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GOVERNMENT OF PAKISTAN  
MINISTRY OF ECONOMIC AFFAIRS & STATISTICS  
(ECONOMIC AFFAIRS DIVISION)  
\*\*\*\*\*

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Islamabad, the 11<sup>th</sup> October, 2011


Subject: - **STRENGTHENING RULE OF LAW IN MALAKAND**

I am directed to refer to UNDP letter dated 4<sup>th</sup> October, 2011 on subject cited above and pleased to attach three signed copies (in-original) of UNDP Project titled "Strengthening Rule of Law Peace & Stabilization in Malakand".

2. UNDP is requested to sign these Project Documents and send one copy (in-original) on priority basis.

Warm Regards.

(Syed Qalab-e-Abbas)

  
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Cc:-

JS (UN/ China), Economic Affairs Division (EAD), Islamabad



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**United Nations Development Programme  
Pakistan**

**United Nations Development Programme  
Country: Pakistan  
Project Document**

**Project Title:** Strengthening Rule of Law in Malakand (SRLM)  
**UNDAF Outcome(s):** Empowerment and equity promoted for poor and vulnerable groups in target Areas  
**Expected CP Outcome(s):** Continuous reinforcement of national and local governance, as well as Capacities of rule of law institutions, and ensuring a strong focus on MDG based human development  
**Executing Entity:** UNDP  
**Implementing Agencies:** UNDP/Pakistan

**Brief Description**

The project would assist promoting Rule of Law through provision of support to the Justice and Security sector in Khyber Pakhtunkhwa Province. The Rule of Law project, being operationalized through this document, aims to promote an enabling environment, which will deepen the ongoing efforts to secure peace and stabilization. Under this project, assistance will be provided for institutional and capacity development to the Rule of Law institutions to ensure effective security services, and speedy provision of justice services. The project will also work with the informal justice institutions so that dispute resolution is trusted, cheap and accessible, and viewed as fair by the local communities. In doing so UNDP will engage with key stakeholders in KP including the Judiciary, Police Department, Local Government Department, prosecution, bar associations, jirgas, CSOs and ongoing justice initiatives. UNDP through this project will ensure linkages with ongoing UNDP programmes and projects. The activities and outputs under the project will enhance confidence and trust of the local communities in the Rule of Law institutions and result in improved law enforcement, speedy justice, including that of informal justice system. The project will help create forums for dialogic and develop a strategy for harmonization between communities, formal and informal Rule of Law institutions.

Programme Period: 2011-2012 and 2013 – 2017  
Key Result (Strategic Plan): Effective, responsive, accessible and fair justice system established, promoting both formal and informal rule of law mechanisms with particular attention to women and the most marginalized and vulnerable  
Atlas Award ID:  
Start date: August 2011  
End Date: July 2014  
PAC Meeting Date: 17 June 2010  
Management Arrangements: DIM

Total resources required: US\$ 15,010,099  
Total allocated resources:  
• Regular: UNDP/BCPR US\$ 1,000,000  
• Other:  
Unfunded budget: US\$ 14,010,099  
In-kind Contributions: US\$ 0

Agreed by Economic Affairs Division (Government of Pakistan)

Agreed by UNDP

**Toshihiro Tanaka**  
Country Director  
United Nations Development Programme  
Islamabad, Pakistan

**ABDUL WAJID RANA**  
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Economic Affairs Division  
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## ACRONYMS

ADB	Asian Development Bank
AM	Anjuman-e-Musalihat
BCPR	Bureau of Crises Prevention and Recovery
CIET	Community Information and Epidemiological Technologies
CBO	Community Based Organisation
CSO	Civil Society Organization
DCO	District Coordination Officer
DFID	Department for International Development
DNA	Damage Needs Assessment
DPO	District Police Officer
DSJ	District and Sessions Judge
DTCE	Devolution Trust for Community Empowerment
FLACs	Free Legal Aid Committees
GJTMAP	Gender Justice Through Musalihat Anjuman Project
HR	Human Rights
IDP	Internally Displaced Persons
IGP	Inspector General of Police
INGO	International NGO
KP	Khyber Pakhtunkhwa
LG	Local Government
LGO	Local Government Ordinance
MA	Musalihat Anjuman
NGO	Non-Governmental Organization
PaRRSA	Provincial Reconstruction, Rehabilitation and Settlement Authority
P&D	Planning and Development
PATA	Provincially Administered Tribal Area
PHC	Peshawar High Court
PCNA	Post Crisis Needs Assessment
SP	Superintendent of Police
UNICEF	United Nations Children's Fund
UNDP	United Nations Development Program
UNDAF	United Nations Development Assistance Framework
USAID	United States Agency for International Development

## I. SITUATION ANALYSIS

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### A. Background

1. Three years of intense extremists activities in the Malakand area adversely impacted the local governance institutions to the extent that local state and its various agencies were either non-functional or physically attacked. The biggest casualty was the formal justice system that virtually broke down. Lawyers were threatened not to entertain the cases and the clients were also prevented from approaching the formal judicial system. The Police staff lost their lives and buildings were ruthlessly attacked and damaged. The courts did not function for most of the time and local government services were disrupted. After the operation by the law enforcement agencies, there was a governance vacuum and the provincial government had to undertake immediate measures to restore the writ of the civilian governance.
2. Restoring access to justice and the rule of law in Malakand division of Pakistan's Khyber Pakhtunkhwa Province (KP) continues to be a challenging task given the complexity of governance structures and the way they have evolved over the last three decades. Malakand is part of the provincially administered tribal areas (PATA) and is subject to the executive authority of the Government of the KP. Provincial laws must be approved by the President and directed by the provincial Governor to be implemented in PATA.

"PATA Regulation of 1975 vested judicial authority in district based deputy commissioners, and empowered jirgas [assemblies] to decide civil and other disputes under the supervision of the revenue officer, thus giving the district bureaucracy and allied local traditional elite's significant authority. As per this law, Pakistan's Criminal Procedure Code was not applicable to PATA. In 1995, the Supreme Court held that PATA Regulation was unconstitutional and decreed that regular courts and mainstream legal system will apply in this area. However, the outreach of formal institutions has remained limited during the last decade thereby causing a governance gap and ineffectiveness of rule of law institutions".
3. Since 2008 efforts to effect peace in this region gained momentum. For instance, in October 2008, the National Assembly passed a resolution laying out principles of government to contain militancy and agreed that political reforms, an increased role for civilian law enforcement agencies in KP and FATA and economic development would be undertaken. However, its implementation has been slow for various reasons. Thus the governance crisis in Malakand, especially Swat, for over a decade became an easy ground for the spread of insurgency. The Nizam-e-Adl Regulation of 2009 a decade later empowered the qazis (Sharia judges) with full powers. This regulation was an ad hoc response to the demand of the militants. However, it gives the implementation powers to the provincial government. The future of this regulation remains unclear.
4. Formal mechanisms involved in delivery of justice in Malakand comprise the following agencies: the formal courts (civil and criminal); prosecution service; the police; and the bar associations. The informal mechanism for delivery of justice entails jirga system. A *Jirga* refers to tribal group of elders nominated by the community and which resolves disputes. The *Jirga* is an old informal legal institution in Pakhtun society since centuries.
5. **Formal Courts:** Justice delivery through the formal lower courts – or “subordinate courts”– is relevant to the citizens of the region. Beneath the Peshawar High Court lie two levels of courts, Civil and Magistrate courts, the courts of first instance for civil and criminal matters respectively, followed

by the District and Sessions courts, which serve as the appellate courts for each. District judges reach the bench through a qualifying examination, and generally serve their entire careers on the bench. Although salaries and allowances have recently been raised relative to other civil servants, they remain less than sufficient; judges are overworked due to the insufficient number of subordinate judges, and work in poor conditions.

6. The average number of cases instituted in the seven districts of Malakand is almost half of that for the rest of the province. This proves that the communities living in the Malakand districts are around half as litigious as the rest of the province. The average number of cases disposed of in Malakand division during December 2009 was slightly less than the averages for the remaining districts and the province as a whole. Per court disposal in Malakand districts is higher than the rest of the province. However, in terms of average court pendency, Malakand courts had more cases compared to the rest of the courts in the province. Similarly, the average number of judges in the Malakand division was lower compared to the province as a whole.
7. **Police:** In KP, the police operations are governed by the Police Order (2002). Unless and otherwise changes are following the 18<sup>th</sup> Amendment Police Order 2002 will continue to be in operation. Police Department is an attached department of the Home and Tribal Affairs Department. The provincial police force is headed by Inspector General of Police (IGP), also known as the Provincial Police Officer (PPO). The IG is assisted by Deputy Inspector General (DIG) of Police who heads the divisional or regional police formation and supervises a number of district police officers (DPOs). Malakand Division also falls under the purview of a DIG, who is assisted by district police officers. The DPO is the operational chief of the district police and responsible for law and order, policing and patrolling, investigation and maintenance of public peace and prevention of crime.
8. In Malakand division, the provincial government has deployed almost 8000 police personnel. However, this is below the sanctioned strength and several vacancies are yet to be filled but this is true for police organization across Pakistan. In addition, a special police force (SPF) has also been recruited given the acute need of police force in the conflict zone. Out of 6,525 sanctioned SPF for Malakand, 5,215 officials have been deployed. In total there are 62 police stations in Malakand Division. The police face the usual public sector constraints such as under-resourced operations, shortage of infrastructure facilities and related equipment such as communications and wireless systems. More importantly, the police service requires orientation and special purpose training to cope with the post-conflict situation and extraordinary security environment disturbed due to terrorism.
9. Since the launch of police reforms in 2002, policing and investigation were separated. However, the investigation staff is limited in number and is overburdened. The total investigation staff is 792 with an average case load of 80.7 per officer. The Criminal Procedure Code requires that a challan or investigation report has to be submitted before the court within two weeks. It is clear that achieving this statutory target is next to impossible for every case. In addition, the recent acts of terrorism and violence require specialized expertise for effective investigation.
10. There is no forensic laboratory in the Malakand region, which further impedes the investigation work. Community policing initiatives are also limited in scope and missing in most areas. The public is still not willing to come forward and cooperate with the police, volunteer as witnesses. This situation requires immediate steps to build community trust and confidence in police operations. There is a dire need to improve the numbers of women police given that there are only 36 women police posted in the entire region against a low sanctioned strength of 81. Community policing

initiatives also lack women's participation. Overall, Malakand police will require support in training, equipment, community policing mechanisms and strengthening to ensure security, undertake effective investigation and prosecution and become agents of furthering rule of law in the region.

11. **Prosecution:** Prosecution service in the KP is governed by KP Prosecution Service (Constitution, Functions and Powers) Act, 2005. The Act creates the KP Prosecution Institution led by a Director General and assisted by regional directors, deputy directors, assistant directors, district public prosecutors, public prosecutors, additional public prosecutors, deputy public prosecutors, assistant public prosecutors, etc. The primary function of the prosecutors is to "safeguard the interest of the public in prosecution of cases before the courts of competent jurisdiction." The Director General is also required to keep liaison with Advocate General to ascertain the progress on legal proceedings pending before the superior courts. Thus far a total of 188 prosecutors are posted in the province. The number posted in Malakand region is far lower than required.
12. The Directorate of Prosecution is under the administrative control of the provincial government. The staff members of the Institution are considered civil servants within the KP Civil Servants Act 1973. At the end of each year, the Director General Prosecution is required to submit to Government a report on the performance of the Institution during the year, and Government shall lay a copy of the report before the Provincial Assembly. Prosecution is the weakest link in the justice system and often non-prosecution of cases results in delays within the courts.
13. **Office of the Advocate General:** Article 140 of the 1973 Constitution creates the office of the advocate general for a province. The advocate general should have the qualifications to become a High Court judge. He is appointed by the governor and holds office during his pleasure. His duty is to give advice upon such legal matters, and to perform such other duties of a legal character, as may be referred to him by the Provincial government.
14. Since 2001, the Local Government Ordinance led to the establishment of elected councils at district, tehsil and union levels, headed by an elected Nazim. This structure existed in the districts of Malakand region as well. However, the role of elected local governments (LG) was undermined prior to the conflict reducing the effectiveness of these LGs. The LG staff left the region, service delivery was stalled and local service infrastructure was destroyed. A key feature of the LG system has been the formation of Musalihat Anjumans that are community based mediation and conciliation bodies to provide quick and inexpensive justice to the citizens.
15. Under LGO 2001 (sections 102 – 106), Musalihat Anjumans (MAs) have been constituted by respective Union Councils, consisting of a panel of community mediators (Musaleheen) whose integrity and good judgment are well-known within the community. The Musalcheen are appointed by Insaaf (justice) Committee, a body that is elected by the Union Council under Section 88(n) of the LGO. Under Section 104 of the LGO, cases may also be referred to MAs by Police and Courts, where proceedings of such cases are pending. The LGO is currently being amended by the provincial government and it is likely that the MAs will continue to work.
16. **District Police:** Under the Police Order 2002, policing is headed by a District Police Officer who has an accountability relationship with District Public Safety Commission and the Province Police Officer. Prior to this arrangement, the governance arrangements in Malakand Division have been shifting with inherent instability.
17. The police performance remains sub-optimal due to lack of personnel, resources and effective training. The recent threat posed by militancy and terrorism has further aggravated the situation. At

present, Malakand Division does not have the required number of officers and personnel. In addition, the communications, facilities, infrastructure are also deficient to meet the extraordinary requirements of the local situation. Most importantly, the lack of sufficient investigation managers and staff results in delay of submission of challans to the courts thereby limiting the capacity of courts to deliver judgments in time,

18. **Access to Justice:** Various models of delivering legal aid include (a) Judi care delivery by way of private practitioners funded on a case by case basis, often through some form of validated certificate (b) In-house duty counsel; (c) Public defenders and (d) Contracted services. The concept of legal aid is a novelty in Pakistan. Only a few public or private initiatives exist to provide access to justice to the unprivileged. In Malakand, three types of legal aid mechanisms can be identified:

- Federal Government –Public Defenders and Legal Aid Ordinance (PDLAO) 2009 (tehsil level and above): The PDLAO 2009 introduced the officers of public defender at the Tehsil level and above. The Public Defenders are required to represent an aggrieved person in a court and to provide him free legal assistance or advice in criminal cases.
- Bar Associations: Pakistan Bar Council established Free Legal Aid Committees (FLACs) down to the Tehsil level in 1999. National Judicial Policy 2009 requires district bar councils to maintain a list of the advocates for provision of legal aid to accused person who cannot afford to hire the services of Counsels. However, prior to appointing any Counsel option of selection from that list should be given to the accused in the interest of justice. Under Rule number four of the High Court Rules Criminal Parts C (1) provides that proper counsel who shall be appointed by the District & Session Judges for providing legal services for the defense of the accused at the Government expenses
- Others NGOs – specific relief: Various human rights NGOs in Malakand facilitate particular sections of society, especially women and minorities, in asserting their rights in courts.

19. In view of the above, the UNDP–supported Strengthening Rule of Law in Malakand (2011-2014) is carefully designed to address related gaps in the justice sector. The project seeks to promote Rule of Law and creates environment that is conducive for peace and stabilization. The project will extend its support for institutional capacity development of the Rule of Law institutions to provide adequate security services, and ensure effective and speedy provision of justice service. The project will as well support efforts to ensure justice system is speedy, trusted, cheap and accessible, and viewed as fair by the local communities. In doing so UNDP will be engaging all actors in KP including the Judiciary, Police Department, existing Alternative Disputes Resolutions Mechanisms, Bar Association, CSOs and all relevant institutions and local initiatives. Furthermore, it is expected to create and strengthen synergies with already existing or nascent initiatives by UNDP, such as the Gender Justice programme, support to Legal Empowerment of the Poor programme and the Devolution Trust for Community Empowerment (DTCE) for improved community-police liaison and community policing. The project will also strengthen the existing Alternate Dispute Resolution mechanism envisaged in the Prosecution Act 2005 Section 4.

