



# Review of Prison Advisory Project in Faryab, Afghanistan



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Responsibility for the contents and presentation of findings and recommendations rests with the study team.  
The views and opinions expressed in the report do not necessarily correspond with those of Norad.

**REVIEW OF  
PRISON ADVISORY PROJECT  
IN  
FARYAB,  
AFGHANISTAN**

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*If you want to  
understand a society you  
should first and foremost  
observe how they treat  
their prisoners and how  
they treat their domestic  
animals!*

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<sup>1</sup> An Afghan story, expressed to the team by Ms Fatima Gailani, President of Afghanistan Red Crescent Society. The same message was also conveyed by those at the US Embassy in Kabul responsible for correctional activities

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## ABBREVIATIONS:

ACTED	Agency for Technical Cooperation and Development
AIHRC	Afghanistan Independent Human Rights Commission
ANDS	Afghanistan National Development Strategy
AWEC	Afghan Women Education Centre
CMI	Chr. Michelsen Institute
CPD	Central Prison Directorate
CRP	Crisis Response Pool (Styrkebrønnen)
CSSP	Correction System Support Program
DoJ	Department of Justice (on provincial level)
DoWA	Department of Women Affairs (on provincial level)
ICRC	International Committee for Red Cross
IDLO	International Development Law Organization
INL <sup>2</sup>	Bureau of International Narcotics and Law Enforcement Affairs
ISAF	International Security Assistance Force
JSSP	Justice Sector Support Program
LEGAD	Legal Advisor
MFA	Ministry of Foreign Affairs (Norway)
MoI	Ministry of Interior (Afghanistan)
MoJ	Ministry of Justice and Police (Norway)
MOJ/A	Ministry of Justice (Afghanistan)
MoU	Memorandum of Understanding
NATO	North Atlantic Treaty Organisation
NORLAAF	Norwegian Mission of Legal Advisers to Afghanistan
NRC	Norwegian Refugee Council
NDS	National Directorate of Security (Amniyat)
PAE <sup>3</sup>	PAE, a Lockheed Martin Company
PRR	Priority Reform Restructuring
PRT	Provincial Reconstruction Team
PWG	Prison Working Group
TOR	Terms of Reference
UNAMA	United Nations Assistance Mission to Afghanistan
UNODC	United Nations Organisation on Drugs and Crimes

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<sup>2</sup> INL is a US Government institution which is funding both CSSP and JSSP programs.

<sup>3</sup> PAE is the implementing contractor for CSSP & JSSP programs.

# INTRODUCTION

As part of the international follow-up of the 2001 military intervention, Norway increased its engagement in Afghanistan<sup>4</sup> from the end of 2001. In accordance with the Bonn Agreement, the goal of the engagement was to assist in stabilising and developing the country and to prevent Afghanistan from becoming a base for terrorist operations. At an early stage Norway supported the training of Afghan police. Norwegian police advisors started participating in police training activities in Kabul in 2004<sup>5</sup> and in the Faryab province in late 2006.

Home to the Norwegian-led Provincial Reconstruction Team (PRT), Norway's engagement in the Faryab province prompted a request for a broader presence of Norwegian advisors to the province's legal sector. In particular, the PRT and the police contingent in Meymaneh emphasised a clear need of a stronger prison sector. There were two main reasons for this emphasis. First, the police advisors visited the provincial prison in Meymaneh and reported an urgent need for improvements in prison conditions. Secondly, a similar request for assistance made by the prison director to the PRT added to the sense of urgency for engaging in prison sector assistance.

Following a dialogue with the Ministry of Foreign Affairs (MFA) and an exploration of the potential for recruiting qualified staff through the Norwegian Crisis Response Pool (CRP), the Ministry of Justice (MoJ) in January 2007 recommended to send two prison advisors, one male and one female, for a one year stay to work with the provincial prison's director and staff. The advisors would be part of the MoJ Crisis Response Pool. Their task was to improve the conditions of the provincial prison in Meymaneh in order to ensure that it fulfilled accepted international standards, including requirements for human rights protection, with a particular focus on female inmates.

No further outline of the project's goals, activities, benchmarks and timeline was developed prior to its start up. Likewise, a systematic assessment of actual needs or possible achievements was never carried out before the first team of prison advisors arrived in May 2007 to start their work with the prison director, staff and inmates.<sup>6</sup> Despite the lack of an overarching plan, in the autumn of 2007 the advisors presented to the MoJ an overview of urgent needs. Step by step, they initiated programmes that focused on strengthening the prison administration, training the prison staff, modifying physical facilities and improving the lives of the inmates. Mentoring the prison director was seen as a key to ensuring that prison conditions fulfilled international standards.

Several construction projects, each funded separately by the Norwegian embassy, were initiated, including a new male prison and a new outer wall. New construction projects meant that the prison advisors were increasingly focused on continual quality and progress follow-ups. As such, the advisors became important partners for the prison director in assuring proper monitoring of ACTED, the NGO contracted to oversee the construction projects.

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<sup>4</sup> Since the Soviet invasion in 1979 Norway channeled funds for humanitarian needs and development mainly through Norwegian and international NGOs.

<sup>5</sup> Norwegian police started to work with the Germans at the Police Academy in Kabul.

<sup>6</sup> The international framework accepted for the prison sector and endorsed by the Afghanistan authorities, gives a number of requirements to be fulfilled, each related to humane treatment and to the activities and services made available to prisoners (innhold i soningen).

Based on the recommendation of the prison advisors, the one-year project was extended twice, eventually covering a three-year time span – from May 2007 to June 2010. In 2009 the MFA and MoJ agreed that the project would be terminated at the end of the 3<sup>rd</sup> team's term. However, in connection with the delayed completion of the new male prison, the MoJ proposed sending an additional team of advisors in order to help develop new routines and train the staff in use of the new prison. Thus, in July 2010, the MFA and the MoJ finalised a four-month extension of the project, with two prison advisors being sent to Faryab for the period of October 2010 to January 2011.

During a visit in April 2010, the Norwegian Minister of Justice suggested that the prison project should continue, and be linked to the establishment of a broader Crisis Response Pool (CRP), which would help mentor prosecutors, defence lawyers and judges in the province. In a follow-up to this suggestion, the MFA and the MoJ agreed to conduct a prison project assessment by addressing its achievements, efficiency and cost effectiveness. Particular attention was directed to the question of whether or not to extend the prison advisory project. Based on this assessment and its recommendations, the two ministries will make their final decision regarding Norway's future engagement in the Faryab prison sector.

### *The Assessment*

The assessment has been conducted by a team from Norad and Chr. Michelsen Institute (CMI). CMI was selected through a simplified tendering process. A Terms of Reference (TOR), as listed in Addendum 1, was developed by the MFA in consultation with the MoJ and the Norwegian embassy in Kabul. Since no basic documentation on the project and no standardised reports exist, the team has relied on repeated exchanges with the MFA and the MoJ in order to gain a comprehensive project overview.

The team conducted interviews with relevant persons in the MFA and the MoJ in Oslo, in addition to five of the former prison advisors. The team also made field visits to Meymaneh (Faryab), Mazar-e-Sharif (Balkh) and Kabul. During the visits, meetings were held with the relevant Afghan authorities, the prison staff and inmates, the donors involved in the prison sector, the Afghan Independent Human Rights Commission (AIHRC), the Norwegian Embassy in Kabul and Meymaneh, and the Norwegian-led PRT in Faryab. The team also met with the NGOs involved with prisons and prisoner's rights in general, and in Faryab in particular. Due to security and time constraints, the team was unable to visit any of the district detention centres in Faryab. Similar constraints prevented the team from interviewing the last team of advisors during their work in Faryab. Instead, prison advisor interviews, and interviews with the leadership of the MoJ, were conducted in Oslo and Bergen after the field visit.

The interviews in Norway were conducted by Petter Bauck from Norad and Arne Strand from CMI. The field visit in Afghanistan was conducted by Petter Bauck and two researchers from CMI, Torunn Wimpelmann Chaudhary and Orzala Ashraf Nemat.

Since the TOR outlined two separate assessments, several of interviews covered the proposed Rule of Law Crisis Response Pool in Faryab as well as the prison project. The recommendations in the two reports are interlinked.

Drawing on available documentation the team developed an interview guide for each of the interviews. Based on the wide range of consultations with an assortment of individuals variously engaged in the prison advisors project (see Addendum 2), it is hoped that the report presents a fairly accurate picture of the projects' achievements and the grounds for its continuation or termination.

## ORGANISATION OF PRISON SECTOR IN AFGHANISTAN

Prisons in Afghanistan are regulated by the Law on Prisons and Detention Centres. A Prison Code was adopted in 2005 and Operational Guidelines were being finalised at the time of writing this report. The governmental body responsible for prison operations is the Central Prison Directorate (CPD), which was transferred from the Ministry of Interior (MoI) to the Ministry of Justice (MoJ/A) in 2003. All the 34 provinces of Afghanistan have one provincial prison. In addition there are pre-trial detention centres in an estimated 203 of the country's 364 districts. Juvenile Rehabilitation centres are under the authority of a separate directorate within the MoJ/A.

In 2010 the CPD had approximately 6000 staff, expected to be reduced to 5000 with the completion of a Priority Reform Restructuring plan (PRR)<sup>7</sup>. The PRR determines staffing levels, job descriptions, and salary scales for all public sectors, including the prison sector. The plan for the prison sector was approved by the Afghan government in July 2009 and is currently under its last phase of implementation.

The CPD head office in Kabul allocates the provincial prison budgets, apparently with limited input from the provinces. The provincial prison directors report the number of prisoners and detainees to the CPD and the Governors' office on a daily basis. The director also provides monthly summaries of activities to the Department of Justice (DoJ) and expenditure reports to the Governor and the CPD in Kabul.

### *National and provincial priorities*

The 2008 National Justice Sector Strategy states that all prisons in all provinces will be newly constructed or rehabilitated within five years. Moreover, the strategy aims to develop prison policies grounded in international standards for the treatment of prisoners and humane prison conditions by training prison staff and by classifying and segregating prisoners according to type of offence. While making little mention of the needs and priorities of the prison sector, the Afghanistan National Development Strategy (ANDS) prioritisation and implementation plan for mid-2010 to mid-2013, identifies the following objectives<sup>8</sup>:

- Vocational training programmes for prisons and juvenile detention centres designed as benchmarks for the next six months.
- Operationalised vocational training programmes and enhanced and expanded medical and mental health services in prisons, as benchmarks for the next 12 months.
- Designed programmes for non-custodial punishments, like community service and deradicalisation. Both will commence within 1 to 3 years.

