	Sunday	[Redacted]	Co creation / initial data collection
Day 38	25-Nov	Monday	[Redacted]	Co creation / initial data collection
Day 39	26-Nov	Tuesday	[Redacted]	Data collection
Day 40	27-Nov	Wednesday	[Redacted]	Data collection
Day 41	28-Nov	Thursday	[Redacted]	Data collection
Day 42	29-Nov	Friday	[Redacted]	Day off
Day 43	30-Nov	Saturday	[Redacted]	Data collection
Day 44	1-Dec	Sunday	[Redacted]	Data collection
Day 45	2-Dec	Monday	[Redacted]	Data collection
Day 46	3-Dec	Tuesday	[Redacted]	Data collection
Day 47	4-Dec	Wednesday	[Redacted]	Data collection
Day 48	5-Dec	Thursday	[Redacted]	Data collection
Day 49	6-Dec	Friday	[Redacted]	Day off
Day 50	7-Dec	Saturday	[Redacted]	Data collection
Day 51	8-Dec	Sunday	[Redacted]	Data collection
Day 52	9-Dec	Monday	[Redacted]	Data collection
Day 53	10-Dec	Tuesday	[Redacted]	Data collection
Day 54	11-Dec	Wednesday	[Redacted]	Data collection

Day	Date	Day of the Week	Location	Tasks
Day 55	12-Dec	Thursday	[Redacted]	Data collection
Day 56	13-Dec	Friday	[Redacted]	Day off
Day 57	14-Dec	Saturday	[Redacted]	Data collection
Day 58	15-Dec	Sunday	[Redacted]	Data collection
Day 59	16-Dec	Monday	[Redacted]	Data collection
Day 60	17-Dec	Tuesday	[Redacted]	Data collection
Day 61	18-Dec	Wednesday	[Redacted]	Data collection
Day 62	19-Dec	Thursday	[Redacted]	Data collection / TL Leaves country
Day 63	20-Dec	Friday	[Redacted]	Day off
Day 64	21-Dec	Saturday	[Redacted]	Data collection
Day 65	22-Dec	Sunday	[Redacted]	Midbrief report
Day 66	23-Dec	Monday	[Redacted]	Data collection
Day 67	24-Dec	Tuesday	[Redacted]	Data collection
Day 68	25-Dec	Wednesday	[Redacted]	Data collection
Day 69	26-Dec	Thursday	[Redacted]	Data collection
Day 70	27-Dec	Friday	[Redacted]	Day off
Day 71	28-Dec	Saturday	[Redacted]	Day off
Day 72	29-Dec	Sunday	[Redacted]	Data collection
Day 73	30-Dec	Monday	[Redacted]	Data collection
Day 74	31-Dec	Tuesday	[Redacted]	Data collection
Day 75	1-Jan	Wednesday	[Redacted]	Data collection
Day 76	2-Jan	Thursday	[Redacted]	Day off
Day 77	3-Jan	Friday	[Redacted]	Day off
Day 78	4-Jan	Saturday	[Redacted]	Data collection
Day 79	5-Jan	Sunday	[Redacted]	Data collection
Day 80	6-Jan	Monday	[Redacted]	Data collection
Day 81	7-Jan	Tuesday	[Redacted]	Data collection
Day 82	8-Jan	Wednesday	[Redacted]	Prep
Day 83	9-Jan	Thursday	[Redacted]	Prep
Day 84	10-Jan	Friday	[Redacted]	Day off
Day 85	11-Jan	Saturday	[Redacted]	Day off
Day 86	12-Jan	Sunday	[Redacted]	Day off
Day 87	13-Jan	Monday	[Redacted]	Day off
Day 88	14-Jan	Tuesday	[Redacted]	Day off
Day 89	15-Jan	Wednesday	[Redacted]	Travel day for Report writer

Day	Date	Day of the Week	Location	Tasks
Day 90	16-Jan	Thursday	[Redacted]	Travel day for Report writer
Day 91	17-Jan	Friday	[Redacted]	Day off
Day 92	18-Jan	Saturday	[Redacted]	coding and analysis
Day 93	19-Jan	Sunday	[Redacted]	coding and analysis
Day 94	20-Jan	Monday	[Redacted]	coding and analysis
Day 95	21-Jan	Tuesday	[Redacted]	coding and analysis
Day 96	22-Jan	Wednesday	[Redacted]	coding and analysis
Day 97	23-Jan	Thursday	[Redacted]	coding and analysis
Day 98	24-Jan	Friday	[Redacted]	day off
Day 99	25-Jan	Saturday	[Redacted]	analysis workshop
Day 100	26-Jan	Sunday	[Redacted]	analysis workshop
Day 101	27-Jan	Monday	[Redacted]	analysis workshop
Day 102	28-Jan	Tuesday	[Redacted]	analysis workshop
Day 103	29-Jan	Wednesday	[Redacted]	analysis workshop
Day 104	30-Jan	Thursday	[Redacted]	analysis workshop
Day 105	31-Jan	Friday	[Redacted]	Day off
Day 106	1-Feb	Saturday	[Redacted]	analysis workshop
Day 107	2-Feb	Sunday	[Redacted]	analysis workshop
Day 108	3-Feb	Monday	[Redacted]	analysis workshop
Day 109	4-Feb	Tuesday	[Redacted]	analysis workshop
Day 110	5-Feb	Wednesday	[Redacted]	outbrief
Day 111	6-Feb	Thursday	[Redacted]	travel
Day 112	7-Feb	Friday	[Redacted]	travel
Day 113	8-Feb	Saturday	[Redacted]	day off
Day 114	9-Feb	Sunday	[Redacted]	day off
Day 115	10-Feb	Monday	[Redacted]	Report Writing
Day 116	11-Feb	Tuesday	[Redacted]	Report Writing
Day 117	12-Feb	Wednesday	[Redacted]	Report Writing
Day 118	13-Feb	Thursday	[Redacted]	Report Writing
Day 119	14-Feb	Friday	[Redacted]	Report Writing
Day 120	15-Feb	Saturday	[Redacted]	Report Writing
Day 121	16-Feb	Sunday	[Redacted]	day off
Day 122	17-Feb	Monday	[Redacted]	AMELA review
Day 123	18-Feb	Tuesday	[Redacted]	First draft submitted
Day 124	19-Feb	Wednesday	[Redacted]	ODG review

Day	Date	Day of the Week	Location	Tasks
Day 125	20-Feb	Thursday	[Redacted]	ODG review
Day 126	21-Feb	Friday	[Redacted]	Day off
Day 127	22-Feb	Saturday	[Redacted]	Day off
Day 128	23-Feb	Sunday	[Redacted]	ODG review
Day 129	24-Feb	Monday	[Redacted]	ODG review
Day 130	25-Feb	Tuesday	[Redacted]	ODG review
Day 131	26-Feb	Wednesday	[Redacted]	ODG review
Day 132	27-Feb	Thursday	[Redacted]	ODG review
Day 133	28-Feb	Friday	[Redacted]	Day off
Day 134	1-Mar	Saturday	[Redacted]	Day off
Day 135	2-Mar	Sunday	[Redacted]	ODG review
Day 136	3-Mar	Monday	[Redacted]	ODG review
Day 137	4-Mar	Tuesday	[Redacted]	ODG review
Day 138	5-Mar	Wednesday	[Redacted]	ODG review
Day 139	6-Mar	Thursday	[Redacted]	OPD review
Day 140	7-Mar	Friday	[Redacted]	Day off
Day 141	8-Mar	Saturday	[Redacted]	Day off
Day 142	9-Mar	Sunday	[Redacted]	OPD review
Day 143	10-Mar	Monday	[Redacted]	OPD review
Day 144	11-Mar	Tuesday	[Redacted]	USAID reverts for Draft 2
Day 145	12-Mar	Wednesday	[Redacted]	Draft revision
Day 146	13-Mar	Thursday	[Redacted]	Draft revision
Day 147	14-Mar	Friday	[Redacted]	Draft revision
Day 148	15-Mar	Saturday	[Redacted]	Day off
Day 149	16-Mar	Sunday	[Redacted]	Day off
Day 150	17-Mar	Monday	[Redacted]	Draft revision
Day 151	18-Mar	Tuesday	[Redacted]	Draft revision
Day 152	19-Mar	Wednesday	[Redacted]	Submission of draft 2
Day 153	20-Mar	Thursday	[Redacted]	USAID Review
Day 154	21-Mar	Friday	[Redacted]	Day off
Day 155	22-Mar	Saturday	[Redacted]	Day off
Day 156	23-Mar	Sunday	[Redacted]	USAID Review
Day 157	24-Mar	Monday	[Redacted]	USAID Review
Day 158	25-Mar	Tuesday	[Redacted]	USAID Review
Day 159	26-Mar	Wednesday	[Redacted]	USAID Review

