



**ISLAMIC REPUBLIC OF AFGHANISTAN
OFFICE OF THE SECOND VICE-PRESIDENT**

**DRAFT
NATIONAL JUSTICE AND JUDICIAL REFORM PLAN (NJRP)**

DATE: SEPTEMBER 2016

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

[In the name of Allah, the beneficent, the merciful]

Introduction

Reforming all sectors of the government is a fundamental need for Afghanistan and is a high priority for the National Unity Government (NUG). Similarly, the justice sector institutions of Afghanistan, mandated to give all citizens equal access to justice, are also in immense need of reform, restructuring, and improvement.

The National Unity Government of Afghanistan has been working round the clock to reform and restructure the justice sector institutions. The government, during international donor conferences on Afghanistan, has expressed its strong desire and commitment to reform the sector and improve performances of the justice and judicial institutions.

A. The basis of the reform plan:

1. **The Constitution:** This plan is developed in the light of values, principles, and objectives set forth in the 2004 Constitution of Afghanistan. The preamble of the Constitution reiterates and emphasizes on values and principles such as justice, human rights, fundamental rights of citizens, and forming a society free of oppression, atrocity, and discrimination of whatsoever nature.
2. **Afghanistan's international commitments:** The government of Afghanistan, during numerous international conferences including the London and Brussels Conferences, has committed itself, against financial commitments by international donors, to introduce reforms to various government sectors. The reform agenda also includes Afghanistan's justice sector institutions. Therefore, this plan is also developed towards fulfilling Afghanistan's international commitments to donors.
3. **The NUG's domestic/ national commitments:** The National Unity Government of Afghanistan has committed itself to the people of Afghanistan to reform and restructure the justice sector institutions and improve performances and quality of services.
4. **Building on the previous reform and capacity building programs:** This plan is designed to build on the previous capacity building programs developed for Afghanistan justice sector institutions. In the last decade, the justice sector institutions have implemented numerous reform and capacity building programs. Some of these programs are still going on and have had significant impact on performances. The National Justice and Judicial Reform Plan (NJRP), in addition to supporting the previous reform and capacity building

programs for the justice sector institutions, is designed to introduce new initiatives and creative reform plans.

5. **The Rule of Law Indicators Study Report:** The National Justice and Judicial Reform Plan has consulted and is partly based on the results of the rule of law indicators study report conducted in six provinces, by the Ministry of Justice (MOJ) with financial and technical support from UNAMA and the World Bank. Parts of this plan will be implemented in coordination with the rule of law indicators study report action plan.

B. Current state of justice sector institutions

The justice sector institutions of Afghanistan since the establishment of the first Interim and the Transitional Governments and after a decade from adoption of the 2004 Constitution of Afghanistan that laid down the basis for formation of a series of democratically elected governments in the country, have had remarkable achievements in reforming the sector and building capacities of the justice professionals. As the result, there have come significant improvements in performances, particularly, in areas such as access to justice, combating crimes, adopting new legislation, providing quality legal services for defendants in criminal cases, as well as countless areas of good governance. This shows how the government of Afghanistan is strongly committed to strengthening the justice sector institutions and improving performances in the sector. This is also important to note that the support provided by the international donor countries as well as the international community, have played a significant role in helping Afghanistan reform and strengthen the country's justice sector institutions. We are grateful to all our donors.

Despite the remarkable achievements Afghanistan has had, in the last decade, in reforming and strengthening the justice sector institutions, there are still gaps that need to be filled and challenges that should be addressed properly. The most important challenges facing Afghanistan's justice sector institutions are discussed below.

Decades of war and conflicts, insecurity, destruction of infrastructures, and lack of human resources in the justice sector institutions have created major challenges in Afghanistan. Addressing these challenges is not an easy job to do. Despite a decade of hard work by the government of Afghanistan to address the existing challenges, yet, there is much work to be done in this regard.

On the other hand, widespread corruption, inadequate human resources including trained professional and admin staff, lack of comprehensive training programs for both professional and admin staff, lack of resources, lack of functional modern systems in the justice and judicial institutions, old and dysfunctional bureaucracies, existence of parallel institutions, lack of sufficient infrastructures and physical buildings at the provincial and district levels, unwillingness of justice and judicial professionals to travel and work in less secure provinces and districts, as well as other factors are among the most important challenges that press the National Unity Government. These are but, some of the challenges that not only hinder provision of quality and

on- time legal services for citizens but also deprive Afghans from access to justice damaging legitimacy of the system and at the same time, increasing the gap between citizens and the government.

Other pressing issues/challenges include, but are not limited to, lack of coordination among different justice sector institutions, lack of transparency and professionalism in recruiting government employees, interference in the affairs and works of justice sector institutions, short-term reform and capacity building programs as quick fixes, and most importantly, lack of a long-term strategic reform program for the justice sector institutions. Reforming the justice sector institutions is not only a serious need to make the system fully functional but it is also the only way to get rid of the existing challenges and barriers.

