

**Name of the Organization: Khorasan Legal Services Organization
(KLSO)**

Name of the project: Free Legal aid for women

Brief Discretion

The main objective of the project is to improve access to justice for women who cannot afford or have limited access to legal aid services.

Project title- Free Legal Aid for Women

Duration- 12 months

Location – Kabul

Goal- Effective and lawful defending from the rights of accused and defenseless women in criminal cases before courts to strengthen rule of law in Afghanistan.

Donor agency-

Beneficiaries- the direct beneficiaries would be the defendants (accused women in criminal cases).

Output- legal aid provided

Estimated budget- US\$ 59040

KLSO contribution- in kind (all necessary equipments)

Section 1:

Part I. Organization Background

The formal justice system of Afghanistan has been influenced, to varying degrees, by Western (mainly French) legal thought and moderate Islam, radical Marxism, and by radical interpretations of Islam. These influences, by and large, reflected the values, ideologies, and politics of the various governments that Afghanistan has witnessed since its emergence as a politically organised society. In the 1950s and 1960s, the justice system was modernised and state law, rather than Shari' a, became the primary source of the justice system. After the military coup in 1978, the Marxist government attempted to introduce a Soviet-style judicial system, but these changes were rejected before they took root. The subsequent mujahideen regime of 1992–96 declared Shari' a as the basis of the state, and this was further entrenched by the Taliban's regime. While most of these regimes have partly used their systems of justice as tools for achieving their political goals, they have nevertheless contributed to the richness of Afghan legal culture; there is much within these different doctrines and approaches that could be fruitfully used and integrated in a post-war justice system.

It is also important to mention that, as the formal Afghan justice system is elitist, corrupt and involve long delays, many Afghans avoid contacts with it. Therefore, many Afghans - particularly in rural areas - continued to use traditional institutions of informal justice such as Jirga, Maraca, and Shura. Although the practices of these traditional institutions of popular justice sometimes conflicted with Afghan legal norms and with international standards of human rights, they nevertheless resolved tribal and local conflicts expeditiously and in cost-effective ways.

Since the establishment of the Afghan Interim Administration in December 2001, approval of new constitution by Loya Jirga in 2004, the increasing involvement of the international community and the UN in the social, political and economic reconstruction of Afghanistan appears to necessitate the compatibility of the Afghan justice system with

international standards and principles of human rights. So that , there is and urgent need of reconstruction of Afghan justice system. For better being involved in the mentioned process, KLSO a non profit and non governmental organization has been established by a number of Profs of law faculty of Kabul University with the following goals:

defend of justice, freedom and human rights , strengthening rule of law and developing democracy in Afghanistan , active participation in the justice sector's reconstruction, promoting legal awareness of the people in rural and urban areas for better defending their rights, preparing legal advices to clients in regard to family and civil problems specially for women who are faced to numerous family and social problems in the society, conducting legal training programs in legal practice and advice, raising legal awareness of women to be prepared for defending Islamic , social and political rights in the society and participation in coming elections of 2009 and other important legal issues, conducting events in terms of symposiums, lectures, conferences, workshops in deferent legal aspects for governmental and none governmental organizations and public domain for raising their legal awareness , conducting research projects regarding critical issues and preparing recommendation to authorities for making suitable policies, preparing the ground to defence from rights of children , establishing and expanding bilateral and multilateral cooperation between similar internal and external organizations and individual foreign lawyers, and publishing brochures , season magazine, books and other basic information in regard to KLSO.

Nevertheless, one of the important part that hasn't been existed in strengthening rule of law organs particularly before the establishment of the Afghan Interim Administration¹ is the effective legal aid system to defend the rights of accused people, though Afghans have the legal right to defense counsel, but attorney lawyers are virtually unknown in Afghanistan, even in criminal proceedings, defendants are almost never represented by counsel.

Traditionally, clients have used lawyers for commercial matters, but even these could be characterized better as brokers or agents, who, for example, handle payments of bribes to judicial officials. A legal aid department within the Supreme Court is supposed to provide assistance to indigent defendants, but according to multiple sources, the office exists in name only. Understanding of the role of defense counsel is lacking as well.

¹ Despite that, after the oust of the Taliban some legal entities like Medica Mondiale and ILF were established to provide legal aid to people but it is not sufficient for all Afghan people.

As rule of law gradually prevails in the country, the needs of defence lawyers and legal consultants to help and defend accused people are getting more prominent, and they will fill the gap due to lack of these entities in strengthening rule of law organs. Hence, the Khorasan Legal Services Organization is intending to implement the project of Legal aid to disseminate the culture of legal practice and to take effective part in the legal renovation of Afghan justice system.

