BASIC INFORMATION

A. Basic Project Data

<table>
<thead>
<tr>
<th>Country</th>
<th>Project ID</th>
<th>Project Name</th>
<th>Parent Project ID (if any)</th>
</tr>
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<tbody>
<tr>
<td>Afghanistan</td>
<td>P171657</td>
<td>Incentivizing Reforms in the Attorney General's Office</td>
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<table>
<thead>
<tr>
<th>Region</th>
<th>Estimated Appraisal Date</th>
<th>Estimated Board Date</th>
<th>Practice Area (Lead)</th>
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<tr>
<td>SOUTH ASIA</td>
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<td>Governance</td>
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<table>
<thead>
<tr>
<th>Financing Instrument</th>
<th>Borrower(s)</th>
<th>Implementing Agency</th>
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<tbody>
<tr>
<td>Investment Project Financing</td>
<td>Ministry of Finance, the Islamic Republic of Afghanistan</td>
<td>The Attorney General's Office of Afghanistan</td>
</tr>
</tbody>
</table>

Proposed Development Objective(s)

The project development objective (PDO) is to strengthen the human resources and performance management capacity of the Attorney General’s Office.

Components

- Improved Workforce Management in AGO
- Strengthened Organizational Performance in select areas
- Strengthened Case Load Management

PROJECT FINANCING DATA (US$, Millions)

SUMMARY

<table>
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<tr>
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<tr>
<td>Total Financing</td>
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<td>Financing Gap</td>
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DETAILS

Non-World Bank Group Financing
Trust Funds
Afghanistan Reconstruction Trust Fund

Environmental and Social Risk Classification
Moderate

Decision
The review did authorize the team to appraise and negotiate

B. Introduction and Context

Country Context

1. Afghanistan currently faces an uncertain political outlook. Despite ongoing peace negotiations, civil conflict continues, with the Taliban insurgency controlling increasing territory and the frequency of Taliban attacks on Afghan security forces and civilians recently reaching record levels. The United States has announced that it will withdraw all troops by September 11, 2021, presenting substantial risks of further Taliban advances. A range of diplomatic initiatives are underway to progress a peace agreement, potentially including through the formation of an interim government incorporating the Taliban. The timeframes for and content of any agreement, and the structure of any future state, remain unclear. The future of international grant support is also uncertain. International grants finance 75 percent of public expenditure, 52 percent of the budget, and 84 percent of security expenditures. At the 2020 Geneva Conference on Afghanistan, the international community committed to continued civilian aid support, but the duration and levels of support remain unclear, with many donors conditioning continued support against reform progress in anti-corruption, governance, and the protection of women’s rights.

2. The economic outlook is challenging, and fiscal pressures are mounting. The Afghan economy contracted by two percent in 2020, after a prolonged period of stagnation, reflecting weak confidence amid major political uncertainties, declining aid support, increasing insecurity, and the impact of COVID-19 lockdown measures and border closures. With growth averaging 2.5 percent per year since 2015 per capita incomes have barely changed. Reflecting a contracting economy and COVID-19 related administrative disruptions, government revenues fell around 17 percent short of budget targets in 2020, leading to expenditure disruptions and reliance on emergency donor grant financing. Afghanistan now faces a challenging path to restore growth and regain lost progress towards fiscal sustainability, in the face of very low investor confidence, difficult political conditions, and uncertain and declining grant support. Although projections are subject to a high degree of uncertainty, economic growth is expected to reach around one percent in 2021, with per capita incomes not returning to pre-COVID-19 levels until at least 2024.

3. The COVID-19 crisis has had severe negative welfare impacts. As of March 25, 2021, the Ministry of Public Health reported 56,254 confirmed cases in the country, with cases reported in all 34 provinces. The imposition of lockdown measures and border closures led to significant job losses, especially in urban...
casual employment. More than 850,000 returning refugees, mostly from Iran and Pakistan, crossed the border contributing to the ongoing displacement and humanitarian crisis. COVID-19 is placing pressure on the fragile health system and having severe negative welfare impacts in the context of limited access to water, sanitation, and healthcare. Closures of schools, increased health costs, higher prices for basic goods, and reduced incomes are likely to have imposed long-lasting negative impact on livelihoods and human capital accumulation.

