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About this Report

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Strengthening the rule of law is an important objective for citizens, governments, donors, and civil society organizations around the world. To be effective, however, strengthening the rule of law requires clarity about the fundamental features of the rule of law as well as a sound methodology for its evaluation and measurement. This report presents select findings from two World Justice Project surveys: the nationally representative General Population Poll and the Afghanistan Justice Sector Survey, both conducted in Afghanistan in July and August 2016.

The General Population Poll was conducted through face-to-face interviews in 3,550 urban and rural households distributed proportionally across the 34 provinces of Afghanistan. This poll was designed to capture data on the experiences and perceptions of ordinary people on a variety of themes related to the rule of law, including government accountability, bribery and corruption, crime, and access to justice. The Justice Sector Survey polled 3,087 people using the same methodology as the General Population Poll and was designed to capture data on Afghans' views and experiences related to dispute resolution, legal awareness, legal identity, household dynamics, and gender issues.

Overall, this report represents the voices of over 6,500 people in Afghanistan and their experiences with the rule of law in their country.

The data derived from both surveys is presented in this report as 12 thematic briefs, each one highlighting a different facet of the rule of law as it is experienced by the population in Afghanistan. These briefs touch upon issues of accountability, corruption, fundamental rights, access to information, crime, justice – criminal, civil, and informal – as well as the role of women in Afghan society. The thematic briefs are designed to call attention to Afghanistan's situation from a national perspective, while simultaneously illuminating key changes over time, comparisons to low income and South Asian peer countries, as well as the unique perspectives of various sub-populations of interest, such as women, low-income households, and respondents across the six regions of Afghanistan.

Following the 12 thematic briefs, this report also includes a summary of the most salient findings from 50 in-depth interviews (IDIs). These interviews were designed to complement the quantitative findings of the Justice Sector Survey by gathering qualitative data about Afghans' experiences and perceptions of justice in their community, the dispute resolution process, and how it affects their personal life.

Executive Findings

- 01 Perceptions of Government Accountability:** There is a high perception of impunity in Afghanistan. There has been a slight increase in the number of respondents who believe an investigation would be opened without reaching a conclusion, and less than one in four Afghans (24%) think that a high ranking government officer publicly proven to be embezzling government funds would be prosecuted and punished. Overall perceptions of government accountability vary across Afghanistan, with the South Western region having the most positive perception of accountability (49%) and the capital having the least positive perception (9%). Compared to peer countries in South Asia, perceptions of accountability in Afghanistan are better than Pakistan (18%) and India (19%), but worse than Nepal (49%), Bangladesh (45%), and Sri Lanka (42%).
- 02 Corruption Across Institutions:** Afghans believe that a significant number of authorities are involved in corrupt practices. Judges and magistrates are viewed the most corrupt authorities by respondents (57%) and officers working in the national government are perceived to be the least corrupt (39%). Since 2013, there has been a moderate increase in perceived levels of corruption for members of Parliament, the police, and officers working in the national government.
- 03 Bribery Victimization:** Petty bribery is pervasive in Afghanistan. More than half of Afghans have paid a bribe to process a government permit (58%) and to receive assistance from the police (52%). Of all the services captured in the General Population Poll and Justice Sector Survey, Afghans pay bribes least often to obtain information held by a government agency (23%). Petty bribery varies greatly by region and by service, but on average, petty bribery is the most pervasive in the Southern and Northern regions and the least pervasive in the Southwest and in the capital.
- 04 Fundamental Freedoms:** Afghans have moderate views on their fundamental freedoms. While nearly three quarters (74%) of respondents agree or strongly agree that people can join together to draw attention to an issue or sign a petition, less than half (49%) agree or strongly agree that people are free to join any unforbidden political organization. There has been a moderate decline in Afghans' perceptions of political and media freedoms in the country. Despite these declines, Afghans' views of their freedoms are average compared to perceptions in other South Asian countries.
- 05 Information Requests:** Few Afghans are requesting information held by government agencies. Only 18% of respondents reported requesting information in the last twelve months, and of those who did, just over half (54%) received the information they requested. The most common requests are for information related to health services (18%) and emergency services (14%), and the vast majority of requests are made in person (51%) or over the phone (31%). For respondents that did not receive the information they requested (46%), the most common reason given by the government agency for not granting the request is that disclosing the information is prohibited (39%) or that it is unavailable (34%).
- 06 Crime Victimization:** Households in Afghanistan experience high rates of crime. In the past three years, 18% of households have experienced a murder, 14% an armed robbery, and 18% a burglary. There are large differences in victimization rates across the six regions of Afghanistan, with the highest murder rate reported in the Northern region (22%) and the highest burglary rate reported in the Western region (26%). Equally high armed robbery rates of 17% were reported in the Eastern, Western, and Northern regions. Meanwhile, respondents in the capital reported the lowest rates of armed robbery (2%), respondents in the Southwest reported the lowest burglary rates (4%), and the capital and Southwest reported equally low murder rates of 5%. There have been slight declines in reported rates of all three crimes since 2013.

