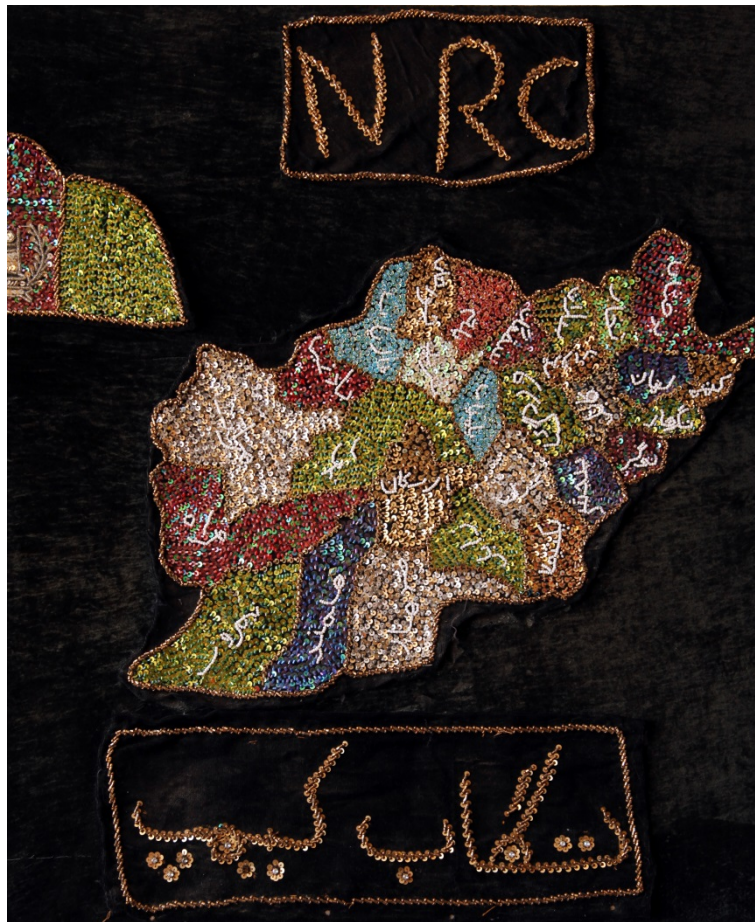


# Norwegian Refugee Council Afghanistan

## Information, Counselling and Legal Assistance (ICLA) Programme Evaluation



August – November 2014

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## Abbreviations

ANDS	Afghanistan National Development Strategy
CLO	Community Liaison Officer
CMS	Case Management System – the ICLA Access case database
DoRR	Departments of Refugees and Repatriations (Provincial)
HLP	Housing, Land and Property
ICLA	Information, Counselling and Legal Assistance
IDP	Internally Displaced Person
LCD	Legal Civil Documentation
M&E	Monitoring and Evaluation
MoRR	Ministry of Refugees and Repatriations
NRC	Norwegian Refugee Council
SGBV	Sexual and Gender Based Violence

## Acknowledgements

The evaluation of the Norwegian Refugee Council (NRC) Afghanistan's Information, Counselling and Legal Assistance (ICLA) programme was conducted by Notio Partners, a consultancy firm which specialises in justice, organisational development and land and environment issues.

The evaluation team was comprised of the following members:

- Team Leader - Mr Henryk Montygierd-Loyba, a judicial reform expert with experience working in Afghanistan.
- Technical Expert – Mr Mark Aiken, an access to justice expert with experience working in Afghanistan.

The evaluation team received support from:

- Ms Fela Adeyemi, a statistician who led the client impact survey and quantitative data analysis components of the evaluation
- Mr Hussain Hassrat, a national human rights researcher who support the client impact survey.
- Mr Anthony Franzi, an IT and business process expert who led the technical review of the case management database.
- Ms Mariam Alimi, a national photographer who assisted in client interviews and documenting ICLA client case studies.

The evaluation team gratefully acknowledges the assistance of all those who have contributed to this evaluation, including:

- The clients, Government representatives, donor representatives, representatives of partner organisations and others who agreed to participate in this evaluation.
- The NRC Country Office management team.
- ICLA programme management staff and programme staff.
- Project Office staff in Herat, Jalalabad, Kabul and Mazar-e-Sharif.
- The drivers and security staff who facilitated our movements and meetings efficiently.

We appreciate the willingness of participants to volunteer their experiences and ideas to improve the ICLA programme, and we especially value the openness of the ICLA team to discussing and debating the strengths and weaknesses of the programme.

We especially appreciate the support of Mr Christopher Nyamandi, the ICLA Programme Manager who served as the Evaluation Manager for this assignment, and Mr Abdul Kabir Salehi, the ICLA Deputy Programme Manager. We value the contributions and support of Ms Monica Sanchez Bermudez, NRC HQ Adviser - ICLA and Mr Andrew Wilson, NRC HQ Monitoring and Evaluation Adviser.

The conclusions expressed in this report are those of the evaluation team, who take full responsibility for them.

## 1. Executive Summary



*'If NRC's lawyers didn't help me, I'd be standing on the street begging for money.'*

Client interview, inheritance dispute, Kabul 2014

The Information, Counselling and Legal Assistance (ICLA) programme of the Norwegian Refugee Council Afghanistan (NRC Afghanistan) has made a real and tangible difference in the lives of many of their clients. Overall, the programme is successful especially given the challenges and complexities of programming in a difficult country context like Afghanistan. The ICLA programme staff and programme management should be commended on their commitment to the programme, and their efforts to improve legal access for vulnerable people in a complex security and cultural environment.

The evaluation team adopted the OECD's Development Assistance Committee (DAC) evaluation criteria, and reviewed the relevance, effectiveness, efficiency, impact and sustainability of the ICLA Afghanistan programme.

Criteria	Summary
Relevance Opinion: Excellent	<p>The programme is relevant to the needs of Afghan IDPS and returnees. The programme targets vulnerable people, and is successful in reaching vulnerable people. Some refinements in legal assistance criteria could help the programme to further target the most vulnerable populations, who are unlikely to have formal land title documents.</p> <p>The programme is relevant to the priorities of the Afghan Government as expressed in ANDS, the priorities of donors and the organisational priorities of NRC.</p>
Effectiveness Opinion: Very good	<p>ICLA has provided direct services to extensive numbers of direct beneficiaries, with a large number of clients assisted, outreach activities conducted and duty bearers trained. On this basis, it has met or is on track to meet the set targets for effectiveness. However, while activity level targets are appropriate, the output and objective indicators are pragmatic but of limited ambition. While they will also be achieved, the indicators do not fully reflect the scope of the ICLA's objectives.</p>
Efficiency Opinion: Very good	<p>The programme has operated efficiently, particularly given the challenges of operating in Afghanistan, including security, terrain and climate challenges. We note the efforts made by NRC to promote nationalisation, as a way of improving programme sustainability and also reducing costs. ICLA may be able to allocate some tasks more efficiently between staff (eg data entry and translation), and may benefit from being able to set case targets for lawyers in an objective way</p>

Criteria	Summary
Impact Opinion Very good	<p>The ICLA programme has had an excellent impact on direct beneficiaries, including clients and some training participants. Client feedback in the client follow up survey was overall very positive on the quality of ICLA’s services and satisfied with the case outcome.</p> <p>ICLA’s higher level (outcome and output level) impact is not fully captured in the current logframe, which we understand will be revised. The extent to which information sessions and trainings will impact on behavioural change in communities and work performance by duty bearers remains unknown, after significant long term investment in training activities. ICLA’s service delivery work should be better used to inform NRC’s advocacy and policy objectives – eg through better aligning strategic litigation with public interest or ICLA’s policy objectives (consistent with NRC’s policy on strategic litigation), using information from CLOs to identify early warning issues for donors and stakeholders, etc.</p>
Sustainability Opinion Fair / Requires further attention	<p>The programme’s approach to sustainability has some positive aspects, but in general requires further attention. Positive aspects include NRC’s investment in nationalising staff positions, including management positions.</p> <p>However, the programme can do more to articulate a longer term strategic direction and exit strategy, including more strategic engagement with Afghan Government and local civil society. The programme, with the support of NRC country office management, can also strengthen its regional approach to ICLA programming, analysis and advocacy. ICLA plays the leading role in the country on civil legal aid (particularly on HLP issues), and there is little or no capacity for national actors (state and civil society) to maintain project activities should NRC / ICLA reduce or withdraw their services. A longer term strategic approach and exit strategy would help ensure that ICLA’s programming supports state and civil society actors to progressively develop expertise and take further leadership in these areas.</p>

Beneficiaries and stakeholders, including Government counterparts and donors generally spoke very positively about the ICLA programme, noting ICLA’s expertise and specialisation in HLP issues. There is an opportunity for the ICLA programme to collaborate more closely with other international programmes which are supporting initiatives of the same Government counterparts (eg the Afghanistan Independent Human Rights Commission).

Stakeholders who were most critical of the ICLA programme noted the relatively recent decision of the ICLA programme to suspend assistance to clients with SGBV cases. In some locations, other service providers have continued to provide assistance. In other locations, there is no active service provider to meet the gap left by the withdrawal of ICLA’s SGBV assistance. NRC can improve here in the way significant policy changes are communicated to key stakeholders, and also in ensuring that transition arrangements are in place when significant policy changes are implemented – noting that the proposed pilot NRC SGBV programme has not yet commenced.

One central component of the evaluation was a client follow up survey, to provide clients with the opportunity to give inputs into the evaluation about the services they received, and also to give information on the durability of the solutions reached after assistance from ICLA.

ICLA staff were trained in conducting surveys and conducted surveys in person and by telephone across each of the ICLA programme provinces. 281 former clients were surveyed (134 counselling cases, 147 legal assistance cases), whose cases ranged over the past ten years of the ICLA programme.

Key client survey results included:

- The survey sample was consistent with ICLA’s vulnerability criteria, and consisted largely of IDPs and returnees, low income clients, illiterate clients and people with other forms of vulnerabilities (disabilities, etc).
- Clients reported high satisfaction rates with the process to resolve cases, the outcome of cases and the quality of ICLA’s assistance. For example, 90% of counselling clients surveyed reported they were very satisfied or satisfied with the outcome and the quality of ICLA’s assistance.
- 75% of legal assistance clients reported they were very satisfied or satisfied with the outcome of the case, and 88% were satisfied or very satisfied with the quality of ICLA’s assistance.
- The outcomes of cases have tended to be quite durable. 88% of counselling cases have a durable solution (ie, the problem was solved with ICLA’s assistance and has not reoccurred), and 71% of legal assistance cases have had a durable solution. The lower rate for legal assistance cases perhaps reflects the additional complexity of the cases and the challenges in reaching solutions in some cases.

## Recommendations

While noting the overall high quality of the programme, this evaluation makes a series of recommendations for NRC and ICLA management to consider. These recommendations are discussed in detail in section 5. While there are a number of recommendations, the evaluation team would like to again state that overall we have been very impressed with the quality of the programme, and in general we see these recommendations as more refinements of the programme, rather than significant changes in programme direction.

- Strengthening programming –
  - develop stronger tools to assist staff in conducting training and outreach
  - invest in professional development of national staff and particularly women
  - define a pathway towards sustainability and an exit strategy
  - strengthen engagement with national partners
  - ensure collaboration with development actors implementing similar programmes
  - explore alternative approaches to programming in insecure areas
  - review approach to civil documentation cases
  - design and implement transitional arrangements to manage sexual and gender based violence cases until the new Afghanistan SGBV pilot programme commences
  - review ICLA Afghanistan guidelines on representation of clients
  - implement a tracking system to follow up on technical and evaluation recommendations

- Staffing
  - Appoint an experienced legal adviser with credible international experience to support the ICLA Project Manager
  - Establish a national staff capacity development programme
  - Expand ICLA’s advocacy capacity and leverage
  - Consider the establishment of ‘expert practice groups’ to share best practice and promote peer learning
  - Review caseload expectations for ICLA lawyers
  
- Information management
  - Urgently review information management needs and available resources, particularly the ICLA Case Management System.
  - Consider developing a global ICLA case management system and piloting it in Afghanistan or the region
  - Review information management arrangements and staff communication methods to ensure all project staff (particularly field based staff) have access to ICLA tools and knowledge products.



## 2. Context

ICLA commenced operation from Pakistan, and was established in Afghanistan in 2003 as an extension of the Pakistan programme through the Kabul Support Office. NRC has implemented ICLA activities continuously in Afghanistan since that time.

Afghanistan remains in a period of ongoing insecurity, creating further displacement and leading Afghan refugees in third countries to delay their return. UNHCR notes that over 5.8m Afghan refugees have already returned to Afghanistan<sup>1</sup> and that Afghanistan's population currently consists of approximately 25% returnees. UNHCR lists 1.1m population of concern in Afghanistan, comprising approximately:<sup>2</sup>

Category	Estimated population of concern
Returnees	213,000
Refugees	210,000
Internally displaced	702,000
Asylum seekers	86

Under the Global ICLA programme, NRC's objective is:

'NRC assists displaced persons to claim and fulfill their rights, reach durable solutions and to prevent further displacement through application of information and legal methods'

The approach ICLA adopts is to:

'support beneficiaries in claiming and exercising their rights through the provision of information, counselling, legal assistance, collaborative dispute resolution, capacity building, and advocacy activities'.<sup>3</sup>

Globally, ICLA specialises in the thematic areas of:

- Housing, land and property (HLP) rights
- Legal identity including obtaining civil documentation necessary to access rights and services
- Citizenship and statelessness issues related to displacement
- Procedures for refugee status determination
- Procedures for registration of internally displaced people (IDPs) when access to rights and services is dependent on such registration

The overall objective of the ICLA Afghanistan programme is,

<sup>1</sup> UNHCR September 2014 VOLREP and Border monitoring monthly update <http://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/pdfpreview/3923ae32a7573962a4a827772b052525.jpg>

<sup>2</sup> UNHCR September 2014 Afghanistan Factsheet, <http://www.unhcr.org/50002021b.pdf>

<sup>3</sup> <http://www.nrc.no/?aid=9137054>

‘Vulnerable displacement affected populations are able to claim and exercise their Housing, Land and Property (HLP) and civil documentation rights and reach durable solutions’.

Within Afghanistan, ICLA’s focus has been on:

- Resolving Housing, Land and Property issues
- Access to legal identity and Civil documentation, and
- Access to essential and / or humanitarian services.

ICLA previously implemented a significant family law and SGBV component, but this has been discontinued over the past twelve months, with the intention that it would be replaced by a specialised SGBV programme. This followed a change in NRC’s global approach to SBV programming, which separated SGBV from ICLA so SGBV programmes could be implemented and managed with dedicated specialist expertise.

The ICLA programme is implemented through a series of related components:

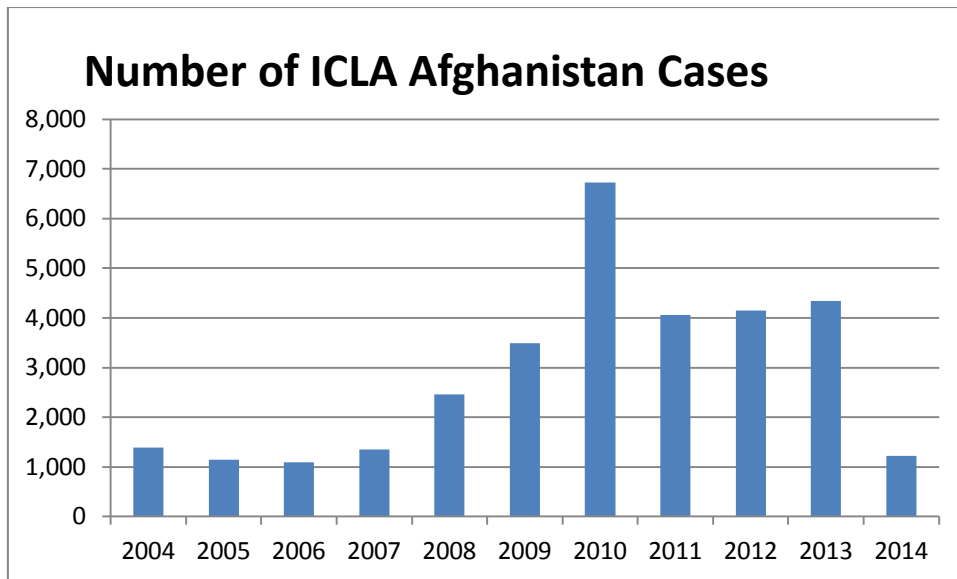
- Information – the provision of generic information on durable solutions (return, local integration or resettlement) or obstacles, or rights awareness and sensitisation
- Counselling – analysing the beneficiaries problem and providing them with advice on the best courses of actions so the beneficiaries can exercise their own rights
- Legal assistance – providing clients with legal representation and collaborative dispute resolution (eg mediation assistance, or support for a case to be resolved through a Jirga).

The current ICLA portfolio is:

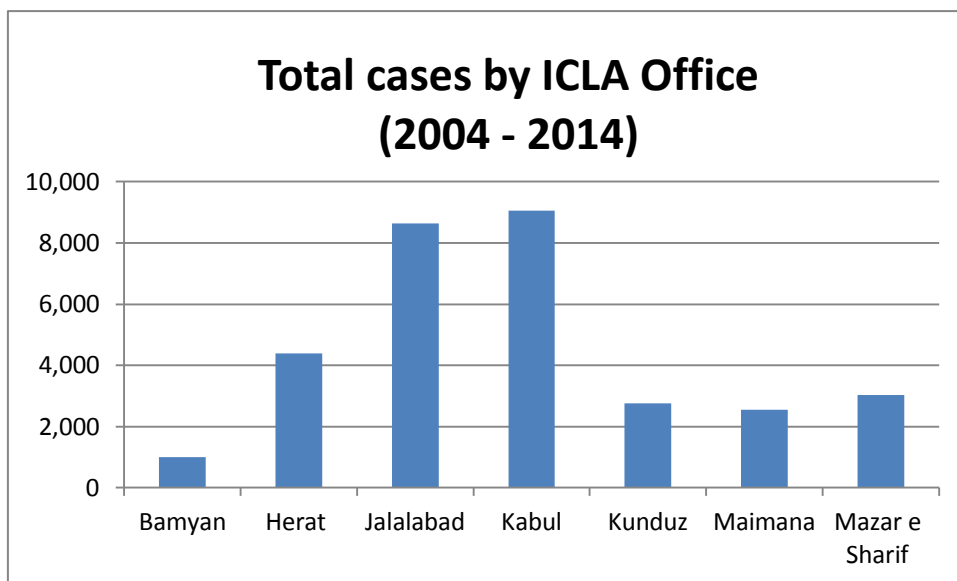
Donor	Locations	Approximate Budget	Duration
European Commission	Kabul, Jalalabad, Kunduz	EUR 2m / USD 2.5m	3 years, ending Dec 2014
DANIDA	Mazar, Herat, Kunar	DKK 10m / USD 1.7m	4 years, ending Dec 2017
NORAD	Faryab	NOK 3m / USD 400,000	3 years, ending March 2015
UNHCR	Kabul, Jalalabad, Kunar, Kandahar	USD 850,000	8 months, ending Dec 2014

According to ICLA’s case management database, in the period from 2004 – June 2014 ICLA Afghanistan handled 15,362 legal assistance cases and 16,884 information Counselling cases.