4. The latest household survey shows diverging poverty trends. Rural poverty declined from 59 percent to 48 percent between 2016/17 and 2019/20 reflecting strong agricultural growth and limited impacts of the COVID-19 crisis in rural areas. Urban poverty, on the other hand, has increased, rising from 34 percent to 38 percent, driven entirely by the impacts of the COVID-19 crisis in Kabul. These impacts included increased prices for basic household goods in the context of border closures and trade disruptions, and reduced employment opportunities, especially for casual workers and those engaged in the services sector in the context of lockdown measures. Poverty is likely to have increased further over recent months in the context of worsening drought and difficult economic conditions.

Sectoral and Institutional Context

5. The rule of law is essential for a society to function and a government to be accepted as legitimate. Rule of law is also an essential component of the enabling environment for many economic activities. Strengthening the rule of law and promoting inclusive, sustainable growth are increasingly recognized as necessary components of a comprehensive approach to peacebuilding, to prevent conflict by addressing its root causes (IDLO, 2017). In crisis-affected settings, rule of law, access to justice and human rights are essential to mitigate the root causes of violent conflict and prevent human rights violations (UNDP, 2019).

6. Protecting women’s rights and expanding women’s access to justice has been a major priority for the international community, the Afghan government, and Afghan women’s advocates since the fall of the Taliban in 2002. Despite progress made, women’s rights and women’s access to justice remain limited and are largely influenced by social norms that discourage women to assert their rights. With COVID-19 being detected in Afghanistan in February 2020, UN monitoring data has suggested that also cases of violence against women and girls have increased as observed worldwide. Whether or not such cases are reported, investigated and eventually prosecuted under the law, here Afghanistan’s Elimination of Violence Against Women Law (EVAW, 2009), depends whether survivor or her attorney filed a complaint. A prosecution initiated immediately stops if a complaint is withdrawn (Art. 39, EVAW Law).

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1 Rule of Law is Key to Sustaining Peace, IDLO 2017 Partnership Forum
5 Exceptions to this rule are cases of rape; forcing into prostitution; recording and publicizing the identity of the victim; burning or use of chemicals or other dangerous substances; and forcing into self-immolation or suicide according to EVAW Law.
7. The Judiciary (courts), Ministry of Justice (MOJ), the Attorney General’s Office (AGO) are the three key justice institutions in the country. Forming part of the executive branch in Afghanistan, the MOJ is primarily responsible for drafting and scrutinizing laws and regulations before being approved by the Cabinet of Ministers and endorsed by the Afghan Parliament. The MOJ also defends any state interests in judicial cases such as disputes related to government-owned land, and provides legal aid to accused individuals, who are impoverished and unable to finance their legal defense.

8. The Attorney General’s Office (AGO) plays a pivotal role in the legal system in Afghanistan. Also part of the executive branch but independent from the MoJ, the AGO is responsible for investigating criminal cases and litigation against accused individuals in courts. The Attorney General is appointed by the President and confirmed by the National Assembly. The Law on the Structure and Authority of the Attorney General’s Office provides the legal framework for the structure and functions of the AGO and comprises national and sub-national units that function under the High Council of the AGO oversight. Special divisions are in charge of investigating and prosecuting specific case types, such as crimes associated with national security, corruption, and financial offences. However, its limited capacity to investigate and prosecute all reported and registered cases in a timely manner have contributed to impunity and the perception that public attorneys are not clean, impartial, independent, and committed to professional ethics. Over the past couple of years, the Government has demonstrated its intent to reform the justice sector in general and the AGO in particular, aiming to revive the credibility of justice institutions in line with its vision outlined above. The Government has increased the salaries of prosecutors and plans to increase wages further as fiscal space permits.

9. A detailed analysis of the AGO, conducted as part of the Human Resources Management Strategy developed in 2017 (still relevant and reconfirmed by recent observations), identified several critical HR-related challenges, including: the lack of trained and adequately prepared prosecutors; the shortage of skilled administrative support; the heavy workload for prosecutors; the random allocation of cases, resulting in some prosecutors having a much higher workload than others; inadequate case management systems; the lack of financial and physical security; low remuneration of prosecutors; and low participation of women in the AGO’s workforce (though it has been recently increased from 3 percent in 2014 to over 17 percent in 2019).

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6 The judiciary is an independent body of the Islamic Republic of Afghanistan. It is comprised of the Supreme Court (SC), Appeal Courts and Primary Courts. The SC as the highest judicial branch of the State is heading the judiciary. The SC is managed by the Chief Justice, members of the High Council of the SC, and the General Administration Directorate of the Judiciary.