The enormous growth of the prison population, from 600 in 2001 to 17 500 prisoners today,<sup>9</sup> and currently increasing at an estimated 25 percent annually, has imposed heavy strains on the country's prisons. Infrastructural needs are particularly urgent. Therefore, construction has been, and remains a

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<sup>7</sup> The Priority Reform and Restructuring (PRR) program was adopted by the Government in 2003 through a Presidential Decree, and is the responsibility of the Independent Administrative Reform & Civil Service Commission (IARCSC). Originally targeted at specific 'high priority' functions of Government, the PRR was later widened to include 'all' Government institutions that are required to follow application and implementation processes.

<sup>8</sup> The ANDS plan was presented at the 2010 Kabul conference.

<sup>9</sup> The 2001 number is from the 2009 *Multi-National Corrections Assessment Report*. (document on file with authors) The 2010 number is an estimate given to the research team by the Central Prison Directorate.

key priority in the prison sector. Existing prison buildings are generally very old, built with locally available material with supplies often depleted by war. Many of the prisons, including 14 of the provincial prisons, are leased properties hardly suitable for prison purposes. Leasing also limits the incentive for investing in building improvements, thus compounding the problem of overcrowding.<sup>10</sup>

New provincial prisons have been constructed in nine provinces<sup>11</sup> and renovated in another four.<sup>12</sup> In addition, two female-only prisons have been built in Herat and Kabul. There are plans to construct an additional four provincial prisons.<sup>13</sup> In the Parwan province, the US has also completed a large detention facility for security prisoners previously detained at Bagram. This highly sophisticated facility is to be transferred to Afghan authorities, although there are concerns that the high costs associated with running and maintaining such an advanced facility will increase the dependency on long-term international funding.

Overall, the CPD budget does not provide for the maintenance of prisons and is troubled by severe operating cost shortfalls. At the moment costs are offset through ad hoc funding. However, there is a concern that, with growing prison populations and an eventual decline in external funding, Afghan prisons might face significant sanitation and humanitarian problems in the near future. The prison budget currently allocates 75 Afs (around 1,60 USD) per prisoner for daily food costs and heating.

### *Key actors involved*

Except for facilities under the National Directorate of Security (NDS), and juvenile detention centres, Afghanistan's arrangements place all prisons and detention centres under the CPD's authority, as part of the MoJ/A. The CPD has developed a staff training programme called the Afghan National Corrections Training Program. In cooperation with the US funded Corrections System Support Program (CSSP), the CPD training programme is being implemented at five regional training centres as well as in Kabul. By June 2010, CSSP reported that more than 5000 CPD staff had been trained. Recruitment of new staff is ongoing and reflects a goal of increasing the percentage of civilian staff relative to military staff. The CPD aims to have a workforce of more than 10 000 by 2015.

The CPD recognises the importance of vocational training and activities for the prisoners, but faces serious space constraints. A Memorandum of Understanding (MoU) with the Ministry of Education provides for teachers to conduct literacy classes for prisoners, although reports suggest that this arrangement is not implemented universally.

Donor interests in prison reform evolved slowly compared to donor interests in other sectors. Due to the international consternation over the high numbers of women imprisoned for 'moral crimes'<sup>14</sup>, female prison facilities have received the bulk of the prison sector attention. However, following the rapid increase in the prison population, partly due to improved effectiveness in other justice institutions, the prison sector has more recently gained a somewhat broader level of attention. In addition, military and security concerns among the NATO countries have increased their interest in the

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<sup>10</sup> A 2008 ICRC assessment concluded that over half the prisons had inmate populations that more than doubled the prison's capacity.

<sup>11</sup> Khost, Paktika, Kunar, Laghman, Helmand, Dai Kundi, Samangan, Faryab and Logar.

<sup>12</sup> Kandahar, Kabul, Kunduz, Nangahar

<sup>13</sup> Bamyan, Ghor, Baghlan, Wardak

<sup>14</sup> The majority of female prisoner in Afghanistan are sentenced for so-called moral crimes, such as adultery or simply 'running away from home'. The latter does not constitute a crime according to Afghan law, but nevertheless results in a number of women being imprisoned.

sector.<sup>15</sup> It is notable that most of the internationally funded prison construction has focused on those provinces most affected by insurgency.

The main international actors involved in the prison sector are the United States (US), the United Kingdom, Canada, United Nations Organisation on Drugs and Crimes (UNODC), United Nations Assistance Mission to Afghanistan (UNAMA) and the International Committee for Red Cross (ICRC). The US State Department, through its Bureau of International Narcotics and Law Enforcement Affairs (INL) has established the Correction System Support Program (CSSP)<sup>16</sup>. The CSSP works closely with the CPD in Kabul, and has contributed significantly to the development and implementation of the aforementioned CPD training programme, as well as the prison sector PRR.

The CSSP also provides mentors for correction staff at various levels and locations, including staff within the detention centres. The project contains plans for a significant expansion, which will entail the establishment of one expatriate prison advisor in each province. The team was informed that a corrections advisor will be sent to Faryab if the Norwegian prison advisor project is terminated.<sup>17</sup>

Through its Prison System Reform project, the UNODC has undertaken the rehabilitation and construction of prison infrastructure. While the UNODC does not have onsite prison mentoring, it does manage programmes related to drug addiction and vocational trainings. The agency also conducts training programmes for judges and prosecutors on alternatives to incarceration. UNAMA's role has mainly been to coordinate prison related activities by providing a secretariat for the Prison Working Group (PWG).

The UK and Canada have rehabilitated prisons in Helmand and Kandahar respectively. Both countries implement the CPD training programme, with a focus on strengthening the capacity of national staff to progressively take over the training activities. The staff members at each embassy maintain contact with the CPD in Kabul and participate in PWG meetings. The UK has also supported the construction of the high security prison in Kabul.

The ICRC regularly monitors prisons and detention centres in Afghanistan. The Afghanistan Independent Human Rights Commission (AIHRC) visits prisons on a monthly basis. The Department of Women Affairs (DOWA) also conducts monthly visits specifically to female prisons and prisoners. In addition, NGOs like Afghan Women Education Centre (AWEC) run vocational skills and welfare programmes in some of the female prisons.

### *Level of coordination*

Key national and international actors meet in a bi-weekly PWG, chaired by the Deputy Minister of Justice. The working group constitutes the forum for coordination and information sharing related to prison reform (focusing on MOJ/A run facilities). Activities of the PWG are focused within the four following priorities:

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<sup>15</sup> In particular, a 700 page confidential report argued that US detention of Afghans in connection with military operations, specifically those detained at Bagram, created resentment amongst the Afghan population and urged an overhauling of the prison system. The document, known as the *Stone report*, precluded the construction of the new prison in Parwan. More generally, international support to a high security prison at Pul-e-Charki and a special detention facility for drug offenders has reflected donors' political priorities.

<sup>16</sup> The program is implemented by the contractor PAE Group.

<sup>17</sup> A representative of the US embassy in Kabul indicated that a continued Norwegian engagement in Faryab would be useful, in order to uphold a multinational involvement in the prison sector. A closer cooperation was requested.

- Reconstruction and rehabilitation of prisons
- Staff training
- Administrative reforms
- Women and children in prisons

The functioning of the PWG has received mixed reviews. The concerns about the working group appear to be symptomatic of divergent perceptions between donors and national counterparts, with the former perceiving a lack of national strategic input and the latter perceiving a donor-driven agenda. Nonetheless, the working group is widely regarded as the most successful group of its kind within the overall justice sector.

Given the lack of government funds for the prison sector, prison construction has often been undertaken by Provincial Reconstruction Teams (PRT). Construction projects have sometimes been undertaken without thorough consultation with national authorities and thus failed to meet government requirements and uniform standards. Despite the CPD's efforts to develop national construction standards, the lack of prison uniformity is reported to be a continuing problem.

## **SHORT DESCRIPTION OF PRISON PROJECT AND ITS HISTORY<sup>18</sup>**

The prison project in Meymaneh formed part of the Norwegian Crisis Response Pool (CRP) to Afghanistan. The project was initiated at the request of the PRT and advisors from the Norwegian police contingent in Kabul, who, at the end of 2006, were stationed at the PRT in Meymaneh. The rationale for the project cited the importance of improving the general conditions for the prisoners and strengthening commitments to human rights, with a particular emphasis on female prisoners. The prison director also approached the PRT for assistance with the new female prison, which was recently completed by Finland before they disengaged. In January 2007, following discussions in Oslo between the MoJ and the MFA, the MoJ formally recommended that Norway send two prison advisors in May 2007 for one year, as part of the CRP already present in Kabul since 2005. This recommendation was supported by the MFA a few days later. The final decision was made on 02.03.2007.

As its explicit aim, the project sought to improve the prison conditions in Meymaneh to be consistent with those international prison standards endorsed by both Norway and Afghanistan. Local rumours of sexual abuse of female prisoners were an additional reason for the urgency in launching the project. However, as discussed in more detail below, the project commenced in the absence of defined goals, and activities, indicators for measuring achievements, time frames, etc.

Lacking an overarching project framework, the first team of advisors started out by building a prison needs map with a particular focus on female prisoners and urgent infrastructural improvements.<sup>19</sup> Mentoring the prison director, the administrative staff and those particular prison officers serving in female prison would be a key activity. Developing mutual trust between the prison director, his staff and the advisors was identified as a condition essential for project success. The transfer of knowledge through an interpreter and in a very unfamiliar cultural context would demand time and mutual

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<sup>18</sup> A more comprehensive description of the project is included as Attachment 3.

<sup>19</sup> According to the prison director, in mid-August 2010 the prison in Meymaneh had 408 male and 17 female prisoners, with 3 children.

respect. Due to low staff capacity and challenging security conditions within the male prison, staff mentoring there was mainly done indirectly through the prison director.

Facilitating infrastructural improvements constituted a cornerstone of the advisors' work. With the help of several institutions, including the PRT, immediate efforts were committed to securing a minimum protection for 100 male inmates that risked facing the coming winter without roof covering. Based on physical state assessments of the prison facilities, and facility implications for the inmates, the advisors submitted an application to the MoJ for funds for a new outer wall. According to the application, the new prison wall would improve security, enable larger freedom of movement, and facilitate greater usage of the workshops recently built outside of the main prison building. Shortly afterwards the advisors argued that a new male prison should be built, which was duly funded by the Norwegian government. Having identified key infrastructural needs, the advisors were instrumental in securing Norwegian funds for construction. Moreover, they contributed to construction oversight.