The cases were received as follows (noting that 2014 data was for a 6 month period)



(2014 data is for 6 months only)



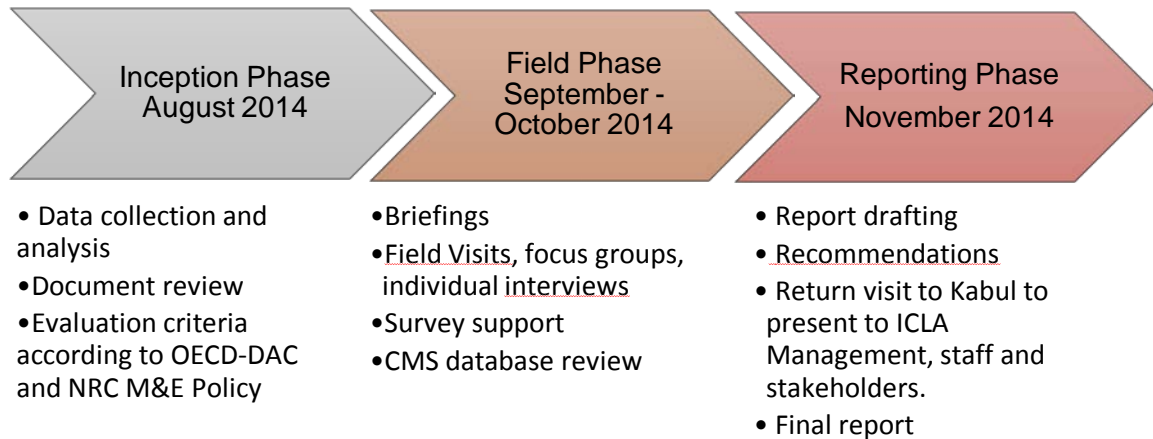
### 3. Methodology



*ICLA staff and local officials at a capacity building training course for shura council members.*

A participatory framework was established to promote ownership of the evaluation results and ensure a broad range of stakeholders had the opportunity to contribute to the evaluation. The evaluation team adopted a mix of primarily qualitative and quantitative measures. The evaluation approach was as follows:

- Initial review of relevant documents.
- Client interviews conducted by the evaluation team and documented by a local female photographer Ms Mariam Alimi, to assist in preparing client case studies.
- Key informant interviews and focus groups with stakeholders, including Government officials, Judicial Officers, donor representatives, NRC staff, ICLA programme management and project staff in Kabul.
- Field visits to collect information from project sites outside of Kabul, in Herat, Jalalabad and Mazar-e-Sharif.
- A client impact survey of former ICLA clients with closed cases over the past 10 years (weighted towards the past 4 years), including clients of information, counselling and the legal assistance services.
- A statistical review of the available case management system data.
- A light touch review of the available 2013 client satisfaction survey data (particularly to triangulate against issues from the client impact survey and the case management system data).
- A technical review of the data management tool (access database) used to manage client data and generate donor reports.



The evaluation team visited Afghanistan between 22<sup>nd</sup> August and 11 September 2014, and conducted interviews in Kabul, Jalalabad, Herat and Mazar-e-Sharif.

At the end of the field mission, the evaluation team presented preliminary views to the NRC Afghanistan Country Director and ICLA Programme Manager, to provide an opportunity for further NRC inputs and clarifications.

The Team Leader returned to Kabul in November to present the formal evaluation findings and recommendations in a series of briefings and workshops to:

- NRC programme management and NRC Headquarters technical staff
- NRC Afghanistan staff, and
- External stakeholders including Government officials and donors.

The quantitative components of the evaluation were led by an independent statistician, Ms Fela Adeyemi, who oversaw the survey design and data collection, and conducted the data analysis. Mr Hussain Hassrat, a local human rights research expert, provided support during the survey implementation through a combination of face to face site visits and telephone / remote follow up to support the survey teams. Ms Adeyemi was unfortunately affected by the quarantine and flight restrictions arising from the ebola outbreak in Sierra Leone, and was required to work remotely rather than travel to Kabul. Evaluation team member Mark Aiken conducted a two day survey skills training course for the NRC staff who were involved in conducting the surveys.

The technical review of the access case management database was led by Mr Anthony Franzi, an IT and business systems expert, with support from evaluation team member Mark Aiken.

## 4. Findings

### 4.1. Relevance

- Was the programme designed properly to address the observed needs, including the input from the beneficiaries?
- Were the objectives and activities sufficiently clearly defined and relevant to the context and NRC's overall mission in Afghanistan?
- Were the beneficiary selection criteria clearly defined and consistently applied?
- To what extent are the objectives of the programme still valid?
- Are the activities and outputs of the programme consistent with the overall goal and the attainment of its objectives?
- Are the activities and outputs of the programme consistent with the intended impacts and effects?

#### Overall assessment of Relevance – Excellent



*In an example of NRC's holistic support to beneficiaries, ICLA staff helped this client obtain title to his land. They then referred him to NRC's Shelter programme, which assisted him to construct a house. ICLA also referred him to UNHCR, who assisted him to purchase a motorcycle for work.*

*The client is now self-employed, and providing for his family at their new house.*



**The programme is overall very relevant to the needs of IDP and refugee beneficiaries in Afghanistan. NRC is one of few organisations providing civil legal assistance in Afghanistan, and the lead organisation in Afghanistan providing Housing, Land and Property related legal assistance. The programme has focused in some areas to more narrowly define its services, for example the changes in policy on handling SGBV cases and more explicit emphasis on requiring a client assessment according to objective vulnerability criteria. To ensure information services and capacity building services remaining relevant, a similar review of ICLA’s access to essential / humanitarian services and a more structured approach to ICLA’s capacity building activities would be useful. There is local flexibility in programme implementation to allow for customised solutions to local priorities in different project sites, however this is currently done in an ad-hoc manner rather than on the basis of a structured needs assessments with beneficiary participation.**

**The programme is consistent with the ‘soft’ priorities of Government, excluding Government infrastructure and equipment needs which the programme does not seek to address (nor should seek to address). The programme is strongly aligned with the priorities of donors, which creates opportunities (eg regional programming approaches and greater collaboration between Afghanistan, Pakistan and Iraq on information sharing, best practice approaches and programme implementation) but also risks (eg short term planning cycles).**

The evaluation team considered relevance in several dimensions:

- According to the priorities expressed by beneficiaries during the evaluation
- According to the expressed goals and objectives of the Norwegian Refugee Council
- According to the expressed priorities of the Government of Afghanistan
- According to the expressed priorities of donors.

#### Relevance to Client beneficiaries

Overall, we note that the programme is very relevant to the needs of client beneficiaries comprising IDP communities, returnee communities, refugee communities and some services for host communities in Afghanistan. Clients spoke highly to evaluators of the value of the services which they had received from ICLA. When probed for improvements which ICLA could make, many clients referred to additional tangible support – eg support for housing costs, employment, vocational training and cash transfers. In some locations, ICLA is able to make referrals to its Shelter programme, or other programmes where they exist. However, we note that demand frequently outstrips supply of these programmes, and while it is not the purpose of the ICLA programme to provide tangible support, it is important that the programme collaborates closely with other NRC Afghanistan programmes and ideally maintains accurate referral lists (eg through the community liaison staff) so clients with specific needs can be referred to other services<sup>4</sup>. There is a risk of ‘siloed’ service delivery in any organisation which is structured by services, which may hinder referral and collaboration. The use of ‘Area Manager’ positions and shift towards more decentralised management of project activities may help to mitigate some of this silo effect, depending on the skills and ‘comfort zone’ subjects of interest of the Area Manager.

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<sup>4</sup> We note the high level NRC referral matrix document

The analysis of the CMS and the ICLA client survey suggests that ICLA is generally reaching an appropriate target demographic. Clients are generally illiterate (69% of legal assistance cases), unemployed or working as 'day workers' (77% of legal assistance cases), on low incomes (49% of legal assistance cases with a monthly household income of under \$200, and an 38% don't know their monthly household income. 87% of legal assistance survey households had four or more dependents, so household incomes are low and inconsistent, but the number of dependents is high.

ICLA has established vulnerability criteria, which are used to assess clients at intake. However, due to the CMS design, only one vulnerability criteria can be entered into the database, so the programme has not kept complete records of the vulnerabilities of clients assisted by ICLA.

One issue is that approximately half (53%) of the legal assistance clients in the client survey reported that they owned property. Of those who owned property, most held a land title document (49%) or certificate of ownership (24%), while 14% had no property documents. As ICLA specialises in HLP issues, it is natural that a relatively high proportion of the legal assistance cases would be about property ownership. It is also natural that ICLA staff would prioritise cases where evidentiary requirements can most easily be met – ie, through a formal document. However, ICLA should also consider if there are other pressing legal needs which affect the most poor and vulnerable of the IDP / returnee / refugee populations, and particularly those who do not have or cannot obtain land title documents.

#### Relevance to NRC goals and objectives

NRC's mission statement is, in part:

'NRC works to protect the rights of displaced and vulnerable persons during crisis. Through our programmes we provide assistance to meet immediate humanitarian needs, prevent further displacement and contribute to durable solutions. Through our advocacy we strive for rights to be upheld and for lasting solutions to be achieved...'<sup>5</sup>

ICLA is a core component of NRC's rights based approach, providing legal assistance and protection to individuals as rights holders and capacity building and advocacy aimed at influencing duty bearers to protect the rights of displaced people.

The programme components of ICLA in Afghanistan are consistent with NRC's global mission statement, and its global ICLA programming. NRC Headquarters hosts technical experts on ICLA, Afghanistan and M&E, who provide guidance and oversight to the Afghanistan ICLA programme. In recent years, NRC Headquarters has sought to define more explicitly how ICLA can operate, more focused thematic areas, and guidelines on ICLA programme monitoring and evaluation. Notably, NRC's global ICLA programming does allow for significant variation across country contexts, to reflect differing country circumstances.

These changes have led to some refinements in the scope of ICLA in Afghanistan, including in relation to the handling of SGBV cases. This is discussed further below.

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<sup>5</sup> NRC website [www.nrc.no](http://www.nrc.no)



### Relevance to Government priorities

The Afghan Government's stabilisation and development priorities are set out in the Afghanistan National Development Strategy (ANDS) 1387 – 1391 (2008 – 2013), and a series of more recent sectoral National Priority Programmes (NPPs) – particularly the draft Governance NPP.

Page 129 of ANDS sets out the Government's vision for refugee and returnee issues, with MoRR and DoRR responsible for addressing displacement and playing the lead roles in coordination of protection related activities and programmes. ANDS notes the desired outcomes of 'improved social protection' and 'giving greater attention to the protection of the vulnerable groups among refugees and IDPs, including children and women'.

ICLA's Afghanistan programme is broadly consistent with the higher level expressed priorities of the Afghan Government. However, in practice, the Government seeks significant capacity building support and material assistance from international actors, particularly at provincial levels where resources may not 'trickle down' from the Central Government in Kabul. Arguably other international actors are in a better place to provide this assistance. However, the ongoing gap between Afghan government needs and services offered by ICLA and others are likely to be a source of frustration.

The Nordic Consulting Group review of NRC Afghanistan (2011) noted at page 28: <sup>6</sup>

*As a humanitarian/transition actor, NRC is not particularly geared towards addressing system changes and long term capacity building of government actors. NRC has a cordial and good relationship with the government at various levels and in various sectors but seems to relate more to its donor base in terms of reporting and transparency than to the government. NRC's capacity building efforts are found first and foremost in the ICLA program where government and local leaders are being trained in Land, Property and Family manuals developed by NRC. However, a three-day seminar would hardly be enough to change deep-rooted attitudes. There is little effort put into finding out what happens after the training.*

In summary, while ICLA's activities are consistent with the stated objectives of the Government, it is not necessarily within ICLA's scope to undertake significant capacity building of Government duty bearers. There are also perceived security risks with aligning NRC's activities too closely with the Government, particularly in locations exposed to anti-government elements. As a 'middle ground' and to improve leverage, ICLA could improve its collaboration with other international actors who are more engaged in ongoing capacity development.

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<sup>6</sup> Review of NRC Afghanistan, Nordic Consulting Group, Final report April 2011

## 4.2. Effectiveness

- Is the programme achieving the envisioned outputs and objectives?
- To what extent were the objectives achieved / are likely to be achieved?
- What were the major factors influencing the achievement or non-achievement of the objectives?

### Overall assessment of Effectiveness – Very good



*Cases involving informal settlements, such as this one, require a significant investment of time and diplomacy by legal counsellors.*

*When IDPs and returnees have settled on land which the Government plans to use (in this case for electricity), the Government is reluctant to provide services which may encourage people to settle long term in a location it considers inappropriate.*

**ICLA has provided direct services to extensive numbers of direct beneficiaries, with clients assisted, outreach activities conducted and duty bearers trained. On this basis, it has met or is on track to meet the set targets for effectiveness. However, while activity level targets are appropriate, the output and objective indicators are pragmatic but of limited ambition. While they will also be achieved, the indicators do not fully reflect the scope of the ICLA's objectives.**

There is some correlation between effectiveness (the extent to which the programme will achieve its objectives) and impact (the consequences of the programme achieving its objectives). For this reason there is some overlap between the issues for effectiveness and impact.

The ICLA programme is on track to meet its stated targets, which are generally quantifiable and relatively easy to collect (eg numbers of cases, number of training course participants etc). These indicators and targets do not give a complete picture of ICLA's progress towards achieving its higher level goals.

In general, the constraints upon the ICLA programme are those common to other programmes operating in Afghanistan and similar conflict operating environments. These include:

- Security restrictions on movement, and limited access to some project locations which impedes service delivery.
- Difficulties in recruiting and retaining expatriate staff on a long term basis, and difficulties in recruiting qualified national staff (particularly qualified female national staff).
- Requirement to manage relationships and expectations of the host Government.

ICLA has responded flexibly to changing operational environments – such as the reduction of service provision in Herat and other areas which became insecure during programme implementation. As an access strategy, they are currently working to support a local organisation in Kandahar. ICLA have shown further flexibility by deploying staff on a rotating basis to Kandahar when it was not possible to

permanently deploy staff. Both of these approaches are commendably flexible – however, they also challenge ICLA to consider further how to best programme in conflict areas (whether through local partners, through calling community leaders to training courses in secure locations, by withdrawing services, etc?), and how to best engage with local partners – eg CSOs for service delivery, universities for IDP policy related issues and law student legal clinics, etc.

ICLA have responded flexibly by appointing a Programme Manager with project management experience rather than a lawyer. This is appropriate given the complexity of the ICLA portfolio (number of donors, number of project sites, range of activities etc). However, the ICLA project has had limited international legal expertise available to it since the International HLP Adviser position finished. There is still a need for the position to be properly supported with legal expertise in order to maintain quality standards. This legal expertise should be familiar with international legal standards, and ideally Afghan law too (ie, an Afghan lawyer with international human rights law experience, or an international lawyer with Afghan legal experience).

### 4.3. Efficiency

- Were all the programme’s resources (material, financial, human etc), efficiently used?
- Were activities cost-efficient?
- Were objectives achieved on time?
- Was the programme or project implemented in the most efficient way compared to alternatives?

#### Overall assessment of efficiency – Very good



**We consider the programme to have operated efficiently, particularly given the challenges of operating in Afghanistan, including security, terrain and climate challenges. We note the efforts made by NRC to promote nationalisation, as a way of improving programme sustainability and also reducing costs. ICLA may be able to allocate some tasks more efficiently between staff, and may benefit from being able to set case targets for lawyers in an objective way.**

**As this evaluation is not an audit, we have not performed an inspection of financial records, procurements, payroll or financial transactions. However, we note that generally financial disbursements have been reported to donors as either on track (according to budget projections) or slightly behind schedule. One exception is the UNHCR project in Kunar office, which was significantly underspent, reportedly due to delays in recruitment and opening access to communities as discussed below.**

Afghanistan is a challenging and expensive country to implement programmes in. Security constraints require additional investments – for example, investing in armoured vehicles, deploying convoys of multiple vehicles instead of one vehicle, deploying multiple staff for an activity, the costs of operating compounds, etc. Due to the mountains and physical terrain, staff are required to fly between many locations – eg if coming to Kabul for a meeting. Each of these elements adds to the cost of operations in Afghanistan.

We note some of the delays experienced by the ICLA programme, including:

- Difficulties in implementing in areas of Herat province, following the abduction of NRC staff members – notably difficulties operating in areas outside Herat town.
- Challenges in implementing in Kandahar, due to a range of staffing and partnering issues.
- Challenges in Kunar, due to delays in recruitment and the desire to open up access to new communities in a deliberate and strategic way, to manage security risks.
- Difficulties in recruiting and retaining long term international staff, including periodic turnover of the ICLA programme manager position (fortunately filled for the previous 18 months), and the long term vacancy in the NRC Programme Director position which hindered progress on regional collaboration, MOU negotiation with Government partners, etc.
- Ongoing difficulties in recruiting sufficiently skilled and qualified national staff, and particularly women.
- Project slow down due to external factors, such as during the election period.

While noting the existence and impact of these delays, they are generally comparable with those experienced by similar programmes operating in Afghanistan for other donors. In general, it appears that ICLA has sought to remain flexible in implementation – eg, in appointing staff to Kandahar on a rotating basis when it was not possible to appoint staff on a longer term basis.

As discussed under sustainability, NRC has embarked on an extensive programme of nationalisation. As a result, many posts previously occupied by international staff are now performed by national staff, with consequential budget savings.

We understand that NRC generally directly implements ICLA activities. Implementing in conjunction with local partners has the potential to leverage ICLA's service delivery and improve efficiency. However, depending on the performance of the local partners, the cost of quality assurance and management may result in lower efficiencies.

We consider there are potential efficiencies from:

- Differentiating between administrative issues which can be handled by a non-lawyer, and more complicated cases which require a lawyer (eg perhaps *tazkira* cases) – although this may meet resistance from legal staff.
- Understanding better the workload issues for lawyers, so that appropriate targets can be set for lawyers, project sites and the ICLA programme. Is a reasonable target four cases per month, or is this unreasonable?
- Greater involvement of lawyers in information and counselling activities, to strengthen those activities and provide access for communities to lawyers.