The SC High Council is the most high-level institutional set up in the judiciary that have the authority of:

- Interpretation of the laws.
- Review of the decisions of the courts
- Authorizing the proceeding from one court to another (changing court)
- Review proposals of courts and provide responds accordingly
- Ensure consistency of judicial procedure
C. Proposed Development Objective(s)

Development Objective(s) (From PAD)
The project development objective (PDO) is to strengthen the human resources and performance management capacity of the Attorney General’s Office.

Key Results
1. The percentage of new prosecutors entering the service through merit based and competitive process, including female staff.
2. The percentage of corruption cases referred to the AGO that are investigated
3. The percentage of backlog cases that are cleared according to the new clearance plan

D. Project Description

Component 1: Improved Workforce Management in AGO:

10. This component focuses on gender-balanced, competent, and professional staffing for the AGO, including promoting integrity and accountability in the AGO workforce. To accomplish these targets, the AGO has committed to a transparent and predictable legal framework to be reflected in the Law on the Structure and Authority of the AGO. EU and its contracted consultants have provided necessary recommendations on the amendments to address the weaknesses and vulnerabilities in the existing Law, especially the provisions related to merit-based recruitment, performance management, and continuing learning. The AGO will also amend the relevant procedures to be fully compliant with the amended Law. The AGO will be supported to achieve these goals through the two sub-components:

11. Sub-Component 1.1: Transparent and merit-based recruitment and professional development of AGO staff (US$ 8 million). This sub-component targets a transparent and objective, merit-based recruitment system for prosecutors and administrative staff. Support will be provided to the AGO to recruit new prosecutors in compliance with the recently approved recruitment procedure for prosecutors, adhering to the principles of fairness, competitiveness, and openness of the recruitment process. Similarly, support will be provided to the AGO to also recruit new administrative staff competitively following the civil servant's recruitment procedures. In parallel, incentives will be tested and applied to improve the staff gender balance in the AGO, to ensure that women make up at least 23 percent of all new recruits (prosecutors, administrative staff)\(^7\), through, for example, targeted outreach and awareness campaigns among recent graduates as well as working legal professionals in other agencies to join the AGO. Such efforts will be completed by a review of barriers to women’s recruitment and retention in the AGO. This component will also support the AGO to independently design and deliver continuing professional learning programs for prosecutors, including specialized training for prosecutors employed in the EVAW, Anti-Corruption, and Counter-Narcotics units. To facilitate achievement of the goal on gender equality and women’s access to justice, specialized training will also include modules on survivor-centered approaches and care, including consent (see also para 8 above), for both male and female staff.

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\(^7\) The current number of female staff in the AGO is around 15-16 percent.
12. A detailed analysis of the AGO identified several critical HR-related challenges. Conducted as part of the Human Resources Management Strategy developed in 2017 findings continue to be relevant and have been reconfirmed by recent observations. Challenges are numerous, among the most pressing ones are: the lack of trained and adequately prepared prosecutors; the shortage of skilled administrative support; the heavy workload for prosecutors; the inefficiency in random case allocation resulting in some prosecutors having a much higher workload than others; inadequate case management systems; the lack of financial and physical security of offices and personnel, relatively low salaries compared to the judges, and low participation of women in the AGO’s workforce. However, progress has been made concerning the latter with women now representing 16 percent of the AGO’s workforce compared to 3 percent in 2016.

13. Sub-Component 1.2: Improved staff integrity, incentive structure and secure working environment for women: (USD 4.6). This sub-component will devise an appropriate mechanism for vetting of staff, i.e. both newly recruited as well as those already working in the AGO. The vetting system will confirm prosecutors’ academic qualifications and fitness for the duty. The vetting system will also identify the prosecutors and administrative staff who should be removed from the positions they are not qualified to hold. Related, the AGO will also establish a functional mechanism to ensure that all AGO staff comply with the Assets Declaration Law by submitting all asset declaration forms to the Independent Commission on Anti-corruption. Also, under this sub-component support will be provided to develop and implement a new HR policy, together with a new salary scale for prosecutors that is on par with the salary scale for judges. To encourage quality service delivery, the new policy will foresee links between salary increase and performance of prosecutors. Further, assistance will be provided to help the AGO establish a dedicated Gender Workplace Complaint handling mechanism with the responsibility for receiving, investigating, and acting on complaints of gender-based discrimination or harassment in the workplace. This mechanism will form part of the adoption and the effective implementation of Gender Equality in the Workplace Policies at the AGO.