The advisors also worked to strengthen the prison's weak administrative structure. On the job training was conducted for the staff in order to improve financial management and administration. A system of prisoner files was developed to keep track of each prisoner and the particulars of their case. This system proved to be a crucial resource for the AIHRC in their monthly monitoring visits to the prison. Documents point to ambitions on the Norwegian side to promote a national scale adoption of the Faryab filing system. Indeed, the director advocated for it in talks with other prison directors and the CPD. Although the CPD has expressed its appreciation for the administrative achievements of the prison in Faryab, there were no signs that the filing system was implemented in other provinces. The US has however, stated that separate efforts towards a comprehensive administrative reform are underway.

As part of the CPD PRR process, literacy was made a requirement in 2010 for permanent prison positions. Partly as a response to this requirement the advisors hired literacy teachers to conduct staff training during working hours. Attendance was high among female officers. Two of those newly recruited at the behest of the Norwegian advisors attained permanent positions. Attendance among the male staff was lower reportedly due to staffing constraints. In a test conducted by the MoJ/A at the beginning of 2010, 12 male and 2 female, out of 32 staff members passed.<sup>20</sup> However, the team had been informed that, since the departure of the Norwegian advisors, the staff literacy programme was no longer running.

To bring the staff level in female prison in line with the official CPD staff/inmate ratio, the advisors initiated efforts to hire additional female staff members and initially paid their wages. Wage payments were done without any clearance from the MoJ and the MFA in Oslo. When the ministries in Oslo were informed about the wage payments, they concluded that the payments should immediately cease. When consulted by the advisors, the Norwegian ambassador voiced his objection to the decision. This resulted in the continuation of the payments for several additional months. Today all staff salaries are paid through the national budget.

Together with Norwegian female police officers at the PRT, advisors conducted training courses in self defence, body search and other relevant topics for female police and prison officers. Moreover, the prison advisors initiated productive activities in the prison by facilitating workshops, providing material for activities like tailoring and carpet weaving and preparing vegetable gardens in the grounds

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<sup>20</sup> Interview with the third team in Oslo 26.08.2010.

of the female prison.<sup>21</sup> The goals that inspired the garden project in particular were threefold: to increase the quality and quantity of the food, to provide useful cultivation skills and to generate income for inmates, which received 40% of the surplus, and the prison itself, which received the remaining 60%. The prison holds a separate bank account for its share of these proceeds.<sup>22</sup> These funds can only be used with the permission of CPD in Kabul. So far no actual fund utilisation plan seems to exist.

The advisors limited their work to the provincial prison. However, a mapping project of all detention centres in the province was carried out. The project recommended the construction of new centres in certain districts, as well as a reduction in the total number of centres.

Together with the prison director and AIHRC, the advisors followed up the legal cases of certain inmates by approaching the Supreme Court in Kabul. In a few instances this resulted in reduced or overturned sentences.

Based on the recommendation of the first team, the MoJ and the MFA agreed to a one-year project extension. A subsequent extension was later approved. From May 2007 until June 2010, three teams, consisting of one male and one female advisor, served one year each. The future project termination date was discussed at length between the two ministries and the embassy in Kabul. To some extent, the termination date is linked to the emerging delay in completing the construction of the new male prison. In July 2010 the MFA and the MoJ agreed to a four-month extension, with the focus on setting up routines for making use of the new male facility.

The cost of the advisory project over 3 years, including the final training, amounts to NOK 11 740 472. These costs include wages, travel expenses and additional costs to cover a six-person labour year in Faryab, at an average of close to NOK 2 000 000 per person per year. The advisors have allocated funds for training, wages for literacy teachers and for female staff, toiletries for female inmates and other minor costs, totalling to an estimated NOK 400 000. The infrastructure projects and the prison director study tour to Norway have been financed by the Norwegian embassy in Kabul, with an estimated total amount of NOK 11 746 497.<sup>23</sup>

## **FINDINGS**

### ***The security situation***

Faryab has for a long time been seen as one of the peaceful provinces in Afghanistan. In recent years however, signs of the escalating conflict between the government in Kabul, the international forces and different opposition groups have also been evident in Faryab. In particular, the situation has deteriorated sharply in the last six months, and the local population now faces a hazardous security vacuum. Attempts to establish local police forces (Arbakis) with links to local strong men, done through a presidential decree, have received mixed reactions from the population. The security

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<sup>21</sup> According to the head of Faryab Prison, the vocational training is available for prisoners serving shorter sentences, but not for security prisoners.

<sup>22</sup> According to the deputy provincial chief of prison, Faryab prison has collected approximately USD 15 000 so far.

<sup>23</sup> For a detailed overview see Attachment 4

situation is linked to increased tensions between Pashto and Uzbek areas and populations, partly fuelled by huge differences in development assistance levels. Moreover, a mixture of provincial-wide opposition and criminal activity is on the rise. The result is a dramatic restriction of movement not the least among local NGOs, who, in August 2010 were limited to operating in Meymaneh and its immediate surroundings.

### *Lack of planning*

An overarching issue which has had ramifications not only for the project itself, but also for the possibilities to assess it, is the absence of planning and frameworks. As stated earlier, apart from the international prison standards endorsed by Norway and Afghanistan, the project lacked a description, a needs assessment, a timeline and a baseline, formulated objectives and intended achievements. Expertise on aid practice, which might have informed a specific project plan and framework, is not available within the MoJ. At the same time, the MFA does not appear to have consulted the expertise available in Oslo or at the embassy in Kabul prior to the deployment of the advisors.

The absence of a plan and a framework impacted the project throughout its duration. The failure to conduct a needs assessment in accordance with internationally established good practices meant that the project lacked an overarching focus, as each team of advisors set out to identify priorities for their time in Faryab. While there must be some space for each team of advisors to define their own activities and develop their own initiatives, a long-term plan and benchmarks would have given the project overall coherence. The lack of a baseline, and subsequently, the lack of defined objectives and priorities, also meant that the activities and goals of the advisors were never clearly defined. Direct and indirect costs became unpredictable. Additional projects, particularly those related to infrastructure, were funded on a case by case manner devoid of an overall cost framework which might have made prioritisation possible. The lack of a timeline translated into limited possibilities to take a long-term outlook, including an account of the ways in which the system might remain in place after the termination of the project. Finally, weaknesses in project planning meant that there were no clear criteria for guiding project assessments. What the project was suppose to achieve, and what conditions it proceeded from, is completely unknown. Consequently, the review team could not make definitive conclusions about achievements and outcomes of the project.

### *Project Impact*

Despite the limitations for conducting an assessment imposed by the lack of a project framework and plan, it appears possible to conclude that the project had a positive impact. Overall, the team found the project to be highly valued and appreciated. This finding is based on conversations with prison inmates in the female section, the prison staff and director, other government officials in contact with the prison and several NGOs that regularly visited the prison. It is worth noting that, when asked to identify the most significant impact of the prisoner advisors' presence, most Afghans pointed to the material support to the prisoners and the prison. Particular references were made to toiletries, material for vocational training, administrative equipment, and assistance in infrastructure construction. Some, including key prison staff, argued that the Norwegian advisors served as important interlocutors for funding and made the prison less dependent on resources from the central government. From the perspective of building a sustainable national system, such developments, if discouraging linkages between the centre and the province, appear problematic.

Through staff and director mentoring, it seems clear that the advisors have also fostered improvements in prisoner treatment and relations between the staff and inmates. Thanks to sufficient time and

continual efforts in building mutual respect, it is obvious that the prison advisors have managed to establish a degree of trust among the prison director and his staff. Trust has helped facilitate their role as mentors and conveyors of knowledge and experience. However, while valued, the mentoring aspect of the project was less frequently emphasised by Afghan interlocutors versus the strong emphasis on material contributions. Still, this project component is also more challenging to assess, given the absence of baseline data and the fact that the impact of mentoring is more difficult to isolate from other factors. The prison advisors themselves underscored the importance of the prison director, seen as a forward-looking person focused on being a positive role model for his staff.

When first visited by the Norwegian police at the end of 2006, the conditions in the prison in Meymaneh were deplorable. However, new constructions funded by Finland and Norway alike have dramatically improved the site's physical conditions. Vocational activities in the prisons have a tradition in Afghanistan predating the arrival of the Norwegian advisors. Through the presence of the advisors these positive aspects were developed further. With their experience, the advisors could transfer valuable knowledge on how to organise a prison, how to treat prisoners and how to strengthen security, while at the same time, adhering to international human rights standards.

The impact of mentoring can be understood and explained in a number of ways. Not surprisingly perhaps, prison personnel and the advisors themselves emphasised that such changes took place through advice and exchange of experience. Some of the prison staff recounted that the prison advisors shared valuable advice on how to communicate with the prisoners and solve problems through dialogue. The result was an improved prison environment and staff-inmate relations. On the other hand, external actors stressed the oversight function of the prison advisor presence. It was argued by human rights and NGO officials that international advisors made it more difficult for prison officials to engage in abuse or the denial of prisoner rights. Indeed, dialogue as well as oversight has played an important role in advancing prison quality. Long-term sustainability will demand efforts to strengthen national structures that can play a role similar to that played by the advisors.

The advisors also played a role in strengthening the administrative systems of the prison. In particular, they facilitated the adoption of a new system for keeping prisoner files. Despite the fact that the system was highly appreciated by the prison's administrative staff, there were no indications that the system would be adopted beyond the provincial prison in Faryab. While the filing system might be very efficient for the Faryab facility, in the long run a uniform administrative system must be adopted nationwide and the efforts towards administrative reform at the provincial level must be coordinated with such processes.

The construction projects that resulted in a new outer wall, an additional wall surrounding the female prison and a new male prison, were technically not part of the prison advisory project, since each was funded separately by the Norwegian embassy. Nevertheless, the prison advisors were important players in the realisation, preparation and monitoring of the construction projects. The construction of the new outer wall took place as a result of an intervention by the advisors, who had identified this as an essential security and humanitarian improvement by allowing inmates to move around more freely within the confines of the prison premises. When the advisors discovered the construction of the outer wall to be inadequate, they initiated a dialogue with ACTED and the CPD, resulting in construction adjustments in accordance with MoJ/A regulations.

The advisors were also instrumental in the realisation of the new male prison, which was funded by the Norwegian government after the advisors highlighted its need in September 2007. With limited

input from the advisors, the drawings were completed by ACTED, who had been contracted by the Norwegian embassy to do a feasibility study prior to overseeing the building process. After seeing the drawings, the advisors also identified weaknesses with the proposed layout and ensured that separate kitchen, health and staff facilities were incorporated into the plan. Well acquainted with the internationally accepted standards for prison design, the advisors proved to be a valuable professional resource in the prison construction. Their importance was also stressed by the prison director, who emphasised the particular role played by the advisors in tracking ACTED's work and ensuring that the male prison was completed on schedule.

