



**Swiss Agency for Development and Cooperation
Annual Progress Report
September 2016–August 2017**



Strengthening Rule of Law Programme (SRLP), UNDP



Table of Contents

Acronyms and Abbreviations.....	3
1. Introduction	4
2. Results Reporting	4
2.1 Outcome-level results achieved	4
2.2 Output- and activity-level results	5
2.3 General comments on programme impact.....	8
2.4 Thematic comments on gender, human rights and conflict-sensitive programme management	9
2.5 Security.....	9
2.6 National achievements	9
3. Case Study	10
Annex 1: Result Matrix	11



Name of Partner	United Nations Development Programme (UNDP)
Name of Programme	Strengthening Rule of Law Programme (SRLP)
Place of Implementation	Khyber Pakhtunkhwa
Reporting Period	September 2016–August 2017

Acronyms and Abbreviations

ADP	Annual Development Plan
ADR	Alternative dispute resolution
ASI	Adam Smith International
CPO	Central Police Office (KP)
CSO	Civil society organization
DPP	District Public Prosecutor
FATA	Federally Administered Tribal Areas
FGD	Focus group discussion
KP	Khyber Pakhtunkhwa (province)
KPJA	Khyber Pakhtunkhwa Judicial Academy
LAD	Legal aid desk
MJ	Musalihati <i>jirga</i>
NGO	Non-government organization
PBC	Pakistan Bar Council
PTS	Police Training School (Swat)
RFSL	Regional Forensic Science Laboratory
RSPN	Rural Support Programme Network
SAILS	South Asian Institute of Advanced Legal and Human Rights Studies
SDC	Swiss Agency for Development and Cooperation
SRLP	Strengthening Rule of Law Programme
TNA	Training needs assessment
UC	Union council
UNDP	United Nations Development Programme
UNDSS	United Nations Department for Safety and Security
UNODC	United Nations Office on Drugs and Crime



1. Introduction

More than a decade of armed conflict underpinned by pernicious radicalization, militancy, and extremism defines the emerging development context in Khyber Pakhtunkhwa (KP). The state has expanded the scope of military operations since 2014 from the volatile Federally Administered Tribal Areas (FATA) to target militant groups entrenched in the urban areas of the country. In this shifting scenario, FATA and KP have emerged as the new epicentres of violence and militancy in Pakistan. While the immediate impacts of these developments are evident in the exponential loss of lives, damage to property and infrastructure, and large-scale displacements from active conflict theatres, the more insidious effects are apparent in the breakdown of law and order and diminishing access to formal justice institutions. In fact, the lack of access to justice has been identified as both a cause and effect of increasing violent extremism in KP.

While Police and media reports indicate a declining trend in the region's crime ratio,¹ there is a continuing gap (the rate of offences brought to justice) in the criminal justice system. This is attributed in part to the quality of Police investigations, in particular, the lack of forensic evidence and modern policing techniques; inadequate processes, guidelines and standard operating procedures; and poor cooperation between Police and prosecution.² Various indicators related to the Police Department show that law enforcement agencies (with support from development partners) are on a path to modernization and have made efforts on various fronts to counter the looming threat of terrorism. In comparison to 2014, there was a 67 percent decline in incidents of terrorism during 2016, while all other crimes have increased by 14 percent in 2016 as compared to 2015.³

The Programme has evolved over its five-year cycle extending its geographic reach, deepening programme interventions and building on synergies from achieved results. SRLP has been readjusting itself in view of an evolving development scenario. Based on findings from mid-term evaluations and the PRB's recommendations, the Programme included interventions on improving the conditions of prison inmates. The review of prisons shows that, presently, all jails in KP host 11,061 prisoners against an authorized accommodation level of 7,547. This means all KP jails are overcrowded by 47 percent. Finally, in addition to expansion in three districts in southern KP, UNDP is preparing its support to the FATA region in the context of mainstreaming FATA and KP. This will require significant support related to rule of law and security – including support to establish an independent judiciary, working with informal justice providers on upholding human rights and laws under Pakistan's constitution, and supporting a professional and accountable law enforcement mechanism.