- Reconsidering the use of translators for the database, and ideally only translating data which is required for international and external audiences (eg translating only cases involving good case studies and systemic policy issues).

#### 4.4. Impact

- Were proper verifiable indicators set and formulated in a way to demonstrate full achievements on the objectives?
- What has happened as a result of the programme or project?
- What real difference has the activity made to the beneficiaries?
- How many people have been affected?

##### Overall assessment of impact – very good



*ICLA's work has an impact not just on clients, but also on their families.*

*ICLA assisted the father of these children to obtain his tazkira identity card. Once this was completed, his children were eligible to be formally enrolled in their local school.*

The ICLA programme has had an extremely significant impact on direct beneficiaries, including clients and training participants. The programme has a series of logframes and indicators, which are progressively being aligned to ICLA's Global logframe indicators as donor agreements are renewed. ICLA's progress towards the achievement of the targets has generally been positive.

While the impact on direct beneficiaries is notable, the impact of ICLA's work at an outcome and output level is more difficult to ascertain. The extent to which there is meaningful change in communities, or in the work performance of duty bearers trained by the programme are not captured to any significant extent in the programme logframe, which focuses more direct beneficiaries. It seems fair to state that ICLA and other actors have struggled diligently on issues such as the implementation of the Government's new IDP policy, or obtaining durable solutions for communities in informal settlements, but often with limited tangible outcomes. Issues such as this are not captured with any sophistication by the current programme logframes, but they form a significant component of the search for durable solutions. Further alignment with the new ICLA global logframe indicators may assist in demonstrating higher level impact.

The ICLA programme has established a series of logframes and associated indicators. ICLA is aligning these logframes with global monitoring and evaluation indicators as donor agreements are being

renewed. ICLA has established a series of indicators and targets, which are primarily activity focused (number of clients assisted, number of training participants on HLP, FLP, etc). There are currently some quality measures (satisfaction with service delivery, information was helpful, client acted upon information etc). During 2015 ICLA globally is piloting toolkits to measure new outcome indicators, and this should ideally help country offices to better demonstrate higher level programme impact.

The activity level indicators and means of verification are generally appropriate. One of the main sources of verification in the case management system, and the technical issues associated with this tool are discussed in Section 4.8.

### **Direct client impact**

The client follow up survey conducted as part of this evaluation provides some feedback on the impact of ICLA's counselling and legal assistance work. Clients reported high rates of satisfaction with the outcomes of assistance (90% satisfied or very satisfied with the outcome of counselling assistance, 75% satisfied or very satisfied with the outcome of legal assistance cases). Clients reported relatively high rates of durability of solutions - 88% of counselling cases had a durable solution (the problem was solved and did not reoccur) while 71% of legal assistance cases had a durable solution (the problem was solved and did not reoccur).

### **High level impact**

The logframe is relatively unhelpful on high level indicators associated with ICLA's overall objectives. The indicators of 'Use of NRC information and legal services to attain durable solutions' and 'Improved knowledge of legal practitioners due to NRC trainings' are both quite general and do not appear to be measured by ICLA in a structured way. The indicators associated with the specific objectives are all activity level indicators (number of beneficiaries, number of cases, number of people trained) and they omit the more complex but important indirect component of ICLA's objectives – to see real changes in the search for durable solutions. ICLA could train many duty bearers and achieve the target, but if the duty bearers do not apply their new knowledge and skills, then the ICLA's objectives will not be achieved. To this extent, the indicators are incomplete at higher levels. This should ideally be addressed by the new global monitoring and evaluation framework and supporting toolkits being tested in 2015.

### **Overall programme impact**

To summarise – ICLA's impact is strongest when dealing with specific clients and their individual needs. The challenge for ICLA is to leverage these cases so they amount to something more than the benefit of the individuals involved – eg, in the selection of strategic litigation cases which do have a strong public interest or public policy component, or which relate to NRC's advocacy priorities. This goes beyond assisting individual clients who may have a compelling or needy situation, and involves searching for cases that can influence policy and the broader situation.

There are relatively weak synergies between ICLA's casework and advocacy work. It is difficult to extract case data from the case management system and use it to support advocacy goals. ICLA's use of strategic litigation (or principal cases) also does not appear to support ICLA's advocacy priorities, but are instead chosen on the basis of other factors (perhaps also valuable, such as 'client needs'). Strategic litigation should by its nature be strategic, and it requires a significant investment in expertise and management to ensure that the cases taken forward will contribute to the organisation's policy objectives. The use of strategic litigation should also be consistent with NRC's

new global policy on public interest cases. The portfolio of ICLA’s strategic litigation cases should be rigorously reviewed by a legal expert (eg one of ICLA’s senior lawyers), to ensure that ICLA should be proceeding with them.

There is little evidence of the overall impact of the capacity building programme. This is not to say that the programme is not having an impact, but the monitoring and evaluation system is not in place to capture any potential training impact. Ideally, a vocational training programme would include an evaluation approach such as that proposed by Kirkpatrick:<sup>7</sup>

No	Level	Measuring	Example	Tool example
1.	Reaction	Trainee’s perception	What did trainees think of this training?	Feedback form
2.	Learning	Knowledge / skills gained	Was there an increase in knowledge or skill level?	Pre-post test
3.	Behaviour	Worksite implementation	Is the new knowledge / skill being used on the job?	Participant follow up survey
4.	Results	Impact	What effect did the training have? On the organisation? On service delivery to clients?	Organisational survey, user survey etc.

It is true that many organisations do not go to this extent to assess the impact of training programmes. However, a structured approach such as this (even when done only at level 1 or level 2) would allow ICLA to demonstrate the impact of the capacity building activities. We note that ICLA intends to review its capacity building activities in 2015, which we would support.

Similarly, there is limited available information on the impact of outreach activities. ICLA collects information on the number of participants reached through outreach activities. However, information on the impact of these outreach activities is not collected under the monitoring and evaluation system. We understand this is a deliberate approach, as ICLA prioritises its monitoring and evaluation efforts in areas where it anticipates greater impact (counselling, legal assistance etc).

Community surveys are one means of collecting this type of data, although we appreciate the security and logistical challenges of community surveys in Afghanistan. As an alternative, if there were more use of formal needs assessments to guide programming in certain locations, some simple pre and post measures could be included. This approach could also help ensure that ICLA was targeting services towards the most vulnerable members of communities.

#### 4.5. Sustainability

- How sustainable are the decision made by justice players after NRC intervention?
- Was there an exit strategy identified?

<sup>7</sup> Adapted from Kirkpatrick – see for example, <http://www.kirkpatrickpartners.com/OurPhilosophy/TheKirkpatrickModel/tabid/302/Default.aspx>

- To what extent did the benefits of a programme or project continue after donor funding ceased?
- What were the major factors which influenced the achievement or non-achievement of sustainability of the programme or project?

### Overall assessment of sustainability – fair / requires further attention



*These Shura Council members in a district in Kabul described how they used to rely on help from ICLA to resolve housing, land and property cases.*

*Over a period of time, they participated in a series of ICLA capacity building courses. They now believe they have the skills to resolve cases in their community without referring them to ICLA.*

The programme’s approach to sustainability has some positive aspects, but in general requires further attention.

While in the foreseeable future Afghanistan is likely to continue in a stage of ongoing instability, there is a real risk that over time reduced donor funds will be available for programming, leading to a corresponding decrease in direct service provision by ICLA. At present, ICLA plays the leading role in the country on civil legal aid (particularly on HLP issues), and there is little or no capacity for national actors (state and civil society) to maintain project activities should NRC / ICLA reduce or withdraw their services. A longer term strategic approach and exit strategy would help ensure that ICLA’s programming supports state and civil society actors to progressively develop expertise and take leadership in these areas.

The positive elements of ICLA’s sustainability include:

- significant investment in a staff nationalisation programme, a significant effort which should not be understated,
- engagement on IDP policy issues and a leadership role within the HLP taskforce as co-chair with UNHCR, including contribution to the Government’s IDP policy and the production of policy papers such as ‘Strengthening Displaced Women’s Housing, Land and Property Rights in Afghanistan’ (2014),
- engagement with Government institutions at National and Provincial level, including ‘collaboration’ and the provision of legal libraries.
- engagement with local civil society organisations, collaboration arrangements to refer clients for specific assistance, including an innovative (but challenging) approach to support the civil society organisation OHW in the challenging environment of Kandahar, and



- **efforts made to train decision makers and community stakeholders through ICLA’s capacity building work.**

**The weaker elements of sustainability are:**

- **after ten years of ICLA programming in Afghanistan, ICLA is delivering a similar combination of outreach, legal assistance, training and advocacy activities, with limited thematic national expertise developed capable of operating independently of ICLA,**
- **limited articulation of an exit strategy (or a phased exit progression),**
- **relatively short term project planning and implementation cycles (focused more on immediate activities, matching donor funding cycles, eg the eight month Kandahar project), which is a common attribute of emergency programme approaches.**
- **lapsed or no Memoranda of Understanding with some key Government institutions, and inconsistent engagement across provinces,**
- **limited engagement with national civil society as implementing partners on service delivery and policy issues,**
- **limited engagement on broader policy issues such as legal aid policy (although we understand there has been some participation in the Legal Aid Working Group), limited engagement with some key legal aid stakeholders (including the Legal Aid Board, UNDP, IDLO, Afghanistan Bar Association <sup>8</sup>) and**
- **unclear and potentially limited impact of ICLA capacity building activities (to be separately reviewed in 2015).**

An extensive nationalisation programme has been implemented by the NRC Afghanistan country office, including appointing nationals to management positions such as Project Coordinators which were previously held by expatriate staff <sup>9</sup> and the appointment of a national Deputy Programme Manager in Kabul. There are currently two expatriate ICLA positions – the Programme Manager and the Faryab Head of Field Office / ICLA Project Coordinator – and approximately 110 national ICLA staff, which is an extremely ambitious and commendable ratio.

The nationalisation process has been a period of transition for the NRC Afghanistan Country Office, and not only the ICLA programme. Nationalisation of posts has advantages of contributing towards sustainability, recognising the contribution of long term national staff, providing a career pathway within the organisation to aid staff retention and improving financial efficiency. However, nationalisation should be accompanied by an explicit capacity building strategy, to ensure that newly appointed staff have the skills to properly perform their new roles. The skill set required of a long term successful legal counsellor are not necessarily the same skills to be an effective manager, and newly appointed national staff would benefit from additional support and development to ensure they can fully perform their functions. This could be part of a performance appraisal process, or implemented as a stand-alone capacity building approach.

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<sup>8</sup> Notably these organisations and Legal Aid Policy discussions have predominantly focused on criminal issues rather than civil issues.

<sup>9</sup> With the exception of Faryab office, where there is currently an expatriate Project Coordinator to implement the NORAD funded project.

The ICLA programme has made efforts to strengthen the capacity of the Government of Afghanistan, in their role as a duty bearer with an obligation to protect and promote the rights of IDPs, refugees and returnees. The complexities of working with the Government, and the size of the needs should not be underestimated (including needs outside the scope of ICLA's role such as large scale infrastructure, transport and equipment needs). ICLA has collaborated particularly with the Ministry of Refugees and Reintegration, Ministry of Justice (*Huqoq*), Ministry of Women's Affairs, the Ministry of Agriculture, Irrigation and Livestock, the Judiciary, Lands Commission, Afghanistan Independent Human Rights Commission.

Formal memoranda of understanding exist with some institutions, have lapsed without renewal for others, and have never been entered into with other institutions. We note the difficulties of negotiation Memoranda of Understandings – that there can be differing views on priorities for activities and expenditure, that they can create opportunities for demands for incentives or distorted resource allocations, that there may be risks in presenting a programme as Government supported when working in communities exposed to anti-Government elements, etc. However, MOUs can also be useful in objectively outline the obligations of both NRC and the second party, and establish objective standards for collaboration. The legal libraries are one example of collaboration between ICLA and Government stakeholders, and in the sites visited during the evaluation, these appeared to be accessible and in use by Government. We note the participation of Government stakeholders and other duty bearers in capacity building training team activities, and in policy initiatives, and there may be other fruitful areas of collaboration to explore. We note that it may also be useful to negotiate MOUs on an activity by activity basis (eg for the legal libraries, for training etc) rather than overall programme level MOUs.

In general, ICLA's approach has been to directly implement programming, rather than build the capacity of local civil society organisations to implement programmes. Partners are primarily used for mutual referral – eg ICLA refers cases to partner organisations to supply complementary services which ICLA does not provide. While noting the quality assurance challenges of working with partner organisations, there is scope to more fully engage civil society organisations on both policy and service delivery issues – including for example collaboration with universities on HLP policy issues, outreach to University students on HLP topics and supporting student University legal clinics.

There is an ICLA initiative funded by UNHCR to provide support a local NGO, the Organisation for Human Welfare in Kandahar, which is one of UNHRC's local partners. While we understand that the implementation of this project is not without difficulties (including staffing difficulties), ICLA should be recognised for accepting the challenge of programming in problematic and insecure environments. Notwithstanding the challenges of this specific project, ICLA should also consider whether a similar or more viable approaches could be used to build national civil society expertise in ICLA's core areas, and whether this could also be a feasible approach to programming in areas with high insecurity that preclude NRC's direct programming approach. We understand this project also includes internships for University students, which is one part of greater engagement with Universities. Note that we are not suggesting that ICLA necessarily replicate the exact approach which was taken in Kandahar (which is relatively complex and involves agreements between UNHCR and OHW, and NRC and OHW, rather than an NRC – OHW agreement). We are simply recommending that NRC should review where it is feasible to partner with existing local organisations on service delivery and policy work for the purposes of sustainability, developing

national capacity and increasing access in problematic areas. We recognise that this approach also exposes NRC to additional risks, including the risk of underperformance of partners and exposure to corruption risks.

NRC's Sri Lanka After Action review notes that:

*'The NRC Exit Handbook does not provide guidance on exit through partners. It also does not define 'exit strategy' or define the goal of an exit strategy (to ensure the sustainability of impacts after a programme ends) as a sustainability plan.'*<sup>10</sup>

This may be an area where further programmatic guidance for Country Offices would be useful, if it has not already been developed. We understand that NRC HQ is reviewing its global guidance on working with local partners in 2015, including a draft local partnership policy and supporting tools.

While there is strong ICLA engagement on IDP and HLP issues, including through the HLP task force, there is weak engagement on Afghanistan legal aid policy issues, and with related stakeholders including UNDP, IDLO, the Afghanistan Bar Association and the Legal Aid Board (which do predominantly focus on criminal rather than civil legal aid issues).

Ideally the activities of the capacity building teams would create some national capacity and sustainability. As discussed below (at section 4.6), the activities of the capacity building teams appear to have varied in approach and quality. Although an extensive number of training courses have been conducted (191 training courses in 2013) and participant feedback on the courses and to the evaluation team has been positive, the ultimate impact of these training courses (in terms of changes in knowledge, attitudes and behaviour) is likely to have been variable.

## 4.6. SWOT Analysis

The evaluation team prepared a SWOT analysis. The initial draft of this analysis was discussed with ICLA programme management and headquarters staff to provide an opportunity for participatory inputs in the evaluation.

### Strengths

- Widespread respect for the work that ICLA has performed, from donors, Government, clients and other stakeholders.
- Large number of clients who have received assistance from the programme. Clients interviewed during the evaluation reported positive experiences. The ICLA client survey and evaluation impact client survey provide further data on this.
- A large body of experienced national staff, including some staff who have been with the programme for many years. NRC and ICLA have recognised this, with increasing nationalisation of posts and national staff appointed to senior positions that were previously held by internationals.

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<sup>10</sup> ICLA Sri Lanka After Action report, 2005 – 2013 pg 22

- Practical and flexible approaches to staffing – for example, appointing a project manager rather than a lawyer to the position of Programme Manager, given the complexity of the programme portfolio; and deploying staff to Kandahar on a rotating basis given the challenges of permanently locating staff there.

## Weaknesses

- Decentralisation of project implementation has led to varied programming in different field offices, based on the interests, skills and leadership of the teams in particular locations.
- There are limited programming tools available to promote consistency or share best practice. The current initiative to develop structured training packages which can be used in each field office has potential to help in this regard.
- Knowledge management is weak, based largely around the informal practices of long term national staff rather than structured processes to document and share experiences between field offices. Countries like Afghanistan have an inevitably high international staff turnover, and deliberate efforts need to be made to capture knowledge and programme products to avoid reinventing, and to make sure these products are available and actually in use in project offices.
- The current structure and use of the Case Management System (CMS) database is labour and resource intensive, and does not adequately support the case management, case supervision, HQ and donor reporting or advocacy needs of ICLA. There are concerns about the data quality in the current database, which is a significant risk for a ‘business critical’ application. The CMS has been designed in an incremental way, with perhaps an M&E focus rather than operational case management, and at a time when the database needed to be in English for the use of international staff. The database should be reviewed over the next year.
- Some donors expressed a desire for ICLA to contribute more to in-country advocacy initiatives on IDP, refugee and returnee issues, and to be driving these policy issues rather than participating. The structure of the advocacy positions within NRC may be a contributing issue here (the advocacy positions exist outside ICLA, which has advantages and disadvantages). NRC has made a prominent contribution in some areas – eg co-chairing the HLP Task Force, the country case study on women’s HLP issues. However, the advocacy work does not appear to be well synergised with the other parts of ICLA – for example, it is not clear how the systemic / strategic litigation cases are driving policy reform and advocacy, and ICLA is not making good or timely use of the extensive data in the CMS (perhaps due to technical CMS issues and the difficulty in extracting data as noted above).
- Communicating changes – there have been a number of changes in NRC and specifically within the ICLA programme. Some of these changes have involved long periods of internal NRC consultation and discussion – eg changes relating to nationalisation, changes on the policy of handling GBV cases etc. The communication and implementation of these changes has not necessarily been uniform, particularly to field office based staff outside of Kabul, and to Government stakeholders, such as AIHRC and DOWA.
- A sustainability strategy (exit strategy) is not clearly articulated. Elements of a sustainability strategy are in place – eg an emphasis on nationalisation. Other components are limited eg developing the capacity of national implementing partners is limited. We note NRC’s general programming approach has tended towards direct programme implementation, rather than

implementing through partners, which presents challenges when seeking lasting national capacities and durable solutions.