The new prison, which at the time of writing this report was near completion, also testifies to how projects of this kind constantly generate new challenges. The new building will allow for a strict separation between criminal, security and pre-trial prisoner in accordance with international norms. The possibility of locking prisoners into cells will mean improvements to prison security. At the same time however, the collective life in the courtyard of the old prison, which resonates strongly with the Afghan way of life (as in many other societies), might suffer under the new building. Guaranteeing the continuation of that collective life will require an active use of the facilities outside the cell blocks, such as the prison yard and the vocational workshops. For the staff in the male prison this represents a new challenge which will require ongoing attention. If the new building simply means an increased segregation and prisoner lock-ups, the result might be a worsening in overall inmate conditions.

Due to a deteriorating security situation the team was unable to travel to any of the district detention centres. However, apart from the mapping project, which led to recommendations to reduce the number of centres, the team found no indications that the prison and advisory projects have so far had any impact beyond the provincial prison in Faryab, except for a limited support facilitating outdoor activities to the Juvenile Centre.

### *Costs*<sup>24</sup>

The direct cost of the prison advisors project, spanning from 2007 to 2010 plus the additional 4 months of training at the end of 2010 and start of 2011, totals to NOK 11 740 472, or nearly NOK 2 000 000 per worker per year. This total does not include the expenses of at least NOK 400 000<sup>25</sup> for training, equipment, etc. Furthermore, the team underscores the role of the advisors in securing an estimated additional NOK 11 746 497 from the Norwegian embassy for financing vital infrastructural improvements and the prison director study tour to Norway. The Afghans highlighted the essential role of this financing in prison construction and mentoring.

Using experts in mentoring work in the highly volatile security context of Afghanistan will obviously be expensive. Given this, the prevailing pay rate for each mentor per year seems reasonable. Therefore, further expense assessments should be related to questions about programme impact and sustainability. Have the experts been able to transfer knowledge and experiences in a way useful to the recipient? Have they done it in a way that enhances sustainability? In answering these questions, the team found that the ad hoc nature of the project, which ran on year to year extensions without the guidance of a structured plan and a goal hierarchy, severely limited the possibility to work in a cost efficient way. At the outset, a detailed plan would have addressed questions about the time needed to

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<sup>24</sup> For a detailed overview of the costs occurred and included in this assessment, see Addendum 4

<sup>25</sup> The MoJ reported that NOK 400 000 have been used to cover additional activities, equipment, wages for prison staff, additional clothing for the children of the female prisoners, etc.

achieve the wanted results. It would have focused on the infrastructural investments needed to achieve these overarching goals. This might have resulted in a sequenced project focus with coherence between the focus on construction and the focus on advising.

At this stage of the project, additional cost assessments will have to be made before deciding whether or not to continue with similar work in the future. Particular attention should be paid to covering advisor and construction costs in a sustainable fashion. The team is of the opinion that there are solid arguments justifying a targeted project continuation as essential for sustaining past and present projects in the Faryab province and realising the potential for the advisor project to feed into other nationwide processes.

### *Coordination with other actors*

The first team was in regular monthly contact with the prison sector in Kabul, including the CPD, PWG and donors. Later these contacts became more sporadic. All teams maintained contact with the governor, human rights officials and other officials at the provincial level. At the same time, there was a limited interaction between the advisors and the provincial DoJ, who was reportedly not informed about the advisors' work. Furthermore, while the advisors testified to their awareness of the training programme supported by the CSSP, there were no apparent attempts by the advisors to engage with the programme. In contrast, the UK and Canadian provincial prison support appears more coordinated with the overall prison reform efforts. Both the Canadian and the UK embassies allocated personnel to attend coordination meetings in Kabul and served as focal points for their country's prison activities. Their provincial mentors also travelled regularly to Kabul to meet with the CPD staff. While the UK and Canadian prison priorities must be seen in the context of their accentuated security concerns (a large number of their detainees in their respective provinces are linked to the insurgents), the level of coordination in the UK and Canadian projects offers up important lessons for Norway.

### *Coordination between Norwegian actors*

Similar to other programmes where judicial experts serve as mentors, the prison advisory project requires a diverse array of expertise. While legal expertise is certainly an important component, it is not sufficient per se. As the prison advisory project is also an aid project, it must be informed by expert knowledge in development and cross-cultural knowledge transfers. This entails drawing upon best aid practices that include the creation of baselines and indicators, anchoring projects within broader national plans and structures, and ensuring sustainability and coordination with other actors.

In this regard, the team finds that there is ample scope for improving the coordination and exchange of knowledge between the MoJ and MFA. The project should be understood as resting on two pillars of knowledge: prison expertise at the MoJ and development expertise at the MFA. In practice, the MoJ retained the entire professional responsibility for the project, while the MFA served mainly as the project financier. Being able to draw upon MFA knowledge on development aid would have been a significant advantage.

At the level of implementation, the advisors were largely perceived by themselves and by others to be separate from overall Norwegian aid assistance. A more 'integrated' approach, with the embassy staff having the authority and responsibility to support the project's coordination with other aid activities, would have arguably improved the project. For instance, regular participation at the bi-weekly PWG, whether by embassy personnel and/or one of the advisors, would have ensured that the project was informed by and coordinated with other initiatives in the prison sector. Also, regular participation

could have offered a robust channel for feeding the experiences from Faryab into the overall prison reform. To some extent, the prison advisors themselves took the initiative to establish contact with other actors in the sector. However, support from Norwegian aid personnel knowledgeable in donor coordination processes and aid practices in general, would have complemented the expertise of the prison advisors and benefited the project.

### *Additional observations*

For the PRT and the Norwegian military, the prison advisor project meant additional security related responsibilities. At the same time, the project may have also offered security related dividends by strengthening goodwill from the population.

When staying in the PRT camp, all the advisors were able to make use of the security set up and other camp facilities. Whereas the first team drove themselves to the prison each day, new security regulations made the PRT responsible for transporting subsequent teams. This was done with force protection, a resource demanding exercise that created a definite limitation on the advisors' ability to reach the prison as often as planned.

Treatment of prisoners, in particular those caught in battle, is a concern for the military. For some Norwegian military personnel, such concerns constitute an argument favouring a continuation of the prison project. The respectful and humane treatment of prisoners, exemplified by the distribution of praying carpets and the Qur'an, is believed by some, including prison personnel, to resonate positively with prisoners and their families and communities, thus countering opposition to the government and international actors.

The potential to develop the provincial prison into a training centre for the province and to make it a model for other provinces was voiced by several interlocutors, oftentimes in the context of discussions about broader legal sector approaches through establishing a provincial CRP. The team sees a much stronger possibility for such a development today, conditioned by stronger coordination with the national level and training based on nationally developed curricula.

## **CONCLUSIONS & RECOMMENDATIONS**

### *Conclusions*

Overall, the team found that the project had a positive **impact** on the provincial prison in Faryab. The physical improvements constitute a major achievement, one that has laid the foundations for an increased adherence to international norms and human rights. While physical improvements were separate from the advisory project per se, the advisors nevertheless played a key role in their realisation.

However, the project's structural weaknesses, namely the lack of planning exercises and overall frameworks, had numerous consequences for the project as well as for the possibilities of determining its **impact and efficiency**. Arguably, a clearer timeline from project's outset would have enabled greater attention to developing systems that could remain in place after the termination of the project. For instance, short-term measures like the distribution of sanitary articles and medicine, while meeting immediate needs, arguably relieved prison authorities in Faryab from dependence on central resources.

Attention to long-run effectiveness would have required an assessment of the overall financial situation of the prison in an effort to ascertain the financial **sustainability** of the prison. This could have entailed assisting in a process where provincial prisons would account for income and expenses, including operating and maintenance costs, and then enter into a dialogue with CPD in Kabul regarding realistic budgeting and resources allocations.

All in all, the project would have benefited from a more thorough planning exercise, allowing it to unfold in a more coherent rather than an ad hoc manner. One example is the construction of the male prison that was funded by the Norwegian embassy. In order to uphold the rights of the inmates, the new prison will demand a radically new way of organising prison life to include the space outside the building. To meet these demands, measures were taken to establish new routines by dispatching a new team for another four months. Yet, in the absence of national structures for overseeing compliance with human rights standards, it is possible that the new building might generate new challenges that make it difficult to uphold the inmates' rights once the advisors leave. Furthermore, thorough project planning that included a baseline and benchmarks would have made it possible to establish a more concrete picture of the project's **achievements**, particularly those related to non-material dimensions.

Limited **coordination** between the prison advisors, the central Afghan authorities and other donors weakened the project's ties to the overall prison sector. While there are no indications that the project was in direct contradiction with other sector-wide reform processes, limited coordination meant passing up valuable opportunities to engage with and feed into reforms. It is impossible to discern any **national impact** from the project, although the general praise of the prison by national prison authorities indicates an untapped potential for broader project implications.

The project and the prison advisors also appear detached from the overall Norwegian aid activity in Afghanistan. The MoJ, as the institution responsible for the project, did not request assistance from the MFA or the embassy, assistance which could have been a valuable asset in shaping the project's developmental perspective. Obviously, this was a major factor in marginalising the project's role in the broader Norwegian development assistance efforts.

### *Recommendations*

According to the TOR, the project review 'should provide guidance as to the continuation or discontinuation of the Norwegian assistance through the Prison Advisory Project, and to the usefulness of the project as a pilot or model project for other provinces'.<sup>26</sup>

The team concludes that there are weighty arguments for both continuation and discontinuation.

Despite a vague mandate at the initial stage, the team concludes that **the project has resulted in positive achievements** to date, reinforcing ongoing positive developments in the prison. The project has also **generated new challenges**, including new demands on routines and modes of organising, as a result of the new male prison building. While arrangements will be in place to ease an initial transition, it would be preferable if future follow-ups were capable of incorporating the initial challenges encountered by the staff when trying to adapt to a new prison.

Ambitions to use the project as a provincial and national model have not yet materialised. However, if there is a decision to continue the project, it should be reformulated to "serve as a positive example"

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<sup>26</sup> See Terms of Reference, II a, last bullet point

for the number of ongoing initiatives. With a stronger level of project coordination with central authorities and other donors, there seems to be a greater potential for broader project influence today than any time before.