20. In summary the factors that affect the performance of justice system can be summarized as below:

- a. Weak capacity of judicial and prosecutorial institutions;
- b. Under-trained and under-resourced Police force;
- c. Absence of effective legal aid mechanisms;
- d. Different legal frameworks operating in the Malakand region;
- e. Limited scope and outreach of community policing;
- f. Poor access to justice at local and grassroots level;
- g. Limited access of women and vulnerable groups to formal or informal justice systems;



## **B. On-going Initiatives**

21. UNDP is currently implementing Sustainable Development through Peace Building, Governance and Economic Recovery in Khyber Pakhtunkhwa funded by Japan. The programme aims at: (i) Strengthening capacities for early recovery coordination; (ii) Support sustainable livelihoods and local economic recovery; (iii) Peace building and social cohesion; and (iv) Strengthening local governance. It identified the need to conduct detailed Rule of Law assessment and programme development. This project complements the objectives of the on-going project.
22. UNDP is currently implementing programs related to the existing different forms of community policing, gender justice and empowerment of the poor. The Gender Justice through Musalihat Anjuman Project (GJTMAP) is an attempt to seek relief for the vulnerable by promoting community based alternative dispute resolution (ADR) systems. ADR platform provided in the Local Government Ordinance (LGO) 2001, in the form of Musalihat Anjuman (MA), is accessible and cost free forum and, therefore, expected to effectively dispense justice to victims of gender violence and address other issues as prescribed by LGO and the Rules of Business (RoBs).
23. The Devolution Trust for Community Empowerment (DTCE), a leading agency formed after the devolution reforms of 2001, is also undertaking community policing efforts by formation of Union Council Public Safety Committees (UPSC). Currently, it is working in several districts across the four provinces of Pakistan and intends to extend the scope of community policing work in the KP and Malakand region. A key dimension of the program is to improve community-police relations that lead to a responsive and citizen oriented police structure at the local level.
24. Supporting Democracy through Parliamentary Development (SDPD –Phase II) is supporting capacity development of parliamentarians, parliamentary officials and civil society partners to strengthen parliamentary oversight and policy guidance. Strengthening parliamentary oversight and women parliamentarians' caucus on peace, security and stabilization would complement this project's objectives.
25. The Asian Development Bank and the World Bank undertook a comprehensive Damage Needs Assessment (DNA) immediately after the conflict in Malakand was over. The results of the DNA have enabled the government to prepare a plan to reconstruct the damaged or destroyed infrastructure including that of the justice sector institutions. As a sequel to this activity, a Post Conflict Needs Assessment (PCNA) has been undertaken and it is identified that actor will focus on the policy domains related to governance and the justice sector. Therefore, UNDP's initiative will be a complementary intervention by working in the field and strengthen the district-based agencies.

## **C. Institutional Capacity and Public Trust**

26. The Police force in Malakand has been the hardest hit by during the conflict; and is still trying to fully recover its former capacities. Scores of police personnel were killed during the conflict and extensive damage to police stations and check-posts took place in the last three years. Furthermore, the lack of effective community-citizen liaison meant that the public does not trust the formal policing agency and is unwilling to come forward with evidence and information against the militants. In view of the need to advance access to justice across Malakand, particular attention needs to be given to the Police. Therefore, capacity development support will be required to increase the citizen trust in the police as well as enable the police to better coordinate with other rule of law institutions.

27. The KP government has also increased the number of local government units and police stations.<sup>1</sup> Therefore, the challenge facing the government is to develop the basic infrastructure of the justice system— including building courthouses, supplying necessary equipment and providing support to the judiciary. Similarly, the prosecutors require specialized training and equipment to strengthen the justice system.
28. The lack of confidence and public trust in institutions is often stated as one of the key impediments to reform. Recent surveys reveal that the tendency is not to trust in the capabilities and the work of their local governments and justice sector agencies. Earlier, the Social Audit has also showed the lack of public trust in police, judiciary and the formal institutions of the state. For instance Social Audit showed little evidence of increased public willingness to contact the police. It stated that in 2004-5, “The police continue to have a bad reputation among the public and this will be hard to change, even as the service from the police improves.” However, the public supported police incentives scheme, for better performance. The use of courts was low and citizens preferred alternative dispute resolution (ADR) mechanisms at the union councils rather than going through the conventional legal system.<sup>2</sup>
29. Culturally, the informal system of jirga in KP is far more trusted and therefore a useful entry point for linking the community-based mediation and dispute resolution through the MAs created under the LGO provisions.

## II. STRATEGY

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### A. Project Strategy

30. This project deals with the formal and informal justice domains of the justice sector and will support the interplay and harmonization within the context of Malakand division. It should be noted that interventions will be launched to promote security, ensure justice and secure entitlements for the citizens especially the poor and the disadvantaged. The approach will entail working with the formal justice agencies such as the Courts, Police, and the Prosecution at the provincial and district levels. To enhance access to justice, legal aid support will be extended through legal aid clinics and increased legal awareness and literacy. At the same time, paralegals will be identified and trained under this project to bridge the citizen-legal system gaps. Interventions with the prosecution department of KP will further strengthen the paralegal initiative and it's linked with Pauper Council. In the informal justice domain, support to jirgas (traditional council of elders) will be designed and an assessments will be undertaken leading to a provincial strategy to increase the harmonization between the formal and informal delivery of justice services. Similarly, for increased responsiveness of the police to citizens, workable models and strategies will be devised that will lead to the preparation and approval of a provincial (including Malakand-specific) community policing strategy that is sensitive to a post-crisis context. Coordination will be ensured with ongoing and planned interventions of UNDP and other development partners working on Rule of Law. The project will as well inform the law, judicial and legal reform identified by RoL PCNA report.
31. The Government of KP in August 2009 approved the Malakand Comprehensive Stabilisation and Socio-Economic Development Strategy that sets out to address the “underlying grievances fuelling the severe unrest and to realise human rights for women and men through partnerships between the

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<sup>1</sup>See, 'Conflict Early Recovery Initial Needs Assessment (CERINA) – Addressing the Governance Challenges in KP and FATA', UNDP, 2009

<sup>2</sup>Social audit of governance and delivery of public services - Pakistan 2004/05 (National report)

government, civil society and the private sector.” The overarching goal of the government for the next five years aimed to improve the security environment, rule of law and improved system of governance for post conflict social and economic recovery in the Malakand Division. Pillar one of this strategy underscored the need for security, justice, and service delivery. The government and its development partners acknowledge that governance issues were at the heart of the militancy and no effort at peace building and stabilisation can succeed without tackling the rule of law and the efficacy of the justice system in the troubled region.

The PCNA framework endeavours to address peace-building issues by responding to four strategic objectives, (i) Build responsiveness and effectiveness of the State to restore citizen trust (ii) Stimulate employment and livelihood opportunities (iii) Ensure the delivery of basic services (iv) Counter radicalization and foster reconciliation.

32. The project contributes to achieving the PCNA vision in a way that the “voices of all people are being heard, the rule of law is deepening, and the State is increasingly accountable”. Hence, peace building is largely achieved through building the capacity and enhancing the legitimacy of public institutions in particular the Rule of Law institutions. The legitimacy of Rule of Law institutions as well citizens’ trust and confidence will be strengthened through responsive and accountable delivery of justice and security services. UNDP’s Rule of Law Programme is aligned to the PCNA strategic objectives and provides a good platform for additional interventions in the Rule of Law sector in post-PCNA phase. It would increase responsiveness of security service providers to citizens’ needs and also enhance the absorptive capacities of communities and CSO to engage in post-PCNA activities. It would also provide evidence base for influencing RoL related policies and actions in the future. With the ultimate goal of ensuring peace and stabilisation through strengthening of Rule of Law in KP and FATA, UNDP envisions the expansion of the Rule of Law programme after its first year in order to fully address and respond to the PCNA’s strategic objectives while building constructive partnerships with national stakeholders, and the development partners.
33. Furthermore, this project will also build upon UNDP’s vast experience in supporting rule of law and justice sector programmes thereby utilizing UNDP’s global comparative advantage in this practice area. The project will help national counterparts in formulating strategies and actions plans and a sound programme implementation approach to ensure national ownership and long-term sustainability based on the lessons learnt from other programmes. The rule of law intervention links its activities with the on-going work under the UNDP Pakistan’s Governance and Poverty focused programmes especially projects relating to community based gender justice and community policing. Synergies will also be created with emerging practice areas within UNDP. Through support to Rule of Law, Peace and Stabilization in Malakand, UNDP will further contribute to promoting peace and security throughout the KP and Pakistan as a whole.
34. The rule of law intervention builds on Pakistan’s National Judicial Policy, which was announced in 2009.<sup>3</sup>The Policy provides strategy and plans for the clearance of backlog, expeditious resolution of disputes and quick dispensation of justice. The policy gives specific attention to timely disposal of criminal cases especially the cases of under-trial prisoners, languishing in jails. Its targets have been communicated to the provincial and district courts and provide a useful framework for establishing the case disposal targets in Malakand. The Policy also sets out short and long term goals of achieving efficiency and effectiveness in the delivery of justice.
35. In line with UNDP’s Strategic Plan, UNDP/BCPR’s Rule of Law, Justice and Security Unit developed and approved its Global Programme on Strengthening the Rule of Law in Conflict and

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<sup>3</sup>*National Judicial Policy: A year for focus on Justice at the Grassroots Level*, National Judicial (Policy Making) Committee National Judicial Policy 2009, Supreme Court of Pakistan, Islamabad.

Post-conflict Situations, 2008-2011.<sup>4</sup>This project follows the objective and approaches identified by the approved UNDP's Global Programme on Strengthening the Rule of Law in Conflict and Post-conflict Situations.

36. UNDP will ensure that gender related issues are well integrated throughout the implementation of the work-plan. UNDP sets up indicators to monitor the inclusion of women in trainings and all other activities as set out in the Results and Resources Framework.

## **B. Deliverables**

The project will provide support and services in four main areas through the following outputs:

### **Output 1: The capacity of district courts to provide effective and timely justice services to the people in Malakand developed and strengthened.**

37. This output contributes to strengthen the capacity of the courts at district level, in Malakand division. The project, through its interventions on developing capacities of the courts will help improve the delivery of justice services in the region. The rule of law institutions in Malakand require a holistic approach, long-term planning and deeper commitment to ensure that justice institutions are able to effectively deliver justice to the conflict affected areas. Special focus will be paid to gender-based violence (GBV) and domestic violence against women
38. The baseline study notes that the district courts are understaffed and not trained in case management and delay reduction techniques. Furthermore, the training of judges is also lacking in the conflict-specific issues and with regard to the Sharia'a laws and the Islamic provisions of the Constitution of Pakistan. To address this gap, the project will support the Peshawar High Court in the development of a strategy to enhance the skills of court staff on certain areas such management of cases, evidence and witnesses. More importantly, in a post-crisis context, the courts have limited capacity on public information, communication, outreach materials, and information technology tools. This output will help address this gap and provide support Malakand courts information centres. The managerial capacities of the PHC, with special focus on Malakand division need to be strengthened. Through this output the project will provide trainings on case filing and management, developing training materials and create a pool of trainers. Further the Project will also establish officers of District Courts Administrator to strengthen the administrative and management capacity of the court houses. This will be conducted on a pilot basis.
39. As per the request made by the PHC, the project will support the PHC to revive and operationalize the concept Amicus Curiae at provincial and district levels. Amicus curiae is an independent person, non-party to the case, who volunteers to offer information to assist a court in deciding a matter before it. The information provided by amicus curiae may be a legal opinion in the form of a brief, a testimony that has not been solicited by any of the parties, or a learned theory on a legal matter that bears on the case. The decision on whether to admit the information lies at the discretion of the court. The revival and application of the concept of Amicus Curiae was identified as a need by the PHC during discussion with UNDP and by operationalizing this concept PHC expects to enhance the capacity to deliver justice expeditiously. It was also noted that the PHC will support the institutionalization of this concept and has significant prospects of sustaining same.

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<sup>4</sup>Strengthening the Rule of Law in Conflict- and Post-Conflict Situations: A Global UNDP Programme for Justice and Security, 2008-2011. New York

40. Translation of laws and procedures into Urdu and/or Pashto (native language in the KP) will also help advance greater access to formal courts. It has been noted that legal professionals at district level experience difficulties applying English drafted laws, which contribute to further delay in the process of the cases. The project will facilitate the translation of selected laws into Urdu. This project will also contribute to focused judicial education with a view to increase the disposal of cases in the Malakand courts and the expected conflicts that may have emerged from returnees in that sense the project will provide training on Criminal, Civil jurisdiction and Islamic law, land and property rights as stipulated in the Constitution. The project will work closely with the existing Judicial training facilities, sub-contract construction firm, deploy national and international trainers and recruit consultants for the implementation of this output.

41. Specific deliverables will include:

- a. 10 court houses in Malakand renovated and equipped.
- b. Support to 10 courts information centres to enhance public information and outreach capacity
- c. 10 facilitation centres to facilitate witnesses attending court cases
- d. Managerial and administrative capacities of the Malakand courts strengthened.
- e. Review and operationalize the Amicus Curiae mechanism at provincial and district level.
- f. Selected laws drafted in English translated into Urdu.
- g. Judges' knowledge on Criminal, Civil Jurisdiction and Islamic law, land and property rights in accordance with the constitution enhanced

**Output 2: Access to justice, legal aid and representation mechanism for men, women and other vulnerable groups in Malakand improved.**

42. The people of Malakand face critical barriers to access to justice, such as: (a) the inadequate recognition of rights within the scope of the formal or informal justice systems, (b) the lack of knowledge of their legal rights and therefore inability to claim them, (c) the lack of free or subsidized legal advice and counsel at local and grassroots level, (d) NGO-provided legal services are small in scale and do not meet demand in districts and towns of the division, and (e) court cases are expensive.

43. Under this proposed output, the project will support the provision of free legal aid services including court representation and legal advice through the establishment of legal aid clinics in collaboration with the Bar Association and community organizations. The clinics will address the immediate legal needs of the most disadvantaged groups (women, children/juveniles, disabled, elderly, remanded prisoners and returnees) in Malakand. To empower the community, the project will support legal awareness raising campaigns to enable communities to claim their rights and demand legal services from both the formal and informal legal systems. The Pauper Councils in consultation with the Director General prosecution will also be used to provide legal aid. This output will manage legal clinics where a wider section of litigants, complainants and aggrieved persons will receive assistance in matters relating to GBV, domestic violence, land, property, tenancy and basic rights.

44. Under this output, interventions will be designed to increase the number of legal professionals with enhanced legal skills, particularly to provide adequate legal aid services to the most vulnerable, through training organized in partnership with bar association and NGOs. The project will provide support for traineeships for newly qualified female lawyers to work with NGOs and legal firms in Malakand. Regular training for existing legal professionals is of paramount importance to achieve

sustainability of this output in doing so legal aid training materials will be developed, given that the numbers of judges, prosecutors and lawyers have increased significantly over the past few years. Support to legal education institutions will also be extended to achieve this output.

45. The project will conduct a review exercise to identify the success stories and analyse project interventions in providing legal aid. The review will be conducted in the second year of the project and will guide the project on steps forward in devising methods and modules to make legal aid sustainable. The report will also propose policy interventions needed to ensure legal aid is available to most vulnerable and advocate it to be part of fundamental human rights. The review will be used as a guide to devise the provincial action plan on legal aid.