- Training and capacity building activities for duty bearers (shura councils, Government officials etc) appears to have varied in both quality and content significantly from location to location, depending on the skills and knowledge of ICLA trainers. A strong lawyer is not automatically a good trainer. Standardising training resources to develop structured training curricula, tracking participant feedback and developing the capacity of trainers (eg through professional development activities etc) would likely improve the quality of ICLA capacity building activities. We understand this process is now ongoing.
- The current programming and planning horizon is relatively short term, linked to the expiration of long term funding and the availability of donor funds and donor funding cycles. The ICLA programme is naturally significantly dependent on which activities, locations and timeframe donors are prepared to fund.

### Opportunities

- There is an opportunity to take a more regional approach to ICLA programming, incorporating NRC's programmes in Afghanistan, Pakistan and Iran. While NRC Afghanistan's activities grew out of the NRC Pakistan Country Office, interactions have reduced over time, due to the autonomy of the Afghanistan Country Office, reduced rates of return and perhaps more recently, the prolonged absence of the NRC Programme Director. Donors such as UNHCR and the EU are increasingly taking a regional perspective on Afghan issues, and there are opportunities to collaborate on sharing best practices, sharing training tools and approaches (languages notwithstanding), advocacy and strategic casework.
- Internal staff capacity strengthening, particularly of national staff, to further strengthen national staff technical and management capacities (particularly women) and systems/tools strengthening (eg supporting the use of standardised tools for knowledge management, monitoring and evaluation, project management; customisation and roll out of HQ tools and resources to project offices, database improvements etc)
- There are opportunities to strengthen the sustainability of the current programme approach. For example, to work through national partners in a more strategic way, to collaborate with other organisations working to build the capacity of state actors and duty bearers, to train according to structured curriculum, to engage with Universities on around HLP policy issues and student legal clinics, etc.

### Threats

- There is increasing risk of 'donor fatigue' with Afghanistan, with reduced funding availability for international assistance.
- ICLA is reaching the end of several long term projects simultaneously, which creates a potential financial gap until new funding is received and reliance in the interim on short term sources of donor funding which prioritise activity based targets (eg number of clients receiving assistance etc) over higher level outcomes.
- There is ongoing insecurity affecting many parts of Afghanistan, including most ICLA project sites and Kabul. The security prognosis is uncertain, and initial hopes that the newly formed Government of National Unity would stabilise the security situation have proven to be

unfounded. The ongoing reduction of international military forces creates an uncertain security vacuum for the foreseeable future, which creates challenges for NRC and ICLA's programming.

- Afghanistan is regularly scored as one of the most corrupt countries in the world.<sup>11</sup> We would like to explicitly state that we have not seen any information to suggest corrupt dealings relating to NRC or the ICLA programme. However, we note the additional programming challenges and oversight difficulties associated with implementing projects in environments of endemic corruption, especially when combined with challenging physical access to remote project sites.

## 4.7. General operational issues

### Information

The aim of ICLA's information activities is that:

'Individuals or groups shall be provided with accurate, reliable, timely, and updated information about their rights, entitlements, and remedies, and how to claim and exercise them.'<sup>12</sup>

ICLA provides information services through Community Liaison Officer (CLO) staff. The numbers of these staff vary from project office to project office, from one CLO in Herat to several in other offices. The CLOs reportedly conducted 364 group information sessions in 2013, along with 908 community visits and 169 UNHCR encashment centre visits.<sup>13</sup> The project office staffing level, security conditions, beneficiary priorities, management priorities etc affect the number of information activities carried out in communities.

In addition to the variation in staffing and conduct of information sessions, the content of information sessions appears to vary in that the CLOs do not appear to present standard modules to communities. CLOs may present information based on perceived community needs, or alternatively, based on their own subject matter expertise – eg ICLA staff who previously worked in health or education services may emphasise issues relating to these services. CLOs also reported that they spent a significant amount of time engaging with communities to develop trust, to explain NRC's role and to differentiate NRC from other NGOs in the minds of the community (eg that NRC is apolitical, not American etc). Notably, this approach may increase security risks for other organisations with which NRC is contrasted.

It is not clear to what extent CLOs base their information work on community needs assessments, and to what extent they use their own judgment in developing and presenting information topics. It also seems apparently that established communities need different types of information to communities in emergency contexts – as reported in the evaluation,

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<sup>11</sup> Eg Transparency International 2014 Corruption Index scores Afghanistan at 172 of 175 countries. Source: <http://www.transparency.org/country#AFG>

<sup>12</sup> NRC Programme Policy 2012 pg 17

<sup>13</sup> Source – NRC ICLA Annual statistical report 2013

‘after several years of telling communities about the local schools and local hospital, the community knows how to access these services already’.

To ensure information services are most relevant to community needs, ICLA would likely benefit from creating a more structured approach for community information sessions – ie:

- Sharing best practices between ICLA offices about how to engage with communities.
- Developing ‘standard form’ modules for information session topics, including the information needs of stable communities and emergency communities for CLOs can draw upon. These modules could include both access and rights information, and could be customised with location specific details as required. There could be a standard ‘progression’ of information sessions. This would avoid relying on individual CLOs areas of expertise and knowledge.
- Linking information session topics to ICLA’s core areas – to focus on ICLA’s areas of interest and expertise.
- Provide guidance to NRC Project Offices and Project Coordinators on managing Information activities – eg, how to decide whether to provide information services or not, how to choose information topics, community needs assessments etc.

In at least several Project Offices, the CLO staff are not assigned to specific communities – CLOs advised that different CLOs visit the community, depending on staff availability, internal scheduling etc. The value of CLO staff comes from the relationships and trust they establish with the community and their in depth knowledge of community events. Regular rotation of CLOs between communities is likely to inhibit the development of trust and detailed community understanding.

While not specifically relating to information services, another key function which CLOs perform is participating in NRC multi-sectoral community assessments, particularly following emergencies. The CLOs knowledge of the community can be a significant benefit, with other NRC services reportedly relying on this information to better inform emergency programming.

### Counselling

The aim of ICLA’s counselling service is:

‘Individuals or groups shall be provided with explanation and advice on relevant rules and procedures embedded in the formal, customary, or religious mechanisms of the specific country. Counselling entails a degree of analysis of the problems faced by the beneficiary and provides advice on what is the best possible course of action to solve a particular problem. It enables beneficiaries to claim and exercise their rights by themselves.’<sup>14</sup>

We understand that counselling aims to empower ICLA’s client to take action to resolve the issue themselves by themselves – eg a targeted referral to another service, or equipping the client with information to empower them to negotiate for their rights without ICLA’s intervention.

ICLA registered 2,217 counselling cases during 2013, and resolved 2,080 of these (94% closure rate). Seventy percent (70%) of cases were received from men and 30% from women. Counselling cases

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<sup>14</sup> NRC Programme Policy 2012 pg 17

were mostly registered from refugee returnees (49%), IDPs (37%) and local residents / host communities (14%).<sup>15</sup>

The counselling cases registered overwhelmingly related to access to basic services (65%) and shelter (24%). Legal civil documentation cases comprised 2% of counselling cases registered.<sup>16</sup> The services provided and outcomes are not reported but anecdotally it appears that the services are primarily advice and referral.

ICLA's counselling service appears to be relevant to the needs of the beneficiary populations. There may be an issue as to whether the CLOs are capable of providing advice in an even broader range of HLP and CLD matters, under the supervision and review of the lawyers as appropriate, and whether their current assistance is too limited in scope. The use of non-lawyers to handle more straight forward counselling issues can be an effective way of improving NRC's relevance and leveraging service delivery by shifting the workload of simple cases from lawyers to several paralegals working under supervision. If the defining characteristic of legal counselling is providing clients with customised advice so they can resolve their problem by themselves, ICLA Afghanistan can also review the way that the assistance provided by lawyers is classified – it seems at present that some cases are likely classified as 'legal assistance' because the counselling advice has been provided by a lawyer, although the lawyer does not intend to play a greater role in resolving the client's issue (ie, the case may be classified based on who provides the service, rather than the actual service provided).

In 2013 the percentage of LCD and Family counselling cases was relatively low (2% and 1% respectively). Tazkira cases are 1% of counselling cases, but 27% of legal cases (presumably handled by lawyers). ICLA could review whether in some cases (eg some of the tazkira cases) the clients would be capable of following up the issue themselves if they received only advice from ICLA (ie, improving the ICLA counselling service), or if necessary whether a CLO (or similar paralegal type position) is able to handle the problem (improving the relevancy and impact of the CLO or paralegal). Most straightforward tazkira applications should not require the intervention of an ICLA lawyer.

### Legal assistance

The aim of ICLA's legal assistance service is to:

'Provide legal representation and collaborative dispute resolution services to individuals or groups who cannot effectively claim and exercise their rights independently... Activities may be initiated to support public interest and other prominent cases. NRC will seek to ensure that such cases have direct positive effects for a greater number of individuals or create legal precedents that can generate positive structural changes.'<sup>17</sup>

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<sup>15</sup> NRC ICLA Annual statistical report 2013

<sup>16</sup> NRC ICLA Annual statistical report 2013

<sup>17</sup> NRC Programme Policy 2012 pg 17



In 2013, ICLA’s legal advisers registered 1,975 new cases and closed 1,441 cases. 951 cases remained open at the end of 2013.

### Legal assistance closed case types

Issue	Number of closed cases	Examples
Documentation	692	Tazkira (527) Revocable property deed (66)
Housing, Land and Property	464	Ownership and possession rights (163) Inheritance rights (153) Money recovery (89)
Family	232	Separation (179) Annulment of engagement (23) Right to marry (22)
Other	53	
<b>Total</b>	<b>1441</b>	

The evaluation team interviewed ICLA lawyers at project sites in Kabul, Jalalabad, Mazar-e-Sharif and Herat. Overall, we were very impressed with the level of expertise of the lawyers. We also note some of the lawyers have been working with ICLA for many years, and possess extensive institutional memory in addition to their legal knowledge. The lawyers appear adept at navigating both the formal justice systems and informal justice system (shuras etc), taking a flexible ‘problem based’ approach to case handling which is essential in a country such as Afghanistan. As lawyers are working for an international organisation and in an international context, some lawyers would benefit from increased training and professional development on international land and property rights, to provide a broader context for their work.

The evaluation team noted a range of work practices among lawyers. Some lawyers appeared to have strong community links, and were very active in seeking out cases. Other lawyers appeared to be more office-based and content for CLOs to refer cases to them, or to wait for walk-in clients. We believe that lawyers can be more effective when they are closely engaged with communities (the ‘barefoot lawyer’ approach), providing this is also managed and lawyers still have time to follow up on their cases. Lawyers can be encouraged to play a greater role in the other parts of ICLA, eg community outreach, as a way of improving the professional development of the lawyer, to strengthen the quality of outreach work (eg by allowing on the spot responses to complicated questions), and building ties between communities and lawyers. Similarly, lawyers could be encouraged to be more active in supporting ICLA’s advocacy and policy goals – lawyers possess a great deal of technical knowledge and are familiar with practical case studies, but this information is not well utilised by NRC.

As discussed elsewhere, ICLA Afghanistan currently carries a large load of ‘principal cases’ (we understand nearly 100 cases), which are long running cases that have been transferred to the Supreme Court and to the Kabul office. It appears that these cases have been chosen on the basis of merit (the lawyer thought the case had a reasonable prospect of success) and need (the client is in need and would benefit from the application to the Supreme Court).

It is not clear whether there was also any type of public interest test applied to these cases. In accordance with ICLA's policy on strategic litigation above, 'NRC will seek to ensure that such cases have direct positive effects for a greater number of individuals or create legal precedents that can generate positive structural changes.' These case should ideally be chosen because they will create a benefit more broadly than for an individual – eg because they will support ICLA's advocacy objectives, or help guide the implementation of a Government policy etc. Instead, these cases seem largely disconnected from NRC's advocacy work.

Long running, strategic litigation cases should be deliberately managed by senior, experienced lawyer. Every case should be regularly reviewed in a structured way, to ensure that there are still reasonable prospects for success, that the risks of pursuing the case do not outweigh the potential benefits, and that the case is being 'zealously advocated' in a proactive way. ICLA should review its entire portfolio of strategic litigation / principal cases, to ensure they remain appropriate, and seek to discontinue cases which are no longer appropriate.

As discussed below, the ICLA Case Management System has excellent potential, but does not support the practical needs of the lawyers on a day to day basis. Lawyers make notes in Word on their laptops, and these notes are given to a translator to be translated into English for the database, then entered into the database by a data entry officer. The lawyers do not benefit from direct use of the CMS – eg, they cannot quickly access their own copy of the CMS to check details, they do not use the CMS to identify overdue cases or pending actions, they do not use the CMS to produce reports, forms and letters etc. In effect, this results in ICLA keeping two files for each client – a contemporaneous paper based file, and an electronic CMS file which is updated after some time.

A number of lawyers referred to the expectation of ICLA that they will register four cases and resolve two cases each month, and viewed this target as unnecessarily demanding. While appreciating the complexities of ICLA cases and the challenges involved in contacting many ICLA clients to progress cases, resolving four cases per month would generally be considered globally to be a relatively low target for legal aid lawyers. There is a risk that in promoting a certain number of cases per month, lawyers may feel compelled to close cases prematurely (to meet case closure targets), or to accept cases that may not meet ICLA's vulnerability guidelines (to meet case registration targets). This issue requires management by supervising legal staff.

The Afghanistan Legal Aid Working Group also held discussions on target caseloads, shifting from a proposed limit of four active cases (the quota of the Legal Aid Department) to seven cases per month, although most CSO legal aid schemes reported active caseloads of 10-15 cases (note – these are currently open cases, not closed cases per month). 18

The limited functionality of the case management system may be another constraining factor on lawyers' work production. Also notably, the current CMS cannot easily report on the number of open cases each lawyer manages, which complicates case management for both lawyers and legal supervisors.

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<sup>18</sup> Sarah Han, Legal Aid in Afghanistan, Afghanistan Analysts Network, April 2012 page 12

ICLA should be commended on its efforts to identify and support female Afghan lawyers. Given the target client group is often female, this is appropriate and should be continued so the ICLA service can be accessible.

### Programme management

As noted elsewhere in this report, there has been significant turnover of senior international staff on the ICLA programme, including programme managers and Project Coordinators managing provincial activities. This is not uncommon for programmes in country contexts such as Afghanistan. It raises the importance of knowledge management, to ensure that organisational knowledge is not lost during staff turnover.

More recently, the prolonged vacancy of the NRC Programme Director position has had an impact on the ICLA programme, though delaying progress on regional initiatives, discussions with Government partners on MOUs, and shifting some work which may have been done by the Programme Director onto the ICLA Programme Manager and other staff.

Overall, the current programme management should be commended for successfully implementing the ICLA programme under challenging circumstances. With day to day activities operating with relative stability, the next phase of programme management involves more strategic challenges – resource mobilisation to replace expiring donor agreements, quality improvement of service delivery, leveraging ICLA’s expertise for better advocacy and more structured collaboration with Government, national and international actors.

### Handing of SGBV cases

One recent change in ICLA Afghanistan is in the handling of SGBV cases. This new policy has been described in different ways by different staff members. We understand the overall intention is that ICLA should focus more on HLP cases, and to avoid a gap in service delivery, NRC should establish a specialised pilot SGBV programme in Afghanistan to manage SGBV cases with the holistic expertise required, rather than treating SGBV issues purely as a legal situation. We understand this issue has been under consideration by NRC since 2011, and while ICLA has stopped handling SGBV cases, the pilot has not yet commenced, which does create a gap in service delivery. There is some dissatisfaction expressed by staff and by Government and civil society stakeholders concerning this decision, although notably there was acceptance of the decision by stakeholders in locations where substitute services could be provided by other organisations.

The evaluation team notes that the ‘do no harm’ principle can obligate an organisation not to provide a service in circumstances where their intervention can have significant additional personal risks to beneficiaries. We also note the complexities of addressing SGBV in Afghanistan. While we appreciate the reasons given for the decisions which were made, we also note the importance of change management practices when implementing contentious decisions – eg:

- Communicating the changes clearly to staff (are all SGBV cases excluded? What about SGBV cases with a HLP component? What happens with existing cases?)
- Communicating the changes to stakeholders – some Government stakeholders reported that they were advised in writing of the change, rather than consulted. Where there are no substitute services available, some stakeholders have remained deeply concerned about this decision.
- Ensuring substitute arrangements are in place – in this case, ensuring that stakeholders had the opportunity to locate other services to assist them, and ideally that the NRC Afghanistan pilot SGBV project was operational before ICLA suspended SGBV services.

## 4.7 Client survey

In the evaluation design phase, NRC was very keen to ensure that the voices of clients and beneficiaries were included in the evaluation. The evaluation adopted a participatory approach and conducted a number of interviews and focus groups with clients, training participants and Government counterparts who had benefited from support. However, to provide additional opportunities for inputs, the evaluation team supported NRC staff to conduct a client follow up survey. The survey aimed to explore both the client’s opinion of the assistance they received, and also any changes or problems which had re-occurred since ICLA provided assistance.

The survey design and analysis was led by a statistician, Ms Fela Adeyemi. Local assistance was provided by a local lawyer and human rights expert, Mr Hassrat Hussein. The survey team was trained in a two day course in survey data collection and in the administration of the instrument by evaluator Mark Aiken. We note the willingness and enthusiasm of the NRC survey team in participating in the training and in collecting the data, despite the difficulties they faced. We appreciate the challenges facing any organisation conducting a survey in Afghanistan, including a survey which aspires to contact clients from up to ten years ago to obtain their feedback and discuss the durability of their solution.

A discussion of the survey methodology and results is included in Annex 5. This section highlights some of the key issues and survey results.

### Demographics:

- (a) The survey was completed by 281 clients, of which 134 were counselling cases and 147 were legal assistance cases. 55% of respondents were female and 45% were male (one unrecorded). The respondents came from each of the provinces where ICLA provides services, and the weighting of client locations was consistent with the CMS database population, except for Herat which was under-represented.
- (b) The respondents were mainly IDPs (39%) or returnees (44%), with a smaller percentage of respondents from host communities or identifying as refugees.

- (c) Counselling cases sought assistance for basic human services (39%), HLP (13%), civil documentation (9%) and other (36%). Legal assistance cases sought assistance for HLP (62%), Family (24%) and civil documentation (12%).

