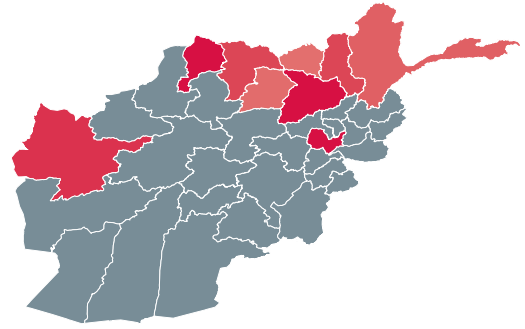


German Cooperation with Afghanistan

Legal Certainty for All Citizens



Context

Following decades of armed conflict, the Afghan people expect the state to deliver justice and, above all, legal certainty. After the fall of the Taliban regime, a new constitution was adopted in 2004, laying the foundations for the rule of law. However, the judicial institutions continue to face major challenges in implementing legal reforms. In Afghanistan, several legal systems – traditional, Islamic and parliamentary – exist in parallel. Many Afghans continue to put their trust in purely informal structures due to a lack of alternatives.

Many staff of judicial institutions, such as the Ministry of Justice, the Bar and the Supreme Court, are underqualified for their work. The lack of coordination between the various bodies also makes it difficult to give all Afghans, female and male, urban and rural, equal access to justice and legal certainty.

Overview	
Programme	Promoting the Rule of Law (RoL)
Commissioned by	German Federal Ministry for Economic Cooperation and Development (BMZ), Ministry of Foreign Affairs of the Kingdom of the Netherlands, Ministry for Foreign Affairs of Finland
Partner	Afghan Ministry of Justice
Implementing organisation	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH
Provinces	Badakhshan, Baghlan, Balkh, Kabul, Kunduz, Samangan, Takhar, Jowzjan, Herat
Programme objective	To improve legal certainty for citizens, particularly women, by advising the government of Afghanistan on strengthening rule-of-law structures

Objective

The project aims to ensure that the judiciary and police act in accordance with the constitution; that the government's reforms and legislative measures are lawful; and that legal certainty is guaranteed for all the country's citizens.

Measures and Results

Since 2002, the German government has been assisting Afghanistan to establish the rule of law based on an effective state system of justice. Financial support for this area of work is also being provided by the Netherlands and Finland. Significant progress has been made in recent years.

Legal advice for citizens

- The Afghan Ministry of Justice has set up local dispute resolution offices (Huquqs) for civil cases in all districts in the northern provinces. Staff at the Huquq offices are provided with training, legal texts, specialist literature and mentoring services. Due to their increased presence, professionalism and impartiality, the Huquqs now enjoy greater acceptance among citizens. The mediators have handled more than 61,000 cases since 2013.
- With financial support from the German government, new offices for Huquqs and the public prosecutor and three new buildings for the provincial branches of the Afghan Ministry of Justice are being constructed in Balkh, Kunduz and Samangan provinces. In Badakhshan, Kunduz and Takhar, meeting rooms where legal advice can be provided are now available in courts and prisons. All these measures make it easier for the public to access legal services.



61.000

cases have been handled by mediators

- The Afghanistan Independent Bar Association (AIBA) has opened its first regional branch in Kunduz. Lawyers can now complete their Bar exams and register locally. As a result, the number of lawyers in Kunduz has increased from 12 to 131 since 2011; 23 of them are women. In the neighbouring province of Takhar, graduates of the Bar exam have set up their own office.



A newly constructed administrative building for the Afghan Ministry of Justice in Kunduz province | © GIZ

The police and public authorities – responsive to citizens’ needs

Since 2012, almost 13,000 police officers from the northern provinces have attended training courses on legal topics and are now able to carry out their duties as custodians of the law more effectively. More than 760 conflict resolution forums have been organised between representatives of local communities and public authorities since 2013. One third of those participating in these discussion forums are women. More than 50 complaints boxes are being provided to enable the public to bring cases anonymously to the forums’ attention. More than 530 training sessions on everyday issues have been held for the police and public prosecutors. Surveys show that public confidence in the police has increased considerably.



760

conflict resolution forums have taken place between representatives of local communities and the police/public authorities

Universities

The programme provides all law and sharia faculties in the northern provinces with supplementary specialist courses, legal texts and specialist literature. Since 2012, more than 30,000 books have been supplied and over 150 courses on legal topics held. In addition, around 60 students have been awarded scholarships. The programme also offers particular support to female law students, primarily in the form of internships, to help them gain entry into the profession. Legal clinics enable students to gain a practical insight into working life, allowing them to work on real cases and conduct fictional court hearings.

Information campaigns

- Regular information campaigns on legal topics in schools, on the radio, through TV adverts, as theatre performances and at conferences educate men and women about their rights.



Theatre performances teach students about their rights in a playful way | © GIZ

- In Balkh, the Ministry of Justice has opened a legal information and advice centre at the city’s most famous landmark, the Blue Mosque.

Civil society

- Women in Badakhshan and Balkh provinces can address their concerns to Gender Focal Points and access advisory services. In Kabul, members of the Afghan Women’s Network and staff from the Ministry of Women’s Affairs are attending training and workshops on judicial issues. The organisers provide information and encourage them to publicly advocate for the interests of women.
- Since 2015, advisory services and dialogue forums have been building the capacities of civil society organisations working in the field of children’s rights, legal edu

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