Day	Date	Day of the Week	Location	Tasks
Day 160	27-Mar	Thursday	[Redacted]	USAID Review
Day 161	28-Mar	Friday	[Redacted]	Day off
Day 162	29-Mar	Saturday	[Redacted]	Day off
Day 163	30-Mar	Sunday	[Redacted]	USAID Review
Day 164	31-Mar	Monday	[Redacted]	USAID Review
Day 165	1-Apr	Tuesday	[Redacted]	USAID reverts draft for finalizing
Day 166	2-Apr	Wednesday	[Redacted]	AMELA Review
Day 167	3-Apr	Thursday	[Redacted]	AMELA Review
Day 168	4-Apr	Friday	[Redacted]	Day off
Day 169	5-Apr	Saturday	[Redacted]	Day off
Day 170	6-Apr	Sunday	[Redacted]	Final Submission

STRENGTHS AND LIMITATIONS

The following methods will be used to mitigate the influence of limitations to the proposed approach:

- Ensuring that samples of interview groups are sufficient to support evaluation findings.
- Taking systematic action to address biases in reporting by types of respondent and in interpretation of data by the evaluation team. Systematic action is also required to ensure that actual results can be measured, which will be possible only if data on knowledge and behavior that illustrate the achievement of ADALAT objectives can be collected.
- Documentation in the evaluation report of data limitations associated with a selected method and all the methodological strengths and weakness.

DELIVERABLES

Deliverables for this assignment are internal to USAID/Afghanistan and the contractor unless otherwise instructed by USAID/Afghanistan. The following deliverables are required for this evaluation.

1. **In-briefing:** Within 48 hours of arrival in [Redacted], the evaluation team will meet with the OPPD M&E unit and the Office of Democracy and Governance team to discuss the assignment, including assumptions, evaluation questions, methodology, and work plan, and to adjust the SOW if necessary.
2. **Evaluation work plan:** At least two days before the in-briefing, AMELA will provide a detailed evaluation work plan to USAID. The work plan will cover (1) the evaluation design, including methodology, data collection and analysis plans, and data collection instruments; (2) a list of team members and their contact details while in country, including the email address and mobile phone number for the team leader; and (3) the schedule for the evaluation. After USAID’s review and comments, a revised work plan incorporating the comments and listing potential interviewees and sites to be visited is due within 3 days. USAID then has 2 days to review and approve the evaluation work plan.

3. **Midterm briefing and interim meetings:** The evaluation team will hold a midterm briefing with USAID/Afghanistan on the status of the evaluation. USAID/Afghanistan may also ask for weekly briefings by phone or email. Delays or complications must be communicated to USAID as early as possible to allow for quick resolution and minimize disruption to the evaluation.
4. **Exit presentation:** The evaluation team will give an exit presentation on its findings and recommendations to USAID/Afghanistan. This presentation will be scheduled during the in-briefing. Presentation slides should not exceed 18 in total.
5. **Draft evaluation report:** The draft evaluation report will address the issues and questions identified in the SOW. Other factors that have a bearing on the objectives of the evaluation can be included after consultation with USAID. The submission date for the first draft will be finalized during the approval of the work plan and can be reviewed again during the midterm or exit briefing. After the draft evaluation report is submitted, the following timeline is followed:
 - ODG—10 working days for review
 - OPPD Program Support Team (PST) —3 working days for review
 - Evaluation team—5 working days to incorporate comments and resubmit
 - ODG and PST—10 working days to review again and send final comments.
6. **Recommendations workshop:** A workshop (or workshops) with stakeholders will be held to develop, discuss, and validate the recommendations.
7. **Final evaluation report:** The evaluation team has 3 days to incorporate final comments. The evaluation team leader will submit the final report to the AMELA evaluation activity manager and COR.
8. **Data:** All data and records belong to USAID and will be submitted to the Development Data Library.

SCHEDULE OF ACTIVITIES AND LEVEL OF EFFORT

Table 7 describes the roles and responsibilities of the evaluation team members, including two full-time AMELA staff based in [Redacted]—the assignment manager and the senior evaluation manager—who will work closely with the evaluation team. Table 7 gives scheduling details for each position. Table 8 summarizes LOE by position.

Table 7: Assignment Staffing with Roles and Responsibilities

Position	Status	Roles and Responsibilities
Team lead	Expat STTA	<p>The evaluation team lead should have at least a master’s degree in rule of law or in a related field with at least 10 years of experience in conducting and managing project evaluations using mixed method or at least qualitative research, and project management. The team lead should have extensive knowledge and experience in conducting formative evaluations related to Rule of Law programs. S/He must be an excellent evaluation report writer and show a history of proven critical thinking skills. Work experience in Afghanistan and knowledge of development evaluation techniques would be a plus.</p> <p>The team lead will be responsible for leading evaluation activities, providing oversight; collaborating with stakeholders, and preparing the draft and final reports. The team lead will also prepare a presentation of the evaluation results and present it to USAID. S/He will also prepare the draft evaluation report, incorporate comments from USAID, and send the final revised evaluation report to USAID through AMELA. The team lead, with the AMELA evaluation team lead, serves as the primary coordinator with USAID.</p>

Position	Status	Roles and Responsibilities
Sector specialist	Expat STTA	The technical evaluation specialist should have a master's degree in rule of law or business administration or other related field, with at least five years of experience in conducting evaluations, extensive analytical experience that equips him/her to conduct high-quality and in-depth analysis of rule-of-law issues in Afghanistan, especially capacity building programs for Afghan actors and system management development for Afghan institutions in the rule of law sector. The technical evaluation specialist must have strong communication and writing skills in English and should be able to travel to the field, if security permits. The technical evaluation specialist should have strong knowledge of and experience in designing formative evaluation tools and methodology, data analysis (qualitative and quantitative), and training of local staff for data collection. Regional experience and specific knowledge of Afghanistan is required.
Report Writer	Expat STTA	The Report writer that will be supporting this evaluation is an expert evaluator. He will support the team in the analysis workshop by leading the data synthesis, in which the team will look at the content, contribution, and sustainability analysis. He brings years of experience, most recently as the permanent team lead for the USAID Pakistan Perform MEL Platform. In addition to the data synthesis, he will play a key role in drafting the final report in tandem with the Team Lead, and under the guidance from the AMELA Evaluation Lead. The lead writer will also help incorporate comments from USAID and assist in the final work to send the final revised evaluation report to USAID through AMELA. The report writer may also help the AMELA Evaluation lead and ADALAT assignment team prepare a presentation of the evaluation results for USAID.
Four national researchers	STTA local	Four midlevel evaluation specialists with at least a bachelor's degree and 5 years of work experience to help the team of expats for interpretation, data collection and interview, analysis and logistical support. Research assistants must have work experience in rule of law or in other democracy- and governance-related issues with comprehensive knowledge of the Afghan political and social context and experience with qualitative data analysis software, such as MAXQDA. The team members should have a general understanding of development issues in Afghanistan. The candidates must also possess practical experience in conducting evaluations or research studies. All research assistants need strong English language skills in written and verbal communications.
Assignment manager	Full-time AMELA staff	AMELA designates a staff member, the assignment manager, to manage each assignment. S/he knows AMELA processes and USAID requirements and will help the assignment team navigate them and deliverable schedules. The assignment manager's role is to facilitate the team's work. The assignment manager is the liaison between the assignment team and AMELA's operations personnel and senior technical staff and relieves the team of much of the management burden so the team can focus on the evaluation work.
AMELA senior evaluation lead		AMELA's senior evaluation lead will review deliverables and work with the team lead to ensure that the deliverables meet the SOW requirements, social science standards, and ADS 201.