2. Results Reporting

2.1 Outcome-level results achieved

Programme support contributed to improved performance of the district judiciary through infrastructure support, institutionalization of training process and establishment of a research wing and mediation centre at the Khyber Pakhtunkhwa Judicial Academy (KPJA). Building on SRLP support, the KPJA mobilized further funding from the World Bank, UNICEF, UNODC, Coffey International, and the Adam Smith Institute (ASI). It was also granted an allocation of funds in the provincial Annual Development Plan (ADP) of 2017–18. This support contributed to improved case management as courts disposed 39,602 cases during January–July 2017 against 30,432 new cases filed thus reducing case backlog

¹ Policing with passion: Strategic initiatives and institutional reforms in KP Police. KP Police, February 2016.

² Ikram, et al., International Growth Centre, 2014.

³ Home Department Annual Report, 2016.



for 9,170 cases.⁴ Of 113,736 cases concluded in 2016, 89,851 (79%) were convicted, 6,824 (6%) were acquitted and 10,236 (9%) were compounded. This indicated 7% and 1% rise in the conviction rate from 2014 and 2015 respectively, despite the increased institution of cases, and therefore increased court workload (Table 1).

Table 1: Status of cases: Petty/heinous offences, 2014–2016⁵

Year	Trial concluded	Convictions	Acquittals	Compounded	Appeal preferred	Pending investigation
2014	92,527	66,456	9,301	9,672	852	161
2015	102,815	79,724	6,805	9,864	658	2,58
2016	113,736	89,444	6,994	10,659	776	5,736
Total	309,078	235,624	23,100	30,195	2,286	6,155

Findings from focus group discussions (FGDs) during field monitoring visits implied that the Police are becoming more service-oriented; community members also pointed to the Police’s cooperative behaviour, which was attributed to Police and community engagement through community policing initiatives and infrastructure support to model Police stations. These now have refurbished interview and investigation rooms, recordkeeping facilities, dedicated gender desks and halls for community policing.

2.2 Output- and activity-level results

Output 1: Increased access to justice, legal aid and representation mechanisms, including for vulnerable groups

In Pakistan, a large section of the population is unable to access the formal legal system because of the expense and a general lack of awareness on legal rights. There is no comprehensive and uniform framework for legal aid, so accessing the formal legal system is still an unaffordable luxury for most people.

The Programme continued its legal awareness and literacy interventions. Long-term contractual modalities—avoiding discontinuation of activities—accelerated field implementation resulting in the Programme reaching 18 percent more community members than last year, including 18 percent more women. The Programme raised legal awareness among 71,491 individuals, 51 percent of whom were women. Beyond this, the Programme disseminated messages pertaining to legal rights and duties through various media channels to 2,199,560 citizens in ten districts. Building on stakeholders’ trust and support for the Programme, it has been able to increase access to free legal aid and justice services through 22 legal aid desks to the tune of 9 percent, reaching 7,286 indigent community members, including 50 percent women – covering 10 percent more women community members than last year.

SRLP is committed to the empowerment of women and the protection of their rights. The Programme provided 15 scholarships, 2 license fees, 12 apprenticeships, legal books for 34 women lawyers, and training for 68 female and male lawyers. Moreover, 40 women became professional lawyers after receiving support from the Programme. This led to increased public acceptance of women practicing law, allowing them to generate income to support themselves and their families. This is evident from the fact that these lawyers have a caseload of 214 cases, 63 percent of which are from women clients. In addition, a women lawyers association with an initial membership of 35 women was launched in 2016 with the objective of serving as a platform for women lawyers to raise their voices and work together to strengthen women in the legal profession.

⁴ <http://www.peshawarhighcourt.gov.pk/app/site/>.

⁵ <http://www.peshawarhighcourt.gov.pk>.



Table 2: Legal aid beneficiaries

Interventions	Sep 2016–Aug 2017			Inception–Aug 2017		
	Men	Women	Total	Men	Women	Total
Free legal aid provision to indigent litigants	3,651	3,651	7,286	10,743	10,018	20,761
Legal awareness through mobile legal aid clinics and awareness sessions	35,129	36,362	71,491	87,460	90,921	178,381
Legal awareness through media campaigns	--	--	2,199,560	--	--	3,051,484
Scholarship for women law students to continue their studies	--	15	15	--	60	60
Internship for women law graduates to join mainstream law profession	--	2	2	--	42	42
Leadership and practical legal skills training for lawyers	--	14	68	280	51	331
Apprenticeship support to women law graduates	--	12	12	--	92	92
License support for women law graduates to join law profession	--	2	2	--	10	10
Legal awareness conducted by law students	8	12	20	8	12	20
Legal awareness by the law students	290	416	706	290	416	706
A women lawyers association launched	--	35	35	--	35	35
Law books to women lawyers	--	34	34	--	34	34