On the other hand, the government of Afghanistan has committed itself and assured the international community to reform the government institutions including the justice and judicial institutions. Therefore, in order to make sure that the international community remains fully committed to support the government of Afghanistan, the National Unity Government must remain committed to respecting human rights, access to justice by citizens, strengthening rule of law, observing and respecting its obligations under international covenants and treaties that Afghanistan is a party to, and fully reforming the justice sector institutions. This way, the National Unity Government would be able to deliver the promises it made to its own people and also perform its commitments made to international donors. A long-term vision, clear and specific objectives, feasible and practical plans, cross-cutting and comprehensive programs, as well as adequate and well-trained human resources will help Afghanistan achieve her justice sector reform objectives.

This document is a further step towards achieving the justice sector reform objectives. Considering that the justice sector institutions have developed their own individual plans to enhance their capacities, this plan is designed as a general framework and a strategic plan for bringing reform to the justice sector institutions based on the needs of each individual institution. The project documents prepared by each individual institution were comprehensively consulted while preparing this national reform plan.

C. Vision

Our vision is to reform the justice sector institutions; give people greater access to justice; strengthen rule law; create guarantees for transparency in government recruitments; respect and protect fundamental constitutional rights and liberties of citizens, and increase citizens' confidence in the justice sector institutions.

D. Strategic Objectives

The National Justice and Judicial Reform Plan has been developed to achieve the following objectives:

1. Providing effective and meaningful justice and judicial services for citizens of Afghanistan based on the enforced laws of the country;
2. Enhancing people's access to justice and protecting their fundamental legal rights and freedoms;
3. Strengthening rule of law and combating crimes including corruption;
4. Creating guarantees for transparency, building capacities of the justice and judicial sector professionals, and providing them with modern facilities and resources needed to do their job;
5. Building capacity of relevant institutions and creating the necessary mechanisms for legal and sectoral reforms in the justice sector; and
6. Raising public awareness on their legal rights and responsibilities.

1) Providing effective and meaningful justice and judicial services for citizens of Afghanistan based on the enforced laws of the country

Access to effective and meaningful justice and judicial services is a fundamental right of citizens provided for in the Constitution of Afghanistan, other laws, regulations and legislative documents, as well as the international conventions and multi-lateral treaties that Afghanistan is a party to. On the other hand, providing quality and effective services is one of the fundamental duties and responsibilities of the justice sector institutions. These services must be provided in a way that fully respond to the needs of citizens. However, one must note that despite the remarkable experiences the justice sector institutions have gained in the last decade, as well as despite the significant investments made in the country to reform the sector, the justice sector institutions, yet, have to go a long way to provide quality services for the Afghan people.

Therefore, the government, in addition to enacting laws and regulations, must adopt a series of policies, strategies, and national plans to help the justice sector institutions perform its duties and responsibilities in the best way possible. Developing and implementing such documents requires adequate, skilled, well-trained, experienced, and committed human resources, as well as adequate financial resources.

In the last ten years, thanks to resources provided by international donors, a number of project documents and plans have been developed and implemented. However, these documents and national plans, despite having significant positive impacts on performances of the justice sector institutions, due to lack of experience on the part of justice sector institutions, failed to fully meet pressing needs of the justice sector institution. However, there is no question that the international community's engagement and support to the justice sector institutions can improve the quality of services and help the government of Afghanistan deliver its commitments made to the international community.

2) Greater access to justice by citizens particularly the most vulnerable populations

Greater access to justice by citizens and provision of quality services by the justice and judicial institutions, in addition to constituting an important objective of this plan, is also one of the fundamental duties of the justice sector institutions. We can achieve this objective only when all Afghan citizens, particularly, the most vulnerable populations, i.e. women and children have greater access to justice. Therefore, the justice and judicial institutions are responsible to increase citizens' access to justice quantitatively by addressing needs of the populations as quickly as possible in remote districts where the justice sector institutions do not have strong presence and/or any presence of whatever kind. The justice sector is also responsible to provide quality services and strictly adhere to timeframes set forth in the relevant laws of the country for procedural actions.

Thus, fighting corruption, preventing the informal justice mechanism from taking criminal cases – particularly, violence against women cases, avoiding delays in the court proceedings, guaranteeing independence of judges and courts in their performances, as well as performing other tasks and duties are among the key responsibilities of the justice sector institutions. Performing the duties mentioned above in appropriate ways, can help increase access to justice by citizens throughout the country.

Increasing public legal awareness from their legal rights and responsibilities is also an important tool for increasing people's access to justice. This is because increasing public awareness of their legal rights and responsibilities, on one hand, will decrease the level of crimes and criminal offenses, and on the other hand, will help protect individuals' legal rights including the right to defense council in criminal cases. Public legal awareness will improve people's access to justice, thwart corruption, and strengthen rule of law.

3) Strengthening rule of law and combating crimes including corruption

The justice and judicial institutions are directly responsible to provide for and strengthen rule of law across the country. Strengthening rule of law requires all government institutions – particularly, the justice sector institutions, to effectively fight against crimes based on the relevant laws. Fighting criminal offenses including corruption, must be a key priority for the justice sector institutions and is considered an important factor in strengthening rule of law.

Rule of law will be undermined not only by people committing crimes but also by government's failure to prosecute the criminals and let them go unpunished with impunity. The latter one plays a more significant role in undermining rule of law and damaging people's confidence in the justice sector institutions. On the other hand, the level of criminal offenses are increasing in the country. This, by itself, will further damage credibility of the justice and judicial institutions. In addition, interferences by powerful individuals in the work of justice institutions, and impunity of perpetrators from prosecution and punishment are also some of the factors that will seriously undermine people's confidence in the justice sector institutions and create challenges to give people meaningful access to justice.