Table 8. Assignment Schedule and LOE (days)

Activity	Location	Deliverable	Schedule	Team Lead (STTA)	Sector Specialist (Expat)	Report Writer(Expat)	Research Assistants (National)
Conduct desk review	[Redacted]	Catalogue of activities	Sep 30 – Oct 3	4	0	0	0
Travel to Afghanistan (1st trip)	[Redacted]	None	Oct 23 -24	2	0	0	0

Activity	Location	Deliverable	Schedule	Team Lead (STTA)	Sector Specialist (Expat)	Report Writer(Expat)	Research Assistants (National)
In-briefing with USAID	[Redacted]	Presentation	27-Oct	1	0	0	0
Team Planning Workshop.	[Redacted]	AWP, data collection tools and analysis plan	Oct 28 – Nov 2	5	5	0	29
Field work (data collection and co-creation)	[Redacted]	Raw notes	Nov 3 – Dec 18	39	11	0	119
Mid Brief to USAID	[Redacted]	Debrief presentation	18-Dec	1	1	0	0
Travel out (1st trip)	[Redacted]	None	19-Dec	2	0	0	0
Prep (Lead writer)	[Redacted]	None	Dec 16 – Jan 15	0	0	9	0
Travel in (2nd trip)	[Redacted]	None	Jan 15 - 16	0	0	2	0
Analysis	[Redacted]	Data analysis workings	Jan 18 - Feb 4	3	5	16	16
Exit Brief to USAID	[Redacted]	Final presentation to USAID	0/ a Feb 5	0	1	1	0
Travel out (2nd trip)	[Redacted]	None	6-Feb	0	0	1	0
Report drafting	[Redacted]	Draft report, One-page brief	Feb 10 - 18	2	5	6	0
Finalizing the evaluation report	[Redacted]	Finalize the report	Feb 19 - April 6	0	0	4	0
Total LOE				59	28	39	164

Table 9: LOE Summary by Position (days)

Status	Position	LOE
STTA	Team Lead	59
STTA	Sector Expert	28
STTA	Report Writer	39
STTA	Researchers	164
Total LOE		290

COST ESTIMATE

A breakdown of costs by line item is given in Table 10.

Table 10: Summary of Costs

Line Item	Amount
Direct Labor	[Redacted]
International Travel	[Redacted]
Other Direct Costs	[Redacted]
Grand Total	[Redacted]

**Total cost estimates do not include cross-cutting costs, indirect costs, or the MSI fee.*

AMELA COR APPROVAL

[COR will indicate approval by signing below or indicating “approval” by return email].

**Alternate Contracting Officer’s Representative
(COR)**

Date

[Redacted], or designate

ANNEX 3: ADALAT REPORTED RESULTS BY RESULTS FRAMEWORK INDICATORS

Table 7: ADALAT AMELP Indicators

Indicators	Baseline Value	LOP Target	2016		2017		2018		2019	
			Actual	Target	Actual	Target	Actual	Target	Actual	Target
Purpose: Improved citizen access to justice										
1. Public perception index of the formal justice system as fair, trusted, and effective	58.8%	67.0%	0.0%	0.0%	63.0%	63.0%	65.5%	65.5%	66.0%	66.0%
2. Formal justice system user satisfaction index (LIC)	0	BL+5%	0	0	0	0	0	0	0	BL+5%
Sub-Purpose 1 - Increased formal justice sector effectiveness and reach:										
1.1. Percentage of court users who are satisfied with the services provided (LIC) ^a	0	BL+5%	0	0	0	0	0	0	0	BL
1.2. Percentage of court users who report that a bribe is likely to be asked to ensure a favorable ruling/ outcome. (LIC)	0	BL-5%	0	0	0	0	0	0	0	BL
I.1 Increased Supreme Court capacity to provide professional training to judges and judicial personnel										
1.1.1. Pre-post test score change of Stage participants ^a	0%	25%					0%		0%	25%
1.1.2. Number of judicial personnel trained with USG assistance	0	4,113	285	250	286	543	970	1,070	914	1,500
Judges	0	1,503	0	0	285	562	365	300	236	300
Men					252		345		230	
Women					33		20		6	
Non-judicial staff	0	2,610	0	0	145	600	605	544	679	300
Men					137		541		636	
Women					8		64		42	
1.1.3. Number of judges trained with USG assistance	0	1,503	0	0	285	562	365	300	236	300
Men					252		345		230	
Women					33		20		6	

Indicators	Baseline Value	LOP Target	2016		2017		2018		2019	
			Actual	Target	Actual	Target	Actual	Target	Actual	Target
1.1.4. Number of Court staff trained with USG assistance, disaggregated by skill set	0	2,610	0	0	145	600	605	544	679	300
Men					137		541		636	
Women					8		64		42	
1.1.5. Number of trainings provided for judges and court staff ^a	0	115	1	2	8	19	27	38	27	38
1.1.6. Number of recommendations from Stage Assessment implemented ^a	0	10	0	0	0	0	0	0	0	0
1.2 Strengthened Supreme Court capacity to manage internal operations, court administration, and to ensure professional conduct among judges and judicial staff										
1.2.1. Number of USG-assisted courts with improved case management systems	0	678	0	0	78	34	349	303	285	206
1.2.2. Percentage of courts submitting ACAS statistical data accurately and on-time ^a	TBD	30%				0	0%	0%	0%	BL+20%
1.3 Strengthen the capacity of the MoJ's Legal Aid Department										
1.3.1. Percentage of AIBA members who handle the required three pro-bono cases per year ^a	0	45%	0	0	0	0%	0	15%	0	30%
1.3.2. Percentage of legal aid users utilizing communication tools in detention centers ^a	0	20%	0	0	0	0	0	5%	0	10%
1.3.3. Number of outreach programs conducted increasing women's access to justice ^a	0	15%	0	0	0	0	0	5%		5%
1.3.4. Number of female cases represented by MoJ/LAD ^a	TBD	BL+10%	NA		0	NA	248	630	108	BL+5%
1.3.5. Number of LAD offices using improved information collection system ^a	0	34					34	0%	34	25
Sub-Purpose 2: Strengthened Formal-Traditional Justice Sector Linkages										
2.1. Percentage of Huquq users who are satisfied with the services provided (LIC) ^a	0	BL+6%	0	0	0	0	0	0		BL

Indicators	Baseline Value	LOP Target	2016		2017		2018		2019	
			Actual	Target	Actual	Target	Actual	Target	Actual	Target
2.2. Index of public perceptions - percentage of citizens in ADALAT districts who agree that village Jirgas/Shuras are fair and trusted AND effective	78%	80%	78%	BL	78%	78%	76%	76%	81%	78%
2.1 Increased MOJ capacity to train Huquq professional staff										
2.1.1. Pre-post test score change of Huquq staff following training ^a	0	20%	0	0	0	0	0	20%	20%	29%
2.1.2. Percentage of Huquq professional staff who have received training	0	90%	0	0			18%	15%	35%	45%
2.2 Increased administration and outreach capacity of the Huquq Department at the central, provincial, and district level										
2.2.1. Percentage of districts where case management systems are being utilized ^a	0%	98%					0	90%		90%
2.3 Increase Huquq interactions with traditional justice actors										
2.3.1 Number of TDR decisions registered and recorded by the Huquq in USG-supported districts	TBD	BL+6%			0	0	0	BL	0	BL+6%
2.4 Improved traditional justice decisions through training and consultative interventions										
2.4.1. Pre-post test score change of training participants ^a	0	25%	0	0	64%	25%	33%	25%	0	25%
2.4.2. Number of disputes resolved/issues defused by Spinsary groups	0	930	0	0	120	120	291	210	0	270
2.4.3. Number of state and non-state justice actors trained (this does not include judicial and non-judicial court personnel)	0	13,760	0	0	1,480	1,960	4,260	3,000	0	4,400
2.4.4. Number of discussion sessions and coordination meetings held between state and non-state justice actors ^b	120	1,240	0	0	75	BL 120	203	320	4	400

Indicators	Baseline Value	LOP Target	2016		2017		2018		2019	
			Actual	Target	Actual	Target	Actual	Target	Actual	Target
Sub-Purpose 3: Increased Citizen Demand for Quality Legal Services										
3.1 Enhanced citizens' legal rights education and advocacy										
3.1.1 Number of court hearings monitored by CSOs with USG assistance ^a	0	0	0	0	4	48	2	0	0	1
3.1.2 Number of CSOs receiving USG assistance engaged in advocacy	0	37	0	0	5	5	11	11	10	19
3.1.3. Number of advocacy committees established ^c	0	195	0	0	0	20	44	55	0	70
3.1.4. Number of people trained on legal issues ^c	0	11,100	0	0	0	2,000	5,224	3,600	0	5,400
Men							3,657			
Women							1,567			
3.1.5. Number of people reached through legal promotional materials ^d	0	31,300	0	0	0	4,000	8,000	8,800	0	10,000
Men							5,600			
Women							2,400			
3.2 Clinical Legal Education programs implemented at private universities										
3.2.1. Number of successfully awarded PLACE grantees ^e	0	45	0	0	0	0	5	5	11	20
3.2.2. Number of sessions of pre-clinic courses and legal clinic ^e	0	5,400	0	0	0	0	458	600	1,452	2,400
3.2.3. Number of cases that have clinical program students providing legal assistance ^e	0	3,300	0	0	0	0	459	500	1,072	2,000
3.2.4. Number of legal clinics established	0	20	0	0	0	0	5	5	0	20
Gender (1). Percentage of Stage participants who are female ^a	20%	30%	0	0	0	25%	0	25%	0	30%

Source: ADALAT AMELP, updated in collaboration with ADALAT staff.