46. Specific deliverables will include:

- a. Legal aid services developed, institutionalised and strengthened.
- b. Legal awareness for communities at all levels and duty bearers enhanced.
- c. Support to legal education institutions to strengthen training on legal aid for young legal professionals
- d. Increase number of legal professionals, in particular, among women and disadvantaged groups through support for legal practitioners for long-term investment and sustainable development of Rule of Law in Malakand.
- e. Conduct a review on legal aid initiatives to identify possible areas of sustaining legal aid
- f. Develop a Provincial action plan on legal aid

**Output 3: Informal justice mechanisms provide fair and effective services, in accordance with the Pakistan Constitution and human rights standards**

47. It has been noted that limited capacities of the justice system and civil society constrain them from meeting the justice needs in Malakand region. The project will therefore work closely with the stakeholders in the informal justice system such as jirgas and MAs to identify and train a network of paralegals who will assist the poor and the marginalised to assist in dispute resolution.

48. One of the key constraints in delivering quick and inexpensive justice is the traditional duality between the formal and informal domains of justice sector. Informal justice mechanisms are inexpensive but are not harmonized with the formal justice institutions. The challenge is to achieve harmonization between the two sides and ensure that they work alongside in an efficacious, complementary manner adhering to the Constitution and the fundamental rights guaranteed by the same. Achieving this critical balance is difficult but essential in a cultural environment such as Malakand where the Pashtun norms of tribal justice are strong and accepted by the communities.

49. The formal justice system suffers from a number of problems including long delays in cases being brought before the court, limited capacity of court administration, lack of accessibility to population living in mountainous areas, insufficient resources and a general lack of legal literacy. As a result there is an excessive demand on the informal system because it is seen as an efficient method of resolving conflicts, able to deliver decisions on cases rapidly and more accessible and comprehensible to the rural population.

50. Despite numerous inadequacies, the individuals still seek services from the informal mechanisms. At the same time, it is viewed by a number of legal professionals as discriminatory against women and lacking in organised coordination with the formal system. Thus, it is crucial to create linkages

between informal mechanisms and formal justice system incorporating benefits/advantages and shortcomings/disadvantages of each method.

51. The project will study, conceive and develop comprehensive interventions for potential linkages between formal and informal justice systems in the Malakand. This study will need to be endorsed by the two sides, and mechanisms will be established to ensure proper implementation of the recommendations, for example, with the participation of university law faculty students to allow them to build hands-on experience. It is anticipated that given the huge quantum of unmet justice needs, as the conflict phase of past few years indicates, multiplicity of justice mechanisms will empower local populace provided that there is harmonization between such mechanisms.
52. Selected individuals from communities as paralegals will be trained to support the jirgas and achieve improved outcomes of their deliberations. Paralegals will also work as referral mechanism; they will link communities with legal aid clinics to maximize the legal aid services. In doing so UNDP will outsource trainings at community level through competitive process. International and national consultants will be recruited to develop the study on the harmonization of the formal and informal justice system.
53. Specific deliverables will include:
  - a. Conduct a comparative analysis / study between formal and informal justice systems and implement recommendations of the study.
  - b. Improve dispute resolution at community level through paralegal network.
  - c. Provision of support to local alternative mechanism to provide fair and justice services to community members in the Malakand.
  - d. Harmonisation and complementarities of different justice systems promoted, according to Pakistan Constitution and human rights standards.

**Output 4: The police provide effective security and protection to the Malakand people, citizen's trust and confidence is enhanced, criminal investigation and prosecution are improved and civilian oversight mechanisms are in place.**

54. The goal and principal objective of any criminal justice system is the effective and efficient delivery of justice. The administration of the Police and Prosecution; the central players, in the criminal justice system must be guided by the cardinal maxim that justice must be manifestly seen to be done at all times. To achieve this status in service delivery the central players in the system needs to be well equipped and geared to serve in a manner upholding rule of law. Thus the state agencies have to ensure that the police service is well staffed, adequately equipped and trained, citizen-responsive, and accountable.
55. The role played by Police is particularly important in the aftermath of crisis in Malakand. Presently among other functions, the Police have also been entrusted with the arduous task of instituting judicial processes to try suspects detained under the charges on terrorism. The numbers of such cases remain high and requires considerable amount of time to prepare the relevant documents including the FIRs.
56. Similar, to the sub-continent, conviction rate of Pakistan is very low. Many reasons can be attributed to the current situation of high acquittals. Lack of specialized investigation skills, lack of training opportunities, lack of equipment, under staff , low capacity of prosecution and the lack of

coordination between the police and the prosecution are some of the key attributes that results in high acquittals ,leading to low conviction rates. Furthermore, in the context of Pakistan and KP, the law requires the police to effectively analyse information and investigate criminal cases within a prescribed time (14 days) limit. Such specialised skills including knowledge on forensic are missing from the Police. Thus the state of the policing, prosecution, investigation and the criminal justice system as whole in Malakand require urgent attention.

57. In the post-conflict scenario, support to the components of the criminal justice system is vital. In this context, output 4, will enhance the capacity of the police in information analysis, advisory support training on interviewing skills, crime scene management and search techniques. The project will support the KP police Department's comprehensive training strategy, titled 'Human Response Development Initiative' (HRDI), maintaining a special focus on investigations and related techniques. The HRDI takes a very inclusive approach, covering all concerned and related areas on human resource development. The initiative was developed by the KP police Department and is supported by the Home Department of KP.
58. The prosecution yet another weak link in the system, currently functions with bear minimum capacities. The project will support the prosecution to develop an action plan to enhance capacity of its offices in line with the Establishment of the Directorate of Human Rights & its District Based Resource Centers with Integrated Facility for Public Prosecutors, Government Pleaders & Probation Officers of KP .The strategy will include and identify areas for in-service training and other specialized trainings as well as overall support to the district prosecution offices to create better working environment. The project will create a provincial electronic monitoring cell linking district prosecution offices with provincial one.
59. The deficiencies and lack of capacities related to investigations of crime, needs urgent attention. Due to gaps in the systems and capacity a considerable number of criminal cases fail. Thus the project will focus on developing a specialized training curriculum along with the other trainings for police and prosecution which would have a specific focus on investigations and supervision related to investigation. The training curriculum will be designed taking into deliberation, aspects of investigation relevant police and prosecution. It will entail a common session for the two constituents which would be used as a forum to enhance coordination. This initiative on a longer term will support the concept of establishing a Provincial Investigation Institute/School envisaged by the Police and Prosecution of KP.
60. The training package designed for the Police and the Prosecution will be well informed by the Training Needs Assessment (TNA) conducted by the project. The TNA which will be a common tool for the project, will assess the training needs of all project target sectors, including the police, prosecution, judiciary, the Bar Association and CSOs. Training modules will be developed under close guidance of the project and in close consultation with the relevant counterpart departments. The TNA will serve as a clear guide to devise the training modules. The project will work with the state training faculties and use existing training infrastructure. During the initial phase of the training, expert national and international trainers will be deployed, to create a pool of master trainers, this group will be then positioned to conduct trainings for the respective departments .The project envisage that the process of creating a pool of master trainers, will contribute strongly to institutionalize the training modules and ensure sustainability.
61. To bridge the current coordination gap between the police and the prosecution the project will work closely with the police and prosecution to strengthen the Criminal Justice Coordination Committee (CJCC). This committee derives its mandate from the Police order 2002, and is currently convened



at the district level. The committee will be the entry point for the project to expand and enhance coordination between the two entities.

62. Community-citizen liaison is essential to ensure the demand is matched by supply of police services. Furthermore, to ensure institutional links between police and communities, the project will provide the technical advisory support to establish a unified community-policing concept in KP. The project will also help the provincial government and district government to devise community policing strategies that are particularly tailored to meet the institutional and governance needs of a post-crisis situation. Developing, testing and adopting such a strategy would be essential at strategic level to ensure a unified approach to community policing and at local level enhance citizen confidence in police services. Community policing expert will be deployed to assess of the existing community police practices, introducing unified concept and to advise on how to positively build collaborative partnership between law enforcement officers and communities in problem solving. Given the public perceptions on Police, this project will also deploy an expert to develop and strengthen an internal oversight mechanism to process corruption allegations against police officers that include development of codes of conduct.

63. Specific deliverables will include:

- a. Review and redesign the police in-service training curriculum in line with HRDI
- b. Devise a comprehensive training mechanism on investigation including forensic investigation tools targeting police and prosecution with special focus on post-crisis needs\*
- c. The capacity of the prosecution strengthened through training and provision of other support.
- d. Centralize monitoring data base installed at the Prosecution office in Peshawar
- e. Coordination among key stakeholders in the criminal justice system strengthen
- f. Confidence and trust in the police by the communities enhanced and oversight mechanism is in place.
- g. Community policing concept defined and operational/pilot tested.

### C. Partnership Strategy

64. This project will be implemented and delivered in support of the government's Malakand Reconstruction Strategy. The Project will follow the Direct Implementation Modality (DIM) which has been already agreed by the key provincial stakeholders. It will be executed in coordination and cooperation with relevant partners including KP Judiciary, KP Police Department and Law, Planning Department, DCOs, Local Government Departments, Commissioner Malakand, Home and Tribal Affairs Departments, including Directorate of prosecution at provincial level, academic and training institutes, Bar Associations as well as with Non-governmental Organisations (NGOs) and Community Based Organisation (CBOs) working on justice and security issues.

65. In addition, it will seek to consult stakeholders and ensure their feedback is channelled efficiently into the project Results & Resources Framework. The Rule of Law project will partner with Friends of Democratic Pakistan and other UN Agencies and service providers (NGOS and INGOs) to maximize in-country resources for delivery of specific outputs.

66. The project will as well rely on close working relationships with other initiatives such as ADB's forthcoming support for access to justice and UN programmes active in the targeted areas. The UNDP Regional Centers such the Justice Team in Bangkok Regional Centre and UNDP's Bureau of Crisis Prevention and Recovery can be called upon to provide technical inputs to key phases of the project and its components. UNDP through the Programme Management Team will ensure effective and efficient implementation of the programme. Partnership with internal and external actors will be

instrumental to the project's success. The programme will rely on close working relationships with other UNDP initiatives in the areas of Governance, Poverty and Crisis Prevention.

67. The project will also work in close collaboration with other development partners based in KP. To ensure, interventions remain unduplicated and cohesive the project will established a working group consisting of donors including USAID, ADB and the key government stake holder such has the Planning and Development Department. The working group would be convened once a month and will be maintained as a forum to share information and mutual interests
68. The security situation in KP and in particular Malakand division requires sub-contracting modality and recruitment of UNDP national staff , which allow fulltime presence in Peshawar in addition to UNDP management and full control of administrative issues. Since enhancing the capacity of the justice system is the main objective, provision of technical advisory support will be imperative. Thus the Project will be instrumental to deploy short-term international and national advisors and expert in trainings, community policing, legal aid and institutional development during the implementation period.

#### **D. Exit strategy**

69. UNDP through this project will ensure the sustainability of its interventions. It will develop training materials, create a pool of national trainers, and develop strategy to be adopted by the state organizations working with the project. The international and national experts will closely work with respective departments to enhance in-house training and technical capacities. The training programs will commence with a Training of Trainers (TOT) program which would be designed to create an in-house training pool. The experts would then phase off and the master trainers will take over the role of training and conducting capacity building programs. The Project will facilitate refresher programs for the trainers to ensure and maintain quality of the training. The Project will also collaborate with professional organizations and national / provincial level civil society organizations; through which it will enhance and strengthen the capacity of the CSOs.
70. Measures to sustain interventions initiated by the project will be inbuilt in all project activities. Project Review Board will be informed of the progress in the quarterly meetings to be held in Peshawar. This will provide further opportunities to the project to strengthen its efforts to ensure sustainability of its interventions.
71. The midterm review report will serve as the base document to craft the exit strategy of the Project. Followed by intensive consultations with relevant counterparts, donors and development actors working in the justice sector to further enlighten the process of designing the exit strategy. The review report will also clearly spell the lessons learnt and best practices of the project and will set out unequivocally the recommendations and steps forward.

### III. RESULTS AND RESOURCES FRAMEWORK

#### RESULTS AND RESOURCE FRAMEWORK

OUTCOME INDICATORS AS STATED IN THE COUNTRY PROGRAMME RESULTS AND RESOURCES FRAMEWORK, INCLUDING BASELINE AND TARGETS:

*Improve security and access to justice for men and women in the Malakand division*

**Baseline:**

- Security and breakdown of the Rule of Law
- Delay in the delivery of justice and security services due to the limited capacity of the Rule of Law institutions
- Lack of swift access to justice resulted in lack of confidence and trust in the formal Rule of Law institutions.
- Increased access to the informal systems
- Limited knowledge on Islamic Laws (Sharia'a) as per the Pakistan Constitution
- Limited capacity of case management.
- Limited investigation and prosecution capacity due to the lack of trained law enforcement officers
- Limited analytical capacity to threats and lack of strategic response to emergencies.
- Lack of gender sensitization

**Indicators:**

- Filing and case management system in place
- Number of functioning court houses
- Legal aid strategy in place
- Amicus Curiae mechanism at provincial and district level developed and adopted
- Number of police stations
- Number of law enforcement officers, judges, prosecutors and lawyers trained
- Community policing strategy in place
- Number of criminal and civil cases processed
- Number of women trained

**PARTNERSHIP STRATEGY:**

This project will be implemented and delivered in support of the government's Malakand Reconstruction Strategy. It will be executed in coordination and cooperation with relevant partners including KP Judiciary, KP Police Department and Law, PaRRSA, DCOs, Home and Tribal Affairs Departments at provincial level, academic and training institutes as well as with Non-governmental Organisations (NGOs) and Community Based Organisation (CBOs) working on justice and security issues. It will work closely with other duty bearers such as the Bar Association at provincial and district levels as well as other institutions working on justice issues. In addition, it will seek to consult stakeholders and ensure their feedback is channelled efficiently into the project Results & Resources Framework. The Rule of Law project will partner with Friends of Democratic Pakistan and other UN Agencies (UNHCR, UNICEF, UNIFEM, UNDOC and UNHabitat) and service providers (NGOs and INGOs) to maximize in-country resources for delivery of specific outputs. The Project will as well rely on close working relationships with other initiatives such as ADB's forthcoming support for access to justice and UN programmes active in the targeted areas. The UNDP Regional Centers such as the Justice Team in Bangkok Regional Centre and UNDP's Bureau of Crisis Prevention and Recovery can be called upon to provide technical inputs to key phases of the project and its components. UNDP through the Programme Management Team will ensure effective and efficient implementation of the programme. Partnership with internal and external actors will be instrumental to the project's success. The programme will rely on close working relationships with other UNDP initiatives in the areas of Governance, Gender and Crisis Prevention.