Another factor that further undermines rule of law is corruption that has its roots in the practices of the justice and judicial institutions. There is a common perception among Afghans which is

based on the notion that paying bribe will make everything much easier than using the courts. This perception does not only pave the way for corruption in the justice sector institutions but has also damages people's confidence in the justice sector institutions. Therefore, most often, Afghans prefer to use informal justice mechanisms for resolving their disputes and avoid using the courts.

4) Enhancing transparency, building capacities of the justice and judicial sector professionals, and providing them with the necessary facilities and resources

The justice sector institutions are responsible to provide quality services for citizens. These institutions are also accountable to people for the service they provide. The current problems existing with the justice and judicial institutions, lack of adequate capacity and a number of other issues are among the key challenges pressing these institutions. The main causes of the problems mentioned above are believed to be lack of transparency in hiring staff and lack of adequate capacity building training programs for justice professionals. Corruption in hiring personnel for justice institutions, on one hand, bars young professionals, and trained staff from working in the justice sector institutions and, on the other hand, undermines quality of services provided by these institutions to citizens of Afghanistan.

In addition to lack of transparency and lack of adequate trained professional staff in the justice sector institutions, lack of adequate resources and facilities also significantly undermines quality of services. Not only in the insecure provinces, but even in the provinces with relatively better security situation, the justice sector institutions lack adequate physical infrastructure and resources necessary to provide high quality services. In addition, lack of modern facilities and equipment including computers, internet, fully functional and operational case registration databases, and other problems of such kind, also challenges the justice and judicial institutions and impact performances.

5) Strengthening capacity of relevant institutions and creating the necessary mechanisms for legal and sectoral reforms in the justice sector

Introducing the necessary reforms in the justice sector institutions is a fundamental need for these institutions. The current system is too old to be able to respond to the emerging needs of the temporary population. The justice sector institutions must plan, develop, and implement practical and feasible reform plans based on the available resources and a comprehensive needs assessment. Not only the current structure of the justice sector institutions needs to be upgraded, but the organizational structure of the institutions also needs to be significantly updated. The unnecessary and useless units and components must be removed and new components must be created based on the needs. Personnel of the justice sector institutions must be qualified, from both educational and experience perspectives, to work in these institutions.

In addition, the laws and regulations governing government institutions in general, and the laws governing the justice sector institutions in particular, need to be updated. Most of the codes enacted in the last four decades or before, fail to provide adequate responses to the emerging needs of the

current population. Therefore, these laws must be updated, amended, replaced, and/or interpreted to allow professionals of the justice sector institutions apply these laws accurately and efficiently.

In order to successfully reform the justice sector institution as well as the relevant laws, as suggested in the reform plan, the justice sector institutions must plan, develop, and implement specific practical, and feasible reform plans. A comprehensive, independent, and impartial needs assessment must be conducted to identify the needs, gaps, and/or parallel institutions. Then the institutions identified as unnecessary should be removed and new institutions that are needed should be created. Also, those employees of the justice sector institutions identified as not qualified to continue working in the sector should be sent to retirement if no other options exist to keep them in the system. In the legal reform section, significant attention should be given to the MOJ's Legislative Drafting Institute and adequate resources should be provided for this Institute. Lack of professional staff and financial resources are the major challenges this Institute faces. The Institute should be provided with adequate human and financial resources and should be supported to create links/ networks with some other legislative drafting institutes around the world with similar legal system to Afghanistan. Building capacity of the professional staff of the legislative drafting institute is another high priority that should be addressed properly. Therefore, any capacity building program for this institute should be implemented in such a way that best meets the needs of this institute.

6) Raising public awareness on legal rights and duties

The current high rate of illiteracy in the country has created serious challenges in the public legal awareness sector. As the result, Afghans lack adequate awareness about their legal rights and responsibilities. Lack of adequate awareness from legal rights and responsibilities, on one hand, will encourage criminal offenses in the country, and, on the other hand, will undermine people's access to justice. This will cause challenges for the justice sector institutions. Lack of public legal awareness will contribute to increasing caseload in courts, and will ultimately, cause violation of individuals' legal rights, and undermining quality of legal services.

Therefore, raising public legal awareness must be a key priority for the justice sector institutions and makes an important part of this reform plan. Justice sector institutions are responsible to design their program activities in a way that include a public legal awareness component as an essential part of their program activities. These institutions are responsible to provide awareness for people regarding their legal rights and responsibilities through mass media and other means of public communication.

E. The Justice Sector Institutions

The key justice sector institutions of Afghanistan including the Supreme Court (SC), the Ministry of Justice (MOJ), the Ministry of Interior Affairs (MOI), and the Attorney General Office (AGO) in close cooperation with Afghanistan Independent Bar Association (AIBA) and the Independent Constitutional Oversight Commission are the primary institutions responsible for implementation

of this strategic plan. The respective institutions taking note of their priorities and needs will develop detailed action plans based on this strategic plan and will report on the progress of their activities to the Justice and Judicial Committee of the Ministerial Cabinet. Other ministries and independent government and non-government institutions/organizations mandated to work in the justice sector, can also play an important role in implementing this plan in the most effective way.