- a. Indicators tagged for removal in the next version of the AMELP due to changes in implementation plans.
- b. Flagged for removal because the law on obtaining rights, which was necessary for this indicator, did not pass.
- c. Difficulty finding qualified CSOs to whom to award advocacy grants contributed to underperforming on this indicator. It is flagged for removal but ADALAT still believes it will meet LOP targets for this indicator.
- d. Data were not properly recorded in the first few years of ADALAT. The indicator has been removed from the AMELP.
- e. ADALAT was not able to identify enough qualified clinical legal education grantees to meet targets for this indicator.

ANNEX 4: EVALUATION METHODS AND LIMITATIONS

Table 8 illustrates how the evaluation team selected provinces and districts for qualitative interviews. The team selected the districts highlighted in yellow in the “Provinces/Districts” column to achieve a selection of districts with some variation in both the intensity (i.e., number of individuals trained) of training programs and in the variety of other interventions.

Table 8: District Sample Selection Criteria

Province/Districts	Advocacy Grants Years 1-3	Outreach Grants Years 1-3	TDR Grants Years 1-4	Clinical Education Grants Years 1-4	Huquq Foundation Training Years 1-4	Huquq HCMS Years 1-4	SC Judicial Training Years 1-4	SC Non-Judicial Training Years 1-4	SC ACAS Training Years 1-4
[Redacted]									
Districts				Rana University (old and new) and Kateb University (new)	1	13	540	192	102
[Redacted]					2	0	0	1	1
[Redacted]					1	0	0	1	1
[Redacted]									
Districts	[Redacted]				1	1	80	5	6
[Redacted]	[Redacted]				1	1	1	1	1
[Redacted]	[Redacted]				0	0	0	1	1

Province/Districts	Advocacy Grants Years 1-3	Outreach Grants Years 1-3	TDR Grants Years 1-4	Clinical Education Grants Years 1-4	Huquq Foundation Training Years 1-4	Huquq HCMS Years 1-4	SC Judicial Training Years 1-4	SC Non-Judicial Training Years 1-4	SC ACAS Training Years 1-4
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[Redacted]

Districts	[Redacted]	Safa FM		ALSDO (old) AWRO (old)	Alfalah University (old and new)	0	2	165	37	40
	[Redacted]	Safa FM		ALSDO (old)		0	0	1	1	1
	[Redacted]	Safa FM		AWRO (old)		0	0	1	1	1

[Redacted]

Districts	[Redacted]		Wadan			1	0	40	5	5
	[Redacted]		Wadan			1	1	2	0	0
	[Redacted]					2	0	1	0	0

[Redacted]

Districts	[Redacted]		APWDO	HSDO (new)	Malalai University (new)	0	2	141	30	19
	[Redacted]		APWDO			0	0	1	1	1
	[Redacted]		APWDO			0	0	1	0	0

Province/Districts	Advocacy Grants Years 1-3	Outreach Grants Years 1-3	TDR Grants Years 1-4	Clinical Education Grants Years 1-4	Huquq Foundation Training Years 1-4	Huquq HCMS Years 1-4	SC Judicial Training Years 1-4	SC Non-Judicial Training Years 1-4	SC ACAS Training Years 1-4
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[Redacted]

Districts	[Redacted]		TO			1	1	182	5	6
	[Redacted]					1	0	0	0	0
	[Redacted]					1	0	0	0	0

[Redacted]

Districts	[Redacted]	BCPCR		ASEWO (new) SEEO (new)	Asia University (old and new), Ghalib University (new) and Kahkashan-e Sharqh University (new)	0	0	393	43	49
	[Redacted]	BCPCR		AWRO (old)		4	2	2	1	1
	[Redacted]	BCPCR		RSSAO (old)		2	1	2	1	1
	[Redacted]	BCPCR		OWEDA (old)		1	1	3	1	0

Province/Districts	Advocacy Grants Years 1-3	Outreach Grants Years 1-3	TDR Grants Years 1-4	Clinical Education Grants Years 1-4	Huquq Foundation Training Years 1-4	Huquq HCMS Years 1-4	SC Judicial Training Years 1-4	SC Non-Judicial Training Years 1-4	SC ACAS Training Years 1-4
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[Redacted]

[Redacted]					0	2	19	11	8
[Redacted]					0	1	2	0	0

[Redacted]

Districts	[Redacted]				Kawun University (old and new)	3	2	391	27	28
	[Redacted]			TLO (new)		1	0	2	1	1
	[Redacted]			TLO (new)		1	0	1	1	1

[Redacted]

Districts	[Redacted]	PTCRO				0	2	15	9	10
	[Redacted]	PTCRO				0	1	4	0	0
	[Redacted]					0	1	2	0	0
	[Redacted]	PTCRO				0	0	3	0	0

ANNEX 5: DATA COLLECTION INSTRUMENTS

Key Informant Interview with Chief Justice

- 1.1 What are your thoughts on Afghanistan's legal reform agenda?
- 1.2 What changes have taken place in legal system since 2016 (last 3 years)?
- 1.3 What are the biggest challenges in the future for legal reform in your opinion?
- 1.4 What is your understanding of ADALAT's objectives and work?
- 1.5 What has been SC's involvement with ADALAT?
- 1.6 If at all, how has ADALAT has contributed to implementing Afghanistan's legal reform agenda?
- 2.1 What are the biggest challenges to access to justice in Afghanistan?
- 2.2 What affects people decision making about where they seek justice?
- 2.3 To your knowledge what did ADALAT do affect access to justice?
- 2.4 What changes has ADALAT contributed to for access to rights?
- 2.5 What is the Governments plans regarding TDR in Afghanistan?
- 2.6 To your knowledge what has ADALAT to done on TDR in Afghanistan?
- 3.1 What are the SC's organizational plans for improving: judicial performance; professional development among non-judicial staff?
- 3.2 How has ADALAT provided services to strengthen the Supreme Court's capacity to manage internal operations and court administration. Please describe—
- 3.3 Has ADALAT increased the Supreme Court's capacity to provide professional training to judges and non-judicial staff? If so, how (Provide examples).
- 3.4 Has ADALAT increased the Supreme Court's capacity to provide professional training to judges and court administration and judicial personnel? Provide examples
- 3.5 What services could ADALAT provide in the future?
- 4.1 What is the justice system doing to address inequality in the justice system?
- 4.2 What has ADALAT done to address the primary needs of different groups (name them) for justice?
- 5.1 What are the plans to sustain the reforms you've talked about?
- 5.2 What changes have already been sustained? What helped this sustainment?
- 5.3 What changes are at risk? Why
- 5.4 What has ADALAT done to support sustained outcomes?

Group Discussion with Associate Justices and Experienced Judges

- 1.1 What are the biggest needs for justice reform in your area?
- 1.2 What changes have taken place in legal system since 2016 (last 3 years)?
- 1.3 What is your understanding of ADALAT's objectives and work?
- 1.4 If at all, how has ADALAT has contributed to addressing those needs in Afghanistan?
- 2.1 What are the biggest challenges to access to justice in Afghanistan?
- 2.2 What effects people decision making about where they seek justice?
- 2.3 To your knowledge what did ADALAT do affect access to justice?
- 2.4 What changes has ADALAT contributed to for access to rights?
- 2.5 What is the Governments plans regarding TDR in Afghanistan?
- 2.6 To your knowledge what has ADALAT to done on TDR in Afghanistan?
- 3.1 How has the organization and administration of the SC improved over the past few years?
- 3.2 How has ADALAT services helped you do your job better?
- 3.3 Please discuss ADALAT's impact on access to court for vulnerable groups (e.g., women, children, people with disabilities.)
- 3.4 What services could ADALAT provide in the future?
- 4.1 What is the justice system doing to address inequality in the justice system?
- 4.2 What has ADALAT done to address the primary needs of different groups (name them) for justice?
- 5.1 Do you think they changes we have talked about will be sustained?
- 5.2 What changes are more likely to sustain and what changes aren't?
- 5.3 What are the key factors that have supported outcomes thus far? Will they continue in your opinion?

