

# About this Report

**STRENGTHENING THE RULE OF LAW** is an important objective for citizens, governments, donors, and civil society organizations around the world. Effectively strengthening the rule of law requires clarity about the fundamental features of the rule of law, as well as an adequate basis for its evaluation and measurement. This report presents select findings from the World Justice Project's (WJP) nationally representative General Population Poll (GPP) conducted in September of 2018.

The GPP was conducted through face-to-face interviews in 3,006 urban and rural households distributed proportionally across the 34 provinces of Afghanistan. The WJP designed this poll to capture data about the experiences and perceptions of ordinary people regarding a variety of themes related to the rule of law including government accountability, bribery and corruption, crime, and access to justice.

This report represents the voices of people in Afghanistan and their experiences with the rule of law in their country.

This report presents the data derived from the GPP as 10 thematic briefs, each one highlighting a different facet of the rule of law as it is experienced by the population in Afghanistan. These briefs explore issues of accountability, corruption, fundamental rights, crime, criminal justice, civil justice, legal awareness, and gender. The thematic briefs focus on Afghanistan's situation from a national perspective, while simultaneously illuminating key changes over time and comparisons to other South Asian countries. The report also presents the unique perspectives of various sub-populations of interest, such as women and respondents in individual regions of Afghanistan.

# Executive Findings

## 1 PERCEPTIONS OF GOVERNMENT ACCOUNTABILITY

There is a high perception of impunity in Afghanistan. Fewer than one in five Afghans (17%) think that a high-ranking government officer publicly proven to be embezzling government funds would be prosecuted and punished. At the national level, there has been a slight increase in the number of respondents who believe an investigation would be opened without reaching a conclusion (54%). The perception of government accountability varies across Afghanistan, with the Southwest region having the most positive perception of accountability (54%) and the Capital region having the least positive perception (6%).

## 2 CORRUPTION ACROSS INSTITUTIONS

Afghans perceive widespread corruption among authorities in Afghanistan. About 66% of Afghans reported that most or all judges and magistrates were involved in corrupt practices, a moderate increase in perceived levels of corruption since 2013. Since 2013, perceptions of corruption have increased the most for national government officers, with nearly half of Afghans (48%) believing that most or all are involved in corrupt practices as compared to 34% in 2013.

**3 BRIBERY VICTIMIZATION** Petty bribery is pervasive in Afghanistan. Nearly half of the respondents polled paid a bribe to process a government permit (45%), and more than one third paid a bribe to receive assistance from the police (35%). Of all the services captured in the General Population Poll, Afghans pay bribes least often to receive medical attention from public hospitals (23%). Petty bribery varies greatly by region and by service, but petty bribery is the least pervasive in the Southwest and Capital regions.

**4 FUNDAMENTAL FREEDOMS** Afghans have moderate views on their fundamental freedoms. 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, and about half (49%) agree or strongly agree that people are free to join any unforbidden political organization. Roughly two thirds believe that the media can express opinions against the government and that religious minorities are free to observe their holy days (61% and 66%, respectively). Afghans' views on fundamental freedoms in the country declined since 2013, with moderate drops in political, media, and religious freedoms in the last year.

**5 CRIME VICTIMIZATION** Households in Afghanistan experience high rates of crime. In the past three years, 19% of households have experienced a burglary, 14% a murder, and 12% an armed robbery. There are large differences in victimization rates across the six regions of Afghanistan, with the highest burglary (28%) and armed robbery (23%) rates reported in the Western region, and the highest murder rate (21%) reported in the Southwest region. Meanwhile, respondents in the Capital region reported the lowest rates of all three crimes, with 13% of households experiencing a burglary, 2% experiencing a murder, and 2% experiencing an armed robbery. At the national level, reported rates of murder and armed robbery have decreased since 2013, while there has been a slight increase in burglary rates.

**6 CRIMINAL JUSTICE** Corruption was cited as the number one problem facing both investigative services and criminal courts in Afghanistan, and a growing number of Afghans (66%) believe most or all judges and magistrates are corrupt. Afghans' views on whether police are involved in corrupt practices (37%) improved since 2016, but a declining number of Afghans believe police act according to the law (62%) and respect the basic rights of suspects (47%) since 2017. Despite these views of police performance, 73% of Afghans believe police resolve security problems within their communities, and more than half of Afghans believe police treat all people with kindness and respect (62%) and are available to help when needed (57%). When looking at the criminal justice system as a whole, the fewest Afghans (41%) reported being confident that the criminal justice system deals with cases promptly and efficiently. In assessing the courts, only 40% of respondents agreed that courts guarantee all individuals a fair trial.

**7 LEGAL AWARENESS** Out of 10 true or false statements about legal rights, respondents answered 6.8 correctly on average. The greatest percentage of respondents were able to correctly answer questions related to women's legal rights, with between 77% and 82% responding correctly depending on the question. The smallest percentage of respondents identified the correct answer for questions related to land rights, with between 29% and 74% responding correctly depending on the question. Women and men have the same level of legal awareness on average, while higher levels of educational attainment correlated with better legal knowledge.

**8 ACCESS TO CIVIL JUSTICE** More than half of those surveyed (61%) experienced a legal problem in the last two years, with problems relating to land (27%), housing (24%), and family (22%) being among the most commonly reported disputes. Of those who experienced a legal problem, nearly one third

(31%) reported that a party involved in the dispute resorted to violence and less than half (42%) turned to an authority or third party to adjudicate, mediate, or help resolve the problem. In terms of problem status, 62% reported that their legal problem is done while 38% reported that their legal problem was still ongoing. Afghans whose legal problem was not yet resolved reported lower levels of satisfaction with the resolution process as well as lower levels of legal capability, confidence, and access to expert help. Nearly half (49%) experienced a hardship as a result of their legal problem, with a relationship breakdown being the most common hardship reported.

**9 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, 57% of female respondents agreed that women should be able to work outside of the home, whereas only 40% of men shared this view. Similarly, 65% of women agreed that a man does not have the right to hit his wife and should be stopped, while only 47% 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, an increasing number reported that they possess a National ID card (73%), but only 27% could read and write.

**10 TRUST IN AFGHANISTAN** Afghans have a high degree of trust in fellow citizens, with 80% 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 (68%) and the least trust in the courts (41%). Since 2013, there has been a moderate decline in respondents' reported level of trust in the courts.