**PROJECT TITLE AND ID (ATLAS AWARD ID): STRENGTHENING THE RULE OF LAW, PEACE & STABILIZATION**

INTENDED OUTPUTS	OUTPUTS	INDICATIVE ACTIVITIES	OUTPUT TARGETS (YEARS)	RESP. PARTIES	BUDGET
<p><b>1. The capacity of courts to provide effective and timely justice services to the people in Malakand built and strengthened.</b></p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> <li>- Courts houses and facilities in Malakand heavily damaged.</li> <li>- More than 10 years of case backlog in the district courts in Malakand.</li> <li>- Lack of proper case management system in place.</li> <li>- Lack of trained staff or judges on filing system and case management.</li> <li>- Limited information on justice services in rural</li> </ul>	<p>1.1 Functioning court houses in Malakand.</p> <p>1.2 Outreach to rural areas expand through information centres</p> <p>1.3 Case management and administrative capacities of the KP Judiciary, with special focus on Malakand division strengthened.</p> <p>1.4 concept of Amicus Curiaerivived and functioning at district level.</p>	<p>1.1.1 Rehabilitation of 10 court houses and provision of IT equipment in selected areas in Malakand.</p> <p>1.2.1 Support to the information centres to enhance public information and outreach capacity targeting all levels of communities in Malakand.</p> <p>1.2.2. Renovation and equipment of 10 facilitation centres for litigants.</p> <p>1.3.1 Conduct trainings on case filing and case management targeting Judges and court staff.</p> <p>1.3.2. Provision of transport facilities to the court staff</p> <p>1.4.1 Review and</p>	<p><b>Year 1:</b></p> <ul style="list-style-type: none"> <li>• Baseline study and research</li> <li>• 3 district courts and information centre and facilitation centres renovated and equipped</li> <li>• Review Amicus Curiae mechanism at district level.</li> <li>• Operational support to Amicus Curiae at selected districts.</li> <li>• 2 trainings on case filing and management targeting 100 judges and courts' staff organised and conducted</li> <li>• Case monitoring and evaluation system in place.</li> <li>• Public information materials developed and available in all courts and public facilities.</li> <li>• 15 motorcycles provided to courts staff.</li> </ul> <p><b>Year 2</b></p>	<p>Judiciary, District Coordination Office, training institutes (to be identified) NGOs and UNDP.</p>	<p>Renovation &amp; Rehabilitation of court houses \$1,200,000</p> <p>Consultancies \$170,000</p> <p>Furniture &amp; IT equipment \$215,000</p> <p>Research, training materials &amp; translation \$350,000</p> <p>Support to Amicus curiae \$150,000</p> <p>Trainings \$620,237</p> <p>Workshop &amp; conferences \$65,000</p> <p>Transport equipment \$15,000</p> <p>Mic &amp; sundries \$75,000</p>

<p>areas</p> <p><u>Indicators:</u></p> <ul style="list-style-type: none"> <li>• 10 Functioning court houses in Malakand division</li> <li>• Operationalized strategy to reduce criminal and civil cases backlog.</li> <li>• Launch of 3 training courses on filing and case management targeting judges and courts' staff.</li> <li>• Amicus Curiae mechanism operationalized.</li> <li>• Knowledge of judges in criminal, civil &amp; Islamic laws enhanced.</li> </ul>	<p>1.5 Selected laws drafted in English translated into Urdu.</p> <p>1.6. Judges' knowledge on Criminal, civil jurisdiction &amp; Islamic laws enhanced.</p>	<p>operationalize the Amicus Curiae mechanism at provincial &amp; district level.</p> <p>1.5.1 Support to translation of laws into Urdu language.</p> <p>1.6.1 Conduct training on criminal and civil jurisdiction, procedure and Islamic laws targeting judges</p>	<ul style="list-style-type: none"> <li>• 5 district courts and information centre and facilitation centres renovated and equipped</li> <li>• 3 training on filing and case management, targeting 150 numbers of judges and courts' staff are organised and conducted.</li> <li>• Reducing criminal and civil cases backlog through, Amicus Curiae mechanism, is implemented</li> <li>• Review report on the work of the courts and case processing, issued and shared with all partners to the project for improvement and recommendations.</li> </ul> <p><b>Year 3</b></p> <ul style="list-style-type: none"> <li>• All 10 district courts and information centre and facilitation centres renovated and equipped</li> <li>• Public perception of courts performance improved</li> <li>• Amicus Curiae mechanism at district and provincial level is functioning.</li> <li>• Evaluation and review report on the work of the courts throughout the 3 years of the programme lifespan published and shared with all partners.</li> </ul>
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<p>2. Access to justice, legal aid and representation mechanism for men, women and other vulnerable groups (Returnees &amp; children) in Malakand improved.</p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> <li>Limited legal aid capacity</li> <li>Lack of legal awareness</li> <li>Lack of trust in the justice system</li> <li>Limited capacity of NGOs working on justice issues</li> <li>Rapid assessment through consultative meetings with Rule of Law actors in Malakand.</li> </ul> <p><u>Indicators:</u></p>	<p>2.1 Legal aid services developed, institutionalised and strengthened.</p>	<p>2.1.1 Provision of grants to NGOs to expand and enhance their capacity to provide legal assistance to men, women, IDPs, children, girl child, and other vulnerable populations in Malakand division.</p> <p>2.1.2 Support to establishment of legal aid clinics and Pauper Councils.</p> <p>2.1.3 Support to women's organisations to provide legal assistance to women.</p> <p>2.1.4 Developed of training materials on legal aid.</p> <p>2.1.5 Development of legal information materials in Pashtu, Urdu, and other local languages in Malakand division.</p> <p>2.1.6 Conduct legal aid training for CBOs, NGOs, informal justice system, lawyers, prosecutors, police, law enforcement officers and law students.</p> <p>2.1.7 Support to the establishment of legal aid coordination body comprises of NGOs, CBOs representatives, Bar Association, Informal justice system legal professionals and</p>	<p><b>Year 1:</b></p> <ul style="list-style-type: none"> <li>2 legal aid clinics established and functioning in two selected districts in Malakand.</li> <li>Selected lawyers from districts in Malakand trained on legal aid.</li> <li>Support provided to 3 women's organisation enhances their capacity to provide legal assistance.</li> <li>5 Scholarships provided for law female graduate and post-graduate law students.</li> <li>20 Females newly qualified lawyers supported to undertake traineeship with different NGOs and legal firms in Malakand.</li> <li>2 forums organised to discuss legal aid coordination mechanism. With the participation of all actors in the Malakand.</li> <li>3 media campaigns launched, to raise the awareness of communities on legal rights and legal aid.</li> <li>2 legal aid trainings organised, targeting 100 individuals from NGOs, CBOs, informal system, lawyers, law enforcement officers, prosecutors and law students.</li> <li>2 information sharing meetings organised with the participation of communities, legal professional, law enforcement, and provincial Gov. on legal aid and legal awareness.</li> <li>Development of training materials on legal aid.</li> </ul>	<p>DCO NGOs, CBOs, Women's Organisations, Faculties of Law, Office of the prosecutor in Malakand, Bar Association, Community leaders, informal justice system and UNDP.</p>	<p>Sub-contracting (CS Grants) \$450,000 Trainings \$ 530,000 Consultancies \$ 195,000 Training &amp; outreach materials \$ 515,000 Research and support to legal professionals \$ 220,000 Workshops &amp; conferences \$ 170,000 Establishment of legal aid clinics \$600,000  Mic &amp; sundries \$ 75,000</p>
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<ul style="list-style-type: none"> <li>• Minimum of 4 functioning legal aid clinic in each district in Malakand.</li> <li>• NGOs provide legal assistance and legal aid services in all Malakand.</li> <li>• Increase in the number of people accessing the justice system.</li> <li>• Increase in number of cases processed through legal aid services.</li> <li>• Increased of reported cases of SGBV and Domestic Violence</li> <li>• Increase number of female legal professionals in Malakand division</li> <li>• Increased number of female law students from Malakand division</li> <li>• Development of</li> </ul>	<p>2.2 Legal awareness for communities at all levels and duty bearers enhanced.</p>	<p>Law students.</p> <p>2.1.8 Support to legal aid clinics to disseminate public information on Judicial and Security services.</p> <p>2.2.1 Conduct of legal awareness media campaigns, in collaboration with journalists and Radio stations targeting communities in KP.</p> <p>2.2.2 Conduct periodical regular meetings with communities, NGOs, CBOs, legal professionals, law enforcement officers and Provincial Gov. for information sharing on issues related to legal aid, legal representation and legal awareness.</p>	<ul style="list-style-type: none"> <li>• Development of information materials in different local languages in Malakand.</li> </ul> <p><b>Year 2</b></p> <ul style="list-style-type: none"> <li>• 6 NGOs capacity enhanced to provide legal assistance services in all districts in Malakand division.</li> <li>• 4 legal aid clinics established and functioning in 4 districts.</li> <li>• Support to 5 women's organisations to provide legal assistance.</li> <li>• 10 scholarships provided for law females graduate and post-graduates</li> <li>• 40 females and male newly qualified lawyers supported to undertake traineeship in NGOs and legal firm in Malakand.</li> <li>• 6 media campaign launched to raise the awareness of communities on legal aid and RoL.</li> <li>• 4 legal aid training conducted targeting 200 individuals from community on legal aid work.</li> <li>• Continue distribution of information materials in all Malakand district.</li> <li>• Commence of documentation and research on land ownership cases</li> <li>• Review report on the legal aid work on the Malakand and suggested</li> </ul>	
<ul style="list-style-type: none"> <li>• Increase number of legal professionals, in particular, among women and disadvantaged groups, through support for legal education in law</li> </ul>	<p>2.3 Increase number of legal professionals, in particular, among women and disadvantaged groups, through support for legal education in law</p> <p>2.3.1 Support for traineeships for newly qualified lawyers (priority will be given to women) to work with NGOs and Legal firms in Malakand division.</p>			

<p>legal aid training materials</p> <ul style="list-style-type: none"> <li>Development of public legal information materials in all local languages</li> <li>Research and recommendation on GBV and Gender justice</li> <li>Legal aid national action plan</li> </ul>	<p>facilities for long-term investment and sustainable development of Rule of Law in Malakand.</p>	<p>2.3.2 Support to the establishment of documentation and research systems on GBV Domestic violence cases and gender justice.</p> <p>2.3.3. Support to researches on (Land tenure, Informal Justice systems etc)</p>	<p>improvement and recommendations to be undertaken.</p> <ul style="list-style-type: none"> <li>Legal aid national action plan developed Year 3</li> <li>Legal aid clinics established in all districts of Malakand</li> <li>Legal aid national action plan endorsed by Provincial Gov.</li> </ul>	
<b>TOTAL BUDGET OUTPUT 2</b>				
<p>3. Alternative justice mechanisms provide fair and effective services in accordance with the Pakistan Constitution and human rights standards.</p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> <li>Traditional Justice systems are well anchored and respected in Malakand culture, they delivered</li> </ul>	<p>3.1 Improve dispute resolution at community level through paralegal network.</p>	<p>3.1.1 Support to specialized NGOs to train paralegals from community on dispute resolution</p> <p>3.1.2 Support to the establishment of paralegal network / strengthen the exiting network for Malakand district through specialized NGOs and CBOs.</p>	<p><b>Year 1:</b></p> <ul style="list-style-type: none"> <li>100 Community leaders from Malakand (men and women) selected as paralegals</li> <li>3 training sessions on dispute resolutions targeting the selected paralegals.</li> <li>100 paralegals trained on dispute resolution and commence their work in Malakand division</li> <li>Development of paralegal network in Malakand</li> <li>Designing of educational materials on dispute resolution in different local languages.</li> <li>Completion of survey on the demand for justice services using Sharia'a, customary and Jirga mechanisms.</li> <li>3 training sessions on Pakistan</li> </ul>	<p>DCO, Union Councils, NGOs, Community Leaders, Jirgas, Pakistan Bar Association, Prosecution department and UNDP</p> <p><b>\$2,755,000</b></p> <p>Trainings \$ 660,000 NGO small grants \$ 320,000 Consultancies \$ 150,000 Development of training and public information materials \$ 180,000 Workshop &amp; conferences \$ 80,000 Studies and researches institutionalize formal &amp; informal justice system linkages \$200,000 Support to female legal</p>



<p>justice service in most part of Malakand division.</p> <ul style="list-style-type: none"> <li>Jirga system is affected with violence.</li> <li>No data is available to assess the current situation.</li> <li>Women don't enjoy equal rights in Jirga system.</li> <li>New emerging potential conflicts on Land tenure and violence against women among IDPs</li> </ul>	<p>3.2 provision of support to Jirga and other local alternative mechanism to provide fair and justice services to community members in the Malakand division</p>	<p>3.1.3 Systemized paralegal dispute resolution mechanism through producing and distributing educational materials to reach communities.</p> <p>3.1.4 Monitor and review the impact of the paralegal dispute resolution mechanism on reducing conflicts in the districts</p> <p>3.2.1 Support to the development of mapping survey on the demand for justice services using the Customary, Sharia'a, and Jirga mechanisms</p> <p>3.2.2 Conduct of training on Pakistan Constitution.</p> <p>3.2.3 Conduct of training on Sharia'a under Pakistan Constitution</p> <p>3.2.4 Conduct of training on human rights under the Pakistani Constitution and provincial laws, with special focus on land tenure laws.</p> <p>3.2.5 Conduct of discussion forums on Human Rights in and best practices from different Islamic countries, in particular on human rights.</p>	<p>Constitution, Shari'a as source of laws under the Pakistan Constitution and women's rights under the Islamic Laws and Sharia'a organised targeting 100 (Jirga &amp; para-legal).</p> <ul style="list-style-type: none"> <li>1 training on domestic land tenure laws (50 Jirga &amp; 50 paralegal)</li> <li>2 forums of discussion on Human Rights in Islam.</li> <li>100 paralegals trained on Musalihat Jirga Rule 2006</li> <li>3 legal awareness campaigns conducted targeting communities.</li> <li>Commence and completion of the comprehensive study on potential linkages between formal and informal justice systems in Malakand.</li> <li>1 forum of dialogue to discuss collaborations, gaps and potential of harmonization between justice systems in Malakand.</li> </ul> <p><b>Year 2</b></p> <ul style="list-style-type: none"> <li>Additional 100 paralegal trained on dispute resolution and deployed.</li> <li>Continuation of training on the constitution, women's rights and domestic laws of land tenure and domestic violence targeting 100 legal professional/paralegal/jirga).</li> <li>Continuation forums on Human Rights in Islam</li> <li>Organisation of one meeting to discuss the implementation</li> </ul>	<p>professionals \$150,000 Mic &amp; sundries \$75,000</p>
<ul style="list-style-type: none"> <li>Improved tools on conflicts and disputes resolution practiced among communities in Malakand</li> <li>Jirga identify areas for reform in the informal systems</li> <li>Progressive perception on women's rights and human rights</li> </ul>				