Key Informant Interviews with Non-Judicial Staff of the Courts (Clerks)

- 1.1 What has been done to improve the administration of justice over the past few years?
- 1.2 What has been your involvement with ADALAT if any? What do you understand the program is supposed to do?
- 1.3 Has ADALAT helped improve court administration, how?
- 2.1 What reforms have been implemented to improve access to court for Afghans over the last few years?
- 2.2 If any, how has ADALAT contributed to those reforms?
- 2.3 Does the court you work in, work with TDR, if so how?
- 2.4 How frequently do people use TDR? How do they use it and for what kind of cases?
- 3.1 What case management system you are using in your court?
- 3.2 What do you think of ADALAT paper-based case management system? Is it being used in your court? Has it been helpful? If so, how?
- 3.3 Has there been any other way that ADALAT helped you in your job?
- 4.1 What has been done to improve inequity in the courts?
- 4.2 Has ADALAT services helped the court address the needs of vulnerable groups (e.g. women, children, people with disabilities)? If so, how?
- 5.1 Do you think the changes we have talked about will continue?
- 5.2 What are the changes that are more likely to sustain? What changes are not?
- 5.3 What can be done to help changes sustain?

Key Informant Interviews with Provincial Primary Court Head/Court of Appeals Head

- 1.1 What changes have taken place in legal system since 2016 (last 3 years)?
- 1.2 What are the biggest challenges facing you in your job?
- 1.3 What has been your involvement with ADALAT if any? What do you understand the program is supposed to do?
- 1.4 If any, how has ADALAT helped you do your job better?
- 2.1 What are the biggest challenges to access to justice in your area?
- 2.2 What effects people decision making about where they seek justice in your area?
- 2.3 To your knowledge what did ADALAT do affect access to justice in your area?
- 2.4 What changes has ADALAT contributed to for access to rights in your area?
- 2.5 To your knowledge what has ADALAT to done on TDR in Afghanistan?
- 3.1 How has the organization and administration of the district/appellate changed over the past few years?
- 3.2 If any, what has been ADALAT contribution to these changes?
- 3.3 Please discuss ADALAT's impact on access to court for vulnerable groups (e.g., women, children, people with disabilities.)
- 3.4 What are the key needs for the optimum performance of your courts?
- 3.5 What services could ADALAT provide in the future?
- 4.1 What has been done to address inequality in the justice system in your area?
- 4.2 What has ADALAT done to address the primary needs of different groups (name them) for justice?
- 5.1 Do you think the changes we have talked about will continue?
- 5.2 What are the changes that are more likely to sustain? What changes are not?
- 5.3 What can be done to help changes sustain?
- 5.4 What are the key factors that have supported outcomes thus far? Will they continue in your opinion?

Group Discussion with Judges, Heads of Dewans, and District Judges

- 1.1 What changes have taken place in legal system since 2016 (last 3 years)?
- 1.2 What are the biggest challenges in the future for legal reform in your opinion?
- 1.3 What are the biggest challenges facing you in your job?
- 1.4 What has been your involvement with ADALAT if any? What do you understand the program is supposed to do?
- 2.1 What are the biggest challenges to access to justice in your area?
- 2.2 What effects people decision making about where they seek justice in your area?
- 2.3 To your knowledge what did ADALAT do affect access to justice in your area?
- 2.4 What changes has ADALAT contributed to for access to rights in your area?
- 2.5 To your knowledge what has ADALAT to done on TDR in Afghanistan?
- 3.1 How has the organization and administration of your court has changed over the past few years?
- 3.2 If any, what has been ADALAT contribution to these changes?
- 3.3 Please discuss ADALAT's impact on access to court for vulnerable groups (e.g., women, children, people with disabilities.)
- 3.4 What are the key needs for the optimum performance of your work?
- 3.5 What services could ADALAT provide in the future?
- 4.1 What has been done to address inequality in the justice system in your area?
- 4.2 What has ADALAT done to address the primary needs of different groups (name them) for justice?
- 5.1 Do you think the changes we have talked about will continue?
- 5.2 What are the changes that are more likely to sustain? What changes are not?
- 5.3 What are the key factors that have supported outcomes thus far? Will they continue in your opinion?

Group Discussion with Mullahs, Religious Leaders, Local Elders, Local Heads, and Spinsary Groups

- 1.1 How does TDR work in your district/area?
- 1.2 How has TDR changed in your district/are over the past few years?
- 1.3 What interactions have you had with ADALAT?
- 2.1 What factors influence people's decision where to seek justice? And has it changed over time?
- 2.2 Have you noticed a change in who seeks justice in TDR and how often people resort to TDR?
- 2.3 How do TDR and government institutions interact?
- 2.4 On basis of what rules, TDR makes it decision?
- 2.5 How likely people are to mention government laws during a TDR's proceedings? Have you noticed a change in this area?
- 3.1 What factors you would say sometimes affect TDRs' decisions but should not?
- 3.2 What make TDR different than government institutions?
- 4.1 How would you describe the treatment of the following groups by TDR: women, children, internally displaced persons, persons with disabilities, ethnic and religious minorities, and other vulnerable groups?
- 4.2 Please discuss ADALAT's impacts on the experience of these groups with TDR?

Group Discussion with Legal Aid Lawyers

- 1.1 What is the role of Legal Aid in the justice sector? How well does Legal Aid fulfill that role?
- 1.2 How has Legal Aid changed in Afghanistan over the last few years? Are more people using Legal Aid?
- 1.3 How is ADALAT helping Legal Aid achieve its goals?
- 2.1 Please discuss what are the main challenges stopping people from accessing legal representation in your area?
- 2.2 If legal aid did not exist what other options would your clients have?
- 3.1 How has Legal Aid improved in your area over the last few years?
- 3.2 How has ADALAT's interventions help improve quality of legal aid in your area?
- 4.1 Describe the criteria with which cases are accepted.
- 4.2 Who are the clients? How they can access Legal Aid? What could make this process work better?
- 4.3 Who do you think is underserved by Legal Aid: women, children, internally displaced persons, persons with disabilities, ethnic and religious minorities, and other vulnerable groups?
- 5.1 Are there any plans to sustain the reforms you've talked about?
- 5.2 What changes have already been sustained? What helped this sustainment?
- 5.3 What changes are at risk? Why?
- 5.4 What has ADALAT done to support sustained outcomes?

Group Discussion with Legal Aid Clinics

- 1.1 What is the role of Legal Clinics in the justice sector? How well do Legal Clinics fulfill that role?
- 1.2 How have Legal Clinics changed in Afghanistan over the last few years? Are more people using Legal Clinics for their legal needs? Are you able to handle the demand?
- 1.3 By establishing your legal clinic, who now has access to legal services that did not have before?
- 2.1 Please discuss what are the main challenges stopping people from accessing legal representation in your area?
- 3.1 How has establishing your clinic has helped improve the quality of legal aid/representation in your area?
- 4.1 Describe the criteria with which cases are accepted by your clinic.
- 4.2 Who are the clients? How they can access legal clinics' services? What could make this process work better?
- 4.3 How would you describe the services provided to the following groups by your clinic: women, children, internally displaced persons, persons with disabilities, ethnic and religious minorities, and other vulnerable groups?
- 5.1 What do you think is going to happen to clinic when the ADALAT support finishes?
- 5.2 Do you have any plans to continue the clinic after ADALAT finishes? How?