Justification:

According to the mentioned issues, we start with the assumption that all cases of arrests, process of investigating, and trials must be fair and according to established rules. The safeguarding of fair trial rights for all accused persons, no matter who they are or what they are alleged to have done or how unpopular they may be, is an essential ingredient that contributes to the respect for human rights under the rule of law must be conducted fairly, because Legal principles alone do not guarantee fair treatment "on the ground," in detention facilities and courts. Fair treatment rests on how the rules are interpreted and applied by police, prosecutors, judges and defense lawyers. defense lawyers play a critical role as fair trial watchdogs - often actively challenging how other parties interpret both the law and the factual evidence. To play this role effectively, they need adequate resources and the support of strong institutions.

defense lawyers, in particular, need the support of an independent base because they are required to engage in a regulated dispute with the prosecution, by questioning the prosecution theory and the evidence adduced against a defendant. In some cases, they also contest either the authority or a particular decision of the court itself. defense lawyers face the practical challenge of countering a natural "prosecutorial bias" that develops as police, prosecutors and judges' work together to arrest suspects and charge them with crimes. To better and effective participation in the process of reconstruction and renovation of justice system in Afghanistan , there is an urgent need to establish the institutions involved in defense issues particularly in criminal cases. For this purpose the **Khorasan legal Services Organization** has been established by a team of female and male professors of law faculty of Kabul University and lawyers with extensive experiences in different fields of justice. Its main office is located in Kabul but covers all over the country.

Vision

The Khorasan Legal Services Organization vision is:

Sound, effective, practical and equal access to justice becomes a reality to all deprived people of Afghanistan.

The Khorasan Legal Services Organization's Core Values and Guiding Principles:

- (1) Equal access to justice is central to our democratic society, integral to the effective functioning of our justice system and a critical part of the safety net for vulnerable members of our community.
- (2) As trustees of our system of justice, lawyers have a special responsibility to ensure equal access to justice. The KLSO mission is a reflection of our strong commitment to this fundamental tenet of the legal profession and our belief that the huge and persistent gap in access to our civil justice system is a call to action for the legal community.
- (3) By coming together as a community, we have the power to significantly improve access to justice for less fortunate residents of Afghanistan and ultimately to fulfill our nation's promise of **justice for all**.
- (4) Achieving the KLSO's vision of equal access to justice in our community requires a comprehensive and coordinated approach that fully engages the legal profession, recognizing that this issue affects more than just low-income residents and taking into account the relevant statewide and national contexts.
- (5) All of our stakeholders are equally important to fulfilling our mission: our donors; our board, staff and volunteers; our many other partners; and all of the Afghan people who ultimately benefit from our collective efforts.
- (6) The KLSO's distinct capacity to harness the considerable expertise, resources and influence of our various stakeholders uniquely positions the KLSO to provide a strong collective voice in the community that strengthens all of the individual pro bono and legal aid organizations serving the Afghans.
- (7) The KLSO is committed to striving for excellence and transparency in all of our work, managing our resources effectively, and adhering to the highest ethical standards in our governance and management.

Mandate of the organization

- Defense of accused people rights in criminal cases before court.
- Providing legal advice to needy people.
- Conducting training programs to alumnus of Law Faculty and Sharia faculty and also to judges, prosecutor and lawyers) on topics related to the provision of legal services, including preparation of legal documents (lawsuits, official letters, inquiries, documents, and requests), international human rights framework, and other.
- Promoting legal awareness programs for male and female population of urban and rural areas of the country.
- Raising Islamic and human rights awareness programs for women in urban and rural areas of the country.
- Conducting research projects about important legal issues, providing suitable recommendations to policy makers for making suitable policies.
- Publishing books, brochures, newsletter and season magazine for better introduction of organization.
- Establishing effective cooperation between similar national and international institutions and KLSO.
- Effective participation in the process of Afghan justice system's reconstruction.

The activities that will be carried out by organization are according to rules and regulations of Afghanistan and Human's Rights principles and will be implemented all over the country.

As the rule of law gradually takes hold in most areas of the country, the numbers of individuals that accused to crime, consequently increased, for instance an increase in numbers of the prisoner population to an alarming rate that discussed in Afghanistan Human Development Report 2007² is the witness of this allegation.

² According to Afghanistan Human Development Report 2007, "in 2001 there were only 600 prisoners countrywide. By March 2005 there were 5,500 prisoners and in March 2007 there are now 10,000 prisoners".

Due to rampant of widespread corruption in rule of law strengthening organs, the rule of law has not been achieved yet, so preparing the field to such an entities that they provide above mention activities has a dual benefits to the community, apart that centre provides legal services to needy people, it pave the way for the training of young lawyers to establish the comprehensive and effective defense lawyers sector and legal protection system that should take place into the rule of law strengthening organs.

The intended main beneficiaries of the projects would be the poor people they are vulnerable to all kinds of disasters to receive legal aid services.

Part II. The main goal and objectives of the project are:

a. Goal

Effective defense from the rights of accused and defenseless women before courts.

b. Objectives

- To improve access to justice for women who cannot afford or have limited access to legal services, particularly the poor.
- Increasing legal awareness among women about the subject of importance and dimensions of interventions of defense lawyers in cases and legal advisors to strengthening the rule of law;
- Creating a good and effective relationship with the rule of law strengthening entities like police, attorney general office, courts and ministry of justice to establish a unique, lawful and acceptable sight to advocating accused women, during prosecution, that should be consistent with the human's right principles;
- For the purposes of sustainability, at the late stage of the project (when the donor assistance dried out), preparing an advantageous of fee payment system.

