



unicri

advancing security, serving justice,
building peace

UN Justice Reform in Afghanistan

**by Sandro Calvani
UNICRI Director**

School of Applications
and Institute of Military Studies,
Turin, 13 November 2008



Background: The Justice System in Afghanistan before UNAMA

- Before the Taliban Administration
- During the Taliban Administration
- The War and Subsequent UN Intervention.



The Influences on the Formal Justice System in Afghanistan

- Legal thought
- Moderate Islam
- Radical Marxism
- Radical interpretations of Islam

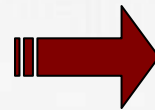


Evolution of Legal System

Before the Taliban
Administration

1950s and 1960s

Shari'a



Rule of Law

1960s and 1970s

Relative secularization



unicri

advancing security, serving justice,
building peace

Post 1978 coup

Soviet style judicial system

1992 – 1996

***Shari'a* once again became the basis of law**

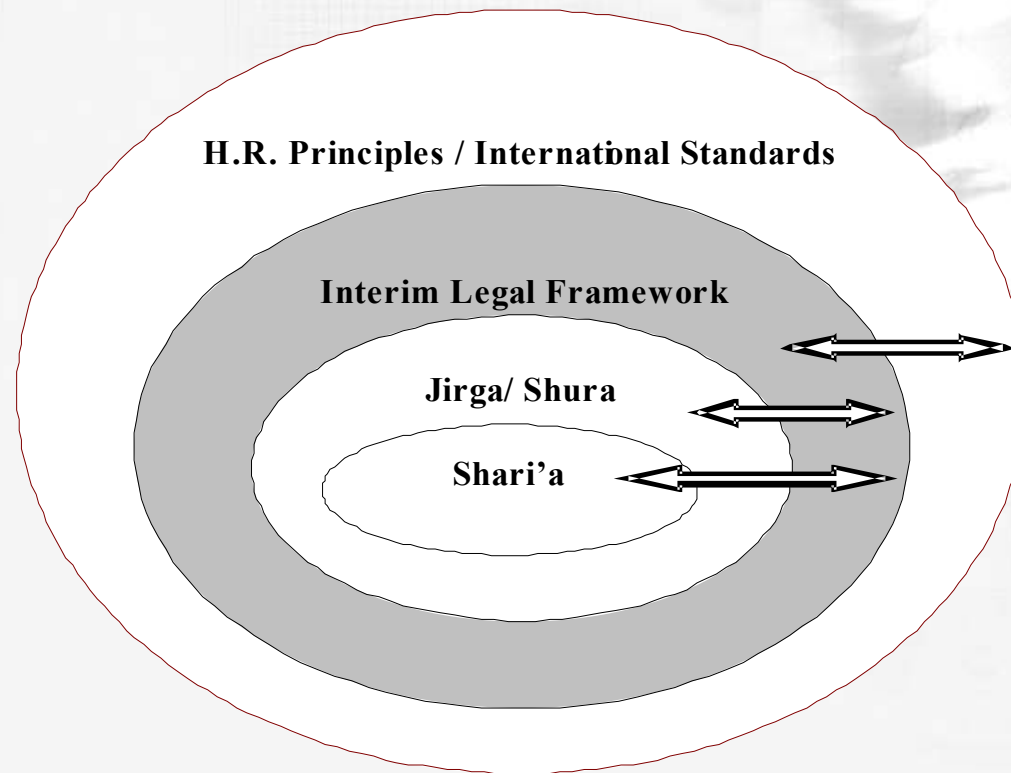


Under the Taliban

- **Order imposed via Taliban interpretation of Islam**
- **Altered Shari'a system**
- **Punishment was utilized to ensure that citizens obeyed their “Pax Islamica” order**
- **The formal justice system (the *shari'a* system) differed from its *de facto* enforcement**



Understanding how the Justice System Functions in Afghanistan





The War and Subsequent Intervention

Post 9/11

➤ Northern Alliance

- International coalition
- military operation under U.S. leadership

December 2001

➤ Fall of Taliban regime



UNAMA Mission

Bonn Agreement *December 2001*

- Interim Afghan Authority
- Interim system of law and governance

Afghanistan Compact

- Defined the main critical issues that have to be undertaken between 2006 - 2010



UNAMA Mandate

UN Assistance Mission in Afghanistan

- coordinate all UN activities in support of the Bonn process
- promote peace and stability in Afghanistan
- lead efforts to ensure rebuilding of the country
- enhance the foundations of peace and constitutional democracy
- Mandated until 23 March 2009