F. Timeframe for Implementation of the Plan

The timeframe for implementation of this plan is five years, 2017-2021. This plan mainly focuses on structural reforms in the justice sector institutions, legal reform, building capacity of justice professionals, fighting corruption, and ensuring transparency in government recruitments. Implementing this reform plan will help the justice sector institutions achieve their stated goals and objectives. This plan, in addition to laying out the responsibilities and program activities of the justice sector institutions, emphasizes on greater coordination among different justice and judicial institutions. With better coordination, the justice and judicial institutions would be in a position to significantly increase quality and efficiency of the services they provide.

Finally, this plan is developed in full cooperation from and coordination with the justice sector institutions as well as other relevant stakeholders. This plan also recognizes and builds on the project documents developed by each justice sector institution. The current plan, which serves as a general framework for reforming the justice sector institutions, has been developed in consultation with and approval of the key justice sector institutions. Once the plan is finalized and approved, the same justice sector institutions that helped develop this plan, will be also responsible for implementation of the plan.

G. Monitoring, evaluation, and reporting

The Justice and Judicial Committee of the Ministerial Cabinet will be responsible for monitoring over implementation of this plan. All justice and judicial institutions are responsible to submit their progressive activity reports and outcomes in implementing this plan to the Justice and Judicial Committee on a six-monthly basis. These reports will be consolidated by the Committee and submitted to the Rule of Law and Anti-Corruption High Council.

H. Implementation process and development of programs

For implementation of this plan, the justice sector institutions are required to develop and finalize their action plans maximum within 3 months from approval of this plan. Once they prepare their action plans, the plans must be submitted to the Justice and Judicial Committee for approval. The plan will be improved by recommendations from members of the Justice and Judicial Committee with final approval from the Rule of Law and Anti-Corruption High Council.

NOTE:

The National Justice and Judicial Reform Plan lays out a general approach and road map to reforming the justice sector institutions. However, it is more than obvious that after approval of this general plan, each institution will have to develop its own specific institutional reform plan and the mechanism(s) for implementation. The individual plans developed by each institution must clearly identify and discuss all details including institutional goals, program objectives, activities, indicators, outcomes, inputs, outputs and any other details required to be included in a comprehensive action plan.

The National Justice and Judicial Reform Plan

Draft Summary

INSTITUTION NAME	ACTIVITIES		IMPLEMENTING INSTITUTIONS	TIMEFRAME
	Reforms	Activities		
The Judiciary	A. Structural Reform	<ol style="list-style-type: none"> 1. Reviewing organizational structure of courts; 2. Implementing the reforms proposed in the Supreme Court’s strategic plan and other documents in central and provincial courts; 3. Extending and activate courts at the provincial and district levels; 4. Establishing a legal and judicial research center within the Supreme Court; 5. Separating the deeds and documents registration agency from the courts’ structure; 6. Sending judges to retirement if eligible; 7. Establishing the Judicial Stage Institute; 8. Employing at least 23% of administrative staff of the courts from female applicants; 9. Enhancing access to justice by citizens especially vulnerable groups by creating practical, implementable, and transparent mechanisms; 10. Management of criminal and civil cases registration in courts; 11. Establishing a commission within the Supreme Court mandated to implement the Justice and Judicial Reform Plan while respecting independence of the Judiciary; 12. Establishing and equipping violence against women’s courts; 13. Establishing a centralized mechanism (central agency) for extraditing criminal offenders, transferring accused persons, and facilitating justice and judicial cooperation; and 14. Creating a mechanism for receiving, processing, and hearing human rights as well as citizens’ rights violation cases. 	The Justice and Judicial Committee, the Supreme Court, and other courts	2017 – 2021 With a view to priorities of the Judiciary
	B. Building capacity of judges and	<ol style="list-style-type: none"> 1. Assessing and identify needs of the judges and administrative staff for preparing and conducting capacity building programs; 2. Conducting capacity development programs for young judges and administrative staff; 	The Supreme Court and other courts	2017 – 2021 With a view to priorities of the Judiciary