Key Informant Interviews and Group Discussions with Huquq Specialists and Senior Leadership

- 1.1 What is the role of Huquq departments in the justice system in Afghanistan?
- 1.2 What reforms have been done over the last few years to improve the Huquq department's functions/role? What else is needed?
- 1.3 How has ADALAT supported reform in the Huquq departments?
- 2.1 Are people using Huquq more over the last three years?
- 2.2 Please discuss what are the main challenges facing Huquq?
- 2.3 Has there been a noticeable change in quality and quantity of services offered by TDR over the past 3 years? How?
- 2.4 Has there been more interaction between Huquq and traditional decision-makers over the past three years?
- 3.1 How has case management improved in Huquq over the past few years (three years)?
- 3.2 How has ADALAT's Case Management System helped you?
- 3.3 How is the ADALAT's Case Management System interacting with the JSSP case management system?
- 3.4 What other assistance has ADALAT provided to Huquq Department (system level and training)? Have they helped you do your job better?
- 3.5 What other assistance could they provide in the future?
- 4.1 What type of cases does Huquq handle?
- 4.2 Who are the disputants? How they can bring a claim to Huquq? What could make this process work better?
- 4.3 How would you describe the access of the following groups to Huquq: women, children, internally displaced persons, persons with disabilities, ethnic and religious minorities, and other vulnerable groups?
- 5.1 Are there any plans to sustain the reforms you've talked about?
- 5.2 What changes have already been sustained? What helped this sustainment?
- 5.3 What changes are at risk? Why?
- 5.4 What has ADALAT done to support sustained outcomes?

Group Discussion with Grantees and CSOs

- 1.1 What is purpose of your organization? Objectives?
- 1.2 How has the Grant helped your organization achieve its goals and objectives?
- 1.3 Who were the intended beneficiaries of the grant? In what geographical location?
- 1.4 How did the grant affect the targeted beneficiaries?
- 1.5 Were there any outcomes that you didn't foresee?
- 3.1 Do you think that the grant (advocacy, outreach, and trainings) has helped people fight corruption in your area?
- 3.2 What is your opinion of the courts/Huquq in your area? Have they improved? How?
- 4.1 How has the grant helped vulnerable groups (women, children, PWDs, IDPs, etc.)?
- 5.1 In absence of ADALAT, what other sources of funding your organization can access?
- 5.2 Do you think the outcomes we have discussed will continue after ADALAT ends? Why?

Survey Instrument

How strongly do you agree with the following statements?

Statement	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
ACCESS						
With regards to *accessing* judicial systems in my area/district, I believe that:						
1. It is easy to access courts.						
2. Over the last three years, access to courts have improved.						
3. Access to courts have improved for vulnerable groups (women, PWD, minorities, etc.).						
USE						
With regards to *using* judicial systems in my area/district, I believe that most people:						
4. Are more likely to use courts than they were before.						
5. Are more likely to use courts instead of TDR than they were before.						
AWARENESS OF RIGHTS						
6. I believe most people in my area are more aware of their rights under the Afghanistan's laws than before."						
7. I believe most people in my area are more aware of their rights under the Islamic laws than before.						
INEQUALITY AND JUDICIAL PERFORMANCE						
For *vulnerable groups (women, PWD, minorities)* engaging with the judicial systems in my area/district, I believe:						
8. The legal offices perform well.						

Statement	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
9. The government performs well.						
10. Over the past three years, the performance of courts have improved.						
11. Over the past three years, the performance of legal offices have improved.						
12. Courts treat these vulnerable groups equally.						
13. TDR treats these vulnerable groups equally.						
14. ADALAT's interventions have helped vulnerable groups (women, PWDs, minorities, etc.) in the justice sector.						
TRUST/CONFIDENCE						
When it comes to overall *trust and/or confidence* in the judicial systems in my area/district, I believe that most people:						
15. Trust courts to resolve a dispute fairly						
16. Trust TDR to resolve a dispute fairly.						
17. Trust TDR more than courts.						
18. Have increased their trust in courts then before.						
19. Have increased their trust in TDR then before.						
20. Believe corruption in the courts has decreased.						
LINKAGES BETWEEN TDR AND FORMAL SECTOR						
With regards to the *TDR actors* within my area/district, I believe:						
21. I believe ADALAT's work has aided the reform agenda in the justice sector.						
22. Most TDR actors base their decisions on Islamic law.						

Statement	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
23. In recent years, TDR actors are more likely to base their decisions on Afghanistan law than they were before.						
24. In recent years, TDR actors are more likely to base their decisions on Islamic law than they were before.						
ADALAT'S ENGAGEMENT						
Through the ADALAT project and its different interventions, I believe:						
25. ADALAT's work has aided the reform agenda in the justice sector.						
26. ADALAT's have helped vulnerable groups (women).						
27. ADALAT's interventions have increased the interaction between TDR and Huquq/courts.						
28. The positive outcome of ADALAT's interventions are likely to endure after the program ends.						

ANNEX 6: INFORMATION SOURCES (INTERVIEWS)

Table 9 lists intended interview respondents by location and type of interview, i.e., key informant or group interview. Table 10 summarizes the number of interviews by location and respondent and interview type.

Table 9: Interviews by Location and Interview Type

Province	Key Informant Interviews	Group Interviews
█	Chief Justice	Supreme Court IT
	Supreme Court DI director	Supreme Court Finance, Admin, HR
	Supreme Court planning and policy	Judges
	Implementing partner	Clerks
	Supreme Court research and study	MoJ Gender
	Supreme Court Judicial Education Department Directorate	MoJ State Case unit
	RSI	Partner University (lawyers)
	MoJ Huquq	CSO - TDR
	MoJ Legal Aid Department	
	MoJ Planning and policy	Advocacy Grantees
	MoJ human resources	Outreach Grantees
	MoJ Legislative Drafting Dept	LDRWG
	Directorate of Judicial Training	JLRC
	USAID	CLWG
	Afghan Justice Organization - AJO	Judges in training (Satajors)?
	TLO	LAD lawyers
	AIHRC	Advocacy beneficiaries
	Outreach beneficiaries	
	Checchi ADLAT	
	Legal Clinic beneficiaries	
Total	17	19
█ (City and █ district court)	Court of Appeals head	Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court)
	Primary Court head	█ District Court Judges
	MoJ Provincial Director	█ Court clerks
	Provincial Huquq sub-Director	█ court clerks (female)
	AIHRC Provincial Office	█ court clerks
	district court judge █	Court clerks (female)
		Selected █ CDC / Shura / Jirga
	Outreach Grantees	

Province	Key Informant Interviews	Group Interviews
		Advocacy Grantees
		advocacy & Outreach beneficiaries
		advocacy & Outreach beneficiaries ([REDACTED])
		TDR grantees
		TDR beneficiaries (TBD)
		Spinsary Group
		Partner University (lawyers)
		Youth
Total	6	16
	Court of Appeals head	Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court)
	[REDACTED] Primary Court Chief judge	City court Mazar - e - Sharif judges
	MoJ Provincial Director	Court clerks
	Provincial Huquq sub-Director	Court clerks (female)
	AIHRC Provincial Office	Outreach Grantees
	[REDACTED]	Advocacy Grantees
	[REDACTED]	TDR grantees
	[REDACTED]	advocacy & Outreach beneficiaries
	[REDACTED]	Youth
	[REDACTED]	Selected Nahr e Shahi CDC / Shura / Jirga
	[REDACTED]	Nahr e Shahi Judge
	[REDACTED]	Nahr e Shahi clerks
	[REDACTED]	Nahr e Shahi beneficiaries
	[REDACTED]	University (Lawyer)
	[REDACTED]	Spinsary group
Total	5	15
	Court of Appeals head	Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court)
	Primary Court head	Selected CDC
	MoJ Provincial Director	Judges of primary court
	Provincial Huquq sub-Director	Court clerks
	AIHRC Provincial Office	Court clerks (Female)
	[REDACTED]	Outreach Grantees
	[REDACTED]	Advocacy Grantees
	[REDACTED]	advocacy & outreach beneficiaries
	[REDACTED]	Spinsary group
	[REDACTED]	Malalai university
	[REDACTED]	Youth
	[REDACTED]	TDR grantees