<p>compare to the old one.</p> <ul style="list-style-type: none"> <li>• Functioning paralegal network on dispute resolution in Malakand division</li> <li>• Full collaboration between the formal and informal systems in Malakand</li> </ul>	<p>3.3. Harmonisation and complementarities of different justice systems promoted, according to Pakistan Constitution and human rights standards</p>	<p>3.2.6 Conduct training on the implementation of the Musalihat Jirga (Constitution and functions) Rules 2006 targeting paralegals and the legal profession.</p> <p>3.2.7 Conduct legal awareness raising campaigns targeting Malakand communities on Musalihat Jirga.</p>	<p>mechanism of the recommendation of the study, with the participation of members of formal and informal justice systems</p> <p><b>Years 3</b></p> <ul style="list-style-type: none"> <li>• Review and evaluation of the paralegal work and impact on reducing conflicts in communities</li> <li>• Establishment of harmonization mechanism of the formal and the informal justice systems in Malakand.</li> <li>• Network of paralegal established and functioning.</li> <li>• Implementation of Musalihat system in all Malakand</li> </ul>	
		<p>3.3.1 Deploy and recruit a national expert to conduct a comprehensive study and develop recommendations on potential linkages between formal and informal justice system, good practices, gaps, collaborations and disputes between the statutory law and the Jirga justice systems in Malakand division.</p>		
		<p>3.3.2 Establishment of forums of dialogues with the participation of Jirga, legal professional, NGOs, CBOs</p>		

	and paralegals on the potential of harmonization of formal and informal justice systems..		<b>\$1,815,000</b>
<b>TOTAL BUDGET OUTPUT 3</b>			
<p><b>4.</b> The police provides effective security and protection to the Malakand people, citizen's trust and confidence is enhanced, criminal investigation and prosecution are improved and civilian oversight mechanisms are in place</p> <p><b>Baseline:</b> Limited capacity on training. 7% of convictions in murder cases in the whole KP 49% of murder cases are disposed by police investigation with "final <i>chaltan</i>" Unclear concept of community policing <b>Indicator:</b> 6000 police received induction training to respond to post-</p>	<p>4.1. The capacity of the police to assess security threats, gather and analyse information and take operational decisions to secure the population of Malakand division</p> <p>4.2 Capacity of criminal investigation and prosecution in the Malakand improved.</p>	<p>4.1.1 Conduct training needs assessment for project focus sectors within the justice system/ Review the induction/in-service training curriculum/materials to respond to post-conflict needs. 4.1.2 Master trainers identified and training modules based on TNA devised 4.1.3 Conduct training based on recommendations made on the TNA (Including Investigation Supervision)</p> <p>4.2.1 Conduct training on interviewing skills, crime scene management and search techniques for investigation wing police officers and prosecution staff 4.2.2 Conduct training on investigation and prosecution of cases of GBV and domestic violence. 4.2.3 Develop a strategy on evidence management and strengthen services for law enforcement including support to the efforts of setting up a forensic laboratory 4.2.4 Conduct training of police staff on prosecution of criminal cases in district courts.</p>	<p><b>Year 1:</b></p> <ul style="list-style-type: none"> <li>TNA conducted. Mater trainers identified and training modules developed</li> <li>Master trainers trained on different specialized trainings – investigation techniques etc.</li> <li>Comprehensive study on Community policing assessing the existing mechanisms. And recommend strategy to establish community policing in Malakand.</li> <li>2 forums of dialogue to discuss communications, and engagement of police, community policing and communities.</li> <li>Draft of oversight strategy on the performance of the police.</li> <li>15% Increased number of cases reported to the police</li> <li>5% Increased number of GBV cases reported and investigated by the police</li> <li>15% Increased number of cases prosecuted.</li> <li>Electronic monitor cell establish at the office of the prosecution.</li> </ul> <p><b>Year 2</b></p> <ul style="list-style-type: none"> <li>Continuation of trainings for prosecutors and police</li> <li>community individuals trained as community policing</li> <li>Strategy of communications between community policing and police</li> </ul>
		<p>Year 1:</p> <ul style="list-style-type: none"> <li>TNA conducted. Mater trainers identified and training modules developed</li> <li>Master trainers trained on different specialized trainings – investigation techniques etc.</li> <li>Comprehensive study on Community policing assessing the existing mechanisms. And recommend strategy to establish community policing in Malakand.</li> <li>2 forums of dialogue to discuss communications, and engagement of police, community policing and communities.</li> <li>Draft of oversight strategy on the performance of the police.</li> <li>15% Increased number of cases reported to the police</li> <li>5% Increased number of GBV cases reported and investigated by the police</li> <li>15% Increased number of cases prosecuted.</li> <li>Electronic monitor cell establish at the office of the prosecution.</li> </ul> <p><b>Year 2</b></p> <ul style="list-style-type: none"> <li>Continuation of trainings for prosecutors and police</li> <li>community individuals trained as community policing</li> <li>Strategy of communications between community policing and police</li> </ul>	<p>Police Department KP, Pakistan Society of Criminology, Training institute (to be identified) and UNDP.</p> <p>Comprehensive training for Police and Prosecuting <b>\$2,100,000</b> Furniture &amp; equipment <b>\$350,000</b> Consultancies <b>\$220,000</b> community policing and creating better working condition for the stakeholders within the criminal justice system <b>\$1,200,000</b> Research assessments and studies <b>\$ 220,000</b> Workshops &amp; conferences <b>\$ 75,000</b> Development of training materials &amp; information materials <b>\$230,000</b> Establishment of prosecution monitoring cell, oversight mechanism &amp; community policing <b>\$450,000</b> Mic &amp; sundries <b>\$75,000</b></p>

<p>conflict needs</p> <p>80 % of police staff in investigative tasks receive training</p> <p>A policy and recurrent practice to build trust between the police and the communities is in place</p> <p>The police developed and eventually successfully implemented an emergency plan to secure civilians. Unify community policing concept and coordination mechanism in place and included in national plan</p> <p>Comprehensive study and recommendations on police force in Malakand shared with partners</p>	<p>4.2.5 Support to the development of an action plan to strengthen the public prosecution office for KP</p> <p>4.2.6. Organisation of in-service trainings targeting prosecutions officers</p> <p>4.2.7 Establishment of electronic monitoring cell at provincial level to oversee prosecution service at district level.</p> <p>4.3.1 Recruit and deploy a community policing specialist to assess of the existing community police practices, Development of techniques and operational practices to positively engage with communities, also provide a strategy of establishing community policing, and respect of the traditions in the particular tribal areas</p> <p>4.3.2 Support to the development of public information materials on the role of the police and services provided</p> <p>4.3.3 Conduct consultative meetings and information sharing between the police officers, community leaders and local authorities to introduce the concept of the community policing.</p> <p>4.3.4 Recruit and deploy short-term consultant to develop and strengthened an internal oversight mechanism to process corruption allegations against police officers that include development of code of conduct.</p> <p>4.3.5 Strengthening of the existing training facilities of the police</p> <p>4.3.6. Strengthen the Human Rights Bureau operations in Malakand with enhanced capacities and tools.</p>	<p>endorsed and adopted</p> <ul style="list-style-type: none"> <li>• Strategy in quick response to threats and emergency endorsed and adopted</li> <li>• Overview report on the performance of police and the survey on the community perception.</li> <li>• 3 forums of discussion to exchange information on security issues between community, community policing and police.</li> <li>• 40% increased number of reported cases to the police.</li> <li>• 30 number of resolved reported cases to community policing</li> </ul> <p><b>Year 3</b></p> <ul style="list-style-type: none"> <li>• Overview Report on the performance of the trained police officers with recommendations</li> <li>• Continuation of trainings</li> <li>• Oversight mechanism strategy is included in the national plan</li> <li>• Functioning coordination and communication strategy between police and community policing strategy adopted</li> <li>• Overview and evaluation report from the training institutes with recommendations</li> <li>• Oversight &amp; monitoring mechanism developed that( includes code of conduct)</li> <li>• Full overview report on the law enforcement institution in Malakand, strategy, national action plan and coordination with other justice institutions</li> </ul>	
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<b>TOTAL BUDGET OUTPUT 4</b>	<b>\$4,920,000</b>
<b>Programme Support Costs</b>	
Project Manager NOB	112,800
CTA Rule of Law P4	541,962
Admin. & Finance Assistant	50,000
Sub-contracting coordination. NGO/Firm	430000
Consultancies	40,000
Monitoring and Evaluation	40000
Rental of Office building	90,000
Operation & Maintenance of vehicle	62000
Driver	18,000
Communication Equipment	90,000
IT equipment	130,000
Mic/Sundries	75,000
<b>Total Budget output 5</b>	<b>\$1,679,762</b>
GMS	<b>\$980,099</b>
<b>Total Budget of the project</b>	<b>\$15,010,099</b>

**IV. ANNUAL WORK PLAN**

EXPECTED OUTPUTS	PLANNED ACTIVITIES	TIMEFRAME (Quarters)												RESPONSIBLE PARTY	PLANNED BUDGET			
		1 <sup>st</sup> Year			2 <sup>nd</sup> Year			3 <sup>rd</sup> Year			Source of Funds	Budget for 1 <sup>st</sup> 6 months \$	Budget for 2 <sup>nd</sup> 6 months \$		Total Budget (2 <sup>nd</sup> & 3 <sup>rd</sup> years\$)			
		1	2	3	4	1	2	3	4	1						2	3	4
Programme Management Costs	Advisor RoL	x	x	x	x	x	x	x	x	x	x	x	x	UNDP	90,327	90,327	361,308	
	Project Manager	x	x	x	x	x	x	x	x	x	x	x	x	UNDP	18,800	18,800	75,200	
	Adm. & Fin. Asslt.	x	x	x	x	x	x	x	x	x	x	x	x		8,333	8,333	33,334	
	Co-ordination consultancy firm	x	x	x	x	x	x	x	x	x	x	x	x	UNDP	40,000	40,000	350,000	
	Consultancies				x	x	x	x	x	x	x	x	x	UNDP	0	0	40,000	
	Monitoring & Evaluation				x									UNDP		10000	30,000	
	Rental of Office	x	x	x	x	x	x	x	x	x	x	x	x	UNDP	15,000	15,000	60,000	
	O&M of Vehicle	x	x	x	x	x	x	x	x	x	x	x	x		8,000	12,000	42,000	
	Driver	x	x	x	x	x	x	x	x	x	x	x	x		3,000	3,000	12,000	
	Communication Equipment	x	x											UNDP	15,000	15,000	60,000	
	IT Equipment	x	x											UNDP	20,000	30,000	80,000	
	Mic/sundries														12,500	12,500	50,000	
<b>Subtotal</b>													<b>230,960</b>	<b>254,960</b>	<b>1,193,842</b>			
1. The capacity of courts to provide	1.1 Conduct a research on the use of justice.	x												UNDP/ National Consultancy / Firm (Recruited through competitive bidding.	20,000	0	0	

effective and timely justice services to the people in Malakand built and strengthened	1.2 Renovation of 10 courts and provision of IT equipment and simple transport facilities including provision of motorbikes																		UNDP/	315,000	200,000	700,000		
	1.3 Support to public information and outreach material.	x	x																UNDP/ Judiciary KP/ NGO	20,000	50,000	200,000		
	1.4 Conduct of 3 trainings on filing and case management.	x	x				x												UNDP/ Judiciary KP/ sub-contract Judicial management trainers	24,613	20,834	505,332		
	1.5 Review and operationalize strategy of Amicus Curiae at district level	x																	UNDP/ Judiciary KP/ National Expert	20,000	20,000	100,000		
	1.6 Support to translation of laws into Urdu	x	x				x												UNDP/ Judiciary KP/ The project Coordination Firm	20,000	50,000	100,000		
	1.7 Conduct 6 training on criminal, civil and Islamic laws targeting 70 judges.	x	x				x												UNDP/ Judiciary KP/ National Trainers	30,000	58,779	200,678		
	1.8 Development of Training materials						x												UNDP/ Judiciary KP/ National Trainers	50,000	70,000	100,000		
	<b>Subtotal</b>																					<b>\$499,613</b>	<b>\$469,613</b>	<b>\$1,906,010</b>

2. Access to Justice legal aid and representation mechanism for men and women and other vulnerable groups (Returnees & children) in Malakand developed	2.1 Provision of Grants to NGOs to provide legal assistance and legal aid services.	x				x	x	x					UNDP	50,000	50,000	300,000
	2.2 Support to establishment of 7 legal aid clinics.	x				x	x						UNDP	100,000	100,000	450,000
	2.3 Support to women's Organizations to provide legal assistance to women	x				x	x	x					UNDP/ NGOs	50,000	50,000	200,000
	2.4 Development of training materials on legal aid					x							UNDP/ International Institutions	52,500	50,000	100,000
	2.5 Development of legal information materials in Pashtu, Urdu, and other local languages												UNDP/ NGOs	50,000	42,500	50,000
	2.6 Conduct 6 legal aid trainings targeting 200 legal professional & CSOs members	x											UNDP/International Institution	80,000	50,000	310,000
	2.7 Support to developing a national legal aid plan based on the legal aid report												UNDP/ International Institution	0	50,000	50,000



3 Informal justice mechanism provide fair and effective justice services	2.8 Conduct 6 legal awareness campaigns targeting communities.	x		x		x		x		x		x		X	x			UNDP/ Bar Association/ NGOs	30,000	30,000	100,000
	2.9 Conduct a 3 periodical information sharing meetings on legal aid, legal awareness and legal representation issues		x		x		x		x		x		x		X	x		UNDP/ Bar Association/ NGOs	10,000	10,000	50,000
	2.10 Support for 20 traineeship newly qualified lawyers (particular women) to work in NGOs and legal firms														X	x		UNDP	30,000	20,000	100,000
	2.11 Support to the establishment of documentation and legal research system																UNDP/ Universities/ Bar Association	20,000	20,000	100,000	
	<b>Subtotal</b>																		<b>\$472,500</b>	<b>\$ 472,500</b>	<b>\$1,810,000</b>
	3.1 Support to specialized NGOs to train 200 paralegals on conflict dispute resolution																	UNDP/ NGOs	50,000	50,000	200,000

according to Pakistan Constitution and human rights standards	3.2 Support to the establishment of paralegal network through NGOs & CBOs										UNDP/ NGOs		0	20,000	50,000
	3.3 Systemize paralegal dispute resolution through producing and distributing educational materials										UNDP/ NGOs		20,000	20,000	100,000
	3.4 Support to the development of mapping survey on demand for justice (customary, Sharia'a and Jirga mechanism)										UNDP/ NGOs		0	20,000	20,000
	3.5 Conduct of trainings on Pakistan Constitution targeting 400 individuals										UNDP/ National Trainers		20,000	30,000	160,000
	3.6 conduct training on Sharia'a under Pakistan constitution targeting 400 individuals										UNDP/ National Trainer		0	20,000	150,000

3.7 Conduct of training on Human Rights, National laws on Violence against women and land & property rights laws targeting 500 individuals	X		X	X	X	X	X	X	X		40,000	30,000	150,000	
3.8 Conduct discussions on Human Rights and best practices from different Islamic countries	X	X	X	X	X	X	X				10,000	10,000	100,000	
3.9 Conduct of training on Musalihat Jirga (constitution and functions) Rules 2006	X	X	X	X	X	X	X	UNDP			10,000	30,000	130,000	
3.10 Deploy and Recruit expert to develop comprehensive study and develop recommendation on linkages between formal and informal justice system, good practices, gaps, collaboration and disputes							X	UNDP/ National Consultant			0	17,500	100,000	

3.11 Conduct on legal awareness campaign on Musallhat Jirga.		UNDP/ GJTMAP implementing partners	0	30,000	100,000
<b>Subtotal</b>					
4.1 conduct comprehensive training needs an assessment and devise training modules		UNDP/ Construction Firm	250,000	250,000	1,000,000
4.2. Review induction & in-service training curriculum			20,000	20,000	0
4.3. Cost share training of 6000 newly recruited police			20,000	20,000	20,000
4.4 Conduct trainings on information analysis techniques for law enforcement officers		UNDP/ Police Training Institute & International Trainers	60,000	60,000	100,000
4.5 Support to development of strategy on planning & operationalize protective security measures and		UNDP/ International & National Consultants	20,000	0	300,000



training																		
4.11. Establishment of electronic prosecution monitoring cell at provincial level to oversee prosecution work at district level															30,000	100,000	0	
4.12 Support to the establishment of Community Policing															0	50,000	200,000	
4.13 Support to the development of public information materials on the role of the police and services provided															10,000	10,000	50,000	
4.14 Support the establishment of the concept community policing															50,000	0	100,000	
4.15 Support to development and strengthening an internal oversight mechanism to process corruption allegations against police															20,000	10,000	200,000	

officers that include development of code of conduct	4.16	X	X	X	X	X	X	X			
Strengthening the existing training facilities of the police						UNDP/ Equipment	50,000	50,000	100,000		
<b>Subtotal</b>							\$810,000	\$ 760,000	\$3,350,501		
<b>Total budget</b>							\$2,327,907	\$2,334,573	\$9,520,353		
GMS									980,100		
<b>Overall Budget of the Project</b>											