If the project is discontinued, Norwegian mentors might be replaced by the CSSP. However, the cost of their replacement will be the lost relationships with the prison director and staff developed through the advisors project. These relations constitute the capital for robust cooperation in the future. Furthermore, project termination would also mean foregoing the benefits of more multilateral inputs into a prison sector mainly dominated by the US. This was highlighted both by Afghan and US interlocutors preferring a continued Norwegian presence in the prison sector in Faryab. The American correctional system differs to quite an extent from the European approach, for instance in terms of emphasis on security relative to prisoners' experience and rehabilitation. In addition, the concern of the Norwegian military with regards to dignified treatment of prisoners and the signals this might send to the surroundings is factor for consideration.<sup>27</sup>

These are all arguments for a continuation of the project. Yet, there are undoubtedly important arguments that would support a different course of action.

The project was originally set to last for one year and has now been running for three. It is argued by some Norwegian actors that, given the project extended duration and the fact that prisons are not the priority of the Norwegian efforts in Afghanistan; the time has come to conclude the project. Moreover, the project is dependent on the availability of security support from the PRT. If the advisors are unable to conduct their work due to limited security support, the resulting idle periods wasted at the PRT base will undermine the effectiveness of the project. Any decision related to the future of the Norwegian PRT in Meymaneh might therefore have fundamental consequences for the continuation of the project.

The intention from the US Embassy through CSSP to station one correction officer in Meymaneh in the event that prison project ends, represent an exit opportunity for Norway. As indicated above, there are drawbacks to such a hand over, but at the very least it assures some level of continuity in support.

It is the view of the team that, should a continuation be decided, it should be contingent on the following conditions:

- A planning process involving both prison and development professionals should be conducted. A clear and tangible plan of action, including specific benchmarks, should be developed. This will make it easier to conduct impact assessments in each project phase. Such benchmarks should encompass material improvements along with improvements in human rights standards, staff capacity and financial sustainability.
- The possibility of reducing the presence of advisors in Faryab to three visits a year, each for the duration of one month, should be considered. This reduction will limit the project's total cost as well as ensure follow-ups in the long term. Due to the existing relations and the trust between the prison advisors and the prison director and staff, such a reduced presence is deemed sufficient, although dependant on the willingness of staff to adapt to such a schedule.
- A pool of "old" and new prison advisors should be established to enable transfer of experience.

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<sup>27</sup> This concern is expressed by the leadership of the next PRT in Meymaneh and those responsible for correction activities at the US Embassy in Kabul.

- A formal MoU or agreement should be put in place with the CPD in Faryab and in Kabul, spelling out how the prison advisors will contribute to prison reform.
- An agreement should be reached with the MoD and the PRT on accommodation, office facilities and transportation which would allow prison advisors to spend sufficient time 'on site'.
- There should be allocations for further physical construction and infrastructural improvements, in particular to the districts in Faryab.
- A clear line of responsibility should be established at the embassy level in Kabul and at the embassy office in Meymaneh, with the task of interacting with the advisors. Advisors should be able to consult with, as well as report to the responsible parties at embassy on anything related to the implementation of the project.
- Closer cooperation between the MFA and the MoJ should be established to include cooperation on development expertise and supportive inputs to the embassy and the advisors.
- Participation by the embassy in Kabul and/or the advisors in provincial as well as national coordination processes should be ensured.

Rather than presenting the MFA and the MoJ with one recommendation, the team has decided to invite the two ministries, together with other relevant Norwegian partners, in an effort to clarify whether or not a decision should focus on the advisory project only, or if a decision should reflect a broader concern that embraces the views launched by the Norwegian military and endorsed by the US Embassy, and the challenges resulting from the construction projects undertaken by Norwegian funding. As stated above, the project and its additional activities have undoubtedly had a positive impact in Faryab. With a stronger emphasis on coordination with central authorities and other donors, there is a potential for further developments in the prison sector in Faryab, with the added possibility of having a broader national impact.

# **Addendum 1: Terms of Reference**

28 May 2010

## **Terms of Reference for Review of the Prison Advisory Project in Meymaneh and Appraisal of the proposed establishment of a wider Rule of Law Project in Faryab**

### **I. Background**

The Norwegian Rule of Law pool was established in 2004 in co-operation between the Ministry of Justice and the Police and the Ministry of Foreign Affairs. The rationale for the establishment of the pool was to strengthen Norway's contribution to international crisis management operations, based on the belief that rule of law is a prerequisite for development of stable democracies. The Rule of Law pool is a roster, comprising 80 - 90 experts. There are judges, prosecutors, defence lawyers and prison advisers on the roster.

In Kabul in Afghanistan a project under the Norwegian Rule of Law pool was implemented in the period 2005 to 2008. Up to five Norwegian experts worked together with Afghan, US and UK personnel for the Criminal Justice Task Force – a specialised court/prosecutor's unit for drug related offences.

In 2007 the Prison Advisory Project was established in Meymaneh, Faryab as a bilateral project. One important reason for the establishment of the project was the fact that Finland had financed a new prison ward for women in Meymaneh. However, Finland was not able to provide any training of the Afghan prison personnel. Since Norway had prison advisers available in the Rule of Law pool, it was decided that Norway should take on the responsibility of training and mentoring the prison personnel.

The Review/Appraisal will cover the following:

#### **a) The Prison Advisory Project**

The overall objective of the project is promoting human rights by improving the treatment of prisoners, with a special focus on female detainees and their children.

The project consists of two advisers from the Norwegian Correctional Services. The main activities cover training of Afghan prison personnel, improving prison conditions and providing meaningful activities for prisoners.

The annual budget for the project amounts to approximately NOK 3,3 mill (salaries, benefits, travel, and accommodation etc. for two Norwegian advisers).

#### **b) The proposed establishment of a wider Rule of Law Project in Faryab**

The idea of a wider Rule of Law Project in Faryab came up as a result of the recent visit (April 2010) to Afghanistan of the Minister of Justice and the Police, Mr. Knut Storberget. Based on his earlier visits to other Norwegian Rule of Law Projects, the Minister felt that it was worthwhile considering establishing a project along the same lines in Faryab.

The Norwegian Pool of Rule of Law Advisers has been able to provide advice and assistance regarding institution-building in every part of the criminal justice system. The objectives are

democracy-building and establishing rule of law in countries that have been subject to war or internal conflict, or in countries in transition from totalitarian regimes to democracy specifically in the following fields:

Advice and assistance in developing an independent judiciary.

Advice and assistance with training at all levels in international human rights law and the application of international human rights conventions at all levels of the criminal justice chain.

A bilateral Rule of Law Project would typically consist of judges, public prosecutors/police lawyers, defence lawyers and prison advisers.

For the time being there are ongoing bilateral projects in Georgia and Moldova. The cultural and political context is obviously extremely challenging in Afghanistan compared to the situation in Georgia and Moldova. Scanteam conducted an independent review of Norlag and Norlam (Final report June 2009). Both projects have introduced many reforms. Although the projects have supported further improvements in legislative frameworks, the main thrust has been to improve knowledge of new laws, stimulate the appropriate mind-frames, and help counterparts adapt practices to fit new requirements. Both projects are often said to have a catalytic effect on the role-understanding among drivers of change across the range of legal chain actors.

One of the lessons learnt from Georgia and Moldova is that national authorities' political will and motivation for the reform process is a prerequisite for obtaining reform of the justice sector. Promoting good governance and strengthening the rule of law in these two European countries is of course very different from the situation in Afghanistan. Another important difference between a new project in Faryab compared to the projects in Georgia and Moldova, is the fact that in Faryab one would have to work at the provincial level. Legislative and other judicial reforms would normally start at the national level. It would seem important that a project at the provincial level be linked to national authorities and their priorities.

The main objective of the Norwegian engagement in Afghanistan is to support the Afghan authorities in their responsibility to ensure stability, security and development. Afghan national and local development plans form the basis for Norwegian assistance. Afghan ownership, sustainability and co-ordination of Afghan and international efforts should be ensured. According to the "Strategy for comprehensive Norwegian civil and military efforts in Faryab province, Afghanistan", Norway aims to be a driving force in the development of models for strengthened national ownership ('Afghanisation') and for support to UNAMA's lead role as a co-ordinator of international efforts, also at the provincial level (May 2009). A bilateral Rule of Law Project in Faryab should be considered on the basis of these established political principles for Norwegian development assistance to Afghanistan.

## **II. Purpose and objectives**

a) The main purpose of the review of the Prison Advisory Project in Meymaneh is to have an assessment of this particular development project and to provide guidance as to whether this assistance should continue, and if so, how it should be organized in the future.

Objectives:

- Assess effectiveness of the project in relation to national plans for reform of the prison sector, with particular focus on the actual prison in Meymaneh and, if relevant the prison sector in the Faryab province

- Assess the extent of co-ordination among Afghan authorities and other international donor efforts in this field.
- Assess the impact of the project on the awareness of human rights in the prison administration and among the prison wardens in Meymaneh. Assess the impact on the treatment of prisoners in general and female prisoners and their children in particular – in the prison in Meymaneh, and to the extent possible in prisons in Faryab, and to what extent these changes through the experiences in Meymaneh may influence national policies.
- Assess the efficiency of the project
- Assess to what extent the project could serve as a pilot/model project to be used by Afghan authorities in other provinces

b) The main purpose of the appraisal of a proposed extended Rule of Law Project in Faryab would be to assess the relevance of the project in relation to Afghan development plans and priorities, its feasibility, assess the possibility of national ownership and sustainability, possible risks and how such a project could be co-ordinated with other donor efforts.

Objectives:

- Assess how and to what extent the project could contribute to reform of the justice sector in the Faryab province.
- Assess the sustainability of a provincially focused project in a national context.
- Assess the extent of co-ordination among Afghan authorities and other international donor efforts in this field.

### **III. Scope of work**

a) The review of the Prison Advisory Project should include the activities implemented since 2007 in Faryab.

The review should include the following elements:

- Effectiveness i.e. the extent to which the purpose has been achieved or is expected to be achieved. To what extent has the project had an impact on the treatment of prisoners in the prison in Meymaneh? To what extent has the project had an impact on the prison system in Faryab? How has the objectives been achieved?
- Relevance i.e. the extent to which the objectives of the projects are consistent with the national development plans and priorities locally identified and prioritised needs and donor's priorities.
- Co-ordination i.e. the extent of co-operation and co-ordination with other international donor efforts within the prison sector.
- Efficiency.
- Sustainability i.e. the probability of continued long-term effects after the project has been completed.

The conclusions should indicate the major strengths and weaknesses of the Prison Advisory Project.