	administrative staff	<ol style="list-style-type: none"> 3. Conducting capacity building programs for judges and administrative staff out of country(study tours); 4. Evaluating judges and administrative staff after implementation of capacity building programs; and 5. Implementing Continued Legal Education(CLE) programs within specific and applicable timeframes; 		
	C. Fighting corruption	<ol style="list-style-type: none"> 1. Creating a system for receiving and hearing cases of corruption; 2. Publishing final decisions of courts and judicial precedents while protecting identity of both parties to the cases and identity of judges. All decisions should be published except where the relevant laws do not allow so; 3. Preventing intervention of influential and powerful people on the justice and judicial sector staff; and 4. Establishing a call center for providing services over phone. 	The Supreme Court and other courts	2017 – 2021 With a view to priorities of the Judiciary
	D. Transparency and accountability	<ol style="list-style-type: none"> 1. Registering properties of judges and senior administrative staff; 2. Establishing a reporting mechanism where judges report on their activities/performance; 3. Monitoring and evaluating activities the judges and creating a mechanism for reward and punishment; 4. Establish complaint centers for collecting complaints made against judges; 5. Hearing cases corruption; and 6. Recording court decisions, case briefs, and court verdicts. 	Courts	2017 – 2021 With a view to priorities of the Judiciary
	E. Public awareness raising programs on the role courts and their importance	<ol style="list-style-type: none"> 1. Conducting radio, TV, and other public awareness programs on the role and importance of courts; 2. Publishing legal articles in simplified languages in magazines and publications; and 3. Publishing courts decisions and performance in order to enhance people’s confidence in the Judiciary. 	The Supreme Court, other courts, and the Ministry of Justice	2017 – 2021 With a view to priorities of the Judiciary
	F. Reviewing and updating the laws	<ol style="list-style-type: none"> 1. Reviewing and updating the law on organizational structure, authorities and responsibilities of courts of the Judiciary; 2. Reviewing and amending other relevant legal and legislative documents; 3. Providing interpretation and commentaries on the civil, commercial and criminal codes; 4. Reviewing and critically reading legal and legislative documents, policies, strategies, and procedures of the Supreme Court; and 	The Supreme Court and other relevant Institutions	2017 – 2021 With a view to priorities of the Judiciary

		5. Revising the extradition and transfer of accused persons, and judicial cooperation law.		
Attorney General Office (AGO)	A. Structural reform	<ol style="list-style-type: none"> 1. Evaluating and assessing the organizational structure and removing parallel units, as well as creating new units capable to respond to the emerging needs; 2. Establishing a special police unit for protection of Prosecution Offices as well as prosecutors in order to maintain better security and safety of prosecutors and administrative staff; 3. Assessing educational certificates and qualification of prosecutors and administrative staff; 4. Evaluating performances of prosecutors and administrative staff and taking required decision accordingly; 5. Recruiting new prosecutors with the higher qualifications including prosecutors with Masters and Bachelor degrees based on their expertise and qualification; 6. Allocating and recruiting at least 23% of prosecutors and administrative staff from female applicants in the center and provinces; 7. Giving people, especially the vulnerable populations greater access to services provided by prosecution offices; 8. Equipping the justice and judicial offices with modern equipment for detection and investigation of crimes; and 9. Establishing and equipping elimination of violence against women prosecution's offices (VAW units) in all provinces. 	The Justice and Judicial Committee, the Attorney General Office, and other prosecution offices	2017 – 2021 Considering prioritization of Attorney General Office (AGO), and other prosecution offices
	B. Capacity Building	<ol style="list-style-type: none"> 1. Conducting capacity building training needs assessments for prosecutors and administrative staff; 2. Conducting AGO stage program for new prosecutors as part of the capacity building programs designed for prosecutors within the Attorney General Office's Training Institute and other capacity building initiatives; 3. Creating and conducting on-the- job trainings for prosecutors and administrative staff; 4. Organizing and conducting educational and training programs(scholarships and study tours) for prosecutors and administrative staff outside of Afghanistan; 5. Evaluating performances of prosecutors and administrative staff after their participation in capacity building programs; and 6. Establishing an authorized commission for implementation of reforms at Attorney General's Office (AGO). 	Attorney General Office (AGO), and other prosecution offices	2017 – 2021 Considering prioritization of Attorney General Office (AGO) and other prosecution offices

	C. Fighting Corruption	<ol style="list-style-type: none"> 1. Increasing salaries of prosecutors and administrative staff; 2. Establishing effective and competent monitoring mechanisms, strengthening and supporting monitoring and evaluation processes; 3. Evaluating performances of prosecutors and administrative staff every 6 months as well as on annual basis; and 4. Making required decision after performing 6 months or annual assessment and evaluation of performances of prosecutors and administrative staff. 	Attorney General's Office (AGO), and other prosecution offices	2017 – 2021 Considering prioritization of Attorney General's Office (AGO) and other prosecution offices
	D. Transparency and accountability	<ol style="list-style-type: none"> 1. Registering and documenting properties of prosecutors and senior administrative staff; 2. Establishing reporting mechanisms from activities of prosecution offices; 3. Monitoring and evaluating performances of prosecution offices; and 4. Establishing effective, transparent, and accountable mechanisms for prosecuting cases of corruption. 	Attorney General's Office (AGO) and other prosecution offices	2017 – 2021 Considering priorities of Attorney General's Office (AGO) and other prosecution offices
	E. Awareness raising programs on role and importance of prosecution office	<ol style="list-style-type: none"> 1. Conducting radio and TV public legal awareness programs on the role and importance of prosecution offices; 2. Publishing articles and information about prosecution offices magazines and publications; 3. Publishing articles on activities and performances of prosecution offices to enhance people's confidence in AGO; and 4. Publishing corruption cases involving prosecutors. 	Attorney General Office (AGO), other prosecution offices, and Ministry of Justice	2017 – 2021 Considering priorities of Attorney General Office (AGO), and other prosecution offices
	F. Revising and updating the laws	<ol style="list-style-type: none"> 1. Assessing and updating Penal Code; 2. Assessing and updating the Criminal Procedure Code; 3. Assessing and updating the law on organizational structure and authority of prosecution offices; 4. Drafting new legislative documents and updating any other legal document that needs revision. 	Attorney General Office(AGO) and other relevant institutions	2017 – 2021 Considering priorities of Attorney General Office (AGO) and other prosecution offices
Ministry of Justice (MOJ)	A. Structural reform	<ol style="list-style-type: none"> 1. Assessing and evaluating the current organizational structure of the Ministry of Justice (MOJ) through conducting workshops participated by all MOJ directors in the center and provinces. The workshops should be organized and conducted by MOJ's Human Resource Department with cooperation from other departments; 2. Establishing an applicable and transparent mechanism for systemizing and streamlining the informal justice system; 3. Developing and expanding activities of the High Commission on Human Trafficking and Kidnapping and Illegal Migration within the 	Ministry of Justice (MOJ) and the Justice and Judicial Committee	2017 – 2021 Considering priorities of the Ministry of Justice