Province	Key Informant Interviews	Group Interviews
		TDR beneficiaries (TBD)
Total	5	13
█	Court of Appeals head (Jalalabad)	Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court)
	Primary Court head (Jalalabad)	Selected CDC
	Moj Provincial Director	Primary Court judges
	Provincial Huquq sub-Director	Court clerks
	AIHRC Provincial Office	Court clerks (female)
		Partner University (lawyers)
		Spinsary Group
		Outreach Grantees
		Advocacy Grantees
		advocacy & Outreach beneficiaries
		TDR grantees
		TDR beneficiaries (TBD)
	Youth	
Total	5	13
█	Court of Appeals head	Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court)
	Primary Court head	Selected CDC
	Moj Provincial Director	Primary Court judges
	Provincial Huquq sub-Director	Court clerks
	AIHRC Provincial Office	Court clerks (female)
		Spinsary Group
		Outreach Grantees
		Advocacy Grantees
		advocacy & Outreach beneficiaries
		TDR grantees
		TDR beneficiaries (TBD)
		Youth
Total	5	12
█	Court of Appeals head	Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court)
	Primary Court head	Selected CDC
	Moj Provincial Director	Primary Court judges
	Provincial Huquq sub-Director	Court clerks
	AIHRC Provincial Office	Court clerks (female)
		Spinsary Group (female)

Province	Key Informant Interviews	Group Interviews
		Outreach Grantees
		Advocacy Grantees
		advocacy & Outreach beneficiaries
		Youth
Total	5	10
	Court of Appeals head	Heads of Dewan (Court of Appeals), Heads of Dewan (Primary Court)
	Primary Court head	Selected CDC
	MoJ Provincial Director	Primary Court judges
	Provincial Huquq sub-Director	Court clerks
		Court clerks (female)
		Spinsary Group
		Outreach Grantees
		Advocacy Grantees
		advocacy & Outreach beneficiaries
		TDR grantees
		TDR beneficiaries (TBD)
		Youth
Total	4	12
Grand Total	52	110
	Total (KII + GI)	162

Table 10: Planned and Actual Interviews by Respondent Type and Location

Respondent and Interview Type	Province																Total	
	██████████		██████████		██████████		██████████		██████████		██████████		██████████		██████████		Planned	Achieved
	Planned	Achieved	Planned	Achieved	Planned	Achieved	Planned	Achieved	Planned	Achieved	Planned	Achieved	Planned	Achieved	Planned	Achieved		
Judges, heads of dewan, associate justices, and experienced judges																		
Key informant interview	0	2	0	1	0	1	1	0	5	4	0	1	0	2	0	1	6	12
Group discussion	1	1	3	1	2	0	2	2	4	2	2	4	2	1	2	2	18	13
Chief Justice																		
Key informant interview	0	0	1	0	0	0	0	0	1	1	0	0	0	0	0	0	2	1
Group discussion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Courts clerks																		
Key informant interview	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Group discussion	2	2	2	2	2	1	4	1	3	0	2	1	2	2	2	1	19	10
Primary court head/court of appeal (provincial level)																		
Key informant interview	2	2	1	3	2	2	2	2	0	0	2	2	2	3	2	3	13	17
Group discussion	0	0	0	0	0	3	0	2	0	0	0	0	0	0	0	0	0	5
Mullas, local elders, and Spinsary groups																		
Key informant interview	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Group discussion	4	4	6	4	5	4	6	5	2	0	4	4	5	3	6	4	38	28
Legal aid lawyers																		
Key informant interview	0	0	0	1	0	1	1	0	1	1	0	1	0	0	0	0	2	4
Group discussion	0	0	0	0	0	0	0	0	2	0	0	0	0	3	0	1	2	4
Legal aid clinics																		
Key informant interview	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Group discussion	0	0	1	1	0	0	1	1	3	2	1	2	0	1	0	1	6	8
Moj/Huquq specialists																		
Key informant interview	2	2	2	1	2	1	2	1	5	6	2	1	1	1	2	1	18	14
Group discussion	0	0	0		0	0	0	0	2	3	0	0	0	1	0	0	2	4

Respondent and Interview Type	Province																Total	
	█		█		█		█		█		█		█		█		Planned	Achieved
	Planned	Achieved	Planned	Achieved	Planned	Achieved	Planned	Achieved	Planned	Achieved	Planned	Achieved	Planned	Achieved	Planned	Achieved		
TLO, grantees, and CSOs																		
Key informant interview	0	0	0	4	0	2	0	0	4	11	0	1	0	3	0	3	4	24
Group discussion	3	0	3	2	3	0	3	1	3	5	2	4	3	7	3	0	23	19
AIHC																		
Key informant interview	1	1	1	1	1	1	1	1	1	0	1	1	1	0	1	1	8	6
Group discussion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals																		
Key informant interview	5	7	5	11	5	8	7	4	17	25	5	7	4	9	5	9	53	80
Group discussion	10	7	15	10	12	8	16	12	19	12	11	15	12	18	13	9	108	91
Grand total	15	14	20	21	17	16	23	16	36	37	16	22	16	27	18	18	161	171

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ANNEX 8: SUMMARY OF SURVEY TEAM MEMBERS

The following is a summary of the ADALAT team members' experience.

DR. STEPHEN H. MACKENZIE – EVALUATION TEAM LEADER

Dr. Mackenzie is a lawyer, rule-of-law expert, and an international development professional. His work in international development includes subject matter expertise in the rule of law and has included close cooperation with Afghanistan's justice and legislative sector, the Afghan banking system, governmental agencies, and private institutions. Dr. Mackenzie has been a team lead on five evaluations and/or assessments. During his extensive work in Afghanistan, he has been able to work with organizations to assess different sectors of development through evaluations, assessments, and special studies. As a team lead for a midterm evaluation of a USAID project implemented by Social Impact in Afghanistan, Dr. Mackenzie led a team in examining a parliamentary assistance program. He continued his work with assistance programs to Afghanistan's Parliament through a midterm evaluation of the Afghan Parliamentary Assistance Program implemented by ARD/SUNY.

Dr. Mackenzie was also a team lead for a final evaluation of the Access to Justice Program in Iraq, led an assessment of the Legal Aid and Indigent Criminal Defense Process in Nepal, and assessed the civil courts in Lesotho. In his position as a program specialist with the United Nations Development Program, he headed a committee tasked with harmonizing monitoring and evaluation within the Directorate of Local Governance in Afghanistan. Dr. Mackenzie holds a J.D. from Vermont Law School and a bachelor's degree in sociology from Bates College.

DR. HAROUN RAHIMI – EVALUATION TECHNICAL SPECIALIST

Dr. Rahimi is an experienced legal professional based in Afghanistan. He is an assistant professor of law at the American University of Afghanistan. In addition to his background as a lawyer and law professor, Dr. Rahimi has experience in evaluation and has worked as a consultant for a USAID-funded project. Dr. Rahimi specializes in the rule of law and has proven himself an efficient resource for evaluation activities. He holds a Ph.D. in law from the University of Washington School of Law and a bachelor's degree in political science from Kabul University.

DR. DOUGLAS KRIEGER – EVALUATION REPORT WRITER

Dr. Krieger has nearly 30 years of experience in the monitoring and evaluation field. He holds a Ph.D. and a master's degree in agricultural economics and a bachelor's degree in agribusiness and natural resource management. Dr. Krieger has a long history working with MSI on USAID projects in senior roles. Most recently, he served as technical director, technical advisor, and senior evaluation and assessment advisor on three consecutive contracts to monitor, verify, and evaluate activities across USAID/Pakistan's entire portfolio. He also designed, implemented, or supervised approximately 80 evaluations or assessments of development activities in energy, economic growth, agriculture, education, health, and stability and governance. He has conducted research on behalf of USAID and other organizations in several countries including Pakistan, Lebanon, Israel, and Egypt.

ANNEX 9: CONFLICT OF INTEREST DECLARATIONS

To protect the personal information of team members, MSI has removed the conflict of interest declarations from the final report. The declarations are available from MSI upon request.

ANNEX 10: MEETING NOTES

Due to concerns about personally identifiable information (PII), MSI has not included the notes from key interviews, focus group discussions, and other meetings in the final report. MSI has secured the notes and data and, upon request by USAID, can answer any questions or provide summarized or redacted data, while adhering to ADS 508 PII rules.

ANNEX II: MATRIX OF FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

The midterm performance evaluation of the ADALAT activity made four recommendations:

1. ADALAT should consider orienting judges on how to access and use the online law library at the Afghanistan Center at ██████ University.
2. ADALAT needs to develop a strong relationship with senior Supreme Court officials to promote its work and successes and improve prospects for sustainable results.
3. ADALAT should require the legal clinics it supports to report their activities to the legal aid database developed by the Afghanistan Legal Aid and Advocates Network to make it easier to assess the effectiveness of this intervention.
4. USAID and ADALAT should revisit the decision to spread ADALAT interventions widely, but thinly, across all provinces as opposed to a more comprehensive approach in fewer locations.