The recommendations should provide guidance as to the continuation or discontinuation of the Norwegian assistance through the Prison Advisory Project, and to the usefulness of the project as a pilot or model project for other provinces.

b) The main purpose of the appraisal of the proposed extended Rule of Law Project in Faryab is to have an assessment of this proposed provincially focused development assistance in the justice sector in an Afghan context. Is it deemed to be a realistic and sustainable approach to concentrate on judicial reform solely in one province?

The appraisal should include the following elements:

- Relevance i.e. the extent to which the objectives of the project are consistent with national development plans and priorities, locally identified and prioritised needs and donor's priorities.
- Feasibility, including co-ordination i.e. the extent of co-operation and co-ordination with other international donor efforts within judicial sector
- Sustainability i.e. the probability of continued long-term effects after the project has been completed

The conclusions should indicate the major strengths and weaknesses of an extended Rule of Law Project in Faryab. The recommendations should provide guidance as to the establishment of Norwegian assistance through a wider Rule of Law Project.

#### **IV. Implementation of the review/appraisal**

##### Organisation

Norad will conduct the review/appraisal on behalf of the Ministry of Foreign Affairs.

##### Team

The review team should consist of three members, including a local consultant. The team should preferably comprise expertise on the Afghan context, judicial reform, development co-operation and aid effectiveness. The team will be headed by Norad.

##### Data collection

In Norway, the review should include document reviews and interviews with relevant officials in the Ministry of Justice and the Police (MJP), the Ministry of Foreign Affairs (MFA) and former prison advisors to Meymaneh. The review should include field visits to Faryab, with focus on Meymaneh and if possible one or two additional districts, and Kabul. The team should meet with and interview main stakeholders in Meymaneh, including prisoners, and Kabul, international donors such as EUPOL-A and UN agencies, as well as the Norwegian Embassy in Kabul and the civilian component of the PRT Meymaneh. Key players within civil society in Afghanistan should be identified and interviewed, with a particular focus on women organisations. The Afghanistan Independent Human Rights should be consulted. An overview of informants should be developed in consultation with the MFA, MJP, the Embassy in Kabul and the civilian coordinator in the PRT Meymaneh.

Field work in Afghanistan should take place during August 2010. A draft report on the Prison Advisory Project should be presented within 1 September 2010, whereas a draft report on a wider Rule of Law Project should be presented within 1 October 2010. The Ministry of Justice and the Police and the Ministry of Foreign Affairs could comment on the draft reports within two weeks after the presentation, before the reports are finalised.

The report on the Prison Advisory Project should be approx. 10 pages, plus an executive summary in addition to relevant annexes. The report on a wider Rule of Law Project should be of no more than 20 pages, plus an executive summary, in addition to relevant annexes. Both reports should be written in English. The reports should be submitted electronically to Norad.

#### **V. Budget**

A separate budget will be agreed upon for the services from the external consultant and included in the contract between Norad and the consultant.

## **Addendum 2: Overview of Informants**

### **Norway**

#### Ministry of Foreign Affairs:

- Janis Bjørn Kanavin, Director General, MFA
- Torun Dramdal, Senior Advisor, MFA

#### Ministry of Justice and Police:

- Terje Moland Pedersen, State Secretary, MoJ
- Morten Ruud, Secretary General, MoJ
- Sissel Wilsgård, Senior Advisor, MoJ

#### Prison Advisors:

- Cathrine Gangstø, Bjørgvin Prison
- Karen Marie Eek-Larsen, Bjørgvin Prison
- Kennet Johansen, Bergen Prison
- Mette Buhagen, Trondheim Prison, Section Leira
- Bjørn Haugen, Trondheim Prison

#### Others:

- Stephan Torp, Deputy Director, Directorate of Customs and Excise (previously Legal Advisor attached to the PRT in Meymaneh)

### **Afghanistan**

#### **Kabul:**

##### Attorney General's Office:

- Mr. Popalzai, Head of Policy, Planning and External Affairs Department
- Mr. Abdullah Ibrahim Khel, Advisor to Attorney General
- Mr. Edris Arib, Legal Officer, EUPOL

##### Ministry of Justice:

- General Amir Muhammad 'Jamshid', Chief of Central Prison Directorate

##### Supreme Court:

- Dr. Abdul Malik Kamawi, General Chief Administrator of Judiciary

##### Afghanistan Independent Human Rights Commission (AIHRC):

- Dr. Sima Samar, Chairperson Commissioner
- Mr. Ahmad Nader Nadery, Commissioner
- Mr. Mohammad Farid Hamidi, Commissioner

##### Afghan Women Education Centre (AWEC):

- Ms. Shaperai Anwary, Programme Manager

##### Red Crescent Society of Afghanistan:

- Ms. Fatima Gailani, President

UNAMA:

- Ms. Stephanie McPhail, Acting Head of Rule of Law
- Mr. Michael Schuetz, Judicial Affairs Officer Rule of Law Unit

UNDP:

- Mr. Ahmad Masood Amer, Assistant Country Director Democratic Governance Unit

UNODC:

- Mr. Rafidullah Hamid, National Project Coordinator
- Mr. Collie Brown, International Project Coordinator Prison Reform Project
- Ms. Heather Elizabeth Barr, Acting Criminal Justice Programme Manager

International Committee for Red Cross (ICRC):

- Ms. Katja Gysin, Protection Coordinator
- Ms. Gwen Fontana, Detention Coordinator

British Embassy:

- Mr. Frasier Hirst, Justice Advisor DFID Afghanistan
- Ms. Victoria Blakeman, First Secretary, Prisons

Canadian Embassy:

- Ms. Sandra LeDuc, First Secretary on Correction and Human Rights
- Mr. Terry Hacketts, Director Correction Canada (Kandahar)

Royal Norwegian Embassy:

- Kåre Aas, Ambassador
- Siv Kaspersen, Counsellor
- Bjørn Christian Rydmark, Embassy Secretary

USAID:

- Mr. Alex Newton, Rule of Law Team Leader

Corrections System Support Programme (CSSP):

- Ms. Beth Presson, Senior Ward Advisor
- Mr. Michael Runnels, Director

Bureau of International Narcotics and Law Enforcement Affairs (INL):

- Mr. William Zalman, Head of Correctional Unit, US embassy

Justice Sector Support Program (JSSP):

- Ms. Sandra Feiznig, Gender Advisor
- Ms. Renee Carrico, Section Leader Ministry of Justice Assistance Section

Agency for Technical Cooperation and Development (ACTED):

- Ms. Zeenat Garewal, Country Director

International Development Law Organization (IDLO):

- Mr. Shafeek Seddiq, Programme Manager

- Mr. Abdul Hamid Darwesh Head, Training Support Unit

### **Mazar-e-Sharif**

Attorney General's Office, Balkh:

- Mr. Mohammad Zahir Nadir, Provincial Chief Prosecutor

Corrections System Support Programme (CSSP):

- Mr. Warren Everingham, Balkh Team Leader
- Mr. Wayne Odegard, Training Officer

Justice Sector Support Program (JSSP):

- Mr. Joe Scoleri, Balkh Team Leader

### **Faryab:**

Independent Directorate of Local Government (IDLG):

- Mr. Abdul Haq Shafaq, Governor of Faryab

Provincial Court:

- Judge Haji Khudayar, Provincial Chief of Justice (Supreme Court)
- Judge Ghulam Farooq, Head of criminal division
- Judge Mohammad Sharif, Head of civil division

Provincial Department of Attorney General:

- Mr. Abdul Wali Rashidi, Chief Prosecutor

Department of Justice:

- Mr. Assadullah Hamnawa, Chief Provincial Department of MoJ

Provincial Prison:

- Mr. Haji Sardar, Director, Provincial Prison Sub-directorate
- Mr. Akbar Khan, Deputy Director of Provincial Prison Sub-directorate
- Mr. Aminullah Khan, Logistics Officer of Provincial Prison Sub-directorate
- Mr. Ibrahim Khan, Administrative Officer of Provincial Prison Sub-directorate
- Ms. Lailuma, Female Officer of Provincial Prison Sub-directorate
- Male Staff
- Female prisoners
- Male prisoners

Ministry of Interior:

- Mr. Afzal Khan, Provincial Department of MoI (Head of investigation unit at Provincial Commander, Chief of Police)

Ministry of Women Affairs:

- Ms. Sharifa Azimi, Head of Provincial Department of MoWA

UNAMA:

- Ms. Reiko Hirai, Political Affairs Officer Provincial Office of UNAMA
- Mr. Sakhi Mohammad, Head of Provincial Office UNAMA
- Mr. Ahmad Zubair, Human Rights Officer Provincial Office of UNAMA

Meymaneh:

- Rune Solberg, Commander of PRT Meymaneh
- Sigurd Marstein, Civilian Coordinator, Norwegian Embassy
- Alexander Leirfall, Political Advisor, Norwegian Embassy
- Tameem Lamba, Programme Advisor, Norwegian Embassy
- Roy Hetlelid, Norwegian Police
- Thea Etterlid, Norwegian Police
- Ellen Holtebu, Norwegian Police

USAID:

- Mr. Stephen Meade Smith, General Development Officer for Faryab

Afghanistan Independent Human Rights Commission (AIHRC):

- Ms. Farukh Leqah, Provincial Office of AIHRC

Agency for Technical Cooperation and Development (ACTED):

- Mr. Jawid Akbari, Area Coordinator Provincial Office

Afghan Women Education Centre (AWEC):

- Mr. Abdul Rashid Reshad, Provincial Office of AWEC

Norwegian Refugee Council:

- Engineer Hashim, Programme Manager, ICLA
- Mr. Mohammad Nasir Hakimi, Legal Counsellor

## **Addendum 3: A more detailed description of Prison Advisory Project**

### ***The start of the project:***

In 2005, discussions took place on whether or not to expand the Norwegian police presence at the Police Academy in Kabul in an attempt to expand police coverage in the provinces. According to MoJ information, two police officers were stationed in Faryab from November 2006. The first reference to the prison project is found in a November 2006 formal MoJ letter stating that the possibility of sending prison advisors for up to six months to train staff in the new Finnish-built female prison is currently under consideration. According to officials in the MoJ, this proposal was based on a visit by the Norwegian police to the Meymaneh prison and on a request for assistance from the prison director to the Norwegian-led PRT. At this point there was some uncertainty about the feasibility of the project and a final conclusion was dependent upon staff availability and a MoJ review of the proposal.<sup>28</sup> A final assessment and recommendation on the request to send Crisis Response Pool (CRP) personnel to Meymaneh provincial prison was made by the MoJ on 30.01.2007. In a note dated 07.02.2007<sup>29</sup>, the MFA recommends that prison advisors should be sent to ensure the fundamental right of prisoners. In a State Secretary level (Statssekretærutvalget) meeting on 02.03.2007<sup>30</sup>, a decision was taken to send one police lawyer and two prison advisors to Faryab. In a meeting held on 19.03.2007<sup>31</sup>, the MoJ stated that some requests might be made for support to the prison sector in Faryab as a consequence of prison advisors deployment.