		<p>Juvenile General Directorate, Human Rights Support Unit, and other agencies;</p> <ol style="list-style-type: none"> 4. Creating a special Claims Board mandated to take cases of financial, water, border, minerals, procurement nature aimed at protecting State's properties and rights in front of national, international and external courts; 5. Establishing a professional research board consisting of national and international lawyers, scholars, researchers, as well as religious jurisprudents within the Legislative Drafting and Legal Research Institute mandated to conduct legal research and provide legal opinions/advices, and research papers to the Legislative Drafting department as well as other relevant departments; 6. Adding new positions and removing unnecessary positions after conducting a comprehensive needs assessment led by the Human Resources Department; 7. Enhancing capacity of the Legislative Drafting and Legal Research Institute with a view towards the importance of drafting, reviewing, and processing legislative documents by the Taqin Department; 8. Conducting a comprehensive assessment and evaluation of staff and their educational qualifications, and implementing the necessary reforms led by Human Resources Department; 9. Sending some of the employees to retirement whose ages requires so; 10. Recruiting professional staff with higher education; 11. Recruiting 23% of staff from female applicants with higher education qualification at the bachelor or Masters levels in the center and provinces based on assessments led by Human Resources Department; 12. Promoting MOJ's Human Rights Support Unit to a department and mandating this department to follow up on the implementation of international human rights conventions; providing recommendations on monitoring mechanisms; and ensuring compatibility of legislative and strategic documents with international human rights standards. All these activities should be led by the Human Rights Support Unit in coordination with Office of the Minister. 		
	B. Fighting corruption	<ol style="list-style-type: none"> 1. Establishing an applicable, transparent and legal mechanism to recruit, promote, and replace staff; 2. Increasing staff salaries (particularly salaries of professional staff of Huquq, State Cases, and Legal Aid departments); 	Ministry of Justice (MOJ)	2017 – 2021 Considering priorities of the Ministry of Justice (MOJ)

		<ol style="list-style-type: none"> 3. Monitoring and evaluating performances of staff on six months and annual basis and making the necessary decisions based on the evaluation results; 4. Strengthening the rewards and punishment system; 5. Creating applicable and accurate mechanisms for collecting the percentage fee charged to cases decided by the Huquq Department as well as cases heard by the courts. The Ministry should also sign the necessary MOUs with the Ministry of Finance (MoF) and the Supreme Court in this regard; 6. Preparing a road map for the Legal Aid Department; and 7. Considering and implementing the recommendations made by the internal audit team from assessments conducted by the Audit Department and also reforming the Audit Department. 		
	C. Enhancing transparency	<ol style="list-style-type: none"> 1. Registering and documenting property of senior staff as well as staff working in financial departments; 2. Establishing mechanisms for bringing transparency in recruitment, promotion, replacement, and firing of staff in the center and provinces; 3. Creating and supporting a complaint box to receive complaints made by service users and reading the complaint letters on a bi-weekly basis; 4. Strengthening accountability by the institution in regards to performances including in purchases and procurements; 5. Reporting cases of corruption and introducing the suspects to the Attorney General Office (AGO); and 6. Replacing/shifting employees from one department to another based on their qualifications and experiences as deemed necessary by the Minister. 	Ministry of Justice (MOJ)	2017 – 2021 Considering priorities of the Ministry of Justice (MOJ)
	D. Capacity building and service provision	<ol style="list-style-type: none"> 1. Improving quality of legal aid services at the provincial and district levels, increasing salaries of legal aid providers, and supporting the Independent Legal Aid Board (ILAB); 2. Enhancing capacity of the State Cases Department and increasing staff salaries; 3. Conducting training needs assessment and identifying staff capacity development needs; 4. Evaluating and assessing educational, professional, and practical capacities of staff including newly recruited staff at the center and provinces; 	Ministry of Justice (MOJ)	2017 – 2021 Considering priorities of the Ministry of Justice (MOJ)