In the FGDs conducted during field monitoring visits, engaged community members reflected growing confidence and satisfaction with the legal aid services they received. Long-standing collaboration with stakeholders added value to legal aid interventions as the district administration, bar associations, district prosecutors, and district judiciary reposed their confidence by referring indigent community members to legal aid desks established and supported by UNDP in collaboration with district bar associations' legal aid committees and local civil society organizations (CSOs).

Output 2: Improved court capacity to provide effective and timely justice services

Cumulative achievements

Pakistan's judicial system in general, and that of KP, in particular, is faced with numerous challenges characterizing it as lethargic and slow with a massive backlog. People's trust in the system has decreased over time due to delays in case disposal and cumbersome processes accompanied by low capacity of both court staff and judges, especially in the lower courts. The judicial output since the inception of the Programme continued to support the strengthening and capacity building of courts and court officials at the district level of Malakand Division and southern parts of KP's Bannu, Kohat and Dera Ismail Khan districts.



The Programme has created an enabling environment for court staff and litigants by refurbishing and furnishing 16 courtrooms, 8 information centres and 16 litigant waiting areas. Based on a 2012 training needs assessment, three training toolkits (manuals) were developed and three training-of-master-trainers (ToTs) sessions were held for 45 master trainers. The topics included court and case management, office and case management and substantive and procedural laws. Besides capacity building, the Programme also supported the up-gradation of three existing training manuals for judges and court staff to bring them in line with present-day developments and to accommodate new amendments in existing laws. Based on upgraded manuals, various trainings were delivered to judges and court staff.

To further develop KPJA's organizational capacity in terms of improved training facilities, provision of accommodation facility for the training participants, putting in place security measures, and develop recommendations on human resources' policy for KPJA, a need assessment was completed and the Programme will be providing the required support next year.

During the reporting period, the KPJA trained 169 judges and court staff (21 percent women) in court and case management, substantive and procedural laws and specialized trainings such as in forensics and financial crimes, which were included and delivered for the first time in the KPJA's history. Trainings in cybercrime and inheritance laws are other specialized trainings which are planned for later this year. The Programme equipped the Academy with a training impact evaluation system to gauge training effectiveness. The Academy evaluated the trainings at the pre- and post-level. A behavioural change evaluation will be held after six months, whereas the overall impact of trainings effectiveness for organizational performance will take place after a year. A review of the training reports and data indicates that there has been a noted improvement in the knowledge of specific laws and procedures covered in the trainings. On average, a 21 percent improvement in knowledge and skills was recorded.

Table 3: Beneficiary trainings

Training title	Sep 2016–Aug 2017			Inception–Aug 2017		
	Men	Women	Total	Men	Women	Total
Court and case management	17	8	25	325	37	362
Financial crimes	18	7	25	18	7	25
Forensics	23	2	25	23	2	25
Substantive and procedural laws, including specialized subjects	71	2	73	359	58	417
Family laws	4	17	21	4	17	21
Judgement writing skills	--	--	--	100	--	100
Office and case management skills	--	--	--	399	--	399
Mediation skills	--	--	--	133	--	133
Gender mainstreaming	--	--	--	21	4	25
Juvenile and justice system	--	--	--	19	6	25
Intellectual property rights	--	--	--	23	2	25
Cyber crimes	--	--	--	21	4	25
Total	133	36	169	1,445	137	1,582

The Programme established a training impact evaluation system at the KPJA. An assessment conducted to evaluate the findings from the training evaluation system indicated that there is an overall 21 percent improvement of knowledge of specific laws and procedures covered in all the trainings during 2016. The assessment further highlighted that



the training regime for the judiciary met its essential goals and was found to be useful by the majority of participants.⁶

Output 3: Supporting alternative dispute resolution mechanisms consistent with the Pakistan Constitution and human rights standards

Local communities lack knowledge of basic laws, rights and procedures for the redressal of injustice. To meet this challenge, the Programme initiated the creation of social capital within local communities by establishing community paralegals networks. The community paralegals are volunteers who are trained in basic laws and dispute resolution techniques and are engaged in activities to facilitate access to forums of justice and assist in dispute resolution. SDC's support to this output continued until 2015.