The project was established in May 2007, with the arrival of the first team of advisors. Prison mentoring is thoroughly discussed in the Norwegian Mission of Legal Advisers to Afghanistan (NORLAAF) mission report dated 04.11.2007. The report provides an overview of the initiated projects and states that the advisors have obtained funds from NORLAAF for their projects portfolios. Furthermore, it states that political signals have been given in Norway that the prison project should become the flagship for the rest of Afghanistan. The mission report also proposes posting one of the prison advisors in Kabul, which implies a total of three advisors being sent to Afghanistan. The purpose of the Kabul posting was to strengthen the project's coordination with other key players in the sector, including participation in the Prison Monitoring Group.<sup>32</sup> The posting however, was never followed up.

In a letter to the MoJ in late September 2007, the prison advisors give a brief overview of the situation in Faryab and present some urgent follow-up priorities. The main priority emphasises renovating or building a new male prison, including a mosque. The second priority was the construction of a kitchen with storage facilities. Priority number three stresses the need to renovate existing buildings to be used as a health clinic and educational facilities. The fourth is upgrading the outdoor areas to prepare for physical activities and vegetable cultivation. As a fifth priority, the MoJ emphasises the need to

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<sup>28</sup> Letter from the MoJ to the MFA dated 28.11.2006.

<sup>29</sup> Memo dated 06.02.2007 on Norwegian police and legal international involvement, with priorities for 2007.

<sup>30</sup> Minutes from a 02.03.2007 meeting between state secretaries in the MoJ and the MFA on international police and legal efforts in 2007.

<sup>31</sup> Minutes from meetings of state secretaries, Afghanistan forum 19.03.2007, written by MoD.

<sup>32</sup> NORLAAF Mission report November 2007.

establish a new laundry facility.<sup>33</sup> Information indicates that a separate letter was previously sent to request support for building a new wall surrounding the prison in order to strengthen the security.<sup>34</sup>

The next reference is from an internal review (authored by former team members) of the Crisis Response Pool (CRP) (Styrkebrønnen) in Afghanistan as a whole. The reference described the prison project in Meymaneh as follows: *“Mentors have been mentoring prison management in administrative issues and training of staff, and contributed towards various initiatives and courses to improve material conditions and professional capacity in both the female and male sections.”*

There are quarterly and sometimes bi-yearly reports from the various advisor teams. While the reports do not have a strict reporting format, they do include a list of completed and ongoing projects, the various concerns and difficulties each team had faced, and observations of the overall prison conditions.

The reports received are:

- NORLAAF report August, September and October 2007 also covering Meymaneh
- NORLAAF report November and December 2007 also covering Meymaneh
- March 2008 Activity Report from prison advisor
- NORLAAF report September to December 2008, Meymaneh
- NORLAAF report April to June 2009, Meymaneh
- Response Pool Meymaneh, Annual Report, June to December 2009
- NORLAAF report June to September 2009, Meymaneh
- NORLAAF report January to April 2010, Meymaneh

Based on the documents reviewed so far it appears that the prison advisors have been more or less defining their own activities and objectives. Each team seems to have set out to map and monitor the conditions in the prison, including the facilities, security, qualifications of the staff, services and activities for inmates, etc. There are no specific objectives or targets mentioned. Moreover, it seems as though their own professional experiences in Norway shaped the conceptualisation of their role as advisors at Meymaneh, from their ideas on how prisons should be organised to the methods they used for identifying priorities. The ideal of ‘meaningful sentence serving’ (‘innhold i soningen’) for example, served as an explicit or implicit reference point for identifying needed activities and objectives.

In dialogue with the prison chief, who received praise from all of the advisors for his commitment and cooperation, the teams suggested and developed an assortment of small and large initiatives. The following is a brief synopsis of some of those initiatives.

***Literacy training course for staff:***

This started at some point between September and December 2008. The two advisors stationed there at the time stated in their report that the decision to start literacy training was made after they realised that less than half of the staff was literate. They also pointed out that this initiative is in accordance with goals set by the Government of Afghanistan (GoA), which mandates that from 2010, all government employees must be literate. The cost of the literacy course is 200 USD a month per

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<sup>33</sup> Letter dated 26.09.2007 from NORLAAF Meymaneh to the Ministry of Justice, Oslo.

<sup>34</sup> Through interviews with prison advisors.

teacher (for two teachers), plus 200 USD per month for one course convener. Fifteen staff members, including three women, participated in the course. The staff originally attended 2 hours per day (during working hours) 6 days a week. This was later changed to 2,5 hours a day and 4 days a week. It is reported that the course was evaluated after its first year with good results. Classes are held separately for men and women. Based on their language achievements, two of the female staff members managed to secure permanent staff positions.<sup>35</sup>

It is important to note that the prison advisors report that they have informed the prison chief that the literacy course would have to be funded from the prison budget if it is to continue beyond June 2010.

#### ***Hiring of new female staff:***

The advisors also decided to hire five additional female staff. There was only one female member of the prison staff when the first two prison advisors from Norway arrived in May 2007. The lack of female staff was found to be highly problematic for the female prisoners, who were largely neglected by the male staff members. Additionally, there were rumours about relationships between the male staff and female inmates.

Momentum for hiring more female staff members ensured after one of the advisors attended a prison sector conference in Kabul, where the prison *tashkil* (staffing) requirements were explained, including the literacy and male/female ratio requirements. Therefore, the advisors decided to hire five female staff, since this was in accordance with the official staff/inmate ratio requirements. The salaries were paid by the CRP budget at a cost of 150 USD per month. As pointed out below however, the new staff members were hired without any agreement with the MoJ and MFA. Two of the female staff members were later fired for stealing and another one quit. So, by the end of reporting time only three female staff remained.

#### ***Training of female staff:***

During the spring of 2008, a three-day training course was conducted in cooperation with the female Norwegian police officer for the female prison and police officers in Faryab. The first two days were carried out in the prison and included lectures and practical training. The last day was held at the PRT with a focus on health and first aid.

During the spring of 2009, the female prison staff was trained in body searching, conducted in cooperation with female police officers at the PRT.<sup>36</sup> Finally, during the spring of 2010, a security course was arranged in the PRT in cooperation with two female Norwegian police officers. Seventeen Afghan female police officers and two Afghan female prison officers participated. Self defence and first aid were key topics.

#### ***Other training courses:***

A six-month training course in finance, administration and logistics was initiated in September of 2008 for two prison officers. An external person was hired to do conduct the course. However, the costs of the course could not be ascertained. A few brief courses on ethics were conducted by advisors

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<sup>35</sup> NORLAAF report April to June 2009.

<sup>36</sup> NORLAAF report April to June 2009.

themselves. One of the female advisors also established a course in health and light physical exercise for female inmates, held twice a week.

***Other activities:***

In addition to this, the advisors initiated a variety of smaller projects to improve inmate life. This included the construction of new cells, a basketball court at the juvenile centre, the renovation of two visitor rooms, and attempts to make a vegetable garden to supply the prisoners with vegetables for food and for generating revenues from their sale at the market. A project outline and cost estimate was requested from ACTED and, from this outline, the vegetable garden project was deemed by the MoJ in Oslo to be too expensive. Therefore, a smaller garden project within the female prison was approved.<sup>37</sup>

A proposal to build additional visitor rooms has been forwarded to MoJ and was also taken up by the Minister of Justice during his visit in April 2010. No response from Norway has been received.<sup>38</sup>

The funding for these smaller projects came from a budget supervised by the advisors themselves. The money could be spent according to their own judgement.<sup>39</sup> However, there appears to have been some consternation from the MoJ about this practice, with the ministry seemingly sceptical to either this arrangement in general or the specific way the money was being spent. In particular, both the MoJ and the MFA were displeased when realising that, without any consultation with the ministries, prison advisors had been paying recurrent salaries for female staff since 2007. The agreement to phase this out by February 2009 was blocked when the prison advisors convinced the Norwegian ambassador to voice his disagreement with the decision. Therefore, thanks to the Ambassador's voiced support in January 2009, the salaries continued as did the training for female staff. Budget for this in 2009 totalled 88 200 NOK, allocated from the funds available to the advisors.<sup>40</sup> At the same time, the funding for covering the running costs, including toiletries and food, at the female prison was terminated.<sup>41</sup>

As stated at numerous points so far, deficiencies in communication and coordination between the various project stakeholders were major factors that undermined project comprehensiveness. Indeed, the advisors recognised these deficiencies and expressed regret that, throughout the project, there was limited interaction with the MoJ in Oslo.

***Larger building projects:***

In a September 2007 letter to the MoJ, the prison advisors outlined the need for substantial construction works at the prison in order to strengthen security and to improve the conditions for inmates and staff. Following a dialogue between the Embassy and the PRT, it was agreed that the Embassy would look into the possibilities of financing parts of the unfinished construction work at the Meymaneh prison, which was initiated by Finland in the previous PRT. In March 2008, together with the Development Advisor at the Norwegian embassy office in Faryab and the Norwegian prison advisors, ACTED made a rapid project assessment. Their recommendation was to undertake a full

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<sup>37</sup> NORLAAF report January to April 2010.

<sup>38</sup> NORLAAF report January to April 2010.

<sup>39</sup> Budgetary needs 2008 Response Pool, request for repayment of expenses already occurred in 2008. Stipulation of expenses for minor projects related to the prison in Meymaneh and projects in Kabul. It is unclear how much was allocated specifically for Meymaneh. The PRT in Faryab funded the basketball court at the juvenile centre.

<sup>40</sup> Ref.10/01154-1 Meymaneh. Wage for female prison officers paid by the CRP budget.

<sup>41</sup> NORLAAF report Meymaneh September to December 2008.

feasibility study in order to have a complete survey of the rehabilitation work necessary for bringing the prison in compliance with the stipulations defined by the Afghan MoJ. ACTED was contracted to do the study and the report was submitted to the Norwegian embassy in June 2008. The proposed construction in this report covered the barracks, a clinic, the surrounding walls, a kitchen and a male detention centre. Based on needs identified by the prison advisors, as well the subsequent feasibility study conducted by ACTED the embassy had previously committed to the construction of the surrounding walls and a male detention centre. However following a July 2008 embassy visit to the prison, and upon the request of the Provincial governor and prison director, the embassy decided to fund the entire construction project proposed in the ACTED feasibility report. The building work commenced in the autumn of 2008 and was due to be completed in first half of 2010, although the completion date has been delayed until December 2010.