#### **Counselling cases (n=134):**

- (a) The average duration of counselling cases in the survey was 20 months. This suggests that counselling cases can be extremely protracted, and involve assistance from NRC on a number of occasions. The CMS data is not directly comparable to cross check this, as approximately half the cases are missing either the data of registration, date of referral and / or conclusion date. We do note NRC's policy of keeping a client's case open until it is resolved. NRC could review how to better separate inactive but open cases from the active case list.
- (b) ICLA assisted in counselling cases by providing information and advice (43%), referral to another organisation (23%) and referral to another NRC service (24%). Through its community interactions, ICLA frequently acts as a de facto field representative for other NRC services.
- (c) Where ICLA referred a client to another organisation, 74% of clients said that referral was useful, and 69% said that the other organisation solved their problem.
- (d) 90% of counselling clients were either very satisfied or satisfied with the outcome of their case and the quality of NRC's service. 89% were either very satisfied or satisfied with the process to resolve their case.
- (e) The solutions in counselling cases have been very durable. 88% of the problems have remained solved, while 12% were either unsolved or have reoccurred. Some of these clients returned to NRC to seek further assistance. A relatively small number of clients (9) chose not to return to NRC, due to lack of time, lack of transport money, lack of financial resources to pursue the case further, a belief that NRC could not help them further (rightly or wrongly), or the family would not allow the client to pursue the case.
- (f) 46% of counselling clients said that ICLA made a difference by helping them stand up for themselves to get their problem resolved.

#### **Legal assistance cases (n=147):**

- (a) The average duration of legal assistance cases in the CMS database is 14 months. 56% of legal assistance respondents in the survey said their case took one year or less, with 16% reporting a duration of one month or less. 23% of legal assistance cases in the survey lasted for over 4 years. Notably, the average legal assistance case appears shorter than the average counselling case. While noting that the clients in this survey had closed cases, ICLA should have a standing policy of reviewing all old cases on a regular basis (say, each 6 – 12 months minimum) to ensure it remains appropriate to continue with the case.
- (b) ICLA provided legal assistance through advice and information (54%), court support (24%), Jirga support (15%), and other (7%). Notably, ICLA does not 'represent' clients but provides assistance for them to resolve their own disputes. This may explain the relatively high proportion of legal assistance provided through 'advice and information'.

- (c) The ICLA team provides assistance in the formal justice system (33%), informal justice (34%), and both (28%). One of the strengths of ICLA is its ability to navigate both formal and informal justice systems, and move between them as cases require. In Afghanistan, often the formal justice system is a 'stage' in a negotiated solution, rather than the adjudication of an end result – eg where the court makes a decision which is unenforceable, and the parties then negotiate on the implementation of the decision.
- (d) 75% of legal assistance clients reported that they were satisfied or very satisfied with the outcome of their case, and 76% with the process to resolve their case. 88% were satisfied or very satisfied with the quality of service that they received from ICLA.
- (e) The solutions for legal assistance cases have been relatively durable, but less durable than counselling cases (71% legal assistance vs 88% counselling with a durable solution). The difference may reflect the additional complexity of the case which prompted it to be accepted for legal assistance.
- (f) When the problem reoccurred, some clients returned to NRC (11 clients), while 30 clients chose not to return to ICLA. The reasons given by people who did not return included that they didn't believe that ICLA could help them further (rightly or wrongly) 41%, or they did not have time to further pursue the case (32%).
- (g) Legal assistance clients described the impact of ICLA's assistance in stronger language than counselling clients – without ICLA's assistance, I would – definitely have lost the case (27%), the problem would still not be solved (24%), my rights would be badly infringed upon (13%), I would be worse off (21%).
- (h) Legal assistance clients believed that ICLA helped them stand up for themselves to get their problem resolved (17%), helped them follow a legal system they didn't understand (13%), saved them money (12%), and helped get a favourable outcome to the problem (11%).
- (i) If a relative or friend had the same problem, legal assistance clients would overwhelmingly refer them to ICLA (88%), compared to referring them to a shura or community leader (7%) or giving them information about how to solve the problem themselves (3%). This demonstrates an extremely high confidence in ICLA's services (given that people in Afghanistan tend to firstly refer problems to family members or shuras). However, if one of ICLA's objectives is to empower people to be able to resolve their own problems, this should be addressed more explicitly, as instead clients prefer to refer cases back to ICLA for assistance.

## 4.8 Case management system review findings



**The current case management system does not easily and reliably meet the needs of ICLA staff.**

During the evaluation discussions with ICLA programme staff, legal supervisors and donors, it was apparent that the current case management system does not easily meet the information needs of users of any level. It requires a significant investment of staffing resources to maintain the system and to interact with it. It is possible to obtain information from the system for reporting purposes, however due to the complexity of the system it requires significant efforts to generate reports, verify report data and format the information for an external audience.

The database has grown in an incremental way, generally via changes made by NRC country office staff to add extra functionality on an ad-hoc basis. After several years of these changes, the database now includes many redundant forms and reports, along with errors in coding which prevent the database from compiling correctly. For this reason, the database can only operate on an older version of Microsoft Access (2007) which does not require a database to compile correctly to operate. Microsoft discontinued mainstream support for Access 2007 in 2012, and will provide more limited support until 2017.<sup>19</sup>

As part of this evaluation, we undertook a technical review of the CMS database, with the support of an IT expert. A summary of the technical review is included at Annex 2, which provides further details of the database issues and potential upgrade pathways. Ideally, NRC should plan to rebuild a new version of the CMS on a more modern platform, and include additional functionality into the new database design.

Ideally, a case management system for ICLA should provide the following functionality:

- For lawyers and caseworkers – the ability to enter data in real time, and to use the CMS to help manage workload – eg to prioritise cases, generate letters and forms etc.
- For legal supervisors – to be able to monitor and oversee case files, to easily calculate the workload, closure rates and casefile ‘aging’ for individual lawyers and for the project office as a whole; to be able to review data in real time or close to real time.

<sup>19</sup> <http://support2.microsoft.com/lifecycle/default.aspx?LN=en-us&x=11&y=14&p1=11265>

- For ICLA programme management – to be able to oversee project office progress against targets, track programme progress against logframe targets, easily generate accurate reports for donors, easily track and identify systemic and policy issues to support advocacy initiatives, to be able to review data in real time or close to real time.
- For ICLA donors – to be able to benefit from data analysis, including accurate querying to track trends, provide an early warning system of systemic issues etc, in close to real time.

The functionality comparisons are as follows:

User	Current CMS state	Ideal CMS state
Lawyers	<p>Lawyers type their notes in Word, in Dari or Pashto. The Word file is given to the ICLA database / translation staff, who translate the data and copy it into the database.</p> <p>There is no real time access to data.</p> <p>There is no practical follow up functionality for lawyers, and the CMS is not used as a day to day case management aid.</p> <p>Translation of all case information is a significant demand on the project's staff, for limited apparent benefit.</p>	<p>Lawyers enter their notes into the database themselves.</p> <p>Lawyers use the database to prioritise and follow up cases (automatic follow up lists, reminders etc).</p> <p>Lawyers use the database to generate forms and letters (document management)</p> <p>The database structure can be set up in a way that little or very little information requires translation (eg using dropboxes with options in different languages) and flagging cases which require freetext field translation (eg for good case studies or donor reporting)</p>
Legal supervisors	<p>Currently have access to the case files in the CMS. Delays in translation and data entry mean electronic case files may be out of date.</p> <p>The CMS does not aid supervisors by flagging overdue case actions, highlighting old cases etc.</p> <p>The CMS does not aid supervisors by reporting on caseload per lawyer, or the project site's progress towards achieving targets.</p>	<p>Provides easy methods for supervisors to monitor case progression, flags overdue actions etc.</p> <p>Includes standardised reports to manage staff performance – eg number of new cases, closed cases, pending cases, age profile of cases, types / complexity of cases, etc.</p>
Programme managers	<p>Little ability to manage information in real time, due to delays in data entry and periodic collation between project sites and the 'master' CMS.</p> <p>Difficulty in extracting and validating</p>	<p>Information is entered and available in close to real time.</p> <p>Correctly functioning reporting system in place for regular reports (eg donor reports,</p>



User	Current CMS state	Ideal CMS state
	<p>reports for internal and external purposes, due to coding errors in the database.</p> <p>Little correlation between currently programmed reports and programme indicators, requiring data analysis for external reports to be run as queries rather than reports.</p> <p>Limited staffing capacity (IT and programmatic) to mine data to analyse trends and flag systemic or policy issues, and no readily accessible querying mechanism to facilitate this.</p> <p>No dashboard to monitor progress of the programme towards annual targets.</p>	<p>project office progress reports etc).</p> <p>Querying mechanism in place, to allow flexible / ad-hoc data analysis, better capacity to identify trends and support NRC's advocacy work.</p> <p>Dashboard to monitor programme progress towards targets.</p>
Donors	<p>It is possible to extract some basic information from the CMS for donors, eg caseloads. This requires a significant investment of time and support from IT / M&amp;E staff.</p> <p>There is limited or no ability to easily extract information from the CMS in a timely way to identify emerging issues, monitor trends or analyse data.</p>	<p>Closer to real time data available.</p> <p>Ability to query data to identify trends and serve as an early warning system.</p> <p>Ability to flag and report on cases that demonstrate systemic issues or provide a good case study for external reporting.</p>

In addition to technical aspects, there are some areas relating to the use of the CMS which could benefit from further clarification in policies. For example, the practices around recording community disputes are not clear – if there is an issue which affects three hundred households in an informal settlement, is this one case in the database or three hundred cases?

## 5. Recommendations

We present the following recommendations for consideration:

### Programming

1. **Strengthening ICLA's regional approach to programming, exchange of information and sharing of best practices (ie, collaboration between Afghanistan, Iran and Pakistan programmes).** This has the potential to strengthen not just ICLA Afghanistan, but other ICLA programmes. We note that donors are increasingly approaching Afghanistan in a regional context. Regional collaboration should be expanded beyond the level of case referrals and case related information.
2. **That ICLA management proceed with the current review of capacity building team training materials for duty bearers.** The objective should be to:
  - a. establish baseline quality standards for ICLA training courses including participatory adult learning methodologies compliant with international human rights standards and consistent with Islamic principles,
  - b. ensure that ICLA trainers are trained in the use of these materials.
  - c. provide capacity development to trainers so they can deliver training materials with maximum impact, noting that a knowledgeable lawyer is not necessarily a dynamic trainer.
3. **That ICLA management proceed in 2015 with the proposed review of capacity building activities,** to ascertain the impact of training courses on participant's knowledge, skills, behaviour and attitudes.
4. **That ICLA management articulate an explicit medium term (say 3-5 years) pathway towards sustainability,** recognising that NRC is likely to continue operating in Afghanistan in the foreseeable future, but should not plan to be indefinitely providing emergency and early recovery assistance.
5. **That ICLA management consider expanding collaboration with national partners for service provision and advocacy / policy work, such as: eg**
  - a. building on work with Afghan Universities for internships, HLP training modules, University legal clinics and policy analysis,
  - b. reviewing different approaches on working with local partners to provide strengthening of local civil society organisations undertaking work in ICLA's thematic areas of expertise,
  - c. reconsidering possibilities for collaboration with Government of Afghanistan institutions, where this is feasible.
6. **That ICLA management continue to ensure that programming is done in collaboration with other actors,** particularly capacity building of duty bearers, to build on the lessons learned of

other actors such as IDLO and UNDP, to identify synergies and to avoid potential duplication of efforts.

**7. That ICLA management explore alternative approaches to operating in insecure areas.**

There are large parts of Afghanistan which are 'off limits' to NRC's programming, including districts of provinces such as Herat etc which were previously serviced by ICLA. Does NRC and ICLA withdraw from these areas until they are safe to return? What other ways can ICLA engage with beneficiaries in these areas, noting that many displaced people do remain within their own or an adjacent district. The Kandahar approach offers one model for engagement in insecure areas, as does structured engagement with key community stakeholders from those districts, including religious leaders, Village Development Committees, etc. We note that operating in less secure areas involves greater exposure to risk, whether directly for NRC staff or indirectly for affiliated personnel from CSOs or CBOs collaborating with NRC on activities. NRC should review in advance its 'comfort level' of risk, along with risk management and mitigation strategies.

**8. That ICLA management consider the approach towards Civil Legal Documentation cases – whether there is an ongoing need for ICLA to handle procedural cases such as Tazkira. If so, do they need to be handled by ICLA lawyers, or**

- a. Could the client be empowered through counselling to address the issue themselves?
- b. Could the CLOs handle these cases rather than ICLA lawyers?
- c. Could ICLA work with the Afghan authorities to reduce the barriers to access which necessitate ICLA's involvement in these CLD cases?
- d. Could ICLA develop the capacity of other national organisations to provide this support?

**9. That NRC management endeavour to ensure that transitional arrangements are put into place to handle SGBV cases, and expedite the implementation of the pilot SGBV programme in Afghanistan to provide assistance in cases which were previously handled by ICLA.**

**10. That NRC management and Project Coordinators consider assigning Community Liaison Officers to specific districts / communities in Project sites which have multiple CLO staff (rather than rotating all staff through all communities).**

**11. That ICLA Management consider legal casework approaches on representation.**

ICLA lawyers notably do not officially represent clients, as they do not seek an authority to act on the client's behalf. Rather, ICLA lawyers 'support' clients to present their own cases. In practice, it appears that many lawyers are substantively representing their clients. Lawyers were concerned about liability and ethical issues should they formally represent their clients – for example, if they could be charged with misconduct or negligence if they could not attend a hearing. This issue requires further consideration, as it is not clear whether in practice the notion of empowerment is being used as a philosophy or a legal shield.

**12. Institute a tracking system to follow up on NRC Headquarters technical recommendations and evaluation recommendations.**

We have seen a range of recommendations produced by NRC Headquarters staff during technical visits. While we appreciate that workload, budget, staff turnover and professional differences of opinion may mean it is not possible to fully implement every recommendation, it would be useful to establish a system to track agreed recommendations and related workplans. This would help avoid losing valuable recommendations due to time, workload and staff turnover.

## Staffing

1. **That NRC appoint an experienced legal adviser with credible international experience** to provide support to the ICLA Project Manager in quality assurance of ICLA implementation, in particular:
  - a. Quality assurance and overview of strategic litigation / principal cases, and ensuring that strategic litigation is linked to ICLA's advocacy and policy objectives.
  - b. Reviewing training materials and overseeing training and capacity building implementation, to ensure compliance with international human rights standards.
  - c. Expanding and strengthening ICLA's advocacy and policy reform capacity.

A suitably experienced Afghan female lawyer would be ideal for this position.

2. **That NRC management and / or ICLA management establish a national staff capacity development programme**, with objectives including:
  - a. Provide a structured approach for the ongoing professional development of project staff, including the professional legal development of ICLA lawyers, to ensure they remain current with the latest developments in relevant Afghan and international law, and can serve as credible experts and ambassadors of ICLA and NRC.
  - b. Supporting newly appointed Project Coordinators in the implementation of their responsibilities.
  - c. Encouraging the professional development of ICLA's female national staff, with the objective of increasing the numbers of female staff in senior ICLA positions and further increasing the accessibility of ICLA's services to women in Afghanistan.
  - d. Deliberately encouraging applications from female candidates, to establish a project team which is reflective of Afghan demographics (enhanced gender mainstreaming).

This national staff capacity development programme could have components of:

- a. Mentoring staff in existing positions
- b. Providing scope for staff 'cross-skill' by participating in projects – eg for selected legal staff to assist part-time in policy and advocacy projects, which strengthens NRC's advocacy work while also developing the skills of the staff.
- c. Peer exchange of best practice, through workshops, or through IT solutions which create networks of national staff who are interested in particular topics. This could also be done regionally, to promote strengthened regional collaboration.

- d. Improved access to knowledge resources – eg policy papers, training materials etc.
  - e. Structured training – either self-paced (eg participation in online training courses such as free MOOC courses on project management, HLP thematic issues, gender, etc) or structured ‘in person’ courses.
3. **That NRC management and ICLA management take steps to expand its advocacy capacity,** to enable it to properly build upon the demonstrated case expertise and information gathered by ICLA project staff. This may include:
- a. Additional staffing, either via recruitment of additional staff or secondment of existing ICLA staff on a part time or full time project capacity.
  - b. Improved ability for ICLA staff to obtain information, enter data in a timely way, analyse data and prepare and present data to other stakeholders (including donors, HLP taskforce, etc) – through updating the CMS or through other strategies.
  - c. Improved capacity to routinely produce NRC / ICLA knowledge products applicable to Afghanistan and internationally, such as the ‘Strengthening Displaced Women’s Housing, Land and Property Rights in Afghanistan’ report.
  - d. Exploring formal collaboration with Afghan Universities and policy networks to promote relevant IDP / returnee / refugee issues and build interest and national capacity in these issues. We understand there is potential for a regular journal on HLP issues, which would be a worthwhile initiative.
  - e. Improved knowledge management and dissemination, including more reliable storage of previous research reports and knowledge products, and ensuring these are available to field office staff. This is particularly required in an environment with high international staff turnover among ICLA project managers and Advocacy staff.
4. **That NRC Headquarters, NRC management and ICLA management consider the establishment of expert practice groups.**

Many large organisations have adopted the use of ‘expert practice groups’, as a way of sharing best practices between peers, encouraging the professional development of staff, and providing recognition of staff expertise .

ICLA Afghanistan may well benefit from trialling this approach – for example, with an expert practice group on capacity building to share best practices, an expert practice group for lawyers dealing with specific types of cases, etc.

However, there could also be value in trialling this regionally with Country Offices in Iran and Pakistan to promote regional collaboration, advocacy and information exchange. The initiative could potentially be implemented globally should the initiative be successful.

There are a wide range of IT solutions which can be used to facilitate networks of this nature.

5. **That ICLA Management review case load expectations for lawyers**

We note that there are strong feelings among some lawyers that the proposed monthly targets are unreasonable. While we appreciate the target do not appear excessively

ambitious for legal aid lawyers globally, the depth of feeling demonstrated by some lawyers suggests that there is a management issue which needs to be managed. It is true that some lawyers are likely to have a more complicated case load of older and slower cases, while other lawyers can quickly resolve simple cases and generate high volumes of cases.

ICLA management could consider a range of strategies, eg:

- Producing reports showing the average number of cases per lawyer per office, so lawyers would have some sense of their relative level of productivity.
- Encouraging case management discussions between supervisors and lawyers, to identify and overcome obstacles and improve case handling efficiency.
- Consider some workplace efficiency (time and motion) studies – reviewing for a period how a sample of ICLA lawyers are actually using their time and then looking for ways to make this more productive. For example, if lawyers spend their time slowly typing letters then a touch typing course, Dictaphone or forms automatically generated from document templates may assist.
- Encouraging lawyers to be more active in outreach and identifying clients (eg by participating in community events, information sessions etc), rather than waiting for clients to find the ICLA office themselves or for other staff or NGOs to refer clients to the lawyers (although some more ‘traditional’ lawyers may resist this approach).