During 2012–2013, under the Local Government Ordinance, 2001, *musalihati jirgas* (MJs), community-based dispute resolution forums, were notified in 40 union councils across four districts. For the first time in Malakand Division, each MJ has a female member duly notified by the Local Government Department. During the reporting period, a training manual to strengthen alternative dispute resolution (ADR) skills was developed to train MJ members. Some 495 MJ members, including UC secretaries, were trained. From 2012 to 2013, 1,152 community paralegals were identified and trained in Malakand division.

Output 4: Improved Police service to local communities via policy and operational reform as well as targeted criminal justice system support to prosecution services.

The Programme developed a combined approach to modernizing Police services, including policy reforms, trainings, forensic investigations and community- and gender-responsive policing. A training needs assessment was conducted in 2012 which resulted in the development of training toolkits (manuals) for the Police and prosecution.

From 2012 to 2015, the Programme trained 38 master trainers from the Police and 18 from the prosecution departments through three ToTs. The capacity of 312 Police officials was improved by providing trainings in supervisory and communications skills. The capacity of 308 Police investigation officers was improved by providing trainings in criminal investigation and crime scene management; these also included 25 Levies officials from Malakand district. The work environment in 36 Police stations was improved through the provision of necessary furniture and IT equipment in Malakand Division. In addition, 48 executive magistrates were trained in criminal law, local and special laws, judgment writing skills, *Qanoon-e-Shahadat*, and alternate dispute resolution. Some 145 prosecution officers were trained in case management techniques. Two district public prosecutor (DPP) offices were refurbished and seven DPP offices were provided with equipment and furniture. Seven district prosecution libraries were equipped in all districts of Malakand, four district prosecution offices were refurbished, and a prison management information system was installed at Timergara Prison, Dir Lower and linked to the Central Jail in Peshawar.

2.3 General comments on programme impact

Programme endeavours have made inroads into institutionalizing legal aid desks. The KP's Bar Council informed the Programme that it would be taking over the custody of the legal aid desks—established by the Programme—and notifying the legal aid committees constituted by the Programme as official committees of the Bar Council. The Programme has initiated transitional support to legal aid desks. This is a breakthrough towards institutionalizing free legal aid. Thus, a key objective of the Programme will come to fruition, that's improved access to free legal aid.

⁶ Training Impact Evaluation Study, 2016.



With growing stability in KP, the Police has been readjusting its role from traditional law enforcement to prevention, problem-solving, community engagement, and partnerships. UNDP is supporting the Police in community policing, revising its training policy, developing a crime data analysis centre and gender-responsive policing. Similarly, training, infrastructure, and system support were provided to the judiciary and prosecution departments. During 2016, UNDP trained more than 1,500 individuals, including Police officials, judges and court staff, pleaders, and prosecutors (27 percent were women officials). The institutional support, including trainings to law enforcement departments, contributed to reducing the crime ratio in UNDP's intervention districts by eight percent.⁷

2.4 *Thematic comments on gender, human rights and conflict-sensitive programme management*

Various factors like women's limited knowledge on legal, economic or political rights, violence embedded in customary practices, the absence of available and accessible protection and justice for women, and restricted mobility collectively deny women opportunities to own and possess assets and resources. Due to customary practices, women are forced to withdraw their right to an inheritance in favour of male family members, seemingly voluntarily or under compulsion. In view of this, the Programme organized a conference on women's rights to an inheritance which culminated in putting forth critical recommendations i.e. special separate laws on the patterns of family issues, dedicated courts for quick disposal of inheritance cases, and public awareness on inheritance through different channels. The recommendations are being taken up with the Peshawar High Court for necessary actions and implementation.

2.5 *Security*

The Programme kept close liaison with law enforcement agencies including the Police and UNDSS to keep abreast of evolving security situations and threat alerts. Broadly speaking, the law and order situation in Programme districts remained stable and did not affect Programme delivery.