		<ol style="list-style-type: none"> 5. Creating short-term and medium- term on-job capacity building programs for staff of State Cases Department, Huquq Department, Legal Aid Department, Procurement Department, and other agencies; 6. Providing educational opportunities for bachelor, Masters and Ph.D levels for MOJ staff inside and outside the country in different areas of law including Sharia law, international law, economics, water rights, and conflict resolution etc.; 7. Assessing and evaluating results and outcomes of capacity building programs and taking required decisions accordingly; 8. Arrange professional and side visit tours out of country for the staff to get more experiences 9. Strengthening and continuing the Legislative drafting stage program for the purpose of training professional cadres; 10. Assessing professional capacities of professional staff of the Huquq, Legislative Drafting, State Cases and Legal Aid Departments and taking required decisions accordingly; 11. Improving medical, educational, psychological, vocational training and Islamic training services at the Juvenile Correction centers and providing the necessary information technology trainings to children under confinement; 12. Planning and implementing alternative programs for confinement, and creating standard open correction center for juvenile offenders; 13. Supporting and developing capacity of the Legal Translation and increasing salaries of legal translators; and 14. Equipping and furnishing newly created departments and relevant offices. 		
	E. Amending laws and regulation/a dopting new laws	<ol style="list-style-type: none"> 1. Providing a timetable for assessing proposed plans for new legislative documents; 2. Providing a timetable for assessing proposed plans for updating current legislative documents; 3. Coordinating with other relevant government institutions to evaluate proposed plans on a timely basis; 4. Following up on the proposals made by other legislative institutions in regards to revising laws and regulations; 5. Reviewing revising the Penal Code; 6. Processing the law on Protecting Children Rights and Family; and 7. Follow up on and processing the Law on State Structure, Administrative Law, and Administrative Procedural Law. 	Ministry of Justice(MOJ) and other legislative institutions	2017 – 2021 Considering priorities of the Ministry of Justice (MOJ)
	A. Structural reform	<ol style="list-style-type: none"> 1. Assessing organizational structure of the ministry; 	Ministry of Interior Affairs	2017 – 2021

The Ministry of Interior Affairs (MOI)		<ol style="list-style-type: none"> 2. Assessing and evaluating recruitment mechanisms and training newly recruits based on their education, profession, and inclusiveness; 3. Assessing and evaluating performances of senior law enforcement officials and staff, prison officials, as well as the counter-criminal officials; 4. Increasing recruitment of female professional and administrative staff at all levels; 5. Enhancing people's access to justice and defense council, particularly, the most vulnerable populations according to the relevant laws; 6. Imposing a comprehensive ban on torture and ill-treatment; 7. Training police officers to behave professionally and consider human rights standards during arrest and detection; 8. Equipping police departments with mordent and functional detection and investigation facilities and technologies; 9. Establishing, developing, and equipping the criminal technic department; and 10. Expanding people's access to and use of the 119 police telephone line. 		Considering priorities of the Ministry of Interior Affairs (MOI)
	B. Capacity building	<ol style="list-style-type: none"> 1. Conducting capacity development programs for newly recruited staff 2. Creating on- job training for professional and administrative staff; and 3. Providing educational opportunities outside of the country for professional and administrative staff with a view towards giving priority to female staff. 	Ministry of Interior Affairs (MOI) and the relevant units	2017 – 2021 Considering priorities of Ministry of Interior Affairs
	C. Fighting corruption	<ol style="list-style-type: none"> 1. Monitoring over and evaluating the process(s) in place for paying salaries of professional and administrative staff; 2. Evaluating the process for appointment and promotion of senior staff; 3. Monitoring and evaluating performances of the professional staff of detection and investigation, prisons and other relevant departments; 4. Supporting and strengthening the Monitoring and Audit Department; 5. Evaluating performances of professional and administrative staff on a six – months basis; and 6. Introducing cases of corruption by police officials and officers to AGO including cases of misuse of authority. 	Ministry of Interior Affairs and the relevant units	2017 – 2021 Considering priorities of Ministry of Interior Affairs
	D. Accountability and transparency	<ol style="list-style-type: none"> 1. Registering and documenting properties of senior police officials; 2. Establishing a mechanism for reporting on police performances including observance of standard forms and procedures, the minimum standards for arrest and investigation by police officers; 3. Monitoring and evaluating police performances and creating a strong reward and punishment system; and 4. Reporting cases of corruption by police officers to the Attorney General Office (AGO). 	Ministry of Interior Affairs	2017 – 2021 Considering priorities of Ministry of Interior Affairs