UNAMA Justice reform activities

- Legislative reform, drafting
- a clear institutional framework for justice administration
- Enforcement and dissemination of laws
- Physical Reform of justice infrastructure



Justice reform challenges

- Access to justice
- Lack of training
- International human rights standards
- Land rights issues
- Narcotics trafficking
- Corruption



UN - overcoming the challenges

Education and Training

- Training programs for judges & prosecutors
- Reform of the law faculty system for a sustainable Afghan legal education



UN - overcoming the challenges

Access to Justice

- The creation of an Independent Afghan Bar Association
- regulate the legal profession
- establish standards and a code of conduct
- Harmonization of formal legal system and the traditional resolution system (Jirga)



UN - overcoming the challenges

Human rights

- Improving Prisons and Detention Centers
- initiatives to ensure compliance in unison to international standards as well as protecting human rights
- Working towards national reconciliation process



UN - overcoming the challenges

Land Reform

- continuous historical conflicts
- rights and ownership - significant source of instability
- UN Habitat and UNHCR are involved in reforming Property Law in Afghanistan



UN - overcoming the challenges

Fight against Narcotics

- Drug trafficking, the cultivation of opium are difficult to alleviate due to the lack of security and limited State resources
- UNODC + Afghan Government - working towards providing a strong legal system
- Working to curb the destruction brought about from the drug trade



UN - overcoming the challenges

Curbing corruption

- **Examination of systematic causes**
 - low remuneration
 - reliance on patronage systems

- **Development and implementation of anti-corruption activities**
 - coordinated by UNODC, UNICRI and the World Bank
 - in partnership with the Afghan Government



The Contribution of Italy

➤ Italian Justice Project Office (IJPO)

- leading contributor in the reconstruction of the Afghan legal system

➤ Infrastructure

- new judicial complex in Jalalabad was being constructed through UNODC with Italian funding



The Contribution of Italy

➤ Legal Education

- The IDLO - legal training to law professionals and graduates
- establishment of a permanent National Legal Centre (NLTC) through the Italian Justice Office and USAID

➤ Access to Justice

- Italy's Provincial Justice Initiative
- a new training program
- designed to assist law graduates to establish legal aid clinics



The Contribution of UNICRI

- Leading UN research institute
- Field of crime prevention and criminal justice
- Applied research and training
- Assist intergovernmental, governmental and non-governmental organizations
- Formulating and implementing improved policies



UNICRI expertise

- Emerging Crimes and Anti-Human Trafficking
- Justice Reform
- Security Governance and Counter Terrorism
- Post-Graduate Training



unicri

advancing security, serving justice,
building peace

Emerging Crimes and Counter Human-Trafficking





- Counterfeiting; cyber crime; environmental crime; illegal trade of cultural property and works of art
- Assists Member States in countering trafficking of human beings for commercial and sexual exploitation
- Countering corruption and organised crime
- Regions include: Africa, South-East Asia, Central America, Eastern Europe and the Balkans



unieri

advancing security, serving justice,
building peace

Justice Protection and Ethics





- Promoting the rule of law - Strengthening the governance of judicial institutions
- Vulnerable groups such as women and children
- Rehabilitation and reintegration of victims into society
- Worldwide programmes – special regional focus on countries in transition in Africa, the Balkans and Latin America



unieri

advancing security, serving justice,
building peace

Security Governance Counter Terrorism Laboratory





- Strategic assistance, advisory services, action-oriented analysis on security topics
- UN Counter-Terrorism Implementation Task Force CTITF
- International Permanent Observatory on Security During Major Events IPO
- EU-SEC II



unieri

advancing security, serving justice,
building peace

Training and Advanced Education





- Master of Laws L.L.M. *International Crime and Justice: International Organizations, International Criminal Law and Crime Prevention*
- Summer School on migration, *Challenges and Opportunities for Europe*
- Supports several international Masters; human rights migration; intercultural and interreligious conflicts; peacekeeping management



UNICRI in Afghanistan

- Partnership between UNICRI and UNODC
- Creation of two training manuals for Afghan judges and prosecutors
 - counter-narcotics
 - counter corruption
- Improving the professional skills
- Capacity of judges, prosecutors and investigators



unicri

advancing security, serving justice,
building peace



**Thank you for your
attention**

www.unicri.it