2.6 *National achievements*

The Programme brought together various national and international stakeholders for the 'Regional ToT' and 'Conference on Community-based Paralegals in Pakistan'. The conference's declaration called for paralegals' full recognition in communities, governments and the legal system, and urged that paralegal services be considered a core part of development, including the fulfilment of Sustainable Development Goal 16 by advancing access to justice. Major participants of the conference included the Law and Justice Commission of Pakistan, UNDP Pakistan, RSPN Pakistan, SAILs Bangladesh, Centre for Social Justice India, the Open Society Foundations, Afghanistan Independent Bar Association and numerous national and regional organizations.

⁷ Central Police Office administrative data.



3. Case Study

Zakirullah is a 15-year-old boy from Behrain, Swat (KP). A year ago, a verbal exchange with a neighbour turned physical and he was stabbed in the ribs.

“I was asking him about the keys to my workplace. He began poking fun at my stutter. When I would not stop asking about the keys, he stabbed me”. The blood loss rendered him unconscious, after which bystanders took him to Madyan Hospital, about ten kilometres from Behrain.



Zakir’s father, Akhtar Munir is a labourer earning barely PKR 500 a day. “I was at work when I heard about Zakir’s stabbing. It was a painful experience to see my own son like that”. To make matters worse, no one would treat him without a first investigation report (FIR). They eventually managed to register it over the telephone.

Zakir had lost too much blood and was still unconscious. His doctors referred him to a larger facility in Mingora, some 50 kilometres away – a difficult and expensive move. His mother, Mrs. Akhtar Munir recalls the difficulties their family faced. “It has been a year since this happened. An entire marketplace witnessed this heinous crime, but no one was willing to speak up – that boy was a criminal, but a financially secure one”.

The child protection office of the Social Welfare Department referred the case to a local



legal aid desk. The case had too many loopholes in it – the FIR was unclear and the accused managed to flee to Saudi Arabia after just 12 days in jail. Zakir’s lawyer knew there weren’t many legal options. So, he did the next best thing: he managed to get the family a 40,000-rupee compensation package for Zakir’s medical expenses from the accused.

Akhtar Munir is relieved and grateful. His son is alive, his medical expenses are covered,

and there were no legal fees as the legal aid desk is operated by pro-bono lawyers and supported by the SDC in Pakistan and UNDP’s Strengthening Rule of Law Programme.

The caption of the photo in the case study: Mr. and Mrs. Akhtar Munir with their son, Zakirullah relating their story to the legal aid staff of SRLP’s partner organization (**SDC may use these photographs**).



Annex 1: Result Matrix

Overall outcome: Formal and alternative access to justice and rule of law mechanisms strengthened, with a focus on the rights of women and vulnerable population.		
Indicator and Baseline	Target (Sep 2016 – Aug 2017)	Achievements (Sep 2016 – Aug 2017)
<p>Indicator: Number of duty-bearers enabled with strengthened system and capacities (gender disaggregated)</p> <p>Baseline</p> <ol style="list-style-type: none"> 1,413 (9% women) judges and court staff trained Supported the establishment of KPJA, Regional Forensic Lab and Police Training Centre, Swat 851 police and prosecution officials trained 18 parliamentarian trained on legislation and human rights 	<ol style="list-style-type: none"> Training of 1,580 (10% women) judges and court staff Strengthening the Research Wing of KPJA 	<ol style="list-style-type: none"> 1,582 (9% women) judges and court staff trained IT equipment (tablets) provided to Research wing staff; further support will be provided next year
Expected outputs: baseline and targets	Activities	Achievements (Sep 2016 – Aug 2017)