The main target group in this project is the poor women.

The main **outputs** of the project include:

- Quality of legal services will be increased as measured by increased number of successfully completed cases and positive feedback from the services recipients;
- Outreach strategy for legal awareness and empowerment to reach the most vulnerable (women) developed and implemented.

- Various comprehensive information materials containing legal information for the public and legal professionals will be developed and distributed to ensure the widest coverage of the population.

The following activities will be undertaken to contribute to the final project outcome.

Activity 1

Improving organization's service capacity

Sub-activities include:

- Support organizational development for more effective work-practices;
- Assist with establishment of the hot-line to provide legal advice services via telephone.

Activity 2

Development of an information campaign to raise awareness among women on issues related to legal aid.

Sub-activities include:

- Issue of a monthly bulletin of the centre with defense lawyers and advisors' articles reflecting their experience with feedback from legal professionals, supervisors and professors;
- Research and identification the most vulnerable women and develop an outreach and awareness raising strategy based on the findings.
- Developing legal comprehensive materials to increase legal awareness of women.

Part III. Management Arrangements

The project will be facilitated through Coordinator, who is the Director of the organization, and responsible person from donor side. The following staff will be recruited on a part-time or permanent basis:

- a) 4 defense lawyers
- b) Secretary
- c) Admin/finance officer

Donor side will provide the following support for the activities of the project:

- a) Procurement of goods and services, subcontracts
- b) Financial and direct payments Management
- c) Monitoring and evaluation
- d) Provide financial support for staff payment.

The detailed list of items with specifications and quantity is attached as Annex I.

Part IV. Sustainability

Khorasan Legal Services Organization is conducting its free services to all needy individuals but for the purpose of sustainability of the organization , at the late stage of the project (when the donor assistance dried out), preparing and implementing gradually an advantageous of fee payment system that it must be cost effective and acceptable to all deprived Afghan women.

PartV. Monitoring and Evaluation

The project will be subject to monitoring by the donor’s monitoring and evaluation guidelines.

Annual Project Work plans will be elaborated and approved by the project stakeholders. Such work plans will basically serve as a planning, coordination and monitoring tool.

Regular Donor- Khorasan Legal Services Organization representatives working groups meetings will be organized to monitor project progress and implementation of project activities. Other parties may participate in the working meetings, as applicable.

At the end of the project, a final project progress report will be prepared to assess the project impact.

VI. Possible Risks

Security situation in Kabul may emerge some risks during implementation period. Moreover, sensitivity of the legal practice in some cases related to sensitive issues in the country may emerge some risks during implementation period of the project.

Section II — the Work plan and Budget

Work plan

Activities	Sub activities
<p>Activity1. providing legal aid to women to afford the cost of appropriate services</p>	<ul style="list-style-type: none"> • providing appropriate legal representation and direct advices (will be provided by members of the organization) or • Indirect advice/phone or Assist with establishment of the hot-line to provide legal advice services via telephone
<p>Activity 2. Providing legal aid services to women before courts who cannot afford or have limited access to legal services.</p>	<ul style="list-style-type: none"> • Recruitment of 4 qualified defense lawyers (amongst female professors of law faculty of Kabul University and experienced female defense lawyers). • Preparing the ground for defense lawyers to defense the women before courts. • Providing legal cooperation and controversial debates and sessions with authorities of legal institutions (Supreme Court, ministry of justice, attorney general and human rights commission). • Preparing the ground for defense lawyers to attract the clients via publications, telephone, face to face meetings in prisons, media etc.
<p>Activity3. Development of an information campaign to raise awareness among women on issues related</p>	<ul style="list-style-type: none"> • Development of comprehensive legal materials to increase legal awareness of the disadvantaged population(women). • Issue of a monthly bulletin of news of the organization and articles reflecting the experience of the organization with feedback from legal professionals, supervisors, professors and other relevant institutions;

to legal aid.	<ul style="list-style-type: none"> • Identification of who the most vulnerable amongst women and develop an outreach and awareness raising strategy based on the findings.
Preparing the office equipments and necessary facilities.	<ul style="list-style-type: none"> • Hiring the place, • KLSO contribution in kind (all necessary equipments).

Estimated budget

Description	Duration/Month	No. of Units	Unit Cost	Cost	Component Total	Grand Total
Personnel cost						
Director	12	1	800	9600		
Secretary	12	1	300	3600		
Admin/Finance officer	12	1	500	6000		
Defense lawyers	12	4	600	28800		
Sub-total					\$ 48000	
Equipments						
Hire the place	12	1	500	6000		
Stationary	12	1	100	1200		
refreshments	12	1	50	600		
publications	12	1	200	2400		
Mobile credit cards	12	7	10	840		
Subtotal					\$ 11040	
Grand total						US\$ 59040