Component 2: Strengthened Organizational Performance in select areas (USD 6.12 million):

This component incentivizes the AGO to improve individual performance and performance of the organization. A focus will be put on proper investigation of corruption cases and violence against women cases, and better protection to survivors and witnesses of violence and crime. Under this component the AGO will be incentivized to:

1. Investigate all domestic violence cases reported to the AGO according to best practice within the timelines set in the relevant regulations and procedures.
2. Investigate alleged corruption cases referred to the AGO within the timelines specified in the applicable procedures; and
3. Improve service delivery to survivors of crime by better protecting survivors, witnesses, informants, and whistleblowers in line with existing laws and regulations. To ensure consistent and coherent application of existing laws and regulations and in line with a survivor-centered approach (see also Component 1.1), internal guidelines will be detailed out to monitor implementation.

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8 The survivor-centered approach is based on a set of principles and skills designed to guide professionals—regardless of their
4. This sub-component will also focus on putting in place a performance evaluation and management framework for the AGO based on clear, objective, and transparent criteria.

Component 3: Strengthened Case Load Management (USD 2.88 million):

14. This component will support the AGO to establish case standards based on which different types of cases will be defined and distributed among prosecutors across different levels. The standards will ensure a more efficient distribution of prosecutors' workload and help AGO in the workforce needs assessment. As part of setting case standards and improving the efficiency of random case allocation, support will also be provided to develop and implement an action plan to clear current backlogs. The AGO will identify and track all backlog cases which were estimated around 8,000 in 2020 and develop a multi-year plan to clear the identified backlog cases.

<table>
<thead>
<tr>
<th>Legal Operational Policies</th>
<th>Triggered?</th>
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<tbody>
<tr>
<td>Projects on International Waterways OP 7.50</td>
<td>No</td>
</tr>
<tr>
<td>Projects in Disputed Areas OP 7.60</td>
<td>No</td>
</tr>
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Summary of Assessment of Environmental and Social Risks and Impacts

15. The Project is anticipated to have positive impacts in improving the rule of law and access to legal services. The environmental and social impacts of the Project are anticipated to be minor due to the nature of the activities as described in PID. Moreover, the activities proposed under the Project will have positive social impacts, mainly addressing the corruption and elimination of violence against women. The Attorney General Office (AGO) has committed itself to a number of human resources management and organizational reforms that will improve the operational and functional performance of the AGO, which in turn will help improve the criminal justice system and effective fight against crimes of all nature including fraud and corruption. The Project's key reform areas and relevant benchmarks and time-bound indicators have been identified through detailed consultations with different stakeholders, including civil society organizations. The HR Management Reform covering recruitment and continuous learning of AGO staff will also focus on (i) pay and promotion, (ii) performance and service delivery, (iii) caseload management.

E. Implementation

Institutional and Implementation Arrangements

16. The AGO’s regular staff will be responsible for project implementation to maximize institutional ownership. There will be no project implementation unit. The General Directorate of Human Resources role—in their engagement with survivors (predominantly women and girls but also men and boys) who have experienced sexual or other forms of violence. The survivor-centered approach aims to create a supportive environment in which the survivor’s interests are respected and prioritized, and in which the survivor is treated with dignity and respect. The approach is helpful in promoting the survivor’s recovery and ability to identify and express needs and wishes, as well as to reinforce the survivor’s capacity to make decisions about possible interventions.
Management and the General Directorate of Administration and Finance will be primarily responsible for ensuring that the relevant departments and directorates in the AGO are working on the agreed reforms and reporting regularly. Further, a steering committee comprised of EU, AGO, MOF, and World Bank representatives will regularly review progress towards agreed targets for 2021 and 2022. In addition to the support provided under the project, the EU will provide technical assistance to the AGO to support implementation of the reform actions. The EU will also hire a Third-Party Verification Agent (TPVA), which will independently verify the PBCs achievement (see also above). Further details can be found in Annex 1.

17. Once progress against agreed targets has been verified by the TPVA and validated by the World Bank’s task team, the task team will process the reimbursable amount through the Ministry of Finance. The Ministry of Finance will account for the received amount against the eligible expenditure program defined in the Project. The ARTF Third Party Monitoring Agent (TPMA) will also verify the eligibility of the reimbursable amount in the MOF.

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