## V. IMPLEMENTATION & MANAGEMENT ARRANGEMENTS

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72. The Rule of Law project will be executed by the UNDP CO through the Directly Implementation Modality (DIM). UNDP adopts the directly implementation modality in circumstances when the proposed programme or project requires to be implemented in an atmosphere where; speed in terms of delivery and decision-making is needed; national authorities lack capacity to carry out the project; when the project could not be carried out by another UN agency; and the UNDP country office has adequate capacity to manage. Particularly for SRLM, DIM is best suited as the range of proposed outputs of the project entails working with several government institutions and departments. It is envisaged that each of the identified government counter parts will have to play an equal role and share equal responsibilities at the implementation stage. Thus it is difficult to house the project in one single government organization. Further since the project is designed to take an integrated approach covering an extensive area of the justice sector, it requires to maintain an effective and extensive coordination with all stakeholders including the bar associations and civil society organizations. The use of DIM execution would prevent trespass on organizational integrity; viz the Judiciary. Hence DIM is reiterated as the most suited mode of implementation for the SLRM.
73. To ensure the national ownership of the activities, the project will be well coordinated with KP counterparts and stakeholders. The proposed implementation arrangements take into consideration the current security and operational environment in KP, which is currently under security phase 4. Considering the complexity and diversity of programmatic objectives in the different areas of Rule of Law – training, action research, legal support, court/office rehabilitation – and also considering the general deprivation of the target area and the lack of physical and institutional infrastructure there aggravated by the recent conflict, the careful and deliberate design of the implementation arrangements is of paramount importance to the overall success of the programme. Selection of partners/responsible parties will be done through available instruments such as LOA, PCA and other competitive processes where required. Corporate functions such as oversight and quality assurance will remain with UNDP CO under DCD supervision.
74. A Project Review Board (PRB) will provide overall strategic guidance and oversight for the project. The Board, to be co-chaired by Additional Chief Secretary Home department, UNDP Deputy Country Director and Secretary, would meet quarterly at Peshawar to review the project work plans and provide policy guidance and assistance in resolution of any difficulties experienced during implementation. The PRB would also be responsible for overseeing project reviews on an annual basis and at other designated decision points during the course of execution. Moreover, the PRB will act as a coordination mechanism to ensure that discrete project initiatives are harmonized and able to achieve the maximum level of complementarity and synergy with related UNDP interventions. This PRB will present a unique opportunity to discuss various RoL challenges and apply sustainable solutions with broad stakeholder support. Composition of the PRB will be as follows:

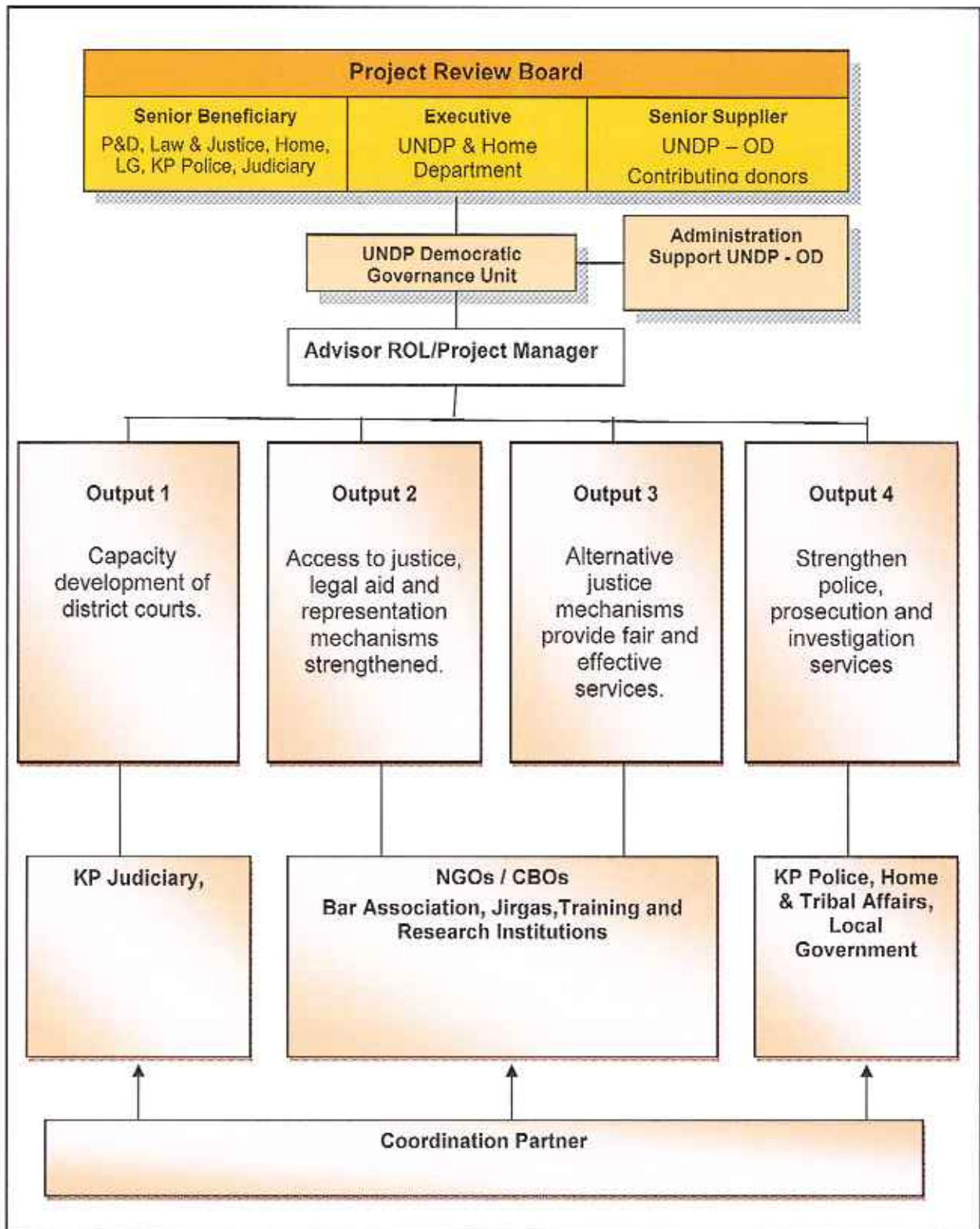


- Executive: representing project ownership, and acting as chair of the group, in this case, the UNDP Country Director and Additional Chief Secretary Home Department.
  - Senior supplier: to provide services for implementation of the project, in this case the UNDP OD;
  - Senior Beneficiary: to ensure the realization of the intervention benefits, in this case, representative/s of the relevant institutions Judiciary, Police, Prosecutor as well as EAD, GoKP/PPD (TORs of the PRB are attached in ANNEX 3D)
75. Senior Partner Representatives may be invited as ex officio members to the PRB meetings. These may include representatives of bilateral contributing donors and other senior Partner Representatives may also include the institutions entrusted with direct implementation of some project activities. Additional ex officio members may be added to guarantee adequate representation of Pakistani communities.
76. Under DIM, the UNDP CO would conduct open, transparent, competitive processes to engage NGOs, local training institutions, local governments and private firms (as applicable to the particular set of activities at hand). Due to present security situation in Malakand and to ensure smooth and coordinated implementation of and reporting on this wide array of activities UNDP will engage a local NGO or firm to conduct field coordination. The NGO or firm will recruit the desired number and quality of people (preferably people with a solid UN background and experience) who will be made available to the UNDP and EAD for respective assignments. The solicitation documents will clearly specify the preference for UN and UNDP experience of the proposed staff. There will be dedicated UNDP staff members to manage the project viz; Rule of Law Specialist /Advisor and a Project Manager. The UNDP project team will be primarily responsible for effective monitoring of and the performance of all implementing partners. Mechanisms for outsourcing effective field monitoring may also be developed.
77. UNDP financial rules and regulations will be applied to manage the allocated funds based on the work-plan and the detailed budget. The country office will bear the full responsibility of reporting to donors and resource allocations. UNDP shall keep EAD informed about the details of resources raised from various development partners for financing of this project. The Project shall not pre-empt any resource meant for MDTF by donors/development partners. All trainings and conferences/workshops will be conducted in Pakistan and no expenditure to finance foreign travel of any officer / consultant / UNDP staff will be financed. Workshops/Conferences shall be held only when these are explicitly required by the Provincial Government and that too specific themes and discernable outcomes/deliverables.
78. The technical quality assurance role performed by the ROL Advisor who will support the PRB in carrying out its objectives and independent oversight and monitoring functions. She/he will ensure that appropriate output and management milestones are designated and achieved. She/he will have technical advisory responsibility as well as provide an overall supervision of the implementation of activities and ensure that they contribute to the achievement of the outcomes.
79. Guided by standard practice, the Rule of Law project will be under the overall supervision of the **Head of Governance Unit**, UNDP CO within the Governance portfolio, supported by the **Project Manager** who will be based in Peshawar and will have the responsibility to manage the implementation of all project activities on a day-to-day basis. S/he will be responsible for day-

to-day management and decision-making for the work-plan and will ensure that all implementing partners are achieving results in line with the required corporate standards and within the planned timeframe and cost. The PM will as well have a coordination role with other UNDP Programmes and Units to avoid duplications and overlapping of activities. UNDP Rule of Law Officers may be deployed in the future based on the security situation, and the availability of funds.

80. **A Coordination NGO/firm** will provide field coordination and management support to the PM. It will ensure effective field coordination, assist in monitoring missions and other tasks assign by UNDP. The NGO/firm will coordinate regularly with the PM to report on implementation of the activities as set out in work-plan. The NGO/ firm will comprise:
  - *A Field Coordinator* will bear the responsibility of coordinating the work of all sub-contracted implementing partners; NGOs, local training institutes, construction firms and local governments;
  - *A Finance Manager* will be responsible for the management of the financial aspects of the work-plan as well as the sub-contractors. She/he will ensure that expenditure of the planned activities is inline with allocated budget;
  - *Rule of Law Officers* will provide a technical support and advisory role towards all partners in the field to ensure that substantive results are achieved;
  - *An Engineer* to follow up and report back on the renovation work of the court houses, police stations and prosecution offices.
81. **NGOs and Training institutes.** The project will sign a sub-contracts of needed with NGO's and training institutes and construction firms to conduct training, technical support and construction activities as set out in the Results & Resources Framework. UNDP will as well work very closely with the existing training facilities of the Judiciary and the Police to conduct sets of specialized trainings. Selection of NGO/CBOS/Consultants would be done of competitive transparent process as per UNDP policies and procedures for DIM.
82. UNDP will deploy and recruit short-term national and international consultants to provide technical advisory support and produce a set of studies and surveys listed in the RRF with the consultation of the provincial governments.
83. The complete organizational structure looks as is depicted on the next page:

## Management and Implementation Arrangements



## VI. MONITORING & EVALUATION

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85. The UNDP Deputy Country Director (Programme) and Head of Governance Unit will be in charge of overall project monitoring and project assurance. The PRB will hold regular meetings to discuss the implementation of the work-plan and assess its progress. The Results and Resources Framework (RRF) incorporated into this document will be the touchstone for performance monitoring and reporting. Further monitoring will be performed on the basis of work plans prepared by the RoL Advisor and Project Manager, who will submit **monthly and quarterly reports to UNDP CO and donors** as deem to be required, enabling stakeholders to benchmark and assess progress on rollout of activities. Further UNDP, will take steps to submit quarterly progress reports both narrative and finance (indicating activity wise expenditure and budgetary allocations) to EAD within 15 days following the completion of each quarter. In case reports are not delivered on a regular basis, EAD may consider withdrawal of its approval. The Coordination Firm will be responsible for the direct monitoring of the respective programme components. Monitoring and evaluation of the project will be ensured by the RoL Specialist / Advisor following relevant UNDP results management guidelines. Day to day management of the implementation of the work-plan will be ensured by the Project Manager under the overall guidance of the RoL Advisor. Implementing partners will be responsible for the direct monitoring of the respective project activities. In detail:

- RoL Advisor will oversee the overall monitoring in terms of activities quality, issues, risks, lessons learned, and finances. Respective logs will be maintained and quarterly progress reports will be produced.
- PM will be managing the daily implementation of the work-plan and report on monthly bases to both Head of Governance Unit and the RoL Advisor.
- The Field Coordination Firm will ensure coordination and implementation of activities by implementing partners, report on agreed regular bases to the PM.
- Implementing partners will be responsible for the monitoring of their respective activities and will present quarterly progress reports to PM/UNDP and Field Coordination Firm.

86. The BCPR/RoLJS unit will conduct a three stage evaluation of the project producing:

### **Stage 1: Strategy Review Report**

This review will be an internal process conducted at the end of the first year in partnership with BCPR. It will be an opportunity to review the progress to date and strategize with the country office to address the challenges impacting the Rule of Law activities. The team will interview all relevant stakeholders in order to ensure a full range of perspectives are included.

### **Stage 2: Interim Review Report**

The interim report will be an external review that will take place at the end of the 2<sup>nd</sup> year. This will be an opportunity to highlight the progress of the Results & Resources Framework and the initial impact of the intervention. It will be a more detailed evaluation focusing more on impact and progress than strategy. While recommendations will cover all aspects of the implementation process, it will be focused on capturing lessons learned and best practice.

### **Stage 3: Final Review Report**

The production of the Final Review Report will be conducted with the assistance of external evaluation agency. The reporting will involve all stakeholders and implementing partners, to assess the achievement of expected outputs and alignment with appropriate outcomes. The review will serve to assess performance and thus allow corrective and/or follow-up action to ensure all outputs and desired achievements are met.

ID	Deliverables	Description	Schedule	Internal/External
1	Progress Report	Narrative reporting to review progress in rolling out the programme and policy guidance	1 <sup>st</sup> Year	BCPR/RoLJS/Donors
2	Interim Review Report	Mid-term reporting to assess progress towards programme results articulated in the RRF and provide recommendations	2 <sup>nd</sup> Year	BCPR/RoLJS/Donors
3	Final Review Report	Final project evaluation to assess achievement of programme results articulated in the RRF and document lessons learned	100% programme completion	BCPR/RoLJS External Evaluation Agency

## VII. LEGAL CONTEXT

87. This document together with the CPAP signed by the Government and UNDP which is incorporated by reference constitute together the instrument envisaged in the Supplemental Provisions to the Project Document, attached hereto.
88. Consistent with the above Supplemental Provisions, the responsibility for the safety and security of the implementing partner and its personnel and property, and of UNDP's property in the implementing partner's custody, rests with the implementing partner.
89. The implementing partner shall:
- a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
  - b) Assume all risks and liabilities related to the implementing partner's security, and the full implementation of the security plan.
90. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.
91. The implementing partner agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee

established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

## Annexes

- ANNEX 1: BUDGET - OUTPUT AND UNIT COST
- ANNEX 2: RISK ANALYSIS
- ANNEX 3: TERMS OF REFERENCES
- ANNEX 4: REQUIREMENTS IDENTIFIED BY EAD FOR PROJECT IMPLEMENTATION