- 07 Criminal Justice:** Corruption is deemed to be a serious and growing problem for the criminal justice system in Afghanistan. Corruption was cited as the number one problem facing both investigative services and criminal courts in Afghanistan. Since 2013, there has been a moderate increase in the percentage of respondents who believe that most or all police are involved in corrupt practices (43%). In terms of overall accountability in the criminal justice system, perceptions of the police and courts are mixed. While respondents' views on whether police are punished for violating the law and whether courts guarantee everyone a fair trial have remained more or less the same since 2013, there has been a moderate increase in the percentage of respondents who believe that police act according to the law (69%), and a moderate decrease in the percentage who believe that police respect the basic rights of suspects (46%).
- 08 Legal Awareness:** Afghans have a moderate amount of legal knowledge. Out of 10 true or false statements about legal rights, the average respondent answered 6.9 correctly. The greatest percentage of respondents were able to correctly answer questions related to women's legal rights, with between 70% and 85% responding correctly depending on the question. The smallest percentage of respondents identified the correct answer for questions related to due process and rights of the accused, with between 35% and 75% responding correctly depending on the question. Women have slightly higher levels of legal awareness as compared to men, and higher levels of educational attainment also correlated with better legal knowledge.
- 09 Dispute Resolution:** Nearly two thirds (65.3%) of Afghans experienced a dispute in the last 12 months, with family disputes, water disputes, land disputes, assault, and neighbor disputes being the five most common dispute types. Among Afghans that reported experiencing a dispute, less than half took any action to resolve their dispute. Of those that did take action, most (77%) chose to take their dispute to an informal mechanism – including a Shura, Jurga, or local leader – for resolution, with 28% citing their perceived respect and authority as the main reason for choosing this resolution mechanism. The remaining 23% that took their dispute to a formal mechanism went to a district court (11%), the police (7%), or a government office (5%), with varying reasons for selecting each of these formal mechanisms. On average, respondents that took their dispute to a Shura, Jurga, or local leader reported the most positive experience in terms of the fairness, speed, and cost of the dispute resolution process, whereas those that took their dispute to the police were the least satisfied with the process but reached a resolution most often. For those who reached a resolution, compliance rates were similar across mechanisms. Sixty-one percent of respondents reported obtaining legal aid or advice and those that did were more likely to take action by 15 percentage points.
- 10 Women in Afghan Society:** There are minor differences in men and women's views regarding the rights of women when it comes to inheritance and divorce, but the perception gap grows for questions related to women's role in the community and household dynamics. For example, 54% of female respondents agreed that women should be able to work outside of the home, whereas only 39% of men shared this view. Similarly, 53% of women agreed that a man does not have the right to hit his wife and should be stopped, while only 39% of men agreed with this statement. When asked about legal identification and literacy, 93% of male respondents reported possessing a National ID card and 53% were able to read and write. For female respondents, only 65% possess a National ID card and 26% could read and write.
- 11 Trust in Afghanistan:** Afghans have a high degree of trust in fellow citizens, with 82% reporting that they have a lot or some trust in other people living in Afghanistan. Across institutions, Afghans have the most trust in the police (60%) and the least trust in the courts (44%). Since 2013, there has been a moderate decline in respondents' reported level of trust in the police, officers working in the local government, officers working in the national government, and in the courts.
- 12 Rule of Law & Governance Priorities:** Afghans consider corruption to be the most important issue facing the country. When asked what the most important aims for Afghanistan should be over the course of the next ten years, 23% cited corruption, followed by job creation (19%) and reducing crime (18%). Afghans in different regions of the country identified similar priorities, with the exception of those residing in the Southwestern region, where 41% of respondents believed that reducing crime is the most important issue facing the country.