Tables II to IV summarize findings and conclusions to support each of the four recommendations.

Table II: Findings and Conclusions for Recommendation I

Findings	Conclusions	Recommendations
<p>Judges in Afghanistan are poorly trained. (Secondary data from document review)</p> <p>Although Judges and court personnel reported that the trainings they attended were useful, they also said they were too short to adequately cover the topics (4 of 16 interviews) and covered too few topics (6 of 16 interviews). (Interviews with court personnel)</p> <p>Nine judges specifically mentioned that they would benefit from access to a law library for learning and research. (Interviews with judges)</p>	<p>ADALAT’s training was useful but not sufficient. Some judges were eager to learn more but lacked access to a law library for additional learning and research.</p>	<p>ADALAT should consider orienting judges on how to access and use the online law library at the Afghanistan Center at ██████ University.</p>

Table 12: Findings and Conclusions for Recommendation 2

Findings	Conclusions	Recommendations
<p>With regard to ADALAT’s support, the chief justice reported that “ADALAT has not told us what they are doing and has not paid attention to our action plan. They did what they wanted to do, and we did not stop them. We are not completely satisfied with this process. If they act in accordance with our action plan, we will surely be satisfied.” (Interview with the chief justice)</p>	<p>The chief justice did not appear to have a positive impression of ADALAT, nor was he very aware of what ADALAT was doing or what it had achieved.</p>	<p>ADALAT needs to develop a strong relationship with senior Supreme Court officials to promote its activities and successes.</p>
<p>Evaluators observed that the chief justice did not seem to know much about ADALAT and had a generally negative view of ADALAT. (Evaluator observation)</p>		
<p>An assessment of previous U.S.-funded rule-of-law programming in Afghanistan concluded that it had largely failed to achieve objectives, partly because the Supreme Court did not support the activities. (Secondary data)</p>	<p>A good relationship with an engaged Supreme Court may be necessary to achieving desired results.</p>	

Table 13: Findings and Conclusions for Recommendation 3

Findings	Conclusions	Recommendations
<p>Legal clinic lawyers and students did not clearly indicate whether they were currently able to offer legal services, or the types of services they offered. (Interviews with legal aid clinic lawyers and students)</p>	<p>It is difficult for any outside observer (e.g., evaluators or the government) to determine the services ADALAT-supported legal clinics provide or the impact of the clinics on citizens’ access to justice.</p>	<p>ADALAT should require the legal clinics it supports to report their activities to the government’s database of legal aid services.</p>
<p>ADALAT reports did not contain detailed quantitative data on the performance of project-supported legal clinics, including information about the quantity or type of services clinics provided. (Review of ADALAT reports)</p>		
<p>ADALAT’s chief of party explained that ADALAT had established six of the 11 legal clinics very recently and that these six had not yet begun providing services. (Interview with ADALAT chief of party)</p>		

Table 14: Findings and Conclusions for Recommendation 4

Findings	Conclusions	Recommendations
<p>The results framework stated that all three intermediate results (i.e., increased effectiveness of the formal justice system, strengthened linkages between the formal and traditional sectors, and increased citizen demand for quality legal services) were necessary to achieve the ADALAT purpose of increased citizen access to justice.</p> <p>Interviews with ADALAT staff, and ADALAT’s reports, indicate that ADALAT did not implement all activities in each location. In fact, according to ADALAT performance reports, it implemented the full package of activities in selected districts of only 16 provinces.</p>	<p>ADALAT’s implementation strategy is not consistent with the results framework, which may compromise ADALAT’s ability fully to achieve its purpose.</p>	<p>USAID and ADALAT should revisit the decision to spread ADALAT interventions widely, but thinly, across all provinces, as opposed to a more comprehensive approach in fewer locations.</p>
<p>The ADALAT chief of party explained that, to some extent, access by air from ██████ dictated the provinces/districts in which the activity worked.</p>	<p>To some extent, factors beyond ADALAT’s control influenced implementation decisions.</p>	
<p>ADALAT staff explained that the Supreme Court dictated the scope and length of trainings and selected the participants.</p>		
<p>Difficulty identifying capable partners to implement TDR and advocacy grants limited ADALAT’s ability to provide a comprehensive package of grant-funded interventions in some areas.</p>		
<p>The ADALAT chief of party explained that ADALAT and USAID jointly agreed to a dispersed strategy that lightly covered much of the country.</p>		
<p>Judges and court personnel reported that the trainings they attended were too short to adequately cover the topics (4 of 16 interviews), covered too few topics (6 of 16 interviews), and were not offered in every province (6 of 16 interviews).</p>	<p>Although the training was useful, it did not meet the expectations or needs of some participants.</p>	

ANNEX 12: EVALUATION BRIEFER



[Redacted]

ASSISTANCE FOR THE DEVELOPMENT OF AFGHAN LEGAL ACCESS AND TRANSPARENCY (ADALAT) MIDTERM PERFORMANCE EVALUATION FACT SHEET

June 2020

The ADALAT activity aims to improve Afghan citizens' access to justice by strengthening the professional and administrative capacities of the Supreme Court and the Ministry of Justice (MoJ), forging linkages between the formal and traditional justice sectors, and enhancing citizen demand for justice.

The Afghanistan Monitoring, Evaluation, and Learning Activity (AMELA) conducted a midterm performance evaluation to assess the extent to which ADALAT met its output targets, achieved its outcomes, and contributed to its purpose. It also examined ADALAT's contribution to relevant intermediate results in USAID's results framework, i.e., improving the effectiveness of government institutions and reducing vulnerabilities to corruption. Finally, it assessed the activity's relevance to beneficiaries and the likely sustainability of outcomes.

The evaluation concluded that ADALAT contributed to key elements of Afghanistan's justice sector reform agenda. Its support contributed to professionalizing court staff and improving administrative systems and capacity within the Supreme Court and MoJ. ADALAT's work with the MoJ's Huquq Department and traditional justice sector actors contributed to strengthening linkages between the formal and informal sectors and helped align the practices of traditional justice sector actors with Afghan law. Further, ADALAT outreach and advocacy activities enhanced citizens' knowledge of their rights and of how to access legal services.

ACCESS TO ONLINE LAW LIBRARY AND IMPROVED TRAINING

AMELA recommended that ADALAT consider orienting judges on how to access and use the online law library at [REDACTED]. The evaluation team concluded that ADALAT's training was useful but could be improved. Some judges were eager to learn more but lacked access to a law library for additional learning and research. Based on secondary data from a document review, the team found that judges in Afghanistan were too often poorly trained. In interviews, judges and court personnel reported that the training sessions they attended were useful, but they also said they were too short to cover the topics adequately (four of 16 interviews) and covered too few topics (six of 16 interviews).

RELATIONSHIP WITH SUPREME COURT OFFICIALS

AMELA recommended that ADALAT strive to develop a stronger relationship with senior Supreme Court officials to promote its activities and successes. In an interview, the chief justice did not appear to have a positive impression of ADALAT, nor was he very aware of what ADALAT was doing or what it had achieved.

DATABASE OF LEGAL AID SERVICES

AMELA recommended that ADALAT require the legal clinics it supported to report their activities to the government's database of legal aid services. The evaluation team concluded that, at the time of the evaluation, outside observers (e.g., evaluators or the government) would have difficulty determining the services that ADALAT-supported legal clinics provided or the impact of the clinics on citizens' access to justice. In interviews, legal clinic lawyers could not clearly describe whether they were currently able to offer legal services or what types of services they offered.

IMPLEMENTATION STRATEGY

AMELA recommended that USAID and ADALAT revisit the decision to spread ADALAT interventions widely, but thinly, across all provinces, as opposed to a more comprehensive approach in fewer locations. ADALAT's implementation strategy was not consistent with the results framework, which could compromise ADALAT's ability fully to achieve its purpose. Interviews with ADALAT staff, as well as ADALAT's reports, indicated that ADALAT did not implement all activities in each location.

However, to some extent, factors beyond ADALAT's control influenced implementation decisions. ADALAT staff explained that the Supreme Court dictated the scope and length of training sessions and selected the participants. Also, in some areas, difficulty identifying capable partners to implement traditional dispute resolution and advocacy grants limited ADALAT's ability to provide a comprehensive package of grant-funded interventions. The ADALAT chief of party explained that, given these obstacles, ADALAT and USAID jointly agreed to a dispersed strategy that lightly covered much of the country.

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