Strengthening of Rule of Law, Malakand Project  
Project Budget

Output	Budget Description	Planned Budget (Amount in US\$)						Total	
		Unit	Price	Year 1 (1st 6 months)	Year 1 (2nd 6 months)	Year 2	Year 3		
1. The capacity of courts to provide effective and timely justice services to the people in Malakand built and strengthened	Rehabilitation and Renovation	14	55,714	200,000	200,000	400,000	400,000	1,200,000	
	Consultancies	7	24,286	25,000	25,000	70,000	50,000	170,000	
	Furniture and IT Equipment	14	15,357	37,500	37,500	70,000	70,000	215,000	
	Professional services (Research, development of learning materials & translation)	5	58,333	50,000	50,000	125,000	125,000	350,000	
	Professional services (support to Amicus Curiae)	5	30,000	25,000	25,000	50,000	50,000	150,000	
	Trainings	9	58,915	108,750	108,750	235,116	187,559	621,237	
	Workshops and Conferences	6	10,833	10,833	10,833	21,666	21,666	65,000	
	Equipment (transport equipment)	15	1,000	15,000	15,000			15,000	
	Misc. Sundry			12,500	12,500	25,000	25,000	75,000	
	Sub-total Output 1			484,613	469,613	996,785	909,225	2,860,237	
	2. Access to Justice legal aid and representation mechanism for men and women and other vulnerable groups (Ratun-see& children) in Malakand developed	Sub-contracting (CS Grants)	10	45,000	75,000	75,000	150,000	150,000	450,000
		Training	12	44,187	95,000	95,000	170,000	170,000	500,000
		Consultancies	5	39,000	30,000	30,000	75,000	60,000	195,000
		Professional Services (development of training & outreach material)	8	64,375	100,000	100,000	175,000	140,000	615,000
		Support to Research and legal professionals	10	22,000	25,000	25,000	100,000	70,000	220,000
Workshops & conferences		6	28,333	35,000	35,000	50,000	50,000	170,000	
Renovation and rehabilitation (legal aid offices)		7	85,714	100,000	100,000	200,000	200,000	600,000	
Misc. Sundry				12,500	12,500	25,000	25,000	75,000	
Sub-total Output 2				472,500	472,500	945,000	865,000	2,755,000	
3. Informal justice mechanism provide fair and effective justice services, according to Pakistan Constitution and human rights standards		Training	18	35,667	100,000	100,000	250,000	210,000	660,000
	NGO small grants	10	32,000	60,000	60,000	100,000	100,000	320,000	
	Consultancies	5	30,000	25,000	25,000	50,000	50,000	150,000	
	Professional services (Dev. of trg. & info. material)	5	36,000	20,000	20,000	70,000	70,000	180,000	
	Workshop and Conferences	5	13,333	10,000	10,000	30,000	30,000	80,000	
	Research and studies implementation of strategies (linkages between formal and informal system & implementation of study recommendations)	5	40,000	25,000	25,000	75,000	75,000	200,000	
	Professional services (support to female legal professionals)	10	15,000	25,000	25,000	50,000	50,000	150,000	
	Sub-total Output 3			277,500	277,500	650,000	610,000	1,815,000	



Output	Planned Budget (Amount in US\$)							Total	
	Budget Description	Unit	Price	Year 1 (1st 6 months)	Year 1 (2nd 6 months)	Year 2	Year 3		
4. The Police provides effective security and protection to the Malakand people; citizen's trust and confidence is enhanced; criminal investigation and prosecution are improved and civilian oversight mechanisms are in place.	Rehabilitation & renovations (model police station, prosecution offices and training facilities).	15	80,000	250,000	250,000	400,000	300,000	1,200,000	
	Equipment and Furniture	15	23,333	50,000	50,000	150,000	100,000	350,000	
	Consultancies	7	31,429	30,000	30,000	80,000	80,000	220,000	
	Training (police, prosecution and community policing)	15	140,000	300,000	300,000	750,000	750,000	2,100,000	
	Research, assessments and studies	5	36,667	30,000	30,000	80,000	80,000	220,000	
	Workshop & Conferences	5	15,000	12,500	12,500	25,000	25,000	75,000	
	Professional services (mgt. and reporting and audit fee (establishment of monitoring cell, oversight mechanism and community policing).	4	57,500	25,000	25,000	100,000	80,000	230,000	
	Misc. Sundries	5	90,000	50,000	50,000	200,000	150,000	450,000	
	<b>Sub-total Output 4</b>			<b>760,000</b>	<b>760,000</b>	<b>1,810,000</b>	<b>1,590,000</b>	<b>4,920,000</b>	
	5. Programme Management cost.	CTA for 36 person months	36	15,055	90,327	90,327	180,554	150,654	541,952
		Project Manager for 36 person months	36	3,133	18,800	18,800	37,500	37,600	112,800
		Admin. & Finance Assistant: 36 person months	36	1,389	8,333	8,333	16,667	16,667	50,000
		Subcontracting coordination consultancy firm	1	430,000	71,667	71,667	143,333	143,333	430,000
		Consultancies	4	10,000	0	0	20,000	20,000	40,000
Monitoring & Evaluation		3	13,333	0	0	13,333	26,667	40,000	
Rental of Office building for 36 months		36	2,500	15,000	15,000	30,000	30,000	90,000	
Operation and maintenance of vehicle for 36 months		36	1,722	10,333	10,333	20,667	20,667	62,000	
Driver for 36 months		36	500	3,000	3,000	6,000	6,000	18,000	
Communication Equipment:		30	3,000	15,000	15,000	30,000	30,000	90,000	
IT Equipment		30	4,333	21,667	21,667	43,333	43,333	130,000	
Misc. Sundries				12,500	12,500	25,000	25,000	75,000	
<b>Sub-total Output 5</b>				<b>266,627</b>	<b>266,627</b>	<b>566,687</b>	<b>579,921</b>	<b>1,679,762</b>	
<b>Total</b>				<b>2,261,240</b>	<b>2,246,240</b>	<b>4,968,372</b>	<b>4,554,146</b>	<b>14,029,999</b>	
<b>GMS</b>							<b>980,100</b>		
<b>Grand Total</b>							<b>15,010,099</b>		

## ANNEX -2

### Risk Analysis

Given the complex security and social context in the KP, there are some risk factors that may restrain the implementation of the Rule of Law project. Some of the threats identified below do repeat the general factors listed in the situation analysis. However, they still appear to be threats directly linked to the successful implementation of the work-plan, since they are the main factors for establishing environment that is conducive for peace and stability in KP.

	<b>Risk Factors</b>
<b>Security</b>	<ul style="list-style-type: none"><li>• Taliban insurgents</li><li>• Capacity of the Military and the Police to provide adequate protection</li><li>• Attacks targeting UN operations and staff</li><li>• Terrorism activities</li></ul>
<b>Legal</b>	<ul style="list-style-type: none"><li>• Continued lack of clarity of legal framework that governs FATA</li><li>• Continued lack of institutionalized linkages between formal and informal justice system</li><li>• Different and unclear applications of Sharia'a and Islamic Laws at community levels</li></ul>
<b>Social</b>	<ul style="list-style-type: none"><li>• Lack of motivation at provincial and district level due to security and safety issues</li><li>• Lack of confidence and trust in the Rule of Law institutions</li><li>• Continued discriminatory practices based on tribe, families, financial and political status and gender.</li></ul>

ADVISOR RULE OF LAW  
Strengthening Rule of Law, Malakand Project

*Terms of Reference*

<b>Level:</b>	P4 equivalent
<b>Location:</b>	Islamabad, Pakistan
<b>Duration:</b>	1 year extendable
<b>Start Date:</b>	July 2010

**BACKGROUND**

UNDP Pakistan is seeking a motivated candidate for the post of Advisor Rule of Law, based in Islamabad. Under the guidance and overall supervision of the Head of Governance Unit, the Advisor (ADVISOR) will be providing strategic advice and direction to the implementation of a multi-year Strengthening Rule of Law, Malakand project.

The Rule of Law project will provide support to the Justice and Security sectors in Khyber Pakhtunkhwa (KP). It also aims to promote an enabling environment which will deepen the ongoing efforts to secure peace and stabilization. Under this project, assistance will be provided for institutional development and capacity development to the Rule of Law institutions to ensure effective security services and speedy provision of justice services. The project will also work with the informal justice institutions so that dispute resolution is trusted, affordable, accessible, and viewed as fair by the local communities. In doing so, the Project will engage with key stakeholders in KP including the Judiciary, Police, Local Government, prosecution, bar associations, jirgas, CSOs and ongoing (justice) initiatives, including ongoing UNDP programmes and projects. The activities and outputs under the project will enhance confidence and trust of the local communities in the Rule of Law institutions and result in improved law enforcement, speedy justice, including that of informal justice system. The project will help create forums for dialogue and develop a strategy for harmonization between communities, formal and informal Rule of Law institutions.

**DUTIES AND RESPONSIBILITIES**

The Advisor will have the overall responsibility for strategic positioning of UNDP, providing policy advice to Country Office on all Rule of Law related issues and for programme management. S/he will represent UNDP in technical forums, support resource mobilization and donor coordination on Rule of Law. S/he will also be leading formulation, strategic direction and evaluation of activities within the project and act as key point of contact for major national and international stakeholders. The Advisor will ensure

coordination and coherence throughout the implementation process and supervise the project Manager and the staff.

While reporting directly to the Governance Head of Unit, the Advisor will work very closely with the Country Office management providing technical advisory support on programme implementation. Specific responsibilities would cover the following:

#### **Project Overall Direction**

- Oversee the project implementation management functions, provide technical advice and quality assurance on the work of the implementing partners, monitoring and evaluation and reporting functions.
- Coordinate the overall delivery of the project in an effective and efficient manner, working closely with Provincial and District Governments, the Rule of Law institutions, development/UN/international partners and Non-governmental Organizations (NGOs);
- Maintain regular working relationship with other UNDP programmes to ensure overall integration of the Rule of Law related activities within the Country Office programme.
- Guide communication and outreach strategy to ensure adequate project visibility and awareness in relation to the project implementation and achievements.
- Ensure that the project activities are closely coordinated with the stakeholders – both national and international – and that a high level of collaboration and cooperation is in place at all levels.
- Assess the impact, effectiveness and relevance of the project interventions through regular field visits and highlight achievements, progress and challenges through impact and results-driven reports.
- Provide and identify expert technical advice on Rule of Law-related issues.
- Liaise with national counterparts and donors on project implementation, including engaging in substantive and technical discussions on rule of law and access to justice in KP.
- Responsible for quality assurance of technical deliverables from experts/consultants, contractors, implementing partners and the Project Manager and provide them with substantive feedback and guidance;
- Follow up and coordinate, together with national partners, donors and development partners, the conduct of periodic Project Review Board (PRB) meetings, prepare and present required documentation and analytical reports to the PRB and undertake follow up on the PRB decisions and recommendations.
- Support strategic positioning of UNDP by identifying emerging Rule of Law issues and response options. Identify, design and operationalize strategic interventions and policies for UNDP in the Rule of Law sector in Pakistan.
- Carry out any other relevant duties and responsibilities as requested by the UNDP Senior Management.

### **Partnerships and Resource Mobilization**

- Develop and implement a partnership and resource mobilization strategy in this area. Lead and coordinate resource mobilization efforts of the project. In this regard identify funding opportunities and lead project resource mobilization efforts with donor partners, including the development of advocacy/communication tools in support of resource mobilization.
- Ensure coherence, complementarities and coordination with other development partners in the area of rule of law and access to justice.
- Advocate for and substantially contribute to UN and multi-partner joint planning and/or programming initiatives.
- Build partnerships with national and international NGOs throughout the project implementation.
- Manage, monitor and report on financial resources allocated to and delivered by the project to contributing partners such as UNDP/BCPR and Donors.
- Maintain regular communication with UNDP/BCPR's Rule of Law, Justice and Security Unit to enhance advocacy, support resource mobilization and access technical expertise.

### **Knowledge Management and Policy Development**

- Identify sources of information related to policy-driven issues. Identify and document best practices and lessons learnt directly linked to Rule of Law and Access to Justice programming in Pakistan and in particular in KP.
- Contribute to UNDP global knowledge networks and communities of practice.

## **COMPETENCIES**

### **Corporate Competencies**

- Demonstrates integrity by modelling the UN values and ethical standards
- Promotes the vision, mission, and strategic goals of UNDP
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability
- Treats all people fairly without favoritism
- Excellent analytical and organizational skills

### **Functional Competencies**

#### **Knowledge Management and Learning**

- Promotes a knowledge-sharing and learning culture in the office
- In-depth knowledge on development issues
- Ability to advocate and provide policy advice
- Actively works towards continuing personal learning and development in one or more Practice Areas, acts on learning plan and applies newly acquired skills
- Knowledge of UNDP/UN policies and programmes in crisis and post-crisis situations

- Knowledge of UNDP/UN regulations, rules, policies, procedures and practices; operations

#### Development and Operational Effectiveness

- Ability to lead strategic planning, results-based management and reporting
- Ability to lead formulation, implementation, monitoring and evaluation of development programmes and projects, mobilize resources
- Strong IT skills, including proficiency in Microsoft Office software and experience with web-based management systems
- Ability to lead implementation of new systems (business side), and effect staff behavioural/ attitude change

#### Management and Leadership

- Focuses on impact and result for the client and responds positively to feedback
- Leads teams effectively and shows conflict resolution skills
- Consistently approaches work with energy and a positive, constructive attitude
- Demonstrates strong oral and written communication skills
- Builds strong relationships with clients and external actors
- Remains calm, in control and composed even under pressure
- Demonstrates openness to change and ability to manage complexities

#### Demonstrates strong oral and written communication skills

- Communicates effectively with staff at all levels of the organization
- Acts with tact and diplomacy.
- Proves outgoing and comfortable in handling external relations at all levels.
- Builds strong relationships with clients and external actors.
- Demonstrates openness to change and ability to manage complexities.
- Demonstrates compelling communication skills and cross-cultural effectiveness.
- Demonstrates excellent political / conflict analysis, experience in bilateral and/or multilateral negotiations, and negotiating and training / facilitation skills.
- Possesses the ability to convey difficult issues and positions to senior officials, proven political judgment, sensitivity to local cultures.

### **REQUIRED SKILLS AND EXPERIENCE**

#### **Education**

Master's Degree or equivalent in Law, Legal Affairs, Political Science, Social Sciences or related field.

#### **Experience**

- A minimum of 7 years of progressive experience in the area of design, management and implementation of Rule of Law related reform processes.
- Formal qualifications and operational exposure/experience in most of the following areas: justice sector reform, access to justice, legal reform, legal aid, gender and juvenile justice, advocacy, capacity building and related issues. Experience in designing and managing community based rule of law intervention is essential.

- Good knowledge of UNDP's rules and procedures for project/programme implementation.
- Experience working in societies in a crisis/conflict/post-conflict situation is an advantage.
- First-hand relevant experience in Pakistan strongly desirable.
- Experience of working with government authorities as well as with IDP populations, grassroots organizations and civil society.
- Experience in programme/project planning and execution as well as monitoring and evaluation of projects/programmes.
- Knowledge of resource mobilization processes of multilateral and bilateral donors, combined with experience in project development and fund raising.
- Strong knowledge of UN/UNDP policies, programming frameworks and procedures, proven ability to design and facilitate complex development intervention.
- Sound analytical skills on political, legal, social, cultural and any other relevant issues.

#### **Language Requirements**

- Fluency in English, including excellent writing skills.

PROJECT MANAGER  
Strengthening Rule of Law, Malakand

*Terms of Reference*

**BACKGROUND**

UNDP Pakistan is seeking a motivated candidate for the post of **Project Manager**. Under the overall guidance of the Governance Head of Unit and under the direct supervision of the Chief Technical Advisor, the Project Manager will manage all aspects of a multi-year Strengthening Rule of Law, Project.

The Rule of Law project, aims to promote an enabling environment which will deepen the ongoing efforts to secure peace and stabilization. Under this project assistance will be provided for institutional development and capacity building to the Rule of Law institutions to ensure effective security services and speedy provision of justice services. The project will also work with the informal justice institutions so that dispute resolution is trusted, affordable, accessible, and viewed as fair by the local communities. In doing so, UNDP will engage with key stakeholders in Khyber Pakhtunkhwa (KP) including the Judiciary, Police, Local Government, prosecution, bar associations, jirgas, CSOs and ongoing (justice) initiatives, including ongoing UNDP programmes and projects. The activities and outputs under the project will enhance confidence and trust of the local communities into the Rule of Law institutions and result in improved law enforcement, speedy justice, including that of informal justice system. The project will help create forums for dialogue and develop a strategy for harmonization between communities, formal and informal Rule of Law institutions.

The Project Manager (PM) will be responsible for the day-to-day management of all activities within the project and acting as key point of contact for major national partners. The PM will ensure coordination and coherence throughout the implementation process and supervise staff and contractors.