## Information management

### 1. That ICLA management urgently review its information management needs and available resources.

The current case management system does not adequately meet the needs of legal staff, legal supervisors, NRC project management staff, NRC Headquarters staff or donors. While the CMS has developed in an incremental way with the support of Country Office staff, the CMS requires a substantial investment in time and human resources to operate the CMS on a day to day basis (including IT staff and translators). Lawyers cannot use the CMS on a real time basis. It is not possible for users or project management staff to extract data in a timely manner.

As many of the international staff positions with ICLA Afghanistan have now been nationalised, there is no longer the requirement for large parts of the database to operate in English, with some ICLA staff employed full time as translators to translate and enter data in the CMS. This is a significant commitment of staff time and resources, which appears largely unnecessary. Translators could instead concentrate on translating only the cases needed for external purposes – eg for advocacy or donor case studies.

In relation to the CMS, ICLA has the options of:

- a. Business as usual – continue to operate the existing case management system. This presents significant business risks due to the current flaws in the operation of the system, and the ‘mission critical’ nature of the CMS for ICLA’s case management and donor / HQ reporting. This option is not recommended.

- b. Updating the existing Access CMS to remove bugs and restore functionality. This approach could potentially extend the life of the current database to 2017, when Microsoft will cease supporting the Access 2007 platform which operates the database. However, the time and expense spent to fix the current database is likely to be more effectively spent on developing a new database. (As the existing database is quite buggy, it is difficult to know in advance how the repairs would proceed – fixing a bug in one part of the code may create cascading issues elsewhere).
- c. Develop a new database, using either the same or revised functionality. The new database could be cloud hosted or hosted on personal computers synchronising to a master NRC server. We would recommend a detailed scoping and assessment assignment of approximately 2-3 weeks to document the specifications for users, eg including:
  - i. case management needs of lawyers (and other staff handling ‘cases’), including ‘to do’ action lists, merged form generation, document management etc
  - ii. case supervision needs of the legal supervisors
  - iii. ICLA programme reporting needs of programme management staff, eg routine reporting for donors and NRC HQ
  - iv. ad-hoc data analysis to support advocacy needs
  - v. an indicators dashboard interface to show progress towards indicators
  - vi. Closer to ‘real time’ data entry, analysis and reporting capacities.

Based on these specifications, NRC could assess software platforms and develop internally or tender for a service provider to develop and implement the database, with external technical support to the process if required.

**2. That NRC HQ, NRC Afghanistan and ICLA Afghanistan consider developing and piloting a global or regional CMS.**

Given the likelihood of regional programming and the lack globally of a standardised approach to ICLA case management systems, it may be feasible for ICLA HQ and ICLA Afghanistan to pilot a global CMS customised for Afghanistan, which if suitable could be rolled out to support case management in other countries. Some additional scoping or inputs from ICLA HQ would likely be required for CMS design if the intention is to design an application suitable for deployment in other countries, to avoid ‘hard coding’ business rules which are applicable in Afghanistan but not elsewhere. A global approach to CMS applications would have some advantages:

- d. It would be easier for NRC HQ to support and update one global application than many different applications in each country, and so ensure that a high quality CMS is available to ICLA staff.
- e. NRC HQ could have agreed ‘real time’ access to relevant data (eg M&E dashboards)
- f. ICLA staff moving between countries would stay with a CMS platform that they knew.

- g. CMS components could be opened to allow flexibility and customisation, and then locked to limit ad-hoc changes by potentially unskilled staff.

**3. That NRC management and ICLA management review the current information management arrangements and staff communication methods.**

It appears that information distribution and information access to ICLA staff is variable. CLOs, Legal Officers in field offices may be unaware of knowledge products which have been produced (eg advocacy reports etc), or may not be using the latest tools (eg monitoring and evaluation tools). With high international staff turnover in all conflict countries, there is a risk that international staff involved in producing these products and tools may leave without the products becoming fully available and embedded in ICLA's work practices, and that new staff arriving are not familiar with the work that has been done before. While one of the strengths of the ICLA programme is the extensive number of experienced national staff with institutional knowledge, it is also important that staff can in practice access the products rather than just be informed that work was previously done in this area, but the location of the report is unknown.

A structured approach to an ICLA Afghanistan intranet could assist with this issue. This could be implemented in conjunction with a web-based CMS environment, should ICLA elect this option.



## **Annex 1: List of documents reviewed**

### Programming documents

ICLA Project documents – EC Proposal, DANIDA proposal, NORAD project document, UNHCR proposal

ICLA Macro logframe and narrative

NRC Litigation Guidelines, December 2013

NRC Public Interest Case Module, December 2013

NRC ICLA in Emergencies Module, May 2013

Global ICLA Monitoring and Evaluation tools (and theory of change)

ICLA Afghanistan Referral matrix (by project site)

NRC ICLA Handbook

NRC Programme Policy

ICLA Afghanistan Organogram

### Reports

ICLA Annual Reports

Internal monitoring survey results

ICLA Global Output 2013 powerpoint presentation

ICLA HQ Adviser to Afghanistan mission report August 2012

Sri Lanka After Action report – lessons learned 2005 -2013

### Evaluations:

ICLA Afghanistan evaluation 2009

Evaluation of the Danish region of origin initiative in Afghanistan 2012

Afghanistan MDG-F Peace through Justice Programme in Afghanistan 2011

ICLA Sri Lanka evaluation report 2008

United Nations Justice and Human Rights in Afghanistan Final evaluation 2012

NRC Afghanistan Shelter evaluation report 2010

Publications and policy papers

Housing, Land and Property - Handbook on design and implementation of Collaborative Dispute Resolution (NRC)

Housing, Land and Property participant manual (NRC)

Training Guidance, Housing Land and Property (NRC)

Housing, Land and Property Training Manual (NRC 2011)

Global Report on Displaced Women's Rights to Housing, Land and Property (NRC 2014)

NRC's Potential for Programming on Gender Based Violence – Summary report with recommendations (Sept 2012)

Land, People and State in Afghanistan (USIP 2012)

Challenges of IDP protection in Afghanistan (NRC joint publication, 2012)

Still at risk – security of tenure and forced eviction (NRC joint publication, 2014)

Land Governance for equitable and sustainable development – Afghanistan country fact sheet (LANDac 2011)

From Dispute to Resolution – Managing Land in Afghanistan - October 2011

Property Rights and Resource Governance – USAID Afghanistan country profile 2010

Informal dispute resolution in Afghanistan (USIP 2010)

## Annex 2: Case Management System review

This Annex is a summary of the technical review of the case management system. The review considers the functionality of the database from an IT perspective, rather than a user perspective as outlined in the main section of the evaluation.

The review was conducted by Mr Anthony Franz, a Business Systems expert. The review considers the state of the database, and recommended pathways to address identified database issues.

### Overview:

ICLA Afghanistan's case management system is a business critical system, which contains all the data for case files handled by ICLA staff.

The database includes three sections – forms (main), tools and reports. The sections are supported by a large quantity of VBA code, which can be broken down as follows:

- 91 forms
- 42 reports
- 42 macro functions.

### Issues:

The review noted the following issues:

- The database does not compile, due to a range of errors in the code. Some of these errors are typographical in nature, and some of the errors are also repeated throughout the database where the same section of code has been cut and pasted for different functions.
- As the database does not compile properly, it cannot be used with more recent versions of Access which will not open a database which does not compile.
- There are numerous "Me.<property>" references which are referenced generally instead of being specific to each form element, which prevents a clean compile.
- There are functions which contain syntax errors which simply break when called. These include setting a date focus when a form is loaded. These sections of code have been used for multiple forms and so the error has been repeated throughout the code.
- There are also multiple undefined functions e.g. ChangeStatusInHist DaysInMonth. These are then called from other functions and break when they try to run as they have not been defined.
- Some forms are included in various versions (eg test versions), as changes have been made without removing the out-dated form. For this reason, significant parts of the database content appear to be redundant.
- As the database is 'business critical', it is essential that steps are taken to improve the integrity of the database. Improvements can also improve the user experience and functionality of the database.

## Options:

There are three options to remedy the current issues and improve the functionality of the database.

1. Repair the existing Access database.
2. Build a new database application, operating on a desktop application and storing data on NRC's servers.
3. Build a new database application, operating on a desktop application and storing data on cloud based servers.

### 1. Repair the existing database.

The repair / bug fix option of the existing database would require three main stages:

1. Identify key improvements for existing issues and prioritise solutions.
2. Define complexity and timeframe to fix desired issues
3. Implement the solutions.

The key risk to this option is the potential level of effort required as the rectification of one bug can lead to the emergence of another bug depending on how the code is structured. As an example, it could range from a simple single fix of a key report to a large scale fix in order to upgrade the entire system. Due to the unknown complexity and issues that may emerge as a result of this fix a timeframe to complete the solution cannot be accurately quantified until the project commenced. This is also a time limited option as the system is currently only able to be run on Access 2007 (due to design and compile error issues). Access 2007 is scheduled to exit extended support in October 2017. This provides the organisation with a solution that has a maximum of 3 years usability unless a major fix was performed to upgrade the solution to a newer version of Access.

It is quite possible that the time required to debug and error-check the updated database would exceed the time required to design, build and check a new database.

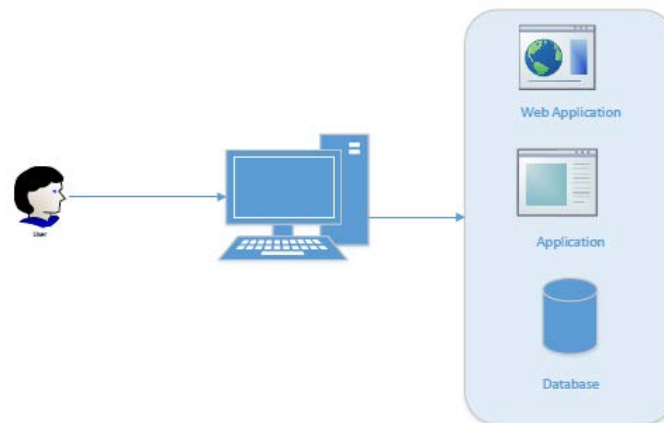
### Option 2: Rebuild/ Redesign Current database as Web based server + Desktop based application, running on (a) NRC's servers or (b) the cloud.

The recommended option is to rebuild the solution in current technology using the business outcomes and functionality of the existing system. The current form content and functionality would be written in newer technologies providing a longer term solution for the organisation without the need to invest again in the near future.

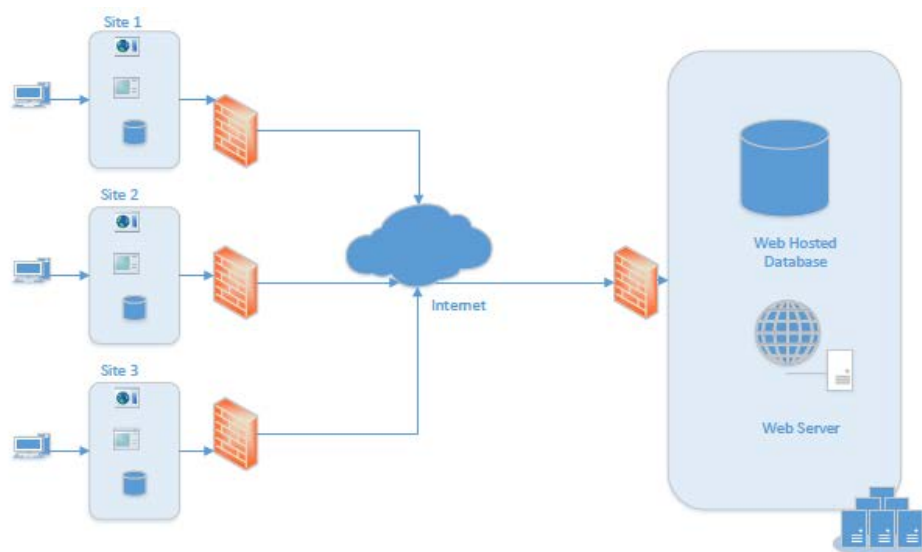
One solution would be to write a .Net application which could be run locally on any client computer or network. This application would then have the option to communicate with a central server to store a master copy of relevant information that could then be used to update other sites requiring the information. The key to this solution is that everything would operate locally on the client machine and that a prescheduled or user prompted synchronisation with the server could be run at any time. As a result, NRC could either host the central Master Solution (containing all of the CMS data) on their own server(s) or alternatively deploy via the cloud should they prefer.

In our opinion, this option would offer a more stable solution to the organisation whilst additionally reducing risk and being more future-proof.

The setup would operate as follows:



The lawyers and project staff run a locally installed programme on their laptop or desktop. The programme runs a web services which stores all data in a locally installed database at the project site.



Each project site then communicates via the internet when possible to upload data with a webserver / cloud solution. Data can be stored centrally either in the cloud or on NRC servers. The data (or selected data) can be shared with other NRC project sites or HQ, should NRC elect to do this.

### Next steps:

We would suggest as a next step to carry out a scoping assessment, to detail the precise user needs and technical requirements of ICLA for the case management database, and produce functional specifications. This scoping would include any new or desired features ICLA wished to add to improve CMS functionality, and review detailed deployment options for project sites.

As an approximate indication, a review like this would take approximately two to three weeks for an ICLA Afghanistan database, and around four weeks to define a more generic global CMS database which could then be deployed in Afghanistan / Iran / Pakistan.

After the scoping and specification period a detailed time frame and cost estimate could be provided for the new system, and the specifications could be used to tender for an external service provider. Based on the current system and the functionality it provides we estimate that solution could be developed, tested and released in 2-3 months. The project could take less time depending on the number of resources applied by both NRC and the IT provider. Producing the generic global database could take longer, to allow for the additional complexity and to allow for additional time to get feedback from staff in different NRC country offices.

## Annex 3: Learning case studies

<b>Template 1: Is NRC reaching the right beneficiaries?</b>	
*Each box should contain a maximum of 150 words	
1. NRC's has undertaken an assessment of the needs of affected populations and has identified vulnerable groups. This assessment was based on robust, relevant, reliable and timely <b>evidence</b> .	
Assessments tend to be more informal, on the basis of ICLA staff engagement with a community and stakeholders. The target population is appropriate and overall is considered to be vulnerable (IDP / returnees, low incomes, high illiteracy, vulnerability criteria present etc). However, due in part to a focus on HLP issues involving land ownership, it is unlikely that ICLA's legal assistance (excluding information and counseling activities) is assisting the absolutely most vulnerable members of the vulnerable target population.	
2. NRC has clearly defined who should be <b>targeted</b> through its programmes. This definition includes specific targets for different displacement affected populations, disaggregated targets for men, boys, women and girls, and clear vulnerability criteria.	
Clear vulnerability criteria have been established. Due to CMS design issues, only one vulnerability condition can be entered into the database, although several may be present. This complicates ICLA's recording and reporting on vulnerability. Gender disaggregated targets have been set, however ICLA's services are predominantly targeted to adults rather than juveniles. 3% of legal assistance survey participants were aged 18 or under.	
3. NRC has carried out <b>selection processes</b> for participation in its programmes in line with the humanitarian principal of impartiality. The selection process avoids bias or exclusion.	
The selection criteria for engagement with communities appears to be done informally, on the basis of community consultations. The eligibility criteria for individuals to receive support is more defined, and is based around the appropriateness of the legal issue and the vulnerability of the client.	
4. NRC is working in <b>areas where the highest needs</b> have been identified. Where this is not possible due to access constraints, there is evidence that NRC is directly working to gain access. There is evidence that NRC is well co-ordinated and providing unique or complementary services where they work.	
ICLA is working in relevant geographic areas and relevant thematic areas. ICLA works in areas of difficult access for security, geography and climate reasons. ICLA's national staff are a significant position element in maintaining access under difficult circumstances. ICLA has commenced working in conjunction with a national NGO in one challenging area (Kandahar), as a means to obtain access. ICLA can further explore how to work most effectively with national NGOs and CSOs to deliver services in difficult areas.	
5. NRC's programmes are <b>designed</b> in a way that enables access for their target groups, including the most vulnerable.	
ICLA's services are designed to be accessible to target groups and vulnerable populations, using community liaison officers to conduct information sessions and outreach, and to source cases for lawyers. ICLA's services would be more accessible if the ICLA lawyers would also periodically participate in some of these information sessions.	
6. There is evidence that NRC has been <b>effective</b> in reaching their targeted beneficiaries. This can be confirmed through monitoring data and triangulated with additional data collected during the evaluation. Is NRC tracking/verifying 'beneficiaries'?	
The client interviews, database records and client follow up survey conducted as part of this evaluation verifies that ICLA has been effective in reaching their targeted beneficiaries. The evaluation suggests that	

greater attention be paid to verifying beneficiaries at some specific project sites. The evaluation also recommends that ICLA review its approach to recording large 'community level' disputes in the case database, as these cases can involve high numbers of beneficiaries with no direct contact and limited verification of clients / beneficiaries.

7. The evaluation concludes that the initial targeting was **appropriate and relevant**, that those most in need were reached through the programme.

The evaluation confirms that the target was appropriate and extremely relevant, and that the ICLA programme assisted vulnerable people. Further refining of ICLA's services may be useful to ensure that ICLA is also reaching the most vulnerable of the vulnerable populations.

#### **Good Practice Case Study**

Please highlight areas of good practice relating to targeting, selection processes, enhancing access through design or implementation or beneficiary verification exercises.

ICLA has benefited from establishing a comprehensive set of vulnerability criteria, used at intake to assess clients for their eligibility to receive ICLA assistance.



#### Annex 4: Sample Management response template for Evaluation / Adviser review

	Recommendation	Response	Action already taken	Action to be taken	Responsible person	Target date	Progress update / status
1	<b>Strengthening ICLA’s regional approach to programming</b>	Agree / partly agree / disagree					
2	<b>ICLA management proceed with the current review of capacity building team training materials for duty bearers</b>	Agree / partly agree / disagree					
3	Etc						

## Annex 5: Survey methodology

In the evaluation design phase, NRC was very keen to ensure that the voices of clients and beneficiaries were included in the evaluation. The evaluation adopted a participatory approach and conducted a number of interviews and focus groups with clients, training participants and Government counterparts who had benefited from support. However, to provide additional opportunities for inputs, the evaluation team supported NRC staff to conduct a client follow up survey. The survey aimed to explore both the client's opinion of the assistance they received, and also any changes or problems which had re-occurred since ICLA provided assistance.

The survey design and analysis was led by a statistician, Ms Fela Adeyemi. Local assistance was provided by a local lawyer and human rights expert, Mr Hassrat Hussein. The survey team was trained in a two day course in survey data collection and in the administration of the instrument by evaluator Mark Aiken.