The advisors followed the construction process, which was implemented by ACTED through hired constructors. They report to have spent quite a lot of time attending meetings with ACTED regarding the building process.<sup>42</sup> Early in the construction period a conflict emerged over the design of the wall. ACTED was building according to the approved design. The prison advisors however, found the design not in accordance with professional judgments and contacted the Central Prison Directorate about their concerns. The Directorate sided with the prison advisors and a revised design was adhered to. According to ACTED, the guidelines for outer walls, as set by the Directorate, had been updated since the original design was made.<sup>43</sup>

In addition, when visiting the prison in May 2009, the ambassador decided to allocate funds for a new main gate to the prison. He asked for a project proposal, which was submitted by the advisors before being approved.<sup>44</sup>

### ***Mapping of district detention centres***

The advisors also reported on activities related to mapping and monitoring the conditions of other prisons. The advisors argued that, since the chief of the Meymaneh prison is also the chief of the other prisons, mapping all the prisons was an important undertaking since it would allow the mentors to more easily influence his initiatives in the district prisons.

In the period of September to December 2008 the advisors reported to have mapped all the district's prisons. A separate report was prepared, recommending scaling down the number of detention centres and constructing new detention centres in the selected districts. Facilities for women should be included. In November 2009, when attempting to visit one of the district detention centres, the advisors came to realise that four out of the nine detention centres had been closed. If any follow-ups of the district detention centres occurred, they appear to have been limited.

### ***Monitoring and following up individual cases:***

There has been a clear understanding that part of the advisors role is to pay particular attention to the situation faced by female inmates. Several of the reports mention attention paid to women's issues, in accordance with the project objective. Some of the prison advisors report that they have followed-up

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<sup>42</sup> Ref.1001154-6 Afghanistan PRT Meymaneh, Norwegian prison advisory project. Reporting June to December 2009.

<sup>43</sup> Interview with Country Director ACTED in Kabul 17.08.2010.

<sup>44</sup> Ref. 07/03331-35 - Afghanistan. Report 01.06. to 15.09.2009 from prison advisors in Meymaneh.

cases where women (and sometimes men) have been imprisoned or sentenced on tenuous legal grounds.

One early case that the advisors followed up was related to a *zina* (adultery) case between a rich girl and a servant boy sentenced to 15 years, reportedly without merit. The advisors obtained the case number and then forwarded it to EUPOL in Kabul. The girl was first moved to a reportedly unsecured shelter in Meymaneh before moving in with relatives following a reconciliation meeting.<sup>45</sup> The same report states that, according to the advisors, most of the cases where women are imprisoned on tenuous legal grounds are easily addressed through some attention and cooperation with other organisations, especially the AIHRC.<sup>46</sup> Furthermore, many women accused of *zina* and other crimes have no legal counsel. The subsequent report gives details of all female prisoners, the grounds for their conviction and the length of their sentences.<sup>47</sup>

It seems that all the advisors have seen it as part of their mandate to investigate and monitor the circumstances of the female inmates. There was some coordination with the legal advisor (LEGAD) during the time that he was there. In their reports, the advisors argue that there is a need for more legal expertise to address the legal situation faced by the prisoners.

***On the future of the prison project:***

According to the advisors reports, it was the intention that the prison project should be evaluated as part of a review of overall Norwegian aid to Faryab. However, in the strategy for the Norwegian presence in Faryab (The Faryab Strategy), there was no decision about the future of the prison project.

In their Activity Report from March 2008, the prison advisors refer to a visit from the upcoming head of the PRT XI and corresponding indicators of a keen interest in the PRT's civilian work, in particular the prison project. His wish was to continue and, if possible, extend the work with the prison.

At the same time, a May 2008 MFA note expresses a more critical view of the NORLAAF, with a particular focus on the lack of proper plans and guidelines. A lot of the professional work is commended, but the dependency on unstructured individual advisor initiatives is a clear concern. The note indicates a need for project refocusing and proposes to use the resources within the antinarcotics channels of UNAMA and/or UNODC. There is no comment about the work of the prison advisors.<sup>48</sup> The shift in MFA attitude towards NORLAAF in Kabul seems related to increasing problems with regards to NORLAAF cooperation with the Americans, referred to in their report of January 2008.<sup>49</sup> This report also refers to complications in transporting the prison advisors to and from the prison, limited by a lack of security and the need to rely on a force protection.

In September 2008, the MFA and MoJ agreed to close down the NORLAAF in Kabul. With references to the assessment done by the embassy, the reasons for closing NORLAAF included the lack of a proper understanding of Norway's long term priorities, the Crisis Response Pool's tendency to work in isolation from broader international sector engagements, the six-month rotation of the personnel, and

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<sup>45</sup> Ref. 1001154-6 – Afghanistan, PRT Meymaneh, Norwegian Prison Advisory project. Reporting 2009 (April - June).

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Memo MFA 26.05.2008.

<sup>49</sup> NORLAAF End Report and Report for November and December 2007, dated 13.01.2008.

concerns about further involvement in the antinarcotics sector as legitimating the extensive corruption in the field<sup>50</sup> The memo from the meeting stated that the prison advisor project will be assessed as part of an overall assessment of the Norwegian development engagement in Faryab.<sup>51</sup>

The third team of prison advisors left Meymaneh in the beginning of June 2010, without a final decision on the project's future. In May 2010, it was decided in a dialogue between MFA and MoJ that the final decision on continuing or terminating the prison project should be based on an external assessment. At the end of July 2010, the MFA and MoJ agreed on a four-month extension of the prison project, from October 2010 to January 2011, with two advisors present to assist in developing management routines for the new male prison facility and training manuals to support the training of the staff. The facility is supposed to be completed by the end of 2010.

During his visit to Faryab in April 2010, the Minister of Justice has indicated that the prison project should be continued. Yet, the embassy seems to be in favour of closing the prison project sooner rather than later. In an email the embassy states that it cannot support the proposed construction of new visiting rooms if this means that the advisors project will be extended.<sup>52</sup>

Contradicting opinions on an extension or termination of the prison project in Meymaneh were also voiced in interviews with officials from both the MFA and MoJ. Their decision will not be made before the completion of the assessment report.

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<sup>50</sup> Letter from the Norwegian Embassy to the MFA dated 18.08.2008.

<sup>51</sup> Minutes from a meeting between MFA and MoJ, dated 05.09.2008.

<sup>52</sup> Ref. 10/01154-7.

## Addendum 4: Overview of direct and indirect costs related to the Prison Advisory Project<sup>53</sup>

### Direct costs:

Allocations to cover the presence of two prison advisors in Meymaneh (wages and additional costs incurred by the prison advisors) from June 2007 to June 2010:

Temporary positions	1 373 000	
Travel expenses	67 700	
Miscellaneous expenses	126 700	
Employers' contribution	137 000	
<b>2007 (7 ½ month)</b>		<b>NOK 1 704 400</b>
Temporary positions	1 964 100	
Travel expenses	143 700	
Miscellaneous expenses	224 300	
Employers' contribution	198 500	
<b>2008</b>		<b>NOK 2 530 600</b>
Temporary positions	2 183 106,61	
Travel expenses	329 894,64	
Miscellaneous expenses	637 470,11	
Employers' contribution	222 987,16	
<b>2009</b>		<b>NOK 3 373 458,52</b>
Temporary positions	956 990,08	
Travel expenses	31 969,20	
Miscellaneous expenses	178 508,09	
Employers' contribution	99 598,45	
<b>2010</b>		<b>NOK 1 267 065,82</b>

Anticipated costs for training period October 2010 to January 2011:

Debiting authorisation 2010<sup>54</sup> up to: NOK 2 165 000  
 Debiting authorisation 2011 up to: NOK 700 000

<sup>53</sup> Direct costs include all expenses related to the presence of two prison advisors in Meymaneh from May 2007 to June 2010. Also included are anticipated costs for four months training from October 2010 until January 2011. Indirect costs cover the total amount of funding for projects initiated by the prison advisors and equipment supplied by them.

<sup>54</sup> The total cost estimate from the MoJ Norway is NOK 2 865 000 for the training period of four months. The proposed distribution between 2010 and 2011 is given by the MFA in a letter dated 30.07.2010 and is subject to change.

**TOTAL DIRECT COSTS TO COVER PRISON ADVISORS 2007 THROUGH 2010 PLUS TRAINING PERIOD:**

**NOK 11 740 472**

**Indirect costs:<sup>55</sup>**

	2008	2009	2010
Rehabilitation/Construction of Meymaneh Correction Centre AFG-08/017 <sup>56</sup>	3 000 000	6 000 000	
Feasibility Study Meymaneh Prison AFG-08/005 <sup>57</sup>		33 815	
Meymaneh Prison Authorities to Norway AFG-09/007 <sup>58</sup>		129 682	
Additional funds estimated based on input from ACTED USD 440.826 equivalent to			2 583 000 <sup>59</sup>

**ESTIMATED ALLOCATION FROM THE EMBASSY IN KABUL NOK 11 746 497**

Allocations during the years 2007 through 2010 were used by the advisors for different purposes, including other wages for prison staff, wages for language teachers, educational materials, materials for inmate workshops, equipment for archive administration, heaters, covers for winter and winter clothing for children, a stove for heating and the replacement of a broken water tank. Costs also include security equipment for the prison, including radio communication and scanning equipment.

In total NOK 400 000

**TOTAL ALLOCATION FROM THE MFA THROUGH THE MoJ NOK 400 000**

**GRAD TOTAL DIRECT AND INDIRECT COSTS: NOK 23 886 969**

<sup>55</sup> The team has only been able to get an overview of costs occurred from the Norwegian embassy in Kabul during 2007 to 2009 and through the MoJ in Oslo during the years 2007 to 2010. Additional funds allocated from the PRT in Meymaneh, from different national and international NGO and from elsewhere have not been included.

<sup>56</sup> Agreement partner ACTED. Information from Norad's Statistical Database.

<sup>57</sup> Agreement partner ACTED. Information from Norad's Statistical Database.

<sup>58</sup> Agreement partner Ministry of Finance. Information from Norad's Statistical Database.

<sup>59</sup> On request from the embassy in Kabul ACTED has informed that they till now have a budget covering actual funds spent and committed for the construction of USD 1,964,898. What has already been transferred is according to ACTED equivalent to USD 1.524.072.

**Norad**

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