**DUTIES AND RESPONSIBILITIES**

**Management of Project Implementation**

- Manage all project implementation functions, including budget and finance management, work planning, procurement, recruitment, monitoring and evaluation and reporting functions;
- Coordinate and manage the overall delivery of the project in an effective and efficient manner, working closely with Provincial and District Governments, the Rule of Law institutions, development/UN and Non-governmental Organizations;
- Develop guidelines and procedures for managing the project in an effective and result-oriented manner, ensuring that objectives and targets are met; correct inputs



are provided; agreed procedures are followed up; and that outputs are produced in a timely fashion;

- Prepare annual work plans, human resources plan, procurement plan in line with the project outputs and objectives;
- Monitor the delivery status and prepare written monthly progress updates – both narrative and financial – and quarterly reports on the progress of the overall project – both narrative and financial – in relation to the agreed work plan and implementation strategy;
- Maintain regular working relationship with the Sustainable Development, Peace Building, Governance and Economic Recovery in KP and other UNDP Programmes staff based in Islamabad and Peshawar to ensure overall integration of the activities, as well as the attainment of larger outcomes that fall under the programme strategy;
- Ensure that the project activities are closely coordinated with the stakeholders – both national and international – and that a high level of collaboration and cooperation is in place at all levels.
- Ensure the proper application/implementation of UNDP rules and regulations related to human resources, financial management and procurement within the entire project.
- Monitor and evaluate the project, by preparing indicators to monitor progress and submitting quarterly results-based progress reports and contribute to the annual reports.
- Assess the impact and effectiveness of the project through regular field visits and highlight achievements, progress and challenges through impact and results-driven reports.
- Manage human resources issues, including hiring staff, identify and sub-contract implementing partners and ensure satisfactory performance, and supervising and assessing performance.
- Directly supervise the Field Coordination Firm at provincial and district level;
- Assist ROL ADVISOR on identifying and recruiting expert technical advice on Rule of Law-related issues;
- Receive deliverables from experts/consultants, Field Coordination Firm and provide them with comments and remarks and coordinate, on administrative and operational matters, external technical assistance provided by UNDP. Verify receipt of services at quality expected for payment;
- Keep the Governance Head of Unit abreast of emerging project issues and risks;
- Carry out any other relevant duties as requested by the Governance Head of Unit or the UNDP Senior Management.

#### **Financial & Operational Management**

- Ensure integrity of financial and administrative procedures as well as a consistent application of UNDP rules and procedures with regard to project implementation and operations;
- Supervise requisitions, purchase orders and payment requests in ATLAS, and ensures monthly delivery updates to the Governance Head of Unit on financial delivery performance;

- Provide leadership and oversight to ensure that qualitative services are provided to national partners including fair and transparent procurement process and efficient operational support.

## COMPETENCIES

### Corporate Competencies

- Demonstrates integrity by modelling the UN values and ethical standards
- Promotes the vision, mission, and strategic goals of UNDP
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability
- Treats all people fairly without favouritism
- Excellent analytical and organizational skills

### Functional Competencies

#### Knowledge Management and Learning

- Promotes a knowledge-sharing and learning culture in the office
- In-depth knowledge on development issues
- Ability to advocate and provide policy advice
- Actively works towards continuing personal learning and development in one or more Practice Areas, acts on learning plan and applies newly acquired skills
- Knowledge of UNDP/UN policies and programmes in crisis and post-crisis situations
- Knowledge of UNDP/UN regulations, rules, policies, procedures and practices; operations

#### Development and Operational Effectiveness

- Ability to lead strategic planning, results-based management and reporting
- Ability to lead formulation, implementation, monitoring and evaluation of development programmes and projects, mobilize resources
- Strong IT skills, including proficiency in Microsoft Office software and experience with web-based management systems
- Ability to lead implementation of new systems (business side), and effect staff behavioural/ attitude change

#### Management and Leadership

- Focuses on impact and result for the client and responds positively to feedback
- Leads teams effectively and shows conflict resolution skills
- Consistently approaches work with energy and a positive, constructive attitude
- Demonstrates strong oral and written communication skills
- Builds strong relationships with clients and external actors
- Remains calm, in control and good humored even under pressure
- Demonstrates openness to change and ability to manage complexities

#### Demonstrates strong oral and written communication skills

- Communicates effectively with staff at all levels of the organization
- Acts with tact and diplomacy.

- Proves outgoing and comfortable in handling external relations at all levels.
- Builds strong relationships with clients and external actors.
- Demonstrates openness to change and ability to manage complexities.
- Demonstrates compelling communication skills and cross-cultural effectiveness.
- Demonstrates excellent political / conflict analysis, experience in bilateral and/or multilateral negotiations, and negotiating and training / facilitation skills.
- Possesses the ability to convey difficult issues and positions to senior officials, proven political judgment, sensitivity to local cultures.

## **REQUIRED SKILLS AND COMPETENCIES**

### **Education**

- Master's Degree or equivalent in Law, International Relations, Business Administration, Public Administration, Legal Affairs, Political Science, Social Sciences or related field.

### **Experience**

- A minimum of 7 years of progressive experience in the area of design, management and implementation of legal and governance processes.
- Formal qualifications and operational exposure/experience in areas related to justice, governance and legal aid
- Good knowledge of UNDP's rules and procedures for project/programme implementation.
- Experience working in societies in a crisis/conflict/post-conflict situation is an advantage.
- First-hand experience in Pakistan desirable.
- Experience of working with government authorities as well as with IDP populations, grassroots organizations and civil society.
- Experience in programme/project planning and execution as well as monitoring and evaluation of projects/programmes.
- Strong knowledge of UN/UNDP policies, programming frameworks and procedures, proven ability to design and facilitate complex development intervention.
- Sound analytical skills on political, legal, social, cultural and any other relevant issues.

### **Language Requirements**

Fluency in English, including excellent writing skills. Fluency in or knowledge of Urdu and Pashto would be a strong asset.

ADMINISTRATIVE & FINANCE ASSISTANT  
Strengthening Rule of Law, Malakand

*Terms of Reference*

**Background**

The Rule of Law project, aims to promote an enabling environment which will deepen the ongoing efforts to secure peace and stabilization. Under this project assistance will be provided for institutional development and capacity building to the Rule of Law institutions to ensure effective security services and speedy provision of justice services. The project will also work with the informal justice institutions so that dispute resolution is trusted, affordable, accessible, and viewed as fair by the local communities. In doing so, UNDP will engage with key stakeholders in Khyber Pakhtunkhwa (KP) including the Judiciary, Police, Local Government, prosecution, bar associations, jirgas, CSOs and ongoing (justice) initiatives, including ongoing UNDP programmes and projects. The activities and outputs under the project will enhance confidence and trust of the local communities into the Rule of Law institutions and result in improved law enforcement, speedy justice, including that of informal justice system. The project will help create forums for dialogue and develop a strategy for harmonization between communities, formal and informal Rule of Law institutions.

The Admin & Finance Assistant will be responsible for the day-to-day Finance & Admin related activities within the project and acting as key point of contact for major national partners. The AFA will ensure coordination and coherence throughout the implementation process and provide support to project staff and contractors.

**Duties and Responsibilities:**

Under the guidance of the Project Manager, the Admin & Finance Assistant will provide high quality professional financial expertise to manage project operations according to UNDP rules and procedures:

- Assist in reviewing technical and financial reports of the implementing partners ensure compliance with the agreed terms and conditions. Ensure effective monitoring and follow-up on the programme and financial targets set in the quarterly and annual work plans in terms of implementation and delivery of services.
- Prepare financial and budgetary plans ensuring full compliance with UNDP's regulations and rules, policies, procedures and Internal Control Framework
- Review and submit payment requests to UNDP ensuring all supporting documents are attached
- Prepare and review documentation for processing of payments ensuring correctness and completeness of requirements for input to the system including propriety of charge codes, validity of contracts, leases or agreements, etc.

- Keeps detailed records throughout the year regarding expenditures, cost re-adjustments, and utilization of resources allocated to projects
- Prepare budget revision, process payment including vendor creation and providing chart of account to CO.
- Maintain project petty expenses and ensure entries in petty cash register, maintain general ledger to keep record of project accounts.
- Monitor expenditures for all phases of the financial operations, managed budgets and provides accurate information to Governance Unit on budget status.
- Provides vendor payment details on a regular basis for purposes of vendor payment reconciliations by ASD units
- Recommends any required corrective action on a monthly basis based on budget variance analysis reports
- Participates in regular project progress review meetings and Provides background materials, reports and analyses as required
- Assist NPM in the Organization of procurement processes including preparation and conduct of RFQs, ITBs or RFPs, receipt of quotations, bids or proposals, their evaluation, negotiation of certain conditions of contracts in full compliance with UNDP rules and regulations.
- Assist in the Management of grants provided to civil society groups and local authorities under the project
- Provide general administration support for the management of the grant contracts under the Call for Proposals process.
- Preparation and control of budget amendments of the grant contracts and ensure appropriate follow-up and clearance processes.
- Management of internal repository system for the tracking of grant funds and projects.
- Assistance in preparation and compilation of the financial forecasts, delivery plans and financial reports to UNDP and cost sharing donors
- Responsible to deal with all logistical, financial and administrative matters of the workshops, meetings, conferences and seminars with the close coordination of NPM
- Maintain project staff personal files including leave records
- Manage inventory for both expendable and non-expendable project items.
- Maintain project record including filing system traceable
- Act as focal person for yearly project audit;
- Assist in processing financial claims and facilitate approval through ensuring appropriate documentation and record keeping in accordance with DEX user guide lines;
- Conduct local market surveys and prepare procurement requests in accordance with UNDP procurement guidelines by providing accurate information on prices, specifications, freight and source of local manufacturers/authorized dealers/ suppliers etc
- Perform any other tasks as assigned by supervisor.

#### **Qualification including experience and skills/competencies**

- Bachelors Degree in Finance OR Accounting or Business Administration would be highly desirable. Masters Degree in one of these fields would be an advantage. Basic

requirement of the post is secondary education. Good knowledge of UNDP financial processes, policies, and guidance would be a distinct asset.

- Ability to work independently, under pressure and tight deadlines.
- Excellent knowledge of computer including MS Office, spreadsheets, and experience in web browsing/surfing and research.
- Ability to work in multi-cultural and diverse environment.

### **Experience**

- Minimum 5 years of working experience in financial and administrative matters preferably relating to UN projects. Experience in the usage of computers and office software packages (MS Office) and advance knowledge of spreadsheet and database packages
  - SB-3 equivalent to ICS-5

### **Language Requirements:**

Fluency in written and spoken English is required.

**Term of Reference  
Project Review Board**

**Strengthening Rule of Law in Malakand (SRLM)**

**Background Introduction**

The project would assist promoting Rule of Law through provision of support to the Justice and Security sector in Khyber Pakhtunkhwa Province. The Strengthening Rule of Law in Malakand (SRLM), being operationalized through this project, aims to promote an enabling environment, which will deepen the ongoing efforts to secure peace and stabilization. Under this project, assistance will be provided for institutional and capacity development to the Rule of Law institutions to ensure effective security services, and speedy provision of justice services in Malakand Division. The project will also work with the informal justice institutions so that dispute resolution is trusted, cheap and accessible, and viewed as fair by the local communities. In doing so UNDP will engage with key stakeholders in Khyber Pakhtunkhwa, particularly Malakand Division including the Judiciary, Police Department, Local Government Department, prosecution, bar associations, jirgas, CSOs and ongoing justice initiatives. UNDP through this project will ensure linkages with ongoing UNDP program and projects. The activities and outputs under the project will enhance confidence and trust of the local communities in the Rule of Law institutions and result in improved enforcement, speedy justice, including that of informal justice system. The project will help create forums for dialogues and develop a strategy for harmonization between communities, formal and informal Rule of Law institutions.

**Implementation & Management Arrangements**

"Strengthening Rule of Law in Malakand shall be based at Peshawar being directly implemented(DIM) by UNDP under the overall supervision, strategic guidance & oversight of the PRB constituted at the provincial level and to be co chaired by the Additional Chief Secretary, P&DD Govt of Khyber Pakhtunkhwa and Deputy Country Director Programme UNDP.

**PRB Composition and TORs**

The PRB shall comprise of the following:

1. Additional Chief Secretary , P&D Deptt: Khyber Pakhtunkhwa (in co chair).
2. UNDP Deputy Country Director Programmes (in co chair).

3. Representative of Hon:able Chief Justice Peshawar High Court (Member).
4. Secretary, Home Department KPK. (Member)
5. Secretary, P&DD KPK. (Member)
6. Secretary, Law Department KPK. (Member)
7. Secretary, Local Government Department KPK. (Member).
8. Representative(s) of Police Department (Member)
9. Representative of Economic Affairs Division Govt: of Pakistan not less than the rank of deputy secretary (Member).
10. Representative of UNDP. (Member).
11. President, Peshawar High Court BAR Association (Member).
12. Representative(s) of Civil Society/NGO/Coordinating firm/Media (Member).
13. Project Manager SRLM. (Secretary)

The PRB may invite any relevant official/person as co-opted member

**The PRB will be responsible for the following:**

1. Approve annual Work Plan and training programs within the parameters prescribed in the approved sheet of the document by EAD.
2. Review project progress related to implementation, operations and financial reports
3. Review & approve M&E plan
4. Decide on policy matters and issues required to enable effective project implementation.
5. Provincial and district level coordination with all stakeholders
6. Providing policy guidelines and overall project monitoring
7. Provide necessary support to enhance project efficiency and effectiveness
8. Proposing amendments in the project document and alteration in the implementation modalities to EAD and UNDP for approval.
9. Revise AWP based on needs and requirements of programming within the parameters prescribed in the approved sheet of the document by EAD.
10. To resolve any dispute arising during execution which effect the smooth running of the project
11. Maintain the impartiality of the program and protect it against any biases which could impair its neutrality.
12. Ensure the cooperation of the respective Provincial and district line Departments and organizations/training Institutes in the provision of the necessary technical and professional services according to work plans and budgets.



13. The PRB shall ensure sustainability of the components of the project executed during post completion phase.
14. PRB shall keep a close watch on funds raised under the projects and expenditure incurred.

**Meeting of PRB**

The PRB shall meet at least once on quarterly basis or as required

Requirements Identified by  
EAD for Project Implementation

S. No	Requirements
1.	This Project, in no way, shall overlap or duplicate efforts by other development partners including USAID, local efforts through provincial ADP and efforts under MIDF.
2.	No vehicle shall be purchased under this Project and existing pool of vehicles shall be utilized for supervision.
3.	No expenditure under the Project shall be incurred to finance foreign travel of any officer/consultant/UNDP staff or any workshop/conference to be organized abroad.
4.	Expenditures on consultancies must not exceed 5% of the total cost of the Project.
5.	Studies/Research will be conducted only when the Provincial Government identifies such needs or specific issues.
6.	Workshops/Conferences shall be held only when these are explicitly required by the Provincial Government and that too specific themes and discernable outcomes/deliverables. Cost must not exceed 10% of the total cost of the Project.
7.	Focus of the Project would be more on hardware, training in investigation, prosecution and other specific deliverables identified by stakeholders.
8.	The Project shall not pre-empt any resource meant for MIDF by donors/development partners.
9.	UNDP shall submit a quarterly report to EAD to show progress vis-a-vis intended output, outputs, indicative activities, output targets and reasons for slow progress, if any, to reach EAD 15 days after a quarter is over.
10.	UNDP shall keep EAD informed about the details of resources raised from various development partners for financing this Project.
11.	UNDP shall submit quarterly progress report on budgetary expenditure to reach EAD 15 days after quarter is over, indicating activity wise expenditure & budgetary allocation.
12.	In case reports on (9) to (11) are not delivered on regular basis on time, EAD may consider with-drawal of its approval.
13.	Proposed PRB including its TOR as amended shall form part of the approved document. It will be co-chaired by ACS (Dev), Government of Khyber Pakhtunkhwa and Deputy Country Director (Programmes), UNDP.

14.	Government of Khyber Pakhtunkhwa and PRB shall ensure sustainability of components of the Project executed during post completion phase.
15.	PRB shall keep close watch on funds raised under the Project and expenditure incurred.