	E. Awareness raising on role and importance of police	<ol style="list-style-type: none"> 1. Conducting radio and TV programs aimed at raising public awareness on roles, responsibilities, and importance of police department; 2. Publishing information relevant to police in magazines and publications; 3. Reflecting police activities/performances in media and publications and creating scenarios on police roles and people's reactions. 	Ministry of Interior Affairs (MOI)	2017 – 2021 Considering priorities of Ministry of Interior Affairs
	F. Reviewing and revising the laws	<ol style="list-style-type: none"> 1. Reviewing and revising the Police Law; and 2. Reviewing and revising other relevant legislative documents. 	Ministry of Interior Affairs	2017 – 2021 Considering priorities of the Ministry of Interior Affairs
Afghanistan Independent Bar Association (AIBA)	A. Structural Reform	<ol style="list-style-type: none"> 1. Assessing and evaluating the organizational structure and recruitment of staff for AIBA; 2. Assessing and evaluating bar exam and the way licenses are issued to defense lawyers; 3. Recruiting 23% of AIBA staff from female applicants in administrative and professional areas and supporting the female staff; 4. Standardizing and improving quality of services provided by defense lawyers by creating minimum standards, revising AIBA's by-laws and modus operandi, and other procedures if needed; 5. Enhancing people's access to justice particularly for the most vulnerable groups by expanding AIBA's provincial offices; and 6. Approval of all defense lawyers' status and lawyer's office stamp on the translated documents by AIBA. 	Afghanistan Independent Bar Association	2017 – 2021 Considering priorities of Afghanistan Independent Bar Association
	B. Capacity development	<ol style="list-style-type: none"> 1. Conducting capacity development courses for the new defense lawyers; 2. Creating training and educational opportunities (fellowships and scholarships if possible) for defense lawyers outside the country with priority given to female lawyers; 3. Standardizing and improving quality of services provided by defense lawyers; 4. Conducting AIBA stage courses for the defense lawyers who haven't received these trainings yet. 	Afghanistan Independent Bar Association	2017 – 2021 Considering priorities of Afghanistan Independent Bar Association
	C. Fighting corruption	<ol style="list-style-type: none"> 1. Monitoring and evaluating admin activities of AIBA; 2. Monitoring and evaluating the bar exam processes and how licenses are issued to defense lawyers; and 3. Monitoring and evaluating performances of defense lawyers. 	Afghanistan Independent Bar Association	2017 – 2021 Considering priorities of Afghanistan Independent Bar Association

	D. Transparency and accountability	<ol style="list-style-type: none"> 1. Establishing a reporting mechanism from performance of AIBA; 2. Registering those defense lawyers who violate AIBA's by-laws, code of conduct, and other procedures in a special database created for this purpose by ABIA; 3. Registering defense lawyers' pro bono cases; 4. Evaluating and assessing activities of defense lawyers by AIBA auditors; 5. Preparing a list of administrative disciplinary actions with deadlines for creating a disciplinary mechanism; and 6. Following up on cases of corruption involving defense lawyers. 	Afghanistan Independent Bar Association	2017 – 2021 Considering priorities of Afghanistan Independent Bar Association
	E. Awareness raising on role and importance of defense lawyers	<ol style="list-style-type: none"> 1. Conducting radio and TV programs for raising public awareness on role and importance of defense lawyers; and 2. Publishing information about defense lawyers in publications and magazines. 	Afghanistan Independent Bar Association	2017 – 2021 Considering priorities of Afghanistan Independent Bar Association
	F. Reviewing and revising laws	<ol style="list-style-type: none"> 1. Reviewing and revising the advocates' law 2. Adopting new legislative documents and/or revising the current ones; 3. Reviewing and revising the Legal Aid Regulation and clearly defining roles and responsibilities of the Independent Legal Aid Board (ILAB). 	Afghanistan Independent Bar Association	2017 – 2021 Considering priorities of Afghanistan Independent Bar Association

The Independent Constitutional Oversight Commission

Institution Name	Activities		Implementing organization	Timeline
The Independent Constitutional Oversight Commission	Reforms	Activities	The Justice and Judicial Committee and the Independent Constitutional Oversight Commission	2017 – 2021 Considering priorities of the Independent Constitutional Oversight Commission
	<ol style="list-style-type: none"> 1. Identifying 5 years strategic goals for Constitutional Oversight Commission; 2. Defining constitutional oversight; 1.2 Providing a clear and measurable definition from indicators of Constitutional oversight; 	<ol style="list-style-type: none"> 1. Revising the Constitutional Commission law; 2. Conducting a comprehensive research on the authorized authorities to interpret Constitutional articles in order to resolve the current crisis; 		

	<p>1.3 Creating a unified and comprehensive mechanism for reporting instances of Constitutional violations and providing the necessary recommendations with clear implementation timeframe and responsible institutions for implementing those recommendations;</p> <p>1.4 Creating effective mechanisms for following up on implementation of recommendations for the purpose of removing gaps and shortcomings from the Constitution;</p> <p>1.5 Creating a framework to categorize government and nongovernment agencies for the purpose of implementing the Constitution;</p> <p>3. Prioritizing articles of the Constitution for their implementation oversight based on the existing needs; and</p> <p>4. Developing and implementing the first phase of Commission's work plan.</p>	<p>3. Conducting ordinary and extraordinary meetings of the Commission and relevant departments to finalize the plan for revising the Commission law;</p> <p>4. Conducting meetings with relevant institutions (Office of the Second Vice-President, the Supreme Court, Ministry of Justice) to discuss the plan(s) for revising the Commission law;</p> <p>5. Submitting the final revised Commission law to the MoJ;</p> <p>6. Establishing a committee for developing a plan for conducting a comprehensive needs assessment of the organizational structure, policies, by-laws, and human resources of the Commission to identify challenges and opportunities, as well as solutions to the challenges;</p> <p>7. Conducting three consultative workshops attended by the relevant institutions to discuss the planned reforms;</p> <p>8. Preparing a 5 years strategy for the Commission;</p> <p>9. Studying and researching major international models including the models applied in the Schengen countries for defining specific and measurable constitutional oversight indicators;</p> <p>10. Studying and researching major international methodologies for creating mechanisms on reporting instances of constitutional violations;</p>		
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		19. Conducting 10 training workshops and seminars for raising public awareness on the Constitution.		
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