The survey included both legal assistance cases and counselling cases. The weighting of the survey was for 20% of the survey respondents to be drawn from the first five years of the ICLA programme, with the remaining 80% of respondents drawn from the most recent first years of the ICLA programme. This provides for the inclusion of some of the older cases so comparisons can be made over time, while also including more recent cases where clients would be easier to find and interview. The survey respondents were selected randomly by the statistician according to a random number generator, based on the complete CMS database list of all ICLA clients assisted.

Surveys were conducted in person wherever possible. However, due to security constraints, the time required to visit clients and the remote locations of some clients, the majority of interviews were conducted by telephone (56%).

Initially, we would like to note the complexity of conducting surveys in Afghanistan – due to logistics, security challenges, limited access to remote areas, and the significant investment of staff time and resources in conducting surveys. We would like to acknowledge the efforts of the ICLA field staff who conducted the survey, and the ICLA programme management team who provided support, translation and follow up.

It should be noted that the survey faced several constraints. One primary constraint was that the actual survey was conducted by NRC staff. This presents opportunities for bias – whether intentional bias (eg falsifying survey results), inadvertent bias (eg unconsciously interpreting ambivalent responses in a more favourable way) or bias on the part of the respondents, who may want to satisfy the surveyor by saying positive things about NRC. While these biases cannot be eliminated, the evaluation team attempted to manage them in several ways – appointing focal points in each field office to oversee data collection, allocating surveys to staff who were not involved in the initial case, providing follow up with an independent Afghan expert, Mr Hassrat Hussein, training staff on the survey methodology and the importance of collecting accurate data rather than what we think we want the clients to say, etc.

Secondly, the survey faced the challenges of a limited participant response rate. Given that the survey targeted refugees and IDP populations who are relatively mobile, we anticipated that there would be challenges in locating and contacting former clients. The survey frame was deliberately expanded from 220 clients (statistically valid minimum) to 500 clients to allow for low response rates. The final survey result of 281 participants (134 counselling cases and 147 legal assistance cases) is above the target of 220 clients.

It was particularly difficult to contact clients who sought assistance from NRC in the earlier years of the programme, as in a context like Afghanistan it can be very difficult to trace former clients from eight years ago or even longer. The NRC survey team were encouraged to use available information to contact clients – addresses, phone numbers, checking with advocates etc. However, a number of people could not be contacted.

The statistician conducted a series of checks to confirm that the overall survey respondents were still consistent with the overall database population – eg in terms of gender, age, location etc. The results were overall consistent with the database population – for example, the survey respondents for counselling cases were 35% female / 65% male, while the full database population of counselling cases is 30% female / 70% male. The number of respondents from Herat was below the corresponding number of cases in the CMS, while noting that a large number of the CMS cases from Herat related to a community issue where clients had a common advocate – and it was not appropriate to interview that advocate multiple times for the client survey. Overall, it appears that while the contact rate was low, the group of clients who could be contacted was broadly consistent with the overall CMS population, and the number of surveyed clients exceeded the minimum statistical target of 220 (281 client interviews completed).

The survey results have been partly noted in the body of this evaluation. The evaluation team has also provided ICLA programme management with the full results of the survey, and provided a debriefing on the survey results to identify particular areas of interest and potential topics to follow up with ICLA staff.

These topics included issues around:

- Identifying groups who were the least satisfied with ICLA's services, based on demographics.
- Identifying groups who were the most likely for a problem to reoccur but not approach ICLA again, based on demographics
- Identifying issues to do with the lengthy duration of cases for both legal assistance (>4 years) and counselling cases (average 20 months).
- Identifying issues to do with the relatively low success rate and satisfaction rate where ICLA makes referrals to other organisations.

## Annex 6: Legal assistance survey instrument

### ONLY FOR LEGAL ASSISTANCE CASES (not for information counselling cases)

\_\_\_\_\_ Enumerators Full Name

\_\_\_\_\_ ICLA Office

### Section A: General Information

*Instructions for Interviewer / Enumerator (Please fill in this information before starting the interview)*

Response	Options	Question	No
		Respondent's name	1
	1. Male 2. Female	Gender	2
		Respondent's ID number	3
		Database case number	4
	DD / 09 / 2014	Date of survey	5
	Eg 10.15am	Time the survey starts	6
	Eg 11.05am	Time the survey finishes	7
	1. Office, 2. Respondent's house 3. Other (write the other response)	Location of the survey	8
	1. Face to face 2. Telephone	Method of survey	9
		Respondent's residential address	10
		Respondent's residential province	11
	1. Kabul 2. Hirat 3. Nanghahar 4. Kunduz 5. Baloch 6. Faryab 7. Other	Province where the issue occurred	12
	1. Muslim	Religion (if known – do not ask)	13

	2. Christian 3. Hindu (Seik) 4. Other		
	1. Pashtun 2. Tajik 3. Hazra 4. Uzbek 5. Aimaq 6. Turkmen 7. Baloch 8. Nuristani 9. Other	Ethnicity	14

*Introduction to the respondent:*

- *Introduce yourself and your role with NRC*
- *Explain the purpose of the survey – to gather information from previous clients of NRC ICLA to help improve the service which ICLA offers*
- *Explain confidentiality – that the survey answers are not released to the media or others in the community, and ICLA will not attribute any specific comments to them*
- *Ask if the respondent is willing to participate in the survey*

*If the client is not willing to participate, thank them for their time and complete the end of survey signature on the last page.*

***Make sure you have the correct survey questionnaire – the Information Counselling Questionnaire or the Legal Assistance Questionnaire, depending on the respondent (client) type***

## **Section B: Demographics**

*(Instructions for Enumerator- Please ask respondent for this information. This information is background information that allows us to have a better understanding of the respondent’s circumstances)*

<b>Response</b>	<b>Options</b>	<b>Question</b>	<b>No</b>
_____ Enter the age in years if known  _____ Enter the age range code if exact age is unknown (1,2,3,4,5)	Enter the figure – eg 48 years  Age Range 1. Below 18 2. 18 – 25 3. 26 – 40 4. 41 – 60 5. Above 60 years	How old were you at your last birthday?	15
	1. Yes	Can you read and write?	16

	2. No		
	1. Yes 2. No	Are you educated?	17
	1. Informal studies (madrassa) 2. Primary Level (Up to 6/7 years) 3. Secondary/High School Level (Up to 13/14 years) 4. Tertiary Level/University Level (Up to 18 years +)	If YES, what level of education have you completed?	18
	1. Yes 2. No	Are you currently employed? (Are you working now?)	19
	1. Full time 2. Part time 3. Casual Work / Day work 4. Other	If YES, are you working ....	20
	<b>Do not read the list to the respondent</b>  1. Agriculture, including livestock 2. Business/Trading 3. Accounting/Finance/Management/Human Resources/Stores/Procurement 4. Consultancy 5. Print/ Media/ Publishing/ Advertising/ Entertainment 6. Engineering/Telecoms/Internet/Science 7. Military/Police/Paramilitary 8. HealthCare and Medicine 9. Industrial and Manufacturing 10. Other	What is your primary occupation/profession?	21
	1. Internally displaced person 2. Refugee 3. Returnee 4. None	What is your displacement status?  (Do you regard yourself as an IDP, refugee, returnee or none of these?)	22
	1. Single 2. Married 3. Widowed 4. Divorced 5. Separated	What is your marital status?	23
	1. Yes 2. No	Are you the household head in your family?	24
,_____ Exact Number  Enumerator to write code here  _____	<b>The enumerator will write the exact number and also the code for the number:</b>  <b>Code (do not read to the respondent):</b> 1. Below 4 2. 4 – 8 3. 9 – 12 4. Above 12	How many dependents do you have in your household?	25

	<ol style="list-style-type: none"> <li>1. Up to \$200 a month</li> <li>2. \$201 to \$500 a month</li> <li>3. \$501 to \$1,000 a month</li> <li>4. More than \$1,000 a month</li> <li>5. Don't know (do not read this option)</li> </ol>	What is the approximate monthly income of your household?	26
	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>	Do you consider that you have a physical disability?	27
	<ol style="list-style-type: none"> <li>1. Mobility Impairment</li> <li>2. Partial or total blindness</li> <li>3. Muteness/Deafness</li> <li>4. Mental retardation</li> <li>5. Other</li> </ol>	<b>If YES</b> - If you consider you have a physical disability, which option most closely describes this disability?	28
	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>	Do you consider that you have a particular vulnerability?  <b>(for example, NRC vulnerability indicators)</b>	29
	<p><b>Choose as many answers as are applicable</b></p> <ol style="list-style-type: none"> <li>1. Homeless</li> <li>2. Disabled</li> <li>3. Discriminated</li> <li>4. Gender</li> <li>5. Crime related stigma</li> </ol>	<b>If YES</b> – how would you describe your vulnerability?	30
	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>	Do you own any property? (ie house/land/or other property)	31
	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>	<b>If YES</b> , do you possess any documents for the property?	32
	<ol style="list-style-type: none"> <li>1. Land title</li> <li>2. Certificate of ownership</li> <li>3. Transaction papers</li> <li>4. Incomplete land title</li> <li>5. Rental agreement</li> <li>6. In the process of getting land title</li> <li>7. Other</li> <li>8. None</li> </ol>	<b>If YES</b> , which type of documents do you possess for your property?	33
	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>	Do you know what your rights are to inherit land and property?	34
	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>	Have you ever inherited any land/property?	35
	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>	If you were to inherit land or property, do you think you would be successfully able to claim this inheritance?	36
	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>	Have you ever been able to claim any land rights?  <b>(eg, through inheritance, ownership and possession)</b>	37

		issues, easements etc)	
	1. Yes 2. No	Does the traditional customary system respect your rights to housing, land and property?	38
	1. Yes 2. No	Does the formal justice system respect your rights to housing, land and property?	39
	1. Yes 2. No	Do you have any civil documentation?	40
	(Choose all that apply)  1. Taskira 2. Marriage certificate 3. Birth certificate 4. Passport 5. Other – write down which other documentation	IF YES – which documentation?	41
	1. Yes 2. No	Did NRC help you to obtain any of these documents?	42
	1. Taskira 2. Marriage certificate 3. Birth certificate 4. Passport 5. Other – write down which other documentation	IF YES – which documents did NRC help you to obtain?	43
	1. Yes 2. No	Have you or your household made household or business investments in the past 6 months?  (eg New Roof, Agricultural Improvements, Purchase of items for trading or other significant investment in the house or business)	44

## Section C: Legal Assistance

*(Instructions for Enumerator- Please ask only legal assistance cases this section. If you have an information counselling case, you must use the 'Information Counselling' survey form.)*

	1. Yes 2. No  If the respondent says 'no', you can prompt them to see if they remember the assistance – eg by saying	According to NRC's records, you received legal assistance with a case from NRC. Is this correct?	45
--	-------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------	----



	'according to our information, this was 3 years ago' or 'according to our information, this was a case with the inheritance of land.		
	Write down the code – eg 1d, 2b, 3a. You can write down more than one code if this case involved more than one issue.  (don't read out the options) 1. HLP a. Inheritance rights b. Ownership and possession c. Money recovery d. Marriage portion e. Alimony f. Other 2. LCD a. Taskira b. Revocable property deeds c. Wasiga d. Customary deed e. Other 3. Family a. Separation b. Engagement Annulment c. Right to marry d. Other 4. Basic and Humanitarian Services 5. Other	What issue was this case about?	46
	Write down month / year – eg August 2010	When did you ask for this assistance?  (month and year)	47
	Write down the number of months to resolve the problem, or if the problem is still unresolved, write down 'UNRESOLVED'	How long did it take for the case to be resolved?	48
	1. Formal justice (court) system 2. Informal justice (jirga) system 3. Both 4. Neither (do not read out)	Did the case go through the formal (court) system, the informal (Jirga) system or both?	49
	Write down as many as apply Do not read out the list to the respondent. 1. NRC gave me information and advice 2. NRC helped me in court 3. NRC helped me in the jirgra 4. Other (write down the other)	What types of help did NRC give to you?	50
	1. Very dissatisfied 2. Dissatisfied 3. Neutral 4. Satisfied 5. Very satisfied	How satisfied were you with <b>the outcome</b> of your case?  (This question is about the outcome - Did the respondent get what they wanted to solve the problem?)	51
	1. Very Dissatisfied 2. Dissatisfied	How satisfied were you with the <b>process</b> to resolve your problem?	52

	<ol style="list-style-type: none"> <li>3. Neutral</li> <li>4. Satisfied</li> <li>5. Very satisfied</li> </ol>	<p>(This question is about the process - is the respondent satisfied with the steps that were taken to try to solve the problem, even though they might not have gotten the outcome they wanted). Maybe the respondent got a good outcome but they are dissatisfied with the process because it took a long time.</p>	
	<ol style="list-style-type: none"> <li>1. Very Dissatisfied</li> <li>2. Dissatisfied</li> <li>3. Neutral</li> <li>4. Satisfied</li> <li>5. Very satisfied</li> </ol>	<p>On a scale of 1 to 5, how would you rate <b>the quality of services</b> provided by NRC?</p> <p>(This question is about the services that NRC provided, the quality and professionalism of the staff dealing with the case, etc. It is not about the final outcome of the case, or the process).</p>	<b>53</b>
	<ol style="list-style-type: none"> <li>1. Yes (skip to question 57)</li> <li>2. No</li> </ol>	Is your problem still resolved?	<b>54</b>
	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>	<p><b>If NO</b> – the problem has reoccurred or was not solved, ask:</p> <p>Did you go back to NRC to seek further assistance?</p>	<b>55</b>
	<ol style="list-style-type: none"> <li>1. NRC was able to give me further assistance</li> <li>2. NRC said they could not offer the help that I needed</li> <li>3. Other (write down other)</li> </ol>	<p><b>If YES</b>, the respondent went back to NRC for further assistance,</p> <p>Question: What happened when you returned to NRC?</p>	<b>56</b>
	<p>Please write down as many options as are relevant. Don't read out the options, but choose the options which summarise the respondent's views. You may need to prompt the respondent to express their views.</p> <ol style="list-style-type: none"> <li>1. I didn't believe they could help me</li> <li>2. I was disappointed in their handling</li> <li>3. I don't have the time/ am very busy</li> <li>4. My family will not allow me to</li> <li>5. I don't have the financial resources to pursue the case further</li> <li>6. I didn't have the transport money to contact NRC to talk to them.</li> <li>7. I don't believe the situation can be resolved in my favour</li> <li>8. Other (write down a summary of the other)</li> </ol>	<p><b>If NO – the problem was</b> unresolved, but respondent did not go back to NRC for further assistance.</p> <p>Question: What stopped you from going back to NRC for further assistance?</p>	<b>57</b>
	<p>Please write down as many options as are relevant. Don't read out the options, but choose the options which summarise the respondent's views. You may need to prompt the respondent to express their views</p>	What difference has the assistance you received from NRC made in your life?	<b>58</b>

	<p>and to get all their views.</p> <ol style="list-style-type: none"> <li>1. NRC’s assistance saved me money</li> <li>2. NRC helped me to stand up for myself to get my problem resolved</li> <li>3. NRC helped me follow the legal system that I didn’t understand</li> <li>4. Helped me to earn respect in the court system</li> <li>5. Ensured that I was treated fairly</li> <li>6. Helped me to get a favourable outcome to my problem</li> <li>7. NRC helped me to feel secure on my land and property.</li> <li>8. NRC helped me keep my relationships with my family and relatives.</li> <li>9. Changed my outlook on life</li> <li>10. Allowed me to start on a new and better note in life</li> <li>11. Helped me to understand other cultures better</li> <li>12. Gave me a better understanding of the legal system</li> <li>13. Helped me to understand my country better</li> <li>14. Other (write down a summary of the other)</li> </ol>	<p>If the respondent says ‘NRC’s assistance was helpful’ etc, you will need to prompt – eg, How was the assistance helpful? What did this help mean for you?’</p> <p>If the respondent gives one example then stops, you will need to prompt – eg ‘What other differences did the assistance make in your life?’</p>	
	<p>Please write down as many options as are relevant. Don’t read out the options, but choose the options which summarise the respondent’s views. You may need to prompt the respondent to express their views and to get all their views.</p> <ol style="list-style-type: none"> <li>1. I would definitely have lost the case</li> <li>2. The problem would still not be solved</li> <li>3. I would have no money or no land</li> <li>4. My rights would have been badly infringed upon</li> <li>5. I still would have won the case</li> <li>6. I would have gone to somewhere else to get help</li> <li>7. I would be in a better off position if NRC didn’t try to help me</li> <li>8. If I didn’t get NRC’s help, my relatives would still talk to me.</li> <li>9. I would be otherwise better off</li> <li>10. I would be otherwise worse off</li> </ol> <p>Other (write down the other)</p>	<p>What would have happened if you didn’t receive this assistance from NRC?</p>	<p><b>59</b></p>
	<p>Write down the response You may need to prompt – this question is not about what extra help NRC can give to this client (eg social assistance, or help to find a job), but what changes can NRC make to help people in a similar situation this client in a better way.</p>	<p>What improvements can NRC make to offer a better service to clients in your situation?</p>	<p><b>60</b></p>

	Write down the response Be sure to clarify if the respondent is making comments about the informal justice system (jirgas etc) or the formal justice system (courts)	What did you learn about the justice system when you were getting legal assistance from NRC?	<b>61</b>
	Please write down as many options as are relevant. Don't read out the options, but choose the options which summarise the respondent's views.  <ol style="list-style-type: none"> <li>1. Refer them to NRC for help</li> <li>2. Refer them to a shura or community leader.</li> <li>3. Refer them to a religious leader</li> <li>4. Refer them to another organisation for help</li> <li>5. Give them information about how they can handle the case themselves</li> <li>6. Tell them not to bother fighting the case.</li> <li>7. Other (write down the other)</li> </ol>	What would you do if one of your relatives or friends had the same problem that you had in the future?	<b>62</b>
	Write down the response  <ol style="list-style-type: none"> <li>1. Yes</li> <li>2. I learned enough during the case that I would be confident to deal with this problem by myself next time.</li> <li>3. No</li> <li>4. I would still need someone like a lawyer to deal with issues like this.</li> <li>5. Other (write down the response)</li> </ol>	Do you think you are better able to handle future issues yourself as a result of your interaction with NRC during your case?	<b>63</b>

***Check for interviewers:***

***Please check to make sure you have not forgotten to ask any questions.***

***Is the survey complete?                      Yes / No***

***If the survey is incomplete, why?                      \_\_\_\_\_***

***Signed (interviewer)                      \_\_\_\_\_***

***Interviewer Name                      \_\_\_\_\_***

## **Annex 7: Training guide for survey enumerators**



**8-9<sup>TH</sup> SEPT 2014**

# **NRC AFGHANISTAN ICLA SURVEY TRAINING –**

## **Participant Guide**

This participant's guide is designed to assist Afghan enumerators to conduct face-to-face or telephone survey interviews with participants in the Information Counselling and Legal Assistance program offered by the Norwegian Refugee Council.