<p>Output 1: Increased access to justice, legal aid and representation mechanisms, including for men, women and vulnerable groups.</p> <p>Indicators</p> <p>1.1. Extent to which bar rules are amended for pro bono services provision to vulnerable groups <i>and made functional</i></p> <p>1.2. No. of vulnerable litigants provided legal aid in target areas (disaggregated by gender)</p> <p>1.3. No. of community members made aware of their legal rights and duties, with special focus on increased percentage of women</p> <p>1.4. No. of women law practitioners taking part in mainstream legal practice</p> <p>1.5. No. of law students providing community service</p> <p>Baselines:</p> <p>1.1. Scale 1: Inadequate rules requiring pro bono work</p> <p>1.2. 6,192 (women 49 percent) citizens provided free legal aid in target areas</p> <p>1.3. 49,143(women 50 percent) community members made aware of their legal duties and rights</p> <p>1.4. 05 women law practitioners added to the mainstream legal practice through provision of internships and licences</p> <p>1.5. 05 law student providing community services</p> <p>Targets:</p> <p>1.1. Scale 2: Amended rules ratified</p>	<p>1.1.1.a. Consultative meetings held with stakeholders at district, provincial and national level to activate legal aid committees under bar councils, district legal empowerment committees and improve coordination between district legal empowerment committees and other legal aid providers</p> <p>1.2.1 a. A training manual to improve legal services for Lawyers upgraded and 4 trainings conducted.</p> <p>1.2.1 b. Bar Council and bar associations provided access to online law resources, up-to-date law books, journals, minor repair, furniture, IT equipment, including female bar rooms / spaces (library) refurbished in project districts.</p> <p>1.2.1 c. Incentives provided to lawyers to support indigent population to file cases in courts</p> <p>1.3.1 a. NGOs, bars and law schools supported to engage team, conduct legal awareness & clinics, provide consultations in communities, shelter homes, educational institutions and camps for refugees and displaced persons.</p> <p>1.3.1 b. Operational support provided to legal aid desks to function effectively.</p> <p>1.3.1 c. Media campaigns launched and materials on legal rights and laws disseminated to educate communities with special focus on women's, children, students and displaced persons' rights</p> <p>1.4.1 a. Female law students, graduates and lawyers supported through provisions of scholarships, stipends and grants</p> <p>1.5.1 a. Training conducted for the law students involved in clinical legal education.</p>	<p>1.1.1.a. 14 Consultative meetings held with stakeholders at district, provincial and national level to activate legal aid committees</p> <p>1.2.1 a. A training manual improved and 4 trainings conducted whereby 68 lawyers trained.</p> <p>1.2.1 b. Bar Council and bar associations provided access to online law resources, up-to-date law books, journals, minor repair, furniture, IT equipment, including female bar rooms / spaces (library) refurbished in project districts.</p> <p>1.2.1 c. Incentives provided to lawyers to support indigent population to file cases in courts and thus provided free legal aid to 7268 individuals</p> <p>1.3.1 a. NGOs, bars and law schools conducted legal awareness & clinics whereby the reached out to 71,491 community members</p> <p>1.3.1 b. Operational support provided to 22 legal aid desks.</p> <p>1.3.1 c. Media campaigns launched and materials on legal rights and laws disseminated to educate communities with special focus on women's, children, students and displaced persons' rights</p> <p>1.4.1 a. Female law students, graduates and lawyers supported through provisions of scholarships, stipends and grants</p> <p>Action 1.5.1 a. One 5 days training conducted for the law students involved in clinical legal education.</p>
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<p>1.2. 7,000 citizens provided free legal aid in target areas 1.3. 65,000 community members made aware of their legal duties and rights 1.4. 05 women law practitioners added to the mainstream legal practice through provision of internships and licences 1.5. 05 law student providing community services</p>	<p>1.5.1.b. Twenty legal awareness sessions organized in educational institutions by law students supervised by faculty.</p>	
<p>Output 2: Improved capacity of courts to provide effective and timely justice services to the people</p> <p>Indicators 2.1. The extent to which the capacity of the judges and the court staff is enhanced in terms of evidence based decision making and in reducing case backlogs 2.2. Increased capacity of KPJA to conduct publishable research on rule of law</p> <p>Baseline: 2.1. Scale 1: No specialized trainings available for judges and court staff at KPJA 2.2. Scale 1: No capacity to conduct publishable research on Rule of Law</p> <p>Targets: 2.1. Scale 3: Specialized trainings conducted and evaluated Scale 2: Limited capacity (one or two staff working on ad hoc basis on research, research studies produced and published</p>	<p>2.1.1 a Conduct needs assessment of KPJA and Provide institutional support to KPJA and high court 2.1.1. b Capacity building of judges and court staff on special courses and upgraded training manuals develop training courses on forensics, gender and juvenile. 2.1.1. c A conference held on female right to inheritance. 2.2.1.a Research wing in judicial academy strengthened via institutional and personnel support</p>	<p>2.1.1 a. needs assessment conducted; institutional support will be provided next year 2.1.1 b. 169 (36 women) judges and court staff trained 2.1.1 c. conference on women inheritance held; recommendations compiled and shared with stakeholders 2.2.1 a IT equipment provided; rest of the support will be provided next year</p>