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**Introduction**

**Overview**

**Survey Instrument**

**Dos and Don'ts**

**Role Plays**

**Wrap Up**

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# INTRODUCTION

This manual is a field guide to assist the staff of the Norwegian Refugee Council Afghanistan to conduct a client impact assessment survey of the Information, Counselling and Legal Assistance Programme (ICLA Programme).

The guide provides information about the surveys generally, as well as specific guidance for this survey.

## Purpose of the survey

This survey will gather information from clients about their experience with the ICLA programme and information about what happened with their case / issue after the ICLA case was completed and the file was closed. The survey is seeking to understand the impact of ICLA's assistance on the client, rather than their satisfaction with the services that ICLA provided.

The purposes of the survey are:

- To obtain information on the impact of NRC ICLA programme, to inform the programme evaluation.
- To inform decisions about future ICLA programming in Afghanistan.
- To use as a resource in advocacy to help articulate the issues of the ICLA client group.

# SURVEY METHODOLOGY

This survey will be conducted by a mixture of in-person surveys and telephone surveys. In-person surveys are ideal, as they can collect more information. However, due to the security conditions and the geographic distance, it will not be possible to conduct in-person surveys for all clients.

A sample of clients will be randomly selected from the ICLA case management database for each ICLA programme site (province). Some reserve clients will also be selected. In case it is not possible to contact the full quota of clients on the list, clients can be added from the reserve list. This will be done in consultation with the survey management team to ensure that the client demographics remain balanced (ie, that the final survey does not exclude women because it was harder to contact them).

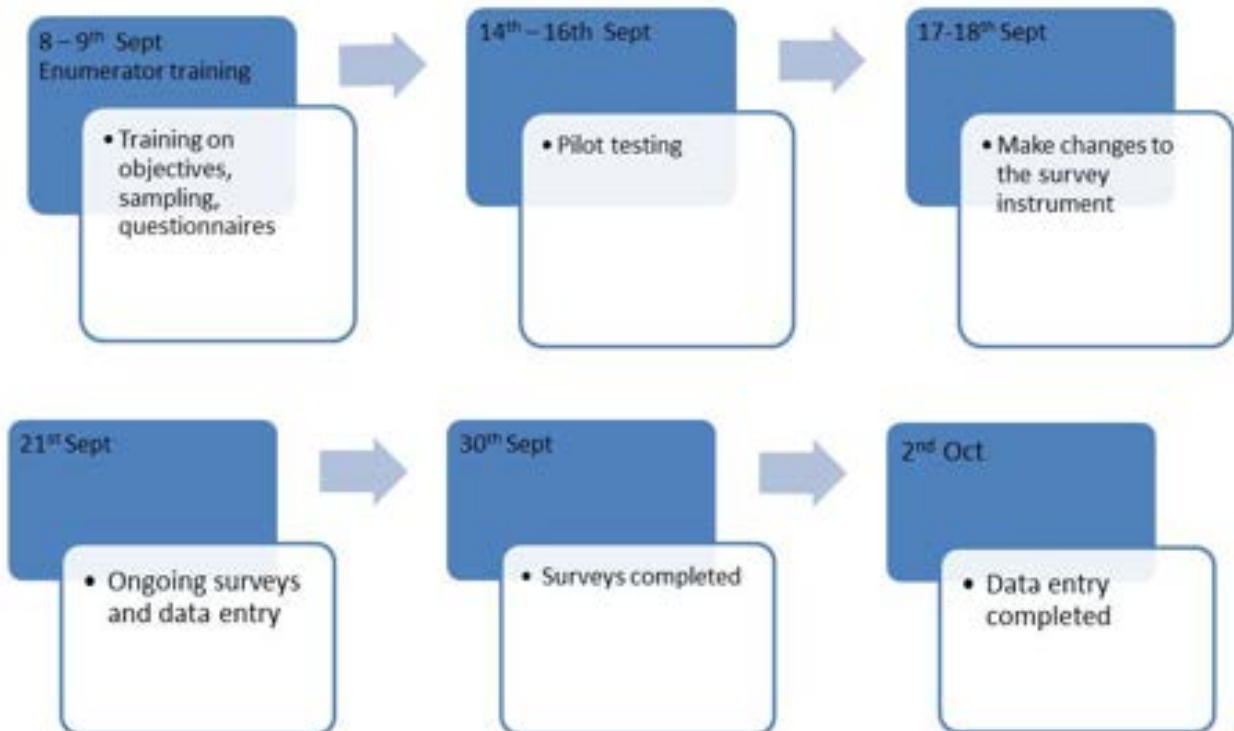
Based on 34,000 cases in the ICLA database between 2004 – 2014, the survey is aiming for a sample size of 480, with a provision of 20% non-response rate and a 5% margin of error. Additional clients will be selected in the sampling frame in case the 20% non-response rate is exceeded.

A short pilot survey will be done to test the survey instrument, and to give survey enumerators practice in using the instrument under real-life conditions. Some changes may be made to the survey instrument as a result of the survey pilot.

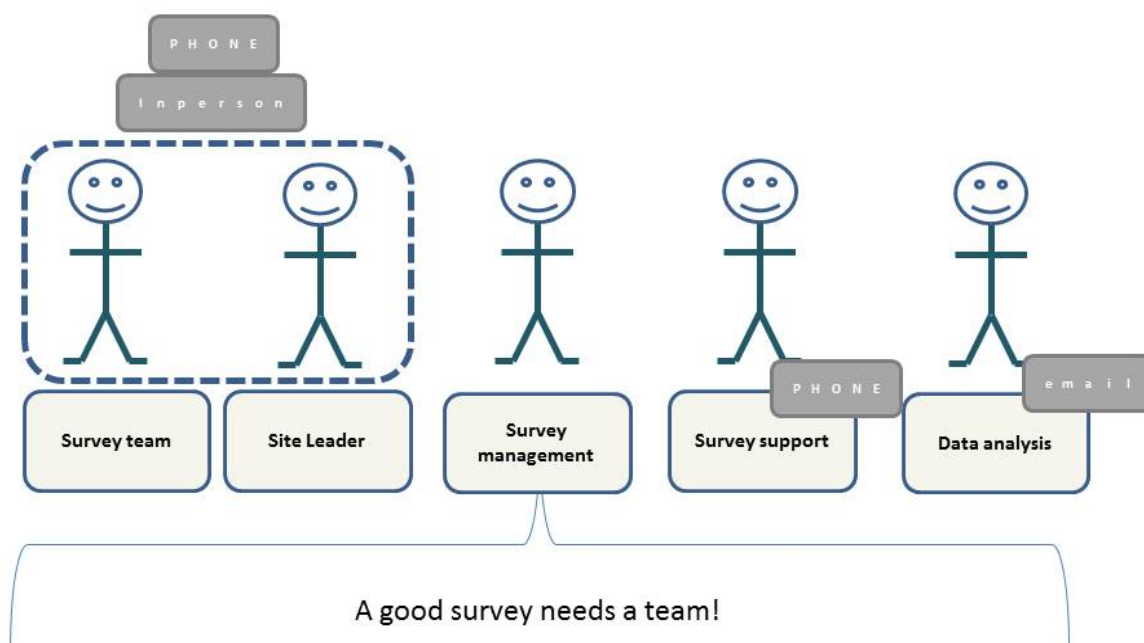
The survey will be translated into local languages (Dari and Pashto, and potentially others if required). The enumerators will write down the survey responses and hand the paper survey records to the ICLA database officer in their office to enter the data electronically.



## Field survey timeline



## Team roles



Position	Responsibilities
Survey enumerators (data collectors)	Collect the survey data using paper and pen, via telephone or in person surveys
Database officers	Enter the data into the electronic form
Site Manager	Confirms that the data has been collected and entered correctly. Telephones back a small sample of clients to confirm the accuracy of the interview.
ICLA Deputy Programme Manager	Overall management of the survey
Survey Support Officer	Provides technical assistance to survey enumerators, database officers and site managers in managing the survey, and tracks the progress of the survey. Assists in analysing the survey data
Statistician	Selects at random the list of clients to be surveyed. Analyses the survey data.

### Enumerators (Data collectors)

The survey will be conducted by ICLA programme staff. The staff who are conducting the surveys are called enumerators or data collectors. The enumerators should have the following backgrounds:

- Currently employed by NRC
- Able to read and write in English
- Able to travel in their local area to conduct interviews in person (subject to security).
- Ability to deal patiently with people and record their responses accurately.
- Willing to record negative data about NRC and ICLA as well as positive data.
- Each survey site team will include at least one female, to assist in obtaining information from female clients.

## MINIMISING SURVEY ERRORS

We want the survey results to be as accurate as possible, so we can confidently use the survey data in our reporting to donors and stakeholders, and to make decisions about future ICLA programming.

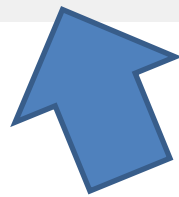
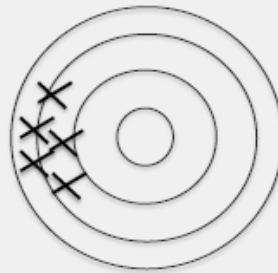
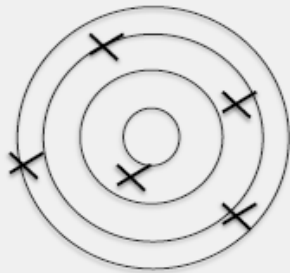
### Types of survey errors

We make the survey accurate by trying to minimise errors. There are two dimensions of survey error:

- Variation – where the response captured does not reflect the real situation. Eg, maybe a question was vague.
  - Eg: “Last month, has someone in your family had a serious health problem?”
  - Vagueness - which month? Who is my family? Immediate family? Extended? What is a serious health problem and what is a minor health problem?
- Bias – where the responses tend towards
  - Eg: “Opium smoking creates terrible addictions. Do you agree that the Government should be less lenient in punishing opium poppy farmers?”
  - This question pushes the respondent to answer ‘Yes’, regardless of what they think.



## Visualizing **Variance** and **Bias**



### **Variance**

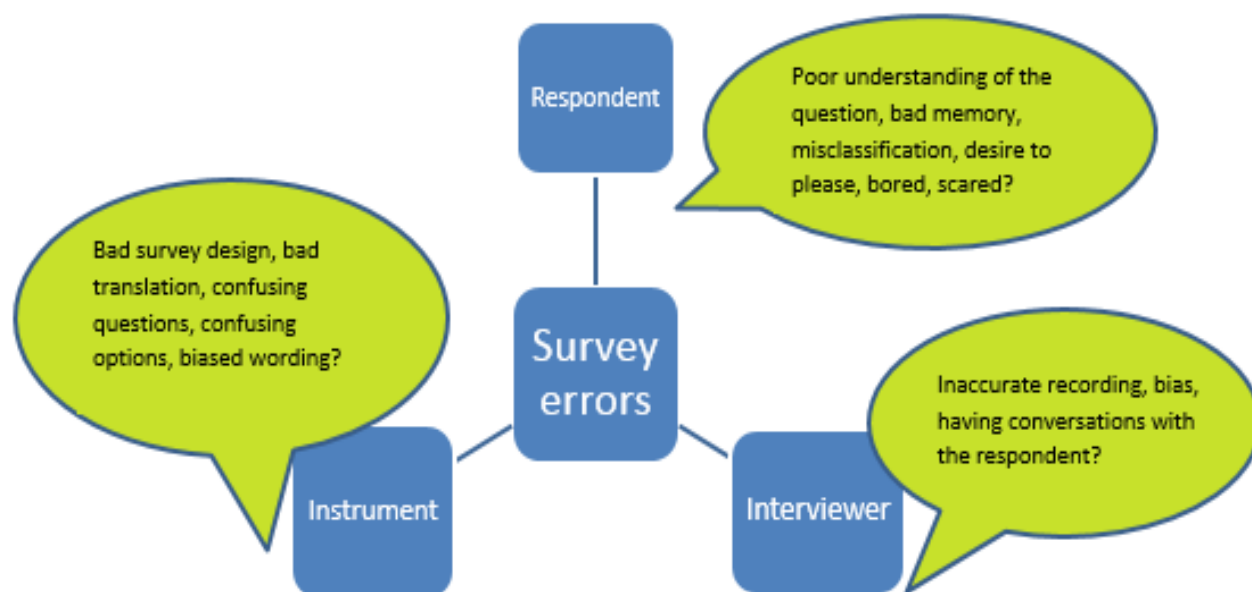
Answers are scattered randomly away from the true centre

### **Bias**

Answers lean towards a certain direction, positive or negative

Variance and Bias are **both** errors that we want to avoid

## Where do survey errors come from?



# GUIDELINES FOR ENUMERATORS

## Safety

Your safety is a priority. Do not take unusual or unnecessary risks to gather survey information. Where security is a concern for a particular area, telephone surveys should be done rather than in-person surveys. Where an in-person survey or a telephone survey becomes threatening or risky, the enumerator should immediately discontinue the survey and remove themselves to a safe area, notifying NRC security as soon as it is safe to do so.

## Confidentiality

Ensure that you are interviewing the actual client that ICLA dealt with, and not another relative or friend.

Advise the client about the purpose of the survey to improve NRC's ICLA programme, and ensure the client that the survey results are kept confidential and are not attributed to any specific individuals.

Try to avoid having other people in the room to listen to the answers where possible. Where it is not possible to exclude all other people, minimise the number of people in the room.

Ensure that the client or any other person is not looking over your shoulder and reading the answers you write down.

## Conflict of interest

You may not survey clients where you have had any significant interaction with that client in past – for example, if you were the legal counsellor who handled the case, it would be a conflict of interest

for you to survey the client. In the event that you are allocated a case which you have worked on, you should discuss with your site manager to have that case reallocated to another enumerator.

## Conducting the survey

- Be prepared – have all the equipment that you need – clipboard, survey forms, several pens, etc.
- Look professional – ensure that you look presentable and are a good representative of NRC.
- Explain the purpose of the survey, and explain that the responses are confidential.
- Seek the consent of the client to conduct the survey – the survey is optional and the client should not feel compelled to participate. The client can also stop the survey at any point, if they choose to do so.
- Look at the person you are interviewing as much as possible, rather than looking at the survey form.
- Be engaged with what you are doing – if you sound bored, or sound in a hurry, the client will feel the same way too.
- If the client is not contactable, mark the survey as uncontactable and follow up later (eg if the client is not at home). If the client refuses to participate, mark the survey as 'refused'.

## Asking survey questions

- Follow the script, and ask questions word for word as written in the survey.
- Ask questions in the order they are given in the survey.
- Never skip a question unless the survey tells you to.
- Let the people answering the survey know they have the right to skip any questions they want or to stop the interview completely when they want.
- Do not comment on responses; go directly to reading the next question.
- Do not pass judgement on an answer – do not agree or disagree with an answer, or have a discussion about whether it is right or wrong – just record the answer accurately.
- Do not make jokes or conversation, and do not encourage your respondent to do so either. Establishing a personal connection with a respondent will bias their responses.
- Do not interpret the client's answer – write it down exactly, or repeat the question if the answer does not match the question.
- If the respondent does not answer on the scale, repeat the whole scale back to them. They must pick from the scale before you record a response. You can say something like "I'm sorry, the only choices I have are 'excellent, good, fair, or poor' (or whatever the scale is); which would you like me to record?" or "So, would that be 'excellent, good, fair, or poor'?"
- For most questions, 'don't know' will be a valid response, and if need be, you can present respondents with this option. Do not suggest this at first unless it is written down as an option. Many respondents will simply choose 'don't know' because it is easier for them.
- Do not record a response until the respondent picks one of the options on the scale. Do not anticipate a response.
- Don't finish other people's sentences, don't assume you know how someone will answer.
- Don't "clarify." Clarifications can bring in an undocumented bias of the interviewer.

## Probing

- *Silent probe*  
Allow the respondent to have time to think about their answer. Staying silent for a minute after asking the question may give the respondent time to answer the question more accurately.

- *Verbal recognition*

An interviewer can also get the respondent to answer by letting the respondent know they are listening. The best way to do this without putting too much outside influence on the respondent is by saying "ok" or "uh huh" after the respondent finishes a sentence.

- *Probing vague responses*

An interviewer can follow up with the client if their response is vague. This must be done in a neutral way, to avoid introducing the biases of the interviewer.

For example, if the client says "the ICLA service is good", you could say 'what makes it good?' or 'which part of ICLA services are good?' to probe in a neutral way which doesn't suggest any particular answer.

## **Review and familiarisation with the survey instrument (attached)**

Review of the survey instrument, explanation of questions, suggestions from the group to amend questions, and practice administering the questions to colleagues.

## Annex 8: Sample CMS reports

Sample report: Lawyer's open caseload (actual date ranges could be adjusted as appropriate)

Project Office	Lawyer	Category	<7 days	7 days - 1 month	1 month - 3 months	3 months - 6 months	6 months - 1 yr	>1 year	Total
Kunduz									
	Lawyer A								
		Counselling	3	2	0	1	0	0	6
		Legal assistance	1	3	5	2	1	0	12
		Total for Lawyer A	4	5	5	3	1	0	18
	Legal Officer B								
		Counselling	0	0	1	0	3	1	5
		Legal assistance	2	0	3	0	3	7	15
		Total for Lawyer B	2	0	4	0	6	8	20
	Legal Officer C etc ...								
	<b>Total for Kunduz</b>								
Herat	(same as above)								
	<b>Total for Herat</b>								
	Other Offices etc								
<b>Total for all Offices</b>									



Sample report: Lawyer case turnover (eg per month, per quarter)

Site	Legal officer	Category	No of cases Open at the beginning of reporting period	No of cases Opened during reporting period	No of cases Closed during report period	No of cases remaining open at the end of the reporting period
Kunduz						
	Lawyer A					
		Counselling	2	1	3	0
		Legal assistance	17	5	1	21
		Total for Lawyer A	19	6	4	21
	Lawyer A					
		Counselling	5	2	1	6
		Legal assistance	6	1	3	4
		Total for Lawyer A	11	3	4	10
	Lawyer C etc					
	<b>Total for Kunduz</b>		<b>30</b>	<b>9</b>	<b>8</b>	<b>31</b>
Herat	(same as above)					
	<b>Total for Herat</b>					
	Other offices					
<b>Total for all Offices</b>						

## Annex 9: Survey data results

Attached excel spreadsheets for Counselling and Legal Assistance results

## **Annex 10: Evaluation Terms of Reference**

Attached Terms of Reference PDF document.